City of Tracy
Modified Ellis Project

Final Revised Environmental Impact Report

(State Clearinghouse No. 2012022023)

Prepared for
The City of Tracy

Prepared by
RBF Consulting

November 2012

CITY OF TRACY
MODIFIED ELLIS PROJECT

FINAL ENVIRONMENTAL IMPACT REPORT

(STATE CLEARINGHOUSE NO. 2012022023)

NOVEMBER 2012

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TABLE OF CONTENTS

Section	Title	Page
1.0	**Introduction**	1
2.0	**Master Responses**	4
2.1	**Responses to Comments**	13

Agency Comment Letters

Comment Letter 1 –California Regional Water Quality Control Board 13
Comment Letter 2 –United States Army Corps of Engineers 19
Comment Letter 3 –San Joaquin County Department of Public Works 23
Comment Letter 4 –Department of Transportation, Division of Aeronautics 26
Comment Letter 5 –San Joaquin Council of Governments 31
Comment Letter 6 – Department of Transportation 42
Comment Letter 7 – Department of Transportation (2) 48
Comment Letter 8 –San Joaquin Valley Air Pollution Control District 55
Comment Letter 9 –State Clearinghouse & Planning Unit 61

General Public Comment Letters

Comment Letter 10 – Dave Helm 76
Comment Letter 11 – Dave Anderson 168
Comment Letter 12 – Steve Nicolau 210
Comment Letter 13 – Steve Nicolau (2) 214
Comment Letter 14 – Stewart Fahmy 216
Comment Letter 15 – John Favors 220
Comment Letter 16 – Interdeep Sethi 224
Comment Letter 17 – George Riddle 228
Comment Letter 18 – Carol Dominguez 234
Comment Letter 19 – Steve Bradford 528
Comment Letter 20 – Mark Connolly 530
Comment Letter 21– Dave Anderson (2) 544
Comment Letter 22 – Susan Sarvey 668

Interest Group Comment Letters

Comment Letter 23 – CARE – Michael Boyd 675

Comment Letter 24 – CalPilots –Andy Wilson..... 750
Comment Letter 25 – AOPA – John Collins 754

Verbal Comments

Comment Letter 26 – Verbal Comments 758

Late Comments

Comment Letter 27 – San Joaquin County Department of Public Works..... 771

3.0 Revisions to the Draft Revised EIR 775

Appendices

A. SJCOG ALUC Response to Local Jurisdiction Letter

1.0 INTR0DUCTION

1.0-1 Background

The City of Tracy Modified Ellis Project Draft Revised Environmental Impact Report (Draft Revised Ellis EIR) was circulated for a 45-day public review period beginning July 30, 2012, and ending September 13, 2012, as assigned by the State of California Governor's Office of Planning and Research, State Clearinghouse, and consistent with the California Environmental Quality Act Guidelines (CEQA Guidelines). Copies of the document were distributed to federal, state, regional, and local government agencies, as well as organizations and individuals, for their review and comment.

Section 15088(a) of the State CEQA Guidelines states that:

> "The lead agency shall evaluate comments on environmental issues received from persons who reviewed the Draft EIR and shall prepare a written response. The lead agency shall respond to comments received during the noticed comment period and any extension and may respond to late comments."

In accordance with Section 15088(a) of the State CEQA Guidelines, the City of Tracy (City), as the lead agency, has evaluated the comments received on the Draft Revised Ellis EIR for the City of Tracy Modified Ellis Project (Modified Ellis Project) and has prepared written responses to the comments received.

All comments on the Draft Revised Ellis EIR, and the responses thereto, are presented in this document. Section 2 (Comments on the Draft Revised EIR and Responses), Section 2.1 (List of Commenters on Draft Revised EIR) provides a list of all those who submitted comments on the Draft Revised Ellis EIR during the public review period. Section 2.2 (Responses to Individual Comments) includes all of the comments received on the Draft Revised Ellis EIR, which are reproduced in their entirety, as well as responses to each comment.

State CEQA Guidelines Section 15088 requires that lead agencies evaluate and respond to all comments on the Draft EIR that regard an environmental issue. The written response must address the significant environmental issue raised and provide a detailed response, especially when specific comments or suggestions (e.g., additional mitigation measures) are not accepted. In addition, the written response must be a good faith and reasoned analysis. However, lead agencies need only to respond to significant environmental issues associated with the project and do not need to provide all the information requested by the commenter, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines Section 15204).

State CEQA Guidelines Section 15204 recommends that commenters provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible environmental impacts of the project and ways to avoid or mitigate the significant effects of the project, and that commenters provide evidence supporting their comments. Pursuant to State CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence. State CEQA Guidelines Section 15088 also recommends that revisions to the Draft Revised EIR be noted as a revision in the Draft EIR or as a separate section of the Final EIR. Section 3 of this Final EIR identifies all revisions to the City of Tracy Modified Ellis Project Draft Revised EIR.

Section 3 (Revisions to Draft Revised EIR) identifies text and/or graphical revisions to Draft Revised Ellis EIR as a result of comments received, as well as staff-initiated text and/or graphical revisions. Text additions are indicated by underlining the text (underline) and deleted text is indicated by a line through it (~~strikethrough~~). Revised figures and tables are identified with the word "revised" in front of the figure or table number. It is important to note that none of the text revisions in Section 3 present significant new information that would result in new significant environmental impacts or a substantial increase in the severity of environmental impacts identified in the Draft Revised Ellis EIR. Rather, they merely provide clarification or make minor modifications to an adequate EIR. Therefore, recirculation of the Draft Revised Ellis EIR is not required pursuant to CEQA Guidelines Section 15088.5(b).

1.0-2 Contents of the Final Revised EIR

Consistent with Section 15132 of the State CEQA Guidelines, this Final EIR consists of the following:

- The Original Final Ellis EIR
- The Draft Revised Ellis EIR
- A list of persons, organizations, and public agencies that commented on the Draft Revised Ellis EIR
- All comments and recommendations received on the Draft Revised Ellis EIR
- Written responses to each comment provided on the Draft Revised Ellis EIR
- Revisions to Draft Revised Ellis EIR resulting from written and/or verbal comments received

As referenced in the first bullet above, this Final Revised EIR incorporates by reference and includes the entire original Final Ellis EIR.

1.0-3 Certification of Final Revised EIR and Approval Process

In furtherance of Section 15088(b) of the State CEQA Guidelines, for a period of at least ten days prior to any public hearing during which a lead agency will take action to certify an EIR, the Final EIR must be made available to, any public agency that provided comments on the Draft EIR. Pursuant to Section 15090(a) of the State CEQA Guidelines, the Final EIR must be certified before the lead agency can take action on the project.

Following Final EIR certification, but prior to taking action on a project, the lead agency must prepare a Mitigation Monitoring and Reporting Program (MMRP). Before approving (or conditionally approving) the project, the lead agency must also prepare written CEQA Findings for each significant impact identified for the project, accompanied by a brief explanation of the rationale for the finding, in accordance with Section 15091 of the State CEQA Guidelines. If significant environmental impacts that cannot be reduced to a less than significant level are identified for the project, the lead agency must prepare a Statement of Overriding Considerations, pursuant to Section 15093 of the State CEQA Guidelines. In addition to the five significant and unavoidable impacts identified in the Original Ellis EIR summarized below, the Modified Project would result in 12 other significant and unavoidable impacts: three in the area of air quality, two in the area of greenhouse gas emissions, four in the area of noise, and three in the area of traffic and circulation.

It should be noted that the significant and unavoidable impacts of the Original Ellis EIR were not re-analyzed in the Draft Revised Ellis EIR and, as stated in Chapter 2 (Introduction) of the Draft Revised Ellis EIR, those significant and unavoidable impacts remain valid and, as described therein, have been incorporated by reference into the Draft Revised Ellis EIR. The significant and unavoidable impacts of the Original Ellis EIR are identified in the Draft Revised Ellis EIR in Chapter 1 (Executive Summary), Section 1.7 (Unavoidable Significant Impacts), and Chapter 5 (Other CEQA Required Topics), Section 5.1 (Significant and Unavoidable Impacts). Five significant and unavoidable impacts of the Original Ellis EIR have been incorporated by reference into the Draft Revised Ellis EIR: four in the area of aesthetics and one in the area of agricultural resources.

Certification of a Final EIR may occur at a public hearing independent of project approval or during the same hearing. Prior to approval of a project, the lead agency must adopt the CEQA Findings, Statement of Overriding Considerations, and MMRP. Certification of the Final EIR must be the first in this sequence of approvals.

2.0 MASTER RESPONSES

The following "Master Responses" are provided to address several of the common questions or concerns raised by commenting parties. These Master Responses supplement, and are incorporated into, the responses to comments provided for individual comments in Section 2.1.

2.0 -1 Master Airport Compatibility Response

Compatibility of ESP's Land Uses with the Tracy Municipal Airport

Several comment letters expressed the concern that the proposed residential land uses and Family Swim Center would be incompatible with the Tracy Municipal Airport.

As explained in greater detail below, the Modified Project has been designed to be fully compatible with the recently adopted San Joaquin County Airport Land Use Compatibility Plan (2009 ALUCP). Under the State Aeronautics Act, it is, in fact, the purpose of such ALUCPs to ensure that future development and other land uses are compatible with airport operations. Thus, compliance with an applicable ALUCP should normally, by itself, be sufficient to ensure that future development will be so compatible. As the analysis below demonstrates in detail, that is the case here.

The City of Tracy has planned for the development of the ESP site with a mix of residential and commercial uses for over two decades and a Family Swim Center has been contemplated for the ESP site for nearly seven years. Currently, the City of Tracy General Plan (General Plan) designates the ESP site as Traditional Residential-Ellis (TR-Ellis). The General Plan description of the TR-Ellis designation is provided on pages 2-8 and 2-9 of the Introduction (Chapter 2) and pages 4.9-6 to 4.9-8 of Section 4.9 (Land Use) of the Draft Revised Ellis EIR. As stated therein,

> "*The Traditional Residential – Ellis (TR-Ellis) designation applies to the majority of, but not all of, former Urban Reserve 10. The TR designation requires that the specific TR-Ellis designation establish at least four residential criteria. In order for development of the TR-Ellis property to proceed, it is a mandatory obligation of this TR-Ellis designation that the City first adopt a Specific Plan that implements the following criteria. The first criterion requires a determination of the minimum and maximum number of residential units. The TR-Ellis designation shall include between 1,200 and 2,250 total residential units, for an overall site density of between 4 and 7 units per gross acre. (The General Plan establishes an average of 3.21 persons per household, as set forth in the Land Use and Housing Elements.) The second criterion requires a determination of the density ranges allowed, measured in terms of dwelling units per acre, and the maximum and minimum number of units of each such residential density type allowed. The TR-Ellis designation shall include three residential sub-designations (Zoning Districts): "Residential Mixed Low," "Residential Mixed Medium," and "Residential Mixed High." Between 256 and 976 residential units and approximately 122 acres shall be allowed for the Residential Mixed Low designation (2.1 – 8 units per gross acre), between 372 and 1488 residential units and approximately 93 acres shall be allowed for the Residential Mixed Medium designation (4 – 16 units per gross acre), and between 250 and 780 residential units and approximately 31 acres shall be allowed for the Residential Mixed High designation (8 – 25 units per gross acre).*

The foregoing densities overlap by design in order to allow for flexibility of housing types, and to ensure a wider mix of residential types within close proximity of each other throughout the Ellis site. Additionally, up to 50 of the 2250 residential units shall be allowed in the adjacent Village Center (4 to 16 units per gross acre for approximately 7 acres). Finally, the TR-Ellis area shall include approximately 18 acres of parks. Also, there is a possibility of an additional 16 acres (approximately) of Community Park. The Community Park can informally accommodate active recreational programming needs such as, but not limited to, ball fields and a multi-use soccer field, as well as tennis, volleyball, basketball courts, and a family-oriented swim center ("Swim Center"). The third criterion requires the adoption of a "Design Book" to ensure design quality, interesting and diverse architectural treatments, and an attractive streetscape. The "Ellis Pattern Book," which sets forth the architectural and site design guidelines for the TR-Ellis area consistent with the requirements set forth herein, shall be adopted by the City Council in connection with the Council's adoption of the TR-Ellis designation. The fourth criterion requires that the TR-Ellis designation establish the location/mix of residential design and housing types in the Traditional Residential area to encourage an interesting and compatible neighborhood and to discourage the domination of a sub-area with only one or a few residential housing types and designs. TR-Ellis shall consist of three residential neighborhoods, each with its own distinct sense of place, reinforcing the traditional, hometown feel. Blocks shall be sized to support a mix of housing types – modest to compact single-family homes, townhouses, secondary residential units, apartments, and condominiums, all designed to accommodate a wide range of incomes and family needs. The TR-Ellis area will be constructed using traditional neighborhood design principles, creating a pedestrian-friendly network of streets and parks. In most cases, garages will be located off the street and will be accessed by way of rear alleys. Other land uses adjacent to, and compatible with, the TR-Ellis area shall include, but not be limited to, an approximately 7-acre Village Center (with up to 50 of the 2250 residential units and up to 60,000 square feet of commercial uses), and up to 120,000 additional square feet of commercial uses (the General Plan establishes a maximum FAR for commercial uses of 1.0). The Tracy Airport "outer approach zone" shall be limited in uses to those authorized in the San Joaquin County Airport Land Use Plan as amended in 1998.

The owner of the Ellis property is willing to provide the City a substantial financial contribution towards the design, construction, operation and maintenance of the Swim Center (that far exceeds the owner's fair share responsibility and therefore what the City could otherwise legally require the owner to contribute towards the Swim Center) in return for certain City commitments that the City is not otherwise legally required to provide. For example, the City's Growth Management Ordinance and Guidelines recognize that a process can be established through a freely entered statutory development agreement whereby the City could provide commitments to the owner to potentially issue up to a set maximum amount of residential growth allocations (RGAs) to a project that absent that development agreement the City might not have to issue. The Ellis property owner and the City have negotiated a proposed statutory development agreement that would set forth the Ellis property owner's Swim Center contribution as well as the City's commitments in exchange for that Swim Center contribution. It shall be in the

parties' sole and exclusive discretion as to whether to execute such an agreement.

Residential Medium and Residential High designations are most often located near commercial uses and high activity areas or near or within Village Center and the Downtown designations. These locations provide the best access to goods and services. These designations are also often located near transit amenities such as the ACE station and the future multi-modal terminal in the Downtown. Issues of pedestrian orientation of buildings, direct and safe connections with nearby uses, access to transit facilities and integration with residential neighborhoods of different densities are critical with Residential Medium and Residential High designations."

The land uses proposed by the Modified ESP are consistent with those identified for the site by the General Plan. In fact, as stated on page 3-7 of the Draft Revised ESP EIR, "As proposed, it is the intent of the Modified ESP to implement and fully comply with the goals, objectives, and policies of the General Plan, including the specific intent of the General Plan with respect to TR-Ellis." The General Plan EIR did not identify any land use conflicts between the uses allowed by the TR-Ellis designation and the Tracy Municipal Airport due to General Plan Objective LU-6.3, Policy 1 and Policy 2, which state that land uses and new development within the Safety Zones of the Tracy Municipal Airport, as identified by the San Joaquin County Airport Land Use Compatibility Plan (ALUCP), will conform to safety and development restrictions specified in the ALUCP. The General Plan EIR concluded that these policies ensure that growth allowed under the General Plan is consistent with the ALUCP. The City of Tracy certified the General Plan EIR in February 2011.

As proposed, the Modified ESP was designed to be consistent with the 2009 ALUCP compatibility map for the Tracy Municipal Airport (Exhibit 3TM-1: Tracy Municipal Airport (TCY) Compatibility Zones), the Safety Criteria matrix (Table 3A of the 2009 ALUCP), the 2009 ALUCP's policies for the Tracy Municipal Airport, and the California Airport Land Use Planning Handbook. The safety criteria applicable to the Modified ESP from Table 3A (Safety Criteria Matrix) of the 2009 ALUCP is provided below in Table 1.

TABLE 1
2009 ALUCP SAFETY CRITERIA MATRIX APPLICABLE TO THE MODIFIED ESP

	Dwelling Units Per Acre[1]	Maximum Non-Residential Intensity[2]	Required Open Land[3]	Prohibited Uses[4]	Other Development Conditions[5]
Zone 4 (OADZ)	One dwelling unit per five acres	180 persons per acre	20%	♦ Children's schools, day care centers, libraries ♦ Hospitals, nursing homes ♦ Buildings with more than 3 aboveground habitable ♦ floors ♦ Highly noise-sensitive outdoor nonresidential uses[7] ♦ Hazards to flight[6]	♦ Minimum NLR of 25 dB ♦ in residences (including ♦ mobile homes) and office buildings[8] ♦ Airspace review required ♦ for objects greater than 70 feet tall[9]
Zone 7 (TPZ)	No Limit	450 persons per acre	10%	♦ Hazards to flight[6] ♦ Outdoor stadiums	♦ Airspace review required for objects greater than 100 feet tall[9]
Zone 8 (AIA)	No Limit	No Limit	No Limit	♦ Hazards to flight[6]	♦ Airspace review required for objects greater than 100 feet tall[9]

Notes:
1. 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.
2. 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.)
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. NLR = Noise Level Reduction, the outside-to-inside sound level attenuation that the structure provides.
9. 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.

Source: *San Joaquin County's Aviation System Airport Land Use Compatibility Plan,* Coffman Associates, July 2009.

As indicated in the Table, residential uses are allowed within the entire Modified ESP site. In particular, they are allowed within Safety Zone 4, the Outer Approach/Departure Zone (OADZ), Safety Zone 7, the Traffic Pattern Zone (TPZ), and Safety Zone 8, the Airport Influence Area (AIA). Moreover, a use such as the Family Swim Center, which the Modified ESP proposes within the TPZ, is not prohibited by the 2009 ALUCP Safety Criteria Matrix (Table 3A of the 2009 ALUCP) for that Safety Zone as long as it does not result in a maximum intensity of greater than 450 persons per acre or create a hazard to flight. Based on this intensity restriction, the Family Swim Center, which is proposed to be developed on approximately 16 acres, could have a maximum of 7,200 patrons (450 persons x 16 acres of Swim Center use) at any one time. However, the City intends to limit the number of patrons at the Family Swim Center to not exceed a maximum of 850 persons at any one time, which would be enforced by the City of Tracy with a condition of Project approval. As such, all future development within the Modified ESP area would be consistent with the 2009 ALUCP. The City of Tracy would enforce all prohibitions on development with conditions of project approval.

