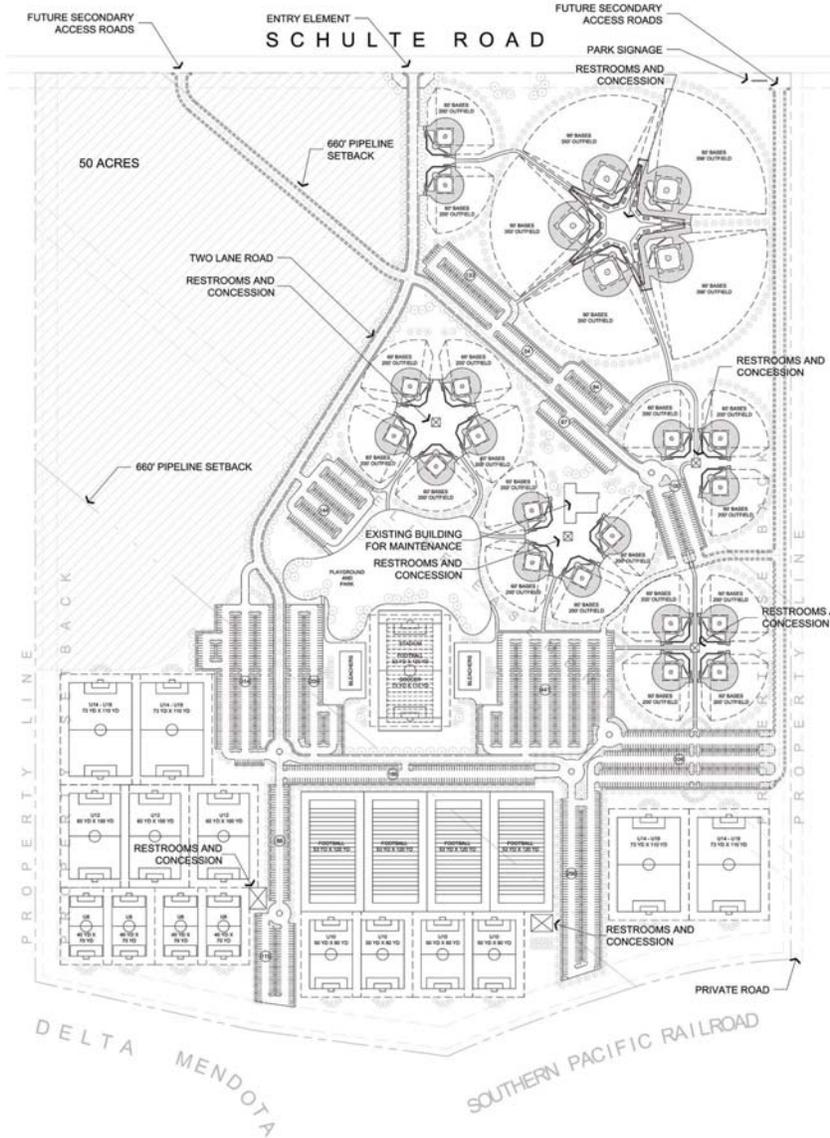


TRACY YOUTH SPORTS FACILITY 15178 W. SCHULTE ROAD, TRACY

FINAL ENVIRONMENTAL IMPACT REPORT

SCH# 2004022139



PREPARED FOR

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DEVELOPMENT AND
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JUNE 2006

Tracy Youth Sports Facility
City of Tracy
15178 W. Schulte Road, Tracy
Final Environmental Impact Report

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June 2006

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1.0 INTRODUCTION

This Final Environmental Impact Report (FEIR) was prepared in accordance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Section 15132). The City of Tracy is the lead agency for the environmental review of the Tracy Youth Sports Facility project (project) and has the principal responsibility for approving the project. This FEIR assesses the expected environmental impacts resulting from approval of the Tracy Youth Sports Facility and associated impacts from subsequent development of the project, as well as responds to comments received on the Draft EIR.

1.1 BACKGROUND AND PURPOSE OF THE EIR

OVERVIEW OF CEQA REQUIREMENTS FOR PREPARATION OF AN EIR

The City of Tracy (City), serving as the Lead Agency, has prepared this EIR to provide the public and responsible and trustee agencies with information about the potential environmental effects of the proposed project. As set forth in the provisions of CEQA and implementing regulations, public agencies are charged with the duty to consider the environmental impacts of proposed development and to minimize these impacts where feasible while carrying out an obligation to balance a variety of public objectives, including economic, environmental, and social factors.

CEQA Guidelines Section 15121(a) states that an EIR is an informational document for decision-makers and the general public that analyzes the significant environmental effects of a project, identifies possible ways to minimize significant effects, and describes reasonable alternatives to the project that could reduce or avoid its adverse environmental impacts. Public agencies with discretionary authority are required to consider the information in the EIR, along with any other relevant information, in making decisions on the project.

CEQA requires the preparation of an environmental impact report prior to approving any project, which may have a significant effect on the environment. For the purposes of CEQA, the term "project" refers to the whole of an action, which has the potential for resulting in a direct physical change or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines Section 15378[a]). With respect to the Tracy Youth Sports Facility project, the City has determined that the proposed development is a "project" within the definition of CEQA.

BACKGROUND OF ENVIRONMENTAL REVIEW PROCESS OF THE PROJECT

The following is an overview of the environmental review process for the Tracy Youth Sports Facility project that has led to the preparation of this FEIR:

Notice of Preparation and Initial Study

In accordance with Section 15082 of the CEQA Guidelines, City of Tracy prepared a Notice of Preparation (NOP) of an EIR in February 2004. The City of Tracy was identified as the lead agency for the proposed project. This notice was circulated to the public, local, state, and federal agencies, and other interested parties to solicit comments on the proposed project. The February 2004 NOP is presented in Appendix A of the Draft EIR. Concerns raised in response to the NOP were considered during preparation of the Draft EIR and are also presented in Appendix A of the Draft EIR.

1.0 INTRODUCTION

Draft EIR

The Draft EIR (DEIR), which consisted of one volume, was released for public and agency review on September 19, 2005 and ended on November 2, 2005. The DEIR contains a description of the project, description of the environmental setting, identification of project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of project alternatives.

Final EIR

Following the close of the public review period, the City received 11 individual comment letters from agencies, interest groups and the public regarding the Draft EIR. In addition, the transcript of the City Council public hearing for this DEIR is included as a single comment letter. This document responds to the written and oral comments received as required by CEQA. This document also contains minor edits to the Draft EIR, which are included in Section 4.0 (Errata to the Draft EIR) and the final mitigation monitoring and reporting program for the project. This document constitutes the FEIR.

