

**TRACY HILLS SPECIFIC PLAN
RECIRCULATED
DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT
VOLUME III
OCTOBER 2015**

APPENDIX A

NOTICE OF PREPARATION (NOP) /INITIAL STUDY AND NOP
COMMENT LETTERS

Updated Notice of Preparation

TO:	California State Clearinghouse	FROM:	City of Tracy
	1400 Tenth Street Sacramento, CA 95814		Development Services Department
			333 Civic Center Plaza Tracy, CA 95376
			Attn.: Bill Dean, Assistant Director

Subject: Updated Notice of Preparation of Environmental Impact Report

The City of Tracy (City) will be the lead agency and will prepare a Project-level environmental impact report (EIR) for the Tracy Hills Specific Plan Project (Project). This Notice of Preparation (NOP) is sent pursuant to Section 15082 of the California Environmental Quality Act (CEQA) Guidelines (Title 14, Chapter 3 of the California Code of Regulations (Section 15000 *et seq.*) to announce the initiation of the EIR process and to solicit comments from responsible and trustee agencies, utility providers, organizations, neighboring property owners, and interested parties concerning the scope of issues to be addressed in the EIR. Please focus your comments on the project's potential environmental impacts and recommendations for methods of avoiding, reducing, or otherwise mitigating those impacts. If you are a governmental agency with discretionary authority over initial or subsequent aspects of this project, describe that authority and provide comments regarding potential environmental effects that are germane to your agency's area of responsibility.

Project Title: Tracy Hills Specific Plan Project

Project Applicant: The Tracy Hills Project Owner, LLC
672 W. 11th Street, Suite 104
Tracy, CA 95376
(209)-229-7760

Project Description:

The Project, described below, is to develop approximately 2,732 acres with up to 5,499 residential dwellings, schools, parks, commercial, industrial, and other land uses.

A Draft EIR will be prepared by the City of Tracy to evaluate potential environmental impacts that could result from the approval and implementation of the Tracy Hills Specific Plan ("THSP") Project (hereinafter referred to as the "Project," "THSP Project" or the "Specific Plan"). The Project includes a comprehensive update to the previously adopted 1998 Tracy Hills Specific Plan (hereinafter referred to as the "1998 THSP"). The 1998 THSP covered approximately 6,175 acres; it established land use and development standards for approximately 2,732 acres located near the existing interchange around Corral Hollow Road and the proposed Lammers Road interchange on Interstate 580 (see Figure 1, below), and designated the remaining 3,443 acres as conservation open space. Following adoption of the 1998 THSP, the City annexed the 2,732 acres designated for development, but did not annex the 3,552-acre conservation/open space area. The current Project area consists of the incorporated 2,732-acre portion of the 1998 THSP, but does not include the 3,552 acres that were designated conservation open space.

In May, 2013, the Applicant requested certain amendments to the 1998 THSP, and on October 23, 2013, the City published a Notice of Preparation for the Project, then titled the "Tracy Hills Specific Plan Amendment Project." On November 6, 2013, the City conducted a scoping meeting for the Tracy Hills Specific Plan Amendment Project. Because the requested modifications to the 1998 THSP are substantial (including

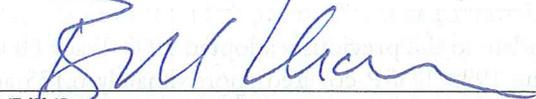
modifications to the project goals, zoning and development standards, and zoning districts, and associated text, graphics and format), the Project Applicant, in consultation with City Staff, has decided to submit a comprehensive update to the Specific Plan as opposed to submitting numerous amendments to specific sections of the 1998 THSP. While the scope and substance of the Applicant's requested amendments to the 1998 THSP have not changed, it was determined that an entirely re-written Specific Plan would provide greater clarity and definition and more contemporary policy direction, and would reduce the possibility of confusion that could be created by separately amending individual sections of the 1998 THSP. As a result, the City and the Project Applicant have agreed that the environmental analysis for the re-written Specific Plan should address the proposed amendments as an entirely new CEQA project subject to a full environmental impact report, rather than utilizing any streamlined or tiered form of environmental review that could be available under CEQA and the CEQA Guidelines. To document this change in approach to the environmental review for the Project, the City has published this Updated Notice of Preparation. At the same time, however, the development contemplated by the THSP remains largely the same as that authorized by the 1998 THSP and that proposed under the name of the Tracy Hills Specific Plan Amendment Project.

The proposed update to the THSP would include a mixture of residential, commercial, business park, office, industrial, schools, parks, and open space land uses on approximately 2,732 acres. Refer to Figure 2 and Table 1, below. It would also make modifications required to bring the 1998 THSP into consistency and compliance with the City's updated Infrastructure Master Plans and the General Plan. The Project would involve the adoption of a General Plan amendment; the amendments to the 1998 THSP in the form of the comprehensive update described above; adoption of a new zone district for the THSP; the approval and implementation of a development agreement; approval of a vesting tentative map application for the first proposed phase of development (referred to as Phase 1a); approval of a Tracy Hills Storm Drainage Master Plan; and implementation of the THSP including subdivision maps, school siting, and other development within the Specific Plan Area consistent with the standards specified within the THSP. The Draft EIR will include an analysis of all environmental impacts associated with the implementation of the Tracy Hills Specific Plan required by CEQA and the CEQA Guidelines.

The Specific Plan that is the subject of this NOP was prepared pursuant to the provisions of California Government Code, Title 7, Article 8, Section 65450 et seq., which grants local planning agencies the authority to prepare a specific plan for any area covered by a General Plan for the purpose of establishing systematic methods for implementation of the General Plan.

Due to the time limits mandated by State law, your response should be sent at the earliest possible date, **but no later than 30 days after receipt of this notice**. This notice will be available from April 21, 2014 through May 21, 2014. Please send your response to Bill Dean, Assistant Director, Development Services Department, City of Tracy, at the address shown on the first page, above. If you are a public or private organization or agency, we respectfully request the name of a contact person.

Date: 4-15-14

Signature: 

Title: Bill Dean
Assistant Director, Development Services
Department, City of Tracy

Telephone: 209-831-6400

Figure 1: Project Location

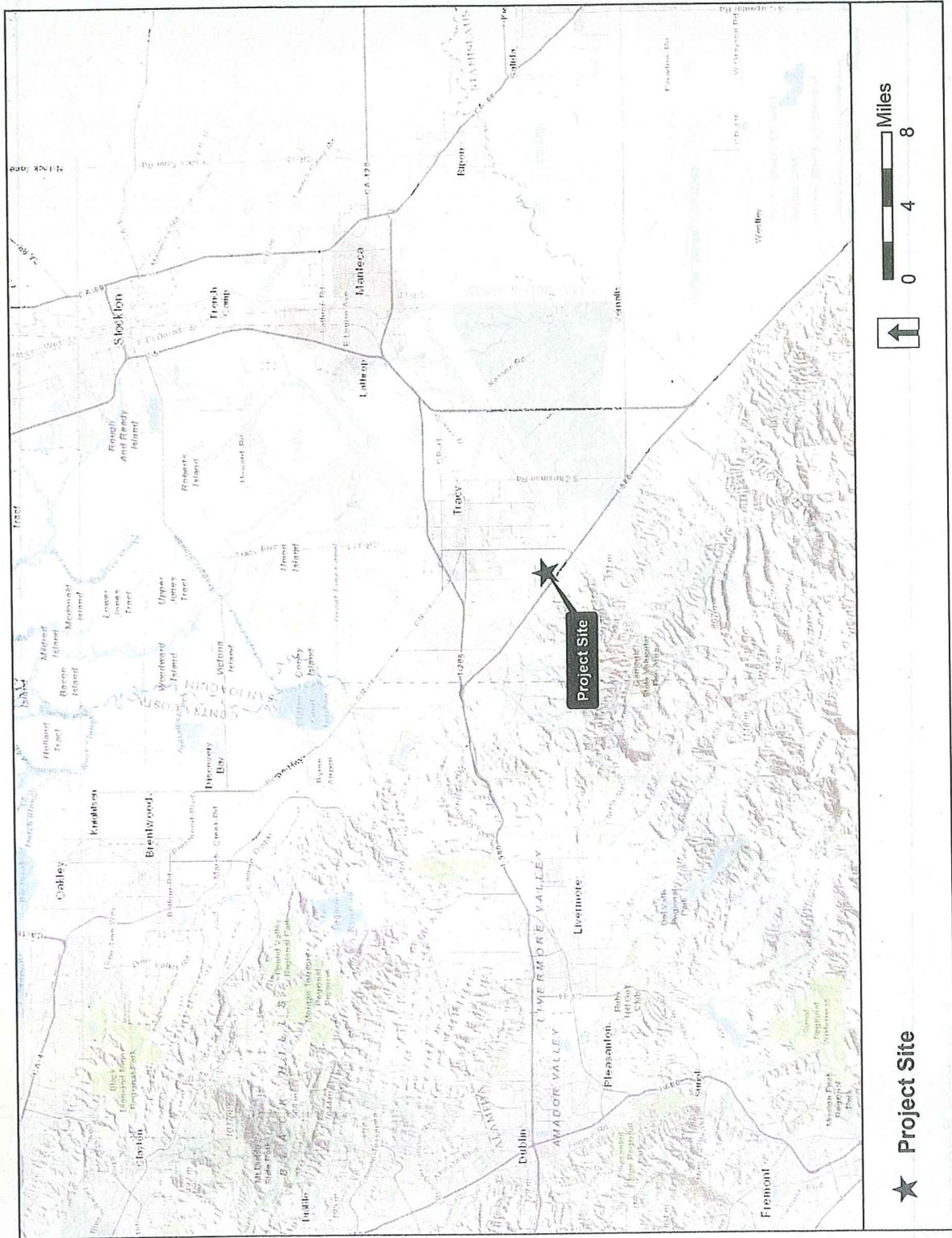


Figure 2: Zoning Districts

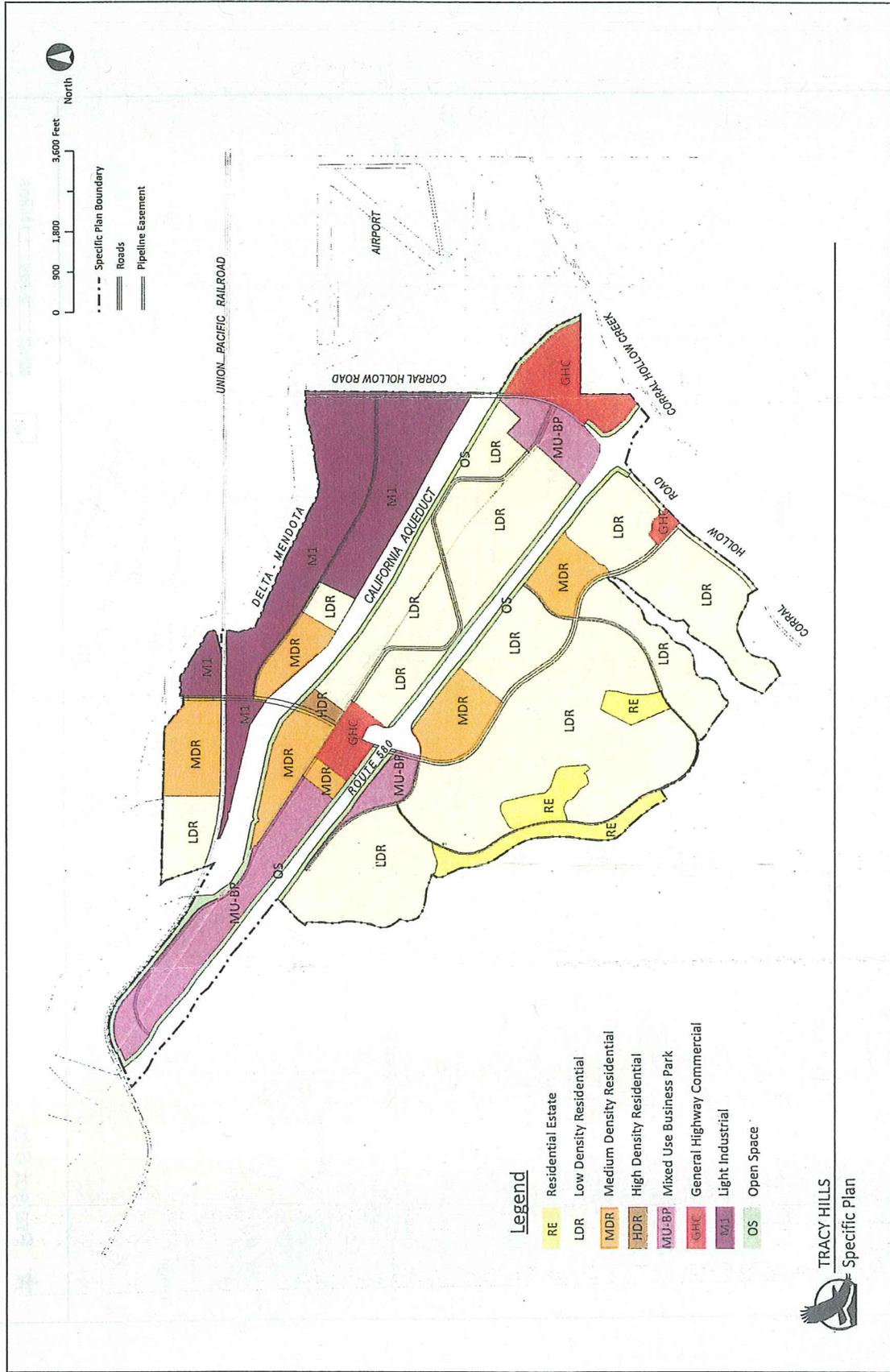


Table 1: THSP Land Use and Zoning Districts Summary

	Zoning District	Gross Acres		
RE-TH	Residential Estate	95.6		
LDR-TH	Low Density Residential	1,278.1		
MDR-TH	Medium Density Residential	257.2		
HDR-TH	High Density Residential	9.2		
MUBP-TH	Mixed Use Business Park	214.6		
GHC-TH	General Highway Commercial	102.4		
M-1-TH	Light Industrial	361.9		
Subtotal		2,319		
OS-TH	Conservation Corridors	119.83		
	Road ROW (segments over Aqueduct/RR)	3.2		
	Interstate 580 and Interchanges	137.5		
	California Aqueduct	140.1		
	Union Pacific Rail Road	12.0		
SPECIFIC PLAN TOTAL		2,731.6		
Projected Developable Acres⁽¹⁾				
	Zoning District or Land Use	Adjusted Acres	Permitted Density Range or Intensity	Estimated Units Or S.F.
RE-TH	Residential Estate	81.3	(0.5-2.0 DU's/Ac.)	122
LDR-TH	Low Density Residential	901.4	(2.1-5.8 DU's/Ac.)	3,425
MDR-TH	Medium Density Residential	218.6	(5.9-12.0 DU's/Ac.)	1,827
HDR-TH	High Density Residential	7.8	(12.1-25.0 DU's/Ac.)	125
MUBP-TH	Mixed Use Business Park	182.4	0.20 FAR	1,589,156
GHC-TH	General Highway Commercial	87.0	0.20 FAR	758,292
M-1-TH	Light Industrial	307.6	0.25 FAR	3,349,927
Subtotal		1,786.1		
OS-TH	Conservation Corridors	119.8		
	(-15% of gross acres for roadways/utilities)	351.0		
	Interstate 580 Interchange	137.5		
	California Aqueduct ROW	140.1		
	Union Pacific Rail Road	12.0		
	GP Mandated Open Space	185.0		
SPECIFIC PLAN TOTALS		2,731.6	Total units	5,499
			Total sq.ft.	5,697,376

(1) Residential, Mixed Use Business Park, General Highway Commercial, and Light Industrial acreages have been adjusted to show that an estimated 15% of the land area is used for infrastructure such as roads and utilities, and/or public facilities such as neighborhood parks and amenities, schools, and/or public facilities such as retention basins as noted on page 2-60 of the City of Tracy General Plan. Actual yields will vary depending on site-specific characteristics.

(2) 185 acres of LDR is required by the City of Tracy General Plan (pg 2-57) to be open space.

Notice of Preparation

TO:	California State Clearinghouse	FROM:	City of Tracy
	1400 Tenth Street Sacramento, CA 95814		Development Services Department
			333 Civic Center Plaza Tracy, CA 95376
			Attn.: William Dean, Assistant Director

Subject: Notice of Preparation of an Environmental Impact Report

The City of Tracy (City) will be the lead agency and will prepare a subsequent environmental impact report (SEIR) for the Tracy Hills Specific Plan Amendment Project (Project). This Notice of Preparation is sent pursuant to Section 15082 of the California Environmental Quality Act (CEQA) Guidelines (Title 14, Chapter 3 of the California Code of Regulations (Section 15000 *et seq.*) to announce the initiation of the EIR process and to solicit comments from responsible and trustee agencies, utility providers, organizations, neighboring property owners, and interested parties concerning the scope of issues to be addressed in the EIR. Refer to the Probable Environmental Effects listed in the attached Initial Study to determine whether your concerns have already been identified. Please focus your comments on the project's potential environmental impacts and recommendations for methods of avoiding, reducing, or otherwise mitigating those impacts. If you are a governmental agency with discretionary authority over initial or subsequent aspects of this project, describe that authority and provide comments regarding potential environmental effects that are germane to your agency's area of responsibility.

Project Title: Tracy Hills Specific Plan Amendment Project

Project Applicant: The Tracy Hills Project Owner, LLC
672 W. 11th Street, Suite 104
Tracy, CA 95376
(209)-229-7760

The attached Initial Study identifies the project location and includes a description of the project, as well as the potential environmental effects and those effects found not to be significant.

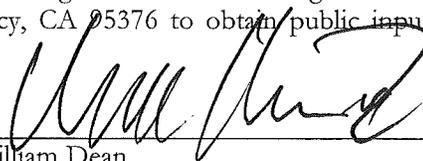
Due to the time limits mandated by State law, your response should be sent at the earliest possible date, **but no later than 30 days after receipt of this notice.** This notice will be available from October 25, 2013 through November 25, 2013. Please send your response to Alan Bell, Senior Planner, Development Services Department, City of Tracy, at the address shown on the top of the page. If you are a public or private organization or agency, we respectfully request the name of a contact person.

A scoping meeting will be held during the regular scheduled Planning Commission meeting on November 6, 2013 at City Council Chambers, 333 Civic Center Plaza, Tracy, CA 95376 to obtain public input on the proposed project.

Date:

10-23-13

Signature:



Title:

William Dean
Assistant Director, Development and Engineering
Services Department, City of Tracy

Telephone:

209-831-6400

Environmental Checklist

A. SUMMARY INFORMATION

1. Project Title:

Tracy Hills Specific Plan Amendment

2. Lead Agency Name and Address:

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

3. Contact Person and Phone Number:

William Dean, Assistant Director, Development Services Department
(209) 831-6000

4. Project Location:

The proposed Project includes an amendment to the previously adopted Tracy Hills Specific Plan, which establishes land use and development standards for an approximately 6,175 acre area located near the existing interchange around Corral Hollow Road and the proposed Lammers Road interchange on Interstate 580 in the City of Tracy, California. Refer to Exhibits 1 & 2, Regional Location and Vicinity Map. The property is bordered by the Delta Mendota Canal to the northeast, the Union Pacific Railroad to the northwest, undeveloped hillside to the west and southwest, South Corral Hollow Road to the southeast, and the Tracy Municipal Airport and privately owned lands designated and zoned for aggregate extraction to the east.

5. General Plan Designation and Zoning Classification:

General Plan designation: Residential Low; Residential Medium; Residential High; Commercial; and Village Center

Zoning classification: Tracy Hills Specific Plan

6. Existing and Surrounding Land Uses:

Existing Land Uses

The subject property is primarily undeveloped and has been utilized for grazing and other agricultural purposes. The portion of the site southwest of I-580 is utilized for grazing land. The portion between I-580 and the Union Pacific Rail Road Line/California Aqueduct is vacant except for an abandoned structure formerly used in the on-site livestock operation. The portion of the site bounded by the California Aqueduct, Union Pacific Rail Road, Delta-Mendota Canal, and Corral Hollow Road is utilized for agricultural crops and also contains several homes. The commercial property east of Corral Hollow Road is the site of an abandoned truck stop.

A number of linear features also bisect the site. These include a Union Pacific Railroad line, the California and Delta Mendota Canals, a major electrical transmission line, multiple underground pipelines and the Interstate 580 corridor.

Surrounding Land Uses

The recently adopted Ellis Specific Plan and Urban Reserve 10 area of the General Plan represent the majority of the land to the northeast of the Project, and, if developed as anticipated, would be made up of low density residential uses, with limited commercial and industrial components. The area northwest of the project site is characterized by sparse rural residential development. The Union Pacific Rail Road Line and the Delta-Mendota Canal both serve as portions of the northern border of the Project site, and the California Aqueduct also traverses the property. Currently, most of the property to the north of the site is in agricultural production.

The land to the west and south of the Project area is designated as Open Space in the General Plan and is primarily utilized for agricultural and grazing purposes. Site 300, which is an experimental test facility that supports Livermore Laboratory's national security mission, is also located to the southwest of the Project area along Coral Hollow Road. The Corral Hollow Landfill which closed in 1995 borders the southeast side of the site at the intersection of Interstate 580 and Corral Hollow Road. A portion of the land to the east of the Project site is designated by the County of San Joaquin General Plan for Aggregate production. In addition, the Tracy Municipal Airport is located to the east of the Project area. A portion of the site is located within the airport Area of Influence which contains restrictions to ensure compatibility and safety between adjacent land uses.

B. STATUTORY AUTHORITY AND REQUIREMENTS

As noted below, under the description of the project characteristics, the Tracy Hills Specific Plan Amendment proposes land use modifications to the previously adopted Tracy Hills Specific Plan. Based on the nature of changes being proposed and the analysis presented herein, it is anticipated that the proposed Amendment will require a Subsequent EIR (SEIR) to identify and assess the environmental impacts associated with the proposed modifications to the land use plan, updated infrastructure plans, and adoption of a General Plan Amendment. In addition, the SEIR will provide an update of regulatory requirements, potential construction impacts associated with revised phasing and impacts of the build-out community.

This Initial Study will assist in the preparation of the SEIR by focusing on the effects determined to be potentially significant, identifying the effects determined not to be significant, and outlining the reasons for determining that potentially significant effects would not be significant. This Initial Study tiers off and incorporates by reference the previously certified Specific Plan EIR regarding descriptions of environmental settings, history of the site, future development-related growth, and cumulative impacts. Further, the City's recently adopted (2011) General Plan EIR has been referenced throughout this Initial Study.

C. BACKGROUND AND HISTORY

The Tracy Hills Specific Plan ("THSP") was approved by the City Council and the Specific Plan area was annexed to the City in 1998. In addition to the approval of the Tracy Hills Specific Plan, the "Project" that was examined in the Tracy Hills Environmental Impact Report (SCH No. 95122045) also included corresponding amendments to the City's General Plan and Zoning Ordinance. Various circumstances, including the City's voter initiated Growth Management Ordinance amendment in 2000 (Measure A), have precluded on-site improvements of the Project to date. The original 1998 THSP area included 6,175 acres, of which approximately 3,552 acres were designated to remain in conservation open space and were not annexed into the City. The 1998 THSP provided for development of 5,499 residential units in a mix of low, medium

and high density neighborhoods, and over five million square feet of non-residential land uses including office, commercial, and light industrial uses, in addition to parks, schools, a golf course and additional open space (refer to Table 1, Adopted (1998) Specific Plan Area Land Use Distribution).

Development within the THSP area is intended to be implemented in phases. The first phase of development (Phase 1) has been identified as the area bordered by the Union Pacific Railroad Line to the northwest, the California Aqueduct to the north, Corral Hollow Road to the southeast and Interstate 580 to the south (refer to Exhibit 3, Phasing Map). Phase 1 also includes two sub phases; Phase 1a and Phase 1b. The THSP amendment only proposes land use changes to the THSP Phase 1 area, and does not propose land use modifications within any other future phases of development. The THSP amendment also includes a Vesting Tentative Subdivision Map for Phase 1a to allow for the subdivision of the portion of Phase 1 denoted in Exhibit 3: Phasing Map. Subsequent phases of development within the THSP area have not been defined at this time.

Section 15152 of the *CEQA Guidelines* indicates that “tiering” of environmental documents is appropriate when the sequence of analysis is from an EIR prepared for a general plan, policy, or program to an EIR or negative declaration for another plan, policy, or program of lesser scope, or to a site specific EIR or negative declaration if additional analysis is necessary. The later EIR or negative declaration incorporates by reference the general discussions from the broader EIR and concentrates on the issues specific only to the later project.

Table 1: Adopted (1998) Specific Plan Land Use Distribution

Land Use Category	Acreage	DU/Acre or FAR (avg. density)	DU or Sq. Ft.
Residential Estate (0.5 to 2.0 DU's/Ac.)	82.6	1.47 du/ac	121
Low Density Residential (2.1 to 5.4 DU's/Ac.)	539.3	3.50 du/ac	1,888
Medium Density Residential (5.5 to 12.0 DU's/Ac.)	557.3	5.50 du/ac	3,065
High Density Residential (12.1 to 25.0 DU's/Ac.)	35.4	12.00 du/ac	425
Professional Office & Medical	96.7	0.20 FAR	842,450 s.f.
Neighborhood Shopping	18.2	0.20 FAR	158,558 s.f.
Highway Commercial	71.5	0.20 FAR	622,908 s.f.
Village Centers	21.8	0.20 FAR	189,922 s.f.
Light Industrial	383.7	0.25 FAR	4.18 mil. s.f.
Open Space, Parks	81.8	N/A	N/A
Wildlife Habitats/Corridors	3,552.1	N/A	N/A
Recreation (Golf Course and Lake)	215.4	N/A	N/A
Schools (Elementary & High)	80.0	N/A	N/A
Public Facilities & Infrastructure	438.1	N/A	N/A
Site Totals	6,174.9 ac.		5,499 d.u.

Source: 1998 Tracy Hills Specific Plan

D. PROJECT CHARACTERISTICS

The Project Applicant is requesting an amendment to the 1998 Tracy Hills Specific Plan (the proposed "Project"), an area generally located between I-580 and the California Aqueduct. The proposed Project is anticipated to include the following actions:

- An update of the 1998 Tracy Hills Land Use Plan and related text throughout the Plan
- Implementation of Tracy Hills Business Park designation (new designation)
- Update of the Tracy Hills infrastructure consistent with the Citywide Infrastructure Master Plans adopted in 2012 and 2013
- Phasing of Improvements to align with the current schedule for Phase 1 (Phase 1a and 1b) development
- Amendment to the Tracy Hills Storm Drainage Master Plan
- Update the Tracy Hills Phasing Plan
- Amend General Plan Land Use Map (to reflect proposed Land Use designation revisions)
- Phase 1a Vesting Tentative Subdivision Map and/or various other subdivision maps
- Development Agreements
- Elementary School in Phase 1a
- Potential Public Safety Communication Tower

In short, the goal of the THSP Amendment is to implement Tracy Hills Phase 1, update the Specific Plan to reflect the City's 2011 General Plan and Infrastructure Master Plans (IMP's), remove unnecessary or irrelevant sections, and update the plan to reflect the current legislative and/or regulatory environment governing the project area and/or project's environmental resources. Phase 1a would include a Tentative Subdivision Map that allows for the development of up to 1,200 residential lots, approximately 50 acres of Business Park, and an elementary school in an area that lies between I-580 and the California Aqueduct and between Coral Hollow Road and the future Lammers Road extension (refer to Exhibit 4, Tracy Hills Specific Plan Land Use Diagram). Phase 1b includes land use changes that replace the Light Industrial designation with a new Business Park designation (121.8 acres), increases the High Density residential acreage from approximately 17 acres to 26.5 acres, removes the Elementary School designation, and changes the Neighborhood Shopping and Professional Office designations to General Highway Commercial (23.2 acres). Further, the Village Center designation is eliminated (refer to Exhibit 4, Tracy Hills Specific Plan Land Use Diagram). There is no current application for a Tentative Subdivision Map on Phase 1b. There are no changes in Project boundaries or the overall development footprint of the Tracy Hills Specific Plan, and no proposed changes to the land plan south of I-580. The proposed amendment is not anticipated to exceed the maximum dwelling units or non-residential square footage previously approved in 1998 (refer to Table 2, THSP Phase 1 Area – Approved (1998) and Proposed Land Use Summary).

Given the amount of time that has transpired since preparation of the previously adopted Specific Plan and certified EIR, and given the nature and extent of changes proposed to the Tracy Hills Specific Plan, a Subsequent EIR (SEIR) will be prepared to address any potentially significant impacts that could result from proposed amendments to the Tracy Hills Specific Plan and Storm Drainage Master Plan. The Subsequent EIR would also address pertinent changes to the governing regulatory environment subsequent to certification of the 1998 EIR.

The Project is also expected to include a public safety communication tower. Upgrades to the City of Tracy's Police Department communication system and facilities will be necessary to provide service to the Project area. The system may include services for multiple law enforcement, emergency response, and other public agencies. New facilities may include a 150 foot tall or taller tower on or near the Tracy Hills Project site, supporting multiple antennae along with equipment buildings and related ground-mounted facilities.

It is anticipated that the Tracy Hills Specific Plan will be substantially reformatted with an updated cover, cover page format and font style, graphic layout and other presentation and/or user-friendly improvements as part of the Specific Plan amendment process. While this repackaging effort will achieve a more contemporary organizational presentation and layout, other than the areas noted in the Project Characteristics above, the content of the Specific Plan will remain the same as the Specific Plan adopted by City Council in 1998.

Table 2: THSP Phase 1 Area – Approved (1998) and Proposed Land Use Summary

Land Use	Approved 1998 THSP				Proposed THSP Amendment			
	LU	Acreage	Average DU/AC Or FAR	Dwelling Units	LU	Acreage	Target Density Or FAR	Estimated Units
Low Density Residential	LDR	0.0	3.5	0	LDR-TH	249.8	3.5	995
Medium Density Residential	MDR	241.7	5.5	1,329	MDR-TH	63.2	5.9	355
High Density Residential	HDR	35.8	12	430	HDR-TH	26.5	12	318
Business Park	N/A	N/A	N/A	N/A	BP-TH	169.8	0.20 FAR	N/A

Light Industrial	M-1	91.8	0.25 FAR	N/A	M-1	0.0	0.0 FAR	N/A
Professional Office and Medical	POM	78.4	0.20 FAR	N/A	POM-TH	N/A	0.20 FAR	N/A
Highway Commercial	GHC	8.4	0.20 FAR	N/A	GHC-TH	23.2	0.20 FAR	N/A
Neighborhood Shopping	NS	17.4	0.20 FAR	N/A	N/A	N/A	N/A	N/A
Neighborhood Parks	NP	32.1	N/A	N/A	NP	17.0	N/A	N/A
Open Space / Greenways Wildlife Habitats / Corridors	OS	78.9	N/A	N/A	OS	84.8	N/A	N/A
Village Centers	VC	17.3	0.20 FAR	N/A	VC-TH	0.0	0.0 FAR	N/A
Elementary Schools (4)	E	30.0	N/A	N/A	E	14.0	N/A	N/A
Road ROWs	N/A	63.0	N/A	N/A	N/A	45.0	N/A	N/A
Interstate 580 Interchange	N/A	4.8	N/A	N/A	N/A	4.9	N/A	N/A
SITE TOTALS	N/A	700	N/A	1,759	N/A	698	N/A	1,566
Source: Tracy Hills Project Owner, LLC, 2013.								