For these reasons, the land uses proposed by the Modified ESP are considered compatible with the Tracy Municipal Airport.

City's Obligations to Operate Airport\Modified Project Effects on Airport Operations

Several comment letters indicated that by approving the Modified Project, the City of Tracy would be in violation of agreements between the City and the federal government for operating the airport. More specifically, the comment letters contend that by approving the Modified Project the City would not comply with provisions that require the City to operate and "grow" the airport and protect from encroachment. Thus, commenters suggest that the usefulness of the airport would be limited and its ability to operate as it currently does, and/or ability to expand its operations in the future would be hampered.

As indicated in the discussion above regarding the compatibility of the Modified EPS's proposed land uses with the Tracy Municipal Airport, the 2009 ALUCP allows all the uses proposed by the Modified ESP within the Modified Project site. Furthermore, at the time of application, each individual development proposal would be reviewed for its consistency with applicable prohibitions on development and restrictions on flight hazards as identified in the 2009 ALUCP. As such, all future development within the Modified ESP area would be consistent with the 2009 ALUCP. The City of Tracy would enforce all prohibitions on development with conditions of project approval.

Thus, in summary, the Draft Revised Ellis EIR did not identify any impacts on the current and future operations of the Tracy Municipal Airport that could result from implementation of the Modified ESP due to the following reasons:

1. The Modified Project proposes uses for the Project site that are considered compatible with the Tracy Municipal Airport and its Safety Zones by the 2009 ALUCP;
2. The land uses identified for the Project site by the Modified Project are consistent with those identified for the site by the General Plan and the City's General Plan EIR determined that those land uses were compatible with the 2009 ALUCP;
3. The land uses proposed by the Modified Project would be reviewed for consistency with applicable prohibitions on development and restrictions on flight hazards as identified in the 2009 ALUCP and,
4. The City of Tracy would enforce all prohibitions on development within the Modified ESP site with conditions of project approval.

Consequently, should the City decide to approve the Modified Project, there is no evidence that its approval would pose a hazard to the airport/airport operations or its usefulness; encroach on airport operations; or, in any way restrict or limit the current operations of the airport or the ability of the airport to expand in the future.

Modified Project's Physical and Economic Effects on Airport

Several comments expressed concern that the Modified Project proposed to modify the airport by reducing its runway length, which in turn could result in a change to the airport's classification from a medium sized airport to a small airport, thereby preventing medium sized aircraft from landing at the airport and negatively affecting the sale of fuel for larger planes, airport expansion, income for businesses and employees at the airport, and tax revenue for the City. Other comments expressed concern for the potential of Alternative 10 to contribute to urban decay of the City by promoting a "downward economic spiral" if the airport was governed by the 1993 ALUCP.

The Modified Project does not propose to reduce the runway lengths of the airport and would not result in the indirect economic impacts identified in the comments received on the Draft Revised Ellis EIR. The Modified Project included an alternative (Alternative 10) that illustrated to the decision makers the implications of approving the Modified ESP in accordance with the 1993 ALUCP (amended 1997), which identifies shorter runway lengths for the Tracy Municipal Airport. Alternative 10 was proposed in response to a pending lawsuit, that, if successfully challenged, could result in the 2009 ALUCP reverting back to the 1993 Plan. However, as stated in the Master Response regarding Alternative 10, City staff will recommend to the Planning Commission and City Council that Alternative 10 be removed from further consideration. In accordance with CEQA section 15091, City staff will prepare a Statement of Facts and Findings that illustrates why Alternative 10 is no longer considered a reasonably feasible alternative; refer to Alternative 10 Master Response.

Airport Noise and Safety Issues

A number of comments were received regarding the adequacy of the Draft Revised Ellis EIR's analysis of potential airport-related noise and safety impacts on the residential uses and Family Swim Center proposed by the Modified ESP.

Airport-related noise and safety impacts were not ignored in the Draft Revised Ellis EIR. The Draft Revised EIR analyzed airport-related hazards in Section 4.9 (Land Use) of the Draft Revised Ellis EIR. However, as requested by the San Joaquin Council of Governments acting as the Airport Land Use Commission (ALUC) in Comment Letter 5, the analysis of airport hazards was moved from Section 4.9 to Section 4.7 (Hazards). In addition, the discussion of airport-related hazards in Section 4.7 was augmented as requested by the ALUC. As indicated in that analysis, the Residential land uses and Family Swim Center proposed by the Modified ESP would not conflict with applicable Safety Zone development criteria listed in Table 3A (Safety Criteria Matrix) of the 2009 ALUCP, as identified in Table 1 of this Master Response. Moreover, development within the airport sphere of influence would be subject to review and approval by affected regulatory agencies with jurisdiction over that portion of the Modified ESP site. Because of this, at the time of application, each individual development proposal would be reviewed for its consistency with applicable prohibitions on development and restrictions on flight hazards as identified in the 2009 ALUCP. This would ensure that no incompatible development would be allowed that could pose a risk to people or structures or create hazards to flight. All prohibitions on development would be enforced by the City of Tracy with conditions

of project approval. Thus, impacts related to the placement of people and structures within Safety Zones 4, 7, and 8 of the 2009 ALUCP would be considered less than significant. No mitigation measures are required.

Airport-related noise impacts were analyzed in Section 4.10 (Noise) of the Draft Revised Ellis EIR. As described therein, Residential uses proposed by the Modified ESP could be exposed to noise levels that exceed the exterior and interior noise standards for single-family and multi-family residential uses identified by the City of Tracy and the 2009 ALUCP. However, Mitigation Measure 4.10-1h, which requires the affected residential uses to incorporate sound insulation to reduce exterior-to-interior noise levels by at least 25 dBA, and also requires an avigation easement and a fair disclosure statement as conditions of development approval, would ensure both the ALUCP and City noise standards are achieved. Thus, impacts from airport noise on future onsite sensitive uses would be less than significant with implementation of Mitigation Measure 4.10-1h.

Although it is possible for the City to receive an increase in noise complaints from the Residential uses proposed within the Tracy Municipal Airport's Safety Zones, as noted above, Mitigation Measure 4.10-1h identified in the Draft Revised Ellis EIR would ensure that the noise standards of both the City Tracy and 2009 ALUCP are achieved and that a fair disclosure statement is included as a condition of development approval. Specifically, deed notices that inform buyers of property, in particular residential property, of the airport's impact on the property will be included in the deed for any real property in compliance with the California Civil Code Section and the 2009 ALUCP.

Alternative Location to Reduce Airport-Related Impacts

Refer to Section 6.2.2 (Alternative Site Locations) in Chapter 6, Alternatives of the Draft Revised EIR. An exhaustive analysis of alternative sites was conducted as part of the Draft Revised EIR. As stated in the Draft Revised EIR, CEQA Guidelines Section 15126.6(f) (1) establishes that one of the factors to take into consideration when determining the feasibility of an alternative is "whether the proponent can reasonably acquire, control, or otherwise access the alternative site." All other sites analyzed are not in control of the Project Applicant or its business partners. The Project Applicant does not own nor has been given control to plan any other sites within the City, as identified in the Draft Revised EIR. The Project Applicant has however, established control over the Project site to enable future development to occur. Documents substantiating the Project Applicant's control over the property are on file with the City of Tracy located at 333 Civic Center Plaza, Tracy, CA 95376.

2.0- 2 Master Alternative 10 Response

In 2011, a dispute arose between the Surland Companies, LLC and Western Corral Investments, LLC, on the one hand, and the San Joaquin County Airport Land Use Commission (SJCALUC) and the San Joaquin Council of Governments (SJCOG), on the other hand, concerning the 2009 Airport Land Use Compatibility Plan (2009 ALUCP) adopted by SJCOG sitting as the San Joaquin County Airport Land Use Commission. As a result of this dispute, on April 12, 2011, The Surland Companies filed a Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief against SJCALUC and SJCOG in San Joaquin County Superior Court, Action No. 39-2011-00261573-CU-WM-STK (the "lawsuit"). The lawsuit alleged that SJCOG did not comply with the California Environmental Quality Act before adopting the 2009 ALUCP and committed other legal errors, and sought relief setting aside the

2009 ALUCP. Among other reasons documented in the Draft Revised EIR, Alternative 10 was included for consideration should the pending lawsuit be successful in its challenge and the SJCALUC thereby be required to modify the 2009 ALUCP back to the 1993 Plan.

Thus, Alternative 10 (1993 ALUCP Runway Length Alternative) was initially selected for inclusion into the Draft Revised EIR to illustrate to the decision makers the implications of approving the Modified ESP in accordance with the 1993 ALUCP (as amended in 1997). In addition, the result of a recent survey had concluded that Runway 12-30 was shorter (3,996 feet) than the documented 4,002 feet identified in the 2009 ALUCP. The City officially notified the Federal Aviation Administration (FAA) of the change in runway length by filing a NOTAM (Notice to Airmen), which is a notice containing information concerning the establishment, condition, or change in any aeronautical facilities, services, procedures, or hazard, which is essential to personnel concerned with flight operations. As noted in the Draft Revised EIR, if the FAA recognizes the shorter length of the runway, one possibility (among many) is that the 2009 ALUCP ultimately reverts back to its 1997 configuration. The scenarios and/or steps in which this reversion could or would eventually take place were too numerous to speculate at the time of preparation of the EIR. Nonetheless, in the event that such change came to pass, the City and Project Applicant wanted to have CEQA analysis for the Modified Ellis Project documented for this potential alternative scenario.

In light of the above, Alternative 10 was initially considered potentially feasible given both the (then) pending lawsuit, and the fact that the City had pursued an official change of length for Runway 12-30 to the recently documented shorter length (3,996 feet). Alternative 10 was therefore evaluated based on information that was readily available at the time the Draft Revised EIR was prepared.

Subsequent to the release of the Draft Revised EIR for public review, the lawsuit was dismissed pursuant to a settlement agreement dated August 28, 2012. In addition to the lawsuit settlement, and subsequent to preparation of the Draft Revised EIR, additional information pertaining to Alternative 10 was brought forward to City staff that would potentially affect the feasibility of Alternative 10. Based upon a thorough review and analysis of the information, City staff have determined that Alternative 10 is no longer a reasonably feasible alternative to the proposed Project. The foundation for this conclusion is based on the following:

<u>City Council Direction on Runway Restriping</u>

Subsequent to the initial preparation of the Draft Revised EIR, on May 1, 2012, City Council provided direction to City staff to work with the FAA to pursue funding for runway repairs and restriping to restore the runway length to 4,000 feet. Runway repairs have been completed as of October 15, 2012. As of the writing of this Final Revised Ellis EIR, City Staff is in the process of filing a new NOTAM to notify the FAA of the new runway length of 4,000 feet. For this reason, Alternative 10 is no longer considered potentially feasible as it directly conflicts with City Council's desire to restore the runway measurement to its longer length.

<u>SJCOG ALUC Input</u>

During the public review period for the Draft Revised EIR, the San Joaquin Council of Governments, San Joaquin County Airport Land Use Commission (SJCOG/SJCALUC) submitted a comment letter to the City stating that the SJCALUC would not consider Alternative 10 a viable project alternative for consideration (refer to Comment Letter 5 of this document).

The comment letter identified that changes in the length of the runway and filing a NOTAM would not alone result in the proposed Project being subject to the 1993 ALUCP (as amended in 1997). Additionally, the SJCALUC stated that the 1993 ALUCP is a historic document that does not have any relevance to any project not considered an existing land use at the time of the ALUCP adoption in June 2009. Given the feedback from SJCOG/ SJCALUC, as well as direction from City Council, City staff concur that Alternative 10 would no longer be considered a potentially feasible Project alternative for purposes of Draft Revised EIR analysis.

It is also important to note, as should be obvious from the forgoing, that Alternative 10 is not fundamental to the Alternatives Analysis. It's purpose was not directed at avoiding or substantially lessening any of the significant effects of the project, as is required by CEQA Guidelines Section 15126.6(a), but rather it was added to the already robust range of alternatives to simply address a potential change in land use restrictions posed by a pending lawsuit, and other factual information. Alternative 10 is not considered to be a foundational alternative to the proposed project and the determination that it is no longer potentially feasible does not affect the analysis or integrity of the other alternatives identified in the Draft Revised EIR.

Based on the forgoing information, City staff has determined that Alternative 10 is no longer a potentially feasible Alternative to the proposed Project. In accordance with CEQA section 15091, City staff will prepare a Statement of Facts and Findings that illustrates why Alternative 10 is no longer considered a potentially feasible alternative.

2.1 RESPONSES TO COMMENTS

Comment Letter No. 1

CALIFORNIA Water Boards

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AUG 29 2012
CITY OF TRACY

EDMUND G. BROWN JR. GOVERNOR

MATTHEW RODRIQUEZ SECRETARY FOR ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

28 August 2012

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

CERTIFIED MAIL
7011 2970 0003 8939 1910

COMMENTS TO THE DRAFT REVISED ENVIRONMENTAL IMPACT REPORT, CITY OF TRACY MODIFIED ELLIS PROJECT, SCH NO. 2012022023, SAN JOAQUIN COUNTY

Pursuant to the State Clearinghouse's 30 July 2012 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Draft Revised Environmental Impact Report* for the City of Tracy Modified Ellis 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). 1.1

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.

KARL E. LONGLEY ScD, P.E., CHAIR | PAMELA C. CREEDON P.E., BCEE, EXECUTIVE OFFICER

11020 Sun Center Drive #200, Rancho Cordova, CA 95670 | www.waterboards.ca.gov/centralvalley

RECYCLED PAPER

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]

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. 1.2

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/.

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: 1.3
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. 1.4

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.

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. 1.5

[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.

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. 1.6

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.

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

Trevor Cleak
Environmental Scientist

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

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Response to Letter No. 1
Trevor Cleak, Environmental Scientist
California Regional Water Quality Control Board, Central Valley Region

1.1 Although the comment does not address the adequacy of the Draft Revised EIR, it is noted and included in the record for consideration by the public and decisions makers.

As stated in Section 4.8 (Hydrology, Drainage, and Water Quality) of the Draft Revised Ellis EIR, the hydrology, drainage, and water quality environmental impact evaluation contained within the Original Ellis EIR that has not changed is the evaluation of flooding impacts that could occur as a result of the failure of a levee or dam, and the evaluation of the potential for the Original ESP to negatively affect stormwater quality. Thus, the background information, analysis of environmental impacts, and mitigation measures associated with these areas contained within Section 3B.10 (Hydrology, Drainage, and Water Quality) of the Original Ellis EIR remain valid and are incorporated in the Draft Revised Ellis EIR.

The Original Ellis EIR discusses compliance with the requirements of the Construction General Permit on pages 3B.10-41 and 3B.10-42 in Section 3B.10 (Hydrology, Drainage, and Water Quality). Page 3B.10-41 acknowledges that the proposed Project would be required to comply with the requirements of the Construction General Permit. Moreover, page 3B.10-42 identifies Mitigation Measures 3B.10-3b and 3B.10-3c, which require Project Applicants to demonstrate compliance with the provisions of the Construction General Permit prior to issuance of a grading or building permit, whichever occurs first, and following the preparation of a site grading plan by submitting a draft copy of the Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) to the City Engineer for review.

1.2 Although this comment does not address the adequacy of the Draft EIR, it is noted and included in the record for consideration by the public and decisions makers.

Refer to Response 1.1 above; as noted therein, impacts associated with stormwater quality contained within Section 3B.10 (Hydrology, Drainage, and Water Quality) of the Original Ellis EIR remain valid and are incorporated in the Draft Revised Ellis EIR by reference. Pages 3B.10-40 through 3B.10-46 in Section 3B.10 of the Original Ellis EIR acknowledge that the proposed ESP would be subject to BMPs to reduce pollutants and runoff flows from new development to the maximum extent practicable.

1.3 As future projects facilitated by the Modified Project (or Modified ESP) are proposed, they would be required to comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ as a standard condition of project approval, consistent with the City's requirements.

1.4 This comment does not address the adequacy of the Draft EIR. However, it is noted and included in the record for consideration by the public and decisions makers.

Section 4.4 (Biological Resources) of the Draft Revised Ellis EIR identifies changes in biological resource conditions that have taken place in the Modified Project area since the publication of the Original Ellis EIR based on a reconnaissance survey conducted in

April 2012. In addition, Section 4.4 provides an updated evaluation of the ESP's potential impacts on biological resources based on the changes identified within the site and recommends mitigation measures to reduce impacts to less than significant levels. As described under subsection 4.4.3 (Areas of No Project Impact) in Section 4.4, there are no wetlands located on the Modified ESP site and no impacts would occur on wetlands with implementation of the Modified Project. Moreover, the reconnaissance survey conducted in April 2012 did not identify any navigable waters onsite. Based on the reconnaissance survey conducted in April 2012, the only waters identified on the Modified ESP site consist of six agricultural ponds and one irrigation ditch that contain water only during irrigation events. All of the ponds have been excavated on dry, level land to function as irrigation holding ponds or as irrigation water runoff basins. The ponds are rectangular in shape and many support standpipes, pumps, culverts, etc. During the 2012 onsite survey, all six basins were dry and contained an assemblage of non-native grassland and ruderal species, such as prickly lettuce (*Lactuca serriola*), ripgut brome (*Bromus diandrus*), and Italian thistle (*Carduus pycnocephalus*).

1.5 Refer to the Response 1.4 above, there are no waters of the US on the Modified ESP site.

1.6 Refer to Response 1.4, there are no non-jurisdictional waters of the State on the Modified ESP site.

Comment Letter No. 2

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

REPLY TO
ATTENTION OF

August 29, 2012

RECEIVED
AUG 30 2012
CITY OF TRACY
D.E.S.

Regulatory Division SPK-2012-00920

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

Dear Mr. Dean

We are responding to your August 2, 2012 request for comments on the City of Tracy Modified Ellis Project (Draft EIR). The project is located on Section 33, Township 1 North, Range 7 East, Mount Diablo Meridian, Latitude 37.934218°, Longitude -121.272206°, San Joaquin County, California. Your identification number is SPK-2012-00920.

