

TRACY CITY COUNCIL

REGULAR MEETING AGENDA

**Tuesday, December 15, 2015, 7:00 p.m.**

City Council Chambers, 333 Civic Center Plaza

Web Site: [www.ci.tracy.ca.us](http://www.ci.tracy.ca.us)

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

**Addressing the Council on Items on the Agenda** - The Brown Act provides that every regular Council meeting shall provide an opportunity for the public to address the Council on any item within its jurisdiction before or during the Council's consideration of the item, provided no action shall be taken on any item not on the agenda. Each citizen will be allowed a maximum of five minutes for input or testimony. At the Mayor's discretion, additional time may be granted. The City Clerk shall be the timekeeper.

**Consent Calendar** - All items listed on the Consent Calendar are considered routine and/or consistent with previous Council direction. A motion and roll call vote may enact the entire Consent Calendar. No separate discussion of Consent Calendar items will occur unless members of the City Council, City staff or the public request discussion on a specific item at the beginning of the meeting.

**Addressing the Council on Items not on the Agenda** – The Brown Act prohibits discussion or action on items not on the posted agenda. Members of the public addressing the Council should state their names and addresses for the record, and for contact information. The City Council's Procedures for the Conduct of Public Meetings provide that "Items from the Audience" following the Consent Calendar will be limited to 15 minutes. "Items from the Audience" listed near the end of the agenda will not have a maximum time limit. Each member of the public will be allowed a maximum of five minutes for public input or testimony. However, a maximum time limit of less than five minutes for public input or testimony may be set for "Items from the Audience" depending upon the number of members of the public wishing to provide public input or testimony. The five minute maximum time limit for each member of the public applies to all "Items from the Audience." Any item not on the agenda, brought up by a member of the public shall automatically be referred to staff. In accordance with Council policy, if staff is not able to resolve the matter satisfactorily, the member of the public may request a Council Member to sponsor the item for discussion at a future meeting. When members of the public address the Council, they should be as specific as possible about their concerns. If several members of the public comment on the same issue an effort should be made to avoid repetition of views already expressed.

**Presentations to Council** - Persons who wish to make presentations which may exceed the time limits are encouraged to submit comments in writing at the earliest possible time to ensure distribution to Council and other interested parties. Requests for letters to be read into the record will be granted only upon approval of the majority of the Council. Power Point (or similar) presentations need to be provided to the City Clerk's office at least 24 hours prior to the meeting. All presentations must comply with the applicable time limits. Prior to the presentation, a hard copy of the Power Point (or similar) presentation will be provided to the City Clerk's office for inclusion in the record of the meeting and copies shall be provided to the Council. Failure to comply will result in the presentation being rejected. Any materials distributed, including those distributed within 72 hours of a regular City Council meeting, to a majority of the Council regarding an item on the agenda shall be made available for public inspection at the City Clerk's office (address above) during regular business hours.

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

Full copies of the agenda are available at City Hall, 333 Civic Center Plaza, and the Tracy Public Library, 20 East Eaton Avenue, and on the City's website: [www.ci.tracy.ca.us](http://www.ci.tracy.ca.us)

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

PRESENTATIONS – Presentation of Youth Advisory Commission Certificates of Appointment  
Swearing in of Fire Chief

1. CONSENT CALENDAR

- A. Adopt Council Minutes – Regular meeting minutes of December 1, 2015, and closed session minutes of December 1, 2015
- B. Approval to Purchase a Patch Truck from Nixon-Eqli Equipment Company for Asphalt Repairs
- C. Approve Amendment No. Three to the Service Agreement Between the City of Tracy and Tracy Material Recovery and Solid Waste Transfer, Inc., Approve the Budget for the Operation of the Tracy Material Recovery Facility and Solid Waste Transfer Station for the Period of January 1, 2016 through December 31, 2016, and Approve Funding Appropriation
- D. Approve Changes to the City Position Control Roster for Positions Allocated to the Fire Department to Include One Fire Captain and One Fire Engineer in a Temporary Over Hire Capacity
- E. Authorization to Award the Purchase of Replacement Mobile Data Computers and Related Equipment to Hubb Systems, LLC, Doing Business as Data 911 Through a State of California Multiple Award Schedule (CMAS), Contract Number 3-08-70-2549A, Pursuant to Tracy Municipal Code Section 2.20.220 and Authorize the Mayor to Execute a Four-Year Contract With Hubb Systems, LLC, Doing Business As Data 911 And Appropriate \$40,000 from the Equipment Replacement Fund to Complete the Purchase
- F. Award a Construction Contract for the 2014-2015 Slurry Seal Project – CIP 73138b, to the Lowest Responsive Bidder, Authorize the Mayor to Execute the Contract, and Authorize the City Manager to Execute Change Orders Up to the Maximum Amount Permitted for this Project if Needed
- G. Waive Second Reading and Adopt Ordinance 1203 an Ordinance of the City of Tracy Adding a New Section 10.08.3198, Donation Containers, to the Tracy Municipal Code
- H. Waive Second Reading and Adopt Ordinance 1204 an Ordinance of the City of Tracy Amending Section 4.16.190 of Chapter 4.16 of Title 4 of the Tracy Municipal Code Making a Violation for Being in the Park After Dark a Misdemeanor; and Amending Article 14 of Chapter 4.12 of Title 4 Defining and Making Violations of Aggressive or Dangerous Solicitation a Misdemeanor

2. ITEMS FROM THE AUDIENCE

3. PUBLIC HEARING TO INTRODUCE AN ORDINANCE AMENDING THE EDGEWOOD CONCEPT DEVELOPMENT PLAN TO PERMIT MULTI-FAMILY RESIDENTIAL USES AND SELF-STORAGE USES AT THE SITE CURRENTLY DESIGNATED NEIGHBORHOOD SHOPPING CENTER AND ADOPT A RESOLUTION TO APPROVE A PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR A 144-UNIT APARTMENT COMPLEX AND ASSOCIATED OUTDOOR AREAS. THE PROJECT IS LOCATED AT THE SOUTHEAST CORNER OF CORRAL HOLLOW ROAD AND MIDDLEFIELD DRIVE, ASSESSOR'S PARCEL NUMBERS 244-020-07. THE APPLICANT IS PACIFIC UNION LAND COMPANY, INC. AND PROPERTY OWNER IS EDGEWOOD LANE DEVELOPERS, LP. APPLICATION NUMBERS PUD12-0002 & D13-0017
4. CONDUCT A HEARING FOR APPROVAL OF A LOCATION AGREEMENT WITH MEDLINE INDUSTRIES, INC. AS PART OF THE CITY'S OFFICE/INDUSTRIAL INCENTIVE PROGRAM
5. CITY COUNCIL DISCUSSION REGARDING DEVELOPMENT STANDARDS, DESIGN GUIDELINES, AND A RETAIL DEMAND FORECAST (ECONOMIC ANALYSIS) FOR PROPERTY ALONG INTERSTATE 205 (I-205) FROM TRACY BOULEVARD TO THE EAST CITY LIMIT
6. ADOPT A RESOLUTION OF NECESSITY AUTHORIZING THE INITIATION OF EMINENT DOMAIN PROCEEDINGS TO ACQUIRE RIGHT OF WAYS AND TEMPORARY CONSTRUCTION EASEMENTS FROM CERTAIN REAL PROPERTIES FOR CONSTRUCTION OF INTERSECTION IMPROVEMENTS AT ELEVENTH STREET AND MACARTHUR DRIVE (WESTERN INTERSECTION) AND AUTHORIZE THE DEPOSIT OF \$17,200 FOR THE MARINO PARCEL AND \$350,000 FOR THE BOGETTI PARCEL WITH THE STATE OF CALIFORNIA CONDEMNATION DEPOSIT FUND
7. CONDUCT A PUBLIC HEARING TO HEAR OBJECTIONS TO AND APPROVE THE FINAL COSTS OF WEED ABATEMENT AND AUTHORIZE A LIEN ON THE LISTED PROPERTIES IN THE AMOUNT OF THE COST OF ABATEMENT PLUS TWENTY-FIVE PERCENT
8. ADOPT RESOLUTION APPROVING THE ANNUAL REPORT ON DEVELOPMENT IMPACT FEE REVENUES, EXPENDITURES AND FINDINGS REGARDING UNEXPENDED FUNDS
9. ITEMS FROM THE AUDIENCE
10. COUNCIL ITEMS
  - A. APPOINT APPLICANTS TO THE TRACY ARTS COMMISSION
11. ADJOURNMENT

**December 1, 2015, 6:15 p.m.**

City Council Chambers, 333 Civic Center Plaza

Web Site: [www.ci.tracy.ca.us](http://www.ci.tracy.ca.us)

1. CALL TO ORDER – Mayor Maciel called the meeting to order at 6:16 p.m. for the purpose of a closed session to discuss the items outlined below.
2. ROLL CALL – Roll call found Council Members Mitracos, Vargas, Young, Mayor Pro Tem Rickman, and Mayor Maciel present.
3. ITEMS FROM THE AUDIENCE – None.
4. REQUEST TO CONDUCT CLOSED SESSION –

Labor Negotiations (Gov. Code, § 54957.6)

Employee Organizations:

Tracy Police Offers Association  
Tracy Firefighters' Association  
Teamsters Local 439, IBT  
Tracy Mid-Managers' Bargaining Unit  
Technical and Support Services Unit  
Confidential Management Unit

City's designated representatives:

Troy Brown, City Manager  
Stephanie Garrabrant-Sierra, Assistant City Manager  
Midori Lichtwardt, Human Resources Manager  
Dania Torres Wong, Esq.

Real Property Negotiations (Gov. Code, § 54956.8)

Intersection Improvements at Eleventh Street and MacArthur (west intersection)

Property Location: 508 E. Eleventh Street, Tracy, California APN: 235-190-10

Negotiators for the City:

Stephanie Garrabrant-Sierra, Assistant City Manager  
Kul Sharma, Utilities Director

Negotiating Parties:

Eileen J. Marino

Under Negotiation: Price and terms of payment for the purchase of Property (Los Potros and Custom Sounds – Tenant)

5. MOTION TO RECESS TO CLOSED SESSION – Mayor Pro Tem Rickman motioned to recess the meeting to closed session at 6:17 p.m. It was seconded by Council Member Vargas. Voice vote found all in favor; passed and so ordered.

6. RECONVENE TO OPEN SESSION – Mayor Maciel reconvened the meeting into open session at 6:37 p.m.
7. REPORT OF FINAL ACTION – None.
8. ADJOURNMENT – It was moved by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adjourn the meeting. Voice vote found all in favor; passed and so ordered. Time: 6:38 p.m.

The above agenda was posted at City Hall on November 24, 2015. The above are action minutes.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**December 1, 2015, 7:00 p.m.**

City Council Chambers, 333 Civic Center Plaza

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Mayor Maciel called the meeting to order at 7:00 p.m., and led the Pledge of Allegiance

Pastor Kevin James, New Creation Bible Fellowship, offered the invocation.

Roll call found Council Members Mitracos, Vargas, Young, Mayor Pro Tem Rickman, and Mayor Maciel present.

Troy Brown, City Manager, presented the Employee of the Month award for December 2015, to Elaine Adams, Public Works

Troy Brown introduced new Fire Chief, Randall Bradley

1. CONSENT CALENDAR

**ACTION** Following the removal of items 1.D, 1.J, 1.M, 1.N, and 1.O, it was moved by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt the consent calendar. Roll call vote found all in favor; passed and so ordered. Motion carried 5:0.

- A. Adopt Council Minutes – Regular meeting minutes of November 3, 2015, and closed session minutes of November 16, 2015, were approved.
- B. Waive Second Reading and Adopt Ordinance 1202 an Ordinance of the City of Tracy Amending Sections 10.08.010, 10.08.100, 10.08.270, 10.08.320, 10.08.600, 10.08.610, 10.08.790, 10.08.1080, 10.08.1100, 10.08.1200, 10.08.1280, 10.08.1390, 10.08.1580, 10.08.3140, 10.08.3180, and Adding Sections 10.08.302, 10.08.808, 10.08.852, 10.08.861, 10.08.3197 and 10.08.3199 of the Tracy Municipal Code Relating to Conformance with the General Plan Housing Element and Other Consistency Changes – Ordinance 1202 was adopted.
- C. Award a Construction Contract to the Lowest Responsible Bidder for the Advanced Traffic Signal System on Tracy Boulevard (Sixth Street/Beechnut Avenue to Clover Road) and Fiber Optic System from City Hall to the Wastewater Treatment Plant, CIPs - 72089 & 74112, and Authorize the Mayor to Execute the Contract – Resolution 2015-191 awarded the Construction Contract.
- E. Authorize the Appointment of Two Youth and Two Adult Commissioners to the Youth Advisory Commission – Resolution 2015-192 authorized the appointment of commissioners.

- F. Authorize an Amendment of the City's Classification and Compensation Plan and Position Control Roster Reinstating a Full-Time Technical Theatre Supervisor and Reallocating One Full-Time Theatre Operations and Technical Assistant and Two Part Time Program Assistant Positions to a Technical Theatre Supervisor Position in the Cultural Arts Division – Resolution 2015-193 authorized the amendment to the City's Classification and Compensation Plan and Position Control Roster.
- G. Approval to Purchase Fuelmaster Automated Fuel Management System to Replace PetroVend Automated Fuel Management System at the City's Boyd Service Center – Resolution 2015-194 approved the purchase of the Fuelmaster Automated Fuel Management System.
- H. Authorize a Master Subscription Agreement and Service Order with Fuseforward Cloud Services Ltd. for Wastewater Computerized Maintenance Management System Services and Authorize the Mayor to Execute the Service Order – Resolution 2015-195 authorized a Master Subscription Agreement and Service Order with Fuseforward.
- I. Approve a Professional Services Agreement with Eler & Kalinowski, Inc., a California Corporation for an Update to the Urban Water Management Plan; and Approve Supplemental Appropriations in the Amounts of \$67,000 and \$20,000 From the Water Fund – Resolution 2015-196 approved the Professional Services Agreement.
- K. Authorize Amendment of the City's Classification and Compensation Plans and Position Control Roster by Approving the Establishment of a New Classification Specification and Salary Range for Finance Division Manager in the Administrative Services Department - Resolution 2015-197 authorized the amendment to the City's Classification and Compensation Plans and Position Control Roster.
- L. Approve Amendment No. 1 to the Professional Services Agreement with Goodwin Consulting Group, Inc. for the Analysis of Fiscal Impacts from New Development and Approve Funding Allocation – Resolution 2015-198 approved Amendment No. 1 to the Professional Services Agreement.
- P. Adopt a Resolution Authorizing the Approval of (1) the Modification of the Loan Secured by Mountain View Townhomes, (2) The Assignment and Assumption for the Loan Between Sutter Ville SJC Holding Company LLC., and the Tracy Mountain View Associates, LP. And (3) The Subordination of the Loan to New Construction and Permanent Financing – Resolution 2015-199 authorized the modification of the loan secured by Mountain View Townhomes, Assignment and Assumption for the loan between Sutter Ville SJC Holding Co. LLC., and the Subordination of the Loan to new construction
- D. City Staff Requests City Council to: (1) to Rename Schulte Road West of Lammers Road as Promontory Parkway and (2) Authorize Initiation of a Process for Renaming Existing Schulte Road Between Corral Hollow Road and Lammers Road (along Union Pacific Railroad Tracks)

Council Member Mitracos pulled this item and expressed support of the street name change to Promontory Parkway. Council Member Mitracos is interested in using the name Cordes as a street name.

**ACTION** Motion was made by Council Member Mitracos and seconded by Council Member Young to adopt Resolution 2015-200 approving the renaming of Schulte Road west of Lammers Road as Promontory Parkway and directing staff to initiate process for renaming existing Schulte Road between Corral Hollow Road and Lammers Road. Voice vote found all in favor; passed and so ordered.

J. Approval of a Cooperative Agreement Between the City of Tracy and San Joaquin County for the Widening of Corral Hollow Road from Parkside Drive to the I-580 Ramp and Authorize the Mayor to Execute the Agreement

Bob Sarvey, pulled this time and requested it be heard as a public hearing on a future agenda and expressed concern regarding safety, noise and vehicle pollution issues associated with the project.

**ACTION** Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2015-201 approving a Cooperative Agreement between the City of Tracy and San Joaquin County for the widening of Corral Hollow Road from Parkside Drive to the I-580 ramp and authorizing the Mayor to execute the agreement. Voice vote found all in favor; passed and so ordered.

M. Adopt the Compensation and Benefits Plan for the Confidential Management Unit

Robert Tanner pulled this item and asked for the financial impact associated with the Compensation and Benefits Plan for the Confidential Management Unit. Rachelle McQuiston, Administrative Director, responded \$414,000 during the term of the contract and approximately \$93,000 in ongoing costs.

**ACTION** Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2015-202 adopting the Compensation and Benefits Plan for the Confidential Management Unit. Voice vote found all in favor; passed and so ordered.

N. Adopt the Compensation and Benefits Plan for the Technical And Support Services Unit (TSSU)

Robert Tanner pulled this item and asked for the financial impact associated with the Compensation and Benefits Plan for the Technical and Support Unit. Rachelle McQuiston, Administrative Director, responded \$760,000 during the term of the contract and approximately \$171,000 in ongoing costs.

**ACTION** Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2015-203 adopting the Compensation and Benefits Plan for the Technical and Support Services Unit (TSSU). Voice vote found all in favor; passed and so ordered.

O. Adopt the Memorandum of Understanding Between the City of Tracy and the Tracy Mid-Managers Bargaining Unit (TMMBU)

Robert Tanner pulled this item and requested the financial impact associated with the Memorandum of Understanding with Tracy Mid-Managers Bargaining Unit. Rachelle McQuiston, Administrative Director, responded \$1,122,900 during the term of the contract and approximately \$252,500 in ongoing costs.

**ACTION** Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2015-204 adopting the new Memorandum of Understanding (MOU) between the City of Tracy and the Tracy Mid-Managers Bargaining Unit (TMMBU). Voice vote found all in favor; passed and so ordered.

2. ITEMS FROM THE AUDIENCE - Paul Miles provided newer Council members with examples and some history related to allegations he has made against Police Chief Hampton and the Police Department. Mr. Miles submitted a letter dated December 1, 2015, with attachments.

Alison Quinteros addressed Council regarding a lot on the corner of Corral Hollow Road and Middlefield Drive in the Edgewood Development. Ms. Quinteros stated the lot should not be rezoned to residential and provided the following reasons to support her request: School overcrowding; job creation – Tracy needs more retail space to create new jobs; need for retail in south Tracy; and the constituents do not want the change.

Roger Birdsall reported that a fund raiser for Notre Dame raised over \$100,000 for scholarships and Tracy Hills donated \$33,000 towards the fund.

Benjamin Young on behalf of the Young family wished Council Member Young a happy birthday and thanked her for all the work she has done.

3. INTRODUCTION OF AN ORDINANCE ADDING A NEW SECTION 10.08.3198 TO TITLE 10 OF THE TRACY MUNICIPAL CODE RELATING TO DONATION CONTAINERS – CITY INITIATED – APPLICATION NUMBER ZA15-0004

Scott Claar, Senior Planner presented the staff report.

Sally Wooden, Goodwill Industries of San Joaquin Valley, expressed support of the ordinance and thanked Council for being proactive.

Council comments and questions followed.

**ACTION** Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Young to waive the reading of the text of proposed Ordinance 1203. Voice vote found all in favor; passed and so ordered.

**ACTION** Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Young to introduce Ordinance 1203, an Ordinance of the City of Tracy adding a

new Section 10.08.3198, donation containers, to the Tracy Municipal Code. Voice vote found all in favor; passed and so ordered.

4. INTRODUCTION OF AN ORDINANCE AMENDING SECTION 4.16.190 OF THE TRACY MUNICIPAL CODE MAKING IT A MISDEMEANOR TO BE IN A PARK AFTER DARK; AMENDING ARTICLE 14 OF CHAPTER 4.12 DEFINING AND MAKING AGGRESSIVE AND DANGEROUS SOLICITATION A MISDEMEANOR

Scott Muir, Police Corporal, and Ana Contreras, Code Enforcement Manager, presented the staff report.

Paul Miles expressed concerns about making it a misdemeanor being in a park after dark. It would be an encroachment of freedom and urged Council to think very carefully about the City park portion of the ordinance.

Council comments and questions followed.

**ACTION** Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Young to waive the reading of the text of proposed Ordinance 1204. Voice vote found all in favor; passed and so ordered.

**ACTION** Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to introduce Ordinance 1204, an Ordinance of the City of Tracy amending Section 4.16.190 of Chapter 4.16 of Title 4 of the Tracy Municipal Code making a violation for being in the park after dark a misdemeanor and amending article 14 of Chapter 4.12 of Title 4 defining and making violations of aggressive or dangerous solicitation a misdemeanor. Voice vote found all in favor; passed and so ordered.

5. PUBLIC HEARING TO CONSIDER THE PROPOSED ANNEXATION OF THE TRACY GATEWAY CROSSINGS APARTMENT PROJECT INTO THE TRACY CONSOLIDATED LANDSCAPE MAINTENANCE DISTRICT AS ZONE NO. 42; DECLARE RESULTS OF THE PROPERTY OWNER PROTEST BALLOT AND APPROVE CERTAIN RELATED ACTIONS; CONFIRM THE ANNEXATION OF THE PROJECT INTO THE DISTRICT AS ZONE 42 AND ORDER THE LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2016/2017

Brian MacDonald, Management Analyst, provided the staff report.

**ACTION** Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to direct Clerk to tabulate the assessment ballots and report back to Council. All in favor; passed and so ordered.

The Clerk read the results of ballot tabulation.

**ACTION** Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2015-205 declaring the results of the property owner protest ballot proceeding conducted for levy of assessments related to the

annexation of territory (Tracy Gateway Crossing) to Tracy Consolidated Landscape Maintenance District as Zone No. 42 commencing in Fiscal Year 2016/2017 and approving certain related actions. Voice vote found all in favor; passed and so ordered.

**ACTION** Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2015-206 confirming the annexation of territory (Tracy Gateway Crossing) into the Tracy Consolidated Landscape Maintenance District as Zone No. 42 and ordering the levy and collection of assessments for Fiscal Year 2016/2017. Voice vote found all in favor; passed and so ordered.

6. ADOPT A RESOLUTION OF THE SUCCESSOR AGENCY TO THE TRACY COMMUNITY DEVELOPMENT AGENCY RELATED TO THE REFINANCING OF OUTSTANDING BONDS

Robert Harmon, Senior Accountant provided staff report.

**ACTION** Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt a Resolution of the Successor Agency to the Tracy Community Development Agency approving the issuance of Refunding Bonds in order to refund certain outstanding bonds of the former Community Development Agency of the City of Tracy, approving the execution and delivery of an Indenture of Trust, a Bond Purchase Contract and Refunding Instructions, approving a preliminary official statement and a final official statement and authorizing the distribution thereof, and providing for other matters properly relating thereto. Voice vote found all in favor; passed and so ordered.

7. RECEIVE AND FILE THE PRESENTATION ON THE FIRST QUARTER OPERATING REPORT

Rachelle McQuiston, Administrative Services Director, provided the staff report and summarized the activities of the City's General fund from July through September 2015 in order to give Council and the public an overview of the state of the City's general fiscal condition.

Robert Tanner inquired in light of the approved labor contracts if the savings in salary go away and the next report would be zero. Staff provided Mr. Tanner with an explanation of the process. The \$1million in savings will still show and be trackable in future reports.

Council Member Vargas requested to have a line item on positions Council approves and budgets for, but are not filled.

Upon Council consensus the report was accepted.

8. DISCUSS FIVE-YEAR OUTLOOK AND STRATEGIC STAFFING PLAN

Troy Brown, City Manager, provided the staff report and Stephanie Garranbrant-Sierra, described the process and findings in the five year staffing plan.

Upon Council consensus the report was accepted.

Council Member Mitracos stated that more Code Enforcement Officers are needed.

Mr. Brown responded that a memo providing timelines and priorities would be prepared for Council.

9. ITEMS FROM THE AUDIENCE - None

10. COUNCIL ITEMS - Council Member Vargas requested information regarding Plan C funds: what was anticipated versus collected, what was spent, was it borrowed or allowable for expenditure. On expenditure, is there money left for the rebuild. Council Member Vargas expressed the need of fire stations.

Troy Brown, City Manager, responded that an informational report will be brought forward in January 2016, and a memo will also be sent to Council.

11. ADJOURNMENT – Time: 9:15 p.m.

**ACTION:** Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adjourn the meeting. Voice Vote found all in favor; passed and so ordered.

The above agenda was posted at the Tracy City Hall on November 24, 2015. The above are action minutes. A recording is available at the office of the City Clerk.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

AGENDA ITEM 1.B

REQUEST

**APPROVAL TO PURCHASE A PATCH TRUCK FROM NIXON-EGLI EQUIPMENT COMPANY FOR ASPHALT REPAIRS**

EXECUTIVE SUMMARY

The City currently utilizes the cold-patch method to perform temporary pothole repairs to roadways and asphalt ramping to reduce the potential trip hazards of sidewalks. The cold-patch method is a short-term repair. With the purchase of a patch truck, staff will be able to provide longer term repairs using hot asphalt and emulsions. The truck will also improve efficiency when performing repairs.

DISCUSSION

Staff presently maintains 533 lane miles of streets and sidewalks throughout the City. With ongoing growth of industrial and housing developments throughout the City, that number will continue to increase. Currently, the staff uses the cold-patch method to make repairs to potholes and to provide temporary sidewalk ramping to prevent safety hazards. Because the asphalt is cold, this only provides a short-term repair. This method involves using a dump truck, backhoe, and two employees. If a lane of traffic is required to be closed, a second City truck with beacons is required.

With the purchase of a patch truck, crews will be able to improve efficiency. The hot-patch material provided by the new truck will result in longer term repairs for potholes, temporary sidewalk ramping to reduce potential trip hazards, and repairs to road depressions up to 25 square feet. The patch truck heats the asphalt which causes the asphalt to better adhere to the existing asphalt or concrete. The patch truck will be able to be operated by one employee, is self-contained with all equipment required to perform the various repairs, can hold up to 1.8 cubic yards of asphalt, will provide heat to the asphalt within the truck for two days, and comes equipped with its own safety traffic controls on the rear of the vehicle which will also act as a safety zone for staff.

Nixon-Egli Equipment Company is the only company that builds the patch truck the City needs (PB Loader Model BC-1.8). As such, the City Manager has determined that Nixon-Egli Equipment Company qualifies as a sole source provider under Tracy Municipal Code section 2.20.180(b)(2).

STRATEGIC PLAN

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

FISCAL IMPACT

The total cost of the patch truck is \$120,456.70. The purchase of the patch truck was anticipated and funds were approved as part of the fiscal year 2015/2016 budget.

RECOMMENDATION

That the City Council, by resolution, approve the purchase of a patch truck from Nixon-Egli Equipment Company for asphalt repairs.

Prepared by: Connie Vieira, Management Analyst

Reviewed by: Mike Contreras, Public Works Superintendent  
Don Scholl, Interim Public Works Director  
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

RESOLUTION \_\_\_\_\_

APPROVING THE PURCHASE OF A PATCH TRUCK FROM NIXON-EGLI EQUIPMENT COMPANY FOR ASPHALT REPAIRS

WHEREAS, The City currently utilizes the cold-patch method to perform temporary pothole repairs to roadways and asphalt ramping to reduce the potential trip hazards of sidewalks, and

WHEREAS, The hot-patch material provided by the new truck will result in longer term repairs for potholes, temporary sidewalk ramping to reduce potential trip hazards, and repairs to road depressions up to 25 square feet, and

WHEREAS, The total cost of the patch truck is \$120,456.70.

NOW, THEREFORE, BE IT RESOLVED, That the City Council approves the purchase of a patch truck from Nixon-Egli Equipment Company for asphalt repairs.

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The foregoing Resolution \_\_\_\_\_ was passed and adopted by the Tracy City Council on the 15<sup>th</sup> day of December 2015, by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

AGENDA ITEM 1.C

REQUEST

**APPROVE AMENDMENT NO. THREE TO THE SERVICE AGREEMENT BETWEEN THE CITY OF TRACY AND TRACY MATERIAL RECOVERY AND SOLID WASTE TRANSFER, INC., APPROVE THE BUDGET FOR THE OPERATION OF THE TRACY MATERIAL RECOVERY FACILITY AND SOLID WASTE TRANSFER STATION FOR THE PERIOD OF JANUARY 1, 2016 THROUGH DECEMBER 31, 2016, AND APPROVE FUNDING APPROPRIATION**

EXECUTIVE SUMMARY

The 20-year Service Agreement with Tracy Material Recovery and Solid Waste Transfer Inc. (TMRF) expired on May 1, 2015 but was extended through December 31, 2015 due to staff transitions by both TMRF and the City. Additional time is now required to continue to evaluate the negotiated Agreement's terms so that staff can provide assurance to Council that the new Agreement is in the best economic interest of the rate payers. TMRF also required significant time to prepare projections of its costs based on recent trends and anticipated future conditions which are still being evaluated.

While significant progress has been made in negotiations, market changes have recently occurred that are impacting the cost of operations. Additionally, fundamental economic issues continue to exist which will require additional time to negotiate.

The proposed budget allocation for the twelve-month extension term is \$8,207,892 which will be funded from the Solid Waste Fund.

DISCUSSION

**History**

The current TMRF agreement was executed in 1994. This agreement, dealing with "materials recovery", provides for the handling and sorting of a variety of materials, including yard waste and recyclables, and the diversion of these materials from landfills to productive uses. When the City entered into the agreement over 20 years ago, the City had desired that TMRF be given the ability to be the owner and operator of the material recovery facility which was to be constructed in lieu of the City contracting with the County, or owning the facility itself and contracting for its operation.

At that time, TMRF was a new company formed separately from the collection service company, Tracy Delta Solid Waste Management (although owned largely by the same principals). TMRF was provided this opportunity because Tracy Delta Solid Waste Management was the long-term hauler for over 50 year and contracting with essentially one company for all services made sense operationally and offered the best customer service. The current franchise agreement with Tracy Delta Solid Waste Management for material hauling was signed in 2003 with a ten (10) year renewal and a second fifteen (15) year renewal set to expire in March of 2028.

Embarking on a new venture (the recovery and recycling of materials as opposed to just solid waste collection), and tasked with financing the construction of a new material recovery facility, presented challenges to TMRF in securing financing. The Service Agreement with the City resulted in the City being involved in certain key areas of financing the TMRF's facility such as the rate covenant for financing the facility and approving the annual operating budget of the facility per the terms of the bond documents and the Service Agreement. The bond indebtedness for the TMRF's facility has now been fully satisfied by the City's rate payers and the annual payments of approximately \$800,000 to debt service have ceased.

After 21 years of operating the company under a range of economic conditions, TMRF now has the experience that prepares them to enter into a new, traditional agreement with the City – an agreement in which they assume reasonable risks that are comparable to industry standards. It is the desire of the City for the Agreement to be structured similarly to the City's other service agreements wherein the City is neither responsible for approving the company's annual budget nor assuming risk that is normally and reasonably assumed by similar contractors or service providers.

It was hoped that negotiations with TMRF would conclude prior to the Agreement's expiration on May 1, 2015. However, negotiations were initially extended due to TMRF replacing its legal counsel resulting in more and significant modifications to the Agreement; then, due to concerns regarding contract terms negotiated by previous staff members, current staff thought it prudent to re-evaluate contract issues that were deemed significant and requested an extension of the Agreement through December 31, 2015 which was approved by Council in April, 2015; and finally, to allow TMRF time to prepare projected financial operations reports reflecting recent trends and anticipated future events such as new state mandates. The financial operations reports have only recently been received and reviewed by staff and City consultants.

In recognition of the significant financial impact, contract length, and complexity of this contract, staff has been working closely with consultants and TMRF to ensure this contract represents the best value for Tracy residents and will continue to do so over the long proposed term of this contract. While a one-year extension appears to be a long one, this contract is unique and not like a typical services agreement because of its length, relation to other facets of waste collection within the City, and its related infrastructure and equipment, located nearby, but in the unincorporated County area. If at any point in these negotiations it becomes apparent that agreement cannot be reached, replacing the provider for such a complex contract with these major infrastructure components would take many months. When agreement is reached, then the term of the new contract will begin immediately, replacing the remainder of the proposed extension.

#### **Current Negotiation Status**

Staff's most recent meeting with TMRF occurred on November 19, 2015. Resolution was successfully reached in concept on many issues such as the proposed agreement term (it will align with the City/County/TMRF "Three Party Agreement"), marketing of

materials, customer service, auditing, and other technical points.

Still needed are meetings with TMRF to conclude our discussions and negotiations including economic issues. Examples of such issues are:

- Incentives to increase TMRF's cost-effectiveness as well as compensation to the City for financing the fixed costs of operations (as additional tons are delivered to the facility);
- Extraordinary adjustments that equate to company risk versus risk to the City and rate payers. There are risks associated with the operation of transfer/material recovery and composting operations—just as there are with any other service-oriented business. Among these are uncontrollable circumstances (including the volume of material being delivered; composition of material being delivered; recyclable and compostable material demand, and pricing); and changes in law (e.g. regulatory requirements that change the cost of operations as has recently arisen regarding the water system at the facility which will no longer allow chlorination and may require system modifications). Being negotiated is how much risk the City's rate payers assume on behalf of the service provider in relation to what is standard in the industry.

A recent review of TMRF's financial documents indicate a significant reduction in revenues and increase in costs which have been based on recent trends that may be temporary, as well as anticipated actions that have not occurred. These recent changes are being reviewed and evaluated to verify the validity of recent increased service costs and include:

- The residual effects of the 2014 Northwest Port closures, which resulted in recyclable material shipments being backed up at many material recovery facilities
- Economic downturn in China (both the valuation of the currency and the demand for recyclable materials)
- Decline in value of recycled plastics due to the lower cost of petroleum
- Worker's Compensation insurance cost increase to industry
- Amazon fulfillment center offering more competitive wages leading to reduced labor retention at TMRF
- Stringent water testing standards at TMRF by County which may lead to additional costs
- Newly mandated requirements for food waste

### STRATEGIC PLAN

This item is in accordance with Council Governance Strategy, Goal 2: Ensure continued fiscal sustainability through budgetary and financial stewardship; Objective 3: Enhance Fiscal Transparency and Goal 3: Identify resources to promote communication and civic engagement, enhance city services, and promote organizational productivity.

### FISCAL IMPACT

The proposed action will not impact the General Fund. An amount not to exceed \$8,207,892 will be appropriated from the Solid Waste Fund for the TMRF budget during the extension period through December 31, 2016. Per the terms of the Agreement, Council is required to review the budget and allocate funds. Detail of the requested appropriation amount is provided on Attachment 2-A.

The new proposed budget estimate for the period between January 1, 2016 and December, 2016 has been reviewed and found reasonable by staff. The existing Agreement includes a budget reconciliation process whereas adjustments to payments can occur based upon whether actual expenses exceed or are less than the budget estimates.

Based on the outcome of negotiations, staff will be returning to Council with a new contract amount to reflect the new Agreement's terms and conditions.

### RECOMMENDATION

It is recommended that the City Council accept the report on the negotiation status with Tracy Material Recovery and Solid Waste Transfer, Inc., adopt a resolution to approve Amendment No. 3 to the Service Agreement between the City of Tracy and Tracy Material Recovery and Solid Waste Transfer, Inc., approve the budget for the operation of the Tracy Material Recovery Facility and Solid Waste Transfer Station for the period of January 1, 2016 through December 31, 2016, and approve a funding appropriation up to \$8,207,892.

Prepared by: Anne H. Bell, Management Analyst II, Administrative Services Department

Reviewed by: Don Scholl, Interim Public Works Director  
V. Rachelle McQuiston, Administrative Services Department Director  
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

### ATTACHMENTS

Attachment: A - Amendment No. 3 to the Service Agreement between the City of Tracy and Tracy Material Recovery and Solid Waste Transfer, Inc. and its attachment A-3 ("Forecasted Service Fee Calculation/Budget" for 12 months ending December 31, 2016).

**City of Tracy  
AMENDMENT NO. 3 TO  
SERVICE AGREEMENT**

This Amendment No. 3 (Amendment) to the Service Agreement is entered into between the City of Tracy, a municipal corporation (City), and Tracy Material Recovery and Solid Waste Transfer, Inc. ("Company").

**Recitals**

- A. The City and Company entered into a Service Agreement (Agreement) for the material recovery facility ("MRF"), dated August 1, 1994 which was approved by the City Council on July 5, 1994 under Resolution No. 94-212.
- B. On August 1, 1999, the First Amendment to the Service Agreement was executed to recognize the refinancing of the costs of acquiring and constructing the Tracy material recovery facility (MRF).
- C. On April 21, 2015, the Second Amendment to the Service Agreement was approved by City Council to extend the Agreement from the May 1, 2015 expiration to December 31, 2015 to allow the City to review and negotiate the new proposed Agreement.
- D. The City and the Company are continuing negotiation of key terms and therefore the parties wish to extend the existing Agreement from the December 31, 2015 expiration to December 31, 2016.

**Now therefore, the parties mutually agree as follows:**

1. **Incorporation by Reference.** This Amendment incorporates by reference all terms set forth in the Agreement and subsequent Amendments, unless specifically modified by this Amendment. The terms which are not specifically modified by this Amendment will remain in effect.
2. **Terms of Amendment.** A. Section 12, Subsection J. Budget Approval is hereby deleted in its entirety and amended to read as follows: "The City and the Company have met and conferred on the budget presented by the Company for calendar year 2016 and City agrees with the Budget as provided and attached hereto as Attachment 3-A. The revised Service Fee and the collection rates so approved shall take effect on January 1, 2016 and the Company shall be entitled to receive the revised Service Fee for January and each month thereafter during the term of this Agreement as extended pursuant to this 3<sup>rd</sup> Amendment unless another budget is approved and rates reset as provided herein. In the event of dispute as to the reasonableness of the budget or the assumptions contained therein, it shall be resolved by the Independent Engineer no later than December 31st of 2016. In such event, the City shall set rates based on the resolution of the budget dispute and such rates shall include sufficient funds to reimburse the Company of the difference, if any, between the revised Service Fee and the Service Fee actually received for the extended Amendment period. Notwithstanding the provisions of the subparagraph, however, the City shall have the sole responsibility for the determination and setting of the collection rates provided that

it shall do so at a level reasonably expected to provide enough funds to pay in a timely manner the Service Fee installments as they become due.

1. **Credits. Debits.** The parties agree that the Company shall pay to the City the amount due for 2015 due to O&M savings, as provided in Section 12.G hereof and the City shall pay to the Company amounts resulting from the recycling incentive for 2015 as provided in Section 12.D. After the expiration of this Agreement and receipt of 2016 financial results, the parties shall pay to each other any sums due pursuant to Sections 12.D and 12.G or other sections of this Agreement as consistent with past practice between the parties and this mutual obligation shall survive such expiration.”

B. Section 22, Term of Agreement, is hereby deleted in its entirety and amended to read as follows: “This Agreement shall terminate at 12:00 midnight on the date of December 31, 2016 or upon execution of a new Agreement, whichever occurs first. It may be extended for an additional period upon agreement by both Parties in writing in which event the provisions of the original Agreement and this Amendment, as modified by the Parties, shall remain in full force and effect.”

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

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

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

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

City of Tracy

Tracy Material Recovery and Solid Waste  
Transfer, Inc.

By: \_\_\_\_\_  
Michael Maciel

By: Michael Repetto  
Michael Repetto

Title: Mayor  
Date: \_\_\_\_\_

Title: Chief Executive Officer  
Date: 11/3/15

Attest:

By: \_\_\_\_\_  
Nora Pimentel, City Clerk

Approved as to form

City Business License # N/A

By: \_\_\_\_\_  
Daniel G. Sodergren, City Attorney

**Attachment 3 - A**  
**Tracy Material Recovery and Solid Waste Transfer, Inc.**  
Forecasted Service Fee Calculation  
2016

	Approved by Council 4/21/15	
	2015	2016
<b>Expenses</b>	Forecasted Budget	Forecasted Budget
<b>Debt Service</b>	\$ -	\$ -
<b>Operating and Maintenance</b>		
Salaries	2,680,000	2,755,350
Contract Labor	245,000	480,480
Employee Benefits		
Payroll Taxes	241,200	244,200
Health, Dental, Life Insurance	536,000	583,950
Workers' Compensation	214,400	240,700
401K	20,000	20,000
Hauling Expenses		
Fuel (Hauling and Onsite)	710,000	675,000
Repairs and Maintenance		
Transfer Trucks	84,000	153,000
Transfer Trailers	45,000	30,000
Secondary Haul	70,000	57,000
Maintenance		
Shop/Office Equipment	5,200	5,200
MRF Equipment	395,000	415,000
Buildings and Site	150,000	75,000
Repairs/Office	3,000	3,000
Landscape	39,375	39,375
Utilities		
Gas, Electric, and Propane	209,000	229,900
Water		
Sewer	2,205	2,205
Telephone	24,150	24,150
Insurance - Liability/Pollution/Property	220,000	225,000
Plant Generated Waste Hauling/Disposal	20,475	20,000
Plant Supplies - MRF and Shop	163,000	168,000
Office Supplies		
Printed Materials	6,300	6,300
Other (Software, Shop, MRF, Visitor Center)	11,400	11,900
Accounting/Consulting/Safety	40,000	25,000
Payroll/Human Resource	15,500	16,000
Audit	13,000	13,000
Legal	15,750	15,750
Engineer	4,200	4,200
Computer & Software Support (Network Admin.)	30,000	31,500
Security	82,950	84,000
Education and Training	1,500	1,500
Public Awareness	6,500	6,500
Equipment Rental - Tractor	-	-
Equipment Rental - Shop/MRF	5,250	5,250
Equipment Rental - Copier	7,000	7,750
License Renewals	44,000	44,000
Compliance, Permits, Bit Program	69,000	65,000
Bank Fees-US Bank & BNY	26,250	27,000
Travel/Meetings/Conventions	1,050	1,050
Interest Expense - Loan	50,000	50,000
Dues and subscriptions	6,825	7,000
Property taxes - non pass through	200	400
Disposal Fees - non pass through		
Universal / E Waste Disposal	2,625	1,050
Freon	4,200	5,250
Tires	8,500	8,800
Concrete	14,000	17,200
Wood	4,000	4,250
Medical	3,150	1,100
Compost Testing/Air Quality Issues	24,000	20,000
Water Compliance Issues	22,000	40,000
Equipment Replacement Reserve	900,000	900,000
Traffic Mitigation Fee	6,800	7,010
Solid Waste Facility Permit Related Costs	30,000	30,000
Franchise Fee - City of Tracy		
Miscellaneous (contingency)	75,000	-
	7,607,955	7,904,270

**Tracy Material Recovery and Solid Waste Transfer, Inc.**

Forecasted Service Fee Calculation

2016

	2015 Forecasted Budget	2016 Forecasted Budget
<b>Pass Through Costs</b>		
Landfill Disposal Costs	3,075,000	3,190,000
Property Taxes	165,000	174,000
	<u>3,240,000</u>	<u>3,364,000</u>
<b>Operators Fee</b>	296,679	303,621
<b>Total Expenses</b>	<u>11,144,634</u>	<u>11,571,891</u>

**Revenues**

<b>Revenue from Recycled Materials</b>		
Sale of Material	(1,571,600)	(1,708,075)
Purchase of Material	201,600	215,000
	<u>(1,370,000)</u>	<u>(1,493,075)</u>
<b>Other Revenues</b>		
Public Revenue - Self-haul - Weighed	(842,200)	(872,500)
Public Revenue - Self-haul - Weighed - greenwaste	(56,100)	(56,100)
Public Revenue - Self-haul - Wood	(184,800)	(193,700)
Public Revenue - Self-haul - Minimum Fee	(264,000)	(272,800)
San Joaquin County - Service Area F	(851,000)	(1,003,600)
Mountain House	(464,400)	(441,400)
Interest Revenue		
Depository	(1,000)	(2,000)
Miscellaneous		
Rental income	(108,000)	(108,000)
	<u>(2,771,500)</u>	<u>(2,950,100)</u>
<b>Total revenues to be remitted to the City of Tracy</b>	<u>(4,141,500)</u>	<u>(4,443,175)</u>

<b>Service Fee - City of Tracy</b>	\$ 7,003,134	\$ 7,128,716
<b>Tons</b>	<u>113,590</u>	<u>116,815</u>

<b>Monthly payment</b>	\$ 658,720	\$ 683,991
------------------------	------------	------------

<b>Forecasted revenue required - service fee</b>	\$ 7,003,134	\$ 7,128,716
<b>Forecasted revenue from current rates</b>	7,773,581	8,302,638
<b>Forecasted revenue excess - solid waste fund</b>	<u>\$ 770,447</u>	<u>\$ 1,173,922</u>

	Tons Forecast Budget 12/31/2015	Tons Forecast Budget 12/31/2016
<b>Forecasted Tons</b>		
Municipal	72,300	73,800
County Service Area F	11,520	12,700
Mountain House	7,250	6,825
Self-haul		
Weighed - refuse	9,570	9,915
Weighed - greenwaste	850	850
Weighed - wood	2,800	2,935
Minimum fee - refuse	3,000	3,100
Recyclables	6,300	6,690
	<u>113,590</u>	<u>116,815</u>

RESOLUTION

APPROVING AMENDMENT NO. THREE TO THE SERVICE AGREEMENT BETWEEN THE CITY OF TRACY AND TRACY MATERIAL RECOVERY AND SOLID WASTE TRANSFER, INC.; APPROVING THE BUDGET FOR THE OPERATION OF THE TRACY MATERIAL RECOVERY FACILITY AND SOLID WASTE TRANSFER STATION FOR THE PERIOD OF JANUARY 1, 2016 THROUGH DECEMBER 31, 2016; AND APPROVING A FUNDING APPROPRIATION

WHEREAS, The City and Tracy Material Recovery and Solid Waste Transfer, Inc. (TMRF) entered into a Service Agreement for the material recovery facility ("MRF"), dated August 1, 1994 which was approved by the City Council on July 5, 1994 under Resolution No. 94-212, and

WHEREAS, On August 1, 1999, the First Amendment to the Service Agreement was executed to recognize the refinancing of the costs of acquiring and constructing the Tracy MRF, and

WHEREAS, On April 21, 2015 the Second Agreement to the Service Agreement, which expired on May 1, 2015, was executed under Resolution No. 2015-060 to permit uninterrupted service during negotiations for a new Agreement, and

WHEREAS, The City anticipates continued review of the new proposed Agreement and continued negotiation of key terms therefore the parties wish to extend the existing Agreement;

NOW, THEREFORE, BE IT RESOLVED, That the City Council does hereby approve Amendment No. 3 to the Service Agreement between the City of Tracy and Tracy Material Recovery And Solid Waste Transfer, Inc., authorizes the Mayor to execute the Amendment, approves the operations budget for the material recovery facility and solid waste transfer station, and approves a funding appropriation up to \$ 8,207,892 from the Solid Waste Fund.

\* \* \* \* \*

The foregoing Resolution \_\_\_\_\_ was passed and adopted by the Tracy City Council on the 15th day of December 2015, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

AGENDA ITEM 1.D

REQUEST

**APPROVE CHANGES TO THE CITY POSITION CONTROL ROSTER FOR POSITIONS ALLOCATED TO THE FIRE DEPARTMENT TO INCLUDE ONE FIRE CAPTAIN AND ONE FIRE ENGINEER IN A TEMPORARY OVER HIRE CAPACITY**

EXECUTIVE SUMMARY

During the July 21, 2015 City Council meeting, Council approved, by Resolution 2015-137, the elimination of six full-time equivalent positions allocated to the Fire Department under the City Position Control Roster, and to temporarily retain three over hire full-time equivalent positions. Staff was directed to return to Council after staff determined which positions should be retained. Staff has determined which positions should be retained in the Position Control Roster and is bringing those changes to Council for approval.

DISCUSSION

Over the past year, Fire Administration prepared the department for a workforce reduction of nine full-time equivalent positions made necessary due to the cancellation of the fire service contract between the Tracy Rural Fire Protection District and the Mountain House Community Services District (MHCSO), which cancellation was effective September 13, 2015. Through attrition, the department had five vacant positions and one notification of a retirement. This would necessitate the need to layoff three experienced personnel. Through collaboration with the Tracy Fire Fighters' Association, the City agreed to carry vacant positions in an effort to avoid the potential layoff of personnel.

On July 21, 2015, staff recommended a plan to City Council that would use existing vacancies to absorb eliminated positions and carry three over hire positions to avoid layoff of personnel. It was explained at that time that by over hiring certain positions, overtime could be reduced to offset costs and no layoffs would need to occur. It was unclear which positions would be over hired because it was dependent upon attrition and the department's staffing needs.

Since the July 21, 2015 Council meeting, one additional employee had notified the department of the employee's retirement to be effective November 15, 2015. This resulted in seven of the nine positions being absorbed into existing vacancies, leaving two full-time personnel in excess of the authorized personnel allocation for the Fire Department.

Fire Administration staff and the Tracy Fire Fighters' Association have met and worked together to determine which classifications would be designated as temporary over hires assigned to a relief pool. The use of a relief pool provides for staffing flexibility within the organization. Over hire positions are used to backfill staffing vacancies due to scheduled leaves including vacation, holiday, sick, work comp, etc. The two positions will be over hired until such time attrition occurs, the excess personnel will then fill vacancies created

through that attrition. Once the vacancies are filled, the temporary over hire positions will be eliminated from the position control roster and absorbed into the authorized minimum staffing allocation.

The two positions designated as temporary over hire positions are:

- Fire Captain – PC# 291-70105-A4
- Fire Engineer – PC# 291-70103-B3

#### STRATEGIC PLAN

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

#### FISCAL IMPACT

The costs for bearing these over hire positions will be offset by a reduction in overtime.

#### RECOMMENDATION

That the City Council approves changes to the Position Control Roster for positions allocated to the Fire department to include one Fire Captain and one Fire Engineer in a temporary over hire capacity.

Prepared by: David A. Bramell, Division Chief

Reviewed by: Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

RESOLUTION \_\_\_\_\_

APPROVING CHANGES TO THE CITY POSITION CONTROL ROSTER FOR POSITIONS ALLOCATED TO THE FIRE DEPARTMENT TO INCLUDE ONE FIRE CAPTAIN AND ONE FIRE ENGINEER IN A TEMPORARY OVER HIRE CAPACITY

WHEREAS, At the July 21, 2015 City Council meeting, Council approved Resolution 2015-137, eliminating six full-time equivalent positions from the City Position Control Roster allocated to the Fire Department and temporarily retaining three full-time equivalent positions in an over hire capacity, and

WHEREAS, In preparation of the workforce reduction of nine positions due to the elimination of the fire service contract to the Mountain House Community Services District effective September 13, 2015; the department had five vacant positions and one pending retirement, and

WHEREAS, Since the July 21, 2015 Council meeting, one additional employee has retired, and

WHEREAS, Seven of the nine positions have been absorbed into vacancies, leaving two full-time personnel in excess of the authorized personnel allocation for the Fire Department, and

WHEREAS, Fire Department Administration staff and the Tracy Fire Fighters' Association worked together to determine which positions would be designated as temporary over hires, and

WHEREAS, The two positions designated as temporary over hires are: Fire Captain - PC# 291-70105-A4 and Fire Engineer - PC# 291-70103-B3, and

WHEREAS, The two temporary over hire positions provide for organizational flexibility when used to backfill staffing vacancies due to scheduled leaves that include vacation, holiday, sick, work comp resulting in a reduction in overtime expenses;

NOW, THEREFORE, BE IT RESOLVED, That the City Council approves the Position Control Roster for positions allocated to the Fire Department to include one Fire Captain and one Fire Engineer in a temporary over hire capacity.

\* \* \* \* \*

The foregoing Resolution \_\_\_\_\_ was adopted by the Tracy City Council on the 15th day of December, 2015, by the following vote:

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

\_\_\_\_\_  
MAYOR

ATTEST:  
  
\_\_\_\_\_  
CITY CLERK

AGENDA ITEM 1.E

REQUEST

**AUTHORIZATION TO AWARD THE PURCHASE OF REPLACEMENT MOBILE DATA COMPUTERS AND RELATED EQUIPMENT TO HUBB SYSTEMS, LLC, DOING BUSINESS AS DATA 911 THROUGH A STATE OF CALIFORNIA MULTIPLE AWARD SCHEDULE (CMAS), CONTRACT NUMBER 3-08-70-2549A, PURSUANT TO TRACY MUNICIPAL CODE SECTION 2.20.220 AND AUTHORIZE THE MAYOR TO EXECUTE A FOUR-YEAR CONTRACT WITH HUBB SYSTEMS, LLC, DOING BUSINESS AS DATA 911 AND APPROPRIATE \$40,000 FROM THE EQUIPMENT REPLACEMENT FUND TO COMPLETE THE PURCHASE**

EXECUTIVE SUMMARY

This request would approve the purchase of 46 replacement Mobile Data Computers (MDCs) that are no longer covered by the manufacturer's warranty and have begun to experience operating deficiencies. Staff further recommends that the Mayor execute the factory hardware services agreement for a period of four-years.

DISCUSSION

This request would approve the purchase of 46 replacement Mobile Data Computers (MDCs) that are no longer covered by the manufacturer's warranty and have begun to experience operating deficiencies. The replacement MDCs will be purchased from Data 911 using a competitive bid cooperative purchase program per section 2.20.220 of the Tracy Municipal Code. The California Multiple Award Schedules (CMAS) offers a wide variety of commodities, non-IT services and information technology products and services at prices which have been assessed to be fair, reasonable and competitive (Attachment A). Staff further recommends that the Mayor execute the factory hardware services agreement for a period of four-years (Attachment B) and agree to the Payment Terms (Attachment C). This purchase will complete the replacement of the department's aging MDCs.

STRATEGIC PLAN

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

FISCAL IMPACT

The Police Department has \$336,610 available for the replacement of MDCs. Actual costs for the MDCs, warranties, mounting hardware and installation along with \$3,370 for contingent costs, totaled \$376,610. Therefore, the Police Department requests an increase in appropriations of \$40,000.

\$325,140 Account #605-69301-5674-E1130, Mobile Data Computers (46)  
\$11,470 Account #101-69301-5674-E1136, Added MDCs  
\$40,000 Account #605-69301-5674-E1130, Additional Equipment Replacement

RECOMMEDATION

Staff recommends that the City Council approve, by resolution, the purchase of 46 Mobile Data Computers from Hubb Systems, LLC, doing business as Data 911 through a State of California Multiple Award Schedule (CMAS), contract number 3-08-70-2549a, a cooperative purchase agreement per Tracy Municipal Code section 2.20.220, and authorize the Mayor to execute a four-year contract with Hubb Systems, LLC, doing business as Data 911 and appropriate \$40,000 from the Equipment Replacement Fund to complete the purchase.

Prepared by: Lani Smith, Support Operations Manager

Reviewed by: Jeremy Watney, Acting Police Chief  
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS

Attachment A- Data 911 Quote Number 110142, CMAS Contract Number 3-08-70-2549-A  
Attachment B- Data 911 Warranty and Support Services  
Attachment C- Data 911 Payment Terms Agreement



2021 Challenger Dr.  
Alameda, Ca. 94501

Quote Number:	110142
Printed Date:	11/19/2015
Ship Method:	
Assigned To:	Michael Mattal

**Invoice to:**

Accounts Payable  
Tracy Police Dept (CA)  
United States

**Deliver to:**

Carlo Fanto  
Tracy Police Dept (CA)  
1000 Civic Center Drive  
Tracy CA 95376  
United States

Qty	Part Number	Item Description	Unit Price	Ext Price
1.0000	Notes	ATTACHMENT A	\$0.0000	\$0.00
46.0000	7068.75	M7 System; Core i7 Processor, 8GB RAM, 12.1 Capacitive Touchscreen (1600 NIT) Display, Standard Keyboard, 48 Month Warranty CMAS P/N: D9-01-M7-CI722G-8G-128c (SYS) <i>Expansion: None Storage: 128GB SSD Operating System: Windows 7 (64 BIT) Mount: Universal Mount</i>	\$5,799.5000	\$266,777.00
42	M8D10001	Upgrade to M7+ Display; 12.1 inch 1600 NIT, High-Bright with Multi-Touch Open Market Item	\$400.0000	\$16,800.00
4	M7D15002	Upgrade to M7 Display; 15.0 inch (L04), 1200 NIT High-Bright with Capacitive Touch Screen CMAS P/N: D9-02-M7-1500C (SYS)	\$318.3900	\$1,273.56
46	MA10556	M7 GPS Upgrade Kit CMAS P/N: D9-09-0024	\$88.6600	\$4,078.36
46	MA11064	M7 Internal Broadband Upgrade Kit (Verizon) Open Market Item	\$399.0000	\$18,354.00
44.0000	MT99999	Mounting solution for display and keyboard; P/Ns to-be-determined upon fleet inspection.	\$575.0000	\$25,300.00
45.0000	AT99999	Panorama Great White antenna (black fix mounted) GPS and Broadband-LTE Open Market Item P/N: XK-IN1955 Kit; C29-SJ-5SMARV (2) C74-FP-5-SMAP (1) & LGMMB-7-27 (1)	\$205.0000	\$9,225.00
1	PR10352	M7 AC/DC Power Converter CMAS P/N: D9-09-0028	\$145.0900	\$145.09
2	DR10515	SSD, SATA, 128GB, Virtium VSFA25R128G-300 CMAS P/N: HD-01-0037	\$345.7900	\$691.58
2	MA10550	SATA Carrier & Door Sub-Assembly (Hard Drive will be installed on carrier prior to shipment) CMAS P/N: BA-01-6003	\$32.2400	\$64.48
44.0000	LB10842	Hardware Installation Charge Sales Tax not calculated on services.	\$450.0000	\$19,800.00
46.0000	SH00006	Shipping (Included on CMAS Contract--Contract No. 3-08-70-2549-A must be referenced on purchase order) <i>For Product: Data System Method: Ground</i>	\$0.0000	\$0.00
1.0000	Notes	This proposal prepared with CMAS Contract pricing which includes an extra year of warranty for a total of 4 years and free shipping. CMAS Contract No. 3-08-70-2549-A must be referenced on the purchase order for the extra warranty and free shipping.	\$0.0000	\$0.00
46.0000	CR99999	Special Package Discount - if purchase order is received by Data911 on or before December 31, 2015.	\$-400.0000	\$-18,400.00

**Subtotal** **\$344,109.07**

Not rated @ 0% \$0.00

USA: CA; San Joaquin-8.50 @  
8.5% \$29,130.29

**Total** **\$373,239.36**

Paid to date

\$0.00

---

Remit Purchase Order To:

*Pricing subject to prepayment or credit approval*

Data911

2021 Challenger Dr.

Alameda, Ca. 94501

sales@data911.com

F: (510) 865-9090

# ATTACHMENT B

## Warranty & Support Services

### Contents

#### **Hardware Limited Warranty**

Warranty Period

Warranty Start Date

Extension of Original Factory Limited Warranty

What is covered by this limited hardware warranty?

What is not covered by this limited hardware warranty?

Limitation of Liability

How to Obtain Warranty Service

#### **Advance Replacement Service**

Overview

What is covered by Advance Replacement Service?

What is not covered by the Advance Replacement Service?

Advance Replacement Procedure

Exchange and Title Transfer of Goods

How to Obtain Advance Replacement Warranty Service

#### **Software Services (Perpetual Licensed)**

Overview

Service Period

What is covered by Data911's Enhanced Service Agreement?

What is not covered by Data911's Enhanced Service Agreement?

How to purchase

## How to obtain Software Support

### Hardware Limited Warranty

#### Warranty Period

Data911-branded hardware products may come with a 90-day, 1-year, 2-year, 3-year, 4-year, or other factory limited hardware warranty. To determine the warranty that came with your hardware product(s), or the warranty renewal or extension that you purchased, see your invoice, receipt or other sales documentation. The warranty period is not extended if we repair or replace a warranted product or any parts.

#### Warranty Start Date

The limited hardware warranty on all Data911-branded products purchased directly from Data911 begins on the date of the invoice or sales receipt. For products purchased from third-party retailers or resellers, the limited hardware warranty begins on the date of your original sales receipt.

#### Extension of Original Factory Limited Warranty

At its sole discretion Data911 may offer extended warranties to customers for an additional cost. These extended warranties allow customers to maintain this hardware limited warranty for up to ten (10) years from the original purchase date.

#### What is covered by this limited hardware warranty?

This limited hardware warranty covers defects in materials and workmanship in your Data911-branded hardware products, including Data911-branded peripheral products.

#### What is not covered by this limited hardware warranty?

This limited hardware warranty does not cover:

1. Software, including without limitation, the operating system and software added to the Data911-branded hardware products through our drive-imaging service, third-party software or the reloading of software. Certain software provided by Data911 may be covered under separate software support agreements not reflected in this hardware warranty.
2. Consumable items including but not limited to toner and batteries.
3. Non Data911-branded products and accessories
4. Problems that result from:
  - a. Physical damage caused by user

- b. External causes including but not limited to accidents, abuse, misuse, intentional damage, fire damage, water damage, modification of the product, or damage caused by natural disasters and acts of terrorism.
  - c. Failure to provide electrical power to the device in accordance to the specifications found in the owner's manual.
  - d. Alteration or tampering of the product.
  - e. Service not performed by Data911 or authorized in writing by Data911.
  - f. Usage that is not in accordance with product instructions.
  - g. Improper installation.
  - h. Failure to follow the product instructions or failure to perform preventive maintenance.
  - i. Problems caused by using accessories, parts or components not supplied by Data911 or recommended by Data911 in writing.
  - j. Improper packaging or shipping methods, including those used to obtain warranty service
5. Products with missing or altered service tags or serial numbers.
  6. Products for which Data911 has not received payment or warranty service being sought under an optional extended warranty for which payment has not been received.
  7. The cost of returning the hardware to Data911 for repair.
  8. Normal wear and tear.

### **Limitation of Liability**

Data911's responsibility for defects in materials or workmanship is limited to repair or replacement of the product as set forth in this warranty statement. Except for the limited warranty expressly stated above for Data911-branded products, Data911 provides no warranties or conditions, expressed or implied, including but not limited to any warranty or condition (1) of merchantability, merchantable quality, fitness for a particular purpose, performance, suitability or noninfringement; (2) relating to any third-party product or software; or (3) regarding the results to be obtained from the product or software. Data911 expressly disclaims all warranties and conditions not stated in this limited warranty. Data911 reserves the right to substitute components of equal or higher quality when providing warranty repair or replacement service.

We do not accept liability beyond the remedies provided for in this limited hardware warranty, and we do not accept liability for consequential or incidental damages, for third-party claims against you for damages, for products not being available for use, or for lost or damaged data or software. Data911 does not warrant that the operation of any Data911 product will be uninterrupted or error free. Our liability will be no more than the amount you paid for the specific product that is the subject of a claim. This is the maximum amount for which we are

responsible.

### **How to Obtain Warranty Service**

Customers must receive a Return Materials Authorization (RMA) number in order to receive warranty service. To receive an RMA number and instructions on how to package and ship the hardware contact Data911 Hardware Support at (510) 865-9100 x125 between the hours of 5am and 5pm PST or email [RMA@data911.com](mailto:RMA@data911.com). Please note that failure to properly package and ship the items may void the warranty.

## Advance Replacement Service

### Overview

Data911's Advance Replacement Service is an optional supplement to an active factory or extended warranty. It is not included with your factory hardware limited warranty. The purpose of the Advance Replacement Service is to minimize user downtime when equipment needs warranty service. After basic troubleshooting, Data911 will overnight ship a permanent replacement for the covered component. The customer then uses the packaging and an included return shipping label to return the malfunctioning component to Data911. For more details on the availability or pricing of Advance Replacement Service contact your Data911 sales representative.

### What is covered by Advance Replacement Service?

The Advance Replacement Service includes overnight shipping of a permanent replacement component to the customer without Data911 having to first receive the malfunctioning unit. It also includes return shipping of the malfunctioning component to Data911.

### What is not covered by the Advance Replacement Service?

The following is not covered by the Advance Replacement Service;

1. Guaranteed replacement with a brand new component. Data911 reserves the right to provide a new or refurbished replacement to the customer so long as unit provided is in good working order.
2. Extension of the existing warranty period. The replacement equipment will inherit the remaining warranty period of the malfunctioning unit, it will not be extended as if the customer were making a new purchase.
3. Damage to the malfunctioning component not covered under warranty. If the returned item does not meet the criteria to be repaired or replaced under the standard hardware limited warranty, the customer will be charged for lesser of the repair or replacement of the returned component.

### Advance Replacement Procedure

1. Customer performs basic troubleshooting
2. Customer calls Data911 Hardware Support at (510) 865-9100 x125 to:
  - a. Confirm troubleshooting performed by customer was adequate in diagnosing a malfunction of the component.
  - b. Receive an RMA number
3. Data911 sends a replacement component overnight to the customer. For ease of recordkeeping, the replacement component will have serial numbers matched to the

malfunctioning unit. Service requests received prior to 1pm PST are shipped on the same business day. Service requests received after 1pm PST are shipped the following business day.

4. Upon receiving the replacement component, the customer:
  - a. Removes the replacement component from the box
  - b. Packs the malfunctioning component into the same box using all of the same packaging material provided to ship the replacement unit.
  - c. Fills out the included RMA information form and places it in the box with the malfunctioning equipment.
  - d. Attaches the included return shipping label to the outside of the box and seals the box
  - e. Promptly arranges for UPS to return the malfunctioning equipment to Data911.

#### **Exchange and Title Transfer of Goods**

Under the Advance Replacement Service, if the malfunctioning unit meets the criteria to be repaired or replaced under the standard hardware limited warranty then upon receipt of the malfunctioning unit by Data911; (1.) the replacement unit becomes the property of the customer and (2.) the malfunctioning unit becomes the property of Data911.

If the malfunctioning unit does not meet the criteria to be covered under the standard hardware limited warranty then there is no transfer of goods or title of the components unless the customer pays for the repair or replacement of the malfunctioning unit.

#### **How to Obtain Advance Replacement Warranty Service**

Customers should contact Data911 Hardware Support at (510) 865-9100 x125 between the hours of 5am and 5pm PST or email [RMA@data911.com](mailto:RMA@data911.com) to initiate the advance replacement service. Please note that failure to properly package and ship the returned items may void the product's warranty resulting in charges to the customer.

## Software Services (Perpetual Licensed)

### Overview

Data911 offers optional Enhanced Service Agreements (ESA) for perpetual licenses of Data911-branded software products. Subscribing to these services gives customers access to all software upgrades and access to live phone support during Data911's normal business hours for the term of the support agreement.

### Service Period

Data911-branded software products may come with a 90-day, 1-year, 2-year, or 3-year ESA support agreement. To determine the service period that came with software that you purchased, see your invoice, receipt, contract, or other sales documentation. Data911 software services are provided on a site-wide or fleet-wide basis. Services are not sold for each purchase or individual installations of the software. If an ESA is provided as part of a combined hardware-software solution, the service period begins with the delivery of the first article to the customer. Subsequent deliveries of additional items do not extend the ESA. The service period for extensions of ESA can be identified on the invoice or sales receipt for the extension of the ESA.

### What is covered by Data911's Enhanced Service Agreement?

ESA Services include:

1. All software updates for covered products
2. Phone support during Data911's normal business hours (Mon–Fri , 8am to 5pm PST)
3. Support to implement software updates for covered products.

### What is not covered by Data911's Enhanced Service Agreement?

ESA Services do not include:

1. A guarantee that the software will function or continue to function. Data911 makes every effort to support its software in complex environments but due to the presence of third-party software, software updates, operating system updates, software configuration changes, and network configurations beyond the control of Data911, we cannot guarantee that the software will work or continue to work in all environments.
2. Administration of the customer's network. Data911 will recommend network settings to the customer. However, it is outside the scope of the ESA service to manage the customer's network, troubleshoot complex network problems, or ensure that network related problems do not reoccur.
3. Support provided outside of Data911's normal business hours (8 am to 5 pm PST). Support required outside of these hours is subject to a minimum 4 hour charge at

Data911's current software support rates unless a separate arrangement has been agreed upon and documented with a bilaterally executed agreement between the parties.

**How to purchase**

For more details on the availability or pricing of Enhanced Service Agreements for Data911 software contact your Data911 sales representative.

**How to obtain Software Support**

To receive software support contact a Data911 Software Support Specialist at (510) 865-9100 x3 between the hours of 8 am and 5pm PST or email [dvsupport@data911.com](mailto:dvsupport@data911.com).



**ATTACHMENT C**  
**Payment Terms Agreement**

This Agreement entered on 30 November 2015, between City of Tracy (Buyer) and Hubb Systems, LLC, dba Data911, (Seller),

**IN CONSIDERATION** of the mutual covenants and agreements contained in this document and its attachments, the parties agree as follows:

1. Items of consideration. The Seller agrees to deliver to the Buyer the equipment defined in Attachment A (QTE-110142) to this document, and the Buyer shall accept and pay for the equipment as specified herein at a total cost of \$373,239.36
2. Delivery. Delivery will be FOB Destination Freight Paid and Added, unless otherwise arranged. Orders may be delivered in partials, with the understanding that the order will be delivered in its entirety within sixty business days of the date of this Agreement, unless otherwise specified.
3. Payment Terms: Net 30 Calendar Days

45 DAYS LATE – CONSTITUTES CREDIT AND SHIPMENT HOLD: Unpaid past due invoices 45 days or over are subject to credit and/or shipment hold. An APR of 18% will be applied to the invoice if payment still has not been received after 45 days.

60 DAYS LATE – OVERDUE – CREDIT REVOKED AND ADVANCE PAYMENT APPLIES: Unpaid past due invoices 60 days or over are subject to credit terms revoked and/or shipment hold. All future orders must be paid in advance by bank wire or credit card. An APR of 18% will be applied to the invoice starting from the 46th day and up to the current period.

90 DAYS LATE – OVERDUE – LEGAL ACTION: Unpaid past due invoices 90 days or over are subject to credit terms revoked and/or shipment hold. All future orders must be paid in advance by bank wire or credit card. If Buyer fails to fulfill these terms after 90 days, or if “Seller” at any time has any doubt as to Buyer’s financial responsibility, “Seller” may demand immediate full payment and decline any more future purchases. Legal action will follow. An APR of 18% will be applied to the invoice starting from the 46th day and up to the current period.

4. This offer is expressly limited to these payment terms.



**IN WITNESS WHEREOF** the parties hereto have executed this Agreement as of the date stated above.

**BUYER:** \_\_\_\_\_  
City of Tracy

By: \_\_\_\_\_  
Michael Maciel, Mayor

Date: \_\_\_\_\_

**SELLER: Hubb Systems, LLC dba Data911**

By: \_\_\_\_\_  
(Authorized Signature)

Title: \_\_\_\_\_

Date: \_\_\_\_\_

RESOLUTION \_\_\_\_\_

AWARDING THE PURCHASE OF REPLACEMENT MOBILE DATA COMPUTERS AND RELATED EQUIPMENT TO HUBB SYSTEMS, LLC, DOING BUSINESS AS DATA 911 THROUGH A STATE OF CALIFORNIA MULTIPLE AWARD SCHEDULE (CMAS), CONTRACT NUMBER 3-08-70-2549A, A COOPERATIVE PURCHASING AGREEMENT, PER TRACY MUNICIPAL CODE SECTION 2.20.220, AND AUTHORIZING THE MAYOR TO EXECUTE A FOUR-YEAR CONTRACT WITH HUBB SYSTEMS, LLC DOING BUSINESS AS DATA 911 AND APPROPRIATING \$40,000 FROM THE EQUIPMENT REPLACEMENT FUND TO COMPLETE THE PURCHASE

WHEREAS, This purchase completes the replacement of the department's fleet of aging Mobile Data Computers (MDCs); and

WHEREAS, The Department's current MDCs are no longer covered by the manufacturer's warranty and have been experiencing operational deficiencies; and

WHEREAS, The Department has \$336,610 available for the replacement of MDCs approved in the FY 15/16 budget from the Equipment Replacement Fund; and

WHEREAS, The total actual costs for the MDCs, warranties, mounting hardware and installation along with \$3,370 for contingent costs, totaled \$376,610; and

WHEREAS, The Police Department requests an increase in appropriations in the amount of \$40,000 to complete the purchase.

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the purchase of forty-six Mobile Data Computers from Hubb Systems, LLC, doing business as Data 911, through a State of California Multiple Award Schedule (CMAS), Contract Number 3-08-70-2549A, pursuant to Tracy Municipal Code section 2.20.220, authorizes the Mayor to execute a four-year contract with Hubb Systems, LLC doing business as Data 911, and appropriates \$40,000 from the Equipment Replacement Fund to complete the purchase.

\* \* \* \* \*

The foregoing Resolution \_\_\_\_\_ is hereby passed and adopted by the Tracy City Council this 15<sup>th</sup> day of December, 2015 by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Clerk

AGENDA ITEM 1.F

REQUEST

**AWARD A CONSTRUCTION CONTRACT FOR THE 2014-2015 SLURRY SEAL PROJECT – CIP 73138B, TO THE LOWEST RESPONSIVE BIDDER, AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT, AND AUTHORIZE THE CITY MANAGER TO EXECUTE CHANGE ORDERS UP TO THE MAXIMUM AMOUNT PERMITTED FOR THIS PROJECT IF NEEDED**

EXECUTIVE SUMMARY

As part of the City's ongoing commitment to maintain and improve its roadway network, staff recommends that the City Council award a construction contract for the 2014-2015 Slurry Seal Project, CIP 73138B, to Telfer Pavement Technologies, LLC, of McClellan, California, in the amount of \$223,650, authorize the Mayor to execute the construction contract, and authorize the City Manager to execute change orders up to the maximum amount permitted for this project if needed.

The project is defined in the plans and specifications to include the application of approximately 30,000 square yards of slurry seal, removal and replacement of 1,500 cubic feet of asphalt concrete with Portland Cement Concrete (PCC), asphalt pavement repair, and the installation of temporary and permanent striping to replace the existing pavement markings and striping on Grant Line Road from Naglee Road to Toste Road, and Tracy Boulevard to Bessie Avenue, MacArthur Drive from Schulte Road to Mt. Diablo Avenue, and Eleventh Street from Lammers Road to 280 linear feet west of Lammers Road.

DISCUSSION

This project is part of the City's annual street improvement program and consists of the application of slurry seal on Grant Line Road from Naglee Road to Toste Road and Tracy Boulevard to Bessie Avenue, MacArthur Drive from Schulte Road to Mt. Diablo Avenue, and Eleventh Street from Lammers Road to 280 feet west of Lammers Road. These streets were selected on the basis of recommendations from the City's Pavement Management Program, which performs life-cycle and cost-benefit analysis to identify the highest-ranked streets for improvement. Street selection has also been coordinated with the City's Public Works Department Street Maintenance Division.

The slurry seal project includes the application of a mixture of water, asphalt emulsion, aggregate (very small crushed rock), and additives to an existing asphalt pavement surface to extend the life of the pavement. The scope of work also includes grinding, removal of existing striping and pavement markings, patch paving and repair of distressed pavement sections, and the replacement of asphalt concrete with PCC to manage rutting problems due to heavy truck traffic in the left turn pocket on eastbound Grant Line Road at the I-205 on-ramp. The work also includes replacement of the traffic signal loop detectors at the intersection of Grant Line Road and the I-205 on-ramp.

CIP 73138 was split into two CIP's: CIP 73138A and CIP 73138B. CIP 73138A (2014-15 Overlay Project), was partially funded by Federal monies, and was approved and constructed in early 2015. CIP 73138B (2014-15 Slurry Seal Project), was completely funded by local monies.

In-house engineering staff prepared the plans and specifications for the project. The project was advertised for competitive bids on October 22, and October 29, 2015. The following five bids were received and publicly opened at 2:00 p.m., on November 17, 2015, with the following results:

<u>Contractor</u>	<u>Base Bid</u>
Telfer Pavement Technologies, LLC, McClellan	\$223,650.00
American Asphalt Repair & Resurfacing, Co., Inc., Hayward	\$224,759.44
Sierra Nevada Construction, Inc., Sparks, NV	\$246,007.00
California Pavement Maintenance Co., Inc., Sacramento	\$256,663.74
Pavement Coatings Company, Jurupa Valley	\$257,545.00

Telfer Pavement Technologies, LLC, of McClellan, California, is the lowest monetary bidder. The bid analysis indicates their bid is "responsive" and the bidder is "responsible". Telfer Pavement Technologies, LLC, has the appropriate contractor's license in current and active standing with the State of California, and has completed numerous similar projects for public agencies.

The total estimated cost of this project if awarded to Telfer Pavement Technologies, LLC, is as follows:

<u>Construction Cost</u>	<u>Base Bid</u>
Contractor's Bid for Construction	\$223,650
Contingency @ 20%	\$ 44,800
Design	\$ 22,400
Design Support During Construction	\$ 7,000
Inspection (5%)	<u>\$ 11,200</u>
Total Construction Cost	\$ 309,050

The available budget of \$416,000 for this project will cover the cost of construction, including the cost of construction management and contingencies. The balance of remaining funds will be re-appropriated for 2015-2016 resurfacing projects.

If the project is awarded to Telfer Pavement Technologies, LLC, and based on the anticipated weather conditions after award of this contract, the work will likely not proceed until April or May 2016, when the atmospheric and pavement temperatures are above fifty-five degrees Fahrenheit and rising. Also, the rubberized asphalt concrete cannot be placed on wet pavement or when there is a possibility of freezing temperatures at the project location within 24 hours after placement. Hence, completion of construction is expected by early June 2016.