Certification of the Final EIR/Project Consideration

The City of Tracy will review and consider the FEIR. If the City finds that the FEIR is "adequate and complete", the City may certify the FEIR, at a public hearing. The rule of adequacy generally holds that the EIR can be certified if: 1) it shows a good faith effort at full disclosure of environmental information; and 2) provides sufficient analysis to allow decisions to be made regarding the project in contemplation of its environmental consequences.

Upon review and consideration of the Final EIR, the City may take action to approve, revise, or reject the project. A decision to approve the project would be accompanied by written findings in accordance with CEQA Guidelines Section 15091 and Section 15093. Public Resources Code Section 21081.6 also requires lead agencies to adopt a reporting and mitigation monitoring and reporting program to describe measures that have been adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The final mitigation monitoring and reporting program for the project is provided in this document as Section 5.0.

1.2 TYPE OF DOCUMENT

The CEQA Guidelines identify several types of EIRs, each applicable to different project circumstances. This EIR has been prepared as a Project EIR pursuant to CEQA Guidelines Section 15161. This type of analysis focuses primarily on the changes in the environment that would occur as a result of project implementation, and examines all phases of the project (i.e., planning, construction, and operation). The project-level analysis addresses impacts resulting from the development of the Tracy Youth Sports Facility.

1.3 INTENDED USES OF THE EIR

This EIR has been prepared in accordance with the California Environmental Quality Act (CEQA). The EIR is intended to evaluate the environmental impacts of the project to the greatest extent possible and to be used to modify, approve, or deny approval of the proposed project based on the analysis in the EIR. In accordance with CEQA Guidelines Section 15126, this EIR should be used as the primary environmental document to evaluate all subsequent planning and

permitting actions associated with the project. Subsequent actions that may be associated with the project are identified in Section 3.0 (Project Description) of the Draft EIR.

1.4 ORGANIZATION AND SCOPE OF THE FINAL EIR

This document is organized in the following manner:

SECTION 1.0 – INTRODUCTION

Section 1.0 provides an overview of the EIR process to date and what the FEIR is required to contain.

SECTION 2.0 – EXECUTIVE SUMMARY

Section 2.0 provides a brief project description and presents a summary table of probable environmental effects edited as a result of comments received on the Draft EIR and minor staff edits.

SECTION 3.0 – COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Section 3.0 provides a list of commentors, copies of written comments (coded for reference) and the responses to those written comments as well as master responses to common comments made on the Draft EIR.

SECTION 4.0 – ERRATA

Section 4.0 consists of revisions to the Draft EIR that are a result of responses to comments, as well as minor staff edits that do not change the intent or content of the analysis or mitigation measures.

SECTION 5.0 – FINAL MITIGATION MONITORING AND REPORTING PROGRAM

Section 5.0 consists of the Final Mitigation Monitoring and Reporting Program for the project.

2.0 EXECUTIVE SUMMARY

This section provides an overview of the project and the environmental analysis. For additional detail regarding specific issues, please consult the appropriate chapter of Sections 4.1 through 4.12 (Environmental Setting, Impacts, and Mitigation Measures) of the DEIR.

2.1 PURPOSE AND SCOPE OF THE ENVIRONMENTAL IMPACT REPORT

This Environmental Impact Report (EIR) will provide an analysis of the potential environmental effects associated with the implementation of the Tracy Youth Sports Facility project, pursuant to the California Environmental Quality Act (CEQA).

This EIR analysis focuses upon potentially significant environmental impacts arising from the project. The EIR adopts this approach in order to provide a credible worst-case scenario of the impacts resulting from project implementation.

The Tracy Youth Sports Facility project proposes to construct the infrastructure and utility needs for the site, three football fields, ten baseball/softball fields, and thirteen soccer fields in Phase I. Phase II of the project would add an additional thirteen baseball/softball fields, one sports/football stadium, one football field, two soccer fields, and a general park/passive recreation area (50 acres) as part of the buildout of the project.

The principal objectives of the project as identified by the City are:

1. Provide youth athletic facilities for the City.
2. Develop an unused 200 acres of property currently owned by the United States Bureau of Prisons.
3. Provide facilities that are flexible, sustainable, and relevant.

2.2 AREAS OF CONTROVERSY

The City of Tracy was identified as the lead agency for the proposed project. In accordance with Section 15082 of CEQA Guidelines, the City prepared and distributed a Notice of Preparation (NOP) for the Tracy Youth Sports Facility Draft EIR that was circulated for public review on September 19, 2005. The NOP included a summary of probable effects on the environment of the implementation of the project. Written comments that expressed concerns and areas of controversy received on the NOP were considered in the preparation of the EIR.

The following is a summary of areas of controversy known at the time of the release of the EIR:

- **Land Use:** This section addresses the land use impacts associated with implementation of the project, including consistency with County land use goals and policies, and consistency with applicable land use regulations contained in the San Joaquin County General Plan and Zoning Ordinance. The project's impacts on agricultural resources are also addressed in this section. These issues are evaluated in Section 4.1 (Land Use).
- **Transportation and Circulation:** Addresses the impacts on the local and regional road system. In addition, this section assesses impacts on transit, bicycle, and pedestrian facilities. Potential peak hour traffic impacts, the need for additional parking, and other issues are evaluated in Section 4.3 (Traffic and Circulation).

2.0 EXECUTIVE SUMMARY

- **Noise:** Examines noise impacts during construction and project buildout as related to potential noise generation from mobile and stationary sources. This section also addresses the impact of noise generation on a neighboring residential use. Noise issues are evaluated in Section 4.4 (Noise).
- **Air Quality:** Air quality issues of controversy include anticipated increases in air pollutant emissions from the project, especially particulate matter emissions on air quality conditions for the entire San Joaquin Valley Air Pollution Control District. Issues were also raised regarding the effect of emissions from adjacent industrial facilities on the project; however, the purpose of CEQA is to protect the environment from proposed projects, not to protect proposed projects from the existing environment ([Pub. Resources Code, § 21000](#) et seq.). For these impacts, a separate Health Risk Assessment was prepared. Air quality issues are evaluated in Section 4.5 (Air Quality).
- **Geology and Soils:** Geologic and soil issues of controversy include potential impacts resulting from grading activities that uncover contaminated soil. These issues are evaluated in Section 4.7 (Geology and Soils).
- **Health Hazards/Risk of Upset:** Hazards issues of controversy include the removal of the FAA Building, which may contain asbestos. Other safety issues include the proximity of the railroad to the project site and the adjacent industrial uses. These issues are evaluated in Section 4.2 (Health Hazards/Risk of Upset).
- **Public Services:** Addresses the impact of the project on public services, water, wastewater, electrical service, natural gas, telephone and cable television service. This section discusses the ability of the existing utility systems to provide service to the project. Public service and utility issues are evaluated under Section 4.11 (Public Services and Utilities).
- **Cumulative:** The cumulative environmental effects of this project in combination with other planned and proposed development in the region has been identified as an issue of controversy. Concerns associated with the analysis of cumulative effects of the project include site-specific cumulative air quality impacts. Cumulative effects of the project are evaluated in Sections 4.1 through 4.12 and are summarized in Section 5.0 (Cumulative Impacts Summary).