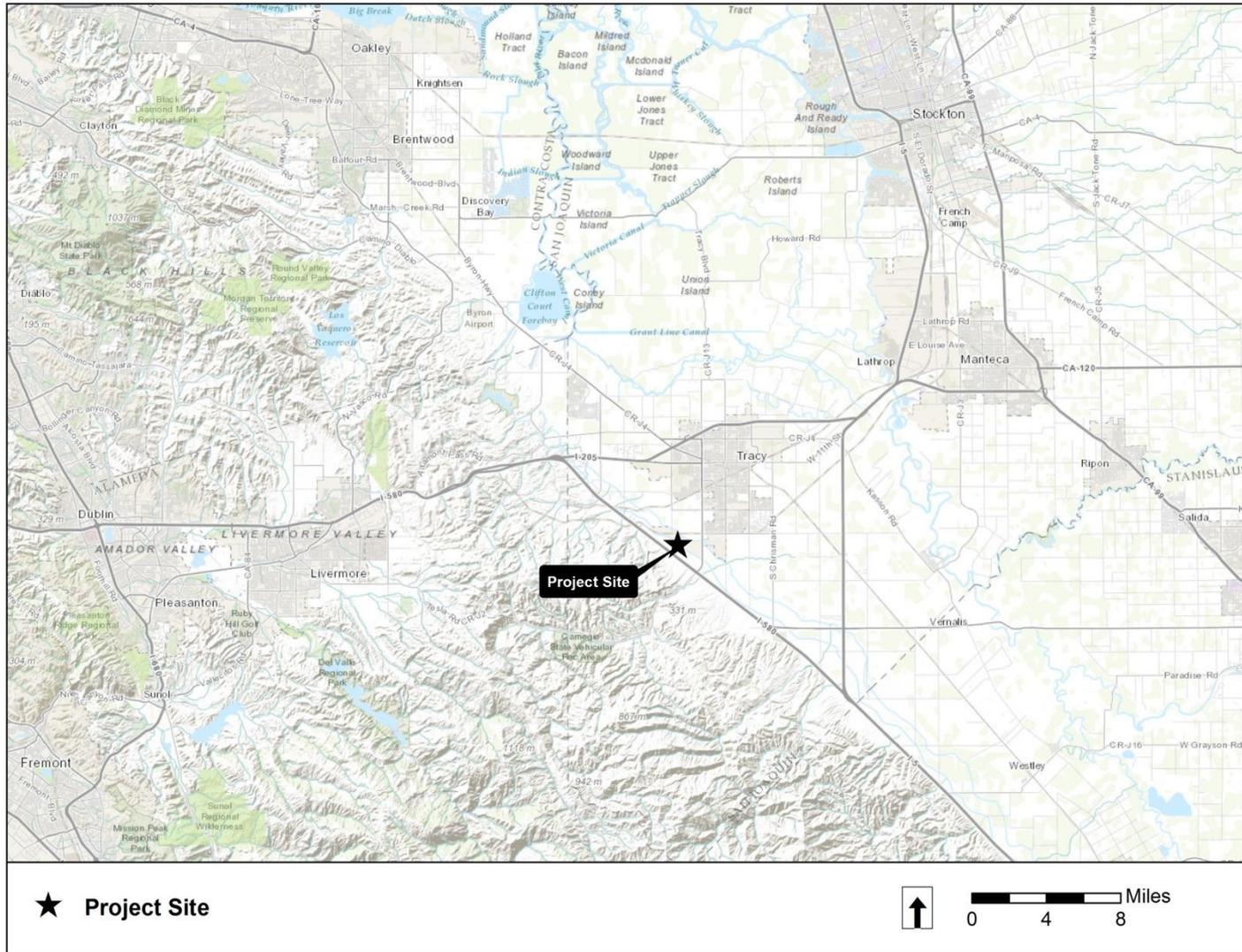
E. PROJECT OBJECTIVES

The following provides a summary of the Project Objectives associated with submittal of the proposed Specific Plan Amendment:

- To implement the City of Tracy General Plan.
- To implement and facilitate development of Tracy Hills Phase 1 (Phase 1a and 1b).
- To facilitate development through efficient and phased infrastructure design.
- To provide a range of housing options including single family (detached and attached) housing and multi-family housing neighborhoods that are financially self-supporting and contribute to the City's economic base.
- To create new public recreational and open spaces.
- To protect and enhance environmental features and wildlife habitats of the Specific Plan Area through the preservation of large tracts of contiguous open space lands.
- To create a Tracy Hills Business Park capable of accommodating a wide range of land uses contributing to jobs-housing balance, including general commercial, general office, educational, and business park industrial uses.
- To create a range of job and economic development opportunities for local individuals and businesses.
- To develop a master planned area that has a unique character and quality with a commitment to sustainability, flexible planning, high-quality architecture and site design, and the provision of attractive on-site open space, public spaces, recreational facilities, trail network, and landscaping design.

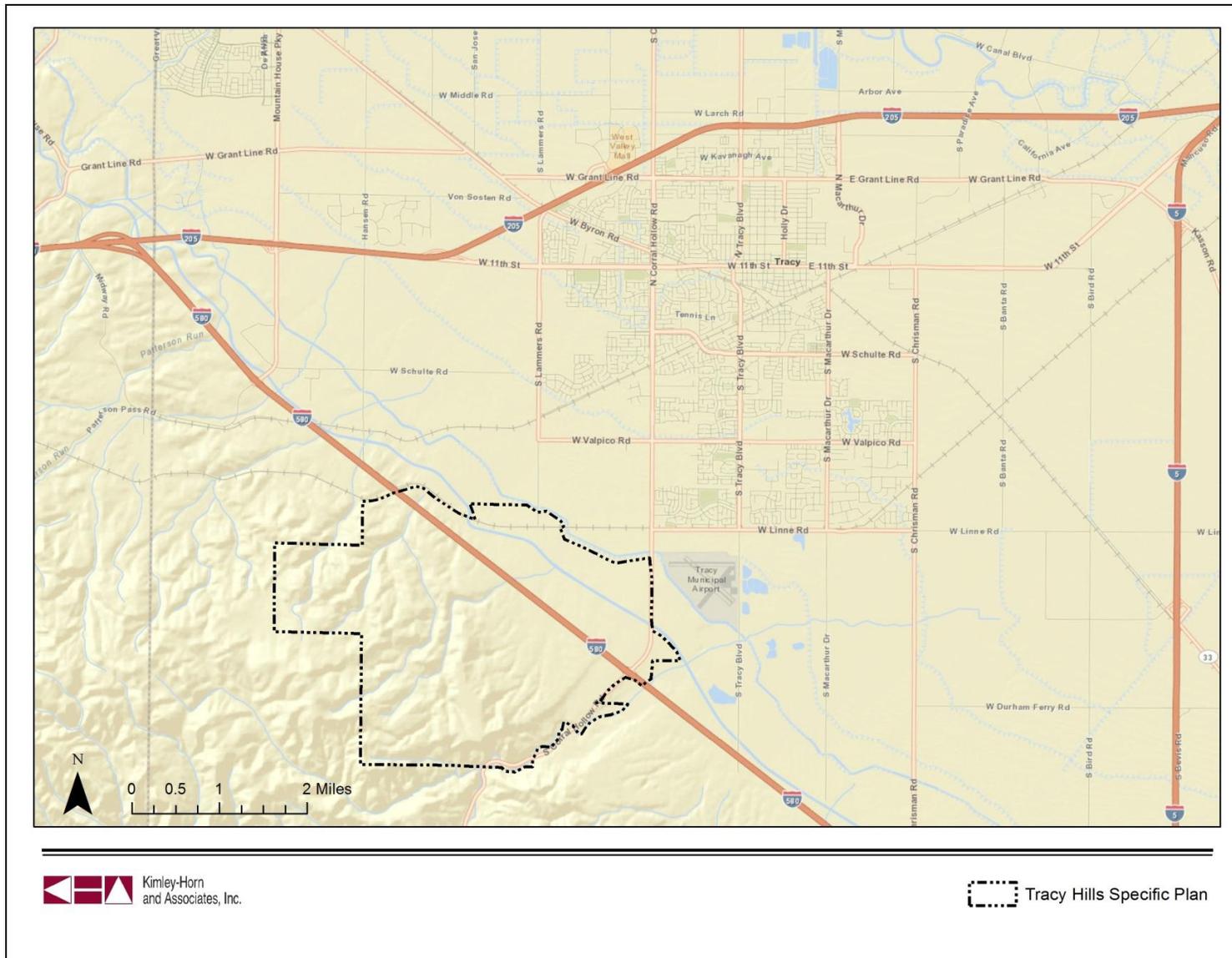
- To create an integrated trail network that creates significant pedestrian and bicycle amenities, enhances connectivity within the Specific Plan Area and provides alternatives to automobile use.
- To enhance the character and quality of the I-580 freeway corridor and edge.

Exhibit 1 (Regional Location Map)



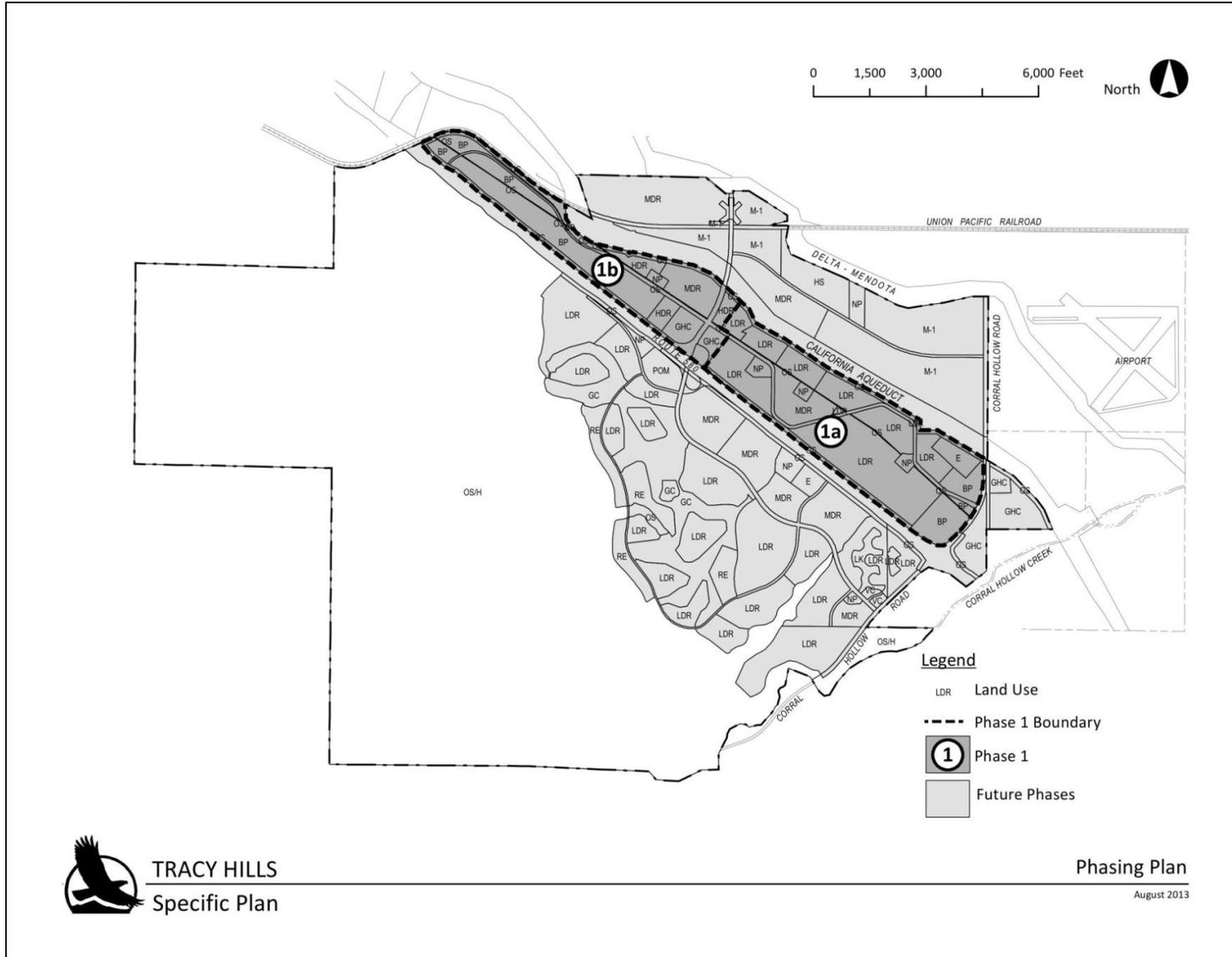
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Exhibit 2 (Vicinity Map)



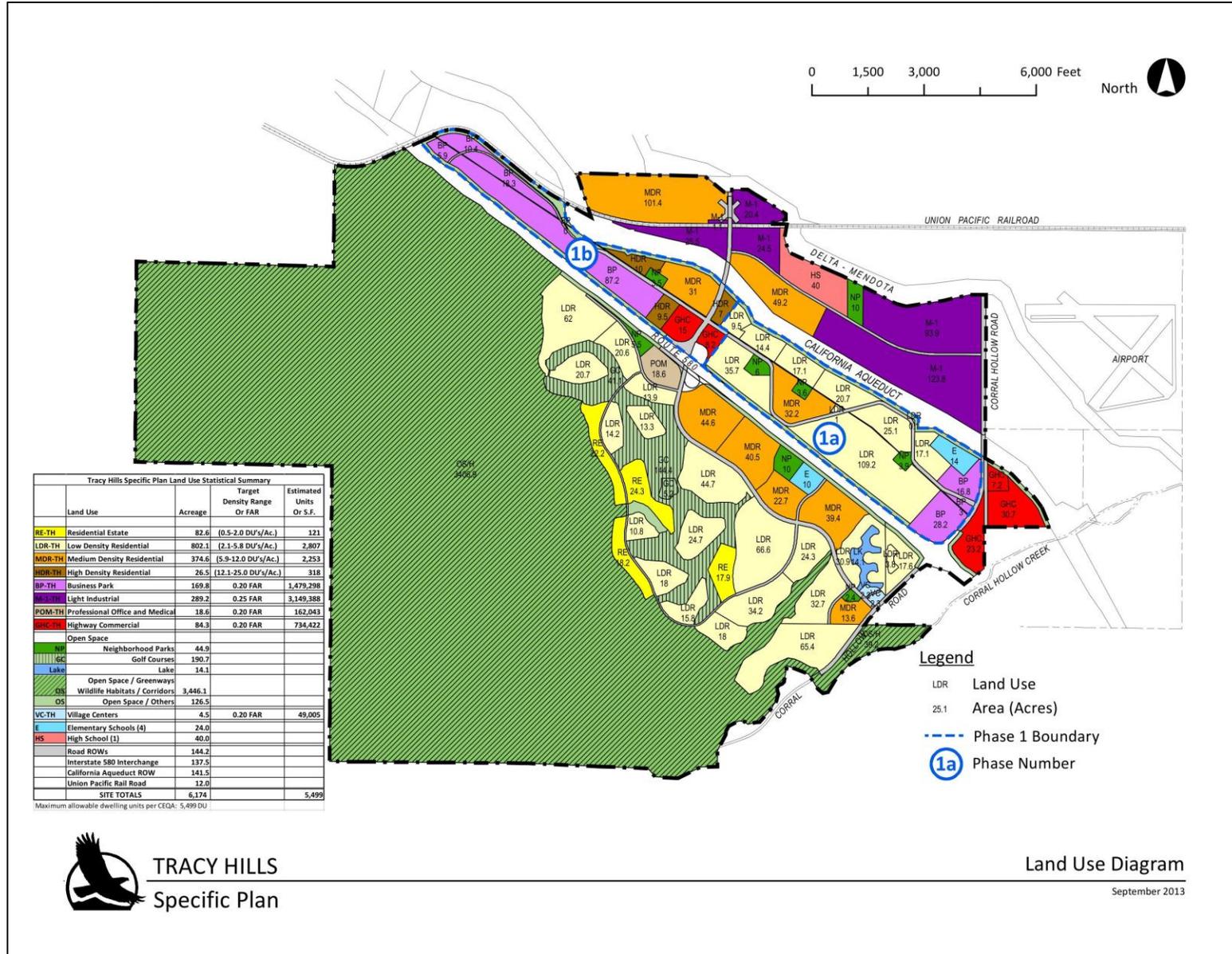
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Exhibit 3 (Phasing Map)



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Exhibit 4 (Tracy Hills Specific Plan Land Use Diagram)



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E. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

<input checked="" type="checkbox"/>	Aesthetics	<input checked="" type="checkbox"/>	Agriculture & Forest Resources	<input checked="" type="checkbox"/>	Air Quality
<input checked="" type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Cultural Resources	<input type="checkbox"/>	Geology and Soils
<input checked="" type="checkbox"/>	Greenhouse Gas Emissions	<input checked="" type="checkbox"/>	Hazards & Hazardous Materials	<input checked="" type="checkbox"/>	Hydrology & Water Quality
<input checked="" type="checkbox"/>	Land Use & Planning	<input type="checkbox"/>	Mineral Resources	<input checked="" type="checkbox"/>	Noise
<input type="checkbox"/>	Population & Housing	<input checked="" type="checkbox"/>	Public Services	<input type="checkbox"/>	Recreation
<input checked="" type="checkbox"/>	Transportation/Traffic	<input checked="" type="checkbox"/>	Utilities & Service Systems	<input checked="" type="checkbox"/>	Mandatory Findings of Significance

F. DETERMINATION

On the basis of this initial evaluation:

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


10-23-13

 Signature Date

G. EVALUATION OF ENVIRONMENTAL IMPACTS

The environmental issues evaluated in this Initial Study include the following:

- Aesthetics
- Agriculture Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities and Service Systems

The environmental analysis in this Initial Study is patterned after the Environmental Checklist recommended by the State CEQA Guidelines, as amended on January 4, 2013. For the preliminary environmental assessment undertaken as part of this Initial Study's preparation, a determination that there is a potential for significant effects indicates the need to more fully analyze the Project's impacts and to identify mitigation.

For the evaluation of potential impacts, the questions in the Initial Study Checklist are stated and an answer is provided according to the analysis undertaken as part of the Initial Study. The analysis considers the long-term, direct, indirect, and cumulative impacts of the proposed Project. To each question, there are four possible responses:

- **No Impact.** The project will not have any measurable environmental impact on the environment.
- **Less Than Significant Impact.** The project will have the potential for impacting the environment, although this impact will be below established thresholds that are considered to be significant.
- **Less Than Significant With Mitigation Incorporated.** The project will have the potential to generate impacts, which may be considered as a significant effect on the environment, although mitigation measures or changes to the project's physical or operational characteristics can reduce these impacts to levels that are less than significant.
- **Potentially Significant Impact.** The project could have impacts, which may be considered significant, and therefore additional analysis is required to identify mitigation measures to reduce the severity of potentially significant impacts to the extent feasible.

H. ENVIRONMENTAL ANALYSIS

This section analyzes the potential environmental impacts that may result from the proposed Project. For the evaluation of potential impacts, the questions in the Environmental Checklist are stated and answers are provided according to the analysis undertaken as part of the Initial Study. The analysis considers the Project’s short-term impacts (construction-related), and long-term impacts (operational-related).

I. AESTHETICS

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

Would the Project:

*a-b) Have a substantial adverse effect on a scenic vista or substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? **Determination: Potentially Significant Impact.***

Discussion

Due to the highly visible hillside location of some portions of the Project area and the designation of Interstate 580 and Corral Hollow Road as scenic routes, impacts to scenic vistas and scenic resources were considered significant and unavoidable in the 1998 Tracy Hills Specific Plan EIR. Mitigation for impacts to scenic vistas and scenic resources were included as a condition of the 1998 Specific Plan project approval and would be required as part of the previously certified EIR. No substantive changes to the Design Guidelines would result from the proposed amendments, however the potential siting of a communications tower within or near the Tracy Hills Specific Plan site and the possible addition of entryway features will require further analysis in the SEIR to determine whether additional impacts would result from the proposed Project.

*c) Substantially degrade the existing visual character or quality of the site and its surroundings? **Determination: Potentially Significant Impact.***

Discussion

As proposed, the amendments to the Specific Plan would modify the existing rural agricultural character of the site. The Specific Plan clusters future development in the lower elevations with over half of the project area remaining as open space. Ridge lines are protected within the proposed open space designation. However, since future development would be clustered around I-580 and other access routes and the majority of open space land would not be visible from these access points, the impression of a substantial change in character to the area would remain. Impacts to the existing visual character were considered significant and unavoidable in the 1998 Specific Plan EIR and mitigation was required as a condition of the 1998 Specific Plan project approval. The potential siting of a communications tower within or near the Specific Plan area and the possible addition of entryway features has the potential to create additional impacts from what was previously analyzed in the certified 1998 Specific Plan EIR. Therefore, further analysis in the SEIR will be required to determine whether additional visual impacts would result from the proposed Project.

- d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*
Determination: Potentially Significant Impact.

Discussion

Implementation of improvements identified in the 1998 Specific Plan would result in an increase of light and glare from the addition of street lights, structural lights within residential and commercial buildings and an increase in automobile headlights due to an increase in automobile traffic. Increase in nighttime illumination and decrease in night sky visibility invariably accompany urbanization and were considered significant and unavoidable in the 1998 Specific Plan EIR. Mitigation Measures were established to minimize glare and lighting impacts in the project area, and were required as a condition of the 1998 Specific Plan project approval.

The potential siting of a communications tower within or near the Specific Plan Area and the possible addition of entryway features has the potential to create additional impacts from what was previously analyzed in the certified 1998 Specific Plan EIR. Therefore, further analysis in the SEIR will be required to determine whether additional light or glare impacts would result from the proposed Project.

II. AGRICULTURE RESOURCES

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 Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with existing zoning for	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

agricultural use, or a Williamson Act contract?

- | | | | | |
|--|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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? **Determination: Significant and Unavoidable.***

Discussion

There were 2,581 total acres of land identified as either Prime Farmland, Farmland of Statewide Importance and Unique Farmland in the City of Tracy at the time of certification of the 2011 General Plan EIR. As such, the General Plan EIR analyzed the impacts to prime farmland areas within the Tracy Planning Area. The impacts related to agricultural resources within the Tracy Hills Specific Plan area were considered in the impact analysis and mitigation measures were identified in the 1998 Specific Plan EIR. The conversion of prime farmland in the Tracy Hills Specific Plan area was also previously addressed in the 2011 General Plan EIR.

In order to implement the goals and objectives of the City’s General Plan and to mitigate impacts caused by future development on agricultural lands within the City, an agricultural mitigation fee was established. The purpose of the agricultural mitigation fee is to mitigate the loss of productive agricultural lands converted for urban uses within the City by permanently protecting agricultural lands planned for agricultural use and by working with farmers who voluntarily wish to sell or restrict their land in exchange for fair compensation. The Tracy Hills project (unless it receives any San Joaquin County Irrigation District water) is exempt from the mitigation fee pursuant to a settlement agreement entered into on August 16, 2001 between Sierra Club, Delta Keeper and California Sport Fishing Protection Alliance, the cities of Manteca, Tracy, Lathrop and Escalon, and the South San Joaquin Irrigation District, in settlement of a writ of mandate filed in San Joaquin County Superior Court on June 30, 2000, Case No. CV 011090.

Since there are no additional lands being proposed for agricultural conversion than what has already been addressed in the previously certified Specific Plan EIR, no additional impacts would result from the proposed Project. Impacts remain significant and unavoidable in regards to converting prime agricultural land to a non-agricultural use. An updated Statement of Overriding Conditions will be adopted for this impact, and this topic will not require further analysis in the SEIR.

- b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract? **Determination: Significant and Unavoidable.***

Discussion

Conflicts with existing zoning for agricultural use or a Williamson Act contract were considered during the preparation of the 2011 General Plan EIR and adoption of the 1998 Specific Plan. The project applicant is not requesting a change in the overall acreage or Specific Plan Area boundary, therefore no new impacts related to existing zoning for agricultural use or Williamson Act contract would result from the proposed Project. However, impacts related to a conflict with existing zoning for agricultural use or a Williamson Act contract were considered significant and unavoidable in the 1998 Specific Plan EIR, therefore impacts remain significant and unavoidable. An updated Statement of Overriding Conditions will be adopted and this topic will not be discussed further in the SEIR.

- 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))?* **Determination: No Impact.**

Discussion

No land located within the Specific Plan Area is currently classified as forest land, timberland, or timberland zoned for production. Therefore, improvements planned as part of the proposed Project would not conflict with existing zoning or cause rezoning of any such land. Therefore, no impact would result.

- d) *Result in the loss of forest land or conversion of forest land to non-forest use?* **Determination: No Impact.**

Discussion

Refer to Response II(c), above. No impact would result.

- 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?* **Determination: Significant and Unavoidable.**

Discussion

Refer to Response II(a), above. Impacts remain significant and unavoidable, and no additional impacts would result from the proposed Project. This topic will not be discussed further in the SEIR.

III. AIR QUALITY

AIR QUALITY -- 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:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

exceed quantitative thresholds for ozone precursors)?

- | | | | | |
|---|-------------------------------------|--------------------------|--------------------------|--------------------------|
| d) Expose sensitive receptors to substantial pollutant concentrations? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Would the Project:

- a) *Conflict with or obstruct implementation of the applicable air quality plan (San Joaquin Valley Air Pollution Control District)?* **Determination: Potentially Significant Impact.**

Discussion

The Project lies within the central portion of the San Joaquin Valley Air Basin (SJVAB). The San Joaquin Valley Air Pollution Control District (SJVAPCD) has jurisdiction over most air quality matters in the Basin and is tasked with implementing programs and regulations required by the federal and state Clean Air Acts.

If a project is found to interfere with the region’s ability to comply with federal and state air quality standards, local governments then need to consider project modifications or provide mitigation measures to eliminate the inconsistency of the project plans. In order for a project to be considered “consistent” with the latest Air Quality Plan (AQP), the proposed project must be consistent with the goals, objectives, and assumptions in the respective plan to achieve federal and state air quality standards. Additionally, both construction related and long-term emissions are required to be quantified and compared to the SJVAPCD significance thresholds.

Although the previously certified Specific Plan EIR includes an air quality analysis, it does not evaluate whether the Project would conflict with or obstruct implementation of SJVAPCD AQPs. Proposed amendments also include changes to land use which may result in changes to traffic circulation and distribution. Finally, significant regulatory changes related to air quality have been made since the previously certified Specific Plan EIR was certified. Thus, the proposed Project could result in a conflict with SJVAPCD AQPs and a potentially significant air quality impact could occur. For this reason, potentially significant air quality impacts will be assessed in the SEIR.

Further, the SEIR will include a peer review of the Health Risk Assessment prepared for the proposed Specific Plan Amendment and will be included in the air quality analysis section of the SEIR.

- b) *Violate any air quality standard or contribute substantially to an existing or projected air quality violation?* **Determination: Potentially Significant Impact.**

Discussion

As explained in Response III(a) above, significant regulatory changes related to air quality have been made since the adoption of the previously certified Specific Plan EIR. Therefore, the proposed amendments to the Specific Plan could violate an air quality standard or contribute substantially to an existing or projected air quality violation, resulting in potentially significant air quality impacts that will be analyzed in the SEIR.

- 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)?* **Determination: Potentially Significant Impact.**

Discussion

Refer to Response III(b), above. The proposed Project could result in potentially significant air quality impacts that will be analyzed in the SEIR. Additionally, an energy conservation analysis will be undertaken in the SEIR to evaluate opportunities for decreasing air quality impacts via energy conservation measures.

d) *Expose sensitive receptors to substantial pollutant concentrations?* **Determination: Potentially Significant Impact.**

Discussion

Refer to Response III(a), above. The proposed Project could result in potentially significant air quality impacts that will be analyzed in the SEIR.

e) *Create objectionable odors affecting a substantial number of people?* **Determination: Potentially Significant Impact.**

Discussion

Refer to Response III(a), above. The proposed Project could result in potentially significant air quality impacts that will be analyzed in the SEIR.

IV. BIOLOGICAL RESOURCES

BIOLOGICAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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 Wildlife or U.S. Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

impede the use of native wildlife nursery sites?

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

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?

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 Wildlife or U.S. Fish and Wildlife Service?* **Determination: Potentially Significant Impact.**

Discussion

The previously certified Specific Plan EIR identified sensitive or special status species within the project site and identified mitigation measures for the San Joaquin Kit Fox, Burrowing Owl, and the Red-legged Frog. Since the previous Specific Plan was adopted and the corresponding EIR was certified, a portion of the Tracy Hills Specific Plan area (Phase 1) has entered into the San Joaquin Multi-Species Habitat Conservation and Open Space Plan, and the regulatory environment for habitat conservation has changed. Therefore, an updated biological assessment would be required to reevaluate the impacts of the proposed Project and build-out of the Specific Plan to biological resources. Impacts to biological resources could be potentially significant and will be analyzed further in the SEIR.

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 Wildlife or U.S. Fish and Wildlife Service?* **Determination: Potentially Significant Impact.**

Discussion

Refer to Response IV(a), above. The proposed Project would require further analysis in the SEIR to determine whether a potentially significant impact will result.

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?* **Determination: Potentially Significant Impact.**

Discussion

Refer to Response IV(a), above. The proposed Project would require further analysis in the SEIR to determine whether a potentially significant impact will result.

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?* **Determination: Potentially Significant Impact.**

Discussion

Refer to Response IV(a), above. The proposed Project would require further analysis in the SEIR to determine whether a potentially significant impact will result.

- e) *Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*
Determination: Potentially Significant Impact.

Discussion

Refer to Response IV(a), above. The proposed Project would require further analysis in the SEIR to determine whether a potentially significant impact will result.

- 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?* **Determination: Potentially Significant Impact.**

Discussion

Refer to Response IV(a), above. The proposed Project would require further analysis in the SEIR to determine whether a potentially significant impact will result.

V. CULTURAL RESOURCES

CULTURAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Would the Project:

- a) *Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines § 15064.5?*
Determination: Less Than Significant Impact.

Discussion

Historic resources generally consist of buildings, structures, improvements, and remnants associated with a significant historic event or person(s) and/or represent a historically significant style, design, or achievement. Damage to or demolition of such resources is typically considered to be a significant impact. Impacts to historic resources can occur through direct impacts, such as destruction or removal, and through indirect impacts, such as a change in the setting of a historic resource. No development is proposed in areas that currently contain known historic resources. However, during construction, unknown and/or undocumented

historic resources may be uncovered. Impacts to historical resources were considered to be less than significant with mitigation in the previously certified 1998 Specific Plan EIR. Mitigation for impacts to historical resources were included as a condition of the 1998 Specific Plan project approval and would be required as part of the previously certified EIR. No substantive changes to the disposition of impacts would result from the proposed amendments, thus impacts would remain less than significant and no further environmental analysis would be required in regards to historical resources.

- b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines § 15064.5? **Determination: Less Than Significant Impact.***

Discussion

Archaeological sites are locations that contain resources associated with former human activities, and may contain such resources as human skeletal remains, waste from tool manufacture, tool concentrations, and/or discoloration or accumulation of soil or food remains. The cultural report prepared for the previously certified Specific Plan EIR did not identify any eligible archaeological sites within the project area. Impacts were evaluated and considered less than significant with mitigation in the previously certified Specific Plan EIR. Mitigation for impacts to archaeological resources were included as a condition of the 1998 Specific Plan project approval and would be required as part of the previously certified EIR. No substantive changes to the disposition of impacts would result from the proposed amendments, thus impacts would remain less than significant and no further environmental analysis would be required in regards to archaeological resources.

- c) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? **Determination: Less Than Significant Impact.***

Discussion

Paleontological resources are the preserved fossilized remains of plants and animals. Fossils and traces of fossils are preserved in sedimentary rock units, particularly fine- to medium-grained marine, lake, and stream deposits, such as limestone, siltstone, sandstone, or shale, and in ancient soils (paleosols). They are also found in coarse-grained sediments, such as conglomerates or coarse alluvium sediments. Fossils are rarely preserved in igneous or metamorphic rock units. Fossils may occur throughout a sedimentary unit and, in fact, are more likely to be preserved subsurface, where they have not been damaged or destroyed by previous ground disturbance, amateur collecting, or natural causes such as erosion. In contrast, archaeological and historic resources are often recognized by surface evidence of their presence.

The City of Tracy and the proposed Project Area have the potential to contain undiscovered paleontological sites, including human remains. Implementation of the proposed Project would result in the development of undeveloped land, and would include grading, ground removal and other disturbances. These actions could result in a potentially significant impact to paleontological resources. At the time the 1998 Specific Plan EIR was certified, paleontological resources were not considered in the CEQA standards of significance. However, impacts to paleontological resources were addressed in the 2011 General Plan EIR. The General Plan EIR outlines mitigation measures to reduce potentially significant impacts to paleontological resources to a less than significant level. With implementation of mitigation measures outlined in the General Plan EIR, impacts to paleontological resources associated with the proposed Specific Plan Amendment would be less than significant. This topic will not be discussed further in the SEIR.