STRATEGIC PLAN

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

FISCAL IMPACT

This project is an approved Capital Improvement Project (CIP 73138B) for FY 2014-15, funded by gas tax and as such, there will be no impact to the General Fund

RECOMMENDATION

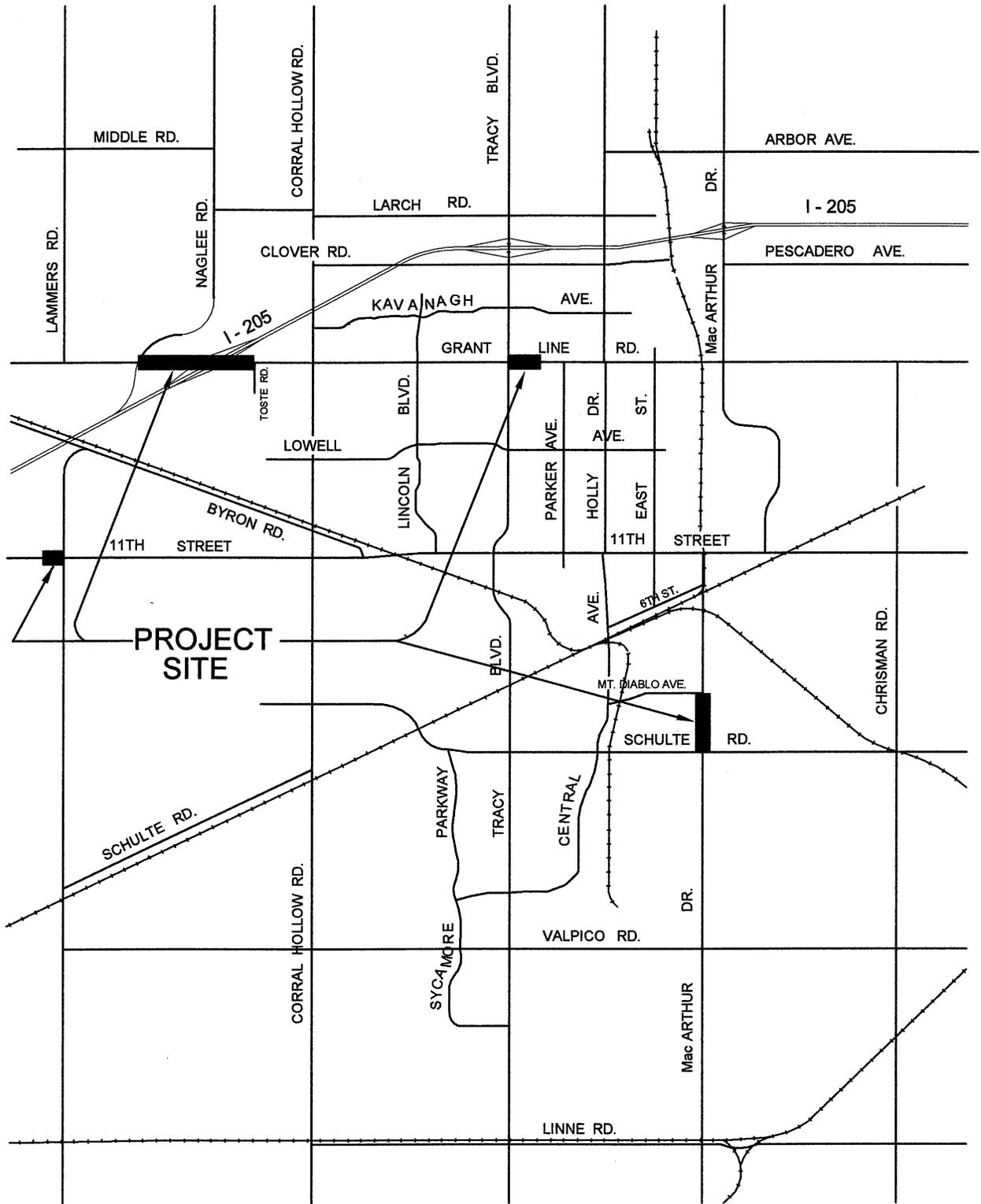
That City Council, by resolution, award a construction contract for the 2014-2015 Slurry Seal Project – CIP 73138B, to Telfer Pavement Technologies, LLC, of McClellan, California, in the amount of \$223,650, authorize the Mayor to execute the construction contract, and authorize the City Manager to execute change orders up to the maximum amount permitted for this project if needed.

Prepared by: Khoder Baydoun, Associate Civil Engineer  
Zabih Zaca, Senior Civil Engineer

Reviewed by: Robert Armijo, City Engineer  
Andrew Malik, Development Services Director  
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

Attachment: Location Map



# LOCATION MAP

NOT TO SCALE



RESOLUTION \_\_\_\_\_

AWARDING A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$223,650 FOR THE 2014-15 SLURRY SEAL PROJECT – CIP 73138B, TO TELFER PAVEMENT TECHNOLOGIES, LLC, OF MCCLELLAN, CALIFORNIA, AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT AND AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDERS UP TO THE MAXIMUM AMOUNT PERMITTED FOR THIS PROJECT IF NEEDED

WHEREAS, This project is part of the City’s annual street improvement program and consists of the application of slurry seal on Grant Line Road from Naglee Road to Toste Road and from Tracy Boulevard to Bessie Avenue, MacArthur Drive from Schulte Road to Mt. Diablo Avenue, and Eleventh Street from Lammers Road to 280 linear feet west of Lammers Road, and

WHEREAS, Streets were selected based on recommendations from the City’s Pavement Management System, and

WHEREAS, The project was advertised for competitive bids on October 22, and October 29, 2015, and five bids were received and publicly opened at 2:00 p.m., on November 17, 2015, and

WHEREAS, Telfer Pavement Technologies, LLC, is the lowest monetary bidder, bid analysis indicates their bid is “responsive” and the bidder is “responsible”, and

WHEREAS, This is an approved Capital Improvement Project for FY 2014-15, funded by the Gas Tax fund, and as such, there will be no impact to the General Fund;

NOW, THEREFORE BE IT RESOLVED, That City Council awards a construction contract for the 2014-15 Slurry Seal Project - CIP 73138B, to Telfer Pavement Technologies, LLC, of McClellan, California, in the amount of \$223,650, and authorizes the Mayor to execute the construction contract.

\*\*\*\*\*

The foregoing Resolution \_\_\_\_\_ was adopted by the City Council on the 15<sup>th</sup> day of December 2015, by the following vote:

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

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

AGENDA ITEM 1.G

REQUEST

**WAIVE SECOND READING AND ADOPT ORDINANCE 1203 AN ORDINANCE OF THE CITY OF TRACY ADDING A NEW SECTION 10.08.3198, DONATION CONTAINERS, TO THE TRACY MUNICIPAL CODE**

EXECUTIVE SUMMARY

Ordinance 1203 was introduced at the Council meeting held on December 1, 2015. Ordinance 1203 is before Council for adoption.

DISCUSSION

The San Joaquin County Grand Jury issued its 2014-2015 Report, Charity Begins at Home: Unattended For-Profit Donation Containers Proliferate Across County, and recommended that each city in San Joaquin adopt regulations concerning donation containers. Ordinance 1203 was introduced at a regular City Council meeting held on December 1, 2015, adding a new section 10.08.3198 to title 10 of the Tracy Municipal Code relating to donation containers. The new regulations will ensure the donation containers do not have a negative, blighted visual impact; impede or interfere with public access, circulation and parking; or become hazards or nuisances.

STRATEGIC PLAN

This agenda item does not relate to the Council's four strategic plans.

FISCAL IMPACT

None.

RECOMMENDATION

That Council adopt Ordinance 1203.

Prepared by: Adrienne Richardson, Deputy City Clerk

Reviewed by: Nora Pimentel, City Clerk  
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS:

Attachment A – Ordinance 1203

ORDINANCE 1203

AN ORDINANCE OF THE CITY OF TRACY ADDING A NEW SECTION 10.08.3198, DONATION CONTAINERS, TO THE TRACY MUNICIPAL CODE

WHEREAS, The San Joaquin County Grand Jury issued its 2014-2015 Report, Charity Begins at Home: Unattended For-Profit Donation Containers Proliferate Across County, and recommended that each city in San Joaquin County adopt regulations concerning donation containers, and

WHEREAS, The City wishes to regulate donation containers to ensure that they do not become a public nuisance, or public health and safety issue, and

WHEREAS, The proposed ordinance is not a project within the meaning of the California Environmental Quality Act because it does not have the potential for causing a significant effect on the environment (CEQA Guidelines, 14 California Code of Regulations, §15061(b).), and

WHEREAS, The Planning Commission considered this matter at a duly noticed public hearing held on November 4, 2015, and recommended that City Council introduce and adopt the draft ordinance, and

WHEREAS, The City Council held a duly noticed public hearing to consider the ordinance on December 1, 2015;

The City Council of the City of Tracy does ordain as follows:

SECTION 1: A new Section 10.08.3198, Donation Containers, is added to Title 10 (Planning and Zoning) of the Tracy Municipal Code, to read as set forth in Exhibit A, attached.

SECTION 2 This Ordinance shall take effect thirty (30) days after its final passage and adoption.

SECTION 3 This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the ordinance. (Gov't. Code §36933.)

\* \* \* \* \*

Ordinance 1203  
Page 2

The foregoing Ordinance 1203 was introduced at a regular meeting of the Tracy City Council on the 1<sup>st</sup> day of December 2015, and finally adopted on the 15th day of December, 2015, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

---

MAYOR

ATTEST:

---

CITY CLERK

**Exhibit A  
To Ordinance 1203**

A new Section 10.08.3198, Donation Containers, is added to the Tracy Municipal Code to read as follows:

**“10.08.3198 Donation containers**

(a) **Purpose.** The purpose of this section is to regulate donation containers to ensure that donation containers will not have a negative, blighted visual impact; impede or interfere with public access, circulation and parking; or become hazards or nuisances.

(b) **Definitions.** In this section:

*Donation container* means a donation or collection box, bin, trailer, or other container used for receiving donations of salvageable personal property.

*Salvageable personal property* means clothing, shoes, textiles, toys, personal electronic devices, media, books and other similar, small items. It does not include undesirable material, defined below.

*Undesirable material* means any large items that are unable to fit in the donation container, biological or organic material, or any hazardous material.

(c) **Conditional use permit required.** A property owner wishing to allow a donation container on his or her property must first obtain a conditional use permit from the City, in accordance with Sections 10.08.4250 through 10.08.4420 of Article 34.

(1) **Application.** In addition to the application requirements set forth in Section 10.08.4270 of Article 34, the application must include the following:

- (i) the property owner’s signature, indicating his or her endorsement of the application;
- (ii) the name(s), address(es), and telephone number(s) of the person or organization sponsoring the donation container. If an organization, include the name and contact information for the person managing the container;
- (iii) the proposed location;
- (iv) a detailed description and site plan of the donation container, including size, material, security features, signage, dates and times for regularly scheduled pickups and maintenance (including removal of overflow or unwanted materials); and
- (v) if the donation container will be operated for charitable purposes by a non-profit entity under Internal Revenue Code section 501(c)(3), a tax identification number and an IRS determination letter.

(2) **Findings.** In addition to the findings for a conditional use permit set forth in Section 10.08.4310 of Article 34, the Planning Commission must make the following findings before approving a conditional use permit for a donation container:

- (i) the donation container will be located on a parcel zoned for non-residential use;

- (ii) the donation container will not be located on public property, public right-of-way, or within 20 feet of any property line;
- (iii) the donation container will not be located within 2,500 feet of another donation container, and there may not be more than one donation container on a parcel;
- (iv) the location is adequate in size and shape to accommodate the donation container, allows adequate foot traffic and access by the disabled, does not encroach into or impede access to any parking space, drive aisle, trash enclosure area, landscape area or required setback area; and
- (v) the performance standards set forth in subsection (d) will apply.

(d) **Performance standards.** The following standards apply to a conditional use permit for a donation container:

- (1) Litter and graffiti. The donation container and the site will be maintained free of litter and graffiti. The property owner shall:
  - (i) remove all trash, litter, and unwanted or undesirable materials on a daily basis;
  - (ii) remove graffiti within 48 hours of written notice from the city; and
  - (iii) respond and cure within 48 hours of written notice any vandalism, damaged containers, lack of maintenance or existence of overflow materials.
- (2) Signage. The donation container shall be identified with:
  - (i) the name of the organization maintaining the container, a telephone number, address, and (if available) the internet web address;
  - (ii) the type of material that may be donated; and
  - (iii) a statement to comply with Welfare and Institutions Code sections 150-153.

The signage may be permanently painted, drawn, embedded or affixed with a film adhesive flush to the donation container. No signs shall protrude, project, or be detached from the donation container. The signage of any side may not be larger than one-half of the surface area of that side.

- (3) Attendant. The property owner will ensure that an attendant is present at the donation container at least 8 hours a day, 7 days a week. The attendant shall be fully dedicated to the donation container and not working another job on the site.
- (4) Site planning and architecture. A donation container may be subject to development review, under Section 10.08.3940 of Article 30.
- (5) Proper disposal. The property owner and container operator are responsible for disposing of undesirable material in accordance with city, state and federal laws.
- (6) Parking, Access, and Circulation. Parking, access, and circulation will be reviewed as part of the Conditional Use Permit process. Additional parking may be required.

- (7) Reporting. The container operator must report annually the tonnage collected from containers within the city, including a breakdown by material type, whether the material was reused or recycled, and any other information needed by the City to comply with AB 939 (California Integrated Waste Management Act, Public Resources Code sections 40000-49620). The operator must provide this information to the City by the end of February of each calendar year.
- (8) Insurance. The property owner must maintain a minimum general liability insurance of one million dollars to cover any claims or losses due to the placement, operation, or maintenance of the donation container.
- (e) **Enforcement.** The City may enforce this section by any means authorized in Section 1.16.010, including revocation of the conditional use permit.”

AGENDA ITEM 1.H

REQUEST

**WAIVE SECOND READING AND ADOPT ORDINANCE 1204 AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTION 4.16.190 OF CHAPTER 4.16 OF TITLE 4 OF THE TRACY MUNICIPAL CODE MAKING A VIOLATION FOR BEING IN THE PARK AFTER DARK A MISDEMEANOR; AND AMENDING ARTICLE 14 OF CHAPTER 4.12 OF TITLE 4 DEFINING AND MAKING VIOLATIONS OF AGGRESSIVE OR DANGEROUS SOLICITATION A MISDEMEANOR.**

EXECUTIVE SUMMARY

Ordinance 1204 was introduced at the Council meeting held on December 1, 2015. Ordinance 1204 is before Council for adoption.

DISCUSSION

Ordinance 1204 was introduced at a regular City Council meeting held on December 1, 2015, to amend Section 4.12.1210 and 4.12.1220, Aggressive and Dangerous Solicitation, and Section 4.16.190, Being in a City Park after Dark. The proposed Ordinance addresses these concerns and will allow the Police Department to better address the nuisances associated with these activities that negatively affect the health and safety of the community.

STRATEGIC PLAN

This agenda item does not relate to the Council's four strategic plans.

FISCAL IMPACT

None.

RECOMMENDATION

That Council adopt Ordinance 1204.

Prepared by: Adrienne Richardson, Deputy City Clerk

Reviewed by: Nora Pimentel, City Clerk  
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS:

Attachment A – Ordinance 1204

ORDINANCE 1204

AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTION 4.16.190 OF CHAPTER 4.16 OF TITLE 4 OF THE TRACY MUNICIPAL CODE MAKING A VIOLATION FOR BEING IN THE PARK AFTER DARK A MISDEMEANOR; AND AMENDING ARTICLE 14 OF CHAPTER 4.12 OF TITLE 4 DEFINING AND MAKING VIOLATIONS OF AGGRESSIVE OR DANGEROUS SOLICITATION A MISDEMEANOR.

WHEREAS, Tracy Police have reported an increase of panhandlers soliciting financial assistance at major or controlled intersections in Tracy, and

WHEREAS, Soliciting at controlled intersections to occupants and drivers of vehicles interferes with traffic flow, distracts drivers and creates traffic hazards and accidents, making such solicitation dangerous;

The City Council of the City of Tracy does ordain as follows:

SECTION 1: The first sentence of Section 4.16.190 of Chapter 4.16 of Title 4 of the Tracy Municipal Code is amended to read as follows:

“It is unlawful and a misdemeanor for any person to enter or remain in a City park, whose closing times have been posted pursuant to section 4.16.200, between dusk and dawn or such other time as is posted by the City Manager or his or her designee.”

SECTION 2: The subtitle of subsection (b) of Section 4.12.1210 entitled “Definitions” of Chapter 4.12 of Title 4 of the Tracy Municipal Code is amended to read as follows:

“(b) ‘*Aggressive or dangerous solicitation*’ means:”

SECTION 3: A new definition is added to the end of subsection (b) of Section 4.12.1210 of Chapter 4.12 of Title 4 of the Tracy Municipal Code to read as follows:

“7. Soliciting employment, business or contributions from the operator or occupants of vehicles stopped or about to proceed through a controlled intersection or in a manner that interferes with the vehicle’s movement in a roadway.”

SECTION 4: Section 4.12.1220 of Chapter 4.12 of Title 4 of the Tracy Municipal Code is amended to read as follows:

**“4.12.1220 Aggressive or dangerous solicitation prohibited.**

It shall be unlawful and a misdemeanor for any person to engage in aggressive or dangerous solicitation in any public place.”

SECTION 5: Subsection (a) of Section 4.12.1230 of Chapter 4.12 of Title 4 of the Tracy Municipal Code is amended to read as follows:

“(a) It shall be unlawful for any person to solicit within thirty (30) feet of any entrance or exit of a bank, credit union, check cashing business or within thirty (30) feet of an automated teller machine.”

SECTION 6: Subsection (b) of Section 4.12.1230 of Chapter 4.12 of Title 4 of the Tracy Municipal Code shall be eliminated and the subsequent subsections shall be relettered.

SECTION 7. This Ordinance shall take effect thirty days after its final passage and adoption.

SECTION 8. A summary of this ordinance shall be published in a newspaper of general circulation and a certified copy of the full text posted in the office of the City Clerk at least five days before the City Council meeting at which the proposed ordinance is to be adopted. Within 15 days after adoption, the City Clerk shall publish a summary in a newspaper of general circulation, and shall post in her office a certified copy, of the ordinance with the names of those Council Members voting for and against the ordinance. (Government Code section 36933(c)(1).)

\*\*\*\*\*

The foregoing ordinance was introduced at a regular meeting of the Tracy City Council held on the 1<sup>st</sup> day of December 2015, and was finally adopted by the Council at the regular meeting held on the 15<sup>th</sup> day of December 2015, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

AGENDA ITEM 3

REQUEST

**PUBLIC HEARING TO INTRODUCE AN ORDINANCE AMENDING THE EDGEWOOD CONCEPT DEVELOPMENT PLAN TO PERMIT MULTI-FAMILY RESIDENTIAL USES AND SELF-STORAGE USES AT THE SITE CURRENTLY DESIGNATED NEIGHBORHOOD SHOPPING CENTER AND ADOPT A RESOLUTION TO APPROVE A PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR A 144-UNIT APARTMENT COMPLEX AND ASSOCIATED OUTDOOR AREAS. THE PROJECT IS LOCATED AT THE SOUTHEAST CORNER OF CORRAL HOLLOW ROAD AND MIDDLEFIELD DRIVE, ASSESSOR'S PARCEL NUMBERS 244-020-07. THE APPLICANT IS PACIFIC UNION LAND COMPANY, INC. AND PROPERTY OWNER IS EDGEWOOD LANE DEVELOPERS, LP. APPLICATION NUMBERS PUD12-0002 & D13-0017**

EXECUTIVE SUMMARY

This agenda item is a request to amend the Edgewood Planned Unit Development to permit multi-family and self-storage uses at the remaining undeveloped site and a request for the approval of a development plan for five three-story apartment buildings consisting of 144 dwelling units and associated recreational and parking areas. No development plan for the self-storage use is proposed with this application.

DISCUSSION

Project Background, Location, and Description

In the mid-1990's, the City Council approved Concept, Preliminary, and Final Development Plans and a subdivision map for the Edgewood Planned Unit Development (PUD) located north of Linne Road between Corral Hollow Road and Tracy Boulevard (Attachment A). Edgewood consists of single-family residences, parks, a school, a multi-family residential site, and a neighborhood shopping center. The subdivision has been built out with only the 10.92-acre site designated for a neighborhood shopping center located at the southeast corner of Corral Hollow Road and Middlefield Drive, across the street from the Waterstone Apartments and adjacent to Don Cose Park.

Subsequently, in 2009, new regulations were adopted by the Airport Land Use Commission (ALUC) of the San Joaquin County Council of Governments (SJCOG) to minimize the public's exposure to excessive noise and safety hazards, as well as ensure that the approaches to airports are kept clear of structures and other conflicts that could pose an aviation safety hazard. Due to the proximity of the site to the Tracy Municipal Airport, the Airport Land Use Compatibility Plan (ALUCP) has identified approximately half of the subject site to be located within two Airport Compatibility Zones that impose land use limitations on new development at the site. Attachment B identifies the Airport Compatibility Zones and the land use limitations.

The applicant worked with SJCOG, which administers the ALUCP, to identify appropriate land uses and a site layout that would be compatible with the ALUCP prior to submission of the following applications to the City:

- an amendment to the Edgewood Concept Development Plan (CDP) to allow multi-family residential and self-storage uses at the subject site (Application Number PUD12-0002),
- a tentative parcel map to divide the 10.92-acre site into a 7.36-acre parcel proposed for apartment uses and a 3.56-acre parcel proposed for self-storage uses, which will be acted upon by the City Engineer pending City Council approval of the project (Application Number MS13-0008) (Attachment C), and
- a Preliminary and Final Development Plan (PDP/FDP) for five three-story apartment buildings totaling 144 units and associated recreational and parking areas (Application Number D13-0017) (Attachment C).

A conceptual design for the self-storage site is shown on the plans for illustrative purposes of this application as no development permit has been submitted. Any future development permit (PDP and FDP) applications for the self-storage site would be required to be submitted for approval prior to any construction.

#### Amendment to the Edgewood CDP

As discussed above, the Edgewood PUD originally designated the subject site for neighborhood shopping uses, which is not a land use permitted within the current Airport Compatibility Zones designated in the ALUCP. The amendment to the CDP would permit multi-family residential uses and self-storage uses as allowable land uses on this site. The proposal has been deemed by SJCOG to be compatible with the ALUCP provided the site is developed as shown in the proposed site plan.

The multi-family use and design would complement the existing multi-family use across Middlefield Drive. The proposed density is approximately 19.6 du/acre, which is similar to that of the apartment complex across Middlefield Drive built at 19.5 du/acre and three stories in height. At the time the apartment complex across the street was proposed, staff had concerns about the number of stories and the buildings' proximity to the single-family homes. Since the apartments have been constructed and occupied, they have operated successfully and staff has not received complaints regarding their height.

A self-storage use would be convenient for the existing and proposed apartments and nearby single-family homes by helping to provide nearby storage. Staff anticipates that the storage would minimize the potential for the use of balconies as storage spaces, which is a practice typical of many apartment building residents.

The project site is designated Commercial under the General Plan. The proposed multi-family residential and self-storage uses are consistent with the Commercial designation. Such allowance for high density housing within commercially designated property was an outcome of the 2011 General Plan update. Also, the City has, for several decades, allowed multi-family uses within commercially-zoned areas in the City (General Highway Commercial and Central Business District) upon approval of a Conditional Use Permit.

### Development Plan and Architecture for Apartments

The proposed development plan consists of five three-story buildings totaling 144 dwelling units, a clubhouse/leasing office, a community pool and spa, a tot lot and barbecue area, and parking facilities with covered parking spaces (Attachment B). The proposed amount of parking for residents and guests and the number of covered spaces is consistent with the requirement in the Tracy Municipal Code Off-Street Parking Ordinance for apartment buildings. Similarly to the apartment complex across the street, the site is designed with parking on the exterior and buildings in the center. This design allows for a buffer between the three-story apartment buildings and the single-family homes to the east as well as ensuring there are no dwellings located within the Airport Compatibility Zones where dwellings are not permitted.

Two driveways are proposed to serve the site. The full-access driveway on Middlefield Drive to serve the apartments aligns with the opening in the medians and with the driveway that serves the apartment complex to the north. A driveway on Corral Hollow Road will be provided to serve both the apartments and the self-storage site. The City's Roadway Master Plan shows Corral Hollow Road will be widened into a six lane major arterial. In the interim, the driveway will have full access onto Corral Hollow Road. When Corral Hollow Road is widened, the driveway will be restricted to right-in, right-out movements, and a right-turn deceleration lane will be constructed to provide for right-turn movements from Corral Hollow Road onto Middlefield Drive. For a portion of the sidewalk, the construction of the right-turn deceleration lane will take the public sidewalk on Corral Hollow Road from its current ten foot width to five feet. The property line location, right-of-way landscaping, and onsite improvements will not be affected by the widening of the roadway.

A pedestrian connection will be provided to the adjacent public park. The path will be paved, lit, and lined with trees to create an inviting entrance. Because the City does not have funds to add improvements to the park side of the pedestrian connection, staff recommends Conditions of Approval E.2 regarding the continuation of the pedestrian path into the park and lighting of the pathway.

The proposed apartment and clubhouse/leasing office buildings are designed to meet the City's Design Goals and Standards for high quality residential architecture. The buildings use a mix of traditional and modern design consisting of horizontal siding and plaster walls in warm colors, metal railings, shingled hip roofs, and split-face block planters. Carports will be comprised of metal painted to match the buildings, and the sound barriers required for some of the carports along Corral Hollow Road will be comprised of split-face block to match the planters.

### Tentative Parcel Map

Tentative Parcel Maps are reviewed and acted upon by the City Engineer. Should the City Council approve the CDP amendment and the PDP/FDP for the apartments, the tentative parcel map will be scheduled for action with the City Engineer following Council approval of the project. The Tentative Parcel Map is included within the plans included as Attachment C for reference.

### Residential Growth Allotments

The project will require 144 RGAs for the construction of the 144 proposed dwelling units. The project will be eligible to apply for and receive RGAs per the regulations set forth in the Growth Management Ordinance and Growth Management Ordinance Guidelines after a Final Development Plan is approved. The RGAs will be required prior to the issuance of any building permits.

### Parks

Staff has determined that no dedication of park acreage is required within the proposed project because a 3.8-acre public park is immediately adjacent to the project site. Additionally, a 3.5-acre public park is approximately 0.2 miles from the site and a 4.7-acre public park is approximately 0.6 miles from the site. Furthermore, the applicant has provided outdoor recreational areas for use by residents on site. In lieu of providing park land, the applicant will be required to pay the park in-lieu fees to help offset the increase in demand for additional parks. These fees will provide funds for the creation of parks and recreation facilities consistent with the Parks Master Plan and the City's General Plan.

### Planning Commission Recommendation and Neighborhood Comments

Because this site has long been designated for a neighborhood shopping center, staff asked the applicant to conduct a series of outreach efforts to the neighbors to explain the proposed land use amendments, share the proposed apartment development plan, and listen to comments and/or concerns the neighbors may have prior to scheduling the item for Planning Commission and City Council consideration.

The applicant held a neighborhood meeting on March 26, 2015. Several neighbors attended to speak with the applicant about the project proposal. According to the applicant, conversations continued to take place after the meeting regarding neighbors' requests. Attachment D is a letter documenting the neighbors' requests and the applicant's voluntary agreement to fulfilling them. The City had not received additional comments or concerns from other neighbors in addition to those contained in the letter by the time of the Planning Commission hearing on October 28, 2015.

At the October 28<sup>th</sup> public hearing, a number of neighbors spoke in opposition of the applications and the prospect that the site would no longer be a shopping center with these approvals. Following staff's report, comments from the applicant, comments from the neighbors, and discussion among the Commission, the Planning Commission voted three in favor, one opposed, and one in abstention recommending City Council approval of the land use amendment to allow multi-family uses and of the Preliminary and Final Development Plan for the apartment complex as proposed. The Planning Commission action did not include recommending approval of the self-storage uses at the site.

Due to the amount of opposition heard at the Planning Commission public hearing, staff asked the applicant to conduct more outreach efforts with the neighbors prior to

scheduling the item before the City Council. According to the applicant, conversations with the neighbors took place in November and December.

#### Environmental Document

California Environmental Quality Act (CEQA) Guidelines Section 15183 allows a streamlined environmental review process for projects that are consistent with the densities established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified. As noted above, the proposed project is consistent with the land use designation and densities established by the Tracy General Plan, for which an EIR was certified. The provisions contained in Section 15183 of the CEQA Guidelines are presented in an environmental analysis prepared by De Novo Planning Group (Attachment F). A traffic study was prepared by TJKM (Attachment G) and a Noise Analysis was prepared by Rosen, Goldberg, Der, & Lewitz, Inc. (Attachment H) in support of the environmental analysis.

#### STRATEGIC PLAN

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

#### FISCAL IMPACT

This agenda item will not require any expenditure of funds. The applicant paid the application processing fees established by the City Council for the CDP amendment and PDP/FDP applications and entered into a Cost Recovery Agreement for the consultant and staff time that was required to prepare the environmental documentation in accordance with CEQA. The applicant will also pay all of the appropriate building permit and development impact fees upon the commencement of construction of the dwelling units and other improvements.

#### RECOMMENDATION

The Planning Commission recommends that the City Council:

1. Introduce an ordinance amending the Edgewood Concept Development Plan to allow multi-family residential uses at the 10.92-acre site at the southeast corner of Corral Hollow Road and Middlefield Drive, Assessor's Parcel Number 244-020-07 (Application Number PUD12-0002),
2. Adopt a resolution approving a Preliminary Development Plan and Final Development Plan for five three-story apartment buildings totaling 144 dwelling units (Application Number D13-0017), subject to the conditions attached as Exhibit 1.

Staff recommends that the City Council:

1. Introduce an ordinance amending the Edgewood Concept Development Plan to allow multi-family residential and self-storage uses at the 10.92-acre site at the southeast corner of Corral Hollow Road and Middlefield Drive, Assessor's Parcel

Number 244-020-07 (Application Number PUD12-0002),

2. Adopt a resolution approving a Preliminary Development Plan and a Final Development Plan for five three-story apartment buildings totaling 144 dwelling units (Application Number D13-0017), subject to the conditions attached as Exhibit 1.

Prepared by: Kimberly Matlock, Associate Planner

Reviewed by: Bill Dean, Assistant Development Services Director  
Andrew Malik, Development Services Director  
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

#### ATTACHMENTS

Attachment A: Location Map

Attachment B: ALUCP Project Review Response

Attachment C: Preliminary and Final Development Plan for Apartments  
(Oversized copies provided to the City Council)

- Cover Sheet
- Project Information and Sheet Index
- Site Photos
- Site Plan
- Site Sections
- Aerial View
- Building 1 Perspective
- Clubhouse/Leasing Office Rendering
- Building 1 Floor Plans
- Building 2 Floor Plans
- Clubhouse/Leasing Office Elevations and Floor Plan
- Building 1 Elevations
- Building 2 Elevations
- Carport Perspective; Building Materials and Colors
- Tentative Parcel Map Exhibits (Shown for reference only)
- Landscape Plan

Attachment D: Letter from Neighbors dated June 1, 2015 and Response Letter from Applicant dated June 8, 2015

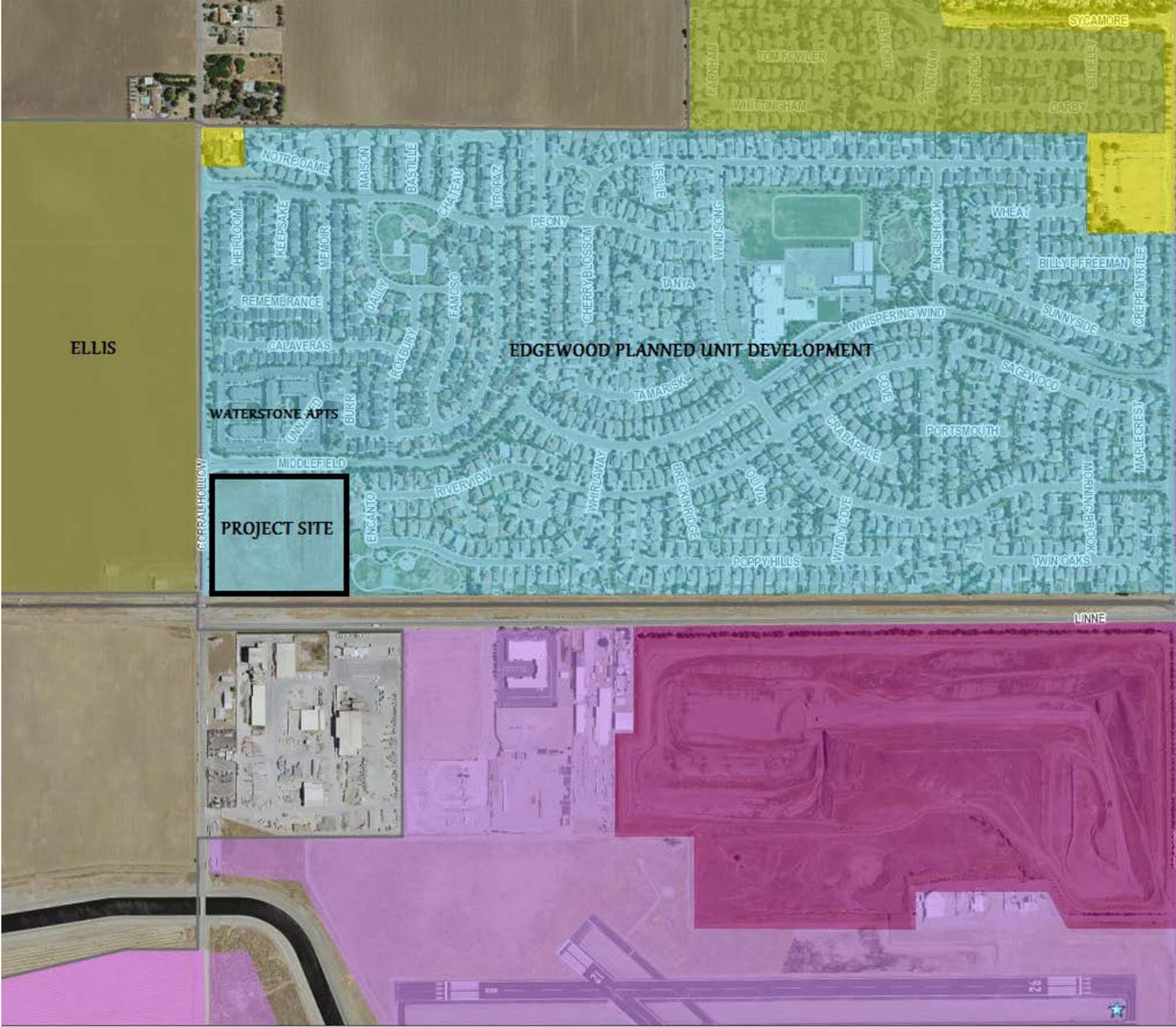
Attachment E: Emails from Neighbors dated November 2, November 4, and November 5, 2015

Attachment F: Environmental Analysis by De Novo Planning Group

Attachment G: Traffic Study by TJKM

Attachment H: Noise Analysis by Rosen, Goldberg, Der, & Lewitz, Inc.

Location Map





## San Joaquin Council of Governments

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 235-0438

*San Joaquin County Airport Land Use Commission*

### ALUC RESPONSE TO LOCAL JURISDICTION

**To:** Bill Dean, Assistant Development and Engineering Services Director, City of Tracy

**From:** Laura Brunn, Associate Regional Planner, San Joaquin Council of Governments

**Date:** November 15, 2012

**Local Jurisdiction Project Title:** Middlefield Dr. Apts. & Storage Facility.

**Area of Influence, Airport:** Tracy Municipal Airport

**Assessor Parcel Number(s):** 244-020-31

**Safety Criteria Matrix Zones:**

**Status:** Consistent Land Use with Conditions

Inner Approach Departure Zone (2); Traffic Pattern Zone

(7); Inner Turning Zone (3); Airport Influence Area - (8)

#### LAND USE CONSISTENCY REVIEW

The project site is located within the Tracy Municipal Airports (AIA), and pursuant to the State Aeronautics Act (Public Utilities Code Section 21676), the project is subject to a Consistency Determination by the San Joaquin County ALUC. ALUC staff has reviewed the project information received by SJCOG on October 15, 2012. The project includes a PUD application to allow for the construction of a 144 unit apartment complex on the north eastern area of the parcel and an 88,960 sq. ft. storage facility on the southern area of the parcel. The project is located on the southeast corner of Middlefield Drive and Corral Hollow Rd. within the City of Tracy, APN 244-020-31.

The entire project is located within Tracy Municipal Airport's Airport Influence Area (AIA) with portions also within the Traffic Pattern Zone (TPZ), the Inner Turning Zone (ITZ), and Inner Approach Departure Zone (IADZ), as shown in the exhibit located on page four.

Proposed land use designations for the Middlefield Drive Apartments and Self-Storage Facility are consistent with the 2009 Airport Land Use Compatibility Plan's safety zones and development criteria.

The following are standards and project design conditions specific to compliance with the ALUCP and should be carried through as conditions of approval: This is not a mitigation request. These are project design conditions that are required as part of compliance with the 2009 ALUCP:

1. New land uses that may cause visual, electronic, or increased bird strike hazards to aircraft in flight shall not be permitted within any airport's influence area. Specific characteristics to be avoided include:
  - Glare or distracting lights which could be mistaken for airport lights. Reflective materials are not permitted to be used in structures or signs (excluding traffic directing signs);
  - Sources of dust, steam, or smoke which may impair pilot visibility;
  - Sources of electrical interference with aircraft communications or navigation. No transmissions which would interfere with aircraft radio communications or navigational signals are permitted.

- Any proposed use, especially landfills and certain agricultural uses, that creates an increased attraction for large flocks of birds.
2. Within the Inner Approach Departure Zone (2) and the Inner Turning Zone (3):
    - ALUC review is required on any proposed object taller than 35 feet AGL.
    - An Avigation Easement shall be dedicated to the City of Tracy, as the owner of Tracy Municipal Airport, to convey rights associated with aircraft overflight of a property, including creation of noise, limits on the height of structures and trees, etc.
    - All residences and office buildings shall have a minimum NLR of 45 dB
  3. Within all zones, occupied structures must be soundproofed to reduce interior noise to 45 dB according to State Guidelines
  4. Within the AIA, ALUC review is required for any proposed object taller than 100 feet AGL.
  5. Regardless of location within San Joaquin County, ALUC review is required in addition to FAA notification in accordance with Code of Federal Regulations, Part 77 for any proposal for construction or alteration under the following conditions:
    - a. If requested by the FAA.
    - b. Any construction or alteration that is more than 200 ft. AGL at its site.
    - c. Any construction or alteration that exceeds an imaginary surface extending outward and upward at the following slopes:
      - i. 100 to 1 for a horizontal distance of 20,000 ft. of a public use or military airport from any point on the runway of each airport with its longest runway more than 3,200 ft.
    - d. Any highway, railroad or other traverse way whose prescribed adjusted height would exceed the above noted standards
    - e. Any construction or alteration located on a public use airport or heliport regardless of height or location.

### 6. Deed Notice Requirement

For new residential development within any airport's influence area (AIA), deed notices are required per the California Civil Code as well as the San Joaquin County's Airport Land Use Compatibility Plan. These notices are a form of buyer awareness measure whose objective is to ensure that prospective buyers of airport area property, particularly residential property, are informed about the airport's impact on the property. A statement similar to the following should be included on the deed for any real property subject to the deed notice requirements set forth in the San Joaquin County Airport Land Use Compatibility Plan. Such notice should be recorded by the county of San Joaquin. Also, this deed notice should be included on any parcel map, tentative map, or final map for subdivision approval.

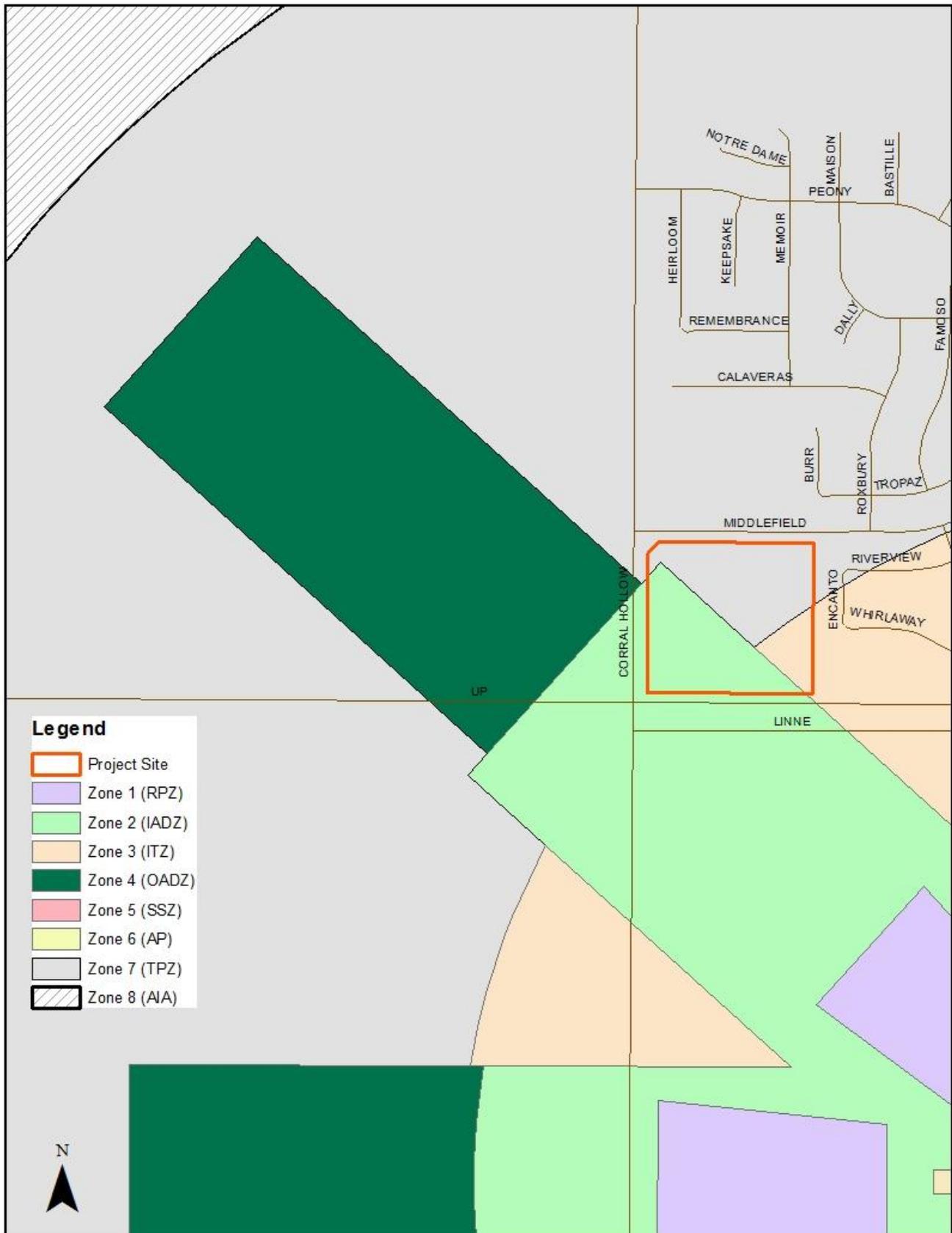
*Sample Deed Notice - The San Joaquin County Airport Land Use Commission's Airport Land Use Compatibility Plan identifies the Tracy Municipal Airport's Airport Influence Area. Properties within this area are routinely subject to overflights by aircraft using this public-use airport and, as a result, residents may experience inconvenience, annoyance, or discomfort arising from the noise of such operations. State law (Public Utilities Code Section 21670 et seq.) establishes the importance of public-use airports to the public interest of the people of the state of California.*

*Residents of property near such airports should therefore be prepared to accept the inconvenience, annoyance, or discomfort from normal aircraft operations. Residents also should be aware that the current volume of aircraft activity may increase in the future. Any subsequent deed conveying this parcel or subdivisions thereof shall contain a statement in substantially this form.*

Please contact ALUC staff Laura Brunn if you have any questions or comments at (209) 235-0579, or by email at [brunn@sjcog.org](mailto:brunn@sjcog.org).



Laura Brunn, SJCOG Associate Regional Planner



**TABLE 3A  
Safety Criteria Matrix**

Zone	Maximum Densities/Intensities/Required Open Land			Additional Criteria	
	Dwelling Units per Acre <sup>1</sup>	Maximum Non-residential Intensity <sup>2</sup>	Req'd Open Land <sup>3</sup>	Prohibited Uses <sup>4</sup>	Other Development Conditions <sup>5</sup>
Zone 1 (RPZ)	None	None	All unused	<ul style="list-style-type: none"> <li>• All structures except ones with location set by aeronautical function</li> <li>• Assemblages of people</li> <li>• Public &amp; quasi-public services</li> <li>• Objects exceeding FAR Part 77 height limits</li> <li>• Storage of hazardous materials</li> <li>• Chemicals and allied products &amp; storage</li> <li>• Petroleum refining &amp; storage</li> <li>• Electrical &amp; natural gas generation &amp; switching</li> <li>• Oil &amp; gas extraction</li> <li>• Natural gas &amp; petroleum pipelines<sup>11</sup></li> <li>• Dumps or landfills, other than those consisting entirely of earth &amp; rock.</li> <li>• Hazards to flight<sup>6</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Avigation easement dedication</li> </ul>
Zone 2 (IADZ)	1 d.u. per 10 acres	50 persons per acre	30%	<ul style="list-style-type: none"> <li>• Residential, except for very low residential</li> <li>• Manufacturing and industrial uses</li> <li>• Chemicals and allied products &amp; storage</li> <li>• Petroleum refining &amp; storage</li> <li>• Rubber &amp; plastics</li> <li>• Passenger terminals &amp; stations</li> <li>• Radio, TV &amp; Telephone centers</li> <li>• Electrical &amp; natural gas generation &amp; switching</li> <li>• Oil &amp; gas extraction</li> <li>• Natural gas &amp; petroleum pipelines<sup>11</sup></li> <li>• Petroleum truck terminals</li> <li>• Businesses &amp; personal services</li> <li>• Hotels, motels, restaurants</li> <li>• Public &amp; quasi-public services</li> <li>• Children's schools, day care centers, libraries</li> <li>• Hospitals, nursing homes</li> <li>• Places of worship</li> <li>• Schools</li> <li>• Recreational uses, athletic fields, playgrounds, &amp; riding stables</li> <li>• Theaters, auditoriums, &amp; stadiums</li> <li>• Dumps or landfills, other than those consisting entirely of earth &amp; rock.</li> <li>• Waterways that create a bird hazard</li> <li>• Hazards to flight<sup>6</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Avigation easement dedication</li> <li>• Locate structures maximum distance from extended runway centerline</li> <li>• Minimum NLR of 45 dB residences (including mobile homes) and office buildings<sup>8</sup></li> <li>• Airspace review required for objects &gt; 35 feet tall<sup>9</sup></li> </ul>
Zone 3 (ITZ)	1 d.u. per 5 acres	120 persons per acre	20%	Same as Zone 2	<ul style="list-style-type: none"> <li>• Same as zone 2</li> </ul>
Zone 4 (OADZ)	1 d.u. per 5 acres	180 persons per acre	20%	<ul style="list-style-type: none"> <li>• Children's schools, day care centers, libraries</li> <li>• Hospitals, nursing homes</li> <li>• Bldgs. with &gt;3 aboveground habitable floors</li> <li>• Highly noise-sensitive outdoor nonresidential uses<sup>7</sup></li> <li>• Hazards to flight<sup>6</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Minimum NLR of 25 dB in residences (including mobile homes) and office buildings<sup>8</sup></li> <li>• Airspace review required for objects &gt;70 feet tall<sup>10</sup></li> </ul>

# Middlefield Apartments and Self Storage

Middlefield Drive, Tracy, CA



## Site Development Permit Set





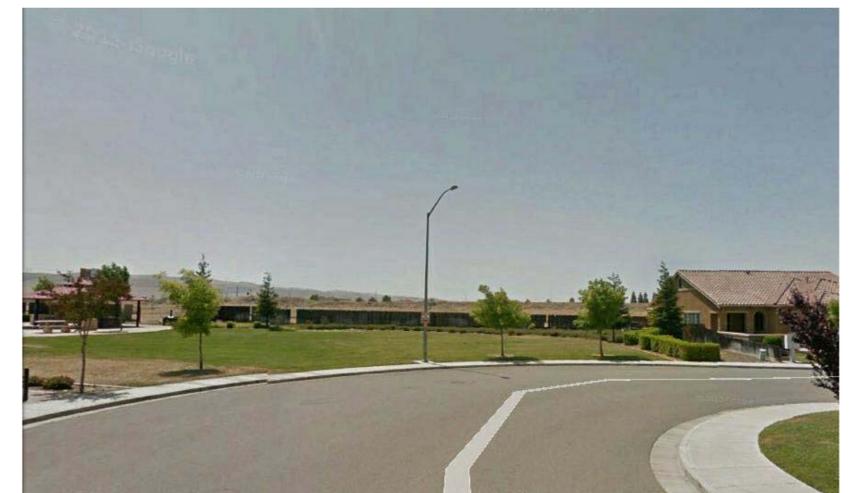
1. VIEW TO THE CORNER OF CORRAL HALLOW ROAD AND MIDDLEFIELD DRIVE



2. VIEW TO THE COMMUNITY ON THE SOUTH SIDE OF MIDDLEFIELD DRIVE



3. VIEW TO THE SITE FROM NORTHEAST CORNER ON MIDDLEFIELD DRIVE



4. VIEW TO THE SITE FROM WHIRLAWAY LN.



5. VIEW TO THE NORTHEAST ON WEST LINNE ROAD

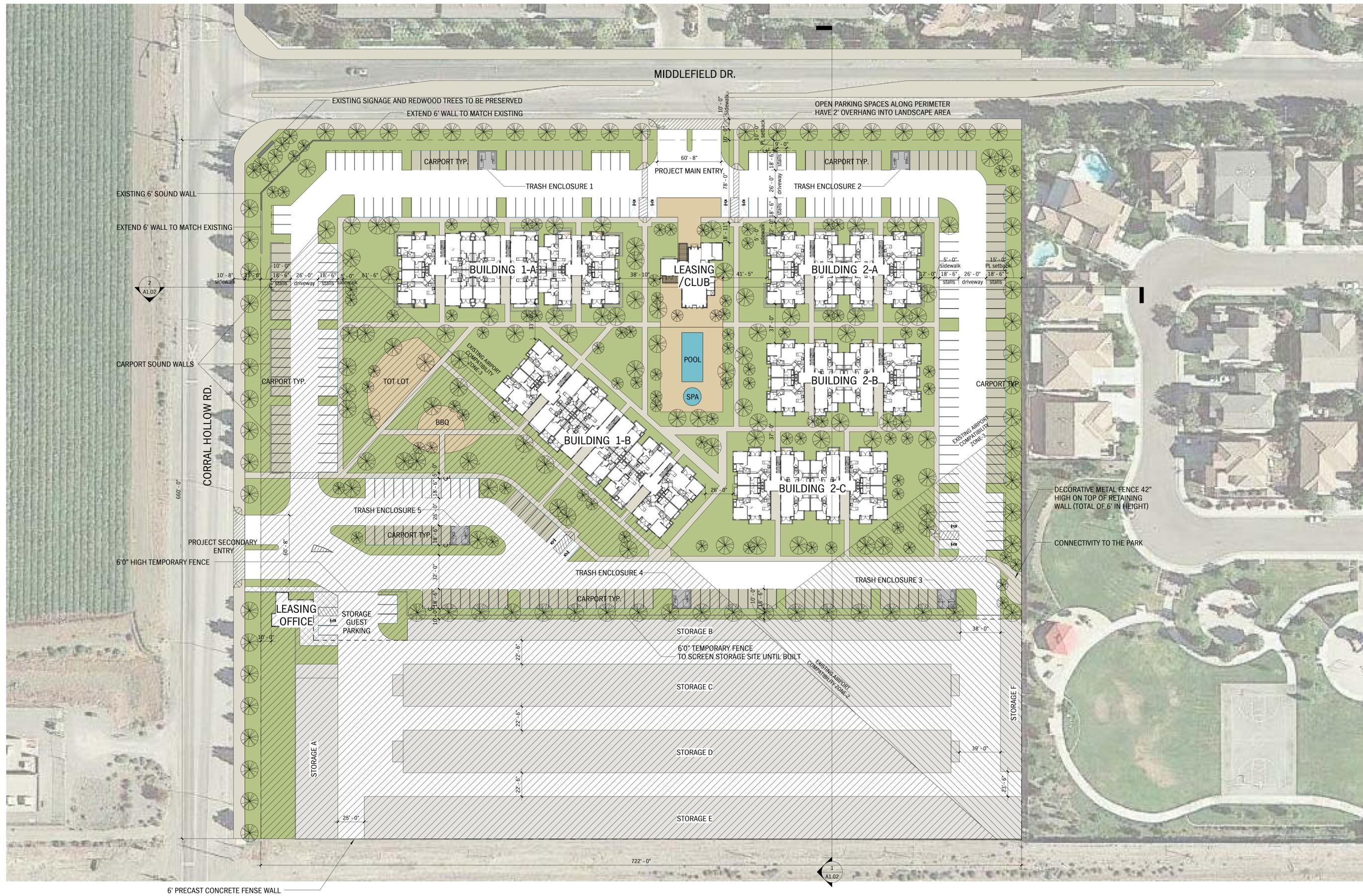


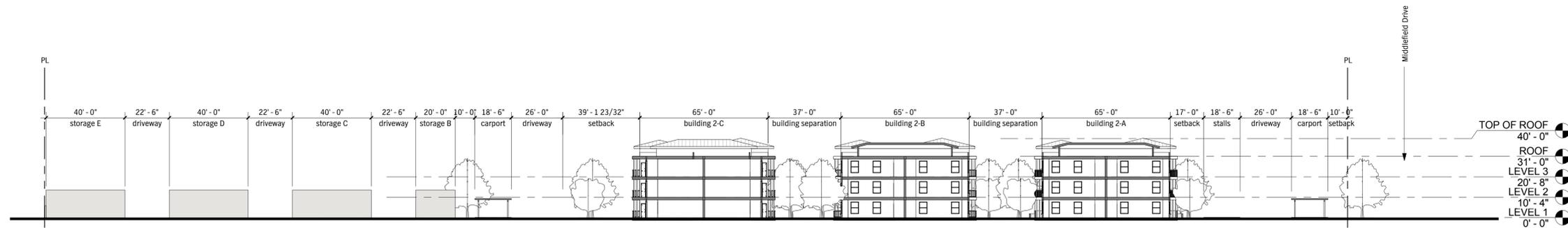
6. VIEW TO THE SITE ON CORRAL HALLOW ROAD



7. VIEW TO THE SOUTH ON CORRAL HALLOW ROAD



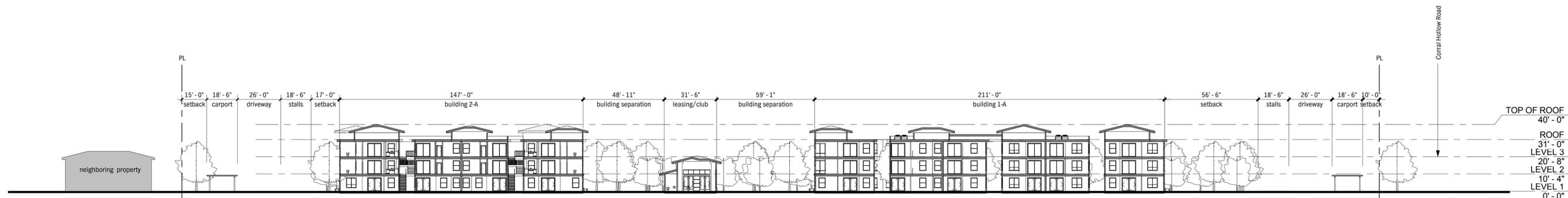




SITE SECTION 1

1

SCALE: 1" = 30'-0"



SITE SECTION 2

2

SCALE: 1" = 30'-0"





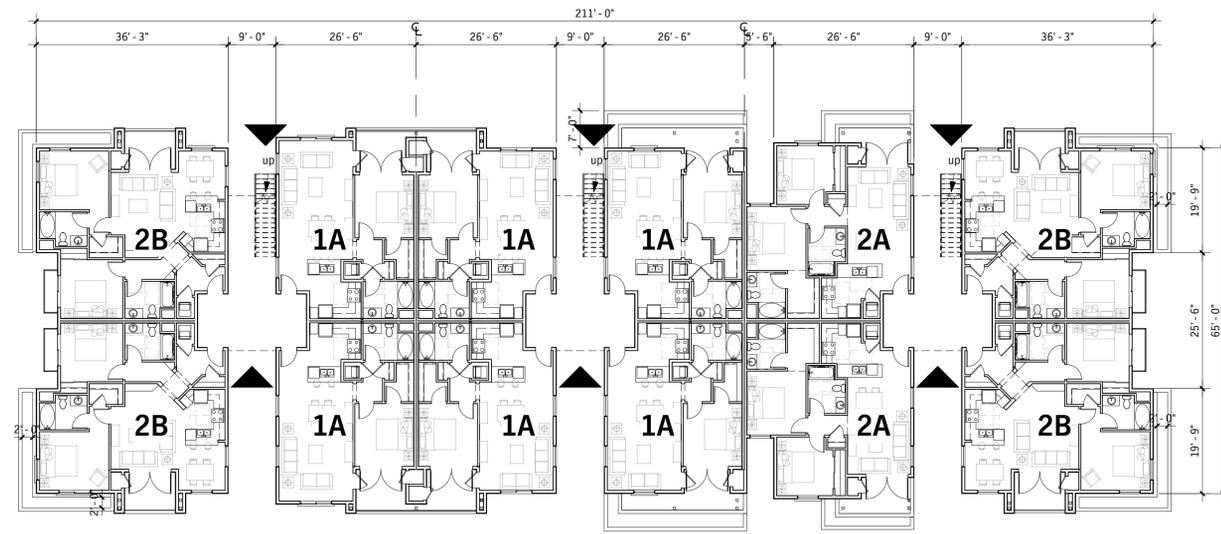


*Middlefield/Tracy Project.*

*Main Entrance / Courtyard View.*

*Steinberg Architects.*

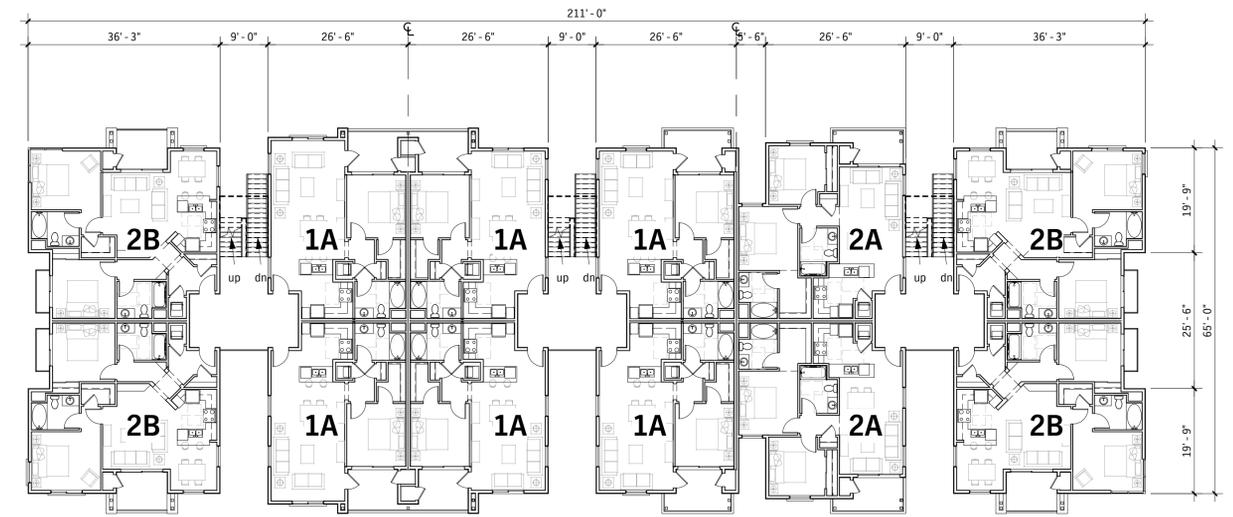
*JMS.*



LEVEL 1 PLAN - BUILDING 1

SCALE: 1/16" = 1'-0"

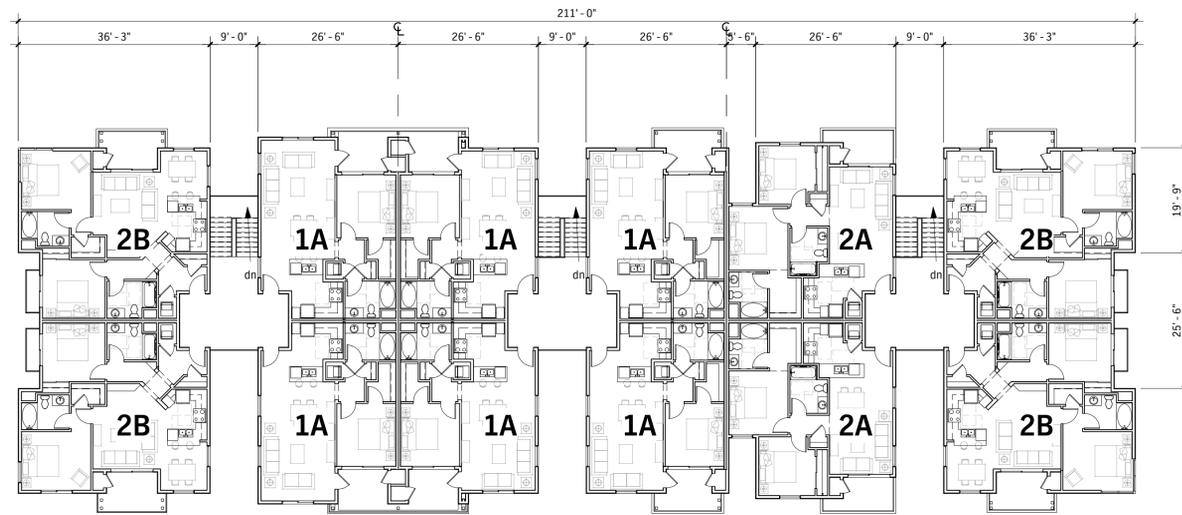
**1**



LEVEL 2 PLAN - BUILDING 1

SCALE: 1/16" = 1'-0"

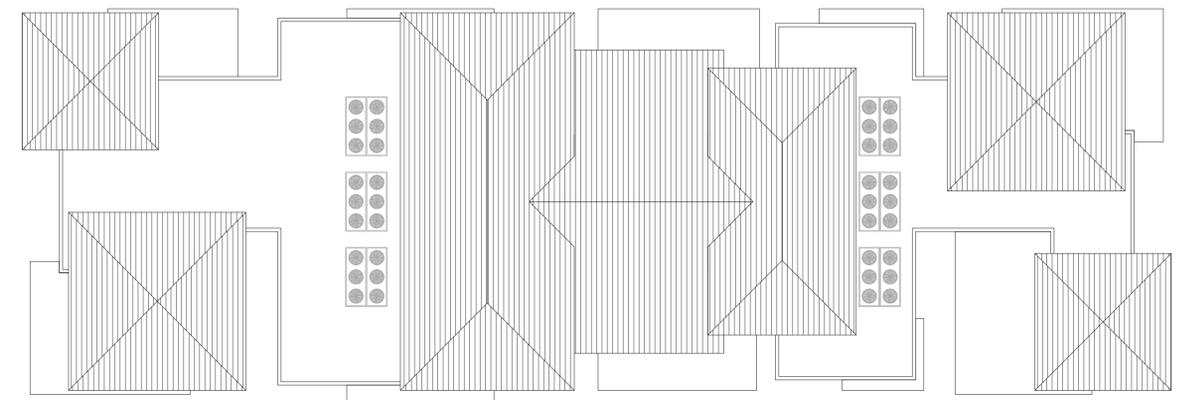
**2**



LEVEL 3 PLAN - BUILDING 1

SCALE: 1/16" = 1'-0"

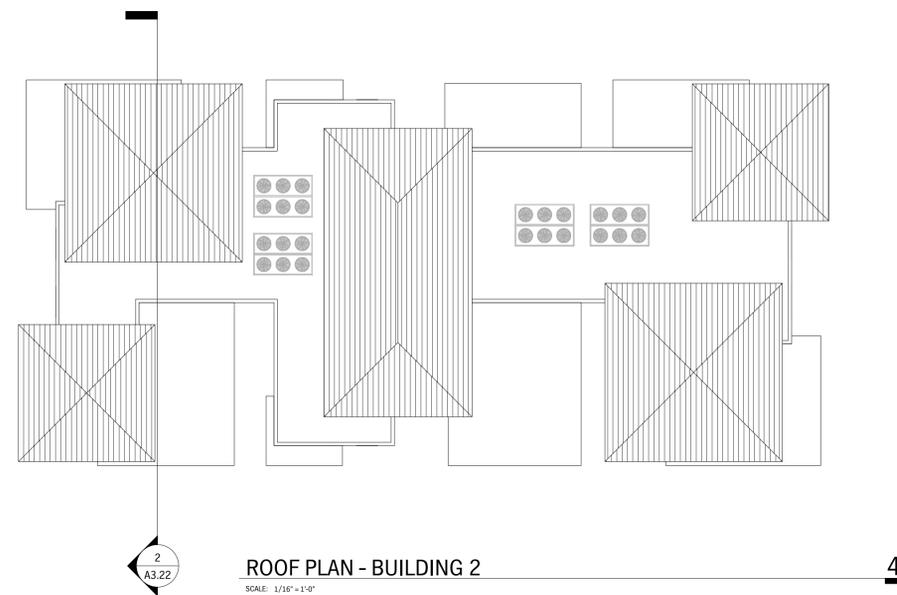
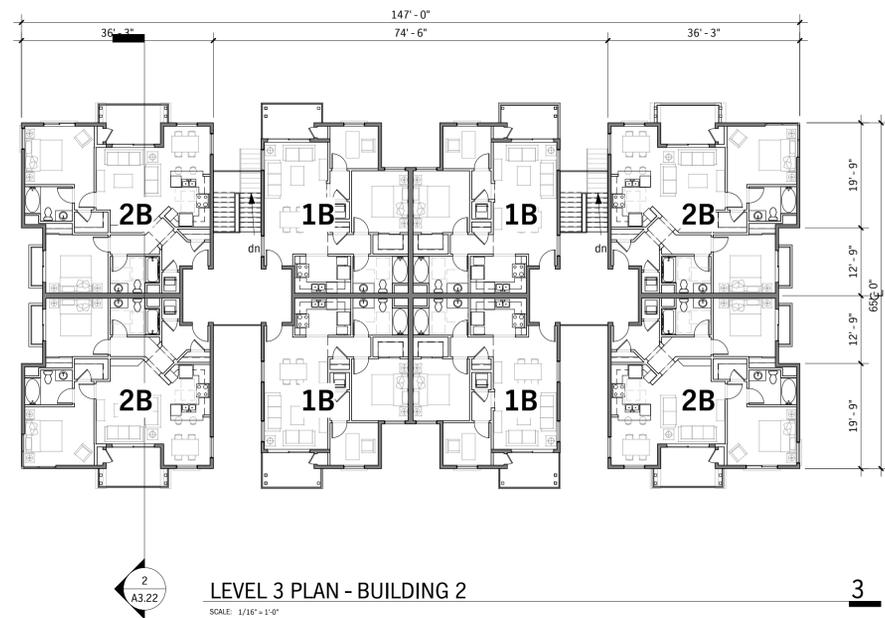
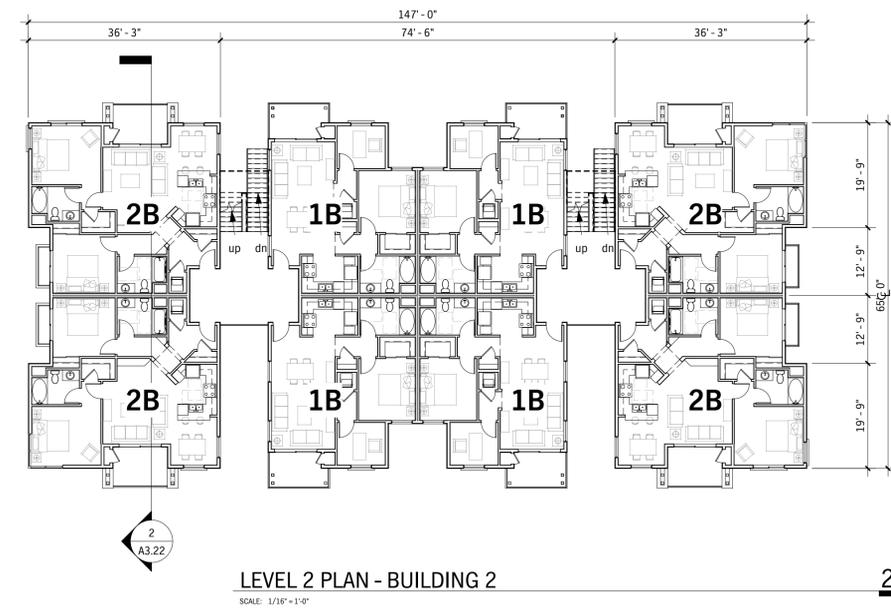
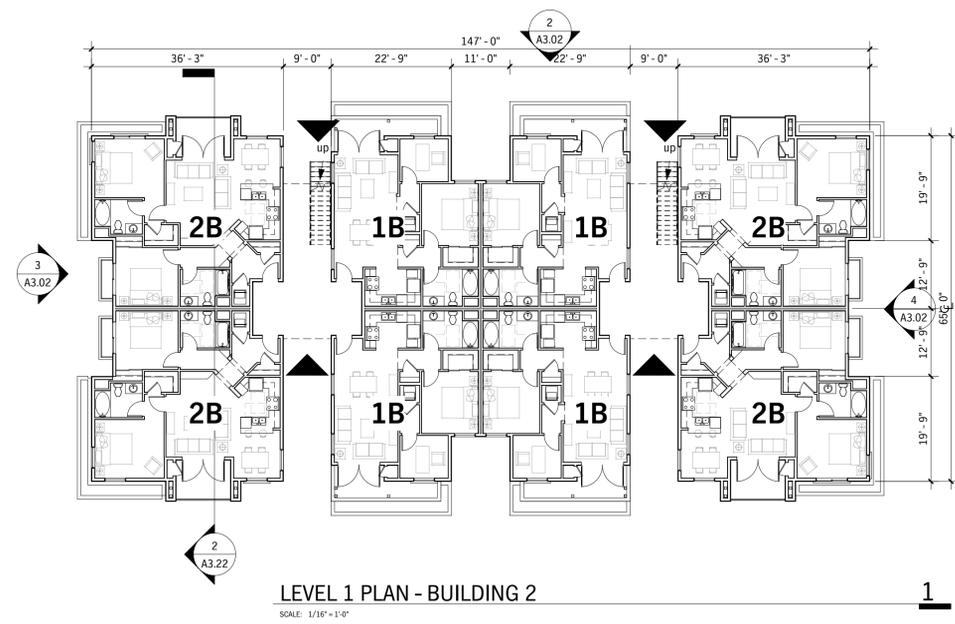
**3**

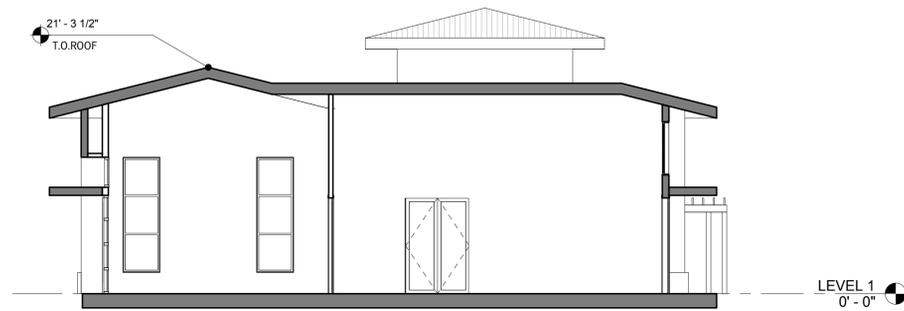


ROOF PLAN - BUILDING 1

SCALE: 1/16" = 1'-0"

**4**

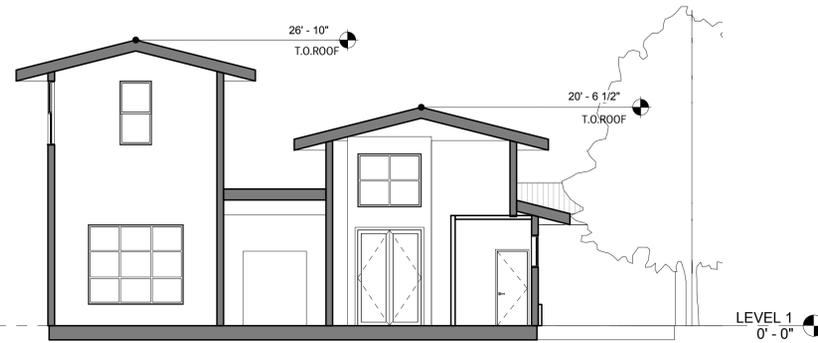




BUILDING SECTION 2 - APARTMENT LEASING/CLUB

8

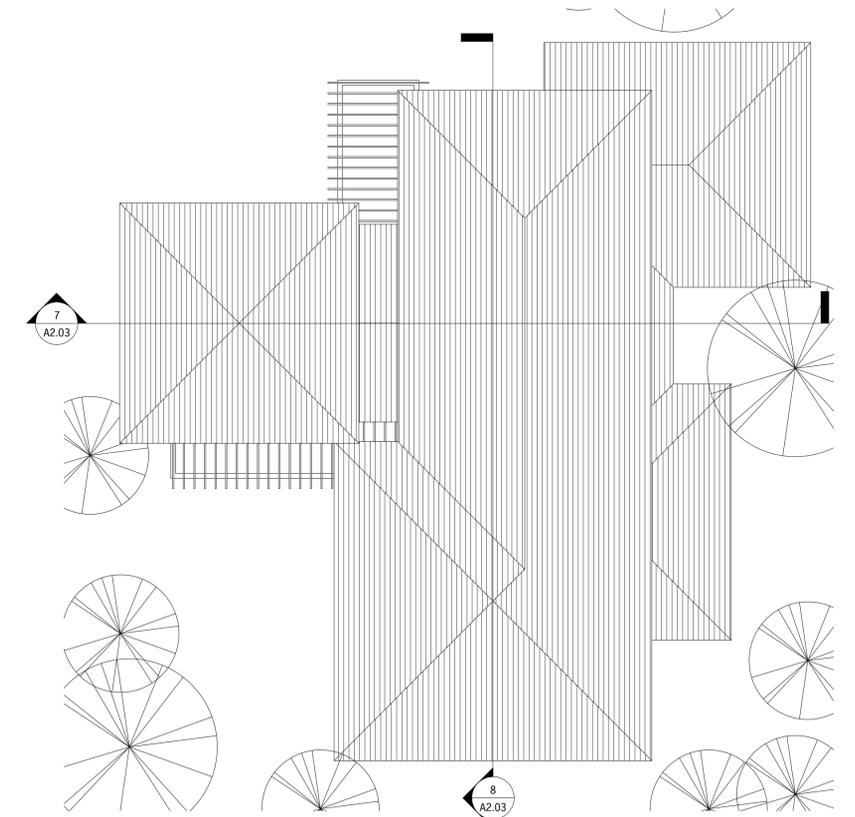
SCALE: 1/8" = 1'-0"



BUILDING SECTION 1 - APARTMENT LEASING/CLUB

7

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



ROOF PLAN - APARTMENT LEASING/CLUB

2

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



EAST ELEVATION - APARTMENT LEASING/CLUB

6

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



NORTH ELEVATION - APARTMENT LEASING/CLUB

4

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



WEST ELEVATION - APARTMENT LEASING/CLUB

5

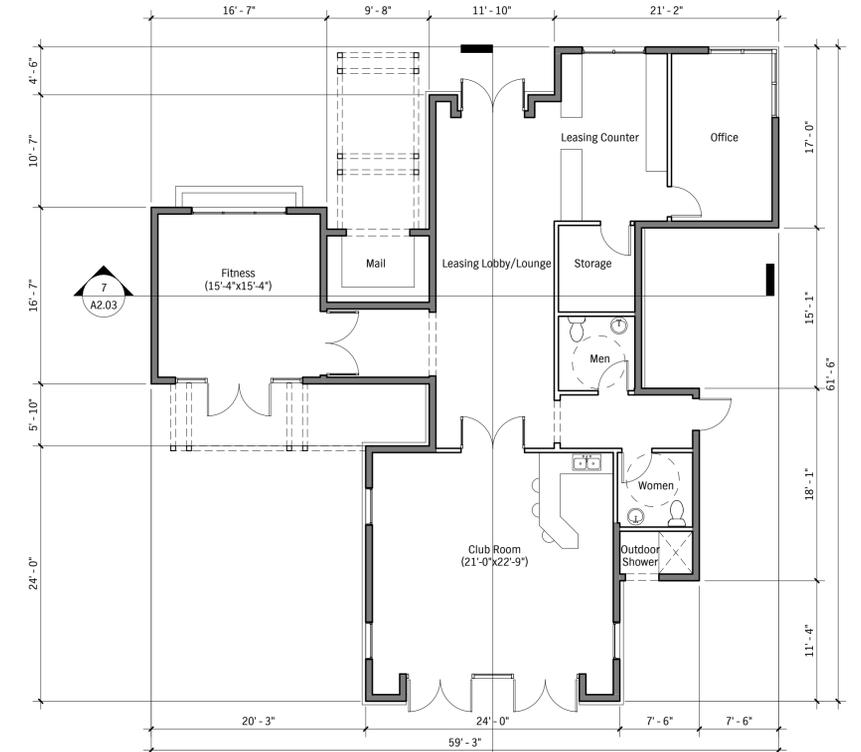
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION - APARTMENT LEASING/CLUB

3

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



LEVEL 1 PLAN - APARTMENT LEASING/CLUB

1

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

AREA: 1,820 SF



EAST ELEVATION - BUILDING 1

4



WEST ELEVATION - BUILDING 1

3



NORTH ELEVATION - BUILDING 1

2



SOUTH ELEVATION - BUILDING 1

1



EAST ELEVATION - BUILDING 2

4

WEST ELEVATION - BUILDING 2

3



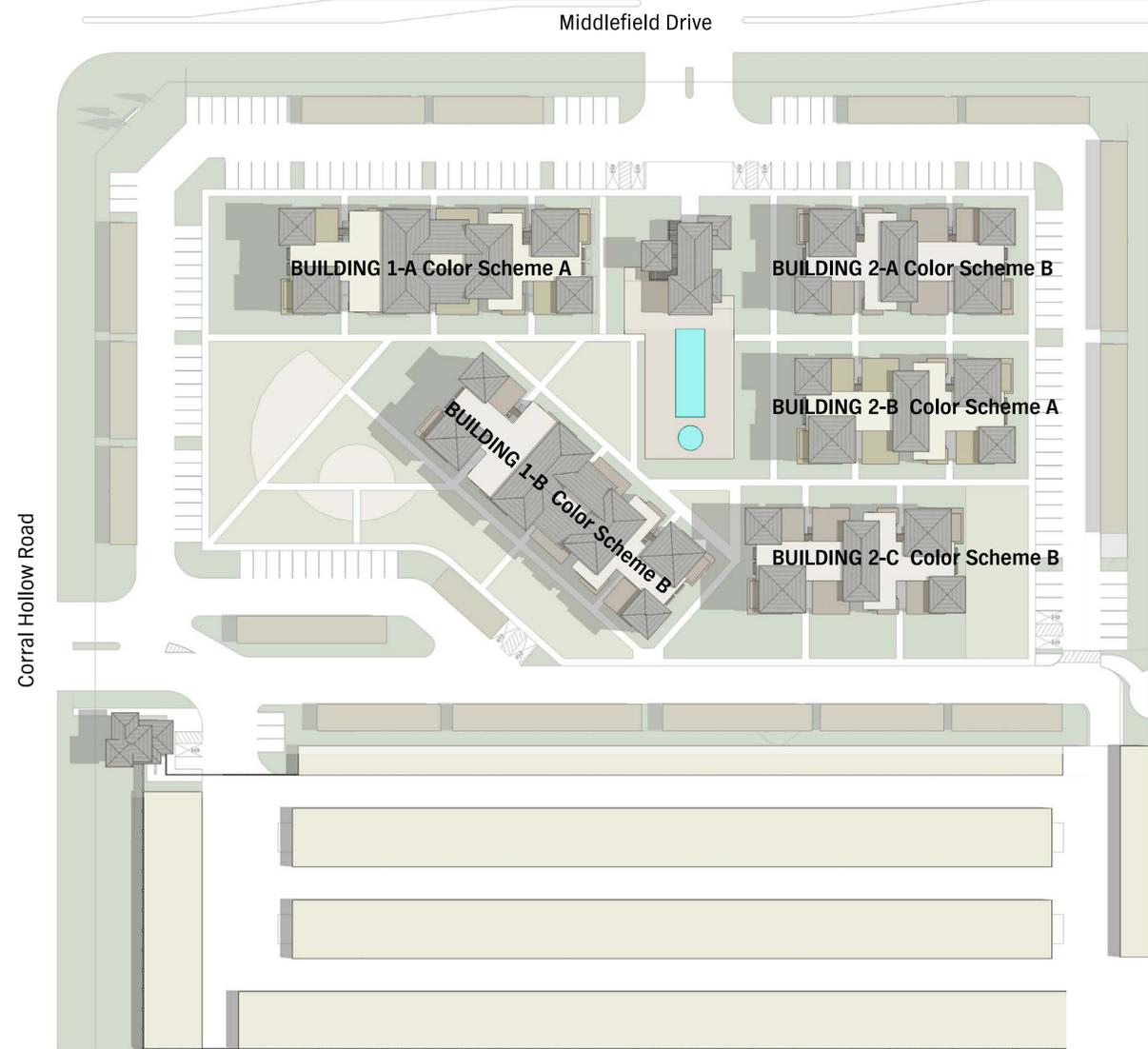
NORTH ELEVATION - BUILDING 2

2

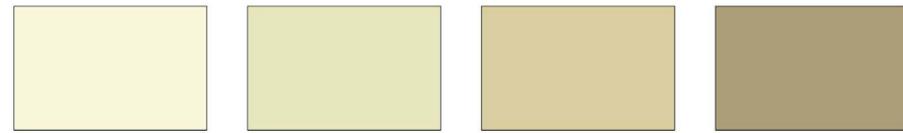


SOUTH ELEVATION - BUILDING 2

1



**Color Scheme A**



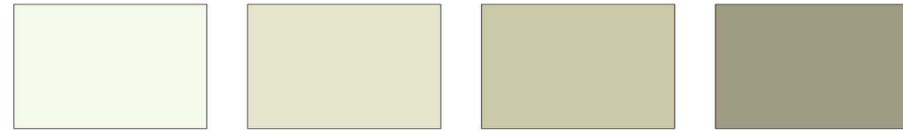
**Plaster Color 1**  
BM lightning white 2019-70

**Plaster Color 2**  
BM celery salt OC-136

**Plaster Color 3**  
BM spring morning 263

**Plaster Color 4**  
BM northampton putty HC-89

**Color Scheme B**



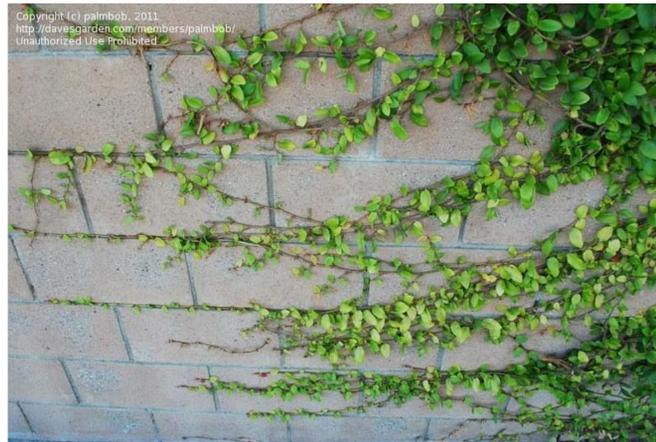
**Plaster Color 1**  
BM decatur white DC-41

**Plaster Color 2**  
BM celery salt OC-136

**Plaster Color 3**  
BM richmond gray HC-96

**Plaster Color 4**  
BM mt.rushmore rock AC-39

**SPLIT FACE CMU SOUND WALLS WILL BE PLANTED WITH FICUS PUMILA CLIMBING FIG**

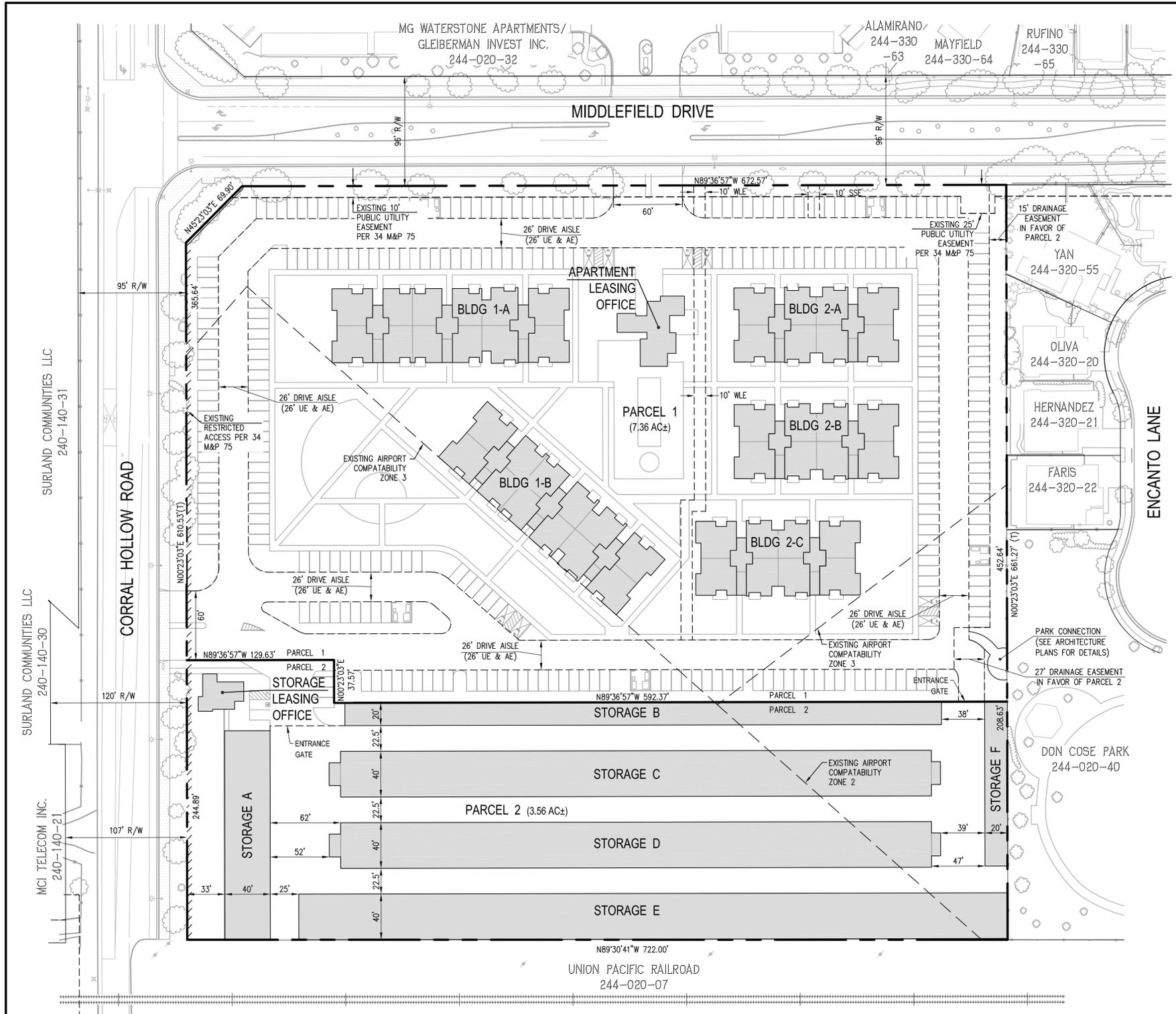


**SPLIT FACE CMU PLANTER WALLS**



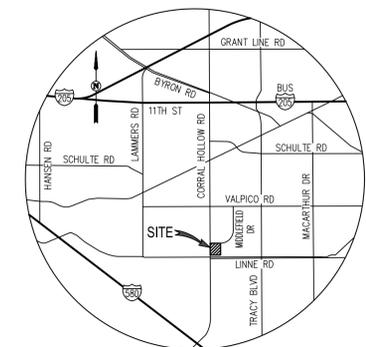
**CARPORT PERSPECTIVE**





**GENERAL NOTES:**

- OWNER: EDGEWOOD LANE DEVELOPERS LP  
675 HARTZ AVENUE, SUITE 300  
DANVILLE, CA 94526
- DEVELOPER: PACIFIC UNION HOLDINGS, INC.  
675 HARTZ AVENUE, SUITE 300  
DANVILLE, CA 94526  
(925) 314-3826  
BRUCE MYERS
- CIVIL ENGINEER: CARLSON, BARBEE, & GIBSON, INC.  
2633 CAMINO RAMON, SUITE 350  
SAN RAMON, CA 94583  
(925) 866-0322  
STEVE LICHLITER
- APN: 244-020-07
- EXISTING ZONING: PLANNED UNIT DEVELOPMENT (PUD)
- EXISTING GENERAL PLAN: COMMERCIAL
- GROSS SITE AREA: 10.92 Ac±  
NET SITE AREA: 10.92 Ac±  
PARCEL 1: 7.36 Ac±  
PARCEL 2: 3.56 Ac±
- NUMBER OF RENTAL UNITS: 144 (APARTMENTS)  
DENSITY: 19.5 DU / NET ACRE (PARCEL 1)
- UTILITY PROVIDERS:  
SEWER: CITY OF TRACY  
WATER: CITY OF TRACY  
STORM DRAIN: CITY OF TRACY  
GAS/ELECTRIC: PACIFIC GAS & ELECTRIC  
TRASH: TRACY DELTA SOLID WASTE MANAGEMENT, INC.  
CABLE/TELEPHONE: COMCAST
- FLOOD ZONE DESIGNATION: ZONE "NON-FLOODPRONE COMMUNITY" PER FEMA FIRM PANEL NUMBER 06077C0703F DATED, OCTOBER 16, 2009.
- GRADING SHOWN IS PRELIMINARY AND SUBJECT TO CHANGES DURING FINAL DESIGN.
- ALL PROPOSED UTILITIES SHOWN ARE TENTATIVE AND MAY CHANGE DURING FINAL DESIGN. FINAL DESIGN SHALL ADHERE TO CITY OF TRACY STANDARDS.
- ALL EXISTING ONSITE UTILITIES ARE TO BE REMOVED.
- THE SAN JOAQUIN COUNTY AIRPORT LAND USE COMMISSION'S AIRPORT LAND USE COMPATIBILITY PLAN IDENTIFY THE TRACY MUNICIPAL AIRPORT'S AIRPORT INFLUENCE AREA. PROPERTIES WITHIN THIS AREA ARE ROUTINELY SUBJECT TO OVERFLIGHTS BY AIRCRAFT USING THIS PUBLIC-USE AIRPORT AND, AS A RESULT, RESIDENTS MAY EXPERIENCE INCONVENIENCE, ANNOYANCE, OR DISCOMFORT ARISING FROM THE NOISE OF SUCH OPERATIONS. STATE LAW (PUBLIC UTILITIES CODE SECTION 21670 ET SEQ.) ESTABLISHES THE IMPORTANCE OF PUBLIC-USE AIRPORTS TO THE PUBLIC INTEREST OF THE PEOPLE OF THE STATE OF CALIFORNIA. RESIDENTS OF PROPERTY NEAR SUCH AIRPORTS SHOULD THEREFORE BE PREPARED TO ACCEPT THE INCONVENIENCE, ANNOYANCE, OR DISCOMFORT FROM NORMAL AIRCRAFT OPERATIONS. RESIDENTS ALSO SHOULD BE AWARE THAT THE CURRENT VOLUME OF AIRCRAFT ACTIVITY MAY INCREASE IN THE FUTURE. ANY SUBSEQUENT DEED CONVEYING THIS PARCEL OR SUBDIVISIONS THEREOF SHALL CONTAIN A STATEMENT IN SUBSTANTIALLY THIS FORM.



