TRACY CITY COUNCIL **REVISED** REGULAR MEETING AGENDA

Tuesday March 15, 2016, 7:00 p.m.

City Council Chambers, 333 Civic Center Plaza *Web Site: 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

CALL TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION
ROLL CALL
PRESENTATIONS – Miss San Joaquin County Outstanding Teen 2016

1. CONSENT CALENDAR

A. Adopt Council Minutes – February 2, 2016 Regular City Council Action Minutes, March 1, 2016 Closed Session Action Minutes

B. Acceptance of the City Hall Automatic Entry Door Installation CIP 71077, Completed by Silva Electrical, Inc. of Tracy, California, Authorization for the City Clerk to File the Notice of Completion, and Authorization for the City Engineer to Release the Bonds and Retention Payment

C. Adopt a Resolution Amending the City's Conflict of Interest Code for Designated City Officers and Employee Classifications as Required by the Political Reform Act

D. Approve Amendment No. 2 to Professional Services Agreement WJM C&E 15-1 with WJM Consulting & Engineering for Additional Services Related to the Recycled Water Grant Application to the Department of Water Resources (DWR) for an Amount Not to Exceed $28,500

E. Adopt the Memorandum of Understanding Between the City of Tracy and the Tracy Firefighters' Association (TFFA)

F. Increase Fees Charged by Towing Service Operators for Services Rendered, Effective March 16, 2016, to Reflect Increased Operating Expenses

2. ITEMS FROM THE AUDIENCE

3. ADOPT A RESOLUTION OF THE CITY OF TRACY INITIATING PROCEEDINGS TO AMEND THE GENERAL PLAN TO INCLUDE A FISCAL SUSTAINABILITY POLICY AND TO ESTABLISH A NEW DEVELOPMENT PROJECTS COMMUNITY FACILITIES DISTRICT

4. 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

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

6. PUBLIC HEARING TO CONSIDER THE ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS FOR FISCAL YEAR 2016-2017 AND CONSIDERATION OF THE REALLOCATION OF PREVIOUS PROGRAM YEARS FUNDS TO THE HOME REHABILITATION PROGRAM

7. APPROVE AN EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT WITH THE LAND GROUP, INC. FOR DEVELOPMENT AND OPERATION OF SPORTS FIELDS IN PHASE 2 AT THE LEGACY FIELDS COMPLEX LOCATED ON NORTH TRACY BLVD AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT

8. PUBLIC HEARING TO ADOPT THE 2015 – 2023 GENERAL PLAN HOUSING ELEMENT AND CEQA NEGATIVE DECLARATION

9. ADOPTION OF RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF TRACY AND THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM; INTRODUCE AN ORDINANCE AUTHORIZING THE AMENDMENT TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN TO PROVIDE SECTION 20516 (EMPLOYEES SHARING ADDITIONAL COST) OF 3% FOR ALL LOCAL MISCELLANEOUS MEMBERS IN THE TRACY MID-MANAGERS BARGAINING UNIT, CONFIDENTIAL MID-MANAGERS UNIT, TECHNICAL SUPPORT SERVICES UNIT, ALL LOCAL POLICE MEMBERS IN THE TRACY POLICE MANAGEMENT ASSOCIATION AND ALL LOCAL FIRE MEMBERS IN THE CONFIDENTIAL MID-MANAGERS UNIT

10. APPROVAL OF THE 15-16 MID-YEAR BUDGET REVIEW AND AUTHORIZE PROPOSED EXPENDITURE AND REVENUE ADJUSTMENTS

11. ITEMS FROM THE AUDIENCE

12. COUNCIL ITEMS

    A. APPOINT APPLICANTS TO THE PLANNING COMMISSION

13. ADJOURNMENT

JOINT MEETING OF THE TRACY CITY COUNCIL
AND THE SUCCESSOR AGENCY TO THE CITY REGULAR
TRACY COMMUNICYT DEVELOPMENT AGENCY

February 2, 2016, 7:00 p.m.

City Council Chambers, 333 Civic Center Plaza *Web Site: www.ci.tracy.ca.us*

Mayor Maciel called the City Council meeting to order at 7:24 p.m. and led the Pledge of Allegiance.

Invocation was led by Pastor Tim Heinrich, Crossroads Baptist Church.

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

Troy Brown, City Manager presented Employee of the Month Award for February 2016, to Brittany Pasquale, Animal Services.

Troy Brown, City Manager, introduced new Parks and Community Services Director André Pichly.

Troy Brown, City Manager introduced the new Police Chief Larry Esquivel and Mayor Maciel administered the Oath of Office to Chief Esquivel.

Mayor Maciel presented Certificates of Reappointment to Parks and Community Services Commissioners Linda Jimenez, and Gloria Saltzman and Certificate of Appointment to Conrado Levoit III to a four-year term each ending January 31, 2020.

Youth Advisory Commissioners Pallavi Adpa and Sim Bhatia presented the YAC Annual Report.

1. CONSENT CALENDAR

ACTION Following the removal of item 1F, 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 – Closed session minutes of November 17, 2015, and January 19, 2016 were approved.

B. The City Council of the City of Tracy Acting as the Governing Board of the Successor Agency for the Community Development Agency of the City of Tracy Approving the Recognized Obligation Payment Schedule (ROPS) – Resolution 2016-021 approved the ROPS.

C. Approve Master Professional Services Agreement with Hinderliter, De Llamas & Associates for Tax Enhancement, Information, and Audit Services; Approve Funding Appropriation; Designate Hinderliter, De Llamas & Associates as City's Representative Authorized to Examine all Sales, Use, and Property Tax

Records of the State Board of Equalization and Other Applicable Government Agencies, and Certify that Consultant Meets the Conditions Set Forth in the Revenue and Taxation Code, Section 7056(B)(1) – Resolution 2016-022 approved a Master Professional Services Agreement.

D. Authorize Letter of Agreement with the US Bureau Of Reclamation for Review and Consideration of Inclusion of Cordes Ranch into the City of Tracy Place of Use and Authorize the City Manager to Execute the Agreement – Resolution 2016-023 authorized letter of Agreement.

E. Waive Second Reading and Adopt Ordinance 1206 an Ordinance of the City of Tracy Amending the Minimum Rear Yard Setback Established in the Concept Development Plan for the Southgate Planned Unit Development Located South of the Western Terminus of Schulte Road and East of Mabel Josephine Drive. The Applicant and Owner is Bright Development Application Number PUD12-0002 – Ordinance 1206 was adopted.

G. Adoption of a Resolution Designating Megan A. Burke and Benjamin L. Stock from Burke, Williams & Sorensen, LLP as Authorized City Representatives to Examine Sales and Use Tax Records – Resolution 2016-024 designated Megan A. Burke and Benjamin L. Stock as authorized City Representatives.

F. Approval of a Report Describing the Measures the City is Taking to Address Design and Land Use Concerns Along the I-205 Corridor which led to the Adoption of an Interim Ordinance Prohibiting the Issuance of any Land Use Entitlement or for Certain Warehouse and Distribution Uses Along the I-205 Corridor Between Tracy Boulevard to the Eastern City Limit

Troy Brown, City Manager pulled this item to walk the Council and the Community through the process which has lead up to this point. Andrew Malik, Development Services Director presented the staff report.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to accept the report. Voice vote found all in favor; passed and so ordered. Motion carried 5:0

2. ITEMS FROM THE AUDIENCE – Mercedes Silveira Gouveia spoke about an upcoming event and invited the Council to attend the first multicultural festival taking place at Kimball High in the theatre at 6:00 p.m. on February 3, 2016. Ms. Gouveia shared with the Council a newly adopted policy by the Tracy Unified School District, regarding a multicultural curriculum being taught at the schools.

Robert Tanner reiterated his comment from the previous Council meeting as there was no audio, that there is a need for a sidewalk from Lowell to Chester, it is dangerous for those that walk on that road.

Cherie Levasseur inquired when the Edgewood item would be heard.

Paul Miles spoke about a recent Police complaint regarding alleged false testimony in internal affairs.

Martin Evans expressed concern about the 400 watts, halogen bright lights in the medical zone.

3. RECEIVE AND DISCUSS ANNUAL REPORT ON SENIOR SERVICES

Jolene Jauregui, Recreation Services Supervisor, presented the staff report.

Cindy Gustafson member of the San Joaquin County Commission on Aging and President of the Tracy Seniors Association acknowledged the City for bringing in new programs and services but expressed concern that the senior center has reached its capacity and there is a need to expand the facility as many seniors are being turned away from participating in the activities. Ms. Gustafson also expressed a need for a Senior Advisory Committee to oversee plans that affect the senior community.

Linda Jimenez thanked staff for the report which outlined the services and programs which clearly demonstrates that staff continues to do outreach to the seniors to meet their needs. Ms. Jimenez mentioned that the majority of the Parks and Community Services Commission members are seniors who understand the needs of the seniors. Ms. Jimenez agreed with Ms. Gustafson on the need for a larger multipurpose center for the senior's and other use but is not clear why there is a necessity to have a separate Senior Commission.

Kathlyn Bergthold member of the Tracy Seniors Association mentioned that she conducts in home safety assessment for seniors. Ms. Bergthold expressed concern that there are many seniors that are not active and only have the senior center if they wanted to participate in some activity but stated that the senior center here in Tracy is not welcoming and does not provide multi-activities.

Council comments and questions followed.

Council Member Young requested a future agenda item to discuss, review and consider a separate Senior Commission. Mayor Maciel supported Council Member Young's request to agendize the item to a future date.

Council comments and questions ensued.

Gloria Saltzman expressed that the needs of the senior are being met and does not believe that there is a need to have a separate Senior Commission.

Upon consensus the Council accepted the annual report on senior services.

Mayor Maciel called for a recess at 8:41 p.m.

Mayor Maciel reconvened the meeting at 8:50 p.m.

4. ADOPTION OF STRATEGIC PRIORITIES, GOALS AND OBJECTIVES FOR FISCAL YEARS 2015/16 AND 2016/17

Troy Brown, City Manager, provided a brief overview of the agenda item and turned it over to staff to present the staff report. Lieutenant Alex Neicu, Police Department presented the portion related to the Public Safety Strategic Priority. Council comments and questions followed.

Council Member Vargas requested information on collisions related to road conditions from the Police Department.

Vanessa Carrera, Public Information Officer, City Manager's Office, presented the portion related to the Quality of Life Strategic Priority. Council comments and questions followed.

Ed Lovell, Management Analyst, Parks Department, presented the portion related to the Governance Strategic Priority.

Linda Jimenez acknowledged the excellent employees that work for the City and inquired about the personnel aspect. Ms. Jimenez commented when doing outreach for potential employees she encouraged staff seek people who will complement the current workforce.

Council comments and questions followed.

Andrew Malik, Development Services Director, presented the portion related to the Economic Development Strategic Priority. Council comments and questions followed.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Mitracos to adopt the Strategic Priorities, Goals and Objectives for FY 2015/16 and 2016/17. Voice vote found all in favor; passed and so ordered.

5. INTRODUCE ORDINANCE ESTABLISHING LOBBYING REGULATIONS IN THE CITY AND ADOPT A RESOLUTION ESTABLISHING REGISTRATION AND RENEWAL

Dan Sodergren, City Attorney presented the staff report.

Council comments and questions followed

Nora Pimentel, City Clerk read into the record the title of proposed Ordinance 1207.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to waive reading of full text. Voice vote found Council Members Mitracos, Vargas, Mayor Pro Tem Rickman and Mayor Maciel in favor; Council Member Young was opposed; passed and so ordered.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to introduce Ordinance 1207. Voice vote found Council Members Mitracos, Vargas, Mayor Pro Tem Rickman and Mayor Maciel in favor; Council Member Young was opposed; passed and so ordered.

ACTION Motion was made by Mayor Pro Tem Rickman and seconded by Council Member Vargas to adopt Resolution 2016-025 approving an amendment to the Master Fee Schedule regarding lobbyist registration and renewal fees. Voice vote found Council Members Mitracos, Vargas, Mayor Pro Tem Rickman and Mayor Maciel in favor; Council Member Young was opposed; passed and so ordered.

Council Member Young requested a follow up report within one year of implementation to see how many lobbyists have registered in the City.

6. CONDUCT A PUBLIC HEARING AND ADOPT A RESOLUTION ELECTING TO ESTABLISH THE CITY OF TRACY AS A GROUNDWATER SUSTAINABILITY AGENCY (GSA) FOR THAT PORTION OF THE TRACY SUB-BASIN WITHIN THE CITY OF TRACY – Resolution 2016-026

Steve Bayley, Project Specialist, Public Works, presented the staff report.

Mayor Maciel opened the public hearing, there were no speakers, and Mayor Maciel closed the public hearing. Council comments and questions followed.

ACTION Motion was made by Council Member Mitracos and seconded by Mayor Pro Tem Rickman to adopt Resolution 2016-026 electing to establish the City of Tracy as a Groundwater Sustainability Agency for that portion of the Tracy sub-basin within the City of Tracy.

7. ITEMS FROM THE AUDIENCE – There were no speakers.

8. COUNCIL ITEMS

Council Member Vargas announced the upcoming Fire Fighters Crab Feed on Friday and encouraged everyone to come out and support the local fire fighters. Council Member Vargas also announced a multicultural event taking place on Wednesday at Kimball High School at 6:30 p.m. Council Member Vargas also announced the Police Departments Crab Feed on the 20th.

Council Member Mitracos announced that she has been attending several D.A.R.E graduations and acknowledged all the fifth grade students who have gone through the D.A.R.E program.

Mayor Pro Tem Rickman announced the Knights of Columbus will have a crab feed at Saint Bernard's on Saturday and wished everyone a happy valentine.

.

Council Member Young announced an arts award ceremony at Menchie's from 5:00 p.m. to 5:30 p.m. on Wednesday.

Mayor Maciel requested to agendize an item for June to discuss, review and consider adopting a Council Code of Conduct, Roberts Rules of Orders or Rosenberg's Rules of Order and Council Policies. Council Member Young supported Mayor Maciel's request.

Mayor Pro Tem Rickman announced the upcoming Pins for Pets event which benefits the animal shelter on February 27, 2016 at 2:00 p.m. at the Tracy bowl.

Council Member Young requested to agendize a discussion to review all the commissions' roles and responsibilities and determine whether there may be room for other commissions. Mayor Maciel supported Council Member Young's request.

ADJOURNMENT – Time 10:19 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 January 26, 2016. The above are action minutes. A recording is available at the Office of the City Clerk.

_____
Mayor

ATTEST:

_____
City Clerk

TRACY CITY COUNCIL - SPECIAL MEETING MINUTES

March 1, 2016, 4:30 p.m.

Council Chambers, 333 Civic Center Plaza, Tracy

1. CALL TO ORDER – Mayor Maciel called the meeting to order at 4:31 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, Mayor Pro Tem Rickman and Mayor Maciel present. Council Member Young arrived at 4:35 p.m.

3. ITEMS FROM THE AUDIENCE – There were no speakers.

4. CLOSED SESSION

Labor Negotiations (Gov. Code, § 54957.6)

Employee Organizations:	Tracy Firefighters' Association Teamsters Local 439, IBT
City's designated representatives:	Troy Brown, City Manager Stephanie Garrabrant-Sierra, Assistant City Manager Rachelle McQuiston, Administrative Services Director Midori Lichtwardt, Human Resources Manager Dania Torres Wong, Esq.

Personnel Matter (Gov. Code, § 54957

Public Employee Appointment, Employment, Evaluation of Performance, Discipline, or Dismissal

Position Title: City Manager

5. MOTION TO RECESS TO CLOSED SESSION – Mayor Pro Tem Rickman motioned to recess the meeting to closed session at 4:32 p.m. Council Member Vargas seconded the motion. Voice vote found all in favor; passed and so ordered.

6. RECONVENE TO OPEN SESSION – Mayor Maciel reconvened the meeting into open session at 7:07 p.m. and returned to closed session immediately following adjournment of regular open session at 8:59 p.m.

7. REPORT OF FINAL ACTION – There was no report of final action.

8. ADJOURNMENT – Mayor Pro Tem Rickman motioned to adjourn. Council Member Vargas seconded the motion. Voice vote found all in favor; passed and so ordered. Time: 9:10 p.m.

The agenda was posted at City Hall on February 24, 2016. The above are action minutes.

_____
Mayor

ATTEST:

_____
City Clerk

March 15, 2016

AGENDA ITEM 1.B

REQUEST

ACCEPTANCE OF THE CITY HALL AUTOMATIC ENTRY DOOR INSTALLATION CIP 71077, COMPLETED BY SILVA ELECTRICAL, INC. OF TRACY, CALIFORNIA, AUTHORIZATION FOR THE CITY CLERK TO FILE THE NOTICE OF COMPLETION, AND AUTHORIZATION FOR THE CITY ENGINEER TO RELEASE THE BONDS AND RETENTION PAYMENT

EXECUTIVE SUMMARY

The project was an installation of low energy power door openers for three existing City Hall double swing doors. This work included all required wiring and conduits.

The contractor has completed construction of the City Hall Automatic Entry Door Installation CIP 71077, in accordance with project plans, specifications, and contract documents. Project costs are within the available budget. Staff recommends Council accept the project to enable the City engineer to release the contractor's bonds and retention.

DISCUSSION

The scope of work for this project consisted of retrofitting three existing double swing doors to be ADA compliant. Also included in this project was the furnishing and installation of power door openers, wall mounted exterior and interior activation switches, and other electrical components as needed.

The plans and specifications were prepared in-house by engineering staff.

The project was advertised for bids on the City of Tracy's website and builder's exchanges on March 5, 2015.

On May 20, 2015, the City Manager, in accordance with TMC 2.20.260, executed the agreement with the lowest monetary bidder Silva Electrical, Inc. of Tracy, California, in the amount of $35,500 for the City Hall Automatic Entry Door Installation CIP 71077. Originally, $41,200 was appropriated from CDBG funds to this project and $35,000 was spent. The remaining $6,200 will be returned to the CDBG Fund 268 for future CDBG projects or activities.

No change orders were issued for this project.

The project has been completed within the available budget, on schedule, per plans, specifications, and City of Tracy standards.

STRATEGIC PLAN

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

FISCAL IMPACT

There is no impact to the General Fund. CIP 71077 was funded by CDBG. Unused funds in the amount of $6,200 will be returned to the CDBG program, which will be allocated to other projects/services as part of the CDBG allocation process.

RECOMMENDATION

That City Council accept, by resolution, the City Hall Automatic Entry Door Installation CIP 71077, completed by Silva Electrical, Inc. of Tracy, California, and authorize the City Clerk to record the Notice of Completion with the San Joaquin County Recorder. The City Engineer, in accordance with the terms of the construction contract, will release the bonds and retention payment.

Prepared by: Moheb Argand, 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

RESOLUTION 2016-_____

ACCEPTING THE CITY HALL AUTOMATIC ENTRY DOOR INSTALLATION CIP 71077, COMPLETED BY SILVA ELECTRICAL, INC., OF TRACY, CALIFORNIA, AUTHORIZING THE CITY CLERK TO FILE THE NOTICE OF COMPLETION, AND AUTHORIZING THE CITY TO RELEASE THE BONDS AND RETENTION PAYMENT

WHEREAS, The scope of work for this project consisted of retrofitting three existing double swing doors to be ADA compliant, and

WHEREAS, On May 20, 2015, the City Manager, in accordance with TMC 2.20.260, executed the agreement with the lowest monetary bidder Silva Electrical, Inc., of Tracy, California, in the amount of $35,500 for the City Hall Automatic Entry Door Installation, CIP 71077, and

WHEREAS, CDBG funds were appropriated for this project and unused funds in the amount of $6,200 from this project will be returned to the CDBG Fund 268 fund balance for future projects or CDBG activities, and

WHEREAS, The project has been completed within the available budget, on schedule, per plans, specifications, and City of Tracy standards;

NOW, THEREFORE, BE IT RESOLVED, That City Council accepts the City Hall Automatic Entry Door Installation CIP 71077, completed by Silva Electrical, Inc., of Tracy, California, and authorizes the City Clerk to record the Notice of Completion with the San Joaquin County Recorder. The City Engineer, in accordance with the terms of the construction contract, will release the bonds and retention payment.

* * * * * * * * * * *

The foregoing Resolution 2016-_____ was passed and adopted by the Tracy City Council on the 15th day of March, 2016, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

March 15, 2016

AGENDA ITEM 1.C

REQUEST

ADOPT A RESOLUTION AMENDING THE CITY'S CONFLICT OF INTEREST CODE FOR DESIGNATED CITY OFFICERS AND EMPLOYEE CLASSIFICATIONS AS REQUIRED BY THE POLITICAL REFORM ACT

EXECUTIVE SUMMARY

The California Political Reform Act, Government Code Section 87200 *et sq*., requires certain City officials to file economic disclosure forms ("Form 700") and abstain from making or participating in governmental decisions which have a reasonably foreseeable material effect on an economic interest.

DISCUSSION

The Political Reform Act requires cities to review their codes on a biennial basis to be conducted in even numbered years to ensure that the code reflects the organization's current staffing. The Political Reform Act also requires the City to adopt a local conflict of interest code that requires City employee classifications to disclose certain economic interests, depending upon their position and likelihood of influencing decisions where they have an economic interest at stake. The City last updated the Conflict of Interest code on March 18, 2014 by adopting Resolution 2014-037.

The attached Conflict of Interest (Appendix II) lists designated City officers and classifications existing as of today's date and their respective categories of financial interests which must be disclosed in order to comply with state law and regulations established by the Fair Political Practices Commission. This disclosure is intended to avoid conflicts of interest which could influence the decision making of City officers and employees.

STRATEGIC PLAN

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

FISCAL IMPACT

There is no fiscal impact associated with this report.

RECOMMENDATION

That the City Council, adopt a resolution amending the City's Conflict of Interest Code for designated City officers and employee classifications as required by the Political Reform Act

Prepared by: Nora Pimentel, City Clerk

Reviewed by: Stephanie Garrabrant-Sierra, Assistant City Manager
Dan Sodergren, City Attorney

Approved by: Troy Brown, City Manager

ATTACHMENT

A. Appendix I
B. Appendix II

ATTACHMENT A

Appendix I

CONFLICT OF INTEREST STATEMENTS

Disclosure Categories

Category 1 - All designated employees in this category shall disclose all sources of income, investments, interests in real property, and business positions required to be disclosed of those public officials named in Government Code section 87200.

Category 2 - All designated employees in this category shall disclose all sources of income, investments and business entities in which the designated employee holds a management position if the business entity engages in land development; construction; the provision of architectural, engineering or other services in connection with construction; the manufacture or sale of electrical, plumbing and other products used in construction; the acquisition or sale of real property or financing of land acquisition, development or construction.

Category 3 - All designated employees in this category shall disclose all sources of income, investments, and business entities in which the designated employee holds a management position if the business entity is of the type which contracts with the City of Tracy to provide services, supplies, materials, machinery or equipment.

Category 4 - All designated employees in this category shall disclose all sources of income, investments, and business entities in which the designated employee holds a management position if the business entity is of the type which contracts with the designated employee's department.

Attachment B

Appendix II

CITY OF TRACY CONFLICT OF INTEREST CODE

DESIGNATED POSITIONS AND ASSIGNED DISCLOURE CATEGORIES

Government Code section 87200 requires certain City officials and employees (Council Members, Planning Commissioners, City Attorney, City Manager, and City Treasurer) to file "Statement of Economic Interests." In addition, these designated City officials, employees and consultants listed are required, pursuant to Government Code section 87302 to file Statement of Economic Interests:

Designated Positions	Disclosure Category
Governing Bodies/Commissions	
*Mayor	1
*City Council Members	1
*Planning Commission	1
Tracy Arts Commission	1
Transportation Advisory Commission	1
Parks and Community Services Commission	1
Measure E Residents' Oversight Committee	1
City Employees	
Administrative Services Director	1
Animal Services Supervisor	3,4
Assistant City Attorney	1
Assistant City Manager	1
Assistant Civil Engineer	2,3,4
Assistant Director of Development Services	1
Assistant Director of DS /City Engineer	1
Associate Planner	3,4
Budget Officer	1
Chief Building Official	1
*City Attorney	1
City Clerk	3,4
*City Manager	1
*City Treasurer	1
Communications Supervisor	1
Community Access Coordinator (part-time)	4
Community Preservation Manager	1
Cultural Arts Manager – Visual Arts	1

Designated Positions	Disclosure Categories
City Employees – Cont	
Cultural Arts Manager – Performing Arts	1
Deputy City Attorney I/II	1
Development Services Director	1
Economic Development Manager	3,4
Economic Development management Analyst	3,4
Facilities Maintenance Superintendent	3,4
~~Finance and Administration Director~~ Finance Division Manager	1
Fire Chief	1
Fire Division Chief	2,3,4
Human Resources Division Manager II	3,4
Human Resources Analyst I/-II	3,4
Information Technology Specialist	3,4
Information Technology Manager	3,4
Laboratory Supervisor	3,4
Management Analyst I/II	3,4
Parks and Community Services Director	1
Police Captain	3,4
Police Chief	1
Police Lieutenant	3,4
Professional Standards Officer – part-time	3,4
Police Support Operations Manager	1
Public Works Director	1
Public Works Maintenance and Operations Superintendent	3,4
Recreation Program Coordinator	3,4
Recreation Services Program Manager	3,4
Senior Accountant	3,4
Senior Civil Engineer	1
Senior Human Resources Analyst	3,4
Senior Planner	1
Special Counsel	1
Supervising Building and Fire Inspector	1
Utilities Director	1
Utilities Line Maintenance and Operation	3,4
Wastewater Operations Superintendent	3,4
Water Plan Superintendent	3,4
Consultants Disclosure requirements will be determined on a case-by-case basis using the criteria contained in the Regulations of the Fair Political Practices Commission.	
Legal Consultant	3,4

*These positions required to file pursuant to Government Code section 87200

RESOLUTION 2016-

ADOPT A RESOLUTION AMENDING THE CITY'S CONFLICT OF INTEREST CODE FOR DESIGNATED CITY OFFICERS AND EMPLOYEE CLASSIFICATIONS AS REQUIRED BY THE POLITICAL REFORM ACT

WHEREAS, the Political Reform Act, Government code section 81000 et seq., requires state and local government agencies to adopt and promulgate a conflict of interest code that designates the disclosure filing requirements for officials and employment positions that are involved in making or participating in making of governmental decisions; and

WHEREAS, the conflict of interest code in effect for the City of Tracy was adopted by Resolution 2014-037 ; and

WHEREAS, Government Code section 87306.5 requires the City to review and revise its conflict of interest code biennially in even numbered years.

NOW, THEREFORE, be it resolved by the City Council of Tracy that

1. Resolution 2014-037 is hereby repealed in its entirety.
2. The City of Tracy Amend Conflict of Interest Code, attached as appendix II to this Resolution, is hereby adopted.
3. This Resolution shall be effective upon its adoption.

The foregoing Resolution 2016- , was passed and adopted by the Tracy City Council on the 15th day of March, 2016, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Appendix II

CITY OF TRACY CONFLICT OF INTEREST CODE

DESIGNATED POSITIONS AND ASSIGNED DISCLOURE CATEGORIES

Government Code section 87200 requires certain City officials and employees (Council Members, Planning Commissioners, City Attorney, City Manager, and City Treasurer) to file "Statement of Economic Interests." In addition, these designated City officials, employees and consultants listed are required, pursuant to Government Code section 87302 to file Statement of Economic Interests:

Designated Positions	Disclosure Category
Governing Bodies/Commissions	
*Mayor	1
*City Council Members	1
*Planning Commission	1
Tracy Arts Commission	1
Transportation Advisory Commission	1
Parks and Community Services Commission	1
Measure E Residents' Oversight Committee	1
City Employees	
Administrative Services Department Director	1
Animal Services Supervisor	3,4
Assistant City Attorney	1
Assistant City Manager	1
Assistant Civil Engineer	2,3,4
Assistant Director of Development Services	1
Assistant Director of DS /City Engineer	1
Associate Planner	1
Budget Officer	3,4
Chief Building Official	1
*City Attorney	1
City Clerk	3,4
*City Manager	1
*City Treasurer	1
Communications Supervisor	1
Community Access Coordinator (part-time)	4
Community Preservation Manager	1
Cultural Arts Manager – Visual Arts	1
Cultural Arts Manager – Performing Arts	1
Deputy City Attorney I/II	1
Development Services Director	1
Economic Development Manager	3,4
Economic Development management Analyst	3,4
Facilities Maintenance Superintendent	3,4
Finance Division Manager	1
Fire Chief	1

Designated Positions	Disclosure Categories
City Employees – Cont	
Fire Division Chief	2,3,4
Human Resource Division Manager II	3,4
Human Resources Analyst I/II	3,4
Information Technology Specialist	3.4
Information Technology Manager	3.4
Laboratory Supervisor	3,4
Management Analyst I/II	3,4
Parks and Community Services Director	1
Police Captain	3,4
Police Chief	1
Police Lieutenant	3,4
Professional Standards Officer – part-time	3,4
Police Support Operations Manager	3,4
Public Works Director	1
Public Works Maintenance and Operations Superintendent	3,4
Recreation Program Coordinator	3,4
Recreation Services Program Manager	3,4
Senior Accountant	3,4
Senior Civil Engineer	1
Senior Human Resources Analyst	3,4
Senior Planner	1
Special Counsel	1
Supervising Building and Fire Inspector	1
Utilities Director	1
Utilities Line Maintenance Superintendent	3,4
Wastewater Operations Superintendent	3,4
Water Plan Superintendent	3,4
Consultants Disclosure requirements will be determined on a case-by-case basis using the criteria contained in the Regulations of the Fair Political Practices Commission.	
Legal Consultant	3,4

*These positions required to file pursuant to Government Code section 87200

March 15, 2016

AGENDA ITEM 1.D

REQUEST

APPROVE AMENDMENT No. 2 TO PROFESSIONAL SERVICES AGREEMENT WJM C&E 15-1 WITH WJM CONSULTING & ENGINEERING FOR ADDITIONAL SERVICES RELATED TO THE RECYCLED WATER GRANT APPLICATION TO THE DEPARTMENT OF WATER RESOURCES (DWR) FOR AN AMOUNT NOT TO EXCEED $28,500.

EXECUTIVE SUMMARY

The City of Tracy entered into a Professional Services Agreement (PSA) with WJM Consulting & Engineering (consultant) in April of 2015 to provide services for preparing and submitting a Proposition 84 Recycled Water Grant application to Department of Water Resources (DWR). The City's application has been approved and DWR has recommended award of the $18 million Recycled Water Grant to the City of Tracy. The grant has very stringent requirements to meet prior to the execution of the grant agreement and during its implementation. Additional services are needed from the consultant to coordinate with DWR and provide required information and analysis prior for execution of the grant agreement with the City. A previous amendment No. 1 to the PSA was approved in January, 2016, and an amendment No. 2 is requested through this agenda item.

DISCUSSION

In April 2015, the City entered into a PSA with the consultant to provide services in preparing and submitting a Recycled Water Grant application to DWR. Since then, the consultant has been working with the City to complete and submit the Grant application to DWR in a timely manner.

DWR has approved the City's application for grant funding and has recommended an award of $18 million to the City of Tracy for the Recycled Water project. In order to meet the stringent requirements of the grant, amendment No. 1 to the PSA was approved by the City Council on January 5, 2016. Additional services are needed from the consultant to continue providing certain project information and analysis prior to execution of the grant agreement; thus necessitating the need for amendment No. 2.

The consultant has proposed, and staff has negotiated with the consultant, to provide additional services for a not to exceed amount of $28,500 on an hourly basis. The original PSA with the consultant was approved by the City Manager since the cost of the PSA fell under his authority. However, since the combined amount of the original PSA and amendments No 1 and 2 exceed the approval authority of the City Manager, approval from City Council is recommended for this amendment.

STRATEGIC PLAN

This agenda item is consistent with the Economic Development Strategic Plans and meets the goals to ensure physical infrastructure and systems necessary for development.

FISCAL IMPACT

Sufficient funds are budgeted in the Wastewater Fund to cover this expense.

RECOMMENDATION

That the City Council, by resolution, approve Amendment No. 2 to the Professional Services Agreement WJM C&E I5-1 with WJM Consulting & Engineering for additional services related to the Recycled Water Grant application to the Department of Water Resources in an amount not to exceed $28,500.

Prepared by: Kuldeep Sharma, Utilities Director

Reviewed by: Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS

Attachment A: Amendment No. 2 to PSA WJM C&E 15-1

CITY OF TRACY
AMENDMENT NO. 2 TO
PROFESSIONAL SERVICES AGREEMENT WJM C&E 15-1

This Amendment No. 2 (Amendment) to the Professional Services Agreement (PSA) WJM C&E 15-1 with WJM Consulting & Engineering for additional services related to the Recycled Water Grant Application is entered into between the City of Tracy, a municipal corporation (City), and WJM C&E.

Recitals

A. The City and WJM C&E entered into a Professional Services Agreement WJM C&E 15-1 for the Recycled Water Grant Application in April 2015.

B. The City and WJM C&E entered into Amendment No. 1 to the Professional Services Agreement WJM C&E 15-1 in January 2016.

C. Additional services are needed from WJM C&E related to the Recycled Water Grant prior to execution of the Grant Agreement.

Now therefore, the parties mutually agree as follows:

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

2. Terms of Amendment. This amendment modifies the previous scope of services, time of performance and compensation as shown in Exhibit A. All other terms are unchanged.

Exhibit A – Revised Scope of Services
Compensation – Additional not to exceed $28,500
Time of performance – Shown in Exhibit A

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

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

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

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

City of Tracy

By: _____
Michael Maciel
Title: Mayor
Date: _____

WJM C&E

By: _____
William J. Miller
Title: Owner
Date: 3/7/16

Attest:

By: _____
Nora Pimentel, City Clerk

Approved as to form

By: _____
Daniel G. Sodergren, City Attorney

EXHIBIT A

Amendment Number 2 to Professional Services Agreement WJM C&E 15-1

I. SCOPE OF SERVICES

WJM C&E shall continue to provide the services defined in Amendment number 1 related to the Recycled Water Grant Application from the Department of Water Resources (DWR), including but not limited to the following tasks on an as needed basis on hourly rates:

a) Coordinate with DWR for timely submittal of project related information from the City of Tracy.

b) Assist City in preparation of the project schedule and budget in relation to the grant funds

c) Provide grant fund cash flow analysis

d) Provide professional services support to the City prior to execution of the grant agreement

e) Meet and coordinate with DWR and City Staff

f) Assist City in developing overall project program meeting the DWR requirements.

II. COMPENSATION

Compensation for the above work associated with this PSA amendment shall be a not to exceed amount of $28,500 on an hourly basis.

III. TIME OF PERFORMANCE

Prior to execution of the grant by DWR

RESOLUTION 2016-_____

APPROVING AMENDMENT No. 2 TO PROFESSIONAL SERVICES AGREEMENT WJM C&E 15-1 WITH WJM CONSULTING & ENGINEERING FOR ADDITIONAL SERVICES RELATED TO THE RECYCLED WATER GRANT APPLICATION TO THE DEPARTMENT OF WATER RESOURCES (DWR) FOR AN AMOUNT NOT TO EXCEED $28,500

WHEREAS, The City of Tracy entered into a Professional Services Agreement (PSA) with WJM C&E (consultant) in April of 2015, to provide services for preparing and submitting a Recycled Water Grant application to DWR, and

WHEREAS, The City' application has been approved and DWR has recommended award of the $18 million Recycled Water Grant to the City of Tracy, and

WHEREAS, Amendment No. 1 to the PSA was approved by City Council on January 5, 2016, and

WHEREAS, Additional services are needed from the consultant to provide certain grant information and analysis prior to execution of the grant agreement, and

WHEREAS, The consultant has proposed, and staff has negotiated with the consultant, to provide additional services for a not to exceed amount of $28,500 on an hourly basis, and

WHEREAS, There will be no impact to the General Fund from the approval of this agenda item as the cost of the additional services will be paid from the approved Reclaimed Water Pipeline Project CIP 74064;

NOW, THEREFORE, BE IT RESOLVED, That the City Council, by resolution, approve Amendment No. 2 to the Professional Services Agreement WJM C&E I5-1 with WJM Consulting & Engineering for additional services related to the Recycled Water Grant application to the Department of Water Resources for an amount not to exceed $28,500.

* * * * * * * * *

The foregoing Resolution 2016- _____ was passed and adopted by the Tracy City Council on the 15th day of March, 2016, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

March 15, 2016

AGENDA ITEM 1.E

REQUEST

ADOPT THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF TRACY AND THE TRACY FIREFIGHTERS' ASSOCIATION (TFFA)

EXECUTIVE SUMMARY

The Memorandum of Understanding between the City of Tracy and the Tracy Firefighters' Association expired on June 30, 2015. Representatives from the City and the Tracy Firefighters' Association (TFFA) met and conferred in good faith and negotiated a new Memorandum of Understanding. The attached agreement covers a period of 36 months (three years), effective on July 1, 2015, and expires June 30, 2018.

DISCUSSION

There are three key changes in the Tracy Firefighters Association (TFFA) Memorandum of Understanding. These include the following:

1. Salary Adjustments for all classifications:

January 2016	2% Cost of Living Adjustment
July 2016	3% salary adjustment
July 2017	4% salary adjustment

2. One-time payments:

Following Council Adoption	8% lump sum of base salary
July 2016	6% lump sum of base salary
July 2017	3% lump sum of base salary

3. Employees pay a portion of Employer's CalPERS obligation:
   Effective as soon as administratively possible, each employee in this unit shall pay three percent (3%) towards the employer's share of CalPERS pension regardless of what CalPERS pension formula is applicable to the employee. In exchange, the City shall pay the corresponding salary increase that represents the three percent (3%) contribution. This is a cost neutral item for the City.

Other provisions of the contract were added or altered to include updated statutory language regarding pension reform or to further clarify current practices.

- Public Employees' Pension Reform Act- Statutory Language updates: Public Employment pension laws changed effective January 1, 2013. For new employees entering the California Public Employees Retirement System (CalPERS) membership for the first time on or after January 1, 2013, those employees are subject to all the provisions of the law, including but not limited to the two point seven percent at age 57 (2.7@ 57) retirement formula with a three year final compensation period. Additionally, these employees shall pay the full Employee Paid Member Contribution (EPMC) as required under the Public Employee Pension Reform Act which took effect in 2013.

STRATEGIC PLAN

This agenda item supports the City's Governance Strategy and Business Plan, and specifically implements the following goals and objectives:

Governance Strategy

Goal 1: Further develop an organization to attract, motivate, develop, and retain a high-quality, engaged, high-performing, and informed workforce.

Objective 1b: Affirm organizational values.

FISCAL IMPACT

The fiscal impact for approving this MOU package is estimated at $2,647,000, $1.1 Million one-time, $1.5 million in salary schedule increases during the term of the contract. Ongoing costs will be approximately $930,000 annually. For FY 2015/16, $605,000 is being requested to be appropriated from fund balance to cover the cost of the MOU. Future year costs will be incorporated into the appropriate departmental operational budget.

RECOMMENDATION

That the City Council, by resolution, adopt the Memorandum of Understanding between the City of Tracy and the Tracy Firefighters Association (TFFA).

Prepared by: Midori Lichtwardt, Human Resources Manager

Reviewed by: V. Rachelle McQuiston, Administrative Services Director
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

Attachment: Tracy Firefighters' Association (TFFA) Memorandum of Understanding

RESOLUTION 2016 - _____

APPROVING A NEW MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE CITY OF TRACY AND THE TRACY FIREFIGHTERS' ASSOCIATION (TFFA) COVERING THE PERIOD OF JULY 1, 2015 TO JUNE 30, 2018

WHEREAS, The Memorandum of Understanding (MOU) between the City of Tracy and the Tracy Firefighters' Association (TFFA) expired on June 30, 2015, and

WHEREAS, Representatives from the City and the Tracy Firefighters' Association (TFFA) have met and conferred in good faith to negotiate a new MOU, and

WHEREAS, Agreement has been reached on a new MOU covering the period of July 1, 2015 through June 30, 2018, and

WHEREAS, All parties agreed to the newly negotiated Memorandums of Understanding covering the period of July 1, 2015 to June 30, 2018

NOW, THEREFORE, BE IT RESOLVED, That City Council approves a new Memorandum of Understanding between the City of Tracy and the Tracy Firefighters Association.

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

The foregoing Resolution 2016 - _____ was adopted by the Tracy City Council on the 15th day of March, 2016 by the following vote:

AYES: COUNCIL MEMBERS

NOES: COUNCIL MEMBERS

ABSENT: COUNCIL MEMBERS

ABSTAIN: COUNCIL MEMBERS

_____
Mayor

ATTEST:

_____
City Clerk

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE CITY OF TRACY

AND

THE TRACY FIREFIGHTERS ASSOCIATION
(TFFA)

~~July 1, 2012 Through June 30, 2015~~
July 1, 2015 Through June 30, 2018

Think Inside the Triangle™

Human Resources ~~Department~~ Division
333 Civic Center Plaza
Tracy, CA 95376
(209) 831-6150
www.ci.tracy.ca.us

Tracy Firefighters Association Memorandum of Understanding
~~July 1, 2012 through June 30, 2015~~
July 1, 2015 through June 30, 2018

Table of Contents

Section	Topic	Page
1	**Recognition**	**1**
	1.1 Association Recognition	1
	1.2 City Recognition	1
2	**No Discrimination**	**1**
3	**Association Security**	**1**
	3.1 Association Dues	1
	3.2 Use of Facilities and Bulletin Boards	2
4	**Association Representatives**	**2**
	4.1 Attendance at Meetings by Employees	2
	4.2 Access to Work Locations	2
	4.3 Access to Personnel Files	3
	4.4 List of Employees	3
	4.5 Advance Notice	3
	4.6 Firefighters Procedural Bill of Rights	3
5	**Salary Plan**	**3**
	5.1 Salary	3
	5.2 Pay Days	3
	5.3 Salary for New Employees	4
	5.4 Salary Range	4
	5.5 Salary upon Promotion	4
	5.6 Salary upon Demotion	4
	5.7 Work in a Higher Classification (Out-of-Class Pay)	4
	5.8 CalPERS Contribution	5
	5.8.1 Flexible Leave Hours	5
	5.9 Advancement (Step Increases)	6
	5.10 Overpayment Resolution	6
6	**Hours of Work**	**6**
	6.1 Workweek and FLSA Work Period	6
	6.2 Station/Shift Bidding	7
7	**Overtime/Call Back**	**7**
	7.1 Definition	7
	7.2 Scheduled and Emergency Overtime	7
	7.3 Overtime Compensation	7

Tracy Firefighters Association Memorandum of Understanding
~~July 1, 2012 through June 30, 2015~~
July 1, 2015 through June 30, 2018

Table of Contents

Section	Topic	Page
	7.4 Call-Back Pay	8
8	**Differentials/EMT Training**	**8**
	8.1 EMT Training	8
	8.2 Education Incentive Pay	8
	8.3 Hazardous Materials Differential	8
	8.3.1 Selection and Requirements	8
	8.3.2 Training Time	9
	8.3.3 Selection of Team	9
	8.3.4 Department Responsibilities	9
	8.3.5 Pay	9
	8.4 Bilingual Pay	9
	8.5 Pay for Performance	9
	8.6 Paramedic Program	10
	8.6.1 Pay	10
	8.6.2 Maintenance of Certification	10
	8.6.3 Licensed Paramedics Not Assigned to the Paramedic Program	11
	8.7 Administrative Assignment Pay	
9	**Allowances**	**11**
	9.1 Education Reimbursement	11
	9.2 Credit for Training	11
	9.3 Uniforms	12
	9.4 Equipment and Clothing Return	12
	9.5 Mileage Reimbursement	12
	9.6 Payment for Required Training	12
10	**Holidays**	**12**
	10.1 Paid Holidays	12
	10.2 Saturday and Sunday Holidays	13
	10.3 Holiday In-Lieu Pay	13
11	**Vacation Leave**	**14**
	11.1 Vacation	14
	11.2 Vacation Accumulation	14
	11.3 Vacation Scheduling	15
	11.4 Vacation Usage	15

11.5 Vacation Usage Special Account for Union Use…… 15

Tracy Firefighters Association Memorandum of Understanding
~~July 1, 2012 through June 30, 2015~~
July 1, 2015 through June 30, 2018

Table of Contents

Section	Topic	Page
	11.6 Vacation Sell Back……	15
12	**Sick Leave……**	**16**
	12.1 Accrual……	16
	12.2 Approval……	16
	12.3 Usage……	16
	12.4 Doctor's Certificate……	17
	12.5 Sick Leave upon Death……	17
	12.6 Sick Leave Conversion at Retirement……	17
	12.7 Retiree Health Savings Plan……	17
	12.8 Catastrophic Leave……	18
13	**Workers' Compensation……**	**18**
14	**Disability Insurance……**	**18**
15	**Leaves of Absence……**	**19**
	15.1 Approved Absence Without Pay……	19
	15.2 Bereavement Leave……	19
	15.3 Military Leave……	19
	15.4 Maternity Leave……	20
	15.5 Family and Medical Leave Act……	20
	15.6 Jury Duty……	20
	15.7 Voting Leave……	20
	15.8 Absence Reports……	20
	15.9 Attendance……	20
16	**Health Insurance……**	**20**
	16.1 Medical……	20
	16.1.1 Plans Provided……	20
	16.1.2 New Employees……	21
	16.2 Dental……	21
	16.3 Vision Care……	21
	16.4 Life Insurance……	21
	16.5 Cafeteria Plan……	21

Tracy Firefighters Association Memorandum of Understanding
~~July 1, 2012 through June 30, 2015~~
July 1, 2015 through June 30, 2018

Table of Contents

Section	Topic	Page
	16.5.1 City Contribution	21
	16.5.2 Cash Out Options	21
	16.5.3 Future Contributions	21
	16.5.4 Approved Account Uses	22
	16.5.5 Notification of Changes in Number of Dependents	22
	16.6 Flexible Benefits Plan (IRS Section 125)	22
17	**Probationary Period**	**22**
	17.1 Purpose	22
	17.2 Duration	22
	17.3 Promotion	23
	17.4 Probationary Reports	23
18	**Miscellaneous Personnel Actions**	**23**
	18.1 Vacancies in the Classified Service	23
	18.2 Vacancies in City Service	23
	18.3 Demotion	23
	18.4 Suspension	24
19	**Layoff and Recall**	**24**
20	**Separation from Service**	**24**
	20.1 Resignation	24
	20.2 Reinstatement	25
	20.3 Termination Interview	25
	20.4 Discharge	25
21	**Employee Conduct and Discipline**	**25**
	21.1 Personal Conduct	25
	21.2 Financial Affairs	25
	21.3 Outside Employment	25
	21.4 Private Use of City Equipment	25
	21.5 Disciplinary Action	25
	21.6 Causes of Disciplinary Action	26
	21.7 Manner of Reprimand	26
	21.8 Skelly Notice	26
22	**Grievance Procedure**	**26**

Tracy Firefighters Association Memorandum of Understanding
~~July 1, 2012 through June 30, 2015~~
July 1, 2015 through June 30, 2018

Table of Contents

Section	Topic	Page
	22.1 Definition	26
	22.2 Confidentiality and Privacy Rights	26
	22.2.1 Meetings and Hearings	26
	22.2.2 Release of Arbitration Award	27
	22.3 Procedure	27
	Step 1	27
	Step 2	27
	Step 3	28
	Step 4	28
	Step 5	28
	22.4 Time Limits	29
	22.5 Consolidation	29
	22.6 Immediate Dispute Resolution	29
	22.7 Compensation Complaints	30
	22.8 Mutual Agreement on Changes	30
	22.9 No Strike	30
23	**City Rights**	**30**
24	**General Provisions**	**31**
	24.1 Safety	31
	24.1.1 Safe Work Conditions	31
	24.1.2 Safety Equipment	31
	24.1.3 Blood Borne Pathogens	31
	24.2 Physicals	31
	24.3 Physical Fitness Program	31
	24.4 Americans with Disabilities Act (ADA) and Fair Employment Housing Act (FEHA)	33
	24.5 Modified Duty Assignments	33
25	**New Work**	**33**
26	**Negotiations Start-up Date**	**33**
27	**Total Agreement**	**33**
28	**Separability of Provisions**	**34**
29	**Past Practices and Existing Memoranda of Understanding**	**34**
Exhibit A	**Salary Ranges**	**35**

Representatives of the Tracy Firefighters Association and representatives of the City of Tracy have met and conferred in good faith regarding wages, hours and other terms and conditions of employment of employees in the Fire Bargaining Unit, freely exchanged information, opinions and proposals and have endeavored to reach agreement on all matters relating to the employment conditions and employer/employee relations of such employees.

This Memorandum of Understanding, hereinafter referred to as "The Agreement," is entered into pursuant to the Meyers-Milias Brown Act (Government Code Sections 3500, et. seq.) and has been jointly prepared by the parties.

The Agreement shall be presented to the City Council as the joint recommendations of the undersigned for base salary and employee benefit adjustments for the period commencing July 1, 2012 through June 30, 2015.

Section 1. Recognition

1.1 Association Recognition
The Tracy Firefighters Association, hereinafter referred to as the "Association", is recognized as the exclusive representative as provided in the City's Employer/Employee Relations Resolution for all employees assigned to the classifications set forth below:
Fire Captain
Fire Engineer
Firefighter Paramedic
Firefighter

1.2 City Recognition
The City Manager, or where the authority has been delegated by the City Manager, the City Manager's representative is the representative of the City of Tracy, hereinafter referred to as the "City."

Section 2. No Discrimination

The City agrees not to discriminate against any employee because of membership in the Association or because of any activities on behalf of the Association. Association activities shall not interfere with the normal operation of the City. Neither the City nor the Association shall discriminate for or against any employee or applicant for employment on account of race, color, creed, national origin, age, sex, sexual orientation, physical disability, or mental disability which does not prevent an employee from meeting the minimum standards established.

Section 3. Association Security

3.1 Association Dues
The Association shall be entitled to have the regular dues of its members deducted from their paychecks in accordance with the procedures set forth herein.

Employees shall be entitled to have dues deducted by filling out, signing and filing with the City, an authorization form provided by the City.

The employee's earnings must be regularly sufficient after other legal and required deductions are made to cover the amount of the dues check-off authorized. When a member in good standing of the Association is in a non-pay status for the pay period when his dues would normally be withheld, no dues withholding will be made to cover that withholding from future earnings nor will the member deposit the amount with the City which would have been withheld if the member had been in a pay status during that period. In the case of an employee who is in a non-pay status during only a part of the pay period and the base salary is not sufficient to cover the full withholding, no deduction shall be made. In this connection, all other legal and required deductions have priority over Association dues.

Dues withheld by the City shall be transmitted monthly to the party designated in writing by the Association as the party authorized to receive the funds, at the address specified.

The Association shall indemnify, defend, and hold the City harmless against the claims made and against any suit instituted against the City on account of check-off of employee organization dues. Any amounts paid in error shall be adjusted in subsequent payment.

3.2 Use of City Facilities and Bulletin Boards

The Association may, with the prior approval of the Fire Chief or his designee, use City facilities, during non-working hours for meetings of City employees, provided space is available.

The use of City equipment normally used in the conduct of business meetings, such as desks, chairs and blackboards, will be made available to the Association.

The Association may use portions of City bulletin boards under the following conditions:

> Copies of materials must be sent to the department or division head in charge of the department bulletin board.
>
> All materials must be dated and must identify the organization that published them.

The City reserves the right to determine where bulletin boards shall be placed.

Section 4. Association Representatives

4.1 Attendance at Meetings by Employees

Any bargaining unit member who is directed to attend a meeting at which one of the issues is the proposed discipline of said employee shall be entitled to Association representation at such meeting; provided, however, such representation shall include no more than one City employee in addition to the employee being disciplined. The limitation of this Section shall apply to employees on paid release time and not to Association staff or witnesses who may be necessary to the meeting.

4.2 Access to Work Locations

Reasonable access to employee work locations shall be granted officers of the Association and their officially designated representatives, for the purpose of contacting members of the bargaining unit concerning business within the scope of representation. Such officers or representatives shall not enter any work location without the consent of the Fire Chief. Access shall be restricted so as not to interfere with the normal operations of the department or with

established security requirements.

Solicitation of membership and activities concerned with the internal management of the employee organization such as collecting dues, holding membership meetings, campaigning for office, conducting elections and distributing literature shall be conducted in accordance with department policy and procedures.

The Association shall designate in writing to the Personnel Officer or Human Resources Department Designee the names of the Association's officers and designated representatives.

4.3 Access to Personnel Files

An employee or, upon presentation of written authorization from the employee, an employee's representative shall have access to the employee's personnel file upon request. No written reprimand or performance evaluation shall be placed in an employee's personnel file until that employee has seen and had opportunity to review the document. An employee shall have the right to have his/her written comments attached to items contained in his/her personnel file.

4.4 List of Employees

Twice a year, the Human Resources Department shall furnish the with the names, classifications and date of hire of employees assigned to classifications in the bargaining unit; provided, however, the Human Resources Department shall not be required to provide such information in any format other than one already in use.

4.5 Advance Notice

Except in cases of emergency, the Association shall be given reasonable advance written notice of any ordinance, resolution, rule or regulation proposed to be adopted by the City and directly relating to matters within the scope of representation and shall be given the opportunity to meet and confer with management representatives prior to adoption.

4.6 Firefighters Procedural Bill of Rights

The City agrees to adhere to the provisions of the Firefighters Procedural Bill of Rights (FBOR) as contained in California Government Code Sections 3250-3262, in all matters in which the provisions of the FBOR apply.

Section 5. Salary Plan

5.1 Salary

The salary schedule for each classification is detailed in Exhibit A. ~~There are no Cost of Living Adjustments (COLAs) or equity increases for the duration of the Agreement.~~

Effective the first full pay period in January 2016 the salary range shall be increased by a 2% cost of living.

Effective July 1, 2016 the salary range shall be increased by a 3% cost of living.

Effective July 1, 2017 the salary range shall be increased by a 4% cost of living.

5.1.2 Lump Sum Payment

Effective the beginning of the first full pay period after Union ratification and Council approval on its regular agenda, employee shall receive a one-time lump

sum payment of eight (8%) percent of the employees base salary on the salary schedule at the time of payment minus required state and federal taxes.

Effective the beginning of the first full pay period in July 2016, employees shall receive a one-time lump sum payment of six (6%) percent of the employees' base salary on the salary schedule at the time of payment minus required state and federal taxes.

Effective the beginning of the first full pay period in July 2017, employees shall receive a one-time lump sum payment of three (3%) percent of the employees' base salary on the salary schedule at the time of payment minus required state and federal taxes.

5.2 Pay Days

Employees shall be paid semi-monthly on the 15th and the last day of each month. If payday falls on a Saturday or Sunday, payday is the preceding Friday. If payday falls on a holiday, then payday is the preceding workday. Every effort will be made to distribute paychecks to departments so that shift workers may obtain their paychecks at the end of the shift prior to payday. No employee is authorized to cash or deposit paychecks in their possession prior to the date printed on the check.

Routine paychecks shall be for the purpose of compensating for regular and overtime hours. Other compensation or reimbursement shall be separately identified and shall not include withholding for tax purposes, except as required by law.

All exceptions to pay, such as overtime, vacation, sick leave usage, shall be processed and paid or reported on the subsequent paycheck.

5.3 Salary for New Employees

The base salary for a new employee entering City employment shall be the minimum salary step for the classification to which the employee is appointed, unless the City determines that appointment to another step is in the best interest of the service.

5.4 Salary Range

Each employee shall have a base salary range with pre-established advancement steps within the range.

Base salary range adjustments for a classification will not set a new salary anniversary date for employees serving in the classification.

If the compensation for a classification is revised, employees shall be placed on the same pay step in the new pay range.

5.5 Salary Upon Promotion

When employees are promoted, they shall normally receive the first step in the base salary range for their new position. However, if such step results in a base salary increase of less than five percent (5%), they shall receive a step increase which provides a minimum of five percent (5%) increase, provided that in no event will the new base salary be above Step E of the promoted class.

5.6 Salary Upon Demotion

When an employee is demoted, that employee's compensation shall be adjusted to the base salary which most closely approximates the employee's base salary in the higher classification; provided in no event shall that new base salary be above the fifth step of the lower classification. If a vacancy exists in a position in a lower classification, an employee who has previously held that vacant position may voluntarily choose to demote to fill the vacancy.

5.7 Work in a Higher Classification (Out-of-Class Pay)

An employee who is assigned to perform the duties of a higher classification shall receive the pay of the higher classification for all hours so assigned. After making such assignments, the City shall not reassign for the sole purpose of avoiding payments of such higher amounts. Employees who are appointed to a higher classification, in an acting capacity, will receive a minimum of five percent (5) increase but no less than Step A and no more than Step E of the higher classification. **An employee who is serving in an acting assignment and who performs overtime work during the time worked in the acting assignment, will receive pay for such overtime work at a rate of one and one –half (1.5) times the compensation received for the acting assignment.** Details regarding the processing of Personnel Action Forms and effective dates for out-of-class pay are contained in the Administrative Procedure on Out-of-Class Pay.

~~Employees assigned as a Relief Specialist will receive out-of-class pay ten percent (10%) higher based on their current salary step when assigned as a Fire Captain.~~

Regarding "move up" of personnel in acting capacity, the Human Resources Department shall keep current Captain and Engineer eligibility lists in order to ensure that those "moved up", both desire to be utilized at a higher level and are qualified (via appropriate testing) to serve in an acting capacity. The eligibility lists will be utilized to qualify individuals for "move up" provided there are a sufficient number of candidates on the list. In the event an insufficient number of candidates is on a current eligibility list, the Fire Chief or his/her representative(s) will convene a special department labor-management meeting to discuss **and come to a mutually beneficial** alternate staffing solutions prior to any decision being made.

Parties agree within 90 days of the beginning of this MOU to convene a labor management meeting with the Fire Department, Human Resources and TFFA to meet and confer to discuss changes to the move-up program that meets the City's operational needs and the needs of TFFA members.

5.8 CalPERS Contribution

The City's contract with the California Public Employee's Retirement System (CalPERS) includes the single highest year retirement formula; the CalPERS 1959 Survivor Benefit level Four (4) to all employees covered under this agreement and the three percent at 55 (3%@55) retirement benefit formula. The City shall pay the employer contribution for this CalPERS retirement benefit.

Employee hired by the City of Tracy on or after January 1, 2013 meeting the definition of "new member" under the Public Employees' Pension Reform Act shall be subject to all the provisions of the law, including, but not limited to the two point seven percent at age 57 (2.7@57) retirement formula with a three year compensation period.

Employees who receive the CalPERS retirement formula of 3% @55 shall pay the 9% of salary of employee contribution towards employee statutory share of CalPERS retirement. Employees who receive the CalPERS retirement formula of 2.7% @ 57 shall pay the employee contribution required by the Public Employees' Pension Reform Act, currently calculated at fifty percent (50%) of normal cost.

~~The City and employees shall share payment of the 9% of salary employee contribution during the term of this Agreement as follows:~~

> ~~Fiscal Year 2012-2013 – Effective July 1, 2012, each employee shall pay 3% of salary and the City shall pay 6% of salary to fund the employee contribution for the CalPERS retirement benefit.~~
>
> ~~Fiscal Year 2013-2014 – Effective July 1, 2013, each employee shall pay 6% of salary and the City shall pay 3% of salary to fund the employee contribution for the CalPERS retirement benefit.~~
>
> ~~Fiscal Year 2014-2015 – July 1, 2014, each employee shall pay 9% of salary to fund the employee contribution for the CalPERS retirement benefit.~~

Employee payments of the employee portion of the CalPERS retirement benefit cost shall be made as a payroll deduction on a pre-tax basis to the extent allowed by law.

~~The parties may reopen negotiations to discuss the impact of any changes to the Public Employment Retirement Law which occur during the term of this Agreement.~~

Effective as soon as administratively possible, in accordance with CalPERS Section 20516 contract amendment process requirements, each employee in this unit shall pay 3% towards the employer's share of CalPERS pension regardless of what CalPERS pension formula is applicable to the employee. In exchange, the City shall pay the corresponding salary increase that represents the 3% contribution. The parties agree that should the parties negotiate elimination of the 3% employer rate contribution by the employee or such employee contribution to the employer share becomes contrary to any subsequent rules, regulations and/or law(s) rendering the contribution null and void, the corresponding salary increases by the City conferred in this section shall also cease and become null and void.

~~5.8.1 Flexible Leave Hours~~

~~The City shall credit each employee with a block of paid leave hours each fiscal year of this Agreement. These hours shall be labeled Flexible Leave hours. Each employee may use these Flexible Leave hours subject to the conditions described in this section and/or sell-back the leave hours each fiscal year.~~

~~Amount: During fiscal year 2012-2013, each employee shall receive 68 hours of Flexible Leave hours during the pay period including July 1, 2012. During fiscal year 2013-2014, each employee shall receive 135 hours of Flexible Leave hours during the pay period including July 1, 2013. During fiscal year 2014-2015, each employee shall receive 204 hours of Flexible Leave~~

~~hours to be credited on a quarterly basis in equal amounts to each employee. If an employee terminates before June 30th of any fiscal year, the employee is only eligible for a proration of hours for the period of July 1st to the date of termination and hours used in excess of the prorated amount will be deducted accordingly from the employee's final pay.~~

~~The parties acknowledge that this is subject to renegotiation when this agreement expires and/or during negotiations related to a re-opener provision. The Association and/or City may propose to extend, cancel, enhance, reduce or otherwise change this provision during any such future negotiation. Absent other terms resulting from renegotiations related to this provision, this provision will terminate on June 30, 2015.~~

~~Conditions for Use: An employee may use Flexible Leave hours under the following conditions. In no event may Flexible Leave hours result in overtime for any employee. An employee may use Flexible Leave hours if 1) the employee has prior written approval from the Fire Chief or the Fire Chief's designee, 2) provided there is an open vacation leave slot on the shift and 3) there is a person on regular duty able to cover the employee's shift. If the Fire Chief or the Fire Chief's designee approves a Flexible Leave hours and for any reason staffing conditions change prior to the start of the scheduled leave shift, the employee must cancel the leave and report for duty.~~

~~Sell Back: An employee may sell back some or all of the employee's accrued Flexible Leave hours balance with any pay period during the fiscal year, so long as it does not generate a separate paycheck. If a separate paycheck is desired, the Flexible Leave hours will be paid on a separate check two times a year, during the same time that the Uniform or Holiday In-Lieu pay is distributed. Flexible Leave hours sell-back is independent of and not subject to the limitations described on vacation sell-back in Section 11.6. The City shall cash-out each employee's Flexible Leave hours balance by the end of each fiscal year.~~

5.9 Advancement (Step Increases)

At the completion of the applicable probationary period of employment, employees appointed to Step A are eligible for a step increase. Additional step increases will be on an annual basis thereafter until the attainment of Step E. All step increases shall be based on satisfactory performance as shown from the evaluation by the employee's Supervisor. Denial of step increases shall be based on documented performance evaluations. Increases of more than one step for superior performance may be provided upon recommendation by the Fire Chief and approval of the City Manager.

5.10 Overpayment Resolution

In the event an employee receives overpayment by the City, the employee shall reimburse the City for the total overpayment, and the City may obtain reimbursement by payroll deduction(s). Typically, such repayment shall occur over a schedule equal to the amount of time over which the overpayment occurred. However, at the employee's request, the City may extend such repayment over a longer period, to be determined by mutual agreement of the employee and the City Finance Director.

Section 6. Hours of Work

Section 6.1 Workweek and FLSA Work Period

The workweek for all employees shall be from Sunday at 12:00 a.m. through the following Saturday at 11:59 p.m. and workday shall mean 7:00 a.m. to 6:59 a.m. The work period for fire suppression line employees shall follow the provisions under the 7K exemption of the Fair Labor Standards Act (Exception – 40 hour per week employees). The designated workweek shall remain permanent and may be changed only as a result of major changes in operations, payroll procedures, or as otherwise necessary in order to deliver services as efficiently and economically as possible. Therefore, the City shall pay an overtime premium equal to one-half (1/2) time pay for hours worked as prescribed under the FLSA. For employees assigned to 40-hour workweeks, overtime shall be work which is in excess of eight (8) hours per day and forty (40) hours per week.

Section 6.2 Station/Shift Bidding

During October of each year, the Station/Shift Bidding process shall be conducted within each locked shift. The bid shall ensure that the operational needs of the Department set forth by the Fire Chief in a meeting prior to the initiation of the bid process are met. **Bids shall be made in descending order of rank beginning with Fire Captain, Fire Engineer, and Firefighter. Bids shall be made by seniority in rank.**

The Executive Board will assign a union member(s) the duty of facilitating the bid. The bid shall be completed by October 31st and the results will be forwarded to Fire Administration for final approval. In the event there is a vacancy after the completion of the bid due to promotions, retirements, etc., the Executive Board shall assign a union member(s) to facilitate the bid for the vacant position and the results will be forwarded to Fire Administration for final approval.

Implementation of this bid process shall not impact the City financially in any way. The policy does not negate the Fire Chief's right to assign employees based on the Department needs and workload.

Section 7. Overtime, Call-Back

7.1 Definition

Overtime is work which is in excess of the regular work shift and which has the prior approval of the Fire Chief or his designated representative. Overtime shall also be paid for work performed on the employee's scheduled days off. Leave time, whether paid or unpaid, is not included in computing the work period for FLSA overtime purposes.

7.2 Scheduled and Emergency Overtime

Unless excused by the Fire Chief, an employee, upon request, shall not fail or refuse to perform emergency or scheduled overtime. Scheduled means at least twenty-four (24) hours prior notice. Failure or refusal of the employee to work overtime in accordance with this provision shall be grounds for discipline.

7.3 Overtime Compensation

Overtime shall be compensated at the rate of one and one-half (1-1/2) times the regular rate of pay. For the purpose of overtime compensation, "regular rate of pay" includes premium pay. Overtime shall be computed by the following formula: Hourly rate equals monthly base salary times twelve (12) months divided by 2080 hours. Hourly rate times total number of hours worked equals straight-time pay. Hourly rate times number of hours worked in excess of forty (40) hours and times one and one-half (1-1/2) equals premium overtime pay plus straight

hourly pay equals total compensation for a workweek.

Overtime shall be compensated at the rate of one and one-half (1-1/2) times. To determine the overtime hourly rate for fire personnel, 2912 annual hours shall be used.
Hourly rate = monthly base salary X 12 months divided by 2912 hours.
Hourly rate X total number of hours worked = straight-time pay

7.4 Call-Back Pay

Callback by means of telephone**, cell phone notification** or radio communication shall be required. Failure to respond to a callback after notification may result in disciplinary action. Callback pay shall be on the following basis:

(1) Employees are to be paid at the rate of one and one half time their normal compensation rate. Hours accumulated above the two hour minimum shall be at the time and one-half rate. Compensation shall commence at the time of notification for those individuals contacted by phone.

(2) Those employees contacted by phone for callback shall respond to their assigned station within a reasonable period of time, obeying all traffic laws enroute.

(3) Any off-duty employee who has not arrived at the station and signed the duty call-in sheet by the time of the release of off duty personnel is announced, is not eligible for call-in pay. This section relates to pager calls.

(4) Should the release of off-duty personnel be prior to an elapsed time of 25 minutes from the time of response, then the 25 minute time frame shall be the cut off time for call-back pay. Any exceptions to this policy shall only be authorized by the Fire Chief. This section relates to pager calls.

Section 8. Differentials/EMT Training

8.1 EMT Training

The Department agrees to continue to provide EMT CE (Continuing Education) as part of its regular training schedule to allow all employees to maintain ongoing EMT certification, to the extent operationally feasible.

However, in the event that an employee is on leave or does not avail himself/herself of the Department training opportunities, it will remain the responsibility of the employee to complete the EMT course and recertify as required. It shall be the City's responsibility to provide an EMT course or reimburse employees for the cost of taking the course or pay employees for time spent attending such courses.

8.2 Education Incentive Pay

Upon completion of an AA or AS Degree, in Fire Science, employees shall be eligible for a five percent (5%) incentive increase in pay. Equivalent incentive pay will be provided to an employee who has completed the Fire Science Credits and Certification, and who has obtained a B.A or B.S. Degree. Details regarding procedures for education pay are contained in the Administrative Procedure on Education Incentive Pay.

8.3 Hazardous Materials Response Team Differential

The Department intend to provide the ability to respond to and mitigate hazardous materials (Haz-Mat) incidents above the first responder level. To accomplish this, the Department will staff each shift with Hazardous Materials Technicians/Specialists.

8.3.1 Selection and Requirements

An employee may volunteer to be assigned to the Hazardous Material Team by written submission to the Fire Chief. The Department shall provide the initial Hazardous Materials Technician training for individuals selected to join the Hazardous Materials Team. A Team member whose initial training has been provided by the Department shall commit to serve on the Hazardous Materials Team for a minimum of three (3) years after assignment by the Chief and completion of the training.

~~8.3.2 Training Time~~

~~Each Hazardous Materials Team member will receive a minimum twenty-four (24) hours and up to forty-eight (48) hours of Hazardous Materials training per calendar year. Only hours spent in actual training shall be deducted from an employee's HAZMAT training hours. These hours shall include one (1) Joint Team training with San Joaquin County. Training is coordinated and provided by the Office of Emergency Services (OES). All other Hazardous Materials training shall either be selected by the employee subject to the written approval of the Fire Chief or the Fire Chief's express designee(s) for content and scheduling and/or may be determined by the Fire Chief or the Fire Chief's designee.~~

All other Hazardous Materials training outside of the organization shall be subject to the approval process set forth in current Department Standard Operating Procedures.

8.3.3 Selection of Team

~~Selection of candidates will be on a first come first selected basis. In the event there are more volunteers than available slots on the Hazardous Materials Team and the qualifications of the volunteers are equal, the most senior employee(s) shall be selected for the next available positions(s) on the Team.~~

The selection of which rank is filled shall be determined by the Fire Chief and Hazardous Materials program coordinator based on the operational need of the Hazardous Materials Team. The selection of the rank will be based upon overall departmental seniority.

8.3.4 Department Responsibilities

Each Hazardous Materials Team Member:

- **Shall receive a minimum of 24 hours in-house training per fiscal year.**
- **The City ~~M~~may provide up to an additional 24 hours of outside training for Hazardous Materials Team members to be paid through overtime or absence/excused.**
-

The Fire Chief will determine the number of Hazardous Materials Team positions needed.

Requirements and responsibilities of the Hazardous Materials Team shall be provided in a Department Standard Operating Guideline (SOG).

8.3.5 Pay

A Tracy Fire certified hazardous materials technician/specialist team member shall receive an

assignment pay of (4%) which shall be added to the base rate of pay.
~~Employees who maintain eligibility and a satisfactory performance will be paid an additional four percent (4%) above base salary.~~

8.4 Bilingual Pay
Upon adoption of this Agreement, employees shall be entitled to receive, in addition to their regular compensation, an additional two percent (2%) of base pay if they meet the following criteria:

a. Certification from the City that the employee possesses the needed language skills; and,
b. Certification from the Fire Chief that a particular assignment involves the need for the required skills on a regular basis.

Qualifying languages are Spanish, American Sign Language, and any other language designated by the Fire Chief as beneficial to the City.

8.5 Pay For Performance
The Department shall adopt a voluntary Pay for Performance Program that shall be available to all represented employees who have completed their probationary period. The Department and Union agree to meet and discuss revisions to the existing Pay for Performance Program design, administrative process and benchmarks by which the program is evaluated. The Department agrees to publish the new Program by September 1, 2006. Plans that have been submitted for approval as of January, 2006 shall be held and reevaluated after September 1, 2006 and employees shall be offered an opportunity to resubmit a plan to conform to any new or revised Performance Program requirements.

The Pay for Performance Program shall designate a Project term. A represented employee who has been approved for a submitted project shall receive an additional Three percent (3%) of his/her base rate of pay during the approved Project period. An employee shall be eligible to participate in only one Pay for Performance Plan at a time. Performance Pay shall be paid in addition to any other Differential Pay for which an employee is eligible.

8.6 Paramedic Program

8.6.1 Pay
The Fire Chief shall determine the number of employees who are assigned to the Paramedic program and are paid a Paramedic incentive of twelve and one-half percent (12.5%) of top step Firefighter base pay for all hours paid. Employees who are licensed but not assigned to the Paramedic program shall not receive a Paramedic incentive.

This differential shall be incorporated into the base pay of employees in the Firefighter-Paramedic classification. An employee in the rank of Engineer or Captain shall receive this differential as an incentive.

8.6.2 Maintenance of Certification

Should the City hire a sufficient number of licensed Paramedics to fully support the Paramedic Program, individual employees must notify, in writing, the Fire Chief of his/her request to

withdraw from the Paramedic assignment. Requests will routinely be honored if there is a licensed Paramedic available to replace the Paramedic requesting withdrawal. If there is no licensed Paramedic to replace the Paramedic requesting withdrawal, the request will be denied until a replacement is available. Such request shall be submitted one (1) year in advance of the effective date of the requested withdrawal. In the event there are multiple requests for withdrawal, the most senior person(s) submitting the request (s) shall be allowed to withdraw, subject to an available replacement. At such time the Paramedic pay shall no longer be paid to the individual who has withdrawn from the Paramedic program.

The City agrees that the number of Paramedics needed to support the Paramedic Program shall be ~~one~~ three (3) additional Paramedic**s** per shift in excess of the minimum staffing for each Advanced Life Support (ALS) engine company. However, the Fire Chief may increase the number of assigned Paramedics beyond the minimum and will determine which fire station(s) shall have Paramedic staffing. **The Fire Chief has the option to assign paramedics as appropriate based on operational needs.**

Should the City pay for any portion of the initial Paramedic training for an employee assigned to the Paramedic program, that employee shall serve a minimum of three (3) years in the program. If the employee chooses to withdraw from the program following the provisions mentioned above, they will be responsible for a prorated reimbursement towards all costs incurred to the City for the initial training.

The City shall provide the following for all employees licensed as Paramedics and assigned by the Fire Chief to the Paramedic Program:

(a) City to provide liability insurance.
(b) City to pay for maintenance of required certification and City to pay for forty-eight (48) hours Of C.E. (Continued Education) every 2 years.
(c) City to provide for San Joaquin County accreditation time, (required patient contacts) and skills maintenance when required.

8.6.3 Licensed Paramedics Not Assigned to the Paramedic Program:
The City shall provide the following for all employees licensed as Paramedics but not assigned to the Paramedic Program:

(a) Maintenance of Certification: Using the existing education reimbursement process, the City will provide up to $2500 per fiscal year for training necessary to maintain the employee's Paramedic license. Each employee is allotted up to 8 hours of compensated training hours per fiscal year for classes necessary for Continuing Education. In the event that the employee must attend classes during their regularly scheduled work shift, a maximum of 8 hours of overtime can be incurred for any backfill requirements, with the approval of the Fire Chief.
(b) Liability Insurance: The City will provide for the defense of civil actions brought against an employee and indemnify the employee for a judgment of compensatory damages pursuant to Government Code Sections 825 and 995.
(c) City to provide for San Joaquin County accreditation time, (required patient contacts) and skills maintenance when required. Such San Joaquin County accreditation activities shall occur during the employee's normal work shift.

8.7 Administrative Assignment Pay
Consistent with current practice, when Fire Administration assigns a suppression employee to an administrative assignment for a period of more than thirty (30) working days, the employee shall receive seven and one-half percent (7.5%) in addition to regular rate of pay. This shall not be applicable to employees on modified or light duty or employees being accommodated from their regular suppression assignment.

Section 9. Allowances

9.1 Education Reimbursement

An employee who completes a course of study will be reimbursed for books, supplies and tuition for educational course(s) if the employee obtains the written approval from the Fire Chief or the Fire Chief's express designee(s) prior to initiating the educational course(s). Educational courses that qualify for education reimbursement must be 1) taken at public and non-public accredited colleges or universities in California, or 2) be a component of a certified paramedic program, or 3) be an educational course approved by the California State Fire Marshal or 4) any other class which the Fire Chief deems appropriate and relevant to the Fire Department. A grade of "C" or better or an equivalent passing grade is required in order to receive reimbursement.

Mileage reimbursement or transportation shall only be provided for those courses the City directs (but does not merely approve) the employee to attend.

Educational reimbursement shall be capped at no more than $2,500 paid per fiscal year. City also agrees to allow any mandatory fees as a reimbursable expense in addition to tuition, supplies and books not to exceed the cap of $2,500.

9.2 Credit for Training

Responsibility for developing training programs for employees shall be assumed by the Fire Chief or his designee. Such training programs may include lecture courses, demonstrations, assignment of reading matter or such other devices as may be available for the purpose of improving the efficiency and broadening the knowledge of municipal employees in the performance of their duties. All completed training should be filed with the training officer who will then submit it to Human Resources for filing.

Participation in and successful completion of special training courses may be considered in making advancements and promotions. Evidence of such activity shall be filed with the Human Resources Department by the Fire Chief.

9.3 Uniforms

The City shall provide each employee, except those in their probationary period, an annual uniform allowance of $915 which shall include the purchase of regular uniforms, Class A uniform and safety shoes as approved by the Fire Chief.

All new probationary employees shall receive a uniform allowance equal to the current annual allowance for permanent employees, which shall include the purchase of regular uniforms and safety shoes as approved by the Fire Chief. Such employees shall be required to show proof of purchase of a Class A uniform within 30 days of the first uniform allowance check after completing probation. Upon completion of the probationary period, employees will receive a uniform allowance pro-rated for the fiscal year in which they completed probation. The

following fiscal year, employees will receive the full annual uniform allowance.

Uniform allowance will be paid separate from payroll checks and will be issued on June 30 or the last business day before June 30.

The City shall pay for the replacement of an employee's safety shoes and work uniform that are damaged to a point that results in a safety hazard, if such damage occurs in the line of duty through no fault of the employee. In the event of proven negligence by the employee, the replacement costs will be borne by the employee.

9.4 Equipment and Clothing Return

All City-furnished equipment and clothing remains in the ownership of the City and must be returned when an employee leaves employment.

9.4.1 Helmets

Employees retiring with 10 years or more of City of Tracy service will have the option to purchase their leather helmet from the City at a prorated fee based on the depreciation schedule as determined by the Finance Department.

9.5 Mileage Reimbursement

An employee who is required to provide transportation for the performance of his job shall be compensated at a rate equal to the Internal Revenue Service (IRS) rate. It is understood that such reimbursement does not apply to commuting by employees to or from their residences. Preapproval of the Fire Chief is required for reimbursement.

9.6 Payment for Required Training

In the event that a specialized team is formed and the department requires training, the City shall pay for such training cost and time at appropriate rates.

Section 10. Holidays

10.1 Paid Holidays

Full-time employees on a forty (40) hour schedule shall be entitled to observe all authorized holidays at full pay, not to exceed eight (8) hours for any one day.

The following are authorized holidays:

New Year's Day (January 1)
Martin Luther King, Jr. Day (3rd Monday in January)
President's Birthday (3rd Monday in February)
Memorial Day (Last Monday in May)
Independence Day (July 4)
Labor Day (1st Monday in September)
Veteran's Day (November 11)
Thanksgiving Day (4th Thursday in November)
Day after Thanksgiving Day (4th Friday in November)
Christmas Eve (December 24)
Christmas Day (December 25)

Floating Holidays (2)

All holidays proclaimed by the Governor of the State of California or the President of the United States shall be granted as holidays.

10.2 Saturday and Sunday Holidays

Except for employees working in a seven (7) day operation, if a holiday should fall on a Sunday, the employee shall be granted Monday as a holiday. If a holiday falls on a Saturday, the employee shall be granted Friday as a holiday.

10.3 Holiday In-Lieu Pay

Holiday in-lieu pay shall be paid to employees on a fifty-six (56) hour schedule. Holiday in-lieu pay is in addition to the employee's regular base salary and shall be based on the following formula:

Annual base salary divided by 2,912 hours = Hourly rate X 18 hours = 1 full Holiday-in-Lieu Pay

Annual base salary divided by 2,912 hours = Hourly rate X 9 hours = half shift Holiday-in-Lieu Pay

For purposes of this Section, a holiday taken shall mean a twenty-four (24) hour shift or twelve (12) hour half shift

Instead of receiving Holiday-in-Lieu pay, employees may choose to take no more than two (2) holidays per month as listed in Section 10.1 subject to the staffing needs of the City. Whenever an employee chooses this option of taking off one (1) or two (2) shift(s) per month, instead of receiving Holiday-in-Lieu pay for such holidays, such holiday shift(s) off shall be considered to be an additional vacation shift and all scheduling and approval requirements which apply to vacation use shall govern the use of such holiday shifts off. Employees may take either a 12 hour half shift or a 24 hour full shift for any holiday. Any unused portion of a holiday shall be cashed out as described above as Holiday-in-Lieu Pay. Holiday-in-Lieu shifts off may not be carried over from one month to the next.

If an employee leaves City employment after having used all of the semi-annually credited holidays but before the six month term is complete, the employee shall owe the City for the value of the holiday time in excess of their service for that half year.
Employees on a forty (40) hour schedule shall not be entitled to holiday in-lieu pay as they will be on off-duty status on all holidays.
Holiday pay will be paid on separate checks on the regular payday June 30 and December 15 with one half of the annual amount being paid on each of these dates.

Section 11. Vacation Leave

11.1 Vacation Benefits

A. Employees on a forty (40) hour work week shall be entitled to annual vacation leave based on length of continuous service.

From date of employment through completion of the 5th continuous year - ninety-six (96)

hours per year.

From beginning of 6th year of continuous employment through completion of 10 year - one hundred and thirty-six (136) hours per year.

11-15 years of continuous employment-one hundred and seventy-six (176) hours per year.

16-20 years of continuous employment - one hundred and ninety-two (192) hours per year.

20 years or more continuous employment - eight (8) additional hours per year for each year of service.

B. Employees on a fifty-six (56) hour work week shall be entitled to annual vacation leave based on length of continuous service.

From date of employment through completion of the 5th continuous year - twelve (12) hours of vacation per month.

For service beginning with the sixth year of continuous employment through completion of the 10th year, each employee shall accrue eighteen (18) hours of vacation per month;
11-15 years of continuous employment, each employee shall accrue twenty-one (21) hours of vacation per month;

16-20 years of continuous employment, each employee shall accrue twenty-four (24) hours of vacation pay per month;

20 years or more of continuous employment, each employee shall accrue one (1) additional hour per month for each additional year of service.

11.2 Vacation Accumulation
Earned vacation time may be accumulated from year to year, but an employee shall not be allowed to accumulate more than two (2) times his/her current annual vacation entitlement. Except as provided below, an employee who has reached his/her maximum allowable accumulation will not accrue vacation leave until such time as his/her vacation leave balance drops below the applicable maximum accumulation.

With prior written approval from the City Manager, an employee may accumulate vacation leave in excess of the above-described limit. The decision of the City Manager shall be final.

11.3 Vacation Scheduling
Vacations shall be scheduled yearly by employees with the approval of the Fire Chief. **A total of three (3) employees shall be allowed off at a time during January, February, March, April, October and November. A total of four (4) employees shall be allowed off at a time during May, June, July, August September, and December . The parties agree to meet and confer no sooner than July 1, 2017 to discuss efficiencies on continuing four employees off during May, June, July, August, September, and December.**

~~Preference in scheduling shall be based on seniority~~. **Annual vacation selection will be chosen**

in Rank, based on overall department seniority. Any vacation usage other than regular yearly scheduled vacation will require a minimum of twenty-four (24) hour notice and supervisor approval.

~~Two employees shall be allowed off at a time during January, February, March, April, October and November. Three employees shall be allowed off at a time during May, June, July, August, September and December.~~

In the event the Department needs to modify the number of employees allowed to take vacation on each shift, the Department will notify the Union ninety (90) days prior to the annual shift and vacation selection. The Department will review the operational reasons for such a change with the Union, consider any alternatives and meet and confer regarding the impact of the decision on the employees.

11.4 Vacation Usage

All employees shall be entitled to vacation leave with pay upon completion of six months of employment. The Fire Department's vacation schedule shall be established with primary consideration for the needs of the City, but with as much regard as possible for the wishes of the employee and in accordance with current Fire Department policies. Leave may be taken only after it has been earned, subject to the above restrictions. No employee may take vacation during the first six months of employment.

11.5 Vacation Leave Special Account for Union Use

Employees may voluntarily donate vacation time, up to a maximum of twelve (12) hours per employee per calendar year to a Vacation Leave Special Account to be used by Firefighters' Union Local representatives in order to attend labor union related training and other activities. Such account shall not exceed four hundred eighty (480) hours per calendar year. Such donation shall be voluntary and not retractable as demonstrated by written request and notice provided by the employee to the City's Finance Division.

Effective July 1, 2012, this special account shall be charged at the rate of 1.5 hours for all hours necessary (particularly overtime relief) to allow members to conduct union activities. Such leave shall be requested at least one (1) City Hall business day in advance. All such leave must be approved in writing by the Fire Chief or his express designee(s) in order to ensure proper accounting, record keeping, and scheduling.

11.6 Vacation Sell Back

The hourly rate of pay for vacation sell back shall be the employee's annual salary, divided by the annual hours of work.

The total vacation sell back allowed twice each calendar year shall not exceed fifty percent (50%) of an employee's accumulated vacation leave but no more than the equivalent of one year's earning rate for vacation.

Section 12. Sick Leave

12.1 Accrual

All regular employees except Fire Inspectors shall be eligible to accrue sick leave at the following rates:

a) Employees on a 56-hour schedule hired prior to December 31, 1974 - twenty-four (24) hours of sick leave with full pay for each month of service during the first twenty (20) years of employment; thirty-six (36) hours of sick leave with full pay for each month of service during the twenty-first (21st) year of employment and thereafter.

b) Employees on a 56-hour schedule hired on or after January 1, 1975 - twenty-four (24) hours of sick leave with full pay for each month of service.

c) Employees on a 40-hour schedule shall accrue sick leave at the rate of eight (8) hours for each month of service.

For the purpose of this section, months of service shall mean consecutive calendar months.

12.2 Approval

Sick leave may be requested and used as approved by the Fire Chief. Pay for approved sick leave shall be authorized until the employee's accumulated total of sick leave hours has been exhausted and at such time the employee shall receive no further pay for sick leave. An employee requesting sick leave should exercise reasonable diligence in notifying the on-duty supervisor.

Failure to request approval of the use of sick leave prior the commencement of the shift for which leave is requested may result in loss of the sick leave privilege for the subject shift. Sick leave shall not be granted for disability arising from any sickness or injury purposely inflicted or caused by the employee's willful misconduct.

12.3 Usage

Sick leave shall be requested and granted only in cases of actual personal sickness or disability, medical or dental treatments, or for absences due to serious illness or injury of a member of the employee's immediate family.

Employees may be granted leave with pay when the absence is required because of illness or injury of a member of the immediate family where attendance at the employee's residence is required or for emergency medical care. Each day utilized for this leave shall be subtracted from sick leave entitlement.

The City may require a justification for the need for this leave before approving the leave. Employees may use a maximum of six (6) days per year of sick leave accrual for the purpose of family sick leave. In unusual instances, the department head may extend family sick leave provisions beyond six (6) days per year. For the purpose of this subsection, "immediate family" shall mean the employee's spouse or domestic partner, parents and dependent children.

Sick leave shall not be granted for disability arising from any sickness or injury purposely self-inflicted or caused by the employee's willful misconduct.

12.4 Doctor's Certificate

It is understood that the City of Tracy has a legitimate concern in preventing abuse of sick leave claims. If the City has a reason to believe that sick leave is being abused, it may request that any absence be verified. The City's right to verify an absence includes the right to require a doctor's excuse at any time. The City may prescribe forms to be used for said verification.

The Fire Chief may require a written statement from an attending physician or dentist that an employee is capable and released to return to performance of all duties of his/her position.

12.5 Sick Leave Upon Death

Upon death, the estate of the employee shall receive straight-time pay for all accrued sick leave in excess of 1,440 hours.

If an employee terminates or is terminated for any reasons, all accumulated sick leave up to 1,440 hours shall be canceled; provided however, accumulated unused sick leave shall be credited to such employee if the employee returns to City of Tracy employment within two (2) years of such termination.

12.6 Sick Leave Conversion at Retirement

Employees who retire with at least ten (10) years of service may elect to convert all accrued sick leave at the time of retirement to a medical insurance bank. The value of the medical insurance bank shall be determined by multiplying the number of accrued sick leave hours by the employee's hourly rate of pay as defined in Subsection 7.3. The retired employee and his/her dependents shall be entitled to continued group health insurance coverage currently in effect with premiums for such coverage being deducted from the medical insurance bank until said bank is exhausted. Thereafter, the employee and his/her dependents may continue to participate in the City's group health plan, at group rates, provided the City receives the employee's payment for the premium by the 10th of each month for the following month's coverage.

Terms of the Policy Agreement with the City's insurance carrier regarding coverage and eligibility shall apply to the employee and his/her dependents.

12.7 Retiree Health Savings Account

The City and the Union agree to implement a 414 (h)(2) vehicle which would provide a cash option, retiree health savings option, and the ability of the individual employee to set aside tax deferred monies from the employee's accrued leave balances.

The City agrees to meet within thirty (30) days of a written request by the Union to negotiate plan provisions. Such meetings shall conclude by June 30, 2007 and plan design and administration shall be developed through mutual agreement. The City agrees to review the feasibility of establishing a 414 (h)(2) through available plan administrators.

Features of the plan design will include:

- At retirement employees may utilize accrued sick leave hours (some or all hours accrued beyond the initial 1440) as a contribution to the 401 portion of the plan up to the legal maximum OR the employee may utilize all hours (including the initial 1440 hours) for retiree medical benefits;
- In the event the employee elects to utilize any portion of his/her accrued sick leave hours at retirement through the 401 portion of the trust, the first 1440 hours shall be deducted but any hours not contributed to the 401 portion of the plan may then be contributed to the City's existing Retiree Medical fund;
- A 90 day window prior to retirement for employees to make an irrevocable election; and

- Hours of sick leave utilized by the employee for retiree medical shall continue to be administered by the City.

Examples:
Employee A has 3000 hours of sick leave at retirement and opts to place 500 in the 401 account. First, 1440 is deducted from the 3000 leaving 1560 hours. Then the 500 is placed in the 401 account. The employee may then choose to use all remaining 1060 hours toward retiree medical.

Employee B has 3000 hours of sick leave at retirement and chooses to use only the retiree medical bank – so 3000 hours are available for retiree medical.

Other plan features shall be by mutual agreement. In addition, it is understood that the City shall seek legal counsel regarding the establishment of such a plan to ensure compliance with state and federal law. Until such time that this provision is fully implemented, employees who retire are not eligible to receive any accrued sick leave hours in cash.

The City's agreement to this provision is contingent upon securing a third party administrator.

12.8 Catastrophic Leave
Employees covered by this Memorandum of Understanding shall be eligible to participate in the City's Catastrophic Leave Program as described in Personnel Rules and Regulations Section 17.8 and the City's Catastrophic Leave Policy and Procedure.

Section 13. Workers' Compensation

All employees receiving disability payments under Workers' Compensation Laws shall be entitled to industrial accident leave in accordance with state laws and employment status.

Section 14. Disability Insurance

The City shall contribute $77.77 per month on behalf of each represented employee as follows:

100% of the monthly premium for the LTD Plan provided by the Association through the California Association of Professional Firefighters (CAPF).

100% of the monthly premium for the Long Term Care policy provided by the Association through the CAPF.

In no case shall the City's total monthly contribution exceed $77.77 per employee.

Section 15. Leaves of Absence

15.1 Approved Absence Without Pay
Upon written request, the City Manager may grant an employee a leave of absence without pay for a definite period not to exceed one (1) year. Failure on the part of the employee absent without pay to return to duty within twenty-four (24) hours after notice of return shall be cause for discharge.

A leave of absence without pay up to three (3) days can be approved by the Fire Chief.
The City may pay health benefits for employees on approved leave of absence without pay as a result of illness or injury for up to sixty (60) days.

15.2 Bereavement Leave

In the event of a death in the immediate family of an employee, absence shall be allowed not to exceed five (5) consecutive calendar days. The employee may, with the department head's permission, utilize vacation, sick leave, or compensatory time, if additional leave is required. Such permission shall not be unreasonably refused. In the event of the death of a relative, not a member of the immediate family, absence from duty shall be allowed not to exceed one (1) day. Such absences shall not be charged to sick leave.

The immediate family of an employee is defined as: parents, stepparents, parents in-law, spouse or domestic partner, child, stepchild, brother, sister, grandparents, grandchildren, brother/sister in-law, son/daughter in-law, or legal guardian or a person who is at least fifty percent (50%) dependent on an employee.

15.3 Military Leave

(a) Military leave shall be granted in accordance with provisions of State and Federal laws. All employees entitled to military leave shall give the Fire Chief an opportunity within the limits of military regulations to determine when such leave shall be granted. An employee on military leave of absence who has been an employee of the City for not less than one year shall be entitled to receive City base salary for the first 30 calendar days of such absence. Pay for such purposes shall not exceed 30 days in any one fiscal year.

(b) An employee returning from military duty shall be entitled to appointment to the same or a corresponding position with full base salary and benefits, including within-class pay step increases as would have been received had the employee remained for that period of time in active service with the City. Application must be made within six months of discharge. An employee returning to employment following military leave shall not be discharged without cause within one year after restoration.

(c) Persons employed by the City of Tracy to fill positions made vacant by employees on military leave of absence shall hold such positions subject to being laid off upon any of the said employees being restored to their former positions. Employees promoted to fill positions made vacant by employees on military leave shall hold such positions subject to being restored to their former positions upon return of the employee.

15.4 Maternity Leave

Maternity leave shall be granted in accordance with applicable State and Federal laws. Request for maternity leave must be submitted to the Fire Chief no later than the end of the sixth month of pregnancy.

15.5 Family and Medical Leave Act (FMLA)

The parties acknowledge the applicability of the Family and Medical Leave Act and the California Family Rights Act and intend to comply with these Acts.

15.6 Jury Duty

All employees shall be entitled to leaves of absence for a reasonable time necessary to appear as a witness in court, other than as a litigant, pursuant to a lawful subpoena, to serve on a jury, or to respond to an official order from another governmental jurisdiction for reasons not brought about through the connivance or misconduct of the employee.

Any employee whose name shall be selected from the list of trial jurors to serve as juror in a civil or criminal action pending in a State or Federal Court convening in the State of California, shall be entitled to a leave of absence for all his/her regularly scheduled shifts during the court days of such service; provided, however, that the employee shall report to work if released from jury service prior to 5:00 PM and does not have to report to jury service the following day.

Such leaves of absence shall be granted with pay up to the amount of the difference between the employee's regular earnings and any amount he/she receives for jury or witness fees, with the exception of any mileage allowance, which shall be retained by the employee. Such leaves of absence shall not be charged against the employee's sick leave or vacation leave.

15.7 Voting Leave

Employees shall be granted sufficient time to vote during municipal, primary and general elections.

15.8 Absence Reports

Absence of all employees on vacation leave, sick leave, compensation leave and leaves without pay granted by the Fire Chief, shall be reported to the Human Resources Department. Such reports of absence shall indicate the hour and date of employment and regular days off included within the period of absence.

15.9 Attendance

Failure on the part of an employee absent without leave to return to duty within 24 hours after notice of return shall be cause for discharge.

Section 16. Health Insurance

16.1 Medical

16.1.1 Plans Provided.

The City offers medical insurance through Kaiser and Health Net. During the term of this Agreement the City reserves the right to change medical providers and the parties shall meet and confer regarding any such change.

16.1.2 New Employees.

New employees hired after June 1, 2006 shall be required to select a medical plan for at least the employee and are not eligible for cash benefits except as may be required by provisions of the IRS regulations covering Flexible Benefits plans.

16.2 Dental

The City shall offer dental insurance coverage for full-time employees and their eligible dependents through the existing providers.

16.3 Vision Care

The City shall offer vision care benefits for full-time employees and their eligible dependents through the existing providers.

16.4 Life Insurance

The City provides Life Insurance in the amount of Fifty Thousand Dollars ($50,000). This coverage will be mandatory for all employees. The City will fully pay the premium by adding the actual cost of the premium to the amount provided in the Cafeteria Plan each month.

16.5 Cafeteria Plan

16.5.1 City Contribution.

The City shall maintain an account for each full-time employee in regular or probationary status within the City's cafeteria plan. The City shall make monthly payments of no more than the annual maximum amount for the employee's benefit level, either family or employee only, to each employee's account.

16.5.2 Cash Out Options.

For employees hired before June 1, 2006, the maximum cash payment shall be set at Nine Hundred and Three Dollars and ninety-seven cents ($903.97) per month, less any payments made for selected medical, dental and/or vision plans. For employees hired after June 1, 2006, each employee shall be required to select a medical plan and the cash payment shall be limited to the minimum required by law (if any).

16.5.3 Future Contributions.

If premiums increase in the plans to which City employees subscribe effective January 1, 201~~3~~**7**, the City will increase the City's monthly contribution for employees by 75% of the average of the dollar increase of the family HMO plan premiums for employees electing family coverage.

For employees who elect employee only or employee plus one coverage, any City increase to the employee's account shall be limited to the amount necessary to fully cover the plan selected or up to a maximum of the dollar amount increase allocated to employees who elect family coverage. There shall be no increase for employees who do not elect health insurance coverage.

In the event the above listed amounts are insufficient to fully pay the premiums required of employees enrolled in any one of the medical, dental and/or vision plans, the City shall make a payroll deduction from the employee's pay to cover the difference in cost.

16.5.4 Approved Account Uses

The monies in an employee's account shall be used for one or more of the following purposes only: 1) payment of premium charges for the medical insurance program in which the employee is enrolled, 2) payment of premium charges for dental care, and/or 3) payment of premium charges for vision. The City also independently funds life insurance premiums through each employee's account.

Each employee shall provide the Personnel Officer or HR designee in writing on a form provided and at times designated by the City each year all information necessary to administer the Flexible Benefit Program during the twelve month period beginning the first day of each plan benefit year. Thereafter, no changes to designations so made will be allowed until the following open enrollment period without a qualifying event

16.5.5 Notification of changes In Number of Dependents

Each employee shall be responsible for providing immediate written notification to the Personnel Officer of any change to the number of his/her dependents which affects the amount of the City payment on behalf of the employee. Changes in flexible benefit payments required because of a change in an employee's number of dependents shall take effect at the start of the first pay period in the month next following the month in which advice from the employee is received by the Personnel Officer. No retroactive payments shall be allowed.

16.6 Flexible Benefits Plan (IRS Section 125)

The City agrees to maintain the Internal Revenue Code Section 125 Plan to redirect employees' pre-selected amount of base salary to pay employee paid insurance premiums and other approved expenses. The City will not treat these monies as compensation subject to income tax withholding unless the Internal Revenue Service or the Franchise Tax Board indicates that such contributions are taxable income subject to withholding. Each employee shall be solely and personally responsible for any federal, state or local tax liabilities of the employee that may arise out of the implementation of this section or any penalty that may be imposed therefore.

Section 17. Probationary Period

17.1 Purpose

All new and promoted employees shall serve a probationary period. The probationary period shall be considered the last portion of the selection process. Its purpose is to allow the City Manager or, under his direction, the Fire Chief, to observe and appraise the conduct, performance, attitude, adaptability and job knowledge of new or promoted employees and to determine whether the employee is fully qualified for the position.

17.2 Duration

The probationary period for new employees shall be twelve (12) months. Merit increases from Step A to B will occur after twelve (12) months on the basis of merit.

The probationary period for promoted employees shall be twelve (12) months.

Any employee who is in a probationary status may be rejected without cause, without right of appeal and without recourse to the Grievance Procedure as provided in Section 22 hereof.

17.3 Promotion

Any employee, who has gained permanent status and thereafter accepts a promotion, may be rejected during the probationary period without cause. Said employee shall retain all other rights of a permanent employee in the classification held prior to promotion, including his/her seniority. Those rights can only be affected for cause.

The Fire Chief may extend the probationary period in three month increments not to exceed one (1) year if he/she feels additional time is necessary to adequately evaluate the employee.

17.4 Probationary Reports

A performance report of each probationary employee shall be made by the Fire Chief at regular intervals during the probationary period according to rules established by the City Manager.

Section 18. Miscellaneous Personnel Actions

18.1 Vacancies in the Classified Service

All vacancies in higher positions in the classified service shall be filled by promotion from within if the following conditions are met:

a) The City Manager determines that the best interests of the City will be served by promoting from within
b) The person to be promoted meets the minimum qualifications of the promotional position
c) Any promotional examination shall comply with the City, State and Federal rules and regulations governing competitive examinations

18.2 Vacancies in City Service

All vacancies in the City's service shall be filled by restoration, promotion, transfer, demotion, reinstatement, or by appointment from an employment list. When employment lists are used to fill vacancies, they shall be used in the following order:

a) By appointment of eligibles from reemployment lists;
b) By appointment of eligibles from promotional lists;
c) By appointment of eligibles from an open eligibility list; provided, however, when the City Manager deems it necessary, individuals on a lateral entry employment list may be considered for appointment.

The number of eligibles on a promotional list shall exceed by two (2) the number of vacancies to be filled. If there are insufficient available eligibles on a promotional list, enough available eligibles shall be certified simultaneously from the promotional and eligible list to assure that the number eligible exceeds by two (2) the number of vacancies to be filled.

Promotional examinations scheduled by the City during an employee's regular working hours may be taken without loss of compensation.

18.3 Demotion

The City Manager may demote an employee who so requests it, or whose ability to perform his required duties falls below standard, or for disciplinary purposes. No employee shall be demoted to a classification for which he/she does not possess the minimum qualifications.

18.4 Suspension

The City Manager may suspend an employee without pay from his/her position in accordance with disciplinary procedures indicated in Section 21.6. Suspension without pay shall not exceed thirty (30) calendar days.

The Fire Chief may suspend an employee after affording due process rights for not more than three (3) working days for any one offense.

Section 19. Layoff and Recall

Permanent employees may be laid off, without prejudice, due to lack of funds or curtailment of work. No permanent employee, however, may be separated while there are temporary employees serving in the same or allied classification or position in the City service, unless that employee has been offered the temporary work.

When the Fire Chief is instructed by the City Manager to reduce the number of employees, layoffs shall be made in accordance with the following rules below, (a) through (e) inclusive:

(a) Layoffs shall be by job classification according to reverse order of seniority as defined by total City service

(b) The employee to be laid off may displace the least senior employee in the lateral or next lower classification in which he previously held permanent status, provided the displaced employee has less total City service. Total City service means City service as a full-time employee

(c) An employee may demote or transfer to a vacant position in a classification for which he/she possesses the necessary skills as determined by the minimum qualifications and job specifications for the position

(d) The name of each employee laid off shall be entered on a Reemployment List in order of seniority for two (2) years

(e) Former employees appointed from a reemployment eligibility list shall be restored all rights accrued prior to being laid off, such as sick leave, vacation credits, and credit for years of service. However, such reemployed employees shall not be eligible for benefits for which they received compensation at the time of or subsequent to the date they were laid off

(f) The City Manager may require former employees appointed from a reemployment list to undergo a physical examination, including a drug test

Section 20. Separation from Service

20.1 Resignation

Any employee wishing to resign from employment shall file with the Fire Chief a notice of intention to leave at least two (2) weeks in advance. Upon completion and signing of a form disclosing the reasons for leaving, the resigning employee shall be entitled to his/her final paycheck following completion of his/her final day's work.

20.2 Reinstatement

A permanent employee who has resigned in good standing may request a reinstatement and the City Manager may reinstate such employee to a vacant position, if the City Manager determines reinstatement will be in the best interest of the service.

The City Manager may require such employee to submit to a physical examination, including a drug test, and may require the employee to serve a new probationary period.

20.3 Termination Interview

Employees terminating City employment, for whatever reason, shall be interviewed by their immediate supervisor who shall advise the employee of both his/her and the City's rights under the terms of resignation and shall ascertain the reasons for termination of employment.

20.4 Discharge

An employee may be discharged at any time by the City Manager for cause. Whenever it is the intention of the Fire Chief to discharge an employee, the City Manager shall be notified and his/her prior approval obtained.

Section 21. Employee Conduct and Discipline

21.1 Personal Conduct

Employees are required at all times to conduct themselves in such a manner as to reflect no discredit upon the City of Tracy.

21.2 Financial Affairs

Employees shall so arrange their personal financial affairs that creditors and collection agencies will not have to make use of the Offices of the City Manager, the Department Directors, nor the Controller, for the purpose of making collections.

21.3 Outside Employment

Employees may be employed in other jobs but other employment shall not be a job which provides an essential emergency service that would be a conflict of interest with the fire service job.

Employees may not carry on, concurrently with their public service, any private business, public office, employment or undertaking, attention to which affects the time or quality of their work, or which creates a conflict of interest with their City employment.

21.4 Private Use of City Equipment

No City facility or equipment shall be put to any private use without the permission of the City Manager.

21.5 Disciplinary Action

This section shall apply to the following disciplinary actions:

Suspension
Demotion/Reduction in Pay
Discharge
Written Reprimand

21.6 Causes for Disciplinary Action

Disciplinary actions may be imposed upon any employee for cause. The following shall constitute cause for disciplinary action against an employee. However, cause for discipline is not limited to the following:

(a) Fraud in securing employment
(b) Incompetency
(c) Inefficiency

(d) Inexcusable neglect of duty
(e) Insubordination
(f) Dishonesty
(g) Being under the influence of alcohol or controlled substance while on duty
(h) Inexcusable absence without leave
(i) Conviction of a felony or conviction of a misdemeanor involving moral turpitude. A plea or verdict of guilty, or conviction following a plea of nolo contendere, to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction within the meaning of this section
(j) Discourteous treatment of the public or other employees
(k) Misuse of City property
(l) Violation of any established City/departmental rule, regulation, policy and/or manual.
(m) Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex, or age, against the public or other employees while acting in the capacity of a City employee.

21.7 Manner of Reprimand
If the City has reason to reprimand an employee it shall be done in a manner that will not embarrass the employee before other employees or the public.

21.8 Skelly Notice
The City agrees to give an employee, who is being disciplined, at least eight (8) calendar days notice of such disciplinary action, as provided in Section 21.5.

Section 22. Grievance Procedure

22.1 Definition
A grievance is hereby defined as any dispute that involves the interpretation or application of this agreement or disciplinary action taken against an employee, or the application of the Personnel Rules, or the application of departmental rules.

It is the expressed intent of the parties that grievances be resolved at the lowest possible administrative level. Toward this objective, the following steps are prescribed:

22.2 Confidentiality and Privacy Rights

22.2.1 Meetings and Hearings
Except as provided by the City Personnel Rules and Regulations and unless requested otherwise in writing by the grievant, all meetings and hearings for any disciplinary matter shall be private and confidential, and shall include only the parties, City representatives, and Union representatives, witnesses, and other necessary attendees.

22.2.2 Release of Arbitration Award
The parties agree that written arbitration decisions are public records. If a grievance results in a written arbitration decision and the Union releases the arbitration decision to third parties, the City may disclose any information

contained within the arbitration decision to third parties. Neither the City nor Union shall release any information not contained in the arbitration decision or that is not a public record, except communications permitted by law.

22.3 Procedure

Step 1 (a) Informal Discussion

The bargaining unit member or the Union representative may present the grievance orally to the immediate supervisor within ten (10) calendar days from such time as the bargaining unit member or Union should reasonably have been aware of the occurrence of the incident giving rise to the grievance. The supervisor shall provide his/her response within ten (10) calendar days following the informal discussion.

(b) Formal Submission

Should the grievance remain unresolved, the bargaining unit member or Union representative may submit the grievance, in writing, to the Division Fire Chief. The formal submission shall be made within ten (10) calendar days of the supervisor's response to the informal presentation of the grievance, or, if no response is received, at the conclusion of the ten (10) day period provided for informal discussion. If the grievance is not submitted within these timelines, the grievance shall be considered resolved. The grievance shall state the specific section of the Memorandum of Understanding, the Personnel Rules and Regulations, or Departmental Rules alleged to be violated, or the disciplinary action taken, and the proposed solution. The Fire Chief, or his/her designated uniformed representative, shall render a decision in writing to the bargaining unit member and/or Union within ten (10) calendar days of receipt of the formal submission of the grievance. Copies of all written grievances filed by bargaining unit members shall be provided to the Union within a period not to exceed five (5) calendar days. Copies of responses thereto shall also be provided to the Union.

Step 2 Appeal to Department Head

Should the grievance remain unresolved, the bargaining unit member or Union representative may, within ten (10) calendar days after receipt of the Division Fire Chief's decision, submit the grievance in writing to the Fire Chief. The Fire Chief (or designated sworn uniformed representative) shall respond to the grievance in writing ten (10) calendar days after receipt of the grievance.

It is understood that nothing shall preclude the Union from presenting a grievance to the Fire Chief if it is deemed that such action is warranted by the nature of circumstances of the grievance.

Step 3 Bargaining Unit Member Relations Officer – Union Representative

Except for a grievance concerning a verbal or written reprimand which may not be appealed beyond Step two (2) of this procedure, should the grievance remain unresolved, the bargaining unit member or Union representative may, within ten (10) calendar days after receipt of the department head response, submit the grievance in

writing to the Employee Relations Officer. The Employee Relations Officer, or a designated representative, shall investigate the case and either respond to the grievance or meet with the bargaining unit member and/or assigned Union representative within ten (10) calendar days of submission and attempt to resolve the dispute.

Step 4 Conflict Resolution Team Process

The City and the Union encourage the grievant and the City to participate in a joint City-Union conflict resolution process. If mutually requested or agreed upon by the grievant and the City, a Conflict Resolution Team (CRT) shall schedule a conflict resolution meeting. The Union shall appoint two members of the conflict resolution team, the Office of Personnel shall appoint one member of the conflict resolution team, and the Department shall appoint one member. While the CRT is meeting with the grievant and the City, the Union and the City may agree to extend applicable time limits. The CRT may request the assignment of a mediator from the State Conciliation and Mediation Service.

Step 5 Adjustment Board and Arbitration

Should the grievance remain unresolved, either the City or the Union may, within fourteen (14) calendar days of said meeting, submit the grievance to an Adjustment Board comprised of two (2) Association representatives, no more than one (1) of whom shall be either an employee of the City or an elected or appointed official of the Association, and two (2) representatives of the City, no more than one (1) of whom shall be either an employee of the City or a member of the staff of any organization employed to represent the City in the meeting and conferring process.

If an Adjustment Board is unable to arrive at a majority decision, either the Association or the City may require that the grievance be referred to an impartial arbitrator who shall be designated by mutual agreement between the Association and the City Manager, or his/her designated representative. If such an agreement is not reached, the arbitrator will be chosen by each party alternately striking one name at a time from the following list of arbitrators until only one name remains:

1. Bonnie Bogue
2. Morris Davis
3. John Kagel
4. Frank Silver
5. Carol Vendrillo
6. Matt Goldberg
7. Luella Nelson
8. Wilma Rader
9. Alexander Cohn
10. Fred D'Orazio

The fees and expenses of the arbitrator and of the Court Reporter, shall be shared equally by the Association and the City. Each party, however, shall bear the cost of its own presentation, including preparation and post hearing briefs, if any.

Decision of Adjustment Boards on matters properly before them shall be final and binding on the parties hereto, to the extent permitted by the laws governing General Law Cities in the State of California.

If arbitration is selected, it is agreed that the decision of the arbitrator shall be final and binding on all parties and that the arbitrator's fees shall be borne equally by the parties. The arbitrator shall have not power to add to or subtract from the provisions of this Agreement, the Personnel Rules and Regulations, or departmental rules.

22.4 Time Limits

Time limits prescribed in this agreement may be extended by mutual agreement of the parties. Failure by the bargaining unit member or Union to follow time limits, unless so extended, shall nullify the grievance. Failure by the City to follow the limits unless so modified, shall cause the grievance to move to Step 2 or to Step 3, whichever is the next level.

22.5 Consolidation

Concurrent grievances alleging violation of the same provision shall be consolidated for the purpose of this procedure as a single grievance.

22.6 Immediate Dispute Resolution

In the event there is a dispute regarding the interpretation of application of this Agreement that imminently affects the City's interests, the Union, or a substantial number of members represented by the Union, either the City or the Union may request suspension of the grievance process as described in Section 22.3 of this Article and proceed to immediate resolution discussions with the Fire Chief, the Employee Relations Officer, and a Union representative. Such discussions shall be concluded within 45 days of the date of the initial request for same and the action which prompted the request for immediate dispute resolution shall be stayed, pending discussion/conclusion.

Should the dispute still not be resolved, it may be submitted directly to an arbitrator selected in accordance with the procedure detailed below.

An arbitrator to hear such case shall be selected by the parties from a panel of four professional neutral arbitrators, two submitted by each party when proceeding to arbitration pursuant to this section. The first arbitrator, selected at random, available within a 48 hour period shall be selected.

In any such case the arbitrator shall have not power to add to or to subtract from the provisions of this Agreement, the Personnel Rules, or departmental rules or orders in rendering his/her award. Pending prompt and immediate decision of the arbitrator, the stay of intended action giving rise to the dispute shall continue in effect.

It is expressly understood and agreed that the provisions of this Section shall not be invoked for actions involving individual bargaining unit member disciplinary actions or grievances.

22.7 Compensation Complaints

All complaints involving or concerning the payment of compensation shall be initially filed in writing with the City Manager. Only complaints which allege that employees are not being

compensated in accordance with the provisions of this Memorandum of Understanding shall be considered as grievances. No adjustment shall be retroactive for more than thirty (30) days from the date upon which the complaint was filed.

22.8 Mutual Agreement on Changes

No changes in the Memorandum of Understanding or interpretations thereof (except interpretations resulting from Adjustment Board or Arbitration proceedings hereunder) will be recognized unless agreed to by the City Manager and the Association.

22.9 No Strike

The Association, its members and representatives, agree that during the term of this Memorandum of Understanding, it and they will not engage in, authorize, sanction, or support any job action including but not limited to any strike, slow down, stoppage of work, curtailment of production, concerted refusal of overtime work, refusal to operate designated equipment (provided such equipment is safe and sound), or the refusal to perform customary duties.

Section 23. City Rights

Except as modified by this Memorandum of Understanding or applicable laws the City of Tracy retains the exclusive rights and functions of management including, but not limited to the following:

(1) To direct employees

(2) To hire, promote, transfer and assign employees in positions not inconsistent with applicable classifications and/or job specifications

(3) To dismiss employees because of lack of work or for other just cause.

(4) To reprimand, demote, suspend, discharge or otherwise to discipline employees for proper cause or for violation of the City's Rules and Regulations

(5) To determine the mission, the budget and the organization of the City, including the number of employees and the methods and technology of performing their work

(6) To take whatever additional action may be necessary in order to carry out and direct the employees' mission in situations of emergency

(7) To review, revise and/or establish job duties, workloads and workload standards as necessary during the term of this Memorandum of Understanding.

(8) The City agrees to the extent required by Government Code Section 3500, etc. seq. to meet and confer, upon request, with unit representatives concerning the practical consequences or impact upon the bargaining unit or bargaining unit members of any management decisions modifying or changing wages, hours and working conditions, provided that the City's duty to meet and confer hereunder shall require it to delay implementation of such management decisions for no more than thirty (30) days from the date it notified the Association in writing of its proposed action (measured from date of mailing by certified mail). Nothing above shall allow the City to violate any provision of this Memorandum of Understanding, and Association

shall have the right to grieve any such violation as provided in Section 22.

Section 24. General Provisions

24.1 Safety

24.1.1 Safe Work Conditions
The City shall provide and maintain safe working conditions and the Association will cooperate to that end. Employees shall work in a safe manner. No employee shall be required to work in an area where conditions exist that are unsafe or detrimental to health without adequate and proper protective clothing and/or equipment.

24.1.2 Safety Equipment
The City shall continue to supply employees with all safety equipment required by the City and/or Cal/OSHA. All employees furnished such equipment or payment for such equipment shall use the equipment for the purposes and uses specified under applicable safety rules and regulations.

24.1.3 Blood Borne Pathogens
The City agrees to comply with Cal-OSHA regulations regarding Blood Borne Pathogens and ensure that all employees are trained in the proper procedures; replaces Letter of Understanding Regarding Blood Borne Pathogens, signed by TFFA President and Assistant City Manager on June 26, 2006 and July 13, 2006, respectively.

24.2 Physicals
The City shall continue to provide a complete physical examination every other year for employees under age thirty-five (35) and once a year for those age thirty-five and over.
All new employees shall pass the above physical and pass a physical fitness test, as described in Section 24.3, once per calendar year (as scheduled by the Fire Chief) as part of the minimum qualifications for employment. All new employees shall be non-smokers as part of the minimum qualifications for employment.

24.3 Physical Fitness Program
(a) Testing. All sworn personnel covered under this MOU must take a physical fitness exam every two years, as scheduled by the Fire Chief. It is the goal of this Physical Fitness Program that all employees will routinely pass the fitness test. The test components for fitness will consist of a review of medical history and a treadmill stress test with 12 lead EKG administered by the City's designated physician. Minimum standard for the fitness performance is "Bruce Protocol", level four (4) or higher.

Any employee who fails to pass the test will be placed on a supervised remediation program by the administering physician. They will be allowed to retest two times in a six-month period after the failure.

Failure to complete/pass the above testing will require the individual to participate in a remedial program to progress to minimum Department standards as prescribed by the City's physician. Reevaluation will take place in a period determined by the City's physician.

Failure to meet minimum standards at this point would require the doctor to individually reevaluate the program and participation in said program, make corrections and reevaluate in another 30-60 day period as determined by the city's doctor. If there is failure to meet minimums after the second reevaluation, the doctor shall determine if individual has the capacity to continue at full-time line capacity. The above test procedure may be used as return to work/fitness for duty as determined by the Fire Chief.

If at any time a determination is made by the doctor that the individual performance level may cause him/her to constitute possible harm to themselves or others in the performance of their duties, they shall be removed from line duty immediately. In the event the employee is determined by the City's physician to be ineligible to return to work and is not allowed to perform alternate duties, the employee shall be referred to his/her personal primary care physician and shall be placed on sick or other accrued paid leave until a determination is made regarding the employee's fitness for duty. The employee shall be entitled to contest the determination through a second and if necessary, third tie-breaker opinion. The costs of the second/third opinions shall be paid by the employee.