- d) *Disturb any human remains, including those interred outside of formal cemeteries? **Determination: Less Than Significant Impact.***

Discussion

Ground-disturbing activities, such as grading or excavation, have the potential to disturb human remains. If human remains are found, those remains would require proper treatment, in accordance with applicable laws. As discussed in response V(c), above, The General Plan EIR outlines mitigation measures to reduce potentially significant impacts to paleontological resources, including human remains, to a less than significant level. With implementation of mitigation measures outlined in the General Plan, impacts to undiscovered human remains associated with the proposed Specific Plan Amendment would be less than significant. This topic will not be discussed further in the SEIR.

VI. GEOLOGY AND SOILS

GEOLOGY AND SOILS -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the California Building Code (2010), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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. **Determination: Less Than Significant Impact.***

Discussion

Based upon known inactive faults located within the Project area and active faults in the surrounding region, the Project area has the potential to experience groundshaking due to its proximity to active faults. The impact of groundshaking to people or property, caused by seismic activity or nearby faults, would be increased as a result of site development. Impacts related to groundshaking, landslides, liquefaction, expansive soil, lateral spreading and loss of topsoil were analyzed and were considered less than significant with mitigation in the previously certified 1998 Specific Plan EIR. The Project does not propose changes to the Specific Plan boundary and does not exceed the maximum dwelling units or non-residential square footage previously approved. Mitigation measures for geological and soil impacts from the 1998 Specific Plan EIR were included as a condition of the 1998 Specific Plan project approval. Therefore, no additional impacts to geological or soil impacts would occur as a result of the proposed Specific Plan Amendment; impacts would be considered less than significant and this topic will not be discussed further in the SEIR.

- ii) *Strong seismic ground shaking? **Determination: Less Than Significant Impact.***

Discussion

Refer to Response VI(a)(i), above. Less than significant impacts would result.

- iii) *Seismic-related ground failure, including liquefaction? **Determination: Less Than Significant Impact.***

Discussion

Refer to Response VI(a)(i), above. Less than significant impacts would result.

- iv) *Landslides? **Determination: Less Than Significant Impact.***

Discussion

Refer to Response VI(a)(i), above. Less than significant impacts would result.

- b) *Result in substantial soil erosion or the loss of topsoil? **Determination: Less Than Significant Impact.***

Discussion

Refer to Response VI(a)(i), above. Less than significant impacts would result.

- 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? **Determination: Less Than Significant Impact.***

Discussion

Refer to Response VI(a)(i), above. Less than significant impacts would result.

- d) *Be located on expansive soil, as defined in Table 18-1-B of the California Building Code (2010), creating substantial risks to life or property? **Determination: Less than Significant Impact.***

Discussion

Refer to Response VI(a)(i), above. Less than significant impacts would result.

- e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?* **Determination: No Impact.**

Discussion

The updated Citywide Wastewater Master Plan includes provisions to serve the Tracy Hills Specific Plan area via sewer mains in Corral Hollow Road, with treatment at the City's existing wastewater treatment facility. Neither the 1998 Tracy Hills Specific Plan, nor the proposed Specific Plan Amendment proposes the use of septic tanks or alternative wastewater disposal systems. Thus, no impact would result in this regard.

VII. GREENHOUSE GAS EMISSIONS

GREENHOUSE GAS EMISSIONS - Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Would the Project:

- a) *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*
Determination: Potentially Significant Impact.

Discussion

Greenhouse gases (GHGs) are gases in the atmosphere that absorb and emit radiation. The greenhouse effect traps heat in the troposphere through a three-fold process, summarized as follows: short wave radiation emitted by the Sun is absorbed by the Earth; the Earth emits a portion of this energy in the form of long wave radiation; and GHGs in the upper atmosphere absorb this long wave radiation and emit this long wave radiation into space and toward the Earth. This "trapping" of the long wave (thermal) radiation emitted back toward the Earth is the underlying process of the greenhouse effect. The main GHGs in the Earth's atmosphere are water vapor, carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), ozone (O₃), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆).

Direct GHG emissions include emissions from construction activities, area sources, and mobile (vehicle) sources. Typically, mobile sources make up the majority of direct emissions. Indirect GHG emissions are generated by incremental electricity consumption and waste generation. Electricity consumption is responsible for the majority of indirect emissions.

Regulatory Environment

In June 2005, California established GHG emissions reduction targets in Executive Order S-3-05. The

Executive Order established the following goals: GHG emissions should be reduced to 2000 levels by 2010; GHG emissions should be reduced to 1990 levels by 2020; and GHG emissions should be reduced to 80 percent below 1990 levels by 2050. In 2007, California further solidified its dedication to reducing GHGs by setting a new Low Carbon Fuel Standard for transportation fuels sold within the state with Executive Order S-1-07. Executive Order S-1-07 sets a declining standard for GHG emissions measured in CO₂ equivalent gram per unit of fuel energy sold in California.

In response to the transportation sector accounting for more than half of California’s CO₂ emissions, Assembly Bill (AB) 1493 (AB 1493, Pavley) was enacted on July 22, 2002. AB 1493 required the California Air Resources Board (CARB) to set GHG emission standards for passenger vehicles, light duty trucks, and other vehicles whose primary use is noncommercial personal transportation in the state. Additionally, the California legislature enacted AB 32 (AB 32, Nuñez) in 2006 to further the goals of Executive Order S-3-05. AB 32 represents the first enforceable statewide program to limit GHG emissions from all major industries, with penalties for noncompliance.

CARB adopted the *AB 32 Climate Change Scoping Plan* (Scoping Plan) in December 2008 to achieve reductions in GHG emissions in California pursuant to the requirements of AB 32. The Scoping Plan contains the main strategies California will use to reduce GHG emissions. AB 32 requires California to reduce its GHG emissions by approximately 28 to 33 percent below business as usual (BAU). CARB has identified reduction measures to achieve this goal as set forth in the Scoping Plan.

The THSP Specific Plan EIR was certified in 1998, prior to the establishment of any GHG regulations in California. As such, the EIR did not analyze the potential impacts from potential greenhouse gas emissions. Therefore, this issue will be analyzed in more detail in the SEIR.

b) *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*
Determination: Potentially Significant Impact.

Discussion

On February 1, 2011, the City adopted a Sustainability Action Plan in response to AB 32. Consistent with the recommendations of the CARB Scoping Plan, the City’s Sustainability Action Plan establishes a GHG reduction goal of 29 percent of community and municipal GHG emissions from 2020 BAU projected levels. To achieve the reduction goal, the Sustainability Action Plan provides various goals and best practices that focus on energy, transportation and land use, solid waste, water use, agriculture and open space, biological resources, air quality, public health, and economic development. The Sustainability Action Plan goals and best practices are incorporated in the General Plan. GHG emissions associated with the Project will be analyzed in the SEIR in the context of the Sustainability Action Plan and General Plan to determine the significance of potential impacts.

VIII. HAZARDS AND HAZARDOUS MATERIALS

HAZARDS AND HAZARDOUS MATERIALS - Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

- | | | | | |
|--|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Would the project:

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?* ***Determination: Potentially Significant Impact.***

Discussion

The proposed Project includes the preparation of an updated Phase I Environmental Site Assessment (ESA) to evaluate the impacts related to hazards and hazardous materials consistent with the proposed land use plan and the 2011 General Plan EIR.

Although it is expected that future development facilitated by the proposed Project would use relatively small quantities of hazardous materials, such as household cleaners, pesticides, and fertilizers – impacts related to routine transport, use, or disposal of hazardous materials will require further assessment in the SEIR.

- 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?* **Determination: Potentially Significant Impact.**

Discussion

The proposed Project may include construction of a proposed Elementary School. If the school site is confirmed for proposed construction in Phase 1a, the SEIR will include an analysis of reasonably foreseeable accidents related to the presence of underground pipelines that traverse the project site. Thus, potential impacts related to the release of hazardous materials into the environment will require further assessment in the SEIR.

- c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?* **Determination: Potentially Significant Impact.**

Discussion

Refer to Responses VIII(a)(b), above. Potential impacts related to hazardous emissions or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school will require further assessment in the SEIR.

- 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?* **Determination: Potentially Significant Impact.**

Discussion

Refer to Response VIII(a), above. Potential impacts related to being located on a site which is included on a list of hazardous materials sites will require further assessment in the SEIR.

- 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?* **Determination: Less Than Significant Impact.**

Discussion

The Tracy Municipal Airport (TMA) is located immediately east of the Project area. The airport is a general aviation airport owned by the City and managed by the Public Works Department. Future development identified in the proposed Project would be constructed within two miles of the TMA. Although there would be an incremental increase in risk of upset conditions resulting from future development within the Tracy Municipal Airport flight path, the low accident rate for commercial aircraft, the existing protocol governing the transport of explosive materials in conjunction with implementation of the previously certified EIR mitigation measures reduce this risk to less than significant as it relates to the Tracy Hills Specific Plan. Further, the Project does not propose changes to the project boundary and does not exceed the maximum dwelling units or non-residential square footage previously approved. Mitigation measures for hazards and hazardous materials from the 1998 Specific Plan EIR were included as a condition of the 1998 Specific Plan project approval. Therefore, no additional impacts to hazards or hazardous materials related to this topical area would occur as a result of the proposed Specific Plan Amendment; impacts would therefore be considered less than significant and this topic will not be discussed further in the SEIR.

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? **Determination: No Impact.**

Discussion

The Project area is not located in the vicinity of a private airstrip. Therefore, no impacts would occur as a result of the proposed Project.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? **Determination: Potentially Significant Impact.**

Discussion

Implementation of the proposed amended land plan and building configurations has the potential to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Further analysis is required in the SEIR to evaluate the proposed Project’s potential impact on emergency response and emergency evacuation plans.

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? **Determination: Less Than Significant.**

Discussion

Although the proposed Project is located in an area with a moderate wildland fire potential according to the California Department of Forestry, the General Plan policies mitigate 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. New development would also be required to satisfy fire flow and hydrant standards established by the City to facilitate fire-fighting in the event of a fire. The implementation of these General Plan policies would reduce the potential impacts to less than significant. Therefore, further analysis will not be required in the SEIR.

IX. HYDROLOGY AND WATER QUALITY

HYDROLOGY AND WATER QUALITY -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Would the Project:

a) *Violate any water quality standards or waste discharge requirements?* **Determination: Potentially Significant Impact.**

Discussion

The proposed Project would result in the conversion of existing agricultural or open space lands to urban uses, thereby potentially increasing the generation of typical urban water contaminants from the area. Additionally, the Project could result in greater vehicular use of nearby roadways, which could potentially increase contaminants that would be carried in runoff and discharged into receiving waters. Moreover, grading, and excavation associated with future development facilitated by the Project could result in deposition of sediment on street surfaces.

Impacts to water quality standards were considered in the previously certified Specific Plan EIR. However, proposed amendments to the land use plan will require additional assessment to ensure that waste discharge

would not exceed water quality standards. Therefore, impacts to water quality are considered potentially significant and will be analyzed in the SEIR.

- 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)?*

Determination: Potentially Significant Impact.

Discussion

The proposed Project includes the preparation of a Water Supply Assessment to update existing conditions, water demand, water storage and pumping requirements consistent with the proposed land use plan, and the Citywide Water System Master Plan. Therefore, the potential for the development intensity facilitated by the Project to impact groundwater supplies will be evaluated in the SEIR.

- 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?* **Determination:**

Potentially Significant Impact.

Discussion

The proposed Project includes an update to the Tracy Hills Storm Drainage Master Plan consistent with the proposed land use plan. The complete update to the Storm Drainage Master Plan includes information on the physical characteristics of the area including existing drainage, floodplains, soils and permeability, groundwater and proposed retention basins. Therefore, the potential of the Project to alter the existing drainage pattern of the area will be assessed in the SEIR.

- 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?* **Determination: Potentially Significant Impact.**

Discussion

Refer to Response IX(c), above. The potential of the proposed Project to alter 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 will be assessed in the SEIR.

- e) *Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?* **Determination: Potentially Significant Impact.**

Discussion

Refer to Response IX(c), above. Potentially significant impacts will be further assessed in the SEIR.

- f) *Otherwise substantially degrade water quality?* **Determination: Potentially Significant Impact.**

Discussion

Refer to Responses IX(c), above. The potential of the Project to substantially degrade water quality will be assessed in the SEIR.

- 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? **Determination: Less Than Significant Impact.***

Discussion

Impacts related to 100-year flood hazards were assessed in the previously certified Specific Plan EIR. Approximately 25 acres of land area along the Tracy Hills Specific Plan southern boundary is traversed by Corral Hollow Creek. The location of Corral Hollow Creek floodway and floodplain upon this site results in episodes of inundation as a result of localized flooding and 100 year occurrences. However, this portion of the site is designated as open space/wildlife habitat land and as such would not be developed in any manner. Therefore, impacts related to 100-year flood hazards are less than significant and will not be discussed further in the SEIR.

- h) *Place within a 100-year flood hazard area structures which would impede or redirect flood flows? **Determination: Less Than Significant Impact.***

Discussion

Refer to Response IX (g), above. Impacts are less than significant.

- 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? **Determination: No Impact.***

Discussion

The Specific Plan area is not located within a dam or levee inundation area. Therefore, no impacts would result in regards to failure of a levee or dam. This topic will not be discussed further in the SEIR.

- j) *Inundation by seiche, tsunami, or mudflow? **Determination: Less Than Significant Impact.***

Discussion

A tsunami is a large sea wave generated by earthquakes. These waves travel across the ocean at hundreds of miles an hour and are capable of causing waves cresting tens of feet high. Since Tracy has no ocean frontage and is located inland across several mountain ranges from the ocean, the risk of a tsunami is very low. A seiche is a wave generated in a bay or lake, which can be compared to the back-and-forth sloshing of water in a bath tub. Seiches can be caused by winds, changes in atmospheric pressure, underwater earthquakes, or landslides into the water. Portions of San Joaquin County could be subject to flooding due to tsunamis or seiches resulting in levee failure, however Tracy is not in close proximity to the areas that are most likely to be affected. Impacts associated with tsunamis, seiches, and mudflows are addressed in the previously certified Specific Plan EIR and 2011 General Plan EIR. No changes to the project boundaries are being proposed as part of the Specific Plan Amendment, thus no greater impacts would result than what was previously analyzed and impacts would be less than significant in this regard. This topic will not be discussed further in the SEIR.

X. LAND USE AND RELEVANT PLANNING

LAND USE AND PLANNING - Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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?

- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

Would the Project:

- a) *Physically divide an established community?* ***Determination: No Impact.***

Discussion

An example of a project that has the potential to divide an established community includes the construction of a new freeway or highway through an established neighborhood. The Tracy Hills Specific Plan proposes development in the southwest area of the City of Tracy, abutting the Altamont Mountain Pass. The project area is south of the Ellis Specific Plan area which is proposed as a mix of residential, commercial, office/professional, retail and recreational uses. The Tracy Hills Specific Plan will complement the uses within the Ellis Specific Plan area, and will not physically divide an established community. Therefore, no impacts would result and this topic will not be discussed further in the SEIR.

- 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?* ***Determination: Potentially Significant Impact.***

Discussion

Portions of the Specific Plan area lie within the airport runway approach zones for the Tracy Municipal Airport in the 2009 San Joaquin County Airport Land Use Compatibility Plan (ALUCP). New land uses are subject to restrictions in these areas, while existing land uses are not subject to ALUCP restrictions. At the time the previously approved Specific Plan was prepared, the Specific Plan was in conformance with the adopted 1993 Airport Land Use Plan (ALUP). The previously certified Specific Plan EIR included mitigation in order to maintain compliance during the tentative and final map phases of the Project.

Although the 1998 Specific Plan EIR previously analyzed impacts related to airport compatibility, the SEIR will provide an updated assessment of the project's consistency with the recently adopted 2009 Airport Land Use Compatibility Plan, and the proposed land use plan (including the addition of the Elementary School). Additionally, an updated (2011) General Plan has been adopted since the time the 1998 Specific Plan EIR was certified. The Project's consistency with the current General Plan and related plans/policies will also be analyzed further in the SEIR.

- c) *Conflict with any applicable habitat conservation plan or natural community conservation plan?* ***Determination: Potentially Significant Impact.***

Discussion

Refer to Response IV(f), above. The proposed Project could conflict with an applicable habitat conservation plan or natural community conservation plan.

XI. MINERAL RESOURCES

MINERAL RESOURCES -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Would the Project:

- 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? **Determination: Less than Significant Impact.***

Discussion

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. The City of Tracy has an adopted Aggregate Mining Overlay zone, which has been approved by the State Division of Mines and Geology (Resolution 2000-12 of State Division of Mines and Geology). In order to protect aggregate land and mitigate conflicts between mining activities and urban uses, the Tracy General Plan designates lands with production quality mineral reserves as Aggregate in the southern portion of Tracy. Of the area classified by the State Division of Mines and Geology as having potentially significant mineral deposits, the City has designated the bulk of this area as Aggregate in the General Plan. Some additional areas identified as having potentially significant aggregate deposits are designated as Industrial in the General Plan. The City and State have agreed to protect identified areas south of Linne Road for aggregate uses and allow for urban development north of Linne Road (much of which has already occurred).

There is a small Aggregate area south of the California Aqueduct, along Corral Hollow Road that falls within the project area. Impacts to mineral resources were evaluated and considered less than significant in the previously certified 1998 Specific Plan EIR. No amendments to the Project boundary are being proposed as part of the Specific Plan Amendment, therefore no additional impacts would occur and this topic will not be discussed further in the SEIR.

- 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? **Determination: Less than Significant Impact.***

Discussion

Refer to Response XI(a), above. Impacts are less than significant.

XII. NOISE

NOISE – Would the project result in:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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?* **Determination: Potentially Significant Impact.**

Discussion

Future development within the proposed Project area would be exposed to traffic noise from I-580, Corral Hollow Road, and Lammers Road. Other potential sources of noise include Union Pacific Railroad lines, as well as small aircraft and helicopters traveling to and from the Tracy Municipal Airport. Potential exposure to noise levels in excess of standards adopted by the Tracy General Plan is a potentially significant impact. The General Plan has been updated since the adoption of the previously certified Specific Plan EIR, and there are changes proposed to the land plan (including the addition of an Elementary School in Phase 1a) as part of the Specific Plan Amendment. Therefore, the SEIR will analyze the potential noise impacts on the Project, and determine whether Project generated noise will exceed established noise standards.

- b) *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?* **Determination: Potentially Significant Impact.**

Discussion

Groundborne vibration would occur during grading and construction, and would expose adjacent uses to increased noise/vibration levels. Additionally, the proposed Project would place residential structures adjacent to Union Pacific Railroad Lines, I-580 and near the Tracy Municipal Airport. Thus, future residential uses could be exposed to noise and vibration from rail, air and truck traffic. The General Plan has been updated since the adoption of the previously adopted Specific Plan EIR, and there have been changes made to the land plan (including the addition of an Elementary School in Phase 1a) as part of the proposed Specific Plan Amendment. Therefore, additional analysis is required in the EIR to evaluate potential groundborne vibration impacts.

- c) *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*
Determination: Potentially Significant Impact.

Discussion

The proposed Project would facilitate new housing, commercial, and industrial uses in an area that presently contains primarily agricultural fields and open space. Potential increases in ambient noise levels may be detected by residents in the communities nearby. Since the General Plan has been updated subsequent to the adoption of the previously certified Specific Plan EIR, and there have been changes made to the land plan (including the addition of an Elementary School in Phase 1a) as part of the proposed Specific Plan Amendment, additional analysis is required in the SEIR to evaluate potential increases in ambient noise level impacts.

- d) *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?* **Determination: Potentially Significant Impact.**

Discussion

Implementation of the proposed Project could result in a substantial temporary or periodic increase in ambient noise levels in the Project vicinity over the long-term buildout of the proposed area. Potential impacts related to temporary or periodic increases in ambient noise levels will be assessed in the SEIR in accordance with current General Plan policies and the proposed amendment to the previously adopted land plan.

- 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?* **Determination: Potentially Significant Impact.**

Discussion

The Tracy Municipal Airport (TMA) is a general aviation airport owned by the City and managed by the Public Works Department. The Project area is located within the San Joaquin County Council of Governments' 2009 Airport Land Use Plan (ALUP) for the Tracy Municipal Airport. Potential exposure to noise levels in excess of standards adopted by the San Joaquin County Council of Governments' 2009 ALUP is a potentially significant impact. The SEIR will analyze the potential noise impacts on the Project in accordance with the 2009 ALUP and the proposed amendments to the land plan (including the addition of an Elementary School in Phase 1a).

- 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?* **Determination: No Impact.**

Discussion

The proposed Project is not located within the vicinity of a private airstrip. Therefore, there would be no related impact and this topic will not be discussed in the SEIR.

XIII. POPULATION AND HOUSING

POPULATION AND HOUSING -- Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Would the Project:

- 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)?* **Determination: Less Than Significant Impact.**

Discussion

The proposed Project would serve existing and planned development consistent with the General Plan. The proposed Specific Plan Amendment does not exceed the maximum dwelling units or non-residential square footage previously approved in the certified 2011 General Plan EIR. Therefore, the proposed Project would not induce population growth, either directly or indirectly, not already anticipated in the 2011 General Plan EIR. Additionally, the 2011 General Plan EIR did not find any significant impacts related to population, employment or housing. Therefore, impacts related to population and housing would be less than significant and this topic will not be discussed further in the SEIR.

- b) *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?* **Determination: No Impact.**

Discussion

The proposed Project area does not presently contain housing, therefore no construction of replacement housing would be necessary. No impacts would occur and this topic will not be discussed in the SEIR.

- c) *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?* **Determination: No Impact.**

Discussion

Refer to Response XIII(b), above. No impacts would result.

XIV. PUBLIC SERVICES

PUBLIC SERVICES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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:*

1) *Fire protection? **Determination: Less Than Significant Impact.***

Discussion

The previously certified Specific Plan EIR analyzed impacts to police and fire protection services and determined that impacts were considered less than significant. Mitigation for impacts to police and fire protection services has been included as a condition of project approval as part of the previously certified EIR. No substantive changes are being proposed to modify overall dwelling units or non-residential square footage previously approved. Therefore, impacts would remain less than significant in this regard and further analysis will not be required in the SEIR.

2) *Police protection? **Determination: Less Than Significant Impact.***

Discussion

Refer to Response XIV(a)(1), above. Less than significant impacts would result.

3) *Schools? **Determination: Potentially Significant Impact.***

Discussion

The proposed Project includes the construction of an Elementary School, which will require further analysis as part of the Tracy Hills Specific Plan Amendment Subsequent EIR. Therefore, potential impacts to the proposed Elementary School are considered potentially significant and will be assessed in the SEIR.

4) *Parks? Determination: Less Than Significant Impact.*

Discussion

The previously certified Specific Plan EIR analyzed impacts to parks and other public facilities and determined that impacts were considered less than significant. No substantive changes are being proposed to modify overall dwelling units or non-residential square footage previously approved. Therefore, impacts would remain less than significant in this regard and further analysis will not be required in the SEIR.

5) *Other public facilities? Determination: Less Than Significant Impact.*

Discussion

Refer to Response XIV(a)(4), above. Less than significant impacts would result.

XV. RECREATION

RECREATION --	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) *Would the proposed 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? Determination: Less Than Significant Impact.*

Discussion

Refer to Response XIV(a)(4), above. Less than significant impacts would result.

b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment? Determination: Less than Significant Impact.*

Discussion

The previously certified Specific Plan EIR analyzed impacts related to recreational facilities. Impacts were considered less than significant in the previously certified Specific Plan EIR. No changes to recreational

facilities have been proposed as part of the Specific Plan amendment, therefore impacts related to the expansion of recreational facilities are less than significant and will not require further analysis in the SEIR.

XVI. TRANSPORTATION/TRAFFIC

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

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?* **Determination: Potentially Significant Impact.**

Discussion

Future development resulting from implementation of the proposed Project could result in a potentially significant conflict with applicable plans, ordinances or policies establishing measures of effectiveness for the performance of intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit. Since the certification of the 1998 Specific Plan EIR, an updated (2011) General Plan EIR has been certified, and new regulatory standards related to transportation have been implemented in the State of California. Further, the City has approved and adopted a Citywide Transportation Master Plan as part of its General Plan implementation process, and the addition of an Elementary School has been included as part of the Project. Therefore, the SEIR will evaluate how the proposed amendments to the Specific Plan would comply with these updated plans, programs, policies and regulations.

- b) *Conflict with an applicable congestion management program, including, but not limited to, level-of-service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?* ***Determination: Potentially Significant Impact.***

Discussion

Refer to response XVI (a), above. The proposed Project will require further analysis in the SEIR to determine whether a conflict with an applicable congestion management program will result.

- 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?* ***Determination: No Impact.***

Discussion

The Project does not propose any land uses or a change in location that would cause an increase in air traffic levels or result in substantial safety risks. Therefore, there are no potential impacts to air traffic.

- d) *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?* ***Determination: Potentially Significant Impact.***

Discussion

Refer to response XVI (a), above. New internal roadways would be required to serve and access proposed on-site uses. The roads would have to meet specific design standards to ensure that there would be no safety hazards such as sharp curves and dangerous intersections. Therefore, design features will require further analysis in the SEIR.

- e) *Result in inadequate emergency access?* ***Determination: Potentially Significant Impact.***

Discussion

Refer to Response XVI (a), above. Future development identified in the proposed Specific Plan Amendment could delay emergency response times due to roadblocks, construction delays, and detours of various facilities. The Project includes an updated circulation plan consistent with the proposed land use plan amendments and Citywide Roadway & Transportation Master Plan. Evaluating the updated circulation plan in the context of emergency access will be required as part of the SEIR.

- f) *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?* ***Determination: Potentially Significant Impact.***

Discussion

Refer to Response XVI (a), above. Further analysis would be required in the SEIR to ensure the Project does not conflict with adopted plans and/or policies supporting alternative transportation.

XVII. UTILITIES AND SERVICE SYSTEMS

UTILITIES AND SERVICE SYSTEMS B Would the project:	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Would the Project:

- a) *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?* **Potentially Significant Impact.**

Discussion

The proposed Specific Plan Amendment includes an update to the wastewater system consistent with the proposed land use plan and the Tracy Wastewater Master Plan. An update of the plan provides that Tracy Hills would be served by the City's wastewater treatment plant (WWTP) consistent with the Tracy Wastewater Master Plan. Future development facilitated by the proposed Project has the potential to cause an exceedance of existing plant capacity and result in the necessity of constructing new facilities, which would be considered a potentially significant impact. As such, impacts to wastewater treatment requirements will be evaluated based on the revisions to the Tracy Wastewater Master Plan in the SEIR.

- 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? **Determination: Potentially Significant Impact.***

Discussion

See Response XVII (a), above, in regards to construction or expansion of wastewater treatment facilities. Additionally, the proposed Specific Plan Amendment includes an update of existing conditions and water demand to reflect the use of Byron-Bethany Irrigation District (BBID) water. An update of water storage and pumping requirements is provided consistent with the proposed land use plan, and the Citywide Water System Master Plan. Revisions to the Citywide Water System Master Plan and their effect on infrastructure required for project implementation will require further analysis in the SEIR.

- 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? **Determination: Potentially Significant Impact.***

Discussion

The proposed Specific Plan Amendment includes an update to the storm drainage system consistent with the proposed land use plan and updated Tracy Hills Storm Drainage Master Plan. The updated storm drainage system includes a general update of information and data and provides that urban runoff would be retained on-site within retention basins. Revision to the Tracy Hills Storm Drainage Master Plan and their effect on storm water drainage facilities required for project implementation will require further analysis in the SEIR.

- d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? **Determination: Potentially Significant Impact.***

Discussion

Refer to Response XVII (b), above. Further analysis in the SEIR would be necessary to determine if impacts to water supplies would be significant.

- 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? **Determination: Potentially Significant Impact.***

Discussion

Refer to Response XVII (b), above. Further analysis in the SEIR would be necessary to determine if impacts related to wastewater treatment would be significant.

- f) *Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? **Determination: Less Than Significant Impact.***

Discussion

The proposed Project would facilitate development of new housing units, office, industrial and commercial development that would generate additional solid waste. However, impacts to solid waste facilities and landfill capacity were analyzed in the previously certified 1998 Specific Plan EIR. Impacts to solid waste facilities and landfill capacity were considered less than significant with mitigation. Mitigation for impacts to solid waste facilities has been included as a condition of project approval as part of the previously certified EIR. No substantive changes are being proposed to modify overall dwelling units or non-residential square footage

previously approved. Therefore, impacts would remain less than significant in this regard and further analysis will not be required in the SEIR.

g) *Comply with federal, state, and local statutes and regulations related to solid waste?* **Determination: Less Than Significant Impact.**

Discussion

Refer to Response XVII (f), above. Impacts related to compliance with federal, state and local statutes are less than significant and no further analysis is required in the SEIR.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

MANDATORY FINDINGS OF SIGNIFICANCE --	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The following findings have been made, regarding the mandatory findings of significance set forth in Section 15065 of the CEQA Guidelines, based on the results of this environmental assessment:

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?* **Determination: Potentially Significant Impact.**

Discussion

As discussed in Section IV (Biological Resources) and Section V (Cultural Resources) of this Initial Study, the proposed Project has the potential to result in potentially significant impacts on the environment. Therefore, further analysis is required.

- 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)?* **Determination: Potentially Significant Impact.**

Discussion

As discussed in sections I through XVII, future development facilitated by the proposed Project has the potential to result in a variety of impacts. As such, further analysis of cumulative impacts is required in the SEIR.

- c) *Does the project have environmental effects which would cause substantial adverse effects on human beings, either directly or indirectly?* **Determination: Potentially Significant Impact.**

Discussion

As stated in various sections of this Initial Study, the proposed Project has the potential to result in significant impacts on the environment. As such, further analysis of these impacts is required in the SEIR.

H. REFERENCES

The following references were utilized during preparation of this Initial Study.

California Department of Conservation, California Geological Survey website, www.consrv.ca.gov.

California Environmental Quality Act (CEQA) Guidelines, 2013.

City of Tracy, *General Plan*, February 2011.

City of Tracy, *General Plan Final Supplemental EIR*, February 2011.

City of Tracy, *Draft Citywide Transportation Master Plan*, August 2011.

City of Tracy, *Recycled Water Distribution System Master Plan*, December 2000.

City of Tracy, *Storm Drainage Master Plan*, December 2000.

City of Tracy, *Tracy Hills Specific Plan*, amended 2013.

City of Tracy, *Tracy Hills Specific Plan*, June 1998.

City of Tracy, *Tracy Hills Specific Plan Final Environmental Impact Report*, August 1998.

City of Tracy, *Wastewater Collection Master Plan*, December 2000.

City of Tracy, *Wastewater Master Plan*, December 2000.

City of Tracy, *Water Master Plan*, December 2000.

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S J C O G, Inc.

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

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)

SJMSCP RESPONSE TO LOCAL JURISDICTION (RTLJ) ADVISORY AGENCY NOTICE TO SJCOG, Inc.

To: Scott Claar, City of Tracy, Development Services Department

From: Laurel Boyd, SJCOG, Inc.

Date: September 10, 2013

Local Jurisdiction Project Title: Tracy 580 BP, Phase 1 – Vesting Tentative Subdivision Map (Tract 3788)

Local Jurisdiction Project Number: TSM 13-0005

Assessor Parcel Number(s): 251-060-02, 253-020-02, 253-030-08, -14

Total Acres to be converted from Open Space Use: 402.8 acres

Habitat Types to be Disturbed: Agricultural Habitat Land (SJMSCP – Tracy Comp Map)

Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear Mr. Claar:

SJCOG, Inc. has reviewed the Vesting Tentative Subdivision Map for the Tracy 580 Business Park, Phase 1 (Tract 3788). The project consists of a subdivision to create approximately 1,179 residential lots and approximately 50 acres of Business Park. The project is located between Interstate 580 and the California Aqueduct, west of Corral Hollow Road, Tracy (APN: 251-060-02, 253-020-02, 253-030-08, -14).

City of Tracy is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). **The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measure are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.** Although participation in the SJMSCP is voluntary, Local Jurisdiction/Lead Agencies should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.