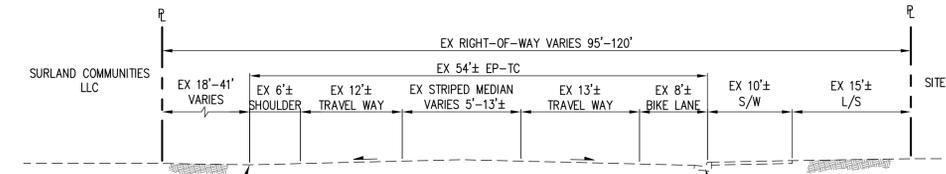
**VICINITY MAP**  
NOT TO SCALE

**BENCHMARK:**

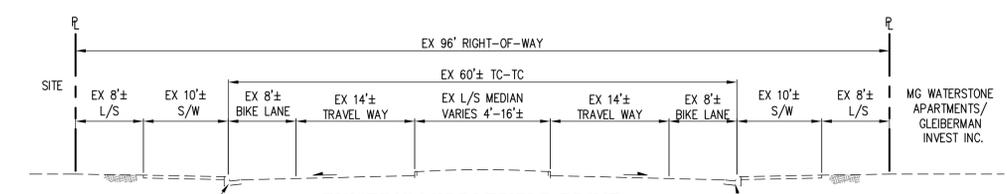
CITY OF TRACY CONTROL POINT 11  
EL: 171.33 FEET (NAVD 88)

**BASIS OF BEARING:**

THE BASIS OF BEARINGS FOR THIS SURVEY IS DETERMINED BY FOUND MONUMENTS SHOWN HEREON: THE BEARING BEING N02°05'35"W (CALCULATED) BETWEEN POINT NO. 9 AND POINT NO. 11, PER 36 SURVEYS 118



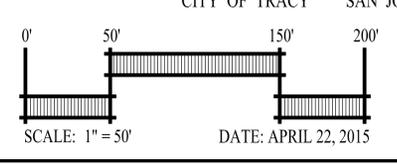
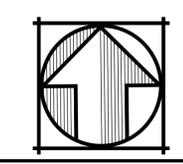
**EXISTING CORRAL HOLLOW ROAD STREET SECTION**  
NOT TO SCALE



**EXISTING MIDDLEFIELD DRIVE STREET SECTION**  
NOT TO SCALE

**VESTING TENTATIVE PARCEL MAP/  
PLANNED DEVELOPMENT  
SITE PLAN  
MIDDLEFIELD APARTMENTS/STORAGE**

CITY OF TRACY SAN JOAQUIN COUNTY CALIFORNIA



**cbg** Carlson, Barbee & Gibson, Inc.  
CIVIL ENGINEERS • SURVEYORS • PLANNERS  
2633 CAMINO RAMON, SUITE 350  
SAN RAMON, CALIFORNIA 94583  
(925) 866-0322  
FAX (925) 866-8575

SHEET NO.  
**TM-1**  
OF 5 SHEETS

**LEGEND:**

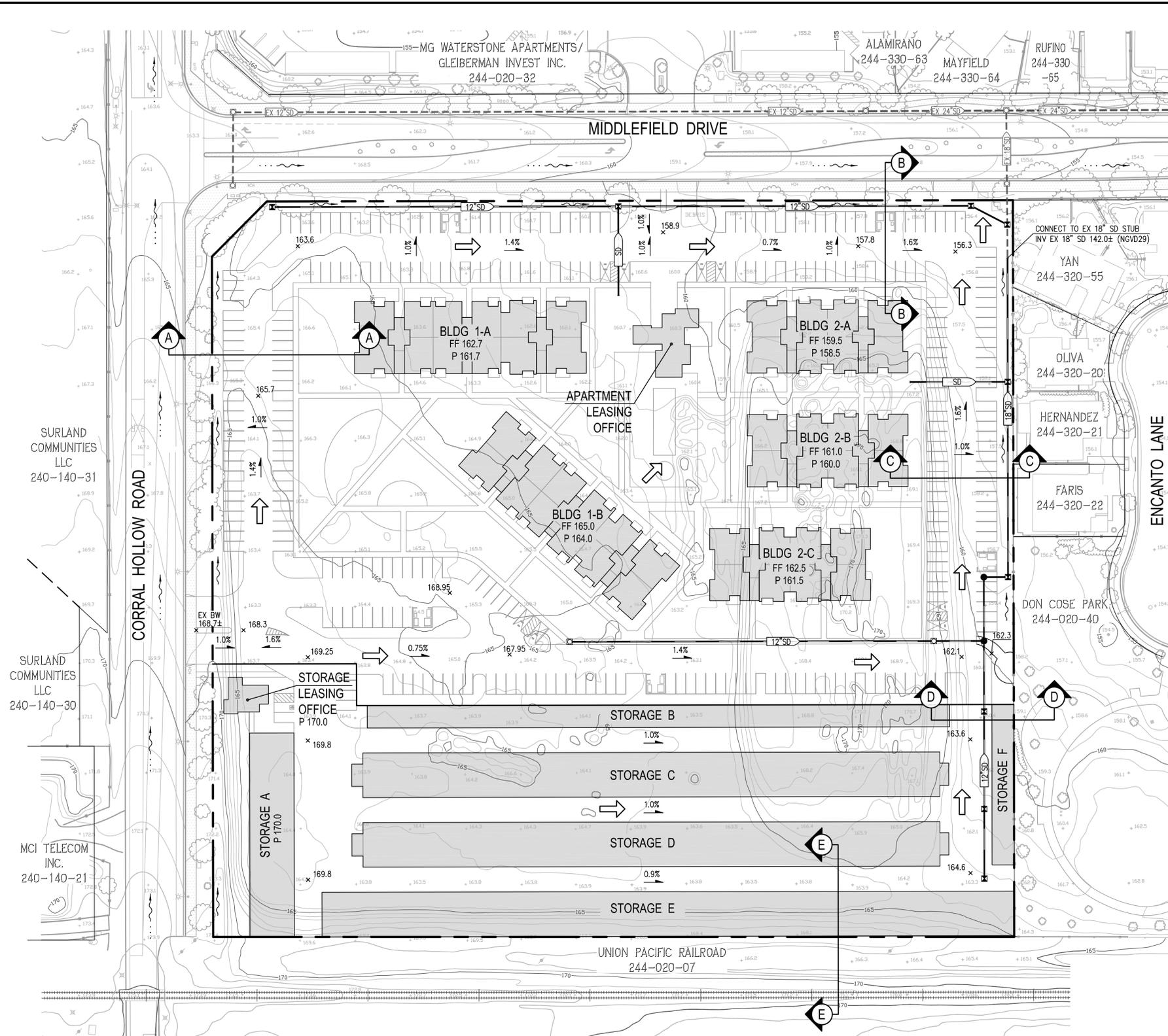
EXISTING	PROPOSED	DESCRIPTION
---	---	PROPERTY LINE
---	---	LOT LINE
---	---	RIGHT-OF-WAY LINE
---	---	CENTER LINE
---	---	EASEMENT LINE
---	---	TOP OF CURB

**ABBREVIATIONS:**

AB	AGGREGATE BASE	INV	INVERT	SDE	STORM DRAIN EASEMENT
AC	ACRES	LL	LOT LINE	SF	SQUARE FEET
AC	ASPHALTIC CONCRETE	LP	LOW POINT	SS	SANITARY SEWER
AE	ACCESS EASEMENT	LT	LEFT	SSE	SANITARY SEWER EASEMENT
CB	CATCH BASIN	L/S	LANDSCAPE	S/W	SIDEWALK
CL	CENTERLINE	MAX	MAXIMUM	TC	TOP OF CURB
EL	ELECTROLIER	MIN	MINIMUM	TYP	TYPICAL
EX	EXISTING	MH	MANHOLE	UE	UTILITY EASEMENT
FH	FIRE HYDRANT	PL	PROPERTY LINE	W	WATER
FL	FLOWLINE	PUE	PUBLIC UTILITY EASEMENT	WLE	WATER LINE EASEMENT
GB	GRADE BREAK	RT	RIGHT	WM	WATER METER
GR	GROUND ELEVATION	RW	RIGHT OF WAY		
HP	HIGH POINT	SD	STORM DRAIN		

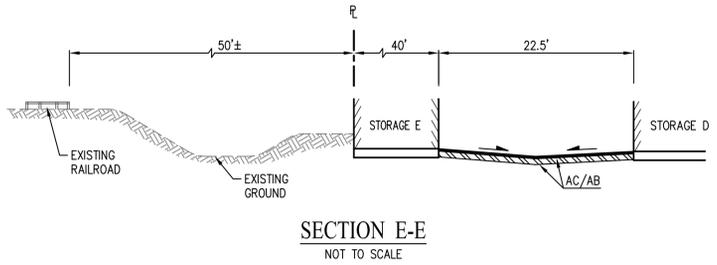
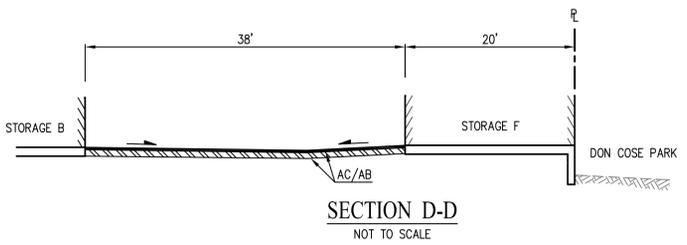
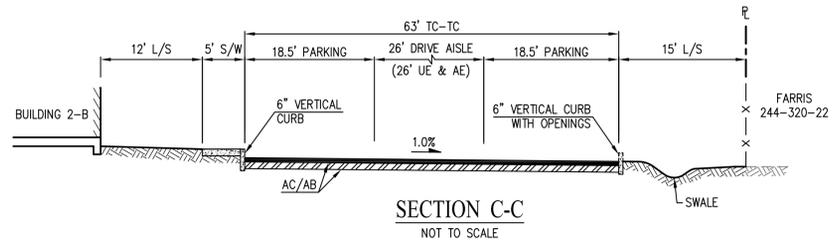
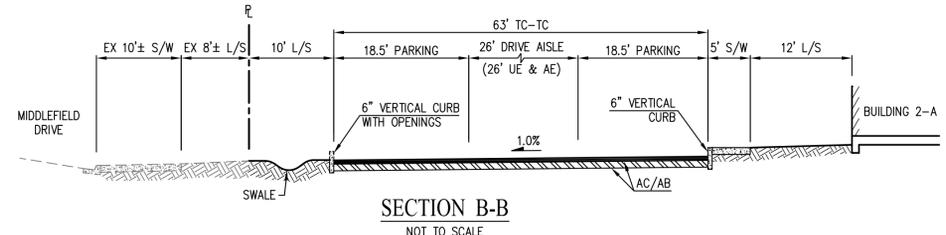
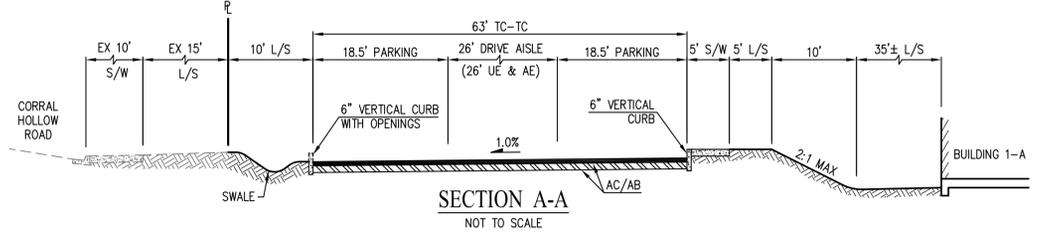
**SHEET INDEX**

TM-1	SITE PLAN
TM-2	PRELIMINARY GRADING & DRAINAGE PLAN
TM-3	PRELIMINARY UTILITY PLAN
TM-4	EXISTING & INTERIM CORRAL HOLLOW STRIPING PLAN
TM-5	ULTIMATE CORRAL HOLLOW STRIPING PLAN



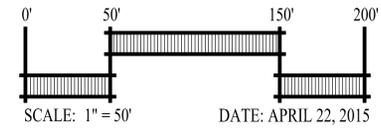
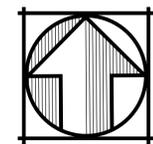
**LEGEND:**

EXISTING	PROPOSED	DESCRIPTION
---	---	PROPERTY LINE
---	---	LOT LINE
---	---	RIGHT-OF-WAY LINE
---	---	TOP OF CURB
x 67.0	x 67.0	SPOT ELEVATIONS
(Tree symbol)	(Tree symbol)	EXISTING TREE
---	---	STORM DRAIN
(Square symbol)	(Square symbol)	DRAINAGE INLET
(Square symbol)	(Square symbol)	CATCH BASIN
(Arrow symbol)	(Arrow symbol)	DIRECTION OF DRAINAGE
(Arrow symbol)	(Arrow symbol)	DIRECTION OF OVERLAND RELEASE
(Wavy line symbol)	(Wavy line symbol)	DIRECTION OF EXISTING STREET DRAINAGE
(Wavy line symbol)	(Wavy line symbol)	DIRECTION OF SWALE DRAINAGE



**VESTING TENTATIVE PARCEL MAP/  
PLANNED DEVELOPMENT  
PRELIMINARY GRADING & DRAINAGE PLAN  
MIDDLEFIELD APARTMENTS/STORAGE**

CITY OF TRACY    SAN JOAQUIN COUNTY    CALIFORNIA

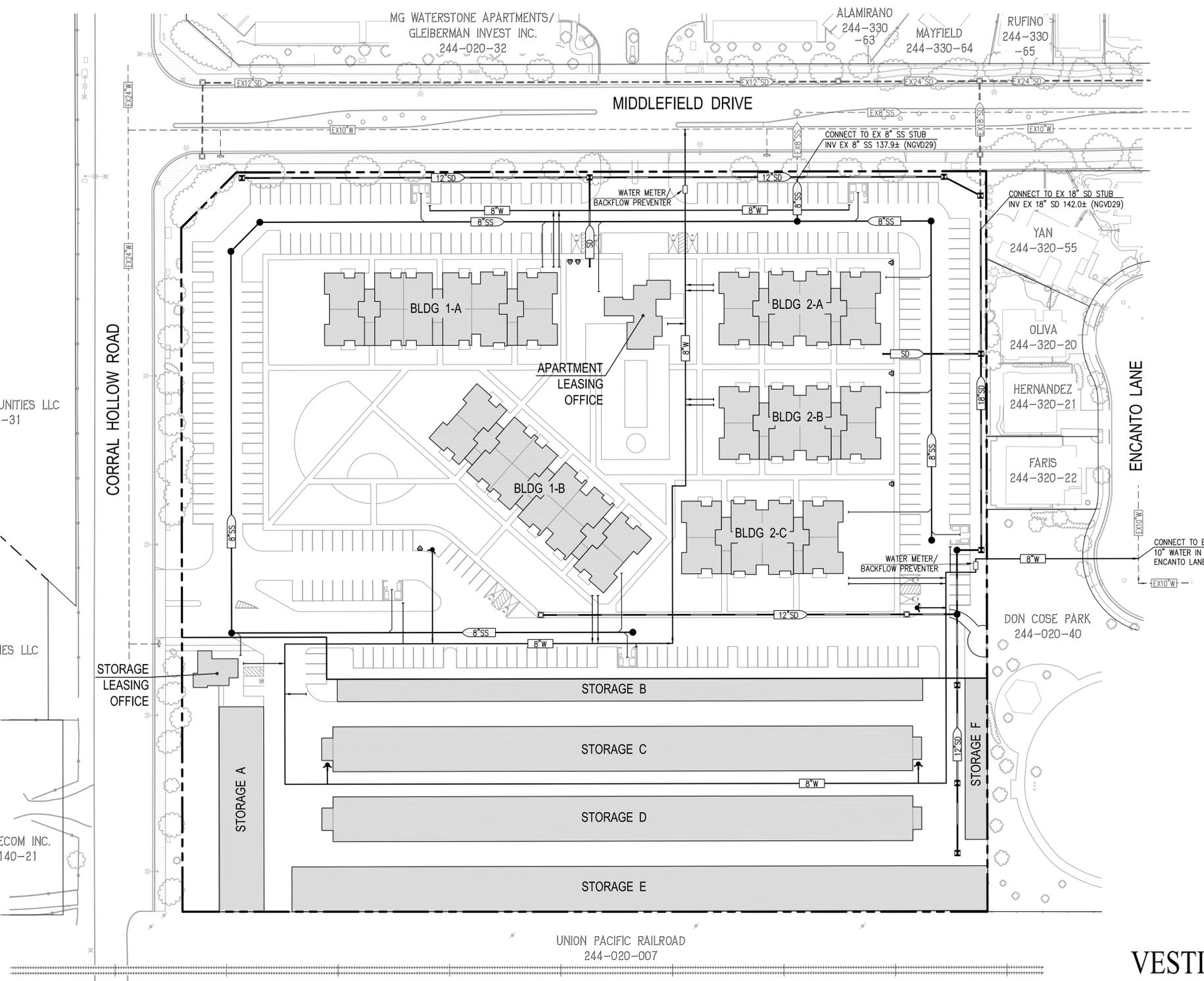


DATE: APRIL 22, 2015

**cbg** Carlson, Barbee & Gibson, Inc.  
CIVIL ENGINEERS • SURVEYORS • PLANNERS  
2633 CAMINO RAMON, SUITE 350  
SAN RAMON, CALIFORNIA 94583  
(925) 866-0322  
FAX (925) 866-8575

SHEET NO.  
**TM-2**  
OF 5 SHEETS

G:\1935\ACAD\PD-TPMPD-02.DWG



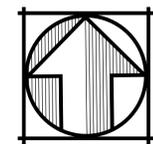
**LEGEND:**

EXISTING	PROPOSED	DESCRIPTION
---	---	PROPERTY LINE
---	---	LOT LINE
---	---	RIGHT-OF-WAY LINE
---	---	TOP OF CURB
x 67.0	x 67.0	SPOT ELEVATIONS
EX 12" SD	12" SD	STORM DRAIN
EX 8" SS	8" SS	SANITARY SEWER
EX 8" W	8" W	WATER
○	●	STORM DRAIN MANHOLE
⊠	⊠	DRAINAGE INLET
⊠	⊠	CATCH BASIN
○	●	SANITARY SEWER MANHOLE
○+	●	FIRE HYDRANT
	△	FIRE DEPARTMENT CONNECTION (FDC)

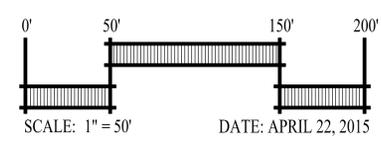
- NOTES:**
1. JOINT TRENCH FACILITIES (BOXES, VAULTS, ETC.) AND LOCATION TO BE DETERMINED WITH FINAL DESIGN.
  2. SEWER AND WATER LATERALS TO BE CONNECTED TO TRASH ENCLOSURES. DETAILS TO BE PROVIDED WITH FINAL DESIGN.
  3. FINAL CONFIGURATION OF DOMESTIC WATER SERVICES AND FIRE SERVICES TO BE DETERMINED WITH FINAL DESIGN.
  4. FDC LOCATIONS ARE PRELIMINARY. LOCATIONS TO BE DETERMINED WITH FINAL DESIGN.
  5. ALL UTILITY LOCATIONS ARE PRELIMINARY, AND TO BE DETERMINED WITH FINAL DESIGN.

**VESTING TENTATIVE PARCEL MAP/  
 PLANNED DEVELOPMENT  
 PRELIMINARY UTILITY PLAN  
 MIDDLEFIELD APARTMENTS/STORAGE**

CITY OF TRACY SAN JOAQUIN COUNTY CALIFORNIA



SCALE: 1" = 50'



DATE: APRIL 22, 2015

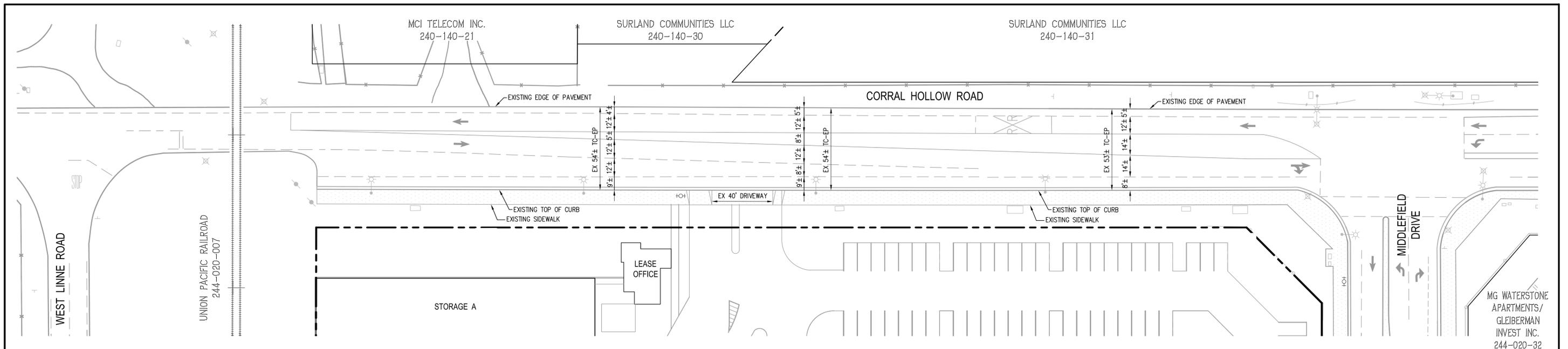


**Carlson, Barbee & Gibson, Inc.**  
 CIVIL ENGINEERS • SURVEYORS • PLANNERS

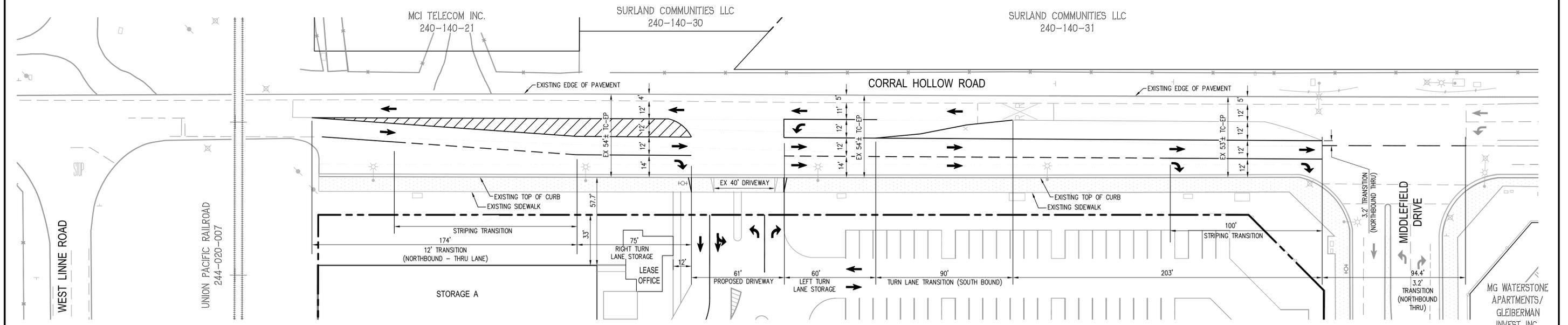
2633 CAMINO RAMON, SUITE 350  
 SAN RAMON, CALIFORNIA 94583

(925) 866-0322  
 FAX (925) 866-8575

SHEET NO.  
**TM-3**  
 OF 5 SHEETS



CORRAL HOLLOW ROAD: EXISTING STRIPING

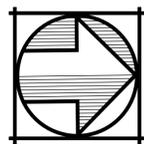


CORRAL HOLLOW ROAD: INTERIM STRIPING

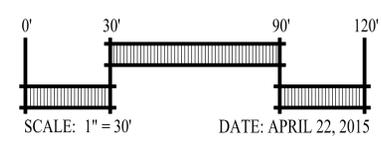
**VESTING TENTATIVE PARCEL MAP/  
 PLANNED DEVELOPMENT  
 EXISTING & INTERIM CORRAL HOLLOW STRIPING PLAN  
 MIDDLEFIELD APARTMENTS/STORAGE**

**LEGEND:**  
 ——— EXISTING STRIPING  
 ——— PROPOSED INTERIM STRIPING

CITY OF TRACY    SAN JOAQUIN COUNTY    CALIFORNIA



SCALE: 1" = 30'



DATE: APRIL 22, 2015

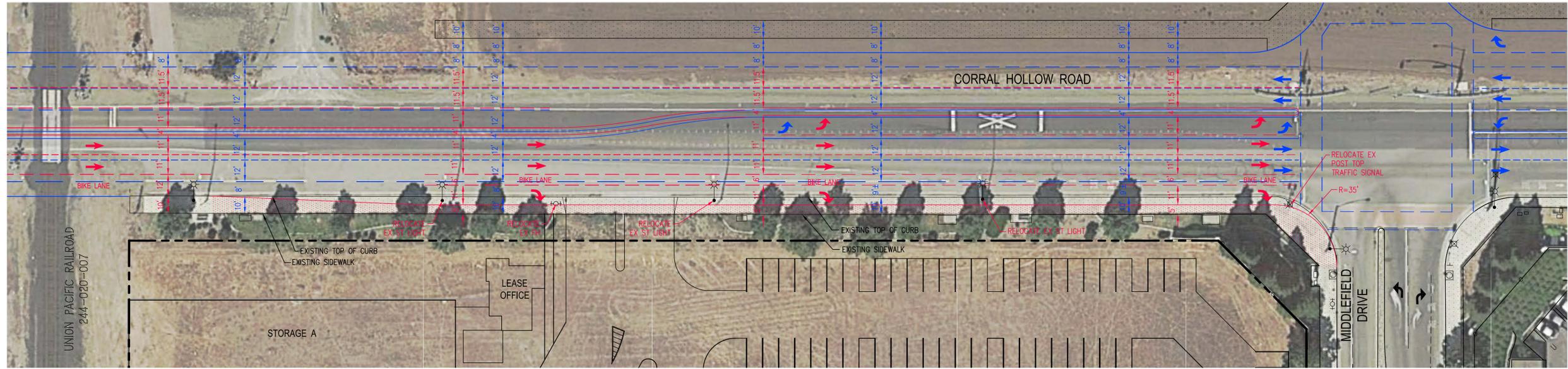


**Carlson, Barbee & Gibson, Inc.**  
 CIVIL ENGINEERS • SURVEYORS • PLANNERS

2633 CAMINO RAMON, SUITE 350  
 SAN RAMON, CALIFORNIA 94583

(925) 866-0322  
 FAX (925) 866-8575

SHEET NO.  
**TM-4**  
 OF 5 SHEETS



SCALE: 1" = 30'



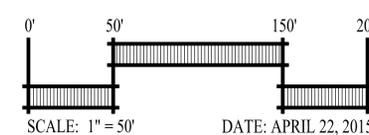
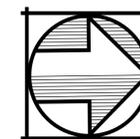
SCALE: 1" = 10'

**LEGEND:**

- EXISTING STRIPING
- PROPOSED STRIPING – ULTIMATE CONDITION (ELLIS PROJECT)
- PROPOSED STRIPING – ULTIMATE CONDITION

**VESTING TENTATIVE PARCEL MAP/  
 PLANNED DEVELOPMENT  
 ULTIMATE STRIPING PLAN FOR CORRAL HOLLOW ROAD  
 MIDDLEFIELD APARTMENTS/STORAGE**

CITY OF TRACY    SAN JOAQUIN COUNTY    CALIFORNIA



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	2633 CAMINO RAMON, SUITE 350 SAN RAMON, CALIFORNIA 94583

SHEET NO.
TM-5
OF 5 SHEETS

REVISIONS	DATE	COMMENTS
1	11-15-13	

Thomas Bank & Associates, LLP  
 Landscape Architects  
 License No. 4  
 Walnut Creek, CA 94596  
 Ph: 925.933.2383



MIDDLEFIELD APARTMENTS  
 PARCEL 1  
 TRACY, CALIFORNIA

PRELIMINARY  
 LANDSCAPE PLAN

DESIGNED: RC	DRAWN: RC
CHECKED:	JOB NO:
DATE: 09-17-14	
SCALE: NOTED	

SHEET  
 L1  
 OF SHEETS



**PLANT MATERIALS LIST:**

TREES: TO BE 15 GAL. SIZE

	QUERCUS VIRGINIANA	SOUTHERN LIVE OAK
	LAGERSTROEMIA 'TONTON'	GRAPE MYRTLE STANDARD
	ULMUS PARVIFOLIA 'TRUE GREEN'	CHINESE EVERGREEN ELM
	ZELKOVA SERRATA 'VILLAGE GREEN'	SAWLEAF ZELKOVA

**SHADE CALCULATION:**

TOTAL PAVED PARKING AREA:	115,849 S.F.
PARKING AREA IN LANDSCAPE:	28,964 S.F.
(20% REQUIRED 28,962.25 S.F.)	
TOTAL PARKING AREA:	144,813 S.F.
REQUIRED AREA FOR SHADE:	40% x 144,813 = 57,925.2 S.F.

**LANDSCAPE REQUIREMENTS FOR PARKING AREAS:**

AUTO SPACES	PERCENT OF PARKING AREA IN LANDSCAPING
1-15	5%
16-30	10%
31-60	15%
OVER 60	20%

BOTANICAL NAME	COMMON NAME	DESCRIPTION	FULL S.F.	3/4 S.F.	HALF S.F.	1/4 S.F.	TOTAL S.F.
QUERCUS VIRGINIANA	SOUTHERN LIVE OAK	35' SCREEN TREE			22 @ 481 S.F.		10,582 S.F.
ULMUS PARVIFOLIA 'TRUE GREEN'	CHINESE EVERGREEN ELM	35' PARKING LOT SHADE TREE	43 @ 962 S.F.				41,366 S.F.
ZELKOVA SERRATA 'VILLAGE GREEN'	SAWLEAF ZELKOVA	35' SITE CANOPY TREE			15 @ 481 S.F.		7,215 S.F.
<b>TOTAL TREE SHADE</b>							59,163 S.F.
<b>TOTAL PARKING AREA</b>							144,813 S.F.
<b>PERCENT SHADED</b>							40.8%

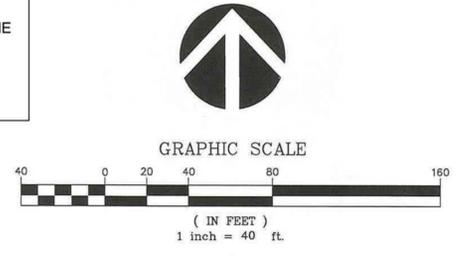
**USABLE OPEN SPACE:**

REQUIRED:			
UNITS 1-10	10 UNITS x 100 S.F.	=	1,000 S.F.
UNITS 11-20	10 UNITS x 50 S.F.	=	500 S.F.
UNITS 21-124	124 UNITS x 25 S.F.	=	3,100 S.F.
<b>TOTAL PROVIDED:</b>			4,600 S.F.
<b>TOTAL LANDSCAPE AREA:</b>			153,556 S.F.

**NOTES:**

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

PARKING AREAS MEET MINIMUM 20% LANDSCAPE REQUIREMENT.



**Via Hand Delivery**

June 1, 2015

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

RE: Proposed Edgewood Apartments (Middlefield Drive/Corral Hollow Road)

Dear Mayor Maciel, Council Members Robert Rickman, Nancy Young, Veronica Vargas, Mary Mitracos and Planning Commission Members Robert Tanner, Rhodesia Ransom, Jass Sangha, Pete Mitracos, Joseph Orcutt,

There is an empty lot on the corner of Middlefield Drive and Corral Hollow Road (Edgewood subdivision) which was originally zoned commercial/retail when we moved in over 10 years ago. Now Pacific Union Land Company would like to re-zone the property and build apartments and self-storage units. We would like to show our support of the proposed project provided the following changes agreed upon with the developer are made:

- Trash enclosures moved – NO trash enclosures along the back side of the our fence near carport (four properties: 4697 – 4677 – 4657 Encanto Lane and 1861 Riverview Ave)
- Masonry wall replacing our wood fence – to be the same height as existing wood fence. The color of the wall will be beige in color (or similar) to match our homes. The wall will be in place prior to construction beginning.
- The placement of the trees – as far away from our property line as possible: 10 feet (or more). We are concerned about the winds we get that blow east ..... requiring clean-up and more maintenance of the debris from the trees. We will also have input of the type of trees going in.
  - For properties 4697 and 4677 Encanto Lane, we would like smaller trees – something less than 25 feet high if possible.
  - For properties 4657 Encanto Lane and 1861 Riverview Ave, we would like medium size trees.
  - The following is a list of trees we would like to see:
    1. Palm Trees
    2. Fern Pine
    3. Crape Myrtle
    4. Eastern Redbud
    5. Emerald Sunshine Elm
    6. Pyramidal European Hornbeam

- Open carports – NOT enclosed. We feel the enclosed carports will harbor unwanted activity as there will be a hidden space from public view between our wall and the carport.
- Cleaning of windows for all four properties (4697 – 4677 – 4657 Encanto Lane and 1861 Riverview Ave) – 2 to 3 times during the construction period (depending on how long the construction period is for), and one final time after construction is over. Reason we are asking is because of the west to east winds we receive. These winds will blow a good amount of dust towards our properties. While we know there will be steps taken to minimize the dust, we anticipate some debris because of the strong winds we get.

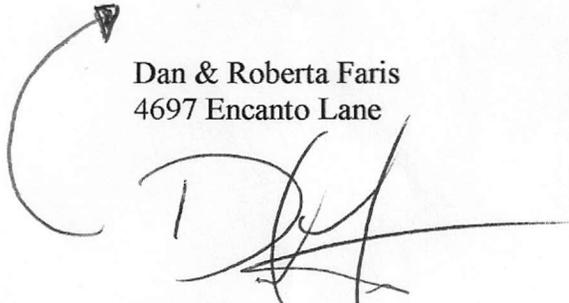
In closing, we do support this project provided the above five bulleted items are met. We would like you to consider requiring the developer to incorporate these changes into their design plans or have these as conditions of approval. Doing so would put our minds at ease and help us welcome this change in our neighborhood.

Thank you for your consideration and taking the time to listen to our concerns.

Sincerely,



Luis & Bonnie Hernandez  
4677 Encanto Lane



Dan & Roberta Faris  
4697 Encanto Lane



Phil & Kathy Oliva  
4657 Encanto Lane



Rick Curd  
1861 Riverview Avenue

(Out of State) signing on their behalf for  
Phil & Kathy Oliva  
(bht)

cc: Chris Garwood, Union Pacific

# PACIFIC UNION

June 8, 2015

City Council and Planning Commission  
City of Tracy  
Via email to Kimberly Matlock, Assistant Planner

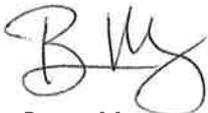
Re: Middlefield Apartments and Self-Storage Project  
Application Numbers PUD12-0002, D13-0017, and MS13-008

Dear Members of the Planning Commission and City Council:

Attached please find a letter of support from the four neighbors who own property directly adjacent to the proposed project referenced above.

The project applicant, Edgewood Land Developers LP, is willing to agree to their requested conditions, subject to the City's review and approval.

Sincerely,

A handwritten signature in black ink, appearing to read "B Myers", written over a horizontal line.

Bruce Myers

Vice President of Land Development

**From:** Wendy Tong [<mailto:tong3485@yahoo.com>]  
**Sent:** Sunday, November 01, 2015 10:55 AM  
**To:** Council  
**Subject:** The project right off the corner of Corral Hollow and Middlefield

To Who It may concern,

We, Wendy Tong and Jay Woo, are writing to object the apartments and storage being built in front of our neighborhood right off the corner of Corral Hollow and Middlefield.

Like everyone else, we did not move here for the apartments and the storage but for the bigger and luxury living custom built houses in the nice Edgewood neighborhood. Our friend Dan Lee came to Tracy first, then my older brother Ken and his family, then my youngest brother Peter and his family, then my sister Sue and her families, and my parents... a total of TEN families have moved in Edgewood just like that in Riverview Ave and Whirlaway Lane and we are all close to the side toward the park.

We all have young kids in our families, the park is our daily exercise and play place, we walk there in the evening and also after dinner. We were all very concerned about that empty spot when we moved in 7 years ago, but we were told that the spot is planned for a shopping center in the Edgewood housing development project. It's such a wonderful place that there is a nice park so close to us, and we all have been looking forward to the shopping center that we can walk to and enjoy. We even pictured that we will have something close to the newer look of Livermore downtown, like a water fountain place that the kids can play and enjoy during the hot summer days, ice cream shop, a cafe, and nice up-scale restaurants and etc that we can enjoy without driving far out to Livermore or Dublin.

Also, what is the impact to Traina School? It's already overcrowded and many families in Edgewood can't even send their own children to this school. What's going to happen when you add an additional 200 families?

We are all objecting the apartments and storage being built right next to the park because we already have apartments on the other side of Middlefield, and we don't want the same exactly look and feel like the other side. The living environment behind the apartments is totally different than our side. We want to keep our neighborhood looking better not worse. Why would someone build a three story apartment buildings and storage right in front of the custom built homes? Can you picture that?

The Ellis developer is building 500 single families homes across of Corral Hollow, a shopping center would benefit the residents there and the city for sure, other than the apartments and storage. Why can't we help Tracy and especially our neighborhood look better and better? Why can't we keep our money in Tracy? Why spend our money somewhere else but Tracy?

On October 17th, 2015 we went to Fresno for a family party, on the way back we stop in Turlock, we drove in to the Main street downtown area, we found that their downtown is very inviting, very nice atmosphere, quite street, crowded restaurants, but easily found a parking right outside of the restaurant. We were so surprised that there are quite a few high end restaurants there. We first targeted the Bistro 234 for

a try but had to go somewhere else because of couple hours of waiting, instead, we went to a high end Italian fusion Mexican call Memo's. Great environment, great food. We enjoyed everything there so much. We went back to Turlock again the following Friday, we had a very nice dinner at Bistro 234. We are planning to go back again for more nice food. Why can't Tracy strive for more than just being a bedroom community?

Speaking of bedroom community, since Tracy is full of commuters going to the Bay Area (especially in the Edgewood development) they use the Corral Hollow exit as a main thoroughfare, yet there are no services located off this exit. Not one. Everyone (including visitors) must go north into town or pass 205 for food, shopping, and gas. Again, I understand that Ellis and Tracy Hills will have services, but why must we wait 5, 10, 15 more years to fulfill the needs of Tracy residents?

I also went to the Planning Commission meeting when they discussed this topic. Commissioner Orcutt motioned to have this vote delayed 30 days in order for Edgewood residents to have enough time to discuss the project with the developer and neighbors. Jass Sanga seconded the motion. The head of the commission then twisted our words in order for the motion to be denied, but then did not allow us (those in attendance) to speak to let him know that we objected to the whole project not just the public storage and he misrepresented our sentiments. This was unfair and a gross misuse of the power of the commission. My opinion, he cared more about the developers RGA's than the residents of Tracy.

Together, we can help Tracy get better. Together, we can help our neighborhood get nicer. We can have nicer dining and retail like Livermore and Turlock. We strongly object the apartment buildings and storage unit in the Edgewood neighborhood. We want a shopping center. Please consider our feelings and concerns when you make your decision.

Sincerely,  
Wendy Tong  
Jay Woo  
1521 Riverview Ave  
Tracy, CA 95377

To City Council Members,

My name is Allison Quinteros and I am writing today to voice my concern about the change of zoning proposal for the lot on the corner of Corral Hollow and Middlefield. My husband, Cesar, and I moved to Tracy in 2011 from the Bay Area. We became residents of the Edgewood neighborhood because we thought it was a good fit for our growing family: friendly neighbors, nice sidewalks and convenient parks, and a school with strong academic achievement. Since living here, we have grown to love our town, especially our neighborhood. It seems the only thing lacking is a place to shop for groceries or restaurants and retail stores that are close to home. While Raley's and the retail stores provided by the Red Maple Village are on the South side of town, it is still a very far walk for me and my 4-year old twins when we need to pick up milk or buy coffee. For many of our shopping needs, we must go all the way across town, which is a 15 minute drive one way. I would love to see stores like Trader Joes, Menchies, a donut or coffee shop located closer to our neighborhood, within a walking distance from my home.

It is my understanding that the change of zoning is being requested so that the empty lot can become an apartment complex. While I encourage the growth of having more people come to our beloved city, I strongly suggest we consider having the infrastructure in place to support new residence. Right now we have new homes being built in the Primrose development, ground is being prepared for new homes on Corral Hollow, and Measure K on the ballot to support housing being developed on Valpico for the elderly. Where will these people shop, along with us in Edgewood? The lot was intended for retail. This retail would not only benefit the over 1,200 families of Edgewood, but the soon-to-be 5,500 homes of Phase I of the Tracy Hills community, the Primrose neighborhood, the future Measure K residents, and all the commuters who use the I 580 Corral Hollow exit as their route to work.

Please keep the promise and plans of retail space on the Corral Hollow/Middlefield lot. It is desperately needed and wanted by the surrounding community of Tracy residents.

Thank you,

Allison Quinteros

**From:** Niki Chiunti <[nchiunti@gmail.com](mailto:nchiunti@gmail.com)>

**Date:** November 5, 2015 at 4:46:51 PM PST

**To:** <[council@ci.tracy.ca.us](mailto:council@ci.tracy.ca.us)>, <[econdev@ci.tracy.ca.us](mailto:econdev@ci.tracy.ca.us)>

**Subject:** A Rezoning Concern

Dear City Council Members,

My name is Nicole Chiunti and I am writing you today to voice my concern about the change of zoning proposal for the lot on the corner of Corral Hollow and Middlefield. We became residents of the Edgewood neighborhood in 2005 because we thought it was a good fit for our growing family: friendly neighbors, nice parks and a school district with strong academic achievement.

Since living here, we have grown to love our town, especially our neighborhood. It seems the only thing lacking is a place to shop for groceries or restaurants and retail stores that are close to home. While Raley's and the retail stores provided by the Red Maple Village are on the South side of town, it is still a very far walk for me and my 2 children when we need to pick up milk or buy coffee. For many of our shopping needs, we must go all the way across town, which is a 15 minute drive one way. I would love the opportunity to support small businesses, owned and operated by local families.

It is my understanding that the change of zoning is being requested so that the empty lot can become an apartment complex. While I encourage the growth of having more people come to our beloved city, I strongly suggest we consider having the infrastructure in place to support new residences. Currently, we have new homes being built in the Primrose development, ground is being prepared for new homes on Corral Hollow, and Measure K is on the ballot to support housing being developed on Valpico for the elderly.

Where will these people shop, along with us in Edgewood? The lot was intended for retail. This retail would not only benefit the over 1,200 families of Edgewood, but the soon-to-be 5,500 homes of the Tracy Hills community, the Primrose neighborhood, the future Measure K residents, and all the commuters who use I 580 Corral Hollow exit as their route to work.

Please keep the promise and plans of retail space on the Corral Hollow/Middlefield lot. It is desperately needed and wanted by the surrounding community of Tracy residents.

Thank you,

Nicole Chiunti

4286 Famos Lane

Tracy, CA 95377

# CEQA 15183 ANALYSIS

FOR THE

## TRACY MIDDLEFIELD APARTMENTS AND SELF-STORAGE PROJECT

SEPTEMBER 2015

*Prepared for:*

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

*Prepared by:*

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

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## **INTRODUCTION**

The following pages provide a brief analysis of the proposed Middlefield Apartments and Self-Storage Facility Project (project) with respect to the project's consistency with the City of Tracy General Plan, the analysis contained in the General Plan EIR, and any site-specific environmental impacts or cumulative impacts that may result from project implementation.

As explained in the following pages, the proposed project is consistent with the City's General Plan, for which an EIR was prepared and certified, and there are no site-specific or cumulative impacts associated with the proposed project that have not been fully addressed in a previous environmental document, or that cannot be mitigated to a less than significant level through the application of uniformly applied development policies and/or standards. The findings presented below demonstrate that no additional environmental analysis is required under the California Environmental Quality Act (CEQA) prior to approval of the proposed project.

## **PROJECT OVERVIEW**

The subject property consists of a vacant 10.92-acre parcel located southeast of the intersection of Corral Hollow Road and Middlefield Drive (Assessor's Parcel Number 244-020-31). As shown on Figure 1, the project proposes to develop 144 multi-family residential apartment units on a 7.36-acre parcel (Parcel 1) on the northern portion of the site, and approximately 6 self-storage buildings on a 3.56-acre parcel (Parcel 2) on the southern portion of the site. The residential component would include an on-site leasing office, five residential apartment buildings at 3 stories in height, common open space and landscaping areas, and 284 parking spaces. Access to the residential portion of the site would be provided by a driveway located on Corral Hollow Road, along the western boundary of the site, and by a driveway located on Middlefield Drive, along the northern boundary of the site, as shown on Figure 1.

The self-storage component would include a leasing office, and six linear, freestanding storage buildings totaling approximately 89,000 square feet, as shown on Figure 1. Access to the self-storage area would be provided via an entrance from Corral Hollow Road, near the northwest corner of Parcel 2, and via a second gated entrance near the northeast corner of Parcel 2, which would be accessible from the residential area proposed within Parcel 1.

The City Tracy General Plan land use designation for the project site is Commercial (C) and the site is zoned Planned Unit Development (PUD) on the City of Tracy Zoning Map. The Commercial (C) land use designation, as described in the Tracy General Plan Land Use Element, allows for appropriately scaled and designed residential development in the density ranges permitted in the Residential High (RH) land use category. Residential densities ranging from 12.1 to 25 dwelling units per gross acre are permitted within the Residential High (RH) land use category. The project proposes a residential density of 19.5 dwelling units per gross acre, which is within the permitted density range established for the Commercial land use designation in the Tracy General Plan. The applicant's proposal also includes a Concept Development Plan (CDP) amendment to permit high-density residential and self-storage on the site.

The surrounding area includes single-family residential neighborhoods to the north and east (General Plan designation of Residential Low), a multi-family apartment building complex (Waterstone Apartments) to the north of the project site, past Middlefield Drive (General plan designation of Residential High), and a recently annexed residential project (Ellis) to the west. A variety of industrial buildings (General Plan designation of Industrial) exist just to the south of the site, beyond the Union Pacific railroad (UPRR) track and Linne Road. The UPRR track is approximately 400 feet south of the proposed driveway on Corral Hollow Road, and is an active line, serving Altamont Commuter Express (ACE) users daily. The Tracy Municipal Airport (General Plan designation of Public Facilities) is also located south of project site, beyond the existing industrial area. An elementary school (Anthony Traina Elementary) is located approximately 750 yards (0.4 miles) to the northeast. There is also a small park containing a tennis court and a jungle gym immediately adjacent to the east (Don Cose Park).

### **PREVIOUS ENVIRONMENTAL ANALYSES OF THE PROPOSED PROJECT**

One previous environmental analysis has been prepared and certified which is applicable to the proposed project.

On February 1, 2011, the City adopted a new General Plan and certified the associated General Plan EIR (SCH# 2008092006). The proposed project would be consistent with the General Plan designation of Commercial and the residential density range of 12.1 to 25 dwelling units per gross acre, as described above. The proposed self-storage uses on Parcel 2 are an allowed use in the Commercial land use designation established by the Tracy General Plan. The General Plan EIR assumed full development and buildout of the project site, consistent with the uses and residential densities proposed by the project. The cumulative impacts associated with buildout of the City of Tracy General Plan, including the project site, were fully addressed in the General Plan EIR.

### **CEQA Guidelines Section 15183 Exemptions**

California Public Resources Code Section 21083.3 and California Environmental Quality Act (CEQA) Guidelines Section 15183 allow a streamlined environmental review process for projects that are consistent with the densities established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified. As noted above, the proposed project is consistent with the land use designation and densities established by the Tracy General Plan, for which an EIR was certified. The provisions contained in Section 15183 of the CEQA Guidelines are presented below.

#### ***15183. PROJECTS CONSISTENT WITH A COMMUNITY PLAN OR ZONING***

*(a) CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.*

*(b) In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:*

*(1) Are peculiar to the project or the parcel on which the project would be located,*

*(2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,*

*(3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or*

*(4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.*

*(c) If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.*

*(d) This section shall apply only to projects which meet the following conditions:*

*(1) The project is consistent with:*

*(A) A community plan adopted as part of a general plan,*

*(B) A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or*

*(C) A general plan of a local agency, and*

*(2) An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.*

*(e) This section shall limit the analysis of only those significant environmental effects for which:*

*(1) Each public agency with authority to mitigate any of the significant effects on the environment identified in the planning or zoning action undertakes or requires others to undertake mitigation measures specified in the EIR which the lead agency found to be feasible, and*

*(2) The lead agency makes a finding at a public hearing as to whether the feasible mitigation measures will be undertaken.*

*(f) An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have*

*been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. The finding shall be based on substantial evidence which need not include an EIR. Such development policies or standards need not apply throughout the entire city or county, but can apply only within the zoning district in which the project is located, or within the area subject to the community plan on which the lead agency is relying. Moreover, such policies or standards need not be part of the general plan or any community plan, but can be found within another pertinent planning document such as a zoning ordinance. Where a city or county, in previously adopting uniformly applied development policies or standards for imposition on future projects, failed to make a finding as to whether such policies or standards would substantially mitigate the effects of future projects, the decision-making body of the city or county, prior to approving such a future project pursuant to this section, may hold a public hearing for the purpose of considering whether, as applied to the project, such standards or policies would substantially mitigate the effects of the project. Such a public hearing need only be held if the city or county decides to apply the standards or policies as permitted in this section.*

*(g) Examples of uniformly applied development policies or standards include, but are not limited to:*

*(1) Parking ordinances.*

*(2) Public access requirements.*

*(3) Grading ordinances.*

*(4) Hillside development ordinances.*

*(5) Flood plain ordinances.*

*(6) Habitat protection or conservation ordinances.*

*(7) View protection ordinances.*

*(8) Requirements for reducing greenhouse gas emissions, as set forth in adopted land use plans, policies, or regulations.*

*(h) An environmental effect shall not be considered peculiar to the project or parcel solely because no uniformly applied development policy or standard is applicable to it.*

*(i) Where the prior EIR relied upon by the lead agency was prepared for a general plan or community plan that meets the requirements of this section, any rezoning action consistent with the general plan or community plan shall be treated as a project subject to this section.*

*(1) "Community plan" is defined as a part of the general plan of a city or county which applies to a defined geographic portion of the total area included in the general plan, includes or references each of the mandatory elements specified in Section 65302 of the*

*Government Code, and contains specific development policies and implementation measures which will apply those policies to each involved parcel.*

*(2) For purposes of this section, “consistent” means that the density of the proposed project is the same or less than the standard expressed for the involved parcel in the general plan, community plan or zoning action for which an EIR has been certified, and that the project complies with the density-related standards contained in that plan or zoning. Where the zoning ordinance refers to the general plan or community plan for its density standard, the project shall be consistent with the applicable plan.*

*(j) This section does not affect any requirement to analyze potentially significant offsite or cumulative impacts if those impacts were not adequately discussed in the prior EIR. If a significant offsite or cumulative impact was adequately discussed in the prior EIR, then this section may be used as a basis for excluding further analysis of that offsite or cumulative impact.*

### **Project-Specific Environmental Review**

The attached Environmental Checklist includes a discussion and analysis of any peculiar or site-specific environmental impacts associated with construction and operation of the proposed project. The Environmental Checklist identifies the applicable City of Tracy development standards and policies that would apply to the proposed project during both the construction and operational phases, and explains how the application of these uniformly applied standards and policies would ensure that no peculiar or site-specific environmental impacts would occur.

### **Conclusion**

As described above, the proposed Middlefield Apartments and Self-Storage Facility Project is consistent with the land use designations and development intensities assigned to the project site by the City of Tracy General Plan. Cumulative impacts associated with development and buildout of the project site, as proposed, were fully addressed in the City of Tracy General Plan EIR (SCH# 2008092006). Since the proposed project is consistent with the land use designation and development intensity for the site identified in the General Plan and analyzed in the General Plan EIR, implementation of the proposed project would not result in any new or altered cumulative impacts beyond those addressed in the General Plan EIR.

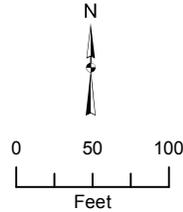
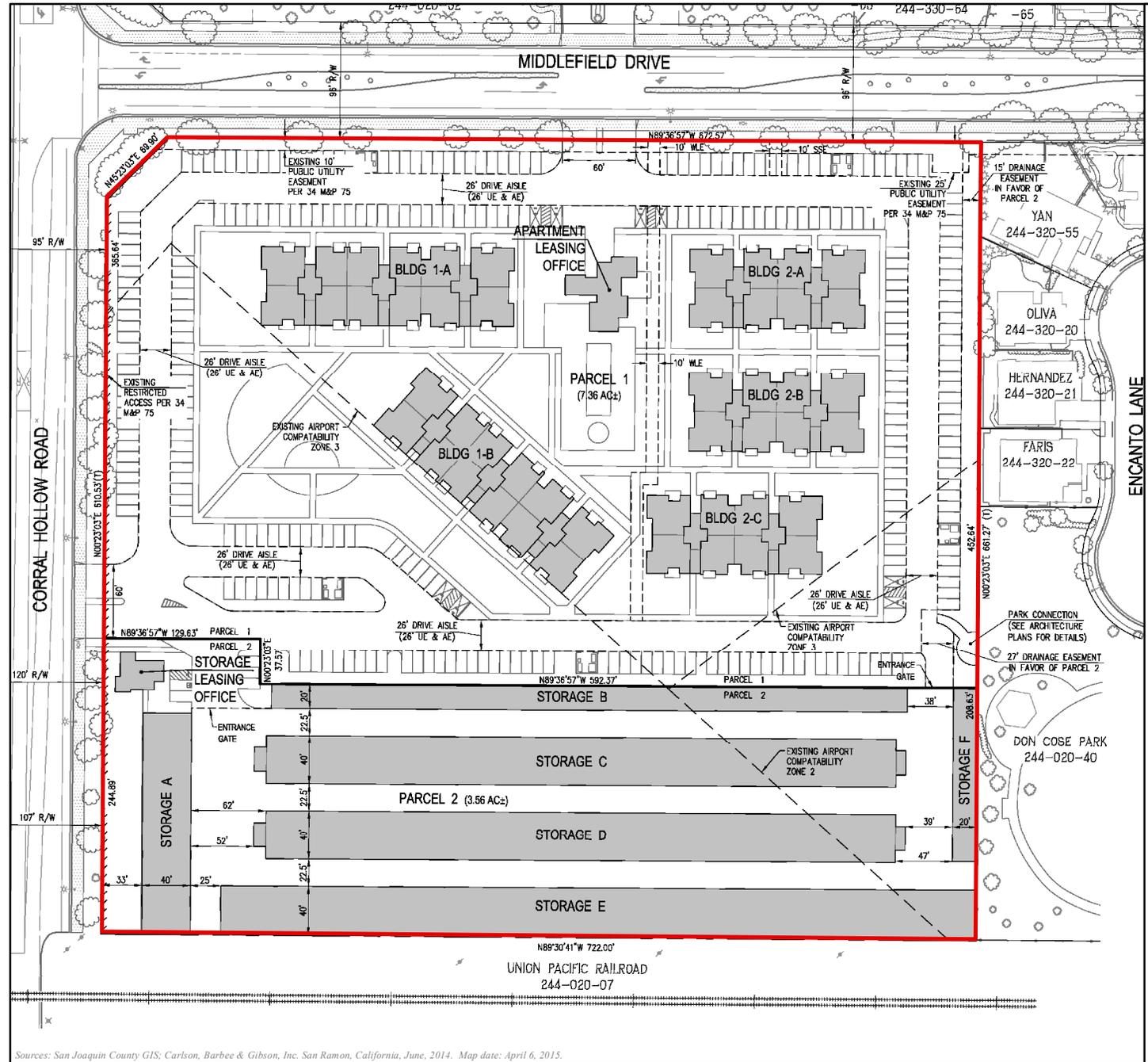
The analysis in the attached CEQA Environmental Checklist demonstrates that there are no site-specific or peculiar impacts associated with the project, and identifies uniformly applied standards and policies that would be applied to the project. The Project Requirements identified in the attached environmental analysis include measures that must be implemented by the proposed project in order to ensure that any site-specific impacts or construction-related impacts are reduced to a less than significant level. All Project Requirements identified in the attached Environmental Checklist shall be made a condition of project approval, and shall be implemented within the timeframes identified.

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**TRACY MIDDLEFIELD APARTMENTS PROJECT**

Figure 1: Site Plan

**Legend**  
 Project Boundary



Sources: San Joaquin County GIS; Carlson, Barbee & Gibson, Inc. San Ramon, California, June, 2014. Map date: April 6, 2015.

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## ENVIRONMENTAL CHECKLIST

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) 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. The surrounding area includes single-family residential neighborhoods to the north and east (General Plan designation of Residential Low and zoning of PUD), a multi-family apartment building to the north (General plan designation of Residential High and zoning of PUD), and the Tracy Municipal Airport bordering on the south (General Plan Designation of Public Facilities and zoning of Light Industrial). An elementary school (Anthony Traina Elementary) is located approximately 750 yards (0.4 miles) to the northeast. The adjacent area to the west is a recently annexed residential project (Ellis). There is also a Union Pacific Railroad (UPRR) track along the southern boundary of the subject property, which provides regular Altamont Corridor Express (ACE) train service.

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

Implementation of the proposed project would not significantly change the existing visual character of the project area, as much of the areas immediately adjacent to the site to the north and east are used for residential purposes, and lands to the south of the site are industrial in

nature. The proposed site plan would place self-storage units on the southern portion of the site, which would provide a visual screen and buffer between the existing industrial uses to the south and the proposed residential uses on the northern portion of the site.

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

**Response b): Less than Significant.** As described in the Tracy General Plan EIR, there are two Officially 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 scenic portion of the I-580 highway runs approximately 1.5 miles from the project site (at its closest point, to the southwest). The project is not highly visible from this highway, blending into the surrounding existing land uses and terrain. Additionally, the project is not at all visible along any scenic section of I-5. Development of the proposed project would not result in the removal of any trees, rock outcroppings, or buildings of historical significance, and would not result in changes to any of the viewsheds from the designated scenic highways in the vicinity of the City of Tracy. Therefore, there is a **less than significant impact**.

**Response c): Less than Significant.** As described under Response a), above, the proposed project would add additional residential and commercial uses to an area that currently contains numerous residential and industrial uses. The proposed project would be visually compatible with the surrounding residential land uses and would not significantly degrade the existing visual quality of the site or the surrounding area. Additionally, the project will comply with City standards, including, but not limited to, the City’s Design Goals and Standards, which would ensure that the exterior facades of the proposed residential and commercial structures, streetscape improvements and exterior lighting improvements are compatible with the surrounding land uses. This is a **less than significant** impact.

**Response d): Less than Significant.** Daytime glare can occur when the sunlight strikes reflective surfaces such as windows, vehicle windshields and shiny reflective building materials. The proposed project would introduce new residential and commercial 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 residential streets within the project area would have street lights that comply with City standards and are consistent with lighting in the surrounding residential areas. Exterior lighting at the self-storage units must comply with all design standards contained in the Tracy Municipal Code, which include requirements to reduce light spillage from the property site. Due to compliance with these standards, the potential nighttime lighting impacts would be **less than significant**.

**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.** 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.

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 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.

As required by Requirement 1, the project applicant must pay the applicable agricultural mitigation fee for each acre of farmland to be developed, in compliance with Chapter 13.28, Agricultural Mitigation Fee, of the Tracy Municipal Code. The fees are collected and

administered by the City before the issuance of building permits, and used for acquiring farmland, farmland conservation easements or farmland deed restrictions from willing sellers.

The implementation of Requirement 1 would reduce this impact to a **less than significant** level.

#### *Project Requirements*

**Requirement 1:** *Prior to the issuance of building permits for the project, the applicant shall pay the applicable agricultural mitigation fee for each acre of farmland to be developed, as determined by the City, in compliance with Chapter 13.28, Agricultural Mitigation Fee, of the Tracy Municipal Code.*

**Response b): No Impact.** The project site is not under a Williamson Act Contract, nor are any of the parcels immediately adjacent to the project site under a Williamson Act Contract. Therefore, implementation of the proposed project would not conflict with a Williamson Act Contract. The project site is currently zoned Planned Unit Development (PUD) 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 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 site is not currently designated or zoned for agricultural uses. The project site is also not currently used for agricultural purposes. 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.** 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. The initial phase of project construction would involve grading and leveling the project site and installation of supporting underground infrastructure, such as water, sewer, storm drain, and electrical lines.

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 proposed project.

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. The following standard requirements shall be imposed upon the project during all phases of construction to reduce the potential for construction-related emissions.

### *Project Requirements*

**Requirement 2:** *Prior to the commencement of grading activities, the City shall require the contractor hired to complete the grading activities to prepare a construction emissions reduction plan that meets the requirements of SJVAPCD Rule VIII. The construction emissions reductions plan shall be submitted to the SJVAPCD for review and approval. The City of Tracy shall ensure that all required permits from the SJVAPCD have been issued prior to commencement of grading activities. The construction emissions reduction plan should include the following requirements and measures:*

- *Properly and routinely maintain all construction equipment, as recommended by manufacturer's manuals, to control exhaust emissions.*
- *Shut down equipment when not in use for extended periods of time, to reduce exhaust emissions associated with idling engines.*
- *Encourage ride-sharing and use of transit transportation for construction employees commuting to the project site.*
- *Use electric equipment for construction whenever possible in lieu of fossil fuel-powered equipment.*
- *Curtail construction during periods of high ambient pollutant concentrations.*
- *Construction equipment shall operate no longer than eight cumulative hours per day.*
- *All construction vehicles shall be equipped with proper emission control equipment and kept in good and proper running order to reduce NOx emissions.*

- *On-road and off-road diesel equipment shall use aqueous diesel fuel if permitted under manufacturer's guidelines.*
- *On-road and off-road diesel equipment shall use diesel particulate filters if permitted under manufacturer's guidelines.*
- *On-road and off-road diesel equipment shall use cooled exhaust gas recirculation (EGR) if permitted under manufacturer's guidelines.*
- *Use of Caterpillar pre-chamber diesel engines or equivalent shall be utilized if economic and available to reduce NOx emissions.*
- *All construction activities within the project site shall be discontinued during the first stage smog alerts.*
- *Construction and grading activities shall not be allowed during first stage ozone alerts. (First stage ozone alerts are declared when ozone levels exceed 0.20 ppm for the 1-hour average.)*

*Implementation of the above requirements shall occur during all grading or site clearing activities. The SJVAPCD shall be responsible for monitoring.*

**Requirement 3:** *The following standard requirements, in addition to those required under Regulation VIII of the SJVAPCD, shall be implemented by the Project's contractor during all phases of project grading and construction to reduce fugitive dust emissions:*

- *Water previously disturbed exposed surfaces (soil) a minimum of three-times/day or whenever visible dust is capable of drifting from the site or approaches 20 percent opacity.*
- *Water all haul roads (unpaved) a minimum of three-times/day or whenever visible dust is capable of drifting from the site or approaches 20 percent opacity.*
- *All access roads and parking areas shall be covered with asphalt-concrete paving or water sprayed regularly.*
- *Dust from all on-site and off-site unpaved access roads shall be effectively stabilized by applying water or using a chemical stabilizer or suppressant.*
- *Reduce speed on unpaved roads to less than 15 miles per hour.*
- *Install and maintain a trackout control device that meets the specifications of SJVAPCD Rule 8041 if the site exceeds 150 vehicle trips per day or more than 20 vehicle trips per day by vehicles with three or more axles.*
- *Stabilize all disturbed areas, including storage piles, which are not being actively utilized for construction purposes using water, chemical stabilizers or by covering with a tarp, other suitable cover or vegetative ground cover.*
- *Control fugitive dust emissions during land clearing, grubbing, scraping, excavation, leveling, grading or cut and fill operations with application of water or by presoaking.*
- *When transporting materials offsite, maintain a freeboard limit of at least six inches and over or effectively wet to limit visible dust emissions.*
- *Limit and remove the accumulation of mud and/or dirt from adjacent public roadways at the end of each workday. (Use of dry rotary brushes is prohibited except when preceded or accompanied by sufficient wetting to limit visible dust emissions and the use of blowers is expressly forbidden.)*
- *Remove visible track-out from the site at the end of each workday.*

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

*Implementation of the above requirements shall occur during all grading or site clearing activities. The SJVAPCD shall be responsible for monitoring.*

### **Operational Emissions**

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 California Air Resources Board (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>. The San Joaquin Valley Air 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.

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

#### *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 PM10.

**Table 1: Total Project Generated Emissions at Full Buildout**

	EMISSIONS (TONS/YEAR)						
	ROG	NOX	CO	SO2	PM10	PM2.5	CO2e
Area Source Emissions	1.30	0.03	2.44	0.01	0.23	0.23	97.2
Energy Emissions	0.01	0.09	0.05	<0.01	<0.01	<0.01	392.0
Mobile Source Emissions	0.87	2.90	9.65	0.02	1.33	0.38	1619.6
<b>Total Operational Emissions</b>	<b>2.18</b>	<b>3.03</b>	<b>12.14</b>	<b>0.03</b>	<b>1.56</b>	<b>0.62</b>	<b>2267.50<sup>1</sup></b>
SJVAPCD Threshold	10	10	--	--	15	--	--
Above SJCAPCD Threshold?	No	No	NA	NA	No	NA	NA

*Emissions were calculated using the CalEEMod (v.2013.2.2) computer program. Assumes total buildout of the proposed project.*

<sup>1</sup>*Includes CO2e emissions from water and waste sources in addition to the operational sources identified above.*

As shown in the table above, project generated emissions are below the SJVAPCD thresholds for ROG, NOx and PM10. 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 (NOx) and particulate (PM10 and PM2.5) emissions generated by their projects.

**Project Requirements**

**Requirement 4:** *Prior to the issuance of the first building permit, the project applicant shall coordinate with the SJVAPCD to verify that the project meets the requirements of District Rule 9510, which is aimed at the following reductions:*

- 20 percent of construction-exhaust nitrogen oxides;
- 45 percent of construction-exhaust 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. The nearest sensitive receptor to the project site is Anthony Traina Elementary School, located at 4256 Windsong Drive, within ½ mile of the project site. As shown in Table 1 above, the proposed project would not generate significant emissions of criteria air pollutants and would not result in substantial pollutant concentrations. This is a **less than significant** impact.

**Response e): Less than Significant.** Operation of the proposed project would not generate notable odors. The residential component of the project is compatible with the surrounding land uses. Occasional mild odors may be generated during landscaping maintenance (equipment exhaust), but the residential component of the project would not otherwise generate odors. The commercial component of the project includes self-storage units. This type of land use generally does not produce odors, as no manufacturing, processing, cooking, or other odor-generating activities would occur. This is a **less than significant** impact.

**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.**

Special-status invertebrates that occur within the San Joaquin County region include: longhorn fairy shrimp, vernal pool fairy shrimp, and midvalley fairy shrimp, which requires vernal pools and swale areas within grasslands; and the valley elderberry longhorn beetle, which is an insect that is only associated with blue elderberry plants, oftentimes in riparian areas and sometimes on land in the vicinity of riparian areas. The biological site conditions and the potential for the presence of special-status species were assessed by De Novo Planning Group’s staff biologist on March 15, 2015.

The project site does not contain essential habitat for these special status invertebrates. Implementation of the proposed project would have a **less than significant** impact on these species.

Special-status reptiles and amphibians that occur within the region include: the western pond turtle, which requires aquatic environments located along ponds, marshes, rivers, and ditches; the California tiger salamander, which is found 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 biological site conditions and the potential for the presence of special-status species were assessed by De Novo Planning Group's staff biologist on March 15, 2015. The project site does not contain essential habitat for these special status reptiles and amphibians. Implementation of the proposed project would have a **less than significant** impact on these species.