An employee should promptly submit an application for Workers' Compensation Benefits if the employee is taken off work status due to the results of a physical fitness test and the employee reasonably believes that the medical condition is work related. If the employee's Workers' Compensation application is ultimately granted, the City will credit any accrued paid leave used by the employee as a result of being taken off work status.

(b) Exemptions. Short Term exemptions from the testing requirement may be given for medical reasons. Exemptions will be granted by the Fire Chief when proof of medical necessity is demonstrated.

(c) Incentive. Employees will be eligible for a paid fitness incentive after satisfactory completion of probationary status in the Fire Department. Eligible department members passing the fitness testing will be paid $50 per month. Employees who fail a portion of the fitness testing will cease to receive this incentive immediately. The incentive will not be reinstated until after satisfactory completion of all testing elements.

(d) Workout Time. Workout time will be managed through written departmental policy. Work out periods shall be utilized by all personnel. Any required records shall be turned into the Training Officer as verification of compliance.

(e) Disciplinary Action. Any employee who fails to participate and/or is placed in the remedial program and who fails to make satisfactory progress towards fitness, as determined by the City's physician, will be referred to the Fire Chief and subject to disciplinary action up to and including termination. Employees may go to their own doctor prior to any disciplinary action.

(f) HAZMAT members. Those departmental personnel who are members of the HAZMAT team and receive the associated incentive pay shall be required to participate in additional testing beyond the above mentioned examinations. Blood work consisting of a CVC and Comprehensive Metabolic Panel (Chem Panel 20) as well as respiratory clearance in the form of a spirometry test with interpretation are required.

(g) Federal and State Laws. In order to comply with state and federal mandate changes, the City

of Tracy reserves the right to alter the requirements for the Fitness Program, and this would be a meet and confer item.

(h) Future Program. If the City develops a successor program it shall meet and confer with the Association prior to implementing that new program.

24.4 Americans With Disabilities Act (ADA) and Fair Employment and Housing Act (FEHA)
The City and the Union recognize that the City has an obligation, under law, to meet with individual employees who allege a need for reasonable accommodation in the workplace because of a disability. If, by reason of the aforesaid requirement, the City contemplates actions, which are in potential conflict with any provision of this Memorandum of Understanding, but which are to provide reasonable accommodation to an individual employee in compliance with the ADA and FEHA, the Union will be advised of any such proposed accommodation prior to implementation by the City.

24.5 Modified Duty Assignments
The City will endeavor to provide modified duty assignments, in a nondiscriminatory manner to employees injured on the job; provided, however, that employee's injured on-duty shall be given preference for available modified duty assignments, before employees injured off the job. Such assignments shall be based upon the needs of the department and shall be within the medical limits set by the employee's treating physician.

Section 25. New Work

In the event the City introduces new work which the Association believes does not fall within any of the existing classifications, the City and the Association shall, upon written request, meet and confer with respect to the base salary or other terms and conditions of such work.

Section 26. Negotiations Start-up Date

Both the City and the Association will make every effort to start negotiation discussions at least 6 months before the expiration of the term of the agreement on or before January 15, 2015.

Section 27. Total Agreement

This Memorandum of Understanding constitutes a full and complete agreement by the parties and contains all of the matters upon which the parties have reached agreement. Any matter not contained in this Memorandum of Understanding has not been agreed upon and, if raised in negotiations, was dropped by the party raising it as part of a good faith attempt to reach agreement.

Section 28. Separability of Provisions

Should any section, clause or provision of this Memorandum of Understanding be declared illegal by final judgment of a court of competent jurisdiction, such invalidation of such section, clause or provision shall not invalidate the remaining portions hereof, and such remaining portions shall remain in full force and effect for the duration of this Memorandum of Understanding. In the event of such invalidation, the parties agree to meet and confer concerning substitute provisions for provisions rendered or declared illegal.

Section 29. Past Practices and Existing Memoranda of Understanding

The term of this agreement is from July 1, 201~~2~~**5** through June 30, 201~~5~~**8**.

This Memorandum of Understanding shall supersede any prior Memorandum of Understanding, rules or regulations, or past practices in direct conflict with the provisions hereof.

Made and entered into this **15th day of March, 2016**. ~~19th day of June, 2012.~~

TRACY FIREFIGHTERS' ASSOCIATION

By: _____
~~Daniel Havicus~~, TFFA President

By_____
Bob Jarvis, Labor Consultant, Mastagni Law

By _____
TFA

By _____
TFA

CITY OF TRACY

By: _____
~~Leon Churchill~~
Troy Brown, City Manager

By: _____
Dania TorresWong,
Renne Sloan Holtzman & Sakai

By _____
Midori Lichtwardt, HR Manager

Attachments: Exhibit A - Salary Ranges

EXHIBIT A – Salary Ranges
Tracy Firefighters Association

~~Class Code~~	~~Position Title...~~		~~Semi-Mon Salary~~	~~Monthly Salary~~	~~Annual Salary~~	~~Hourly Rate~~	
~~70102~~	~~Firefighter~~	~~A~~	~~2,474.46~~	~~4,948.92~~	~~59,387.04~~	~~20.3939~~	~~1.0197~~
		~~B~~	~~2,598.18~~	~~5,196.36~~	~~62,356.32~~	~~21.4136~~	~~1.0707~~
		~~C~~	~~2,728.09~~	~~5,456.18~~	~~65,474.16~~	~~22.4843~~	~~1.1242~~
		~~D~~	~~2,864.49~~	~~5,728.98~~	~~68,747.76~~	~~23.6084~~	~~1.1804~~
		~~E~~	~~3,007.71~~	~~6,015.42~~	~~72,185.04~~	~~24.7888~~	~~1.2394~~
			~~**375.96**~~	~~**PARAMEDIC PAY = 376.00 PER PAY PERIOD**~~			
~~70108~~	~~Firefighter/Paramedic~~	~~A~~	~~2,783.91~~	~~5,567.82~~	~~66,813.84~~	~~22.9443~~	~~1.1472~~
		~~B~~	~~2,923.11~~	~~5,846.22~~	~~70,154.64~~	~~24.0916~~	~~1.2046~~
		~~C~~	~~3,069.27~~	~~6,138.54~~	~~73,662.48~~	~~25.2962~~	~~1.2648~~
		~~D~~	~~3,222.73~~	~~6,445.46~~	~~77,345.52~~	~~26.5610~~	~~1.3281~~
		~~E~~	~~3,383.87~~	~~6,767.74~~	~~81,212.88~~	~~27.8890~~	~~1.3945~~
~~70103~~	~~Fire Engineer~~	~~A~~	~~2,793.08~~	~~5,586.16~~	~~67,033.92~~	~~23.0199~~	~~1.1510~~
		~~B~~	~~2,932.73~~	~~5,865.46~~	~~70,385.52~~	~~24.1709~~	~~1.2085~~
		~~C~~	~~3,079.37~~	~~6,158.74~~	~~73,904.88~~	~~25.3794~~	~~1.2690~~
		~~D~~	~~3,233.34~~	~~6,466.68~~	~~77,600.16~~	~~26.6484~~	~~1.3324~~
		~~E~~	~~3,395.01~~	~~6,790.02~~	~~81,480.24~~	~~27.9809~~	~~1.3990~~
~~70105~~	~~Fire Captain~~	~~A~~	~~3,173.56~~	~~6,347.12~~	~~76,165.44~~	~~26.1557~~	~~1.3078~~
		~~B~~	~~3,332.24~~	~~6,664.48~~	~~79,973.76~~	~~27.4635~~	~~1.3732~~
		~~C~~	~~3,498.85~~	~~6,997.70~~	~~83,972.40~~	~~28.8367~~	~~1.4418~~
		~~D~~	~~3,673.79~~	~~7,347.58~~	~~88,170.96~~	~~30.2785~~	~~1.5139~~
		~~E~~	~~3,857.48~~	~~7,714.96~~	~~92,579.52~~	~~31.7924~~	~~1.5896~~
~~90565~~	~~FIRE FIGHTER TRAINEE Paid Hourly, Not Semi-Mos~~		~~1,732.12~~	~~3,464.24~~	~~41,570.88~~	~~19.9860~~	~~40 work week~~
			~~(70% OF FF STEP A, FIREFIGHTER)~~				

EXHIBIT A – Salary Ranges
Tracy Firefighters Association

2% COLA Effective January 2016

Class Code	Position Title...		Semi-Mon Salary	Monthly Salary	Annual Salary	Hourly Rate	
70102	Firefighter	A	2,523.93	5,047.86	60,574.32	29.1223	
		B	2,650.13	5,300.26	63,603.12	30.5784	
		C	2,782.64	5,565.28	66,783.36	32.1074	
		D	2,921.77	5,843.54	70,122.48	33.7127	
		E	3,067.86	6,135.72	73,628.64	35.3984	
			383.48	**PARAMEDIC PAY = 384.00 PER PAY PERIOD**			
70108	Firefighter/Paramedic	A	2839.60	5679.20	68150.40	32.7646	
		B	2981.58	5963.16	71557.92	34.4028	
		C	3130.66	6261.32	75135.84	36.1230	
		D	3287.19	6574.38	78892.56	37.9291	
		E	3451.55	6903.10	82837.20	39.8256	
70103	Fire Engineer	A	2848.94	5697.88	68374.56	32.8724	
		B	2991.39	5982.78	71793.36	34.5160	
		C	3140.96	6281.92	75383.04	36.2418	
		D	3298.01	6596.02	79152.24	38.0540	
		E	3462.91	6925.82	83109.84	39.9567	
70105	Fire Captain	A	3237.04	6474.08	77688.96	37.3505	
		B	3398.89	6797.78	81573.36	39.2180	
		C	3568.83	7137.66	85651.92	41.1788	
		D	3747.27	7494.54	89934.48	43.2377	
		E	3934.63	7869.26	94431.12	45.3996	
90565	Firefighter Trainee		1,766.75	3,533.50	42,402.00	20.3856	40 work week
	Paid Hourly, Not Semi-Mos		(70% OF FF STEP A, FIREFIGHTER)				

3% COLA Effective July 2016

Class Code	Position Title...		Semi-Mon Salary	Monthly Salary	Annual Salary	Hourly Rate
70102	Firefighter	A	2,599.66	5,199.32	62,391.84	29.9961
		B	2,729.64	5,459.28	65,511.36	31.4958
		C	2,866.12	5,732.24	68,786.88	33.0706
		D	3,009.43	6,018.86	72,226.32	34.7242
		E	3,159.90	6,319.80	75,837.60	36.4604
			394.99	**PARAMEDIC PAY = 395.00 PER PAY PERIOD**		
70108	Firefighter/Paramedic	A	2924.79	5849.58	70194.96	33.7476
		B	3071.03	6142.06	73704.72	35.4350
		C	3224.58	6449.16	77389.92	37.2067
		D	3385.81	6771.62	81259.44	39.0670
		E	3555.10	7110.20	85322.40	41.0204
70103	Fire Engineer	A	2934.41	5868.82	70425.84	33.8586
		B	3081.13	6162.26	73947.12	35.5515
		C	3235.19	6470.38	77644.56	37.3291
		D	3396.95	6793.90	81526.80	39.1956
		E	3566.797	7133.59	85603.08	41.1553
70105	Fire Captain	A	3334.15	6668.30	80019.60	38.4710
		B	3500.86	7001.72	84020.64	40.3945
		C	3675.90	7351.80	88221.60	42.4142
		D	3859.69	7719.38	92632.56	44.5349
		E	4052.67	8105.34	97264.08	46.7616
90565	Firefighter Trainee		1,819.76	3,639.52	43,674.24	20.9972
	Paid Hourly, Not Semi-Mos		(70% OF FF STEP A, FIREFIGHTER)			

March 15, 2016

AGENDA ITEM 1.F

REQUEST

INCREASE FEES CHARGED BY TOWING SERVICE OPERATORS FOR SERVICES RENDERED, EFFECTIVE MARCH 16, 2016, TO REFLECT INCREASED OPERATING EXPENSES

EXECUTIVE SUMMARY

This staff report is to provide the City Council with background information supporting a request to increase the fees that local tow companies may charge for towing services and daily storage fees. The fees that these tow companies may charge the owners of vehicles towed and stored were last established on August 16, 2005, pursuant to Resolution No. 2005-220.

DISCUSSION

Tracy Municipal Code 3.44.190 mandates that City Council regulates the fees that may be charged by tow companies on the city's rotational list, and establish those fees by resolution. These rates and fees are to be established after a review of rates used in comparable communities and the operating expenses by towing service operators currently on the rotational list. The staff report provided to Council fulfills these requirements.

Tracy Police Department staff requested information from all of the local tow companies to support the request to increase the fees they may charge for rotational list towing and vehicle storage services. The responding tow companies provided information related to operational costs from 2005-2016. Listed below is a summary of the information the police department received regarding the increases in costs from 2005 to 2016:

1. Worker's Compensation rates vary between companies but on average, they reported an increase of approximately **30%.**

2. Salaries increased on average by approximately **25%.**

3. Between 2005 and 2014 fuel costs average approximately **31%** more than in 2005. However, gas prices have recently been at historical lows, so fuel prices are currently similar to 2005 prices.

4. Tow truck maintenance costs vary widely between the companies, but all reported costs increased on average by approximately **24%.**

5. Vehicle insurance rates have increased on average by approximately **29%**.

6. Vehicle replacement costs vary depending on the type of equipment purchased but on average, those costs have increased by approximately **26%**.

7. Tow companies can receive profits from junk vehicles in the form of scrap metal. Most companies reported a loss due to the decline in steel prices since 2005. In addition, companies reported an increase in fees for hazardous waste disposal for oil, tires, and batteries. Overall, profits and losses associated with junk vehicles varied between companies.

8. DMV fees and rates have increased but varied depending on the age of the trucks.

9. Employee medical benefits increased on average by approximately **100%**. Most companies reported a decrease in benefits offered, due to the overwhelming increases.

10. Other operating expenses that were not reported in the survey but should be taken into consideration as increased operational costs are:

    a. Facility/property maintenance
    b. Utilities and Support Equipment (i.e. gas, electric, phones and water/sewer)
    c. Rent/lease agreements

Tracy Police Department staff believes that the fees charged by tow companies under contract for rotational tow services should be consistent with what the neighboring city or county law enforcement agencies allow. The neighboring communities of Livermore, Manteca, Ripon, Stockton, Modesto, and the California Highway Patrol were polled as to their allowable tow and storage rates. Refer to attachment B. The average rate for towing was $195 and the average daily storage was $60. Based on the survey, staff recommends the following proposed rates:

TOW COMPANY SERVICES

	Current Rate	Proposed Rate
1. Standard Tow	$130	$180
2. Heavy Vehicle Towing	$290	$350
3. Very Large Vehicle Tow	$290	$400
4. Hourly Rate	$130	$180
5. City Vehicle (half standard rate)	$65	$90
6. Storage per Day – Standard Vehicle	$35	$60
7. Police Impounds (first 48 hours)	$35	$65
8. After Business Hour Release	$65	$65 *Same
9. Heavy Vehicle Storage (per day)	$60	$80

The proposed rate increase is a reasonable request due to the increased operating expenses for business owners since the last rates were adopted in 2005. Currently, the City of Tracy does not employ its own vehicle tow service and relies only on local, privately owned tow companies to perform all towing and vehicle storage services.

FISCAL IMPACT

There is no cost to the City of Tracy. Approval of this request would allow privately owned tow companies that are contracted with the City of Tracy to increase their fees for towing services and vehicle storage, when providing contract services.

RECOMMENDATION

Approve the increased tow company fee schedule as listed above and in Attachment A for City of Tracy rotational tow services.

Prepared by: Charles Baker, Police Officer
Steve Bailey, Traffic Sergeant
Mark Duxbury, Police Captain

Reviewed by: Larry Esquivel, Acting Chief of Police
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS

Attachment: A – Proposed Tow Fee Schedule
Attachment: B - Local Fees Survey Results

Attachment A

SERVICES	Current Rate	Proposed Rate
1. Standard Tow	$130	$180
2. Heavy Vehicle Towing	$290	$350
3. Very Large Vehicle Tow	$290	$400
4. Hourly Rate	$130	$180
5. City Vehicle (half standard rate)	$ 65	$ 90
6. Storage Per Day – Standard Vehicle	$ 35	$ 60
7. Police Impounds (1st 48 hours)	$ 35	$ 65
8. After Business Hour Release	$ 65	$ 65 *Same
9. Heavy Vehicle Storage (per day)	$ 60	$ 80

Attachment B

Agency	Tow Fees	Daily Storage Fees
Livermore	$190	$55 Outside $60 Inside Gate Fee $90
Manteca	$200	$75
Modesto	$210	Outside $38 Inside $43
Ripon	$200	$60
Stockton	$175	$50
CHP	$200	$75

RESOLUTION _____

INCREASE FEES CHARGED BY TOWING SERVICE OPERATORS FOR SERVICES RENDERED, EFFECTIVE MARCH 16, 2016, TO REFLECT INCREASED OPERATING COSTS

WHEREAS, The towing and vehicle storage fees tow companies on the Tracy Police Department rotation list charge to customers have not been increased since September 2005, and

WHEREAS, Representatives from the tow companies have indicated that the cost of doing business for the City of Tracy has increased significantly since 2005, and

WHEREAS, In accepting this fee schedule there will be no fiscal impact on the City of Tracy, and

WHEREAS, The increase will be effective March 16, 2016, and will be reviewed annually beginning on July 1, 2017 to adjust for cost increases;

NOW, THEREFORE, BE IT RESOLVED, That City Council does hereby approve the increase of fees tow truck operators charge, effective March 16, 2016, as set forth in Attachment A to the staff report accompanying this agenda item.

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

The foregoing Resolution _____ was passed and adopted by the Tracy City Council on the 15th day of March, 2016, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
Mayor

ATTEST:

_____
City Clerk

March 15, 2016

AGENDA ITEM 3

REQUEST

ADOPT A RESOLUTION OF THE CITY OF TRACY INITIATING PROCEEDINGS TO AMEND THE GENERAL PLAN TO INCLUDE A FISCAL SUSTAINABILITY POLICY AND TO ESTABLISH A NEW DEVELOPMENT PROJECTS COMMUNITY FACILITIES DISTRICT

EXECUTIVE SUMMARY

As the economy has improved, commercial and residential development within Tracy is increasing which will naturally create a greater demand on City services. With Council approval of development projects, there must be a corresponding fiscal plan to assure the availability of City services (e.g., Police, Fire, Public Works infrastructure maintenance/replacement, landscape maintenance, etc.) for the new community areas.

The City has performed analyses to identify fiscal impacts to the City in response to impending growth within a 15-year horizon. The analyses have identified future fiscal deficits due to inadequate funding resources that would not allow the City to provide sufficient services to new developments, if such deficits were not mitigated.

In order to fulfill its obligation to provide sufficient municipal services to projects approved by the City, Council is being asked to adopt a resolution initiating proceedings to amend the General Plan to include a fiscal sustainability policy and to establish a new development projects community facilities district.

DISCUSSION

Fiscal Impact Analysis

In an effort to ascertain the fiscal ability of the City to provide services to new proposed communities, the City retained Goodwin Consulting Group, Inc. (GCG) to estimate the potential recurring fiscal impacts from new development projected to occur within the City in the next 15 years. The 15-year planning horizon allows for development of non-residential land uses and captures the fiscal impacts associated with construction and/or expansion of four fire stations that will be needed to serve the increased service population. In addition to fire services, police, public works and current City service programs will be impacted. Within the planning horizon, approximately 8,300 residential units and 18 million square feet of non-residential uses are assumed to be developed in the City.

GCG worked with representatives from the Police, Fire, Public Works, Administrative Services and Development Services Departments to establish service standards that will apply to new development projects. All other departmental expenses were estimated based on the average costs in the City's adopted budget for fiscal year 2014-15. Deficits result from greater demands being placed on City services. After considering anticipated property tax, sales tax, and other General Fund revenues, the analysis estimated that fiscal deficits will result to the City's General Fund if there is not an additional source of

revenue implemented to offset the costs of providing public services to the new residents (see attachment "A").

To assure the fiscal ability of the City to provide services as the City expands, new projects[1] would be conditioned to mitigate fiscal deficits that would otherwise be created by project approval (see Attachment "B" for proposed Condition language). Mitigation can be in the form of a one-time payment that would support service costs in perpetuity or annexation into a Mello-Roos Community Facilities District (Service CFD) which has been proposed with the collaboration of Tracy developers. Under this latter option, an annual special tax is proposed to be levied on each new residential unit.

The fiscal impact analysis concluded that an average annual special tax of $325 per residential unit (which would escalate in future years for inflation) would mitigate cumulative negative fiscal impacts generated by new development. The figure of $325 (annual per residential unit) is predicated on sales and property tax assumptions further described in Attachment A and is the amount needed to offset anticipated costs to adequately provide City's services to future developed areas.

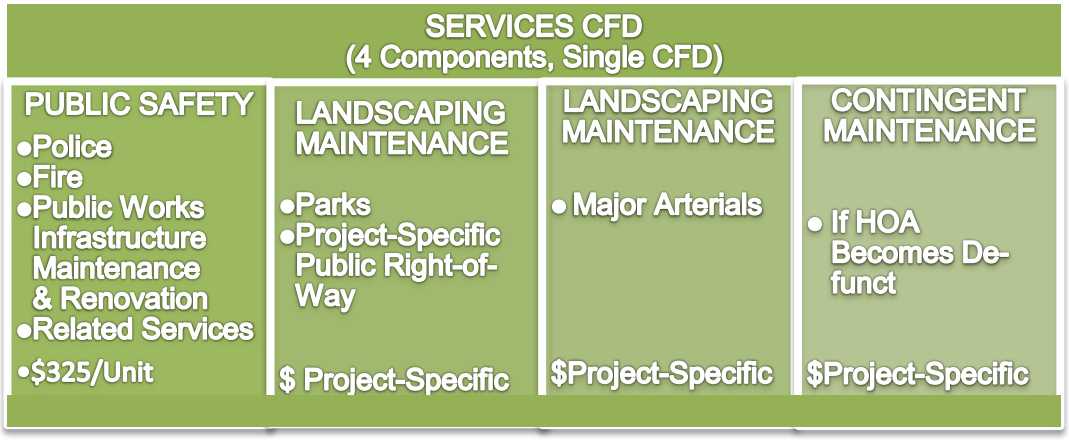
As illustrated in the table below, the proposed New Development Services CFD would contain several separate components in order to respond to the varying sizes, complexity, and maintenance concepts likely to be proposed and incorporated in to various developments. This flexibility would enable the developer to pursue several options related to the fiscal structure of maintenance obligations of their development (e.g. Homeowners Associations (HOAs), or not) and provides the City with a mechanism to utilize CFDs instead of more antiquated Landscape Maintenance Districts (LMDs) as the primary mechanism to fund public landscaping maintenance moving forward[2]. CFDs are just one funding option available to developers as they decide upon the best funding strategy for their specific project needs.

The New Development Services CFD would contain, at a minimum, a component to provide for Fire, Police, and Public Works maintenance, renovation costs, and related services which have been calculated at $325 per the aforementioned analyses. Other additions to this CFD would be considered on a project-by-project basis for other services such as City park maintenance, City maintenance of project-specific public right-of-way landscaping and related appurtenances (collectively, those improvements that otherwise would typically be included in the City's Landscape Maintenance Districts (LMD)), major arterials, and a contingent special tax intended to allow for the City to step in and provide public-right-of way landscape maintenance should a development's HOA become defunct or otherwise incapable of performing its maintenance responsibilities. The amounts of these CFD special taxes (other than the $325

[1] "Projects" being defined as residential projects consisting of at least twenty units

[2] A constraint of LMD service financing versus CFD financing is its inflexibility to address shortfalls that are created as a result of an increase in service costs over time. The fixed assessments of a LMD cannot be increased even if maintenance costs exceed the revenues generated by assessments, resulting in, as Tracy has seen, reductions in service levels and an inconsistent level of service from one LMD Zone (geographic area) to another. Additionally, the tax burden on residents is fixed, even with buildout whereas in a CFD, the parcel-by-parcel burden may decline as a result of buildout.

mentioned above for Police, Fire, and Public Works, and other City services) would be determined separately for each new development, or tax zone of the CFD, based upon the unique features of each development and in cooperation with each developer, based on their needs.



Outreach

This approach to handling the various aspects future service costs, including the specific amount of the services tax of $325, have been discussed through a series of meetings as well as phone calls with the development community. In 2015, staff and GCG held the first three meetings and workshops with the development community including a public workshop with City Council. In these discussions, the study's methodology was shared as were the results of the analyses. Staff facilitated discussions and encouraged the development community and other stakeholders to ask questions and offer comments or suggestions.

An example of the comments and questions received were those from Development Planning & Financing Group (DPFG), which represents the developers of the Tracy Hills project. DPFG submitted comments on the draft Citywide New Development Fiscal Impact Analysis (Citywide FIA) tables during the City's second engagement meeting with developers on December 3, 2015. DPFG requested a buildout analysis compared to the detailed annual analysis reflected in the Citywide FIA tables; however, a buildout analysis, GCG responded, would not provide details on potential interim deficits when, for example, a fire station is needed to serve development in the early years.

DPFG also proposed a lower mitigation amount than the amount identified in the Citywide FIA tables. GCG responded that the reduced amount would have increased the number of years the City would need to carry annual deficits and would have created cumulative deficits to the City. In addition, DPFG questioned the methodology used to allocate fire station costs and calculate fire services costs, as well as potential deficits created by the expiration of Measure E. Thorough, quantifiable responses were provided in writing for of each of DPFG's comments as well as provided in person at an

"all-hands meeting" held on December 15, 2015.

Economic & Planning Systems (EPS), which represents the developers of the Ellis project, attended the December 15, 2015 meeting, as well. The EPS representative indicated during the meeting that he was in the process of reviewing the Citywide FIA tables and would submit questions and comments to the City and GCG shortly. EPS submitted a list of questions related to the Citywide FIA tables on January 29, 2016. EPS' questions primarily related to the calculation of police, fire, and public works personnel costs. GCG responded to EPS' questions and provided supporting documentation on police, fire, and public works personnel costs on February 23, 2016.

In addition to meetings with developers (the most recent meeting having occurred on March 7, 2016) GCG was available for several separate conference calls with individual developers to further discuss the FIA.

Policy

In order to assure that service impacts from new developments are mitigated, it is recommended that Council initiate proceedings to amend the general plan to include a policy for fiscal sustainability. This policy will guide the City's efforts and will help ensure necessary fiscal sustainability mechanisms resulting from growth and planned development for the City of Tracy.

The General Plan is considered the appropriate document to memorialize a fiscal sustainability policy as it is the instrument of the City that establishes the City's economic and land development-related goals and embodies public policy relative to, amongst other things, planning for the needs of the community by creating equitable, efficient, and attractive environments, commensurate with appropriate public services for future generations.

Upon Council approval, staff will draft the policy and initiate steps to amend the General Plan which will be presented to the Planning Commission and then to Council for approval after a public hearing.

Furthermore, if Council supports a fiscal sustainability policy and General Plan Amendment, it is recommended that Council direct staff to include, as a condition of approval, a requirement that a financing mechanism option such as a services CFD be formed or joined as a means to provide clarity that the policy applies to any and all residential projects that receive either a development review permit or subdivision map approval.

STRATEGIC PLAN

This proposed action supports Goal 2 of the Strategic Plan: "Ensure continued fiscal sustainability through financial and budgetary stewardship."

FISCAL IMPACT

Acknowledgement of the need for fiscal sustainability and providing direction to staff to amend the General Plan regarding funding mechanisms will not result in any fiscal impact to the City.

RECOMMENDATION

Adopt a resolution initiating proceedings to amend the General Plan to include a fiscal sustainability policy and to establish a new development projects community facilities district**.**

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

Reviewed by: Rachelle McQuiston, Administrative Services Director
Stephanie Garrabrant, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS

Attachment “A”: Citywide Fiscal Analysis
Attachment “B”: Sample Condition Language

Table A-1
City of Tracy
Citywide New Development Fiscal Impact Analysis
General Assumptions

Year of Study	**2015**
Constant Dollar Analysis (2015 $)	
Inflation Assumptions for Property Tax Calculations	
Annual Inflation Rate	3.0%
Annual Property Appreciation Rate	4.0%
Annual Property Tax Escalation Rate (Legislated)	2.0%
City of Tracy Statistics	
2015 Estimated Residential Population	84,980
2015 Estimated Employee Population	21,272
2015 Persons Served (Residents + 50% of Employees)	95,616

Source: California Department of Finance; Claritas; Goodwin Consulting Group, Inc. *09/22/2015*

Table A-2
City of Tracy
Citywide New Development Fiscal Impact Analysis
Land Use Assumptions

Residential Land Uses	*Average Living Area*	*Dwelling Units*	*Population per Household*	*Population*	*Assessed Value per Unit*	*Annual Turnover Rate*
Single Family	2,400	7,057	3.30	23,288	$470,000	10%
Multi-Family	1,000	1,242	2.20	2,732	$175,000	5%
Total		8,299		26,020		

Non-Residential Land Uses	*Estimated Sq. Ft.*	*Bldg SF per Job*	*Jobs*	*Assessed Value per Sq. Ft.*	*Annual Turnover Rate*
Retail	160,000	500	320	$250	5%
Office	197,000	300	657	$200	5%
Industrial	17,525,000	1,500	11,683	$125	5%
Total	17,882,000		12,660		
Total Persons Served (Residents + 50% of Employees)			**32,350**		

Source: City of Tracy; Goodwin Consulting Group, Inc. *09/22/2015*

Table A-3
City of Tracy
Citywide New Development Fiscal Impact Analysis
Annual New Development Assumptions by Land Use

Project Year	*1*	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*	*12*	*13*	*14*	*15*	
FY Beginning	*2015*	*2016*	*2017*	*2018*	*2019*	*2020*	*2021*	*2022*	*2023*	*2024*	*2025*	*2026*	*2027*	*2028*	*2029*	*Total*
Residential Development (Units)																
Single Family	215	438	429	525	550	480	430	480	580	580	470	470	470	470	470	**7,057**
Multi-Family	532	210	150	150	100	--	100	--	--	--	--	--	--	--	--	**1,242**
Total	747	648	579	675	650	480	530	480	580	580	470	470	470	470	470	**8,299**
Non-Residential Development (Square Feet)																
Retail	15,000	5,000	5,000	--	35,000	20,000	20,000	--	--	10,000	10,000	10,000	10,000	10,000	10,000	**160,000**
Office	--	57,000	10,000	--	--	--	40,000	--	20,000	20,000	10,000	10,000	10,000	10,000	10,000	**197,000**
Industrial	2,500,000	2,025,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	**17,525,000**
Total	2,515,000	2,087,000	1,015,000	1,000,000	1,035,000	1,020,000	1,060,000	1,000,000	1,020,000	1,030,000	1,020,000	1,020,000	1,020,000	1,020,000	1,020,000	**17,882,000**
Resident Population	1,880	1,907	1,746	2,063	2,035	1,584	1,639	1,584	1,914	1,914	1,551	1,551	1,551	1,551	1,550	**26,020**
Employee Population	1,696	1,550	710	667	737	707	840	667	733	753	720	720	720	720	720	**12,660**
Persons Served	2,728	2,682	2,101	2,397	2,404	1,938	2,059	1,918	2,281	2,291	1,911	1,911	1,911	1,911	1,910	**32,350**

Source: City of Tracy; Goodwin Consulting Group, Inc.

09/22/2015

Table A-4
City of Tracy
Citywide New Development Fiscal Impact Analysis
Cumulative New Development Assumptions by Land Use

Project Year	***1***	***2***	***3***	***4***	***5***	***6***	***7***	***8***	***9***	***10***	***11***	***12***	***13***	***14***	***15***
FY Beginning	***2015***	***2016***	***2017***	***2018***	***2019***	***2020***	***2021***	***2022***	***2023***	***2024***	***2025***	***2026***	***2027***	***2028***	***2029***
Residential Development (Units)															
Single Family	215	653	1,082	1,607	2,157	2,637	3,067	3,547	4,127	4,707	5,177	5,647	6,117	6,587	7,057
Multi-Family	532	742	892	1,042	1,142	1,142	1,242	1,242	1,242	1,242	1,242	1,242	1,242	1,242	1,242
Total	747	1,395	1,974	2,649	3,299	3,779	4,309	4,789	5,369	5,949	6,419	6,889	7,359	7,829	8,299
Non-Residential Development (Square Feet)															
Retail	15,000	20,000	25,000	25,000	60,000	80,000	100,000	100,000	100,000	110,000	120,000	130,000	140,000	150,000	160,000
Office	--	57,000	67,000	67,000	67,000	67,000	107,000	107,000	127,000	147,000	157,000	167,000	177,000	187,000	197,000
Industrial	2,500,000	4,525,000	5,525,000	6,525,000	7,525,000	8,525,000	9,525,000	10,525,000	11,525,000	12,525,000	13,525,000	14,525,000	15,525,000	16,525,000	17,525,000
Total	2,515,000	4,602,000	5,617,000	6,617,000	7,652,000	8,672,000	9,732,000	10,732,000	11,752,000	12,782,000	13,802,000	14,822,000	15,842,000	16,862,000	17,882,000
Resident Population	1,880	3,787	5,533	7,596	9,631	11,215	12,854	14,438	16,352	18,266	19,817	21,368	22,919	24,470	26,020
Employee Population	1,696	3,246	3,956	4,623	5,360	6,067	6,907	7,574	8,307	9,060	9,780	10,500	11,220	11,940	12,660
Persons Served	2,728	5,410	7,511	9,908	12,311	14,249	16,308	18,225	20,506	22,796	24,707	26,618	28,529	30,440	32,350

Source: City of Tracy; Goodwin Consulting Group, Inc.

09/22/2015

Table A-5
City of Tracy
Citywide New Development Fiscal Impact Analysis
Property Tax Allocation Assumptions by Project

	Weighting Factor	Tracy General Fund	Tracy Rural Fire	County General Fund
Tracy Hills				
	Buildout AV			
004-072	*$825 M*	0.018470	0.117700	0.223086
004-085	*$1,146 M*	0.178866	0.000000	0.195025
004-088	*$1,920 M*	0.000000	0.120925	0.248614
Weighted Average		0.056603	0.084621	0.227418
Cordes Ranch				
	Acres			
004-068	*1,020*	0.038735	0.125588	0.219500
004-095	*593*	0.040668	0.131762	0.230453
004-091	*95*	0.039911	0.128805	0.226165
Weighted Average		0.039472	0.128994	0.226015
Ellis				
004-072		0.018470	0.117700	0.223086
I-205 Corridor/North Industrial Area (NEI) /1				
004-004		0.144788	0.004812	0.209063
004-049 /2		0.000000	0.000000	0.000000
004-056		0.129989	0.000000	0.148760
004-061		0.095647	0.121132	0.165684
004-073		0.169031	0.000000	0.184871
004-075		0.151285	0.000000	0.184889
004-076		0.042365	0.109673	0.207860
055-001		0.031968	0.123436	0.181150
122-002		0.019931	0.077345	0.112943
122-004		0.024767	0.096073	0.140348
122-025		0.029512	0.114521	0.167233
Average		0.076298	0.058817	0.154800
Other /1				
	Units			
Average of TRAs within City Limits /3	*1,217*	0.101510	0.060743	0.198328
Average of TRAs Outside of City Limits	*1,390*	0.030287	0.110413	0.171625
Weighted Average		0.063535	0.087226	0.184091

/1 See Table B-1 for details on specific projects included in these development areas.
/2 Included in the Redevelopment Agency.
/3 Excludes the TRAs included in the Redevelopment Agency.

Source: City of Tracy; San Joaquin Auditor's Office; Goodwin Consulting Group, Inc. *09/22/2015*

Table A-6.1
City of Tracy
Citywide New Development Fiscal Impact Analysis
Assessed Valuation Analysis by Project

Project Year	*1*	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*	*12*	*13*	*14*	*15*
FY Beginning	*2015*	*2016*	*2017*	*2018*	*2019*	*2020*	*2021*	*2022*	*2023*	*2024*	*2025*	*2026*	*2027*	*2028*	*2029*
Tracy Hills															
Residential															
Single Family	--	$47,456,311	$95,004,770	$142,732,873	$215,145,998	$312,600,887	$410,593,071	$509,268,935	$659,538,844	$810,846,279	$941,226,586	$1,097,617,678	$1,255,348,494	$1,414,605,188	$1,575,558,386
Multi-Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Subtotal	--	$47,456,311	$95,004,770	$142,732,873	$215,145,998	$312,600,887	$410,593,071	$509,268,935	$659,538,844	$810,846,279	$941,226,586	$1,097,617,678	$1,255,348,494	$1,414,605,188	$1,575,558,386
Non-Residential															
Retail	--	--	--	--	$3,897,766	$3,863,708	$3,833,577	$3,807,160	$3,784,255	$3,764,673	$3,729,217	$3,716,885	$3,707,309	$3,700,344	$3,695,855
Office	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Subtotal	--	--	--	--	$3,897,766	$3,863,708	$3,833,577	$3,807,160	$3,784,255	$3,764,673	$3,729,217	$3,716,885	$3,707,309	$3,700,344	$3,695,855
Total	**--**	**$47,456,311**	**$95,004,770**	**$142,732,873**	**$219,043,764**	**$316,464,594**	**$414,426,647**	**$513,076,095**	**$663,323,099**	**$814,610,952**	**$944,955,803**	**$1,101,334,563**	**$1,259,055,803**	**$1,418,305,532**	**$1,579,254,241**
Cordes Ranch															
Residential															
Single Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Multi-Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Subtotal	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Non-Residential															
Retail	--	--	--	--	--	--	--	--	--	$2,727,125	$5,190,616	$7,941,580	$10,699,682	$13,467,514	$16,247,555
Office	--	--	--	--	--	--	--	--	$4,321,444	$8,647,084	$10,534,975	$12,691,395	$14,859,391	$17,040,721	$19,237,071
Industrial	$312,500,000	$410,740,291	$509,393,498	$608,545,154	$708,277,272	$808,668,578	$909,794,725	$1,038,477,814	$1,168,064,590	$1,298,649,853	$1,411,114,522	$1,545,104,947	$1,680,290,586	$1,816,757,440	$1,954,588,599
Subtotal	$312,500,000	$410,740,291	$509,393,498	$608,545,154	$708,277,272	$808,668,578	$909,794,725	$1,038,477,814	$1,172,386,034	$1,310,024,062	$1,426,840,113	$1,565,737,922	$1,705,849,660	$1,847,265,674	$1,990,073,225
Total	**$312,500,000**	**$410,740,291**	**$509,393,498**	**$608,545,154**	**$708,277,272**	**$808,668,578**	**$909,794,725**	**$1,038,477,814**	**$1,172,386,034**	**$1,310,024,062**	**$1,426,840,113**	**$1,565,737,922**	**$1,705,849,660**	**$1,847,265,674**	**$1,990,073,225**
Ellis															
Residential															
Single Family	--	--	--	$48,382,266	$121,284,476	$219,080,408	$317,280,772	$416,045,471	$515,519,937	$615,836,746	$649,921,974	$696,336,352	$743,590,485	$791,696,327	$840,665,986
Multi-Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Subtotal	--	--	--	$48,382,266	$121,284,476	$219,080,408	$317,280,772	$416,045,471	$515,519,937	$615,836,746	$649,921,974	$696,336,352	$743,590,485	$791,696,327	$840,665,986
Non-Residential															
Retail	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Office	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Subtotal	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Total	**--**	**--**	**--**	**$48,382,266**	**$121,284,476**	**$219,080,408**	**$317,280,772**	**$416,045,471**	**$515,519,937**	**$615,836,746**	**$649,921,974**	**$696,336,352**	**$743,590,485**	**$791,696,327**	**$840,665,986**

Source: Goodwin Consulting Group, Inc.

09/22/2015

Table A-6.2
City of Tracy
Citywide New Development Fiscal Impact Analysis
Assessed Valuation Analysis by Project Continued

Project Year	*1*	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*	*12*	*13*	*14*	*15*
FY Beginning	*2015*	*2016*	*2017*	*2018*	*2019*	*2020*	*2021*	*2022*	*2023*	*2024*	*2025*	*2026*	*2027*	*2028*	*2029*
I-205 Corridor/North Industrial Area (NEI)															
Residential															
Single Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Multi-Family	$93,100,000	$111,723,398	$110,833,877	$128,067,312	$145,420,648	$144,540,515	$143,787,576	$143,155,027	$142,636,474	$142,225,908	$141,170,321	$141,003,398	$140,925,911	$140,933,336	$141,021,423
Subtotal	$93,100,000	$111,723,398	$110,833,877	$128,067,312	$145,420,648	$144,540,515	$143,787,576	$143,155,027	$142,636,474	$142,225,908	$141,170,321	$141,003,398	$140,925,911	$140,933,336	$141,021,423
Non-Residential															
Retail	$2,500,000	$3,740,291	$4,984,327	$4,946,491	$10,110,416	$15,283,869	$20,471,895	$20,329,455	$20,205,838	$20,100,032	$19,909,641	$19,842,661	$19,790,445	$19,752,224	$19,727,274
Office	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Industrial	--	$151,456,311	$175,620,699	$199,962,446	$224,499,156	$249,247,786	$274,224,688	$272,696,325	$271,401,313	$270,327,219	$268,067,548	$267,483,551	$267,082,604	$266,855,309	$266,792,836
Subtotal	$2,500,000	$155,196,602	$180,605,026	$204,908,937	$234,609,572	$264,531,655	$294,696,583	$293,025,780	$291,607,151	$290,427,250	$287,977,190	$287,326,212	$286,873,049	$286,607,532	$286,520,110
Total	**$95,600,000**	**$266,920,000**	**$291,438,903**	**$332,976,250**	**$380,030,220**	**$409,072,170**	**$438,484,159**	**$436,180,807**	**$434,243,625**	**$432,653,159**	**$429,147,510**	**$428,329,610**	**$427,798,960**	**$427,540,868**	**$427,541,533**
Other															
Residential															
Single Family	$101,050,000	$260,667,476	$416,468,280	$571,097,931	$690,092,312	$726,382,579	$738,889,411	$777,577,577	$817,276,695	$857,966,936	$887,202,443	$931,180,282	$975,961,882	$1,021,555,070	$1,067,968,142
Multi-Family	--	$17,669,903	$44,277,689	$52,914,589	$52,509,248	$52,154,403	$70,391,803	$69,967,873	$69,605,408	$69,301,121	$68,696,880	$68,520,894	$68,393,122	$68,311,075	$68,272,415
Subtotal	$101,050,000	$278,337,379	$460,745,969	$624,012,519	$742,601,560	$778,536,982	$809,281,214	$847,545,450	$886,882,104	$927,268,057	$955,899,324	$999,701,176	$1,044,355,004	$1,089,866,145	$1,136,240,556
Non-Residential															
Retail	$1,250,000	$1,239,078	$1,229,415	$1,220,943	$1,213,597	$1,207,318	$1,202,047	$1,197,731	$1,194,320	$1,191,766	$1,183,686	$1,183,093	$1,183,209	$1,184,000	$1,185,433
Office	--	$11,510,680	$13,449,124	$13,342,327	$13,248,552	$13,167,091	$21,574,759	$21,441,901	$21,328,028	$21,232,121	$21,044,685	$20,988,333	$20,946,871	$20,919,531	$20,905,588
Industrial	--	$3,155,340	$3,127,769	$3,103,377	$3,081,992	$3,063,450	$3,047,598	$3,034,293	$3,023,398	$3,014,788	$2,992,492	$2,989,038	$2,987,475	$2,987,709	$2,989,648
Subtotal	$1,250,000	$15,905,097	$17,806,308	$17,666,648	$17,544,141	$17,437,858	$25,824,404	$25,673,925	$25,545,746	$25,438,675	$25,220,863	$25,160,463	$25,117,556	$25,091,240	$25,080,669
Total	**$102,300,000**	**$294,242,476**	**$478,552,277**	**$641,679,167**	**$760,145,701**	**$795,974,840**	**$835,105,618**	**$873,219,375**	**$912,427,849**	**$952,706,732**	**$981,120,186**	**$1,024,861,639**	**$1,069,472,560**	**$1,114,957,385**	**$1,161,321,225**
Total															
Residential															
Single Family	$101,050,000	$308,123,786	$511,473,050	$762,213,069	$1,026,522,786	$1,258,063,874	$1,466,763,254	$1,702,891,982	$1,992,335,476	$2,284,649,960	$2,478,351,004	$2,725,134,312	$2,974,900,861	$3,227,856,586	$3,484,192,513
Multi-Family	$93,100,000	$129,393,301	$155,111,566	$180,981,901	$197,929,896	$196,694,918	$214,179,379	$213,122,900	$212,241,882	$211,527,030	$209,867,201	$209,524,292	$209,319,033	$209,244,411	$209,293,838
Subtotal	$194,150,000	$437,517,087	$666,584,615	$943,194,970	$1,224,452,682	$1,454,758,792	$1,680,942,633	$1,916,014,883	$2,204,577,359	$2,496,176,990	$2,688,218,204	$2,934,658,604	$3,184,219,894	$3,437,100,996	$3,693,486,351
Non-Residential															
Retail	$3,750,000	$4,979,369	$6,213,742	$6,167,434	$15,221,779	$20,354,894	$25,507,518	$25,334,345	$25,184,413	$27,783,596	$30,013,160	$32,684,219	$35,380,645	$38,104,081	$40,856,116
Office	--	$11,510,680	$13,449,124	$13,342,327	$13,248,552	$13,167,091	$21,574,759	$21,441,901	$25,649,472	$29,879,205	$31,579,660	$33,679,728	$35,806,263	$37,960,252	$40,142,660
Industrial	$312,500,000	$565,351,942	$688,141,967	$811,610,977	$935,858,420	$1,060,979,815	$1,187,067,011	$1,314,208,432	$1,442,489,301	$1,571,991,860	$1,682,174,563	$1,815,577,536	$1,950,360,665	$2,086,600,457	$2,224,371,083
Subtotal	$316,250,000	$581,841,990	$707,804,833	$831,120,739	$964,328,750	$1,094,501,799	$1,234,149,288	$1,360,984,678	$1,493,323,186	$1,629,654,661	$1,743,767,382	$1,881,941,483	$2,021,547,573	$2,162,664,790	$2,305,369,859
Total	**$510,400,000**	**$1,019,359,078**	**$1,374,389,448**	**$1,774,315,709**	**$2,188,781,433**	**$2,549,260,591**	**$2,915,091,921**	**$3,276,999,561**	**$3,697,900,544**	**$4,125,831,651**	**$4,431,985,587**	**$4,816,600,087**	**$5,205,767,468**	**$5,599,765,787**	**$5,998,856,210**

Source: Goodwin Consulting Group, Inc.

09/22/2015

Table A-7
City of Tracy
Citywide New Development Fiscal Impact Analysis
Revenue Calculation Methodology

Revenue	Reference Table	Modeling Methodology
Property Tax (City and Fire District)	Table A-8	Case Study
Real Property Transfer Tax	Table A-8	Case Study
Sales and Use Tax	Table A-8	Case Study
Public Safety Sales Tax	Table A-8	Case Study
Property Tax in-Lieu of Vehicle License Fees (PTILVLF)	Table A-8	Case Study
Tracy Rural Fire Assessment	Table A-8	Case Study
Other Taxes	Table A-9	Multiplier Method
Bldg & Construction Permits	Table A-9	Multiplier Method
Special Licenses	Table A-9	Multiplier Method
Franchise Fees	Table A-9	Multiplier Method
Current Service Charges	Table A-9	Multiplier Method
Intergovernmental Revenues	Table A-9	Multiplier Method
Fines & Forfeitures	Table A-9	Multiplier Method
Measure E Sales Tax (Sunsets in 2016)	--	Not Included in Analysis

Source: City of Tracy; Goodwin Consulting Group, Inc. *09/22/2015*

Table A-8
City of Tracy
Citywide New Development Fiscal Impact Analysis
Revenue Calculation Methodology

Secured Property Tax

Project Areas	Tracy General Fund	Tracy Rural Fire	Total
Tracy Hills	5.66%	8.46%	14.12%
Cordes Ranch	3.95%	12.90%	16.85%
Ellis	1.85%	11.77%	13.62%
I-205 Corridor/North Industrial Area (NEI)	7.63%	5.88%	13.51%
Other	6.35%	8.72%	15.08%

Unsecured Property Tax

Unsecured Property Tax as a Percentage of Residential Secured Property Tax	1.00%
Unsecured Property Tax as a Percentage of Non-Residential Secured Property Tax	10.00%

Real Property Transfer Tax

Rate = $1.10 per $1,000	0.0011
Percentage Allocated to City	50%

Sales and Use Tax /1

Basic Sales Tax Rate	1.00%
Countywide and Statewide Pooled Sales Tax as a % of Basic Sales Tax	13.66%
Public Safety (Prop. 172) Sales Tax Rate	0.50%
Percent of Public Safety Sales Tax Revenue Allocated to City	0.83%
Taxable Sales per Square Foot	
Retail	$210
Office	$10
Industrial	$10

Property Tax In-Lieu of Vehicle License Fee (VLF)

City's Net Assessed Value 2014-15 Tax Roll	$8,500,905,457
City's Property Tax In-Lieu of VLF for 2014-15	$5,414,351

Tracy Rural Fire Assessment

Annual Assessment for Operations (per Bldg SF)	$0.03

/1 Excludes 0.5% Measure E Sales Tax, which will sunset in 2016.

Source: California City Finance; San Joaquin County Auditor's Office; State Board of Equalization; Goodwin Consulting Group, Inc. *09/22/2015*

Table A-9
City of Tracy
Citywide New Development Fiscal Impact Analysis
Revenue Calculation Methodology

Fiscal Year 2014-15	Total Revenue	Average Revenue per Resident	Average Revenue per Employee	Average Revenue per Person Served
Other Taxes				
Transient Lodging Tax	$860,000	--	--	$8.99
Business License Tax	$640,000	--	$30.09	--
Subtotal	$1,500,000	--	$30.09	$8.99
Building & Construction Permits	$1,309,680	--	--	$13.70
Special Licenses				
Bicycle Licenses	$100	$0.00	--	--
Animal Licenses	$28,500	$0.34	--	--
Business Licenses	$92,000	--	$4.32	--
Subtotal	$120,600	$0.34	$4.32	--
Franchise Fees	$2,616,000	--	--	$27.36
Current Service Charges				
General Government Charges	$413,000	--	--	$4.32
Engineering Charges	$2,008,200	--	--	$21.00
Planning & Zoning Charges	$253,000	--	--	$2.65
Parks & Recreation Charges	$903,550	--	--	$9.45
Cultural Art Charges	$372,000	--	--	$3.89
Subtotal	$3,949,750	--	--	$41.31
Intergovernmental Revenues	$607,250	--	--	$6.35
Fines & Forfeitures	$919,200	--	--	$9.61

Source: City of Tracy Adopted Budget Fiscal Year 2014-15; Goodwin Consulting Group, Inc. *09/22/2015*

Table A-10
City of Tracy
Citywide New Development Fiscal Impact Analysis
New Household Taxable Sales Assumptions

Residential Land Uses	Assessed Value	Total Annual Payments /1	Estimated Household (HH) Income	Taxable Retail Sales as a % of HH Income	Total Taxable Sales per HH
Single Family	$470,000	$41,594	$138,600	21.8%	$30,172
Multi-Family	$175,000	$15,487	$51,600	28.7%	$14,796
Term of Loan (in years)					30
Interest on Mortgage					7.0%
Down Payment					15.0%
Insurance and Tax Payments as a % of Assessed Value					2.0%
Annual Mortgage Payment as a % of HH Income					30.0%

/1 Includes mortgage, insurance, and tax payments.

Source: Bureau of Labor Statistics; Goodwin Consulting Group, Inc. *09/22/2015*

Table A-11
City of Tracy
Citywide New Development Fiscal Impact Analysis
Taxable Sales Generation from New Residential Households & Non-Residential Land Uses

		Project Year	*1*	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*	*12*	*13*	*14*	*15*
		FY Beginning	*2015*	*2016*	*2017*	*2018*	*2019*	*2020*	*2021*	*2022*	*2023*	*2024*	*2025*	*2026*	*2027*	*2028*	*2029*
Retail Taxable Sales Demand and Supply																	
Residential Demand	*Taxable Sales per Household /1*																
Single Family	*$30,172*		$6,487,087	$19,702,642	$32,646,644	$48,487,206	$65,082,080	$79,564,879	$92,539,054	$107,021,853	$124,521,903	$142,021,952	$156,203,026	$170,384,101	$184,565,175	$198,746,250	$212,927,324
Multi-Family	*$14,796*		$7,871,417	$10,978,555	$13,197,940	$15,417,325	$16,896,914	$16,896,914	$18,376,504	$18,376,504	$18,376,504	$18,376,504	$18,376,504	$18,376,504	$18,376,504	$18,376,504	$18,376,504
Total			$14,358,504	$30,681,197	$45,844,584	$63,904,530	$81,978,994	$96,461,794	$110,915,558	$125,398,357	$142,898,406	$160,398,456	$174,579,530	$188,760,605	$202,941,679	$217,122,754	$231,303,828
City of Tracy Capture Rate			82%	82%	82%	82%	82%	82%	82%	82%	82%	82%	82%	82%	82%	82%	82%
Taxable Sales Captured in Tracy			$11,732,837	$25,070,682	$37,461,216	$52,218,631	$66,987,909	$78,822,312	$90,632,990	$102,467,393	$116,767,296	$131,067,200	$142,655,053	$154,242,906	$165,830,759	$177,418,612	$189,006,465
Less: Retail Supply	*Taxable Sales per Bldg SF* *$210*		$3,150,000	$4,200,000	$5,250,000	$5,250,000	$12,600,000	$16,800,000	$21,000,000	$21,000,000	$21,000,000	$23,100,000	$25,200,000	$27,300,000	$29,400,000	$31,500,000	$33,600,000
Excess Retail Sales Demand			$8,582,837	$20,870,682	$32,211,216	$46,968,631	$54,387,909	$62,022,312	$69,632,990	$81,467,393	$95,767,296	$107,967,200	$117,455,053	$126,942,906	$136,430,759	$145,918,612	$155,406,465
Business to Business Taxable Sales																	
	Taxable Sales per Bldg SF																
Office	*$10*		$0	$570,000	$670,000	$670,000	$670,000	$670,000	$1,070,000	$1,070,000	$1,270,000	$1,470,000	$1,570,000	$1,670,000	$1,770,000	$1,870,000	$1,970,000
Industrial	*$10*		$25,000,000	$45,250,000	$55,250,000	$65,250,000	$75,250,000	$85,250,000	$95,250,000	$105,250,000	$115,250,000	$125,250,000	$135,250,000	$145,250,000	$155,250,000	$165,250,000	$175,250,000
Total			$25,000,000	$45,820,000	$55,920,000	$65,920,000	$75,920,000	$85,920,000	$96,320,000	$106,320,000	$116,520,000	$126,720,000	$136,820,000	$146,920,000	$157,020,000	$167,120,000	$177,220,000
Total Taxable Sales																	
Retail Supply			$3,150,000	$4,200,000	$5,250,000	$5,250,000	$12,600,000	$16,800,000	$21,000,000	$21,000,000	$21,000,000	$23,100,000	$25,200,000	$27,300,000	$29,400,000	$31,500,000	$33,600,000
Excess Retail Sales Demand			$8,582,837	$20,870,682	$32,211,216	$46,968,631	$54,387,909	$62,022,312	$69,632,990	$81,467,393	$95,767,296	$107,967,200	$117,455,053	$126,942,906	$136,430,759	$145,918,612	$155,406,465
Business to Business Sales			$25,000,000	$45,820,000	$55,920,000	$65,920,000	$75,920,000	$85,920,000	$96,320,000	$106,320,000	$116,520,000	$126,720,000	$136,820,000	$146,920,000	$157,020,000	$167,120,000	$177,220,000
Total			**$36,732,837**	**$70,890,682**	**$93,381,216**	**$118,138,631**	**$142,907,909**	**$164,742,312**	**$186,952,990**	**$208,787,393**	**$233,287,296**	**$257,787,200**	**$279,475,053**	**$301,162,906**	**$322,850,759**	**$344,538,612**	**$366,226,465**

/1 Based on taxable spending estimates shown in Table A-10.

Source: Bureau of Labor Statistics; City of Tracy; Goodwin Consulting Group, Inc.

09/22/2015

Table A-12
City of Tracy
Citywide New Development Fiscal Impact Analysis
Expense Calculation Methodology

Expense	Reference Table	Modeling Methodology
General Government & Admin	Table A-13	Multiplier Method
Police Department	Table A-14	Case Study
Fire Department	Table A-14	Case Study
Public Works Department	Table A-13 & A-14	Multiplier & Case Study
Utilities Department	Table A-13	Multiplier Method
Development Services	Table A-13	Multiplier Method
Non-Departmental Group	Table A-13	Multiplier Method

Source: City of Tracy; Goodwin Consulting Group, Inc. *09/22/2015*

Table A-13
City of Tracy
Citywide New Development Fiscal Impact Analysis
Expense Assumptions - Multiplier Method

Fiscal Year 2014-15	Total General Fund Expenditures	Average Expense per Resident	Average Expense per Employee	Average Expense per Person Served
General Government & Admin /1				
City Council	$126,000	--	--	$0.92
City Attorney's Office	$879,560	--	--	$6.44
City Manager's Office	$1,890,660	--	--	$13.84
Recreation & Cultural Arts	$3,664,250	--	--	$26.83
Administrative Services	$3,332,440	--	--	$24.40
Subtotal	$9,892,910	--	--	$72.43
Police Department				
Chief's Office	n/a /2	--	--	--
Field Operations Division	n/a /2	--	--	--
Special Operations Division	n/a /2	--	--	--
Support Operations Division	n/a /2	--	--	--
Subtotal	n/a	--	--	--
Fire Department				
Fire Administration	n/a /2	--	--	--
Fire Prevention & Education	n/a /2	--	--	--
Fire Operations	n/a /2	--	--	--
Fire Training & Safety	n/a /2	--	--	--
Subtotal	n/a	--	--	--
Public Works /3				
Director's Office	$315,130	--	--	$3.30
Maintenance - Internal Services	$30,000	--	--	$0.31
Maintenance - Streets	$3,002,030	--	--	$31.40
Maintenance - Utilities	$90,000	--	--	$0.94
Maintenance - Parks	$2,822,340	--	--	$29.52
Community Facilities	$596,430	--	--	$6.24
Subtotal	$3,437,160	--	--	$71.70
Utilities Department	$338,280	--	--	$3.54
Development Services				
Director's Office	$336,030	--	--	$3.51
Planning Division	$874,630	--	--	$9.15
Building Division	$2,737,940	--	--	$28.63
Code Enforcement Division	$527,770	--	--	$5.52
Engineering Division	$1,706,530	--	--	$17.85
Economic Development Division	$542,530	--	--	$5.67
Subtotal	$6,725,430	--	--	$70.34
Non-Departmental Group	$1,025,200	--	--	$10.72

/1 Assumes a 30% reduction to reflect the portion of the budget that is not anticipated to grow significantly, if at all, due to new development.

/2 Calculated using the case study method.

/3 Excludes all project-specific maintenance costs. Non-project specific Public Works costs are calculated using the case study method starting in FY 2018-19.

Source: City of Tracy Adopted Budget Fiscal Year 2014-15; Goodwin Consulting Group, Inc. *09/22/2015*

Table A-14
City of Tracy
Citywide New Development Fiscal Impact Analysis
Expense Assumptions - Case Study Method (Police, Fire, & Public Works)

Police Department

Police Staffing	Service Level (per 1,000 Residents)	Average Annual Cost per Personnel	
Sworn Personnel	1.50	$148,000	/1
Non-Sworn Personnel	0.50	$101,000	/2

Fire Department

Fire Station	Year Needed	Number of Personnel	Average Cost per Personnel	Total Cost	
Tracy Hills No. 1	2017	9	$233,417	**$2,100,753**	/3
Operations - Battalion Chiefs	2018	2	$170,462	**$340,924**	
Administration	2018	1	$77,118	**$77,118**	
Station 94 Expansion (New Engine)	2018	6	$119,354	**$716,123**	/4
Station 94 Expansion	2020	3	$119,354	**$358,062**	
South Schulte (Relocation & Expansion)	2020	3	$461,543	**$1,384,630**	/5
Tracy Hills No. 2	2024	9	$233,417	**$2,100,753**	/3

Public Works Department

Public Works FTE's	Year	Service Level (per 852 Persons Served)	Average Annual Cost per FTE	
Full Time Equivalent	2018	1.00	$105,000	/6

/1 Average annual salaries and benefits for a police officer, a police corporal, and a police sergeant.
/2 Average annual salaries and benefits for an administrative assistant and a police dispatcher.
/3 Includes operation and maintenance costs associated with new stations.
/4 Assumes 6 new positions would be needed to operate the new engine company (2 personnel x 3 shifts) at Station 94.
/5 Includes operation and maintenance costs as well as 3 new positions once the South Schulte station is operational.
The 6 positions operating the new engine company at Station 94 are assumed to be relocated to the South Schulte station.
/6 Includes salaries, benefits, and equipment costs.

Source: City of Tracy; Goodwin Consulting Group, Inc. *09/22/2015*

Table A-15
City of Tracy
Citywide New Development Fiscal Impact Analysis
Annual Net Fiscal Impacts to City General Fund & Fire District

Average Mello-Roos CFD Special Tax of $325 per Unit

Project Year	*1*	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*	*12*	*13*	*14*	*15*
FY Beginning	*2015*	*2016*	*2017*	*2018*	*2019*	*2020*	*2021*	*2022*	*2023*	*2024*	*2025*	*2026*	*2027*	*2028*	*2029*
Revenues															
Property Tax (City & Fire District)	$865,809	$1,662,172	$2,230,264	$2,856,636	$3,499,254	$4,056,559	$4,623,268	$5,192,941	$5,849,071	$6,516,891	$7,004,312	$7,613,993	$8,230,737	$8,854,977	$9,487,123
Real Property Transfer Tax	$0	$16,978	$37,168	$53,318	$72,265	$92,253	$110,086	$127,623	$145,981	$167,624	$172,273	$209,063	$228,734	$248,769	$269,170
Sales and Use Tax	$417,505	$805,743	$1,061,371	$1,342,764	$1,624,291	$1,872,461	$2,124,908	$2,373,078	$2,651,543	$2,930,009	$3,176,513	$3,423,018	$3,669,522	$3,916,026	$4,162,530
Public Safety Sales Tax	$1,529	$2,950	$3,886	$4,916	$5,947	$6,855	$7,779	$8,688	$9,708	$10,727	$11,630	$12,532	$13,434	$14,337	$15,239
Property Tax in-Lieu of VLF	$325,081	$649,245	$875,369	$1,130,088	$1,394,067	$1,623,661	$1,856,665	$2,087,169	$2,355,247	$2,627,803	$2,822,796	$3,067,763	$3,315,629	$3,566,573	$3,820,759
Tracy Rural Fire Assessment	$106,890	$207,336	$273,174	$345,474	$419,124	$484,284	$550,044	$614,604	$686,964	$759,624	$824,064	$888,504	$952,944	$1,017,384	$1,081,824
Other Taxes	$75,563	$146,320	$186,578	$228,206	$271,993	$310,695	$354,487	$391,796	$434,366	$477,618	$516,468	$555,319	$594,169	$633,020	$671,861
Building & Construction Permits	$37,366	$74,102	$102,880	$135,713	$168,627	$195,173	$223,375	$249,633	$280,877	$312,243	$338,419	$364,594	$390,770	$416,945	$443,107
Special Licenses	$7,968	$15,313	$18,972	$22,551	$26,423	$30,014	$34,198	$37,616	$41,430	$45,331	$48,967	$52,603	$56,239	$59,875	$63,511
Franchise Fees	$74,637	$148,015	$205,497	$271,077	$336,822	$389,845	$446,178	$498,626	$561,033	$623,686	$675,970	$728,254	$780,537	$832,821	$885,078
Current Service Charges	$112,689	$223,479	$310,268	$409,284	$508,548	$588,604	$673,658	$752,847	$847,071	$941,668	$1,020,608	$1,099,549	$1,178,489	$1,257,430	$1,336,329
Intergovernmental Revenues	$17,325	$34,359	$47,702	$62,925	$78,186	$90,494	$103,571	$115,746	$130,232	$144,776	$156,912	$169,049	$181,186	$193,322	$205,452
Fines & Forfeitures	$26,226	$52,009	$72,207	$95,250	$118,351	$136,982	$156,776	$175,205	$197,133	$219,148	$237,520	$255,891	$274,262	$292,634	$310,995
Subtotal	$2,068,588	$4,038,020	$5,425,335	$6,958,201	$8,523,899	$9,877,880	$11,264,993	$12,625,572	$14,190,657	$15,777,148	$17,006,452	$18,440,131	$19,866,654	$21,304,112	$22,752,979
Expenses															
General Government & Admin	$197,577	$391,822	$543,988	$717,592	$891,630	$1,031,991	$1,181,115	$1,319,955	$1,485,157	$1,651,012	$1,789,417	$1,927,822	$2,066,227	$2,204,632	$2,342,965
Police Department	$512,300	$1,031,958	$1,507,743	$2,069,910	$2,624,448	$3,056,088	$3,502,715	$3,934,355	$4,455,920	$4,977,485	$5,400,133	$5,822,780	$6,245,428	$6,668,075	$7,090,450
Fire Department	$0	$0	$2,100,753	$3,234,918	$3,234,918	$4,977,610	$4,977,610	$4,977,610	$4,977,610	$7,078,363	$7,078,363	$7,078,363	$7,078,363	$7,078,363	$7,078,363
Public Works Department	$195,605	$387,912	$538,559	$1,221,056	$1,517,201	$1,756,039	$2,009,789	$2,246,039	$2,527,148	$2,809,366	$3,044,877	$3,280,387	$3,515,898	$3,751,408	$3,986,796
Utilities Department	$9,651	$19,140	$26,573	$35,054	$43,555	$50,412	$57,696	$64,478	$72,548	$80,650	$87,411	$94,172	$100,933	$107,694	$114,451
Development Services	$191,882	$380,528	$528,308	$696,908	$865,930	$1,002,245	$1,147,071	$1,281,908	$1,442,349	$1,603,423	$1,737,839	$1,872,255	$2,006,670	$2,141,086	$2,275,432
Non-Departmental Group	$29,250	$58,006	$80,533	$106,234	$131,999	$152,779	$174,855	$195,409	$219,866	$244,420	$264,910	$285,400	$305,890	$326,379	$346,858
Subtotal	$1,136,265	$2,269,366	$5,326,457	$8,081,672	$9,309,681	$12,027,162	$13,050,851	$14,019,755	$15,180,599	$18,444,719	$19,402,949	$20,361,178	$21,319,408	$22,277,638	$23,235,315
Total Net Fiscal Impact															
Annual Net Fiscal Impact	$932,323	$1,768,654	$98,878	($1,123,471)	($785,782)	($2,149,282)	($1,785,857)	($1,394,182)	($989,942)	($2,667,571)	($2,396,497)	($1,921,047)	($1,452,755)	($973,526)	($482,336)
Fiscal Mitigation Revenue ($325 per Unit)	$0	$242,775	$453,375	$641,550	$860,925	$1,072,175	$1,228,175	$1,400,425	$1,556,425	$1,744,925	$1,933,425	$1,921,047	$1,452,755	$973,526	$482,336 /1
Adjusted Net Fiscal Impact	$932,323	$2,011,429	$552,253	($481,921)	$75,143	($1,077,107)	($557,682)	$6,243	$566,483	($922,646)	($463,072)	$0	$0	$0	$0
Cumulative Adjusted Net Fiscal Impact	**$932,323**	**$2,943,753**	**$3,496,005**	**$3,014,084**	**$3,089,227**	**$2,012,120**	**$1,454,438**	**$1,460,680**	**$2,027,163**	**$1,104,518**	**$641,446**	**$641,446**	**$641,446**	**$641,446**	**$641,446**

/1 Once the maximum special tax revenue exceeds the annual net fiscal for each remaining fiscal year, special tax rates are assumed to be reduced to a level that is sufficient to mitigate the annual deficit for that fiscal year.

Source: Goodwin Consulting Group, Inc.

09/22/2015

Table B-1
City of Tracy
Citywide New Development Fiscal Impact Analysis
Anticipated New Development through FY 2029-30

	Residential Units			Non-Residential Bldg SF			
Project	***Single Family***	***Multi-Family***	***Total***	***Retail***	***Office***	***Industrial***	***Total***
Tracy Hills	3,150	--	3,150	15,000	--	--	15,000
Cordes Ranch	--	--	--	60,000	90,000	15,300,000	15,450,000
Ellis	1,700	--	1,700	--	--	--	--
I-205 Corridor/North Industrial Area (NEI)							
Aspire Apt	--	301	301	--	--	--	--
Grantline Apt	--	341	341	--	--	--	--
I-205	--	--	--	70,000	--	1,000,000	1,070,000
NEI	--	--	--	--	--	1,200,000	1,200,000
Red Maple Retail	--	--	--	10,000	--	--	10,000
Toste Apartments	--	200	200	--	--	--	--
Subtotal	--	842	842	80,000	--	2,200,000	2,280,000
Other							
Barcelona Infill	51	--	51	--	--	--	--
Bright Castro	550	--	550	--	--	--	-- /1
Brookview	40	--	40	--	--	--	--
Classics	57	--	57	--	--	--	--
Elissagaray Infill	47	--	47	--	--	--	--
Feteira	60	--	60	--	--	--	--
Glenbriar	38	--	38	--	--	--	--
Homewood (Senior)	590	--	590	--	--	--	-- /1
Infill	170	--	170	5,000	10,000	--	15,000
Kagehiro III	250	--	250	--	--	--	-- /1
Larkspur	14	--	14	--	--	--	--
Middlefield Apartments	--	150	150	--	--	--	--
Montessori School	--	--	--	--	35,000	--	35,000
Tiburon	50	--	50	--	--	--	--
Tracy Collision	--	--	--	--	--	25,000	25,000
Tracy/Whispering Wind Apt	--	100	100	--	--	--	--
Triad	--	--	--	--	40,000	--	40,000
Southgate	80	--	80	--	--	--	--
Stringer	195	--	195	--	--	--	--
Sutter	--	--	--	--	22,000	--	22,000
Valpico/MacDonald	--	150	150	--	--	--	--
Yosemite Vista	15	--	15	--	--	--	--
Subtotal	2,207	400	2,607	5,000	107,000	25,000	137,000
Total	**7,057**	**1,242**	**8,299**	**160,000**	**197,000**	**17,525,000**	**17,882,000**

/1 These projects are currently outside of the City limits and will need to be annexed prior to development.

Source: City of Tracy; Goodwin Consulting Group, Inc. *09/22/2015*

Table B-2.1
City of Tracy
Citywide New Development Fiscal Impact Analysis
Annual New Development Assumptions by Project

Project Year	***1***	***2***	***3***	***4***	***5***	***6***	***7***	***8***	***9***	***10***	***11***	***12***	***13***	***14***	***15***	
FY Beginning	***2015***	***2016***	***2017***	***2018***	***2019***	***2020***	***2021***	***2022***	***2023***	***2024***	***2025***	***2026***	***2027***	***2028***	***2029***	***Total***
Tracy Hills																
Residential (Units)																
Single Family	--	100	100	100	150	200	200	200	300	300	300	300	300	300	300	3,150
Multi-Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Total	--	100	100	100	150	200	200	200	300	300	300	300	300	300	300	3,150
Non-Residential (Square Feet)																
Retail	--	--	--	--	15,000	--	--	--	--	--	--	--	--	--	--	15,000
Office	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Total	--	--	--	--	15,000	--	--	--	--	--	--	--	--	--	--	15,000
Cordes Ranch																
Residential (Units)																
Single Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Multi-Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Total	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Non-Residential (Square Feet)																
Retail	--	--	--	--	--	--	--	--	--	10,000	10,000	10,000	10,000	10,000	10,000	60,000
Office	--	--	--	--	--	--	--	--	20,000	20,000	10,000	10,000	10,000	10,000	10,000	90,000
Industrial	2,500,000	800,000	800,000	800,000	800,000	800,000	800,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	15,300,000
Total	2,500,000	800,000	800,000	800,000	800,000	800,000	800,000	1,000,000	1,020,000	1,030,000	1,020,000	1,020,000	1,020,000	1,020,000	1,020,000	15,450,000
Ellis																
Residential (Units)																
Single Family	--	--	--	100	150	200	200	200	200	200	90	90	90	90	90	1,700
Multi-Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Total	--	--	--	100	150	200	200	200	200	200	90	90	90	90	90	1,700
Non-Residential (Square Feet)																
Retail	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Office	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Total	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Source: City of Tracy; Goodwin Consulting Group, Inc.

09/22/2015

Table B-2.2
City of Tracy
Citywide New Development Fiscal Impact Analysis
Annual New Development Assumptions by Project Continued

Project Year	*1*	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*	*12*	*13*	*14*	*15*	
FY Beginning	*2015*	*2016*	*2017*	*2018*	*2019*	*2020*	*2021*	*2022*	*2023*	*2024*	*2025*	*2026*	*2027*	*2028*	*2029*	*Total*
I-205 Corridor/North Industrial Area (NEI)																
Residential (Units)																
Single Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Multi-Family	532	110	--	100	100	--	--	--	--	--	--	--	--	--	--	842
Total	532	110	--	100	100	--	--	--	--	--	--	--	--	--	--	842
Non-Residential (Square Feet)																
Retail	10,000	5,000	5,000	--	20,000	20,000	20,000	--	--	--	--	--	--	--	--	80,000
Office	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Industrial	--	1,200,000	200,000	200,000	200,000	200,000	200,000	--	--	--	--	--	--	--	--	2,200,000
Total	10,000	1,205,000	205,000	200,000	220,000	220,000	220,000	--	--	--	--	--	--	--	--	2,280,000
Other																
Residential (Units)																
Single Family	215	338	329	325	250	80	30	80	80	80	80	80	80	80	80	2,207
Multi-Family	--	100	150	50	--	--	100	--	--	--	--	--	--	--	--	400
Total	215	438	479	375	250	80	130	80	80	80	80	80	80	80	80	2,607
Non-Residential (Square Feet)																
Retail	5,000	--	--	--	--	--	--	--	--	--	--	--	--	--	--	5,000
Office	--	57,000	10,000	--	--	--	40,000	--	--	--	--	--	--	--	--	107,000
Industrial	--	25,000	--	--	--	--	--	--	--	--	--	--	--	--	--	25,000
Total	5,000	82,000	10,000	--	--	--	40,000	--	--	--	--	--	--	--	--	137,000
Total																
Residential (Units)																
Single Family	215	438	429	525	550	480	430	480	580	580	470	470	470	470	470	7,057
Multi-Family	532	210	150	150	100	--	100	--	--	--	--	--	--	--	--	1,242
Total	747	648	579	675	650	480	530	480	580	580	470	470	470	470	470	8,299
Non-Residential (Square Feet)																
Retail	15,000	5,000	5,000	--	35,000	20,000	20,000	--	--	10,000	10,000	10,000	10,000	10,000	10,000	160,000
Office	--	57,000	10,000	--	--	--	40,000	--	20,000	20,000	10,000	10,000	10,000	10,000	10,000	197,000
Industrial	2,500,000	2,025,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	17,525,000
Total	2,515,000	2,087,000	1,015,000	1,000,000	1,035,000	1,020,000	1,060,000	1,000,000	1,020,000	1,030,000	1,020,000	1,020,000	1,020,000	1,020,000	1,020,000	17,882,000

Source: City of Tracy; Goodwin Consulting Group, Inc.

09/22/2015

Table B-3.1
City of Tracy
Citywide New Development Fiscal Impact Analysis
Cumulative New Development Assumptions by Project

Project Year	***1***	***2***	***3***	***4***	***5***	***6***	***7***	***8***	***9***	***10***	***11***	***12***	***13***	***14***	***15***
FY Beginning	***2015***	***2016***	***2017***	***2018***	***2019***	***2020***	***2021***	***2022***	***2023***	***2024***	***2025***	***2026***	***2027***	***2028***	***2029***
Tracy Hills															
Residential (Units)															
Single Family	--	100	200	300	450	650	850	1,050	1,350	1,650	1,950	2,250	2,550	2,850	3,150
Multi-Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Total	--	100	200	300	450	650	850	1,050	1,350	1,650	1,950	2,250	2,550	2,850	3,150
Non-Residential (Square Feet)															
Retail	--	--	--	--	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
Office	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Total	--	--	--	--	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
Cordes Ranch															
Residential (Units)															
Single Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Multi-Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Total	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Non-Residential (Square Feet)															
Retail	--	--	--	--	--	--	--	--	--	10,000	20,000	30,000	40,000	50,000	60,000
Office	--	--	--	--	--	--	--	--	20,000	40,000	50,000	60,000	70,000	80,000	90,000
Industrial	2,500,000	3,300,000	4,100,000	4,900,000	5,700,000	6,500,000	7,300,000	8,300,000	9,300,000	10,300,000	11,300,000	12,300,000	13,300,000	14,300,000	15,300,000
Total	2,500,000	3,300,000	4,100,000	4,900,000	5,700,000	6,500,000	7,300,000	8,300,000	9,320,000	10,350,000	11,370,000	12,390,000	13,410,000	14,430,000	15,450,000
Ellis															
Residential (Units)															
Single Family	--	--	--	100	250	450	650	850	1,050	1,250	1,340	1,430	1,520	1,610	1,700
Multi-Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Total	--	--	--	100	250	450	650	850	1,050	1,250	1,340	1,430	1,520	1,610	1,700
Non-Residential (Square Feet)															
Retail	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Office	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Total	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Source: City of Tracy; Goodwin Consulting Group, Inc.

09/22/2015

Table B-3.2
City of Tracy
Citywide New Development Fiscal Impact Analysis
Cumulative New Development Assumptions by Project Continued

Project Year	*1*	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*	*12*	*13*	*14*	*15*
FY Beginning	*2015*	*2016*	*2017*	*2018*	*2019*	*2020*	*2021*	*2022*	*2023*	*2024*	*2025*	*2026*	*2027*	*2028*	*2029*
I-205 Corridor/North Industrial Area (NEI)															
Residential (Units)															
Single Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Multi-Family	532	642	642	742	842	842	842	842	842	842	842	842	842	842	842
Total	532	642	642	742	842	842	842	842	842	842	842	842	842	842	842
Non-Residential (Square Feet)															
Retail	10,000	15,000	20,000	20,000	40,000	60,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000
Office	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Industrial	--	1,200,000	1,400,000	1,600,000	1,800,000	2,000,000	2,200,000	2,200,000	2,200,000	2,200,000	2,200,000	2,200,000	2,200,000	2,200,000	2,200,000
Total	10,000	1,215,000	1,420,000	1,620,000	1,840,000	2,060,000	2,280,000	2,280,000	2,280,000	2,280,000	2,280,000	2,280,000	2,280,000	2,280,000	2,280,000
Other															
Residential (Units)															
Single Family	215	553	882	1,207	1,457	1,537	1,567	1,647	1,727	1,807	1,887	1,967	2,047	2,127	2,207
Multi-Family	--	100	250	300	300	300	400	400	400	400	400	400	400	400	400
Total	215	653	1,132	1,507	1,757	1,837	1,967	2,047	2,127	2,207	2,287	2,367	2,447	2,527	2,607
Non-Residential (Square Feet)															
Retail	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
Office	--	57,000	67,000	67,000	67,000	67,000	107,000	107,000	107,000	107,000	107,000	107,000	107,000	107,000	107,000
Industrial	--	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
Total	5,000	87,000	97,000	97,000	97,000	97,000	137,000	137,000	137,000	137,000	137,000	137,000	137,000	137,000	137,000
Total															
Residential (Units)															
Single Family	215	653	1,082	1,607	2,157	2,637	3,067	3,547	4,127	4,707	5,177	5,647	6,117	6,587	7,057
Multi-Family	532	742	892	1,042	1,142	1,142	1,242	1,242	1,242	1,242	1,242	1,242	1,242	1,242	1,242
Total	747	1,395	1,974	2,649	3,299	3,779	4,309	4,789	5,369	5,949	6,419	6,889	7,359	7,829	8,299
Non-Residential (Square Feet)															
Retail	15,000	20,000	25,000	25,000	60,000	80,000	100,000	100,000	100,000	110,000	120,000	130,000	140,000	150,000	160,000
Office	--	57,000	67,000	67,000	67,000	67,000	107,000	107,000	127,000	147,000	157,000	167,000	177,000	187,000	197,000
Industrial	2,500,000	4,525,000	5,525,000	6,525,000	7,525,000	8,525,000	9,525,000	10,525,000	11,525,000	12,525,000	13,525,000	14,525,000	15,525,000	16,525,000	17,525,000
Total	2,515,000	4,602,000	5,617,000	6,617,000	7,652,000	8,672,000	9,732,000	10,732,000	11,752,000	12,782,000	13,802,000	14,822,000	15,842,000	16,862,000	17,882,000

Source: City of Tracy; Goodwin Consulting Group, Inc.

09/22/2015

Table B-4
City of Tracy
Citywide New Development Fiscal Impact Analysis
Property Tax Allocation Assumptions by TRA

	Tracy General Fund	Tracy Rural Fire	County General Fund	
Tracy City Limits				
004-001	0.000000	0.000000	0.000000	/1
004-003	0.161526	0.000000	0.172553	
004-004	0.144788	0.004812	0.209063	
004-008	0.156058	0.000000	0.186513	
004-018	0.000000	0.000000	0.000000	/1
004-047	0.000000	0.000000	0.000000	/1
004-048	0.173457	0.000000	0.195480	
004-049	0.000000	0.000000	0.000000	/1
004-050	0.000000	0.000000	0.000000	/1
004-051	0.000000	0.000000	0.000000	/1
004-052	0.000000	0.000000	0.000000	/1
004-053	0.000000	0.000000	0.000000	/1
004-056	0.129989	0.000000	0.148760	
004-061	0.095647	0.121132	0.165684	
004-065	0.076472	0.101769	0.132468	
004-068	0.038735	0.125588	0.219500	
004-072	0.018470	0.117700	0.223086	
004-073	0.169031	0.000000	0.184871	
004-075	0.151285	0.000000	0.184889	
004-076	0.042365	0.109673	0.207860	
004-077	0.000000	0.000000	0.000000	/1
004-078	0.000000	0.000000	0.000000	/1
004-083	0.037307	0.120926	0.211405	
004-085	0.178866	0.000000	0.195025	
004-086	0.157884	0.000000	0.194690	
004-087	0.177083	0.000000	0.199084	
004-088	0.000000	0.120925	0.248614	
004-091	0.039911	0.128805	0.226165	
004-093	0.000000	0.000000	0.000000	/1
004-095	0.040668	0.131762	0.230453	
004-096	0.040659	0.131771	0.230402	
Average (excl RDA TRA's)	***0.101510***	***0.060743***	***0.198328***	
Tracy Sphere of Influence /2				
055-001	0.031968	0.123436	0.181150	
055-010	0.030797	0.119427	0.174518	
088-001	0.036040	0.000000	0.204226	
088-002	0.031199	0.120926	0.176793	
088-004	0.027811	0.107829	0.157597	
088-010	0.030224	0.117458	0.171267	
092-001	0.033405	0.128805	0.189298	
092-002	0.032392	0.125588	0.183553	
092-003	0.034013	0.131762	0.192740	
092-005	0.034058	0.132046	0.192996	
092-016	0.032937	0.127638	0.186642	
122-001	0.029526	0.114487	0.167317	
122-002	0.019931	0.077345	0.112943	
122-003	0.028454	0.110366	0.161242	
122-004	0.024767	0.096073	0.140348	
122-005	0.026200	0.101770	0.148469	
122-007	0.028563	0.110716	0.161854	
122-019	0.035376	0.137351	0.200464	
122-025	0.029512	0.114521	0.167233	
122-026	0.028563	0.110716	0.161854	
Average	***0.030287***	***0.110413***	***0.171625***	

/1 In the Redevelopment Agency - Downtown Tracy.
/2 Assumes property taxes are split 15/85 between the City and the County upon annexation.

Source: San Joaquin County Auditor's Office; Goodwin Consulting Group, Inc. *09/22/2015*

ATTACHMENT "B"

PROPOSED LANGUAGE TO CONDITION DEVELOPMENT PROJECTS TO MITIGATE FISCAL IMPACTS PERTAINING TO CITY SERVICES

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

a. CFD or Other Funding Mechanism. The applicant shall enter into an agreement with the City, which shall be recorded against the property, which stipulates that prior to final inspection or certificate of occupancy, the applicant will join a New Development Area Service Community Facilities District (CFD) for funding on-going operational costs of providing police services, Fire Services, Public Works services and other City services to serve the project area. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. Upon the successful inclusion of the property in the CFD, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment. The special tax imposed under the CFD is expected to be an amount not exceeding $325 per residential dwelling unit for Fire, Police, and Public Works infrastructure maintenance and renovation services.

Additional special taxes within the CFD may be levied on a project-by-project basis for other services such as City park maintenance, City maintenance of project-specific public right-of-way landscaping and related appurtenances, major arterials, and a contingent special tax intended to allow for the City to step in and provide public-right-of way landscape maintenance should a development's HOA become defunct or otherwise incapable of performing its maintenance responsibilities. The amounts of these CFD special taxes (other than the $325 mentioned above for Police, Fire, and Public Works, and other City services) will be determined separately for each new development, or tax zone of the CFD, based upon the unique features of each development. The applicant will fund a maintenance study to be conducted and approved by the City to determine the long term on-going operational costs of providing said services.

The applicant shall have no obligation to form its own CFD to provide for the costs of operational services for the project site. If the City has not formed the New Development Area CFD prior to the final inspection or certificate of occupancy of the first building permit for the project, the applicant may request that City Council rescind the agreement.

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

RESOLUTION

A RESOLUTION OF THE CITY OF TRACY INITIATING PROCEEDINGS TO AMEND THE GENERAL PLAN TO INCLUDE A FISCAL SUSTAINABILITY POLICY AND TO ESTABLISH A NEW DEVELOPMENT PROJECTS COMMUNITY FACILITIES DISTRICT

WHEREAS, Goodwin Consulting Group performed analyses, on behalf of the City of Tracy, to identify potential recurring fiscal impacts from new development projected to occur within the City in the next 15 years, and

WHEREAS, The City-wide New Development Fiscal Impact Analysis, dated September 22, 2015 and attached hereto, estimated that fiscal deficits will result to the City's General Fund if there is not an additional source of revenue implemented to offset the costs of providing public services to the new residents, and

WHEREAS, These services include Police, Fire, Public Works infrastructure maintenance/replacement, landscape maintenance, and contingent maintenance, and

WHEREAS, The City Council wishes to clarify that requirement by including a fiscal sustainability policy within the City's General Plan, and

WHEREAS, These actions are necessary because:

- The City's ability to provide services is dependent on the City collecting adequate revenues.
- The City requires that revenues generated by development be sufficient to cover the on-going costs incurred by the City to provide and maintain not only infrastructure, but also provide public services to the development.
- Without a fiscal mechanism to provide public services, new residential development would not benefit from standard City services and would create negative fiscal impacts;

WHEREAS, The City Council also wishes to initiate proceedings to establish a new development projects community facilities district.

NOW, THEREFORE, The Tracy City Council resolves as follows:

1. Staff is directed to initiate proceedings to amend the General Plan to include a fiscal sustainability policy.
2. Staff is directed to initiate proceeding to establish a new development projects community facilities district.

* * * * * * * *

The foregoing Resolution 2016- _____ was passed and adopted by the Tracy City Council on the 15th day of March, 2016, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
Mayor

ATTEST:

_____
City Clerk

Table A-1
City of Tracy
Citywide New Development Fiscal Impact Analysis
General Assumptions

Year of Study	**2015**
Constant Dollar Analysis (2015 $)	
Inflation Assumptions for Property Tax Calculations	
Annual Inflation Rate	3.0%
Annual Property Appreciation Rate	4.0%
Annual Property Tax Escalation Rate (Legislated)	2.0%
City of Tracy Statistics	
2015 Estimated Residential Population	84,980
2015 Estimated Employee Population	21,272
2015 Persons Served (Residents + 50% of Employees)	95,616

Source: California Department of Finance; Claritas; Goodwin Consulting Group, Inc. *09/22/2015*

Table A-2
City of Tracy
Citywide New Development Fiscal Impact Analysis
Land Use Assumptions

Residential Land Uses	*Average Living Area*	*Dwelling Units*	*Population per Household*	*Population*	*Assessed Value per Unit*	*Annual Turnover Rate*
Single Family	2,400	7,057	3.30	23,288	$470,000	10%
Multi-Family	1,000	1,242	2.20	2,732	$175,000	5%
Total		8,299		26,020		

Non-Residential Land Uses	*Estimated Sq. Ft.*	*Bldg SF per Job*	*Jobs*	*Assessed Value per Sq. Ft.*	*Annual Turnover Rate*
Retail	160,000	500	320	$250	5%
Office	197,000	300	657	$200	5%
Industrial	17,525,000	1,500	11,683	$125	5%
Total	17,882,000		12,660		
Total Persons Served (Residents + 50% of Employees)			**32,350**		

Source: City of Tracy; Goodwin Consulting Group, Inc. *09/22/2015*

Table A-3
City of Tracy
Citywide New Development Fiscal Impact Analysis
Annual New Development Assumptions by Land Use

Project Year	*1*	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*	*12*	*13*	*14*	*15*	
FY Beginning	*2015*	*2016*	*2017*	*2018*	*2019*	*2020*	*2021*	*2022*	*2023*	*2024*	*2025*	*2026*	*2027*	*2028*	*2029*	*Total*
Residential Development (Units)																
Single Family	215	438	429	525	550	480	430	480	580	580	470	470	470	470	470	**7,057**
Multi-Family	532	210	150	150	100	--	100	--	--	--	--	--	--	--	--	**1,242**
Total	747	648	579	675	650	480	530	480	580	580	470	470	470	470	470	**8,299**
Non-Residential Development (Square Feet)																
Retail	15,000	5,000	5,000	--	35,000	20,000	20,000	--	--	10,000	10,000	10,000	10,000	10,000	10,000	**160,000**
Office	--	57,000	10,000	--	--	--	40,000	--	20,000	20,000	10,000	10,000	10,000	10,000	10,000	**197,000**
Industrial	2,500,000	2,025,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	**17,525,000**
Total	2,515,000	2,087,000	1,015,000	1,000,000	1,035,000	1,020,000	1,060,000	1,000,000	1,020,000	1,030,000	1,020,000	1,020,000	1,020,000	1,020,000	1,020,000	**17,882,000**
Resident Population	1,880	1,907	1,746	2,063	2,035	1,584	1,639	1,584	1,914	1,914	1,551	1,551	1,551	1,551	1,550	**26,020**
Employee Population	1,696	1,550	710	667	737	707	840	667	733	753	720	720	720	720	720	**12,660**
Persons Served	2,728	2,682	2,101	2,397	2,404	1,938	2,059	1,918	2,281	2,291	1,911	1,911	1,911	1,911	1,910	**32,350**

Source: City of Tracy; Goodwin Consulting Group, Inc.

09/22/2015

Table A-4
City of Tracy
Citywide New Development Fiscal Impact Analysis
Cumulative New Development Assumptions by Land Use

Project Year	***1***	***2***	***3***	***4***	***5***	***6***	***7***	***8***	***9***	***10***	***11***	***12***	***13***	***14***	***15***
FY Beginning	***2015***	***2016***	***2017***	***2018***	***2019***	***2020***	***2021***	***2022***	***2023***	***2024***	***2025***	***2026***	***2027***	***2028***	***2029***
Residential Development (Units)															
Single Family	215	653	1,082	1,607	2,157	2,637	3,067	3,547	4,127	4,707	5,177	5,647	6,117	6,587	7,057
Multi-Family	532	742	892	1,042	1,142	1,142	1,242	1,242	1,242	1,242	1,242	1,242	1,242	1,242	1,242
Total	747	1,395	1,974	2,649	3,299	3,779	4,309	4,789	5,369	5,949	6,419	6,889	7,359	7,829	8,299
Non-Residential Development (Square Feet)															
Retail	15,000	20,000	25,000	25,000	60,000	80,000	100,000	100,000	100,000	110,000	120,000	130,000	140,000	150,000	160,000
Office	--	57,000	67,000	67,000	67,000	67,000	107,000	107,000	127,000	147,000	157,000	167,000	177,000	187,000	197,000
Industrial	2,500,000	4,525,000	5,525,000	6,525,000	7,525,000	8,525,000	9,525,000	10,525,000	11,525,000	12,525,000	13,525,000	14,525,000	15,525,000	16,525,000	17,525,000
Total	2,515,000	4,602,000	5,617,000	6,617,000	7,652,000	8,672,000	9,732,000	10,732,000	11,752,000	12,782,000	13,802,000	14,822,000	15,842,000	16,862,000	17,882,000
Resident Population	1,880	3,787	5,533	7,596	9,631	11,215	12,854	14,438	16,352	18,266	19,817	21,368	22,919	24,470	26,020
Employee Population	1,696	3,246	3,956	4,623	5,360	6,067	6,907	7,574	8,307	9,060	9,780	10,500	11,220	11,940	12,660
Persons Served	2,728	5,410	7,511	9,908	12,311	14,249	16,308	18,225	20,506	22,796	24,707	26,618	28,529	30,440	32,350

Source: City of Tracy; Goodwin Consulting Group, Inc.

09/22/2015

Table A-5
City of Tracy
Citywide New Development Fiscal Impact Analysis
Property Tax Allocation Assumptions by Project

	Weighting Factor	Tracy General Fund	Tracy Rural Fire	County General Fund
Tracy Hills				
	Buildout AV			
004-072	*$825 M*	0.018470	0.117700	0.223086
004-085	*$1,146 M*	0.178866	0.000000	0.195025
004-088	*$1,920 M*	0.000000	0.120925	0.248614
Weighted Average		0.056603	0.084621	0.227418
Cordes Ranch				
	Acres			
004-068	*1,020*	0.038735	0.125588	0.219500
004-095	*593*	0.040668	0.131762	0.230453
004-091	*95*	0.039911	0.128805	0.226165
Weighted Average		0.039472	0.128994	0.226015
Ellis				
004-072		0.018470	0.117700	0.223086
I-205 Corridor/North Industrial Area (NEI) /1				
004-004		0.144788	0.004812	0.209063
004-049 /2		0.000000	0.000000	0.000000
004-056		0.129989	0.000000	0.148760
004-061		0.095647	0.121132	0.165684
004-073		0.169031	0.000000	0.184871
004-075		0.151285	0.000000	0.184889
004-076		0.042365	0.109673	0.207860
055-001		0.031968	0.123436	0.181150
122-002		0.019931	0.077345	0.112943
122-004		0.024767	0.096073	0.140348
122-025		0.029512	0.114521	0.167233
Average		0.076298	0.058817	0.154800
Other /1				
	Units			
Average of TRAs within City Limits /3	*1,217*	0.101510	0.060743	0.198328
Average of TRAs Outside of City Limits	*1,390*	0.030287	0.110413	0.171625
Weighted Average		0.063535	0.087226	0.184091

/1 See Table B-1 for details on specific projects included in these development areas.
/2 Included in the Redevelopment Agency.
/3 Excludes the TRAs included in the Redevelopment Agency.

Source: City of Tracy; San Joaquin Auditor's Office; Goodwin Consulting Group, Inc. *09/22/2015*

Table A-6.1
City of Tracy
Citywide New Development Fiscal Impact Analysis
Assessed Valuation Analysis by Project

Project Year	*1*	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*	*12*	*13*	*14*	*15*
FY Beginning	*2015*	*2016*	*2017*	*2018*	*2019*	*2020*	*2021*	*2022*	*2023*	*2024*	*2025*	*2026*	*2027*	*2028*	*2029*
Tracy Hills															
Residential															
Single Family	--	$47,456,311	$95,004,770	$142,732,873	$215,145,998	$312,600,887	$410,593,071	$509,268,935	$659,538,844	$810,846,279	$941,226,586	$1,097,617,678	$1,255,348,494	$1,414,605,188	$1,575,558,386
Multi-Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Subtotal	--	$47,456,311	$95,004,770	$142,732,873	$215,145,998	$312,600,887	$410,593,071	$509,268,935	$659,538,844	$810,846,279	$941,226,586	$1,097,617,678	$1,255,348,494	$1,414,605,188	$1,575,558,386
Non-Residential															
Retail	--	--	--	--	$3,897,766	$3,863,708	$3,833,577	$3,807,160	$3,784,255	$3,764,673	$3,729,217	$3,716,885	$3,707,309	$3,700,344	$3,695,855
Office	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Subtotal	--	--	--	--	$3,897,766	$3,863,708	$3,833,577	$3,807,160	$3,784,255	$3,764,673	$3,729,217	$3,716,885	$3,707,309	$3,700,344	$3,695,855
Total	**--**	**$47,456,311**	**$95,004,770**	**$142,732,873**	**$219,043,764**	**$316,464,594**	**$414,426,647**	**$513,076,095**	**$663,323,099**	**$814,610,952**	**$944,955,803**	**$1,101,334,563**	**$1,259,055,803**	**$1,418,305,532**	**$1,579,254,241**
Cordes Ranch															
Residential															
Single Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Multi-Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Subtotal	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Non-Residential															
Retail	--	--	--	--	--	--	--	--	--	$2,727,125	$5,190,616	$7,941,580	$10,699,682	$13,467,514	$16,247,555
Office	--	--	--	--	--	--	--	--	$4,321,444	$8,647,084	$10,534,975	$12,691,395	$14,859,391	$17,040,721	$19,237,071
Industrial	$312,500,000	$410,740,291	$509,393,498	$608,545,154	$708,277,272	$808,668,578	$909,794,725	$1,038,477,814	$1,168,064,590	$1,298,649,853	$1,411,114,522	$1,545,104,947	$1,680,290,586	$1,816,757,440	$1,954,588,599
Subtotal	$312,500,000	$410,740,291	$509,393,498	$608,545,154	$708,277,272	$808,668,578	$909,794,725	$1,038,477,814	$1,172,386,034	$1,310,024,062	$1,426,840,113	$1,565,737,922	$1,705,849,660	$1,847,265,674	$1,990,073,225
Total	**$312,500,000**	**$410,740,291**	**$509,393,498**	**$608,545,154**	**$708,277,272**	**$808,668,578**	**$909,794,725**	**$1,038,477,814**	**$1,172,386,034**	**$1,310,024,062**	**$1,426,840,113**	**$1,565,737,922**	**$1,705,849,660**	**$1,847,265,674**	**$1,990,073,225**
Ellis															
Residential															
Single Family	--	--	--	$48,382,266	$121,284,476	$219,080,408	$317,280,772	$416,045,471	$515,519,937	$615,836,746	$649,921,974	$696,336,352	$743,590,485	$791,696,327	$840,665,986
Multi-Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Subtotal	--	--	--	$48,382,266	$121,284,476	$219,080,408	$317,280,772	$416,045,471	$515,519,937	$615,836,746	$649,921,974	$696,336,352	$743,590,485	$791,696,327	$840,665,986
Non-Residential															
Retail	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Office	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Subtotal	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Total	**--**	**--**	**--**	**$48,382,266**	**$121,284,476**	**$219,080,408**	**$317,280,772**	**$416,045,471**	**$515,519,937**	**$615,836,746**	**$649,921,974**	**$696,336,352**	**$743,590,485**	**$791,696,327**	**$840,665,986**

Source: Goodwin Consulting Group, Inc.

09/22/2015

Table A-6.2
City of Tracy
Citywide New Development Fiscal Impact Analysis
Assessed Valuation Analysis by Project Continued

Project Year	*1*	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*	*12*	*13*	*14*	*15*
FY Beginning	*2015*	*2016*	*2017*	*2018*	*2019*	*2020*	*2021*	*2022*	*2023*	*2024*	*2025*	*2026*	*2027*	*2028*	*2029*
I-205 Corridor/North Industrial Area (NEI)															
Residential															
Single Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Multi-Family	$93,100,000	$111,723,398	$110,833,877	$128,067,312	$145,420,648	$144,540,515	$143,787,576	$143,155,027	$142,636,474	$142,225,908	$141,170,321	$141,003,398	$140,925,911	$140,933,336	$141,021,423
Subtotal	$93,100,000	$111,723,398	$110,833,877	$128,067,312	$145,420,648	$144,540,515	$143,787,576	$143,155,027	$142,636,474	$142,225,908	$141,170,321	$141,003,398	$140,925,911	$140,933,336	$141,021,423
Non-Residential															
Retail	$2,500,000	$3,740,291	$4,984,327	$4,946,491	$10,110,416	$15,283,869	$20,471,895	$20,329,455	$20,205,838	$20,100,032	$19,909,641	$19,842,661	$19,790,445	$19,752,224	$19,727,274
Office	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Industrial	--	$151,456,311	$175,620,699	$199,962,446	$224,499,156	$249,247,786	$274,224,688	$272,696,325	$271,401,313	$270,327,219	$268,067,548	$267,483,551	$267,082,604	$266,855,309	$266,792,836
Subtotal	$2,500,000	$155,196,602	$180,605,026	$204,908,937	$234,609,572	$264,531,655	$294,696,583	$293,025,780	$291,607,151	$290,427,250	$287,977,190	$287,326,212	$286,873,049	$286,607,532	$286,520,110
Total	**$95,600,000**	**$266,920,000**	**$291,438,903**	**$332,976,250**	**$380,030,220**	**$409,072,170**	**$438,484,159**	**$436,180,807**	**$434,243,625**	**$432,653,159**	**$429,147,510**	**$428,329,610**	**$427,798,960**	**$427,540,868**	**$427,541,533**
Other															
Residential															
Single Family	$101,050,000	$260,667,476	$416,468,280	$571,097,931	$690,092,312	$726,382,579	$738,889,411	$777,577,577	$817,276,695	$857,966,936	$887,202,443	$931,180,282	$975,961,882	$1,021,555,070	$1,067,968,142
Multi-Family	--	$17,669,903	$44,277,689	$52,914,589	$52,509,248	$52,154,403	$70,391,803	$69,967,873	$69,605,408	$69,301,121	$68,696,880	$68,520,894	$68,393,122	$68,311,075	$68,272,415
Subtotal	$101,050,000	$278,337,379	$460,745,969	$624,012,519	$742,601,560	$778,536,982	$809,281,214	$847,545,450	$886,882,104	$927,268,057	$955,899,324	$999,701,176	$1,044,355,004	$1,089,866,145	$1,136,240,556
Non-Residential															
Retail	$1,250,000	$1,239,078	$1,229,415	$1,220,943	$1,213,597	$1,207,318	$1,202,047	$1,197,731	$1,194,320	$1,191,766	$1,183,686	$1,183,093	$1,183,209	$1,184,000	$1,185,433
Office	--	$11,510,680	$13,449,124	$13,342,327	$13,248,552	$13,167,091	$21,574,759	$21,441,901	$21,328,028	$21,232,121	$21,044,685	$20,988,333	$20,946,871	$20,919,531	$20,905,588
Industrial	--	$3,155,340	$3,127,769	$3,103,377	$3,081,992	$3,063,450	$3,047,598	$3,034,293	$3,023,398	$3,014,788	$2,992,492	$2,989,038	$2,987,475	$2,987,709	$2,989,648
Subtotal	$1,250,000	$15,905,097	$17,806,308	$17,666,648	$17,544,141	$17,437,858	$25,824,404	$25,673,925	$25,545,746	$25,438,675	$25,220,863	$25,160,463	$25,117,556	$25,091,240	$25,080,669
Total	**$102,300,000**	**$294,242,476**	**$478,552,277**	**$641,679,167**	**$760,145,701**	**$795,974,840**	**$835,105,618**	**$873,219,375**	**$912,427,849**	**$952,706,732**	**$981,120,186**	**$1,024,861,639**	**$1,069,472,560**	**$1,114,957,385**	**$1,161,321,225**
Total															
Residential															
Single Family	$101,050,000	$308,123,786	$511,473,050	$762,213,069	$1,026,522,786	$1,258,063,874	$1,466,763,254	$1,702,891,982	$1,992,335,476	$2,284,649,960	$2,478,351,004	$2,725,134,312	$2,974,900,861	$3,227,856,586	$3,484,192,513
Multi-Family	$93,100,000	$129,393,301	$155,111,566	$180,981,901	$197,929,896	$196,694,918	$214,179,379	$213,122,900	$212,241,882	$211,527,030	$209,867,201	$209,524,292	$209,319,033	$209,244,411	$209,293,838
Subtotal	$194,150,000	$437,517,087	$666,584,615	$943,194,970	$1,224,452,682	$1,454,758,792	$1,680,942,633	$1,916,014,883	$2,204,577,359	$2,496,176,990	$2,688,218,204	$2,934,658,604	$3,184,219,894	$3,437,100,996	$3,693,486,351
Non-Residential															
Retail	$3,750,000	$4,979,369	$6,213,742	$6,167,434	$15,221,779	$20,354,894	$25,507,518	$25,334,345	$25,184,413	$27,783,596	$30,013,160	$32,684,219	$35,380,645	$38,104,081	$40,856,116
Office	--	$11,510,680	$13,449,124	$13,342,327	$13,248,552	$13,167,091	$21,574,759	$21,441,901	$25,649,472	$29,879,205	$31,579,660	$33,679,728	$35,806,263	$37,960,252	$40,142,660
Industrial	$312,500,000	$565,351,942	$688,141,967	$811,610,977	$935,858,420	$1,060,979,815	$1,187,067,011	$1,314,208,432	$1,442,489,301	$1,571,991,860	$1,682,174,563	$1,815,577,536	$1,950,360,665	$2,086,600,457	$2,224,371,083
Subtotal	$316,250,000	$581,841,990	$707,804,833	$831,120,739	$964,328,750	$1,094,501,799	$1,234,149,288	$1,360,984,678	$1,493,323,186	$1,629,654,661	$1,743,767,382	$1,881,941,483	$2,021,547,573	$2,162,664,790	$2,305,369,859
Total	**$510,400,000**	**$1,019,359,078**	**$1,374,389,448**	**$1,774,315,709**	**$2,188,781,433**	**$2,549,260,591**	**$2,915,091,921**	**$3,276,999,561**	**$3,697,900,544**	**$4,125,831,651**	**$4,431,985,587**	**$4,816,600,087**	**$5,205,767,468**	**$5,599,765,787**	**$5,998,856,210**

Source: Goodwin Consulting Group, Inc.

09/22/2015

Table A-7
City of Tracy
Citywide New Development Fiscal Impact Analysis
Revenue Calculation Methodology

Revenue	Reference Table	Modeling Methodology
Property Tax (City and Fire District)	Table A-8	Case Study
Real Property Transfer Tax	Table A-8	Case Study
Sales and Use Tax	Table A-8	Case Study
Public Safety Sales Tax	Table A-8	Case Study
Property Tax in-Lieu of Vehicle License Fees (PTILVLF)	Table A-8	Case Study
Tracy Rural Fire Assessment	Table A-8	Case Study
Other Taxes	Table A-9	Multiplier Method
Bldg & Construction Permits	Table A-9	Multiplier Method
Special Licenses	Table A-9	Multiplier Method
Franchise Fees	Table A-9	Multiplier Method
Current Service Charges	Table A-9	Multiplier Method
Intergovernmental Revenues	Table A-9	Multiplier Method
Fines & Forfeitures	Table A-9	Multiplier Method
Measure E Sales Tax (Sunsets in 2016)	--	Not Included in Analysis

Source: City of Tracy; Goodwin Consulting Group, Inc. *09/22/2015*

Table A-8
City of Tracy
Citywide New Development Fiscal Impact Analysis
Revenue Calculation Methodology

Secured Property Tax

Project Areas	Tracy General Fund	Tracy Rural Fire	Total
Tracy Hills	5.66%	8.46%	14.12%
Cordes Ranch	3.95%	12.90%	16.85%
Ellis	1.85%	11.77%	13.62%
I-205 Corridor/North Industrial Area (NEI)	7.63%	5.88%	13.51%
Other	6.35%	8.72%	15.08%

Unsecured Property Tax

Unsecured Property Tax as a Percentage of Residential Secured Property Tax	1.00%
Unsecured Property Tax as a Percentage of Non-Residential Secured Property Tax	10.00%

Real Property Transfer Tax

Rate = $1.10 per $1,000	0.0011
Percentage Allocated to City	50%

Sales and Use Tax /1

Basic Sales Tax Rate	1.00%
Countywide and Statewide Pooled Sales Tax as a % of Basic Sales Tax	13.66%
Public Safety (Prop. 172) Sales Tax Rate	0.50%
Percent of Public Safety Sales Tax Revenue Allocated to City	0.83%
Taxable Sales per Square Foot	
Retail	$210
Office	$10
Industrial	$10

Property Tax In-Lieu of Vehicle License Fee (VLF)

City's Net Assessed Value 2014-15 Tax Roll	$8,500,905,457
City's Property Tax In-Lieu of VLF for 2014-15	$5,414,351

Tracy Rural Fire Assessment

Annual Assessment for Operations (per Bldg SF)	$0.03

/1 Excludes 0.5% Measure E Sales Tax, which will sunset in 2016.

Source: California City Finance; San Joaquin County Auditor's Office; State Board of Equalization; Goodwin Consulting Group, Inc. *09/22/2015*

Table A-9
City of Tracy
Citywide New Development Fiscal Impact Analysis
Revenue Calculation Methodology

Fiscal Year 2014-15	Total Revenue	Average Revenue per Resident	Average Revenue per Employee	Average Revenue per Person Served
Other Taxes				
Transient Lodging Tax	$860,000	--	--	$8.99
Business License Tax	$640,000	--	$30.09	--
Subtotal	$1,500,000	--	$30.09	$8.99
Building & Construction Permits	$1,309,680	--	--	$13.70
Special Licenses				
Bicycle Licenses	$100	$0.00	--	--
Animal Licenses	$28,500	$0.34	--	--
Business Licenses	$92,000	--	$4.32	--
Subtotal	$120,600	$0.34	$4.32	--
Franchise Fees	$2,616,000	--	--	$27.36
Current Service Charges				
General Government Charges	$413,000	--	--	$4.32
Engineering Charges	$2,008,200	--	--	$21.00
Planning & Zoning Charges	$253,000	--	--	$2.65
Parks & Recreation Charges	$903,550	--	--	$9.45
Cultural Art Charges	$372,000	--	--	$3.89
Subtotal	$3,949,750	--	--	$41.31
Intergovernmental Revenues	$607,250	--	--	$6.35
Fines & Forfeitures	$919,200	--	--	$9.61

Source: City of Tracy Adopted Budget Fiscal Year 2014-15; Goodwin Consulting Group, Inc. *09/22/2015*

Table A-10
City of Tracy
Citywide New Development Fiscal Impact Analysis
New Household Taxable Sales Assumptions

Residential Land Uses	Assessed Value	Total Annual Payments /1	Estimated Household (HH) Income	Taxable Retail Sales as a % of HH Income	Total Taxable Sales per HH
Single Family	$470,000	$41,594	$138,600	21.8%	$30,172
Multi-Family	$175,000	$15,487	$51,600	28.7%	$14,796
Term of Loan (in years)					30
Interest on Mortgage					7.0%
Down Payment					15.0%
Insurance and Tax Payments as a % of Assessed Value					2.0%
Annual Mortgage Payment as a % of HH Income					30.0%

/1 Includes mortgage, insurance, and tax payments.

Source: Bureau of Labor Statistics; Goodwin Consulting Group, Inc. *09/22/2015*

Table A-11
City of Tracy
Citywide New Development Fiscal Impact Analysis
Taxable Sales Generation from New Residential Households & Non-Residential Land Uses

		Project Year	*1*	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*	*12*	*13*	*14*	*15*
		FY Beginning	*2015*	*2016*	*2017*	*2018*	*2019*	*2020*	*2021*	*2022*	*2023*	*2024*	*2025*	*2026*	*2027*	*2028*	*2029*
Retail Taxable Sales Demand and Supply																	
Residential Demand	*Taxable Sales per Household /1*																
Single Family	*$30,172*		$6,487,087	$19,702,642	$32,646,644	$48,487,206	$65,082,080	$79,564,879	$92,539,054	$107,021,853	$124,521,903	$142,021,952	$156,203,026	$170,384,101	$184,565,175	$198,746,250	$212,927,324
Multi-Family	*$14,796*		$7,871,417	$10,978,555	$13,197,940	$15,417,325	$16,896,914	$16,896,914	$18,376,504	$18,376,504	$18,376,504	$18,376,504	$18,376,504	$18,376,504	$18,376,504	$18,376,504	$18,376,504
Total			$14,358,504	$30,681,197	$45,844,584	$63,904,530	$81,978,994	$96,461,794	$110,915,558	$125,398,357	$142,898,406	$160,398,456	$174,579,530	$188,760,605	$202,941,679	$217,122,754	$231,303,828
City of Tracy Capture Rate			82%	82%	82%	82%	82%	82%	82%	82%	82%	82%	82%	82%	82%	82%	82%
Taxable Sales Captured in Tracy			$11,732,837	$25,070,682	$37,461,216	$52,218,631	$66,987,909	$78,822,312	$90,632,990	$102,467,393	$116,767,296	$131,067,200	$142,655,053	$154,242,906	$165,830,759	$177,418,612	$189,006,465
Less: Retail Supply	*Taxable Sales per Bldg SF* *$210*		$3,150,000	$4,200,000	$5,250,000	$5,250,000	$12,600,000	$16,800,000	$21,000,000	$21,000,000	$21,000,000	$23,100,000	$25,200,000	$27,300,000	$29,400,000	$31,500,000	$33,600,000
Excess Retail Sales Demand			$8,582,837	$20,870,682	$32,211,216	$46,968,631	$54,387,909	$62,022,312	$69,632,990	$81,467,393	$95,767,296	$107,967,200	$117,455,053	$126,942,906	$136,430,759	$145,918,612	$155,406,465
Business to Business Taxable Sales																	
	Taxable Sales per Bldg SF																
Office	*$10*		$0	$570,000	$670,000	$670,000	$670,000	$670,000	$1,070,000	$1,070,000	$1,270,000	$1,470,000	$1,570,000	$1,670,000	$1,770,000	$1,870,000	$1,970,000
Industrial	*$10*		$25,000,000	$45,250,000	$55,250,000	$65,250,000	$75,250,000	$85,250,000	$95,250,000	$105,250,000	$115,250,000	$125,250,000	$135,250,000	$145,250,000	$155,250,000	$165,250,000	$175,250,000
Total			$25,000,000	$45,820,000	$55,920,000	$65,920,000	$75,920,000	$85,920,000	$96,320,000	$106,320,000	$116,520,000	$126,720,000	$136,820,000	$146,920,000	$157,020,000	$167,120,000	$177,220,000
Total Taxable Sales																	
Retail Supply			$3,150,000	$4,200,000	$5,250,000	$5,250,000	$12,600,000	$16,800,000	$21,000,000	$21,000,000	$21,000,000	$23,100,000	$25,200,000	$27,300,000	$29,400,000	$31,500,000	$33,600,000
Excess Retail Sales Demand			$8,582,837	$20,870,682	$32,211,216	$46,968,631	$54,387,909	$62,022,312	$69,632,990	$81,467,393	$95,767,296	$107,967,200	$117,455,053	$126,942,906	$136,430,759	$145,918,612	$155,406,465
Business to Business Sales			$25,000,000	$45,820,000	$55,920,000	$65,920,000	$75,920,000	$85,920,000	$96,320,000	$106,320,000	$116,520,000	$126,720,000	$136,820,000	$146,920,000	$157,020,000	$167,120,000	$177,220,000
Total			**$36,732,837**	**$70,890,682**	**$93,381,216**	**$118,138,631**	**$142,907,909**	**$164,742,312**	**$186,952,990**	**$208,787,393**	**$233,287,296**	**$257,787,200**	**$279,475,053**	**$301,162,906**	**$322,850,759**	**$344,538,612**	**$366,226,465**

/1 Based on taxable spending estimates shown in Table A-10.

Source: Bureau of Labor Statistics; City of Tracy; Goodwin Consulting Group, Inc.

09/22/2015

Table A-12
City of Tracy
Citywide New Development Fiscal Impact Analysis
Expense Calculation Methodology

Expense	Reference Table	Modeling Methodology
General Government & Admin	Table A-13	Multiplier Method
Police Department	Table A-14	Case Study
Fire Department	Table A-14	Case Study
Public Works Department	Table A-13 & A-14	Multiplier & Case Study
Utilities Department	Table A-13	Multiplier Method
Development Services	Table A-13	Multiplier Method
Non-Departmental Group	Table A-13	Multiplier Method

Source: City of Tracy; Goodwin Consulting Group, Inc. *09/22/2015*

Table A-13
City of Tracy
Citywide New Development Fiscal Impact Analysis
Expense Assumptions - Multiplier Method

Fiscal Year 2014-15	Total General Fund Expenditures	Average Expense per Resident	Average Expense per Employee	Average Expense per Person Served
General Government & Admin /1				
City Council	$126,000	--	--	$0.92
City Attorney's Office	$879,560	--	--	$6.44
City Manager's Office	$1,890,660	--	--	$13.84
Recreation & Cultural Arts	$3,664,250	--	--	$26.83
Administrative Services	$3,332,440	--	--	$24.40
Subtotal	$9,892,910	--	--	$72.43
Police Department				
Chief's Office	n/a /2	--	--	--
Field Operations Division	n/a /2	--	--	--
Special Operations Division	n/a /2	--	--	--
Support Operations Division	n/a /2	--	--	--
Subtotal	n/a	--	--	--
Fire Department				
Fire Administration	n/a /2	--	--	--
Fire Prevention & Education	n/a /2	--	--	--
Fire Operations	n/a /2	--	--	--
Fire Training & Safety	n/a /2	--	--	--
Subtotal	n/a	--	--	--
Public Works /3				
Director's Office	$315,130	--	--	$3.30
Maintenance - Internal Services	$30,000	--	--	$0.31
Maintenance - Streets	$3,002,030	--	--	$31.40
Maintenance - Utilities	$90,000	--	--	$0.94
Maintenance - Parks	$2,822,340	--	--	$29.52
Community Facilities	$596,430	--	--	$6.24
Subtotal	$3,437,160	--	--	$71.70
Utilities Department	$338,280	--	--	$3.54
Development Services				
Director's Office	$336,030	--	--	$3.51
Planning Division	$874,630	--	--	$9.15
Building Division	$2,737,940	--	--	$28.63
Code Enforcement Division	$527,770	--	--	$5.52
Engineering Division	$1,706,530	--	--	$17.85
Economic Development Division	$542,530	--	--	$5.67
Subtotal	$6,725,430	--	--	$70.34
Non-Departmental Group	$1,025,200	--	--	$10.72

/1 Assumes a 30% reduction to reflect the portion of the budget that is not anticipated to grow significantly, if at all, due to new development.