2.3 PROJECT ALTERNATIVES SUMMARY

CEQA Guidelines Section 15126.6 requires that an EIR describe a range of reasonable alternatives to the project, which could feasibly attain the basic objectives of the project and avoid and/or lessen the environmental effects of the project. The alternatives analysis provides a comparative analysis between the project and selected alternatives. Section 6.0 (Project Alternatives) evaluates the following alternatives, which include:

- **Alternative 1 – No Project Alternative:** CEQA Guidelines Section 15126.6(e) requires that a "No Project" Alternative be evaluated in an EIR. Under this alternative, the project would not be constructed; however, the site could be developed using allowable land uses and zoning, which could result in the development of educational, other recreational, heavy industrial, light industrial, fabrication/assembly, warehousing, or professional offices and support uses on the site. No infrastructure improvements beyond those currently existing at or near the project site would be installed, unless an alternative proposal was approved.

- **Alternative 2 – Chrisman Road Site:** Under this alternative, the project would be constructed on an approximately 112 acre City-owned site currently zoned for agricultural uses, located northeast of the City core on Chrisman Road. The purpose of this alternative would be to gain environmental benefits from locating the project closer to existing City infrastructure and service systems on land already owned by the City within the City limits. However, development of the site would remove the property from current use as agricultural through a lease for farming.

2.4 SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Table 2.0-1 displays a summary of impacts and proposed mitigation measures that would avoid or minimize potential impacts. In the table, the level of significance is indicated both before and after the implementation of each mitigation measure.

The project would result in five significant and unavoidable effects, including: Existing Plus Proposed Project Traffic Scenario (Impact 4.3.1); Year 2010 Plus Proposed Project Traffic Scenario (Impact 4.3.2); Future (Year 2025) Traffic Scenario (Impact 4.3.7); Cumulative Fair Share Analysis Year (Year 2025 Plus Project Traffic Scenario) (Impact 4.3.8) and, Cumulative Regional Air Quality Impacts (Impact 4.5.6).

For detailed discussions of all project-level mitigation measures, refer to Draft EIR Sections 4.1 through 4.12.

TABLE 2.0-1
SUMMARY OF ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
Land Use			
<p>Physical Effects Upon an Established Community</p> <p>Impact 4.1.1 The project site is approximately 200 acres, which includes 150 acres of field sports facilities and 50 acres of general park/recreational area. These land uses are proposed on an underutilized site, in an area absent of an established residential community. The nearest community or neighborhood is located within newly developed subdivisions to the east and northeast.</p>	LTS	None required.	LTS
<p>Conflict with a Planning Policy Established to Mitigate an Environmental Effect</p> <p>Impact 4.1.2 The project would place 150 acres of field sports facilities and 50 acres of general park/passive recreational area immediately adjacent to one residence to the south, industrial uses to the east, and active agricultural operations to the north, east and west.</p>	PS	<p>MM 4.1.2a The entire play fields shall be set back approximately 50 feet from its property line to provide a buffer from the immediate boundary with active agricultural and industrial areas.</p> <p><i>Timing/Implementation: During final site design and ongoing during operations.</i></p> <p><i>Enforcement/Monitoring: City's Department of Parks and Community Services.</i></p> <p>MM 4.1.2b The operator of the Tracy Youth Sports Facility will provide each of its agricultural and industrial neighbors with a complete draft schedule of the games for each season and coordinate said schedules to ensure that no game will be under way when an adjacent field is being treated with an aerially applied</p>	LTS

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Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
		pesticide or herbicide or other potentially toxic substance. <i>Timing/Implementation: During final site design and ongoing during operations.</i> <i>Enforcement/Monitoring: City's Department of Parks and Community Services.</i>	
Conformance with the City's General Plan Impact 4.1.3 The existing City General Plan designation of the site is Industrial. Under this designation, community facilities are an allowable use. Furthermore, with the City's update to the General Plan, the land use designation of the site is proposed to change to Park. Under the Park designation the Youth Sports Facility would remain an allowable use.	LTS	None required.	LTS
Conflict with Applicable Habitat Conservation Plan or Natural Community Conservation Plan Impact 4.1.4 The project will place 150 acres of field sports facilities and 50 acres of general park/recreational area in a location known to be a part of a Habitat Conservation Plan (HCP) or a Natural Community Conservation Plan (NCCP) as defined by CEQA.	LTS	None required.	LTS
Cumulative Increase in Density Impact 4.1.5 This project in combination with other reasonably foreseeable projects would increase	LTS	None required.	LTS

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2.0 EXECUTIVE SUMMARY

Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
the density of development in the area.			
Health Hazards/Risk of Upset			
<p>Pesticides and Potential Soil Contamination</p> <p>Impact 4.2.1 Development of the Tracy Youth Sports Facility on lands previously utilized for agricultural production could expose people or property to a potential risk associated with soil contamination from pesticides and herbicides.</p>	PS	<p>MM 4.2.1</p> <p>Prior to the initiation of grading or site clearing activities, soil sampling and analysis for soil contamination shall be conducted. The results of the soil sampling and analysis shall be incorporated into a soils report submitted to the City for review. Soil sampling shall include the following:</p> <ul style="list-style-type: none"> An agrochemical impact assessment involving recovery of near surface soil samples from selected areas of the property with laboratory analysis for organochlorine pesticides. The sample shall be statistically evaluated to determine the need for further sampling or remediation; Documentation that exposed soils do not contain soil contamination in excess of regulatory action levels. If chemicals are detected at concentrations that could pose a health hazard, remediation of the affected areas shall be undertaken prior to construction in accordance with the requirements of the San Joaquin County Department of Public Health Services, and the Regional Water Quality Control Board. Assessments and remediation will be the responsibility of the project sponsors. <p><i>Timing/Implementation: Prior to</i></p>	LTS