Numerous special-status plant species are known to occur in the region. Many of these special status plant species require specialized habitats such as serpentine soils, rocky outcrops, slopes, vernal pools, marshes, swamps, riparian habitat, alkali soils, and chaparral, which are not present on the project site. The project site is located in an area that was likely valley grassland prior to human settlement, and there are several plant species that are found in valley and foothills grasslands areas. These species include large-flowered fiddleneck, bent-flowered fiddleneck, big-balsamroot, big tarplant, round-leaved filaree, Lemmon's jewelflower, and showy golden madia. Human settlement has involved a high frequency of ground disturbance associated with the historical farming activities in the region, including the project site. The biological site conditions and the potential for the presence of special-status species were assessed by De Novo Planning Group's staff biologist on March 15, 2015. The project site does not contain suitable habitat for special-status plant species. Implementation of the proposed project would have a **less than significant** impact on these species.

Special-status birds that occur within the region include: tricolored blackbird, Swainson's hawk, northern harrier, and bald eagle, which are associated with streams, rivers, lakes, wetlands, marshes, and other wet environments; loggerhead shrike, and burrowing owl, which lives in open areas, usually grasslands, with scattered trees and brush; and raptors that are present in varying habitats throughout the region. The biological site conditions and the potential for the presence of special-status species and raptors were assessed by De Novo Planning Group's staff biologist on March 15, 2015.

**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, Swainson's hawks are present within the vicinity of the project site. The site and the surrounding open non-native grassland habitat to the west will provide medium quality foraging opportunities for local Swainson's hawks. Incidental take minimization measures are not required for this species due to the fact that there is no suitable nesting habitat on the project site. As such, impacts to Swainson's hawk are **less than significant** and no mitigation is required.

**Burrowing Owls.** Burrowing owls are a California Species of Special Concern and are protected by the CDFG and the MBTA. Burrowing owls forage in open grasslands and shrublands and typically nest in old ground squirrel burrows. The project site contains suitable, but not high-quality habitat for burrowing owls. The project site is adjacent to other lands that are currently undeveloped that offer foraging and roosting habitat for wintering or breeding owls. Impacts to burrowing owls are considered unlikely, due to the presence of urban development surrounding the site to the north, south, and east. The implementation of Requirement 5 would ensure that burrowing owls are not impacted during construction activities. The implementation of Requirement would ensure a **less than significant** impact to burrowing owls.

### *Project Requirements*

**Requirement 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 preconstruction survey for western burrowing owls. If no owls or owl nests are detected, then construction activities may commence. If burrowing owls or occupied nests are discovered, then the following shall be implemented:*

- *During the breeding season (February 1 through September 1) occupied burrows shall not be disturbed and shall be provided with a 75 meter protective buffer until and unless the SJCOG Technical Advisory Committee (TAC), with the concurrence of the Permitting Agencies' representatives on the TAC; or unless a qualified biologist approved by the Permitting Agencies verifies through non-invasive means that either: 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Once the fledglings are capable of independent survival, the burrow can be destroyed. They should only be destroyed by a qualified biologist using passive one-way eviction doors to ensure that owls are not harmed during burrow destruction. Methods for removal of burrows are described in the California Department of Fish and Game's Staff Report on Burrowing Owls (October, 1995)*
- *During the non-breeding season (September 1 through January 31) burrowing owls occupying the project site should be evicted from the project site by passive relocation as described in the California Department of Fish and Game's Staff Report on Burrowing Owls (Oct., 1995)*

*Implementation of this requirement shall occur prior to grading or site clearing activities. SJCOG shall be responsible for monitoring and a qualified biologist shall conduct surveys and relocate owls as required.*

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

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

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

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

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

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

- **Farmed Wetlands:** This category of wetlands includes areas that are currently in agricultural uses. This type of area occurs in the northern portion of the Tracy Planning Area.
- **Lakes, Ponds and Open Water:** This category of wetlands includes both natural and human-made water bodies such as that associated with working landscapes, municipal water facilities and canals, creeks and rivers.
- **Seasonal Wetlands:** This category of wetlands includes areas that typically fill with water during the wet winter months and then drain enough to become ideal plant

habitats throughout the spring and summer. There are numerous seasonal wetlands throughout the Tracy Planning Area.

- **Tidal Salt Ponds and Brackish Marsh:** This category of wetlands includes areas affected by irregular tidal flooding with generally poor drainage and standing water. There are minimal occurrences along some of the larger river channels in the northern portion of the Tracy Planning Area.

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

**Response d): Less than Significant.** The CNDDDB record search did not reveal any documented wildlife corridors or wildlife nursery sites on or adjacent to the project site. Implementation of the proposed project would have a **less than significant** impact.

**Responses e), f): Less than Significant.** The project site is located within the jurisdiction of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (“Plan” or “SJMSCP”) and is located within the Central/Southwest Transition Zone of the SJMSCP. The San Joaquin Council of Governments (SJCOG) prepared the Plan pursuant to a Memorandum of Understanding adopted by SJCOG, San Joaquin County, the United States Fish and Wildlife Service (USFWS), the 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 to providing compensation for conversion of open space to non-open space uses, which affect plant and animal species covered by the SJMSCP, the SJMSCP also provides some compensation to offset impacts of open space conversions on non-wildlife related resources such as recreation, agriculture, scenic values and other beneficial open space uses. Specifically, the SJMSCP compensates for conversions of open space to urban development and the expansion of existing urban boundaries, among other activities, for public and private activities throughout the County and within Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy.

Participation in the SJMSCP is voluntary for both local jurisdictions and project applicants. Only agencies adopting the SJMSCP would be covered by the SJMSCP. Individual project applicants have two options if their project is located in a jurisdiction participating in the SJMSCP:

mitigating under the SJMSCP or negotiating directly with the state and/or federal permitting agencies. If a project applicant opts for SJMSCP coverage in a jurisdiction that is participating under the SJMSCP, the following options are available, unless their activities are otherwise exempted: pay the appropriate fee; dedicate, as conservation easements or fee title, habitat lands; purchase approved mitigation bank credits; or, propose an alternative mitigation plan.

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

The proposed project is classified as Urban Habitat under the SJMSCP. The proposed project was analyzed for consistency with the SJMSCP by De Novo Planning Group, and it was determined that the proposed project would not conflict with the SJMSCP. The City of Tracy and the project applicant shall consult with SJCOG to utilize coverage of the project pursuant to the SJMSCP prior to development of the site. Therefore, this is a **less than significant** impact.

#### *Project Requirements*

**Requirement 6:** *Prior to development of the site, including the commencement of grading activities, the City of Tracy and the project applicant shall consult with SJCOG to utilize coverage of the project pursuant to the SJMSCP.*

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

	<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.** 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.

The implementation of Requirement 7 would require appropriate steps to preserve and/or document any previously undiscovered resources that may be encountered during construction activities, including human remains. Implementation of this requirement would reduce this impact to a **less than significant** level.

### *Project Requirements*

**Requirement 7:** *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. No known active faults cross the project site, and the site is not located within an Alquist-Priolo Earthquake Fault Zone, however, relatively large earthquakes have historically occurred in the Bay Area and along the margins of the Central Valley. Many earthquakes of low magnitude occur every year in California. The nearest earthquake fault zoned as active by the State of California Geological Survey is the Black Butte Fault, located approximately 3.4 miles to the west of the site. However, the Black Butte fault is not considered an active fault that would trigger evaluation under the Alquist-Priolo Earthquake Fault Zoning Act. Other active and potentially active faults near the project site include the San Joaquin fault,

4.4 miles south of the site, the Midway fault, 4.5 miles west, and Corral Hollow-Carnegie fault zone, 6.4 miles southwest.

Active faults capable of producing significant ground shaking at the site include the Calaveras, approximately 25 miles southwest; the Hayward fault, approximately 28 miles west; the Ortigalita fault, approximately 30 miles southwest; and the San Andreas Fault, approximately 50 miles southwest of the site. Any one of these faults could generate an earthquake capable of causing strong ground shaking at the subject site. Earthquakes of Moment Magnitude (Mw) 7 and larger have historically occurred in the region and numerous small magnitude earthquakes occur every year.

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

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

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

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

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

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

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

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

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

**Responses a.iii), c), d): Less than Significant.** Liquefaction normally occurs when sites underlain by saturated, loose to medium dense, granular soils are subjected to relatively high ground shaking. During an earthquake, ground shaking may cause certain types of soil deposits to lose shear strength, resulting in ground settlement, oscillation, loss of bearing capacity, landsliding, and the buoyant rise of buried structures. The majority of liquefaction hazards are associated with sandy soils, 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.

Prior to development of the project site, a subsurface geotechnical investigation must be performed to identify onsite soil conditions and identify any site-specific engineering measures to be implemented during the construction of building foundations and subsurface utilities. Adherence to the engineering requirements contained in the subsurface geotechnical report would ensure that this impact is **less than significant**.

#### *Project Requirements*

**Requirement 8:** *Prior to development of the project site, a subsurface geotechnical investigation must be performed to identify onsite soil conditions and identify any site-specific engineering measures to be implemented during the construction of building foundations and subsurface utilities.*

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

**Response b): Less than Significant.** Construction and site preparation activities associated with development of the project site include grading for the construction of the proposed project. During the construction preparation process, existing vegetation would be removed to

grade and compact the project site, as necessary. As construction occurs, these exposed surfaces could be susceptible to erosion from wind and water. Effects from erosion include impacts on water quality and air quality. Exposed soils that are not properly contained or capped increase the potential for increased airborne dust and increased discharge of sediment and other pollutants into nearby stormwater drainage facilities. Risks associated with erosive surface soils can be reduced by using appropriate controls during construction and properly revegetating exposed areas. Project Requirement 3 requires the implementation of various dust control measures during site preparation and construction activities that would reduce the potential for soil erosion and the loss of topsoil. Additionally, Project Requirement 9 would require the implementation of various best management practices (BMPs) that would reduce the potential for disturbed soils and ground surfaces to result in erosion and sediment discharge into adjacent surface waters during construction activities. The implementation of these requirements would reduce these impacts to a **less than significant** level and no additional mitigation is required.

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

**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 2011, concentrations of these three greenhouse gases have increased globally by 40, 150, and 20 percent, respectively (IPCC 2013)<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 2014) <sup>2</sup>. In California, the transportation

<sup>1</sup> Intergovernmental Panel on Climate Change. 2013. “Climate Change 2013: The Physical Science Basis, Summary for Policymakers.” [http://www.climatechange2013.org/images/report/WG1AR5\\_SPM\\_FINAL.pdf](http://www.climatechange2013.org/images/report/WG1AR5_SPM_FINAL.pdf)

<sup>2</sup> California Energy Commission. 2014. California Greenhouse Gas Emission Inventory. [http://www.arb.ca.gov/cc/inventory/inventory\\_current.htm](http://www.arb.ca.gov/cc/inventory/inventory_current.htm)

sector is the largest emitter of GHGs, followed by electricity generation (California Energy Commission 2014).

As the name implies, global climate change is a global problem. GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern, respectively. California produced 459 million gross metric tons of carbon dioxide equivalents (MMTCO<sub>2e</sub>) in 2012 (California Energy Commission 2014). By 2020, California is projected to produce 509 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 2014).

#### *EFFECTS OF GLOBAL CLIMATE CHANGE*

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

If the temperature of the ocean warms, it is anticipated that the winter snow season would be shortened. Snowpack in the Sierra Nevada provides both water supply (runoff) and storage (within the snowpack before melting), which is a major source of supply for the state. The snowpack portion of the supply could potentially decline by 70% to 90% by the end of the 21<sup>st</sup> century (Cal EPA 2006)<sup>4</sup>. This phenomenon could lead to significant challenges securing an adequate water supply for a growing state population. Further, the increased ocean

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<sup>3</sup> California Air Resources Board. 2015. "2020 Business-as-Usual (BAU) Emissions Projection 2014 Edition". <http://www.arb.ca.gov/cc/inventory/data/bau.htm>

<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/)

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 wildfires. If temperatures rise into the medium warming range, the risk of large wildfires in California could increase by as much as 55%, which

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

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

### *Rising Sea Levels*

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

### *RESPONSES TO CHECKLIST QUESTIONS*

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

Development of the site for urban uses and the corresponding generation of GHG emissions associated with buildout of the Tracy General Plan, including the project site, was taken into consideration in the City of Tracy General Plan and General Plan EIR. As described in Chapter 3 of the 2010 Recirculation Supplemental General Plan Draft EIR, the Tracy General Plan and Sustainability Action Plan include policies and measures to reduce GHG emissions, supporting the State's emission reduction targets and other environmental goals. In total, it is estimated that measures in the General Plan and Sustainability Action Plan would reduce 2020 business-as-usual (BAU) GHG emissions by between 382,422 and 486,115 metric tons CO<sub>2</sub>e. Although the General Plan and Sustainability Action Plan include many goals, policies, and measures that would reduce GHG emissions from projected BAU levels, the Tracy General Plan would not meet the San Joaquin Valley Air Pollution Control District's threshold of a 29 percent reduction in GHG emissions from BAU projected emissions. Therefore, the General Plan and Sustainability Action Plan would result in a significant GHG emission impact.

On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for the significant generation of GHG emissions resulting from adoption of the General Plan.

The proposed project is identified for urban land uses in the Tracy General Plan. The proposed project is consistent with the overriding considerations that were adopted for the General Plan and the established mitigation measures under that Plan. As such, implementation of the

proposed project would not create new impacts over and above those identified in the General Plan EIR, nor significantly change previously identified impacts.

**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, but are not limited to:

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

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

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

The City of Tracy will require the project to fully implement all applicable requirements of the Sustainability Action Plan. For example, the proposed project would be constructed in compliance with the California Green Building Standards, and would install energy efficient exterior lighting. Implementation of the requirements of the Sustainability Action Plan, and other relevant policies in the Tracy General Plan represent the application of uniformly applied measures aimed at reducing GHG emissions from new development projects. This is a **less than significant** impact.

**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 residential and commercial uses in an area of the City that currently contains predominantly residential, industrial, and agricultural 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 proposed self-storage uses would not permit the storage of hazardous materials at the storage facilities, and items/materials stored at the facility would be similar to items commonly found in households and small-scale commercial businesses. 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 located within ½ mile of Anthony Traina Elementary School, which is located northeast of the project site at 4256 Windsong Drive. 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. The residential and commercial uses proposed as part of the project would not expose school children at Anthony Taina Elementary to substantial pollutant concentrations, hazardous materials, or other significant hazards. Residential and self-storage commercial uses are compatible with school uses in close proximity. 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. 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 ¼ mile to the south (at its closest point). The Airport is a general aviation airport owned by the City and managed by the Public Works Department. The project site is located within the Tracy Municipal Airports (AIA), and pursuant to the State Aeronautics Act (Public Utilities Code Section 21676), the project is subject to a Consistency Determination by the San Joaquin County ALUC.

The entire project is located within Tracy Municipal Airport's Airport Influence Area (AIA) with portions also within the Traffic Pattern Zone (TPZ), the Inner Turning Zone (ITZ), and Inner Approach Departure Zone (IADZ).

ALUC staff has reviewed the project information received by SJCOG on October 15, 2012. In the letter issued by ALUC staff on November 15, 2015 (Laura Brunn, SJCOG Associate Regional Planner), the San Joaquin ALUC determined that the proposed land use designations for the Middlefield Drive Apartments and Self-Storage Facility are consistent with the 2009 Airport Land Use Compatibility Plan's safety zones and development criteria.

The following are standards and project design conditions specific to compliance with the ALUCP and are carried through as conditions of approval, as these are project design conditions that are required as part of compliance with the 2009 ALUCP:

1. New land uses that may cause visual, electronic, or increased bird strike hazards to aircraft in flight shall not be permitted within any airport’s influence area. Specific characteristics to be avoided include:

- Glare or distracting lights which could be mistaken for airport lights. Reflective materials are not permitted to be used in structures or signs (excluding traffic directing signs);
- Sources of dust, steam, or smoke which may impair pilot visibility;
- Sources of electrical interference with aircraft communications or navigation. No transmissions which would interfere with aircraft radio communications or navigational signals are permitted.
- Any proposed use, especially landfills and certain agricultural uses, that creates an increased attraction for large flocks of birds.

2. Within the Inner Approach Departure Zone (2) and the Inner Turning Zone (3):

- ALUC review is required for any proposed object taller than 35 feet AGL.
- An Avigation Easement shall be dedicated to the City of Tracy, as the owner of Tracy Municipal Airport, to convey rights associated with aircraft overflight of a property, including creation of noise, limits on the height of structures and trees, etc.
- All residences and office buildings shall have a minimum NLR of 45 dB

3. Within all zones, occupied structures must be soundproofed to reduce interior noise to 45 dB according to State Guidelines

4. Within the AIA, ALUC review is required for any proposed object taller than 100 feet AGL.

5. Regardless of location within San Joaquin County, ALUC review is required in addition to FAA notification in accordance with Code of Federal Regulations, Part 77 for any proposal for construction or alteration under the following conditions:

- a. If requested by the FAA.
- b. Any construction or alteration that is more than 200 ft. AGL at its site.
- c. Any construction or alteration that exceeds an imaginary surface extending outward and upward at the following slopes:
  - i. 100 to 1 for a horizontal distance of 20,000 ft. of a public use or military airport from any point on the runway of each airport with its longest runway more than 3,200 ft.

d. Any highway, railroad or other traverse way whose prescribed adjusted height would exceed the above noted standards

e. Any construction or alteration located on a public use airport or heliport regardless of height or location.

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 additionally mitigation, beyond the ALUC compliance requirements identified above, 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 and commercial land uses within an urbanized environment, and would not interfere with any emergency response or evacuation plans. Implementation of the proposed project would result in **no impact** on this environmental topic.

**Response 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 adjacent to agricultural fields. The agricultural fields in the vicinity of the project site have a low to moderate wildfire potential. Irrigated agricultural lands that are actively farmed have a low wildland fire potential, while fallow fields that are not actively managed or irrigated have a moderate wildfire potential. The project site and the surrounding area is served by Fire Station #97, which is located at 595 West Central Avenue, approximately 2.3 miles (driving distance) northeast of the project site. The project site is located within the Fire Department's 5-minute response zone. The proximity of Fire Station #97 to the project site would ensure that in the event of a wildfire on agricultural lands west of the project site, the fire department could respond within five minutes. The project site is adequately served by roadways that provide

emergency vehicle access to the site, and the site would be equipped with fire hydrants that meet the City of Tracy's design and fire flow requirements. This is a **less than significant** impact and no mitigation is required.

**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 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 176 gallons per day of wastewater per residential unit was used to estimate the wastewater that would be generated by the proposed project.<sup>5</sup> Based on this generation factor, it is estimated that the proposed project would generate up to 0.02534mgd of wastewater. The addition of 0.02534mgd 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 Project Requirement 9, which requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP) during active construction for erosion and sediment control and a SWQCP for post-construction BMPs and maintenance..

Through compliance with the *City's Manual of Stormwater Quality Control Standards for New Development and Redevelopment*, the *Construction General Permit* 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 *SWQCP* and SWPPP requirements required by Project Requirement 9, impacts from the proposed project would result in a **less than significant** impact relative to this environmental topic.

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<sup>5</sup> Wastewater Flow and Loading Generation Factors from the Tracy Wastewater Master Plan (High 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. According to the Hydraulic Evaluation Technical Memorandum prepared by West Yost Associates, the project is expected to use approximately 45 acre-feet of water per year. 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, sidewalks, driveways, 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.** 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 throughout much of the 10.92-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.

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, Requirement 9 requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP). As described below, the SWPPP would require the application of best management practices (BMPs) to effectively reduce pollutants from stormwater leaving the site during both the construction and operational phases of the project. The implementation of this requirement 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.

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. The development of an onsite storm drainage system, the payment of all applicable fees, and the implementation of Requirement 9 would ensure that this impact is **less than significant**.

#### *Project Requirements*

**Requirement 9:** *The project applicant shall prepare a Stormwater Quality Control Plan (SWQCP) that includes specific types and sources of potential stormwater pollutants, determine the location and nature of potential impacts, and specify appropriate design, source and treatment control measures to eliminate any potentially significant impacts on receiving water quality from stormwater runoff. The SWQCP shall comply with the 2008 post construction standards adopted*

*by the City of Tracy for compliance with the NPDES Phase II Municipal Separate Storm Sewer System permit. 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. A Storm Water Pollution Prevention Plan shall also be prepared and submitted prior to any active construction and should include all measures to be taken for erosion and sediment control during construction of the project as well as BMPs for pollution prevention.*

**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 relatively 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, agricultural, and industrial land uses. The project would be consistent and compatible with the surrounding land uses, and would not divide an established community. There is **no impact**.

**Responses b): Less than Significant.** The project site is currently designated Commercial by the City of Tracy General Plan Land Use Designations Map and is zoned Planned Unit Development (PUD). The Planned Unit Development (PUD) Zone is designed to allow flexibility and creativity in site planning. The Commercial (C) land use designation, as described in the Tracy General Plan Land Use Element, allows for appropriately scaled and designed residential development in the density ranges permitted in the Residential High (RH) land use category. Residential densities ranging from 12.1 to 25 dwelling units per gross acre are permitted within the Residential High (RH) land use category. The project proposes a residential density of 19.5 dwelling units per gross acre, which is within the permitted density range established for the Commercial land use designation in the Tracy General Plan. The applicant’s proposal also includes a Concept Development Plan (CDP) amendment to permit high-density residential and self-storage on the site. The proposed self-storage units are compatible with the uses allowed under the Commercial land use designation.

The proposed uses on the project site are consistent with the General Plan designation of Commercial. 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 shall consult with SJCOG to utilize coverage of the project pursuant to the SJMSCP prior to development of the site. Therefore, this is a **less than significant** impact 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-2. The MRZ-2 designation applies to areas where adequate information indicates that significant mineral deposits are present or where it is judged that a high likelihood for their presence exists.

As described on page 4.8-4 of the Tracy General Plan Draft EIR, the City of Tracy has an agreement with the State Division of Mines and Geology that the area north of Linne Road would allow for urban development, while areas south of Linne Road would be protected for aggregate mining. Of the area classified by the State Division of Mines and Geology as having potentially significant mineral deposits, the bulk of it is designated by the City as Aggregate in the General Plan, with some additional areas that have potentially significant aggregate deposits designated as Industrial. Although the project is in an area where significant mineral deposits have a high likelihood of existing (MRZ-2), the project site is located north of Linne Road, in the area of the City designated for urban development. Since the City of Tracy has taken appropriate steps to safeguard its aggregate resources for future use, the project would not result in the loss of availability of a known mineral resource. This impact is considered **less than significant**.

**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

*RESPONSES TO CHECKLIST QUESTIONS*

**Response a): Less than Significant.** The proposed project is located in an area consisting predominately of residential, agricultural, and industrial land uses. Residential land uses do not generate significant noise levels beyond those associated with common residential activities (lawn mowers, car doors, voices, etc.). However, traffic generated by the proposed project has the potential to contribute to roadway noise levels in the vicinity of the project site and throughout other areas of the City. Increases in roadway noise associated with buildout of the Tracy General Plan were addressed in the 2010 General Plan Recirculated Supplemental Draft EIR. As described in this Draft EIR, vehicular traffic on existing roadways in Tracy would increase as development proceeds and the city’s population increases. Under buildout of the General Plan, which includes the proposed project site, noise levels would increase substantially (3 dBA Ldn or greater) along major roadways throughout Tracy, including portions of I-205, I-580, Grant Line Road, Schulte Road, Valpico Road, Linne Road, Lammers Road, Corral Hollow Road, Tracy Boulevard, and MacArthur Drive. Other than Valpico Road and I-580, all significant increases would occur adjacent to existing noise sensitive areas.

Development of the site for urban uses and the subsequent increase in vehicle roadway noise was taken into consideration in the City of Tracy General Plan and General Plan EIR. On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for the increase in vehicle roadway noise resulting from adoption of the General Plan and EIR.

The Tracy General Plan Noise Element contains several policies that are intended to ensure that new development projects are not exposed to excessive noise levels. The General Plan Noise Element policies applicable to the proposed project are summarized below.

**Objective N-1.1 Ensure appropriate exterior and interior noise levels for new land uses.**

Policies

P1. Noise sensitive land uses shall not be located in areas with noise levels that exceed those considered normally acceptable for each land use unless measures can be implemented to reduce noise to acceptable levels.

P2. Land uses shall require appropriate interior noise environments when located in areas adjacent to major noise generators.

P3. Recognizing that some new single-family residential uses may be located adjacent to non-residential uses, new single-family residential development shall not exceed 60 Ldn (day/night average noise level) for exterior noise in private use areas.

P4. New residential uses exposed to noise levels exceeding 60 Ldn shall be analyzed following protocols in the operative California Building Code or other operative code.

P5. For new residential land uses, noise from external sources shall not cause building interiors to exceed 45 Ldn.

P7. New residential development affected by noise from railroads or aircraft operations shall be designed to limit typical maximum instantaneous noise levels to 50 dBA in bedrooms and 55 dBA in other rooms.

P8. Measures to attenuate exterior and/or interior noise levels to acceptable levels shall be incorporated into all development projects. Acceptable, conditionally acceptable and unacceptable noise levels are presented in Figure 9-3.

**Objective N-1.3 Consider noise issues in the Development Review process.**

Policies

P1. Development projects shall be evaluated for potential noise impacts and conflicts as part of the Development Review process.

P2. Significant noise impacts shall be mitigated as a condition of project approval.

P3. New development projects shall have an acoustical specialist prepare a noise analysis with recommendations for design mitigation if a noise-producing project is proposed near existing or planned noise-sensitive uses.

P4. Proposed noise sensitive projects within noise-impacted areas shall submit acoustical studies and provide necessary mitigation from noise.

P5. Site design techniques shall be considered as the primary means to minimize noise impacts as long as they do not conflict with the goals of the Community Character Element. Techniques include:

- Designing landscaped building setbacks to serve as a buffer between the noise source and receptor.
- Placing noise-tolerant land uses, such as parking lots, maintenance facilities, and utility areas between the noise source, such as highways and railroad tracks, and receptor.
- Orienting buildings to shield noise sensitive outdoor spaces from a noise source.
- Locating bedrooms or balconies on the sides of buildings facing away from noise sources.
- Utilizing noise barriers (e.g., fences, walls, or landscaped berms) to reduce adverse noise levels in noise-sensitive outdoor activity areas.

A Traffic Noise Analysis was conducted on the proposed project in order to determine in detail the potential for noise impacts to persons on the project site. It recommends the following measures:

- Installation of acoustical shielding from structures or a property line wall along Corral Hollow Road, to reduce future traffic noise levels at the Tot lot/BBQ area to an  $L_{dn}$  of 65 dBA or less, with either a:
  - A continuous 6-foot-high barrier along Coral Hollow Road from the site driveway and around the corner of Middlefield Road.
  - A continuous 6-foot-high barrier at the corner of the Corral Hollow and Middlefield Roads as well as 8-foot-high solid backed carports at the parking area between the Tot lot/BBQ area and Corral Hollow Road.
- To meet the indoor noise requirements, sound-rated windows and doors will be needed at some or all of the dwelling units. The sound-rated windows depend on the unit/building floor plans as well as the window/door locations and sizes. Therefore, the detailed recommendations should be determined during the detailed architectural design phase of the project development.

The Traffic Noise Analysis advises these measures to ensure that the project meets the outdoor 65 dBA indoor 45 dBA thresholds found in the Tracy General Plan, as well as those of the State of California Building Code, which require new multi-family dwelling units to achieve an interior  $L_{dn}$  of 45 dBA due to exterior sources. These project conditions will be incorporated into the site design plans and be required as a condition of approval for the proposed project.

Although the proposed project Traffic Noise Analysis did not analyze railroad noise, a previous analysis for this same site as part of the larger Edgewood Development (entitled *Railroad Noise Analysis for the Cheng PUD*) demonstrated that a 6-foot high sound barrier at the southern edge of the project boundary would be effective in attenuating UPRR train track noise. The analysis demonstrated that, at 365 feet from the railroad track centerline, railroad noise levels at a nearby school recreation area would be less than 65 dB L<sub>dn</sub>. The closest point of the proposed project recreation areas (Tot lot/BBA area and Pool area) are approximately 375 feet from the railroad track centerline, so noise from the train track is not expected to exceed 65 dB L<sub>dn</sub> within these areas. In addition, since Storage Units B, C, D, and E of the proposed project are at least 6 feet in height and would be placed between the railroad track and the proposed project recreation areas, railroad noise would be further attenuated. Therefore, since railroad noise within the proposed project recreation areas would be less than 65 dB L<sub>dn</sub>, the project would be in compliance with the Tracy General Plan.

The implementation of the Traffic Noise Analysis recommendations, which would make the proposed project consistent with the General Plan Noise policies identified above, would ensure that any potential for the proposed residential uses to be exposed to excessive noise levels would be reduced to a **less than significant** level.

**Response b): Less than Significant.** No major stationary sources of groundborne vibration were identified in the project area that would result in the long-term exposure of proposed onsite land uses to unacceptable levels of ground vibration. In addition, the proposed project would not involve the use of any major equipment or processes that would result in potentially significant levels of ground vibration that would exceed these standards at nearby existing land uses. However, construction activities associated with the proposed project 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 commercial (self-storage) component of the project is not anticipated to generate significant noise levels, given that activities would be limited to vehicle traffic, and the non-commercial loading and unloading of materials to be stored in the units. The loading and unloading of materials and items to be stored would be done by hand, rather than by heavy equipment, and would not result in noises from forklift back-up beeps, etc.

However, the proposed project is expected to increase ambient noise levels in the project vicinity through the introduction of additional vehicle trips to area roadways, particularly along Corral Hollow Road. However, as described above, development of the site for urban uses and the subsequent increase in vehicle roadway noise was taken into consideration in the City of Tracy General Plan and General Plan EIR. On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for the increase in vehicle roadway noise resulting from adoption of the General Plan and EIR. 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. 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 requirements would place restrictions on the time of day that construction activities can occur, and includes additional techniques to reduce noise levels at adjacent residences during construction activities. The implementation of this requirement would reduce this temporary impact to a **less than significant** level.

*Project Requirements*

**Project Requirement 10:** *The following requirements shall be implemented during all construction phases of the project:*

- a) *Construction activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. Construction activities shall be prohibited on Sundays and federal holidays.*
- b) *Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations.*
- c) *Construction equipment staging areas shall be located at the furthest distance possible from nearby noise-sensitive land uses.*

**Response e): Less than Significant.** The Tracy Municipal Airport is the closest airport to the project site, located less than ½ mile to the southeast of the project site. The Airport is a general aviation airport owned by the City and managed by the Public Works Department. The City of Tracy adopted an Airport Master Plan in 1998, and the ALUC adopted an ALUCP in 2009 after analyzing the impacts to safety on surrounding development from the Tracy Municipal Airport.

The San Joaquin County Airport Land Use Plan establishes noise contours surrounding the Tracy Municipal Airport. As shown on Figure 4.14-3 of the Tracy General Plan Final Supplemental EIR (Certified on February 1, 2011), all of the proposed project dwelling units are located outside of both the 65 dBCNEL and the 60 dBCNEL noise contours for the Tracy Municipal Airport. The southwest corner the site is located within the 60 dBCNEL noise contour but no dwelling units are planned for that part of the site. 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 144 dwelling 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 a 144-unit apartment complex, the project would not indirectly induce population growth in other areas of the City of Tracy. The proposed self-storage units would not induce population growth, either directly or indirectly. The self-storage unit would not generate significant employment opportunities in Tracy, and would not expand the job base such that population growth may occur.

The potential for the project to directly induce population growth in the City of Tracy is not a significant impact in and of itself. Population growth can result in impacts to other environmental topics, such as traffic, service demands, etc. The population growth that would occur as a result of approval and development of the proposed project was considered in the Tracy General Plan and General Plan EIR. The proposed project is consistent with the land use designations for the site that were addressed in the General Plan EIR, and the environmental effects of the population growth generated by the project were considered in the analysis of buildout of the Tracy General Plan. Additionally, as described throughout this environmental document, the population growth attributable to the proposed project would not result in any significant site-specific environmental impacts to other environmental topics that cannot be mitigated to a less than significant level. 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.

**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:				
• Fire protection?			X	
• Police protection?			X	
• Schools?			X	
• Parks?			X	
• 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 seven paramedic engine companies, one ladder truck company and a Chief Fire Officer. Four fire stations are within the incorporated area of the City of Tracy, two are in the surrounding rural Tracy area, and one is located in the community of Mountain House. Beginning on September 13, 2015, the Fire Authority will no longer serve Mountain House, as Mountain House has contracted with a different agency for fire service.

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 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 has mitigated the deficiency in the area of the West Valley Mall through the relocation of Fire Station 96. Future development will create a need for expanded fire and emergency medical services.

Since November 2008, the Fire Department has expanded its provision of Advanced Life Support Services to all of its seven fire stations. Emergency medical services in Tracy and the surrounding areas are reported to be good, as Tracy is one of only three fire departments in San Joaquin County that provide Advanced Life Support services.

The project site and the surrounding area is served by Fire Station #97, which is located at 595 West Central Avenue, greater than two miles northeast of the project site. The project site is located outside of the Fire Department's established 4-minute travel time. Implementation of the proposed project may adversely impact existing fire and emergency services within the City and could require the construction of new fire protection facilities. The Fire Department has determined that the apartment project can be reasonably served in the interim until a new fire station is constructed and occupied. Service to the self-storage facility or any other commercial project would exceed the Fire Department's response time levels of tolerability, and a new fire station will need to be constructed and occupied prior to the occupancy of the self-storage facility.

Recognizing the potential need for increases in fire protection and emergency medical services, the City's General Plan includes policies to ensure that adequate related facilities are funded and provided to meet future growth (Objective PF-1.1, P1). This policy will be implemented through the review of all new projects within the SOI prior to development and through the collection of development impact fees for the funding of facilities. The project will pay its proportionate fair share toward the construction of a nearby fire station to serve this and other development in the vicinity.

In order to provide adequate fire protection and suppression services to the project site, the Tracy Fire Department must have access to adequate onsite hydrants with adequate fire-flow pressure available to meet the needs of fire suppression units. The final site plans and development specifications developed for the proposed project will indicate the location and design specifications of the fire hydrants that will be required within the project site. This is a **less than significant** impact.

## **ii) Police Protection**

The Tracy Police Department provides police protection services to the City of Tracy. Its headquarters are located at 1000 Civic Center Drive, and there are no satellite offices or plans to construct any in the near future. The City has a goal of a 5-minute response time for Priority 1 calls (life threatening situations).

The police station is located approximately 3.3 miles northeast 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. 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**.

### **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**.

**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 developing the Legacy Fields 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.”*

Rather than including land dedicated for park uses within the proposed project, the project applicant will be paying the required in-lieu fees for parks. The payment of the project’s fair share in-lieu parks fees to the City of Tracy, would ensure that this is a **less than significant** impact.

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

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

**RESPONSES TO CHECKLIST QUESTIONS**

**Response a), b): Less than Significant.** Development of the proposed project would add vehicle trips to the City’s roadway network. In order to identify roadway facility and intersection improvements needed to accommodate the traffic generated by buildout of the City’s General Plan, the City of Tracy prepared and adopted the 2012 Citywide Roadway and Transportation Master Plan (Transportation Master Plan). The Transportation Master Plan identifies a range of roadway and intersection improvements to be implemented over the next several years in order to maintain acceptable levels of service on City streets. The proposed project is consistent with the General Plan land use designation for the site, and is consistent with the assumed residential density levels for development of the site. The generation of vehicle traffic associated with the proposed project was considered during preparation of the Transportation Master Plan. The Transportation Master Plan identifies the roadway and intersection improvements needed in order to maintain acceptable levels of service throughout the City.

The project is responsible for the payment of fair share traffic mitigation fees to the City of Tracy. The payment of these fair-share traffic mitigation fees would assist the City of Tracy with implementation of the various improvements identified in the Transportation Master Plan, in order to maintain acceptable levels of service throughout the City.

A Traffic Impact Study was prepared by TJKM Transportation Consultants for the proposed project. The study analyzed the proposed project under four scenarios:

1. *Existing Conditions* – This scenario evaluated traffic and roadway conditions based on traffic counts and field surveys.
2. *Existing plus Project Conditions* – This scenario adds traffic generated by the Proposed Project to the previous scenario.
3. *2035 Cumulative Conditions* – the 2035 Cumulative traffic volumes were developed based on the published data contained in the City of Tracy Transportation Master Plan.
4. *2035 Cumulative plus Project Conditions* – In this scenario the projected traffic volume generated by the proposed project is added to the 2035 Cumulative Base Condition.

The study focused on evaluating traffic conditions at the following six intersections that may potentially be impacted by the proposed project:

1. Corral Hollow Road/Middlefield Road
2. Corral Hollow Road/W. Linne Road
3. Project Driveway/Corral Hollow Road (proposed)
4. Project Driveway/Middlefield Road
5. Tracy Boulevard/Whispering Wind Drive
6. Tracy Boulevard/W. Linne Road

Under existing plus Project conditions, all the study intersections are expected to continue operating at acceptable levels of service. The proposed project will implement the following project requirements to remain in compliance with the requirements described in the Transportation Master Plan.

#### *Project Requirements*

- A southbound left-turn pocket will be provided on Corral Hollow Road at the proposed driveway which will ensure safe queuing for vehicles waiting to enter the project site.
- To facilitate the flow of traffic at the proposed driveway and at the adjacent Middlefield Drive intersection, a right-turn deceleration lane will be provided. This will allow slower decelerating right-turn traffic to be removed from the through lanes on Corral Hollow Road.

The proposed project does not induce any additional required improvements beyond those that are listed above and those that are already included within the Transportation Master Plan. The implementation of the above listed measures and payment of the required traffic mitigation

fees to the City of Tracy would reduce project-related traffic impacts to a **less than significant** level.

**Response c): Less than Significant.** As discussed above under the Hazards Section, the proposed project is located within the Tracy Municipal Airport’s Airport Influence Area (AIA) with portions also within the Traffic Pattern Zone (TPZ), the Inner Turning Zone (ITZ), and Inner Approach Departure Zone (IADZ). However, none of the residential units are located within either the ITZ or IADZ. Additionally, there are no private airstrips within the vicinity of the project site. 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.** The proposed site plan provides adequate access to the project site, which would accommodate emergency vehicles. Implementation of the proposed project would have a less than significant impact related to emergency access, and would not interfere with an emergency evacuation plan. This is a **less than significant** impact and no mitigation is required.

**Response f): Less than Significant.** Parking for the proposed project would be provided by parking stalls located on the periphery of the project site. Section 10.08.3480 of the Tracy Municipal Code identifies parking requirements for residential projects. The minimum parking requirement for multiple-family residential projects is 1½ to 2 spaces per unit, plus addition space marked “guest” per every five units. According to this metric, the project would therefore require 216 to 288 parking spaces. Since the proposed project will include 300 parking spaces, the project meets City parking 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 payment of fair-share traffic mitigation fees would provide funding for implementation of the Transportation Master Plan, which includes bicycle, pedestrian, and alternative transportation improvements throughout the City. 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 Plant (WWTP) for treatment and disposal. The City’s wastewater collection system consists of gravity sewer lines, pump stations and the WWTP. A Sewer Study was developed for the proposed project by Carlson, Barbee, & Gibson, Inc. (CBG). 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 is in the process of expanding 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 2015.

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>6</sup> For this analysis, a unit generation factor of 176 gallons per day of wastewater per residential unit was used.<sup>7</sup> Therefore, the proposed project would generate up to 25,344 gallons per day of wastewater, or 0.02534 mgd of wastewater. The addition of 0.02534 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 EDUs are available to serve the proposed project, which would generate a wastewater demand of no more than 144 EDUs.

As other development projects within the City come forward, and building permits are issued, this remaining capacity will be reduced. Accordingly, as noted above and to ensure that capacity at the WWTP is available and sufficient to respond to planned future development demands, the City is proceeding with the next phase of expansion of the WWTP. The development of the 144 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.

The addition of 0.02534 mgd of wastewater would not exceed the treatment capacity of the City's WWTP. No improvements or expansions to the existing WWTP are required as a result of implementation of the proposed project, and the addition of project-generated wastewater would not result in any RWQCB violations related to effluent treatment or discharge.

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<sup>6</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>7</sup> Wastewater Flow and Loading Generation Factors Tracy Wastewater Master Plan (High Density Residential wastewater generation factor)

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 Corral Hollow Road. The proposed project's water demand was included in the demand calculations for the 2012 Citywide Water System Master Plan.

As described in the Hydraulic Evaluation prepared by West Yost Associates (dated March 6, 2015), the proposed project has an average day demand of approximately 28.5 gallons per minute (gpm). Maximum day demands and peak hour demands were calculated using the City's adopted peaking factors (from the Master Plan) of 2.0 and 3.4 times the average day demand, respectively, resulting in a maximum day demand of approximately 57 gpm and a peak hour demand of approximately 97 gpm. Annual potable water use is expected to be 46 acre-feet per year (af/yr).

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 af/yr from its various supply sources. Future agreements may increase the City's available water supply to over 49,500 af/yr.

In recent years, demand for potable water in the City of Tracy has been trending downward, due in large part to water conservation efforts during the recent drought. The 2010 total water demand in the City was 16,603 af/yr. Since the proposed project is expected to increase water demand by approximately 46 af/yr, the proposed project's water demand would not exceed the City's currently available water supply of over 31,500 af/yr. The City's water treatment and conveyance infrastructure is adequate to serve existing demand, as well as the demand created by the proposed project.

For comparison, the West Yost Hydraulic Evaluation also shows site water demands projected based on the incremental water difference between a commercial and residential development. This comparison indicates that the incremental water difference in projected potable water demands is 18 af/yr, which equates to a difference of 64 percent. Therefore, the developer of the proposed project may be required to increase their individual water connection fee by up to 64 percent. 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 throughout much of the 10.92-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.

As described above under the Hydrology and Water Quality Section, new development projects in the City of Tracy are required to provide site-specific storm drainage solutions and improvements that are consistent with the overall storm drainage infrastructure approach presented in the 2012 City of Tracy Citywide Storm Drainage Master Plan. Prior to approval of the Final Map, the project applicant is required to submit a detailed storm drainage infrastructure plan to the City of Tracy Development Services Department for review and approval. The project's storm drainage infrastructure plans must demonstrate adequate infrastructure capacity to collect and direct all stormwater generated on the project site within onsite retention/detention facilities to the City's existing stormwater conveyance system, and demonstrate that the project would not result in on- or off-site flooding impacts. The project is also required to pay all applicable development impact fees, which would include funding for offsite Citywide storm drainage infrastructure improvements identified in the 2012 City of Tracy Citywide Storm Drainage Master Plan. The development of an onsite storm drainage system, the payment of all applicable fees, and the implementation of Requirement 9 would ensure that this impact is **less than significant**.

**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 through the application of uniformly applied development policies and/or standards. The proposed project is required to implement a range of standard and uniformly applied development policies and standards, most of which are identified in the Tracy General Plan or various infrastructure master plans, which would reduce any potentially significant impacts to a less than significant level. The cumulative impacts associated with development of the project were considered, analyzed and disclosed in the City of Tracy General Plan and General Plan EIR. On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for all significant impacts associated with buildout of the Tracy General Plan. The project would not result in any cumulative impacts that were not contemplated in the General Plan EIR. The project would not result in any peculiar site-specific impacts, impacts to biological resources or impacts to cultural and/or historical resources. These are **less than significant** impacts.

Vision That Moves Your Community

## Final Report

### **Middlefield Apartments and Self- Storage Facility Traffic Impact Study**

In the City of Tracy

September 9, 2015





Vision That Moves Your Community

## Final Report

### **Middlefield Apartments and Self-Storage Facility Traffic Impact Study**

In the City of Tracy

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[www.tjkm.com](http://www.tjkm.com)

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## Table of Contents

<b>Introduction and Summary .....</b>	<b>1</b>
Introduction.....	1
Summary and Recommendations .....	1
<b>Existing Conditions (Scenario 1) .....</b>	<b>3</b>
Project Location .....	3
Existing Roadways.....	3
Level of Service Analysis Methodology.....	5
Level of Service Standards .....	5
Existing Traffic Volumes .....	6
Level of Service Analysis Results – Existing Condition.....	6
<b>Existing plus Project Conditions (Scenario 2).....</b>	<b>7</b>
Project Description .....	7
Trip Generation.....	7
Trip Distribution and Assignment.....	7
Level of Service Analysis – Existing Plus Project Conditions.....	10
Proposed Circulation .....	12
<b>2035 Cumulative Traffic Conditions (Scenario 3) .....</b>	<b>13</b>
Level of Service Analysis – 2035 Cumulative Traffic Condition .....	13
<b>2035 Cumulative plus Project Traffic Conditions (Scenario 4).....</b>	<b>16</b>
Level of Service Analysis – 2035 Cumulative plus Project Traffic Condition.....	16
Proposed Driveway on Corral Hollow Road.....	17
<b>Conclusions.....</b>	<b>19</b>

## List of Appendices

Appendix A – Level of Service Methodology	
Appendix B – Intersection Turning Movement Counts	
Appendix C – Level of Service Worksheets: Existing Conditions (Scenario 1)	
Appendix D – Level of Service Worksheets: Existing + Proposed Project (Scenario 2)	
Appendix E – 2035 Cumulative Traffic Condition (Scenario 3)	
Appendix F – 2035 Cumulative plus Project Traffic Condition (Scenario 4)	

## List of Figures

Figure 1: Vicinity Map, Existing Turning Movement Volumes & Lane Configurations	4
Figure 2: Proposed Site Plan	8
Figure 3: Proposed Project Trip Distribution	9
Figure 4: Existing plus Project Turning Movement Volumes & Lane Configurations	11
Figure 5: 2035 Cumulative Turning Movement Volumes & Lane Configurations	14
Figure 6: 2035 Cumulative plus Project Turning Movement Volumes & Lane Configurations	18

## List of Tables

Table I: Intersection Levels of Service – Existing Conditions (Scenario 1)	6
Table II: Proposed Project Trip Generation	7
Table III: Intersection Levels of Service – Existing plus Project Condition (Scenario 2)	10
Table IV: Comparison of Changes in Delay – between Existing Condition (Scenario 1) and Existing plus Proposed Project Condition (Scenario 2)	10
Table V: Intersection Levels of Service – 2035 Cumulative Conditions (Scenario 3)	15
Table VI: Intersection Levels of Service – 2035 Cumulative plus Project Conditions (Scenario 4)	16
Table VII: Comparison of Changes in Delay – between 2035 Cumulative Condition (Scenario 3) and 2035 Cumulative plus Proposed Project Condition (Scenario 4)	17

## Introduction and Summary

### Introduction

This report presents the results of TJKM's traffic impact study for the proposed Middlefield Drive Apartments and Self-Storage Facility located at the southeast quadrant of the intersection of Middlefield Drive and Corral Hollow Road in the City of Tracy. The proposed project consists of 144 residential units and 88,960 square feet (sq. ft.) of storage facility. The project vicinity map is shown in Figure I.

The purpose of this focused traffic study was to evaluate the potential traffic impacts resulting from the development of the proposed project, determine potential mitigation measures, and highlight critical traffic issues that should be addressed in the on-going planning process. The following four scenarios were analyzed:

1. *Existing Conditions* – This scenario evaluates existing traffic and roadway conditions based on traffic counts and field surveys.
2. *Existing plus Project Conditions* – This scenario adds traffic generated by the proposed Middlefield Drive Apartments and Self-Storage Facility to the previous scenario.
3. *2035 Cumulative Conditions* – the 2035 Cumulative traffic volumes were developed based on the published data contained in the City of Tracy Transportation Master Plan.
4. *2035 Cumulative plus Project Conditions* - In this scenario the projected traffic volume generated by the proposed Middlefield Drive Apartments and Self-Storage Facility is added to the 2035 Cumulative Base Condition.

The a.m., and p.m. peak hour periods were analyzed. The study focused on evaluating traffic conditions at the following six intersections that may potentially be impacted by the proposed project:

1. Corral Hollow Road/Middlefield Road
2. Corral Hollow Road/W. Linne Road
3. Project Driveway/ Corral Hollow Road (proposed)
4. Project Driveway/ Middlefield Road
5. Tracy Boulevard/Whispering Wind Drive
6. Tracy Boulevard/W. Linne Road

### Summary and Recommendations

TJKM has reached the following conclusions regarding the proposed in the City of Tracy:

- Under Existing Conditions (Scenario I), all of the study intersections operate at acceptable levels of service (LOS).
- The proposed Project is expected to generate approximately 57 trips during a.m. peak hour and 81 trips during p.m. peak hour.
- Under Existing plus Project Conditions (Scenario II), all the study intersections are expected to continue operating at acceptable levels of service.

A southbound left-turn pocket should be provided on Corral Hollow Road at the proposed driveway which will ensure safe queuing for vehicles waiting to enter the project site.

To safely facilitate the flow of traffic at the proposed driveway and at the adjacent Middlefield Drive intersection, it is recommended that a right-turn deceleration lane be

provided. This will allow slower decelerating right-turn traffic to be removed from the through lanes on Corral Hollow Road.

Site plan is under review and should be finalized with City approval.

- Under 2035 Cumulative Traffic Conditions (Scenario 3), it is estimated that three intersections would operate at LOS F under the existing traffic control and lane configuration. These are Corral Hollow Road/W. Linne Road, Tracy Boulevard/Whispering Wind Drive and Tracy Boulevard/W. Linne Road.
  - A signal would be required at the intersections of Corral Hollow Road/W. Linne Road and Tracy Boulevard/W. Linne Road. Additional lanes and signal timing changes would be required at the intersection of Tracy Boulevard/Whispering Wind Drive.
- Under 2035 Cumulative plus Project Traffic Condition (Scenario 4), it is estimated that three intersections would operate at LOS F under the existing traffic control and lane configuration. These are Corral Hollow Road/W. Linne Road, Tracy Boulevard/Whispering Wind Drive and Tracy Boulevard/W. Linne Road.
  - Similar to the 2035 Cumulative base condition, a signal would be required at the intersections of Corral Hollow Road/W. Linne Road and Tracy Boulevard/W. Linne Road. Additional lanes and signal timing changes would be required at the intersection of Tracy Boulevard/Whispering Wind Drive.
- - When Corral Hollow Road becomes a four or six lane high speed arterial in the future, it would be unsafe for the proposed unsignalized project driveway to provide full access movements. Therefore, it is recommended that the proposed project driveway becomes a right-in and right-out only driveway. The developer should work with the City to determine when this should occur in the future.

## Existing Conditions (Scenario I)

### Project Location

The Proposed Middlefield Drive Apartments and Self-Storage Facility is located at the southeast quadrant of the intersection of Middlefield Drive and Corral Hollow Road in the City of Tracy. An aerial view of the location is shown below. The project site and its vicinity are shown in Figure I.

### Existing Roadways

There are several key roadways serving the project site, as shown in Figure I and discussed below:

*Corral Hollow Road* is a major arterial that extends from south of I-580 to the south and north of I<sup>th</sup> Street to the north. It is generally a two-lane north-south arterial roadway in the vicinity of the project area, although it is up to six lanes wide in other areas. A Class II bike lane currently exists on the east side of Corral Hollow Road near the project area.

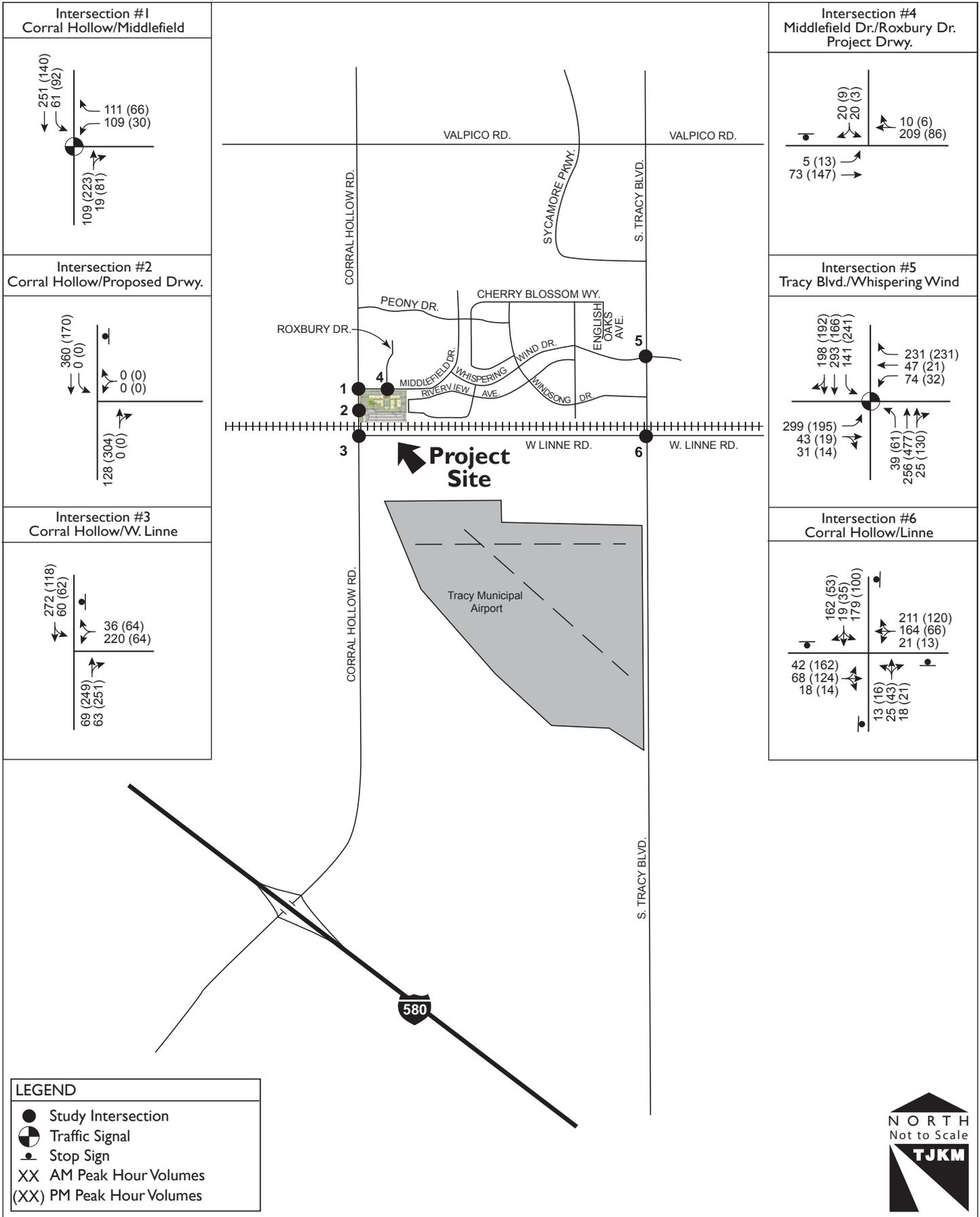
*Tracy Boulevard* is a major arterial that extends from north of I-205 to the north and south of I-580 to the south. It is generally a four-lane north-south arterial roadway that passes through downtown Tracy. In the project vicinity, it is a four-lane roadway with Class II bike lanes in each direction and a landscaped median. South of Linne Road, it is a two-lane rural road with no curb and gutter.

*Linne Road* is currently a two lane rural road that extends from Corral Hollow Road near the site easterly to I-5 and beyond. It is shown as an expressway in the future 2035 Tracy Transportation Master Plan.

*Valpico Road* is generally a two- to four- lane east-west road located to the north of the project site. It is shown as an arterial in the future 2035 Tracy Transportation Master Plan.

*Middlefield Road* is a local east-west collector street that provides access to the proposed project. East of the project it turns and becomes a north-south street. It is a two lane road with Class II bike lanes in each direction and a landscaped median.

The existing lane configurations for the five study intersections are depicted in Figure I.



### **Level of Service Analysis Methodology**

Level of Service is a qualitative index of the performance of an element of the transportation system. Level of Service (LOS) is a rating scale running from A to F, with A indicating no congestion of any kind, and F indicating intolerable congestion and delays.

The *2000 Highway Capacity Manual (HCM)* is the standard reference published by the Transportation Research Board, and contains the specific criteria and methods to be used in assessing LOS. There are several software packages that have been developed to implement HCM. In this study the Synchro software was used to calculate the LOS at the study intersections. A detailed description of the methodology is provided in Appendix A.

The method of unsignalized intersection capacity analysis used in this study is from Chapter 10, "Unsignalized Intersections" of the *Highway Capacity Manual, Special report No. 209*, Transportation Research Board, updated October 2000. This method applies to two-way STOP sign or YIELD sign controlled intersections (or one-way STOP sign or YIELD sign controlled intersections at three-way intersections). At such intersections, drivers on the minor street are forced to use judgment when selecting gaps in the major flow through which to execute crossings or turning maneuvers. Thus, the capacity of the controlled legs of an intersection is based on three factors:

1. The distribution of gaps in the major street traffic stream.
2. Driver judgment in selecting gaps through which to execute their desired maneuvers.
3. Follow-up time required to move into the front-of-queue position.

The level of service criterion for Two-Way STOP controlled intersections is somewhat different from the criterion used for signalized intersections. The primary reason for this is the difference that drivers expect a signalized intersection to carry higher traffic volumes than unsignalized intersections. Additionally, several driver behavior conditions combine to make delays at signalized intersections less onerous than at unsignalized intersections.

The LOS is reported for the minor approach. Depending on the availability of gaps, the minor approach might be operating at LOS D, E, or F while the overall intersection operates at LOS C or better. A minor approach that operates at LOS D, E, or F does not automatically translate into a need for a traffic signal. A signal warrant would still need to be met. There are many instances where only a few vehicles are experiencing LOS D, E, or F on the minor approach while the whole intersection operates at an acceptable LOS. A signal is usually not warranted under such conditions.

The justification for the installation of a traffic signal at an intersection is based on the warrants stated in the California Manual on Uniform Traffic Control Devices (MUTCD) published by Caltrans and the Federal Highway Administration (FHWA). The decision to install a signal should not be based solely upon the warrants, since the installation of traffic signals may increase certain types of collisions. Delay, congestion, approach conditions, driver confusion, future land use or other evidence of the need for right of way assignment beyond that which could be provided by stop signs must be demonstrated.

### **Level of Service Standards**

The City of Tracy has established LOS D, where feasible, as the minimum acceptable LOS for roadway and overall intersection operations. However, there are certain locations where these standards do not apply. The following lists the exceptions to the LOS D standard:

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

**Existing Traffic Volumes**

The existing turning movement counts at the five existing study intersections were collected during typical weekday a.m. (7:00-9:00) and p.m. (4:00-6:00) peak periods on February 21, 2013. Figure 1 shows the existing turning movement volumes at the five study intersections. The detailed count data is contained in Appendix B.

**Level of Service Analysis Results – Existing Condition**

The results of the LOS analysis at the study intersections are shown in Table I. Detailed calculations are contained in Appendix C.

**Table I: Intersection Levels of Service – Existing Conditions (Scenario I)**

Int.		Existing Control	Existing			
			AM		PM	
			Delay	LOS	Delay	LOS
1	Corral Hollow Road/Middlefield Drive	Signal	19.0	B	16.5	B
2	Project Driveway/ Corral Hollow Road	2WSC	Future Intersection			
3	Corral Hollow Road/W. Linne Road	2WSC	16.8	C	13.9	B
4	Project Driveway/ Middlefield Drive	2WSC	10	B	9.1	A
5	Tracy Boulevard/Whispering Wind Drive	Signal	33.8	C	34.7	C
6	Tracy Boulevard/W. Linne Road	AWSC	12.6	B	10.2	B

Notes: LOS = Level of Service; X = Intersection level of service  
 X.X = Overall intersection delay in seconds per vehicle  
 (X.X) = Delay for minor movement at Unsignalized intersection  
 2WSC = Two Way Stop Control and AWSC = All Way Stop Control

Currently, all study intersections operate at an acceptable level of service.

## Existing plus Project Conditions (Scenario 2)

In this scenario the projected traffic volume generated by the proposed Middlefield Drive Apartments and Self-Storage Facility is added to the Existing condition.

### Project Description

The proposed project consists of 144 residential units and 88,960 square feet (sq. ft.) of storage facility. The proposed project is located at the southeast quadrant of the intersection of Middlefield Drive and Corral Hollow Road in the City of Tracy, California as shown in Figure 2.

### Trip Generation

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

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 (9th Edition)*. As shown in Table III, the proposed project is expected to generate approximately 57 a.m. peak hour trips and 81 p.m. peak hour trips.

**Table II: Proposed Project Trip Generation**

Land Use (ITE Code)	Size		A.M. Peak						P.M. Peak					
			Rate/ Equation	In %	Out %	In	Out	Total Trips	Rate/ Equation	In %	Out %	In	Out	Total Trips
Mid-Rise Apartment (223)	144	DU	0.41*DU- 13.06	31	69	14	31	45	0.48*DU- 11.07	58	42	34	24	58
Storage (151)	88.96	1,000 SF	0.14	55	45	7	6	12	0.26	50	50	12	12	23
<b>Total</b>						<b>21</b>	<b>37</b>	<b>57</b>				<b>45</b>	<b>36</b>	<b>81</b>

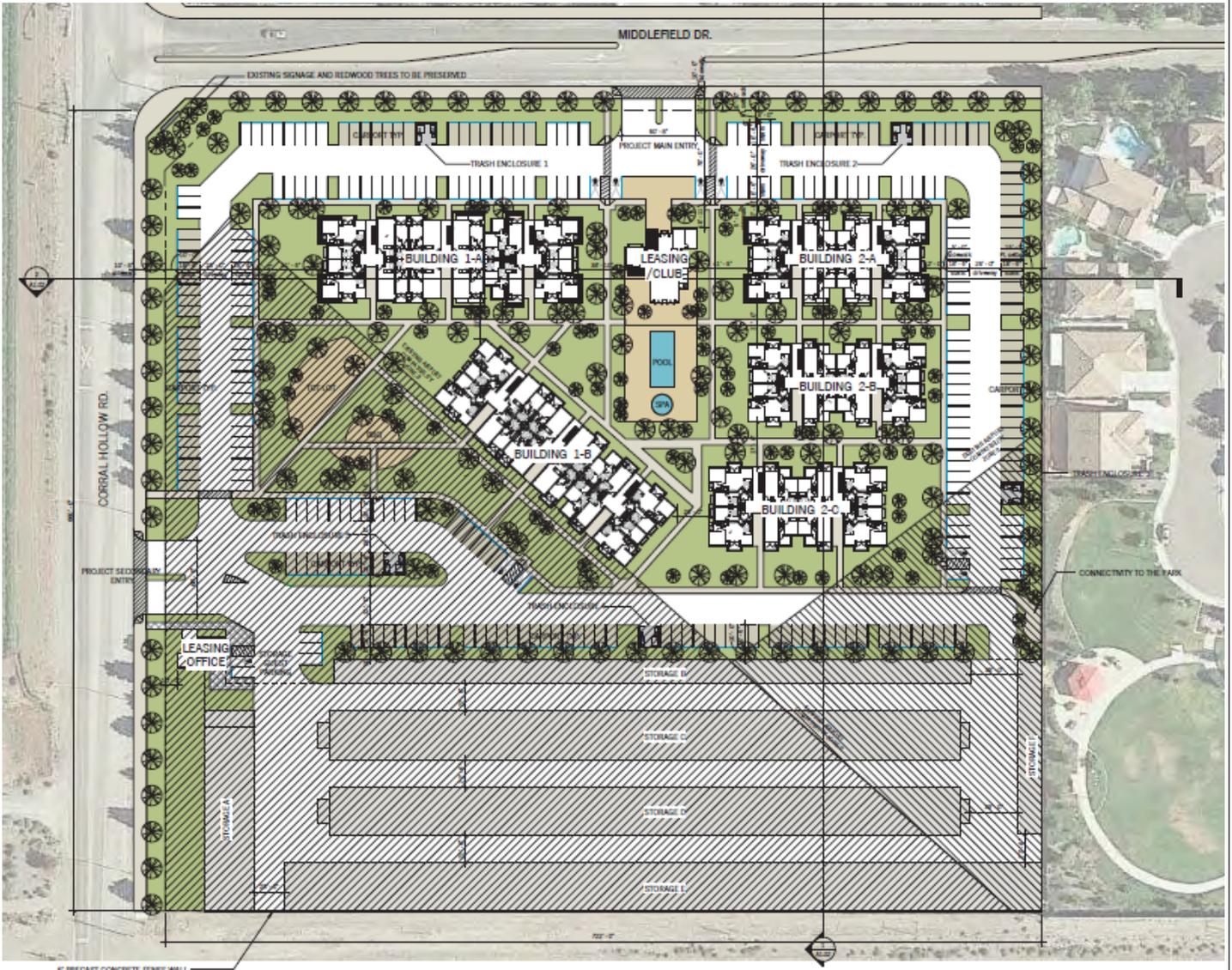
Note: ksf =1,000 square feet  
Source: ITE Trip Generation, 9<sup>th</sup> Edition.

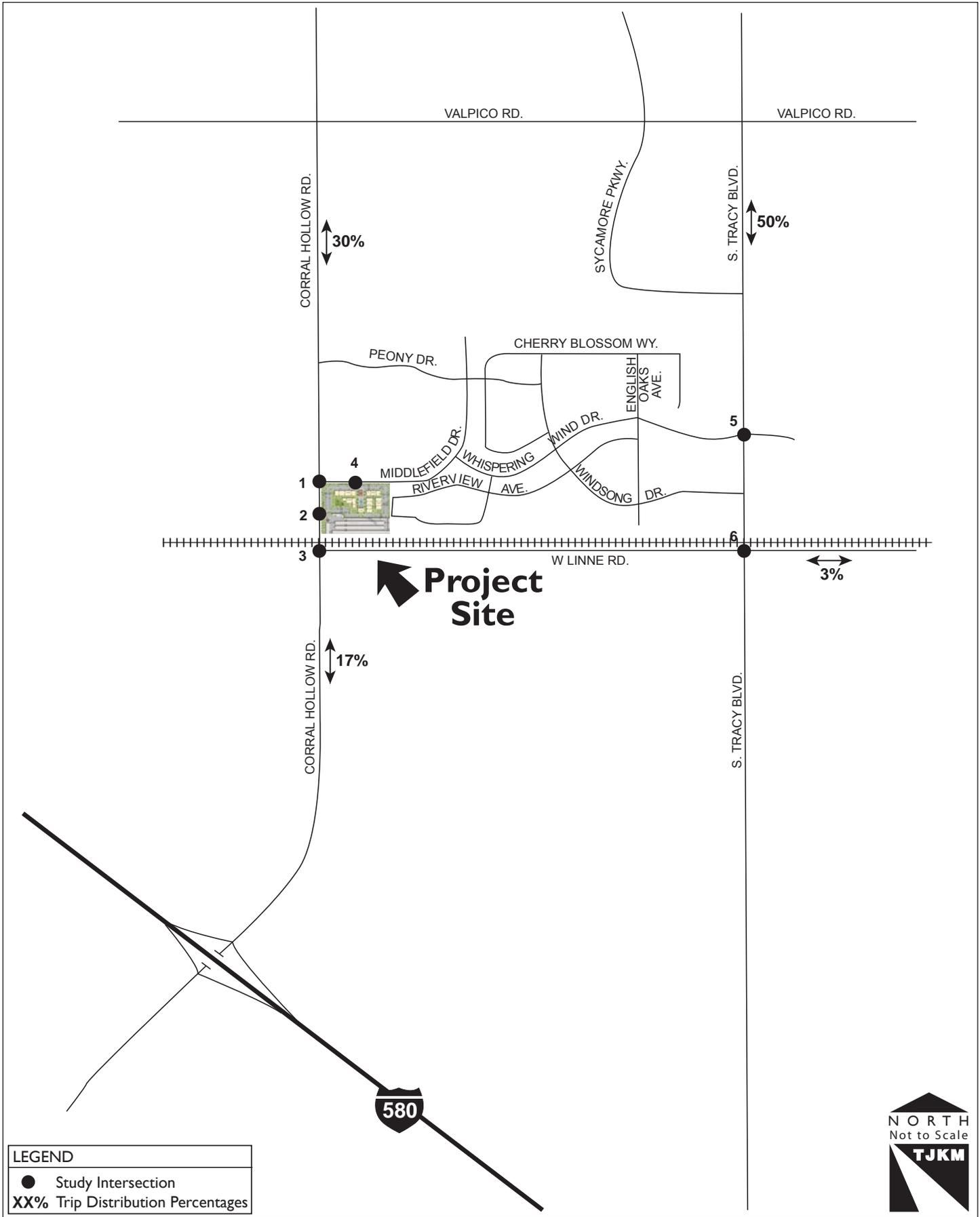
### Trip Distribution and Assignment

Trip distribution is the process of determining the proportion of vehicles that would travel between the project site and various destinations in the vicinity of the study area. Trip assignment is the process of determining the various paths vehicles would take from the project site to each destination. The proposed site plan is shown in Figure 2.

The trip distribution assumptions for the proposed project are based on traffic characteristics on the adjacent streets, as well as consultation with city staff.<sup>1</sup> Figure 3 shows the trip distribution assumptions for the proposed project.

<sup>1</sup> Trip generation and distribution information are based on discussions with Ripon Bhatia and Cris Mina, City of Tracy on September 20, 2012





### Level of Service Analysis – Existing Plus Project Conditions

The projected Existing plus Project peak hour turning movement volumes are shown in Figure 4. The results of the intersection LOS analysis under this scenario are shown in Table III. It is estimated that all intersections would operate at acceptable LOS. The detailed LOS calculations are contained in Appendix D.

**Table III: Intersection Levels of Service – Existing plus Project Condition (Scenario 2)**

Int.		Existing Control	Existing				Existing + Project			
			AM		PM		AM		PM	
			Delay	LOS	Delay	LOS	Delay	LOS	Delay	LOS
1	Corral Hollow Road/Middlefield Drive	Signal	19.0	B	16.5	B	19.1	B	17.2	B
2	Project Driveway/ Corral Hollow Road	2WSC	Future Intersection				9.6	A	10.4	9.6
3	Corral Hollow Road/W. Linne Road	2WSC	16.8	C	13.9	B	17.2	C	14.2	B
4	Project Driveway/ Middlefield Drive	2WSC	10	B	9.1	A	10.4	B	9.8	A
5	Tracy Boulevard/Whispering Wind Drive	Signal	33.8	C	34.7	C	34.1	C	35.1	C
6	Tracy Boulevard/W. Linne Road	AWSC	12.6	B	10.2	B	12.6	A	10.2	A

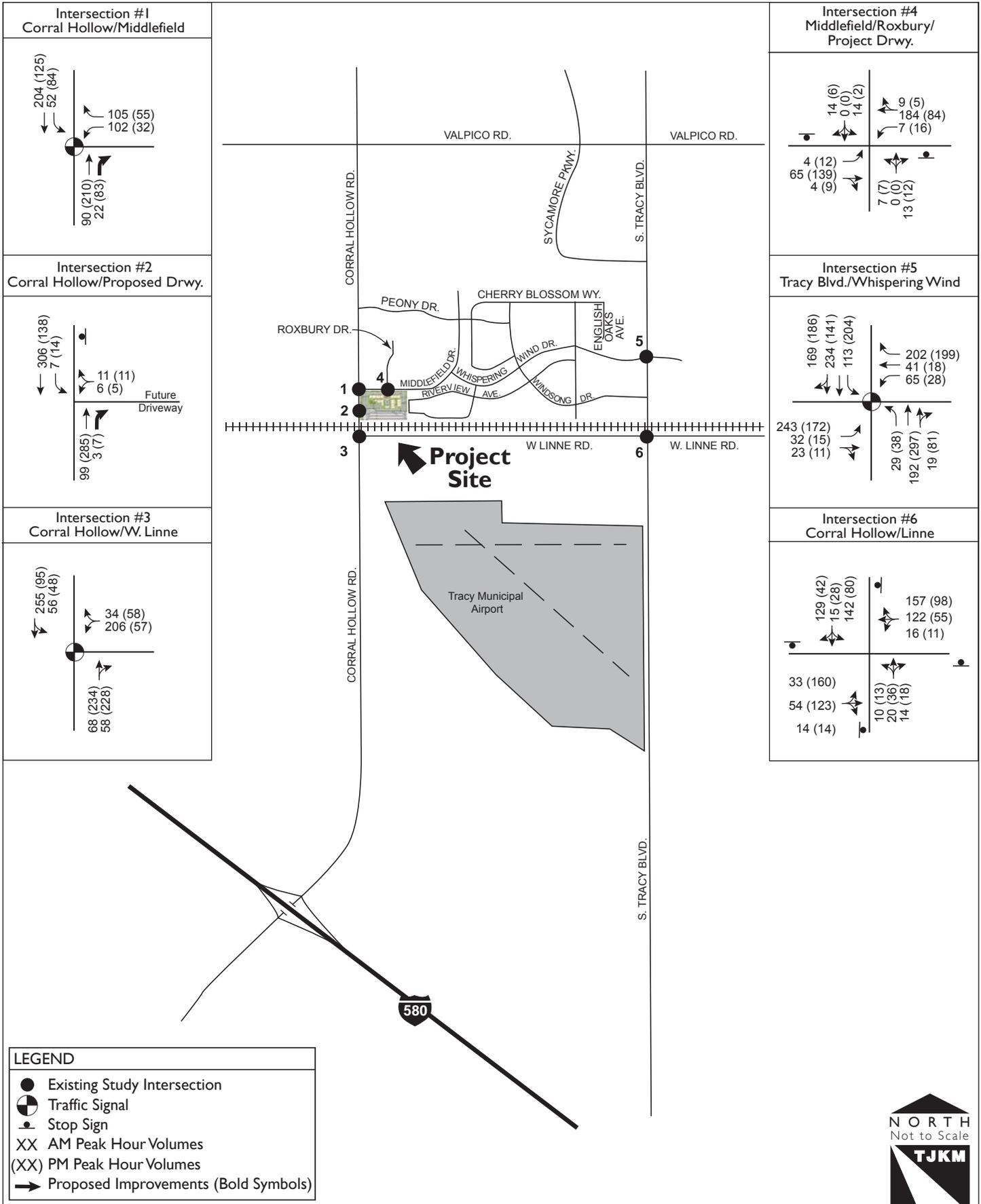
Notes: LOS = Level of Service; X = Intersection level of service  
 X.X = Overall intersection delay in seconds per vehicle  
 (X.X) = Delay for minor movement at Unsignalized intersection  
 2WSC = Two Way Stop Control and AWSC = All Way Stop Control

Table IV shows the change in delay between the Existing condition and the Existing plus Project condition at the study intersections. It is estimated that minimal additional delays are expected at all study intersections.

**Table IV: Comparison of Changes in Delay – between Existing Condition (Scenario 1) and Existing plus Proposed Project Condition (Scenario 2)**

Int.		Existing Control	Changes in Delay, seconds	
			AM	PM
1	Corral Hollow Road/Middlefield Drive	Signal	0.1	0.7
2	Project Driveway/ Corral Hollow Road	2WSC	-	-
3	Corral Hollow Road/W. Linne Road	2WSC	0.4	0.3
4	Project Driveway/ Middlefield Drive	2WSC	0.4	0.7
5	Tracy Boulevard/Whispering Wind Drive	Signal	0.3	0.4
6	Tracy Boulevard/W. Linne Road	AWSC	0.0	0.0

Notes: 2WSC = Two Way Stop Control and AWSC = All Way Stop Control



As shown in Figure 4, it is estimated that approximately 20 percent of the projected traffic would be using the proposed driveway on Coral Hollow Road to head southbound towards I-580. A railroad track is located at approximately 400 feet to the south of the proposed driveway on Corral Hollow Road. And the distance between the railroad tracks and Linne Road is approximately 105 feet. Currently standard railroad arms with automatic flashing light system exits to control traffic on both directions of Coral Hollow Road. The projected southbound left-turn queue at Corral Hollow Road and Linne Road is minimal. The existing system should be adequate to accommodate additional project traffic.

#### *Southbound Left-Turn Pocket*

A southbound left-turn pocket should be provided on Corral Hollow Road at the proposed driveway which will ensure safe queuing for vehicles waiting to enter the project site.

#### *Northbound Right-Turn Lane At Middlefield Drive*

The City's long term Roadway Master Plan shows Corral Hollow Road to be a four or six lane major arterial roadway. Consequently, it is expected to function as a high speed roadway and is projected to carry a large amount of traffic in the long run.

Therefore to safely facilitate the flow of traffic at the proposed driveway and at the adjacent Middlefield Drive intersection, it is recommended that a right-turn deceleration lane be provided. This will allow slower decelerating right-turn traffic to be removed from the through lanes on Corral Hollow Road.

### **Proposed Circulation**

As shown on the proposed site plan (Figure 2) two driveways are proposed: one located on Middlefield Drive and the other on Corral Hollow Road. The driveway on Middlefield Drive leads directly into the residential development while the driveway on Corral Hollow Road leads into the proposed development with more direct access to the proposed storage facility. The widths of both driveways are shown to be 60 feet and 60 feet 8 inches respectively. This is quite wide for driveways considering that typically commercial driveways are 40 feet (including tapers) and residential driveways are 24 feet. Driveways that are wider than warranted could be unsafe when vehicles turn into the development at unsafe speed.

The overall internal circulation seems to flow well. Landscaping plants at locations of all intersecting corners should be kept to lower than 3.5 feet. This will ensure sight visibilities are not obstructed.

Parking stalls are located on the periphery of the proposed residential project. Parking stalls are 18-foot in length and 9-foot wide. The parking aisle is generally 24-foot. However, the parking aisle along the southern boundary between the storage facility and the apartments is shown as 22-foot wide. A 24-foot wide aisle or larger is typically shown for 8-foot wide and 18-foot long parking stall. To avoid difficulties for parking maneuver along this stretch of the development, perhaps adjustments could be made to the landscape area to provide for a wider travel aisle.

#### *Vehilce Queue At Storage Facility*

It is recommended that vehicle queuing for at least three cars be provided between the gate to the storage facility and the proposed driveway. This will prevent vehicles from blocking the proposed driveway on Corral Hollow Road.

### **2035 Cumulative Traffic Conditions (Scenario 3)**

Based on consultations with City staff, the 2035 Cumulative traffic volumes were developed based on the published data contained in the City of Tracy Transportation Master Plan (TMP).<sup>2</sup> Some of the roadway assumptions in the vicinity of the study area include:

- New interchange at Lammers Road/I-580
- Extension of Linne Road to Lammers Road
- Corral Hollow Road (4 lane arterial)
- Linne Road (6 lane expressway)
- Tracy Blvd (4 lane arterial)

#### *Development of 2035 Intersection Turning Movement Volumes*

The TMP report showed the 2035 peak hour volumes for major roadway segments. A process was developed to derive the peak hour turning movement volumes at the six study intersections. One of the standard processes to derive intersection peak hour turning movement volumes from a roadway link volumes is the procedure documented in National Cooperative Highway Research Program Report (NCHRP 255), *Highway Traffic Data for Urbanized Area Project Planning and Design*.

Based on the methodology, the two methods available to factor ADT forecasts to peak hour volumes are the growth factor and increment methods. The growth method adjusts traffic counts by applying the ratio of future year to base year volumes in the model to base year volumes. The increment method adjusts traffic counts by increment from the base year model to the future year model. In this study, the growth factor method was used. A software version of NCHRP 255 called Turns 32 was used to derive the peak hour turning movement volumes in this study. More information is contained in Appendix E.