/2 Calculated using the case study method.

/3 Excludes all project-specific maintenance costs. Non-project specific Public Works costs are calculated using the case study method starting in FY 2018-19.

Source: City of Tracy Adopted Budget Fiscal Year 2014-15; Goodwin Consulting Group, Inc. *09/22/2015*

Table A-14
City of Tracy
Citywide New Development Fiscal Impact Analysis
Expense Assumptions - Case Study Method (Police, Fire, & Public Works)

Police Department

Police Staffing	Service Level (per 1,000 Residents)	Average Annual Cost per Personnel	
Sworn Personnel	1.50	$148,000	/1
Non-Sworn Personnel	0.50	$101,000	/2

Fire Department

Fire Station	Year Needed	Number of Personnel	Average Cost per Personnel	Total Cost	
Tracy Hills No. 1	2017	9	$233,417	**$2,100,753**	/3
Operations - Battalion Chiefs	2018	2	$170,462	**$340,924**	
Administration	2018	1	$77,118	**$77,118**	
Station 94 Expansion (New Engine)	2018	6	$119,354	**$716,123**	/4
Station 94 Expansion	2020	3	$119,354	**$358,062**	
South Schulte (Relocation & Expansion)	2020	3	$461,543	**$1,384,630**	/5
Tracy Hills No. 2	2024	9	$233,417	**$2,100,753**	/3

Public Works Department

Public Works FTE's	Year	Service Level (per 852 Persons Served)	Average Annual Cost per FTE	
Full Time Equivalent	2018	1.00	$105,000	/6

/1 Average annual salaries and benefits for a police officer, a police corporal, and a police sergeant.
/2 Average annual salaries and benefits for an administrative assistant and a police dispatcher.
/3 Includes operation and maintenance costs associated with new stations.
/4 Assumes 6 new positions would be needed to operate the new engine company (2 personnel x 3 shifts) at Station 94.
/5 Includes operation and maintenance costs as well as 3 new positions once the South Schulte station is operational.
The 6 positions operating the new engine company at Station 94 are assumed to be relocated to the South Schulte station.
/6 Includes salaries, benefits, and equipment costs.

Source: City of Tracy; Goodwin Consulting Group, Inc. *09/22/2015*

Table A-15
City of Tracy
Citywide New Development Fiscal Impact Analysis
Annual Net Fiscal Impacts to City General Fund & Fire District

Average Mello-Roos CFD Special Tax of $325 per Unit

Project Year	*1*	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*	*12*	*13*	*14*	*15*
FY Beginning	*2015*	*2016*	*2017*	*2018*	*2019*	*2020*	*2021*	*2022*	*2023*	*2024*	*2025*	*2026*	*2027*	*2028*	*2029*
Revenues															
Property Tax (City & Fire District)	$865,809	$1,662,172	$2,230,264	$2,856,636	$3,499,254	$4,056,559	$4,623,268	$5,192,941	$5,849,071	$6,516,891	$7,004,312	$7,613,993	$8,230,737	$8,854,977	$9,487,123
Real Property Transfer Tax	$0	$16,978	$37,168	$53,318	$72,265	$92,253	$110,086	$127,623	$145,981	$167,624	$172,273	$209,063	$228,734	$248,769	$269,170
Sales and Use Tax	$417,505	$805,743	$1,061,371	$1,342,764	$1,624,291	$1,872,461	$2,124,908	$2,373,078	$2,651,543	$2,930,009	$3,176,513	$3,423,018	$3,669,522	$3,916,026	$4,162,530
Public Safety Sales Tax	$1,529	$2,950	$3,886	$4,916	$5,947	$6,855	$7,779	$8,688	$9,708	$10,727	$11,630	$12,532	$13,434	$14,337	$15,239
Property Tax in-Lieu of VLF	$325,081	$649,245	$875,369	$1,130,088	$1,394,067	$1,623,661	$1,856,665	$2,087,169	$2,355,247	$2,627,803	$2,822,796	$3,067,763	$3,315,629	$3,566,573	$3,820,759
Tracy Rural Fire Assessment	$106,890	$207,336	$273,174	$345,474	$419,124	$484,284	$550,044	$614,604	$686,964	$759,624	$824,064	$888,504	$952,944	$1,017,384	$1,081,824
Other Taxes	$75,563	$146,320	$186,578	$228,206	$271,993	$310,695	$354,487	$391,796	$434,366	$477,618	$516,468	$555,319	$594,169	$633,020	$671,861
Building & Construction Permits	$37,366	$74,102	$102,880	$135,713	$168,627	$195,173	$223,375	$249,633	$280,877	$312,243	$338,419	$364,594	$390,770	$416,945	$443,107
Special Licenses	$7,968	$15,313	$18,972	$22,551	$26,423	$30,014	$34,198	$37,616	$41,430	$45,331	$48,967	$52,603	$56,239	$59,875	$63,511
Franchise Fees	$74,637	$148,015	$205,497	$271,077	$336,822	$389,845	$446,178	$498,626	$561,033	$623,686	$675,970	$728,254	$780,537	$832,821	$885,078
Current Service Charges	$112,689	$223,479	$310,268	$409,284	$508,548	$588,604	$673,658	$752,847	$847,071	$941,668	$1,020,608	$1,099,549	$1,178,489	$1,257,430	$1,336,329
Intergovernmental Revenues	$17,325	$34,359	$47,702	$62,925	$78,186	$90,494	$103,571	$115,746	$130,232	$144,776	$156,912	$169,049	$181,186	$193,322	$205,452
Fines & Forfeitures	$26,226	$52,009	$72,207	$95,250	$118,351	$136,982	$156,776	$175,205	$197,133	$219,148	$237,520	$255,891	$274,262	$292,634	$310,995
Subtotal	$2,068,588	$4,038,020	$5,425,335	$6,958,201	$8,523,899	$9,877,880	$11,264,993	$12,625,572	$14,190,657	$15,777,148	$17,006,452	$18,440,131	$19,866,654	$21,304,112	$22,752,979
Expenses															
General Government & Admin	$197,577	$391,822	$543,988	$717,592	$891,630	$1,031,991	$1,181,115	$1,319,955	$1,485,157	$1,651,012	$1,789,417	$1,927,822	$2,066,227	$2,204,632	$2,342,965
Police Department	$512,300	$1,031,958	$1,507,743	$2,069,910	$2,624,448	$3,056,088	$3,502,715	$3,934,355	$4,455,920	$4,977,485	$5,400,133	$5,822,780	$6,245,428	$6,668,075	$7,090,450
Fire Department	$0	$0	$2,100,753	$3,234,918	$3,234,918	$4,977,610	$4,977,610	$4,977,610	$4,977,610	$7,078,363	$7,078,363	$7,078,363	$7,078,363	$7,078,363	$7,078,363
Public Works Department	$195,605	$387,912	$538,559	$1,221,056	$1,517,201	$1,756,039	$2,009,789	$2,246,039	$2,527,148	$2,809,366	$3,044,877	$3,280,387	$3,515,898	$3,751,408	$3,986,796
Utilities Department	$9,651	$19,140	$26,573	$35,054	$43,555	$50,412	$57,696	$64,478	$72,548	$80,650	$87,411	$94,172	$100,933	$107,694	$114,451
Development Services	$191,882	$380,528	$528,308	$696,908	$865,930	$1,002,245	$1,147,071	$1,281,908	$1,442,349	$1,603,423	$1,737,839	$1,872,255	$2,006,670	$2,141,086	$2,275,432
Non-Departmental Group	$29,250	$58,006	$80,533	$106,234	$131,999	$152,779	$174,855	$195,409	$219,866	$244,420	$264,910	$285,400	$305,890	$326,379	$346,858
Subtotal	$1,136,265	$2,269,366	$5,326,457	$8,081,672	$9,309,681	$12,027,162	$13,050,851	$14,019,755	$15,180,599	$18,444,719	$19,402,949	$20,361,178	$21,319,408	$22,277,638	$23,235,315
Total Net Fiscal Impact															
Annual Net Fiscal Impact	$932,323	$1,768,654	$98,878	($1,123,471)	($785,782)	($2,149,282)	($1,785,857)	($1,394,182)	($989,942)	($2,667,571)	($2,396,497)	($1,921,047)	($1,452,755)	($973,526)	($482,336)
Fiscal Mitigation Revenue ($325 per Unit)	$0	$242,775	$453,375	$641,550	$860,925	$1,072,175	$1,228,175	$1,400,425	$1,556,425	$1,744,925	$1,933,425	$1,921,047	$1,452,755	$973,526	$482,336 /1
Adjusted Net Fiscal Impact	$932,323	$2,011,429	$552,253	($481,921)	$75,143	($1,077,107)	($557,682)	$6,243	$566,483	($922,646)	($463,072)	$0	$0	$0	$0
Cumulative Adjusted Net Fiscal Impact	**$932,323**	**$2,943,753**	**$3,496,005**	**$3,014,084**	**$3,089,227**	**$2,012,120**	**$1,454,438**	**$1,460,680**	**$2,027,163**	**$1,104,518**	**$641,446**	**$641,446**	**$641,446**	**$641,446**	**$641,446**

/1 Once the maximum special tax revenue exceeds the annual net fiscal for each remaining fiscal year, special tax rates are assumed to be reduced to a level that is sufficient to mitigate the annual deficit for that fiscal year.

Source: Goodwin Consulting Group, Inc.

09/22/2015

Table B-1
City of Tracy
Citywide New Development Fiscal Impact Analysis
Anticipated New Development through FY 2029-30

	Residential Units			Non-Residential Bldg SF			
Project	***Single Family***	***Multi-Family***	***Total***	***Retail***	***Office***	***Industrial***	***Total***
Tracy Hills	3,150	--	3,150	15,000	--	--	15,000
Cordes Ranch	--	--	--	60,000	90,000	15,300,000	15,450,000
Ellis	1,700	--	1,700	--	--	--	--
I-205 Corridor/North Industrial Area (NEI)							
Aspire Apt	--	301	301	--	--	--	--
Grantline Apt	--	341	341	--	--	--	--
I-205	--	--	--	70,000	--	1,000,000	1,070,000
NEI	--	--	--	--	--	1,200,000	1,200,000
Red Maple Retail	--	--	--	10,000	--	--	10,000
Toste Apartments	--	200	200	--	--	--	--
Subtotal	--	842	842	80,000	--	2,200,000	2,280,000
Other							
Barcelona Infill	51	--	51	--	--	--	--
Bright Castro	550	--	550	--	--	--	-- /1
Brookview	40	--	40	--	--	--	--
Classics	57	--	57	--	--	--	--
Elissagaray Infill	47	--	47	--	--	--	--
Feteira	60	--	60	--	--	--	--
Glenbriar	38	--	38	--	--	--	--
Homewood (Senior)	590	--	590	--	--	--	-- /1
Infill	170	--	170	5,000	10,000	--	15,000
Kagehiro III	250	--	250	--	--	--	-- /1
Larkspur	14	--	14	--	--	--	--
Middlefield Apartments	--	150	150	--	--	--	--
Montessori School	--	--	--	--	35,000	--	35,000
Tiburon	50	--	50	--	--	--	--
Tracy Collision	--	--	--	--	--	25,000	25,000
Tracy/Whispering Wind Apt	--	100	100	--	--	--	--
Triad	--	--	--	--	40,000	--	40,000
Southgate	80	--	80	--	--	--	--
Stringer	195	--	195	--	--	--	--
Sutter	--	--	--	--	22,000	--	22,000
Valpico/MacDonald	--	150	150	--	--	--	--
Yosemite Vista	15	--	15	--	--	--	--
Subtotal	2,207	400	2,607	5,000	107,000	25,000	137,000
Total	**7,057**	**1,242**	**8,299**	**160,000**	**197,000**	**17,525,000**	**17,882,000**

/1 These projects are currently outside of the City limits and will need to be annexed prior to development.

Source: City of Tracy; Goodwin Consulting Group, Inc. *09/22/2015*

Table B-2.1
City of Tracy
Citywide New Development Fiscal Impact Analysis
Annual New Development Assumptions by Project

Project Year	***1***	***2***	***3***	***4***	***5***	***6***	***7***	***8***	***9***	***10***	***11***	***12***	***13***	***14***	***15***	
FY Beginning	***2015***	***2016***	***2017***	***2018***	***2019***	***2020***	***2021***	***2022***	***2023***	***2024***	***2025***	***2026***	***2027***	***2028***	***2029***	***Total***
Tracy Hills																
Residential (Units)																
Single Family	--	100	100	100	150	200	200	200	300	300	300	300	300	300	300	3,150
Multi-Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Total	--	100	100	100	150	200	200	200	300	300	300	300	300	300	300	3,150
Non-Residential (Square Feet)																
Retail	--	--	--	--	15,000	--	--	--	--	--	--	--	--	--	--	15,000
Office	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Total	--	--	--	--	15,000	--	--	--	--	--	--	--	--	--	--	15,000
Cordes Ranch																
Residential (Units)																
Single Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Multi-Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Total	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Non-Residential (Square Feet)																
Retail	--	--	--	--	--	--	--	--	--	10,000	10,000	10,000	10,000	10,000	10,000	60,000
Office	--	--	--	--	--	--	--	--	20,000	20,000	10,000	10,000	10,000	10,000	10,000	90,000
Industrial	2,500,000	800,000	800,000	800,000	800,000	800,000	800,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	15,300,000
Total	2,500,000	800,000	800,000	800,000	800,000	800,000	800,000	1,000,000	1,020,000	1,030,000	1,020,000	1,020,000	1,020,000	1,020,000	1,020,000	15,450,000
Ellis																
Residential (Units)																
Single Family	--	--	--	100	150	200	200	200	200	200	90	90	90	90	90	1,700
Multi-Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Total	--	--	--	100	150	200	200	200	200	200	90	90	90	90	90	1,700
Non-Residential (Square Feet)																
Retail	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Office	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Total	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Source: City of Tracy; Goodwin Consulting Group, Inc.

09/22/2015

Table B-2.2
City of Tracy
Citywide New Development Fiscal Impact Analysis
Annual New Development Assumptions by Project Continued

Project Year	*1*	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*	*12*	*13*	*14*	*15*	
FY Beginning	*2015*	*2016*	*2017*	*2018*	*2019*	*2020*	*2021*	*2022*	*2023*	*2024*	*2025*	*2026*	*2027*	*2028*	*2029*	*Total*
I-205 Corridor/North Industrial Area (NEI)																
Residential (Units)																
Single Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Multi-Family	532	110	--	100	100	--	--	--	--	--	--	--	--	--	--	842
Total	532	110	--	100	100	--	--	--	--	--	--	--	--	--	--	842
Non-Residential (Square Feet)																
Retail	10,000	5,000	5,000	--	20,000	20,000	20,000	--	--	--	--	--	--	--	--	80,000
Office	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Industrial	--	1,200,000	200,000	200,000	200,000	200,000	200,000	--	--	--	--	--	--	--	--	2,200,000
Total	10,000	1,205,000	205,000	200,000	220,000	220,000	220,000	--	--	--	--	--	--	--	--	2,280,000
Other																
Residential (Units)																
Single Family	215	338	329	325	250	80	30	80	80	80	80	80	80	80	80	2,207
Multi-Family	--	100	150	50	--	--	100	--	--	--	--	--	--	--	--	400
Total	215	438	479	375	250	80	130	80	80	80	80	80	80	80	80	2,607
Non-Residential (Square Feet)																
Retail	5,000	--	--	--	--	--	--	--	--	--	--	--	--	--	--	5,000
Office	--	57,000	10,000	--	--	--	40,000	--	--	--	--	--	--	--	--	107,000
Industrial	--	25,000	--	--	--	--	--	--	--	--	--	--	--	--	--	25,000
Total	5,000	82,000	10,000	--	--	--	40,000	--	--	--	--	--	--	--	--	137,000
Total																
Residential (Units)																
Single Family	215	438	429	525	550	480	430	480	580	580	470	470	470	470	470	7,057
Multi-Family	532	210	150	150	100	--	100	--	--	--	--	--	--	--	--	1,242
Total	747	648	579	675	650	480	530	480	580	580	470	470	470	470	470	8,299
Non-Residential (Square Feet)																
Retail	15,000	5,000	5,000	--	35,000	20,000	20,000	--	--	10,000	10,000	10,000	10,000	10,000	10,000	160,000
Office	--	57,000	10,000	--	--	--	40,000	--	20,000	20,000	10,000	10,000	10,000	10,000	10,000	197,000
Industrial	2,500,000	2,025,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	17,525,000
Total	2,515,000	2,087,000	1,015,000	1,000,000	1,035,000	1,020,000	1,060,000	1,000,000	1,020,000	1,030,000	1,020,000	1,020,000	1,020,000	1,020,000	1,020,000	17,882,000

Source: City of Tracy; Goodwin Consulting Group, Inc.

09/22/2015

Table B-3.1
City of Tracy
Citywide New Development Fiscal Impact Analysis
Cumulative New Development Assumptions by Project

Project Year	***1***	***2***	***3***	***4***	***5***	***6***	***7***	***8***	***9***	***10***	***11***	***12***	***13***	***14***	***15***
FY Beginning	***2015***	***2016***	***2017***	***2018***	***2019***	***2020***	***2021***	***2022***	***2023***	***2024***	***2025***	***2026***	***2027***	***2028***	***2029***
Tracy Hills															
Residential (Units)															
Single Family	--	100	200	300	450	650	850	1,050	1,350	1,650	1,950	2,250	2,550	2,850	3,150
Multi-Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Total	--	100	200	300	450	650	850	1,050	1,350	1,650	1,950	2,250	2,550	2,850	3,150
Non-Residential (Square Feet)															
Retail	--	--	--	--	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
Office	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Total	--	--	--	--	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
Cordes Ranch															
Residential (Units)															
Single Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Multi-Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Total	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Non-Residential (Square Feet)															
Retail	--	--	--	--	--	--	--	--	--	10,000	20,000	30,000	40,000	50,000	60,000
Office	--	--	--	--	--	--	--	--	20,000	40,000	50,000	60,000	70,000	80,000	90,000
Industrial	2,500,000	3,300,000	4,100,000	4,900,000	5,700,000	6,500,000	7,300,000	8,300,000	9,300,000	10,300,000	11,300,000	12,300,000	13,300,000	14,300,000	15,300,000
Total	2,500,000	3,300,000	4,100,000	4,900,000	5,700,000	6,500,000	7,300,000	8,300,000	9,320,000	10,350,000	11,370,000	12,390,000	13,410,000	14,430,000	15,450,000
Ellis															
Residential (Units)															
Single Family	--	--	--	100	250	450	650	850	1,050	1,250	1,340	1,430	1,520	1,610	1,700
Multi-Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Total	--	--	--	100	250	450	650	850	1,050	1,250	1,340	1,430	1,520	1,610	1,700
Non-Residential (Square Feet)															
Retail	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Office	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Total	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Source: City of Tracy; Goodwin Consulting Group, Inc.

09/22/2015

Table B-3.2
City of Tracy
Citywide New Development Fiscal Impact Analysis
Cumulative New Development Assumptions by Project Continued

Project Year	*1*	*2*	*3*	*4*	*5*	*6*	*7*	*8*	*9*	*10*	*11*	*12*	*13*	*14*	*15*
FY Beginning	*2015*	*2016*	*2017*	*2018*	*2019*	*2020*	*2021*	*2022*	*2023*	*2024*	*2025*	*2026*	*2027*	*2028*	*2029*
I-205 Corridor/North Industrial Area (NEI)															
Residential (Units)															
Single Family	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Multi-Family	532	642	642	742	842	842	842	842	842	842	842	842	842	842	842
Total	532	642	642	742	842	842	842	842	842	842	842	842	842	842	842
Non-Residential (Square Feet)															
Retail	10,000	15,000	20,000	20,000	40,000	60,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000	80,000
Office	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Industrial	--	1,200,000	1,400,000	1,600,000	1,800,000	2,000,000	2,200,000	2,200,000	2,200,000	2,200,000	2,200,000	2,200,000	2,200,000	2,200,000	2,200,000
Total	10,000	1,215,000	1,420,000	1,620,000	1,840,000	2,060,000	2,280,000	2,280,000	2,280,000	2,280,000	2,280,000	2,280,000	2,280,000	2,280,000	2,280,000
Other															
Residential (Units)															
Single Family	215	553	882	1,207	1,457	1,537	1,567	1,647	1,727	1,807	1,887	1,967	2,047	2,127	2,207
Multi-Family	--	100	250	300	300	300	400	400	400	400	400	400	400	400	400
Total	215	653	1,132	1,507	1,757	1,837	1,967	2,047	2,127	2,207	2,287	2,367	2,447	2,527	2,607
Non-Residential (Square Feet)															
Retail	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
Office	--	57,000	67,000	67,000	67,000	67,000	107,000	107,000	107,000	107,000	107,000	107,000	107,000	107,000	107,000
Industrial	--	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000
Total	5,000	87,000	97,000	97,000	97,000	97,000	137,000	137,000	137,000	137,000	137,000	137,000	137,000	137,000	137,000
Total															
Residential (Units)															
Single Family	215	653	1,082	1,607	2,157	2,637	3,067	3,547	4,127	4,707	5,177	5,647	6,117	6,587	7,057
Multi-Family	532	742	892	1,042	1,142	1,142	1,242	1,242	1,242	1,242	1,242	1,242	1,242	1,242	1,242
Total	747	1,395	1,974	2,649	3,299	3,779	4,309	4,789	5,369	5,949	6,419	6,889	7,359	7,829	8,299
Non-Residential (Square Feet)															
Retail	15,000	20,000	25,000	25,000	60,000	80,000	100,000	100,000	100,000	110,000	120,000	130,000	140,000	150,000	160,000
Office	--	57,000	67,000	67,000	67,000	67,000	107,000	107,000	127,000	147,000	157,000	167,000	177,000	187,000	197,000
Industrial	2,500,000	4,525,000	5,525,000	6,525,000	7,525,000	8,525,000	9,525,000	10,525,000	11,525,000	12,525,000	13,525,000	14,525,000	15,525,000	16,525,000	17,525,000
Total	2,515,000	4,602,000	5,617,000	6,617,000	7,652,000	8,672,000	9,732,000	10,732,000	11,752,000	12,782,000	13,802,000	14,822,000	15,842,000	16,862,000	17,882,000

Source: City of Tracy; Goodwin Consulting Group, Inc.

09/22/2015

Table B-4
City of Tracy
Citywide New Development Fiscal Impact Analysis
Property Tax Allocation Assumptions by TRA

	Tracy General Fund	Tracy Rural Fire	County General Fund	
Tracy City Limits				
004-001	0.000000	0.000000	0.000000	/1
004-003	0.161526	0.000000	0.172553	
004-004	0.144788	0.004812	0.209063	
004-008	0.156058	0.000000	0.186513	
004-018	0.000000	0.000000	0.000000	/1
004-047	0.000000	0.000000	0.000000	/1
004-048	0.173457	0.000000	0.195480	
004-049	0.000000	0.000000	0.000000	/1
004-050	0.000000	0.000000	0.000000	/1
004-051	0.000000	0.000000	0.000000	/1
004-052	0.000000	0.000000	0.000000	/1
004-053	0.000000	0.000000	0.000000	/1
004-056	0.129989	0.000000	0.148760	
004-061	0.095647	0.121132	0.165684	
004-065	0.076472	0.101769	0.132468	
004-068	0.038735	0.125588	0.219500	
004-072	0.018470	0.117700	0.223086	
004-073	0.169031	0.000000	0.184871	
004-075	0.151285	0.000000	0.184889	
004-076	0.042365	0.109673	0.207860	
004-077	0.000000	0.000000	0.000000	/1
004-078	0.000000	0.000000	0.000000	/1
004-083	0.037307	0.120926	0.211405	
004-085	0.178866	0.000000	0.195025	
004-086	0.157884	0.000000	0.194690	
004-087	0.177083	0.000000	0.199084	
004-088	0.000000	0.120925	0.248614	
004-091	0.039911	0.128805	0.226165	
004-093	0.000000	0.000000	0.000000	/1
004-095	0.040668	0.131762	0.230453	
004-096	0.040659	0.131771	0.230402	
Average (excl RDA TRA's)	***0.101510***	***0.060743***	***0.198328***	
Tracy Sphere of Influence /2				
055-001	0.031968	0.123436	0.181150	
055-010	0.030797	0.119427	0.174518	
088-001	0.036040	0.000000	0.204226	
088-002	0.031199	0.120926	0.176793	
088-004	0.027811	0.107829	0.157597	
088-010	0.030224	0.117458	0.171267	
092-001	0.033405	0.128805	0.189298	
092-002	0.032392	0.125588	0.183553	
092-003	0.034013	0.131762	0.192740	
092-005	0.034058	0.132046	0.192996	
092-016	0.032937	0.127638	0.186642	
122-001	0.029526	0.114487	0.167317	
122-002	0.019931	0.077345	0.112943	
122-003	0.028454	0.110366	0.161242	
122-004	0.024767	0.096073	0.140348	
122-005	0.026200	0.101770	0.148469	
122-007	0.028563	0.110716	0.161854	
122-019	0.035376	0.137351	0.200464	
122-025	0.029512	0.114521	0.167233	
122-026	0.028563	0.110716	0.161854	
Average	***0.030287***	***0.110413***	***0.171625***	

/1 In the Redevelopment Agency - Downtown Tracy.
/2 Assumes property taxes are split 15/85 between the City and the County upon annexation.

Source: San Joaquin County Auditor's Office; Goodwin Consulting Group, Inc. *09/22/2015*

ATTACHMENT "B"

PROPOSED LANGUAGE TO CONDITION DEVELOPMENT PROJECTS TO MITIGATE FISCAL IMPACTS PERTAINING TO CITY SERVICES

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

a. CFD or Other Funding Mechanism. The applicant shall enter into an agreement with the City, which shall be recorded against the property, which stipulates that prior to final inspection or certificate of occupancy, the applicant will join a New Development Area Service Community Facilities District (CFD) for funding on-going operational costs of providing police services, Fire Services, Public Works services and other City services to serve the project area. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. Upon the successful inclusion of the property in the CFD, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment. The special tax imposed under the CFD is expected to be an amount not exceeding $325 per residential dwelling unit for Fire, Police, and Public Works infrastructure maintenance and renovation services.

Additional special taxes within the CFD may be levied on a project-by-project basis for other services such as City park maintenance, City maintenance of project-specific public right-of-way landscaping and related appurtenances, major arterials, and a contingent special tax intended to allow for the City to step in and provide public-right-of way landscape maintenance should a development's HOA become defunct or otherwise incapable of performing its maintenance responsibilities. The amounts of these CFD special taxes (other than the $325 mentioned above for Police, Fire, and Public Works, and other City services) will be determined separately for each new development, or tax zone of the CFD, based upon the unique features of each development. The applicant will fund a maintenance study to be conducted and approved by the City to determine the long term on-going operational costs of providing said services.

The applicant shall have no obligation to form its own CFD to provide for the costs of operational services for the project site. If the City has not formed the New Development Area CFD prior to the final inspection or certificate of occupancy of the first building permit for the project, the applicant may request that City Council rescind the agreement.

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

March 15, 2016

AGENDA ITEM 4

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.

This item was previously agendized for a December 15, 2015 City Council public hearing. The item was continued to permit staff time to review a thirty-one page letter in opposition of the project that was received a few hours before the Public Hearing.

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. Self-storage uses are one of the few commercial uses permitted within the Airport Compatibility Zones that occupy the site, and the applicant's land use proposals have 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. Furthermore, self-storage would provide a substantial buffer from the proposed apartment buildings to the railroad track and Linne Road. The self-storage use would not significantly change the character of the neighborhood, because it is designed such that it does not interface directly with the residences or the park; it is located on the outer edge of the subdivision,

will be publically accessed from Corral Hollow Road, and the buildings would face inward and back up against the park and the apartment site.

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. The City has also approved a number of self-storage uses over the years, one of which is also designated Commercial under the General Plan and located near residential areas.

In summary, staff recommends approval of the proposed land uses because they are consistent with the General Plan, are consistent with the ALUCP, would provide more residential options to the neighborhood.

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.

In summary, staff recommends approval of the development plan because the buildings employ high quality architecture, the site is well designed and provides for privacy to the adjacent homes, substantial landscaping and open space is provided, and pedestrian and vehicular circulation is efficiently designed.

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, 2015 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 additional outreach efforts with the neighbors prior to scheduling the item before City Council. According to the applicant, conversations with the neighbors took place in November and December. The applicant has invited staff to attend a meeting scheduled with the neighbors on March 8, 2016, which had not yet taken place at the time of publication of this staff report.

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.

Horizon Planet submitted a letter in opposition of the project on December 15, 2015 challenging the use of the CEQA Section 15183 Exemption for the project (Attachment I); however, CEQA Section 15183 was appropriate for a number of reasons:

- The project is consistent with the Tracy General Plan, and the project would not exceed the build out assumptions analyzed in the General Plan EIR.
- There are no site-specific environmental impacts peculiar to the project site; no potential project impacts that were not analyzed in the General Plan EIR; or

project impacts that would be more severe than any significant impacts analyzed in the General Plan EIR, as demonstrated in the environmental analysis prepared for this project.

- The project is required to implement a range of uniformly applied development policies and standards. No project-specific or site-specific mitigation measures were warranted or needed in order to reduce or avoid an environmental impact.

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.
Attachment I: Letter from Horizon Planet dated December 15, 2015

Location Map

ATTACHMENT B

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:

Inner Approach Departure Zone (2); Traffic Pattern Zone (7); Inner Turning Zone (3); Airport Influence Area - (8)

Status: Consistent Land Use with Conditions

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 or 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.

   <u>Sample Deed Notice</u> - 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.*

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

Laura Brunn, SJCOG Associate Regional Planner

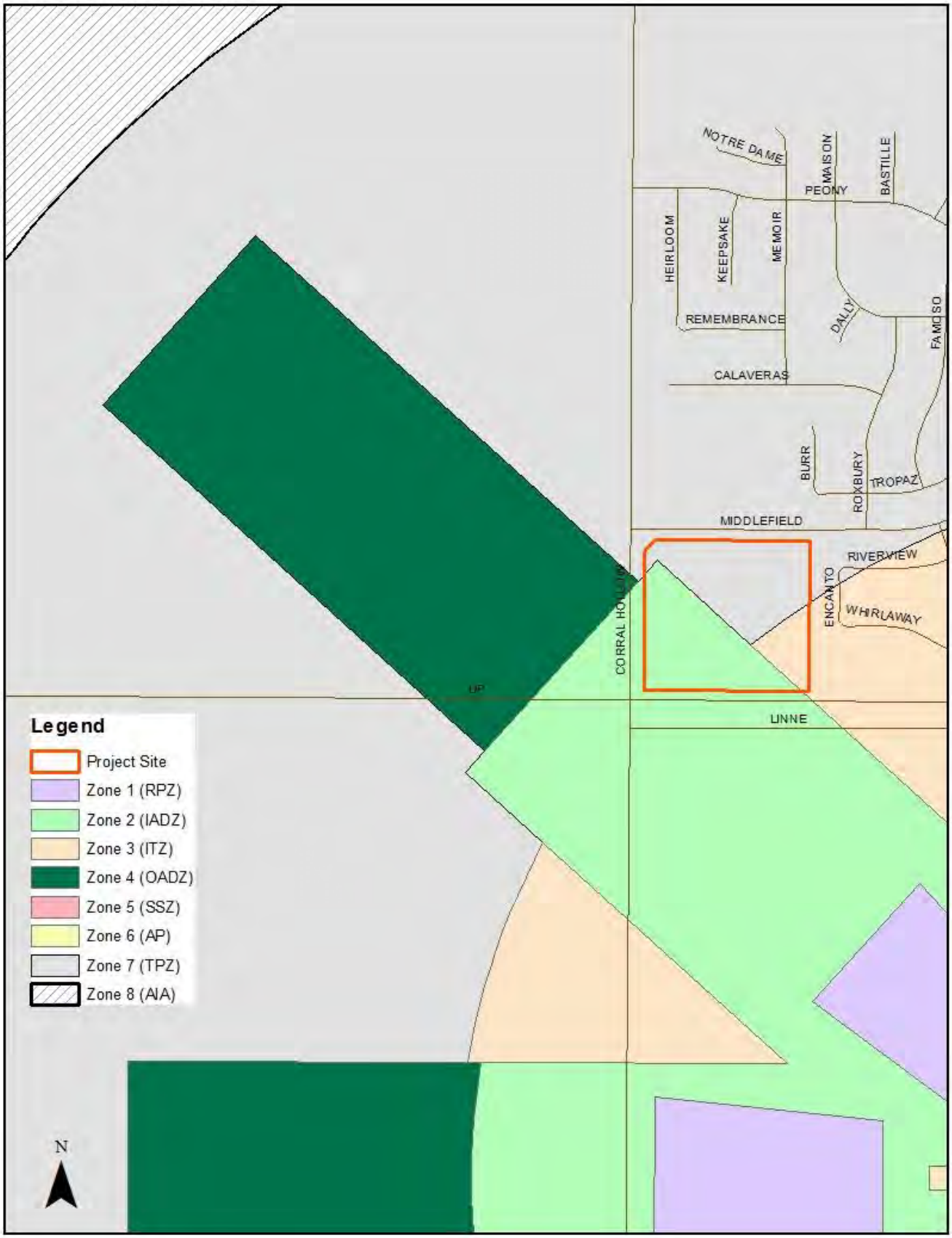

NOTRE DAME
MAISON
BASTILLE
PEONY
HEIRLOOM
KEEPSAKE
MEMOIR
REMEMBRANCE
DALLY
FAMOSO
CALAVERAS
BURR
ROXBURY
TROPAZ
MIDDLEFIELD
RIVERVIEW
ENCANTO
WHIRLAWAY
CORRAL HOLLOW
UP
LINNE
Legend
Project Site
Zone 1 (RPZ)
Zone 2 (IADZ)
Zone 3 (ITZ)
Zone 4 (OADZ)
Zone 5 (SSZ)
Zone 6 (AP)
Zone 7 (TPZ)
Zone 8 (AIA)
N

TABLE 3A
Safety Criteria Matrix

	Maximum Densities/Intensities/Required Open Land			Additional Criteria	
Zone	**Dwelling Units per Acre[1]**	**Maximum Non-residential Intensity[2]**	**Req'd Open Land[3]**	**Prohibited Uses[4]**	**Other Development Conditions[5]**
Zone 1 (RPZ)	None	None	All unused	• All structures except ones with location set by aeronautical function • Assemblages of people • Public & quasi-public services • Objects exceeding FAR Part 77 height limits • Storage of hazardous materials • Chemicals and allied products & storage • Petroleum refining & storage • Electrical & natural gas generation & switching • Oil & gas extraction • Natural gas & petroleum pipelines[11] • Dumps or landfills, other than those consisting entirely of earth & rock. • Hazards to flight[6]	• Avigation easement dedication
Zone 2 (IADZ)	1 d.u. per 10 acres	50 persons per acre	30%	• Residential, except for very low residential • Manufacturing and industrial uses • Chemicals and allied products & storage • Petroleum refining & storage • Rubber & plastics • Passenger terminals & stations • Radio, TV & Telephone centers • Electrical & natural gas generation & switching • Oil & gas extraction • Natural gas & petroleum pipelines[11] • Petroleum truck terminals • Businesses & personal services • Hotels, motels, restaurants • Public & quasi-public services • Children's schools, day care centers, libraries • Hospitals, nursing homes • Places of worship • Schools • Recreational uses, athletic fields, playgrounds, & riding stables • Theaters, auditoriums, & stadiums • Dumps or landfills, other than those consisting entirely of earth & rock. • Waterways that create a bird hazard • Hazards to flight[6]	• Avigation easement dedication • Locate structures maximum distance from extended runway centerline • Minimum NLR of 45 dB residences (including mobile homes) and office buildings[8] • Airspace review required for objects > 35 feet tall[9]
Zone 3 (ITZ)	1 d.u. per 5 acres	120 persons per acre	20%	Same as Zone 2	• Same as zone 2
Zone 4 (OADZ)	1 d.u. per 5 acres	180 persons per acre	20%	• Children's schools, day care centers, libraries • Hospitals, nursing homes • Bldgs. with >3 aboveground habitable floors • Highly noise-sensitive outdoor nonresidential uses7 • Hazards to flight[6]	• Minimum NLR of 25 dB in residences (including mobile homes) and office buildings[8] • Airspace review required for objects >70 feet tall[10]

Middlefield Apartments and Self Storage

Middlefield Drive, Tracy, CA

Site Development Permit Set

PROJECT TEAM

- DEVELOPER
  Edgewood Lane Developers LP
  675 Hartz Avenue, Suite 300
  Danville, CA 94526
  Tel: 925 / 314-3890
  Contact: Christopher Garwood
- ARCHITECT
  Steinberg Architects
  98 Battery Street, Suite 300
  San Francisco, CA 94111
  TEL: 415 / 683 2000
  Contact: Jin Zhu, Seema Mhaskar
- CIVIL ENGINEER
  Carlson Barbee Gibson
  6111 Bollinger Canyon Road, Suite 150
  San Ramon, Ca 94583
  Tel: 925/ 866 0322
  Contact: Greg Miller

PROJECT SUMMARY

PROJECT	Middlefield Apartments and Self Storage
GENERAL PLAN CATEGORY	Residential
ZONING	Planned Unit Development (PUD)
SITE AREA	475,742.77 SF (10.9 Acres)
TOTAL UNITS	144 Du
DENSITY	20 Du/Acre (on net residential land of 7.36 acres)
PROPOSED MAXIMUM HEIGHT	40 ft (3 Stories)

BUILDING SUMMARY

Apartment Building

1 Bedroom	1 Bedroom+Den	2 Bedroom	
Unit 1A	Unit 1B	Unit 2A	Unit 2B
722 s.f.	742 s.f.	868 s.f.	968 s.f.
36 du	36 du	12 du	60 du
25%	25%	8%	42%

Total Units 144 du

Apartment Leasing Office Building	**1,820**	**s.f.**
including: Offices	310	s.f.
Fitness Room	235	s.f.
Club House	480	s.f.
Self Storage Leasing / Unit	**1,495**	**s.f.**
including: Offices	876	s.f.
Living Unit Above	619	s.f.
Storage Facility		
Total Storage Area	88,960	s.f.
Average Unit Size	197.7	s.f.

PARKING SUMMARY

Apartment Parking Required

	Unit Count	Parking Ratio	Parking Stalls
1 Bedroom	36 du	1.5 stalls/du	54 stalls
1 Bedroom+Den	36 du	1.5 stalls/du	54 stalls
2 Bedroom	72 du	2 stalls/du	144 stalls

Total Residential Parking Required 252 Stalls
(including one covered parking stall per unit)
plus Guest Parking Stalls Required (1 per 5 units) 29 Stalls
281 Stalls

Apartment Parking Provided

Covered Carport Stalls (9' x 18'-6")	144 Stalls
Open Stalls (9' x 18'-6")	140 Stalls
Total Residential Parking Provided	**284 Stalls**

SHEET INDEX

GENERAL
A0.00 COVER SHEET
A0.01 PROJECT INFORMATION AND SHEET INDEX

ARCHITECTURAL
A1.00 EXISTING CONDITIONS - SITE CONTEXT PHOTOS
A1.01 SITE PLAN
A1.02 SITE SECTIONS
A1.03 AERIAL VIEW
A1.04 STREET LEVEL VIEW - BUILDING 1 BY THE ENTRY
A1.05 3D RENDERING
A2.01 BUILDING 1 - FLOOR PLANS
A2.02 BUILDING 2 - FLOOR PLANS
A2.03 APARTMENTS LEASING/CLUB
A3.01 BUILDING 1 - EXTERIOR ELEVATIONS
A3.02 BUILDING 2 - EXTERIOR ELEVATIONS
A3.03 BUILDING COLOR SCHEMES AND CARPORT DETAILS

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

LANDSCAPE
L-1 PRELIMINARY LANDSCAPE PLAN

VICINITY MAP

PROJECT DESCRIPTION

Edgewood Lane Developers LP proposes to develop the property at the corner of Corral Hollow Road and Middlefield Drive in Tracy with a pedestrian-friendly residential community of 144 dwelling units and a self-storage facility. The apartment element includes 36 one bedroom units, 36 one bedroom plus den units, and 72 two bedroom units. Each unit gets one covered carport stall and one additional uncovered stalls per the city's parking standard.

The primary project entry is from Middlefield Drive directly opposite the existing Waterstone apartment community entry. The leasing office building includes a lounge area, office, fitness room and gourmet kitchen facing the pool deck. Outdoor amenities include the pool, outdoor shower, spa, lawn areas, tot lots and a BBQ area. The landscaped area connects to the existing City park on the south east side of the property. Secondary access is from Corral Hollow Road from the entry to the self-storage facility.

1. VIEW TO THE CORNER OF CORRLA HALOW 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

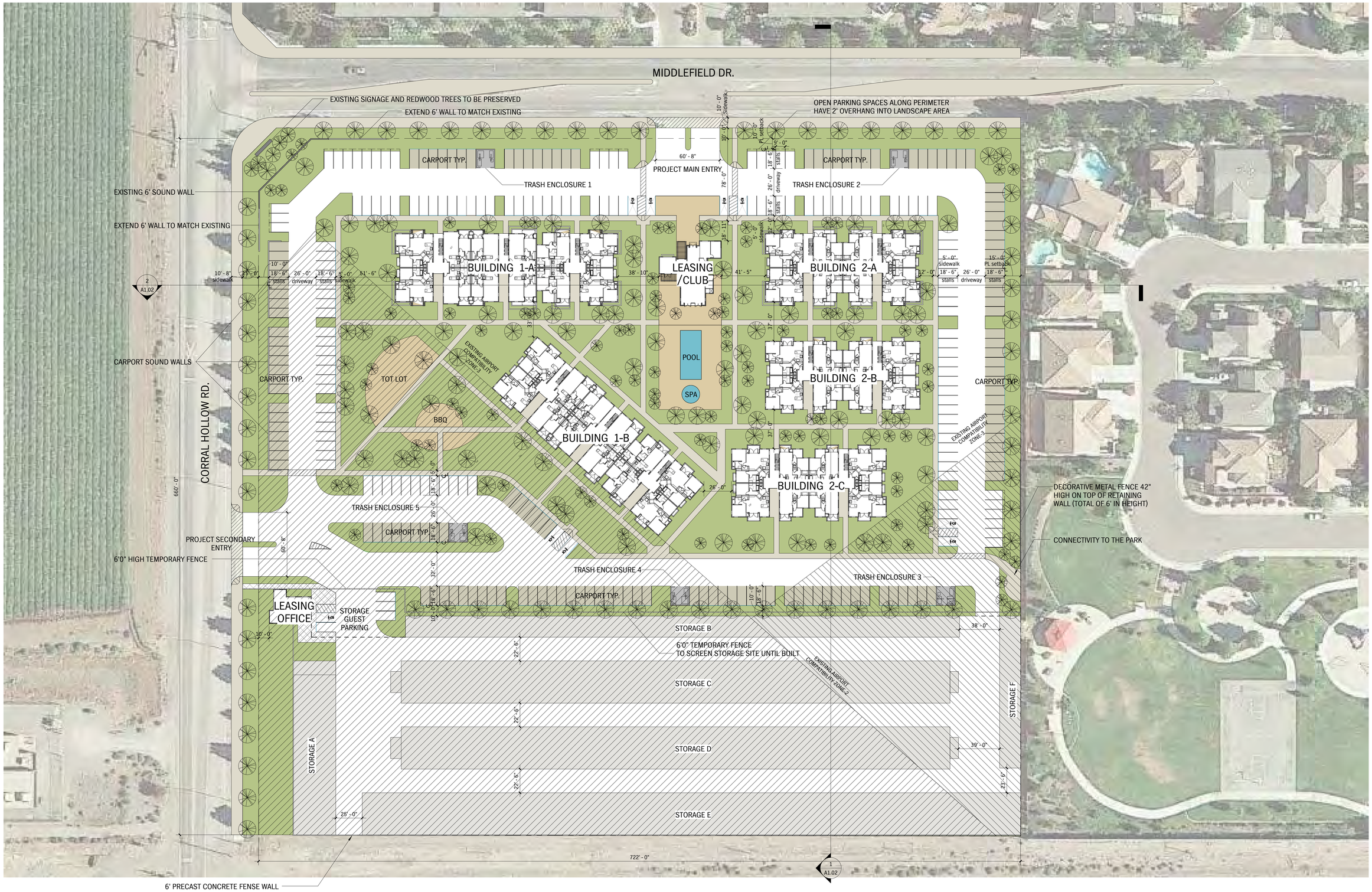
Steinberg Architects | Edgewood Lane Developers LP

Middlefield Apartments and Self Storage

Middlefield Drive, Tracy, CA

EXISTING CONDITIONS - SITE CONTEXT PHOTOS
A1.00

2015.05.22



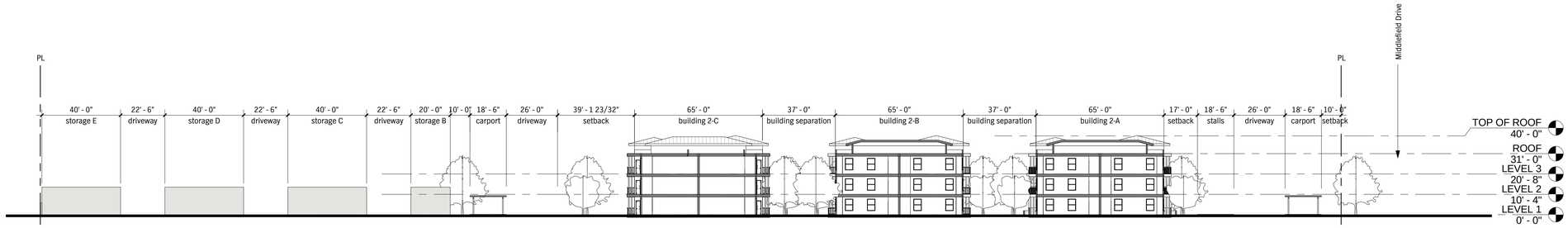
Steinberg Architects | Edgewood Lane Developers LP

Middlefield Apartments and Self Storage

Middlefield Drive, Tracy, CA

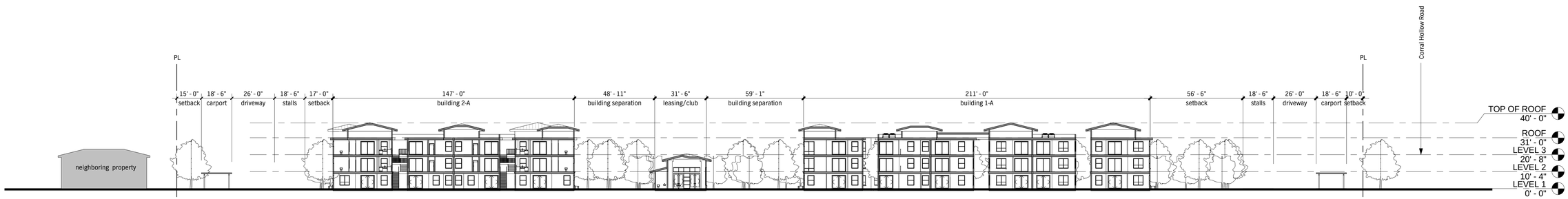
SITE PLAN
A1.01

2015.05.22



SITE SECTION 1 1

SCALE: 1" = 30'-0"



SITE SECTION 2 2

SCALE: 1" = 30'-0"

Steinberg Architects | Edgewood Lane Developers LP

Middlefield Apartments and Self Storage

Middlefield Drive, Tracy, CA

SITE SECTIONS
A1.02

0 15' - 0" 30' 60'

2015.05.22

Steinberg Architects | Edgewood Lane Developers LP

Middlefield Apartments and Self Storage

Middlefield Drive, Tracy, CA

AERIAL VIEW
A1.03

2015.05.22

Steinberg Architects | Edgewood Lane Developers LP

Middlefield Apartments and Self Storage

Middlefield Drive, Tracy, CA

STREET LEVEL VIEW - BUILDING 1 BY THE ENTRY
A1.04

2015.05.22

Middlefield / Tracy Project. Main Entrance / Courtyard View. Steinberg Architects. JMS.

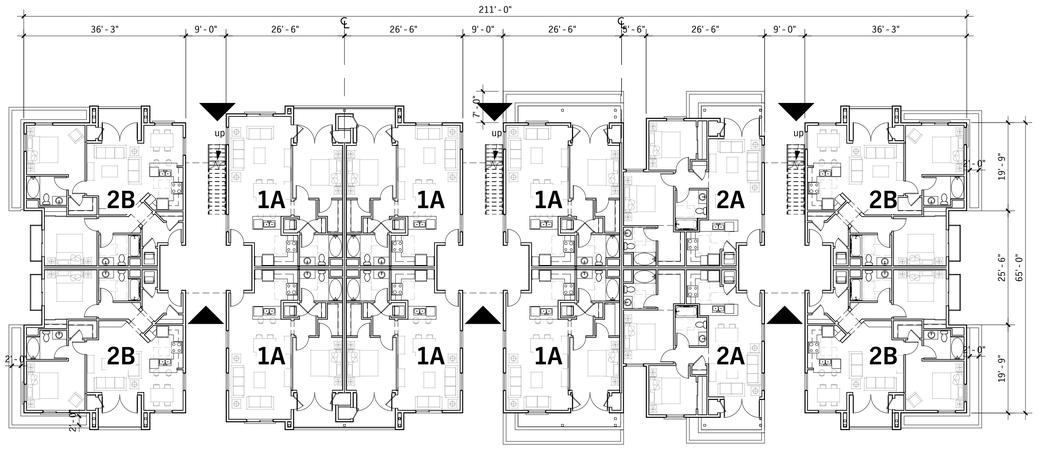
Steinberg Architects | Edgewood Lane Developers LP

Middlefield Apartments and Self Storage

Middlefield Drive, Tracy, CA

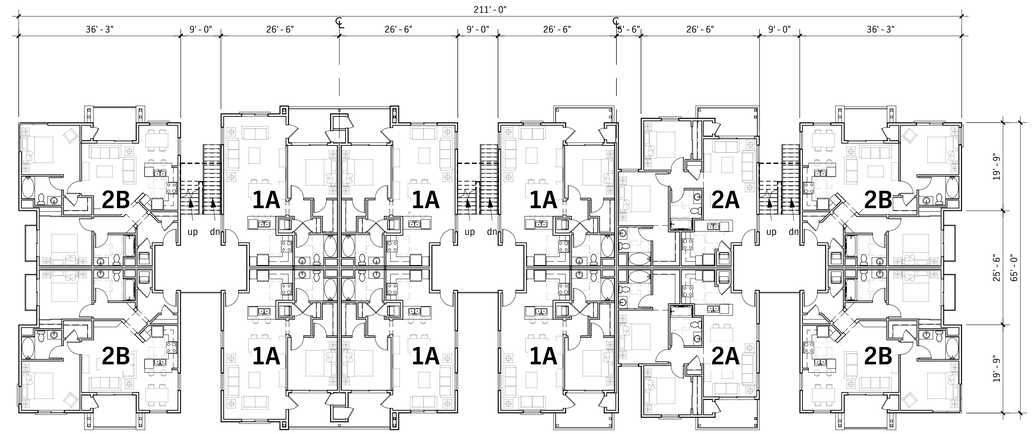
3D RENDERING
A1.05

2015.05.22



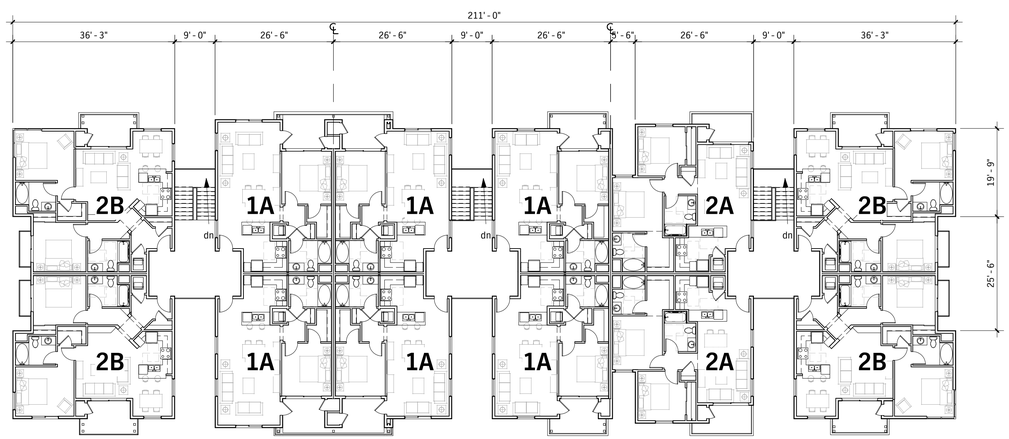
LEVEL 1 PLAN - BUILDING 1 1

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



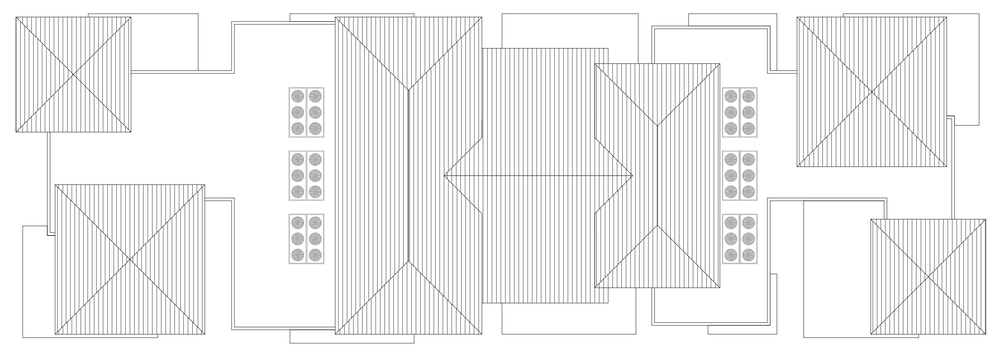
LEVEL 2 PLAN - BUILDING 1 2

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



LEVEL 3 PLAN - BUILDING 1 3

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



ROOF PLAN - BUILDING 1 4

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

Steinberg Architects | Edgewood Lane Developers LP

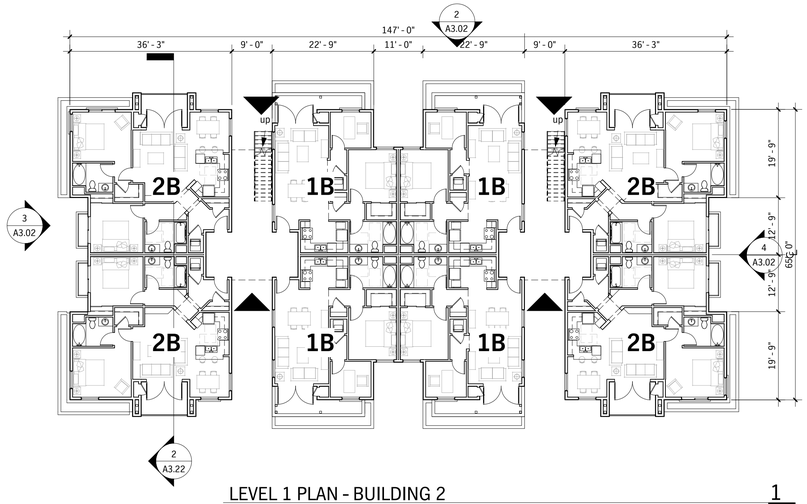
Middlefield Apartments and Self Storage

Middlefield Drive, Tracy, CA

BUILDING 1 - FLOOR PLANS
A2.01

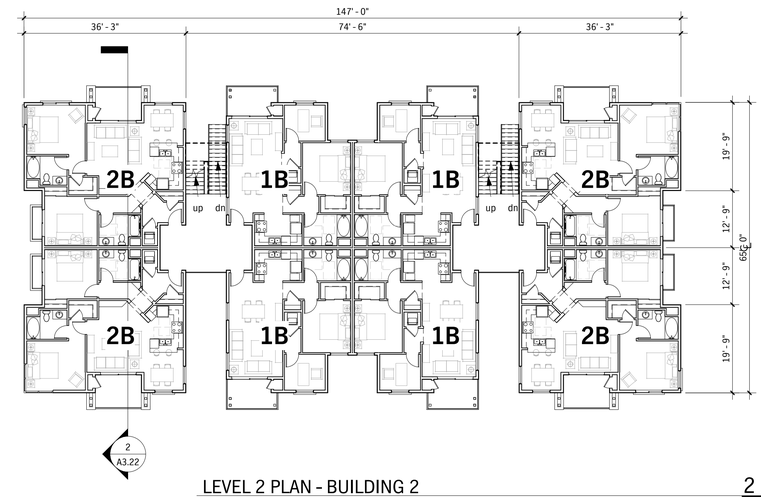
0 4'-0" 8' 16'

2015.05.22



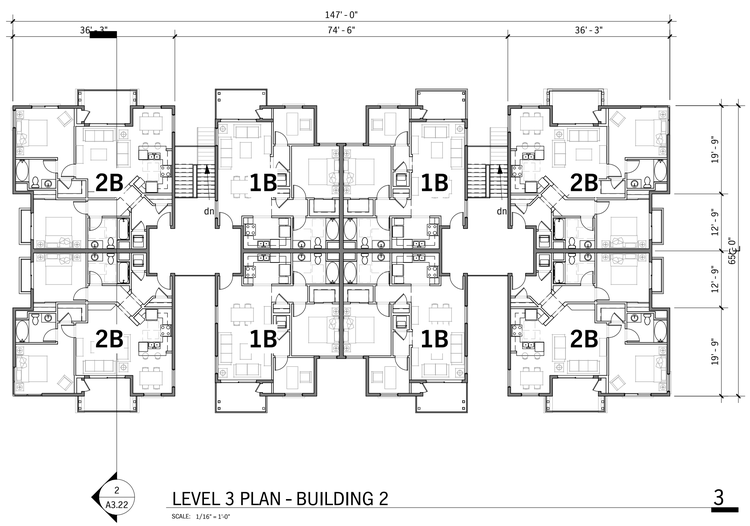
LEVEL 1 PLAN - BUILDING 2 1

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



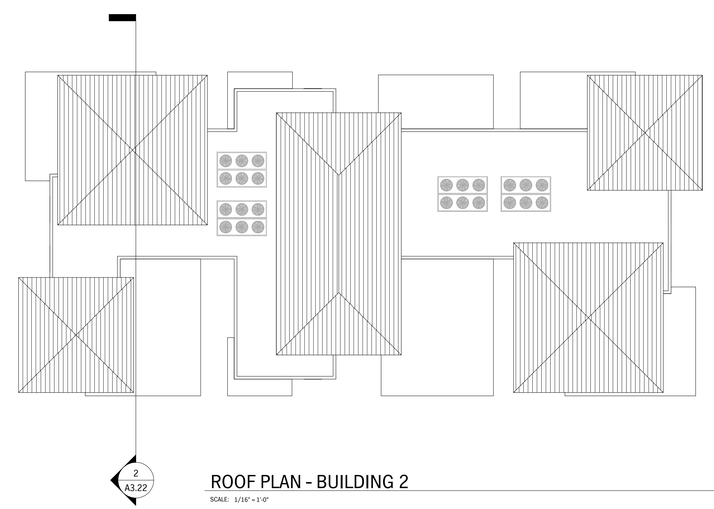
LEVEL 2 PLAN - BUILDING 2 2

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



LEVEL 3 PLAN - BUILDING 2 3

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



ROOF PLAN - BUILDING 2 4

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

Steinberg Architects | Edgewood Lane Developers LP

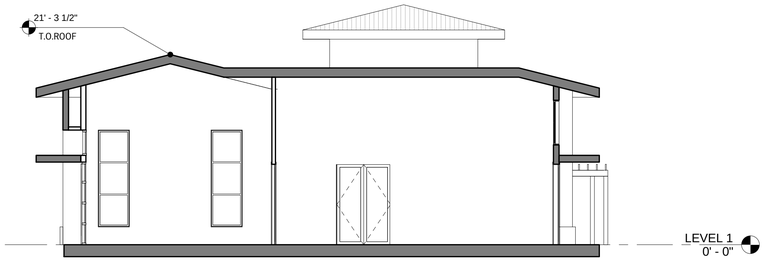
Middlefield Apartments and Self Storage

Middlefield Drive, Tracy, CA

BUILDING 2 - FLOOR PLANS
A2.02

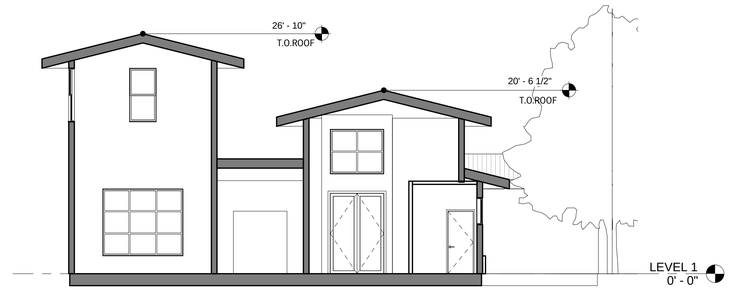
0 4'-0" 8' 16'

2015.05.22



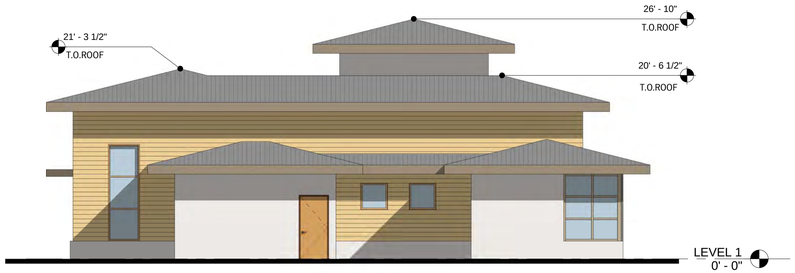
BUILDING SECTION 2 - APARTMENT LEASING/CLUB 8

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



BUILDING SECTION 1 - APARTMENT LEASING/CLUB 7

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



EAST ELEVATION - APARTMENT LEASING/CLUB 6

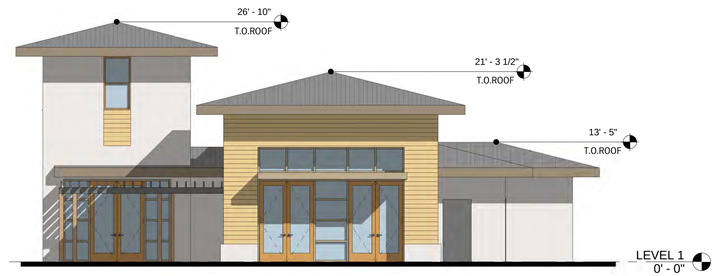
SCALE: 1/8" = 1'-0"

NORTH ELEVATION - APARTMENT LEASING/CLUB 4

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

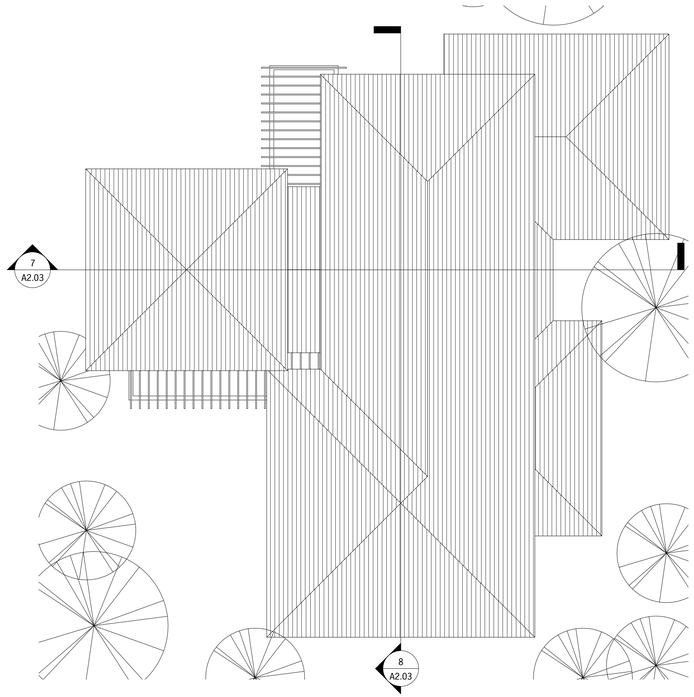
WEST ELEVATION - APARTMENT LEASING/CLUB 5

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



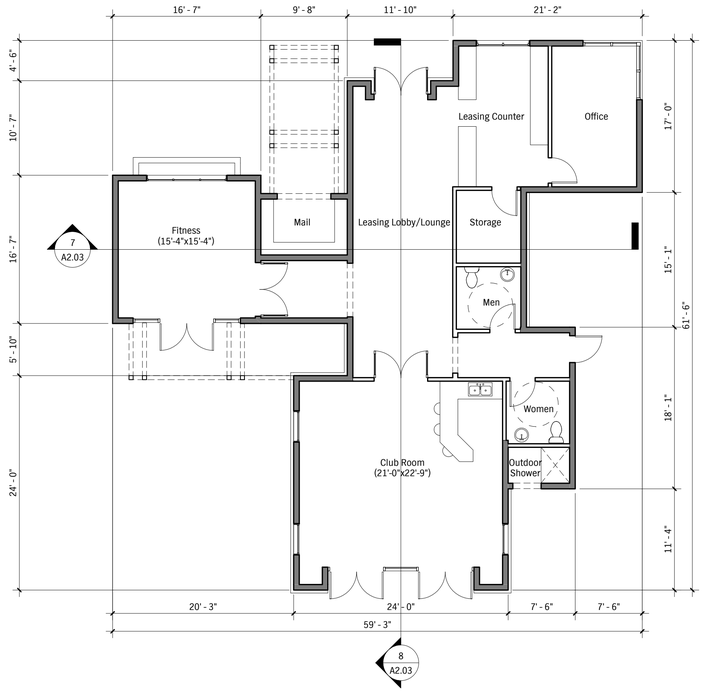
SOUTH ELEVATION - APARTMENT LEASING/CLUB 3

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



ROOF PLAN - APARTMENT LEASING/CLUB 2

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



LEVEL 1 PLAN - APARTMENT LEASING/CLUB 1

SCALE: 1/8" = 1'-0" AREA: 1,820 SF

Steinberg Architects | Edgewood Lane Developers LP

Middlefield Apartments and Self Storage

Middlefield Drive, Tracy, CA

APARTMENTS LEASING/CLUB
A2.03

0 4'-0" 8' 16'

2015.05.22

EAST ELEVATION - BUILDING 1 4

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

WEST ELEVATION - BUILDING 1 3

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

NORTH ELEVATION - BUILDING 1 2

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

SOUTH ELEVATION - BUILDING 1 1

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

Steinberg Architects | Edgewood Lane Developers LP

Middlefield Apartments and Self Storage

Middlefield Drive, Tracy, CA

BUILDING 1 - EXTERIOR ELEVATIONS
A3.01

0 4'-0" 8' 16'

2015.05.22

EAST ELEVATION - BUILDING 2 4

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

WEST ELEVATION - BUILDING 2 3

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

NORTH ELEVATION - BUILDING 2 2

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

SOUTH ELEVATION - BUILDING 2 1

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

Steinberg Architects | Edgewood Lane Developers LP

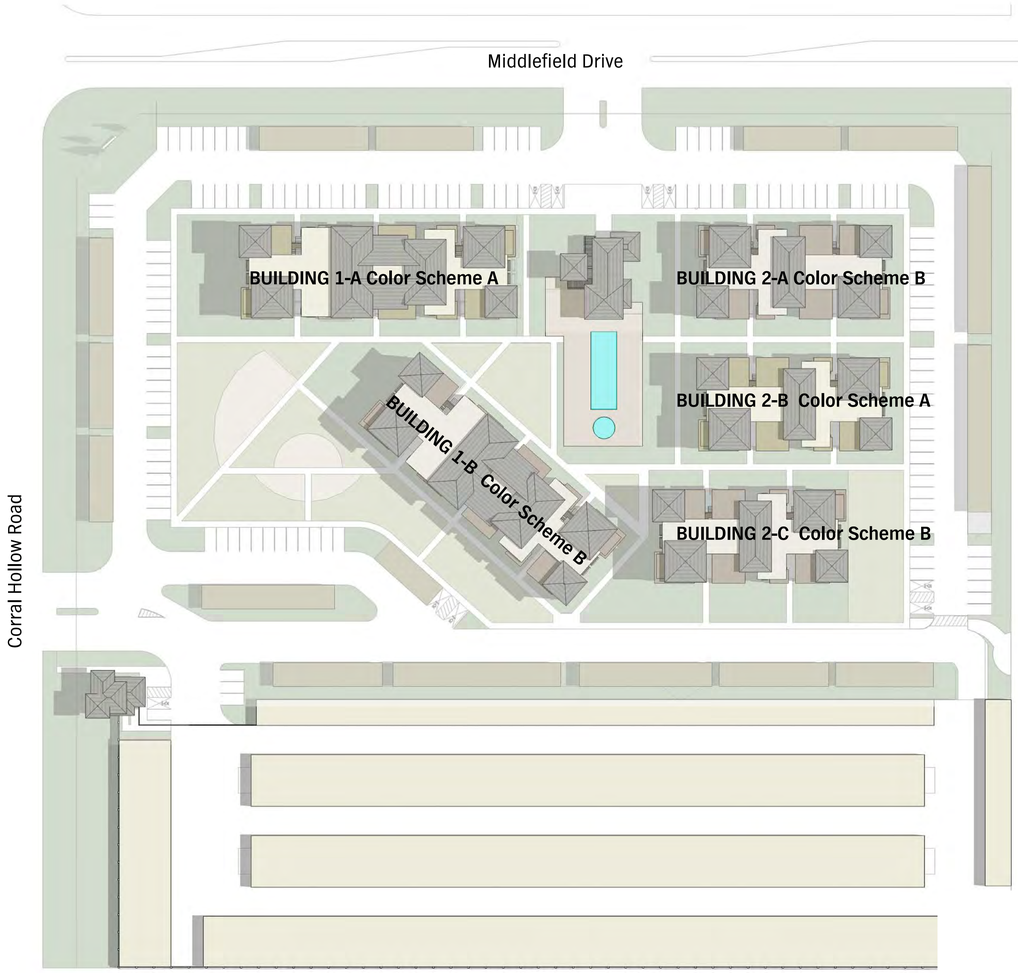
Middlefield Apartments and Self Storage

Middlefield Drive, Tracy, CA

BUILDING 2 - EXTERIOR ELEVATIONS
A3.02

0 4'-0" 8' 16'

2015.05.22



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

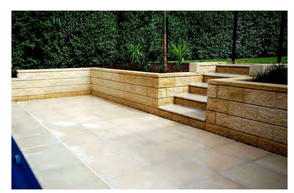
Plaster Color 2
BM celery salt OC-136

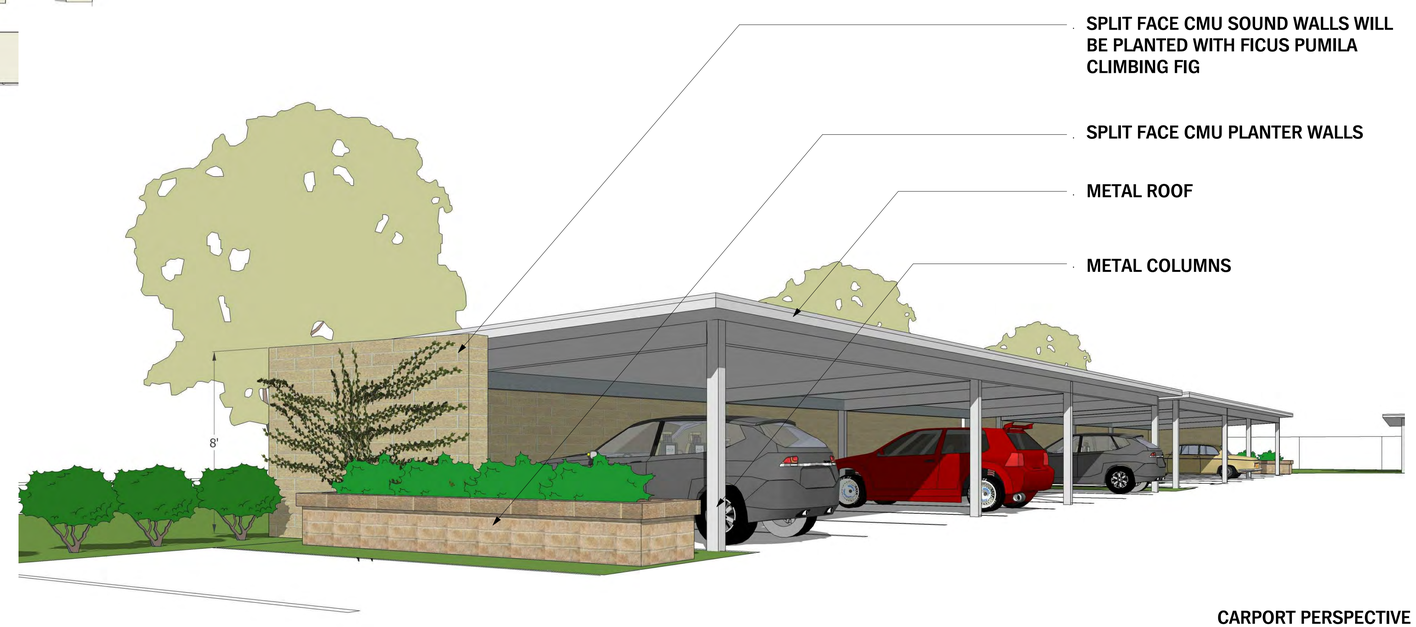
Plaster Color 3
BM richmond gray HC-96

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

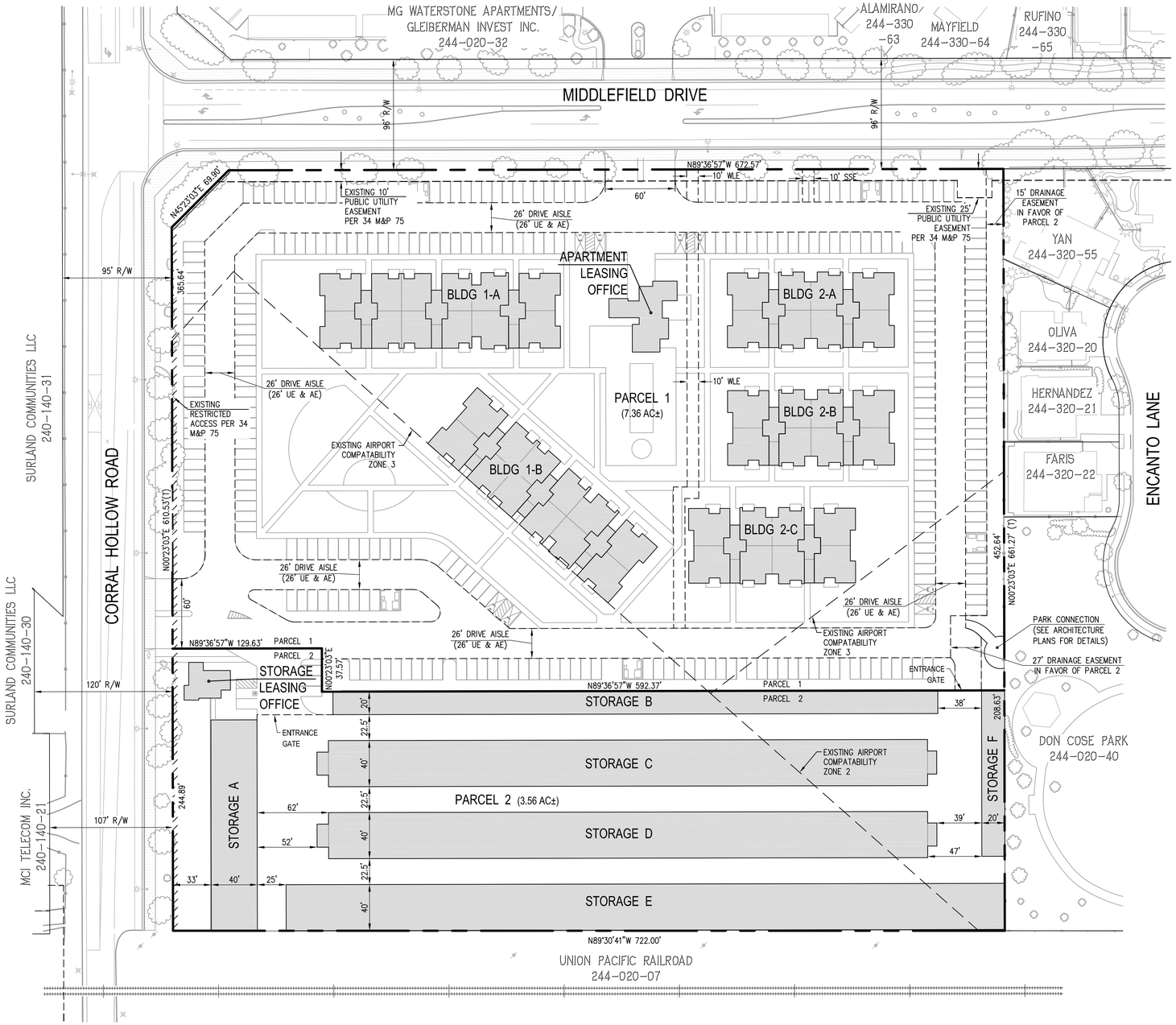
Steinberg Architects | Edgewood Lane Developers LP

Middlefield Apartments and Self Storage

Middlefield Drive, Tracy, CA

BUILDING COLOR SCHEMES AND CARPORT DETAILS
A3.03

2015.05.22



GENERAL NOTES:

1. OWNER: EDGEWOOD LANE DEVELOPERS LP
675 HARTZ AVENUE, SUITE 300
DANVILLE, CA 94526

2. DEVELOPER: PACIFIC UNION HOLDINGS, INC.
675 HARTZ AVENUE, SUITE 300
DANVILLE, CA 94526
(925) 314-3826
BRUCE MYERS

3. CIVIL ENGINEER: CARLSON, BARBEE, & GIBSON, INC.
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CA 94583
(925) 866-0322
STEVE LICHLITER

4. APN: 244-020-07

5. EXISTING ZONING: PLANNED UNIT DEVELOPMENT (PUD)

6. EXISTING GENERAL PLAN: COMMERCIAL

7. GROSS SITE AREA: 10.92 Ac.±
NET SITE AREA: 10.92 Ac.±
PARCEL 1: 7.36 Ac.±
PARCEL 2: 3.56 Ac.±

8. NUMBER OF RENTAL UNITS: 144 (APARTMENTS)
DENSITY: 19.5 DU / NET ACRE (PARCEL 1)

9. 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

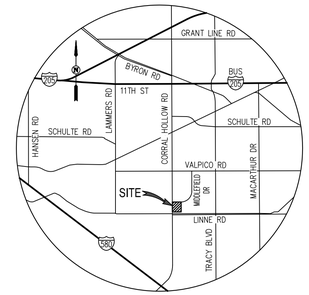
10. FLOOD ZONE DESIGNATION: ZONE "NON-FLOODPRONE COMMUNITY" PER FEMA FIRM PANEL NUMBER 06077C0703F DATED, OCTOBER 16, 2009.

11. GRADING SHOWN IS PRELIMINARY AND SUBJECT TO CHANGES DURING FINAL DESIGN.

12. ALL PROPOSED UTILITIES SHOWN ARE TENTATIVE AND MAY CHANGE DURING FINAL DESIGN. FINAL DESIGN SHALL ADHERE TO CITY OF TRACY STANDARDS.

13. ALL EXISTING ONSITE UTILITIES ARE TO BE REMOVED.

14. 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

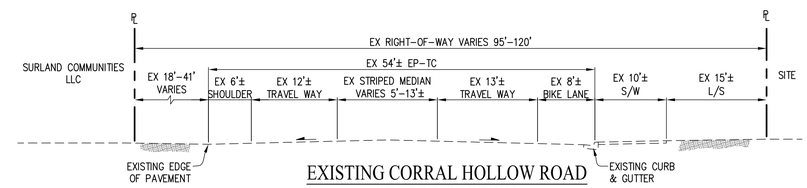
NOT TO SCALE

BENCHMARK:

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

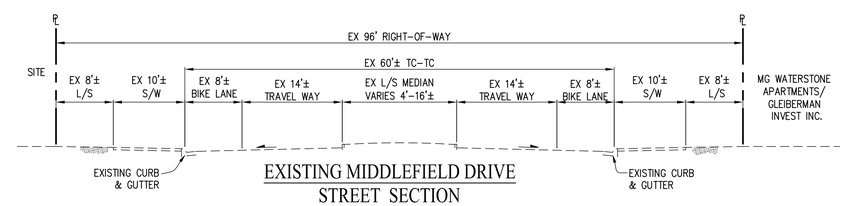
BASIS OF BEARING:

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

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

0' 50' 150' 200'

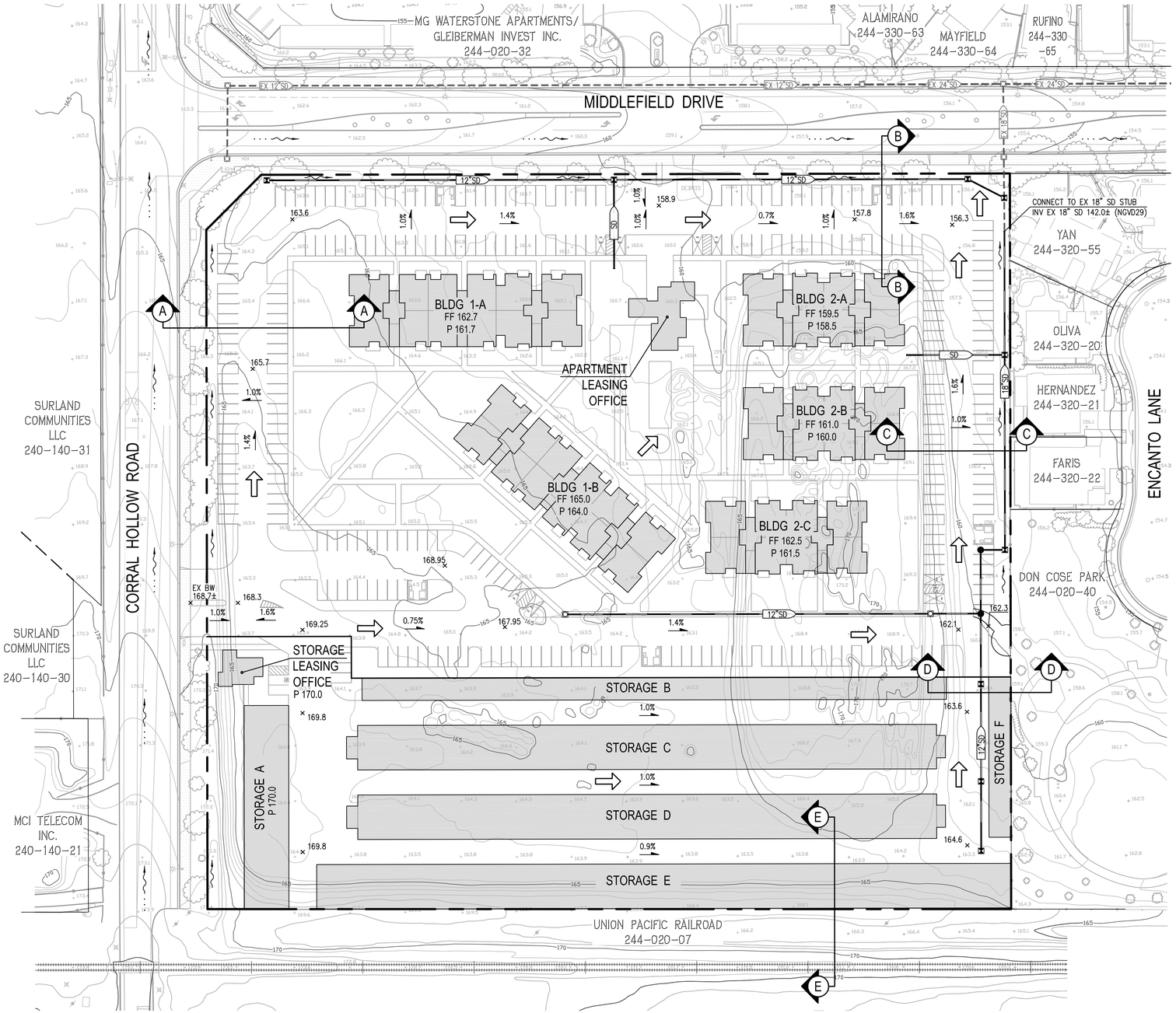
SCALE: 1" = 50'

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

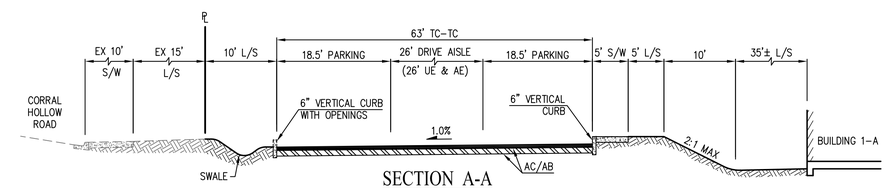
SHEET NO.
TM-1
OF 5 SHEETS

G:\1935\ACAD\PD-TPM\PD-01.DWG

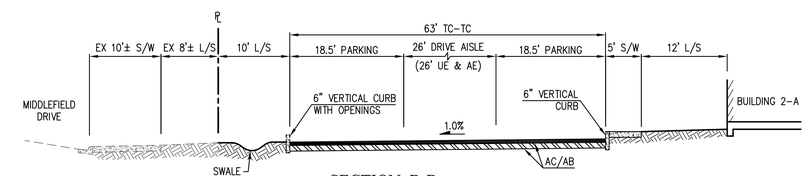


LEGEND:

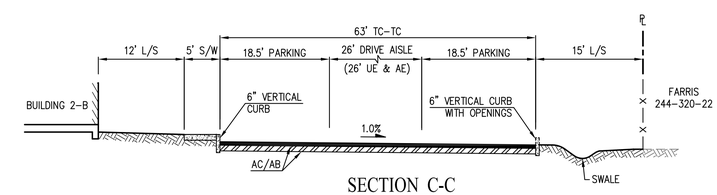
EXISTING	PROPOSED	DESCRIPTION
		PROPERTY LINE
		LOT LINE
		RIGHT-OF-WAY LINE
		TOP OF CURB
x 67.0	x 67.0	SPOT ELEVATIONS
		EXISTING TREE
EX SD	SD	STORM DRAIN
		DRAINAGE INLET
		CATCH BASIN
		DIRECTION OF DRAINAGE
		DIRECTION OF OVERLAND RELEASE
		DIRECTION OF EXISTING STREET DRAINAGE
		DIRECTION OF SWALE DRAINAGE



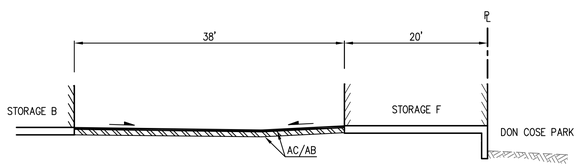
SECTION A-A
NOT TO SCALE



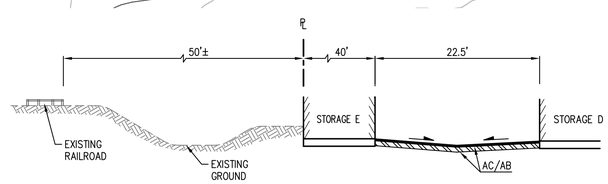
SECTION B-B
NOT TO SCALE



SECTION C-C
NOT TO SCALE



SECTION D-D
NOT TO SCALE



SECTION E-E
NOT TO SCALE

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

CITY OF TRACY SAN JOAQUIN COUNTY CALIFORNIA

0' 50' 150' 200'

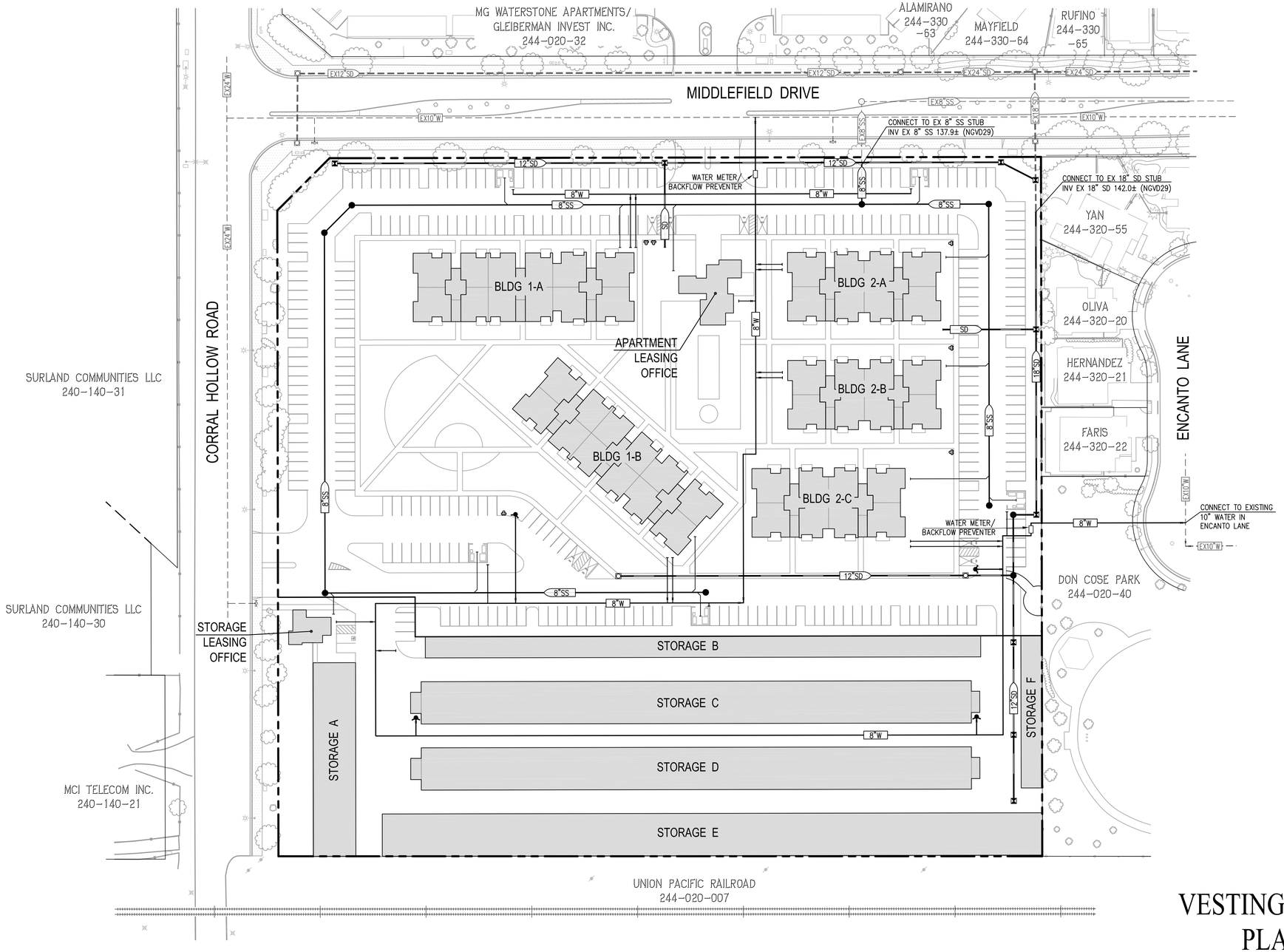
SCALE: 1" = 50'

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:\19359\ACAD\PD-TPM\PD-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 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
⊢O⊣		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 DETERMIED 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

0' 50' 150' 200'

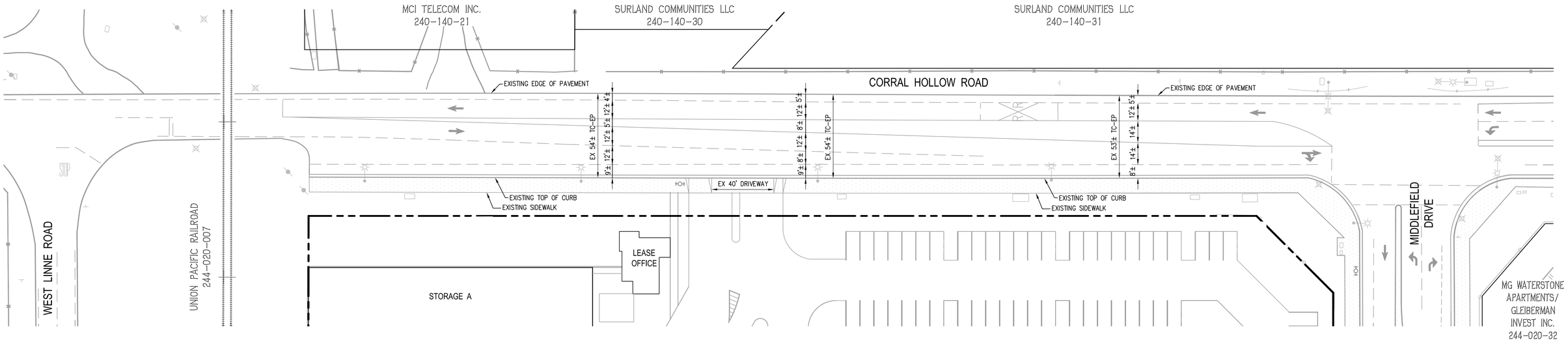
SCALE: 1" = 50'

DATE: APRIL 22, 2015

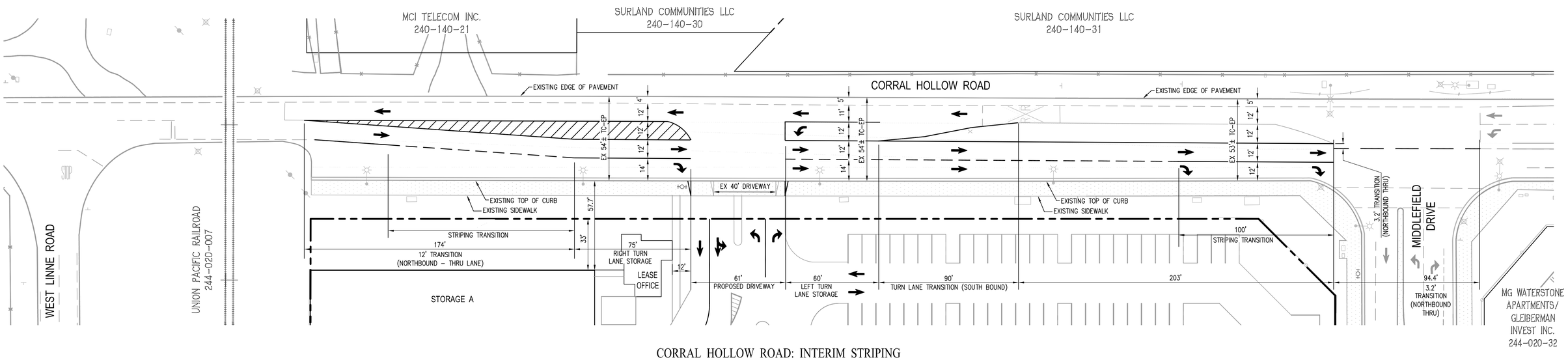
cbg
Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CALIFORNIA 94583
(925) 866-0322
FAX (925) 866-8575

SHEET NO.
TM-3
OF 5 SHEETS

G:\1935\ACAD\PD-TPM\PD-03.DWG



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

CITY OF TRACY SAN JOAQUIN COUNTY CALIFORNIA

LEGEND:

EXISTING STRIPING

PROPOSED INTERIM STRIPING

0' 30' 90' 120'

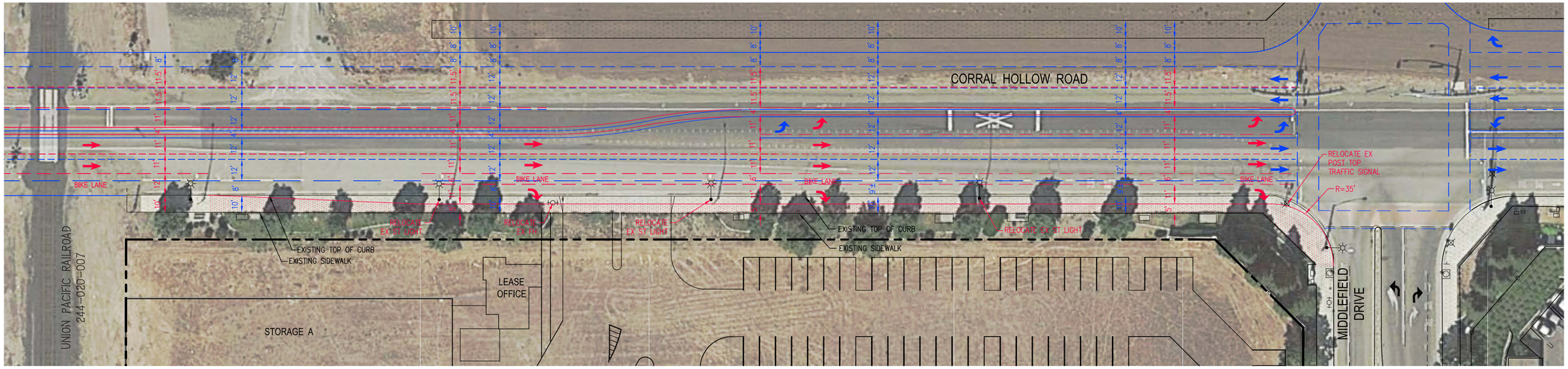
SCALE: 1" = 30'

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-4
OF 5 SHEETS

G:\1935\ACAD\PD-TPM\PD-04.DWG



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

0' 50' 150' 200'

SCALE: 1" = 50'

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-5
OF 5 SHEETS

G:\1935\ACAD\PD-TPM\PD-05.DWG

PLANT MATERIALS LIST:

TREES: TO BE 15 GAL. SIZE

QUERCUS VIRGINIANA	SOUTHERN LIVE OAK
LAGERSTROEMIA 'TONTO'	CRAPE 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:

NUMBER OF REQUIRED 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.

TOTAL TREE SHADE	59,163 S.F.
TOTAL PARKING AREA	144,813 S.F.
PERCENT SHADED	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.
	TOTAL:	4,600 S.F.
	PROVIDED:	153,556 S.F.

TOTAL LANDSCAPE AREA: 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.

GRAPHIC SCALE
40 0 20 40 80 160
(IN FEET)
1 inch = 40 ft.

REVISIONS
1 CITY COMMENTS 11-15-14

Thomas Baak & Associates, LLP
Landscape Architects
1620 North Main Street, Suite 4
Walnut Creek, CA 94596
Ph: 925.953.2503

REGISTERED LANDSCAPE ARCHITECT MARK J. SIMONE 2-7-08 Signature Date Renewal STATE OF CALIFORNIA

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

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,

Bonnie Hernandez

Dan & Roberta Faris
4697 Encanto Lane

Luis & Bonnie Hernandez
4677 Encanto Lane

Phil & Kathy Oliva
4657 Encanto Lane

Rick Curd
1861 Riverview Avenue

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

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,

Bruce Myers
Vice President of Land Development

675 Hartz Avenue, Suite 300, Danville, California 94526 • Tel 925.314.3800 • Fax 925.314.3853

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 Middlefiled

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 Hallow 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 dinning 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>
Date: November 5, 2015 at 4:46:51 PM PST
To: <council@ci.tracy.ca.us>, <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

ATTACHMENT F

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

This page left intentionally blank.

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

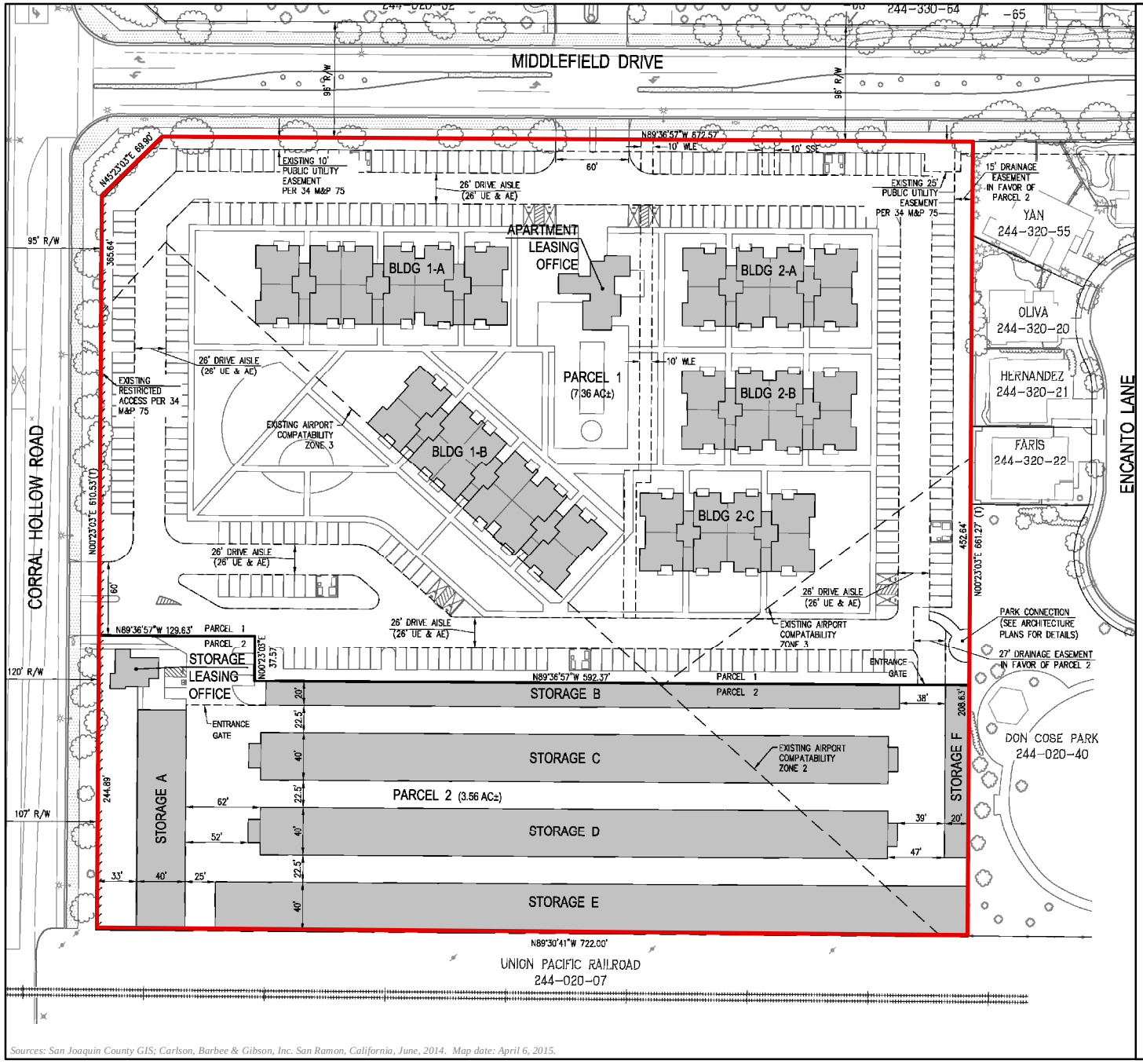
The attached Environmental Checklist includes a discussion and analysis of any peculiar or site-specific environmental impacts associated with construction and operation of the proposed project. The Environmental Checklist identifies the applicable City of Tracy development standards and policies that 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.

This page left intentionally blank.



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

TRACY MIDDLEFIELD APARTMENTS PROJECT

Figure 1: Site Plan

Legend

Project Boundary

0 50 100
Feet

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

This page left intentionally blank.

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:

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

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant. 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:

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

EXISTING SETTING

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b), c): Less than Significant. 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 NOx are considered to have a potentially significant air quality impact. The SJVAPCD has also established a threshold of 15 tons per year for PM10. 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 NOx, 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 (NOx) and particulate (PM10 and PM2.5) emissions generated by their projects. The Rule applies to projects which, upon full build-out, will include 50 or more residential units. Project developers are required to reduce:

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

Developers are encouraged to meet these reduction requirements through the 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
Total Operational Emissions	**2.18**	**3.03**	**12.14**	**0.03**	**1.56**	**0.62**	**2267.50[1]**
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.

[1]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:

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

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant.

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 is grassland habitats where there are nearby seasonal wetlands for breeding; the silvery legless lizard, which is found in sandy or loose loamy soils under sparse vegetation with high moisture content; San Joaquin whipsnake, which requires open, dry habitats with little or no tree cover with mammal burrows for refuge; the Alameda whipsnake, which is restricted to valley-foothill hardwood habitat on south-facing slopes; the California horned lizard, which occurs in a variety of habitats including, woodland, forest, riparian, and annual grasslands, usually in open sandy areas; the foothill yellow-legged frog, which occurs in partly shaded and shallow streams with rocky soils; the California red legged frog, which occurs in stream pools and ponds with riparian or emergent marsh vegetation; and the western spadefoot toad, which requires grassland habitats associated with vernal pools. The 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 CNDDB record search did not reveal any documented wildlife corridors or wildlife nursery sites on or adjacent to the project site. Implementation of the proposed project would have a **less than significant** impact.

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:

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

RESPONSES TO CHECKLIST QUESTIONS

Response a), b), c), d): Less than Significant. 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:

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a.i), a.ii): Less than Significant. The project site is located in an area of moderate to high seismicity. No known active faults cross the project site, and the site is not located within an Alquist-Priolo Earthquake Fault Zone, however, relatively large earthquakes have historically occurred in the Bay Area and along the margins of the Central Valley. Many earthquakes of low magnitude occur every year in California. The 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 indentify 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:

	Potentially Significant Impact	***Less Than Significant with Mitigation Incorporation***	***Less Than Significant Impact***	***No Impact***
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?			X	

BACKGROUND DISCUSSION

Various gases in the Earth's atmosphere, classified as atmospheric greenhouse gases (GHGs), play a critical role in determining the Earth's surface temperature. Solar radiation enters Earth's atmosphere from space, and a portion of the radiation is absorbed by the Earth's surface. The Earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation.

Naturally occurring greenhouse gases include water vapor (H_2O), carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and ozone (O_3). Several classes of halogenated substances that contain fluorine, chlorine, or bromine are also greenhouse gases, but they are, for the most part, solely a product of industrial activities. Although the direct greenhouse gases CO_2, CH_4, and N_2O occur naturally in the atmosphere, human activities have changed their atmospheric concentrations. From the pre-industrial era (i.e., ending about 1750) to 2011, concentrations of these three greenhouse gases have increased globally by 40, 150, and 20 percent, respectively (IPCC 2013)[1].

Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is now retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect are carbon dioxide (CO_2), methane (CH_4), ozone (O_3), water vapor, nitrous oxide (N_2O), and chlorofluorocarbons (CFCs).

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors (California Energy Commission 2014) [2]. In California, the transportation

[1] 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

[2] California Energy Commission. 2014. California Greenhouse Gas Emission Inventory. 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 ($MMTCO_2e$) in 2012 (California Energy Commission 2014). By 2020, California is projected to produce 509 $MMTCO_2e$ per year.[3]

Carbon dioxide equivalents are a measurement used to account for the fact that different GHGs have different potential to retain infrared radiation in the atmosphere and contribute to the greenhouse effect. This potential, known as the global warming potential of a GHG, is also dependent on the lifetime, or persistence, of the gas molecule in the atmosphere. Expressing GHG emissions in carbon dioxide equivalents takes the contribution of all GHG emissions to the greenhouse effect and converts them to a single unit equivalent to the effect that would occur if only CO_2 were being emitted.

Consumption of fossil fuels in the transportation sector was the single largest source of California's GHG emissions in 2004, accounting for 40.7% of total GHG emissions in the state (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 21st century (Cal EPA 2006)[4]. This phenomenon could lead to significant challenges securing an adequate water supply for a growing state population. Further, the increased ocean

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

[4] 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/

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 CO2e. 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:

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b): Less than Significant. 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 or 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:

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a): Less than Significant. 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.[5] 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.

[5] 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 be 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:

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a): No Impact. The project site is surrounded by residential, 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:

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b): Less than Significant. As described in the Tracy General Plan EIR, the main mineral resources found in San Joaquin County, and the Tracy Planning Area, are sand and gravel (aggregate), which are primarily used for construction materials 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:

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

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant. The proposed project is located in an area consisting predominately of 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_{dn}. 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_{dn} 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_{dn}, 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

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

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

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

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

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant. Implementation of the project would result in the construction of 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

	Potentially Significant Impact	***Less Than Significant with Mitigation Incorporation***	***Less Than Significant Impact***	***No Impact***
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
• 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

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b): Less than Significant. The proposed project would increase demand for parks and recreational facilities within the City of Tracy, and would increase the use of the City's existing parks and recreation system. As described in the Tracy General Plan, the City maintains 48 mini-parks, 15 neighborhood parks, and eight community parks, providing approximately 256 acres at 71 sites. The City is also in the process of 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:

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a) 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.[6] For this analysis, a unit generation factor of 176 gallons per day of wastewater per residential unit was used.[7] 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.

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

[7] 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 --

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b), c): Less than Significant. As described throughout the analysis above, the proposed project would not result in any significant impacts to the environment that cannot be mitigated to a less than significant level 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.

ATTACHMENT G

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

September 9, 2015

www.tjkm.com

Prepared by:
TJKM Transportation Consultants
4305 Hacienda Drive
Suite 550
Pleasanton, CA 94588-2798
Tel: 925.463.0611
Fax: 925.463.3690

Table of Contents

Introduction and Summary **1**
Introduction 1
Summary and Recommendations 1
Existing Conditions (Scenario 1) **3**
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
Existing plus Project Conditions (Scenario 2) **7**
Project Description 7
Trip Generation 7
Trip Distribution and Assignment 7
Level of Service Analysis – Existing Plus Project Conditions 10
Proposed Circulation 12
2035 Cumulative Traffic Conditions (Scenario 3) **13**
Level of Service Analysis – 2035 Cumulative Traffic Condition 13
2035 Cumulative plus Project Traffic Conditions (Scenario 4) **16**
Level of Service Analysis – 2035 Cumulative plus Project Traffic Condition 16
Proposed Driveway on Corral Hollow Road 17
Conclusions **19**

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 – Exiting 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 1.

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 1), 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 1)

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 1.

Existing Roadways

There are several key roadways serving the project site, as shown in Figure 1 and discussed below:

Corral Hollow Road is a major arterial that extends from south of I-580 to the south and north of 11th 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.

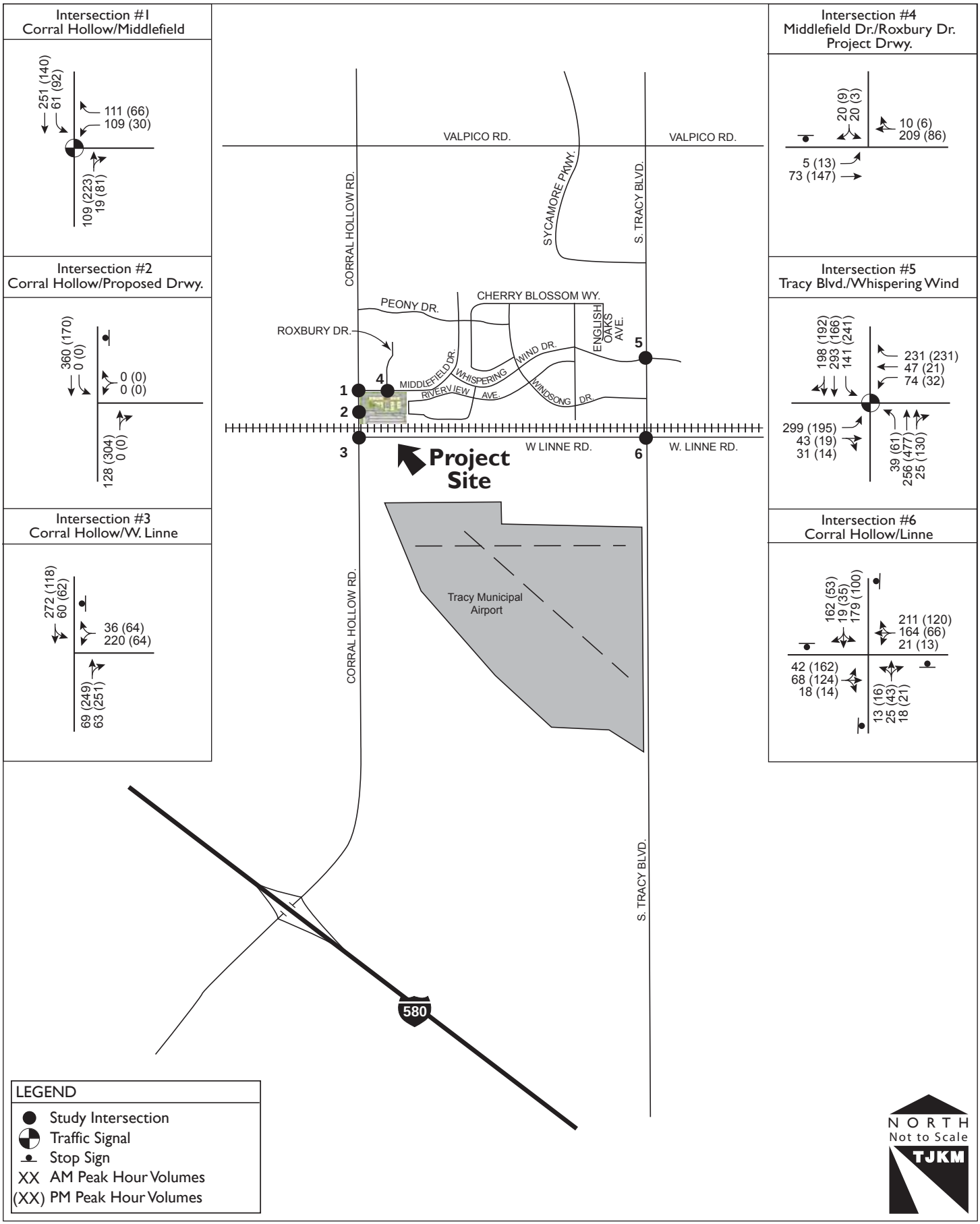
Valpico Road is generally a two- to four- lane east-west road located to the north of the project site. It is shown as an arterial in the future 2035 Tracy Transportation Master Plan.

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 1.

City of Tracy - Middlefield Apartments and Self-Storage Facility Traffic Impact Study
Vicinity Map, Existing Turning Movement Volumes & Lane Configurations

Figure 1



163-125 - 4/5/13 - CT

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 1. Detailed calculations are contained in Appendix C.

Table 1: Intersection Levels of Service – Existing Conditions (Scenario 1)

			Existing			
Int.		***Existing Control***	***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
Total						***21***	***37***	***57***				***45***	***36***	***81***

Note: ksf =1,000 square feet
Source: ITE Trip Generation, 9th 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.[1] Figure 3 shows the trip distribution assumptions for the proposed project.