A Minor Amendment was approved January 2011, to allow the Tracy 580 BP Project to participate in the SJMSCP. Prior to ground disturbance, the Tracy 580 BP Project is required to mitigate the entire project in endowment fees for a total of 705.95 acres. This Project is subject to the SJMSCP. This can be up to a 30 day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. <http://www.sjco.org>

Please contact SJMSCP staff regarding completing the following steps to satisfy SJMSCP requirements:

- Schedule a SJMSCP Biologist to perform a pre-construction survey **prior to any ground disturbance**
- Sign and Return Incidental Take Minimization Measures to SJMSCP staff (given to project applicant after pre-construction survey is completed)

- Pay appropriate fee based on SJMSCP findings. **Endowment fees shall be paid for the entire Tracy 580 BP acreage prior to any ground disturbance.**
- Receive your Certificate of Payment and release the required permit

It should be noted that if this project has any potential impacts to waters of the United States [pursuant to Section 404 Clean Water Act], it would require the project to seek voluntary coverage through the unmapped process under the SJMSCP which could take up to 90 days. It may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would be required from each of these resource agencies prior to grading the project site.

If you have any questions, please call (209) 235-0600.



S J C O G, Inc.

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan

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

SJMSCP HOLD

TO: Local Jurisdiction: Community Development Department, Planning Department, Building Department, Engineering Department, Survey Department, Transportation Department,
Other:

FROM: Laurel Boyd, SJCOG, Inc.

**DO NOT AUTHORIZE SITE DISTURBANCE
 DO NOT ISSUE A BUILDING PERMIT
 DO NOT ISSUE _____ FOR THIS PROJECT**

The landowner/developer for this site has requested coverage pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). In accordance with that agreement, the Applicant has agreed to:

- 1) Implement Incidental Take Minimization Measures (ITMMs) PRIOR to site disturbance. Do not authorize site disturbance **until receipt of a signed Agreement to Incidental Take Minimization Measures (ITMMs) AND verification that all applicable ITMMs have been implemented.**
- 2) Pay SJMSCP fees. **Endowment fees shall be paid for the entire Tracy 580 BP acreage prior to any ground disturbance.** Do not issue a Use Permit **until receipt of a Certificate of Payment or Verification of Payment to the Local Jurisdiction (e.g., Receipt) AND verification that all applicable ITMMs have been implemented prior to ground disturbance.**

Project Title: Tracy 580 BP, Phase 1 – Vesting Tentative Subdivision Map (Tract 3788)

Applicant: John Palmer

Assessor Parcel #s: 251-060-02, 253-020-02, 253-030-08, -14

T _____, R _____, Section(s): _____

Local Jurisdiction Contact: Scott Claar

The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.



SEP 17 2013

Scott Claar
City of Tracy
Department of Planning
333 Civic Center Plaza
Tracy, CA 95376

RECEIVED
SEP 19 2013
CITY OF TRACY

Project: Tracy Hills Phase 1- Vesting Tentative Subdivision Map (TSM 13-0005)
District CEQA Reference No: 20130777

Dear Mr. Claar:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above consisting of a subdivision to create approximately 1,179 residential lots and approximately 50 acres of business park located at in the vicinity of I-580 and the California Aqueduct, west of Corral Hollow Road, in Tracy, CA. The District offers the following comments:

District Comments

- 1) The District's initial review of the project concludes that emissions resulting from construction and/or operation of the project may exceed the following thresholds of significance: 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), or 15 tons per year particulate matter of 10 microns or less in size (PM10). The District recommends that a more detailed preliminary review of the project be conducted. The additional environmental review of the project's potential impact on air quality should consider the following:
 - 1a) Project Emissions should be identified and quantified.
 - i) Permitted (stationary sources) and non-permitted (mobile sources) sources should be analyzed separately. Preparation of an Environmental Impact Report (EIR) is recommend should emissions from either source exceed the following amounts: 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), or 15 tons per year particulate matter of 10 microns or less in size (PM10).
 - ii) Pre- and post-project emissions should be identified.

Seyed Sadredin
Executive Director/Air Pollution Control Officer

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Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

- 1b) Nuisance Odors should be discussed as to whether the project would create objectionable odors affecting a substantial number of people.
 - 1c) Toxic Air Contaminants (TACs) –are defined as air pollutants that which may cause or contribute to an increase in mortality or serious illness, or which may pose a hazard to human health. The most common source of TACs can be attributed to diesel exhaust fumes that are emitted from both stationary and mobile sources. If the project is located near residential/ sensitive receptors, the proposed project should be evaluated to determine the health impact of TACs to the near-by receptors. If the analysis indicates that TACs are a concern, the District recommends that a Health Risk Assessment (HRA) be performed. If an HRA is to be performed, it is recommended that the project proponent contact the District to review the proposed modeling approach. More information on TACs, prioritizations and HRAs can be obtained by:
 - E-mailing inquiries to: hramodeler@valleyair.org; or
 - Visiting the District's website at:
http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm.
- 2) If preliminary review indicates that a Mitigated Negative Declaration should be prepared, in addition to the effects identified above, the document should include:
- 2a) Mitigation Measures – If preliminary review indicates that with mitigation, the project would have a less than significant adverse impact on air quality, the effectiveness of each mitigation measure incorporated into the project should be discussed.
 - (1) Project related impacts on air quality can be reduced through incorporation of design elements, for example, that increase energy efficiency, reduce vehicle miles traveled, and reduce construction exhaust related emissions. However, design elements and compliance with District rules and regulations may not be sufficient to reduce project related impacts on air quality to a less than significant level. Another example of a feasible mitigation measure is the mitigation of project emissions through a Voluntary Emissions Reduction Agreement (VERA). The VERA is an instrument by which the project proponent provides monies to the District, which is used by the District to fund emission reduction projects that achieve the reductions required by the lead agency. District staff is available to meet with project proponents to discuss a VERA for specific projects. For more information, or questions concerning this topic, please call District Staff at (559) 230-6000.
 - 2b) District's attainment status – The document should include a discussion of whether the project would result in a cumulatively considerable net increase of any criteria pollutant or precursor for which the San Joaquin Valley Air Basin is in non-attainment. Information on the District's attainment status can

be found online by visiting the District's website at <http://valleyair.org/aqinfo/attainment.htm>.

- 3) If preliminary review indicates that an Environmental Impact Report (EIR) should be prepared, in addition to the effects identified above, the document should also include the following:
 - 3a) A discussion of the methodology, model assumptions, inputs and results used in characterizing the project's impact on air quality.
 - 3b) A discussion of the components and phases of the project and the associated emission projections, (including ongoing emissions from each previous phase).
 - 3c) Mitigation Measures – If preliminary review indicates that the project would have a significant adverse impact on air quality, the effectiveness of mitigation measures incorporated into the project should be discussed.
 - (1) Project related impacts on air quality can be reduced through incorporation of design elements, for example, that increase energy efficiency, reduce vehicle miles traveled, and reduce construction exhaust related emissions. However, design elements and compliance with District rules and regulations may not be sufficient to reduce project related impacts on air quality to a less than significant level. Another example of a feasible mitigation measure is the mitigation of project emissions through a Voluntary Emissions Reduction Agreement (VERA). The VERA is an instrument by which the project proponent provides monies to the District, which is used by the District to fund emission reduction projects that achieve the reductions required by the lead agency. District staff is available to meet with project proponents to discuss a VERA for specific projects. For more information, or questions concerning this topic, please call District Staff at (559) 230-6000.
- 4) Based on information provided to the District, the proposed project would equal or exceed 9,000 square feet. Therefore, the District concludes that the proposed project is subject to District Rule 9510 (Indirect Source Review).

District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of

project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

- 5) The proposed project may be subject to the following District rules: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
- 6) The District recommends that a copy of the District's comments be provided to the project proponent.

The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm.

District staff is available to meet with you and/or the applicant to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call Angel Lor at (559) 230-5808.

Sincerely,

David Warner
Director of Permit Services



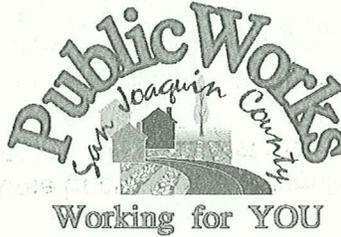
fr: Arnaud Marjollet
Permit Services Manager

DW: al

cc: File



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DIRECTOR



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MICHAEL SELLING
DEPUTY DIRECTOR

JIM STONE
DEPUTY DIRECTOR

ROGER JAMES
BUSINESS ADMINISTRATOR

November 20, 2013

RECEIVED

NOV 22 2013

CITY OF TRACY

Alan Bell, Senior Planner
Development Services Department
City of Tracy
333 Civic Center Plaza
Tracy, California 95376

SUBJECT: NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE
TRACY HILLS SPECIFIC PLAN AMENDMENT PROJECT

Dear Mr. Bell:

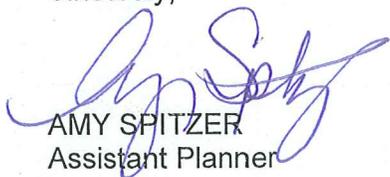
The San Joaquin County Department of Public Works has reviewed the Notice of Preparation for the above referenced project and our comments are as follows:

Flood Management:

1. A San Joaquin County Watercourse Encroachment Permit shall be required for all work done on Corral Hollow Creek, its banks, and within 25 feet of the top of its banks.

Thank you for the opportunity to review and comment. Should you have questions or need additional information regarding the above comment, please contact me at (209) 468-8494 or aspitzer@sjgov.org.

Sincerely,


AMY SPITZER
Assistant Planner

AS:mh

- c: Alex Chetley, Engineering Services Manager
- John I. Maguire, Engineering Services Manager
- Firoz Vohra, Senior Engineer

11/22/13 (encl)
From Jonathan Canela
(copy final to follow in
the mail)

November 22, 2013

Alan Bell
Senior Planner
Development Services Department
City of Tracy
333 Civic Center Drive
Tracy, California 95376

Notice of Preparation of Subsequent Environmental Impact Report for the Tracy Hills Specific Plan Amendment Project, City of Tracy, San Joaquin County, Near Milepost 17.10, California Aqueduct, Delta Field Division, SCH2013102053

Dear Mr. Bell:

Thank you for the opportunity to review and comment on the Notice of Preparation of Subsequent Environmental Impact Report (NOP) for the Tracy Hills Specific Plan Amendment Project (Project) in the County of San Joaquin. The NOP describes the proposal by the City of Tracy to amend the previously adopted Tracy Hills Specific Plan which establishes land use and development standards for the area located near the existing interchange around Corral Hollow Road and the proposed Lammers Road interchange on Interstate 580. Development in the Project area will be implemented in phases.

The first phase of the Project includes development of residential lots, a business park, and an elementary school in an area that lies between Interstate 580 and the California Aqueduct and between Corral Hollow Road and the proposed Lammers Road. Any improvements within Department of Water Resources (DWR) right of way or changes to existing drainage plan that impacts DWR facilities will require an encroachment permit from DWR. Information on obtaining an encroachment permit from DWR can be viewed at:

http://www.water.ca.gov/engineering/Services/Real_Estate/Encroach_Rel/

Please provide DWR with a copy of any subsequent environmental documentation when it becomes available for public review. Any future correspondence relating to the above-mentioned concern of DWR should be sent to:

California Department of Water Resources
Division of Operations and Maintenance
State Water Project Encroachments Section
Attn: Leroy Ellinghouse, Jr.
1416 Ninth Street, Room 641-1
Sacramento, California 95814

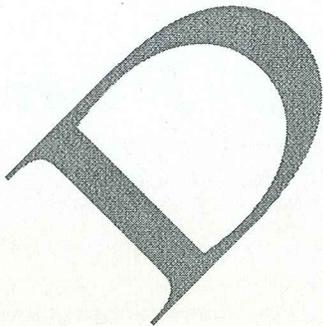
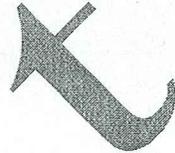
Mr. Alan Bell
November 22, 2013
Page 2

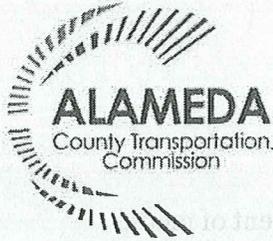
If you have any questions, please contact Leroy Ellinghouse, Jr., Chief, State Water Project Encroachments Section, at (916) 653-7168 or Jonathan Canuela at (916) 653-5095.

Sincerely,

David M. Samson, Chief
State Water Project Operations Support Office
Division of Operations and Maintenance

cc: Office of Planning and Research
California State Clearinghouse
1400 10th Street
Sacramento, CA 95812-3044





November 25, 2013

William Dean
Assistant Director
Development and Engineering Services Department
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

RECEIVED

NOV 25 2013

CITY OF TRACY

SUBJECT: Comments on the Notice of Preparation of an Environmental Impact Report for the Tracy Hills Specific Plan Amendment Project

Dear Mr. Dean,

Thank you for the opportunity to comment on the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the Tracy Hills Specific Plan (THSP) Amendment Project. The proposed project includes an amendment to the previously adopted Tracy Hills Specific Plan, which establishes land use and development standards for an approximately 6,175 acre area located near the existing interchange around Corral Hollow Road and the proposed Lammers Road Interchange on Interstate 580. The property is bordered by the Delta Mendota Canal to the northeast, the Union Pacific Railroad to the northwest, undeveloped hillside to the west and southwest, South Corral Hollow Road to the Southeast, and the Tracy Municipal Airport and privately owned lands to the east.

The goals of the THSP amendment include implementing Tracy Hills Phase 1 and updating the Specific Plan to reflect the City's 2011 General Plan and Infrastructure Master Plans (IMPs). The proposed land use amendments include an increase in low density residential (from 0 to 249.8 acres), reduction in medium density residential (from 241.7 to 63.2 acres), reduction in high density residential (from 35.8 to 26.5 acres), increase in business park (from 0 to 169.8 acres), reduction in light industrial (from 91.8 to 0 acres), reduction in professional office and medical (from 8.4 to 0 acres), increase in highway commercial (from 8.4 to 23.2 acres), and reduction in neighborhood shopping (from 17.4 to 0 acres).

The Alameda CTC respectfully requests that the following items be considered for inclusion in the scope of the EIR:

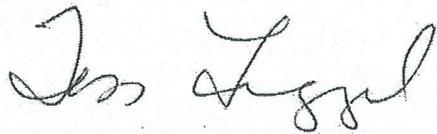
- Given the scale of the project and the economic integration between the Central Valley and the Bay Area, it is possible that the project will result in impacts in Alameda County. The EIR should consider impacts to the interregional transportation facilities including:
 - Interstate 580 through the Altamont Pass and the Tri-Valley area
 - BART station parking capacity in the Tri-Valley area
- The EIR should seek to be consistent with adopted plans and policies as well as planning efforts currently underway. Future transportation network assumptions should be consistent with the investment priorities documented in Plan Bay Area and the Alameda Countywide

Transportation Plan. In addition, Alameda CTC is embarking on the development of modal plans including a countywide transit plan and a countywide goods movement plan, which will identify additional long range transportation investment priorities for transit and freight on Alameda County roadways and railways. These efforts are scheduled for completion in 2015 and the THSP planning effort should seek to coordinate with the plans to the extent that timing permits. Finally, BART is preparing a project-level Draft Environmental Impact Report for the BART to Livermore extension and ACE is conducting project-level and programmatic system enhancement and expansion analysis as part of the *ACEforward* program. Any assumptions in the THSP about future transit service between Tracy and the Bay Area should be consistent with these efforts.

- To the extent that the EIR may find impacts to Interstate 580 in Alameda County, mitigation measures that seek to maximize existing mega-regional transit and high occupancy vehicle connections should receive strong consideration. Improvements that enable residents and businesses of the THSP area to better take advantage of ACE service between Tracy and Alameda County as well as shuttle or bus services that take advantage of the growing express lane network through the Tri-Valley area may constitute suitable mitigation for impacts to Interstate 580.

Thank you for the opportunity to comment on this NOP. Please contact me at (510) 208-7428 or Matthew Bomberg of my staff at (510) 208-7444 if you have any questions.

Sincerely,



Tess Lengyel
Deputy Director of Policy and Planning

Cc: Matthew Bomberg, Assistant Transportation Planner
Cindy Horvath, Senior Transportation Planner, Alameda County Community Development Agency

File: CMP/Environmental Review Opinions/2013



State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



November 26, 2013

RECEIVED
DEC 02 2013
CITY OF TRACY

Mr. William Dean
City of Tracy
333 Civic Center Drive
Tracy, CA 95376

Dear: Mr. Dean:

Subject: Tracy Hills Specific Plan Amendment Project, Notice of Preparation of an Environmental Impact Report, SCH #2013102053, City of Tracy, San Joaquin County

The California Department of Fish and Wildlife (CDFW) reviewed the Notice of Preparation provided for the Tracy Hills Specific Plan Amendment. The project would include extensive grading, trenching, and soil compaction, as well as the removal of native California grassland habitat, upland habitat, and riparian habitat during the development of the Tracy Hills area. CDFW has the following comments:

Trustee Agency Authority:

CDFW is a Trustee Agency with responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, CDFW is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities, as those terms are used under CEQA [Division 13 (commencing with Section 21000) of the Public Resources Code].

Responsible Agency Authority:

CDFW has regulatory authority over projects that could result in the "take" of any species listed by the State as threatened or endangered, pursuant to Fish and Game Code Section 2081. If the Project could result in the "take" of any species listed as threatened or endangered under the California Endangered Species Act (CESA), an Incidental Take Permit will be required. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Sections 21001{c}, 21083, Guidelines Sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code Section 2080.

Fish and Wildlife Resources:

The project has the potential to impact nesting birds, migratory birds and state special-status or listed wildlife species including but not limited to; California red-legged frog (*Rana draytonii*),

Mr. William Dean
November 26, 2013
Page 2

California tiger salamander (*Ambystoma californiense*), foothill yellow-legged frog (*Rana boylei*), bald eagle (*Haliaeetus leucocephalus*), western spadefoot toad (*Spea hammondi*), coast horned lizard (*Phrynosoma blainvillii*), silvery legless lizard (*Anniella pulchra pulchra*), Alameda whipsnake (*Masticophis lateralis euryxanthus*), San Joaquin whipsnake (*Masticophis flagellum ruddocki*), western burrowing owl (*Athene cunicularia*), golden eagle (*Aquila chrysaetos*), ferruginous hawk (*Buteo regalis*), tricolored blackbird (*Agelaius tricolor*), Loggerhead shrike (*Lanius ludovicianus*), pallid bat (*Antrozous pallidus*), western mastiff bat (*Eumops peritus californicus*), San Joaquin kit fox (*Vulpes macrotis mutica*), San Joaquin pocket mouse (*Perognathus inornatus inornatus*), American badger (*Taxidea taxus*), diamond-petaled California poppy (*Eschscholzia rhombipetala*), big tarplant (*Blepharizonia plumosa*), showy golden madia (*Madia radiata*), Lemmon's jewel flower (*Caulanthus lemmonii*), shinning navarretia (*Navarretia nigelliformis* ssp. *radians*) and large-flowered fiddleneck (*Amsinckia grandiflora*). CDFW recommends that focused biological surveys be conducted by qualified biologists during the appropriate survey period(s) prior to any ground-disturbance to determine if these species are present and if they could be impacted by the proposed Project and the results of these surveys be provided to CDFW.

Section 1600 Lake and Streambed Alteration Agreements:

The proposed installation of low density residential lots, light industrial, and highway industrial zoning areas along Corral Creek and Corral Creek Road near the southeast portion of the project proposes to impact the riparian area and floodplain of Corral Hollow Creek. The area should be zoned to provide appropriate and adequate stream setbacks necessary to offset any future impacts by human occupation of the area that the residential complex will create, at present the setbacks do not appear adequate to protect the special-status species that inhabit that specific area from short- and long-term impacts. Furthermore, the unnamed tributaries and stream systems in the northwest portion of the project should also be given the same considerations in developing the appropriate stream setback distances to allow the systems to persist.

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, CDFW may require a Lake and Streambed Alteration Agreement (LSAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. Issuance of an LSAA is subject to CEQA. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the LSAA notification process, please access our website at <http://www.dfg.ca.gov/habcon/1600/>; or to request a notification package, contact the Bay Delta Regional Office at (707) 944-5500.

Wildlife Corridors/Open Space Preserves

Wildlife corridors are green or open spaces that provide connectivity of populations of species across and through areas of increased human activity. The proposed development of the project in the southeast portion creates a significant barrier to Corral Hollow Creek from the other areas of proposed open space planned to occur throughout low density residential developments. The appropriate wildlife corridors and open space preserves in the southeast portion of the project should be designed to allow for more open space near the creek system

Mr. William Dean
November 26, 2013
Page 3

and corresponding riparian and upland areas to allow special-status species to persist in the area and move freely from open space preserve to open space preserve without becoming landlocked by residential developments. The development open space and parks should be designed to incorporate and enhance the already existing unique and sensitive natural resources with the least amount of disturbance possible to land areas in which parks and open spaces found within development units are planned. Adequate consideration should also be given to the installation of the appropriate sized culverts and pathways underneath major roads such as Corral Hollow Road and through areas of development to allow increased wildlife movement if avoidance of impacts to the area are not feasible.

Subsequent Environmental Impact Report

It appears that the majority of the project is outside of the coverage area of the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (Plan). For areas both inside and outside of the Plan, the Subsequent Environmental Impact Report (SEIR) should identify impacts to natural resources including impacts on creeks, streams, and drainages, riparian areas, upland areas, and open space that could result from development of this area. The SEIR should focus on specific impacts to special-status species, and specify the appropriate avoidance, minimization and mitigation measures appropriate for those areas and species covered under the Plan and for those areas and species not covered by the Plan.

New impacts from the installation of newly presented structures, buildings, and zoning should also be discussed such as the construction of a new school, construction of a communications tower, implementation of the newly proposed Tracy Hills Business Park, and amendments to storm drainage master plans, phasing plans, general land use plans, residential subdivision map changes, etc.

Long-term effects should also be considered in developing the SEIR including but not limited to, the effect increased human activity in the area (i.e. traffic, pedestrian traffic) may have on special-status species populations, the effects that fragmentation of special-status species habitat may have on populations, and the effects that could result from the introduction of exotic and invasive species to the area by increased human activity. The impacts domestic pets and possible feral pet populations could have on special-status species populations should also be considered. Constructing development units with increased stream and open space setbacks could alleviate or avoid some of this impact.

If you have any questions, please contact Mr. Robert Stanley, Environmental Scientist, at (707) 944-5573; or Mr. Craig Weightman, Environmental Program Manager, at (707) 944-5577.

Sincerely,



Scott Wilson
Acting Regional Manager
Bay Delta Region

cc: State Clearinghouse:

DEPARTMENT OF TRANSPORTATION

P.O. BOX 2048 STOCKTON, CA 95201
(1976 E. CHARTER WAY/1976 E. DR. MARTIN
LUTHER KING JR. BLVD. 95205)
TTY: California Relay Service (800) 735-2929
PHONE (209) 941-1921
FAX (209) 948-7194



*Flex your power!
Be energy efficient!*

December 3, 2013

**10-SJ-580-8.149
Tracy Hills Specific Plan
Amendment Project
SCH #2013102053**

Mr. William Dean
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

Dear Mr. Dean:

The California Department of Transportation (Department) appreciates the opportunity to comment on the Notice of Preparation for the Tracy Hills Specific Plan (THSP) Amendment Project. This project involves land use and development standards for an approximately 6,175 acre area located near the existing interchange around Corral Hollow Road on Interstate 580 in the City of Tracy. This is an amendment to the 1998 Tracy Hills Specific Plan. A Subsequent Environmental Impact Report (SEIR) will be prepared given the amount of time that has transpired since preparation of the previously adopted Specific Plan and certified EIR.

The Department has the following comments:

Traffic Operations

The proposed Tracy Hills Specific Plan Development, in combination with other proposed residential and commercial developments in Tracy may cause potential significant impacts to I-580. A Traffic Impact Study (TIS) will need to be prepared according to the "Guide for the Preparation of Traffic Impact Studies" published by Caltrans December 2002.

The Department requests the Lead Agency arrange a pre-consultation meeting to be attended by the Lead Agency, Department, Developer, and Consultant Team to review the Draft Scope of Work for conducting the TIS. **The Department will require a copy of the TIS Scope of Work at least one week prior to this meeting. The TIS Scope of Work will need to be reviewed and concurred with by Caltrans District 10 Traffic Operations before beginning any traffic volume collection or traffic analyses to help eliminate the need for additional data collection and analysis to be completed at a later date.** The Department is available to discuss assumptions, data requirements, study scenarios and analysis methodologies prior to beginning the TIS. This will help ensure that a competent TIS is prepared and to avoid delaying the certification of the DEIR.

The following preliminary information is needed for Traffic Operations review and concurrence prior to beginning any analysis or generating the draft TIS:

- The proposed thresholds of significance to be used.
- The project trip generation such as pass-by, diverted-link, internalization, etc.
- The forecast derived from the SJCOG travel demand model for the various scenario years.

The traffic impact study at a minimum needs to include the following:

1. Traffic Impact Study Area

The TIS boundary area should encompass **all** potentially impacted interchanges and freeway segments.

At a minimum, the following interchanges and ramp intersections should be included:

- I-580/Corral Hollow Road Interchange
- I-580/Mountain House Pkwy/Patterson Pass Road Interchange

At a minimum, the following mainline freeway segments need to be evaluated:

- I-580 from I-205/580 connector to Mountain House Pkwy/Patterson Pass Road
- I-580 from Mountain House Pkwy/Patterson Pass Road to Corral Hollow Road
- I-580 from Corral Hollow Road to I-580/SR-132 connector

Dependent on trip distribution, in addition to the above locations, include any project proposed access, or other affected intersections and road segments if the project generated traffic has the potential to significantly affect those highway facilities. Select link and select zone analyses should be performed to determine if the study boundary needs to be adjusted.

Consult with City, County or other affected local agencies to determine which other intersections, other than the intersections listed above need to be included as part of the study area.

2. Traffic Data

PROJECT TRIP GENERATION – The Institute of Transportation Engineers (ITE) Trip Generation Manual (9th Edition) should be used to derive the proposed project trip generation forecasts.

TRAFFIC COUNTS – Collected traffic data needs to consider seasonal variations in traffic volume counts. Percentage of truck/heavy vehicle volumes will need to be accounted for in the subsequent analysis.

PEAK HOURS – Provide AM and PM peak hour volumes during the weekdays (Tuesday, Wednesday or Thursday) and the weekend (Saturday).

3. **Traffic Impact Analysis Methodologies**

SIGNALIZED INTERSECTIONS – If there are closely spaced intersections at interchange ramps, junctions, or intersections which result in any queue interaction, the intersection operational analyses needs to be performed using micro-simulation such as SimTraffic V 8.0. In these situations attempting to analyze intersections at interchanges using Highway Capacity Manual 2010 methodology would be inappropriate since the methodology assumes isolated intersections and ignores queue effects and will result in underestimated impacts. The intersection LOS analysis in addition to the intersection average LOS, needs to consider the LOS of the individual approaches and movements.

UNSIGNALIZED INTERSECTIONS – The methodology for analysis of unsignalized intersections is to be done using HCM. However, if queue blocking or other characteristics are involved beyond the HCM constraints, then micro-simulation may need to be performed.

FREEWAY & HIGHWAY SEGMENTS – The methodologies for computing mainline operations, merge/diverge analysis will be as provided in the Transportation Research Board's (TRB) publication, Highway Capacity Manual 2010. Mainline and merge/diverge computations will be made using the "Highway Capacity Software" published by TRB and based on the referenced publication.

WEAVING AREAS – The methodologies for weaving analysis are to be addressed as per the methodology shown in the Caltrans Highway Design Manual, Sixth Edition.

RAMP METERING ANALYSIS – Ramp metering analysis needs to be included in the TIS for the proposed project. Ramp meter storage needs to be calculated using the following parameters:

- Use design year unconstrained volumes
- HOV preferential lane used by 11 percent of volume
- Accommodate storage for 7 percent of non-HOV volume assuming 30 feet per vehicle

STAA DESIGN VEHICLES – The existing I-580/Corral Hollow Road interchange is not STAA approved, as the ramp intersection geometry does not meet a STAA design vehicle. According to the NOP, the Proposed Project would generate significant amount of truck traffic using this interchange. This will result in potential significant impact due to creating a safety issue. The TIS should analyze the STAA off-tracking analysis and provide improvements.

Level of Service (LOS) threshold is LOS D. Project specific and cumulative traffic impacts on interstate and state routes will be based on Caltrans thresholds and improvements required to mitigate impacts must be outlined. Intersection analysis will include delay,

average LOS, individual movement LOS, 95th percentile queue, left-turn/right-turn lane storage requirements, sight distance, traffic control device warrants (signal control).

4. Traffic Study Scenarios

Traffic analysis should use current traffic volumes to determine the existing conditions. The analysis will identify the impacts under the following scenarios:

- Existing condition (Existing Conditions Plus other Approved and Pending Projects)
- Opening year (Near-Term) with and without Project conditions plus other Approved and Pending Projects.
- Opening year for the various Phases with and without Project plus other Approved and Pending Projects.
- Cumulative Conditions with and without Project

The various traffic study scenarios will need to fully analyze the impacts to signalized intersections, merge/diverge, mainline analysis, etc. The DEIR should not ignore areas of analysis such as intersections analysis and merge/diverge analysis in the Cumulative scenarios to avoid having to disclose potential significant impacts.

5. Mitigation Measures

The TIS needs to address the proposed mitigation measures relative to the future improvement projects by Caltrans and the City of Tracy.

Mitigation measures at signalized and unsignalized intersections need to consider the LOS of the various individual movements and approaches. For a signalized intersection, basing mitigation solely on the average intersection LOS does not address problems with individual movements or approaches. Project specific and cumulative traffic impacts on state routes will be based on Caltrans thresholds and improvements required to mitigate the impacts will be outlined. Intersection analysis based on the proposed mitigation needs to include average LOS, individual approach LOS's, 95th percentile queue, delay, left-turn/right-turn lane storage requirements and traffic signal warrants.

Mitigation measures for roadway segments need to provide the LOS of the facility with the proposed mitigation.

6. Traffic Impact Study To Include Technical Analysis Report

The EIR/TIS attachments need to include the analyses reports and the electronic files for Synchro/Simtraffic, HCS 2010, Leisch Method, and Ramp Meter storage calculations. This information needs to be provided to the Department for all reviews.

Travel Forecasting

In order to provide the most thorough review of the traffic forecast being developed for this proposed project, the Department is recommending the following information be provided in the TIS for documentation of methodology and assumptions:

1. Project Executive Summary and Project Description

2. Existing Data Collection

- Vicinity map showing the existing traffic study locations.
- Existing intersection turning movement traffic data for AM and PM peak hour.
- Existing mainline and ramp traffic data in AADT and AM and PM peak hour.

3. Transportation Model

- Provide travel demand model information.
- Air quality model information.

4. Travel Forecasting

- Vicinity map showing the future configuration.
- Future intersection turning movement traffic data for AM and PM peak hour.
- Future mainline and ramp traffic data in AADT and AM and PM peak hour.
- Trip generation information.
- Trip distribution information.

5. Planning and RTP Conformity Information

- RTP/General Plan Assumptions.
- Other plan (Specific Plan, Community Plan, etc.) assumptions.

Hydraulics

The developer will need to ensure that the existing State drainage facilities will not be significantly impacted by the project. If historical undeveloped topography shows drainage from this site flowed into the State Right-of-Way, it may continue to do so with the conditions that peak flows may not be increased from the pre-construction quantity and the site runoff be treated to meet present storm water quality standards. If historical undeveloped topography shows drainage from this site does not flow into the State Right-of-Way, then it will not be allowed to flow into the State Right-of-Way at this time.

The Subsequent Environmental Impact Report (SEIR) will need to calculate runoff peak discharges for 10 and 100 year storm events for Pre and Post construction.

Planning

Page 1 refers to the location of this project to be near the existing interchange around Corral Hollow Road and the proposed Lammers Road interchange on Interstate 580. Please provide more details concerning the Lammers Road Interstate 580 interchange project. This project is listed as a Tier II project for \$55 million. Please identify the fair share amount of funds that this project would be responsible for toward the construction of this interchange.