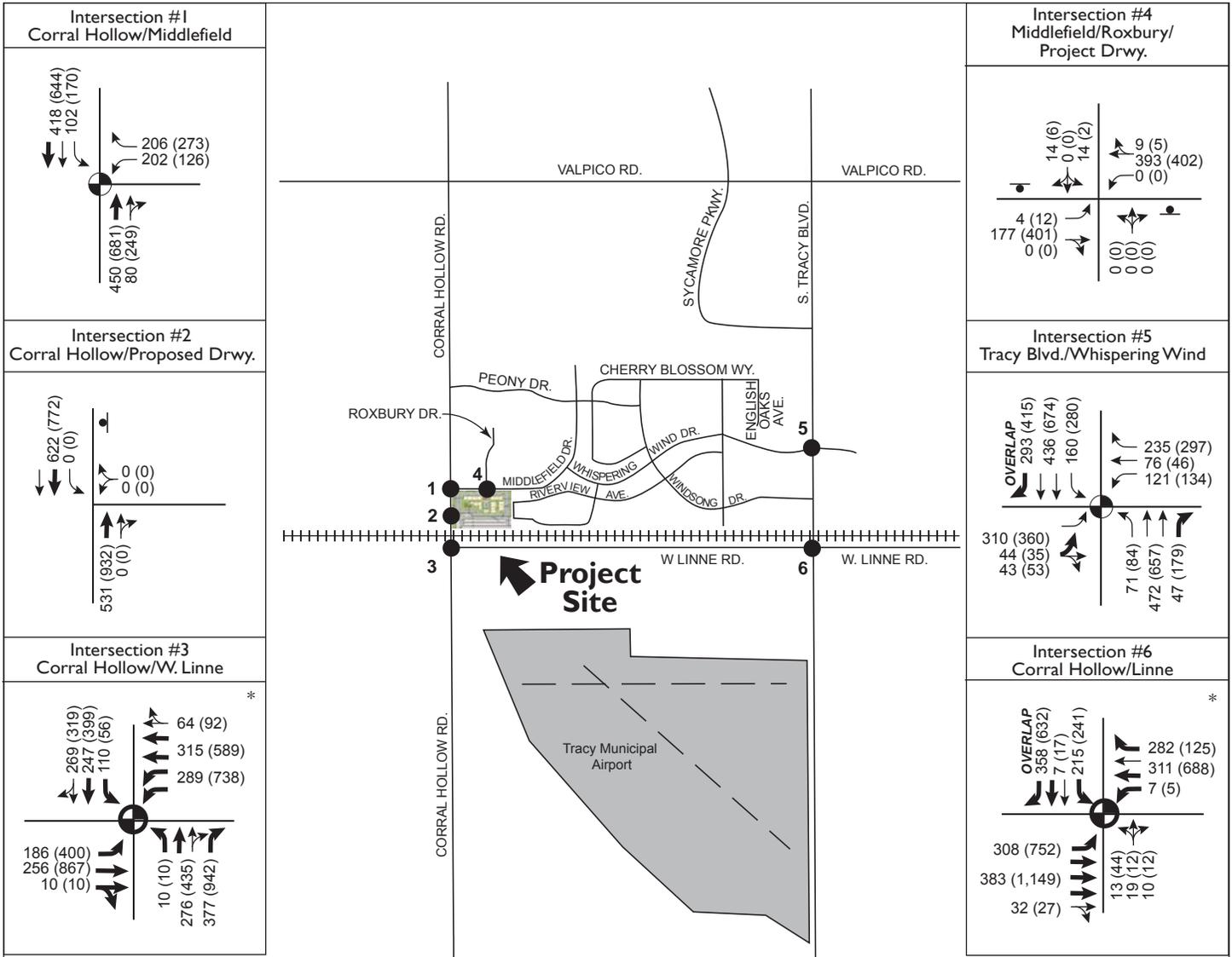
TJKM completed the forecasts for intersection turning movement volumes utilizing the NCHRP 255 methodology indicated above and made appropriate adjustments.

#### **Level of Service Analysis – 2035 Cumulative Traffic Condition**

The projected 2035 Cumulative peak hour turning movement volumes are shown in Figure 5. The results of the intersection LOS analysis under this scenario are shown in Table V. The detailed LOS calculations are contained in Appendix E.

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<sup>2</sup> Based on email from Cris Email, March 14, 2013  
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**LEGEND**

- Existing Study Intersection
- ⊙ Traffic Signal
- ⊙ Stop Sign
- XX AM Peak Hour Volumes
- (XX) PM Peak Hour Volumes
- Proposed Improvements (Bold Symbols)
- ⊙ Proposed New Signal

\* Lane configuration obtained from Tracy Roadway Master Plan



**Table V: Intersection Levels of Service – 2035 Cumulative Conditions (Scenario 3)**

Int.		Existing Control	2035 Cumulative Base				Future Control	2035 Cumulative Base			
			AM		PM			AM		PM	
			Delay	LOS	Delay	LOS		Delay	LOS	Delay	LOS
1	Corral Hollow Road/Middlefield Drive	Signal	20.7	C	39.3	D	Signal	20.0	C	23.1	C
2	Project Driveway/Corral Hollow Road	2WSC	Future Intersection				2WSC	Future Intersection			
3	Corral Hollow Road/W. Linne Road	2WSC	>120	F	>120	F	<b>Signal</b>	29.0	C	46.0	D
4	Project Driveway/Middlefield Drive	2WSC	13	B	12.7	B	2WSC	13	B	12.7	B
5	Tracy Boulevard/Whispering Wind Drive	Signal	41.1	D	96.4	F	Signal	33.8	C	49.1	D
6	Tracy Boulevard/W. Linne Road	AWSC	296.3	F	907.9	F	<b>Signal</b>	29.7	C	36.7	D

Notes: LOS = Level of Service; X = Intersection level of service  
 X.X = Overall intersection delay in seconds per vehicle  
 (X.X) = Delay for minor movement at Unsignalized intersection  
 2WSC = Two Way Stop Control and AWSC = All Way Stop Control  
**Signal (Bold font)** – New signal control improvement required

As shown in Table V, it is estimated that three intersections would operate at LOS F under the existing traffic control and lane configuration. These are Corral Hollow Road/W. Linne Road, Tracy Boulevard/Whispering Wind Drive and Tracy Boulevard/W. Linne Road.

A signal would be required at the intersections of Corral Hollow Road/W. Linne Road and Tracy Boulevard/W. Linne Road. Additional lanes and signal timing changes would be required at the intersection of Tracy Boulevard/Whispering Wind Drive. The proposed improvements are shown in Figure 5.

## 2035 Cumulative plus Project Traffic Conditions (Scenario 4)

In this scenario the projected traffic volume generated by the proposed Middlefield Drive Apartments and Self-Storage Facility is added to the 2035 Cumulative Base Condition. As shown in Table III, the proposed project is expected to generate approximately 57 a.m. peak hour trips and 81 p.m. peak hour trips.

### Level of Service Analysis – 2035 Cumulative plus Project Traffic Condition

The projected 2035 Cumulative peak hour turning movement volumes are shown in Figure 5. The results of the intersection LOS analysis under this scenario are shown in Table VI. The detailed LOS calculations are contained in Appendix F.

**Table VI: Intersection Levels of Service – 2035 Cumulative plus Project Conditions (Scenario 4)**

Int.		Existing Control	2035 Cumulative plus Project				Future Control	2035 Cumulative plus Project			
			AM		PM			AM		PM	
			Delay	LOS	Delay	LOS		Delay	LOS	Delay	LOS
1	Corral Hollow Road/Middlefield Drive	Signal	21.3	C	43.5	D	Signal	20.3	C	23.8	C
2	Project Driveway/Corral Hollow Road	2WSC	11.7	B	16.5	C	2WSC	10	B	11.7	B
3	Corral Hollow Road/W. Linne Road	2WSC	>120	F	>120	F	<b>Signal</b>	29.0	C	46.6	D
4	Project Driveway/Middlefield Drive	2WSC	14.3	B	17.3	C	2WSC	14.3	B	17.3	C
5	Tracy Boulevard/Whispering Wind Drive	Signal	42.3	D	101.7	F	Signal	34	C	49.9	D
6	Tracy Boulevard/W. Linne Road	AWSC	296.8	F	908.6	F	<b>Signal</b>	29.7	C	36.8	D

Notes: LOS = Level of Service; X = Intersection level of service  
 X.X = Overall intersection delay in seconds per vehicle  
 (X.X) = Delay for minor movement at Unsignalized intersection  
 2WSC = Two Way Stop Control and AWSC = All Way Stop Control  
**Signal (Bold font)** – New signal control improvement required

As shown in Table V, similar to the 2035 Cumulative base condition, it is estimated that three intersections would operate at LOS F under the existing traffic control and lane configuration. These are Corral Hollow Road/W. Linne Road, Tracy Boulevard/Whispering Wind Drive and Tracy Boulevard/W. Linne Road.

Similar to the 2035 Cumulative base scenario, a signal would be required at the intersections of Corral Hollow Road/W. Linne Road and Tracy Boulevard/W. Linne Road. Additional lanes and signal timing changes would be required at the intersection of Tracy Boulevard/Whispering Wind Drive. The proposed improvements are shown in Figure 5.

Table VII shows the change in delay between the 2035 Cumulative condition and the 2035 Cumulative plus Project condition at the study intersections. It is estimated that project traffic would contribute minimal additional delays to all study intersections.

**Table VII: Comparison of Changes in Delay – between 2035 Cumulative Condition (Scenario 3) and 2035 Cumulative plus Proposed Project Condition (Scenario 4)**

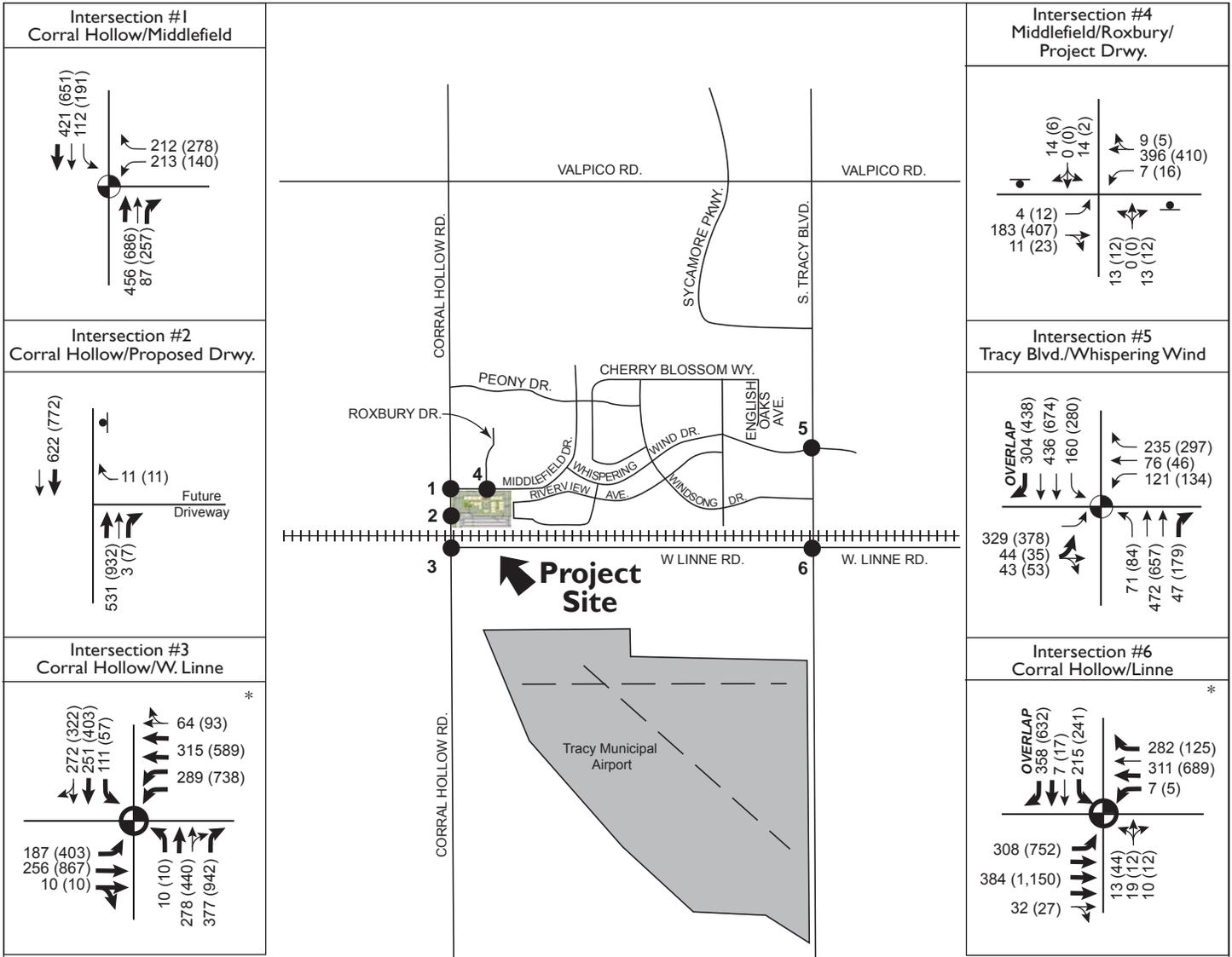
Int.		Future Control	Changes in Delay, seconds	
			AM	PM
1	Corral Hollow Road/Middlefield Drive	Signal	0.3	0.7
2	Project Driveway/ Corral Hollow Road	2WSC	-	-
3	Corral Hollow Road/W. Linne Road	<b>Signal</b>	0.0	0.6
4	Project Driveway/ Middlefield Drive	2WSC	1.3	4.6
5	Tracy Boulevard/Whispering Wind Drive	Signal	0.2	0.8
6	Tracy Boulevard/W. Linne Road	<b>Signal</b>	0.0	0.1

Notes: 2WSC = Two Way Stop Control and AWSC = All Way Stop Control  
**Signal (Bold font)** – New signal control improvement required

### Proposed Driveway on Corral Hollow Road

As mentioned earlier, the City’s long term Roadway Master Plan shows Corral Hollow Road to be a four or six lane major arterial roadway. Consequently, it is expected to function as a high speed roadway and is projected to carry a large amount of traffic in the long run.

When Corral Hollow Road becomes a four or six lane high speed arterial in the future, it would be unsafe for the proposed unsignalized project driveway to provide full access movements. Therefore, it is recommended that the proposed project driveway becomes a right-in and right-out only driveway. The developer should work with the City to determine when this should occur in the future.



**LEGEND**

- Existing Study Intersection
- ⊙ Traffic Signal
- Stop Sign
- XX AM Peak Hour Volumes
- (XX) PM Peak Hour Volumes
- Proposed Improvements (Bold Symbols)
- ⊕ Proposed New Signal

\* Lane configuration obtained from Tracy Roadway Master Plan



## Conclusions

TJKM has reached the following conclusions regarding the proposed Middlefield Drive Apartments and Self-Storage Facility located at the southeast quadrant of the intersection of Middlefield Drive and Corral Hollow Road in the City of Tracy:

- Under Existing Conditions (Scenario I), all of the study intersections operate at acceptable levels of service (LOS).
- The proposed Project is expected to generate approximately 57 trips during a.m. peak hour and 81 trips during p.m. peak hour.
- Under Existing plus Project Conditions (Scenario II), all the study intersections are expected to continue operating at acceptable levels of service.  
A southbound left-turn pocket should be provided on Corral Hollow Road at the proposed driveway which will ensure safe queuing for vehicles waiting to enter the project site.

To safely facilitate the flow of traffic at the proposed driveway and at the adjacent Middlefield Drive intersection, it is recommended that a right-turn deceleration lane be provided. This will allow slower decelerating right-turn traffic to be removed from the through lanes on Corral Hollow Road.

Site plan is under review and should be finalized with City approval.

- Under 2035 Cumulative Traffic Conditions (Scenario 3), it is estimated that three intersections would operate at LOS F under the existing traffic control and lane configuration. These are Corral Hollow Road/W. Linne Road, Tracy Boulevard/Whispering Wind Drive and Tracy Boulevard/W. Linne Road.
  - A signal would be required at the intersections of Corral Hollow Road/W. Linne Road and Tracy Boulevard/W. Linne Road. Additional lanes and signal timing changes would be required at the intersection of Tracy Boulevard/Whispering Wind Drive.
- Under 2035 Cumulative plus Project Traffic Conditions (Scenario 4), it is estimated that three intersections would operate at LOS F under the existing traffic control and lane configuration. These are Corral Hollow Road/W. Linne Road, Tracy Boulevard/Whispering Wind Drive and Tracy Boulevard/W. Linne Road.
  - Similar to the 2035 Cumulative base condition, a signal would be required at the intersections of Corral Hollow Road/W. Linne Road and Tracy Boulevard/W. Linne Road. Additional lanes and signal timing changes would be required at the intersection of Tracy Boulevard/Whispering Wind Drive.
  - When Corral Hollow Road becomes a four or six lane high speed arterial in the future, it would be unsafe for the proposed unsignalized project driveway to provide full access movements. Therefore, it is recommended that the proposed project driveway becomes a right-in and right-out only driveway. The developer should work with the City to determine when this should occur in the future.

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## Appendix A – Level of Service Methodology

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## Appendix B – Intersection Turning Movement Counts

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**Appendix C – Level of Service Worksheets: Existing Conditions  
(Scenario I)**

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**Appendix D – Level of Service Worksheets: Existing + Proposed  
Project (Scenario 2)**

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## Appendix E – 2035 Cumulative Traffic Condition (Scenario 3)

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**Appendix F – 2035 Cumulative plus Project Traffic Condition  
(Scenario 4)**

ROSEN  
GOLDBERG  
DER &  
LEWITZ, INC.

Acoustical and Audiovisual Consultants

10 September 2014

Bruce Myers  
VP of Land Development  
Pacific Union Land Company, Inc.  
675 Hartz Avenue, Suite 300  
Danville, CA 94526

Subject: Traffic Noise Analysis  
Project: Middlefield Apartments  
RGDL #: 14-032

Dear Bruce:

We have completed the requested traffic noise analysis for the project site. The purpose of our analysis is to determine whether a noise barrier is necessary to reduce traffic noise levels to meet the City's General Plan exterior noise standard.

The City of Tracy General Plan Noise Element standard for exterior noise at new multi-family residential land use is a Day/Night Average Sound Level ( $L_{dn}$ ) of 65 dBA. This standard is applied to community outdoor recreation areas. It is not applied to balconies.

The conceptual site plan for the project (dated 20 December 2013) indicates two outdoor recreation areas. One is a pool near the center of the site and the other is a tot lot and BBQ area on the western side of the site.

To quantify the future traffic noise exposure at these outdoor areas the Federal Highway Administration's Traffic Noise Model (TNM 2.5) was used. This model calculates noise based on the traffic volumes, truck mix, travel speeds and three dimensional coordinates of the roadways, barriers/buildings and noise receptors.

According to the project traffic study (dated 16 May 2013), the future (2035 with the project) peak hour traffic volume will be 1700 vehicles per hour along Corral Hollow Road and 869 vehicles per hour along Middlefield Road. A conservative truck mix of 12% was assumed for Corral Hollow and 2% was assumed for Middlefield. Travel speeds were based on the posted speed limits. It was assumed that, with the project grading, the elevation of the site will be approximately the same as the adjacent roadways.

RECEIVED

SEP 29 2014

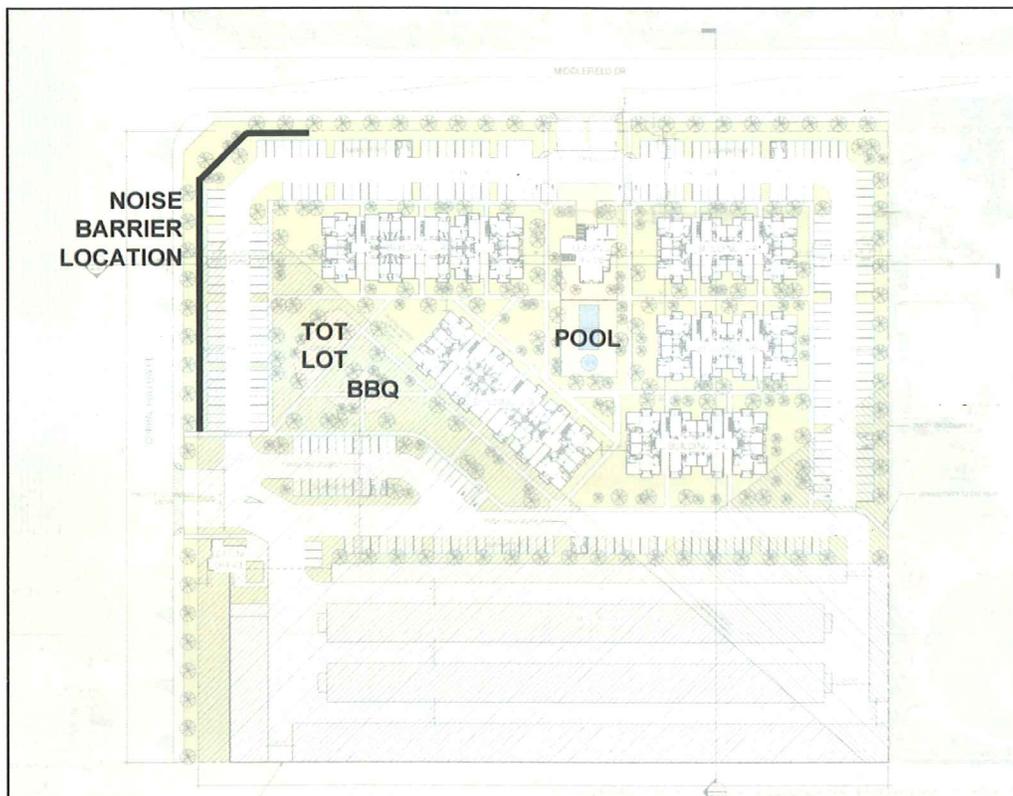
The calculated future traffic  $L_{dn}$  is 58 dBA at the pool area and 68 dBA at the Tot lot/BBQ area. Therefore, the pool area would be within the City's standard of  $L_{dn}$  65 dBA while the Tot lot/BBQ area would exceed the standard by 3 dBA.

Acoustical shielding from structures or a property line wall along Corral Hollow Road can reduce the future traffic noise level at the Tot lot/BBQ area to an  $L_{dn}$  of 65 dBA or less. Based on our review there are two options to achieve the required traffic noise reduction (see Figures 1 and 2).

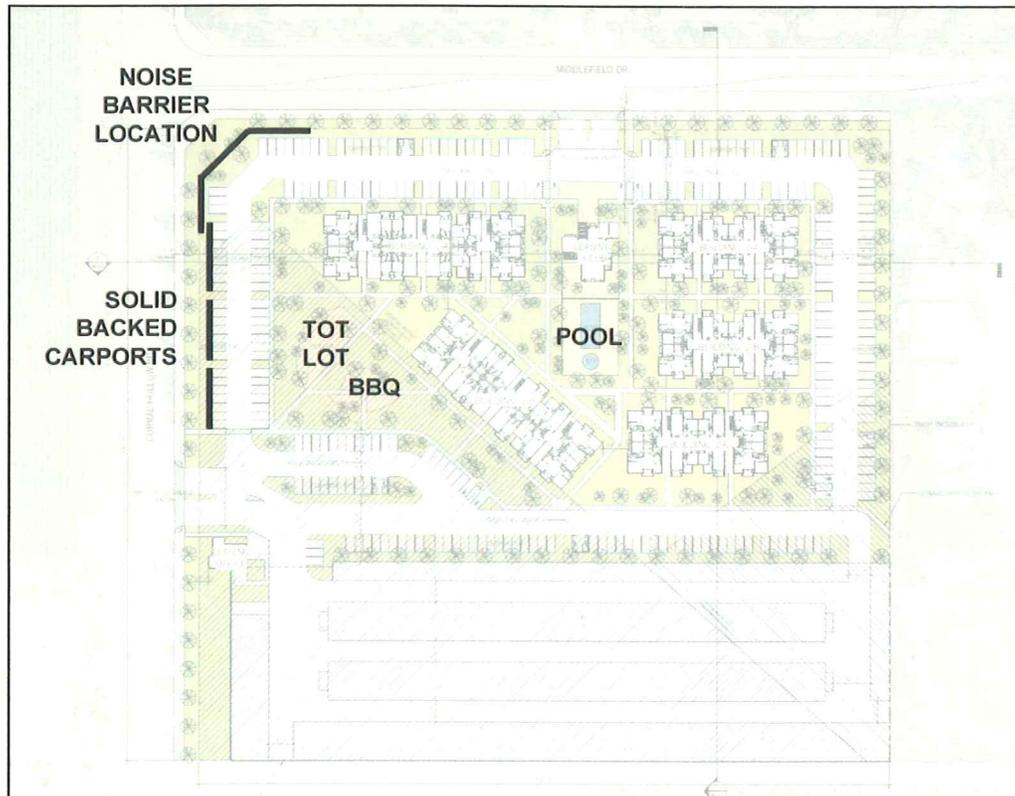
1. A continuous 6-foot-high barrier along Corral Hollow Road from the site driveway and around the corner at Middlefield Road.
2. A continuous 6-foot-high barrier at the corner of Corral Hollow and Middlefield Roads as well as 8-foot-high solid backed carports at the parking area between the Tot lot/BBQ area and Corral Hollow Road.

The barrier can be masonry, wood or an earthen berm. If the barrier is wood it should be solid with no cracks or gaps and have a minimum surface density of 2.5 pounds per square foot.

**Figure 1: Noise Barrier Option 1**



**Figure 2: Noise Barrier Option 2**



The project is also subject to requirements for interior noise levels. Specifically, the State of California Building Code requires new multi-family dwelling units to achieve an interior  $L_{dn}$  of 45 dBA due to exterior sources. This requirement is repeated by the the City of Tracy General Plan in Policy P5 of the Noise Element. Policy P7 includes an additional interior noise standard from single event noise from railroads and aircraft. This standard requires that typical maximum instantaneous noise level ( $L_{max}$ ) be limited to 50 dBA in bedrooms and 55 dBA in other rooms. Due to the proximity of the project to the airport and the railroad corridor, this requirement will also apply to the project.

To meet the indoor noise requirements, sound-rated windows and doors will be needed at the some or all of the dwelling units. The sound-ratings will depend on the unit/building floor plans as well as the window/door locations and sizes. Therefore, the detailed recommendations should be determined during the detailed architectural design phase of the project development.

Bruce Myers  
10 September 2014  
Page 4

This concludes our current comments. Please contact us if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Goldberg", with a stylized flourish at the end.

Harold S. Goldberg, P.E.  
Principal  
Rosen Goldberg Der & Lewitz, Inc.

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE CITY OF TRACY AMENDING THE EDGEWOOD PLANNED UNIT DEVELOPMENT TO ALLOW MULTI-FAMILY AND SELF-STORAGE USES AT THE SOUTHEAST CORNER OF CORRAL HOLLOW ROAD AND MIDDLEFIELD DRIVE, ASSESSOR'S PARCEL NUMBERS 244-020-07. THE APPLICANT IS PACIFIC UNION LAND COMPANY, INC. AND PROPERTY OWNER IS EDGEWOOD LANE DEVELOPERS, LP. APPLICATION NUMBER PUD12-0002

The City Council of the City of Tracy does ordain as follows:

SECTION 1: The 10.92-gross acre site located at the southwestern corner of the Edgewood Planned Unit Development designated as neighborhood shopping center, Assessor's Parcel Number 244-020-07, is amended to allow multi-family residential and self-storage uses.

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 on the 15<sup>th</sup> day of December, 2015, finally adopted on the 5<sup>th</sup> day of January, 2016, and became effective on the 5<sup>th</sup> day of February, 2016, by the following vote:

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

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

ORDINANCE \_\_\_\_\_

AN ORDINANCE OF THE CITY OF TRACY AMENDING THE EDGEWOOD PLANNED UNIT DEVELOPMENT TO ALLOW MULTI-FAMILY USES AT THE SOUTHEAST CORNER OF CORRAL HOLLOW ROAD AND MIDDLEFIELD DRIVE, ASSESSOR'S PARCEL NUMBERS 244-020-07. THE APPLICANT IS PACIFIC UNION LAND COMPANY, INC. AND PROPERTY OWNER IS EDGEWOOD LANE DEVELOPERS, LP. APPLICATION NUMBER PUD12-0002

The City Council hereby ordains as follows:

SECTION 1: The 10.92-gross acre site located at the southwestern corner of the Edgewood Planned Unit Development designated as neighborhood shopping center, Assessor's Parcel Number 244-020-07, is amended to allow multi-family residential uses.

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 on the 15<sup>th</sup> day of December, 2015, finally adopted on the 5<sup>th</sup> day of January, 2016, and became effective on the 5<sup>th</sup> day of February, 2016, by the following vote:

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

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

RESOLUTION \_\_\_\_\_

APPROVING THE PRELIMINARY AND FINAL DEVELOPMENT PLAN FOR A 144-UNIT APARTMENT COMPLEX AND ASSOCIATED OUTDOOR AREAS. THE PROJECT IS LOCATED AT THE SOUTHEAST CORNER OF CORRAL HOLLOW ROAD AND MIDDLEFIELD DRIVE, ASSESSOR'S PARCEL NUMBERS 244-020-07. THE APPLICANT IS PACIFIC UNION LAND COMPANY, INC. AND PROPERTY OWNER IS EDGEWOOD LANE DEVELOPERS, LP. APPLICATION NUMBER D13-0017

WHEREAS, Edgewood Lane Developers, LP submitted an application to amend the Edgewood Planned Unit Development Concept Development Plan to permit multi-family residential uses and self-storage use at an approximately 10.92-acre site at the southeast corner of Corral Hollow Road and Middlefield Drive (PUD12-0002) and an application for a Preliminary and Final Development Plan for a 144-unit apartment complex with associated parking and recreation areas at the subject site (D13-0017), and

WHEREAS, The proposed project is consistent with the General Plan and the Concept Development Plan; the proposed architecture complements the architectural quality of the adjacent residences and apartments by including such architectural elements as hip roofs, a mix of stucco and horizontal siding, wood and metal accents, and split-face block; the proposed development plan and improvements along the streetscape are designed to complement that of the adjacent apartment complex, the project includes a pedestrian connection to the adjacent park; large landscaped areas are provided between buildings to provide open space and separation between buildings, the parking area is designed for good vehicular circulation and pedestrian paths are provided between buildings to facilitate pedestrian circulation through the site and provide efficient access to adjacent self-storage site, the project will not impair property values or benefits of occupancy of other properties in the vicinity, and the project will not impact the health, safety, and general welfare of the community, and

WHEREAS, The project is consistent with the General Plan for which an Environmental Impact Report was certified and is exempt from the California Environmental Quality Act per Section 15183 and for which an analysis of the project against the checklist contained in Section 15183 was performed, and

WHEREAS, The Planning Commission conducted a public hearing to review and recommended approval of the project on October 28, 2015, and

WHEREAS, The City Council conducted a public hearing to review and consider the project on December 15, 2015;

NOW, THEREFORE, BE IT RESOLVED, That the City Council hereby approves the Preliminary Development Plan and Final Development Plan for the Middlefield Apartments consisting of 144 units and associated outdoor parking and recreational areas at the southeast corner of Corral Hollow Road and Middlefield Drive, subject to conditions stated in Exhibit "1," attached and made part hereof.

\*\*\*\*\*

The foregoing Resolution 2015-\_\_\_\_\_ was adopted by the City Council on the 15<sup>th</sup> day of December, 2015, by the following vote:

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

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

**City of Tracy**  
**Conditions of Approval**  
Middlefield Apartments  
Application Number D13-0017  
December 15, 2015

**A. General Provisions and Definitions.**

A.1. General. These Conditions of Approval apply to:

The Project: Preliminary and Final Development Plan for the Middlefield Apartments

The Property: Northerly 7.36-acres of the parcel located at the southeast corner of Corral Hollow Road and Middlefield Drive, Assessor's Parcel Number 244-020-07

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, defined as a "Developer."
- b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
- c. "City Regulations" means all written laws, rules and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design documents (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).
- d. "Development Services Director" means the Development Services Department 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 (Application Number D13-0017). The Conditions of Approval shall specifically include all City of Tracy conditions set forth herein.
- f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The Developer may be the property owner or the leasee, where responsibilities for improvements are distributed among each party. The term "Developer" shall include all successors in interest.

A.3. Compliance with submitted plans. Except as otherwise modified herein, the apartment project shall be constructed in substantial compliance with the Preliminary and Final Development Plan, which includes the site plan, floor plans, architectural elevations,

and parking area and landscaping plan received by the Development Services Department on October 1, 2015.

- 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), Standard Plans, and Design Goals and Standards.
- A.7. Protest of fees, dedications, reservations, or other exactions. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

## **B. Development Services Planning Division Conditions**

Contact: Kimberly Matlock (209) 831-6430 kimberly.matlock@ci.tracy.ca.us

- B.1. Mitigation Measures. Unless specifically modified by these Conditions of Approval, the Applicant shall comply with all applicable mitigation measures identified in the General Plan Environmental Impact Report, dated February 1, 2011.
- B.2. School Mitigation. Before the issuance of a building permit, the Applicant shall document compliance with all applicable school mitigation requirements consistent with City Council standards and obtain certificate of compliance from the Jefferson Elementary School District for each new residential building permit.
- B.3. APCD Compliance. The Applicant shall comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District (APCD), including District Rule 9510, Regulation VIII, and payment of all applicable fees.

- B.4. Habitat Conservation. The Applicant 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, a pre-construction survey prior to ground disturbance and payment of all applicable fees, to the satisfaction of San Joaquin Council of Governments.
- B.5. ALUCP Compliance. The Applicant shall comply with the San Joaquin County's 2009 Airport Land Use Compatibility Plan, including, but not limited to, the following standards and project design conditions, to the satisfaction of the San Joaquin Council of Governments and the San Joaquin County Airport Land Use Commission (ALUC) staff before the approval of a building permit for Conditions B.5.1 through B.5.5.:
- B.5.1. 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:
- B.5.1.a. 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);
  - B.5.1.b. Sources of dust, steam, or smoke which may impair pilot visibility;
  - B.5.1.c. Sources of electrical interference with aircraft communications or navigation. No transmissions which would interfere with aircraft radio communications or navigational signals are permitted.
  - B.5.1.d. Any proposed use, especially landfills and certain agricultural uses, that creates an increased attraction for large flocks of birds.
- B.5.2. Within the Inner Approach Departure Zone (2) and the Inner Turning Zone (3):
- B.5.2.a. ALUC review is required for any proposed object taller than 35 feet AGL.
  - B.5.2.b. An Aviation Easement shall be dedicated to the City of Tracy, as the owner of Tracy Municipal Airport, to convey rights associated with aircraft overflight of a property, including creation of noise, limits on the height of structures and trees, etc.
  - B.5.2.c. All residences and office buildings shall have a minimum NLR of 45 dB.
- B.5.3. Within all zones, occupied structures must be soundproofed to reduce interior noise to 45 dB according to State Guidelines.
- B.5.4. Within the AIA, ALUC review is required for any proposed object taller than 100 feet AGL.
- B.5.5. Regardless of location within San Joaquin County, ALUC review is required in addition to FAA notification in accordance with Code of Federal Regulations, Part 77 for any proposal for construction or alteration under the following conditions:
- B.5.5.a. If requested by the FAA.

- B.5.5.b. Any construction or alteration that is more than 200 ft. AGL at its site.
- B.5.5.c. Any construction or alteration that exceeds an imaginary surface extending outward and upward at 100 to 1 for a horizontal distance of 20,000 ft. of a public use or military airport from any point on the runway of each airport with its longest runway more than 3,200 ft.
- B.5.5.d. Any highway, railroad or other traverse way whose prescribed adjusted height would exceed the above noted standards.
- B.5.5.e. Any construction or alteration located on a public use airport or heliport regardless of height or location.
- B.5.6. For new residential development within any airport's influence area (AIA), deed notices are required per the California Civil Code as well as the San Joaquin County's Airport Land Use Compatibility Plan. These notices are a form of buyer awareness measure whose objective is to ensure that prospective buyers of airport area property, particularly residential property, are informed about the airport's impact on the property. A statement similar to the following should be included on the deed for any real property subject to the deed notice requirements set forth in the San Joaquin County Airport Land Use Compatibility Plan. Such notice should be recorded by the county of San Joaquin.

Sample Deed Notice

*The San Joaquin County Airport Land Use Commission's Airport Land Use Compatibility Plan identify the Tracy Municipal Airport's Airport Influence Area. Properties within this area are routinely subject to overflights by aircraft using this public-use airport and, as a result, residents may experience inconvenience, annoyance, or discomfort arising from the noise of such operations. State law (Public Utilities Code Section 21670 et seq.) establishes the importance of public-use airports to the public interest of the people of the state of California.*

- B.6. Landscaping. Before the approval of a building permit, the Applicant shall provide detailed landscape and irrigation plans that demonstrate the following to the satisfaction of the Development Services Director:
  - B.6.1. Compliance with the landscaping requirements set forth in the TMC Off-Street Parking ordinance.
  - B.6.2. No less than 40% of the parking area is shaded in canopy tree coverage at tree maturity. Shade trees shall achieve a minimum canopy diameter of 25 feet at maturity.
  - B.6.3. A planting legend indicating, at minimum, the quantity, planting size, and height and width at maturity. Trees shall be a minimum of 24" box size, shrubs shall be a minimum size of 5 gallon, and vines and groundcover shall be a minimum size of 1 gallon.
  - B.6.4. Where parking stalls are perpendicular to landscape or hardscape areas, the landscape or hardscape area shall be extended two feet into the length of the

- parking stall in lieu of a wheel stop. This parking stall overhang may not be double-counted toward other parking area minimum landscape requirements.
- B.6.5. Where trees are planted ten feet or less from a sidewalk or curb, root barriers dimensioned 8 feet long by 24 inches deep shall be provided adjacent to such sidewalk and curb, centered on the tree.
- B.6.6. Accent trees shall be planted along the street side perimeter of the site spaced between twenty-five to thirty-five feet apart such that they are visible from the public right-of-way.
- B.7. Landscape and Irrigation Maintenance. Before the issuance of a building permit, the Applicant shall execute an Agreement for Maintenance of Landscape and Irrigation Improvements and submit financial security to the Development Services Department. The Agreement shall ensure maintenance of the on-site landscape and irrigation improvements for a period of two years. Said security shall be equal to the actual material and labor costs for installation of the on-site landscape and irrigation improvements or \$2.50 per square foot of on-site landscape area.
- B.8. Parking Area. Before the approval of a building permit, the Applicant shall submit detailed plans that demonstrate the following:
- B.8.1. All parking stalls dimensioned in accordance with City Standard Plan 154.
- B.8.2. Twelve-inch wide concrete curbs provided 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.9. Lighting. Before the approval of a building permit, the Applicant shall submit detailed plans that demonstrate the following:
- B.9.1 A minimum of one foot candle throughout the parking area.
- B.9.2. All exterior and parking area lighting shall be directed downward or shielded to prevent glare or spray of light onto any adjacent private property to the satisfaction of the Development Services Director, except for the overspray onto the adjacent public park as required in Condition E.2.C, below.
- B.10. Security Fencing. Prior to issuance of a building permit, the Applicant shall submit detailed plans demonstrating the location and design of a durable, non-chain link, high quality fence for the security of the undeveloped portion of the site. The fence shall be comprised of black metal, such as tube steel, and shall be maintained until the construction of the undeveloped portion is underway, to the satisfaction of the Development Services Director. No barbed wire or razor wire is permitted on the fence.
- B.11. Noise Analysis Recommendation. Before the approval of a building permit, the Applicant shall submit detailed plans for the sound wall and solid backed carports described as Option 2 in the Noise Analysis prepared by Rosen Goldberg Der & Lewitz, Inc. dated September 10, 2014. The carport walls shall be designed match the

carports and the sound wall shall be designed to match the existing wall to which it will be attached to the satisfaction of the Development Services Director.

- B.12. Sound Wall. Before the approval of a building permit, the Applicant shall submit detailed plans for the continuation of the sound wall along the southern property line along Linne Road. The wall shall be comprised of design, materials, color, texture, and height to match the existing sound wall to the satisfaction of the Development Services Director.
- B.13. Trash and Recycling Enclosures. Before the approval of a building permit, the Applicant shall submit plans for the design of the trash and recycling enclosure. The enclosure shall architecturally match the main building, such as painting the posts to match main building walls and the roof to match main building roofs, to the satisfaction of the Development Services Director. The walls shall be seven feet or greater in height to fully screen the height of the bins, and the door shall be constructed of a solid metal door attached to posts which are attached to the walls.
- B.14. Roof equipment. Before final inspection or certificate of occupancy, all roof-mounted and/or through-roof 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 fully screened from view from any public right-of-way to the satisfaction of the Development Services Director.
- B.15. Above-ground Utilities. 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 any public right-of-way behind structures or landscaping to the satisfaction of the Development Services Director.
- B.16. Exterior appurtenances. Before final inspection or certificate of occupancy, all vents, gutters, downspouts, flashing, and electrical conduits shall be internal to the structures and other wall-mounted or building-attached utilities and bollards 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.

## C. Development Services Engineering Division Conditions

Contact: Criseldo S. Mina, P. E (209) 831-6425 cris.mina@ci.tracy.ca.us

### C.1. General Conditions

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

- a) Middlefield Apartments and Self-Storage Facility Project *Traffic Impact Study in the City of Tracy, prepared by TJKM Transportation Consultants, dated May 16, 2013 ("Traffic Analysis")*.
- b) *Revised Hydraulic Evaluation of Middlefield Apartments and Self-Storage Facility Project, prepared by West Yost Associates, dated March 6, 2015 ("Water Analysis")*.

C.1.2 Developer shall comply with the requirements of the Finance Plan for Plan "C" approved by City Council.

C.1.3 Improvements on the frontage of the Project shall comply with the Precise Plan Line for Corral Hollow Road prepared by Ruggeri-Jensen-Azar titled "Plan Line Study, Corral Hollow Road as approved by the City Council.

### C.2. Grading Permit

The City will not accept grading permit application for the Project 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 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.
- C.2.4. Two (2) sets of the Project's Geotechnical Report signed and stamped by a licensed Geotechnical Engineer licensed to practice in the State of California, as required in Condition C.3.1(a), below. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, percolation rate, and elevation of the highest observed groundwater level.
  - C.2.5. A copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD).
  - C.2.6. 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. 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) and 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. Signed and notarized Offsite Improvement Agreement (OIA) and Improvement Security, to guarantee completion of the identified public improvements that are necessary to serve the Project as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with Section 12.36.080 of the Tracy Municipal Code (TMC), and the OIA. The Developer's obligations in the OIA shall be deemed to be

satisfied upon City Council's acceptance of the public improvements and release of the Improvement Security.

- C.3.4. 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.3.5. Traffic Control Plan signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California.
  - C.3.6. Signed and notarized Pipeline Crossing Agreement with UPRR, for the installation, use, repair, and maintenance of the Project's permanent water connection from Linne Road through the UPRR right-of-way, as required in Condition 5.2(b), below.
- C.4. Improvement Plans - Improvement Plans shall contain the design, construction details and specifications of public improvements that is/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. Site Grading
      - a. Include all proposed erosion control methods and construction details to be employed and specify materials to be used. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Geotechnical Engineer. A copy of the Project's Geotechnical Report must be submitted with the Grading and Storm Drainage Plans.
      - b. When the grade differential between the Project Site and adjacent property(s) exceeds 12 inches, a reinforced or masonry block, or engineered retaining wall is required for retaining soil. The Grading Plan shall show construction detail(s) of the retaining wall or masonry wall. The entire retaining wall and footing shall be constructed 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, if the grade differential is less than 2 feet and subject to approval by the City Engineer. The Grading and Storm Drainage Plans must show the extent of the slope easement(s). The

Developer shall be responsible for obtaining permission from owner(s) of the adjacent and affected property(s). The slope easement must be recorded, prior to the issuance of the final building certificate of occupancy.

- d. 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.4.1.2. Storm Drainage

- a. The Developer shall design and install the Project's permanent drainage connection(s) to the City's existing storm facility located on Middlefield Drive per City Regulations and as approved by the City Engineer. Storm drainage calculations for the sizing of the on-site storm drainage system and the Project's permanent storm drainage connection must be submitted with the Improvement Plans.
- b. The design and construction details of the Project's permanent storm drainage connection shall meet City Regulations and shall comply with the applicable requirements of the City's Storm Water Quality Control Standards and storm water regulations that were adopted by the City Council in 2008 and any subsequent amendments. The design and construction details of the Project's permanent storm drainage connection shall be incorporated in the Offsite Improvement Plans.
- c. Prior to the final inspection of the first building to be constructed on the Property, 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. 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.4.2. Offsite Improvement Plans

##### C.4.2.1. Sanitary Sewer

- a. Per the Sewer Study prepared by Carlson, Barbee & Gibson, Inc., dated August 13, 2013, the Developer shall design and construct sewer line with adequate capacity to serve the Project from the Property to the existing sewer line in Middlefield Drive.

- b. Prior to the issuance of Grading Permit for the Project, Developer shall submit improvement plans and secure approval of plans from the City's Building Division for the design of the on-site sewer improvements.
- c. The Developer is hereby notified that the City has limited wastewater treatment capacity in the City's Wastewater Treatment Plant until current and future expansion capital improvement projects are completed and operational. As of January 2015, the City had an unused capacity of approximately 4200 EDU's within its wastewater treatment plant available to new development within the City on a first come-first served basis. These EDU's are currently available to serve the proposed project, but as other development projects within the City come forward and building permits are issued, this remaining capacity will be reduced.

C.4.2.2. Water Distribution System

- a. The City's Water Consultant, West Yost & Associates has completed the technical evaluation of the ability of the City's existing water distribution system to meet required minimum pressures and flows for the proposed Project. The results of that analysis are included in the Technical Memorandum dated March 6, 2015 entitled "*Revised Hydraulic Evaluation of Middlefield Drive Apartments and Self-Storage Facility*" (*Water Analysis*). The Developer shall comply with all the recommendations in the Water Analysis. All water connections that are bigger than 2 inches in diameter shall be Ductile Iron Pipe (DIP).
- b. The Developer shall complete the design and installation of water lines and connections as recommended in the Water Analysis (Figure 4) including the 12-inch diameter DIP from the Project to Linne Road to be located within Don Cose Park to the east of the Project and under the Union Pacific Railroad Company (UPRR) right-of-way (Offsite Water Line Improvements), prior to final inspection of the first building to be constructed within the Property.
- c. UPRR Water Line Crossing - The proposed water line crossing within the UPRR property will require written permission or pipeline crossing agreement and permanent utility easement from UPRR. The Developer shall submit a signed pipeline crossing agreement prior to starting work within UPRR's right-of-way. The Developer shall pay all costs associated with obtaining written permission and a pipeline crossing agreement with UPRR and the granting of the necessary utility easements. The pipeline crossing agreement will require approval from the City Council. The Developer shall also obtain tunnel classification relative to flammable gas or vapors, and submit all required documentation to meet applicable requirements of the California Occupational Safety and Health Administration.

The Developer shall provide the City the tunnel classification issued by the Cal-OSHA Department of Industrial Relations, prior to starting the work.

- d. In order to guarantee completion of the Offsite Water Line Improvements, the Developer shall enter into an improvement agreement (Offsite Improvement Agreement or OIA) and post improvement security in the amounts and form in accordance with section 12.36.080 of the TMC, and as required by these Conditions of Approval. The Developer shall submit the signed and notarized OIA with the necessary improvement security, prior to the issuance of the Grading Permit.
- e. Reimbursements for the Offsite Water Line Improvements
  - 1) The cost of Offsite Water Line Improvements is estimated at \$361,000, of which, \$22,770 (6% of the total estimated pipeline construction cost) is the obligation of the Project. If the Developer completes the installation of the Offsite Water Line Improvements, the Developer will be entitled to fee credits and reimbursements as outlined below. Total fee credits and reimbursements be based on the actual cost, subject to annual adjustment based on the percentage increase in the Engineering News Record Construction Cost Index. The amount of fee credits and reimbursements shall be determined during the review of improvement plans.
  - 2) The Developer shall be eligible for fee credits for impact fees assessed for Water Distribution (additional capacity) upon execution of the OIA and posting of security. These fees for the Project are estimated at \$193,839.
  - 3) The City will be collecting Water Master Plan Program Fees from the Ellis Specific Plan Area Project up to a maximum of \$114,800 at buildout of the Ellis Plan Area project per Ellis Finance Implementation Plan. City will reimburse the Developer for costs expended on the Offsite Water Line Improvements in excess of \$193,839 (or then current water fee credits if higher) from the Water Master Plan Program Fees as future Development Impact Fees are collected from the Ellis Project, up to the \$114,800 limit.
  - 4) Construction costs in excess of \$308,639 will be eligible for reimbursement to be paid from a Benefit Assessment District (Benefit District) that will collect fees from future developments located within Pressure Zone 3 that directly benefit from the Offsite Water Line Improvement. (A breakdown of fair share responsibilities of the parcels and projects that will benefit from the proposed Whirlaway 12-inch Water Pipeline is shown on Table 1 of the *Middlefield Pipeline Cost Share* supplemental

memorandum prepared by West Yost Associates, dated October 2015.)

The Developer shall make a written request to the City for the formation of a Benefit District prior to the approval of improvement plans for the Offsite Water Line. Reimbursement request(s) will be processed in accordance with Chapter 12.60 of the TMC.

- f. On-site Booster Pumps Alternative: As an alternative to constructing the Offsite Water Line Improvements, the Developer may opt to install two on-site (private) jockey pumps as described in the Water Analysis (“Booster Pumps Alternative”). The Developer shall submit plans and specifications for the Booster Pumps Alternative with the onsite improvement plans for review and approval by the City. Submittals shall include all required equipment including stand-by generators (if needed) and details for future decommissioning of the pumps when the Offsite Water Line Improvements are completed by the City. The Developer shall be responsible to pay for all costs for review and approval of the Booster Pump Alternative by the City’s consultant. All costs for construction, maintenance, operations, and decommissioning of the booster pumps shall be the sole responsibility of the Developer, and no reimbursement of these costs shall be allowed. If the Developer opts for the Booster Pump Alternative, the Offsite Water Line Plan shall include provisions for a Tee stub with a valve for future extension of a 12-inch water main connection to the Linne Road water by the City.
- g. 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 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 Water Shutdown Plan and Traffic Control Plan to be used during the installation of the offsite water mains.
- h. 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 City will allow two remote-read master water meters for the Project, one remote-read master water meter for each residential phase. The domestic and irrigation water service connection(s) must be completed before the final inspection of the

building. Sub-metering will be allowed within private property. The City will not perform water consumption reading on sub-meters. The Developer will be responsible for relocating or reinstalling water sub-meters.

- i. 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 Developer.
- j. On-site Water Lines: 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, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer.
- k. 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.
- l. Permanent Water and Sewer Easement In accordance with the Water Master Plan and Improvement Plans titled "Corral Hollow Road Improvements – Water and Sewer Pipelines, Volume 4 of 5," prepared by CH2M Hill and approved by the City, an 18" sewer line and 24" water line will be installed by the City in Corral Hollow Road with a portion of the lines located in the southwest corner of the Project. The City will prepare and provide to the Developer the legal description and plat map that describes the easements and a Grant of Easement documents. The Developer shall execute the Grant of Easement documents at the time of issuance of Building Permit, or within thirty days from receipt of written request from the City Engineer, whichever is earlier.  
  
Payment of the Fair Market Value for the permanent Water and Sewer Easement will be made by the City within thirty days from execution of the Grant of Easement documents by the Developer.
- m. Temporary Construction Easement: A 200'X200' temporary construction easement located at the southeast corner of the Project, as shown on the Corral Hollow Road Water and Sewer

Improvement Plans will be required as temporary staging area for the installation of water and sewer tunnel crossings under the Union Pacific Railroad (UPRR) right-of-way. The City will prepare and provide to the Developer the legal description and plat map that describes the easements and a Grant of Easement documents. The Developer shall execute the Grant of Easement documents at the time of issuance of Building Permit, or within thirty days from receipt of written request from the City Engineer, whichever is earlier. The Temporary Construction Easement shall expire when the Corral Hollow Road Utilities Improvement Project is completed or when the first building permit is issued for the Self-Storage Project, whichever comes first.

Payment of the Fair Market Value for the Temporary Construction Easement will be made by the City within thirty days from execution of the Grant of Easement documents by the Developer.

C.4.2.3. Street Improvements:

- a. 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, Corral Hollow Road will be a 4-lane major 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 Developer is responsible to design and construct the outside travel lane and modifications to the landscape strip behind the sidewalk up to the property line (if required). Any travel lane(s) or left-turn and right-turn lane(s) along the Property's frontage or at all the access points on Corral Hollow Road that are provided and are necessary to meet access requirements are considered to be site specific offsite improvements and they are Developer's responsibility to design and construct without any reimbursement from the City.
- b. Frontage Improvements on Corral Hollow Road – The Developer shall design and construct all roadway improvements on Corral Hollow Road that are necessary to provide safe and functional access(s) to the Project for each phase and at Project's build-out condition.

The conceptual layouts of Interim and Ultimate improvements required to be completed are shown on Sheets TM-4 and TM-5 of the Tentative Parcel Map. The Developer shall have the option to either build Interim or Ultimate Improvements.

If the Developer chooses not to install the Ultimate Improvements, then prior to issuance of the first building permit within the Project, the Developer shall make in-lieu payment to the City for the full cost of improvements as approved by the City

Engineer for ultimate improvements not completed by the Developer. Interim improvements are not eligible for fee credits or reimbursements.

- c. Interim Improvements: The interim roadway improvements required on Corral Hollow Road involve driveway modifications, repairs to curb, gutter, sidewalk, modifications to landscaping (if required), modifications to pavement markings and striping along the entire frontage of the Project and other improvements such as barricade, signing, and striping that are necessary to provide a safe transitions. Design and construction of Interim Roadway Improvements shall be completed by the Developer, prior to final inspection of the first building to be constructed within the Property.

The driveway on Corral Hollow Road shall be designed to function as a full access driveway during the interim phase until such time that the median on Corral Hollow Road is installed. The Developer shall be responsible for the cost of future modifications including removal and reconstruction of driveway improvements, striping and signage modifications to convert the driveway to a Right-in/Right-out driveway. Details of the modifications needed at the driveway will be finalized during the review of the improvement plans.

- d. Ultimate Improvements: The Ultimate roadway improvements required on Corral Hollow Road involves the widening of the east side of Corral Hollow Road along the frontage of the Project and pavement transitions and other improvements which includes but is not limited to the installation of new asphalt concrete pavement, concrete curb, gutter, sidewalk, driveway, Class II bike lane, handicap ramp(s), crosswalk, and modifications to landscaping improvements (if required), storm drainage, catch basin/drop inlet, fire hydrant, domestic, irrigation and fire services street light, 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 Corral Hollow Road.

Prior to issuance of the first building permit within the Project, the Developer shall prepare improvement plans and obtain approval of the plans for the Ultimate Roadway Improvements.

- e. Corral Hollow Road/ Middlefield Road: Prior to issuance of the first building permit within the Project, the Developer shall prepare improvement plans and obtain approval of the plans for any modifications to the intersection including any modifications (if required) to the traffic signal for both Interim and Ultimate Roadway Improvements.

- f. Coordination of Roadway Improvements with Ellis Project: The Developer shall coordinate Interim and Ultimate improvements on Corral Hollow Road with Ellis project located on the west side of Corral Hollow Road for design and timing and sequencing of improvements.
- g. Middlefield Road Improvements: Developer shall design and install modifications to the existing roadway improvements on Middlefield Road if needed to install Project related improvements. Developer shall obtain an Encroachment Permit for the work within the right-of-way and comply with the requirements of the Encroachment Permit.
- h. Offsite Improvement Agreement: Prior to starting any work on Roadway Improvements, the Developer 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.

Prior to the approval of the OIA, the Developer 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 Developer 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.

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, prior to the approval of the OIA.

- i. All roadway improvements described in these Conditions of Approval must be designed and constructed by the Developer to meet the applicable requirements of the latest edition of the California Department of Transportation Highway Design Manual (HDM) and the California Manual of Uniform Traffic Control Devices (MUTCD), all applicable City Regulations, and these Conditions of Approval, prior to final inspection of the first building to be constructed within the Property.
- C.4.3. Traffic Control Plan - Prior to starting the work within City's right-of-way on Corral Hollow Road, Linne Road, and Middlefield Road, the Developer shall submit a Traffic Control Plan, to show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.

- C.4.4. Joint Utility Trench Plans –Developer shall prepare joint trench plans in compliance with utility companies' requirements and City regulations, and obtain approval of the plans. All private utility services to serve Project such as electric, telephone and cable TV to the building must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities.

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)).

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).

- C.4.5. Irrigation and Landscaping Plans - All parkway and median landscaping improvements along the frontage of the Property on Middlefield Drive shall be designed and constructed in accordance with City Regulations. Design and construction details of these improvements shall be included in the Irrigation and Landscaping Plans.

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

- C.5.1. Payment of the Master Plan Fees for Citywide Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park adopted by the City Council on January 7, 2014, per Resolution 2014-010, as required by these Conditions of Approval.
- C.5.2. Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC, and these Conditions of Approval.
- C.5.3. Payment of the Agricultural Conversion or Mitigation Fee.
- C.5.4. Payment of the Regional Transportation Impact Fees (RTIF) as required in Chapter 13.32 of the TMC, and these Conditions of Approval.

- C.5.5. Grant Deed documents for Permanent Water and Sewer Easement and Temporary Construction Easement as outlined in Conditions C.4.2.2.l and C.4.2.2.m, above.
- 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 - No Temporary or 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 Condition C.6 above.
  - C.7.2. The Developer has completed construction of all required public facilities for the building for which a certificate of occupancy is requested and all the improvements required in these Conditions of Approval. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).
- C.8. Improvement Security – The Developer shall provide improvement security for all public facilities, as required by the OIA 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. 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 the Developer and a copy of the recorded Notice of Completion.
- C.10. Benefit District – The Developer may make a written request to the City for the formation of a Benefit District, prior to the approval of improvement plans for the public facility(s) considered to be oversized that benefits other property(s) or development(s). Reimbursement request(s) will be processed in accordance with Chapter 12.60 of the TMC.
- 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.
- C.11.2. When street cuts are made for installation of utilities, the Developer is required to install 2 inches thick asphalt concrete overlay with reinforcing fabric at least 25 feet from all sides and for the entire length of the utility trench. A 2 inch deep grind on the existing asphalt concrete pavement will be required where the asphalt concrete overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. If the utility trench extends beyond the median island, the limit of asphalt concrete overlay shall be up to the lip of existing gutter located along that side of the street.
- C.11.3. 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 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.11.4. 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.11.5. 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 Developer's cost.
- C.11.6. 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.11.7. Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the Grading Permit, Encroachment Permit, Building Permit, Improvement Plans, OIA, and DIA, if the City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City. The Developer shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

#### **D. Utilities Department, Water Resources Division Conditions**

Contact: Stephanie Hiestand (209) 831-4333 stephanie.hiestand@ci.tracy.ca.us

- D.1. Before the issuance of a grading permit, the Applicant shall provide proof of compliance with the Construction General Permit through a Waste Discharge ID number or Notice of Intent submittal; and provide proof of compliance with the City of Tracy Post Construction/LID Standards for New Development and Redevelopment, which includes the requirements for Site Design, Source and Treatment Control Measures and Hydromodification, in a project Stormwater Plan, to the satisfaction of the Utilities Director or his/her designee.
- D.2. Before the issuance of a building permit, the Applicant shall prepare a detailed landscape and irrigation plan for all landscape areas (e.g. back yards, front yards, and public right of way) consistent with City standards and shall show compliance with adopted Water Efficient Landscape Ordinance and mandatory CalGreen Building Standards for Residential Properties through submittal and approval of the required

Landscape Package, which includes project information, a water efficient landscape worksheet, a soil management report and Landscape, Irrigation, Drainage and Grading Plans, to the satisfaction of the Utilities Director or his/her designee.

- D.3. Before the building permit final inspection, a Storm Water Treatment Device Access and Maintenance Agreement must be approved and notarized between the Developer and the City, to the satisfaction of the Utilities Director or his/her designee.

#### **E. Public Works Department Conditions**

Contact: Mike Contreras (209) 831-6361 mike.contreras@ci.tracy.ca.us

- E.1. Recycling Program. Before the issuance of a building permit, the Applicant 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 B.12 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 areas and other common areas for the tenants.
- E.2. Park Connection. Before the issuance of a building permit, the Applicant shall prepare the following to the satisfaction of the Public Works Director:
- a. A detailed plan for the pedestrian connection to Don Cose Park designed in a manner that disallows vehicles from traveling on the pathway into the park.
  - b. A detailed plan for the construction of a handicap-accessible concrete path at Don Cose Park connecting the existing concrete path to the pedestrian path on the apartment site. Construction of the path and reconstruction of any landscaping and irrigation shall be at the Applicant's expense.
  - c. A detailed lighting plan for the pedestrian connection. The lighting shall be designed to allow overspray of light onto portion of Don Cose Park that connects to the pedestrian path on the apartment site. The lighting shall be designed to allow overspray of light onto portion of Don Cose Park that connects to the pedestrian path on the apartment site.
- E.3. Fencing. Before the issuance of a building permit, the Applicant shall prepare a detailed plan demonstrating the existing fence between the site and the City park to be removed and a decorative fence, comprised of materials such as a wrought iron or black tube steel, to be constructed in its place along the eastern property line adjacent to the park, leaving an opening at the pedestrian pathway, to the satisfaction of the Public Works Director. The fence on the apartment site shall be 3 feet in height and the fence along the future self-storage site shall be 6 feet in height.

**F. Administrative Services Department Conditions**

Contact: Rachelle McQuiston           (209) 831-6800           rachelle.mcquiston@ci.tracy.ca.us

F.1. Before the issuance of a 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 a recordable agreement with the City, which stipulates that prior to issuance of a building permit, 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 Police services, Fire services, and Public Works services within the Project area. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. Upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment.

or

- b) Direct funding. The Applicant shall enter into a recordable agreement with the City, which stipulates that prior to issuance of a building permit, 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 related to Police services, Fire services, and Public Works services within the Project area, and deposit with the City an amount necessary to fund the full costs in perpetuity as identified by the approved study.

AGENDA ITEM 4

REQUEST

**CONDUCT A HEARING FOR APPROVAL OF A LOCATION AGREEMENT WITH MEDLINE INDUSTRIES, INC. AS PART OF THE CITY'S OFFICE/INDUSTRIAL INCENTIVE PROGRAM**

EXECUTIVE SUMMARY

The Council directed staff to market the Office/Industrial Incentive program as part of the City's economic development efforts and to return to Council to approve financial incentives for clients looking to locate in office and industrial areas. The City has received a request from Medline Industries, Inc. to enter into a Location Agreement with the City for the new Medline distribution center located in the International Park of Commerce. Medline proposes to establish a local office and provide for taxable sales within the City as part of the Agreement.

Staff is requesting that City Council make findings consistent with California Government Code Section 53083 and approve the Location Agreement with Medline Industries, Inc.

DISCUSSION

On December 21, 2011, the Office/Industrial Incentive Program was approved by the City Council to be implemented to help attract office and industrial users that may contribute to the City's sales and use tax revenue. Sales and use tax revenue is typically generated through retail establishments. There are, however, certain office or industrial uses that can also generate sales and use taxes for a local jurisdiction. An example of the type of office and industrial use that might generate sales and use taxes is a software development firm selling to other businesses or a medical equipment manufacturer selling to hospitals.

The approved Office/Industrial Incentive Program is consistent with the Tracy General Plan, Economic Development Element:

- ED-3 A supportive business environment
- ED-6 Healthy, key economic activity centers
- ED-8 Responsiveness to change and opportunities
- ED-9 A financially sound and viable City of Tracy

Pursuant to the approved program, City Council may approve a financial incentive with developer owners, prospective tenants, or tenant representatives for clients looking to locate in our office and or industrial areas. The Office/Industrial financial incentive is targeted for developers-owners, prospective tenants, or tenant representatives that meet all of the following criteria:

- Generate annual gross sales of \$100,000,000 or more;
- Generate sales or use tax to the City corresponding to the gross sales;

- Provide a minimum of 1,000 fte jobs;

The financial incentive may be either: (1) a sales or use tax rebate; or (2) direct financial assistance with security, tied to future sales and use tax generation. If direct financial assistance is requested, the funds must be used only for tenant improvements associated with the specific location. The details of the financial incentive must be reflected in a written agreement, in a form approved by the City Attorney.

The City has received a request from Medline Industries, Inc. (Medline) to enter into a Location Agreement with the City of Tracy. Medline Industries, Inc. is a manufacturer and distributor of healthcare supplies in the United States, providing more than 350,000 products that serve the entire continuum of care including hospitals, nursing homes, surgery centers, physician offices, home care providers, home health agencies and retail outlets. Medline is currently under construction and plans to occupy a one million square foot building in the International Park of Commerce. Facility construction completion is expected in Spring of 2016 with operations commencing by Summer of 2016. Medline has requested a sales tax rebate assistance incentive from the City in return for establishing, locating, and operating a sales office in the City of Tracy where it will provide taxable sales and sales tax revenue. This request presented by Medline is a result of relocating its sales office and taxable sales generation from Ontario, California to localities throughout California, including Tracy.

Medline expects gross sales of approximately \$100 million annually with a minimum of 290 full time equivalent (fte) jobs at opening in Summer 2016, with a projected increase to 350 fte jobs following its second full year of operations. While Medline does not anticipate meeting the minimum job creation criteria established in the Office/Industrial Incentive program, staff has brought this request forward for Council consideration.

With approval of the Location Agreement, the City may realize approximately \$1 million annually from its share of direct sales tax revenue. Medline is requesting that fifty percent (50%) of the annual direct sales tax revenue to the City, approximately \$500,000 annually, is rebated in return for establishing a local sales office and generating taxable sales.

Staff has coordinated to develop and finalize terms of the Location Agreement (Attachment B). Key terms of the Agreement include, but are not limited to:

- Medline Industries Inc. will receive 50% of local sales tax generated in form of sales tax rebate
- City shall receive 50% of local sales tax generated
- Effective January 1, 2017
- Term of 20 years, with an option to renew for 20 years

The approved Office/Industrial Incentive Program requires that all financial incentive agreements must include a provision that the company promote, market, and hold at least one hiring fair exclusively to residents of Tracy prior to conduct hiring interviews

for employees outside the area. Economic Development staff is available to assist the client with promotion and community related coordination of this effort. In addition, Medline will participate annually by supporting local community benefit programs consistent with their corporate contributions policies.

### **State Government Code and City of Tracy Program Requirements**

California Government Code Section 53083 pertaining to economic development subsidies, requires the City provide written information to the public prior to approving any form of economic development subsidy within its jurisdiction. Staff has provided a summary response to Government Code Section 53083 (Attachment A).

Consistent with the Office/Industrial Incentive Program requirements, all financial incentive agreements must be additionally approved by City Council only after making specific findings. Staff contracted with BAE Urban Economics, Inc. of Berkeley, California to perform an economic impact analysis and have included the analysis as a basis to the summary response to Government Code Section 53083. These specific findings are consistent with the Office/Industrial Incentive program:

1. The net financial benefit to the public is larger than the financial incentive;

Under the Office/Industrial Incentive program, the City will be entering into a Location Agreement to rebate 50% of generated sales tax revenue to Medline Industries, Inc. in return for generating approximately \$100 million in taxable sales. This incentive to Medline Industries, Inc. is equal to approximately \$500,000 annually. The benefit to the public, according to the economic impact analysis, is over \$59 million in economic impact to the community. This economic benefit, in addition to 50% of the generated sales tax, are positive impacts that would not otherwise be realized by the City of Tracy without the Agreement.

2. The agreement represents a direct public benefit (as defined);

“Direct public benefit” in the Office/Industrial Incentive Program as “benefits to the City and community which justify a public incentive under this program. It may include, but is not limited to: (1) whether the business is a regional draw; (2) the amount of net new sales tax to be received by the City over a fixed period of time; (3) the creation of jobs; (4) capital investment by the business; (5) other benefits identified in the performance contract”.

The Location Agreement represents a direct public benefit in that Medline Industries, Inc. will generate an estimated:

- \$59 million in total economic impact annually.
- \$19.7 million in annual labor income.
- Up to, or exceeding 350 full time equivalent (fte) jobs.
- \$122 million in capital income due to project investment.

- \$1 million in annual tax revenues to the City, with an estimated net benefit of \$500,000 annually to the City based on terms of the Agreement.
3. There are identified City or other funds that are available to make the financial incentive;

The incentive requested is for future sales tax revenue. There is no impact to the General Fund or other City funding source.

4. The financial incentive is secured by an appropriate form of financial security, if any direct financial assistance is involved.

No financial security is necessary as part of this sales tax incentive.

### STRATEGIC PLAN

This agenda is consistent with the Economic Development Strategic Plan to create head-of-household jobs reflective of the City's target industries and those that best match the skill sets of the local labor force.

### FISCAL IMPACT

The Office/Industrial Incentive Program will not result in a fiscal impact to any existing fund balances. Partial sales tax rebates for a limited period of time will result in a loss of potential future revenue to the General Fund; however, one can argue that without the Office/Industrial Incentive Program the City would not realize even a portion of those sales tax revenues and therefore this item results in a positive impact to the City's General Fund.

### RECOMMENDATION

Staff recommends that City Council adopt a resolution approving a Location Agreement with Medline Industries, Inc.

Prepared by: Joshua Ewen, Management Analyst  
Andrew Malik, Development Services Director

Reviewed by: Rachelle McQuiston, Administrative Services Director  
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

### ATTACHMENTS

- Attachment A – Summary Response to Government Code Section 53083 & Impacts Analysis by BAE Urban Economics, Inc.  
Attachment B – Location Agreement with Medline Industries, Inc.

Attachment A

Summary Response to California Government Code Section 53083

Gov. Code 53083: Economic Development subsidies

1. Name and address of all corporations that are the beneficiary of the economic subsidy.

Medline Industries, Inc, an Illinois corporation  
One Medline Place  
Mundelein, IL 60060

2. The start and end dates and schedule, if applicable, for the economic development subsidy.

Start Date – 1/1/2017

Term is for 20 years with an optional 20 year extension

3. A description of the economic development subsidy, including the estimated total amount of the public funds, or of revenue lost to, the local agency as a result of the economic development subsidy.

Medline Industries, Inc. is currently selling and distributing products through a sales subsidiary headquartered in Ontario, California, but intends to sell to California customers through Medline's own sales and distribution system. As such, all of Medline's current sales taxes are distributed to Ontario. By entering into a Location Agreement with Tracy, a portion of the sales tax associated with the new Tracy facility could be distributed to the City of Tracy. The proposed sales tax split is 50% Medline Industries, Inc. and 50% to the City of Tracy.

According to Medline Industries, Inc., the gross sales proposed for the Tracy facility are estimated at approximately \$100,000,000, which equates to a local sales tax distribution of \$1,000,000 annually. At 50%, the City would receive \$500,000 in local sales tax that it does not current receive. With a term of 20 years with an optional 20 year extension, the 50% sales tax distributed to both the City and Medline would range between \$10 and \$20 million respectively.

4. Statement of Public Purpose:

The City of Tracy has contracted with an independent economics consulting firm, BAE Urban Economics, Inc. of Berkeley, California to prepare an economic impact analysis using IMPLAN modeling. Findings of the report are incorporated in this attachment.

The public purpose of the subsidy are significant to the economic vitality of the City of Tracy.

**Job Creation:** Medline Industries, Inc. will create 350 FTE annual job positions in Tracy, California creating \$19 million in labor income and \$59 million in total economic impact annually in the community. Unemployment in Tracy, California is 6.9% as of

## Attachment A

November 2015, above the California average of 5.7%. Creation of 350 FTE jobs could assist in dropping the local unemployment rate closer to the State average.

**Capital Investment:** Medline Industries will cause direct, indirect and induced benefits in the estimated amount of \$122 million in the City of Tracy and surrounding communities through the construction of their facilities, labor trade contracting and subcontracting, permits, fees and spending in hotels, restaurants and other services during the course of construction.

**Medical Device Target Industry Goals:** The City of Tracy Economic Development Strategic Plan seeks to expand the medical and medical device cluster in the City, thereby expanding the employment base. Medline Industries, Inc. will be a large scale distributor of medical supplies serving the regional healthcare market. With locating in Tracy, Medline Industries, Inc. has been retained in the State of California and within San Joaquin County.

**Community Partner:** Medline Industries, Inc. has purchased the land in fee simple and is invested in the long term growth of its business operations and success in the local community.

### 5. Projected Tax Revenue:

According to Medline, the gross sales proposed for the Tracy facility are estimated at approximately \$100,000,000, which equates to a local sales tax distribution of \$1,000,000 annually. At 50%, the City would receive \$500,000 in local sales tax that it does not currently receive. With a term of 20 years with an optional 20 year extension, the 50% sales tax distributed to both the City and Medline would range between \$10 and \$20 million respectively.

### 6. Estimate of the number of jobs created by the subsidy:

Medline Industries, Inc. has estimated the creation of 290 to 350 full time equivalent jobs at its Tracy, California facility. It is envisioned that by entering into this Agreement, the investment by Medline into the facility and the community could be expanded as part of granting the economic development subsidy.

## Memorandum

**To:** City of Tracy

**From:** Raymond Kennedy  
Director of Research

**Date:** November 30, 2015

**Re:** Methodology for Impacts Analysis for Proposed Distribution Center

---

The following memorandum presents an overview of the methodology used to generate an estimate of job and value impacts for a proposed distribution center in the City of Tracy. Following the methodology, the results of the analysis are presented.

### Methodology

To estimate the local impacts, BAE utilized an input-output model known as IMPLAN (“Impact analysis for PLANning”), a software package that can be used to measure economic impacts for regions within the United States. IMPLAN software models the way income in one sector is spent and then re-spent in other sectors of the economy, generating waves of economic activity, known as “economic multiplier” effects.

#### *IMPLAN Input-Output Model*

Economists use regional and national input-output models as a tool to understand the complex interactions among the various parts of an economy. The economic model used in this analysis, IMPLAN, is a software package that automates the process of developing input-output models for regions within the United States. The IMPLAN model is well-respected as an industry standard for estimating economic impacts resulting from current or hypothetical economic activities, often called “events.” In this study, IMPLAN is used to assess the impacts of two “events,” the first being the construction of the distribution center, the second being the annual operations at full capacity in Year 3 and thereafter.

At the heart of the IMPLAN model is a county-level trade flow called the Social Accounting Matrix (SAM) constructed from the production functions of 536 industries, using data from a variety of sources including the Bureau of Economic Analysis, Bureau of Labor Statistics, and US Census. The SAM uses each county’s observed economic relationships between government, industry, and household sectors, allowing IMPLAN to model payments between industries, between households and industries, between government and industries, and

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Berkeley, CA 94710  
510.547.9380

#### Sacramento

803 2<sup>nd</sup> St., Suite A  
Davis, CA 95616  
530.750.2195

#### Los Angeles

706 South Hill St., Suite 1200  
Los Angeles, CA 90014  
213.471.2666

#### Washington DC

1400 I St. NW, Suite 350  
Washington, DC 20005  
202.588.8945

#### New York City

49 West 27<sup>th</sup> St., Suite 10W  
New York, NY 10001  
212.683.4486

between government and households. Thus, for a specified region, the input-output table accounts for all of the dollar flows between the different sectors within the economy.

Economic impacts as measured by IMPLAN are categorized as direct, indirect, and induced economic activity (defined in terms of jobs and total spending). Induced impacts are those resulting from household spending (which is tied to worker earnings), and thus are the subject of the analysis proposed here, along with an estimate of the lost wages.

- **Direct Impacts.** Direct impacts refer to the set of producer or consumer expenditures applied to the predictive model for impact analysis. IMPLAN then displays how the local economy will respond to these initial changes.
- **Indirect Impacts.** The indirect impacts refer to the impact of local industries buying goods and services from other local industries. The cycle of spending works its way backward through the supply chain until all money leaks from the local economy, either through imports or by payments to income and taxes.
- **Induced Impacts.** The induced impacts refer to an economy's response to an initial change (direct impact) that occurs through re-spending of income according to household spending patterns. When households earn income, they spend part of that income on consumer goods and services. IMPLAN models households' income spending patterns and distributes them through the local economy.

### ***Key Inputs***

The key inputs for this analysis provided to BAE by the City of Tracy are the value of the construction for the construction period, and the total jobs, annual sales, and estimated wages for the operations period. Note that IMPLAN uses total head count rather than full time-equivalent (FTE) jobs in its analysis; BAE has converted the FTE information provided by the City as an input, and converted the IMPLAN resulting job counts back to FTEs using factors provided by IMPLAN.

Table 1 on the following page presents the results of the analysis.

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**Table 1: Impact Summary for Proposed Distribution Center**

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**Construction (Year 0)**

<u>Impact Type</u>	<u>Jobs (FTE)</u>	<u>Labor Income</u>	<u>Total Value Added</u>	<u>Output</u>
Direct Effect	430	\$30,553,299	\$36,979,526	\$82,500,003
Indirect Effect	131	\$6,054,159	\$11,715,117	\$18,906,587
Induced Effect	145	\$6,683,032	\$13,118,513	\$21,058,702
Total Effect	706	\$43,290,490	\$61,813,156	\$122,465,292

Note: These are one-time impacts are in the year of construction only  
Jobs are presented as full-time equivalents (FTEs)

**Operations (Year 3)**

<u>Impact Type</u>	<u>Jobs (FTE)</u>	<u>Labor Income</u>	<u>Total Value Added</u>	<u>Output</u>
Direct Effect	350	\$13,577,521	\$31,784,971	\$37,799,998
Indirect Effect	74	\$3,086,271	\$7,598,071	\$11,714,802
Induced Effect	490	\$3,040,353	\$5,966,572	\$9,579,502
Total Effect	914	\$19,704,144	\$45,349,614	\$59,094,302

Note: These are ongoing annual impacts from Year 3 onward.  
Jobs are presented as full-time equivalents (FTEs)

Sources: IMPLAN; City of Tracy; BAE Urban Economics.

## LOCATION AGREEMENT

This Location Agreement ("Agreement") is entered into by and between the City of Tracy ("City"), a California municipal corporation, and Medline Industries, Inc., an Illinois corporation ("Medline"). City and Medline are sometimes referred to individually as "Party" and collectively as "Parties" herein.

### RECITALS

This Agreement is made in reference to the following matters to which the Parties mutually agree and adopt as a statement of mutual understanding and intent.

A. Medline, a corporation with its principal executive offices in Mundelein, Illinois, sells medical supplies and other goods and services to its customers in California, as elsewhere;

B. Medline has in the past sold and distributed products in California through a sales subsidiary headquartered in Ontario, California, but intends as of the effective date of this Agreement to sell to California customers through Medline's own sales and distribution system;

C. The reorganization of sales and distribution in California will result under California law in changes to the manner and place of payment of local sales and use taxes;

D. Medline has requested assistance from City in return for establishing, locating and operating a Sales Office (as defined in this Agreement) in the City.

E. City, in consideration of the obligations and covenants of Medline hereunder, desires to provide City Payments (as defined) to Medline as an incentive for establishing, locating and operating a Sales Office in the City. City has determined that the establishment of a Sales Office in connection with Medline's local warehouse distribution facility will attract additional businesses and investment in the community due to the increased services and economic activity which the establishment of the Sales Office will bring.

NOW, THEREFORE, City and Medline enter into this Agreement to accomplish their respective and mutual purposes as set forth above.

### 1. DEFINITIONS.

Unless the context otherwise requires, the terms defined in this Section shall have the meanings defined herein.

1.1 "City" shall mean and refer to City of Tracy, a California municipal corporation.