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Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
		<p><i>issuance of the first grading permit.</i></p> <p><i>Enforcement/Monitoring: City of Tracy, San Joaquin County and CVRWQCB.</i></p>	
<p>Hazardous Material Exposure</p> <p>Impact 4.2.2 The potential exists for possible exposure to hazardous materials from the existing concrete building currently located on the project site, a former underground storage tank, underground pipelines crossing the site, and transformers previously existing on site.</p>	PS	<p>MM 4.2.2</p> <p>Prior to the initiation of grading or site clearing activities, a Phase II environmental assessment of the project site shall be conducted. Included in this assessment shall be soil sampling in the vicinity of the underground storage tank, underground pipelines, former transformer location and an interior inspection of the concrete structure conducted by an environmental professional to identify ACMs.</p> <p>The result of this assessment and analysis shall be incorporated into a report submitted to the City and County for review. If contamination exists at levels that present a health hazard, remediation of the affected areas shall take place prior to construction in accordance with the requirements of the San Joaquin County Department of Public Health Services and the Regional Water Quality Control Board.</p> <p><i>Timing/Implementation: Prior to initiation of grading or site clearing activities.</i></p> <p><i>Enforcement/Monitoring: City of Tracy, San Joaquin County and CVRWQCB.</i></p>	LTS
<p>Risk of Upset Hazards</p> <p>Impact 4.2.3 Development of the site in the vicinity of the two underground natural gas pipelines may</p>	PS	<p>MM 4.2.3</p> <p>Prior to the initiation of grading or site clearing activities, the City shall coordinate with PG&E and Chevron representatives to ensure proper information is exchanged and protocols</p>	LTS

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Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
<p>expose people to risk of upset conditions associated with a potential natural gas release or explosion.</p>		<p>followed so that existing pipelines are not disturbed in accordance with the California Public Utilities Commission (“CPUC”) approved Pipeline Safety Plan for the Tracy Youth Sports Facility on December 16, 2004. Digging in the immediate vicinity surrounding the pipeline shall be monitored during construction and the pipeline right of way shall be accurately marked prior to any grading or construction in accordance with the CPUC approved Pipeline Safety Plan for the Tracy Youth Sports Facility on December 16, 2004.</p> <p><i>Timing/Implementation: Prior to any grading or construction.</i></p> <p><i>Enforcement/Monitoring: City of Tracy and PG&E.</i></p>	
<p>Existing Adjacent Industrial Uses</p> <p>Impact 4.2.4 Existing industrial plants adjacent to the project site store and utilize hazardous materials, which, in the unlikely event of a catastrophic release, could potentially result in hazardous conditions at the project site.</p>	<p>PS</p>	<p>MM 4.2.4</p> <p>The City shall prepare an emergency response plan applicable to all Tracy Youth Sports Facility uses. Such a plan should include emergency evacuation routes and general information regarding the relative risk and activities of neighboring industries. The Plan should be prepared with input and coordination from Tracy Peaker Plant, Owens-Brockway, Tracy Biomass, Tracy Fire Department and the County Office of Emergency Services (OES).</p> <p><i>Timing/Implementation: Prior to any grading or construction.</i></p> <p><i>Enforcement/Monitoring: City of Tracy.</i></p>	<p>LTS</p>

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Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
Canal Failure Impact 4.2.5 The relative risk of flooding from failure of the Delta Mendota Canal could result in adverse environmental impacts to the TYSF project site.	LTS	None required.	LTS
Airport Operations Impact 4.2.6 The TYSF project site is not located within the Area of Influence, as indicated in the County's Airport Land Use Plan (ALUP).	LTS	None required.	LTS
Railroad Operations Impact 4.2.7 The TYSF project site is located adjacent to a Southern Pacific rail line and could result in impacts to rail operations.	LTS	None required.	LTS
Transportation and Handling of Hazardous Materials Impact 4.2.8 The TYSF project would include the limited transportation, handling, and use of hazardous materials that could result in adverse environmental impacts.	LTS	None required.	LTS
Cumulative Hazards and Risks Impact 4.2.9 This project, in combination with other reasonably foreseeable projects, would increase the density of development in the area, thus increasing the chance for hazardous materials release and other threats related to human health and safety.	LTS	None required.	LTS

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Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
Traffic and Circulation			
<p>Existing Plus Proposed Project Traffic Scenario</p> <p>Impact 4.3.1. Under Existing plus Phase I project conditions, the project would contribute traffic to the intersection of Mountain House Parkway/I-580 Eastbound Ramps, which is already operating at an unacceptable level. Additionally, under Existing plus Phase I plus Phase II project conditions, the project's contribution to existing area traffic would result in unacceptable LOS levels at Hansen Road/Schulte Road and Lammers Road/Schulte Road and would continue to contribute traffic to the intersection of Mountain House Parkway/I-580 Eastbound Ramps.</p>	S	<p>The roadway improvements identified in Table 4.3-14 would mitigate the existing unacceptable LOS conditions at Mountain House Parkway/I-580 Eastbound Ramps and all future unacceptable LOS levels under this scenario. However, all roadway improvements under this scenario would require coordination with the County to implement since the affected intersections are not under control of the City.</p> <p>CEQA Guidelines acknowledge the discretionary power of public agencies in that an agency does not have unlimited authority to impose mitigation measures (or alternatives) that would reduce environmental impacts to a less than significant level. CEQA does not grant an agency new powers independent of the powers granted to the agency by other laws (CEQA Guidelines Sections 15040 and 15041).</p> <p>The affected study intersections are within the jurisdiction of San Joaquin County and the County currently has no improvement plans for any of the affected study sections. Subsequently, there is no existing traffic impact mitigation fee program in place to collect funds to support future improvements for the affected intersections.</p>	SU
<p>Year 2010 Plus Proposed Project Traffic Scenario</p> <p>Impact 4.3.2 Under Year 2010 Base plus Phase I plus Phase II project conditions, the project would contribute traffic to four intersections that are projected to be operating at unacceptable or failure levels at that time</p>	S	<p>M.M. 4.3.2 Phase II of the project shall not be implemented until such time that a Capital Improvement Program (CIP) or similar program is in place for affected intersections within the City's jurisdiction.</p> <p><i>Timing/Implementation: Prior to Building Permit Issuance.</i></p> <p><i>Enforcement/Monitoring: City of Tracy Department of Development and Engineering</i></p>	SU

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Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
		<i>Services.</i>	
Air Traffic Impact Impact 4.3.3 The proposed project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.	LTS	None Required	LTS
Design Hazards Impact Impact 4.3.4 The proposed project would not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).	LTS	None Required	LTS
Emergency Access Impact 4.3.5 The proposed project would not result in inadequate emergency access.	LTS	None Required	LTS
Inadequate Parking Capacity Impact 4.3.6 The proposed project would not result in inadequate parking capacity.	LTS	None Required	LTS
Future (Year 2025) Traffic Scenario Impact 4.3.7 Under this scenario, five of the thirteen study intersections are expected to operate acceptably during the p.m. peak hour. The eight that will not include the intersections of Mountain House Parkway/I-205 Westbound Ramps, Mountain House Parkway/I-205 Eastbound Ramps, Mountain House Parkway/I-580 Westbound Ramps, Mountain House Parkway/I-580	CS	MM 4.3.7 Phase II of the project shall not be implemented until such time that a Capital Improvement Program (CIP) or similar program is in place for affected intersections within the City's jurisdiction. <i>Timing/Implementation: Prior to Phase II facility use.</i> <i>Enforcement/Monitoring: City of Tracy</i>	SU