There is an addition error in Table 2 on page 6. The Estimated Units adds up to 1,668, not 1,566.

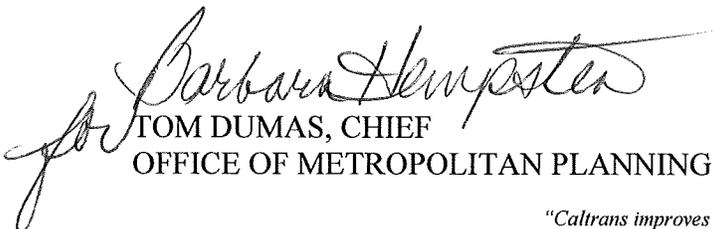
Although the proposed action is a SEIR, it appears that this may only apply to Phase 1 rather than the entire undertaking. It may be appropriate to include in the TIS information relative to the entire project rather than Phase 1 to avoid unnecessary or onerous mitigation requirements already present at build out. I would like to know what the mitigation monitoring commitments are for the previous EIR as well as specific transportation impact mitigation in order to get a sense of project commitment and schedule.

Given the importance of mobility options, the project should provide an assessment of how various transportation options will be incorporated into the site. Specifically, pedestrian and bicycle access to and through the subject site should be provided, and Transportation Demand Management strategies such as carpool and vanpool formation with parking opportunities should be provided. The manner in which land is developed can have a profound effect on the viability of alternative transportation options. Compact, mixed-use "villager" centers designed at a human (pedestrian / bicycle) scale enable residents and visitors to achieve a high level of mobility. The Department encourages the applicant to incorporate design features and site proximities that encourage walking and bicycling, vastly expanded public transit options, accessibility for children, the elderly, and persons with disabilities, and transit priority measures to make travel times competitive with the automobile.

Environmental

If the project construction activities encroach into Caltrans right of way, the project proponent must submit an application for an Encroachment Permit to the Caltrans Permit Office. Appropriate environmental studies must be submitted with this application. These studies should include an analysis of potential impacts to any cultural sites, biological resources, hazardous waste locations, and/or other resources within Caltrans right of way at the project site. There is a potential impact to habitat for San Joaquin Kit Fox, Burrowing Owl and the Red-legged Frog.

We look forward to meeting with you and working toward a comprehensive TIS scope of work to ensure that traffic safety and quality standards are maintained for the traveling public.


TOM DUMAS, CHIEF
OFFICE OF METROPOLITAN PLANNING

December 20, 2013

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

Project: NOP - Subsequent Environmental Impact Report (SEIR) for the Tracy Hills Specific Plan Amendment Project - SCH # 201302053

District CEQA Reference No: 20130927

Dear Mr. Dean:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Notice of Preparation (NOP) for the Tracy Hills Specific Plan Amendment Project. The proposed project includes an amendment to the previously adopted (1998) Tracy Hills Specific Plan which establishes land use and development standards for an approximately 6,175 acre area located near the existing interchange around Corral Hollow Road and the proposed Lammers Road interchange on Interstate 580 in the City of Tracy. A number of linear features also bisect the site. These include a Union Pacific Railroad line and the Interstate 580 corridor. The District previously commented on the Tracy Hills Phase 1 - Vesting Tentative Subdivision Map (TSM 13-0005) to create approximately 1,179 residential lots and approximately 50 acres of business park (District CEQA Reference No. 20130777). The District offers the following comments:

Emissions Analysis

- 1) The District is currently designated as extreme nonattainment for the 8-hour ozone standard, attainment for PM10 and CO, and nonattainment for PM2.5 for the federal air quality standards. At the state level, the District is designated as nonattainment for the 8-hour ozone, PM10, and PM2.5 air quality standards. The District recommends that the Air Quality section of the Environmental Impact Report (EIR) include a discussion of the following impacts:
 - a) **Criteria Pollutants:** Project related criteria pollutant emissions should be identified and quantified. The discussion should include existing and post-project emissions.

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

- i) **Construction Emissions:** Construction emissions are short-term emissions and should be evaluated separate from operational emissions. The District recommends preparation of an Environmental Impact Report (EIR) if annual construction emissions cannot be reduced or mitigated to below the following levels of significance: 10 tons per year of oxides of nitrogen (NO_x), 10 tons per year of reactive organic gases (ROG), or 15 tons per year particulate matter of 10 microns or less in size (PM₁₀).
- *Recommended Mitigation:* To reduce impacts from construction related exhaust emissions, the District recommends feasible mitigation for the project to utilize off-road construction fleets that can achieve fleet average emissions equal to or cleaner than the Tier II emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards.
- ii) **Operational Emissions:** Permitted (stationary sources) and non-permitted (mobile sources) sources should be analyzed separately. The District recommends preparation of an Environmental Impact Report (EIR) if the sum of annual permitted and non-permitted emissions cannot be reduced or mitigated to below the following levels of significance: 10 tons per year of oxides of nitrogen (NO_x), 10 tons per year of reactive organic gases (ROG), or 15 tons per year particulate matter of 10 microns or less in size (PM₁₀).
- *Recommended Mitigation:* Project related impacts on air quality can be reduced through incorporation of design elements, for example, that increase energy efficiency, reduce vehicle miles traveled, and reduce construction exhaust related emissions. However, design elements and compliance with District rules and regulations may not be sufficient to reduce project related impacts on air quality to a less than significant level.
 - Another example of a feasible mitigation measure is the mitigation of project emissions through a Voluntary Emission Reduction Agreement (VERA). The VERA is an instrument by which the project proponent provides monies to the District, which is used by the District to fund emission reduction projects that achieve the reductions required by the lead agency. District staff is available to meet with project proponents to discuss a VERA for specific projects. For more information, or questions concerning this topic, please call District Staff at (559) 230-6000.
- b) **Nuisance Odors:** The project should be evaluated to determine the likelihood that the project would result in nuisance odors. Nuisance orders are subjective, thus the District has not established thresholds of significance for nuisance odors. Nuisance odors may be assessed qualitatively taking into consideration of

project design elements and proximity to off-site receptors that potentially would be exposed objectionable odors.

- c) **Health Impacts:** Project related health impacts should be evaluated to determine if emissions of toxic air contaminants (TAC) will pose a significant health risk to nearby sensitive receptors. TACs are defined as air pollutants that which may cause or contribute to an increase in mortality or serious illness, or which may pose a hazard to human health. The most common source of TACs can be attributed to diesel exhaust fumes that are emitted from both stationary and mobile sources.

The Initial Study, page 22, states: "... the SEIR will include a peer review of the Health Risk Assessment prepared for the proposed Specific Plan Amendment..." Prior to conducting a Health Risk Assessment (HRA), it is recommended that the project proponent contact the District to review the proposed modeling approach. The project would be considered to have a significant health risk if the HRA demonstrates that project related health impacts would exceed the District's significance threshold of 10 in a million.

The HRA should address impacts to sensitive receptors from (1) onsite emission sources, such as a strip mall, commercial activities, industrial activities, gasoline dispensing facilities and onsite diesel trucks and (2) offsite emission sources including Interstate 580, Lawrence Livermore National Laboratory Site 300, Tracy Airport, permitted sources, Union Pacific Railroad, and aggregate mining. Sensitive receptors include, residents, schools, daycare facilities, hospitals, etc.

More information on TACs, prioritizations and HRAs can be obtained by:

- E-mailing inquiries to: hramodeler@valleyair.org; or
- Visiting the District's website at:

http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm.

- 2) In addition to the discussions on potential impacts identified above, the District recommends the EIR also include the following discussions:
- a) A discussion of the methodology, model assumptions, inputs and results used in characterizing the project's impact on air quality. To comply with CEQA requirements for full disclosure, the District recommends that the modeling outputs be provided as appendices to the EIR. The District further recommends that the District be provided with an electronic copy of all input and output files for all modeling.
- b) A discussion of the components and phases of the project and the associated emission projections, including ongoing emissions from each previous phase.

- c) A discussion of project design elements and mitigation measures, including characterization of the effectiveness of each mitigation measure incorporated into the project.

District Rules and Regulations

- 3) The proposed project may be subject to District rules and regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
- 4) The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (209) 557-6446. Current District rules can be found online at the District's website at:
www.valleyair.org/rules/1ruleslist.htm.
- 5) Based on information provided for Tracy Hills Phase 1 (approximately 1,179 residential lots, approximately 50 acres of business park), the District concludes that the proposed project is subject to District Rule 9510. Rule 9510 is intended to reduce a project's impact on air quality through project design elements or mitigate its impact by payment of applicable off-site mitigation fees.
 - a) Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. To date the District has not received an AIA application for this project. As such, the District recommends that the applicant submit an AIA application to the District prior to the City's adoption of the EIR.
 - b) Proceeding with the project prior to paying the off-site mitigation fees before the start of the first activity generating emissions (including but not limited to demolition, grading, etc.) would be a violation of District Rule 9510, §7.3, and such violations may result in significant fines and penalties. As such, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first grading/building permit, be made a condition of project approval.
 - c) More information regarding District Rule 9510 can be obtained by:
 - E-mailing inquiries to: ISR@valleyair.org;
 - Visiting the District's website at: <http://www.valleyair.org/ISR/ISRHome.htm>;
or,

- For project specific assistance, the District recommends that the applicant contact the District's Indirect Source Review (ISR) staff at (559) 230-5900.
- 6) The District recommends that a copy of the District's comments be provided to the project proponent.

If you have any questions or require further information, please contact Georgia Stewart by phone at (559) 230-5937 or by e-mail at georgia.stewart@valleyair.org.

Sincerely,

David Warner
Director of Permit Services



For: Arnaud Marjollet
Permit Services Manager

DW: gs

RECEIVED

SEP 12 2013

CITY OF TRACY

MARK V. CONNOLLY

Attorney at Law

CONNOLLY LAW BUILDING
121 E. 11th STREET
TRACY, CALIFORNIA 95376

Telephone (209) 836 0725

Fax (209) 832 3796

E-mail: mconnolly@connollylaw.net

www.connollylaw.net

September 10, 2013

Bill Dean
Assistant DS Director
City of Tracy
City Hall
333 Civic Center Plaza
Tracy, CA 95376

Re: Preparation of EIR for Tracy Hills Specific Plan

Dear Mr. Dean:

On the May 7, 2013 Agenda for the City Council was a request for authorization concerning a professional services agreement concerning a professional services agreement for the Preparation of an EIR of the Tracy Hills Specific Plan Amendment. The a major problem is that Tracy Hills has not mitigated for environmental impacts identified in the FEIR for the Specific Plan approved in 1998. Specifically, it has not satisfied the mitigation requirements which were conditions of that approval. Tracy Hills is not entitled to move forward with any approvals having failed to comply with its earlier mitigation requirements. A Specific Plan that is void due to failure to implement required mitigation measures cannot be amended.

We have been informed that the Tracy Hills project is no longer an AKT project and is now a project of Integral Communities. The City of Tracy has made the Tracy Hills project a priority in its growth management ordinance. Tracy and Integral Communities have taken the position that the project is ready to turn dirt and can be issued RGAs. An RGA is a "Residential Growth Allotment" which entitles the holder to a building permit and is an entitlement. A consultant is proposed to be retained to prepare an EIR for the Tracy Hills Specific Plan Amendment.

Statements both in public hearings and in staff reports by City of Tracy staff and officials indicating the project is ready to go and receive RGAs and is proceeding with a Specific Plan Amendment EIR conflict with the above mitigation measures and with the fact that the original approvals incorporated a HMP that never materialized.

The original FEIR was based on the assumption that there would be a HMP for Tracy Hills:

“The 1996 HMP was developed between the project applicant (represented in part by LSA) and the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG). Both of these agencies have indicated that the present draft of the HMP satisfies their concerns on the biotic resources of the site (pers. Comm. Sheila Larson, USFWS; Dan Gifford). Of the 5,139 acres of the project site, a total of 3,552 acres on site is proposed to be permanent open space. Additionally, the applicant will dedicate 592 acres of land off-site, for a total of 4,144 acres of open space habitat to be permanently preserved.” (FEIR 4.8-2)

The FEIR then went on to state how “the open space dedications and land management practices described within the HMP as components of proposed land uses within the Specific Plan to mitigate development related biological impacts to lands owned by Grupe Communities, Inc.”

The HMP never happened. The dedication of an additional 592 acres never happened. The Mitigation required by the FEIR did not happen and cannot happen since a multi-species HMP for the Tracy Hills site started in 1996 was never completed. The adopted mitigation has not materialized. Since the EIR and its unimplemented mitigation measures was incorporated into the Specific Plan, the Specific Plan is obsolete, outdated unimplemented and cannot be amended. Just as important is the fact that the FEIR for the project is also obsolete and outdated since it is now 15 years old in addition to its complete failure to implement the mitigation measures upon which its approval was conditioned.

A new EIR for the entire Specific Plan, not just amendments, is required as the FEIR is approximately 16 years old, the City of Tracy has since adopted a new General Plan and Growth Management Ordinance, has approved new developments such as Ellis and the FEIR and Specific Plan incorporated mitigation measures including an HMP that have not been implemented and do not exist. USFWS and CDFG should review and require appropriate mitigation for 2013 which should be based on endangered and protected species habitat corridor needs today and requires ALL mitigation to occur on site.

One important change between 1996 and 2013 is the mitigation that has occurred all along the I-580 corridor west of Tracy. The mitigation north of the project along the west side of I-580 for the Tracy Hills Business Park and the over 4,000 acre Contra Costa Water District mitigation site located south of the project along the west side of I-580 make the need to protect habitat between these two mitigation areas on all property west of I-580 even more acute.

The now outdated 1998 Specific Plan was inconsistent with the FEIR. As described above the Specific Plan referenced a HMP that never happened and agreements with other agencies that were never reached. At the same time the FEIR improperly deferred both studies and mitigation for species such as the San Joaquin kit fox to the grading permit stage. The FEIR improperly deferred studies and mitigation to other

agencies to a point long after all discretionary approvals will have occurred. The Summary of Significant Impacts and Mitigation Measures, Table 2.2 of the FEIR states:

“M 21.2: Prior to the issuance of grading permits, the City shall require complete San Joaquin kit fox survey to be completed by a qualified biologist experienced in kit fox survey methods, **in accordance with currently accepted USFWS and CDFG Survey methodologies.**

M 21.3: If surveys reveal the presence of kit fox or **the proposed project site occurs in potential kit fox habitat, the project proponent shall consult with the USFWS and CDFG to determine appropriate mitigation.**

M 21.4: Mitigation for impacts to San Joaquin kit fox shall include replacement habitat. Replacement habitat can be in the form of either on-site or off-site lands or a combination of both. **Mitigation shall comply with FESA and CESA and administered by USFWS and CDFG.**

M 21.7 State and/or **Federal incidental take permits shall be obtained** before building or grading permits are issued for any development in an areas which provided habitat for threatened or endangered species.”

FEIR 4.8-15-4.8-16.

Issuance of a grading permit is considered ministerial if no decision making involving subjective judgment is involved. (See 14 Cal Code Regs §15268(b)) Here some more advanced unspecified review of a kit fox survey, consultation with USFWS and CDFW as well as unspecified permits are required. So the grading permit here would not just be a ministerial act.

This deferral to the grading permit stage is improper when specific mitigation is required. In a case involving Gnatcatcher habitat mitigation was deferred because the impacts were to be addressed sometime in the future. (See *Endangered Habitats League, Inc. v County of Orange* (2005) 131 CA4th 777, 794, 32 CR3d 177) In *Endangered Habitats League* the EIR set out the possibilities -on-site or off-site preservation of similar habitat at a ratio of at least 2:1, or one of several possible habitat loss permits from relevant agencies. This enumeration of alternative mitigation measures saved the provision from improper deferral. Here the deferral is too vague in not describing mitigation at all and now at this stage apparently ignoring the need to obtain permits of the USFWS and CDFW.

Deferral of kit fox surveys, the determination of appropriate mitigation including requiring on-site or off-site mitigation land cannot be deferred until grading permits are issued. By that time vesting tentative and final subdivision maps will have been approved. Such surveys and mitigation need to be required before the Specific Plan is approved and implemented into that Specific Plan. The same mistake that was made in 1998 cannot be made again. The mitigation measures need to be fully implemented before any subsequent approvals. The specific mitigation measures need to be

incorporated into the Specific Plan. Otherwise the Specific Plan could be totally inconsistent with the mitigation required particularly as to on-site mitigation. The USFWS and CDFW might require mitigation on-site inconsistent with the Specific Plan.

The Specific Plan also states that the proposed mitigation on-site is proposed to be used for public access, which is inconsistent with kit fox habitat. (Specific Plan 3-11) Public use of any kind is inconsistent with wildlife mitigation, including buffers and corridors.

In summary, mitigation described in both the FEIR and Specific Plan of 1998 and upon which further approvals was conditioned never materialized. The entire prior EIR is outdated due to more current wildlife information as well as new General Plans and projects. This project is proceeding not only without that mitigation, but without complying with the obligation to satisfy the requirements of USFWS and CDFG as represented in the FEIR. Further, over the course of the last 15 years, the need to preserve the entire corridor west along I-580 has become even more important given the conservation easements that now exist on either side of the old proposed project. Deferral of studies and mitigation for endangered species to the grading permit state is far too late. This project, including proceeding with a Specific Plan Amendment, when mitigation measures required by the 1996 FEIR have not been implemented is a violation of CEQA. A new EIR and Specific Plan are required.

Very truly yours,



MARK V. CONNOLLY

RECEIVED

NOV 18 2013

CITY OF TRACY

Juliann and Juliana Bitter
30015 S. Corral Hollow Rd
Tracy, Ca

Dear Alan Bell,

Concerning Tracy Hills I have the following questions and concerns:

1. One main concern to us is the water still. At first from report sent to our house it sounded like they were going to put this new development on its own well and the water would be depleted causing water table to go lower in our area and making our. Then the developer said no, the water is coming from existing wells in Tracy and will be piped into the development down the street and either over or under the aquaduct. So is this coming down Corral Hollow Rd? If so what side of the street? Are you tearing up our front yard?
2. The other main concern is to make sure with all the changes that we do not lose our permits for the dogs. We have had the kennel permits allowing up to 50 dogs for 35 years. We have small show dogs (Boston Terriers and English Toy Spaniels) and do rescue work for small purebred breeds, mostly Boston Terriers at moment. We have been told by many show exhibitors that San Joaquin county has not been allowing any more kennel permits in the county therefore, moving is not an option in this county. As my job is in the Bay Area, moving out of the county is also not an option.
3. I also have pet pigs that I breed and raise their babies for meat. 300 -400 pound pigs are not city animals. With the pigs, chickens, turkeys, and dogs I am afraid of complaints from "City" people. With the aquaduct as a buffer maybe that might not be as much of a concern but, still always a worry.



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

Notice of Preparation

April 21, 2014

RECEIVED
APR 24 2014
CITY OF TRACY

To: Reviewing Agencies

Re: Tracy Hills Specific Plan Amendment Project
SCH# 2013102053

Attached for your review and comment is the Notice of Preparation (NOP) for the Tracy Hills Specific Plan Amendment Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Bill Dean
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2013102053
Project Title Tracy Hills Specific Plan Amendment Project
Lead Agency Tracy, City of

Type NOP Notice of Preparation

Description A Draft EIR will be prepared by the City of Tracy to evaluate potential environmental impacts that could result from the approval and implementation of the Tracy Hills Specific Plan ("THSP") Project (hereinafter referred to as the "Project," "THSP Project" or the "Specific Plan"). The Project includes a comprehensive update to the previously adopted 1998 Tracy Hills Specific Plan (hereinafter referred to as the "1998 THSP"). The 1998 THSP covered approximately 6,175 acres; it established land use and development standards for approximately 2,732 acres located near the existing interchange around Corral Hollow Road and the proposed Lammers Road interchange on I-580, and designated the remaining 3,443 acres as conservation open space. Following adoption of the 1998 THSP, the City annexed the 2,732 acres designated for development, but did not annex the 3,552-acre conservation/open space area. The current Project area consists of the incorporated 2,732-acre portion of the 1998 THSP, but does not include the 3,552 acres that were designated conservation open space.

Lead Agency Contact

Name Bill Dean
Agency City of Tracy
Phone 209 229 7760 **Fax**
email
Address 333 Civic Center Plaza
City Tracy **State** CA **Zip** 95376

Project Location

County San Joaquin
City Tracy
Region
Cross Streets Corral Hollow Road, Lammers Road
Lat / Long
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways
Airports
Railways Union Pacific
Waterways Delta Mendota Canal
Schools
Land Use GPD: Residential Low, Residential Medium, Residential High, Commercial; and Village Center
Open Space; Primarily utilized for agricultural and grazing purposes; Aggregate
Z: Tracy Hills Specific Plan

Project Issues Agricultural Land; Air Quality; Biological Resources; Other Issues; Toxic/Hazardous; Water Quality; Landuse; Noise; Public Services; Traffic/Circulation

Reviewing Agencies Resources Agency; Department of Conservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 2; Delta Protection Commission; Office of Emergency Services, California; Native American Heritage Commission; California Highway Patrol; Department of Housing and Community Development; Caltrans, District 10; Air Resources Board; Department of Toxic Substances Control; Regional Water Quality Control Bd., Region 5 (Sacramento); Delta Stewardship Council

**Document Details Report
State Clearinghouse Data Base**

Date Received 04/17/2014

Start of Review 04/17/2014

End of Review 05/16/2014

- Resources Agency
- Resources Agency Nadell Gayou
- Dept. of Boating & Waterways Nicole Wong
- California Coastal Commission Elizabeth A. Fuchs
- Colorado River Board Tamyra Trujillo
- Dept. of Conservation Elizabeth Carpenter
- California Energy Commission Eric Knight
- Cal Fire Dan Foster
- Central Valley Flood Protection Board James Herota
- Office of Historic Preservation Ron Parsons
- Dept of Parks & Recreation Environmental Stewardship Section
- California Department of Resources, Recycling & Recovery Sue O'Leary
- S.F. Bay Conservation & Dev't. Comm. Steve McAdam
- Dept. of Water Resources Agency Nadell Gayou
- Fish and Game
- Dept. of Fish & Wildlife Scott Flint
- Environmental Services Division
- Fish & Wildlife Region 1 Donald Koch
- Fish & Wildlife Region 1E Laurie Harnsberger
- Fish & Wildlife Region 2 Jeff Drongesen
- Fish & Wildlife Region 3 Charles Armor
- Fish & Wildlife Region 4 Julie Vance
- Fish & Wildlife Region 5 Leslie Newton-Reed
- Habitat Conservation Program
- Fish & Wildlife Region 6 Gabriela Gatchel
- Habitat Conservation Program Heidi Sickler
- Fish & Wildlife Region 6 I/M Inyo/Mono, Habitat Conservation Program
- Dept. of Fish & Wildlife M George Isaac
- Marine Region
- Other Departments
- Food & Agriculture Sandra Schubert
- Dept. of Food and Agriculture
- Dept. of General Services Public School Construction
- Dept. of General Services Anna Garbeff
- Environmental Services Section
- Dept. of Public Health Jeffery Worth
- Dept. of Health/Drinking Water
- Delta Stewardship Council Kevan Samsam
- Independent Commissions, Boards
- Delta Protection Commission Michael Machado
- OES (Office of Emergency Services) Dennis Castrillo

- Native American Heritage Comm. Debbie Treadway
- Public Utilities Commission Leo Wong
- Santa Monica Bay Restoration Guangyu Wang
- State Lands Commission Jennifer Deleong
- Tahoe Regional Planning Agency (TRPA) Cherry Jacques
- Caltrans, District 8 Dan Kopulsky
- Caltrans, District 9 Gayle Rosander
- Caltrans, District 10 Tom Dumas
- Caltrans, District 11 Jacob Armstrong
- Caltrans, District 12 Maureen El Harake

Business, Trans. & Housing

- Caltrans - Division of Aeronautics Philip Crimmins
- Caltrans - Planning Terri Pencovic
- California Highway Patrol Suzann Ikeuchi
- Office of Special Projects
- Housing & Community Development CEQA Coordinator Housing Policy Division

Dept. of Transportation

- Caltrans, District 1 Rex Jackman
- Caltrans, District 2 Marcelino Gonzalez
- Caltrans, District 3 Gary Arnold
- Caltrans, District 4 Erik Alm
- Caltrans, District 5 David Murray
- Caltrans, District 6 Michael Navarro
- Caltrans, District 7 Dianna Watson

- Air Resources Board
- All Projects CEQA Coordinator
- Transportation Projects Nesamani Kalandiyur
- Industrial Projects Mike Tollstrup
- State Water Resources Control Board
- Regional Programs Unit Division of Financial Assistance
- State Water Resources Control Board
- Student Intern, 401 Water Quality Certification Unit
- Division of Water Quality
- State Water Resources Control Board
- Phil Crader
- Division of Water Rights
- Dept. of Toxic Substances Control
- CEQA Tracking Center
- Department of Pesticide Regulation
- CEQA Coordinator

Cal EPA

Air Resources Board

- State Water Resources Control Board
- Regional Programs Unit Division of Financial Assistance
- State Water Resources Control Board
- Student Intern, 401 Water Quality Certification Unit
- Division of Water Quality
- State Water Resources Control Board
- Phil Crader
- Division of Water Rights
- Dept. of Toxic Substances Control
- CEQA Tracking Center
- Department of Pesticide Regulation
- CEQA Coordinator

- Regional Water Quality Control Board (RWQCB)
- RWQCB 1 Cathleen Hudson
- North Coast Region (1)
- RWQCB 2 Environmental Document Coordinator
- San Francisco Bay Region (2)
- RWQCB 3 Central Coast Region (3)
- RWQCB 4 Teresa Rodgers
- Los Angeles Region (4)
- RWQCB 5S Central Valley Region (5)
- RWQCB 5F Central Valley Region (5) Fresno Branch Office
- RWQCB 5R Central Valley Region (5) Redding Branch Office
- RWQCB 6 Lahontan Region (6)
- RWQCB 6V Lahontan Region (6) Victorville Branch Office
- RWQCB 7 Colorado River Basin Region (7)
- RWQCB 8 Santa Ana Region (8)
- RWQCB 9 San Diego Region (9)

Other Delta Stewardship

Conservancy



IS JCOG, Inc.

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

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)

**SJMSCP RESPONSE TO LOCAL JURISDICTION (RTL)
ADVISORY AGENCY NOTICE TO SJCOG, Inc.**

To: Bill Dean, Development Services Department, City of Tracy

From: Laurel Boyd, SJCOG, Inc.

Date: April 24, 2014

Local Jurisdiction Project Title: NOP of an EIR for the Tracy Hills Specific Plan Project

Assessor Parcel Number(s): Multiple

Local Jurisdiction Project Number: N/A

Total Acres to be converted from Open Space Use: Unknown

Habitat Types to be Disturbed: Agricultural, Natural, Multi-Purpose Open Space and Urban Habitat Land

Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear Mr. Dean:

SJCOG, Inc. has reviewed the application for the Notice of Preparation of an Environmental Impact Report for the Tracy Hills Project. A Draft EIR will be prepared by the City of Tracy to evaluate potential environmental impacts that could result from the approval and implementation of the Tracy Hills Specific Plan Project. The project includes a comprehensive update to the previously adopted 1998 Tracy Hills Specific Plan. The 1998 Tracy Hills Specific Plan covered approximately 6,175 acres; it established land use and development standards for approximately 2,732 acres located near the existing interchange around Corral Hollow Road and the proposed Lammers Road interchange on Interstate 580, and designated the remaining 3,443 acres as conservation open space. Following adoption of the 1998 Tracy Hills Specific Plan, the City annexed the 2,732 acres designated for development, but did not annex the 3,552 acre conservation/open space area. The current project area consists of the incorporated 2,732 acre portion of the 1998 Tracy Hills Specific Plan, but does not include the 3,552 acres that were designated conservation open space.

The proposed update to the Tracy Hills Specific Plan would include a mixture of residential, commercial, Business Park, office, industrial, schools, parks, and open space land uses on approximately 2,732 acres. It would also make modifications required to bring the 1998 Tracy Hills Specific Plan into consistency and compliance with the City's updated Infrastructure Master Plans and the General Plan. The project would involve the adoption of a General Plan amendment; the amendments to the 1998 Tracy Hills Specific Plan in the form of the comprehensive update; adoption of a new zone district for the Tracy Hills Specific Plan; the approval and implementation of a development agreement; approval of a vesting tentative map application for the first proposed phase of development (Phase 1a); approval of a Tracy Hills Storm Drainage Master Plan; and implementation of the Tracy Hills Specific Plan including subdivision maps, school siting, and other development within the Specific Plan Area consistent with the standards specified within the Tracy Hills Specific Plan. The Draft EIR will include an analysis of all environmental impacts associated with the implementation of the Tracy Hills Specific Plan required by CEQA and the CEQA Guidelines.

City of Tracy is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measure are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP. Although participation in the SJMSCP is voluntary, Local Jurisdiction/Lead Agencies should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.

This Project and all sequential projects may be subject to the SJMSCP. This project and all sequential projects may be subject to a case-by-case review. Phase 1a and 1b are covered, Phase 2, 3, and 4 are not eligible for SJMSCP coverage and Phase 5 may be subject to SJMSCP participation. As individual projects are processed by the City of Tracy within the Tracy Hills Specific Plan, the project proponents should be advised to contact SJCOG, Inc. staff as

to appropriate processes under the SJMSCP. Please note, this process can be a 90 day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. <http://www.sjco.org>

After this project is approved by the Habitat Technical Advisory Committee and the SJCOG, Inc. Board, the following process must occur to participate in the SJMSCP:

- Schedule a SJMSCP Biologist to perform a pre-construction survey **prior to any ground disturbance**
- SJMSCP Incidental take Minimization Measures and mitigation requirement:
 1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
 2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
 3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
 - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
 - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
 - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - d. Purchase approved mitigation bank credits.
 4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
 - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
 - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - c. Purchase approved mitigation bank credits.

Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.
- Receive your Certificate of Payment and release the required permit

It should be noted that if this project has any potential impacts to waters of the United States [pursuant to Section 404 Clean Water Act], it would require the project to seek voluntary coverage through the unmapped process under the SJMSCP which could take up to 90 days. It may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would be required from each of these resource agencies prior to grading the project site.

If you have any questions, please call (209) 235-0600.



S J C O G , I n c .

San Joaquin County Multi-Species Habitat Conservation & Open Space Plan

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

SJMSCP HOLD

TO: Local Jurisdiction: Community Development Department, Planning Department, Building Department, Engineering Department, Survey Department, Transportation Department, Other:

FROM: Laurel Boyd, S J C O G , I n c .

**DO NOT AUTHORIZE SITE DISTURBANCE
DO NOT ISSUE A BUILDING PERMIT
DO NOT ISSUE _____ FOR THIS PROJECT**

The landowner/developer for this site has requested coverage pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). In accordance with that agreement, the Applicant has agreed to:

- 1) SJMSCP Incidental Take Minimization Measures and mitigation requirement:
 - 1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, S J C O G , I n c . staff will sign the ITMMs. This is the effective date of the ITMMs.
 - 2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
 - 3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
 - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
 - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
 - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - d. Purchase approved mitigation bank credits.
 - 4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
 - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
 - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
 - c. Purchase approved mitigation bank credits.
- Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

Project Title: Tracy Hills Specific Plan Amendment and General Plan Amendment

Applicant: The Tracy Hills Project Owner, LLC

Assessor Parcel #s: Multiple

T _____, R _____, Section(s): _____

Local Jurisdiction Contact: William Dean

The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.

DEPARTMENT OF TRANSPORTATION
DISTRICT 10 DIRECTOR
P.O. BOX 2048
(1976 E. DR. MARTIN LUTHER KING JR. BLVD. 95205)
STOCKTON, CA 95201
PHONE (209) 941-1921
FAX (209) 948-7194
TTY 711
www.dot.ca.gov



*Serious drought.
Help save water!*

May 13, 2014

10-SJ-580-8.149
Tracy Hills Specific Plan
Amendment Project
SCH#2013102053

Mr. William Dean
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

Dear Mr. Dean:

The California Department of Transportation (Department) appreciates the opportunity to review the Notice of Preparation (NOP) for the Tracy Hills Specific Plan Amendment Project draft Environmental Impact Report (EIR). Thank you for your consultant, Mr. Frederik Venter, Kimley-Horn and Associates, Inc. letter dated April 15, 2014, which serves as a response to our comments dated December 3, 2013, and summarizes our meeting on January 22, 2014, where we discussed Traffic Analysis for the Tracy Hills Specific Plan.

Below are a few of the comments from your letter dated April 15, 2014, with our responses in **blue**:

Comment #4 - The most recent SJCOG travel demand model from the SJCOG RTP, as updated for the City of Tracy for the City General Plan and subsequently the Cordes Ranch Specific Plan EIR, will be utilized in the analysis. The model has been calibrated for trip generation characteristics unique to the City of Tracy for the City of Tracy 2011 General Plan. Typically the City trip generation is slightly higher when compared to ITE trip generation rates, especially for retail land uses. The detailed project trip generation will be indicated in the Trip Generation subsection in the DEIR.

Response: Please use the most current Travel Demand Model, General Plan, Regional Transportation Plan, FTIP and related Environmental Impact Report.

Comment #6 - The City uses a 5% project traffic limit for cumulative traffic conditions as the threshold for including study intersections and segments in the traffic analysis. This methodology was utilized from select zone plots to identify the study roadways. Based on this methodology, the following Caltrans facilities will be studied in the traffic analysis:

Mr. William Dean
 May 13, 2014

Caltrans Study Intersections	Project Trips / Cumulative+Project Trips
Corral Hollow Road/I-580 EB Ramp	96.66%
Corral Hollow Road/I-580 WB Ramp	98.42%
Mountain House Parkway/I-580 EB Ramps	57.34%
Mountain House Parkway/I-580 WB Ramps	20.55%
Lammers Road/I-580 EB Ramps	49.28%
Lammers Road/I-580 WB Ramps	71.99%
Lammers Ext (Eleventh)/I-205 EB Ramps	14.05%
Lammers Ext (Eleventh)/I-205 WB Ramps	39.72%
Chrisman Road/I-205 EB Ramps	7.26%
Chrisman Road/I-205 WB Ramps	36.36%

Caltrans Study Highway Segments	Project Trips / Cumulative+Project Trips
I-580 - Between I-205 Junction & Mountain House Parkway Interchange	14.20%
I-580 - Between Mountain House Parkway & Lammers Road Interchange	36.14%
I-580 - Between Lammers Road & Corral Hollow Road Interchange	23.46%
I-580 - Between Corral Hollow Road & Rte132 (Vernalis Rd) Interchange	9.42%
I-580 - Grant Line Road/I-205 Junction	3.93%
I-205-Eleventh Street/Corral Hollow Road	4.80%
I-205-Lammers Road/Chrisman Road	2.31%
I-205-Chrisman Road/I-5 Junction	3.22%

Note: Strike-through segments were identified as potential candidates, but not studied because they did not meet the 5% threshold.

Response: Please provide the construction date of the proposed future I-580/Lammers Road interchange, and incorporate it into the appropriate traffic study conditions.

Mr. William Dean
May 13, 2014

Comment #7 - Traffic Counts were collected during the typical AM and PM peak hours in the City of Tracy. The AM peak (7-9AM) and PM peak (4-6PM) were counted on a typical Tuesday, Wednesday and/or Thursday.

Response: Residential is the major development in the Tracy Hills Specific Plan (SP). It is expected that a high number of these future residents will commute to the bay area for work in the morning. Please use the current AM peak hour (0600-0800) on I-580 and I-205 to collect freeway mainlines, ramp intersections and close by ramp intersection traffic counts instead of 7 – 9 AM.

Comment #11 – HCM 2010 methodologies will be used to analyze signalized and unsignalized intersections. For close spacing of intersections and to determine queue lengths, SimTraffic will be used in the analysis. For roundabouts, Sidra 6 will be utilized. Mainline operations will be analyzed using HCM methodologies. No merge and diverge analysis is required for this level of analysis, unless indicated as such in the traffic section of the DEIR.

Response: Traffic Operations agrees that the HCM2010 methodologies, SimTraffic, and Sidra 6 will be used in intersection analysis. However, Traffic Operations does not agree with “No merge and diverge analysis is required for this level of analysis”. The proposed project will generate significant additional traffic using the ramps at I-580. If the TIS ignores the merge/diverge analysis, the project’s impacts will not be identified. As a result it avoids disclosing the project’s potential significant impacts and subsequent required mitigations. Therefore, the TIS needs to include merge and diverge analysis under all of the analysis scenarios using HCS 2010.

Comment #12 - The addition of the project traffic does not warrant weaving or ramp metering analysis at the Corral Hollow and Lammers interchanges. The City will work with Caltrans to develop a PSR and/or PR document once the project applicant develops a number of units which trigger improvements that will require the project applicant to maintain the Caltrans operational standards at the study intersections.

Response: The purpose of the TIS is to identify the impacts of the additional traffic and the mitigations necessary to reduce those impacts to a level of insignificance. This project will impact the interchange and mainline operations of the highway and a complete analysis is necessary to determine the extent of those impacts. The results of a weave and a ramp metering analysis will help identify if those impacts generate the necessity for improvements. The data presented thus far does not provide the appropriate details to prove that the additional traffic generated by the project does not warrant a weaving or ramp metering analysis.

Comment #13 - STAA routes on the City road network have been identified in the City Transportation Master Plan (TMP - Fig. 4.22). Corral Hollow Road will be a future STAA route and Lammers Road will be a future Local Truck Route. Truck routes have been identified to protect the residential character of developments alongside

Mr. William Dean
May 13, 2014

major arterials. Based on our preliminary analysis, the project would not generate a significant amount of STAA truck traffic from the freeway.

Response: Interchanges of I-580/Corral Hollow Road and I-580/Proposed Lammers Road need to accommodate STAA truck turning radius. The TIS needs to analyze the STAA off-tracking analysis and provide improvements.

Comment #14 - The following study scenarios will be analyzed:

- Existing Conditions
- Existing Plus Project 2035 conditions
- Existing Plus project Buildout Conditions (Segments and Caltrans intersections only)
- Cumulative (2035) conditions
- Cumulative (2035) Plus Project 2035 conditions
- Cumulative Plus Project Buildout Conditions (Segments and Caltrans intersections only)
- A Vested Tentative Map Phase (1A) of the project, as submitted by the applicant, will be evaluated in the DEIR.

Response: As mentioned above, Phase 1 of the development will be included in the analysis; therefore, the TIS needs to include an "Existing Plus Phase 1" condition as part of its proposed study scenarios. The various study scenarios need to include other currently approved projects in the area such as Ellis SP and Cordes SP. Omitting the traffic generated from these already approved projects from the traffic analysis will provide incorrect and inadequate traffic mitigations. Thus, the TIS needs to include a scenario for an "Existing Plus Approved/Pending Projects Plus Project Phase 1" condition into its traffic analysis scenarios.

If any subsequent development beyond Phase 1 begins before 2035, then the full project needs to be analyzed in a scenario prior to cumulative 2035.

The various traffic study conditions will need to fully analyze the impacts to intersections, merge/diverge/mainline, etc. The TIS should not ignore areas of analysis such as intersections analysis and merge/diverge analysis in the Cumulative conditions to avoid having to disclose potential significant impacts. The TIS needs to provide analysis year for each traffic study condition.

Mr. William Dean
May 13, 2014

Comment #16 - The worksheets and background information will be attached to the DEIR document in an appendix.

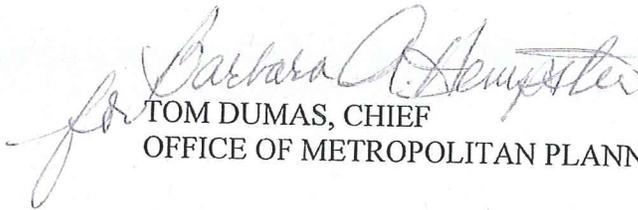
Response: Please provide the electronic files for Synchro/SimTraffic, HCS, Sidra, etc. for Traffic Operations review.

Comment #19 - As noted in paragraph 14, a first phase of development will be included in the analysis, indicating the required improvements to the road network, including the Corral Hollow interchange and triggers.

Response: Please see the response to Comment 14.

We look forward to working with you on this project. If you have any questions, please contact Barbara Hempstead at (209) 948-3909 (e-mail: Barbara.Hempstead@dot.ca.gov) or myself at (209) 941-1921.

Sincerely,


TOM DUMAS, CHIEF
OFFICE OF METROPOLITAN PLANNING



THOMAS M. GAU
DIRECTOR

FRITZ BUCHMAN
DEPUTY DIRECTOR

MICHAEL SELLING
DEPUTY DIRECTOR

JIM STONE
DEPUTY DIRECTOR

ROGER JANES
BUSINESS ADMINISTRATOR



May 16, 2014

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STOCKTON, CALIFORNIA 95201
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MAY 20 2014

CITY OF TRACY

Bill Dean, Assistant Director
Development Services Department
City of Tracy
333 Civic Center Plaza
Tracy, California 95376

SUBJECT: UPDATED NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR
THE TRACY HILLS SPECIFIC PLAN PROJECT

Dear Mr. Dean:

The San Joaquin County Department of Public Works has reviewed the Updated Notice of Preparation for the above referenced project and has no additional comments to add to the comments submitted in a letter dated November 20, 2013. However, the County does request to be included on the circulation list for any additional project documents.

Thank you for the opportunity to review and comment. Should you have questions, please contact me at (209) 468-8494 or aspitzer@sjgov.org.

Sincerely,



AMY SPITZER
Assistant Planner

AS:mh

c: Firoz Vohra, Senior Engineer



Central Valley Regional Water Quality Control Board

16 May 2014

Bill Dean
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

CERTIFIED MAIL
7013 1710 0002 3644 1981

COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION, TRACY HILLS SPECIFIC PLAN AMENDEMENT PROJECT, SCH# 2013102053, SAN JOAQUIN COUNTY

Pursuant to the State Clearinghouse's 21 April 2014 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Preparation* for the Tracy Hills Specific Plan Amendment Project, located in San Joaquin County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

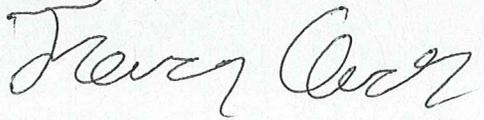
For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

If you have questions regarding these comments, please contact me at (916) 464-4684 or
tcleak@waterboards.ca.gov.

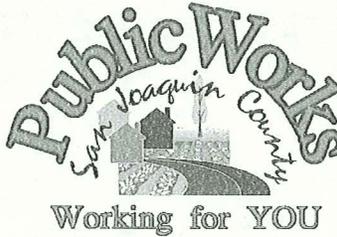
A handwritten signature in black ink, appearing to read "Trevor Cleak". The signature is written in a cursive, flowing style.

Trevor Cleak
Environmental Scientist

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento



THOMAS M. GAU
DIRECTOR



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MAY 20 2014

CITY OF TRACY

FRITZ BUCHMAN
DEPUTY DIRECTOR

MICHAEL SELLING
DEPUTY DIRECTOR

JIM STONE
DEPUTY DIRECTOR

ROGER JANES
BUSINESS ADMINISTRATOR

May 16, 2014

Bill Dean, Assistant Director
Development Services Department
City of Tracy
333 Civic Center Plaza
Tracy, California 95376

SUBJECT: UPDATED NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE TRACY HILLS SPECIFIC PLAN PROJECT

Dear Mr. Dean:

The San Joaquin County Department of Public Works has reviewed the Updated Notice of Preparation for the above referenced project and has no additional comments to add to the comments submitted in a letter dated November 20, 2013. However, the County does request to be included on the circulation list for any additional project documents.

Thank you for the opportunity to review and comment. Should you have questions, please contact me at (209) 468-8494 or aspitzer@sjgov.org.

Sincerely,

AMY SPITZER
Assistant Planner

AS:mh

c: Firoz Vohra, Senior Engineer

**Brigit S.
Barnes &
Associates,
Inc.**

A Law Corporation

Brigit S. Barnes, Esq.
Annie R. Embree, Esq.
Of Counsel



*Land Use and
Environmental
Paralegal*
Jaenalyne Jarvis

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landlawbybarnes.com

May 20, 2014

Via Facsimile, Email, and U.S. Mail

Bill Dean, Assistant Director
Development Services Department
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

Fax: (209) 831-6439

Email: William.dean@ci.tracy.ca.us

Email: des@ci.tracy.ca.us

RECEIVED
MAY 21 2014
CITY OF TRACY

Re: Updated Notice of Preparation ("NOP") Tracy Hills Specific Plan Project
NOP Comments

Dear Mr. Dean:

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 (hereinafter "Horizon"). Consistent with its mission, Horizon has reviewed the Updated NOP and Project Description for the Tracy Hills Specific Plan ("Tracy Hills" or "Project") and raises several matters that relate to Horizon's mission of preserving and protecting agricultural and open space, which Horizon strongly believes require treatment in a draft EIR. These concerns are summarized below.

1. THE EIR SHOULD ADDRESS THE POTENTIAL FOR URBAN DECAY AS A RESULT OF THE PROJECT

Urban decay is now recognized as an environmental impact that must be examined in the context of an EIR. The City of Tracy (the "City") has recognized this requirement on much smaller projects, such as the Winco shopping center and the Wal-Mart expansion, when it required a full analysis of urban decay resulting from these proposed land uses. Thus, the City has already created a precedent to study urban decay as a potentially significant environmental effect, which is consistent with the legal requirements of CEQA. (See *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal. App. 4th 1184 and *Anderson First Coalition v. City of Anderson* (2005) 130 Cal. App. 4th 1173.) Thus, Horizon believes that the Project EIR should address whether approval of this Project adversely affects existing retail, commercial, and industrial projects, their vacancies, and remainder absorption.

The Project proposes an estimated 5,670,000 square feet of mixed use business, highway commercial, and light industrial uses. The Project is adjacent to or in close proximity to the following specific plan areas in or adjacent to the City: Mountain House

Asset Preservation • Commercial Real Estate • Environmental
General Business • Real Estate Financing • Litigation

Master Plan, Cordes Ranch, Ellis Specific Plan, and Tracy Gateway Planned Unit Development, (collectively the “Approved Plan Areas”). Combined, these other Approved Plan Areas permit at least 15 million square feet of approved commercial, office, and industrial uses.¹ This number does not include similar uses permitted throughout the City outside of the Approved Plan Areas, such as the Downtown Area; thus, the actual available commercial square footage may be much higher. The Project EIR should include an analysis of the remaining available square footage of the approximately 15 million square feet already available, the demand for this use, the impact of the Project on the balance of the City, and the potential for urban decay and deterioration as a result of over-supply of commercial property and the potential for businesses’ flight from the Downtown Area and/or the other Approved Plan Areas.

This pattern of commercial flight from existing areas can lead to urban decay and deterioration, and wholesale re-direction of traffic and living patterns, and thus requires a full analysis under CEQA. The burden is on the Project applicant to analyze the potential effects of urban decay, which typically requires a full economic impact analysis.

2. THE PROJECT EIR SHOULD EVALUATE THE CONVERSION OF AGRICULTURAL LAND AND LOSS OF OPEN SPACE

The Project NOP identifies the loss of 3,552 acres of conservation and open space. The Project EIR should evaluate the additional loss of this open space. The Project should further evaluate the compelling justification to convert valuable open space and conservation land in or near the City in light of the available approved but undeveloped project, and should explore all alternatives to the proposed uses in this area in already existing projects. In the alternative, the Project should be required to mitigate for the loss of open space and agricultural land similar to the requirements of the Ellis Specific Plan or Cordes Ranch.

3. THE EIR SHOULD EVALUATE THE ENVIRONMENTAL IMPACT OF GLOBAL WARMING

The revised EIR should address the impacts of global warming as required by CEQA. The Project should evaluate the impact of GHGs on the environment and disclose the projected GHG emissions that will be produced by the Project and whether, or how, the Project as a whole will meet the GHG reduction goals of AB 32.

¹ Source: City of Tracy Planning Department web-site, numbers taken from Specific Plans listed on that web-site: <http://www.ci.tracy.ca.us/?navId=595>

4. THE EIR SHOULD EVALUATE THE ENVIRONMENTAL EFFECTS PRODUCED BY “HOT SPOTS”

The NOP identifies 5,446 housing units and 5,700,000 square feet of commercial uses. The EIR should evaluate how much of the land will be devoted to paved parking lots and the effects of “hot spots” also known as an “urban heat island effect”. Heat islands result from replacing natural land cover with buildings, pavement, and other infrastructure. The Environmental Project Agency (“EPA”) reports that many cities have temperatures that are up to ten degrees higher than the surrounding natural land cover. It affects public health by amplifying the effect of hot weather. It also increases energy use for air conditioning (increasing GHG emissions) and accelerates formation of smog. The EIR is required to consider and examine this environmental effect.

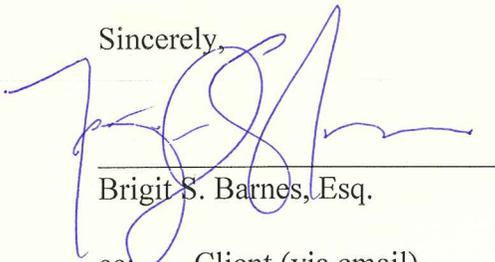
5. THE EIR SHOULD EVALUATE THE POTENTIAL FOR A GAS LINE EXPLOSION

In connection with the City’s consideration of the Ellis Specific Plan project, considerable analysis both within the context of the EIR and as part of the hearing process was devoted to analyzing the possibility of a PG&E gas line explosion similar to the gas line explosion experienced by the City of San Bruno. According to the NOP, four gas lines and two oil lines rest within or near the Project boundary. It is unclear whether or not any of these lines include the same PG&E gas line that received so much attention during the Ellis Specific Plan hearing.

The CEQA guidelines direct public agencies to study whether a project would “create a significant hazard to the public through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.” The San Bruno situation illustrates that such a hazardous event is foreseeable and the potential for such a catastrophic event should be examined by the Project EIR along with potential mitigation measures.

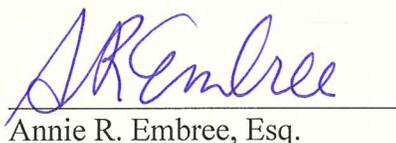
Thank you for your consideration of Horizon Planet’s comments on the Updated NOP. Horizon Planet believes that the above issues should be included in any environmental analysis of the Project.

Sincerely,



Brigit S. Barnes, Esq.

~and~



Annie R. Embree, Esq.

cc: Client (via email)
Horizon.TracyHills\PlanningCommission.L01



May 20, 2014

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

RECEIVED
MAY 27 2014
CITY OF TRACY

Project: Updated Notice of Preparation of Environmental Impact Report for Tracy Hills Specific Plan Project

District CEQA Reference No: 20140245

Dear Mr. Dean:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Updated Notice of Preparation (NOP) for the Tracy Hills Specific Plan Project. The proposed project consists of the development of approximately 2,732 acres with up to 5,499 residential dwelling units, schools, parks, commercial, industrial and other land uses in Tracy, CA. The District offers the following comments:

Emissions Analysis

- 1) The District is currently designated as extreme nonattainment for the 8-hour ozone standard, attainment for PM10 and CO, and nonattainment for PM2.5 for the federal air quality standards. At the state level, the District is designated as nonattainment for the 8-hour ozone, PM10, and PM2.5 air quality standards. The District recommends that the Air Quality section of the Environmental Impact Report (EIR) include a discussion of the following impacts:
 - a) **Criteria Pollutants:** Project related criteria pollutant emissions should be identified and quantified. The discussion should include existing and post-project emissions.
 - i) **Construction Emissions:** Construction emissions are short-term emissions and should be evaluated separate from operational emissions. The District recommends preparation of an Environmental Impact Report (EIR) if annual construction emissions cannot be reduced or mitigated to below the following levels of significance: 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), or 15 tons per year particulate matter of 10 microns or less in size (PM10).

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

- *Recommended Mitigation:* To reduce impacts from construction related exhaust emissions, the District recommends feasible mitigation for the project to utilize off-road construction fleets that can achieve fleet average emissions equal to or cleaner than the Tier II emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards.
- ii) **Operational Emissions:** Permitted (stationary sources) and non-permitted (mobile sources) sources should be analyzed separately. The District recommends preparation of an Environmental Impact Report (EIR) if the sum of annual permitted and non-permitted emissions cannot be reduced or mitigated to below the following levels of significance: 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), or 15 tons per year particulate matter of 10 microns or less in size (PM10).
- *Recommended Mitigation:* Project related impacts on air quality can be reduced through incorporation of design elements, for example, that increase energy efficiency, reduce vehicle miles traveled, and reduce construction exhaust related emissions. However, design elements and compliance with District rules and regulations may not be sufficient to reduce project related impacts on air quality to a less than significant level.
 - Another example of a feasible mitigation measure is the mitigation of project emissions through a Voluntary Emission Reduction Agreement (VERA). The VERA is an instrument by which the project proponent provides monies to the District, which is used by the District to fund emission reduction projects that achieve the reductions required by the lead agency. District staff is available to meet with project proponents to discuss a VERA for specific projects. For more information, or questions concerning this topic, please call District Staff at (559) 230-6000.
- iii) **Recommended Model:** Project related criteria pollutant emissions should be identified and quantified. Emissions analysis should be performed using CalEEMod (**C**alifornia **E**mission **E**stimator **M**odel), which uses the most recent approved version of relevant Air Resources Board (ARB) emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: www.caleemod.com.
- b) **Nuisance Odors:** The project should be evaluated to determine the likelihood that the project would result in nuisance odors. Nuisance orders are subjective, thus the District has not established thresholds of significance for nuisance odors.

Nuisance odors may be assessed qualitatively taking into consideration of project design elements and proximity to off-site receptors that potentially would be exposed objectionable odors.

- c) **Health Impacts:** Project related health impacts should be evaluated to determine if emissions of toxic air contaminants (TAC) will pose a significant health risk to nearby sensitive receptors. TACs are defined as air pollutants that which may cause or contribute to an increase in mortality or serious illness, or which may pose a hazard to human health. The most common source of TACs can be attributed to diesel exhaust fumes that are emitted from both stationary and mobile sources. Health impacts may require a detailed health risk assessment (HRA).

Prior to conducting an HRA, an applicant may perform a prioritization on all sources of emissions to determine if it is necessary to conduct an HRA. A prioritization is a screening tool used to identify projects that may have significant health impacts. If the project has a prioritization score of 1.0 or more, the project has the potential to exceed the District's significance threshold for health impacts of 10 in a million and an HRA should be performed.

If an HRA is to be performed, it is recommended that the project proponent contact the District to review the proposed modeling approach. The project would be considered to have a significant health risk if the HRA demonstrates that project related health impacts would exceed the District's significance threshold of 10 in a million.

More information on TACs, prioritizations and HRAs can be obtained by:

- E-mailing inquiries to: hramodeler@valleyair.org; or
- Visiting the District's website at:

http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm.

- 2) In addition to the discussions on potential impacts identified above, the District recommends the EIR also include the following discussions:
- a) A discussion of the methodology, model assumptions, inputs and results used in characterizing the project's impact on air quality. To comply with CEQA requirements for full disclosure, the District recommends that the modeling outputs be provided as appendices to the EIR. The District further recommends that the District be provided with an electronic copy of all input and output files for all modeling.
 - b) A discussion of the components and phases of the project and the associated emission projections, including ongoing emissions from each previous phase.

- c) A discussion of project design elements and mitigation measures, including characterization of the effectiveness of each mitigation measure incorporated into the project.
- d) A discussion of whether the project would result in a cumulatively considerable net increase of any criteria pollutant or precursor for which the San Joaquin Valley Air Basin is in non-attainment. More information on the District's attainment status can be found online by visiting the District's website at:
<http://valleyair.org/aqinfo/attainment.htm>.

District Rules and Regulations

- 3) The proposed project may be subject to District rules and regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
- 4) The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (209) 557-6446. Current District rules can be found online at the District's website at:
<http://www.valleyair.org/rules/1ruleslist.htm>
- 5) Based on information provided, the proposed project would equal or exceed the relevant District Rule 9510 (Indirect Source Review) applicability threshold of 50 residential units. Therefore, the District concludes that the proposed project is subject to District Rule 9510.
 - a) Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at:
<http://www.valleyair.org/ISR/ISRHome.htm>.

The District recommends that a copy of the District's comments be provided to the project proponent. If you have any questions or require further information, please call Mark Montelongo at (559) 230-5905.

Sincerely,

Arnaud Marjollet
Director of Permit Services



for: Chay Thao
Program Manager

AM: mm



State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



May 21, 2014

Mr. Bill Dean
City of Tracy
Development Services Department
333 Civic Center Plaza
Tracy, CA 95376

Dear Mr. Dean:

Subject: Tracy Hills Specific Plan, Notice of Preparation of a Draft Environmental Impact Report, SCH #2013102053, City of Tracy, San Joaquin County

The California Department of Fish and Wildlife (CDFW) has reviewed the documents for the Notice of Preparation (NOP) submitted by the City of Tracy for the Tracy Hills Specific Plan Project (Project). The Project includes a comprehensive update to the previously adopted 1998 Tracy Hills Specific Plan (THSP) that covered approximately 6,175 acres and established land use and development standards for approximately 2,732 acres located near the existing interchange around Corral Hollow Road and the proposed Lammers Road interchange on Interstate 580 within the City of Tracy, San Joaquin County. The remaining 3,443 acres was to be designated as conservation open space. When the THSP was adopted in 1998; the 2,732-acre development envelope was annexed into the City of Tracy while the 3,552-acre conservation open space area was not.

The current Project proposes to update and modify the previously approved 1998 THSP to include changes in zoning districts and development standards for the annexed 2,732-acre portion of the 6,175 acres, but does not include the annexation of the 3,552 acres that were designated conservation open space. The construction of this extensive community development Project would require massive grading, trenching, excavation, soil compaction, and paving and has the potential to impact unidentified wetlands, creeks, riparian habitats, natural drainages, swales and stream systems on the Project site. The Project also proposes to permanently alter large contiguous blocks of suitable upland grassland, sagebrush and match weed scrub, and great valley oak and cottonwood riparian forest habitat that could significantly impact numerous plant and wildlife resources. Specifically, CDFW is concerned the development in these areas could prevent future colonization or expansion opportunities of biological resources into their historic range, create significant barriers for wildlife access to creek and riparian habitat, render wildlife movement corridors impermeable, and impede access to and pinch key linkage areas. The Project also has the potential to significantly impact several state threatened and endangered species not originally contemplated to be present on the Project site in the 1998 THSP, as well as those biological resources already discussed.

Mr. Bill Dean
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The Project is not located within the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) and therefore, take coverage cannot be extended for the state and federally listed species covered by the SJMSCP. As a result, development of the 2,732-acre Project will necessitate separate compliance with requirements including, but not limited to, the acquisition of a state Incidental Take Permit (ITP) pursuant to Section 2081(b) of the Fish and Game Code. In order to adequately assess any potential impact to biological resources and to establish an appropriate baseline of suitable habitat and potential species present within the 2,732-acre Project site, CDFW recommends that reconnaissance level biological surveys be conducted by a qualified wildlife biologist and botanist during the appropriate season(s). The results of these surveys should be included in the draft Environmental Impact Report (EIR) and used to inform the analysis of direct, indirect, and cumulative impacts to biological resources and to provision suitable and enforceable avoidance, minimization, and mitigation measures to reduce impacts to less-than-significant levels.

Fish and Wildlife Resources

The Project has the potential to impact nesting birds, migratory birds and state special-status, fully protected or listed, threatened and endangered species, including but not limited to: San Joaquin kit fox (*Vulpes macrotis mutica*) State Threatened (ST); Townsend's big-eared bat (*Corynorhinus townsendii*) State Candidate for Listing (SCL); San Joaquin pocket mouse (*Perognathus inornatus inornatus*) State Species of Special Concern (SSC); American badger (*Taxidea taxus*) SSC; pallid bat (*Antrozous pallidus*) SSC; western mastiff bat (*Eumops perotis californicus*) SSC; California tiger salamander (*Ambystoma californiense*) ST; California red-legged frog (*Rana draytonii*) SSC; foothill yellow-legged frog (*Rana boylei*) SSC; western spadefoot toad (*Spea hammondi*) SSC; western pond turtle (*Emys marmorata*) SSC; coast horned lizard (*Phrynosoma blainvillii*) SSC; silvery legless lizard (*Anniella pulchra pulchra*) SSC; Alameda whipsnake a.k.a. Alameda striped racer (*Masticophis lateralis euryxanthus*) ST; San Joaquin whipsnake (*Masticophis flagellum ruddocki*) SSC; white-tailed kite (*Elanus leucurus*) Fully Protected (FP); golden eagle (*Aquila chrysaetos*) FP; least Bell's vireo (*Vireo belli pusillus*) State Endangered (SE); Swainson's hawk (*Buteo swainsoni*) ST; tri-colored blackbird (*Agelaius tricolor*) SSC; western burrowing owl (*Athene cunicularia*) SSC; Ferruginous hawk (*Buteo regalis*); loggerhead shrike (*Lanius ludovicianus*) SSC; valley elderberry longhorn beetle (*Desmocercus californicus dimorphus*) Federally Threatened (FT), large-flowered fiddleneck (*Amsinckia grandiflora*) SE; round leaved filaree (*California macrophylla*) 1B; Lemmon's jewel flower (*Caulanthus lemmonii*) 1B; big tarplant (*Blepharizonia plumosa*) 1B; diamond-petaled California poppy (*Eschscholzia rhombipetala*) 1B; and hospital canyon larkspur (*Delphinium californicum* ssp.) 1B.

State Species of Special Concern

Species of plants and animals need not be officially listed as endangered, rare, or threatened on any state or federal list to be considered endangered, rare, or threatened under the California Environmental Quality Act (CEQA). If a species can be shown to meet the criteria for endangered, rare, or threatened, as specified in the CEQA Guidelines

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(California Code of Regulations, Title 14, Chapter 3, Section 15380), it should be fully considered in the environmental analysis for the Project. This should include SSC that are known to the Project area vicinity and could occur in the Project area such as California red-legged frog, western pond turtle, and American badger; as such, impacts to these species and their habitats must be identified and mitigated to a level of less-than-significant. These species forage, breed and nest in aquatic systems, riparian areas and associated uplands and may utilize sites within and around the Project Area. These species have all been identified to occur within or on adjacent sites.

California Endangered Species Act

Please be advised that a California Endangered Species Act (CESA) Permit must be obtained if the Project has the potential to result in take of species of plants or animals listed under CESA, either during construction or over the life of the project. Issuance of a CESA Permit is subject to CEQA documentation; therefore, the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

Trustee Agency Authority

CDFW is a Trustee Agency with responsibility under CEQA for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, CDFW is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities, as those terms are used under CEQA [Division 13 (commencing with Section 21000) of the Public Resources Code].

Responsible Agency Authority

CDFW is a Responsible Agency when a subsequent permit or other type of discretionary approval is required from CDFW, such as an ITP, pursuant to CESA, or a Lake and Streambed Alteration Agreement (LSAA) issued under Fish and Game Code Sections 1600 et seq.

CDFW has regulatory authority over projects that could result in the "take" of any species listed by the state as threatened or endangered, pursuant to Fish and Game Code Section 2081. If the Project could result in the "take" of any species listed as threatened or endangered under CESA, an ITP will be required. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (Sections 21001{c}, 21083, Guidelines Sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code

Section 2080. In other words, compliance with CESA does not automatically occur based on local agency project approvals or CEQA compliance; consultation with CDFW is warranted to ensure that Project implementation does not result in unauthorized "take" of a state listed species.

Incidental "take" authority is required prior to engaging in lawful "take" of any plant or animal species listed under CESA. Plants listed as threatened or endangered under CESA cannot be addressed by methods described in the Native Plant Protection Act. No direct or indirect disturbance, including translocation, may legally occur to state listed species prior to the applicant obtaining incidental "take" authority in the form of an ITP.

Fully Protected Species

CDFW has jurisdiction over fully protected species of birds, mammals, amphibians, reptiles, and fish pursuant to Fish and Game Code Sections 3511, 4700, 5050, and 5515. "Take" of any fully protected species is prohibited and CDFW cannot authorize their "take" for development. The white-tailed kite and golden eagle are fully protected species that are known to nest and forage near, or within the Project Area. Projects within occupied territories have the potential to significantly impact the species. CDFW recommends that focused raptor surveys be conducted by experienced individuals prior to the preparation of the CEQA document. The CEQA document for this Project is advised to include appropriate species-specific measures to avoid take of these species.

Lake and Streambed Alteration Agreement

For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, CDFW may require an LSAA, pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. Issuance of an LSAA is subject to CEQA. CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the LSAA notification process, please access our website at <http://www.dfg.ca.gov/habcon/1600/>; or to request a notification package, contact CDFW's Bay Delta Regional Office at (707) 944-5500.

Corral Hollow Creek

Corral Hollow Creek and its associated flood plain and alluvial fan area have high species diversity and provide suitable habitat for, but not limited to, the following: San Joaquin kit fox; California red-legged frog; California tiger salamander; American badger; San Joaquin whipsnake; Alameda whipsnake; and a variety of special-status plant species. The mixed-use business park and light industrial zone, two low density residential zones, and two general highway commercial zones directly north of Corral Hollow Road in the southern portion of the proposed Project (as illustrated in Figure 2: Zoning Districts Map) pose the greatest potential to significantly impact the hydrology, riparian, and water quality values of

this watercourse. CDFW advises the direct and indirect impacts to Corral Hollow Creek and the alluvial fan area associated with the flood plain be thoroughly described and that feasible, measurable avoidance, minimization and mitigation measures be discussed and made enforceable conditions of Project approval.

Unidentified Creeks, Drainages, and Swale Systems

The Project has the potential to impact previously unidentified creeks, drainages, and swales that persist throughout the Project site. In order to fully inform the baseline habitat and functional value conditions present on the Project site, CDFW recommends suitable habitat investigations are conducted in order to determine if these habitats exist elsewhere within the proposed Project boundaries. If present, each creek, drainage, or swale system and the potential corresponding impacts are advised to be addressed in their own section of the environmental document. This information is necessary to 1) inform a full discussion and identification of resources in these areas and their potential to be impacted by the proposed Project; 2) analyze potential impacts as to their significance; and 3) identify measures to reduce all potentially significant impacts to a level of less-than-significant.

Impacts to Water Quality and Aquatic Resources

CDFW has concerns regarding the potential discharge of storm water runoff or other potential discharges from the residential, commercial, and industrial developments where sediment, animal wastes, heavy metals, petroleum products, pesticides, and other constituents of concern could impact seasonal wetlands, Corral Hollow Creek and the riparian corridor and alluvial fan, unidentified creeks, drainages, and swales. The creation of artificial drainages or alteration of existing drainage patterns, and changes in vegetation has the potential to increase flow rates and increase turbidity. Wastewater from stormwater and urban treatment facilities is also known to contaminate surface and groundwater alike. Surface water and groundwater contamination includes the increase of sediment, nitrogen compounds, salts, pesticides, heavy metals, pathogens, dissolved solids, endocrine disruptors, and other constituents of concern. The draft EIR should evaluate the potential impacts to groundwater and surface water contamination, and the potential related impacts to plants and wildlife that depend on these aquatic resources for all or part of their life cycle.

Mitigation Scenarios

CDFW highly recommends avoidance of permanent, temporary, direct, and indirect impacts to all creek, channel, drainage, and swale systems including tributaries and their corresponding floodplains. Mitigation ratios of 3:1 are recommended in project related activities involving the permanent impact of ephemeral streams, drainages, and tributaries. Where impacts cannot be avoided, CDFW recommends that to the most feasible extent possible, all impacts to stream and riparian resources be mitigated on-site through the permanent protection and management of on-site habitat.

Key Linkage Corridors

The construction of this large-scale planned community has the potential to cause significant impacts to identified key linkage corridors for wildlife movement. These linkage

corridors are an essential component to maintain landscape porosity and gene flow within and between California's wildlife populations without any significant barriers or blockades. The linkage corridor spans from north of the Byron Airport to the south across the two channels of the California Aqueduct, through Interstate-580, to extend south of Corral Hollow Road and beyond. As currently proposed, the Project would significantly impact and impede the continued use by wildlife of this key linkage corridor through this area. CDFW believes this impact and the concomitant adverse effects on wildlife are potentially unable to be offset by mitigation. In addition, other key linkage areas exist to the north of Corral Hollow Road that would be directly impacted by the construction of the Project. CDFW strongly recommends avoidance of any impact to the Corral Hollow Creek key linkage corridor and corresponding flood plain and alluvial sand movement area. Furthermore, the City of Tracy has the opportunity to plan on a large scale how neighborhood developments, public use areas, commercial and industrial centers will develop over the course of the next few decades and therefore, has the potential to plan for full avoidance and continuous unobstructed use by wildlife of this key linkage corridor. The CEQA document is advised to adequately analyze and address direct, indirect, and cumulative impacts to this key linkage area and public trust resources and to discuss mitigation measures. CDFW recommends the draft EIR present this information in its own separate section.

Biological Site Assessment and Surveys

The 1998 THSP did not adequately disclose the potential for California tiger salamander, foothill yellow-legged frog, and other special-status wildlife species to occur on the Project site. It doesn't appear from the THSP that properly timed biological site assessments and surveys were conducted to identify the potential for special-status wildlife species and habitat that supports these species to occur within the Project 2,732-acre footprint. Subsequently, without proper surveys to characterize the site and the potential use thereof by sensitive species, disclosure under CEQA and development of avoidance and minimization measures to mitigate impacts to less-than-significant levels is not possible. Sensitive natural communities which occur on the Project site should also be identified and mapped and potential impacts evaluated and mitigated. A complete assessment (including but not limited to type, quantity and locations) of the habitats, flora and fauna within and adjacent to the project area, including endangered, threatened, and locally unique species and sensitive habitats is recommended to be presented in the draft EIR. Inclusion of the reasonably foreseeable direct and indirect changes (temporary and permanent) that may occur with implementation of the project is merited as well. The proposed draft EIR must address potential impacts to all listed and sensitive species. Rare, threatened and endangered species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, Section 15380). Biological site assessment and species surveys need to be conducted by a qualified wildlife biologist during the appropriate survey periods in order to inform the CEQA document and satisfy the requirement to disclose potential Project-related impacts during the public review period.

Mr. Bill Dean
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CDFW recommended survey and monitoring protocols and guidelines are available at [http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols for Surveying and Evaluating Impacts.pdf](http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/Protocols%20for%20Surveying%20and%20Evaluating%20Impacts.pdf).

Priority Botanical Area

The Corral Hollow Creek and unnamed stream corridors, surrounding upland areas, and distinctive geological features contain unique and sensitive botanical communities which warrant further focused surveys to determine the potential for listed and rare plant species to be present. In all areas where potentially suitable habitat is identified, botanical surveys are recommended to be conducted and be performed in accordance with guidelines developed by CDFW (DFG, 2000) and the U.S. Fish and Wildlife Service (USFWS, 2000). Botanical surveys are floristic in nature and must be timed appropriately, cover the entire area of direct and indirect effects, and may require multiple surveys in order to detect all species which could potentially be present before CEQA impact analysis occurs. Note the above referenced guidelines instruct the use of reference sites to confirm appropriate survey timing, particularly for seasonably variable, often difficult to detect species.

Thank you for the opportunity to comment on the NOP of a draft EIR for the City of Tracy's THSP. CDFW is available to consult with the City regarding potential effects to fish and wildlife resources, as well as specific measures which would mitigate potential effects of the project, once appropriate surveys have been conducted. If you have any questions, please contact Mr. Robert Stanley, Environmental Scientist, at (707) 944-5573; or Ms. Annee Ferranti, Senior Environmental Scientist (Supervisory), at (707) 944-5554.

Sincerely,



ar
Scott Wilson
Regional Manager
Bay Delta Region

cc: State Clearinghouse

June 17, 2014



Mr. Bill Dean
Assistant Director, Development Services Department
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

RE: Tracy Hills Specific Plan Project

Dear Mr. Dean,

This letter is in response to the Updated Notice of Preparation of Environmental Impact Report for the Tracy Hills Specific Plan Project, dated April 15, 2014.

A project-level environmental impact report (EIR) is being prepared for the Tracy Hills Specific Plan Project (Project). The Project would include a mixture of residential, commercial, business park, office, industrial, schools, parks, and open space land uses on approximately 2,732 acres. The Project, located near the existing interchange around Corral Hollow Road and the proposed interchange at Lammers Road on Interstate 580, would allow development of up to 5,499 residential units and other land uses.

The City understands that this project is subject to the terms and conditions of the Settlement Agreement, dated December 31, 1998 and Memorandum of Agreement on Additional Terms, transmitted February 3, 1999. The Altamont Regional Traffic Authority, a Joint Exercise of Powers Authority (JPA) among the City of Tracy, City of Livermore, and Alameda County, was formed pursuant to the Settlement Agreement. Section 3 of the Settlement Agreement requires the parties to consider the regional implications of Major Development Projects, which include residential projects in excess of one hundred detached single family dwelling units.

The EIR should analyze and report on the impacts of the Project on roadways leading into Alameda County, including I-580, Tesla Road, Patterson Pass Road, and Altamont Pass Road. The EIR should analyze the impacts of the Project on congested interchanges and intersections downstream along these routes. The EIR should analyze and report on the impacts of the Project on transit systems (ACE, BART) ridership and parking availability. Mitigation measures should be identified to reduce any impacts to a less than significant level.

The Settlement Agreement requires the City of Tracy to impose a new condition of approval on the Specific Plan approval for the Tracy Hills project that states the following:

“The Project developer(s) shall be required to pay the Transportation Impact Fee established pursuant to the written Agreement by and between the City of Tracy, LTA, the Sierra Club, the County of Alameda, and the City of Livermore to the City of Tracy prior to the issuance of building permits for any residential portion of the Project. Said condition shall be incorporated into any development agreement or similar agreement if entered into by the developer and the City of Tracy. Said condition shall constitute the only regional traffic impact fee charged against the Project.”

The Settlement Agreement requires the City of Tracy to levy, collect and remit to the JPA a \$1,000 Transportation Impact Fee on each dwelling unit upon issuance of a building permit. \$500 of the fee shall be applied to regional transportation improvements within San Joaquin County to improve I-205 and I-580. \$500 of the fee shall be applied to trip reduction within San Joaquin County. In addition to the Transportation Impact Fee, the City of Tracy shall levy, collect, and remit to the JPA a fee of \$500 (1998 dollars) per dwelling unit for the purpose of the transportation improvement or trip reduction projects within Alameda County as approved by the JPA. This \$500 fee shall be adjusted by not more than 2.5% per annum for increases in the cost of living as determined annually by the Engineering News Record index for road construction costs.

Current drought conditions in California have caused many water districts to require significant, mandatory water usage reduction and conservation. Construction of up to 5,499 residential dwelling units and other land uses will cause a significant demand for water. The EIR should analyze and report on how the Project can be served with water without impacting the supply for existing water users.

Thank you for the opportunity to comment on the Tracy Hills Specific Plan Project. I look forward to reviewing the draft Specific Plan and draft EIR when they are available.

Sincerely,



Bob Vinn
Assistant City Engineer
(925) 960-4516



SAN JOAQUIN COUNCIL OF GOVERNMENTS

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TRACY,
AND
THE COUNTY OF
SAN JOAQUIN

October 30, 2014

Mr. Bill Dean
Assistant Director
City of Tracy, Developmental Services Department
333 Civic Center Plaza, Tracy CA 95376

Re: ALUC Review - Updated Notice of Preparation– Tracy Hills Specific Plan

Dear Mr. Dean:

The San Joaquin Council of Governments (SJCOCG), acting as the Airport Land Use Commission (ALUC), has reviewed the Updated Notice of Preparation for the Tracy Hills Specific Plan (THSP) Amendment. The project would allow the development of 2,732 acres with up to 5,499 residential dwellings, schools parks, commercial, industrial, and other land uses.

The project site is located within Tracy Municipal Airport's Area of Influence (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. Upon receipt and review of the Draft Final EIR, the designated ALUC will determine the THSP's consistency with the 2009 Airport Land Use Compatibility Plan.

The ALUC requests that the DEIR contain a complete consistency analysis of the proposed land uses relative to the 2009 ALUCP zones for Tracy Municipal Airport as well an analysis of environmental effects.

In particular, the ALUC wishes to draw attention to an area of the proposed specific plan located along Coral Hollow Road directly south of the Delta-Mendota Canal. The specific plan assigns a zoning designation of M-1-TH Light Industrial to this area. A portion of this area lies in the Inner Approach/Departure Zone and Inner Turning Zone as specified in the 2009 ALUCP for Tracy Municipal Airport. Attachment C to this letter lists the uses specifically prohibited in these zones; in particular all business and personal services, manufacturing, and industrial uses are prohibited in these zones.

Additionally, the California Education Code (Section 17215) requires the California Department of Transportation, Division of Aeronautics, to conduct a site investigation for the acquisition of every proposed public and charter school site within two nautical miles of an existing or planned runway. The Division shall evaluate the compatibility of the site with the California Airport Land Use Planning Handbook, the local airport land use compatibility plan, and other factors prior to making its recommendations to the State Department of Education for use in determining whether state funds can be expended on the school.

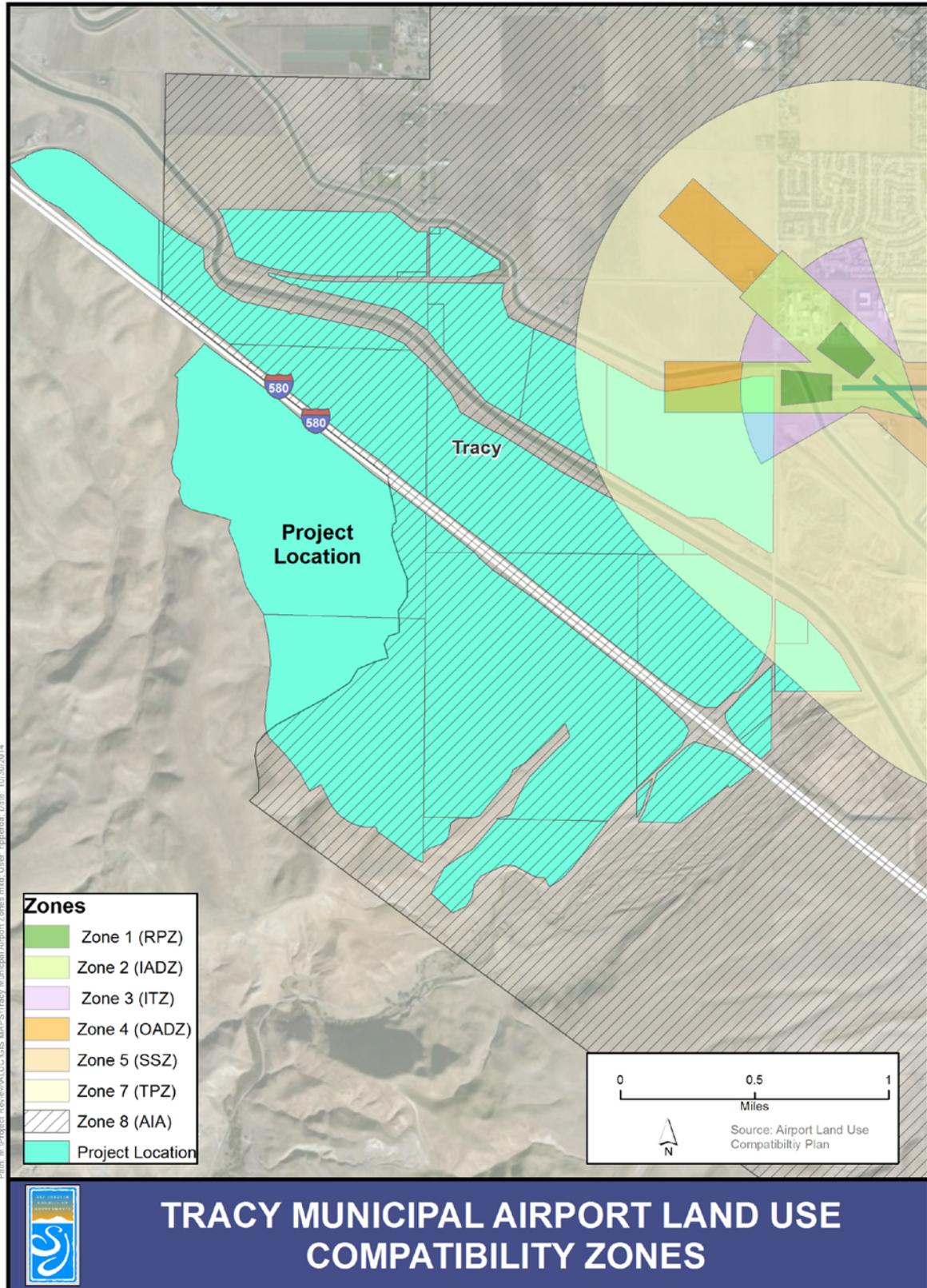
Thank you for the opportunity to review and comment on this project. Please forward all documents to this office. If you have any questions please call ALUC staff David Ripperda, at (209) 235-0450, or Kim Anderson at (209) 235-0565. We would be pleased to meet with the city to provide any necessary information, support and guidance.

Sincerely,



David Ripperda
SJCOG Regional Planner

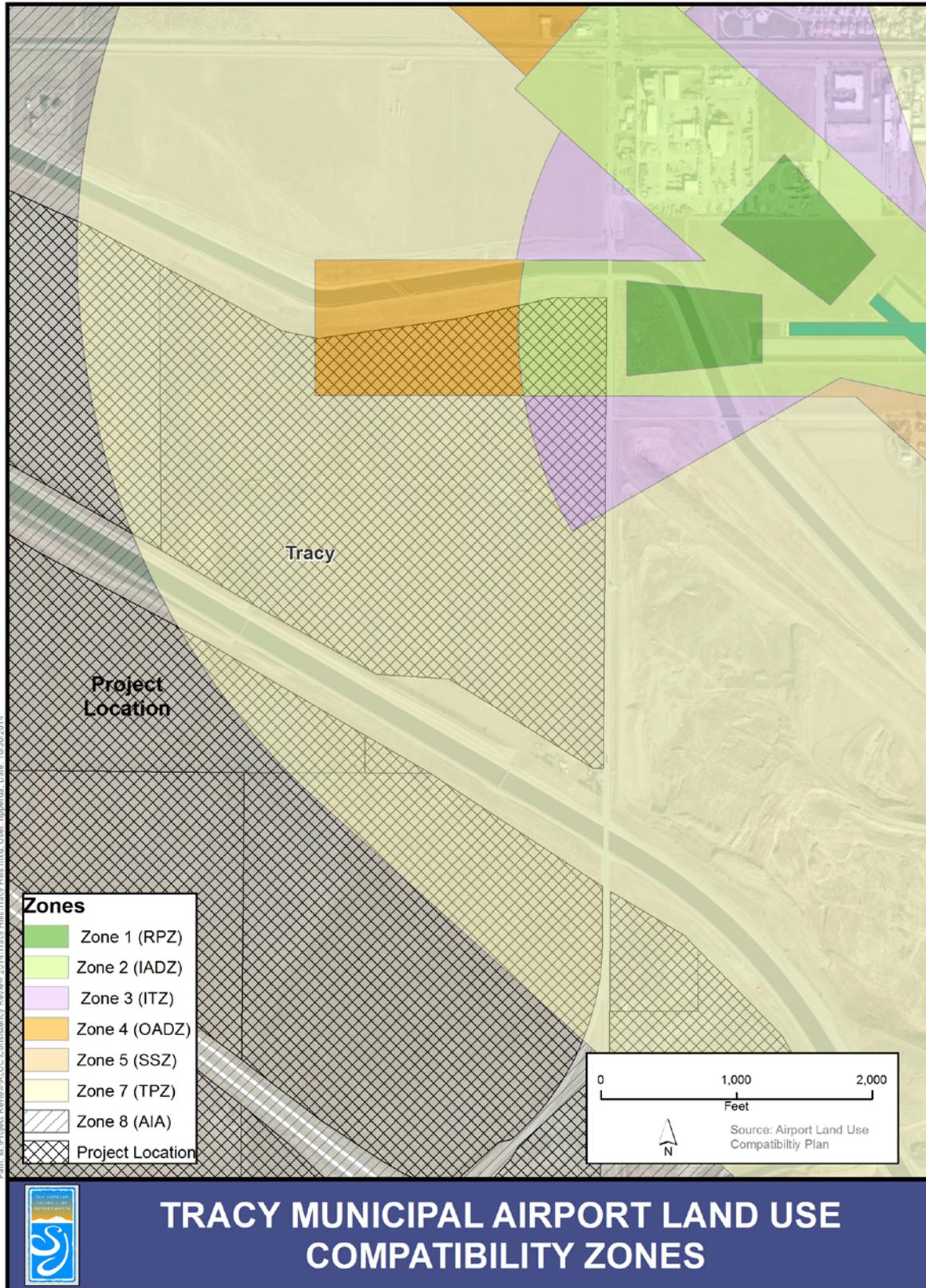
Attachments: Attachment A: Map of Project Location in relation to Tracy Municipal Airport ALUCP Zones
 Attachment B: Inset of Project Location Map
 Attachment C: Except of 2009 Airport Land Use Plan for Tracy Municipal Airport



Path: M:\Project_Review\ALUC\GIS\Map\STracy_Municipal_Airport_Zones.mxd; User: rjpedraza; Date: 10/20/2014



Attachment B



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TABLE 3A Safety Criteria Matrix					
Zone	Maximum Densities/Intensities/Required Open Land			Additional Criteria	
	Dwelling Units per Acre¹	Maximum Non-residential Intensity²	Req'd Open Land³	Prohibited Uses⁴	Other Development Conditions⁵
Zone 1 (RPZ)	None	None	All unused	<ul style="list-style-type: none"> • 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 pipelines¹¹ • Dumps or landfills, other than those consisting entirely of earth & rock. • Hazards to flight⁶ 	<ul style="list-style-type: none"> • Avigation easement dedication
Zone 2 (IADZ)	1 d.u. per 10 acres	50 persons per acre	30%	<ul style="list-style-type: none"> • 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 pipelines¹¹ • 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 flight⁶ 	<ul style="list-style-type: none"> • Avigation easement dedication • Locate structures maximum distance from extended runway centerline • Minimum NLR of 45 dB residences (including mobile homes) and office buildings⁸ • Airspace review required for objects > 35 feet tall⁹
Zone 3 (ITZ)	1 d.u. per 5 acres	120 persons per acre	20%	Same as Zone 2	<ul style="list-style-type: none"> • Same as zone 2
Zone 4 (OADZ)	1 d.u. per 5 acres	180 persons per acre	20%	<ul style="list-style-type: none"> • Children's schools, day care centers, libraries • Hospitals, nursing homes • Bldgs. with >3 aboveground habitable floors • Highly noise-sensitive outdoor nonresidential uses⁷ • Hazards to flight⁶ 	<ul style="list-style-type: none"> • Minimum NLR of 25 dB in residences (including mobile homes) and office buildings⁸ • Airspace review required for objects >70 feet tall¹⁰

TABLE 3A (Continued)
Safety Criteria Matrix

Zone	Maximum Densities/Intensities/Required Open Land			Additional Criteria	
	Dwelling Units per Acre ¹	Maximum Non-residential Intensity ²	Req'd Open Land ³	Prohibited Uses ⁴	Other Development Conditions ⁵
Zone 5 (SSZ)	1 d.u. per 2 acres	160 persons per acre	25%	Same as Zone 2	Same as Zone 2
Zone 6 (AP)	None	No Limit	No Requirement	<ul style="list-style-type: none"> Hazards to flight⁶ 	<ul style="list-style-type: none"> Airspace review required for objects >70 feet tall¹⁰
Zone 7 (TPZ)	No Limit	450 persons per acre	10%	<ul style="list-style-type: none"> Hazards to flight⁶ Outdoor stadiums 	<ul style="list-style-type: none"> Airspace review required for objects >100 feet tall¹⁰
Zone 8 (AIA)	No Limit	No Limit	No Requirement	<ul style="list-style-type: none"> Hazards to flight⁶ 	<ul style="list-style-type: none"> Airspace review required for objects >100 feet tall¹⁰

Notes:

- Residential development must not contain more than the indicated number of dwelling units (excluding secondary units) per gross acre (d.u./ac). Clustering of units is encouraged. Gross acreage includes the property at issue plus a share of adjacent roads and any adjacent, permanently dedicated, open lands.
- Usage intensity calculations shall include all people (e.g., employees, customers/visitors, etc.) who may be on the property at a single point in time, whether indoors or outside. Multiplier bonus for Special Risk-Reduction Bldg. Design is 1.5 for Zone 2 and 2.0 for Zones 3, 4, 5, and 7. (Appropriate risk reduction measures are specified in the California Code of Regulations, Title 24, Part 2.)
- Open land requirements are intended to be applied with respect to an entire zone. This is typically accomplished as part of a community general plan or a specific plan, but may also apply to large (10 acres or more) development projects.
- The uses listed here are ones that are explicitly prohibited regardless of whether they meet the intensity criteria. In addition to these explicitly prohibited uses, other uses will normally not be permitted in the respective compatibility zones because they do not meet the usage intensity criteria.
- As part of certain real estate transactions involving residential property within any compatibility zone (that is, anywhere within an airport influence area), information regarding airport proximity and the existence of aircraft overflights must be disclosed. This requirement is set by state law. Easement dedication and deed notice requirements indicated for specific compatibility zones apply only to new development and to reuse if discretionary approval is required.
- Hazards to flight include physical (e.g., tall objects), visual, and electronic forms of interference with the safety of aircraft operations. Land use development that may cause the attraction of birds to increase is also prohibited.
- Examples of highly noise-sensitive outdoor nonresidential uses that should be prohibited include amphitheaters and drive-in theaters. Caution should be exercised with respect to uses such as poultry farms and nature preserves.
- NLR = Noise Level Reduction, the outside-to-inside sound level attenuation that the structure provides.
- Objects up to 35 feet in height are permitted. However, the Federal Aviation Administration may require marking and lighting of certain objects.
- This height criterion is for general guidance. Shorter objects normally will not be airspace obstructions unless situated at a ground elevation well above that of the airport. Taller objects may be acceptable if determined not be obstructions.
- Natural gas & petroleum pipelines less than 36 inches below the surface.

RPZ Runway Protection Zone
IADZ Inner Approach/Departure Zone
ITZ Inner Turning Zone
OADZ Outer Approach/Departure Zone

SSZ - Sideline Safety Zone
AP - Airport Property
TPZ - Traffic Pattern Zone
AIA - Airport Influence Area



Kimley-Horn
and Associates, Inc.

Tom Dumas, Chief
Office of Metropolitan Planning
Caltrans District 10
P.O. Box 2048
Stockton, CA 95201

■
Suite 250
100 West San Fernando
Street
San Jose, California
95113

April 15, 2014

**RE: Tracy Hills Specific Plan DEIR: Response to Caltrans District 10 NOP
Comments**

Dear Mr. Dumas

Thank you for your Department's continuous interest in future development projects in the City of Tracy, specifically the Tracy Hills Specific Plan. This letter is a response to your comments regarding Traffic Analysis for the Tracy Hills Specific Plan and serves as a follow-up to our meeting on January 22, 2014. Please note that the comprehensively updated Specific Plan, as attached, has changed from the October 2013 NOP and Initial Study.

The response to the comments follows the general flow of your letter dated December 3, 2013, which was based on the Project as defined in the October 2013 NOP.

1. The Guide for the Preparation of Traffic Impact Studies, published by Caltrans December 2002 will be utilized to prepare the Traffic Section of the DEIR for the Tracy Hills Specific Plan Project.
2. A pre-consultation meeting was held with Caltrans Staff on January 22, 2014.
3. The applicable jurisdiction/agency standards and thresholds of significance will be utilized in the analysis of the roadway network.
4. The most recent SJCOG travel demand model from the SJCOG RTP, as updated for the City of Tracy for the City General Plan and subsequently the Cordes Ranch Specific Plan EIR, will be utilized in the analysis. The model has been calibrated for trip generation characteristics unique to the City of Tracy for the City of Tracy 2011 General Plan. Typically the City trip generation is slightly higher when compared to ITE trip generation rates, especially for retail land uses. The detailed project trip generation will be indicated in the Trip Generation subsection in the DEIR.

5. Forecast volumes from the model will be post processed using the Furness method.
6. The City uses a 5% project traffic limit for cumulative traffic conditions as the threshold for including study intersections and segments in the traffic analysis. This methodology was utilized from select zone plots to identify the study roadways. Based on this methodology, the following Caltrans facilities will be studied in the traffic analysis:

Caltrans Study Intersections	Project Trips / Cumulative+Project Trips
Corral Hollow Road/I-580 EB Ramp	96.66%
Corral Hollow Road/I-580 WB Ramp	98.42%
Mountain House Parkway/I-580 EB Ramps	57.34%
Mountain House Parkway/I-580 WB Ramps	20.55%
Lammers Road/I-580 EB Ramps	49.28%
Lammers Road/I-580 WB Ramps	71.99%
Lammers Ext (Eleventh)/I-205 EB Ramps	14.05%
Lammers Ext (Eleventh)/I-205 WB Ramps	39.72%
Chrisman Road/I-205 EB Ramps	7.26%
Chrisman Road/I-205 WB Ramps	36.36%

Caltrans Study Highway Segments	Project Trips / Cumulative+Project Trips
I-580 - Between I-205 Junction & Mountain House Parkway Interchange	14.20%
I-580 - Between Mountain House Parkway & Lammers Road Interchange	36.14%
I-580 - Between Lammers Road & Corral Hollow Road Interchange	23.46%
I-580 - Between Corral Hollow Road & Rte132 (Vernalis Rd) Interchange	9.42%
I-580 - Grant Line Road/I-205 Junction	3.93%
I-205 - Eleventh Street/Corral Hollow Road	4.80%

I-205 Lammers Road/Chrisman Road	2.31%
I-205 Chrisman Road/I-5 Junction	3.22%

Note: Strike-through segments were identified as potential candidates, but not studied because they did not meet the 5% threshold.

7. Traffic Counts were collected during the typical AM and PM peak hours in the City of Tracy. The AM peak (7-9AM) and PM peak (4-6PM) were counted on a typical Tuesday, Wednesday and/or Thursday.
8. Some study intersections and roadways currently fall under the County of San Joaquin jurisdiction, but within the City Sphere of Influence, and will be annexed into the City, as future annexations are considered. Some intersections remain within the County jurisdiction. The County will be consulted on the potential CIP projects they plan to implement and the data will be included in the analysis.
9. Intersection spacing for the Corral Hollow interchange and the proposed Lammers interchange will be evaluated and included in analysis. This may occur as part of the Vesting Tentative Map approval.
10. Truck percentages will be accounted for at the Mountain House-Patterson pass/I-580 interchange, since this interchange provides access to an industrial area. No Saturday analysis will be conducted, because the project will generate the highest trips during the weekday PM peak hours.
11. HCM 2010 methodologies will be used to analyze signalized and unsignalized intersections. For close spacing of intersections and to determine queue lengths, SimTraffic will be used in the analysis. For roundabouts, Sidra 6 will be utilized. Mainline operations will be analyzed using HCM methodologies. No merge and diverge analysis is required for this level of analysis, unless indicated as such in the traffic section of the DEIR.
12. The addition of the project traffic does not warrant weaving or ramp metering analysis at the Corral Hollow and Lammers interchanges. The City will work with Caltrans to develop a PSR and/or PR document once the project applicant develops a number of units which trigger improvements that will require the project applicant to maintain the Caltrans operational standards at the study intersections.
13. STAA routes on the City road network have been identified in the City Transportation Master Plan (TMP - Fig. 4.22). Corral Hollow Road will be a future STAA route and Lammers Road will be a future Local Truck

Route. Truck routes have been identified to protect the residential character of developments alongside major arterials. Based on our preliminary analysis, the project would not generate a significant amount of STAA truck traffic from the freeway.

14. The following study scenarios will be analyzed:
 - Existing Conditions,
 - Existing Plus Project 2035 conditions
 - Existing Plus project Buildout Conditions (Segments and Caltrans intersections only)
 - Cumulative (2035) conditions
 - Cumulative (2035) Plus Project 2035 conditions
 - Cumulative Plus Project Buildout Conditions (Segments and Caltrans intersections only)
 - A Vested Tentative Map Phase (1A) of the project, as submitted by the applicant, will be evaluated in the DEIR.
15. Mitigation Measures will be identified consistent with the SJCOG RTP and CIP, Caltrans PSR's, the County of San Joaquin CIP and City of Tracy TMP and CIP, and may include additional improvements as deemed feasible, if required or triggered.
16. The worksheets and background information will be attached to the DEIR document in an appendix.
17. Project location, vicinity, Specific Plan Circulation, study intersections, existing and future scenario turning movements for the AM and PM peak hours will be indicated in the analysis. Travel Demand model plots will be provided for select zones/the project.
18. Lammers Road is a much needed facility for both The Tracy Hills Specific Plan and the further buildout of the City. The approximate location of the interchange is included in the City 2035 TMP and it is also funded in the City TIF.
19. As noted in paragraph 14, a first phase of development will be included in the analysis, indicating the required improvements to the road network, including the Corral Hollow interchange and triggers.

Please feel free to contact us with any further comments and /or clarifications/.
We look forward to collaborating with you to facilitate the review and
consideration of this project.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.



Frederik Venter PE

CC:

Ripon Bhatia, City of Tracy
Bill Dean, City of Tracy
Victoria Dion, City of Tracy
Kuldeep Sharma, City of Tracy
Laura Worthington Forbes, KHA

COATES FIELD SERVICE, INC.
3021 CITRUS CIRCLE, SUITE 160
WALNUT CREEK, CALIFORNIA 94598

RECEIVED

APR 25 2014

CITY OF TRACY
FAX 925 935-8367

TEL. 925-935-5101

Please reply to:

Jeremy L. Gross
Contract Conflict Inquiry Representative
Chevron Pipe Line Company
2360 Buchanan Rd.
Pittsburg, CA 94565
TEL (925) 753-2003 FAX (925) 753-2030
jgpf@chevron.com

April 23, 2014

City of Tracy
Development Services Department
333 Civic Center Plaza
Tracy, CA 95376
Attn: Bill Dean, Assistant Director

PROPOSED TRACY HILLS SPECIFIC PLAN PROJECT

Dear Mr. Dean:

Thank you for giving us the opportunity to answer your questions. We would like to give you a little background on our pipelines and some of the safety requirements we require before allowing any work near our pipelines.

Chevron received your Notice of Preparation and Environmental Impact Report for the proposed "Tracy Hills Specific Plan" Project.

Chevron operates one (1) active pipeline in the vicinity of the project. This 18-inch buried pipeline appears to be within the "M1 Light Industrial" portion of the project. This high pressure pipeline transports crude oil. Extreme caution should be used when excavating, drilling, or grading around this pipeline.

You are being sent an aerial image delineating the approximate location of Chevron Pipe Line Company's KLM pipeline. Chevron assumes no responsibility for the accuracy of these drawings and they should be used only for the general location of our facilities. Actual depths and alignment can only be determined by field checking and potholing the pipeline. Chevron will provide a Facility Inspector to mark and help locate our pipeline. Your company would be responsible to provide a backhoe and operator and a surveyor if needed.

OKLAHOMA CITY, OK
405-528-5676
CORPORATE OFFICE

ALBANY, NEW YORK
518-438-4499



TAMPA, FLORIDA
813-623-6446

HOUSTON, TEXAS
281-583-7300

We consider your request as very preliminary fact finding. Chevron will require several weeks of lead time to provide any detailed information regarding facilities and right-of-way information. A request for more specific information should be requested through Jeremy Gross (Contract Conflict Inquiry Specialist) at (925) 753-2003, mailing address 2360 Buchanan Rd., Pittsburg, Ca. 94565.

Our pipelines are operated and maintained under Federal Regulations (D.O.T. 195) and State Regulations (California Pipeline Safety Act).

Chevron, Federal, and State regulations require 12-inches (minimum) clearance between petroleum pipeline and other cross-lines that intersect at a 90° angle (perpendicular to each other). If the intersection angle is less than 90°, the minimum clearance between the two pipelines must be 24-inches or greater.

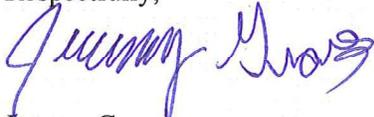
Chevron recommends that the potholing of the Chevron pipeline be done before construction plans are completed so conflicts between your proposed road reconstruction project and our pipeline can be avoided. Chevron requires that arrangements for potholing of its pipelines be made at least forty-eight (48) hours in advance with Jeremy Gross at (925) 753-2003. Chevron will provide a Facility Inspector to locate the pipelines and assist with the potholing.

Regarding restrictions on development over our pipelines, most of our easements do not restrict paving or landscaping as long as encroachment clearances are maintained. That is, no less than 24-inches of undisturbed clearance between the top of pipe and bottom of the subgrade for paving and grass or shallow rooted plants on the easements. Deep-rooted trees and all structures are prohibited. All excavations within 24-inches of Chevron's facilities must be done by hand tools only. I would also like to add that the use of heavy vibratory equipment is prohibited over our pipelines.

Chevron must review and approve all construction plans that involve right of way encroachments. All work that would affect our pipeline needs to be coordinated with our office at 2360 Buchanan Rd., Pittsburg, Ca. 94565.

Notify Underground Service Alert (USA) at 800-227-2600 at least 48 hours prior to any excavation work. If you have any questions or need additional information, please contact me at (925) 753-2003. Thank you for the advance notice on this project, we look forward to working with you.

Respectfully,



Jeremy Gross
Contract Conflict Inquiry Specialist
For Chevron Pipe Line Company

File: Tracy Hills Specific Plan Project.docx

OKLAHOMA CITY, OK
405-528-5676
CORPORATE OFFICE

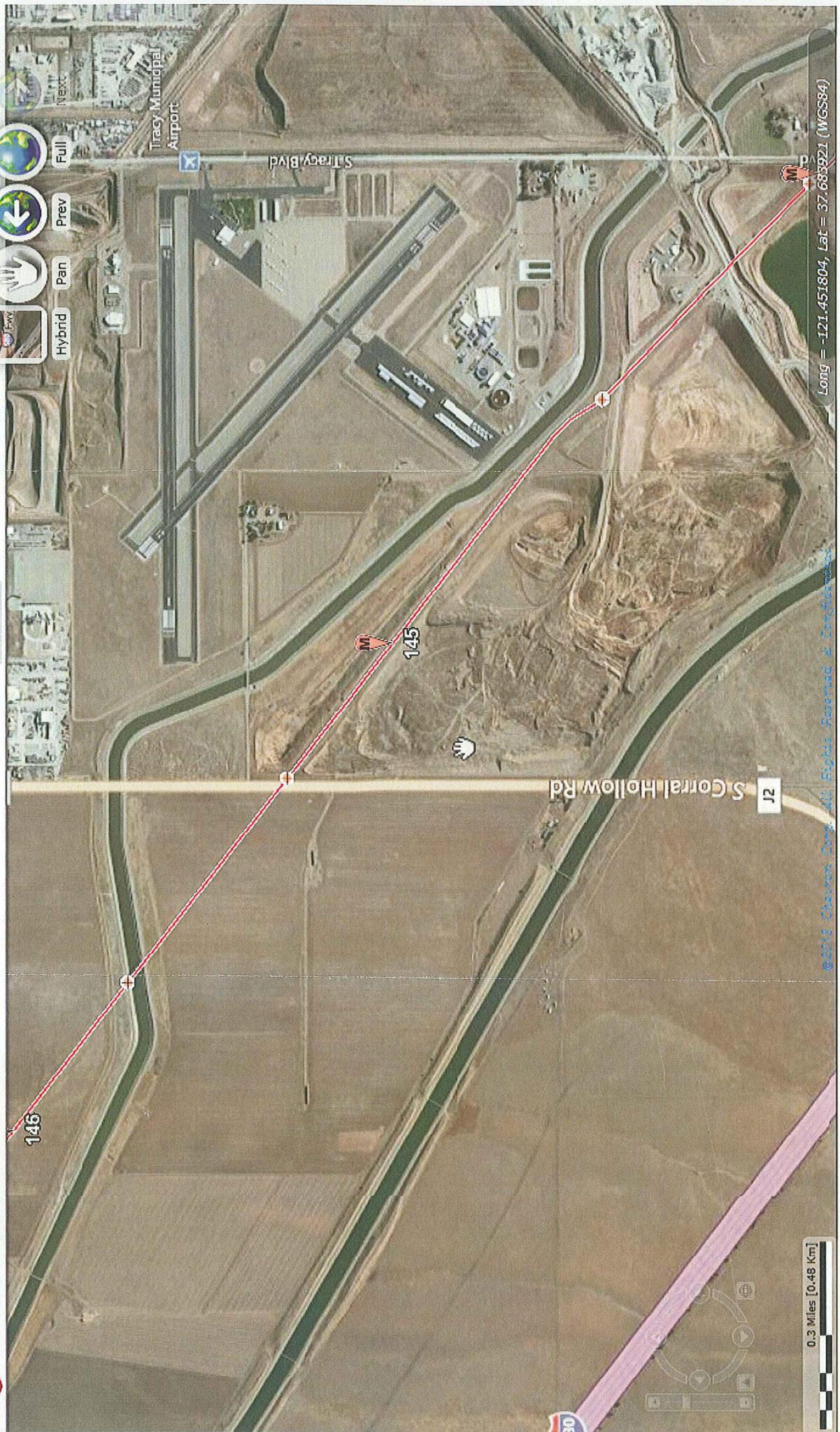
ALBANY, NEW YORK
518-438-4499



TAMPA, FLORIDA
813-623-6446

HOUSTON, TEXAS
281-583-7300

Zoom: 1:17,961



146

145

S Corral Hollow Rd

J2

Tracy Municipal Airport

S Tracy Blvd

0.3 Miles [0.48 Km]

Long = -121.451804, Lat = 37.683921 (WGS84)

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MARK V. CONNOLLY

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May 14, 2014

Bill Dean, Assistant Director
Development Services
City of Tracy
City Hall
333 Civic Center Plaza
Tracy, CA 95376

**Re: Updated Notice of Preparation of Environmental Impact Report
Project Title: Tracy Hills Specific Plan Project**

Dear Mr. Dean:

This letter is to provide comments in response to the Updated Notice of Preparation of Environmental Impact Report ("Notice").

"Figure 2, Zoning Districts" attached to the Notice shows significant differences from the Land Use Diagram, Figure 3.1 and the UMP General Plan Land Use, Figure 2.3, contained in the 1998 Tracy Hills Specific Plan ("1998 THSP"). A copy of Figures 3.1 and 2.3 are attached. There appears to have been 273 acres of open space in the 1998 THSP not including the 3,552.1 acres of "Habitat". Table 1 attached to the Notice shows only 185 acres of Open Space, not including roads, interstate exchanges, aqueducts, railroads and other uses that serve no public open space purpose. (People don't usually recreate in canals, on freeways or railroad tracks.) Figure 1 of the Notice does list 119.8 acres of Conservation Corridors, but these are not shown on Figure 2, Zoning Districts, of the Notice and it is impossible to determine where these are located or whether this open space will serve any wildlife or habitat purposes. The Golf Course shown in the 1998 THSP, Figure 3.1 which connected to the 3,552.1 acres of Habitat is not shown on Figure 2 of the Notice. These facts raise significant concerns that are further compounded by the fact that mitigation required by the prior EIR has not been implemented.

On September 10, 2013 I wrote a letter to you, a copy of which is attached again for your reference. In that letter I stated: "The original FEIR was based on the assumption that there would be a HMP for Tracy Hills:

"The 1996 HMP was developed between the project applicant (represented in part by LSA) and the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG). Both of these agencies have indicated that the present draft of the HMP satisfies

their concerns on the biotic resources of the site (pers. Comm. Sheila Larson, USFWS; Dan Gifford). Of the 5,139 acres of the project site, a total of 3,552 acres on site is proposed to be permanent open space. Additionally, the applicant will dedicate 592 acres of land off-site, for a total of 4,144 acres of open space habitat to be permanently preserved.” (FEIR 4.8-2)”

The EIR for the Updated THSP needs to determine the status of the above mitigation required by the FEIR including documentation from regulatory agencies.

The Summary of Significant Impacts and Mitigation Measures, Table 2.2 of the FEIR for the project stated:

“M 21.2: Prior to the issuance of grading permits, the City shall require complete San Joaquin kit fox survey to be completed by a qualified biologist experienced in kit fox survey methods, **in accordance with currently accepted USFWS and CDFG Survey methodologies.**

M 21.3: If surveys reveal the presence of kit fox or **the proposed project site occurs in potential kit fox habitat, the project proponent shall consult with the USFWS and CDFG to determine appropriate mitigation.**

M 21.4: Mitigation for impacts to San Joaquin kit fox shall include replacement habitat. Replacement habitat can be in the form of either on-site or off-site lands or a combination of both. **Mitigation shall comply with FESA and CESA and administered by USFWS and CDFG.**

M 21.7 State and/or **Federal incidental take permits shall be obtained** before building or grading permits are issued for any development in an areas which provided habitat for threatened or endangered species.”

FEIR 4.8-15-4.8-16.

The above mitigation measures, never implemented, need to be implemented. Nothing in the proposed Updated Notice of Preparation, at least as to what has been disclosed, would reduce the environmental impacts. As described above it appears that the updated Tracy Hills Specific Plan may increase impacts or reduce open space and these issues need to be addressed in the EIR.

The updated THSP should not allow public access to the proposed on-site mitigation habitat as this is inconsistent with kit fox habitat. (Specific Plan 3-11) Public use of any kind, including hiking, jogging, running and pet recreation is inconsistent with wildlife mitigation, including buffers and corridors.

In summary, the EIR needs to describe and update the status of the 3,552.1 acres described in the FEIR as habitat and the HCP of 592 acres off site. The project cannot be fragmented to allow the 2,731.6 acres to develop while abandoning the required

mitigation including the 3,552.1 acres and an HCP. Additionally, a side by side analysis by land use type (golf course, rail road, aqueduct ROW, Interstate exchanges conservation corridors, GP mandated Open Space) of all claimed open space contained in the 1998 Specific Plan and the updated THSP needs to included so it can be determined if such open space serves any real recreational or habitat purpose.

Very truly yours,



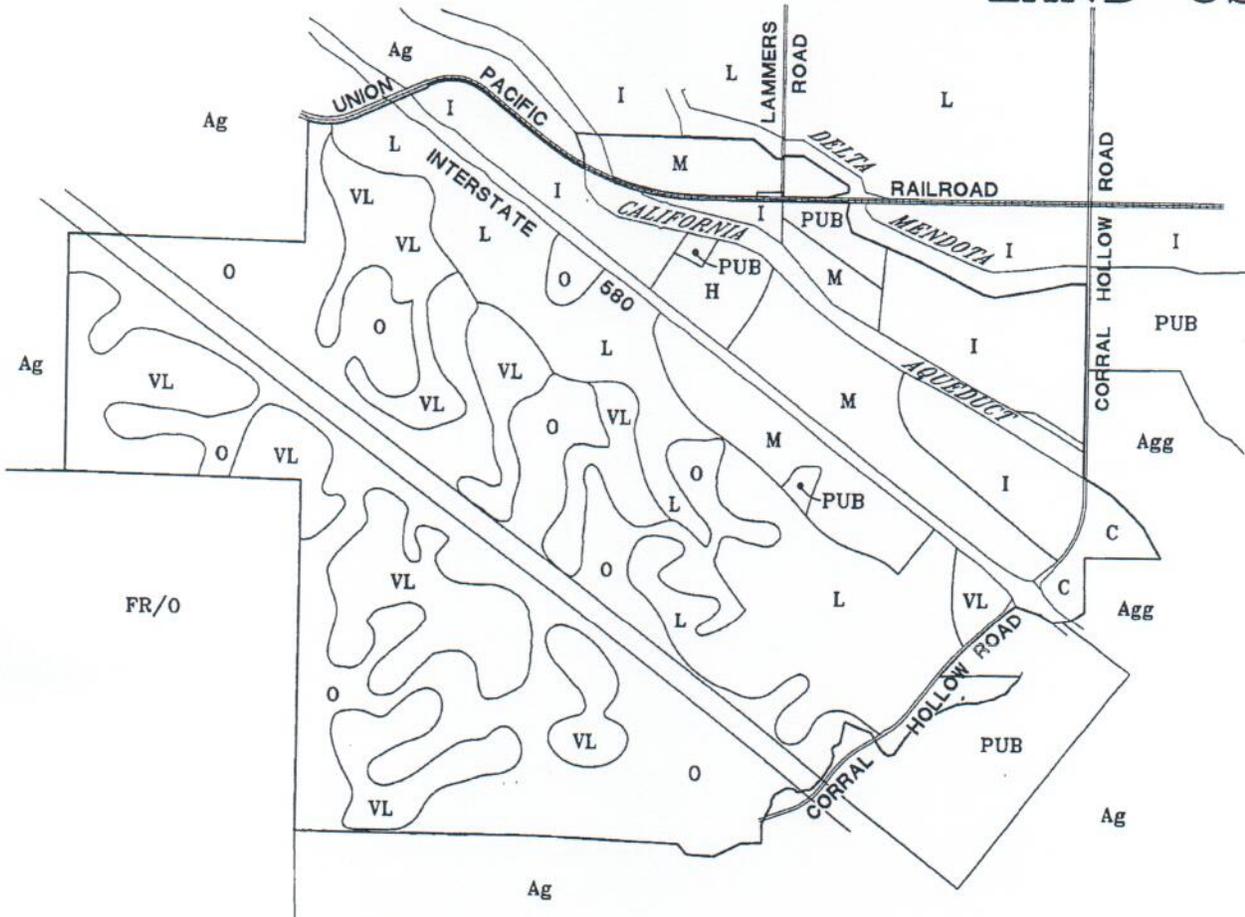
MARK V. CONNOLLY

cc: Hans Van Ligten, Rutan & Tucker, LLP

SPECIFIC PLAN TRACY HILLS

TRACY,
CALIFORNIA

CITY OF TRACY UMP/GENERAL PLAN LAND USE



Ag	AGRICULTURE	I	INDUSTRIAL
Agg	AGGREGATE	L	RESIDENTIAL LOW
C	COMMERCIAL	M	RESIDENTIAL MEDIUM
FR/O	FEDERAL RESERVE/ OPEN SPACE	O	OPEN SPACE
H	RESIDENTIAL HIGH	PUB	PUBLIC FACILITIES
		VL	RESIDENTIAL VERY LOW



FIGURE 2.3



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September 10, 2013

Bill Dean
Assistant DS Director
City of Tracy
City Hall
333 Civic Center Plaza
Tracy, CA 95376

Re: Preparation of EIR for Tracy Hills Specific Plan

Dear Mr. Dean:

On the May 7, 2013 Agenda for the City Council was a request for authorization concerning a professional services agreement concerning a professional services agreement for the Preparation of an EIR of the Tracy Hills Specific Plan Amendment. The a major problem is that Tracy Hills has not mitigated for environmental impacts identified in the FEIR for the Specific Plan approved in 1998. Specifically, it has not satisfied the mitigation requirements which were conditions of that approval. Tracy Hills is not entitled to move forward with any approvals having failed to comply with its earlier mitigation requirements. A Specific Plan that is void due to failure to implement required mitigation measures cannot be amended.

We have been informed that the Tracy Hills project is no longer an AKT project and is now a project of Integral Communities. The City of Tracy has made the Tracy Hills project a priority in its growth management ordinance. Tracy and Integral Communities have taken the position that the project is ready to turn dirt and can be issued RGAs. An RGA is a "Residential Growth Allotment" which entitles the holder to a building permit and is an entitlement. A consultant is proposed to be retained to prepare an EIR for the Tracy Hills Specific Plan Amendment.

Statements both in public hearings and in staff reports by City of Tracy staff and officials indicating the project is ready to go and receive RGAs and is proceeding with a Specific Plan Amendment EIR conflict with the above mitigation measures and with the fact that the original approvals incorporated a HMP that never materialized.

The original FEIR was based on the assumption that there would be a HMP for Tracy Hills:

“The 1996 HMP was developed between the project applicant (represented in part by LSA) and the U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG). Both of these agencies have indicated that the present draft of the HMP satisfies their concerns on the biotic resources of the site (pers. Comm. Sheila Larson, USFWS; Dan Gifford). Of the 5,139 acres of the project site, a total of 3,552 acres on site is proposed to be permanent open space. Additionally, the applicant will dedicate 592 acres of land off-site, for a total of 4,144 acres of open space habitat to be permanently preserved.” (FEIR 4.8-2)

The FEIR then went on to state how “the open space dedications and land management practices described within the HMP as components of proposed land uses within the Specific Plan to mitigate development related biological impacts to lands owned by Grupe Communities, Inc.”

The HMP never happened. The dedication of an additional 592 acres never happened. The Mitigation required by the FEIR did not happen and cannot happen since a multi-species HMP for the Tracy Hills site started in 1996 was never completed. The adopted mitigation has not materialized. Since the EIR and its unimplemented mitigation measures was incorporated into the Specific Plan, the Specific Plan is obsolete, outdated unimplemented and cannot be amended. Just as important is the fact that the FEIR for the project is also obsolete and outdated since it is now 15 years old in addition to its complete failure to implement the mitigation measures upon which its approval was conditioned.

A new EIR for the entire Specific Plan, not just amendments, is required as the FEIR is approximately 16 years old, the City of Tracy has since adopted a new General Plan and Growth Management Ordinance, has approved new developments such as Ellis and the FEIR and Specific Plan incorporated mitigation measures including an HMP that have not been implemented and do not exist. USFWS and CDFG should review and require appropriate mitigation for 2013 which should be based on endangered and protected species habitat corridor needs today and requires ALL mitigation to occur on site.

One important change between 1996 and 2013 is the mitigation that has occurred all along the I-580 corridor west of Tracy. The mitigation north of the project along the west side of I-580 for the Tracy Hills Business Park and the over 4,000 acre Contra Costa Water District mitigation site located south of the project along the west side of I-580 make the need to protect habitat between these two mitigation areas on all property west of I-580 even more acute.

The now outdated 1998 Specific Plan was inconsistent with the FEIR. As described above the Specific Plan referenced a HMP that never happened and agreements with other agencies that were never reached. At the same time the FEIR improperly deferred both studies and mitigation for species such as the San Joaquin kit fox to the grading permit stage. The FEIR improperly deferred studies and mitigation to other

agencies to a point long after all discretionary approvals will have occurred. The Summary of Significant Impacts and Mitigation Measures, Table 2.2 of the FEIR states:

“M 21.2: Prior to the issuance of grading permits, the City shall require complete San Joaquin kit fox survey to be completed by a qualified biologist experienced in kit fox survey methods, **in accordance with currently accepted USFWS and CDFG Survey methodologies.**

M 21.3: If surveys reveal the presence of kit fox or **the proposed project site occurs in potential kit fox habitat, the project proponent shall consult with the USFWS and CDFG to determine appropriate mitigation.**

M 21.4: Mitigation for impacts to San Joaquin kit fox shall include replacement habitat. Replacement habitat can be in the form of either on-site or off-site lands or a combination of both. **Mitigation shall comply with FESA and CESA and administered by USFWS and CDFG.**

M 21.7 State and/or **Federal incidental take permits shall be obtained** before building or grading permits are issued for any development in an areas which provided habitat for threatened or endangered species.”

FEIR 4.8-15-4.8-16.

Issuance of a grading permit is considered ministerial if no decision making involving subjective judgment is involved. (See 14 Cal Code Regs §15268(b)) Here some more advanced unspecified review of a kit fox survey, consultation with USFWS and CDFW as well as unspecified permits are required. So the grading permit here would not just be a ministerial act.

This deferral to the grading permit stage is improper when specific mitigation is required. In a case involving Gnatcatcher habitat mitigation was deferred because the impacts were to be addressed sometime in the future. (See *Endangered Habitats League, Inc. v County of Orange* (2005) 131 CA4th 777, 794, 32 CR3d 177) In *Endangered Habitats League* the EIR set out the possibilities -on-site or off-site preservation of similar habitat at a ratio of at least 2:1, or one of several possible habitat loss permits from relevant agencies. This enumeration of alternative mitigation measures saved the provision from improper deferral. Here the deferral is too vague in not describing mitigation at all and now at this stage apparently ignoring the need to obtain permits of the USFWS and CDFW.

Deferral of kit fox surveys, the determination of appropriate mitigation including requiring on-site or off-site mitigation land cannot be deferred until grading permits are issued. By that time vesting tentative and final subdivision maps will have been approved. Such surveys and mitigation need to be required before the Specific Plan is approved and implemented into that Specific Plan. The same mistake that was made in 1998 cannot be made again. The mitigation measures need to be fully implemented before any subsequent approvals. The specific mitigation measures need to be

incorporated into the Specific Plan. Otherwise the Specific Plan could be totally inconsistent with the mitigation required particularly as to on-site mitigation. The USFWS and CDFW might require mitigation on-site inconsistent with the Specific Plan.

The Specific Plan also states that the proposed mitigation on-site is proposed to be used for public access, which is inconsistent with kit fox habitat. (Specific Plan 3-11) Public use of any kind is inconsistent with wildlife mitigation, including buffers and corridors.

In summary, mitigation described in both the FEIR and Specific Plan of 1998 and upon which further approvals was conditioned never materialized. The entire prior EIR is outdated due to more current wildlife information as well as new General Plans and projects. This project is proceeding not only without that mitigation, but without complying with the obligation to satisfy the requirements of USFWS and CDFG as represented in the FEIR. Further, over the course of the last 15 years, the need to preserve the entire corridor west along I-580 has become even more important given the conservation easements that now exist on either side of the old proposed project. Deferral of studies and mitigation for endangered species to the grading permit state is far too late. This project, including proceeding with a Specific Plan Amendment, when mitigation measures required by the 1996 FEIR have not been implemented is a violation of CEQA. A new EIR and Specific Plan are required.

Very truly yours,

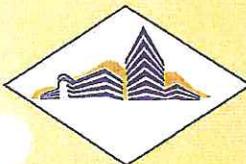


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May 20, 2014

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RECEIVED
MAY 21 2014
CITY OF TRACY

Re: Updated Notice of Preparation ("NOP") Tracy Hills Specific Plan Project
NOP Comments

Dear Mr. Dean:

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 (hereinafter "Horizon").

Consistent with its mission, Horizon has reviewed the Updated NOP and Project Description for the Tracy Hills Specific Plan ("Tracy Hills" or "Project") and raises several matters that relate to Horizon's mission of preserving and protecting agricultural and open space, which Horizon strongly believes require treatment in a draft EIR. These concerns are summarized below.

1. THE EIR SHOULD ADDRESS THE POTENTIAL FOR URBAN DECAY AS A RESULT OF THE PROJECT

Urban decay is now recognized as an environmental impact that must be examined in the context of an EIR. The City of Tracy (the "City") has recognized this requirement on much smaller projects, such as the Winco shopping center and the Wal-Mart expansion, when it required a full analysis of urban decay resulting from these proposed land uses. Thus, the City has already created a precedent to study urban decay as a potentially significant environmental effect, which is consistent with the legal requirements of CEQA. (See *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal. App. 4th 1184 and *Anderson First Coalition v. City of Anderson* (2005) 130 Cal. App. 4th 1173.) Thus, Horizon believes that the Project EIR should address whether approval of this Project adversely affects existing retail, commercial, and industrial projects, their vacancies, and remainder absorption.

The Project proposes an estimated 5,670,000 square feet of mixed use business, highway commercial, and light industrial uses. The Project is adjacent to or in close proximity to the following specific plan areas in or adjacent to the City: Mountain House

Asset Preservation	•	Commercial Real Estate	•	Environmental
General Business	•	Real Estate Financing	•	Litigation

4. THE EIR SHOULD EVALUATE THE ENVIRONMENTAL EFFECTS PRODUCED BY “HOT SPOTS”

The NOP identifies 5,446 housing units and 5,700,000 square feet of commercial uses. The EIR should evaluate how much of the land will be devoted to paved parking lots and the effects of “hot spots” also known as an “urban heat island effect”. Heat islands result from replacing natural land cover with buildings, pavement, and other infrastructure. The Environmental Project Agency (“EPA”) reports that many cities have temperatures that are up to ten degrees higher than the surrounding natural land cover. It affects public health by amplifying the effect of hot weather. It also increases energy use for air conditioning (increasing GHG emissions) and accelerates formation of smog. The EIR is required to consider and examine this environmental effect.

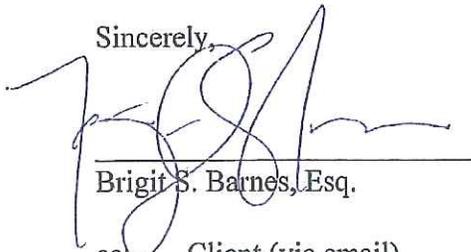
5. THE EIR SHOULD EVALUATE THE POTENTIAL FOR A GAS LINE EXPLOSION

In connection with the City’s consideration of the Ellis Specific Plan project, considerable analysis both within the context of the EIR and as part of the hearing process was devoted to analyzing the possibility of a PG&E gas line explosion similar to the gas line explosion experienced by the City of San Bruno. According to the NOP, four gas lines and two oil lines rest within or near the Project boundary. It is unclear whether or not any of these lines include the same PG&E gas line that received so much attention during the Ellis Specific Plan hearing.

The CEQA guidelines direct public agencies to study whether a project would “create a significant hazard to the public through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.” The San Bruno situation illustrates that such a hazardous event is foreseeable and the potential for such a catastrophic event should be examined by the Project EIR along with potential mitigation measures.

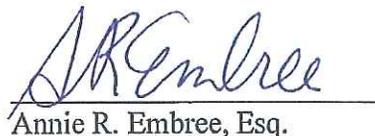
Thank you for your consideration of Horizon Planet’s comments on the Updated NOP. Horizon Planet believes that the above issues should be included in any environmental analysis of the Project.

Sincerely,



Brigit S. Barnes, Esq.

~and~



Annie R. Embree, Esq.

cc. Client (via email)
Horizon.TracyHills\PlanningCommission.L01

Master Plan, Cordes Ranch, Ellis Specific Plan, and Tracy Gateway Planned Unit Development, (collectively the “Approved Plan Areas”). Combined, these other Approved Plan Areas permit at least 15 million square feet of approved commercial, office, and industrial uses.¹ This number does not include similar uses permitted throughout the City outside of the Approved Plan Areas, such as the Downtown Area; thus, the actual available commercial square footage may be much higher. The Project EIR should include an analysis of the remaining available square footage of the approximately 15 million square feet already available, the demand for this use, the impact of the Project on the balance of the City, and the potential for urban decay and deterioration as a result of over-supply of commercial property and the potential for businesses’ flight from the Downtown Area and/or the other Approved Plan Areas.

This pattern of commercial flight from existing areas can lead to urban decay and deterioration, and wholesale re-direction of traffic and living patterns, and thus requires a full analysis under CEQA. The burden is on the Project applicant to analyze the potential effects of urban decay, which typically requires a full economic impact analysis.

2. THE PROJECT EIR SHOULD EVALUATE THE CONVERSION OF AGRICULTURAL LAND AND LOSS OF OPEN SPACE

The Project NOP identifies the loss of 3,552 acres of conservation and open space. The Project EIR should evaluate the additional loss of this open space. The Project should further evaluate the compelling justification to convert valuable open space and conservation land in or near the City in light of the available approved but undeveloped project, and should explore all alternatives to the proposed uses in this area in already existing projects. In the alternative, the Project should be required to mitigate for the loss of open space and agricultural land similar to the requirements of the Ellis Specific Plan or Cordes Ranch.

3. THE EIR SHOULD EVALUATE THE ENVIRONMENTAL IMPACT OF GLOBAL WARMING

The revised EIR should address the impacts of global warming as required by CEQA. The Project should evaluate the impact of GHGs on the environment and disclose the projected GHG emissions that will be produced by the Project and whether, or how, the Project as a whole will meet the GHG reduction goals of AB 32.

¹ Source: City of Tracy Planning Department web-site, numbers taken from Specific Plans listed on that web-site: <http://www.ci.tracy.ca.us/?navId=595>