1.2 "City Payment" means, as to a particular Fiscal Quarter during the Term, the obligation of City to pay to Medline for such Fiscal Quarter a payment equaling fifty percent (50%) of the Local Sales Tax Revenues attributable to Taxable Sales for that Fiscal Quarter.

1.3 "Business Day" means a day which is not a Saturday, Sunday or legal holiday on which banking institutions in the State of California or City are closed.

1.4 "Data and Documentation" shall have the meaning set forth in Section 2.7.

1.5 "Designated Sales Territory" means the geographical boundaries of the sales, service and distribution area served by the warehouse, shipping point and Sales Office which are located within the jurisdiction of City. Except as otherwise provided in this Agreement, Medline shall have the right in its business discretion to adjust or modify the Designated Sales Territory to correspond to its business needs and requirements.

1.6 "Dispute Notice" shall have the meaning set forth in Section 22.1.

1.7 "Effective Date" shall have the meaning set forth in Section 4.

1.8 "Enforced Delays" shall have the meaning set forth in Section 19.

1.9 "Event of Default" shall have the meaning set forth in Section 2.14.

1.10 "Fiscal Quarter" means a period of three (3) consecutive calendar months during the Term, commencing with the Effective Date.

1.11 "Local Sales Tax Revenues" means that portion of the Sales Tax, if any, attributable to Taxable Sales, paid by Medline and which is allocated and received by the City pursuant to the Sales Tax Law. Local Sales Tax Revenues shall not include: (i) Penalty Assessments, (ii) any Sales Tax levied by, collected for or allocated to the State of California, the County of San Joaquin, or a district or any entity (including an allocation to a statewide or countywide pool) other than City, (iii) any administrative fee charged by the SBE, (iv) any Sales Tax subject to any sharing, rebate, offset or other charge imposed pursuant to any applicable provision of federal, state or local (except City's) law, rule or regulation, (v) any Sales Tax attributable to any transaction not consummated within the Term, (vi) any Sales Tax (or other funds measured by Sales Tax) required by the State of California to be paid over to another public entity (including the State) or set aside and/or pledged to a specific use other than for deposit into or payment from the City's general fund, or (vii) any Sale Tax paid in error or which is subject to correction, adjustment or offset pursuant to an amended return or otherwise where the effect of the error, adjustment or amendment is to change the amount of Sales Tax attributable to Taxable Sales and allocated to the City.

1.12 "Material" means any and all tangible personal property which is offered for sale or lease by Medline and which is subject to the Sales Tax Law.

1.13 "Medline" shall include any affiliate or subsidiary of Medline, any purchasing company established by and under the control or Medline, and any permitted nominee, assignee or successor to Medline's rights, powers and responsibilities.

1.14 "Penalty Assessments" means penalties, assessments, collection costs and other costs, fees or charges resulting from late or underpaid payments of Sales Tax and which are levied, assessed or otherwise collected from Medline.

1.15 "Prohibited Financial Assistance" shall mean any direct or indirect payment, subsidy, rebate or other similar or dissimilar monetary or non-monetary benefit, including, without implied limitation, payment of land subsidies, relocation expenses, financial incentives, public financings, property or sales tax relief or rebates, relief from public improvement obligations, and payment for public improvements to or for the benefit of Medline.

1.16 "Resolution Period" shall have the meaning set forth in Section 22.3.

1.17 "Sales Office" means the Medline sales and distribution center which shall be located in the jurisdiction of City.

1.18 "Sales Tax" means all sales and use taxes levied under the authority of the Sales Tax Law attributable to Taxable Sales, excluding Sales Tax which is to be refunded to Medline because of an overpayment of Sales Tax.

1.19 "Sales Tax Law" means (i) California Revenue and Taxation Code Section 6001 et seq., and any successor law thereto, including the Bradley-Burns Uniform Local Sales and Use Tax Law (Rev. § Tax Code § 7200 et seq.), and any successor law thereto, (ii) any legislation allowing other public agency with jurisdiction in the City to levy any form of Sales Tax on the operations of Medline and/or the Sales Office, and (iii) regulations of the SBE and other binding rulings and interpretations relating to (i) and (ii) hereof.

1.20 "SBE" means the California State Board of Equalization and any successor agency.

1.21 "Taxable Sales" means the commercially reasonable business practices and activities associated with Medline's sale or lease of Material within the Designated Sales Territory and which are: (i) subject to the payment of Sales Tax pursuant to the Sales Tax Law and (ii) as to which the reported "point of sale" to the SBE is the City based on the location of the Sales Office in the City. "Taxable Sales" does not include sales or use taxes attributable to sales or leases made and reported for sales territories in California other than the Designated Sales Territory.

1.22 "Term" shall mean the period commencing on the Effective Date, and ending on December 31, 2036, unless otherwise extended in accordance with this Agreement.

## **2. LOCATION AND OPERATION; APPLICABILITY TO LOCAL SALES AND USE TAXES.**

2.1 Location and Operation Covenant. Medline hereby represents, warrants and covenants that it shall, on or before the commencement of the Term, establish a Sales Office within the jurisdictional boundaries of the City and shall thereafter, for the full Term, conduct its Taxable Sales operations for the Designated Sales Territory from the Sales Office in accordance with this Agreement, the Sales Tax Law, and all other applicable provisions of local, state and federal law. Medline shall use commercially reasonable, good faith efforts to market, promote and administer its Taxable Sales activities, with the objective of maximizing the amount of Local Sales Tax Revenues within the Designated Sales Territory.

2.2 Sales Office Covenant Not Exclusive; Waiver and Release of Claims. City understands, acknowledges and agrees that Medline has established or will establish other Sales Offices ("Additional Offices"), in addition to the Sales Office referred to in Section 2.1, above, for Designated Sales Territories associated with those Additional Offices. Nothing in this Agreement limits Medline's right to conduct sales and other business and operations at or from the other locations. In consideration of the mutual promises, conditions and covenants of this Agreement, City hereby waives and releases any objections, claims or demands of any kind with respect to (i) the Additional Offices, (ii) the payment of taxes for sales conducted by or through the Additional Offices, (iii) the existence of or course of performance by Medline under Location Agreements similar in concept to this Agreement entered into or to be entered into by Medline with any of the cities in which such Additional Offices are located, or (iv) in reference to the allocation of taxable activity to those cities or either of them by Medline in the course of its business and operations in California. City likewise covenants not to sue, and not to commence arbitration

proceedings under this Agreement or to commence administrative proceedings of any nature before the SBE or otherwise, or to challenge such allocations or activities in any way to the extent of objections, claims or demands of any kind which are waived or released by this Section 2.2. The waivers and releases provided in this Section 2.2 do not limit City's right to enforce this Agreement under Section 22 and any other provision of this Agreement related to the enforcement of rights created by this Agreement.

2.3 No Prohibited Financial Assistance. Medline covenants and agrees for the Term that Medline will not directly or indirectly solicit, accept or enter into any agreement concerning any Prohibited Financial Assistance from any other public or private person or entity, to the extent such Prohibited Financial Assistance is given for the purpose of causing or would result in either Medline's relocation from the City or an Event of Default by Medline.

2.4 City as Point-of-Sale. Without limiting the generality of the foregoing, Medline shall obtain, and will maintain throughout the entire Term a retail sales tax permit from the SBE. Medline agrees to conduct its business so that the place of sale for all Taxable Sales consummated at the Sales Office during the Term will be to City pursuant to the Sales Tax Law. In all sales reports filed by Medline with the SBE relating to Taxable Sales consummated at the Sales Office, where such a designation is permitted or required under the Sales Tax Law, Medline shall specify the City as the place of sale.

2.5 Payment of City Payment. In consideration of the promises, covenants, terms and conditions of this Agreement, City shall make the City Payment to Medline as follows:

2.5.1 Consistent with the definition set forth in section 1.2 of this Agreement, City shall pay Medline, for each Fiscal Quarter during the Term, a payment equaling fifty percent (50%) of the Local Sales Tax Revenues received by the City and attributable to Medline's Taxable Sales for that Fiscal Quarter; provided, however, that the earliest Fiscal Quarter for which such City Payments shall be due and payable shall be the Fiscal Quarter commencing one year after the Effective Date.

2.5.2 Within thirty (30) days following the end of each Fiscal Quarter within the Term, Medline shall submit to City the Data and Documentation. Contingent upon City's receipt of the Local Sales Tax Revenues generated during the subject Fiscal Quarter, City will then determine the City Payment due to Medline for such Fiscal Quarter. Subject to satisfaction or written waiver by the City of the conditions precedent set forth in Section 2.6, within thirty (30) days following the City's receipt from the SBE of the Local Sales Tax Revenues attributable to such Fiscal Quarter, City shall pay to Medline any City Payment due for such Fiscal Quarter. All City Payments shall be sent to the address provided in Section 13. In no event shall the City have any obligation to make payments under this Agreement from any income other than the Local Sales Tax Revenues.

2.6 Conditions Precedent to City Payments. City's obligations under Section 2.5 hereof are contingent on a Fiscal Quarter-to-Fiscal Quarter basis and, for each Fiscal Quarter within the Term, City's obligations to make any payments to Medline hereunder are expressly contingent upon the satisfaction of the following conditions precedent in each Fiscal Quarter:

2.6.1 Medline having, for the entirety of such Fiscal Quarter, completely fulfilled its material obligations under this Agreement; and

2.6.2 The City's receipt of the Local Sales Tax Revenues attributable to the Fiscal Quarter and the City's receipt and reasonable approval of the Data and Documentation, certified as complete and accurate by an authorized Medline officer.

2.6.3 Should any one or more of the foregoing conditions precedent not be satisfied for each Fiscal Quarter, then City shall have no obligation to make any City Payment to Medline for such Fiscal Quarter.

2.7 Data and Documentation. For the purposes of this Agreement, the term "Data and Documentation" means any and all bills, invoices, schedules, vouchers, statements, receipts, cancelled checks, statements and any other documents evidencing the amount of Taxable Sales generated within the applicable Fiscal Quarter, including: copies of all schedules and reports filed by Medline with SBE during that Fiscal Quarter, including, without implied limitation, those relating to Taxable Sales occurring at the Sales Office and Sales Tax paid by Medline relating to Taxable Sales occurring at the Sales Office during such Fiscal Quarter.

2.8 Adequate Consideration. Each City Payment due and payable hereunder shall constitute the total payment to Medline for the Fiscal Quarter to which it relates, and shall be paid by City for and in consideration of the location and operation of Medline in the City during such Fiscal Quarter. The Parties hereto have determined and agreed that the City Payment due and payable during each Fiscal Quarter represents fair consideration to Medline for its covenants and obligations hereunder.

2.9 No Other Compensation. Both City and Medline expressly acknowledge and agree that Medline will receive no compensation under this Agreement other than the City Payment. Medline shall not be entitled to any reimbursement or other compensation from City for any costs incurred by Medline in performing or preparing to perform its obligations under this Agreement.

2.10 No Carry Forward or Back. City and Medline acknowledge and agree that the calculation and determination of all financial components of the Parties' rights and obligations under this Agreement shall be computed on a Fiscal Quarter-to-Fiscal Quarter basis. Except as otherwise expressly provided by this Agreement, Sales Tax revenues arising in one Fiscal Quarter may not be carried forward or back to any prior or future Fiscal Quarter, it being the express agreement and understanding of the Parties that for each Fiscal Quarter the financial obligations of the Parties and satisfaction of the conditions precedent to such obligations shall be determined and made independently of any other Fiscal Quarter.

2.11 Recapture of City Payments. If, at any time during or after the Term of this Agreement, SBE determines that all or any portion of the Local Sales Tax Revenues received by the City were improperly allocated and/or paid to the City, and if SBE requires redistribution, repayment or offsets against future Sales Tax payments, or otherwise recaptures from the City any such Local Sales Tax Revenues finally determined by SBE to have been improperly allocated or paid, then Medline shall, within thirty (30) days after written demand from the City, repay all City Payments (or applicable portions thereof) theretofore paid to Medline which are attributable to such repaid, offset or recaptured Local Sales Tax Revenues. If Medline fails to make such repayment within thirty (30) days after the City's written demand, then such obligation shall accrue interest from the date of the City's original written demand at the then-maximum legal rate imposed by the California Code of Civil Procedure on prejudgment monetary obligations, compounded monthly, until paid. Nothing in this section 2.11 shall require repayment by Medline of any City Payments made or received with respect to Local Sales Tax Revenues for any periods other than those periods for which the SBE has required redistribution, repayment, offset or recapture by or against City.

2.12 Authorization to Release Information. Medline, on behalf of itself and any affiliate, and to the extent such consent is required by any applicable legal provision, consents to the City's review and use of the information contained in the Data and Documentation and as otherwise required by this Agreement to the extent necessary for the City to fulfill its obligations under this Agreement.

2.13 Audit and Reconciliation.

2.13.1 *Audit of Books and Records.* Either Party shall, upon no less than seventy-two (72) hours prior written request from the other Party, make the entirety of its books and records relating to the calculation and determination of that Party's rights and obligations under this Agreement available at no cost to the requesting Party and/or its designees (including its accountants and/or attorneys) and shall direct its accountants and other consultants and contractors in possession of its books and records to do likewise; provided, however, that nothing herein shall be deemed to abridge or constitute a waiver of any Party's evidentiary rights and privileges arising pursuant to any provision of law, including, without implied limitation, the California Evidence Code, California Government Code (including the Public Records Act), the Code of Civil Procedure, federal statutes and state or federal judicial decisions. Furthermore, all such non-privileged books and records may be made available and introduced as evidence in any arbitration proceeding brought pursuant to the provisions of Section 19.3 hereof or as otherwise ordered by any court of competent jurisdiction. Each Party shall bear the costs of its own auditors, experts and other consultants it may engage to complete its investigation of the other Party's books and records.

2.13.2 *Reconciliation.* Each City Payment shall be accompanied by a statement setting forth the calculations made to determine the amount of such disbursement and setting forth all disbursements made to date. Each Party shall have the right to contest any of the calculations or information contained in said statement or the determined amount of payment upon written notice to the other Party within sixty (60) calendar days of the date of the statement or City Payment. If the challenging Party can show to the reasonable satisfaction of the other Party, within sixty (60) calendar days of receiving such notice, that the amount of a City Payment was incorrect, either City shall disburse to Medline the correct amount due, or Medline shall reimburse City for any amount received in excess of the correct amount due.

2.14 Default. Each of the following shall constitute an "Event of Default":

2.14.1 Failure by a Party to comply with and observe any of the conditions, terms, or covenants set forth in this Agreement, if such failure remains uncured within thirty (30) days after written notice of such failure from the non-defaulting Party to the defaulting Party in the manner provided herein or, with respect to a default that cannot be cured within thirty (30) days, if the defaulting Party fails to commence such cure within such thirty (30) day period or thereafter fails to diligently and continuously proceed with such cure to completion. However, if a different period, notice requirement, or remedy is specified under any other section of this Agreement, then the specific provision shall control.

2.14.2 Any representation or warranty contained in this Agreement or in any application, financial statement invoice, certificate, or report submitted pursuant to this Agreement proves to have been incorrect in any material respect when made.

3. **REPRESENTATIONS AND WARRANTIES.**

3.1 City's Representations and Warranties. City represents and warrants to Medline that, to City's actual current knowledge:

3.1.1 City is a public agency and political subdivision of the State of California, exercising governmental functions and powers as granted or delegated by the Constitution and laws of the State of California;

3.1.2 City has taken all actions required by law to approve the execution of this Agreement;

3.1.3 City's entry into this Agreement and the performance of City's obligations under this Agreement do not violate any contract, agreement, or other legal obligation of City;

3.1.4 City's entry into this Agreement and the performance of City's obligations under this Agreement do not constitute a violation of any state or federal statute or judicial decision to which City is subject;

3.1.5 There are no pending lawsuits or other actions or proceedings which would prevent or impair the timely performance of City's obligations under this Agreement;

3.1.6 City has the legal right, power and authority to enter into this Agreement and to consummate the transactions contemplated hereby, and the execution, delivery and performance of this Agreement has been duly authorized and no other action by City is requisite to the valid and binding execution, delivery and performance of this Agreement, except as otherwise expressly set forth herein; and

3.1.7 The individual(s) executing this Agreement is or are authorized to execute this Agreement on behalf of City.

3.2 The representations and warranties set forth above are of material consideration to Medline and City acknowledges that Medline is relying upon the representations set forth above in undertaking Medline's obligations set forth in this Agreement.

3.3 All of the terms, covenants and conditions of this Agreement shall be binding on and shall inure to the benefit of City and its nominees, successors and assigns.

3.4 Medline's Representations and Warranties. Medline represents and warrants to City that, to Medline's actual current knowledge:

3.4.1 Medline is a duly formed Illinois corporation, and is in good standing and qualified to do business under the laws of the State of California;

3.4.2 The individuals executing this Agreement are authorized to execute this Agreement on behalf of Medline;

3.4.3 Medline has taken all actions required by law to approve this Agreement;

3.4.4 Medline's entry into this Agreement and the performance of Medline's obligations under this Agreement do not violate any contract, agreement or other legal obligation of Medline;

3.4.5 Medline's entry into this Agreement and the performance of Medline's obligations under this Agreement do not constitute a violation of any state or federal statute or judicial decision to which Medline is subject;

3.4.6 There are no pending lawsuits or other actions or proceedings which would prevent or impair the timely performance of Medline's obligations under this Agreement; and

3.4.7 Medline has the legal right, power and authority to enter into this Agreement and to consummate the transactions contemplated hereby, and the execution, delivery and performance of this Agreement have been duly authorized and no other action by Medline is requisite to the valid and binding execution, delivery and performance of this Agreement, except as otherwise expressly set forth herein.

3.5 The representations and warranties set forth herein are material consideration to City and Medline acknowledges that City is relying upon the representations set forth above in undertaking City's obligations set forth above.

3.6 All of the terms, covenants and conditions of this Agreement shall be binding on and shall inure to the benefit of Medline and its permitted nominees, successors and assigns. Wherever the term "Medline" is used herein or therein, such term shall include any permitted nominee, assignee or successor of Medline.

#### 4. **EFFECTIVE DATE.**

4.1 This Agreement will become effective ("Effective Date") on the earliest date on which both of the following are true: (i) this Agreement has been approved by the City Council of City following all legally required notices and hearings; (ii) this Agreement has been executed by the appropriate authorities of City and Medline; provided, however, that if both of the foregoing conditions precedent have not occurred by December 31, 2015, this Agreement shall not become effective and any prior signatures or approvals of the Parties shall be deemed void and of no force or effect.

4.2 Pursuant to section 2.5.1 of this Agreement, the first Fiscal Quarter for which City Payments shall be required shall be the quarter commencing January 1, 2017.

#### 5. **PUBLIC BENEFITS.**

5.1 Community Participation. As additional consideration for the benefits conferred under this Agreement, Medline further agrees to annually participate in supporting community benefit events and activities by donating to such events consistent with Medline's policies. Medline will provide a report summarizing its contributions to community events to the City upon request.

5.2 Employment Outreach for Local Residents. A goal of the City in entering into this Agreement is to foster employment opportunities for Tracy residents. To that end, Medline shall use commercially reasonable efforts to recruit and hire local residents for any full and part time employment opportunities as determined by Medline in its sole discretion. Medline shall conduct local on-site and/or off-site job recruitment and shall notify the City of the location, dates and times for all on and off-site job recruitment efforts prior to the date Medline begins accepting applications or commencing employee recruitment efforts. The City shall be authorized to post and advertise the job recruitment information provided on the City's website, and other job recruitment sites within the region. Medline will inform its purchasers and lessees of the provisions of these requirements. Offers of employment shall be at Medline's sole discretion and all employment shall be at-will employment. Nothing in this paragraph shall require Medline to offer employment to individuals who are not otherwise qualified for such employment. Without limiting the generality of the foregoing, the provisions of this Section 5.3 are not intended, and shall not be construed, to benefit or be enforceable by any person whatsoever other than City.

## 6. TERMINATION.

In addition to all other rights and remedies granted to the Parties under this Agreement or available to them in equity or at law, any Party may terminate this Agreement and all of its executory obligations hereunder without cost or liability upon any of the following:

6.1 This Agreement may be terminated by a Party at its option in the event of the other Party's Event of Default or the discovery of such an Event of Default. Such termination shall not limit or otherwise modify the rights and remedies available to the non-defaulting Party.

6.2 In addition to its right to terminate upon the other Party's Event of Default, either Party shall have the right to terminate this Agreement and all of both Parties' executory obligations hereunder without cause or without cost or liability to either Party upon one (1) years' prior written notice to the other Party of the terminating Party's election to terminate this Agreement. Such notice of termination shall be given, if ever, as of the first day of a Fiscal Quarter such that the termination shall be effective as of the last day of the fourth Fiscal Quarter following the notice of termination. Although the Parties shall be excused from any further obligation under this Agreement which accrues following the effective date of termination, the City shall, subject to satisfaction of all conditions and requirements of this Agreement, make any City Payments due for any Fiscal Quarter which concludes prior to the effective date of such termination and Medline shall pay on demand any offset or repayment obligation arising under this Agreement, even if arising after the effective date of termination. The foregoing obligations shall survive the termination of this Agreement.

6.3 This Agreement may be terminated not less than 90 days' prior to written notice by either party if the SBE issues a final decision reallocating Local Sales Tax Revenues or any material portion thereof pursuant to 18 Cal. Code of Regulations Section 1807 from the City to any other jurisdiction, provided, however, that no right of termination under this Section 6.3 shall arise if the basis for reallocation found by the SBE does not have prospective operation or is not curable by the parties acting in good faith.

6.4 Notwithstanding any other provision of this Agreement, in the event of a notice of termination by City to Medline, Medline shall have the right at its sole option to relocate the Sales Office to any other city or county in California or elsewhere from and after the date of the notice; and to reallocate Taxable Sales accordingly and in conformance with applicable Sales Tax Law.

## 7. OPTION TO RENEW.

This Agreement and the Term hereof is subject to renewal for one additional 20-year term at Medline's option by notice given to City not later than six months prior to the expiration of the original term.

## 8. AMENDMENT; MODIFICATION.

At any time City and Medline may determine that this Agreement should be amended for the mutual benefit of the Parties, or for any other reason, including an amendment to induce Medline to maintain its operations in the City when this Agreement could otherwise be terminated. Any such amendment to this Agreement shall only be by written agreement between City and Medline. City and Medline agree to consider reasonable requests for amendments to this Agreement which may be made by any of the Parties hereto, lending institutions, bond counselor financial consultants, although neither Party shall be obligated to approve any such amendment. Any amendments to this Agreement must be in writing and signed by the appropriate authorities of both City and Medline.

**9. CALIFORNIA LAW.**

This Agreement shall be construed and governed in accordance with the procedural and substantive laws of the State of California, without regard to conflict of laws principles.

**10. EXECUTION IN COUNTERPARTS.**

This Agreement may be executed in two (2) or more counterparts, each of which shall be deemed an original, and all of which shall constitute but one (1) and the same instrument.

**11. BUSINESS DAYS.**

Any act or thing required to be done or exist on any date set forth herein which does not constitute a Business Day in any year shall be deemed to be done or to exist on such date if such act or thing is done or exists on the next date which constitutes a Business Day.

**12. TAX CONSEQUENCES.**

Medline shall be responsible for federal, state and/or local income taxes resulting from its receipt of City Payments.

**13. RIGHTS NOT GRANTED.**

This Agreement is not, and shall not be construed to be, a statutory development agreement under California Government Code Section 65864 et seq. or a disposition and development agreement under California Health and Safety Code Section 33000 et seq. This Agreement is not, and shall not be construed to be, an approval of or an agreement to issue permits or a granting of any right or entitlement by City concerning any project, development, or construction by Medline in the City. This Agreement does not, and shall not be construed to, exempt Medline in any way from the requirement to obtain permits and/or other discretionary or non-discretionary approvals as may be necessary for the development, maintenance and operation of any project, development or construction of Medline within the City. This Agreement does not, and shall not be construed to, exempt Medline from the application and/or exercise of City's or City's power of eminent domain or its police power, including, but not limited to, the regulation of land uses and the taking of any actions necessary to protect the health, safety and welfare of its citizenry.

**14. CONSENT.**

Whenever consent or approval of any Party is required under this Agreement, that Party shall not unreasonably withhold, delay, or condition such consent or approval unless a different standard is otherwise provided by a specific provision of this Agreement.

**15. NOTICES AND DEMANDS.**

All notices or other communications required or permitted between City and Medline under this Agreement shall be in writing, and may be (i) personally delivered, (ii) sent by United States registered or certified mail, postage prepaid, return receipt requested, (iii) sent by telecopier, or (iv) sent by nationally

recognized overnight courier service (e.g., Federal Express), and addressed to the Parties at the following addresses, subject to the right of either Party to designate a different address for itself by notice similarly given:

To City:

With a copy to:

To Medline:

Medline Industries, Inc.  
One Medline Place  
Mundelein, IL 60060  
Attn: Ale Liberman

With a copy to:

Medline Industries, Inc.  
One Medline Place  
Mundelein, IL 60060  
Attn: Eric Gerstein

Any notice so given by registered or certified United States mail shall be deemed to have been received on the second Business Day after the same is deposited in the United States mail. Any notice not so given by registered or certified mail, such as notices delivered by telecopier or courier service (e.g., Federal Express), shall be deemed received upon actual receipt of the same by the Party to whom the notice is given.

#### 16. **NONLIABILITY OF PARTIES' OFFICIALS AND EMPLOYEES.**

16.1 No officer, elected official, contractor, consultant attorney or employee of City shall be personally liable to Medline, any voluntary or involuntary successors or assignees of Medline, or any lender or other party holding an interest in Medline's property, in the event of any default or breach by City, or for any amount which may become due to Medline or to its successors or assignees, or on any obligations arising under this Agreement.

16.2 No officer, official, contractor, consultant, attorney or employee of Medline shall be personally liable to City, any voluntary or involuntary successors or assignees of City in the event of any default or breach by Medline, or for any amount which may become due to City or to its successors or assignees, or on any obligations arising under this Agreement.

**17. CONFLICT OF INTERESTS.**

No officer, elected official, contractor, consultant, attorney or employee of City shall have any personal interest, direct or indirect, in this Agreement nor shall any such officer, elected official, contractor, consultant, attorney or employee participate in any decision relating to this Agreement which unlawfully affects his/her personal interests or the interests of any corporation, partnership or association in which he/she is directly or indirectly interested.

**18. ENTIRE AGREEMENT.**

This Agreement contains all of the terms and conditions agreed upon by the Parties. No other understanding, oral or otherwise, in direct conflict with this Agreement shall be deemed to exist or to bind any of the parties hereto. All prior written or oral offers, counteroffers, memoranda of understanding, proposals and the like are superseded by this Agreement.

**19. EXTENSIONS AND DELAYS; NO EXCUSE DUE TO ECONOMIC CHANGES.**

Time is of the essence in the performance of the obligations of City and Medline under this Agreement. In addition to specific provisions of this Agreement, providing for extensions of time, times for performance hereunder shall be extended where delays in performance are due to war, insurrection; any form of labor dispute; lockouts; riots; floods; earthquakes; fires; acts of God or of third parties; third party litigation or orders and judgments of courts of competent jurisdiction; acts of a public enemy; acts of governmental authorities; epidemics; quarantine restrictions; and freight embargoes (collectively, "Enforced Delays") provided, however, that the Party claiming the extension notify the other Party of the nature of the matter causing the default; and, provided further, that the extension of time shall be only for the period of the Enforced Delays; and provided, further, that the obligations of both Parties are equally suspended during the Enforced Delay. In no event shall either Party be deemed in default of this Agreement because of an Enforced Delay event.

**20. THIRD PARTY CHALLENGES.**

The Parties will work in good faith with each other to beneficially resolve any third party demands, suits, proceedings, causes of action or claims of any kind arising under the Sales Tax Law or any other alleged ground or basis to the extent arising from this Agreement or the Parties' performance thereof, including, without limitation, the payment or reporting of City Payments by Medline to the City ("Third Party Challenge"). The Parties shall each bear their own costs, expert fees, attorneys' fees, and other fees incurred in connection with any Third Party Challenge.

**21. ATTORNEYS' FEES.**

In the event of the bringing of an arbitration, action or suit by a Party hereto against another Party hereunder by reason of any breach of any of the covenants or agreements or any intentional inaccuracies in any of the representations and warranties on the part of the other Party arising out of this Agreement or any other dispute between the Parties concerning this Agreement then, in that event, the prevailing Party in such action or dispute, whether by final judgment or arbitration award, shall be entitled to have and recover of and from the other Party all costs and expenses of suit or claim, including reasonable attorneys' fees and expert witness fees. Any judgment, order or award entered in any final judgment or award shall contain a specific provision providing for the recovery of all costs and expenses of suit or claim, including actual attorneys' fees and expert witness fees (collectively, "Costs") incurred in enforcing, perfecting, and executing such judgment or award. Costs shall include, without implied limitation, attorneys' and experts' fees, costs and expenses incurred in the following: (i) post judgment motions and appeals, (ii) contempt

proceedings, (iii) garnishment, levy and debtor and third party examination; (iv) discovery; and (v) bankruptcy litigation.

## **22. INFORMAL DISPUTE RESOLUTION.**

22.1 The Parties shall attempt in good faith to resolve any differences, controversy or claim arising out of or relating to this Agreement promptly by negotiations between senior officials of the Parties who have authority to settle the difference or controversy. The disputing Party may give the other Party written notice that a dispute exists between them so that the provision of this Sections 19 shall apply ("Dispute Notice").

22.2 Within twenty (20) days after receipt of a Dispute Notice, the receiving Party shall submit to the disputing Party a written response. The Dispute Notice and response shall include (a) a statement of each Party's position and a summary of the evidence and arguments supporting its position, and (b) the name and title of the official who shall represent that Party. The senior officials shall meet at a mutually acceptable time and place or by telephone conference within thirty (30) days of the date of the Dispute Notice, and thereafter as often as they reasonably deem necessary to exchange relevant information and to attempt to resolve the dispute. In the event any Party fails to provide a response to a Dispute Notice in accordance with this section or fails to cooperate in the scheduling of, or to attend, the meetings, described above, to resolve the dispute, then, with respect to that Party, the Resolution Period shall be deemed to have run so that the dispute may immediately be subject to arbitration in accordance with Section 4.20.2 below.

22.3 If the matter has not been resolved pursuant to Section 4.20.1 within ninety (90) days of the date of the Dispute Notice ("Resolution Period"), (which period may be extended by mutual agreement), or if any Party will not participate in such procedure, the dispute shall be exclusively and finally settled by arbitration in San Joaquin County, California, in accordance with the American Arbitration Association Rules. Each Party to such dispute shall appoint an arbitrator, and such arbitrators shall appoint an additional arbitrator. If, within thirty (30) days following the expiration of the Resolution Period, any Party has not appointed an arbitrator, the American Arbitration Association shall, at the request of the other Party, appoint an arbitrator on that Party's behalf. The judgment upon any award rendered by arbitration shall be final and binding upon the disputing Parties and may be entered by any court having the jurisdiction thereof. The arbitration shall be in lieu of any other remedy and the award shall be final, binding and enforceable upon the disputing Parties. The arbitrators shall have the right to award costs as provided for in Section 4.19.

## **23. JURISDICTION AND VENUE.**

Any legal action or proceeding concerning this Agreement shall be filed and prosecuted in the appropriate State of California court in the County of San Joaquin, California. Both Parties irrevocably consent to the personal jurisdiction of that court.

## **24. INTERPRETATION.**

City and Medline acknowledge that this Agreement is the product of mutual arms-length negotiation and drafting and that both Parties have been represented by legal counsel in the negotiation and drafting of this Agreement. Accordingly, the rule of construction which provides that ambiguities in a document shall be construed against the drafter of that document shall have no application to the interpretation and enforcement of this Agreement. In any action or proceeding to interpret or enforce this Agreement, the finder of fact may refer to any extrinsic evidence not in direct conflict with any specific provision of this

Agreement to determine and give effect to the intention of the Parties with respect to any ambiguities in this Agreement.

**25. NO WAIVER.**

Failure to insist on any occasion upon strict compliance with any of the terms, covenants or conditions hereof shall not be deemed a waiver by any Party of such term, covenant or condition, nor shall any waiver or relinquishment of any rights or powers hereunder at any one time or more times be deemed a waiver or relinquishment by any Party of such other right or power at any other time or times.

**26. SUCCESSORS AND ASSIGNS.**

The terms, covenants and conditions of this Agreement shall be binding upon and inure to the benefit of the Parties hereto and their voluntary and involuntary successors and assigns.

**27. NO THIRD PARTY BENEFICIARIES.**

The performance of the respective obligations of City and Medline under this Agreement are not intended to benefit any party other than City or Medline, except as may be expressly provided otherwise herein. No person or entity not a signatory to this Agreement shall have any rights or causes of action against any Party to this Agreement as a result of that Party's performance or non-performance under this Agreement, except as may be expressly provided otherwise herein.

**28. WARRANTY AGAINST PAYMENT OF CONSIDERATION.**

Medline warrants that it has not paid or given, and will not pay or give, any third party any money or other consideration or obtaining this Agreement. Third parties, for the purposes of this Section 4.27, shall not include persons to whom fees are paid for professional services if rendered by attorneys, financial consultants, accountants, engineers, architects and the like when such fees are considered necessary by Medline.

**29. SEVERABILITY.**

City and Medline declare that the provisions of this Agreement are severable. If it is determined by a court of competent jurisdiction that any term, condition or provision hereof is void, voidable, or unenforceable for any reason whatsoever, then such term, condition or provision shall be severed from this Agreement and the remainder of the Agreement enforced in accordance with its terms.

**30. FURTHER ACTS.**

City and Medline each agree to take such additional acts and execute such other documents as may be reasonable and necessary in the performance of their obligations hereunder. The foregoing shall not, however, be deemed to require City to exercise its discretion in any particular fashion or to provide to Medline any remedy or claim for damages against City based on the lawful exercise of City's discretion.

**31. NO ASSIGNMENT, TRANSFER, PLEDGE OR HYPOTHECATION.**

Medline may not assign, transfer, encumber or hypothecate its rights or obligations under this Agreement without the express written consent of City, which may be withheld in City's sole and absolute discretion. Any unpermitted assignment, transfer, pledge, encumbrance, or hypothecation, or any attempt to do so, shall not confer any rights upon the purported assignee or transferee and shall constitute Medline's

immediate and incurable material default of this Agreement, and City may, without providing Medline notice or opportunity to cure, exercise those remedies available to City pursuant to Section 4.5 or 4.6.

**32. RELATIONSHIP OF PARTIES.**

The Parties shall not be deemed in a relationship of partners or joint ventures by virtue of this Agreement, nor shall either Party be an agent, representative, trustee or fiduciary of the other. Neither Party shall have any authority to bind the other to any agreement.

**33. NON-DEDICATION OF PROPERTY.**

The execution of this Agreement by Medline does not result in the dedication of any Medline property for public use.

WHEREFORE the Parties have entered into this Agreement as of the date of approval by the City Council of City as attested to by its authorized officer below.

CITY OF TRACY

AS APPROVED December \_\_, 2015

Attested and agreed:

\_\_\_\_\_  
[Name and title]

MEDLINE INDUSTRIES, INC.

By:   
\_\_\_\_\_  
Kristofer Howard, CFO

RESOLUTION 2015-\_\_\_\_\_

APPROVING A LOCATION AGREEMENT BY AND BETWEEN THE CITY OF TRACY  
AND MEDLINE INDUSTRIES, INC.

WHEREAS, Medline Industries (“Medline”), an Illinois corporation with its principal executive offices in Mundelein, Illinois, sells medical supplies and other goods and services to its customers in California and elsewhere, and

WHEREAS, In April, 2015 Medline acquired a development site in the International Park of Commerce and commenced construction of a one million square foot regional distribution center in Tracy (the “Project”) that will consolidate its existing facilities within the region and service and ship its products to its customers in California and elsewhere, and

WHEREAS, Medline wishes to change its current business model and plans to close its existing sales office in Ontario and plans to report all taxable sales from its various sales and distribution facilities located including its Tracy facility currently under construction, and

WHEREAS Medline requested that the City of Tracy enter into a new Location Agreement to govern the allocation of sales taxes from products that are sold, stored, and shipped from the Tracy facility, and

WHEREAS, The Project and the Location Agreement will provide the City with significant public benefits, including sales tax revenues, property tax revenues, business license fees, the creation of 350 jobs, economic benefits to Tracy residents, and employment opportunities for local residents;

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

Section 1. The foregoing recitals are determined to be true and correct;

Section 2. The City Council hereby finds and determines, based on substantial evidence in the record that the Location Agreement will provide the City significant economic and public benefits.

Section 3. The City Council hereby approves the Location Agreement by and between the City of Tracy and Medline Industries, Inc. substantive in form and content, along with any non-substantive changes as may be mutually agreed upon by the City Manager (or his duly authorized representative), City Attorney and Medline Industries, Inc. Copies of the final form of the Location Agreement, upon mutual execution, shall be placed on file in the office of the City Clerk.

\*\*\*\*\*

The foregoing Resolution 2015-\_\_\_\_ was adopted by the Tracy City Council on the 15<sup>th</sup> day of December 2015 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

---

MAYOR

ATTEST:

---

CITY CLERK

AGENDA ITEM 5

REQUEST

**CITY COUNCIL DISCUSSION REGARDING DEVELOPMENT STANDARDS, DESIGN GUIDELINES, AND A RETAIL DEMAND FORECAST (ECONOMIC ANALYSIS) FOR PROPERTY ALONG INTERSTATE 205 (I-205) FROM TRACY BOULEVARD TO THE EAST CITY LIMIT**

EXECUTIVE SUMMARY

In response to City Council direction on October 9, 2015, staff has commenced the planning process to evaluate development regulations, design standards, and economic viability for land uses along the I-205 Corridor. This agenda item is intended to provide an opportunity to discuss with City Council the draft development regulations and design standards, and the results of the economic analysis.

DISCUSSION

Background

On July 21, 2015, City Council discussed potential land use and design guideline alternatives for property along the I-205 Corridor. The focus of the discussion related to the character of development along the I-205 freeway corridor and the image projected to travelers passing through Tracy along the freeway. In a workshop conducted on October 9, 2015, Council authorized funding and directed staff to create draft design guidelines for discussion, and to conduct an economic analysis to provide more information to Council for the discussion regarding land uses along the I-205 Corridor.

Draft Design Guidelines

Council directed staff to begin the process of studying the I-205 Corridor, east of Tracy Boulevard with the goal of ensuring the most appropriate type of development visible from the freeway. This included discussion regarding land use, building setbacks, landscaping, architecture, site design, and economics.

The draft guidelines (Attachment A) represent one step in the process to develop an ultimate plan for development of the eastern I-205 Corridor. The discussion of this draft document along with the economic analysis may result in the adoption of new requirements, including design standards, new building size and location requirements, landscape requirements, rezoning of properties, overlay zones, and amendments to the applicable Specific Plans (I-205, NEI, and ISP) and zones that front along the freeway east of Tracy Boulevard.

Economic Analysis

Following Council direction, staff sought proposals from economic consulting firms specializing in economic analysis. Staff has contracted with BAE Urban Economics, Inc.

of Berkeley, California to perform a Retail Demand Forecast. BAE Urban Economics, Inc. has broad local experience in retail studies and is familiar with the Tracy market, having completed urban decay studies for large private big box development within the city. The Retail Demand Forecast study included, but is not limited to:

- Identification of the Tracy trade area boundaries;
- Analysis of retail sales trends;
- Estimates of consumer spending patterns;
- Preparation of an supportable square footage analysis;
- Comparison of consumer demand to land inventory; and,
- Stakeholder interviews with the development community to evaluate the strengths and weaknesses of the I-205 corridor for attracting hotel and retail development.

The draft Retail Demand Forecast will assist in the development of standards and guidelines for the I-205 corridor. The final report will be further developed based on City Council input. Given the expedited schedule, the retail demand section of the analysis is attached (Attachment B). Further analysis is being performed relating to current retail supply and will be presented at the City Council meeting.

#### STRATEGIC PLANS

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

#### FISCAL IMPACT

On October 9, 2015, City Council appropriated \$100,000 from the General Fund to cover the anticipated costs of the steps required for the I-205 Corridor analysis and discussion. Staff entered into a Professional Services Agreement (PSA) with BAE to perform a Retail Demand Forecast for a not to exceed amount of \$40,485, and a PSA with Kimley-Horn to draft design guidelines for the I-205 Corridor for a not to exceed amount of \$36,400. This agenda item does not have any additional fiscal impact to the City.

#### RECOMMENDATION

Staff recommends that the City Council discuss the economic analysis and the draft Design Guidelines for the eastern I-205 Corridor and provide direction to staff.

#### ATTACHMENTS

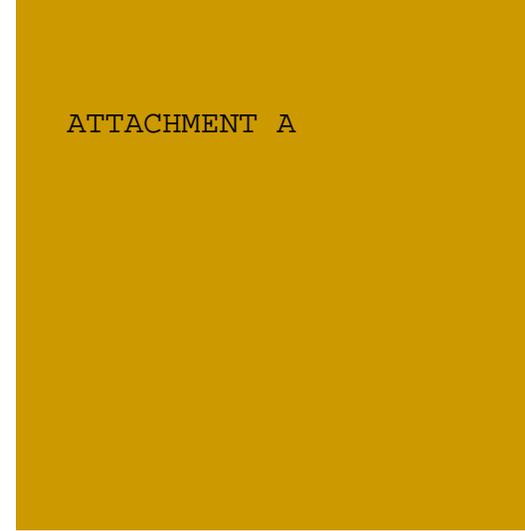
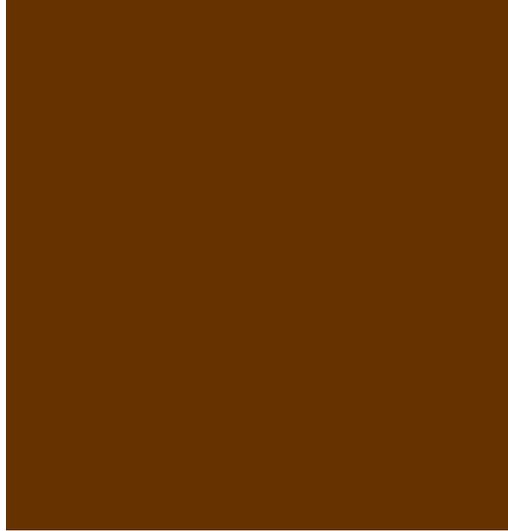
Attachment A – Draft Design Goals and Development Standards

Attachment B – Draft Executive Summary of the I-205 Corridor Retail Demand Study

Prepared by: Victoria Lombardo, Senior Planner  
Josh Ewen, Management Analyst

Reviewed by: Bill Dean, Assistant Development Services Director  
Andrew Malik, Development Services Director  
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager



ATTACHMENT A



# I-205 Design Guidelines





# I-205 DESIGN GUIDELINES

Draft  
December 2015



# TABLE OF CONTENTS

- 1 INTRODUCTION ..... 1-1**
  - 1.1 Project Area .....1-1
  - 1.2 Applicability and Implementation .....1-4
- 2 SITE PLANNING & DESIGN.....2-1**
  - 2.1 Site Planning and Building Orientation .....2-1
  - 2.2 On-site Circulation & Parking .....2-2
  - 2.3 Service Areas .....2-3
  - 2.4 Walls and Fences .....2-4
  - 2.5 Lighting .....2-5
- 3 ARCHITECTURAL GUIDELINES .....3-1**
  - 3.1 General Architectural Design.....3-1
  - 3.2 Industrial Business Park Uses .....3-2
  - 3.3 Office Uses.....3-9
  - 3.4 Retail Uses.....3-11
- 4 LANDSCAPE GUIDELINES .....4-1**
  - 4.1 Project Site Perimeter.....4-1
  - 4.2 Pedestrian Paths .....4-2
  - 4.3 Parking Lots .....4-3
  - 4.4 Impact Considerations.....4-4
  - 4.5 Landscape Planting Characteristics.....4-6

- 4.6 Planting Palette.....4-9



## List of Figures

Figure 1-1: Project Boundary.....	1-2
Figure 1-2: Site Photos .....	1-3

## List of Tables

Table 4-1: Plant Palette.....	4-9
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# 1 INTRODUCTION

These design guidelines will support planners, architects, and landscape architects in meeting the intent of the General Plan for continued development along the I-205 freeway corridor in Tracy, California. Implementation of these guidelines will assist in ensuring a base level of quality of architecture and landscaping design in the project area.

This document addresses general site design, as well as architectural and landscaping guidelines for the following land uses: industrial business park, office, and retail. Development of other uses not addressed in these guidelines should consider the architectural and landscape guidelines as applicable. Other uses may include wind turbines and other energy-related development.

## 1.1 Project Area

The design guidelines set forth in this document serve to guide development of all buildings within the I-205 project boundary. As shown in Figure 1-1: Project Boundary, the project boundary extends from North Tracy Boulevard east to Paradise Road (the eastern city limits). Landscape images along the corridor are shown in Figure: 1-2: Site Photos.



Figure 1-1: Project Boundary

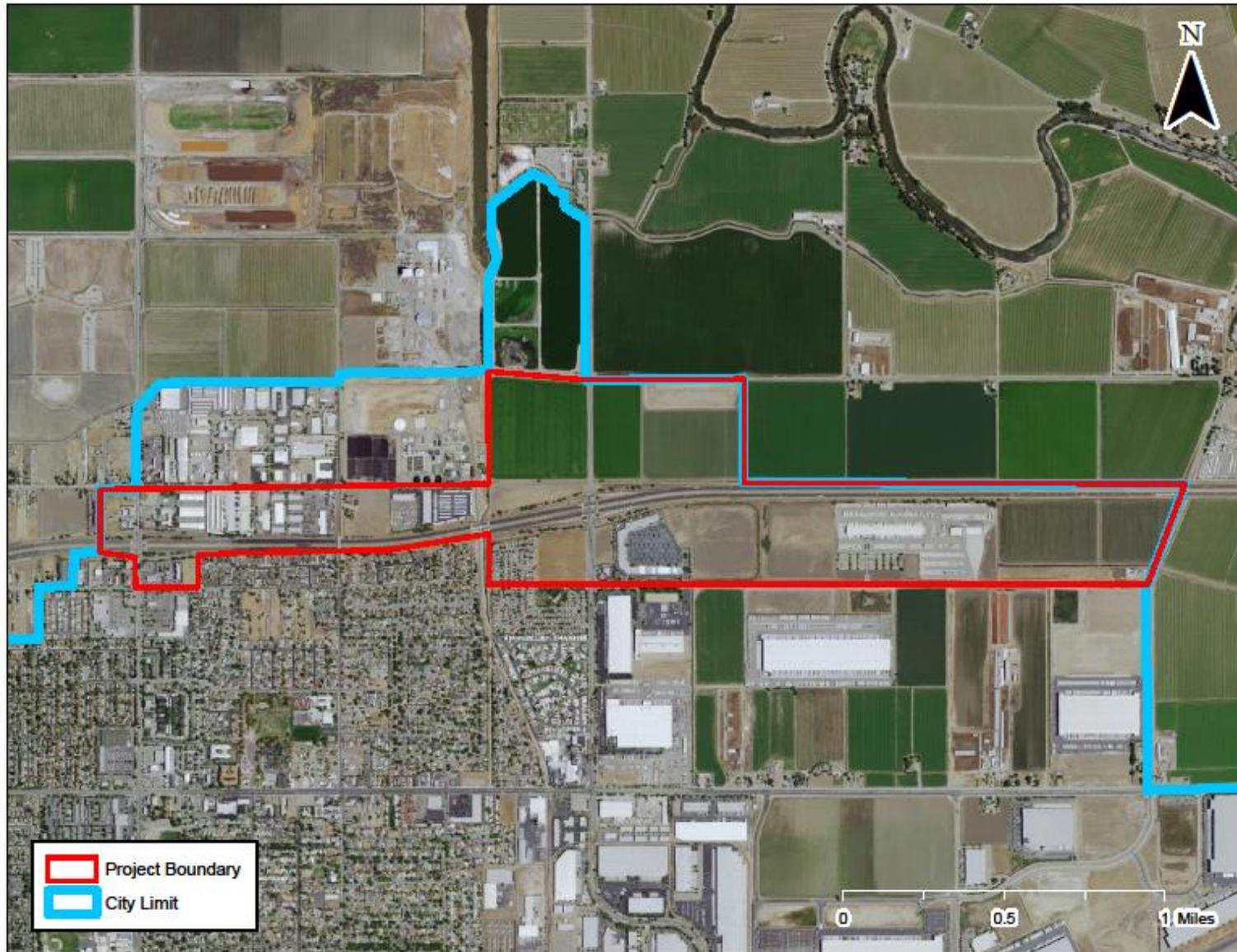


Figure 1-2: Site Photos



## 1.2 Applicability and Implementation

*This section may get deleted*

This section outlines the various approvals and implementation processes necessary to develop the project area. Discretionary permitting steps must occur to implement the development, including the approval of tentative and final subdivision maps or parcel maps, conditional use permits, and development review.

### 1.2.1 Subdivisions

Projects within the planning area will ultimately be subdivided into individual project parcels that will require the approval of tentative and final subdivision maps (or parcel maps). Approval of such maps shall be governed by the Subdivision Map Act and the City's Subdivision Ordinance. All streets, sidewalks, landscape areas and other public property infrastructure and other improvements shall be in substantial conformance with the regulations, guidelines and street network of these design guidelines.

In connection with a map application, the applicant shall provide to the City all information required under the Subdivision Map Act and the City's Subdivision Ordinance and shall submit the applicable processing fee.

### 1.2.2 Conditional Use Permit

If an applicant seeks to develop a conditionally permitted use, the applicant shall submit an application for a Conditional Use Permit (CUP) containing the data and information set forth in City regulations and shall submit the applicable processing fee. Consideration of the CUP application shall adhere to the procedures set forth in the Tracy Municipal Code. A CUP may be processed concurrently with any other necessary development application(s) for the land that is the subject of the requested CUP.

### 1.2.3 Development Review

If an applicant seeks to develop any portion of the project area, the applicant shall submit an application package for a Development Review Permit that contains all of the information set forth in the Tracy Municipal Code, and shall submit the applicable processing fee. The purpose of the Development Review Permit is to facilitate the comprehensive review and efficient processing necessary to develop the project.

All properties within the project area are subject to applicable regulations of the Tracy Municipal Code. To the extent any regulation in these Design Guidelines conflicts with the Tracy Municipal Code, the regulation set forth herein shall prevail. The review process for each type of development application shall be as specified in the Tracy Municipal Code, except as modified herein.

## 2 SITE PLANNING & DESIGN

Development in the project area will consist primarily of industrial, office, and retail uses. The following general site design guidelines should be used in support of the design guidelines for each land use as described in the subsequent sections below.

### 2.1 Site Planning and Building Orientation

- Main vehicle access drives shall be oriented to terminate at the building entrances to provide visitors with a clear pathway to entries.
- Provide for vehicle circulation and parking in front of buildings that will assist with creating appropriate building massing at public streets.
- Site planning and parking lot design should consider travel speeds and view corridors from the freeway to businesses, placement of signage, and scale and location of special architectural features.
- Establish visual links in multi-building complexes by using landscaping and other site design elements that allow pedestrians to easily navigate within a complex of buildings.
- Buildings at corners and vehicle entries should frame the street and provide pedestrian connections between the street and the buildings.
- The office portions of buildings should be oriented to the main public street or located at the building corner.
- Buildings should be oriented to include adequate setbacks to create public spaces.
- For office and retail uses, design building footprints with offsets, recesses, and orient buildings to create courtyards, and/or plazas to provide for a variety of gathering places.
- Landscaping at site entries should support the character of the project and provide a sense of arrival. Design features may include; monoliths, low ornamental walls or fences, accent planting, and special paving.
- Signage and landscape treatment should distinguish the entries that serve the main building from service entries. Service vehicle traffic should be separated from employee and visitor circulation. A clear travel route should be provided between the street and the building or complex entry.



## 2.2 On-site Circulation & Parking

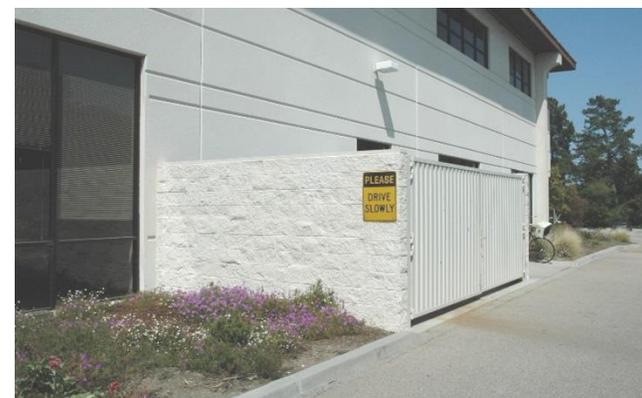
- Where practical, provide separate entrances for automobiles and trucks clearly marked to promote safe site circulation.
- Parking, when located adjacent to frontage streets, shall incorporate landscaping to screen the parking areas from the public view.
- Provide for efficient site circulation by creating landscaped drive aisles that divide parking fields and direct vehicles to parking adjacent to buildings.
- Tree planting in parking areas for employee and customer service areas should create an “orchard” effect, shading and softening the appearance of the parking lot. At least 40% of the paved area shall be shaded at tree maturity, as required by the Tracy Municipal Code (Code of Ordinances, Section 10.08.3560 ).
- Where landscape planters are parallel and adjacent to vehicular parking spaces in customer parking lots, planter areas should incorporate a concrete curbs along their perimeter that is adjacent to the parking space to allow access to vehicles without stepping into landscape planters.
- Entry driveways should incorporate design features such as pavers, stamped and/or colored concrete, etc. to create a sense of arrival and clearly separate vehicular and pedestrian spaces.
- Avoid locating signage, service areas, landscaping, or other features that block line-of-site views for motorists, pedestrians, and bicyclists.
- Provide adequate stacking length at main entries and the first drive aisle to limit vehicle ingress and egress conflicts.
- Provide the minimum required turning radius and roadway widths for driveways isles and fire lanes, or otherwise consistent with the adopted City standards.

- To maximize development potential and efficiency, adjacent



## 2.3 Service Areas

- Storage areas, trash enclosures, and mechanical equipment should be located behind or to the sides of buildings and screened from view from all public rights-of-way (including I-205) through a combination of walls/fences and/or landscaping.
- To minimize visibility from I-205, all parking lots, loading docks, trailer parking, and service areas shall be visually screened using berms, landscaping, walls or fencing, or other appropriate means.
- Parcels with more than one building should cluster buildings so that service doors and loading docks oppose each other to screen views from public streets.
- Site planning shall anticipate the location of any above-ground utilities including, but not limited to, PG&E transformers, phone company boxes, fire department connections, backflow preventers, irrigation controllers and other on-site utilities, which shall be screened from view from any public right-of-way behind landscaping, structures, walls, or fences that are designed to be compatible with the buildings and landscape features on the site.
- Trash enclosures shall be designed with solid doors, interior concrete curbs, and exterior materials and colors shall be compatible with the adjacent building exteriors on a site. All trash enclosures shall be sized to fit both trash and recycling containers that will be necessary to serve the users of the site.
- Enclosed metal trash compactors adjacent to the loading docks are permitted only if screened from public view as part of the truck court/trailer storage screening.



## 2.4 Walls and Fences

- Landscape walls and fences should be of high quality materials compatible with the architecture and landscape design. Decorative fencing is encouraged, where appropriate.
- Walls and fences should be designed and constructed of materials similar to and compatible with the overall design character and style of the development.
- Permitted materials include pre-cast concrete walls, split-face masonry, stone or stone veneer, brick, tubular steel, wrought iron, or similar high-quality material.
- Site security may sometimes call for walls and/or fences, which may be comprised of a variety of different materials, including but not limited to tube steel, masonry, or any combinations thereof. The use of chain link fencing is allowable if it is designed in conjunction with the overall site and landscape plan and not visible from public view.
- Security gates should be constructed of the same materials and detailing as the fencing for the project.
- Fencing should be limited to a maximum height of 12' unless otherwise necessary due to unique site circumstances (e.g. high security needs). If security fencing is constructed adjacent to the landscape setback area, it should be constructed using a durable low-maintenance material such as tubular steel or similar material.
- Gates for pedestrian and vehicular access to restricted areas that are visible from public areas (i.e., parking lots, drive aisles) shall be constructed of solid durable material, tubular steel, or similar material.
- Chain-link is not preferred and only permitted when not in public view, such as on the side or rear project boundary when not visible from public view. Barbed wire, razor wire, integrated corrugated metal, electronically charged or plain exposed plastic concrete/PCC fences are not permitted.





## 2.5 Lighting

- Site lighting should be attractive and consistent with the overall character of the project.
- Energy efficient light (e.g. LED lighting) consistent with or exceeding Title 24 requirements is strongly encouraged.
- Lighting should be architecturally compatible with the building and site design, and should have a **40' maximum height** for a freestanding light pole. A **60' maximum height** may be allowed with a Conditional Use Permit (CUP). Lighting should be low profile and in scale with the setting and may include post lights and light bollards.
- Accent lighting shall be used to enhance the appearance of a structure, draw attention to points of interest, and define open spaces and pathways. Accent lighting will only be permitted when it does not impact adjacent development, roadways, or residences.
- Outdoor lighting and other means of illumination for signs, structures, landscaping, and similar areas, shall be made of durable materials. All lighting fixtures shall be fully shielded with cut-off fixtures so that there is no glare emitted onto adjacent properties or above the lowest part of the fixture.
- Pedestrian scale lighting should be used for pedestrian walkways through parking areas. Lighting should not interfere with passage along pedestrian walkways.
- Parking areas shall have lighting which provides adequate illumination for safety and security. Parking lot lighting fixtures shall avoid conflict with tree planting locations so they do not displace intended tree plantings.
- Pole footings in traffic areas shall be designed and installed to protect the light standard from potential vehicular damage.

Discouraged lighting: Lighting pole blocking pedestrian walkway.



## 3 ARCHITECTURAL GUIDELINES

### 3.1 General Architectural Design

These architectural design guidelines provide direction for the development of all buildings within the planning area.

- Visual interest on buildings with simple shapes shall be provided through the use of both vertical and horizontal façade breaks that should be visible from street view, including, but not limited to; varying roof heights and pitches, stepped out columns, awnings, windows, recessed entries, score lines, and a mix of colors and materials.
- All buildings should utilize a variety of colors and materials. Building base materials may consist of, but not be limited to; wood, stucco, stone, brick, concrete or slump block, and concrete tilt-up panels. Accent materials may consist of, but not be limited to, tile, glass, stone, brick, wood, stucco and metal.
- All buildings shall be designed to completely screen any roof-mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes from view of all public rights-of-way. A separate plan shall be submitted to the Department of Development Services for review and approval demonstrating compliance with such screening prior to issuance of a building permit.
- Utilitarian portions of buildings, such as vents, gutters, downspouts, flashing, electrical conduit, and other wall-mounted utilities shall be painted to match the color of the adjacent surface or otherwise designed in harmony with building exteriors.
- All separate structures on a site shall have consistent architectural detail and design elements to create a visually cohesive development. It is not necessary or even desired for buildings to “match”, but they should utilize similar architectural elements, colors and materials, or styles so that there is not an aesthetic disconnect between buildings on a site.



### 3.2 Industrial Business Park Uses

To prevent long, straight building façades that are uninteresting and uninviting, industrial business park buildings should be designed with visual variety that may include color, changes in parapet wall height, score lines, and similar design elements without compromising the functional aspects necessary to serve the occupants, such as their large scale, dock doors, and simple (rectangular) shapes.

Buildings should be constructed in a flexible manner to respond to changing market conditions and tenancy requirements and suit a broad economic market.

#### 3.2.1 Building Placement and Orientation

- For all buildings over 10,000 sf. in size, high-quality outdoor employee break spaces shall be incorporated as part of site design and include special paving, tables, benches, shade trees and other amenities that support employee events and serve as an informal gathering space.
- Buildings should orient towards I-205 where appropriate by providing elements of interest such as architectural features appropriate to project and building type.

#### 3.2.2 Building Façades

Building façades that front public streets should be articulated and present the building in a quality and attractive manner. These façades should include architectural variation over at least 15 percent of the façade's linear surface. The following techniques are encouraged:

- Various changes in wall directions or façades
- Stepping back an upper floor
- Maximize the number and/or size of window openings
- Projecting trellises, canopies or awnings over window openings
- Recess entrances and windows into the façade

- Towers, buildings projections, unique or design features at



### 3.2.3 Quality Economic Design

Building should be made of quality yet economical materials, used in a simple and straight-forward design. Functional building elements should be used to help articulate its design where appropriate. The following techniques are encouraged:

- Articulated structural elements of the building
- Variation in window placement, size, and operation
- Articulated entries and stairways
- Solar shading devices or other weather protection devices
- Trellises or other structures to support vegetation



### 3.2.4 Building Materials

Use quality economical building materials. Refer to [Section 3.1: General Architectural Design](#) for recommended building materials.

Metal is discouraged as a building's primary exterior except where the industrial nature of the use seems to mandate this type of construction. If metal buildings are found appropriate, decorative features, textural changes, or relief techniques should be used to break up large building faces and glass, brick or other surface treatments to the office portions of such structures in view of a public street shall be required.



### Building Height and Mass

Building heights, massing and setbacks should be varied to define different functions and uses such as office and warehouses. Office spaces should be located along the front perimeter of the building whenever practical. Appropriate techniques for varying building height and mass include:

- Varying rooflines
- Incorporating tower elements
- Incorporating vaulted areas

### Building Corners

- Where appropriate, key building corners should include design features that provide clear articulation of building shape and wall direction. Consider the following design techniques:
- Towers or projecting columns
- Color or material variations
- Accent landscaping at the base of the building



### Roof Design

- Roof designs that use a combination of pitched and flat articulation are encouraged.
- Roof overhangs are encouraged on sloping roofs, and should be appropriately proportioned with the overall frame of the building.
- Roofing should be of light color and use reflective and/or green materials, reducing heat island effect.
- Installation of solar panels on roofing is strongly encouraged. Roof design should incorporate design features that allow for easy installation as well as optimum placement of panels for sun exposure.



**Encouraged Architectural Design**



Landscaping, signage, building treatment along roadway



Building and landscape design at primary entrance



Appropriate building massing, landscape and signage



Appropriate design of building using steel materials



Building massing elements at primary entrance



Variety of building materials; architecturally distinguish-

**Discouraged Architectural Design**



Minimal architectural variation and landscaping



Lack of a variety of building materials; no landscaping



Signage out of scale with building, lack of articulation



Obtrusive color, lack of windows, minimum landscaping



Poor building articulation, indistinguishable entrance,



Minimal architectural variation and landscaping

### 3.3 Office Uses

These office design guidelines provide direction for the development of high-quality office buildings. Offices may be single or multi-story, and may stand alone or be grouped in a campus-style design. The following design techniques are encouraged:

#### 3.3.1 Building Placement and Orientation

- Building entries should be highlighted with pedestrian-scale elements to direct customers and employees to the entrance and distinguish it from the remainder of the building.
- Buildings at corners and vehicle entries should frame the street and include plazas, or gateway openings and pedestrian connections between the street and the campus of buildings.
- Commercial and office buildings along the freeway should be setback an appropriate distance to accommodate ample landscaping and other visual screening methods.
- Buildings should be oriented to include adequate setbacks to create public spaces and plazas.
- Large parking areas should include dedicated landscaped drive aisles that divide parking fields to provide clear circulation to parking adjacent to buildings.



### 3.3.2 Architectural Guidelines

- Buildings should be designed with a high window to wall ratio. The use of glass walls is encouraged. Spandrel glazing may be used to provide the illusion of glass for large portions of a building where structural elements constrict the use of full glass walls.
- Colors and materials should be used strategically in keeping with the building's architectural theme.
- Repetition of shapes, lines and dimensions should be strategically used to create a sense of architectural rhythm that visually unites the building features.
- Establish visual links in multi-building complexes by using landscaping and other site design elements that allow pedestrians to easily navigate within a complex of office buildings.



### 3.4 Retail Uses

These retail design guidelines provide direction for the development of buildings that will house commercial retail and consumer service land uses. These buildings should be designed with elements that consider the human scale to promote the comfort of the customers by providing protection from the elements through awnings, covered walkways, and other pedestrian-friendly elements.

Often times, all sides of commercial buildings will be visible to the public and should be designed in a manner where they are welcoming to customers from the street as well as the parking lot and service areas. Site planning should orient buildings to face the primary highway/street frontage and/or entry drives to the greatest extent feasible. When this is not possible, design features and amenities shall be incorporated to create a pleasant and attractive street frontage.

#### 3.4.1 Building Orientation

- Building façades can be oriented to face either the freeway frontage or the main public street so that businesses and commercial uses are highly visible.
- Avoid placing main building entries directly against parking lots. Design techniques that allow main building entries to open up to courtyards or public space is encouraged.
- Encourage building configurations that create usable outdoor public space where appropriate.



### 3.4.2 Architectural Design

- Elements that promote pedestrian activity such as awnings, covered arcades, windows, and hardscape features (benches, stepping stones, etc.) shall be incorporated into the design of commercial/retail buildings.
- Design building footprints with offsets, recesses, and orient buildings to create courtyards, and/or plazas to provide for a variety of gathering places.
- All publicly visible sides of commercial buildings shall be designed with a complementary level of detailing and quality of materials so that there is equal visual interest on all sides. This may include, but not be limited to, the use of spandrel glazing, awnings, trims, covered doorways, accent colors and accent materials. Multiple building entries are encouraged when feasible.



### Façade Design

Façades should incorporate architectural variation and character that is visually attractive and appealing. The following techniques are encouraged:

- Provide windows, entries, transoms, awnings, cornice treatments, etc.
- Segment façade using a series of columns, masonry piers, tower elements or other architectural treatments.
- Incorporate attractive signage as an integrated element of the building façade.



### Building Height and Mass

- Building elevations should be a mix of one and two stories and should vary so that the building appears to be divided into distinct components.
- Buildings should be segmented into distinct massing elements. Consider designing building with horizontal and vertical offsets to minimize large blank walls and reduce building bulk.

### Building Materials

Use quality economical building materials. Refer to [Section 3.1: General Architectural Design](#) for recommended building materials. Additional appropriate materials may include but are not limited to a combination of:

- Stucco, smooth, sand or light lace finish
- Clay or concrete roof tiles
- Native fieldstone, sandstone and flagstone
- Brick, or tile as accent material
- Metal accents



## 4 LANDSCAPE GUIDELINES

These landscape guidelines provide a framework for achieving the high quality landscape character envisioned for a particular project. These guidelines are not intended to limit innovation, but rather to provide clear direction on design elements that are key to achieving the desired character.

### 4.1 Project Site Perimeter

Landscaping should be provided in various locations around the perimeter of the project site to be used for screening, noise buffering, and to soften edges. Requirements are as follows:

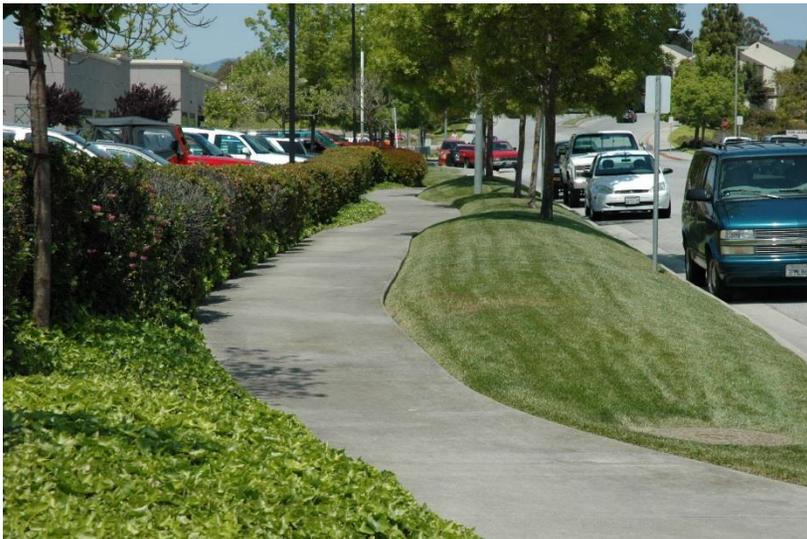
- A landscape strip should be placed along rear lot lines to separate different land uses or to mark a perimeter. Such a division may not be necessary to separate adjacent sites with the same land use type.
- Landscaping should include trees for screening and noise buffering from the adjacent residents.
- Trees should be grouped at various intervals to soften the visual appearance and screen view of buildings, parking lots, etc.
- All development fronting I-205 freeway should incorporate a uniform landscaping theme to create a consistent visual aesthetic.



## 4.2 Pedestrian Paths

Pedestrian paths should be designed to unify the entire project area and provide pedestrian site access to buildings, parking and site activity areas. The following design should be considered:

- Pedestrian paths are strongly encouraged and should be incorporated in parking areas.
- Pedestrian paths should be a minimum of **four feet** in width or wider, appropriate to the pedestrian use demands of the site. When appropriate, include landscape strips on one or both sides.
- Provide clear, convenient pedestrian connections from the public streets, sidewalks, transit stops and trails to business entries.
- Distinguish pedestrian pathways from vehicular drives through the use of differing paving texture, color and/or materials. Where pedestrian pathways cross vehicular drives, provide clearly delineated crosswalks and consider raising the pedestrian paving surface for more visual differentiation.
- Provide adequate lighting for pedestrian safety.



CITY OF TRACY



### 4.3 Parking Lots

Parking lot treatments should be consistent and contribute to the project landscape unity. Parking lots should be planted with trees in such a manner as to provide shade for vehicles and pedestrians. Planting areas should be provided between parking and roads to provide visual relief in large expanses of hardscape. To achieve this, parking lots should be landscaped as follows:

- Landscape strip medians between bays of parking should be installed with trees to soften visual appearance of parking areas. Consider the use of bulb-outs (i.e. one for every eight parking spaces).
- Parking access drives should be easily identifiable and marked with landscaping treatment. Include ground cover and 24-inch box specimen trees on both sides of the entry. (Note: trees should be located a sufficient distance from the face to the street curb to avoid interference with drivers' line-of-sight).
- Perimeter parking lots adjacent to public streets and fronting I-205 should be provided with additional landscape treatment to ensure that parking areas are adequately screened from adjacent street views.
- Parking lot trees should be provided at a minimum of one tree per 5 spaces as required by the Tracy Municipal Code (Code of Ordinances, Section 10.08.3560). Trees may be clustered to define circulation routes, frame site views, and reinforce freeway edge planting. Large scale, high branching shade trees should be used in all parking areas.
- Vegetated bioswales are encouraged in parking lot planting islands to treat on-site stormwater and provide visual relief within the hardscape.



## 4.4 Impact Considerations

### 4.4.1 Water Conservation

All projects must be consistent with the City of Tracy Municipal Water Management Plan as well as the amendments prescribing emergency water conservation measures (Ordinance 1196). All projects must also be consistent with the regulations set forth by the Water Efficient Landscape Ordinance (MWEL0) and the 2015 revisions.

Water conservation techniques should include the following general irrigation and planting practices.

- Water-efficient irrigation systems, irrigation control systems, low-flow sprinkler heads, water-efficient scheduling practices, and Xeriscape should be employed to limit water usage.
- Recycled water should be used for landscape irrigation when available.
- Drip irrigation should be utilized whenever possible.
- Landscaped areas should be designed without the use of turf and with 100% water wise plants.



#### 4.4.2 Low-Impact Development

Roads and parking lots play a major role in transporting increased stormwater runoff and contaminant loads to receiving waters. The following guidelines serve to address ways in which Low-Impact Development techniques address stormwater management that mimic a site's predevelopment hydrology.

- Stormwater Best Management Practices, such as rain gardens, bioswales and rainwater harvesting, should be incorporated into the landscape to maximize on-site infiltration of stormwater, to the extent possible.
- Bioretention swales should be considered for implementation along roadway corridors, within footpaths, or in center medians. Beyond addressing stormwater quality objectives, landscape design of bioretention swales along the road edge can assist in defining the boundary of road or street corridors as well as providing landscape character and amenity.
- Tree box filters should be considered to address bioretention; the mini bioretention areas installed beneath trees can be very effective at controlling runoff, especially when distributed throughout the site. Runoff is directed to the tree box, where it is cleaned by vegetation and soil before entering a catch basin. The runoff collected in the tree-boxes serves to irrigate the trees.
- Permeable paving materials like porous concrete or unit pavers should be considered in landscape design as they may look similar to traditional paving materials but allow air and water to pass through the paving material, providing the opportunity for temporary storage of stormwater runoff and/or groundwater recharge into the soils below.

Refer to *Multi-Agency Post-Construction Stormwater Standards Manual* (Larry Walker Associates, 2015) for additional stormwater management guidelines.



## 4.5 Landscape Planting Characteristics

Design should be generally consistent with the overall contemporary agrarian character of the project. Sites should be landscaped to optimize the aesthetic appeal and comfort for employees and visitors. All portions of a site not devoted to buildings, structures, parking, or paving should be landscaped, to the extent feasible.

### 4.5.1 General Landscape Guidelines

- Fast-growing trees closely spaced in groupings to create visual mass are encouraged.
- Screening and sound attenuation along roads should be achieved through siting, berming and landscaping.
- Property owners are responsible for installing and maintaining the landscape setbacks within their properties, in accordance with the Tracy Municipal Code.
- Landscape designs with simple plant palettes, such as rows and masses of native and climate adapted grasses and orchard style tree plantings are encouraged. There should be a consistency of landscape design throughout a development. Unrelated random placement of plant materials should be avoided.
- Large scale buildings should be screened by large scale planting.
- Trees shall be provided at a ratio of an average of at least one tree for every 1,000 square feet of landscape/hardscape area, not including required parking lot trees.
- Trees shall be installed at a minimum size of 24" box.



#### 4.5.2 Materials

- Natural materials, including stone, and wood in keeping with the general character of the project are preferred.
- Locally sourced, salvaged and recycled content materials in the landscape are encouraged.
- The use of renewable energy in the landscape such as photovoltaics and wind turbines should be considered.
- Species listed on the California Invasive Plant Council (CAL-IPC) list of invasive species shall not be used in the landscape.
- Turf should be minimized in the landscape, except where needed for recreational purposes. The use of turf for solely decorative purposes is strongly discouraged.



### 4.5.3 Sustainability

- Sustainable landscape design employing the most current technologies is strongly encouraged.
- Appropriate placement of landscape materials should provide summer shade on buildings, parking spaces, drives and paths.
- Enhanced building entries and other special landscape features are encouraged and should feature bold foliage accent planting in pots or planters, colored paving, spreading shade trees and seating elements.
- Accent lighting of prominent landscape features is encouraged.



### 4.6 Planting Palette

The use of native, climate adapted and large stature species is encouraged to promote/create habitat, minimize use of water, fertilizers and pesticides, promote biodiversity and sequester carbon.

The following plant list provides suggested species suitable for the design aesthetic desired.

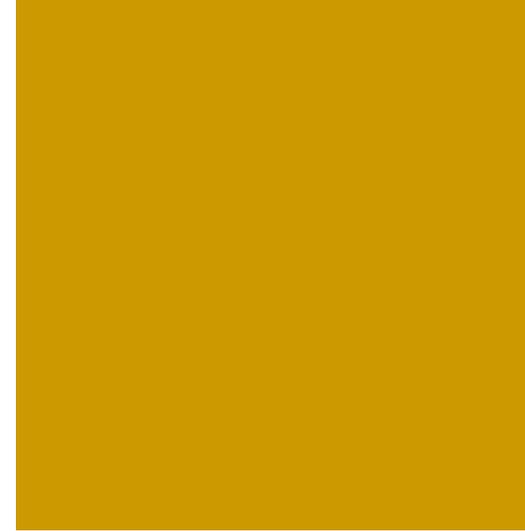
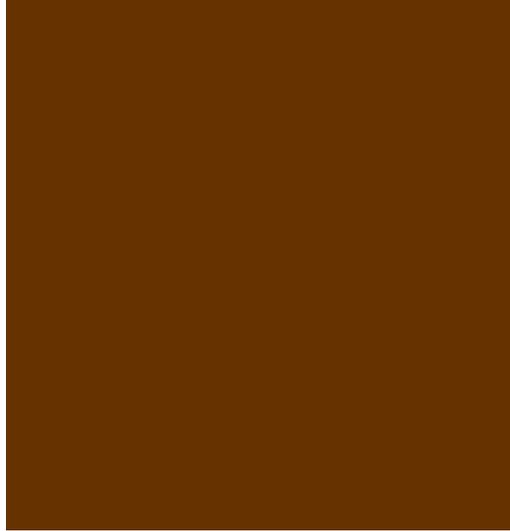
Table 4-1: Plant Palette

Botanical Name	Common Name
Acer rubrum 'Red 'Sunset'	Red Sunset Maple
Celtis sinensis	Japanese Hackberry
Cercis Canadensis	Forest Pansy
Cercis occidentalis	Western Redbud
Crataegus cordata	Washington Hawthorne
Crataegus oxycantha	Hawthorn
Cupressus sempervirens	Italian Cyprus
Fraxinus hololricha 'Moraine'	Moraine Ash
Fraxinus velutina 'Rio Grande'	Rio Grande Velvet Ash
Fraxinus uhdei	Evergreen Ash
Lagerstoemia indica	Crape myrtle
Liriodendron tulipifera	Tuliptree
Nyssa sylvatica	Saucer Magnolia
Pistacia chinensis-Male only	Chinese Pistache
Platanus acerifolia 'Yarwood'	London Planetree
Prunus cerasifera 'krauter Vesuvius'	Krauter Vesuvius Flowering Plum
Pyrus calleryana 'Aristocrat', 'Capital', 'Red Spire', 'Whitehouse'	Flowering Pear, Callery Pear, Capital, Red Spire, Whitehouse Callery Pear
Pyrus calleryana 'New Bradford'	New Bradford Pear

Pyrus calleryana 'Cleveland Select'	Cleveland Flowering Pear
Quercus agrifolia	Coast Live Oak
Quercus cocchineia	Scarlet Oak
Quercus lobata	Valley Oak, White Oak
Quercus rubra	Red Oak
Quercus suber	Cork Oak
Quercus virginiana	Southern Live Oak
Schinus molle	California Pepper Tree
Zelkova serrata 'Green Vase' or 'Village Green'	Japanese Zelkova







bae urban economics

City of Tracy  
I-205 Corridor Retail Demand Study  
DRAFT EXECUTIVE SUMMARY  
December 7, 2015

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Los Angeles

706 South Hill St., Suite 1200  
Los Angeles, CA 90014  
213.471.2666

Washington DC

1400 I St. NW, Suite 350  
Washington, DC 20005  
202.588.8945

New York City

49 West 27<sup>th</sup> St., Suite 10W  
New York, NY 10001  
212.683.4486

# SUMMARY OF FINDINGS

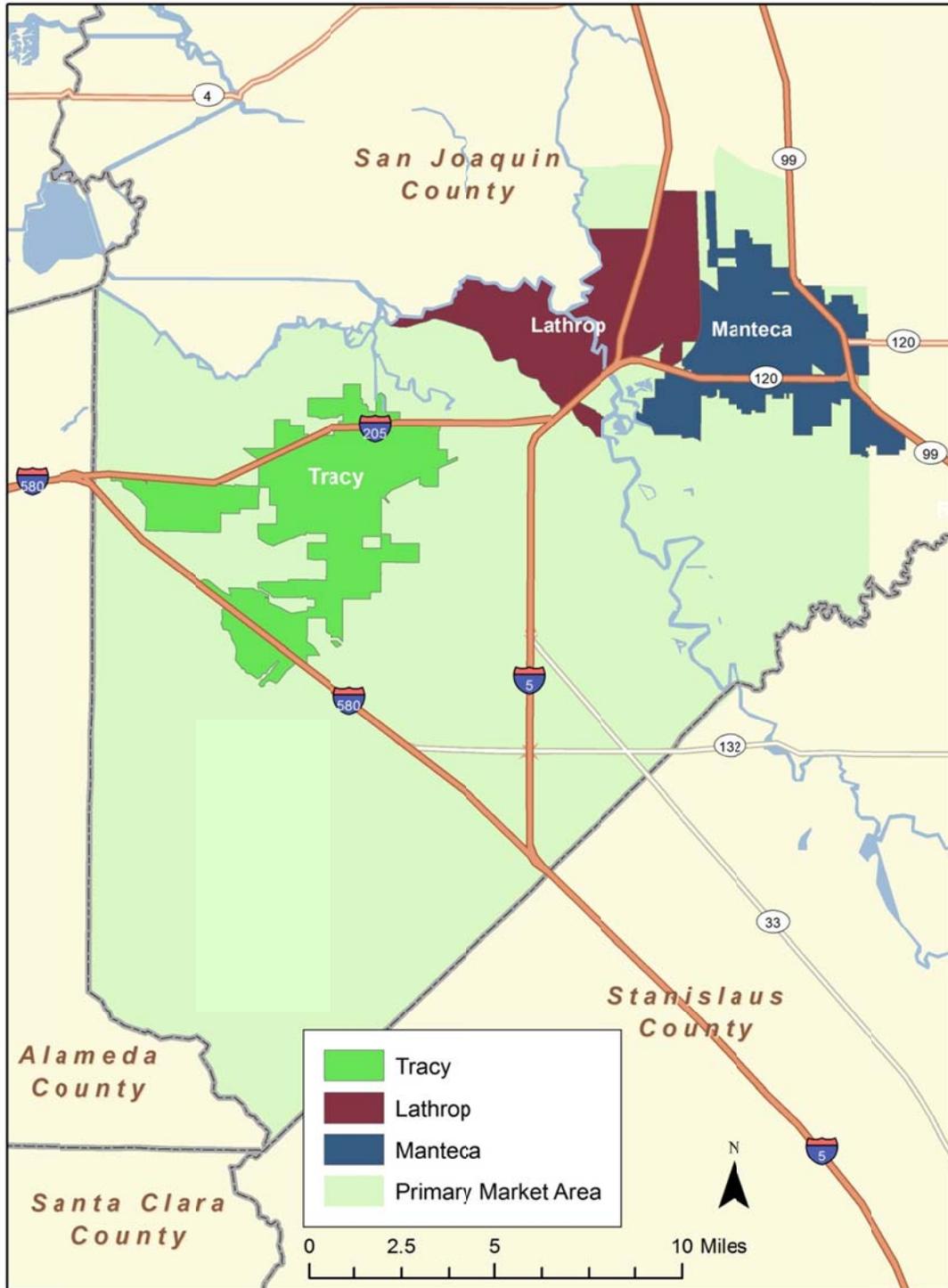
## Background and Study Purpose

After a period following the onset of the Great Recession and limited commercial and industrial development, the U.S. and California economies have recovered, as reflected in Tracy in renewed development proposals. Members of the City Council have indicated that the City needs to balance industrial development with the desire to preserve land to meet future retail demand, especially in the I-205 corridor, which provides regional access for businesses and for consumers from other nearby communities. To assess the depth of potential retail demand, the City has requested BAE to complete a Retail Demand Forecast for the City.