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<p>Eastbound Ramps, Lammers Road/Schulte Road, Lammers Road/11th Street, Corral Hollow Road/11th Street, and Corral Hollow Road/Schulte Road, which are expected to operate at LOS F, LOS F, LOS F, LOS F, LOS F, and LOS F, LOS D, and LOS D, respectively (see Table 4.3-11).</p>		<p><i>Department of Development and Engineering Services.</i></p>	
<p>Cumulative Fair Share Analysis Future (Year 2025 Plus Project Traffic Scenario)</p> <p>Impact 4.3.8 Under this scenario, the same study intersections as those of Year 2025 scenario are expected to continue to operate at unacceptable service levels.</p>	<p>CS</p>	<p>MM 4.3.8</p> <p>Phase II of the project shall not be implemented until such time that a Capital Improvement Program (CIP) or similar program is in place for affected intersections within the City's jurisdiction.</p> <p><i>Timing/Implementation: Prior to Phase II facility use.</i></p> <p><i>Enforcement/Monitoring: City of Tracy Department of Development and Engineering Services.</i></p>	<p>SU</p>

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Noise			
Existing Plus Project Traffic Noise Impact 4.4.1 Existing plus project traffic noise levels will not exceed the 75 dB Ldn exterior noise level standard.	LTS	None Required	LTS
Project-related Traffic Noise Impact 4.4.2 Project-related traffic is expected to result in traffic noise level increases over no-project levels ranging from 0 to 4 dB Ldn on the roadways in the immediate project vicinity.	LTS	None Required	LTS
Construction Noise Impacts Impact 4.4.3 During the construction phases of the project, noise from construction activities would add to the noise environment in the immediate project vicinity. The level and duration of this noise will be short-term in nature.	LTS	None Required	LTS
Noise Impacts Associated with On-Site Activities Impact 4.4.4 Noise generated by outdoor playing fields would not result in exceedance of the 75 dB standard for Industrial designated property or substantial increases in ambient noise levels at the existing residence located to the south of the project site.	LTS	None Required	LTS
Maintenance Noise Operations Impact 4.4.5 Noise generated by property maintenance equipment may result in significant short-term increases in ambient noise levels and exceedances of City noise standards at the nearest residence to the south of the project site.	PS	MM 4.4.5a Grounds maintenance activities should be limited to the hours of 7 a.m. to 5 p.m. MM 4.4.5b All maintenance equipment utilizing internal combustion engines shall be properly muffled in accordance with manufacturers specifications. <i>Timing/Implementation: Ongoing during and after project construction.</i>	LTS

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2.0 EXECUTIVE SUMMARY

Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
		<i>Enforcement/Monitoring: City of Tracy Public Works Department.</i>	
<p>Public Address System Noise</p> <p>Impact 4.4.6 Noise generated by public address system usage during softball or soccer games may exceed the 75 dB standard at the property lines applicable to Industrial designated property.</p>	PS	<p>MM 4.4.6</p> <p>Prior to the issuance of an electrical permit for any public address systems proposed for the playing fields located near the southern property line, City Parks and Community Services Department staff will test the sound system to ensure that it was designed not to generate noise levels in excess of 75dB Leq at the property line.</p> <p><i>Timing/Implementation: Prior to the issuance of building permits.</i></p> <p><i>Enforcement/Monitoring: City of Tracy Parks and Community Services Department.</i></p>	LTS
<p>Noise Impacts From Nearby Industrial Uses</p> <p>Impact 4.4.7 Noise levels generated by nearby industrial uses (Tracy Biomass & and Owens Brockway Glass Container) were measured to be below the applicable San Joaquin County noise standards applicable to public outdoor uses during an ambient noise survey conducted by Bollard & Brennan, Inc. staff.</p>	LTS	None required.	LTS
<p>Cumulative Traffic Noise</p> <p>Impact 4.4.8 Cumulative plus project traffic is expected to result in traffic noise level increases over cumulative no-project baseline levels of 0 to 8 dB Ldn (Table 6) on the roadways in the immediate project vicinity.</p>	LTS	None required.	LTS

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<p>Cumulative Plus Project Traffic Noise</p> <p>Impact 4.4.9 Cumulative plus project traffic noise levels may exceed the 75 dB Ldn exterior noise level standard at proposed outdoor recreation areas in the Tracy Youth Sports Complex Development which are located within 96 feet of the centerline of Schulte Road.</p>	PS	<p>MM 4.4.9</p> <p>Prior to the issuance of an electrical permit for any public address systems proposed for the playing fields located near the southern property line, City Parks and Community Services Department staff will test the sound system to ensure that it was designed not to generate noise levels in excess of 75dB Leq at the property line.</p> <p><i>Timing/Implementation: Include as a requirement in plans.</i></p> <p><i>Enforcement/Monitoring: City of Tracy Parks and Community Services Department.</i></p>	LTS
Air Quality			
<p>Increased PM10 Levels During Construction</p> <p>Impact 4.5.1 Construction of the proposed project would result in temporarily increased Particulate Matter (PM10 and PM2.5) levels in the immediate vicinity during construction.</p>	PS	<p>MM 4.5.1</p> <p>The following measures are appropriate dust control strategies to be implemented that go beyond the requirements of SJVUAPCD Regulation VIII:</p> <ul style="list-style-type: none"> • Limit traffic speeds on unpaved roads to 15 mph. • Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site. • Suspend excavation and grading activities when winds exceed 20 mph. • Limit size of area subject to excavation, grading or other construction activity at any one time to avoid excessive dust. 	LTS

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		<ul style="list-style-type: none"> • Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent. • Expediently remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. <p><i>Timing/Implementation: Include as a note on all grading and improvement plans; "comply with EIR Mitigation Measure 4.5.1 during all grading and construction phases of the project".</i></p> <p><i>Enforcement/Monitoring: City of Tracy Development and Engineering Services Department.</i></p>	
<p>Increased Carbon Monoxide Concentrations Impact 4.5.2 Development of the project would result in an increase in carbon monoxide concentrations.</p>	LTS	None required.	LTS
<p>Increased Ozone Precursors and PM₁₀ Emissions During Project Operation Impact 4.5.3 Development of the project would result in increases in emission of both ozone precursors and Particulate Matter (PM₁₀ and PM_{2.5}).</p>	LTS	None required	LTS
<p>Exposure of Sensitive Receptors to Objectionable Odors and Toxic Air Contaminants Impact 4.5.4 Development of the project would place a sensitive receptor in proximity to potential</p>	LTS	None required	LTS