The Corps of Engineers' jurisdiction within the study area is under the authority of Section 404 of the Clean Water Act for the discharge of dredged or fill material into waters of the United States. Waters of the United States include, but are not limited to, rivers, perennial or intermittent streams, lakes, ponds, wetlands, and marshes, wet meadows, and seeps. Project features that result in the discharge of dredged or fill material into waters of the United States will require Department of the Army authorization prior to starting work.

As mentioned in the Draft Environmental Impact Report on page 4.4-1, this project is located northeast of the Delta Mendota Canal and on Table 4.4-1 the report mentions Irrigation Basins/Ditches present on the project site. To ascertain the extent of waters on the project site, you should prepare a wetland delineation, in accordance with the "Minimum Standards for Acceptance of Preliminary Wetlands Delineations", under "Jurisdiction" on our website at the address below, and submit it to this office for verification. A list of consultants that prepare wetland delineations and permit application documents is also available on our website at the same location. 2.1

The range of alternatives considered for this project should include alternatives that avoid impacts to wetlands or other waters of the United States. Every effort should be made to avoid project features which require the discharge of dredged or fill material into waters of the United States. In the event it can be clearly demonstrated there are no practicable alternatives to filling waters of the United States, mitigation plans should be developed to compensate for the unavoidable losses resulting from project implementation. 2.2

Please refer to identification number SPK-2012-00920 in any correspondence concerning this project. If you have any questions, please contact Julie Dickinson at our California Delta

-2-

Office, 1325 J Street, Room 1350, Sacramento, California 95814-2922, email *Julie.E.Dickinson@usace.army.mil*, or telephone 916-557-5254. For more information regarding our program, please visit our website at *www.spk.usace.army.mil/Missions/Regulatory.aspx.*

Sincerely,

Kathleen A. Dadey
Chief, California Delta Branch

Response to Letter No. 2
Kathleen A. Dadey
United States Army Corps of Engineers, California Delta Branch

2.1 As noted in the Response to Comment 1.4, Section 4.4 (Biological Resources) of the Draft Revised Ellis EIR identifies changes in biological resource conditions that have taken place in the Modified ESP area since the publication of the Original Ellis EIR based on a reconnaissance survey conducted in April 2012. In addition, Section 4.4 provides an updated evaluation of the Modified ESP's potential impacts on biological resources based on the changes identified within the site and recommends mitigation measures to reduce impacts to less than significant levels. As stated on page 4.4-1 of Section 4.4, the April 2012 reconnaissance survey was conducted by a qualified biologist.

As documented in the Draft Revised Ellis EIR on page 4.4-5, six agricultural ponds and one irrigation ditch were identified during the April 2012 reconnaissance survey. Moreover, as stated on page 4.4-5, "all of the ponds have been excavated on dry, level land to function as irrigation holding ponds or as irrigation water runoff basins. The ponds are rectangular in shape and many support standpipes, pumps, culverts, etc. During the 2012 on-site survey, all six basins were dry and contained an assemblage of non-native grassland and ruderal species, such as prickly lettuce (*Lactuca serriola*), ripgut brome (*Bromus diandrus*), and Italian thistle (*Carduus pycnocephalus*). The irrigation ponds have been dry for several years and no longer provide water based habitats and are used for foraging by avian and mammalian species." All the ponds and irrigation ditches are manmade features constructed in support of agricultural activities. There are no definable jurisdictional features on the project that would qualify as waters of the U.S. or waters of the State. Although the project site is located northeast of the Delta Mendota Canal, all of the onsite agricultural ponds and irrigation channels are confined to the immediate project site and do not connect with the Delta Mendota Canal.

On pages 4.4-16 and 4.4-17 under subsection 4.4.3 (Areas of No Project Impact), the Draft Revised Ellis EIR assesses potential impacts implementation of the Modified ESP would have on wetlands. According to the 2006 habitat assessment, one area adjacent to the west side of the existing orchard exhibited soils that are mostly moist due to regular flooding from irrigation and leakage from irrigation pipes but the area was dry during the 2012 habitat assessment and there was no evidence of vegetation, hydrology or soils to suggest that a wetland resource may be present. Based on the absence of any qualifying wetland field characteristics, as documented in the 2012 habitat assessment, the 2012 Draft Revised Ellis EIR concluded that there was no evidence of a potential wetland on the project site.

Furthermore, as described on page 4.4-17, three of the six agricultural ponds and the one irrigation ditch located within the Modified ESP site contain water only during irrigation events. All of the ponds have been excavated on dry, level land to function as irrigation holding ponds or as irrigation water runoff basins. The Draft Revised Ellis EIR concluded that there is no evidence that the agricultural ponds or irrigation ditch are supported by any other hydrology and given these characteristics, the determination was made that agricultural ponds and irrigation ditch are not considered wetlands.

Thus, the final conclusion of the Draft Revised Ellis EIR, as stated on page 4.4-17, was that there are no wetlands located on the Modified ESP site and no impacts on wetlands would occur with implementation of the Modified ESP. Given that a qualified biologist and certified wetlands delineator assessed the existing conditions on the Modified ESP site and determined that no wetlands are present, the preparation of a wetland delineation in accordance with USACE standards would not be required.

2.2 Refer to Response 2.1 above. Page 4.4-17 of the Draft Revised Ellis EIR concluded that no wetlands are present on the Modified ESP site based on an April 2012 reconnaissance survey conducted by a qualified biologist/certified wetlands delineator. Thus, an alternative to the Modified ESP that avoids impacts on wetlands or other waters of the US would not be necessary. Moreover, as no wetlands are present on the Modified ESP, none would be filled as a result of implementation of the Modified Project and no compensatory mitigation would be required.

Comment Letter No. 3

THOMAS M. GAU
DIRECTOR

FRITZ BUCHMAN
DEPUTY DIRECTOR

MICHAEL SELLING
DEPUTY DIRECTOR

ROGER JANES
BUSINESS ADMINISTRATOR

Public Works
San Joaquin County
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August 30, 2012

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

SUBJECT: CITY OF TRACY MODIFIED ELLIS PROJECT DRAFT REVISED ENVIRONMENTAL IMPACT REPORT

Dear Mr. Dean:

The San Joaquin County Department of Public Works has reviewed the Draft Revised Environmental Impact Report for the above referenced project, and our comments are as follows:

From Flood Management:

- Page 2-14, **Hydrology and Flooding**, sentence No. 4 shall be revised to state that dams are maintained by the agencies, Federal and nonfederal, that own them. 3.1

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 468-8494.

Sincerely,

Megan Aguirre

MEGAN AGUIRRE
Associate Planner

MA:mk
TE-12H063-M1

c: Alex Chetley, Engineering Services Manager
John Maguire, Engineering Services Manager
Sameer Sharideh, Engineer III

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Response to Letter No. 3
Megan Aguirre
San Joaquin County Department of Public Works

3.1 This subsection describes the hydrology and flooding analysis that is contained within the City of Tracy General Plan Final EIR (State Clearinghouse No. 2008092006). The Draft Revised Ellis EIR incorporates the City of Tracy General Plan Final EIR by reference, thus this information is summarized directly from the text in that document.. The sentence on page 2-14 states, “risk of dam failure is small, because the County continues to maintain the dam to withstand probable seismic activity.”

The fourth sentence under the Hydrology and Flooding subsection on page 2-14 of the Introduction (Chapter 2) of Draft Revised Ellis EIR has been revised as requested to clarify the responsibility for dam maintenance; refer to Chapter 3 (Revisions to the Draft Revised EIR) of this Final Revised EIR.

Comment Letter No. 4

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY EDMUND G. BROWN JR., Governor

DEPARTMENT OF TRANSPORTATION
DIVISION OF AERONAUTICS – M.S.#40
1120 N STREET
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September 4, 2012

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

Dear Mr. Dean:

Re: Draft Environmental Impact Report for the Ellis Specific Plan and Development Agreement; SCH# 2012022023

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public-use and special-use airports and heliports. The following comments are offered for your consideration.

The proposal is for the implementation of the Modified Ellis Project which includes a modified and amended Original Ellis Development Agreement and Specific Plan, a petition for annexation and pre-zoning, and a City of Tracy General Plan amendment. Implementation of the Modified Ellis Project would allow a mix of residential, commercial, office/professional institutional, and recreational uses on a 321-acre site that currently has no structures or improvements.

The project site is approximately 3,200 feet northwest (on centerline) of the departure end of Runway 30 at the Tracy Municipal Airport. The site is also approximately 2,900 feet northwest of the approach end of Runway 8. Tracy Municipal is an active General Aviation airport with approximately 80 based aircraft and 60,000 annual operations.

CEQA, Public Resources Code 21096, requires the California Airport Land Use Planning Handbook (Handbook) be utilized as a technical resource in the preparation of environmental documents as they relate to airport-related safety hazards and noise problems, for projects within airport land use compatibility plan boundaries or if such a plan has not been adopted, within two nautical miles of an airport. This reference to the requirement to use the Handbook is a comment that was stated in our comment letter for this project's Notice of Preparation (NOP) dated February 27, 2012. Chapter 7 of the Draft Environmental Impact Report (DEIR) does not list the Handbook as a reference document and it is not cited in addressing noise and safety issues related to the airport in the environmental analysis or alternatives chapters. 4.1

In accordance with California Public Utilities Code (PUC) Section 21676 *et seq*., prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or 4.2

"Caltrans improves mobility across California"

Mr. William Dean
September 4, 2012
Page 2

building regulation within the planning boundary established by the airport land use commission (ALUC), the local agency shall first refer the proposed action to the ALUC. This is another repeat item from the NOP comment letter. The DEIR does not indicate that this proposed project has been submitted to the San Joaquin County Airport Land Use Commission for a consistency determination with their airport land use compatibility plan. On pages 4.9-11 to 4.9-13 the DEIR lays out the results of an airport land use compatibility review performed by some entity other that the ALUC. This proposed project must be submitted to the ALUC for a compatibility review. 4.2 cont.

Alternative 10 in the DEIR (pages 6-29 and 6-30) proposes shorter runways at Tracy Municipal Airport which would reduce the area covered by critical land use compatibility safety zones at the project site. These smaller safety zones are sought by the project proponent to allow more dwelling units at the project site. This alternative proposal also states that the City of Tracy has officially notified the Federal Aviation Administration (FAA) that the runway length has changed through a Notice to Airmen (NOTAM). Posting a NOTAM, which is temporary, does not officially change an airport's runway length or an airport layout plan, and the Tracy Airport Master Record (FAA Form 5010-1) does not reflect the runway lengths posted in the NOTAM. The runway lengths stated on each airport's Form 5010-1 and layout plan are the result of the FAA's official process for establishing them and should be used for long-term planning purposes. 4.3

These comments reflect the areas of concern to the Division with respect to airport-related noise, safety, and regional land use planning issues. We advise you to contact our District 10 office concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please call me at (916) 654-6223, or by email at philip_crimmins@dot.ca.gov.

Sincerely,

PHILIP CRIMMINS
Aviation Environmental Specialist

c: State Clearinghouse, San Joaquin County ALUC, Tracy Municipal Airport

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Response to Letter No. 4
Philip Crimmins
Department of Transportation, Division of Aeronautics

4.1 The Draft Revised Ellis EIR did in fact utilize the California Airport Land Use Planning Handbook as a technical resource. In particular, the California Airport Land Use Planning Handbook was used as a technical resource for addressing noise and safety issues during the preparation of the environmental analysis and alternatives chapters of the Draft Revised Ellis EIR. However, the commenter is correct in noting that Chapter 7 (References) of the Draft Revised Ellis EIR did not cite the California Airport Land Use Planning Handbook as a reference. This was an inadvertent, accidental omission. To remedy this, page 7-2 of Chapter 7 (References) of the Draft Revised Ellis EIR has been revised to include the California Airport Land Use Planning Handbook as a reference; refer to Section 3 (Revisions to the Draft Revised EIR) of this Final Revised EIR.

The commenter is also correct in noting that the Draft Revised Ellis EIR did not cite the California Airport Land Use Planning Handbook as a reference in addressing noise and safety issues related to the airport in the environmental analysis and alternatives chapters. This too was an inadvertent, accidental omission, as the California Airport Land Use Planning Handbook was used as a technical resource for addressing noise and safety issues during the preparation of the environmental analysis and alternatives chapters of the Draft Revised Ellis EIR, as noted above. To address this accidental omission the following pages of the Draft Revised Ellis EIR have been revised to cite the use of the California Airport Land Use Planning Handbook as a technical resource: page 4.10-1 of Section 4.10 (Noise), page 6-29 of Chapter 6 (Alternatives), and page 4.7-1 of Section 4.7 (Hazards); refer to Section 3 (Revisions to the Draft Revised EIR) of this Final Revised EIR.

4.2 As noted on page 4.9-1 of Section 4.9 (Land Use and Planning) of the Draft Revised Ellis EIR, the City received a comment letter from the San Joaquin Council of Governments (SJCOG), acting as the San Joaquin County ALUC (RE: ALUC Review for Notice of Preparation Ellis Specific Plan and Development Agreement, March 9, 2012), requesting a complete consistency analysis of the land uses proposed by the Ellis Specific Plan (Modified ESP) relative to the 2009 ALUCP zones for the Tracy Municipal Airport, as well as an analysis of environmental effects, as determined by the outcome of the 2009 ALUCP consistency determination. Further, as noted on page 4.9-1, to address the comments of this letter, Section 4.9 of the Draft Revised EIR provides an analysis of the Modified ESP's consistency with the 2009 ALUCP and also provides an analysis of environmental effects resulting from the consistency determination.

The City of Tracy provided a copy of the Draft Revised Ellis EIR to the San Joaquin County ALUC for review. As documented in its comment letter to the City on the Draft Revised Ellis EIR (RE: ALUC Review – Draft Revised EIR/Specific Plan_Modified Ellis Project), dated September 7, 2012, which is reproduced in its entirety in this Final Revised EIR in Section 2 (Comments on Draft Revised EIR and Responses) as Comment Letter 5, the San Joaquin County ALUC states that, "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. The ALUC will agendize and consider the Consistency Determination as is required." Thus, the Modified Project has been submitted to the San Joaquin County ALUC for a compatibility review with its 2009 ALUCP, as noted by the San Joaquin County ALUC in its comment letter on the Draft Revised Ellis EIR (Comment Letter 5).

4.3 This comment addresses Alternative 10 (1993 ALUCP Runway Length Alternative). Please refer to Master Response 2.0-2, Master Alternative 10 Response, of this Section of the Final Revised EIR for responses to the comments raised on Alternative 10.

Comment Letter No. 5

SAN JOAQUIN COUNCIL OF GOVERNMENTS
555 E. Weber Avenue • Stockton, California 95202
209.235.0600 • 209.235.0438 (fax)
www.sjcog.org

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EXECUTIVE DIRECTOR
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LATHROP,
LODI,
MANTECA,
RIPON,
STOCKTON,
TRACY,
AND
THE COUNTY OF
SAN JOAQUIN

September 7, 2012

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

RE: ALUC REVIEW - Draft Revised EIR/Specific Plan_ Modified Ellis Project

Dear Mr. Dean:

On behalf of the San Joaquin Council of Governments (SJCOG), designated as the San Joaquin County Airport Land Use Commission (ALUC), I would like to thank the City of Tracy for providing our agency with opportunity to comment on the proposed Modified Ellis Specific Plan (ESP) Project, State Clearinghouse No. 2012022023.

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. The ALUC will agendize and consider the Consistency Determination as is required. Any Consistency Determination would be based on the comments as noted below.

This letter comprises comments on the Draft EIR and Specific Plan for the Modified Ellis Specific Plan.

DRAFT EIR

Section 3.2 Modified Ellis Specific Plan

Comments:

1. Within the modified ESP, the Outer Approach/Departure Zone (OADZ) of the 2009 ALUCP encompasses the Limited Use and a portion of the Residential Mixed land use designations. Yet the Land Use Concept Overview section of Chapter 3 (page 3-10) only describes the Limited Use designation as it relates to the OADZ. This section should describe the Residential Mixed land use 5.1

designation and its relationship with the OADZ, as well as the Limited Use designation. 5.1 cont.

2. Throughout Chapter 3, none of the descriptions of the ESP's land use areas discuss the 2009 ALUCP Zones with the exception of the area designated as "Limited Land Use". This leads to the reader's confusion of the relationship of the 2009 ALUCP with all of ESP's proposed land uses. The FEIR should add a clarification within Chapter 3 that describes the Airport Safety Zones as they relate to each ESP land use designation. As included in this letter, Exhibit 1 shows the 2009 ALUCP safety zones within the project area that must be included. 5.2

3. Consistent land uses are identified within the 2009 ALUCP and are not accurately reflected within Section 3.2's description of land use concepts. We recommend removing the ALUCP conformity reference from Section 3.2 and specifically addressing it in Section 4.9 - Land Use and Planning of the DEIR. Table 1 lists the prohibited land uses and other development criteria for the relevant zones (Zones 4, 7, and 8). 5.3

Section 4.7 Hazards and Hazardous Materials

Page 4.7-1 lists the following sections that the chapter will discuss:

- an updated discussion of existing conditions;
- an expanded discussion of gas and oil pipelines (an expanded discussion of airport hazards is in Section 4.5 (Land Use); and,
- potential airport hazards and gas and oil pipelines impacts that could occur as a result of the implementation of the Modified ESP.