## Definition of Primary Market Area

The Primary Market Area (“PMA”) has been defined as the Cities of Tracy, Lathrop, and Manteca, as well as Mountain House and other nearby unincorporated areas, as shown on the following page. It is important to note that while the majority of Tracy’s shoppers are likely to reside within this area, Tracy, and especially the I-205 corridor, will attract shoppers travelling through the City, as well as other shoppers from elsewhere who are attracted to particular retailers in Tracy.

## Primary Market Area



## Demographic Overview

### *Historic Population Trends*

Tracy and the PMA experienced strong population growth between 2000 and 2010, both geographies growing at an annual compound rate of 3.8 percent, compared to only 2.0 percent for San Joaquin County overall. This growth slowed considerably over the last five years, which were years of slow recovery from the recession and the housing crisis which impacted the County severely. Tracy's growth rate slowed to only 1.2 percent annually, while the PMA's rate was 1.5 percent and the County's was 0.8 percent. Household growth trends mirrored those of the population overall.

Tracy's households tend to be larger than the PMA's, which in turn are larger than the County's. Household size has been increasing in Tracy, the PMA, and the County.

Tracy's share of the PMA's population, and thus of the PMA's consumer base, has remained relatively unchanged over the last 15 years, at approximately 42 percent of the total.

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### **Population Trends, 2000-2015**

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<u>Population</u>	<u>2000</u>	<u>2010</u>	<u>Annual Rate of Change 2000-2010</u>	<u>2015</u>	<u>Annual Rate of Change 2010-2015</u>
City of Tracy	56,929	82,922	3.8%	88,019	1.2%
Primary Market Area	134,319	195,536	3.8%	210,630	1.5%
San Joaquin County	563,598	685,306	2.0%	713,388	0.8%
Tracy Population as % of PMA	42%	42%		42%	
<u>Households</u>					
City of Tracy	17,620	24,331	3.3%	25,341	0.8%
Primary Market Area	41,572	58,216	3.4%	61,822	1.2%
San Joaquin County	181,629	215,007	1.7%	221,834	0.6%
<u>Average HH Size</u>					
City of Tracy	3.21	3.40		3.46	
Primary Market Area	3.12	3.28		3.34	
San Joaquin County	3.00	3.12		3.16	

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Sources: U.S. Census, 2000 and 2010; Nielsen; BAE, 2015.

### *Future Population Trends*

The PMA's population is projected to increase by slightly more than 25 percent between 2015 and 2030, to a total population of 264,000. Tracy's population is projected to increase by 28,000 over the period, to 115,000, with percentage growth slightly higher than for Manteca and Lathrop, but below that of Mountain House. Even with its Growth Management Ordinance in place, Tracy will continue to be the largest city in the PMA;

Tracy's share of PMA population is estimated to remain about the same, with a minimal increase in share from 42 to 43 percent.

Assuming no major decline in incomes and spending power, this additional population growth will lead to increased retail expenditures by residents of Tracy and the PMA, which in turn may be reflected in increased demand for land to support new retail development.

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### **Long-Term Population Projections**

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	<b>Total Population</b>				<b>% Growth 2015-2030</b>
	<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>	
Tracy	87,000	96,000	105,000	115,000	32%
Manteca	71,831	77,018	82,912	88,855	24%
Lathrop	19,487	21,102	22,936	24,786	27%
Mountain House	10,975	12,435	14,094	15,766	44%
Unincorporated PMA	20,000	20,000	20,000	20,000	0%
<b>PMA Total</b>	<b>209,293</b>	<b>226,555</b>	<b>244,942</b>	<b>264,407</b>	<b>26%</b>
Tracy as Percent of PMA	42%	42%	43%	43%	

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**Notes:**

Estimates here may vary from those found in Table 1, due to different sources required for long-term projections.

Sources: University of the Pacific Business Forecasts for San Joaquin Council of Governments, preliminary estimates provided to City of Tracy; City of Tracy; Nielsen; BAE, 2015.

### ***Resident Income***

Consumer buying power is a critical factor in assessing the potential for retail development, and household income provides a measure of the strength of this disposable income. At \$71,476, Tracy has a higher 2015 median annual household income than the PMA at \$66,930, which in turn has a considerably higher median household income than San Joaquin County at \$51,027. Because of Tracy's higher incomes, retailers seeking a retail location, especially higher-end retailers, may prefer to locate in Tracy rather than elsewhere in the PMA.

### ***Tenure***

Tenure (owner vs. renter occupancy) impacts the retail mix of an area as well as overall sales volumes. For instance, home owners are more likely to spend money on home improvements, appliances, and furniture; since renters tend to be younger, they may be more likely to spend money on meals away from home, entertainment, or other similar items and services. Renters also tend to have lower incomes, leading to reduced overall retail expenditures.

In 2000, Tracy had a higher proportion of homeowners than the PMA overall, but by 2010, as homeownership rates declined due to the recession and foreclosure crisis, Tracy's homeownership declined to a level slightly below the PMA. Currently, homeowners make up 66.3 percent of all households in Tracy.

### ***Retail Sales and Demand Analysis***

#### ***Retail Sales Trends in Tracy and the Primary Market Area***

The following section presents taxable retail sales data for the City of Tracy and the PMA by major retail store category. For comparative purposes sales data from San Joaquin County and California are also presented. All data are presented in constant 2014 dollars, adjusted using the California Consumer Price Index. Data are presented for the period from 2004 through 2<sup>nd</sup> quarter 2014, which was the most recently published data at the time of this analysis, with additional BAE estimates for 2015 based on data provided by the City of Tracy.

For California, San Joaquin County, the PMA, and Tracy, inflation-adjusted taxable retail sales levels gradually increased between 2004 and 2005, and then began a multi-year decline which accelerated over time, with large drops from 2007 through 2009 as the Great Recession took hold. Total taxable retail sales levels in 2009 were the lowest of the 2004 through 2014 period. Since 2009, sales have recovered gradually, but are still below 2005 levels on an inflation-adjusted basis, despite increases in population over the decade. Generally, the PMA and Tracy did not see declines as great as state- or county-wide, and have recovered farther. For the 3<sup>rd</sup> Quarter 2013 through 2<sup>nd</sup> Quarter 2014 period (most recent data available), total taxable retail sales in Tracy were slightly less than \$1.2 billion, and were approximately \$2.1 billion for the PMA.

For the most recent period (3<sup>rd</sup> Quarter 2013 through 2<sup>nd</sup> Quarter 2014) with available data, Tracy's share of PMA taxable sales is 57 percent, similar to the 58 percent share of 2004 through 2006. But in between those two annual periods, the rate declined to 51 percent in 2009. Much of this can be attributed to a slump in motor vehicle sales, which is a relatively large component of retail in Tracy. Manteca's share has ranged between 35 and 39 percent since 2004, and Lathrop's share has fluctuated between five and ten percent.

#### ***Per Capita Taxable Retail Sales***

Per capita retail sales are an indicator of the relative strength of a locale as a retail destination; other factors being equal, higher per capita sales point toward attraction of shoppers from outside the area, and lower per capita sales indicate that local shoppers are going elsewhere to make their purchases. Inflation-adjusted annual per capita taxable retail sales trends generally mirror those for overall sales, with peak per capita taxable sales for most areas in 2005, after which sales declined through 2009 and then

undertook a gradual increase. However, the recovery for per capita sales has not been as strong as for overall taxable retail sales, since population has been increasing over time also, even during the recession.

Tracy had inflation-adjusted per capita taxable retail sales of \$15,540 in 2004, and for the most recent four quarters from 3<sup>rd</sup> Quarter 2013 through 2<sup>nd</sup> Quarter 2014, the City's inflation-adjusted per capita retail sales are only \$13,780, even though total taxable retail sales are higher than in 2004. Even given these declines, however, Tracy still has per capita retail sales greater than California, San Joaquin County, Manteca, or Lathrop. This likely reflects both the higher incomes in Tracy and an attraction of shoppers to the diverse array of retail shopping opportunities in the City.

*Per Capita Retail Sales by Major Store Category*

Tracy has high per capita sales overall, due to high per capita sales levels for motor vehicles, home furnishings/appliances,<sup>1</sup> gasoline stations, and general merchandise stores. Sales are particularly high for motor vehicles and general merchandise stores, reflecting the strong position of Tracy's cluster in the I-205 corridor of new car dealers and large general merchandise stores ranging from Costco to Walmart to Macy's. The high gasoline station sales are likely linked to Tracy's position on a major commute corridor from the Central Valley to the Bay Area.

Tracy appears particularly weak in clothing and apparel-related stores, as well as the Other Retail Group, which includes a broad range of specialty retail, including office supply stores, pet supply stores, book stores, and sporting goods, as well as pharmacies. For clothing stores, and to a lesser degree the Other Retail Group, per capita sales have been declining since 2004; these declines may be related to the effective failure of the outlet mall, and the limited number of major name-brand retailers in the West Valley Mall other than the anchor department stores.

For the PMA, per capita sales by major store category are generally closer to statewide averages, but are high or low in many of the same categories as Tracy, with relatively high sales for home furnishings/appliances (due largely to Tracy's extremely high per capita sales in this category), gasoline stations, and general merchandise stores, and low per capita sales for clothing/apparel and the other retail group. The low sales in clothing/apparel and the other retail group may reflect a gap in the PMA's retail mix, due in part to the area's lack of high-end specialty retail. The lower levels of sales in these categories may also relate to different shopping patterns in the area; for instance, consumers could be buying more clothing at the general merchandise stores.

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<sup>1</sup> High sales in this category may be due to the presence of one or more major chain distribution centers in Tracy functioning as the point of sale for online and/or phone sales.

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**Comparative Per Capita Retail Sales by Major Retail Store Category, 3Q 2013 - 2Q 2014**

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<b>Sales per Capita in 2014 \$ (a) (b) (c)</b>	<b>Tracy</b>	<b>Lathrop</b>	<b>Manteca</b>	<b>Market Area (d)</b>	<b>San Joaquin County</b>	<b>California</b>
Motor Vehicle and Parts Dealers	\$3,896	\$1,849	\$1,813	\$2,394	\$1,898	\$2,771
Home Furnishings and Appliance Stores	\$1,510	\$0	\$258	\$706	\$449	\$677
Bldg. Matrl. and Garden Equip. & Supplies	\$823	\$682	\$691	\$641	\$817	\$795
Food and Beverage Stores	\$2,145	\$1,220	\$1,640	\$1,560	\$1,834	\$2,237
Gasoline Stations	\$2,281	\$3,572	\$1,306	\$1,721	\$1,842	\$1,492
Clothing & Clothing Accessories Stores	\$476	\$5	\$490	\$365	\$409	\$934
General Merchandise Stores	\$2,976	\$1,569	\$3,473	\$2,569	\$2,015	\$1,795
Food Services and Drinking Places	\$1,611	\$935	\$1,468	\$1,256	\$1,157	\$1,894
Other Retail Group	\$1,144	\$222	\$1,451	\$992	\$1,408	\$1,708
<b>Retail Stores Total</b>	<b>\$16,862</b>	<b>\$10,055</b>	<b>\$12,589</b>	<b>\$12,204</b>	<b>\$11,830</b>	<b>\$14,304</b>
<b>Population</b>	84,706	19,546	72,108	207,521	705,149	38,193,865

---

(a) Retail sales have been adjusted to 2014 dollars based on the California Consumer Price Index, derived by the State Department of Industrial Relations based on data from BLS. Totals may not sum from components due to independent rounding. Includes an estimate of non-taxable sales, based on a comparison of 2012 SBOE and Economic Census data.

(b) Analysis excludes all non-retail outlets (business and personal services) reporting taxable sales.

(c) Per capita sales calculated based on sales divided by population. Population from CA State Dept. of Finance.

(d) Due to data availability issues, Market Area sales include only sales for incorporated places within the Market Area. Land use patterns indicated very limited retail sales in the unincorporated areas. Totals may vary from other tables, due to BAE's estimates by category for Lathrop where disclosure problems limited available data.

Population estimate from Nielsen, assuming a constant rate of growth between 2010 and 2015 (see Table 1).

Sources: State Dept. of Finance; Nielsen; State Board of Equalization; CA Dept. of Industrial Relations; U.S. Bureau of Labor Statistics; 2012 Economic Census; BAE, 2015.

## Per Capita Sales by Category in Tracy and the PMA Relative to the State

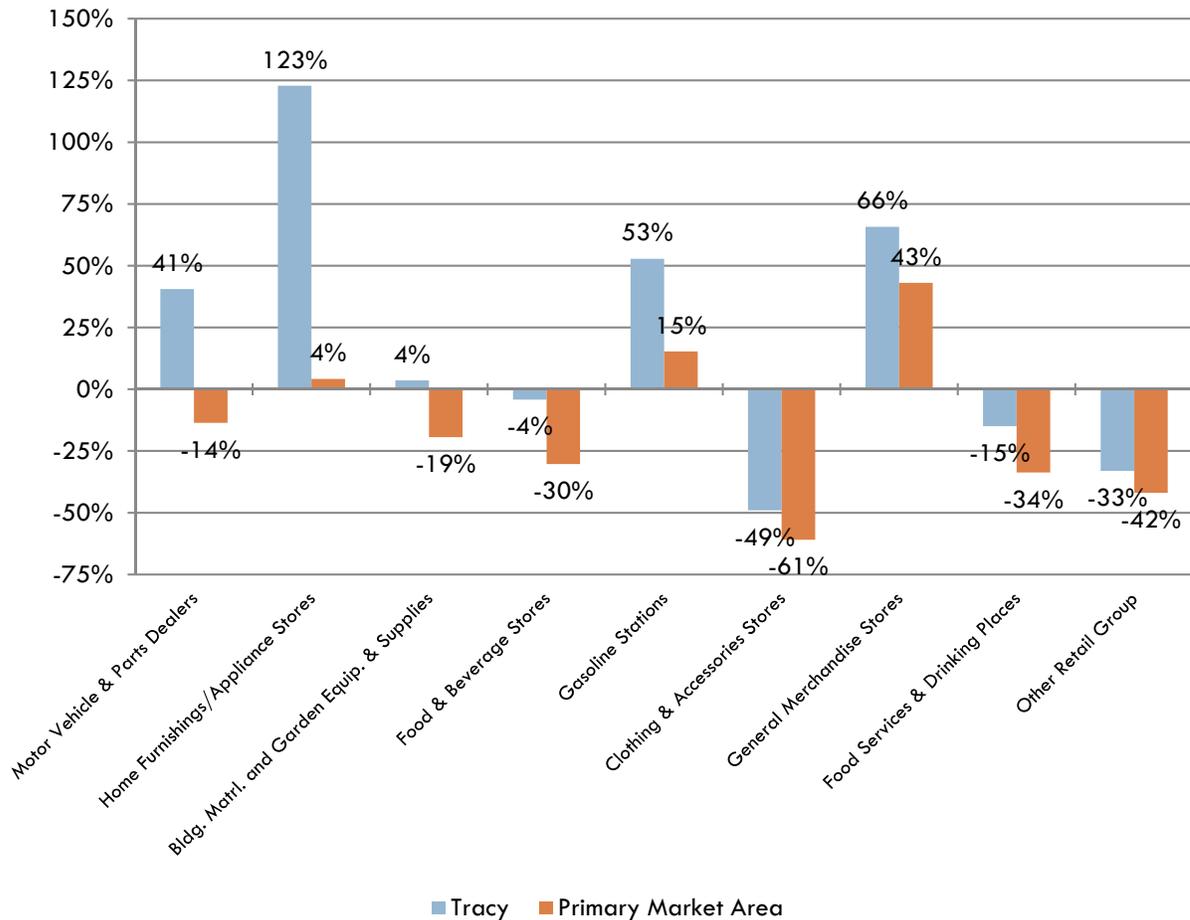


Chart shows 3Q 2013- 2Q 2014 per capita sales for Tracy and the PMA by category relative to California overall; e.g., per capita food and beverage store sales in the Market Area are 19 percent below Bay Area benchmark. Includes only taxable sales. For additional detail, see Appendix A.

Sources: State Dept. of Finance; Nielsen; State Board of Equalization; CA Dept. of Industrial Relations; U.S. Bureau of Labor Statistics; 2012 Economic Census; BAE, 2015.

### ***Estimate of Demand for Additional Retail Space in Tracy***

#### Overview of Methodology

This estimate begins by building on the historic trend information and demographic analysis via the following steps:

- Retail sales for Tracy and the PMA are updated to 2015
- Per capita estimates are derived based on these 2015 estimates
- Sales are aggregated into two categories: motor vehicle related and all other retail

- Future PMA retail sales are estimated by using the population projections along with the per capita sales estimates for these two major categories, using 5-year intervals out to 2030
- Tracy's share/capture of PMA sales is derived assuming Tracy's current share of the PMA's retail sales
- Using this share proportion, future Tracy retail sales for the two major retail categories are estimated
- Industry-standard benchmarks for sales per square foot/sales per acre along with typical floor area ratios (FARs), vacancy, and non-retail use of retail space (e.g., beauty salons, insurance offices, banks) are then applied to each five-year increment in sales, to generate an estimate of demand for additional retail land through 2030.

### 2015 Retail Sales

Using more recent unpublished taxable sales information from the City of Tracy, BAE has updated estimates of retail sales to 2015, and then used current population estimates to derive per capita sales by major retail category. It is assumed that retail growth by category for both of those cities mirrors Tracy's growth.

Tracy's 2015 per capita motor vehicle-related retail sales are estimated at \$5,943, with non-automotive retail sales estimated at \$10,938. For the PMA, 2015 motor vehicle-related sales per capita are estimated at \$4,019 and non-automotive retail sales are estimated at \$8,407.

## Estimated Retail Sales by Major Retail Store Category, 2015

Sales in 2014 \$000 (a) (b) (c)	Tracy	Lathrop	Manteca	Market Area (d)
Motor Vehicle and Parts Dealers	\$338,280	\$37,055	\$134,050	\$509,386
Home Furnishings and Appliance Stores	\$143,743	\$0	\$20,868	\$164,612
Bldg. Matrl. and Garden Equip. & Supplies	\$72,483	\$13,860	\$51,821	\$138,164
Food and Beverage Stores	\$187,182	\$24,578	\$121,822	\$333,582
Gasoline Stations	\$178,755	\$64,603	\$87,137	\$330,496
Clothing & Clothing Accessories Stores	\$39,852	\$105	\$34,870	\$74,827
General Merchandise Stores	\$258,415	\$31,439	\$256,715	\$546,568
Food Services and Drinking Places	\$147,361	\$19,737	\$114,311	\$281,409
Other Retail Group	\$102,571	\$4,588	\$110,705	\$217,864
<b>Retail Stores Total</b>	<b>\$1,468,644</b>	<b>\$195,963</b>	<b>\$932,300</b>	<b>\$2,596,907</b>

<b>Automotive</b>	\$517,036	\$101,658	\$221,188	\$839,882
<b>Non-Automotive</b>	\$951,608	\$94,305	\$711,112	\$1,757,026

Sales per Capita in 2014 \$ (a) (b) (c)	Tracy	Lathrop	Manteca	Market Area (d)
Motor Vehicle and Parts Dealers	\$3,888	\$1,855	\$1,874	\$2,437
Home Furnishings and Appliance Stores	\$1,652	\$0	\$292	\$788
Bldg. Matrl. and Garden Equip. & Supplies	\$833	\$694	\$724	\$661
Food and Beverage Stores	\$2,152	\$1,231	\$1,703	\$1,596
Gasoline Stations	\$2,055	\$3,235	\$1,218	\$1,581
Clothing & Clothing Accessories Stores	\$458	\$5	\$487	\$358
General Merchandise Stores	\$2,970	\$1,574	\$3,589	\$2,615
Food Services and Drinking Places	\$1,694	\$988	\$1,598	\$1,346
Other Retail Group	\$1,179	\$230	\$1,548	\$1,042
<b>Retail Stores Total</b>	<b>\$16,881</b>	<b>\$9,811</b>	<b>\$13,034</b>	<b>\$12,425</b>

<b>Automotive</b>	\$5,943	\$5,090	\$3,092	\$4,019
<b>Non-Automotive</b>	\$10,938	\$4,722	\$9,941	\$8,407

<b>Population</b>	87,000	19,973	71,531	209,000
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(a) Retail sales have been adjusted to 2014 dollars based on the California Consumer Price Index, derived by the State Department of Industrial Relations based on data from BLS. Totals may not sum from components due to independent rounding.

(b) Analysis excludes all non-retail outlets (business and personal services).

(c) Per capita sales calculated based on sales divided by population. Population from Nielsen.

(d) Due to data availability issues, PMA data only includes sales for incorporated places within the PMA. Population for Tracy and PMA from Table 2. Land use patterns indicated very limited retail sales in the unincorporated areas.

Sources: Nielsen; State Board of Equalization; City of Tracy; CA Dept. of Industrial Relations; U.S. Bureau of Labor Statistics; BAE, 2015.

Future Retail Sales

Using population projections and the per capita sales estimates from above , the following table shows the projections of future retail sales in the PMA.

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**Estimated Retail Sales by Major Retail Store Category, 2015**

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<b><u>Per Capita Retail Sales</u></b>	<b>Baseline</b>			
	<b>2015</b>			
Motor Vehicle-Related	\$4,019			
All Other Retail	\$8,407			
Total Retail	\$12,425			
	<b>2015</b>	<b>2020</b>	<b>2025</b>	<b>2030</b>
<b>Tracy Population</b>	87,000	96,000	105,000	115,000
<b>PMA Population</b>	209,000	227,000	245,000	264,000
<b>Tracy Population as % of PMA</b>	41.6%	42.3%	42.9%	43.6%
<b><u>Total Primary Market Area Retail Sales (\$000)</u></b>				
Motor Vehicle-Related	\$839,882	\$912,216	\$984,550	\$1,060,903
All Other Retail	\$1,757,026	\$1,908,349	\$2,059,671	\$2,219,401
All Retail	\$2,596,907	\$2,820,564	\$3,044,222	\$3,280,304
<b><u>Increment in Primary Market Area Retail Sales (\$000)</u></b>		<b><u>2015 - 2020</u></b>	<b><u>2020 - 2025</u></b>	<b><u>2025-2030</u></b>
		<b><u>2015 - 2030</u></b>		
Motor Vehicle-Related		\$72,334	\$72,334	\$76,353
All Other Retail		\$151,323	\$151,323	\$159,730
All Retail		\$223,657	\$223,657	\$236,082
				\$683,397

Note: Sales estimates are in 2015 dollars assuming no inflation from 2014 to 2015. Per capita sales calculated based on sales divided by population.

Sources: Nielsen; State Board of Equalization; San Joaquin Council of Governments; City of Tracy; 2012 Economic Census; CA Dept. of Industrial Relations; U.S. Bureau of Labor Statistics; BAE, 2015.

Tracy's Share of PMA Sales

Tracy garners a high proportion of retail sales in the PMA relative to its population base, indicating its historic position as an attractor of retail shoppers. While this proportion has fluctuated over the last 10 years, Tracy's share in 2014 was nearly the same as in 2004, even as Manteca and Lathrop have grown and added to their own region-serving retail inventory, and Mountain House approaches the required critical mass for additional retail development. While further growth in population and new retail options elsewhere in the PMA may lead to a decline in Tracy's share of sales, the analysis here uses the current share for estimates of Tracy's retail sales in the future. Given that the purpose of this analysis is to ensure that Tracy has enough land available for future retail demand, it is important to have the capacity to maintain this existing share rather than potentially constrain future retail development by assuming a declining share.

Tracy's current share of motor vehicle-related sales is estimated at 62 percent of the PMA, with other retail at a 54 percent share. By comparison, Tracy's population makes up approximately 42 percent of the PMA total.

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## Tracy Share of Primary Market Area Retail Sales

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<u>Tracy Share of PMA Sales</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>
Motor Vehicle-Related	62%	62%	62%	62%
All Other Retail	54%	54%	54%	54%

Sources: Nielsen; State Board of Equalization; San Joaquin Council of Governments; City of Tracy; 2012 Economic Census; CA Dept. of Industrial Relations; U.S. Bureau of Labor Statistics; BAE, 2015.

### *Projected Future Retail Sales in Tracy*

Applying the proportions above to the PMA, Tracy's retail sales are projected to reach approximately \$1.9 billion annually by 2030. Motor vehicle related sales will reach \$0.7 billion, and all other retail will reach \$1.2 billion.

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## Future Estimated Retail Sales in Tracy, 2015 - 2030

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<u>Tracy Retail Sales (\$000)</u>	<u>2015</u>	<u>2020</u>	<u>2025</u>	<u>2030</u>
Motor Vehicle-Related	\$517,036	\$565,574	\$610,421	\$657,760
All Other Retail	\$951,608	\$1,030,508	\$1,112,222	\$1,198,476
All Retail	\$1,468,644	\$1,596,082	\$1,722,644	\$1,856,236

<u>Increment in Tracy Retail Sales (\$000)</u>	<u>2015 - 2020</u>	<u>2020 - 2025</u>	<u>2025-2030</u>	<u>2015 - 2030</u>
Motor Vehicle-Related	\$48,538	\$44,847	\$47,339	\$140,724
All Other Retail	\$78,900	\$81,714	\$86,254	\$246,868
All Retail	\$127,438	\$126,562	\$133,593	\$387,592

Sources: Nielsen; State Board of Equalization; San Joaquin Council of Governments; City of Tracy; 2012 Economic Census; CA Dept. of Industrial Relations; U.S. Bureau of Labor Statistics; BAE, 2015.

### *Projected Demand for Retail Land in Tracy*

This estimate of demand is derived by taking the estimated increment in retail sales over each five-year period, and applying several industry benchmarks for sales, floor area ratios, shopping center tenant mix, and vacancy to derive future land demand.

First, industry benchmarks for sales performance are applied. For motor vehicle-related retail, the estimate is applied on a per-acre basis since most automotive retail sales are at car dealers and gasoline stations, where the size of the structures is not as important as the total space for vehicle display, storage, and for gas stations, the fuel pump area. In some cases, the structures are minimal (e.g., a self-service gas station with no convenience store, or a used car lot with no service facility). BAE analyzed the land footprint of new car dealers in Tracy, took estimates of sales based on available taxable

sales and the 2012 Economic Census, and derived an estimate of \$9 million in annual sales per acre for motor vehicle-related retail.

For all other retail, BAE assumed annual sales at \$400 per square foot, based on review of multiple sources, including reports from sales tax consultants, company annual reports, and other sources. As a point of reference, this number is lower than Walmart’s reported company-wide sales per square foot, and above Target’s. It may be above current levels in Tracy, but higher levels of sales are required for the rent levels making new retail construction feasible.

For all other retail, a floor area ratio of 0.25 is assumed, to allow for adequate parking. It is assumed that 15 percent of the new retail space will be occupied by uses such as beauty salons, storefront medical and dental clinics, insurance offices, fitness centers, and other types of non-retail uses. Finally, a vacancy factor of 7.5 percent is applied, to allow for normal movement in the market such as entry of new retailers, or expansion and relocation of existing retailers.

The results of the analysis are shown below, with projected demand for approximately 16 acres of land for future motor vehicle-related demand, and approximately 670,000 square feet of built space or 72 acres of land for all other retail types.

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**Demand for Retail Land in Tracy, 2015 - 2030**

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**Annual Sales per Square Foot/Acre (2015 \$)**

Motor Vehicle-Related (per acre)	\$9,000,000
All Other Retail (per square foot)	\$400
FAR for All Other Retail	0.25
Service Business Factor for Other	15.0%
Vacancy Factor for Other Retail	7.5%

**Demand for New Non-Motor Vehicle-Related Building Space**

	<u>2015 - 2020</u>	<u>2020 - 2025</u>	<u>2025-2030</u>	<u>Total</u> <u>2015 - 2030</u>
	250,874	204,286	215,635	670,794

**New Land Demand in Acres**

	<u>2015 - 2020</u>	<u>2020 - 2025</u>	<u>2025-2030</u>	<u>Total</u> <u>2015 - 2030</u>
Motor Vehicle-Related	5.39	4.98	5.26	15.64
All Other Retail	23.04	23.86	25.18	72.08
Total Land Demand	28.43	28.84	30.44	87.72

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Sources: Nielsen; State Board of Equalization; San Joaquin Council of Governments; City of Tracy; 2012 Economic Census; CA Dept. of Industrial Relations; U.S. Bureau of Labor Statistics; BAE, 2015.

### ***Implications for I-205 Corridor***

The I-205 Corridor is the primary location for region-serving retail in Tracy, including the cluster of new car dealers, the mall, and numerous big-box stores. The analysis here assumes that future demand for region-serving retail will be met in the Corridor, along with some local demand (e.g., food stores, such as WinCo or the Walmart expansion).

### ***Motor Vehicle-Related Retail***

New car dealers (either representing additional brands or expansion of existing brands) slated to meet the growth in demand will seek locations near the current dealers along Naglee Road. These dealers make up the bulk of motor vehicle-related demand for new retail land. Gasoline stations (often with convenience stores) will serve both local and regional drivers; two thirds of all land demand for this retail category has been assumed to be suited for the I-205 Corridor. For the entire motor-vehicle related category, the analysis assumes 90% of demand will be in the I-205 Corridor.

### ***All Other Retail***

This includes a broad range of retail categories, some of which are primarily region-serving (e.g., department stores and big box stores), and others with a more local orientation (e.g., supermarkets). However, the lines between some of these categories are blurred; for instance, the WinCo food store functions as a regional draw as well as serving local Tracy shoppers. Overall, BAE has assumed that 70 percent of overall demand for all other retail will be in the I-205 Corridor. The following table shows the results of the analysis, with demand in the I-205 Corridor for approximately 470,000 square feet of non-automotive retail space and 65 total acres of retail-serving land uses.

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## **Demand for Retail Land in the I-205 Corridor, 2015 - 2030**

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### **Regional Proportion of Overall Demand**

Motor Vehicle-Related	90%
All Other Retail	70%

### **Demand for New Non-Motor Vehicle-Related Building Space**

	<u>2015 - 2020</u>	<u>2020 - 2025</u>	<u>2025-2030</u>	<u>Total</u> <u>2015 - 2030</u>
	175,611.51	143,000.04	150,944.48	469,556

### **New Land Demand in Acres**

	<u>2015 - 2020</u>	<u>2020 - 2025</u>	<u>2025-2030</u>	<u>Total</u> <u>2015 - 2030</u>
Motor Vehicle-Related	4.85	4.48	4.73	14.07
All Other Retail	16.13	16.70	17.63	50.46
Total Land Demand	20.98	21.19	22.36	64.53

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Sources: Nielsen; State Board of Equalization; San Joaquin Council of Governments; City of Tracy; 2012 Economic Census; CA Dept. of Industrial Relations; U.S. Bureau of Labor Statistics; BAE, 2015.

## OVERVIEW OF EXISTING RETAIL CONDITIONS

Analysis underway

## COMPARISON OF SUPPLY AND DEMAND

Analysis underway

## STAKEHOLDER INTERVIEWS

Interviews and analysis currently underway

AGENDA ITEM 6

REQUEST

**ADOPT A RESOLUTION OF NECESSITY AUTHORIZING THE INITIATION OF EMINENT DOMAIN PROCEEDINGS TO ACQUIRE RIGHT OF WAYS AND TEMPORARY CONSTRUCTION EASEMENTS FROM CERTAIN REAL PROPERTIES FOR CONSTRUCTION OF INTERSECTION IMPROVEMENTS AT ELEVENTH STREET AND MACARTHUR DRIVE (WESTERN INTERSECTION) AND AUTHORIZE THE DEPOSIT OF \$17,200 FOR THE MARINO PARCEL AND \$350,000 FOR THE BOGETTI PARCEL WITH THE STATE OF CALIFORNIA CONDEMNATION DEPOSIT FUND**

EXECUTIVE SUMMARY

The City has an approved Capital Improvement Project (CIP) to construct improvements at the intersection of MacArthur drive and Eleventh Street (western intersection). The project design is almost complete and the project is scheduled to begin construction in mid-2016. The project involves acquisition of easements and real properties adjacent to this intersection.

The City had completed appraisals, made offers and negotiated with ten property owners for acquisition of right of way easements and real properties for construction of the intersection improvements. The City has completed friendly acquisition of such easements and real property from eight property owners.

The City has not been able to secure rights of way, easements and real properties from the remaining two parcels owned by two property owners. In order to complete the acquisitions of right of ways and easements in a timely manner without delaying construction of this project, City Council is requested to adopt a Resolution of Necessity to initiate eminent domain proceedings to acquire the subject easements. However, the City will still continue working toward completing the friendly acquisitions of such real properties and easements with the property owners up to March 2016.

DISCUSSION

The existing intersection of Eleventh Street and MacArthur Drive is controlled with a traffic signal and is located adjacent and parallel to the Union Pacific Railroad (UPRR) tracks. Due to limited right of way, the intersection does not have separate turning lanes for three directions. During peak hours, the intersection becomes congested and traffic routinely backups. The City has an approved Capital Improvement Project - CIP 72069, to widen and improve this intersection with estimated costs of \$4.35 Million. The City has received a federal grant in the amount of \$1.0 million towards construction of the project.

The project will provide geometric improvements at the intersection to provide separate turning lanes traveling from MacArthur Drive onto east and westbound Eleventh Street.

The City of Tracy completed the project environmental studies to comply with California Environmental Quality Act (CEQA) and National Environmental Protection Agency

regulations in 2013. Since then no changes have been made to the project description. The City has executed an agreement with UPRR to provide crossing upgrades and easements to accommodate intersection improvements.

The City and its consultant have designed the project so that a minimum amount of private property is required. Construction of the improvements at the intersection requires the acquisition of land, including temporary construction easements from ten parcels. The City completed appraisals and made offers to each of the owners of the parcels. The City has secured required properties and easements from eight parcels. The City has reached an impasse with the remaining two property owners for two parcels.

The owners of record of these two properties and the extent of property acquisition and easements are as follows:

1. Joseph R. and Eileen J. Marino, 508 East Eleventh Street, Tracy, California, (APN 235-190-10). A 1,569 square foot of frontage real property and a 354 square foot construction easement on the existing 14,493 square foot parcel.
2. Robert Bogetti and Albert Bogetti, 516 East Eleventh Street, Tracy, California, (APN 235-190-11). A 12,841 square foot parcel of real property in its entirety, including the existing building is required.

The City has obtained the latest appraisals of both subject properties by an independent licensed appraiser. The owners of records of APN 235-190-10 and APN 235-190-11 have been sent a summary of the appraisals and offers to purchase the property. All parties were also sent an information handbook explaining the process and their rights. All parties were also informed of the proposed adoption of the attached Resolution of Necessity and their right to speak at this meeting. To date, negotiations conducted by City staff and the City's right of way agents have not resulted in agreed prices for the required properties.

A check of records with the San Joaquin County Recorder on August 31, 2015, ascertained that all property owners are still owners of record for these properties. Staff recommends that a Resolution of Necessity be adopted at this time. This will allow for the filing of eminent domain proceedings to acquire the required properties. Should the owner/s of record/s, wish to enter into negotiations to allow the City to purchase the property, such negotiations can occur even after filing the eminent domain action.

In order to adopt a Resolution of Necessity, a total of four affirmative votes are required. In addition, the Council must find and determine as follows:

- The public interest and necessity require the proposed project;
- The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- The properties described in the resolution are necessary for the proposed project; and

- That either the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner cannot be located with reasonable diligence.

The purpose of the hearing is not to determine value of the property, but to determine whether the requirements for adopting the resolution have been met. As discussed above, the project is necessary in order to provide intersection improvements. The project has been carefully designed to minimize the amount of private property necessary to construct the project.

#### FISCAL IMPACT

The City will need to deposit the appraised value of the properties with the State of California Condemnation Deposits Fund. These funds have been budgeted in CIP 72069, for FY 14-15, and are within the project's budgeted amount.

#### RECOMMENDATION

That the City Council Adopt a Resolution of Necessity to acquire designated property and easements located at:

1. 508 East Eleventh Street, Tracy, California, (APN 235-190-10)
2. 516 East Eleventh Street, Tracy, California, (APN 235-190-11)

by eminent domain for the purpose of constructing intersection improvements at Eleventh Street and MacArthur Drive (Western Intersection) and authorize the deposit of deposit of \$17,200 for APN 235-190-10 (Marino parcel) and \$350,000 for APN 235-190-11 (Bogetti parcel) with the State of California Condemnation Deposits Fund.

Prepared by: Ripon Bhatia, Senior Civil Engineer

Reviewed by: Kul Sharma, Utilities Director  
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

RESOLUTION 2015- \_\_\_\_\_

RESOLUTION OF NECESSITY OF THE CITY OF TRACY TO CONDEMN REAL PROPERTY IN CONNECTION WITH INTERSECTION IMPROVEMENTS AT ELEVENTH STREET AND MACARTHUR DRIVE (WESTERN INTERSECTION), MAKING FINDINGS AND DETERMINATIONS, AUTHORIZING EMINENT DOMAIN PROCEEDINGS AND APPLICATIONS FOR POSSESSION PRIOR TO JUDGMENT, DRAW AND DEPOSIT WARRANT (PORTIONS OF MARNIO PROPERTY, APN 235-190-10 AND BOGETTI PROPERTY, APN 235-190-11)

WHEREAS, The City of Tracy wishes to acquire certain real property and a temporary easement in real property described herein below for public use by the exercise of the power of eminent domain, and

WHEREAS, The property is required for intersection improvements at Eleventh Street and MacArthur Drive (western intersection) ("Project"), and

WHEREAS, Pursuant to Chapter 4, Title 7, Part 3 of the Code of Civil Procedure, written notices of the intent to consider the adoption of this resolution of necessity were sent on November 30, 2015, to the owners of record of the said properties, and

WHEREAS, Due consideration of all oral and documentary evidence introduced has been given;

NOW, THEREFORE, by vote of two-thirds or more of its members, the City Council of the City of Tracy does find and resolve as follows:

1. The findings and declarations contained in this resolution are based upon the record before the City Council on December 15, 2015, when the City Council received and discussed the staff report accompanying this resolution, and the testimony, records and documents produced at the hearing, all of which are incorporated by this reference;

3. The real properties which contain the right of way acquisition and temporary construction easements to be acquired for the Project are located in Tracy, California, at 508 East 11th Street, Tracy, California, (APN 235-190-10) and 516 East Eleventh Street, Tracy, California, (APN 235-190-11). The right of way acquisition and easement are more specifically described in Exhibits A, B, and C, attached hereto and made a part hereof;

4. The right of way and easements are to be acquired for the Project, pursuant to the authority granted in Government Code sections 37350.5, 40401, 40404 and 66462.5; Title 7, Part 3 of the Code of Civil Procedure; and other provisions of law;

5. The public interest and necessity require the Project;

6. The Project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;

7. The real property rights described herein are necessary for the Project;

8. As to APN 235-190-11 (Bogetti property) the owner has expressly consented to the acquisition of the entirety of that parcel, pursuant to Code of Civil Procedure section

1240.150. The condemnation of the entirety of that parcel is also supported by Code of Civil Procedure section 1240.410; and

9. The offer required by Section 7267.2 of the Government Code has been made to the owners of record.

Special counsel, Price, Postel & Parma LLP are hereby AUTHORIZED AND EMPOWERED:

To acquire in the name of the City of Tracy, by condemnation, said easements in accordance with the provisions of the eminent domain law, the Code of Civil Procedure, the Government Code and the Constitution of California;

To prepare and prosecute in the name of the City of Tracy, such proceedings in the proper court as are necessary for such acquisition; and

To deposit the probable amount of compensation based on an appraisal, and to apply to said court for an order permitting the City of Tracy to take immediate possession and use said property for said public uses and purposes.

The foregoing Resolution 2015-\_\_\_\_ was adopted by the Tracy City Council on the 15<sup>th</sup> day of December, 2015, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
MAYOR

ATTEST

\_\_\_\_\_  
CITY CLERK

**EXHIBIT "A"**  
**RIGHT OF WAY**  
**APN 235-190-10**

THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF TRACY,  
COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, DESCRIBED AS  
FOLLOWS:

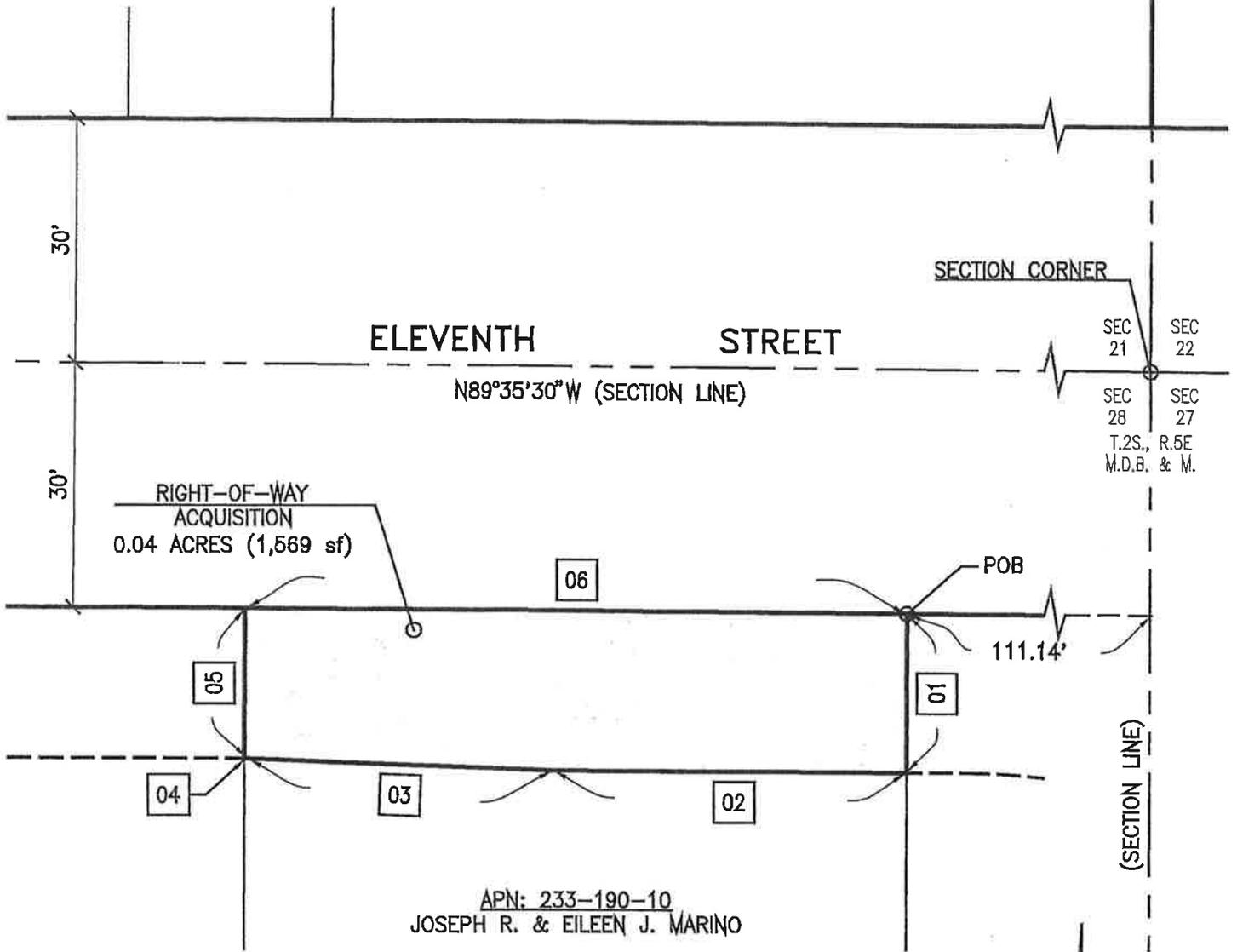
A PORTION OF THE OF NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 2  
SOUTH, RANGE 5 EAST, MOUNT DIABLO BASE AND MERIDIAN, AND MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF ELEVENTH STREET, 30  
FEET SOUTH OF THE NORTH LINE OF SECTION 28, AND 111.14 FEET WEST OF  
THE EAST LINE OF SAID SECTION 28, SAID POINT ALSO BEING THE  
NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN  
DEED TO JOSEPH R. MARINO AND EILEEN J. MARINO, RECORDED JUNE 28,  
1995, RECORDER'S SERIAL NO. 95058212, SAN JOAQUIN COUNTY RECORDS;  
THENCE SOUTH 00 DEGREES 24 MINUTES 30 SECONDS WEST, ALONG THE  
EAST LINE OF SAID MARINO PARCEL, 19.52 FEET TO A POINT; THENCE  
NORTH 89 DEGREES 44 MINUTES 44 SECONDS WEST, 43.51 FEET TO A POINT;  
THENCE NORTH 87 DEGREES 44 MINUTES 44 SECONDS WEST, 37.34 FEET TO  
A POINT; THENCE NORTH 89 DEGREES 44 MINUTES 44 SECONDS WEST, 0.30  
FEET TO A POINT ON THE WEST LINE OF SAID MARINO PARCEL; THENCE  
NORTH 00 DEGREES 24 MINUTES 30 SECONDS EAST, ALONG SAID WEST  
LINE OF MARINO PARCEL, 18.44 FEET TO A POINT ON THE SOUTH LINE OF  
ELEVENTH STREET; THENCE SOUTH 89 DEGREES 35 MINUTES 30 SECONDS  
EAST, ALONG THE SOUTH LINE OF ELEVENTH STREET, 81.13 FEET TO THE  
POINT OF BEGINNING.

CONTAINING 1569 SQUARE FEET, MORE OR LESS.

**ABBREVIATIONS:**

APN ASSESSOR'S PARCEL NUMBER  
 POB POINT OF BEGINNING  
 SEC SECTION



APN: 233-190-10  
 JOSEPH R. & EILEEN J. MARINO

**LINE TABLE**

SYM	COURSE	LENGTH	SYM	COURSE	LENGTH
01	S00°24'30" W	19.52'	04	N89°44'44" W	0.30'
02	N89°44'44" W	43.51'	05	N00°24'30" E	18.44'
03	N87°44'44" W	37.34'	06	S89°35'30" E	81.13'

SCALE: 1"=20'

JOB NO: 10.030  
 DATE: 03/22/13

**EXHIBIT "B"**  
**TEMPORARY CONSTRUCTION EASEMENT**  
**APN 235-190-10**

A EASEMENT FOR TEMPORARY CONSTRUCTION PURPOSES OVER THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF TRACY, COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

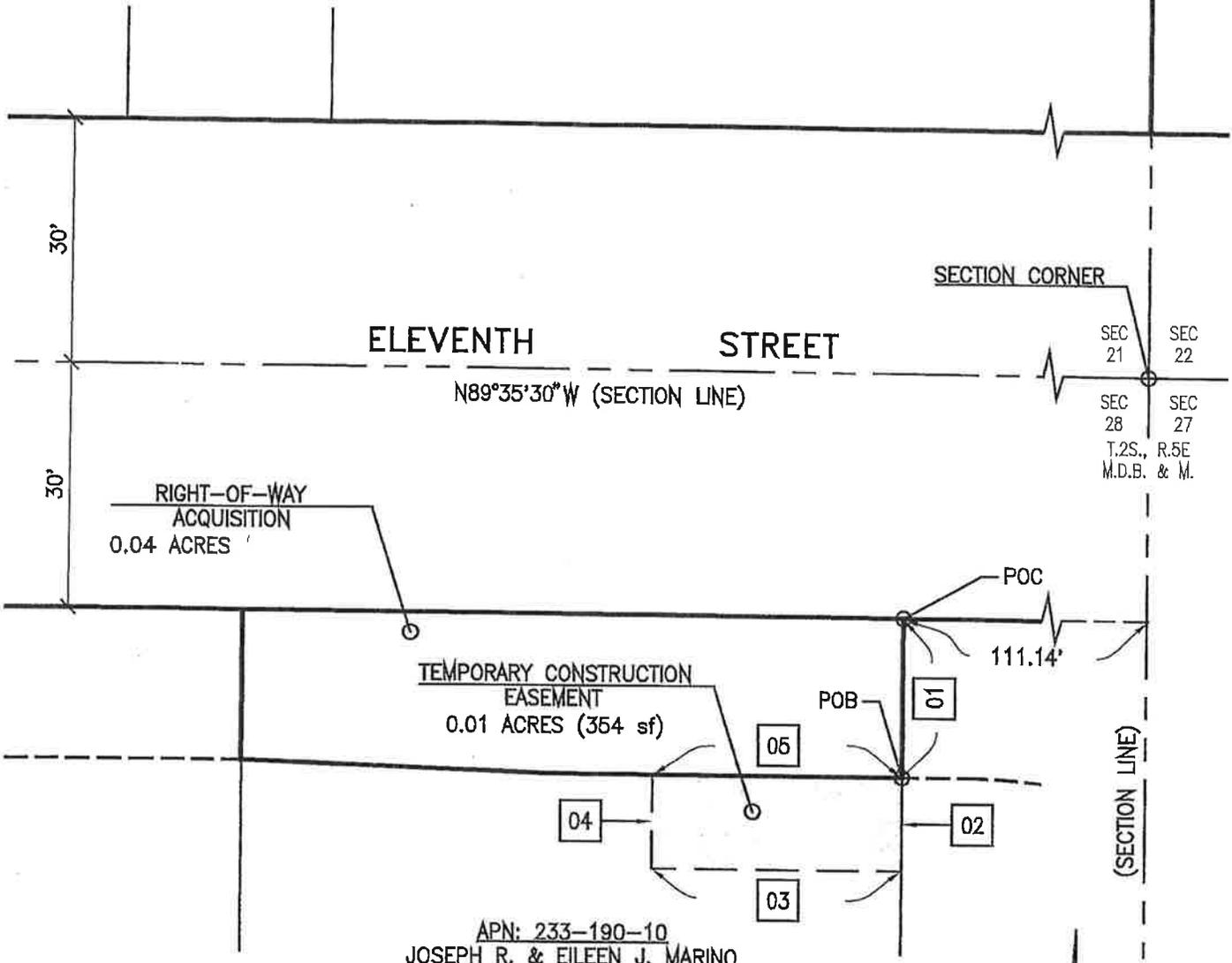
A PORTION OF THE OF NORTHEAST QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 5 EAST, MOUNT DIABLO BASE AND MERIDIAN, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTH LINE OF ELEVENTH STREET, 30 FEET SOUTH OF THE NORTH LINE OF SECTION 28, AND 111.14 FEET WEST OF THE EAST LINE OF SAID SECTION 28, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DEED TO JOSEPH R. MARINO AND EILEEN J. MARINO, RECORDED JUNE 28, 1995, RECORDER'S SERIAL NO. 95058212, SAN JOAQUIN COUNTY RECORDS; THENCE SOUTH 00 DEGREES 24 MINUTES 30 SECONDS WEST, ALONG THE EAST LINE OF SAID MARINO PARCEL, 19.52 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING SOUTH 00 DEGREES 24 MINUTES 30 SECONDS WEST, ALONG THE EAST LINE OF SAID MARINO PARCEL, 11.50 FEET TO A POINT; THENCE NORTH 89 DEGREES 44 MINUTES 44 SECONDS WEST, 30.82 FEET TO A POINT; THENCE NORTH 00 DEGREES 26 MINUTES 17 SECONNDS EAST, 11.50 FEET TO A POINT; THENCE SOUTH 89 DEGREES 44 MINUTES 44 SECONDS EAST, 30.81 FEET TO THE POINT OF BEGINNING.

CONTAINING 354 SQUARE FEET, MORE OR LESS.

**ABBREVIATIONS:**

APN ASSESSOR'S PARCEL NUMBER  
 POB POINT OF BEGINNING  
 POC POINT OF COMMENCEMENT  
 SEC SECTION



APN: 233-190-10  
 JOSEPH R. & EILEEN J. MARINO

**LINE TABLE**

SYM	COURSE	LENGTH	SYM	COURSE	LENGTH
01	S00°24'30" W	19.52'	04	N00°26'17" E	11.50'
02	S00°24'30" W	11.50'	05	S89°44'44" E	30.81'
03	N89°44'44" W	30.82'	-		

SCALE: 1'=20'

JOB NO: 10.030  
 DATE: 03/22/13

The land referred to is situated in the County of San Joaquin, City of Tracy, State of California, and is described as follows:

A tract of land situated in the Northeast Quarter of Section 28, Township 2 South, Range 5 East, Mount Diablo Base and Meridian, and more particularly described as follows:

Beginning at the intersection of the South line of the State Highway known as Eleventh Street with the West line of the Carbona Road, said intersection being 30 feet South of the North line of said Section 28, and 30 feet West of the East line of said Section 28; thence North 89 degrees 49' West along the South line of said Eleventh Street, 81.14 feet; thence South 0 degrees 11' West 169.08 feet; thence North 76 degrees 55' East 83.86 feet to the West line of said Carbona Road, thence due North along the West line of said Carbona Road, 149.84 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying within the property as conveyed to the City of Tracy in Grant Deed recorded March 8, 1990 Recorder's Serial No 90022825, Official Records.

APN No. 235-190-11



AGENDA ITEM 7

REQUEST

**CONDUCT A PUBLIC HEARING TO HEAR OBJECTIONS TO AND APPROVE THE FINAL COSTS OF WEED ABATEMENT AND AUTHORIZE A LIEN ON THE LISTED PROPERTIES IN THE AMOUNT OF THE COST OF ABATEMENT PLUS TWENTY-FIVE PERCENT**

EXECUTIVE SUMMARY

The Fire Department's weed abatement contractor has completed the abatement of all fire hazards on designated properties. Since the properties have been abated, the contractor has submitted invoices to be paid. This public hearing is scheduled to hear objections to the final costs of the weed abatement. This report also requests authorization to place a lien on the subject properties in the amount of the cost of the abatement, plus twenty-five percent (25%).

DISCUSSION

Pursuant to Tracy Municipal Code Section 4.12.260, properties were identified by the Fire Department that required weed abatement. The property owners were given notice to abate and a public hearing was conducted May 19, 2015 to hear any objections to abatement. The Tracy Municipal Code provides that upon failure of the owner, or authorized agent, to abate within 20 days from the date of notice, the City will perform the necessary work by private contractor and the cost of such work will be made a personal obligation of the owner, or become a tax lien against the property. The City Council authorized the abatement.

The Fire Department designated 11 parcels (Attachment A) that required abatement by Baylor Services, the contractor for the City of Tracy. The abatement was completed at a cost to the City of \$15,644.50. The cost of abatement assessed to the property owner is the actual cost of the City contractor plus a 25% overhead charge, per Resolution 2015-075. The total cost, including the 25% overhead charge is \$19,555.63.

Fire Department staff notified the affected property owners of this public hearing where Council will consider the report of costs for abatement and any objections of the property owners liable for the cost of abatement.

STRATEGIC PLAN

This agenda item supports the Public Safety Strategy and specifically implements the following goal:

Goal 2: Promote public health, safety, & community welfare by responding and addressing unsafe, unhealthy or blighted conditions in homes, neighborhoods and the entire community

FISCAL IMPACT

There is \$12,100 allocated for weed abatement services in the FY 2015/16 adopted operating budget. The additional cost of \$3,544.50 will be absorbed in the Department's base budget.

The unpaid additional costs for the abatement will be borne by property owners via a lien placed on the properties. The City will be reimbursed the full costs upon the sale of the property, refinance of the loan on the property, or when the property owner pays to remove the lien from their title.

RECOMMENDATION

That the City Council conduct a public hearing to hear objections to the costs of abatement and authorize, by resolution, approval of the final abatement costs, and authorization of a lien on the listed properties in the cost of abatement amount plus 25 percent.

Prepared by: Gina Rodriguez, Administrative Assistant II

Reviewed by: David A. Bramell, Fire Division Chief  
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

Attachment: Exhibit A – 2015 Final Cost

**TRACY FIRE DEPARTMENT  
WEED ABATEMENT FINAL COST 12-15-2015**

<b>APN</b>	<b>Property Owner</b>	<b>Site Address</b>	<b>ABATEMENT COST</b>	<b>ADMIN FEE 25%</b>	<b>TOTAL COST</b>
250-260-07	Thomas & Elizabeth Taylor	Vacant lot on Mariani Court	\$ 425.00	\$ 106.25	\$ 531.25
235-068-02	KM Land Development	32 W. Eighth Street	\$ 781.25	\$ 195.31	\$ 976.56
235-082-08	Resham Singh	235 W. South Street	\$ 1,562.50	\$ 390.63	\$ 1,953.13
212-290-21	Grant Line West LLC	2855 W. Grant Line Road	\$ 618.75	\$ 154.69	\$ 773.44
214-110-39	Edgard W. Rizkallah	2911 Lincoln Blvd	\$ 675.00	\$ 168.75	\$ 843.75
232-260-20	Laurence Williams	1150 W. Eaton Avenue	\$ 2,214.00	\$ 553.50	\$ 2,767.50
232-380-04	Deutsche Bank Natl Trust Co	1630 Autumn Meadow Lane	\$ 468.00	\$ 117.00	\$ 585.00
233-460-12	Doane Products Company	450 E. Grant Line Road	\$ 6,140.00	\$ 1,535.00	\$ 7,675.00
214-210-05	Mohammad Noor	Vacant lot on Clover Road	\$ 535.00	\$ 133.75	\$ 668.75
209-470-06	Tracy Gate Way LLC	Vacant lot West of Lammers	\$ 625.00	\$ 156.25	\$ 781.25
232-090-07	Olga Mullins	1690 Duncan Drive	\$ 1,600.00	\$ 400.00	\$ 2,000.00
		<b>TOTAL</b>	<b>\$ 15,644.50</b>	<b>\$ 3,911.13</b>	<b>\$ 19,555.63</b>

RESOLUTION \_\_\_\_\_

APPROVING THE FINAL COSTS OF WEED ABATEMENT AND AUTHORIZING A LIEN ON THE PROPERTIES FOR WHICH THE CITY CONDUCTED WEED ABATEMENT

WHEREAS, Pursuant to Tracy Municipal Code, Title 4, Article 6, Section 4.12.260, property was identified that required weed abatement, and

WHEREAS, The property owners were given notice to abate and a public hearing was conducted on May 19, 2015, and

WHEREAS, The Tracy Municipal Code provides that upon failure of the owner, or authorized agent, to abate within 20 days from the date of notice, the City will perform the necessary work by private contractor and the cost of such work will be made a personal obligation of the owner, or become a tax lien against the property, and

WHEREAS, The City Council authorized the abatement by resolution and the Fire Department designated 11 parcels that would require the City contractor Baylor Services, to abate, and

WHEREAS, The abatement was completed at a cost to the City of \$15,644.50 and

WHEREAS, Fire Department staff notified property owners of this public hearing where Council considered the reports of costs for abatement and any objections of the property owners liable for the cost of abatement, and

WHEREAS, The cost of abatement assessed to the property owner is the actual cost of the City contractor plus a 25% administrative charge, per the Tracy Municipal Code;

NOW, THEREFORE, BE IT RESOLVED, That City Council approves the final abatement costs in the amounts set forth in Attachment A to the staff report accompanying this item and authorizes a lien on each of the properties shown on said Attachment A in those amounts.

\*\*\*\*\*

The foregoing Resolution \_\_\_\_\_ was passed and adopted by the Tracy City Council on the 15<sup>TH</sup> day of December 2015, by the following vote:

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

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

AGENDA ITEM 8

REQUEST

**ADOPT RESOLUTION APPROVING THE ANNUAL REPORT ON DEVELOPMENT  
IMPACT FEE REVENUES, EXPENDITURES AND FINDINGS REGARDING  
UNEXPENDED FUNDS**

EXECUTIVE SUMMARY

The City is required by law to issue an annual fiscal report identifying the development impact fees collected and expended during the prior fiscal year.

The City has approximately 86 different development impact fees through 31 funds, with combined collected revenues of \$34,356,373, plus interest, plus \$1,398,055 in pass-through revenue collected for habitat mitigation and forwarded to the County in Fiscal Year 2014-2015. Development impact capital expenditures for Fiscal Year 2014-2015 totaled \$3,246,285. For Council consideration is the resolution regarding the annual report on development impact fee revenues and expenditures and the findings as to unexpended development fees.

DISCUSSION

California Government Code sections 66000-66006 impose requirements for the collection and expenditure of development impact fees. Section 66006(b)(1) requires the City to prepare and make available to the public information for each separate account or fund, including:

- (a) a brief description of the type of fee;
- (b) the amount of the fee;
- (c) the beginning and ending balance;
- (d) the amount of the fees collected and interest earned;
- (e) an identification of each public improvement on which fees were expended, the amount of expenditures on each improvement including the total percentage of the cost that was funded with fees;
- (f) an identification of an approximate date by which construction of the public improvement will begin if the city determines sufficient funds have been collected;
- (g) a description of each interfund transfer or loan, including the public improvement on which the transferred or loaned fees will be expended, and, in the case of an interfund loan, the date on which the loan will be repaid and the rate of interest; and
- (h) the amount of refunds made, if any.

The report must be made available to the public within 180 days after the end of each fiscal year.

Historically, the City has complied with this requirement through the City Council's acceptance of the Development Impact Fees Annual Report containing the required information, by adoption of a resolution confirming acceptance of the report. This report

and the information attached to the proposed Resolution satisfy the statutory requirements for the accounting of development impact fees.

The Building Industry Association of the Greater Valley and Seecon Finance and Construction Company have requested a copy of this report, and it was provided to each of them at least 15 days before the Council meeting, as required by law.

#### STRATEGIC PLAN

This item is mandated by Government Code and does not have bearing on the City Council's Strategic Plans.

#### FISCAL IMPACT

There is no fiscal impact to the City associated with this agenda item. This report is only a review of prior fiscal year development fee activity which was considered in the City Council-Approved City Budget for Fiscal Year 2015-2016.

#### RECOMMENDATION

Adopt the attached resolution approving the annual report on development impact fee revenues, expenditures and findings as to unexpended funds.

Prepared By: Linda Moniz, Accounting Coordinator

Reviewed By: Allan Borwick, Budget Officer  
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved By: Troy Brown, City Manager

#### ATTACHMENTS

- Exhibit A Summary of Fund Balances, Fees Collected, Interest Earned and Project Expenditures
- Exhibit B Brief Description of Fees and Amounts of Fees (Including Exhibits B-1 through B-16)
- Exhibit C Fee-funded Capital Improvement Projects
- Exhibit D Report of Findings for Development Fee Funds



City of Tracy  
333 Civic Center Plaza  
Tracy, CA 95376

FINANCE & ADMINISTRATIVE  
SERVICES DEPARTMENT

MAIN 209.831.6800  
FAX 209.831.6848  
[www.ci.tracy.ca.us](http://www.ci.tracy.ca.us)

## CITY OF TRACY

### DEVELOPMENT IMPACT FEES

### ANNUAL REPORT, DECEMBER 2015 FOR FISCAL YEAR JULY 1, 2014 – JUNE 30, 2015

Adopted by City Council Resolution No. \_\_\_\_\_

December 15, 2015

This Annual Report is adopted pursuant to Government Code sections 66006(b) and 66001(d). The Report consists of four main parts, which are attached:

- Exhibit A Summary of Fund Balances, Fees Collected, Interest Earned and Project Expenditures
- Exhibit B Brief Description of Fees and Amounts of Fees, Including Exhibits B-1 through B-16
- Exhibit C Fee-Funded Capital Improvement Projects
- Exhibit D Report of Findings for Development Fee Funds

**EXHIBIT A**  
**Fund Balances, Fees Collected, Interest Earned and Project Expenditures**  
**For Fiscal Year Ended June 30, 2015**  
(Government Code §66006(b)(1)(C) and (D).)

Fund	Fund Description	Beginning Fund Balance 07/01/14	Capital Development Fees Collected <sup>1</sup>	Interest / Investment Earnings <sup>2</sup>	Fiscal Agent Earnings <sup>3</sup>	Other Revenues <sup>4</sup>	CIP Expenditures <sup>5</sup>	Project Reimbs &/or Interfund Transfers <sup>6</sup>	Other Expenditures <sup>4</sup>	Ending Fund Balance 06/30/15
311	Infill, Parks	\$ 847,259	\$ 434,320	\$ 5,543	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,287,123
312	Infill, Strm Drn	666,748	62,463	4,530	-	-	-	-	-	733,741
313	Infill, Arterials	470,775	228,986	2,995	-	-	16,459	-	-	719,215
314	Infill, Bldg & Eqpt	24,480	273,823	35	-	-	-	-	-	298,338
315	Infill, Prgm Mgt	156,790	-	10	-	-	(25,037)	-	-	131,763
316	Infill, Parking	85,560	2,975	559	-	-	-	-	-	89,095
321	Plan C, Parks	2,247,272	326,814	15,204	-	-	-	-	-	2,589,290
322	Plan C, Strm Drn	5,870,555	507,603	39,334	-	-	-	-	-	6,417,493
323	Plan C, Arterials	2,696,743	642,450	18,221	-	-	(81,618)	-	-	3,275,795
324	Plan C, Gen Fac	5,365,478	451,866	36,321	-	-	-	-	-	5,853,665
325	Plan C, Utilities	2,594,747	1,015,689	17,468	-	-	(50,760)	-	-	3,577,145
345	RSP, Prgm Mgt	2,995,451	-	20,555	-	420,253	(284,592)	-	-	3,151,667
351	NEI, Ph 1	3,802,242	-	33,651	-	-	(1,922,912)	-	-	1,912,982
352	S MacArthur Area	10,598,876	610,974	70,061	-	-	(57,462)	-	-	11,222,448
353	I-205 Corridor	2,874,557	1,877,074	24,407	-	-	(83,541)	-	-	4,692,496
354	ISP, South	2,964,765	24,941	20,059	-	-	(72,705)	-	-	2,937,060
355	Presidio	5,171,061	-	40,608	-	-	(1,560)	-	-	5,210,109
356	Gateway	3,106,110	-	21,073	-	-	(65,519)	-	-	3,061,665
357	NEI, Ph 2	8,024,242	-	22,446	5	-	(564,620)	-	-	7,482,072
361	TIMP, Parks	-	1,385,881	(463)	-	-	-	-	-	1,385,418
362	TIMP, Strm Drn	-	1,033,577	256	-	-	-	-	-	1,033,833
363	TIMP, Traffic	-	7,255,539	1,349	-	305,000	-	-	-	7,561,888
364	TIMP, Wastewater	-	6,729,412	3,092	-	-	-	-	-	6,732,504
365	TIMP, Water	-	2,612,359	(234)	-	-	-	-	-	2,612,125
366	TIMP, Public Fac	-	316,898	(149)	-	-	-	-	-	316,749
367	TIMP, Public Safety	-	421,986	9	-	-	-	-	-	421,995
391	Urban Mgt Plan-PM	2,428,219	616,410	-	-	-	(52,419)	-	-	2,992,210
511	Infill, Water	-	305,077	-	-	3,484	-	(308,561)	-	-
521	Infill, Wastewater	-	491,655	-	-	4,590	-	(496,245)	-	-
808	Reg Transp Imp	2,562,056	2,385,594	6,025	-	-	-	-	(379,442)	4,574,233
N/A	Ag Mit Fees	142,927	-	-	-	647,342	-	-	-	790,269
N/A	County Fac Fees	77,484	-	-	-	1,160,313	-	-	(804,522)	433,275
N/A	Habitat Mitigation Fees	-	-	-	-	1,398,055	-	-	(1,326,874)	71,181
<b>TOTALS</b>		<b>\$ 65,774,398</b>	<b>\$ 30,014,367</b>	<b>\$ 402,964</b>	<b>\$ 5</b>	<b>\$ 3,939,037</b>	<b>\$ (3,246,285)</b>	<b>\$ (804,806)</b>	<b>\$ (2,510,838)</b>	<b>\$ 93,568,843</b>

*Footnotes:*

<sup>1</sup> No Capital Development Fees collected were refunded in FY14-15.

<sup>2</sup> Investment Earnings total includes cash-fair market value offsets.

<sup>3</sup> Fiscal Agent Earnings are cash reserves held by bond Trustees.

<sup>4</sup> These are "pass-through fees" for Habitat Mitigation, Agricultural Mitigation and County Facilities; County, SJCOG- all collected on behalf of other agencies.

<sup>5</sup> Capital Improvement Project (CIP) Expenditures: See Exhibit C for more detail.

<sup>6</sup> Adjustments are made when projects are funded by multiple funds; for water & wastewater expansion performed, water & wastewater fees collected go towards reimbursing Funds 511 and 521.

**EXHIBIT B**  
**Brief Descriptions of Fees and Amounts of Fees**  
**For Fiscal Year Ended June 30, 2015**  
(Government Code §66006(b)(1)(A) and (B).)

Fund	Fund Description	Finance and Implementation Plan (FIP) Fee Descriptions	Resolution Number	Tracy Municipal Code §	Residential Fees Per Dwelling Unit (Except as indicated)			Non-Residential Fees Per Gross Acre (Except as indicated)			
					SFDU	2 - 4	≥ 5	Institution	Industrial	Office	Retail
311	<sup>1</sup> Infill Area, Parks	Mini/Neighborhood and Community Parks	2012-060	13.12.010	\$5,429	\$4,524	\$3,619	N/A	N/A	N/A	N/A
312	<sup>1</sup> Infill Area, Strm Drn	Storm Drainage	2012-060	13.04.010	\$1,429	\$949	\$850	N/A	\$22,141	\$22,141	\$22,141
313	<sup>1</sup> Infill Area, Arterials	Traffic Safety, Streets & Highways	2012-060	13.04.010	\$2,700	\$2,700	\$1,296	N/A	\$25,781	\$35,230	\$50,834
314	<sup>1a</sup> Infill Area, Pub Bldgs	General Government & Public Safety Facilities	2014-158	13.04.010	\$3,336	\$2,491	\$2,481	N/A	\$163 <sup>1a</sup>	\$815 <sup>1a</sup>	\$489 <sup>1a</sup>
317	<sup>1</sup> Infill Area, Water	Water Supply, Treatment, Storage and Distribution	2012-060	13.04.010	\$5,850	\$4,212	\$2,984	N/A	\$18,251	\$18,251	\$24,334
318	<sup>1</sup> Infill Area, Wastewater	Wastewater Treatment and Conveyance	2012-060	13.04.010	Exh B-1	Exh B-1	Exh B-1	Exh B-1	Exh B-1	Exh B-1	Exh B-1
316	<sup>2</sup> Infill Area, Downtown Imprvs Parking	Downtown Incentive Area Parking Fee	97-114	10.08.3470	N/A	N/A	N/A	N/A	N/A	Exh B-2	Exh B-2
321	<sup>3</sup> Plan C Area, Parks	Mini/Neighborhood and Community Parks	2007-133	13.12.010	Exh B-3	Exh B-3	Exh B-3	Exh B-3	Exh B-3	Exh B-3	Exh B-3
322	<sup>3</sup> Plan C Area, Strm Drn	Storm Drainage	2007-133	13.04.010	Exh B-3	Exh B-3	Exh B-3	Exh B-3	Exh B-3	Exh B-3	Exh B-3
323	<sup>3,17</sup> Plan C Area, Arterials	Traffic Safety, Streets & Highways	2014-070	13.04.010	Exh B-3	Exh B-3	Exh B-3	Exh B-3	Exh B-3	Exh B-3	Exh B-3
324	<sup>18</sup> Plan C Area, General Facilities	General Government & Public Safety Facilities	2014-158	13.04.010	\$5,662	\$5,649	\$2,589	N/A	N/A	N/A	\$10,904
325	<sup>3</sup> Plan C Area, Utilities - Water	Water Supply, Treatment, Storage and Conveyance	2007-133	13.04.010	Exh B-3	Exh B-3	Exh B-3	Exh B-3	Exh B-3	Exh B-3	Exh B-3
325	<sup>3</sup> Plan C Area, Utilities - Wastewater	Wastewater Treatment and Conveyance	2007-133	13.04.010	Exh B-3	Exh B-3	Exh B-3	Exh B-3	Exh B-3	Exh B-3	Exh B-3
341	<sup>4</sup> Residential Specific Plan Area, Parks	Mini/Neighborhood and Community Parks	2003-266	13.12.010	Exh B-4	Exh B-4	Exh B-4	N/A	N/A	N/A	N/A
342	<sup>4</sup> Residential Specific Plan Area, Strm Drn	Storm Drainage	2003-266	13.20.010	Exh B-4	Exh B-4	Exh B-4	Exh B-4	Exh B-4	Exh B-4	Exh B-4
344	<sup>4</sup> Residential Specific Plan Area, Pub Bldgs	General Government & Public Safety Facilities	2003-266	13.20.010	Exh B-4	Exh B-4	Exh B-4	Exh B-4	Exh B-4	Exh B-4	Exh B-4
351	<sup>5</sup> Northeast Industrial Area, Ph 1, Arterials	Traffic Safety, Streets & Highways	2012-077	13.04.010	N/A	N/A	N/A	N/A	Exh B-5	N/A	N/A
351	<sup>5</sup> Northeast Industrial Area, Ph 1, Strm Drn	Storm Drainage	2012-077	13.04.010	N/A	N/A	N/A	N/A	Exh B-5	N/A	N/A
351	Northeast Industrial Area, Ph 1, Water	Water Supply, Treatment, Storage and Distribution	2008-065	13.04.010	N/A	N/A	N/A	N/A	\$5,228	N/A	N/A
351	<sup>5</sup> Northeast Industrial Area, Ph 1, Wastewater	Wastewater Treatment and Conveyance	2008-065	13.04.010	N/A	N/A	N/A	N/A	Exh B-5	N/A	N/A
351	Northeast Industrial Area, Ph 1, Pub Bldgs	General Government & Public Safety Facilities	2014-158	13.04.010	N/A	N/A	N/A	N/A	\$3,559	N/A	N/A
352	<sup>6,17</sup> South MacArthur Plan Area, Arterials	Traffic Safety, Streets & Highways	2011-227	13.04.010	Exh B-6	Exh B-6	Exh B-6	N/A	N/A	N/A	N/A
352	<sup>6</sup> South MacArthur Plan Area, Strm Drn	Storm Drainage	2005-253	13.04.010	Exh B-6	Exh B-6	Exh B-6	N/A	N/A	N/A	N/A
352	<sup>6</sup> South MacArthur Plan Area, Parks	Mini/Neighborhood and Community Parks	2005-253	13.12.010	Exh B-6	Exh B-6	Exh B-6	N/A	N/A	N/A	N/A
352	South MacArthur Plan Area, Water	Water Supply, Treatment, Storage and Distribution	2005-253	13.04.010	\$4,646	N/A	N/A	N/A	N/A	N/A	N/A
352	<sup>6</sup> South MacArthur Plan Area, Wastewater	Wastewater Treatment and Conveyance	2005-253	13.04.010	Exh B-6	Exh B-6	Exh B-6	N/A	N/A	N/A	N/A
352	<sup>18</sup> South MacArthur Plan Area, Pub Bldgs	General Government & Public Safety Facilities	2014-158	13.04.010	\$3,322	N/A	N/A	N/A	N/A	N/A	N/A
354	Industrial Specific Plan South Area, Arterials	Traffic Safety, Streets & Highways	2009-048	13.04.010	\$6,645	\$3,189	\$3,189	N/A	\$74,620	\$86,714	\$125,120
354	<sup>7</sup> Industrial Specific Plan South Area, Strm Drn	Storm Drainage	2009-048	13.04.010	Exh B-7	Exh B-7	Exh B-7	N/A	Exh B-7	Exh B-7	Exh B-7
354	Industrial Specific Plan South Area, Parks	Mini/Neighborhood and Community Parks	2009-048	13.12.010	\$7,309	\$6,091	\$4,872	N/A	N/A	N/A	N/A
354	Industrial Specific Plan South Area, Pub Bldgs	General Government & Public Safety Facilities	2014-158	13.04.010	\$2,780	\$2,315	\$1,853	N/A	\$4,318	\$18,371	\$17,969
354	Industrial Specific Plan South Area, Water	Water Supply, Treatment, Storage and Distribution	2009-048	13.04.010	\$4,613	\$3,829	\$3,091	N/A	\$8,448	\$8,448	\$8,448
354	<sup>7</sup> Industrial Specific Plan South Area, Wastewater	Wastewater Treatment and Conveyance	2009-048	13.04.010	Exh B-7	Exh B-7	Exh B-7	N/A	Exh B-7	Exh B-7	Exh B-7
355	Presidio Area, Arterials	Traffic Safety, Streets & Highways	2001-351	13.04.010	\$4,142	N/A	N/A	N/A	N/A	N/A	N/A
355	Presidio Area, Arterials-Regional Fee	Regional Traffic Fee	2000-265	13.04.010	\$1,500	N/A	N/A	N/A	N/A	N/A	N/A
355	<sup>8</sup> Presidio Area, Strm Drn	Storm Drainage	2000-265	13.04.010	Exh B-8	Exh B-8	Exh B-8	Exh B-8	Exh B-8	Exh B-8	Exh B-8

**EXHIBIT B**  
**Brief Descriptions of Fees and Amounts of Fees**  
**For Fiscal Year Ended June 30, 2015**  
(Government Code §66006(b)(1)(A) and (B).)