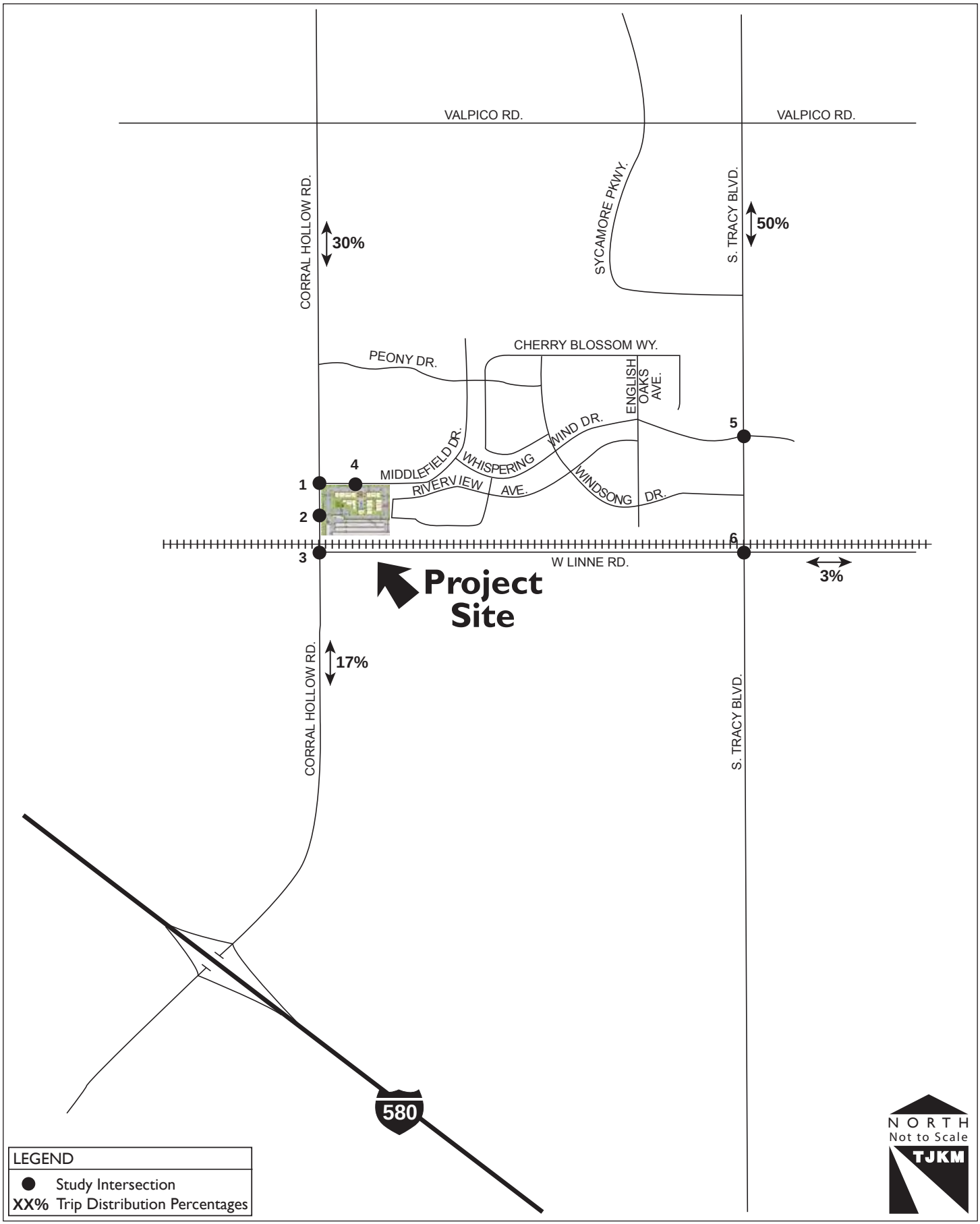
[1] *Trip generation and distribution information are based on discussions with Ripon Bhatia and Cris Mina, City of Tracy on September 20, 2012*

Figure
2

NORTH
Not to Scale
TJKM

City of Tracy - Middlefield Apartments and Self-Storage Facility Traffic Impact Study
Project Trip Distribution

Figure 3



163-125 - 03/29/13 - CT

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 – Exiting plus Project Condition (Scenario 2)

			Existing				Existing + Project			
Int.		*Existing Control*	*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.

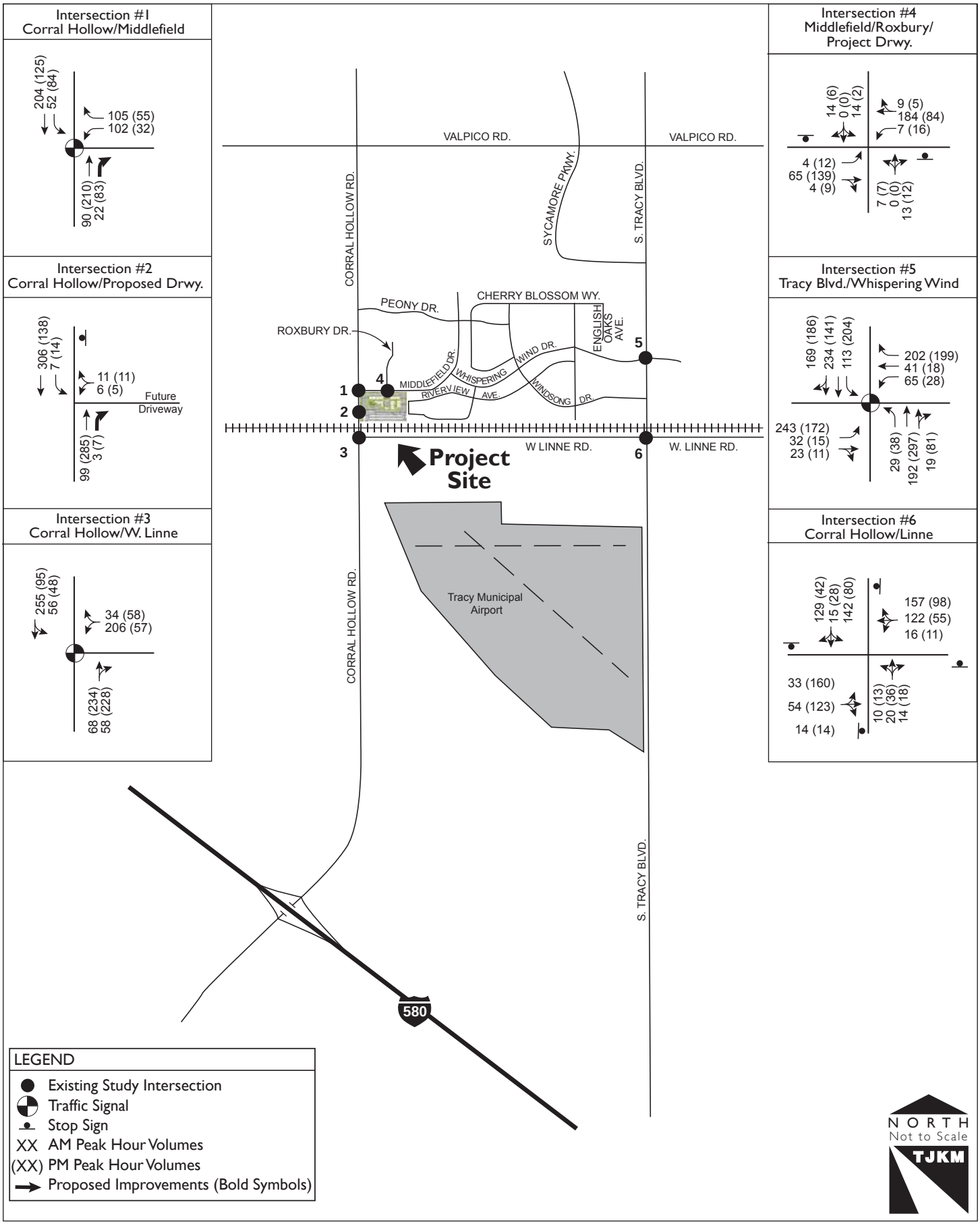
Table IV: Comparison of Changes in Delay – between Existing Condition (Scenario 1) and Existing plus Proposed Project Condition (Scenario 2)

			Changes in Delay, seconds	
Int.		*Existing Control*	*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

City of Tracy - Middlefield Apartments and Self-Storage Facility Traffic Impact Study
Existing plus Project Peak Hour Volumes & Lane Configuration

Figure 4



163-125 - 5/15/13 - CT

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).[2] 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.

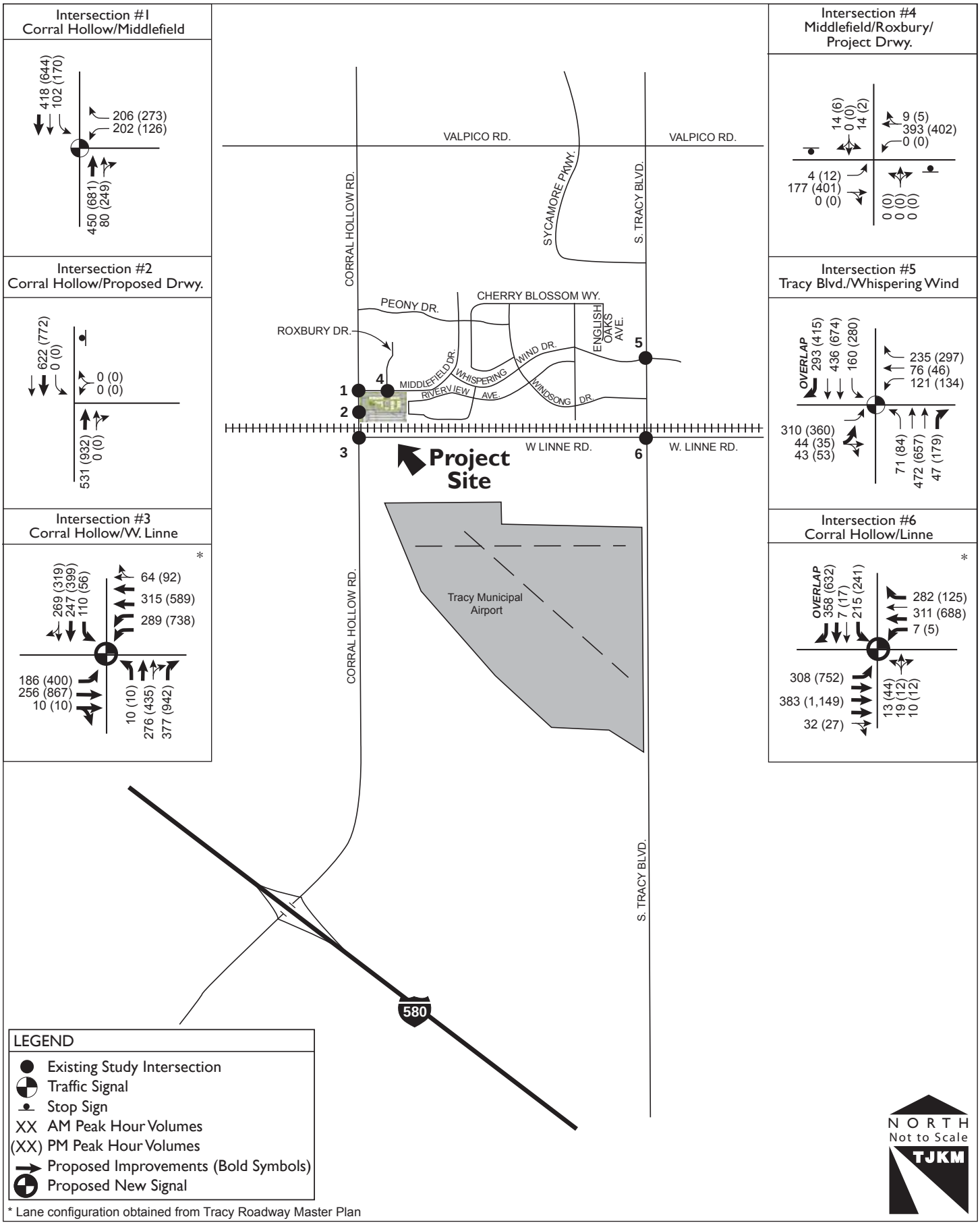
Level of Service Analysis – 2035 Cumulative Traffic Condition

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.

[2] *Based on email from Cris Email, March 14, 2013*

City of Tracy - Middlefield Apartments and Self-Storage Facility Traffic Impact Study
2035 Cumulative Peak Hour Volumes & Lane Configuration

Figure 5



* Lane configuration obtained from Tracy Roadway Master Plan

163-125 - 4/9/13 - CT

Table V: Intersection Levels of Service – 2035 Cumulative Conditions (Scenario 3)

			2035 Cumulative Base				Future Control	2035 Cumulative Base			
Int.		*Existing Control*	*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**	**Signal**	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**	**Signal**	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)

			2035 Cumulative plus Project				Future Control	2035 Cumulative plus Project			
Int.		*Existing Control*	*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**	**Signal**	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**	**Signal**	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)

		Future Control	Changes in Delay, seconds	
Int.			***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	**Signal**	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	**Signal**	0.0	0.1

Notes: 2WSC = Two Way Stop Control and AWSC = All Way Stop Control
Signal (**Bold** font) – New signal control improvement required

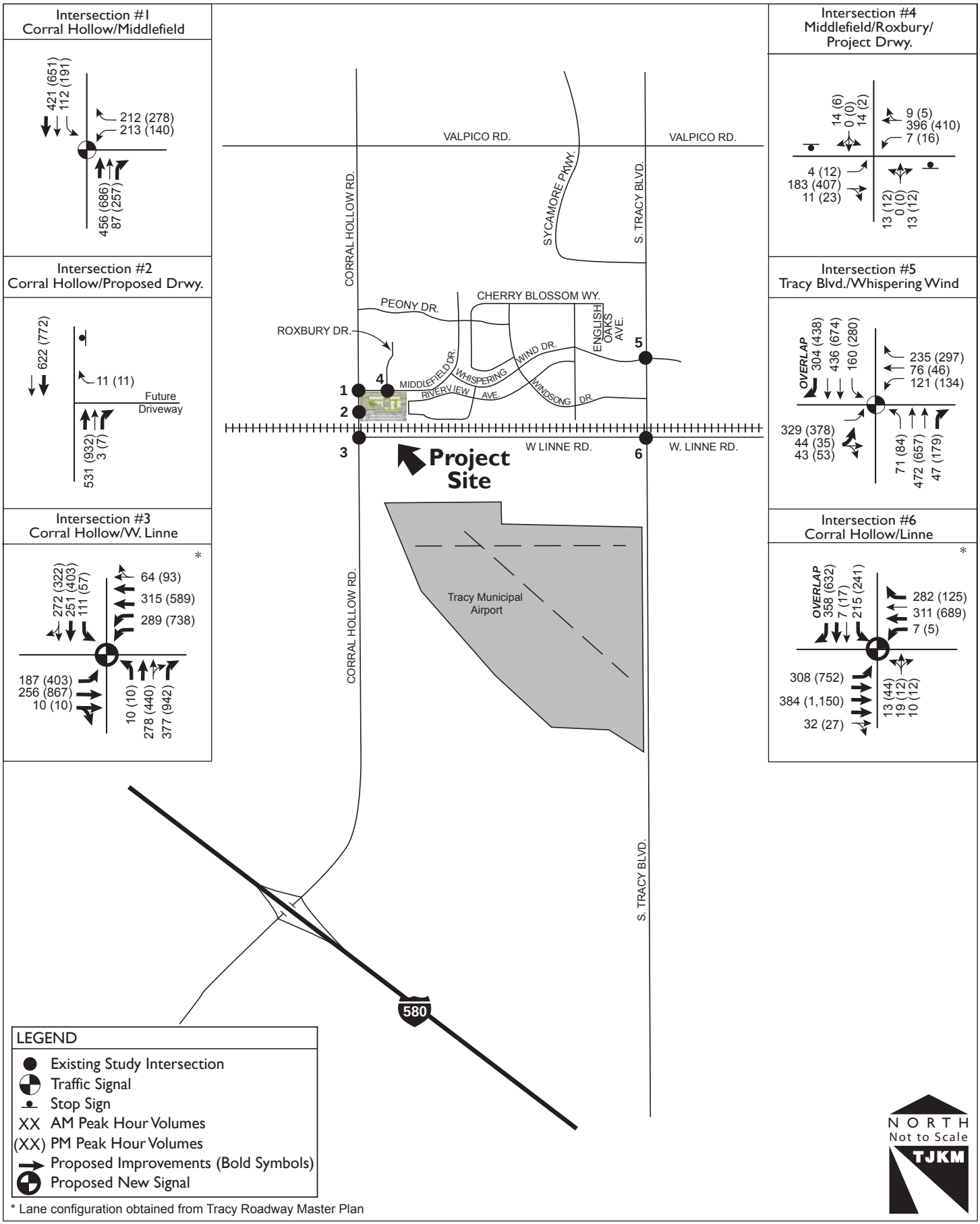
Proposed Driveway on Corral Hollow Road

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.

City of Tracy - Middlefield Apartments and Self-Storage Facility Traffic Impact Study
2035 Cumulative plus Project Peak Hour Volumes & Lane Configuration

Figure 6



* Lane configuration obtained from Tracy Roadway Master Plan

163-125 - 5/15/13 - CT

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 1), 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.

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)

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 25 2014
CITY OF TRACY

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 is 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

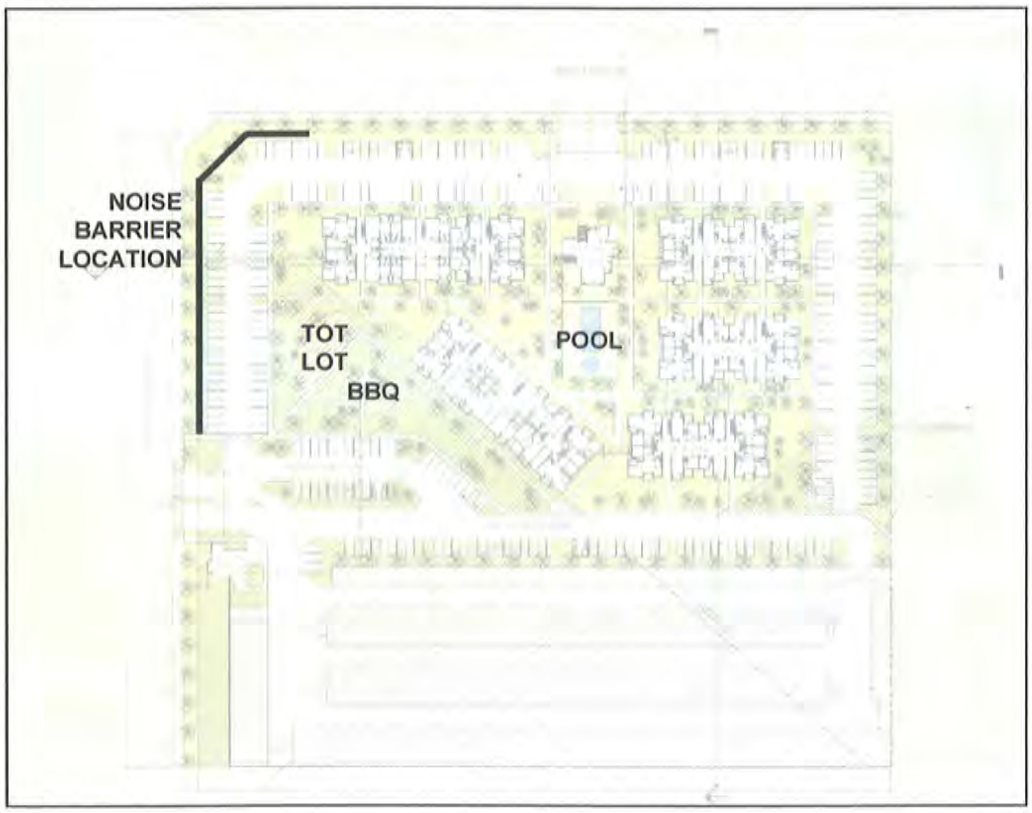


Figure 2: Noise Barrier Option 2

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.

This concludes our current comments. Please contact us if you have any questions.

Sincerely,

Harold S. Goldberg, P.E.
Principal
Rosen Goldberg Der & Lewitz, Inc.

BRIGIT S. BARNES & ASSOCIATES, INC.
A LAW CORPORATION

Brigit S. Barnes, Esq.
Annie R. Embree, Esq.
Of Counsel

Asset Preservation, Land Use and Environmental Paralegal
Jaenalyn Killian

Legal Assistant
Noreen Patrignani

3262 Penryn Road
Suite 200
Loomis, CA 95650
tel: 916.660.9555
fax 916.660.9554
www.landlawbybarnes.com

ATTACHMENT I

December 15, 2015

Via Email and Regular Mail
Email: council@ci.tracy.ca.us

Nora Pimentel, City Clerk, for the
City Council, City of Tracy
333 Civic Center Plaza
Tracy, CA 95376
Attn: Mayor Michael Maciel
Council Member Robert Rickman
Council Member Nancy Young
Council Member Veronica Vargas
Council Member Mary Mitracos

Re: Opposition to Amendment to Edgewood Concept Development Plan; Approval of Tentative Map MS13-0008; Approval of Preliminary and Final Development Plan D13-0017 and Decision to Streamline Environmental Review Pursuant to Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183

Honorable Mayor and Council Members:

This comment letter is submitted on behalf of Horizon Planet, an environmental advocacy group dedicated to protecting, preserving, and conserving agricultural and open space lands throughout the State of California for future generations, and seeking to affect changes in proposed urban projects so that such projects are designed to minimize potential ecological impacts ("Horizon"). Consistent with its mission, Horizon has reviewed the Staff report dated December 15, 2015 advocating City Council approval of an ordinance amending the Edgewood Concept Development Plan, which seeks to change uses previously approved for this development plan from "neighborhood Commercial" to "Multi-Family Residential with Self-Storage".

The proposed modifications to the Edgewood project include apartments and self-storage use on the proposed 10.92 acre parcel to be located at the intersection of Corral Hollow Road and Middlefield Drive. The self-storage is proposed to be located visually across from that portion of Ellis in which the long-anticipated swim center is to be constructed. For a variety of reasons discussed below, this land use site is inconsistent with the goals, policies, and objectives of the Tracy General Plan, one of the primary desires of which is to establish a world-class swim center.

Most importantly, self-storage use <u>is not an allowed use within the Commercial designated areas of the General Plan</u>, and the City cannot legally approve the application as presented. Additionally, while CEQA encourages use of previously prepared environmental documents to streamline environmental review, the provisions of Public Resources Code section 21083.3 and CEQA Guidelines section 15183 do not apply to this project for the reasons set

out below. Horizon urges the City Council to deny this request because approval of the proposed amendment to the Development Plan using a categorical exemption as recommended by City Staff fails to meet the requirements of CEQA, thus amounting to an abuse of discretion per Public Resources Code sections 21168, 21168.5. *Communities for a Better Env't v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal. 4th 310 (*CBE*); *Neighbors for Smart Rail v. Exposition Metro Line Const. Auth.* (2013) 57 Cal. 4th 439 (*Smart Rail*).

1. **Lack of Consistency with General Plan.**

The City of Tracy cannot approve the proposed revisions based on CEQA streamlining Guideline 15183, because contrary to statements in the Staff Report, the project is not consistent with the General Plan.

Since the General Plan is the constitution for all future development, any decision by the City affecting land use and development must be consistent with the General Plan. *Friends of Lagoon Valley v. City of Vacaville,* 154 Cal. App. 4th 807. *Lesher Communications v. City of Walnut Creek* (1990) 52 Cal. 3d 531 established the consistency doctrine by holding that any subordinate land use actions such as zoning ordinance amendments, PD modifications, or tentative map approvals that were not consistent with the City's current General Plan were invalid at the time adopted. The Staff Report's discussion of the amendment to the Edgewood CDP acknowledged the requirement that the proposed use must be consistent with the General Plan. The fourth paragraph of the discussion of the CDP Amendment begins with this erroneous statement:

> "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."

The Staff Report is correct that the project site is designated Commercial in the General Plan, but incorrect in the statement that self-storage is consistent with the Commercial designation. There are a number of self-storage facilities located throughout the City, <u>all</u> of which are located in Industrial or General Highway districts in which the unsightly nature of these facilities and the wide and various impacts can be identified and mitigated. Pages 2-23 through 2-25 of the General Plan set out the textual description of uses allowed in the Commercial designation. Nowhere in those descriptions is a self-storage use mentioned. The description of uses allowed in the Industrial designated areas includes warehousing and distribution. The warehouse and distribution use is much closer akin to the self-storage use than is a Commercial use as defined in the General Plan.

Most importantly, the General Plan Draft EIR prepared for the 2006 General Plan examined the General Plan land use categories and determined there existed 482 acres of Commercial designation within the City limits and a small amount more in the sphere of influence. The General Plan EIR discussed those land use designations and stated as follows relating to the Commercial designation:

> "**Commercial**. Sites with one or more types of retail and office facilities are included in this category. Typical parcels contain restaurants, grocery stores, shopping centers and office parks. There are approximately 496 total acres in this category, 482 acres of which are in the City limits and 13 acres of which are in the SOI. Major concentrations are along the Eleventh Street Corridor and in association with the I-205 Regional Commercial Area in the northwest corner of the City.
>
> "**Industrial**. These sites contain uses such as warehouses and distribution facilities, light manufacturing, <u>self-storage facilities</u>, aggregate deposits and extraction operations in automobile garages. There are approximately 1,733 acres containing industrial uses, 849 acres of which are in the City limits and 884 acres of which are in the SOI. Several concentrations of these uses are in and around Tracy, including the northeast industrial area near Tracy Boulevard, West Tracy around Mountain House Parkway and around the airport." (Emphasis added.)

[*See also* the 2010 General Plan EIR, p. 4.1-5 (describing self-storage as an industrial use).] The project is seeking to utilize the CEQA streamlining provisions of Public Resources Code section 21083.3, which require: (1) that an EIR was certified for adoption of the General Plan; (2) that the proposed project is consistent with the General Plan; (3) that there are not impacts peculiar to the project which were not analyzed as significant effects in the prior General Plan EIR; and (4) that there are no potential significant off-site impacts and cumulative impacts, or any previously identified significant effects in the General Plan EIR which might be made more severe because of new information which was not known at the time the General Plan EIR was certified. The project fails to qualify on any of these grounds. Initially and primarily, the proposed self-storage use is not consistent with the Commercial designation in the General Plan. A number of other factors, including the establishment of the proposed Ellis Swim Center now accessing off Corral Hollow and Middlefield Road, preclude use of this CEQA streamlining mechanism, and the project must be required to prepare and circulate a full EIR analyzing all of its potential impacts.

<u>Inconsistency of Project With Goals and Objectives of the General Plan</u>. It has been pointed out above that the General Plan on its face clearly indicates that the appropriate land use designation area for self-storage uses is Industrial. Self-storage use in the Commercial designated areas is not consistent with the General Plan, as evidenced by the analysis contained in the General Plan EIR. This is a crucial planning point upon which the viability of all of the various elements of approval sought by the project hinge. It is mystifying that a project of this scope could get to this stage of the planning process without a more exhaustive discussion of the basic consistency doctrine. However, in addition to the textual provisions in the General Plan which make clear self-storage is not an allowed use in the Commercial district, there are a number of policies, goals and objectives which are violated or not furthered by this project:

Goal CC-1 Superior Design Quality Throughout Tracy. Policy P2 under this heading states that the City shall promote the development of urban green space, including amenities such as community squares, parks and plazas. The inclusion of a self-storage project with its maximization of hardscape could not be further from satisfaction of this basic and commendable precept.

Neighborhoods With a Recognizable Identity and Structure: Objective CC-5.2 Size and Design Neighborhoods to be Walkable. The Edgewood neighborhood identity would be changed and opportunities provided to establish trail and walkway connectivity to allow residences of the apartment project and the Edgewood development in general to walk and bike from their homes to commercial centers. Establishment of an industrial use like the self-storage facility will hamper and limit the options for connectivity.

Goal CIR-1 A Roadway System that Provides Access and Mobility for all of Tracy's Residents and Businesses While Maintaining the Quality of Life in the Community. Objective CIR-1.2 Provides a High Level of Street Connectivity. Policy P-5 provides that new development is to be designed with a grid or modified grid pattern to facilitate traffic flows and provide multiple connections to arterial streets. Middlefield Drive is a minor arterial under the classification contained in the Circulation Element, and the provision of traffic-heavy apartments at the intersection with Corral Hollow Road and adjacent to the proposed Ellis Swim Center hinder or make impossible the provision of the required connectivity.

Objective CIR-1.3 Adopt and Enforce LOS Standards That Provide a High Level of Mobility and Accessibility for all Modes for Residents and Workers. Policy P1 states that the City is to strive for LOS D on all streets and intersections. The access to the Ellis project and Swim Center off of Corral Hollow and Middlefield Road create new traffic patterns that were not analyzed, including a self-storage project and apartments at this site. Based on the existing review of the self-storage project, it is impossible to determine what the LOS will be at the Middlefield Drive/Corral Hollow intersection with the addition of the project traffic to the Swim Center traffic. Policies 1 through 10 specify a number of other policies relating to roadway capacity, the impact of which cannot be fully analyzed unless and until a new traffic study is done measuring the traffic from the project and from the Ellis Swim Center.

Objective CIR-3.1 Achieve a Comprehensive System of Citywide Bikeways and Pedestrian Facilities. Policies P1 through P7 set forth a number of measures to ensure the incorporation of appropriate bicycle and pedestrian facilities on all roadways within the City. The concentration of the self-storage use in a location directly across from the Ellis Swim Center will make the provision of bicycle and pedestrian access to the facility extremely difficult. These impacts are site specific and need to be examined fully in an adequate CEQA document.

Goal OSC-4 Provision of Parks, Open Space and Recreation Facilities and Services That Maintain and Improve the Quality of Life for Tracy Residents. The proposed Ellis Swim Center is virtually certain to be developed, and will provide the crowning jewel in the City's

park and recreation context. None of the policies listed as P1 through P10 will be advanced or enhanced by the approval of the project. The impacts upon the Swim Center require a full and complete CEQA analysis, and to approve the project without such an analysis is absolutely contrary to the provisions and goals of the General Plan.

2. Misuse of PRC 21083.3 to Avoid Full Environmental Review of this Project.

CEQA Streamlining Provision Set Out in Public Resources Code Section 21083.3 Is Not Appropriate for This Project and a Full and Complete Environmental Impact Report Analyzing the Environmental Impacts of the Project Needs to be Prepared, Circulated and Certified Before the Project Can Be Approved. We have already pointed out that the central requirement for utilization of the streamlining provision — i.e., the requirement of conformity with the provisions of the General Plan for which an Environmental Impact Report has been prepared and certified — cannot be met since self-storage use is not an allowed use in the Commercial districts designated in the General Plan. However, there exist a myriad of other reasons why the streamlining provision is not appropriate under the provisions of CEQA.

Nature of the Section 15183 Exemption. Under 14 CCR § 15183 and Public Resources Code section 21083.3, an EIR for a planning or zoning action may be used to eliminate or reduce the scope of environmental review for certain development approvals that are consistent with the planning or zoning action. This mechanism is worded as a CEQA exemption, and not as a procedure for streamlining subsequent environmental review. *Gentry v. City of Murrieta* (1995) 36 Cal. App. 4th 1359, 1374, as modified on denial of reh'g (Aug. 17, 1995); *Wal-Mart Stores, Inc. v. City of Turlock* (2006) 138 Cal. App. 4th 273, overruled on other grounds in *Hernandez v. City of Hanford* (2007) 41 Cal. 4th 279.

Failure to compare the proposed revisions to the actual project means that the City cannot assume that it adequately investigated whether the proposed land use changes affect all possible impacts prior to making a determination regarding the merits of the proposed revisions, or what the magnitude of impacts such changes may have. The City should not assume that a change in use from "Neighborhood Commercial" to residential and mini-storage has such minor impacts that a CEQA 15183 streamlined analysis is appropriate. *American Canyon United for Responsible Growth v. City of Am. Canyon* (2006) 145 Cal. App. 4th 1062. The City here has attempted to satisfy the exemption procedure, thereby avoiding preparation of a negative declaration or EIR for the proposed self-storage facility, with the project's "CEQA 15183 Analysis." The error in this strategy is fatal because:

Analysis under 14 CCR § 15183 obligates a city to undertake analysis of impacts peculiar to a project, off-site impacts, cumulative impacts, and impacts not evaluated in a community plan review; here, the General Plan explicitly did not evaluate impacts (e.g., traffic and noise) near the site of the proposed self-storage facility. The proposed project's environmental analysis relies on project-specific mitigation to ensure impacts are less than significant, where it is a fundamental CEQA rule that one cannot "mitigate into" the proposed exemption unless the City relies on uniformly developed standards or policies.

The environmental analyses for the General Plan and nearby development projects have shown that, in similar circumstances, development in the immediate vicinity will have significant and unavoidable impacts on a variety of resources, thereby warranting preparation of an EIR.

3. **§ 15183 Cannot be Used to Evade Unavoidable Impacts Already Designated in the General Plan EIR.**

The Limitations of Reliance Upon the General Plan EIR. Environmental review under §15183 is not appropriate where a project has effects "not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent." (14 CCR § 15183(b)(2).) Moreover, this qualified exemption does not apply insofar as substantial new information, which was not known at the time of the previous EIR was certified, shows a project may have a more severe adverse impact than what was identified in the prior EIR. (14 CCR § 15183(b)(4).) There are a number of impacts peculiar to the self-storage facility site ("Project site") that were not contemplated, much less evaluated, in the General Plan EIR:

Traffic-Related Noise Impacts. The self-storage facility noise analysis purports to tier off comprehensive analysis in the General Plan EIR, but this latter document never analyzed noise in the vicinity of the Project site. Rather, it only included noise measurements well to the north and east of the Project site and, in those areas it did evaluate, impacts were significant and unavoidable. (See General Plan EIR, p. 4.14-12 [Figure 4.14-2, showing no long-term or short-term noise measurements in vicinity of Project site], p. 4.14-28.) In short, the General Plan EIR is inadequate to cover impacts peculiar to the apartments and self-storage facility.

Insofar as the CEQA 15183 Analysis addresses localized noise impacts (which it should do in an EIR setting, complete with public circulation, public comments, and response to comments), it fails to acknowledge that impacts will be significant and unavoidable. Rather, the proposed project analysis determines that traffic noise will be less-than-significant, on the apparent basis that the project will include acoustical shielding along its own frontages. (CEQA 15183 Analysis, pp. 51-53.) This analysis wholly fails to consider the project's off-site impacts — e.g., its contribution to significant traffic related decibel increases experienced by residential neighbors along Corral Hollow Road and Linne Road, as well as adjacent park uses. (See, e.g., Modified Ellis Specific Plan Draft EIR ["ESPEIR"], p. 4.3-6 [sensitive receptors include residential areas, hospitals, day-care facilities, elder-care facilities, elementary schools, and parks].) As identified in the CEQA document prepared for the Ellis Specific Plan (again, located just across the street), these receptors will experience an increase in noise from cumulative traffic that is significant. (ESPEIR, p 4.10-24.) Moreover, in a cumulative context, the effects of mobile noise were determined to be significant and unavoidable. (ESPEIR, pp. 4.10-33 to 4.10-35.)

To satisfy CEQA, the project analysis must acknowledge both the existence and the severity of this impact in an EIR, and prescribe and recommend adoption of all feasible mitigation. Moreover, in reach environmental determinations, a quantified analysis using roadway noise contours must be prepared consistent with other environmental analyses the City has undertaken. (See ESPEIR, p. 4.10-25 [Mitigation Measure 4.10-1f, requiring acoustical noise analysis to ensure General Plan noise standards are met at all residential and other land uses].)

Construction-Related Noise Impacts. The project's CEQA 15183 Analysis acknowledges that construction noise would be considered potentially significant, but determined that various "project requirements," including restricting construction hours and using noise-reduction technologies, would reduce impacts to a less-than-significant level. Despite their label, these are project-peculiar mitigation measures, and this is a problem. Generally, an agency may not rely on mitigation measures as a basis for concluding that a project is exempt from CEQA. *Azusa Land Reclamation Co., Inc. v. Main San Gabriel Basin Watermaster* (1997) 52 Cal. App. 4th 1165; *Salmon Protection and Watershed Network v. County of Marin* (2004) 125 Cal. App. 4th 1098.) Even when one takes into account that the § 15183 exemption is something of a special creature, it cannot apply where an agency must design project-specific mitigations; rather, it is only when "uniformly applied development policies or standards" mitigate a project's environmental effects that this CEQA process may be used. (Pub. Res. Code § 21083.3(d); 14 CCR § 15183(c)&(e).)

That defect aside, there is no evidence that the identified project-specific mitigation measures will reduce impacts to a less-than-significant level, as the City has undertaken no quantified analysis about the efficacy of these measures. It is telling that, in preparing the EIR for the Ellis Specific Plan, the City determined construction noise impacts would be significant and unavoidable under virtually the same circumstances. (ESPEIR, pp. 4.10-27 to 4.10-29.) That is, construction of the Ellis Specific Plan is expected to occur within 150 feet of sensitive receptors, and that plan's EIR determined the use of standard construction equipment would exceed criterion for speech interference (70 dBA at 500'), ultimately resulting in a significant and unavoidable impact. (*Id.*) Here, the construction of the apartments and self-storage facility will take place within 100 feet of homes on Riverview Avenue and Whirlaway Lane, and yet the conclusion is wholly different. A city cannot modify thresholds on a project-by-project basis to achieve specific results. CEQA and other applicable law forbid such an arbitrary approach.

Traffic Impacts. The General Plan EIR never evaluated impacts of citywide buildout on intersections near the Project site, and so it is beyond comprehension how the City believes it can utilize the § 15183 exemption process to process the project's environmental review without an EIR.

It perhaps is telling that the project's CEQA 15183 Analysis never refers directly to the General Plan EIR, but to the 2012 Citywide Roadway and Transportation Master Plan. We understand that an EIR may have been prepared for this circulation plan in 2012, but it does not appear a transportation plan qualifies as a "community plan" under § 21083.3. As

defined, a community plan is part of a general plan that is adopted to cover a specific geographic area within the general plan area, that includes or references each of the mandatory general plan elements, and that contains specific development policies and measures to implement the policies. (Pub. Res. Code, § 21083.3(e).).

Hence, the scope of previous review is not sufficient to cover the impacts of the proposed self-storage facility. But other flaws, separately and independently, render the project's CEQA review unlawful.

For instance, the CEQA 15183 Analysis fails to acknowledge that it's "Project Requirements" to install turn pockets, a deceleration lane, and other localized infrastructure are in fact project-specific mitigations, intended to remedy traffic impacts peculiar to the self-storage facility. These are the types of mitigations that must be circulated to the public as part of an EIR. (See discussion of construction noise, above.) Labeling them as "Project Requirements" in an informal exemption document does not satisfy CEQA. If it walks like a duck and quacks like a duck, it is indeed a duck.

Further, the CEQA 15183 Analysis fails to acknowledge that the project will contribute, in the long term, vehicle trips to two severely impacted intersections in the immediate vicinity of the Project site: (1) the Corral Hollow Road/Linne Road intersection; and (2) the Tracy Boulevard/Linne Road intersection. (See CEQA 15183 Analysis, p. 62 [attention to only existing traffic impacts].) On this point, the project analysis only discusses existing conditions.

This error is critical. Other environmental analyses, including the General Plan EIR and the Ellis Specific Plan EIR, have found that the foregoing two intersections will be significantly impacted in the 2030-2035 timeframe. The project's CEQA analysis must acknowledge this, and determine whether its contribution to this traffic congestion is cumulatively considerable. To the extent impacts are significant, feasible mitigation must be imposed. It is these types of questions that must be addressed in an EIR, as § 15183 contemplates.

Third, the scope of project review is too narrow. A proper traffic study would evaluate impacts on intersections, roadway segments, and regional roadways, as has been required of other nearby projects. Individual and cumulative impacts, both under existing and long-term conditions, must be studied, and using methodologies the City has utilized for other environmental review documents. The traffic study for the self-storage facility evaluated only six intersections (whereas nearby projects have been required to evaluate more than a dozen), and entirely omitted review of project impacts on roadway and freeway segments, including the Tesla Road and Patterson Pass Road. (See, e.g., ESPEIR 4.13-26-42.) Finally, the project traffic analysis is not current and must account for recent changes to the local circulation system. (See next bullet point.)

<u>The Swim Center</u>. As was discussed above, the Ellis Swim Center is directly across from the Project site, and neither the CEQA 15183 Analysis nor the project's traffic study account for how traffic related to the proposed apartments or self-storage facilities will cumulate with

Swim Center traffic. This omission must be addressed in a Project EIR, as it constitutes substantial new information that was not known at the time the General Plan EIR was finally adopted.

Public Services. According to the Environmental Analysis, the City has a goal of a 5-minute response time for Priority 1 calls (life-threatening situations). (See Attachment F to Staff Report, at p. 58.) However, even without the project, the police response times do not meet this City goal. According to the Environmental Analysis, the current average response time for Priority 1 calls within City limits is approximately 7 to 9 minutes. (See Attachment F to Staff Report, at p. 59.) The Environmental Analysis inappropriately concludes that the project, converting a neighborhood commercial use to 144 residential apartments and storage, would not result in significant new demand for police services, or result in impacts to the existing response times and existing police protection service levels, without offering any discussion or evidence to support this conclusion.

Public Service Impacts – Fire Protection. The project's CEQA 15183 Analysis indicates that fire "[s]ervice 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." (CEQA 15183 Analysis, p. 58.) And yet the analysis calls the impact less than significant, apparently on the basis that the "project will pay its proportionate fair share toward the construction of a nearby fire station." (Id.) First, the General Plan EIR (see 2006 Amendment to the General Plan Draft EIR) did not evaluate the impacts of a new fire facility in the vicinity of the self-storage site, determining that the "specific environmental impact of constructing new fire and emergency medical response facilities to support the growth allowed under the proposed General Plan cannot be determined at this first-tier level of analysis … As specific fire and emergency response facility expansion projects are identified, additional project-specific, second-tier environmental analysis would be completed pursuant to CEQA." (2006 Amendment to the General Plan Draft EIR, pp. 78-79; see also 2005 General Plan EIR, pp. 4.9-10 to 4.9-11.) The project here is generating a specific need for a local fire facility, and the project-related analysis must evaluate and mitigate this impact in a meaningful way. The mere payment of fair-share fees, without a plan to use such fees to construct the necessary mitigation in a timely manner, does not satisfy CEQA. *Anderson First Coalition v. City of Anderson* (2005) 130 Cal. App. 4th 1173.

The CEQA 15183 Analysis Fails to Properly Identify that the Apartments and Self-Storage Facility will have Significant and Unavoidable Impacts, and an EIR is Required. The project analysis fails to acknowledge that §15183(c) foreshortens environmental review only where an impact "can be substantially mitigated by the imposition of uniformly applied development policies or standards." Thus, a project that has significant and unavoidable impacts cannot properly qualify for exemption under this framework. In addition to the significant and unavoidable traffic, noise, and other impacts listed above, construction and operation of the self-storage facility has or will contribute to the following additional, immitigable impacts".

Agriculture. The General Plan EIR indicates that buildout within the City's limits and sphere of influence will result in the loss of prime agricultural land, and that this impact is significant and unavoidable. (General Plan EIR, p. 2-5.) Accordingly, other nearby development projects have adopted this approach and mitigated accordingly. (*See* ESPEIR, pp. 4.2-2, 4.9-14 [Ellis Specific Plan EIR acknowledging significance of impact and imposing mitigation measures].)

The approach taken in the CEQA 15183 Analysis is inconsistent, and determines that the project will have less than significant impacts because it does not generate impacts more severe than what was evaluated in the General Plan EIR. (CEQA 15183 Analysis, p. 11.) But the qualified exemption under § 15183 does not give a city a license to adopt an elevated baseline and evaluate only incremental impacts. Rather, the qualified exemption merely allows a city to avoid redundant review, and "piggyback" off previous environmental analysis insofar as they demonstrate uniformly applied development standards or policies will reduce impacts of future projects. Here, the General Plan EIR acknowledged that no policy could reduce impacts to less-than-significance, and the project does not overcome this determination. Its impacts are significant and unavoidable, and the applicant must undertake all feasible mitigation available.

Aesthetic Impacts. In past environmental review, the City has determined that impacts on views of agricultural fields are cognizable under CEQA as scenic vistas. (*See, e.g.,* ESPEIR, p. 4.1-1; General Plan EIR, p. 2-5.) The project's CEQA 15183 Analysis omits mention of this impact, and indicates the project would have less-than-significant aesthetic impacts. (CEQA 15183 Analysis, p. 9.) The City may not adjust thresholds of significance on a project-by-project basis, and the City appears to have done so here. This decision is arbitrary and capricious, and unlawful.

Biological Resource Impacts. Parcel-specific biological mitigation, including for the burrowing owl, has been identified as "Project Requirements" in the project's CEQA analysis. (CEQA 15183 Analysis, p. 21.) In EIRs for nearby development projects, the potential for the presence of burrowing owls has been deemed significant, and similar "project requirements" were more appropriately labeled as mitigations. (ESPEIR, p. 4.4-19.) In short, the City is reshaping terms so as to make the project appear eligible for a § 15138 exemption but, at bedrock, the CEQA 15183 Analysis betrays that the project has peculiar, site-specific impacts that warrant mitigation, just as other projects in the immediate vicinity has required.

Greenhouse Gas Impacts. The General Plan EIR determined that buildout of its long-range plans would have significant and unavoidable impacts. The project's CEQA 15183 Analysis acknowledges this fact, but indicates that because the "proposed project is consistent with the overriding considerations that were adopted for the General Plan," the project's impacts are less than significant. (CEQA 15183 Analysis, pp. 35-36.) Again, the City's use of the § 15183 exemption has been misinformed. The qualified exemption does not permit the City to adopt an elevated baseline; the project's impacts are significant and unavoidable, and the City must explore the application of mitigation, including project-specific mitigation.

The project's potential to exacerbate greenhouse gas emissions also has not been acknowledged. Under previous approvals and the General Plan, the project was expected to accommodate commercial development. Placing commercial development at the Project site constituted smart land use planning, as the surrounding Edgewood Development consists of hundreds of homes. Having these complementary uses in close proximity would have reduced vehicle miles traveled. With the project, which contemplates the self-storage facility and five three-story buildings, neighborhood-serving commercial uses are necessarily displaced, increasing vehicle miles traveled and greenhouse gas emissions. This arrangement also inhibits balancing of the City's jobs-housing ratio, which currently falls short of goals established by the California Department of Housing and Community Development. (General Plan EIR, p. 4.2-6.) This increase in the severity of impacts must be addressed in an EIR. Please note, given the General Plan's traffic model made assumptions about internalized trips on the basis of a forecast of the City's jobs-housing ratio, insofar as the project frustrates achievement of a target jobs-housing ratio, the project's traffic analysis must be adjusted to account for its change in land use.

4. **City Cannot Rely on any Type of Streamlining Provision Where no Consideration of the Original Project Plan and Analysis was Conducted; and the Original Plan was Approved on a Negative Declaration.**

The staff report and De Novo Analysis contain no mention of even a preliminary review of the original planning documents as required by *CBE* and *Smart Rail*. A determination of use of the "Streamlined" process is itself dependent on the City's determination that the proposed revisions have been compared to the initial project description and impacts as required by CEQA, or to the General Plan as chosen by the City's consultant. No one can determine whether an impact is significant or not if the original project environmental documents are not compared with the proposed changes.

This approach represents a failure to proceed in a manner required by law. Further, the "impact freeboard" assumed by full build out of the 2025 General Plan makes certain that the cumulative effect of a single 2015 development project will never exceed the threshold of full buildout of the community twelve years in the future. This error reflects a prejudicial abuse of discretion.

The fundamental error in the analysis presented to the City is that Staff assumes that it can approve substantial changes from the original Edgewood Development Plan using a CEQA streamlining analysis which looks to and compares from the City's General Plan for consistency and ignores the significant inconsistencies set forth above (De Novo Planning Group CEQA 15183 Analysis for the Tracy Middlefield Apartments and Self-Storage Project – the "De Novo Analysis"). The De Novo Analysis makes no reference to review the original planning and environmental documents reviewed when the Development Plan was originally adopted. We have just discovered that the entire development was approved by Negative Declaration, and no EIR was ever approved.

As explained in *CBE*, the impacts of a proposed project should be compared to the actual environmental conditions existing at the time of the CEQA analysis, rather than allowable future conditions defined by a general plan. This is because the general plan anticipates greater development over a future time period – (with internal references to *Environmental Planning Information Council v. County of El Dorado, supra,* 131 Cal. App. 3d at p. 354, than what must be considered now, at the time of this proposed approval " 'real conditions on the ground'"; *Save Our Peninsula Committee v. Monterey County Bd. of Supervisors, supra,* 87 Cal. App. 4th at p. 121; see *City of Carmel-by-the-Sea v. Board of Supervisors, supra,* 183 Cal. App. 3d at p. 246) – rather than the level of development or activity that *could* or *should* have been present according to a plan or regulation. *CBE* at 321. The De Novo Analysis ignores that the proposed revisions are to a project designed and analyzed in the mid-1990s using a Negative Declaration, and jumps to assuring the City Council that the project is otherwise consistent with the General Plan, except where supplemented. As shown in the sections above, there is no consistency that would have permitted streamlining. But even if the project as proposed could be seen to be consistent, such reliance violates CEQA.

The De Novo Analysis makes no reference to any review of the original Development Plan or its Negative Declaration in making determinations of whether the proposed land use revisions constitute a material change, or what impacts contrasted to the setting at the time of project approval need to be analyzed. There is no discussion in the staff report or the De Novo Analysis considering whether the proposed land use changes amount to a substantial change in the project, as required by Public Resources Code section 21166.

Before a project can rely upon a general plan or zoning EIR, as is proposed here, the City must first determine whether the development plan was originally adopted with an EIR. The City's evaluation must refer to and compare the proposed changes to the original Development Plan EIR for Edgewood first, before determining that the General Plan EIR is the only relevant document for comparison, and a determination of what impacts not considered in the EIR will be caused in the changes proposed. The City's review must start with a comparison of the original project environmental review, not the City's subsequent general plan and/or zoning EIR. Here there is no EIR to compare to – the Negative Declaration is not referenced and has not been located (at least as of the date of this letter).

Boiled to its essence, City relies on general plan consistency as a shorthand for evaluation of proposed revisions to the original project, itself only partially evaluated, which among other things selectively applies a "future conditions" baseline for certain cumulative impacts rather than an existing conditions baseline, without legal justification. Such approach, absent a showing that the modified baseline will actually offer better environmental protection, runs afoul of *Smart Rail*, 439 at 457. Thus, the problem highlighted is whether the analysis is complete, and all relevant information made available to the public as required by CEQA. *Smart Rail* at 451-457. Until a comparison and analysis is complete, the City cannot make a determination of whether or not any kind of streamlined evaluation would be permissible. The City must evaluate the original plan and the environmental review of the original plan, current on-the-ground impacts, first, and certainly consider general plan information, but not

to the exclusion of current on-the-ground impacts, especially in considering the project's cumulative impacts.

Based "on Guidelines section 15125(a) and CEQA case law…[the baseline] must ordinarily be the *actually* existing physical conditions rather than *hypothetical* conditions that could have existed under applicable permits or regulations." *Smart Rail* at 448 (italics in original). Here the project was originally approved on a Negative Declaration. The City cannot opt to discard an existing conditions baseline and apply a future projected baseline when evaluating environmental effects: "The use of a single future conditions baseline [for example, determining to only look for differentiations from the general plan] is per se a violation of CEQA. This means that the City's determination is not entitled to any deference and is a discretionary choice that cannot be justified by substantial evidence." *Smart Rail* at 450. *Smart Rail* permits a departure from the norm stated in Guidelines section 15125(a) – but only because unusual aspects of the project exist, or only when the agency can "justify its decision by showing an existing conditions analysis would be misleading or without informational value." *Id.* at 457. There is nothing unusual about the developer's desire to change the previously approved use in a long term project. Thus, the City can use the general plan for comparison, but not a substitute method of analysis for existing conditions. *Id.* at 451.

Essentially, City's attempted shortcut prejudices CEQA's primary objective to disclose information and data about environmental effects, because a future conditions baseline omits "short- and medium- term environmental costs of achieving that desirable improvement as originally identified …(*Id.* at 455 and)…sanction the unwarranted omission of information on years or decades of a project's environmental impacts and open the door to gamesmanship in the choice of baselines." *Id.* at 456. This summation is particularly apropos where no prior analysis was performed.

5. <u>The City's 15183 Analysis Substituted Future Conditions to Evaluate Some Cumulative Impacts</u>.

The Environmental Checklist contains a Cumulative Impacts scenario; even comparing only with general plan [future impacts] and cumulative + project scenario, the Checklist identifies LOS F at 3 intersections, and requires signals, lanes, and new timing. Thus the type of shorthand analysis cannot be utilized here until this project plans to correct all three intersections and bring LOC to C. Even trying to apply the general rules from *Smart Rail* to this truncated environmental review, the claim of general plan consistency is invalid. Unless the project undertakes to correct these significant inconsistencies, a determination by the City to override would be required which can only be made by the City in the context of an EIR, not a 15183 Categorical Exemption. Thus, the environmental review relying on an exemption should be scrubbed. The De Novo Analysis misunderstands a rule clearly articulated by the Supreme Court:

> We do not hold or imply agencies enjoy equivalent discretion under CEQA and the CEQA Guidelines to *omit* all analysis of the project's impacts on existing conditions and measure impacts only against conditions projected to prevail 20 or 30 years in the future." *Id.* at 456 (italics in original).

This misunderstanding is littered throughout the De Novo Analysis. For example, the De Novo Analysis dispensed with the existing conditions baseline and did exactly what the Supreme Court explained cannot be done – partially compare traffic and circulation impacts against a future conditions baseline. The existing conditions baseline was discarded without supplying the "unusual circumstances" needed to deviate from the normal procedure outlined in the CEQA Guidelines. Due to the "inherent uncertainty of every long-term prediction, uncertainty that tends to increase with the period of time (*Smart Rail* at 455) a small error…will itself be multiplied and compounded as the project is pushed further into the future." *Id.* at 456. According to the Supreme Court. this "would sanction the unwarranted omission of information on years or decades of the project's environmental impacts." *Id.*

Tracy's Staff's efforts compress and misconstrue the *Smart Rail* rule by making a future conditions baseline a substitute rather than additive method of evaluating cumulative impacts. *Smart Rail* teaches us that both baselines may be used for a single type of impact, but does not authorize an agency to use one type of baseline for an individual impact, and another type of impact for a cumulative impact. Thus, *Smart Rail* could have been satisfied if Tracy applied both the "actual current" and "future conditions" baselines to cumulative impacts, especially if adding a future conditions baseline analysis to an actual current baseline generates additional information and data about the intensity of the environmental effect. But this did not happen. No review of the original Negative Declaration was included.

6. There is no Consideration of Existing Conditions, and in Various Sections the Claim of Project Coordination With the General Plan is Incorrect.

This truncated analysis is also substantively wrong for the following reasons:

A. Traffic/Circulation. The Traffic Study submitted is incomplete and requires revision prior to consideration.

i. The Traffic Study concludes that when Corral Hollow goes to 4-6 lanes, the project driveways will be unsafe for access, and will need to be right-in/right-out. It then states that the "Developer should work with city as to when this improvement should occur in the future." (See Traffic Study, Attachment G, at pp. 17, 19.) This type of uncertainty in timing and/or enforcement and deferred mitigation is not allowed under CEQA.

ii. The Traffic Study concludes that the project driveways are unusually wide – 60 and 60 ½ feet (40' is more typical for commercial and 24' is more

typical for residential). It then states that the wide driveways are unsafe. (See Traffic Study, Attachment G, at p. 12.) It does not appear that the applicant has addressed this safety issue raised by its own Traffic Study. In addition, the southern boundary parking aisle between the apartments and the storage facility is only 22', when 24' is typical, and the Traffic Study suggests widening it to 24' to avoid difficulties for parking maneuvering along this stretch of the development. Has the applicant modified its plans to reflect this suggestion?

iii. Checklist at page 61 doesn't discuss cumulative results. It appears that roadway segments were not analyzed in the Traffic Study, just intersections. Therefore, impacts to roadway segments cannot claim to be less than significant, as stated on p. 61 of the Environmental Analysis, without further analysis.

iv. The Traffic Study concludes in both of its cumulative scenario analyses (with and without project) that three intersections will operate at unacceptable LOS F, requiring signalization, additional lanes, and new signal timing. (See Traffic Study, Attachment G, at pp. 15-16.) The City of Tracy has established LOS D as the minimum acceptable LOS for roadway and overall intersection operations. (Id., at p. 5.) Thus, a claim of general plan consistency appears invalid. Unless the project undertakes to correct these significant inconsistencies, a determination to override would be required, which can only be made by the City in the context of an EIR, not a 15183 Categorical Exemption.

B. Water Evaluation is Inadequate/Failure to Disclose Water Report.

The Environmental Analysis for the project states that a Hydraulic Evaluation was prepared for the project. (See Environmental Analysis, Attachment F to Staff Report, at p. 66; see also "Conditions of Approval," Exhibit 1 to the proposed Resolution included with 12-15-15 Staff Report, at para. C.1.1.b. and C.4.2.2.a. [a "Revised Hydraulic Evaluation of Middlefield Apartments and Self-Storage Facility Project" was prepared by West Yost Associates on March 6, 2015 for the Project].) However, there is no such report attached to the Staff Report for review and consideration by the City Council or the general public, and was also not before the Planning Commission when making its recommendation for the project, as far as we can tell from the City's online resources. Although we have not had a chance to review such report, and request to do so, we have prepared the following general comments relating to concerns over water supply for the project:

The impacts of the drought that the State is facing have compounded, causing the Governor to issue Executive Order B-29-15[1] on April 25, 2014, imposing mandatory water restrictions across the State of a *minimum* 25% reduction in use. In addition to not knowing whether staff has properly evaluated the provisions of water and water impacts of the project due to the unavailability of the water study, the Executive Order and resulting water curtailments

[1] The full text of the Executive order is attached hereto and incorporated herein by reference as **Exhibit A.**

bring into question whether there is any proven water available for the project at all. The Executive Order provides in pertinent part:

- WHEREAS the severe drought conditions continue to present urgent challenges including: drinking water shortages in communities across the state, diminished water for agricultural production, degraded habitat for many fish and wildlife species, increased wildfire risk, and the threat of saltwater contamination to fresh water supplies in the Sacramento-San Joaquin Bay Delta;

- WHEREAS the distinct possibility exists that the current drought will stretch into a fifth straight year in 2016 and beyond; and

- WHEREAS new expedited actions are need to reduce harmful impacts from water shortages and other impacts of the drought; and

- The State Water Resources Control Board (Water Board) shall impose restrictions statewide to achieve a statewide 25% reduction in potable urban water usages through February 2016.

In response to the Governor's Executive Order, the San Joaquin County Board of Supervisors passed a resolution on May 5, 2015, "Implementing State II Emergency Water Conservation Measures For All Water Districts Governed by the Board of Directors."[2] The Resolution mandates that all County water districts comply with State II Emergency Water Conservation measures as enumerated by Section 5-3412 of the Ordinance Code of San Joaquin County.[3]

The Executive Order and water curtailments underscore the Project's water analysis shortcomings. The Project fails to disclose the uncertainty, possible outcomes, and impacts, and proposes no mitigation measures should the assumed water supply fail to materialize.

7. **<u>Sewer Report/Failure to Disclose</u>**.

The Environmental Analysis for the project states that a Sewer Study was prepared for the project. (See Environmental Analysis, Attachment F to Staff Report, at p. 64; see also "Conditions of Approval," Exhibit 1 to the proposed Resolution included with 12-15-15 Staff Report, at para. C.4.2.1.a [a Sewer Study was prepared by Carlson, Barbee & Gibson, Inc. on August 3, 2013 for the Project].) However, there is no such report attached to the Staff Report for review and consideration by the City Council or the general public, and was also not before the Planning Commission when making its recommendation for the project, as far as we can tell from the City's online resources.

---

[2] Resolution R-15-59 is attached hereto and incorporated herein by reference as **Exhibit B.**

[3] Ordinance 5-3402, 5-3411, and 5-3412 are collectively attached hereto and incorporated herein by reference as **Exhibit C.**

8. <u>Planning Consistency Problems</u>.

As a policy matter, exchanging the existing neighborhood shopping center to apartments is problematic. The Environmental Analysis ignores the Basalite batch plant that is constructed directly across the street (W. Linne Road). From a planning perspective, such placement of residential uses close to what can be a noisy, smelly use is very poor planning. There is no discussion as to whether the proposed ministorage – which is intended to be constructed at a future time – provides adequate buffer.

Sincerely,

Brigit S. Barnes

Enclosures:
Exhibits A – C

cc's via email:
Client
Andrew Malik, Director of Development & Engineering Services
Bill Dean, Asst. Director of Development & Engineering Services

Horizon.Edgewood\City Council Letter re Edgewood CDP Amendment Ordinance

ATTACHMENT "A"

Executive Department
State of California

EXECUTIVE ORDER B-29-15

WHEREAS on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

WHEREAS on April 25, 2014, I proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

WHEREAS California's water supplies continue to be severely depleted despite a limited amount of rain and snowfall this winter, with record low snowpack in the Sierra Nevada mountains, decreased water levels in most of California's reservoirs, reduced flows in the state's rivers and shrinking supplies in underground water basins; and

WHEREAS the severe drought conditions continue to present urgent challenges including: drinking water shortages in communities across the state, diminished water for agricultural production, degraded habitat for many fish and wildlife species, increased wildfire risk, and the threat of saltwater contamination to fresh water supplies in the Sacramento-San Joaquin Bay Delta; and

WHEREAS a distinct possibility exists that the current drought will stretch into a fifth straight year in 2016 and beyond; and

WHEREAS new expedited actions are needed to reduce the harmful impacts from water shortages and other impacts of the drought; and

WHEREAS the magnitude of the severe drought conditions continues to present threats beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of section 8558(b) of the Government Code, I find that conditions of extreme peril to the safety of persons and property continue to exist in California due to water shortage and drought conditions with which local authority is unable to cope; and

WHEREAS under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately.

IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my January 17, 2014 Proclamation, my April 25, 2014 Proclamation, and Executive Orders B-26-14 and B-28-14 remain in full force and effect except as modified herein.

SAVE WATER

2. The State Water Resources Control Board (Water Board) shall impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016. These restrictions will require water suppliers to California's cities and towns to reduce usage as compared to the amount used in 2013. These restrictions should consider the relative per capita water usage of each water suppliers' service area, and require that those areas with high per capita use achieve proportionally greater reductions than those with low use. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.

3. The Department of Water Resources (the Department) shall lead a statewide initiative, in partnership with local agencies, to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes. The Department shall provide funding to allow for lawn replacement programs in underserved communities, which will complement local programs already underway across the state.

4. The California Energy Commission, jointly with the Department and the Water Board, shall implement a time-limited statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices.

5. The Water Board shall impose restrictions to require that commercial, industrial, and institutional properties, such as campuses, golf courses, and cemeteries, immediately implement water efficiency measures to reduce potable water usage in an amount consistent with the reduction targets mandated by Directive 2 of this Executive Order.

6. The Water Board shall prohibit irrigation with potable water of ornamental turf on public street medians.

7. The Water Board shall prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or microspray systems.

8. The Water Board shall direct urban water suppliers to develop rate structures and other pricing mechanisms, including but not limited to surcharges, fees, and penalties, to maximize water conservation consistent with statewide water restrictions. The Water Board is directed to adopt emergency regulations, as it deems necessary, pursuant to Water Code section 1058.5 to implement this directive. The Water Board is further directed to work with state agencies and water suppliers to identify mechanisms that would encourage and facilitate the adoption of rate structures and other pricing mechanisms that promote water conservation. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.

INCREASE ENFORCEMENT AGAINST WATER WASTE

9. The Water Board shall require urban water suppliers to provide monthly information on water usage, conservation, and enforcement on a permanent basis.

10. The Water Board shall require frequent reporting of water diversion and use by water right holders, conduct inspections to determine whether illegal diversions or wasteful and unreasonable use of water are occurring, and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. Pursuant to Government Code sections 8570 and 8627, the Water Board is granted authority to inspect property or diversion facilities to ascertain compliance with water rights laws and regulations where there is cause to believe such laws and regulations have been violated. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.

11. The Department shall update the State Model Water Efficient Landscape Ordinance through expedited regulation. This updated Ordinance shall increase water efficiency standards for new and existing landscapes through more efficient irrigation systems, greywater usage, onsite storm water capture, and by limiting the portion of landscapes that can be covered in turf. It will also require reporting on the implementation and enforcement of local ordinances, with required reports due by December 31, 2015. The Department shall provide information on local compliance to the Water Board, which shall consider adopting regulations or taking appropriate enforcement actions to promote compliance. The Department shall provide technical assistance and give priority in grant funding to public agencies for actions necessary to comply with local ordinances.

12. Agricultural water suppliers that supply water to more than 25,000 acres shall include in their required 2015 Agricultural Water Management Plans a detailed drought management plan that describes the actions and measures the supplier will take to manage water demand during drought. The Department shall require those plans to include quantification of water supplies and demands for 2013, 2014, and 2015 to the extent data is available. The Department will provide technical assistance to water suppliers in preparing the plans.

13. Agricultural water suppliers that supply water to 10,000 to 25,000 acres of irrigated lands shall develop Agricultural Water Management Plans and submit the plans to the Department by July 1, 2016. These plans shall include a detailed drought management plan and quantification of water supplies and demands in 2013, 2014, and 2015, to the extent that data is available. The Department shall give priority in grant funding to agricultural water suppliers that supply water to 10,000 to 25,000 acres of land for development and implementation of Agricultural Water Management Plans.

14. The Department shall report to Water Board on the status of the Agricultural Water Management Plan submittals within one month of receipt of those reports.

15. Local water agencies in high and medium priority groundwater basins shall immediately implement all requirements of the California Statewide Groundwater Elevation Monitoring Program pursuant to Water Code section 10933. The Department shall refer noncompliant local water agencies within high and medium priority groundwater basins to the Water Board by December 31, 2015, which shall consider adopting regulations or taking appropriate enforcement to promote compliance.

16. The California Energy Commission shall adopt emergency regulations establishing standards that improve the efficiency of water appliances, including toilets, urinals, and faucets available for sale and installation in new and existing buildings.

INVEST IN NEW TECHNOLOGIES

17. The California Energy Commission, jointly with the Department and the Water Board, shall implement a Water Energy Technology (WET) program to deploy innovative water management technologies for businesses, residents, industries, and agriculture. This program will achieve water and energy savings and greenhouse gas reductions by accelerating use of cutting-edge technologies such as renewable energy-powered desalination, integrated on-site reuse systems, water-use monitoring software, irrigation system timing and precision technology, and on-farm precision technology.

STREAMLINE GOVERNMENT RESPONSE

18. The Office of Emergency Services and the Department of Housing and Community Development shall work jointly with counties to provide temporary assistance for persons moving from housing units due to a lack of potable water who are served by a private well or water utility with less than 15 connections, and where all reasonable attempts to find a potable water source have been exhausted.

19. State permitting agencies shall prioritize review and approval of water infrastructure projects and programs that increase local water supplies, including water recycling facilities, reservoir improvement projects, surface water treatment plants, desalination plants, stormwater capture, and greywater systems. Agencies shall report to the Governor's Office on applications that have been pending for longer than 90 days.

20. The Department shall take actions required to plan and, if necessary, implement Emergency Drought Salinity Barriers in coordination and consultation with the Water Board and the Department of Fish and Wildlife at locations within the Sacramento - San Joaquin delta estuary. These barriers will be designed to conserve water for use later in the year to meet state and federal Endangered Species Act requirements, preserve to the extent possible water quality in the Delta, and retain water supply for essential human health and safety uses in 2015 and in the future.

21. The Water Board and the Department of Fish and Wildlife shall immediately consider any necessary regulatory approvals for the purpose of installation of the Emergency Drought Salinity Barriers.

22. The Department shall immediately consider voluntary crop idling water transfer and water exchange proposals of one year or less in duration that are initiated by local public agencies and approved in 2015 by the Department subject to the criteria set forth in Water Code section 1810.

23. The Water Board will prioritize new and amended safe drinking water permits that enhance water supply and reliability for community water systems facing water shortages or that expand service connections to include existing residences facing water shortages. As the Department of Public Health's drinking water program was transferred to the Water Board, any reference to the Department of Public Health in any prior Proclamation or Executive Order listed in Paragraph 1 is deemed to refer to the Water Board.

24. The California Department of Forestry and Fire Protection shall launch a public information campaign to educate the public on actions they can take to help to prevent wildfires including the proper treatment of dead and dying trees. Pursuant to Government Code section 8645, $1.2 million from the State Responsibility Area Fire Prevention Fund (Fund 3063) shall be allocated to the California Department of Forestry and Fire Protection to carry out this directive.

25. The Energy Commission shall expedite the processing of all applications or petitions for amendments to power plant certifications issued by the Energy Commission for the purpose of securing alternate water supply necessary for continued power plant operation. Title 20, section 1769 of the California Code of Regulations is hereby waived for any such petition, and the Energy Commission is authorized to create and implement an alternative process to consider such petitions. This process may delegate amendment approval authority, as appropriate, to the Energy Commission Executive Director. The Energy Commission shall give timely notice to all relevant local, regional, and state agencies of any petition subject to this directive, and shall post on its website any such petition.

26. For purposes of carrying out directives 2–9, 11, 16–17, 20–23, and 25, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension applies to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required, as well as for any necessary permits or approvals required to complete these actions. This suspension, and those specified in paragraph 9 of the January 17, 2014 Proclamation, paragraph 19 of the April 25, 2014 proclamation, and paragraph 4 of Executive Order B-26-14, shall remain in effect until May 31, 2016. Drought relief actions taken pursuant to these paragraphs that are started prior to May 31, 2016, but not completed, shall not be subject to Division 13 (commencing with section 21000) of the Public Resources Code for the time required to complete them.

27. For purposes of carrying out directives 20 and 21, section 13247 and Chapter 3 of Part 3 (commencing with section 85225) of the Water Code are suspended.

28. For actions called for in this proclamation in directive 20, the Department shall exercise any authority vested in the Central Valley Flood Protection Board, as codified in Water Code section 8521, et seq., that is necessary to enable these urgent actions to be taken more quickly than otherwise possible. The Director of the Department of Water Resources is specifically authorized, on behalf of the State of California, to request that the Secretary of the Army, on the recommendation of the Chief of Engineers of the Army Corps of Engineers, grant any permission required pursuant to section 14 of the Rivers and Harbors Act of 1899 and codified in section 48 of title 33 of the United States Code.

29. The Department is directed to enter into agreements with landowners for the purposes of planning and installation of the Emergency Drought Barriers in 2015 to the extent necessary to accommodate access to barrier locations, land-side and water-side construction, and materials staging in proximity to barrier locations. Where the Department is unable to reach an agreement with landowners, the Department may exercise the full authority of Government Code section 8572.

30. For purposes of this Executive Order, chapter 3.5 (commencing with section 11340) of part 1 of division 3 of the Government Code and chapter 5 (commencing with section 25400) of division 15 of the Public Resources Code are suspended for the development and adoption of regulations or guidelines needed to carry out the provisions in this Order. Any entity issuing regulations or guidelines pursuant to this directive shall conduct a public meeting on the regulations and guidelines prior to adopting them.

31. In order to ensure that equipment and services necessary for drought response can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended for directives 17, 20, and 24. Approval by the Department of Finance is required prior to the execution of any contract entered into pursuant to these directives.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 1st day of April 2015.

EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

ATTACHMENT "B"

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA

R-15- 59

RESOLUTION IMPLEMENTING STAGE II EMERGENCY WATER CONSERVATION MEASURES FOR ALL WATER DISTRICTS GOVERNED BY THE BOARD OF SUPERVISORS

- - - - -

WHEREAS, Section 5-3409 of the Ordinance Code of San Joaquin County empowers the Board of Supervisors to declare the existence of a water emergency and implement additional conservation measures when necessary and proper to protect and conserve the water supply for human consumption, sanitation, and fire protection; and,

WHEREAS, on August 12, 2014, the Board of Supervisors approved Resolution R-14-130 declaring that a water emergency exists and implementing Stage I Emergency Water Conservation Measures for all Water Districts governed by the Board; and,

WHEREAS, the Governor of the State of California has issued an Executive Order on April 1, 2015, directing additional Statewide water conservation measures to be implemented; and,

WHEREAS, the Board of Supervisors has determined that current drought conditions require additional restrictions on water use to conserve water supply for human consumption, sanitation, and fire protection.

NOW, THEREFORE, IT IS HEREBY DECLARED AND ORDERED that Stage II Emergency Water Conservation Measures, as enumerated in Section 5-3412 of the Ordinance Code of San Joaquin County, are mandatory for all customers of all Water Districts governed by the Board of Supervisors of the County of San Joaquin, State of California.

IT IS FURTHER DECLARED AND ORDERED that said water emergency shall be deemed to continue to exist until its termination is declared by the Board of Supervisors of the County of San Joaquin, State of California.

PASSED AND ADOPTED this 5th day of May, 2015, by the following vote of the Board of Supervisors, to wit:

AYES: **Winn, Elliott, Villapudua, Bestolarides, Miller**

NOES: **None**

ABSENT: **None**

ATTEST: MIMI DUZENSKI
Clerk of the Board of Supervisors
County of San Joaquin,
State of California

By _____
Clerk

KATHERINE M. MILLER, Chair
Board of Supervisors
County of San Joaquin,
State of California

AD-15D024-M3

ATTACHMENT "C"

5-3402 - CONSERVATION OF WATER.

It shall at all times be unlawful for any person within the boundaries of any Water District to use water for any of the following:

(a) For exterior landscape, garden, or pasture irrigation including, but not limited to, public, private and commercial locations as follows:

(1) Irrigation shall be prohibited between the hours of 11:00 a.m. to 6:00 p.m.

(2) Exceptions to the above regulations:

(i) Drip and/or mist irrigation systems.

(ii) Other users which cannot reasonably comply with the above regulations due to normal hours of use or type of use of the area to be irrigated may be excepted upon approval by the Director of a water conservation plan which meets the goals of reduction and conservation.

(b) Fail to repair water leaks, breaks or malfunctions within the water user's plumbing or distribution system for any period of time within which such break or leak should reasonably have been discovered and corrected. It shall be presumed that a period of twenty-four (24) hours after the water user discovers such break, leak or malfunction, or receives notice from the County, any water provider or enforcement authority of such condition, whichever occurs first, is a reasonable time within which to correct such condition or to make arrangements for correction.

(c) To use water for washing vehicles or boats, or cleaning buildings or mobile home exteriors without an automatic shut-off nozzle on the hose.

(d) The operation of any automated commercial car wash unless at least twenty percent (20%) of the soap/water for such use is reclaimed. For existing automated commercial car washes, if a reclaimed water system cannot be installed, the car wash operator shall submit a plan satisfactory to the Director to modify operation of the facility to reduce its usage of water by at least twenty percent (20%) of its usage during the same month of the prior year for comparable business volume. If there is no history of prior use, the operator shall provide to the Director data comparable to such history to establish its base monthly usage.

(e) Serving water to restaurant customers except upon request.

(f) Repealed by Ord. 3833.

(g) Use of water in publicly displayed ornamental fountains in public and commercial establishments, except for recycled or recirculated water.

(h) Use of water to wash driveways, sidewalks, patios, parking lots, aprons and other similar exterior surfaces is prohibited except for sanitation, public health and safety, and fire protection purposes.

(i) The refilling of all existing swimming pools and the filling of new swimming pools, whether public, private or commercial within a Water District, or area that has a nonmetered water system, unless payment of a water use fee equivalent to the current cost to produce water in the Water District (as determined by the Director) for the estimated swimming pool capacity is paid, prior to the refilling or filling of pools, to the District or to the area in which the swimming pool is located.

(j)

The indiscriminate running of water or washing with water not otherwise prohibited above which is without reasonable purpose and which is evidenced by the runoff of water off the property or into drainage facilities for more than ten (10) minutes.

(k) Use of water from fire hydrants without permission from the governing agency or purveyor of water or fire protection agency which has jurisdiction over the hydrant.

(l) Use of water for dust control purposes except for recycled, or other nonpotable water, except for health or safety purposes.

(Ord. No. 4450, § 1, 8-12-2014)

5-3411 - STAGE I EMERGENCY WATER CONSERVATION MEASURES.

During Stage I of a water supply shortage, the shortage is minor, and a ten percent (10%) or greater reduction in water usage is the goal.

(a) All requirements of 5-3402 apply, and in addition, landscape, garden, and pasture irrigation shall be limited to a maximum of three days per week, when necessary, and shall be based on the following odd-even schedule:

(1) Customers with street addresses ending with an even number may irrigate only on Wednesday and/or Friday and/or Sunday;

(2) Customers with street addresses ending with an odd number may irrigate only on Tuesday and/or Thursday and/or Saturday;

(3) No irrigation will be permitted on Mondays.

(4) Watering of landscapes at times and on days other than those specified in this section or during high winds that cause water to blow away from the landscapes being watered is prohibited.

(b) Draining and refilling of pools, spas and ponds shall be allowed for health, maintenance or structural considerations, after approval by the Public Works Director. Customer requests for approval must be in writing to the Director.

(c) Washing of vehicles, boats, equipment, etc. shall be accomplished under the following restrictions:

(1) Water buckets shall be utilized;

(2) Water hoses with automatic shutoff devices may be used for rinsing for duration not to exceed three minutes.

(d) Restrictions in this stage do not apply to recycled water, or water delivered to a site from a source other than a Water District.

(Ord. No. 4450, § 1, 8-12-2014)

5-3412 - STAGE II EMERGENCY WATER CONSERVATION MEASURES.

During Stage II of a water supply shortage, the shortage is moderate, and a twenty percent (20%) or greater reduction in water usage is the goal.

(a) All requirements of 5-3402 and 5-3411 apply, except that:

(1) landscape, garden, and pasture irrigation will be limited to two days per week with street addresses ending in an even number watering on Wednesdays and/or Sundays and street addresses ending in an odd number watering on Tuesdays and/or Saturdays.

(b) The addition of water above the minimum level necessary to comply with the health requirements for pool, hot tub or jacuzzi circulation, public or private (that is, adding water to bring the level to the top, where splash-out occurs) is prohibited.

(c) Restaurants shall post at every table and in restrooms notice of water emergency conditions and water restrictions. Acceptable methods of notification to patrons include notices or table tents placed on the tables or in the menus and in restrooms in a form approved or provided by the Director.

(d) The owner and/or manager of every hotel, motel, inn, guest house, and every other short- term commercial lodging shall post notice of water emergency condition information in every guest room, in a form approved or provided by the Director.

(e) Restrictions in this stage do not apply to recycled water, or water delivered to a site from a source other than a Water District.

(Ord. No. 4450, § 1, 8-12-2014)

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 15th day of March 2016, finally adopted on the _____ day of _____, 2016, and became effective on the _____ day of _____, 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 2016-_____ was adopted by the City Council on the 15th day of March, 2016, 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
March 15, 2016

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 or 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. <u>Reimbursements for the Offsite Water Line Improvements</u>

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-feet 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-feet wide PUE to the extent feasible (and except in the event, that additional space beyond the 10-feet PUE is required, as determined by the utilities owner(s)).

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 approval of the first building permit, the Applicant shall do one of the following, subject to the approval of the Administrative Services Director:

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

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

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 15th day of March, 2016, finally adopted on the _____ day of _____, 2016, and became effective on the _____ day of _____, 2016, by the following vote:

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

_____
MAYOR

ATTEST:

_____
CITY CLERK

March 15, 2016

AGENDA ITEM 5

REQUEST

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

EXECUTIVE SUMMARY

The applicant proposes to construct a 47-unit second phase to the Aspire Apartments, to be located along the south side of Auto Plaza Drive, across Auto Plaza Drive from the Department of Motor Vehicles building. The City previously approved the Aspire I Apartment project, which consists of a 301-unit development now under construction on the adjoining property to the south. The Aspire II project would utilize driveway connections from Auto Plaza Drive and through the Aspire I project. The design of the Aspire II Apartment building would match that of the Aspire I project.

DISCUSSION

Project Description

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

The project would also include associated parking, garages, carports, and common areas, to be shared with the Aspire I project. Access to the site would be provided by an internal driveway connecting to the adjacent Aspire Apartments complex to the south (currently under construction). The developer proposes gated emergency vehicle access to Auto Plaza Drive on the north edge of the site, however (as discussed later in this report), the Planning Commission recommends that Auto Plaza Drive vehicle and pedestrian connections be open to residents and not only available to emergency

access vehicles. The project would match the architecture of the Aspire I Apartments building complex.

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

The proposed project includes a request for a General Plan Amendment to re-designate the site from Commercial to Residential High, and a corollary I-205 Corridor Specific Plan (PUD Concept Development Plan) Amendment to designate the site High Density Residential. The project also includes a Preliminary and Final Development Plan as part of the site's Planned Unit Development zoning.

The project site is currently a vacant, undeveloped lot, presently being used for construction staging for the adjoining Aspire I Apartment project being built on the adjoining lands to the south.

Surrounding Land Uses

Lands immediately adjacent to the project site to the west include a variety of commercial automobile support services and businesses (tire shop, car rental, collision repair, etc.). A California Department of Motor Vehicles (DMV) office is located north of the project site, north of Auto Plaza Drive. An auto body repair facility is under construction, adjacent and to the east of the DMV site. The parcel immediately to the east of the project site is vacant, and a Mazda dealership is located immediately east of the vacant parcel adjacent to the project site. The lands to the south of the project site are the location of the Aspire I Apartments project, currently under construction. The Aspire I Apartments project is being constructed by the same project applicant as the proposed project, and the proposed project's apartment building is identical to one of the buildings in the Aspire I Apartments project. Beyond the immediate project vicinity a variety of auto dealerships and auto-related commercial businesses are located to the east. Agricultural lands are located west of Auto Plaza Drive, in the unincorporated area of San Joaquin County.

Building Design

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

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

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

The design of the building is consistent with City design goals and standards for multi-family residential development, which call for building façade elements to be emphasized by the use of color, layout, and variety of materials, and with very long façades designed with sufficient building articulation, reveals, mass variations, window treatments and rooflines.

The architecture is a modern design featuring exterior materials of cement plaster, cement composite lap siding board, metal railings, use of accent canvas awnings, and standing seam metal roofing, matching the design of the adjacent Aspire I Apartment project.

Interest and variety is created with vertical and horizontal relief on wall planes, including projections for third- and fourth-floor units and at stairway entrances, balconies and first-floor patios, and in use of both horizontal and vertical siding (Attachment E). The architecture is further enhanced with abundant, symmetrical windows and awnings at the ends of the buildings. The height of the building, to the top of the parapet wall, is 45 feet.

Site Design

The subject property is a rectangular-shaped lot, with building placement towards the middle of the site. A driveway connection at the southeast corner of the property is proposed, providing vehicular access to the Aspire I Apartments to the south; vehicular connection is provided to Pavilion Parkway on the south side of the Aspire I Apartments, along with emergency vehicle connections to Power Road to the west and Robertson Drive to the east. A gated emergency access point is proposed at the northeast corner of the site, connecting to Auto Plaza Drive. As described below, the Planning Commission recommends that vehicular and pedestrian access to Auto Plaza Drive be available to residents, in addition to emergency vehicles.

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

The proposed building location on the site is consistent with City design goals and standards, which call for designs to have a relationship with public streets. This can be achieved, in part, by distributing parking areas evenly on the site, preventing mazes of parking areas. The site plan calls for parking distributed evenly around the building, with use of wide landscape planters along all property boundaries. The north side of the site, adjoining Auto Plaza Drive, includes use of a decorative metal fence, allowing

visibility of the building from the public street. With shared access and use of facilities, upon approval of the project, the Aspire I and II sites would be merged to form a single lot, and would be operated and maintained as a single entity.

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

Land Use Compatibility

Attachment B illustrates the site's commercial neighborhood with the Aspire I Apartment project to the south, adjoining office and commercial uses to the west, the DMV office to the north, and auto sales uses located to the east.

The site's proximity to commercial and office land uses could have potentially negative effects on the proposed residential project such as noise or traffic. However, the nearby commercial land uses can also benefit the proposed project by providing, for the residents, retail and commercial services, recreational opportunities, or employment within walking distance. The West Valley Mall, with its movie theaters and restaurants, is approximately one-quarter mile southeast of the site. The site's location also benefits from relatively close freeway access for residents seeking shorter commute distances to I-205.

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

Public Schools

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

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

General Plan/Specific Plan Amendments

The project consists of three separate development application requests: (1) General

Plan designation amendment from Commercial to Residential High; (2) I-205 Corridor Specific Plan amendment from Service Commercial to High Density Residential; (3) Planned Unit Development Preliminary and Final Development Plan approval for the proposed apartment project.

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

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

Finally, the project includes a request to approve the project Planned Unit Development Preliminary and Final Development Plan for the 47-unit Aspire II Apartment project.

Planning Commission Review

The Planning Commission recommends that the City Council adopt the Negative Declaration and approve the project. However, two of the recommended conditions of approval (B.31 and B.32, attached to the proposed City Council Resolution) would require that pedestrian access (B.31) and vehicle (B.32) access be available to residents directly to Auto Plaza Drive, on the north side of the project. The developer, by contrast, is proposing emergency vehicle access only to Auto Plaza Drive.

At its December 16, 2015, meeting the Planning Commission continued the public hearing for this item to the January 13, 2016, meeting while expressing concern that the proposed Aspire II project should provide for improved vehicular connectivity for project residents through conversion of the proposed emergency vehicle access connection onto Auto Plaza Drive at the northeast corner of the project site, along with improved pedestrian connectivity at the north edge of the project site by installation of a pedestrian gate that would allow resident pedestrian access to Auto Plaza Drive. In taking action on the project, the Planning Commission has recommended to City Council inclusion of conditions of approval (condition numbers B.31 and B.32) which would require modification to the project site plan to include a vehicle driveway and pedestrian connection to Auto Plaza Drive.

Applicant's Response to Planning Commission Discussion

The applicant indicated that, after consideration of the Planning Commission's comments and requested modifications to the Aspire II project site plan, they wished to keep the plan unchanged. The reasons to limit access points, as proposed, are related

to security for the residents as they could be affected by an additional access point to the project. The applicant explained their position on this matter through the attached letters (Attachments L, M, and N) from the owner, the apartment management company, and the City of Tracy Acting Police Chief.

Analysis

The Planning Commission's concerns regarding the need for additional project access are supported by the City's Design Goals and Standards, which include provisions calling for use of a high-quality site design and ensuring appropriate relationship of multi-family residential units to the street, and the following General Plan Objectives and Policies:

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

Attachment O is correspondence from the City of Tracy Acting Police Chief to the project applicant. The Acting Police Chief met with Planning Division staff on January 4, 2016, to discuss access to the project. The Acting Police Chief indicated, from the standpoint of discouraging and responding to criminal activity from non-residents of the apartment complex, fewer vehicle connection points are better; and one vehicle connection point is best. One vehicle connection point would allow for the greatest level of control, monitoring, and surveillance of vehicles entering and leaving the site. The Acting Police Chief indicated he would not have the same security-related concerns about adding pedestrian access points that are controlled with a fob, key, or other security measure for pedestrians upon entry to and exit from the apartment complex.

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

Clearly, determining the number, location, and design of vehicle and pedestrian access points involves a balance of competing interests associated with security, safety, and convenience, the owner's marketing focus, and related concerns. The Planning Commission considered the applicant's proposed access points (including emergency vehicle access only to Auto Plaza Drive), evaluated alternatives, and concluded with the recommendation to require pedestrian and vehicle access for the projects directly to Auto Plaza Drive. If the City Council decides that pedestrian access (condition of approval B.31) or vehicle access (condition of approval B.32) should not be required, the City Council may remove either or both of these conditions of approval.

CEQA Documentation

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

STRATEGIC PLANS

The proposal is a routine item and is not related to the Council's Strategic Plans.

FISCAL IMPACT

No fiscal impact; approvals only

RECOMMENDATION

The Planning Commission recommends that the City Council take the following actions, as indicated in the attached Resolution and Ordinance:

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

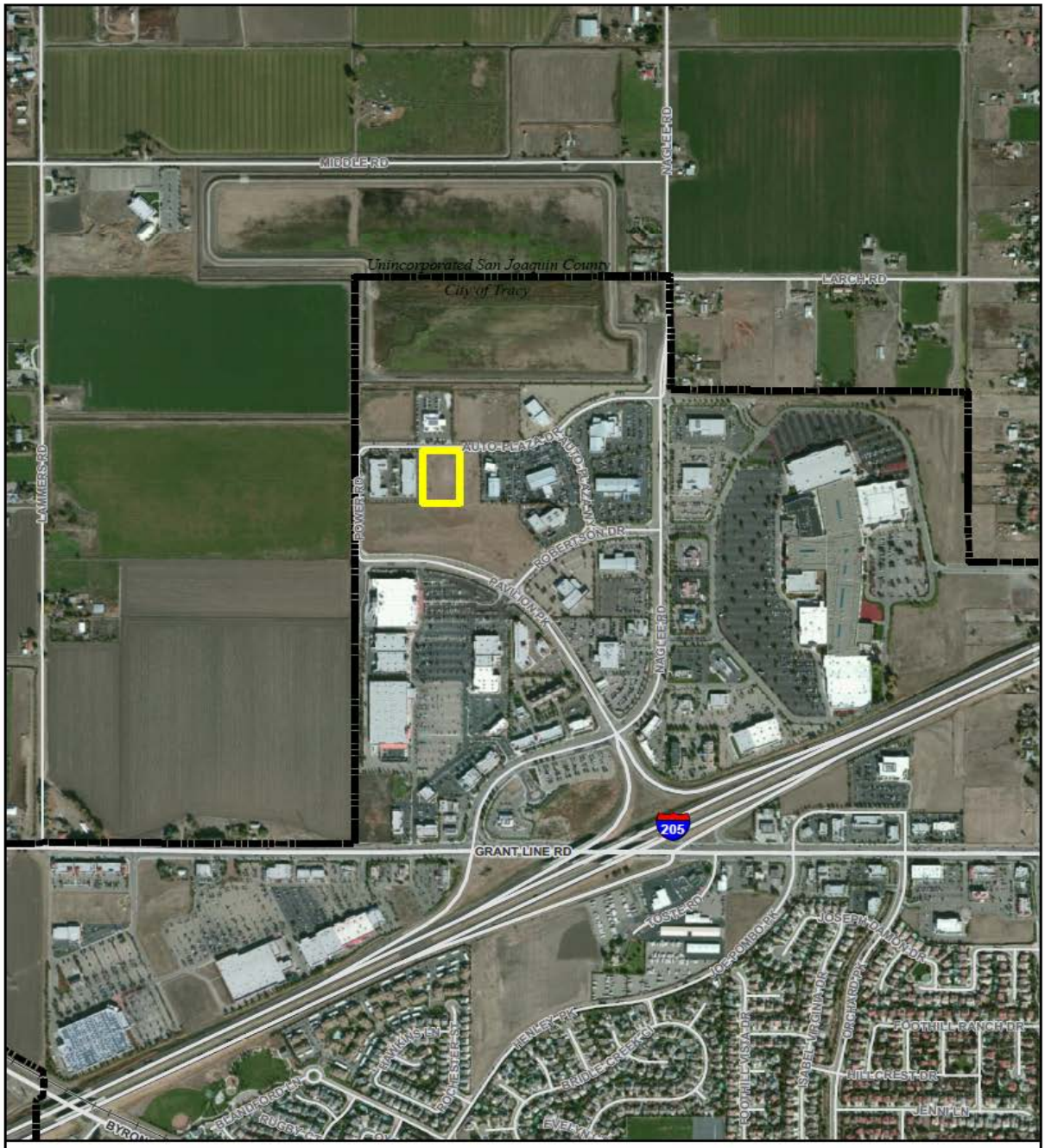
Prepared by: Brian Millar, AICP, Planning Consultant

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

Approved by: Troy Brown, City Manager

ATTACHMENTS

A – Project Location
B – Aerial Photograph of the Project Site and Surrounding Properties
C – Site Plan (Showing Aspire I and Aspire II)
D – Site Plan
E – Exterior Building Elevations
F – Floor Plans
G – Roof Plan
H – Exterior Building Perspective Drawings
I – Landscape Plan
J – Wall, Fence and Carport Drawings
K – Preliminary Utility Plan
L – December 31, 2015 Correspondence from Legacy Homes
M – January 4, 2016 Correspondence from FPI Management, Inc.
N – December 30, 2015 Correspondence from City of Tracy Acting Police Chief



ASPIRE II APARTMENTS
TRACY, CALIFORNIA

Legend

Project Boundary

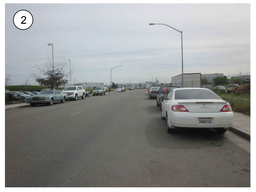
City of Tracy

Attachment A:
Project Location Map

0 250 500
Feet
1:12,000

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

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



0 40 80 120 160 200

SCALE: 1" = 40'-0" FT

N

ASPIRE II

TRACY. CA

SITE CONTEXT

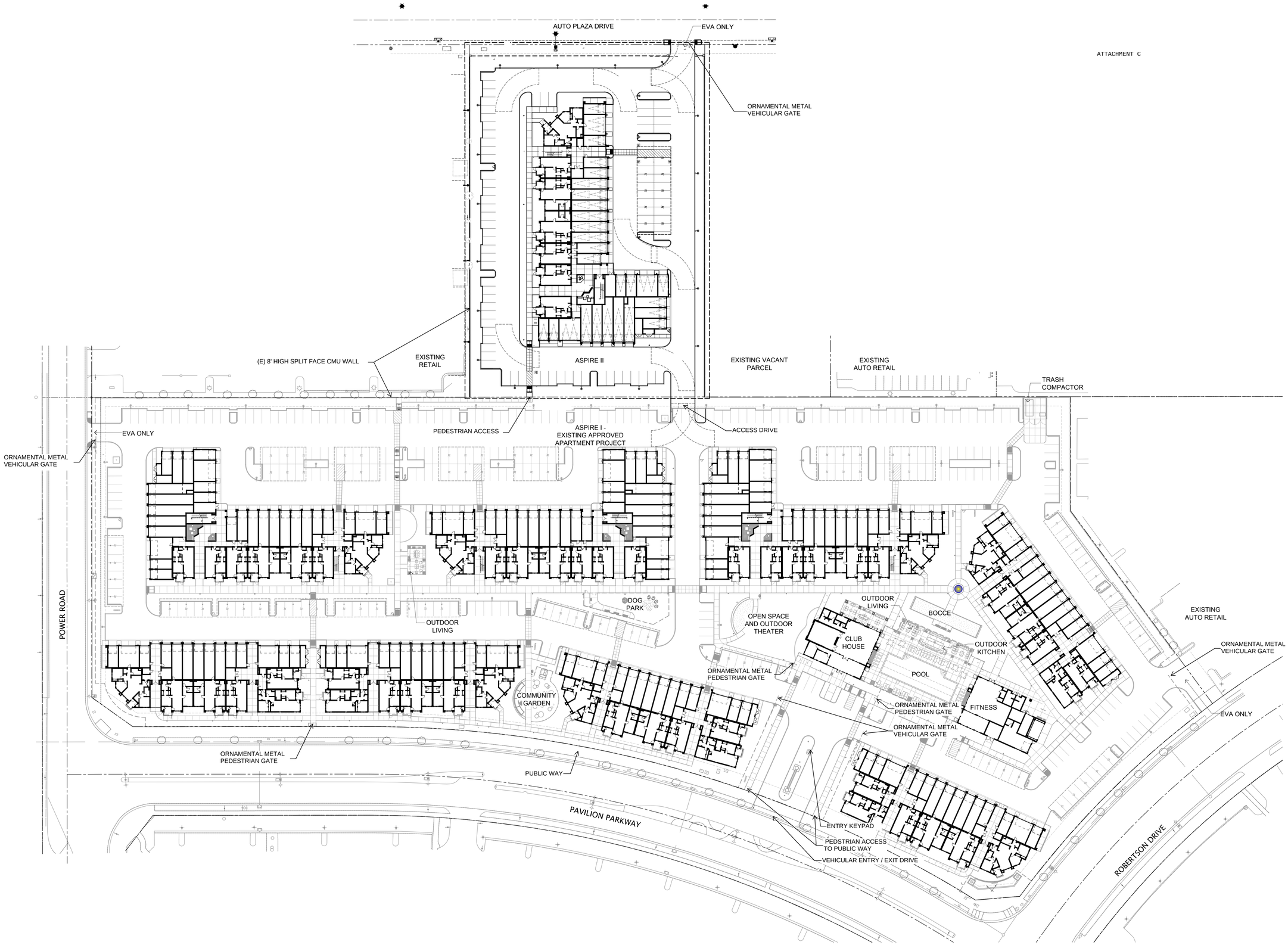
DATE: 09.18.2015
PROJECT NO: 1156-0001
SCALE:
SHEET: A11

N

LEGACY HOMES

LPAS
2484 Natomas Park Drive Suite 100 Sacramento CA 95833
916 443 0335 lpasdesign.com
Architecture + Design

ATTACHMENT C



ASPIRE

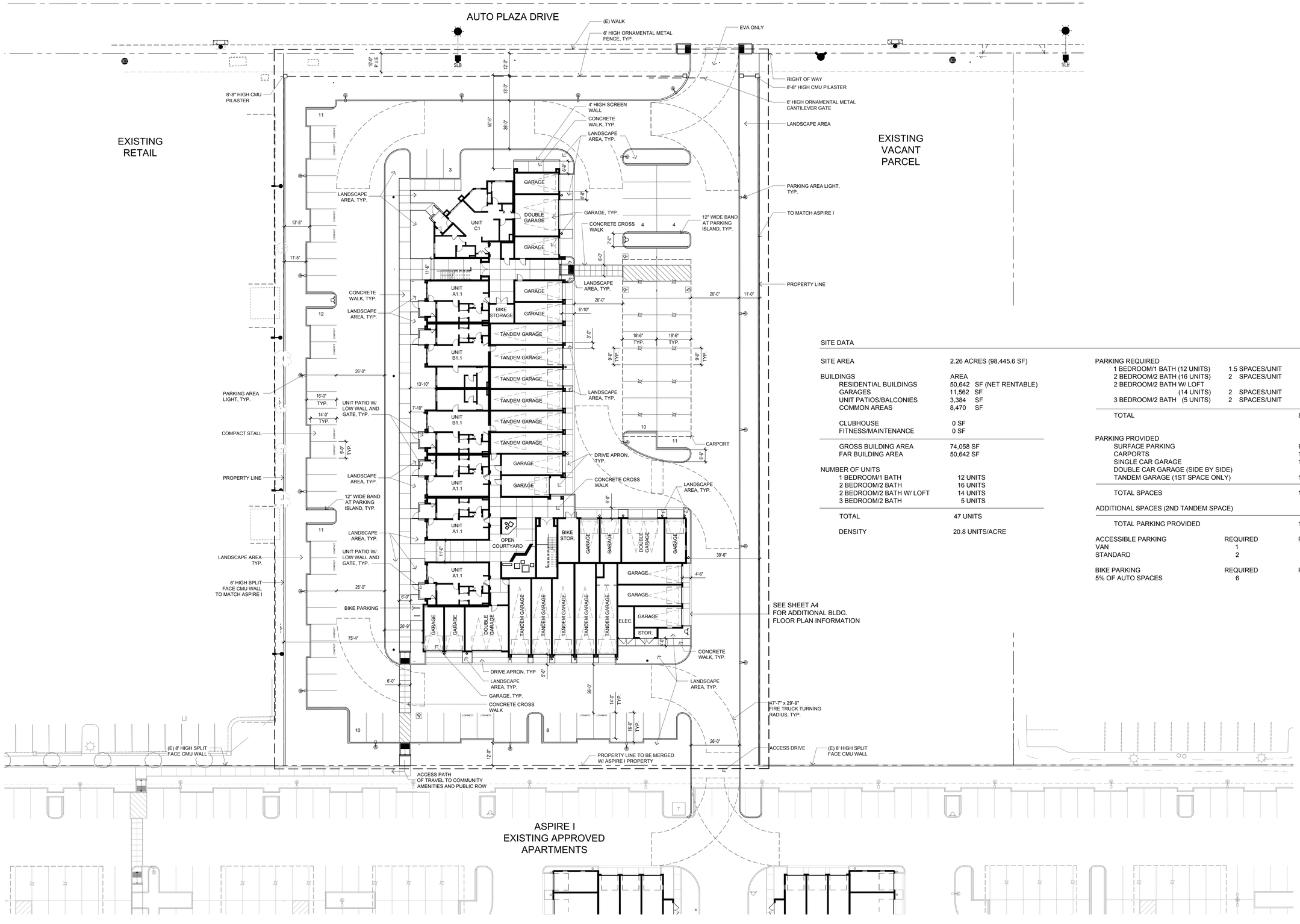
TRACY. CA

OVERALL SITE PLAN
ASPIRE I AND II

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

LEGACY HOMES

LPAS
2484 Natomas Park Drive Suite 100 Sacramento CA 95833
916 443 0335 lpasdesign.com
Architecture + Design



SITE DATA

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

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

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

ASPIRE II

TRACY. CA

SITE PLAN

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

LEGACY HOMES

LPAS
2484 Natomas Park Drive Suite 100 Sacramento CA 95833
916 443 0335 lpasdesign.com
Architecture + Design

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

EXTERIOR COLOR SCHEDULE

P1 - CEMENT PLASTER (ACCENT): KM5792-3 "STACKED STONE"

P2 - CEMENT PLASTER (MAIN BODY)/HORIZONTAL SIDING: KM4572-2 "TUNGSTEN"

P3 - HORIZONTAL SIDING/GARAGE DOORS: KM4554-5 "BUFFALO DANCE"

P4 - FASCIA/KNEEBRACES/CANOPIES: KMA72-5 "BARNWOOD"

P5 - RAILING: KMA89-5 "BLACK OAK"

PALETTE 1

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

PALETTE 2

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

PALETTE 3

P6 - BOARD AND BATTEN SIDING: KMA21-5 "TUSCAN OLIVE"

EXTERIOR FINISH KEYNOTES

1. FIBER CEMENT HORIZONTAL LAP SIDING;
JAMES HARDIE: SELECT CEDARMILL WITH 7" EXPOSURE
COLOR: P3

2. FIBER CEMENT HORIZONTAL LAP SIDING;
JAMES HARDIE: SELECT CEDARMILL WITH 7" EXPOSURE
COLOR: P2

3. FIBER CEMENT BOARD AND BATTEN SIDING;
JAMES HARDIE CEDARMILL SIDING PANEL WITH 1X3
RUSTIC BATTEN BOARDS AT 14" O.C.
COLOR: P6 - VARIES BY PALETTE

4. CEMENT PLASTER - MAIN BODY COLOR
COLOR: P2

5. CEMENT PLASTER COLOR - ACCENT COLOR
COLOR: P1

6. VINYL FRAME WINDOWS

7. METAL KNEEBRACES AT EAVES;
COLOR: P4

8. METAL RAILING;
COLOR: P5

9. 2X4 PLASTER-FINISHED FOAM HEADER TRIM;
TYP. AT CEMENT PLASTER WALL SYTEM
COLOR: MATCH ADJACENT CEMENT PLASTER

10. PLASTER-FINISHED FOAM WINDOW TRIM;
2X4 HEAD, 2X4 SILL, 2X4 JAMB, TYP. AT WINDOWS IN THE
CEMENT PLASTER WALL SYSTEM
COLOR: MATCH ADJACENT CEMENT PLASTER

11. STANDING SEAM METAL ROOF
AEP SPAN, KLIP RIB
COLOR: COOL WEATHERED COPPER

12. 1X4 RUSTIC FIBER CEMENT TRIM BOARD; JAMES HARDIE
TYP. AT WALLS WITH SIDING
COLOR: P2

13. 1X6 RUSTIC FIBER CEMENT TRIM BOARD; JAMES HARDIE
TYP. HORIZONTAL TRIM BETWEEN WINDOWS IN SIDING
COLOR: P2

14. 1X12 RUSTIC FIBER CEMENT FASCIA BOARD, JAMES HARDIE
COLOR: P4

15. 42" HIGH CEMENT PLASTER PATIO WALL ON GROUND FLOOR
COLOR: P2

16. LOUVERED METAL DOORS
COLOR: P2

17. SECTIONAL PANELED METAL GARAGE DOOR
(WITH WINDOWS AS OCCURS)
COLOR: P3

18. METAL DOORS
COLOR: P2

19. EXTERIOR SCUPPER AND DOWNSPOUT
COLOR: MATCH ADJACENT FINISH

20. METAL SUN SHADE
COLOR: P4

21. CMU COLUMN @ TRELLIS: BASALITE PRECISION BLOCK
WITH MATCHING CAP
COLOR: BASALITE D225

22. STEEL MEMBER @ TRELLIS
COLOR: P6 - ROLLING SEA

23. CANVAS AWNING @ TRELLIS: GLEN RAVEN FIRESIST
COLOR: 82030-0000 GREY

24. STOREFRONT SYSTEM
MFR: OLDCASTLE BUILDING ENVELOPE
STYLE: FG-3000 THERMAL MULTIPANE - FRONT LOAD
COLOR: DARK BRONZE

25. 2X4 PLASTER FINISHED FOAM TRIM;
TYP. AT CEMENT PLASTER TO SIDING TRANSITION
COLOR: MATCH ADJACENT CEMENT PLASTER

26. PAINT ALL EXPOSED METAL @ STAIRS
COLOR: P3

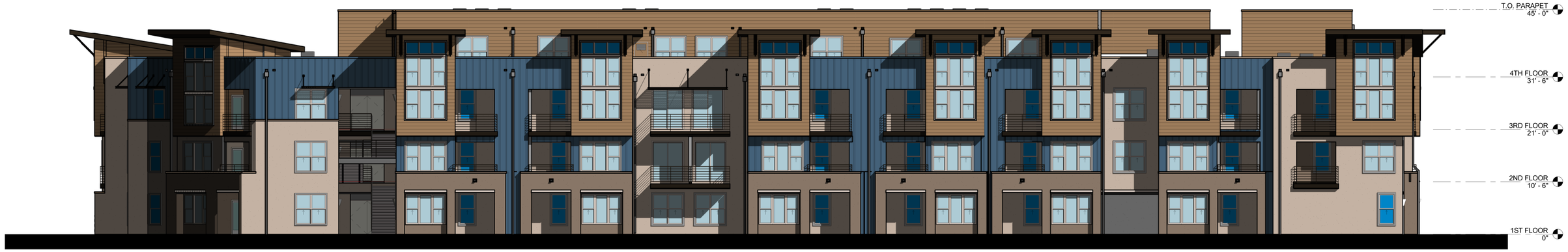
27. EXPANSION JOINT
COLOR: MATCH ADJACENT FINISH

28. CONTROL JOINT
COLOR: MATCH ADJACENT FINISH

29. PARAPET CAP FLASHING
COLOR: PAINT TO MATCH ADJACENT SURFACE

30. DOOR
COLOR: PAINT TO MATCH ADJACENT SURFACE

31. CURTAINWALL
MFR: OLDCASTLE BUILDING ENVELOPE
STYLE: RELIANCE WALL
COLOR: DARK BRONZE



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

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

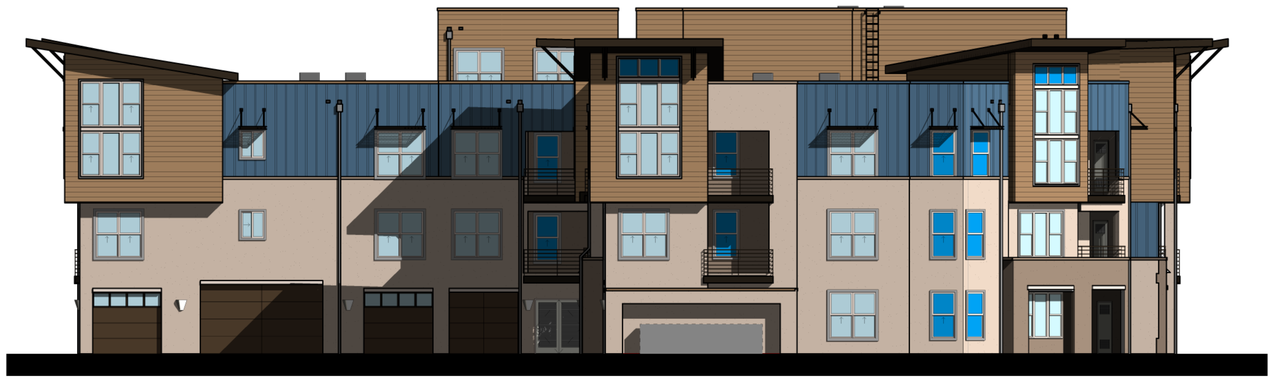
ASPIRE II
TRACY, CA

EXTERIOR ELEVATIONS

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

LEGACY HOMES

LPAS
2484 Natomas Park Drive Suite 100 Sacramento CA 95833
916 443 0335 lpasdesign.com Architecture + Design



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

EXTERIOR COLOR SCHEDULE

P1 - CEMENT PLASTER (ACCENT): KM5792-3 "STACKED STONE"

P2 - CEMENT PLASTER (MAIN BODY)/HORIZONTAL SIDING: KM4572-2 "TUNGSTEN"

P3 - HORIZONTAL SIDING/GARAGE DOORS: KM4554-5 "BUFFALO DANCE"

P4 - FASCIA/KNEEBRACES/CANOPIES: KMA72-5 "BARNWOOD"

P5 - RAILING: KMA89-5 "BLACK OAK"

PALETTE 1

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

PALETTE 2

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

PALETTE 3

P6 - BOARD AND BATTEN SIDING: KMA21-5 "TUSCAN OLIVE"

EXTERIOR FINISH KEYNOTES

1 FIBER CEMENT HORIZONTAL LAP SIDING;
JAMES HARDIE: SELECT CEDARMILL WITH 7" EXPOSURE
COLOR: P3

2 FIBER CEMENT HORIZONTAL LAP SIDING;
JAMES HARDIE: SELECT CEDARMILL WITH 7" EXPOSURE
COLOR: P2

3 FIBER CEMENT BOARD AND BATTEN SIDING;
JAMES HARDIE CEDARMILL SIDING PANEL WITH 1X3
RUSTIC BATTEN BOARDS AT 14" O.C.
COLOR: P6 - VARIES BY PALETTE

4 CEMENT PLASTER - MAIN BODY COLOR
COLOR: P2

5 CEMENT PLASTER COLOR - ACCENT COLOR
COLOR: P1

6 VINYL FRAME WINDOWS

7 METAL KNEEBRACES AT EAVES;
COLOR: P4

8 METAL RAILING;
COLOR: P5

9 2X4 PLASTER-FINISHED FOAM HEADER TRIM;
TYP. AT CEMENT PLASTER WALL SYTEM
COLOR: MATCH ADJACENT CEMENT PLASTER

10 PLASTER-FINISHED FOAM WINDOW TRIM;
2X4 HEAD, 2X4 SILL, 2X4 JAMB, TYP. AT WINDOWS IN THE
CEMENT PLASTER WALL SYSTEM
COLOR: MATCH ADJACENT CEMENT PLASTER

11 STANDING SEAM METAL ROOF
AEP SPAN, KLIP RIB
COLOR: COOL WEATHERED COPPER

12 1X4 RUSTIC FIBER CEMENT TRIM BOARD; JAMES HARDIE
TYP. AT WALLS WITH SIDING
COLOR: P2

13 1X6 RUSTIC FIBER CEMENT TRIM BOARD; JAMES HARDIE
TYP. HORIZONTAL TRIM BETWEEN WINDOWS IN SIDING
COLOR: P2

14 1X12 RUSTIC FIBER CEMENT FASCIA BOARD, JAMES HARDIE
COLOR: P4

15 42" HIGH CEMENT PLASTER PATIO WALL ON GROUND FLOOR
COLOR: P2

16 LOUVERED METAL DOORS
COLOR: P2

17 SECTIONAL PANELED METAL GARAGE DOOR
(WITH WINDOWS AS OCCURS)
COLOR: P3

18 METAL DOORS
COLOR: P2

19 EXTERIOR SCUPPER AND DOWNSPOUT
COLOR: MATCH ADJACENT FINISH

20 METAL SUN SHADE
COLOR: P4

21 CMU COLUMN @ TRELLIS: BASALITE PRECISION BLOCK
WITH MATCHING CAP
COLOR: BASALITE D225

22 STEEL MEMBER @ TRELLIS
COLOR: P6 - ROLLING SEA

23 CANVAS AWNING @ TRELLIS: GLEN RAVEN FIRESIST
COLOR: 82030-0000 GREY

24 STOREFRONT SYSTEM
MFR: OLDCASTLE BUILDING ENVELOPE
STYLE: FG-3000 THERMAL MULTIPANE - FRONT LOAD
COLOR: DARK BRONZE

25 2X4 PLASTER FINISHED FOAM TRIM;
TYP. AT CEMENT PLASTER TO SIDING TRANSITION
COLOR: MATCH ADJACENT CEMENT PLASTER

26 PAINT ALL EXPOSED METAL @ STAIRS
COLOR: P3

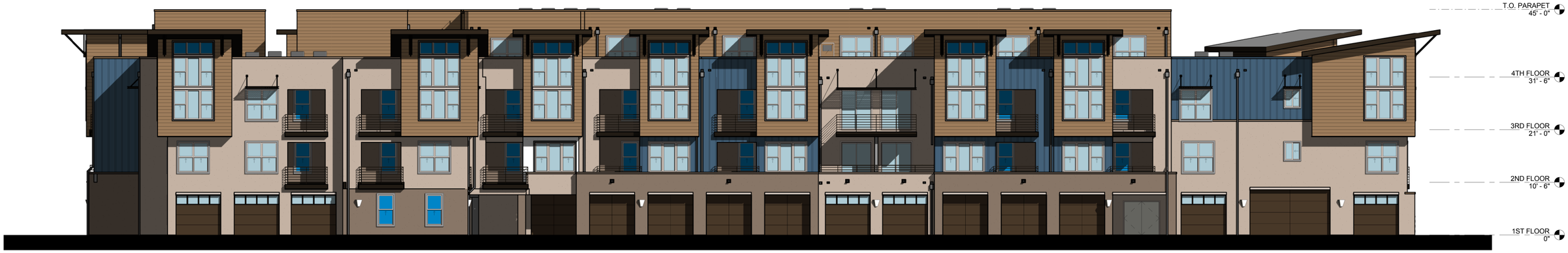
27 EXPANSION JOINT
COLOR: MATCH ADJACENT FINISH

28 CONTROL JOINT
COLOR: MATCH ADJACENT FINISH

29 PARAPET CAP FLASHING
COLOR: PAINT TO MATCH ADJACENT SURFACE

30 DOOR
COLOR: PAINT TO MATCH ADJACENT SURFACE

31 CURTAINWALL
MFR: OLDCASTLE BUILDING ENVELOPE
STYLE: RELIANCE WALL
COLOR: DARK BRONZE



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

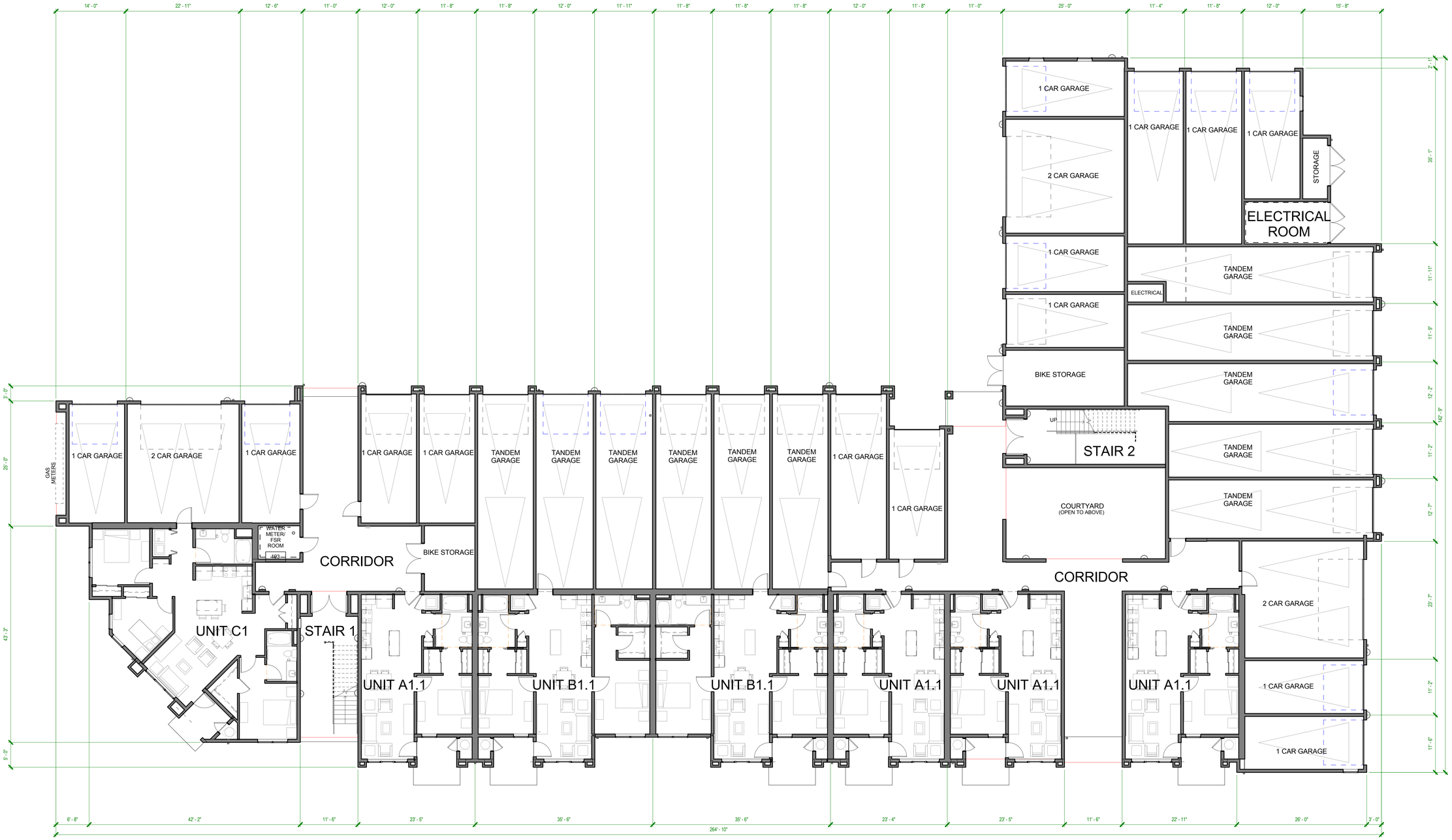
ASPIRE II
TRACY, CA

EXTERIOR ELEVATIONS

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

LEGACY HOMES

LPAS
2484 Natomas Park Drive Suite 100 Sacramento CA 95833
916 443 0335 lpasdesign.com Architecture + Design



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

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

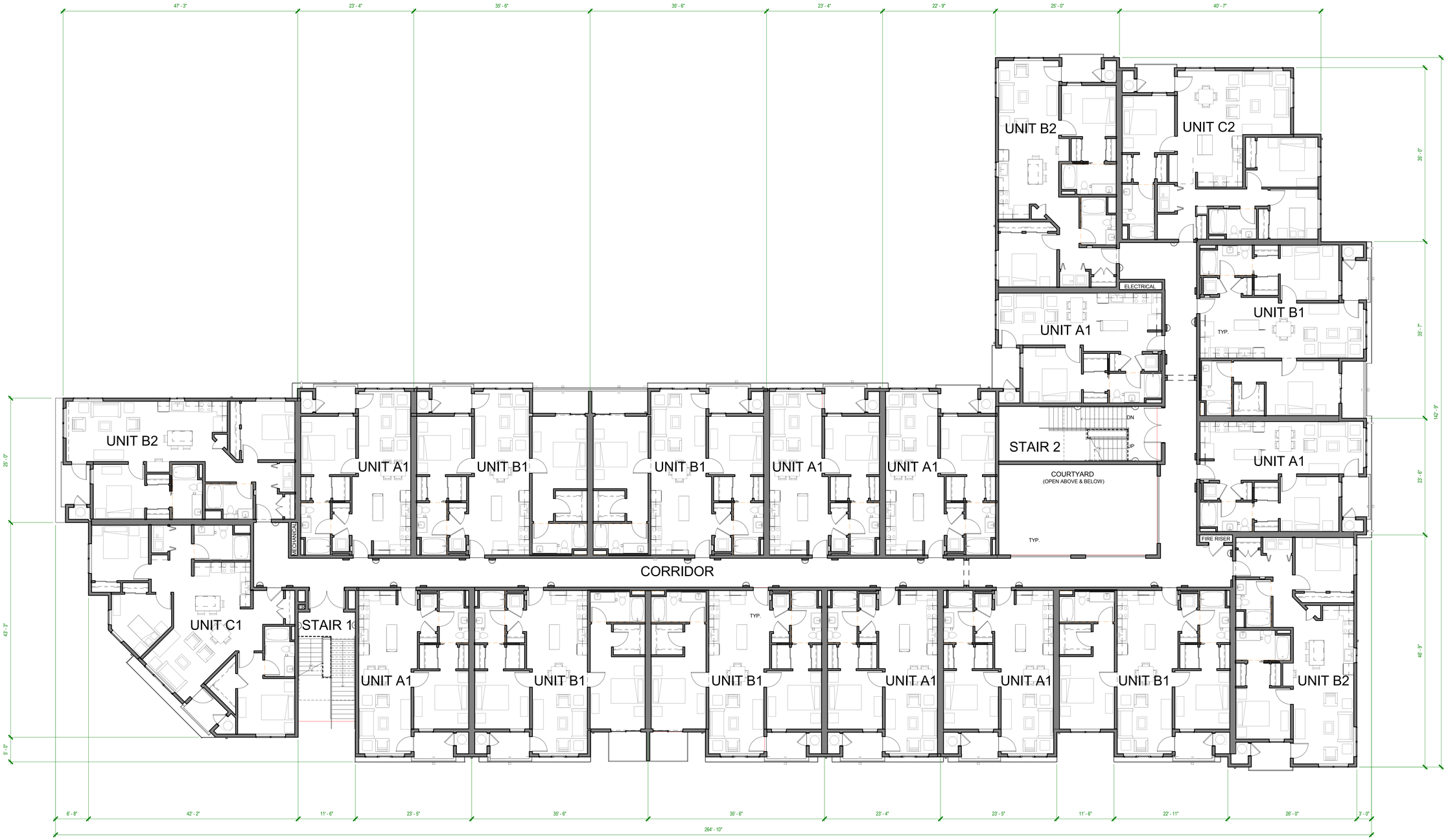
ASPIRE II
TRACY, CA

GROUND LEVEL FLOOR PLAN

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

LEGACY HOMES

LPAS
2484 Natomas Park Drive Suite 100 Sacramento CA 95833
916 443 0335 lpasdesign.com Architecture + Design



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

40
32
24
16
8
0
FT

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

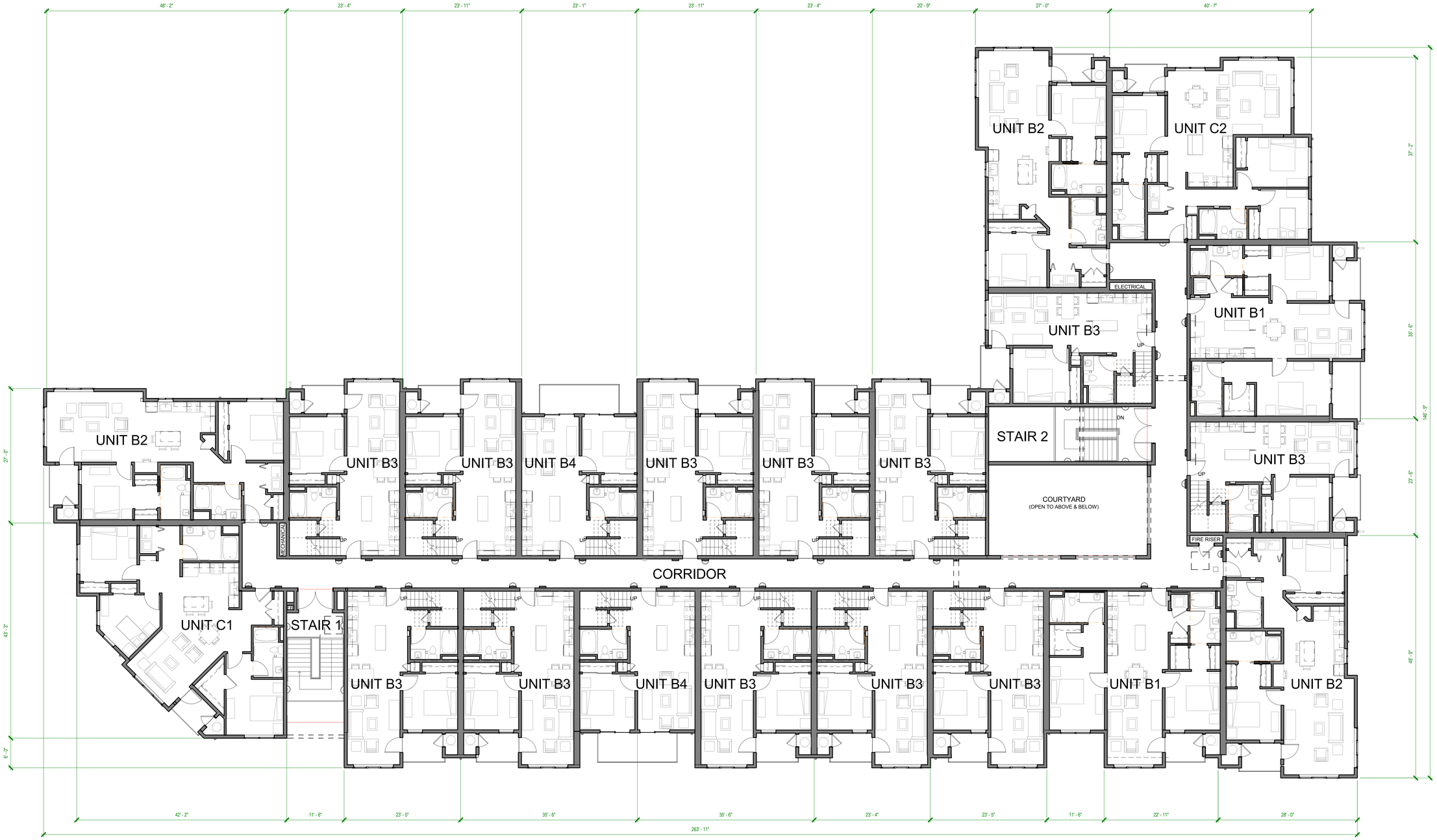
ASPIRE II
TRACY, CA

SECOND LEVEL FLOOR PLAN

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

LEGACY HOMES

LPAS
2484 Natomas Park Drive Suite 100 Sacramento CA 95833
916 443 0335 lpasdesign.com
Architecture + Design



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

40
32
24
16
8
0
FT

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

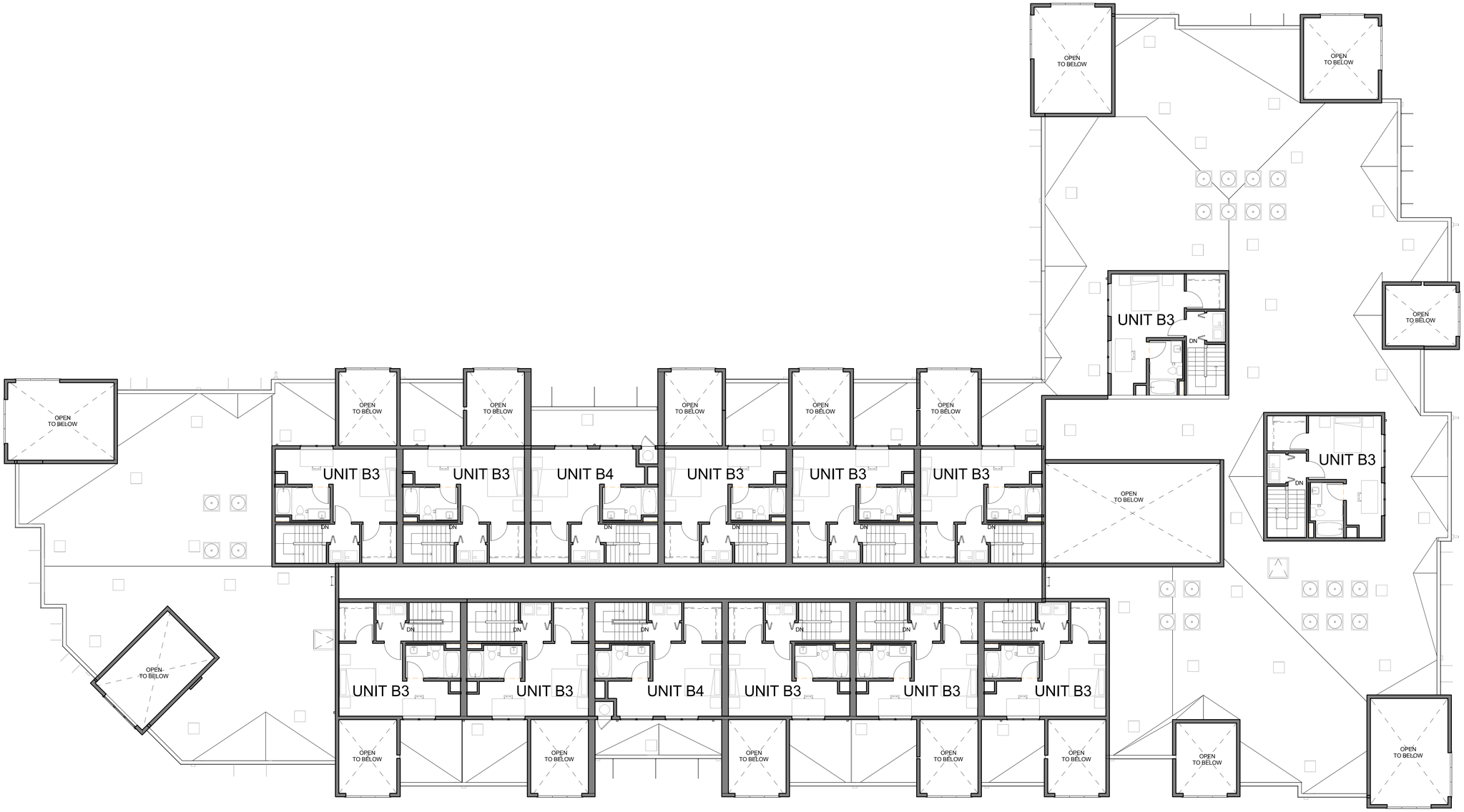
ASPIRE II
TRACY, CA

THIRD LEVEL FLOOR PLAN

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

LEGACY HOMES

LPAS
2484 Natomas Park Drive Suite 100 Sacramento CA 95833
916 443 0335 lpasdesign.com
Architecture + Design



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

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

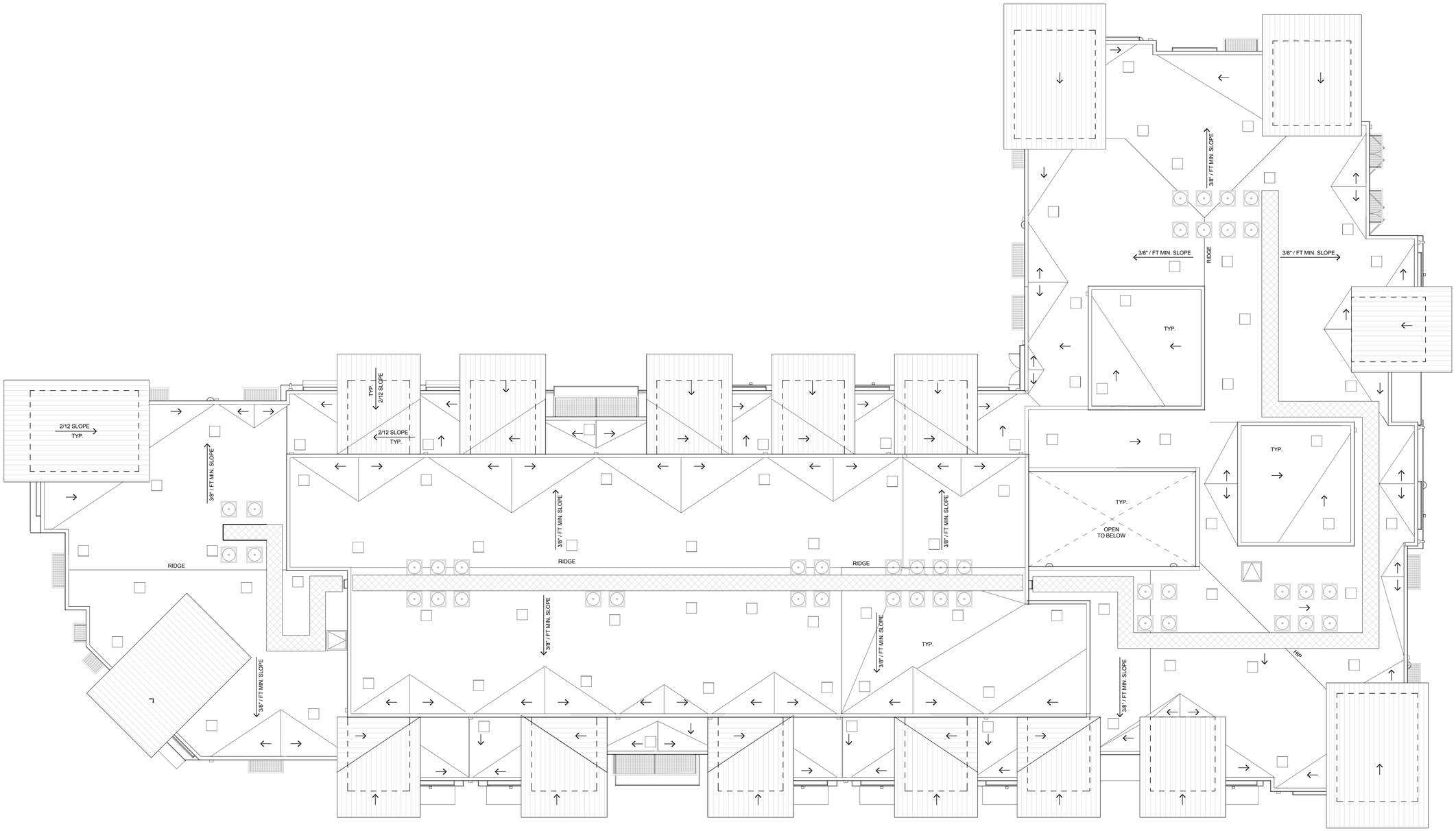
ASPIRE II
TRACY, CA

FOURTH LEVEL FLOOR PLAN

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

LEGACY HOMES

LPAS
2484 Natomas Park Drive Suite 100 Sacramento CA 95833
916 443 0335 lpasdesign.com
Architecture + Design



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

40
32
24
16
8
0
FT
SCALE: 1/8" = 1'-0"

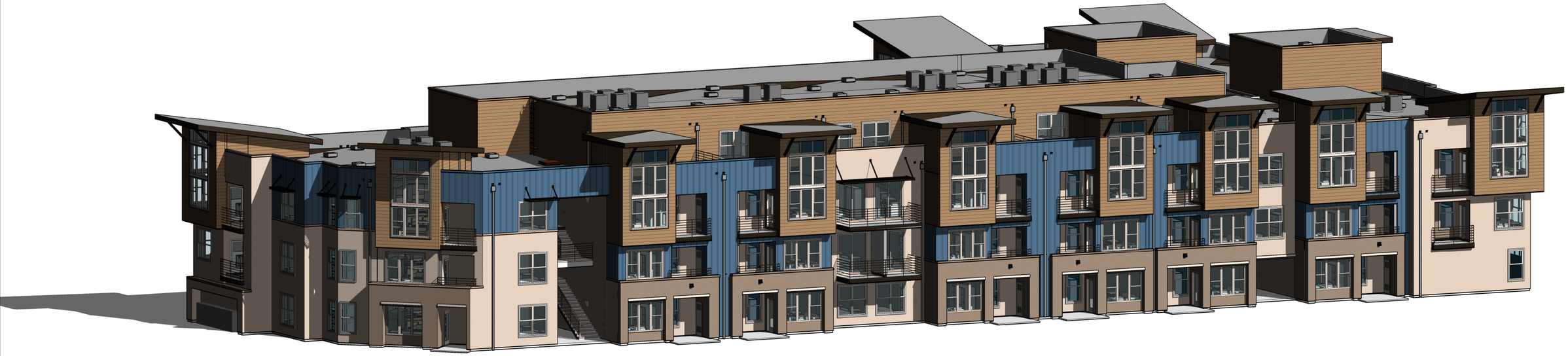
ASPIRE II
TRACY, CA

ROOF PLAN

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

LEGACY HOMES

LPAS
2484 Natomas Park Drive Suite 100 Sacramento CA 95833
916 443 0335 lpasdesign.com
Architecture + Design



ENTITLEMENTS

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

0

FT

SCALE: NONE

ASPIRE II

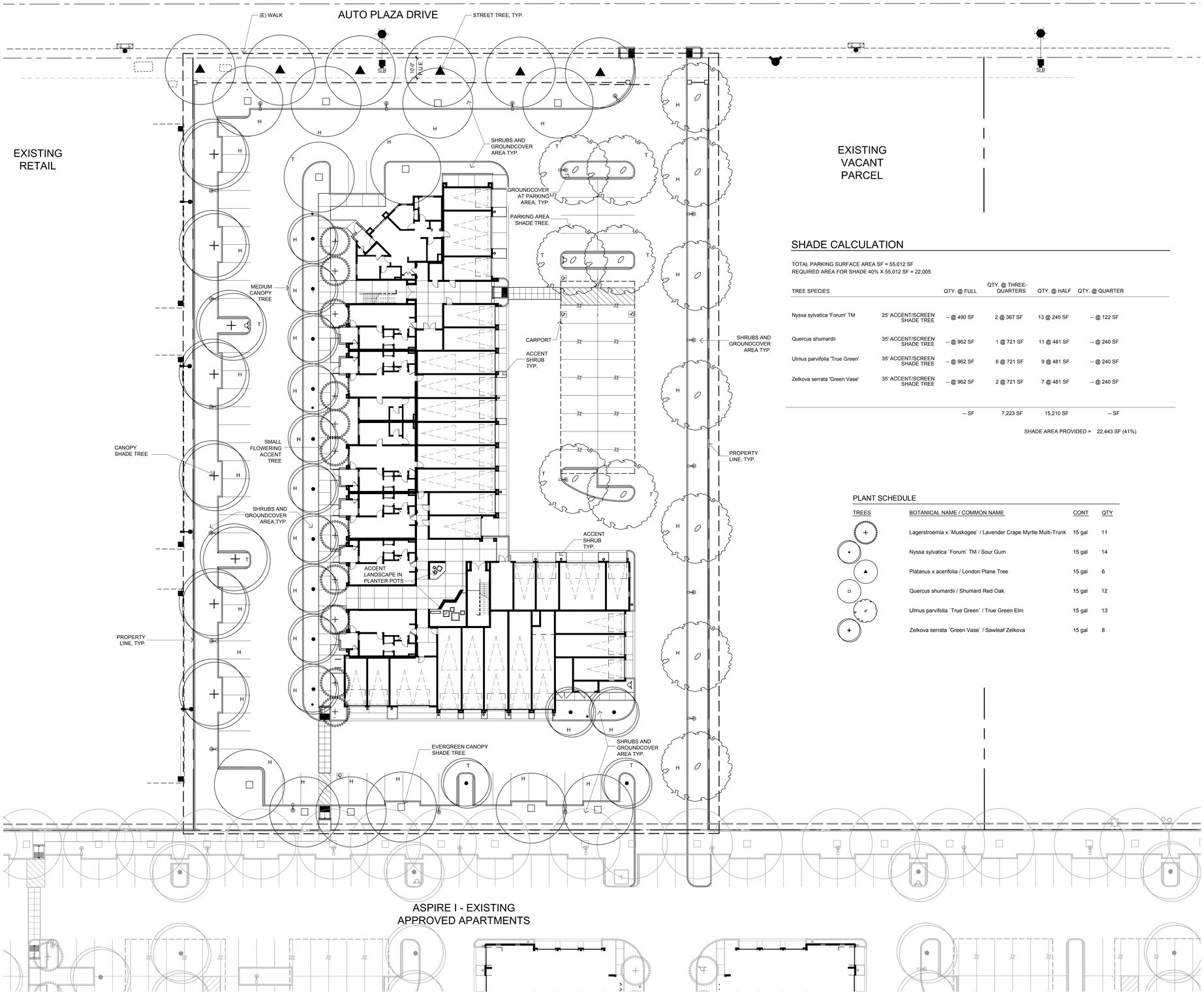
TRACY, CA

COVER

DATE: 6/19/2015
PROJECT NO: 1156-0001
SCALE: NONE
SHEET: A1

LEGACY HOMES

LPAS
2484 Natomas Park Drive Suite 100 Sacramento CA 95833
916 443 0335 lpasdesign.com Architecture + Design



SHADE CALCULATION

TOTAL PARKING SURFACE AREA SF = 55,012 SF
REQUIRED AREA FOR SHADE 40% X 55,012 SF = 22,005

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

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

PLANT SCHEDULE

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

USABLE OPEN SPACE

REQUIRED

UNITS 1- 10	10 UNITS X 100 SF	=	1,000 SF
UNITS 11- 20	10 UNITS X 50 SF	=	500 SF
UNITS 21- 47	26 UNITS X 25 SF	=	650 SF
TOTAL		=	2,150 SF
PROVIDED		=	5,289 SF

NOTES

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

PARKING AREAS MEET MINIMUM 20% LANDSCAPE REQUIREMENT

ASPIRE II

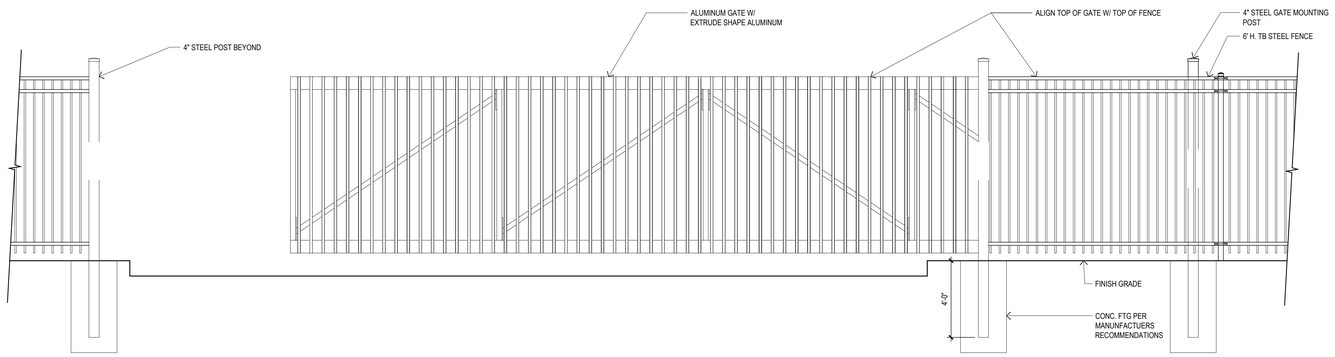
TRACY. CA

LANDSCAPE PLAN

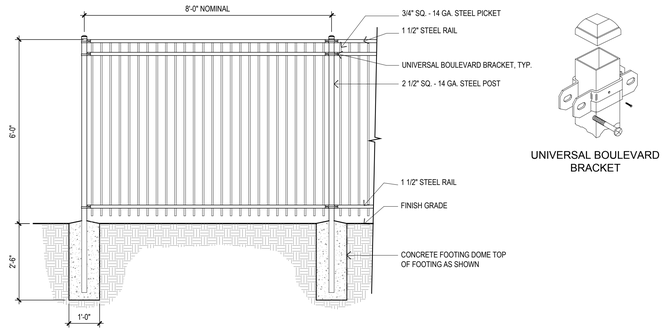
DATE: 06.19.2015
PROJECT NO: 1156-0001
SCALE: 1" = 20'
SHEET: A3

LEGACY HOMES

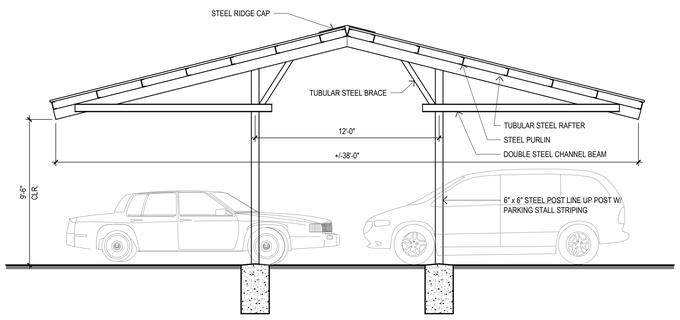
LPAS
2484 Natomas Park Drive Suite 100 Sacramento CA 95833
916 443 0335 lpasdesign.com
Architecture + Design



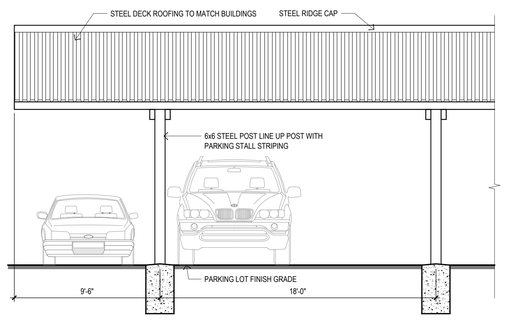
CANTILEVER GATE 2
1/2" = 1'-0"



6' ORNAMENTAL METAL FENCE 1
1/2" = 1'-0"

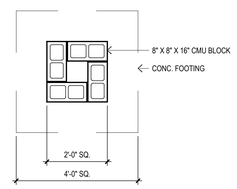


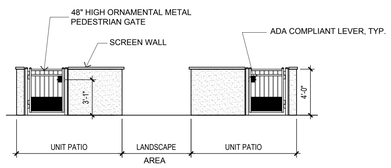
SIDE ELEVATION



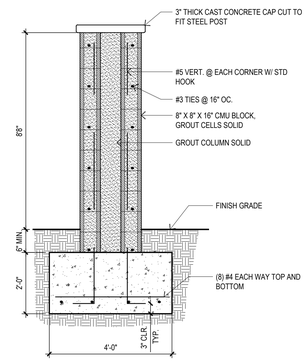
FRONT ELEVATION

DOUBLE ROW CARPORT 3
1/4" = 1'-0"

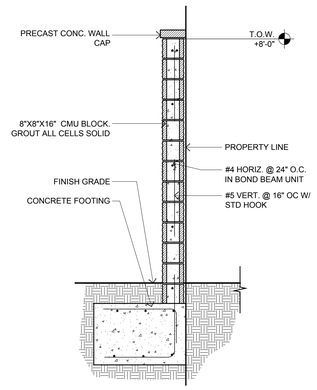




UNIT PATIO WALL 6
3/16" = 1'-0"



PILASTER AT AUTO PLAZA DRIVE WALL 5
1/2" = 1'-0"



PROPERTY LINE WALL 4
1/2" = 1'-0"

ASPIRE II

TRACY. CA

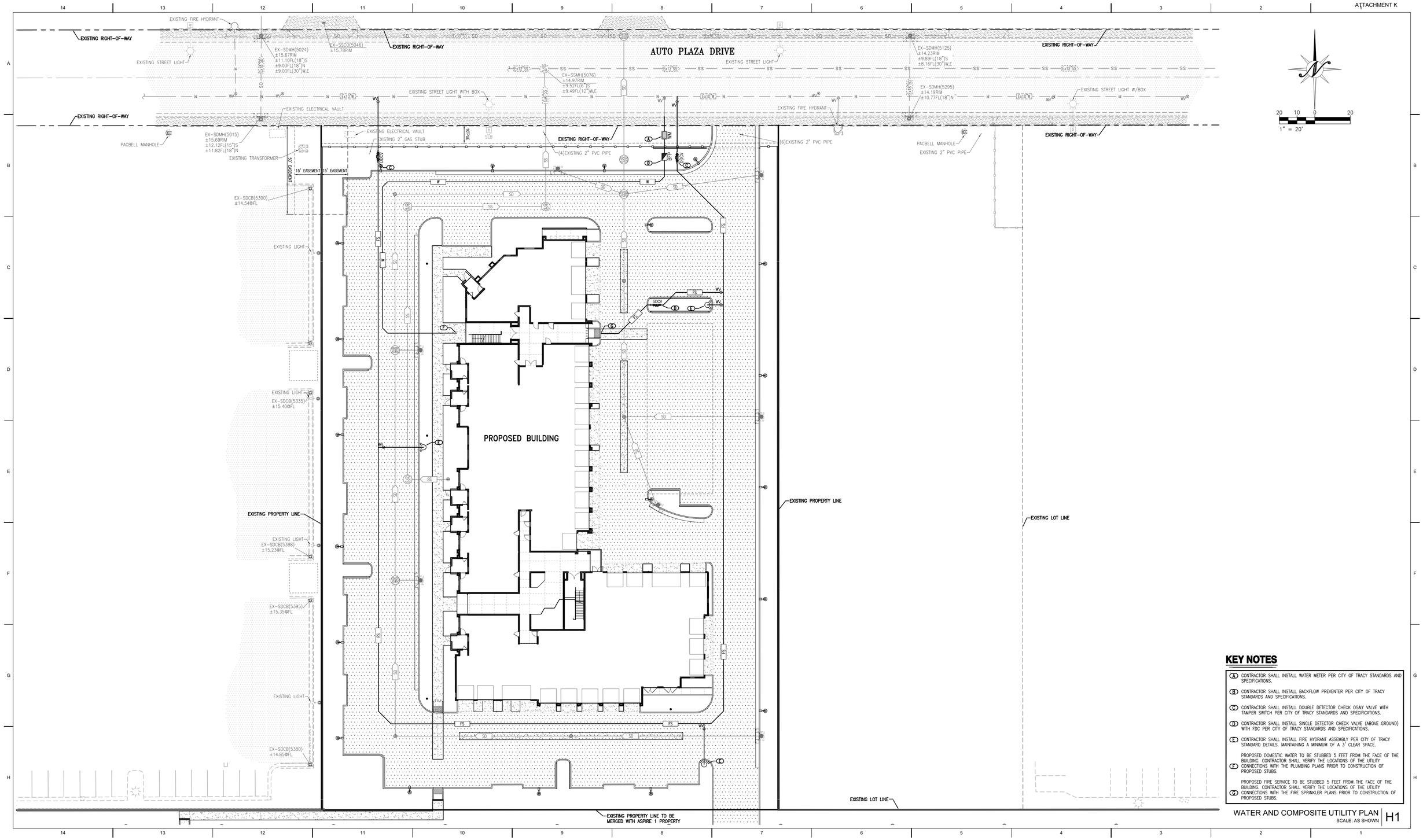
SITE DETAILS

DATE: 09.18.2015
PROJECT NO: 1156-0001
SCALE:
SHEET: A2.2

LEGACY HOMES

LPAS
2484 Natomas Park Drive Suite 100 Sacramento CA 95833
916 443 0335 lpasdesign.com
Architecture + Design

ATTACHMENT K



KEY NOTES

(A) CONTRACTOR SHALL INSTALL WATER METER PER CITY OF TRACY STANDARDS AND SPECIFICATIONS.

(B) CONTRACTOR SHALL INSTALL BACKFLOW PREVENTER PER CITY OF TRACY STANDARDS AND SPECIFICATIONS.

(C) CONTRACTOR SHALL INSTALL DOUBLE DETECTOR CHECK OS&Y VALVE WITH TAMPER SWITCH PER CITY OF TRACY STANDARDS AND SPECIFICATIONS.

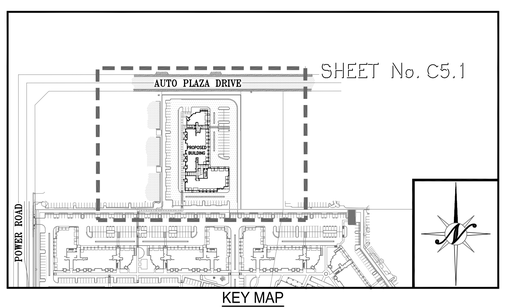
(D) CONTRACTOR SHALL INSTALL SINGLE DETECTOR CHECK VALVE (ABOVE GROUND) WITH FDC PER CITY OF TRACY STANDARDS AND SPECIFICATIONS.

(E) CONTRACTOR SHALL INSTALL FIRE HYDRANT ASSEMBLY PER CITY OF TRACY STANDARD DETAILS. MAINTAINING A MINIMUM OF A 3' CLEAR SPACE.

(F) PROPOSED DOMESTIC WATER TO BE STUBBED 5 FEET FROM THE FACE OF THE BUILDING. CONTRACTOR SHALL VERIFY THE LOCATIONS OF THE UTILITY CONNECTIONS WITH THE PLUMBING PLANS PRIOR TO CONSTRUCTION OF PROPOSED STUBS.

(G) PROPOSED FIRE SERVICE TO BE STUBBED 5 FEET FROM THE FACE OF THE BUILDING. CONTRACTOR SHALL VERIFY THE LOCATIONS OF THE UTILITY CONNECTIONS WITH THE FIRE SPRINKLER PLANS PRIOR TO CONSTRUCTION OF PROPOSED STUBS.

WATER AND COMPOSITE UTILITY PLAN | H1
SCALE: AS SHOWN



KEY MAP
NTS

NO.	ISSUE	DATE

ASPIRE 2 APARTMENTS

ASPIRE 2 APARTMENTS
2750 AUTO PLAZA DRIVE
TRACY, CA 95304

REGISTERED PROFESSIONAL ENGINEER — PRELIMINARY NOT FOR CONSTRUCTION — CALIFORNIA

COPYRIGHT 2015 NORTHSTAR ENGINEERING GROUP, INC

NorthStar Engineering Group, Inc.
• CIVIL ENGINEERING • SURVEYING • PLANNING •
620 12th Street Modesto, CA 95354
(209) 524-3525 Phone (209) 524-3526 Fax

ARCHITECT / CONSULTANT

CALL BEFORE YOU DIG 800-227-2600

APPROVAL

THIS DOCUMENT CONTAINS INFORMATION THAT IS PROPRIETARY TO LPAS, INC. AND IS FURNISHED FOR THE PURPOSES OF REVIEW, BIDDING OR CONSTRUCTION OF THE PROJECT LISTED IN THE JOB TITLE BOX ABOVE AND SHALL NOT BE USED FOR ANY OTHER PURPOSE WITHOUT THE EXPRESS WRITTEN CONSENT OF THE PROPRIETOR. WITHOUT CONSENT OF LPAS, INC., INFORMATION CONTAINED THEREIN IS AN INSTRUMENT OF PROFESSIONAL SERVICES AND SHALL REMAIN THE PROPERTY OF LPAS, INC. ALL RIGHTS RESERVED COPYRIGHT © 2009.

THIS DRAWING IS NOT FINAL OR TO BE USED FOR CONSTRUCTION UNTIL IT IS SIGNED BY THE ARCHITECT AND ENGINEER.

LPAS

2484 Natomas Park Drive Suite 100 Sacramento CA 95833
916 443 0335 lpasdesign.com Architecture + Design

WATER AND COMPOSITE UTILITY PLAN

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

C5.1

ATTACHMENT L

LEGACY HOMES

December 31, 2015

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

Re: Aspire II (47 unit Apartment)

Dear Commissioners,

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

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

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

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

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

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

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

We respectfully request your support for our project as submitted.

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

By:_____
Gary Mancebo
Its: Vice President

FPI Management Inc.

January 4, 2016
Re: Aspire

To whom it may concern:

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

Please let me know if you have any further questions.

Sincerely,

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

ATTACHMENT N

City of Tracy
1000 Civic Center Drive
Tracy, CA 95376

POLICE DEPARTMENT

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

December 30, 2015

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

RE: ADDITIONAL ACCESS POINT

Dear Mr. Mancebo:

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

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

Sincerely,

Jeremy Watney
Acting Chief of Police

JGBW:kd

RESOLUTION 2016 -_____

APPROVING A GENERAL PLAN AMENDMENT (GPA15-002), APPROVING A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN (D15-003), AND ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE ASPIRE II APARTMENTS

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

WHEREAS, The I-205 Corridor Specific Plan (this Planned Unit Development's Concept Development Plan) amendment application will be addressed and documented in a City Council Ordinance, separate from this Resolution, and

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

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

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

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

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

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

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

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

WHEREAS, The City Council conducted a public hearing to receive public input and review the project on March 15, 2016;

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

1. Mitigated Negative Declaration

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

   B. The City Council adopts the Mitigated Negative Declaration, Exhibit 1.

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

   The City Council approves the General Plan Amendment to re-designate the site from Commercial to Residential High.

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

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

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

   C. The City Council approves the Project Planned Unit Development Preliminary and Final Development Plan, subject to the conditions contained in Exhibit 2, attached.

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

The foregoing Resolution 2016-____, was adopted by the City Council on the 15th day of March 2016, by the following vote:

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

_____
MAYOR

ATTEST:

_____
CITY CLERK

Aspire II Apartments Conditions of Approval
Application Number D15-003
City Council
March 15, 2016

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

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

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

2. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.

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

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

5. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.

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

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

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

B. General Conditions of Approval:

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

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

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

4. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

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

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

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

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

9. Prior to the issuance of a building permit, an Agreement for Maintenance of Landscape and Irrigation Improvements shall be executed and financial security submitted to the Development Services Department. The Agreement shall ensure maintenance of the on-site landscape and irrigation improvements for a period of two years. Said security shall be equal to the actual material and labor costs for installation of the on-site landscape and irrigation improvements, or $2.50 per square foot of on-site landscape area.

10. No roof mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from Power Road, Pavilion Parkway, Auto Plaza Drive, or any other public right-of-way. All roof-mounted equipment shall be contained within the roof well or screened from view from the public rights-of- way by the roof of the building, to the satisfaction of the Development Services Director.

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

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

13. Prior to the issuance of a building permit, bicycle parking spaces shall be provided in accordance with Tracy Municipal Code Section 10.08.3510 to the satisfaction of the Development Services Director.

14. All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Director.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Or

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

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

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

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

C. Engineering Division Conditions of Approval

C.1. General Conditions

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

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

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

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

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

C.2. Grading Permit

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

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

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

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

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

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

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

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

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

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

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

C.3. <u>Encroachment Permit</u>

No applications for encroachment permit will be accepted by the City as complete until the Developer provides all relevant documents related to said encroachment permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

C.3.1. Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (mylar) that incorporate all the requirements described in these Conditions of Approval. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

C.3.2. Two (2) sets of structural calculations, as applicable, signed and stamped by a Structural Engineer licensed in the State of California, as required in Condition C.4.1.b., below.

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

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

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

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

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

C.4. Improvement Plans - Improvement Plans shall contain the design, construction details and specifications of public improvements that are necessary to serve the Project. The Improvement Plans shall be drawn on a 24” x 36” size 4-mil thick polyester film (mylar) and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. The Improvement Plans shall be completed to comply with City Regulations, these Conditions of Approval, and the following requirements:

C.4.1. Grading and Storm Drainage Plans

Site Grading:

a. Include all proposed erosion control methods and construction details to be employed and specify materials to be used. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project’s Geotechnical Engineer. A copy of the Project’s Geotechnical Report must be submitted with the Grading and Storm Drainage Plans.

b. An engineered fill may be accepted as a substitute of a retaining wall, if the grade differential is less than 2 feet and subject to approval by the City Engineer. The Grading and Storm Drainage Plans must show the extent of the slope easement(s). The Developer shall be responsible for obtaining permission from owner(s) of the adjacent and affected property(s). The slope easement must be recorded, prior to the issuance of the final building certificate of occupancy.

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

C.4.2. Storm Drainage

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

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

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

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

C.4.3. Sanitary Sewer Improvement Plans

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

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

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

C.4.4. Water Distribution System

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

b. Domestic and Irrigation Water Services – The Developer shall design and install domestic and irrigation water service connection, including a remote-read master water meter (the water meter to be located within City's right-of-way) and a Reduced Pressure Type back-flow protection device in accordance with City Regulations.

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

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

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

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

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

c. Fire Service Line - The Developer shall design and install fire hydrants at the locations approved by the City's Fire Code Official and Chief Building Official. Prior to the approval of the Improvement Plans, the Developer shall obtain written approval from the City's Fire Code Official and Chief Building Official, for the design, location and construction details of the fire service connection to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

d. During the construction phase of the Project, the Developer is responsible for providing water infrastructure (temporary or permanent) capable of delivering adequate fire flows and pressure appropriate to the various stages of construction and as required by the City of Tracy Fire Code Official.

e. Interruption to the water supply to the existing businesses and other users shall be kept to a minimum to facilitate construction of off-site improvements related to the Project. Prior to starting the work described in this section, the Developer shall submit a Work Plan acceptable to the City that demonstrates no interruptions to the water supply, and Traffic Control Plan to be used during the installation of the offsite water mains and connections. The Developer shall be responsible for notifying business owner(s) and users, regarding construction work. The written

notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least 72 hours before start of work.

C.4.5. Street Improvements

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

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

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

d. Project Driveways:

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

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

C.4.6. Joint Utility Trench Plans

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

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

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

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

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

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

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

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

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

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

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

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

C.6.2. Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Developer, the City shall temporarily release the originals of the Improvement Plans to the Developer so that the Developer will be able to document revisions to show the "As Built" configuration of all improvements.

C.7. Temporary or Final Building Certificate of Occupancy - No Temporary or Final Building Certificate of Occupancy will be issued by the City until the Developer provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:

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

C.7.2. The Developer has completed construction of all required public facilities for the building for which a certificate of occupancy is requested and all the improvements required in these Conditions of Approval. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

C.8. Special Conditions

C.8.1. All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Regulations, and City's Design documents including the City's Facilities Master Plan for storm drainage, roadway, wastewater and water adopted by the City, or as otherwise specifically approved by the City.

C.8.2. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Developer shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection. The Developer shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.

C.8.3. All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers. Any damaged, displaced, obliterated or lost monuments or survey markers shall be re-established or replaced by a licensed Land Surveyor at the Developer's (or Contractor's) sole expense. A corner record must be filed in accordance with the State law for any reset monuments (California Business and Professions Code Section 8871).

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

C.8.5. Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the Grading Permit, Encroachment Permit, Building Permit, Improvement Plans, OIA, and DIA, if the City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City. The Developer shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

ORDINANCE _____

AN ORDINANCE OF THE CITY OF TRACY AMENDING THE I-205 CORRIDOR SPECIFIC PLAN LAND USE DESIGNATION (FIGURE 3.1a) FROM SERVICE COMMERCIAL TO HIGH DENSITY RESIDENTIAL FOR AN APPROXIMATELY 2.28-ACRE SITE LOCATED ON THE SOUTH SIDE OF AUTO PLAZA DRIVE, APPROXIMATELY 500 FEET EAST OF POWER ROAD (ASSESSOR'S PARCEL NUMBER 212-270-24); APPLICATION NUMBER SPA15-0001

WHEREAS, The property owner filed an application to amend the I-205 Corridor Specific Plan land use designation from Service Commercial to High Density Residential, and

WHEREAS, The proposed amendment is consistent with the General Plan, because the permitted uses of the Specific Plan's High Density designation are allowed within the General Plan designation of Residential High and are consistent with goals and policies of the Housing Element, and

WHEREAS, The I-205 Corridor Specific Plan is the Concept Development Plan of the Planned Unit Development Zone District, and

WHEREAS, The City Council adopted a Negative Declaration for this project, in accordance with California Environmental Quality Act Guidelines, on March 15, 2016, and

WHEREAS, On March 15, 2016, the City Council conducted a public hearing to review and consider the project;

SECTION 1: The Land Use Plan map of the I-205 Corridor Specific Plan (the Planned Unit Development Concept Development Plan) is hereby amended to reclassify the following property from Service Commercial to High Density Residential:

Approximately 2.28 acres on the south side of Auto Plaza Drive, approximately 500 feet east of Power Road, Assessor's Parcel Number 212-270-24.

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 forgoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council held on the 15th day of March, 2016, and finally adopted on the _____ day of _____, 2016, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

March 15, 2016

AGENDA ITEM 6

REQUEST

PUBLIC HEARING TO CONSIDER THE ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS FOR FISCAL YEAR 2016-2017 AND CONSIDERATION OF THE REALLOCATION OF PREVIOUS PROGRAM YEARS FUNDS TO THE HOME REHABILITATION PROGRAM

EXECUTIVE SUMMARY

Consider and approve the allocation of Community Development Block Grant in the estimated amount of $418,834 and Home Investment Partnerships Program funds in the estimated amount of $107,010 for fiscal year (FY) 2016-2017. Additionally, consider and approve the reallocation of $334,130 in previous program years HOME funds from the Downpayment Assistance Program (DAP) to the HOME Rehabilitation Program.

BACKGROUND

Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds are allocated to cities and counties by the United States Department of Housing and Urban Development (HUD) for use in projects that make for a viable community, with local programs that provide services including creating decent housing, a suitable living environment, and expansion of economic opportunities for low and moderate income individuals and families. The City receives CDBG and HOME funds as a subrecipient of San Joaquin County's entitlement allocation from HUD.

During fiscal year 2008-09, the City Council directed staff to revise the City operated CDBG process so eligible applications that best address the local needs of the Tracy community would receive priority for funding. On October 5, 2010, City Council approved the following four local priorities: (1) economic development/job creation, (2) emergency food and shelter, (3) domestic violence services, and (4) senior/adult services. In order to encourage meaningful citizen involvement, the Parks and Community Services Commission CDBG Subcommittee was established to evaluate the CDBG applications and make funding allocation recommendations to the City Council.

The City has traditionally allocated HOME funds for the purpose of providing low income and first time homebuyers with deferred down payment assistance loans to purchase homes in Tracy. The unobligated balance of HOME funds available for use by the City is $534,130. As part of the HOME program structure, San Joaquin County currently operates the Downpayment Assistance Program (DAP) for the City and offers up to $40,000 in HOME funding per qualified applicant seeking to purchase a home in Tracy. In recent years, the existing DAP program has experienced limited success due to the disparity between low income households qualifying under the HOME program eligibility requirements and appreciating home values in Tracy. For example, federal program requirements limit an applying family to purchase a home in Tracy of no more than $304,750. In 2015, the median home value in Tracy was estimated at $339,396 with a median home sales price of $404,000. Additionally, federal program requirements only allow for loans to be provided to applicants with maximum incomes that meet certain

affordable income thresholds based on family size. In 2015, the maximum income for an applying family of three was $43,150. Given current trends in residential sales prices and the HUD required maximum allowable annual income level for families, the opportunity for residents to qualify under the DAP program and still qualify for conventional financing is limited. Therefore, with today's actions staff is recommending to maintain $200,000 of HOME funds for the DAP program and reallocate $334,130 in HOME funds to a HOME Rehabilitation Program that will focus on unmet needs in the community including residential rehabilitation projects and improving existing housing conditions for qualifying residents. San Joaquin County will operate the HOME Rehabilitation Program for the City of Tracy along with input and direction from City Economic Development staff to coordinate resources in the community.

Funding Availability

San Joaquin County has provided an estimate of CDBG funds to be allocated to the City of Tracy in the amount of $418,834 for FY 2016-2017. This amount is an estimate and is based on a final funding determination by HUD. HUD regulations, codified in the Code of Federal Regulations (CFR) Title 24, Part 570, additionally require Public Services activities to be limited to 15% of the City's annual CDBG allocation. For 2016-2017, the Public Services category is limited to an estimated maximum of $62,825.

Staff is also seeking to establish a City of Tracy CDBG Program Administration Plan for 2016-2017 based on consultation with San Joaquin County about program implementation in our community. HUD allows CDBG grant recipients, including cities and counties, to reimburse for costs of grant program administration up to 20% of the annual allocation amount. As allowed by the CDBG program regulations, the City will seek reimbursement for the eligible costs of CDBG Program Administration in the amount of 12% of the total allocation, or approximately $50,260, to cover the costs associated with a partially funded full-time equivalent (FTE) staff position in 2016-2017 to administer and operate the CDBG grant program. City staff anticipates increased workload to administer the City CDBG program in the coming fiscal year due to labor compliance program implementation as required by State and Federal law, and a shift of responsibilities between San Joaquin County and the City. The City will be accepting responsibility to review and approve grantee submittals, invoices and related audit documents reported to the County and HUD as part of the CDBG program. The following sources and uses are recommended for the 2016-2017 CDBG program:

CDBG Program (Sources) 2016-2017	
CDBG Estimated Allocation	$418,834
Total Sources	$418,834
CDBG Program (Uses) 2016-2017	
Public Services Allocation (15%)	$62,825
City of Tracy Program Administration (12%)	$50,260
Public Facilities, Economic Development Allocation	$305,749
Total Uses	$418,834

The City is also estimated to receive $107,010 in HOME Investment Partnerships Program (HOME) funds, which are intended for general housing activity types including

homeowner and rental construction and/or rehabilitation, as well as first-time homebuyer assistance to low income individuals and families.

Parks and Community Services Commission Recommendation:

CDBG and HOME applications for FY 2016-2017 were available beginning December 10, 2015, with a submittal deadline of January 15, 2016. Staff held a public outreach meeting on January 7, 2016, to answer questions regarding application requirements. The City received a total of 18 CDBG applications, with 10 applications for Public Services, and 8 applications in Public Improvements, Housing and Economic Development funding categories. San Joaquin County requires 1 direct Public Service allocation to the San Joaquin Fair Housing Authority to provide housing counseling and affordable housing activities, which an application is not required.
The CDBG Subcommittee conducted a Special Meeting open to the public and community stakeholders on January 25, 2016 to consider the applications and make funding allocation recommendations to the full Parks and Community Services Commission.

The Parks and Community Services Commission conducted a public meeting on Thursday, February 4, 2016, to consider the recommendations made by the subcommittee. Following a discussion by the Commissioners and comments by the public, the Parks and Community Services Commission made a recommendation to City Council for approval. On March 2, 2016, the City received revised allocations for CDBG and HOME funds from San Joaquin County with a reduction of 3.4% in the CDBG allocation amount from $433,624 to $418,834. Staff is recommending an equal reduction in funding among all of the CDBG applicants:

CDBG FUNDS - PUBLIC SERVICES CATEGORY (15% Cap): $62,825

ORGANIZATION NAME	PROJECT TITLE/DESCRIPTION	FUNDING REQUESTED	PCS FUNDING AMOUNT	REVISED AMOUNT
Boys & Girls Club of Tracy	Youth Inclusion Program	$15,000	$4,000	$3,864
Coalition of Tracy Citizens to Assist the Homeless	Operation of 24 Bed Facility for homeless men (Emerson House)	$11,260	$5,000	$4,829
Emergency Food Bank and Family Services Stockton/SJ	Mobile Farmers Market	$2,000	$2,000	$1,932
McHenry House Tracy Family Shelter	Family Crisis Intervention Program	$25,000	$5,000	$4,829
Second Harvest Food Bank of San Joaquin & Stanislaus County	Food Assistance Program	$10,000	$5,000	$4,829
SJC Department of Aging	Home delivered meals program (Meals on Wheels)	$9,000	$9,000	$8,693
Tracy Interfaith Ministries	Hunger Awareness and Food Distribution Program	$15,000	$11,816	$11,413
Tracy Volunteer Caregivers	Client support services	$8,750	$3,000	$2,898
VBR Foster Family Agency & Children Services	Domestic violence services	$10,000	$4,000	$3,864

Women's Center - Youth & Family Services	South County Domestic Violence Emergency Shelter	$15,000	$6,000	$5,795
San Joaquin Fair Housing Authority	Housing Counseling Services (*required by SJ County**)	$10,228*	$10,228*	$9,879
	TOTAL AMOUNTS:	**$131,238**	**$65,044**	**$62,825**

CDBG FUNDS - PUBLIC FACILITIES, HOUSING & ECONOMIC DEVELOPMENT CATEGORIES: $305,749

ORGANIZATION NAME	PROJECT TITLE/DESCRIPTION	FUNDING REQUESTED	PCS FUNDING AMOUNT	REVISED AMOUNT
Boys & Girls Club of Tracy	Lowell Avenue Site – Surveillance and Door Handle Safety Project	$32,675.72	$10,000	$9,659
Boys & Girls Club of Tracy	South West Park Site – Purchase Classroom Portable	$300,000	$125,822	$121,530
City of Tracy	ADA Accessibility Improvement Project at Dr. Powers Park and Adjacent Neighborhood	$374,220	$100,000	$96,589
City of Tracy	Downtown Façade Improvement Grant Program	$100,000	$35,823	$34,603
Disability Resource Agency for Independent Living (DRAIL)	Safe at Home Program – Home Accessibility	$5,000	$5,000	$4,829
McHenry House Tracy Family Shelter	Install new windows and flooring	$17,900	$17,900	$17,289
SBDC – SJ Delta College	SBDC Consulting and Training Services	$10,000	$10,000	$9,659
Tracy Interfaith Ministries	Upgrade of electrical/lighting for on-site warehouse and client waiting	$12,000	$12,000	$11,591
	TOTAL AMOUNTS:	**$851,795.72**	**$316,545**	**$305,749**

HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDS: $107,010

On March 2, 2016, the City received a revised allocation for HOME funds from San Joaquin County with an increase of 9% in the allocation amount from $97,194 to $107,010.

The City did not receive an application for HOME funds; therefore, staff recommends a funding allocation to the HOME Rehabilitation Program in FY 2016-2017:

ORGANIZATION NAME	PROJECT TITLE/DESCRIPTION	FUNDING REQUESTED	PCS FUNDING AMOUNT	FUNDING AMOUNT
City of Tracy	HOME Rehabilitation Program	$97,194	$97,194	$107,010
	TOTAL AMOUNTS:	**$97,194**	**$97,194**	**$107,010**

With today's actions, staff is also recommending City Council consider and approve the reallocation of unobligated HOME funds in the amount of $334,130 to the HOME Rehabilitation Program. A balance of $200,000 in HOME funds will be maintained in the Downpayment Assistance Program. The HOME Rehabilitation Program will be developed by staff, in coordination with San Joaquin County, and will extend opportunities to qualifying low income individuals, families and seniors in Tracy based on program criteria required by HUD.

STRATEGIC PLAN

This agenda item supports Goal 2 of the Public Safety Strategic Plan by promoting public health, safety, and community welfare throughout the community.

FISCAL IMPACT

There will be no impact to the General Fund. The City of Tracy, as a subrecipient of San Joaquin County, will be allocated an estimated $418,834 in CDBG funds for FY 2016-2017. The City will also be allocated an estimated $107,010 in FY 2016-2017 in HOME funds. A reallocation of $334,130 in previous program years HOME funds from the Downpayment Assistance Program (DAP) to the HOME Rehabilitation Program will allow the City to begin putting existing grant funding to use in the community.

RECOMMENDATION

Staff recommends City Council, by resolution, allocate $418,834 in Community Development Block Grant funds and $107,010 in HOME funds for FY 2016-2017 pursuant to the recommendations listed in the attached resolution; approve the reallocation of unobligated HOME funds from the Downpayment Assistance Program (DAP) to the HOME Rehabilitation Program, and authorize and direct the Development Services Director to execute the Form Agreements on behalf of the City.

Prepared by: Joshua Ewen, Management Analyst

Reviewed by: Shelley Burcham, Economic Development Manager
Andrew Malik, Development Services Director
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS

Attachment A: Form Agreement

AGREEMENT BETWEEN THE CITY OF TRACY
AND (NAME OF ORGANIZATION)
FOR COMMUNITY DEVELOPMENT BLOCK GRANT
FUNDING FOR FISCAL YEAR 2016-2017

THIS AGREEMENT entered into this ____ day of ____ 2016 by and between the City of Tracy (herein called the "Grantee") and (NAME OF ORGANIZATION) (herein called the "Subrecipient").

WHEREAS, the Grantee has applied for and received funds from the United States Government under Title I of the Housing and Community Development Act of 1974, Public Law 93-383; and,

WHEREAS, the Grantee wishes to engage the Subrecipient to assist the Grantee in utilizing such funds to the benefit of low-income residents;

NOW, THEREFORE, it is agreed between the parties hereto that;

I. SCOPE OF SERVICE

A. Activities

The Subrecipient will be responsible for administering a CDBG fiscal year 2016 - 2017 program in a manner satisfactory to the Grantee and consistent with any standards required as a condition of providing these funds. Such program will include the following activities eligible under the Community Development Block Grant Program:

Program Delivery

Activity #1 (Complete description of activity to be undertaken, what products or services are to be performed, where they are to be provided, for whom they are to be provided, how they are to be provided.)

Activity #2 (Same)

Activity #3 (Same)

General Administration

B. National Objectives

The Subrecipient certifies that the activities carried out with funds provided under this Agreement will meet one or more of the CDBG program's National Objectives: 1) benefit low/moderate income persons, 2) aid in the prevention or elimination of slums of blight, 3) meet community development needs having a particular urgency, as defined in 24 CFR Part 570.208.

C. Levels of Accomplishment

In addition to the normal administrative services required as part of this Agreement, the Subrecipient agrees to provide the following levels of program services:

Activity	Units per Month	Total Units/Year

D. Staffing (Provide list of staff and time commitments to be allocated to each activity specified in I.A.)

E. Performance Monitoring

The Grantee will monitor the performance of the Subrecipient against goals and performance standards required herein. Substandard performance as determined by the Grantee will constitute non-compliance with this Agreement. If action to correct such substandard performance is not taken by the Subrecipient within a reasonable period of time after being notified by the Grantee, contract suspension or termination procedures will be initiated.

II. TIME OF PERFORMANCE

Services of the Subrecipient shall start on the 1st day of July 2016 and end on the 30th day of June 2017. The term of this Agreement and the provisions herein shall be extended to cover any additional time period during which the Subrecipient remains in control of CDBG funds or other assets, including program income.

III. BUDGET

Line Item:	Amount:
Salaries	$
Fringe	
Office Space (Program Only)	
Utilities	
Communications	
Reproduction/Printing	
Supplies and Materials	
Mileage	
Audit	
Other (specify)	
Indirect costs (specify)	
TOTAL	$

Any indirect costs charged must be consistent with the conditions of Paragraph VIII (C)(2) of this Agreement. In addition, the Grantee may require a more detailed budget breakdown than the one contained herein, and the Subrecipient shall provide such supplementary budget information in a timely fashion in the form and content prescribed by the Grantee. The Grantee and the Subrecipient must approve any amendments to this budget in writing.

IV. PAYMENT

It is expressly agreed and understood that the total amount to be paid by the Grantee under this contract shall not exceed **$(enter amount) ($0.0 Facilities, Economic Development and/or $0.0 Public Services)** Draw-downs for the payment of eligible expenses shall be made against the line item budgets specified in Paragraph III herein and in accordance with performance. Expenses for general administration shall also be paid against the line item budgets specified in Paragraph III and in accordance with performance.

Payments may be contingent upon certification of the Subrecipient's financial management system in accordance with the standards specified in OMB Circular A-87, Section 85.20

V. NOTICES

Communication and details concerning this contract shall be directed to the following contract representatives:

	Grantee	Subrecipient
Name & Title:	Andrew Malik	(Name of Contact)
Address:	333 Civic Center Drive	Adress#1
City, State, Zip:	Tracy, CA 95376	Address City, State
Telephone:	209-831-6490	Phone Number
Fax Number:	209-830-6837	Fax Number

VI. SPECIAL CONDITIONS (Special conditions specific to the particular activity or individual subrecipient)

VII. GENERAL CONDITIONS

A. General Compliance

The Subrecipient agrees to comply with the requirements of Title 24 of the Code of Federal Regulations, Part 570 (the Housing and Urban Development regulations concerning Community Development Block Grants (CDBG)). The Subrecipient also agrees to comply with all other applicable federal, state and local laws, regulations, and policies governing the funds provided under this contract. The Subrecipient further agrees to utilize funds available under this Agreement to supplement rather than supplant funds otherwise available.

B. "Independent Contractor"

Nothing contained in this Agreement is intended to, or shall be construed in any manner, as creating or establishing the relationship of employer/employee between the parties. The Subrecipient shall at all times remain an "independent contractor" with respect to the services to be performed under this Agreement. The Grantee shall be exempt from payment of all Unemployment Compensation, FICA, retirement, life and/or medical insurance and Workers' Compensation Insurance as the Subrecipient is an independent subrecipient.

C. Hold Harmless

The Subrecipient shall hold harmless, defend and indemnify the Grantee from any and all claims, actions, suits, charges and judgments whatsoever that arise out of the Subrecipient's performance or nonperformance of the services or subject matter called for in this Agreement.

D. Workers' Compensation

The Subrecipient shall provide Workers' Compensation Insurance coverage for all of its employees involved in the performance of this contract.

E. Insurance & Bonding

The Subrecipient shall carry sufficient insurance coverage to protect contract assets from loss due to theft, fraud and/or undue physical damage, and as a minimum shall purchase a blanket fidelity bond covering all employees in an amount equal to cash advances from the Grantee.

The Subrecipient shall comply with the insurance and bonding requirements of 24 CFR Part 84.

F. Grantor Recognition

The Subrecipient shall insure recognition of the role of the grantor agency in providing services through this contract. All activities, facilities and items utilized pursuant to this contract shall be prominently labeled as to funding source. In addition, the Subrecipient will include a reference to the support provided herein in all publications made possible with funds made available under this contract.

G. Amendments

The Grantee or Subrecipient may amend this Agreement at any time provided that such amendments make specific reference to this Agreement, and are executed in writing, signed by a duly authorized representative of both organizations, and approved by the Grantee's governing body. Such amendments shall not invalidate this Agreement, nor relieve or release the Grantee or Subrecipient from its obligations under this Agreement.

The Grantee may, in its discretion, amend this Agreement to conform with federal, state or local governmental guidelines, policies and available funding amounts, or for other reasons. If such amendments result in a change in the funding, the scope of services, or schedule of the activities to be undertaken as part of this Agreement, such modifications will be incorporated only by written amendment signed by both Grantee and Subrecipient.

H. Suspension or Termination

Either party may terminate this contract at any time by giving written notice to the other party of such termination and specifying the effective date thereof at least 30 days before the effective date of such termination. Partial terminations of the Scope of Service in Paragraph I.A above may only be undertaken with the prior approval of the Grantee. In the event of any termination for convenience, all finished or unfinished documents, data, studies, surveys, maps, models, photographs, reports or other materials prepared by the Subrecipient under this Agreement shall, at the option of the Grantee, become the property of the Grantee, and the Subrecipient shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents or materials prior to the termination.

The Grantee may also suspend or terminate this Agreement, in whole or in part, if the Subrecipient materially fails to comply with any term of this Agreement, or with any of the rules, regulations or provisions referred to herein; and the Grantee may declare the Subrecipient ineligible for any further participation in the Grantee's contracts, in addition to other remedies as provided by law. In the event there is probable cause to believe the Subrecipient is in noncompliance with any applicable rules or regulations, the Grantee may withhold up to fifteen (15) percent of said contract funds until such time as the Subrecipient is found to be in compliance by the Grantee, or is otherwise adjudicated to be in compliance.

VIII. ADMINISTRATIVE REQUIREMENTS

A. Financial Management

1. Accounting Standards

The Subrecipient agrees to comply with 24 CFR Part 84 and agrees to adhere to the accounting principles required therein, utilize adequate internal controls, and maintain necessary source documentation for all costs incurred.

2. Cost Principles

The Subrecipient shall administer its program in conformance with OMB Circulars A-122, "Cost Principles for Non-Profit Organizations," or A-21, "Cost Principles for

Educational Institutions," as applicable. These principles shall be applied for all costs incurred whether charged on a direct or indirect basis.

B. Documentation and Record-Keeping

1. Records to be Maintained

The Subrecipient shall maintain all records required by the federal regulations specified in 24 CFR Part 570.506, that are pertinent to the activities to be funded under this Agreement. Such records shall include but not be limited to:

a. Records providing a full description of each activity undertaken;
b. Records demonstrating that each activity undertaken meet one of the National Objectives of the CDBG program;
c. Records required determining the eligibility of activities;
d. Records required to document the acquisition, improvement, use or disposition of real property acquired or improved with CDBG assistance;
e. Records documenting compliance with the fair housing and equal opportunity components of the CDBG program;
f. Financial records as required by 24 CFR Part 570.502, and 24 CFR Part 84; and
g. Other records necessary to document compliance with Subpart K of 24 CFR 570.

2. Retention

The Subrecipient shall retain all records pertinent to expenditures incurred under this contract for a period of four (4) years after the termination of all activities funded under this Agreement. The retention period starts from the date of submission of the consolidated annual performance and evaluation report (CAPER), in which the specific activity is reported on for the final time. Records for non-expendable property acquired with funds under this contract shall be retained for four (4) years after final disposition of such property. Records for any displaced person must be kept for four (4) years after he/she has received final payment. Notwithstanding the above, if there is litigation, claims, audits, negotiations or other actions that involve any of the records cited and that have started before the expiration of the four-year period, then such records must be retained until completion of the actions and resolution of all issues, or the expiration of the four-year period, whichever occurs later.

3. Client Data

The Subrecipient shall maintain client data demonstrating client eligibility for services provided. Such data shall include, but not be limited to, client name, address, income level or other basis for determining eligibility, and description of service provided. Such information shall be made available to Grantee monitors or their designees for review upon request.

4. Disclosure

The Subrecipient understands that client information collected under this contract is private and the use or disclosure of such information, when not directly connected with the administration of the Grantee's or Subrecipient's responsibilities with respect to services provided under this contract, is prohibited unless written consent is obtained from such person receiving service and, in the case of minor, that of a responsible parent/guardian.

5. Property Records\Reversion of Assets

The Subrecipient shall maintain real property inventory records that clearly identify properties purchased, improved or sold. Properties retained shall continue to meet eligibility criteria and shall conform to the "changes in use" restrictions specified in 24 CFR Parts 570.503(b)(8), as applicable.

a. Reversion of assets. Any real property acquired or improved in whole or in part using CDBG funds in excess of $25,000 shall be used as indicated in this agreement (including the beneficiaries of such use) for a period of at least five years after the closeout of the County's grant from which the assistance was provided.

Any changes in the use or planned use of assisted real property shall be bound by the requirements of 24 CFR 570.505.

6. Close-Outs

The Subrecipient's obligation to the Grantee shall not end until all closeout requirements are completed. Activities during this closeout period shall include, but are not limited to: making final payments, disposing of program assets (including the return of all unused materials, equipment, unspent cash advances, program income balances, and accounts receivable to the Grantee), and determining the custodianship of records.

7. Audits and Inspections

All Subrecipient records with respect to any matters covered by this Agreement shall be made available to the Grantee, grantor agency, their designees or the federal government, at any time during normal business hours, as often as the Grantee or grantor agency deems necessary, to audit, examine, and make excerpts or transcripts of all relevant data. Any deficiencies noted in audit reports must be fully cleared by the Subrecipient within 30 days after receipt by the Subrecipient. Failure of the Subrecipient to comply with the above audit requirements will constitute a violation of this contract and may result in the withholding of future payments. The Subrecipient hereby agrees to have an annual agency audit conducted in accordance with current Grantee policy concerning subrecipient audits and, as applicable, OMB Circular A-133.

C. Reporting and Payment Procedures

1. Program Income

The Subrecipient shall report monthly, on a monthly basis, all program income as defined at 24 CFR 570.500(a) generate by activities carried out with CDBG funds made available under this contract. The use of program income by the Subrecipient shall comply with the requirements set forth at 24 CFR 570.504. By way of further limitations, the Subrecipient may use such income during the contract period for activities permitted under this contract and shall reduce requests for additional funds by the amount of any such program income balance on hand. All unused program income shall be returned to the Grantee at the end of the contract period. Any interest earned on cash advances from the U.S. Treasury is not program income and shall be remitted promptly to the Grantee.

2. Indirect Costs

If indirect costs are charged, the Subrecipient will develop an indirect cost allocation plan for determining the appropriate Subrecipient's share of

administrative costs and shall submit such plan to the Grantee for approval, in a form specified by the Grantee.

3. Payment Procedures

The Grantee will pay to the Subrecipient funds available under this contract based upon information submitted by the Subrecipient and consistent with any approved budget and Grantee policy concerning payments. With the exception of certain advances, payments will be made for eligible expenses actually incurred by the Subrecipient, and not to exceed actual cash requirements. Payments will be adjusted by the Grantee in accordance with advance fund and program income balances available in Subrecipient accounts. In addition, the Grantee reserves the right to liquidate funds available under this contract for costs incurred by the Grantee on behalf of the Subrecipient.

4. Progress Reports

The Subrecipient shall submit regular Progress Reports to the Grantee in a form, similar to Appendix "A" on a calendar quarterly basis.

D. Procurement

1. Compliance

The Subrecipient shall comply with current Grantee policy concerning the purchase of equipment and shall maintain inventory records of all non-expendable personal property as defined by such policy as may be procured with funds provided herein. All program assets (unexpended program income, property, equipment, etc.) shall revert to the Grantee upon termination of this contract.

2. Procurement Standards

The Subrecipient shall procure all materials, property, or services in accordance with the requirements of 24 CFR Part 84, Procurement Standards, and shall subsequently follow, Property Management Standards as modified by 24 CFR 570.502(b)(6), covering utilization and disposal of property.

3. Travel

The Subrecipient shall obtain written approval from the Grantee for any travel outside the metropolitan area with funds provided under this contract.

IX. RELOCATION, REAL PROPERTY ACQUISITION AND ONE-FOR-ONE HOUSING REPLACEMENT

The Subrecipient agrees to comply with (a) the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA), and implementing regulations at 49 CFR Part 24 and 24 CFR 570.606(b); (b) the requirements of 24 CFR 570.606(c) governing the Residential Antidisplacement and Relocation Assistance Plan under section 104(d) of the HCD Act; and (c) the requirements in § 570.606(d) governing optional relocation policies. The Subrecipient shall provide relocation assistance to persons (families, individuals, businesses, nonprofit organizations and farms) that are displaced as a direct result of acquisition demolition or conversion for a CDBG-assisted project. The Subrecipient also agrees to comply with applicable Grantee ordinances, resolutions and policies concerning the displacement of persons from their residences.

X. PERSONNEL & PARTICIPANT CONDITIONS

A. Civil Rights

1. Compliance

The Subrecipient agrees to comply with local and state civil right ordinances and with Title VI of the Civil Rights Act of 1964 as amended, Title VIII of the Civil Rights Act of 1968 as amended, Section 104(b) and Section 109 of Title I of the Housing and Community Development Act of 1974 as amended, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, Executive Order 11063, and with Executive Order 11246 as amended by Executive Orders 11375 and 12086.

2. Nondiscrimination

The Subrecipient will not discriminate against any employee or applicant for employment because of race, color, creed, religion, ancestry, national origin, sex, disability or other handicap, age, marital/familial status, or status with regard to public assistance. The Subrecipient will take affirmative action to insure that all employment practices are free from such discrimination. Such employment practices include but are not limited to the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Subrecipient agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting agency setting forth the provisions of this nondiscrimination clause.

3. Land Covenants

This contract is subject to the requirements of Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and 24 CFR 570.601 and 602. In regard to the sale, lease, or other transfer of land acquired, cleared or improved with assistance provided under this contract, the Subrecipient shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination as herein defined, in the sale, lease or rental, or in the use or occupancy of such land, or in any improvements erected or to be erected thereon, providing that the Grantee and the United States are beneficiaries of and entitled to enforce such covenants. The Subrecipient, in undertaking its obligation to carry out the program assisted hereunder, agrees to take such measures as are necessary to enforce such covenant, and will not itself so discriminate.

4. Section 504

The Subrecipient agrees to comply with any federal regulations issued pursuant to compliance with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 706), which prohibits discrimination against the handicapped in any Federally assisted program. The Grantee shall provide the Subrecipient with any guidelines necessary for compliance with that portion of the regulations in force during the term of this contract.

B. Affirmative Action

1. Approved Plan

The Subrecipient agrees that it shall be committed to carry out pursuant to the Grantee's specifications an Affirmative Action Program in keeping with the principles as provided in President's Executive Order 11246 of September 24, 1965. The Grantee shall provide Affirmative Action guidelines to the Subrecipient to assist in the formulation of such program. The Subrecipient shall submit a plan for an Affirmative Action Program for approval prior to the award of funds.

2. W/MBE

The Subrecipient will use its best efforts to afford minority- and women-owned business enterprises the maximum practicable opportunity to participate in the performance of this contract. As used in this contract, the term "minority and female business enterprise" mean a business at least fifty-one (51) percent owned and controlled by minority group members or women. For the purpose of this definition, "minority group members" are Afro-Americans, Spanish-speaking, Spanish surnamed or Spanish-heritage Americans, Asian Americans, and American Indians. The Subrecipient may rely on written representations by businesses regarding their status as minority and female business enterprises in lieu of an independent investigation.

3. Access to Records

The Subrecipient shall furnish and cause each of its own subrecipients or subcontractors to furnish all information and reports required hereunder and will permit access to its books, records and accounts by the Grantee, HUD or its agent, or other authorized federal officials for purposes of investigation to ascertain compliance with the rules, regulations and provisions stated herein.

4. Notifications

The Subrecipient will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or worker's representative of the Subrecipient's commitments hereunder, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

5. EEO/AA Statement

The Subrecipient will, in all solicitations or advertisements for employees placed by or on behalf of the Subrecipient, state that it is an Equal Opportunity or Affirmative Action employer.

6. Subcontract Provisions

The Subrecipient will include the provisions of Paragraphs X A, Civil Rights, and B, Affirmative Action, in every subcontract or purchase order, specifically or by reference, so that such provisions will be binding upon each of its own subrecipients or subcontractors.

C. Employment Restrictions

1. Prohibited Activity

The Subrecipient is prohibited from using funds provided herein or personnel employed in the administration of the program for: political activities; sectarian or religious activities; lobbying, political patronage, and nepotism activities.

2. Labor Standards

The Subrecipient agrees to comply with the requirements of the Secretary of Labor in accordance with the Davis-Bacon Act as amended, the provisions of Contract Work Hours and Safety Standards Act, the Copeland "Anti-Kickback" Act (40 U.S.C. 276a-276a-5; 40 USC 327 and 40 USC 276c) and all other applicable Federal, State and local laws and regulations pertaining to labor standards insofar as those acts apply to the performance of this contract. The Subrecipient shall maintain documentation that demonstrates compliance with hour and wage requirements of this part. Such documentation shall be made available to the Grantee for review upon request.

The Subrecipient agrees that, except with respect to the rehabilitation or construction of residential property containing less than eight (8) units, all contractors engaged under contracts in excess of $2,000.00 for construction, renovation or repair work financed in whole or in part with assistance provided under this contract, shall comply with federal requirements adopted by the Grantee pertaining to such 29 CFR Parts 1, 3, 5 and 7 governing the payment of wages and ratio of apprentices and trainees to journeyworkers; provided, that if wage rates higher than those required under the regulations are imposed by state or local law, nothing hereunder is intended to relieve the Subrecipient of its obligation, if any, to require payment of the higher wage. The Subrecipient shall cause or require to be inserted in full, in all such contracts subject to such regulations, provisions meeting the requirements of this paragraph.

In accordance with Article 2 (commencing at section 1770), Chapter 1, Part 7, Division 2 of the Labor Code of California, the Director of the Department of Industrial Relations has determined the general prevailing rate of wages applicable to the work to be done. These rates are set forth in a schedule located at the State Department of Industrial Relations, Director of Industrial Relations. This schedule is on file with the District and available to any interested party on request. Attention is further directed to the provisions Section 1773.8 of the Labor Code of the State of California concerning payment of travel and subsistence payments as defined in the applicable collective bargaining agreements on file with the Department of Industrial Relations affecting each worker needed to execute the work. Attention is further directed to the provisions of Sections 1777.5 and 1777.6 of the Labor Code of the State of California concerning employment of apprentices by the Contractor or a subcontractor. Each prime contractor and all subcontractors are responsible for compliance with all requirements of the California Labor Code, including, but not limited to, sections 1777.5 and 1777.6.

3. "Section 3" Clause

a. Compliance

Compliance with the provisions of Section 3, the regulations set forth in 24 CFR 135, and all applicable rules and orders issued hereunder prior to the execution of this contract, shall be a condition of the federal financial assistance provided under this contract and binding upon the Grantee, the Subrecipient and any of the Subrecipient's subrecipients and subcontractors. Failure to fulfill these requirements shall subject the Grantee, the Subrecipient and any of the Subrecipient's subrecipients and subcontractors, their successors and assigns, to those sanctions specified by the Agreement through which federal assistance is provided. The Subrecipient certifies and agrees that no contractual or other disability exists which would prevent compliance with these requirements.

The Subrecipient further agrees to comply with these "Section 3" requirements and to include the following language in all subcontracts executed under this Agreement:

> "The work to be performed under this contract is a project assisted under a program providing direct federal financial assistance from HUD and is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701. Section 3 requires that, to the greatest extent feasible,

opportunities for training and employment be given to low- and very low-income residents of the project area and contracts for work in connection with the project awarded to business concerns that provide economic opportunities for low- and very low-income persons residing in the metropolitan area in which the project is located."

The Subrecipient further agrees to ensure that opportunities for training and employment arising in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project are given to low- and very low-income persons residing within the metropolitan area in which the CDBG-funded project is located; where feasible, priority should be given to low- and very low-income persons within the service area of the project or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs; and award contracts for work undertaken in connection with a housing rehabilitation (including reduction and abatement of lead-based paint hazards), housing construction, or other public construction project are given to business concerns that provide economic opportunities for low- and very low-income persons residing within the metropolitan area in which the CDBG-funded project is located; where feasible, priority should be given to business concerns that provide economic opportunities to low- and very low-income residents within the service area or the neighborhood in which the project is located, and to low- and very low-income participants in other HUD programs.

This project will be monitored by the Department of Industrial Relations, Compliance Monitoring Unit (CMU) pursuant to the California Labor Code Section 1771.3 and the California Code of Regulations Sections 16450-16464. No contractor or subcontractor may be listed on a bid proposal for a public works project (submitted on or after March 1, 2015) unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1[a]. No contractor or subcontractor may be awarded a contract for public work on a public works project (awarded on or after April 1, 2015) unless registered with the Department of Industrial Relations pursuant to the Labor Code section 1725.5. All contractors and subcontractor must furnish electronic certified payroll records directly to Labor Commissioner once monthly. In addition, the contractor and subcontractors must submit the certified payroll records to the District's Labor Compliance Consultant for review.

The Subrecipient certifies and agrees that no contractual or other legal incapacity exists that would prevent compliance with these requirements.

b. Notifications

The Subrecipient agrees to send to each labor organization or representative of workers with which it has a collective bargaining agreement or other contract or understanding, if any, a notice advising said labor organization or worker's representative of its commitments under this Section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

c. Subcontracts

The Subrecipient will include this Section 3 clause in every subcontract and will take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the grantor agency. The Subrecipient will not subcontract with any entity where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR 135 and will not let any subcontract unless the entity has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

D. Conduct

1. Assignability

The Subrecipient shall not assign or transfer any interest in this contract without the prior written consent of the Grantee thereto; provided, however, that claims for money due or to become due to the Subrecipient from the Grantee under this contract may be assigned to a bank, trust company, or other financial institution without such approval. Notice of any such assignment or transfer shall be furnished promptly to the Grantee.

2. Subcontracts

a. Approvals

The Subrecipient shall not enter into any subcontracts with any agency or individual in the performance of this contract without the written consent of the Grantee prior to the execution of such agreement.

b. Monitoring

The Subrecipient will monitor all subcontracted services on a regular basis to assure contract compliance. Results of monitoring efforts shall be summarized in written reports and supported with documented evidence of follow-up actions taken to correct areas of noncompliance.

c. Content

The Subrecipient shall cause all of the provisions of this contract in its entirety to be included in and made a part of any subcontract executed in the performance of this Agreement.

d. Selection Process

The Subrecipient shall undertake to insure that all subcontracts let in the performance of this Agreement shall be awarded on a fair and open competition basis. Executed copies of all subcontracts shall be forwarded to the Grantee along with documentation concerning the selection process.

3. Hatch Act

The Subrecipient agrees that no funds provided, nor personnel employed under this contract, shall be in any way or to any extent engaged in the conduct of political activities in violation of Chapter 15 of Title V United States Code.

4. Conflict of Interest

The Subrecipient agrees to abide by the provisions of 24 CFR 570.611 with respect to conflicts of interest, and covenants that it presently has no financial interest and shall not acquire any financial interest, direct or indirect, which would conflict in any manner or degree with the performance of services required under this Agreement. The Subrecipient further covenants that in the performance of this

Agreement no person having such a financial interest shall be employed or retained by the Subrecipient hereunder. These conflict of interest provisions apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the Grantee, or of any designated public agencies or subrecipients that are receiving funds under the CDBG Entitlement program.

5. Lobbying

The Subrecipient hereby certifies that:

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

b. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

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

d. Lobbying Certification - Paragraph d

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

6. Copyright

If this contract results in any copyrightable material or inventions, the Grantee and/or grantor agency reserves the right to royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use and to authorize others to use, the work or materials for government purposes.

7. Religious Organization

The Subrecipient agrees that funds provided under this contract will not be utilized for religious activities, to promote religious interests, or for the benefit of a religious organization in accordance with the federal regulations specified in 24 CFR 570.200(j).

XI. ENVIRONMENTAL CONDITIONS

A. Air and Water

The Subrecipient agrees to comply with the following requirements insofar as they apply to the performance of this contract:

- Clean Air Act, 42 U.S.C., 7401, et seq.
- Federal Water Pollution control Act, as amended, 33 U.S.C. 1251, et seq., as amended, 1318 relating to inspection, monitoring, entry, reports, and information, as well as other requirements specified in said Section 114 and Section 308, and all regulations and guidelines issued thereunder.
- Environmental Protection Agency (EPA) regulations pursuant to 40 C.F.R., Part 50, as amended.

B. Flood Disaster Protection

In accordance with the requirements of the Flood Disaster Protection Act of 1973 (42 USC 4001), the Subrecipient shall assure that for activities located in an area identified by FEMA as having special flood hazards, flood insurance under the National Flood Insurance Program is obtained and maintained as a condition of financial assistance for acquisition or construction purposes (including rehabilitation).

C. Lead-Based Paint

The Subrecipient agrees that any construction or rehabilitation of residential structures with assistance provided under this contract shall be subject to HUD Lead-Based Paint Regulations at 24 CFR 570.608, and 24 CFR Part 35. Such regulations pertain to all HUD-assisted housing and require that all owners, prospective owners, and tenants of properties constructed prior to 1978 be properly notified that such properties may include lead-based paint. Such notification shall point out the hazards of lead-based paint and explain the symptoms, treatment and precautions that should be taken when dealing with lead-based paint poisoning and the advisability and availability of blood lead level screening for children under seven. The notice should also point out that if lead-based paint is found on the property, abatement measures might be undertaken.

D. Historic Preservation

The Subrecipient agrees to comply with the Historic Preservation requirements set forth in the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470) and the procedures set forth in 36 CFR, Part 800, Advisory Council on Historic Preservation Procedures for Protection of Historic Properties, insofar as they apply to the performance of this contract.

In general, this requires concurrence from the State Historic Preservation Officer for all rehabilitation and demolition of historic properties that are fifty years old or older or that are included on a federal, state, or local historic property list.

XII. DRUG FREE WORKPLACE

Subrecipient will provide a drug-free workplace by:

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

2. Establishing an on-going drug-free awareness program to inform employees about:

    a. The dangers of drug abuse in the workplace;

b. The subrecipient's policy of maintaining a drug-free workplace;
c. Any available drug counseling, rehabilitation, and employee assistance programs; and
d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

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

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

a. Abide by the terms of the statement; and
b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

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

6. Taking on the following actions, within 30 calendar days of receiving notice under subparagraph 4. b., with respect to any employee who is so convicted:
a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
b. Requiring such employee to participate satisfactorily in drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

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

XIII. SEVERABILITY

If any provision of this Agreement is held invalid, the remainder of the Agreement shall not be affected thereby and all other parts of this Agreement shall nevertheless be in full force and effect.

IN WITNESS WHEREOF, the Parties have executed this contract as of the date first written above.

GRANTEE	SUBRECIPIENT
_____	_____
Andrew Malik,	(Contact)
Development Services Director	(Title)

APPROVED AS TO FORM

_____
Dan Sodergren
City Attorney

RESOLUTION 2016-_____

ALLOCATING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP PROGRAM (HOME) FUNDS FOR FISCAL YEAR 2016-2017

WHEREAS, Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds are allocated to cities and counties by the United States Department of Housing and Urban Development (HUD) for use in projects, programs, and services that demonstrate a benefit to low and moderate income persons, and

WHEREAS, The City of Tracy, as a subrecipient of San Joaquin County, will receive an estimated $418,834 in CDBG funds and $107,010 in HOME funds for fiscal year 2016-2017,and

WHEREAS, The application submittal period was from December 10, 2015 to January 15, 2016, and

WHEREAS, On February 4, 2016, the Parks and Community Services Commission conducted a public meeting to consider the applications and made funding allocation recommendations, and

WHEREAS, On March 2, 2016, San Joaquin County informed the City of Tracy of revisions to HUD allocations for CDBG and HOME programs in FY 2016-2017 and subsequently the City of Tracy amended the funding allocation recommendations to meet the revised allocation amounts, and

WHEREAS, An unobligated balance of $534,130 remains in previous program year HOME funds and is available for reallocation by the City of Tracy to eligible HOME programs and services benefiting low and moderate income persons, and

WHEREAS, The City Council conducted a public hearing on March 15, 2016, to consider the applications for allocation of CDBG and HOME funds for FY 2016-2017, and

WHEREAS, The entities (the “Awardees”) receiving CDBG funding are required to enter into an agreement with the City to ensure funds are spent in accordance with the applications that were evaluated to determine funding eligibility and amounts. A form agreement (the “Form Agreement”) is attached to the staff report accompanying this resolution;

NOW, THEREFORE, BE IT RESOLVED, That the City Council does hereby award CDBG funds to the following Awardees in the following amounts:

Public Services	
Boys and Girls Club of Tracy	$ 3,864
Coalition to of Tracy Citizens to Assist the Homeless	$ 4,829
Emergency Food Bank and Family Services of Stockton/SJ	$ 1,932
McHenry House Tracy Family Shelter	$ 4,829
Second Harvest Food Bank	$ 4,829
SJC Department of Aging	$ 8,693
Tracy Interfaith Ministries	$ 11,413
Tracy Volunteer Caregivers	$ 2,898
VBR Foster Family Agency & Children Services	$ 3,864
Women’s Center Youth & Family Services	$ 5,795
San Joaquin Fair Housing Authority	$ 9,879
Total	$ 62,825

Public Facilities, Housing & Economic Development	
Boys and Girls Club of Tracy (Lowell Ave. Security)	$ 9,659
Boys and Girls Club of Tracy (South West Park Site)	$121,530
City of Tracy (ADA Accessibility Project)	$ 96,589
City of Tracy (Downtown Façade Improvement Program)	$ 34,603
Disability Resource Agency for Independent Living (DRAIL)	$ 4,829
McHenry House Tracy Family Shelter	$ 17,289
Small Business Development Center	$ 9,659
Tracy Interfaith Ministries	$ 11,591
Total	$305,749

BE IT FURTHER RESOLVED, That $107,010 in HOME funds is awarded to the City of Tracy for the purposes of funding the HOME Rehabilitation Program;

BE IT FURTHER RESOLVED, That $334,130 in unobligated HOME funds is reallocated from the Downpayment Assistance Program (DAP) to the HOME Rehabilitation Program;

BE IT FURTHER RESOLVED, That the Form Agreement is approved and that the Development Services Director is authorized and directed to sign the final agreement on behalf of the City.

****

The foregoing Resolution 2016-____ was adopted by the Tracy City Council on the 15th day of March 2016, by the following vote:

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

_____
MAYOR

ATTEST:

_____
CITY CLERK

March 15, 2016

AGENDA ITEM 7

REQUEST

APPROVE AN EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT WITH THE LAND GROUP, INC. FOR DEVELOPMENT AND OPERATION OF SPORTS FIELDS IN PHASE 2 AT THE LEGACY FIELDS COMPLEX LOCATED ON NORTH TRACY BLVD AND AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT

EXECUTIVE SUMMARY

The City of Tracy is the owner of a 160-acre property located on North Tracy Blvd, also known as Legacy Fields Sports Complex. The Land Group, Inc. (the developer), a California Corporation, has expressed interest in entering into an Exclusive Negotiating Rights Agreement (ENRA) to develop and operate sports fields for the remainder of the parcel shown in Attachment A to this staff report. Staff recommends that City Council approve an ENRA with The Land Group for the subject property and provide the parameters for good faith negotiations for a period of six months.

DISCUSSION

The City is currently constructing baseball and soccer fields in the area known as Phase I of the Legacy Fields Sports Complex. Phase I encompasses approximately 72 acres of a larger 160-acre sports complex. The initial site master plan for the entire 160-acre complex included additional soccer, baseball, softball and practice football fields (Phase 2). These fields were designed to meet the demands of the community. However, Phase 2 future development will require costly additional infrastructure to serve the rest of the complex. Those costs, coupled with the added costs of designing and constructing fields, are not allocated at this time and are not anticipated to be available in the foreseeable future. However, with the ongoing construction of Phase 1, certain groups and individuals have expressed interest in developing Phase 2 fields for future phases.

Cal North Soccer and the Land Group

Since March of last year, Cal North Soccer has publicly expressed interest in developing soccer fields in future phases at Legacy Fields. Cal North Soccer is interested in locating its operations and tournaments in Tracy, as the location is optimal for local, regional and national tournaments. Cal North Soccer's interest includes a 24-field site that can host tens of thousands of participants and spectators from different regions. If completed, this would help strengthen the City's economic base. Cal North Soccer staff have been exploring ways to fund the design and construction of 24 soccer fields. In recent months, Cal North Soccer has been in contact with The Land Group, which is a commercial investment firm out of Modesto, which is focusing their investment efforts on financing parks and recreational projects. Comprised of local investors, they are committed to keeping their investments local with projects that impact the central valley. Their most recent project was an indoor soccer facility in Modesto, California that has provided a much needed asset to that community.

City staff met with the two groups to discuss their interest in the project and identify the needs of both parties. The parties have asked that the City extend the necessary infrastructure to serve the 24-field site, including water, sewer, drainage, roads and parking lots. The purpose of this ENRA is to allow staff to engage in formal conversations about the terms and conditions under which the City would extend infrastructure and to identify The Land Groups' role in financing the construction and maintenance of additional sports fields.

As a result of discussions with City staff, The Land Group has proposed to take the lead on developing sports fields by partnering with Cal North Soccer as a tenant. Cal North Soccer would operate and maintain the proposed new facility after construction. The two groups are requesting that the City enter into an Exclusive Negotiating Rights Agreement with The Land Group.

The attached ENRA (Attachment B) has been prepared to provide an opportunity for City staff to exclusively negotiate terms of a potential agreement over the next six months with The Land Group for construction and operation of Phase 2 of the facility. If negotiations are successful, then a Site Development Agreement will be prepared for City Council consideration. The ENRA does provide for a four-month extension period should more time be needed to negotiate terms or for the City and The Land Group to perform due diligence.

STRATEGIC PLAN

This agenda item supports the Quality of Life Strategic Plan and specifically implements the following goal and objective:

> Goal 2: Address city amenities and facility usage with an emphasis on accessibility and streamlined services.
>
> Objective 2: Explore public-private facility initiatives geared towards a multi-use facility.

This agenda item also supports the Economic Development Strategic Plan and specifically implements the following goal and objective:

> Goal 2: Attract retail and entertainment uses that offer residents quality dining, shopping and entertainment experiences.
>
> Objective 2: Increase the entertainment and recreational opportunities and events that draw people into Tracy.

FISCAL IMPACT

There is no fiscal impact associated with this action.

RECOMMENDATION

Staff recommends that City Council approve, by resolution, an Exclusive Negotiating Rights Agreement by and between the City of Tracy and The Land Group, Inc. and authorize the Mayor to sign the Agreement.

Prepared by: Brian MacDonald, Management Analyst II

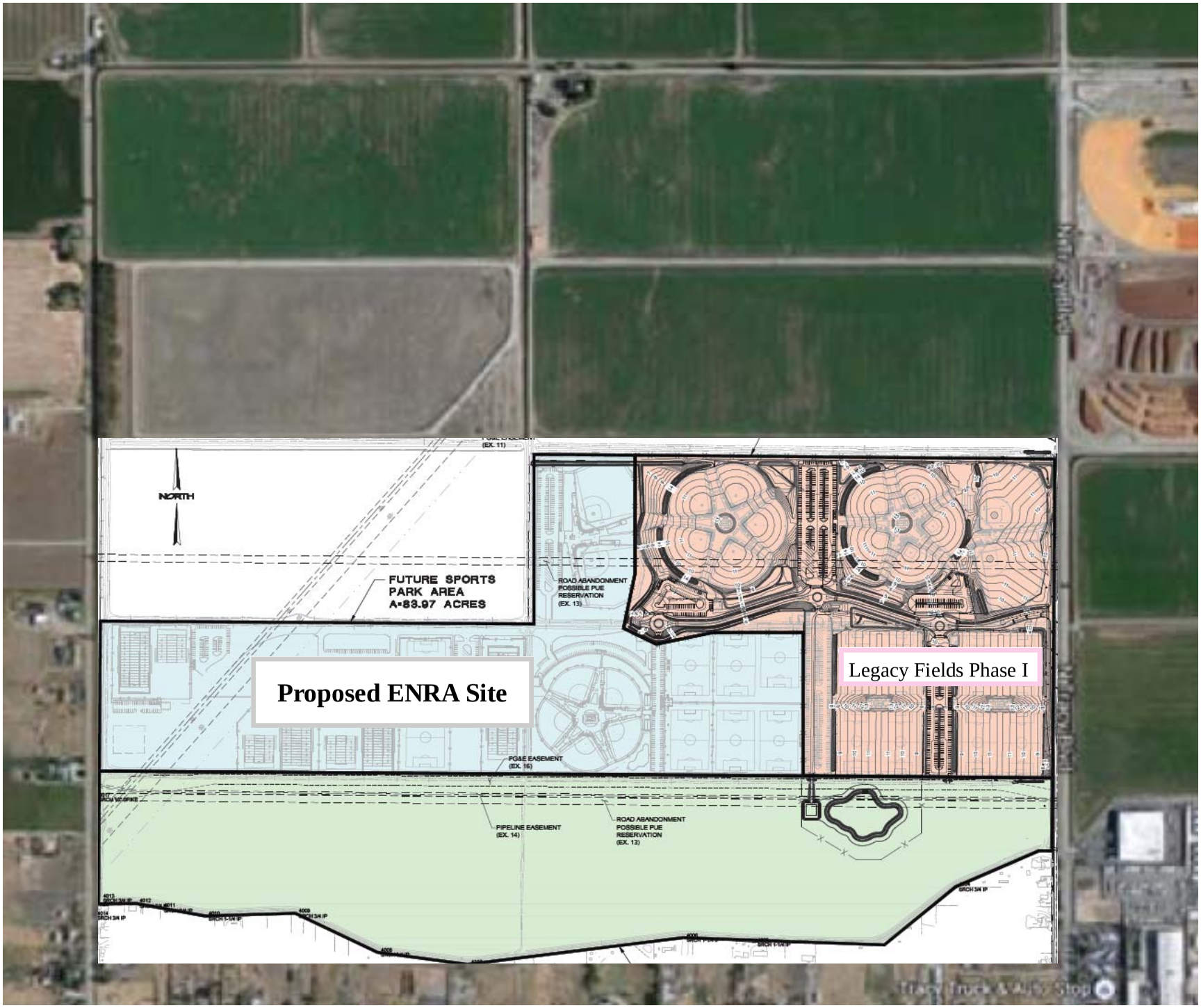
Reviewed by: Don Scholl, Public Works Director
André Pichly, Parks and Community Services Director
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS:

Attachment A – Site Map of Subject Property
Attachment B – Exclusive Negotiating Rights Agreement with The Land Group, Inc.
Attachment C – Letter of Interest from The Land Group

ATTACHMENT A—Site Map



EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT
(Legacy Fields Phase II)

This Exclusive Negotiating Rights Agreement (the "Agreement") is entered into as of _____, 2016 by and between the City of Tracy (the "City"), a California Municipal Corporation, and The Land Group, (the "Developer") a California Corporation, with reference to the following facts:

Recitals

A. The City of Tracy (the "City") is the owner of real property located at 4901 N. Tracy Blvd. in the City of Tracy, as indicated in Exhibit A (the "Site"); and

B. The Land Group (the "Developer") has proposed development of sports fields (the "Project") on the Site; and

C. The purpose of this Agreement is to establish procedures and standards for the negotiation by the City and the Developer of a Site Development Agreement for the Site. As more fully set forth in Section 4.1, this Agreement in itself does not obligate the City to convey or otherwise provide the Site or any portion thereof to the Developer, nor does it grant the Developer the right to develop the Project.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties mutually agree as follows:

ARTICLE 1
EXCLUSIVE NEGOTIATING RIGHT

Section 1.1 Good Faith Negotiations. The City and the Developer shall negotiate diligently and in good faith, during the Negotiating Period described in Section 1.2, the terms of a Agreement for the development and operation of the Site. During the Negotiating Period, the parties shall use good faith efforts to accomplish the respective tasks outlined in Article 3 to facilitate the negotiation of a mutually satisfactory Agreement.

Among the issues to be addressed in the negotiations are method of land disposition and method and land price for the Site, physical and land title conditions of the Site, the development schedule for the Project, financing of the Project development, use of the Project, marketing and management of the Project, design and

aesthetic considerations of the Project, and the provision of public improvements related to the Project.

Section 1.2 Negotiating Period. The negotiating period under this Agreement (the "Negotiating Period") shall commence as of the date of this Agreement and terminate one hundred eighty calendar days from the date of this Agreement. The Negotiating Period may be extended by the City behalf for one additional one hundred twenty day period by written notice to the Developer from the City's Public Works Director, if in the City's Public Works Director's judgement, Developer has made sufficient progress in meeting the requirements of Section 3.2.

If a Site Development Agreement has not been executed by the City and Developer by the expiration of the Negotiating Period, then this Agreement shall terminate and neither Party shall have any further rights or obligations under this Agreement except as set forth in Section 4.5. If a Site Development Agreement is executed by the City and Developer, then upon such execution this Agreement shall terminate, and all rights and obligations of the Parties shall be as set forth in the executed Site Development Agreement.

Section 1.3 Exclusive Negotiations. Subject to Section 4.14, during the Negotiating Period the City shall not negotiate with any entity, other than the Developer, regarding development of the Site or any portion thereof, or solicit or entertain bids or proposals to do so. This provision shall not preclude the City from providing copies of documents or information related to the Site in response to a request under the California Public Records Act or other applicable statutory provisions.

ARTICLE 2
THE DEVELOPER

Section 2.1 Identification of Developer Representatives. The Developer, its address, and its authorized representatives to negotiate the Site Development Agreement with the City are as follows:

Larry Weber – Broker/Owner
The Land Group
1110 Tully Road, Suite C
Modesto, CA 95350

Representatives: Larry Weber, Mark Ruiz

Section 2.2 Development Entity. The Developer shall make full disclosure to the City of all information pertinent to the ownership, control and financial ability of the development entity that is proposed to serve as developer under the Site Development Agreement.

ARTICLE 3
NEGOTIATION/PRE-CONSTRUCTION TASKS

Section 3.1 Overview. During the Negotiating Period, the parties shall use reasonable good faith efforts to accomplish the pre-construction tasks set forth in this Article 3 and to accomplish the negotiation of a mutually acceptable Site Development Agreement. To facilitate negotiation of the Site Development Agreement, the parties shall use reasonable good faith efforts to accomplish the tasks set forth in this Article 3 in a timeframe that will support achievement of these goals.

Section 3.2 Reports. The Developer shall provide the City with copies of all reports, studies, analyses, and similar documents, prepared or commissioned by the Developer with respect to this Agreement, the Site and the Project, promptly upon their completion. The City shall provide the Developer with copies of all reports, studies, analyses, and similar documents prepared or commissioned by the City or within the City's possession or control with respect to this Agreement, the Site and the Project, promptly upon their completion; provided, however, that in no event shall the City be obligated to provide Developer with documentation or materials that are subject to attorney- client privilege or otherwise confidential. The Developer acknowledges that the City will need sufficient, detailed information about the proposed Project to make informed decisions about the content and approval of the Site Development Agreement. Nothing in this Section 3.2 obligates the City to undertake any studies or analyses.

Section 3.3 Planning Approvals. The Developer acknowledges that the Project requires approvals and entitlements from the City (the "Planning Approvals"). During the Negotiating Period, the Developer may submit site plans and designs for the Project and architectural designs for all facilities within the Project to the City and the appropriate City departments for their informal review. The Developer understands that a formal application for the Planning Approvals would not occur until after the execution of a Site Development Agreement, and that such application for and issuance of the Planning Approvals will be a pre-disposition condition under any Site Development Agreement, in addition to other pre-disposition conditions.

Section 3.4 Environmental Review. The Developer shall prepare at its sole cost, and submit to the City such plans, specifications, drawings, and other information, as specified by the City, that are reasonably necessary to perform the environmental review process required by CEQA for the Project, and the Developer shall prepare, at its sole cost, all environmental documentation required by CEQA. The City shall assist and cooperate with the Developer in the Developer's compliance with this Section 3.5.

Section 3.5 Utilities. The Developer shall consult with the utility companies serving the area of Site to determine if existing utility facilities require expansion, relocation or underground installation in connection with development of the Project. The City shall assist and cooperate with the Developer in such consultations.

Section 3.6 Financial Ability. Prior to the execution of a Site Development Agreement, the Developer shall provide the City with proper documentation to indicate the Developer's financial ability to complete the Project.

Section 3.7 Progress Reports. Upon reasonable notice, as from time to time requested by the City, the Developer shall make oral or written progress reports advising the City on studies being made and matters being evaluated by the Developer with respect to this Agreement and the Project.

ARTICLE 4
GENERAL PROVISIONS

Section 4.1 Limitation on Effect of Agreement. This Agreement (and any extension of the Negotiating Period) shall not obligate either the City or the Developer to enter into a Site Development Agreement or to enter into any particular Site Development Agreement. By execution of this Agreement, the City is not committing itself to or agreeing to undertake disposition or exercise of control over any Site or any portion of the Site. By execution of this Agreement, the City is not committing itself to or agreeing to finance any portion of the Site or Project. Execution of this Agreement by the City is merely an agreement to conduct a period of negotiations in accordance with the terms hereof, reserving for subsequent City Council action the final discretion and approval regarding the execution of a Site Development Agreement and all proceedings and decisions in connection therewith. Any Site Development Agreement resulting from negotiations pursuant to this Agreement shall become effective only if and after such Site Development Agreement has been considered and approved by the City Council of the City, following conduct of all legally required procedures, including without limitation, all required environmental review processes and all other applicable governmental approvals, and executed by duly authorized representatives of the City and the Developer. Until and unless a Site Development Agreement is signed by the Developer, approved by the City Council, no agreement drafts, actions, deliverables or communications arising from the performance of this Agreement shall impose any legally binding obligation on either party to enter into or support entering into a Site Development Agreement or be used as evidence of any oral or implied agreement by either party to enter into any other legally binding document. As such, the City retains absolute discretion before action on a Site Development Agreement by the City Council (if required by law) to (i) subject to the agreement of the parties, make such modifications to the Site Development Agreement and Project as may be necessary to mitigate significant environmental impacts or as may otherwise be necessary or appropriate, (ii) select other feasible alternatives to avoid significant environmental impacts, (iii) balance the benefits against any significant environmental impacts prior to taking final action if such significant impacts cannot otherwise be avoided or (iv) determine not to proceed with the Project.

Section 4.2 Notices. Formal notices, demands and communications between the City and the Developer shall be sufficiently given if, and shall not be deemed given

unless, dispatched by certified mail, postage prepaid, return receipt requested, or sent by express delivery or overnight courier service, with signature required, to the office of the parties shown as follows, or such other address as the parties may designate in writing from time to time:

City: Public Works Department of the
City of Tracy
520 Tracy Blvd.
Tracy, CA 95376
Attn: Public Works Director

With a copy to:

City Attorney
333 Civic Center Plaza
Tracy, CA 95376

Developer: The Land Group
1110 Tully Road, Suite C
Modesto, CA 95350 USA
Attn: Larry Weber

Such written notices, demands and communications shall be effective on the date shown on the delivery receipt as the date delivered or the date on which delivery was refused.

Section 4.3 Waiver of Lis Pendens. It is expressly understood and agreed by the parties that no lis pendens shall be filed against the Site, or any portion of the Site, with respect to this Agreement or any dispute or act arising from it.

Section 4.4 Costs and Expenses. Each party shall be responsible for its owns costs and expenses in connection with any activities and negotiations undertaken in connection with this Agreement, and the performance of each party's obligations under this Agreement.

Section 4.5 No Commissions. The City shall not be liable for any real estate commissions or brokerage fees that may arise from this Agreement or any Site Development Agreement that may result from this Agreement. The City represents that it has engaged no broker, agent or finder in connection with this transaction, and the Developer shall defend and hold the City harmless from any claims by any broker, agent or finder retained by the Developer.

Section 4.6 Default and Remedies.

(a) Default. Failure by either party to negotiate in good faith as provided in this Agreement shall constitute an event of default

hereunder. The non-defaulting party shall give written notice of a default to the defaulting party, specifying the nature of the default and the required action to cure the default. If a default remains uncured thirty (30) days after receipt by the defaulting party of such notice, the non-defaulting party may exercise the remedies set forth in subsection (b).

(b) Remedies. In the event of an uncured default by the City, the Developer's sole remedy shall be to terminate this Agreement. Following such termination, neither party shall have any further right, remedy or obligation under this Agreement; provided, however, that the Developer's obligation to turn over work pursuant to Section 3.3, and the Developer's indemnification obligation pursuant to Section 4.5 shall survive such termination.

In the event of an uncured default by Developer, the City's sole remedy shall be to terminate this Agreement. Following such termination, neither party shall have any right, remedy or obligation under this Agreement; provided, however, that the Developer's obligation to turn over work pursuant to Section 3.2, and the Developer's indemnification obligation pursuant to Section 4.5 survive such termination.

Except as expressly provided above, neither party shall have any liability to the other for damages or otherwise for any default, nor shall either party have any other claims with respect to performance under this Agreement. Each party specifically waives and releases any such rights or claims they may otherwise have at law or in equity.

Section 4.7 Assignment. The Developer may not transfer or assign any or all of its rights or obligations hereunder except with the prior written consent of the City, which consent shall be granted or withheld in the City's sole discretion, and any such attempted transfer or assignment without the prior written consent of City shall be void. The City hereby consents to the Developer's assignment of this Agreement to a California limited liability company that is wholly owned and controlled by Developer. The City also consents to the Developer's assignment of this Agreement to a California limited liability company in which Developer wholly controls the limited liability company and is the managing member of such limited liability company; provided that any transfer of control to another member of such limited liability company must be approved in advance by the City. Any assignment of this Agreement shall not be valid unless the assignee expressly assumes Developer's rights and obligations under this Agreement pursuant to an assignment agreement approved in advance by the City.

Section 4.8 No Third Party Beneficiaries. This Agreement is made and entered into solely for the benefit of the City and the Developer and no other person shall have any right of action under or by reason of this Agreement.

Section 4.9 Attorneys' Fees. The prevailing party in any action to enforce this Agreement shall be entitled to recover attorneys' fees and costs from the other party.

Section 4.10 Governing Law; Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of California. Venue shall be in San Joaquin County, California.

Section 4.11 Entire Agreement. This Agreement constitutes the entire agreement of the parties regarding the subject matters of this Agreement.

Section 4.12 Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same agreement.

Section 4.13 Authority to Execute: The undersigned represent and warrant they are each duly authorized to execute this Agreement on behalf of the respective party and to take the actions necessary to perform hereunder without the need to seek further authorization from the entity each represents.

WHEREFORE, the parties have executed this Agreement on or as of the date first above written.

CITY:

By: _____
Michael Maciel
Mayor

Date: _____

APPROVED AS TO FORM:

By: _____
Daniel G. Sodergren
City Attorney

DEVELOPER:

The Land Group

By: Larry Weber

Title: Broker Owner

Date: 3/8/16

By: James Graham

Title: CFO

Date: 3/8/16

To: Tracy City Council
From: Mark Ruiz, Larry Weber, The Land Group
Date: February 19, 2016
Subject: The Land Group and CalNorth Soccer

Background:

The Land Group (TLG) was spawned over seven (7) years ago with a specialty focus wrapped in the Commercial Real Estate investments. It combined knowledge, expertise and experience in providing a resource for the agricultural industry to accurately evaluate and in some cases develop selling strategies in answer to the significant pressure that was coming from the residential development community. They were successful in several projects with some of the country's largest "farmers" located in some of the fastest growing communities from Bakersfield to Redding.

We have turned much of our focus to off-market investment opportunities for our investors and for the good of our community. Creating our own opportunities and putting together innovative deals that help and work for all parties involved is our goal.

Mission:

The Land Group (TLG) for several years has been successfully executing their mission of guiding local investors to local real estate investment opportunities that produce responsible yields.

Our goal is to lead the development of Legacy Fields and have CalNorth Soccer as our long term tenant. We have met with City Manager "Troy Brown" and other City of Tracy staff members to discuss the vision of Legacy Fields. TLG is seriously considering partnering with the City of Tracy and develop 28 soccer fields using private money and formalizing a long term lease with CalNorth. This will provide the City of Tracy recreational teams scheduled field time use during the week and selected weekends, in coordination with CalNorth Soccer.

Team:

Our team is made up of a diverse group of real estate investment professionals.

Larry Weber -	Broker / Owner
James Graham -	CFO
Debbie Cardelli -	Property Management
Mike Curry -	Multi Family
Thom Van Artsdalen -	Project Management
Kris Helton -	Commercial
Mark Ruiz -	Commercial
Alicia Nuno -	Office Manager
SJ Morgan -	Associate/Lending Opportunities

How:

Through an extensive network developed over many years of being active in the Central Valley real estate market that continues to produce strong opportunities that have delivered excellent returns often not found on the market. (most at 12%-15%)

Agriculture: Leases, sales, development.
- 175 acre almond orchard in Vernalis

Industrial: Repurposing and expansions
- 21 acre 1,000,000 sq ft industrial park in Patterson, formally known as Patterson Frozen Foods

Commercial: Sales and leases
- 50 transaction over the past 12 months, from Lodi to Fresno

Multi-family: New and rehab from duplex, triplex, to large multi unit complexes
- Over 100 units in the last two plus years
- 14 unit and 11 unit complex in Modesto, 20 units in Stockton

Residential: New development, rehab, and resale
- Neighbor Helping Neighbor: purchased 67 homes and leased back with an option to re-purchase the property after the owners credit cured. $14,000,000 in investment with investors offering a 20% + annual rate of return.

Indoor Soccer: Rehab, development, funded donation
- 6,000 sq ft indoor soccer facility. Project funded and developed in the City of Patterson to provide an indoor facility for youth recreation soccer play.

Business Model:

TLG's business is quite simple. Our investors become a private money lender on a first note secured by a first trust deed normally at 65% LTV (determined by an appraisal) for a 1-3 year period that earns 9% - 12% to the lender. These notes are annual interest full vetted and comply to all federal and state requirements which is the reason that after several hundred loans TLG has yet to foreclose on one. TLG services all loans for the investor.

As other real estate opportunities arise and present higher returns to the investor, the note or notes can be quickly sold as there has more consistently been more lender capital than lending opportunities. Some examples of current opportunities:

Fiori Estates - 33 lot gated residential subdivision with a projected 20% annual return to the investor - Fully Funded.

Hughson - 38 lot residential subdivision to be funded in Summer 2016

Stockton - 450 unit high en RV / Boat storage with 1.5 mega watt solar plant to be funded spring 2016.

Questions:

The Land Group has an amicable relationship with CalNorth Soccer and has been working through many scenarios to help provide a solution to their lack of soccer fields in the area. Our goal is to provide CalNorth with 14 fields within the next year and potentially 28 as time passes.

We believe this would be a great opportunity for the City of Tracy and surrounding areas to hold large tournaments with travelers from all over the country. We want to partner with the City of Tracy to make sure this works for all parties so the investors receive their return and the City gets use of the fields.

After meeting with both parties we do have some questions that we would like to see answered to help our construction cost and formalize a deal.

- Prevailing wage, permits and city fees add to our cost of construction tremendously, could we work out an arrangement with the City of Tracy to sell us the acreage we need to develop these fields?

- We would also like to know what is required to formalize an exclusive arrangement with the City of Tracy and CalNorth soccer so we can move forward with negotiations? Once, we are able to get this document signed we expect CalNorth to sign a long term lease. The fields will be managed and operated by CalNorth but they will be flexible to assure use by the City of Tracy recreational sports on selected days and hours. These details would be figured out before signing of a lease with CalNorth.

RESOLUTION _____

APPROVING AN EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT WITH THE LAND GROUP, INC. FOR DEVELOPMENT AND OPERATION OF SPORTS FIELDS IN PHASE 2 AT THE LEGACY FIELDS COMPLEX LOCATED ON NORTH TRACY BLVD AND AUTHORIZING THE MAYOR TO EXECUTE THE AGREEMENT

WHEREAS, The City of Tracy owns a 160-acre located on North Tracy Blvd, also known as Legacy Fields Sports Complex (the "Site"), and

WHEREAS, The City is interested in pursuing the development of the Site for sports fields, and

WHEREAS, The Land Group (the "Developer") has begun a partnership with Cal North Soccer to act as a Tenant, and

WHEREAS, the Developer desires to continue negotiating efforts for developing, operating and maintaining the Site with Cal North, and

WHEREAS, The City and the Developer desire to enter into an Exclusive Negotiating Rights Agreement (the "Agreement") to negotiate in good faith terms to a Site Development Agreement;

NOW, THEREFORE, BE IT RESOLVED, That City Council hereby approves an Exclusive Negotiating Rights Agreement by and between the City of Tracy and The Land Group, and authorizes the Mayor to execute the agreement.

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

The foregoing Resolution _____ was adopted by the Tracy City Council on the 15th day of March, 2016, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST

_____
CITY CLERK

March 15, 2016

AGENDA ITEM 8

REQUEST

PUBLIC HEARING TO ADOPT THE 2015 – 2023 GENERAL PLAN HOUSING ELEMENT AND CEQA NEGATIVE DECLARATION

EXECUTIVE SUMMARY

This is a public hearing to adopt the 2015-2023 General Plan Housing Element.

DISCUSSION

Background

Each city and county in California is required by State law to periodically review and revise the General Plan Housing Element. Housing elements span time cycles established by State law. This next cycle is from 2015 through 2023. In general, the Housing Element is required to (1) identify and analyze housing needs for all income levels; (2) contain goals and programs to preserve and develop housing; (3) identify adequate sites for housing; and (4) analyze governmental and nongovernmental constraints upon the maintenance and development of housing.

In November 2015, the Planning Commission and City Council each conducted public meetings to review the Draft Housing Element. In accordance with State law, the Draft Housing Element was then submitted to the State Department of Housing and Community Development (HCD) for review. The Draft Housing Element is contained in Exhibit 1.

On January 19, 2016, HCD published correspondence to the City (Exhibit 2) announcing their conclusions that this Draft will comply with State housing law when the programs included in the Draft Housing Element are implemented. In other words, HCD is saying they will “certify” that this Housing Element complies with State housing law if the Element is adopted and implemented by the City.

CEQA Documentation

A Negative Declaration, including the Initial Study, was prepared for the Draft Housing Element pursuant to the provisions of the California Environmental Quality Act (CEQA) Guidelines (Exhibit 3). The proposed Negative Declaration was published and distributed for a public review period from January 21, 2016, through February 24, 2016. No comments were received regarding the Negative Declaration.

Planning Commission Review

On February 24, 2016, the Planning Commission conducted a public hearing to consider the Draft Housing Element. After review, the Planning Commission recommended that the City Council adopt the Housing Element and the Negative Declaration.

The proposed Negative Declaration concludes that, based on the facts identified in the Initial Study, there is no substantial evidence that the project or any of its aspects, either individually or cumulatively, may cause a significant effect on the environment.

Next Steps

Following City Council adoption, the Housing Element will then be submitted to HCD for their final review. In accordance with State housing law, HCD has 90 days to conduct their final review. Based on their correspondence regarding the latest Draft Housing Element, City staff anticipates HCD will certify the Housing Element as drafted.

STRATEGIC PLANS

The Draft Housing Element is prepared in response to State housing law and does not relate to the City Council's strategic plans.

FISCAL IMPACT

There is no impact to the General Fund. The Housing Element preparation is within the scope of work approved through a Professional Services Agreement (PSA) with Veronica Tam and Associates (VTA) in May 2015. No additional expenditure of funds is required or is requested by this agenda item.

RECOMMENDATION

Staff and the Planning Commission recommend the City Council adopt the Housing Element Negative Declaration and the 2015 – 2023 Housing Element.

Prepared by: Alan Bell, Senior Planner

Reviewed by: Bill Dean, Assistant Development Services Director
Andrew Malik, Development Services Director

Approved by: Troy Brown, City Manager

RESOLUTION 2016-_____

ADOPTING THE HOUSING ELEMENT NEGATIVE DECLARATION
AND THE 2015-2023 HOUSING ELEMENT

WHEREAS, In April 2015, the City entered into a Professional Services Agreement with Veronica Tam and Associates to guide the City through the Housing Element update process, and

WHEREAS, On August 12, 2015, the Planning Commission conducted a public meeting to receive public input regarding housing needs in Tracy to help develop housing goals and programs for the Housing Element update, and

WHEREAS, On November 4, 2015, the Planning Commission conducted a public hearing to review and receive public input on the Draft 2015-2023 Housing Element, and

WHEREAS, On November 17, 2015, the City Council conducted a public hearing to review and receive public input on the Draft 2015-2023 Housing Element and directed City staff to submit the Draft Housing Element to the State Department of Housing and Community Development (HCD) for review, and

WHEREAS, On November 20, 2015, the City submitted the Draft 2015-2023 Housing Element to HCD for review pursuant to Government Code Section 65585, and

WHEREAS, On January 19, 2016, HCD published correspondence to the City (Exhibit 1) concluding that the Draft Housing Element, with revisions reviewed by HCD, will comply with State housing law when the Housing Element is adopted and submitted to HCD, and

WHEREAS, On January 21, 2016, the City published a Notice of Intent to Adopt a Negative Declaration, in accordance with CEQA Guidelines, and began a 30-day review period for the Negative Declaration, and

WHEREAS, On February 24, 2016, the Planning Commission conducted a public hearing to receive input, review, and recommended that the City Council approve the 2015-2023 Housing Element and Negative Declaration, and

WHEREAS, On March 15, 2016, the City Council conducted a public hearing to receive public input and review the 2015-2023 Housing Element and Negative Declaration;

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

1. <u>Negative Declaration</u>

   The City Council adopts the Negative Declaration (Exhibit 2).

2. <u>Substantial Compliance with State Housing Element Law</u>

   The City Council acknowledges that HCD has determined that the Draft Housing Element substantially complies with State housing element law pursuant to Government Code Section 65585(d) (Exhibit 1).

3. Adoption of the Housing Element

The City Council approves and adopts the 2015-2023 Housing Element (Exhibit 3).

4. Submittal to HCD

Pursuant to Government Code Section 65585(g), the Development Services Director is hereby directed to promptly submit a certified copy of this Resolution to HCD.

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

The foregoing Resolution 2016-_____ was passed and adopted by the Tracy City Council on the 15th day of March, 2016, by the following vote:

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

_____
MAYOR

ATTEST:

_____
CITY CLERK

Exhibit 1: -- January 19, 2016 Correspondence from HCD
Exhibit 2: -- Negative Declaration
Exhibit 3: -- 2015-2023 Housing Element

EXHIBIT 1

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY

EDMUND G. BROWN JR., *Governor*

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

RECEIVED
JAN 25 2016
CITY OF TRACY
DEVELOPMENT SERVICES

COPY

January 19, 2016

Andrew Malik, Director
Development Service Department
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

Dear Mr. Malik:

RE: City of Tracy's 5th Cycle (2015-2023) Draft Housing Element

Thank you for submitting the City of Tracy's draft housing element update which was received for review on November 25, 2015, along with additional revisions received on January 13, 2016. Pursuant to Government Code Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by a telephone conversation on January 5, 2016 with Mr. Alan Bell, Senior Planner and the City's Consultant, Ms. Veronica Tam.

The Department conducted a streamlined review of the draft housing element based on the City meeting all eligibility criteria detailed in the Department's Housing Element Update Guidance. The City utilized SJCOG's pre-approved housing element data.

The draft element with revisions meets the statutory requirements of State housing element law. The element will comply with State housing element law (GC, Article 10.6) when the draft and revisions are adopted and submitted to the Department, in accordance with GC Section 65585(g).

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) the City must adopt its housing element within 120 calendar days from the statutory due date of December 31, 2015 for SJCOG localities. If adopted after this date, GC Section 65588(e)(4) requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit the Department's website at: http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf.

For your information, on January 6, 2016, HCD released a Notice of Funding Availability (NOFA) for the Mobilehome Park Rehabilitation and Resident Ownership Program (MPRROP). This program replaces the former Mobilehome Park Resident Ownership Program (MPROP) and allows expanded uses of funds. The purposes of this new program are to loan funds to facilitate converting mobilehome park ownership to park residents or a qualified nonprofit corporation, and assist with repairs or accessibility upgrades meeting specified criteria This program supports housing element goals such as encouraging a variety of housing types, preserving affordable housing, and assisting mobilehome owners, particularly those with lower-incomes. Applications are accepted over the counter beginning March 2, 2016 through March 1, 2017. Further information is available on the Department's website at: http://www.hcd.ca.gov/financial-assistance/mobilehome-park-rehabilitation-resident-ownership-program/index.html .

In addition, some other elements of the general plan must be updated on or before the next adoption of the housing element. The safety and conservation elements of the general plan must include analysis and policies regarding fire and flood hazard management (GC Section 65302(g)). Also, the land-use element must address disadvantaged communities (unincorporated island or fringe communities within spheres of influence areas or isolated long established "legacy" communities) based on available data, including, but not limited to, data and analysis applicable to spheres of influence areas pursuant to GC Section 56430. The Department urges the City to consider these timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: http://opr.ca.gov/docs/SB244_Technical_Advisory.pdf and http://opr.ca.gov/docs/Final_6.26.15.pdf.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

The Department appreciates the assistance of Mr. Bell and Ms. Tam in preparation of the draft housing element and looks forward to receiving Tracy's adopted housing element. If you have any questions or need additional technical assistance, please contact Fidel Herrera, of our staff, at (916) 263-7441.

Sincerely,

Paul McDougall
Housing Policy Manager

EXHIBIT 2

INITIAL STUDY AND NEGATIVE DECLARATION

CITY OF TRACY 2015-2023 HOUSING ELEMENT

City of Tracy

January 2016

DRAFT NEGATIVE DECLARATION

PROJECT: CITY OF TRACY 2015-2023 HOUSING ELEMENT

PROJECT LOCATION: The Draft 2015-2023 Housing Element applies to all properties within the municipal boundaries of the City of Tracy. Located in the southwestern corner of the County of San Joaquin, the City encompasses approximately 26 square miles. Figure 1, Project Location, shows the City's location within San Joaquin County.

LEAD AGENCY AND PROJECT PROPONENT: City of Tracy

PROJECT DESCRIPTION: The project is the adoption of the City of Tracy 2015-2023 Housing Element, an update of the Housing Element of the City's General Plan. The Housing Element is an integral component of the General Plan, as it addresses existing and future housing needs of all types for persons of all economic segment groups in the City. The City of Tracy long-term housing goal is to provide housing opportunities to meet the diverse needs of the community.

A copy of the Initial Study is attached. Questions or comments regarding this Initial Study/Negative Declaration may be addressed to:

Alan Bell, Senior Planner
City of Tracy
Development Services Department
333 Civic Center Plaza
Tracy, CA 95376
Phone: (209) 831-6426
E-mail: alan.bell@ci.tracy.ca.us

DETERMINATION: The conclusion of the Initial Study is that the project will not cause a significant impact on the environment. **A NEGATIVE DECLARATION** has been prepared.

FINDING OF NO SIGNIFICANT EFFECT ON THE ENVIRONMENT: Based on the Initial Study of possible significant effects of the proposed project, it has been determined that the project will not have a significant adverse effect on the environment. Preparation of an Environmental Impact Report is not required.

DECLARATION OF COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT: This document has been prepared in accordance with the California Environmental Quality Act.

January 21, 2016
Date:

Alan Bell
Alan Bell
Senior Planner
City of Tracy

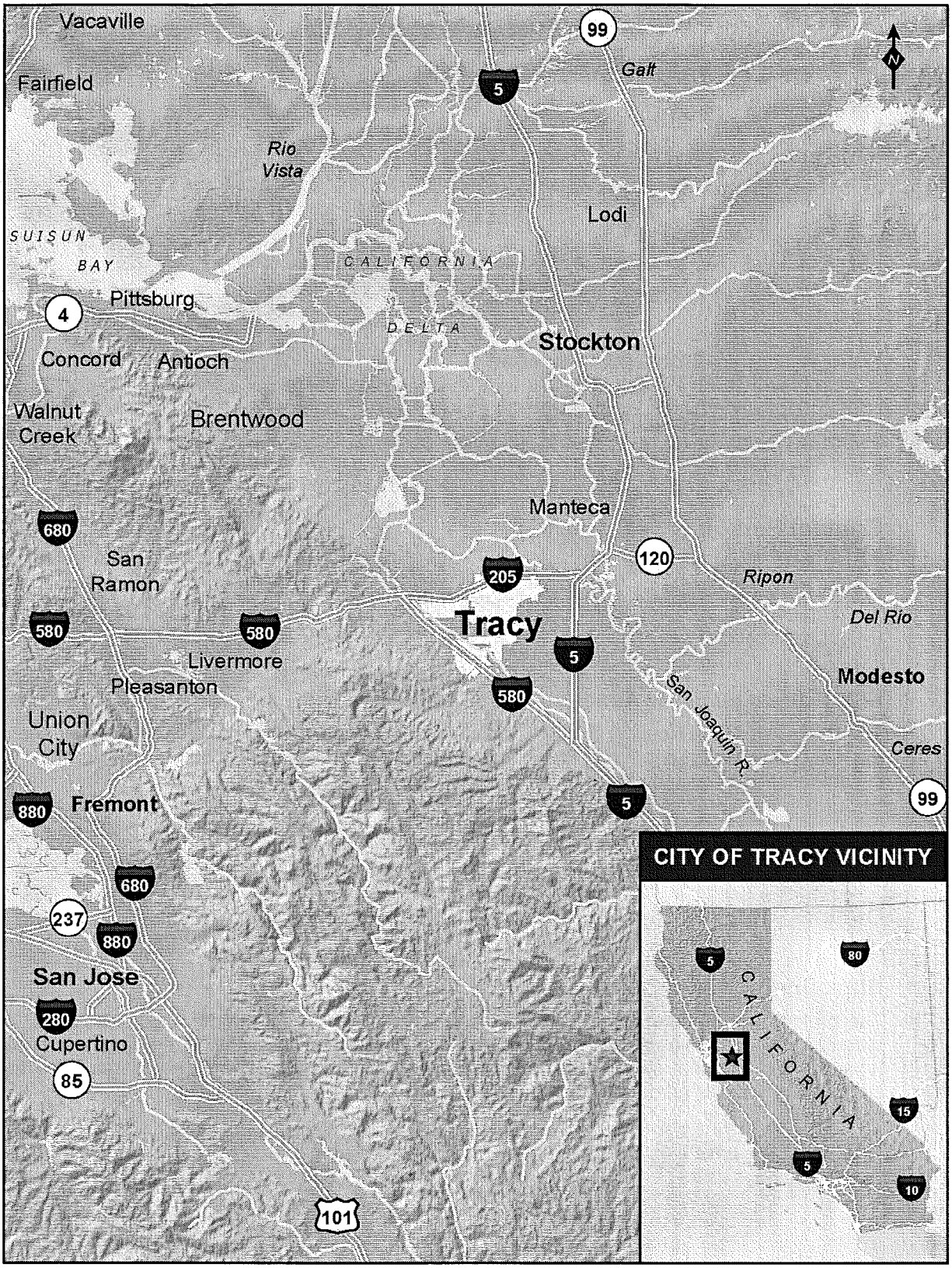


Figure 1:
Regional Location Map

INITIAL STUDY

PROJECT: CITY OF TRACY 2015-2023 HOUSING ELEMENT

DATE FILED: January 21, 2016

General Information:

1. Project Title:

City of Tracy 2015-2023 Housing Element

2. Lead Agency name and address:

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

3. Contact Person:

Alan Bell, Senior Planner
Phone: (209) 831-6426

E-Mail: alan.bell@ci.tracy.ca.us

4. Site Address and/or Assessor's Parcel Number:

The Draft 2015-2023 Housing Element applies to all properties within the municipal boundaries of the City of Tracy. Located in the southwestern corner of San Joaquin County, the City encompasses approximately 26 square miles.

5. Permit application(s) for the project: GPA16-0001

6. General Plan Designation/Zoning: N/A (Citywide)

7. Surrounding Land Uses:

The project is a General Plan Amendment that will be applied citywide. Tracy has been fully urbanized for many years, and development is characterized by a mix of housing types, solid retail and professional services sectors, and strong manufacturing and distribution. The area surrounding Tracy is primarily agricultural land.

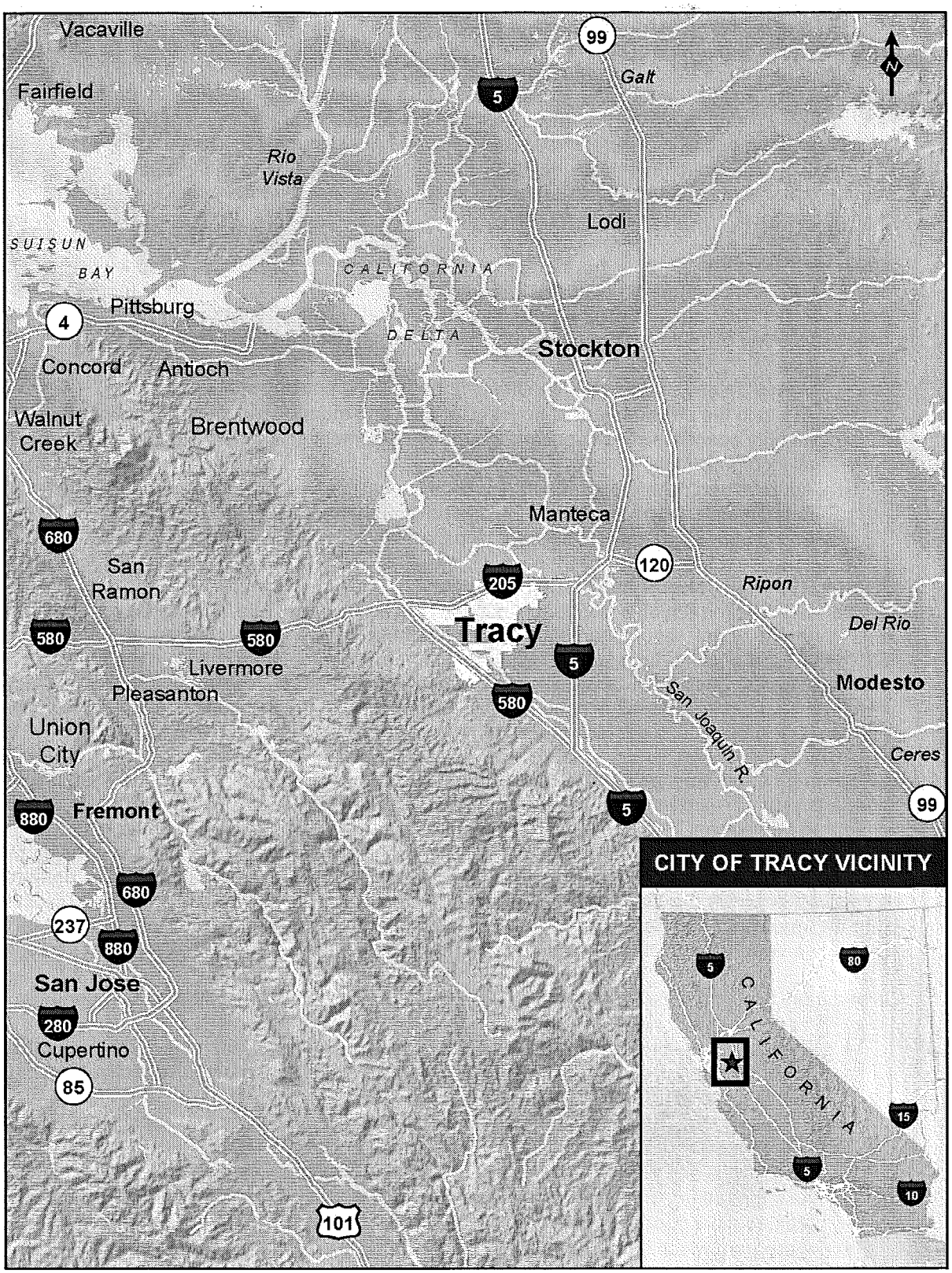


Figure 1:
Regional Location Map

8. Project Description

The project is the adoption of the City of Tracy 2015-2023 Housing Element, an update of the Housing Element of the City's General Plan. The Housing Element is an integral component of the General Plan, as it addresses existing and future housing needs of all types for persons of all economic segment groups in the City. The Housing Element serves as a policy tool for decision-makers and the public in understanding and meeting housing needs in Tracy. While the law does not require local governments to actually construct housing to meet identified needs, it does require that the community address housing needs in its General Plan policies and discretionary planning actions.

Goals and Policies

The City of Tracy's long-term housing goal is to provide housing opportunities to meet the diverse needs of the community. To make adequate provision for the housing needs of all economic segments of the community, the programs in the Housing Element aim to:

- Conserve and improve the condition of the existing housing stock;
- Assist in the development of housing for low- and moderate-income households;
- Identify adequate sites to encourage the development of a variety of types of housing for all income levels;
- Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing;
- Promote housing opportunities for all persons.

Regional Housing Needs Assessment (RHNA)

Article 10.6, Section 65580 – 65589.8, Chapter 3 of Division 1 of Title 7 of the Government Code sets forth the legal requirements for a housing element and encourages the provision of affordable and decent housing in suitable living environments for all communities to meet statewide goals. This 2015-2023 Housing Element update is a statement by the City of Tracy of its current and future housing needs and a policy document that sets forth the City's goals, policies, and programs to address those identified needs.

Government Code Section 65583 states the housing element shall consist of "...an identification and analysis of existing and projected housing needs and a statement of goals, polices, quantified objectives, financial resources and scheduled programs for the preservation, improvement, and development of housing." The housing element must contain a housing plan, including a schedule of actions for the planning period, for implementation of the goals and objectives described in the housing element. In addition, it shall contain quantified objectives with the maximum number of housing units that can be constructed, rehabilitated, or conserved over a five-year period. State law requires the housing element be updated every eight years.

In summary, Section 65583 requires that housing elements include the following components:

- A review of the previous element's goals, policies, programs, and objectives to ascertain the effectiveness of each of these components, as well as the overall effectiveness of the Housing Element;
- An assessment of housing needs and an inventory of resources and constraints related to the meeting of these needs;
- An analysis and program for preserving assisted housing developments;
- A statement of community goals, quantified objectives, and policies relative to the preservation, improvement and development of housing;.
- A program which sets forth a schedule of actions the City is undertaking or intends to undertake during the planning period, in implementing the policies set forth in the Housing Element.

Several factors influence the demand for housing in the City of Tracy. Four major categories of "needs" that are considered in the Housing Element include: 1) housing needs resulting from overcrowding; 2) housing needs that result when households are paying more than they can afford for housing; 3) housing needs of "special needs groups" such as the elderly, large families, female heads of households, households with persons with disabilities (including persons with developmental disabilities), and the homeless; 4) and housing needs resulting from population growth in the City and surrounding region.

California housing element law requires that each city and county develop local housing programs designed to meet their "fair share" of housing needs for all income groups. The California Department of Housing and Community Development, Housing Policy Division develops the Regional Housing Needs Assessments (RHNA) for each region of the State, represented by councils of governments. The San Joaquin Council of Governments (SJCOG) determines the housing allocation for each city and county within the regional jurisdiction. SJCOG has assigned Tracy a housing allocation of 4,976 units, distributed as follows:

Income Category	Number of Units
Extremely Low Income	513
Very Low Income	467
Low Income	705
Moderate Income	828
Above Moderate Income	2,463
Total Units	**4,976**

The RHNA covers the period of January 1, 2014 to December 31, 2023. Local jurisdictions, in updating their housing elements, may credit by applicable income category the actual housing units that are pending or under construction beginning January 1, 2014.

Progress towards RHNA and Adequate Sites

The City has already achieved a significant portion of its RHNA with housing units that are pending and expected to be approved early in the planning period. Because the RHNA uses January 1, 2014 as the baseline for growth projections for the Housing Element planning period of 2015-2023, jurisdictions may count toward the RHNA any new units built or issued certificates of occupancy after January 1, 2014. As of May 2015, 1,896 market-rate housing units are under construction or have been approved in Tracy. Overall, the City has a remaining RHNA of 2,513 units, including 980 extremely low/very low income units, 705 low income units, and 828 moderate income units.

Income Category	RHNA	Units Under Review Approved, Constructed or Under Construction Since January 1, 2014	Remaining RHNA
Extremely Low/ Very Low	980	0	980
Low	705	0	705
Moderate	828	0	828
Above Moderate	2,463	4,856	
Total Units	4,976	4,856	2,513

In addition to credits toward the RHNA, State law requires that jurisdictions demonstrate in the Housing Element that the land inventory of vacant and underutilized sites is adequate to accommodate that jurisdiction's share of the region's projected housing need.

Additional Programs

According to housing element law (CA Government Code Section 65583.2), in addition to identifying adequate sites to accommodate the RHNA, jurisdictions must determine whether the inventory of sites can provide for a variety of types of housing, including housing for lower-income households. For cities in San Joaquin County, Section 65583.2 deems sites allowing at least 20 dwelling units per acre to be appropriate generally to accommodate housing for lower-income households. Certain parcels in Tracy are still zoned as Light Industrial, though the General Plan designation for the parcels is High Density Residential, which allows 20 units per acre. Program 11 states that four adjacent parcels totaling 31 acres are to be rezoned as High Density Residential, as a technical change to be consistent with the General Plan designation, within two years of adoption of the Housing Element. With the consistency to be provided by the amendment, the inventory of sites includes site area that is appropriate to accommodate the RHNA.

State housing element law also requires that a city accommodate a variety of housing types, including housing types that would be appropriate for people with special needs. Housing types that are appropriate for these groups include, among others, residential care facilities (for six and fewer residents and for seven or more), farmworker housing, and employee housing for six or fewer people. The City of Tracy Zoning Ordinance does not currently address the provision of these housing types in a way consistent with state law requirements. Program 15 of the Housing Element states that the City will amend the Zoning Ordinance during 2016 to address provisions for these housing types and also to update the City's density bonus ordinance to comply with AB 2222, and revisit the definition of family and supportive housing to ensure consistency with State laws.

Assumptions

This document is based on the following assumptions:

1. General Plan Consistency: The Housing Element is consistent with the remainder of the Tracy General Plan. As the General Plan is updated in the future, the City will ensure that the updated General Plan is consistent with the policies contained in the Housing Element.

2. Project Specific Environmental Review: In the City of Tracy, all housing development proposals are subject to a CEQA review process.

3. Purpose of Housing Element Environmental Review: This Initial Study is not intended to and does not address the particular impacts of future housing projects discussed or identified in the updated Housing Element. The Initial Study is limited to the review of potential environmental impacts resulting from adoption of the Housing Element and is not intended to analyze impacts of current or future specific development activities.

Environmental Setting

The Tracy General Plan, adopted in 2006 and amended in 2011, reflects the current land use policy for the City of Tracy. The Supplemental EIR prepared for the General Plan, certified in 2011, evaluated the environmental impacts of the General Plan, including the proposed Sphere of Influence outside the City Limits, and analyzed the likely growth potential for portions of the City to 2025 and 2030. The Tracy General Plan Final Supplemental EIR residential projections

anticipate approximately 35,000 housing units in 2025.[1] According to State Department of Finance data, 26,039 housing units existed in the City as of January 1, 2014. Thus, with a RHNA of 4,976 units (for the period of January 1, 2014 through December 31, 2023), the combined dwelling unit count would be 31,015 units by December 31, 2023, or approximately 2,640 fewer units citywide than projected under the current land use policy for the timeframe. Development that results in a total of approximately 35,000 units in the City by 2025, or approximately 33,655 units by 2023, is analyzed in the General Plan Final Supplemental EIR. All of the sites identified in the 2015-2023 Housing Element Sites Inventory are within the existing City limits; none is within the Sphere of Influence outside the City limits.

The following evaluation provides information regarding impacts resulting from adoption of Housing Element policies and programs. Implementation of the Housing Element will not result in a change in land use patterns, a greater number of dwelling units than anticipated under the current General Plan, or a rate of housing construction greater than the level that was evaluated in the General Plan Final Supplemental EIR in 2011. For this project, no substantial changes are proposed to the General Plan residential land use designations adopted in 2006 and 2011, no changes to the build-out capacity are proposed, no programs are introduced in the Housing Element that would result in substantial changes to land use patterns, and no significant new information has been brought to light that would change the prior conclusions in 2011 of the General Plan Final Supplemental EIR. Thus, the General Plan FEIR (2006), Final Supplemental EIR (2011), and Final Supplemental EIR Addendum (2011) have been incorporated by reference into this Initial Study. Copies of the General Plan FEIR, Final Supplemental EIR, and Final Supplemental EIR Addendum are available for public review at Tracy City Hall, located at 333 Civic Center Plaza and at the Tracy Public Library located at 20 East Eaton Ave, Tracy, CA 95376.

[1] Tracy General Plan Final Supplemental EIR, 2010 (p.3-15).

INITIAL STUDY CHECKLIST

CEQA suggests format and content for Initial Studies, including topical checklists to assist in evaluation of a project's potential environmental effects. The Checklist presented in this Section follows the Checklist format and presentation of information identified in the *CEQA Guidelines*, Appendix G.

Potential environmental effects of the project are classified and described in the checklist under the following general headings:

- "No Impact" applies where the impact simply does not apply to projects like the one involved. For example, if the project site is not located in a fault rupture zone, then the item asking whether the project would result in or expose people to potential impacts involving fault rupture should be marked as "No Impact."

- "Less-Than-Significant Impact" applies where the impact would occur, but the magnitude of the impact is considered insignificant or negligible. For example, a development which would only slightly increase the amount of surface water runoff generated at a project site would be considered to have a less-than-significant impact on surface water runoff.

- "Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less-Than-Significant Impact." Incorporated mitigation measures must be outlined in the checklist, and a discussion must be provided which explains how the measures reduce the impact to a less-than-significant level. This designation is appropriate for a Mitigated Negative Declaration, where potentially significant issues have been analyzed and mitigation measures have been recommended.

- "Potentially Significant Impact" applies where the project has the potential to cause a significant and unmitigatable environmental impact. If there are one or more items identified as a "Potentially Significant Impact," an EIR is required.

ENVIRONMENTAL EVALUATION

	Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less -Than- Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to trees, rocks, 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 the day or nighttime views in the area?				X

Substantiation:

a-b) **No Impact.** There are two Officially Dedicated California Scenic Highway segments in the Tracy Planning Area, and they cover a total 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. Part of this scenic highway passes through the existing City limits where the Tracy Hills project is proposed. 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. No development is expected along I-5 during the planning horizon of this Housing Element or of the General Plan. In addition to State-designated scenic highways, the Scenic Highway Element of the 1978 San Joaquin County General Plan designated the seven-mile portion of Corral Hollow Road that runs southwest from I-580 to the County line as a scenic road. A small portion of this scenic corridor is in the SOI but none is within the City limits. As a policy-level document, the 2015-2023 Housing Element will not entitle or fund any specific project. It identifies no site for housing other than those currently planned for residential use within the City limits, and it proposes no changes to the land use designations that are allowed by the General Plan. The Housing Element sets forth policies to encourage housing development consistent with adopted land use policy. Adoption of the 2015-2023 Housing, therefore, would not result in an impact on a scenic vista or on scenic resources or substantially damage scenic resources within a state scenic highway.

c-d) **No Impact.** As a policy-level document, the 2015-2023 Housing Element will not entitle or fund any specific project. It identifies no site for housing other than those currently planned for residential use within the City limits, and it proposes no changes to the land use designations that are allowed by the General Plan. The Housing Element sets forth policies to encourage housing development consistent with adopted land use policy. The Housing Element does not include any site-specific designs or proposals that would enable an assessment of potential site-specific visual impacts that may result with future housing development proposals. Case-by-case review of future housing

projects will be carried out to ensure that existing views and aesthetic conditions are preserved, and that the projects are consistent with all General Plan goals, objectives, and policies relative to visual character. Adoption of 2015-2023 Housing Element, therefore, would not result in an impact on the visual character or quality of a site or its surroundings or create a new source of light or glare which would adversely affect or nighttime views.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
II. AGRICULTURE RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the Project:				
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 12220(g), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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

Substantiation:

a-e) **No Impact.** As a policy-level document, the 2015-2023 Housing Element will not entitle or fund any specific project. It identifies no site for housing other than those currently planned for residential use within the City limits, and it proposes no changes to the land use designations that are allowed by the General Plan. The Element lists programs that may be utilized by development projects requiring approvals and review under the California Environmental Quality Act, but it provides no approval for any development project or any program that may be utilized by a development project. The Housing Element sets forth policies to encourage housing development consistent with adopted land use policy, including General Plan policies concerning agriculture and agricultural lands. Adoption of the proposed 2015-2023 Housing Element, therefore, would not result in an impact related to conversion of farmland to non-agricultural use or conversion of forest land to non-forest use, or conflict with agricultural use or a Williamson Act contract or to the loss of forest land, conversion of forest land to non-forest use, or rezoning of forest land.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
III. AIR QUALITY/GREENHOUSE GAS EMISSIONS - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?				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	

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	
f) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
g) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

Substantiation:

a-b) **No Impact.** The City of Tracy is located within the San Joaquin Valley Air Basin (SJVAB), which is designated as a non-attainment area for federal and State criteria air pollutants, including suspended particulates (PM 10 and PM 2.5) and ozone. Any future development will require actions during construction to reduce particulate matter in accordance with the San Joaquin Valley Unified Air Pollution Control District's Regulation VIII and be subject to applicable greenhouse gas regulations. As a policy-level document, the 2015-2023 Housing Element will not entitle or fund any specific project. It identifies no site for housing other than those currently planned for residential use within the City limits, and it proposes no changes to the land use designations that are allowed by the General Plan. The Element lists programs that may be utilized by development projects requiring approvals and review under the California Environmental Quality Act, but it provides no approval for any development project or any program that may be utilized by a development project. Project-level analysis will occur as specific housing development and improvement projects are proposed. Indirectly, the proposed Housing Element would support and, in some cases, promote the future development and improvement of various forms of residential development within the Sphere of Influence in County unincorporated areas. The Housing Element sets forth policies to encourage housing development consistent with adopted land use policy. As such, Element implementation will not provide for new uses that would have an impact related to conflict with or obstruction of an applicable air quality plan or violation of an air quality standard or contribution to an existing or projected air quality violation an applicable air quality plan, violation of an air quality standard. Future development of individual projects that may potentially impact air quality will require coordination between the City and the local air authority, the San Joaquin Valley Air Pollution Control District (SJVAPCD) and will be subject to project-specific environmental review. Adoption of the 2015-2023 Housing Element, therefore, would result in no impact to implementation of an applicable air quality plan, violation of an air quality standard, or exposure of sensitive receptors to pollutant concentrations.

c) **Less-Than-Significant Impact.** The entire San Joaquin Valley Air Basin is designated non-attainment for ozone and particulate matter (PM 10 and PM 2.5). Any future development will require actions during construction to reduce particulate matter in accordance with the San Joaquin Valley Unified Air Pollution Control District's Regulation VIII. The Housing Element establishes policy to facilitate the development, between 2015 and 2023, of at least 4,976 housing units, pursuant to the Regional Housing Needs Assessment (RHNA). The RHNA process, as required by state law, allocates numerical housing goals to cities and counties in the SJCOG region to

accommodate anticipated regional growth, consistent with the Regional Transportation Plan and Sustainable Communities Strategy. Future development pursuant to Housing Element policy will comply with the density and intensity standards outlined in the Land Use Element, which was analyzed in the General Plan Final Supplemental EIR and adopted in 2011, and the City's current Zoning Ordinance. The City is diligent in its efforts to ensure that each future project is carefully reviewed to ensure consistency with federal, State, and local air quality standards and in particular, the applicable Air Quality Management Plan, and is consistent with the goals, policies, and standards established within the other elements of the General Plan that are intended to protect air quality. As a policy-level document, the proposed 2015-2023 Housing Element does not include any specific development designs or proposals, nor does it grant any entitlement for development, funding, or program approval that would adversely affect the environment. Thus, the project will not itself result in exposure of persons to substantial pollutant concentrations. The Housing Element will not directly result in the construction of new housing, though Housing Element policies will facilitate housing construction consistent with adopted land use policy. Any specific development proposals will be required to be developed in accordance with the mandatory requirements regarding air quality. Adoption of the 2015-2023 Housing Element, therefore, would not result in a significant impact of cumulatively considerable net increase in the level of a criteria pollutant for which the region is in non-compliance.

d) **Less-Than-Significant Impact.** . As a policy-level document, the proposed 2015-2023 Housing Element does not include any specific development designs or proposals, nor does it grant any entitlement for development, funding, or program approval that would adversely affect the environment. No additional lands for development are to be authorized for development. A case-by-case review of future specific development projects will be necessary to ensure that sensitive receptors are not exposed to substantial pollutant concentrations. Any specific development proposals will be required to be developed in accordance with the mandatory requirements regarding air quality. The Housing Element will not directly result in the construction of new housing, though Housing Element policies will facilitate housing construction consistent with adopted land use policy. Thus, the project will not itself result in exposure of sensitive receptors to substantial pollutant concentrations. A case-by-case review of future housing projects would be necessary to ensure that sensitive receptors are not exposed to substantial pollutant concentration, and that the projects are consistent with all General Plan goals, objectives, and policies; applicable State and federal regulations; and programs of the San Joaquin Valley Unified Air Pollution Control District. Adherence to such standards and guidelines would reduce potential impacts to a less-than-significant level. Adoption of the 2015-2023 Housing Element, therefore, would not result in a significant impact due to exposing sensitive receptors to substantial pollutant concentrations.

e) **Less-Than-Significant Impact.** Housing development facilitated by Housing Element policies is not anticipated to generate any objectionable odors, as residential uses typically do not create substantial odors. As supported by the preceding discussion, the potential for the project to create objectionable odors is considered less-than-significant.

f-g) **Less-Than-Significant Impact.** The Housing Element establishes policy to facilitate the development between 2015 and 2023 of at least 4,976 housing units, pursuant to the RHNA. The RHNA process allocates numerical housing goals to cities and counties in the SJCOG region to accommodate anticipated regional population growth that is consistent under SB 375 with the 2012 Regional Transportation Plan and Sustainable Communities Strategy. The Housing Element proposes no specific development projects and no changes to the residential densities that were analyzed in the General Plan Final Supplemental EIR and adopted in 2011. The level of development that was anticipated in the General Plan EIR exceeds the housing development that is facilitated by the 2015-2023 Housing Element. As a policy document, the Housing Element does not conflict with adopted plans, policies, and regulations to reduce greenhouse gas emissions. There, adoption of the 2015-2023 Housing Element will not result in significant impacts related to Greenhouse Gas Emissions.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES. Would the Project:				
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, polices, regulations or by the California Department of Fish and Game or U.S. 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.) though 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 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

Substantiation:

a-f) **No Impact.** As a policy-level document, the 2015-2023 Housing Element will not entitle or fund any specific project. It identifies no site for housing other than those currently planned for residential use within the City limits, and it proposes no changes to the land use designations that are allowed by the General Plan. The Housing Element contains no policy changes that would impact biological resources, no specific site designated to be disturbed due to development, and no additional lands for development. Project-level analysis will occur as specific housing development and

improvement projects are proposed. Specific development projects, when they are proposed, will be reviewed with regard to any potential impacts to all applicable candidate, special, and listed species. Adoption of the 2015-2023 Housing Element, therefore, would result in no impacts to candidate, sensitive, or special-status species.

b-d) **No Impact.** As a policy-level document, the 2015-2023 Housing Element will not entitle or fund any specific project. It identifies no site for housing other than those currently planned for residential use within the City limits, and it proposes no changes to the land use designations that are allowed by the General Plan. The Element lists programs that may be utilized by development projects requiring approvals and review under the California Environmental Quality Act, but it provides no approval for any development project or any program that may be utilized by a development project. The Housing Element contains no policy changes that would impact biological resources, no specific site designated to be disturbed due to development, and no additional lands for development. Project-level analysis will occur as specific housing development and improvement projects are proposed. Indirectly, the proposed Housing Element would support and, in some cases, promote the future development and improvement of various forms of residential development within the Sphere of Influence in County unincorporated areas. Specific development projects, when they are proposed, will be reviewed with regard to potential impacts to sensitive natural communities, federally protected wetlands and listed species. Adoption of the 2015-2023 Housing Element, therefore, would not result in impacts to biological resources.

e-f) **No Impact.** As described above, the 2015-2023 Housing Element would provide no approval or funding for any specific development project or program. There is no specific site designated to be disturbed due to development and no additional lands for development are to be authorized for development. The Housing Element includes no policies that will conflict with any local policies or ordinances protecting biological resources or any provisions of an adopted Habitat Conservation Plan. Adoption of the 2015-2023 Housing Element, therefore, will not result in conflict with policies, ordinances, or approved plans protecting biological resources.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
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

Substantiation:

a-d) **No Impact.** As a policy-level document, the 2015-2023 Housing Element will not entitle or fund any specific project. It identifies no site for housing other than those currently planned for residential use within the City limits, and it proposes no changes to the land use designations that are allowed by the General Plan. The Element lists programs that may be utilized by development projects requiring approvals and review under the California Environmental Quality Act, but it provides no approval for any development project or any program that may be utilized by a development project. The Housing Element includes no policies that would impact cultural resources, no specific site designated to be disturbed due to development, and no additional lands for development are to be authorized for development. Specific development projects, when they are proposed, will be reviewed with regard to any potential impacts to cultural resources. Procedures required by California Health and Safety Code Section 7050.5 will be followed should human remains be found during the course of any project construction. Adoption of the 2015-2023 Housing Element, therefore, would have no impact on cultural resources.

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

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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

Substantiation:

a)

i) **Less-Than-Significant Impact.** As a policy-level document, the 2015-2023 Housing Element will not entitle or fund any specific project. It identifies no site for housing other than those currently planned for residential use within the City, and it proposes no changes to the land use designations that are allowed by the General Plan. The Element lists programs that may be utilized by development projects requiring approvals and review under the California Environmental Quality Act, but it provides no approval for any development project or any program that may be utilized by a development project. Project-level analysis will occur as specific housing development and improvement projects are proposed. The State of California provides minimum standards for building design through the California Building Standards Code (California Code of Regulations (CCR), Title 24). The City of Tracy adopted the 2013 California Building Code (CBC), Volumes 1 and 2 and certain appendices, to regulate building construction in the City, including excavation, foundations, retaining walls, and grading activities, as well as drainage and erosion control. The State earthquake protection law (California Health and Safety Code 19100 et seq.) requires that buildings be designed to resist stresses produced by lateral forces caused by wind and earthquakes. Specific minimum seismic safety requirements are set forth in the CBC. As of 2007 the California Geological Survey does not list Tracy as a city that is affected by an Alquist-Priolo Earthquake Hazard Zone. (Special Alquist-Priolo development standards are necessary for the Earthquake Hazard Zone.) Therefore, adoption of the 2015-2023 Housing Element would not result in significant impacts related to subjecting persons or structures to adverse effects involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, or landslides.

ii and iii) **Less-Than-Significant Impact.** As described above, the Housing Element provides no approval for the construction of any housing units. However, policy implementation may lead to such construction consistent with adopted land use policy, and such units could be exposed to seismic hazards. Development in the City must comply with the California Building Code (CBC), which outlines standards for seismic design, foundations and drainage and requires that geotechnical engineering studies be undertaken for any development in areas where potentially serious geologic risks exist. Compliance with the CBC is required by City ordinance and is required under the General Plan's Objective SA-1.2, P2 that requires all construction to conform to the CBC and also requires geotechnical reports to be prepared for areas where potentially serious geologic hazards exist. Because of these policies, the implementation of the General Plan reduces the impact of ground shaking to people and structures so it would not result in significant impacts. There is however a slight risk of ground rupture within the southwest portion of the Tracy Planning Area, in the Tracy Hills area, due to the existence of the Black Butte fault line which runs in a northwest-southeast direction at the southern edge of the area. The Tracy Hills Specific Plan EIR includes mitigations that state that any development near the Black Butte and Midway faults should have adequate setbacks as a precaution. Tracy is at low risk for liquefaction within the City limits. The Safety Element contains a policy requiring that geotechnical engineering studies be undertaken for any development in areas where potentially

serious geologic risks exist (Objective SA-1.1, P1), which would include liquefaction. Thus, there is no significant impact associated with ground rupture or liquefaction.

iv) **Less-Than-Significant Impact.** Due to the relatively flat land in most of Tracy's Planning Area, development of housing will not result in a significant impact to the risk of landslides or ground failure. The Tracy Hills Specific Plan locates single-family housing on the hillsides southwest of the City limits, but has completed a separate environmental impact report that contains mitigation measures to address any significant impacts to the risk of landslides or ground failure. Therefore, impacts associated with landslides and ground failures are less than significant.

b) **Less-Than-Significant Impact.** The 2015-2023 Housing Element is a policy document and will not result directly in the construction of any housing developments. However, construction activities associated with future residential development projects may temporarily expose underlying soils, thereby increasing their susceptibility to erosion until projects are fully implemented. Normally, potential erosion impacts incurred during construction activities are mitigated below the level of significance. Although the majority of Tracy is on flat land with little risk of erosion, there is potential for the loss of topsoil with any development that occurs on hillsides because the removal of vegetation can increase erosion. There is not any development proposed for the hillsides except for the Tracy Hills development, which completed a separate environmental impact report and contains mitigation measures to address any significant impacts to topsoil. As supported by the preceding discussions, potential impact associated with erosion or changes in topography will be less than significant.

c) **Less-Than-Significant Impact.** Liquefaction and seismically induced settlement or ground failure are generally associated with strong seismic shaking in areas where ground water tables are at relatively shallow depths (within 50 feet of the ground surface) and/or when the area is underlain by loose, cohesionless deposits. During a strong ground shaking event, saturated, cohesionless soils may acquire a degree of mobility to the extent that the overlying ground surface distorts. In extreme cases, saturated soils become suspended in groundwater and become fluid-like. The 2015-2023 Housing Element does not, itself, propose construction of any new specific development. All future residential projects are subject to CEQA review and engineering review. See a) ii and iii above. These processes applied at the individual project level will reduce impact to a less-than-significant level.

d) **Less-Than-Significant Impact.** Tracy does have a moderate to high risk for expansive soils, depending on the location and soil type. The 2015-2023 Housing Element is a policy document and will not result directly in the construction of any housing developments. However, construction of housing would increase the number of people and structures potentially exposed to expansive soils and would thus result in potentially significant impacts. The Safety Element contains an objective to minimize geologic hazards, and a policy to require geotechnical reports for all development proposed in areas with risk of geological hazard (Objective SA-1.1, P2). Therefore, the implementation of the General Plan policy would reduce the potential impact related to the risk of soil expansion to less-than-significant.

e) **No Impact.** The 2015-2023 Housing Element is a policy document and will not result directly in the construction of any housing developments. However, any new residential development facilitated by implementation of Housing Element policies will be required to hook up to and utilize public sewer systems. As a result, no new septic or alternative wastewater systems would be allowed and no impact associated with soil capacity to support these systems would occur. Thus, no impact related to the use of septic tanks or alternative waste water disposal systems will result.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
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 likely 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 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 the 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 the 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	

Substantiation:

a-d) **No Impact.** As a policy-level document, the 2015-2023 Housing Element will not entitle or fund any specific project. Project-level analysis will occur as specific housing development and improvement projects are proposed, including a determination regarding whether hazardous materials exist on the site. The 2015-2023 Housing Element is a policy document that does not involve construction of any new specific development projects and does not propose any use involving the transportation, use, or storage of hazardous or potentially hazardous materials. Adoption of the 2015-2023 Housing Element, therefore, will result in no impact involving hazardous materials.

e-f) **Less-Than-Significant Impact.** A single airport is located in or near Tracy, the Tracy Municipal Airport, a non-controlled general aviation airport owned by the City and managed by the Public Works Department. The Tracy Municipal Airport has 166 acres used for aircraft parking, taxiways, and runway space. An additional 144 acres are still undeveloped. There are two active runways at the airport. Runway (8/26) is aligned east/west and is 3,438 feet long and 75 feet wide. Runway (12/30) is aligned northwest/southeast and is 4,001 feet long by 75 feet wide. This has the potential to create a significant impact if incompatible development is allowed within airport hazard zones. The General Plan includes several policies to ensure that existing and new development in proximity to the airport is compatible and conforms to safety requirements, as determined by the Federal Aviation Administration and the San Joaquin County Airport Land Use Commission (Objective LU-6.3, P1 and P2, and Objective SA5.1, P1). In addition, the General Plan includes an action to develop an emergency plan to respond to aviation incidents in the City (Objective SA-5.1, A1). Implementation of these policies and actions would avoid a significant safety impact associated with the Tracy Municipal Airport. There are no private airstrips within the City. As a policy-level document, the 2015-2023 Housing Element will not entitle or fund any specific project. Project-level analysis will occur as specific housing development and improvement projects are proposed. Therefore, adoption of the 2015-2023 Housing Element would result in no significant impacts related to airport or private airstrip safety hazards.

g) **No Impact.** The Housing Element sets forth policies and programs related to housing development; it does not involve any construction activity. Housing development will occur consistent with adopted land use policy. The project does not propose any alteration to vehicle circulation routes and thus will not interfere with an identified emergency response or emergency evacuation plan. Numerous polices in the proposed General Plan address the City's emergency preparedness in the event of natural or man-made disasters. The City would commit to keeping emergency access routes free of traffic impediments and regularly update those routes (Objective SA-6.1, P1 and A2). In accordance with City policies, coordination with fire and police departments will occur as part of the review process of individual projects to guard against potential interference with emergency response and evacuation efforts. Thus, no impact will result from the project.

h) **Less-Than-Significant Impact.** The western edge of the City of Tracy is located in an area with a moderate wildland fire potential according to the California Department of Forestry. The General Plan includes policies to minimize risk to health and safety by requiring that new private and public development projects in areas of potential wildland fire hazards employ certain safety measures, including the use of fire-resistant plants, ground cover, and roofing materials, and clearing areas around structures of potential fuel (Objective SA-3.1, P1 and P4). New development is also required to satisfy fire flow and hydrant standards established by the City to facilitate fire-fighting in the event of a fire (Objective SA-3.1, P3). Development in areas with steep terrain would be restricted in order to ensure fire safety (Objective SA-3.1, P2). The General Plan also includes a policy for the City's Fire Department to train regularly for urban and wildland firefighting conditions (Objective SA-3.1, P5); as well as an action for the City to maintain an up-to-date map of areas vulnerable to wildland fires (Objective SA-3.1, A1). The 2015-2023 Housing Element is a policy document and will not result directly in the construction of any housing developments. However,

new residential development facilitated by implementation of Housing Element policies could be located near areas with moderate potential. Implementation of these General Plan policies would reduce the potential impacts to less-than-significant levels. Therefore, adoption of the 2015-2023 Housing Element would result in no significant impacts related to wildland fires.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
VIII. HYDROLOGY AND WATER QUALITY.				
Would the project:				
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 the 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 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 the 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	

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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
k) Potentially impact storm water runoff from construction activities?			X	
l) Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas for post-constriction activities?			X	
m) Otherwise result in any other potential impacts to stormwater runoff from post-construction activities?			X	
n) Substantially increase the flow velocity or volume of stormwater runoff to cause erosion or habitat impacts within the project site or downstream?			X	

Substantiation:

a) **No Impact.** As a policy-level document, the 2015-2023 Housing Element will not entitle or fund any specific project. It identifies no site for housing other than those currently planned for residential use within the City limits, and it proposes no changes to the land use designations that are allowed by the General Plan. While one of the purposes of the Housing Element is to facilitate the development of housing, the project does not involve the construction of any housing. Any housing constructed pursuant to housing policies will utilize sanitary sewer systems to comply with waste discharge requirements. Also, residential housing does not involve the discharge of any effluent or other liquid waste violating a water quality standard or requiring any special treatment. No impact will result.

b) **Less-Than-Significant Impact.** Adoption of the 2015-2023 Housing Element will not result directly in the production of housing, although Element implementation may result indirectly in the construction of new housing, which could place increased demands on the local water supply and thus temporarily affect groundwater levels. As a policy-level document, the Housing Element will not entitle or fund any specific project. It identifies no site for housing other than those currently

planned for residential use within the City limits, and it proposes no changes to the land use designations that are allowed by the General Plan. Housing development will occur pursuant to adopted land use policy, which the City and other water service providers use to project and plan for meeting water demand. Potential impacts to quantities of groundwater or groundwater recharge are less than significant.

c) **No Impact.** The project, a policy document, does not propose to alter the drainage pattern of any site in the City, nor does it propose to alter any streams or rivers. Any new residential development will occur within the City consistent with adopted land use policy, which provides for protection of existing drainage courses. Therefore, no impact will occur relative to drainage courses.

d-e) **Less-Than-Significant Impact.** As a policy-level document, the 2015-2023 Housing Element will not entitle or fund any specific project. It identifies no site for housing other than those currently planned for residential use within the City limits, and it proposes no changes to the land use designations that are allowed by the General Plan. While one of the purposes of the Housing Element is to facilitate the development of housing, the project does not involve the construction of any housing. With any housing constructed, pursuant to housing policies, the City will conduct plan review to ensure that any runoff associated with a project is properly controlled and released into storm drains in volumes consistent with existing or planned capacity. Thus, standard City project review practices will ensure a less-than-significant impact.

f) **Less-Than-Significant Impact.** The project does not include the construction of housing development projects. Housing policies will facilitate the development of housing, and any such development proposal will be subject to review for compliance with applicable National Pollution Discharge Elimination System (NPDES) permitting requirements. With continued implementation of existing policies and procedures, impact on water quality is considered less-than-significant.

g-h) **Less-than-Significant Impact.** Only at the northern most City limit has any portion of Tracy been designated as within the area where a 100-year flood event (i.e., an event with a one percent chance each year) would exceed one foot in depth. Only non-residential construction is expected in this area within the next twenty years. Adoption of the 2015-2023 Housing Element will not result directly in the construction of any new housing. As such, the project will not result in the placement of housing or other structures which would impede or redirect flood flows within a 100-year flood hazard area. Implementation of housing policy consistent with adopted land use plans could result in the construction of housing within designated flood zones. The location and intensities of such development is not known. Project review for specific development proposals will be required, and for any new housing in a flood-impact area, mitigation will be required. Because Tracy participates in the National Flood Insurance Program, it must require development permits to ensure that construction materials and methods will mitigate future flood damage. New construction and substantial improvements of residential structures are also required to "have the lowest floor (including the basement) elevated to or above the base flood level." Non-residential structures must have their utility systems above the BFE or be of flood-proof construction. With implementation of standard review and mitigation practices, impact at the individual project level is reduced to a less-than-significant impact.

i) **Less-Than-Significant.** The failure of dams in the San Joaquin River floodplain in the event of an earthquake has the potential to create flooding in some areas within the City limit. The northern most portion of the City at the City limits falls within area that could be potentially affected by dam inundation, including the Holly Sugar property and the northern portions of Larch Clover and Urban Reserves 1 and 3. The General Plan includes policies and actions under Objective SA-2.1 that are intended to minimize flood risk to development, including prohibiting development to be located in the 100-year floodplain, as established by FEMA, unless certain conditions are met, and to continue to participate in the National Flood Insurance Program. Risk of dam failure is small, because the County continues to maintain the dam to withstand probable seismic activity. Only commercial and industrial uses are allowed. The 2015-2023 Housing identifies potential housing sites only where

they are allowed by City land use policy. Adoption of the 2015-2023 Housing Element will result in no significant impact related to failure of a levee or dam.

j) Adoption of the 2015-2023 Housing Element does not include the construction of housing development projects. No residential projects in the City limits are subject to seiche, tsunami, or mudflow risk.

k-n) **Less-Than-Significant Impact.** While one of the purposes of a Housing Element is to facilitate the development of housing, it does not involve the construction of housing. All housing developments would be subject to the environmental review process and impacts to stormwater runoff and water quality would be considered on a project-by-project basis, as well as a cumulative basis. The proposed project would not directly result in the construction of housing units, and although the proposed project may indirectly result in the construction of housing which may have an impact on drainage and water quality, those individual projects would be subject to individual environmental review. Any such development proposal will be subject to review for compliance with applicable National Pollution Discharge Elimination System (NPDES) permitting requirements. With continued implementation of existing policies and procedures, adoption of the 2015-2023 Housing Element will result in no significant impacts related to stormwater.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
IX. LAND USE. Would the project:				
a) Physically divide or disrupt 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 communities conservation plan?				X

Substantiation:

a) **No Impact.** As a policy-level document, the 2015-2023 Housing Element will not entitle or fund any specific project. It identifies no site for housing other than those currently planned for residential use within the City, and it proposes no changes to the land use designations that are allowed by the General Plan. The Element lists programs that may be utilized by development projects requiring approvals and review under the California Environmental Quality Act, but it provides no approval for any development project or any program that may be utilized by a development project. Project-level analysis will occur as specific housing development and improvement projects are proposed. Indirectly, the proposed Housing Element would support and, in some cases, promote the future development and improvement of various forms of residential development within the Sphere of Influence in County unincorporated areas. The Housing Element sets forth policies to encourage housing development consistent with adopted land use policy. As such, Element implementation will not provide for new development that would divide or disrupt neighborhoods in Tracy. No impact will result.

b) **No Impact.** The Housing Element sets forth policies to encourage housing development consistent with adopted land use policy, which has been put in place to create a balanced community and minimize environmental effects associated with development. The project does not propose any goals, policies, or programs which are considered contrary to adopted General Plan goals, policies, or programs. No impact will result.

c) **No Impact.** The 2015-2023 Housing Element includes no policies that conflict with any Habitat Conservation Plan or Natural Community Conservation Plan. The project involves no change in land use designation or zoning of any parcel. Therefore, adoption of the 2015-2023 Housing Element would not result in an impact related to conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
X. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and to 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	

Substantiation:

a-b) **Less-Than-Significant Impact.** The California Geological Survey has designated deposits of sand and gravel (aggregate), which are primarily used for construction materials like asphalt and concrete, in the Tracy Planning Area as regionally significant. Local aggregate resources are important for minimizing construction costs, especially in a rapidly growing area such as Tracy; the price per ton of aggregate material doubles when transported 25 to 35 miles. Increased recycling of aggregate materials also helps extend the supply of local materials. The 50-year aggregate demand in San Joaquin County is estimated at more than 200 to 500 million tons, which would utilize 25 percent of the available supply. In 1999, the CGS recorded 5 to 10 million tons of aggregate production in the Tracy area. For comparison, nearby Stanislaus County has enough aggregate resources to fulfill approximately 12 percent of their similar 50-year demand. Tracy will therefore continue to contribute valuable aggregate resources to other cities throughout the region. Mineral resource zones in and around the City of Tracy, as classified by the SMGB, are shown in Figure 4.8-1. As shown in Figure 4.8-1 of the City's General Plan EIR, the SMGB has classified some areas in the southern portion of the Tracy Planning Area as MRZ-2 and MRZ-3. Of these areas, the State Division of Mines and Geology designates specific mineral resources within Tracy where mining is not restricted by other land uses such as urban development or resource conservation. 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 area south of Linne Road would be protected for aggregate mining. In conclusion, although the extraction of mineral resources and related activities can result in adverse environmental impacts and nuisances to adjacent sensitive land uses, the City of Tracy also recognizes the economic benefit of these aggregate resources to the City's development, as well as their importance at the regional and State level. The policies in the General Plan would minimize potential land use conflicts between aggregate resource activities and other uses, and in general ensure that new development would not impact the future availability of mineral resources or mineral resource recovery sites. As a

policy-level document, the 2015-2023 Housing Element will not entitle or fund any specific project. It identifies no site for housing other than those currently planned for residential use within the City limits, and it proposes no changes to the land use designations that are allowed by the General Plan. Indirectly, the proposed Housing Element would support and, in some cases, promote the development and improvement of various forms of residential development within the Sphere of Influence in County unincorporated areas. The Housing Element sets forth policies to encourage housing development consistent with adopted land use policy. Therefore, impacts related to loss of mineral resources, those both of regional importance and local importance, would be less-than-significant.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XI. NOISE. Would the project result in:				
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 ground borne vibration or ground borne noise?			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	

Substantiation:

a-b) **Less-Than-Significant Impact.** As a policy-level document, the 2015-2023 Housing Element will not entitle or fund any specific project. It identifies no site for housing other than those currently planned for residential use within the City limits, and it proposes no changes to the land use designations that are allowed by the General Plan. The Housing Element identifies sites for a assigned housing need of 4,976 housing units. While the Housing Element will not result directly in the construction of housing, implementation of Housing Element policy will facilitate new construction consistent with adopted land use policy. Typically, residential uses do not generate

high noise levels. However, individual residential development projects may result in the exposure of persons to noise levels in excess of standards established in the General Plan or Noise Ordinance. Without identifying the location of specific residential development, it is not possible to determine if future housing would be placed near land uses that would generate noise levels or ground borne vibrations that would exceed acceptable standards. Therefore, a case-by-case environmental review of future housing projects will be carried out to determine whether future residents could be exposed to unacceptable noise levels and if so, what mitigation must be incorporated into a project to provide for consistency with General Plan goals, objectives, and policies relative to noise, as well as the Noise Ordinance. Adherence to such requirements will reduce potential impacts to a less-than-significant level.

c-d) **Less-Than-Significant Impact.** The Housing Element identifies sites that are adequate for an assigned housing need of 4,976 housing units. While the Housing Element will not result directly in the construction of housing, implementation of Housing Element policy will facilitate this new construction consistent with adopted land use policy. Typically, residential uses do not generate high noise levels. If necessary at the individual project level for specific higher-density developments, analysis of potential impacts may be conducted to determine whether noise impacts could occur (for example, due to location of refuse collection areas, surface parking lots, or mechanical equipment), and conditions will be applied to project approval as needed to avoid potential impact to ambient noise levels. With application of standard City project review practices, potential impacts will be less than significant.

e-f) **Less-Than-Significant Impact.** The Tracy Municipal Airport, located in the southern portion of the City between Tracy Boulevard and Corral Hollow Road, is a source of community noise in its vicinity. While the Housing Element will not result directly in the construction of housing, implementation of Housing Element policy will facilitate this new construction consistent with adopted land use policy. New noise sensitive uses are not planned in areas within the San Joaquin County 2020 General Plan 60 or 65 dB CNEL noise contours for Tracy Airport (shown in Figure 4.14-1). Thus, no significant impact would occur.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XII. POPULATION AND HOUSING. Would the project:				
a) Induce substantial population growth in the area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through the extension or 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

Substantiation:

a) **No Impact.** As a policy-level document, the 2015-2023 Housing Element will not entitle or fund any specific project. The Housing Element establishes policy to accommodate construction, between 2014 and 2023, of at least 4,976 housing units, pursuant to the Regional Housing Needs Allocation (RHNA). Through the RHNA process, the San Joaquin Council of Governments (SJCOG) allocates housing goals to cities and counties in the SJCOG region to accommodate anticipated regional population growth. The Housing Element programs respond to regional growth policies. The 2015-2023 Housing Element, therefore, will not induce substantial population growth, and no impact will result.

b-c) **No Impact.** The 2015-2023 Housing Element sets forth policies and programs to encourage and facilitate housing production and to preserve and enhance the existing housing stock. The Element contains no policies or programs supporting the displacement of housing or persons, thus requiring replacement housing somewhere else. Adoption of the 2015-2023 Housing Element, therefore, will result in no impact related to dispersing housing or people.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XIII. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of the 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:				
a) Fire Protection?			X	
b) Police Protection?			X	
c) Schools?			X	
d) Parks?			X	
e) Other public facilities?				X

Substantiation:

a-b) **Less-than-Significant Impact.** The City of Tracy Fire Department provides fire protection and emergency services within the City. Fire stations are located throughout the City. Police protection is provided by the City's Police Department, which has a central building. While the 2015-2023 Housing Element does not involve the construction of housing units, the project does propose actions that will facilitate housing production, and new housing units could require additional fire and police response services. The City evaluates police and fire protection service levels as part of its annual budget process, and adjusts budgets accordingly to meet identified demand and service goals. This process will continue through the course of the 2015-2023 Housing Element planning period. With continued application of these actions, the City will be able to address anticipated

increased service demand. As new development occurs pursuant to the General Plan, there would be increased demand for fire and emergency medical protection to ensure adequate levels of service. Additional staff, equipment and facilities would also be required to maintain or exceed the current response time of 5.42 minutes as Tracy's population grows. The actual location of new and expanded facilities would depend on where growth occurs within the City limits, which is not known at this time. Under the General Plan, fire and emergency response facilities would be allowed under Public Facilities, Urban Reserve and all Residential land use designations. The specific environmental impact of constructing new fire and emergency medical response facilities to support the growth allowed under the General Plan cannot be determined in the absence of specific proposed locations. As specific fire and emergency response facility expansion projects are identified, additional project-specific, second-tier environmental analysis would be completed pursuant to CEQA. Since the exact location and timing of future growth is yet to be determined, it is unknown at this time to what extent existing police facilities would be expanded, or if new substations or police stations would be required. The 2015-2023 Housing Element identifies no site for housing other than those currently planned for residential use within the City limits, and it proposes no changes to the land use designations that are allowed by the General Plan. As a policy-level document, the Housing Element will not entitle or fund any specific project. It sets forth policies to encourage housing development consistent with adopted land use policy. Adoption of the 2015-2023 Housing Element, therefore, will not result in a significant impact related to facilities for police and fire protection.

c) **Less-Than-Significant Impact.** As discussed herein, adoption of the Housing Element will not result directly in any housing production. Implementation of Element policies and programs will facilitate construction consistent with adopted land use policy. New housing units have the potential to generate additional school children within the Tracy Unified School District and Jefferson Elementary School District. As allowed by State law, the Tracy Unified School District and Jefferson Elementary School District collect fees for new residential construction to help offset the costs of providing additional education facilities and services. Such fees will be paid by developer at the time individual building permits are issued. Per Government Code Section 65996, payment of fees meets mitigation responsibilities relative to school impacts. The specific environmental impact of constructing new schools and related facilities to support the proposed General Plan growth cannot be determined at this level of analysis, with specific proposed locations and descriptions of the schools. However, development and operation of school facilities, both public and private, may result in potentially significant impacts that are addressed by various plans, policies and mitigation measures. As specific school expansion or improvement projects are identified, additional project specific, second-tier environmental analysis would be completed. The potential for the project to result in increased demands on school facilities is therefore considered less than significant.

d) **Less-Than-Significant Impact.** The project does not involve the construction of housing units, but does include policies that will facilitate development of future housing. New residents could place an increased demand on City parks and recreational facilities. The City has an adopted requirement of four acres of parkland per 1,000 residents. The General Plan includes policies and actions to ensure that the City's parkland goal is met and existing facilities are not negatively impacted by growth permitted under the Plan. Future park lands will also be identified during the project approval process for residential developments. These parks have not been identified nor are they included on the land use designation map. The specific environmental impact of constructing new individual park or recreation facilities cannot be determined at this first-tier level of analysis. Development and operation of park facilities may result in potentially significant impacts that are addressed by various plans, policies and mitigation measures. As specific park and recreation facility expansion projects are identified, additional project-specific, environmental analysis will be completed. Overall, as a result of the policies mentioned above, impacts resulting in the increased use of existing parks, such that substantial physical deterioration would occur or be accelerated, would be less-than-significant. Future housing development would be subject to project specific environmental review and fair share park requirements. Tracy's park dedication ordinance requires new development to dedicate four acres of parkland per 1,000 residents or pay fees to achieve mitigation. This is intended to ensure that new development provides an adequate

amount of park space to keep pace with demand. Potential impacts to recreation facilities shall be identified and mitigated on a project-by-project basis based on City ordinance. Adoption of the 2015-2023 Housing Element will result in no significant impact to parks.

e) **No Impact.** Development facilitated by Housing Element policies will require public agency oversight, including but not limited to actions by the Development Services Department (Planning Division, Code Enforcement Division, and Building Safety and Fire Prevention Division), Public Works Department, Police Department, and Fire Department, and also the San Joaquin County Department of Public Works. These actions typically fall within routine tasks of these agencies, and as such are considered to have a less-than-significant effect.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XIV. RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial 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

Substantiation:

a) **Less-than-Significant Impact.** As a policy-level document, the 2015-2023 Housing Element will not entitle or fund any specific project. It identifies no site for housing other than those currently planned for residential use within the City limits, and it proposes no changes to the land use designations that are allowed by the General Plan. The Housing Element sets forth policies to encourage housing development consistent with adopted land use policy. See response to XIII(d). Therefore, adoption of the Housing Element would not have a significant impact related to deterioration of neighborhood or regional parks and facilities.

b) **No Impact.** The project is the adoption of the 2015-2023 Housing Element. The project does not involve plans for or construction of any recreational facilities. Specific facilities that may be required have not been identified and, cannot be evaluated now. No impact will result.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XV. TRANSPORTATION/TRAFFIC. Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?.			X	
b) Conflict with an applicable congestion management program, including but not limited to level of service standards and travel demand measures, or other standards established by the county 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 to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?			X	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?				X

Substantiation:

a-b) **Less-Than-Significant Impact.** As a policy-level document, the 2015-2023 Housing Element will not entitle or fund any specific project. It identifies no site for housing other than those currently planned for residential use within the City limits, and it proposes no changes to the land use designations that are allowed by the General Plan. The project objective is to remove constraints to and assist in the development of housing to accommodate future housing needs, consistent with adopted land use policy. While adoption of the Housing Element will not result in any direct impacts relative to the performance of the circulation system, the project could facilitate housing development. Housing development at specific locations throughout Tracy has the potential to contribute to congestion on roadways and at intersections, including San Joaquin County Congestion Management Program monitoring intersections. As part of the individual project review process, the City examines potential traffic impacts. To address citywide traffic issues, the City

collects traffic impact fees for development projects. The City may also require specific roadway or signal improvements to address impacts directly attributable to a specific project. These practices will continue as a means of addressing potential traffic concerns associated with individual projects. The 2015-2023 Housing Element proposes neither an increase in allowable density nor specific development projects. Therefore, adoption of the 2015-2023 Housing Element will result in no significant impacts related to conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness or with an applicable congestion management plan.

c) **No Impact.** The project does not propose actions or programs that would affect, or be affected by, air traffic facilities. Adoption of the 2015-2023 Housing Element will have no air traffic impacts.

d) **No Impact.** The project does not involve the construction of any roadway or entitle any development project. Adoption of the 2015-2023 Housing Element, therefore, will result in no impact related to hazards resulting from a design feature or incompatible uses.

e) **Less-Than-Significant Impact.** The project does not involve any road construction or any development activity and thus will not obstruct or restrict emergency access to or through the City. Future housing development facilitated by implementation of Housing Element policies will be subject to site plan review. In conjunction with the review and approval of building permits, the City of Tracy reviews all plans to assure compliance with all applicable emergency access and safety requirements. With continued application of project review procedures, adoption of the 2015-2023 Housing Element will result in no significant impact to emergency access.

f) **No Impact.** The Housing Element includes policies that are supportive of alternative transportation modes, including General Plan Policy 3.2, which encourages "development of residential uses in strategic proximity to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes." The project does not involve any construction activity and thus will not interfere with or otherwise affect alternative transportation modes. Adoption of the 2015-2023 Housing Element will result in no impact related to conflict with adopted policies, plans, or programs for alternatives transportation modes or to decreasing their performance or safety.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:				
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	

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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 project's projected demand in addition to the provider's existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	

Substantiation:

a-g) **Less-Than-Significant Impact.** The City's Utilities Department operates and maintains the City's potable water and wastewater treatment facilities. Wastewater collection and treatment systems in Tracy are operated and maintained by the City. The City of Tracy's wastewater collection system consists of gravity sewer lines, pump stations and the Wastewater Treatment Plant. The City has a municipal wastewater system handling both domestic and industrial wastewater. 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 NPDES permit, which is administered by the Central Valley Regional Water Quality Control Board, prescribes the maximum allowable discharge rate, effluent quality, discharge prohibitions, receiving water limitations, pretreatment program requirements, biosolids disposal requirements, and self-monitoring requirements. The City also manages the local storm water collection system, with regional facilities under the jurisdiction of the San Joaquin County Flood Control and Water Conservation District. Domestic water service in Tracy is provided by the City's Water Resources Division of the Utilities Department from multiple sources including groundwater wells and imported water. Waste collection and disposal services are provided by Tracy Disposal Service Company, a private contractor, which disposes of refuse at the County's Foothill Sanitary Landfill in Linden by way of the Tracy Waste Recovery Facility and Transfer Station in the City. The 2015-2023 Housing Element, as a policy-level document, will not entitle or fund any specific project. It identifies no site for housing other than those currently planned for residential use within the City limits, and it proposes no changes to the land use designations that are allowed by the General Plan. The Housing Element sets forth policies to encourage housing development consistent with adopted land use policy. Adoption of the 2015-2023 Housing Element, therefore, will result in no impact to utilities and service systems.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XVII. MANDATORY FINDINGS OF SIGNIFICANCE.				
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 reviewed 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	

Substantiation:

a) **Less-Than-Significant Impact.** As a policy-level document, the 2015-2023 Housing Element will not entitle or fund any specific project. It identifies no site for housing other than those currently planned for residential use within the City limits, and it proposes no changes to the land use designations that are allowed by the General Plan. Adoption of the Housing Element involves no development activity. Residential development pursued in accordance with Housing Element policies and programs must be consistent with adopted land use policy. Adoption of the 2015-2023 Housing Element, therefore, will result in no significant impact on the quality of the environment, habitat, wildlife populations or communities, the range of rare or endangered species, or important examples of major periods of California history or prehistory.

b) **Less-Than-Significant Impact.** As discussed in the analysis above, the Housing Element does not involve any construction activity. Residential development pursued in accordance with Housing Element policies and programs must be consistent with adopted land use policy. Adoption of the 2015-2023 Housing Element, therefore, will result in no significant cumulatively considerable impact.

c) **Less-Than-Significant Impact.** As supported by the preceding environmental evaluation, the project will not result in substantial adverse effects on human beings. Under each environmental consideration addressed in this Initial Study checklist, the proposed project is considered to have little or no adverse impacts. The proposed project is a policy document and does not include any specific housing development projects. All housing development applications will be subject to environmental review, and as necessary at the individual project level, mitigation measures could

be required. Adoption of the 2015-2023 Housing Element, there will not result a significant impact related to adverse effect on human beings.

DETERMINATION

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	X
I find that although the project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described previously have been added to the project. A MITIGATED NEGATIVE DECLARATION WILL BE PREPARED.	☐
I find that the project MAY have a significant effect on the environment and an ENVRIONMENTAL IMPACT REPORT is required.	☐
I find that the project MAY have a significant effect(s) on the environment, but as least on effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standard, and 2) has been addressed by mitigation measures based on an earlier analysis as described on attached sheets. If the effect is potentially significant impact or potentially significant unless mitigated an ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that need to be addressed.	☐
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.	☐

Date: January 21, 2016

Alan Bell

Alan Bell
Development Services Department
333 Civic Center Plaza
Tracy, CA 95376

EXHIBIT 3

City of Tracy
2015-2023 Housing Element

February 2016

City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

Table of Contents

I. Introduction 4

A. Community Context 4
B. Role of the Housing Element 5
C. Public Participation 5
D. Data Sources and Methodology 6
E. General Plan Consistency 6

II. Housing Needs Assessment 8

A. Population Characteristics 8
B. Household Characteristics 12
C. Employment Market 16
D. Housing Problems 21
E. Special Housing Needs 23
F. Housing Stock Characteristics 30
G. Housing Costs and Affordability 35
H. Affordable Housing 39
I. Future Housing Needs 40

III. Housing Constraints 42

A. Market Constraints 42
B. Governmental Constraints 45
C. Environmental and Infrastructure Constraints 70

IV. Housing Resources 76

A. Regional Housing Needs Allocation 76
B. Financial Resources 89
C. Administrative Resources 90

V. Review of Past Accomplishments 94

VI. Housing Plan 96

A. Conservation of the Existing Supply of Housing 96
B. Assist in the Development of Affordable Housing 98
C. Provide Adequate Housing Sites 102
D. Remove Governmental Constraints 105
E. Provide Equal Housing Opportunities 107

List of Tables

Table 1: Population Growth Trends 9
Table 2: Age Distribution 10
Table 3: Race and Ethnicity 11
Table 4: Household Types 14
Table 5: Household Income Distribution (2013) 15
Table 6: Households by Income Category (2011) 16
Table 7: Employment Profile 17
Table 8: Major Employers 17
Table 9: Mean Salary By Occupation (2014 1st Quarter)-Stockton MSA, San Joaquin County 18
Table 10: Place of Work 19
Table 11: Means of Transportation to Work 20
Table 12: Housing Assistance Needs of Lower Income Households (2011) 21
Table 13: Overcrowding (2013) 22
Table 14: Special Needs Groups 23
Table 15: Elderly Residents by Household Type 24
Table 16: Disabilities Tallied by Age and Type 26
Table 17: Homeless Services 29
Table 18: Housing Growth 30
Table 19: Housing Stock Characteristics 31
Table 20: Housing Tenure 32
Table 21: Percentage Homeowner by Household Size 33
Table 22: Homeownership by Race/Ethnicity 33
Table 23: Age of Local Housing Stock 34
Table 24: Median Home Sale Price (2014-2015) 35
Table 25: Rental Rates (2015) 36
Table 26: Housing Affordability Matrix – San Joaquin County (2015) 38
Table 27: Inventory of Assisted Units 40
Table 28: Housing Needs for 2014-2023 41
Table 29: Disposition of Home Loans (2013) 44
Table 30: Land Use Designations Permitting Residential Use 46
Table 31: Tracy Hills Specific Plan Permitted and Conditionally Permitted Residential Uses 54
Table 32: Ellis Specific Plan Permitted and Conditionally Permitted Residential Uses 55
Table 33: Residential Development Standards 58
Table 34: Parking Requirements 58
Table 35: Housing Types Permitted by Zone 59
Table 36: Permit Processing Fees 65
Table 38: Street Design Criteria 66
Table 39: Processing Times 67
Table 40: Approximate Processing Times 68
Table 41: Credits Toward the RHNA 77
Table 42: Residential Development Potential in the Tracy Hills Specific Plan (Proposed Amendment) 79
Table 43: Residential Development Potential in the Ellis Specific Plan 83
Table 44: Vacant Sites Inventory 84
Table 44: Proposed Rezoning 86

Table 45: Recent Development Projects (Constructed, Approved, and Proposed) 87
Table 46: Comparison of Sites Inventory and RHNA 87
Table 47: 2009-2014 Housing Element Summary of Quantified Objectives 95
Table 48: Summary of Quantified Objectives 108

List of Figures

Figure 1: Population Growth Trends 6
Figure 2: Race and Ethnicity 12
Figure 3: Median Household Income 15
Figure 4: Travel Time to Work 19
Figure 5: Housing Stock Composition 31
Figure 6: Years Structure Built 34
Figure 7: Downtown Specific Plan ..... **Error! Bookmark not defined.**
Figure 8: Tracy Hills Specific Plan 80
Figure 9: Ellis Specific Plan (Location and Existing Parcels) 82

Appendices

Appendix A: Public Participation
Appendix B: Review of Past Accomplishments
Appendix C: Development Impact Fees

I. Introduction

The Housing Element represents an awareness of the need to assure that housing is provided for all economic segments of the community. The Element also satisfies the legal requirements that housing policy be a part of the General Plan. The Tracy Housing Element is prepared for the 2015-2023 update cycle for jurisdictions in the San Joaquin Council of Governments (SJCOG) region.

A. Community Context

Tracy began as an agricultural community centered on several rail lines, and eventually became the San Joaquin Valley headquarters for the Central Pacific Railroad. The City was incorporated in 1910 and grew rapidly after the first irrigation district was established in 1915. Towards the latter part of the twentieth century, the City transitioned into a primarily residential community, as more people arrived from the Bay Area seeking affordable housing, a small-town feel, and a respite from the highly-urbanized San Francisco Bay region.

According to the 2010 Census, the City population was reported at 82,922, an increase of about 46 percent in the ten years since the 2000 Census. During this same period, the housing stock increased by approximately 44 percent. The growth in population has, in turn, increased diversity within the City. From 2000 to 2010, Tracy became more racially and ethnically diverse. The percentage of Whites dropped from 54 to 36 percent, while the proportion of Blacks, Asians, and Hispanics increased (by two, seven, and nine percentage points, respectively). The California Department of Finance (DOF) reported an increase in average household size from 3.21 persons per household in 2000 to 3.48 persons in 2015. This trend can be partially attributed to the increase in the City's non-White population, since minority households are traditionally larger than White households.

The City of Tracy's housing stock is comprised primarily of newer single-family homes. Single-family homes make up about 85 percent of all housing units while multi-family housing comprises about 13 percent. About one-quarter (26 percent) of Tracy's housing stock is over 30 years old (built before 1980) and approximately one-third (32 percent) is less than ten years old (constructed since 2000).

Housing prices in Tracy are relatively affordable when compared to the San Francisco Bay region, but the City's housing is some of the most expensive in San Joaquin County. The median price of a single-family home in Tracy was estimated at about $415,000, as of March 2015. Apartment rents range from $1,150 for a studio apartment to $1,700 for a three-bedroom unit. Lower and moderate income households in the City will have a difficult time finding affordable ownership and rental housing options.

B. Role of the Housing Element

The Housing Element is concerned with identifying ways in which the housing needs of existing and future residents can be met. The Element covers the planning period of December 31, 2015 through December 31, 2023, and identifies strategies and programs that focus on:

- Conserving and improving existing affordable housing;
- Providing adequate housing sites;
- Assisting in the development of affordable housing;
- Removing governmental and other constraints to housing development; and
- Promoting equal housing opportunities.

An important goal of the Housing Element is to continue to enhance Tracy's reputation as a great community in which to live, work and play. Drawing on its small town character, the City will grow in a manner that provides a high quality of life for all current and future residents and employees. This Housing Element provides policies and programs to address these issues. The Housing Element consists of the following major components:

- Introduction: An overview of the purpose and contents of the Housing Element.
- Housing Needs Assessment: An analysis of the demographic and housing characteristics and trends.
- Housing Constraints: A review of potential market, governmental, and environmental constraints to meeting the identified housing needs.
- Housing Resources: An evaluation of resources available to address housing goals.
- Review of Past Accomplishments: An evaluation of accomplishments under the adopted Housing Element.
- Housing Plan: A strategy to address the identified housing needs given the City's constraints and resources.

C. Public Participation

Public participation by all economic segments is critical to the preparation of the Housing Element.

1. Study Session

A Study Session was conducted before the Planning Commission to review the Draft Housing Element. The meeting was advertised on the City's website and special invitations were sent out to a number of agencies serving low and moderate income households and persons with special needs. Agencies invited to the Study Sessions are listed in Appendix A.

The study session before the Planning Commission was conducted on August 12, 2015. One representative from the Building Industry Association of the Delta (BIA) and several residents

attended this study session and provided comments. A summary of their comments can be found in Appendix A. The Draft Housing Element was again presented before the Planning Commission on October 28, 2015.

2. Public Review of Draft Housing Element

The Draft Tracy Housing Element was available for public review at the following locations:

- City Hall
- City Library
- City website

3. Public Hearings

Public hearings will be conducted before the Planning Commission and City Council prior to adoption of the Housing Element.

D. Data Sources and Methodology

In preparing the Housing Element, various sources of information are consulted. The 2010 Census provides the basis for population and household characteristics. Although dated, no better source of information on demographics is widely accepted. In addition, the 2010 Census must be used in the Housing Element to ensure consistency with other regional, State, and Federal housing plans. However, several sources are used to provide reliable updates to the 2010 Census, including the following:

- San Joaquin Council of Governments 5th Cycle Housing Element Data Package
- 2009-2013 American Community Survey by the Census Bureau
- Population and demographic data updated by the State Department of Finance
- Housing market information, such as home sales and rents, from CoreLogic, Craigslist.org, Apartments.com, Padmapper, Forrent.com, Trulia, and Realtor.com
- Lending patterns from LendingPatterns™
- Labor statistics from California Employment Development Department

E. General Plan Consistency

According to State planning law, the Housing Element must be consistent with the other General Plan elements. While each of the elements is independent, the elements are also interrelated to a degree. Certain goals and policies of each element may also address issues that are primary subjects of other elements. This integration of issues throughout the General Plan creates a strong basis for the implementation of plans and programs and achievement of community goals. The Housing Element is most closely tied to the Land Use Element as

residential development capacities established in the Land Use Element are incorporated into the Housing Element.

This Housing Element builds upon other General Plan elements and is entirely consistent with the policies and proposals set forth by the General Plan. When an element in the General Plan is amended, the Housing Element will be reviewed and modified if necessary to ensure continued consistency among the various elements. Specifically, State law requires that the Safety and Conservation Elements include an analysis and policies regarding flood hazard and management information upon revisions to the Housing Element. The City of Tracy adopted its General Plan in 2011, which has incorporated these topics in the Safety Element. The City will ensure that updates to these Elements achieve internal consistency with the Housing Element.

II. Housing Needs Assessment

The City strives to achieve a balanced housing stock that meets the varied needs of all income segments of the community. To understand the City's housing needs, the nature of the existing housing stock and the housing market are comprehensively evaluated. This section of the Housing Element discusses the major components of housing needs in Tracy, including population, household, economic and housing stock characteristics. Each of these components is presented in a regional context, and, where relevant, in the context of other nearby communities. This assessment serves as the basis for identifying the appropriate goals, policies, and programs for the City to implement during the 2015-2023 Housing Element cycle.

A. Population Characteristics

Understanding the characteristics of a population is vital in the process of planning for the future needs of a community. Characteristics such as size, age and race and ethnicity provide a unique demographic profile of the City.

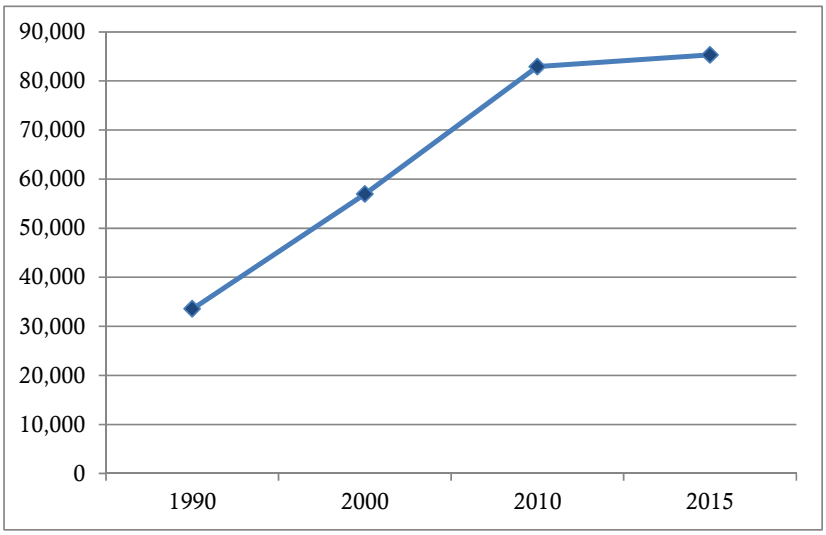
1. Population Growth Trends

A dominant factor in community planning for Tracy has been the increase in population between 2000 and 2010, and the associated housing construction. With the population growth, Tracy has become more diverse racially and ethnically, larger family-households have become more prevalent, and homeownership rates have increased.

Between 1990 and 2000, the Tracy population increased from approximately 33,558 to 56,929 persons (Table 1). This 70-percent increase in population was the highest of any San Joaquin County city during the inter-Census period. Other cities in San Joaquin County had high population growth as well, as shown in Table 1. Lathrop (53 percent) and Escalon (34 percent) had population growth rates that were more than twice that of California (14 percent). Almost 95 percent of the population growth experienced in San Joaquin County during this time was within incorporated cities.

By 2010, the City population reached 82,922, according to the Census. The State Department of Finance (DOF) estimated the current (2015) City population at 85,296, another 2.9 percent increase since 2010. The recent recession that severely impacted the region between 2008 and 2012 contributed to the limited growth in the City. However, the City is beginning to see renewed interest in development and population is expected to increase in the future.

Figure 1: Population Growth Trends



Sources:
1. *Bureau of the Census, 1990, 2000, and 2010.*
2. *State Department of Finance Population and Housing Estimates, 2015*

Table 1: Population Growth Trends

Jurisdiction	1990	2000	2010	2015	Population Growth		
					1990- 2000	2000-2010	2010-2015
Escalon	4,437	5,963	7,132	7,413	34.4%	19.6%	3.9%
Lathrop	6,841	10,445	18,023	20,353	52.7%	72.6%	12.9%
Lodi	51,874	56,999	62,134	63,719	9.9%	9.0%	2.6%
Manteca	40,773	49,258	67,096	73,787	20.8%	36.2%	10.0%
Ripon	7,455	10,146	14,297	14,922	36.1%	40.9%	4.4%
Stockton	210,943	243,771	291,707	306,999	15.6%	19.7%	5.2%
Tracy	33,558	56,929	82,922	85,296	69.6%	45.7%	2.9%
County Total	480,628	563,598	685,306	719,511	17.3%	21.6%	5.0%

Sources:
1. *Bureau of the Census, 1990, 2000, and 2010.*
2. *State Department of Finance Population and Housing Estimates, 2015.*

2. Age Characteristics

A community's current and future housing needs are determined in part by the age characteristics of residents. Typically, each age group has distinct lifestyles, family types and sizes, ability to earn incomes, and therefore, housing preferences. As people move through each stage of life, housing needs and preferences change. Traditional assumptions are that the young adult population (20 to 34 years old) tends to favor apartments, low to moderate cost townhomes/condominiums, and smaller single-family units. The adult population (35 to 64 years old) represents the major market for moderate to relatively high cost condominiums and single-family homes. The senior population (65 years and older) tends to generate demand for low to moderate cost apartments and condominiums, group quarters, and mobile homes. In order to create a balanced community it is important to provide housing options that suit the needs of various age groups.

Between 2000 and 2010, the number of persons between the ages of 18 and 24 in Tracy decreased by one percent (Table 2). This is an age group that, in many communities, is relatively transient and is primarily comprised of college students and people just entering the job market. The City's proportion of young adults/early middle-aged individuals also decreased during this same time period, while the proportion of persons aged 45 to 64 years increased by approximately six percent. A continuation of these trends could be seen through 2013. According to the American Community Survey (ACS) data, the age distribution of Tracy residents between 2009 and 2013 was as follows: nine percent children under five; 22 percent school age children, ten percent college age, 28 percent young adults/early middle age, 23 percent middle-age/near retirement, and eight percent seniors.

The City's age distribution reflects an aging and family-oriented community, where those nearing retirement age and seniors make up an increasingly significant portion of the population. The lack of affordable smaller housing units in Tracy may become an increasingly important issue for the City in the coming years.

Table 2: Age Distribution

Age Group	2000			2010			% Change	
	#	%	% CA	#	%	% CA	Tracy	CA
Preschool (<5 yrs.)	5,360	9%	7%	6,600	8%	7%	-1%	0%
School Age (5-17 yrs).	14,239	25%	20%	20,068	24%	18%	-1%	-2%
Late Teens/College Age (18-24)	4,248	7%	10%	7,476	9%	11%	2%	1%
Young Adults/Early Middle Age (25-44)	19,947	35%	32%	23,826	29%	28%	-6%	-4%
Middle Age/Near Retirement (45-64)	9,498	17%	21%	19,202	23%	25%	6%	4%
Senior (65+)	3,637	6%	11%	5,750	7%	11%	1%	0%

Note: The % point change column in the table describes the change in representation for each of the age cohorts shown relative to the overall population. For example, the two percent decrease shown for seniors does not mean that the senior population decreased, but rather that the representation of seniors decline from eight percent of the overall population in 2000 to six percent in 2010.
Source: Bureau of the Census, 2000 and 2010.

3. Race and Ethnicity

A community's racial and ethnic composition may have implications for housing needs to the extent that different groups have different household characteristics and cultural backgrounds that may affect housing needs and preferences. Different racial and ethnic groups differ in their attitudes toward and/or tolerance for "housing problems" as defined by the federal Department of Housing and Urban Development (HUD), including overcrowding and housing cost burden. Perceptions regarding housing density and overcrowding, as well as the cultural practices of living with extended families tend to vary among racial and ethnic groups. Communities with a high proportion of Asian and Hispanic households tend to have a larger average household size due to the cultural practice of living with extended family members. In contrast, communities with a high proportion of White households tend to have a smaller average household size.

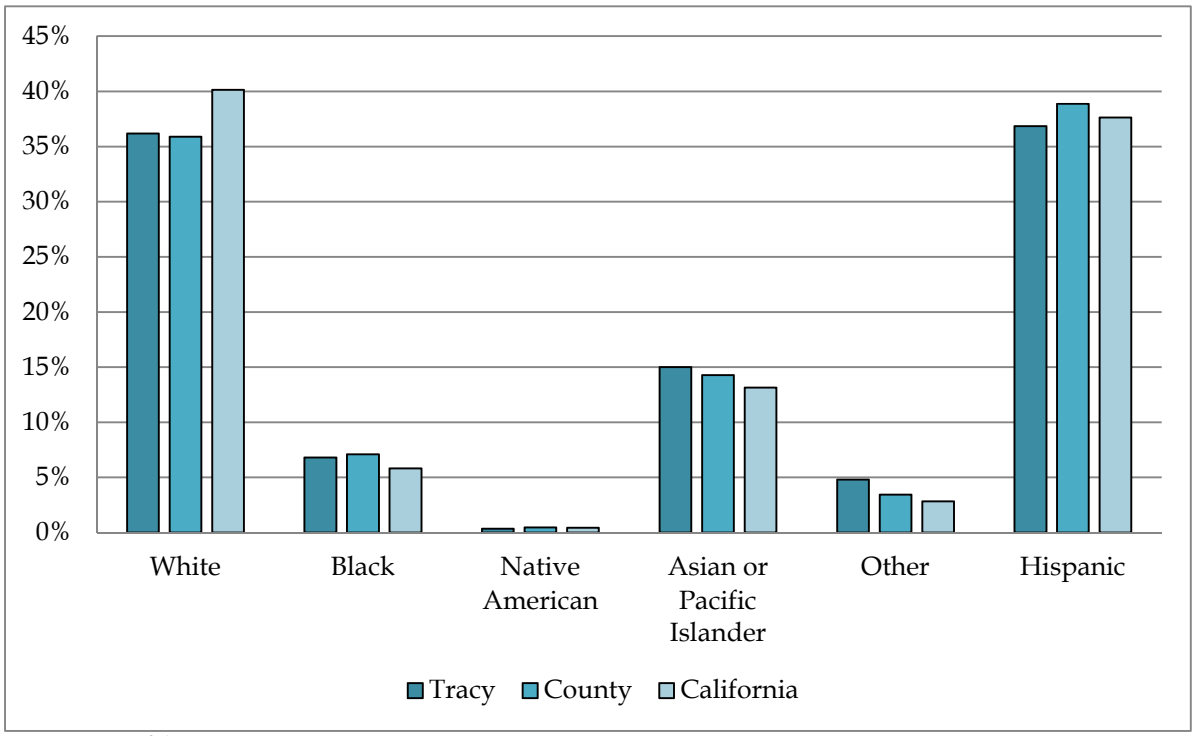
Similar to most other jurisdictions throughout the state and the nation, Tracy has become more racially and ethnically diverse over time. Between 2000 and 2010, the non-Hispanic White population in the City decreased from 54 percent to 36 percent (Table 3). During the same time period, the proportion of all other minority residents, except Native Americans, increased in Tracy. By 2010, Tracy's racial and ethnic diversity had matched that of both San Joaquin County and the State (see Figure 2). According to ACS data, the racial/ethnic distribution of Tracy residents between 2009 and 2013 was as follows: 35 percent White, 39 percent Hispanic, 16 percent Asian, six percent Black, and five percent Other.

Table 3: Race and Ethnicity

Race/Ethnicity	2010			Percentage Distribution Change, 2000-2010		
	Tracy	County	California	Tracy	County	California
White	36%	36%	40%	-18%	-11%	-7%
Black	7%	7%	6%	2%	1%	-1%
Native American	0%	0%	0%	0%	0%	0%
Asian or Pacific Islander	15%	14%	13%	7%	3%	2%
Other	5%	3%	3%	1%	0%	0%
Hispanic	37%	39%	38%	9%	8%	5%

Source: Bureau of the Census, 2000 and 2010.

Figure 2: Race and Ethnicity



Source: Bureau of the Census, 2010.

B. Household Characteristics

The Census defines a "household" as all persons who occupy a housing unit, which may include single persons living alone, families related through marriage or blood, or unrelated persons sharing living quarters. Therefore, the number of households in a community is the same as the number of occupied housing units.

For the purpose of conducting demographic research, the Bureau of the Census defines a family as "a householder and one or more people living in the same household who are related to the householder by birth, marriage, or adoption. All people in a household who are related to the householder are regarded as members of his or her family. A family household may contain people not related to the householder."

Persons living in retirement or convalescent homes, dormitories, or other group living situations are not considered households. Furthermore, the Census classifies households by type according to the gender of the householder and the presence of relatives. Household characteristics such as size, type, income and tenure reveal important information about the housing needs of a community. Different household sizes, types and income levels often prefer different housing options. Typical household types included in the Census are: family households versus non-family households (unrelated persons living together). Family households can include married couples with or without children, single-parent households with children, or other family households such as grandparents with grandchildren, siblings living together, or other extended family members living together. Non-family households are

typically unrelated persons living together but also include singles living alone. Average household size is estimated based on all persons in all households (including singles), whereas the average family size is based on all related members in family households.

However, for zoning purposes, California court cases have ruled that a definition of "family" that: 1) limits the number of persons in a family; 2) specifies how members of the family are related (i.e. by blood, marriage or adoption, etc.), or (3) defines a group of not more than a certain number of unrelated persons as a single housekeeping unit is invalid. Court rulings stated that defining a family does not serve any legitimate or useful objective or purpose recognized under the zoning and land planning powers of the jurisdiction, and therefore violates rights of privacy under the California Constitution. A zoning ordinance also cannot regulate residency by discriminating between biologically related and unrelated persons. Furthermore, a zoning provision cannot regulate or enforce the number of persons constituting a family. Therefore, for the purpose of implementing its zoning regulations, the City recently amended its Zoning Ordinance to define a family as follows: ""Family" means one or more persons occupying a single dwelling unit, under no more than one written or oral rental agreement."

The following discussions focus on the characteristics of households in the City, based on data obtained from the Bureau of the Census, and therefore utilize the Census definitions of households and families. Later in this Housing Element in the Housing Constraints section, the discussions focus on the City's zoning regulations and therefore, the City's zoning definition of family is used.

1. Household Type and Size

Different household types generally have different housing needs. For example, seniors or young adults usually comprise the majority of single-person households and tend to reside in apartment units, condominiums, or smaller single-family homes. Families with children often prefer single-family homes.

The proportion of family households in Tracy increased one percentage point from 2000 to 2010, representing 82 percent of all households in the City in 2010. The proportional share of family households in California, however, did not change. Average family size also increased slightly in Tracy (Table 4). Compared to California, Tracy has a much larger share of married-couple, family households with children (38 percent versus 23 percent). However, the overall proportion of this family type decreased three percent during the 2000s. Among all household types, other family households experienced the largest growth (four percent) between 2000 and 2010. According to the ACS data, between 2009 and 2013, 81 percent of Tracy households were family households. Of the City's households, 51 percent included children under the age of 18, and 49 percent did not include children. About 14 percent of Tracy residents lived alone and five percent were other non-family households.

The City's average household and family size, both of which have historically been higher than the State average, increased even more between 2000 and 2010. According to Department of Finance (DOF) estimates for 2015, Tracy's average household size is 3.48 persons, the second highest among San Joaquin County cities after the City of Lathrop.

Table 4: Household Types

Household Type	2000			2010			Change in Distribution (Percentage Points)		
	Tracy HHs	%	CA %	Tracy HHs	%	CA %	Tracy HHs	%	CA %
Families	14,308	81%	69%	19,945	82%	69%	5,637	1%	0%
Married w/ Children	7,237	41%	26%	9,148	38%	23%	1,911	-3%	-3%
Married No Children	4,213	24%	25%	5,974	25%	26%	1,761	1%	1%
Other Families	2,858	16%	18%	4,823	20%	19%	1,965	4%	1%
Non-Families	3,312	19%	31%	4,386	18%	31%	1074	-1%	0%
Singles	2,530	14%	24%	3,326	14%	23%	796	0%	-1%
Other Non-Families	782	4%	8%	1060	4%	8%	278	0%	0%
Total Households	**17,620**	**100 %**	**100%**	**24,331**	**100%**	**100%**	**6,711**	**--**	**--**
	Tracy		**CA**	**Tracy**		**CA**	**Tracy**		**CA**
Average Household Size		3.21	2.87		3.40	2.90		6%	1%
Average Family Size		3.56	3.43		3.72	3.45		4%	1%

Note: The % Change column represents a percentage point change of the share of each type of household between 2000 and 2010, not the percentage growth of each type of household. "HHs" = households.
Source: Bureau of the Census, (2000 and 2010).

2. Household Income

Household income indicates the wealth of a community and therefore is directly connected to the ability to afford housing. Median household income compared to neighboring communities provides a way to measure income in Tracy against other cities.

In 2013, households in the County of San Joaquin had a significantly lower median income ($53,380) than surrounding counties. However, residents of the County also had a much lower cost of living. In general, though, Tracy's median household income ($76,098) is more comparable to the nearby counties of Alameda and San Francisco than its own County. The City's median household income was 43 percent higher than that of San Joaquin County, and 23 percent higher than the State average (Figure 3).

The San Joaquin Valley has become a destination for Bay Area workers seeking lower cost housing and a lower cost of living overall. This can create difficulty for local workers competing for valley housing. Compared to the East Bay counties, the median income in the County of San Joaquin is approximately 35 percent lower than Alameda County ($72,112), 72 percent lower than Santa Clara County ($91,702), 65 percent lower than San Mateo County ($88,202), 42 percent lower than San Francisco County ($75,604), and 48 percent lower than Contra Costa County ($78,756).

Figure 3: Median Household Income

Source: Bureau of the Census, American Community Survey, 2009-2013.

Median household income provides only partial insight into a community's income profile. A more detailed breakdown of households by income category can provide more information about the proportion of households in Tracy whose limited incomes may lead them to have a higher incidence of housing problems such as overpayment (paying more than 30 percent of income on housing) or overcrowding (having more than one person per room).

According to ACS data, between 2009 and 2013, a majority of Tracy households earned annual incomes of $75,000 or more (Table 5). In addition, households earning $100,000 or more comprised over one-third of households in the City. By comparison, household incomes in San Joaquin County were more evenly distributed throughout the various income levels—with a significantly higher proportion of households earning less than $50,000 annually and a noticeably lower proportion of households earning more than $100,000.

Table 5: Household Income Distribution (2013)

Household Income	Tracy		County	
	Number	%	Number	%
Less than $10,000	847	3.5%	12,419	5.8%
$10,000 to $14,999	564	2.3%	12,641	5.9%
$15,000 to $24,999	1,476	6.0%	23,162	10.7%
$25,000 to $34,999	1,743	7.1%	21,547	10.0%
$35,000 to $49,999	2,927	12.0%	30,908	14.3%
$50,000 to $74,999	4,445	18.2%	39,089	18.1%
$75,000 to $99,999	3,659	15.0%	26,972	12.5%
$100,000 or more	8,769	35.9%	48,825	22.6%
Total	**24,430**	**100.0%**	**215,563**	**100.0%**

Note: The 2008-2013 American Community Survey estimates measure household income in the past 12 months (in 2013 inflation-adjusted dollars).
Source: Bureau of the Census, American Community Survey, 2009-2013.

To facilitate the analysis of income distribution among households in communities, the State Department of Housing and Community Development (HCD) groups households into categories by income. Income categories are determined as a percentage of the Area Median Income (AMI) and then adjusted for household size in the following manner:

- Extremely Low Income – 0 to 30 percent AMI
- Very Low Income – 31 to 50 percent of the AMI
- Low Income – 51 to 80 percent of the AMI
- Moderate Income – 81 to 120 percent of the AMI
- Above Moderate Income – above 120 percent of the AMI

Based on the HCD income categories described above, in 2011, approximately 76 percent of Tracy households earned moderate or above moderate incomes, while 24 percent of households can be classified as extremely low, very low, and low income households (Table 6).[1]

Table 6: Households by Income Category (2011)

Income Category (% of County AMI)	Households	Percent
Extremely Low (30% or less)	1,380	5.8%
Very Low (31 to 50%)	1,735	7.4%
Low (51 to 80%)	2,495	10.6%
Moderate or Above (over 80%)	17,990	76.2%
Total	**23,600**	**100.0%**

Source: Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS), based on the 2007-2011 American Community Survey.

C. Employment Market

Employment has an important impact on housing needs. Incomes associated with different jobs and the number of workers in a household determines the type and size of housing a household can afford. In some cases, the types of jobs themselves can affect housing needs and demand (such as in communities with military installations, college campuses, and large amounts of seasonal agriculture). Employment growth typically leads to strong housing demand, while the reverse is true when employment contracts.

1. Employment

Between 2008 and 2013, Tracy had an unemployment rate of 9.7 percent—similar to the 10.1 percent unemployment rate for San Joaquin County. The City's unemployment rate has increased (by two percentage points) since between 2006 and 2010. The education/health/social service, manufacturing, and retail industries have employed the most Tracy residents since 2006 (Table 7). While education/health/social service and manufacturing jobs are typically associated with moderate incomes, retail jobs tend to offer lower wages. Table 8 lists the top ten

[1] Data was obtained from the Comprehensive Housing Affordability Strategy (CHAS) prepared for HUD by the Census Bureau using 2000 Census data. CHAS data does not provide a breakdown of household income for those with more than 80 percent AMI as those households are not qualified for federal housing programs.

employers in Tracy. Safeway is the City's largest employer, followed closely by Tracy Unified School District, the Defense Depot, and the Deuel Vocational Institute.

Table 7: Employment Profile

Industry	2006-2010		2008-13	
	#	%	#	%
Agriculture, Forestry, Fishing and Hunting, and Mining	430	1.2%	505	1.4%
Construction	3,346	9.4%	3,248	8.9%
Manufacturing	4,755	13.4%	4,561	12.5%
Wholesale Trade	1,176	3.3%	1,758	4.8%
Retail Trade	4,785	13.5%	5,485	15.0%
Transportation and Warehousing, and Utilities	2,295	6.5%	1,957	5.4%
Information	1,236	3.5%	1,255	3.4%
Finance, Insurance, Real Estate	2,376	6.7%	2,016	5.5%
Professional, Scientific, Management, Administrative	4,227	11.9%	4,273	11.7%
Educational, Health and Social Services	5,106	14.4%	5,580	15.3%
Arts, Entertainment, Recreation, Accommodation & Food Services	2,581	7.3%	2,882	7.9%
Other Services	1412	4.0%	1563	4.3%
Public Administration	1,708	4.8%	1,454	4.0%
Total	**35,433**	**100.0%**	**36,537**	**100.0%**

Sources: Bureau of the Census, American Community Survey, (2006-2010 and 2008-2013).

Table 8: Major Employers

Firm	Industry	Employees
Safeway Distribution Center	Distribution	2,000
Tracy Unified School District	Education	1,600
Defense Depot San Joaquin	Government Agency	1,375
Deuel Vocational Institute	State Prison Facility	1,300
Sutter Tracy Community Hospital	Medical Care	568
City of Tracy	Municipal Services	461
Taylor Farms Pacific	Food Processor	408
Owens-Illinois, Inc.	Glass Container Manufacturer	400
Adesa Golden Gate	Car Auction	360
Costco Distribution Center	Distribution Perishable	329

Source: City of Tracy, 2015.

Housing development in the City is meeting the needs of many Bay Area employees who are themselves priced out of ownership in the areas where they work. Since local residents employed in Tracy tend to have lower wages, a housing market dictated by persons commuting to Bay Area jobs and their willingness (and ability) to pay presents difficulties in meeting the housing needs of people who live and/or work in Tracy. Table 9 displays mean annual wage data for occupations compiled by the California Employment Development Department (EDD) for the Stockton Metropolitan Statistical Area. Table 9 shows that farming, food preparation and serving, personal care and service, maintenance, and health care support occupations offer

the lowest wages in the region. At least 10 percent of the City's population (Table 7) is employed in these low wage occupations.

Table 9: Mean Salary By Occupation (2014 1st Quarter)-Stockton MSA, San Joaquin County

Occupation	Mean Annual Salary
Management	$98,185
Legal	$95,830
Healthcare Practitioners and Technical	$86,279
Computer and Mathematical	$69,424
Architecture and Engineering	$81,291
Life, Physical and Social Sciences	$72,206
Business and Financial	$66,800
Protective Service	$52,569
Community and Social Services	$52,346
Construction and Extraction	$51,872
Installation, Maintenance and Repair	$47,297
Arts, Design, Entertainment, Sports and Media	$43,797
Office and Administrative Support	$36,645
Production	$35,139
Transportation and Material Moving	$34,888
Sales	$34,408
Healthcare Support	$30,109
Building and Grounds Cleaning and Maintenance	$29,081
Personal Care and Service	$24,053
Food Preparation and Serving	$22,249
Farming, Fishing and Forestry	$19,682

Source: California Employment Development Division, 2015.

2. Commuting Patterns

Commuting patterns demonstrate the relationship between housing to employment opportunities. The lack of a geographic match between employment centers and housing leads to traffic congestion, air quality deterioration, increased transportation infrastructure needs, and many other adverse environmental and economic problems. Developing housing, particularly near employment centers, can help reduce the occurrence of these environmental and economic problems and place people in closer proximity to the services they need. The availability of housing generally encourages a healthy economy, and could support downtown revitalization efforts.

According to ACS data, between 2008 and 2013, nearly 55 percent of Tracy's workforce travels to another county for employment. This rate is more than double that of San Joaquin County (26 percent) and the highest among surrounding counties (Table 10). While the proportion of long distance commuters in Tracy remains high, this number has decreased by three percent since 2000. However, this decrease may have been a result of the recession.

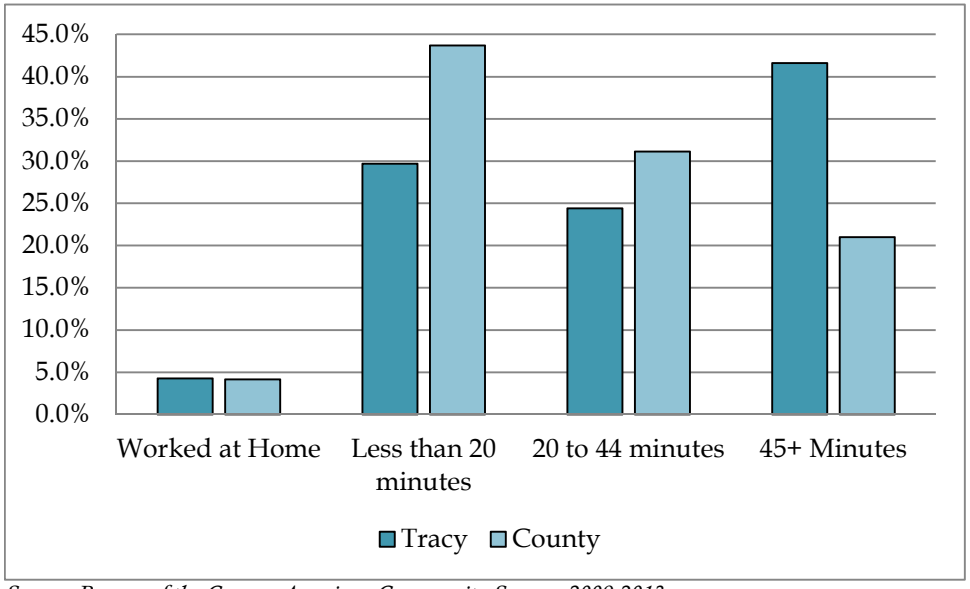
Table 10: Place of Work

Place of Work	CA	Alameda Co.	Contra Costa Co.	San Joaquin Co.	San Mateo Co.	Santa Clara Co.	Tracy
Outside of County of Residence 2000	17%	33%	42%	23%	42%	12%	58%
Outside of County of Residence 2013	17%	34%	41%	26%	41%	13%	55%
Change in Proportion (2000 - 2013)	0%	1%	-1%	3%	-1%	1%	-3%

Source: Bureau of the Census, 2000 and American Community Survey, 2008-2013.

The high rate of residents working in other counties corresponds with longer commute times for Tracy residents compared to the rest of the County. Figure 4 summarizes commute times for workers age 16 and over in Tracy and San Joaquin County, according to 2009-2013 ACS data. Approximately 34 percent of employed Tracy residents either worked at home or lived relatively close to their place of employment (had travel times to work of less than 20 minutes). An additional 24 percent had commutes between 20 to 44 minutes and the remaining 42 percent had commutes of 45 minutes or longer.

Figure 4: Travel Time to Work



Source: Bureau of the Census, American Community Survey, 2009-2013.

The vast majority of Tracy residents (77 percent) drove alone to work between 2009 and 2013. A similar proportion of County residents also drove to work alone during this time period. In general, the method of transportation City residents chose to take to work matched countywide trends (Table 11).

Table 11: Means of Transportation to Work

Means of Transportation	Tracy	County
Drove Alone	76.9%	76.7%
Carpooled	13.6%	14.5%
Public Transportation	2.4%	1.4%
Bicycle	0.4%	0.5%
Walked	1.4%	1.9%
Taxicab, Motorcycle, Other Means	0.9%	0.9%
Worked at home	4.3%	4.2%
Total	**100.0%**	**100.0%**

Source: Bureau of the Census, American Community Survey, 2009-2013.

According to the 2013 Interregional Multimodal Commute Trip Planning Study, commuters from the counties of San Joaquin, Merced, and Stanislaus primarily travel to the Bay Area for work. To better serve commuters in this tri-county area, the Study has recommended that the San Joaquin Council of Governments (SJCOG) take the following actions:

- Establish a centralized "one-stop shop" for commuters to get information on travel mode alternatives.
- Give information to commuters and other travelers about available options that might save them time or money.
- Shift people from single occupant vehicles to other modes, allowing for cleaner air and less peak period traffic congestion.
- Provide employers with an additional tool to help them comply with rule 9410 and to provide an additional benefit to their employees.
- Provide easy interface with emerging technologies such as smart phones and tablet computers to provide commuters with more convenient access to information on travel modes and road conditions.
- Help transit operators provide more coordinated service in the region.
- Keep planners informed about current travel patterns and mode choice trends.

D. Housing Problems

The Comprehensive Housing Affordability Strategy (CHAS) developed by the Census for HUD provides detailed information on housing needs by income level for different types of households in Tracy. Detailed CHAS data based on the 2007-2011 ACS is displayed in Table 12. Housing problems considered by CHAS include:

- Units with physical defects (lacking complete kitchen or bathroom);
- Overcrowded conditions (housing units with more than one person per room);
- Housing cost burden, including utilities, exceeding 30 percent of gross income; or
- Severe housing cost burden, including utilities, exceeding 50 percent of gross income.

The types of problems experienced by households in Tracy vary according to household income, type, and tenure; however, general trends include:

- Renter-households are more likely to experience housing problems (56 percent) than owner-households (50 percent).
- Large renter-families were more likely to experience housing problems than all other household types (79 percent).
- Very low income (86 percent) and low income households (82 percent) were significantly more likely than households of other income levels to experience housing problems.

Table 12: Housing Assistance Needs of Lower Income Households (2011)

Household by Type, Income, and Housing Problem	Renters				Owners			Total Households
	Elderly	Small Families	Large Families	Total Renters	Elderly	Large Families	Total Owners	
Extremely Low Income (0-30% MFI)	**215**	**435**	**85**	**905**	**150**	**0**	**475**	**1,380**
% with any housing problem	33%	82%	100%	64%	73%	--	65%	64%
% with cost burden >30%	33%	82%	100%	64%	73%	--	65%	64%
% with cost burden > 50%	21%	71%	100%	56%	67%	--	58%	57%
Very Low Income (31-50% MFI)	**320**	**490**	**215**	**1,190**	**135**	**105**	**545**	**1,735**
% with any housing problem	61%	91%	100%	85%	52%	100%	88%	86%
% with cost burden >30%	62%	91%	100%	86%	56%	100%	89%	87%
% with cost burden >50%	53%	79%	65%	67%	37%	100%	76%	70%
Low Income (51-80% MFI)	**25**	**485**	**340**	**1,175**	**310**	**495**	**1,320**	**2,495**
% with any housing problem	60%	72%	96%	80%	56%	98%	84%	82%
% with cost burden >30%	60%	69%	87%	73%	56%	98%	83%	79%
% with cost burden > 50%	60%	45%	26%	35%	47%	82%	71%	54%
Total Households	**1,025**	**3,950**	**1,330**	**7,695**	**2,015**	**3,190**	**15,905**	**23,600**
% with any housing problem	54%	50%	79%	56%	38%	61%	50%	52%

Note: Data presented in this table are based on special tabulations from sample Census data. The number of households in each category usually deviates slightly from the 100% total due to the need to extrapolate sample data out to total households. Interpretations of these data should focus on the proportion of households in need of assistance rather than on precise numbers.
Source: HUD Comprehensive Housing Affordability Strategy (CHAS), (based on the 2007-2011 American Community Survey).

1. Overpayment (Cost Burden)

A household is considered to be overpaying for housing (or cost burdened) if it spends more than 30 percent of its gross household income on housing. Problems of overpayment occur when housing costs rise faster than incomes or when households are forced to pay more than they can afford for housing of adequate size, condition, and amenities to meet their needs. The prevalence of overpayment varies significantly by income, tenure, household type, and household size.

CHAS tabulations (based on ACS data) reported that 48 percent of Tracy households (11,417 households) overpaid for housing between 2007 and 2011. Housing cost burden typically varies by income level, tenure, household type, and household size. In Tracy, renters and owners were overpaying for housing at a nearly equal rate, whereas in the County as a whole, overpayment among owners was less prevalent than among renters.

2. Overcrowding

Overcrowding is typically defined as a housing unit occupied by more than one person per room. Overcrowding typically occurs when there are not enough adequately sized units within a community, when high housing costs relative to income force too many individuals to share a housing unit than it can adequately accommodate, or when families reside in smaller units than they need to devote income to other necessities, such as food and health care. Overcrowding tends to accelerate the deterioration of housing. Therefore, maintaining a reasonable level of occupancy and alleviating overcrowding are critical to enhancing quality of life.

According to the 2008-2013 ACS, approximately six percent of housing units in the City (1,546 units) were overcrowded. Overcrowding disproportionately affected renters (13 percent versus three percent), indicating overcrowding may be the result of an inadequate supply of larger sized rental units. While 80 percent of occupied housing units in the City had three or more bedrooms (the minimum size considered large enough to avoid most overcrowding issues for large households), only a fraction of these units (22 percent) were occupied by renters.

Table 13: Overcrowding (2013)

Occupants per Room	Owner Occupied		Renter Occupied		Total	
	#	%	#	%	#	%
0 To 1 Occupants per Room	15,639	97.3%	7,245	86.8%	22,884	93.7%
1.01 To 1.50 Occupants per Room	327	2.0%	798	9.6%	1,125	4.6%
1.51 To 2.00 Occupants per Room	44	0.3%	306	3.7%	350	1.4%
2.01 Or More Occupants per Room	71	0.4%	0	0.0%	71	0.3%
Overcrowded Units	442	2.7%	1,104	13.2%	1,546	6.3%
Total Housing Units	**16,081**	**100.0%**	**8,349**	**100.0%**	**24,430**	**100.0%**

Source: Bureau of the Census, American Community Survey, 2009-2013.

E. Special Housing Needs

Certain groups have greater difficulty finding decent, affordable housing due to special needs and/or circumstances. Special circumstances may be related to one's employment and income, family characteristics, disability, and household characteristics, among other factors. Consequently, some residents in Tracy may experience a higher prevalence of housing overpayment, overcrowding, or other housing problems.

"Special needs" groups include the following: seniors, persons with disabilities, large households, single-parent households, farmworkers, persons living in poverty, and the homeless (Table 14). This section provides a detailed discussion of the housing needs facing each particular group as well as programs and services available to address their housing needs.

Table 14: Special Needs Groups

Special Needs Group	Number of Persons or Households	Number of Owners	%	Number of Renters	%	% of Total Households or Persons
Households with Members Age 65+	4,234	--	--	--	--	17.4%
Senior-Headed Households	2,895	2,112	73.0%	783	27.0%	11.9%
Senior Living Alone	1,026					4.2%
Persons with Disabilities	6,909	--	--	--	--	8.3%
Large Households	5,829	3,660	62.8%	2169	37.2%	24.0%
Single-Parent Households with Children	2,713	--	--	--	--	11.2%
Female-Headed Households with Children	1,827	--	--	--	--	7.5%
In Poverty	441	--	--	--	--	1.8%
Farmworkers	505	--	--	--	--	0.6%
Residents Living Below Poverty	6,770	--	--	--	--	7.0%
Homeless	122	--	--	--	--	0.1%

Sources: Bureau of the Census, 2010, American Community Survey (ACS), 2009-2013; San Joaquin County 2015 Point-in-Time Unsheltered Homeless Count Report.

1. Seniors

Seniors face unique housing circumstances because of three factors: a limited or fixed income; health care costs; and disabilities. Specifically, people aged 65 years and older often have four main concerns:

- *Housing*: Many seniors live alone and may have difficulty maintaining their homes.
- *Income*: People aged 65 and over are usually retired and living on a limited income.
- *Health care*: Seniors are more likely to have high health care costs.
- *Transportation*: Many of the elderly rely on public transportation; especially those with disabilities.

According to the 2010 Census, approximately 5,750 seniors (about seven percent of the total population) lived in Tracy. In addition, approximately 12 percent of all households in the City were headed by seniors. Of these senior-headed households, most (73 percent) owned their homes; the remaining 27 percent of senior-headed households rented their homes. Housing cost burden is a significant issue for these households. Approximately 43 percent of senior-headed households overpaid for housing. Specifically, 38 percent of senior homeowners and 52 percent of senior renters experienced a housing cost burden.

Aside from housing cost burden issues faced by seniors due to their relatively fixed incomes, many seniors are also faced with various disabilities. Approximately 35 percent of Tracy seniors had a disability between 2009 and 2013—a slight decrease from 2000 (when 38 percent of seniors reported having a disability).

The 2010 Census reported that 75 percent of the City's elderly residents were living in family households either with spouse or with other family members (Table 15). However, a significant portion (18 percent) of these seniors lives alone.

Table 15: Elderly Residents by Household Type

Household Type	Number	%
Family Households	4,322	75.2%
Living with Spouse	1,020	17.8%
Other Family Household	3,302	57.4%
Non-Family Households	1,175	20.4%
Elderly Living Alone	1,026	17.8%
Group Quarters	253	4.4%
Total Elderly Population	5,750	100.0%

Source: Bureau of the Census, 2010.

Senior homeowners, particularly elderly women, may require assistance in performing regular home maintenance or repair activities due to physical limitations or disabilities. These in-home needs and other senior needs can be met through a range of services, including congregate care, rent subsidies, shared housing programs, and housing rehabilitation assistance. For the frail or disabled elderly, housing with architectural design features that accommodate disabilities can ensure continued independent living. Those with a mobility or self-care limitation may require transportation alternatives or shared housing options.

Resources Available

The City recognizes the extensive housing needs of seniors in the community. There are currently two affordable senior housing complexes in the City of Tracy—Tracy Garden Apartments and Tracy Place Senior Apartments. In addition, the City contracts with the San Joaquin County Housing Authority to provide Housing Choice Vouchers to very low income households. The City also facilitates housing options for seniors through residential care facilities. As of June 2015, a total of 16 residential care facilities for the elderly (with a total capacity of 327 beds) are operating in Tracy.

In addition, the City operates the Lolly Hansen Senior Center, which offers a wide variety of classes, activities, special events and services, to benefit its senior residents. The Center's programs include:

- *Senior Link:* Specialist provides assistance with access to information, local agencies and service providers.
- *Lunch Program*: Home delivered hot meals available to homebound and/or temporarily ill persons.
- *Daily Nutrition Lunch*: Hot lunches provided for individuals over the age of 60.
- *Paralegal Services*: Paralegal service is provided free of charge by the El Concilio organization.
- *Brown Bag*: Delivers bags of supplemental groceries to low-income senior citizens throughout San Joaquin County provided by Second Harvest Food Bank.
- *TRACER*: A Fixed Route bus service for seniors and persons with disabilities.

2. Persons with Disabilities

In Tracy and elsewhere, persons with disabilities have a wide range of different housing needs, which vary depending on the type and severity of the disability as well as personal preference and lifestyle. Physical, mental, and/or developmental disabilities may prevent a person from working, restrict one's mobility, or make it difficult to care for oneself. "Barrier-free design" housing, accessibility modifications, proximity to services and transit, and group living opportunities represent some of the types of considerations and accommodations that are important in serving this group. Also, some residents suffer from disabilities that require living in a supportive or institutional setting.

According to the 2009-2013 ACS, approximately nine percent of Tracy residents (6,909 persons) over five years of age had a disability. The ACS tallied the number of disabilities by type for residents with one or more disabilities. Among the disabilities tallied, ambulatory (49 percent) and cognitive (38 percent) difficulties were the most common (Table 16). However, the prevalence of certain disabilities does vary by age. For example, cognitive difficulties accounted for 78 percent of disabilities tallied among five to 17 year olds, while 69 percent of disabilities tallied among seniors were ambulatory difficulties.

Table 16: Disabilities Tallied by Age and Type

Type of Disability	% of Disabilities Tallied			
	5 to 17	18 to 64	65+	Total
With a hearing difficulty	10.2%	19.8%	38.5%	24.8%
With a vision difficulty	6.6%	8.3%	13.6%	9.8%
With a cognitive difficulty	78.0%	36.8%	27.5%	37.8%
With an ambulatory difficulty	3.4%	45.3%	68.9%	48.8%
With a self-care difficulty	12.1%	14.4%	27.8%	18.5%
With an independent living difficulty	--	32.4%	51.6%	35.3%
Total Persons with Disabilities	**677**	**4,027**	**2,205**	**6,909**

Notes:

1. *Persons under 5 years of age are not included in this table.*
2. *Persons may have multiple disabilities.*

Source: Bureau of the Census, American Community Survey, 2009-2013.

A recent change in State law requires that the Housing Element discuss the housing needs of persons with developmental disabilities. As defined by Section 4512 of the Welfare and Institutions Code, "developmental disability" means "a disability that originates before an individual attains age 18 years, continues, or can be expected to continue, indefinitely, and constitutes a substantial disability for that individual. As defined by the State of California's Director of Developmental Services, in consultation with the Superintendent of Public Instruction, this term shall include mental retardation, cerebral palsy, epilepsy, and autism. This term shall also include disabling conditions found to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, but shall not include other handicapping conditions that are solely physical in nature." This term also reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated.

Many developmentally disabled persons can live and work independently within a conventional housing environment. More severely disabled individuals require a group living environment where supervision is provided. The most severely affected individuals may require an institutional environment where medical attention and physical therapy are provided. Because developmental disabilities exist before adulthood, the first issue in supportive housing for the developmentally disabled is the transition from the person's living situation as a child to an appropriate level of independence as an adult.

The Census does not record developmental disabilities. According to the U.S. Administration on Developmental Disabilities, an accepted estimate of the percentage of the population that can be defined as developmentally disabled is 1.5 percent. This equates to 1,244 persons in Tracy with developmental disabilities, based on the 2010 Census population. The Valley Mountain Regional Center (VMRC) provides services for persons with developmental disabilities in Amador, Calaveras, San Joaquin, Stanislaus, and Tuolumne counties. According to VMRC, as of March 2015, VMRC serves 725 Tracy residents. Most of these individuals were residing in a private home with their parent or guardian (89 percent) and 470 persons (65 percent) were under the age of 18.

Resources Available

Housing options for persons with disabilities also include community care facilities. As of June 2015, the City of Tracy currently has:

- Six Adult Residential Care facilities – 35 beds total
- One Group Home – 23 beds total
- 16 Residential Care for the Elderly facilities – 327 beds total

In addition, VMRC is a private, non-profit corporation that contracts with the State of California to provide diagnostic, evaluation, case management, and early intervention services to people with developmental disabilities. VMRC purchases services such as respite, out-of-home placement, adult day programs, transportation, behavior intervention, infant development services, clinical, and diagnostic services for people with developmental disabilities.

3. Large Households

Large households are defined as those consisting of five or more members. These households comprise a special need group because of the often limited supply of adequately sized and affordable housing units in a community. To save for other basic necessities such as food, clothing and medical care, it is common for lower income large households to reside in smaller units, which frequently results in overcrowding.

In 2010, approximately 24 percent of total households in Tracy were considered large households. Of these large households, approximately 63 percent owned the units they occupied and 37 percent rented. Finding large rental units (with three or more bedrooms) is a common problem for large families, particularly large renter households earning lower incomes. According to the 2009-2013 ACS, of the 24,430 occupied housing units in Tracy, 80 percent had three or more bedrooms (the minimum size considered large enough to avoid most overcrowding issues for large households). However, only about one-fifth of these units (22 percent) were occupied by renters.

Resources Available

The Section 8 Housing Choice Voucher program extends assistance to large households with overcrowding and cost burden issues. Homebuyer assistance and housing rehabilitation programs can also benefit large households with lower and moderate incomes.

4. Single-Parent Households

Single-parent families, particularly female-headed families with children, often require special consideration and assistance because of their greater need for affordable housing and accessible day care, health care, and other supportive services. Female-headed families with children are considered a vulnerable group because they must balance the needs of their children with work responsibilities, often while earning limited incomes.

The 2010 Census showed that single parent households comprised approximately eleven percent of Tracy households. Of these households, 67 percent (1,827 households) were headed by females. Female-headed households, and particularly those with children, often have a higher incidence of poverty when compared to other household types. According to the 2009-2013 ACS, of female-headed families with children under 18 in Tracy, approximately 22 percent had incomes below the poverty level. Female-headed households need affordable housing in areas with access to transit networks, schools and parks, and daily services.

Resources Available

The City offers a number of housing programs and supportive services for lower and moderate income households in general that can also benefit female-headed households.

5. Farmworkers

Farmworkers are traditionally defined as persons whose primary incomes are earned through seasonal agricultural labor. They have special housing needs because of their relatively low income and the transient, seasonal nature of their job. The 2009-2013 ACS found that 505 Tracy residents were employed in the agriculture, forestry, fishing hunting, and mining industry, making up approximately 1.4 percent of the population in Tracy.

Farmworker populations are typically difficult to estimate. The 2008-2012 American Community Survey estimated the farmworker population of San Joaquin County to be 13,365 persons, while the 2012 Employee Development Department estimated the County's farmworker population to be 15,612 persons. The United States Department of Agriculture Census estimated the 2012 San Joaquin County farmworker population at 24,872 persons. No specific information is available at the city level. However, given that the City of Tracy is highly urbanized with farming activities located primarily in the unincorporated areas outside the current city limits, the farmworker population in the City is limited.

Resources Available

Because the City's farmworker population is small, no special housing programs for this group are necessary. The housing needs of farmworkers in the City can be met through the various affordable housing programs that are available to all lower income households.

6. Residents Living Below Poverty

Families, particularly female-headed families, are disproportionately affected by poverty. According to 2009-2013 ACS data, eight percent of the City's total residents (6,770 persons) were living in poverty. However, nearly 22 percent of female-headed families with children had incomes below the poverty level.

7. Homeless

According to the U.S. Department of Housing and Urban Development (HUD), a person is considered homeless if he/she is not imprisoned and:

- Lacks a fixed, regular, and adequate nighttime residence;
- The primary nighttime residence is a publicly or privately operated shelter designed for temporary living arrangements;
- The primary residence is an institution that provides a temporary residence for individuals that should otherwise be institutionalized; or
- The primary residence is a public or private place not designed for or ordinarily used as a regular sleeping accommodation.

According to the San Joaquin County 2015 Point-In-Time Unsheltered Homeless Count, 122 homeless adults and 12 homeless children were counted in the City of Tracy.

Resources Available

Services and facilities available to the homeless in and around Tracy are listed in Table 17.

Table 17: Homeless Services

Organization	Services
Central Valley Low Income Housing Corporation	Provides rent assistance and supportive services to homeless families and individuals, including case management, budgeting assistance/ counseling, education assistance, and job search preparation.
New Directions	Serves homeless individuals who have a history of substance abuse. Program participants reside in dormitories and receive supportive services which include individual and group counseling.
Lutheran Social Services of Northern California	Provides rent assistance and support services to homeless former foster youth with disabilities. Supportive services include case management, education assistance, child care, and transportation assistance.
Coalition of Tracy Citizens to Assist the Homeless (CTCAH)	Operates Emerson House, a transitional shelter for homeless men.
Tracy Interfaith Ministries	Provides bagged groceries and clothing for homeless individuals, and works with the Salvation Army to provide one-night vouchers for Tracy motels.
McHenry House Tracy Family Shelter	Provides shelter to homeless families and single women.
Stockton Shelter for the Homeless	Provides short- and long-term housing and supportive services for homeless families and individuals.
Gospel Center Rescue Mission	Provides emergency housing and services to homeless families and individuals and operates the New Hope Family Shelter, a six-month transitional program.

F. Housing Stock Characteristics

A community's housing stock is defined as the collection of all housing units located within the jurisdiction. The characteristics of the housing stock, including growth, type, age and condition, tenure, vacancy rates, housing costs, and affordability are important in determining the housing needs for the community. This section details the housing stock characteristics of Tracy to identify how well the current housing stock meets the needs of current and future residents of the City.

1. Housing Growth

Tracy experienced rapid housing growth from 1990 to 2005. The total number of housing units in the City increased 49 percent between 1990 and 2000 and another 44 percent from 2000 to 2010. Until 2010, Tracy's housing growth had consistently outpaced countywide housing growth as well as growth experienced in most surrounding communities (Table 18). Much of the housing growth that occurred between 2000 and 2010, however, took place in the first half of the decade. Residential building permit data indicates that a tremendous amount of housing development occurred in Tracy between 2000 and 2004. The City issued over 6,600 residential building permits during that four-year time period. Residential development declined sharply in 2005 due to decreased housing demand and the voter-approved Measure A initiative, which amended the City's Growth Management Ordinance (GMO) by reducing the number of new residential building permits allowed each year from 1,500 to 750. New housing construction has declined further since 2007 as a result of the economic downturn and tightening of the credit market. By 2010, housing growth in all of San Joaquin County had declined steeply—with many communities, including Tracy, experiencing less than one percent growth in their housing stock.

Table 18: Housing Growth

Jurisdiction	1990	2000	2010	2015	% Change		
					1990 – 2000	2000 – 2010	2010-2015
Escalon	1,640	2,132	2,610	2,648	30.0%	22.4%	1.5%
Lathrop	2,040	2,991	5,261	5,801	46.6%	75.9%	10.3%
Lodi	19,676	21,378	23,792	23,830	8.7%	11.3%	0.2%
Manteca	13,981	16,937	23,132	24,856	21.1%	36.6%	7.5%
Ripon	2,653	3,432	5,129	5,227	29.4%	49.4%	1.9%
Stockton	72,525	82,042	99,637	100,097	13.1%	21.4%	0.5%
Tracy	12,174	18,087	25,963	26,080	48.6%	43.5%	0.5%
County Total	**166,274**	**189,160**	**233,755**	**237,905**	**13.8%**	**23.6%**	1.8%

Sources: Bureau of the Census, (1990, 2000, and 2010) California Department of Finance, (2015).

2. Housing Type

Table 19 shows the mix of housing units in Tracy, according to 2009-2013 ACS data. Tracy's housing stock is comprised mostly of single-family detached homes (82 percent). Another four percent of units are single-family attached units (such as zero lot line or second units). Just 13 percent of units in the City are comprised of multi-family units, while mobile homes, boats, RV, van, etc. make up about two percent of total housing units.

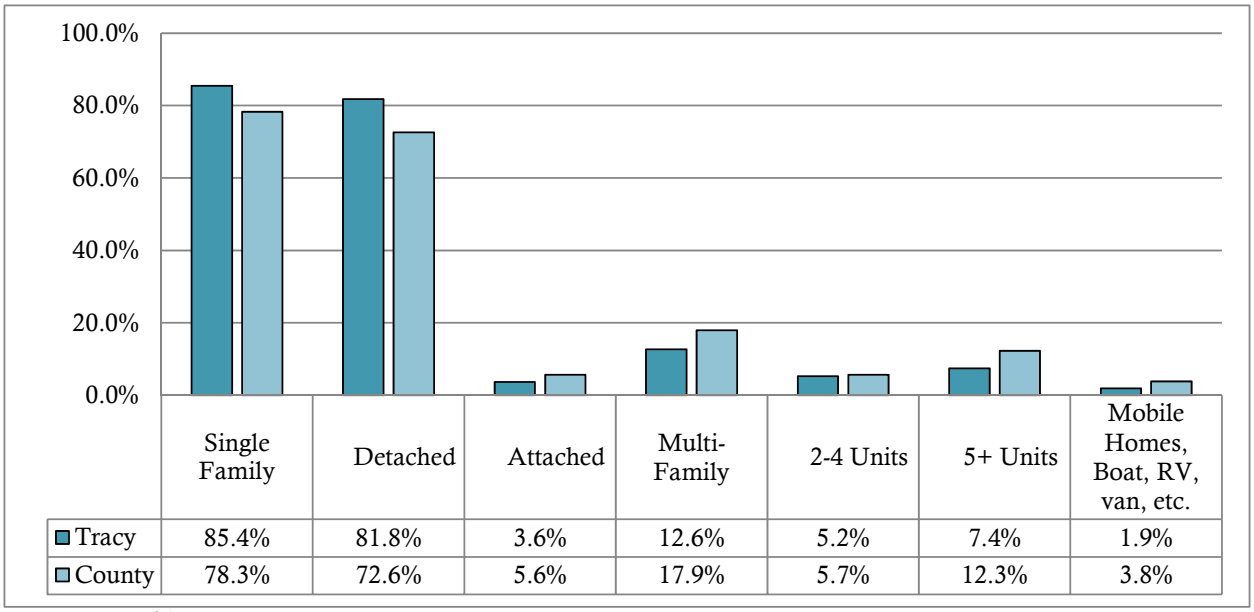
Table 19: Housing Stock Characteristics

Unit Type	Number	Percent
Single-Family	21,886	85.4%
Detached	20,952	81.8%
Attached	934	3.6%
Multi-Family	3,240	12.6%
2-4 Units	1,339	5.2%
5+ Units	1,901	7.4%
Mobile Homes, Boat, RV, van, etc.	492	1.9%
Total Housing Units	**25,618**	**100.0%**
Total Occupied	24,430	95.4%
Vacancy Rate		4.6%

Source: Bureau of the Census, American Community Survey, 2009-2013.

Tracy's housing stock has a higher proportion of single-family homes than the County as a whole. About 73 percent of housing units in San Joaquin County consisted of single-family detached homes and nearly 18 percent was made up of multi-family units (Figure 5).

Figure 5: Housing Stock Composition



Sources: Bureau of the Census, American Community Survey, 2009-2013

3. Housing Availability and Tenure

Housing vacancy rates and tenure are important indicators of the supply and cost of housing in a community. Vacancy rates can indicate whether there is a balance between the population and available housing units. A low vacancy rate means there is a high demand for housing in the area. A high demand for housing can increase the cost of housing as well as become a disincentive for property owners to maintain their property. A vacancy rate between three and five percent is considered optimal for rental housing while two to three percent is ideal for ownership housing. The City's overall vacancy rate in 2010 was 4.6 percent (Table 19). Given the City's housing mix of primarily single-family homes, this vacancy rate is considered high.

Housing tenure refers to whether a unit is owned or rented. According to the Census, approximately 66 percent of Tracy households were homeowners, while the remaining 34 percent were renters (Table 20). The home ownership rate in Tracy was higher than the County average, but below that of the neighboring cities of Escalon and Lathrop. Furthermore, comparing this tenure distribution with the composition of the City's housing stock indicates that a significant number of single-family homes are used as rentals, reflecting a demand for rental housing in the community.

Table 20: Housing Tenure

Jurisdiction	Owner		Renter	
	#	%	#	%
Escalon	1,792	72.4%	684	27.6%
Lathrop	3,604	75.4%	1178	24.6%
Lodi	12,091	54.7%	10,006	45.3%
Manteca	13,521	62.5%	8,097	37.5%
Ripon	3,530	72.7%	1,325	27.3%
Stockton	46,738	51.6%	43,867	48.4%
Tracy	16,163	66.4%	8,168	33.6%
County Total	127,270	59.2%	87,737	40.8%

Source: Bureau of the Census, 2010.

According to the ACS, between 2009 and 2013, the owner vacancy rate had dipped to 1.5 percent while the renter vacancy rate was 4.3 percent, indicating a slightly tightened housing market compared to 2010.

Owner-households are larger in size on average than renter-households. Families with children usually represent many of the larger households in a community, and these households usually prefer owner-occupied housing. The homeownership rate in Tracy was higher for all household size categories compared with the State and the County (Table 21).

Table 21: Percentage Homeowner by Household Size

Household Size	Tracy		CA		County		Difference	
							Tracy-CA	Tracy-County
1 person	3,326	58.5%	2,929,442	45.8%	42,389	52.4%	12.7%	6.1%
2 people	5,546	72.3%	3,653,802	62.1%	57,790	68.7%	10.2%	3.6%
3 people	4,354	68.0%	2,043,812	57.0%	35,266	58.9%	11.0%	9.1%
4 people	5,276	68.0%	1,883,451	60.0%	35,058	59.5%	8.0%	8.5%
5 person	3,198	65.4%	1,040,408	55.5%	22,349	55.0%	9.9%	10.4%
6 person	1473	60.6%	507,471	53.8%	11,484	52.9%	6.7%	7.7%
7 + people	1158	58.3%	519,112	54.0%	10,671	50.0%	4.3%	8.3%

Source: Bureau of the Census, 2010.

Racial and ethnic minorities in Tracy are much more likely to own their homes than their counterparts elsewhere in California, as shown in Table 22. The difference is especially apparent for Blacks and Asian/Pacific Islanders. Approximately 56 percent of Black households in Tracy owned their homes compared to 42 percent in San Joaquin County. Similarly, about 78 percent of Asian households in Tracy owned their homes compared to only 63 percent countywide. Homeownership rates for these two racial/ethnic groups were even lower statewide.

Table 22: Homeownership by Race/Ethnicity

Homeownership by Race	Tracy		County	CA
White	11,086	72%	69%	64%
Black or African American	1,893	56%	42%	37%
American Indian/Alaska Native alone	108	55%	49%	51%
Asian/Pacific Islander	3,300	78%	63%	57%
Some other race	64	61%	54%	44%
Two or more races	720	64%	54%	46%
Hispanic of any race	7,160	55%	48%	44%

Source: Bureau of the Census, 2010.

4. Housing Age and Condition

Housing age can be an important indicator of housing condition within a community. Like any other tangible asset, housing is subject to gradual physical or technological deterioration over time. If not properly and regularly maintained, housing can deteriorate and discourage reinvestment, depress neighboring property values, and eventually impact the quality of life in a neighborhood. Thus, maintaining and improving housing quality is an important goal for the City.

Most of Tracy's housing was built between 1980 and 2009 (Table 23). The housing stock in the City is significantly newer than housing in the County, State, and nearby cities—indicating that there is not a critical need for housing rehabilitation in Tracy (Figure 6). A general rule in the housing industry is that structures older than 30 years begin to show signs of deterioration and require reinvestment to maintain their quality. An estimated 6,557 units (26 percent of the housing stock) in Tracy were constructed prior to 1980 and would be of sufficient age to require

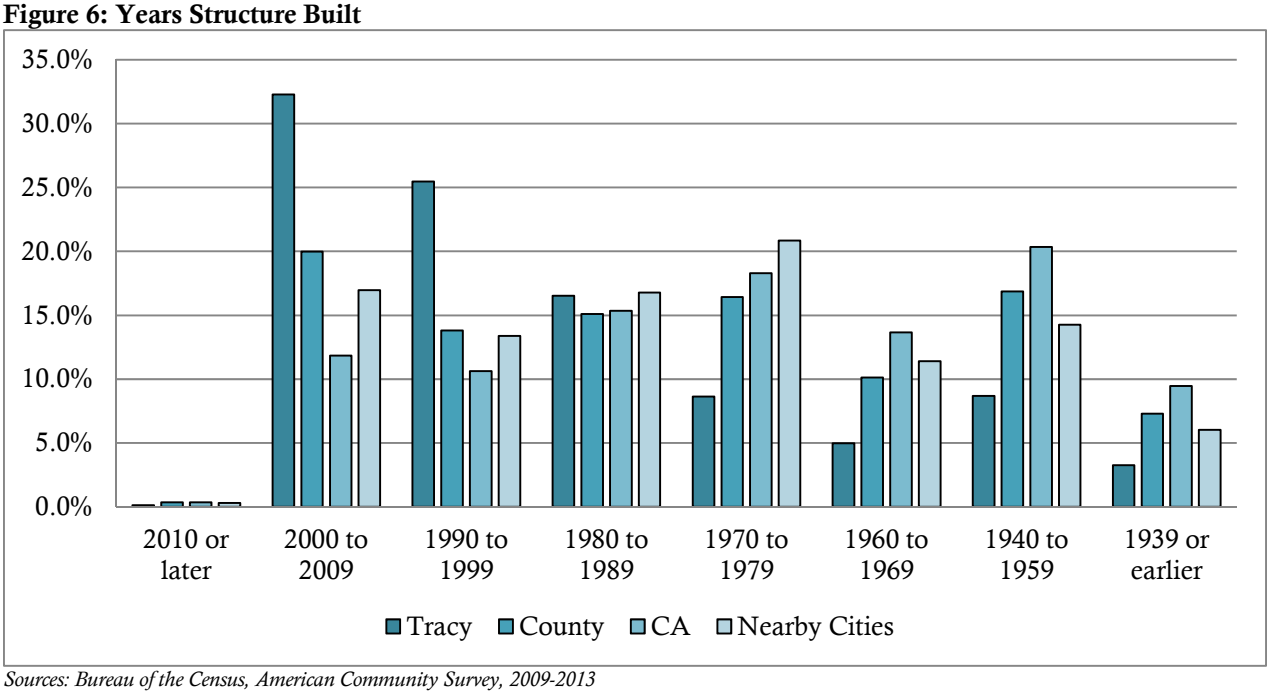
maintenance or rehabilitation. The City's Code Enforcement Division estimates that approximately 200 housing units within the City could be considered substandard.

Table 23: Age of Local Housing Stock

Year Housing Unit Was Built	Tracy		County	State	Nearby Cities
	Number	%			
2010 or later	34	0.1%	0.4%	0.4%	0.3%
2000 to 2009	8,266	32.3%	20.0%	11.8%	17.0%
1990 to 1999	6,523	25.5%	13.8%	10.6%	13.4%
1980 to 1989	4,238	16.5%	15.1%	15.3%	16.8%
1970 to 1979	2,213	8.6%	16.4%	18.3%	20.8%
1960 to 1969	1,275	5.0%	10.1%	13.7%	11.4%
1940 to 1959	2,229	8.7%	16.9%	20.4%	14.3%
1939 or earlier	840	3.3%	7.3%	9.5%	6.0%
Total	**25,618**	**100.0%**	**100.0%**	**100.0%**	**100.0%**

Note: Nearby Cities includes Lathrop, Manteca, Modesto, Turlock, Stockton, and Livermore.
Sources: Bureau of the Census, American Community Survey, 2009-2013

Figure 6: Years Structure Built



Sources: Bureau of the Census, American Community Survey, 2009-2013

G. Housing Costs and Affordability

The cost of housing is directly related to the extent of housing problems in a community. If housing costs are relatively high in comparison to household income, there will be a correspondingly higher prevalence of housing cost burden and overcrowding. This section summarizes the cost and affordability of the housing stock to Tracy residents.

1. Homeownership Market

Tracy's for-sale residential market has largely followed the boom-and-bust cycle experienced throughout California and across the country. Like many other cities, Tracy's home values increased steadily between 2000 and 2004 before falling substantially in the subsequent five to seven years.

The California Association of Realtors (CAR) publishes median home sales price data compiled by CoreLogic for cities and counties throughout the State. The median home sales price in Tracy increased by approximately four percent between August 2014 and August 2015 (Table 24). Median home prices in the City are the highest ($420,000) in San Joaquin County. Home prices increased approximately nine percent countywide during that same time period. During the housing market crisis, median home prices were significantly lower in 2009, at $245,000 for Tracy and $167,000 countywide.

Table 24: Median Home Sale Price (2014-2015)

Jurisdiction	# of Homes Sold in August 2015	Median Price		% Change in Price
		August 2015	August 2014	2014-15
Escalon	7	$288,500	$300,000	-3.8%
Lathrop	51	$332,750	$309,000	7.7%
Lodi	77	$271,000	$250,750	8.1%
Manteca	142	$341,000	$319,500	6.7%
Ripon	33	$365,000	$332,000	9.9%
Stockton	421	$210,000	$185,000	13.5%
Tracy	168	$420,000	$402,500	4.3%
San Joaquin County	920	$290,000	$265,000	9.4%

Source: CoreLogic.com, 2015.

2. Rental Market

As previously noted, while over 85 percent of the City's housing stock is comprised of single-family homes, about 66 percent of the households were owner-occupied households. This would suggest that many single-family homes in the City were being used as rentals. Market-rate rents for housing in Tracy are summarized in Table 25. Rental rates were compiled based on a review of over 150 rental listings posted on various online resources in September 2015. Rents varied significantly by housing type (single-family home versus apartment) and by the number of bedrooms. The majority of apartments available consisted of one- and two-bedroom units renting for approximately $1,500-$1,600 per month. The single-family homes available for

rent were typically much larger (three or four bedrooms) and ranged in price from $1,800-$2,200 per month.

Table 25: Rental Rates (2015)

Size	# of Listings	Average Rent	Median Rent	Rent Range
Apartments				
Studio	2	$1,150	$1,150	$1,150-$1,150
1 Bedroom	16	$1,584	$1,610	$1,150-$1,870
2 Bedrooms	24	$1,624	$1,735	$1,145-$2,610
3 Bedrooms	7	$1,678	$1,695	$1,450-$1,985
Subtotal	**49**	**$1,599**	**$1,622**	**$1,150-$2,610**
Single-Family Homes, Townhomes, Condominiums				
1-2 Bedrooms	4	$1,213	$1,350	$800-$1,350
3 Bedrooms	29	$1,886	$1,895	$1,500-$2,195
4 Bedrooms	49	$2,204	$2,200	$1,645-$2,795
5 Bedrooms	22	$2,344	$2,323	$1,950-$2,995
Subtotal	**104**	**$2,107**	**$2,195**	**$800-$2,995**
Total	153	$1,944	$1,950	

Source: Craigslist, Padmapper, Apartments.com, Forrent.com, Trulia, Realtor.com, and various rental property websites, (accessed September 2015).

3. Housing Affordability by Income Level

Housing affordability can be inferred by comparing the cost of renting or owning a home in the City with the maximum affordable housing costs for households at different income levels. Taken together, this information can generally show who can afford what size and type of housing and indicate the type of households most likely to experience overcrowding and overpayment.

The federal Department of Housing and Urban Development (HUD) conducts annual household income surveys nationwide to determine a household's eligibility for federal housing assistance. Based on this survey, the California Department of Housing and Community Development (HCD) developed income limits that can be used to determine the maximum price that could be affordable to households in the upper range of their respective income category. Households in the lower end of each category can afford less by comparison than those at the upper end. Table 26 shows the maximum amount that a household can pay for housing each month without incurring a cost burden (overpayment). This amount can be compared to current housing asking prices (Table 24) and market rental rates (Table 25) to determine what types of housing opportunities a household can afford.

Extremely Low income Households

Extremely low income households earn 30 percent or less of the County area median income – up to $13,950 for a one-person household and up to $28,410 for a five-person household in 2015. Extremely low income households cannot afford market-rate rental or ownership housing in Tracy.

Very Low income Households

Very low income households earn between 31 percent and 50 percent of the County area median income – up to $23,250 for a one-person household and up to $35,850 for a five-person household in 2015. A very low income household can afford homes offered at prices between $59,304 and $84,148, adjusting for household size. Given the costs of ownership housing in Tracy, very low income households would not be able to afford a home in the City. Similarly, very low income renters could not afford market-rate rental units in Tracy. After deductions for utilities, a very low income household at the maximum income limit can afford to pay approximately $478 to $693 in monthly rent, depending on household size.

Low income Households

Low income households earn between 51 percent and 80 percent of the County's area median income - up to $37,150 for a one-person household and up to $57,300 for a five-person household in 2015. The affordable home price for a low income household at the maximum income limit ranges from $94,237 to $138,127. Based on the asking prices of homes for sale in 2015 (Table 24), ownership housing would be unaffordable to low income households. After deductions for utilities, a one-person low income household could afford to pay up to $593 in rent per month and a five-person low income household could afford to pay as much as $871. In 2015, low income households in Tracy would have trouble finding affordable adequately sized apartment units (Table 25).

Moderate income Households

Moderate income households earn between 81 percent and 120 percent of the County's Area Median Income – up to $85,900 depending on household size in 2015. The maximum affordable home price for a moderate income household is $196,624 for a one-person household and $296,095 for a five-person family. Moderate income households in Tracy will also have trouble purchasing adequately-sized homes. The maximum affordable rent payment for moderate income households is between $1,173 and $1,766 per month. Appropriately-sized market-rate rental housing may be difficult to secure for households in this income group.

Table 26: Housing Affordability Matrix – San Joaquin County (2015)

Household	Annual Income	Amount Available for		Utilities		Taxes and Insurance	Affordable Rent	Affordable Home Price
		Rental	Ownership	Renters	Owners			
Extremely Low Income (0-30% AMI)								
1-Person	$13,950	$349	$349	$103	$123	$122	$246	$24,132
2-Person	$15,950	$399	$399	$136	$141	$140	$263	$27,506
3-Person	$20,090	$502	$502	$150	$163	$176	$352	$38,043
4-Person	$24,250	$606	$606	$172	$187	$212	$434	$48,191
5-Person	$28,410	$710	$710	$203	$221	$249	$507	$56,011
Very Low Income (31-50% AMI)								
1-Person	$23,250	$581	$581	$103	$123	$203	$478	$59,304
2-Person	$26,550	$664	$664	$136	$141	$232	$528	$67,595
3-Person	$29,850	$746	$746	$150	$163	$261	$596	$74,955
4-Person	$33,150	$829	$829	$172	$187	$290	$657	$81,850
5-Person	$35,850	$896	$896	$203	$221	$314	$693	$84,148
Low Income (51-80% AMI)								
1-Person	$37,150	$696	$812	$103	$123	$284	$593	$94,237
2-Person	$42,450	$796	$928	$136	$141	$325	$660	$107,600
3-Person	$47,750	$895	$1,044	$150	$163	$365	$745	$120,032
4-Person	$53,050	$995	$1,160	$172	$187	$406	$823	$131,998
5-Person	$57,300	$1,074	$1,253	$203	$221	$439	$871	$138,127
Moderate Income (81-120% AMI)								
1-Person	$55,700	$1,276	$1,489	$103	$123	$521	$1,173	$196,624
2-Person	$63,850	$1,459	$1,702	$136	$141	$596	$1,323	$224,613
3-Person	$71,600	$1,641	$1,914	$150	$163	$670	$1,491	$251,672
4-Person	$79,550	$1,823	$2,127	$172	$187	$744	$1,651	$278,265
5-Person	$85,900	$1,969	$2,297	$203	$221	$804	$1,766	$296,095

Sources:

1. *State Department of Housing and Community Development Income Limits, 2015.*
2. *San Joaquin County Housing Authority, Utility Allowances, 01/01/2015.*
3. *Health and Safety code definitions of affordable housing costs (between 30 and 35% of household income depending on tenure and income level)*

Assumptions: 20% of monthly affordable cost for taxes and insurance; 10% down payment; 4% interest rate for a 30-year fixed-rate mortgage loan. Taxes and insurance apply to owner costs only; renters do not usually pay taxes or insurance.

H. Affordable Housing

State law requires that the City identify, analyze, and propose programs to preserve existing multi-family rental units which are eligible to convert to non-low-income housing uses due to termination of subsidy contract, mortgage prepayment, or expiring use restrictions during the next ten years. Thus, this at-risk housing analysis covers a ten-year period from December 31, 2015 through December 31, 2025. Consistent with State law, this section identifies publicly assisted housing units in Tracy, analyzes their potential to convert to market rate housing uses, and analyzes the cost to preserve or replace those units.

1. Assisted Housing

Housing that receives governmental assistance is often a significant source of affordable housing in many communities. Covenants and deed restrictions are the typical mechanisms used to maintain the affordability of publicly assisted housing, ensuring that these units are available to lower and moderate income households in the long term. Over time, the City may face the risk of losing some of its affordable units due to the expiration of covenants and deed restrictions.

The City of Tracy has seven publicly assisted housing developments, with a combined total of 659 units that are set aside as affordable for lower income households. These projects are presented in Table 27. None of the projects are at-risk of converting to market-rate within the at-risk analysis period.

Table 27: Inventory of Assisted Units

Project Name	Total Units	Assisted Units	Unit Size	Type	Funding Source(s)	Expiration of Affordability
Tracy Garden Apartments	88	87	87 1-br	Seniors	Low Income Housing Tax Credit program; Project-based Section 8	11/1/2064; Section 8 expires 7/31/28
Tracy Village Apartments	72	71	24 1-br 32 2-br 15 3-br	Family	Low Income Housing Tax Credit program	9/9/2060
Chesapeake Bay Apartments	216	150	138 2-br 12 3-br	Family	Low Income Housing Tax Credit program	2031
Mountain View Townhomes	37	36	10 2-br 14 3-br 12 4-br	Family	Redevelopment set-aside funds; Low Income Housing Tax Credit program	2054
Stone Pine Meadows	72	71	15 1-br 23 2-br 27 3-br 6 4-br	Family	Redevelopment set-aside funds; Low Income Housing Tax Credit program; HOME funds	2047
Tracy Place Senior Apartments	50	49	41 1-br 8 2-br	Seniors	Redevelopment set-aside funds; Low Income Housing Tax Credit program	2063
Tracy Homes	195	195	24 1-br 32 2-br 15 3-br	Family	Housing Authority of the County of San Joaquin	None
Total	**730**	**659**				

Sources: SJCOG 5th Cycle Housing Element Data Package, 2014; City of Tracy, 2015.

Resources for Preserving Affordable Units

Available public and non-profit organizations with the capacity to preserve assisted housing developments include San Joaquin County, San Joaquin County Housing Authority, the City of Tracy, and various non-profit developers, including Self Help Enterprises and Bridge Housing Corporation. Financial resources available include bond financing, as well as CDBG and HOME funds, Section 8 rental assistance, low income housing tax credits, and Proposition 1C funds. (See the Housing Resources section later for further details.)

I. Future Housing Needs

Future housing need refers to the share of the regional housing need that has been allocated to the City. The State Department of Housing and Community Development (HCD) supplies a regional housing goal number to the San Joaquin Council of Governments (SJCOG). SJCOG is then mandated to allocate the housing goal to city and county jurisdictions in the region. In allocating the region's future housing needs to jurisdictions, SJCOG is required to take the following factors into consideration pursuant to Section 65584 of the State Government Code:

- Market demand for housing;
- Employment opportunities;
- Availability of suitable sites and public facilities;

- Commuting patterns;
- Type and tenure of housing;
- Loss of units in assisted housing developments;
- Over-concentration of lower income households; and
- Geological and topographical constraints.

The SJCOG Executive Board adopted its 2014-2023 Regional Housing Needs Plan (RHNP) on August 28, 2014. The Regional Housing Needs Allocation (RHNA) covers a ten-year planning period (from January 1, 2014 through December 31, 2023) and addresses housing issues that are related to future growth in the region. The RHNA allocates to each city and county a "fair share" of the region's projected housing needs by household income group. The major goal of the RHNA is to assure a fair distribution of housing among cities and counties within the San Joaquin region, so that every community provides an opportunity for a mix of housing affordable to all economic segments. The housing allocation targets are not building requirements, but goals for each community to accommodate through appropriate planning policies and land use regulations. State Housing Element laws are intended to assure that adequate sites and zoning are made available to address potential housing demand during the planning period and that market forces are not inhibited in addressing the housing needs of all economic segments of a community.

Tracy's share of regional future housing needs is 4,976 units for the January 1, 2014 to December 31, 2023 period. This allocation is distributed into five income categories, as shown below in Table 28. The RHNA includes a fair share adjustment which allocates future (construction) need by each income category in a way that meets the State mandate to reduce the over-concentration of lower income households in one community.

Table 28: Housing Needs for 2014-2023

Income Category (% of County AMI)	Number of Units	Percent
Extremely Low (30% or less)	513	10.3%
Very Low (31 to 50%)[1]	467	9.4%
Low (51 to 80%)	705	14.2%
Moderate (81% to 120%)	828	16.6%
Above Moderate (Over 120%)	2,463	49.5%
Total	**4,976**	100.0%

Source: San Joaquin County Regional Housing Needs Plan (RHNP), SJCOG, August 28, 2014.

III. Housing Constraints

This section describes various governmental, market, and environmental constraints on the development of housing that meets the needs of all economic segments of Tracy's population.

A. Market Constraints

Market constraints significantly affect the cost of housing in Tracy, and can pose barriers to housing production and affordability.

1. Economic Factors

Market forces on the economy and the trickle down effects on the construction industry can act as a barrier to housing construction and especially to affordable housing construction. During the 1980s, Tracy experienced a period of major growth as a result of the high cost of housing in the East Bay area of the San Francisco Bay region. San Francisco, Silicon Valley, and surrounding areas are continuing to experience a steady upsurge in housing prices—primarily as a result of the increase in high-income technology jobs and limited housing stock. For many households, particularly those working in lower-wage sectors, San Joaquin County offers more affordable housing alternatives than the Bay Area. Today, Tracy is considered an outer suburb of the Bay area, rather than a small agricultural and industrial town.

In the summer of 2005, the statewide housing market peaked when it experienced an influx of housing supply coupled with low interest rates. This peak, however, was soon followed by a severe crash just several years later. The San Joaquin Valley experienced a virtual halt to residential construction beginning in 2007 and a resulting collapse of the housing market. The period between 2006 and 2009 reflected a time of significant change as the lending market broke down and home prices saw significant decreases. From 2007 to October 2009 home prices in Tracy decreased 52 percent. Along with the gradual recovery of the housing market, home prices in the City appear to have stabilized and began to increase in recent years (Table 24). The median price of a home in Tracy recorded in August 2015 ($420,000) represented a four-percent increase from the previous year. Despite these signs of rebounding, the San Joaquin Valley remains in prolonged recovery, lagging behind the coastal housing markets which have recovered more rapidly.

2. Land and Construction Costs

The City of Tracy is located in San Joaquin County, east of the Coastal Range that separates California's Central Valley from the San Francisco Bay Area. The City has an adequate supply of vacant, unconstrained land; however, residential construction in Tracy is limited by the City's Growth Management Ordinance (GMO), adopted in 1987 and later amended in 1994, 2000, 2009, 2012, and most recently in April 2013. Significant future housing construction is anticipated in the City's Specific Plan areas, including the Tracy Hills Specific Plan, the Downtown Specific Plan and the Ellis Specific Plan, as well as other residential areas identified in the General Plan. Much of the land available for sale are vacant properties or land currently being used for grazing or other agricultural uses outside of the city limits. Based on

conversations with local developers, agricultural land near the City (but outside City limits) typically sells for approximately $20,000 per acre. Vacant properties available for future residential development near the City (but still outside City limits) typically sells for $60,000 to $100,000 per acre.

Construction costs vary according to type of housing development, with multi-family housing being generally less expensive to construct than single-family homes. However, variations within each construction type exist depending on the size of the unit, and the number and quality of amenities provided. Construction costs can be broken down into two primary categories: materials and labor. A major component of the cost of housing is the cost of building materials, such as wood and wood-based products, cement, asphalt, roofing materials, and pipe. The availability and demand for such materials affect prices for these goods.

An indicator of construction costs is Building Valuation Data compiled by the International Code Council (ICC). The unit costs compiled by the ICC include structural, electrical, plumbing, and mechanical work, in addition to interior finish and normal site preparation. The data is national and does not take into account regional differences, and does not include the price of the land upon which the building is built. The national average for development costs per square foot for apartments and single-family homes in February 2015 are as follows:

- Type I or II, Multi-Family: $133.25 to $152.86 per sq. ft.
- Type V Wood Frame, Multi-Family: $102.41 to $106.66 per sq. ft.
- Type V Wood Frame, One and Two Family Dwelling: $112.65 to $119.73 per sq. ft.
- The unit costs for residential care facilities generally range between $129.43 and $180.72 per square foot.

Based on conversations with local developers, in San Joaquin County, residential construction costs will average approximately $80 per square foot. However, these estimates can range from $60 to $100 per square foot based on the quality of the housing unit and the amenities provided. In general, construction costs can be lowered by increasing the number of units in a development to a certain extent, until the scale of the project requires a different construction type that commands a higher per square foot cost.

3. Availability of Financing

The availability of financing affects a person's ability to purchase or improve a home. Under the Home Mortgage Disclosure Act (HMDA), lending institutions are required to disclose information on the disposition of loan applications by the income, gender, and race of the applicants. This applies to all loan applications for home purchases, improvements and refinancing, whether financed at market rate or with government assistance.

Table 29 summarizes the disposition of loan applications submitted to financial institutions in 2013[2] for home purchase, refinance, and home improvement loans in Tracy. Included is information on loan outcomes (i.e. the number of applications that were approved and originated, denied, withdrawn by the applicant, and incomplete).

[2] 2014 HMDA data not yet available at the writing of this Housing Element.

Table 29: Disposition of Home Loans (2013)

Loan Type	Total Applicants	Percent Approved	Percent Denied	Percent Other
Government-backed	761	75.6%	13.3%	11.2%
Conventional	1,266	76.8%	11.2%	12.0%
Refinance	5,293	67.0%	15.5%	17.4%
Home Improvement	210	46.2%	41.4%	12.4%
Total	7,530	69.0%	15.3%	15.8%

Notes:

1. *"Approved" includes loans approved by the lenders whether or not accepted by the applicant.*
2. *"Other" includes loan applications that were either withdrawn or closed for incompleteness.*

Source: www.LendingPatterns.com™, 2015.

Home Purchase Loans

In 2013, a total of 1,266 Tracy households applied for conventional loans to purchase homes. The overall loan approval rate was 77 percent and 11 percent of applications were denied. By comparison, 75 percent of conventional home loan applications were approved countywide. A total of 761 applications were submitted for the purchase of homes in Tracy through government-backed loans (e.g. FHA, VA) in 2013. Among applications for government-backed home purchase loans in 2013, 76 percent were approved and 13 percent were denied. Countywide, the approval rate for this type of loan was slightly lower at 73 percent.

Refinance Loans

The vast majority of loan applications filed by Tracy residents in 2013 were for home refinance loans (5,293 applications). About 67 percent of these applications were approved, while 16 percent were denied. Countywide, 65 percent of refinancing applications were approved.

Home Improvement Loans

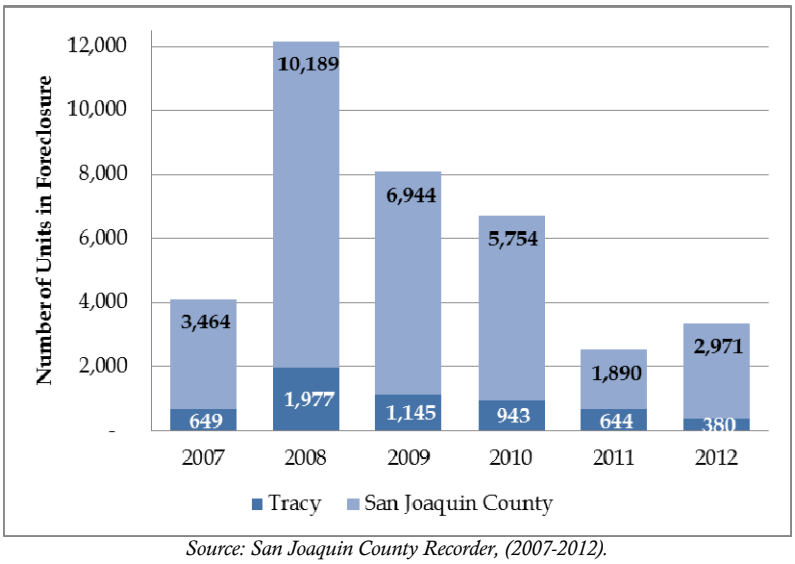
Within the City of Tracy, home improvement loans were the least likely to be approved. Approximately 41 percent of home improvement loan applications were denied and 46 percent were approved by lending institutions in 2013. The high proportion of denials may be explained by the nature of these loans. Most home improvement loans are second loans and therefore more difficult to qualify due to high income-to-debt ratios. Countywide, home improvement loan applications had an approval rate (45 percent) similar to the City of Tracy.

Foreclosures

Like many cities in San Joaquin County, Tracy experienced a dramatic rise in home foreclosures beginning in 2007. According to a 2010 Regional Analyst Report on foreclosures completed by the Eberhardt School of Business in partnership with the San Joaquin Council of Governments, foreclosure rates were particularly high in south and west Tracy (ZIP Code 95377). The number of foreclosures began to fall in 2009, in part due to a new State law that went into effect in September 2008 which required lenders to take added steps to keep troubled homeowners in their homes. The San Joaquin County GIS Department tracked foreclosure data provided by the

County Recorder from 2007 to 2012. The number of foreclosures in Tracy peaked in 2008 and steadily declined each year after.

Figure 7: Foreclosures in Tracy and the Region (2007-2012)



Source: San Joaquin County Recorder, (2007-2012).

B. Governmental Constraints

Aside from market factors, housing affordability is also affected by factors in the public sector. Local policies and regulations can impact the price and availability of housing and, in particular, the provision of affordable housing. Land use controls, site improvement requirements, fees and exactions, permit processing procedures, among other issues may constrain the maintenance, development and improvement of housing. This section discusses potential governmental constraints in Tracy.

1. Land Use Controls

The Land Use Element sets forth City policies for guiding local land use development. These policies, together with existing zoning regulations, establish the amount and distribution of land allocated for different uses. Table 30 lists the land use designations of the General Plan that permit residential uses.

Table 30: Land Use Designations Permitting Residential Use

Land Use Category	Zoning District	Density (du/acre)	Character
Residential Very Low (RVL)	Residential Estate Zone (RE)	0.1 to 2.0	Single-family dwelling units are the principal type of housing stock allowed in these areas. Attached units, zero lot line and clustered housing are also permissible and are encouraged within the overall framework of each community. These housing types can help to meet the City's desire to create unique neighborhoods and enhance the character of the community.
Residential Low (RL)	Low Density Residential Zone (LDR)	2.1 to 5.8	
Residential Medium (RM)	Medium Density Cluster Zone (MDC) Residential Mobile Home Zone (RMH) Medium Density Residential Zone (MDR)	5.9 to 12.0	Includes small lot single-family detached homes, duplexes, triplexes, fourplexes, townhouses, apartments and includes condominiums as an ownership type.
Residential High (RH)	High Density Residential Zone (HDR)	12.1 to 25.0	Includes triplexes, fourplexes, townhouses, apartments, and includes condominiums as an ownership type.
Traditional Residential (TR)	n/a	Varies	Applies only in combination with a Specific Plan or other project level plan.
Traditional Residential – Ellis (TR-Ellis)	Ellis Specific Plan	4.0 to 9.0	Applies to the Ellis Specific Plan area.
Downtown (D)	Central Business District Zone (CBD), General Highway Commercial Zone (GHC), Planned Unit Development (PUD), Professional Office and Medical Zone (POM)	15.0 to 50.0	A mix of retail, office, high-density residential, cultural and public-serving uses on a grid or modified grid, multi-modal street design, with direct pedestrian and bicycle connections to residential neighborhoods.
Village Center (VC)		12.1 to 25.0	Relatively small retail or mixed-use areas. Allowable uses in Village Centers include, but are not limited to, grocery stores, drug stores, banks, restaurants, retail stores for durable goods, small-scale professional offices or services such as travel agencies, beauty salons, daycare facilities, gyms, parks, and high density residential development, along with other neighborhood-serving uses.

Source: Land Use Element, City of Tracy General Plan, 2011.

Each General Plan land use designation is linked to one or more zone districts. As a result, the development intensity standards for the residential land use designations are dependent on the base zoning. In addition, the development density for the residential land use designations may vary further, depending on the nature of development bonuses granted as part of a development approval. There is not a one-to-one correspondence between the City's General Plan residential land use designations and zoning districts. The General Plan has eight residential land use designations: Residential Very Low, Residential Low, Residential Medium, Residential High, Traditional Residential, Traditional Residential-Ellis, Downtown, and Village Center. However, two of these land use designations (Traditional Residential and Traditional Residential-Ellis) are to be implemented only in conjunction with a separate development-level

plan (i.e. Specific Plan). The remaining six residential designations are implemented through ten zoning districts (Table 30):

- Residential Estate Zone (RE)
- Low Density Residential Zone (LDR)
- Medium Density Cluster Zone (MDC)
- Residential Mobile Home Zone (RMH)
- Medium Density Residential Zone (MDR)
- High Density Residential Zone (HDR)
- Professional Office and Medical Zone (POM)
- General Highway Commercial (GHC)
- Planned Unit Development (PUD)
- Central Business District (CBD)

Growth Management Ordinance

The City of Tracy adopted the residential Growth Management Ordinance (GMO) Guidelines in 1987. The GMO was amended from time to time with significant amendments occurring in 1994, 2000, 2009, 2012, and most recently in April 2013. Growth management in the City is intended to:

- Achieve a steady and orderly rate of residential growth in the City, and encourage diverse housing opportunities balanced with the City's obligation to provide public facilities and services with available fiscal resources;
- Regulate the timing and annual amount of new development projects, so that necessary and sufficient public facilities and services are provided, and so that new development projects will not diminish the City's level of service standards;
- Encourage concentric (contiguous) growth of the City;
- Encourage development which will efficiently utilize existing, and planned future, public facilities;
- Encourage a balance of housing types in the City which will accommodate a variety of persons, including affordable housing projects which will accommodate persons of very low, low, and moderate income, and persons on limited or fixed incomes;
- Implement and augment the City policies related to the regulation of new development as set forth in the General Plan, specific plans, City ordinances and resolutions, master plans, finance and implementation plans, and design documents.

Under the GMO, builders must obtain a Residential Growth Allotment (RGA) in order to secure a residential building permit. The GMO limits the number of RGA's and building permits to an average of 600 housing units per year for market rate housing, with a maximum of 750 units in any single year. The maximum of 750 units includes an annual allocation of 150 units reserved specifically for affordable housing. The GMO is not intended to limit the production of affordable housing, small projects, or rehabilitation, therefore a number of exemptions and

exceptions were included in the GMO. The number of building permits issued to projects that meet the following requirements is not limited by the GMO:

- The rehabilitation or remodeling of an existing structure or conversion of apartments to condominiums.
- The replacement of legally established dwelling units that were demolished.
- The project is a fourplex or lesser number of dwelling units developed on a single existing lot.
- The project is a secondary residential unit.

The City of Tracy has provided Affordable Housing Project Exceptions to all residential developers who apply for them. Building permits within the normal limits of the GMO (without seeking Affordable Housing Project Exceptions) are also readily available and residential developers have not needed to obtain Affordable Housing Exceptions.

The number of building permits available each year as Affordable Housing Exceptions is set at a maximum of 150. The maximum of 150 was put in place through Measure A, approved by Tracy voters; therefore, the text in the GMO cannot be amended without another ballot initiative approved by voters. The City, however, adopted an amendment to the Growth Management Ordinance in 2013 that would ensure the RHNA could be entirely accommodated, notwithstanding the numerical limits stated in Measure A or the GMO. Other exemptions in the GMO include the following: (1) rehabilitation, remodeling or additions to existing structures; (2) replacement of previously existing dwelling units that had been demolished; (3) construction of "model homes" until they are converted to residential units; (4) development of a project with four or fewer dwelling units; and (5) secondary residential units. Residential projects exempt from the GMO are not counted toward the 600 annual average or the 750 annual maximum.

As mentioned earlier, the GMO has been amended several times since its adoption in 1987. The following discussion summarizes these amendments:

2006 Revisions

In 2006, the City Council created a policy that authorizes the City to approve as many building permits for affordable projects as are qualified, effectively negating the maximum building permit limit of 150.

2009 Revisions

The GMO and the accompanying GMO Guidelines were modified in 2009 to minimize the prominence of RGAs in the development process. Since RGAs cannot be issued until after a Tentative Subdivision Map, Vesting Tentative Subdivision Map or (in the case of multi-family projects) a Development Review permit is approved, RGAs have effectively become a procedural precursor to building permit issuance and their role to ensure adequate provision of public facilities and services is minimal.

Accordingly, RGAs are not "carried over" because the provision of public services and utilities has already been reviewed with approval of the project's discretionary approval and the public facilities finance and implementation plan. The fact that RGAs cannot be "carried over" has no

effect on the cost of allocations or the ability to accommodate the City's RHNA. The costs associated with residential development are outlined in the project's finance and implementation plan, not through RGA allocations. With respect to the supply and availability of RGAs, the fact that RGAs cannot be "carried over" has no effect on the supply or availability of building permits to accommodate the RHNA because carryovers would have no relationship to the number of available building permits.

2012 Revisions

The GMO was amended in 2012 to allow the Ellis and Tracy Hills projects to obtain up to 600 RGAs per year. The 2009 revision also established "Primary Residential Growth Areas," which are given first priority (aside from projects vested under any previous GMO Guidelines) when issuing building permits. An amendment to the GMO in 2012 clarified the order of priority allocations for RGAs.

RGA Allocation Priorities

1. Vested Projects
2. Primary Residential Growth Areas - The Primary Area includes most of the existing City limits. Up to 100 RGAs annually are reserved for development in the City's Primary Residential Growth Areas.
3. Development Agreements - In the event of any conflict between the development agreement and GMO Guidelines, the development agreement provisions prevail.
4. Tracy Hills and Ellis Specific Plan Projects – These specific plan projects are entitled to receive the following RGAs annually:
    a. In years where 750 RGAs may be allocated, Tracy Hills shall be eligible to receive 406 RGAs and Ellis shall be eligible to receive 194 RGAs
    b. In years where 600 RGAs may be allocated, Tracy Hills shall be entitled to receive 325 RGAs and Ellis shall be entitled to receive 155 RGAs
    c. If either Tracy Hills or Ellis receives less than the number of RGAs described above, the difference between the numbers of RGAs allocated and the numbers of RGAs described above shall be reserved. Either Tracy Hills or Ellis may apply for these RGAs no later than the March 31st GMB meeting. If Tracy Hills or Ellis does not apply for RGAs prior to the March 31st GMB meeting, the RGAs will be made available to other projects.
5. "Other" Projects - Development sites that "promote efficient residential development patterns and orderly expansion of residential areas to maximize the use of existing public services and infrastructure" (as identified in the General Plan Objective LU 1.4) but are not within the Primary Areas (as defined in the GMO Guidelines). "Other" projects are entitled to receive the following RGAs annually:
    a. In years where 750 RGAs may be allocated, "Other" Projects shall be entitled to receive 50 RGAs per year
    b. In years where 600 RGAs may be allocated, "Other" Projects shall be entitled to receive 40 RGAs per year

Any remaining RGAs will be made available to projects for which a complete application has been submitted. During years when a number of RGAs other than 600 or 750 are available, the RGAs will be issued in proportionate amounts as established above.

In addition to the priorities established above, the GMO Guidelines outline additional criteria for development projects within Primary Residential Growth Areas. The Primary Areas priority allows for infill projects to compete with the typically larger, greenfield developments that lie outside of the central core of the City. The following criteria was established for determining which infill projects have priority over other infill projects, should there be demand exceeding the supply of RGAs in any given year:

- Housing Type (in order of importance):
    1) High Density Residential (12.1 du/acre or more)
    2) Medium Density Residential (5.9-12.0 du/acre)
    3) Low Density (up to 5.8 du/acre)
    4) Projects with an affordable component, including moderate and low to very low income categories (RGAs for the affordable component come from the "Affordable Housing Exception" category in the GMO)
    5) Mixed Use and other innovative housing types (i.e mixing products in a single project, cluster housing, mixed-use developments)

- Geographic Area (in order of importance):
    1) Village Center
    2) Connection of incomplete infrastructure
    3) Projects that combine several smaller parcels
    4) Compatibility with surrounding area

- Project Size and Proximity to Existing Development (in order of importance):
    1) Small Infill-less than five acres and surrounded by development on three sides
    2) Large Infill-over five acres and surrounded by development on three sides
    3) Projects already in progress that need additional RGAs for completion

- Project Design (in order of importance):
    1) High level of connectivity—pedestrian and vehicular
    2) Amenities—parks, schools, etc.
    3) Architecture
    4) Energy Efficient Design
    5) Walkability and high intersection density
    6) Building and type and building frontage variation

Priority criteria are utilized for projects within the Primary Area only; they are not utilized for projects in the Secondary Residential Growth Area. Only when there is competition between projects in the Primary Area do the scoring criteria apply. There is no impact on the timing of development due to the criteria because projects are evaluated against the criteria after Development Review approval and during the period between RGA application submittal (September) and RGA issuance (typically in October or November). Projects are not rejected, they are ranked. The criteria do not add to the costs of development because they are not

required and there is no City fee associated with the criteria. Developers choose to design their projects in accordance with market demands and opportunities; nothing in the criteria is beyond the developers' control. For example, high density housing types are addressed by location through zoning, not the RGA criteria. The geographical area of a project does not change as a result of the RGA criteria – the project is where the developer chooses to locate it. The project size and proximity to development is a function of the developers' lot size, not the RGA criteria. Project design is evaluated at the time of Development Review approval, not RGA issuance.

2013 Revisions

The 2009 GMO amendment defined Affordable Housing as a very low, low, or moderate income unit deed restricted for 55 years. The 2013 GMO amendment reduced this affordability restriction to ten years.

The 2013 amendment also allowed the City to issue building permits in excess of those allowed through the GMO in order to meet the City's RHNA, as required by the State Department of Housing and Community Development (HCD). The maximum number of building permits issued may be the limit prescribed in the GMO (in general, 600 annual average or 750 per year max) or the number of units identified in the RHNA (by income category), whichever is higher.

The GMO Guidelines summarized above provide a high level of certainty and predictability for development. In fact, the GMO process only occurs after Tentative Map or other discretionary development approval. This allows projects that are closer to obtaining building permits to obtain RGAs and discourages more speculative projects from obtaining RGAs before the project is prepared to use them. Also, the City publishes a spreadsheet identifying all RGA applications being considered, which results in a high level of transparency and predictability in determining a project's chances for approval.

Residential Growth Allotment Allocation Process

The City's Growth Management Ordinance, as amended, sets a schedule of allocating RGAs once per year, with the application deadline on the first Thursday of September, and the allocations to be used to obtain a building permit during the following calendar year. The only exceptions to this schedule occur with applications for affordable housing units (to be processed immediately as received) and for Development Agreement projects with timelines as determined within each agreement.

Applications for RGAs are due the first Thursday in September each year. Completeness determinations are made within 30 days. Allocations are made by the Growth Management Board (the City Manager, the Development and Engineering Services Director, and the Public Works Director) before the end of that same year in order to permit the use of the RGAs to obtain building permits in the following calendar year.

The process to review applications and allocate RGAs would typically last less than 60 days. This simple, predictable process allows residential developers to wait until near the end of the calendar year (just prior to the year they intend to begin obtaining building permits) to obtain

RGAs. This allows maximum flexibility for developers to schedule their entitlement process to coincide with market opportunities.

Furthermore, if a developer obtains Tentative Map approval in the early or mid-portion of the year before they intend to obtain building permits, they may work on their improvement plans, final map, grading, utilities, streets, and other in-tract improvements prior to or concurrent with applying for and obtaining RGAs.

If this program proves inconvenient for developers in the future, GMO Guidelines include provisions for periodic revisions. This Section acknowledges, in part, that the City recognizes the GMO Guidelines must be adaptable to evolving needs related to developers' timing or other issues. Amending the RGA allocation process by adding a second allocation cycle during the year, for example, would only require a Resolution of the City Council, and not a change to the Growth Management Ordinance.

The approval process for RGA issuance relates to the other entitlements in that RGAs are required prior to building permit issuance but are not required prior to other approvals. The cumulative impact on timing and costs of development resulting from the RGA allocation process is that projects have the ability to wait until they are ready to develop before obtaining RGAs. A typical subdivision map has a "life" of many years, which can be extended at regularly scheduled public meetings of the Planning Commission or City Council throughout the year. The costs associated with the RGA process (RGA application fee) are not incurred until the applicant decides to move forward with their project and obtain RGAs.

Applications for RGAs are only considered for projects that have approved Tentative Subdivision Maps or other necessary project approvals, if no subdivision will occur. This ensures that the Growth Management Board only considers the allocation of RGAs to projects that have access to water, sewer, storm drainage, and other requisite public facilities and services. The RGAs are allocated based on the criteria as listed in the GMO guidelines.

RGA allocations are determined at a public hearing by the Growth Management Board, which consists of the City Manager, Development and Engineering Services Director, and the Public Works Director.

The GMO approval process allows both small and large residential projects to obtain adequate RGAs. Projects of over 500 units have successfully been built in the past, and two very large ongoing projects—Ellis (over 2,000 housing units) and Tracy Hills (over 5,000 housing units)—are set to obtain their RGAs over the course of a number of years. The following examples help illustrate the availability of RGAs:

1. The GMO was amended in 2012 to allow the Ellis (194 RGAs) and Tracy Hills (406 RGAs) projects to obtain up to 600 RGAs per year.

2. Infill sites: GMO Guidelines state that infill (Priority Areas) sites may receive up to 100 RGAs annually. Projects in the City's "Primary Residential Growth Areas" are given first priority (aside from projects vested under any previous GMO Guidelines) when issuing building permits.

GMO and Affordability

The rate of housing overpayment in Tracy has increased substantially since 2000. Between 2007 and 2011, nearly one-half (48 percent) of Tracy households overpaid for housing compared to 35 percent in 2000 (Table 12). It is unclear, however, what impact the GMO has had on housing costs in the City. The effect of inclusionary housing ordinances, growth management ordinances, and urban growth boundaries on the affordability of housing is a prominent topic for current academic research. There are researchers and scholars with varying and conflicting ideas of the causal relationship (if any) between growth management and housing affordability.

The incremental effect on housing costs of limiting the number of residential units per year within a city depends on the position of that city economically and demographically within the region, the price (and relative price) of land, the existing local supply and types of housing, the regional and local demand for housing, and the relative level of residential choice and mobility in the area, among other elements beyond the scope of a housing element. The City does not believe that, to date, the GMO has had an effect on the cost of housing.

Historically, there are more RGAs and building permits available than the market can absorb in Tracy. Furthermore, the 2013 amendment to the GMO that established the RHNA exemption resulted in hundreds of additional building permits being made available in a calendar year than the 600 annual average or 750 annual limit. Therefore, the annual limits in the past and in the foreseeable future have not affected (and will not affect) the supply or cost of housing. The RHNA exemption provision will effectively result in a rolling average for each RHNA cycle in that to the extent that the City does not achieve its RHNA in any calendar year, the number of permits to achieve the RHNA will be available in each succeeding year.

Planned Unit Development (PUD) Zone

The Planned Unit Development (PUD) Zone is designed to allow for greater flexibility and creativity in site planning for residential, commercial, and industrial uses to achieve greater efficiency in land use by maximizing open space, preserving natural amenities, and creating additional amenities. Maximum height and bulk requirements, as well as the minimum setback, yard, parking and loading requirements are established for each PUD Zone by a preliminary development plan, which must be reviewed and approved by the Planning Commission and City Council to ensure its acceptability.

Density Bonuses

State law requires the provision of certain incentives for residential development projects that set aside a certain portion of total units to be affordable to lower and moderate income households. The City grants density bonuses to developers who build housing developments of five or more units and construct at least one of the following:

- **Very low income units:** Five percent of the total units of the housing development as target units affordable to very low-income households; or
- **Low Income Units:** Ten percent of the total units of the housing development as target units affordable to low-income households; or

- **Moderate Income Units:** Ten percent of the total units of a newly constructed condominium project or planned development as target units affordable to moderate-income households, provided all the units are offered for purchase; or
- **Senior Units:** A senior citizen housing development of 35 units or more.

Density bonuses and development incentives are based on a sliding scale, where the amount of density bonus and number of incentives provided vary according to the amount of affordable housing units provided.

The City of Tracy updated its density bonus ordinance in 2008 to comply with the requirements of California Government Code Section 65915 that was in effect as of December 2014. However, the recently adopted AB 2222 added new requirements to the State's density bonus provisions, which took effect in January 2015. Specifically, AB 2222 extends the affordability control to 55 years for the affordable units and requires the replacement of existing affordable units removed in order to qualify for a density bonus, incentive, or concession. The City will update the density bonus ordinance again to comply with these additional requirements by 2016.

Specific Plans

The City anticipates that much of its new residential growth will occur in the Tracy Hills and Ellis specific plan areas.

Tracy Hills Specific Plan

Upon buildout, Tracy Hills will consist of 5,499 dwelling units and will provide a distinct hierarchy of housing types that accommodate a wide range of housing objectives, buyer needs and affordability. Planned housing types include custom homes, production homes, smaller detached homes, town-home units, condominiums and apartments. Table 31 summarizes the permitted uses within the Specific Plan area.

Table 31: Tracy Hills Specific Plan Permitted and Conditionally Permitted Residential Uses

	Land Use Zones			
	RE-TH	**LDR-TH**	**MDR-TH**	**HDR-TH**
Single-Family Dwellings	P	P	P	P
Two-Family Dwellings	--	P	P	P
Multiple-Family Dwellings	--	--	P	P
Residential Care Facilities (<6 persons)	P	P	P	P
Residential Care Facilities (>6 persons)	C	C	C	C
Mobilehome Parks	--	--	--	P

Ellis Specific Plan

The Ellis community will be characterized by three residential neighborhoods that are all in close proximity to the Village Center: the Village Neighborhood, Garden Neighborhood, and Town & Country Neighborhood. The Village Center will be built out over time in response to market demand. The following is a brief description of the various residential land use designations that make up the Ellis Specific Plan, while Table 33 summarizes the permitted uses allowed within each land use category:

- **Residential Mixed Low (RML):** The Residential Mixed Low designation is intended to provide for relatively low-density housing, including single-family, detached one- and two-story houses. The allowed density will range from a minimum of 2.1 to a maximum of 8 dwelling units per acre (du/acre).
- **Residential Mixed Medium (RMM):** The Residential Mixed Medium designation is intended to provide for medium-density housing, including single-family detached and attached units, and will consist of one- and two-story houses and two- and three-story townhouses. Densities in this land use category will range from a minimum of 4 to a maximum of 16 dwelling units per acre (du/acre).
- **Residential Mixed High (RMH):** The Residential Mixed High designation is intended to provide for high-density housing. The units will be single- and multi-family detached and attached units, and will consist of compact housing, townhouses, apartments, condominiums, and live/work units generally located adjacent to commercial uses. Residential Mixed High densities will range from a minimum of 8 to a maximum of 25 du/acre.
- **Village Center (VC):** The Village Center designation will accommodate up to 60,000 square feet of nonresidential uses in the Village Center, as well as up to 50 high-density residential units, possibly in a mixed-use configuration with residential over commercial. Residential units in the Village Center may be apartments, townhouses, condominiums, and /or live /work units.

Table 32: Ellis Specific Plan Permitted and Conditionally Permitted Residential Uses

	Land Use Zones	
	Village Center	**Residential Mixed**
Attached Single-Family	P	P
Detached Single-Family	--	P
Multiple-Family	P	P
Live/Work	P	--

The Ellis Specific Plan area was annexed into the City of Tracy in 2013. The first tentative map was approved in 2014 and construction of the first phase began in 2015.

2. Residential Development Standards

Outside the specific plan areas, the City regulates the type, location, density, and scale of residential development primarily through the Zoning Ordinance. The following zoning districts allow residential uses:

Residential Estate Zone (RE) – 0.0 to 2.0 du/acre
The Residential Estate (RE) Zone is characterized by open space and very low density development. This zone also allows for educational, cultural, institutional, and recreational uses serving local residential areas.

Low Density Residential Zone (LDR) – 2.0 to 5.8 du/acre
The Low Density Residential (LDR) Zone is intended to be utilized in the areas designated low-medium density residential. Mobile homes on individual lots are permitted, and mobile home parks are permitted through issuance of a conditional use permit, as are convalescent hospitals, rest and nursing homes, and board and care facilities, and planned residential developments of one-family dwellings on individual lots.

Medium Density Cluster Zone (MDC) – 5.9 to 12.0 du/acre
The Medium Density Cluster (MDC) Zone classification is designed to provide for single- and two-family dwellings, dwelling groups, and supporting uses. Dwelling group is defined as a group of two or more detached dwellings located on a parcel of land in one ownership and having one yard or court in common. Crop and tree farming is also permitted by right. Condominiums, one- and two-family residential planned developments, mobile home parks and subdivisions, and attached single-family dwellings are permitted through the issuance of a conditional use permit. A minimum of 3,500 square feet of net lot area for each dwelling unit is required, and not more than 45 percent of the net lot area shall have buildings.

Residential Mobile Home Zone (RMH) – up to 10.0 du/acre
The Residential Mobile Home (RMH) Zone is to provide an exclusive district designation that is applied to land for use as mobile home parks, and to establish rules and regulations by which the City may regulate the standards of lots, yards, or park areas, landscaping, walls or enclosures, signs, access, and vehicle parking. A minimum 2,400-square-foot lot is required for each unit. Each mobile home park is required to provide 1,000 square feet of usable open space plus 150 square feet for each individual trailer space if the mobile home park provides more than 10 spaces.

Medium Density Residential Zone (MDR) – 5.9 to 12.0 du/acre
The Medium Density Residential (MDR) Zone is designed to provide for apartments, multiple-family dwellings, dwelling groups, and supporting uses. One-, two-, an multiple-family dwellings are permitted by right in this zone, as are dwelling groups and apartment houses, boarding and rooming houses, and crop and tree farming. Mobile home parks and subdivisions, condominiums and planned residential developments, attached single-family dwellings, board and care facilities, and rest or nursing homes are permitted through issuance of a conditional use permit. A minimum 2,900 square feet lot area is required for each unit, and buildings shall not cover more than 45 percent of the lot. In addition, residential uses proposed for this zone must provide 100 square feet of usable open space for each of the first 10 dwelling units, 50 square feet for each of the second 10 units, and 25

square feet for each unit in excess of 20. Usable open space is defined as lawn, pool, or a garden courtyard, and shall not include the required front yard or street side yard, off-street parking, driveways, or service areas.

High Density Residential Zone (HDR) – 12.0 to 25.0 du/acre

The High Density Residential (HDR) Zone classification is designed to provide for apartments, multiple-family dwellings, dwelling groups, and supporting uses. Multiple-family dwellings, dwelling groups, apartments, and boarding and rooming houses are allowed by right. Crop and tree farming and single-family dwellings are also allowed by right in the High Density Residential zone. Mobile home parks and subdivisions, condominiums and planned residential developments, and attached single-family dwellings are allowed via a use permit. There is no height limit in the HDR zone, but at least 1,400 square feet of net lot area is required of each unit. The maximum building coverage is 45 percent and the same usable open space required for development in the MDR district is required for the HDR district.

Professional Office and Medical Zone (POM) – 5.8 du/acre

The Professional Office and Medical (POM) Zone specialized classification is designed to provide for local serving offices supporting uses and facilities consistent with the General Plan. This zone permits the development of multiple family dwelling units, with the exception of apartment hotels.

General Highway Commercial (GHC)

The General Highway Commercial (GHC) Zone is to provide areas for commercial activities which are automobile-oriented or for those uses which seek independent locations outside shopping centers or other business clusters. Multiple-family dwellings are also conditionally permitted in this zone without a maximum prescribed density.

Central Business District (CBD) - 40 du/ac

The Central Business District (CBD) Zone is to provide areas in which pedestrian-oriented establishments, commercial business, service, and office facilities for the convenience of residents of the entire City may locate. Multiple-family dwellings are also conditionally permitted in this zone at a density of up to 40 units per acre, as prescribed in the General Plan.

Development standards specific to each zone district are designed to protect and promote the health, safety, and general welfare of residents as well as implement the policies of the General Plan. These standards also serve to preserve the character and integrity of existing neighborhoods. Specific residential development standards are summarized in Table 33. Generally, development standards can limit the number of units that may be constructed on a particular piece of property. These include density, minimum lot and unit sizes, height, and open space requirements. Limiting the number of units that can be constructed will increase the per-unit land costs and can, all other factors being equal, result in higher development costs that may impact housing affordability.

Table 33: Residential Development Standards

Zoning District	Maximum Building Height	Minimum Net Lot Area (sq. ft.)	Minimum Lot (ft.)		Setbacks (ft.)			Maximum Lot Coverage
			Width	Depth	Front	Rear	Side	
RE	35' (2 ½ stories)	15,000	75	n/a	50	30	20	30%
LDR		5,600	56	90	15	10	3-10	45%
MDC		3,500	45	n/a			4-10	
RMH	35' (2 stories)	2,400	35	60	5	5	5	n/a
MDR	35' (2 ½ stories)	6,000	60	n/a	15-20	10	3-10	45%
HDR	none			n/a	15-20		5-10	
POM		7,500	70	n/a	10		10	50%
GHC		none	n/a	n/a	15	15	15	none
CBD			None		none			

Source: City of Tracy Zoning Ordinance, 2015.
n/a = No prescribed minimum or maximum standard.

Parking requirements for single-family and multi-family residential uses in Tracy are summarized in Table 34. Although the provision of off-street parking can increase the cost of housing, Tracy's standards are reasonable as requirements for multi-family developments are equal to or less than requirements for single-family detached dwellings. Furthermore, given the commute pattern of residents, the parking requirements match the demand in the community. Guest space requirements for multi-family developments are also reasonable because these types of developments do not have private driveways for each unit to accommodate parking for guests as is required for new single-family homes. Nonetheless, because the increased cost of off-street parking can make financing the development of senior housing and housing affordable to lower and moderate income households more difficult, reduced parking and other incentives, concessions, or waivers and modifications of development standards are available for developers of affordable projects that are eligible for a density bonus.

Table 34: Parking Requirements

Type of Residential Development	Required Parking Spaces
Single-Family Residential	Two non-tandem enclosed (in garage) spaces per unit*
Multi-Family Dwellings	
Studio units and one-bedroom units	One and one-half spaces per unit, one of which shall be covered, plus one additional space marked "Guest" per every five units
Two-bedroom or more units	Two spaces with one covered per unit, plus one space marked "Guest" for every five residential units

Source: City of Tracy Zoning Ordinance, 2015.
** Except for housing designated by the City as in a very low or low income housing program where only one of the two spaces per unit is required to be enclosed.*

The City recently adopted amendments to the Zoning Ordinance to incorporate Affordability by Design principles. For example, any use, including multi-family residential, may request a reduction in required parking based on a study or survey that illustrates that required parking is not warranted. Applicants may receive up to a 20 percent reduction of the otherwise required number of parking spaces pursuant to T.M.C. Section 10.08.3470(e). The City of Tracy has also relaxed the required distance between structures in the HDR Zoning District from the average

height of the two buildings to 10 feet. This has provided for greater flexibility for the allowance and maximum usage of residential sites.

3. Provision for a Variety of Housing Opportunities

Housing element law specifies that jurisdictions must identify adequate sites to be made available through appropriate zoning and development standards to encourage the development of a variety of housing types for all economic segments of the population. This includes single-family homes, multi-family housing, second units, mobile homes, and residential care facilities. Table 35 below summarizes the various housing types permitted within the City's zoning districts.

Table 35: Housing Types Permitted by Zone

Housing Types	RE	LDR	MDC	RMH	MDR	HDR	POM	GHC	CBD
One-Family Dwelling	P	P	P		P	P			
Second Units	P	P	P		P	P			
Manufactured Housing/ Mobile Homes	P	P			P	P			
Mobile Home Parks	C	C	C	P	C	C			
Multi-Family			P		P	P	P	C	C
Residential Care Facility (less than 6 persons)	P	P	P		P	P	P		
Residential Care Facility (more than 6 persons)	C	C	C		C	C			

Source: City of Tracy Zoning Ordinance, 2015.
Notes: P = Permitted C = Use Permit Required

One-Family Dwellings

A "one-family dwelling" is defined in the Zoning Ordinance as a detached building arranged, designed, or used for, and intended to be occupied by, not more than one family, and which building has not more than one primary kitchen and not less than one bathroom. Single-family dwellings are permitted in all of the City's residential zones, with the exception of the RMH zone.

Secondary Residential Unit

Second units may be an alternative source of affordable housing to lower income households and seniors. A "secondary residential unit" is defined as a separate residential unit containing sleeping, kitchen, and bathroom facilities, and created on a lot in the Low Density Residential Zone (LDR) zone which already contains one legally created residential unit. A secondary residential unit may be created by the conversion of a portion of, or an addition to, an existing dwelling or by the construction of a new structure.

The passage of AB 1866 (effective July 2003) requires cities to use a ministerial process to consider second units in effort to facilitate the production of affordable housing state-wide. Second units must be permitted in all residential zones where a primary single-family unit already exists. In December 2015, the City of Tracy adopted an amendment to the Zoning

Ordinance that permits the development of second units in the RE, LDR, MDC, MDR, and HDR zones.

Manufactured and Mobile Homes

Manufactured housing and mobile homes can be an affordable housing option for low and moderate income households. The California Department of Finance reported in 2009 that Tracy's housing stock included 476 mobile homes, or approximately two percent of the total housing units in the City. A mobile home built after June 15, 1976, certified under the National Manufactured Home Construction and Safety Act of 1974, and built on a permanent foundation may be located in any residential zone where a conventional single-family detached dwelling is permitted subject to the same restrictions on density and to the same property development regulations.

The City's Zoning Ordinance conditionally permits mobile home parks in all of its residential zones, with the exception of the RMH zone where they are permitted by right. In December 2015, the City of Tracy adopted an amendment to the Zoning Ordinance that permits the development of manufactured homes in the RE, LDR, MDR, and HDR zones.

Multiple-Family Housing

According to the American Community Survey, multiple-family housing comprised approximately 13 percent of the housing stock in Tracy between 2009 and 2013 (Table 19 on page 31). Multiple-family housing is permitted within the MDC, MDR, HDR and POM zones. Conditional use permits are required for the construction of multiple-family housing in the GHC and CBD zone districts.

Residential Care Facilities

The Lanterman Developmental Disabilities Services Act (Sections 5115 and 5116) of the California Welfare and Institutions Code declares that mentally and physically disabled persons are entitled to live in normal residential surroundings. The use of property for the care of six or fewer persons with mental disorders or disabilities is required by law. A State-authorized, certified or authorized family care home, foster home, or group home serving six or fewer persons with disabilities or dependent and neglected children on a 24-hour-a-day basis is considered a residential use to be permitted in all residential zones. No local agency can impose stricter zoning or building and safety standards on these homes (commonly referred to as "group" homes) of six or fewer persons with disabilities than are required of the other permitted residential uses in the zone.

In accordance with the Lanterman Act, all residential care facilities serving six or fewer persons are permitted without discretionary review in Tracy wherever a single-family home is permitted. In addition, the City allows residential care facilities of seven or more persons in all of its residential zones with a Conditional Use Permit. Despite this policy, the City's Zoning Ordinance makes no specific provisions for residential care facilities of any size. The City will amend its Zoning Ordinance to fully comply with the provisions of the Lanterman Act by 2016.

It should be noted, however, that the lack of explicit provisions for residential care facilities in the Zoning Ordinance has not precluded the development of this housing type in the City. According to the State Department of Social Services Community Care Licensing Division, as of June 2015, one licensed group home with six beds, 16 licensed residential care facilities for the elderly with a combined capacity of 368 beds, and seven licensed adult residential facilities with a combined capacity of 95 beds, are located in Tracy.

Emergency Shelters

Senate Bill 2, enacted in October 2007, requires local governments to identify one or more zoning categories that allow emergency shelters without discretionary review. The statute permits the City to apply limited conditions to the approval of ministerial permits for emergency shelters. The identified zone must have sufficient capacity to accommodate at least one year-round shelter and accommodate the City's share of the regional unsheltered homeless population. Tracy's share of the regional unsheltered homeless population is estimated to be 32 individuals.

In December 2015, the City of Tracy adopted an amendment to the Zoning Ordinance that added a definition of emergency shelters to the Municipal Code and permits their development in the MDC, MDR, and HDR zones by right, without discretionary review. Emergency shelters are also subject to the following additional development standards:

- Concentration. An emergency homeless shelter may not be located closer than 300 feet from another emergency homeless shelter.
- On-site resident manager. An emergency homeless shelter shall have a resident, on-site manager.

The City has over 20 acres of vacant land zoned MDC, MDR, and HDR. In addition, the City's residential sites inventory identifies 11.3 acres of vacant MDR land. The City also has plans to rezone 31.7 acres of vacant industrial land to HDR, consistent with the City's General Plan Land Use Element. Adequate capacity would be available to potentially accommodate emergency shelters for the unsheltered homeless in the City.

Transitional and Supportive Housing

State law (AB 2634 and SB 2) requires local jurisdictions to address the provisions for transitional and supportive housing. Under Housing Element law, transitional housing means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculation of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance (California Government Code Section 65582(h)).

Supportive housing means housing with no limit on length of stay, that is occupied by the target population and is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Target population means persons

with low incomes who have one or more disabilities, including mental illness, HIV/AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people (California Government Code Sections 65582(f) and (g)).

In December 2015, the City of Tracy adopted an amendment to the Zoning Ordinance that added a definition of transitional housing and supportive housing to the Municipal Code. Transitional housing is now defined as "a building configured for rental housing, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time that is not less than six months from beginning of assistance. Transitional housing that is provided in single-family, two-family, or multi-family dwelling units will be permitted, conditionally permitted or prohibited in the same manner as other single-family, two-family, or multi-family dwelling units under this code."

Supportive housing is now defined as "housing with no limit on the length of stay, that is occupied by persons with disabilities and individuals or families that are homeless at the time approved for occupancy, and that is linked to on-site services that assist the supportive housing resident in retaining the housing, thereby improving the residents health status, and maximizing his or her ability to live and, when possible and applicable, work in the community. Supportive housing that is provided in single-family, two-family, or multi-family dwelling units will be permitted, conditionally permitted or prohibited in the same manner as other single-family, two-family, or multi-family dwelling units under this code." This definition is not precisely consistent with the Government Code. The City will be amending its Zoning Ordinance to ensure compliance with State law.

Single Room Occupancy Units (SROs)

SRO units are one-room units intended for occupancy by a single individual. They are distinct from a studio or efficiency unit, in that a studio is a one-room unit that must contain a kitchen and bathroom. Although SRO units are not required to have a kitchen or bathroom, many SROs have one or the other and could be equivalent to an efficiency unit. AB 2634 mandates that local jurisdictions address the provision of housing options for extremely low income households—specifically the provision of SROs.

In December 2015, the City of Tracy adopted an amendment to the Zoning Ordinance that added a definition of SROs to the Municipal Code and permits their development in the MDR and HDR zones. SROs are also conditionally permitted in the MDC zone.

Farmworker Housing

The California Employee Housing Act requires that housing for six or fewer employees be treated as a regular residential use. The Employee Housing Act further defines housing for

agricultural workers consisting of 36 beds or 12 units be treated as an agricultural use and permitted where agricultural uses are permitted.

The City of Tracy permits crop and tree farming in the A, LDR, MDC, MDR, and HDR zones. However, farm employee housing is not similarly permitted in these zones. The City's Zoning Ordinance also has no provisions for employee housing. City staff will amend the Zoning Ordinance by 2016 to include provisions for farm employee housing and employee housing pursuant to the California Employee Housing Act.

Housing for Persons with Disabilities

Both the federal Fair Housing Amendment Act (FHAA) and the California Fair Employment and Housing Act direct local governments to make reasonable accommodations (i.e. modifications or exceptions) in their zoning laws and other land use regulations when such accommodations may be necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. The City conducted an analysis of the zoning ordinance, permitting procedures, development standards, and building codes to identify potential constraints for housing for persons with disabilities. The City's policies and regulations regarding housing for persons with disabilities are described below.

Land Use Controls: Under State Lanterman Developmental Disabilities Services Act (aka Lanterman Act), small licensed residential care facilities for six or fewer persons must be treated as regular residential uses and permitted by right in all residential districts.

All residential care facilities serving six or fewer persons are permitted without discretionary review in Tracy wherever a single-family home is permitted. All residential zones also allow residential care facilities of seven or more persons with a Conditional Use Permit. The City will amend its Zoning Ordinance by 2016 to reflect this current policy and fully comply with the provisions of the Lanterman Act.

Definition of Family: Local governments may restrict access to housing for households failing to qualify as a "family" by the definition specified in the Zoning Ordinance. Specifically, a restrictive definition of "family" that limits the number of and differentiates between related and unrelated individuals living together may illegally limit the development and siting of group homes for persons with disabilities, but not for housing families that are similarly sized or situated.[3] In December 2015, the City of Tracy adopted an amendment to the Zoning Ordinance that modified the definition of "family" to "one or more persons occupying a single dwelling unit, under no more than one written or oral rental agreement." This definition may act as a constraint on housing for persons with disabilities. For example, there are some service providers that require individual lease agreements for residents within a residential care facility

[3] California court cases (City of Santa Barbara v. Adamson, 1980 and City of Chula Vista v. Pagard, 1981, etc.) have ruled an ordinance as invalid if it defines a "family" as (a) an individual; (b) two or more persons related by blood, marriage, or adoption; or (c) a group of not more than a specific number of unrelated persons as a single housekeeping unit. These cases have explained that defining a family in a manner that distinguishes between blood-related and non-blood related individuals does not serve any legitimate or useful objective or purpose recognized under the zoning and land use planning powers of a municipality, and therefore violates rights of privacy under the California Constitution.

or transitional housing. The City will revisit this definition of family to ensure that it places no negative impacts for persons with disabilities.

Building Codes: The Building and Safety Division actively enforces 2013 California Building Code provisions that regulate the access and adaptability of buildings to accommodate persons with disabilities. No unique restrictions are in place that would constrain the development of housing for persons with disabilities. Government Code Section 12955.1 requires that 10 percent of the total dwelling units in multi-family buildings without elevators consisting of three or more rental units or four or more condominium units subject to the following building standards for persons with disabilities:

- The primary entry to the dwelling unit shall be on an accessible route unless exempted by site impracticality tests.
- At least one powder room or bathroom shall be located on the primary entry level served by an accessible route.
- All rooms or spaces located on the primary entry level shall be served by an accessible route. Rooms and spaces located on the primary entry level and subject to this chapter may include but are not limited to kitchens, powder rooms, bathrooms, living rooms, bedrooms, or hallways.
- Common use areas shall be accessible.
- If common tenant parking is provided, accessible parking spaces is required.

Reasonable Accommodation: Both the Federal Fair Housing Act and the California Fair Employment and Housing Act direct local governments to make reasonable accommodations (i.e. modifications or exceptions) in their zoning laws and other land use regulations when such accommodations may be necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. For example, it may be reasonable to accommodate requests from persons with disabilities to waive a setback requirement or other standard of the Zoning Ordinance to ensure that homes are accessible for the mobility impaired. Whether a particular modification is reasonable depends on the circumstances. In December 2015, the City of Tracy adopted an amendment to the Zoning Ordinance that added a formal reasonable accommodations procedure to the Municipal Code.

4. Development and Planning Fees

Residential developers are subject to a variety of fees and exactions to process permits and provide necessary services and facilities as allowed by State law. In general, these development fees can be a constraint to the maintenance, improvement, and development of housing because the additional cost borne by developers contributes to overall increased housing unit cost. However, the fees are necessary to maintain adequate planning services and other public services and facilities in the City. The City's permit processing and development impact fee schedule for residential development are displayed in Table 36. Most permit processing fees are levied on a full cost recovery basis to recoup actual administrative costs incurred to the City during the development review process. Development impact fees are levied to offset fiscal impacts of new developments.

Table 36: Permit Processing Fees

Type	Amount
Conditional Use Permit	
Class A	$5,905 ($608)
Class B	$3,760 ($390)
Development Review	
Class A	$4,361
Class B	$3,098
Environmental Initial Study/Negative Declaration	$1,582
Environmental Impact Report	Cost Recovery Agreement
General Plan Amendment	Cost Recovery Agreement
Planned Unit Development	$8,746
Planning Commission Determination	$1,120
Residential Growth Allotment	$1,859
Specific Plan Amendment	$5,682
Tentative Parcel Map	$8,133
Tentative Subdivision Map	
5-100 lots	$11,141
101+ lots	$17,380
Variance	$749
Zone Change	$2,841

Source: City of Tracy, Development and Engineering Services (DES) Department Master Fee Schedule, 2015.
( ) = Fee for non-profit organizations.
Notes:
1. *Class A = 4 or more units*
2. *Class B = 1-3 units*

A typical development is also expected to pay a variety of impact fees to ensure the adequate provision of infrastructure, services, and facilities. The exact fees to be paid depend on the location of the projects. Typical application processing costs to the City for a residential project range between $15,000 to $40,000. Technical studies (such as traffic, sewer, water, or CEQA) can cost between $10,000 to $60,000 per residential subdivision or apartment complex. Development impact fees for a recent 21-unit single-family subdivision totaled approximately $50,000 per unit. For a recent 300-unit multi-family development, fees totaled approximately $25,000 per

unit. Appendix C shows the development impact fees for a typical single-family unit and a typical multi-family unit.

While the City's fees are tied to the costs of providing necessary services, they can impact the development of affordable housing. The City has several policies in place to facilitate the development of affordable housing, including: increased priority under the Growth Management Ordinance, decreased construction costs through reduced standards (i.e. reduced parking, etc.), and reduced fees.

5. On- and Off-Site Improvements

Requirements for on- and off-site improvements vary depending on the presence of existing improvements, as well as the size and nature of the proposed development. In general, the City requires the following improvements and facilities for new developments:

- *Frontage improvements*. The frontage of each lot is required to be improved consistent with the geometric sections of the Roadway Master Plan, including street structural section, curbs, gutters, sidewalks, driveway approaches, transitions, landscaping and street lighting
- *Storm drainage*. Stormwater runoff must be collected and conveyed by an approved storm drain system that provides for the protection of abutting and off-site properties. Off- and/or on-site storm drain improvements and/or detention or retention basins may be required to satisfy this requirement.
- *Water supply*. Each unit or lot must be served by the City water system, with a separate water meter.
- *Underground utilities*. All existing and proposed utilities must be placed underground. Street lighting must also be provided to the standards specified in the City's design documents. Developers must deposit with the City sufficient money to pay for the energy and maintenance of such street-lighting for a period of 18 months or secure funding for lighting through a landscape and lighting maintenance district.
- *Other improvements*. Other improvements, including but not limited to, street lights, fire hydrants, signs, street trees and shrubs, landscaping, irrigation, and monuments, or fees in lieu of any of the above may also be required.
- *Street Design*. The City of Tracy street design criteria are summarized in the table below (Table 37). Alternative street designs are permitted within specific plan areas.

Table 37: Street Design Criteria

Design Criteria	Right of Way	Curb to Curb
Residential Streets (<500 VPD)	56'	36'
Minor Residential Collector (500-2,000 VPD)	60'	40'
Major Residential Collector (2,000-5,000 VPD)	86'	56'
Minor Arterial (5,000-12,000 VPD)	114'	64'

Source: City of Tracy, 2015.
VPD=Vehicles per day

6. Building Codes and Enforcement

In addition to land use controls, local building codes also affect the cost of housing. The City currently implements the 2013 California Building Codes, which are based on the International Building Codes. The California Building Codes establish standards and requires inspections at various stages of construction to ensure code compliance and minimum health and safety standards. Although these standards may increase housing production costs, these standards are mandated by the State of California and are intended to provide structurally sound, safe, and energy-efficient housing.

7. Local Permits and Processing Times

The processing time needed to obtain development permits and required approvals is commonly cited by the development community as a prime contributor to the high cost of housing. Depending on the magnitude and complexity of the development proposal, the time that elapses from application submittal to project approval may vary considerably. Factors that can affect the length of development review on a proposed project include: completeness of the development application submittal, responsiveness of developers to staff comments and requests for information, and projects that are not exempt from the California Environmental Quality Act (CEQA), require rezoning or general plan amendment, or are subject to a public hearing before the Planning Commission or City Council.

Certainty and consistency in permit processing procedures and reasonable processing times is important to ensure that the development review/approval process does not discourage developers of housing or add excessive costs (including carrying costs on property) that would make the project economically infeasible. The City is committed to maintaining comparatively short processing times. Total processing times vary by project, but most residential projects are approved in two to four months. Table 38 provides a detailed summary of the typical processing procedures and timelines of various types of projects in the City.

Table 38: Processing Times

Project Type	Reviewing Body	Public Hearing Required	Appeal Body (if any)	Estimated Total Processing Time
Single-Family Subdivision	Planning Commission*	Yes	City Council	2-4 months
Multiple-Family	DES Director	Yes	Planning Commission	2-4 months
Multiple-Family (with subdivisions)	Planning Commission*	Yes	City Council	2-4 months
Mixed Use	Planning Commission	Yes	City Council	2-4 months

**City Council would grant final approval if the Tentative Map is a "Vesting" Map. If not Vesting, Planning Commission has final approval authority. All projects are assumed to have proper general plan, zoning, and CEQA clearance.*

The processing time for the most common residential development applications are summarized in Table 39. These applications are often processed concurrently. Depending on the level of environmental review required, the processing time for a project may be lengthened. Given the relatively short time periods required for processing residential

development applications in Tracy, the City's permit processing procedures are not a significant constraint on residential development.

Table 39: Approximate Processing Times

Process/Application	Time
Conditional Use Permit	2-3 months
Development Review	1-3 months
General Plan Amendment	3-4 months
Environmental Impact Reports	6-12 months
Plan Check/Building Permits	1-3 months
Tentative Map	2-3 months
Variance	1-2 months
Zone Change	3-4 months

Source: City of Tracy Planning Department, 2015.

Development Review

A Development Review Permit is required for all housing developments or improvements that require a building permit, except for single-family and two-family residences. An application, including an initial environmental study and site/architectural plans, must be submitted to the City's Development and Engineering Services (DES) Department. Site plan and architectural reviews are completed within the Development Review process. The DES Director reviews applications and has the authority to approve, conditionally approve, or deny an application. In reviewing and evaluating an application, the Director considers the following aspects:

- Conformity with various zoning provisions;
- The height, bulk, and area of buildings;
- The types of buildings and installations;
- The physical and architectural relationship with the existing and proposed structures;
- The site layout, orientation, and location of the buildings and relationships with open areas and topography;
- The height, materials, colors, and variations in boundary walls, fences, and screen plantings;
- The location and type of landscaping, including, but not limited to, off-street parking areas; and
- The appropriateness of the sign design and exterior lighting.

Conditional Use Permit

In all zoning districts, specified conditional uses are permitted subject to the granting of a Conditional Use Permit. Because of their potentially incompatible characteristics, conditional uses require special consideration so that they may be located properly with respect to their effects on surrounding properties. In order to achieve these purposes, the Planning Commission has the authority to grant or deny applications for use permits and to impose reasonable conditions upon the granting of Conditional Use Permits.

A public hearing is required for each application for a conditional use permit. Hearings must be held within 30 days after the date the application was filed. Notice of the public hearing must given at least 10 days, but not more than 20 days, prior to the date of the hearing. At the public hearing, the Commission reviews each application and receives applicable evidence and testimony concerning the proposed use and the proposed conditions. The Commission must decide on each application within 40 days of the closing of the public hearing.

In recommending the approval of a Conditional Use Permit, the Commission can impose a variety of conditions that are deemed necessary to protect the public health, safety, and general welfare. Such conditions may include:

- Special yards, spaces, and buffers;
- Fences and walls;
- The surfacing of parking areas and provisions for surface water drainage, subject to City specifications;
- Requiring street dedications and improvements, including service roads or alleys when practical;
- The regulation of the points of vehicular ingress and egress;
- The regulation of signs;
- Requiring the maintenance of the grounds;
- Requiring landscaping and the maintenance thereof;
- The regulation of noise, vibration, odors, and other similar characteristics;
- The regulation of the time for certain activities to be conducted on the site;
- The time period within which the proposed use shall be developed;
- A bond, deposit of money, or letter of credit for the completion of the street improvements and other facilities or for the removal of such use within a specified period of time to assure faithful performance on the part of the applicant.

8. State Tax Policies and Regulations

Proposition 13

Proposition 13 is a voter initiative that limits increases in property taxes except when there is a transfer of ownership. This initiative may have increased the cost of housing by forcing local governments to pass on more of the costs of housing development to new homeowners.

Federal and State Environmental Protection Regulations

Federal and State regulations require environmental review of proposed discretionary projects (e.g., subdivision maps, use permits, etc.). Costs, resulting from fees charged by local government and private consultants needed to complete the environmental analysis and from delays caused by the mandated public review periods, are also added to the cost of housing and passed on to the consumer. However, the presence of these regulations helps preserve the environment and ensure environmental quality for Tracy residents.

C. Environmental and Infrastructure Constraints

A community's environmental setting affects the feasibility and cost of developing housing. Environmental issues range from the availability of water to the suitability of land for development due to potential exposure to seismic, flooding, wildfire and other hazards. If not properly recognized and accommodated in residential design, these environmental features could potentially endanger lives and property. This section summarizes these potential constraints on residential development in Tracy.

1. Geologic and Seismic Hazards

There are four Seismic Zones in the United States, which are ranked according to their seismic hazard potential. Zone 1 has the least seismic potential and Zone 4 has the highest seismic potential. The City of Tracy lies primarily within Seismic Zone 3, while parts of the Tracy Hills Specific Plan area lie in Zone 4. The California Building Code contains special standards and regulations for each zone to ensure that all new construction will withstand forces associated with a major earthquake.

There are numerous faults within and around the City of Tracy. Major faults near the City include the San Andreas, Calaveras, Hayward and Concord-Green Valley faults. These faults have historically been the source of earthquakes felt in Tracy. The Carnegie/Corral Hollow fault, considered active, runs roughly northeast-southeast along the southern boundary of the Lawrence Livermore National Laboratory Site 300. The Black Butte and Midway faults, which are potentially active, lie near the City's boundaries and may pose potential seismic hazards for the Planning Area. The Tracy-Stockton fault, which passes beneath the City of Tracy in the deep subsurface, is considered inactive. The Elk Ravine fault, which is considered inactive, lies between the Carnegie/Corral Hollow, Black Butte and Midway faults.

There are a series of specific hazards that are caused by earthquakes, including ground rupture, ground shaking, liquefaction and expansive soils. Due to its seismic and geologic conditions, the City of Tracy is subject to several of these hazards, including a moderate potential for liquefaction, as well as a moderate to high potential for expansive soils depending on the specific soil conditions and location. The Safety Element of the City's General Plan includes goals, policies, and actions that are designed to reduce the risks of these hazards, including requiring underground utilities and geotechnical reports.

For all new construction, the City requires geotechnical reports and other analyses, where necessary, to analyze potential soils or geologic hazards. The California Building Code, enforced by the City's Development and Engineering Services Department, contains design and development regulations to ensure that all new construction will withstand forces associated with geologic and seismic hazards.

2. Flooding

Floodplain zones are determined by the Federal Emergency Management Agency (FEMA) and used to create Flood Insurance Rate Maps (FIRMs) that designate these zones. These maps assist cities in mitigating flooding hazards through land use planning and building permit

requirements. FEMA outlines specific regulations for any construction, whether residential, commercial or industrial within 100-year floodplains. The floodplain is the relatively level land area on either side of the banks of a stream subject to flooding. The 100-year floodplain is the area subject to flooding based on a storm event that is expected to occur every 100 years on average, based on historical data.

The most recent FIRM for the City of Tracy is dated October 16, 2009. According to this FIRM, the majority of land within City limits is included in Zone X, the designation for lands outside of the 100-year floodplain. Two areas along the northern portion of the City fall within FIRM Zone AE, which indicates the 100-year floodplain. Furthermore, the majority of land within the city limit and SOI is located outside of the 200-year floodplain, although there are small areas in the northern portions of the city limit and SOI that are within the preliminary 200-year floodplain boundary. New construction and substantial improvements to structures are required to "have the lowest floor (including the basement) elevated at least one foot above the base flood level" or be of flood-proof construction.

The Safety Element of the City's General Plan also includes goals and policies that are designed to reduce the risks of flooding hazards in the City. These policies include:

- Limiting development on lands within the 100-year flood zone
- Preventing the construction of flood barriers within the 100-year flood zone that divert flood water or increase flooding in other areas
- Encouraging to purchase National Flood Insurance, which reduces the financial risk from flooding and mudflows
- Implementing floodplain overlay zones provided by FEMA

The Federal Emergency Management Agency (FEMA) determines the locations of floodplains and designates the locations of flood zones on Flood Insurance Rate Maps. Specific regulations are enforced by the City on all new construction to ensure that the lowest floor is at least one foot above the base flood level or that the structure is flood-proof. All sites zoned for residential development or identified to provide sites to meet the RHNA, however, are outside the 100-year floodplain.

3. Wildland Fires

The risk of wildland fires is related to a combination of factors, including winds, temperatures, humidity levels and fuel moisture content. Of these four factors, wind is the most crucial. Steep slopes also contribute to fire hazard by intensifying the effects of wind and making fire suppression difficult. Features in some parts of the Planning Area, including highly flammable vegetation, and warm and dry summers with temperatures often exceeding 100 degrees Fahrenheit, create a situation that results in potential wildland fires. Where there is easy human access to dry vegetation, fire hazards increase because of the greater chance of human carelessness. High hazard areas include outlying residential parcels and open lands adjacent to residential areas.

To quantify this potential risk, the California Department of Forestry (CDF) has developed a Fire Hazard Severity Scale that utilizes three criteria in order to evaluate and designate potential

fire hazards in wildland areas. The criteria are fuel loading (vegetation), fire weather (winds, temperatures, humidity levels and fuel moisture contents) and topography (degree of slope).

The Safety Element of the City's General Plan also includes goals and policies that are designed to reduce the risks of wildland fire hazards in the City. These policies include:

- Limiting development in areas with steep terrain
- Requiring new developments to satisfy fire flow and hydrant requirements
- Incorporating drought-resistant and fire-resistant plants in areas subject to wildland fires.
- Regularly training the City of Tracy Fire Department for urban and wildland firefighting conditions.

High fire hazard areas include outlying residential parcels and open lands adjacent to residential area. All new development in Tracy is required to satisfy fire flow and hydrant requirements. No sites improved with residential development to meet or exceed the RHNA are in a high fire hazard area.

4. Hazardous Materials and Waste

Products as diverse as gasoline, paint solvents, film processing chemicals, household cleaning products, refrigerants and radioactive substances are categorized as hazardous materials. What remains of a hazardous material after use or processing is considered to be a hazardous waste. The handling, transportation and disposal of such waste is of concern to all communities. Improper handling of hazardous materials or wastes may result in significant effects to human health and the environment.

Many businesses and residents in Tracy use hazardous materials and generate some amount of hazardous waste. The most common hazardous waste in Tracy are generated from gasoline service stations, dry cleaners, automotive mechanics, auto body repair shops, machine shops, printers and photo processors, and agriculture. Most of these wastes are petroleum-based or hydrocarbon hazardous waste and include cleaning and paint solvents, lubricants and oils. However, medical wastes, defined as potential infectious waste from sources such as laboratories, clinics and hospitals, are also included among the hazardous wastes found in Tracy.

Hazardous materials and hazardous wastes in Tracy are heavily regulated by a range of federal, State and local agencies. One of the primary hazardous materials regulatory agencies is the California Environmental Protection Agency, Department of Toxic Substances Control (DTSC). DTSC is authorized by the U.S. Environmental Protection Agency (EPA) to enforce and implement federal hazardous materials laws and regulations.

San Joaquin County has prepared a Hazardous Material Area Plan, in accordance with the California Health and Safety Code (HSC) (Division 20, Chapter 6.95, §25500 et seq.) and California Code of Regulations (CCR) (Title 19, Article 3, §2270 et seq.). The Plan is designed to protect human health and the environment through hazardous materials emergency planning, response and agency coordination and community right-to-know programs. The Plan outlines

the roles and responsibilities of federal, State, and local agencies in responding to hazardous material releases and incidents. The City of Tracy's Police and Fire Departments work with San Joaquin County to implement this plan.

The City of Tracy participates with San Joaquin County in a household hazardous waste program. Tracy residents can also access the permanent household hazardous waste consolidation facility located in Stockton.

The County Office of Emergency Services (OES) administers the Emergency Planning and Community Right-to-Know program for the Tracy Planning Area. Under Chapter 6.95 of the California Health and Safety Code and the Federal Resource Conservation and Recovery Act, any business storing quantities of hazardous materials greater than 55 gallons of liquid, 500 pounds of solid or 200 cubic feet of some compressed gasses must file a hazardous materials business plan annually that establishes incident prevention measures, hazardous material handing protocols and emergency response and evacuation procedures.

The Safety Element of the City's General Plan also includes goals and policies that are designed to reduce the risks associated with hazardous materials and waste in the City. These policies include:

- Requiring developers to conduct the necessary level of environmental investigation to ensure that soils, groundwater and buildings affected by hazardous material releases from prior land uses and lead or asbestos potentially present in building materials, will not have a negative impact on the natural environment or health and safety of future property owners or users.
- Requiring new pipelines and other channels carrying hazardous materials avoid residential areas and other immobile populations to the extent possible.
- Maintaining formally-designated hazardous material carrier routes to direct hazardous materials away from populated and other sensitive areas.

Most hazardous wastes in Tracy include cleaning and paint solvents, lubricants and oils. Medical wastes are also included among the hazardous wastes found in Tracy. The City works with appropriate County and State agencies to ensure compliance with all hazardous materials and waste safety regulations. No new residential development will be subject to significant risks from hazardous materials or waste.

5. Water Supply

Tracy obtains water from both surface and groundwater sources. The City has access to up to 39,000 acre-feet of water per year from both surface and groundwater sources combined and utilizes less than half that amount each year. Furthermore, the City is pursuing additional water supplies to accommodate future growth. The amount from either source as a percentage of the total water supply used by Tracy varies from year to year based on contractual agreements, annual precipitation and City policy about how to expend water resources. The supply of groundwater sources is dependent on the capacity of the Tracy Aquifer.

The City of Tracy receives the majority of its surface water supply from the South County Surface Water Supply Project (SCSWSP), a partnership with the cities of Manteca, Lathrop, and Escalon and the South San Joaquin Irrigation District. The SCSWSP delivers up to 10,000 acre-feet per year of treated Stanislaus River water to the City.

Another 10,000 acre-feet per year is available through a Bureau of Reclamation contract from the Delta Mendota Canal. An additional 10,000 acre-feet of less reliable supply is available from the Delta Mendota Canal through agricultural water contracts the City purchased from the Banta-Carbona Irrigation District and the West Side Irrigation District.

Finally, the City owns and operates eight wells through which it has historically pumped up to 9,000 acre-feet per year for municipal use. Since obtaining access to surface water supplies, the City only uses well water for meeting peak demands or during the annual maintenance outage of the City's Water Treatment Plant. The well water is less desirable because it is heavily mineralized.

In addition to the current water supply sources indicated above, the City is pursuing thousands of additional acre-feet per year for future urban growth from the Byron-Bethany Irrigation District, the Plain View Water District, water recycling, aquifer storage and recovery, and out-of-area storage through the Semitropic Water Banking project.

The City of Tracy provides water service to all of its residents. In 2009, the City used approximately 17,000 acre-feet of its 39,000 acre-feet supply. Upon General Plan buildout, potable water demand is projected at about 36,300 acre feet per year. The City's water supply comes from both surface and groundwater sources and totals approximately 38,000 acre feet per year. The City will have adequate water to accommodate projected water demands at buildout of the General Plan.

6. Wastewater Capacity

The City of Tracy's wastewater facilities include a collection system consisting of gravity sewer lines, pump stations, force mains, and a Wastewater Treatment Plant (WWTP). Wastewater flows toward the northern part of the City where it is treated at the WWTP and then discharged into the Old River in the southern Sacramento-San Joaquin Delta.

The City of Tracy is the wastewater treatment service provider in Tracy. Wastewater treatment capacity exceeds demand. In 2012, the average dry weather flow for the entire City was 7.6 million gallons per day (mgd). This flow is treated at the City's WWTP which has a design capacity of 10.8 mgd and a planned expansion to 16 mgd. Through existing facilities and approved expansions, the City will have adequate wastewater treatment capacity to meet and exceed the RHNA.

7. Habitat Protection

The Tracy Planning Area currently contains a range of vegetation and habitat types including urban, agricultural, riparian woodlands, seasonal wetlands, farmed wetlands and non-native grasslands. These vegetation areas and habitats, which are described below, host a wide range

of wildlife and plant species that reflect the diversity in San Joaquin County and the Central Valley.

There are numerous special status plant and animal species known to be located in the Tracy Planning Area. Special-status species include plants and animals that are legally protected under state and federal Endangered Species Acts or other regulations, as well as species considered sufficiently rare by the scientific community to qualify for such listing.

As of 2009, there are six special-status mammals, 24 special-status birds, six special-status reptiles and amphibians, two special-status invertebrates, and twelve special-status plant species potentially occurring in the Planning Area. These include the San Joaquin kit fox, Swainson's hawk, San Joaquin pocket mouse and the giant garter snake.

In an effort to protect sensitive and threatened species throughout the county, the San Joaquin Council of Governments (SJCOG) has prepared the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The purpose of the SJMSCP is to provide a county-wide strategy for preserving open space, provide for the long-term management of plant, fish and wildlife species, especially those that are currently listed or may be listed in the future under the ESA or the California Endangered Species Act, and provide and maintain multiple-use Open Spaces that contribute to the quality of life of the residents of San Joaquin County. The City of Tracy has adopted the SJMSCP. Sites used to fulfill the RHNA are not impacted by the SJMSCP.

There are numerous special status plant and animal species known to be located in the vicinity of Tracy. In an effort to protect sensitive and threatened species, the City of Tracy participates in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The SJMSCP allows development to occur in the City limits while land is conserved elsewhere in San Joaquin County for long-term management of plant, fish, and wildlife species. The SJMSCP provides habitat mitigation for sufficient amounts of land for Tracy to exceed the RHNA.

IV. Housing Resources

The extent of housing needs in a community often exceeds the resources available. The City of Tracy must pool together limited resources and use them efficiently in order to address the current and projected housing needs of its residents. This section of the Housing Element provides an overview of resources available to the City.

A. Regional Housing Needs Allocation

1. Projected Housing Needs

State Housing Element law requires that a local jurisdiction accommodate a share of the region's projected housing needs for the planning period. This share, called the Regional Housing Needs Allocation (RHNA), is important because State law mandates that jurisdictions provide sufficient land to accommodate a variety of housing opportunities for all economic segments of the community. Compliance with this requirement is measured by the jurisdiction's ability in providing adequate land to accommodate the RHNA. The San Joaquin Council of Governments (SJCOG), as the regional planning agency, is responsible for allocating the RHNA to individual jurisdictions within the region.

The RHNA is distributed by income category. For the 2015 Housing Element update, the City of Tracy is allocated a RHNA of 4,976 units as follows:

- Extremely Low (up to 30 percent of AMI): 513 units (10.3 percent)
- Very Low Income (31 to 50 percent of AMI): 467 units (9.4 percent)
- Low Income (51 to 80 percent of AMI): 705 units (14.2 percent)
- Moderate Income (81 to 120 percent of AMI): 828 units (16.6 percent)
- Above Moderate Income (more than 120 percent of AMI): 2,463 units (49.5 percent)

Credits toward the RHNA

Since the RHNA uses January 1, 2014 as the baseline for growth projections for the Housing Element planning period of 2015-2023, jurisdictions may count toward the RHNA any new units built or issued certificates of occupancy since January 1, 2014. As of May 2015, 1,896 market-rate housing units are under construction or have been approved in Tracy (Table 40). The location of these developments is illustrated in Figure 10. Overall, the City has a remaining RHNA of 2,513 units, including 980 extremely low/very low income units, 705 low income units, and 828 moderate income units.

Table 40: Credits Toward the RHNA

Project Name (Map ID)	Extremely Low/ Very Low 0-50% AMI	Low 51-80% AMI	Moderate 81-120% AMI	Above Moderate > 120% AMI	Total
Projects Under Construction					
Primrose **(1)**	0	0	0	252	252
The Bungalows **(2)**	0	0	0	57	57
Trinity Lane **(3)**	0	0	0	60	60
Muirfield VII—Phase 4 **(4)**	0	0	0	61	61
Lyon Crossroads **(5)**	0	0	0	59	59
Aspire Apartments **(6)**	0	0	0	301	301
Yosemite Vista **(7)**	0	0	0	166	166
Ventana **(8)**	0	0	0	105	105
Subtotal	**0**	**0**	**0**	**1,061**	**1,061**
Projects Approved and Not Yet Constructed					
Brookview **(9)**	0	0	0	80	80
Southgate **(10)**	0	0	0	70	70
Seventh Street Commons **(11)**	0	0	0	10	10
Elissagaray Infill **(12)**	0	0	0	47	47
Trigo Duplexes and Triplexes **(13)**	0	0	0	18	18
Valpico Apartments **(14)**	0	0	0	184	184
MacDonald Apartments **(15)**	0	0	0	60	60
Tracy Apartments at Grant Line **(16)**	0	0	0	441	441
Ellis Specific Plan—Phase I **(17)**	0	0	0	299	299
Barcelona Infill **(18)**	0	0	0	51	51
Subtotal	**0**	**0**	**0**	**1,260**	**1,260**
Projects Pending Approval					
Tracy Hills Specific Plan—Phase I **(19)**	0	0	0	1,162	1,162
Middlefield Apartments **(20)**	0	0	0	144	144
Bates Stringer **(21)**	0	0	0	226	226
Tracy Village **(22)**	0	0	0	585	585
Harvest at Tracy **(23)**	0	0	0	300	300
Aspire II Apartments **(24)**	0	0	0	47	47
Berg Road Subdivision **(25)**	0	0	0	71	71
Subtotal	**0**	**0**	**0**	**2,535**	**2,535**
Total	**0**	**0**	**0**	**4,856**	**4,856**
RHNA	980	705	828	2,463	**4,976**
Remaining RHNA	**980**	**705**	**828**	**0**	**2,513**

2. Residential Sites Inventory

State law requires that jurisdictions demonstrate in the Housing Element that the land inventory is adequate to accommodate that jurisdiction's share of the regional growth. The City is committed to identifying sites at appropriate densities as required by law. The State, through AB 2348, has established "default" density standards for local jurisdictions. State law assumes that a density standard of 20 units per acre for suburban jurisdictions, such as Tracy, is adequate to facilitate the production of housing affordable to lower income households. Therefore, in estimating potential units by income range, it is assumed that:

- A density of 0 to 10 units per acre (primarily for single-family homes) is assumed to facilitate housing in the above moderate income category;
- A density of 11 to 19 units per acre (primarily for medium density multi-family developments) is assumed to facilitate housing in the moderate income category; and
- A density of 20 or more units per acre (primarily for higher density multi-family developments) is assumed to facilitate housing in the extremely low, very low and low income categories.

Residential Development Potential in Specific Plan Areas

The City anticipates that much of its future residential growth will occur within two Specific Plan areas—the Tracy Hills Specific Plan and the Ellis Specific Plan. These Specific Plan areas have the potential to yield over 6,600 units and are described in detail below:

Tracy Hills Specific Plan

The Tracy Hills Specific Plan was adopted in 1998 and encompasses approximately 2,731 acres within the southern portion of the City surrounding the existing interchange at Corral Hollow Road and the proposed Lammers Road interchange on Interstate 580. The specific plan area is anticipated to include 5,499 housing units. In addition to the residential component, areas have been designated for commercial, industrial and office uses. The Specific Plan offers four housing densities for a diverse range of residential opportunities: Residential Estate (0.5 to 2.0 units per acre), Low Density Residential (2.1 to 5.8 units per acre), Medium Density Residential (5.9 to 12.0 units per acre), and High Density Residential (12.1 to 25.0 units per acre).

Full development of the Tracy Hills Specific Plan area may take up to 20 years or more to complete, depending on market conditions. Conceptually, it will be phased generally from east to west or from the Corral Hollow Road end of the site to the western portions of the planning area. The first phase of development is currently under review and expected to be considered by the City Council in 2016 (Figure 8). This development application also includes an amendment to the 1998 Specific Plan that proposes to rearrange the land uses within the planning area. The total number of proposed dwelling units will not change; however, the distribution of units (by land use category) will be modified. Table 41 below reflects the new distribution of housing units, according to the proposed Tracy Hills Specific Plan amendment

that is anticipated to be considered in 2016. The first phase of Tracy Hills is currently under review (Table 40) and these 1,162 units, proposed on the Specific Plan's LDR parcels, have been removed from the residential development potential calculations below. Furthermore, in order to provide a more conservative estimate of Tracy Hills' development potential, only one-half of the 2,014 units anticipated in the Specific Plan's MDR parcels will be counted toward the City's moderate-income RHNA, even though the maximum allowable density on these properties makes them suitable for the development of moderate-income housing units.

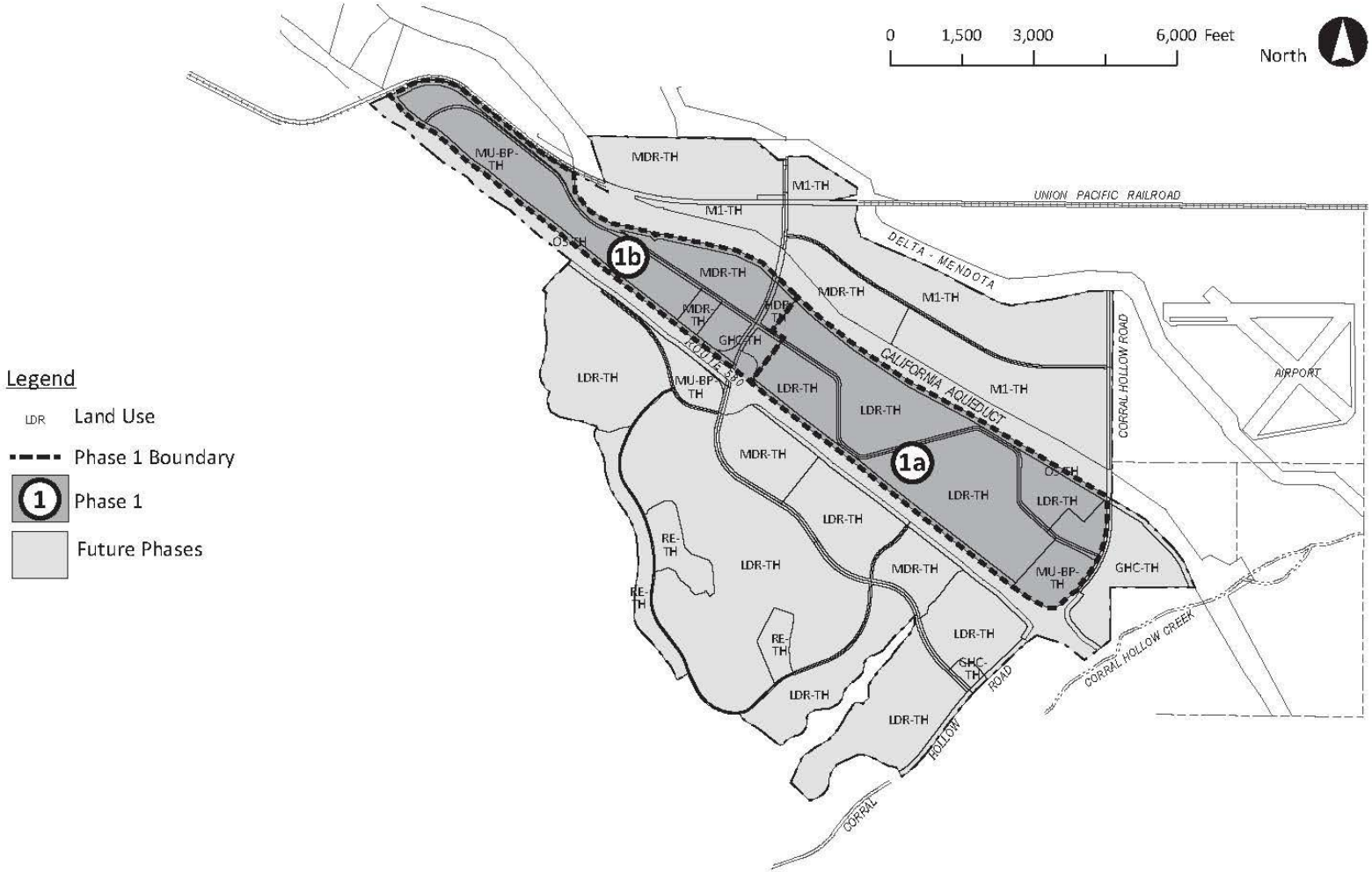
Table 41: Remaining Residential Development Potential in the Tracy Hills Specific Plan (Proposed Amendment)

Land Use (Zoning)	Acreage[1]	Density (du/acre)	# of Units
Residential Estate (RE)	81.3	0.5-2.0	122
Low Density Residential (LDR)	876.3	2.1-5.8	2,076
Medium Density Residential (MDR)	270.4	5.9-12.0	2,014
High Density Residential (HDR)	7.8	12.1-25.0	125
Total	**1,235.8**		**4,337**

Note:

1. *Indicates adjusted developable acres.*

Figure 8: Tracy Hills Specific Plan



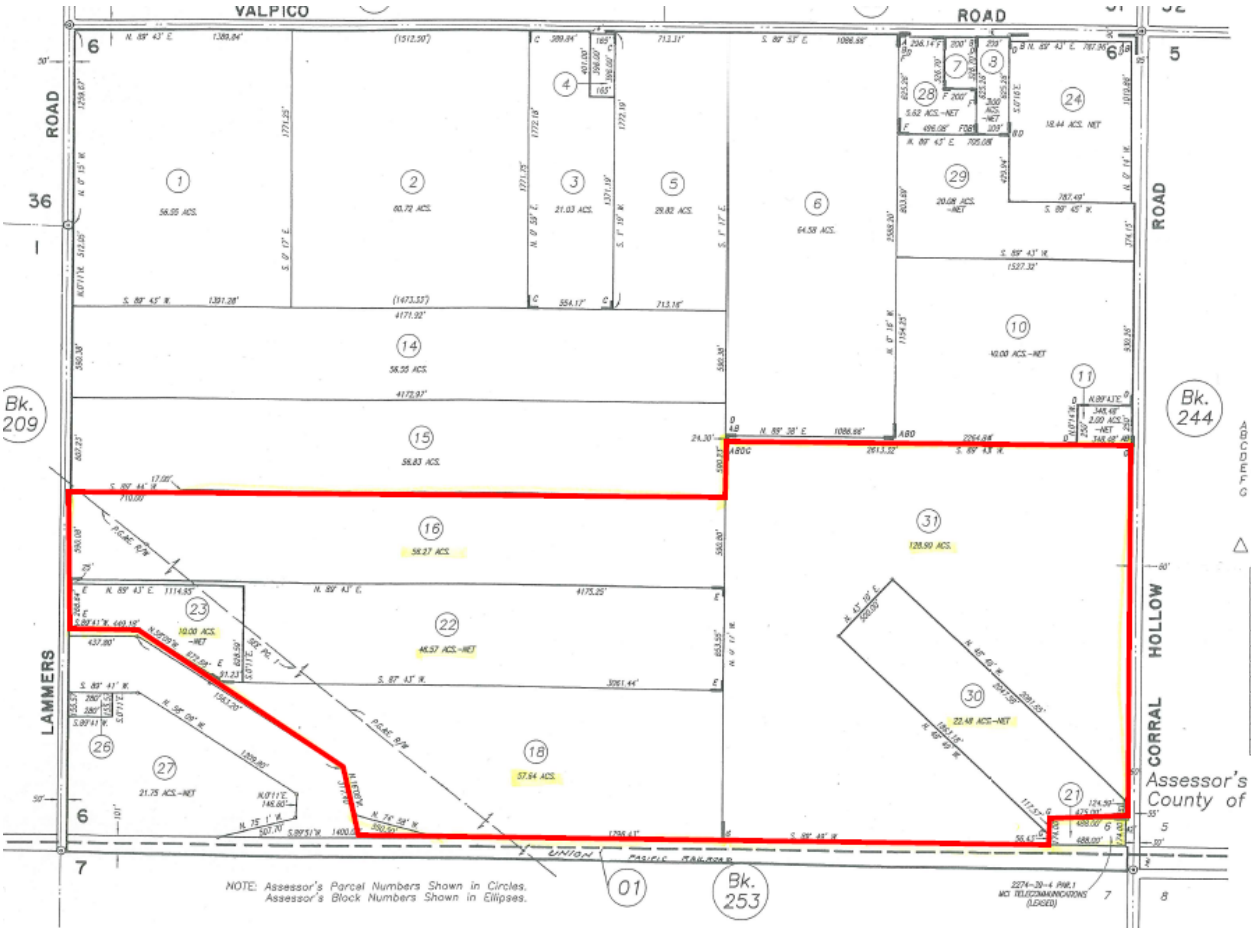
Ellis Specific Plan

The 2011 Tracy General Plan established a separate and distinct land use classification for the Ellis Project entitled Traditional Residential-Ellis (TR-Ellis). In December 2011, the developer filed applications with the City for a modification and amendment to the Original Ellis Development Agreement (DA); a modification and amendment to the Original Ellis Specific Plan; and Petition for Annexation and Pre-Zoning and General Plan Amendment (collectively referred to as the "Modified Project").

The Modified Ellis Specific Plan (ESP) pertains to 321 acres designated as Traditional Residential-Ellis (TR-Ellis), Commercial, and Village Center (VC) in the City of Tracy General Plan. The area is located between Lammers Road and Corral Hollow Road along the north side of the Union Pacific rail line. The vision for Ellis is to create a village with a broad mix of residential housing types and densities, neighborhood parks, and an opportunity to include a Family-Oriented Swim Center (Family Swim Center) serving as a Community Park. Ellis will be a pedestrian-friendly, compact, planned development. A Village Center with commercial and office/professional uses will be located adjacent to the proposed Family Swim Center and will serve as the focal point of community activities. These uses will all be within walking distance of each other.

The Modified Ellis Specific Plan identifies two land use designations that allow for residential development: Residential Mixed (4.0 to 9.0 units per acre) and Village Center (up to 9.0 units per acre). Upon buildout, the plan will accommodate a maximum of 2,250 residential units (minimum 1,000 units), not including secondary residential units.

Figure 9: Ellis Specific Plan (Location and Existing Parcels)



The Ellis site currently has 100 RGAs, and is anticipated to receive more in the future, in accordance with the Growth Management Ordinance (GMO). The first phase of development within the Ellis Specific Plan was approved in 2014 and construction began in 2015. The specific plan area has a remaining capacity of 1,131 units.

Table 42: Residential Development Potential in the Ellis Specific Plan

Land Use	Acreage	Allowed Density Range (du/acre)	Maximum Number of Units	Potential Number of Units (Mid-Range)
Residential Mixed	170.3	4.0-9.0	1,532	1,106
Village Center	5.7	0.0-9.0	50	25
	176.0		**1,582**	**1,131**

Notes: Potential number of dwelling units is estimated as the midpoint of the dwelling unit range specified in Specific Plan.

Residential Development Potential on Vacant Sites

In addition to the Specific Plan areas discussed above, future housing units can also be accommodated on various vacant sites located throughout the City. The sites inventory includes several vacant sites designated for lower density residential uses (up to 12 units per acre). The residential capacity on these sites is counted towards the City's moderate- and above moderate-income RHNA.

The City plans to accommodate the majority of its lower income RHNA on land designated as Downtown (D) and Residential High (RH) by the General Plan. Residential development within the RH designation can occur at a density of up to 25 units per acre, while the Downtown designation can accommodate up to 40 units per acre. Senior housing is allowed within the Downtown designation at a density of up to 50 units per acre. The Downtown properties included in the sites inventory (detailed in Table 43 and illustrated in Figure 10) all have zoning in place that accommodates residential development. Altogether, the City has identified 35 acres of this high density land, with a total capacity of 1,054 lower income units. City staff used their extensive knowledge of the City to select these particular vacant properties based on a variety of factors, including parcel size, location, and redevelopment potential. These vacant sites were previously identified in the City's 2009-2014 Housing Element and are currently still vacant and available for future residential development.

Table 43: Vacant Sites Inventory

Map ID	APN	General Plan	Zoning	Acres	Density (units/ acre)	Maximum Capacity	Potential Capacity	Existing Use	Notes
Low Density									
A	235-100-32	Residential Low	Low Density Residential	2.00	5.8	11	8	Vacant	
Subtotal				**2.0**		**11**	**8**		
Medium Density									
B	234-070-06	Residential Medium	Medium Density Residential	2.4[1]	12.0	35	35	Vacant	The MDR zone permits one dwelling unit for each 2,900 square feet of net lot area.
C	234-070-04	Residential Medium	Medium Density Residential	7.1[1]	12.0	106	106	Vacant	The MDR zone permits one dwelling unit for each 2,900 square feet of net lot area.
D	233-460-04	Residential Medium	General Highway Commercial	1.8	12.0	21	16	Vacant	
Subtotal				**11.3**		**162**	**157**		

Table 43: Vacant Sites Inventory

Map ID	APN	General Plan	Zoning	Acres	Density (units/ acre)	Maximum Capacity	Potential Capacity	Existing Use	Notes
High Density									
E	235-150-23	Downtown	Central Business District	17.1	40.0[2]	682	545	Vacant	The General Plan designation for these sites is Downtown and the zoning is Central Business District, which allows multiple-family dwellings at a density of up to 40 units per acre.
F	235-150-06	Downtown	Central Business District	6.9	40.0[2]	275	220	Vacant	
G	235-150-24	Downtown	Central Business District	4.4	40.0[2]	176	123	Vacant	
H	240-660-37	Residential High	Planned Unit Development	3.4	25.0	85	68	Vacant	
I	235-150-07	Downtown	Central Business District	3.5	40.0[2]	140	98	Vacant	
Subtotal				**35.3**		**1,358**	**1,054**		
Total				**48.6**		**1,531**	**1,219**		

Notes:

1. Represents net acreage.
2. Up to 50 units per acre is allowed for senior housing.

Proposed Rezoning

The City's existing inventory of vacant sites has a shortfall of approximately 500 lower income units for meeting its RHNA obligations. To meet the RHNA for the upcoming planning period, the City will rezone adequate acreage within the City. Specifically, the City will rezone four properties (totaling over 31 acres) designated Residential High by the General Plan to HDR. The location of these parcels is illustrated in Figure 10.

Table 44: Proposed Rezoning

Map ID	APN	General Plan	Current Zoning	Proposed Zoning	Acres	Density (units/ acre)	Maximum Capacity	Potential Capacity
J	246-130-03	Residential High	Light Industrial	HDR	7.68	25	192	153
K	246-130-04	Residential High	Light Industrial	HDR	5.00	25	125	100
L	246-130-05	Residential High	Light Industrial	HDR	11.29	25	282	225
M	246-130-06	Residential High	Light Industrial	HDR	7.69	25	192	153
Subtotal					**31.7**		**791**	**631**

These four parcels are currently zoned Light Industrial; however, the Light Industrial zoning on these sites became obsolete when they were re-designated by the General Plan for residential uses. As a matter of land use policy, the General Plan is the guiding land use document in the City. The rezoning of these four properties is, therefore, technical in nature in order to maintain consistency with the General Plan and will be accomplished within two years of the adoption of the 2015-2023 Housing Element. The rezoning of properties to accommodate the City's RHNA shortfall will also meet the following requirements:

- Sites must be rezoned to permit owner-occupied and rental multi-family housing by right without discretionary review of the use or density; and
- Sites must be zoned with a minimum density of at least 20 units per acre.

Recent Development Trends

Residential development capacity in the specific plan areas are based on the approved number of units in the specific plans. In vacant sites within the City's downtown area, the capacity is estimated based on 80 percent of allowable densities. Table 45 presents examples of currently under construction or recently approved projects. These projects demonstrate that the City's development standards are reasonable and that developers are able to achieve over 80 percent of the maximum density permitted.

Table 45: Recent Development Projects (Constructed, Approved, and Proposed)

Project Name	Land Use Designation (Zoning)	Residential Density Allowed	Actual Density		Acreage	Max. Capacity (units)	Actual Capacity (units)
			Density	% of Max.			
Aspire Apartments	Corridor SP	25	23.7	95%	10.80	270	301
Seventh Street Commons	CBD	40	43.5	109%	0.23	9	10
Tracy Apartments at Grant Line	Corridor SP	25	22.0	88%	20.04	501	441
Valpico Apartments	HDR	25	21.0	84%	8.75	218	184
Waterstone Apartments	Residential High	25	23.9	96%	6.52	163	156
Tracy Place[1]	Residential High	25	39.8	159%	1.28	32	50
Avalon Condos	Residential High	25	24.4	100%	1.35	33	33

Note 1: Tracy Place received a density bonus approval to achieve the increased density.

Comparison of Sites Inventory and RHNA

In addition, to nearly 5,000 housing units already approved, under construction, or in review, the City of Tracy has the capacity to accommodate over 7,000 housing units within specific plan areas, vacant sites, and properties proposed for rezoning (Figure 10). This capacity exceeds the City's RHNA of 4,976 units. Table 46 provides a summary of the City's residential capacity and RHNA status.

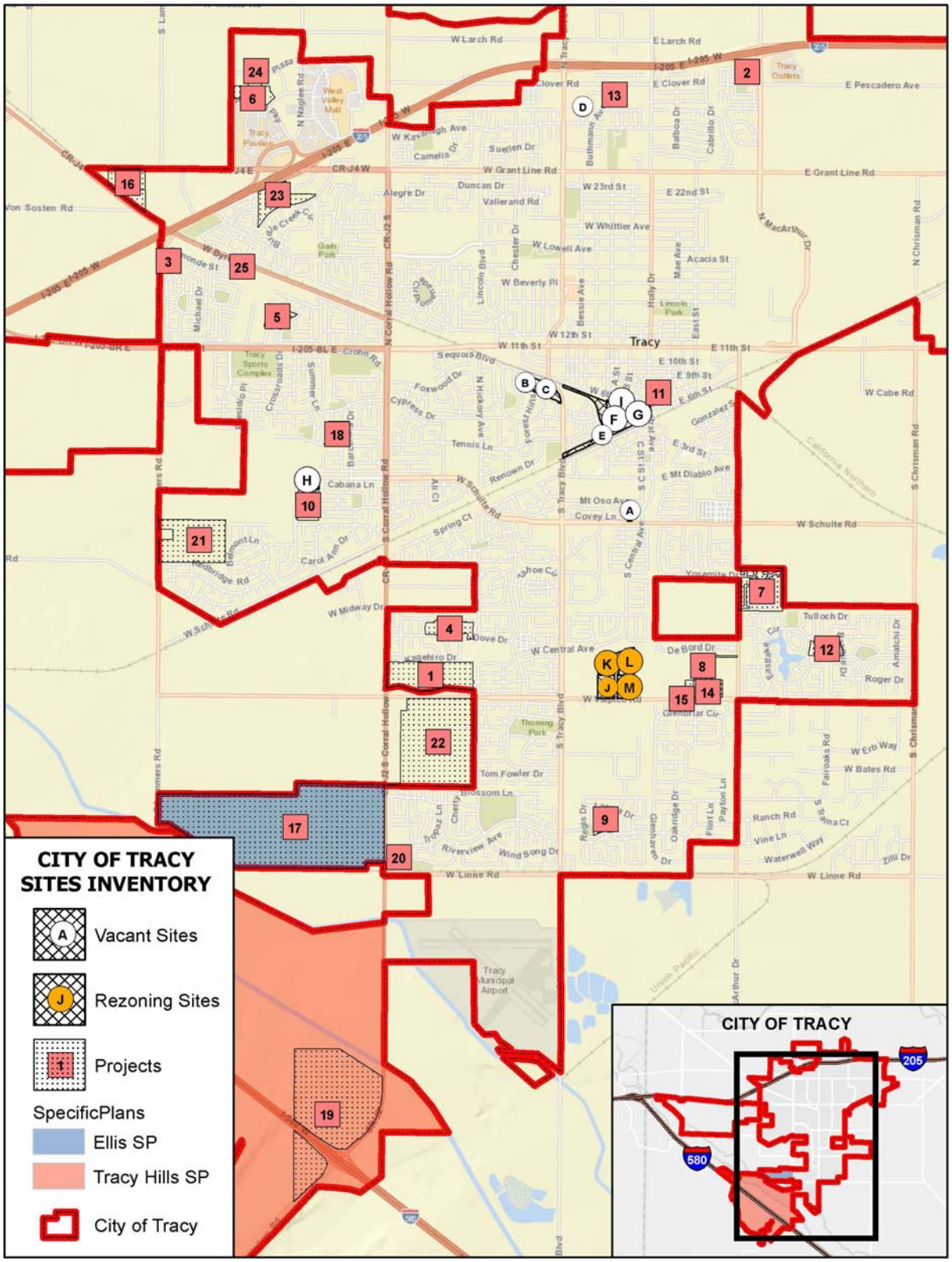
Table 46: Comparison of Sites Inventory and RHNA

Income Category	Projects Approved, Under Construction and In Review	Tracy Hills Specific Plan	Ellis Specific Plan	Vacant Sites	Proposed Rezoning	Total Sites	RHNA	Surplus/ Deficit
Lower	0	125	0	1,054	631	1,810	1,685	+125
Moderate	0	1,007	0	157	0	1,164	828	+336
Above Moderate	4,856	3,205	1,131	8	0	9,200	2,463	+6,737
Total	**4,856**	**4,337**	**1,131**	**1,219**	**631**	**12,174**	**4,976**	**+7,198**

Availability of Infrastructure and Services

The Tracy Hills and Ellis projects were analyzed for infrastructure requirements through their respective EIRs, in accordance with CEQA. More specifically, the Tracy Hills project will be provided with wastewater treatment at either the existing WWTP or a new facility. Water for Tracy Hills will be provided after improvement and financing plans are completed. The Ellis project will be supplied with both water and wastewater from the City's existing water supplies and the existing WWTP.

Figure 10: Residential Sites Inventory



B. Financial Resources

As a small city, Tracy has limited access to financial resources for affordable housing. The following list presents the realistic funding available to the City.

1. Community Development Block Grant (CDBG) Funds

CDBG is the largest federal housing-related program for affordable housing. It is a "pass-through" program that allows local governments to use federal funds to alleviate poverty and blight. HUD makes allocations based on a formula that takes population, poverty, and housing distress into account. CDBG funds are used for a variety of housing efforts including activities aimed at reducing costs for private development (helping fund site acquisition, improvement, and other soft costs); housing acquisition and rehabilitation through short and long-term loans, grants or loan guarantees; direct payment of rent or mortgage and housing counseling services; and fair housing activities.

Tracy receives CDBG funds through the San Joaquin Urban County program. The City uses 15 percent of its CDBG funds for public services with the remainder of the allocation going toward public facilities. Tracy is typically allocated approximately $450,000 in CDBG funds annually.

2. HOME Investment Partnership Act (HOME)

HOME, like CDBG, is a formula-based block grant program. HOME funds must be spent only on housing, and are intended to provide incentives for the acquisition, construction, and rehabilitation of affordable rental and home ownership. HOME requires local governments to provide matching funds, though the matching ratio depends on the specific uses to which HOME funds are to be put. The federal-to-local matching ratio for tenant assistance is currently four-to-one, while the match for rental construction is two-to-one.

The City participates in the HOME program through San Joaquin County and receives approximately $60,000 in HOME funds annually.

3. Housing Choice Voucher Assistance (Section 8)

The Housing Choice Voucher Program (formerly known as Section 8) is a federal program that provides rental assistance to very low-income persons in need of affordable housing. The Housing Choice Voucher (HCV) program offers a voucher that pays the difference between the payment standard and what a tenant can afford to pay (e.g., 30 percent of their income). The voucher allows a tenant to choose housing that may cost above the payment standard, with the tenant paying the extra cost. The Housing Authority of the County of San Joaquin (HACSJ) administers the HCV program for a number of communities in the County, including Tracy. Approximately 150 Tracy households are currently being assisted with Housing Choice Vouchers. However, the HCV waiting list has been closed since 2009.

C. Administrative Resources

The following agencies and organizations can assist the City of Tracy in implementing the housing programs and activities contained in this Housing Element, including preserving affordable units that are at risk of converting to market-rate housing.

1. Development and Engineering Services (DES) Department

The Development and Engineering Services (DES) Department enhances and maintains the community character of Tracy through application of the City's General Plan goals and objectives. The DES Department comprehensively reviews and processes land development applications for compliance with land use and design standards adopted in the Tracy Municipal Code, Specific Plans, and other design standards and guidelines. The DES Department also coordinates review of development applications between the project applicant, internal divisions and departments, and outside agencies.

2. Finance Department

The Finance Department ensures the fiscal foundation and information systems necessary to deliver community services and is responsible for City budget preparation and compliance, accounting and financial reporting, debt issuance and management, accounts payable, City employee payroll preparation, utility billing, business licensing, accounts receivable, cashiering and sales, and information systems. The Finance Department also includes the elected office of City Treasurer who oversees the investment of City funds and the Information Systems Division.

3. Housing Authority of the County of San Joaquin (HACSJ)

The Housing Authority of the County of San Joaquin (HACSJ) is the agency responsible for providing decent, safe, and affordable housing for low-income families, elderly, and the disabled. HACSJ manages the Housing Choice Voucher (HCV) program, providing rent subsidies in the form of housing assistance payments to private landlords on behalf of eligible families. The HCV program provides housing assistance to extremely low and very low-income families, senior citizens, and disabled or handicapped persons. Its objective is to provide affordable, decent and safe housing for eligible families, while increasing a family's residential mobility and choice.

HACSJ currently assists more than 19,000 people through distribution of 4,800 housing vouchers (including single family homes spread throughout the County) and by managing and maintaining 1,071 units in the County's public housing developments. The HCV program also includes programs such as Family Self-Sufficiency and Welfare to Work. These are designed to assist families in becoming economically self-sufficient.

4. Non-Profit Housing Developers

Due to the high cost of housing development, many communities have found that partnerships with non-profit housing developers are an effective tool for creating affordable housing units. In Tracy, several affordable housing developments have been made possible through close coordination and partnership with non-profit housing developers.

Visionary Home Builders of California

Visionary Home Builders (VHB) is an organization whose mission is to create stable, vibrant communities through the development of affordable housing and provision of related programs and services for low and moderate income families, seniors and people with special needs. VHB began as a small group of farm workers in 1983 whose sole purpose was to improve the living environment for farm workers living in public housing. VHB is a prominent leader in the development and renovation of housing in the Central Valley region. VHB has developed over 1,000 units of rental housing and 350 single-family homes, including the affordable 37-unit Mountain View Townhomes in the City of Tracy. VHB also offers homebuyer education classes to residents of San Joaquin County.

CFY Development, Inc.

CFY Development, Inc. is a committed community developer with over 25 years of experience acquiring, developing, building and rehabilitating workforce housing. The company's portfolio includes 29 projects in 18 cities, with approximately 2,605 units under management. In addition to specializing in affordable housing, the company is also active in mixed-use and mixed-income development. The Tracy Community Development Agency entered into a below market deferred loan agreement with CFY Development, Inc. to provide gap financing for a 50-unit affordable senior housing complex, the Tracy Place Apartments. The complex was completed in 2008.

Bridge Housing

BRIDGE creates high-quality, affordable homes for working families and seniors. With over 13,000 homes and counting, BRIDGE has become the leading affordable housing developer in California. Recently, BRIDGE acquired a 90-unit apartment complex in the Kentfield neighborhood of Stockton as part of a coordinated neighborhood revitalization program initiated by the City of Stockton. The City had identified the Kentfield Apartments as severely distressed and BRIDGE began a major rehabilitation of the property in 2008.

Eden Housing

Eden Housing is an affordable housing developer whose mission is to build and maintain high-quality, well-managed, service-enhanced affordable housing communities that meet the needs of lower income families, seniors and persons with disabilities. Though traditionally based in Alameda County, Eden has by now partnered with 20 cities in six counties to develop affordable housing and is expanding its geographical operations at a rapid pace to new communities, including the San Joaquin Valley. In 1996, the Agency assisted Eden in the

development and construction of 72 low income family apartments, the Stone Pine Meadow complex, located at 229 W. Grant Line Road.

5. Opportunities for Energy Conservation

Energy-related housing costs can directly impact the affordability of housing. While state building code standards contain mandatory energy efficiency requirements for new development, the City and utility providers are also important resources to encourage and facilitate energy conservation and to help residents minimize energy-related expenses.

City Programs and Policies

In Tracy, energy conservation can be achieved via a reduction in electricity usage and private automobile use, encouraging efficient siting and exposure for buildings, and implementing land use and transportation policies that encourage fewer and shorter vehicle trips. The City's Open Space and Conservation Element identifies the following goals, objectives, policies, and actions to make efficient use of energy resources throughout the City of Tracy:

- New development projects should be designed for solar access and orientation. Maximum efficiency is gained by siting homes on an east-west axis.
- New development projects should include measures to reduce energy consumption through site and building design, material selection and mechanical systems.
- Use of on-site alternative energy sources, such as photovoltaic (PV) cells for commercial, residential and industrial users to install shall be encouraged.
- The City will encourage businesses to replace diesel vehicles with less polluting alternatives such as compressed natural gas (CNG), bio-based fuels, hybrids and electric cars.
- Study programs that encourage "green" building, such as the LEED (Leadership in Energy & Environmental Design) program developed by the US Green Building Council, and consider code amendments that encourage "green" construction.
- Develop a program to educate the public about energy efficiency technologies and practices for homes and businesses, such as solar panels and low-energy appliances.
- Partner with public utilities to establish and promote a program for home weatherization and solar retrofit.
- Develop design guidelines for residential construction to address the placement solar panels.
- New vehicles purchased and leased by the City should be alternatively fueled to the extent feasible. Common alternative fuel technologies include hybrid, electric bio-based fuels and compressed natural gas (CNG).
- The City will promote the development of alternative energy systems, including but not limited to solar thermal, photovoltaic and other clean energy systems, directly into building design and construction.

- The City will support public and private efforts to develop and operate alternative systems of wind, solar and other electrical production that take advantage of local renewable resources.
- Future development projects are expected to consider the following design features, during the Specific Plan, PUD, subdivision, and design development review: solar access and orientation, natural ventilation, energy efficient landscaping and energy efficient and conserving building design and technologies.
- The City shall encourage and support voluntary retrofit energy programs for residential, commercial, and industrial buildings.
- The City shall pursue the implementation of energy efficiency measures of existing and future City facilities as opportunities arise.
- The City shall support land use patterns that maximize energy efficiency, both by minimizing transportation and by making use of existing capital improvements.
- Develop or otherwise make available information to developers and citizens on energy efficient and conserving building design and technologies, including enhanced wall and ceiling insulation, thermally efficient glazing, and efficient heating and cooling equipment and household appliances.
- Review, and revise if necessary, the zoning ordinance and building codes, to allow for a variety of energy efficiency technologies so long as the revisions do not adversely impact human health or safety or conflict with other goals in this General Plan.

Utility Provider Programs

PG&E offers energy efficiency rebates to property owners and managers of multifamily dwellings. The program encourages owners of existing properties to upgrade to qualifying energy-efficient products in individual tenant units and in the common areas of residential apartment buildings, mobile home parks and condominium complexes. PG&E also offers an Energy Efficiency Savings Assistance Program that provides qualified customers with energy-saving improvements at no charge.

V. Review of Past Accomplishments

State law (California Government Code Section 65588(a)) requires each jurisdiction to review its housing element as frequently as appropriate and evaluate:

- The appropriateness of the housing goals, objectives, and policies in contributing to the attainment of the state housing goal;
- The effectiveness of the housing element in attainment of the community's housing goals and objectives; and
- The progress in implementation of the housing element.

The evaluation provides valuable information on the extent to which programs have been successful in achieving stated objectives and addressing local needs, and to which these programs continue to be relevant to addressing current and future housing needs in Tracy. The evaluation provides the basis for recommending modifications to policies and programs and the establishment of new objectives in the 2015-2023 Housing Element.

This section summarizes the City's accomplishments in implementing the 2009-2014 Housing Element. A program-by-program review is contained in Appendix B. Table 47 summarizes Tracy's quantified objectives for the 2009-2014 Housing Element period and compares the City's progress in fulfilling these objectives.

Table 47: 2009-2014 Housing Element Summary of Quantified Objectives

	Extremely Low	Very Low	Low	Moderate	Above Moderate	Total
Objectives						
New Construction (RHNA)	453	454	632	813	2,535	4,888
Rehabilitation						
Downtown Rehabilitation Loan	1	1	2	1	0	5
Downtown Rehabilitation Grant	5	5	10	5	0	25
NSP	0	2	2	5	0	9
Preservation	No units at risk during planning period					
Assistance						
Downpayment Assistance	0	20	25	25	0	60
Section 8	83	83	0	0	0	166
Family Self-Sufficiency	8	9	0	0	0	17
Actual						
New Construction (permitted)	0	0	0	0	784	784
Rehabilitation						
Downtown Rehabilitation Loan	0	0	0	2	0	2
Downtown Rehabilitation Grant	0	0	0	11	0	11
NSP	0	0	0	14	0	14
Preservation	No units at risk during planning period					
Assistance						
Downpayment Assistance	0	4	12	7	0	23
County GAP-DPA Program	0	0	0	8	0	8

VI. Housing Plan

The City of Tracy's long-term housing goal is to provide housing that fulfills the diverse needs of the community. In the short term, this will be accomplished with the objectives, policies, and programs set forth in this Housing Plan. The goals, policies, and programs in the Plan build upon the identified housing needs in the community, constraints confronting the City, and resources available to address the housing needs, and will guide City housing policy through the 2015-2023 planning period.

Goals are statements of community desires which are broad in both purpose and aim, but are designed specifically to establish direction. Policies provide specific standards and/or end states for achieving a goal. Essentially, goals represent desired outcomes the City seeks to achieve through the implementation of policies. Further articulation of how the City will achieve the stated goals is found in the programs. Programs identify specific actions the City will undertake toward putting each goal and policy into action. Quantified objectives identified in particular programs are estimates of assistance the City will be able to offer, subject to available financial and administrative resources.

To make adequate provision for the housing needs of all economic segments of the community, the programs in the Housing Plan aim to:

- Conserve and improve the condition of the existing affordable housing stock;
- Assist in the development of housing for low- and moderate-income households;
- Identify adequate sites to encourage the development of a variety of types of housing for all income levels;
- Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing; and
- Promote housing opportunities for all persons.

Table 48 at the end of this section summarizes the quantified objectives of the various housing programs for the period of December 31, 2015 through December 31, 2023.

A. Conservation of the Existing Supply of Housing

Conserving and improving the housing stock is an important goal for the City of Tracy. The City supports neighborhood preservation and improvement through code enforcement.

Goal 1.0 **Conserve and improve the condition of the existing housing stock, especially affordable housing.**

Policy 1.1 Promote the continued maintenance and enhancement of residential units.

Policy 1.2 Work to preserve affordable units in publicly assisted housing developments that are at risk of converting to market-rate housing.

Policy 1.3 Facilitate the removal of existing housing that poses serious health and safety hazards to residents and adjacent structures.

Policy 1.4 Work with property owners and nonprofit housing providers to preserve existing housing for low and moderate income households.

Policy 1.5 Promote energy conservation in housing.

Program 1: Housing Rehabilitation

The City previously offered several housing rehabilitation programs, including the Downtown Rehabilitation Loan Program and the Downtown Rehabilitation Grant Program. However, due to the dissolution of the Tracy Community Development Agency in 2012, the City eliminated both programs due to lack of funding. Housing rehabilitation programs offered by the County of San Joaquin have also been suspended with no timeline for reinstatement. The City will work to identify and pursue additional funding sources to reinstate a housing rehabilitation program, if feasible.

Objectives and Timeframe:

- Annually consult the HCD and HUD websites to identify and pursue potential funding opportunities that may be available and appropriate to reinstate a housing rehabilitation program.
- Refer property owners in need of rehabilitation assistance to the San Joaquin County Neighborhood Preservation Division who administers the County's HUD Grant programs, which include housing rehabilitation programs (currently suspended).
- Assist 20 lower- and moderate-income households with the rehabilitation of their homes during the planning period.

Responsible Agency: Tracy Economic Development Division
Funding Sources: General Fund

Program 2: Code Enforcement

The Code Enforcement Division handles the enforcement of the City's zoning regulations and building and housing codes. Complaints received are investigated for possible violations and compliance is handled first by direct person to person visit or by telephone to discuss the violations and obtain voluntary compliance. The Code Enforcement Division also works with other city departments and outside state and county agencies.

Objectives and Timeframe:

- Continue to investigate possible code violations.
- Continue to disseminate information on available housing rehabilitation assistance to address code violations and other housing issues.

Responsible Agency: Tracy Code Enforcement Division

Funding Sources: General Fund

Program 3: Graffiti Removal Program

The majority of graffiti is done by graffiti vandals known as "taggers." They are motivated by the need to be recognized. The City of Tracy operates a Graffiti Removal Program. Residents can report any graffiti they happen to see around the City on public or private property to the City's Graffiti Hot Line. This hot line is available 24 hours a day and completely anonymous.

Objectives and Timeframe:

- Continue to operate the Graffiti Hot Line.

Responsible Agency: Public Works Department
Funding Sources: General Fund

Program 4: Affordable Housing Monitoring

The City has a large inventory of affordable housing units with different terms of affordability covenants. None of the City's affordable units are at-risk of converting to market rate during the planning period; however, the City will continue to monitor the status of affordable units with the objective of preserving the affordable housing stock.

Objectives and Timeframe:

- Monitor status of affordable units annually by maintaining contact with property owners and HUD Multi-Family Housing division.
- Solicit interest and participation of nonprofit housing developers to acquire and preserve housing to be maintained as affordable units.

Responsible Agency: Tracy Economic Development Division
Funding Sources: General Fund

B. Assist in the Development of Affordable Housing

Providing affordable housing is essential for a healthy community. In addition to a diverse mix of housing types, it is necessary to make available housing for residents of all income levels. Seeking funding from varied sources increases the opportunities for development of affordable housing units. The Tracy Development and Engineering Services (DES) Department actively works with both non-profit and for-profit developers in the production of affordable for-sale and rental housing. Recognizing that homeownership plays a significant role in establishing strong neighborhoods and a sense of community pride, the City supports programs that make purchasing a home a realistic option for lower and moderate income households.

Goal 2.0 Assist in the provision of housing that meets the needs of all economic segments of the community.

Policy 2.1 Facilitate homeownership opportunities for low and moderate income households.

Policy 2.2 Use density bonuses and other incentives to facilitate the development of new housing for extremely low, very low, and low income households.

Policy 2.3 Work with non-profit and for-profit developers to maximize resources available for the provision of housing affordable to lower income households.

Policy 2.4 Address the housing needs of special populations and extremely low income households through a range of housing options, including emergency shelters, transitional housing, supportive housing, and single-room occupancy units.

Policy 2.5 Promote the use of energy conservation features in the design of residential development to conserve natural resources and lower energy costs.

Program 5: Down Payment Assistance (DAP) Loan Program

The City of Tracy Down Payment Assistance (DAP) Loan Program provides deferred downpayment assistance loans to low income, first-time homebuyers for the purchase of homes in the City of Tracy. The loans are intended to bridge the gap between the cost of a home and what a low income household can afford by providing 10 percent of the home sales price (up to $15,000, whichever is the lesser) to qualified households. All first-time home buyers must be certified as first-time home buyers by a HUD approved agency (i.e., Visionary Home Builders). The DAP is administered by the San Joaquin County Neighborhood Preservation Division.

Objectives and Timeframe:

- Continue to provide down payment assistance to qualified lower income households (up to 80 percent AMI).
- Disseminate information to prospective first-time homebuyers on the DAP Loan Program.
- Assist three households (an estimated one very low income and two low income households) annually.

Responsible Agency: San Joaquin County Neighborhood Preservation Division
Funding Sources: HUD funds

Program 6: Homebuyer and Financial Literacy Training

Homebuyer and financial literacy education represents a key step to introducing households to the challenges, responsibilities, and benefits of homeownership. These programs also serve as critical components of asset-building, helping families build wealth – savings and equity – rather than living paycheck to paycheck. In particular, homebuyer education programs help first-time buyers evaluate their financial readiness, understand the home buying process, explore different financing options, access homebuyer assistance programs, resolve credit issues, and avoid predatory lending practices. Other asset-building education programs

address financial literacy more broadly. Homebuyer and financial literacy programs are best offered in tandem with demand-side initiatives such as a down payment assistance program.

Objectives and Timeframe:

- Continue to require a "Certificate of Completion" from a HUD-approved homebuyer class in order to participate in the City's DAP Loan Program.
- Partner with qualified local non-profit agencies to offer homebuyer education classes and publicize the availability of these classes to residents.

Responsible Agency: San Joaquin County Neighborhood Preservation Division; Visionary Home Builders; Neighbor Works; NID-HCA (Housing Counsel Agency)
Funding Sources: HUD funds

Program 7: Affordable Housing Development

Local governments can support the production of affordable and workforce housing by contributing capital funds to local affordable housing developments. This financial assistance can come in a variety of ways. Many jurisdictions defer, waive, or reimburse local permitting fees for affordable units, either in 100 percent affordable developments or in mixed-income inclusionary projects. While jurisdictions cannot legally waive impact fees, which are meant to mitigate impacts generated by the project, they may offer financial assistance to cover these costs. Alternately, cities can pay for the necessary infrastructure improvements to prepare a site for residential development, in lieu of collecting impact fees. Below-market rate loans for land acquisition and predevelopment can prove vital for affordable housing developers with limited capital. The State also offers a number of funding sources for acquisition and predevelopment costs.

Objectives and Timeframe:

- Continue to prioritize the allocation of RGAs to affordable housing projects (particularly for those projects that set aside units for extremely low income households and persons with special needs, including those with developmental disabilities, and farmworkers).
- Proactively encourage and facilitate, on an ongoing basis, the development of affordable housing by non-profit organizations for lower income households, particularly those with special needs including large households, seniors, extremely low-income (ELI) households, and households with persons who have disabilities or developmental disabilities, and farmworkers.
- Continue to provide density bonuses and other incentives on an ongoing basis to developers who provide affordable units, such as technical assistance related to City policies and regulations, and pre-application consultation with staff.

Responsible Agency: Tracy Development Services (DS) Department
Funding Sources: General funds

Program 8: Housing Choice Voucher Program

The City of Tracy contracts with the Housing Authority of the County of San Joaquin (HACSJ) to manage the Housing Choice Voucher (HCV) program, which provides rent subsidies in the form of housing assistance payments to private landlords on behalf of eligible families. The HCV program, funded by HUD, provides housing assistance to extremely low and very low income families, senior citizens, and disabled or handicapped persons. Its objective is to provide affordable, decent and safe housing for eligible families, while increasing a family's residential mobility and choice. The Voucher Program also includes programs such as Family Self-Sufficiency and Welfare to Work. These are designed to assist families in becoming economically self-sufficient.

Objectives and Timeframe:

- Disseminate information to the public regarding the HCV program and promote participation by rental property owners.
- Annually contact the HACSJ to obtain information on the status of the HCV program and other available resources.
- Continue to support HACSJ's petition for increased funding from HUD.
- Continue to work with HACSJ to provide HCVs to Tracy residents.
- Continue to work with the HACSJ to assist households through the Family Self-Sufficiency Program.

Responsible Agency: Housing Authority of the County of San Joaquin
Funding Sources: HUD funds

Program 9: Sustainability Program

The City adopted a Sustainability Action Plan in 2011. The Sustainability Action Plan provides the City with a guide to reduce GHG emissions, reduce consumption of nonrenewable resources, improve public health, promote economic vitality, implement the General Plan, and engage residents. Implementation of the Sustainability Action Plan will also place Tracy at a competitive advantage in attracting new job industries. The Plan identifies opportunities for Tracy to be a destination of local employment centers and green jobs, an emerging field that diversifies Tracy's economic base and attracts complementary industries. Approximately every five years following the adoption of the Sustainability Action Plan in 2011, or as funding is available, the City will conduct a comprehensive update to the greenhouse gas emission inventory and release a progress report. The progress report will list the measures that have been implemented to date and summarize the results of periodic reviews that have been conducted.

Objectives and Timeframe:

- Continue to implement the Sustainability Action Plan.

.***Responsible Agency:*** Tracy Development Services (DS) Department
Funding Sources: General funds

Program 10: Affordability by Design

"Affordability by Design" refers to a series of zoning and site design standards that regulate building form to promote the construction of affordable housing. These standards facilitate more efficient use of land, thereby lowering a development's per unit costs without sacrificing construction or building design quality. Although Affordability by Design concepts do not guarantee the provision of affordable housing, they do establish a regulatory environment wherein affordable units may occur.

The City recently adopted amendments to the Zoning Ordinance to incorporate Affordability by Design principles. For example, any use, including multi-family residential, may request a reduction in required parking based on a study or survey that illustrates that required parking is not warranted. Applicants may also receive up to a 20 percent reduction of the otherwise required number of parking spaces pursuant to T.M.C. Section 10.08.3470(e). The City of Tracy has also relaxed the required distance between structures in the HDR Zoning District from the average height of the two buildings to 10 feet. This has provided for greater flexibility for the allowance and maximum usage of residential sites.

Objectives and Timeframe:

- Continue to implement the recently adopted Zoning Amendments that incorporate affordability by design concepts described in the General Plan.
- Encourage the development of a variety of housing types that provide affordable housing options for persons with special needs, such as micro-units, senior units, second units, and small-lot developments.
- Promote Affordability by Design principles by placing information on City website and at public counters by 2016.

Responsible Agency: Tracy Development Services (DS) Department
Funding Sources: Departmental Budget

C. Provide Adequate Housing Sites

A key element in meeting the housing needs of all segments of the community is the provision of adequate sites for all types, sizes and prices of housing. Persons and households of different ages, types, incomes, and lifestyles have a variety of housing needs and preferences that evolve over time and in response to changing life circumstances. Providing an adequate supply and diversity of housing accommodates changing housing needs of residents. The Tracy General Plan and Zoning Ordinance, as well as Specific Plans, establish where housing may locate. To provide adequate housing and maximize use of limited land resources, new development should be constructed at appropriate densities that maximize the intended use of the land.

Goal 3.0 **Provide suitable sites for housing development which can accommodate a range of housing by type, size, location, price, and tenure.**

Policy 3.1 Provide for a range of residential densities and products, including low-density single-family uses, moderate-density townhomes, and higher-density apartments, condominiums, and units in mixed-use developments.

Policy 3.2 Encourage development of residential uses in strategic proximity to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.

Policy 3.3 Encourage compatible residential development in areas with recyclable or underutilized land.

Policy 3.4 Promote the adaptive reuse of existing commercial/industrial buildings as a conservation measure.

Policy 3.5 Promote flexible development standards to provide for a variety of housing types.

Program 11: Provision of Adequate Sites

The City is committed to ensuring that adequate sites at appropriate densities remain available during the planning period, as required by law. The City will maintain an inventory of vacant sites to accommodate the City's Regional Housing Needs Assessment (RHNA) of 4,976 units. Specifically, the City already has 4,856 housing units under construction, approved, or under review since January 1, 2014—leaving a remaining RHNA of 2,513 lower and moderate income units. The City will ensure that an adequate supply of vacant sites, at appropriate densities and development standards, are available during the planning period to accommodate the remaining RHNA.

Most of this lower income RHNA can be accommodated on vacant sites throughout the City that are currently zoned to allow higher density residential uses. The City will also rezone a group of four adjacent properties, totaling over 31 acres, from Light Industrial to HDR. These four parcels, located at the intersection of Valpico Road and Mission Court, are already designated Residential High by the General Plan. The rezoning of these four properties is, therefore, technical in nature in order to maintain consistency with the General Plan and will be accomplished within two years of the adoption of the 2015-2023 Housing Element. The rezoning of properties to accommodate the City's RHNA shortfall will also meet the following requirements:

- Sites must be rezoned to permit owner-occupied and rental multifamily housing by right without discretionary review of the use or density; and
- Sites must be zoned with a minimum density of at least 20 units per acre.

Objectives and Timeframe:

- Complete rezoning of the four parcels on Valpico Road within two years of the adoption of the 2015-2023 Housing Element.
- Monitor and update the sites inventory annually to assess its adequacy for meeting the RHNA, particularly for sites capable of facilitating the development of lower income housing.

- Make the inventory of vacant sites available to interested developers after adoption of the Housing Element.
- Should properties identified in the residential sites inventory become unavailable during the planning period, resulting in a shortfall in sites for meeting the RHNA, the City will identify additional sites per Government Code § 65863.

Responsible Agency: Tracy Development Services (DS) Department
Funding Sources: Departmental Budget

Program 12: Property Acquisition and Improvement

The City will continue to identify and seek partnerships with organizations and the County in order to acquire, improve, and develop affordable housing.

Objectives and Timeframe:

- Continue to identify and seek partnerships with organizations and the County in order to acquire, improve, and develop affordable housing
- Continue to assist in site acquisition for affordable housing. As funding permits, prioritize funding assistance to affordable housing projects that set aside units for seniors, persons with disabilities, and extremely low income households.

Responsible Agencies: Tracy Development Services (DS) Department; Economic Development Division; San Joaquin County Neighborhood Preservation Division; and local nonprofits
Funding Sources: CDBG funds and other funding sources, as available

Program 13: Inclusionary Housing

Inclusionary programs are established through local ordinances that require market rate residential developers to set aside a certain portion of units in a development for income-restricted affordable housing (both rental and homeownership). In order to make affordable housing more accessible to workforce-income households, the City could consider ways to incorporate voluntary inclusionary housing incentives into the GMO to increase the supply of low, moderate, and/or workforce income units.

Objectives and Timeframe:

- Explore the potential and set the stage for a voluntary inclusionary housing program that includes an extremely low income housing component by 2017.
- Monitor the City's affordability conditions on an annual basis and identify an inclusionary housing trigger, if necessary.

Responsible Agency: Tracy Development Services (DS) Department
Funding Sources: Departmental Budget

Program 14: Resale of Foreclosed Properties

HUD's Neighborhood Stabilization Program (NSP), passed as part of President Bush's September 2008 Economic Recovery Act, provided nearly $4 billion of emergency grants to state and local governments to acquire, redevelop, and resell foreclosed properties. San Joaquin County received one-time stimulus funds for the Neighborhood Stabilization Program (NSP-3), which ended March 2014. The County expended these funds for the acquisition, rehabilitation and resale of foreclosed single-family homes and multi-family apartment complexes throughout the County. Twelve of these foreclosed properties were located in the City of Tracy and resold to income-qualified households. The County also worked with Stocktonians Taking Action To Neutralize Drugs (STAND) to rehabilitate six foreclosed properties in Tracy and resell those homes to income-qualified households. As of December 2015, funding for these programs has been exhausted but the City will work with the County to identify additional funding sources to continue this program.

Objectives and Timeframe:

- Continue to collaborate with the County, on an ongoing basis, to identify and pursue available resources for the acquisition/rehabilitation of foreclosed and/or substandard housing as affordable housing.

Responsible Agency: Tracy Development Services (DS) Department; San Joaquin County Neighborhood Preservation Division

Funding Sources: Departmental Budget

D. Remove Governmental Constraints

Pursuant to State law, the City is obligated to address, and where legally possible, remove governmental constraints affecting the maintenance, improvement, and development of housing. Removing constraints on housing development can help address housing needs in the City by expediting construction, and lowering development costs.

Goal 4.0 **Mitigate any potential governmental constraints to housing production and affordability.**

Policy 4.1 Review and adjust as appropriate residential development standards, regulations, ordinances, and processing procedures that are determined to constrain housing development, particularly housing for lower and moderate income households and for persons with special needs.

Policy 4.2 Allow more than 150 affordable housing units as exceptions under the GMO.

Program 15: Zoning Ordinance

In 2015, the City of Tracy adopted an amendment to the Zoning Ordinance that includes updated provisions for emergency shelters, transitional and supportive housing, SROs, manufactured housing, and second units. The amendment also updated the City's definition of "family" and established a formal reasonable accommodations procedure.

Additional revisions related to density bonuses, residential care facilities, farmworker housing, and employee housing will be completed by 2016. The City will also continue to evaluate its Zoning Ordinance for any potential constraints to the development of housing on an ongoing basis and process amendments as necessary.

Objectives and Timeframe:

- Complete Zoning Ordinance amendments to address the provision of density bonuses, residential care facilities, farmworker housing, and employee housing by the end of 2016. Specifically:
  - **Density Bonus:** Update Density Bonus Ordinance to reflect the requirements of AB 2222 (effective January 2015), including extending the affordability control for the affordable units to 55 years, and requiring the replacement of existing affordable units demolished or removed in order to qualify for a density bonus, incentive, or concession.
  - **Residential Care Facilities:** to In accordance with the Lanterman Act, amend the Zoning Ordinance to permit residential care facilities serving six or fewer persons as a single-family residential use. In addition, consistent with City practice, amend the Zoning Ordinance to allow residential care facilities of seven or more persons in all residential zones with a Conditional Use Permit.
  - **Farmworker Housing:** The California Employee Housing Act further defines housing for agricultural workers consisting of 36 beds or 12 units be treated as an agricultural use and permitted where agricultural uses are permitted. The City of Tracy permits crop and tree farming in the A, LDR, MDC, MDR, and HDR zones. The City will amend the Zoning Ordinance to address the provision of farmworker housing consistent with the Employee Housing Act.
  - **Employee Housing:** The California Employee Housing Act requires that housing for six or fewer employees be treated as a regular residential use. The City will amend the Zoning Ordinance to address the provision of farmworker housing consistent with the Employee Housing Act.
- Reevaluate recent amendments to the definition of "family" and "supportive housing" in the Zoning Ordinance and amend, as necessary, to comply with State laws.
- Evaluate Zoning Ordinance for any potential constraints to the development of housing on an ongoing basis.

Responsible Agency: Tracy Development Services (DS) Department
Funding Sources: Departmental Budget

Program 16: Growth Management Ordinance (GMO)

The City of Tracy adopted the residential Growth Management Ordinance (GMO) and the Guidelines in 1987. The GMO was amended from time to time with significant amendments occurring in 1994, 2000, 2009, 2012, and most recently in April 2013. Under the GMO, builders must obtain a Residential Growth Allotment (RGA) in order to secure a residential building permit. The 2013 amendment ensured that the RHNA could be entirely accommodated, notwithstanding the numerical limits stated in Measure A or the GMO. Other exemptions in the GMO include the following: (1) rehabilitation, remodeling or additions to existing structures; (2) replacement of previously existing dwelling units that had been demolished; (3) construction of "model homes" until they are converted to residential units; (4) development of a project with four or fewer dwelling units; and (5) secondary residential units. Residential projects exempt from the GMO are not counted toward the 600 annual average or the 750 annual maximum. The City will continue to monitor the GMO for any potential constraints to the development of housing on an ongoing basis and process amendments as necessary.

Objectives and Timeframe:

- Annually monitor and evaluate the Growth Management Ordinance for the impacts on the cost, supply and timing of housing including seeking input from residential developers and affordable housing stakeholders in reviewing the effects of the GMO. The review will reflect the RHNA as a minimum and consider impacts on overall housing supply in addition to accommodating the RHNA. Information will be included and evaluated as part of the annual Growth Management Status report, published in the fourth quarter of each calendar year.

Responsible Agency: Tracy Development Services (DS) Department
Funding Sources: Departmental Budget

E. Provide Equal Housing Opportunities

To meet the housing needs of all segments of the community, the Housing Plan includes a program to promote housing opportunities for all persons consistent with Federal and State fair housing laws. The City works with the Stockton-San Joaquin Community Housing Resource Board, which provides several fair housing and tenant/landlord services.

Goal 5.0 **Continue to promote equal housing opportunity in the City's housing market consistent with Federal and State fair housing laws.**

Policy 5.1 Provide fair housing services to Tracy residents, and ensure that residents are aware of their rights and responsibilities regarding fair housing.

Policy 5.2 Provide equal access to housing for special needs residents such as the homeless, elderly, and disabled.

Policy 5.3 Promote the provisions of disabled-accessible units and housing for mentally and physically disabled.

Program 17: Fair Housing

The City actively furthers fair housing in the community. Specifically, the City contracts the San Joaquin Fair Housing Association to promote fair housing and provide fair housing services for its residents. The City refers complaints regarding fair housing and housing discrimination to the agency, whose office is located in downtown Stockton, and maintains this service using CDBG funds.

Objectives and Timeframe:

- Continue to support the San Joaquin Fair Housing Association, or other qualified fair housing agencies, annually with CDBG funds and refer residents seeking fair housing assistance on an ongoing basis.
- Advertise the services provided by the San Joaquin Fair Housing Association (or other qualified fair housing agencies) on an ongoing basis in City buildings and other public buildings (such as public libraries, community centers, County Housing Authority offices, and post offices, etc.)

Responsible Agency: Tracy Development (DS) Department and San Joaquin Fair Housing Association

Funding Sources: CDBG funds

The following objectives are based on the assumption that funding and partnership opportunities will become available to implement the housing programs detailed above.

Table 48: Summary of Quantified Objectives

	Extremely Low	Very Low	Low	Moderate	Above Moderate	Total
New Construction	513	467	705	828	2,463	4,976
Rehabilitation	4	8	8	0	0	20
Conservation	250	250	159	0	0	659
Assistance						
Down Payment Assistance	0	1	2	0	0	3
Housing Choice Vouchers	75	75	0	0	0	150

Appendix A: Public Participation

A. Planning Commission Study Session – August 12, 2015

1. Notices

City of Tracy
Housing Element Update

The City of Tracy is updating the General Plan Housing Element. The Housing Element will assess housing needs within the City and outline goals and policies the City can pursue to address these needs. The City is looking for input from the public about current housing needs. This feedback will help the City develop housing strategies for the next eight years.

The City invites you to participate in a study session with the Planning Commission during their regularly scheduled meeting to provide input on housing needs in Tracy.

Date: August 12, 2015 - **Time**: 7:00 p.m.
City of Tracy City Council Chambers
333 Civic Center Plaza
Tracy, CA 95376

If you have any questions regarding this study session or the Housing Element Update, please contact Alan Bell, Senior Planner, alan.bell@ci.tracy.ca.us or (209) 831-6426.

You are invited to attend a Tracy Planning Commission and/or City Council meeting regarding an update to the City of Tracy's General Plan Housing Element

The Planning Commission and City Council will each conduct a public meeting regarding an update to the General Plan Housing Element in City Council Chambers, 333 Civic Center Plaza, Tracy. The Housing Element, required by State law to be revised at certain intervals, provides information and policies to accommodate maintenance and development of housing for all members of the community. The Planning Commission and City Council will receive a brief presentation regarding the content and status of the Housing Element update, discuss the Draft Housing Element, and receive input from the public regarding the Housing Element. All interested parties are encouraged to attend and participate in these public meetings.

Planning Commission Public Meeting	City Council Public Meeting
Wednesday, November 4, 2015	Tuesday, November 17, 2015
During the regularly scheduled meeting	During the regularly scheduled meeting
7:00 p.m. or as soon thereafter as possible	7:00 p.m. or as soon thereafter as possible

A Draft of the Housing Element is available at the Tracy City Hall Development Services Department Counter (address below) or on the City's web site at http://www.ci.tracy.ca.us/?navid=562. Comments or questions regarding the proposed Housing Element update are welcomed and may be submitted to Alan Bell, Senior Planner, City of Tracy, 333 Civic Center Plaza, Tracy, CA 95376, or Alan.Bell@ci.tracy.ca.us, or (209) 831-6426.

Public Meetings
City of Tracy
Housing Element Update

You are invited to attend a Tracy Planning Commission and/or City Council meeting regarding an update to the General Plan Housing Element in City Council Chambers, 333 Civic Center Plaza, Tracy. The Planning Commission and City Council will each receive a brief presentation regarding the content of the Draft Housing Element and status of the update process, and receive input from the public regarding the Housing Element:

Planning Commission Public Meeting	**City Council Public Meeting**
Wednesday, November 4, 2015	**Tuesday, November 17, 2015**
During the regularly scheduled meeting	During the regularly scheduled meeting
7:00 p.m. or as soon thereafter as possible	7:00 p.m. or as soon thereafter as possible

Anyone interested is encouraged to attend either or both meetings or contact Alan Bell of City staff, below, if you have any questions.

The **Housing Element** is a State-required chapter of every city's General Plan; and is required to be updated every five years. The Housing Element identifies local housing needs and contains City goals and programs to help preserve existing and develop new housing.

The Draft Housing Element is available on the City web site: http://www.ci.tracy.ca.us/?navid=562, at the Tracy Public Library, at Tracy City Hall Development Services Department, or by contacting Alan Bell, Senior Planner, alan.bell@ci.tracy.ca.us, or (209) 831-6426.

2. Mailing List

First Name	Last Name	Title	Title	Title	Title	Title	Title
Sofia	Valenzuela	CEO	Tracy Chamber of Commerce	223 East 10th Street	Tracy	CA	95376
John	Beckman	Chief Executive Officer	BIA of the Greater Valley	1701 W. March Lane, Ste. F	Stockton	CA	95207
Rosa	Vazquez	Deputy Executive Director	Housing Authority of the County of San Joaquin	448 South Center Street	Stockton	CA	95203
Carol J.	Ornelas	CEO	Visionary Home Builders of California	315 N. San Joaquin Street	Stockton	CA	95202
			San Joaquin Fair Housing Association	436 N. El Dorado Street	Stockton	CA	95202
Michael	Huber	Executive Director	Habitat for Humanity of San Joaquin County	4933 West Lane	Stockton	CA	95210
Chris	Long	President	The Surland Companies	1024 Central Ave.	Tracy	CA	95376
Carol	Bright	President	Bright Homes	1620 N Carpenter Rd Bldg B	Modesto	CA	95351
			Ability Access	400 Mossdale Road	Lathrop	CA	95330
			Alcohol Recovery Center	914 N Center St	Stockton	CA	95202
Greg	Diederich	Director of Health Care Services	Health Plan of San Joaquin	7751 South Manthey Road	French Camp	CA	95231
			California Rural Legal Assistance (CRLA)	145 E Weber Ave	Stockton	CA	95202
Medea	White	Site Manager	California Tribal TANF Partnership	2321 W. March Lane, Suite 200	Stockton	CA	95207
Elvira	Ramirez	Executive Director	Catholic Charities Diocese of Stockton	1106 N. El Dorado Street	Stockton	CA	95202
			Central Valley Low-Income Housing Corp	2431 W March Ln Ste 3	Stockton	CA	95207
			Clearpoint Credit Counseling Solutions	1024 W Robinhood Dr	Stockton	CA	95207
Michelle M.	Mazzilli	Executive Director	Community Center For The Blind	130 W. Flora Street	Stockton	CA	95202
			Community Medical Centers, Inc	P.O. Box 779	Stockton	CA	95201
Jose R.	Rodriguez	President/CEO	Council for the Spanish Speaking (El Concilio)	445 N. San Joaquin Street	Stockton	CA	95202
Erte T.	Boyette	Director	Larch Clover Community Center	11157 W. Larch Road	Tracy	CA	95376
			Linkages	102 S. San Joaquin Street	Stockton	CA	95201
			Lolly Hansen Senior Center	375 E. 9th Street	Tracy	CA	95376
			Meals on Wheels for San Joaquin County	102 S San Joaquin St	Stockton	CA	95202

First Name	Last Name	Title	Title	Title	Title	Title	Title
			New Hope Family Shelter	224 E Sonora St	Stockton	CA	95203
			Ombudsman Program	102 S. San Joaquin Street	Stockton	CA	95201
Marlon	Foxworth	CEO	Peacemakers, Inc.	3081 Teagarden Street	San Leandro	CA	94577
			Sutter Healthy Connections	35 East 10th Street Suite A	Tracy	CA	95376
Fred	Shiel		STAND	1209 East 8th Street	Stockton	CA	95206
		CEO	United Cerebral Palsy	333 West Benjamin Holt Drive, Suite 1	Stockton	CA	95207
Patrick	Wallace	Association Executive	Central Valley Association of REALTORS	16980 S. Harlan Road	Lathrop	CA	95330
Carol	Roberts	President/CEO	Lutheran Social Services of Northern California	1465 Civic Court Building D, Suite 810	Concord	CA	94520
Dale	Benner	Executive Director	New Directions	P.O. Box 5070	Stockton	CA	95205
Lani	Schiff-Ross, L.C.S.W.	Executive Director	FIRST 5 San Joaquin	P.O. Box 201056	Stockton	CA	95201
			Human Services Agency of San Joaquin County	P.O. Box 201056	Stockton	CA	95201
Tod	Davis	Executive Director	Mary Graham Children's Foundation	P.O. Box 96	French Camp	CA	95231
			San Joaquin Head Start Program	P.O. Box 201056	Stockton	CA	95201
Vic	Singh	BHS Director	Substance Abuse Services Administration	630 N. Aurora St. Suite #1	Stockton	CA	95202
		CEO	Stockton Family Shelter	411 South Harrison Street	Stockton	CA	95203
Lindy	Turner-Hadin	Executive Director	CAPC	P.O. BOX 1257	Stockton	CA	95201
Robina	Asghar	Executive Director	Community Partnership for Families of San Joaquin	P.O. Box 1569	Stockton	CA	95201
Mario	Supnet	Executive Director	Emergency Food Bank and Family Services	7 W. Scotts Avenue	Stockton	CA	95203
			Family law Service Center	42 N. Sutter St., Suite 302	Stockton	CA	95202
Olga	Rodriguez	Executive Director	Haven of Peace	P.O. Box #724	Stockton	CA	95201
Darlene	Quinn	Director	Tracy Interfaith Ministries	P.O. Box 404	Tracy	CA	95378
			Boys and Girls Club of Tracy	753 W. Lowell Avenue	Tracy	CA	95376
Armenia	Pereira	Director	McHenry House for the Homeless	757 A Street	Tracy	CA	95376
			Pregnancy Resource Center of Tracy	P.O. Box 1237	Tracy	CA	95376
			Tracy Volunteer Caregivers	1217 El Portal Avenue	Tracy	CA	95376

First Name	Last Name	Title	Title	Title	Title	Title	Title
Ger	Vang	CEO	Lao Family Community Empowerment, Inc.	8338 N. West Lane Suite 105	Stockton	CA	95210
			Lao Khmu Association, Inc.	1044 N El Dorado St.	Stockton	CA	95202
Edward	Figueroa	CEO	St. Mary's Dining Room	545 W. Sonora St.	Stockton	CA	95203
			San Joaquin AIDS Foundation	4330 N. Pershing Avenue, Suite B-3	Stockton	CA	95207
Cathy	Long		San Joaquin County Local Child Care Planning Council	P.O. Box 213030	Stockton	CA	95213
Joelle	Gomex	CEO	Women's Center-YFS	620 North San Joaquin Street	Stockton	CA	95202
Manuel	Nunez	Director	San Joaquin County Office of Education, Migrant Education	P.O. Box 213030	Stockton	CA	95213
Kay G.	Ruhstaller	Executive Director	Family Resource and Referral Center	509 W. Weber Ave., Suite 104	Stockton	CA	95203
			Tracy WorkNet Center	543 W. Grant Line	Tracy	CA	95376
Paul	Billodeau	Executive Director	Valley Mountain Regional Center	P.O. Box 692290	Tracy	CA	95269
			San Joaquin County Aging and Community Services Information and Assistance Program	P.O. Box 201056	Stockton	CA	95201
			Dignity's Alcove, Inc.	141 S. California St.	Stockton	CA	95202
Virginia	Wimmer	Director	Veteran's Services	105 South San Joaquin Street, First Floor	Stockton	CA	95202
Andy	Prokop	President/CEO	United Way of San Joaquin County	P.O. Box 1585	Stockton	CA	95201
William R.	Brown	CEO	Gospel Center Rescue Mission, Inc.	P.O. Box 816	Stockton	CA	95201
Willie	Gonzalez	Pastor	Valley Community Baptist Church	903 Corral Hollow Rd	Tracy	CA	95377
Doug & Connie	Diestler	Lead Pastor	Mission City Church	5555 W. Grant Line Road	Tracy	CA	95304
Merrilee	Chapman	Branch Librarian	Tracy Branch Library	20 E. Eaton Ave.	Tracy	CA	95376
Jon	Field	Lead Pastor	Grace Church	346 W. Grant Line Road	Tracy	CA	95376
			Tracy Health Center	1441 N. Tracy Blvd.	Tracy	CA	95376
Brian R.	Stephens, Ed.D.	Superintendent	Tracy Unified School District	1875 W. Lowell Avenue	Tracy	CA	95376
			Emerson House	26 Emerson Avenue	Tracy	CA	95376
Kal	Waetzig	Senior Pastor	St. Paul's Lutheran Church	1635 Chester Dr.	Tracy	CA	95376

First Name	Last Name	Title	Title	Title	Title	Title	Title
Kevin	Polk	Lead Pastor	Center of Hope Church	2514 Holly Drive	Tracy	CA	95376
			Hill Foundation Tiny Hill	11075 W Larch Rd	Tracy	CA	95304
Michael	Nolen	Lead Pastor	Southwinds Church of Tracy	13400 W. Middle Road	Tracy	CA	95304
Gabriel	Ibarra	Branch Manager	Wells Fargo Home Mortgage	3284 W. Grant Line Road, Suite A6	Tracy	CA	95304
Lorie	Nguyen	Director of Branch Banking	Fremont Bank	1879 Holmes Street	Livermore	CA	94550
John	Flanagan	Branch Manager	Imortgage.com	2156 W. Grant Line Rd., Suite 100	Tracy	CA	95377
		Branch Manager	Bank of America - Home Loans	875 S Tracy Blvd	Tracy	CA	95376
		Branch Manager	Bank of America - Home Loans	111 W 10th St	Tracy	CA	95376
		Branch Manager	Bank of America - Home Loans	3120 W Grant Line Rd	Tracy	CA	95304
Alicia M.	Amador	Mortgage Banker	CHASE	691 W 11th St	Tracy	CA	95376
Minaaz	Bibi	Mortgage Banker	CHASE	2751 W Grant Line Rd	Tracy	CA	95304
Diane	Starr		STARR PROPERTY MANAGEMENT	1545 Saint Marks Plaza #4	Stockton	CA	95207
			Jordan Johnson Property Management	1101 Holly Drive	Tracy	CA	95376
Barbara	Johnson		Barbara Johnson Property Management	672 West 11th Street, Suite 343	Tracy	CA	95376
			Eagle Property Management	421 West 11th Street	Tracy	CA	95376
			Standard Pacific Homes, Bay Area	4750 Willow Road, Suite 150	Pleasanton	CA	94588
			Valley Oak Partners, LLC	734 The Alameda	San Jose	CA	95126
			William Lyon Homes	2603 Camino Ramon, Suite 450	San Ramon	CA	94583

3. Public Comments

Planning Commissioners Mitracos and Ransom commented on the need for affordable housing, particularly the need for senior housing. The City should continue to outreach to the seniors to discuss housing needs and also to developers to discuss opportunities.

Several residents attended the Study Session and commented on the need for affordable housing, including housing for the homeless and for the seniors. The City should explore other housing options such as micro units. Senior housing in the City has long a waiting list. The City may consider the "housing first" model such as in Utah where the state pays for housing for the homeless. Adequate roads to serve the new house should also be a consideration; Tracy Boulevard and Carrol Hollow Road are packed. Another resident commented on the need for housing for persons with developmental disabilities.

Representative from the Building Industry Association (BIA) of the Delta also attended the meeting and suggested a new approach to zoning regulations to facilitate housing development by enforcing the minimum density instead of maximum density, and by allowing small lots in existing neighborhoods. City staff clarified that as a policy, the City enforces the minimum residential densities in all residential zones.

Appendix B: Review of Past Accomplishments

Appendix B: Review of Past Accomplishments

Program Summary (2009-2014)

Program Description		Objectives and Timeframe	Accomplishments
Goal 1.0: Conserve and improve the condition of the existing housing stock, especially affordable housing.			
1	Downtown Rehabilitation Home Loan Program	• Continue to provide loans to qualified low and moderate income homeowners. • Disseminate information to homeowners regarding rehabilitation standards and the Downtown Rehabilitation Home Loan Program. • Improve one housing unit annually (for extremely low income, very low income, low income, or moderate income households)	Since 2009, the City has provided loans to two moderate-income households. However, due to the dissolution of the Tracy Community Development Agency in 2012, the City eliminated the Downtown Rehabilitation Home Loan Program. *Continued Appropriateness:* The City will work to identify and pursue additional funding sources to reinstate this program, if feasible. A modified version of this program will be included in the 2015-2023 Housing Element.
2	Downtown Rehabilitation Grant Program	• Continue to provide assistance to qualified low and moderate income homeowners. • Disseminate program information to homeowners regarding rehabilitation standards. • Improve five housing units annually (estimated one extremely low income, one very low income, two low income, and one moderate income households).	Since 2009, the City has provided grants to 11 moderate-income households. However, due to the dissolution of the Tracy Community Development Agency in 2012, the City eliminated the Downtown Rehabilitation Grant Program. *Continued Appropriateness:* The City will work to identify and pursue additional funding sources to reinstate this program, if feasible. A modified version of this program will be included in the 2015-2023 Housing Element.
3	Code Enforcement	• Continue to investigate possible code violations. • Continue to disseminate information on housing rehabilitation assistance available to address code violations and other housing issues.	The City's Code Enforcement Division continues to administer a fair and unbiased code enforcement program to correct violations of property conditions and land use requirements. The City continues to provide information about its Code Enforcement Division on its website, including directions for residents on how to both resolve and report potential violations. *Continued Appropriateness:* This program continues to be appropriate and will be included in the 2015-2023 Housing Element.

Program Summary (2009-2014)

Program Description		Objectives and Timeframe	Accomplishments
4	Graffiti Removal Program	• Continue to operate the Graffiti Hot Line.	The City's Department of Public Works continues to operate a Graffiti Removal Program and Graffiti Hot Line. The City continues to provide information about this program on its website, including direction for residents on how to anonymously report vandalism and steps to prevent its occurrence. *Continued Appropriateness:* This program continues to be appropriate and will be included in the 2015-2023 Housing Element.
5	Affordable Housing Monitoring	• Monitor status of affordable units annually by maintaining contact with property owners and HUD Multi-Family Housing division. • Solicit interest and participation of nonprofit housing developers to acquire and preserve housing to be maintained as affordable units.	No affordable housing developments in the City were considered at-risk of losing their affordability status during the 2009-2014 Housing Element planning period. The City will continue to monitor the status of its affordable housing inventory. *Continued Appropriateness:* This program continues to be appropriate and will be included in the 2015-2023 Housing Element.

Program Summary (2009-2014)

	Program Description	Objectives and Timeframe	Accomplishments
Goal 2.0: Assist in the provision of housing that meets the needs of all economic segments of the community.			
6	Downpayment Assistance Program	• Continue to provide down payment assistance to qualified low and moderate income homeowners. • Disseminate information to homeowners on the Down Payment Assistance Program. • Assist 12 households annually (estimated four very low income, five low income, and three moderate income households).	Since 2009, the City has provided down-payment assistance to 23 households. Four of these households were very low income households, 12 were low income, and seven were moderate income. The marketing plan for the program was developed and approved by the City Council on December 7, 2004. However, due to the dissolution of the Tracy Community Development Agency in 2012, the City had to eliminate its Downpayment Assistance Program. To assist residents in need of downpayment assistance, the City provides information on the County's NSP GAP Loan Program (Downpayment Assistance Program for Home Purchases) on its website. The County program has funded eight moderate income households for GAP-Downpayment Assistance in the City limits. The City also provides information on its website about the Option to Own Program operated by Visionary Home Builders of California, which works with participants develop a plan that allows them to live in their future home for three to five years as they repair their credit, save for a down payment, and plan a household budget that will help sustain a home. At the end of the program, participants should be ready to purchase the home *Continued Appropriateness:* The City will work to identify and pursue additional funding sources to reinstate this program, if feasible. A modified version of this program will be included in the 2015-2023 Housing Element.

Program Summary (2009-2014)

Program Description		Objectives and Timeframe	Accomplishments
7	Homebuyer and Financial Literacy Training	• Partner with Visionary Home Builders (VHB) to offer homebuyer education classes to residents. • Publicize the availability of homebuyer education classes to residents.	The City continues to provide information on its website about available homebuyer education classes provided by the NeighborWorks Home Ownership Center (Sacramento Region) and Visionary Home Builders of California for a fee. *Continued Appropriateness:* This program continues to be appropriate and will be included in the 2015-2023 Housing Element.
8	Affordable Housing Developers	• In 2011/2012, investigate the feasibility of providing fee assistance or below-market loans to affordable housing developers in order to support the production of affordable and workforce housing. Specifically, prioritize assistance to affordable housing projects that set aside units for extremely low income households.	The City investigated the feasibility of providing fee assistance and waivers for affordable housing projects. With the dissolution of redevelopment and market downturn, the City was not in the position to provide fee waivers or assistance. *Continued Appropriateness:* This program continues to be appropriate and a modified version will be included in the 2015-2023 Housing Element.
9	Housing Choice Voucher Program (Section 8)	• Continue to participate in the federally sponsored Section 8 Housing Choice Voucher program. • Disseminate information to the public regarding the Section 8 Program and promote participation by rental property owners. • Continue to provide Section 8 Vouchers to 166 households annually. • Assist 17 households annually through the Family Self-Sufficiency Program.	The City continues to participate in the Housing Choice Voucher Program operated by the San Joaquin Housing Authority. About 15 Tracy households are currently receiving housing choice voucher assistance. *Continued Appropriateness:* This program continues to be appropriate and will be included in the 2015-2023 Housing Element.
10	Sustainability Program	• Continue to develop the Sustainability Action Plan. • Disseminate information to the public regarding the Citywide Sustainability Strategy.	The City adopted the Sustainability Action Plan in February 2011. The entire Plan is available on the City's website. *Continued Appropriateness:* This program is completed and a modified version will be included in the 2015-2023 Housing Element.

Program Summary (2009-2014)

Program Description		Objectives and Timeframe	Accomplishments
11	Affordability by Design	• Within one year of adoption of the Housing Element, update the Zoning Ordinance to be consistent with the affordability by design concepts described in the General Plan.	The City adopted amendments to the Zoning Ordinance to incorporate Affordability by Design principles. For example, any use, including multi-family residential, may request a reduction in required parking based on a study or survey that illustrates that required parking is not warranted. Applicants may also receive up to a 20 percent reduction of the otherwise required number of parking spaces pursuant to T.M.C. Section 10.08.3470(e). The City of Tracy has also relaxed the required distance between structures in the HDR Zoning District from the average height of the two buildings to 10-feet. This has provided for greater flexibility for the allowance and maximum usage of residential sites. *Continued Appropriateness:* This program continues to be appropriate and a modified version will be included in the 2015-2023 Housing Element.
Goal 3.0: Provide suitable sites for housing development which can accommodate a range of housing by type, size, location, price, and tenure.			
12	Inventory of Residential Sites	• Continue to pursue the annexation of Ellis Specific Plan area with a target date of 2012. • Adopt Downtown Specific Plan in 2012. • Complete Zoning Code update to implement the General Plan in 2012, specifically rezone Raleys properties (33.8 acres) and Valpico Road properties (37.1 acres) from Industrial to High Density Residential consistent with the General Plan to provide a maximum capacity of 1,772 units and an average capacity of 1,276 units, where multi-family is permitted by right. • Monitor the sites inventory annually to assess the City's continued ability to facilitate a range of residential housing types. • Make the inventory of vacant sites available to interested developers after adoption of the Housing Element.	The Ellis Specific Plan area was annexed into the City in 2013 and construction began in 2015. The 31 acres for rezone, referenced in Program 11 of the 2015-2023 Housing Element, are included in the Raleys and Valpico properties. These sites will be rezoned to HDR within two years of the adoption of the Housing Element. The City continues to annually monitor the sites inventory to ensure the continued availability of sites to facilitate a range of residential housing types. *Continued Appropriateness:* This program continues to be appropriate and will be included in the 2015-2023 Housing Element.

Program Summary (2009-2014)

Program Description		Objectives and Timeframe	Accomplishments
13	Property Acquisition and Improvement	• Continue to identify additional properties for potential development, particularly within the Redevelopment Project Area, and pursue development rights or purchase of these properties. • Continue to assist in site acquisition for affordable housing. As funding permits, prioritize funding assistance to affordable housing projects that set aside units for seniors, persons with disabilities, and extremely low income households. • Partner with nonprofit organizations to explore the development of a land trust. If a land trust is established, ensure the land trust program includes a component that benefits households with extremely low incomes. • Bi-annually compile a list of properties considered for acquisition and a summary of sites acquired and number of units produced.	The dissolution of the Tracy Community Development Agency in 2012 eliminated the Redevelopment Project area and severely compromised the City's ability to pursue and purchase properties for residential development. However, the City will continue to identify and seek partnerships with organizations in order to acquire, improve, and develop affordable housing. *Continued Appropriateness:* This program continues to be appropriate and a modified version will be included in the 2015-2023 Housing Element.
14	Inclusionary Housing	• Continue to explore the potential and set the stage for a voluntary inclusionary housing program that includes an extremely low income component. • Bi-annually monitor the City's affordability conditions and identify an inclusionary housing trigger, if necessary.	The City is committed to continuing to explore a voluntary inclusionary housing program or other creative solutions that will result in additional affordable housing units. *Continued Appropriateness:* This program continues to be appropriate and a modified version will be included in the 2015-2023 Housing Element.

Program Summary (2009-2014)

Program Description		Objectives and Timeframe	Accomplishments
15	Resale of Foreclosed Properties	• Acquire and rehabilitate nine foreclosed properties, and subsequently resell or rent them to households earning up to 120 percent of AMI. • Conduct outreach and publicize the availability of these foreclosed properties to residents.	Since 2009, the San Joaquin County Community Development Department, in partnership with Visionary Home Builders, utilized NSP funds to rehabilitate 12 foreclosed properties in Tracy and successfully resold or rented them to moderate-income households in the City. Additionally, the County worked with Stocktonians Taking Action To Neutralize Drugs (STAND) to rehabilitate six foreclosed properties in Tracy using NSP funds. STAND successfully resold or rented the rehabilitated units to six moderate –income households. *Continued Appropriateness:* The NSP funding for this program has been exhausted but the City will work to identify additional funding sources to continue this program. A modified version will be included in the 2015-2023 Housing Element.

Program Summary (2009-2014)

	Program Description	Objectives and Timeframe	Accomplishments
Goal 4.0: Mitigate any potential governmental constraints to housing production and affordability			
16	Extremely Low Income and Special Needs Housing	Within one year of the adoption of the Housing Element, the City will amend the Zoning Ordinance to address the following: • Emergency Shelters: The City will amend its Zoning Ordinance to permit homeless shelters with a ministerial permit within the MDR and HDR zones. Objective performance standards will be established and these standards will be the same as similar uses in the MDR and HDR zones. • Transitional Housing: The City will amend its Zoning Ordinance to differentiate transitional housing in the form of group quarters versus as regular housing developments. For transitional housing facilities that operate as regular housing developments, such housing will be permitted where similar housing is otherwise permitted. For transitional housing facilities that operate as group quarters, such facilities will be permitted as residential care facilities. • Supportive Housing: The Zoning Ordinance will be amended to differentiate supportive housing in the form of group quarters versus as regular housing developments. For supportive housing facilities that operate as regular housing developments, such uses will be permitted where similar housing is otherwise permitted. For supportive housing facilities that operate as group quarters, such facilities will be permitted as residential care facilities. • Single Room Occupancy Units (SROs): The City will amend its Zoning Ordinance to permit SROs with a Conditional Use Permit in the MDR and GHC zones. • Reasonable Accommodation: The City will amend the Zoning Ordinance to implement a reasonable accommodation procedure to address reasonable accommodation requests.	Amendments to the Zoning Ordinance related to emergency shelters, transitional housing, supportive housing, SRO housing units, second units, reasonable accommodations and manufactured housing were adopted in December 2015. *Continued Appropriateness:* This program is completed and a modified version will be included in the 2015-2023 Housing Element.

Program Summary (2009-2014)

Program Description		Objectives and Timeframe	Accomplishments
		• Second Units: The City will amend its Zoning Ordinance to permit second units in residential zones where a primary single-family unit already exists. • Manufactured and Mobile Homes: The City will amend its Zoning Ordinance to allow manufactured/mobile homes installed on a permanent foundation in all residential zones where single-family dwellings are permitted.	

17	Growth Management Ordinance (GMO)	• Amend the GMO within one year of the adoption of the Housing Element.
		• Annually monitor and evaluate the Growth Management Ordinance for the impacts on the cost, supply and timing of housing including seeking input from residential developers and affordable housing stakeholders in reviewing the effects of the GMO. The annual review will analyze the ability to accommodate the City's regional housing need, constraints on supply and affordability of housing and the process for applying and reviewing allocations. The review will reflect the RHNA as a minimum and consider impacts on overall housing supply in addition to accommodating the RHNA. Factors to be considered include:
		  • New RHNA exemption program;
		  • Overall impacts on housing supply based on the new RHNA exemption in addition to the annual limit;
		  • Number of building permits issued under the exemption by income categories and housing type;
		  • Number of total applications, applications approved or denied and developer interest in applications;
		  • Timing for approving allocations; and
		  • Potential uncertainty associated with scoring criteria used to evaluate application for allocations.
		Information will be included and evaluated as part of the annual Growth Management Status report, published in the fourth quarter of each calendar year. Based on the outcomes of the evaluation and consideration of stakeholder input, the City will establish appropriate action such as revising the
			The City amended its Municipal Code in 2013 with Ordinance No. 1184 to address the GMO's compliance with the RHNA. The City continues to annually monitor and evaluate the GMO for impacts on the cost, supply and timing of housing.
			
			Continued Appropriateness: This program continues to be appropriate and will be included in the 2015-2023 Housing Element.

Program Summary (2009-2014)

Program Description		Objectives and Timeframe	Accomplishments
		ordinance within one year of the evaluation..	
Goal 5.0: Continue to promote equal housing opportunity in the City's housing market regardless of age, race, color, national origin, ancestry, sex, disability, marital status, familial status, source of income, sexual orientation, and any other arbitrary factors.			
18	Definition of "Family"	• The City will amend its definition of a family in the Zoning Ordinance to eliminate any requirements on the number of persons constituting a family within one year of adoption of the Housing Element	This amendment was adopted in December 2015. *Continued Appropriateness:* This program is completed and will not be included in the 2015-2023 Housing Element.
19	Reasonable Accommodation	• Amend the Tracy Municipal Code to address requests for reasonable accommodation to land use and zoning decisions and procedures regulating the siting, funding, development and use of housing for people with disabilities within one year of adoption of the Housing Element.	This amendment was adopted in December 2015. *Continued Appropriateness:* This program is completed and will not be included in the 2015-2023 Housing Element.
20	Fair Housing	• Continue to support the Stockton-San Joaquin Community Housing Resource Board and provide referral services. • Advertise services of the Stockton-San Joaquin Community Housing Resource Board in City buildings and other public buildings (such as public libraries, community centers, County Housing Authority offices, and post offices, etc.), at a variety of community locations (such as offices of nonprofit service providers), and distribute flyers to apartment management companies and real estate offices.	The San Joaquin Fair Housing Association is a non-profit agency that provides mediation and fair housing services to residents of Tracy as well as the cities of Stockton, Lodi, Manteca, Lathrop, Ripon, Escalon, and the County of San Joaquin. The City continues to provide information about the San Joaquin Fair Housing Association on its website. *Continued Appropriateness:* This program continues to be appropriate and will be included in the 2015-2023 Housing Element.

Housing Element Quantified Objectives and Accomplishments

	Extremely Low	Very Low	Low	Moderate	Above Moderate	Total
New Construction (RHNA) (Objectives)	453	454	632	813	2,535	4,888
New Construction (Actual - Permitted)	0	0	0	0	784	784
Rehabilitation (Objectives)						
Downtown Rehabilitation Loan	1	1	2	1	0	5
Downtown Rehabilitation Grant	5	5	10	5	0	25
NSP	0	2	2	5	0	9
Rehabilitation (Actual)						
Downtown Rehabilitation Loan	0	0	0	2	0	2
Downtown Rehabilitation Grant	0	0	0	11	0	11
NSP	0	0	0	14	0	14
Preservation (Objectives)	No units at risk during planning period					
Assistance (Objectives)						
Downpayment Assistance	0	20	25	25	0	60
Section 8	83	83	0	0	0	166
Family Self-Sufficiency	8	9	0	0	0	17
Assistance (Actual)						
Downpayment Assistance	0	4	12	7	0	23
County GAP-DPA Program	0	0	0	8	0	8
Section 8	75	75	0	0	0	150
Family Self-Sufficiency	Information Not Available					

Appendix C: Development Impact Fees

HARVEST APARTMENTS				
I-205 SPECIFIC PLAN				
APN: 238-600-27				
I-205 PARCEL GL-24C				
CAPITAL-IN-LIEU FEES	REVENUE ACCOUNT #	FEE PER UNIT	# OF UNITS	PARCEL OBLIGATION
Arterials, West	353-4231-XIW11	$ 7,123.32	300	$ 2,136,996.00
Intersection & Signals, West	353-4231-XIW16	374.56	300	112,368.00
Intersection Mitigations	353-4231-XIW16	647.79	300	194,337.00
Sanitary Sewer Treatment	353-4237-XIA71	3,057.89	300	917,367.00
Sanitary Sewer Collection	353-4237-XIW72	691.99	300	207,597.00
Water Distribution	353-4236-XIW62	158.26	300	47,477.00
Water Distribution - Off-site	353-4236-XIW63	1,402.14	300	420,643.00
Water Supply, Trtmt & Storage	353-4236-XIA61	1,323.63	300	397,088.00
Storm Drains	353-4232-XIW21	36.22	300	10,865.00
Irrigation (NBID) Relocation	353-4232-XIW25	288.27	300	86,480.00
Downtown Assistance	353-4239-XIA51	41.91	300	12,573.00
Park & Ride	353-4231-XIW19	62.70	300	18,810.00
Air Quality	353-4239-XIA53	3.57	300	1,071.00
Swainson Hawk	353-4239-XIA52	122.42	300	36,726.00
Fire/Public Works Capital	353-4234-XIA41	682.78	300	204,833.00
Agricultural Conversion Fee	353-2426-XIA54	11.67	300	3,501.00
Contingency (15%)	353-4239-XIA92	1,951.65	300	585,495.00
Design & Construction Fees (15%)	353-4239-XIA91	1,951.65	300	585,495.00
Program Management	353-4239-XIA95	518.08	300	155,423.00
Parks		5,038.00	300	1,511,400.00
SUB TOTAL DEVELOPMENT IMPACT FEES		**$ 25,488.48**		**$ 7,646,545.00**
OTHER FEES TO BE COLLECTED AT BUILDING PERMIT ISSUANCE				
New Address Mapping Fees	211-4531-R2365	$ 36.00	300	$ 10,800.00
Water Meter Radio Read MXV Fee	511-4618	11.00	300	3,300.00
Agricultural Mitigation Fee	207-2426-D6006	$2,533.80 / Acre	17.91	45,380.36
County Facilities Fee	391-2426-D6011	Exempt	NAp	NAp
Regional Transportation Impact Fee	808-2426	Exempt	NAp	NAp
Habitat Mitigation Fee		Exempt	NAp	NAp
TOTAL DEVELOPMENT IMPACT FEES				**$ 7,706,025.36**

YOSEMITE VISTA - UNIT 2, TRACT 3495				
BRIGHT DEVELOPMENT				
SOUTH MACARTHUR PLANNING AREA - SINGLE FAMILY DWELLING UNIT				
DEVELOPMENT IMPACT FEES	ACCOUNT #	FEE PER SFDU	# OF UNITS (b)	TOTAL FEES (a) x (b)
Water Facilities	352-4236-XSM61	$ 5,291.50	21	$111,121.50
Wastewater - East-Side Sewer System Conn	352-4237-XSM72	617.50	21	$12,967.50
Wastewater - Gravity Sewer Improvements	352-4237-XSM72	401.85	21	$8,438.85
WWTP Improvements	352-4237-XSM71	11,884.50	21	$249,574.50
Roadways - Upgrades	352-4231-XSM11	11,144.45	21	$234,033.45
Roadways - CFD 89-1 Reimbursement	352-4231-XSM12	84.55	21	$1,775.55
Roadways - RSP Reimbursement	352-4231-XSM13	630.80	21	$13,246.80
Storm Drainage - Upgrade	352-4232-XSM21	4,219.90	21	$88,617.90
Storm Drainage - CFD 89-1 Reimbursement	352-4232-XSM22	171.95	21	$3,610.95
Parks - Mini/Neighborhood	352-4233-XSM31	4,193.30	21	$88,059.30
Parks - Community Park	352-4233-XSM32	2,224.90	21	$46,722.90
Public Buildings & Services	352-4234-XSM41	3,782.90	21	$79,440.90
Program Management	352-4239-XSM91	2,349.90	21	$49,347.90
SUB TOTAL DEVELOPMENT IMPACT FEES		**$ 46,998.00**		**$986,958.00**
Other Fees to be Collected at Building Permit				
Water Meter Radio Read MXV Fee	511-4618	$ 11.00	21	$ 231.00
New Address Mapping Fee	211-4531-R2365	68.00	21	1,428.00
Habitat Mitigation Fees	352-2426-XSM45	3,054.03	21	64,134.63
Agricultural Mitigation Fee	207-2426-D6006	NAp	NAp	NAp
County Facilities Fees	391-2426-D6011	NAp	NAp	NAp
Regional Transportation Impact Fees	808-2426	NAp	NAp	NAp
TOTAL DEVELOPMENT IMPACT FEES		**$50,131.03**		**$1,052,751.63**

March 15, 2016

AGENDA ITEM 9

REQUEST

ADOPTION OF RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY OF TRACY AND THE BOARD OF ADMINISTRATION OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM; INTRODUCE AN ORDINANCE AUTHORIZING THE AMENDMENT TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM PLAN TO PROVIDE SECTION 20516 (EMPLOYEES SHARING ADDITIONAL COST) OF 3% FOR ALL LOCAL MISCELLANEOUS MEMBERS IN THE TRACY MID-MANAGERS BARGAINING UNIT, CONFIDENTIAL MID-MANAGERS UNIT, TECHNICAL SUPPORT SERVICES UNIT, ALL LOCAL POLICE MEMBERS IN THE TRACY POLICE MANAGEMENT ASSOCIATION AND ALL LOCAL FIRE MEMBERS IN THE CONFIDENTIAL MID-MANAGERS UNIT.

EXECUTIVE SUMMARY

This report recommends action to amend the contract with the California Public Employee Retirement System (CalPERS) to allow for employees of the Tracy Mid-Managers Bargaining Unit, Confidential Mid-Managers Unit, Technical Support Services Unit and Tracy Police Management Association to pay 3% of the employer share of CalPERS costs.

DISCUSSION

In November and December 2015, the City Council adopted Memorandums of Understanding (MOU's) for the Tracy Police Management Association and the Tracy Mid-Managers Bargaining Unit and Compensation and Benefits plans for the Confidential Mid-Managers Unit and the Technical & Support Services Unit. Each agreement included language which stated that the employees in each of the respective units agree to pay 3% towards the employers' share of CalPERS pension costs, regardless of which CalPERS pension formula is applicable to the employee. In exchange, the City shall pay the corresponding salary increase that represents the 3% contribution. Each agreement stipulated that the City will amend the Public Employees' Retirement System contracts between the City of Tracy and the California Public Employees' Retirement System to provide for Employees Sharing Additional cost (Section 20516 of Public Employees Retirement Law).

Pursuant to Government Code Section 20471, a 20-day period between the adoption of the Resolution of Intention and the adoption of the final Ordinance is required.

STRATEGIC PLAN

This agenda item supports the City's Governance Strategy and Business Plan, and specifically implements the following goals and objectives:

Governance Strategy

Goal 1: Further develop an organization to attract, motivate, develop, and retain a high-quality, engaged, high-performing, and informed workforce.

Objective 1b: Affirm organizational values.

FISCAL IMPACT

There is no impact to the General Fund for approval of this action. This is a cost neutral item for the City.

RECOMMENDATION

That the City Council: 1) Adopt a Resolution of Intention to approve a contract amendment between the City of Tracy and the Board of Administration of the California Public Employees' Retirement System to include Section 20516 of the Public Employees Retirement Law (Employees Sharing Additional Cost); and 2) Introduce an ordinance authorizing the amendment to the contract between the City of Tracy and the Board of Administration of the California Public Employees' Retirement System to implement this benefit.

Prepared by: Judy Carlos, Human Resources Analyst

Reviewed by: Midori Lichtwardt, Human Resources Manager
V. Rachelle McQuiston, Administrative Services Director
Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

Attachments: Ordinance
Exhibit – Amendment to Contract between the Board of Administration CALPERS and the City of Tracy City Council
Resolution of Intention

ORDINANCE _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRACY AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF TRACY AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

WHEREAS, The Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said contract: and

WHEREAS, The Government Code sets forth procedures to amend this contract: and

WHEREAS, One of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of an ordinance to approve an amendment to said contact: and

WHEREAS, Pursuant to adopted Memorandums of Understanding between the City of Tracy and the Tracy Police Management Association, Tracy Mid-Managers Bargaining Unit and Compensation and Benefits plans between the City of Tracy and the Confidential Mid-Managers Unit and the Technical Support Services Unit, the parties stipulated that the City will amend its contract with California Public Employees' Retirement System to provide for Section 20516 of the Public Employees Retirement Law (Employees Sharing Additional Cost); and

WHEREAS, A Resolution of Intention (Resolution # _____) to approve the Public Employees' Retirement System contract amendment was adopted on March 15, 2016; and

NOW, THEREFORE, The City Council of the City of Tracy does ordain as follows:

SECTION 1: That an amendment to the contract between the City Council of the City of Tracy and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked as Exhibit, and by such reference made a part hereof as though herein set out in full.

SECTION 2: That the Mayor of the City of Tracy is hereby authorized, empowered, and directed to execute said amendment for and on behalf of the City of Tracy.

SECTION 3: That this Ordinance shall take effect 30 days after the date of its adoption, and prior to the expiration of fifteen (15) days from the passage thereof shall be published once in the Tri-Valley Herald, a newspaper of general circulation, published and circulated in the City of Tracy and thenceforth and thereafter the same shall be in full force and effect.

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

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the 15th day of March, 2016, and finally adopted on the _____day of _____, 2016, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS

_____
Mayor

ATTEST:

_____
City Clerk

CalPERS

EXHIBIT

California
Public Employees' Retirement System

AMENDMENT TO CONTRACT

Between the
Board of Administration
California Public Employees' Retirement System
and the
City Council
City of Tracy

The Board of Administration, California Public Employees' Retirement System, hereinafter referred to as Board, and the governing body of the above public agency, hereinafter referred to as Public Agency, having entered into a contract effective October 1, 1948, and witnessed September 8, 1948, and as amended effective January 1, 1960, June 1, 1972, November 1, 1972, March 19, 1974, July 1, 1978, February 1, 1983, September 1, 1983, May 3, 1985, January 18, 1991, June 30, 1997, November 16, 1997, June 1, 2000, January 1, 2004, January 1, 2005, January 1, 2006, October 1, 2006, July 2, 2010 and December 17, 2010 which provides for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

A. Paragraphs 1 through 17 are hereby stricken from said contract as executed effective December 17, 2010, and hereby replaced by the following paragraphs numbered 1 through 20 inclusive:

1. All words and terms used herein which are defined in the Public Employees' Retirement Law shall have the meaning as defined therein unless otherwise specifically provided. "Normal retirement age" shall mean age 55 for classic local miscellaneous members, age 62 for new local miscellaneous members, age 50 for classic local police members entering membership in the police classification on or prior to July 2, 2010, age 55 for classic local police members entering membership for the first time in the police classification after July 2, 2010, age 55 for classic local fire members and age 57 for new local safety members.

2. Public Agency shall participate in the Public Employees' Retirement System from and after October 1, 1948 making its employees as hereinafter provided, members of said System subject to all provisions of the Public Employees' Retirement Law except such as apply only on election of a contracting agency and are not provided for herein and to all amendments to said Law hereafter enacted except those, which by express provisions thereof, apply only on the election of a contracting agency.

3. Public Agency agrees to indemnify, defend and hold harmless the California Public Employees' Retirement System (CalPERS) and its trustees, agents and employees, the CalPERS Board of Administration, and the California Public Employees' Retirement Fund from any claims, demands, actions, losses, liabilities, damages, judgments, expenses and costs, including but not limited to interest, penalties and attorney fees that may arise as a result of any of the following:

   (a) Public Agency's election to provide retirement benefits, provisions or formulas under this Contract that are different than the retirement benefits, provisions or formulas provided under the Public Agency's prior non-CalPERS retirement program.

   (b) Any dispute, disagreement, claim, or proceeding (including without limitation arbitration, administrative hearing, or litigation) between Public Agency and its employees (or their representatives) which relates to Public Agency's election to amend this Contract to provide retirement benefits, provisions or formulas that are different than such employees' existing retirement benefits, provisions or formulas.

   (c) Public Agency's agreement with a third party other than CalPERS to provide retirement benefits, provisions, or formulas that are different than the retirement benefits, provisions or formulas provided under this Contract and provided for under the California Public Employees' Retirement Law.

4. Employees of Public Agency in the following classes shall become members of said Retirement System except such in each such class as are excluded by law or this agreement:

   a. Local Fire Fighters (herein referred to as local safety members);

   b. Local Police Officers (herein referred to as local safety members);

   c. Employees other than local safety members (herein referred to as local miscellaneous members).

5. In addition to the classes of employees excluded from membership by said Retirement Law, the following classes of employees shall not become members of said Retirement System:

NO ADDITIONAL EXCLUSIONS

6. Prior to January 1, 1975, those members who were hired by Public Agency on a temporary and/or seasonal basis not to exceed 6 months were excluded from PERS membership by contract. Government Code Section 20336 superseded this contract provision by providing that any such temporary and/or seasonal employees are excluded from PERS membership subsequent to January 1, 1975. Legislation repealed and replaced said Section with Government Code Section 20305 effective July 1, 1994.

7. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local miscellaneous member in employment before and not on or after October 1, 2006 shall be determined in accordance with Section 21354 of said Retirement Law subject to the reduction provided therein for Federal Social Security (2% at age 55 Modified).

8. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local miscellaneous member in employment on or after October 1, 2006 and not entering membership for the first time with this agency in the miscellaneous classification after December 17, 2010 shall be determined in accordance with Section 21354.4 of said Retirement Law subject to the reduction provided therein for Federal Social Security (2.5% at age 55 Modified).

9. The percentage of final compensation to be provided for each year of credited current service as a classic local miscellaneous member entering membership for the first time with this agency in the miscellaneous classification after December 17, 2010 shall be determined in accordance with Section 21354 of said Retirement Law subject to the reduction provided therein for Federal Social Security (2% at age 55 Modified).

10. The percentage of final compensation to be provided for each year of credited prior and current service as a new local miscellaneous member shall be determined in accordance with Section 7522.20 of said Retirement Law (2% at age 62 Supplemental to Federal Social Security).

11. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local police member entering membership in the police classification on or prior to July 2, 2010 shall be determined in accordance with Section 21362.2 of said Retirement Law (3% at age 50 Full).

12. The percentage of final compensation to be provided for each year of credited current service as a classic local police member entering membership for the first time with this agency in the police classification after July 2, 2010 shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).

13. The percentage of final compensation to be provided for each year of credited prior and current service as a classic local fire member shall be determined in accordance with Section 21363.1 of said Retirement Law (3% at age 55 Full).

14. The percentage of final compensation to be provided for each year of credited prior and current service as a new local safety member shall be determined in accordance with Section 7522.25(d) of said Retirement Law (2.7% at age 57 Full).

15. Public Agency elected and elects to be subject to the following optional provisions:

    a. Sections 21624, 21626 and 21628 (Post-Retirement Survivor Allowance) for local safety members only.

    b. Section 21574 (Fourth Level of 1959 Survivor Benefits) for local safety members only.

    c. Section 20965 (Credit for Unused Sick Leave) for local fire members entering membership on or prior to May 3, 1985 only.

    d. Section 20475 (Different Level of Benefits). Section 20965 (Credit for Unused Sick Leave) is not applicable to local fire members entering membership for the first time with this agency in the fire classification after May 3, 1985.

       Section 21363.1 (3% @ 55 Full formula) is applicable to classic local police members entering membership for the first time with this agency in the police classification after July 2, 2010.

       Section 21354 (2% @ 55 Modified formula) and Section 20037 (Three-Year Final Compensation) are applicable to classic local miscellaneous members entering membership for the first time with this agency in the miscellaneous classification after December 17, 2010.

    e. Section 20903 (Two Years Additional Service Credit).

    f. Section 21024 (Military Service Credit as Public Service).

g. Section 20042 (One-Year Final Compensation) for classic local miscellaneous members entering membership on or prior to December 17, 2010 and all classic local safety members.

h. Section 20516 (Employees Sharing Additional Cost):

3% for local miscellaneous members in the Tracy Mid-Managers Bargaining Unit, Confidential Mid-Managers Unit and the Technical Support Services Unit.

3% for local police members in the Tracy Police Management Association.

3% for local fire members in the Confidential Mid-Managers Unit.

16. Public Agency, in accordance with Government Code Section 20790, ceased to be an "employer" for purposes of Section 20834 effective on February 1, 1983. Accumulated contributions of Public Agency shall be fixed and determined as provided in Government Code Section 20834, and accumulated contributions thereafter shall be held by the Board as provided in Government Code Section 20834.

17. Public Agency shall contribute to said Retirement System the contributions determined by actuarial valuations of prior and future service liability with respect to local miscellaneous members and local safety members of said Retirement System.

18. Public Agency shall also contribute to said Retirement System as follows:

a. Contributions required per covered member on account of the 1959 Survivor Benefits provided under Section 21574 of said Retirement Law. (Subject to annual change.) In addition, all assets and liabilities of Public Agency and its employees shall be pooled in a single account, based on term insurance rates, for survivors of all local safety members.

b. A reasonable amount, as fixed by the Board, payable in one installment within 60 days of date of contract to cover the costs of administering said System as it affects the employees of Public Agency, not including the costs of special valuations or of the periodic investigation and valuations required by law.

c. A reasonable amount, as fixed by the Board, payable in one installment as the occasions arise, to cover the costs of special valuations on account of employees of Public Agency, and costs of the periodic investigation and valuations required by law.

19. Contributions required of Public Agency and its employees shall be subject to adjustment by Board on account of amendments to the Public Employees' Retirement Law, and on account of the experience under the Retirement System as determined by the periodic investigation and valuation required by said Retirement Law.

20. Contributions required of Public Agency and its employees shall be paid by Public Agency to the Retirement System within fifteen days after the end of the period to which said contributions refer or as may be prescribed by Board regulation. If more or less than the correct amount of contributions is paid for any period, proper adjustment shall be made in connection with subsequent remittances. Adjustments on account of errors in contributions required of any employee may be made by direct payments between the employee and the Board.

B. This amendment shall be effective on the _____ day of _____, _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY_____
RENEE OSTRANDER, CHIEF
EMPLOYER ACCOUNT MANAGEMENT DIVISION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
CITY OF TRACY

BY_____
PRESIDING OFFICER

_____
Witness Date

Attest:

_____
Clerk

PLEASE DO NOT SIGN "EXHIBIT ONLY"
PLEASE DO NOT SIGN "EXHIBIT ONLY"

RESOLUTION 2016-

ADOPT A RESOLUTION OF INTENTION TO APPROVE AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND THE CITY COUNCIL OF CITY OF TRACY

NOW, THEREFORE, be it resolved by the City Council of Tracy that does hereby give notice of intention to approve an amendment to the contract between the City of Tracy and the Board of Administration of the Public Employees' Retirement System by Resolution, a copy of said resolution being attached hereto, as an "Exhibit" and by this reference made a part of hereof.

The foregoing Resolution 2016-____, was passed and adopted by the Tracy City Council on the 15th day of March, 2016, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

RESOLUTION OF INTENTION

TO APPROVE AN AMENDMENT TO CONTRACT

BETWEEN THE

BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

AND THE

CITY COUNCIL
CITY OF TRACY

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

> To provide Section 20516 (Employees Sharing Additional Cost) of 3% for all local miscellaneous members in the Tracy Mid-Managers Bargaining Unit, Confidential Mid-Managers Unit and the Technical Support Services Unit; 3% for all local police members in the Tracy Police Management Association and 3% for all local fire members in the Confidential Mid-Managers Unit.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part hereof.

By:_____
Presiding Officer

_____
Title

_____
Date adopted and approved

March 15, 2016

AGENDA ITEM 10

REQUEST

APPROVAL OF THE 15-16 MID-YEAR BUDGET REVIEW AND AUTHORIZE PROPOSED EXPENDITURE AND REVENUE ADJUSTMENTS

EXECUTIVE SUMMARY

The Mid-Year Budget Review is an annual process that analyzes the City's fiscal condition and assumptions at the midway point and is an opportunity to provide an update of the City's budget condition, and based on this analysis, budget revisions are recommended to address projected revenue and expenditure variances, account for unanticipated revenue and address mid-year expenditure increase requests.

The Finance Department has identified additional revenue and has received various departments' mid-year requests for increased expenditures. The purpose of this item is to recognize the increased revenue and increase appropriations for mid-year identified items.

The City has received almost $1 million in unanticipated revenue. $900,000 is General Fund consisting of a reallocation of Community Development Agency (CDA) residual funds, comprised of CDA successor agency property tax receipts in excess of successor agency debt, distributed proportionately to affected cities is $500,000 over budget, and Property Tax in Lieu of Vehicle License fees are trending to come in $400,000 over budget, and $60,000 is from Airport Operations consisting of an airport grant.

Three expenditure adjustments of $390,000 are proposed, $330,000 affect the General Fund and the remaining $60,000 affect the Airport Operations fund. Channel 26 requires an additional $35,000 from the General Fund due to increased work hours for trouble shooting and maintenance of the audio visual and live feed system in the Council Chambers this fiscal year. The majority of Channel 26 staff are part time with a stretched workload. Increased demands strain an already burdened staff. An additional $295,000 of General Funds is needed additional Joe Wilson Pool costs due to inclement weather requiring a construction tent, funds to stabilize the soil, and funds to replace the deteriorated roof. The remaining $60,000 is requested for Airport approved grant expenditures.

DISCUSSION

Additional Revenue

In January, the City received more General Fund revenues than expected, along with notification of award of an Airport Operations grant.

Property Tax

1. CDA Allocations:
With the dissolution of the Community Development Agency (CDA), the City receives a portion of residual funds after all Successor Agency obligations are met. These revenues are difficult for forecast because they can vary from $200,000 to $1.2 million annually. In January, the City received $1.1 million in residual funds, $500,000 more than budgeted. These funds are one-time residual income receipts from bond refunding at a lower interest rate. The additional $500,000 can be realized in this fiscal year, but not in future years.

2. Property Tax in Lieu of Vehicle License Fees:
In 2004, Vehicle License Fees (VLF) were reduced from 2% to .65%, resulting in lost revenue to counties and cities. In May of 2004, Governor Schwarzenegger proposed allocating additional property tax revenue to counties and cities to make them whole from the VLF reduction. The City receives these funds twice a year in January and June. The January allocation has come in higher than expected and is trending to come in $400,000 more than budgeted.

Airport Grant

The Airports Enterprise Fund received an operations grant to fund Airport activities, of which $60,000 needs to be drawn down before then end of this fiscal year.

Expenditures

Three Fiscal Year (FY) 15/16 mid-year expenditure adjustments are proposed; two are General Fund adjustments, and one is an Airport Operations Fund adjustment.

General Fund

1. An expense increase of $35,000 is needed for Channel 26 salary and benefits due to the increased call back hours for Council Chambers audio visual system and live feed trouble shooting and maintenance.

2. Joe Wilson Pool (CIP 78152) additional funds of $295,000 is needed to cover additional costs incurred for the following items:

    - Construction Tent to continue construction work during rainy days.
    - Soil was found to be unstable, and additional form work, excavation and gravel are required to stabilize the soil.
    - Current roof was found to be deteriorated and requires replacement.

Airports Operations Fund

1. Additional funds are needed to purchase grant funded equipment and operations assistance, listed below:

    - Tetrahedron lights at Tracy Airport
    - Runway Sweeper for Tracy and New Jerusalem Airports
    - PTO Spray rig for tractor to be used at Tracy and New Jerusalem Airports.
    - Trailer to haul tractor to New Jerusalem Airports.
    - Line Striper for Tracy and New Jerusalem Airports.
    - Chemical Cabinet for herbicides used at Tracy and New Jerusalem Airports.
    - Operating Assistance.

FY 16/17 BUDGET DEVELOPMENT PROCESS CALENDAR

January 28, 2016	**Outreach to Community – Penny for your thoughts**
February 2, 2016	**Internal Budget Kick Off Meeting** **Distribution of budget instructions and forms**
March 15, 2016	**FY 15/16 Mid-Year Update**
March 15, 2016	**Council Budget Kick-Off**
April 5, 2016	**FY 14/15 CAFR Presentation**
April 19, 2016	**FY 2016/17 Master Fee Schedule Update**
April 26, 2016	**FY 2016/17 – FY 2020/21 Capital Improvement Workshop**
May 10, 2016	**Planning Commission Review of Capital Improvement Plan**
June 7, 2016	**1st Council Budget Approval**
June 21, 2016	**2nd Council Budget Approval (if necessary)**
June 16, 2016	**City Council adoption of budget**
July 1, 2016	**New fiscal year starts; adopted budget goes into effect**

STRATEGIC PLAN

Acceptance of this report does not relate to one of the City Council's Strategic Plans.

FISCAL IMPACT

General Fund; Not Budgeted; $900,000 Revenue; $330,000 Expenditure; Airport Fund; Not Budgeted; $60,000 Revenue; $60,000 Expenditure

RECOMMENDATION

- Accept the FY 15/16 General Fund Mid-Year Review
- Adopt a Resolution Authorizing a FY 2015/16 Budget Adjustment per Attachment 1, Exhibit A

Prepared by: V. Rachelle McQuiston

Reviewed by: Stephanie Garrabrant-Sierra, Assistant City Manager

Approved by: Troy Brown, City Manager

ATTACHMENTS:

Attachment 1: Resolution Authorizing FY 2015/16 Budget Adjustments
Exhibit A: Proposed FY 2015/16 Budget Adjustments

RESOLUTION NO._____

AUTHORIZING FY 2015/16 OPERATING BUDGET ADJUSTMENTS

WHEREAS, City Council adopted the FY 2015/16 Operating Budget in June 2015, and subsequent budget adjustments and/or supplemental appropriations beyond the adopted budget require Council approval, and

WHEREAS, Operating budget revenue levels fluctuate and unanticipated mid-year expenses occur, and

WHEREAS, Several revenue and expense adjustments are recommended as reflected in Exhibit A;

NOW, THEREFORE BE IT RESOLVED, That the City Council approves budget adjustments per Exhibit A, amending the adopted FY 2015/16 Operating Budget.

The foregoing Resolution _____ was passed and adopted by the Tracy City Council on the _____ day of _____, of 2016, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

_____
Mayor

ATTEST:

_____
City Clerk

EXHIBIT A

FY 2015/16 PROPOSED BUDGET ADJUSTMENTS

GENERAL FUND

- Increase General Fund Property Tax Revenue in the amount of $900,000.
- Increase General Fund expenditures in the amount of $35,000 for Channel 26 Salary and Benefits.
- Increase General Fund expenditures in the amount of $295,000 for Joe Wilson Pool additional costs due to unstable soil and rainy weather.

AIRPORT OPERATIONS FUND

- Increase Airport Fund Revenue $60,000 for a State grant.
- Increase Airport Fund Expenditures $60,000 for State grant authorized purchases.

March 15, 2016

AGENDA ITEM 12.A

REQUEST

APPOINT APPLICANTS TO THE PLANNING COMMISSION

EXECUTIVE SUMMARY

On March 18, 2016, terms will expire for two of the Planning Commissioners. A recruitment was conducted and appointments need to be made.

DISCUSSION

On March 18, 2016, terms will expire for two of the Planning Commissioners. To fill the upcoming vacancies, the City Clerk's office conducted a three week recruitment from January 5 to January 26, 2016, during which time 11 applications were received.

On February 29, 2016, a Council subcommittee consisting of Mayor Maciel and Council Member Young interviewed 11 applicants. In accordance with Resolution 2004-152, the Council subcommittee will recommend applicants for appointment to serve four year terms, which will begin on March 19, 2016, and end on March 31, 2020.

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 Planning Commission to serve four year terms which will end on March 31, 2020.

Prepared by: Adrianne Richardson, Deputy City Clerk

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

Approved by: Troy Brown, City Manager