Comment:

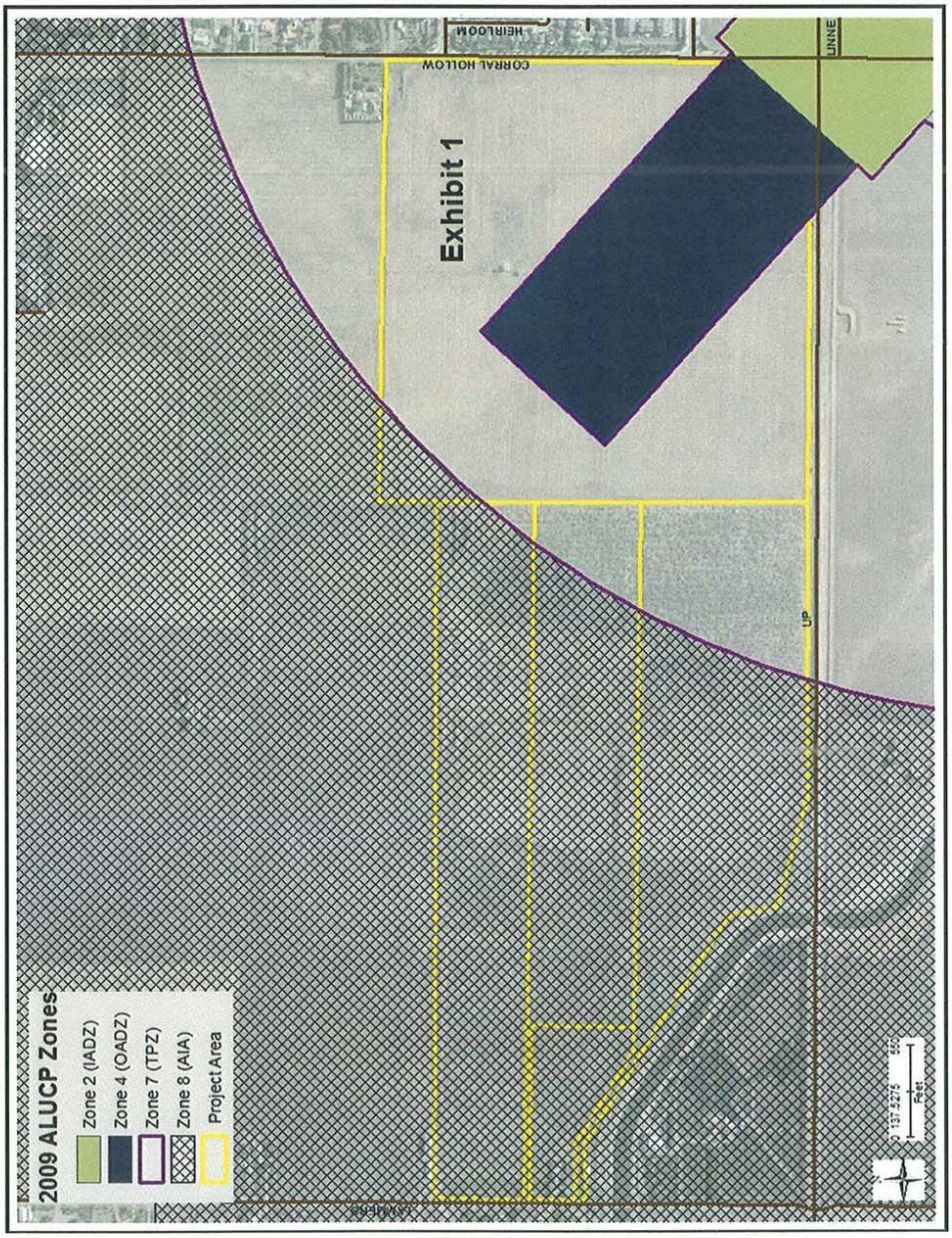
4. Chapter 7 of Section 4 does not offer any background, thresholds, or analysis of potential airport hazards with the exception of the limited reference in the last sentence on page 4.7-22. This section should provide an analysis of all potential airport hazards. The sentence states that hazard impacts associated with the Tracy Municipal Airport are discussed in the Land Use section 4.5 (should be 4.9) of the DEIR. Please note that the sentence incorrectly states the Land Use section is in 4.5, and should be 4.9. 5.4

Section 4.9.3 Environmental Analysis

Comments:

5. Page 4.9.9 - The modifications to the 2011 Tracy General plan references the OADZ and its relationship to the Limited Use land use designation of the modified ESP. The ESP falls within three airport zoning areas (Zones 4, 7, and 8) of the 2009 ALUCP. The General Plan Amendment should reference all applicable zones in the discussion of the allowable uses and analyze consistency within the ESP. 5.5

ALUC Comments - DEIR Modified Ellis Project
September 07, 2012



Page 3 of 9

5.5
cont.

ALUC Comments - DEIR Modified Ellis Project
September 07, 2012

	TABLE 1 MODIFIED ELLIS SPECIFIC PLAN LAND USE CATEGORIES				
	COMMERCIAL	**VILLAGE CENTER**	**LIMITED USE**	**RESIDENTIAL MIXED**	**RESIDENTIAL MIXED WITH AIRPORT SAFETY ZONE OVERLAY**
ALUCP ZONE(S)	Traffic Pattern (7)	Traffic Pattern (7)	Outer Approach Departure Zone (4)	Traffic Pattern Zone (7) Airport Influence Area (8)	Outer Approach Departure Zone (4)
PROHIBITED USES	– *Hazards to Flight – Outdoor Stadiums	– *Hazards to Flight – Outdoor Stadiums	– Children's Schools – Daycare Centers, – Libraries – Bldgs. With > 3 above ground habitable floors – Highly noise-sensitive outdoor nonresidential uses – *Hazards to Flight	– *Hazards to Flight – Outdoor Stadiums (Zone 7)	– Children's Schools – Daycare Centers, – Libraries – Bldgs. With > 3 above ground habitable floors – Highly noise-sensitive outdoor nonresidential uses – *Hazards to Flight
OTHER DEVELOPMENT CRITERIA	– Airspace review required for objects >100'	– Airspace review required for objects >100'	– Airspace review required for objects >70' – Minimum NLR of 25dB in residences (including mobile homes) and office buildings	– Airspace review required for objects >100'	– Airspace review required for objects >70' – Minimum NLR of 25dB in residences (including mobile homes) and office buildings

5.5 cont.

*Hazards to flight include any new land uses that may cause visual, electronic, or increased bird strike hazards specific characteristics to be avoided include:

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

Page 4 of 9

ALUC Comments - DEIR Modified Ellis Project
September 07, 2012

Page 4.9.10 - In this Section, the DEIR list two thresholds of significance from the CEQA Guidelines that are directly related to ALUC authority:

I. 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 site?

II. Would the project 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?

Comments:

6. Threshold I above has a direct relationship to the 2009 ALUCP as it relates to Airport Hazards. It is not clear as to the reasoning why this discussion and analysis was not placed within Section 4.7- Hazards. Impact 4.9-2 lists a potential hazard as being located within the flight approach (Zone 4). The ESP falls within Zone 4, 7, and 8 and each of these zones has prohibited land uses and restrictions on flight hazards as listed in Table 1. In order to make an impact determination, all three zones must be identified and analyzed relative to the proposed land uses. The Revised DEIR must include a complete analysis of the ESP land uses and all relevant 2009 ALUCP Zones. 5.6

7. Threshold II above has a direct relationship to the 2009 ALUCP yet no impact is identified nor is there any analysis associate with this threshold. Within the NOP comment letter dated March 9, 2012, it was requested that a complete ALUCP consistency analysis of the ESP's proposed land uses be included within the DEIR. The original ESP was not subject to the 2009 ALUCP, and consequently did not identify any potential impacts. The Revised EIR must include identification of all potential impacts and also incorporate a complete analysis of the land uses relative to the 2009 ALUCP Zones. 5.7

8. Page 4.9-13 – The permitted uses within the OADZ are identified in Chapter 3, Table 3A not Appendix B, Table B2 as stated within the DEIR. Please correct within the FEIR. 5.8

9. Page 4.9-15 Cumulative Impacts and Mitigation Measures The finding here is not clear relative to cumulative impacts associated with airport hazards and airport land use compatibility. The DEIR states that the impacts are less than significant "since the 2009 Airport Land Use Compatibility Plan was recently adopted and incorporated the anticipated future development associated with the project into consideration as part of their analysis." The 2009 ALUCP considered the original ESP to be an existing land use and subject to the 1998 Airport Safety Zones. Please clarify this finding as it relates to the 2009 ALUCP and proposed ESP 5.9

Page 5 of 9

6.5 Analysis of New Alternatives

The ALUC would not consider *Alternative 10: 1993 ALUCP Runway Length* a viable project alternative for consideration. 5.10

On page 6-29, the second paragraph of section 6.5 states that Alternative 10 was selected to "show the decision makers the implications of approving the Modified ESP in accordance with the 1993 ALUCP (amended 1997) based on a recent survey that was conducted documenting the length of the Runway 12-30……"

Comment: 5.11

10. Changes in the length of any runway and filing a NOTAM (Notices to Airmen), acting as a sole variable, whether due to the correction of imprecise surveying or making physical changes would not result in the Modified ESP project being subject to the 1993 ALUCP (amended zones in 1997). The 1993 ALUCP is a historic document that does not have any relevance to any project not considered an "existing land use" at the time of ALUCP adoption in June of 2009.

Page 6-29 goes on to state that "If the FAA recognizes the shorter length of the runway, one possibility (among many) is that the ALUCP reverts back to its 1997 configuration. If this is the case, then the Modified Ellis Project could proceed under the previously adopted 1997 ALUCP, resulting in a smaller outer approach zone."

Comments: 5.12

11. Airport Safety Zones do not automatically change with FAA "recognition" of changes in the length of a runway (recognition would be through approval of an updated Airport Layout Plan). The modification of safety zones only occurs through an ALUCP Amendment that the ALUC processes. It should also be noted that the current configuration and classification of zones and their respective dimensions, as established within the California Airport Land Use Planning Handbook (Caltrans, Division of Aeronautics, updated in 2011), are not comparable with the State criteria used to create the 1993 zones (1983 California Airport Land Use Planning Handbook).

12. Based upon the above comments regarding the viability of Alternative 10 SJCOG will not provide comments on the environmental impact analysis of Alternative 10 located in Section 6.5.2, page 6-34 of the DEIR. 5.13

GENERAL COMMENTS

13. In discussing land uses throughout the DEIR and Specific Plan, references are made to land use designations and the permitted uses within both the 1998 Tracy Municipal Airport Master Plan and the Airport Land Use Compatibility Plan. One example is on Page 3-10, third paragraph of the DEIR states that "Limited Use designation allows all uses permitted in the Outer Approach/Departure Zone per the 1998 Tracy Municipal Airport Master Plan and the 2009 ALUCP." The paragraph then goes on to say that "all uses within the OADZ would be restricted to those consistent with the criteria established 5.14

by the ALUC in effect at the time of application." While this last statement is correct, the previous statement is contradictory and leads to reader confusion. The 2009 (and future) ALUCP establishes the land uses within the Airport Influence Area. The airport's master plan, and any land use discussion it may contain, cannot be used in tandem with the ALUCP when determining appropriate land uses. Section 1, page 6 of the Specific Plan also has this contradicting reference, as well as several other areas of the DEIR and Specific Plan. These sections should be revised to maintain consistency. 5.14 cont.

SPECIFIC PLAN COMMENTS

14. Section 3.5.2, page 14 – Last paragraph states that if a proposed use is not explicitly listed within the Specific Plan, the Development and Engineering Services Director may determine if the use is permitted. This is acceptable to the ALUC with the incorporation of Conditions of Approval that clearly state the prohibited uses and development criteria given in Table 1 of this letter. 5.15

Project conditions specific to consistency with the 2009 ALUCP are as follows:

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

   - Glare or distracting lights which could be mistaken for airport lights. Reflective materials are not permitted to be used in structures or signs (excluding traffic directing signs);
   - Sources of dust, steam, or smoke which may impair pilot visibility;
   - Sources of electrical interference with aircraft communications or navigation. No transmissions which would interfere with aircraft radio communications or navigational signals are permitted. 5.16
   - Any proposed use, especially landfills and certain agricultural uses, that creates an increased attraction for large flocks of birds.

B. Within Zones 7 and 8, ALUC review is required for any proposed object taller than 100 feet AGL.

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

D. Within Zone 4, Minimum NLR of 25dB in residences (including mobile homes) and office buildings is required. For all other zones, occupied structures must be soundproofed to reduce interior noise to 45dB, corresponding to State Guidelines.

E. Deed Notice Requirement
For new residential development within any airport's influence area (AIA), deed notices are required per the California Civil Code as well as the San Joaquin County's Airport Land Use Compatibility Plan. These notices are a form of buyer awareness measure whose objective is to ensure that prospective buyers of airport area property, particularly residential property, are informed about the airport's impact on the property. A statement similar to the following should be included on the deed for any real property subject to the deed notice requirements set forth in the San Joaquin County Airport Land Use Compatibility Plan. Such notice should be recorded by the county of San Joaquin. Also, this deed notice should be included on any parcel map, tentative map, or final map for subdivision approval. 5.16 cont.

Sample Deed Notice - The San Joaquin County Airport Land Use Commission's Airport Land Use Compatibility Plan identify the Tracy Municipal Airport's Airport Influence Area. Properties within this area are routinely subject to overflights by aircraft using this public-use airport and, as a result, residents may experience inconvenience, annoyance, or discomfort arising from the noise of such operations. State law (Public Utilities Code Section 21670 et seq.) establishes the importance of public-use airports to the public interest of the people of the state of California. Residents of property near such airports should therefore be prepared to accept the inconvenience, annoyance, or discomfort from normal aircraft operations. Residents also should be aware that the current volume of aircraft activity may increase in the future. Any subsequent deed conveying this parcel or subdivisions thereof shall contain a statement in substantially this form.

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

Sincerely,

Laura Brunn

Laura Brunn, Associate Regional Planner
San Joaquin Council of Governments

cc: Phillip Crimmins, IGR/CEQA/Legislative Coordinator, Caltrans Division of Aeronautics, MS-40
Rod Attebery, SJCOG Legal Counsel, Neumiller & Beardslee

Response to Letter No. 5
Laura Brunn, Associate Regional Planner
San Joaquin Council of Governments

5.1 Chapter 3 of the Draft Revised Ellis EIR has been modified as requested by this comment; refer to Section 3 (Revisions to the Draft Revised EIR) of this Final Revised EIR.

5.2 Chapter 3 of the Draft Revised Ellis EIR has been modified as requested by this comment; refer to Section 3 (Revisions to the Draft Revised EIR) of this Final Revised EIR.

5.3 It is assumed that the commenter is referring to section 3.3.2 of the Project Description, which provides a detailed description of the Modified ESP, including its proposed land uses and uses allowed based on the 2009 ALUCP OADZ. Thus, section 3.3.2 has been modified as recommended to remove the "conformity reference," as noted by the commenter and additional, clarifying discussion regarding the consistency of the Modified ESP's proposed land uses with the 2009 ALUCP safety zones has been added to Section 4.9; refer to Section 3 (Revisions to the Draft Revised EIR) of this Final Revised EIR.

5.4 Chapter 7 (References) of the Draft Revised Ellis EIR lists all references used in the preparation of the Draft Revised Ellis EIR. Thus, it is assumed that the commenter is recommending that all potential airport hazards be analyzed in Section 7 or 4.7 (Hazards) of Chapter 4 (Environmental Analysis) of the Draft Revised Ellis EIR. The analysis of all potential airport hazards has been moved from Section 4.9 (Land Use and Planning) of the Draft Revised Ellis EIR to Section 4.7 pursuant to the request of the commenter; refer to Section 3 (Revisions to the Draft Revised EIR) of this Final Revised EIR. It should be noted that moving the analysis from Section 4.9 to Section 4.7 required renumbering the impact statement, so it would be consistent with the numbering in that section. However, the impact statement itself has not changed, nor has the severity of the impact; it remains less than significant. The analysis has been augmented to provide additional clarifying information. The commenter also notes that the introduction to Section 4.7 incorrectly states the Section number of the Land Use Section as 4.5 and it should be 4.9. This incorrect reference has been removed, as identified in Section 3 (Revisions to the Draft Revised EIR) of this Final Revised EIR.

5.5 The modifications to the General Plan listed on page 4.9-9 are within the Regulatory Framework subsection (4.9.2) of Section 4.9. The intention of this subsection is to describe the regulatory framework surrounding the Modified ESP. However, it is not the intention of this subsection to provide analysis of the Modified Project's consistency with applicable land use plans. This subsection describes the existing ESP area land use designation, which is followed by the requested modifications to the existing ESP area land use designation for reference. Clarifying discussion regarding the consistency of the Modified ESP's proposed land uses with the 2009 ALUCP safety zones has been added to the Environmental Analysis subsection (4.9.3) of Section 4.9; refer to Section 3 (Revisions to the Draft Revised EIR) of this Final Revised EIR.

5.6 The Draft Revised Ellis EIR analyzed the Modified ESP's consistency with relevant 2009 ALUCP safety zones in Section 4.9 (Land Use and Planning) of the Draft Revised Ellis EIR. This analysis has been moved to Section 4.7 (Hazards) as requested by the commenter in Comment 5-4. Additional clarifying information regarding the Modified ESP land uses in comparison with relevant 2009 ALUCP safety zones has been added to Section 4.7; refer to Section 3 (Revisions to the Draft Revised EIR) of this Final Revised EIR. While moving the discussion of airport hazards from Section 4.9 to Section 4.7 required renumbering the airport hazards impact statement so it would be consistent with the numbering in Section 4.9, the impact statement has not changed and significance determination of less than significant remains the same as well.

5.7 Analysis of the Modified ESP's consistency with the 2009 ALUCP is provided under the discussion of Airport Hazards in Section 4.9.3 (Environmental Analysis) of Chapter 4.9 on pages 4.9-11 through 4.9-13. As identified therein, Impact 4.9-2 states that, "Implementation of the Modified ESP would result in the placement of people and structures within the flight approach to Tracy Municipal Airport." This impact statement is directly related to the threshold identified by the commenter and the analysis that follows the impact statement provides a combined description of the Modified Project's consistency with the 2009 ALUCP and potential airport related hazards associated with implementation of the Modified Project. However, as requested by the commenter in Comment 5-3, additional, clarifying discussion regarding the consistency of the Modified ESP's proposed land uses with the 2009 ALUCP safety zones has been added to Section 4.9; refer to Section 3 (Revisions to the Draft Revised EIR) of this Final Revised EIR. In addition, impact statement 4.9-1 was expanded to include reference to the Modified ESP's consistency with the 2009 ALUCP to provide additional clarification regarding the consistency of the Modified ESP's proposed land uses with the 2009 ALUCP safety zones as requested by the commenter. However, the nature of the potential impact has not changed and remains less than significant, as indicated by the clarifying discussion of the Modified ESP's consistency with the 2009 ALUCP.

5.8 The incorrect reference has been deleted from page 4.9-13 of the Draft Revised Ellis EIR. The correct reference has been added to page 3-10 (Project Description), page 4.7-36 and 4.7-42 (Hazards and Hazardous Materials), and pages 4.9-11 and 4.9-13 (Land Use and Planning); refer to Section 3 (Revisions to the Draft Revised EIR) of this Final Revised EIR.

5.9 The analysis has been clarified as requested by the commenter; refer to Section 3 (Revisions to the Draft Revised EIR) of this Final Revised EIR.

5.10 The comment has been noted and taken into consideration in the preparation of this Final Revised EIR. As a result of this comment and due to other circumstances City staff has determined that Alternative 10 is no longer a potentially feasible Alternative to the proposed Project. Therefore, in accordance with CEQA section 15091, City staff will prepare a Statement of Facts and Findings that illustrates why Alternative 10 is no longer considered a potentially feasible alternative; refer to Alternative 10 Master Response.

5.11 City staff has determined that Alternative 10 is no longer a potentially feasible Alternative to the proposed Project. In accordance with CEQA section 15091, City staff will prepare a Statement of Facts and Findings that illustrates why Alternative 10 is no longer

considered a potentially feasible alternative; refer to Master Response 2.0-2, Master Alternative 10 Response.

5.12 City staff has determined that Alternative 10 is no longer a potentially feasible Alternative to the proposed Project. In accordance with CEQA section 15091, City staff will prepare a Statement of Facts and Findings that illustrates why Alternative 10 is no longer considered a potentially feasible alternative; refer to Master Response 2.0-2, Master Alternative 10 Response.

5.13 City staff has determined that Alternative 10 is no longer a potentially feasible Alternative to the proposed Project. In accordance with CEQA section 15091, City staff will prepare a Statement of Facts and Findings that illustrates why Alternative 10 is no longer considered a potentially feasible alternative; refer to Master Response 2.0-2, Master Alternative 10 Response.

5.14 This reference to the Modified ESP's consistency with the 1998 Tracy Municipal Airport Master Plan have been deleted from page 3-10 and from page 4.9-12 of the Draft Revised Ellis EIR; refer to Section 3 (Revisions to the Draft Revised EIR) of this Final Revised EIR.

5.15 The applicable prohibitions on development and restrictions on flight hazards as identified in the 2009 ALUCP for the Modified Ellis Project will be included as conditions of project approval for individual development projects as they come forward.

5.16 This comment lists specific conditions to consistency with the 2009 ALUCP, including the requirement for deed notices for new residential development within any airport influence area. These specific criteria were used in assessing potential airport hazards associated with development proposed by the Modified ESP; refer to the clarified discussion of Airport Hazards in Section 4.7 that is provided in Section 3 (Revisions to the Draft Revised EIR) of this Final Revised EIR. Deed notices will be included in the deed for any real property in compliance with the California Civil Code Section and the 2009 ALUCP.

Comment Letter No. 6

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
P.O. BOX 2048 STOCKTON, CA 95201
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FAX (209) 948-7194

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September 12, 2012

10-SJ-580, PM 8.2
Modified Ellis Project
SCH #2012022023

Bill 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 Draft Revised Environmental Impact Report (EIR) for the **Modified Ellis Project**. The project, located just north of Union Pacific Railroad between Lammers Rd and Corral Hollow Rd in Tracy, proposes a community development that includes a maximum of 2,250 residential units, 180,000 square feet of commercial use, a 16-acre Swim Center, and parks.

On June 9, 2008, the Department provided comments on the Draft EIR and the traffic study. The consultant's responses to our comments were documented in the original Final EIR dated December 2008 (enclosed). In February 2012, the Department reviewed the Notice of Preparation for the second Draft EIR, and responded with a letter, dated March 9, 2012, requesting for the revised traffic study prepared in 2008 that should have addressed our comments from the June 9, 2008 letter. On August 22, 2012, RBF Consulting provided the Final Report for the Transportation Impact Analysis (Final TIA) dated December 2007, along with the electronic Synchro data files.

In reviewing the consultant's responses documented in the original Final EIR (December 2008) and the recently submitted Final TIA (December 2007), the Office of Traffic Operations has the following comments specific to the consultant's numbered responses in the original Final EIR:

1. Response to 7.2: Traffic Operations maintains that the project impacts need to be analyzed for the "Existing + Approved" and "Existing + Approved + Project" scenarios. Please provide these additional analyses for our review. 6.1

2. Response to 7.4 & 7.7: Traffic Operations is currently verifying the Peak Hour Factors (PHF) used in the analysis. Since additional time is needed to conduct the verification, our findings will be provided in a separate letter by September 20, 2012. 6.2

3. Response to 7.5: The Synchro files provided by RBF Consulting on August 22, 2012 continue to show the permitted left turns in lieu of protected left turns where protected left turns should be used in the cumulative condition. In particular are the left-turning movement from Patterson Pass Rd to EB I-580 and the left-turning movement from Corral Hollow Rd to EB I-580. Please revise and resubmit for our review. 6.3

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Mr. Dean
September 12, 2012
Page 2

4. Response to 7.6: The lane configurations used in the analysis are not consistent with the existing conditions. The existing I-580/Patterson Pass Rd and I-580/Corral Hollow Rd interchanges have single-lane on and off ramps. The analysis provided shows two-lane on and off ramps at these interchanges. Additionally, the cumulative condition shows an interchange at I-580/Lammers Rd. This interchange cannot be assumed in the analysis because it is a TIER II project in the most recent Final San Joaquin Council of Governments (SJCOG) Regional Transportation Plan (RTP). Please revise the configurations and resubmit for our review. 6.3 cont.

5. Response to 7.8: The results in the table provided in the consultant's response are based on the signalization at the I-580/Patterson Pass Rd and I-580/Corral Hollow Rd interchanges. What is the projected interim year at which the proposed signalization is warranted? Is the signalization proposed a mitigation measure for the Ellis Project? Please provide this information for our review. 6.4

6. Response to 7.9: The consultant's response states, "*The findings from the traffic analysis have concluded that there would be significant and unavoidable impacts to Interstate 580 with development of the proposed Project.*" The provided Synchro files contain significant errors and the analysis must be resubmitted correctly for our review. 6.5

   Please provide revised Synchro files along with the updated traffic volumes for the AM & PM Peak Hours (including updated truck percentages and PHF), correct lane geometry, and correct turn movement/signalization designations for Existing , Exiting + Approved Projects, Existing + Approved Projects + Proposed Project, Cumulative, and Cumulative + Proposed Project conditions. Traffic Operations is particularly interested in the analysis and the impacts that the proposed project will have on the I-580/Patterson Pass Rd and I-580/Corral Hollow Rd interchanges. 6.6

Please provide the information and modifications as listed above for further review and comment. If you have any questions, please contact Sinarath Pheng at (209) 942-6092 (e-mail: Sinarath_Pheng@dot.ca.gov) or myself at (209) 941-1921.

Sincerely,

for TOM DUMAS, CHIEF
OFFICE OF METROPOLITAN PLANNING

c Scott Morgan, State Clearinghouse

Enclosure

"Caltrans improves mobility across California"

Comment Letter # 7 (cont.)

Jun. 12. 2008 8:18AM No. 0893 P. 2/5

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF TRANSPORTATION
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June 9, 2008

10-SJ-580-R.2
SCH2006102092
Surland Companies Development
Agreement & Ellis Specific Plan
Application Draft EIR

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

Dear Mr. Dean:

The California Department of Transportation (Department) appreciates the opportunity to have reviewed the Surland Companies Development Agreement and Ellis Specific Plan (ESP) Applications Draft Environmental Impact Report (EIR). The Department has the following comments:

1. The Draft EIR did not appear to address historic/cultural concerns associated with the proposed project. 7.1

Comments Regarding the Traffic Study

2. The Draft EIR's traffic study does not include a scenario for an "Existing+Approved+Project" condition. By omitting this scenario the traffic study neglects to evaluate the near-term impacts of this development in conjunction with other approved developments in the area. 7.2

3. Refer to the Draft EIR (Appendix B, Traffic Impact Analysis), page 28. The last paragraph states: 7.3

> *"LOS thresholds for local freeways are set at "D", except that on I-580/I-205 between the Alameda County Line and Tracy Boulevard, LOS "F" is permissible, and on I-205 between Tracy Boulevard and I-5, LOS "E" is permissible."*

The statement that LOS F and LOS E are permissible is incorrect. These are Caltrans freeways and the minimum threshold LOS for I-205 and I-580 in these areas is still LOS "D" without exception for the above two stated freeway segments. As an example, note that both the I-205 Auxiliary Lane project and the I-205 Widening Project have used a minimum level of service threshold of LOS "D".

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City of Tracy December 2008
34

Comment Letter # 7 (cont.)

Jun. 12. 2008 8:18AM No. 0893 P. 3/5

Bill Dean
June 10, 2008
Page 2

4. A review of the Synchro analysis reports for Caltrans facilities indicates that a Peak Hour Factor (PHF) of 1.0 was used in the intersection analysis. By using a PHF = 1.0, the intersection analysis does not use an acceptable peak hour factor. A review of the Syncho reports at other intersections which fall under the jurisdiction of The City of Tracy also indicates that a PHF = 1.0 was used throughout for the intersection analysis. 7.4

5. A review of the Synchro 6 analysis reports shows that at certain intersections the analysis was done coding the left-turns as "Permitted". The left-turns should have been made "Protected" in the Synchro inputs. 7.5

As an example, refer to the Synchro 6 analysis report for the I-580 EB Ramps & Patterson Pass for the "Cumulative with Project PM" scenario. This intersection was analyzed as a signalized intersection with the southbound dual left-turn lane as a permitted movement opposing a northbound through movement. This is not reasonable and should have been analyzed as the dual left-turn being coded as a "protected" movement. Refer to later comments.

6. The Synchro reports show various right turns being input as "Free". By HCM 2000, Chapter 16 methodology this condition entirely removes the right-turning traffic volumes from the intersection analysis. If the right-turn does not fit the actual definition of a free right-turn, then these intersections should not have been analyzed using a free right-turn coding which subsequently will ignore the right turning traffic volumes. 7.6

7. The I-580/Patterson Pass interchange ramps have a high percentage of trucks due to the adjacent industrial developments and warehouses. In HCM methods, the saturation flow rate is adjusted for heavy vehicle percentages. A review of the Synchro analysis reports for these ramp intersections indicates that the analysis used the default Synchro 6 setting of 2%, which should have been changed to account for the high percentage of trucks. This would significantly affect the saturation flow and resultant level of service results. 7.7

As an example, refer to the Synchro 6 analysis report for the I-580 EB Ramps & Patterson Pass for the "Cumulative with Project PM" scenario. Note, this is the same aforementioned ramp intersection that coded the dual left-turn as a permitted movement. A recent review of the PM traffic at this ramp intersection indicates that the EB I-580 off-ramp Lt-turning traffic is approximately 44% trucks, and left-turning traffic from WB Patterson Pass to the I-580 EB on-ramp is approximately 24% trucks. Other additional movements such as the EB I-580 off-ramp Rt-turn, and thru movement from WB Patterson Pass are approximately 8% trucks for both movements.

Reanalyzing this ramp intersection in Synchro 6 using the aforementioned corrections for the "Cumulative With Project PM" scenario results in a significantly worse LOS than that claimed by the DEIR. The DEIR/TIS analysis reports an average intersection LOS C, however the reanalysis with the aforementioned corrections result in an intersection average LOS F.

"Caltrans improves mobility across California"

City of Tracy December 2008
35

Comment Letter # 7 (cont.)

Jun. 12. 2008 8:18AM No. 0893 P. 4/5

Bill Dean
June 10, 2008
Page 3

The DEIR/TIS needs to reanalyze the intersections using more reasonable peak hour factors (PHF), account for truck percentages, and code the correct turning movements in its HCM intersection analysis. 7.7(cont.)

8. Refer to the TIS (Appendix B), Table 6 "Existing AM & PM Peak Hour Intersection Level of Service". Also refer to Table 15, "Existing + Project AM & PM Peak Hour Intersection Level of Service".

Study Intersection	AM Peak Hour		PM Peak Hour	
	Existing	Existing + Project	Existing	Existing + Project
1. Patterson Pass / I-580 EB	(C EB)	(C EB)	(E EB)	(F EB)
3. Corral Hollow Rd. / I-580 EB	(B EB)	(C EB)	(C EB)	(F EB)
4. Corral Hollow Rd. / I-580 WB	(C WB)	(E WB)	(B WB)	(C WB)

Combining the information from the two aforementioned tables shows that the "Existing + Project" condition has significant impact to both the Patterson Pass/I-580 EB ramp intersection and also the Corral Hollow/I-580 WB ramp intersection.

The TIS has ignored these impacts by comparing the projects resultant LOS impacts using the average LOS for the unsignalized intersection, even though the LOS for an unsignalized intersection is defined per HCM 2000, Chapter 16 as the LOS of the worst minor approach. Therefore, the TIS evaluating impacts based on using an average LOS contradicts the established Highway Capacity Manual 2000 procedures and standards. As a result, the subsequent analysis of potential significant impacts and proposed mitigations will be incorrect by neglecting impacts 7.8

SUMMARY

In summary, the Ellis Specific Plan DEIR and its incorporated traffic impact study should address the following:

- Include the "Existing+Approved+Project" scenario to account for adjacent approved/pending developments which will compound the traffic impacts in the near-term.
- Incorrect intersection/Ramp analysis inputs, coding, and PHF problems in the Synchro 6 analysis files which result in an unrealistic calculated LOS.
- Using an invalid "average" LOS as the significance criteria for evaluation of intersections/ramps with side-street stop control.
- Incorrect Level of Service threshold LOS "E" and LOS "F" used for significance criteria for freeway segments of I-205 through Tracy, and I-205/I-580 west of Tracy.

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City of Tracy 36 December 2008

Comment Letter # 7 (cont.)

Jun. 12. 2008 8:18AM No. 0893 P. 5/5

Bill Dean
June 10, 2008
Page 4

As a result of these areas, the DEIR does not accurately disclose and address the project's potential significant impacts to traffic. The affected areas and the severity of the impacts to traffic would be greater than that stated in this DEIR. The traffic impact analysis portion of the DEIR needs to be revised to correct the above discrepancies.

Forecasting Comment

9. The cumulative impacts of the proposed ESP development addition of residential, commercial, office and recreational uses will result in an increase in traffic volumes and would place an increased demand on the existing street systems and I-205 /I-580 which provide regional vehicular access to the site.

The Department recommends addressing the areas listed above to better identify the impacts and necessary mitigations for the impacts of the additional traffic on the highway system. The mitigations for these impacts may require highway improvements as needed or the collection of impact fees on a "Fair Share" basis toward the cumulative roadway segment improvements including I-205 and I-580 widening and interchange improvements. 7.9

If you have any questions or would like to discuss our comments in more detail, please contact Barbara Hempstead at (209) 948-3909 (e-mail: barbara_hempstead@dot.ca.gov) or me at (209) 941-1921.

Sincerely,

TOM DUMAS, CHIEF
OFFICE OF METROPOLITAN PLANNING

"Caltrans improves mobility across California"

City of Tracy 37 December 2008

RESPONSE NO. 7

Tom Dumas, Chief
California Department of Transportation – Office of Metropolitan Planning

7.1 Impacts associated with historical and cultural resources were determined to be less than significant in the Initial Study prepared for the proposed Project (dated November 2007) and were therefore not further analyzed in the EIR.

7.2 The traffic analysis reviewed the traffic impacts of the proposed development Project in relation to Existing conditions and Cumulative conditions. The near-term impacts of the Project have been disclosed relative to Existing conditions. Larger development areas with certified EIRs, but no specific development plans, were included in the cumulative background condition, and the proposed Project impacts were analyzed along with other cumulative projects in the cumulative context.

7.3 The statement made on page 28 of the Traffic Impact Analysis Report (Appendix B) refers to the San Joaquin County Congestion Management Plan (CMP) provisions for traffic level of service requirements. The Final EIR will include the Department of Transportation requirements on Caltrans facilities, which is LOS "D".

7.4 The City of Tracy has an adopted level of service policy based on traffic conditions across an average one-hour period. This policy has been in effect for the past 15 years. Therefore, a PHF=1.0 was appropriately used for all intersections within the City boundaries. Based on the comments received, the I-580/Patterson Pass intersections, which are located outside the City boundaries, were re-analyzed using PHF=0.97 for the AM peak hour and PHF=0.93 for the PM peak hour. These factors are based on peak period counts taken in May 2006. Results are summarized in Response 7.7.

7.5 Intersections with "permitted" left-turns have been re-analyzed with "protected" left-turns. The results are summarized in Response to Comment 7.7.

7.6 Intersections analyzed using a free right-turn will have actual free turning movement with receiving lane on the departure leg. The analysis was applied correctly.

7.7 As noted in Response 7.4, above, the I-580/Patterson Pass intersections have been re-analyzed using the truck percentages indicated by the Commentor. The analysis includes changes to the peak hour factor (PHF) as well as protected left-turn phasing. The results are summarized below:

RESPONSE NO. 7

Tom Dumas, Chief
California Department of Transportation – Office of Metropolitan Planning

Delay / Level of Service					
Study Intersection		Existing[1]	Existing + Project[1]	Cumulative[2]	Cumulative with Project[2]
1. Patterson Pass / I-580 EB	AM	19 / C	19 / C	30 / C	46 / D
	PM	>50 / F	>50 / F	>80 / F	>80 / F
2. Patterson Pass / I-580 WB	AM	22 / C	26 / D	24 / C	22 / C
	PM	14 / B	16 / C	>80 / F	65 / E

Note: Shading denotes LOS threshold exceeded.
1. Side-street stop controlled at all intersections under Existing conditions. Delay is reported for the worst approach.
2. Assumed signalized under Cumulative conditions. Delay reported is HCM average control dealy for the intersection.

Source: Fehr and Peers, August 2008.

The re-analysis results indicate that in the PM Level of Service at Patterson Pass/ I-580 EB ramps are operating at LOS F both without and with the Proposed Project. Development on the Project site is expected to have a positive impact at the Patterson Pass/ I-580 WB ramps by reducing delay under cumulative conditions.