Fund	Fund Description	Finance and Implementation Plan (FIP) Fee Descriptions	Resolution Number	Tracy Municipal Code §	Residential Fees Per Dwelling Unit (Except as indicated)			Non-Residential Fees Per Gross Acre (Except as indicated)			
					SFDU	2 - 4	≥ 5	Institution	Industrial	Office	Retail
355	<sup>18</sup> Presidio Area, Pub Bldgs	General Government & Public Safety Facilities	2000-265	13.04.010	\$1,620	N/A	N/A	N/A	N/A	N/A	N/A
355	Presidio Area, Water	Water Supply, Treatment, Storage and Distribution	2001-351	13.04.010	\$556	N/A	N/A	N/A	N/A	N/A	N/A
355	Presidio Area, Wastewater	Wastewater Treatment and Conveyance	2000-265	13.04.010	\$1,105	N/A	N/A	N/A	N/A	N/A	N/A
356	<sup>9,17</sup> Tracy Gateway Area, Arterials	Traffic Safety, Streets & Highways	2011-227	13.04.010	N/A	N/A	N/A	Exh B-9	Exh B-9	Exh B-9	Exh B-9
356	<sup>9</sup> Tracy Gateway Area, Strm Drn	Storm Drainage	2007-175	13.04.010	N/A	N/A	N/A	Exh B-9	Exh B-9	Exh B-9	Exh B-9
356	<sup>9</sup> Tracy Gateway Area, Pub Bldgs	General Government & Public Safety Facilities	2014-158	13.04.010	N/A	N/A	N/A	Exh B-9	Exh B-9	Exh B-9	Exh B-9
356	<sup>9</sup> Tracy Gateway Area, Water	Water Supply, Treatment, Storage and Distribution	2007-175	13.04.010	N/A	N/A	N/A	Exh B-9	Exh B-9	Exh B-9	Exh B-9
356	<sup>9</sup> Tracy Gateway Area, Wastewater	Wastewater Treatment and Conveyance	2007-175	13.04.010	N/A	N/A	N/A	Exh B-9	Exh B-9	Exh B-9	Exh B-9
357	<sup>10,17</sup> Northeast Industrial Area, Ph 2, Arterials	Traffic Safety, Streets & Highways	2012-077	13.04.010	N/A	N/A	N/A	N/A	Exh B-10	N/A	N/A
357	<sup>10</sup> Northeast Industrial Area, Ph 2, Strm Drn	Storm Drainage	2012-077	13.04.010	N/A	N/A	N/A	N/A	Exh B-10	N/A	N/A
357	Northeast Industrial Area, Ph 2, Water	Water Supply, Treatment, Storage and Distribution	2008-010	13.04.010	N/A	N/A	N/A	N/A	\$17,639	N/A	N/A
357	<sup>10</sup> Northeast Industrial Area, Ph 2, Wastewater	Wastewater Treatment and Conveyance	2008-010	13.04.010	N/A	N/A	N/A	N/A	Exh B-10	N/A	N/A
357	Northeast Industrial Area, Ph 2, Pub Bldgs	General Government & Public Safety Facilities	2014-158	13.04.010	N/A	N/A	N/A	N/A	\$2,953	N/A	N/A
353	<sup>11</sup> I-205 Corridor Area, Arterials	Traffic Safety, Streets & Highways	2007-136	13.04.010	11	11	11	11	11	11	11
353	<sup>11</sup> I-205 Corridor Area, Strm Drn	Storm Drainage	2007-136	13.04.010	11	11	11	11	11	11	11
353	<sup>11</sup> I-205 Corridor Area, Parks	Mini/Neighborhood and Community Parks	2007-136	13.12.010	11	11	11	11	11	11	11
353	<sup>11</sup> I-205 Corridor Area, Pub Bldgs	General Government & Public Safety Facilities	2014-158	13.04.010	11	11	11	11	11	11	11
353	<sup>11</sup> I-205 Corridor Area, Water	Water Supply, Treatment, Storage and Distribution	2007-136	13.04.010	11	11	11	11	11	11	11
353	<sup>11</sup> I-205 Corridor Area, Sewer Treatment	Wastewater Treatment and Conveyance	2007-136	13.04.010	11	11	11	11	11	11	11
3XX	<sup>12</sup> Habitat Mitigation Fees	Multi-Species Habitat Conservation & Open Space	2014-182	13.04.010	Exh B-12	Exh B-12	Exh B-12	Exh B-12	Exh B-12	Exh B-12	Exh B-12
116	<sup>13</sup> Agricultural Mitigation Fees	Agricultural Land Mitigation/Farmland Preservation	2005-278	13.28.010	Exh B-13	Exh B-13	Exh B-13	Exh B-13	Exh B-13	Exh B-13	Exh B-13
391	<sup>14</sup> County Facilities Fees (CFF)	San Joaquin County Public Facilities	2005-142	13.24.010	Exh B-14	Exh B-14	Exh B-14	Exh B-14	Exh B-14	Exh B-14	Exh B-14
808	<sup>15</sup> Regional Transportation Fees (RTIF)	Regional Transportation Impact Fees (RTIF)	Ord 1087	13.32.010	Exh B-15	Exh B-15	Exh B-15	Exh B-15	Exh B-15	Exh B-15	Exh B-15
315	<sup>16</sup> Infill Area, Prgm Mgmt	Specific Plan Area Program Management	2012-060	13.04.010	16	16	16	16	16	16	16
391	<sup>16</sup> Plan C Area, Prgm Mgmt	Specific Plan Area Program Management	2007-133	13.04.010	16	16	16	16	16	16	16
345	<sup>16</sup> Residential Specific Plan Area, Prgm Mgmt	Specific Plan Area Program Management	2003-266	13.04.010	16	16	16	16	16	16	16
351	<sup>16</sup> Northeast Industrial Area, Ph 1, Prgm Mgmt	Specific Plan Area Program Management	2008-065	13.04.010	16	16	16	16	16	16	16
352	<sup>16</sup> South MacArthur Plan Area, Prgm Mgmt	Specific Plan Area Program Management	2005-253	13.04.010	16	16	16	16	16	16	16
353	<sup>16</sup> I-205 Corridor Area, Prgm Mgmt	Specific Plan Area Program Management	2007-136	13.04.010	16	16	16	16	16	16	16
354	<sup>16</sup> Industrial Specific Plan South Area, Prgm Mgmt	Specific Plan Area Program Management	2009-048	13.04.010	16	16	16	16	16	16	16
355	<sup>16</sup> Presidio Area, Prgm Mgmt	Specific Plan Area Program Management	2000-265	13.04.010	16	16	16	16	16	16	16
356	<sup>16</sup> Tracy Gateway Area, Prgm Mgmt	Specific Plan Area Program Management	2007-175	13.04.010	16	16	16	16	16	16	16
357	<sup>16</sup> Northeast Industrial Area, Ph 2, Prgm Mgmt	Specific Plan Area Program Management	2008-010	13.04.010	16	16	16	16	16	16	16
358	<sup>19</sup> Ellis Program Area	Parks and Recreation	2013-136	13.04.010	\$ 8,128	\$ 6,651	\$ 5,419	N/A	N/A	N/A	N/A
358	<sup>19</sup> Ellis Program Area	Storm Drainage	2013-136	13.04.010	\$ 1,797	\$ 981	\$ 2,229	N/A	N/A	N/A	\$ 23,836
358	<sup>19</sup> Ellis Program Area	Traffic	2013-136	13.04.010	\$ 2,693	\$ 2,693	\$ 1,293	N/A	N/A	N/A	\$ 42,825

**EXHIBIT B**  
**Brief Descriptions of Fees and Amounts of Fees**  
**For Fiscal Year Ended June 30, 2015**  
(Government Code §66006(b)(1)(A) and (B).)

Fund	Fund Description	Finance and Implementation Plan (FIP) Fee Descriptions	Resolution Number	Tracy Municipal Code §	Residential Fees Per Dwelling Unit (Except as indicated)			Non-Residential Fees Per Gross Acre (Except as indicated)			
					SFDU	2 - 4	≥ 5	Institution	Industrial	Office	Retail
358	<sup>18</sup> Ellis Program Area	Public Buildings	2014-158	13.04.010	\$ 3,479	\$ 2,846	\$ 2,319	N/A	N/A	N/A	\$ 2,369
358	<sup>19</sup> Ellis Program Area	Water Supply, Treatment, Storage and Distribution	2013-136	13.04.010	\$ 7,058	\$ 6,070	\$ 4,094	N/A	N/A	N/A	\$ 39,736
358	<sup>19</sup> Ellis Program Area	Wastewater Treatment and Conveyance	2013-136	13.04.010	\$ 8,337	\$ 6,753	\$ 5,586	N/A	N/A	N/A	\$ 43,352
358	<sup>19</sup> Ellis Program Area	Recycled Water	2013-136	13.04.010	\$ 2,654	\$ 2,282	\$ 1,539	N/A	N/A	N/A	\$ 14,942
361	<sup>20</sup> Citywide Master Plan Fees	Parks	2014-10	13.04.010	\$ 7,557	\$ 7,557	\$ 6,183	N/A	N/A	N/A	N/A
362	<sup>20</sup> Citywide Master Plan Fees	Storm Drainage	2014-10	13.04.010	Exh B-16	Exh B-16	Exh B-16	Exh B-16	Exh B-16	Exh B-16	Exh B-16
363	<sup>20</sup> Citywide Master Plan Fees	Transportation	2014-10	13.04.010	\$ 5,186	\$ 5,186	\$ 3,164	N/A	\$ 72,243	126,334	\$ 158,334
367	<sup>18</sup> Citywide Master Plan Fees	Public Safety Facilities	2014-158	13.04.010	\$ 1,349	\$ 1,349	\$ 1,103	N/A	\$136.23 <sup>19a</sup>	\$681.11 <sup>19a</sup>	\$408.67 <sup>19a</sup>
366	<sup>20</sup> Citywide Master Plan Fees	Public Facilities	2014-10	13.04.010	\$ 2,953	\$ 2,953	\$ 2,416	\$ 1,969	\$76.69 <sup>a</sup>	\$127.82 <sup>19a</sup>	\$25.57 <sup>19a</sup>
365	<sup>20</sup> Citywide Master Plan Fees	Water Supply, Treatment, Storage and Distribution	2014-10	13.04.010	\$ 9,344	\$ 6,728	\$ 4,765	N/A	\$ 29,153	\$ 29,153	\$ 38,871
364	<sup>20</sup> Citywide Master Plan Fees	Wastewater Treatment and Conveyance (East Conveyance)	2014-10	13.04.010	\$ 9,132	\$ 7,472	\$ 6,088	N/A	\$ 36,528	\$ 39,434	\$ 39,434
364	<sup>21</sup> Citywide Master Plan Fees	Wastewater Treatment and Conveyance (West Conveyance)	2014-10	13.04.010	\$ 8,337	\$ 6,821	\$ 5,558	N/A	\$ 33,348	\$ 36,001	\$ 36,001
365	<sup>20</sup> Citywide Master Plan Fees	Recycled Water	2014-10	13.04.010	\$ 2,654	\$ 2,282	\$ 1,539	N/A	\$ 12,182	\$ 12,182	\$ 14,842
368	<sup>20</sup> Citywide Master Plan Fees	Program Management	2014-10	13.04.010	<sup>16</sup>	<sup>16</sup>	<sup>16</sup>	<sup>16</sup>	<sup>16</sup>	<sup>16</sup>	<sup>16</sup>

**Footnotes:**

- <sup>1</sup> Infill Area - Parks, Strm Dm, Arterials, Water and Program Management fee adopted April 2012. Wastewater fees: See Exhibit B-1; Public Building Fee Updated 9/16/14.
- <sup>1a</sup> Infill Area - Pub Bldgs fees for non-residential development are per 1,000 Sq Ft of building area; Public Building Fees Updated 9/16/14
- <sup>2</sup> Infill Area - Downtown Improvements is for a Downtown Incentive Area Parking Fee. See Exhibit B-2 for fee schedule.
- <sup>3</sup> Plan C Area - Parks, Strm Dm, Water and Wastewater fees; Adopted 6/19/07. Arterials fees: See Exhibit B-3
- <sup>4</sup> Residential Specific Plan Area - Arterial fees were no longer applicable after the July 2003 FIP Update.
- <sup>5</sup> Northeast Industrial Area, Ph 1 - Arterials, Strm Dm and Wastewater fees: See Exhibit B-5; Roadway and Strm Dm Fee Update adopted 5/1/12.
- <sup>6</sup> South MacArthur Plan Area - Arterials, Strm Dm, Parks and Wastewater fees: See Exhibit B-6; Roadway Fee Update adopted 12/6/11.
- <sup>7</sup> Industrial Specific Plan South Area - Strm Dm and Wastewater fees: See Exhibit B-7.
- <sup>8</sup> Presidio Area - Strm Dm fees: See Exhibit B-8.
- <sup>9</sup> Tracy Gateway Area - Golf Course, Golf Course Club House and Golf Maintenance Facilities fees were spread to other Phase 1 land uses: See Exhibit B-9; Roadway Fee Update adopted 12/6/11.
- <sup>10</sup> Northeast Industrial Area, Ph 2 - Arterials, Strm Dm and Wastewater fees: See Exhibit B-10; Roadway and Strm Dm Fee Update adopted 5/1/12.
- <sup>11</sup> I-205 Corridor Area - Obligations vary between parcels: See Exhibit B-17 (Exhibit E titled "Current Approved Finance Plans, June 2007").
- <sup>12</sup> Habitat Mitigation fees are collected to mitigate loss of multi-species habitat. Fees are paid to San Joaquin Council of Governments (SJCOG). See Exhibit B-12.
- <sup>13</sup> Agricultural Mitigation fees are collected to mitigate loss of farmland and open spaces. See Exhibit B-13.
- <sup>14</sup> County Facilities Fees are collected to offset costs associated with County capital facilities. Fees are paid to San Joaquin County. See Exhibit B-14.
- <sup>15</sup> Regional Transportation Impact Fees are collected to finance the regional transportation capital projects. See Exhibit B-15.
- <sup>16</sup> Program Management fees are 5% of Construction Costs.
- <sup>17</sup> As amended on 4/4/14 by Resolution 2014-070.
- <sup>18</sup> As amended on 9/16/14 by Resolution 2014-158
- <sup>19</sup> Adopted by Resolution Number 2013-136 on 8/20/13
- <sup>20</sup> Adopted by Resolution Number 2014-10 on 1/7/14.

# DRAFT

**EXHIBITS B-1 THROUGH B-16  
SUPPLEMENTAL DATA TO EXHIBIT B  
Amounts and Descriptions of Fees  
For Fiscal Year Ended June 30, 2015  
(Government Code §66006(b)(1)(A) and (B).)**

**EXHIBIT B-1: INFILL AREA - WATER, WASTEWATER, STORM DRAINAGE FEES**

Public Facilities	Residential Fees Per Unit			Non-Residential Fee Per Gross Acre			
	SFD	2 - 4	≥ 5	Industrial	Institutional	Office	Retail
WW Conveyance-Corral Hollow Sewer	\$9,394	\$7,609	\$6,294	\$37,576	\$37,576	\$40,394	\$48,849
WW Conveyance-Eastside Sewer	\$9,293	\$7,527	\$6,226	\$37,172	\$37,172	\$39,960	\$48,324
WW Conveyance-City Core Sewer	\$10,125	\$8,201	\$6,784	\$40,500	\$40,500	\$43,538	\$52,650
WW Conveyance-MacArthur	\$9,816	\$7,951	\$6,577	\$39,264	\$39,264	\$42,209	\$51,043

**EXHIBIT B-2: INFILL AREA - DOWNTOWN INCENTIVE AREA PARKING FEE**

Parking Fee	(\$500 + [\$0.19 x the number of square feet within the building]) x 5
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**EXHIBIT B-3: PLAN C AREA - WATER, WASTEWATER, ROADWAYS, STORM DRAINAGE, PARKS**

Public Facilities	Residential Fees Per Unit			Non-Residential (Edgewood Subd Only) Fee Per Gross Acre			
	SFD	2 - 4	≥ 5	Industrial	Institutional	Office	Retail
Mini/Neighborhood Parks	\$4,693	\$3,911	\$3,129	N/A	N/A	N/A	N/A
Community Parks	\$1,549	\$1,290	\$1,032	N/A	N/A	N/A	N/A
Storm Drainage-Upgrade-Byron Zone	\$3,953	\$2,451	\$2,010	N/A	N/A	N/A	N/A
Storm Drainage-Upgrade-Purple Zone	\$6,642	\$4,117	\$3,375	N/A	N/A	N/A	N/A
Storm Drainage-Upgrade-Yellow Zone	\$5,392	\$3,343	\$2,742	N/A	N/A	N/A	N/A
Storm Drainage-Upgrade-Orange Zone	\$4,146	\$2,571	\$2,109	N/A	N/A	N/A	\$52,575
Storm Drainage-Upgrade-Blue Zone	\$6,593	\$4,087	\$4,193	N/A	N/A	N/A	N/A
Storm Drainage-Upgrade-Pink Zone	\$4,876	\$3,024	\$2,486	N/A	N/A	N/A	N/A
Storm Drn-Subdrains-Byron Zn-Huntington Park	\$138	N/A	N/A	N/A	N/A	N/A	N/A
Storm Drn-Subdrains-Byron Zone-Lyon Crossroads	\$281	N/A	N/A	N/A	N/A	N/A	N/A
Storm Drn-Subdrains-Byron Zone-San Marco	\$346	N/A	N/A	N/A	N/A	N/A	N/A
Storm Drn-Subdrains-Byron Zone-Westgate	\$334	N/A	\$97	N/A	N/A	N/A	N/A
Arterials-Upgrade-Northwest	\$9,717	\$4,626	\$4,626	N/A	N/A	N/A	N/A
Arterials-Upgrade-Southwest	\$4,413	\$2,103	\$2,103	N/A	N/A	N/A	\$68,894
Arterials-Upgrade-Southeast	\$6,615	\$3,150	\$3,150	N/A	N/A	N/A	N/A
Water Supply-Edgewood	\$1,363	\$1,131	\$913	N/A	N/A	N/A	\$982
Water SSJID-Edgewood	\$746	\$621	\$497	N/A	N/A	N/A	\$1,123
Wastewater Conveyance	\$328	\$272	\$220	N/A	N/A	N/A	\$1,749
Wastewater Collection-Corral Hollow	\$774	\$645	\$516	N/A	N/A	N/A	\$3,546
Wastewater Collection-East Side	\$570	\$475	\$379	N/A	N/A	N/A	\$2,610
WW Treatment Plant Expansion	\$12,807	\$10,677	\$8,539	N/A	N/A	N/A	\$29,280

**EXHIBIT B-4: RESIDENTIAL SPECIFIC PLAN AREA - STORM DRAINAGE, PUBLIC BUILDINGS, PARKS**

Public Facilities	Fees based on number of Project Equivalent Consumer Units	
	All Residential Projects	All Non-Residential Projects
Parks	\$523	N/A
Storm Drainage	\$9,105	\$9,105
Public Buildings	\$19,672	N/A

# DRAFT

EXHIBITS B-1 THROUGH B-16  
 SUPPLEMENTAL DATA TO EXHIBIT B  
 Amounts and Descriptions of Fees  
 For Fiscal Year Ended June 30, 2015  
 (Government Code §66006(b)(1)(A) and (B).)

EXHIBIT B-5: NORTHEAST INDUSTRIAL AREA, PH 1 - WASTEWATER, ARTERIALS, STORM DRAINAGE							
Public Facilities	Residential			Non-Residential (Industrial Only)			
	Fees Per Unit			Fee Per Gross Acre			
	SFD	2 - 4	≥ 5	Industrial	Institutional	Office	Retail
Arterials Upgrades	N/A	N/A	N/A	\$65,609	N/A	N/A	N/A
Arterials CFD 89-1 Reimb	N/A	N/A	N/A	\$382	N/A	N/A	N/A
Arterials RSP Reimb	N/A	N/A	N/A	\$1,484	N/A	N/A	N/A
Storm Drainage Upgrade	N/A	N/A	N/A	\$31,763	N/A	N/A	N/A
Storm Drainage CFD 89-1 Reimb	N/A	N/A	N/A	\$176	N/A	N/A	N/A
Wastewater Conveyance Upgrade	N/A	N/A	N/A	\$8,428	N/A	N/A	N/A
Wastewater Treatment Plant Upgrade	N/A	N/A	N/A	\$28,617	N/A	N/A	N/A
Wastewater CFD 89-1 Reimb	N/A	N/A	N/A	\$1,405	N/A	N/A	N/A

EXHIBIT B-6: SOUTH MACARTHUR PLAN AREA - ALL FEES						
Public Facilities (Residential Projects Only)	Yosemite Vista Subdivision			Elissagaray Ranch Subdivision		
	Fees Per Unit			Fees Per Unit		
	SFD	2 - 4	≥ 5	SFD	2 - 4	≥ 5
Arterials - Upgrades	\$7,858	N/A	N/A	\$7,858	N/A	N/A
Arterials - CFD 89-1 Reimb	\$89	N/A	N/A	\$89	N/A	N/A
Arterials - RSP Reimb	\$664	N/A	N/A	\$664	N/A	N/A
Storm Drainage - Upgrade	\$3,855	N/A	N/A	\$3,855	N/A	N/A
Mini/Neighborhood Parks	\$3,663	N/A	N/A	\$3,663	N/A	N/A
Community Parks	\$1,973	N/A	N/A	\$1,973	N/A	N/A
Wastewater-Eastside Sewer System Connection	\$543	N/A	N/A	\$543	N/A	N/A
Wastewater-Gravity Sewer Improvements	\$406	N/A	N/A	\$406	N/A	N/A
Wastewater Treatment Plant Upgrade	\$10,436	N/A	N/A	\$10,436	N/A	N/A

EXHIBIT B-7: INDUSTRIAL SPECIFIC PLAN SOUTH AREA - STORM DRAINAGE, WASTEWATER							
Public Facilities	Residential			Non-Residential			
	Fees Per Unit			Fee Per Gross Acre			
	SFD	2 - 4	≥ 5	Industrial	Institutional	Office	Retail
Storm Drainage - Upgrades - Zone 1	\$3,654	\$2,265	\$1,847	\$46,037	N/A	\$46,037	\$46,037
Storm Drainage - Westside Outfall - Zone 1	\$449	\$220	\$227	\$5,662	N/A	\$5,662	\$5,662
Storm Drainage - Upgrades - Zone 2	\$1,311	\$642	\$526	\$16,519	N/A	\$16,519	\$16,519
Storm Drainage - Westside Outfall - Zone 2	\$449	\$220	\$227	\$5,662	N/A	\$5,662	\$5,662
Wastewater Treatment Plant Upgrade	\$1,943	\$1,620	\$1,295	\$10,356	N/A	\$8,938	\$8,938
Wastewater - Sewer Collection Conveyance	\$3,237	\$2,676	\$2,158	\$1,995	N/A	\$1,995	\$1,995
Wastewater - Cheng Diversion Reimb	\$208	\$173	\$139	\$1,108	N/A	\$970	\$970

# DRAFT

**EXHIBITS B-1 THROUGH B-16  
SUPPLEMENTAL DATA TO EXHIBIT B  
Amounts and Descriptions of Fees  
For Fiscal Year Ended June 30, 2015  
(Government Code §66006(b)(1)(A) and (B).)**

EXHIBIT B-8: PRESIDIO AREA - STORM DRAINAGE							
Public Facilities Residential Only Single Family Dwelling Units	Fees Per Unit			Non-Residential			
	Pink Zone	Purple Zone	Yellow Zone	Fee Per Gross Acre			
				Industrial	Institutional	Office	Retail
Storm Drainage - Westside Channel Reimb	\$963	N/A	N/A	N/A	N/A	N/A	N/A
Storm Drainage - Upgrades	N/A	\$333	\$717	N/A	N/A	N/A	N/A
Storm Drainage - RSP Reimb	N/A	\$1,145	\$1,145	N/A	N/A	N/A	N/A

EXHIBIT B-9: TRACY GATEWAY AREA - ALL FEES						
Public Facilities	Residential			Non-Residential		
	Fees Per Unit			Fee Per Gross Acre		
	SFD	2 - 4	≥ 5	Retail	Ofc w/ Def	Hotel (200 Room)
Arterials - Streets & Highways	N/A	N/A	N/A	\$36,952	\$1,626	\$34,606
Storm Drainage	N/A	N/A	N/A	\$9,549	\$4,350	\$5,199
Public Buildings	N/A	N/A	N/A	\$7,385	\$17,806	\$15,307
Water & Non-Potable Water	N/A	N/A	N/A	\$80,459	\$72,302	\$352,851
Wastewater-Conveyance & WRF	N/A	N/A	N/A	\$28,176	\$1,106	\$123,567

EXHIBIT B-10: NORTHEAST INDUSTRIAL AREA, PH 2 - WASTEWATER, ARTERIALS, STORM DRAINAGE							
Public Facilities	Residential			Non-Residential (Industrial Only)			
	Fees Per Unit			Fee Per Gross Acre			
	SFD	2 - 4	≥ 5	Industrial	Institutional	Office	Retail
Arterials - Upgrades	N/A	N/A	N/A	\$44,059	N/A	N/A	N/A
Arterials - RSP Reimb	N/A	N/A	N/A	\$416	N/A	N/A	N/A
Arterials - Traffic Signals	N/A	N/A	N/A	\$1,412	N/A	N/A	N/A
Arterials - Land/Easement Acquisitions	N/A	N/A	N/A	\$18,721	N/A	N/A	N/A
Storm Drainage - Watershed Improvements	N/A	N/A	N/A	\$6,593	N/A	N/A	N/A
Storm Drainage - Land/Easement Acquisitions	N/A	N/A	N/A	\$29,233	N/A	N/A	N/A
Storm Drainage - CFD 89-1 Reimb	N/A	N/A	N/A	\$271	N/A	N/A	N/A
Wastewater - Collections System Improvements	N/A	N/A	N/A	\$16,494	N/A	N/A	N/A
Wastewater - Treatment Plant Upgrade	N/A	N/A	N/A	\$16,786	N/A	N/A	N/A
Wastewater - CFD 89-1 Reimb	N/A	N/A	N/A	\$1,431	N/A	N/A	N/A

EXHIBIT B-12: HABITAT MITIGATION FEES				
Land Use	Multi-Purpose Open Space	Natural and Agricultural Lands	Vernal Pool - Uplands	Vernal Pool - Wetted
Fee Per Gross Acre	\$6,656	\$13,295	\$39,047	\$80,972

EXHIBIT B-13: AGRICULTURAL MITIGATION FEES	
Description	Fee Per Gross Acre
Agricultural Mitigation-Ag Land Purchase	\$2,534

# DRAFT

EXHIBITS B-1 THROUGH B-16  
 SUPPLEMENTAL DATA TO EXHIBIT B  
 Amounts and Descriptions of Fees  
 For Fiscal Year Ended June 30, 2015  
 (Government Code §66006(b)(1)(A) and (B).)

EXHIBIT B-14: COUNTY FACILITIES FEES							
Fee Category	Fee Per Dwelling Unit			Fee Per Building Square Foot			
	SFDU	2 - 4	≥ 5	Industrial	Institution	Office	Retail
County Facilities Fee	\$ 1,890	\$ 1,620	\$ 1,620	\$ 0.22	N/A	\$ 0.38	\$ 0.43

EXHIBIT B-15: REGIONAL TRANSPORTATION IMPACT FEES								
Fee Category	Fee Per Dwelling Unit			Fee Per Building Square Foot				
	SFDU	2 - 4	≥ 5	Warehouse	Industrial	Institution	Office	Retail
Regional Transportation Impact Fee	\$ 3,085	\$ 1,851	\$ 1,851	\$ 0.39	\$ 0.93	\$ 0.93	\$ 1.55	\$ 1.23

EXHIBIT B-16: CITYWIDE MASTERPLANS- STORM DRAINAGE							
Fee Category	Residential Fees Per Unit			Non-Residential (Industrial Only) Fee Per Gross Acre			
	SFD	2 - 4	≥ 5	Industrial	Institutional	Office	Retail
Storm Drainage - Keenan	\$ 2,141	\$ 1,446	\$ 1,293	N/A	N/A	N/A	N/A
Storm Drainage - Westside Residential	\$ 4,571	\$ 3,062	\$ 2,732	N/A	N/A	N/A	N/A
Storm Drainage - NW WSO	N/A	N/A	N/A	\$ 16,384	N/A	\$ 16,384	\$ 16,384
Storm Drainage - Larch Clover	N/A	N/A	N/A	N/A	N/A	N/A	\$ 10,056
Storm Drainage - East Side Industrial	N/A	N/A	N/A	\$ 48,957	N/A	N/A	\$ 48,957
Storm Drainage - Chrisman & East UR-1	\$ 1,572	\$ 1,045	\$ 933	\$ 28,682	\$28,682	\$ 28,682	\$ 28,682
Storm Drainage - South MacArthur & Rocha	\$ 4,469	\$ 2,971	\$ 2,659	N/A	N/A	N/A	\$ 81,501
Storm Drainage - Mtn. House	N/A	N/A	N/A	\$ 15,795	\$15,795	\$ 15,795	\$ 15,795
Storm Drainage - Lammers Watershed	\$ 1,304	\$ 868	\$ 777	\$ 23,818	\$23,818	\$ 23,818	\$ 23,818
Storm Drainage - Kagehiro & West Larch Clover**	\$ 532	\$ 375	\$ 335	N/A	N/A	N/A	N/A

# DRAFT

**EXHIBIT C**  
**Summary of Expenses and Anticipated Construction Dates**  
**for Fiscal Year Ended June 30, 2015**  
 (Government Code §66006(b)(1)(C) and (D).)

Fee Funded Capital Improvement Projects			Five Year Plan - FY15-16 through FY19-20					July 1, 2015					
CIP	Project Title	Project \$ Total	Funding Sources	Prior Years Expenditures	FY14-15 Actual Exp's	\$ Total	<----- New Appropriations Required ----->					Anticipated Completion Date & Comments	% Dev. Fee Funded
							FY15-16	FY16-17	FY17-18	FY18-19	FY19-20		
71033	Monitoring UG Tanks	\$507,295	F301-General Projects	\$293,849	\$34,366	\$4,428	\$4,428	\$ -	\$ -	\$ -	\$ -	Jul 15	66%
			F245-Gas Tax	42,527	-	-	-	-	-	-	-	Monitoring Underway	8%
			F345-RSP Area	-	132,125	-	-	-	-	-	-	3 Sites Completed	26%
71035	City Hall Vehicles New Development	97,503	F324-Plan C Area, Gen Fac	23,773	-	44,730	-	-	44,730	-	-	Jan 18	70%
			F352-SMP Area	-	-	7,000	-	-	7,000	-	-	New Equipment	7%
			F354-ISP South Area	-	-	16,200	-	-	16,200	-	-	Deferred to FY17-18	17%
			F355-Presidio Area	-	-	5,800	-	-	5,800	-	-		6%
71061	New Fire Station - Relocate Station #96 - West Grant Line Rd	3,278,737	F353-I205 Corridor Area	1,632,437	76,528	27,172	27,172	-	-	-	-	Apr 14	53%
			F314-Infill Area, Buildings	714,600	-	-	-	-	-	-	-	Work Completed	22%
			F345-RSP Area	828,000	-	-	-	-	-	-	-		25%
71062	New Fire Station - Relocate #92 - Banta East Grant Line Rd	3,689,756	F301-General Projects	2,280,638	79,775	4,425	4,425	-	-	-	-	Apr 14	64%
			F351-NEI Area, Ph 1	322,000	-	-	-	-	-	-	-	Work Completed	9%
			F357-NEI Area, Ph 2	271,200	-	-	-	-	-	-	-		7%
			Tracy Rural Fire District	731,718	-	-	-	-	-	-	-		20%
72014	Traffic Signal Upgrades I205 Area, East	1,257,876	F353-I205 Corridor Area	100	-	261,300	-	-	261,300	-	-	Jun 18	21%
			F323-Plan C Area, Arterials	-	-	573,600	-	-	573,600	-	-	Upgrades	46%
			Developer Contributions	105,076	-	317,800	-	-	317,800	-	-	Deferred to FY17-18	34%
72025	Traffic Signal Grant Line & Paradise	244,000	F351-NEI Area, Ph 1	152,354	72,152	19,494	19,494	-	-	-	-	Nov 13	100%
												Work Completed	
72038	Traffic Signal - Tracy Blvd & Valpico	573,036	F354-ISP South Area	2,936	-	510,580	-	-	510,580	-	-	Dec 04-Work Completed	90%
			F358-Ellis Area	-	-	59,520	-	-	59,520	-	-	Reimbursement Due	10%
			Developer Contributions	570,100	-	(570,100)	-	-	(570,100)	-	-		0%
72062	Intersection Improves I205 & MacArthur Dr	15,821,405	F352-SMP Area	-	-	1,081,000	-	-	-	1,081,000	-	Dec 19	7%
			F355-Presidio Area	-	-	814,800	-	-	260,000	554,800	-	Expansion	5%
			F357-NEI Area, Ph 2	3,035	-	13,922,570	-	1,496,970	-	12,425,600	-	Insufficient Funds <sup>1</sup>	88%

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**EXHIBIT C**  
**Summary of Expenses and Anticipated Construction Dates**  
**for Fiscal Year Ended June 30, 2015**  
 (Government Code §66006(b)(1)(C) and (D).)

Fee Funded Capital Improvement Projects			Five Year Plan - FY15-16 through FY19-20					July 1, 2015						
CIP	Project Title	Project \$ Total	Funding Sources	Prior Years Expenditures	FY14-15 Actual Exp's	\$ Total	<----- New Appropriations Required ----->					Anticipated Completion Date & Comments	% Dev. Fee Funded	
							FY15-16	FY16-17	FY17-18	FY18-19	FY19-20			
72068	Intersection Improves I205 & MacArthur Dr	906,940	F323-Plan C Area, Arterials	-	-	365,425	365,425	-	-	-	-	Dec 16	40%	
			F313-Infill Area, Arterials	-	(3,625)	-	-	-	-	-	-	-	Expansion	0%
			Developer Contributions	75,287	-	268,753	268,753	-	-	-	-	-	Insufficient Funds <sup>1</sup>	38%
			Grant Funding	-	-	201,100	201,100	-	-	-	-	-		22%
72073	Intersection Impmts MacArthur & Valpico	310,000	F354-ISP South Area	3,910	-	306,090	-	306,090	-	-	-	Jun 17-Design Complete Insufficient Funds <sup>1</sup>	100%	
72074	Intersection Impmts Tracy & Valpico	200,000	F354-ISP South Area	3,910	-	196,090	-	196,090	-	-	-	Jun 17-Design Complete Insufficient Funds <sup>1</sup>	100%	
72082	Traffic Signal Valpico & Sycamore Pkwy	420,000	F354-ISP South Area	1,635	12,805	155,560	155,560	-	-	-	-	Dec 15	40%	
			Grant Funding	-	-	250,000	250,000	-	-	-	-	-	Design Underway	60%
72087	Traffic Signal - Grant Line & Chrisman	385,400	F357-NEI Area, Ph 2	160,720	117,378	107,302	107,302	-	-	-	-	Nov 14 Work Completed	100%	
72088	Traffic Signal Upgrade - Grant Line & Chabot Ct	311,000	F351-NEI Area, Ph 1	40,000	76,552	194,448	194,448	-	-	-	-	Nov 14 Work Completed	100%	
73002	Extension - MacArthur Dr, 11th to Mt Diablo Phase I	12,195,519	F345-RSP Area	750,549	-	98,770	-	-	98,770	-	-	Jun 19	7%	
			Highway Grants	-	-	7,650,800	-	-	500,000	7,150,800	-	-	ROW Acq/Dsgn Underway	63%
			F242-Transp Sales Tax	-	-	3,695,400	-	-	-	3,695,400	-	-	Insufficient Funds <sup>1</sup>	30%
73014	Widening - Corral Hollow Road - Grant Line to Mall Entry	7,777,414	F345-RSP Area	421,620	34	-	-	-	-	-	-	Feb 13	5%	
			Developer Contributions	739,700	-	-	-	-	-	-	-	-	Work Completed	10%
			F353-I205 Corridor Area	2,361,434	-	(60,484)	(60,484)	-	-	-	-	-	Reimbursement Due	30%
			F242-Transp Sales Tax	3,229,330	-	185,780	68,910	116,870	-	-	-	-		44%
			Highway Grants	900,000	-	-	-	-	-	-	-	-		12%
73035	Widening, Grant Line Rd, Naglee to Lammers Rd	3,502,412	F353-I205 Corridor Area	1,376,642	-	1,859,600	-	1,859,600	-	-	-	Jun 17-Partial Completed	92%	
			Developer Contributions	266,170	-	-	-	-	-	-	-	-	Insufficient Funds <sup>1</sup>	8%

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**EXHIBIT C**  
**Summary of Expenses and Anticipated Construction Dates**  
**for Fiscal Year Ended June 30, 2015**  
 (Government Code §66006(b)(1)(C) and (D).)

Fee Funded Capital Improvement Projects						Five Year Plan - FY15-16 through FY19-20					July 1, 2015		
CIP	Project Title	Project \$ Total	Funding Sources	Prior Years Expenditures	FY14-15 Actual Exp's	\$ Total	<----- New Appropriations Required ----->					Anticipated Completion Date & Comments	% Dev. Fee Funded
							FY15-16	FY16-17	FY17-18	FY18-19	FY19-20		
73048	Widening - Grant Line Rd MacArthur to City Limits	17,008,774	F351-NEI Area, Ph 1 Developer Contributions	12,858,992 1,368,982	1,680,473 -	1,100,327 -	1,100,327 -	- -	- -	- -	- -	Nov 13 Work Completed	92% 8%
73061	Extension - Valpico Rd, Peddlebrook to MacArthur	3,101,832	F354-ISP South Area	1,059,913	5,112	2,036,807	(8,993)	300,000	1,745,800	-	-	Jun 18-Partial Completed Deferred to FY16-18	100%
73084	New Interchange - I205 & Lammers Road	53,400,000	F356-Tracy Gateway Area F242-Transp Sales Tax F363-TIMP Traffic F301-General Projects Federal TEA Grant Developer Contributions	54,340 6,910 - - 2,099,526 231,050	- - - 18,481 2,092,475 -	18,035,660 2,672,127 25,483,200 (18,481) 2,455,799 268,913	25,660 93,127 - (18,481) 2,455,799 268,913	- - - - - -	- - - - - -	18,010,000 500,000 - - - -	0 2,079,000 25,483,200 - - -	Jun 20 Design Underway Insufficient Funds <sup>1</sup>	34% 5% 48% 0% 12% 1%
73090	Extension - Chrisman Rd Grant Line Rd to I205	3,985,891	F357-NEI Area, Ph 2	270,391	-	3,715,500	-	297,400	3,418,100	-	-	Jun 18-Prelim Plan Comp Insufficient Funds <sup>1</sup>	100%
73092	Widening, Lammers Rd 3,000 Ft So of 11th St	10,009,030	F356-Tracy Gateway Area	1,498,630	-	8,510,400	-	8,510,400	-	-	-	Dec 17-Expansion Insufficient Funds <sup>1</sup>	100%
73095	Widening - Valpico Road, Tracy to Pebblebrook	10,887,300	F242-Transp Sales Tax F354-ISP South Area F358-Ellis Area	306,621 - -	39,660 - -	253,719 10,201,500 85,800	153,719 1,000,000 -	100,000 1,344,800 -	- 7,856,700 85,800	- -	- -	Dec 18 Design Underway Insufficient Funds <sup>1</sup>	6% 94% 1%
73102	Widening - Corral Hollow Road, Byron to Grant Line (Phase II)	4,160,200	F353-I205 Corridor Area F363-TIMP Traffic	533,320 -	6,835 -	759,845 2,860,200	759,845 -	- 2,860,200	- -	- -	- -	Dec 16-Ph 2 Dsgn Undrwy Insufficient Funds <sup>1</sup>	31% 69%
73103	Widening - Corral Hollow Road, 11th to Schulte	5,779,000	F323-Plan C Area, Arterials F245-Gas Tax	820,002 4,725	21,779 -	1,481,319 3,451,175	1,481,319 187,275	- 3,263,900	- -	- -	- -	Dec 16-Design Underway Insufficient Funds <sup>1</sup>	40% 60%
73126	Widening - MacArthur Dr Schulte to Valpico, Phase II	5,843,900	F313-Infill Area, Arterials Federal TEA Grant RSTP Grant	290,916 161,357 -	(12,835) 167,841 -	682,919 1,359,703 3,194,000	-53,081 213,703 -	736,000 1,146,000 3,194,000	- -	- -	- -	Jun 17 Design Underway Insufficient Funds <sup>1</sup>	16% 29% 55%

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**EXHIBIT C**  
**Summary of Expenses and Anticipated Construction Dates**  
**for Fiscal Year Ended June 30, 2015**  
 (Government Code §66006(b)(1)(C) and (D).)

Fee Funded Capital Improvement Projects						Five Year Plan - FY15-16 through FY19-20					July 1, 2015		
CIP	Project Title	Project \$ Total	Funding Sources	Prior Years Expenditures	FY14-15 Actual Exp's	\$ Total	<----- New Appropriations Required ----->					Anticipated Completion Date & Comments	% Dev. Fee Funded
							FY15-16	FY16-17	FY17-18	FY18-19	FY19-20		
73136	Directional Signs in I205 Area - 2 Locations	1,050,000	F345-RSP Area	1,680	-	1,048,320	566,320	482,000	-	-	-	Jun 17 Design Underway	100%
73141	Improvements - Fabian Rd, W of Corral Hollow	781,500	F323-Plan C Area, Arterials	-	59,839	413,061	413,061	-	-	-	-	Jun 16 Design Underway	61% 39%
74083	Second Outfall Pipeline - WW Treatment Plant	25,000,000	F357-NEI Area, Ph 2	3,253,655	405,907	1,340,438	1,340,438	-	-	-	-	Jun 16 Design Underway	20% 56% 24%
			Debt Proceeds	-	-	14,000,000	14,000,000	-	-	-	-		
			Developer Contributions	-	-	6,000,000	6,000,000	-	-	-	-		
74084	WW Upgrades - East Grant Line Road	2,115,700	F354-ISP South Area	67,533	19,364	2,028,803	168,803	1,860,000	-	-	-	Jul 17 Design Underway	100%
74097	Upgrade WW Collection System - Hansen Road	4,778,700	F356-Tracy Gateway Area	582,303	65,519	(187,822)	(187,822)	-	-	-	-	May 17 Design Underway	10% 67% 23%
			Future Developments <sup>3</sup>	-	-	3,198,700	-	3,198,700	-	-	-		
			Developer Contributions	-	-	1,120,000	1,120,000	-	-	-	-		
75046	Water Distribution System - NE Industrial Area	2,929,089	F351-NEI Area, Ph 1	2,542,843	46,128	340,118	340,118	-	-	-	-	Jun 16-Ph 1 Completed Ph 2 Deferred	100%
75085	Water Distribution System - Tracy Gateway Area	5,338,002	F356-Tracy Gateway Area	53,572	-	5,284,430	-	5,284,430	-	-	-	Jun 17-Design Underway Developer to Build	100%
75108	Water Lines -MacArthur Drive, Linne to Valpico	1,926,000	F513-Water Capital	-	-	476,800	1,223,350	(746,550)	-	-	-	Dec 17 Design Underway	25% 15% 21% 39%
			F325-Plan C Area, Utilities	182,234	50,760	59,756	59,756	-	-	-	-		
			F352-SMP Area	-	-	409,900	409,900	-	-	-	-		
			F354-ISP South Area	-	-	746,550	-	746,550	-	-	-		
76028	Storm Drain Line - Grant Line, w of Paradise	1,346,761	F351-NEI Area, Ph 1	1,312,816	16,893	17,052	17,052	-	-	-	-	Nov 13-Work Complete	100%
76036	Channel Improvements - C2 Channel, NE Industrial Area	1,505,829	F351-NEI Area, Ph 1	1,505,829	-	-	-	-	-	-	-	Nov 13 Work Completed	100%

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**EXHIBIT C**  
**Summary of Expenses and Anticipated Construction Dates**  
**for Fiscal Year Ended June 30, 2015**  
 (Government Code §66006(b)(1)(C) and (D).)

Fee Funded Capital Improvement Projects			Five Year Plan - FY15-16 through FY19-20					July 1, 2015						
CIP	Project Title	Project \$ Total	Funding Sources	Prior Years Expenditures	FY14-15 Actual Exp's	\$ Total	<----- New Appropriations Required ----->					Anticipated Completion Date & Comments	% Dev. Fee Funded	
							FY15-16	FY16-17	FY17-18	FY18-19	FY19-20			
76045	New Detention Basin 2A - ISP South, Zone 2	5,236,507	F354-ISP South Area	703,285	-	1,250,760	-	1,250,760	-	-	-	Apr 07	37%	
			F322-Plan C Area, Drainage	839,222	-	-	-	-	-	-	-	-	Reimbursement Due	16%
			Developer Contributions	3,694,000	-	(1,250,760)	-	-1,250,760	-	-	-	-		47%
76059	Drainage Improvements - South MacArthur, Phase 2	875,600	F322-Plan C Area, Drainage	-	-	54,000	54,000	-	-	-	-	Aug 15	6%	
			F352-SMP Area	65,302	56,292	500,006	500,006	-	-	-	-	Design Underway	71%	
			Developer Contributions	-	-	200,000	200,000	-	-	-	-		23%	
78054	Aquatics Center - Ellis Area	13,551,000	F324-Plan C Area, Gen Fac	1,110,480	-	1,645,520	1,645,520	-	-	-	-	Dec 16	20%	
			F352-SMP Area	-	-	138,800	138,800	-	-	-	-	Design Underway	1%	
			F354-ISP South Area	-	-	231,500	231,500	-	-	-	-		2%	
			F355-Presidio Area	-	-	114,700	114,700	-	-	-	-		1%	
			F391-Kagehiro Parks	-	-	310,000	310,000	-	-	-	-		2%	
			Developer Contributions	-	-	10,000,000	10,000,000	-	-	-	-		74%	
78093	Park Expansion - Tracy Press Park	131,500	F345-RSP Area	-	-	131,500	-	131,500	-	-	-	Dec 05	100%	
			Developer Contributions	131,500	-	(131,500)	-	-131,500	-	-	-	Reimbursement Due	0%	
78115	Youth Sports Facilities - Legacy Sportsfield Site Phase 1A	10,743,630	F301-General Projects	8,183,592	28,220	5,818	5,818	-	-	-	-	Mar 13	76%	
			F321-Plan C Area, Parks	1,648,000	-	-	-	-	-	-	-	Work Completed	15%	
			F352-SMP Area	878,000	-	-	-	-	-	-	-		8%	
79201	Infill Program Management	962,657	F31x-Infill Funds	404,309	25,037	533,311	69,761	80,000	80,000	80,000	223,550	Jun 22 Annual Contingency <sup>2</sup>	100%	
79203	I205 Area Program Management	802,217	F353-I205 Corridor Area	811,289	179	(9,251)	(9,251)	-	-	-	-	Jun 15 Annual Contingency <sup>2</sup>	100%	
79204	Plan "C" Program Management	5,092,512	F391-UMP Facilities	4,564,688	16,079	511,745	65,685	100,000	100,000	100,000	146,060	Jun 20 Annual Contingency <sup>2</sup>	100%	
79205	Industrial SP South, Prgm Management	1,803,512	Developer Contributions	236,980	-	-	-	-	-	-	-	Jun 20	13%	
			F354-ISP South Area	486,729	35,424	1,044,379	68,479	75,000	75,000	75,000	750,900	Annual Contingency <sup>2</sup>	87%	

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**EXHIBIT C**  
**Summary of Expenses and Anticipated Construction Dates**  
**for Fiscal Year Ended June 30, 2015**  
 (Government Code §66006(b)(1)(C) and (D).)

Fee Funded Capital Improvement Projects			Five Year Plan - FY15-16 through FY19-20					July 1, 2015					
CIP	Project Title	Project \$ Total	Funding Sources	Prior Years Expenditures	FY14-15 Actual Exp's	\$ Total	<----- New Appropriations Required ----->					Anticipated Completion Date & Comments	% Dev. Fee Funded
							FY15-16	FY16-17	FY17-18	FY18-19	FY19-20		
79206	NE Industrial Area #1 - Program Management	2,342,332	F351-NEI Area, Ph 1 Developer Contributions	2,132,357 63,505	30,713 -	115,758 -	48,158 -	67,600 -	- -	- -	- -	Jun 17 Annual Contingency <sup>2</sup>	97% 3%
79207	South MacArthur Area - Program Management	383,994	F352-SMP Area	280,011	1,170	102,813	56,173	46,640	-	-	-	Jun 17 Annual Contingency <sup>2</sup>	100%
79208	NE Industrial Area #2 - Program Management	2,226,094	F357-NEI Area, Ph 2	499,776	41,336	1,684,982	87,382	80,000	80,000	80,000	1,357,600	Jun 20 Annual Contingency <sup>2</sup>	100%
79209	Tracy Gateway - Program Management	1,653,510	F356-Tracy Gateway Area	68,242	-	1,585,268	331,268	100,000	100,000	100,000	954,000	Jun 20 Annual Contingency <sup>2</sup>	100%
79210	Presidio Area - Program Management	437,608	F355-Presidio Area Developer Contributions	99,179 259,812	1,560 -	77,057 -	77,057 -	- -	- -	- -	- -	Jun 16 Annual Contingency <sup>2</sup>	41% 59%
79212	Tracy Gateway - Program Management	1,045,000	F391-TIMP Area	-	1,162	1,043,838	243,838	-	200,000	200,000	400,000	Jun 35 Annual Contingency <sup>2</sup>	100%
79364	Downtown Brew Pub/ Property Acquisition	1,000,000	F345-RSP Area	40,778	5,680	953,542	953,542	-	-	-	-	Jun 16 Work Completed	100%
79366	Retail Incentives - Office/Industrial	35,000	F345-RSP Area	2,745	-	32,255	32,255	-	-	-	-	Jun 16 Work Completed	100%
79367	Property Acquisition - W. Schulte & Lammers Area	695,250	F345-RSP Area	124,462	139,253	431,535	431,535	-	-	-	-	Jun 16 Work Completed	100%
79368	Hi-Tech Incentive Pilot Program	238,483	F345-RSP Area	-	7,500	230,983	230,983	-	-	-	-	Jun 16 Work Completed	100%
<b>TOTALS</b>		<u>\$261,682,207</u>		<u>\$76,701,633</u>	<u>\$5,671,926</u>	<u>\$179,308,648</u>	<u>\$50,932,448</u>	<u>\$37,102,690</u>	<u>\$15,826,600</u>	<u>\$44,052,600</u>	<u>\$31,394,310</u>		

Footnotes:

<sup>1</sup> Sufficient funds have not been collected to complete this project.

<sup>2</sup> Program Management fees are annual contingencies for Program Plan Areas not yet built out.

<sup>3</sup> "Future Development" references means that it was anticipated the developer was constructing an improvement at their cost. In some cases, a developer contribution may be shown with a later reimbursement from an impact fee fund.

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EXHIBIT C  
 Summary of Expenses and Anticipated Construction Dates  
 for Fiscal Year Ended June 30, 2015  
 (Government Code §66006(b)(1)(C) and (D).)

Fee Funded Capital Improvement Projects			Five Year Plan - FY15-16 through FY19-20					July 1, 2015	
CIP	Project Title	Project \$ Total	Funding Sources	Prior Years Expenditures	FY14-15 Actual Exp's	\$ Total	<----- New Appropriations Required ----->	Anticipated Completion Date & Comments	% Dev. Fee Funded
							FY15-16    FY16-17    FY17-18    FY18-19    FY19-20		

<u>FY14-15 Other Funding Sources</u>	
F242-Transp Sales Tax	\$ 39,660
F301-General Projects	160,842
Federal TEA Grant	2,260,315
Future Developments <sup>3</sup>	-
<b>Total - Other Funding Sources</b>	<b><u>\$ 2,460,818</u></b>
<u>FY14-15 Expenditures</u>	
Total - Other Funding Sources	\$ 2,460,818
Total - Fee Funded Sources	3,211,108
<b>Grand Total - All Funding Sources</b>	<b><u>\$ 5,671,926</u></b>

<u>FY14-15 Fee Funded Sources</u>	
F313-Infill Area, Arterials	\$ (16,459)
F31x-Infill Funds	25,037
F323-Plan C Area, Arterials	81,618
F325-Plan C Area, Utilities	50,760
F345-RSP Area	284,592
F351-NEI Area, Ph 1	1,922,912
F352-SMP Area	57,462
F353-I205 Corridor Area	83,541
F354-ISP South Area	72,705
F355-Presidio Area	1,560
F356-Tracy Gateway Area	65,519
F357-NEI Area, Ph 2	564,620
F391-TIMP Area	1,162
F391-UMP Facilities	16,079
<b>Total - Fee Funded Sources</b>	<b><u>\$ 3,211,108</u></b>

**EXHIBIT D**  
**Report of Findings for Development Fee Funds**  
**Collected for the Fiscal Year Ended June 30, 2015**  
(Government Code §66001(d).)

**INFILL AREA, PARK FEE- FUND 311**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Infill April 2012 Update Finance and Implementation Plan and dated April 3, 2012, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**INFILL AREA, STORM DRAINAGE FEE - FUND 312**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Infill April 2012 Update Finance and Implementation Plan and dated April 3, 2012, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**INFILL AREA, ARTERIALS FEE - FUND 313**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Infill April 2012 Update Finance and Implementation Plan and dated April 3, 2012, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**INFILL AREA, PUBLIC BUILDINGS AND EQUIPMENT FEE - FUND 314**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Infill April 2012 Update Finance and Implementation Plan and dated April 3, 2012, (2) in the latest Public Safety Development Impact Fee Update adopted on September 16, 2014 by Resolution 2014-158 and (3) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**INFILL AREA, DOWNTOWN IMPROVEMENTS PARKING FEE - FUND 316**

In conjunction with the adoption of Tracy Municipal Code chapter 6.20 regarding the Downtown Incentive Program, and TMC section 10.08.3470(d)(3), regarding off-street parking requirements within the Downtown Incentive Area, development impact fees were established to offset a portion of the City's costs in upgrading parking and streetscape improvements in the Downtown Incentive Area.

**INFILL AREA, WATER FEE - FUND 317**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Infill April 2012 Update Finance and Implementation Plan and dated April 3, 2012, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**INFILL AREA, WASTEWATER FEE - FUND 318**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Infill April 2012 Update Finance and Implementation Plan and dated April 3, 2012, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**INFILL AREA, PROGRAM MANAGEMENT FEE - FUND 315**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Infill April 2012 Update Finance and Implementation Plan and dated April 3, 2012, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**EXHIBIT D**  
**Report of Findings for Development Fee Funds**  
**Collected for the Fiscal Year Ended June 30, 2015**  
(Government Code §66001(d).)

**PLAN C AREA, PARKS FEE - FUND 321**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Plan C June 2007 Update Finance and Implementation Plan and dated June 19, 2007, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**PLAN C AREA, STORM DRAINAGE FEE - FUND 322**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Plan C June 2007 Update Finance and Implementation Plan and dated June 19, 2007, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**PLAN C AREA, ARTERIALS FEE - FUND 323**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Plan C June 2007 Update Finance and Implementation Plan and dated June 19, 2007, and (2) in the latest Roadway Development Impact Fee Update adopted on May 6, 2014 and adopted by Resolution 2014-070, and (3) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**PLAN C AREA, GENERAL FACILITIES FEE - FUND 324**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Plan C June 2007 Update Finance and Implementation Plan and dated June 19, 2007, (2) in the latest Public Safety Development Impact Fee Update adopted on September 16, 2014 by Resolution 2014-158, and (3) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**PLAN C AREA, UTILITIES FEE - FUND 325**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Plan C June 2007 Update Finance and Implementation Plan and dated June 19, 2007, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**PLAN C AREA, PROGRAM MANAGEMENT FEE - FUND 391**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Plan C June 2007 Update Finance and Implementation Plan and dated June 19, 2007, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**EXHIBIT D**  
**Report of Findings for Development Fee Funds**  
**Collected for the Fiscal Year Ended June 30, 2015**  
(Government Code §66001(d).)

**RESIDENTIAL SPECIFIC PLAN AREA, PARKS FEE - FUND 341**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Residential Specific Plan (RSP) 2003 Update Finance and Implementation Plan and dated July 15, 2003, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**RESIDENTIAL SPECIFIC PLAN AREA, STORM DRAINAGE FEE - FUND 342**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Residential Specific Plan (RSP) 2003 Update Finance and Implementation Plan and dated July 15, 2003, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**RESIDENTIAL SPECIFIC PLAN AREA, ARTERIALS FEE - FUND 343**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Residential Specific Plan (RSP) 2003 Update Finance and Implementation Plan and dated July 15, 2003, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**RESIDENTIAL SPECIFIC PLAN AREA, PUBLIC BUILDINGS FEE - FUND 344**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Residential Specific Plan (RSP) 2003 Update Finance and Implementation Plan and dated July 15, 2003, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**RESIDENTIAL SPECIFIC PLAN AREA, PROGRAM MANAGEMENT FEE - FUND 345**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Residential Specific Plan (RSP) 2003 Update Finance and Implementation Plan and dated July 15, 2003, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**EXHIBIT D**  
**Report of Findings for Development Fee Funds**  
**Collected for the Fiscal Year Ended June 30, 2015**  
(Government Code §66001(d).)

**NORTHEAST INDUSTRIAL AREA, PHASE 1, ARTERIALS FEE - FUND 351**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Northeast Industrial Area - Phase 1 Update Finance and Implementation Plan and dated April, 15 2008, (2) the latest Roadway Development Impact Fee Update adopted on May 1, 2012 by Resolution 2012-077, and (3) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**NORTHEAST INDUSTRIAL AREA, PHASE 1, STORM DRAINAGE FEE - FUND 351**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Northeast Industrial Area - Phase 1 Update Finance and Implementation Plan and dated April 15, 2008, (2) the latest Storm Drainage Development Impact Fee Update adopted on May 1, 2012 by Resolution 2012-077, and (3) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**NORTHEAST INDUSTRIAL AREA, PHASE 1, WATER FEE - FUND 351**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Northeast Industrial Area - Phase 1 Update Finance and Implementation Plan and dated April 15, 2008, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**NORTHEAST INDUSTRIAL AREA, PHASE 1, WASTEWATER FEE - FUND 351**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Northeast Industrial Area - Phase 1 Update Finance and Implementation Plan and dated April 15, 2008, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**NORTHEAST INDUSTRIAL AREA, PHASE 1, PUBLIC BUILDINGS FEE - FUND 351**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Northeast Industrial Area - Phase 1 Update Finance and Implementation Plan and dated April 15, 2008, (2) in the latest Public Safety Development Impact Fee Update adopted on September 16, 2014 by Resolution 2014-158, and (3) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**NORTHEAST INDUSTRIAL AREA, PHASE 1, PROGRAM MANAGEMENT FEE - FUND 351**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Northeast Industrial Area - Phase 1 Update Finance and Implementation Plan and dated April 15, 2008, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**EXHIBIT D**  
**Report of Findings for Development Fee Funds**  
**Collected for the Fiscal Year Ended June 30, 2015**  
(Government Code §66001(d).)

**SOUTH MACARTHUR PLAN AREA, ARTERIALS FEE - FUND 352**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called South MacArthur Plan Area Finance and Implementation Plan 2005 Update and dated September 20, 2005, and (2) in the latest Roadway Development Impact Fee update adopted on December 6, 2011 by Resolution 2011-227, and (3) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**SOUTH MACARTHUR PLAN AREA, STORM DRAINAGE FEE - FUND 352**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called South MacArthur Plan Area Finance and Implementation Plan 2005 Update and dated September 20, 2005, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**SOUTH MACARTHUR PLAN AREA, PARKS FEE - FUND 352**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called South MacArthur Plan Area Finance and Implementation Plan 2005 Update and dated September 20, 2005, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**SOUTH MACARTHUR PLAN AREA, WATER FEE - FUND 352**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called South MacArthur Plan Area Finance and Implementation Plan 2005 Update and dated September 20, 2005, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**SOUTH MACARTHUR PLAN AREA, WASTEWATER FEE - FUND 352**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called South MacArthur Plan Area Finance and Implementation Plan 2005 Update and dated September 20, 2005, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**SOUTH MACARTHUR PLAN AREA, PUBLIC BUILDINGS AND SERVICES FEE - FUND 352**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called South MacArthur Plan Area Finance and Implementation Plan 2005 Update and dated September 20, 2005, (2) in the latest Public Safety Development Impact Fee Update adopted on September 16, 2014 by Resolution 2014-158, and (3) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**EXHIBIT D**  
**Report of Findings for Development Fee Funds**  
**Collected for the Fiscal Year Ended June 30, 2015**  
(Government Code §66001(d).)

**INDUSTRIAL SPECIFIC PLAN SOUTH AREA, ARTERIALS FEE - FUND 354**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Updated ISP South Finance and Implementation Plan and dated March 17, 2009, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**INDUSTRIAL SPECIFIC PLAN SOUTH AREA, STORM DRAINAGE FEE - FUND 354**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Updated ISP South Finance and Implementation Plan and dated March 17, 2009, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**INDUSTRIAL SPECIFIC PLAN SOUTH AREA, PARKS FEE - FUND 354**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Updated ISP South Finance and Implementation Plan and dated March 17, 2009, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**INDUSTRIAL SPECIFIC PLAN SOUTH AREA, PUBLIC BUILDINGS FEE - FUND 354**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Updated ISP South Finance and Implementation Plan and dated March 17, 2009, and (2) in the latest Public Safety Development Impact Fee Update adopted on September 16, 2014 by Resolution 2014-158, and (3) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**INDUSTRIAL SPECIFIC PLAN SOUTH AREA, WATER FEE - FUND 354**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Updated ISP South Finance and Implementation Plan and dated March 17, 2009, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**INDUSTRIAL SPECIFIC PLAN SOUTH AREA, WASTEWATER FEE - FUND 354**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Updated ISP South Finance and Implementation Plan and dated March 17, 2009, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**INDUSTRIAL SPECIFIC PLAN SOUTH AREA, PROGRAM MANAGEMENT FEE - FUND 354**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Updated ISP South Finance and Implementation Plan and dated March 17, 2009, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**EXHIBIT D**  
**Report of Findings for Development Fee Funds**  
**Collected for the Fiscal Year Ended June 30, 2015**  
(Government Code §66001(d).)

**PRESIDIO AREA, ARTERIALS FEE - FUND 355**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Presidio Planning Area Finance and Implementation Plan and dated June 30, 2000, and (2) the latest Roadway Development Impact Fee Update adopted on October 2, 2001 by Resolution 2001-351, and (3) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**PRESIDIO AREA, ARTERIALS - REGIONAL FEE - FUND 355**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Presidio Planning Area Finance and Implementation Plan and dated June 30, 2000, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**PRESIDIO AREA, STORM DRAINAGE FEE - FUND 355**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Presidio Planning Area Finance and Implementation Plan and dated June 30, 2000, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**PRESIDIO AREA, PUBLIC BUILDINGS FEE - FUND 355**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Presidio Planning Area Finance and Implementation Plan and dated June 30, 2000, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**PRESIDIO AREA, WATER FEE - FUND 355**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Presidio Planning Area Finance and Implementation Plan and dated June 30, 2000, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**PRESIDIO AREA, WASTEWATER FEE - FUND 355**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Presidio Planning Area Finance and Implementation Plan and dated June 30, 2000, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**PRESIDIO AREA, PROGRAM MANAGEMENT FEE - FUND 355**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Presidio Planning Area Finance and Implementation Plan and dated June 30, 2000, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**EXHIBIT D**  
**Report of Findings for Development Fee Funds**  
**Collected for the Fiscal Year Ended June 30, 2015**  
(Government Code §66001(d).)

**TRACY GATEWAY AREA, ARTERIALS FEE - FUND 356**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Tracy Gateway Project Infrastructure Cost Obligations and Phase 1 Finance and Implementation Plan Update and dated July 17, 2007, and (2) in the latest Roadway Development Impact Fee Update adopted on December 6, 2011 by Resolution 2011-227, and (3) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**TRACY GATEWAY AREA, STORM DRAINAGE FEE - FUND 356**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Tracy Gateway Project Infrastructure Cost Obligations and Phase 1 Finance and Implementation Plan Update and dated July 17, 2007, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**TRACY GATEWAY AREA, PUBLIC BUILDINGS FEE - FUND 356**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Tracy Gateway Project Infrastructure Cost Obligations and Phase 1 Finance and Implementation Plan Update and dated July 17, 2007, (2) in the latest Public Safety Development Impact Fee Update adopted on September 16, 2014 by Resolution 2014-158, and (3) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**TRACY GATEWAY AREA, WATER FEE - FUND 356**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Tracy Gateway Project Infrastructure Cost Obligations and Phase 1 Finance and Implementation Plan Update and dated July 17, 2007, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**TRACY GATEWAY AREA, WASTEWATER FEE - FUND 356**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Tracy Gateway Project Infrastructure Cost Obligations and Phase 1 Finance and Implementation Plan Update and dated July 17, 2007, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**TRACY GATEWAY AREA, PROGRAM MANAGEMENT FEE - FUND 356**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Tracy Gateway Project Infrastructure Cost Obligations and Phase 1 Finance and Implementation Plan Update and dated July 17, 2007, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**EXHIBIT D**  
**Report of Findings for Development Fee Funds**  
**Collected for the Fiscal Year Ended June 30, 2015**  
(Government Code §66001(d).)

**NORTHEAST INDUSTRIAL AREA, PHASE 2, ARTERIALS FEE - FUND 357**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Northeast Industrial Area - Phase 2 Finance and Implementation Plan and dated January 15, 2008, (2) in the arterial fees adopted on May 1, 2012, and (3) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**NORTHEAST INDUSTRIAL AREA, PHASE 2, STORM DRAINAGE FEE - FUND 357**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Northeast Industrial Area - Phase 2 Finance and Implementation Plan and dated January 15, 2008, and (2) in the latest Storm Drainage Development Impact Fee Update adopted on May 1, 2012 by Resolution 2012-077, and (3) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**NORTHEAST INDUSTRIAL AREA, PHASE 2, WATER FEE - FUND 357**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Northeast Industrial Area - Phase 2 Finance and Implementation Plan and dated January 15, 2008, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**NORTHEAST INDUSTRIAL AREA, PHASE 2, WASTEWATER FEE - FUND 357**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Northeast Industrial Area - Phase 2 Finance and Implementation Plan and dated January 15, 2008, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**NORTHEAST INDUSTRIAL AREA, PHASE 2, PUBLIC BUILDINGS FEE - FUND 357**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Northeast Industrial Area - Phase 2 Finance and Implementation Plan and dated January 15, 2008, and (2) in the latest Public Safety Development Impact Fee Update adopted on September 16, 2014 by Resolution 2014-158, and (3) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**NORTHEAST INDUSTRIAL AREA, PHASE 2, PROGRAM MANAGEMENT FEE - FUND 357**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Northeast Industrial Area - Phase 2 Finance and Implementation Plan and dated January 15, 2008, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**EXHIBIT D**  
**Report of Findings for Development Fee Funds**  
**Collected for the Fiscal Year Ended June 30, 2015**  
(Government Code §66001(d).)

**I-205 CORRIDOR AREA, ARTERIALS FEE - FUND 353**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest Cost Allocation Distribution Spreadsheet, called I-205 Corridor Specific Plan Spreadsheet #47 and dated June 19, 2007, (2) in the latest Public Safety Development Impact Fee Update adopted on September 16, 2014 by Resolution 2014-158, and (3) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**I-205 CORRIDOR AREA, STORM DRAINAGE FEE - FUND 353**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest Cost Allocation Distribution Spreadsheet, called I-205 Corridor Specific Plan Spreadsheet #47 and dated June 19, 2007, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**I-205 CORRIDOR AREA, PARKS FEE - FUND 353**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest Cost Allocation Distribution Spreadsheet, called I-205 Corridor Specific Plan Spreadsheet #47 and dated June 19, 2007, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**I-205 CORRIDOR AREA, PUBLIC BUILDINGS FEE - FUND 353**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest Cost Allocation Distribution Spreadsheet, called I-205 Corridor Specific Plan Spreadsheet #47 and dated June 19, 2007, (2) in the latest Public Safety Development Impact Fee Update adopted on September 16, 2014 by Resolution 2014-158, and (3) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**I-205 CORRIDOR AREA, WATER FEE - FUND 353**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest Cost Allocation Distribution Spreadsheet, called I-205 Corridor Specific Plan Spreadsheet #47 and dated June 19, 2007, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**I-205 CORRIDOR AREA, SEWER TREATMENT FEE - FUND 353**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest Cost Allocation Distribution Spreadsheet, called I-205 Corridor Specific Plan Spreadsheet #47 and dated June 19, 2007, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2013, which is incorporated here by reference.

**I-205 CORRIDOR AREA, PROGRAM MANAGEMENT FEE - FUND 353**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest Cost Allocation Distribution Spreadsheet, called I-205 Corridor Specific Plan Spreadsheet #47 and dated June 19, 2007, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**EXHIBIT D**  
**Report of Findings for Development Fee Funds**  
**Collected for the Fiscal Year Ended June 30, 2015**  
(Government Code §66001(d).)

**HABITAT MITIGATION FEES - FUND XXX**

The purpose of the fee is to mitigate the cumulative impacts to threatened, endangered, rare, and unlisted SJMSCP covered species and other wildlife and other impacts to recreation, agriculture, scenic values, and other beneficial open space uses of new development on undeveloped lands. The relationship between the fee and the purpose for which the fee is imposed is set forth in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, dated July 25, 2001 prepared by San Joaquin Council of Governments (SJCOG). The fees collected are remitted to SJCOG pursuant to the Plan.

**AGRICULTURAL MITIGATION FEES - FUND 116**

The purpose of the fee is to mitigate the loss of productive agricultural lands converted for urban uses within the City by permanently protecting agricultural lands planned for agricultural use and by working with farmers who voluntarily wish to sell or restrict their land in exchange for fair compensation. The relationship between the fee and the purpose is set forth in Tracy Municipal Code Chapter 13.28 and in the South San Joaquin County Farmland Conversion Fee Nexus Study, dated July 18, 2005 and prepared by ESA, including any amendments to it. Pursuant to Tracy Municipal Code section 13.28.080(b) and an agreement entered into, the monies in the fund are forwarded to the Central Valley Farmland Trust, Inc., a California non-profit public benefit corporation, a qualified entry under Chapter 13.28.

**COUNTY FACILITIES FEE - FUND 391**

The purpose of the fee is to finance the construction of region-serving capital facilities located throughout San Joaquin County to reduce the impacts caused by future development in San Joaquin County. The funds derived from County Facilities Fees will be used to finance the facilities identified in the San Joaquin County Facilities Fees Nexus Report dated October 23, 2003 and prepared by the County of San Joaquin. Pursuant to Tracy Municipal Code Chapter 13.24.020(b) and an agreement entered into, the monies in the fund are remitted to the County of San Joaquin, who is responsible for administering the fee funds and constructing the capital facilities.

**REGIONAL TRANSPORTATION IMPACT FEE - FUND 808**

The purpose of the fee is to finance the construction of transportation and transit improvements that help mitigate impacts to the San Joaquin County regional transportation network. Pursuant to Tracy Municipal Code Chapter 13.32.020(b)(2), the fees collected shall be used to finance Regional Transportation Impact Fee capital projects identified in the San Joaquin County Regional Transportation Impact Fee Technical Report dated October 27, 2005, prepared by the San Joaquin Council of Governments (SJCOG). The monies in the fund are remitted to SJCOG, who has the responsibility as the region's designated Metropolitan Planning Organization and through its powers as specified in its joint powers agreement to maintain and improve the Regional Transportation Network, as per the Regional Transportation Impact Fee Operating Agreement, dated October 27, 2005.

**EXHIBIT D**  
**Report of Findings for Development Fee Funds**  
**Collected for the Fiscal Year Ended June 30, 2015**  
(Government Code §66001(d).)

**ELLIS PROGRAM AREA PARKS AND RECREATION FEE - FUND**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Ellis Program Area Finance and Implementation Plan and dated August 20, 2013, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**ELLIS PROGRAM AREA STORM DRAINAGE FEE - FUND**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Ellis Program Area Finance and Implementation Plan and dated August 20, 2013, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**ELLIS PROGRAM AREA TRAFFIC FEE - FUND**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Ellis Program Area Finance and Implementation Plan and dated August 20, 2013, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**ELLIS PROGRAM AREA PUBLIC BUILDINGS FEE - FUND**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Ellis Program Area Finance and Implementation Plan and dated August 20, 2013, and (2) in the latest Public Safety Development Fee Update on September 16, 2014 by Resolution 2014-158, and (3) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**ELLIS PROGRAM AREA WATER SUPPLY, TREATMENT, STORAGE AND DISTRIBUTION FEE - FUND**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Ellis Program Area Finance and Implementation Plan and dated August 20, 2013, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**ELLIS PROGRAM AREA WASTEWATER TREATMENT AND CONVEYANCE FEE - FUND**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Ellis Program Area Finance and Implementation Plan and dated August 20, 2013, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**ELLIS PROGRAM AREA RECYCLED WATER FEE - FUND**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Ellis Program Area Finance and Implementation Plan and dated August 20, 2013, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**ELLIS PROGRAM AREA PROGRAM MANAGEMENT FEE - FUND**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the latest financing and implementation plan (FIP), called Ellis Program Area Finance and Implementation Plan and dated August 20, 2013, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**EXHIBIT D**  
**Report of Findings for Development Fee Funds**  
**Collected for the Fiscal Year Ended June 30, 2015**  
(Government Code §66001(d).)

**CITYWIDE MASTER PLAN PARKS FEE - FUND**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the Parks AB1600 Development Impact Fee Technical Memo dated May 2013 and adopted on January 7, 2015, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**CITYWIDE MASTER PLAN STORM DRAINAGE FEE - FUND**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the Citywide Storm Drainage Master Plan Impact Fee Analysis dated November 2013 and adopted on January 7, 2015, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**CITYWIDE MASTER PLAN TRANSPORTATION FEE - FUND**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the Citywide Roadway and Transportation Master Plan Traffic Impact Fee Analysis dated November 2013 and adopted on January 7, 2014, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**CITYWIDE MASTER PLAN PUBLIC SAFETY FACILITIES FEE - FUND**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the Public Safety AB1600 Development impact Fee Technical Memo dated May 2013 and adopted on January 7, 2014, (2) in the latest Public Safety Development Fee Update on September 16, 2014 by Resolution 2014-158, and (3) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**CITYWIDE MASTER PLAN PUBLIC FACILITIES FEE - FUND**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the Public Facilities AB1600 Development impact Fee Technical Memo dated May 2013 and adopted on January 7, 2014, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**CITYWIDE MASTER PLAN WATER SUPPLY, TREATMENT, STORAGE AND DISTRIBUTION - FUND**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the Citywide Water System Master Plan - Tier 1 Development Impact Fee Analysis For the Backbone Buildout Potable and Recycled Water System dated August 28, 2013 and adopted on January 7, 2014, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**CITYWIDE MASTER PLAN WASTEWATER TREATMENT AND CONVEYANCE - FUND**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the Tracy Wastewater Conveyance and Treatment Development Impact Fee Study dated January 2013 and adopted on January 7, 2014, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**CITYWIDE MASTER PLAN RECYCLED WATER - FUND**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the Citywide Water System Master Plan - Tier 1 Development Impact Fee Analysis For the Backbone Buildout Potable and Recycled Water System dated August 28, 2013 and adopted on January 7, 2014, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

**CITYWIDE MASTER PLAN PROGRAM MANAGEMENT - FUND**

The purpose of the fee, relationship between the fee and the purpose, the sources of anticipated funding and the approximate dates on which funding is expected are set forth (1) in the various AB1600 fee studies adopted on January 7, 2014, and (2) in the extrapolation of the City's most recent Capital Improvement Plan, dated July 1, 2015, which is incorporated here by reference.

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE CITY OF TRACY APPROVING THE ANNUAL REPORT ON DEVELOPMENT IMPACT FEE REVENUES, EXPENDITURES AND FINDINGS REGARDING UNEXPENDED FUNDS

WHEREAS, California Government Code sections 66000-66006 impose requirements for the collection and expenditure of development impact fees; and

WHEREAS, pursuant to Government Code section 66006(b), the City must issue an annual report relating to the development impact fees it imposes; and

WHEREAS, pursuant to Government Code section 66001(d), the City must make certain findings, at least every five years with respect to that portion of each development fee account remaining unexpended; and

WHEREAS, pursuant to Government Code section 66006(b)(2), notice of the City Council meeting at which this report was considered was mailed at least 15 days before the meeting to interested parties who requested notice.

NOW, THEREFORE, BE IT RESOLVED, the Tracy City Council hereby resolves, declares, determines, and orders as follows:

1. Annual Report of Development Impact Fees. The City Council approves the attached annual report of development impact fee revenues and expenditures for the fiscal year ending June 30, 2015, as set forth in Exhibits A, B and C.
2. Findings. The City Council here adopts the findings contained in the attached report of findings for the fiscal year ending June 30, 2015, as set forth in Exhibit D.

\* \* \* \* \*

The foregoing Resolution \_\_\_\_\_ was adopted by the Tracy City Council on the 15th day of December, 2015, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

AGENDA ITEM 10.A

REQUEST

**APPOINT APPLICANTS TO THE TRACY ARTS COMMISSION**

EXECUTIVE SUMMARY

On December 31, 2015, terms will expire for four of the Tracy Arts Commissioners. A recruitment was conducted and appointments need to be made.

DISCUSSION

On December 31, 2015, terms will expire for four of the Tracy Arts Commissioners. To fill the upcoming vacancies, the City Clerk's office conducted a three week recruitment from October 19 to November 9, 2015, during which time four applications were received. As stated in Resolution 2004-152, in the event there are not two or more applicants than vacancies, the filing deadline will be extended. The recruitment was extended for an additional three weeks beginning on November 10, 2015, and ended December 1, 2015. The City Clerk's office received three additional applications during the extended recruitment period.

On December 7, 2015, a Council subcommittee consisting of Mayor Pro Tem Rickman and Council Member Vargas interviewed seven applicants. In accordance with Resolution 2004-152, the Council subcommittee will recommend applicants for appointment to serve four year terms, which will begin on January 1, 2016, and end on December 31, 2019.

STRATEGIC PLAN

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

FISCAL IMPACT

None.

RECOMMENDATION

That Council approve the subcommittee's recommendations and appoint applicants to the Tracy Arts Commission to serve four year terms which will end on December 31, 2019.

Prepared by: Adrienne Richardson, Deputy City Clerk

Reviewed by: Nora Pimentel, City Clerk  
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager