

## NOTICE OF A REGULAR MEETING

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

**Date/Time:** Wednesday, March 9, 2016  
7:00 P.M. (or as soon thereafter as possible)

**Location:** City of Tracy Council Chambers  
333 Civic Center Plaza

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

### REGULAR MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

DIRECTOR'S REPORT REGARDING THIS AGENDA

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

#### 1. NEW BUSINESS

- A. PUBLIC HEARING TO CONSIDER A 226-UNIT RESIDENTIAL SUBDIVISION OF APPROXIMATELY 59.1 ACRES LOCATED ON THE EAST SIDE OF LAMMERS ROAD, NORTH OF REDBRIDGE ROAD, ASSESSOR'S PARCEL NUMBERS 240-060-26 AND 240-060-27. THE PROJECT INCLUDES A GENERAL PLAN DESIGNATION AMENDMENT FROM URBAN RESERVE (UR-8) TO RESIDENTIAL LOW (GPA13-0006), REZONING FROM LOW DENSITY RESIDENTIAL (LDR) TO PLANNED UNIT DEVELOPMENT (PUD), A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN (PUD15-0001), AND VESTING TENTATIVE MAP (TSM15-0001) FOR THE PROJECT. A MITIGATED NEGATIVE DECLARATION IS THE PROPOSED ENVIRONMENTAL DOCUMENT FOR THE PROJECT. THE APPLICANT IS BATES STRINGER TRACY II LLC, AND THE PROPERTY OWNER IS CALENDEV, LLC.
- B. PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE CITY COUNCIL FOR A DEVELOPMENT REVIEW APPLICATION FOR A 252-UNIT RESIDENTIAL APARTMENT PROJECT LOCATED ON APPROXIMATELY 11.62 ACRES ON THE NORTH SIDE OF VALPICO ROAD AT GLENBRIAR DRIVE, WEST OF THE RITE AID STORE AT THE NORTHWEST CORNER OF VALPICO ROAD AND MACARTHUR DRIVE (ASSESSOR'S PARCEL NUMBERS 246-140-12, 13, AND 14). THIS PROJECT WAS PREVIOUSLY APPROVED AS TWO SEPARATE PROJECTS: THE VALPICO APARTMENTS

AND MACDONALD APARTMENTS – THE APPLICANT IS REPUBLIC TRACY, LLC – APPLICATION NUMBER D15-0024

- C. PUBLIC HEARING TO CONSIDER A DEVELOPMENT REVIEW APPLICATION FOR AN APPROXIMATELY 49,000 SQUARE FOOT BUILDING AND ASSOCIATED PARKING AREAS AT 205 GANDY DANCER DRIVE - APPLICANT IS SCHACK AND COMPANY, INC. AND PROPERTY OWNER IS OLMAR SUPPLY, INC. - APPLICATION NUMBER IS D15-0016
  - D. PUBLIC HEARING TO CONSIDER A DEVELOPMENT REVIEW APPLICATION FOR A MINI STORAGE FACILITY (STOREQUEST EXPRESS) LOCATED AT 225 GANDY DANCER DRIVE (ASSESSOR'S PARCEL NUMBER 248-470-17) – THE APPLICANT IS DAN R. SCHACK; PROPERTY OWNER ISLSC REALTY CALIFORNIA, LLC – APPLICATION NUMBER D16-0004
- 2. ITEMS FROM THE AUDIENCE
  - 3. DIRECTOR'S REPORT
  - 4. ITEMS FROM THE COMMISSION
  - 5. ADJOURNMENT

**Posted: March 3, 2016**

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

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

AGENDA ITEM 1-A

REQUEST

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

DISCUSSION

Planning Commission previously met and considered this project on January 13, 2016 and recommended City Council approval of the project, with the recommended conditions of approval as published (Attachment A). The project was then scheduled for City Council hearing on March 1, 2016. On February 3, 2016, the applicant submitted a request to amend most of the conditions of approval that the Planning Commission had reviewed. Since that time, staff and the applicant have been working together to determine which of the proposed changes may be appropriate to incorporate. Due to the number of changes proposed, the project is before Planning Commission for review again to ensure that the recommendation of City Council approval is still in order. The changes that staff is recommending approval of are shown in ~~strike through~~ underline format in Attachment B.

During the January 13 hearing, one specific item of discussion was the addition of a fourth elevation for each of the floor plans, to ensure that the project would be in compliance with the requirement to have 28 different houses within the subdivision, as only 21 were shown at that time. Planning Commission agreed to allow the project to move forward as long that those additional elevations were in place for City Council review. The front elevations have since been completed and are attached for Planning Commission review and recommendation at this time. The applicant has indicated that complete sets of elevations will be prepared prior to City Council review. Staff has reviewed the new elevations and they are in compliance with the City's Design Goals and Standards, with the new elevations adding to an already diverse and well-designed set of plans.

RECOMMENDATION

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

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

### MOTION

Move that the Planning Commission recommend that the City Council take the following action, as documented in the March 9, 2016 Planning Commission Resolution:

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

Prepared by: Victoria Lombardo, Senior Planner

Approved by: Bill Dean, Assistant Development Services Director

### ATTACHMENTS

Attachment A—January 13, 2016 Planning Commission Staff Report

Attachment B—Revised conditions of approval

Attachment C—Rocking Horse Booklet (oversized)

Attachment D—Planning Commission Resolution

January 13, 2016

## AGENDA ITEM 2-A

REQUEST

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

DISCUSSIONProject Description

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

Existing Land Uses

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

### Surrounding Land Uses

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

### Building Design

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

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

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

### Circulation

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

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

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

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

### Project Phasing

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

### Utilities

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

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

### Private On-Site Park

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

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

the homeowners association.

### Landscaping

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

### Land Use Compatibility

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

### Public Schools

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

### General Plan Amendment and Rezone

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

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

The UR 8 designation for the project site states:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**ENVIRONMENTAL ANALYSIS**

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

**RECOMMENDATION**

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

1. Adopt the project Mitigated Negative Declaration.

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

#### MOTION

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

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

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

#### ATTACHMENTS

Attachment A – Rocking Horse Booklet (oversized)

## Exhibit 2

**Rocking Horse Conditions of Approval**  
**Application Numbers PUD15-0001 and TSM15-0001**  
~~January 13~~ **March 9, 2016**

These Conditions of Approval shall apply to the real property described as the Rocking Horse Development Project ([Project](#)) of 226 single-family residential lots on approximately 59.1 acres located on the east side of Lammers Road, north of Redbridge Road. Assessor's Parcel Numbers 240-060-26 and 240-060-27; Application Number PUD15-0001.

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

1. "Applicant" means any person, or other legal entity, defined as a "Developer."
2. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
3. "City Regulations" means all written laws, rules and policies established by the City, including those set forth in the City of Tracy General Plan (~~also known as Urban Management Plan~~), the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design documents (i.e., the Streets and Utilities Standard Plans, Design Standards, Parks and Streetscape Standard Plans, Standard Specifications, and Manual of Storm Water Quality Control Standards for New Development and Redevelopment, and Relevant Public Facilities Master Plans).
4. "Conditions of Approval" shall mean the conditions of approval applicable to the ~~Rocking Horse development P~~[Project](#), consisting of 226 single-family residential lots on approximately 59.1 acres located on the east side of Lammers Road, north of Redbridge Road. Assessor's Parcel Numbers 240-060-26 and 240-060-27, Application Number PUD15-0001. The Conditions of Approval shall specifically include all Development Services Department conditions, including Planning Division and Engineering Division conditions set forth herein.
5. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
6. "Project [Site](#)" means the real property consisting of approximately 59.1 acres located on the east side of Lammers Road, north of Redbridge Road. Assessor's Parcel Numbers 240-060-26 and 240-060-27, Application Number PUD15-0001.
- ~~7. "Property" means the real property generally located on the east side of Lammers Road, north of Redbridge Road. Assessor's Parcel Numbers 240-060-26 and 240-060-27.~~
- ~~7~~8. "Subdivider" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project [Site](#) boundaries, or who applies to the City to develop or improve any portion of the real property within the Project [Site](#) boundaries. "Subdivider" also means Developer. The term "Developer" shall include all successors

in interest.

B. Planning Division Conditions of Approval:

1. The Developer shall comply with all applicable laws (federal, state, and local) related to the development of real property within the Project Site, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, et seq.), the Subdivision Map Act (Government Code sections 66410, et seq.), the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 15000, et seq., "CEQA Guidelines").

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

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

4. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) will begin on the date of the City's 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 is advised that applicable statute(s) of limitations may will be legally barred Developer from later challenging any such fees, dedications, reservations or other exactions.

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5. Except as otherwise modified herein, all construction shall be consistent with the plans received by the Development Services Department on January 5, 2016.

6. Prior to the issuance of a building permit, the applicant shall provide a detailed landscape and irrigation plan for that typical lot consistent with City landscape and irrigation standards and the approved Project plans, including, but not limited to Tracy Municipal Code Section 10.08.3560, the City's Design Goals and Standards, and the applicable Department of Water Resources Model Efficient Landscape Ordinance on private property, and the Parks and Parkways Design Manual for public property, to the satisfaction of the Development Services Director. Newly planted, on-site trees shall be a minimum size of 24-inch box and shrubs shall be a minimum size of five gallons. Provided, however, that because the proposed park within the Project will be private, it shall not be required to meet the City's Parks and Parkways Design Manual for public property.

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7. Prior to final inspection for any residential unit of the Pproject (excluding model homes), the Developer shall construct a nine-foot tall masonry wall (as measured from the taller grade on either side of the wall) along the Pproject's west property line, consistent with requirements of the Pproject's environmental mitigation measures related to noise attenuation. The wall shall be designed consistent with the approved plans and subject to final approval by the Development Services Director, and may include mounding on the west side of the wall to reduce its effective visual height as seen from Lammers Road.

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8. Prior to the issuance of a building permit, the Developer shall document compliance with the City of Tracy Manual of Stormwater Quality Control Standards for New Development and Redevelopment (Manual) which were in place at the time the Project's Vesting Tentative Map application was deemed complete to the satisfaction of the Public Works Director, which includes the requirement for Site Design Control Measures, Source Control Measures and Treatment Control Measures under the guidelines in a project Stormwater Quality Control Plan (SWQCP). Compliance with the Manual includes, but is not limited to, addressing outdoor storage areas, trash enclosures, parking areas, any wash areas and maintenance areas. The SWQCP must conform to the content and format requirements indicated in Appendix D of the Manual and must be approved by the Public Works Director prior to issuance of grading or building permits. The Project was deemed complete prior to the new stormwater regulations adopted by the City. Stormwater treatment shall be consistent with the approved plans, subject to approval by the City's Engineering Division.

9. The Project shall comply with all applicable provisions of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, including the Incidental Take Minimization Measures applicable at the time of permit and a pre-construction survey prior to ground disturbance in accordance with the requirements set forth in the Mitigation Monitoring Reporting Program of the Rocking Horse Development Project's Mitigated Negative Declaration dated November 2015, to the satisfaction of San Joaquin Council of Governments.

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10. The Developer shall design and construct all buildings with fire sprinklers in accordance with City Regulations to the satisfaction of the Chief Building Official.

11. The on-site interim storm drainage basin in the northeast portion of the site shall be fenced to provide both visual relief of the basin until such time as a permanent off-site basin (as planned for in the City's Stormwater Master Plan) is constructed. The color, material, and other design elements of the fence, which shall also include perimeter landscaping to help soften its appearance, shall be compatible with the residential neighborhood, and the height shall be the minimum necessary to provide reasonable security but not over 72 inches tall, to the mutual satisfaction of the Developer and the Development Services Director.

~~12. The Project shall utilize a total of 28 different building elevations, consistent with requirements of the City Design Standards and Guidelines and the Project Planned Unit Development provisions, and as shown to the City Council. The final design plans shall be subject to review and approval of the City Council as part of the Council's consideration of the Project prior to the issuance of any building permits.~~

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~~12. The floor plans and architectural elevations for the project shall be consistent with the plans received by the Development Services Department on February 17, 2016.~~

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13. All common area lots and open spaces, including landscaping, shall be maintained by the Project homeowner's association (HOA). Final covenants, conditions and restrictions (CC&Rs) shall be submitted to the City for review and approval prior to their recordation for the purpose of confirming compliance with this Condition No. 13. The CC&Rs shall be recorded prior to City issuance of a grading permit or improvement plans for the Project.

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14. Final design plans shall be provided for the entry feature to the Project located along Crossroads Drive, providing for additional architectural detailing of the features.

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15. The Emergency Vehicle Access (EVA) connecting the Pproject to Lammers Road shall be built subject to Fire Department and Engineering Division approval, including with respect to width, loads, turn radius, and use of gates or other barriers. The EVA shall be converted to a pedestrian and bicycle pathway after elimination of the EVA once the secondary street connection to Crossroads Drive is constructed at the northeast corner of the Pproject consistent with the Project's Vesting Tentative Map. The design of the pedestrian and bicycle pathway shall be subject to review and approval of the Development Services Director, and the pathway shall be subject to maintenance by the Pproject Homeowner's Association.

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16. The Ddeveloper shall be required to pay all applicable City impact fees subject to any applicable fee credits and reimbursement in accordance with the City Regulations and an executed Fee Credit Agreement between the Developer and the City as provided for in the City of Tracy Municipal Code, including park fees. Provided, however, nNo fee credit shall be given for the Ddeveloper's construction of the 2.4-acre private park.

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17. The approximately 2.4-acre private park shall be designed for the recreational use of the Pproject residents. The amenities included will be designed, constructed, and maintained at the sole discretion of the Ddeveloper and the homeowner's association, but shall comply with the all applicable City Standards for private property landscaping, including, but not limited to water-efficient landscape and stormwater design standards.

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

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

~~Or~~

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

~~18. Before the approval of the first building permit, the applicant shall do one of the following, subject to the approval of the Administrative Services Director:~~

~~a. CFD or other funding mechanism. The applicant shall enter into an agreement with the City, which shall be recorded against the property, which stipulates that prior to final inspection or certificate of occupancy, the applicant will join a New Development Area Community Facilities District (CFD) for funding on-going operational costs of providing police services, Fire Services, Public Works services and other City services to serve the project area. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. Upon the successful inclusion of the property in the CFD, the parcels will be subject~~

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to the maximum special tax rates as outlined in the Rate and Method of Apportionment. The special tax imposed under the CFD is expected to be an amount not exceeding \$325 per residential dwelling unit. The applicant shall have no obligation to form its own CFD to provide for the costs of operational services for the project site. If the City has not formed the New Development Area CFD prior to the final inspection or certificate of occupancy of the first building permit for the project, the applicant may request that they City Council rescind the agreement.

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

#### C. Building Division and Fire Prevention Conditions of Approval

1. NFPA 13-R automatic sprinkler systems and fire and smoke alarm systems are required with monitoring.
2. Provide "No Parking" signage along both sides of Crossroads Drive.
3. Prior to the issuance of the 151<sup>st</sup> building permit, the Developer shall fund the cost of a new Type-I Fire Pumper Apparatus per the requirements of the Citywide Public Safety Master Plan dated 3/21/13, in an amount not to exceed the estimated cost of said equipment (\$500,000). In determining the amount due under this Condition No. C.3, the Developer shall pay the amount of the actual cost of the apparatus minus the total amount of the public safety fees already paid by the Developer in connection with the Project, and shall also receive credit against any remaining public safety fees otherwise due, as provided for in the Fee Credit Agreement that shall be executed by the Developer and the City pursuant to Planning Condition No. 16.

#### D. Public Works Conditions of Approval

1. The Project Site is already located on the City's Landscape Maintenance District (LMD) map and designated as inactive LMD Zone 32. The City requires that the Project homeowners association (HOA) provide for maintenance of all landscape areas in streets and road rights-of-way and that the Project remain in join the City LMD. While required to remain join the LMD, it will be kept in a "dormant" status and only activated if the HOA does not provide for maintenance as needed. Landscape maintenance on each privately owned lot will be the responsibility of the individual homeowners or as otherwise provided for in the Project CC&Rs.
2. Landscaping as set forth in the approved Project plans shall be provided consistent with standard details set forth in of the City Regulations-Master Plan.
3. Utilize decorative pavement (i.e., stamped concrete) instead of use of pavers in street sections within public streets in accordance with the approved Project plans.

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**C. Engineering Division Conditions of Approval**

**C.1. General Conditions**

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

- a. Subdivider shall comply with the applicable recommendations of the *Stringer Property Traffic Impact Study in the City of Tracy*, prepared by Kimley-Horn and Associates, Inc., dated July 20, 2015 and *Stringer Development Plan Set Engineering Comments* prepared by Kimley-Horn and Associates, Inc., dated May 21, 2015 ("Traffic Analysis").
- b. *"Precise Plan Line (Alignment) for Eleventh Street, Lammers Road"*, prepared by BKF and approved by the City Council on June 19, 2007 by Resolution No. 2007-137.
- c. *"Hydraulic Evaluation of South Lammers Road Development"*, prepared by West Yost Associates, dated May 20, 2015 ("Water Analysis").

C.2. Final Map No application for any final map within the Project Site boundaries will be accepted by the City as complete until the Subdivider provides all documents as required by City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

C.2.1. The final map application, which includes tract boundary, street right-of-way, and lot closure calculations, preliminary title report, updated subdivision map guarantee, copies of recorded deeds and/or easements and documents that are necessary to complete the technical accuracy review of the final map.

C.2.2. The Final Map is prepared in accordance with the City Regulations, and in substantial conformance with the Tentative Subdivision Map.

C.2.3. The Final Map shall include dedications or offers of dedication of all right(s)-of-way and/or easement(s) required to serve the Project described by the Final Map, in accordance with City Regulations and these Conditions of Approval.

- a. The Subdivider shall dedicate a 10-foot wide Public Utility Easement (PUE) along the lot frontages within the Project Site, for the installation, repair, use, operation, and maintenance of public utilities such as electric, gas, telephone, cable TV, and others.

C.2.4. Horizontal and vertical control for the Project shall be based upon the City of Tracy's coordinate system and at least three 2nd order Class 1 control points establishing the "Basis of Bearing" and shown as such on the Final Map. The Final Map shall also identify surveyed ties from two of the control points to a minimum of two separate points adjacent to or within the Project Site described by the Final Map.

- C.2.5. Improvement Plans for in-tract and offsite improvements required to serve the Project Site described by the final map and Vesting Tentative Subdivision Map in accordance with the City Regulations and these Conditions of Approval. The Improvement Plans shall specifically include all the requirements specified in Condition C.6., below.
- a. The Improvement Plans shall consist of the Grading and Storm Drainage Plans, Irrigation and Landscaping Plans, Composite / Joint Utility Plans, In-tract Civil and Utility Plans, Street Lighting Plans, Signing and Striping Plans, Masonry Wall Plans, and Storm Water Plans prepared in accordance with the City Regulations. The Grading Plans shall be submitted together with the calculations of earthwork quantities or specifically the volumes of cut and fill in cubic yards.
  - b. All supporting and engineering calculations, material and technical specifications, and reports related to the design of the subdivision improvements, and as required by the City Engineer. The engineering calculations shall include calculations for determining the size and capacity of sewer, water and storm drain lines.
  - c. If multiple final maps are to be filed, the Improvement Plans, as described above, must be prepared with a detailed phasing plan showing construction limits and logical sequence or order of constructing street and utilities improvements. The phasing plan shall clearly identify the improvements to be constructed with each construction phase.
- C.2.6. A signed and stamped Engineer's Estimate for the cost of subdivision improvements and all the required public facilities, prepared in accordance with City Regulations. Use and add ten percent (10%) for construction contingencies.
- C.2.7. All the required improvement plans are prepared in accordance with City Regulations and these Conditions of Approval. The improvement agreements are executed, improvement security is submitted and documentation of insurance are provided, as required by these Conditions of Approval. The amounts of improvement security shall be approved by the City and the form of improvement security shall be in accordance with the City Regulations.
- C.2.8. Improvement Security. The Subdivider shall provide improvement security for all public facilities, as required by any Subdivision Improvement Agreement and any Deferred Improvement Agreement. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with City Regulations. The amount of the improvement security shall be as follows:
- a. Faithful Performance (100% of the estimated cost of constructing the public facilities),
  - b. Labor & Material (100% of the estimated cost of constructing the public facilities), and

- c. Warranty (10% of the estimated cost of constructing the public facilities)
  - d. Monumentation (\$500 multiplied by the total number of street centerline monuments that are shown on the Final Map)
- C.2.9. The Subdivider shall participate in any applicable Benefit Districts or, Assessment Districts so long as any such district(s) have been formed in accordance with applicable laws and are in place as of the time of Project approval or as otherwise approved by Developer in its discretion, or sub-regional reimbursement areas, in accordance with City Regulations. Provided, however, the applicant shall agree to the inclusion of the Project Site in the City's Landscape Maintenance District pursuant to Public Works Condition No. 1.
- C.2.10. Initial payment of plan and map checking, agreement(s) processing, and other fees required by these Conditions of Approval and City Regulations.
- C.3. Grading Permit The City will not accept a grading permit application for the Project as complete until the Subdivider has provided all relevant documents related to 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.3.1. Grading and Drainage Plans prepared on a 24" x 36" size polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil Engineer.
  - C.3.2. Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.
  - C.3.3. Three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) for the Project with a copy of the Notice of Intent (NOI) submitted to the State Water Quality Control Board (SWQCB) and any relevant documentation or written approvals from the SWQCB, including the Wastewater Discharge Identification Number (WDID#).
    - a. After the completion of the Project, the Subdivider is responsible for filing the Notice of Termination (NOT) required by SWQCB. The Subdivider shall provide the City with a copy of the completed Notice of Termination.
    - b. The cost of preparing the SWPPP, NOI and NOT, including the filing fee of the NOI and NOT, shall be paid by the Subdivider.
    - c. The Subdivider shall prepare a Storm Water Pollution Prevention Plan (SWPPP) that covers specific types and sources of stormwater pollutants, determines the location and nature of potential impacts, and specifies appropriate control measures to eliminate any potentially significant impacts on receiving water quality from stormwater runoff. 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 applicable standards established by the Central Valley RWQCB, which are those that were in place as of the date the Project's Vesting Tentative Subdivision Map application was deemed complete. Best Management Practices shall be selected from the City's Manual of Stormwater Quality Control Standards for New Development and Redevelopment according to site requirements and shall be subject to approval by the City Engineer and Central Valley RWQCB.

- C.3.4. Two (2) sets of the Project's Geotechnical Report signed and stamped by a licensed Geotechnical Engineer licensed to practice in the State of California. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, pavement design recommendations, percolation rate, and elevation of the highest observed groundwater level (measured in two locations within the proposed temporary storm drainage retention basin sites).
  - C.3.5. Two (2) sets of Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system and for determining the size of the Project's storm drainage connection.
  - C.3.6. A copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD) as required in Mitigation Measures 4 and 5 of the Mitigation Monitoring and Reporting Program of the Mitigated Negative Declaration (MND).
  - C.3.7. Check payment in the amount of a \$5,000 deposit (which Developer shall replenish, if and as needed, within thirty (30) days of a request from City to do so), to cover City's actual cost of services for any emergency repair or maintenance work to be performed on the on-site temporary storm drainage retention basin.
  - C.3.8. Prior to the issuance of a gGrading pPermit for the Project, Subdivider shall submit improvement plans that are at least sixty-five percent (65%) complete and secure approval of plans to from the City's Building Division, for the design of on-site and off-sitesewer improvements.
- C.4. Encroachment Permit - No applications for an encroachment permit will be accepted by the City as complete until the Subdivider provides all relevant documents related to said encroachment permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:
- C.4.1. Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (mylar). Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

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- C.4.2. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.
  - C.4.3. Signed and notarized Offsite Improvement Agreement (OIA) and Improvement Security, to guarantee completion of the identified public improvements that are necessary to serve the Project as required by these Conditions of Approval.
  - C.4.4. Check for payment of the applicable engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by the City Regulations and these Conditions of Approval. The engineering review fees will be calculated based on the fee rate adopted by the City Council on April 15, 2014, per Resolution 2014-059.
  - C.4.5. If it is necessary to close or interrupt the operation of travel lane(s) on Lammers Road during construction, a Traffic Control Plan prepared and/or signed by a Registered Civil or Traffic Engineer licensed to practice in the State of California, must be submitted for review and approval. No work shall start within City's right-of-way or no lane closure shall be made without obtaining City Engineer's approval on the Traffic Control Plan.
- C.5. Improvement Plans - The Improvement Plans that are required in this section shall contain the design and construction details of street and utilities improvements on South Lammers Road, and all subdivision improvements that are required to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and prepared under the supervision of, and stamped and signed by a Registered Civil Engineer, Traffic Engineer, Electrical Engineer, Mechanical Engineer, and Registered Landscape Architect for the relevant work.
- C.5.1. Grading and Storm Drainage Plans
    - C.5.1.1. Erosion Control Improvement Plans shall specify the method of erosion control to be employed and materials to be used.
    - C.5.1.2. Site Grading
      - a. When the grade differential between the Project Site and adjacent property(s) exceeds 12 inches, a reinforced or masonry block, or engineered retaining wall is required for retaining soil. The Grading Plan shall show construction detail(s) and structural calculations of the retaining wall or masonry wall for City's review and approval. The entire retaining wall and footing shall be constructed within the Project Site. A structural calculation shall be submitted with the Grading and Storm Drainage Plans.
      - b. An engineered fill may be accepted as a substitute of a retaining wall, if the grade differential is less than 2 feet and subject to approval by the City Engineer. If an engineered

slope is used to retain soil, a slope easement will be necessary from the adjacent property. If a slope easement is required under this Condition No. C.5.1.2, then the Subdivider shall obtain a slope easement from owner(s) of the adjacent and affected property(s) and show the slope easement on the Final Map. The Grading and Storm Drainage Plans must show the extent of the slope easement(s). The Subdivider shall be responsible for obtaining permission from owner(s) of the adjacent and affected property(s). The slope easement must be recorded, prior to the issuance of the final building certificate of occupancy.

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

#### C.5.1.3. Storm Drainage

- a. The design and construction details of the Project's storm drainage system and treatment facilities shall comply with the applicable requirements of the City's Storm Water Quality Control Standards and storm water regulations that were in place on the date that the Project's Vesting Tentative Subdivision Map application was deemed complete.
- b. Calculations related to the design and sizing of on-site storm water treatment facilities must be submitted with the Grading and Storm Drainage Plans, and approved by City's Stormwater Coordinator prior to issuance of the grading permit for the Project.
- c. Temporary Retention ("Interim Drainage"). In the absence of permanent downstream storm drainage facilities (i.e., the 30" storm drain pipe downstream from the project, and the SDMP Detention Basin 3B and associated outfall, as shown on Figure 5.1a of the *City of Tracy Citywide Storm Drainage Master Plan*, prepared by Stantec/Storm Water Consulting, Inc., dated November 2012), the City will allow the use of on-site temporary storm drainage retention basin(s) as an interim solution for disposal of storm water generated from the Project Site, provided the Subdivider complies with the applicable City Regulations pertaining to the design and construction of said interim storm drainage retention basin, and ensures that the Project's HOA is obligated (via recorded CC&Rs), and signs a Deferred Improvement Agreement

(DIA), to assure completion of the Subdivider's obligation to repair and maintain said basin(s) while the on-site temporary storm drainage retention basin(s) are in service and then to remove the on-site temporary storm drainage retention basin(s) at such time they are no longer needed due to the construction of the above-referenced permanent facilities. Once said permanent facilities are constructed and operational and serving the Project Site, then the Subdivider shall be responsible for backfilling the temporary storm drainage retention basin(s) and grading the basin site. Once said on-site facilities are removed as required under this Condition No. C.5.1.3(c), the Subdivider may develop ~~an additional eleven (11)~~ lots on the former basin site in accordance with the Project's Vesting Tentative Subdivision Map and other Project approvals. The Subdivider shall pay all costs for the design, construction, maintenance and removal of the on-site temporary storm drainage retention basin(s), and any modifications to temporary facilities. Prior to the recordation of the first final map for the Project, the Subdivider shall enter into a Deferred Improvement Agreement (DIA) with the City that obligates the Subdivider to remove the interim on-site detention basin (and related improvements) and to backfill said basin site pursuant to this Condition No. C.5.1.3(c) once the above-referenced permanent storm drainage facilities are operational and serving the Project Site.

- d. The Subdivider shall provide a geotechnical investigation with respect to the on-site Temporary Retention Basin that validates that percolation rates for the subsurface soils that exist at and below the bottom of the basin are acceptable.
- e. To avoid reverse flow, the on-site temporary storm drainage retention basin(s) must be located at the downstream portion of the Project's on-site storm drainage system and the Project Site, and must be designed and constructed in accordance with the applicable City Regulations and these Conditions of Approval.
- f. Excavated materials shall be kept within the basin site except as otherwise provided for in this Condition No. C.5.1.3(f). If the excavated materials are removed from the basin site, the Subdivider shall be responsible for the cost of import backfill materials, hauling to the basin site, spreading, compacting and re-grading the basin site. If excavated materials are retained on-site, the stockpile of excavated materials shall not be higher than 8 feet and slope should not be steeper than 1:1. A metal fence and access gate shall be installed by the Subdivider to enclose the basin site. The bottom of the temporary on-site storm drainage retention basin(s) shall be 5 feet above the observed highest groundwater elevation at

the basin site. The Geotechnical Report shall also indicate the observed highest groundwater elevation at the basin site.

- g. The Subdivider shall record a temporary storm drainage easement to grant rights to the City to access the temporary on-site storm drainage retention basin(s) for any necessary emergency repair or maintenance work the City may have to perform within the basin site. The temporary access easement shall include a sunset clause that such easement will automatically be terminated at such time as the above-referenced permanent storm drainage improvements are completed.

- C.5.1.4. Prior to the final inspection of the first building to be constructed on the Project Site, the Subdivider shall submit a signed and notarized Stormwater Treatment Facilities Maintenance Agreement (STFMA) (in substantially the same form as the City's standard STFMA) as a guarantee for the performance of Subdivider's responsibility towards the repair and maintenance of on-site storm water treatment facilities. Calculations related to the design and sizing of on-site storm water treatment facilities must be submitted with the STFMA and the Grading and Storm Drainage Plans.

#### C.5.2. Sanitary Sewer Facilities

- C.5.2.1. The Subdivider shall design and install sanitary sewer facilities including the Project's sewer connection in accordance with City Regulations and utility improvement plans approved by the City Engineer. The Subdivider is hereby notified that the City will not provide maintenance of the sewer lateral within the public right-of-way unless the sewer cleanout is located and constructed in conformance with Standard Plan No. 203. The City's responsibility to maintain on the sewer lateral is from the wye fitting to the point of connection with the sewer main.

- C.5.2.2. Connection to Westside Catchment Sewer System - According to the Tracy Wastewater Master Plan (TWMP) that was adopted by the City Council on January 15, 2013, (Resolution 2013-008), the Project Site is within the planned service area of the Westside Catchment Sewer System (Page 5-1 of the TWMP). The Subdivider is responsible to design and construct the 18-inch and 21-inch sewer lines in Lammers Road per the master plan, approximately 3000 Linear Feet from the southerly property boundary to the existing terminus in Lammers Road.

- a. Fee Credits ~~and/or~~ (as well as any reimbursements that may also be due if cost of improvements exceeds applicable wastewater fee credits) for design and construction of the Westside Catchment Sewer system shall be in accordance Title 13 of the Tracy Municipal Code and provided pursuant to

the Fee Credit Agreement that Developer and the City enter into pursuant to Planning Condition No. 16. The amount of fee credits/reimbursement shall be determined during the review of the Improvement Plans.

- b. The Subdivider shall pay a fair share fee for the use of the Hansen Sewer capacity in the interim, until the Westside Catchment Sewer is completed. The amount of the fair share fee to be determined by the City Engineer.
- c. Subdivider shall design and construct the sewer line in Crossroads Drive from the Project to the manhole connection to the Westside Catchment Sewer System in Lammers Road (identified as Node 5W on Fig.5-1 of the TWMP). The sewer line in Crossroads Drive is not a master plan Program facility. The full cost of the design and construction of this sewer line shall be paid by the Subdivider, and no reimbursement or fee credits shall be applicable.
- d. The Developer is hereby notified that the City has limited wastewater treatment capacity in the City's Wastewater Treatment Plant until current and future expansion capital improvement projects are completed and operational. As of January 2015, the City had an unused capacity of approximately 4200 EDU's within its wastewater treatment plant available to new development within the City on a first come-first served basis. These EDU's are currently available to serve the proposed Project, but as other development projects within the City come forward and building permits are issued, this remaining capacity will be reduced.

Should the remaining EDUs be fully allocated prior to start of construction of the proposed Project and the Developer seeks to commence construction of the 226 lots, the Developer would have the option to provide the necessary funding to the City to assist in completion of the phased WWTP expansion construction, above and beyond payment of sewer impact fees, and would be eligible for fee credits (in addition to any reimbursement that also may be due) of these monies as other projects are developed and sewer impact fees posted with the City.

#### C.5.3. Water System Facilities

- C.5.3.1. The Subdivider shall complete the design and installation of water lines and connections as recommended in the Water Analysis (Figure 3) including the 12-inch diameter DIP connection from the Project to the existing 20-inch water main in Lammers Road at the intersection of Crossroads Drive and Lammers Road and the 12-inch diameter connection from the project to the existing 12-inch water main located in Redbridge Road near the intersection of Redbridge Road and Kaden Lane.

C.5.3.2. Water Shutdown Plan and Traffic Control Plan: If water main shut down is necessary, the City will allow a maximum of four hours water supply shutdown. The Subdivider shall be responsible for notifying residents or business owner(s), regarding the water main shutdown. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least 72 hours before the water main shutdown. Prior to starting the work described in this section, the Subdivider shall submit a Water Shutdown Plan and Traffic Control Plan to be used during the installation of the offsite water mains.

C.5.3.3. Domestic and Irrigation Water Services

- a. All water connections that are bigger than 2 inches in diameter shall be Ductile Iron Pipe (DIP).
- b. Domestic water service shall be installed in accordance with City Regulations and the utility improvement plans approved by the City Engineer. City's responsibility to maintain water lines shall be from the water main on the street to the back of the water meter (inclusive) only. Repair and maintenance of all on-site water lines, laterals, sub- meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Subdivider.
- c. All costs associated with the installation of the Project's permanent water connection(s) as identified in the Water Analysis including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings, replacing traffic detecting loops, conduits, and wires, relocating existing utilities that may be in conflict with the water connection(s), and other improvements shall be paid by the Subdivider.

C.5.3.4. Prior to the approval of the Improvement Plans, the Subdivider shall obtain written approval from the City's Fire Safety Officer and Chief Building Official, for the location and spacing of fire hydrants that are to be installed to serve the Project.

C.5.4. Street Improvements

C.5.4.1. Roadway Improvements Frontage Responsibility – Per the Citywide Roadway & Transportation Master Plan (CRTMP) that was adopted by the City Council on November 26, 2012, pursuant to Resolution 2012-240, Lammers Road will be a 6-lane expressway (parkway) street with a minimum right-of-way of 137 feet. According to the CRTMP (Figure 5.1 – Roadway Improvement Cross Section Responsibility per Frontage Policy), the Subdivider is responsible to design and construct the outside travel lane (plus shoulder) and the landscape strip behind the curb up to the property line. The Subdivider shall be

eligible to receive fee credits for the cost of the program portion of improvements and shall receive said credits in accordance with the Fee Credit Agreement that the City and the Subdivider enter into pursuant to Planning Condition No. 16.

C.5.4.2. Right-of-Way on Lammers Road – The Subdivider shall dedicate 70 feet of right-of-way along the entire frontage of the Property on Lammers. An additional 5 feet of right-of-way (75 feet total) shall be dedicated where the right-turn lane to Crossroads Drive is to be located. The Subdivider shall execute a Grant Deed to convey the land in fee title or dedicate the right-of-way on the Final Map.

- a. The Subdivider shall vacate the existing 40' wide irrigation easement adjacent to the Lammers Road right-of-way at the west boundary line of the Project parcel.
- b. The Subdivider shall work with the City of Tracy, San Joaquin County and the adjacent property owner to the north to locate and construct an interim pedestrian path from Crossroads Drive to Kimball High School consistent with the approved Project plans. The exact location and width will be determined by all parties after review of the available options.

If requested by the Subdivider, the City will assist in the acquisition of right-of-way, for this interim pedestrian path by extending its power of eminent domain, subject to approval by the City Council.

- c. The Subdivider shall dedicate the proposed Parcel "F" lot adjacent to Redbridge Road for future intersection improvements.

C.5.4.3. Right-of-Way on Crossroads Drive – Per the Citywide Roadway & Transportation Master Plan (CRTMP) that was adopted by the City Council on November 26, 2012, pursuant to Resolution 2012-240, Crossroads Drive will be a 4-lane arterial street with a minimum right-of-way of 99 feet. According to the CRTMP (Figure 5.1 – Roadway Improvement Cross Section Responsibility per Frontage Policy), the Subdivider is responsible to design and construct the outside travel lane (plus shoulder) and the landscape strip behind the curb up to the property line. Any travel lane(s) or left-turn and right-turn lane(s) along the Property's frontage or at all the access points on Crossroads Drive that are provided and are necessary to meet access spacing requirements are considered to be site specific offsite improvements and they are Subdivider's responsibility to design and construct without any reimbursement from the City.

- a. For the section of Crossroads Drive located between Lammers Road and the Project entry at Street 'M', the

Project shall dedicate 54 feet of right-of-way for Crossroads Drive, with the remaining 45 feet of right-of-way to be dedicated by the property located to the north of the Project when that property is developed. The Subdivider shall not be eligible for fee credits /reimbursement for this portion of right-of-way dedication in excess of its obligation, as the amount will be credited towards Subdivider's obligations outlined in Condition C.5.4.3(b) below.

- b. For the section of Crossroads Drive east of Street 'M', the proposed alignment of Crossroads Drive shifts to the north. Subdivider and the City have agreed that the fee credits for the excess right-of-way dedication outlined in Condition C.5.4.3(a) above shall be applied towards Subdivider's obligation for future required transitions in the alignment of Crossroads Drive to east of Street 'M'.

- C.5.4.4. Street 'M' entry road and Other In-tract Streets. The Subdivider shall dedicate all rights-of-way that are necessary to construct Street 'M' and all the in-tract streets based on their respective cross sections shown on the VTM. The width of travel lanes, street median, landscaping strip and sidewalk shall be in accordance with the City Regulations or as otherwise shown on the approved Tentative Map package.
- C.5.4.5. Emergency Vehicle Access Easement (EVA) Prior to final inspection of the first residential unit within the Project (excluding model homes), the Subdivider shall provide minimum 20-foot wide Emergency Vehicle Access between Lots 107 and 108 to provide a second point of Fire Department access to the Project as required by the Fire Code Official. The Subdivider and City shall enter into an EVA Agreement prior to the start of construction to address access across private property and maintenance responsibilities of the HOA. The Subdivider shall submit improvement plans for the EVA for approval.
- C.5.4.6. Frontage Improvements on Lammers Road – The Subdivider shall design and construct all roadway improvements on Lammers Road that are necessary to provide safe and functional access to the Project, as described by the Technical Memorandum prepared by Kimley-Horn and Associates, titled "*Stringer Development Plan Set Roadway Engineering Comments*" dated May 21, 2015 (Traffic Report), and as required by these Conditions of Approval and as approved by the City Engineer. The Traffic Report is on file with the Office of the City Engineer and is available for review upon request. The conceptual layouts of Interim and Ultimate improvements required to be completed are shown on Sheets TM09 and TM10 of the Vesting Tentative Map.
  - a. Frontage Improvements: The frontage roadway improvements required on Lammers Road involve widening

of the east side of Lammers Road along the frontage of the Project to provide an interim median island, two northbound travel lanes, and a right-turn lane; roadway improvements shall include pavement transitions and other improvements which includes but not limited to, the installation of new asphalt concrete pavement, concrete curb and gutter, a 10-foot wide Class 1 Bikeway/pedestrian facility, handicap ramp(s), crosswalks, and parkway landscaping improvements with automatic irrigation system, storm drainage, catch basin/ drop inlet, fire hydrants, domestic, irrigation and fire services, LED street lights, traffic sign(s), pavement marking and striping along the entire frontage of the Project and other improvements such as barricades, signing, and striping that are necessary to provide a safe transitions to and from a widened roadway section of Lammers Road. Design and construction of Frontage Roadway Improvements shall be completed by the Subdivider, prior to final inspection of the first building to be constructed within the Project Site (excluding model homes).

Subdivider shall be eligible to receive fee credits for the program portion of the above-referenced improvements in accordance with the CRTMP and City Regulations and provided in accordance with the Fee Credit Agreement that Subdivider and the City enter into pursuant to Planning Condition No. 16.

- b. The masonry wall along the Project's frontage on South Lammers Road and Crossroads Drive is considered a public improvement (once it is built by Developer and the dedication of which is accepted by the City) which will be maintained by the HOA. The masonry wall including its column and wall footings shall be constructed within the area that will be dedicated to the City with the first final map. The masonry wall shall be designed and constructed in accordance with City Regulations.
- c. To provide pedestrian and bicyclist access from the Project to Kimball High School, the Subdivider is required to install an interim sidewalk on Lammers Road from the Project Site to the existing sidewalk on Lammers Road in front of the Kimball High School sports field, approximately 2200 feet north of Crossroads Drive, consistent with approved Project plans. The interim sidewalk shall be 5-feet wide and have a structural section of 3" asphalt concrete and 8" Class II aggregate base. The design and construct details of the interim sidewalk shall be included on the Offsite Improvement Plans. Cost of designing and constructing the interim sidewalk shall be paid by the Subdivider without any reimbursement from the City. Construction of the above-referenced pedestrian and bicyclist access to be completed

prior to final inspection of the first residential unit within the Project (excluding model homes).

C.5.4.7. Frontage Improvements on Crossroad Drive – The Subdivider shall design and construct all roadway improvements on Crossroads Drive that are necessary to provide safe and functional access to the Project for each phase and at Project's build-out condition and consistent with the approved Project plans.

- a. Frontage Improvements: The roadway improvements required on Crossroads Drive includes construction of median curb on Project frontage, a 12-foot wide westbound travel lane, and a 12-foot wide eastbound travel lane. The roadway improvements shall include the installation of new asphalt concrete pavement, concrete curb and gutter, a 10-foot wide Class 1 Bikeway/pedestrian facility to be installed seven feet behind the back of curb, handicap ramp(s), crosswalks, parkway landscaping improvements with automatic irrigation system, storm drainage, catch basin/drop inlets, fire hydrants, domestic, irrigation and fire services, LED street lights, traffic sign(s), pavement marking and striping along the entire frontage of the Project from Lammers Road to the end of Crossroads Drive at the Project Entry at Street 'M'. Other improvements such as barricades, signage, and fencing shall be installed as required or as directed by the City Engineer and consistent with approved Project plans. Design and construction of frontage Improvements shall be completed by the Subdivider, prior to final inspection of the first building to be constructed within the Project Site (excluding model homes).
- b. The Subdivider shall not be eligible for fee credits or reimbursement for this portion of frontage improvements in excess of Subdivider's obligation in accordance with the CRTMP, as the Subdivider and the City have agreed that the fee credits for the excess frontage improvements shall be applied towards Subdivider's obligation for future required transitions in the alignment of Crossroads Drive to east of Street 'M'.
- c. Traffic Signal on Crossroads Drive According to the Traffic Analysis for the Project, the Lammers Road/Crossroads Drive Intersection does not warrant a traffic signal by a marginal amount (7 vehicles in the AM peak hour). Because of the high speeds on Lammers Road, the City's Traffic Section will monitor traffic conditions at this intersection and will conduct two additional volume counts and speed study (warrant analysis), one after the 180<sup>th</sup> home is occupied and one after the 226<sup>th</sup> home is occupied.
  - (1) In order to guarantee the Project's obligation towards mitigation of traffic impacts caused as a result of traffic

increase generated by the Project, the Subdivider will be required to deliver a cash deposit in the amount of \$10,000 prior to the approval of the first Final Map. The cash deposit will be used to cover the cost of performing the two above-referenced (2) traffic signal warrant analyses. The City shall complete the warrant analyses prior to performing final inspection of the 181<sup>st</sup> and 226<sup>th</sup> residential buildings to be constructed within the Project. If the actual cost of the warrant analyses is more than the cash deposit, the Subdivider shall pay the cost difference within fifteen (15) working days from the date of written notice from the City Engineer. The unused portion of the cash deposit shall be refunded to the Subdivider after the Project closeout is completed.

- (2) If the signal warrant is met, the Subdivider shall install a traffic signal at this intersection. The Subdivider shall enter into a Deferred Improvement Agreement with the City for installation of the traffic signal prior to approval of the first Final Map. Security for the traffic signal shall be provided (in accordance with applicable City Regulations) at such time as the above-referenced analyses show that the traffic signal warrants are met. The signal is included in the City TIF, and the Subdivider will be eligible for a fee credit against remaining traffic fees that would otherwise be due (in accordance with applicable City Regulations) for installation of the traffic signal if it is required (in addition to any reimbursement that also may be due), which arrangement shall be reflected in the Fee Credit Agreement that Developer and the City enter into pursuant to Planning Condition No. 16.
- C.5.4.8. At the time of issuance of the first building permit, the Subdivider shall pay its fair share of the cost of interim improvements at the intersection of Lammers Road and Old Schulte Road per the capital improvement project and the applicable City Regulations.
  - C.5.4.9. All roadway improvements described in these Conditions of Approval must be designed and constructed by the Subdivider to meet the applicable requirements of the latest edition of the California Department of Transportation Highway Design Manual (HDM) and the California Manual of Uniform Traffic Control Devices (MUTCD), all applicable City Regulations, and these Conditions of Approval, prior to final inspection of the first building to be constructed within the Project Site (excluding model homes).
  - C.5.4.10. The City will assume responsibility to maintain the public improvements and accept the offer of dedication for right-of-way on Lammers Road, Crossroads Drive, and all other public

streets after the City Council accepts the public improvements.

- C.5.4.11. All traffic control devices and appurtenances, including stop sign, street name sign, pavement legend, and pavement marking and striping shall be installed in accordance with City Regulations and a detailed signing and striping plan approved by the City Engineer.
  - C.5.4.12. LED Street lights shall be installed in accordance with City Regulations and at locations approved by the City Engineer. As part of the Improvement Plans, a street lighting plan that shows the LED street lights, conduits, wires and electrical connection to PG&E facility including all pertinent construct details. A Photometric Plan must be submitted for City's review and approval.
  - C.5.4.13. Landscaping improvements along Lammers Road and Crossroads Drive shall be installed with an automatic irrigation system as approved by the City Engineer, and shall be completed by the Subdivider, prior to the final inspection of the first residential building to be constructed within the Property (excluding model homes). Irrigation and Landscape Plans shall be signed and stamped by a registered Landscape Architect licensed to practice in the State of California
  - C.5.4.14. A standard barricade and guardrail with appropriate traffic sign will be required at the east end of Crossroads Drive at the intersection to the Project entrance at Street 'M'. The space behind the barricade shall be paved to prevent growth of weeds and provide easier access for removing accumulated debris. To prevent street runoff from draining to adjacent property(s), a curb shall be installed through the entire width of the pavement or curb-to-curb. Alternatively, the space behind the barricade may be landscaped and maintained by the HOA.
  - C.5.4.15. The Subdivider shall coordinate with the Tracy Post Master for location of, and installation (by the Subdivider) of, cluster type mailbox units. Design and construction criteria shall be in accordance with City requirements. The US Postal Services is responsible for repairing and maintaining all cluster mailboxes located within City's right-of-way.
- C.5.5. The Utility Corridor parcels shown on the Vesting Tentative Map as Parcels A, D, and H shall be dedicated to and maintained by the Homeowner's Association. If these parcels will also be used for pedestrian access to the subdivision, details related to maintenance vehicle access, driveway curb cuts, maintenance access road structural sections, bollards, safety lighting, landscaping, any safety concerns by police department, etc. will need to be coordinated with the Planning, Public Works, and Police departments.

C.5.6. Neighborhood Park

As part of the Project development, the Subdivider shall construct a private, neighborhood park per these Conditions of Approval and consistent with the approved Project plans. The private park shall be maintained by the Project's Homeowners Association (HOA).

C.5.7. Joint Utility Trench Plans – All future utilities along the frontage of the Project Site on Lammers Road shall be placed in an underground facility. If required, the Subdivider shall relocate existing utility poles along the frontage of the Project Site on Lammers Road after obtaining approval of affected utility companies and the City. However, no undergrounding or relocation of any utility poles on the west side of Lammers Road shall be required. No fee credits or reimbursements shall be applicable for utility pole relocations.

C.5.7.1. Subdivider shall prepare joint trench plans in compliance with utility companies' requirements and City regulations, and obtain approval of the plans. All private utility services to serve Project such as electric, telephone and cable TV to the building must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities. The Subdivider shall submit Joint Utility Trench Plans for the installation of electric, gas, telephone and TV cable main and service lines that are necessary to be installed to serve the Project. These utilities shall be installed within the 10-foot wide Public Utility Easement (PUE) that will be offered for dedication to the City. The Subdivider shall coordinate, as feasible, with the respective owner(s) of the utilities for the design of these underground utilities to ensure they can be installed within the 10-foot wide PUE to the extent feasible (and except in the event, that additional space beyond the 10-foot PUE is required, as determined by the utilities owner(s)).

C.5.7.2. Pavement cuts or utility trench(s) on existing street(s) for the installation of water distribution main, storm drain, sewer line, electric, gas, cable TV, and telephone will require the application of 2" asphalt concrete overlay and replacement of pavement striping and marking that are disturbed during construction. The limits of asphalt concrete overlay shall be 25 feet from both sides of the trench, and shall extend over the entire width of the adjacent travel lane(s) if pavement excavation encroaches to the adjacent travel lane or up to the street centerline or the median curb. If the utility trench extends beyond the street centerline, the asphalt concrete overlay shall be applied over the entire width of the street (to the lip of gutter or edge of pavement, whichever applies). This pavement repair requirement is applicable when cuts or trenches are perpendicular to the street direction; when the new joint trench is placed in the street parallel to the street direction; the width of overlay is to be the width of the affected lane.

Rocking Horse Conditions of Approval  
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- C.6. Building Permit No building permit within the Project Site boundaries will be approved by the City (excluding model homes) until the Subdivider demonstrates, to the satisfaction of the City Engineer, compliance with all Conditions of Approval that expressly require compliance prior to issuance of a building permit, as well as the Conditions Nos. C.6.1 through C.6.6 below:
- C.6.1. Payment (on a per-unit basis) of the Master Plan Fees for Citywide Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park adopted by the City Council on January 7, 2014, per Resolution 2014-010 and all other applicable fees pursuant to the City Regulations, as required by these Conditions of Approval .
  - C.6.2. Payment (on a per-unit basis) of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC, and these Conditions of Approval.
  - C.6.3. Payment (on a per-unit basis) of the Agricultural Conversion or Mitigation Fee as required in Chapter 13.28 of the TMC and these Conditions of Approval.
  - C.6.4. Payment (on a per-unit basis) of the Regional Transportation Impact Fees (RTIF) as required in Chapter 13.32 of the TMC, and these Conditions of Approval.
  - C.6.5. A letter signed and stamped by the Project's Geotechnical Engineer certifying that all grading work that was performed by the Subdivider within the Project meets the requirements of the Project's Geotechnical/Soils Report and the recommendations of the Project's Geotechnical Engineer.
  - C.6.6. The applicable final map is approved by the City and recorded at the Office of the San Joaquin County Recorder.
- C.7. Agreements, Improvement Security, and Insurance
- C.7.1. Subdivision Improvement Agreement - Concurrently with the City's processing of a final map, and prior to the City's approval of the final map, the Subdivider shall execute a Subdivision Improvement Agreement (for the public facilities required to serve the real property described by the final map), which includes the Subdivider's responsibility to complete all of the following requirements to the satisfaction of the City Engineer:
    - a. The Subdivider has submitted all required improvement plans in accordance with the requirements of City Regulations and these Conditions of Approval, and the improvement plans have been approved by the City Engineer.
    - b. The Subdivider has submitted a complete application for a final map which is served by the required public improvements, and the final map has been approved by the City Engineer.

- c. The Subdivider has paid all required processing fees including plan check and inspection fees.
  - d. The Subdivider executes a Subdivision Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all required improvements.
  - e. The Subdivider posts all required improvement security and evidence of insurance.
- C.7.2. Offsite Improvement Agreement: Prior to starting any work on Roadway Improvements, the Subdivider shall sign an improvement agreement (Offsite Improvement Agreement or OIA) and post improvement security in accordance with Section 12.36.080 of the TMC, to guarantee completion of the public improvements. The OIA requires approval from the City Council.
- a. Prior to the approval of the OIA, the Subdivider will be required to submit Improvement Plans that contains the design, construction details and specifications of all public improvements that are required to serve the Project, prepared in a 24" x 36" size polyester film (mylar), signed and stamped by the Design Engineer, for City's approval and signature. The Subdivider shall also submit Technical Specifications and Cost Estimates. All engineering calculations for the design of the improvements must be submitted as part of the Improvement Plans.
  - b. The Subdivider will be required to pay Engineering Review Fees which include plan checking, agreement and permit processing, testing, engineering inspection, and program management fees, prior to the approval of the OIA and in accordance with the City Regulations.
- C.7.3. Deferred Improvement Agreement - Prior to the City's approval of the first final map within the Project, the Subdivider shall execute a Deferred Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all remaining public facilities (to the extent the public facilities are not included in the Subdivision Improvement Agreement) which are required by these Conditions of Approval. The Deferred Improvement Agreement shall identify timing requirements for construction of all remaining public facilities, in conformance with the phasing plan submitted by the Subdivider and approved by the City Engineer and shall include improvement security for the deferred improvements.
- C.7.4. Improvement Security - The Subdivider shall provide improvement security for all public facilities, as required by Deferred Improvement Agreement, Subdivision Improvement Agreement, or Offsite Improvement Agreement. The form of the improvement security may be a bond, or other form in accordance with City Regulations. The amount of the

improvement security shall be in accordance with City Regulations, generally, as follows: Faithful Performance (100% of the approved estimates of the construction costs of public facilities), Labor & Material (100% of the approved estimates of the construction costs of public facilities), and Warranty (10% of the approved estimates of the construction costs of public facilities).

- C.7.5. Insurance - For each Inspection Improvement Agreement and Subdivision Improvement Agreement, the Subdivider shall provide the City with evidence of insurance, as follows:
- a. General. The Subdivider shall, throughout the duration of the Agreement, maintain insurance to cover Subdivider, its agents, representatives, contractors, subcontractors, and employees in connection with the performance of services under the Agreement at the minimum levels set forth below.
  - b. Commercial General Liability (with coverage at least as broad as ISO form CG 00 01 01 96) coverage shall be maintained in an amount not less than \$3,000,000 general aggregate and \$1,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.
  - c. Automobile Liability (with coverage at least as broad as ISO form CA 00 01 07 97, for "any auto") coverage shall be maintained in an amount not less than \$1,000,000 per accident for bodily injury and property damage.
  - d. Workers' Compensation coverage shall be maintained as required by the State of California.
  - e. Endorsements. Subdivider shall obtain endorsements to the automobile and commercial general liability with the following provisions:
    - 1) The City (including its elected and appointed officials, officers, employees, agents, and volunteers) shall be named as an additional "insured."
    - 2) For any claims related to this Agreement, Subdivider's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Subdivider's insurance and shall not contribute with it.
  - f. Notice of Cancellation. Subdivider shall obtain endorsements to all insurance policies by which each insurer is required to provide thirty (30) days prior written notice to the City should the policy be canceled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation.
  - g. Authorized Insurers. All insurance companies providing coverage to Subdivider shall be insurance organizations authorized by the

Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

- h. Insurance Certificate. Subdivider shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance, in a form satisfactory to the City.
  - i. Substitute Certificates. No later than thirty (30) days prior to the policy expiration date of any insurance policy required by the Agreement, Subdivider shall provide a substitute certificate of insurance.
  - j. Subdivider's Obligation. Maintenance of insurance by the Subdivider as specified in the Agreement shall in no way be interpreted as relieving the Subdivider of any responsibility whatsoever (including indemnity obligations under the Agreement), and the Subdivider may carry, at its own expense, such additional insurance as it deems necessary.
- C.8. Release of Improvement Security - Improvement Security(s) described herein shall be released to the Subdivider after City Council's acceptance of public improvements and in accordance with the release provisions in the Subdivision Improvement Agreement (or the DIA or OIA, as applicable) and the applicable provisions governing security under the City of Tracy Municipal Code.
- C.9. Acceptance of Public Improvements - Public improvements will not be accepted by the City Council until after the Subdivider completes construction of the relevant public improvements, and also demonstrates to the City Engineer satisfactory completion of the following:
- C.9.1. Correction of all items listed in the deficiency report prepared by the assigned Engineering Inspector relating to public improvements subject to City Council's acceptance.
  - C.9.2. Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Subdivider, the City shall temporarily release the originals of the Improvement Plans to the Subdivider that the Subdivider will be able to document revisions to show the "As Built" configuration of all improvements.
- C.10. Temporary or Final Building Certificate of Occupancy - No Temporary or Final Building Certificate of Occupancy will be issued by the City (excluding model homes) until after the Subdivider provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:
- C.10.1. The Subdivider has satisfied all the requirements set forth in Condition C.9, above.
  - C.10.2. The Subdivider has completed construction of all required public facilities for the building for which a certificate of occupancy is requested and all the improvements required in these Conditions of Approval. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Subdivider shall use diligent and good faith efforts in taking all actions necessary to construct all public

facilities required to serve the Project, and the Subdivider shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency), subject to applicable fee credits (in addition to any reimbursement that may also be due) in accordance with the City Regulations and as provided in the Fee Credit Agreement entered into by the City and Developer pursuant to Planning Condition No. 16.

C.11. Special Conditions

- C.11.1. All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Regulations, and City's Design documents including the City's Facilities Master Plan for storm drainage, roadway, wastewater and water adopted by the City, or as otherwise specifically approved by the City in accordance with approved Project plans.
- C.11.2. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Subdivider shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection. The Subdivider shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.
- C.11.3. The Subdivider shall abandon or remove all existing irrigation structures, channels and pipes, if any, as directed by the City after coordination with the irrigation district, if the facilities are no longer required for irrigation purposes. If irrigation facilities including tile drains, if any, are required to remain to serve existing adjacent agricultural uses, the Subdivider will design, coordinate and construct required modifications to the facilities to the satisfaction of the affected agency and the City. Written permission from irrigation district or affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Subdivider.
- C.11.4. Any damages to existing improvements within the street right-of-way due to construction related activities shall be repaired or replaced as directed by the City at Subdivider's cost.
- C.11.5. All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers. Any damaged, displaced, obliterated or lost monuments or survey markers shall be re-established or replaced by a licensed Land Surveyor at the Developer's (or Contractor's) sole expense. A corner record must be filed in accordance with the State law for any reset monuments (California Business and Professions Code Section 8871).

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- C.11.6. Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the Grading Permit, Encroachment Permit, Building Permit, Improvement Plans, OIA, and DIA, if the City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City and is otherwise in accordance with the City Regulations. The Subdivider shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City except as otherwise expressly set forth in these Conditions of Approval.

RESOLUTION 2016-\_\_\_\_

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

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

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

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

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

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

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

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

WHEREAS, The Planning Commission conducted a public hearing to receive public input and review the Project on March 9, 2016;

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

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

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

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

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

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

- A. The Project includes site plan and design elements consistent with City design goals and standards, such as designing a variety of floor plans and elevation types to create a well-balanced streetscape and having landscape amenities that create an inviting, pedestrian-oriented environment; and compliance with all City standards, including street and design and layout and infrastructure design.
- B. As conditioned, the Project is consistent with City architecture Design Standards and Guidelines. The architecture incorporates elements such as variation in texture, materials, building heights, four-sided architecture, and garages set behind the houses. The variety of floor plans also includes three single-story plans, exceeding the requirement and further enhancing the overall streetscape design.
- C. The Planning Commission recommends that the City Council, by adoption of an ordinance, approve the Project Planned Unit Development Preliminary and Final Development Plan per the conditions of approval in Exhibit 2.

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

- A. The Project includes a Vesting Tentative Map which will provide for subdivision of the site into 226 lots for single-family residential use, along with creation of common-space lots to be maintained by the Project homeowner's association.
- B. The subdivision, as conditioned, will be consistent with applicable City design provisions and the Subdivision Map Act.

\* \* \* \* \*

The foregoing Resolution 2016-\_\_\_\_\_ was adopted by the Planning Commission on the 9<sup>th</sup> day of March, 2016, by the following vote:

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

\_\_\_\_\_  
CHAIR

ATTEST:

\_\_\_\_\_  
STAFF LIAISON

PUBLIC DRAFT  
INITIAL STUDY AND MITIGATED NEGATIVE  
DECLARATION

FOR THE

ROCKING HORSE DEVELOPMENT PROJECT

NOVEMBER 2015

*Prepared for:*

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

*Prepared by:*

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

D e N o v o P l a n n i n g G r o u p

-  
A Land Use Planning, Design, and Environmental Firm



PUBLIC DRAFT  
INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

FOR THE  
ROCKING HORSE DEVELOPMENT PROJECT

NOVEMBER 2015

*Prepared for:*

City of Tracy  
Department of Development Services  
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(916) 949-3231



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# INITIAL STUDY

## **PROJECT TITLE**

Rocking Horse Development Project

## **LEAD AGENCY NAME AND ADDRESS**

City of Tracy  
333 Civic Center Plaza  
Tracy, CA 95376

## **CONTACT PERSON AND PHONE NUMBER**

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

## **PROJECT SPONSOR'S NAME AND ADDRESS**

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

## **PURPOSE OF THE INITIAL STUDY**

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

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

## PROJECT LOCATION AND SETTING

### *PROJECT LOCATION*

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

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

### *EXISTING SITE USES*

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

### *SURROUNDING LAND USES*

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

## PROJECT DESCRIPTION

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

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

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

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

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

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

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

### **GENERAL PLAN AND ZONING DESIGNATIONS**

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

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

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

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

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

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

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

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

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

Proposed PUD Standards based on the Tentative Map standards:

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

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

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

### **REQUESTED ENTITLEMENTS AND OTHER APPROVALS**

The City of Tracy is the Lead Agency for the proposed project, pursuant to the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), Section 15050.

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

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

The following agencies may be required to issue permits or approve certain aspects of the proposed project:

- Central Valley Regional Water Quality Control Board (CVRWQCB) - Storm Water Pollution Prevention Plan (SWPPP) approval prior to construction activities.
- San Joaquin Council of Governments (SJCOG) - Review of project application to determine consistency with the San Joaquin County Multi-Species Habitat, Conservation, and Open Space Plan (SJMSCP).

### **PROJECT GOALS AND OBJECTIVES**

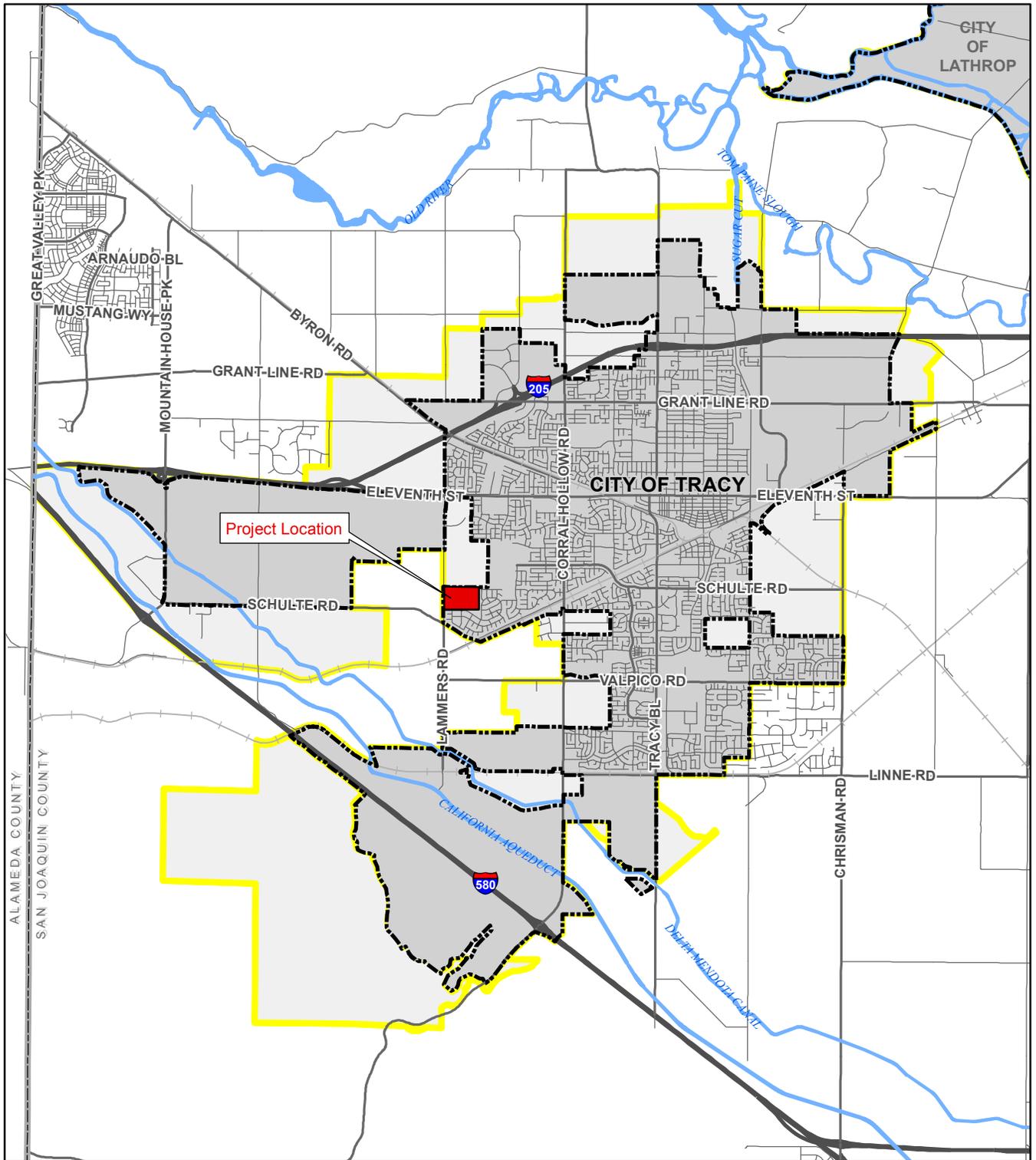
The City of Tracy and the project applicant have identified the following goals and objectives for the proposed project:

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

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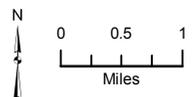


**Rocking Horse Project MND  
TRACY, CALIFORNIA**

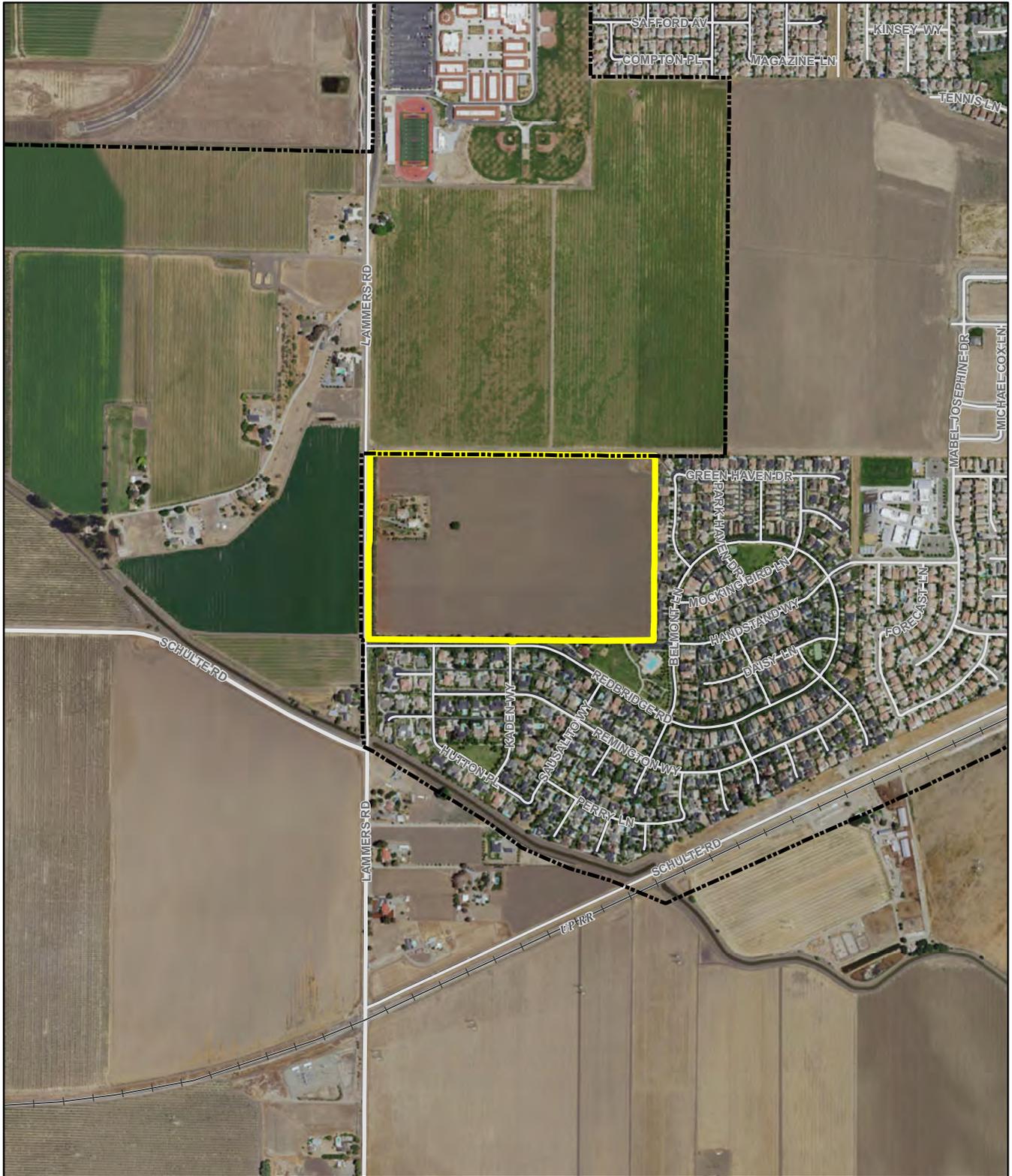
**Figure 2: Project Vicinity**

**Legend**

-  City Boundary
-  Sphere of Influence
-  Project Location



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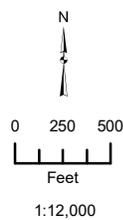


**ROCKING HORSE PROJECT MND  
TRACY, CALIFORNIA**

Figure 3: Aerial View of Project Site

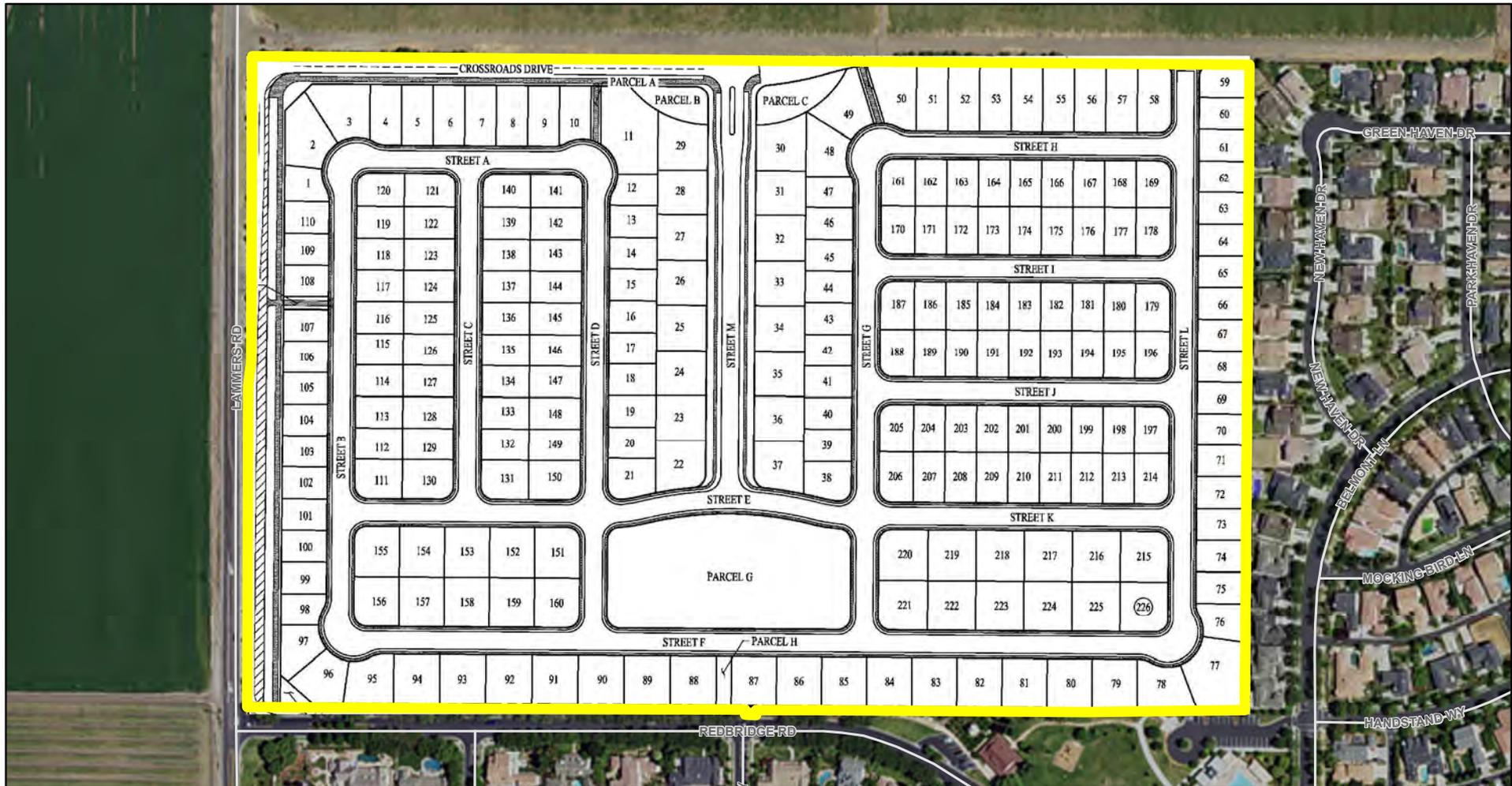
**Legend**

- Project Boundary
- City of Tracy



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

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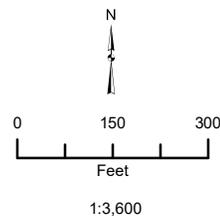


**ROCKING HORSE PROJECT MND  
TRACY, CALIFORNIA**

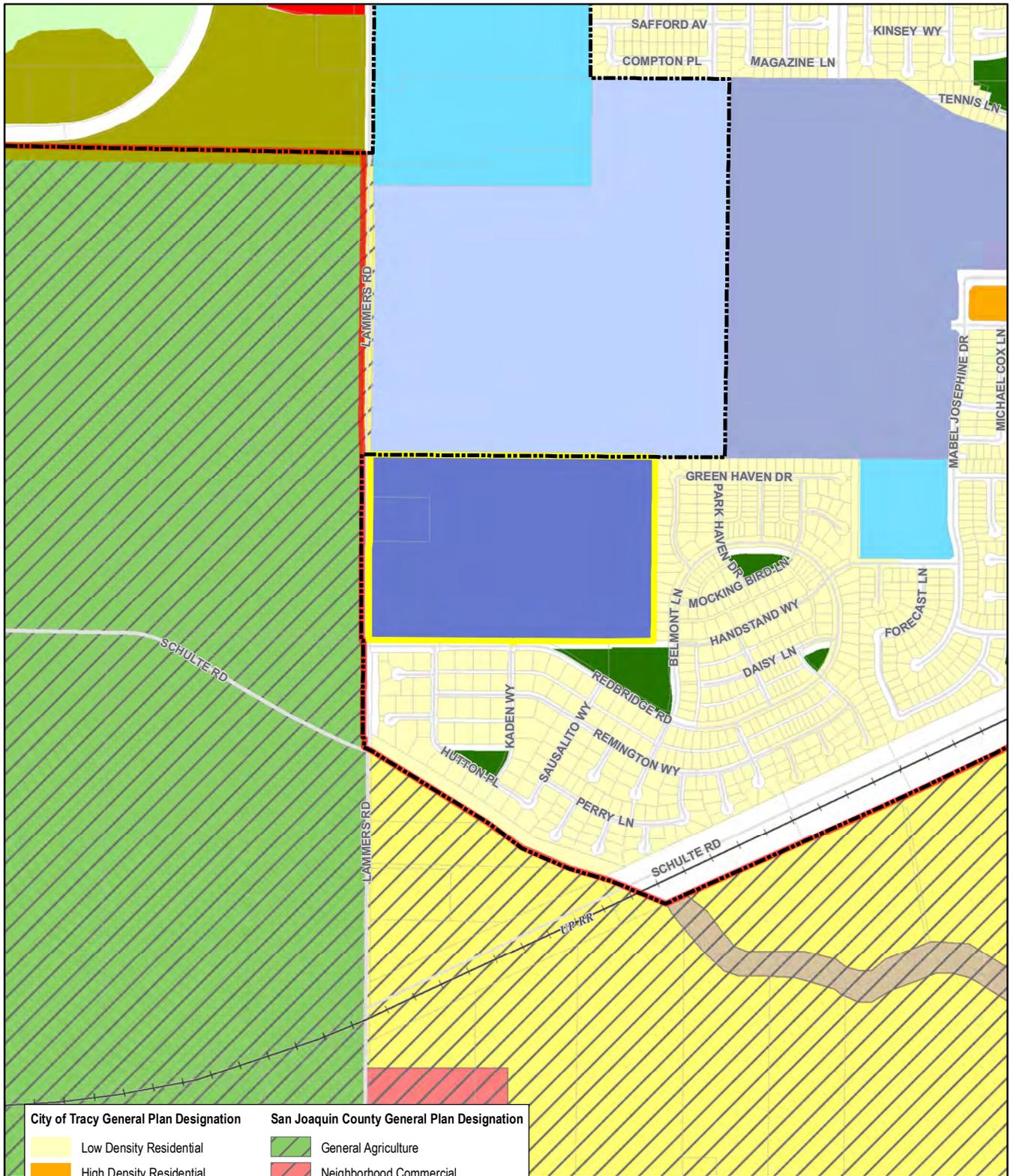
Figure 4: Site Plan

**Legend**

 Project Boundary



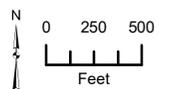
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City of Tracy General Plan Designation	San Joaquin County General Plan Designation
Low Density Residential	General Agriculture
High Density Residential	Neighborhood Commercial
Commercial	Open Space/Resource Conservation
Office	Low Density Residential
Open Space	
Park	
Public Facilities	
Urban Reserve 5	
Urban Reserve 7	
Urban Reserve 8	
<b>Planning Boundaries</b>	
Project Boundary	
City of Tracy	
Sphere of Influence	

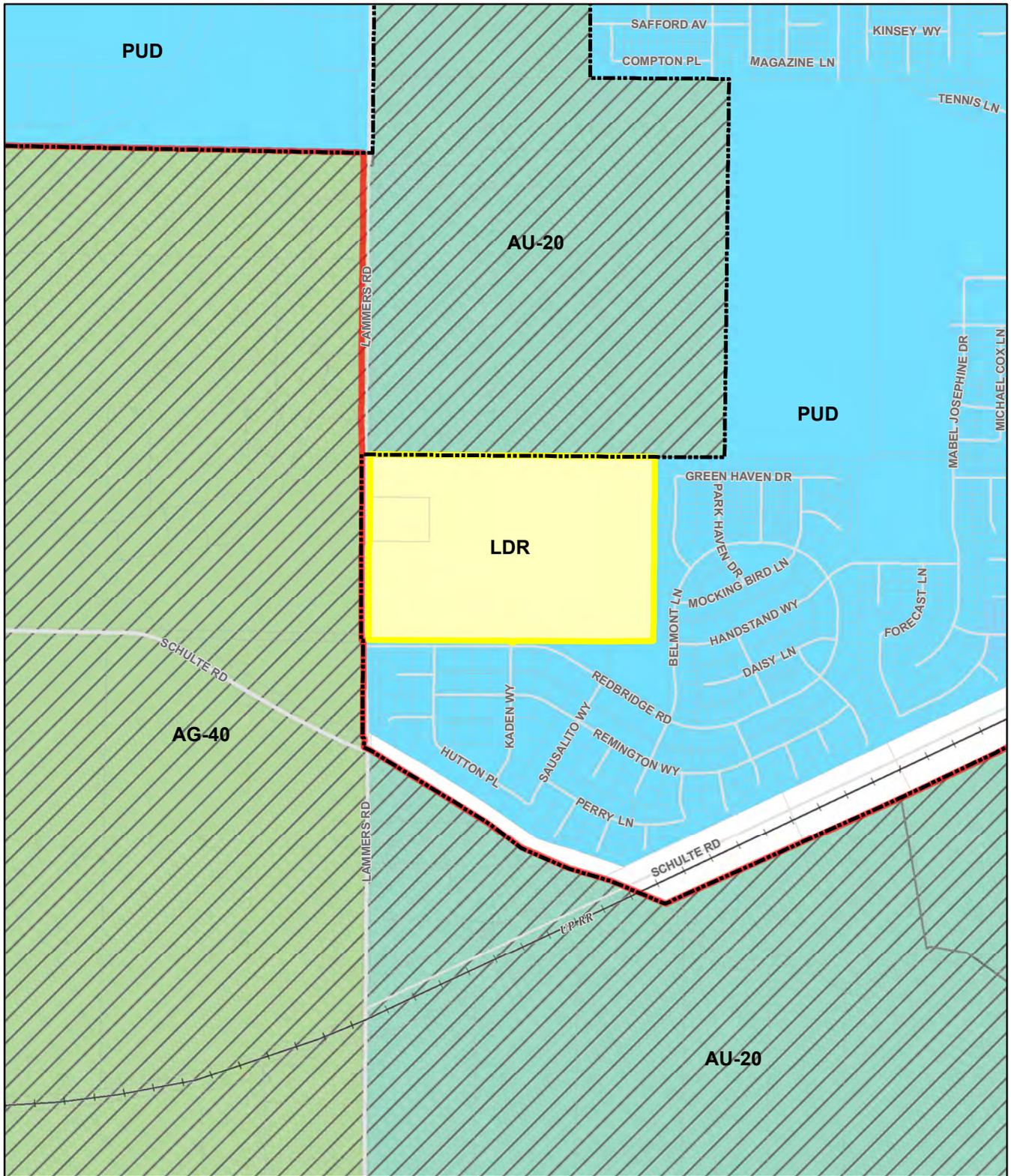
**ROCKING HORSE PROJECT MND  
TRACY, CALIFORNIA**

Figure 5: General Plan Land Use Designations



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

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**City of Tracy Zoning Designations**

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

**San Joaquin County Zoning Designations**

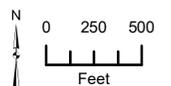
- AG-40
- AU-20

**Planning Boundaries**

- Project Boundary
- City of Tracy
- Sphere of Influence

**ROCKING HORSE PROJECT MND  
TRACY, CALIFORNIA**

**Figure 6: Zoning Designations**



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

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**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

**DETERMINATION:**

On the basis of this initial evaluation:

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

Signature

Date

## EVALUATION INSTRUCTIONS:

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

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

## EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

## ENVIRONMENTAL CHECKLIST

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

### I. AESTHETICS -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?		X		
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?		X		

### RESPONSES TO CHECKLIST QUESTIONS

**Response a): Less than Significant.** There are no designated scenic vistas located on or adjacent to the Project site. The Project site currently consists primarily of agricultural lands. Agricultural lands provide visual relief from urban and suburban developments, and help to define the character of a region, and the loss of agricultural lands can impact on the overall visual character and quality of a region.

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

Implementation of the proposed project would provide for additional residential development in an area of the City that is adjacent to single-family housing development. The Project site is not topographically elevated from the surrounding lands, and is not highly visible from areas beyond the immediate vicinity of the site. There are no prominent features on the site, such as extensive trees, rock outcroppings, or other visually distinctive features that contribute to the scenic quality of the site. The Project site is not designated as a scenic vista by the City of Tracy General Plan. Implementation of the proposed project would require the construction of 9 foot sound wall along South Lammers Road (as outlined in Mitigation Measure 14). The specific location and design of the sound walls have not been determined, however, the project is subject to the City of

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

Implementation of the proposed project would not significantly change the existing visual character of the project area, as much of the areas immediately adjacent to the site are used for residential purposes. Furthermore, the General Plan designates this area as Urban Reserve, which is intended for areas where residential expansion is expected through build out of the General Plan. The loss of Agricultural lands that provide visual character and help define the visual quality of the region was taken into account by the City's General Plan and subsequent EIR. Development permitted under the General Plan was determined to result in a significant impact to the existing visual identity and character of the City, due to the development allowed under the General Plan. Development and the subsequent removal of farmland was taken into consideration in the City of Tracy General Plan and General Plan EIR. On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for the loss of agricultural land and related visual resource impacts resulting from adoption of the General Plan and certification of the General Plan EIR. The project is consistent with the adopted Statement of Overriding Considerations, and uses established by the General Plan. Implementation of the proposed project would introduce a low-density residential development to the project area that would be generally consistent with the surrounding residential developments, and consistent with the intended uses established by the Tracy General Plan. Therefore, this impact is considered **less than significant**.

**Response b): Less than Significant.** As described in the Tracy General Plan EIR, there are two Officially Designated California Scenic Highway segments in the Tracy Planning Area, which extend a total length of 16 miles. The first designated scenic highway is the portion of I-580 between I-205 and I-5, which offers views of the Coast Range to the west and the Central Valley's urban and agricultural lands to the east. The second scenic highway is the portion of I-5 that starts at I-205 and continues south to Stanislaus County, which allows for views of the surrounding agricultural lands and the Delta-Mendota Canal and California Aqueduct.

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

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

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

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

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

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

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

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

#### **MITIGATION MEASURES**

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

#### ***Design requirements***

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

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

### ***Preconstruction standards for demolition and treatment***

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

### ***Tree protection standards during construction***

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

***Tree standards for re-planting***

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

**Response d): Less than Significant with Mitigation.** Daytime glare can occur when the sunlight strikes reflective surfaces such as windows, vehicle windshields and shiny reflective building materials. The proposed project would introduce new residential structures into the Project site, however, reflective building materials are not proposed for use in the project, and as such, the project would not result in increases in daytime glare.

The proposed project would include exterior lighting around the proposed structures, and park areas within the site. The City of Tracy Standard Plan #140 establishes street light standards, and requirements for light illumination. Exterior lighting on new projects is also regulated by the Tracy Municipal Code, 10.08.4000 (a), which specifies that the site plan and architectural review package includes an exterior lighting standards and devices review. The City addresses light and glare issues on a case-by-case basis during project approval and typically adds requirements as a condition of project approval to shield and protect against light spillover from one property to the next.

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

**MITIGATION MEASURES**

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

- *Design of site lighting and exterior building light fixtures to reduce the effects of light pollution and glare off of glass and metal surfaces;*
- *Lighting shall be directed downward and light fixtures shall be shielded to reduce upward and spillover lighting.*

**II. AGRICULTURE AND FOREST RESOURCES: WOULD THE PROJECT:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?		X		
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 1222(g)) or timberland (as defined in Public Resources Code section 4526)?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

**RESPONSES TO CHECKLIST QUESTIONS**

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

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

<sup>1</sup><http://maps.conservation.ca.gov/ciff/ciff.html>

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

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

#### **MITIGATION MEASURES**

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

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

**Responses c) and d): No Impact.** The Project site is located in an area consisting of residential development and agricultural uses. Trees are present within the Project site, however these trees are ornamental in nature. There are no forest resources on the Project site or in the immediate vicinity of the Project site. Therefore, there is **no impact**.

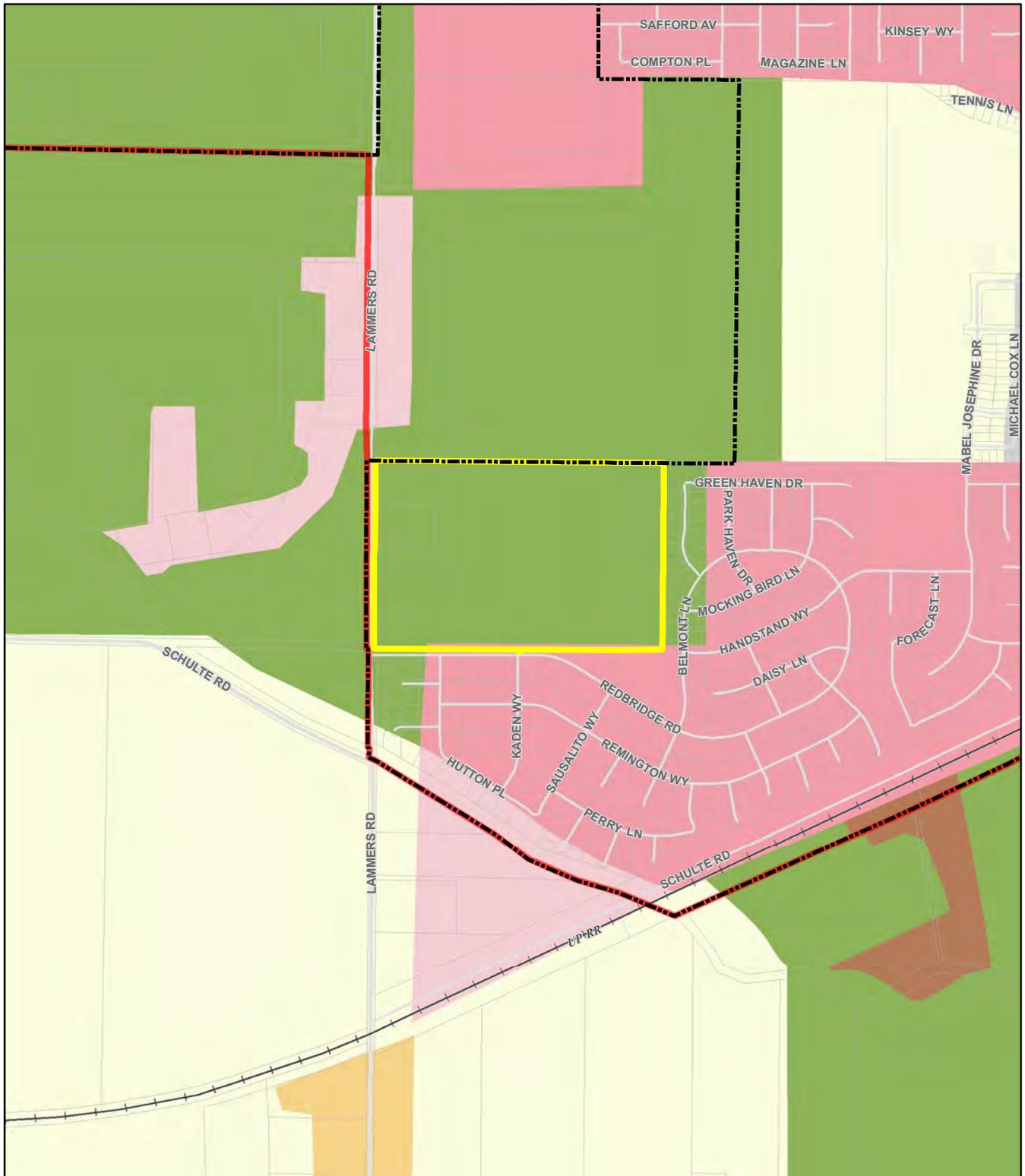
**Response e): Less than Significant.** As described under Responses (a) above, the proposed project is currently used for agricultural purposes, but is it not designated or zoned for agricultural uses. There are agricultural lands and operations on and adjacent to the Project site. Development of urban uses and the subsequent removal of prime farmland soil for agricultural use was taken into consideration in the City of Tracy General Plan and General Plan EIR. On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations

(Resolution 2011-028) for the loss of prime agricultural land resulting from adoption of the General Plan and certification of the General Plan EIR.

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

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

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**Categories**

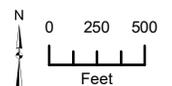
- Prime Farmland
- Farmland of Local Importance
- Confined Animal Agriculture
- Vacant or Disturbed Land
- Rural Residential Land
- Semi-agricultural and Rural Commercial Land
- Urban and Built-Up Land

**Planning Boundaries**

- Project Boundary
- City of Tracy
- Sphere of Influence

**ROCKING HORSE PROJECT MND  
TRACY, CALIFORNIA**

Figure 7: Important Farmlands



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

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*III. AIR QUALITY -- WOULD THE PROJECT:*

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Conflict with or obstruct implementation of the applicable air quality plan?		X		
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?		X		
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	

*EXISTING SETTING*

The Project site is located within the boundaries of the San Joaquin Valley Air Pollution Control District (SJVAPCD). This agency is responsible for monitoring air pollution levels and ensuring compliance with federal and state air quality regulations within the San Joaquin Valley Air Basin (SJVAB) and has jurisdiction over most air quality matters within its borders.

*RESPONSES TO CHECKLIST QUESTIONS*

**Responses a), b), c): Less than Significant with Mitigation.** Air quality emissions would be generated during construction of the proposed project and during operation of the proposed project. Operational emissions would come primarily from vehicle emissions from vehicle trips generated by the proposed project. Construction-related air quality impacts and operational air quality impacts are addressed separately below.

**Construction-Related Emissions**

**Construction Emissions:** The proposed project is larger in scope and size than the SJVAPCD's Small Project Analysis Level (SPAL), therefore, a quantification of the emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> that will be emitted by project construction has been performed. The California Emission Estimator Model (CalEEMod) TM (v.2013.2.2) was used to estimate construction emissions for the proposed project.

Construction would result in numerous activities that would generate dust. The fine, silty soils in the project area and often strong afternoon winds exacerbate the potential for dust, particularly in the summer months. Grading, leveling, earthmoving and excavation are the activities that generate the most particulate emissions. Impacts would be localized and variable. The initial

phase of project construction would involve grading and leveling the Project site and associated improvements such as supporting underground infrastructure, water, sewer, and electrical lines.

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

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

**TABLE 1: CONSTRUCTION EMISSIONS (UNMITIGATED)**

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

Source: Cal EEMod Version: CalEEMod.v2013.2.2

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

**TABLE 2: CONSTRUCTION EMISSIONS (MITIGATED)**

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

Source: CalEEMod Version: CalEEMod.v2013.2.2

As shown in Table 2, mitigation measures accounted for a 35.36 percent reduction in Fugitive PM<sub>10</sub>, and an 18.94 percent reduction in total PM<sub>10</sub>. Fugitive PM<sub>2.5</sub> would be reduced 41.76 percent while total PM<sub>2.5</sub> would be reduced 13.81 percent.

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

#### MITIGATION MEASURES

**Mitigation Measure 4:** *Prior to the commencement of grading activities, the City shall require the contractor hired to complete the grading activities to prepare a construction emissions reduction plan that meets the requirements of SJVAPCD Rule VIII. The construction emissions reductions plan shall be submitted to the SJVAPCD for review and approval. The project applicant shall comply with all applicable APCD requirements prior to commencement of grading activities.*

**Mitigation Measure 5:** *The following mitigation measures, in addition to those required under Regulation VIII of the SJVAPCD, shall be implemented by the Project's contractor during all phases of project grading and construction to reduce fugitive dust emissions:*

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

- Cease grading activities during periods of high winds (greater than 20 mph over a one-hour period).
- Asphalt-concrete paving shall comply with SJVAPCD Rule 4641 and restrict use of cutback, slow-sure, and emulsified asphalt paving materials.

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

**Operational -Related Emissions**

For the purposes of this operational air quality analysis, actions that violate Federal standards for criteria pollutants (i.e., primary standards designed to safeguard the health of people considered to be sensitive receptors while outdoors and secondary standards designed to safeguard human welfare) are considered significant impacts. Additionally, the SJVAPCD has established operations related emissions thresholds of significance as follows: 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), and 15 tons per year particulate matter of 10 microns or less in size (PM<sub>10</sub>) and 15 tons per year particulate matter of 2.5 microns or less in size (PM<sub>2.5</sub>). If the project’s emissions will exceed the SJVAPCD’s threshold of significance for operational-generated emissions, the project will have a significant impact on air quality and all feasible mitigation are required to be implemented to reduce emissions to the extent feasible.

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

**TABLE 3: OPERATIONAL PROJECT GENERATED EMISSIONS**

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

Source: CalEEMod: CalEEMod.v2013.2.2

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

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

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

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

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

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

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

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

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

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

#### *Rule 9510 Indirect Source Review*

District Rule 9510 requires developers of large residential, commercial and industrial projects to reduce smog-forming (NO<sub>x</sub>) and particulate (PM<sub>10</sub> and PM<sub>2.5</sub>) emissions generated by their

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

- 20 percent of construction-exhaust nitrogen oxides;
- 45 percent of construction-exhaust PM<sub>10</sub>;
- 33 percent of operational nitrogen oxides over 10 years; and
- 50 percent of operational PM<sub>10</sub> over 10 years.

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

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

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

	EMISSIONS (TONS/YEAR)						
	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	CO <sub>2e</sub>
Mobile Source Project Emissions	1.2691	3.7369	13.864	0.0353	2.2478	0.6422	2,525.1912
SJVAPCD Threshold	10	10	100	--	15	15	--
Exceed Threshold	No	No	No	N/A	No	No	N/A

Source: CalEEMod: CalEEMod.v2013.2.2

As shown in Table 4 above, project generated emissions are below the SJVAPCD thresholds for ROG, NO<sub>x</sub> PM<sub>10</sub> and PM<sub>2.5</sub>. Additionally, the SJVAPCD has established thresholds of significance for criteria pollutant emissions, which are based on District New Source Review (NSR) requirements. Projects with emissions below the thresholds of significance for criteria pollutants would be determined to “not conflict or obstruct implementation of the District’s air quality plan.” As such, the project would result in **less than significant** air quality impacts, and would not conflict or obstruct implementation of the District’s air quality plan. However, regardless of the emissions totals presented above, the project is still subject to the requirements of SJVAPCD Rule 9510, as described above.

## MITIGATION MEASURES

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

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

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

**Response d): Less than Significant.** Sensitive receptors are those parts of the population that can be severely impacted by air pollution. Sensitive receptors include children, the elderly, and the infirm. In addition to the existing residences located adjacent to the Project site, there are two schools located in close proximity to the Project site. John C. Kimball High School is located approximately 0.35 miles north of the Project site, and George Kelly Elementary School located approximately 0.26 miles east of the Project site.

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

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

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

**IV. BIOLOGICAL RESOURCES -- WOULD THE PROJECT:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X		
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?		X		

**BACKGROUND**

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

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

### *RESPONSES TO CHECKLIST QUESTIONS*

#### **Response a): Less than Significant with Mitigation.**

Special-status invertebrates: Special status invertebrate species that occur within the San Joaquin County region include: longhorn fairy shrimp, vernal pool fairy shrimp, and mid valley fairy shrimp, which requires vernal pools and swale areas within grasslands; and the valley elderberry longhorn beetle, which is an insect that is only associated with blue elderberry plants, oftentimes in riparian areas and sometimes on land in the vicinity of riparian areas. The Project site does not contain essential, or suitable habitat for these special status invertebrates. Implementation of the proposed project would have a **less than significant** impact on these species. No mitigation is necessary.

Special-status reptiles and amphibians: Special-status reptiles and amphibians that occur within the region include: the western pond turtle, which requires aquatic environments located along ponds, marshes, rivers, and ditches; the California tiger salamander, which is found in grassland habitats where there are nearby seasonal wetlands for breeding; the silvery legless lizard, which is found in sandy or loose loamy soils under sparse vegetation with high moisture content; San Joaquin whipsnake, which requires open, dry habitats with little or no tree cover with mammal burrows for refuge; the Alameda whipsnake, which is restricted to valley-foothill hardwood habitat on south-facing slopes; the California horned lizard, which occurs in a variety of habitats including, woodland, forest, riparian, and annual grasslands, usually in open sandy areas; the foothill yellow-legged frog, which occurs in partly shaded and shallow streams with rocky soils; the California red legged frog, which occurs in stream pools and ponds with riparian or emergent marsh vegetation; and the western spadefoot toad, which requires grassland habitats associated with vernal pools. The Project site does not contain essential or suitable habitat for these special status reptiles and amphibians. Implementation of the proposed project would have a **less than significant** impact on these species. No mitigation is necessary.

Special status plant species: Numerous special-status plant species are known to occur in the region. Many of these special status plant species require specialized habitats such as serpentine soils, rocky outcrops, slopes, vernal pools, marshes, swamps, riparian habitat, alkali soils, and chaparral, which are not present on the Project site. The Project site is located in an area that was likely valley grassland prior to human settlement, and there are several plant species that are found in valley and foothills grasslands areas. These species include large-flowered fiddleneck, bent-flowered fiddleneck, big-balsamroot, big tarplant, round-leaved filaree, Lemmon's jewelflower, and showy golden madia. Human settlement has involved a high frequency of ground disturbance associated with the historical farming activities in the region, including the Project site. The Project site does not contain suitable habitat for special-status plant species, and no special-status plant species were observed during visits to the Project site. Implementation of the proposed project would have a **less than significant** impact on these species. No mitigation is necessary.

Special-status bird species: Special-status bird species that occur within the region include: tricolored blackbird, Swainson’s hawk, northern harrier, and bald eagle, which are associated with streams, rivers, lakes, wetlands, marshes, and other wet environments; loggerhead shrike, and burrowing owl, which lives in open areas, usually grasslands, with scattered trees and brush; and raptors that are present in varying habitats throughout the region.

Swainson’s Hawk. The Swainson’s hawk is threatened in California and is protected by the California Department of Fish and Game (CDFG) and the Migratory Bird Treaty Act (MBTA). Additionally, Swainson’s hawk foraging habitat is protected by the CDFG. Swainson’s hawks forage in open grasslands and agricultural fields and commonly nest in solitary trees and riparian areas in close proximity to foraging habitat. The foraging range for Swainson’s hawk is ten miles from its nesting location. There are numerous documented occurrences of Swainson’s hawk within ten miles of the Project site, with the nearest nesting sites located approximate 8 miles to the northeast of the Project site. Although no nesting sites for this species occur on the Project site, Swainson’s hawks are present in the vicinity. The Project site and the surrounding open agricultural habitat could provide foraging opportunities for local Swainson’s hawks. There is a row of mixed trees (Eucalyptus, conifer Pine, and Palm varieties) bordering the site to the south and east. These trees are large enough to harbor raptor nests, but do not currently contain any active nesting sites.

Burrowing Owls. Burrowing owls are a California Species of Special Concern and are protected by the CDFG and the MBTA. Burrowing owls forage in open grasslands and shrublands and typically nest in old ground squirrel burrows. Common rodents, other animals found in agricultural fields could occur on the site, but the absence of suitable habitat conditions would limit extensive use. The biological reconnaissance performed by Zander Associates February 21, 2014 did not observe any activity by ground squirrels (*Spermophilus beecheyi*) or other burrowing animals, and noted that Burrowing owl (*Athene cunicularia*) are unlikely to occur on the site because of ongoing cultivation, the lack of habitat and proximity to urban/suburban uses.

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

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

## MITIGATION MEASURES

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

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

**Responses b): No Impact.** Riparian natural communities support woody vegetation found along rivers, creeks and streams. Riparian habitat can range from a dense thicket of shrubs to a closed canopy of large mature trees covered by vines. Riparian systems are considered one of the most important natural resources. While small in total area when compared to the state's size, they provide a special value for wildlife habitat.

Over 135 California bird species either completely depend upon riparian habitats or use them preferentially at some stage of their life history. Riparian habitat provides food, nesting habitat, cover, and migration corridors. Another 90 species of mammals, reptiles, invertebrates and amphibians depend on riparian habitat. Riparian habitat also provides riverbank protection, erosion control and improved water quality, as well as numerous recreational and aesthetic values.

There is no riparian habitat or other sensitive natural communities located on the Project site. As such, the proposed project would have **no impact** on these resources, and no mitigation is required.

**Response c): Less than Significant.** A wetland is an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetlands are defined by regulatory agencies as having special vegetation, soil, and hydrology characteristics. Hydrology, or water inundation, is a catalyst for the formation of wetlands. Frequent inundation and low oxygen causes chemical changes to the soil properties resulting in what is known as hydric soils. The prevalent vegetation in wetland communities consists of hydrophytic plants, which are adapted to areas that are frequently inundated with water. Hydrophytic plant species have the ability to grow, effectively compete, reproduce, and persist in low oxygen soil conditions.

Below is a list of wetlands that are found in the Tracy planning area:

- **Farmed Wetlands:** This category of wetlands includes areas that are currently in agricultural uses. This type of area occurs in the northern portion of the Tracy Planning Area.
- **Lakes, Ponds and Open Water:** This category of wetlands includes both natural and human-made water bodies such as that associated with working landscapes, municipal water facilities and canals, creeks and rivers.
- **Seasonal Wetlands:** This category of wetlands includes areas that typically fill with water during the wet winter months and then drain enough to become ideal plant habitats throughout the spring and summer. There are numerous seasonal wetlands throughout the Tracy Planning Area.
- **Tidal Salt Ponds and Brackish Marsh:** This category of wetlands includes areas affected by irregular tidal flooding with generally poor drainage and standing water. There are minimal occurrences along some of the larger river channels in the northern portion of the Tracy Planning Area.

There are no wetlands located on the Project site. Therefore, this is a **less than significant** impact and no mitigation is required.

**Response d): Less than Significant.** The CNDDDB record search did not reveal any documented wildlife corridors or nursery sites on or adjacent to the Project site. Furthermore, field surveys did not reveal any wildlife nursery sites on or adjacent to the Project site. Implementation of the proposed project would have a **less than significant** impact. No mitigation is necessary.

**Responses e), f): Less than Significant.** The Project site is located within the jurisdiction of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (“Plan” or “SJMSCP”) and is located within the Central/Southwest Transition Zone of the SJMSCP. The San Joaquin Council of Governments (SJCOG) prepared the Plan pursuant to a Memorandum of Understanding adopted by SJCOG, San Joaquin County, the United States Fish and Wildlife Service (USFWS), the California Department of Fish and Game (CDFG), Caltrans, and the cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy in October 1994. On February 27, 2001, the Plan was unanimously adopted in its entirety by SJCOG. The City of Tracy adopted the Plan on November 6, 2001.

According to Chapter 1 of the SJMSCP, its key purpose is to “provide a strategy for balancing the need to conserve open space and the need to convert open space to non-open space uses, while protecting the region’s agricultural economy; preserving landowner property rights; providing for the long-term management of plant, fish and wildlife species, especially those that are currently listed, or may be listed in the future, under the Federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA); providing and maintaining multiple use Open Spaces which contribute to the quality of life of the residents of San Joaquin County; and, accommodating a growing population while minimizing costs to project proponents and society at large.”

In addition, the goals and principles of the SJMSCP include the following:

- Provide a County-wide strategy for balancing the need to conserve open space and the need to convert open space to non-open space uses, while protecting the region’s agricultural economy.
- Preserve landowner property rights.
- Provide for the long-term management of plant, fish, and wildlife species, especially those that are currently listed, or may be listed in the future, under the ESA or the CESA.
- Provide and maintain multiple-use open spaces, which contribute to the quality of life of the residents of San Joaquin County.
- Accommodate a growing population while minimizing costs to project proponents and society at large.

In addition to providing compensation for conversion of open space to non-open space uses, which affect plant and animal species covered by the SJMSCP, the SJMSCP also provides some compensation to offset impacts of open space conversions on non-wildlife related resources such as recreation, agriculture, scenic values and other beneficial open space uses. Specifically, the

SJMSCP compensates for conversions of open space to urban development and the expansion of existing urban boundaries, among other activities, for public and private activities throughout the County and within Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy.

Participation in the SJMSCP is voluntary for both local jurisdictions and project applicants. Only agencies adopting the SJMSCP would be covered by the SJMSCP. Individual project applicants have two options if their project is located in a jurisdiction participating in the SJMSCP: mitigating under the SJMSCP or negotiating directly with the state and/or federal permitting agencies. If a project applicant opts for SJMSCP coverage in a jurisdiction that is participating under the SJMSCP, the following options are available, unless their activities are otherwise exempted: pay the appropriate fee; dedicate, as conservation easements or fee title, habitat lands; purchase approved mitigation bank credits; or, propose an alternative mitigation plan.

Responsibilities of permittees covered by the SJMSCP include collection of fees, maintenance of implementing ordinances/resolutions, conditioning permits (if applicable), and coordinating with the Joint Powers Authority (JPA) for Annual Report accounting. Funds collected for the SJMSCP are to be used for the following: acquiring Preserve lands, enhancing Preserve lands, monitoring and management of Preserve lands in perpetuity, and the administration of the SJMSCP. Because the primary goal of SJMSCP to preserve productive agricultural use that is compatible with SJMSCP's biological goals, most of the SJMSCP's Preserve lands would be acquired through the purchase of easements in which landowners retain ownership of the land and continue to farm the land. These functions are managed by San Joaquin Council of Governments.

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

#### **MITIGATION MEASURE**

*Implement Mitigation Measures 1 and 7*

*V. CULTURAL RESOURCES -- WOULD THE PROJECT:*

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?		X		
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?		X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		
d) Disturb any human remains, including those interred outside of formal cemeteries?		X		

*RESPONSES TO CHECKLIST QUESTIONS*

**Response a), b), c), d): Less than Significant with Mitigation.** The City of Tracy General Plan and subsequent EIR does not identify the site as having prehistoric period cultural resources. Additionally, there are no known unique cultural, historical, paleontological or archeological resources known to occur on, or within the immediate vicinity of the Project site. Furthermore, neither the site, nor any structures on the site, are designated as a historical resource as defined by Public Resources Code § 21084.1, or listed in, or eligible for listing in the California Register of Historical Resources.

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

The implementation of the following mitigation measure would require appropriate steps to preserve and/or document any previously undiscovered resources that may be encountered during construction activities, including human remains. Implementation of this measure would reduce this impact to a **less than significant** level.

## MITIGATION MEASURES

**Mitigation Measure 9:** If any prehistoric or historic artifacts, human remains or other indications of archaeological or paleontological resources are found during grading and construction activities, an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be consulted to evaluate the finds and recommend appropriate mitigation measures.

- *If cultural resources or Native American resources are identified, every effort shall be made to avoid significant cultural resources, with preservation an important goal. If significant sites cannot feasibly be avoided, appropriate mitigation measures, such as data recovery excavations or photographic documentation of buildings, shall be undertaken consistent with applicable state and federal regulations.*
- *If human remains are discovered, all work shall be halted immediately within 50 meters (165 feet) of the discovery, the County Coroner must be notified, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.*
- *If any fossils are encountered, there shall be no further disturbance of the area surrounding this find until the materials have been evaluated by a qualified paleontologist, and appropriate treatment measures have been identified.*

**VI. GEOLOGY AND SOILS -- WOULD THE PROJECT:**

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?		X		
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		X		
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?		X		
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

**RESPONSES TO CHECKLIST QUESTIONS**

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

expression; the postulated fault location has been based on historical regional seismic activity and isolated subsurface information. Figure 8 shows nearby faults in relation to the Project site.

Portions of the Great Valley fault are considered seismically active thrust faults; however, since the Great Valley fault segments are not known to extend to the ground surface, the State of California has not defined Earthquake Fault Hazard Zones around the postulated traces. The Great Valley fault is considered capable of causing significant ground shaking at the site, but the recurrence interval is believed longer than for more distant, strike-slip faults. Further seismic activity can be expected to continue along the western margin of the Central Valley, and as with all projects in the area, the project will be designed to accommodate strong earthquake ground shaking, in compliance with the applicable California building code standards.

Other active faults capable of producing significant ground shaking at the site include the Calaveras, 26 miles southwest; the Hayward fault, 28 miles west; the Ortigalita fault, 31 miles southwest; and the San Andreas Fault, 49 miles southwest of the site. Any one of these faults could generate an earthquake capable of causing strong ground shaking at the subject site. Earthquakes of Moment Magnitude ( $M_w$ ) 7 and larger have historically occurred in the region and numerous small magnitude earthquakes occur every year.

Since there are no known active faults crossing the Project site and the site is not located within an Earthquake Fault Special Study Zone, the potential for ground rupture at the site is considered low.

An earthquake of moderate to high magnitude generated within the San Francisco Bay Region and along the margins of the central valley could cause considerable ground shaking at the site, similar to that which has occurred in the past. In order to minimize potential damage to the proposed structures caused by groundshaking, all construction would comply with the latest California Building Code standards, as required by the City of Tracy Municipal Code 9.04.030.

Seismic design provisions of current building codes generally prescribe minimum lateral forces, applied statically to the structure, combined with the gravity forces of dead-and-live loads. The code-prescribed lateral forces are generally considered to be substantially smaller than the comparable forces that would be associated with a major earthquake. Therefore, structures should be able to: (1) resist minor earthquakes without damage, (2) resist moderate earthquakes without structural damage but with some nonstructural damage, and (3) resist major earthquakes without collapse but with some structural as well as nonstructural damage.

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

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

**SA-1.1, Policy P1:** Underground utilities, particularly water and natural gas mains, shall be designed to withstand seismic forces.

**SA-1.1, Policy P2:** Geotechnical reports shall be required for development in areas where potentially serious geologic risks exist. These reports should address the degree of hazard, design parameters for the project based on the hazard, and appropriate mitigation measures.

**SA-1.2, Policy P1:** All construction in Tracy shall conform to the California Building Code and the Tracy Municipal Code including provisions addressing unreinforced masonry buildings.

The City reviews all proposed development projects for consistency with the General Plan policies and California Building Code provisions identified above. This review occurs throughout the project application review and processing stage, and throughout plan check and building inspection phases prior to the issuance of a certificate of occupancy.

Consistency with the requirements of the California Building Code and the Tracy General Plan policies identified above would ensure that impacts on humans associated with seismic hazards would be **less than significant**. No additional mitigation is required.

**Responses a.iii): Less than Significant.**

Liquefaction normally occurs when sites underlain by saturated, loose to medium dense, granular soils are subjected to relatively high ground shaking. During an earthquake, ground shaking may cause certain types of soil deposits to lose shear strength, resulting in ground settlement, oscillation, loss of bearing capacity, landsliding, and the buoyant rise of buried structures. The majority of liquefaction hazards are associated with sandy soils, silty soils of low plasticity, and some gravelly soils. Cohesive soils are generally not considered to be susceptible to liquefaction. In general, liquefaction hazards are most severe within the upper 50 feet of the surface, except where slope faces or deep foundations are present. The geologic conditions conducive to lateral spreading include gentle surface slope (0.3-5% slope), and liquefiable soils. Based on the results of the exploratory boring, field and laboratory test results performed for the project, and included in the Geotechnical Exploration report, it was found that the potential for ground surface damage at the site resulting from liquefaction is low due to lack of saturated liquefiable soils to the maximum depth explored of 41-1/2 feet. Therefore, impacts related to liquefaction and lateral spreading from project implementation would be **less than significant**.

**Responses a.iv): Less than Significant.** The Project site is relatively flat and there are no major slopes in the vicinity of the Project site. As such, the Project site is exposed to little or no risk associated with landslides. This is a **less than significant** impact and no mitigation is required.

**Response b): Less than Significant with Mitigation.** During the construction preparation process, existing vegetation would be removed to grade and compact the Project site, as necessary. As construction occurs, these exposed surfaces could be susceptible to erosion from wind and water. Effects from erosion include impacts on water quality and air quality. Exposed

soils that are not properly contained or capped increase the potential for increased airborne dust and increased discharge of sediment and other pollutants into nearby stormwater drainage facilities. Risks associated with erosive surface soils can be reduced by using appropriate controls during construction and properly re-vegetating exposed areas. Mitigation Measures 4 and 5 (air quality) require the implementation of various dust control measures during site preparation and construction activities that would reduce the potential for soil erosion and the loss of topsoil. Additionally, Mitigation Measure 12 would require the implementation of various best management practices (BMPs) and a SWPPP that would reduce the potential for disturbed soils and ground surfaces to result in erosion and sediment discharge into adjacent surface waters during construction activities. The implementation of these required mitigation measures would reduce these impacts to a **less than significant** level and no additional mitigation is required.

### **MITIGATION MEASURES**

*Implement Mitigation Measures 4, 5 and 12*

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

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

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

Soil expansion is dependent on many factors. The more clayey, critically expansive surface soil and fill materials will be subjected to volume changes during seasonal fluctuations in moisture content. To reduce the potential for post-construction distress to the proposed structures resulting from swelling and shrinkage of these materials, the Geotechnical evaluation recommends that proposed structures be supported on a post-tensioned slab foundation system that is designed to reduce the impact of expansive soils. Special design considerations will be required for exterior slabs. Furthermore, the geotechnical evaluation report identified potentially weak and compressible fills located on portions the Project site to depths of about 1-1/2 to 2-1/2 feet below the existing ground surface.

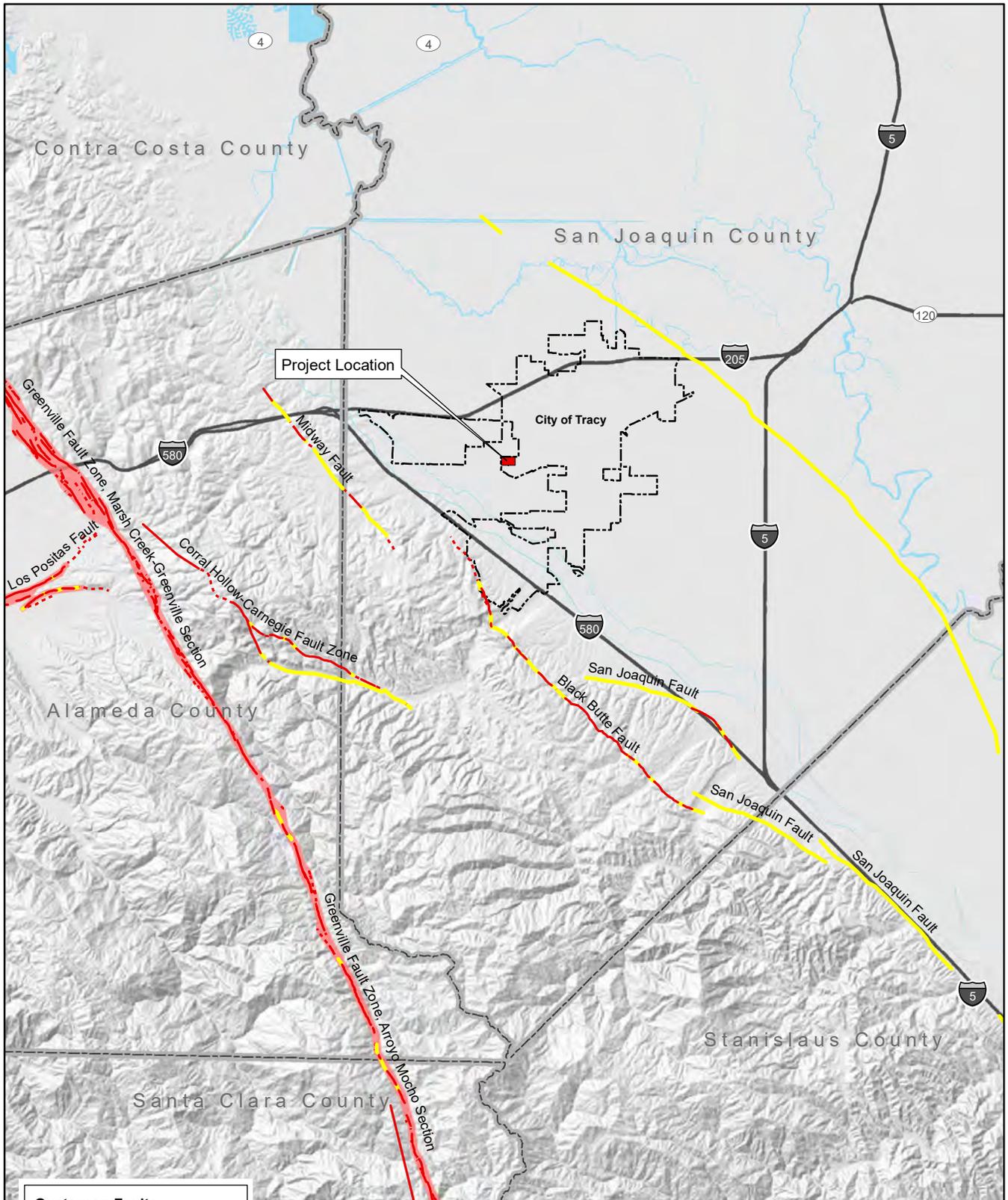
In order to reduce the potential for damaging differential settlement of overlying improvements, the following mitigation measure requires soil evaluations to be performed prior to grading activities and allows for special design characteristics to be required by the City Engineering Department. As such,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

#### **MITIGATION MEASURES**

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

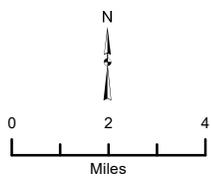
**Response e): No Impact.** The Project site would be served by public wastewater facilities and does not require an alternative wastewater system such as septic tanks. Implementation of the proposed project would have **no impact** on this environmental issue.

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**Quaternary Faults**

- Inferred
- Moderately-constrained
- Well-constrained
- Alquist-Priolo Fault Zone



**ROCKING HORSE PROJECT MND  
TRACY, CALIFORNIA**

**Figure 8: Fault Zones**

Data sources: San Joaquin County GIS; ESRI's StreetMap North America; USGS and California Geologic Survey, 2006, Quaternary fault and fold database for the United States, accessed October 14, 2014, from USGS web site: <http://earthquakes.usgs.gov/regional/qfaults/>. Map date: November 9, 2015. (RockingHorse\_Fig8\_FaultZones\_151109)

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**XII. GREENHOUSE GAS EMISSIONS – WOULD THE PROJECT:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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<sub>2</sub>O), carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and ozone (O<sub>3</sub>). 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<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O occur naturally in the atmosphere, human activities have changed their atmospheric concentrations. From the pre-industrial era (i.e., ending about 1750) to 2005, concentrations of these three greenhouse gases have increased globally by 36, 148, and 18 percent, respectively (IPCC 2007)<sup>2</sup>.

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<sub>2</sub>), methane (CH<sub>4</sub>), ozone (O<sub>3</sub>), water vapor, nitrous oxide (N<sub>2</sub>O), and chlorofluorocarbons (CFCs).

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors (California Energy Commission 2006a)<sup>3</sup>. In California, the transportation

<sup>2</sup> Intergovernmental Panel on Climate Change. 2007. "Climate Change 2007: The Physical Science Basis, Summary for Policymakers."

[http://www.ipcc.ch/publications\\_and\\_data/publications\\_ipcc\\_fourth\\_assessment\\_report\\_wg1\\_report\\_the\\_physical\\_science\\_basis.htm](http://www.ipcc.ch/publications_and_data/publications_ipcc_fourth_assessment_report_wg1_report_the_physical_science_basis.htm)

<sup>3</sup> California Energy Commission. 2006a. Inventory of California Greenhouse Gas Emissions and Sinks 1990 to 2004. <http://www.arb.ca.gov/cc/inventory/archive/archive.htm>

sector is the largest emitter of GHGs, followed by electricity generation (California Energy Commission 2006a).

As the name implies, global climate change is a global problem. GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern, respectively. California produced 492 million gross metric tons of carbon dioxide equivalents (MMTCO<sub>2e</sub>) in 2004 (California Energy Commission 2006a). By 2020, California is projected to produce 507 MMTCO<sub>2e</sub> per year.<sup>4</sup>

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<sub>2</sub> were being emitted.

Consumption of fossil fuels in the transportation sector was the single largest source of California's GHG emissions. In 2012 transportation sector emissions, accounted for approximately 37 percent of the total GHG emissions in the state (California Greenhouse Gas Emission Inventory: 2000-2012).<sup>5</sup> This category was followed by the industrial sector contributing 21.9% of GHG emissions. The electric power generation sector (including both in-state and out-of-state sources) has seen the greatest decline in GHG emissions down 14 percent from 2000, and currently contributing 11.2 percent of all state GHG emissions.

### *EFFECTS OF GLOBAL CLIMATE CHANGE*

The effects of increasing global temperature are far-reaching and extremely difficult to quantify. The scientific community continues to study the effects of global climate change. In general, increases in the ambient global temperature as a result of increased GHGs are anticipated to result in rising sea levels, which could threaten coastal areas through accelerated coastal erosion, threats to levees and inland water systems and disruption to coastal wetlands and habitat.

If the temperature of the ocean warms, it is anticipated that the winter snow season would be shortened. Snowpack in the Sierra Nevada provides both water supply (runoff) and storage (within the snowpack before melting), which is a major source of supply for the state. The snowpack portion of the supply could potentially decline by 70% to 90% by the end of the 21<sup>st</sup> century (Cal EPA 2006)<sup>6</sup>. This phenomenon could lead to significant challenges securing an

<sup>4</sup> California Air Resources Board. 2010. "Functional Equivalent Document prepared for the California Cap on GHG Emissions and Market-Based Compliance Mechanisms."

<sup>5</sup> EPA [http://www.arb.ca.gov/cc/inventory/pubs/reports/ghg\\_inventory\\_00-12\\_report.pdf](http://www.arb.ca.gov/cc/inventory/pubs/reports/ghg_inventory_00-12_report.pdf)

<sup>6</sup> California Environmental Protection Agency, Climate Action Team. 2006. Climate Action Team Report to Governor Schwarzenegger and the Legislature. [http://www.climatechange.ca.gov/climate\\_action\\_team/reports/](http://www.climatechange.ca.gov/climate_action_team/reports/)

adequate water supply for a growing state population. Further, the increased ocean temperature could result in increased moisture flux into the state; however, since this would likely increasingly come in the form of rain rather than snow in the high elevations, increased precipitation could lead to increased potential and severity of flood events, placing more pressure on California's levee/flood control system.

Sea level has risen approximately seven inches during the last century and it is predicted to rise an additional 22 to 35 inches by 2100, depending on the future GHG emissions levels (Cal EPA 2006). If this occurs, resultant effects could include increased coastal flooding, saltwater intrusion and disruption of wetlands (Cal EPA 2006). As the existing climate throughout California changes over time, mass migration of species, or failure of species to migrate in time to adapt to the perturbations in climate, could also result. Under the emissions scenarios of the Climate Scenarios report (Cal EPA 2006), the impacts of global warming in California are anticipated to include, but are not limited to, the following.

#### *Public Health*

Higher temperatures are expected to increase the frequency, duration, and intensity of conditions conducive to air pollution formation. For example, days with weather conducive to ozone formation are projected to increase from 25% to 35% under the lower warming range and to 75% to 85% under the medium warming range. In addition, if global background ozone levels increase as predicted in some scenarios, it may become impossible to meet local air quality standards. Air quality could be further compromised by increases in wildfires, which emit fine particulate matter that can travel long distances depending on wind conditions. The Climate Scenarios report indicates that large wildfires could become up to 55% more frequent if GHG emissions are not significantly reduced.

In addition, under the higher warming scenario, there could be up to 100 more days per year with temperatures above 90°F in Los Angeles and 95°F in Sacramento by 2100. This is a large increase over historical patterns and approximately twice the increase projected if temperatures remain within or below the lower warming range. Rising temperatures will increase the risk of death from dehydration, heat stroke/exhaustion, heart attack, stroke, and respiratory distress caused by extreme heat.

#### *Water Resources*

A vast network of man-made reservoirs and aqueducts capture and transport water throughout the State from Northern California rivers and the Colorado River. The current distribution system relies on Sierra Nevada snow pack to supply water during the dry spring and summer months. Rising temperatures, potentially compounded by decreases in precipitation, could severely reduce spring snow pack, increasing the risk of summer water shortages.

The state's water supplies are also at risk from rising sea levels. An influx of saltwater would degrade California's estuaries, wetlands, and groundwater aquifers. Saltwater intrusion caused by rising sea levels is a major threat to the quality and reliability of water within the southern edge of the Sacramento/San Joaquin River Delta, a major state fresh water supply. Global warming is also projected to seriously affect agricultural areas, with California farmers projected

to lose as much as 25% of the water supply they need; decrease the potential for hydropower production within the state (although the effects on hydropower are uncertain); and seriously harm winter tourism. Under the lower warming range, the snow dependent winter recreational season at lower elevations could be reduced by as much as one month. If temperatures reach the higher warming range and precipitation declines, there might be many years with insufficient snow for skiing, snowboarding, and other snow dependent recreational activities.

If GHG emissions continue unabated, more precipitation will fall as rain instead of snow, and the snow that does fall will melt earlier, reducing the Sierra Nevada spring snow pack by as much as 70% to 90%. Under the lower warming scenario, snow pack losses are expected to be only half as large as those expected if temperatures were to rise to the higher warming range. How much snow pack will be lost depends in part on future precipitation patterns, the projections for which remain uncertain. However, even under the wetter climate projections, the loss of snow pack would pose challenges to water managers, hamper hydropower generation, and nearly eliminate all skiing and other snow-related recreational activities.

### *Agriculture*

Increased GHG emissions are expected to cause widespread changes to the agriculture industry reducing the quantity and quality of agricultural products statewide. Although higher carbon dioxide levels can stimulate plant production and increase plant water-use efficiency, California's farmers will face greater water demand for crops and a less reliable water supply as temperatures rise.

Plant growth tends to be slow at low temperatures, increasing with rising temperatures up to a threshold. However, faster growth can result in less-than-optimal development for many crops, so rising temperatures are likely to worsen the quantity and quality of yield for a number of California's agricultural products. Products likely to be most affected include wine grapes, fruits and nuts, and milk.

Crop growth and development will be affected, as will the intensity and frequency of pest and disease outbreaks. Rising temperatures will likely aggravate ozone pollution, which makes plants more susceptible to disease and pests and interferes with plant growth.

In addition, continued global warming will likely shift the ranges of existing invasive plants and weeds and alter competition patterns with native plants. Range expansion is expected in many species while range contractions are less likely in rapidly evolving species with significant populations already established. Should range contractions occur, it is likely that new or different weed species will fill the emerging gaps. Continued global warming is also likely to alter the abundance and types of many pests, lengthen pests' breeding season, and increase pathogen growth rates.

### *Forests and Landscapes*

Global warming is expected to alter the distribution and character of natural vegetation thereby resulting in a possible increased risk of large of wildfires. If temperatures rise into the medium warming range, the risk of large wildfires in California could increase by as much as 55%, which

is almost twice the increase expected if temperatures stay in the lower warming range. However, since wildfire risk is determined by a combination of factors, including precipitation, winds, temperature, and landscape and vegetation conditions, future risks will not be uniform throughout the state. For example, if precipitation increases as temperatures rise, wildfires in Southern California are expected to increase by approximately 30% toward the end of the century. In contrast, precipitation decreases could increase wildfires in Northern California by up to 90%.

Moreover, continued global warming will alter natural ecosystems and biological diversity within the state. For example, alpine and sub-alpine ecosystems are expected to decline by as much as 60% to 80% by the end of the century as a result of increasing temperatures. The productivity of the state's forests is also expected to decrease as a result of global warming.

### *Rising Sea Levels*

Rising sea levels, more intense coastal storms, and warmer water temperatures will increasingly threaten the state's coastal regions. Under the higher warming scenario, sea level is anticipated to rise 22 to 35 inches by 2100. Elevations of this magnitude would inundate coastal areas with saltwater, accelerate coastal erosion, threaten vital levees and inland water systems, and disrupt wetlands and natural habitats.

### *Significance thresholds*

In accordance with AB 32, a quantitative GHG analysis for the project has been prepared to determine whether or not the project would promote sustainability and implement operational GHG emission reduction strategies that would reduce the project's GHG emissions from Business as Usual (BAU) levels by 29 percent, in compliance with AB 32 and the Scoping Plan and in accordance with the guidance from the SJVAPCD.

The significance thresholds for GHG emissions are related to compliance with AB 32 and are based on the guidance from the SJVAPCD, which states that a development project must show a minimum GHG emission reduction of 29 percent from projected 2005 Business as Usual (BAU) levels by the year 2020.<sup>7</sup> The BAU level is the 2005 scenario, which corresponds to pre-AB 32. The project's BAU levels were evaluated in order to determine the net decrease in the project's GHG emissions over time.

Using this methodology, if the project does not show a 29 percent reduction from projected BAU levels compared to the project's estimated 2020 levels, the project would be considered to result in a cumulatively considerable contribution to global climate change. GHG emission reduction measures could include, but are not limited to, compliance with local, State, or federal plans or strategies for GHG reductions, on-site and off-site mitigation recommendations from the Office of the Attorney General, and project design features. It should be noted that the project would be required to comply with the minimum mandated measures of 2013 California Green Building Standards Code (CalGreen Code), such as a 20 percent mandatory reduction in indoor water use

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<sup>7</sup> San Joaquin Valley Unified Air Pollution Control District Guidance for Assessing and Mitigating Air Quality Impacts (2015).

and diversion of 50 percent of construction waste from landfills. A variety of voluntary CalGreen Code measures also exists that would further reduce GHG emissions, but are not mandatory.

*RESPONSES TO CHECKLIST QUESTIONS*

**Response a) and b): Less than Significant with Mitigation.**

The proposed project’s short-term construction-related and long-term operational GHG emissions for buildout of the proposed project, were estimated using the California Emission Estimator Model (CalEEMod)<sup>TM</sup> (v.2013.2.2). CalEEMod is a statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify GHG emissions from land use projects. The model quantifies direct GHG emissions from construction and operation (including vehicle use), as well as indirect GHG emissions, such as GHG emissions from energy use, solid waste disposal, vegetation planting and/or removal, and water use. Emissions are expressed in annual metric tons of CO<sub>2</sub> equivalent units of measure (i.e., MTCO<sub>2e</sub>), based on the global warming potential of the individual pollutants.

**Short-Term Construction GHG Emissions:** Estimated increases in GHG emissions associated with construction of the proposed project (all phases collectively) are summarized in Table 5. The modeling included mitigation inputs for construction operations including the following:

- Reduce Vehicle Speed on Unpaved Roads to 5mph
- Water Exposed Area 2 Times Daily

**TABLE 5: CONSTRUCTION GHG EMISSIONS (METRIC TONS/YR)**

	<i>Bio- CO2</i>	<i>NBio- CO2</i>	<i>Total CO2</i>	<i>CH4</i>	<i>N2O</i>	<i>CO2e</i>
2016	0.0000	599.2754	599.2754	0.1546	0.0000	602.5209
2017	0.0000	449.4071	449.4071	0.0806	0.0000	451.1006
2018	0.0000	443.5196	443.5196	0.0793	0.0000	445.1856
2019	0.0000	198.7190	198.7190	0.0415	0.0000	199.5914
<b>Total</b>	<b>0.0000</b>	<b>1,690.9210</b>	<b>1,690.9210</b>	<b>0.3561</b>	<b>0.0000</b>	<b>1,698.3984</b>

SOURCES: CALEEMOD (v.2013.2.2).

As presented in the table, short-term construction emissions of GHG associated with development of all phases collectively are estimated to be 1,698.3984 MTCO<sub>2e</sub>. This represents a low of 199.59 and a high of 602.52 MTCO<sub>2e</sub> emitted during each of the construction years. These construction GHG emissions are a one-time release and are comparatively much lower than overall emissions associated with operational phases of a project. Construction GHG emissions from the proposed project do not impede local GHG reduction efforts, or violate GHG reduction goals set by AB 32, as required by the Public Resources Code, Section 21082.2. Additionally, as discussed previously, Mitigation Measure 6 requires the project applicant to comply with District Rule 9510 which is intended to reduce construction related emission. Therefore, cumulatively these construction emissions would not generate a significant contribution to global climate change.

**Long-Term Operational GHG Emissions:** The long-term operational GHG emissions estimate for buildout of the proposed project incorporates the potential area source and vehicle emissions, and emissions associated with utility and water usage, and wastewater and solid waste generation. The modeling included mitigation inputs including the following:

#### Traffic Mitigation

- Increase Transit Accessibility in the Plan Area (minimum distance to transit stops is 0.1 miles)
- Improve Pedestrian Network so that the Plan Area connects to offsite pedestrian networks
- Implement School Bus Program to Achieve 25% ridership

#### Energy Mitigation

- Exceed Title 24 by 15%
- Install High Efficiency Lighting
- Install High Efficiency Appliances

#### Area Mitigation

- Use Low VOC Paint - Residential Interior
- Use Low VOC Paint - Residential Exterior
- Use Only Natural Gas Hearths

#### Water Mitigation

- Install Low Flow Bathroom Faucet
- Install Low-Flow Kitchen Faucet
- Install Low-Flow Toilet
- Install Low-Flow Shower
- Use Water-Efficient Irrigation Systems

Estimated GHG emissions associated with buildout of the proposed project (all phases) with and without the above mitigation incorporated are summarized in Tables 6 and 7. As shown in Tables 6 and 7, the annual GHG emissions associated with buildout of the proposed Project (all phases) would be 3,579.8MTCO<sub>2e</sub> with the above referenced mitigation incorporated and 4,119.0 MTCO<sub>2e</sub> without mitigation. The mitigation results in a decrease of 539.3MTCO<sub>2e</sub>, representing a decrease of 13.1 percent.

**TABLE 6: OPERATIONAL GHG EMISSIONS 2020 (UNMITIGATED METRIC TONS/YR)**

	<b>Bio- CO<sub>2</sub></b>	<b>NBio- CO<sub>2</sub></b>	<b>Total CO<sub>2</sub></b>	<b>CH<sub>4</sub></b>	<b>N<sub>2</sub>O</b>	<b>CO<sub>2e</sub></b>
Area	238.9249	100.6460	339.5709	1.1215	1.7900e-003	363.6783
Energy	0.0000	876.7301	876.7301	0.0295	0.0117	880.9723
Mobile	0.0000	2,704.2003	2,704.2003	0.0831	0.0000	2,705.9454
Waste	52.3960	0.0000	52.3960	3.0965	0.0000	117.4229
Water	4.6715	32.6305	37.3020	0.4813	0.0116	51.0157
<b>Total</b>	<b>295.9925</b>	<b>3,714.2069</b>	<b>4,010.1994</b>	<b>4.8119</b>	<b>0.0251</b>	<b>4,119.0347</b>

SOURCES: CALEEMOD (v.2013.2.2)

**TABLE 7: OPERATIONAL GHG EMISSIONS 2020 (MITIGATED METRIC TONS/YR)**

	<b>Bio- CO<sub>2</sub></b>	<b>NBio- CO<sub>2</sub></b>	<b>Total CO<sub>2</sub></b>	<b>CH<sub>4</sub></b>	<b>N<sub>2</sub>O</b>	<b>CO<sub>2e</sub></b>
Area	0.0000	100.6460	100.6460	4.5500e-003	1.7900e-003	101.2979
Energy	0.0000	789.9436	789.9436	0.0269	0.0105	793.7457
Mobile	0.0000	2,523.5533	2,523.5533	0.0780	0.0000	2,525.1912
Waste	52.3960	0.0000	52.3960	3.0965	0.0000	117.4229
Water	3.7372	27.4182	31.1555	0.3850	9.3100e-003	42.1255
<b>Total</b>	<b>56.1332</b>	<b>3,441.5611</b>	<b>3,497.6944</b>	<b>3.5909</b>	<b>0.0216</b>	<b>3,579.7831</b>
<b>% Reduction</b>	<b>81.04</b>	<b>7.34</b>	<b>12.78</b>	<b>25.37</b>	<b>14.14</b>	<b>13.09</b>

SOURCES: CALEEMOD (v.2013.2.2)

The significance thresholds for GHG emissions should be related to compliance with AB 32. The City of Tracy, as lead agency, has chosen to utilize a threshold of significance for GHG emissions based on the guidance from the SJVAPCD, that state a development project must show a minimum GHG emission reduction of 29 percent from projected Business as Usual (BAU) levels (i.e., 2005 scenario) by the year 2020. Thus, the proposed Project's (all phases) Business as Usual levels were evaluated in order to determine the net decrease in the proposed Project's (all phases) GHG emissions over time. Table 8 presents the projected BAU GHG emissions, which are estimated to be 5,049.1 MTCO<sub>2e</sub>.

**TABLE 8: OPERATIONAL GHG EMISSIONS BUSINESS AS USUAL (UNMITIGATED METRIC TONS/YR)**

	<b>Bio- CO<sub>2</sub></b>	<b>NBio- CO<sub>2</sub></b>	<b>Total CO<sub>2</sub></b>	<b>CH<sub>4</sub></b>	<b>N<sub>2</sub>O</b>	<b>CO<sub>2e</sub></b>
Area	238.9249	100.6460	339.5709	1.1232	1.7900e-003	363.7144
Energy	0.0000	876.7301	876.7301	0.0295	0.0117	880.9723
Mobile	0.0000	3,628.9350	3,628.9350	0.3351	0.0000	3,635.9727
Waste	52.3960	0.0000	52.3960	3.0965	0.0000	117.4229
Water	4.6715	32.6305	37.3020	0.4813	0.0116	51.0157
<b>Total</b>	<b>295.9925</b>	<b>4,638.9416</b>	<b>4,934.9340</b>	<b>5.0657</b>	<b>0.0251</b>	<b>5,049.0979</b>

SOURCES: CALEEMOD (v.2013.2.2)

Consequently, the proposed Project (all phases) would result in a 29.1 percent reduction in annual GHG emissions from the BAU level by 2020 ( $[(3,579.7831 \text{ MTCO}_2\text{e} - 5,049.0979 \text{ MTCO}_2\text{e}) / 5,049.0979 \text{ MTCO}_2\text{e} \times 100 = 29.1\%$ ). The reduction in GHG emissions would be attributable to the traffic, energy, water, and solid waste mitigation model inputs as well as the advancement of vehicle and equipment efficiency, and more stringent standards and regulations as time progresses, such as State regulation emission reductions (e.g., Pavley, Low Carbon Fuel Standard, and Renewable Portfolio Standard). It should be noted that although a reduction related to such attributes would occur for every development project, CalEEMod takes into consideration how much of each attribute is applied for each specific project based on the size of the project and associated land uses.

In addition, as stated previously, the proposed Project (all phases) would be required to comply with the minimum mandatory measures of the CalGreen Code, which would result in an estimated 1.8 percent reduction. Furthermore, reduction of cumulative ROG and NOx emissions due to the Indirect Source Rule mitigation (discussed under Air Quality) would subsequently result in an associated reduction in CO<sub>2</sub> emissions. The total reduction in GHG emissions from BAU levels will exceed the minimum reduction threshold of 29 percent per the guidance provided by the SJVAPCD.

The City of Tracy adopted the Tracy Sustainability Action Plan in 2011. The Sustainability Action Plan includes programs and measures to reduce GHGs through community and municipal operations. Programs and measures contained in the Sustainability Action Plan that relate to the proposed project include:

- Measure E-1: Implement California Green Building Standards, as contained in Title 24, Part 11, CCR.
- Measure T-4: Promote transit ridership increase transit route coverage to within ¼ mile of 75 percent of residents within new development areas.
- Measure T-5 c and d: Which promote the use of alternative transportation measures, including bikes and pedestrian travel, by providing connections to existing bike and pedestrian facilities.
- Measure E-2 e: Requiring energy efficient exterior lighting.
- Measure PH-12: Encourage new development to use non-toxic building materials.

The proposed project would assist the City of Tracy with implementation of the Sustainability Action Plan, and is consistent with the measures described above. The proposed project would be constructed in compliance with the California Green Building Standards, would install energy efficient lighting, promote transit ridership, and encourage the use of nontoxic building materials.

**Conclusion:** As stated previously, short-term construction GHG emissions are a one-time release of GHGs and are not expected to significantly contribute to global climate change over the lifetime of the proposed Project. Construction GHG emissions from the proposed project do not impede local GHG reduction efforts, or violate GHG reduction goals set by AB 32, as required by the Public Resources Code, Section 21082.2. Additionally, as discussed previously, Mitigation Measure 6 requires the project applicant to coordinate with the SJVAPCD to verify that the project meets the requirements of District Rule 9510, which is intended to reduce construction related emission.

Therefore, cumulatively these construction emissions would not generate a significant contribution to global climate change.

With the implementation of the following mitigation measure and those presented in Section III Air Quality, the overall annual GHG emissions associated with the proposed Project (all phases) would be reduced by over 29.1 percent relative to the BAU scenario, consistent with applicable standards and thresholds of a 29 percent reduction. Because the proposed Project (all phases) would meet the 29 percent minimum reduction threshold, the proposed Project (all phases) would be consistent with the GHG reduction percentage sought by the State’s Scoping Plan, implementation of the proposed project would not hinder the State’s ability to reach the GHG reduction target.

The proposed Project (all phases) will comply with Title 24, Part 6 of the California Code of Regulations, known as the Building Energy Efficiency Standards. This includes the CALGreen requirements for new buildings to reduce water consumption, and install low pollutant-emitting materials. The City will review individual building plans as they are prepared to ensure that they comply with the latest Title 24 requirements, including CALGreen.

Based on the project’s consistency with the City’s Sustainability Action Plan, and with the reduction target set by SJVAPCD. Implementation of the proposed Project (all phases) would not exceed an established threshold, conflict with any applicable plan, policy, or regulation related to GHG reduction. Therefore, impacts related to GHG emissions and global climate change would be considered **less-than-significant** with the implementation of the following mitigation measure.

#### **MITIGATION MEASURES**

***Mitigation Measure 11:** Along with the mitigation measures contained in Section III (Air Quality), the project applicant shall institute the following mitigation measures during construction and operation of the Project to reduce Greenhouse Gas Emissions and Energy Consumption.*

- *Increase transit accessibility in the Plan Area by ensuring a minimum distance of 0.1 miles to transit stops*
- *Ensure that the pedestrian network within the Plan Area connects to offsite pedestrian networks*
- *Exceed Title 24 by 15% through verified compliance with CALGreen Tier 1 efficiency requirements*
- *Install high efficiency lighting and appliance within all units*
- *Install low-flow faucets, toilets, and showers as applicable*
- *Use water-efficient irrigation systems throughout the Plan Area*

**VIII. HAZARDS AND HAZARDOUS MATERIALS -- WOULD THE PROJECT:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		X		
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X	
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	

**RESPONSES TO CHECKLIST QUESTIONS**

**Responses a), b): Less than Significant with Mitigation.** The proposed project would place new low-density residential uses in an area of the City that currently contains residential and agricultural uses. Agriculture activities typically use and transport hazardous materials including fuel, herbicides and pesticides. Contaminated soils resulting from agricultural operations were investigated in 1998 with the collection of soil samples, which were analyzed for organochlorine pesticides (OCPs). The pesticide 4,4-DDE was found in all samples at concentrations below the applicable criteria. In 2014 BVNA completed a Limited Subsurface Investigation and found that

concentrations of Total petroleum hydrocarbons (TPH) constituents and organochlorine pesticides were not detected above applicable regulatory screening levels.

The proposed residential land uses do not routinely transport, use, or dispose of hazardous materials, or present a reasonably foreseeable release of hazardous materials, with the exception of common residential grade hazardous materials such as household cleaners, paint, etc. The operational phase of the proposed project does not pose a significant hazard to the public or the environment.

The initial construction phase will require the demolition of one onsite residential structure and adjoining outbuilding. The home was constructed in 1974 had has been continually occupied. There are no known hazardous materials or substances onsite.

Onsite reconnaissance, historical records, and geotechnical evaluations indicate that there are no known underground storage tanks or pipelines located on the Project site that contain hazardous materials. Therefore, the disturbance of such items during construction activities is unlikely. construction equipment and materials would likely require the use of petroleum based products (oil, gasoline, diesel fuel), and a variety of common chemicals including paints, cleaners, and solvents. Transportation, storage, use, and disposal of hazardous materials during construction activities would be required to comply with applicable federal, state, and local statutes and regulations. Compliance would ensure that human health and the environment are not exposed to hazardous materials. In addition, Mitigation Measure 12 requires the project applicant to implement a Stormwater Pollution Prevention Plan during construction activities, which would prevent any contaminated runoff from leaving the Project site. Therefore, the proposed project would have a **less than significant** impact relative to this issue.

## MITIGATION MEASURES

### *Implement Mitigation Measure 12 (SWPPP)*

**Response c): Less than Significant.** The Project site is located within roughly ¼ mile of an existing school. There are two schools located in close proximity to the Project site. Figure 9 shows nearby schools in relation to the Project site. John C. Kimball High School is located approximately 0.35 miles north of the Project site, and George Kelly Elementary School located approximately 0.26 miles east of the Project site. As described under Response a), above, operation of the project would not involve the use, storage, transport or handling of hazardous materials, beyond those commonly found in typical residential areas. Construction related activities may utilize limited quantities of common hazardous materials on the site, and the use, storage, and transport of these materials are required to comply with applicable federal, state, and local statutes and regulations, which would reduce the potential for accidental spills or releases that could exposure schools to hazardous materials. Additionally Mitigation Measure 12 requires the project applicant to implement a Stormwater Pollution Prevention Plan during construction activities, which would prevent any contaminated runoff from leaving the Project site. Therefore, there is limited exposure of school sites to hazardous materials from operation or construction activities that may use or store hazardous materials at the Project site. This is a **less than significant** impact and no additional mitigation is required.

**Response d): Less than Significant.** According to the California Department of Toxic Substances Control (DTSC) there are no Federal Superfund Sites, State Response Sites, or Voluntary Cleanup Sites on, or in the near vicinity of the Project site. The Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5. The nearest investigation sites include:

**George Kelly School** (site #39010033) was historically utilized for agricultural purposes, indicating potential pesticide application. The west parcel was occupied by row crops. The east parcel was occupied by walnut orchards. A preliminary environmental site assessment (PEA) was completed for the site in April of 2003. Site soils were sampled and analyzed for pesticides and heavy metals. On November 26, 2003, DTSC issued an approval letter for the PEA with a no further action determination.

**Kimball High School** (site #60000718). This parcel of land, referred to as Kimball High School, is an addition to the Kimball High School project (Site Code 104281). Due to new easement requirements for the development, the District is adding ~7 acres to the southern boundary of the Kimball High site. This site has no historical structures and has identical historical agricultural use to the Kimball High site. The PEA for the original Kimball High School site revealed only trace levels of residual agricultural chemicals in the fields and received a partial site approval of the agricultural fields. Based on the identical history and previous investigations on the adjoining project, the Phase I recommends No Action. On October 4, 2007, DTSC approved the Phase I for this site with a no action determination.

A Phase I Environmental Site Assessment (Phase I) was completed for the Project site on December 17, 2013 by Bureau Veritas North America, Inc. (BVNA). BVNA conducted a Phase I ESA in conformance with ASTM Designation. The Phase I investigation included a review of environmental investigation reports and historic land use information, interviews, a site reconnaissance, a review of regulatory lists and databases, and the development of recommendations for further actions. The Phase I noted that the Project site was historically used for agricultural purposes from at least 1939 to 2010. This included orchards in the 1970s and 1980s. Historical agricultural use was investigated in 1998 with the collection of five discrete soil samples, which were analyzed for OCPs. The pesticide 4,4-DDE was found in all samples at concentrations below the applicable criteria. The 2013 samples were not analyzed for TPH/d/TPH-mo or metals, which are commonly associated with the application of organochlorine pesticides.

In 2014 BVNA completed a Limited Subsurface Investigation and found that concentrations of TPH constituents and organochlorine pesticides were not detected above applicable regulatory screening levels. Various metals were detected in each of the analyzed samples at concentrations below their respective Environmental Screening Levels (ESLs) and California Human Health Screening Levels (CHHSLs), with the exception of arsenic. Detected arsenic concentrations range from 2.8 to 3.9 milligrams per kilogram (mg/kg). The detected arsenic concentrations exceed the ESL and CHHSL of 0.39 and 0.07 mg/kg, respectively. According to the California Office of Environmental Health Hazard Assessment (OEHHA) CHHSL guidance document (DTSC, 2005),

naturally occurring background concentrations of arsenic, beryllium, cadmium, chromium and other metals in soils may exceed their respective CHHSLs. The California Environmental Protection Agency (Cal EPA) and other agencies within California typically do not require cleanup of naturally occurring chemicals to less than ambient concentrations. Therefore, implementation of the proposed project would result in a **less than significant impact** relative to this environmental topic.

**Responses e), f): Less than Significant.** The Federal Aviation Administration (FAA) establishes distances of ground clearance for take-off and landing safety based on such items as the type of aircraft using the airport.

The San Joaquin County Airport Land-Use Commission (ALUC) provides for the appropriate development of the areas surrounding the six public access airports in San Joaquin County. The Airport Land Use Compatibility Plan (ALUCP), provides guidance intended to minimize the public's exposure to excessive noise and safety hazards, as well as ensure that the approaches to airports are kept clear of structures and other conflicts that could pose an aviation safety hazard. Currently, the SJCOG Board of Directors serves as the designated body to carry out the functions of the ALUC. This includes establishing an Airport Land Use Compatibility Plan (ALUCP).

The Tracy Municipal Airport is the closest airport to the Project site, located approximately 2.5 miles southeast of the Project site. The Airport is a general aviation airport owned by the City and managed by the Public Works Department. Guidelines for Airport Land Use were developed by SJCOG Airport Land Use Commission in 2013. Furthermore, the City of Tracy adopted an Airport Master Plan in 1998, analyzing the impacts to safety on surrounding development from the Tracy Municipal Airport.

The probability of an aircraft accident is highest along the extended runway centerline, and within one mile of the runway end. According to SJCOG Guidelines there are seven zones in which land use restrictions apply due to proximity to the airport:

1. Zone 1 Runway Protection Zone (RPZ)
2. Zone 2 Inner Approach/Departure Zone (IADZ)
3. Zone 3 Inner Turning Zone (ITZ)
4. Zone 4 Outer Approach/Departure Zone (OADZ)
5. Zone 5 Sideline Safety Zone (SSZ)
6. Zone 7 Traffic Pattern Zone (TPZ)
7. Zone 8 Airport Influence Area (AIA)

Land use constraints in these zones become progressively less restrictive from the RPZ to the TPZ. The proposed project is not located within any of the safety zones. The proposed project is not located within one mile of the airport, nor along the extended runway centerline. Additionally, there are no private airstrips within the vicinity of the Project site. The proposed project consists of single story and two story structures, and does not propose any structures of substantial height that would protrude into active airspace. Building height would be consistent

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

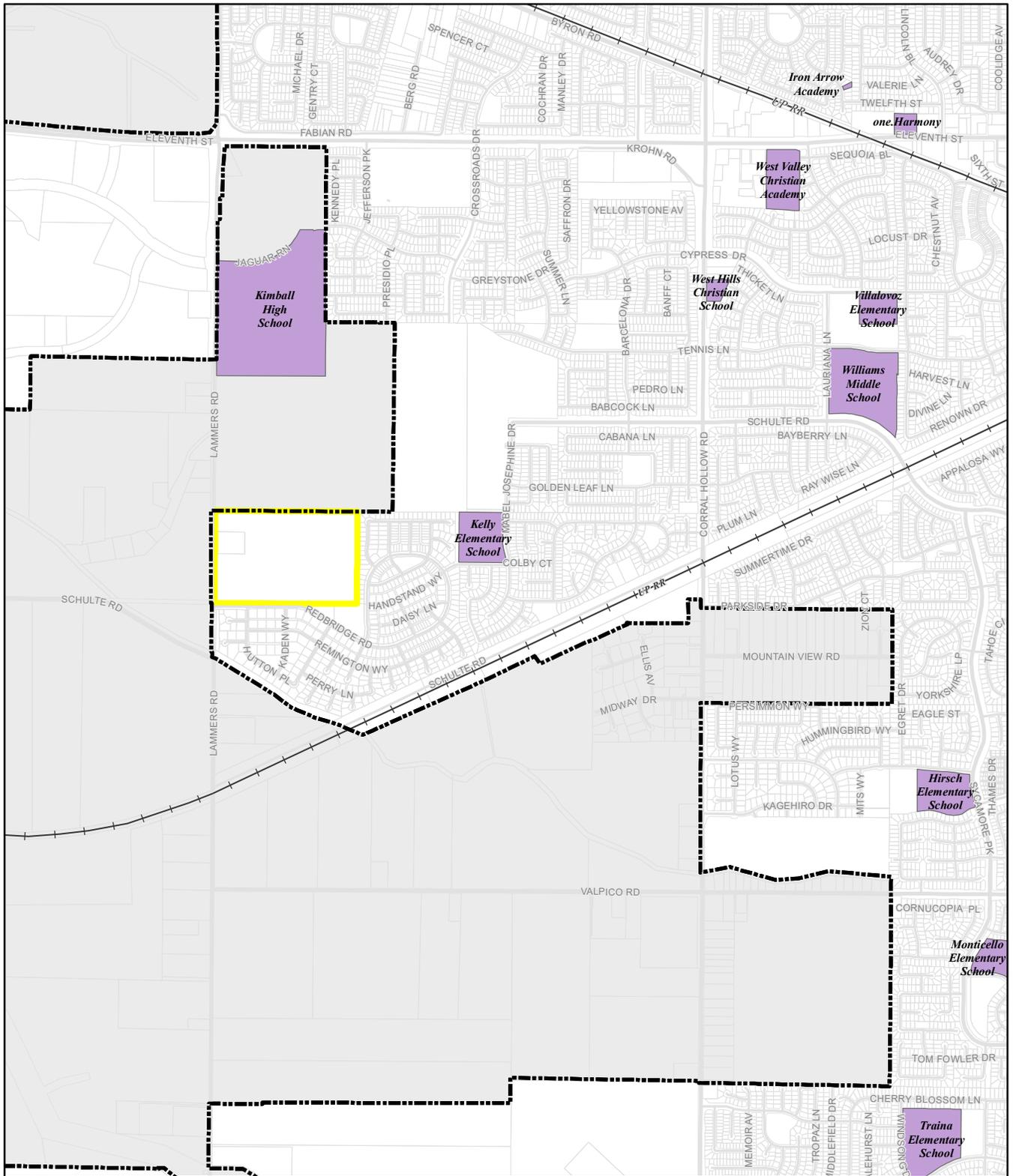
**Response g): No Impact.** The General Plan (Adopted February 1, 2011) includes policies that require the City to maintain emergency access routes that are free of traffic impediments (Goal SA-6, Objective SA-6.1, Policy P1 and Action A2). The proposed project does not include any actions that would impair or physically interfere with an adopted emergency response plan or emergency evacuation plan. The project involves the development of residential land uses near similar residential uses, and would not interfere with any emergency response or evacuation plans. Implementation of the proposed project would result in **no impact** on this environmental topic.

**Response h): Less than Significant.** The risk of wildfire is related to a variety of parameters, including fuel loading (vegetation), fire weather (winds, temperatures, humidity levels and fuel moisture contents) and topography (degree of slope). Steep slopes contribute to fire hazard by intensifying the effects of wind and making fire suppression difficult. Fuels such as grass are highly flammable because they have a high surface area to mass ratio and require less heat to reach the ignition point, while fuels such as trees have a lower surface area to mass ratio and require more heat to reach the ignition point.

The City has areas with an abundance of flashy fuels (i.e. grassland) in the outlying residential parcels and open lands that, when combined with warm and dry summers with temperatures often exceeding 100 degrees Fahrenheit, create a situation that results in higher risk of wildland fires. Most wildland fires are human caused, so areas with easy human access to land with the appropriate fire parameters generally result in an increased risk of fire.

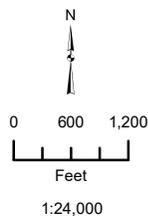
The California Department of Forestry has designated the southwestern edge of the City as having a moderate wildland fire potential. This is predominately a result of the hills and grassland habitat that persists. The identified moderate wildland fire potential area in and around Tracy does not include the project site. Since the Project site is not located within a designated wildfire hazard area, this is a **less than significant** impact and no mitigation is required.

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**Legend**

- Project Boundary
- City of Tracy
- Schools



**ROCKING HORSE PROJECT MND  
TRACY, CALIFORNIA**

Figure 9: Schools Map

Sources: San Joaquin County GIS. Map date: November 9, 2015.

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**IX. HYDROLOGY AND WATER QUALITY -- WOULD THE PROJECT:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Violate any water quality standards or waste discharge requirements?		X		
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?		X		
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?		X		
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?		X		
f) Otherwise substantially degrade water quality?		X		
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X	
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?			X	

*RESPONSES TO CHECKLIST QUESTIONS*

**Responses a): Less than Significant with Mitigation.** Wastewater generated by the proposed project would be conveyed to the Tracy Wastewater Treatment Plan (WWTP) for treatment and disposal. The City’s wastewater collection system consists of gravity sewer lines, pump stations and the WWTP. Wastewater flows toward the northern part of the City where it is treated at the WWTP and then discharged into the Old River in the southern Sacramento-San Joaquin Delta. The project’s potential to violate a water quality standard or waste discharge requirement is related to the treatment of wastewater generated by the project, and the quality of stormwater runoff generated at the project site. These two issues are addressed below.

In 2008 the City expanded its wastewater treatment capacity to 10.8mgd. The City’s Wastewater Treatment Plant (WWTP) currently treats approximately 9.0mgd of wastewater. The City’s WWTP provides secondary-level treatment of wastewater followed by disinfection. Treated effluent from the WWTP is conveyed to a submerged diffuser for discharge into the Old River. The WWTP has an NPDES permit for discharge into the Old River from the State Regional Water Quality Control Board. A unit generation factor of 264 gallons per day of wastewater per residential unit was used to estimate the wastewater that would be generated by the proposed project.<sup>8</sup> Based on this generation factor, it is estimated that the proposed project would generate up to 0.05996mgd of wastewater. The addition of 0.0596mgd of wastewater would not exceed the treatment capacity of the City’s WWTP, or violate waste discharge requirements under the City’s National Pollutant Discharge Elimination System (NPDES) permit. As such, the project would not cause, or contribute to, a violation of wastewater quality standards or waste discharge requirements.

In order to ensure that stormwater runoff from the Project site does not adversely increase pollutant levels in adjacent surface waters and stormwater conveyance infrastructure, the application of best management practices (BMPs) to effectively reduce pollutants from stormwater leaving the site during both the construction and operational phases of the project are required under Mitigation Measure 12, which requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP).

Through compliance with the NPDES permit requirements, and compliance with the SWPPP, the proposed project would not result in a violation of any water quality standards or waste discharge requirements. Therefore, through compliance with the NPDES, and SWPPP requirements required by Mitigation Measure 12, impacts from the proposed project would result in a **less than significant** impact relative to this environmental topic.

**MITIGATION MEASURE**

*Implement Mitigation Measure 12 (SWPPP)*

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<sup>8</sup> Wastewater Flow and Loading Generation Factors from the Tracy Wastewater Master Plan (Low Density Residential wastewater generation factor)

**Responses b): Less than Significant.** The proposed project would not result in the construction of new groundwater wells, nor would it increase existing levels of groundwater pumping. The proposed project would be served by the City’s municipal water system. The City of Tracy uses several water sources, including the US Bureau of Reclamation, the South County Water Supply Project (SCWSP), and groundwater. As described in greater detail in the Utilities Section of this document, the City has adequate water supplies to serve the proposed project without increasing the current rate of groundwater extraction.

Groundwater recharge occurs primarily through percolation of surface waters through the soil and into the groundwater basin. The addition of significant areas of impervious surfaces (such as roads, parking lots, buildings, etc.) can interfere with this natural groundwater recharge process. Upon full project buildout, portions of the Project site would be covered in impervious surfaces, which would limit the potential for groundwater percolation to occur on the Project site. However, given the relatively large size of the groundwater basin in the Tracy area, the areas of impervious surfaces added as a result of project implementation will not adversely affect the recharge capabilities of the local groundwater basin. The proposed project would result in **less than significant** impacts related to depletion of groundwater supplies and interference with groundwater recharge. No mitigation is required.

**Responses c), d), e), f): Less than Significant with Mitigation.** When land is in a natural or undeveloped condition, soils, mulch, vegetation, and plant roots absorb rainwater. This absorption process is called infiltration or percolation. Much of the rainwater that falls on natural or undeveloped land slowly infiltrates the soil and is stored either temporarily or permanently in underground layers of soil. When the soil becomes completely soaked or saturated with water or the rate of rainfall exceeds the infiltration capacity of the soil, the rainwater begins to flow on the surface of land to low lying areas, ditches, channels, streams, and rivers. Rainwater that flows off of a site is defined as storm water runoff. When a site is in a natural condition or is undeveloped, a larger percentage of rainwater infiltrates into the soil and a smaller percentage flows off the site as storm water runoff.

The infiltration and runoff process is altered when a site is developed with urban uses. Houses, buildings, roads, and parking lots introduce asphalt, concrete, and roofing materials to the landscape. These materials are relatively impervious, which means that they absorb less rainwater. As impervious surfaces are added to the ground conditions, the natural infiltration process is reduced. As a result, the volume and rate of storm water runoff increases. The increased volumes and rates of storm water runoff may result in flooding if adequate storm drainage facilities are not provided.

There are no rivers, streams, or water courses located on or immediately adjacent to the project site. As such, there is no potential for the project to alter a water course, which could lead to on or offsite flooding. Drainage improvements associated with the Project site would be located on the project site, and the project would not alter or adversely impact offsite drainage facilities.

Development of the Project site would place impervious surfaces on portions of the 59.1-acre Project site. Development of the Project site would potentially increase local runoff production,

and would introduce constituents into storm water that are typically associated with urban runoff. These constituents include heavy metals (such as lead, zinc, and copper) and petroleum hydrocarbons. Best management practices (BMPs) will be applied to the proposed site development to limit the concentrations of these constituents in any site runoff that is discharged into downstream facilities to acceptable levels. Stormwater flows from the Project site would be directed to a retention basin by a new stormwater conveyance system on the Project site.

The proposed project will be designed and constructed with an onsite temporary storm drainage system that would remain in place until the downstream storm drain system is constructed with the project to the northeast of the site as indicated in the City's proposed Alternate Storm drain Connection, and Temporary Retention Basin diagrams for South Lammers Road. The temporary basin would be located in the northeast corner of the Project site. A preliminary engineering study has been completed for the Project site by Carlson Barbee & Gibson Inc. Civil Engineering services. The report has determined that 13.30 acre feet of storage capacity is needed to accommodate project stormwater requirements. The basin area accounts for a total surface area of 74,250 square feet (1.7 acres), and is sized per Section 5 of the City of Tracy Engineering Design and Construction Standards.

Additionally, the project is subject to the requirements of Chapter 11.34 of the Tracy Municipal Code – Stormwater Management and Discharge Control. The purpose of this Chapter is to *“Protect and promote the health, safety and general welfare of the citizens of the City by controlling non-stormwater discharges to the stormwater conveyance system, by eliminating discharges to the stormwater conveyance system from spills, dumping, or disposal of materials other than stormwater, and by reducing pollutants in urban stormwater discharges to the maximum extent practicable.”*

This chapter is intended to assist in the protection and enhancement of the water quality of watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Water Pollution Control Act (Clean Water Act, 33 USC Section 1251 et seq.), Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.) and National Pollutant Discharge Elimination System (“NPDES”) Permit No. CAS000004, as such permit is amended and/or renewed.

New development projects in the City of Tracy are required to provide site-specific storm drainage solutions and improvements that are consistent with the overall storm drainage infrastructure approach presented in the 2012 City of Tracy Citywide Storm Drainage Master Plan. Prior to approval of the Final Map, the project applicant is required to submit a detailed storm drainage infrastructure plan to the City of Tracy Development Services Department for review and approval. The project's storm drainage infrastructure plans must demonstrate adequate infrastructure capacity to collect and direct all stormwater generated on the Project site within onsite retention/detention facilities to the City's existing stormwater conveyance system, and demonstrate that the project would not result in on- or off-site flooding impacts. The project is also required to pay all applicable development impact fees, which would include funding for offsite Citywide storm drainage infrastructure improvements identified in the 2012 City of Tracy Citywide Storm Drainage Master Plan.

In order to ensure that stormwater runoff from the Project site does not adversely increase pollutant levels in adjacent surface waters and stormwater conveyance infrastructure, or otherwise degrade water quality, Mitigation Measure 12 requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP), and structural BMPs. As described below, the SWPPP would require the application of best management practices (BMPs) to effectively reduce pollutants from stormwater leaving the site, which would ensure that stormwater runoff does not adversely increase pollutant levels, and would reduce the potential for disturbed soils and ground surfaces to result in erosion and sediment discharge into adjacent surface waters during construction and operational phases of the project. The implementation of this mitigation measure would reduce this impact to a **less than significant** level.

In order to ensure that stormwater runoff generated at the Project site as a result of new impervious surfaces does not exceed the capacity of the existing or planned stormwater drainage system, Mitigation Measure 13 requires the project applicant to submit a detailed storm drainage infrastructure plan to the City of Tracy Development Services Department for review and approval. The project's storm drainage infrastructure plans shall, to the satisfaction of the City Engineer, demonstrate adequate infrastructure capacity to collect and direct all stormwater generated on the Project site within onsite retention/detention facilities to the City's existing stormwater conveyance system, and demonstrate that the project would not result in on- or off-site flooding impacts. The implementation of this mitigation measure would reduce this impact to a **less than significant** level.

#### **MITIGATION MEASURES**

***Mitigation Measure 12:*** *The project applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) that includes specific types and sources of stormwater pollutants, determine the location and nature of potential impacts, and specify appropriate control measures to eliminate any potentially significant impacts on receiving water quality from stormwater runoff. The SWPPP shall require treatment BMPs that incorporate, at a minimum, the required hydraulic sizing design criteria for volume and flow to treat projected stormwater runoff. The SWPPP shall comply with the most current standards established by the Central Valley RWQCB. Best Management Practices shall be selected from the City's Manual of Stormwater Quality Control Standards for New Development and Redevelopment according to site requirements and shall be subject to approval by the City Engineer and Central Valley RWQCB.*

***Mitigation Measure 13:*** *Prior to approval of the Final Map, the project applicant shall submit a detailed storm drainage infrastructure plan to the City of Tracy Development Services Department for review and approval. The project's storm drainage infrastructure plans shall, to the satisfaction of the City Engineer, demonstrate adequate infrastructure capacity to collect and direct all stormwater generated on the Project site within onsite retention/detention facilities to the City's existing stormwater conveyance system, and demonstrate that the project would not result in on- or off-site flooding impacts. The project shall also pay all applicable development impact fees, which would include funding for*

*offsite Citywide storm drainage infrastructure improvements identified in the 2012 City of Tracy Citywide Storm Drainage Master Plan.*

**Responses g), h): Less than Significant.** The 100-year floodplain denotes an area that has a one percent chance of being inundated during any particular 12-month period.

Floodplain zones are determined by the Federal Emergency Management Agency (FEMA) and used to create Flood Insurance Rate Maps (FIRMs). These tools assist cities in mitigating flooding hazards through land use planning. FEMA also outlines specific regulations for any construction, whether residential, commercial, or industrial within 100-year floodplains.

The Project site is not located within the FEMA designated 100-year or 500-year floodplain. This is a **less than significant** impact and no mitigation is required.

**Responses i), j): Less than Significant.** The Project site is not located within an inundation risk area. The nearest inundation areas are at the northernmost parts of the city (approximately 3 miles north of the Project site) and are subject to inundation by the San Luis Reservoir and New Melones Dams. The safety of dams in California is stringently monitored by the California Department of Water Resources, Division of Safety of Dams (DSD). The DSD is responsible for inspecting and monitoring the dam in perpetuity. The proposed project would not result in actions that could result in a higher likelihood of dam failure at San Luis Reservoir and New Melones Dams. There will always be a remote chance of dam failure that results in flooding of portions of the city. However, the Project site lies outside of this risk area. Given the regulations provided in the California Dam Safety Act, and the ongoing monitoring performed by the DSD, the risk of loss, injury, or death to people or structures from dam failure is considered **less than significant**.

There are no significant bodies of water near the Project site that could be subject to a seiche or tsunami. Additionally, the Project site and the surrounding areas are essentially flat, which precludes the possibility of mudflows occurring on the Project site. This is a **less than significant** impact and no mitigation is required.

*X. LAND USE AND PLANNING - Would the project:*

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?		X		

*RESPONSES TO CHECKLIST QUESTIONS*

**Responses a): No Impact.** The Project site is surrounded by residential, and agricultural land uses. The project is located adjacent to existing communities and would be consistent and compatible with the surrounding residential land uses. The project would not physically divide any established community. Therefore, there is **no impact**.

**Responses b): Less than Significant.** The Project site is currently designated Urban Reserve by the City of Tracy General Plan Land Use Designations Map and is zoned Low Density Residential. The proposed project includes a request for a General Plan Amendment to designate the site Residential-Low, and a proposed rezone to Planned Unit Development (PUD).

The key planning documents that are directly related to, or that establish a framework within which the proposed project must be consistent, include:

- City of Tracy General Plan
- City of Tracy Zoning Ordinance

The City of Tracy General Plan provides the following designations relevant to the proposed project.

**Urban Reserve 8:** The Urban Reserve designation is applied to relatively large, contiguous, geographic areas where comprehensive planning must occur prior to urbanization. The purpose of assigning the Urban Reserve designation to these large, undeveloped areas rather than specific land use designations to various parcels is to provide guidance regarding the vision and types of land uses allowed while still allowing flexibility in location of these uses.

Each area with an Urban Reserve designation will require comprehensive planning and the preparation of a Zoning District, Specific Plan or PUD. In conjunction with a Zoning District, Specific Plan or PUD, a General Plan amendment will be necessary to establish specific General Plan land use designations for each parcel of land. The Zoning District, Specific Plan and/or PUD shall include a vision, goals, objectives and images that describe the most important qualities that

the built development should have when completed. In addition, a concept plan must be included in order to show the location and intensity of the land uses. The following General Plan policies apply the urban Reserve 8 Designation: <sup>9</sup>

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

**Residential Low (RL).** Single family dwelling units are the principal type of housing stock allowed in these areas. Attached units, zero lot line and clustered housing are also permissible and are encouraged within the overall framework of each community. These housing types can help to meet the City’s desire to create unique neighborhoods and enhance the character of the community. Allowable densities for the Residential Low designation are 2.1 to 5.8 units per gross acre.

The City of Tracy Zoning Ordinance (Municipal Code Title 10) provides the following designations relevant to the proposed project.

The **Low Density Residential (LDR)** Zone is intended to be utilized in the areas designated low-medium density residential with a density range of 2.0 to 5.8 dwelling units per gross acre by the General Plan.

The proposed uses on the Project site are consistent with the purpose of the General Plan designation of Urban Reserve, which designates larger portions of land for planned development. Approval of the requested General Plan Amendment (from Urban Reserve to Residential Low) would be required to ensure that the proposed project is consistent with the Tracy General Plan. The Project site is currently zoned LDR; the project applicant is requesting a rezone to PUD to allow for flexibility in site design, setbacks, and development characteristics. Approval of a Zoning Amendment from Low Density Residential to Planned Unit Development (PUD) would be required prior to project approval. The PUD development standards (including building heights, densities setbacks) will conform to the development agreement between the City and the Developer. The project’s consistency with other General Plan policies that provide environmental protections are addressed within the relevant sections of this document. This is a **less than significant** impact, and no mitigation is required.

**Response c): Less than Signification with Mitigation.** As described under the Biological Resources section of this document, the proposed project is classified as Urban Reserve under the SJMSCP. As required by Mitigation Measure 7, prior to issuance of grading permits, the Project

<sup>9</sup> City of Tracy General Plan (2011) Section 2-77

proponent will be required to coordinate with SJCOG and will be responsible for the appropriate coverage, permits, compensatory mitigation or fees, and project-specific avoidance, minimization, and mitigation measures as defined within the SJMSCP. Implementation of Mitigation Measure 7 would ensure that the project would not conflict with the implementation of the SJMSCP and has appropriate measures to ensure compliance with payment of mitigation fees. The implementation of Mitigation Measure 7 would reduce this impact to a **less than significant** level.

#### **MITIGATION MEASURES**

*Implement Mitigation Measure 7*

*XI. MINERAL RESOURCES -- WOULD THE PROJECT:*

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

*RESPONSES TO CHECKLIST QUESTIONS*

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

- In the Corral Hollow alluvial fan deposits south of Tracy
- Along the channel and floodplain deposits of the Mokelumne River
- Along the San Joaquin River near Lathrop

Figure 4.8-1 of the General Plan EIR identifies Mineral Resource Zones (MRZs) throughout the Tracy Planning Area. The Project site is located within an area designated as MRZ-1. The MRZ-1 designation applies to areas where adequate information indicates that no significant mineral deposits are present, or where there is little likelihood for their presence. There are not substantial aggregate materials located within the Project site. Therefore, the project would not result in the loss of availability of a known mineral resource. There is **no impact**.

**XII. NOISE -- WOULD THE PROJECT RESULT IN:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

**BACKGROUND**

A noise study for the proposed project was performed by J.C. Brennan & Associates, Inc. in May of 2015.

**KEY NOISE TERMS**

**Acoustics** The science of sound.

**Ambient Noise** The distinctive acoustical characteristics of a given area consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.

**Attenuation** The reduction of noise.

**A-Weighting** A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.

**Decibel or dB** Fundamental unit of sound, defined as ten times the logarithm of the ratio of the sound pressure squared over the reference pressure squared.

**CNEL** Community noise equivalent level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by a factor of three and nighttime hours weighted by a factor of 10 prior to averaging.

<b>Frequency</b>	The measure of the rapidity of alterations of a periodic acoustic signal, expressed in cycles per second or Hertz.
<b>Impulsive</b>	Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.
<b>L<sub>dn</sub></b>	Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.
<b>L<sub>eq</sub></b>	Equivalent or energy-averaged sound level This section provides a general description of the existing noise sources in the project vicinity, a discussion of the regulatory setting, and identifies potential noise impacts associated with the proposed project. Project impacts are evaluated relative to applicable noise level criteria and to the existing ambient noise environment.
<b>L<sub>max</sub></b>	The highest root-mean-square (RMS) sound level measured over a given period of time.
<b>L(n)</b>	The sound level exceeded a described percentile over a measurement period. For instance, an hourly L50 is the sound level exceeded 50 percent of the time during the one hour period.
<b>Loudness</b>	A subjective term for the sensation of the magnitude of sound.
<b>Noise</b>	Unwanted sound.
<b>SEL</b>	Sound exposure levels. A rating, in decibels, of a discrete event, such as an aircraft flyover or train passby, that compresses the total sound energy into a one-second event.

### *METHODOLOGY*

The FHWA Highway Traffic Noise Prediction Model (FHWA-RD 77-108) was used to develop L<sub>dn</sub> (24-hour average) noise contours for the primary project-area roadways. The model is based upon the CALVENO noise emission factors for automobiles, medium trucks, and heavy trucks, with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and the acoustical characteristics of the site. The FHWA Model predicts hourly L<sub>eq</sub> values for free-flowing traffic conditions, and is generally considered to be accurate within 1.5 dB. To predict L<sub>dn</sub> values, it is necessary to determine the hourly distribution of traffic for a typical 24-hour period.

Existing traffic volumes were obtained from the traffic study prepared for the project (Kimley Horn, May 7, 2015). Day/night traffic distributions were based upon file data for similar roadways. Using these data sources and the FHWA traffic noise prediction methodology, traffic noise levels were calculated for existing conditions.

Traffic noise levels are predicted at the sensitive receptors located at the closest typical setback distance along each project-area roadway segments. In some locations sensitive receptors may be located at distances which vary from the assumed calculation distance and may experience shielding from intervening barriers or sound walls. However, the traffic noise analysis is believed

to be representative of the majority of sensitive receptors located closest to the project-area roadway segments analyzed in this report.

The actual distances to noise level contours may vary from the distances predicted by the FHWA model due to roadway curvature, grade, shielding from local topography or structures, elevated roadways, or elevated receivers.

A community noise survey was conducted to document existing ambient noise levels at the Project site. The data collected included the hourly average (Leq), median (L50), and the maximum level (Lmax) during the measurement period.

Community noise monitoring equipment included a Larson Davis Laboratories (LDL) Model 820 precision integrating sound level meter equipped with an LDL ½" microphone. The measurement system was calibrated using a LDL Model CAL200 acoustical calibrator before and after testing. The measurement equipment meets all of the pertinent requirements of the American National Standards Institute (ANSI) for Type 1 (precision) sound level meters.

#### *RESPONSES TO CHECKLIST QUESTIONS*

**Response a): Less than Significant with Mitigation.**

#### ***Exterior Noise Impacts***

The proposed project is located in an area consisting predominately of residential and agricultural land uses. The primary sources of noise currently present in the project area are from vehicle traffic along Lammers Road.

The City of Tracy General Plan establishes allowable noise exposure levels for single-family residential land uses. As described under Goal N-1, Objective N-1.1, Policy P.4 of the Tracy General Plan, *“new single-family residential development shall not exceed 60 Ldn (day/night average noise level) for exterior noise in private use areas.”*

The FHWA traffic noise prediction model was used to predict Cumulative + Project traffic noise levels at the proposed residential uses associated with the project. Table 9 shows the predicted traffic noise levels at the proposed residential uses adjacent to the major project-area roadways.

**TABLE 9: CUMULATIVE + PROJECT TRANSPORTATION NOISE LEVELS AT PROPOSED RESIDENTIAL USES**

ROADWAY	RECEPTOR DESCRIPTION	APPROXIMATE RESIDENTIAL SETBACK, FEET <sup>1</sup>	ADT	PREDICTED TRAFFIC NOISE LEVELS, LDN				
				NO WALL	6' WALL	7' WALL	8' WALL	9' WALL
Lammers Road	Backyards	100'	48,520	69 dB	63 dB	62 dB	61 dB	60 dB

<sup>1</sup> SETBACK DISTANCES ARE MEASURED IN FEET FROM THE CENTERLINES OF THE ROADWAYS TO THE CENTER OF RESIDENTIAL BACKYARDS. SOURCE: FHWA-RD-77-108 WITH INPUTS FROM ABRAMS ASSOCIATES, AND J.C. BRENNAN & ASSOCIATES, INC. 2015.

The Table 9 data indicate that a 9-foot tall sound wall would be required for the residential uses proposed along S. Lammers Road. This wall is predicted to reduce exterior noise levels to 60 dB  $L_{dn}$ , or less.<sup>10</sup> Figure 10 shows the recommended wall location.

### ***Interior Noise Impacts***

Modern construction typically provides a 25 dB exterior-to-interior noise level reduction with windows closed. Therefore, sensitive receptors exposed to exterior noise of 70 dB  $L_{dn}$ , or less, will typically comply with the City of Tracy 45 dB  $L_{dn}$  interior noise level standard. Additional noise reduction measures, such as acoustically rated windows are generally required for exterior noise levels exceeding 70 dB  $L_{dn}$ .

It should be noted that exterior noise levels are typically 2-3 dB higher at second floor locations. The proposed residential uses are predicted to be exposed to unmitigated first floor exterior transportation noise levels of 69 dB  $L_{dn}$ . Therefore, second floor facades are predicted to be exposed to exterior noise levels of up to 72 dB  $L_{dn}$ . Based upon a 25 dB exterior-to-interior noise level reduction, interior noise levels are predicted to be 47 dB  $L_{dn}$ . These interior noise levels would exceed the City of Tracy 45 dB  $L_{dn}$  interior noise level standard and interior noise mitigation would be required. Specifically, all second floor windows with a view of South Lammers Road shall be fitted with sound transmission class (STC) 35 window assemblies. The (STC) 35 windows are predicted to achieve an interior noise level of 44 dB  $L_{dn}$ , which complies with the 45 dB  $L_{dn}$  standard. This calculation is predicted for a generic building construction with a safety factor, so it's possible the actual noise levels could be lower.

### ***Conclusion***

As described above, the proposed project would be subjected to vehicle roadway noise in excess of 65dBA in exterior areas, and in excess of 45dBA in interiors along South Lammers Road. The following mitigation measures will minimize noise impacts resulting from transportation noise impacts on the proposed Project site. Implementation of the following mitigation measures will ensure consistency with the City's noise standards, and will reduce this potentially significant impact to a **less than significant** level.

#### **MITIGATION MEASURES**

***Mitigation Measure 14:*** A 9-foot tall sound wall shall be constructed along S. Lammers Road. The wall may include a combination of earthen berm and concrete masonry to achieve the overall required wall height (e.g. 6-foot wall on 3-foot berm).

***Mitigation Measure 15:*** All second floor windows with a view of S. Lammers Road shall have a minimum sound transmission class (STC) rating of 35. As an alternative to this requirement, the applicant may submit a detailed interior noise analysis outlining alternative noise control measures that would ensure compliance with the City of Tracy 45 dB  $L_{dn}$  interior noise level standard. This analysis should specify required sound ratings for

<sup>10</sup> Existing Plus Project are lower than Cumulative Plus Project noise levels. The sound wall would more than mitigate for the existing plus project noise condition.

*glazing as well as any other modifications to the building envelope used to meet the City's interior noise level standard. This analysis shall be prepared by a qualified noise control engineer.*

**Response b): Less than Significant.** No major stationary sources of groundborne vibration were identified in the project area that would result in the long-term exposure of proposed onsite land uses to unacceptable levels of ground vibration. The primary vibration-generating activities associated with the proposed project would occur during construction when activities such as grading, utilities placement, and roadway construction occur. Sensitive receptors which could be impacted by construction related vibrations, especially vibratory compactors/rollers, are located approximately 25-50 feet or further from the Project site. At this distance construction vibrations are not predicted to exceed acceptable levels. Additionally, construction activities would be temporary in nature and would likely occur during normal daytime working hours.

Construction vibration impacts include human annoyance and building structural damage. Human annoyance occurs when construction vibration rises significantly above the threshold of perception. Building damage can take the form of cosmetic or structural. Table 10 shows the typical vibration levels produced by construction equipment.

**Table 10: Representative Vibration Source Levels for Construction Equipment**

<i>EQUIPMENT</i>	<i>PEAK PARTICLE VELOCITY AT 25 FEET (IN/SEC)</i>
Large Bulldozers	0.089
Loaded Trucks	0.076
Jackhammer	0.035
Small Bulldozers	0.003
Source: FTA Transit Noise and Vibration Impact Assessment Guidelines 2006	

As indicated in Table 10, predicted vibration levels are not anticipated to exceed recommended criteria for structural damage and human annoyance (0.2 and 0.1 in/sec ppv, respectively) at nearby land uses. As a result, short-term groundborne vibration impacts would be considered **less than significant** and no mitigation is required.

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

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

However, the proposed project may indirectly increase ambient noise levels in the project vicinity through the introduction of additional vehicle trips to area roadways. To describe future noise levels due to traffic, the Federal Highway Administration Highway Traffic Noise Prediction Model (FHWA RD-77-108) was used. Inputs to the model included traffic volumes provided by Kimley Horn. The FHWA model is based upon the Calveno reference noise factors for automobiles, medium trucks and heavy trucks, with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and the acoustical characteristics of the site. The FHWA model was developed to predict hourly  $L_{eq}$  values for free-flowing traffic conditions. To predict Ldn/CNEL values, it is necessary to determine the day/night distribution of traffic and adjust the traffic volume input data to yield an equivalent hourly traffic volume.

Table 11 shows the noise levels associated with traffic on the local roadway network under the existing and existing plus project traffic conditions.

**TABLE 11: EXISTING TRAFFIC NOISE LEVELS VS. EXISTING PLUS PROJECT TRAFFIC NOISE LEVELS**

ROADWAY	SEGMENT	NOISE LEVELS (LDN, DB)			DISTANCE TO EXISTING + PROJECT TRAFFIC NOISE CONTOURS, FEET <sup>1</sup>		
		EXISTING	EXISTING + PROJECT	CHANGE (DB)	70 DB	65 DB	60 DB
					LDN	LDN	LDN
Lammers Road	North of Crossroads	62.5	63.7	1.2	38	82	177
Lammers Road	Crossroads to Redbridge	62.5	62.8	0.3	33	71	153
Lammers Road	Redbridge to Old Schulte	56.5	56.9	0.4	13	29	62
Redbridge Road	East of Lammers	54.4	54.4	0.0	5	10	21

<sup>1</sup> Distances to traffic noise contours are measured in feet from the centerlines of the roadways. Actual distances may vary due to shielding from existing noise barriers or intervening structures. Traffic noise levels may vary depending on actual setback distances and localized shielding.

SOURCE: FHWA-RD-77-108 WITH INPUTS FROM KIMLEY HORN AND J.C. BRENNAN & ASSOCIATES, INC. 2015

As indicated by Table 11, the related noise level increases from development of the proposed project are predicted to range between 0.3 to 1.2 dB. The traffic noise from the Proposed Project is not expected to produce noise levels that would exceed City standards. Increased project related traffic would increase traffic noise levels by less than the City’s 3-5 dB test of significance at existing sensitive receptors. As such, this is a **less than significant** impact and no mitigation is required.

**Response d): Less than Significant.** Construction activities at the Project site would result in temporary increases in noise levels that could expose adjacent residences to increased noise levels and noise nuisances. Activities involved in project construction would typically generate maximum noise levels ranging from 85 to 90 dB at a distance of 50 feet. The nearest residential receptors would be located 25-50 feet or more from the majority of project construction activities.

As stated above, noise sensitive receptors near the construction site would, at times, experience elevated noise levels from construction activities; however, construction-related noise generally

would occur during daytime hours only. General Plan Noise Element Policy 4 (Goal N-1.2) establishes the following construction requirements:

*All construction in the vicinity of noise sensitive land uses, such as residences, hospitals, or convalescent homes, shall be limited to daylight hours or 7:00 a.m. to 7:00 p.m. In addition, the following construction noise control measures shall be included as requirements at construction sites to minimize construction noise impacts:*

- *Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.*
- *Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction area.*
- *Utilize “quiet” air compressors and other stationary noise sources where technology exists.*

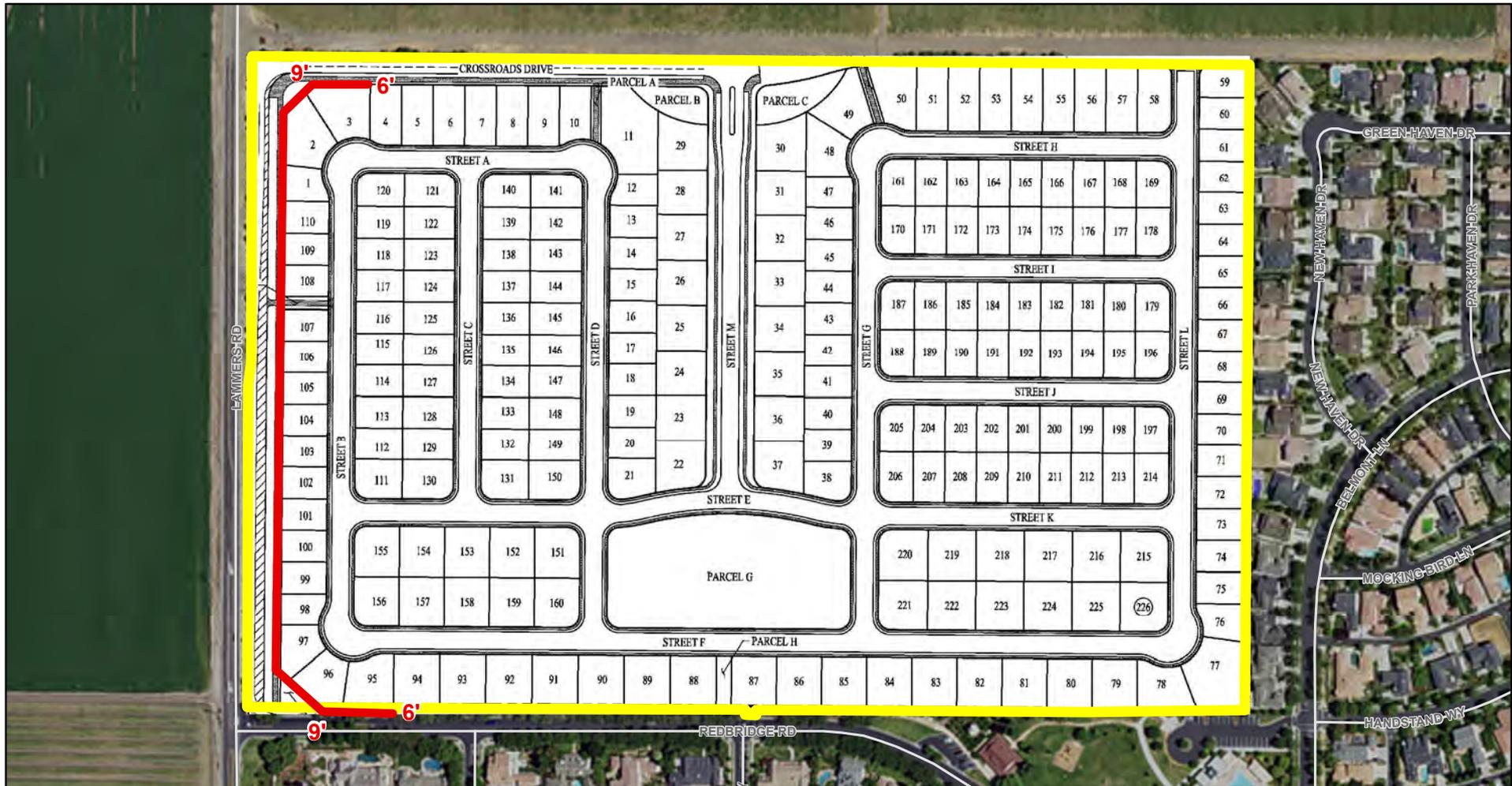
Implementation of these required measures (i.e., engine muffling, placement of construction equipment, and strategic stockpiling and staging of construction vehicles), and compliance with the City Municipal Code requirements, would serve to further reduce exposure to construction noise levels. Adherence to City General Plan, City Municipal Code Title 4.12, Article 9 (Noise Control Ordinance), would minimize any impacts from noise during construction. Requirements stated above are adopted by the City as Conditions of Approval (COAs) for all new development projects prior to project approval. Therefore, no additional noise control measures would be required and this impact would be considered **less than significant**.

**Response e): Less than Significant.** The Tracy Municipal Airport located approximately 2.5 miles southeast is the closest airport to the Project site. The Airport is a general aviation airport owned by the City and managed by the Public Works Department. The City of Tracy adopted an Airport Master Plan in 1998, analyzing the impacts to safety on surrounding development from the Tracy Municipal Airport.

The San Joaquin County Airport Land Use Plan establishes noise contours surrounding the Tracy Municipal Airport. The Project site is located outside of both the 65 dBCNEL and the 60 dBCNEL noise contours for the Tracy Municipal Airport. As such, the Project site would not be exposed to excessive noise from the Tracy Municipal Airport. This is a **less than significant** impact, and no mitigation is required.

**Response f): No Impact.** The Project site is not located in the vicinity of a private airstrip. Therefore, there is no impact.

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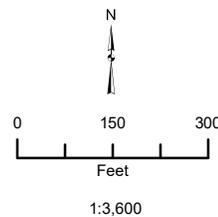


**ROCKING HORSE PROJECT MND  
TRACY, CALIFORNIA**

Figure 10: Recommended Sound Wall Location

**Legend**

-  Project Boundary
-  Recommended Noise Barrier Locations and Heights



Sources: Carlson, Barbee & Gibson, Inc.; San Joaquin County GIS; ArcGIS Online World Imagery Map Service. Original figure prepared by J.C. Brennan & Associates May 2015. Map date: November 9, 2015.

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*XIII. POPULATION AND HOUSING -- WOULD THE PROJECT:*

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

*RESPONSES TO CHECKLIST QUESTIONS*

**Response a): Less than Significant.** Implementation of the project would result in the construction of 226 single-family housing units on the Project site. The proposed project is located along the edge of an existing urbanized area of the City. There is existing infrastructure (roads, water, sewer, etc) in the immediate vicinity of the Project site. While the project would extend these services onto the site to serve the proposed development, the project would not extend infrastructure beyond an area of the City not currently served. Therefore, while the project may directly induce population growth through the provision of 226 new low-density residences, the project would not indirectly induce population growth in other areas of the City of Tracy.

The potential for the project to directly induce population growth in the City of Tracy is not a significant impact in and of itself. Population growth can result in other types of environmental impacts, such as traffic, service demands, etc. As described throughout this environmental document, the population growth attributable to the proposed project would not result in any significant environmental impacts that cannot be mitigated to a less than significant level. Future growth will occur through development allowed by the General Plan and by the City's Growth Management Ordinance (GMO). Under the GMO, approximately 19,981 building permits can be issued between 2011 and 2041.<sup>11</sup> Growth under this project is consistent with the General Plan and GMO. Additionally, growth generated by the project is within the growth forecast for the UR-8 designation contained in the General Plan, which assumes up to 450 additional units.<sup>12</sup>

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

<sup>11</sup>[http://www.sjgov.org/lafco/Tracy%20MSR/TracyMSR\\_Dec2011\\_ALL%20FILES\[1\].pdf](http://www.sjgov.org/lafco/Tracy%20MSR/TracyMSR_Dec2011_ALL%20FILES[1].pdf)

<sup>12</sup> Tracy General Plan 2011. Table 2-10 statistical profile: urban reserve 8.

**Responses b), c): Less than Significant.** There is one residential structure located on the Project site. Development of the Project would remove one housing unit onsite, and add 226 single-family residential units. Therefore, the Project would not displace substantial numbers of people or existing housing, and would have a **less than significant** impact in this respect.

**XIV. PUBLIC SERVICES**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?		X		
ii) Police protection?			X	
iii) Schools?			X	
iv) Parks?			X	
v) Other public facilities?			X	

*RESPONSES TO CHECKLIST QUESTIONS*

**Response a):**

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

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

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

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

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

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

Recognizing the potential need for increases in fire protection and emergency medical services, the City's General Plan includes policies to ensure that adequate related facilities are funded and provided to meet future growth (Objective PF-1.1, P1). This policy is implemented through the review of all new projects with the City's Sphere of Influence, prior to development, and through the collection of development impact fees for the funding of facilities.

Implementation of the proposed project will adversely impact existing fire and emergency services within the City, and will require the purchase of a new Type-I Fire Pumper Apparatus to be operated from and in addition to the existing resources assigned to Fire Station 94 at 16502 W. Schulte Road. Impact fees from new development are collected based upon projected impacts from each development. The adequacy of impact fees is reviewed on an annual basis to ensure that the fee is commensurate with the service facility and equipment needs.

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

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

The Project is located approximately 2.7 miles from the nearest existing fire station and outside of the Department's 4-minute travel-time standard. The Project is adjacent to an existing development that contains 438 units that are also outside of the 4-minute travel-time standard. The addition of 226 units to the existing deficiency will generate a population increase

of 725 persons (226 X 3.21 persons per household = 725) outside of the 4-minute travel-time, and when added to the existing deficiency of the adjoining 438 units, 2,131 people would be in the area of deficient coverage. The nearest existing station at 16502 W. Schulte Road will experience increased demand due to a growing industrial/commercial development within its first-due area. Additional future development in the project area will further degrade the Fire Department's ability to adequately serve the area unless a permanent fire station is constructed. Therefore, in order to provide adequate fire protection and suppression services to the Project site in the interim, the Tracy Fire Department requires a new Type-I Fire Pumper Apparatus be purchased and operated from and in addition to the existing unit assigned to Fire Station 94 at 16502 W. Schulte Road before project build-out. Although the project remains outside of the 4-minute travel time standard, the number of incidents generated due to the population increase are low (226 X 3.21 persons per household = 725 X .064 calls per capita = 46 additional calls for service). The addition of a Type-I Fire Pumper Apparatus staffed with personnel will assist the Fire Department in assembling an adequate workforce to perform critical tasks within the project area for critical fire incidents. The additional unit will not enhance response times for critical emergency medical incidents.

The City of Tracy Public Safety Master Plan identifies this fire station that will permanently serve the project area as Station "B" (P31, Figure 22). The new Type-I Fire Pumper Apparatus purchased by the project developer and operated from Fire Station 94 at 16502 W. Schulte Road on an interim basis, would be reassigned to the permanent fire station once constructed. Impact fees that have been collected from existing development would also be applied to the new fire station, though additional funding may be needed from the project developer to ensure timely purchase of the new Type-I Fire Pumper Apparatus. This is addressed in the following mitigation measure:

#### MITIGATION MEASURES

***Mitigation Measure 16:*** *In order to provide adequate fire protection and suppression services to the project site, the developer shall fund the cost of a new Type-I Fire Pumper Apparatus (up to the estimated cost of said equipment assumed in the Citywide Public Safety Master Plan dated 3/21/13, not to exceed the total amount of \$500,000) before issuance of the 151<sup>st</sup> building permit for the project as follows: the developer shall pay applicable public safety impact fees on a per-unit basis, and shall pay the remaining amount of said funding due (after crediting the amount of public safety impact fees already paid) no later than issuance of the 151<sup>st</sup> building permit for the project. Since said funding exceeds the developer's pro rata fair share of applicable public safety impact fees, the developer shall be eligible for fee reimbursement of costs paid for the Type-I Fire Pumper Apparatus that are above and beyond developer payment of applicable impact fees pursuant to the City's Municipal Code, as other development projects post impact fee payments with the City.*

In addition, the Department must have access to adequate onsite hydrants with adequate fire-flow pressure available to meet the needs of fire suppression units. The final site plans and development specifications developed for the proposed project will indicate the location and design specifications of the fire hydrants that will be required within the Project site. Therefore,

this is considered a **less than significant impact with mitigation incorporation**, and with application of the condition of approval related to facility funding and operations.

**ii) Police Protection: Less than Significant.** The Tracy Police Department provides police protection services to the City of Tracy. Its headquarters are located at 1000 Civic Center Drive, approximately 3.5 miles east of the Project site. There are no satellite offices or plans to construct any in the near future.

The Department divides calls into three categories, Priority 1, 2, and 3 calls. Priority 1 calls are defined as life threatening situations. Priority 2 calls are not life threatening, but require immediate response. Priority 3 calls cover all other calls received by the police. Average response time for Priority 1 calls within city limits is approximately six to eight minutes. Response time for Priority 2 and 3 calls is, on average, 22 minutes.

The Tracy Police Department provides mutual aid to the San Joaquin County Sheriff's office, and vice versa, when a situation exceeds the capabilities of either department. Mutual aid is coordinated through the San Joaquin County Sheriff.

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

**iii) Schools: Less than Significant.** Implementation of the proposed project would result in population growth within the City of Tracy, which would likely increase enrollment at schools within the Tracy Unified School District. According to the School District's boundary maps, new elementary and middle school students residing at the Project site are expected to attend George Kelly Elementary School, and high school students would attend John C. Kimball High School.

George Kelly School consists of 10.02 acres located at 535 Mabel Josephine Road and serves students in grades K through 8<sup>th</sup>. According to the Tracy Unified School District School Facilities Needs Analysis (August 7, 2015), George Kelly School has a current capacity of 714 students. According to the California Department of Education, Education Demographics Unit, current enrollment at George Kelly is 1,125 students (resulting in a 411 student capacity deficit).

John C. Kimball High School consists of 61.42 acres located at 3200 Jaguar Run and serves students in grades 9<sup>th</sup> through 12<sup>th</sup>. Tracy Unified School District School Facilities Needs Analysis (August 7, 2015), John C. Kimball High School has a current capacity of 2,133 students. According

to the California Department of Education, Education Demographics Unit, current enrollment at John C. Kimball HS is 1,765 students (resulting in a 368 student capacity remaining).

The Tracy Unified School District (TUSD) Estimates that 0.1138 elementary school students (grades kindergarten through 5<sup>th</sup>), 0.0650 middle school students (grades 6<sup>th</sup> through 8<sup>th</sup>), and 0.1471 high school students (grades 9<sup>th</sup> through 12<sup>th</sup>) will be generated from each new single family detached (SFD) residential unit. Using this generation factor, the proposed project would be expected to generate an additional 25.7 elementary school students, 14.7 middle school students, and 33.2 high school students. The addition of these students would exceed the current capacity at George Kelly School, and would not exceed the capacity at Kimball High School. According to the Districtwide Facilities Master Plan the build-out projections of residential units currently planned within the School District boundaries (including the proposed project), future school facilities, or expansion of existing facilities may be required.

The TUSD performs needs analysis and adopts an annual budget allocating resources for new school facilities as they are warranted. The proposed project does not trigger the need for a new school directly, however it would contribute to existing capacity deficiencies within the TUSD service area, specifically at the George Kelly School. Any new school would require environmental review when it is proposed. The environmental review will determine if there would be an adverse physical impact associated with its construction.

The TUSD collects impact fees from new developments under the provisions of SB 50. Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from taxes, would fund capital and labor costs associated with school services. The adequacy of fees is reviewed on an annual basis to ensure that the fee is commensurate with the service. Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from property taxes, sales taxes, and other revenues generated by the project, would fund improvements associated with school services. Under the provisions of SB 50, a project's impacts on school facilities are fully mitigated via the payment of the requisite new school construction fees established pursuant to Government Code Section 65995. As such, the project's impacts to school services are **less than significant**.

**iv) Parks. Less than Significant.** Potential project impacts to parks and recreational facilities are addressed in the following Recreation section of this document.

**v) Other Public Facilities: Less than Significant.** Other public facilities in the City of Tracy include libraries, hospitals, and cultural centers such as museums and music halls. The proposed project would increase demand on these facilities. The City of Tracy General Plan requires new development to pay its fair share of the costs of public buildings by collecting the Public Buildings Impact Fee. The Public Buildings Impact fee is used by the City to expand public services and maintain public buildings, including the Civic Center and libraries in order to meet the increased demand generated by new development. The collection of fees and determined fair share fee amounts are adopted by the City as Conditions of Approval (COAs) for all new development projects prior to project approval. Payment of the applicable impact fees by the project applicant,

and ongoing revenues that would come from taxes, would ensure that project impacts to libraries and public buildings are **less than significant**.

**XV. RECREATION**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

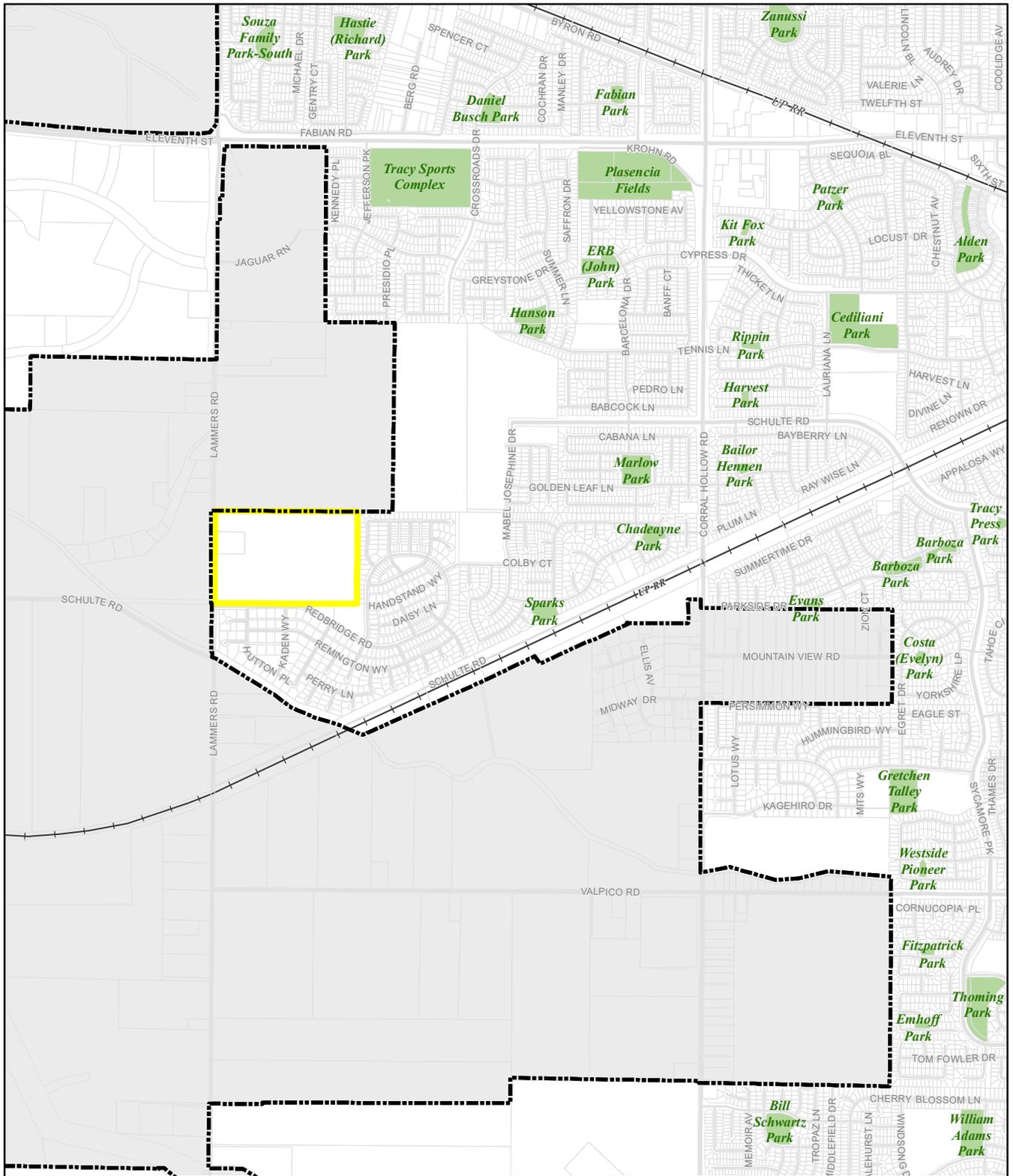
*RESPONSES TO CHECKLIST QUESTIONS*

**Responses a), b): Less than Significant.** The proposed project would increase demand for parks and recreational facilities within the City of Tracy, and would increase the use of the City’s existing parks and recreation system. As described in the Tracy General Plan, the City maintains 48 mini-parks, 15 neighborhood parks, and eight community parks, providing approximately 256 acres at 71 sites. The City is also in the process of constructing the Holly Sugar Sports Park at the northern edge of the City, which will provide an additional 166 acres of sports parks, 86 acres of passive recreation area, and a 46-acre future expansion area for additional park facilities. Figure 10 displays current park locations in relation to the Project site.

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

The City of Tracy requires the payment of the project’s fair share in-lieu parks fees, as required by the City’s General Plan. The collection of fees and determined fair share fee amounts are adopted by the City as Conditions of Approval (COAs) for all new development projects prior to project approval. Fees paid aid in the development of new park-space and maintenance as required, to ensure continued high quality park facilities for all city residents. Potential impacts associated with construction of the proposed onsite park are addressed throughout this Initial Study, given that the park site is within the area proposed for development and included in the project description. Additionally, given that the City maintains an ample and diverse range of park sites and park facilities, and collects fees from new development to fund the construction of new parks and the maintenance of existing parks, the additional demand for parks generated by

the proposed project would not result in the physical deterioration of existing parks and facilities within Tracy. As such, this is a **less than significant** impact and no mitigation is required.

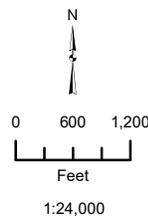


**STRINGER SUBDIVISION MND  
TRACY, CALIFORNIA**

Figure 11: Parks Map

**Legend**

-  Project Boundary
-  City of Tracy
-  Parks



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*XVI. TRANSPORTATION/TRAFFIC -- WOULD THE PROJECT:*

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.?			X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X

*RESPONSES TO CHECKLIST QUESTIONS*

**Response a), b): Less than Significant.** In order to determine potential impacts related to traffic generated by the proposed project, a Traffic Impact Assessment (TIA) was prepared by Kimley-Horn and Associates in July 2015. In consultation with staff from the City of Tracy, it was determined that the following existing and planned intersections have the greatest potential to be impacted by the proposed project.

- Lammers Road / Crossroads Drive – New Intersection
- Project Driveway / Crossroads Drive – New Intersection
- Lammers Road / Redbridge Road
- Lammers Road / Old Schulte Road
- Byron Road / Grant Line Road

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

The proposed project would generate new vehicular trips that would increase traffic volumes on the nearby street network. To assess changes in traffic conditions associated with the proposed project, the following roadway segments for evaluation in this traffic study include:

- Lammers Road – Crossroads Drive to Redbridge Road
- Lammers Road – Redbridge Road to Old Schulte Road
- Lammers Road – Old Schulte Road to Valpico Road
- Old Schulte Road – Hansen Road to Lammers Road
- Crossroads Drive – Lammers Road to Project Driveway
- Crossroads Drive – Project Driveway to New Schulte Road

### **Freeway Facilities**

The Traffic Impact Assessment determined the project would add 0.1% or less traffic in either direction on the I-205 and I-580 freeways under cumulative conditions. This addition is insignificant. The project would pay Traffic Impact Fess to SJCOG and the City to offset incremental cumulative impacts as stated in the TIA. Therefore, impacts to freeway facilities will not be further evaluated.

### **Thresholds of Significance**

Significance criteria are used to identify Project impacts. Currently, the City, SJCOG, and the County specify LOS thresholds that are utilized for roadways under their respective jurisdictions. The following significance criteria were used for the project's Traffic Impact Analysis and are consistent with the thresholds from the 2011 General Plan Update, SJCOG criteria, SJ County criteria, and Appendix G of the CEQA Guidelines. Accordingly, the Project would have a significant traffic impact under the jurisdiction of each of the following agencies if any of the criteria discussed below are met.

#### *SAN JOAQUIN COUNCIL OF GOVERNMENTS*

The CMP system for project condition analysis includes Lammers Road. Per the 2012 SJCOG CMP, the intersection LOS threshold is D.

#### *CITY OF TRACY*

The City has established LOS D, where feasible, as the minimum acceptable LOS for roadways and overall intersection operations (for roadways a v/c ratio of .80-.89 = LOS D). However, there are certain locations where this standard does not apply. The following provides a list and description of exceptions to the LOS D standard:

- LOS E or lower shall be allowed on streets and at intersections within 1/4 mile of any freeway, to discourage inter-regional traffic from using City streets.
- In the Downtown and Bowtie area of the City of Tracy, LOS E shall be allowed in order to create a pedestrian-friendly urban design character and densities necessary to support transit, bicycling, and walking.
- The City may allow individual locations to fall below the City's LOS D standard at intersections where construction of improvements is not feasible, prohibitively expensive, significantly impact adjacent properties or the environment, or have a significant adverse impact on the character of the community, including pedestrian mobility, crossing times, and comfort/convenience. Intersections may be permitted to fall below their adopted LOS standard on a temporary basis when the improvements necessary to preserve the LOS standard are in the process of construction or have been designed and funded but not yet constructed.

#### Signalized Intersections

- Signalized intersections operating at an acceptable level (LOS D or better if located more than ¼ mile from a freeway) degrade to an unacceptable LOS E or F.
- Addition of project trips causes a delay increase of more than four seconds to an intersection already operating at an unacceptable level.

#### Un-signalized Intersections

- Un-signalized intersections operating at LOS D or better degrade to an unacceptable LOS E or under (outside ¼ mile of a freeway), and LOS E or better degrade to an unacceptable LOS F (within ¼ mile of a freeway), and a traffic signal warrant is met.
- Addition of project trips causes a volume increase of more than 10 percent at an intersection operating at an unacceptable level and meeting a signal warrant.

#### **Existing Intersection Traffic Counts**

In preparing the traffic assessment, Kimley-Horn evaluated traffic operations at the study intersections under existing traffic conditions. Results of the analysis are presented in Table 12. Analysis sheets for LOS are provided in Appendix B of the Traffic Impact Analysis.

Table 12 summarizes the results of the intersection analysis under Existing Conditions for the a.m. and p.m. peak hours. Under Existing Conditions, all the study intersections except Lammers Road / Old Schulte Road operate at LOS D or better during both the a.m. and p.m. peak hours. The intersection of Lammers Road / Old Schulte Road currently operates at LOS E during the AM peak hour, which is below the City's LOS D standard.

**TABLE 12: INTERSECTION LOS- EXISTING CONDITIONS**

#	Intersection	Control Type	Existing Conditions					
			AM Peak Hour			PM Peak Hour		
			Movement	Delay	LOS	Movement	Delay	LOS
1	Lammers Road / Crossroads Drive	Does Not Exist	-	-	-	-	-	-
2	Crossroads Drive / Project Driveway	Does Not Exist	-	-	-	-	-	-
3	Lammers Road / Redbridge Road	SSSC	Overall	6.8	A	Overall	3.3	A
		<i>Worst Approach</i>	WB	34.6	D	WB	13.0	B
4	Lammers Road / Old Schulte Road	AWSC	Overall	<b>40.8</b>	<b>E</b>	Overall	14.7	B
5	Byron Road / Grant Line Road	Signal	Overall	18.0	B	Overall	47.5	D

Notes:

1. Analysis performed using HCM 2010 methodologies.
2. Delay indicated in seconds/vehicle.
3. Overall level of service (LOS) standard for the City is D.
4. Intersections that fall below City standard are shown in **bold**.

### Project Trip Generation

Kimley-Horn developed estimated project trip generation for the proposed project using the Trip Generation Rates developed for the City of Tracy travel demand model as cited in the City of Tracy Transportation Master Plan (November 2012). The City developed the travel demand model in order to customize the model to more accurately reflect real time travel patterns in the city, and more accurately determine roadway infrastructure needs.

Trip generation for the project was also calculated using the rates from the Institute of Transportation Engineer’s publication *Trip Generation 9th Edition*<sup>13</sup>, which is a standard reference used by jurisdictions throughout the county for the estimation of trip generation. Since the City of Tracy specifies its own rates, ITE rates are supplied for comparison purposes only. A trip is defined in *Trip Generation* as a single or one-directional vehicle movement with either the origin or destination at the Project site. In other words, a trip can be either “to” or “from” the site. In addition, a single customer visit to a site is counted as two trips (i.e., one to and one from the site).

For purposes of determining the worst-case impacts of traffic on the surrounding street network, the trips generated by a proposed development are typically estimated between the hours of 7:00-9:00 AM and 4:00-6:00 PM on weekdays. Trip generation calculations prepared per ITE methodology are based on the number of residential dwelling units. Additionally, since the property is single use residential, no internal capture, linked trip, or pass-by trip reductions were considered. Table 13 below shows trips generated by the proposed development based on both previously discussed standards. As illustrated in Table 13, total project trips generated during the AM Peak using the City’s rates are lower than total project trips generated using ITE’s rates

<sup>13</sup>*Trip Generation, 9<sup>th</sup> Edition*, Institute of Transportation Engineers, 2012.

(124 vs. 168). During the PM Peak, total project trips generated using the City's rates are higher than total project trips generated using ITE's rates (237 vs. 219). Based on the City of Tracy rates, the project will generate 124 net new trips in the AM peak hour and 237 net new trips in the PM peak hour.

**TABLE 13: PROJECT TRIP GENERATION**

Land Uses	Project Size	AM PEAK HOUR			PM PEAK HOUR				
		Total Peak Hour	IN	/	OUT	Total Peak Hour	IN	/	OUT
<b>Trip Generation Rates<sup>1</sup></b>									
<b>Project Use</b>									
Low/Mid Density Residential & Residential Real Estate		0.55	25%	/	75%	1.05	63%	/	37%
<b>Trips Generated</b>									
<b>Project Use</b>									
Low/Mid Density Residential & Residential Real Estate	226 DUs	124	31	/	93	237	149	/	88
<b>Total Project Trips</b>		<b>124</b>	<b>31</b>	<b>/</b>	<b>93</b>	<b>237</b>	<b>149</b>	<b>/</b>	<b>88</b>
<i>Total Project Trips per ITE<sup>2</sup></i>		<i>168</i>	<i>42</i>	<i>/</i>	<i>126</i>	<i>219</i>	<i>138</i>	<i>/</i>	<i>81</i>
<i>Comparison</i>		<i>(44)</i>	<i>(11)</i>	<i>/</i>	<i>(33)</i>	<i>18</i>	<i>11</i>	<i>/</i>	<i>7</i>

**Notes:**

1. Trip Generation Rates developed for the City of Tracy travel demand model as cited in the City of Tracy Transportation Master Plan (November, 2012) were used in this study.  
Source: Kimley-Horn and Associates, Inc., 2015

2. Trip Generation using ITE rates provided for comparison purposes only. The AM trip rate for the City is lower compared to ITE, but the PM City rate is higher. The City PM rate is also higher than all ITE rates, thus capacity needs are determined by the PM rate. The City PM rate provides for a more conservative analysis compared to ITE.

### Project Trip Distribution and Assignment

Trip distribution is a process that determines in what proportion vehicles would travel between a Project site and various destinations outside the project study area. The process of trip assignment determines the various routes that vehicles would take from the Project site to each destination using the calculated trip distribution.

Due to the nature of the proposed development, most residents living at the proposed site are expected to travel predominantly to the north, where they will have access to the nearest retail land uses, schools, downtown, regional roadway (I-205), and major arterials (11th Street, Tracy Boulevard, and Grant Line Road).

The City of Tracy Travel Demand Model was used to determine the trip distribution and assignment. Applying the directional distribution provided by the Tracy Hills EIR for residential trips, the AM and PM trips for the site were calculated.

### Existing Plus Project Conditions

From the Lammers Road / Crossroads Drive intersection, approximately 82% of the project trips would distribute northwards along Lammers Road and 18% would distribute southwards. Of the trips distributed to the north, 1% would be distributed onto Byron Road north of Grant Line Road and 9% would distribute along Grant Line Road, east of Byron Road to the City retail areas. The remaining traffic would be distributed to downtown, to 11th Street, Tracy Boulevard, Byron Road and the freeways. Of the trips distributed to the south, 5% would be distributed westwards on Old Schulte Road. The remaining 13% would be distributed on Lammers Road south of Old Schulte Road to Linne Road.

In the morning peak, 124 peak hour trips will be generated, of which 31 trips will enter the site and 93 trips will exit the site. In the afternoon peak, 237 trips will be generated, of which 149 trips will enter the site and 88 trips will exit the site.

### Cumulative (2035) Plus Project Conditions

From the Project Driveway on Crossroads Drive, approximately 67% would distribute west on Lammers Road and 33% would distribute east along Crossroads Drive and eventually continue north. 49% of the project trips would distribute northwards along Lammers Road and 18% would distribute southwards on Lammers Road. The trips distributed to the north would be distributed onto I-205, 11th Street, and Byron Road (southbound). Of the trips distributed to the south, 5% would be distributed westwards on Old Schulte Road. The remaining 13% would be distributed on Lammers Road south of Old Schulte Road.

In the morning peak 124 peak hour trips will be generated, of which 31 trips will enter the site and 93 trips exit the site. In the afternoon peak hour 237 trips will be generated, of which 149 trips will enter the site and 88 trips will exit the site.

### **Level of Service Analysis- Existing plus Project Conditions**

Traffic operations were evaluated at the study intersections under Existing Plus Project conditions. Table 14 shows the results of the LOS analysis for the study intersections under Existing Plus Project Conditions.

**TABLE 14: INTERSECTION LOS- EXISTING PLUS PROJECT CONDITIONS**

		Existing Conditions				Existing Plus Project Conditions			
Intersection	Control Type	AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Lammers Road / Crossroads Drive	SSSC	--	--	--	--	1.6	A	2.6	A
	Worst Approach WB	--	--	--	--	17.4	C	12.4	B
Crossroads Drive / Project Driveway	Roundabout	--	--	--	--	8.3	A	6.1	A
Lammers Road / Redbridge Road	SSSC	6.8	A	3.3	A	7.1	A	3.2	A
	Worst Approach WB	34.6	D	13	B	<b>36.8</b>	<b>E</b>	13.5	B
Lammers Road / Old Schulte Road	AWSC	<b>40.8</b>	<b>E</b>	14.7	B	<b>41</b>	<b>E</b>	16.7	C
Byron Road / Grant Line Road	Signal	18	B	47.5	D	18.3	B	51.2	D

Notes:

1. Analysis performed using HCM 2010 methodologies.
2. Delay indicated in seconds/vehicle.
3. Overall level of service (LOS) standard for the City is D.
4. Intersections that fall below City standard are shown in bold.
5. Sidra was used to analyze the roundabout at Crossroads Drive / Project Driveway.
6. SSSC - side-street stop-controlled
7. AWSC- all-way stop-controlled

Source: Kimley-Horn and Associates, Inc. 2015

As shown in Table 14 above, all the intersections would operate at acceptable levels of service, except for Lammers Road / Redbridge Road, and Lammers Road / Old Schulte Road (LOS E) AM Peak Hour under Existing Plus Project Conditions. However, the addition of the project traffic does not increase by more than 10% of existing volumes (the City significance threshold), and thus the project has no significant impact at these intersections.

Under existing plus project conditions, the proposed project would have a **less than significant** impact, and no mitigation is required.

### Cumulative plus Project Traffic Analysis

Cumulative Conditions 2035 represent build out of the City of Tracy Transportation Master Plan (City TMP). Traffic volumes for 2035 were forecasted using the most recent update to the City of Tracy Travel Demand Model (TDM). This scenario addresses cumulative intersection and roadway operations on the future transportation network as discussed in the City TMP. Table 15 shows the results of the LOS analysis for the study intersections under Cumulative plus Project Conditions.

**TABLE 15: INTERSECTION LOS- CUMULATIVE PLUS PROJECT CONDITIONS**

Intersection	Control Type	Cumulative Conditions				Cumulative Plus Project Conditions			
		AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
		Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
Lammers Road / Crossroads Drive	Signal	23.9	C	4.3	A	24.5	C	7.9	A
Crossroads Drive / Project Driveway	Roundabout	2.7	A	3.2	A	3.5	A	3.5	A
Lammers Road / Redbridge Road	SSSC	<b>41.2</b>	<b>E</b>	<b>47.8</b>	<b>E</b>	<b>43.1</b>	<b>E</b>	<b>52.1</b>	<b>F</b>
	Worst Approach WB	<b>533.8</b>	<b>F</b>	<b>1387.2</b>	<b>F</b>	<b>562.9</b>	<b>F</b>	<b>1541.9</b>	<b>F</b>
Lammers Road / Old Schulte Road	Signal	11.3	B	32.8	C	12.8	B	33.8	C
Byron Road / Grant Line Road	Does Not Exist	--	--	--	--	--	--	--	--

Notes:

1. Analysis performed using HCM 2010 methodologies.
  2. Delay indicated in seconds/vehicle.
  3. Overall level of service (LOS) standard for the City is D.
  4. Intersections that fall below City standard are shown in bold.
  5. Sidra was used to analyze the roundabout at Crossroads Drive / Project Driveway.
- Source: Kimley-Horn and Associates, Inc. 2015

As shown in Table 15, the intersection of Lammers Road / Redbridge Road would operate at an overall unacceptable LOS during the AM and PM peak hours under Cumulative, and Cumulative Plus Project conditions, and does not meet the City’s LOS criteria. However, the additional project generated traffic does not increase by more than 10% of existing volumes (the City significance threshold), and thus traffic from the proposed project would have a less than significant impact at this intersection.

The intersection of Lammers Road / Redbridge Road operates at an unacceptable LOS in the Cumulative and Cumulative Plus Project conditions due to the projected growth along Lammers Road by the year 2035. Installing a signal at this intersection would mitigate the unacceptable operation. This is however not a project impact. The City will include signalization of this intersection as a CIP project in the City Transportation Impact Fee Program when the intersection signal warrant is met and the threshold is exceeded. The project will be required to pay the SJCOG and the City Transportation traffic impact fees. These programs include the development of Travel Demand Management (TDM) principles such as: ride and car sharing, ride match assistance, preferential car pool parking, flexible work schedules and telecommute, van pool assistance, employer shuttles, and bicycle racks, lockers and showers. The collection of fees and determined fair share fee amounts are adopted by the City as Conditions of Approval (COAs) for all new development projects prior to project approval. The project applicant will also be required to coordinate with SJCOG to assess traffic impact fees schedules.

With a signal control installed at Lammers Road / Redbridge Road the intersection will operate at acceptable LOS A. Therefore, under cumulative conditions, the proposed project would have a **less than significant** impact on intersection operations, and no mitigation is required.

As demonstrated above, the project will not cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections); nor would project-generated traffic cause traffic levels to exceed, either individually or cumulatively, an adopted level of service standard.

**Response c): Less than Significant.** The Tracy Municipal Airport is the closest airport to the Project site, located approximately 2.5 miles southwest of the site. The Airport is a general aviation airport owned by the City and managed by the Public Works Department. As discussed previously in the Hazards section, the Project site is not located within any of the safety restriction zones or within the airport influence area as designated by SJCOG. The proposed project includes single and two-story residential structures that would not protrude into active airspace, or disrupt aviation patterns. The distance, and development characteristics precludes the possibility of the proposed project altering aviation patterns or creating aviation hazards. Additionally, the addition of 226 single-family units would not be expected to significantly increase air travel demand. Therefore, Implementation of the proposed project would not result in any needed changes to airport operations or air travel patterns at the Tracy Municipal Airport. This impact is **less than significant**, and no mitigation is required.

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

Based on the preliminary site plan driveway access to the site will be off Crossroads Drive. Primary access to the site will be off Crossroads Drive via M Street. A secondary access and /or Emergency only vehicle (EV) access will be provided from Street L onto Crossroads Drive, once Crossroads Drive is built out, which will occur with future development to the north of the Project site.

The proposed site plan provides adequate access to the Project site, which would adequately accommodate emergency vehicles. Implementation of the proposed project would have a less than significant impact related to emergency access, and would not interfere with an emergency evacuation plan. This is a **less than significant** impact and no mitigation is required.

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

Lammers Road will be a transit route in the future as identified in the City TMP. Typically bus stops are provided at intersections where pedestrian access will be provided and it is anticipated that a future bus stop in each direction of travel (pull-outs) will be located on Crossroads Drive east of the proposed project's driveway.

Goal CIR-3 of the General Plan provides for safe and convenient bicycle and pedestrian travel as alternative modes of transportation in and around the City. This goal includes several policies that are designed to enhance safe and convenient travel for bicyclists and pedestrians. Policies P4 and P6 under CIR-3 state that the City's bicycle and pedestrian system shall have a high level of connectivity, and that new development shall include pedestrian and bicycle facilities internal to the development, and which connect to citywide facilities, such as parks, schools, and

recreational corridors. The project on-site streets and the adjacent City street network (Crossroads Drive and Lammers Road) include pedestrian and bicycle facilities. To establish a connection from the existing Project site to the City system, the project shall construct an interim pedestrian and bicycle facility along the east side of Lammers Road from Crossroads Drive to the Kimball High school, where it will connect with the existing pedestrian system. This will be a condition of approval for the proposed project. Future transit stops and routes are identified in the TMP provide mode choice opportunities to project residents.

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

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

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

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

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

*RESPONSES TO CHECKLIST QUESTIONS*

**Responses a), b) and e): Less than Significant.** Wastewater generated by the proposed project would be conveyed to the Tracy Wastewater Treatment Plan (WWTP) for treatment and disposal. The City's wastewater collection system consists of gravity sewer lines, pump stations and the WWTP. Wastewater flows toward the northern part of the City where it is treated at the WWTP and then discharged into the Old River in the southern Sacramento-San Joaquin Delta.

The City's WWTP provides secondary-level treatment of wastewater followed by disinfection. Treated effluent from the WWTP is conveyed to a submerged diffuser for discharge into the Old River. The WWTP has an NPDES permit for discharge into the Old River from the State Regional Water Quality Control Board. The City of Tracy expanded the treatment capacity to 10.8 mgd in 2008. Currently with the final completed phase the City plans to expand the average dry weather flow treatment capacity of the Plant from 9.0 million gallons per day to 16.0 million gallons per day. The expansion also will result in improvements to the quality of the effluent discharged from

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

The City's WWTP currently treats approximately 9.0 mgd of wastewater. City residents generated an average dry weather flow (ADWF) of 7.6 million gallons per day (mgd). The City's wastewater treatment plant (WWTP), has an ADWF design capacity of 10.8 mgd.<sup>14</sup> For this analysis, a unit generation factor of 264 gallons per day of wastewater per residential unit was used.<sup>15</sup> Therefore, the proposed project would generate up to 59,664 gallons per day of wastewater, or 0.05996 mgd of wastewater. The addition of 0.0596 mgd of wastewater would not exceed the current treatment capacity of the City's WWTP, and the addition of project-generated wastewater would not result in any RWQCB violations related to effluent treatment or discharge. As of January 2015, the City had an unused capacity of approximately 4,200 EDU's (Equivalent Dwelling Units, equal the wastewater demand generated by a single-family residence) within its wastewater treatment plant (WWTP), available to new development within the City on a first-come, first-served basis. These EDU's are currently available to serve the proposed project, which would generate a wastewater demand of 226 EDU's.

As other development projects within the City come forward, and building permits are issued, this remaining capacity will be reduced. Accordingly, as noted above and to ensure that capacity at the WWTP is available and sufficient to respond to planned future development demands, the City is proceeding with the next phase of expansion of the WWTP, which has been approved by the City and subject to comprehensive environmental review under the California Environmental Quality Act, as documented in that certain environmental impact report certified by the City in November 2002 under State Clearinghouse Number 2000012030.

The development of the 226 units of the project would be required to pay sewer impact fees at time of building permit issuance, ensuring fair-share contribution towards the future WWTP expansion project. With this condition of approval, impacts related to City sewer services will be **less than significant**.

**Response d): Less than Significant.** Potable water for the proposed project would be supplied from the City's municipal water system. The City of Tracy obtains water from both surface water and groundwater sources. The amount of water that Tracy uses from each of its water supply sources to make up its total water use varies from year to year based on contractual agreements, annual precipitation, and City policies about how to expand, utilize, and manage its water resources. As described in the 2011 City of Tracy Urban Water Management Plan, Tracy's maximum annual water supply amounts to over 31,500 acre feet per year from its various supply sources. Future agreements may increase the City's available potable water supply to over 49,500 acre-feet per year.

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<sup>14</sup> [http://www.ci.tracy.ca.us/documents/Tracy\\_Wastewater\\_Master\\_Plan.pdf](http://www.ci.tracy.ca.us/documents/Tracy_Wastewater_Master_Plan.pdf) (does not take into account increased capacity with upgrades)

<sup>15</sup> Wastewater Flow and Loading Generation Factors Tracy Wastewater Master Plan (Low Density Residential wastewater generation factor)

In recent years, demand for potable water in the City of Tracy has been trending downward. As of 2010 the total water demand in the City was 16,603 afy.

Based on the Hydraulic Evaluation completed for the proposed project (West Yost Associates) in May 2015, the project's water demand is estimated to increase the demand for the City's municipal potable water supplies by up to 129 acre feet per year (afy), which accounts for residential water usage, and landscape irrigation. Water delivery piping upsizing is planned northeast of the Project site to serve existing and future area development as indicated in the Citywide Water System Master Plan buildout potable water system pipeline improvements.

The Project site would receive potable water via a connection to an existing water system as indicated in the Hydraulic Evaluation. The project is proposed to be primarily served by 8-inch or 12-inch diameter on-site water mains, connected to the existing 20-inch diameter water main on South Lammers Road, and to the existing 12-inch diameter water main located on Redbridge Road. The proposed connections to these two existing water mains provides for a looped connection of the project to the City's Pressure Zone 2 water distribution system consistent with recommendations from the 2012 Citywide Water System Master Plan.

Based on West Yost's analysis, the existing and proposed pipelines serving the project are adequate to meet the required minimum pressure and maximum pipeline velocity during a peak hour demand condition.

The additional water demand (129 AFY) of the proposed project would not exceed the City's available water supply. The City's water treatment and conveyance infrastructure is adequate to serve existing demand, in addition to the demand created by the proposed project. This is a **less than significant** impact and no mitigation is required.

**Responses c): Less than Significant with Mitigation.** Development of the Project site would place impervious surfaces on portions of the 59.1-acre Project site. Development of the Project site would potentially increase local runoff production, and would introduce constituents into storm water that are typically associated with urban runoff. These constituents include heavy metals (such as lead, zinc, and copper) and petroleum hydrocarbons. Best management practices (BMPs) will be applied to the proposed site development to limit the concentrations of these constituents in any site runoff that is discharged into downstream facilities to acceptable levels.

The project would be designed and constructed with an on-site temporary storm drainage basin that would remain in place until the downstream storm drain system is constructed northeast of the site as indicated by the City public works department. The temporary basin will be located in the northeast corner of the Project site. A preliminary engineering study has been completed for the Project site by Carlson Barbee & Gibson Inc. Civil Engineering services. The report has determined that 13.30 acre feet of storage capacity is needed to accommodate project stormwater requirements. The basin area would account for a total surface area of 74,250 square feet (1.7 acres).<sup>16</sup> The construction of the temporary stormwater conveyance and detention

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<sup>16</sup> Temporary retention basin sized per Section 5 of the City of Tracy Engineering Design and Construction Standards.

system, would ensure that the project is consistent with all applicable plans and regulations related to stormwater conveyance and detention as required by the city, and would ensure that offsite, or onsite flooding does not occur during storm events. Permanent onsite storm drainage would be installed to serve the proposed project. The collection system would consist of inlets and underground piping. The potential environmental impacts of construction of the onsite storm drainage system are addressed throughout this Initial Study, given that all improvements would occur onsite, within the area proposed for disturbance.

Because the Project site could increase runoff, and create downstream drainage problems; project impacts to stormwater are considered potentially significant.

Mitigation Measure 20 identified in the Tracy Citywide Storm Drain Master Plan (Mitigated Negative Declaration 2012) requires that prior to the issuance of grading permits, new development shall be required demonstrate to the satisfaction of the City Engineer that it has incorporated storm drainage facilities that conform to the SDMP and the City's SWQC Manual or that it has incorporated temporary retention facilities when downstream SDMP facilities are not constructed or operational.

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

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

#### **MITIGATION MEASURE**

***Mitigation Measure 17:** Prior to the issuance of a building or grading permit, the project applicant shall submit a drainage plan to the City of Tracy for review and approval. The plan shall include an engineered storm drainage plan that demonstrates attainment of pre-project runoff requirements prior to release and describes the volume reduction measures and treatment controls used to reach attainment consistent with the Tracy Citywide Storm Drain Master Plan.*

**Responses f) and g): Less than Significant.** The City of Tracy has an exclusive franchise agreement with Tracy Disposal Service for solid waste collection and disposal and recycling collection. Solid waste is collected and taken to the 40-acre Tracy Material Recovery Facility (MRF) and Transfer Station on South MacArthur Drive before being sent to the Foothill Sanitary landfill, 48 miles northeast of Tracy, off of Shelton Road east of Linden, California. The MRF is operated by Tracy Material Recovery and Solid Waste Transfer, Inc., and has capacity of approximately 1,000 tons per day, but averages approximately 350 tons per day, of which 85

percent is generated in Tracy. Approximately 175,000 tons of solid waste is generated in Tracy each year, of which approximately 27 percent is residential garbage.

The approximately 800-acre Foothill landfill, owned by San Joaquin County, is the primary disposal facility accepting the City's solid waste. The Foothill landfill receives approximately 810 tons per day. The landfill is permitted to accept up to 1,500 tons per day, and has a permitted capacity of 138 million cubic yards, of which approximately 125 million cubic yards of capacity remains.<sup>17</sup> It is estimated that the Foothill landfill will have the capacity to accept solid waste from the City of Tracy until 2054.

The proposed project would not generate significant volumes of solid waste, beyond levels normally found in residential developments. The proposed project would not generate hazardous waste or waste other than common household solid waste. As described above, there is adequate landfill capacity to serve the proposed project, and the project will comply with all applicable statutes and regulations related to solid waste. This is a **less than significant** impact.

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<sup>17</sup>Source: California Integrated Waste Management Board, Solid Waste Information System (SWIS).  
<http://www.ciwmb.ca.gov/SWIS>

**XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

*RESPONSES TO CHECKLIST QUESTIONS*

**Response a)** As described throughout the analysis above, the proposed project would not result in any significant impacts that would substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal to the environment. All potentially significant impacts related to plant and animal species would be mitigated to a less than significant level. The proposed project would be required to implement mitigation measures aimed at reducing stormwater pollutants and runoff through Mitigation Measure 12, as well as through compliance of various state, regional and local standards. Specifically related to ensuring the continued sustainability of biological resources through adaptive management, Mitigation Measure 7 requires the SJMSCP Monitoring Plan an Annual Report process, Biological Monitoring Plan, SJMSCP Compliance Monitoring Program, and the SJMSCP Adaptive Management Plan. The project proponent shall seek coverage under the SJMSCP to mitigate for habitat impacts to covered special status species that would reduce any potentially significant impacts to a less than significant level. Through the full mitigation of biological impacts, the project would not result in any cumulative impacts, related to biological resources. These are **less than significant** impacts.

**Response b)** As described throughout the analysis above, the proposed project would not result in any significant individual or cumulative impacts that would not be mitigated to less than significant levels. Therefore, these are **less than significant impacts**.

**Response c): Less than Significant.** As described throughout the analysis above, the proposed project would not result in any significant impacts that would have environmental effects which will cause substantial adverse effects on humans. The analysis in the relevant sections above provides standards and mitigation measures to reduce any potentially significant impacts on humans to less than significant levels. A variety of mitigation measures including those related to aesthetics and light and glare, GHG and air quality, cultural resources, hazardous materials, seismic hazards, water pollution and water quality, and noise, ensure any adverse effects on humans are reduce to an acceptable standard. Therefore, these are **less than significant** impacts.

## REFERENCES

- City of Tracy General Plan and EIR (City of Tracy, 2011)
- California Department of Education, Educational Demographics Unit, California Public School Enrollment-School Report
- California Important Farmlands 2010 Map (California Department of Conservation, September 2012)
- California Air Pollution Control Officers Association (CAPCOA) ENVIRON International Corporation and SCAQMD. CalEEMod version 2013.2.1Ozone Plan, 2007 PM10 Plan and the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI), prepared by the San Joaquin Valley Air Pollution Control District.
- Meteorology Today: An Introduction to Weather, Climate, & the Environment, 2003, D.C. Ahrens
- Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004. (Staff Final Report), California Energy Commission, 2006
- City of Tracy Airport Master Plan (P&D Aviation, 1998)
- City of Tracy Manual of Stormwater Quality Standards for New Development and Redevelopment (Larry Walker Associates, 2008)
- City of Tracy Citywide Storm Drainage Master Plan 2012 (Stantec 2012)
- City of Tracy Wastewater Master Plan 2012 (CH2MHILL 2012)
- City of Tracy Municipal Services Review 2011 (Design Community & Environment 2011)
- City of Tracy 2010 Urban Water Management Plan (Erler & Kalinowski, Inc. 2011)
- Geotechnical Feasibility Investigation (Stevens, Ferrone & Bailey Engineering Company, Inc. SFB March 4, 2014)
- Phase I Environmental Site Assessment, 25380 South Lammers Road (Bureau Veritas North America Inc., December 17, 2013)
- Biological Resources Reconnaissance (Zander Associates, Environmental Consultants, February 10, 2014)
- Limited Subsurface Investigation Report, 25380 South Lammers Road (Bureau Veritas North America, Inc January 9, 2014)
- Traffic Impact Study for the Proposed 226 Units Stringer Development Project (Kimley-Horn and Associates, May 18, 2015)
- San Joaquin Valley Unified Air Pollution Control District Guidance for Assessing and Mitigating Air Quality Impacts 2015. Available At: [http://www.valleyair.org/transportation/GAMAQI\\_3-19-15.pdf](http://www.valleyair.org/transportation/GAMAQI_3-19-15.pdf)
- San Joaquin Council of Governments (SJCOG) Airport Land Use Compatibility Plan (ALUCP). 2009 ALUCP, and 1993 ALUCP.
- U.S. Environmental Protection Agency (EPA) Water Sense Guide. Available At <http://www.epa.gov/>
- West Yost Associates. Hydraulic Evaluation of South Lammers Road Development May 20, 2015
- Tracy Unified School District Districtwide Facilities Master Plan 2015 Available At: <https://www.tracy.k12.ca.us/Board/Board%20Meeting%20Agendas/05.12.15%20Board%20Agenda/05.12.15%20FACILITIES%20MASTER%20PLAN%20Separate%20Cover%2014.1.3.pdf>
- Tracy Unified School District, School Facilities Needs Analysis (Dolinka Group, August 7, 2015).

Exhibit 2

**Rocking Horse Conditions of Approval  
Application Numbers PUD15-0001 and TSM15-0001  
March 9, 2016**

These Conditions of Approval shall apply to the real property described as the Rocking Horse Development Project (Project) of 226 single-family residential lots on approximately 59.1 acres located on the east side of Lammers Road, north of Redbridge Road. Assessor's Parcel Numbers 240-060-26 and 240-060-27; Application Number PUD15-0001.

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

1. "Applicant" means any person, or other legal entity, defined as a "Developer."
2. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
3. "City Regulations" means all written laws, rules and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design documents (i.e., the Streets and Utilities Standard Plans, Design Standards, Parks and Streetscape Standard Plans, Standard Specifications, and Manual of Storm Water Quality Control Standards for New Development and Redevelopment, and Relevant Public Facilities Master Plans).
4. "Conditions of Approval" shall mean the conditions of approval applicable to the Project, consisting of 226 single-family residential lots on approximately 59.1 acres located on the east side of Lammers Road, north of Redbridge Road. Assessor's Parcel Numbers 240-060-26 and 240-060-27, Application Number PUD15-0001. The Conditions of Approval shall specifically include all Development Services Department conditions, including Planning Division and Engineering Division conditions set forth herein.
5. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
6. "Project Site" means the real property consisting of approximately 59.1 acres located on the east side of Lammers Road, north of Redbridge Road. Assessor's Parcel Numbers 240-060-26 and 240-060-27, Application Number PUD15-0001.
7. "Subdivider" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project Site boundaries, or who applies to the City to develop or improve any portion of the real property within the Project Site boundaries. "Subdivider" also means Developer. The term "Developer" shall include all successors in interest.

B. Planning Division Conditions of Approval:

1. The Developer shall comply with all applicable laws (federal, state, and local) related to the development of real property within the Project Site, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, et seq.), the Subdivision Map Act (Government Code sections 66410, et seq.), the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 15000, et seq., "CEQA Guidelines").
2. Unless specifically modified by these Conditions of Approval, the Project shall comply with all City Regulations.
3. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the Rocking Horse Development Project Mitigated Negative Declaration dated November 2015.
4. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) will begin on the date of the City's 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 is advised that applicable statute(s) of limitations may legally bar Developer from later challenging any such fees, dedications, reservations or other exactions.
5. Except as otherwise modified herein, all construction shall be consistent with the plans received by the Development Services Department on January 5, 2016.
6. Prior to the issuance of a building permit, the applicant shall provide a detailed landscape and irrigation plan for that typical lot consistent with City landscape and irrigation standards and the approved Project plans, including, but not limited to Tracy Municipal Code Section 10.08.3560, the City's Design Goals and Standards, and the applicable Department of Water Resources Model Efficient Landscape Ordinance on private property, and the Parks and Parkways Design Manual for public property, to the satisfaction of the Development Services Director. Newly planted, on-site trees shall be a minimum size of 24-inch box and shrubs shall be a minimum size of five gallons. Provided, however, that because the proposed park within the Project will be private, it shall not be required to meet the City's Parks and Parkways Design Manual for public property.
7. Prior to final inspection for any residential unit of the Project (excluding model homes), the Developer shall construct a nine-foot tall masonry wall (as measured from the taller grade on either side of the wall) along the Project's west property line, consistent with requirements of the Project's environmental mitigation measures related to noise attenuation. The wall shall be designed consistent with the approved plans and subject to final approval by the Development Services Director, and may include mounding on the west side of the wall to reduce its effective visual height as seen from Lammers Road.
8. Prior to the issuance of a building permit, the Developer shall document compliance with the City of Tracy Manual of Stormwater Quality Control Standards for New Development and Redevelopment (Manual) which were in place at the time the Project's Vesting Tentative Map

application was deemed complete to the satisfaction of the Public Works Director, which includes the requirement for Site Design Control Measures, Source Control Measures and Treatment Control Measures under the guidelines in a project Stormwater Quality Control Plan (SWQCP). Compliance with the Manual includes, but is not limited to, addressing outdoor storage areas, trash enclosures, parking areas, any wash areas and maintenance areas. The SWQCP must conform to the content and format requirements indicated in Appendix D of the Manual and must be approved by the Public Works Director prior to issuance of grading or building permits. The Project was deemed complete prior to the new stormwater regulations adopted by the City. Stormwater treatment shall be consistent with the approved plans, subject to approval by the City's Engineering Division.

9. The Project shall comply with all applicable provisions of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, including the Incidental Take Minimization Measures applicable at the time of permit and a pre-construction survey prior to ground disturbance in accordance with the requirements set forth in the Mitigation Monitoring Reporting Program of the Rocking Horse Development Project's Mitigated Negative Declaration dated November 2015, to the satisfaction of San Joaquin Council of Governments.

10. The Developer shall design and construct all buildings with fire sprinklers in accordance with City Regulations to the satisfaction of the Chief Building Official.

11 . The on-site interim storm drainage basin in the northeast portion of the site shall be fenced to provide both visual relief of the basin until such time as a permanent off-site basin (as planned for in the City's Stormwater Master Plan) is constructed. The color, material, and other design elements of the fence, which shall also include perimeter landscaping to help soften its appearance, shall be compatible with the residential neighborhood, and the height shall be the minimum necessary to provide reasonable security but not over 72 inches tall, to the mutual satisfaction of the Developer and the Development Services Director.

12. The floor plans and architectural elevations for the project shall be consistent with the plans received by the Development Services Department on February 17, 2016.

13. All common area lots and open spaces, including landscaping, shall be maintained by the Project homeowner's association (HOA). Final covenants, conditions and restrictions (CC&Rs) shall be submitted to the City for review and approval prior to their recordation for the purpose of confirming compliance with this Condition No. 13. The CC&Rs shall be recorded prior to City issuance of a grading permit or improvement plans for the Project.

14. Final design plans shall be provided for the entry feature to the Project located along Crossroads Drive, providing for additional architectural detailing of the features.

15. The Emergency Vehicle Access (EVA) connecting the Project to Lammers Road shall be built subject to Fire Department and Engineering Division approval, including with respect to width, loads, turn radius, and use of gates or other barriers. The EVA shall be converted to a pedestrian and bicycle pathway after elimination of the EVA once the secondary street connection to Crossroads Drive is constructed at the northeast corner of the Project consistent with the Project's Vesting Tentative Map. The design of the pedestrian and bicycle pathway shall be subject to review and approval of the Development Services Director, and the pathway shall be subject to maintenance by the Project Homeowner's Association.

16. The Developer shall be required to pay all applicable City impact fees subject to any applicable fee credits and reimbursement in accordance with the City Regulations and an executed Fee Credit Agreement between the Developer and the City as provided for in the City of Tracy Municipal Code, including park fees. Provided, however, no fee credit shall be given for the Developer's construction of the 2.4-acre private park.

17. The approximately 2.4-acre private park shall be designed for the recreational use of the Project residents. The amenities included will be designed, constructed, and maintained at the sole discretion of the Developer and the homeowner's association, but shall comply with the all applicable City Standards for private property landscaping, including, but not limited to water-efficient landscape and stormwater design standards.

18. Before approval of the first building permit, the applicant shall do one of the following:

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

a. CFD or other funding mechanism. The applicant shall enter into an agreement with the City, which shall be recorded against the property, which stipulates that prior to final inspection or certificate of occupancy, the applicant will join a New Development Area Community Facilities District (CFD) for funding on-going operational costs of providing police services, Fire Services, Public Works services and other City services to serve the project area. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. Upon the successful inclusion of the property in the CFD, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment. The special tax imposed under the CFD is expected to be an amount not exceeding \$325 per residential dwelling unit. The applicant shall have no obligation to form its own CFD to provide for the costs of operational services for the project site. If the City has not formed the New Development Area CFD prior to the final inspection or certificate of occupancy of the first building permit for the project, the applicant may request that they City Council rescind the agreement.

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

#### C. Building Division and Fire Prevention Conditions of Approval

1. NFPA 13-R automatic sprinkler systems and fire and smoke alarm systems are required with monitoring.

2. Provide "No Parking" signage along both sides of Crossroads Drive.

3. Prior to the issuance of the 151<sup>st</sup> building permit, the Developer shall fund the cost of a new Type-I Fire Pumper Apparatus per the requirements of the Citywide Public Safety Master Plan

dated 3/21/13, in an amount not to exceed the estimated cost of said equipment (\$500,000). In determining the amount due under this Condition No. C.3, the Developer shall pay the amount of the actual cost of the apparatus minus the total amount of the public safety fees already paid by the Developer in connection with the Project, and shall also receive credit against any remaining public safety fees otherwise due, as provided for in the Fee Credit Agreement that shall be executed by the Developer and the City pursuant to Planning Condition No. 16.

D. Public Works Conditions of Approval

1. The Project Site is already located on the City's Landscape Maintenance District (LMD) map and designated as inactive LMD Zone 32. The City requires that the Project homeowners association (HOA) provide for maintenance of all landscape areas in streets and road rights-of-way and that the Project remain in the City LMD. While required to remain the LMD, it will be kept in a "dormant" status and only activated if the HOA does not provide for maintenance as needed. Landscape maintenance on each privately owned lot will be the responsibility of the individual homeowners or as otherwise provided for in the Project CC&Rs.

2. Landscaping as set forth in the approved Project plans shall be provided consistent with standard details set forth in the City Regulations.

3. Utilize decorative pavement (i.e., stamped concrete) instead of use of pavers in street sections within public streets in accordance with the approved Project plans

**C. Engineering Division Conditions of Approval**

**C.1. General Conditions**

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

- a. Subdivider shall comply with the applicable recommendations of the *Stringer Property Traffic Impact Study in the City of Tracy*, prepared by Kimley-Horn and Associates, Inc., dated July 20, 2015 and *Stringer Development Plan Set Engineering Comments* prepared by Kimley-Horn and Associates, Inc., dated May 21, 2015 ("Traffic Analysis").
- b. *Precise Plan Line (Alignment) for Eleventh Street, Lammers Road*, prepared by BKF and approved by the City Council on June 19, 2007 by Resolution No. 2007-137.
- c. *Hydraulic Evaluation of South Lammers Road Development*, prepared by West Yost Associates, dated May 20, 2015 ("Water Analysis").

C.2. Final Map No application for any final map within the Project Site boundaries will be accepted by the City as complete until the Subdivider provides all documents as required by City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

C.2.1. The final map application, which includes tract boundary, street right-of-way, and lot closure calculations, preliminary title report, updated subdivision map guarantee, copies of recorded deeds and/or easements and documents that are necessary to complete the technical accuracy review of the final map.

C.2.2. The Final Map is prepared in accordance with the City Regulations, and in substantial conformance with the Tentative Subdivision Map.

C.2.3. The Final Map shall include dedications or offers of dedication of all right(s)-of-way and/or easement(s) required to serve the Project described by the Final Map, in accordance with City Regulations and these Conditions of Approval.

- a. The Subdivider shall dedicate a 10-foot wide Public Utility Easement (PUE) along the lot frontages within the Project Site, for the installation, repair, use, operation, and maintenance of public utilities such as electric, gas, telephone, cable TV, and others.

C.2.4. Horizontal and vertical control for the Project shall be based upon the City of Tracy's coordinate system and at least three 2nd order Class 1 control points establishing the "Basis of Bearing" and shown as such on the Final Map. The Final Map shall also identify surveyed ties from two of the control points to a minimum of two separate points adjacent to or within the Project Site described by the Final Map.

- C.2.5. Improvement Plans for in-tract and offsite improvements required to serve the Project Site described by the final map and Vesting Tentative Subdivision Map in accordance with the City Regulations and these Conditions of Approval. The Improvement Plans shall specifically include all the requirements specified in Condition C.6., below.
- a. The Improvement Plans shall consist of the Grading and Storm Drainage Plans, Irrigation and Landscaping Plans, Composite / Joint Utility Plans, In-tract Civil and Utility Plans, Street Lighting Plans, Signing and Striping Plans, Masonry Wall Plans, and Storm Water Plans prepared in accordance with the City Regulations. The Grading Plans shall be submitted together with the calculations of earthwork quantities or specifically the volumes of cut and fill in cubic yards.
  - b. All supporting and engineering calculations, material and technical specifications, and reports related to the design of the subdivision improvements, and as required by the City Engineer. The engineering calculations shall include calculations for determining the size and capacity of sewer, water and storm drain lines.
  - c. If multiple final maps are to be filed, the Improvement Plans, as described above, must be prepared with a detailed phasing plan showing construction limits and logical sequence or order of constructing street and utilities improvements. The phasing plan shall clearly identify the improvements to be constructed with each construction phase.
- C.2.6. A signed and stamped Engineer's Estimate for the cost of subdivision improvements and all the required public facilities, prepared in accordance with City Regulations. Use and add ten percent (10%) for construction contingencies.
- C.2.7. All the required improvement plans are prepared in accordance with City Regulations and these Conditions of Approval. The improvement agreements are executed, improvement security is submitted and documentation of insurance are provided, as required by these Conditions of Approval. The amounts of improvement security shall be approved by the City and the form of improvement security shall be in accordance with the City Regulations.
- C.2.8. Improvement Security. The Subdivider shall provide improvement security for all public facilities, as required by any Subdivision Improvement Agreement and any Deferred Improvement Agreement. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with City Regulations. The amount of the improvement security shall be as follows:
- a. Faithful Performance (100% of the estimated cost of constructing the public facilities),
  - b. Labor & Material (100% of the estimated cost of constructing the public facilities), and

- c. Warranty (10% of the estimated cost of constructing the public facilities)
  - d. Monumentation (\$500 multiplied by the total number of street centerline monuments that are shown on the Final Map)
- C.2.9. The Subdivider shall participate in any applicable Benefit Districts or Assessment Districts so long as any such district(s) have been formed in accordance with applicable laws and are in place as of the time of Project approval, or sub-regional reimbursement areas, in accordance with City Regulations. Provided, however, the applicant shall agree to the inclusion of the Project Site in the City's Landscape Maintenance District pursuant to Public Works Condition No. 1.
- C.2.10. Initial payment of plan and map checking, agreement(s) processing, and other fees required by these Conditions of Approval and City Regulations.
- C.3. Grading Permit The City will not accept a grading permit application for the Project as complete until the Subdivider has provided all relevant documents related to 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.3.1. Grading and Drainage Plans prepared on a 24" x 36" size polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil Engineer.
  - C.3.2. Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.
  - C.3.3. Three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) for the Project with a copy of the Notice of Intent (NOI) submitted to the State Water Quality Control Board (SWQCB) and any relevant documentation or written approvals from the SWQCB, including the Wastewater Discharge Identification Number (WDID#).
    - a. After the completion of the Project, the Subdivider is responsible for filing the Notice of Termination (NOT) required by SWQCB. The Subdivider shall provide the City with a copy of the completed Notice of Termination.
    - b. The cost of preparing the SWPPP, NOI and NOT, including the filing fee of the NOI and NOT, shall be paid by the Subdivider.
    - c. The Subdivider shall prepare a Storm Water Pollution Prevention Plan (SWPPP) that covers specific types and sources of stormwater pollutants, determines the location and nature of potential impacts, and specifies appropriate control measures to eliminate any potentially significant impacts on receiving water quality from stormwater runoff. 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 applicable standards established by the Central Valley RWQCB, which are those that were in place as of the date the Project's Vesting Tentative Subdivision Map application was deemed complete. Best Management Practices shall be selected from the City's Manual of Stormwater Quality Control Standards for New Development and Redevelopment according to site requirements and shall be subject to approval by the City Engineer and Central Valley RWQCB.

- C.3.4. Two (2) sets of the Project's Geotechnical Report signed and stamped by a licensed Geotechnical Engineer licensed to practice in the State of California. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, pavement design recommendations, percolation rate, and elevation of the highest observed groundwater level (measured in two locations within the proposed temporary storm drainage retention basin sites).
- C.3.5. Two (2) sets of Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system and for determining the size of the Project's storm drainage connection.
- C.3.6. A copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD) as required in Mitigation Measures 4 and 5 of the Mitigation Monitoring and Reporting Program of the Mitigated Negative Declaration (MND).
- C.3.7. Check payment in the amount of a \$5,000 deposit (which Developer shall replenish, if and as needed, within thirty (30) days of a request from City to do so), to cover City's actual cost of services for any emergency repair or maintenance work to be performed on the on-site temporary storm drainage retention basin.
- C.3.8. Prior to the issuance of a grading permit for the Project, Subdivider shall submit improvement plans that are at least sixty-five percent (65%) complete to the City for the design of on-site and off-site improvements.
- C.4. Encroachment Permit - No applications for an encroachment permit will be accepted by the City as complete until the Subdivider provides all relevant documents related to said encroachment permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:
  - C.4.1. Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (mylar). Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.
  - C.4.2. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.

- C.4.3. Signed and notarized Offsite Improvement Agreement (OIA) and Improvement Security, to guarantee completion of the identified public improvements that are necessary to serve the Project as required by these Conditions of Approval.
- C.4.4. Check for payment of the applicable engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by the City Regulations and these Conditions of Approval. The engineering review fees will be calculated based on the fee rate adopted by the City Council on April 15, 2014, per Resolution 2014-059.
- C.4.5. If it is necessary to close or interrupt the operation of travel lane(s) on Lammers Road during construction, a Traffic Control Plan prepared and/or signed by a Registered Civil or Traffic Engineer licensed to practice in the State of California, must be submitted for review and approval. No work shall start within City's right-of-way or no lane closure shall be made without obtaining City Engineer's approval on the Traffic Control Plan.
- C.5. Improvement Plans - The Improvement Plans that are required in this section shall contain the design and construction details of street and utilities improvements on South Lammers Road, and all subdivision improvements that are required to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and prepared under the supervision of, and stamped and signed by a Registered Civil Engineer, Traffic Engineer, Electrical Engineer, Mechanical Engineer, and Registered Landscape Architect for the relevant work.
- C.5.1. Grading and Storm Drainage Plans
- C.5.1.1. Erosion Control Improvement Plans shall specify the method of erosion control to be employed and materials to be used.
- C.5.1.2. Site Grading
- a. When the grade differential between the Project Site and adjacent property(s) exceeds 12 inches, a reinforced or masonry block, or engineered retaining wall is required for retaining soil. The Grading Plan shall show construction detail(s) and structural calculations of the retaining wall or masonry wall for City's review and approval. The entire retaining wall and footing shall be constructed within the Project Site. A structural calculation shall be submitted with the Grading and Storm Drainage Plans.
  - b. An engineered fill may be accepted as a substitute of a retaining wall, if the grade differential is less than 2 feet and subject to approval by the City Engineer. If an engineered slope is used to retain soil, a slope easement will be necessary from the adjacent property. If a slope easement is required under this Condition No. C.5.1.2, then the

Subdivider shall obtain a slope easement from owner(s) of the adjacent and affected property(s) and show the slope easement on the Final Map. The Grading and Storm Drainage Plans must show the extent of the slope easement(s). The Subdivider shall be responsible for obtaining permission from owner(s) of the adjacent and affected property(s). The slope easement must be recorded, prior to the issuance of the final building certificate of occupancy.

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

#### C.5.1.3. Storm Drainage

- a. The design and construction details of the Project's storm drainage system and treatment facilities shall comply with the applicable requirements of the City's Storm Water Quality Control Standards and storm water regulations that were in place on the date that the Project's Vesting Tentative Subdivision Map application was deemed complete.
- b. Calculations related to the design and sizing of on-site storm water treatment facilities must be submitted with the Grading and Storm Drainage Plans, and approved by City's Stormwater Coordinator prior to issuance of the grading permit for the Project.
- c. Temporary Retention ("Interim Drainage"). In the absence of permanent downstream storm drainage facilities (i.e., the 30" storm drain pipe downstream from the project, and the SDMP Detention Basin 3B and associated outfall, as shown on Figure 5.1a of the *City of Tracy Citywide Storm Drainage Master Plan*, prepared by Stantec/Storm Water Consulting, Inc., dated November 2012), the City will allow the use of on-site temporary storm drainage retention basin(s) as an interim solution for disposal of storm water generated from the Project Site, provided the Subdivider complies with the applicable City Regulations pertaining to the design and construction of said interim storm drainage retention basin, and ensures that the Project's HOA is obligated (via recorded CC&Rs), and signs a Deferred Improvement Agreement (DIA), to assure completion of the Subdivider's obligation to repair and maintain said basin(s) while the on-site temporary storm drainage retention basin(s) are in service and then to

remove the on-site temporary storm drainage retention basin(s) at such time they are no longer needed due to the construction of the above-referenced permanent facilities. Once said permanent facilities are constructed and operational and serving the Project Site, then the Subdivider shall be responsible for backfilling the temporary storm drainage retention basin(s) and grading the basin site. Once said on-site facilities are removed as required under this Condition No. C.5.1.3(c), the Subdivider may develop lots on the former basin site in accordance with the Project's Vesting Tentative Subdivision Map and other Project approvals. The Subdivider shall pay all costs for the design, construction, maintenance and removal of the on-site temporary storm drainage retention basin(s), and any modifications to temporary facilities. Prior to the recordation of the first final map for the Project, the Subdivider shall enter into a Deferred Improvement Agreement (DIA) with the City that obligates the Subdivider to remove the interim on-site detention basin (and related improvements) and to backfill said basin site pursuant to this Condition No. C.5.1.3(c) once the above-referenced permanent storm drainage facilities are operational and serving the Project Site.

- d. The Subdivider shall provide a geotechnical investigation with respect to the on-site Temporary Retention Basin that validates that percolation rates for the subsurface soils that exist at and below the bottom of the basin are acceptable.
- e. To avoid reverse flow, the on-site temporary storm drainage retention basin(s) must be located at the downstream portion of the Project's on-site storm drainage system and the Project Site, and must be designed and constructed in accordance with the applicable City Regulations and these Conditions of Approval.
- f. Excavated materials shall be kept within the basin site except as otherwise provided for in this Condition No. C.5.1.3(f). If the excavated materials are removed from the basin site, the Subdivider shall be responsible for the cost of import backfill materials, hauling to the basin site, spreading, compacting and re-grading the basin site. If excavated materials are retained on-site, the stockpile of excavated materials shall not be higher than 8 feet and slope should not be steeper than 1:1. A metal fence and access gate shall be installed by the Subdivider to enclose the basin site. The bottom of the temporary on-site storm drainage retention basin(s) shall be 5 feet above the observed highest groundwater elevation at the basin site. The Geotechnical Report shall also indicate the observed highest groundwater elevation at the basin site.

- g. The Subdivider shall record a temporary storm drainage easement to grant rights to the City to access the temporary on-site storm drainage retention basin(s) for any necessary emergency repair or maintenance work the City may have to perform within the basin site. The temporary access easement shall include a sunset clause that such easement will automatically be terminated at such time as the above-referenced permanent storm drainage improvements are completed.

C.5.1.4. Prior to the final inspection of the first building to be constructed on the Project Site, the Subdivider shall submit a signed and notarized Stormwater Treatment Facilities Maintenance Agreement (STFMA) (in substantially the same form as the City's standard STFMA) as a guarantee for the performance of Subdivider's responsibility towards the repair and maintenance of on-site storm water treatment facilities. Calculations related to the design and sizing of on-site storm water treatment facilities must be submitted with the STFMA and the Grading and Storm Drainage Plans.

#### C.5.2. Sanitary Sewer Facilities

C.5.2.1. The Subdivider shall design and install sanitary sewer facilities including the Project's sewer connection in accordance with City Regulations and utility improvement plans approved by the City Engineer. The Subdivider is hereby notified that the City will not provide maintenance of the sewer lateral within the public right-of-way unless the sewer cleanout is located and constructed in conformance with Standard Plan No. 203. The City's responsibility to maintain on the sewer lateral is from the wye fitting to the point of connection with the sewer main.

C.5.2.2. Connection to Westside Catchment Sewer System - According to the Tracy Wastewater Master Plan (TWMP) that was adopted by the City Council on January 15, 2013, (Resolution 2013-008), the Project Site is within the planned service area of the Westside Catchment Sewer System (Page 5-1 of the TWMP). The Subdivider is responsible to design and construct the 18-inch and 21-inch sewer lines in Lammers Road per the master plan, approximately 3000 Linear Feet from the southerly property boundary to the existing terminus in Lammers Road.

- a. Fee Credits (as well as any reimbursements that may also be due if cost of improvements exceeds applicable wastewater fee credits) for design and construction of the Westside Catchment Sewer system shall be in accordance Title 13 of the Tracy Municipal Code and provided pursuant to the Fee Credit Agreement that Developer and the City enter into pursuant to Planning Condition No. 16. The amount of fee

credits/reimbursement shall be determined during the review of the Improvement Plans.

- b. The Subdivider shall pay a fair share fee for the use of the Hansen Sewer capacity in the interim, until the Westside Catchment Sewer is completed. The amount of the fair share fee to be determined by the City Engineer.
- c. Subdivider shall design and construct the sewer line in Crossroads Drive from the Project to the manhole connection to the Westside Catchment Sewer System in Lammers Road (identified as Node 5W on Fig.5-1 of the TWMP). The sewer line in Crossroads Drive is not a master plan Program facility. The full cost of the design and construction of this sewer line shall be paid by the Subdivider, and no reimbursement or fee credits shall be applicable.
- d. The Developer is hereby notified that the City has limited wastewater treatment capacity in the City's Wastewater Treatment Plant until current and future expansion capital improvement projects are completed and operational. As of January 2015, the City had an unused capacity of approximately 4200 EDU's within its wastewater treatment plant available to new development within the City on a first come-first served basis. These EDU's are currently available to serve the proposed Project, but as other development projects within the City come forward and building permits are issued, this remaining capacity will be reduced.

Should the remaining EDUs be fully allocated prior to start of construction of the proposed Project and the Developer seeks to commence construction of the 226 lots, the Developer would have the option to provide the necessary funding to the City to assist in completion of the phased WWTP expansion construction, above and beyond payment of sewer impact fees, and would be eligible for fee credits (in addition to any reimbursement that also may be due) of these monies as other projects are developed and sewer impact fees posted with the City.

### C.5.3. Water System Facilities

- C.5.3.1. The Subdivider shall complete the design and installation of water lines and connections as recommended in the Water Analysis (Figure 3) including the 12-inch diameter DIP connection from the Project to the existing 20-inch water main in Lammers Road at the intersection of Crossroads Drive and Lammers Road and the 12-inch diameter connection from the project to the existing 12-inch water main located in Redbridge Road near the intersection of Redbridge Road and Kaden Lane.

C.5.3.2. Water Shutdown Plan and Traffic Control Plan: If water main shut down is necessary, the City will allow a maximum of four hours water supply shutdown. The Subdivider shall be responsible for notifying residents or business owner(s), regarding the water main shutdown. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least 72 hours before the water main shutdown. Prior to starting the work described in this section, the Subdivider shall submit a Water Shutdown Plan and Traffic Control Plan to be used during the installation of the offsite water mains.

C.5.3.3. Domestic and Irrigation Water Services

- a. All water connections that are bigger than 2 inches in diameter shall be Ductile Iron Pipe (DIP).
- b. Domestic water service shall be installed in accordance with City Regulations and the utility improvement plans approved by the City Engineer. City's responsibility to maintain water lines shall be from the water main on the street to the back of the water meter (inclusive) only. Repair and maintenance of all on-site water lines, laterals, sub- meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Subdivider.
- c. All costs associated with the installation of the Project's permanent water connection(s) as identified in the Water Analysis including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings, replacing traffic detecting loops, conduits, and wires, relocating existing utilities that may be in conflict with the water connection(s), and other improvements shall be paid by the Subdivider.

C.5.3.4. Prior to the approval of the Improvement Plans, the Subdivider shall obtain written approval from the City's Fire Safety Officer and Chief Building Official, for the location and spacing of fire hydrants that are to be installed to serve the Project.

C.5.4. Street Improvements

C.5.4.1. Roadway Improvements Frontage Responsibility – Per the Citywide Roadway & Transportation Master Plan (CRTMP) that was adopted by the City Council on November 26, 2012, pursuant to Resolution 2012-240, Lammers Road will be a 6-lane expressway (parkway) street with a minimum right-of-way of 137 feet. According to the CRTMP (Figure 5.1 – Roadway Improvement Cross Section Responsibility per Frontage Policy), the Subdivider is responsible to design and construct the outside travel lane (plus shoulder) and the landscape strip behind the curb up to the property line. The Subdivider shall be

eligible to receive fee credits for the cost of the program portion of improvements and shall receive said credits in accordance with the Fee Credit Agreement that the City and the Subdivider enter into pursuant to Planning Condition No. 16.

C.5.4.2. Right-of-Way on Lammers Road – The Subdivider shall dedicate 70 feet of right-of-way along the entire frontage of the Property on Lammers. An additional 5 feet of right-of-way (75 feet total) shall be dedicated where the right-turn lane to Crossroads Drive is to be located. The Subdivider shall execute a Grant Deed to convey the land in fee title or dedicate the right-of-way on the Final Map.

- a. The Subdivider shall vacate the existing 40' wide irrigation easement adjacent to the Lammers Road right-of-way at the west boundary line of the Project parcel.
- b. The Subdivider shall work with the City of Tracy, San Joaquin County and the adjacent property owner to the north to locate and construct an interim pedestrian path from Crossroads Drive to Kimball High School consistent with the approved Project plans. The exact location and width will be determined by all parties after review of the available options.

If requested by the Subdivider, the City will assist in the acquisition of right-of-way, for this interim pedestrian path by extending its power of eminent domain, subject to approval by the City Council.

- c. The Subdivider shall dedicate the proposed Parcel "F" lot adjacent to Redbridge Road for future intersection improvements.

C.5.4.3. Right-of-Way on Crossroads Drive – Per the Citywide Roadway & Transportation Master Plan (CRTMP) that was adopted by the City Council on November 26, 2012, pursuant to Resolution 2012-240, Crossroads Drive will be a 4-lane arterial street with a minimum right-of-way of 99 feet. According to the CRTMP (Figure 5.1 – Roadway Improvement Cross Section Responsibility per Frontage Policy), the Subdivider is responsible to design and construct the outside travel lane (plus shoulder) and the landscape strip behind the curb up to the property line. Any travel lane(s) or left-turn and right-turn lane(s) along the Property's frontage or at all the access points on Crossroads Drive that are provided and are necessary to meet access spacing requirements are considered to be site specific offsite improvements and they are Subdivider's responsibility to design and construct without any reimbursement from the City.

- a. For the section of Crossroads Drive located between Lammers Road and the Project entry at Street 'M', the

Project shall dedicate 54 feet of right-of-way for Crossroads Drive, with the remaining 45 feet of right-of-way to be dedicated by the property located to the north of the Project when that property is developed. The Subdivider shall not be eligible for fee credits /reimbursement for this portion of right-of-way dedication in excess of its obligation, as the amount will be credited towards Subdivider's obligations outlined in Condition C.5.4.3(b) below.

- b. For the section of Crossroads Drive east of Street 'M', the proposed alignment of Crossroads Drive shifts to the north. Subdivider and the City have agreed that the fee credits for the excess right-of-way dedication outlined in Condition C.5.4.3(a) above shall be applied towards Subdivider's obligation for future required transitions in the alignment of Crossroads Drive to east of Street 'M'.

C.5.4.4. Street 'M' entry road and Other In-tract Streets. The Subdivider shall dedicate all rights-of-way that are necessary to construct Street 'M' and all the in-tract streets based on their respective cross sections shown on the VTM. The width of travel lanes, street median, landscaping strip and sidewalk shall be in accordance with the City Regulations or as otherwise shown on the approved Tentative Map package.

C.5.4.5. Emergency Vehicle Access Easement (EVA) Prior to final inspection of the first residential unit within the Project (excluding model homes), the Subdivider shall provide minimum 20-foot wide Emergency Vehicle Access between Lots 107 and 108 to provide a second point of Fire Department access to the Project as required by the Fire Code Official. The Subdivider and City shall enter into an EVA Agreement prior to the start of construction to address access across private property and maintenance responsibilities of the HOA. The Subdivider shall submit improvement plans for the EVA for approval.

C.5.4.6. Frontage Improvements on Lammers Road – The Subdivider shall design and construct all roadway improvements on Lammers Road that are necessary to provide safe and functional access to the Project, as described by the Technical Memorandum prepared by Kimley-Horn and Associates, titled "*Stringer Development Plan Set Roadway Engineering Comments*" dated May 21, 2015 (Traffic Report), and as required by these Conditions of Approval and as approved by the City Engineer. The Traffic Report is on file with the Office of the City Engineer and is available for review upon request. The conceptual layouts of Interim and Ultimate improvements required to be completed are shown on Sheets TM09 and TM10 of the Vesting Tentative Map.

- a. Frontage Improvements: The frontage roadway improvements required on Lammers Road involve widening

of the east side of Lammers Road along the frontage of the Project to provide an interim median island, two northbound travel lanes, and a right-turn lane; roadway improvements shall include pavement transitions and other improvements which includes but not limited to, the installation of new asphalt concrete pavement, concrete curb and gutter, a 10-foot wide Class 1 Bikeway/pedestrian facility, handicap ramp(s), crosswalks, and parkway landscaping improvements with automatic irrigation system, storm drainage, catch basin/ drop inlet, fire hydrants, domestic, irrigation and fire services, LED street lights, traffic sign(s), pavement marking and striping along the entire frontage of the Project and other improvements such as barricades, signing, and striping that are necessary to provide a safe transitions to and from a widened roadway section of Lammers Road. Design and construction of Frontage Roadway Improvements shall be completed by the Subdivider, prior to final inspection of the first building to be constructed within the Project Site (excluding model homes).

Subdivider shall be eligible to receive fee credits for the program portion of the above-referenced improvements in accordance with the CRTMP and City Regulations and provided in accordance with the Fee Credit Agreement that Subdivider and the City enter into pursuant to Planning Condition No. 16.

- b. The masonry wall along the Project's frontage on South Lammers Road and Crossroads Drive is considered a public improvement (once it is built by Developer and the dedication of which is accepted by the City) which will be maintained by the HOA. The masonry wall including its column and wall footings shall be constructed within the area that will be dedicated to the City with the first final map. The masonry wall shall be designed and constructed in accordance with City Regulations.
- c. To provide pedestrian and bicyclist access from the Project to Kimball High School, the Subdivider is required to install an interim sidewalk on Lammers Road from the Project Site to the existing sidewalk on Lammers Road in front of the Kimball High School sports field, approximately 2200 feet north of Crossroads Drive, consistent with approved Project plans. The interim sidewalk shall be 5-feet wide and have a structural section of 3" asphalt concrete and 8" Class II aggregate base. The design and construct details of the interim sidewalk shall be included on the Offsite Improvement Plans. Cost of designing and constructing the interim sidewalk shall be paid by the Subdivider without any reimbursement from the City. Construction of the above-referenced pedestrian and bicyclist access to be completed

prior to final inspection of the first residential unit within the Project (excluding model homes).

C.5.4.7. Frontage Improvements on Crossroad Drive – The Subdivider shall design and construct all roadway improvements on Crossroads Drive that are necessary to provide safe and functional access to the Project for each phase and at Project's build-out condition and consistent with the approved Project plans.

- a. Frontage Improvements: The roadway improvements required on Crossroads Drive includes construction of median curb on Project frontage, a 12-foot wide westbound travel lane, and a 12-foot wide eastbound travel lane. The roadway improvements shall include the installation of new asphalt concrete pavement, concrete curb and gutter, a 10-foot wide Class 1 Bikeway/pedestrian facility to be installed seven feet behind the back of curb, handicap ramp(s), crosswalks, parkway landscaping improvements with automatic irrigation system, storm drainage, catch basin/drop inlets, fire hydrants, domestic, irrigation and fire services, LED street lights, traffic sign(s), pavement marking and striping along the entire frontage of the Project from Lammers Road to the end of Crossroads Drive at the Project Entry at Street 'M'. Other improvements such as barricades, signage, and fencing shall be installed as required or as directed by the City Engineer and consistent with approved Project plans. Design and construction of frontage Improvements shall be completed by the Subdivider, prior to final inspection of the first building to be constructed within the Project Site (excluding model homes).
- b. The Subdivider shall not be eligible for fee credits or reimbursement for this portion of frontage improvements in excess of Subdivider's obligation in accordance with the CRTMP, as the Subdivider and the City have agreed that the fee credits for the excess frontage improvements shall be applied towards Subdivider's obligation for future required transitions in the alignment of Crossroads Drive to east of Street 'M'.
- c. Traffic Signal on Crossroads Drive According to the Traffic Analysis for the Project, the Lammers Road/Crossroads Drive Intersection does not warrant a traffic signal by a marginal amount (7 vehicles in the AM peak hour). Because of the high speeds on Lammers Road, the City's Traffic Section will monitor traffic conditions at this intersection and will conduct two additional volume counts and speed study (warrant analysis), one after the 180<sup>th</sup> home is occupied and one after the 226<sup>th</sup> home is occupied.
  - (1) In order to guarantee the Project's obligation towards mitigation of traffic impacts caused as a result of traffic

increase generated by the Project, the Subdivider will be required to deliver a cash deposit in the amount of \$10,000 prior to the approval of the first Final Map. The cash deposit will be used to cover the cost of performing the two above-referenced (2) traffic signal warrant analyses. The City shall complete the warrant analyses prior to performing final inspection of the 181<sup>st</sup> and 226<sup>th</sup> residential buildings to be constructed within the Project. If the actual cost of the warrant analyses is more than the cash deposit, the Subdivider shall pay the cost difference within fifteen (15) working days from the date of written notice from the City Engineer. The unused portion of the cash deposit shall be refunded to the Subdivider after the Project closeout is completed.

- (2) If the signal warrant is met, the Subdivider shall install a traffic signal at this intersection. The Subdivider shall enter into a Deferred Improvement Agreement with the City for installation of the traffic signal prior to approval of the first Final Map. Security for the traffic signal shall be provided (in accordance with applicable City Regulations) at such time as the above-referenced analyses show that the traffic signal warrants are met. The signal is included in the City TIF, and the Subdivider will be eligible for a fee credit against remaining traffic fees that would otherwise be due (in accordance with applicable City Regulations) for installation of the traffic signal if it is required (in addition to any reimbursement that also may be due), which arrangement shall be reflected in the Fee Credit Agreement that Developer and the City enter into pursuant to Planning Condition No. 16.

C.5.4.8. At the time of issuance of the first building permit, the Subdivider shall pay its fair share of the cost of interim improvements at the intersection of Lammers Road and Old Schulte Road per the capital improvement project and the applicable City Regulations.

C.5.4.9. All roadway improvements described in these Conditions of Approval must be designed and constructed by the Subdivider to meet the applicable requirements of the latest edition of the California Department of Transportation Highway Design Manual (HDM) and the California Manual of Uniform Traffic Control Devices (MUTCD), all applicable City Regulations, and these Conditions of Approval, prior to final inspection of the first building to be constructed within the Project Site (excluding model homes).

C.5.4.10. The City will assume responsibility to maintain the public improvements and accept the offer of dedication for right-of-way on Lammers Road, Crossroads Drive, and all other public

streets after the City Council accepts the public improvements.

- C.5.4.11. All traffic control devices and appurtenances, including stop sign, street name sign, pavement legend, and pavement marking and striping shall be installed in accordance with City Regulations and a detailed signing and striping plan approved by the City Engineer.
- C.5.4.12. LED Street lights shall be installed in accordance with City Regulations and at locations approved by the City Engineer. As part of the Improvement Plans, a street lighting plan that shows the LED street lights, conduits, wires and electrical connection to PG&E facility including all pertinent construct details. A Photometric Plan must be submitted for City's review and approval.
- C.5.4.13. Landscaping improvements along Lammers Road and Crossroads Drive shall be installed with an automatic irrigation system as approved by the City Engineer, and shall be completed by the Subdivider, prior to the final inspection of the first residential building to be constructed within the Property (excluding model homes). Irrigation and Landscape Plans shall be signed and stamped by a registered Landscape Architect licensed to practice in the State of California
- C.5.4.14. A standard barricade and guardrail with appropriate traffic sign will be required at the east end of Crossroads Drive at the intersection to the Project entrance at Street 'M'. The space behind the barricade shall be paved to prevent growth of weeds and provide easier access for removing accumulated debris. To prevent street runoff from draining to adjacent property(s), a curb shall be installed through the entire width of the pavement or curb-to-curb. Alternatively, the space behind the barricade may be landscaped and maintained by the HOA.
- C.5.4.15. The Subdivider shall coordinate with the Tracy Post Master for location of, and installation (by the Subdivider) of, cluster type mailbox units. Design and construction criteria shall be in accordance with City requirements. The US Postal Services is responsible for repairing and maintaining all cluster mailboxes located within City's right-of-way.
- C.5.5. The Utility Corridor parcels shown on the Vesting Tentative Map as Parcels A, D, and H shall be dedicated to and maintained by the Homeowner's Association. If these parcels will also be used for pedestrian access to the subdivision, details related to maintenance vehicle access, driveway curb cuts, maintenance access road structural sections, bollards, safety lighting, landscaping, any safety concerns by police department, etc. will need to be coordinated with the Planning, Public Works, and Police departments.

C.5.6. Neighborhood Park

As part of the Project development, the Subdivider shall construct a private, neighborhood park per these Conditions of Approval and consistent with the approved Project plans. The private park shall be maintained by the Project's Homeowners Association (HOA).

C.5.7. Joint Utility Trench Plans – All future utilities along the frontage of the Project Site on Lammers Road shall be placed in an underground facility. If required, the Subdivider shall relocate existing utility poles along the frontage of the Project Site on Lammers Road after obtaining approval of affected utility companies and the City. However, no undergrounding or relocation of any utility poles on the west side of Lammers Road shall be required. No fee credits or reimbursements shall be applicable for utility pole relocations.

C.5.7.1. Subdivider shall prepare joint trench plans in compliance with utility companies' requirements and City regulations, and obtain approval of the plans. All private utility services to serve Project such as electric, telephone and cable TV to the building must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities. The Subdivider shall submit Joint Utility Trench Plans for the installation of electric, gas, telephone and TV cable main and service lines that are necessary to be installed to serve the Project. These utilities shall be installed within the 10-foot wide Public Utility Easement (PUE) that will be offered for dedication to the City. The Subdivider shall coordinate, as feasible, with the respective owner(s) of the utilities for the design of these underground utilities to ensure they can be installed within the 10-foot wide PUE to the extent feasible (and except in the event, that additional space beyond the 10-foot PUE is required, as determined by the utilities owner(s)).

C.5.7.2. Pavement cuts or utility trench(s) on existing street(s) for the installation of water distribution main, storm drain, sewer line, electric, gas, cable TV, and telephone will require the application of 2" asphalt concrete overlay and replacement of pavement striping and marking that are disturbed during construction. The limits of asphalt concrete overlay shall be 25 feet from both sides of the trench, and shall extend over the entire width of the adjacent travel lane(s) if pavement excavation encroaches to the adjacent travel lane or up to the street centerline or the median curb. If the utility trench extends beyond the street centerline, the asphalt concrete overlay shall be applied over the entire width of the street (to the lip of gutter or edge of pavement, whichever applies). This pavement repair requirement is applicable when cuts or trenches are perpendicular to the street direction; when the new joint trench is placed in the street parallel to the street direction; the width of overlay is to be the width of the affected lane.

- C.6. Building Permit No building permit within the Project Site boundaries will be approved by the City (excluding model homes) until the Subdivider demonstrates, to the satisfaction of the City Engineer, compliance with all Conditions of Approval that expressly require compliance prior to issuance of a building permit, as well as the Conditions Nos. C.6.1 through C.6.6 below:
- C.6.1. Payment (on a per-unit basis) of the Master Plan Fees for Citywide Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park adopted by the City Council on January 7, 2014, per Resolution 2014-010 and all other applicable fees pursuant to the City Regulations, as required by these Conditions of Approval .
  - C.6.2. Payment (on a per-unit basis) of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC, and these Conditions of Approval.
  - C.6.3. Payment (on a per-unit basis) of the Agricultural Conversion or Mitigation Fee as required in Chapter 13.28 of the TMC and these Conditions of Approval.
  - C.6.4. Payment (on a per-unit basis) of the Regional Transportation Impact Fees (RTIF) as required in Chapter 13.32 of the TMC, and these Conditions of Approval.
  - C.6.5. A letter signed and stamped by the Project's Geotechnical Engineer certifying that all grading work that was performed by the Subdivider within the Project meets the requirements of the Project's Geotechnical/Soils Report and the recommendations of the Project's Geotechnical Engineer.
  - C.6.6. The applicable final map is approved by the City and recorded at the Office of the San Joaquin County Recorder.
- C.7. Agreements, Improvement Security, and Insurance
- C.7.1. Subdivision Improvement Agreement - Concurrently with the City's processing of a final map, and prior to the City's approval of the final map, the Subdivider shall execute a Subdivision Improvement Agreement (for the public facilities required to serve the real property described by the final map), which includes the Subdivider's responsibility to complete all of the following requirements to the satisfaction of the City Engineer:
    - a. The Subdivider has submitted all required improvement plans in accordance with the requirements of City Regulations and these Conditions of Approval, and the improvement plans have been approved by the City Engineer.
    - b. The Subdivider has submitted a complete application for a final map which is served by the required public improvements, and the final map has been approved by the City Engineer.

- c. The Subdivider has paid all required processing fees including plan check and inspection fees.
- d. The Subdivider executes a Subdivision Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all required improvements.
- e. The Subdivider posts all required improvement security and evidence of insurance.

C.7.2. Offsite Improvement Agreement: Prior to starting any work on Roadway Improvements, the Subdivider shall sign an improvement agreement (Offsite Improvement Agreement or OIA) and post improvement security in accordance with Section 12.36.080 of the TMC, to guarantee completion of the public improvements. The OIA requires approval from the City Council.

- a. Prior to the approval of the OIA, the Subdivider will be required to submit Improvement Plans that contains the design, construction details and specifications of all public improvements that are required to serve the Project, prepared in a 24" x 36" size polyester film (mylar), signed and stamped by the Design Engineer, for City's approval and signature. The Subdivider shall also submit Technical Specifications and Cost Estimates. All engineering calculations for the design of the improvements must be submitted as part of the Improvement Plans.
- b. The Subdivider will be required to pay Engineering Review Fees which include plan checking, agreement and permit processing, testing, engineering inspection, and program management fees, prior to the approval of the OIA and in accordance with the City Regulations.

C.7.3. Deferred Improvement Agreement - Prior to the City's approval of the first final map within the Project, the Subdivider shall execute a Deferred Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all remaining public facilities (to the extent the public facilities are not included in the Subdivision Improvement Agreement) which are required by these Conditions of Approval. The Deferred Improvement Agreement shall identify timing requirements for construction of all remaining public facilities, in conformance with the phasing plan submitted by the Subdivider and approved by the City Engineer and shall include improvement security for the deferred improvements.

C.7.4. Improvement Security - The Subdivider shall provide improvement security for all public facilities, as required by Deferred Improvement Agreement, Subdivision Improvement Agreement, or Offsite Improvement Agreement. The form of the improvement security may be a bond, or other form in accordance with City Regulations. The amount of the

improvement security shall be in accordance with City Regulations, generally, as follows: Faithful Performance (100% of the approved estimates of the construction costs of public facilities), Labor & Material (100% of the approved estimates of the construction costs of public facilities), and Warranty (10% of the approved estimates of the construction costs of public facilities).

C.7.5. Insurance - For each Inspection Improvement Agreement and Subdivision Improvement Agreement, the Subdivider shall provide the City with evidence of insurance, as follows:

- a. General. The Subdivider shall, throughout the duration of the Agreement, maintain insurance to cover Subdivider, its agents, representatives, contractors, subcontractors, and employees in connection with the performance of services under the Agreement at the minimum levels set forth below.
- b. Commercial General Liability (with coverage at least as broad as ISO form CG 00 01 01 96) coverage shall be maintained in an amount not less than \$3,000,000 general aggregate and \$1,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.
- c. Automobile Liability (with coverage at least as broad as ISO form CA 00 01 07 97, for "any auto") coverage shall be maintained in an amount not less than \$1,000,000 per accident for bodily injury and property damage.
- d. Workers' Compensation coverage shall be maintained as required by the State of California.
- e. Endorsements. Subdivider shall obtain endorsements to the automobile and commercial general liability with the following provisions:
  - 1) The City (including its elected and appointed officials, officers, employees, agents, and volunteers) shall be named as an additional "insured."
  - 2) For any claims related to this Agreement, Subdivider's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Subdivider's insurance and shall not contribute with it.
- f. Notice of Cancellation. Subdivider shall obtain endorsements to all insurance policies by which each insurer is required to provide thirty (30) days prior written notice to the City should the policy be canceled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation.
- g. Authorized Insurers. All insurance companies providing coverage to Subdivider shall be insurance organizations authorized by the

Insurance Commissioner of the State of California to transact the business of insurance in the State of California.

- h. Insurance Certificate. Subdivider shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance, in a form satisfactory to the City.
  - i. Substitute Certificates. No later than thirty (30) days prior to the policy expiration date of any insurance policy required by the Agreement, Subdivider shall provide a substitute certificate of insurance.
  - j. Subdivider's Obligation. Maintenance of insurance by the Subdivider as specified in the Agreement shall in no way be interpreted as relieving the Subdivider of any responsibility whatsoever (including indemnity obligations under the Agreement), and the Subdivider may carry, at its own expense, such additional insurance as it deems necessary.
- C.8. Release of Improvement Security - Improvement Security(s) described herein shall be released to the Subdivider after City Council's acceptance of public improvements and in accordance with the release provisions in the Subdivision Improvement Agreement (or the DIA or OIA, as applicable) and the applicable provisions governing security under the City of Tracy Municipal Code.
- C.9. Acceptance of Public Improvements - Public improvements will not be accepted by the City Council until after the Subdivider completes construction of the relevant public improvements, and also demonstrates to the City Engineer satisfactory completion of the following:
- C.9.1. Correction of all items listed in the deficiency report prepared by the assigned Engineering Inspector relating to public improvements subject to City Council's acceptance.
  - C.9.2. Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Subdivider, the City shall temporarily release the originals of the Improvement Plans to the Subdivider that the Subdivider will be able to document revisions to show the "As Built" configuration of all improvements.
- C.10. Temporary or Final Building Certificate of Occupancy - No Temporary or Final Building Certificate of Occupancy will be issued by the City (excluding model homes) until after the Subdivider provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:
- C.10.1. The Subdivider has satisfied all the requirements set forth in Condition C.9, above.
  - C.10.2. The Subdivider has completed construction of all required public facilities for the building for which a certificate of occupancy is requested and all the improvements required in these Conditions of Approval. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Subdivider shall use diligent and good faith efforts in taking all actions necessary to construct all public

facilities required to serve the Project, and the Subdivider shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency), subject to applicable fee credits (in addition to any reimbursement that may also be due) in accordance with the City Regulations and as provided in the Fee Credit Agreement entered into by the City and Developer pursuant to Planning Condition No. 16.

C.11. Special Conditions

- C.11.1. All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Regulations, and City's Design documents including the City's Facilities Master Plan for storm drainage, roadway, wastewater and water adopted by the City, or as otherwise specifically approved by the City in accordance with approved Project plans.
- C.11.2. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Subdivider shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection. The Subdivider shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.
- C.11.3. The Subdivider shall abandon or remove all existing irrigation structures, channels and pipes, if any, as directed by the City after coordination with the irrigation district, if the facilities are no longer required for irrigation purposes. If irrigation facilities including tile drains, if any, are required to remain to serve existing adjacent agricultural uses, the Subdivider will design, coordinate and construct required modifications to the facilities to the satisfaction of the affected agency and the City. Written permission from irrigation district or affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Subdivider.
- C.11.4. Any damages to existing improvements within the street right-of-way due to construction related activities shall be repaired or replaced as directed by the City at Subdivider's cost.
- C.11.5. All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers. Any damaged, displaced, obliterated or lost monuments or survey markers shall be re-established or replaced by a licensed Land Surveyor at the Developer's (or Contractor's) sole expense. A corner record must be filed in accordance with the State law for any reset monuments (California Business and Professions Code Section 8871).

- C.11.6. Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the Grading Permit, Encroachment Permit, Building Permit, Improvement Plans, OIA, and DIA, if the City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City and is otherwise in accordance with the City Regulations. The Subdivider shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City except as otherwise expressly set forth in these Conditions of Approval.

AGENDA ITEM 1-B

REQUEST

**PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE CITY COUNCIL FOR A DEVELOPMENT REVIEW APPLICATION FOR A 252-UNIT RESIDENTIAL APARTMENT PROJECT LOCATED ON APPROXIMATELY 11.62 ACRES ON THE NORTH SIDE OF VALPICO ROAD AT GLENBRIAR DRIVE, WEST OF THE RITE AID STORE AT THE NORTHWEST CORNER OF VALPICO ROAD AND MACARTHUR DRIVE (ASSESSOR'S PARCEL NUMBERS 246-140-12, 13, AND 14). THIS PROJECT WAS PREVIOUSLY APPROVED AS TWO SEPARATE PROJECTS: THE VALPICO APARTMENTS AND MACDONALD APARTMENTS – THE APPLICANT IS REPUBLIC TRACY, LLC – APPLICATION NUMBER D15-0024**

DISCUSSION

Background

On December 18, 2012, the Tracy City Council approved two residential apartment projects: the Valpico Apartments and MacDonald Apartments. The Planning Commission previously considered and recommended approval of the projects on November 14, 2012. The two projects' sites are adjacent to each other on approximately 11.62 acres, on the north side of Valpico Road at Glenbriar Drive (Exhibit 1). Exhibit 2 and 3 contain the December 18, 2012 City Council staff reports including descriptions of those projects.

Although they are two, separate projects, the owners of each project worked together to coordinate the architecture, infrastructure design, and shared improvement responsibilities to extend Glenbriar Drive north from Valpico Road.

The projects' approval became effective on February 14, 2013. Development Review approvals expire after two years unless a time extension is granted by the City. Prior to the projects' expiration, the owners requested a time extension of the Development Review permits. On July 7, 2015, the City Council granted an extension of the Development Review permits of the two projects, to February 14, 2017.

Project Description

The owners of the Valpico and MacDonald Apartments projects are currently under contract to sell the projects to Republic Family of Companies who intends to build and manage the apartments. Republic would combine the two projects into one project with shared management, swimming pool, recreation room, and other features. Republic has developed minor modifications and enhancements to the site plan and building architecture. Exhibits 4, 5, and 6 contain the proposed and previously approved site plan/conceptual landscape plan, floor plans, and building elevations.

The differences between what was previously approved compared to what is currently proposed are fairly minor and are not immediately apparent upon quick glance at the site plans. But a closer look reveals a number of modifications and enhancements:

- (1) the project still includes a swimming pool, but a freestanding clubhouse/community room and fitness center have been added;
- (2) the 17, two-story, "townhouse-style" units near the southeast corner of the site have been replaced with three-story apartment buildings to match the other buildings on site;
- (3) the replaced townhouse units and minor site plan changes on the east third of the site result in a net increase of eight dwelling units. The project would now have 252 units instead of 244;
- (4) The number of units and floor plans of the 12-plex and 24-plex buildings are the same, except that the width of each unit is slightly reduced, resulting in slightly narrower buildings;
- (5) all of the buildings will retain the Spanish style architecture with the addition of a few decorative details;
- (6) landscape plans have been updated to include more drought-tolerant trees.

### Parking

When the projects were approved in 2012, the MacDonald Apartments received approval of a 15 percent parking space reduction, in accordance with City regulations, based on studies presented showing the demand for parking spaces will be lower than otherwise required by the standard Tracy Municipal Code (TMC) Parking Ordinance requirements. As approved, the combined projects contained 460 off-street parking spaces: 17 short of what otherwise would have been required by the TMC standards.

Due to the increase in the number of units (from 244 to 252), the number of required off-street parking spaces also increases – from 477 to 491. However, the proposed site plan more efficiently locates on-site parking, resulting in 485 parking spaces – only six spaces short of the number that would otherwise have been required, instead of 17 short. In other words, although the proposed change to the project increases the parking demand by 14 spaces, the redesigned site results in an increase of 25 spaces. No changes are proposed to the parking space reduction granted by the City Council in 2012.

### Project Approvals

When the projects were approved in 2012, the Valpico Apartments project included a General Plan amendment, both the Valpico and MacDonald projects included rezoning applications, and both included Tracy Municipal Code amendments. A Negative Declaration for the Valpico Apartments project was approved; and the MacDonald Apartments project did not require additional CEQA review. The General Plan designation and zoning of the two adjacent sites are Residential High and High Density Residential, respectively.

The General Plan amendment, rezonings, and Tracy Municipal Code amendments (of these projects) were finalized with the actions in 2012, and are not subject to expiration and do not need to be amended for the proposed project. Development Review is the permit through which the project obtains approval for architecture, site plan, parking, landscaping, utility connections, and other design elements.

The proposed modifications are relatively minor. The project is essentially the same land use, variety of amenities, and other characteristics as previously approved. Nevertheless, since a change is proposed, a new Development Review application is required.

#### Land Use and Design Characteristics Summary

The land use, density, circulation, landscaping, public utilities, and other design issues of the projects are consistent with the General Plan and zoning designations of these two adjacent sites, and with other City standards. These multi-family projects previously approved included approximately 21 dwelling units per acre. The proposed amendments would increase the density to nearly 21.7 dwelling units per acre. The High Density Residential Zone, in which the site is located, allows from 12.1 to 25 dwelling units per acre.

Characteristics that help make this location more suitable for high-density housing are its proximity to nearby retail uses and direct access to arterial streets (Valpico Road and MacArthur Drive). Project design elements that formed the basis for approving the application in 2012 have not changed. The projects have usable open space exceeding City standards, ten-foot wide additional bike/pedestrian pathway along the Valpico Road frontage, depressed topography of the site (compared with grades of Valpico Road and surrounding property) which will deemphasize the height of the three-story buildings, and architectural compliance with the City's Design Goals and Standards.

#### CEQA Documentation

In accordance with the California Environmental Quality Act (CEQA) Guidelines, on December 18, 2012, the City Council adopted a Mitigated Negative Declaration for the Valpico Apartments project; and determined that the MacDonald Apartments project does not need additional CEQA documentation, in accordance with Guidelines Section 15183, because the project is consistent with the development density analyzed in the General Plan Environmental Impact Report.

In accordance with California Environmental Quality Act Guidelines Section 15162, no subsequent Negative Declaration shall be prepared for a project unless there are substantial changes in the project or circumstances under which the project is undertaken, which will require major revisions to the Negative Declaration due to new environmental effects or a substantial increase in the severity of previously identified significant effects.

The minor amendments to the project (proposed through this Development Review application) do not result in substantial changes to the project or significant environmental effects of the project. The entire project is consistent with the development density analyzed in the General Plan Environmental Impact Report and the Valpico Apartments Negative Declaration. No additional California Environmental Quality Act Documentation is required.

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council approve the Development Review application for the Valpico/Republic Apartments, as indicated in the attached Planning Commission Resolution.

MOTION

Move that the Planning Commission recommends that the City Council approve Development Review Application Number D15-0024, subject to conditions and based on findings contained in the Planning Commission Resolution dated March 9, 2016.

Prepared by Alan Bell, Senior Planner

Approved by Bill Dean, Assistant Development Services Director

ATTACHMENTS

Exhibit 1 – Location Map

Exhibit 2 – December 18, 2012 City Council Staff Report for Valpico Apartments

Exhibit 3 – December 18, 2012 City Council Staff Report for MacDonald Apartments

Exhibit 4 – Proposed and Previously Approved Site Plan/Conceptual Landscape Plan

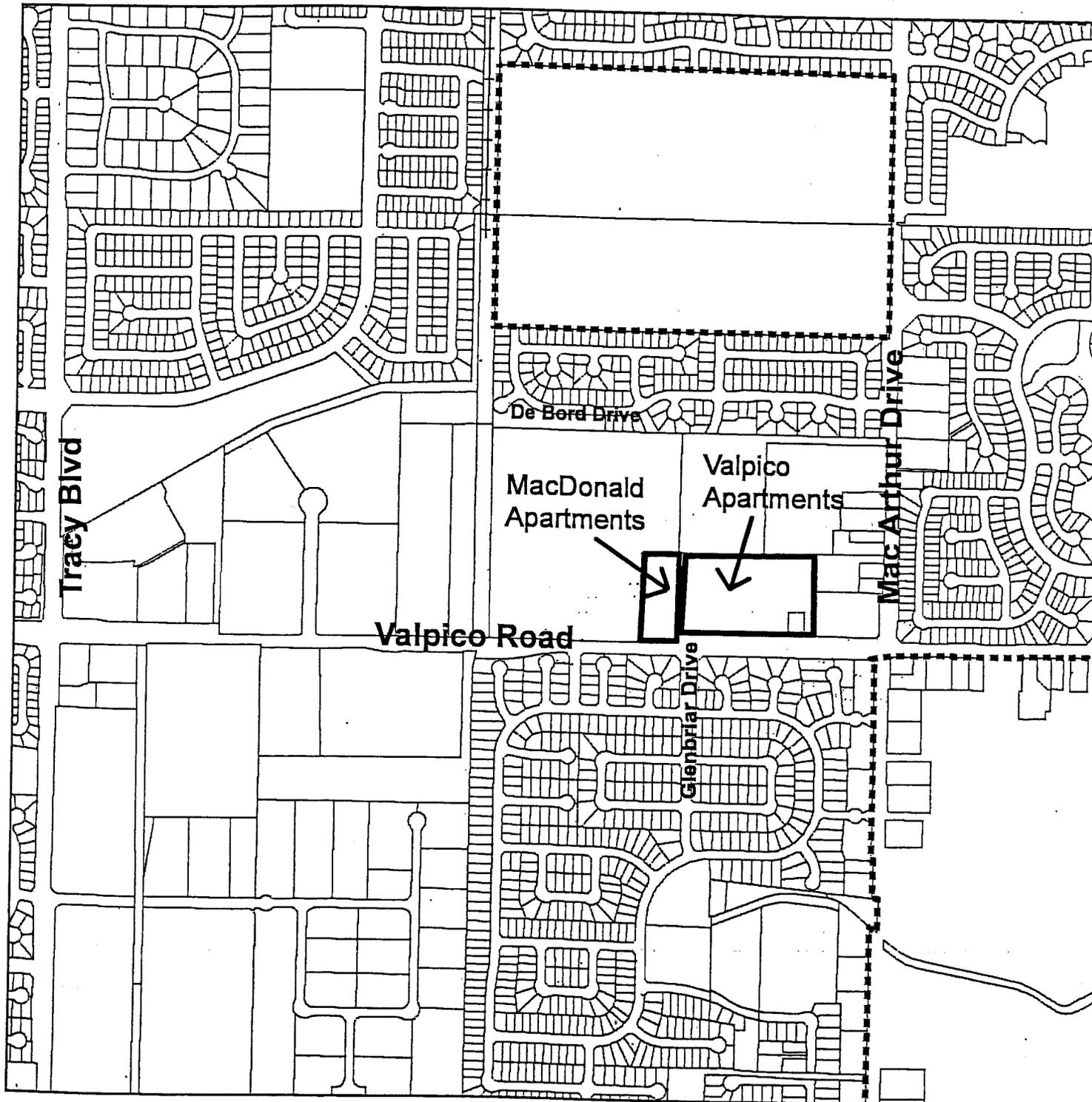
Exhibit 5 – Proposed and Previously Approved Floor Plans

Exhibit 6 – Proposed and Previously Approved Building Elevations

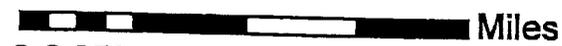
Exhibit 7 – Proposed Planning Commission Resolution

(EXHIBITS 4 THROUGH 6 ARE ALSO PROVIDED IN OVERSIZE VERSIONS TO THE PLANNING COMMISSION AND ARE AVAILABLE AT TRACY CITY HALL, DEVELOPMENT SERVICES DEPARTMENT, 333 CIVIC CENTER PLAZA, TRACY)

# Valpico Apartments and MacDonald Apartments Sites



 City Limits

 Miles  
0 0.05 0.1 0.2 0.3 0.4



December 18, 2012

AGENDA ITEM 4

REQUEST

**PUBLIC HEARING TO CONSIDER A 184-UNIT RESIDENTIAL APARTMENT PROJECT (“VALPICO APARTMENTS”), INCLUDING PARKING AND RELATED ON-SITE IMPROVEMENTS ON APPROXIMATELY 8.75 ACRES LOCATED ON THE NORTH SIDE OF VALPICO ROAD, NORTHEAST OF THE INTERSECTION OF VALPICO ROAD AND GLENBRIAR DRIVE, 501 E. VALPICO ROAD (FORMERLY 2795 S. MACARTHUR DRIVE), ASSESSOR’S PARCEL NUMBERS 246-140-13 AND 14. THE PROJECT INCLUDES A GENERAL PLAN AMENDMENT FROM COMMERCIAL TO RESIDENTIAL HIGH (GPA12-0001), REZONING FROM COMMUNITY SHOPPING CENTER TO HIGH DENSITY RESIDENTIAL (R12-0001), ZONING REGULATIONS AMENDMENT REGARDING THE MINIMUM DISTANCE BETWEEN MAIN BUILDINGS ON A SITE (TRACY MUNICIPAL CODE SECTION 10.08.1610(d)) (ZA12-0004), AND DEVELOPMENT REVIEW APPROVAL FOR THE APARTMENT PROJECT (D12-0004). A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM, PREPARED IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ARE PROPOSED FOR ADOPTION. THE APPLICANT IS ERIC TAYLOR, SOMIS INVESTMENTS.**

EXECUTIVE SUMMARY

The request is to approve a 184-unit, residential apartment project located at the northeast corner of Valpico Road and Glenbriar Drive. Staff and the Planning Commission recommend approval of the Project.

DISCUSSION

Background

The subject property (Attachment A) was annexed to the City of Tracy in 1994 and designated Commercial (and zoned Community Shopping Center – CS) at that time, along with adjacent parcels, in anticipation of providing retail and commercial services to the growing residential neighborhoods in this southeast quadrant of the City. Attachments B and C are excerpts from the current General Plan and Zoning maps of the site. A commercial project was approved for the site in 2005, with approximately 100,000 square feet of commercial space and a 36,000 square foot grocery store. This commercial project was never constructed. The entire CS site includes approximately 13 acres and incorporates the subject property and the four parcels between the subject property and MacArthur Drive. The Rite Aid store, at the northwest corner of Valpico Road and MacArthur Drive was constructed in 2008. The other three parcels of the CS Zone each contain a single-family home, constructed prior to annexation to the City.

Project Description

The proposal is to construct a 184-unit, multi-family residential project on approximately 8.75 acres. The Project consists of seven, three-story apartment buildings with 24 units each, plus 16 townhouse-style units in six building of two stories each (Attachment E).

No subdivision is proposed at this time; all units will be rental apartments. The project will also include a leasing office in the triplex townhouse building near the mailbox kiosk at the southeast corner of the site.

The townhouse units are located in buildings of two, three, and four units at the southeast corner of the site. The townhouse units will be constructed on the same grade as Valpico Road, with the building fronts oriented toward Valpico Road to establish a more residential, pedestrian-oriented presence along the Project's Valpico Road frontage.

The remaining buildings, numbered 1 through 7 on Attachment E, will be located on lower grades than the townhouses, following the existing topography of the site. The site slopes from its southeast corner to its northwest corner, experiencing an approximately 15-foot grade difference from the highest spot (nearly level with Valpico Road) to its lowest point. The developer intends to retain much of the existing grade (unless engineered fill becomes available at an economically available price) resulting in a significant grade difference between Valpico Road and the apartment buildings in the center and west portions of the site. The ground floor of buildings 1 and 7 will be approximately ten feet below the Valpico Road grade. Cross section drawings of the site illustrating the on-site grade changes are contained in Attachment F. The result will be that pedestrians and motorists along Valpico Road will effectively see the apartments as two-story buildings, as the ground floor will be below the grade of Valpico Road. The parking spaces and drive aisle between Valpico Road and the apartment buildings will also be lower than the Valpico Road grade, resulting in a view of the buildings' architecture and site landscaping less obstructed by parked vehicles and carports.

The seven apartment buildings will consist of one and two bedroom units, and the townhouse units will contain one-bedroom and three bedroom units (Attachment G). Altogether, there will be 89, one-bedroom units; 84, two-bedroom units; and 11, three-bedroom units. The apartments range in size from approximately 900 square feet to nearly 2,000 square feet for the largest townhouse units.

City zoning regulations require 1.5 off-street parking spaces for each one-bedroom unit and two parking spaces for each unit with two or more bedrooms, plus one guest space for every five units. Therefore, the entire 184-unit project is required to provide 360 off-street parking spaces. The project meets the City's standard by providing 361 spaces. Carports will provide covers for 184 of the parking spaces. Attachment H identifies the proposed design of the carports (as well as the design for the proposed pool building, described below).

The applicant has submitted two different exterior elevations of the buildings (Attachment I). Both versions include tile roofs, decorative window trim and shutters, and vertical and horizontal relief to create a high-quality architectural design. The developer is seeking approval of both versions so he can choose one version or the other at the time of construction. Both versions meet City standards, are of equally high quality for this site. City staff and the Planning Commission have recommended that both versions be approved so the developer may decide which version to construct at the time of building permit application.

Single-family homes constructed prior to annexation to the City exist adjacent to the north and east of the Project site. A tentative subdivision map ("Tiburon Village") for approximately 100 homes was approved several years ago on the approximately 20-acre property adjacent to the north. No grading or other improvements for that project have yet begun.

Adjacent to the west is a 2.87-acre site containing one single-family home. On that site is a proposed 60-unit apartment project called MacDonald Apartments. Attachment J contains a composite site plan which includes both the proposed Valpico Apartments Project and the proposed MacDonald Apartments project. The MacDonald Apartments project is also scheduled for City Council consideration on this agenda.

#### General Plan Amendment/Rezoning

As indicated above, the project consists of four separate applications: (1) a General Plan Amendment from Commercial to Residential High, (2) rezoning from Community Shopping Center (CS) to High Density Residential (HDR), (3) Tracy Municipal Code Amendment regarding the required minimum distance between main buildings on a site, and (4) Development Review approval for the project.

The site's current commercial General Plan and zoning (Attachments B and C) were established by the City Council in 1994 when the site was annexed. After that time, as nearby residential neighborhoods grew, the Raley's shopping center site obtained commercial zoning and was constructed at the northeast corner of Valpico Road and Tracy Boulevard, less than one mile west of the subject property. Real Estate professionals and commercial developers have reported to City staff that the proximity of the Raley's center will prevent a similar commercial shopping center from locating at this site because of the limited number of houses (i.e., customers) that could ever be constructed in the vicinity.

The site is viable for high density General Plan and zoning consideration due to a number of factors: the site's depressed grade (which reduces visual impacts of the Project), high density residential General Plan designation to the west (increasing opportunity for land use compatibility), frontage and direct access onto Valpico Road, proximity to the Altamont Commuter Express Station is less than two miles away, and adjacent and nearby shopping opportunities.

#### Tracy Municipal Code Amendment Regarding Distance Between Buildings

Each zone district establishes standards related to building bulk and intensity on a site, regulated by such measures as setbacks from property lines, building height, floor area ratio, maximum lot coverage, and other items. These regulations are designed to affect or protect the light, air, and open space considerations of development. The California Building and Fire Codes, by contrast, are designed to reduce the spread of fire and other safety considerations. Zoning codes, in contrast to Building and Fire codes, are typically not oriented toward safety items and therefore, are established by each City for each of its zone districts.

Tracy's HDR zone requires that the minimum distance between main buildings on a site must equal the average height of the two buildings. Therefore, taller buildings are required to be further apart from each other than shorter buildings.

The three-story apartment buildings of this project are approximately 27 feet tall. The HDR Zone District, therefore, requires all of those buildings to be at least 27 feet apart. Most of the buildings in this project meet this standard. Building 3 and Building 6, however, are proposed approximately 15 feet apart (Attachment E).

The developer could meet the current code requirement by making the pitch of the roof shallower (which would take away from the architectural appeal) or otherwise reduce the height of a building or rearrange the site plan. Instead, City staff is recommending that the City regulation be changed to be more responsive to creative or successful site planning. In the proposed Project, for example, the close point between Buildings 3 and 6 is adjacent to an open parking area on one side and a very generous, open, recreation area with pool on the other side. This Project, furthermore, mitigates concerns related to building proximity by providing over four times the minimum amount of "usable open space" required by the HDR Zone: 5,725 square feet is required and the Project proposes over 22,000 square feet, including the pool area.

The HDR Zone contains no height limit. As the City encourages more compact development for efficient use of land and other resources, future high density projects containing buildings with four or more stories could experience an increasingly difficult challenge to meet the requirement related to distance between buildings. All buildings and site development in the HDR Zone must receive discretionary approval through Development Review. Staff is recommending that the City create the flexibility to evaluate the appropriate distance between main buildings in the HDR Zone on a project-by-project basis and replace the existing distance-between-buildings requirement from "the average height of the two main buildings" to "six feet". Tracy Municipal Code Section 10.08.1610(d) would be amended as follows:

Distance between buildings: Six (~~6~~) feet between accessory buildings and between an accessory and main building; and the minimum distance between main buildings shall be ~~the average height of the two (2) main buildings~~ six feet.

Six feet (although not proposed for this project) is the recommended replacement for the minimum distance between main buildings. This distance is used in residential zones throughout the City to prevent inaccessible or unusable corridors between buildings.

#### Roads/Circulation

Glenbriar Drive is proposed to be extended north from its current northern terminus at Valpico Road to the north side of the Project site. The Project will have one driveway access (existing) directly onto Valpico Road at the southeast corner of the site, and two access points to Glenbriar Drive on the west side of the site. The Valpico Road Driveway, currently used by the Rite Aid site, will be shared with the Rite Aid site. Easements for this joint use are already in place. Turning movements at the Valpico

Road driveway allow right-turns in and out of the site and left-turn in, but no left turns out onto east-bound Valpico Road. The Glenbriar Drive driveways will provide direct access to Valpico Road and full turning movements at that signalized intersection.

The Glenbriar Drive extension for this Project will be designed so that it could eventually be connected to future residential development to the north.

The Project's current Valpico Road frontage includes 15 feet between the curb and the site's property line. Within this strip is public right-of-way with existing landscaping and a five-foot wide sidewalk. The developer is proposing to construct a ten-foot wide bike/pedestrian path on the Project site adjacent to the right-of-way and dedicate this additional ten-foot strip to the City for public use. This bike/pedestrian path will be an immediate amenity across the front of the site and will eventually connect to the bike/pedestrian system that will extend east and west of this Project.

As indicated above, the proposed Valpico Apartments site had a retail commercial shopping center approved in 2005, which was never constructed. A retail commercial shopping center generates more traffic trips than an apartment complex of the density (approximately 21 dwelling units per acre) proposed for the Valpico Apartments and the adjacent, 60-unit, MacDonald Apartments. Valpico Road, MacArthur Drive, and other area roadways have been designed through the City's Transportation Master Plan to accommodate traffic at prescribed levels of service for land uses identified in the City's General Plan. In order to evaluate lengths of turning lanes, other intersection design details, and roadway levels of service, the City contracted with TJKM Transportation Consultants to analyze potential traffic impacts of the proposed Valpico Apartments and the MacDonald Apartments. TJKM's Traffic Impact Study concludes that traffic generated by the two apartment projects, combined, with existing and anticipated traffic in the future will result in nearby roadways and intersections operating within levels of service standards.

#### Public Schools

The Project site is located within the Tracy Unified School District related to K through 12<sup>th</sup> grade education. School age children who reside within the Valpico Apartments would be in the attendance boundary areas for Bohn Elementary School, Williams Middle School, and Tracy High School.

The Project plans, notices, and other outreach have been extended to Tracy Unified School District staff. School District staff indicated enrollment at the three potentially affected schools has been on the decline in recent years and they do not anticipate any issues in being able to accommodate students from this Project.

#### Other Site Improvements

As noted above, a permanent, on-site leasing office will occupy one of the spaces in the triplex building near the southeast corner of the site, near the mail box kiosk. Associated with the leasing office is a proposed residence lounge or recreation area for tenants.

This area may include a lounge with internet access, an exercise room, or other amenities.

The Project includes a swimming pool centrally located on the site. Attachment H illustrates the proposed design for the pool building (as well as the proposed design for the carports).

One additional improvement to note is a proposed bus shelter within the Valpico Road right-of-way. The City is completing a City-wide project to construct bus turnouts and shelters along the bus routes throughout town. Funding for that project was provided by a Federal grant. One of the City's existing bus routes currently travels in both directions along Valpico Road. With the construction of 184 new apartment units adjacent to the Rite Aid store, a bus shelter could be a meaningful amenity to encourage use of the public transit system. While not shown on the site plan, the new bus shelter will be located at least 60 feet west of the driveway at the southeast corner of the site.

#### Public Meeting and Notices

On September 12, 2012, the developer conducted a neighborhood meeting to introduce the project and answer questions. The developer sent approximately 170 notices to nearby property owners and the Hidden Lake property owners association. Approximately one dozen nearby property owners and residents attended, plus developer representatives and City staff. Others who could not attend contacted the developer or City staff directly to ask questions about the Project.

Normally, public hearing notices are sent to owners of property within 300 feet of a project site in compliance with State law. Other notices are sent to the public library, media contacts, and others who have expressed interest in the project. The number of property owners within 300 feet of this Project site is 34. Due to a potentially higher level of interest among nearby property owners regarding this Project and the adjacent Valpico Apartments project, City staff expanded the public notice mailing for the November 14, 2012 Planning Commission meeting to include approximately 220 of the nearest property owners, some parcels over 900 feet away.

Based on public input during the Planning Commission public hearing, the notification for this City Council hearing was expanded even further to include over 700 property owners – mostly owners of residential property in the nearby Ashley Park (Larkspur Estates), Hidden Lake, and Glenbriar Subdivisions and in San Joaquin County southeast of the intersection of Valpico Road and MacArthur Drive.

Most inquiries to City staff prior to publication of this staff report, as a result of Project outreach, have been fact finding clarifications regarding project design, timing, and nearby planned roadway or other City improvements.

#### Planning Commission Review

On November 14, 2012, the Planning Commission conducted a public hearing to review the Project. The Project applicant spoke in favor of the Project. Two Tracy residents

addressed the Planning Commission in opposition to the project, identifying concerns related to traffic, parking, storm drainage, space in public schools, and public notification regarding the Project. Following a discussion, the Planning Commission (on a 5-0 vote) recommended that the City Council approve the Project.

#### CEQA DOCUMENTATION

In accordance with the California Environmental Quality Act (CEQA) Guidelines, an Initial Study/Mitigated Negative Declaration (IS/MND) was prepared to evaluate potential environmental effects of the project. The IS/MND along with the Mitigation Monitoring and Reporting Program are attached (Attachment K and L). Part of the Project approval includes a recommendation for adoption of the CEQA documentation.

#### STRATEGIC PLANS

The proposed 184-unit apartment Project does not directly related to the City Council's Strategic Priorities.

#### FISCAL IMPACT

This agenda item will not require any specific expenditure from the General Fund. Staff and consultant costs to process the application are recovered through a Cost Recovery Agreement with the Developer, executed by the City Manager on June 11, 2012.

#### RECOMMENDATION

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

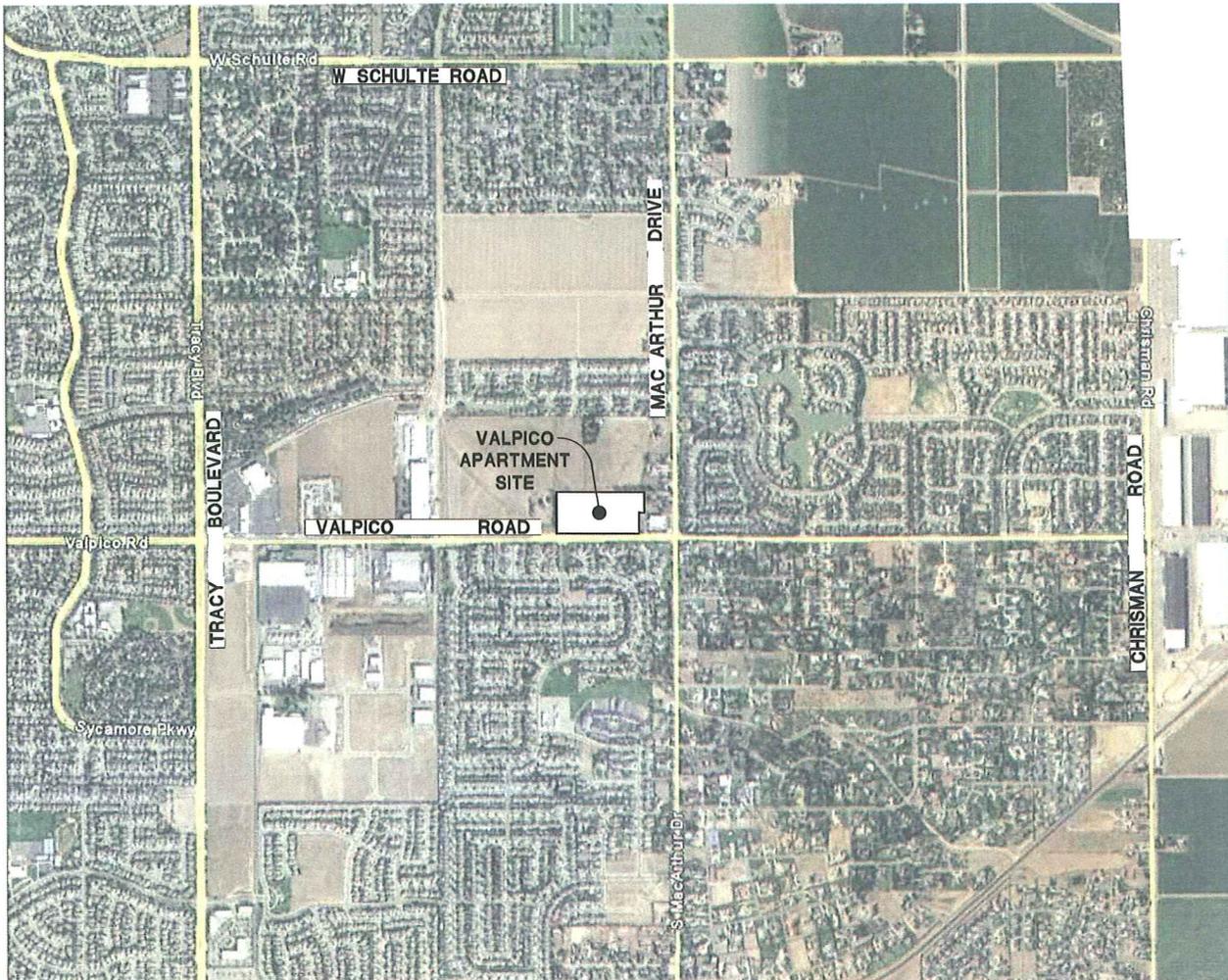
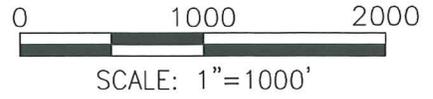
1. Adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program.
2. Approve the General Plan amendment from Commercial to Residential High.
3. Approve the rezoning of the site from Community Shopping Center to High-Density Residential.
4. Approve the Tracy Municipal Code Amendment regarding distance between buildings.
5. Approve the Development Review application for the 184-unit residential apartment project.

Prepared by: Alan Bell, Senior Planner  
Reviewed by: Bill Dean, Assistant Development Services Director  
Approved by: Andrew Malik, Development Services Director  
Leon Churchill, Jr., City Manager

#### ATTACHMENTS

Attachment A – Location Map  
Attachment B – General Plan Map of Site Area  
Attachment C – Zoning Map of Site Area

- Attachment D – Aerial Photograph of Project Site
- Attachment E – Site Plan
- Attachment F – Site Cross Sections
- Attachment G – Floor Plans
- Attachment H – Carports and Pool Buildings
- Attachment I – Exterior Building Elevations
- Attachment J – Composite Site Plan Including Proposed Valpico and MacDonald Apartment Projects
- Attachment K – Initial Study/Mitigated Negative Declaration
- Attachment L – Mitigation Monitoring and Reporting Program
- Attachment M – Resolution Adopting the Negative Declaration and Mitigation Monitoring and Reporting Program
- Attachment N – Resolution Approving the General Plan Amendment from Commercial to Residential High
- Attachment O – Ordinance Rezoning the Site from Community Shopping Center to High Density Residential
- Attachment P – Ordinance Approving Zoning Text Amendment regarding Distance between Buildings
- Attachment Q – Resolution Approving the Project Development Review Application



LOCATION MAP

**MAC KAY & SOMPS**

ENGINEERS PLANNERS SURVEYORS  
PLEASANTON, CA (925)225-0693

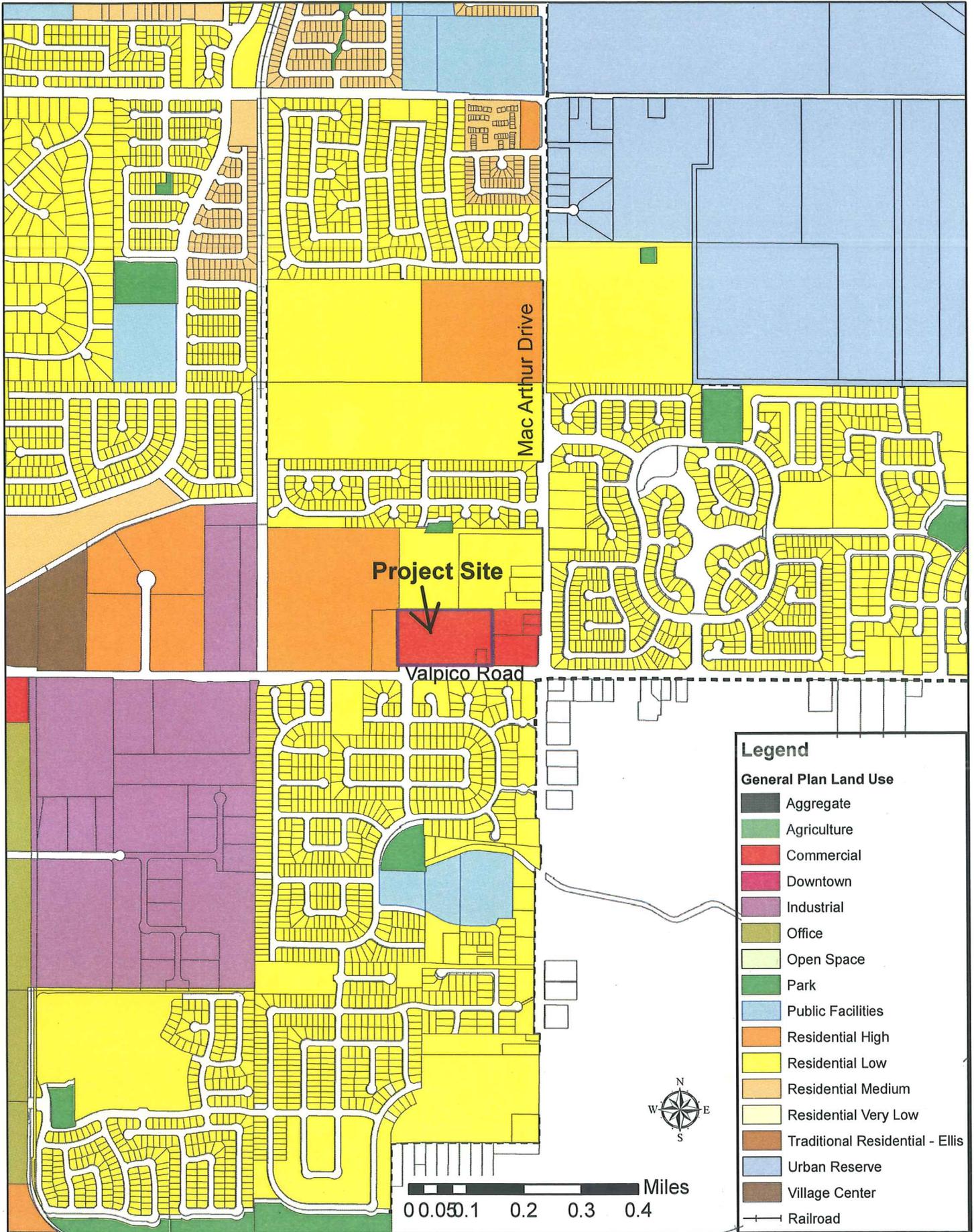
**VALPICO APARTMENTS**

TRACY, CALIFORNIA

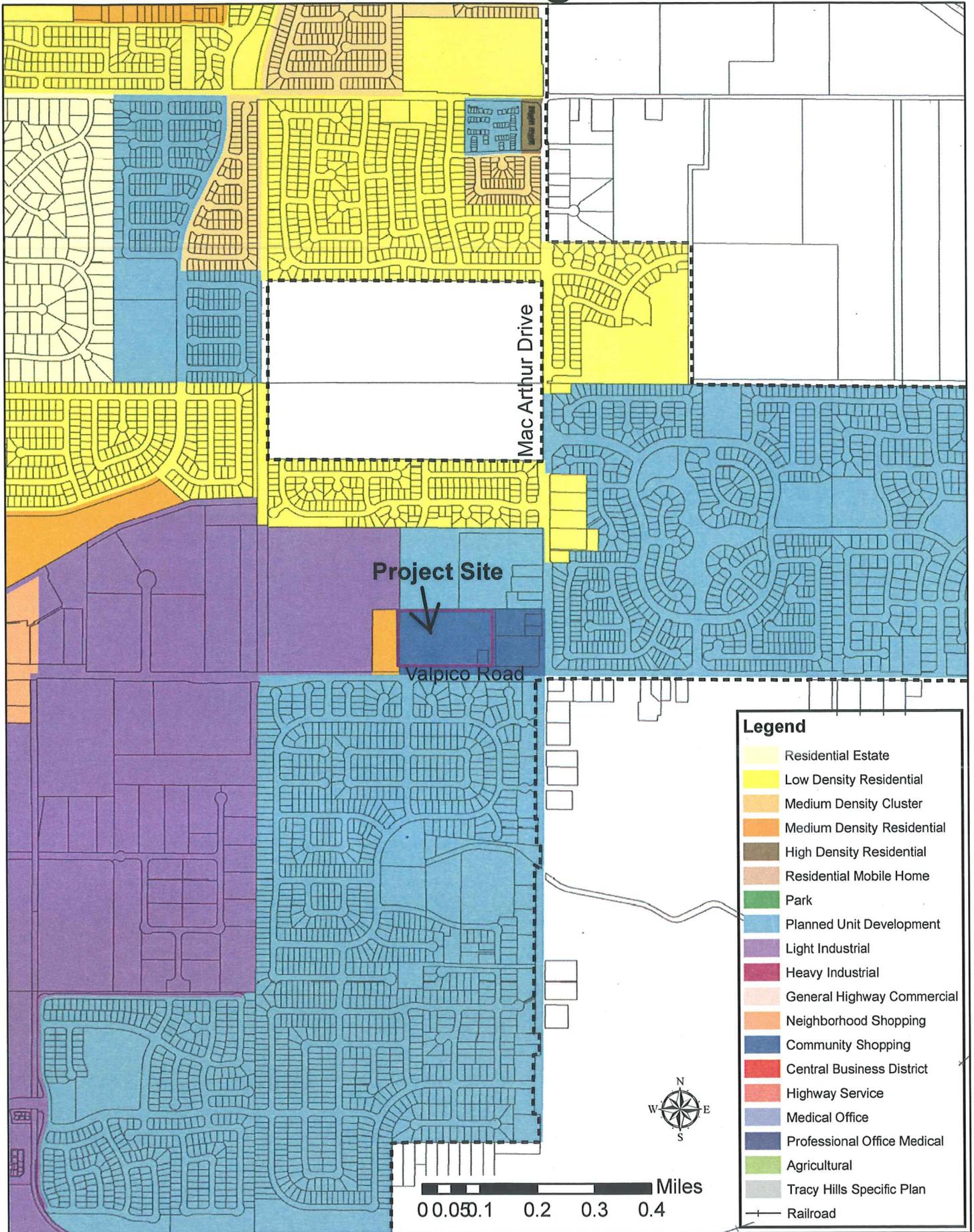
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# General Plan

Attachment B



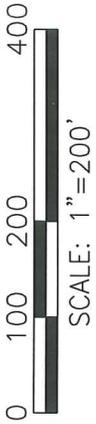
# Zoning



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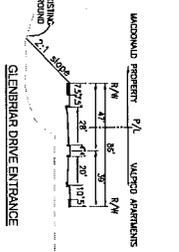
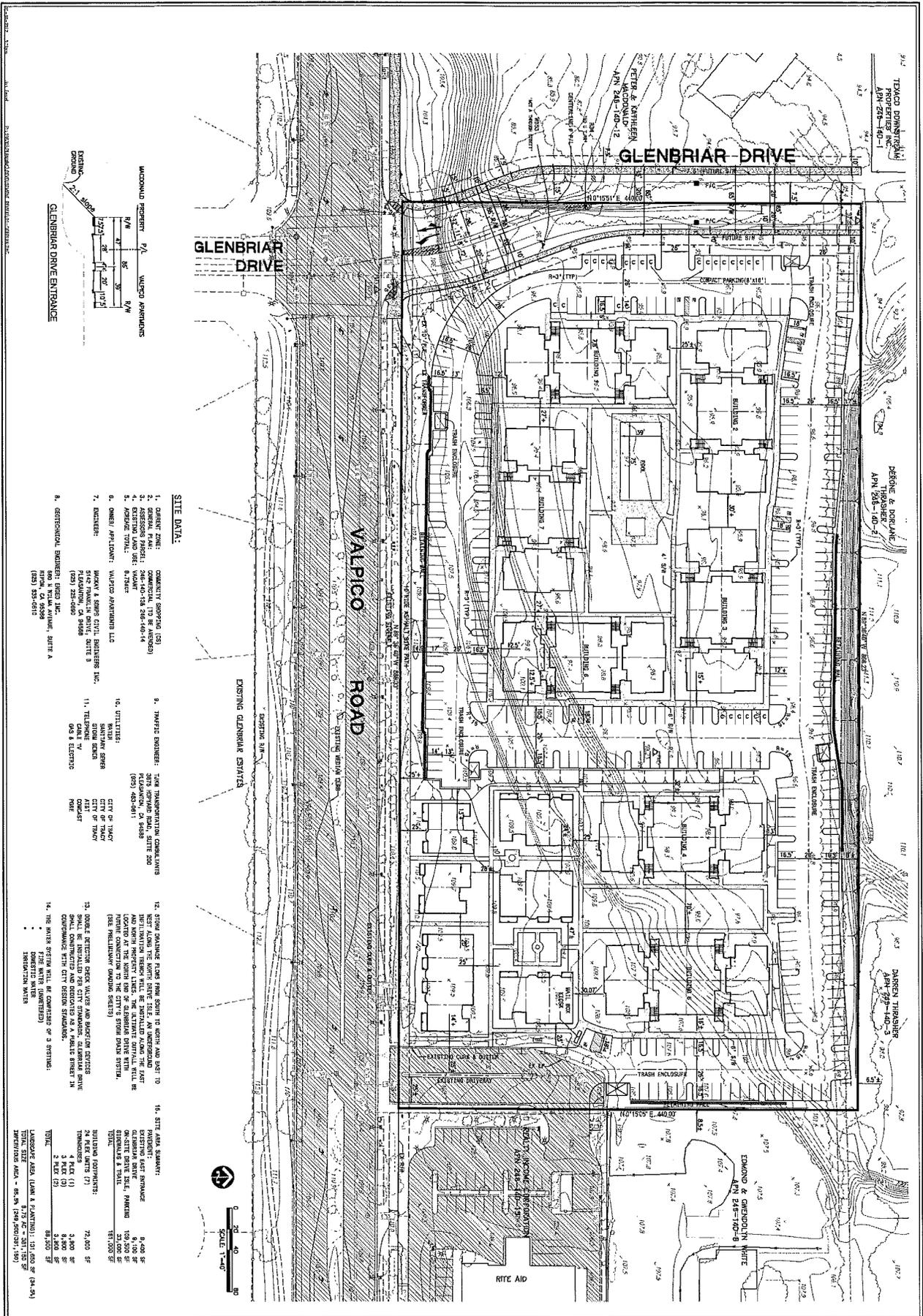
AERIAL PHOTO

# VALPICO APARTMENTS

TRACY, CALIFORNIA

**MACKAY & SOMPS**  
ENGINEERS  
PLANNERS  
SURVEYORS

DRAWN BY: JRF | JOB NO: 19630.000 | DATE: 5/16/2012 | FLIGHT DATE: DEC. 2011 | SCALE: 1"=200'



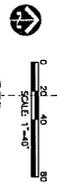
- SITE DATA:**
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  2. ADDRESS: 208-403-108 (208-403-108)
  3. EXISTING LAND USE: VACANT
  4. EXISTING ZONING: R-1234C
  5. OWNER/ APPLICANT: VALPICO APARTMENTS LLC
  6. DESIGNER: MACKAY & SOMPS CIVIL ENGINEERS, INC.
  7. PROJECT: 5142 TRINIDAD DRIVE, SUITE B
  8. GROUND: 208-403-108
  9. GROUND: 208-403-108
  10. GROUND: 208-403-108
  11. GROUND: 208-403-108
  12. GROUND: 208-403-108
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  17. GROUND: 208-403-108
  18. GROUND: 208-403-108
  19. GROUND: 208-403-108
  20. GROUND: 208-403-108

9. TRAFFIC ENGINEER: TOWN TRANSPORTATION CONSULTING
10. UTILITIES: CITY OF TRACY
11. TELEPHONE: CITY OF TRACY
12. THE WATER SYSTEM WILL BE COMPOSED OF 2 SYSTEMS:
  - DOMESTIC WATER
  - FIRE WATER (UNTERSER)

12. STORM DRAINAGE FROM MAIN STORM TO NORTH AND EAST TO WEST FROM THE SOUTH SIDE (SEE AN APPROVED CONCEPT PLAN FOR THE SOUTH SIDE AND NORTH PROPERTY LINES. THE ALTERNATE OFFICIAL WILL BE LOCATED AT THE NORTH END OF THE EXISTING STORM SYSTEM (SEE PRELIMINARY DRAINAGE SHEET 3)
13. DOUBLE DETENTION BASIN VALVES AND BACKFLOW DEVICES SHALL BE INSTALLED TO CITY STANDARDS. ALL DETENTION BASINS SHALL BE DESIGNED TO CITY STANDARDS. ALL DETENTION BASINS SHALL BE DESIGNED TO CITY STANDARDS.

14. SITE AREA SUMMARY:

DESCRIPTION	AREA (SQ FT)
EXISTING FOOTPRINT	8,400 SF
VALPICO APARTMENTS	14,100 SF
EXISTING DRIVE PAVEMENT	120,000 SF
NEW DRIVE PAVEMENT	181,000 SF
<b>TOTAL</b>	<b>233,500 SF</b>

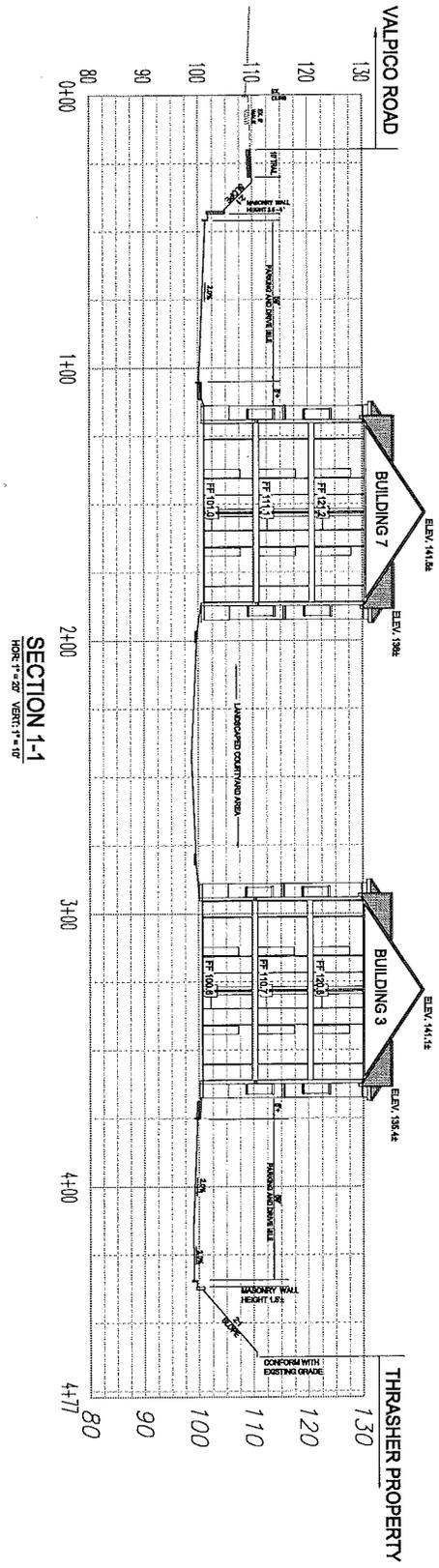


PLANS FOR THE IMPROVEMENT OF  
**VALPICO APARTMENTS**  
 DEVELOPMENT REVIEW  
**SITE PLAN**

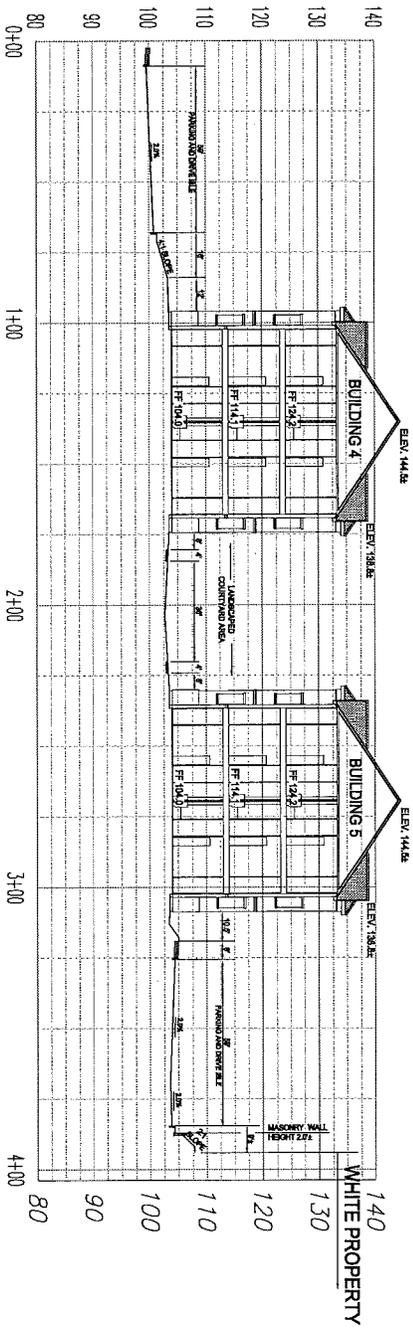
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	6. REVISION	
	7. REVISION	
	8. REVISION	
	9. REVISION	
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	13. REVISION	
	14. REVISION	
	15. REVISION	
	16. REVISION	
	17. REVISION	
	18. REVISION	
	19. REVISION	
	20. REVISION	

**MACKAY & SOMPS**  
 ENGINEERS  
 5142B TRINIDAD DRIVE, PLEASANTON, CA 94566  
 (925) 233-0090

**CITY OF TRACY**



SECTION 1-1  
HORIZ: 1"=20' VERT: 1"=10'



SECTION 2-2  
HORIZ: 1"=20' VERT: 1"=10'

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MAY 16 2012

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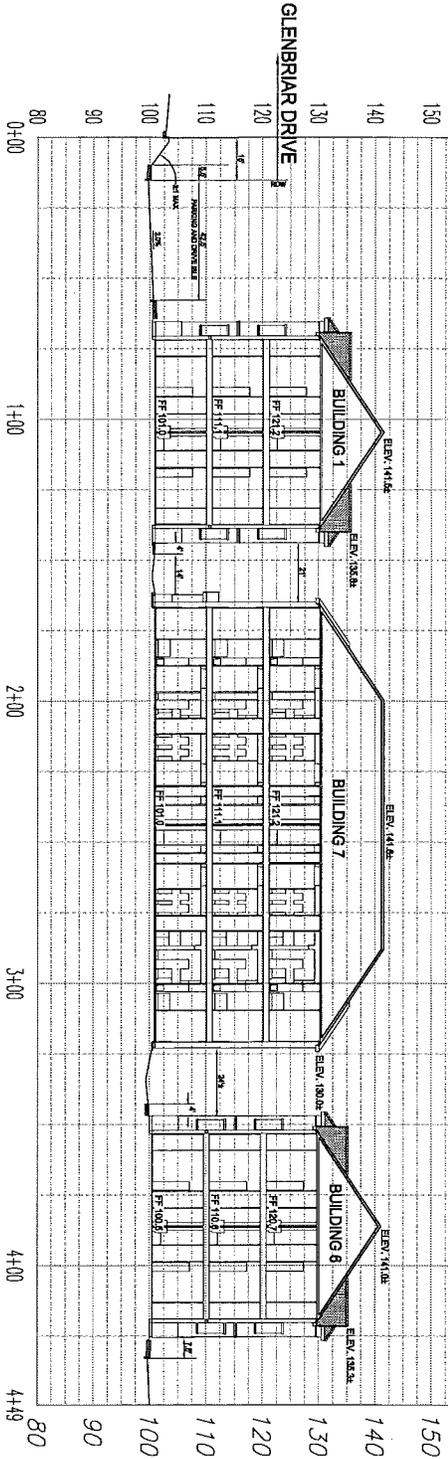
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<p>PROJECT NO: 19530.000 SHEET 5A OF 14 SHEETS</p>	<p>TRACY CALIFORNIA</p>												

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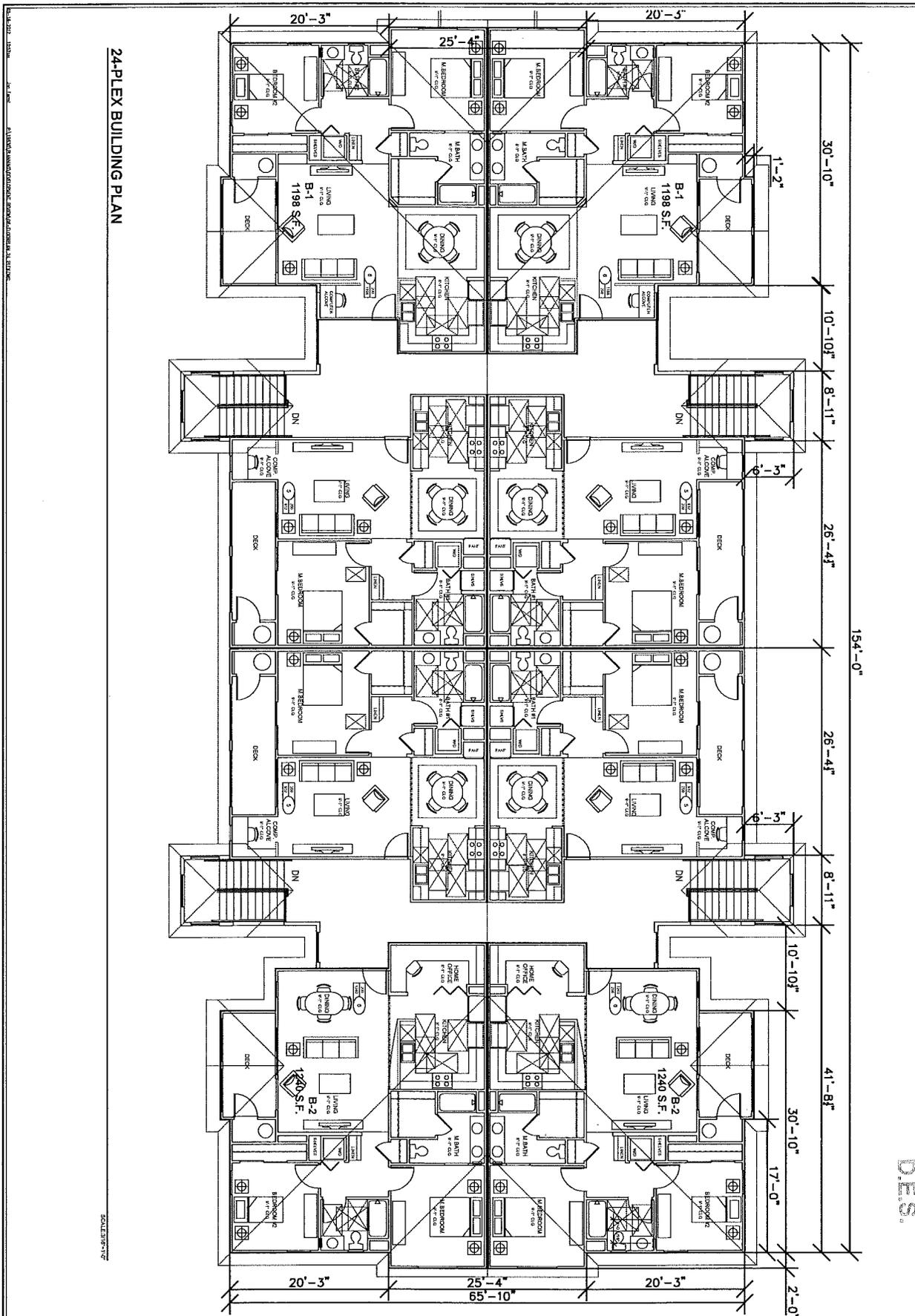
CITY OF TRACY

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SECTION 3-3  
TABLE 1 - 22 IDENTIFIED

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TRACY CALIFORNIA																	



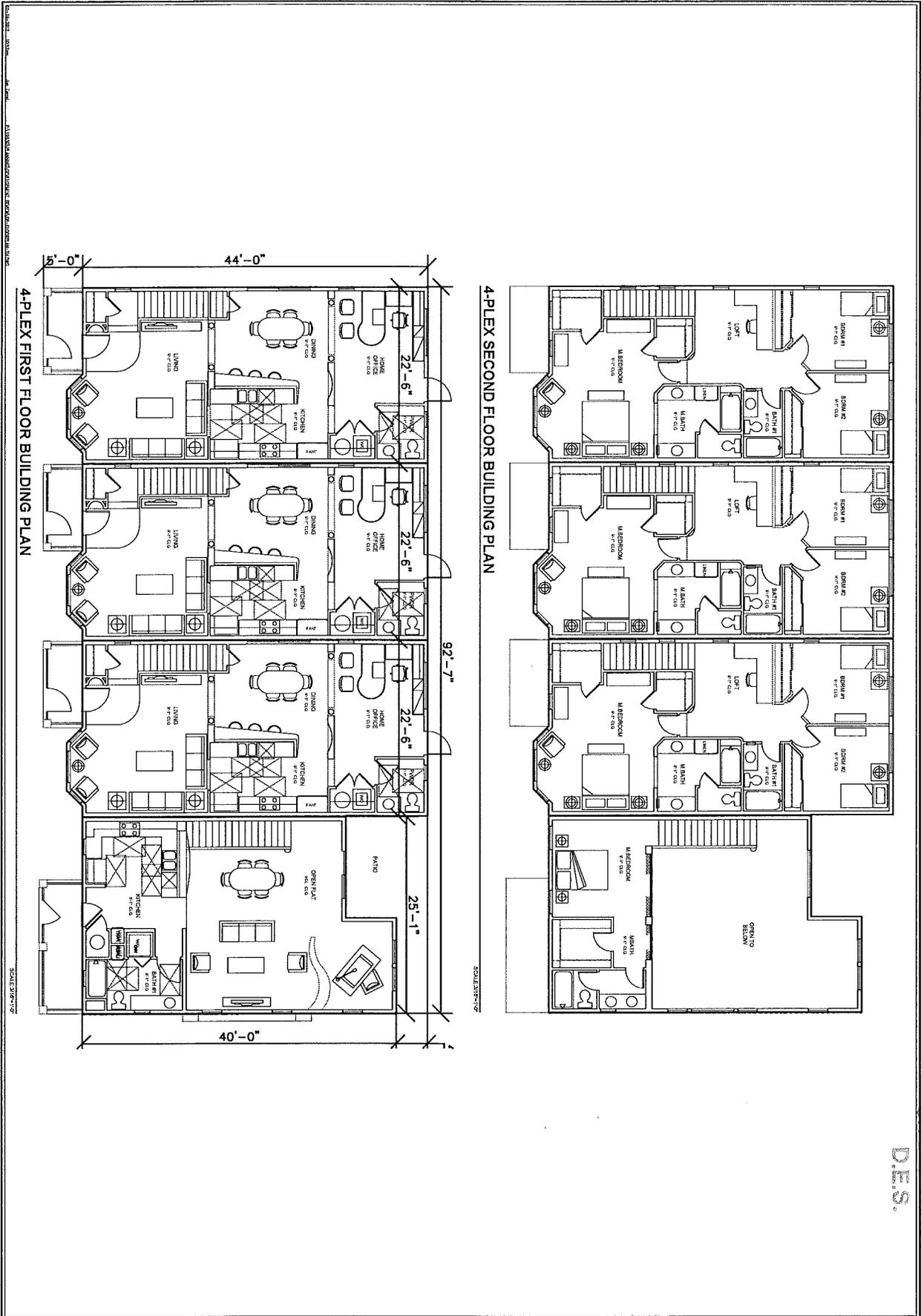
24-PLEX BUILDING PLAN

CITY OF TRACY

MAY 16 2012

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OF 14 SHEETS SHEET 6	PRODUCT NO. 19630.000	PLANS FOR THE IMPROVEMENT OF <b>VALPICO APARTMENTS</b> DEVELOPMENT REVIEW <b>BUILDING FLOOR PLANS</b> 24 - PLEX BUILDING TRACY CALIFORNIA		DATE: 05-16-2012	REVISION NO. DESCRIPTION APPROVED	<b>CITY OF TRACY</b> CITY ENGINEER
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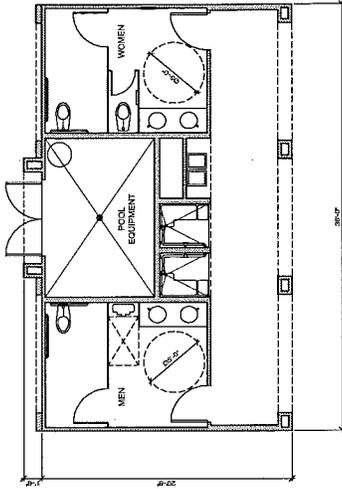
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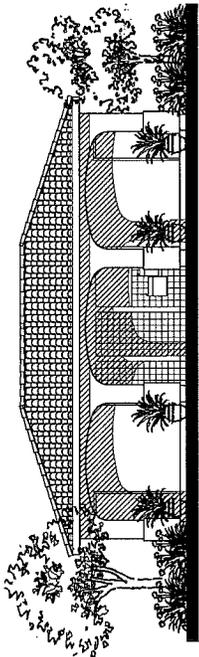
CITY OF TRACY

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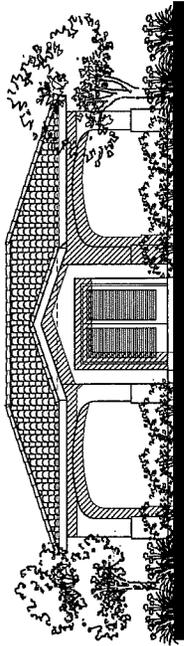
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		TRACY CALIFORNIA	COUNTY ENGINEER CITY ENGINEER		



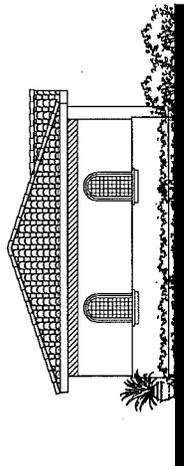
RESTROOM BUILDING  
750 S.F.



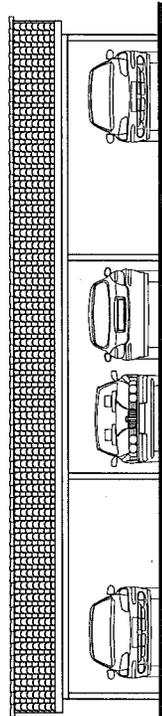
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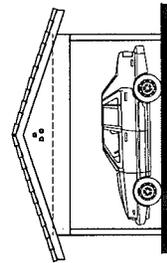
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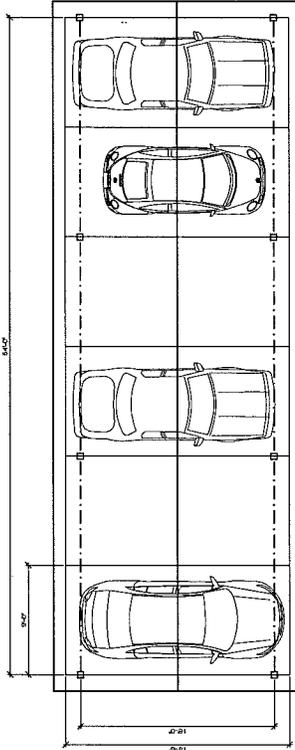
TYP. SIDE ELEVATION



FRONT ELEVATION (REAR SIMILAR)



TYP. SIDE ELEVATION



TYPICAL CARPORT (6 STALL SHOWN)

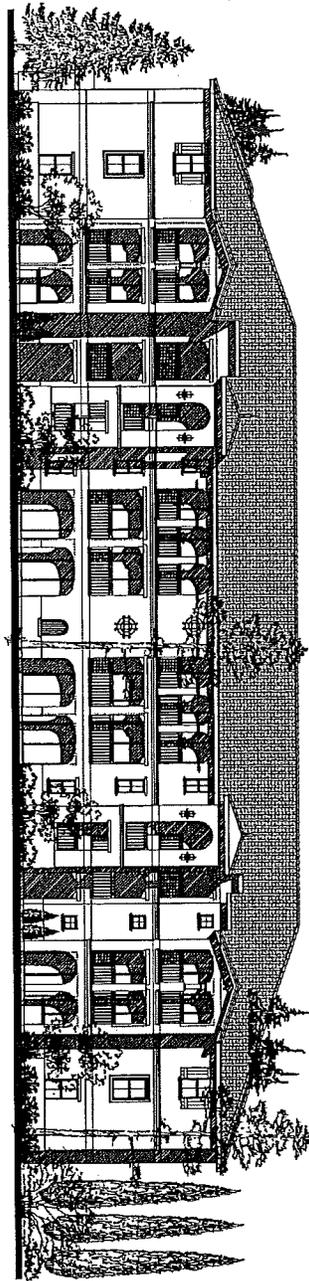
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**Toblesky Green Architects**  
Incorporated  
P.O. Box 1761  
Clarksburg, CA 95719  
(925) 363-2754

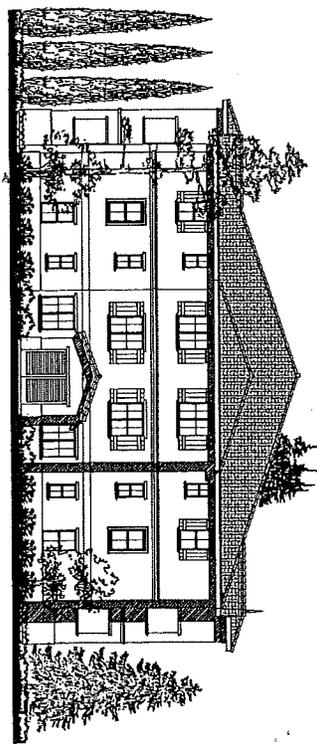
# ACCESSORY BUILDINGS

## Valpico Apartments, Tracy, CA

## Valpico Apartments, LLC



24-PLEX BUILDING FRONT ELEVATION



24-PLEX BUILDING TYPICAL SIDE ELEVATION

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PROJECT NO. 16830.000 SHEET 7A OF 14 SHEETS	PLANS FOR THE IMPROVEMENT OF <b>VALPICO APARTMENTS</b> DEVELOPMENT REVIEW <b>24 PLEX APARTMENTS</b> BUILDING ELEVATIONS TRACY CALIFORNIA	DATE: 05-15-2012 DRAWN BY: [ ] CHECKED BY: [ ] SCALE: 1/8" = 1'-0" BY: [ ]	<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> <th>CHKD.</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DATE	DESCRIPTION	BY	CHKD.																<b>Mackay &amp; Somp</b> ARCHITECTS PLANNERS SURVEYORS 5108 TRINIDAD DR. PLEASANTON, CA 94566 (925) 265-0000	CITY OF TRACY <small>APPROVAL OF THESE PLANS DOES NOT CONSTITUTE AN ENDORSEMENT OR GUARANTEE OF ACCURACY OR COMPLETION. THE CITY ENGINEER'S REVIEW IS LIMITED TO TECHNICAL ASPECTS OF THE SUBMITTED PLANS. THE CITY ENGINEER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETION OF THE PLANS. THE CITY ENGINEER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETION OF THE PLANS. THE CITY ENGINEER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OR COMPLETION OF THE PLANS.</small>
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CITY OF TRACY SELECTED BY: [ ] CITY ENGINEER: [ ]																									

**4-PLEX BUILDING FRONT ELEVATION**

**4-PLEX BUILDING REAR ELEVATION**

**4-PLEX BUILDING LEFT SIDE ELEVATION**

**4-PLEX BUILDING RIGHT SIDE ELEVATION**

**CITY OF TRACY**

**DESIGN**

**RECEIVED**

**MAY 16 2012**

**PLANS FOR THE IMPROVEMENT OF VALPICO APARTMENTS DEVELOPMENT REVIEW TOWNHOUSES BUILDING ELEVATIONS CALIFORNIA**

**TRACY**

**DATE: 05-15-2012**

**DESIGNED BY: JAC**

**SCALE: 1/4"=1'-0"**

**PROJECT NO: 13040100**

**SHEET: 9**

**OF: 14 SHEETS**

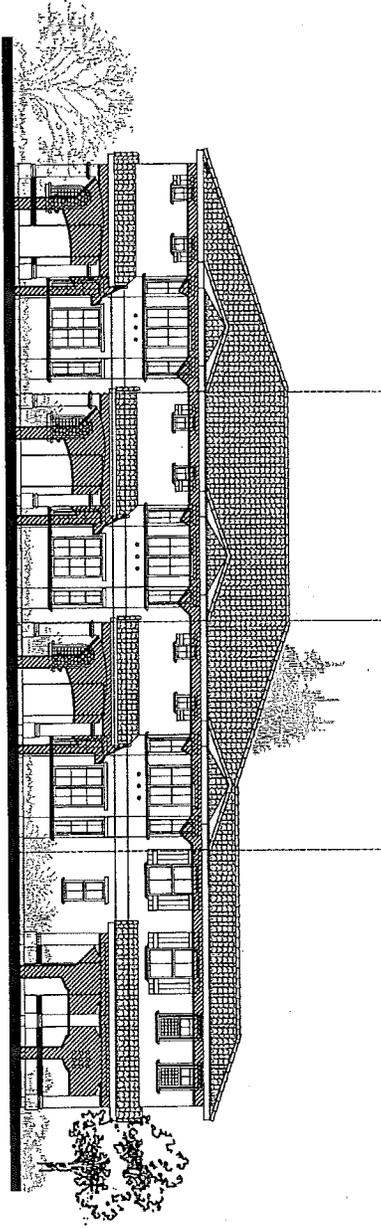
**ENGINEER: MACKAY & SOMPS**

**FLORIANE SUTTON**

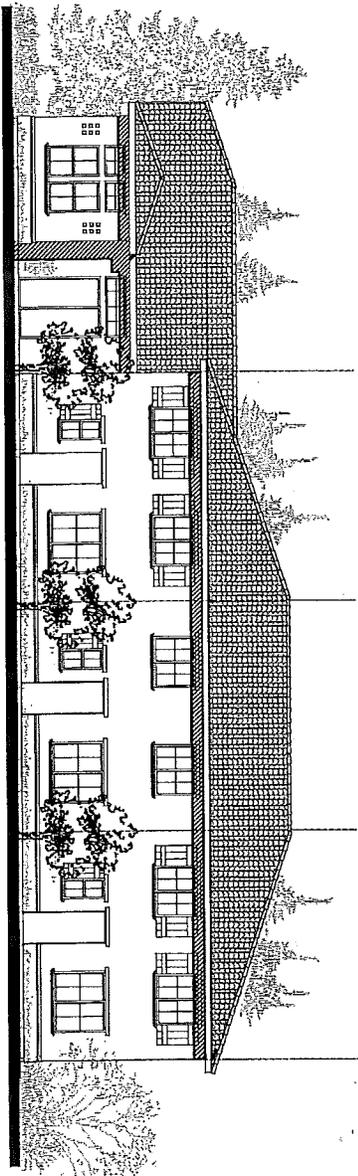
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**DESIGNER: GUY BROWN**

**DATE:**



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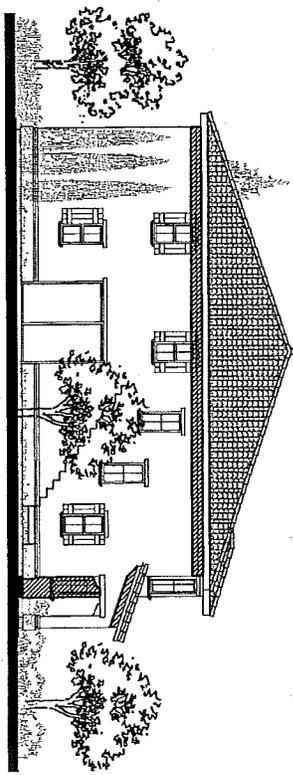
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CITY OF TRACY  
D.E.S.

MAY 16 2012

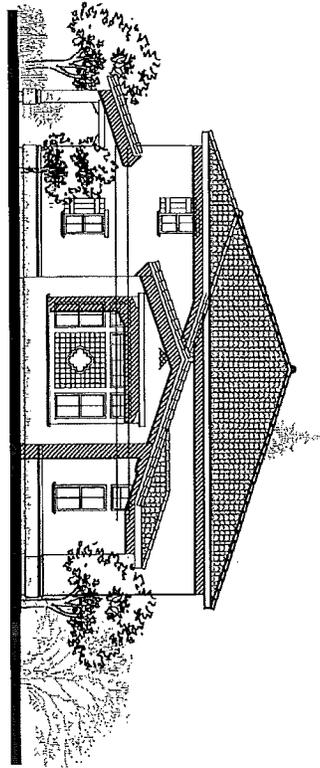
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		CITY OF TRACY D.E.S.			



4-PLEX BUILDING LEFT SIDE ELEVATION

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



4-PLEX BUILDING RIGHT SIDE ELEVATION

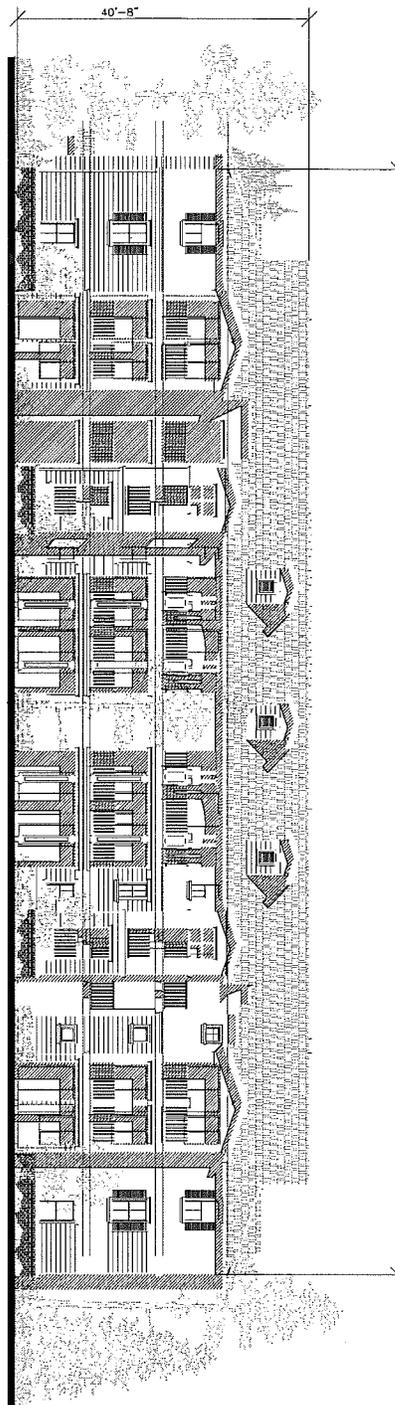
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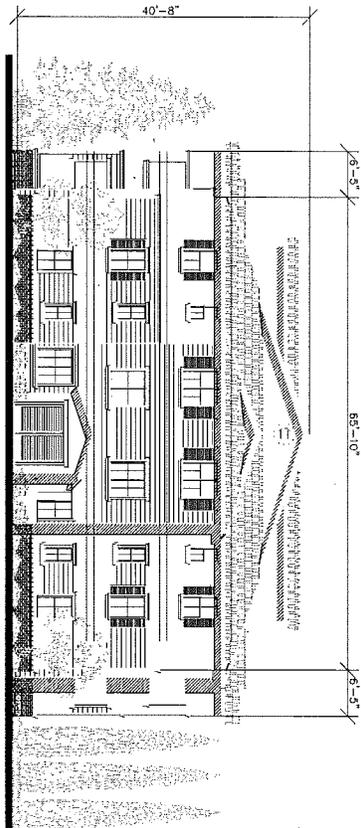
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CITY OF TRACY  
DES.

PROJECT NO. 98 SHEET 14	PLANS FOR THE IMPROVEMENT OF <b>VALPICO APARTMENTS</b> DEVELOPMENT REVIEW <b>TOWNHOUSES</b> BUILDING ELEVATIONS TRACY CALIFORNIA	DATE 05-16-2012 DRAWN BY CHECKED BY INCHES 3/16" = 1' 1/4"	REVISIONS <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	BY													<b>Mackay &amp; Somp</b> PLANNERS ARCHITECTS 51428 FERRIS DR., PLEASANTON, CA 94566 (925) 225-0600	CITY OF TRACY CITY ENGINEER DATE:
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<small>           APPROVAL OF THESE PLANS DOES NOT CONSTITUTE THE ENDORSEMENT OR THE GUARANTEE OF THE ACCURACY OF THE INFORMATION OR THE COMPLETION OF THE PROJECT. THE CITY ENGINEER'S REVIEW IS LIMITED TO TECHNICAL ASPECTS OF THE PLANS AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION OR THE COMPLETION OF THE PROJECT. THE CITY ENGINEER'S REVIEW IS LIMITED TO TECHNICAL ASPECTS OF THE PLANS AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION OR THE COMPLETION OF THE PROJECT.         </small>																					



24 PLEX BUILDING FRONT ELEVATION



24 PLEX BUILDING TYPICAL SIDE ELEVATION

Westwood Apartments

OF 14 SHEETS

7B

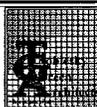
PROJECT NO.  
TRACY, CALIFORNIA

PLANS FOR THE IMPROVEMENT OF  
**VALPICO APARTMENTS**  
DEVELOPMENT REVIEW  
**24 PLEX APARTMENTS**  
BUILDING ELEVATIONS

TRACY CALIFORNIA

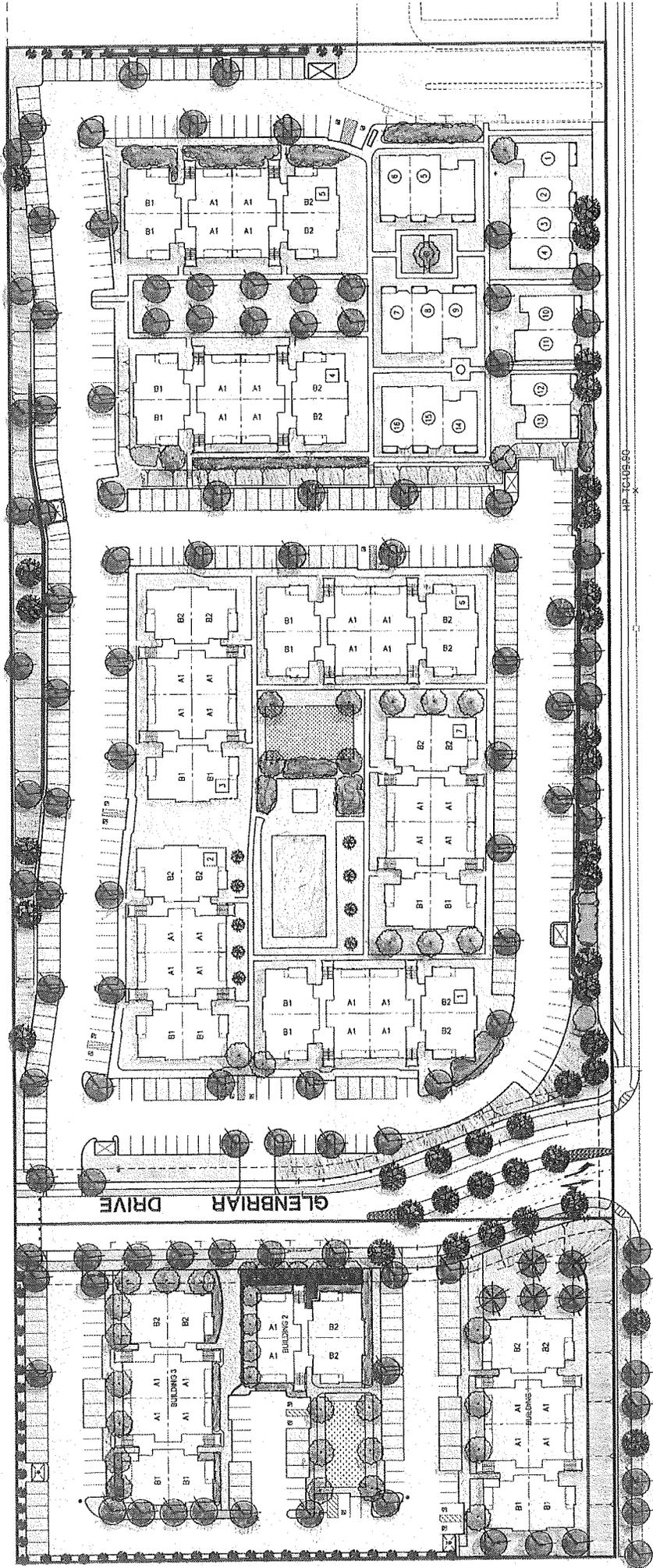
DATE: 05-12-2017  
DESIGNER: JJE  
CHECKED BY: JJE  
SCALE: AS SHOWN

NO.	DATE	REVISION	APPROVED



**Tablesky  
Green  
Architects**  
INCORPORATED  
1714 18th STREET  
OAKLAND, CA  
94612  
(415) 763-3354

CITY OF TRACY



VALPICO ROAD

GLENBRIAR DRIVE

**PUBLIC DRAFT  
INITIAL STUDY AND MITIGATED NEGATIVE  
DECLARATION**

FOR THE

**VALPICO APARTMENTS PROJECT**

OCTOBER 15, 2012

*Prepared for:*

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

*Prepared by:*

De Novo Planning Group  
4630 Brand Way  
Sacramento, CA 95819  
(916) 949-3231

D e N o v o P l a n n i n g G r o u p

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A Land Use Planning, Design, and Environmental Firm



PUBLIC DRAFT  
INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

FOR THE  
VALPICO APARTMENTS PROJECT

OCTOBER 15, 2012

*Prepared for:*

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

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# INITIAL STUDY

## **PROJECT TITLE**

Valpico Apartments Project

## **LEAD AGENCY NAME AND ADDRESS**

City of Tracy  
333 Civic Center Plaza  
Tracy, CA 95376

## **CONTACT PERSON AND PHONE NUMBER**

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

## **PROJECT SPONSOR'S NAME AND ADDRESS**

Valpico Apartments, LLC  
1601 Carmen Drive, Suite 211  
Camarillo, CA 93010  
(805) 469-9510

## **PURPOSE OF THE INITIAL STUDY**

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

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

## **PROJECT LOCATION AND SETTING**

### *PROJECT LOCATION*

The project site consists of approximately 8.75 acres located in the northwest quadrant of the intersection of South MacArthur Drive and Valpico Road in the southern portion of the City of Tracy. The project site includes APNs 246-140-013 and 014.

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

### *EXISTING SITE USES*

The project site is currently vacant. Landscaping trees are located along the southern and western edges of the project site.

### *SURROUNDING LAND USES*

Lands to the south and east of the project site consist of single-family residential uses. There is a Rite Aid store located immediately east of the project site, along the project site's eastern boundary. The parcel immediately west of the project site has a single home, and is otherwise vacant. The parcel adjacent to the west is designated Residential High by the City's General Plan and is currently the subject of a separate development application for the development of a 60-unit residential apartment project. Commercial, industrial, and vacant land uses are located further to the west of the project site. The parcel to the north of the project site is mostly vacant, with the exception of a single residential structure and accessory buildings. Single-family residential land uses are located further north of the project site.

## **GENERAL PLAN AND ZONING DESIGNATIONS**

The project site is currently designated Commercial by the City of Tracy General Plan Land Use Designations Map and is zoned Community Shopping.

## **PROJECT DESCRIPTION**

The proposed project would develop 184 multi-family housing units on the 8.75-acre project site. The project would consist of seven, three-story buildings with 24 apartment units in each building, plus 16 rental townhomes in six buildings of two stories each. Parking would be located throughout the site, adjacent to the apartment buildings. A total of 362 parking spaces would be provided, approximately half of which would be covered.

The project would include a leasing office, swimming pool, sidewalks, a bike path, and landscaping improvements throughout the site.

Glenbriar Drive currently terminates at the south side of Valpico Road, southwest of the project site. The project applicant would construct a new segment of Glenbriar Drive, running north-south, along the western edge of the site. There would be two access points to the western side of the project site from the newly constructed segment of Glenbriar Drive. An additional site

access point would be provided from Valpico Road, near the southeastern corner of the project site. The proposed site plan is shown on Figure 3. The proposed project includes a request for a General Plan Amendment to designate the site Residential High, and a zoning change to zone the site High Density Residential.

### **REQUESTED ENTITLEMENTS AND OTHER APPROVALS**

The City of Tracy is the Lead Agency for the proposed project, pursuant to the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), Section 15050.

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

- Adoption of the Mitigated Negative Declaration (MND)
- Adoption of the Mitigation Monitoring and Reporting Program (MMRP)
- Approval of a General Plan Amendment from Commercial to the Residential High land use designation (GPA12-0001)
- Approval of site rezoning from Community Shopping Center to High Density Residential (R12-0001)
- Tracy Municipal Code Amendment (Section 10.08.1610(d)) changing the minimum distance between main buildings in the High Density Residential Zone from “the average height of the two main buildings” to a distance as close as six feet. (ZA12-0004)
- Development Review (D12-0004)

The following agencies may be required to issue permits or approve certain aspects of the proposed project:

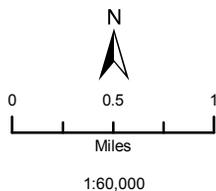
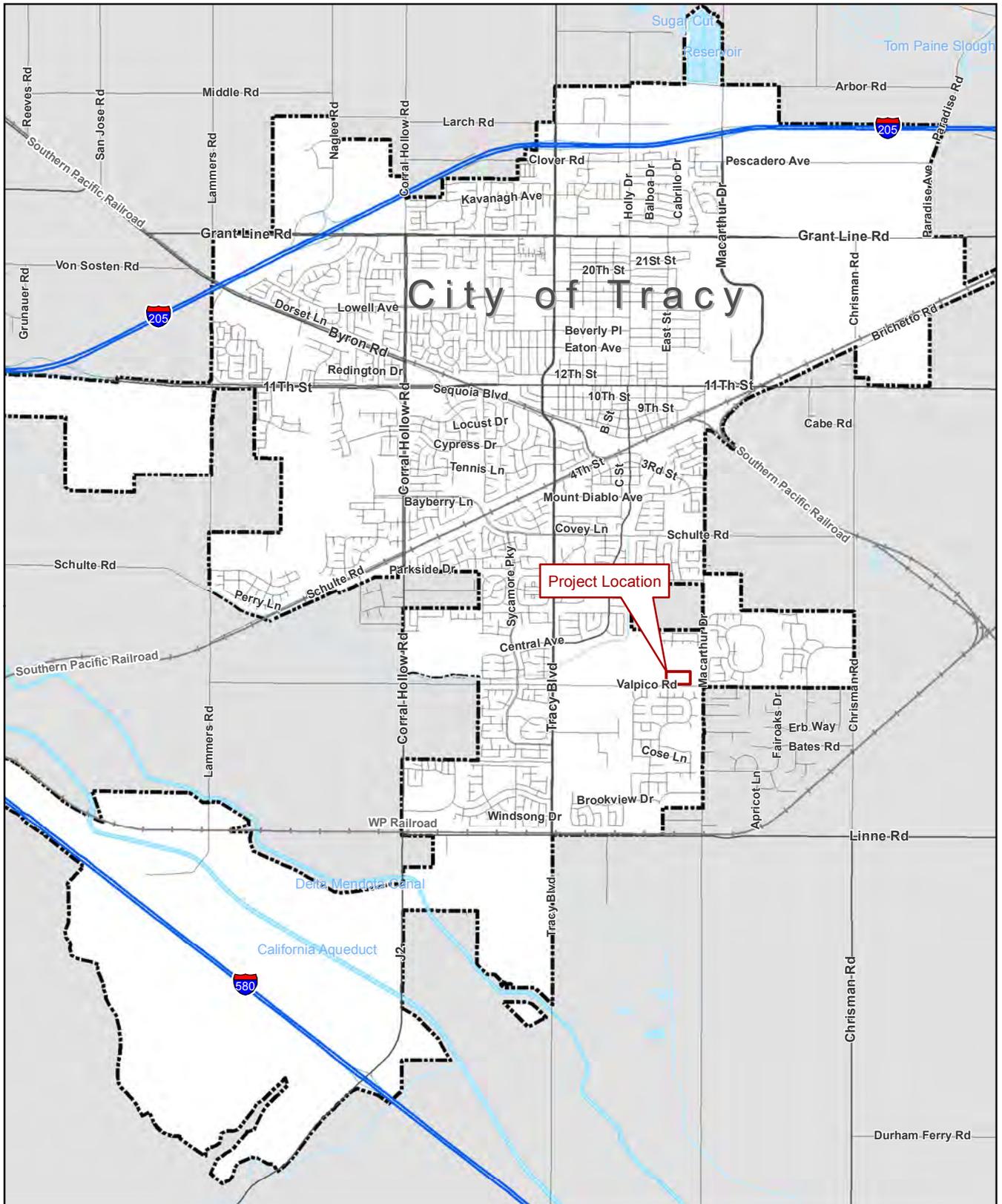
- Central Valley Regional Water Quality Control Board (CVRWQCB) - Storm Water Pollution Prevention Plan (SWPPP) approval prior to construction activities.
- San Joaquin Valley Air Pollution Control District (SJVAPCD) - Approval of construction-related air quality permits.
- San Joaquin Council of Governments (SJCOG)- Review of project application to determine consistency with the San Joaquin County Multi-Species Habitat, Conservation, and Open Space Plan (SJMSCP).

### **PROJECT GOALS AND OBJECTIVES**

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

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

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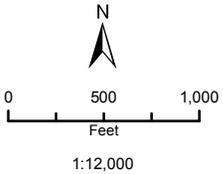
Data sources: California Spatial Information Library;  
 ESRI StreetMap North America. Map date: August 25, 2012

Valpico Apartments Development  
 Figure 1 - Regional Location Map

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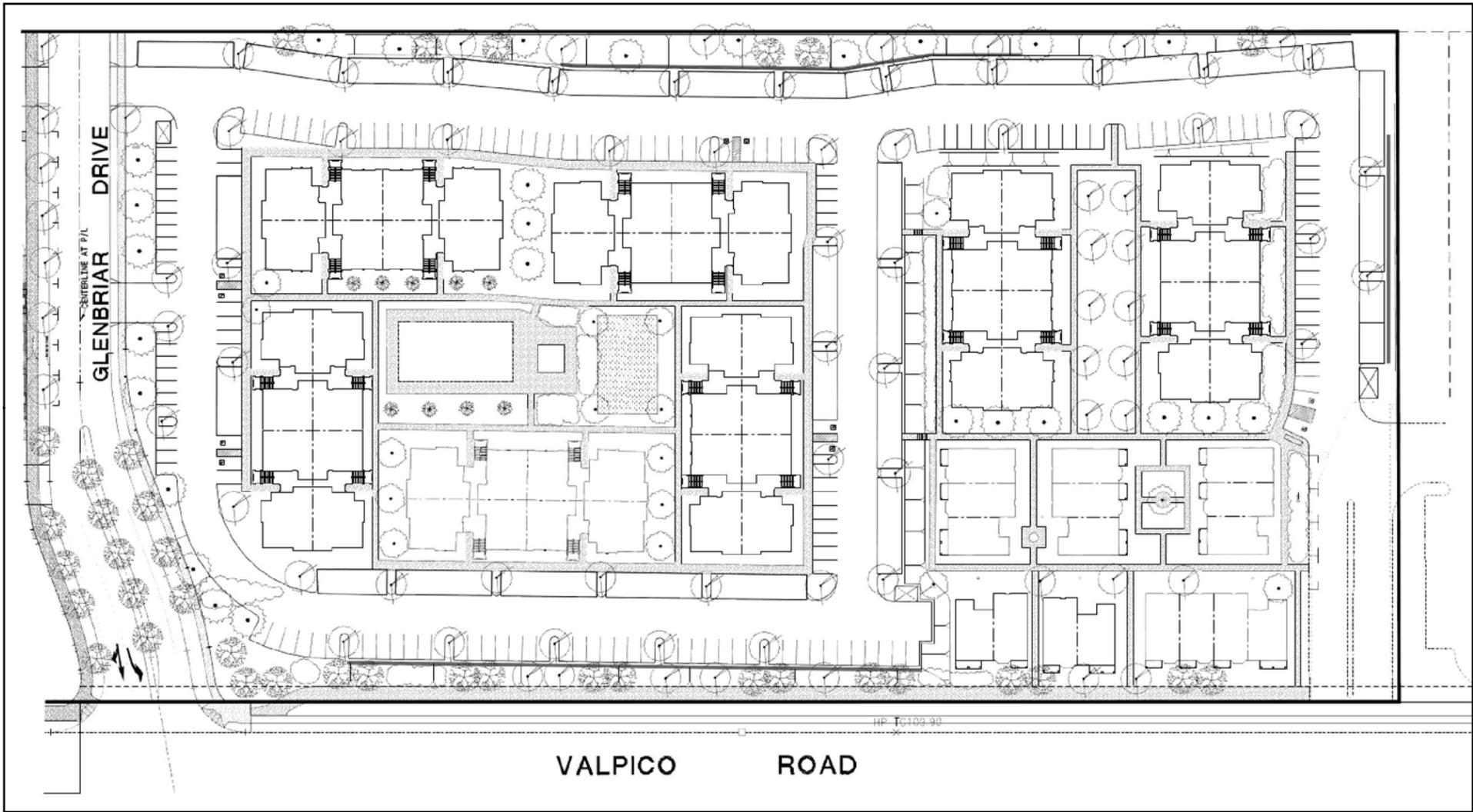
Project Location



Valpico Apartments Development  
 Figure 2 - Project Vicinity Map

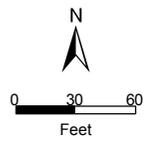
Data sources: ArcGIS Online BING aeriels; ESRI StreetMap North America. Map date: August 25, 2012

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Valpico Apartments Development

Figure 3 - Site Plan



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**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

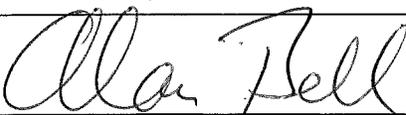
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

**DETERMINATION:**

On the basis of this initial evaluation:

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

Signature 

Date 10/12/12

## EVALUATION INSTRUCTIONS:

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

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

## EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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## ENVIRONMENTAL CHECKLIST

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

### I. AESTHETICS -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?		X		

### RESPONSES TO CHECKLIST QUESTIONS

**Response a): Less Than Significant.** There are no scenic vistas located on or adjacent to the project site. The proposed project is considered an infill project, and the proposed uses on the site are consistent and compatible with the surrounding land uses. Lands to the south and east of the project site consist of single-family residential uses. There is a Rite Aid store located immediately east of the project site, along the project site’s eastern boundary. The parcel immediately west of the project site has a single home, and is otherwise vacant. Commercial, industrial, and vacant land uses are located further to the west of the project site. The parcel to the north of the project site is mostly vacant, with the exception of a single structure. Single-family residential land uses are located further north of the project site.

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

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

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

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

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

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

**Response d): Less than Significant with Mitigation.** Daytime glare can occur when the sunlight strikes reflective surfaces such as windows, vehicle windshields and shiny reflective building materials. The proposed project would introduce new residential structures and parking areas into the project site, however, reflective building materials are not proposed for use in the project, and as such, the project would not result in increases in daytime glare.

The proposed project would include exterior lighting around the proposed apartment buildings, parking areas, and common areas within the site. The City of Tracy Standard Plan #154 establishes minimum requirements for light illumination. Exterior lighting on new projects is also regulated by the Tracy Municipal Code, Off-Street Parking Requirements, Section 10.08.3530(h). The City addresses light and glare issues on a case-by-case basis during project approval and typically adds requirements as a condition of project approval to shield and protect against light spillover from one property to the next. The Tracy Municipal Code requires that the site plan and architectural package include the exterior lighting standards and devices, and be reviewed by the Development and Engineering Services Department.

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

#### *Mitigation Measures*

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

- *Design of site lighting and exterior building light fixtures to 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:*

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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 soils that are considered prime farmland soils by the California Department of Conservation, Farmland Mapping and Monitoring Program and the USDA Soil Conservation Service. The agricultural value of the project site is compromised by a variety of factors that render the site unsuitable for agricultural production or agricultural operations. The project site was historically used as a sand and gravel extraction area, which has resulted in soil disturbances and the removal of topsoil that renders the site unviable for agricultural uses. Additionally, the project site is designated for urban land uses (commercial) by the Tracy General Plan Land Use Designations Map. The project site is surrounded by urban land uses, and there are no agricultural land uses or agricultural operations adjacent to the site. The project site is not irrigated for agricultural use.

Development of the site for urban uses and the subsequent removal of prime farmland soil for agricultural use was taken into consideration in the City of Tracy General Plan and Final EIR. On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for the loss of prime agricultural land resulting from adoption of the Plan and EIR, and provided mitigation measures for the agricultural land lost to development in the City of Tracy's urbanized areas. Mitigation measures included the implementation of a "Right to Farm" ordinance by the City (Ord. 10.24 et seq.), intended to preserve and protect existing agricultural operations within the incorporated City.

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 Final EIR, nor significantly change previously identified impacts.

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

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

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

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

*III. AIR QUALITY -- WOULD THE PROJECT:*

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Conflict with or obstruct implementation of the applicable air quality plan?		X		
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?		X		
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	

*EXISTING SETTING*

The project site is located within the boundaries of the San Joaquin Valley Air Pollution Control District (SJVAPCD). This agency is responsible for monitoring air pollution levels and ensuring compliance with federal and state air quality regulations within the San Joaquin Valley Air Basin (SJVAB) and has jurisdiction over most air quality matters within its borders.

*RESPONSES TO CHECKLIST QUESTIONS*

**Responses a), b), c): Less than Significant with Mitigation.** Air quality emissions would be generated during construction of the proposed project and during operation of the proposed project. Operational emissions would come primarily from vehicle emissions from vehicle trips generated by the proposed project. Construction-related air quality impacts and operational air quality impacts are addressed separately below.

**Construction-Related Emissions**

The SJVAPCD's approach to analysis of construction impacts is to require implementation of effective and comprehensive control measures, rather than to require detailed quantification of emission concentrations for modeling of direct impacts. PM10 emitted during construction can vary greatly depending on the level of activity, the specific operations taking place, the equipment being operated, local soils, weather conditions, and other factors, making quantification difficult. Despite this variability in emissions, experience has shown that there are a number of feasible control measures that can be reasonably implemented to significantly reduce PM10 emissions from construction activities. The SJVAPCD has determined that compliance with Regulation VIII for all sites and implementation of all other control measures

indicated in Tables 6-2 and 6-3 of the *Guide for Assessing and Mitigating Air Quality Impacts* (as appropriate) would constitute sufficient mitigation to reduce PM10 impacts to a level considered less than significant.

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. Construction impacts would last for a period of several months. The initial phase of project construction would involve grading and leveling the project site and associated improvements such as parking area improvements and supporting underground infrastructure, such as water, sewer, and electrical lines.

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

Control measures are required and enforced by the SJVAPCD under Regulation VIII. The SJVAPCD considers construction-related emissions from all projects in this region to be mitigated to a less than significant level if SJVAPCD-recommended PM10 fugitive dust rules and equipment exhaust emissions controls are implemented.

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

#### *Mitigation Measures*

***Mitigation Measure 2:*** *Prior to the commencement of grading activities, the City shall require the contractor hired to complete the grading activities to prepare a construction emissions reduction plan that meets the requirements of SJVAPCD Rule VIII. The construction emissions reductions plan shall be submitted to the SJVAPCD for review and approval. The 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 of use 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 this mitigation shall occur during all grading or site clearing activities. The SJVAPCD shall be responsible for monitoring.*

**Mitigation Measure 3:** *The following mitigation measures, in addition to those required under Regulation VIII of the SJVAPCD, shall be implemented by the Project's contractor during all phases of project grading and construction to reduce fugitive dust emissions:*

- *Water previously disturbed exposed surfaces (soil) a minimum of 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 this mitigation shall occur during all grading or site clearing activities. The SJVAPCD shall be responsible for monitoring.*

### **Operational Emissions**

For the purposes of this operational air quality analysis, actions that violate Federal standards for criteria pollutants (i.e., primary standards designed to safeguard the health of people considered to be sensitive receptors while outdoors and secondary standards designed to safeguard human welfare) are considered significant impacts. Additionally, actions that violate State standards developed by the CARB or criteria developed by the SJVAPCD, including thresholds for criteria pollutants, are considered significant impacts. Projects that would generate 10 tons per year of either ROG or NO<sub>x</sub> are considered to have a potentially significant air quality impact. The SJVAPCD has also established a threshold of 15 tons per year for PM<sub>10</sub>. As previously mentioned, the Basin is classified as a nonattainment area for ozone. In order to achieve the Federal and State standards of ozone, it is necessary to regulate ROG and NO<sub>x</sub>, which contribute to the formation of ozone. This includes both direct and indirect emissions.

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

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

Emissions were estimated using the approach included in the 2007 URBEMIS model combined with emissions factors developed by CARB and the SJVAPCD. The URBEMIS model is used to calculate construction and operational emissions associated with land development projects, and includes EPA, SJVAPCD, and CARB emissions factors embedded within it.

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

### *Rule 9510 Indirect Source Review*

District Rule 9510 requires developers of large residential, commercial and industrial projects to reduce smog-forming (NO<sub>x</sub>) and particulate (PM<sub>10</sub> and PM<sub>2.5</sub>) emissions generated by their projects. The Rule applies to projects which, upon full build-out, will include 50 or more residential units. Project developers are required to reduce:

- 20 percent of construction-exhaust nitrogen oxides;
- 45 percent of construction-exhaust PM<sub>10</sub>;
- 33 percent of operational nitrogen oxides over 10 years; and
- 50 percent of operational PM<sub>10</sub> over 10 years.

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

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

**Table 1: Total Project Generated Emissions at Full Buildout**

	EMISSIONS (TONS/YEAR)						
	ROG	NOX	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	CO <sub>2</sub>
Mobile Source Project Emissions	1.53	2.11	17.55	0.02	3.41	0.66	1,912.81
SJVAPCD Threshold	10	10	--	--	15	--	--
Above SJCAPCD Threshold?	No	No	NA	NA	No	NA	NA

*EMISSIONS WERE CALCULATED USING THE URBEMIS2007 (v.9.24) COMPUTER PROGRAM. ASSUMES TOTAL BUILDOUT OF THE PROPOSED PROJECT. MOBILE SOURCE EMISSIONS WERE BASED ON THE AVERAGE ANNUAL ADT PRESENTED IN THE TRAFFIC STUDY PREPARED FOR THE PROJECT AND DEFAULT VEHICLE TRIP DISTANCES AND FLEET CHARACTERISTICS CONTAINED IN THE MODEL.*

As shown in the table above, project generated emissions are below the SJVAPCD thresholds for ROG, NO<sub>x</sub> and PM<sub>10</sub>. As such, the project would result in **less than significant** air quality impacts. However, regardless of the emissions totals presented above, 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<sub>x</sub>) and particulate (PM<sub>10</sub> and PM<sub>2.5</sub>) emissions generated by their projects. The Rule applies to projects which

upon full build-out will include 50 or more residential units. Project developers are required to reduce:

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

Developers are encouraged to meet these reduction requirements through the implementations 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.

#### *Mitigation Measures*

**Mitigation Measure 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 PM10;*
- *33 percent of operational nitrogen oxides over 10 years; and*
- *50 percent of operational PM10 over 10 years.*

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

**Response d): Less than Significant.** Sensitive receptors are those parts of the population that can be severely impacted by air pollution. Sensitive receptors include children, the elderly, and the infirm. In addition to the existing residences located adjacent to the project site, there are two elementary schools located in proximity to the project site. Tom Hawkins Elementary is located approximately 0.3 miles south of the project site, and Gladys Poet-Christian Elementary School is located approximately 0.6 miles to the northwest of the project site.

Implementation of the proposed project would not expose these sensitive receptors to substantial pollutant concentrations. Air emissions would be generated during the construction phase of the project. The construction phase of the project would be temporary and short-term, and the implementation of Mitigation Measures 2 and 3 would greatly reduce pollution concentrations generated during construction activities.

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

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

**IV. BIOLOGICAL RESOURCES -- WOULD THE PROJECT:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

**RESPONSES TO CHECKLIST QUESTIONS**

**Response a): Less than Significant with Mitigation.** The project applicant submitted the proposed project plans to the San Joaquin Council of Governments (SJCOG) for review for consistency with the San Joaquin County Multi-Species Habitat and Open Space Plan (SJMSCP). The project site was visited by SJCOG staff to assess the habitat conditions on the project site, and an advisory statement was issued to the applicant by SJCOG on June 13, 2012.

Special-status invertebrates that occur within the San Joaquin County region include: longhorn fairy shrimp, vernal pool fairy shrimp, and midvalley fairy shrimp, which requires vernal pools and swale areas within grasslands; and the valley elderberry longhorn beetle, which is an insect that is only associated with blue elderberry plants, oftentimes in riparian areas and sometimes on land in the vicinity of riparian areas. The project site does not contain essential habitat for

these special status invertebrates. Implementation of the proposed project would have a **less than significant** impact on these species. No mitigation is necessary.

Special-status reptiles and amphibians that occur within the region include: the western pond turtle, which requires aquatic environments located along ponds, marshes, rivers, and ditches; the California tiger salamander, which is found in grassland habitats where there are nearby seasonal wetlands for breeding; the silvery legless lizard, which is found in sandy or loose loamy soils under sparse vegetation with high moisture content; San Joaquin whipsnake, which requires open, dry habitats with little or no tree cover with mammal burrows for refuge; the Alameda whipsnake, which is restricted to valley-foothill hardwood habitat on south-facing slopes; the California horned lizard, which occurs in a variety of habitats including, woodland, forest, riparian, and annual grasslands, usually in open sandy areas; the foothill yellow-legged frog, which occurs in partly shaded and shallow streams with rocky soils; the California red legged frog, which occurs in stream pools and ponds with riparian or emergent marsh vegetation; and the western spadefoot toad, which requires grassland habitats associated with vernal pools. The project site does not contain essential habitat for these special status reptiles and amphibians. Implementation of the proposed project would have a **less than significant** impact on these species. No mitigation is necessary.

Numerous special-status plant species are known to occur in the region. Many of these special status plant species require specialized habitats such as serpentine soils, rocky outcrops, slopes, vernal pools, marshes, swamps, riparian habitat, alkali soils, and chaparral, which are not present on the project site. The project site is located in an area that was likely valley grassland prior to human settlement, and there are several plant species that are found in valley and foothills grasslands areas. These species include large-flowered fiddleneck, bent-flowered fiddleneck, big-balsamroot, big tarplant, round-leaved filaree, Lemmon's jewelflower, and showy golden madia. Human settlement has involved a high frequency of ground disturbance associated with the historical farming activities in the region, including the project site. The project site does not contain suitable habitat for special-status plant species, and no special-status plant species were observed by SJCOG during their visit to the project site. Implementation of the proposed project would have a **less than significant** impact on these species. No mitigation is necessary.

Special-status birds that occur within the region include: tricolored blackbird, Swainson's hawk, northern harrier, and bald eagle, which are associated with streams, rivers, lakes, wetlands, marshes, and other wet environments; loggerhead shrike, and burrowing owl, which lives in open areas, usually grasslands, with scattered trees and brush; and raptors that are present in varying habitats throughout the region.

**Swainson's Hawk.** The Swainson's hawk is threatened in California and is protected by the California Department of Fish and Game (CDFG) and the Migratory Bird Treaty Act (MBTA). Additionally, Swainson's hawk foraging habitat is protected by the CDFG. Swainson's hawks forage in open grasslands and agricultural fields and commonly nest in solitary trees and riparian areas in close proximity to foraging habitat. The foraging range for Swainson's hawk is ten miles from its nesting location. There are numerous documented occurrences of Swainson's

hawk within ten miles of the project site. Although no nesting habitat for this species occur onsite. As described in the SJCOG advisory statement letter, Swainson's hawks are present within the vicinity of the project site. One adult hawk was observed traversing across the border of the site. The site and the surrounding open non-native grassland habitat will provide medium quality foraging opportunities for local Swainson's hawks. There is a row of 30 eucalyptus trees on the adjacent property bordering the site. These trees are large enough to harbor raptor nests, but do not currently contain any active nests. Incidental take minimization measures are not required for this species due to the fact that there is no suitable nesting habitat on the project site. As such, impacts to Swainson's hawk are **less than significant** and no mitigation is required.

**Burrowing Owls.** Burrowing owls are a California Species of Special Concern and are protected by the CDFG and the MBTA. Burrowing owls forage in open grasslands and shrublands and typically nest in old ground squirrel burrows. The project site contains suitable, but not high-quality habitat for burrowing owls. The project site is adjacent to other lands that are currently undeveloped that offer foraging and roosting habitat for wintering or breeding owls. However, the burrows that are present on-site are inactive due to the absence of ground squirrels (as indicated by the presence of cobwebs across the burrows' entrances). During the pre-construction surveys completed by SJCOG, no burrowing owls nor evidence of their presence was detected within the project site. No incidental take minimization measures are required for this species because burrowing owls were not detected and California ground squirrels are currently absent on the project site. However, due to the time lapse between the June site surveys conducted by SJCOG and when construction activities are likely to occur if the project is approved, there is the potential for burrowing owls to occupy the site in the interim. While considered unlikely, due to the presence of urban development surrounding the site, this is considered potentially significant impact. The implementation of Mitigation Measure 5 would ensure that burrowing owls are not impacted during construction activities. The implementation of Mitigation Measure 5 would ensure a **less than significant** impact to burrowing owls.

### *Mitigation Measures*

**Mitigation Measure 5:** *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 follow-up 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 mitigation shall occur prior to grading or site clearing activities. SJCOG shall be responsible for monitoring and a qualified biologist shall conduct surveys and relocate owls as required.*

**Responses b): No Impact.** Riparian natural communities support woody vegetation found along rivers, creeks and streams. Riparian habitat can range from a dense thicket of shrubs to a closed canopy of large mature trees covered by vines. Riparian systems are considered one of the most important natural resources. While small in total area when compared to the state's size, they provide a special value for wildlife habitat.

Over 135 California bird species either completely depend upon riparian habitats or use them preferentially at some stage of their life history. Riparian habitat provides food, nesting habitat, cover, and migration corridors. Another 90 species of mammals, reptiles, invertebrates and amphibians depend on riparian habitat. Riparian habitat also provides riverbank protection, erosion control and improved water quality, as well as numerous recreational and aesthetic values.

There is no riparian habitat or other sensitive natural communities located on the project site. As such, the proposed project would have **no impact** on these resources, and no mitigation is required.

**Response c): Less than Significant.** A wetland is an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetlands are defined by regulatory agencies as having special vegetation, soil, and hydrology characteristics. Hydrology, or water inundation, is a catalyst for the formation of wetlands. Frequent inundation and low oxygen causes chemical changes to the soil properties resulting in what is known as hydric soils. The prevalent vegetation in wetland communities consists of hydrophytic plants, which are adapted to areas that are frequently inundated with water. Hydrophytic plant species have the ability to grow, effectively compete, reproduce, and persist in low oxygen soil conditions.

Below is a list of wetlands that are found in the Tracy planning area:

- **Farmed Wetlands:** This category of wetlands includes areas that are currently in agricultural uses. This type of area occurs in the northern portion of the Tracy Planning Area.
- **Lakes, Ponds and Open Water:** This category of wetlands includes both natural and human-made water bodies such as that associated with working landscapes, municipal water facilities and canals, creeks and rivers.
- **Seasonal Wetlands:** This category of wetlands includes areas that typically fill with water during the wet winter months and then drain enough to become ideal plant habitats throughout the spring and summer. There are numerous seasonal wetlands throughout the Tracy Planning Area.
- **Tidal Salt Ponds and Brackish Marsh:** This category of wetlands includes areas affected by irregular tidal flooding with generally poor drainage and standing water. There are minimal occurrences along some of the larger river channels in the northern portion of the Tracy Planning Area.

There are no wetlands located on the project site. Therefore, this is a **less than significant** impact and no mitigation is required.

**Response d): Less than Significant.** The CNDDDB record search did not reveal any documented wildlife corridors or wildlife nursery sites on or adjacent to the project site. Furthermore, the field survey did not reveal any wildlife corridors or wildlife nursery sites on or adjacent to the project site. Implementation of the proposed project would have a **less than significant** impact. No mitigation is necessary.

**Responses e), f): Less than Significant.** The project site is located within the jurisdiction of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (“Plan” or “SJMSCP”) and is located within the Central/Southwest Transition Zone of the SJMSCP. The San Joaquin Council of Governments (SJCOG) prepared the Plan pursuant to a Memorandum of Understanding adopted by SJCOG, San Joaquin County, the United States Fish and Wildlife Service (USFWS), the California Department of Fish and Game (CDFG), Caltrans, and the cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy in October 1994. On February 27, 2001, the Plan was unanimously adopted in its entirety by SJCOG. The City of Tracy adopted the Plan on November 6, 2001.

According to Chapter 1 of the SJMSCP, its key purpose is to “provide a strategy for balancing the need to conserve open space and the need to convert open space to non-open space uses, while protecting the region’s agricultural economy; preserving landowner property rights; providing for the long-term management of plant, fish and wildlife species, especially those that are currently listed, or may be listed in the future, under the Federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA); providing and maintaining multiple use Open Spaces which contribute to the quality of life of the residents of San Joaquin County; and, accommodating a growing population while minimizing costs to project proponents and society at large.”

In addition, the goals and principles of the SJMSCP include the following:

- Provide a County-wide strategy for balancing the need to conserve open space and the need to convert open space to non-open space uses, while protecting the region's agricultural economy.
- Preserve landowner property rights.
- Provide for the long-term management of plant, fish, and wildlife species, especially those that are currently listed, or may be listed in the future, under the ESA or the CESA.
- Provide and maintain multiple-use open spaces, which contribute to the quality of life of the residents of San Joaquin County.
- Accommodate a growing population while minimizing costs to project proponents and society at large.

In addition to providing compensation for conversion of open space to non open space uses, which affect plant and animal species covered by the SJMSCP, the SJMSCP also provides some compensation to offset impacts of open space conversions on non-wildlife related resources such as recreation, agriculture, scenic values and other beneficial open space uses. Specifically, the SJMSCP compensates for conversions of open space to urban development and the expansion of existing urban boundaries, among other activities, for public and private activities throughout the County and within Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy.

Participation in the SJMSCP is voluntary for both local jurisdictions and project applicants. Only agencies adopting the SJMSCP would be covered by the SJMSCP. Individual project applicants have two options if their project is located in a jurisdiction participating in the SJMSCP: mitigating under the SJMSCP or negotiating directly with the state and/or federal permitting agencies. If a project applicant opts for SJMSCP coverage in a jurisdiction that is participating under the SJMSCP, the following options are available, unless their activities are otherwise exempted: pay the appropriate fee; dedicate, as conservation easements or fee title, habitat lands; purchase approved mitigation bank credits; or, propose an alternative mitigation plan.

Responsibilities of permittees covered by the SJMSCP include collection of fees, maintenance of implementing ordinances/resolutions, conditioning permits (if applicable), and coordinating with the Joint Powers Authority (JPA) for Annual Report accounting. Funds collected for the SJMSCP are to be used for the following: acquiring Preserve lands, enhancing Preserve lands, monitoring and management of Preserve lands in perpetuity, and the administration of the SJMSCP. Because the primary goal of SJMSCP to preserve productive agricultural use that is compatible with SJMSCP's biological goals, most of the SJMSCP's Preserve lands would be acquired through the purchase of easements in which landowners retain ownership of the land and continue to farm the land. These functions are managed by San Joaquin Council of Governments.

The proposed project is classified as Urban Habitat under the SJMSCP. The City of Tracy and the project applicant have consulted with SJCOG and agreed to allow coverage of the project pursuant to the SJMSCP. SJCOG staff has determined that the proposed project is consistent with the SJMSCP and coverage under the plan has been obtained. Therefore, this is a **less than significant** impact and no additional mitigation is required.

*V. CULTURAL RESOURCES -- WOULD THE PROJECT:*

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?		X		
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?		X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		
d) Disturb any human remains, including those interred outside of formal cemeteries?		X		

*RESPONSES TO CHECKLIST QUESTIONS*

**Response a), b), c), d): Less than Significant with Mitigation.** 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. Additionally, there are no known unique paleontological or archeological resources known to occur on, or within the immediate vicinity of the project site. Therefore, it is not anticipated that site grading and preparation activities would result in impacts to cultural, historical, archaeological or paleontological resources. There are no known human remains located on the project site, nor is there evidence to suggest that human remains may be present on the project site

However, as with most projects in California that involve ground-disturbing activities, there is the potential for discovery of a previously unknown cultural and historical resource or human remains. This is considered a **potentially significant** impact.

The implementation of Mitigation Measure 6 would require appropriate steps to preserve and/or document any previously undiscovered resources that may be encountered during construction activities, including human remains. Implementation of this measure would reduce this impact to a **less than significant** level.

*Mitigation Measures*

**Mitigation Measure 6:** *If any prehistoric or historic artifacts, human remains or other indications of archaeological resources are found during grading and construction activities, an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be consulted to evaluate the finds and recommend appropriate mitigation measures.*

- *If cultural resources or Native American resources are identified, every effort shall be made to avoid significant cultural resources, with preservation an important goal. If significant sites cannot feasibly be avoided, appropriate mitigation measures, such as data recovery excavations or photographic documentation of buildings, shall be undertaken consistent with applicable state and federal regulations.*
  - *If human remains are discovered, all work shall be halted immediately within 50 meters (165 feet) of the discovery, the County Coroner must be notified, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California’s Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.*
  - *If any fossils are encountered, there shall be no further disturbance of the area surrounding this find until the materials have been evaluated by a qualified paleontologist, and appropriate treatment measures have been identified.*

*VI. GEOLOGY AND SOILS -- WOULD THE PROJECT:*

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?		X		
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

*RESPONSES TO CHECKLIST QUESTIONS*

**Responses a.i), a.ii): Less than Significant.** The project site is located in an area of moderate to high seismicity. As described in the Geotechnical Exploration report prepared for the project (Engeo, 2012), no known active faults cross the project site, and the site is not located within an Alquist-Priolo Earthquake Fault Zone, however, relatively large earthquakes have historically occurred in the Bay Area and along the margins of the Central Valley. Many earthquakes of low magnitude occur every year in California. The two nearest earthquake faults zoned as active by the State of California Geological Survey are the Great Valley Fault, located approximately five miles to the west of the site, and the Greenville fault, located approximately 13 miles southwest of the site. The Great Valley fault is a blind thrust fault with no known surface expression; the

postulated fault location has been based on historical regional seismic activity and isolated subsurface information.

Portions of the Great Valley fault are considered seismically active thrust faults; however, since the Great Valley fault segments are not known to extend to the ground surface, the State of California has not defined Earthquake Fault Hazard Zones around the postulated traces. The Great Valley fault is considered capable of causing significant ground shaking at the site, but the recurrence interval is believed longer than for more distant, strike-slip faults. Further seismic activity can be expected to continue along the western margin of the Central Valley, and as with all projects in the area, the project will be designed to accommodate strong earthquake ground shaking, in compliance with the applicable California building code standards.

Other active faults capable of producing significant ground shaking at the site include the Calaveras, 26 miles southwest; the Hayward fault, 28 miles west; the Ortigalita fault, 31 miles southwest; and the San Andreas Fault, 49 miles southwest of the site. Any one of these faults could generate an earthquake capable of causing strong ground shaking at the subject site. Earthquakes of Moment Magnitude ( $M_w$ ) 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, silty soils of low plasticity, and some gravelly soils. Cohesive soils are generally not considered to be susceptible to liquefaction. In general, liquefaction hazards are most severe within the upper 50 feet of the surface, except where slope faces or deep foundations are present.

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

The soils encountered at the site generally consisted of very stiff to hard sandy lean clay, silt, and poorly graded sand with clay and gravel in the upper 3 to 6 feet underlain by interbedded layers of poorly graded gravel with cobbles, clayey gravel, lean clay, silt, and silty sand to the maximum depth explored of 25 feet. One Plasticity Index (PI) test was performed on the near-surface soils at the site and it resulted in a PI of 15. This is an indication that the site soils have a moderate shrink-swell potential and medium plasticity. The subsurface investigations did not encounter any noticeably weak or compressible soil in the exploratory borings.

The potential for liquifaction to occur at the project site is considered low. Additionally, the project site does not contain expansive soils that would pose a significant risk to structures and residents at the project site. As such, this is a **less than significant** impact and no mitigation is required.

**Responses a.iv): Less than Significant.** The project site is relatively flat and there are no major slopes in the vicinity of the project site. As such, the project site is exposed to little or no risk associated with landslides. This is a **less than significant** impact and no mitigation is required.

**Response b): Less than Significant with Mitigation.** Construction and site preparation activities associated with development of the project site include grading for the installation for the construction of the proposed apartment buildings, parking areas and landscape areas. 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. Mitigation Measures 2 and 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, Mitigation Measure 7 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 required mitigation measures 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.

*XII. GREENHOUSE GAS EMISSIONS – WOULD THE PROJECT:*

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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<sub>2</sub>O), carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and ozone (O<sub>3</sub>). 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<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O occur naturally in the atmosphere, human activities have changed their atmospheric concentrations. From the pre-industrial era (i.e., ending about 1750) to 2005, concentrations of these three greenhouse gases have increased globally by 36, 148, and 18 percent, respectively (IPCC 2007)<sup>1</sup>.

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<sub>2</sub>), methane (CH<sub>4</sub>), ozone (O<sub>3</sub>), water vapor, nitrous oxide (N<sub>2</sub>O), and chlorofluorocarbons (CFCs).

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors (California Energy Commission 2006a) <sup>2</sup>. In California, the transportation

<sup>1</sup> Intergovernmental Panel on Climate Change. 2007. "Climate Change 2007: The Physical Science Basis, Summary for Policymakers."

[http://www.ipcc.ch/publications\\_and\\_data/publications\\_ipcc\\_fourth\\_assessment\\_report\\_wg1\\_report\\_the\\_physical\\_science\\_basis.htm](http://www.ipcc.ch/publications_and_data/publications_ipcc_fourth_assessment_report_wg1_report_the_physical_science_basis.htm)

<sup>2</sup> California Energy Commission. 2006a. Inventory of California Greenhouse Gas Emissions and Sinks 1990 to

sector is the largest emitter of GHGs, followed by electricity generation (California Energy Commission 2006a).

As the name implies, global climate change is a global problem. GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern, respectively. California produced 492 million gross metric tons of carbon dioxide equivalents (MMTCO<sub>2e</sub>) in 2004 (California Energy Commission 2006a). By 2020, California is projected to produce 507 MMTCO<sub>2e</sub> per year.<sup>3</sup>

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<sub>2</sub> were being emitted.

Consumption of fossil fuels in the transportation sector was the single largest source of California's GHG emissions in 2004, accounting for 40.7% of total GHG emissions in the state (California Energy Commission 2006a). This category was followed by the electric power sector (including both in-state and out of-state sources) (22.2%) and the industrial sector (20.5%) (California Energy Commission 2006a).

#### *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 21<sup>st</sup> century (Cal EPA 2006)<sup>4</sup>. This phenomenon could lead to significant challenges securing an

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2004. <http://www.arb.ca.gov/cc/inventory/archive/archive.htm>

<sup>3</sup> California Air Resources Board. 2010. "Functional Equivalent Document prepared for the California Cap on GHG Emissions and Market-Based Compliance Mechanisms."

<sup>4</sup> California Environmental Protection Agency, Climate Action Team. 2006. Climate Action Team Report to Governor Schwarzenegger and the Legislature. [http://www.climatechange.ca.gov/climate\\_action\\_team/reports/](http://www.climatechange.ca.gov/climate_action_team/reports/)

adequate water supply for a growing state population. Further, the increased ocean temperature could result in increased moisture flux into the state; however, since this would likely increasingly come in the form of rain rather than snow in the high elevations, increased precipitation could lead to increased potential and severity of flood events, placing more pressure on California's levee/flood control system.

Sea level has risen approximately seven inches during the last century and it is predicted to rise an additional 22 to 35 inches by 2100, depending on the future GHG emissions levels (Cal EPA 2006). If this occurs, resultant effects could include increased coastal flooding, saltwater intrusion and disruption of wetlands (Cal EPA 2006). As the existing climate throughout California changes over time, mass migration of species, or failure of species to migrate in time to adapt to the perturbations in climate, could also result. Under the emissions scenarios of the Climate Scenarios report (Cal EPA 2006), the impacts of global warming in California are anticipated to include, but are not limited to, the following.

### *Public Health*

Higher temperatures are expected to increase the frequency, duration, and intensity of conditions conducive to air pollution formation. For example, days with weather conducive to ozone formation are projected to increase from 25% to 35% under the lower warming range and to 75% to 85% under the medium warming range. In addition, if global background ozone levels increase as predicted in some scenarios, it may become impossible to meet local air quality standards. Air quality could be further compromised by increases in wildfires, which emit fine particulate matter that can travel long distances depending on wind conditions. The Climate Scenarios report indicates that large wildfires could become up to 55% more frequent if GHG emissions are not significantly reduced.

In addition, under the higher warming scenario, there could be up to 100 more days per year with temperatures above 90°F in Los Angeles and 95°F in Sacramento by 2100. This is a large increase over historical patterns and approximately twice the increase projected if temperatures remain within or below the lower warming range. Rising temperatures will increase the risk of death from dehydration, heat stroke/exhaustion, heart attack, stroke, and respiratory distress caused by extreme heat.

### *Water Resources*

A vast network of man-made reservoirs and aqueducts capture and transport water throughout the state from northern California rivers and the Colorado River. The current distribution system relies on Sierra Nevada snow pack to supply water during the dry spring and summer months. Rising temperatures, potentially compounded by decreases in precipitation, could severely reduce spring snow pack, increasing the risk of summer water shortages.

The state's water supplies are also at risk from rising sea levels. An influx of saltwater would degrade California's estuaries, wetlands, and groundwater aquifers. Saltwater intrusion caused by rising sea levels is a major threat to the quality and reliability of water within the southern edge of the Sacramento/San Joaquin River Delta, a major state fresh water supply. Global warming is also projected to seriously affect agricultural areas, with California farmers

projected to lose as much as 25% of the water supply they need; decrease the potential for hydropower production within the state (although the effects on hydropower are uncertain); and seriously harm winter tourism. Under the lower warming range, the snow dependent winter recreational season at lower elevations could be reduced by as much as one month. If temperatures reach the higher warming range and precipitation declines, there might be many years with insufficient snow for skiing, snowboarding, and other snow dependent recreational activities.

If GHG emissions continue unabated, more precipitation will fall as rain instead of snow, and the snow that does fall will melt earlier, reducing the Sierra Nevada spring snow pack by as much as 70% to 90%. Under the lower warming scenario, snow pack losses are expected to be only half as large as those expected if temperatures were to rise to the higher warming range. How much snow pack will be lost depends in part on future precipitation patterns, the projections for which remain uncertain. However, even under the wetter climate projections, the loss of snow pack would pose challenges to water managers, hamper hydropower generation, and nearly eliminate all skiing and other snow-related recreational activities.

### *Agriculture*

Increased GHG emissions are expected to cause widespread changes to the agriculture industry reducing the quantity and quality of agricultural products statewide. Although higher carbon dioxide levels can stimulate plant production and increase plant water-use efficiency, California's farmers will face greater water demand for crops and a less reliable water supply as temperatures rise.

Plant growth tends to be slow at low temperatures, increasing with rising temperatures up to a threshold. However, faster growth can result in less-than-optimal development for many crops, so rising temperatures are likely to worsen the quantity and quality of yield for a number of California's agricultural products. Products likely to be most affected include wine grapes, fruits and nuts, and milk.

Crop growth and development will be affected, as will the intensity and frequency of pest and disease outbreaks. Rising temperatures will likely aggravate ozone pollution, which makes plants more susceptible to disease and pests and interferes with plant growth.

In addition, continued global warming will likely shift the ranges of existing invasive plants and weeds and alter competition patterns with native plants. Range expansion is expected in many species while range contractions are less likely in rapidly evolving species with significant populations already established. Should range contractions occur, it is likely that new or different weed species will fill the emerging gaps. Continued global warming is also likely to alter the abundance and types of many pests, lengthen pests' breeding season, and increase pathogen growth rates.

### *Forests and Landscapes*

Global warming is expected to alter the distribution and character of natural vegetation thereby resulting in a possible increased risk of large of wildfires. If temperatures rise into the medium

warming range, the risk of large wildfires in California could increase by as much as 55%, which is almost twice the increase expected if temperatures stay in the lower warming range. However, since wildfire risk is determined by a combination of factors, including precipitation, winds, temperature, and landscape and vegetation conditions, future risks will not be uniform throughout the state. For example, if precipitation increases as temperatures rise, wildfires in southern California are expected to increase by approximately 30% toward the end of the century. In contrast, precipitation decreases could increase wildfires in northern California by up to 90%.

Moreover, continued global warming will alter natural ecosystems and biological diversity within the state. For example, alpine and sub-alpine ecosystems are expected to decline by as much as 60% to 80% by the end of the century as a result of increasing temperatures. The productivity of the state's forests is also expected to decrease as a result of global warming.

### *Rising Sea Levels*

Rising sea levels, more intense coastal storms, and warmer water temperatures will increasingly threaten the state's coastal regions. Under the higher warming scenario, sea level is anticipated to rise 22 to 35 inches by 2100. Elevations of this magnitude would inundate coastal areas with saltwater, accelerate coastal erosion, threaten vital levees and inland water systems, and disrupt wetlands and natural habitats.

### *RESPONSES TO CHECKLIST QUESTIONS*

**Response a): Less than Significant.** The primary source of GHGs from the proposed project would result from emissions of CO<sub>2</sub> associated with vehicle trips generated by the project. In order to calculate CO<sub>2</sub> emissions from project vehicle trips, the URBEMIS software modeling system was utilized. Based on the total vehicle miles travelled (VMT) as a result of project implementation, the proposed project would generate up to 1,913 tons/year of CO<sub>2</sub> from vehicle emissions.

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

Chapter 1 of *Driving and the Built Environment: The Effects of Compact Development on Motorized Travel, Energy Use, and CO<sub>2</sub> Emissions -- Special Report 298* (Transportation Research Board, 2009) reached the following key conclusions:

- Finding 1: Developing more compactly, that is, at higher residential and employment densities, is likely to reduce VMT.
- Finding 2: The literature suggests that doubling residential density across a metropolitan area might lower household VMT by about 5 to 12 percent, and perhaps by as much as 25

percent, if coupled with higher employment concentrations, significant public transit improvements, mixed uses, and other supportive demand management measures.

The City of Tracy has not established a threshold of significance for determining what level of CO<sub>2</sub> emissions from vehicle trips is considered a significant impact. The proposed project represents an infill project within the City. Additionally, the project is a high-density residential development, which promotes a compact development pattern, and minimizes the consumption of open space lands and resources. The project provides for additional high-density housing opportunities within the City of Tracy, and would assist the City in achieving the housing goals established in the City's Housing Element. The residential population growth that would occur as a result of project implementation would contribute to the growth anticipated in the City's General Plan and General Plan EIR.

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

**Response b): Less than Significant.** The City of Tracy recently adopted the Tracy Sustainability Action Plan. The Sustainability Action Plan includes programs and measures to reduce GHGs through community and municipal operations. Programs and measures contained in the Sustainability Action Plan that relate to the proposed project include:

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

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

Measure T-3 a: Providing onsite bicycle parking in multi-family development projects.

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

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

The proposed project would assist the City of Tracy with implementation of the Sustainability Action Plan, and is consistent with the measures described above. The proposed project would be constructed in compliance with the California Green Building Standards, and would install energy efficient exterior lighting. The project would provide opportunities for alternative transportation choices by providing connections to adjacent bicycle and pedestrian facilities, and through the provision of bicycle parking areas within the site.

In addition to the City of Tracy's Sustainability Action Plan, SJCOG is in the processes of preparing the Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan (RTP) update. Sen. Bill No. 375 (Stats. 2008, ch. 728) (SB 375) was built on AB 32 (California's 2006 climate change law). SB 375's core provision is a requirement for regional transportation agencies to develop a Sustainable Communities Strategy in order to reduce GHG

emissions from passenger vehicles. The SCS is one component of the SJCOG Regional Transportation Plan.

The SCS outlines the region's plan for combining transportation resources, such as roads and mass transit, with a realistic land use pattern, in order to meet a state target for reducing GHG emissions. The strategy must take into account the region's housing needs, transportation demands, and protection of resource and farmlands.

Additionally, SB 375 modified the state's Housing Element Law to achieve consistency between the land use pattern outlined in the SCS and the Regional Housing Needs Assessment allocation. The legislation also substantially improved cities' and counties' accountability for carrying out their housing element plans.

Finally, SB 375 amended the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) to ease the environmental review of developments that help reduce the growth of GHG emissions.

While the SJCOG SCS has not been completed and adopted at the time that this environmental analysis was prepared, the SCS is anticipated to encourage and promote compact land uses that focus on infill development within existing cities in the County. As described above, the proposed project is a high-density infill project that would assist the City of Tracy in meeting its regional housing needs allocation. The proposed project is consistent with the intent of SB 375, and is anticipated to further the goals and priorities of the SJCOG SCS.

Based on the project's consistency with the pending SCS and the City's Sustainability Action Plan, this is a **less than significant** impact and no mitigation is required.

**VIII. HAZARDS AND HAZARDOUS MATERIALS -- WOULD THE PROJECT:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X	
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	

*RESPONSES TO CHECKLIST QUESTIONS*

**Responses a), b): Less than Significant.** The proposed project would place new high-density residential uses in an area of the City that currently contains predominantly residential, commercial and light industrial uses. The proposed residential land uses do not routinely transport, use, or dispose of hazardous materials, or present a reasonably foreseeable release of hazardous materials, with the exception of common residential grade hazardous materials such as household cleaners, paint, etc. The operational phase of the proposed project does not pose a significant hazard to the public or the environment. Implementation of the proposed project would have a **less than significant** impact relative to this issue.

**Response c): Less than Significant.** The project site is not located within ¼ mile of an existing or proposed school, and would therefore, not result in the exposure of any school site to any hazardous materials that may be used or stored at the project site. There are two elementary schools located in proximity to the project site. Tom Hawkins Elementary is located approximately 0.3 miles south of the project site, and Gladys Poet-Christian Elementary School is located approximately 0.6 miles to the northwest of the project site. As described under Response a), above, the project would not involve the use, storage, transport or handling of hazardous materials, beyond those commonly found in typical residential areas. This is a **less than significant** impact and no mitigation is required.

**Response d): Less than Significant.** According the California Department of Toxic Substances Control (DTSC) there are no Federal Superfund Sites, State Response Sites, or Voluntary Cleanup Sites on, or in the vicinity of the project site.

The DTSC Envirostor Database identified that the Georgia-Pacific Corporation operated a chemical packaging facility at 75 W. Valpico Road (west of the site) in Tracy from 1978 to 1986. A percolation basin being used for the disposal of waste cooling water and stormwater runoff was treated with sodium hypochlorite bleach in July 1984 to mitigate sulfite-type odors, resulting in the formation of chloroform. On 25 September 1984, the Regional Board issued a Cleanup and Abatement order to Georgia-Pacific to stop seepage of pollutants from the stormwater pond and stop pollution of the groundwater and odor nuisance. Starting in October 1984, 150,000 gallons of standing water were pumped out of the basin and disposed offsite. Wastewater flow to the basin was discontinued. The contamination was cleaned to the satisfaction of the Central Valley Regional Water Quality Control Board and the case was closed on November 15, 2011.

A Phase I Environmental Site Assessment (Phase I) was completed for the project site and some adjacent parcels in February 2004 (Baseline Environmental Consulting). The Phase I investigation included a review of environmental investigation reports and historic land use information, interviews, a site reconnaissance, a review of regulatory lists and databases, and the development of recommendations for further actions. The Phase I noted that the project site was historically used for gravel mining, orchards, and limited residential development. Railroad tracks were present on, or near the site from at least 1916 to 1950. A truck depot briefly operated on a portion of the site around 1971. A diesel underground storage tank (UST), which may have been associated with the truck depot, was removed from the site around 1986, without the presence of regulatory oversight. A previous Phase I (2001) identified several environmental issues at or near the project site, including stockpiled soil of unknown origin and pits. In 2001 a Phase II investigation included collection of soil samples from the stockpiles and pits and a soil boring in the former diesel UST area. No evidence of contamination was identified in any of the soil samples.

The 2004 Phase I also noted that no visible evidence of hazardous materials releases that could affect subsurface conditions at the project site was noted during site reconnaissance. As described above, there are no known hazardous materials located on the project site. This is a **less than significant** impact, and no mitigation is required.

**Responses e), f): Less than Significant.** The Federal Aviation Administration (FAA) establishes distances of ground clearance for take-off and landing safety based on such items as the type of aircraft using the airport.

The Tracy Municipal Airport is the closest airport to the project site, located approximately 1.5 miles southwest of the site. The Airport is a general aviation airport owned by the City and managed by the Parks and Community Services Department. The City of Tracy adopted an Airport Master Plan in 1998, analyzing the impacts to safety on surrounding development from the Tracy Municipal Airport.

The probability of an aircraft accident is highest along the extended runway centerline, and within one mile of the runway end. The Airport Master Plan designates four safety zones in which land use restrictions apply due to proximity to the airport:

1. Runway Protection Zone (RPZ)
2. Inner Approach Zone (PAZO)
3. Outer Approach Zone (OAZ)
4. Overflight Zone (OZ)

Land use constraints in these four zones become progressively less restrictive from the RPZ to the OZ. The proposed project is not located in any of these four safety zones. The proposed project is not located within one mile of the airport, nor along the extended runway centerline. Additionally, there are no private airstrips within the vicinity of the project site. Safety hazards related to the project's proximity to the Tracy Municipal Airport are **less than significant**, and no mitigation is required.

**Response g): No Impact.** The General Plan 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 residential 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 h): Less than Significant.** The risk of wildfire is related to a variety of parameters, including fuel loading (vegetation), fire weather (winds, temperatures, humidity levels and fuel moisture contents) and topography (degree of slope). Steep slopes contribute to fire hazard by intensifying the effects of wind and making fire suppression difficult. Fuels such as grass are highly flammable because they have a high surface area to mass ratio and require less heat to reach the ignition point, while fuels such as trees have a lower surface area to mass ratio and require more heat to reach the ignition point.

The City has areas with an abundance of flashy fuels (i.e. grassland) in the outlying residential parcels and open lands that when combined with warm and dry summers with temperatures often exceeding 100 degrees Fahrenheit create a situation that results in higher risk of wildland

fires. Most wildland fires are human caused, so areas with easy human access to land with the appropriate fire parameters generally result in an increased risk of fire.

The California Department of Forestry has designated the 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 void of wildlands that would be susceptible to wildfires. This is a **less than significant** impact and no mitigation is required.

**IX. HYDROLOGY AND WATER QUALITY -- WOULD THE PROJECT:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?		X		
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?		X		
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?		X		
f) Otherwise substantially degrade water quality?		X		
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X	
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?			X	

*RESPONSES TO CHECKLIST QUESTIONS*

**Responses a): Less than Significant.** 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 proposed project would add a minimal volume of wastewater to the City's system, and would not produce a volume of wastewater that would significantly affect the City's ability to treat its wastewater. This is a **less than significant** impact, and no mitigation is required.

**Responses b): Less than Significant.** The proposed project would not result in the construction of new groundwater wells, nor would it increase existing levels of groundwater pumping. The proposed project would be served by the City's municipal water system. The City of Tracy uses several water sources, including the US Bureau of Reclamation, the South County Water Supply Project (SCWSP), and groundwater. As described in greater detail in the Utilities Section of this document, the City has adequate water supplies to serve the proposed project without increasing the current rate of groundwater extraction.

Groundwater recharge occurs primarily through percolation of surface waters through the soil and into the groundwater basin. The addition of significant areas of impervious surfaces (such as roads, parking lots, buildings, etc.) can interfere with this natural groundwater recharge process. Upon full project buildout, the majority of the project site would be covered in impervious surfaces, which would limit the potential for groundwater percolation to occur on the project site. However, given the relatively large size of the groundwater basin in the Tracy area, the areas of impervious surfaces added as a result of project implementation will not adversely affect the recharge capabilities of the local groundwater basin. The proposed project would result in **less than significant** impacts related to groundwater and groundwater recharge. No mitigation is required.

**Responses c), d), e), f): Less than Significant with Mitigation.** When land is in a natural or undeveloped condition, soils, mulch, vegetation, and plant roots absorb rainwater. This absorption process is called infiltration or percolation. Much of the rainwater that falls on natural or undeveloped land slowly infiltrates the soil and is stored either temporarily or permanently in underground layers of soil. When the soil becomes completely soaked or saturated with water or the rate of rainfall exceeds the infiltration capacity of the soil, the rainwater begins to flow on the surface of land to low lying areas, ditches, channels, streams, and rivers. Rainwater that flows off of a site is defined as storm water runoff. When a site is in a natural condition or is undeveloped, a larger percentage of rainwater infiltrates into the soil and a smaller percentage flows off the site as storm water runoff.

The infiltration and runoff process is altered when a site is developed with urban uses. Houses, buildings, roads, and parking lots introduce asphalt, concrete, and roofing materials to the landscape. These materials are relatively impervious, which means that they absorb less rainwater. As impervious surfaces are added to the ground conditions, the natural infiltration process is reduced. As a result, the volume and rate of storm water runoff increases. The increased volumes and rates of storm water runoff may result in flooding if adequate storm drainage facilities are not provided.

Development of the project site would place impervious surfaces on approximately 5.38 acres of the 8.75-acre project site. Development of the project site would potentially increase local runoff production, and would introduce constituents into storm water that are typically associated with urban runoff. These constituents include heavy metals (such as lead, zinc, and copper) and petroleum hydrocarbons. Best management practices (BMPs) will be applied to the proposed site development to limit the concentrations of these constituents in any site runoff that is discharged into downstream facilities to acceptable levels. Stormwater flows from the project site would be directed to the existing stormwater conveyance system along Valpico Road, south of the project site.

The project would be designed and constructed with a temporary storm drainage system that would remain in place until the downstream storm drain system is constructed with the project to the north of the site (Tiburon Village) as indicated in the City's Stormwater Master Plan. A Drainage Analysis for the proposed project was completed in May 2012 by MacKay and Soms. The proposed temporary drainage system is described below.

#### *Stormwater Infiltration Trench*

As proposed, the infiltration trench runs parallel with the north and east property lines of the site. Stormwater flows enter the infiltration trench via catch basins and area drains and are transported to a perforated pipe located near the bottom of the trench. This perforated pipe is the primary conduit of conveyance and storage of stormwater flows. It functions to allow water to flow freely along the length of the infiltration trench and be transported to those areas with the highest percolation potential based on previous soils testing. The infiltration trench will be backfilled with Caltrans Class II Permeable Material (Specification 68-1.025) placed around the pipe to the top of the infiltration trench. This material is placed un-compacted and is expected to have a 40% or greater void space throughout, providing additional storage volume to contain the design storm. The sides and top of the permeable material is wrapped in a permeable fiber fabric to prevent fines from migrating into the trench and reducing the potential storage capacity.

#### *Stormwater Design- Storage*

Based on the City's design criteria, a 10-year, 48-hour storm event with rainfall depth of 3.12 inches was used to determine the rainfall volumes. The storm depths and volumes were distributed over a 48 hour period based on the "HEC-1 balanced area distribution" method and the City's rainfall intensity curve as shown on Figure 5-1 of the City's Design Standards. As required by the City's Design Standards, a back to back 48 hour storm was added (96 hour

period) in the completed calculations. Due to the high infiltration rate, the second 48 hour event begins without any stormwater within the drainage system. It should be noted that the rainfall depth as measured at the Tracy Press and determined by NOAA for a 48 hour 10 year event is 2.17 inches. As a result, the 3.12 inch depth used in the project's stormwater calculations is a conservative measurement.

The Outflow, or infiltration potential, of the drainage trench was developed based on the surface area of the proposed infill trench and the 75 gallons per day per square foot. In-flow and Out-flow characteristics were compared side by side in order to determine the maximum volume contained within the underground basin during the design storm. The maximum storage volume occurred at hour 27 of the first storm event and resulted in 15.882 cubic feet of storage required. Similarly, since the second storm occurs when the system is empty, the maximum storage volume for the second storm event occurred at the 75<sup>th</sup> hour with the same peak volume.

The construction of the temporary stormwater conveyance and detention system, as described above, would ensure that the project is consistent with all applicable plans and regulations related to stormwater conveyance and detention, and would ensure that offsite or onsite flooding does not occur during the design storm event. The potential for the project to exceed the capacity of the stormwater system is a **less than significant** impact.

In order to ensure that stormwater runoff from the project site does not adversely increase pollutant levels in adjacent surface waters and stormwater conveyance infrastructure, Mitigation Measure 7 requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP). As described below, the SWPPP would require the application of best management practices (BMPs) to effectively reduce pollutants from stormwater leaving the site during both the construction and operational phases of the project. The implementation of this mitigation measure would reduce this impact to a **less than significant** level. Additionally, the project is subject to the requirements of Chapter 11.34 of the Tracy Municipal Code – Stormwater Management and Discharge Control. The purpose of this Chapter is to *“Protect and promote the health, safety and general welfare of the citizens of the City by controlling non-stormwater discharges to the stormwater conveyance system, by eliminating discharges to the stormwater conveyance system from spills, dumping, or disposal of materials other than stormwater, and by reducing pollutants in urban stormwater discharges to the maximum extent practicable.”*

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.

### *Mitigation Measures*

**Mitigation Measure 7:** *The project applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) that includes specific types and sources of stormwater pollutants, determine the location and nature of potential impacts, and specify appropriate control measures to eliminate any potentially significant impacts on receiving water quality from stormwater runoff. The SWPPP shall require treatment BMPs that incorporate, at a minimum, the required hydraulic sizing design criteria for volume and flow to treat projected stormwater runoff. The SWPPP shall comply with the most current standards established by the Central Valley RWQCB. Best Management Practices shall be selected from the City's Manual of Stormwater Quality Control Standards for New Development and Redevelopment according to site requirements and shall be subject to approval by the City Engineer and Central Valley RWQCB.*

**Responses g), h): Less than Significant.** The 100-year floodplain denotes an area that has a one percent chance of being inundated during any particular 12-month period. 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.

**Responses i), j): Less than Significant.** The project site is located within the inundation risk area for San Luis Reservoir and New Melones Dams. The safety of dams in California is stringently monitored by the California Department of Water Resources, Division of Safety of Dams (DSD). In the unlikely event of a dam failure, there is the potential that the project site could become inundated with water. The DSD is responsible for inspecting and monitoring the dam in perpetuity. The proposed project would not result in actions that could result in a higher likelihood of dam failure at San Luis Reservoir and New Melones Dams. There will always be a remote chance of dam failure that results in flooding of the City of Tracy, including the project site. However, given the regulations provided in the California Dam Safety Act, and the ongoing monitoring performed by the DSD, the risk of loss, injury, or death to people or structures from dam failure is considered **less than significant**.

There are no significant bodies of water near the project site that could result in the occurrence of a seiche or tsunami. Additionally, the project site and the surrounding areas are essentially flat, which precludes the possibility of mudflows occurring on the project site. This is a **less than significant** impact and no mitigation is required.

*X. LAND USE AND PLANNING - Would the project:*

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?			X	

*RESPONSES TO CHECKLIST QUESTIONS*

**Responses a): No Impact.** The project site is surrounded by residential, commercial and light industrial land uses. The project is an infill project that would be consistent and compatible with the surrounding land uses, and would not divide an established community. There is **no impact**.

**Responses b): Less than Significant.** The project site is currently designated Commercial by the City of Tracy General Plan Land Use Designations Map and is zoned Community Shopping. The proposed project includes a request for a General Plan Amendment to designate the site Residential High, and a zoning change to zone the site High Density Residential.

The proposed uses on the project site are consistent with the General Plan designation of Residential High. Approval of the requested General Plan Amendment would ensure that the proposed project is consistent with the Tracy General Plan. The project's consistency with other General Plan policies that provide environmental protections are addressed within the relevant sections of this document. This is a **less than significant** impact, and no mitigation is required.

**Response c): Less than Signification.** As described under the Biological Resources section of this document, the proposed project is classified as Urban Habitat under the SJMSCP. The City of Tracy and the project applicant have consulted with SJCOG and agreed to allow coverage of the project pursuant to the SJMSCP. SJCOG staff has determined that the proposed project is consistent with the SJMSCP and coverage under the plan has been obtained. Therefore, this is a **less than significant** impact and no additional mitigation is required.

*XI. MINERAL RESOURCES -- WOULD THE PROJECT:*

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X	

*RESPONSES TO CHECKLIST QUESTIONS*

**Responses a), b): Less than Significant.** As described in the Tracy General Plan EIR, the main mineral resources found in San Joaquin County, and the Tracy Planning Area, are sand and gravel (aggregate), which are primarily used for construction materials 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-3. The MRZ-3 designation applies to areas containing mineral deposits the significance of which cannot be evaluated from available data.

The project site was previously used for sand and gravel extraction. Therefore, it is likely that all usable aggregate materials for the project site have already been removed, and there is little potential for additional usable materials to be present at the project site. Therefore, the project would not result in the loss of availability of a known mineral resource. This impact is considered **less than significant**

**XII. NOISE -- WOULD THE PROJECT RESULT IN:**

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

**RESPONSES TO CHECKLIST QUESTIONS**

**Response a): Less than Significant.** The proposed project is located in an area consisting predominately of residential land uses. Commercial and light industrial land uses are also located in the project vicinity. The primary sources of noise currently present in the project area are from vehicle traffic along MacArthur Drive and Valpico Road.

The City of Tracy General Plan establishes allowable noise exposure levels for new multi-family residential land uses. As described under Goal N-1, Objective N-1.1, Policy P.6 of the Tracy General Plan, *“For new multi-family residential land uses, noise from external sources shall not cause the community outdoor recreation areas to exceed 65 Ldn. This policy shall not apply to balconies.”*

In order to estimate noise levels at the project site from roadway noise along MacArthur Drive and Valpico Road, information from the MacArthur Drive Widening Noise Study Report (JC Brennan and Associates, June 2012) was reviewed and utilized. The MacArthur Drive Widening Noise Study Report included measurements of noise levels at a study location at 2675 South MacArthur Drive, approximately 60 feet from the roadway centerline, and approximately 480

feet to the east/northeast of the project site. At this study location, the loudest-hour sound level average (over a 24-hour period) measured at this location was 64 dBA<sub>Leq</sub>, with peak hour vehicle trip volumes of 673 vehicles per hour. The eastern edge of the project site is approximately 520 feet from the roadway centerline of MacArthur Drive, which would further reduce the exposure to traffic noise from this roadway. It is estimated that roadway noise from MacArthur Drive would be approximately 51 dBA at the project's eastern boundary line.

According to the analysis contained in the MacArthur Drive Widening Noise Study report, peak hour vehicle trips along Valpico Road were anticipated to reach 930 vehicles per hour in the project vicinity. This roadway traffic volume would equate to a peak hour noise average of approximately 63dBA at a distance of 120 feet from the roadway centerline. The nearest residential structures within the project site are located approximately 120 feet from the centerline of Valpico Road. Therefore, the proposed project would not be subject to roadway noise in excess of 65dBA in the exterior areas of the site.

As described above, the proposed project would not be subjected to vehicle roadway noise in excess of 65dBA in the exterior areas of the site. This is a **less than significant** impact and no mitigation is required.

**Response b): Less than Significant.** No major stationary sources of groundborne vibration were identified in the project area that would result in the long-term exposure of proposed onsite land uses to unacceptable levels of ground vibration. In addition, the proposed project would not involve the use of any major equipment or processes that would result in potentially significant levels of ground vibration that would exceed these standards at nearby existing land uses. However, construction activities associated with the proposed project would require the use of various tractors, trucks, and potentially jackhammers that could result in intermittent increases in groundborne vibration levels. The use of major groundborne vibration-generating construction equipment/processes (i.e., blasting, pile driving) is not anticipated to be required for construction of the proposed project.

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

**Table 2: Representative Vibration Source Levels for Construction Equipment**

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

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

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

The proposed project may indirectly increase ambient noise levels in the project vicinity through the introduction of additional vehicle trips to area roadways, particularly Valpico Road and MacArthur Drive. The Traffic Impact Study prepared for the project estimates that the project would generate up to 122 vehicle trips during the P.M. peak hour. Approximately 55 percent of these trips (67 trips in the peak hour) would travel west from the project site on Valpico Road. Therefore, this segment of Valpico Road has the greatest potential to see increases in vehicle noise attributable to the proposed project during the P.M. peak hour. As described above, this segment of Valpico Road currently experiences up to 930 peak hour vehicle trips. The addition of 67 peak hour trips attributable to the proposed project would represent an increase of 7.2 percent in peak hour vehicle trips. The addition of 67 peak hour vehicle trips to Valpico Road during the P.M. peak hour would result in an increased roadway dBA of less than one decibel above existing ambient conditions. This very minor increase in roadway noise would not be perceptible in the project area. As such, this is a **less than significant** impact and no mitigation is required.

**Response d): Less than Significant with Mitigation.** Construction activities at the project site would result in temporary increases in noise levels that could expose adjacent residences to increased noise levels and noise nuisances. Construction activities could create temporary noise levels of up to 90 dBA at distances of 50 feet. Because the project site is surrounded by existing residential neighborhoods, this temporary increase in construction noise is considered potentially significant.

The following mitigation measure would place restrictions on the time of day that construction activities can occur, and includes additional techniques to reduce noise levels at adjacent residences during construction activities. The implementation of this mitigation measure would reduce this temporary impact to a **less than significant** level.

#### *Mitigation Measures*

**Mitigation Measure 8:** *The following mitigation measures shall be implemented:*

- a) Construction activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. Construction activities shall be prohibited on Sundays and federal holidays.*
- b) Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations.*
- c) Construction equipment staging areas shall be located at the furthest distance possible from nearby noise-sensitive land uses.*

**Response e): Less than Significant.** The Tracy Municipal Airport is the closest airport to the project site, located approximately 1.5 miles southwest of the site. The Airport is a general aviation airport owned by the City and managed by the Parks and Community Services Department. The City of Tracy adopted an Airport Master Plan in 1998, analyzing the impacts to safety on surrounding development from the Tracy Municipal Airport.

The San Joaquin County Airport Land Use Plan establishes noise contours surrounding the Tracy Municipal Airport. As shown on Figure 4.14-3 of the Tracy General Plan Final Supplemental EIR (Certified on February 1, 2011), the project site is located outside of both the 65 dBCNEL and the 60 dBCNEL noise contours for the Tracy Municipal Airport. As such, the project site would not be exposed to excessive noise from the Tracy Municipal Airport. This is a **less than significant** impact, and no mitigation is required.

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

*XIII. POPULATION AND HOUSING -- WOULD THE PROJECT:*

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

*RESPONSES TO CHECKLIST QUESTIONS*

**Response a): Less than Significant.** Implementation of the project would result in the construction of 184 multi-family housing units on the project site. The proposed project is located in an urbanized area of the City of Tracy, and constitutes an infill project. There is existing infrastructure (roads, water, sewer, etc) in the immediate vicinity of the project site. While the project would extend these services onto the site to serve the proposed development, the project would not extend infrastructure to an area of the City not currently served. Therefore, while the project may directly induce population growth through the provision of 184 new high-density residences, the project would not indirectly induce population growth in other areas of the City of Tracy.

The potential for the project to directly induce population growth in the City of Tracy is not a significant impact in and of itself. Population growth can result in impacts to other environmental topics, such as traffic, service demands, etc. As described throughout this environmental document, the population growth attributable to the proposed project would not result in any significant environmental impacts to other environmental topics that cannot be mitigated to a less than significant level. While this document acknowledges that project approval would provide for additional housing opportunities in the City of Tracy, which may lead to population growth in the City, this impact is **less than significant**, as demonstrated throughout this document. No additional mitigation is required.

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

**XIV. PUBLIC SERVICES**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?			X	
ii) Police protection?			X	
iii) Schools?		X		
iv) Parks?		X		
v) Other public facilities?			X	

*RESPONSES TO CHECKLIST QUESTIONS*

**Response a): Less than Significant.**

**i) Fire Protection and Emergency Medical Services**

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

The Fire Authority currently operates seven fire stations and an administrative office. Twenty-four hour-a-day staffing is provided with five paramedic engine companies, two basic life support engine companies, and one ladder truck company. Three fire stations are within the incorporated area of the City of Tracy, three are in the surrounding rural Tracy area, and one is located in the planned Community of Mountain House.

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

The Tracy Fire Department has 74.94 full-time equivalent (FTE) fire fighters/ fire station staff, and an additional 4.30 FTE civilian staff. The 2010 ratio of fire fighters per 1,000 population was 0.9 certified fire fighters per 1,000 population.

The Tracy Fire Department conducted a Standards of Response Coverage study in late 2007. Findings of the study indicated that the Department has challenges in meeting its established response time objectives in the areas of the West Valley Mall and Downtown Tracy utilizing existing resources. The Department is currently in the process of mitigating the deficiency in the area of the West Valley Mall through the potential relocation of an existing fire station. Future development will create a need for expanded fire and emergency medical services.

Currently the Department is working on a plan to expand its ability to deliver Advanced Life Support services from all seven Fire Department facilities. Since November 2008, the Fire Department has expanded its provision of Advanced Life Support Services to six of the seven fire stations; there are plans to provide these services from the final station upon successful relocation of the facility, which is expected to be completed in fiscal year 2012/2013. 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, and there are no reported concerns about the level of service provided.

Recognizing the potential need for increases in fire protection and emergency medical services, the City's General Plan includes policies to ensure that adequate related facilities are funded and provided to meet future growth (Objective PF-1.1, P1). This policy will be implemented through the review of all new projects within the SOI, prior to development, and through the collection of development impact fees for the funding of facilities.

The project site and the surrounding area is served by Fire Station #97, which is located at 595 West Central Avenue, approximately 0.8 miles west of the project site. The project site is located within the Fire Department's 5-minute response zone.

Implementation of the proposed project would not adversely impact existing fire and emergency services within the City, and would not require the construction of new fire protection facilities.

In order to provide adequate fire protection and suppression services to the project site, the Tracy Fire Department must have access to adequate onsite hydrants with adequate fire-flow pressure available to meet the needs of fire suppression units. The final site plans and development specifications developed for the proposed project will indicate the location and design specifications of the fire hydrants that will be required within the project site. This is a **less than significant** impact.

## **ii) Police Protection**

The Tracy Police Department provides police protection services to the City of Tracy. Its headquarters are located at 1000 Civic Center Drive, and there are no satellite offices or plans to construct any in the near future. The Department currently employs 91 officers, and responded to over 72,500 calls for service in 2008. The Department also has 43 non-sworn positions, which include both full- and part-time administrators, communications dispatchers, community services personnel, animal control, crime scene technicians, and a records

superintendent. The City has a goal of a 5-minute response time for Priority 1 calls (life threatening situations).

The police station is located approximately 2 miles north of the project site. The Department divides calls for service into three categories:

- 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.

The average response time for Priority 1 calls within the City limits is approximately seven to nine minutes. Response time for Priority 2 and 3 calls is, on average, between 20 and 30 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.

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

### iii) Schools

Implementation of the proposed project would result in population growth within the City of Tracy, which would likely increase enrollment at schools within the Tracy Unified School District. According to the School District's boundary maps, new elementary school students residing at the project site would attend Louis A. Bohn Elementary School, middle school students would attend Earle E. William Middle School, and high school students would attend Tracy High School.

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

#### *Mitigation Measures*

**Mitigation Measure 9:** *Prior to the issuance of a building permit, the applicant shall pay applicable school fees mandated by SB 50 to the Tracy Unified School District and provide a receipt of payment to the Tracy Development Services Department.*

### iv) Parks

Potential project impacts to parks and recreational facilities are addressed in the following section of this document.

### **v) Other Public Facilities**

Other public facilities in the City of Tracy include libraries, hospitals, and cultural centers such as museums and music halls. The proposed project would increase demand on these facilities. The City of Tracy General Plan requires new development to pay its fair share of the costs of public buildings by collecting the Public Buildings Impact Fee. The Public Buildings Impact fee is used by the City to expand public services and maintain public buildings, including the Civic Center and libraries in order to meet the increased demand generated by new development. Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from taxes, would ensure that project impacts to libraries and public buildings are **less than significant**.

#### *Mitigation Measures*

**Mitigation Measure 10:** *Prior to the issuance of a building permit, the applicant shall pay applicable Public Building Impact Fees to the City of Tracy.*

XV. RECREATION

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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 with Mitigation.** The proposed project would increase demand for parks and recreational facilities within the City of Tracy, and would increase the use of the City’s existing parks and recreation system. As described in the Tracy General Plan, the City maintains 48 mini-parks, 15 neighborhood parks, and eight community parks, providing approximately 256 acres at 71 sites. The City is also in the process of constructing the Holly Sugar Sports Park at the northern edge of the City, which will provide an additional 166 acres of sports parks, 86 acres of passive recreation area, and a 46-acre future expansion area for additional park facilities.

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

The payment of the project’s fair share in-lieu parks fees to the City of Tracy, as required by the following mitigation measure, would ensure that this is a **less than significant** impact.

*Mitigation Measures*

**Mitigation Measure 11:** *Prior to the issuance of a building permit, the applicant shall pay applicable Park Development Impact Fees to the City of Tracy.*

**XVI. TRANSPORTATION/TRAFFIC -- WOULD THE PROJECT:**

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

**RESPONSES TO CHECKLIST QUESTIONS**

**Response a), b): Less than Significant.** In order to determine potential impacts related to traffic generated by the proposed project, a Traffic Impact Study was prepared by TJKM Transportation Consultants in April 2012. In consultation with staff from the City of Tracy, it was determined that the intersections of Glenbriar Drive/Valpico Road and MacArthur Drive/Valpico Road were the two intersections with the greatest potential to be impacted by the proposed project. These two intersections were addressed in the traffic study to determine if the project would result in an unacceptable level of service (LOS) under either existing (near-term) conditions or cumulative (future) conditions with the addition of traffic generated by the proposed project.

Level of service is a qualitative measure describing operational conditions at an intersection. The LOS generally describes these conditions in terms of average delay per vehicle. Six levels of service are defined and given letter designations from A to F, with LOS A representing the best operating conditions and LOS F the worst. The City of Tracy General Plan has established LOS D as the City's desired operating level for intersections. Therefore, the proposed project may

result in a significant impact if the addition of project traffic causes one of the study intersections to operate at a condition worse than LOS D.

**Existing Roadway Network**

S. MacArthur Drive runs north and south and is located to the east of the project site. It is a four-lane roadway with a median turn lane and the roadway is designated as a truck route. A bike lane exists on both sides of the roadway. It is fronted mainly by residential developments.

Valpico Road runs east west and is adjacent and located to the south of the project site. It is generally a two to four-lane roadway in the project vicinity and designated as a major arterial in the City’s Roadway Master Plan.

Glenbriar Drive is a local street that runs north-south and primarily provides access to local residents of the Glenbriar Subdivision located to the south of Valpico Road.

**Existing Intersection Traffic Counts**

In preparing the traffic study, TJKM conducted two-hour peak hour turning movement counts during a typical weekday in March 2012. The counts collected were two-hour turning movement counts conducted during the weekday a.m. and weekday p.m. peak periods. In addition, TJKM collected the existing signal timing information for both the intersections and used it as inputs for the levels of service analysis.

Table 3 summarizes the results of the intersection analysis under Existing Conditions for the a.m. and p.m. peak hours. The detailed LOS calculations are contained in Appendix B of the Traffic Study, which is available for review at the Tracy Development Services Department. Under Existing Conditions, all the study intersections operate at LOS C or better during both the a.m. and p.m. peak hours. Level of service worksheets are provided in Appendix C of the Traffic Study.

*Table 3: Intersection LOS- Existing Conditions*

INTERSECTION	CONTROL	EXISTING CONDITIONS					
		A.M. PEAK			P.M. PEAK		
		DELAY	V/C	LOS	DELAY	V/C	LOS
Glenbriar Drive/Valpico Road	Signal	16.1	0.62	B	14.7	0.65	B
MacArthur Drive/Valpico Road	Signal	33.3	0.61	C	30.2	0.51	C

NOTE: DELAY=OVERALL AVERAGE INTERSECTION DELAY IN SECONDS FOR SIGNALIZED INTERSECTIONS

**Project Trip Generation**

TJKM developed estimated project trip generation for the proposed project based on the published trip generation rates from the Institute of Transportation Engineers’ (ITE) publication *Trip Generation (8th Edition)*. TJKM also followed the guidance of ITE’s *Trip*

*Generation Handbook (2nd Edition)* to use the fitted curve rate equations for the proposed apartment projects. ITE Land Use Codes of 220 for Apartments was used in the trip generation calculation.

Based on ITE *Trip Generation*, the proposed project is expected to generate approximately 1,269 daily trips on a typical weekday, including 96 trips (19 inbound, 77 outbound) during the a.m. peak hour and 122 trips (79 inbound and 43 outbound) during the p.m. peak hour. The proposed project's estimated trips are shown in Table 4.

**Table 4: Project Trip Generation**

LAND USE (ITE CODE)	SIZE	DAILY TRIPS	A.M. PEAK					P.M. PEAK				
			IN %	OUT %	IN	OUT	TOTAL	IN %	OUT %	IN	OUT	TOTAL
Valipico Apts (220)	189* du	1,269	20	80	19	77	96	65	35	79	43	122

\* The TJKM Traffic Study assumed 189 units. However, the project now proposes 184 units, resulting in a minor decrease of the traffic impacts described in the Traffic Study.

### Project Trip Distribution and Assignment

Trip distribution is a process that determines in what proportion vehicles would travel between a project site and various destinations outside the project study area. The process of trip assignment determines the various routes that vehicles would take from the project site to each destination using the calculated trip distribution.

Trip distribution assumptions for the proposed project were developed based on existing travel patterns, knowledge of the study area, and input from City staff. Trips generated by the proposed project are expected to travel to and from the site according to the distribution assumptions described below:

- 55 percent will travel to/from the west via Valpico Road
- 20 percent will travel to/from the east via Valpico Road
- 15 percent will travel to/from the north via S MacArthur Drive
- 10 percent will travel to/from the south via S MacArthur Drive

### Level of Service Analysis- Existing plus Project Conditions

Table 5 shows the results of the LOS analysis for the study intersections under Existing plus Project Conditions. It is assumed that the approach of the proposed roadway on Valpico Road will include a left-turn lane and a shared through and right-turn lane. It is assumed that the existing northbound approach on Glenbriar Drive will continue to operate with a shared left-through-right turn lane. Consequently, the future signal timing for the north-south approach would operate as split-phased. With the addition of the proposed project trips, both study

intersections are expected to continue operating at LOS C or better. LOS worksheets are provided in Appendix D of the Traffic Study.

**Table 5: Intersection LOS- Existing plus Project Conditions**

INTERSECTION	CONTROL	EXISTING CONDITIONS						EXISTING + PROJECT CONDITIONS					
		A.M. PEAK			P.M. PEAK			A.M. PEAK			P.M. PEAK		
		DELAY	V/C	LOS	DELAY	V/C	LOS	DELAY	V/C	LOS	DELAY	V/C	LOS
Glenbriar Dr/Valpico Rd	Signal	16.1	0.62	B	14.7	0.65	B	30.6	0.69	C	28.6	0.5	C
MacArthur Dr/Valpico Rd	Signal	33.3	0.61	C	30.2	0.51	C	33.8	0.63	C	30.4	0.54	C

NOTE: DELAY=OVERALL AVERAGE INTERSECTION DELAY IN SECONDS FOR SIGNALIZED INTERSECTIONS

As shown in the table above, the addition of traffic generated by the proposed project would cause the intersection of Glenbriar Drive and Valpico Road to decrease from LOS B to LOS C during both the A.M. and P.M. peak hour periods. The intersection of MacArthur Drive and Valpico Road would continue to operate at LOS C during both the A.M. and P.M. peak hour periods with the addition of project traffic. None of the study intersections would operate at LOS D or worse under existing plus project conditions. As such, under existing plus project conditions, the proposed project would have a **less than significant** impact, and no mitigation is required.

**Cumulative plus Project Traffic Analysis**

Based on discussions with City staff, the Traffic Study used the 2025 cumulative base volumes from the study that was completed for the previously proposed Valpico Town Center Project (2004). This scenario utilized estimated traffic from the base Cumulative Conditions with the addition of the currently estimated project trips.

Table 6 shows the results of the LOS analysis for the study intersections under Cumulative plus Project Conditions. With the addition of the trips from the proposed project, both the study intersections are expected to continue operating at LOS C or better. Level of service worksheets are provided in Appendix F of the Traffic Study.

**Table 6: Intersection LOS- Cumulative plus Project Conditions**

INTERSECTION	CONTROL	CUMULATIVE + PROJECT CONDITIONS					
		A.M. PEAK			P.M. PEAK		
		DELAY	V/C	LOS	DELAY	V/C	LOS
Glenbriar Drive/Valpico Road	Signal	26.4	0.32	C	23.7	0.55	C
MacArthur Drive/Valpico Road	Signal	26.0	0.39	C	29.9	0.62	C

NOTE: DELAY=OVERALL AVERAGE INTERSECTION DELAY IN SECONDS FOR SIGNALIZED INTERSECTIONS

As shown in the table above, under Cumulative plus Project Conditions, both of the study intersections would continue to operate at LOS C, which is above the threshold of LOS D. Therefore, under cumulative conditions, the proposed project would have a **less than significant** impact on intersection operations, and no mitigation is required.

**Response c): Less than Significant.** The Tracy Municipal Airport is the closest airport to the project site, located approximately 1.5 miles southwest of the site. The Airport is a general aviation airport owned by the City and managed by the Parks and Community Services Department. The City of Tracy adopted an Airport Master Plan in 1998, analyzing the impacts to safety on surrounding development from the Tracy Municipal Airport.

The probability of an aircraft accident is highest along the extended runway centerline, and within one mile of the runway end. The Airport Master Plan designates four safety zones in which land use restrictions apply due to proximity to the airport:

1. Runway Protection Zone (RPZ)
2. Inner Approach Zone (PAZO)
3. Outer Approach Zone (OAZ)
4. Overflight Zone (OZ)

Land use constraints in these four zones become progressively less restrictive from the RPZ to the OZ. The proposed project is not located in any of these four safety zones. The proposed project is not located within one mile of the airport, nor along the extended runway centerline. Additionally, there are no private airstrips within the vicinity of the project site. Implementation of the proposed project would not result in any needed changes to airport operations or air travel patterns at the Tracy Municipal Airport. This impact is **less than significant**, and no mitigation is required.

**Responses d) and e): Less than Significant.** Based on the preliminary site plan, there is a steep eight percent downgrade from the top of the intersection at Valpico Road/ Glenbriar Drive to the bottom of the level grade. TJKM worked closely with the designer to ensure that the proposed roadway is acceptable based on safety and ease of access. Initially the design consisted of two reverse curves without a transitional tangent between the two curves. Subsequently, a transition was provided between the two reverse curves, which made the design acceptable.

The proposed site plan for the Valpico Apartments provides three driveways to the site. One is an existing driveway at the southeast corner of the site to Valpico Road that currently provides access to the adjacent Rite Aid store. This driveway will provide right-in and right-out turning movements plus left-in movements from east-bound Valpico Road. The other two driveways will be on the west side of the site to the proposed extension of Glenbriar Drive. The Glenbriar driveways will provide full right-in and right-out access and connection to the signalized intersection of Valpico Road and Glenbriar Drive.

Glenbriar Drive is anticipated, eventually, to be extended north to Stalsburg Drive as the property north of the proposed Valpico Apartments site is developed. Since Glenbriar Drive

will provide access to residential neighborhoods, and not a short cut for through traffic, it will remain a primarily local-serving street.

Based on the site plan, a 20-foot wide travel lane would be provided for each direction of traffic flow on the future Glenbriar Drive. This should be adequate to allow for on-street parking on each side of the street.

The proposed site plan provides adequate access to the project site, which would accommodate emergency vehicles and provide for LOS C or better on adjacent roadways. Implementation of the proposed project would have a less than significant impact related to emergency access, and would not interfere with an emergency evacuation plan. This is a **less than significant** impact and no mitigation is required.

**Response f): Less than Significant.** The proposed project includes 362 on-site parking spaces, approximately half of which would be covered. This yields approximately two parking spaces per residential unit. Section 10.08.3480 of the Tracy Municipal Code identifies parking requirements for residential projects. Multi-family residential projects are required to provide a minimum of 1.5 parking spaces per one-bedroom residential unit, 2.0 spaces per unit with two or more bedrooms, and an additional “guest” parking space for every five residential units. The project includes 90 one-bedroom units and 94 units with two or more bedrooms. Based on City standards, the proposed 184-unit project, therefore, would be required to provide a minimum of 360 parking spaces. The project proposes 362 parking spaces, which meets the City’s minimum requirements. This is a **less than significant** impact and no mitigation is required.

**Response g): No Impact.** The project would have no impact on any existing plans or policies related to alternative transportation. The proposed project includes onsite parking for bicycles, and provides connections to the existing bicycle lanes in the project area on Valpico Road. Project implementation would assist the City in providing connections and access to alternative transportation in the project area. There is **no impact**.

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

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

*RESPONSES TO CHECKLIST QUESTIONS*

**Responses a) and e): Less than Significant.** Wastewater generated by the proposed project would be conveyed to the Tracy Wastewater Treatment Plan (WWTP) for treatment and disposal. The City's wastewater collection system consists of gravity sewer lines, pump stations and the WWTP. Wastewater flows toward the northern part of the City where it is treated at the WWTP and then discharged into the Old River in the southern Sacramento-San Joaquin Delta.

The City's WWTP provides secondary-level treatment of wastewater followed by disinfection. Treated effluent from the WWTP is conveyed to a submerged diffuser for discharge into the Old River. The WWTP has an NPDES permit for discharge into the Old River from the State Regional Water Quality Control Board. The City of Tracy currently has plans to expand and improve the existing Tracy Wastewater Treatment Plant. These plans have been evaluated in the Draft and

Final EIR for the Tracy Wastewater Treatment Plant Expansion (SCH No. 2000012039). The Final EIR was completed in September of 2002 and was certified in November 2002. The City plans to expand the average dry weather flow treatment capacity of the Plant from 9.0 million gallons per day to 16.0 million gallons per day. The expansion would also result in improvements to the quality of the effluent discharged from the Plant by upgrading the facility from secondary to tertiary treatment. The expansion of the Wastewater Treatment Plant is occurring in four phases. The phase expanding the treatment capacity to 10.8 mgd was completed in 2008. The final phase of the four phases is projected to be completed in the year 2014.

The City's WWTP currently treats approximately 9.0 mgd of wastewater. For this analysis, a unit generation factor of 176 gallons per day of wastewater per residential unit was used. Therefore, the proposed project would generate up to 33,264 gallons per day of wastewater, or 0.0033 mgd of wastewater. The addition of 0.0033 mgd of wastewater would not exceed the treatment capacity of the City's WWTP. No improvements or expansions to the existing WWTP are required, and the addition of project-generated wastewater would not result in any RWQCB violations related to effluent treatment or discharge. Implementation of the proposed project would have a **less than significant** impact and no mitigation is required.

**Responses b) and d): Less than Significant.** Potable water for the proposed project would be supplied from the City's municipal water system. The project site would receive potable water via a connection to an existing water main located on Valpico Road. The proposed project's water demand was calculated in a technical memorandum prepared by West Yost Associates. It is estimated that the proposed project would increase the demand for municipal water supplies by 55 acre feet per year (afy), which accounts for residential water usage, the proposed swimming pool, landscape irrigation, and unaccounted-for water (UAFW). The peak hour demand for water was determined to be 115.9 gallons per minute and 0.17 million gallons per day.

The City of Tracy obtains water from both surface water and groundwater sources. The amount of water that Tracy uses from each of its water supply sources to make up its total water use varies from year to year based on contractual agreements, annual precipitation, and City policies about how to expand, utilize, and manage its water resources. As described in the 2011 City of Tracy Urban Water Management Plan- Public Review Draft, Tracy's maximum annual water supply amounts to over 31,500 acre feet per year from its various supply sources. Future agreements may increase the City's available water supply to over 49,500 acre feet per year.

In recent years, demand for potable water in the City of Tracy has been trending downward. The 2010 total water demand in the City was 16,603 afy. The addition of the project's water demand would not exceed the City's available water supply. The City's water treatment and conveyance infrastructure is adequate to serve existing demand, in addition to the demand created by the proposed project. This is a **less than significant** impact and no mitigation is required.

**Responses c): Less than Significant.** Development of the project site would place impervious surfaces on approximately 5.38 acres of the 8.75-acre project site. Development of the project site would potentially increase local runoff production, and would introduce constituents into storm water that are typically associated with urban runoff. These constituents include heavy metals (such as lead, zinc, and copper) and petroleum hydrocarbons. Best management practices (BMPs) will be applied to the proposed site development to limit the concentrations of these constituents in any site runoff that is discharged into downstream facilities to acceptable levels.

The project would be designed and constructed with a temporary storm drainage system that would remain in place until the downstream storm drain system is constructed with the project to the north of the site (Tiburon Village) as indicated in the City's Stormwater Master Plan. A Drainage Analysis for the proposed project was completed in May 2012 by MacKay and Soms. The proposed temporary drainage system is described below.

#### *Stormwater Infiltration Trench*

As proposed, the infiltration trench runs parallel with the north and east property lines of the site. Stormwater flows enter the infiltration trench via catch basins and area drains and are transported to a perforated pipe located near the bottom of the trench. This perforated pipe is the primary conduit of conveyance and storage of stormwater flows. It functions to allow water to flow freely along the length of the infiltration trench and be transported to those areas with the highest percolation potential based on previous soils testing. The infiltration trench will be backfilled with Caltrans Class II Permeable Material (Specification 68-1.025) placed around the pipe to the top of the infiltration trench. This material is placed un-compacted and is expected to have a 40% or greater void space throughout, providing additional storage volume to contain the design storm. The sides and top of the permeable material is wrapped in a permeable fiber fabric to prevent fines from migrating into the trench and reducing the potential storage capacity.

#### *Stormwater Design- Storage*

Based on the City's design criteria, a 10-year, 48-hour storm event with rainfall depth of 3.12 inches was used to determine the rainfall volumes. The storm depths and volumes were distributed over a 48 hour period based on the "HEC-1 balanced area distribution" method and the City's rainfall intensity curve as shown on Figure 5-1 of the City's Design Standards. As required by the City's Design Standards, a back to back 48 hour storm was added (96 hour period) in the completed calculations. Due to the high infiltration rate, the second 48 hour event begins without any stormwater within the drainage system. It should be noted that the rainfall depth as measured at the Tracy Press and determined by NOAA for a 48 hour 10 year event is 2.17 inches. As a result, the 3.12 inch depth used in the project's stormwater calculations is a conservative measurement.

The Outflow, or infiltration potential, of the drainage trench was developed based on the surface area of the proposed infill trench and the 75 gallons per day per square foot. In-flow and Out-flow characteristics were compared side by side in order to determine the maximum

volume contained within the underground basin during the design storm. The maximum storage volume occurred at hour 27 of the first storm event and resulted in 15.882 cubic feet of storage required. Similarly, since the second storm occurs when the system is empty, the maximum storage volume for the second storm event occurred at the 75<sup>th</sup> hour with the same peak volume.

The construction of the temporary stormwater conveyance and detention system, as described above, would ensure that the project is consistent with all applicable plans and regulations related to stormwater conveyance and detention, and would ensure that offsite or onsite flooding does not occur during the design storm event. The potential for the project to exceed the capacity of the stormwater system is a **less than significant** impact.

**Responses f) and g): Less than Significant.** The City of Tracy has an exclusive franchise agreement with Tracy Disposal Service for solid waste collection and disposal and recycling collection. Solid waste is collected and taken to the 40-acre Tracy Material Recovery Facility (MRF) and Transfer Station on South MacArthur Drive before being sent to the Foothill Sanitary landfill, 48 miles northeast of Tracy, off of Shelton Road east of Linden, California. The MRF is operated by Tracy Material Recovery and Solid Waste Transfer, Inc., and has capacity of approximately 1,000 tons per day, but averages approximately 350 tons per day, of which 85 percent is generated in Tracy. Approximately 175,000 tons of solid waste is generated in Tracy each year, of which approximately 27 percent is residential garbage.

The approximately 800-acre Foothill landfill, owned by San Joaquin County, is the primary disposal facility accepting the City's solid waste. The Foothill landfill receives approximately 810 tons per day. The landfill is permitted to accept up to 1,500 tons per day, and has a permitted capacity of 51 million tons, of which approximately 45 million tons of capacity remains. It is estimated that the Foothill landfill will have the capacity to accept solid waste from the City of Tracy until 2054.

The proposed project would not generate significant volumes of solid waste, beyond levels normally found in residential developments. The proposed project would not generate hazardous waste or waste other than common household solid waste. As described above, there is adequate landfill capacity to serve the proposed project. This is a **less than significant** impact.

*XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --*

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

*RESPONSES TO CHECKLIST QUESTIONS*

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

## REFERENCES

- City of Tracy General Plan and EIR (City of Tracy, 2011)
- California Important Farmlands 2010 Map (California Department of Conservation, September 2012)
- 2007 Ozone Plan, 2007 PM10 Plan and the Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI), prepared by the San Joaquin Valley Air Pollution Control District.
- Meteorology Today: An Introduction to Weather, Climate, & the Environment, 2003, D.C. Ahrens
- Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004. (Staff Final Report), California Energy Commission, 2006
- City of Tracy Airport Master Plan (P&D Aviation, 1998)
- City of Tracy Manual of Stormwater Quality Standards for New Development and Redevelopment (Larry Walker Associates, 2008)
- City of Tracy Storm Drainage Master Plan (1994)
- Drainage Analysis for Valpico and MacDonald Apartments (MacKay and Soms, May 10, 2012)
- Geotechnical Exploration, Valpico Apartments (Engeo Inc., February 27, 2012)
- Phase I Environmental Site Assessment, Battaglia Property (Advanced GeoEnvironmental, Inc., January 3, 2001)
- Phase I Site Assessment, Valpico/MacArthur Development Projects (Baseline Environmental Consulting, February 2004)
- Preliminary Site Assessment Phase II Report, Battaglia Property (Advanced GeoEnvironmental, Inc., February 23, 2001)
- Wastewater System Fee for Valpico Apartments (CH2MHill, July 2012)
- Traffic Impact Study for the Proposed 189 Units Valpico Apartments and 60 Units MacDonald Apartments (TJKM Transportation Consultants, April 25, 2012)
- Hydraulic Evaluation of Valpico and MacDonald Apartments (West Yost Associates, July 16, 2012)

## MITIGATION MONITORING AND REPORTING PROGRAM

2012

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the Valpico Apartments Project in the City of Tracy. This MMRP has been prepared pursuant to Section 21081.6 of the California Public Resources Code, which requires public agencies to “adopt a reporting and monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.” A MMRP is required for the proposed project because the Mitigated Negative Declaration (MND) has identified potentially significant adverse impacts, and measures have been identified to mitigate those impacts to a less than significant level.

### MITIGATION MONITORING AND REPORTING PROGRAM

The MMRP, as outlined in the following table, describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in the Valpico Apartments Project MND.

The City of Tracy will be the primary agency responsible for implementing the mitigation measures and will continue to monitor mitigation measures that are required to be implemented during the operation of the project.

The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below:

- **Mitigation Measures:** The mitigation measures are taken from the MND in the same order they appear in the MND.
- **Mitigation Timing:** Identifies at which stage of the project mitigation must be completed.
- **Monitoring Responsibility:** Identifies the agency that is responsible for mitigation monitoring.
- **Compliance Verification:** This is a space that is available for the monitor to date and initial when the monitoring or mitigation implementation took place.

TABLE 1: MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>Impact I d): Project implementation may result in increased nighttime lighting.</p>	<p><b>Mitigation Measure 1:</b> A lighting plan shall be prepared prior to the issuance of a building permit and installation of the project's exterior lighting. The lighting plan shall demonstrate that the exterior lighting systems have been designed to minimize light spillage onto adjacent properties to the greatest extent feasible. The lighting plan shall include the following:</p> <ul style="list-style-type: none"> <li>• Design of site lighting and exterior building light fixtures to reduce the effects of light pollution and glare off of glass and metal surfaces;</li> <li>• Lighting shall be directed downward and light fixtures shall be shielded to reduce upward and spillover lighting;</li> </ul>	<p>City of Tracy</p>	<p>Prior to issuance of the building permit.</p>	
<p>Impact III a), b), c): Project construction may result in short-term air quality impacts.</p>	<p><b>Mitigation Measure 2:</b> 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:</p> <ul style="list-style-type: none"> <li>• Properly and routinely maintain all construction equipment, as recommended by manufacturer's manuals, to control exhaust emissions.</li> <li>• Shut down equipment when not in use for extended periods of time, to reduce exhaust emissions associated with idling engines.</li> <li>• Encourage ride-sharing and of use transit transportation for construction employees commuting to the project site.</li> <li>• Use electric equipment for construction whenever possible in lieu of fossil fuel-powered equipment.</li> <li>• Curtail construction during periods of high ambient pollutant concentrations.</li> </ul>	<p>San Joaquin Valley Air Pollution Control District.</p>	<p>Prior to and during grading and construction activities for each phase of project development.</p>	

# MITIGATION MONITORING AND REPORTING PROGRAM

2012

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<ul style="list-style-type: none"> <li>• Construction equipment shall operate no longer than eight cumulative hours per day.</li> <li>• All construction vehicles shall be equipped with proper emission control equipment and kept in good and proper running order to reduce NOx emissions.</li> <li>• On-road and off-road diesel equipment shall use aqueous diesel fuel if permitted under manufacturer's guidelines.</li> <li>• On-road and off-road diesel equipment shall use diesel particulate filters if permitted under manufacturer's guidelines.</li> <li>• On-road and off-road diesel equipment shall use cooled exhaust gas recirculation (EGR) if permitted under manufacturer's guidelines.</li> <li>• Use of Caterpillar pre-chamber diesel engines or equivalent shall be utilized if economic and available to reduce NOx emissions.</li> <li>• All construction activities within the project site shall be discontinued during the first stage smog alerts.</li> <li>• 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.)</li> </ul> <p>Implementation of this mitigation shall occur during all grading or site clearing activities. The SJVAPCD shall be responsible for monitoring.</p> <p><b>Mitigation Measure 3:</b> The following mitigation measures, in addition to those required under Regulation VIII of the SJVAPCD, shall be implemented by the Project's contractor during all phases of project grading and construction to reduce fugitive dust emissions:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> <li>• All access roads and parking areas shall be covered with asphalt-concrete paving or water sprayed regularly.</li> </ul>			

2012 MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>Impact III a), b), c): Project operations may result in the</p>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Reduce speed on unpaved roads to less than 15 miles per hour.</li> <li>• 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.</li> <li>• 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.</li> <li>• Control fugitive dust emissions during land clearing, grubbing, scraping, excavation, leveling, grading or cut and fill operations with application of water or by presoaking.</li> <li>• When transporting materials offsite, maintain a freeboard limit of at least six inches and over or effectively wet to limit visible dust emissions.</li> <li>• 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.)</li> <li>• Remove visible track-out from the site at the end of each workday.</li> <li>• Cease grading activities during periods of high winds (greater than 20 mph over a one-hour period).</li> <li>• Asphalt-concrete paving shall comply with SJVAPCD Rule 4641 and restrict use of cutback, slow-sure, and emulsified asphalt paving materials.</li> </ul> <p>Implementation of this mitigation shall occur during all grading or site clearing activities. The SJVAPCD shall be responsible for monitoring.</p> <p><b>Mitigation Measure 4:</b> Prior to the issuance of the first building permit, the project applicant shall coordinate with the SJVAPCD to verify that the</p>	<p>San Joaquin Valley Air</p>	<p>Prior to the issuance of the</p>	

**MITIGATION MONITORING AND REPORTING PROGRAM 2012**

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>emissions of criteria pollutants.</p>	<p>project meets the requirements of District Rule 9510, which is aimed at the following reductions:</p> <ul style="list-style-type: none"> <li>• 20 percent of construction-exhaust nitrogen oxides;</li> <li>• 45 percent of construction-exhaust PM10;</li> <li>• 33 percent of operational nitrogen oxides over 10 years; and</li> <li>• 50 percent of operational PM10 over 10 years.</li> </ul> <p>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.</p>	<p>Pollution Control District</p>	<p>first building permits.</p>	
<p>Impact IV a): Project implementation may result in impacts to burrowing owl habitat.</p>	<p><b>Mitigation Measure 5:</b> 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 follow-up 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:</p> <ul style="list-style-type: none"> <li>• 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</li> </ul>	<p>San Joaquin Council of Governments (SJCOG)</p>	<p>Prior to site grading or ground disturbing activities.</p>	

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>Impact V a), b), c), d): Project implementation may result in impacts to unknown cultural or historical resources.</p>	<p>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)</p> <ul style="list-style-type: none"> <li>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)</li> </ul> <p>Implementation of this mitigation shall occur prior to grading or site clearing activities. SJCOG shall be responsible for monitoring and a qualified biologist shall conduct surveys and relocate owls as required.</p>	<p>City of Tracy</p>	<p>During ground-disturbing activities.</p>	
	<p><b>Mitigation Measure 6:</b> 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.</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul>			

# MITIGATION MONITORING AND REPORTING PROGRAM

2012

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
<p>Impact IX c), d) e), f): Project construction and operation may result in impacts to drainage, erosion and water quality.</p>	<ul style="list-style-type: none"> <li>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.</li> </ul> <p><b>Mitigation Measure 7:</b> The project shall prepare a Storm Water Pollution Prevention Plan (SWPPP) that includes specific types and sources of stormwater pollutants, determine the location and nature of potential impacts, and specify appropriate control measures to eliminate any potentially significant impacts on receiving water quality from stormwater runoff. The SWPPP shall require treatment BMPs that incorporate, at a minimum, the required hydraulic sizing design criteria for volume and flow to treat projected stormwater runoff. The SWPPP shall comply with the most current standards established by the Central Valley RWQCB. Best Management Practices shall be selected from the City's Manual of Stormwater Quality Control Standards for New Development and Redevelopment according to site requirements and shall be subject to approval by the City Engineer and Central Valley RWQCB.</p>	<p>Central Valley Regional Water Quality Control Board.</p>	<p>Prior to grading and construction activities.</p>	
<p>Impact XII d): Project construction may lead to increases in ambient noise levels in the project vicinity.</p>	<p><b>Mitigation Measure 8:</b> The following mitigation measures shall be implemented:</p> <ul style="list-style-type: none"> <li>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.</li> <li>b) Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations.</li> <li>c) Construction equipment staging areas shall be located at the</li> </ul>	<p>City of Tracy</p>	<p>During all construction and grading activities.</p>	

2012 MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
Impact XIV a, iii): Project implementation may impact area schools.	<p>furthest distance possible from nearby noise-sensitive land uses.</p> <p><b>Mitigation Measure 9:</b> Prior to the issuance of a building permit, the applicant shall pay applicable school fees mandated by SB 50 to the Tracy Unified School District and provide a receipt of payment to the Tracy Development Services Department.</p>	City of Tracy	Prior to the issuance of building permits.	
Impact XIV a, iv): Project implementation may impact city facilities.	<b>Mitigation Measure 10:</b> Prior to the issuance of a building permit, the applicant shall pay applicable Public Building Impact Fees to the City of Tracy.	City of Tracy	Prior to the issuance of building permits.	
Impact XV a), b): Project implementation may impact city parks and recreation facilities.	<b>Mitigation Measure 11:</b> Prior to the issuance of a building permit, the applicant shall pay applicable Park Development Impact Fees to the City of Tracy.	City of Tracy	Prior to the issuance of building permits.	

RESOLUTION \_\_\_\_\_

ADOPTING A NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM FOR  
THE VALPICO APARTMENTS  
GENERAL PLAN AMENDMENT (GPA12-0001), REZONING (R12-0001),  
ZONING REGULATION CHANGE (ZA12-0004), AND DEVELOPMENT REVIEW (D12-0004)

WHEREAS, Applications have been filed or initiated for a General Plan Amendment to re-designate approximately 8.75 acres from Commercial to Residential High, amend the zone district from Community Shopping Center to High Density Residential (HDR), amend Tracy Municipal Code Section 10.08.1610(d) to allow the minimum distance between main buildings in the HDR Zone to be six feet, and approve a Development Review application for a 184-unit residential multi-family project, collectively, the "Project", and

WHEREAS, An Initial Study was conducted for the project consistent with CEQA Guidelines Section 15063, and

WHEREAS, The Initial Study identifies potentially significant effects, but (1) revisions in the project plans or proposal would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and (2) there is no substantial evidence, in light of the whole record before the City, that the Project as revised may have a significant effect on the environment, therefore, a Mitigated Negative Declaration was prepared, and

WHEREAS, On October 15, 2012, the City published a Notice of Intent to Adopt a Mitigated Negative Declaration for public review, and

WHEREAS, The Mitigated Negative Declaration reflects the City's independent judgment and analysis, and

WHEREAS, The City Council finds that the Initial Study/Mitigated Negative Declaration has been completed in compliance with the requirements of CEQA and the CEQA Guidelines (14 Cal. Code Regs. sections 15000-15387);

NOW, THEREFORE, BE IT RESOLVED, That the Tracy City Council adopts the Valpico Apartments Project Negative Declaration and Mitigation Monitoring Program.

\* \* \* \* \*

The foregoing Resolution 2012-\_\_\_\_\_ was passed and adopted by the Tracy City Council on the 18<sup>th</sup> day of December 2012, by the following vote:

AYES:            COUNCIL MEMBERS:

NOES:            COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

RESOLUTION 2012-\_\_\_\_\_

APPROVING A GENERAL PLAN MAP AMENDMENT FROM COMMERCIAL TO  
RESIDENTIAL HIGH  
FOR APPROXIMATELY 8.75 ACRES LOCATED AT  
THE NORTHEAST CORNER OF VALPICO ROAD AND GLENBRIAR DRIVE, 501 E. VALPICO  
ROAD (FORMERLY 2795 S. MACARTHUR DRIVE), ASSESSOR'S PARCEL NUMBERS 246-  
140-13 AND 14  
APPLICATION NUMBER GPA12-0001

WHEREAS, The site was designated Commercial in 1994 upon annexation to the City of Tracy, and

WHEREAS, The recent construction of the nearby Raley's commercial shopping center, the site's topography, and other conditions render the site less desirable or feasible for commercial development, and

WHEREAS, The site is appropriate for high density residential development due to its direct access to an arterial street (Valpico Road), proximity to existing retail and commercial services, and proximity to the ACE Station and local bus transit line, and

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

WHEREAS, The Project is required by the public necessity, convenience and general welfare, and

WHEREAS, The City of Tracy Planning Commission conducted a public hearing on November 14, 2012 and recommended approval of the Project to the City Council, and

WHEREAS, On December 18, 2012, the Tracy City Council approved a Negative Declaration and Mitigation Monitoring and Reporting Program in accordance with the requirements of the California Environmental Quality Act for the Project, and

WHEREAS, On December 18, 2012, the Tracy City Council conducted a public hearing to review the Project;

NOW, THEREFORE, BE IT RESOLVED, That the Tracy City Council approves the General Plan Amendment to redesignate the site from Commercial to Residential High.

\*\*\*\*\*

The foregoing Resolution 2012-\_\_\_\_ was passed and adopted by the Tracy City Council on the 18<sup>th</sup> day of December 2012, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

---

Mayor

ATTEST:

---

City Clerk

ORDINANCE \_\_\_\_\_

AMENDING THE ZONING MAP OF THE CITY OF TRACY BY RECLASSIFYING PROPERTY LOCATED AT THE NORTHEAST CORNER OF VALPICO ROAD AND GLENBRIAR DRIVE APPLICATION NUMBER R12-0001

The City Council of the City of Tracy does ordain as follows:

SECTION 1: The Zoning Map of the City of Tracy is hereby amended to reclassify the following property from Community Shopping Center to High Density Residential:

Two lots, comprising approximately 8.75 acres, located at the northeast corner of Valpico Road and Glenbriar Drive, 501 E. Valpico Road (formerly 2795 S. MacArthur Drive), Assessor’s Parcel Numbers 246-140-13 and 14 and adjacent public rights-of-way to center line of street.

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 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 held on the 18<sup>th</sup> day of December, 2012, and finally passed and adopted by said Council at its regular meeting on the \_\_\_\_ day of January 2013, by the following vote:

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

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

ORDINANCE \_\_\_\_\_

AN ORDINANCE AMENDING SECTION 10.08.1610 OF THE TRACY MUNICIPAL CODE REGARDING THE MINIMUM DISTANCE ALLOWED BETWEEN MAIN BUILDINGS IN THE HIGH DENSITY RESIDENTIAL ZONE

WHEREAS, The current minimum distance allowed between main buildings in the High Density Residential (HDR) Zone is “the average height of the two buildings”, and

WHEREAS, The HDR Zone contains no height limit, and

WHEREAS, Taller residential buildings face increasing challenge in meeting the current requirement, and

WHEREAS, Allowing closer buildings will allow more responsiveness to creative site planning and architecture;

NOW, THEREFORE, The City Council hereby ordains as follows:

SECTION 1: Section 10.08.1610, Minimum Yards (HDR), subsection (d), of the Tracy Municipal Code, is amended to read as follows:

**“Section 10.08.1610 Minimum yards (HDR)**

(d) Distance between buildings: Six feet between accessory buildings and between an accessory and main building; and the minimum distance between main buildings shall also be six feet.

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 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 held on the 18<sup>th</sup> day of December, 2012, and finally passed and adopted by said Council at its regular meeting on the \_\_\_\_ day of January 2013, by the following vote:

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

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

RESOLUTION 2012-\_\_\_\_\_

APPROVING A DEVELOPMENT REVIEW APPLICATION (D12-0004)  
FOR THE VALPICO APARTMENTS  
LOCATED ON APPROXIMATELY 8.75 ACRES AT THE NORTHEAST CORNER OF VALPICO  
ROAD AND GLENBRIAR DRIVE, 501 E. VALPICO ROAD (FORMERLY 2795 S. MACARTHUR  
DRIVE), ASSESSOR'S PARCEL NUMBERS 214-140-13 AND 14

WHEREAS, The Project includes appropriate buildings and site design in that the two-story townhouse units present street-grade entrances toward Valpico Road to enhance the appearance and presentation of the Project; the three-story apartment units will be constructed below the adjacent Valpico Road and nearby residential neighborhood grades to reduce visual effects of the Project; and the Project will enjoy direct access to the adjacent Rite Aid retail store, and

WHEREAS, The Project will have direct access onto Valpico Road and onto the newly extended Glenbriar Drive so that the Project's automobile traffic is not required to travel through any existing residential neighborhoods for access, and

WHEREAS, The Project is consistent with the City's Design Goals and Standards, including its variety of housing types, compared with nearby single-family detached housing, to provide increased diversity and visual interest in the City's residential development, and

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

WHEREAS, On November 14, 2012, the Tracy Planning Commission recommended that the City Council approve the Project, and

WHEREAS, On December 18, 2012, the Tracy City Council amended the General Plan designation of the site to Residential High, rezoned the site to High Density Residential, and approved a California Environmental Quality Act Negative Declaration for the Project, and

WHEREAS, On December 18, 2012, the Tracy City Council conducted a public hearing to review the Project;

NOW, THEREFORE, BE IT RESOLVED, That the Tracy City Council approves Development Review Application Number D12-0004 for the Valpico Apartment Project subject to conditions contained in Exhibit 1.

\* \* \* \* \*

The foregoing Resolution 2012-\_\_\_\_\_ was passed and adopted by the Tracy City Council on the 18<sup>th</sup> day of December 2012, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**Conditions of Approval for Valpico Apartments  
Application Number D12-0004  
November 14, 2012**

These Conditions of Approval shall apply to the real property described as the Valpico Apartments Project; proposed 184 multi-family residential units on approximately 8.75 acres located on the north side of Valpico Road, adjacent to and east of Glenbriar Drive, 501 E. Valpico Road (formerly 2795 S. MacArthur Drive), Assessor's Parcel Numbers 246-140-13 and 14; Application Number D12-0004.

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

1. "Applicant" means any person, or other legal entity, defined as a "Developer".
2. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
3. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
4. "Conditions of Approval" shall mean the conditions of approval applicable to the Valpico Apartments Project, proposed 184 multi-family residential units on approximately 8.75 acres located on the north side of Valpico Road, adjacent to and east of Glenbriar Drive, 501 E. Valpico Road (formerly 2795 S. MacArthur Drive), Assessor's Parcel Numbers 246-140-13 and 14, Application Number D12-0004. The Conditions of Approval shall specifically include all Development Services Department conditions, including Planning Division and Engineering Division conditions set forth herein.
5. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
6. "Project" means the real property consisting of approximately 8.75 acres located on the north side of Valpico Road, adjacent to and east of Glenbriar Drive, 501 E. Valpico Road (formerly 2795 S. MacArthur Drive), Assessor's Parcel Numbers 246-140-13 and 14, Application Number D12-0004.
7. "Property" means the real property generally located on the north side of Valpico Road, adjacent to and east of Glenbriar Drive, 501 E. Valpico Road (formerly 2795 S. MacArthur Drive), Assessor's Parcel Numbers 246-140-13 and 14.
8. "Subdivider" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries.

"Subdivider" also means Developer. The term "Developer" shall include all successors in interest.

9. Adjacent HDR Project means the 60-unit apartment project to be located at the northwest corner of Valpico Road and Glenbriar Drive.

B. Planning Division Conditions of Approval:

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, et seq.), the Subdivision Map Act (Government Code sections 66410, et seq.), the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 15000, et seq., "CEQA Guidelines").
2. Unless specifically modified by these Conditions of Approval, the Project shall comply with all City Regulations.
3. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the General Plan Environmental Impact Report, dated February 1, 2011 and the Valpico Apartments Project Mitigated Negative Declaration.
4. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.
5. Except as otherwise modified herein, all construction shall be consistent with the plans received by the Development and Engineering Services Department on May 16, 2012 and as modified by plans submitted on September 5, 2012.
6. Prior to the issuance of a building permit, the applicant shall provide a detailed landscape and irrigation plan consistent with City landscape and irrigation standards, including, but not limited to Tracy Municipal Code Section 10.08.3560, the City's Design Goals and Standards, and the applicable Department of Water Resources Model Efficient Landscape Ordinance on private property, and the Parks and Parkways Design Manual for public property, to the satisfaction of the Development Services Director. Said landscape plans shall include documentation which demonstrates there is no less than 20 percent of the parking area in landscaping, and 40 percent canopy tree coverage at tree maturity in accordance with City Regulations. 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 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. 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, 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 Valpico Road, Glenbriar Drive, or any other public right-of-way. All roof-mounted equipment shall be contained within the roof well or screened from view from the public rights-of-way by the roof of the building, to the satisfaction of the Development Services Director.
10. All vents, gutters, downspouts, flashing, electrical conduit, and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.
11. Prior to final inspection or certificate of occupancy, on-site circulation signs shall be installed to the satisfaction of the Development Services Director.
12. Prior to final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into the public rights-of-way or nearby residential property, to the satisfaction of the Development Services Director.
13. Prior to the issuance of a building permit, bicycle parking spaces shall be provided in accordance with Tracy Municipal Code Section 10.08.3510 to the satisfaction of the Development Services Director.
14. All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Director.
15. Prior to the issuance of a building permit, a lot line adjustment or other instrument shall be approved by the City and recorded to effectively merge the two lots of the Project site into one lot.
16. No signs are approved as a part of this development application. Prior to the installation of any signs, the applicant shall submit a sign permit application and receive approval from the Development Services Director in accordance with City Regulations.

17. Prior to the issuance of a building permit, the Developer shall submit detailed trash and recycling enclosure plans which include the following, to the satisfaction of the Development Services Director: the walls shall be of masonry construction, at least eight feet in height, include solid metal doors, a solid roof, and an interior perimeter concrete curb. The enclosures shall include exterior color and material consistent with the adjacent building exterior.
18. Prior to the issuance of a building permit, the developer shall design a recycling program consistent with State Assembly Bill 341, to the satisfaction of the Public Works Director. The program shall include enclosures with adequate space for both refuse and recycling and shall be incorporated with the trash and recycling enclosures described in Planning Division Condition of Approval Number 17, above. Each enclosure shall have signs that clearly indicate refuse and recycling locations as well as prohibition of scavenging. The program shall include recycling options or elements at the pool area and other common areas for the tenants.
19. Because the project is located within Tracy Municipal Airports' Airport Influence Area, prior to the issuance of a building permit, and thereafter as applicable, the developer shall comply with the following San Joaquin County Council of Government's (COG) 2009 Airport Land Use Compatibility Plan conditions, to the satisfaction of San Joaquin County COG:
  - a. 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 the following:
    - i. 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).
    - ii. Sources of dust, steam, or smoke which may impair pilot visibility.
    - iii. Sources of electrical interference with aircraft communications or navigation. No transmissions which would interfere with aircraft radio communications or navigational signals are permitted.
    - iv. Any proposed use that creates an increased attraction for large flocks of birds.
  - b. Occupied structures must be soundproofed to reduce interior noise to 45dB according to State Guidelines.
  - c. A deed notice shall be recorded with the San Joaquin County Recorder regarding potential noise inconvenience, annoyance, or discomfort resulting from the nearby Tracy Municipal Airport.
20. Prior to the issuance of a building permit, the developer shall document compliance with the City of Tracy Manual of Stormwater Quality Control Standards for New Development

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

21. The project shall comply with all applicable provisions of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, including Incidental Take Minimization Measures applicable at the time of permit and a pre-construction survey prior to ground disturbance, to the satisfaction of San Joaquin Council of Governments.
22. The developer shall design the carports and the pool area accessory building in substantial conformance with the "Accessory Buildings" design received by the Development and Engineering Services Department on September 27, 2012.
23. The developer shall design and construct all buildings with fire sprinklers in accordance with City Regulations.
24. Prior to the issuance of a building permit, the developer shall annex the property to the Tracy Consolidated Landscape Maintenance District to the satisfaction of the Public Works Director, deposit a first year's assessment equivalent to the Maintenance District's first 12 months of estimated costs as determined by the Public Works Director, and shall pay all processing fees associated with annexation to the District.
25. This Development Review approval shall not become effective until and unless the City Council amends the Tracy Zoning Regulations to allow the main buildings to be constructed at the distances proposed. Without an amendment to Tracy Municipal Code (TMC) Section 10.08.1610(d) or other City Council action to obtain relief from the distance-between-buildings requirement, the project buildings shall be designed to meet the requirements of TMC Section 10.08.1610(d).
26. Prior to issuance of a building permit, the developer shall design a paved, pedestrian access to at least one ground floor entrance of each of the townhouse units.
27. Prior to the issuance of a building permit, the developer shall identify the design of the two "usable open space" areas (one between Buildings 3 and 7, and the other between Buildings 4 and 5), including landscaping, furniture, recreational equipment, or other improvements consistent with City standards to the satisfaction of the Development Services Director.

#### C. ENGINEERING DIVISION CONDITIONS OF APPROVAL

1. Conditions of Approval Prior to Approval of Grading and Encroachment Permit Applications: No application for grading permit and encroachment permit within the Project boundaries will be accepted by the City as complete until the Developer provides

all documents required by City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

- a. The Developer has completed all requirements set forth in this section.
- b. The Developer has obtained the approval of all other public agencies with jurisdiction over the required public facilities.
- c. Execution of all agreements, posting of all improvement security, and providing documentation of insurance, as required by these Conditions of Approval.
- d. The Grading and Improvement Plans prepared in accordance with the Subdivision Ordinance and the City Design Documents. The improvement plans for all improvements (on-site and off-site) required to serve the development project in accordance with the Subdivision Ordinance, the City Design Documents, and these Conditions of Approval. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:
  - i. All existing and proposed utilities.
  - ii. All supporting calculations, specifications, cost estimate, and reports related to the design of streets and utilities improvements.
  - iii. Method of disposing storm water in the interim and ultimate conditions, the Project's on-site drainage connections to City's storm drainage system as approved by the City Engineer. Improvement Plans of the temporary off-site storm drainage retention basin or other means as approved by the City Engineer, percolation report and storm drainage calculations for the sizing of the basin.
  - iv. Improvement Plans prepared on 24" x 36" size polyester film (mylar) with the City Engineer and Fire Marshall approval and signature blocks. 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.
  - v. Grading and Drainage Plan in accordance with the requirements of Tracy Municipal Code, Subdivision Ordinance and City Regulations. Grading and Drainage Plans to be submitted in 24" x 36" size polyester film (mylar).
  - vi. Documentation or letter from respective owner(s) of private utilities, as required in Condition C-4(a), below.
  - vii. Joint Trench Plans and Composite Utility Plans for the installation of dry utilities such as electric, gas, TV cable and others that will be located within the 10 feet wide Public Utility Easement or to be installed to serve the Project or for the conversion of aerial lines to underground facilities, as required Condition C-5(a), below.

- e. Two (2) copies of the Project's Geo-technical /Soils Report prepared by Geo-technical Engineer and a copy of recorded slope easements (if applicable), as required in Condition C-4(a), below.
  - f. Three (3) sets of the Project's Storm Water Pollution Prevention Plan (SWPPP), Best Management Practices (BMPs) and a copy of the Notice of Intent (NOI) with the State-issued Wastewater Discharge Identification number, as required in Condition C-5(c), below.
  - g. Copy of the improvement plans and structural calculations for all on-site retaining walls, signed and stamped by the Design Engineer and approved by the City's Building Division, as required in Condition C-5(d), below.
  - h. A construction cost estimate for all required public facilities, prepared in accordance with City Regulations. In calculating the total cost of public improvements, add 15% construction contingencies.
  - i. Payment of applicable fees required by these Conditions of Approval and City Regulation including plan checking, grading and encroachment permit processing, construction inspection, testing, and agreement processing fees.
  - j. Signed and notarized Deferred Improvement Agreement including improvement security(s) in the amounts approved by the City Engineer and form approved by the City Attorney including all the necessary attachments to the agreement, as required in Condition C-1(c), above, and Condition C-7(b), below.
  - k. Memorandum issued by the City's storm drainage consultant confirming the invert elevation of the outlet pipe at the Project's permanent storm drainage connection point, as required in Condition C-7(d), below.
  - l. Tracy's Fire Marshall's signature on the Improvement Plans indicating their approval of the location and construction detail of the fire service connection and the location and spacing of fire hydrants that are required to be installed to serve the Project, as required in Condition C-9(d), below.
  - m. Signed and notarized Offsite Improvement Agreement with the fully executed improvement security for faithful performance, labor and materials, and warranty, for the construction of Valpico Road Frontage Improvements, as required in Condition C-1(c), above, and Condition C-6(b), below.
  - n. Signed and notarized Grant of Public Access Easement with the legal description and plat map that describes the portion of the Property to be used for vehicle turn-around maneuvering or access through the Property, as required in Condition C-1(f), below.
2. Conditions of Approval Prior to Approval of 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:

- a. The Developer has completed all requirements set forth in Condition C-1, above.
  - b. Payment of all applicable and adopted Infill development impact fees required by these Conditions of Approval and City Regulations, that are in effect at the time of issuance of the building permit. The Infill development impact fees described above will include the storm drainage impact fee update discussed in Condition H-5, below
  - c. Documentation evidencing that the Property has been annexed to an existing Landscape Maintenance District (LMD), as required in Condition C-10(c), below.
  - d. In-lieu payment in the amount of \$7,000.00, for the Project's estimated share of cost of the re-stripping on Valpico Road as required in the Tiburon Village Traffic Impact Study, Final Report dated February 6, 2004 (Traffic Study). Refer to Table I of the recommended Mitigation Measures in the Traffic Study.
3. Conditions of Approval Prior to Certificate of Occupancy or Final Building Inspection. No certificate of occupancy within the Project boundaries will be approved by the City or final building inspection will be performed until the Developer provides documentation which demonstrates, to the satisfaction of the City Engineer, that:
- a. The Developer has completed all requirements set forth in Condition C-2, above and this section.
  - b. The Developer has completed construction of all public facilities required to serve the building for which a certificate of occupancy is requested. Unless specifically provided in these Conditions of Approval, or some other City Regulation, the Developer shall take 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. Signed and notarized Grant Deed with the legal description and plat map that describes the land to be dedicated to the City, for the construction of Glenbriar Drive Improvements and Valpico Road Frontage Improvements, as required in Condition C-6(c), below.
  - d. Signed and notarized Sanitary Sewer Maintenance Agreement (SSMA), for the private sewer line crossing on Glenbriar Drive, as required in Condition C-8(b), below. The City will prepare and complete the final agreement, before the completion of the plan review process. The SSMA and the Grant of Permanent Sanitary Sewer Easement will require City Council approval.

4. Undergrounding of Overhead Utilities:

- a. Prior to starting work, the Developer shall obtain written permission from the respective owner(s) of private utilities, for the installation of permanent surface improvements and structure over their underground facilities located within the 10-foot wide Public Utility Easement along Valpico Road. Prior to the issuance of the Grading Permit, the Developer must submit documentation evidencing that required permission has been granted to the Developer by the respective owner(s) of the private utilities.
- b. All private utility services such as electric, telephone and cable TV to the building must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities. The Developer shall submit improvement plans for the installation of electric, gas, telephone and TV cable lines that are necessary to serve the Project.

5. Grading:

- a. A Grading Plan prepared by a Registered Civil Engineer and accompanied by Soils Engineering report shall be submitted to the City with the Grading and Storm Drainage Plans. The report shall provide recommendations regarding adequacy of sites to be developed by the proposed grading and also information relative to the stability of soils such as soil classification, percolation rate, soil bearing capacity and others. Slope easements shall be dedicated to the City where cuts or fills do not match existing ground or final grade adjacent to public right of way (up to a maximum grade differential of two feet only). Slope easements shall be recorded per City's requirements, 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.
- b. All grading work (on-site and off-site) shall require a Grading Permit. Erosion control measures shall be implemented in accordance with Grading Plans approved by the City Engineer for all grading work not completed before October 15. Improvement Plans shall specify all erosion control methods to be employed and materials to be used.
- c. Prior to the issuance of the Grading Permit, the Developer shall submit three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) submitted to the State Water Quality Control Board (SWQCB) and any documentation or written approvals from the SWQCB including a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID). After the completion of the Project, the 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. The Developer shall comply with all the

requirements of the SWPPP and applicable Best Management Practices (BMPs) and the Storm Water Regulations adopted by the City in 2008.

- d. The Developer shall design and construct a wrought iron metal fence along the north entire frontage of the Property on Valpico Road. The height of the metal fence shall not be less than 4 feet but not more than 6 feet measured from the finish grade of the proposed concrete bike path. The final height of the metal fence will be determined by the City during the improvement plan review process. The metal fence shall have equally spaced fence post. The wrought iron fence shall be generally made of square metal bars, with rust-proofing coat and painted with the color selected by the City. A 12 inches wide 8 inches thick concrete strip must be installed below the bottom of the wrought iron fence and between the concrete fence post. This concrete strip will prevent growth of vegetation or weeds under the metal fence and will facilitate easier cleaning of weeds or vegetation that will grow adjacent the fence or bike path. The metal fence shall be at least 3 feet away from the bike path. The space between the bike path and the concrete strip below the metal fence shall be improved with drought resistant plants with automatic irrigation system. The wrought iron metal fence and the landscaping between the bike path the metal fence are considered private improvements. The cost of constructing and maintaining the wrought iron metal fence and landscaping improvements as described above is the sole responsibility of the Developer.

6. Street Improvements:

- a. The extension of Glenbriar Drive from Valpico Road to the Project's projected northern boundary will provide an opportunity for full vehicular access for the Project to and from Valpico Road. The streets and utilities improvements on this roadway extension will include but not limited to, installation of concrete curb, gutter, sidewalk, asphalt concrete pavement, handicap ramp, storm drain, catch basin or drop-inlet, landscaping and street trees with automatic irrigation system (Motorola), median curb, hand-placed grouted cobblestones, pavement signing and striping, barricade and guardrail, and intersection improvements on Glenbriar Drive /Valpico Road such as traffic signal pole and light, traffic detecting loops, traffic loops pull boxes, conduits and wires, audible pedestrian warning, electronic sign, and other improvements as determined by the City Engineer that are deemed to be necessary to have a safe and functional street improvements (Glenbriar Drive Improvements).

Glenbriar Drive Improvements shall include the installation of a 6 feet high chain link fence with plastic slats on the entire right-of-way width and along the northern terminus of Glenbriar Drive. The space between the barricade and guardrail and the chain link fence shall be paved. The final location and construction detail of the chain link fence and additional asphalt concrete paving shall be included on the improvement plans for City's review and approval. Cost of installing the chain link fence and additional asphalt concrete paving shall be the responsibility of the Developer.

- b. The Developer is also required to construct certain street and utilities improvements on Valpico Road which include but not limited to, concrete bike path, concrete sidewalk, handicap ramp, offsite water main upgrade and all the improvements described in Condition C-9(a)/C-9(b), concrete curb and gutter, replacement of pavement marking and striping, traffic signs, and the installation of bus shelter and associated improvements such as water service with hose bibb, garbage receptacle, additional concrete paving, and removal and replacement of disturbed irrigation and landscaping improvements (Valpico Road Frontage Improvements). The final location of the bus shelter will be determined at the time of review of improvement plans, and the materials specifications and construction details of the bus shelter will be provided by the City at the time of preparation of the improvement plans. The Developer shall dedicate a 10 feet wide strip of land along the entire frontage of the Property on Valpico Road, for the construction of Valpico Road Frontage Improvements, all at the Developer's sole cost and expense.

The Developer shall complete the construction of Glenbriar Drive Improvements prior to the issuance of the building permit for the first building to be constructed within the Property. Upon completion of Glenbriar Drive Improvements, Developer shall convey to the City the right-of-way for the Glenbriar Drive Improvements which City shall not accept until after satisfactory completion of those improvements to City's, and other applicable, standards and satisfactory completion of the final building inspection on the last building to be constructed on the Property.

Completion of Valpico Road Frontage Improvements is required, prior to the final building inspection of the first building to be constructed on the Property. To guarantee completion of Valpico Road Frontage Improvements, within the time specified above, the Developer will be required to execute an Offsite Improvement Agreement (OIA) with the City and post improvement security in the amounts approved by the City Engineer and form acceptable to the City Attorney, prior to the issuance of the Grading Permit. The OIA requires approval from the City Council. Upon completion of Valpico Road Frontage Improvements, Developer shall convey to the City the right-of-way for the Valpico Road Frontage Improvements which City shall not accept until after satisfactory completion of those improvements to City's and other applicable, standards, and satisfactory completion of the final building inspection on the last building to be constructed on the Property.

- c. Prior to the approval of the OIA, the Developer is required to submit Improvement Plans, Technical Specifications and Cost Estimates, prepared in a 24" x 36" size polyester film or known as mylar, signed and stamped by the Design Engineer, for City's approval and signature. All engineering calculations for the design of the improvements must be submitted. The Developer will be required to pay Engineering Review Fees which include plan checking, agreement and permit processing, testing, engineering inspection, and program management fees, estimated to be 11 to 13% of the cost of public improvements, prior to the approval of the OIA.

- d. All work to be performed and improvements to be constructed within City's right-of-way will require an Encroachment Permit from the City, prior to starting the work. The Developer or its authorized representative shall submit all documents that are required to process the Encroachment Permit including but not limited to, approved Improvement Plans, Traffic Control Plan that is prepared by and signed and stamped by a Civil Engineer or Traffic Engineer registered to practice in the State of California, payment of Engineering Review Fees, copy of the Contractor's license, Contractor's Tracy business license, and certificate of insurance with the insurance coverage specified in the OIA and naming the City of Tracy as additional insured or as a certificate holder.
- e. The Developer will be required to offer to the City for dedication all lands that are required for extending Glenbriar Drive from Valpico Road to its northern terminus and the right-of-way for the proposed pedestrian and bike path improvements on Valpico Road. The Developer shall convey the lands described above to the City in fee title. The offer of dedication for roadway right-of-way described above has to be made, filed at the Office of the San Joaquin County Recorder, prior to the issuance of the Encroachment Permit. The City will assume responsibility to maintain the public improvements and will accept the offer of dedication after the City Council accepts the improvements. It is the responsibility of the Developer to acquire the land for the portion of Glenbriar Drive Improvements that will be constructed within the land owned by the developer or owner of the Adjacent High Density Residential (HDR) Project. The City will assist the Developer in the acquisition of the land necessary to construct Glenbriar Drive Improvements with its eminent domain power, if the Developer fails to acquire the land that is needed for the street extension. The Developer shall pay the City all costs associated in the condemnation proceedings including administrative, court, and attorney's fees.
- f. The Developer shall install all surface and underground improvements such as concrete driveway approach, ramp and sidewalk, sewer connection, domestic water service, fire service, sewer pipeline, and storm drainage line(s) that are intended to serve the Adjacent HDR Project which would be located within the right-of-way of Glenbriar Drive, prior to placing of the final lift of asphalt concrete pavement, in order to avoid cutting newly paved streets.
- g. The Developer shall provide a paved or all-weather turn-around area for fire truck and emergency vehicles that is acceptable to the Chief Building Official and the City's Fire Marshall, all at the Developer's sole cost and expense. The location, configuration, design, and construction details of the turn-around area shall be reviewed and approved by the Chief Building Official and Fire Marshall, and must be shown on the Improvement Plans. Portion of the turn-around improvements that are within the Property will be maintained by the Developer.

The Developer shall grant a public access easement, for the benefit of the public, for rights to enter a portion of the Property for vehicle maneuvering or for turn-around access through the Property to Glenbriar Drive. The Grant of Public Access Easement must be filed at the Office of the San Joaquin County Recorder, prior to City's acceptance of Glenbriar Drive Improvements. The

Developer is responsible for all costs associated in dedicating the necessary public access easement to the City including the cost of preliminary title report, and preparing the easement document, legal description and plat map.

- h. Glenbriar Drive Improvements will be considered public improvements after the City accepts the offer of right-of-way dedication and the responsibility of maintaining the public improvements. The Adjacent HDR Project and other undeveloped properties north of the Project will benefit from the Glenbriar Drive Improvements and will be required to pay their proportional share of cost of constructing Glenbriar Drive Improvements when their property develops. The Developer may request formation of a benefit district for recovering cost of public improvements beyond the Developer's responsibility or for constructing oversized public improvements. The City will collect administrative fee, formation cost, and program management fees for forming, administering, and managing the benefit district. The Developer is responsible for submitting all documents such as materials receipt, payroll, equipment rental and others to show actual construction cost or expenses incurred or to support claim for reimbursement.
  - i. The Developer has the option to enter into private reimbursement or cost sharing agreement(s) with the developer of the Adjacent HDR Project and other benefitting properties, for the sharing of the cost of constructing Glenbriar Drive Improvements and for dedicating the land for the extension of Glenbriar Drive. The Developer is required to provide documentation that all the involved party(s) or individual(s) have agreed on the terms and conditions of the cost sharing agreement, prior to the issuance of the Encroachment Permit. The City has no obligation to construct Glenbriar Drive Improvements.
  - j. The design and construction of Glenbriar Drive Improvements and Valpico Road Frontage Improvements shall meet City Regulations and all applicable requirements and recommendations specified in the final traffic report dated August 14, 2012 and titled "Traffic Impact Study for the Proposed 189 units Valpico Apartments and 60 units MacDonald Apartments" prepared by TJKM Transportation Consultants. The final traffic report is on file with the Office of the City Engineer.
7. Storm Drainage:
- a. The on-site storm drainage system and site grading shall be designed such that the Project storm drainage overland release point will be directly to a public street with existing storm drainage system in accordance with City standards. The City may allow overland storm drainage release to private property(s), only if, the Developer enter into an agreement with the fee owners of the affected property(s) and indemnify the City for any liability, damages and costs that may arise as a result of utilizing their property as the Project's storm drainage release point. The Developer shall obtain written permission or agreement and/or easements from fee owner(s) of all affected property(s), for the use of their property(s) as Project's storm drainage release point. The Developer shall indemnify and hold harmless the City for any liability, damages and costs that may arise as a result of the use the storm drainage release on their property.

The irrevocable agreement must be signed by fee owner(s) of all affected property(s) and will be reviewed by the City Engineer and will be recorded to the Property and to all affected properties. The Developer shall provide a copy of the fully executed agreement to the City, prior to the issuance of the Grading Permit. Cost of obtaining permission and/or easement(s) and the agreement from the fee owner(s) of the affected property(s) will be the sole responsibility of the Developer.

- b. The Developer has proposed to use a trench infiltration system as an interim solution for disposing storm water generated from the Project site. The trench infiltration system is described in the technical memorandum titled "Drainage Analysis for the Valpico and MacDonald Apartment" prepared by Mackay & Soms of Pleasanton, California. The City will allow this method of disposing storm water, if the Developer executes a Deferred Improvement Agreement, prior to the issuance of the Grading Permit, to guarantee performance of the Developer's responsibilities and obligations and conditions described below including paying all costs associated in complying with all the requirements described under this section: a) that the Developer will be responsible for repairing, rectifying, and maintaining the trench infiltration system to acceptable standards and to the satisfaction of the City; b) the Developer will provide guarantee acceptable to the City Engineer for performing the responsibilities and obligations as described above; c) the Developer will also install the Project's permanent storm drainage connection as the final method of disposing storm water; and d) the Developer will provide other means of disposing storm water such as a temporary storm drainage retention basin within the time specified by the City, if the trench infiltration system fails to function to the level or condition acceptable to the City, or fails to drain storm water as designed or intended to do as determined by the City Engineer, or if determined by the City that a temporary storm drainage retention basin is necessary to be constructed due to public health and safety reasons.

Draining the storm water to the City's storm drainage system is the required final solution of disposing storm water from the Project site. The Developer shall design and install all the necessary improvements for the final solution of disposing storm water. The Developer is responsible for installing the Project's permanent storm drainage connection from the Project site to the City's future public storm drain line at the location and grade approved by the City Engineer. The future public storm drain line starts from a new storm drain manhole north of the northwest corner of the Project to the City's proposed storm drainage detention basin described as Detention Basin #2B (DB#2B) (Zone 1 Storm Drain Line Improvements as shown on Attachment B1 of South ISP Storm Drainage Analysis - Final Technical Report dated July 2000) and the outfall drain connection from DB#2B to the existing storm drainage channel located south of the existing apartment buildings (Sycamore Village Apartments) south of Central Avenue.

If a temporary storm drainage retention basin is used, the Developer shall design, acquire right-of-way and/or permanent utility easements, including temporary construction easement(s), if necessary, and construct temporary on-

site or off-site storm drainage retention facilities meeting City Regulations and such retention facility shall have adequate capacity to retain, store and drain storm water within the time specified in the City's Design Standards. It is the Developer's responsibility to repair, rectify, and maintain the trench filtration system or the temporary storm drainage retention basin, if constructed, to the satisfaction of the City. These private improvements will be removed by the Developer when the Project's permanent storm drainage connection is installed and the City's public storm drain line described above are installed, and made available for connection. The Developer shall submit engineering calculations for the design and sizing of the trench filtration system or the temporary storm drainage retention basin, including a percolation report prepared, signed and stamped by a registered Geo-technical Engineer, and a copy of the written permission from property owner(s), if off-site retention basin is utilized, as part of the Grading and Drainage Plans.

To assure performance of the Developer's responsibilities to repair, rectify, and maintain the trench infiltration system or temporary storm drainage retention basin, if installed, and also to guarantee completion of the Project's storm drainage connection, the Developer is required to execute a Deferred Improvement Agreement and post necessary improvement security, in the amount(s) approved by the City Engineer and form approved by the City Attorney, prior to the issuance of the Grading Permit. The Deferred Improvement Agreement will require approval from the City Council and will be recorded against the Property. The Developer shall pay all costs associated with the preparation, processing and approval of the agreement, including the cost of preparing the legal description and map, and recording the agreement.

Flow capacity and cost of Zone 1 Storm Drain Line Improvements are determined based on the design criteria that all storm water collected from impervious portion of the Project site will drain to the City's storm drainage system. The use of trench infiltration system shall not reduce the amount of Infill storm drainage development impact fees due from the Project nor will entitle the Developer Infill storm drainage development impact fee credits or reimbursement(s).

- c. In the event an off-site retention basin is required, the Developer shall obtain written permission or agreement and/or easements from fee owner(s) of all affected property(s), for the use of their property(s) as a temporary storm drainage retention basin. The Developer shall indemnify and hold harmless the City for any liability, damages and costs that may arise as a result of the use their property(s) for a storm drainage retention basin. The easement agreement must be signed by fee owner(s) of the property(s) and will be reviewed by the City Engineer and will be recorded to the Property and to all affected properties. The Developer shall provide a copy of the fully executed agreement to the City, prior to starting the grading work on the involved property. Cost of obtaining permission and/or easement(s) and the agreement from the fee owner(s) of the affected property(s) will be the sole responsibility of the Developer.

- d. As part of a complete submittal of the Grading and Drainage Plans, the Developer obtain a technical memorandum from the City's consultant, stating that the pipe invert elevation of the Project's permanent storm drainage connection is consistent with the design of the Zone 1 Storm Drain Line Improvements. The cost of the technical memorandum and coordination with the City's storm drain consultant shall be paid by the Developer.
  - e. The City is in the process of updating the Infill storm drainage development impact fees due to anticipated increase in cost of constructing the Zone 1 Storm Drain Line Improvements and DB#2B. The cost increase on Infill storm drainage development impact fees would be the cost of mitigating soil contamination within and along the alignment of the future storm drain line that will be constructed on the Chevron Property (undeveloped property located northwest of the Property, west of the future Tiburon Village Subdivision and south of the existing Larkspur Estates Subdivision). The City will adopt this additional Infill storm drainage development impact fees, prior to the issuance of the building permit.
8. Sanitary Sewer:
- a. A sanitary sewer lift-station will be used to convey domestic sewage from the Property to the City's existing sewer main on Valpico Road. The sewer lift-station including the sewer force main and the sewer pipeline up to the new sewer manhole on Glenbriar Drive / Valpico Road are private improvements and they will be owned, operated and maintained by the Developer. These private improvements are required to be installed and made functional, prior to the final inspection of the first building to be constructed on the Property. The City has no responsibility of repairing and maintaining these improvements. The sewer lift-station on this Property will also serve the residential development at the northwest corner of Glenbriar Drive / Valpico Road (Adjacent HDR Project). The Developer will be required to provide documentation in the form acceptable to the City's Chief Building Official as a guarantee that the sewer lift-station will be repaired and maintained by the Developer and/or the developer of the Adjacent HDR Project.
  - b. The Developer will be required to design and construct the 8-inch diameter sewer pipeline crossing on Glenbriar Drive at the location and grade shown on the improvement plans for the Adjacent HDR Project. The sewer line crossing is a private sewer line. The City will grant a permanent sanitary sewer easement, upon completion of the sewer line crossing, to grant access rights to the Developer or the developer of the Adjacent HDR Project, to enter City's right-of-way on Glenbriar Drive, for the repair and maintenance of the sewer line crossing. The developer of the Adjacent HDR Project will be required to execute a maintenance agreement with the City, to guarantee the responsibilities and obligations of the developer of the Adjacent HDR Project regarding the use, operation, repair, and maintenance of the private sewer crossing on Glenbriar Drive. The Developer shall pay all costs associated with the processing of the grant of easement and maintenance agreement including the cost of preparing the legal description and map. The maintenance agreement will be filed for

recording with the Office of the San Joaquin County Recorder, prior to City's acceptance of public improvements on Glenbriar Drive.

- c. The Developer shall comply with all the recommendations with regards to design, and construction of wastewater conveyance and shall pay sewer development impact fees for wastewater collection, conveyance and treatment as identified in the sewer analysis dated July 2012 titled "Wastewater System Fee for Valpico Apartments and Peter MacDonald Apartments" prepared by CH2MHill of Sacramento, California (the City's sewer consultant). A copy of the technical report is on file with the office of the City Engineer.

9. Water System:

- a. A water pressure and flow analysis was performed by West Yost & Associates of Pleasanton, California (the City's water consultant), to verify adequacy of capacity of the City's existing water distribution lines and treatment plant to serve the Project and to ensure that the Project's permanent water line connection and on-site water system meets the Project's water flow and pressure demand in a scenario when the combined amount of domestic, fire and irrigation water has to be provided to the Project site at the same time. The Developer shall comply with all the recommendations specified in the water pressure and flow analysis report dated July 16, 2012 titled "Hydraulic Evaluation of Valpico and MacDonald Apartments". The Developer is required to install the pipe upgrade of approximately 50 feet of existing 8-inch diameter water main located at the intersection of Valpico Road / Glenbriar Drive to a 12-inch diameter Ductile Iron Pipe (DIP) water main at the location and grades approved by the City Engineer, all at the Developer's sole cost and expense. The Developer shall submit improvement plans that include the design, location, and grade of the offsite water main upgrade including all existing (above or below ground) improvements that will be affected or restored and replaced as a result of installing the offsite water main upgrade. Completion of the offsite water main upgrade will increase the water pressure at each on-site fire hydrant and in turn meet the fire flow requirement at each fire hydrant. The Developer shall obtain an Encroachment Permit, prior to starting the work. The Developer shall pay permit processing fees including plan checking, testing, and inspection fees at the issuance of the Encroachment Permit. The offsite water main upgrade shall be completed by the Developer, prior to final inspection of the first building to be constructed on the Property.
- b. All costs associated with the installation of the offsite water main upgrade including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings, replacing traffic detecting loops, conduits, and wires, relocating existing utilities that may be in conflict with the new water main, and other improvements shall be paid by the Developer. When street cuts are made, the Developer is required to install 2 inches thick asphalt concrete overlay with reinforcing fabric at least 25 feet from all sides of the utility trench. A 2 inches deep grind on the existing asphalt concrete pavement will be required where the asphalt concrete overlay

will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes.

If water main shut down is necessary, the City will allow a maximum of 4 hours water supply shutdown. The Developer shall be responsible for notifying residents or business owner(s), regarding the water main shutdown. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least 72 hours before the water main shutdown. Prior to starting the work described in this section, the Developer shall submit a Traffic Control Plan, to show the method and type of construction signs to be used for regulating traffic during the installation of the offsite water main upgrade. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.

- c. The Developer shall design and install domestic and irrigation water service connection, including a remote-read master water meter (the water meter to be located within City's right-of-way) and an R/P Type back-flow protection device in accordance with City Regulations. The domestic and irrigation water service connection must be completed before the final inspection of the building. Sub-metering will be allowed within private property. The City will not perform water consumption reading on sub-meters. The Developer will be responsible for relocating or reinstalling water sub-meters. The City's responsibility to maintain water lines shall be from the water main on the street to the master water meter (inclusive) only. Maintenance of all on-site water lines, laterals, sub-meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer.
- d. The Developer shall design and install fire hydrants at locations approved by the Building Division and Fire Department. Location and construction details of the fire service line shall be approved by the Building Division and Fire Department. Prior to the approval of the Improvement Plans, the Developer shall obtain written approval from the Building Division and Fire Department for the design, location and construction details of the fire service connection to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

10. Special Conditions:

- a. All improvements shall be in accordance with all City Regulations, Facilities Master Plan for storm drainage, roadway, wastewater and water adopted by the City, Tracy Design Standards and Specifications, and Parks and Parkways Design Manual, or as otherwise specifically approved by the City.
- b. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Developer shall be responsible for all costs associated with the abandonment or removal of the water well(s) including the cost of permit(s) and inspection. The Developer shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin

County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.

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

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 requesting additional revisions and requirements to the final parcel map and improvement plans, prior to the City Engineer's signature and approval of the proposed final parcel map and improvement plans, if the City deems it necessary. The Developer shall bear the all cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

December 18, 2012

AGENDA ITEM 5

REQUEST

**PUBLIC HEARING TO CONSIDER A 60-UNIT RESIDENTIAL APARTMENT PROJECT (MACDONALD APARTMENTS), INCLUDING PARKING AND RELATED ON-SITE IMPROVEMENTS ON APPROXIMATELY 2.87 ACRES LOCATED ON THE NORTH SIDE OF VALPICO ROAD NORTHWEST OF THE INTERSECTION OF VALPICO ROAD AND GLENBRIAR DRIVE, 2605 S. MACARTHUR DRIVE, ASSESSOR'S PARCEL NUMBER 246-140-12. THE PROJECT INCLUDES REZONING THE SITE FROM MEDIUM DENSITY RESIDENTIAL TO HIGH DENSITY RESIDENTIAL (R12-0002), ZONING REGULATIONS AMENDMENT REGARDING THE MINIMUM NUMBER OF REQUIRED OFF-STREET PARKING SPACES (TRACY MUNICIPAL CODE SECTION 10.08.3470) (ZA12-0005), AND DEVELOPMENT REVIEW APPROVAL FOR THE APARTMENT PROJECT (D12-0006). THE APPLICANT IS PETER MACDONALD.**

EXECUTIVE SUMMARY

The request is to approve a 60-unit, residential apartment project located at the northwest corner of Valpico Road and Glenbriar Drive. Staff and the Planning Commission recommend approval of the Project.

DISCUSSION

Project Description

The proposal is to construct a 60-unit, multi-family residential project on approximately 2.87 acres (Attachment A). The existing single-family home on the site (Attachment B) will be removed as part of the Project. The Project consists of three, three-story apartment buildings: two buildings containing 24 units each and one building containing 12 units (Attachment C). No subdivision is proposed at this time; all units will be rental apartments.

Attachments D, E, F, and G contain the Project's exterior building elevations, floor plans, conceptual landscape plan, and site cross sections, respectively.

Two different exterior building elevations are proposed. Both versions include tile roofs, decorative window trim and shutters, building articulation, mass variations and are integrated with landscaping to create a high-quality architectural design. The developer is seeking approval of both versions so he can choose one version or the other at the time of construction. Both versions meet City standards, are of equally high quality for this site. Staff is recommending that both versions be approved so the developer may retain flexibility to decide which version to construct at the time of building permit application.

The grade of the site is significantly lower than the adjacent Valpico Road grade. And although fill will be brought on to the site to raise its grade several feet, the finished grade at Building 1 (the Building closest to Valpico Road) will be approximately 15 feet below the Valpico Road grade. The site will slope generally downhill from south to north.

The site cross sections (Attachment G) illustrate the proposed grades and slopes of the Project site.

A masonry wall is proposed (on private property) along the Valpico Road property line directly south of Building 1. The wall's height on the Valpico Road side will be six feet, and stepping down to four feet as it gets closer to Glenbriar Drive. The wall will not be constructed within approximately 60 feet from the Glenbriar Drive/Valpico Road intersection. The wall is designed by the applicant to help mitigate traffic noise from Valpico Road and for privacy for the private, outdoor decks of the Building 1 ground floor units. The wall will have the opportunity for vines or ivy planted on the Valpico Road side to grow onto the wall.

Thirty of the Project's 60 units will have two bedrooms and two bathrooms each, and the other 30 units will contain one bedroom and one bathroom each. The units range in size from approximately 900 square feet to over 1200 square feet.

Adjacent to the east of the Project site is a vacant, 8.75-acre site on which the Valpico Apartments project is proposed. Glenbriar Drive will be extended north from Valpico Road to provide access to both sites and to potential future development to the north of the Project site. Attachment H contains a composite site plan which includes both the proposed MacDonald Apartments Project and the proposed Valpico Apartments project. The Valpico Apartments project is also scheduled for City Council consideration on this City Council agenda.

#### Parking – Tracy Municipal Code Amendment

City parking standards require 1.5 off-street parking spaces per one-bedroom unit, 2.0 spaces per unit with two or more bedrooms, and one guest space for every five units. This 60-unit project, therefore, would require 117 off-street parking spaces. The Project, by contrast, proposes 99 off-street parking spaces – 15 percent fewer than is required by City parking standards. The recommended solution is to amend City parking standards to allow the project to be constructed as proposed.

The number of off-street parking spaces required for multi-family projects by the City of Tracy is higher than many other jurisdictions. Recognizing this, the City Council has adopted policies directing the City to evaluate and amend off-street parking requirements. For example, two related General Plan Housing Element policies relate to this topic:

Policy 3.5: "Promote flexible development standards to provide for a variety of housing types."

Policy 4.1: "Review and adjust, as appropriate, residential development standards, regulations, ordinances, and processing procedures that are determined to constrain housing development."

Measure T-2 of the City's Sustainability Action Plan addresses off-street parking requirements more directly:

Sustainability Action Plan Measure T-2, in relevant part: Reduced Parking Requirement.

Amend the Zoning Ordinance to allow a reduction in parking requirements under the following circumstances:

- Actual demand lower than as required in code as demonstrated by a parking study.
- Proximity to bus stop/transit.

Following is a proposed addition to the City's off-street parking ordinance recommended by City staff and the Planning Commission, Tracy Municipal Code Section 10.08.3470(e):

Off-Street Parking Space Reduction. The number of off-street parking spaces required in Section 10.08.3480 may be reduced by up to 20 percent if the owner of the property submits a parking study documenting that such off-street parking spaces will not be necessary to mitigate parking demands for a use or project. The parking study shall contain surveys or documented parking demand for similar uses or other written documentation to the satisfaction of the Development Services Director. The determination regarding an off-street parking space reduction shall be made by the Development Services Director, unless the permit or approval for the project or use must otherwise receive Planning Commission or City Council approval, in which case the off-street parking space reduction determination shall be made by the Planning Commission or City Council, whichever has review authority for the project or use. In making a determination regarding an off-street parking space reduction, the Director, Commission, or Council shall take into account the following: the parking study; the availability of nearby on- or off-street parking; accessibility to nearby public transit; the City site planning design goals; and other relevant information.

This new section would allow the City to consider reductions to the number of required off-street parking spaces on a case-by-case basis. This proposed section presumes the City's existing standards are reasonable, but allows a property owner to submit a project specific parking study to seek permission to reduce the number of spaces required for a specific project.

For this Project, the applicant prepared a parking study (Attachment I) to evaluate the number of parking spaces appropriate for this project. The parking study includes a survey of parking demand for five existing apartment complexes in Tracy, a comparison of parking requirements by other cities, and an analysis of projected parking demand for the proposed Project.

The parking study demonstrates that 99 off-street parking spaces for this project (particularly given the number of bedrooms in each unit and the availability of on-street parking) will adequately mitigate the parking demand.

Staff and the Planning Commission are recommending approval of both the addition to the Tracy Municipal Code and to the determination that 99 parking spaces is adequate for this Project.

### Public Roadway Traffic

The City's Transportation Master Plan identifies arterial and collector street roadway locations, widths, and other design details to accommodate traffic projected from existing and proposed land uses in the City's General Plan. Valpico Road and MacArthur Drive are designed to accommodate traffic from this Project at City-prescribed levels of service. In order to evaluate lengths of turning lanes, the curve and slope of Glenbriar Drive north of Valpico Road, median length, and other design details, the City contracted with TJKM Transportation Consultants to analyze potential traffic impacts of the proposed MacDonald and the adjacent Valpico Apartment projects. TJKM's Traffic Impact Study concludes that traffic generated by the two projects, combined, will result in nearby roadways and intersections operating within City approved levels of service standards.

### Rezoning to High Density Residential

In 2006, the subject property's General Plan designation was changed to Residential High. The 2011 General Plan update confirmed the Residential High General Plan designation.

General Plan Action LU-1.1 A1 of the Land Use Element directs the City to, "Amend the zoning code and map for overall consistency with the General Plan." Part of this Project is a request to rezone the site to High Density Residential to make it consistent with the General Plan. This request is a follow up item to the General Plan update, one that would have been initiated by the City, eventually, if it were not requested as part of this Project.

### Public Schools

The Project site is located within the Tracy Unified School District related to K through 12<sup>th</sup> grade education. School age children who reside within the Project would be in the attendance boundary areas for Bohn Elementary School, Williams Middle School, and Tracy High School.

The Project plans, notices, and other outreach have been extended to Tracy Unified School District staff. School District staff indicated that enrollment at the three potentially affected schools have been on the decline in recent years and that they do not anticipate any issues in being able to accommodate students from this Project.

### Public Meeting and Notices

On September 12, 2012, the developer conducted a neighborhood meeting to introduce the project and answer questions. The developer sent approximately 170 notices to nearby property owners and the Hidden Lake property owners association. Approximately one dozen nearby property owners and residents attended, plus developer representatives and City staff. Others who could not attend contacted the developer or City staff directly to ask questions about the Project.

Normally, public hearing notices are sent to owners of property within 300 feet of a project site in compliance with State law. Other notices are sent to the public library,

media contacts, and others who have expressed interest in the project. The number of property owners within 300 feet of both the MacDonald and Valpico Apartment project sites is 34. Due to a potentially higher level of interest among nearby property owners regarding this Project and the adjacent Valpico Apartments project, City staff expanded the public notice mailing for the November 14, 2012 Planning Commission meeting to include approximately 220 of the nearest property owners, some parcels over 900 feet away.

Based on public input during the Planning Commission public hearing, the notification for this City Council hearing was expanded even further to include over 700 property owners – mostly owners of residential property in the nearby Ashley Park (Larkspur Estates), Hidden Lake, and Glenbriar Subdivisions and in San Joaquin County southeast of the intersection of Valpico Road and MacArthur Drive.

Most inquiries to City staff prior to publication of this staff report, as a result of Project outreach, have been fact finding clarifications regarding Project design, timing, and nearby planned roadway or other City improvements.

#### Planning Commission Review

On November 14, 2012, the Planning Commission conducted a public hearing to review the Project. The Project applicant spoke in favor of the Project. Two Tracy residents addressed the Planning Commission in opposition to the project, identifying concerns related to traffic, parking, storm drainage, space in public schools, and public notification regarding the Project. Following a discussion, the Planning Commission (5-0 vote) recommending that the City Council approve the Project.

#### CEQA DOCUMENTATION

The Project is consistent with the Residential High designation and the density requirements of the City's General Plan. The proposal does not change the development density established by the General Plan for which an Environmental Impact Report was certified on February 1, 2011 (State Clearinghouse Number 2008092006). Therefore, in accordance with California Environmental Quality Act Guidelines Section 15183, no further environmental assessment is required.

#### STRATEGIC PLANS

The proposed 60-unit apartment Project does not directly relate to the City Council's Strategic Priorities. However, the proposed Parking Code amendment implements Objective 3a (Implement the Sustainability Action Plan) of the Livability Strategy. Sustainability Action Plan Measure T-2, Reduced Parking Requirements, states in relevant part, "Amend the Zoning Ordinance to allow a reduction in parking requirements under the following circumstances: Actual parking demand lower than as required in code as demonstrated by a parking study."

### FISCAL IMPACT

This agenda item will not require any specific expenditure from the General Fund. Consultant studies to analyze the Project's effects on traffic, storm drainage, sewer, and water were paid by the developer.

### RECOMMENDATION

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

1. Approve the rezoning of the site from Medium Density Residential to High Density Residential.
2. Approve the Tracy Municipal Code Amendment regarding off-street parking space reduction.
3. Determine that 99 off-street parking spaces is sufficient to mitigate parking demands of the project.
4. Approve the Development Review application for the 60-unit residential apartment project.

Prepared by: Alan Bell, Senior Planner  
Reviewed by: Bill Dean, Assistant Development Services Director  
Approved by: Andrew Malik, Development Services Director  
Leon Churchill, Jr., City Manager

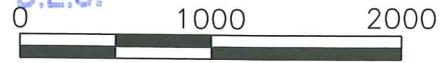
### ATTACHMENTS

Attachment A – Location Map  
Attachment B – Aerial Photograph of the Site  
Attachment C – Site Plan  
Attachment D – Exterior Building Elevations  
Attachment E – Floor Plans  
Attachment F – Conceptual Landscape Plan  
Attachment G – Site Cross Sections  
Attachment H – Composite Site Plan Including the Proposed MacDonald and Valpico Apartment Projects  
Attachment I – MacDonald Apartments Parking Study  
Attachment J – General Plan Map of Site Area  
Attachment K – Zoning of Site Area  
Attachment L – Ordinance to Rezone the Site to High Density Residential  
Attachment M – Ordinance for Zoning Text Amendment Regarding Off-Street Parking Space Reduction  
Attachment N – Resolution Approving the Development Review Application and the Determination Regarding Off-Street Parking Spaces, with Project Conditions of Approval

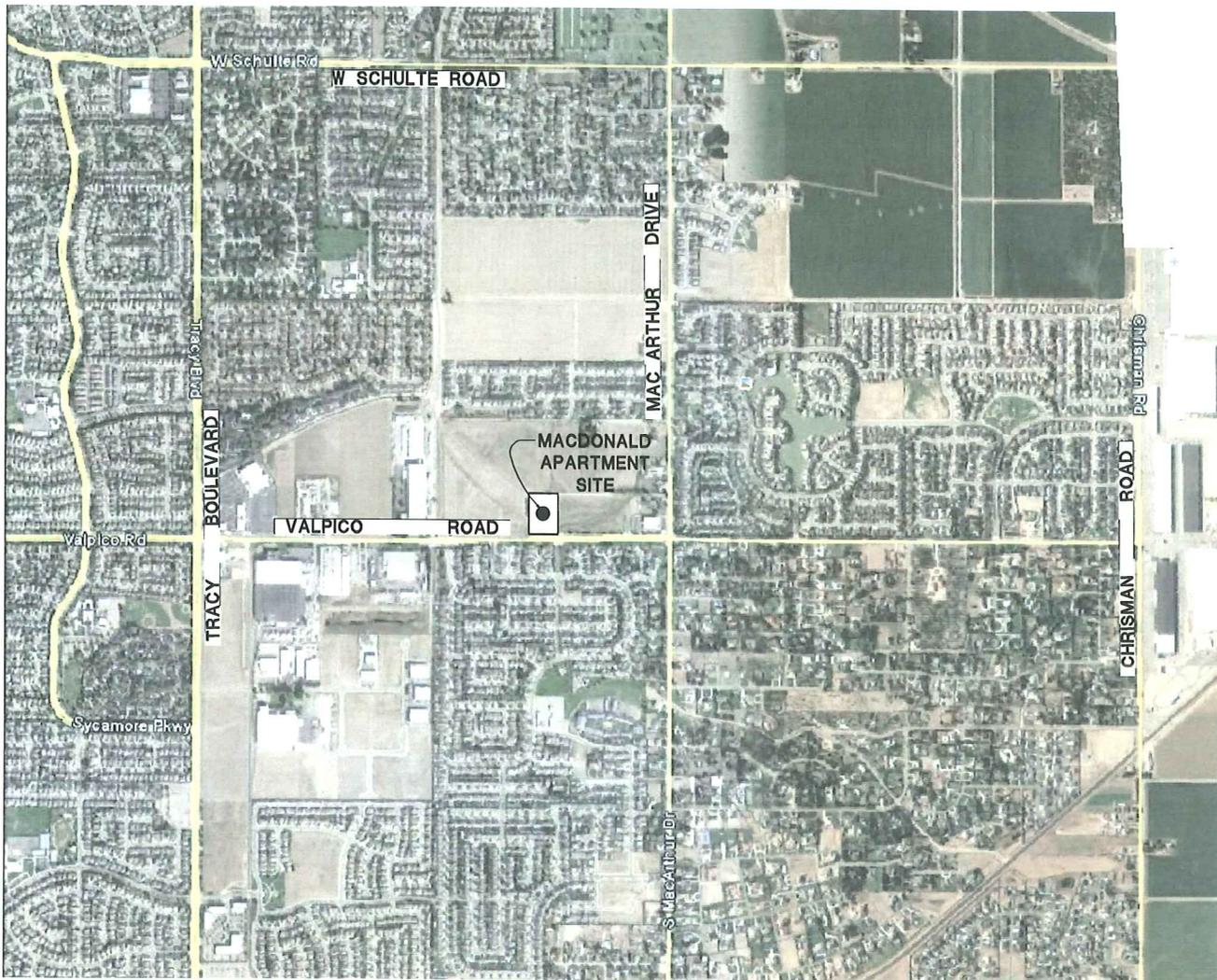
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CITY OF TRACY  
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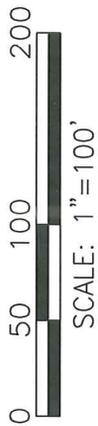
LOCATION MAP

**Mackay & Somps**  
ENGINEERS PLANNERS SURVEYORS  
PLEASANTON, CA (925)225-0690

**MACDONALD APARTMENTS**

TRACY, CALIFORNIA

DRAWN BY: JRF | JOB NO: 19630.000 | DATE: 5/30/2012 | REV. DATE: MM-DD-YY



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MAY 30 2012

CITY OF TRACY  
D.E.S.

AERIAL PHOTO

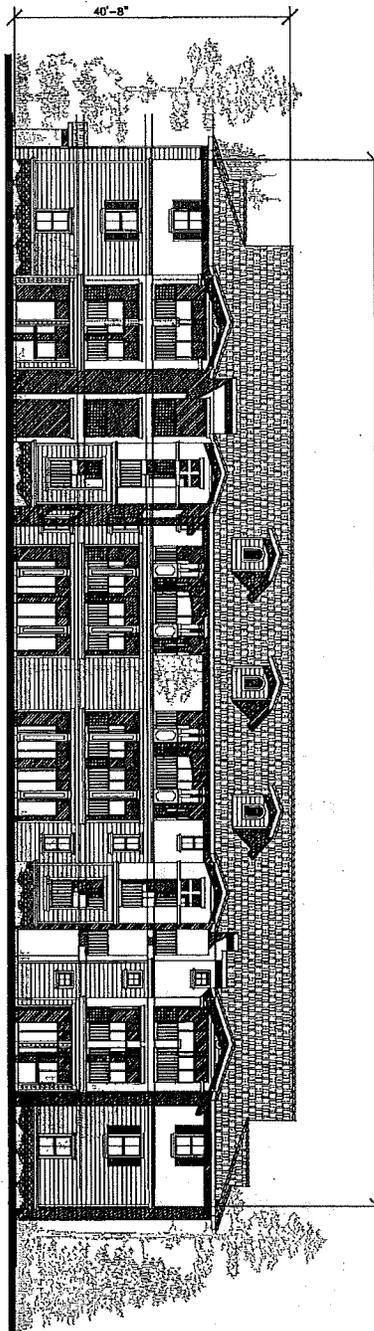
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TRACY, CALIFORNIA

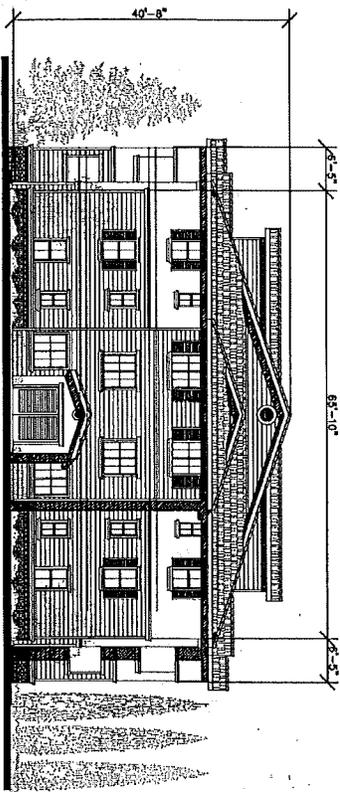
**MACKAY & SOMPS**  
ENGINEERS PLANNERS SURVEYORS

DRAWN BY: JRF    JOB NO: 19645.000    DATE: 5/30/2012    FLIGHT DATE: DEC. 2011





24-PLEX BUILDING FRONT ELEVATION

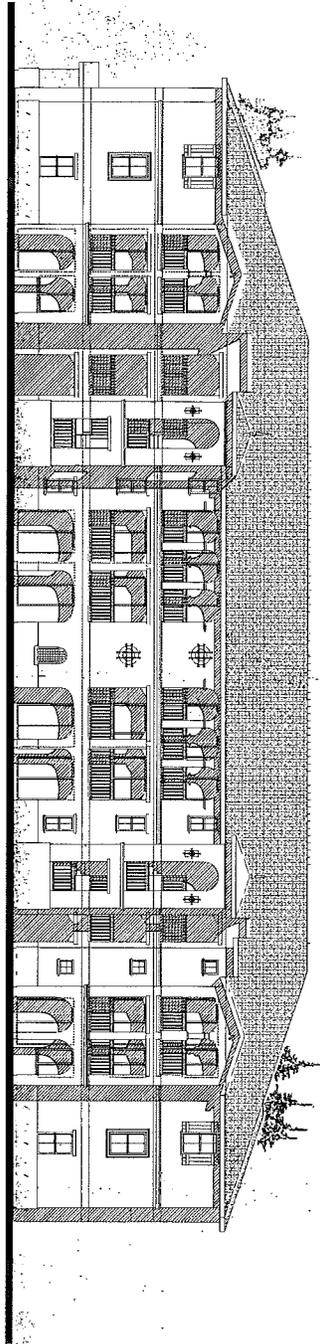


24-PLEX BUILDING TYPICAL SIDE ELEVATION

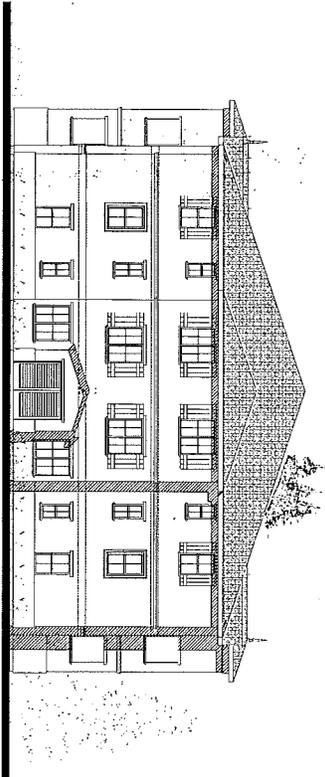
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MAY 30 2012  
CITY OF TRACY  
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PROJECT NO. 18845.000 SHEET 8 OF 10 SHEETS	PLANS FOR THE IMPROVEMENT OF <b>MACDONALD APARTMENTS</b> DEVELOPMENT REVIEW <b>24 PLEX APARTMENTS</b> BUILDING ELEVATIONS	DATE 05-30-2012	SHEET NO. 8	 Tablesky Green Architects Architects 225 West 1st St. Tracy, CA 95376 (209) 391-1100	<b>CITY OF TRACY</b>  <small>APPROVAL OF THIS PLAN SET MAY BE GIVEN BY THE DEPARTMENT OF PERMITS BY THE          CHIEF OF PERMITS OR HIS DEPUTY OR OTHER OFFICER OF THE DEPARTMENT OF PERMITS          WHO IS A LICENSED ARCHITECT OR ENGINEER IN THE STATE OF CALIFORNIA. THE CITY OF          TRACY DOES NOT WARRANT THE ACCURACY OF THIS PLAN SET. THE CITY OF TRACY IS NOT          RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY CAUSED BY THE USE OF THIS          PLAN SET. THE CITY OF TRACY IS NOT RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR          PROPERTY CAUSED BY THE USE OF THIS PLAN SET.</small>
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24-PLEX BUILDING FRONT ELEVATION

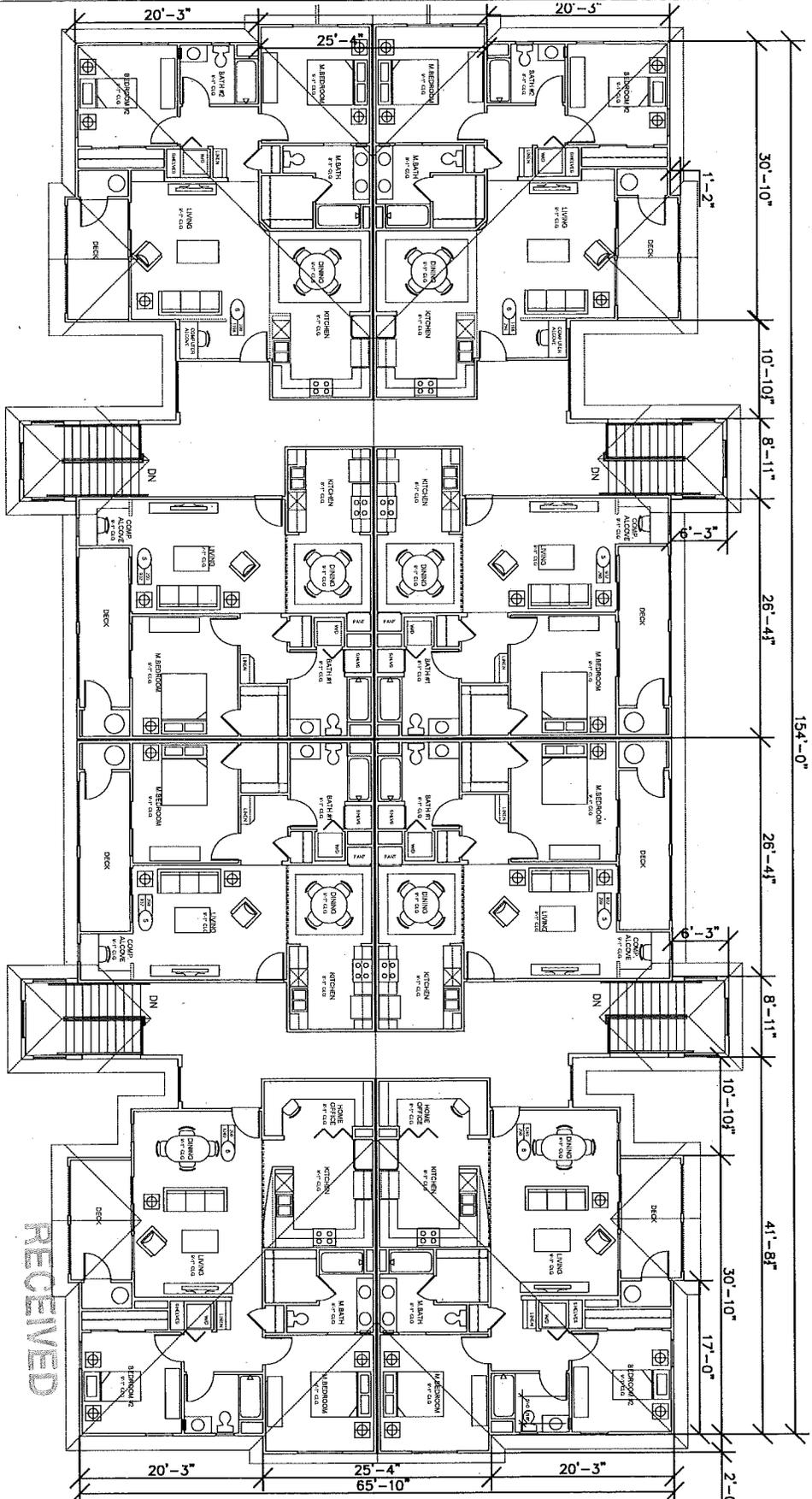


24-PLEX BUILDING TYPICAL SIDE ELEVATION

Various Agreements

PROJECT NO. 18043000 SHEET <b>8A</b> OF 10 SHEETS	PLANS FOR THE IMPROVEMENT OF <b>MACDONALD APARTMENTS</b> DEVELOPMENT REVIEW <b>24 PLEX APARTMENTS</b> BUILDING ELEVATIONS TRACY CALIFORNIA	DATE 9-05-2012 DRAWN BY JF CHECKED BY SCALE 1/8"=1'-0" N/A	<table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>REVISION</th> <th>APPROVED</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DATE	REVISION	APPROVED																	 <p><b>Tublesky Green Architects</b>          Incorporated          1144 1st St          Tracy, CA 95376          (925) 835-2754</p>	<b>CITY OF TRACY</b>
	NO.	DATE	REVISION	APPROVED																					

24-PLEX BUILDING PLAN



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CITY OF TRACY  
D.E.S.

PROJECT NO.  
19446.000  
SHEET  
7  
OF 10 SHEETS

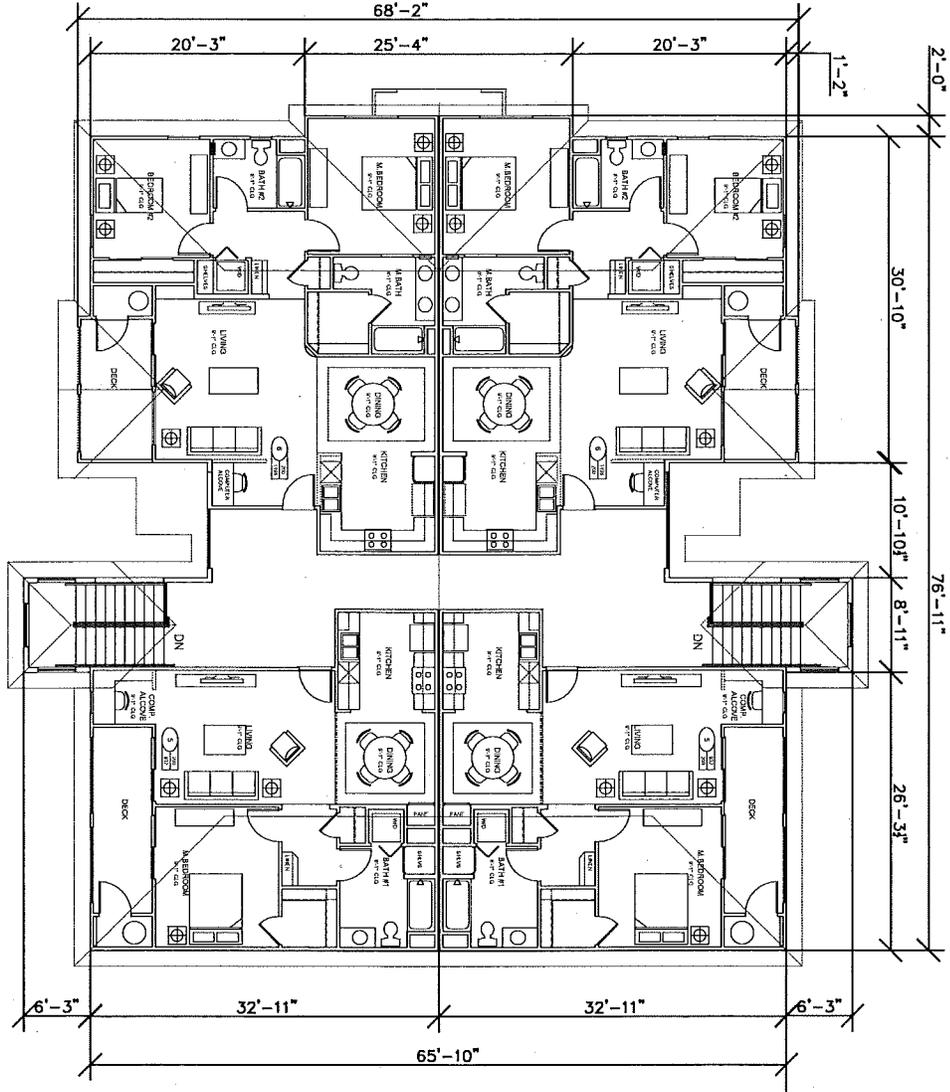
PLANS FOR THE IMPROVEMENT OF  
**MACDONALD APARTMENTS**  
DEVELOPMENT REVIEW  
**BUILDING FLOOR PLANS**  
24 - PLEX BUILDING  
TRACY CALIFORNIA

NO.	DATE	BY	DESCRIPTION
05-30-2012	DRG		
	CHKD		
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	SCALE	1"=1'-0"	
	DATE	5/30/12	
	BY	W/A	

**Tablet Green Architects**  
77 Main Street  
Tracy, CA 95376  
Tel: 209.392.8888  
www.tabletgreen.com

**CITY OF TRACY**  
APPROVAL OF THESE PLANS DOES NOT IMPLY THE ENDORSEMENT OF THE ACCURACY AND COMPLETION OF ANY OTHER PARTS OF THE PROJECT. THE CITY OF TRACY IS NOT RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT. THESE PLANS ARE THE PROPERTY OF THE CITY OF TRACY AND ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFIC AS SHOWN ON THESE PLANS. THE CITY OF TRACY DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION OR DATA PROVIDED TO THE CITY OF TRACY. THE CITY OF TRACY DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION OR DATA PROVIDED TO THE CITY OF TRACY. THE CITY OF TRACY DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION OR DATA PROVIDED TO THE CITY OF TRACY.

12-PLEX BUILDING PLAN



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MAY 30 2012  
CITY OF TRACY  
D.E.S.

OF 10 SHEETS  
9

PLANS FOR THE IMPROVEMENT OF  
**MACDONALD APARTMENTS**  
DEVELOPMENT REVIEW  
**BUILDING FLOOR PLANS**  
12 - PLEX BUILDING  
TRACY CALIFORNIA

DATE: 05-30-2012  
DESIGNED BY: JAC  
DRAWN BY: JAC  
CHECKED BY: JAC  
SCALE: 3/16"=1" A/A

NO.	REV.	DESCRIPTION	APPROVED

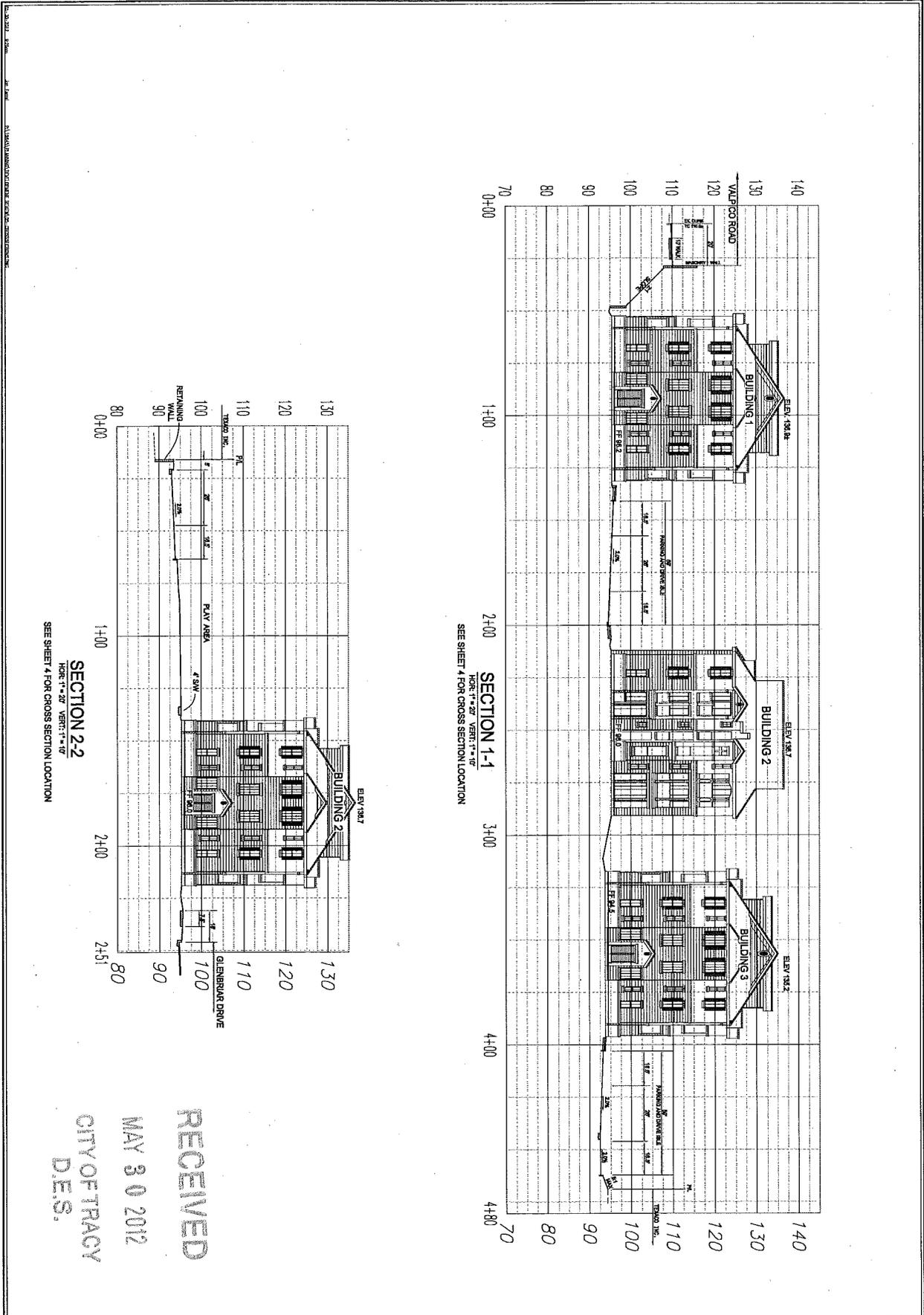
**Toblesky Green Architects**  
Architects  
1700 Main Street  
Tracy, CA 95376  
TEL: 920.255.2200  
WWW.TGA-ARCHITECTS.COM

**CITY OF TRACY**

APPROVAL OF THESE PLANS DOES NOT RELIEVE THE RESPONSIBILITY FOR CORRECTION OF ERRORS, OMISSIONS, OR CHANGES. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF TRACY. THE CITY ENGINEER SHALL HAVE THE AUTHORITY TO REQUIRE SUCH CORRECTIONS OR REVISIONS AND TO SUSPEND THE PERMIT IF SUCH PERMITS ARE NOT OBTAINED AS SOON AS THEY ARE REQUIRED BY THE CITY ENGINEER. APPROVAL AS TO BE SHOWN ONLY BASED ON THE INFORMATION SUBMITTED HERETO APPROVED FOR THE CITY OF TRACY.

TRACY ENGINEER: \_\_\_\_\_ CITY ENGINEER: \_\_\_\_\_



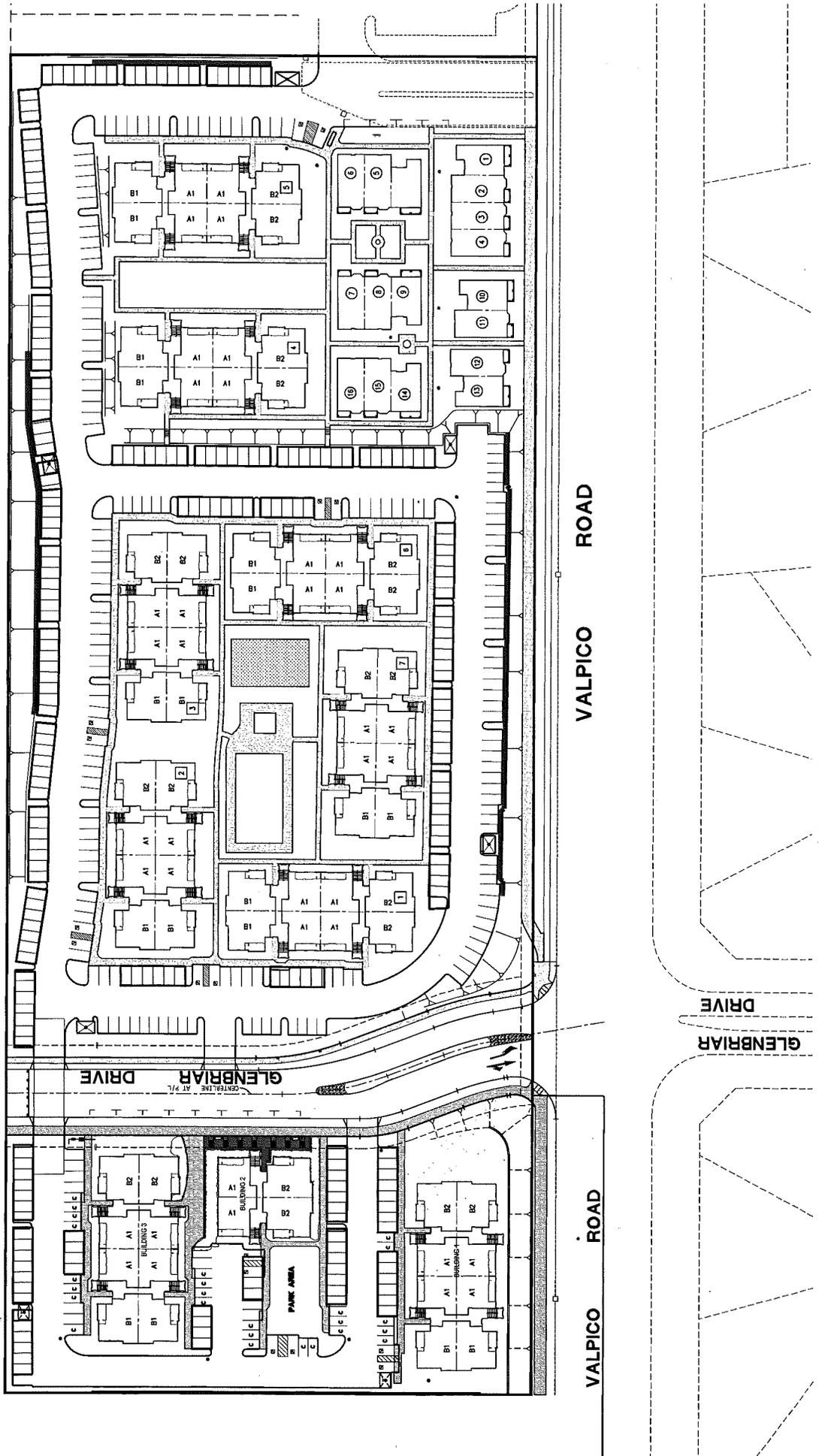


SECTION 2-2  
 HORIZ. 1" = 20' VERT. 1" = 4'  
 SEE SHEET 4 FOR CROSS SECTION LOCATION

SECTION 1-1  
 HORIZ. 1" = 20' VERT. 1" = 4'  
 SEE SHEET 4 FOR CROSS SECTION LOCATION

RECEIVED  
 MAY 30 2012  
 CITY OF TRACY  
 D.E.S.

PLANS FOR THE IMPROVEMENT OF <b>MACDONALD APARTMENTS</b> DEVELOPMENT REVIEW <b>CROSS SECTIONS</b> TRACY CALIFORNIA	DATE: 05-30-2012 DRAWN BY: JRE CHECKED BY: JRE SCALE: AS SHOWN HORIZ. 1" = 20' VERT. 1" = 4'	REVISIONS <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> <th>APPROVED</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	APPROVED					<b>Mackay &amp; Soms</b> ENGINEERS PLANNERS SURVEYORS 2148 FERRIS DR. PLEASANTON, CA 94558 (925)222-0600	CITY OF TRACY APPROVAL OF THESE PLANS DOES NOT CONSTITUTE AN ENDORSEMENT OR THE REPRESENTATION OF THE CORRECTNESS OF MATERIALS, METHODS OR METHODS CONTAINED THEREIN. IT IS THE POLICY OF THE CITY OF TRACY TO PROVIDE A PUBLIC HEARING AND REVIEW OF ALL PLANS SUBMITTED TO THE CITY ENGINEER AND TO RECORD SUCH PLANS. THE CITY ENGINEER SHALL HAVE THE AUTHORITY TO REQUIRE SUCH AMENDMENTS OR REVISIONS TO BE MADE TO ANY PLAN AS NECESSARY TO BRING IT INTO CONFORMANCE WITH THE CITY ENGINEER'S REQUIREMENTS AS TO RECORD. ONLY THOSE PLANS WHICH ARE APPROVED FOR THE CITY OF TRACY.
	NO.	DATE	DESCRIPTION	APPROVED								
PRODUCT NO. 19645.000 SHEET 5 OF 10 SHEETS	CITY ENGINEER: _____ DATE: _____											



A complete copy of this study can be obtained at the City of Tracy Development Services Department, City Hall.

**Tracy Parking Study**

**June 2012**

RECEIVED

JUN 22 2012

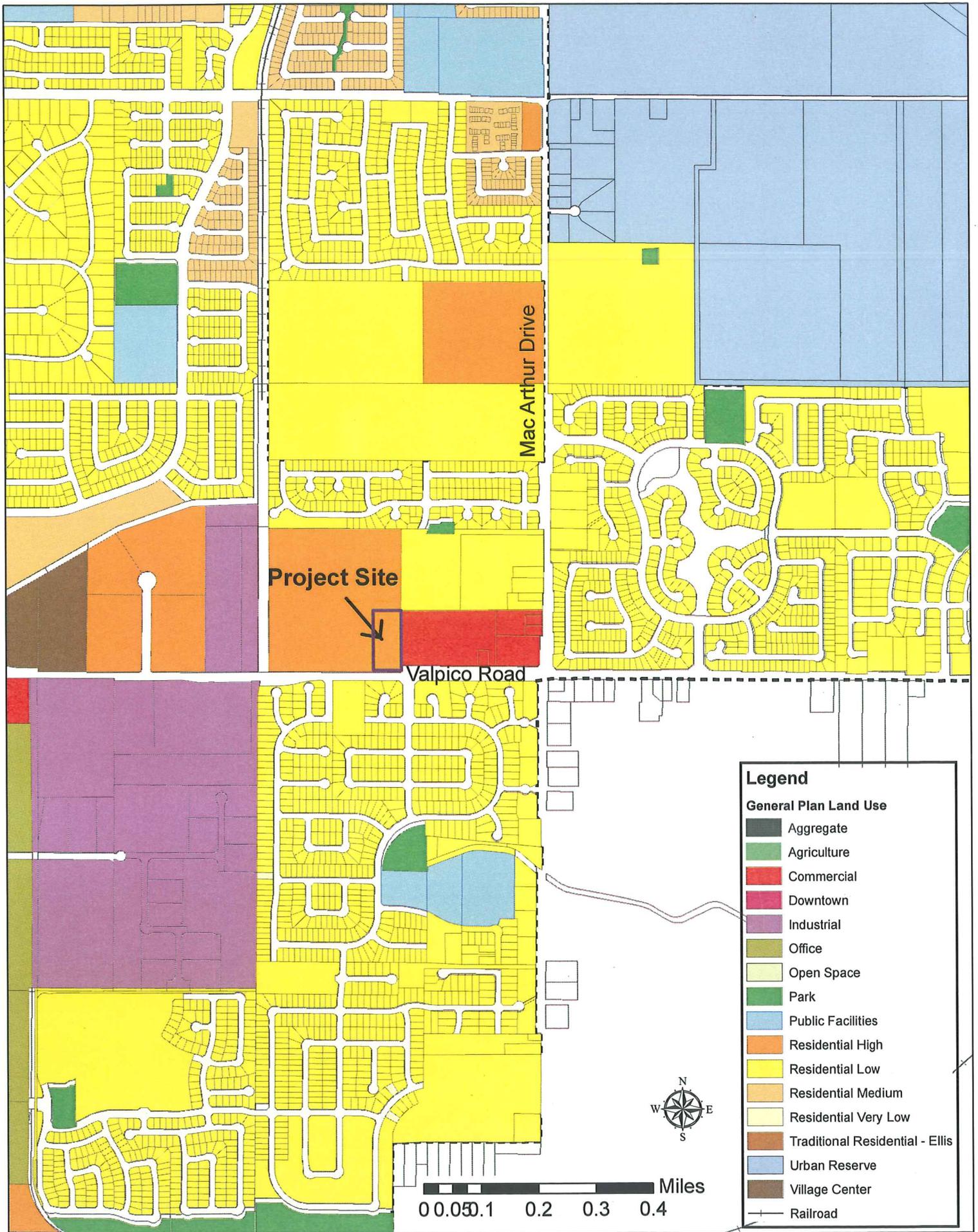
CITY OF TRACY  
D.E.S.

**Prepared by:  
Peter MacDonald  
M.S. Urban Planning**

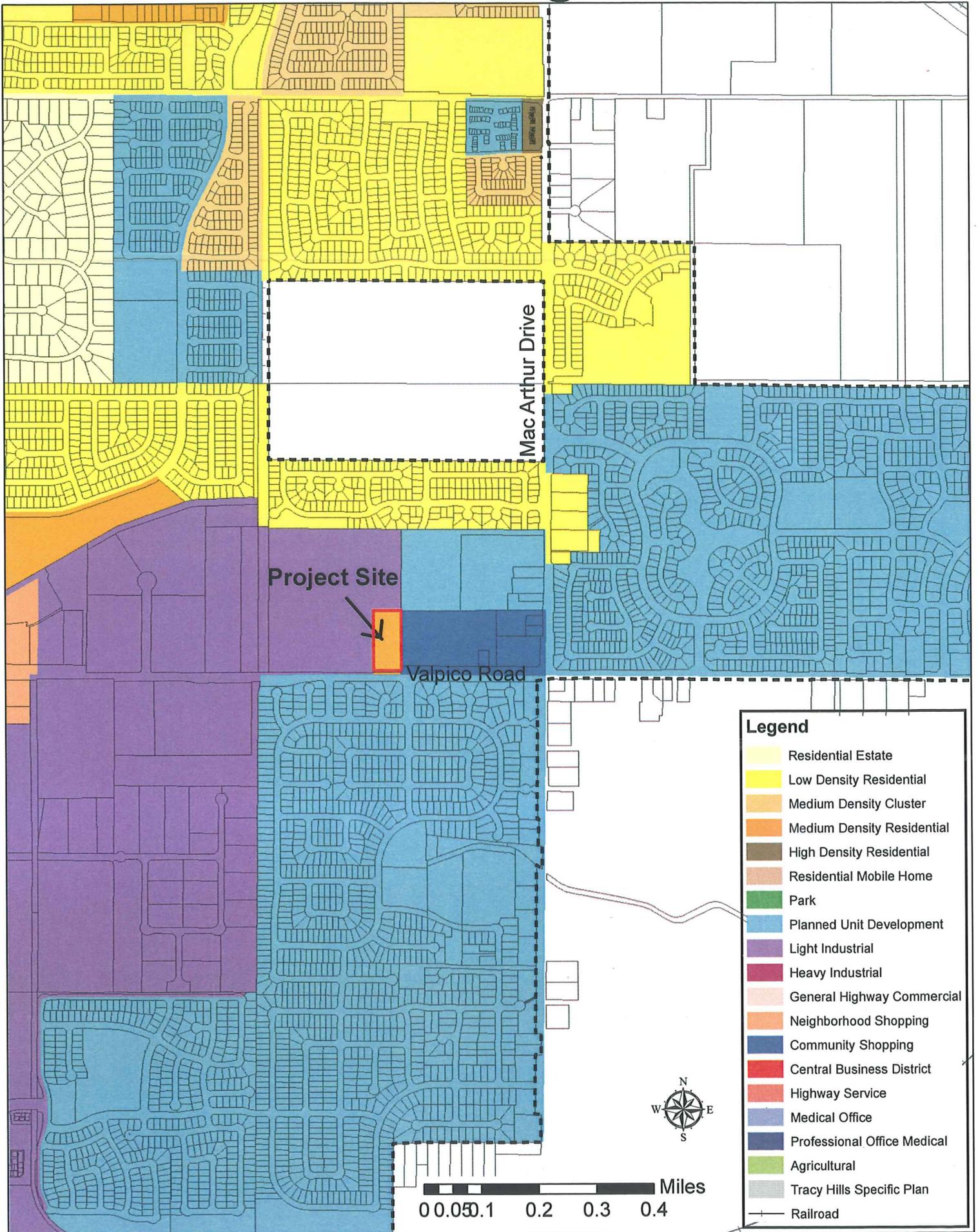
**400 Main Street, Ste. 210  
Pleasanton, CA 94566**

**Phone: 925-462-0191  
Email: [pmacdonald@macdonaldlaw.net](mailto:pmacdonald@macdonaldlaw.net)**

# General Plan



# Zoning



ORDINANCE \_\_\_\_\_

AMENDING THE ZONING MAP OF THE CITY OF TRACY BY RECLASSIFYING PROPERTY LOCATED AT THE NORTHWEST CORNER OF VALPICO ROAD AND GLENBRIAR DRIVE APPLICATION NUMBER R12-0002

The City Council of the City of Tracy does ordain as follows:

SECTION 1: The Zoning Map of the City of Tracy is hereby amended to reclassify the following property from Medium Density Residential to High Density Residential:

Approximately 2.87 acres located at the northwest corner of Valpico Road and Glenbriar Drive, 2605 S. MacArthur Drive, Assessor's Parcel Number 246-140-12 and adjacent public rights-of-way to center line of street.

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 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 held on the 18<sup>th</sup> day of December, 2012, and finally passed and adopted by said Council at its regular meeting on the \_\_\_\_\_ day of January 2013, by the following vote:

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

\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk

ORDINANCE \_\_\_\_\_

AN ORDINANCE ADDING SECTION 10.08.3470(e) TO THE TRACY MUNICIPAL CODE REGARDING OFF-STREET PARKING SPACE REDUCTION

WHEREAS, This Tracy Municipal Code Amendment is designed to implement City of Tracy Sustainability Action Plan Measure T-2, Reduced Parking Requirement, which states, in part: "Amend the Zoning Ordinance to allow a reduction in parking requirements under the following circumstances: Actual demand lower than as required in code as demonstrated by a parking study";

NOW, THEREFORE, The City Council hereby ordains as follows:

SECTION 1: Section 10.08.3470, Exceptions, of the Tracy Municipal Code, is amended by adding the following:

**"Section 10.08.3470 Exceptions**

...

(e) Off-Street Parking Space Reduction. The number of off-street parking spaces required in Section 10.08.3480 may be reduced by up to 20 percent if the owner of the property submits a parking study documenting that such off-street parking spaces will not be necessary to mitigate parking demands for a use or project. The parking study shall contain surveys or documented parking demand for similar uses or other written documentation to the satisfaction of the Development Services Director. The determination regarding an off-street parking space reduction shall be made by the Development Services Director, unless the permit or approval for the project or use must otherwise receive Planning Commission or City Council approval, in which case the off-street parking space reduction determination shall be made by the Planning Commission or City Council, whichever has review authority for the project or use. In making a determination regarding an off-street parking space reduction, the Director, Commission, or Council shall take into account the following: the parking study; the availability of nearby on- or off-street parking; accessibility to nearby public transit; the City site planning design goals; and other relevant information.

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 a newspaper of general circulation within fifteen (15) days from and after its final passage and adoption.

\* \* \* \* \*

Ordinance \_\_\_\_\_

Page 2

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AYES:            COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

RESOLUTION 2012-\_\_\_\_\_

APPROVING A DEVELOPMENT REVIEW APPLICATION (D12-0006)  
AND DETERMINATION REGARDING OFF-STREET PARKING SPACE REDUCTION  
FOR THE MACDONALD APARTMENTS LOCATED ON APPROXIMATELY 2.87 ACRES  
AT THE NORTHWEST CORNER OF VALPICO ROAD AND GLENBRIAR DRIVE,  
2605 S. MACARTHUR DRIVE, ASSESSOR'S PARCEL NUMBERS 214-140-12

WHEREAS, The Project includes appropriate buildings and site design in that the site is adjacent to the west to a vacant site, also designated Residential High by the City's General Plan which will help ensure land use compatibility; although a commercial shopping center has been approved for the vacant site adjacent to the east, a multi-family project is now proposed on that site, either of which provides for land use compatibility with the Project; the grade of the site is significantly lower than the Valpico Road and nearby residential neighborhood grades which will reduce visual effects of the Project; the site is located less than one mile from two existing consumer-oriented commercial sites which will provide shopping and retail services for residents of the Project; the existing nearby commercial establishments will benefit from new, nearby, additional residences which will provide potential customers for the existing businesses, and

WHEREAS, The Project will have access onto Valpico Road directly from the newly extended Glenbriar Drive so that the Project's automobile traffic is not required to travel through any existing residential neighborhoods for access, and

WHEREAS, The Project is consistent with the City's Design Goals and Standards, including its variety of housing types, compared with nearby single-family detached housing, to provide increased diversity and visual interest in the City's residential development, and

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

WHEREAS, The property owner conducted a parking study including a survey of parking demand of existing apartment complexes in Tracy, a comparison of parking requirements of other cities, and an analysis of projected parking demand for the Project, and

WHEREAS, Based on the owner's parking study, the number of one-bedroom units in the Project, the availability of adjacent on-street parking, and the proximity of public transportation, 99 off-street parking spaces will be sufficient to mitigate parking demands of the Project, and

WHEREAS, On November 14, 2012, the Tracy Planning Commission recommended that the City Council approve the Project, and

WHEREAS, On December 18, 2012, the Tracy City Council conducted a public hearing to review the Project;

NOW, THEREFORE, BE IT RESOLVED, That the Tracy City Council approves Development Review Application Number D12-0006 for the MacDonald Apartment Project subject to conditions contained in Exhibit 1 and determines that 99 off-street parking spaces is sufficient to mitigate off-street parking demands of the Project.

\* \* \* \* \*

The foregoing Resolution 2012-\_\_\_\_\_ was passed and adopted by the Tracy City Council on the 18<sup>th</sup> day of December 2012, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**Conditions of Approval for MacDonald Apartments**  
**Application Number D12-0006**  
**December 12, 2012**

These Conditions of Approval shall apply to the real property described as the MacDonald Apartments Project; proposed 60 multi-family residential units on approximately 2.87 acres located on the north side of Valpico Road, adjacent to and west of Glenbriar Drive, 2605 S. MacArthur Drive, Assessor's Parcel Number 246-140-12; Application Number D12-0006.

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

1. "Applicant" means any person, or other legal entity, defined as a "Developer".
2. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
3. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
4. "Conditions of Approval" shall mean the conditions of approval applicable to the MacDonald Apartments Project, proposed 60 multi-family residential units on approximately 2.87 acres located on the north side of Valpico Road, adjacent to and west of Glenbriar Drive, 2605 S. MacArthur Drive, Assessor's Parcel Number 246-140-12, Application Number D12-0006. The Conditions of Approval shall specifically include all Development Services Department conditions, including Planning Division and Engineering Division conditions set forth herein.
5. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
6. "Project" means the real property consisting of approximately 2.87 acres located on the north side of Valpico Road, adjacent to and west of Glenbriar Drive, 2605 S. MacArthur Drive, Assessor's Parcel Number 246-140-12, Application Number D12-0006.
7. "Property" means the real property generally located on the north side of Valpico Road, adjacent to and west of Glenbriar Drive, 2605 S. MacArthur Drive, Assessor's Parcel Number 246-140-12.
8. "Subdivider" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. "Subdivider" also means Developer. The term "Developer" shall include all successors in interest.

9. Adjacent HDR Project means the 189-unit apartment project to be located at the northeast corner of Valpico Road and Glenbriar Drive.

B. Planning Division Conditions of Approval:

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, et seq.), the Subdivision Map Act (Government Code sections 66410, et seq.), the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 15000, et seq., "CEQA Guidelines").
2. Unless specifically modified by these Conditions of Approval, the Project shall comply with all City Regulations.
3. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the 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 and Engineering Services Department on May 30, 2012 and as modified by plans submitted on September 5, 2012.
6. Prior to the issuance of a building permit, the applicant shall provide a detailed landscape and irrigation plan consistent with City landscape and irrigation standards, including, but not limited to Tracy Municipal Code Section 10.08.3560, the City's Design Goals and Standards, and the applicable Department of Water Resources Model Efficient Landscape Ordinance on private property, and the Parks and Parkways Design Manual for public property, to the satisfaction of the Development Services Director. Said landscape plans shall include documentation which demonstrates there is no less than 20 percent of the parking area in landscaping, and 40 percent canopy tree coverage at tree maturity in accordance with City Regulations. 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 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. 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, 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 Valpico Road, Glenbriar Drive, or any other public right-of-way. All roof-mounted equipment shall be contained within the roof well or screened from view from the public rights-of-way by the roof of the building, to the satisfaction of the Development Services Director.
10. All vents, gutters, downspouts, flashing, electrical conduit, and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.
11. Prior to final inspection or certificate of occupancy, on-site circulation signs shall be installed to the satisfaction of the Development Services Director.
12. Prior to final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into the public rights-of-way or nearby residential property, to the satisfaction of the Development Services Director.
13. Prior to the issuance of a building permit, bicycle parking spaces shall be provided in accordance with Tracy Municipal Code Section 10.08.3510 to the satisfaction of the Development Services Director.
14. All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Director.
15. No signs are approved as a part of this development application. Prior to the installation of any signs, the applicant shall submit a sign permit application and receive approval from the Development Services Director in accordance with City Regulations.
16. Prior to the issuance of a building permit, the Developer shall submit detailed trash and recycling enclosure plans which include the following, to the satisfaction of the Development Services Director: the walls shall be of masonry construction, at least eight feet in height, include solid metal doors, a solid roof, and an interior perimeter concrete

curb. The enclosures shall include exterior color and material consistent with the adjacent building exterior.

17. Prior to the issuance of a building permit, the developer shall design a recycling program consistent with State Assembly Bill 341, to the satisfaction of the Public Works Director. The program shall include enclosures with adequate space for both refuse and recycling and shall be incorporated with the trash and recycling enclosures described in Planning Division Condition of Approval Number 17, above. Each enclosure shall have signs that clearly indicate refuse and recycling locations as well as prohibition of scavenging. The program shall include recycling options or elements at the pool area and other common areas for the tenants.
18. Because the project is located within Tracy Municipal Airports' Airport Influence Area, prior to the issuance of a building permit, and thereafter as applicable, the developer shall comply with the following San Joaquin County Council of Government's (COG) 2009 Airport Land Use Compatibility Plan conditions, to the satisfaction of San Joaquin County COG:
  - a. 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 the following:
    - i. 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).
    - ii. Sources of dust, steam, or smoke which may impair pilot visibility.
    - iii. Sources of electrical interference with aircraft communications or navigation. No transmissions which would interfere with aircraft radio communications or navigational signals are permitted.
    - iv. Any proposed use that creates an increased attraction for large flocks of birds.
19. Occupied structures must be soundproofed to reduce interior noise to 45dB according to State Guidelines.
20. A deed notice shall be recorded with the San Joaquin County Recorder regarding potential noise inconvenience, annoyance, or discomfort resulting from the nearby Tracy Municipal Airport.
21. Prior to the issuance of a building permit, the developer shall document compliance with the City of Tracy Manual of Stormwater Quality Control Standards for New Development and Redevelopment (Manual) to the satisfaction of the Public Works Director, which includes the requirement for Site Design Control Measures, Source Control Measures and Treatment Control Measures under the guidelines in a project Stormwater Quality Control Plan (SWQCP). Compliance with the Manual includes, but is not limited to, addressing outdoor storage areas, loading and unloading areas, trash enclosures,

parking areas, any wash areas and maintenance areas. The SWQCP must conform to the content and format requirements indicated in Appendix D of the Manual and must be approved by the Public Works Director prior to issuance of grading or building permits.

22. 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.
23. The developer shall design the carports in substantial conformance with the "Accessory Buildings" design received by the Development and Engineering Services Department on September 27, 2012.
24. The developer shall design and construct all buildings with fire sprinklers in accordance with City Regulations.
25. Prior to the issuance of a building permit, the developer shall annex the property to the Tracy Consolidated Landscape Maintenance District to the satisfaction of the Public Works Director, deposit a first year's assessment equivalent to the Maintenance District's first 12 months of estimated costs as determined by the Public Works Director, and shall pay all processing fees associated with annexation to the District.
26. Prior to the issuance of a building permit, the developer shall specify the design of the "Park Area" located adjacent to and west of Building 2, including its landscaping, furniture, recreational equipment, or other improvements consistent with City standards to the satisfaction of the Development Services Director.
27. Prior to issuance of a building permit, the developer shall demonstrate to the Development Services Director, compliance with San Joaquin Valley Air Pollution Control District Rule 9510 (Indirect Source Review), including payment of all applicable fees, to the satisfaction of the Air Pollution Control District.
28. The masonry wall along Valpico Road shall have exterior color and material consistent with the nearby City masonry walls along Valpico Road. Prior to the issuance of a building permit, the developer shall demonstrate the design of the wall to the satisfaction of the Development Services Director.
29. The Development Review approval shall not become effective until and unless the City Council amends the Tracy Zoning Regulations to add the Off-Street Parking Space Reduction, Tracy Municipal Code Section 10.08.3470(e) proposed with the Project. Without this amendment to the Tracy Municipal Code or other City Council action to obtain relief from the number of required off-street parking spaces, the Project shall be designed to meet the City's off-street parking requirements.

#### C. Engineering Division Conditions of Approval

1. Conditions of Approval Prior to Approval of Grading and Encroachment Permit Applications: No application for grading permit and encroachment permit within the Project boundaries will be accepted by the City as complete until the Developer provides

all documents required by City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

- a. The Developer has completed all requirements set forth in this section.
- b. The Developer has obtained the approval of all other public agencies with jurisdiction over the required public facilities.
- c. Execution of all agreements, posting of all improvement security, and providing documentation of insurance, as required by these Conditions of Approval.
- d. The Grading and Improvement Plans prepared in accordance with the Subdivision Ordinance and the City Design Documents. The improvement plans for all improvements (on-site and off-site) required to serve the development project in accordance with the Subdivision Ordinance, the City Design Documents, and these Conditions of Approval. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:
  - i. All existing and proposed utilities.
  - ii. All supporting calculations, specifications, cost estimate, and reports related to the design of streets and utilities improvements.
  - iii. Method of disposing storm water in the interim and ultimate conditions, the Project's on-site drainage connections to City's storm drainage system as approved by the City Engineer. Improvement Plans of the temporary off-site storm drainage retention basin or other means as approved by the City Engineer, percolation report and storm drainage calculations for the sizing of the basin.
  - iv. Improvement Plans prepared on 24" x 36" size polyester film (mylar) with the City Engineer and Fire Marshall approval and signature blocks. 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.
  - v. Grading and Drainage Plan in accordance with the requirements of Tracy Municipal Code, Subdivision Ordinance and City Regulations. Grading and Drainage Plans to be submitted in 24" x 36" size polyester film (mylar).
  - vi. Documentation or letter from respective owner(s) of private utilities, as required in Condition C-4(a), below.
  - vii. Joint Trench Plans and Composite Utility Plans for the installation of dry utilities such as electric, gas, TV cable and others that will be located within the 10 feet wide Public Utility Easement or to be installed to serve the Project or for the conversion of aerial lines to underground facilities, as required Condition C-4(b), below.

- e. Two (2) copies of the Project's Geo-technical /Soils Report prepared by Geo-technical Engineer and a copy of recorded slope easements (if applicable), as required in Condition C-5(a), below.
- f. Three (3) sets of the Project's Storm Water Pollution Prevention Plan (SWPPP), Best Management Practices (BMPs) and a copy of the Notice of Intent (NOI) with the State-issued Wastewater Discharge Identification number, as required in Condition C-5(c), below.
- g. Copy of the improvement plans and structural calculations for all on-site retaining walls, signed and stamped by the Design Engineer and approved by the City's Building Division, as required in Condition C-5(d), below.
- h. A construction cost estimate for all required public facilities, prepared in accordance with City Regulations. In calculating the total cost of public improvements, add 15% construction contingencies.
- i. Payment of applicable fees required by these Conditions of Approval and City Regulation including plan checking, grading and encroachment permit processing, construction inspection, testing, and agreement processing fees.
- j. Signed and notarized Deferred Improvement Agreement including improvement security(s) in the amounts approved by the City Engineer and form approved by the City Attorney including all the necessary attachments to the agreement, as required in Condition C-7(b), below.
- k. Memorandum issued by the City's storm drainage consultant confirming the invert elevation of the outlet pipe at the Project's permanent storm drainage connection point, as required in Condition C-7(d), below.
- l. Tracy's Fire Marshall's signature on the Improvement Plans indicating their approval of the location and construction detail of the fire service connection and the location and spacing of fire hydrants that are required to be installed to serve the Project, as required in Condition C-9(d), below.
- m. Signed and notarized Offsite Improvement Agreement with the fully executed improvement security for faithful performance, labor and materials, and warranty, for the construction of Valpico Road Frontage Improvements, as required in Condition C-1(c), above and Condition C-6(b), below.
- n. Signed and notarized Sanitary Sewer Maintenance Agreement (SSMA), for the private sewer line crossing on Glenbriar Drive, as required in Condition C-8(b), below. The City will prepare and complete the final agreement, before the completion of the plan review process. The SSMA and the Grant of Permanent Sanitary Sewer Easement will require City Council approval.
- o. Signed and notarized Grant of Easement with the legal description and plat map that describes the location of the 10-foot wide PUE on Valpico Road and

Glenbriar Drive, for the installation, use, repair, and maintenance of public utilities such as electric, gas, TV cable, telephone and other utilities and for the conversion of the existing aerial utilities into underground facility, as required in Conditions C-4(b &c), below.

2. Conditions of Approval Prior to Approval of 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:
  - a. The Developer has completed all requirements set forth in Condition C-1, above.
  - b. Payment of all applicable and adopted Infill development impact fees required by these Conditions of Approval and City Regulations, that are in effect at the time of issuance of the building permit. The Infill development impact fees described above will include the storm drainage impact fee update discussed in Condition C-7(e), below
  - c. Documentation evidencing that the Property has been annexed to an existing Landscape Maintenance District (LMD), as required in Condition C-10(c), below.
  - d. In-lieu payment in the amount of \$7,000.00, for the Project's estimated share of cost of the re-striping on Valpico Road as required in the Tiburon Village Traffic Impact Study, Final Report dated February 6, 2004 (Traffic Study). Refer to Table I of the recommended Mitigation Measures in the Traffic Study.
3. Conditions of Approval Prior to Certificate of Occupancy or Final Building Inspection. No certificate of occupancy within the Project boundaries will be approved by the City or final building inspection will be performed until the Developer provides documentation which demonstrates, to the satisfaction of the City Engineer, that:
  - a. The Developer has completed all requirements set forth in Condition C-2, above and this section.
  - b. The Developer has completed construction of all public facilities required to serve the building for which a certificate of occupancy is requested. Unless specifically provided in these Conditions of Approval, or some other City Regulation, the Developer shall take 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. Signed and notarized Grant Deed with the legal description and plat map that describes the area to be dedicated to the City, for the construction of Glenbriar Drive Improvements, as required in Conditions C-6(a), C-6(b) and C-6(e), below.
  - d. Signed and notarized Grant of Public Access Easement with the legal description and plat map that describes the portion of the Property to be used for vehicle

turn-around maneuvering or access through the Property, as required in Condition C-6(g), below.

4. Undergrounding of Overhead Utilities:

- a. Prior to starting work, the Developer shall obtain written permission from the respective owner(s) of private utilities, for the installation of permanent surface improvements and structure over their underground facilities located within the 10-foot wide Public Utility Easement along Valpico Road. Prior to the issuance of the Grading Permit, the Developer must submit documentation evidencing that required permission has been granted to the Developer by the respective owner(s) of the private utilities.
- b. All private utility services such as electric, telephone and cable TV to the building must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities. The Developer shall submit improvement plans for the installation of electric, gas, telephone and TV cable lines that are necessary to serve the Project.
- c. The Developer shall dedicate a 10 feet wide Public Utility Easement along the Property frontages on Valpico Road and Glenbriar Drive, for the installation of private utilities described in Condition C-4(b), above. The Grant of Easement shall be filed for recording with the Office of the San Joaquin County Recorder prior to the issuance of the Grading Permit. The Developer is responsible for the cost of preparing the easement document and legal description and plat map.

5. Grading:

- a. A Grading Plan prepared by a Registered Civil Engineer and accompanied by Soils Engineering report shall be submitted to the City with the Grading and Storm Drainage Plans. The report shall provide recommendations regarding adequacy of sites to be developed by the proposed grading and also information relative to the stability of soils such as soil classification, percolation rate, soil bearing capacity and others. Slope easements shall be dedicated to the City where cuts or fills do not match existing ground or final grade adjacent to public right of way (up to a maximum grade differential of two feet only). Slope easements shall be recorded per City's requirements, 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.
- b. All grading work (on-site and off-site) shall require a Grading Permit. Erosion control measures shall be implemented in accordance with Grading Plans approved by the City Engineer for all grading work not completed before October 15. Improvement Plans shall specify all erosion control methods to be employed and materials to be used.

- c. Prior to the issuance of the Grading Permit, the Developer shall submit three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) submitted to the State Water Quality Control Board (SWQCB) and any documentation or written approvals from the SWQCB including a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID). After the completion of the Project, the 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. The Developer shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the Storm Water Regulations adopted by the City in 2008.

6. Street Improvements:

- a. The extension of Glenbriar Drive from Valpico Road to the Project's projected northern boundary will provide an opportunity for full vehicular access for the Project to and from Valpico Road. The streets and utilities improvements on this roadway extension will include but not limited to, installation of concrete curb, gutter, sidewalk, asphalt concrete pavement, handicap ramp, storm drain, catch basin or drop-inlet, landscaping and street tress with automatic irrigation system (Motorola), median curb, hand-placed grouted cobblestones, pavement signing and striping, barricade and guardrail, and intersection improvements on Glenbriar Drive /Valpico Road such as traffic signal pole and light, traffic detecting loops, traffic loops pull boxes, conduits and wires, audible pedestrian warning, electronic sign, and other improvements as determined by the City Engineer that are deemed to be necessary to have a safe and functional street improvements (Glenbriar Drive Improvements).

Glenbriar Drive Improvements shall include the installation of a 6 feet high chain link fence with plastic slats on the entire right-of-way width and along the northern terminus of Glenbriar Drive. The space between the barricade and guardrail and the chain link fence shall be paved. The final location and construction detail of the chain link fence and additional asphalt concrete paving shall be included on the improvement plans for City's review and approval. Cost of installing the chain link fence and additional asphalt concrete paving shall be the responsibility of the Developer.

- b. The Developer is also required to construct certain street and utilities improvements on Valpico Road which include but not limited to, concrete bike path, concrete sidewalk, handicap ramp, offsite water main upgrade and all the improvements described in Condition C-9(a), concrete curb and gutter, replacement of pavement marking and striping, traffic signs, landscaping improvements with automatic irrigation system (Motorola) and other improvements on Valpico Road as determined by the City Engineer (Valpico Road Frontage Improvements). The Developer shall contribute the Project's proportional share towards the design and installation of a bus shelter on Valpico Road at the location approved by the City, and the installation of associated improvements such as water service with hose bibb, garbage receptacle,

additional concrete paving, and removal and replacement of disturbed irrigation and landscaping improvements.

The Developer shall complete the construction of Glenbriar Drive Improvements prior to the issuance of the building permit for the first building to be constructed within the Property. Upon completion of Glenbriar Drive Improvements, Developer shall convey to the City the right-of-way for the Glenbriar Drive Improvements which City shall not accept until after satisfactory completion of those improvements to City's satisfaction, and other applicable standards and satisfactory completion of the final building inspection on the last building to be constructed on the Property.

Completion of Valpico Road Frontage Improvements is required, prior to the final building inspection of the first building to be constructed on the Property. To guarantee completion of Valpico Road Frontage Improvements, within the time specified above, the Developer will be required to execute an Offsite Improvement Agreement (OIA) with the City and post improvement security in the amounts approved by the City Engineer and form acceptable to the City Attorney, prior to the issuance of the Grading Permit. The OIA requires approval from the City Council. Upon completion of Valpico Road Frontage Improvements, Developer shall convey to the City the right-of-way for the Valpico Road Frontage Improvements which City shall not accept until after satisfactory completion of those improvements to City Engineer's satisfaction, and other applicable, standards and satisfactory completion of the final building inspection on the last building to be constructed on the Property.

The Developer shall dedicate right-of-way estimated to be 60 feet from the existing right-of-way line of Valpico Road towards the Property along the entire frontage of the Property on Valpico Road, for the construction of Valpico Road Frontage Improvements. The Developer shall execute a Grant Deed to convey the land in fee title and submit legal description and plat map that describes the area to be dedicated, prior to the issuance of the Grading Permit. The cost of roadway dedication including the cost of preparing the legal description and plat map will be the sole responsibility of the Developer.

- c. Prior to the approval of the OIA, the Developer is required to submit Improvement Plans, Technical Specifications and Cost Estimates, prepared in a 24" x 36" size polyester film or known as mylar, signed and stamped by the Design Engineer, for City's approval and signature. All engineering calculations for the design of the improvements must be submitted. The Developer will be required to pay Engineering Review Fees which include plan checking, agreement and permit processing, testing, engineering inspection, and program management fees, estimated to be 11 to 13% of the cost of public improvements, prior to the approval of the OIA.
- d. All work to be performed and improvements to be constructed within City's right-of-way will require an Encroachment Permit from the City, prior to starting the work. The Developer or its authorized representative shall submit all documents that are required to process the Encroachment Permit including but not limited to,

approved Improvement Plans, Traffic Control Plan that is prepared by and signed and stamped by a Civil Engineer or Traffic Engineer registered to practice in the State of California, payment of Engineering Review Fees, copy of the Contractor's license, Contractor's Tracy business license, and certificate of insurance with the insurance coverage specified in the OIA and naming the City of Tracy as additional insured or as a certificate holder.

- e. The Developer will be required to offer to the City for dedication all lands that are required for extending Glenbriar Drive from Valpico Road to its northern terminus and the right-of-way for the proposed pedestrian and bike path improvements on Valpico Road. The Developer shall convey the lands described above to the City in fee title. The offer of dedication for roadway right-of-way described above has to be made, filed at the Office of the San Joaquin County Recorder, prior to the issuance of the Encroachment Permit. The City will assume responsibility to maintain the public improvements and will accept the offer of dedication after the City Council accepts the improvements. It is the responsibility of the Developer to acquire the land for the portion of Glenbriar Drive Improvements that will be constructed within the land owned by the developer or owner of the Adjacent High Density Residential (HDR) Project. The City will assist the Developer in the acquisition of the land necessary to construct Glenbriar Drive Improvements with its eminent domain power, if the Developer fails to acquire the land that is needed for the street extension. The Developer shall pay the City all costs associated in the condemnation proceedings including administrative, court, and attorney's fees.
- f. The Developer shall install all surface and underground improvements such as concrete driveway approach, ramp and sidewalk, sewer connection, domestic water service, fire service, sewer pipeline, and storm drainage line(s) that are intended to serve the Adjacent HDR Project which would be located within the right-of-way of Glenbriar Drive, prior to placing of the final lift of asphalt concrete pavement, in order to avoid cutting newly paved streets.
- g. The Developer shall provide a paved or all-weather turn-around area for fire truck and emergency vehicles that is acceptable to the Chief Building Official and the City's Fire Marshall, all at the Developer's sole cost and expense. The location, configuration, design, and construction details of the turn-around area shall be reviewed and approved by the Chief Building Official and Fire Marshall, and must be shown on the Improvement Plans. Portion of the turn-around improvements that are within the Property will be maintained by the Developer.

The Developer shall grant a public access easement, for the benefit of the public, for rights to enter a portion of the Property for vehicle maneuvering or for turn-around access through the Property to Glenbriar Drive. The Grant of Public Access Easement must be filed at the Office of the San Joaquin County Recorder, prior to City's acceptance of Glenbriar Drive Improvements. The Developer is responsible for all costs associated in dedicating the necessary public access easement to the City including the cost of preliminary title report, and preparing the easement document, legal description and plat map.

- h. Glenbriar Drive Improvements will be considered public improvements after the City accepts the offer of right-of-way dedication and the responsibility of maintaining the public improvements. The Adjacent HDR Project and other undeveloped properties north of the Project will benefit from the Glenbriar Drive Improvements and will be required to pay their proportional share of cost of constructing Glenbriar Drive Improvements when their property develops. The Developer may request formation of a benefit district for recovering cost of public improvements beyond the Developer's responsibility or for constructing oversized public improvements. The City will collect administrative fee, formation cost, and program management fees for forming, administering, and managing the benefit district. The Developer is responsible for submitting all documents such as materials receipt, payroll, equipment rental and others to show actual construction cost or expenses incurred or to support claim for reimbursement.
  - i. The Developer has the option to enter into private reimbursement or cost sharing agreement(s) with the developer of the Adjacent HDR Project and other benefitting properties, for the sharing of the cost of constructing Glenbriar Drive Improvements and for dedicating the land for the extension of Glenbriar Drive. The Developer is required to provide documentation that all the involved party(s) or individual(s) have agreed on the terms and conditions of the cost sharing agreement, prior to the issuance of the Encroachment Permit. The City has no obligation to construct Glenbriar Drive Improvements.
  - j. The design and construction of Glenbriar Drive Improvements and Valpico Road Frontage Improvements shall meet City Regulations and all applicable requirements and recommendations specified in the final traffic report dated August 14, 2012 and titled "Traffic Impact Study for the Proposed 189 units Valpico Apartments and 60 units MacDonald Apartments" prepared by TJKM Transportation Consultants. The final traffic report is on file with the Office of the City Engineer.
7. Storm Drainage:
- a. The on-site storm drainage system and site grading shall be designed such that the Project storm drainage overland release point will be directly to a public street with existing storm drainage system in accordance with City standards. The City may allow overland storm drainage release to private property(s), only if, the Developer enter into an agreement with the fee owners of the affected property(s) and indemnify the City for any liability, damages and costs that may arise as a result of utilizing their property as the Project's storm drainage release point. The Developer shall obtain written permission or agreement and/or easements from fee owner(s) of all affected property(s), for the use of their property(s) as Project's storm drainage release point. The Developer shall indemnify and hold harmless the City for any liability, damages and costs that may arise as a result of the use the storm drainage release on their property. The irrevocable agreement must be signed by fee owner(s) of all affected property(s) and will be reviewed by the City Engineer and will be recorded to the Property and to all affected properties. The Developer shall provide a copy of the fully executed agreement to the City, prior to the issuance of the Grading Permit.

Cost of obtaining permission and/or easement(s) and the agreement from the fee owner(s) of the affected property(s) will be the sole responsibility of the Developer.

- b. The Developer has proposed to use a trench infiltration system as an interim solution for disposing storm water generated from the Project site. The trench infiltration system is described in the technical memorandum titled "Drainage Analysis for the Valpico and MacDonald Apartment" prepared by Mackay & Soms of Pleasanton, California. The City will allow this method of disposing storm water, if the Developer executes a Deferred Improvement Agreement, prior to the issuance of the Grading Permit, to guarantee performance of the Developer's responsibilities and obligations and conditions described below including paying all costs associated in complying with all the requirements described under this section: a) that the Developer will be responsible for repairing, rectifying, and maintaining the trench infiltration system to acceptable standards and to the satisfaction of the City; b) the Developer will provide guarantee acceptable to the City Engineer for performing the responsibilities and obligations as described above; c) the Developer will also install the Project's permanent storm drainage connection as the final method of disposing storm water; and d) the Developer will provide other means of disposing storm water such as a temporary storm drainage retention basin within the time specified by the City, if the trench infiltration system fails to function to the level or condition acceptable to the City, or fails to drain storm water as designed or intended to do as determined by the City Engineer, or if determined by the City that a temporary storm drainage retention basin is necessary to be constructed due to public health and safety reasons.

Draining the storm water to the City's storm drainage system is the required final solution of disposing storm water from the Project site. The Developer shall design and install all the necessary improvements for the final solution of disposing storm water. The Developer is responsible for installing the Project's permanent storm drainage connection from the Project site to the City's future public storm drain line at the location and grade approved by the City Engineer. The future public storm drain line starts from a new storm drain manhole north of the northwest corner of the Project to the City's proposed storm drainage detention basin described as Detention Basin #2B (DB#2B) (Zone 1 Storm Drain Line Improvements as shown on Attachment B1 of South ISP Storm Drainage Analysis - Final Technical Report dated July 2000) and the outfall drain connection from DB#2B to the existing storm drainage channel located south of the existing apartment buildings (Sycamore Village Apartments) south of Central Avenue.

If a temporary storm drainage retention basin is used, the Developer shall design, acquire right-of-way and/or permanent utility easements, including temporary construction easement(s), if necessary, and construct temporary on-site or off-site storm drainage retention facilities meeting City Regulations and such retention facility shall have adequate capacity to retain, store and drain storm water within the time specified in the City's Design Standards. It is the Developer's responsibility to repair, rectify, and maintain the trench filtration

system or the temporary storm drainage retention basin, if constructed, to the satisfaction of the City. These private improvements will be removed by the Developer when the Project's permanent storm drainage connection is installed and the City's public storm drain line described above are installed, and made available for connection. The Developer shall submit engineering calculations for the design and sizing of the trench filtration system or the temporary storm drainage retention basin, including a percolation report prepared, signed and stamped by a registered Geo-technical Engineer, and a copy of the written permission from property owner(s), if off-site retention basin is utilized, as part of the Grading and Drainage Plans.

To assure performance of the Developer's responsibilities to repair, rectify, and maintain the trench infiltration system or temporary storm drainage retention basin, if installed, and also to guarantee completion of the Project's storm drainage connection, the Developer is required to execute a Deferred Improvement Agreement and post necessary improvement security, in the amount(s) approved by the City Engineer and form approved by the City Attorney, prior to the issuance of the Grading Permit. The Deferred Improvement Agreement will require approval from the City Council and will be recorded against the Property. The Developer shall pay all costs associated with the preparation, processing and approval of the agreement, including the cost of preparing the legal description and map, and recording the agreement.

Flow capacity and cost of Zone 1 Storm Drain Line Improvements are determined based on the design criteria that all storm water collected from impervious portion of the Project site will drain to the City's storm drainage system. The use of trench infiltration system shall not reduce the amount of Infill storm drainage development impact fees due from the Project nor will entitle the Developer Infill storm drainage development impact fee credits or reimbursement(s).

- c. In the event an off-site retention basin is required, the Developer shall obtain written permission or agreement and/or easements from fee owner(s) of all affected property(s), for the use of their property(s) as a temporary storm drainage retention basin. The Developer shall indemnify and hold harmless the City for any liability, damages and costs that may arise as a result of the use their property(s) for a storm drainage retention basin. The easement agreement must be signed by fee owner(s) of the property(s) and will be reviewed by the City Engineer and will be recorded to the Property and to all affected properties. The Developer shall provide a copy of the fully executed agreement to the City, prior to starting the grading work on the involved property. Cost of obtaining permission and/or easement(s) and the agreement from the fee owner(s) of the affected property(s) will be the sole responsibility of the Developer.
- d. As part of a complete submittal of the Grading and Drainage Plans, the Developer obtain a technical memorandum from the City's consultant, stating that the pipe invert elevation of the Project's permanent storm drainage connection is consistent with the design of the Zone 1 Storm Drain Line

Improvements. The cost of the technical memorandum and coordination with the City's storm drain consultant shall be paid by the Developer.

- e. The City is in the process of updating the Infill storm drainage development impact fees due to anticipated increase in cost of constructing the Zone 1 Storm Drain Line Improvements and DB#2B. The cost increase on Infill storm drainage development impact fees would be the cost of mitigating soil contamination within and along the alignment of the future storm drain line that will be constructed on the Chevron Property (undeveloped property located northwest of the Property, west of the future Tiburon Village Subdivision and south of the existing Larkspur Estates Subdivision). The City will adopt this additional Infill storm drainage development impact fees, prior to the issuance of the building permit.
8. Sanitary Sewer:
- a. A sanitary sewer lift-station will be used to convey domestic sewage from the Property to the City's existing sewer main on Valpico Road. The sewer lift-station including the sewer force main and the sewer pipeline up to the new sewer manhole on Glenbriar Drive / Valpico Road are private improvements and they will be owned, operated and maintained by the Developer. These private improvements are required to be installed and made functional, prior to the final inspection of the first building to be constructed on the Property. The City has no responsibility of repairing and maintaining these improvements. The sewer lift-station on this Property will also serve the residential development at the northwest corner of Glenbriar Drive / Valpico Road (Adjacent HDR Project). The Developer will be required to provide documentation in the form acceptable to the City's Chief Building Official as a guarantee that the sewer lift-station will be repaired and maintained by the Developer and/or the developer of the Adjacent HDR Project.
  - b. The Developer will be required to design and construct the 8-inch diameter sewer pipeline crossing on Glenbriar Drive at the location and grade shown on the improvement plans for the Adjacent HDR Project. The sewer line crossing is a private sewer line. The City will grant a permanent sanitary sewer easement, upon completion of the sewer line crossing, to grant access rights to the Developer or the developer of the Adjacent HDR Project, to enter City's right-of-way on Glenbriar Drive, for the repair and maintenance of the sewer line crossing. The developer of the Adjacent HDR Project will be required to execute a maintenance agreement with the City, to guarantee the responsibilities and obligations of the developer of the Adjacent HDR Project regarding the use, operation, repair, and maintenance of the private sewer crossing on Glenbriar Drive. The Developer shall pay all costs associated with the processing of the grant of easement and maintenance agreement including the cost of preparing the legal description and map. The maintenance agreement will be filed for recording with the Office of the San Joaquin County Recorder, prior to City's acceptance of public improvements on Glenbriar Drive.
  - c. The Developer shall comply with all the recommendations with regards to design, and construction of wastewater conveyance and shall pay sewer development

impact fees for wastewater collection, conveyance and treatment as identified in the sewer analysis dated July 2012 titled "Wastewater System Fee for Valpico Apartments and Peter MacDonald Apartments" prepared by CH2MHill of Sacramento, California (the City's sewer consultant). A copy of the technical report is on file with the office of the City Engineer.

9. Water System:

- a. A water pressure and flow analysis was performed by West Yost & Associates of Pleasanton, California (the City's water consultant), to verify adequacy of capacity of the City's existing water distribution lines and treatment plant to serve the Project and to ensure that the Project's permanent water line connection and on-site water system meets the Project's water flow and pressure demand in a scenario when the combined amount of domestic, fire and irrigation water has to be provided to the Project site at the same time. The Developer shall comply with all the recommendations specified in the water pressure and flow analysis report dated July 16, 2012 titled "Hydraulic Evaluation of Valpico and MacDonald Apartments". The Developer is required to install the pipe upgrade of approximately 50 feet of existing 8-inch diameter water main located at the intersection of Valpico Road / Glenbriar Drive to a 12-inch diameter Ductile Iron Pipe (DIP) water main at the location and grades approved by the City Engineer, all at the Developer's sole cost and expense. The Developer shall submit improvement plans that include the design, location, and grade of the offsite water main upgrade including all existing (above or below ground) improvements that will be affected or restored and replaced as a result of installing the offsite water main upgrade. Completion of the offsite water main upgrade will increase the water pressure at each on-site fire hydrant and in turn meet the fire flow requirement at each fire hydrant. The Developer shall obtain an Encroachment Permit, prior to starting the work. The Developer shall pay permit processing fees including plan checking, testing, and inspection fees at the issuance of the Encroachment Permit. The offsite water main upgrade shall be completed by the Developer, prior to final inspection of the first building to be constructed on the Property.
- b. All costs associated with the installation of the offsite water main upgrade including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings, replacing traffic detecting loops, conduits, and wires, relocating existing utilities that may be in conflict with the new water main, and other improvements shall be paid by the Developer. When street cuts are made, the Developer is required to install 2 inches thick asphalt concrete overlay with reinforcing fabric at least 25 feet from all sides of the utility trench. A 2 inches deep grind on the existing asphalt concrete pavement will be required where the asphalt concrete overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes.

If water main shut down is necessary, the City will allow a maximum of 4 hours water supply shutdown. The Developer shall be responsible for notifying residents or business owner(s), regarding the water main shutdown. The written

notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least 72 hours before the water main shutdown. Prior to starting the work described in this section, the Developer shall submit a Traffic Control Plan, to show the method and type of construction signs to be used for regulating traffic during the installation of the offsite water main upgrade. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.

- c. The Developer shall design and install domestic and irrigation water service connection, including a remote-read master water meter (the water meter to be located within City's right-of-way) and an R/P Type back-flow protection device in accordance with City Regulations. The domestic and irrigation water service connection must be completed before the final inspection of the building. Sub-metering will be allowed within private property. The City will not perform water consumption reading on sub-meters. The Developer will be responsible for relocating or reinstalling water sub-meters. The City's responsibility to maintain water lines shall be from the water main on the street to the master water meter (inclusive) only. Maintenance of all on-site water lines, laterals, sub-meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer.
- d. The Developer shall design and install fire hydrants at locations approved by the Building Division and Fire Department. Location and construction details of the fire service line shall be approved by the Building Division and Fire Department. Prior to the approval of the Improvement Plans, the Developer shall obtain written approval from the Building Division and Fire Department for the design, location and construction details of the fire service connection to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

10. Special Conditions:

- a. All improvements shall be in accordance with all City Regulations, Facilities Master Plan for storm drainage, roadway, wastewater and water adopted by the City, Tracy Design Standards and Specifications, and Parks and Parkways Design Manual, or as otherwise specifically approved by the City.
- b. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Developer shall be responsible for all costs associated with the abandonment or removal of the water well(s) including the cost of permit(s) and inspection. The Developer shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.
- c. Developer, and/or owner of record, is responsible for assuring the maintenance of the public improvements installed in the right-of-way. The public improvements include, but are not limited to, street landscaping, sidewalk, and improvements as defined in California Streets and Highway Code Sections

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

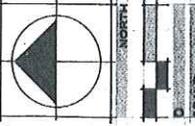
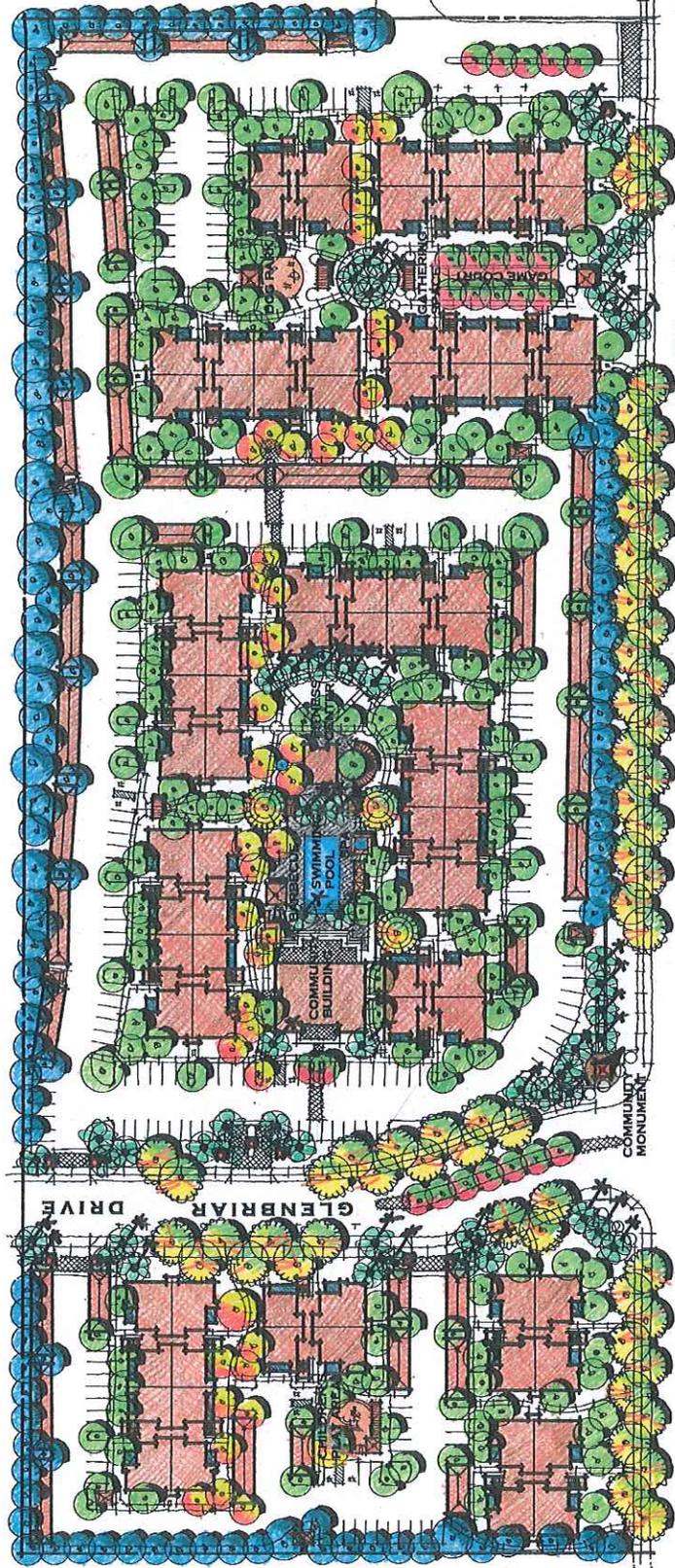
- d. The Developer shall abandon or remove all existing irrigation structures, channels and pipes, if any, as directed by the City after coordination with the irrigation district, if the facilities are no longer required for irrigation purposes. If irrigation facilities including tile drains, if any, 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.

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 requesting additional revisions and requirements to the final parcel map and improvement plans, prior to the City Engineer's signature and approval of the proposed final parcel map and improvement plans, if the City deems it necessary. The Developer shall bear the all cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

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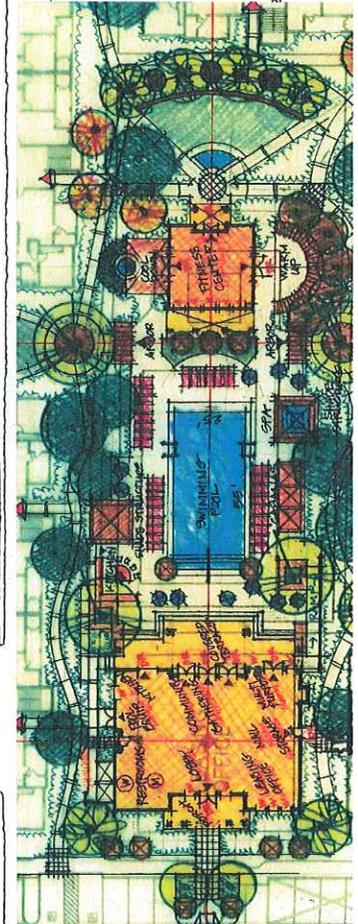
NOV 12 2015

CITY OF TRACY



PROPOSED  
SITE PLAN  
CONCEPTUAL  
LANDSCAPE PLAN

ISAACSON, WOOD AND ASSOCIATES  
35802 HIBISCUS COURT, FREMONT, CA 94536  
OFFICE: 408.838.2329 EMAIL: JAW@ISAACSONWOOD.COM  
CALIFORNIA LICENSE #1740  
LANDSCAPE ARCHITECTURE



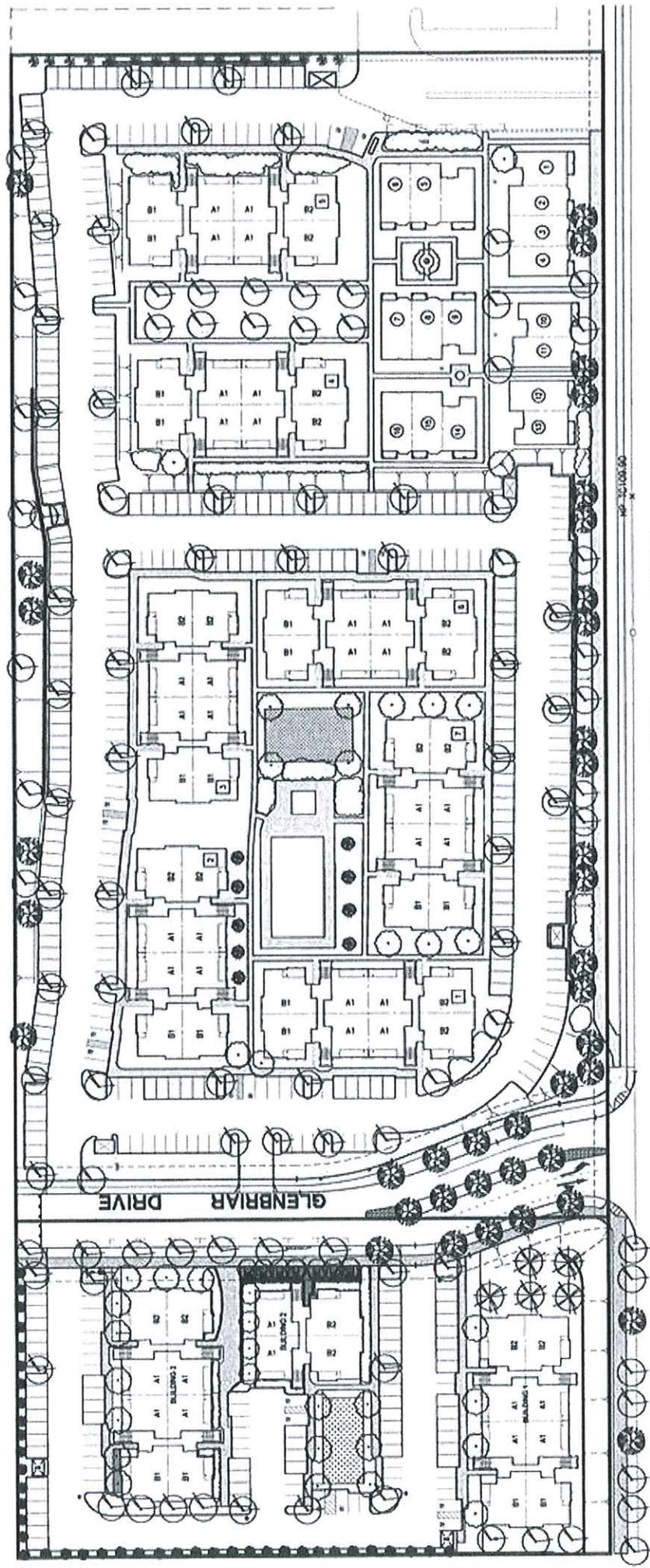
VALPICO &  
MACDONALD  
PROPERTIES  
TRACY, CALIFORNIA

REPUBLIC  
FAMILY OF COMMUNITIES  
84 WEST SANTA CLARA STREET, SUITE 600  
SAN JOSE, CALIFORNIA 95113

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ASV 12 2015

CITY OF TRACY



VALPICO ROAD

GLENBRIAR DRIVE

GLENBRIAR DRIVE



SCALE 1"=40'

2

EXHIBIT 4

APPROVED SITE PLAN & LANDSCAPE PLAN





*Angela Rodriguez*

**VALPICO APARTMENTS**  
 VALPICO ROAD  
 TRACY, CALIFORNIA

Project No. 08-008 Date: 03-22-08  
 Sheet Title

Project No. 08-008  
 Sheet No.

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NOV 12 2015

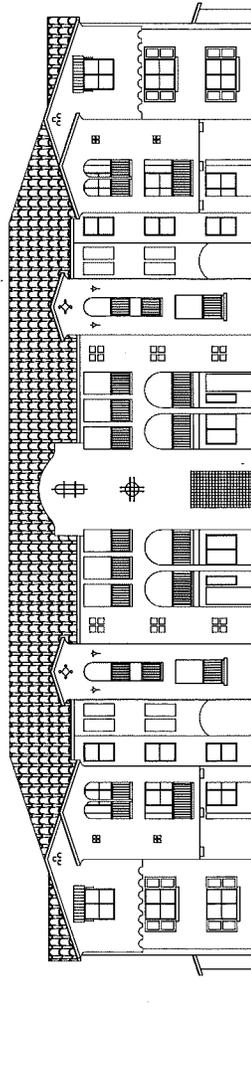
CITY OF TRACY



BACK BUILDING ELEVATION

BACK BUILDING TYPICAL ONE ELEVATION

2 APPROVED ELEVATIONS (24 UNIT BUILDING)  
 1/4" = 1'-0"



1 PROPOSED ELEVATIONS (24 UNIT BUILDING)  
 1/4" = 1'-0"

DATE

BY

REVISION

KEY PLAN





RESOLUTION 2016-\_\_\_\_\_

RECOMMENDING APPROVAL OF DEVELOPMENT REVIEW APPLICATION NUMBER D15-0024

AND DETERMINATION REGARDING OFF-STREET PARKING SPACE REDUCTION FOR THE REPUBLIC (VALPICO AND MACDONALD) APARTMENT PROJECT LOCATED ON APPROXIMATELY 11.62 ACRES ON THE NORTH SIDE OF VALPICO ROAD AT GLENBRIAR DR ASSESSOR'S PARCEL NUMBERS 246-12, 13, AND 14

WHEREAS, On December 18, 2012, the Tracy City Council approved Development Review applications for the Valpico and MacDonald apartments projects (Application Numbers D12-0004 and D12-0006), and

WHEREAS, On July 7, 2015, the City Council granted a time extension to the Valpico and MacDonald apartment projects, extending the expiration to February 14, 2017, and

WHEREAS, On November 12, 2015, Republic Tracy, LLC submitted Development Review Application Number D15-0024 which combines the Valpico and MacDonald projects and makes revisions to the site plan, architecture, and number of units in the project, and

WHEREAS, The property owner submitted a parking study documenting that 18 off-street parking spaces (normally required by the City's parking ordinance) will not be necessary to mitigate the potential parking demands of the project, and

WHEREAS, A Negative Declaration was adopted by the City Council for the Valpico Apartments on December 18, 2012 and the project is consistent with the development density analyzed in the General Plan EIR and the Valpico Apartments Negative Declaration, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the project on March 9, 2016;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission recommends that the City Council approve Development Review Application Number D15-0024 for a 252-unit residential apartment project on approximately 11.62 acres on the north side of Valpico Road at Glenbriar Drive (Assessor's Parcel Numbers 246-140-12, 13, and 14) and approve an Off-Street Parking Space Reduction of 18 spaces for this project, in accordance with Tracy Municipal Code Section 10.08.3470(e), subject to the conditions contained in City Council Resolutions 2012-259 and 2012-260 for the Valpico and MacDonald apartments, and based on the following findings:

1. The desirability, benefits of occupancy, most appropriate development, and maintenance or improvements of surrounding properties will not be adversely affected by the project, because the residential land use and density of the project is compatible with the adjacent single-family home project, located at a significant grade difference, on property to the north (to help ensure privacy for adjacent residents); the adjacent and nearby commercial sites will benefit from potential customers of the project; the project has direct access to Valpico Road; a bus stop and shelter on Valpico Road is proposed as part of the project; and the site is adjacent to vacant property to the west, designated Residential High.

- 2. The subject property is designated Industrial by the General Plan and is designated Residential High by the General Plan and is zoned High Density Residential. The apartment project is consistent with the City’s General Plan and zoning because the multi-family project is a permitted use, proposed within the density range allowed by City standards, complies with setbacks, height, landscaping, parking, usable open space, and other applicable standards of the City.
  
- 3. The project will not be detrimental to the public health, safety, or welfare or materially injurious to or inharmonious with properties in the vicinity because the project will mitigate potential parking effects by providing off-street parking; roadways are designed to accommodate traffic from the project; Tracy Unified School District will receive development fees from the project and has capacity in its system for anticipated students who would reside at the site; a significant portion of the site is recessed below Valpico Road grade to help reduce visual effects of the project; and the parking study reviewed for the project contains surveys and industry standards demonstrating that an Off-Street Parking Space Reduction will not result in negative parking effects on the project or neighboring properties.

\* \* \* \* \*

The foregoing Resolution 2016-\_\_\_\_ of the Planning Commission was adopted by the Planning Commission on the 9<sup>th</sup> day of March, 2016, by the following vote:

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

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Staff Liaison

AGENDA ITEM 1-C

REQUEST

**PUBLIC HEARING TO CONSIDER A DEVELOPMENT REVIEW APPLICATION FOR AN APPROXIMATELY 49,000 SQUARE FOOT BUILDING AND ASSOCIATED PARKING AREAS AT 205 GANDY DANCER DRIVE - APPLICANT IS SCHACK AND COMPANY, INC. AND PROPERTY OWNER IS OLMAR SUPPLY, INC. - APPLICATION NUMBER IS D15-0016**

DISCUSSION

Project Description.

On August 19, 2015, the applicant submitted a Development Review application to construct an approximately 49,000 square foot building intended for a metal fabrication shop with office and associated parking area improvements on an approximately three acre parcel located in the southern Industrial Areas Specific Plan (ISP) area. The building proposed is comprised of metal siding and roofing. The Design Goals and Standards for industrial development state that "all main and accessory buildings should be of reinforced concrete and steel, masonry, or wood frame construction. Prefabricated metal buildings or sheet metal sided structures are not permitted unless an exception is made by the Planning Commission or City Council based on meritorious design."

Actions on Development Review permits are typically made by the Development Services Director. Staff encouraged the applicant to consider alternatives to the building design as required in the Design Goals and Standards, but the applicant desires to construct the proposed metal building and requested that the Development Services Director refer the Development Review application to the Planning Commission for review in accordance with Tracy Municipal Code (TMC) Section 10.08.4020.

Project Analysis

The applicant proposes to construct a single-story metal building with an approximately 3,400 square foot office in the front and an approximately 45,600 square foot metal shop behind the office. A parking area for customers and employees is proposed between the office and the street with two ingress and egress drives onto Gandy Dancer Drive. Fencing is proposed to separate the parking area from the trucking and product stocking areas around the metal shop portion of the building.

The front portion of the building, which will be readily visible from the street, is proposed to be accented with various types of metal accents, including a textured facade panel, awnings, and numerous storefront windows. These features add interest and depth to what would otherwise be a plain building surface. The parking area in front will be landscaped with trees, shrubs, and groundcover. The fencing will largely screen roll-up doors, trucks, and any outdoor operations that would take place as part of the metal fabrication use. The higher portions of the building that will be visible over the masonry wall are accented with colored metal siding that helps break up the long building surface and add interest to the west side of the building, which will be visible from the public right-of-way. Because the City's Design Goals and Standards encourage four-sided architecture and because the east

and north elevations can be seen from Mars Court and Valpico Road, staff recommends Condition of Approval B.1 that the metal accent be continued on the east and north elevations to match the west elevation.

An eight-foot masonry wall with a steel gate is proposed to separate the parking area from the trucking and product stocking area, and the applicant proposes to enclose the site behind the office with galvanized chain link fencing with red slats. The ISP requires long expanses of fences to be architecturally designed to prevent monotony. Chain link fencing with slats is monotonous, and staff has asked the applicant to replace the red slatted galvanized fence proposed to remain along the western property line, which will be visible from Gandy Dancer Drive, with black fencing without slats and plant trees along the fencing. Black chain link fencing without slats adjacent to a landscape screen has been used successfully on other sites in the ISP area. The applicant is willing to agree to this condition but requested that the condition permit the property owner to keep the galvanized chain link fence with red slats in the event that the project proposed adjacent to the west is constructed. The applicant anticipates that once the project adjacent to the west is constructed, the buildings would screen the chain link fencing with slats from public view. Staff recommends Condition of Approval Numbers B.2.2 and B.5.2 to address this matter.

The subject site is designated Industrial by the General Plan and General Industrial in the ISP. Metal fabrication is a permitted use under this designation, and no further land use analysis is required.

#### Environmental Document

The proposed project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15332 pertaining to infill development. In accordance with CEQA Guidelines, no further environmental assessment is required.

#### RECOMMENDATION

Staff recommends the Planning Commission approve Development Review application an approximately 49,000 metal shop with office and associated parking area improvements at 205 Gandy Dancer Drive, based on the findings contained in the Planning Commission Resolution dated March 9, 2016.

#### MOTION

Move that the Planning approve Development Review application an approximately 49,000 metal shop with office and associated parking area improvements at 205 Gandy Dancer Drive, based on the findings contained in the Planning Commission Resolution dated March 9, 2016.

Prepared by: Kimberly Matlock, Associate Planner  
Approved by: Bill Dean, Assistant Development Services Director

#### ATTACHMENTS

Attachment A – Location Map, Site Plan, Floor Plan, Landscape Plan, and Elevations  
Attachment B – Color Rendering  
Attachment C – Planning Commission Resolution

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MAR 01 2016  
CITY OF TRACY  
DEVELOPMENT SERVICES



RESOLUTION 2016-\_\_\_\_

APPROVING A DEVELOPMENT REVIEW APPLICATION FOR AN APPROXIMATELY 49,000 SQUARE FOOT BUILDING AND ASSOCIATED PARKING AREA IMPROVEMENTS AT 205 GANDY DANCER DRIVE - APPLICANT IS SCHACK AND COMPANY, INC. AND PROPERTY OWNER IS OLMAR SUPPLY, INC. - APPLICATION NUMBER IS D15-0016

WHEREAS, On August 19, 2015, the applicant submitted a Development Review application to construct an approximately 49,000 square foot metal shop with office and associated parking area improvements, and

WHEREAS, The site is designated Industrial under the General Plan and General Industrial under the Industrial Areas Specific Plan, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act requirements under Guidelines Section 15332 pertaining to infill development, and

WHEREAS, The Planning Commission held a public meeting to review and consider the Development Review application on March 9, 2016;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission hereby does approve Development Review Application Number D15-0016 for an approximately 49,000 square foot metal shop with office and associated parking area improvements at 205 Gandy Dancer Drive, subject to the conditions as stated in Exhibit "1" attached and made part hereof, based on the following findings:

1. The project will not be detrimental to the public health, safety, or welfare or materially injurious to or inharmonious with properties in the vicinity or to the general welfare of the City, because the building and parking areas will conform to the requirements and intent of the City of Tracy General Plan and Tracy Municipal Code and all applicable State laws, City regulations, and City standards.
2. The desirability, benefits of occupancy, most appropriate development, and maintenance or improvements of surrounding properties will not be adversely affected by the project, because the project has been designed to minimize potential adverse impacts to the business area by designing the site to match neighboring property designs. The building is set back from the street by a small landscaped parking area and the outdoor operations and trucking area are hidden on the rear of the site behind a screen wall.
3. The project, as conditioned, will not cause a decrease in the value of properties within the vicinity, because the proposed building and site improvements have been designed with site context in mind. The compatibility of the building with the neighborhood, its consistency with metal buildings in the vicinity, the efficient site design, architectural focus on the front of the building (facing the street), and its attention to City standards related to landscaping and site improvements contribute to the architectural character of the area and meritorious design of the project to justify approvals of the use of metal on the exterior of the building. Furthermore, the project is conditioned to replace visible galvanized chain link fence with red slats with black fencing and the planting of screen trees. The trees would partially screen the roll-up doors that would otherwise be readily visible from the public right-of-way. In addition, the project is conditioned to use common architectural

elements on each side of the building that could be seen from various points of view from the public right-of-way.

\* \* \* \* \*

The foregoing Resolution 2016-\_\_\_\_ of the Planning Commission was adopted by the Planning Commission on the 9<sup>th</sup> day of March, 2016, by the following vote:

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

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Staff Liaison

**City of Tracy**  
**Conditions of Approval**  
Olmar Supply at 205 Gandy Dancer Drive  
Application Number D15-0016  
March 9, 2016

**A. General Provisions and Definitions.**

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

The Project: An approximately 49,000 metal shop with office and associated parking area improvements, Application Number D15-0016

The Property: 205 Gandy Dancer Drive, Assessor's Parcel Number 248-470-18

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 and Engineering 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 Development Services Department 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 March 1, 2016. These plans include the site plan, floor plan, landscape plan, exterior elevations, and colors.

A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.

- A.5. Compliance with laws. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:
- the Planning and Zoning Law (Government Code sections 65000, et seq.)
  - the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
  - the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
- A.6. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Industrial Area Specific Plan, Standard Plans, and Design Goals and Standards.

## **B. Development Services Planning Division Conditions**

Contact: Kimberly Matlock (209) 831-6430 kimberly.matlock@ci.tracy.ca.us

- B.1. Building. Before the approval of a building permit, the applicant shall submit plans that demonstrate the metal accent used on the west elevation is continued around the north and east elevations to the satisfaction of the Development Services Director.
- B.2. Parking area. Before the approval of a building permit, the applicant shall submit the following to the satisfaction of the Development Services Director:
- B.2.1. Site plans and construction details that demonstrate 12-inch wide concrete curbs along the perimeter of landscape planters where such planters are parallel and adjacent to vehicular parking spaces to provide access to vehicles without stepping into the landscape planters.
- B.2.2. Detailed plans that demonstrate the parking lot is striped in accordance with Standard Plan 154.
- B.2.3. Detailed plans that demonstrate sidewalk and landscape planters perpendicular to parking stalls overhang up to 24 inches into the parking stall in place of wheel stops where feasible. This landscape overhang may not be double-counted toward other parking area minimum landscape requirements.
- B.3. Landscaping & irrigation. Before the approval of a building permit, the applicant shall submit the following to the satisfaction of the Development Services Director:
- B.3.1. Detailed landscape and irrigation plans consistent with the Tracy Municipal Code and Industrial Areas Specific Plan for parking area landscaping, including a five-foot wide landscape strip adjacent to internal property lines. Per the Industrial Areas Specific Plan, no fencing or storage areas shall be located within the required landscape areas.
- B.3.2. If construction has not begun on the site adjacent to the west for a building to be constructed along the common property line prior to final inspection of the project, the applicant shall plant a minimum of six screen trees spaced evenly apart along the western property line to the satisfaction of the Development Services Director.

- B.3.3. Trees shall be a minimum of 24" box size, shrubs shall be a minimum size of 5 gallon, and groundcover shall be a minimum size of 1 gallon.
  - B.3.4. 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.3.5. 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. Lighting.
- B.4.1. Before the approval of a building permit, the applicant shall submit detailed plans that demonstrate a minimum of one foot candle throughout the parking area as defined in TMC Section 10.08.3450.
  - B.4.2. Before final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into the public rights-of-way and onto any adjacent private property to the satisfaction of the Development Services Director.
- B.5. Fencing.
- B.5.1. No barbed wire or razor wire is permitted to be used anywhere on site.
  - B.5.2. If construction has not begun on the site adjacent to the west for a building to be constructed along the common property line prior to final inspection of the project, the applicant shall remove the galvanized chain link fence and slats and install a black chain link, tube steel, or wrought iron fence to the satisfaction of the Development Services Director. If the new fence is taller than seven feet, a building permit shall be obtained prior to installation.
- B.6. Screening utilities and equipment.
- B.6.1. 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, including Gandy Dancer Drive, Mars Court, and Valpico Road, to the satisfaction of the Development Services Director.
  - B.6.2. Before the approval of a building permit, the applicant shall submit detailed plans for the construction of the trash and recycling enclosure. The enclosure shall be designed and appropriately sized for this project, including allowance for recycling collection, to the satisfaction of the Development Services Director. The trash and recycling collection enclosure shall include a solid roof structure. The enclosure, including the roof, shall be architecturally compatible with the

commercial building, which includes but is not limited to, design, materials, and color. If bollards are desired for additional protection, they shall be constructed internal to the enclosure.

- B.6.3. 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 Director.
- B.6.4. Before final inspection or certificate of occupancy, all vents, gutters, downspouts, flashing, and electrical conduits shall be internal to the structures and other ground-mounted, wall-mounted, or building-attached utilities shall be painted to match the color of the adjacent surfaces or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.
- B.7. Signs. No signs are approved as a part of this application. Prior to the installation of signage, the applicant shall obtain applicable sign and building permits. Signs shall be designed and located in substantial compliance to the architectural renderings submitted on March 1, 2016 and in accordance with Tracy Municipal Code (TMC) and Industrial Areas Specific Plan Standards to the satisfaction of the Development Services Director.
- B.8. 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.9. Conditions of Approval in Construction Plans. Prior to the approval of a building permit, these Conditions of Approval shall be included in the construction plan set for the building permit.

### **C. Development Services Engineering Division Conditions**

Contact: Criseldo Mina (209) 831-6425 [cris.mina@ci.tracy.ca.us](mailto:cris.mina@ci.tracy.ca.us)

- C.1. General Conditions - The Developer shall comply with the requirements of the Industrial Areas Specific Plan, approved by City Council June 1988 (Resolution Number 88-213), and any amendments thereto.
- C.2. Grading Permit - The City will not accept grading permit application for the Project as complete until the Developer has provided all relevant documents related to said grading permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:
- C.2.1. Grading and Drainage Plans prepared on a 24" x 36" size polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of and stamped and signed by a Registered Civil Engineer.

- C.2.2. Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees and other applicable fees as required by these Conditions of Approval.
- C.2.3. Three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) for the Project with a copy of the Notice of Intent (NOI) submitted to the State Water Quality Control Board (SWQCB) and any relevant documentation or written approvals from the SWQCB, including the Wastewater Discharge Identification Number (WDID#).
  - a. After the completion of the Project, the Developer is responsible for filing the Notice of Termination (NOT) required by SWQCB. The Developer shall provide the City with a copy of the completed Notice of Termination.
  - b. The cost of preparing the SWPPP, NOI and NOT, including the filing fee of the NOI and NOT, shall be paid by the Developer.
  - c. The Developer shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the applicable provisions of the City's Storm Water Management Plan.
- C.2.4. Two (2) sets of the Project's Geotechnical Report signed and stamped by a licensed Geo-technical Engineer licensed to practice in the State of California. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, pavement design recommendations, percolation rate, and elevation of the highest observed groundwater.
- C.2.5. Two (2) sets of Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system and for determining the size of the project's storm drainage connection.
- C.2.6. A copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD).
- C.2.7. Documentation of any necessary authorizations from the Regional Water Quality Control Board, such as an NOI and WDID, and documents such as the SWPPP.
- C.3. Encroachment Permit - No applications for encroachment permit will be accepted by the City as complete until the Developer provides all relevant documents related to said encroachment permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:
  - C.3.1. Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (mylar) that incorporates all the requirements described in these Conditions of Approval. Improvement Plans shall be prepared under the supervision of and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.
  - C.3.2. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.
  - C.3.3. Check payment for the applicable engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by these Conditions of Approval. The

engineering review fees will be calculated based on the fee rate adopted by the City Council on April 15, 2014, per Resolution 2014-059.

C.3.4. Traffic Control Plan signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California.

C.4. Improvement Plans - Improvement Plans shall contain the design, construction details and specifications of public improvements that are necessary to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and shall be prepared under the supervision of and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. The Improvement Plans shall be completed to comply with City Regulations, these Conditions of Approval, and the following requirements:

C.4.1. Grading and Storm Drainage Plans

- a. Include all proposed erosion control methods and construction details to be employed and specify materials to be used. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Geotechnical Engineer. A copy of the Project's Geotechnical Report must be submitted with the Grading and Storm Drainage Plans.
- b. When the grade differential between the Project Site and adjacent property(s) exceeds 12 inches, a reinforced or masonry block, or engineered retaining wall is required for retaining soil. The Grading Plan shall show construction detail(s) and structural calculations of the retaining wall or masonry wall for City's review and approval. The entire retaining wall and footing shall be constructed within the Project Site. A structural calculation shall be submitted with the Grading and Storm Drainage Plans.
- c. An engineered fill may be accepted as a substitute of a retaining wall subject to approval by the City Engineer. The Grading and Storm Drainage Plans must show the extent of the slope easement(s). The Developer shall be responsible for obtaining permission from owner(s) of the adjacent and affected property(s). The slope easement must be recorded prior to the issuance of the final building certificate of occupancy.
- d. Grading for the site shall be designed such that the Project's storm water can overland release to a public street that has a functional storm drainage system with adequate capacity to drain storm water from the Project Site in the event that the on-site storm drainage system fails or it is clogged. The storm drainage release point is recommended to be at least 0.70 foot lower than the building finish floor elevation and shall be improved to the satisfaction of the City Engineer.

C.4.2. Storm Drainage - The Developer shall design and install the Project's drainage connection(s) to the City's existing storm facilities on Gandy Dancer Drive and within the 20-foot wide Public Utility Easement located adjacent to the north property line of the Project per City Regulations and Standards. Storm drainage calculations for sizing of the on-site storm drainage system and storm drainage connection shall be submitted with the improvement plans.

C.4.3. Stormwater Treatment

- a. The design and construction details of the project's storm drainage connection shall meet City Regulations and Standards, including Storm Drainage Master Plan (including all supplements thereto) and shall comply with the applicable requirements of the *Multi-Agency Post-Construction Stormwater Standards Manual* and storm water regulations that were adopted by the City Council in July 2015 and any subsequent amendments.
- b. Calculations related to the design and sizing of on-site storm water treatment facilities (Bio-retention Area) shall be submitted with the Grading and Storm Drainage Plans and approved by Utilities Department Director prior to issuance of the Grading Permit for the Project.
- c. Prior to final inspection, the Developer shall submit a signed and notarized Stormwater Treatment Facilities Maintenance Agreement (STFMA) as a guarantee for the performance of Developer's responsibility towards the repair and maintenance of on-site storm water treatment facilities.

C.4.4. Sanitary Sewer Improvement Plans

- a. All new sewer lines and associated appurtenances shall meet the City of Tracy Design Standards, including minimum flow velocity requirement.
- b. The Developer is responsible for the cost of installing the Project's sewer connection to existing sewer line Gandy Dancer Drive, including but not limited to, replacing asphalt concrete pavement, application of 2" thick asphalt concrete overlay (25 feet on both sides of the utility trench) where required, restoring pavement markings and striping, and other improvements that are disturbed as a result of installing the Project's sewer connection.
- c. The Developer is hereby notified that the City has limited wastewater treatment capacity in the City's Wastewater Treatment Plant until current and future expansion capital improvement projects are completed and operational. As of January 2015, the City had an unused capacity of approximately 4,200 Equivalent Dwelling Units (EDU's) within its wastewater treatment plant available to new development within the City on a first come-first served basis. These EDU's are currently available to serve the proposed project, but as other development projects within the City come forward and building permits are issued, this remaining capacity will be reduced.
- d. Prior to the issuance of building permit for the Project, Developer shall submit improvement plans and secure approval of plans from City's Building Division for design of on-site sewer improvements. The Developer shall design and construct all on-site sewer improvements in accordance with the City's Design Standards and Standard Specification.
- e. The Developer shall design and install sanitary sewer facilities including the Project's sewer connection in accordance with City Regulations and improvement plans approved by the City Engineer. The Developer is

hereby notified that the City will not provide maintenance of the sewer lateral within public right-of-way unless the sewer cleanout is located and constructed in conformance with Standard Plan No. 203. The City's responsibility to maintain the sewer lateral is from the wye fitting to the point of connection with sewer main.

C.4.5. Water Distribution System

- a. As part of the plan review process, the City's Water System consultant will perform an analysis of the existing Water Distribution System serving the Project to determine the adequacy of the proposed water system connections and required improvements to the water system (Water Analysis) if necessary as determined by the City Engineer. The Water Analysis, if required, shall be completed prior to issuance of a Grading Permit or Encroachment Permit, and all costs for the Water Analysis shall be paid by the Developer.
- b. All costs associated with the installation of the Project's water connection(s) as identified in the Water Analysis shall be paid by the Developer subject to terms of the Finance Plan.
- c. Domestic and Irrigation Water Services – The Developer shall design and install domestic and irrigation water service connection, including a remote-read master water meter (the water meter to be located within City's right-of-way) and a Reduced Pressure Type back-flow protection device in accordance with City Regulations. The domestic and irrigation water service connection(s) must be completed before the final inspection of the building. The City shall maintain water lines from the master water meter to the point of connection with the water distribution main (inclusive) only. Repair and maintenance of all on-site water lines, laterals, sub-meters (if any), valves, fittings, and fire hydrants and appurtenances shall be the responsibility of the Developer.
- d. Interruption water service to the existing businesses and other users during the construction of the onsite water services shall be kept to a minimum. 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 onsite water mains and connections. The Developer shall be responsible for notifying business owner(s) and users regarding construction work. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least 72 hours before start of work.
- e. Fire Service Line - The Developer shall design and install fire hydrants at the locations approved by the City's Fire Safety Officer and Chief Building Official. Prior to the approval of the Improvement Plans, the Developer shall obtain written approval from the City's Fire Safety Officer and Chief Building Official, for the design, location and construction details of the fire service connection to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

- f. During the construction phase of the Project, the Developer is responsible for providing water infrastructure (temporary or permanent) capable of delivering adequate fire flows and pressure appropriate to the various stages of construction and as required by the City of Tracy Fire Code Official.

C.4.6. Street Improvements - The Developer shall construct two driveways along Gandy Dancer Drive at the locations shown on the plans received by the Development Services Department on March 1, 2016. The design and construction of the proposed driveways shall be in accordance with City of Tracy Standard Plan No. 133. Driveway and access details for this driveway shall be submitted with the Improvement Plans for approval by the City Engineer.

C.4.7. Joint Utility Trench Plans - The Developer shall prepare joint trench plans in compliance with utility companies' requirements and City regulations and obtain approval of the plans. All private utility services to serve Project such as electric, telephone and cable TV to the building must be installed underground and installed at the location approved by the respective owner(s) of the utilities.

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

C.4.8. Pavement cuts or utility trench(s) on existing street(s) for the installation of fire service loop, storm drain, sewer line, electric, gas, cable TV, and telephone will require the application of 2" asphalt concrete overlay and replacement of pavement striping and marking that are disturbed during construction. The limits of asphalt concrete overlay shall be 25 feet from both sides of the trench and shall extend over the entire width of the adjacent travel lane(s) if pavement excavation encroaches to the adjacent travel lane or up to the street centerline or the median curb. If the utility trench extends beyond the street centerline, the asphalt concrete overlay shall be applied over the entire width of the street (to the lip of gutter or edge of pavement, whichever applies). This pavement repair requirement is applicable when cuts or trenches are perpendicular to the street direction; when the new joint trench is placed in the street parallel to the street direction; the width of overlay is to be the width of the affected lane.

C.5. Building Permit – Before the approval of a building permit, the Developer shall demonstrate, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

C.5.1. Check payment of the applicable development impact fees including City Wide Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage,

Public Safety, Public Facilities, and Park Development Impact Fees per the Finance Plan.

- C.5.2. Check payment of any applicable Regional Transportation Impact Fees (RTIF).
- C.5.3. Check payment of any applicable Agricultural Conversion or Mitigation Fee as required in Chapter 13.28 of the Tracy Municipal Code.
- C.6. Acceptance of Public Improvements - Public improvements will not be accepted by the City Council until after the Developer completes construction of the relevant public improvements and demonstrates to the City Engineer satisfactory completion of the following:
  - C.6.1. Correction of all items listed in the deficiency report prepared by the assigned Engineering Inspector relating to public improvements subject to City Council's acceptance.
  - C.6.2. Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Developer, the City shall temporarily release the originals of the Improvement Plans to the Developer so that the Developer will be able to document revisions to show the "As Built" configuration of all improvements.
- C.7. Temporary or Final Building Certificate of Occupancy - Before final inspection or certificate of occupancy, the Developer shall provide documentation which demonstrates, to the satisfaction of the City Engineer, that:
  - C.7.1. The Developer has satisfied all the requirements set forth in Conditions C.5 and C.6 above.
  - C.7.2. The Developer has completed construction of all required public facilities for the building for which a certificate of occupancy is requested and all the improvements required in these Conditions of Approval. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).
- C.8. Improvement Security – The Developer shall provide improvement security for all public facilities as required by City Regulations and these Conditions of Approval. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with section 12.36.080 of the TMC and the Development Agreement. The amount of improvement security shall be as follows:
  - C.8.1. Faithful Performance (100% of the estimated cost of constructing the public facilities),
  - C.8.2. Labor & Materials (100% of the estimated cost of constructing the public facilities), and
  - C.8.3. Warranty (10% of the estimated cost of constructing the public facilities)

C.9. Release of Improvement Security - Improvement Security(s) described herein shall be released to the Developer after City Council's acceptance of public improvements, and after the Developer demonstrates, to the satisfaction of the City Engineer, compliance of these Conditions of Approval, and completion of the following:

C.9.1. Improvement Security for Faithful Performance, Labor & Materials, and Warranty shall be released to the Developer in accordance with TMC Section 12.36.080.

C.9.2. Written request from Developer and a copy of recorded Notice of Completion.

C.10. Special Conditions

C.10.1. All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Regulations and City's Design documents, including the City's Facilities Master Plan for storm drainage, roadway, wastewater and water adopted by the City, or as otherwise specifically approved by the City.

C.10.2. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Developer shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection. The Developer shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.

C.10.3. The 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.10.4. All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers. Any damaged, displaced, obliterated or lost monuments or survey markers shall be re-established or replaced by a licensed Land Surveyor at the Developer's (or Contractor's) sole expense. A corner record must be filed in accordance with the State law for any reset monuments (California Business and Professions Code Section 8871).

C.10.5. Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the Grading Permit, Encroachment Permit, or Building Permit Improvement Plans if the City Engineer finds it is 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.

**D. Utilities Department, Water Resources Division Conditions**

Contact: Stephanie Hiestand (209) 831-4333 [stephanie.hiestand@ci.tracy.ca.us](mailto:stephanie.hiestand@ci.tracy.ca.us)

- D.1. Landscape plans. Before the approval of a building permit, the applicant shall submit detailed landscape and irrigation plans that demonstrate compliance with the Department of Water Resources' Water Efficient Landscape Ordinance to the satisfaction of the Utilities Director.

AGENDA ITEM 1-D

REQUEST

**PUBLIC HEARING TO CONSIDER A DEVELOPMENT REVIEW APPLICATION FOR A MINI STORAGE FACILITY (STOREQUEST EXPRESS) LOCATED AT 225 GANDY DANCER DRIVE (ASSESSOR'S PARCEL NUMBER 248-470-17) – THE APPLICANT IS DAN R. SCHACK; PROPERTY OWNER ISLSC REALTY CALIFORNIA, LLC – APPLICATION NUMBER D16-0004**

DISCUSSION

Project Description

The proposal is to construct a mini storage facility on a three-acre site, located on the north side of Gandy Dancer Drive at Shamrock Way (Attachment A). The project includes a 1,650 square foot office building and five storage buildings ranging in size from 3,650 square feet to 16,225 square feet. The total storage area of the five storage buildings will be 59,951 square feet. Each of the five storage buildings will contain multiple, individually locked, self-storage spaces ranging in size from 25 square feet to 300 square feet. Attachments B, C, and D contain the proposed site plan and floor plans of the project.

The site will be enclosed by an eight-foot tall fence and gates for security. The fence will be wrought iron along the north and west property lines. Most of the east property line will be secured with the 375-foot long Building E constructed against the east property line. The remainder of the east property line is adjacent to a chain link fence with vinyl slats, constructed on the adjacent property, where additional security fencing, therefore, would not be necessary.

Access to the site is from Gandy Dancer Drive. An entrance driveway is proposed on the west side of the site and exit driveway on the east side. Vehicle access to the storage area will be secured with a wrought iron gate at each of the two driveways. Five visitor parking spaces are proposed near the office on the outside of the entrance gate. Two additional parking spaces are marked inside the gate, near the office, to achieve the number of off-street parking spaces required by City regulations (one space per 250 square feet of office area for the 1,650 square foot of office building).

Attachments E, F, and G contain the exterior building elevations, and color renderings are contained in Attachment H. The predominant exterior building material is metal. Metal exterior buildings do not typically contain comparable opportunities for aesthetic appeal as masonry, wood, glass, tile, or other exterior building materials. In this circumstance, the project design includes elements that help overcome otherwise less attractive qualities of an all-metal exterior building. For example, the office and two storage buildings facing directly toward Gandy Dancer Drive contain multiple wall planes, metal awnings, storefront glazing, precision (smooth, concrete) block along the base of the buildings, and other architectural elements that enhance the appearance of the site.

The project is a Development Review application, which would normally be concluded with a final decision by the Development Services Director. This application, instead, is being presented to the Planning Commission because the City's Design Goals and Standards stipulate that "metal buildings are not permitted unless an exception is made by the Planning Commission or City Council based on meritorious design." The Design Goals and Standards also state that "All structures on a site should be designed to be compatible with each other and with neighboring developments, while contributing to the overall architectural character of the area." Although the proposed buildings have predominantly metal exterior, the project is compatible with neighboring developments and contains design features that help achieve consistency with Design Goals and Standards.

#### Land Use and Design Compatibility

The project site is located in a historically industrial area, in recent years, becoming known as the South Tracy Industrial Park area. Development of this industrial area began in the middle 1970s. The vicinity is characterized by a variety of single-story, metal, masonry, and tilt-up concrete buildings, set back from the street by 25 feet or more or containing parking areas between the buildings and the street. This project includes those elements and proposes a compatible fit in the neighborhood.

#### Industrial Areas Specific Plan

The subject property is designated General Industrial within the Industrial Areas Specific Plan (IASP). The Specific Plan prescribes design requirements for land use, parking, landscaping, setbacks, maximum height, maximum floor area ratio, and other standards. The project demonstrates compliance with all of the applicable design standards of the IASP.

#### CEQA Documentation

The project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15332 pertaining to infill development. This exemption applies to projects that are consistent with General Plan and zoning regulations; are on a site of no more than five acres; are on a site with no value as habitat for endangered, rare, or threatened species; do not result in significant effects relating to traffic, noise, air quality, or water quality; and can be adequately served by all required utilities for public services. In accordance with CEQA Guidelines, no further environmental assessment is required.

### RECOMMENDATION

Staff recommends the Planning Commission approve the Development Review application for the Storquest Express mini storage as indicated in the attached Planning Commission Resolution.

MOTION

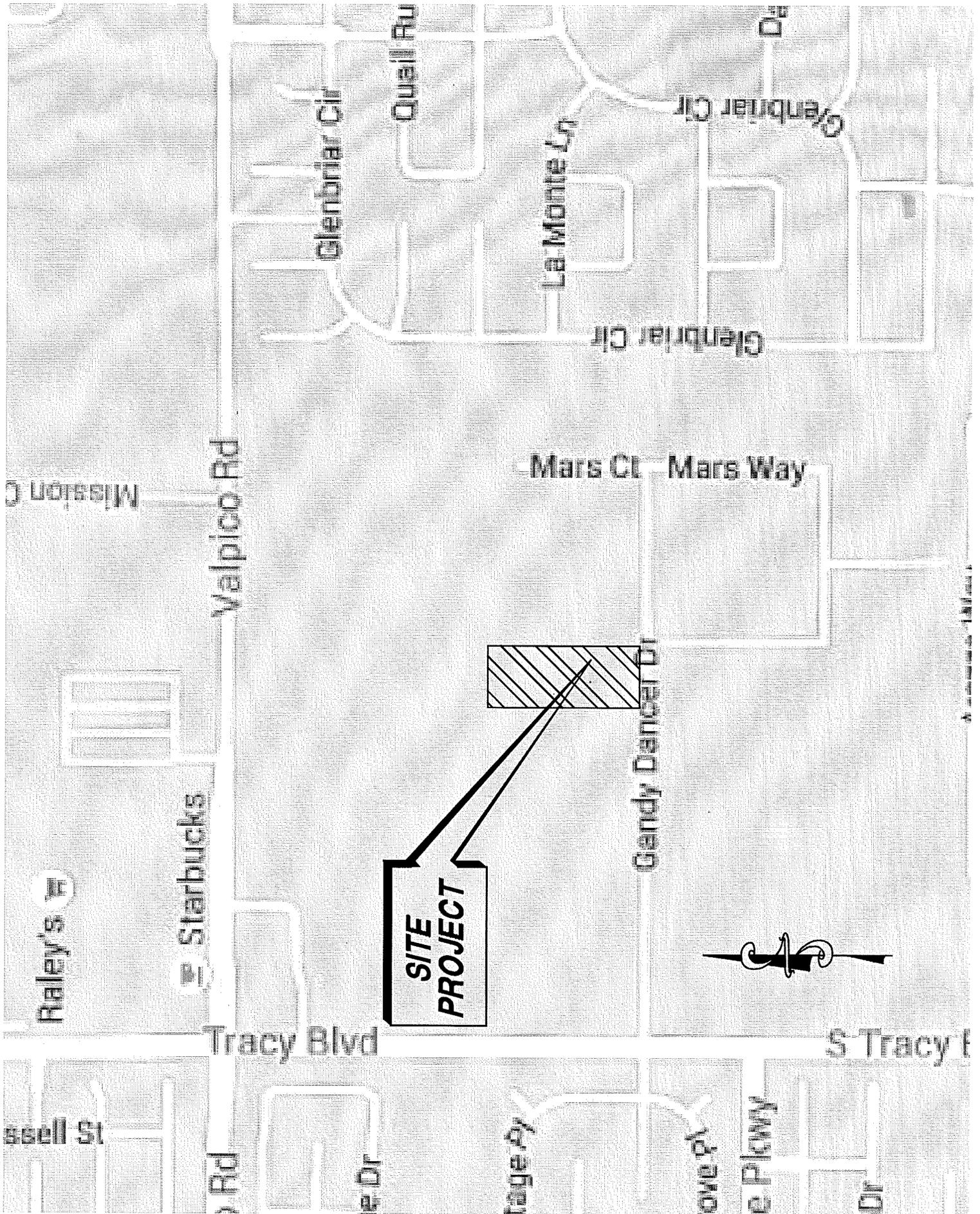
Move that the Planning approve Development Review Application Number D16-0004 for a mini storage facility at 225 Gandy Dancer Drive, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated March 9, 2016.

Prepared by Alan Bell, Senior Planner  
Approved by Bill Dean, Assistant Development Services Director

ATTACHMENTS

- Attachment A – Location Map
- Attachment B – Site Plan
- Attachment C – Storage Building Floor Plans
- Attachment D – Office Building Floor Plan
- Attachment E – Exterior Elevations of the Office and Building A
- Attachment F – Exterior Elevations of Buildings B and C
- Attachment G – Exterior Elevations of Buildings D and E
- Attachment H – Color Renderings
- Attachment I – Planning Commission Resolution

(ATTACHMENTS B THROUGH H ARE ALSO PROVIDED IN OVERSIZE VERSIONS TO THE PLANNING COMMISSION AND ARE AVAILABLE AT TRACY CITY HALL, DEVELOPMENT SERVICES DEPARTMENT, 333 CIVIC CENTER PLAZA, TRACY)



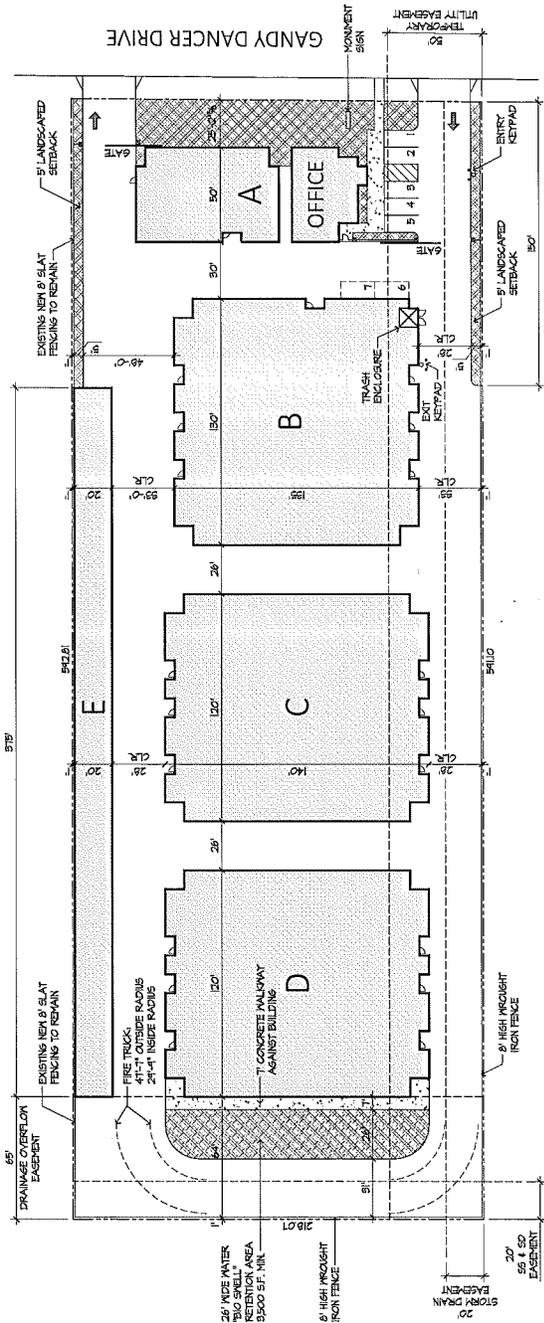
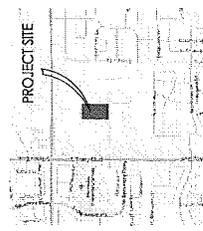
**RECEIVED**  
**JAN 28 2016**  
**CITY OF TRACY**  
**DEVELOPMENT SERVICES**

**OWNER/OPERATOR:**  
 THE WILLIAM WARREN GROUP  
 201 WILLIAMS BLVD., SUITE 102  
 SANTA MONICA, CA 90401  
 PHONE: 310-880-0180

**ARCHITECT:**  
 ARIEL L. VALLI  
 VALLI ARCHITECTURAL GROUP  
 27406 PIQUETA REAL, SUITE 235  
 MISSION VIEJO, CA 92651  
 PHONE: 949-349-1777  
 E-MAIL: ariel@valliarch.com

**SITE DATA:**  
 SITE AREA: 129,087 SQ. FT.  
 BUILDING COVERAGE: 61,601 SQ. FT. (47.7%)  
 DRIVEWAYS / PAVEMENTS: 58,590 SQ. FT. (45.4%)  
 LANDSCAPED AREAS: 5,396 SQ. FT. (4.2%)  
 BIO-RETENTION AREA: 3,550 SQ. FT. (2.7%)  
 TOTAL: 129,087 SQ. FT. (100%)

**BUILDING DATA:**  
 BUILDING A: 3,650 SQ. FT.  
 BUILDING B: 16,225 SQ. FT.  
 BUILDING C: 16,108 SQ. FT.  
 BUILDING D: 16,108 SQ. FT.  
 BUILDING E: 7,500 SQ. FT.  
 STORAGE: 59,951 SQ. FT.  
 OFFICE: 1,650 SQ. FT.  
 TOTAL BUILDING AREA: 61,601 SQ. FT.



- SHEET INDEX**
- A1- SITE PLAN
  - A2- UTILITY PLAN
  - A3- OFFICE FLOOR PLAN
  - A4- ROOF PLAN
  - A5- ELEVATIONS
  - A6- ELEVATIONS
  - A7- ELEVATIONS
  - A8- ELEVATIONS

**STORQUEST EXPRESS**  
**TRACY, CA**

**SITE PLAN**

SCALE: 1" = 30'-0"  
 12/7/15  
 2015-440





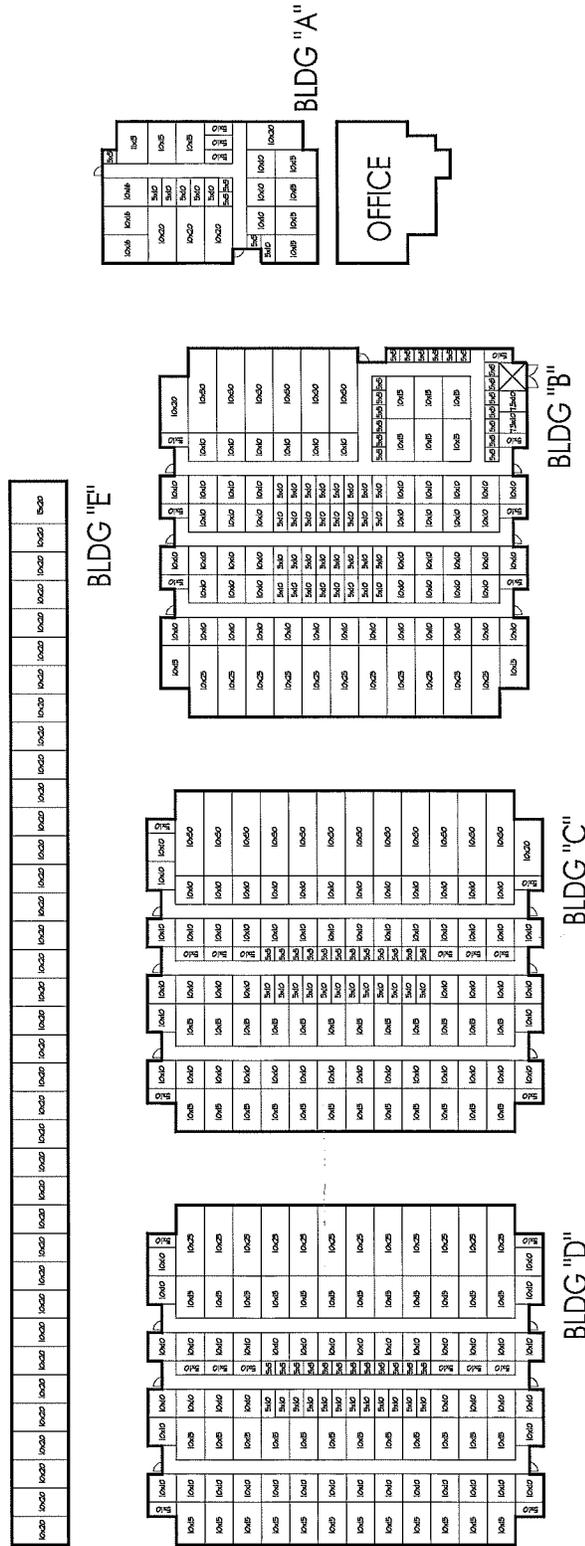
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2015-40

UNITMIX PLAN

STORQUEST EXPRESS  
TRACY, CA

SCALE: 1" = 30'-0"

2780 BERNER RD, TRACY, CA 95376  
PH: 949-348-1777  
EMAIL: info@valligroup.com



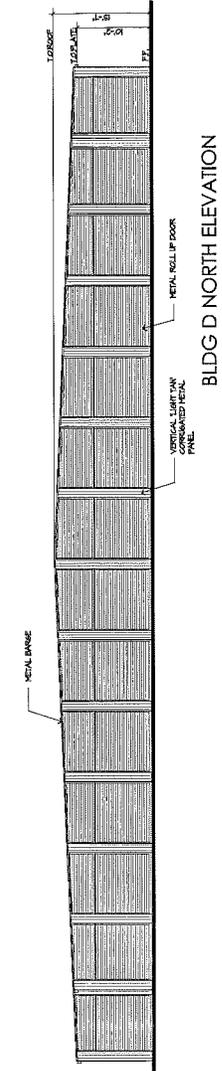
UNITMIX TABULATION

SQ. COUNT	SOFT UNIT	RES. UNITS	TOTAL SQ. FT.
5 x 5	25	47	1175
5 x 10	50	91	4500
7.5 x 10	75	2	1500
10 x 10	100	196	14000
10 x 12	120	17	14400
10 x 14	140	3	19600
10 x 20	200	42	8400
10 x 25	250	25	5750
10 x 30	300	18	5400
15 x 20	300	1	3000
<b>TOTAL</b>	<b>1785</b>	<b>451</b>	<b>59320</b>
AVERAGE UNIT SIZE			116.0
GROSS BUILDING AREA			59,291
EFFICIENCY			87.8%

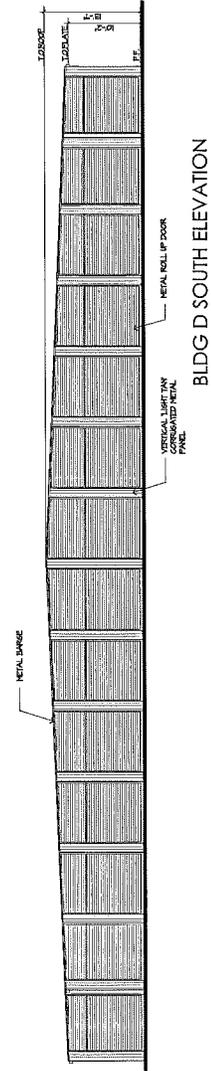




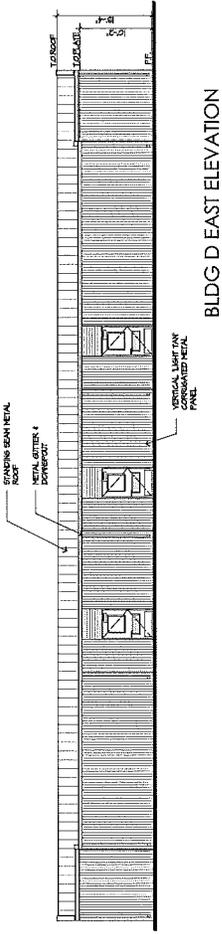




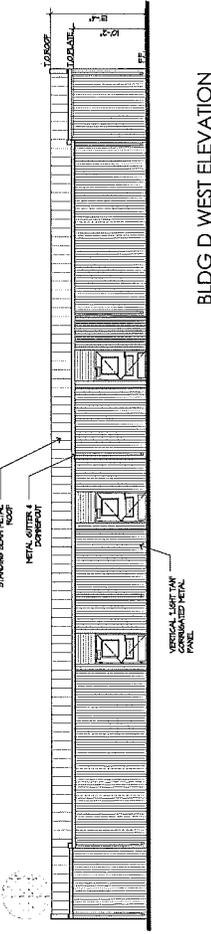
BLDG D NORTH ELEVATION



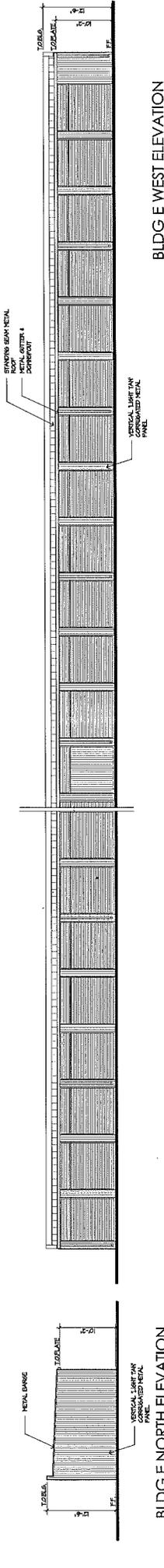
BLDG D SOUTH ELEVATION



BLDG D EAST ELEVATION

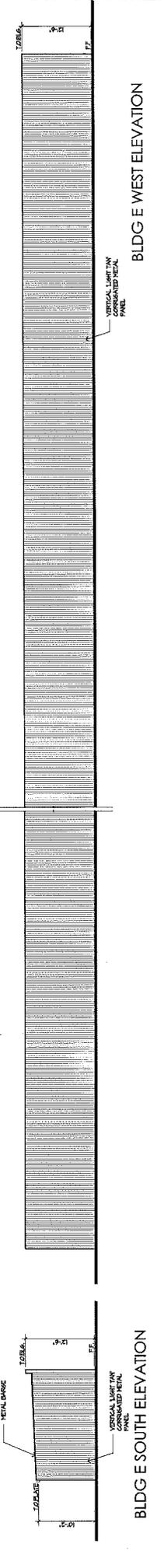


BLDG D WEST ELEVATION



BLDG E NORTH ELEVATION

BLDG E WEST ELEVATION



BLDG E SOUTH ELEVATION

BLDG E WEST ELEVATION

ELEVATIONS

STORQUEST EXPRESS

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

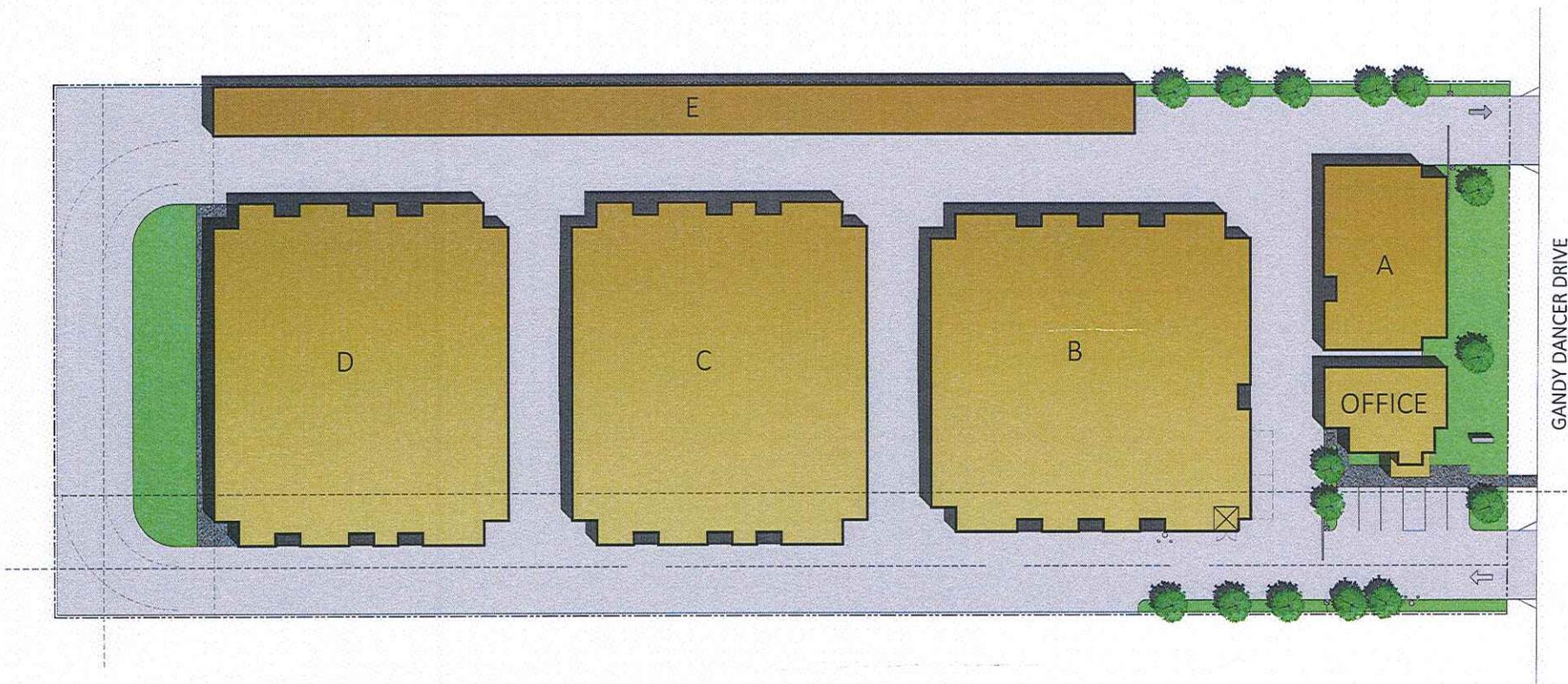
TRACY, CA

12/18/15

2014-400



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DEVELOPMENT SERVICES



STORQUEST EXPRESS  
TRACY, CA

SITE PLAN  
SCALE: 1" = 20'-0"

12/18/15  
2015-440

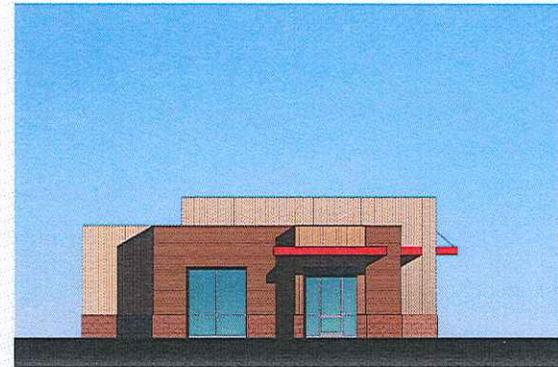


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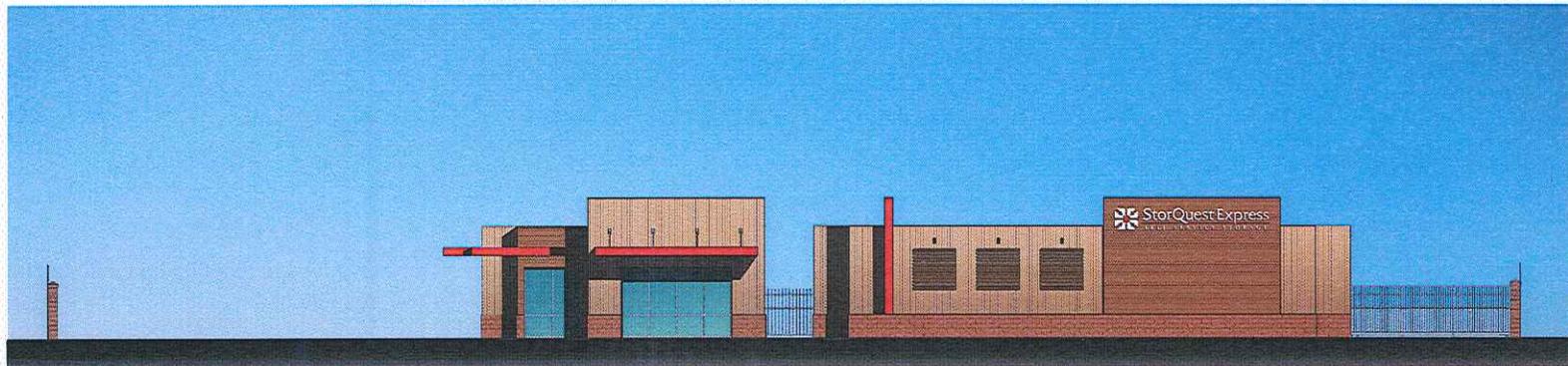
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JAN 28 2016

CITY OF TRACY  
DEVELOPMENT SERVICES



OFFICE WEST ELEVATION



OFFICE / BLDG. A SOUTH (STREET) ELEVATION

STORQUEST EXPRESS

TRACY, CA

ELEVATIONS

12/18/15

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

2015-440

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27465 FLORIDA REAL - 5092 235 P.O. Box 9497 95134-1191  
MISSION VIEJO, CA 92691 office@vofarch.com

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JAN 28 2016  
CITY OF TRACY  
DEVELOPMENT SERVICES



VERTICAL 'LIGHT TAN'  
CORRUGATED METAL PANEL



HORIZONTAL 'BRONZE'  
CORRUGATED METAL PANEL



'STORQUEST RED'  
METAL AWNING & BLADE SIGN



HORIZONTAL METAL  
SLAT PANELS



'STORQUEST TAN' INTEGRAL COLOR  
CONCRETE BLOCK BUILDING BASE



METAL ROOF AT STORAGE BUILDINGS:  
MAKO STEEL: "GALVALUME"



ROLL -UP STORAGE SPACE DOORS:  
JANUS INTERNATIONAL: "CEDAR RED"

## COLOR AND MATERIALS STORQUEST EXPRESS

TRACY, CA

01/21/16

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27405, PUERTA REAL - SUITE 235 PH: 949/ 813-4191  
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RESOLUTION 2016-\_\_\_\_

APPROVING A DEVELOPMENT REVIEW APPLICATION FOR AN APPROXIMATELY 61,601 SQUARE FOOT MINI STORAGE PROJECT AT 225 GANDY DANCER DRIVE (ASSESSOR'S PARCEL NUMBER 248-470-17) – APPLICATION NUMBER D16-0004

WHEREAS, On January 28, 2016, the applicant submitted a Development Review application to construct an approximately 61,601 square foot mini storage with office project, and

WHEREAS, The site is designated Industrial by the City of Tracy General Plan and General Industrial within the Industrial Areas Specific Plan, and

WHEREAS, The project is categorically exempt from the California Environmental Quality Act pursuant to Guidelines Section 15332 pertaining to infill development, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the Development Review application on March 9, 2016;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission approves Development Review Application Number D16-0004 for an approximately 61,601 square foot mini storage with office project at 225 Gandy Dancer Drive (Assessor's Parcel Number 248-470-17), subject to the conditions contained in Exhibit 1, attached, and based on the following findings:

1. The desirability, benefits of occupancy, most appropriate development, and maintenance or improvements of surrounding properties will not be adversely affected by the project, because the project is consistent with the character and quality of the metal and masonry buildings as well as landscaping and other site improvements along Gandy Dancer Drive and the within the vicinity of the site. The consumer- and business-oriented storage use of the project is compatible with the permitted and existing mixture of storage, light industrial, and services in the vicinity of the site.
2. The subject property is designated Industrial by the General Plan and is located within the General Industrial Zone of the Industrial Areas Specific Plan (IASP). The mini storage project is a form of warehousing, storage, or consumer and business services permitted within the General Industrial Zone of the IASP. The project is consistent with the General Plan and IASP because it meets all setbacks, maximum building coverage, floor area ratio, maximum building height, landscaping, parking, land use, and all other applicable regulations of the City. The character of the mini storage use mandates the metal storage buildings. The variety of building wall planes visible from the street, awnings over doors and windows, amount of glazing, the masonry wainscot, the wrought iron fencing, the architectural compatibility with the neighborhood, and the decorative south elevation of Building B contribute to the meritorious design of the project to justify approval of the use of metal on the exterior of the buildings.
3. The project will not be detrimental to the public health, safety, or welfare or materially injurious to or inharmonious with properties in the vicinity because the single-story office and storage buildings, setbacks, and frontage landscaping are consistent with the buildings in the project vicinity; and the storage land use will generate insignificant traffic,

noise, light and glare, or other potential negative effects on nearby businesses or properties.

\* \* \* \* \*

The foregoing Resolution 2016-\_\_\_\_ of the Planning Commission was adopted by the Planning Commission on the 9<sup>th</sup> day of March, 2016, by the following vote:

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

\_\_\_\_\_  
Chair

ATTEST:

\_\_\_\_\_  
Staff Liaison

**Storquest Express Conditions of Approval**  
**Application Number D16-0004**  
**Planning Commission**  
**March 9, 2016**

These Conditions of Approval shall apply to the real property described as the Storquest Express Project, Development Review Application Number D16-0004. The approximately three-acre subject property is located at 225 Gandy Dancer Drive, Tracy (Assessor's Parcel Number 248-470-17).

- A. The following definitions shall apply to these Conditions of Approval:
1. "Applicant" means any person, or other legal entity, defined as a "Developer".
  2. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
  3. "City Regulations" means all written laws, rules and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design documents (the Streets and Utilities Standard Plans, Design Standards, Parks and Streetscape Standard Plans, Standard Specifications, and Manual of Storm Water Quality Control Standards for New Development and Redevelopment, and Relevant Public Facilities Master Plans).
  4. "Conditions of Approval" shall mean the conditions of approval applicable to the real property described as the Storquest Express Project, at 225 Gandy Dancer Drive, Development Review Application Number D16-0004, at 225 Gandy Dancer Drive Assessor's Parcel Number 248-470-17.
  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 three acres proposed for the Storquest Express Project located at 225 Gandy Dancer Drive (Assessor's Parcel Number 248-470-17)).
  7. "Property" means the real property located at 225 Gandy Dancer Drive (Assessor's Parcel Number 248-470-17).
  8. "Subdivider" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. "Subdivider" also means Developer. The term "Developer" shall include all successors in interest.

B. General Conditions of Approval:

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, *et seq.*), the Subdivision Map Act (Government Code sections 66410, *et seq.*), the California Environmental Quality Act (Public Resources Code sections 21000, *et seq.*, "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 15000, *et seq.*, "CEQA Guidelines").
2. Unless specifically modified by these Conditions of Approval, the Project shall comply with all City Regulations.
3. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the 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 by these Conditions of Approval, all construction shall be consistent with the plans received by the Development Services Department (A1 through A7 and color renderings) on January 28, 2016.
6. Prior to the issuance of a building permit, the applicant shall provide a detailed landscape and irrigation plan consistent with City landscape and irrigation standards, including, but not limited to Tracy Municipal Code Section 10.08.3560, the City's Design Goals and Standards, and the Parks and Parkways Design Manual for public property, to the satisfaction of the Development Services Director, and consistent with the applicable Department of Water Resources Model Efficient Landscape Ordinance on private property 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, and 40 percent canopy tree coverage at tree maturity 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. The approximately 125-foot long landscape area between the Gandy Dancer Drive public sidewalk and the buildings shall contain canopy-type trees along the entire length, not more than 35 feet apart, and root barriers along all buildings or edge of planter where a tree is within ten feet of edge of planter.
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 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. 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 Gandy Dancer Drive or any other public right-of-way. All roof-mounted equipment shall be screened from view from the public rights-of-way by the parapet walls of the building, 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. 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.
13. The trash enclosure and its access door shall be designed in accordance with stormwater quality standards (covered, connection to sanitary sewer, as applicable) and compatible in materials and color with the adjacent or connected building to the satisfaction of the Development Services Director.
14. No signs are approved with this Development Review permit. 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 Industrial Areas Specific Plan.
15. Prior to the issuance of a building permit, the developer shall document compliance with the City of Tracy Multi-Agency Post-Construction Stormwater Standards manual (Manual) to the satisfaction of the Utilities Director, which includes the requirement for Site Design Control Measures, Source Control Measures and Treatment Control Measures under the guidelines in a project Stormwater Quality Control Plan (SWQCP). Compliance with the Manual includes, but is not limited to, addressing

outdoor storage areas, loading and unloading areas, trash enclosures, parking areas, any wash areas and maintenance areas. The SWQCP must conform to the content and format requirements indicated in Appendix D of the Manual and must be approved by the Utilities Director prior to issuance of grading or building permits.

16. 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.
17. Prior to the issuance of a building permit, the developer shall provide emergency responder radio coverage system in accordance with section 510 of the 2013 California Fire Code to the satisfaction of the Chief Building and Fire Code Official.
18. Prior to occupancy or final inspection, Opti-com and Knox Switch shall be provided at the gated site entries and Knox Box shall be provided at the office of sufficient size to accommodate all keys for emergency access, to the satisfaction of the Building Official/Fire Marshall.
19. Prior to issuance of a building permit, Buildings B through E shall be designed with automatic sprinkler systems to the satisfaction of the Building Official/Fire Marshall.
20. Prior to occupancy or final inspection, sprinkler risers shall be fully contained within the building, screened from public view, or painted to match the adjacent building surface to the satisfaction of the Development Services Director.
21. Prior to occupancy or final inspection, the developer shall initiate proceedings to cause an addressing scheme to identify multiple buildings on the site to the satisfaction of the Building Official/Fire Marshall.
22. Prior to issuance of a building permit, fire hydrants shall be designed for the site, including a loop system, to the satisfaction of the Building Official/Fire Marshall.
23. Prior to occupancy or final inspection, the developer shall initiate proceedings and follow through as determined by the City Engineer, to cause the vacation or abandonment of the former Gandy Dancer right-of-way cul-de-sac bulb affecting the subject property.
24. Prior to issuance of a building permit, the "Exit Keypad" and related improvements indicated on the site plan shall be relocated from the west side of the site to the east side, near the exit driveway, to the satisfaction of the Development Services Director.
25. Prior to occupancy or final inspection, bollards at Keypad locations or elsewhere on site shall be painted to match the adjacent building or nearby improvement to the satisfaction of the Development Services Director.
26. If a fence is constructed along the east, west, or south property lines, it shall be wrought iron, tube steel, or other decorative metal (not chain link), to the satisfaction of the Development Services Director. Prior to occupancy or final inspection, the

eight-foot-tall wrought iron fence indicated along the west property line shall be constructed from the approximate location of the entrance gate to the north property line.

27. Prior to the issuance of a building permit, the door indicated on the north side of the office building shall be relocated or redesigned so that it does not open onto a vehicle driveway, to the satisfaction of the Development Services Director.
28. Prior to occupancy or final inspection, the developer shall initiate proceedings to cause the removal or relocation of the 50-foot-wide Temporary Utility Easement along the west side of the site to the satisfaction of the City Engineer so that the easement does not coincide with building locations.

#### C. Development Services Engineering Division Conditions

Contact: Criseldo Mina, PE (209) 831-6425 [cris.mina@ci.tracy.ca.us](mailto:cris.mina@ci.tracy.ca.us)

##### C.1. General Conditions

C.1.1. Developer shall comply with the requirements of the South Tracy Industrial Areas Specific Plan (South Tracy ISP), approved by City Council on June 1988, pursuant to Resolution Number 88-213, and any amendments thereto.

##### C.2. Grading Permit

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

- C.2.1. Grading and Drainage Plans prepared on a 24" x 36" size polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil Engineer.
- C.2.2. Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.
- C.2.3. Three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) for the Project with a copy of the Notice of Intent (NOI) submitted to the State Water Quality Control Board (SWQCB) and any relevant documentation or written approvals from the SWQCB, including the Wastewater Discharge Identification Number (WDID#).

- a. After the completion of the Project, the Developer is responsible for filing the Notice of Termination (NOT) required by SWQCB. The Developer shall provide the City with a copy of the completed Notice of Termination.
  - b. The cost of preparing the SWPPP, NOI and NOT, including the filing fee of the NOI and NOT, shall be paid by the Developer.
  - c. The Developer shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the applicable provisions of the City's Storm Water Management Program.
- C.2.4. Two (2) sets of the Project's Geotechnical Report signed and stamped by a licensed Geo-technical Engineer licensed to practice in the State of California. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, pavement design recommendations, percolation rate, and elevation of the highest observed groundwater.
- C.2.5. Two (2) sets of Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system, for determining the size of the project's storm drainage connection, and for sizing and designing the proposed on-site storm water treatment facilities bio-retention areas.
- C.2.6. A copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD).
- C.2.7. Documentation of any necessary authorizations from Regional Water Quality Control Board (RWQCB) such as NOI and WDID and documents such as SWPPP.
- C.3. Encroachment Permit
- No applications for encroachment permit will be accepted by the City as complete until the Developer provides all relevant documents related to said encroachment permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:
- C.3.1. Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (mylar) that incorporates all the requirements described in these Conditions of Approval. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.
  - C.3.2. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.

- C.3.3. Check payment for the applicable engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by these Conditions of Approval. The engineering review fees will be calculated based on the fee rate adopted by the City Council on April 15, 2014, per Resolution 2014-059.
- C.3.4. Traffic Control Plan signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California.
- C.4. Improvement Plans - Improvement Plans shall contain the design, construction details and specifications of public improvements that are necessary to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. The Improvement Plans shall be completed to comply with City Regulations, these Conditions of Approval, and the following requirements:
- C.4.1. Grading and Storm Drainage Plans
- C.4.1.1 Include all proposed erosion control methods and construction details to be employed and specify materials to be used. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Geotechnical Engineer. A copy of the Project's Geotechnical Report must be submitted with the Grading and Storm Drainage Plans.
- C.4.1.2 When the finish grade differential between the Project Site and adjacent property(s) exceeds 12 inches, a reinforced or masonry block, or engineered retaining wall is required for retaining soil. The Grading Plan shall show construction detail(s) and structural calculations of the retaining wall or masonry wall for City's review and approval. The entire retaining wall and footing shall be constructed within the Project Site. A structural calculation shall be submitted with the Grading and Storm Drainage Plans.
- C.4.1.3 An engineered fill may be accepted as a substitute of a retaining wall, subject to approval by the City Engineer. The Grading and Storm Drainage Plans must show the extent of the slope easement(s). The Developer shall be responsible for obtaining permission from owner(s) of the adjacent and affected property(s). The slope easement must be recorded, prior to the issuance of the final building certificate of occupancy.
- C.4.1.4 Grading for the site shall be designed such that the Project's storm water can overland release to a public street that has a functional storm

drainage system with adequate capacity to drain storm water from the Project Site, in the event that the on-site storm drainage system fails or it is clogged. The storm drainage release point is recommended to be at least 0.70 foot lower than the building finish floor elevation and shall be improved to the satisfaction of the City Engineer.

C.4.1.5 Developer shall coordinate with the City regarding the termination of the 65-foot wide Drainage Overflow Easement along the northern portion of the Property. The termination of the easement shall comply with the requirements of Section 9 of the Temporary Drainage Easement And Agreement dated October 25, 1996, entered into by and between BA Properties, Inc., a Delaware corporation and Diversified Collection Services, Inc., a California corporation. No permanent structures shall be installed until after the easement is terminated. All costs associated with the termination of the easement, including the cost of preparing legal description, if necessary, recording, and others shall be paid by the Developer.

#### C.4.2. Storm Drainage

C.4.2.1 The Developer shall design and install Project's drainage connection(s) to City's existing storm facilities on Gandy Dancer Drive and within the Public Utility Easement located adjacent to the north property line of the project per City Regulations and Standards. Storm drainage calculations for sizing of the on-site storm drainage system and storm drainage connection must be submitted with the improvement plans.

#### C.4.3. Storm Water Treatment

C.4.3.1 The design and construction details of the project's storm drainage connection shall meet City Regulations and Standards, including Storm Drainage Master Plan (including all supplements thereto), and shall comply with the applicable requirements of the *Multi-Agency Post-Construction Stormwater Standards Manual* and storm water regulations that were adopted by the City Council in July 2015 and any subsequent amendments.

C.4.3.2 Calculations related to the design and sizing of on-site storm water treatment facilities, Bio-retention Area, must be submitted with the Grading and Storm Drainage Plans, and approved by City's Stormwater Coordinator prior to issuance of the Grading Permit for the Project.

C.4.3.3 Prior to the final inspection of the building the Developer shall submit a signed and notarized Stormwater Treatment Facilities Maintenance Agreement (STFMA) as a guarantee for the performance of Developer's responsibility towards the repair and maintenance of on-site storm water treatment facilities.

C.4.4. Sanitary Sewer Improvement Plans

C.4.4.1 All new sewer lines and associated appurtenances shall meet the City of Tracy Design Standards including minimum flow velocity requirement.

C.4.4.2 The Developer shall design and install sanitary sewer facilities including the Project's sewer connection in accordance with City Regulations and improvement plans approved by the City Engineer. The Developer is responsible for the cost of installing the Project's sewer connection to existing sewer line Gandy Dancer Drive, including but not limited to, replacing asphalt concrete pavement, application of 2" thick asphalt concrete overlay (25 feet on both sides of the utility trench) over a reinforcing fabric where required, restoring pavement markings and striping, and other improvements that are disturbed as a result of installing the Project's sewer connection.

C.4.4.3 The Developer is hereby notified that the City has limited wastewater treatment capacity in the City's Wastewater Treatment Plant until current and future expansion capital improvement projects are completed and operational. As of January 2015, the City had an unused capacity of approximately 4200 Equivalent Dwelling Units (EDU's) within its wastewater treatment plant available to new development within the City on a first come-first served basis. These EDU's are currently available to serve the proposed project, but as other development projects within the City come forward and building permits are issued, this remaining capacity will be reduced.

C.4.4.4 Prior to the issuance of Building Permit for the Project, Developer shall submit improvement plans and secure approval of plans from the City's Building Division, for design of on-site sewer improvements. The Developer shall design and construct all offsite sewer improvements in accordance with City Regulations.

C.4.4.5 The Developer is hereby notified that the City will not provide maintenance of the sewer lateral within public right-of-way unless the sewer cleanout is located and constructed in conformance with Standard

Plan No. 203. The City's responsibility to maintain the sewer lateral is from the wye fitting to the point of connection with sewer main.

C.4.5. Water Distribution System

- C.4.5.1 As part of the plan review process, if required as determined by the City Engineer, the City's Water System consultant will run the water model or perform an analysis of the existing Water Distribution System serving the Project, to determine the adequacy of the proposed water system connections, and required improvements to the City's water distribution system (Water Analysis). The Water Analysis shall be completed, if the determined by the City Engineer to be necessary, prior to the issuance of the Grading Permit or Encroachment Permit, and all costs for the Water Analysis shall be paid by the Developer.
- C.4.5.2 All costs associated with the installation of the Project's water connection(s) and associated improvements as identified in the Water Analysis shall be paid by the Developer subject to terms of the Finance Plan.
- C.4.5.3 The Developer shall design and install domestic and irrigation water service connection, including a remote-read master water meter (the water meter to be located within City's right-of-way) and a Reduced Pressure Type back-flow protection device in accordance with City Regulations. The domestic and irrigation water service connection(s) must be completed before the final inspection of the building. The City shall maintain water lines from the master water meter to the point of connection with the water distribution main (inclusive) only. Repair and maintenance of all on-site water lines, laterals, sub-meters (if any), valves, fittings, and fire hydrants and appurtenances shall be the responsibility of the Developer.
- C.4.5.4 Interruption water service to the existing businesses and other users during the construction of the onsite water services shall be kept to a minimum. 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 onsite water mains and connections. The Developer shall be responsible for notifying business owner(s) and users regarding construction work. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least 72 hours before start of work.

C.4.5.5 The Developer shall design and install fire service connection including fire hydrants at the locations approved by the City's Fire Code Official. Prior to the approval of the Improvement Plans, the Developer shall obtain written approval from the City's Fire Safety Officer and Chief Building Official, for the design, location and construction details of the fire service connection to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

C.4.5.6 During the construction phase of the Project, the Developer is responsible for providing water infrastructure (temporary or permanent) capable of delivering adequate fire flows and pressure appropriate to the various stages of construction and as required by the City of Tracy Fire Code Official.

#### C.4.6. Street Improvements

C.4.6.1 Project Access - The Developer shall construct two commercial driveways along Gandy Dancer Drive at the location approved by the City Engineer. The design and construction details of the proposed commercial driveways shall be in accordance with City of Tracy Standard Plan No. 133/134, and shall be submitted with the Improvement Plans for approval by the City Engineer.

The proposed east driveway shall not be closer than 33 feet to the adjacent driveway to the east (the western driveway of the neighboring property to the east (Olmar Supply, APN 248-470-18).

C.4.6.2 Pavement cuts or utility trench(s) on existing street(s) for the installation of fire service loop, storm drain, sewer line, electric, gas, cable TV, and telephone will require the application of 2" asphalt concrete overlay and replacement of pavement striping and marking that are disturbed during construction. The limits of asphalt concrete overlay shall be 25 feet from both sides of the trench, and shall extend over the entire width of the adjacent travel lane(s) if pavement excavation encroaches to the adjacent travel lane or up to the street centerline or the median curb. If the utility trench extends beyond the street centerline, the asphalt concrete overlay shall be applied over the entire width of the street (to the lip of gutter or edge of pavement, whichever applies). This pavement repair requirement is applicable when cuts or trenches are perpendicular to the street direction; when the new joint trench is placed in the street parallel to the street direction; the width of overlay is to be the width of the affected lane

#### C.4.7. Joint Utility Trench Plans

C.4.7.1 The Developer shall prepare joint trench plans in compliance with utility companies' requirements and City regulations, and obtain approval of the plans. All private utility services to serve Project such as electric, telephone and cable TV to the building must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities.

C.4.7.2 The Developer shall submit Joint Utility Trench Plans for the installation of electric, gas, telephone and TV cable main and service lines that are necessary to be installed to serve the Project. These utilities shall be installed within the 10-foot wide Public Utility Easement (PUE) that will be offered for dedication to the City. The Developer shall coordinate, as feasible, with the respective owner(s) of the utilities for the design of these underground utilities to ensure they can be installed within the 10-foot wide PUE to the extent feasible (and except in the event, that additional space beyond the 10-foot PUE is required, as determined by the utilities owner(s)).

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

C.5.1. Check payment of the applicable development impact fees including City Wide Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park Development Impact Fees per the South ISP Finance Plan.

C.5.2. Check payment of any applicable County Facilities Fees (CFF) and Regional Transportation Impact Fees (RTIF).

C.5.3. Check payment of any applicable Agricultural Conversion or Mitigation Fee as required in Chapter 13.28 of the Tracy Municipal Code.

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

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

C.6.2. Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Developer, the City shall temporarily release the originals

of the Improvement Plans to the Developer so that the Developer will be able to document revisions to show the "As Built" configuration of all improvements.

- C.7. Temporary or Final Building Certificate of Occupancy - No Final Building Certificate of Occupancy will be issued by the City until after the Developer provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:
- C.7.1. The Developer has satisfied all the requirements set forth in Conditions C.5 and C.6 above.
  - C.7.2. Prior to issuance of a Certificate of Occupancy, the vacation of public right-of-way on Gandy Dancer Drive shall be completed per Condition C10.1, below.
  - C.7.3. The Developer has completed construction of all required public facilities for the building for which a certificate of occupancy is requested and all the improvements required in these Conditions of Approval. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).
- C.8. Improvement Security – The Developer shall provide improvement security for all public facilities, as required by City Regulations and these Conditions of Approval. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with section 12.36.080 of the TMC and the Development Agreement. The amount of improvement security shall be as follows:
- C.8.1. Faithful Performance (100% of the estimated cost of constructing the public facilities),
  - C.8.2. Labor & Materials (100% of the estimated cost of constructing the public facilities), and
  - C.8.3. Warranty (10% of the estimated cost of constructing the public facilities)
- C.9. Release of Improvement Security - Improvement Security(s) described herein shall be released to the Developer after City Council's acceptance of public improvements, and after the Developer demonstrates, to the satisfaction of the City Engineer, compliance of these Conditions of Approval, and completion of the following:
- C.9.1. Improvement Security for Faithful Performance, Labor & Materials, and Warranty shall be released to the Developer in accordance with Section 12.36.080 of the TMC.

C.9.2. Written request from Developer and a copy of recorded Notice of Completion.

C.10. Special Conditions

C.10.1. Developer shall submit a complete application, prepare a plat and description of the excess right-of-way on Gandy Dancer Drive (the bulb-out on both sides of the street), and pay required processing fees for City to vacate the excess right-of-way from the former cul-de-sac area on Gandy Dancer Drive, as shown on that certain parcel map recorded as Book 22 of Parcel Maps, At Page 155 of the San Joaquin County Records. The abandonment of excess right-of-way on Gandy Dancer Drive including the recordation of Quitclaim Deed, to convey rights or interests to the adjacent property owner(s) shall be completed, prior to the issuance of building final certificate of occupancy. All costs associated with the abandonment of the excess right-of-way on Gandy Dancer Drive and complying with the requirements of this sub-section shall be paid by the Developer.

C.10.2. All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Regulations, and City's Design documents including the City's Facilities Master Plan for storm drainage, roadway, wastewater and water adopted by the City, or as otherwise specifically approved by the City.

C.10.3. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Developer shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection. The Developer shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.

C.10.4. The 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.10.5. All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers. Any damaged, displaced, obliterated or lost monuments or survey markers shall be re-established or replaced by a licensed Land Surveyor at the Developer's (or Contractor's) sole expense. A

corner record must be filed in accordance with the State law for any reset monuments (California Business and Professions Code Section 8871).

C.10.6. Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the Grading Permit, Encroachment Permit, or Building Permit Improvement Plans if the City Engineer finds it is 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.