7.8 Please refer to Responses 7.4 and 7.7. The City's policy for intersections within the City boundaries is to base traffic levels of service across an average one-hour period based on average total intersection delay. Consistent with City of Tracy policy for intersections within the City boundaries, the Corral Hollow/I-580 intersections were assessed based on the average peak hour delay for the entire intersection, and LOS C or better operations reported in the EIR. Based on the comments received, a re-analysis of the Patterson Pass/I-580 intersections, which are located outside the City boundaries, shows the EB ramps are operating at LOS F both without and with the proposed Project under existing conditions.

7.9 The findings from the traffic analysis have concluded that there would be significant and unavoidable impacts to Interstate 580 with development of the proposed Project.

Response to Letter No. 6
Tom Dumas
Department of Transportation

6.1 The traffic analysis prepared for the Draft Revised EIR analyzed the traffic impacts of the Modified Ellis Project in relation to Existing conditions and Cumulative conditions. The cumulative conditions represent approved plus pending projects.

6.2 Noted. No additional comments have been received from Caltrans.

6.3 The turns at the intersection of I-580 EB Ramps and Patterson Pass were changed to reflect protected lefts and the LOS updated as indicated below. The lanes were updated and the LOS is indicated in the following table, including the protected left turn operation. The LOS for cumulative operations with the mitigated improvement operate at acceptable thresholds (LOS better than E).

Cumulative No Modified ESP and Cumulative with Modified ESP
AM and PM Peak Hour Intersection Level of Service
Includes Permitted Left Turn per Caltrans 9/12/12

Study Intersection	Jurisdiction / LOS Threshold	Type of Control	Cumulative No ESP				Cumulative with ESP			
			AM Pk. Hr.		PM Pk. Hr.		AM Pk. Hr.		PM Pk. Hr.	
			Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS	Delay (Sec)	LOS
1 Patterson Pass / I-580 EB	Caltrans / D	Signal	30.6	C	49.5	D	29.9	C	41.4	D
3 Corral Hollow / I-580 EB	Caltrans / D	Signal	27.9	C	48.7	D	20.2	C	34.4	C

Source: Fehr & Peers, 2007. Validated by RBF Consulting, April 2012, October 2012

The Lammers Road interchange on I-580 has been included in the City General Plan and Citywide Transportation master Plan since 1994 Future development north of I-580 cannot occur without adding this capacity to the road network. The SJCOG model also includes the interchange.

6.4 Based on compound traffic growth between 2012 and General Plan Buildout (2030), the intersection of I-580/Patterson Pass will be required to be signalized in year 2016 and the intersection of I-580/Corral Hollow Road will be required to be signalized in year 2019.

6.5 The Synchro files were not used for the freeway analysis, but the HCM methodology instead. The HCM methodology is the acceptable measure per the Caltrans Traffic Impact Study Guidelines. The Synchro files will be updated otherwise and resubmitted to Caltrans for review.

6.6 The Synchro files were updated and resubmitted to Caltrans for review.

Comment Letter No. 7

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
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Flex your power!
Be energy efficient!

September 20, 2012

10-SJ-580, PM 8.2
Modified Ellis Project
SCH #2012022023

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

Dear Mr. Dean,

As noted in our previous letter dated September 12, 2012 (see *Attachment 1*), the California Department of Transportation (Department) is providing additional comments regarding the recent traffic counts conducted by the Office of Traffic Operations for the **Modified Ellis Project**. The updated EXISTING counts were collected at the I-580/Corral Hollow Rd interchange on September 5, 2012 and the I-580/Patterson Pass Rd interchange on September 6, 2012. Based on the results of the traffic counts (see *Attachment 2*), the Office of Traffic Operations has the following comments:

1. Existing AM Peak Hour at Corral Hollow Rd

a. The truck percentage used in the Synchro analysis was 2%, whereas the recent traffic counts show 5.6% heavy vehicles for the WB I-580 ramp intersection. Please revise the analysis using the updated truck percentage and resubmit for our review.

b. The recent traffic counts show that the WB I-580 ramp volumes have increased 9.7%. Please revise the volumes for the existing condition and forecast the volumes accordingly for the Existing + Approved, Existing + Approved + Project, and Cumulative conditions and resubmit for our review. 7.1

c. The recent traffic counts show that the EB I-580 ramp volumes have increased 12.2%. Please revise the volumes for the existing condition and forecast the volumes accordingly for the Existing + Approved, Existing + Approved + Project, and Cumulative conditions and resubmit for our review.

2. Existing AM Peak Hour at Patterson Pass Rd

a. The truck percentage used in the Synchro analysis was 2%, whereas the recent traffic counts show 9.9% heavy vehicles for the EB I-580 ramp intersection. Please revise the analysis using the updated truck percentage and resubmit for our review. 7.2

b. The truck percentage used in the Synchro analysis was 2%, whereas the recent traffic counts show 18% heavy vehicles for the WB I-580 ramp intersection. Please revise the analysis using the updated truck percentage and resubmit for our review.

"Caltrans improves mobility across California"

Mr. Dean
September 20, 2012
Page 2

c. The recent traffic counts show that the WB I-580 ramp volumes have increased 8.4%. Please revise the volumes for the existing condition and forecast the volumes accordingly for the Existing + Approved, Existing + Approved + Project, and Cumulative conditions and resubmit for our review. 7.3

3. Existing PM Peak Hour at Patterson Pass Rd

a. The truck percentage used in the Synchro analysis was 2%, whereas the recent counts show 14.3% heavy vehicles for the WB I-580 ramp intersection. Please revise the analysis using the updated truck percentage and resubmit for our review. 7.4

Please provide for our review and comment the revisions requested above and the information and modifications requested in the September 12, 2012 letter. If you have any questions, please contact Sinarath Pheng at (209) 942-6092 (e-mail: Sinarath_Pheng@dot.ca.gov) or myself at (209) 941-1921.

Sincerely,

for TOM DUMAS, CHIEF
OFFICE OF METROPOLITAN PLANNING

c Scott Morgan, State Clearinghouse

Attachments

"Caltrans improves mobility across California"

ATTACHMENT 1

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
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COPY

Flex your power!
Be energy efficient!

September 12, 2012

10-SJ-580, PM 8.2
Modified Ellis Project
SCH #2012022023

Bill 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 Draft Revised Environmental Impact Report (EIR) for the **Modified Ellis Project**. The project, located just north of Union Pacific Railroad between Lammers Rd and Corral Hollow Rd in Tracy, proposes a community development that includes a maximum of 2,250 residential units, 180,000 square feet of commercial use, a 16-acre Swim Center, and parks.

On June 9, 2008, the Department provided comments on the Draft EIR and the traffic study. The consultant's responses to our comments were documented in the original Final EIR dated December 2008 (enclosed). In February 2012, the Department reviewed the Notice of Preparation for the second Draft EIR, and responded with a letter, dated March 9, 2012, requesting for the revised traffic study prepared in 2008 that should have addressed our comments from the June 9, 2008 letter. On August 22, 2012, RBF Consulting provided the Final Report for the Transportation Impact Analysis (Final TIA) dated December 2007, along with the electronic Synchro data files.

In reviewing the consultant's responses documented in the original Final EIR (December 2008) and the recently submitted Final TIA (December 2007), the Office of Traffic Operations has the following comments specific to the consultant's numbered responses in the original Final EIR:

1. Response to 7.2: Traffic Operations maintains that the project impacts need to be analyzed for the "Existing + Approved" and "Existing + Approved + Project" scenarios. Please provide these additional analyses for our review.

2. Response to 7.4 & 7.7: Traffic Operations is currently verifying the Peak Hour Factors (PHF) used in the analysis. Since additional time is needed to conduct the verification, our findings will be provided in a separate letter by September 20, 2012.

3. Response to 7.5: The Synchro files provided by RBF Consulting on August 22, 2012 continue to show the permitted left turns in lieu of protected left turns where protected left turns should be used in the cumulative condition. In particular are the left-turning movement from Patterson Pass Rd to EB I-580 and the left-turning movement from Corral Hollow Rd to EB I-580. Please revise and resubmit for our review.

"Caltrans improves mobility across California"

Mr. Dean
September 12, 2012
Page 2

4. Response to 7.6: The lane configurations used in the analysis are not consistent with the existing conditions. The existing I-580/Patterson Pass Rd and I-580/Corral Hollow Rd interchanges have single-lane on and off ramps. The analysis provided shows two-lane on and off ramps at these interchanges. Additionally, the cumulative condition shows an interchange at I-580/Lammers Rd. This interchange cannot be assumed in the analysis because it is a TIER II project in the most recent Final San Joaquin Council of Governments (SJCOG) Regional Transportation Plan (RTP). Please revise the configurations and resubmit for our review.

5. Response to 7.8: The results in the table provided in the consultant's response are based on the signalization at the I-580/Patterson Pass Rd and I-580/Corral Hollow Rd interchanges. What is the projected interim year at which the proposed signalization is warranted? Is the signalization proposed a mitigation measure for the Ellis Project? Please provide this information for our review.

6. Response to 7.9: The consultant's response states, "*The findings from the traffic analysis have concluded that there would be significant and unavoidable impacts to Interstate 580 with development of the proposed Project.*" The provided Synchro files contain significant errors and the analysis must be resubmitted correctly for our review.

   Please provide revised Synchro files along with the updated traffic volumes for the AM & PM Peak Hours (including updated truck percentages and PHF), correct lane geometry, and correct turn movement/signalization designations for Existing , Exiting + Approved Projects, Existing + Approved Projects + Proposed Project, Cumulative, and Cumulative + Proposed Project conditions. Traffic Operations is particularly interested in the analysis and the impacts that the proposed project will have on the I-580/Patterson Pass Rd and I-580/Corral Hollow Rd interchanges.

Please provide the information and modifications as listed above for further review and comment. If you have any questions, please contact Sinarath Pheng at (209) 942-6092 (e-mail: Sinarath_Pheng@dot.ca.gov) or myself at (209) 941-1921.

Sincerely,

Sinarath Pheng

for TOM DUMAS, CHIEF
OFFICE OF METROPOLITAN PLANNING

c Scott Morgan, State Clearinghouse

Enclosure

"Caltrans improves mobility across California"

ATTACHMENT 2

Existing AM PH at Corral Hollow Road WB 580 Ramp (Comments 1a and 1b)

	Vehicle	Southbound Corral Hollow Road				Northbound Corral Hollow Road				WB 580 Off Ramp				WB 580 On Ramp				Truck
YEAR	Classification	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Percentage
2012	Trucks	25	7	0	0	0	8	1	0	10	1	1	0	0	0	0	0	5.6%
	Cars	275	266	0	0	0	23	1	0	36	0	285	0	0	0	0	0	
	Total	300	273	0	0	0	31	2	0	46	1	286	0	0	0	0	0	
2006	Total	244	235	0	0	0	54	1	0	91	4	227	0	0	0	0	0	used 2%

Total 2012 Volume 939 Total 2006 Volume 856 Percent Difference 9.7% *Please Revise* *Please Revise*

Existing AM PH at Corral Hollow Road EB 580 Ramp (Comment 1c)

	Vehicle	Southbound Corral Hollow Road				Northbound Corral Hollow Road				EB 580 Off Ramp				EB 580 On Ramp				Truck
YEAR	Classification	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Percentage
2012	Trucks	0	1	5	0	0	0	0	0	0	0	8	0	0	0	0	0	2.8%
	Cars	0	525	21	0	4	1	0	0	21	0	19	0	0	0	0	0	
	Total	0	526	26	0	4	1	0	0	21	0	27	0	0	0	0	0	
2006	Total	0	420	90	0	3	9	0	0	9	0	48	0	0	0	0	0	used 2%

Total 2012 Volume 605 Total 2006 Volume 539 Percent Difference 12.2% *Please Revise* *Okay*

Existing AM PH at Patterson Pass Road EB 580 Ramp (Comment 2a)

	Vehicle	Southbound Patterson Pass Road				Northbound Patterson Pass Road				EB 580 Off Ramp				EB 580 On Ramp				Truck
YEAR	Classification	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Percentage
2012	Trucks	0	5	31	0	0	3	0	0	0	0	28	0	0	0	0	0	9.8%
	Cars	0	494	34	0	5	18	0	0	14	1	46	0	0	0	0	0	
	Total	0	499	65	0	5	21	0	0	14	1	74	0	0	0	0	0	
2006	Total	0	532	71	0	13	52	0	0	8	0	64	0	0	0	0	0	used 2%

Total 2012 Volume 679 Total 2006 Volume 740 Percent Difference -8.2% *Okay* *Please Revise*

Existing AM PH at Patterson Pass Road WB 580 Ramp (Comments 2b and 2c)

	Vehicle	Southbound Patterson Pass Road				Northbound Patterson Pass Road				WB 580 Off Ramp				WB 580 On Ramp				Truck
YEAR	Classification	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Percentage
2012	Trucks	35	34	0	0	0	29	1	0	107	0	0	0	0	0	0	0	18.0%
	Cars	256	358	0	0	0	56	8	0	91	0	172	0	0	0	0	0	
	Total	291	392	0	0	0	85	9	0	198	0	172	0	0	0	0	0	
2006	Total	243	464	0	0	0	101	13	0	96	0	141	0	0	0	0	0	used 2%

Total 2012 Volume 1147 Total 2006 Volume 1058 Percent Difference 8.4% *Please Revise* *Please Revise*

Existing PM PH at Patterson Pass Road WB 580 Ramp (Comment 3a)

	Vehicle	Southbound Patterson Pass Road				Northbound Patterson Pass Road				WB 580 Off Ramp				WB 580 On Ramp				Truck
YEAR	Classification	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Percentage
2012	Trucks	30	40	0	0	0	30	0	0	21	0	1		0	0	0	0	14.3%
	Cars	80	158	0	0	0	423	8	0	59	0	2	0	0	0	0	0	
	Total	110	198	0	0	0	453	8	0	80	0	3	0	0	0	0	0	
2006	Total	87	168	0	0	0	15	580	0	82	0	12	0	0	0	0	0	used 2%

Total 2012 Volume 852 Total 2006 Volume 864 Percent Difference -1.4% *Okay* *Please Revise*

Response to Letter No. 7
Tom Dumas
Department of Transportation

7.1 The truck percentage and traffic counts have been updated for Existing and Existing plus Project conditions. Refer to Response 6.1 for re-analysis of Existing plus Approved plus Project and Cumulative conditions. Caltrans provided 2012 AM peak hour volumes and these were also re-evaluated. The intersections continue to operate at acceptable LOS as indicted below.

Existing AM Peak Hour Intersection Level of Service
Corral Hollow / I-580

Study Intersection		Jurisdiction / LOS Threshold	Type of Control		AM PEAK HOUR			
					DEIR (2006)		Revised per DEIR Comments	
					Delay (Sec)	LOS	Delay (Sec)	LOS
3	Corral Hollow / I-580 EB	Caltrans / D	SSS	Overall	2.4	A	1.5	A
				Worst Approach	*13.7*	*B*	*13.6*	*B*
4	Corral Hollow / I-580 WB	Caltrans / D	SSS	Overall	6.2	A	7.7	A
				Worst Approach	*16.6*	*C*	*21.5*	*C*

Source: Fehr & Peers, 2007. Validated by RBF Consulting, April 2012, October 2012
Notes: Shading indicates LOS threshold is exceeded.
SSS = side-street stop-controlled intersection

7.2 The truck percentages and traffic counts provided by Caltrans were incorporated in the analysis, and re-evaluated. Refer to Response 6.1 for re-analysis of Existing plus Approved plus Project and Cumulative conditions. The intersections continue to operate at acceptable LOS as indicted below.

Existing AM Peak Hour Intersection Level of Service
Patterson Pass / I-580

Study Intersection		Jurisdiction / LOS Threshold	Type of Control		AM PEAK HOUR			
					DEIR (2006)		Revised per DEIR Comments	
					Delay (Sec)	LOS	Delay (Sec)	LOS
1	Patterson Pass / I-580 EB	Caltrans / D	SSS	Overall	2.9	A	2.9	A
				Worst Approach	*18.4*	*C*	*18.9*	*C*
2	Patterson Pass / I-580 WB	Caltrans / D	SSS	Overall	4.7	A	6.1	A
				Worst Approach	*20.6*	*C*	*18.6*	*C*

Source: Fehr & Peers, 2007. Validated by RBF Consulting, April 2012, October 2012
Notes: Shading indicates LOS threshold is exceeded.
SSS = side-street stop-controlled intersection

7.3 The truck percentages and traffic counts provided by Caltrans have been incorporated in the analysis and re-evaluated. See response to comment 6.1 in regards to re-analysis for Existing plus Approved plus Project and Cumulative conditions.

7.4 The PM peak hour analysis truck percentages were changed per the provided 2012 Caltrans data and the results are indicated in the table below. The updated evaluation indicates that the intersections operate at an acceptable LOS.

Existing PM Peak Hour Intersection Level of Service

Patterson Pass / I-580

Study Intersection	Jurisdiction / LOS Threshold	Type of Control		PM PEAK HOUR			
				DEIR (2006)		Revised per DEIR Comments	
				Delay (Sec)	LOS	Delay (Sec)	LOS
1 Patterson Pass / I-580 EB	Caltrans / D	SSS	Overall	12.3	B	12.3	B
			Worst Approach	*41.3*	*E*	*41.3*	*E*
2 Patterson Pass / I-580 WB	Caltrans / D	SSS	Overall	1.2	A	1.2	A
			Worst Approach	*13.6*	*B*	*13.9*	*B*

Source: Fehr & Peers, 2007. Validated by RBF Consulting, April 2012, October 2012
Notes: Shading indicates LOS threshold is exceeded.
AWS = all-way stop-controlled intersection
SSS = side-street stop-controlled intersection

Comment Letter No. 8

09/13/2012 17:28 FAX 559 230 6111 SJVAPCD Outreach & Comm 0002/0005

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

September 13, 2012

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

Project: Draft Environmental Impact Report (DEIR) for City of Tracy Modified Ellis Project

District Reference No: 20120071

Dear Mr. Dean:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the DEIR for the City of Tracy Modified Ellis Project and offers the following comments:

1. The DEIR concludes that construction emissions will have a potentially significant impact on air quality but with mitigation these impacts from construction would be reduced to less than significant. In order to conclude construction related emissions would have a less than significant impact, mitigation measures reducing construction exhaust must be fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines §15126.4, subd. (a)(2)). As such, the District recommends additional feasible mitigation of construction related emissions that includes use of construction equipment powered by engines meeting, at a minimum, Tier II emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations and Part 89 of Tile 40 Code of Federal Regulations. The District recommends incorporating, as a condition of project approval, a requirement that off-road construction equipment used on site achieve a fleet average emissions equal to or less than the Tier II emission standard of 4.8 NOx g/hp-hr. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards. 8.1

Seyed Sadredin
Executive Director/Air Pollution Control Officer

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www.valleyair.org www.healthyairliving.com

2. Based on information provided to the District, 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 on how to comply with District Rule 9510 can be found online at: http://www.valleyair.org/ISR/ISRHome.htm. 8.2

3. As presented in the DEIR, after implementation of all feasible mitigation, the project would have a significant and unavoidable impact on air quality. However, the environmental document does not discuss the feasibility of implementing a Voluntary Emission Reduction Agreement (VERA). As discussed below, the District believes that mitigation through a VERA is feasible in many cases, and recommends the environmental document be revised to include a discussion of the feasibility of implementing a VERA to mitigate project specific impacts to less than significant levels.

   A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's Strategies & Incentives (SI) department. The funds are disbursed by SI in the form of grants for projects that achieve emission reductions. Thus, project specific impacts on air quality can be fully mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficiently heavy-duty trucks, and replacing of old farm tractors. 8.3

   In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. The initial agreement is approved based on the projected maximum emissions increase as calculated by the District approved air quality impact assessment, and contains the corresponding maximum fiscal obligation.

However, because the goal is to mitigate actual emissions, the District has designed flexibility into the VERA such that the final mitigation is based on actual emissions related to the project as determined by actual equipment used, hours of operation, etc., and as calculated by the District. After the project is mitigated, the District certifies to the lead agency that the mitigation is completed, providing the lead agency with an enforceable mitigation measure demonstrating the project specific emissions have been mitigated to less than significant.

8.3 cont.

The District has been developing and implementing VERA contracts with project developers to mitigate project specific emission since 2005. It's the District's experience that implementation of a VERA is a feasible mitigation measure, and effectively achieves the emission reductions required by a lead agency, by mitigating project related impacts on air quality to a net zero level by supplying real and contemporaneous emissions reductions. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document be amended to include an assessment on the feasibility of implementing a VERA.

Additional information on implementing a VERA can be obtained by contacting District CEQA staff at (559) 230-6000.

4. The *Impact 4.3-3* discussion of Project on Air Quality Plan Consistency concludes that the Project is inconsistent with the District's State Implementation Plan (SIP). It is not clear if this conclusion properly reflects the project's impact to the SIP.

8.4

Future development projects are not inherently inconsistent with the District's attainment plans. Growth in population and vehicle miles traveled (VMT) are factored into attainment plans, based on data from the California Department of Finance and/or the Valley's eight county Metropolitan Planning Organizations (MPO).

Plan consistency and conformity are related but separate issues. The discussion in the DEIR correctly notes that Regional Transportation Plans (RTP) and Federal Transportation Improvement Program (FTIP) must conform to the attainment plans. Each county MPO is responsible for showing that their transportation plans and transportation projects are within EPA-approved transportation conformity budgets, based on the latest planning data and assumptions. If the Modified Ellis Project will change total VMT in Tracy, the District recommends that this be documented, and the City of Tracy share this data with the San Joaquin COG, to ensure transportation conformity requirements are satisfied.

8.5

The referenced 2007 Ozone Plan is indeed the most recent District ozone plan. The District currently focuses its particulate matter planning efforts on PM2.5 and the 2008 PM2.5 Plan as opposed to referring to PM10.

The District recommends that the discussion of *Impact 4.3-3* be further elaborated or clarified as appropriate. As such, the District is willing to provide the City of Tracy with more information on evaluating the consistency of project impacts with air quality Attainment Demonstration Plans. 8.6

5. Individual projects within the plan may also 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). 8.7

6. 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. 8.8

If you have any questions or require further information, please call Mark Montelongo at (559) 230-5905.

Sincerely,

Dave Warner
Director of Permit Services

Mark Montelongo

for: Arnaud Marjollet
Permit Services Manager

DW:mm

Response to Letter No. 8
Dave Warner
San Joaquin Valley Air Pollution Control District

8.1 Although the Draft Revised EIR states that temporary air emissions would result from construction equipment and motor vehicles of the construction crew, impacts associated with construction activities are found to be less than significant with the implementation of the recommended mitigation measures. Mitigation Measures 4.3-1a and 4.3-1b are based on the guidance within the San Joaquin Valley Air Pollution Control District's (SJVAPCD) Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI), which includes compliance with SJVAPCD Regulation VIII as well as best management practices and equipment upgrades to reduce NOX emissions. Construction associated with the project activities would be required to comply with the applicable emissions standards noted in the comment (Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations). Therefore, the addition of construction-related mitigation is not required, as these are State and Federal regulations that are already incorporated within Mitigation Measures 4.3-1a and 4.3-1b.

8.2 The Draft Revised EIR found that long-term operational project emissions would exceed SJVAPCD thresholds and would result in a significant impact. As a result, the Draft Revised EIR included Mitigation Measure 4.3-2b, which requires the project applicant to comply with SJVAPCD Rule 9510, Indirect Source Review (ISR). Mitigation Measure 4.3-2b requires compliance with Rule 9510 prior to the issuance of building permits. As noted in the comment, compliance with Rule 9510 entails submission of an Air Impact Assessment (AIA) and payment of any applicable off-site mitigation fees as determined in the AIA.

8.3 The SJVAPCD Voluntary Emission Reduction Agreement (VERA) is an agreement between developers and the SJVAPCD to mitigate projected related air emissions to a net zero level and includes a fiscal obligation. As described in the Draft Revised EIR, the proposed project would result in significant and unavoidable operational air quality impacts, despite the implementation of Mitigation Measures 4.3-2a and 4.3-2b. Mitigation Measure 4.3-2a requires the proposed project to meet LEED certified criteria, and includes various measures to improve energy efficiency. As described in response 8-2, above, Mitigation Measure 4.3-2b requires the project to comply with SJVAPCD Rule 9510, which includes the payment of off-site mitigation fees. Page 4.3-20 of the Draft Revised EIR will be revised in the Final EIR to clarify Mitigation Measure 4.3-2b to include a Voluntary Emission Reduction Agreement (VERA) as requested by the SJVAPCD; refer to Section 3, Revisions to the Draft Revised EIR. Deletions are noted as strikethrough text and additions are double underlined. However, it should be noted that any emissions reductions associated with SJVAPCD Rule 9510 or VERA cannot be quantified at this time, as the actual reduction measures have not been identified. Additionally, implementation of a VERA agreement would have the objective of reducing emissions below the SJVAPCD thresholds, and the project would not be required to reduce emissions to a net zero level. The VERA agreement would also place a priority on implementing all feasible on-site mitigation measures first (e.g., transit stops) so that the project would directly realize the benefits of the mitigation. Implementation of both Rule 9510 and VERA require extensive coordination with the SJVAPCD to determine the nature and reduction potential any applicable measures. However, due to the magnitude of emissions that would exceed the SJVAPCD regional operational

thresholds, impacts associated with operational air quality would remain significant and unavoidable, despite the implementation of mitigation measures.

In addition, it should be noted that the Modified Project would be required to meet al current California Building Codes.

8.4 Impact discussion 4.3-3 of the Draft Revised EIR describes the project's consistency with the most recent Air Quality Management Plan. The discussion of the region's air quality conformity pertaining to the Regional Transportation Plan (RTP) and the Federal Transportation Improvement Program (FTIP) are intended to provide background to the State Implementation Plan (SIP) and the California Clean Air Act (CCAA). As indicated in the Draft Revised EIR, projected growth and vehicle miles traveled (VMT) associated with the proposed project were identified within the General Plan; and are therefore are provided to the San Joaquin Council of Governments (SJCOG) for the purposes of their emissions assumptions and budgets. The analysis within the Draft Revised EIR states that the Modified ESP would result in exceedances of SJVAPCD thresholds for criteria pollutants, despite the implementation of design features and mitigation measures that would help reduce criteria pollutants. As the Long-Term Operational Impacts discussion determined that emissions would be exceed SJVAPCD thresholds, the project has the potential to contribute to new air quality violations and delay the region's attainment of air quality standards specified in the SJVAPCD's air quality attainment plans for ozone and $PM_{2.5.}$

8.5 Page 4.3-22 of the Draft Revised EIR will be revised in the Final EIR to clarify that the SJVAPCD focuses its particulate matter planning efforts on PM2.5 as opposed to PM10; refer to Section 3, Revisions to the Draft Revised EIR. Deletions are noted a strikethrough text and additions are double underlined.

8.6 Refer to Responses 8.3 and 8.4, above. As discussed in the Draft Revised EIR, the proposed project is found to conflict with the most recent Air Quality Attainment Plans due to project-level exceedances of SJVAPCD operational thresholds for criteria pollutants, despite the implementation of mitigation measures and project design features. Although the Modified ESP has been identified within the City of Tracy General Plan and would be consistent with the anticipated growth within the City, the proposed project contributes to growth beyond what was previously anticipated by the SJCOG. Therefore, significant and unavoidable plan consistency impacts identified in the Draft Revised EIR are based on growth generated by the project and the operational exceedances of SJVAPCD thresholds for criteria pollutants.

8.7 As noted in the Draft Revised EIR, the project would be required to comply with all applicable SJVAPCD rules and regulations, including Regulation VIII (required as Mitigation Measures 4.3-1a and 4.3-1b). Additionally, Mitigation Measure 4.3-2b of the Draft Revised EIR requires compliance with Rule 9510 prior to the issuance of building permits.

8.8 The comment provides information about where to reference the SJVAPCD's rules and regulations. No further response is required.

Comment Letter No. 9

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT

EDMUND G. BROWN JR.
GOVERNOR

KEN ALEX
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CITY OF TRACY

September 13, 2012

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

Subject: Modified Ellis Project Draft Revised EIR
SCH#: 2012022023

Dear William Dean:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on September 12, 2012, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that: 9.1

> "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Base

SCH# 2012022023
Project Title Modified Ellis Project Draft Revised EIR
Lead Agency Tracy, City of

Type EIR Draft EIR

Description The Project proposes a modification and amendment to the Original Ellis DA ("Amended and Restated Ellis DA") (Application Number DA11-0002); a modification and amendment to the Original Ellis Specific Plan ("Modified Ellis Specific Plan or Modified ESP") (Application No. SP11-0002); and Petition for Annexation and Pre-Zoning (App. No. A/P11-0002) and General Plan Amendment (App No. GPA11-0005) (collectively referred to as the "Modified Project"). The Modified Project would accommodate the development of a minimum of 1,000 to a maximum of 2,250 residential units, as well as a Village Center, open space, 180,000 sf of retail, office, and other commercial uses and, consistent with City requirements, approximately four acres per 1,000 people of parks with an opportunity to include a Swim Center on 321-acres.

Lead Agency Contact

Name William Dean
Agency City of Tracy
Phone 209-831-4600 **Fax** 9.2
email
Address 333 Civic Center Plaza
City Tracy **State** CA **Zip** 95376

Project Location

County San Joaquin
City Tracy
Region
Lat / Long
Cross Streets Various
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways
Airports
Railways
Waterways
Schools
Land Use Various

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Noise; Public Services; Recreation/Parks; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Growth Inducing; Landuse; Cumulative Effects; Other Issues

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Game, Region 3; Department of Parks and Recreation; Office of Emergency Management Agency, California; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 10; Department of Housing and Community Development; Regional Water Quality Control Bd., Region 5 (Sacramento); Native American Heritage Commission; Public Utilities Commission; State Lands Commission; Delta Stewardship Council; Delta Protection Commission

Date Received 07/30/2012 **Start of Review** 07/30/2012 **End of Review** 09/12/2012

STATE OF CALIFORNIA – THE RESOURCES AGENCY EDMUND G. BROWN, Jr., *Governor*

DELTA PROTECTION COMMISSION
14215 RIVER ROAD
P.O. BOX 530
WALNUT GROVE, CA 95690
Phone (916) 776-2290 / FAX (916) 776-2293
Home Page: www.delta.ca.gov

9/12/12 Clerk

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Sacramento County Board of Supervisors

San Joaquin County Board of Supervisors

Solano County Board of Supervisors

Yolo County Board of Supervisors

Cities of San Joaquin County

Cities of Contra Costa and Solano Counties

Cities of Sacramento and Yolo Counties

Central Delta Reclamation Districts

North Delta Reclamation Districts

South Delta Reclamation Districts

Business, Transportation and Housing

Department of Food and Agriculture

Natural Resources Agency

State Lands Commission

August 7, 2012

State Clearinghouse
P.O. Box 3044
Sacramento, CA 95812-3044

Subject: Ellis Project – SCH #2012022023

The Delta Protection Commission (Commission) is responding to the request for comments on the Ellis Project. While this project falls outside the Primary Zone, and is within the Secondary Zone, the project may potentially impact the resources of the Primary Zone and therefore should be consistent with the Land Use and Resource Management Plan (Management Plan). 9.3

The Delta Protection Act (Johnston 1992), Public Resources Code Section 29709, states the Commission must protect the local, state, and national interests in the long-term agricultural productivity, economic vitality, and ecological health of Delta resources, and it is important that there be a coordination and integration of activities by the various agencies whose land use activities and decisions cumulatively impact the Delta. The Management Plan's Agricultural Policy P-5 requires adequate buffers between agricultural and non-agricultural land uses particularly residential development outside but adjacent to the Primary Zone. 9.4

The Secondary Zone must serve as a buffer between urban areas and the Primary Zone within the Legal Delta. Development trends and urban encroachments within the Secondary Zone take away from the "buffer" effect of the Secondary Zone and add to stressors already impacting the Legal Delta. These stressors include loss of farmland, wildlife habitat, degradation of water quality, impairment of fisheries, population growth, and demands on infrastructure. This development will potentially lessen this buffer. 9.5

Although the Commission has no jurisdiction over local action in the Secondary Zone, this project should be evaluated on its potential and actual impacts to the Primary Zone and those impacts should be mitigated as part of permitting and or zoning authorization. 9.6

Sincerely,

Michael Machado, for

Michael Machado
Executive Director

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY EDMUND G. BROWN JR., Governor

DEPARTMENT OF TRANSPORTATION
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September 4, 2012

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

Dear Mr. Dean:

Re: Draft Environmental Impact Report for the Ellis Specific Plan and Development Agreement; SCH# 2012022023

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public-use and special-use airports and heliports. The following comments are offered for your consideration.

The proposal is for the implementation of the Modified Ellis Project which includes a modified and amended Original Ellis Development Agreement and Specific Plan, a petition for annexation and pre-zoning, and a City of Tracy General Plan amendment. Implementation of the Modified Ellis Project would allow a mix of residential, commercial, office/professional institutional, and recreational uses on a 321-acre site that currently has no structures or improvements. 9.7

The project site is approximately 3,200 feet northwest (on centerline) of the departure end of Runway 30 at the Tracy Municipal Airport. The site is also approximately 2,900 feet northwest of the approach end of Runway 8. Tracy Municipal is an active General Aviation airport with approximately 80 based aircraft and 60,000 annual operations.

CEQA, Public Resources Code 21096, requires the California Airport Land Use Planning Handbook (Handbook) be utilized as a technical resource in the preparation of environmental documents as they relate to airport-related safety hazards and noise problems, for projects within airport land use compatibility plan boundaries or if such a plan has not been adopted, within two nautical miles of an airport. This reference to the requirement to use the Handbook is a comment that was stated in our comment letter for this project's Notice of Preparation (NOP) dated February 27, 2012. Chapter 7 of the Draft Environmental Impact Report (DEIR) does not list the Handbook as a reference document and it is not cited in addressing noise and safety issues related to the airport in the environmental analysis or alternatives chapters.

In accordance with California Public Utilities Code (PUC) Section 21676 *et seq.*, prior to the amendment of a general plan or specific plan, or the adoption or approval of a zoning ordinance or

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Mr. William Dean
September 4, 2012
Page 2

building regulation within the planning boundary established by the airport land use commission (ALUC), the local agency shall first refer the proposed action to the ALUC. This is another repeat item from the NOP comment letter. The DEIR does not indicate that this proposed project has been submitted to the San Joaquin County Airport Land Use Commission for a consistency determination with their airport land use compatibility plan. On pages 4.9-11 to 4.9-13 the DEIR lays out the results of an airport land use compatibility review performed by some entity other that the ALUC. This proposed project must be submitted to the ALUC for a compatibility review.

Alternative 10 in the DEIR (pages 6-29 and 6-30) proposes shorter runways at Tracy Municipal Airport which would reduce the area covered by critical land use compatibility safety zones at the project site. These smaller safety zones are sought by the project proponent to allow more dwelling units at the project site. This alternative proposal also states that the City of Tracy has officially notified the Federal Aviation Administration (FAA) that the runway length has changed through a Notice to Airmen (NOTAM). Posting a NOTAM, which is temporary, does not officially change an airport's runway length or an airport layout plan, and the Tracy Airport Master Record (FAA Form 5010-1) does not reflect the runway lengths posted in the NOTAM. The runway lengths stated on each airport's Form 5010-1 and layout plan are the result of the FAA's official process for establishing them and should be used for long-term planning purposes. 9.7 cont.

These comments reflect the areas of concern to the Division with respect to airport-related noise, safety, and regional land use planning issues. We advise you to contact our District 10 office concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please call me at (916) 654-6223, or by email at philip_crimmins@dot.ca.gov.

Sincerely,

Original Signed by

PHILIP CRIMMINS
Aviation Environmental Specialist

c: State Clearinghouse, San Joaquin County ALUC, Tracy Municipal Airport

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09/12/2012 08:31 1209948/164 CALTRANS PAGE 02/09

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September 12, 2012

10-SJ-580, PM 8.2
Modified Ellis Project
SCH #2012022023

Bill 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 Draft Revised Environmental Impact Report (EIR) for the **Modified Ellis Project**. The project, located just north of Union Pacific Railroad between Lammers Rd and Corral Hollow Rd in Tracy, proposes a community development that includes a maximum of 2,250 residential units, 180,000 square feet of commercial use, a 16-acre Swim Center, and parks.

On June 9, 2008, the Department provided comments on the Draft EIR and the traffic study. The consultant's responses to our comments were documented in the original Final EIR dated December 2008 (enclosed). In February 2012, the Department reviewed the Notice of Preparation for the second Draft EIR, and responded with a letter, dated March 9, 2012, requesting for the revised traffic study prepared in 2008 that should have addressed our comments from the June 9, 2008 letter. On August 22, 2012, RBF Consulting provided the Final Report for the Transportation Impact Analysis (Final TIA) dated December 2007, along with the electronic Synchro data files. 9.8

In reviewing the consultant's responses documented in the original Final EIR (December 2008) and the recently submitted Final TIA (December 2007), the Office of Traffic Operations has the following comments specific to the consultant's numbered responses in the original Final EIR:

1. Response to 7.2: Traffic Operations maintains that the project impacts need to be analyzed for the "Existing + Approved" and "Existing + Approved + Project" scenarios. Please provide these additional analyses for our review.

2. Response to 7.4 & 7.7: Traffic Operations is currently verifying the Peak Hour Factors (PHF) used in the analysis. Since additional time is needed to conduct the verification, our findings will be provided in a separate letter by September 20, 2012.

3. Response to 7.5: The Synchro files provided by RBF Consulting on August 22, 2012 continue to show the permitted left turns in lieu of protected left turns where protected left turns should be used in the cumulative condition. In particular are the left-turning movement from Patterson Pass Rd to EB I-580 and the left-turning movement from Corral Hollow Rd to EB I-580. Please revise and resubmit for our review.

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09/12/2012 08:31 12099487164 CALTRANS PAGE 03/09

Mr. Dean
September 12, 2012
Page 2

4. Response to 7.6: The lane configurations used in the analysis are not consistent with the existing conditions. The existing I-580/Patterson Pass Rd and I-580/Corral Hollow Rd interchanges have single-lane on and off ramps. The analysis provided shows two-lane on and off ramps at these interchanges. Additionally, the cumulative condition shows an interchange at I-580/Lammers Rd. This interchange cannot be assumed in the analysis because it is a TIER II project in the most recent Final San Joaquin Council of Governments (SJCOG) Regional Transportation Plan (RTP). Please revise the configurations and resubmit for our review.

5. Response to 7.8: The results in the table provided in the consultant's response are based on the signalization at the I-580/Patterson Pass Rd and I-580/Corral Hollow Rd interchanges. What is the projected interim year at which the proposed signalization is warranted? Is the signalization proposed a mitigation measure for the Ellis Project? Please provide this information for our review. 9.8 cont.

6. Response to 7.9: The consultant's response states, "*The findings from the traffic analysis have concluded that there would be significant and unavoidable impacts to Interstate 580 with development of the proposed Project.*" The provided Synchro files contain significant errors and the analysis must be resubmitted correctly for our review.

   Please provide revised Synchro files along with the updated traffic volumes for the AM & PM Peak Hours (including updated truck percentages and PHF), correct lane geometry, and correct turn movement/signalization designations for Existing , Exiting + Approved Projects, Existing + Approved Projects + Proposed Project, Cumulative, and Cumulative + Proposed Project conditions. Traffic Operations is particularly interested in the analysis and the impacts that the proposed project will have on the I-580/Patterson Pass Rd and I-580/Corral Hollow Rd interchanges.

Please provide the information and modifications as listed above for further review and comment. If you have any questions, please contact Sinarath Pheng at (209) 942-6092 (e-mail: Sinarath_Pheng@dot.ca.gov) or myself at (209) 941-1921.

Sincerely,

Sinarath Pheng

for TOM DUMAS, CHIEF
OFFICE OF METROPOLITAN PLANNING

c Scott Morgan, State Clearinghouse

Enclosure

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STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

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September 24, 2012

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CITY OF TRACY

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

Subject: Modified Ellis Project Draft Revised EIR
SCH#: 2012022023

Dear William Dean:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on September 12, 2012. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2012022023) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY EDMUND G. BROWN Jr., Governor

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10-SJ-580, PM 8.2
Modified Ellis Project
SCH #2012022023

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

Dear Mr. Dean,

As noted in our previous letter dated September 12, 2012 (see *Attachment 1*), the California Department of Transportation (Department) is providing additional comments regarding the recent traffic counts conducted by the Office of Traffic Operations for the **Modified Ellis Project**. The updated EXISTING counts were collected at the I-580/Corral Hollow Rd interchange on September 5, 2012 and the I-580/Patterson Pass Rd interchange on September 6, 2012. Based on the results of the traffic counts (see *Attachment 2*), the Office of Traffic Operations has the following comments:

1. **Existing AM Peak Hour at Corral Hollow Rd**

   a. The truck percentage used in the Synchro analysis was 2%, whereas the recent traffic counts show 5.6% heavy vehicles for the WB I-580 ramp intersection. Please revise the analysis using the updated truck percentage and resubmit for our review.

   b. The recent traffic counts show that the WB I-580 ramp volumes have increased 9.7%. Please revise the volumes for the existing condition and forecast the volumes accordingly for the Existing + Approved, Existing + Approved + Project, and Cumulative conditions and resubmit for our review.

   c. The recent traffic counts show that the EB I-580 ramp volumes have increased 12.2%. Please revise the volumes for the existing condition and forecast the volumes accordingly for the Existing + Approved, Existing + Approved + Project, and Cumulative conditions and resubmit for our review.

2. **Existing AM Peak Hour at Patterson Pass Rd**

   a. The truck percentage used in the Synchro analysis was 2%, whereas the recent traffic counts show 9.9% heavy vehicles for the EB I-580 ramp intersection. Please revise the analysis using the updated truck percentage and resubmit for our review.

   b. The truck percentage used in the Synchro analysis was 2%, whereas the recent traffic counts show 18% heavy vehicles for the WB I-580 ramp intersection. Please revise the analysis using the updated truck percentage and resubmit for our review.

"Caltrans improves mobility across California"

Mr. Dean
September 20, 2012
Page 2

c. The recent traffic counts show that the WB I-580 ramp volumes have increased 8.4%. Please revise the volumes for the existing condition and forecast the volumes accordingly for the Existing + Approved, Existing + Approved + Project, and Cumulative conditions and resubmit for our review.

3. Existing PM Peak Hour at Patterson Pass Rd

a. The truck percentage used in the Synchro analysis was 2%, whereas the recent counts show 14.3% heavy vehicles for the WB I-580 ramp intersection. Please revise the analysis using the updated truck percentage and resubmit for our review.

Please provide for our review and comment the revisions requested above and the information and modifications requested in the September 12, 2012 letter. If you have any questions, please contact Sinarath Pheng at (209) 942-6092 (e-mail: Sinarath_Pheng@dot.ca.gov) or myself at (209) 941-1921.

Sincerely,

for TOM DUMAS, CHIEF
OFFICE OF METROPOLITAN PLANNING

c Scott Morgan, State Clearinghouse

Attachments

"Caltrans improves mobility across California"

ATTACHMENT 2

Existing AM PH at Corral Hollow Road WB 580 Ramp (Comments 1a and 1b)

	Vehicle	Southbound Corral Hollow Road				Northbound Corral Hollow Road				WB 580 Off Ramp				WB 580 On Ramp				Truck
YEAR	Classification	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Percentage
2012	Trucks	25	7	0	0	0	8	1	0	10	1	1	0	0	0	0	0	
	Cars	275	266	0	0	0	23	1	0	36	0	285	0	0	0	0	0	5.6%
	Total	300	273	0	0	0	31	2	0	46	1	286	0	0	0	0	0	
2006	Total	244	235	0	0	0	54	1	0	91	4	227	0	0	0	0	0	used 2%

Please Revise

Total 2012 Volume 929 Total 2006 Volume 856 Percent Difference 9.7% *Please Revise*

Existing AM PH at Corral Hollow Road EB 580 Ramp (Comment 1c)

	Vehicle	Southbound Corral Hollow Road				Northbound Corral Hollow Road				EB 580 Off Ramp				EB 580 On Ramp				Truck
YEAR	Classification	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Percentage
2012	Trucks	0	1	5	0	0	0	0	0	0	0	8	0	0	0	0	0	
	Cars	0	525	21	0	4	1	0	0	21	0	19	0	0	0	0	0	2.3%
	Total	0	526	26	0	4	1	0	0	21	0	27	0	0	0	0	0	
2006	Total	0	420	50	0	3	9	0	0	9	0	48	0	0	0	0	0	used 2%

Okay

Total 2012 Volume 605 Total 2006 Volume 539 Percent Difference 12.2% *Please Revise*

Existing AM PH at Patterson Pass Road EB 580 Ramp (Comment 2a)

	Vehicle	Southbound Patterson Pass Road				Northbound Patterson Pass Road				EB 580 Off Ramp				EB 580 On Ramp				Truck
YEAR	Classification	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Percentage
2012	Trucks	0	5	31	0	0	3	0	0	0	0	28	0	0	0	0	0	
	Cars	0	494	34	0	5	18	0	0	14	1	46	0	0	0	0	0	6.9%
	Total	0	499	65	0	5	21	0	0	14	1	74	0	0	0	0	0	
2006	Total	0	532	71	0	13	52	0	0	8	0	64	0	0	0	0	0	used 2%

Please Revise

Total 2012 Volume 679 Total 2006 Volume 740 Percent Difference -8.2% *Okay*

Existing AM PH at Patterson Pass Road WB 580 Ramp (Comments 2b and 2c)

	Vehicle	Southbound Patterson Pass Road				Northbound Patterson Pass Road				WB 580 Off Ramp				WB 580 On Ramp				Truck
YEAR	Classification	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Percentage
2012	Trucks	35	34	0	0	0	29	1	0	107	0	0	0	0	0	0	0	
	Cars	256	358	0	0	0	56	8	0	91	0	172	0	0	0	0	0	18.0%
	Total	291	392	0	0	0	85	9	0	198	0	172	0	0	0	0	0	
2006	Total	243	464	0	0	0	101	13	0	96	0	141	0	0	0	0	0	used 2%

Please Revise

Total 2012 Volume 1147 Total 2006 Volume 1058 Percent Difference 8.4% *Please Revise*

Existing PM PH at Patterson Pass Road WB 580 Ramp (Comment 3a)

	Vehicle	Southbound Patterson Pass Road				Northbound Patterson Pass Road				WB 580 Off Ramp				WB 580 On Ramp				Truck
YEAR	Classification	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Right	Thru	Left	U-Turn	Percentage
2012	Trucks	30	40	0	0	0	30	0	0	21	0	1		0	0	0	0	
	Cars	80	158	0	0	0	423	8	0	59	0	2	0	0	0	0	0	14.3%
	Total	110	198	0	0	0	453	8	0	80	0	3	0	0	0	0	0	
2006	Total	87	168	0	0	0	15	530	0	52	0	12	0	0	0	0	0	used 2%

Please Revise

Total 2012 Volume 852 Total 2006 Volume 864 Percent Difference -1.4% *Okay*

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Response to Letter No. 9
Scott Morgan
State Clearinghouse & Planning Unit

9.1 This is not a comment letter, but rather an acknowledgement from the Governor's Office of Planning and Research, State Clearinghouse and Planning Unit, (SCH) that the City complied with the State Clearinghouse review requirements for draft environmental documents pursuant to the requirements of CEQA.

9.2 This is not a comment letter, but rather an acknowledgement from the Governor's Office of Planning and Research, State Clearinghouse and Planning Unit, (SCH) that the City complied with the State Clearinghouse review requirements for draft environmental documents pursuant to the requirements of CEQA.

9.3 The Modified Project, as proposed, is consistent with the Delta Protection Commission's Land Use and Resource Management Plan (Management Plan). As stated in the Introduction to the Management Plan, the goals of the Management Plan, as established in the Delta Protection Act of 1992, are to "protect, maintain, and where possible, enhance and restore the overall quality of the Delta environment, including but not limited to agriculture, wildlife habitat, and recreational activities; assure orderly, balanced conservation and development of Delta land resources and improve flood protection by structural and nonstructural means to ensure an increased level of public health and safety."

As stated in the Project Description of the Draft Revised Ellis EIR on page 3-7,

"The Modified ESP would serve as a comprehensive land use policy, zoning, and design guideline document for the future development of approximately 321 acres defined in the City of Tracy General Plan as Traditional Residential-Ellis (TR-Ellis). As proposed, it is the intent of the Modified ESP to implement and fully comply with the goals, objectives, and policies of the General Plan, including the specific intent of the General Plan with respect to TR-Ellis. The Modified ESP includes a vision, guiding principles, and objectives, as well as design concepts, guidelines, a regulatory framework, and provisions for infrastructure financing. The document sets forth the strategies and phasing to guide future development within the Modified ESP boundaries. The Modified ESP would serve as the zoning document for all properties located within its borders (Petition for Annexation and Pre-Zoning Application Number A/P11-0002)."

As described in the Land Use Section of the Draft Revised Ellis EIR (Section 4.9), the Modified Project is consistent with the anticipated development associated with the TR-Ellis designation established for the Modified Project site by the City of Tracy General Plan. Thus, implementation of the Modified ESP would ensure the orderly and balanced development of the Modified Project site consistent with the growth and development envisioned for the Modified Project site by the City of Tracy. As such, implementation of the Modified Project would result in the orderly, balanced development of land resources within the Secondary Zone of the Delta, consistent with the overall applicable goals of the Management Plan, as established in the Delta Protection Act of 1992.

9.4 Section 3B.7 (Agricultural Resources) of the Original Ellis EIR identified potential impacts associated with implementation of the ESP on agricultural resources. As described in the Draft Revised Ellis EIR in Section 4.2 (Agricultural Resources) background information, analysis of environmental impacts, and mitigation measures contained within Section 3B.7 (Agricultural Resources) of the Original Ellis EIR remain valid and are incorporated by reference into the Draft Revised Ellis EIR.

As described in Section 3B.7, the Modified ESP site is adequately buffered from adjacent agricultural lands to the west by Lammers Road and to the south by the Delta Mendota canal and the Union Pacific Railroad line. However, the agricultural lands directly north of the Modified ESP site do not have such pre-existing buffers. To compensate for this, Section 3B.7 identifies that the Modified ESP was designed to cluster higher density development in the central and eastern portions of the site. In addition, open space and low-density residential land uses would be located along most of the northern boundary, demonstrating the feathering of uses as required by City of Tracy General Plan policies. However, Section 3B.7 further describes that medium density residential uses and commercial uses are also proposed along the northern boundary, which may result in potential conflicts with agricultural uses. Although this land north of the Modified ESP site is identified by the City's General Plan for urban uses, Section 3B.7 identified potential indirect impacts may occur until the planned conversion to urban uses occurs. To mitigate for these potential indirect conflicts with adjacent agricultural lands to the north of the Modified ESP site, the Original Ellis EIR included Mitigation Measure 3B.7-2, which requires fencing along the northern boundary of the Modified ESP site to keep humans, pets, and livestock from crossing property lines. Thus, due to these factors, implementation of the Modified ESP would be consistent with the Management Plan's Agricultural Policy P-5 that requires adequate buffers between agricultural and non-agricultural land uses, particularly residential development outside, but adjacent to the Primary Zone.

9.5 The Modified ESP is located at the southwestern edge of the Secondary Zone, as identified on the Management Plan's Primary Zone Secondary Zone Protection Map. Developed uses within the City of Tracy are located in the Secondary Zone between the Modified ESP site and the Primary Zone. While development of the Modified ESP site will increase the amount of urban uses within the Secondary Zone, it will do so at the edge of the Secondary Zone, farthest from the Primary Zone, and thus, would separate the Primary Zone from development within the City. As such, it would result in the extension of urban uses farthest from the Primary Zone and would be anticipated to have minimal effects on the buffer between the Primary Zone and the Secondary Zone. Moreover, the City of Tracy has identified development of the Modified ESP site with urban uses and the development proposed by Modified ESP is consistent with the development identified for the site by the City of Tracy General Plan.

Further, even though implementation of the Modified Project would increase development in the Secondary Zone within the City of Tracy Planning Area, the City has other policies in place that ensure adequate buffer areas are provided in the City's Planning Area to the extent possible to avoid impacts to the Primary Zone. These include numerous policies in the Land Use and Open Space and Conservation Elements of the City of Tracy General Plan that address preserving agriculture and open space in areas outside of Tracy's Sphere of Influence and within its Planning Area (Objective LU-8.1, P3 and P4; Objective OSC-2.1, P4 and P5; Objective OSC-4.4, P1, P3 and A1). The City of Tracy General Plan EIR found that because of these policies the City's

General Plan was consistent with guidance in the Management Plan regarding providing adequate buffer areas in the Secondary Zone to the extent possible to avoid impacts to the Primary Zone. For these reasons, development facilitated by the Modified Project is not anticipated to have a negative impact on the Secondary Zone or the Primary Zone.

9.6 The Original Ellis EIR and the Modified Ellis EIR identify the potential environmental impacts of the Original and Modified Projects, as well as the mitigation necessary to reduce impacts to less than significant levels. Both documents identify impacts relevant to the Secondary Zone and the Primary Zone, such as the significant and unavoidable loss of agricultural land and the indirect potentially significant, but mitigable conversion of adjacent agricultural uses to urban uses. As identified in both documents in Section 3B.7 (Agricultural Resources) of the Original Ellis EIR and Section 4.9 (Land Use) of the Draft Revised Ellis EIR, future project applicants shall pay the appropriate Agricultural Mitigation Fee to the City of Tracy, in accordance with Chapter 13.28 of the Tracy Municipal Code and as stated in Section 4.9 of the Draft Revised Ellis EIR "the fee is intended to mitigate a CEQA determination of significant, unavoidable impacts to the loss of farmland as a result of proposed development, which would be approved by the City with a statement of overriding consideration." As described in Section 3B.7 (Agricultural Resources) of the Original Ellis EIR, the indirect potentially significant conversion of agricultural uses to urban uses would be less than significant with adherence to existing City policies and regulations and the implementation of mitigation requiring fencing to keep humans, pets, and livestock from crossing property lines.

9.7 This comment letter was provided as an attachment to the letter from the SCH acknowledging the City's compliance with the SCH CEQA review requirements. Responses to this letter are provided in Response 4.

9.8 This comment letter was provided as an attachment to the letter from the SCH acknowledging the City's compliance with the SCH CEQA review requirements. Responses to this letter are provided in Response 6.