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sources of odors and existing sources of Toxic Air Contaminants.			
Exposure to Toxic Air Contaminants Impact 4.5.5 Development of the project would place a sensitive receptor in proximity to potential sources of Toxic Air Contaminants.	LTS	None required	LTS
Cumulative Regional Air Quality Impacts Impact 4.5.6 This project in combination with other reasonably foreseeable projects would increase regional air emissions well beyond the SJVAPCD significance threshold.	PS	MM 4.5.6 Require the following design features be implemented: <ul style="list-style-type: none"> • Use energy efficient design including automated control system for heating/air conditioning and energy efficiency, utilize lighting controls and energy-efficient lighting in buildings and use light colored roof materials to reflect heat. • Plant deciduous trees on the south and westerly facing sides of buildings. • Provide low nitrogen oxide (NOx) emitting and/or high efficiency water heaters. • Appropriate easements should be reserved to provide for future improvements such as bus turnouts, loading areas, and shelters. • Purchase low-emission, alternatively fueled or electrical-driven maintenance vehicles and equipment. • Promote pedestrian, bicycle and transit modes of travel through informational programs and provision of amenities such as transit shelters, secure bicycle parking, 	SU

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		<p>and attractive pedestrian pathways.</p> <p><i>Timing/Implementation: Include as a requirement in plans.</i></p> <p><i>Enforcement/Monitoring: City of Tracy Parks and Community Services Department.</i></p>	
Water Quality and Hydrology			
<p>Storm Water Runoff Generation and Surface Water Drainage Patterns</p> <p>Impact 4.6.1 The project will significantly increase storm water runoff rates generated within the project site when compared with existing conditions. Given the absence of downstream storm drainage facilities having sufficient capacity to accommodate increased quantities of site runoff.</p>	PS	<p>MM 4.6.1</p> <p>The City shall ensure that the development of the project site shall incorporate the construction of one or more on-site temporary retention basins to capture site runoff in conformance with City's Standards. Said on-site temporary retention basins shall remain in operation at least until adequate downstream storm drainage facilities associated with the future Lammers Drainage System are constructed and operational, and beyond this time frame if necessary. Onsite temporary retention basins shall collect and store all "first flush" runoff generated within the site. Sediments accumulating within the on-site temporary retention basins shall be periodically monitored and shall be removed prior to the occurrence of any toxic concentrations of deleterious constituents.</p> <p><i>Timing/Implementation: Prior to the initiation of grading or site clearing activities.</i></p> <p><i>Enforcement/Monitoring: City of Tracy Development & Engineering Services Department.</i></p>	LTS

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<p>Surface Water Quality</p> <p>Impact 4.6.2 The project would introduce constituents typically associated with urban development into storm water runoff generated within the project site.</p>	<p>PS</p>	<p>MM 4.6.2a</p> <p>Construction. The City shall ensure that the development of the project site shall incorporate the construction of one or more on-site temporary retention basins to capture site runoff in conformance with City Design Standards as described in MM 4.6.1. In addition, site construction and maintenance practices shall adhere to any and all applicable provisions and ordinances resulting from the City's implementation of its SWMP, to the extent to which they exist at the time of construction and/or maintenance activities. The following list is intended as an outline summary and the City may impose additional requirements:</p> <ul style="list-style-type: none"> • Non-Structural BMPs • Minimizing Disturbance • Preserving Natural Vegetation (where possible) • Good Housekeeping, e.g., daily clean-up of construction site • Structural BMPs • Erosion Controls • Mulch • Grass • Stockpile Covers • Sediment Controls • Silt Fence • Inlet Protection • Check Dams • Stabilized Construction Entrances • Sediment Traps <p><i>Timing/Implementation: Prior to the initiation of grading or site clearing activities.</i></p> <p><i>Enforcement/Monitoring: City of Tracy Development and Engineering Services</i></p>	<p>LTS</p>

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		<i>Department.</i>	
		MM 4.6.2b	Post-Construction. The Plans and Specifications of the proposed retention facilities should meet

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		<p>the standards of the City of Tracy Development and Engineering Services Department as an adequate engineering product. The City would review the design criteria and monitor for proper installation, if necessary. New development and significant redevelopment projects that begin after February of 2005 will be required to comply with numeric standards for post-construction stormwater BMPs in the re-issued permit. Treatment BMPs are to be constructed that incorporate, at a minimum, the required hydraulic sizing design criteria for volume and flow to treat stormwater runoff.</p> <p><i>Timing/Implementation: Prior to the initiation of grading or site clearing activities.</i></p> <p><i>Enforcement/Monitoring: City of Tracy Development and Engineering Services Department.</i></p>	

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<p>Groundwater Quality and Resources Impact 4.6.3 Runoff generated within the project site during storms would be collected and stored in on-site temporary retention basins. Stored runoff captured within these on-site temporary retention basins would drain via percolation, evaporation, and possibly restricted outflow into local downstream facilities. To the extent that captured runoff is drained via percolation, it is possible that some percolated water would reach the underlying aquifer (water table) beneath. Estimated depth to groundwater fluctuates between 90 and 125 feet, depending upon hydrologic conditions. To the extent that there are typical pollutants associated with urban runoff that are contained in the storm water that drains to the on-site temporary retention basins, there is little or no opportunity for these pollutants to percolate down to local groundwater, as these pollutants would be filtered by the underlying soils and accumulated near the ground surface.</p>	LTS	None required.	LTS
<p>Exposure of Structures and Facilities to Flood Hazards and Potential Damage Impact 4.6.4 During significant storm events, the northern portions of the project site would experience shallow, sheet flooding derived from a local offsite watershed. Buildings and other site facilities would be placed in these portions of the project site.</p>	PS	<p>MM 4.6.4 YSAT and the City of Tracy shall be required to ensure that the development of the project site shall incorporate Provisions 1 through 4 (above) into the design of any buildings or other site facilities that are to be placed within the area of the site that has been identified to experience a potential for shallow, sheet flooding as derived from an offsite watershed.</p> <p><i>Timing/Implementation: Prior to the initiation of grading or site clearing activities.</i></p> <p><i>Responsible Agency: City of Tracy Development</i></p>	LTS

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		<i>and Engineering Services Department.</i>	
<p>Conflicts with Applicable Local, State, and/or Federal Policies and Standards</p> <p>Impact 4.6.5 The proposed Tracy Youth Sports Facility development does not conflict with applicable local, state, and/or federal policies and standards associated with hydrology and water quality.</p>	LTS	None required.	LTS
<p>Cumulative Storm Water Runoff Generation and Surface Water Drainage Patterns</p> <p>Impact 4.6.6 Development within the Lammers Watershed will increase storm water runoff generation and alter surface water drainage patterns.</p>	LTS	None required.	LTS
<p>Cumulative Surface Water Quality</p> <p>Impact 4.6.7 Development within the Lammers Watershed will introduce pollutants generally associated with construction activities and land development into storm water runoff.</p>	LTS	None required.	LTS
<p>Cumulative Groundwater Quality</p> <p>Impact 4.6.8 Storm water generated within new development areas in the Lammers Watershed will be intercepted and stored within detention and retention basins.</p>	LTS	None required.	LTS
<p>Cumulative Exposure of Structures and Facilities to Flood Hazards and Potential Damage</p> <p>Impact 4.6.9 Storm water generated within new development</p>	LTS	None required.	LTS

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<p>areas in the Lammers Watershed will be collected in detention and retention basins and conveyed in storm drainage facilities that will retain adequate capacity to accepted regulated discharges from the basins.</p>			
Geology and Soils			
<p>Seismic Settlement Impact 4.7.1 Development of the project may expose structures and people to hazards associated with seismic settlement.</p>	PS	<p>MM 4.7.1</p> <p>In accordance with the California Building Code (Title 24, Part 2) Section 1804A.3 and A.5, liquefaction and seismic settlement potential shall be addressed in the design level geotechnical engineering investigations. The City's Building Official shall ensure that all the pertinent sections of the California Building Code shall be adhered to in the construction of service buildings on site, prior to the issuance of a Building Permit.</p> <p><i>Timing/Implementation: Prior to the initiation of grading or site clearing activities.</i></p> <p><i>Enforcement/Monitoring: City of Tracy Development and Engineering Services Department.</i></p>	LTS
<p>Expansive Soils Impact 4.7.2 Development of the project may subject new development to geologic hazards associated with expansive soils.</p>	PS	<p>MM 4.7.2</p> <p>Prior to the issuance of a building permit, the City shall employ the following mitigation measures:</p> <ul style="list-style-type: none"> Expansive soils can be excavated and replaced with non-expansive materials. The required depth of excavation shall be specified by a registered civil engineer based on actual soil conditions; 	LTS

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		<ul style="list-style-type: none"> • Expansive soils may be treated in place by mixing them with lime. Lime-treatment alters the chemical composition of the expansive clay minerals such that the soil becomes non-expansive; or, • Implement alternative engineering practices for mitigation expansive soil conditions considered appropriate by the City's Development and Engineering Services. <p><i>Timing/Implementation: Prior to the initiation of grading or site clearing activities.</i></p> <p><i>Enforcement/Monitoring: City of Tracy Development and Engineering Services Department.</i></p>	
<p>Cumulative Geological and Soil Impacts</p> <p>Impact 4.7.3 Development of the proposed project in addition to other proposed and approved projects in the Tracy area would result in urbanization of the area by increasing the density of residential, commercial, office, recreational and public facility uses in the region.</p>	LTS	None required.	LTS
Biological Resources			
<p>Loss of Cropland Habitat</p> <p>Impact 4.8.1 Construction of the project would remove cropland habitat.</p>	LTS	None required.	LTS
Removal of Migratory Wildlife Habitat	LTS	None required.	LTS

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<p>Impact 4.8.2 Development of the project would remove habitat for regionally abundant resident and migratory wildlife currently utilizing the project site.</p>			
<p>Removal of Foraging Habitat Impact 4.8.3 Development of the project will remove foraging habitat (cropland) for Swainson’s hawk. This species is threatened in California and its foraging habitat is protected by the CDFG.</p>	LTS	None required.	LTS
<p>Disturbance to Burrowing Owl Habitat Impact 4.8.4 Development of the project may result in the disturbance of potentially active burrowing owl burrows. Burrowing owls are a California Species of Special Concern and are protected by the CDFG and the MBTA.</p>	PS	<p>MM 4.8.4 A focused survey for burrowing owls shall be conducted by a qualified biologist within 30 days prior to the onset of construction activities (during the breeding season) to determine if active burrows exist onsite. If burrowing owls are found to occupy the project site, then the following measures shall be implemented:</p> <p>The project proponent shall consult with the CDFG on an appropriate buffer for avoiding impacts to burrowing owls during the breeding season (February 1 to August 31), if construction is proposed during that time. Alternatively, the owls shall be passively excluded by a qualified biologist, in consultation with the CDFG prior to the breeding season. If construction is proposed after the nesting season, then an additional field survey shall be conducted to determine the absence or presence of the species, prior to issuance of development permits on the property.</p> <p><i>Timing/Implementation: Prior to the initiation of</i></p>	LTS

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		<p><i>grading or site clearing activities.</i></p> <p><i>Enforcement/Monitoring: The City of Tracy and a qualified biologist shall conduct surveys and relocate owls as required.</i></p>	
<p>Disturbance to Active Kit Fox Den</p> <p>Impact 4.8.5 Development of the project site may result in the disturbance of potentially active kit fox dens on the project site.</p>	<p>PS</p>	<p>MM 4.8.5</p> <p>A qualified biologist should conduct focused surveys for active kit fox dens within 30 days prior to the onset of construction activities. When surveys identify potential dens (potential dens are defines <u>defined</u> as burrows at least four inches in diameter which open up within two feet), potential den entrances shall be dusted for three calendar days to register track of any San Joaquin kit fox present. If San Joaquin kit fox activity is identified, potential dens may be destroyed. If San Joaquin kit fox activity is identified, then dens shall be monitored to determine if occupation is by an adult fox only or is a natal den (natal dens usually have multiple openings. If the den is occupied by an adult only, the den may be destroyed when the adult fox has move <u>moved</u> or is temporarily absent. If the den is a natal den, a buffer zone of 250 feet shall be maintained around the den until the biologist determines that the den has been vacated. Where San Joaquin kit fox are identified, the provision of the U.S. Fish and Wildlife Service's published <i>Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance</i> shall apply. These standards include provisions for educating construction workers regarding the kit fox, keeping heavy equipment operating at safe speeds, checking</p>	<p>LTS</p>

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		<p>construction pipes for kit fox occupation during construction and similar low- or no-cost activities.</p> <p><i>Timing/Implementation: Prior to the initiation of grading or site clearing activities.</i></p> <p><i>Enforcement/Monitoring: The City of Tracy and qualified biologists shall conduct surveys, conduct educational seminars and monitor activities.</i></p>	
<p>Disturbance to Kit Fox Habitat Impact 4.8.6 Development of the project site could result in the removal of potential kit fox habitat.</p>	LTS	None required.	LTS
<p>Cumulative Impacts to Biological Resources Impact 4.8.7 Conversion of existing open lands to housing and urban uses or infrastructure uses results in an overall loss of suitable habitat for special status species, general wildlife, and habitats.</p>	LTS	None required.	LTS
Cultural Resources			
<p>Potential Archaeological Resources Impact 4.9.1 The potential exists for the discovery of buried deposits or features of Tracy's archaeological and/or historical past. Northern Valley Yokuts occupied the Tracy vicinity. Discovery of any villages, camps or artifacts of the Northern Yokuts would have the potential to add new information about this ancient culture. Such sites are exceedingly rare and would constitute a valuable heritage resource for San Joaquin County and the people of California.</p>	PS	<p>MM 4.9.1a If any prehistoric or historic artifacts, or other indications of archaeological resources are found during grading and construction activities, an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be consulted to evaluate the finds and recommend appropriate mitigation measures.</p> <p>MM 4.9.1b Similarly, if human remains are discovered, all work must stop in the immediate vicinity of the find, and the County Coroner must be notified,</p>	LTS

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		<p>according to Section 7050.5 of California's Health and Safety Code. If the remains are Native American, the coroner will notify the Native American Heritage Commission, which in turn will inform a most likely descendant. The descendant will then recommend to the landowner appropriate disposition of the remains and any grave goods.</p> <p><i>Timing/Implementation: During construction activities.</i></p> <p><i>Enforcement/Monitoring: City of Tracy Development and Engineering Services Department.</i></p>	
<p>Potential Paleontological Resources</p> <p>Impact 4.9.2 The potential exists for the discovery of buried deposits or features of paleontological resources.</p>	PS	<p>MM 4.9.2</p> <p>If any fossils are encountered, there shall be no further disturbance of the area surrounding this find until the materials have been evaluated by a qualified paleontologist, and appropriate treatment measures have been identified.</p> <p><i>Timing/Implementation: During construction activities.</i></p> <p><i>Enforcement/Monitoring: City of Tracy Development and Engineering Services Department.</i></p>	LTS
<p>Cumulative Impacts to Cultural Resources</p> <p>Impact 4.9.3 The proposed project in addition to other development projects within the greater Tracy area could potentially disturb previously</p>	LTS	None required.	LTS

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unknown cultural resources.			
Public Services			
Water supply Impact 4.10.1 The proposed project will contribute to an increase in demand for an adequate domestic water supply and water distribution facilities over the existing conditions.	LTS	None required.	LTS
Water Treatment, Distribution, Pump and Storage Facilities Impact 4.10.2 Development of the project may require expansion of existing water treatment and distribution systems.	PS	MM 4.10.2 Prior to approval of the project, the City shall demonstrate that water treatment and distribution facilities are constructed or available to meet project water demands. The project sponsor will contribute to the project's fair-share funding of water treatment and distribution facilities and improvements associated with providing service to the project site in accordance with the Water Master Plan and City Design Standards. <i>Timing/Implementation: Prior to the approval of the project.</i> <i>Enforcement/Monitoring: City of Tracy Development and Engineering Services Director.</i>	LTS
Utility Services Impact 4.10.3 Development of the project would result in an increase in demand necessitating the expansion of utility services.	PS	MM 4.10.3a The project sponsors shall coordinate with PG&E and Pacific Bell regarding the proper extension of electrical, natural gas and telephone services to the project site. This shall include the development of detailed plans for utility placement and the project's participation in energy conservation programs provided by	LTS

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		<p>MM 4.10.3b</p> <p>PG&E. Utility placement shall not conflict with other planned infrastructure improvements such as water distribution systems and project site drainage facilities. Evidence of this coordination with PG&E and Pacific Bell shall be provided to the City's Department of Development and Engineering Services.</p> <p>The on-site facilities shall be designed according to the California Code of Regulations, Title 24, "Energy Standards for Nonresidential Buildings", or be designed to not exceed the energy consumption requirements of those standards.</p> <p><i>Timing/Implementation: Prior to completion of final improvement plans.</i></p> <p><i>Enforcement/Monitoring: City's Development and Engineering Services Department.</i></p>	
<p>Law Enforcement and Police Services</p> <p>Impact 4.10.4 Implementation of the project would increase the demand for police protection services and facilities.</p>	<p>PS</p>	<p>MM 4.10.4a</p> <p>The project sponsor will coordinate directly with the San Joaquin County Sheriff's Department and/or the Tracy Police Department to prepare a police services plan for proposed project. The plan will determine service requirements for all project land uses and ratios for public/private patrolling which are acceptable to the Sheriff's and/or the Tracy Police Departments performance standards for response times. Prior to site plan approvals for each phase of the project the City may be required to provide fair-share contribution to any applicable County public service fees in place at that time.</p>	<p>LTS</p>

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		<p>MM 4.10.4b</p> <p>The County Sheriff’s Department shall be given the opportunity to review site specific proposals and make recommendations to improve public safety and emergency access.</p> <p><i>Timing/Implementation: Prior to finalization of final site design.</i></p> <p><i>Enforcement/Monitoring: City of Tracy Parks and Community Services Department</i></p>	
<p>Fire Protection Services</p> <p>Impact 4.10.5 Development of the project would result in an increase in demand for fire protection services.</p>	<p>PS</p>	<p>MM 4.10.5</p> <p>The City’s Fire Department shall be provided the opportunity to review development plans for the project site to ensure that the following items are addressed:</p> <ul style="list-style-type: none"> • Project site accesses and internal roadways shall be adequately designed to ensure adequate access for emergency vehicles. Any gates shall be designed to allow access for emergency vehicles. • Buildings shall be designed in accordance with Tracy Fire Department and Uniform Fire Code standards. • Fire hydrants spacing and location shall be consistent with Tracy Fire Department standards. • Acceptable response time can be ensured. <p><i>Timing/Implementation: Prior to start of construction activities.</i></p> <p><i>Enforcement/Monitoring: City’s Development and Engineering Services Department.</i></p>	<p>LTS</p>

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<p>Cumulative Water Supply and Treatment</p> <p>Impact 4.10.6 The delivery and use of the proposed potable and non-potable water supplies to serve the Proposed Project, in combination with other urban and non-urban uses in the City of Tracy served by regional supplies would not result in any significant cumulative water supply impacts.</p>	LTS	None required.	LTS
<p>Cumulative Electrical Service</p> <p>Impact 4.10.7 The proposed project, in combination with other reasonably foreseeable development, would cumulatively increase the demand for electrical service in the City of Tracy. Adequate infrastructure has been planned to accommodate the uses identified in the proposed project.</p>	LTS	None required.	LTS
<p>Cumulative Natural Gas Service</p> <p>Impact 4.10.8 The proposed project, in combination with other reasonably foreseeable development, would cumulatively increase the demand for natural gas service in the project area. Infrastructure has been planned to accommodate the uses identified in the City of Tracy.</p>	LTS	None required.	LTS
<p>Cumulative Telephone Service</p> <p>Impact 4.10.9 The proposed project, in combination with other reasonably foreseeable development, would cumulatively increase the demand for telephone service in the project vicinity. Adequate infrastructure has been planned to accommodate the uses identified in the City of Tracy.</p>	LTS	None required.	LTS

S - Significant
PS - Potentially Significant

LTS – Less Than Significant
CS – Cumulative Significant

SU – Significant and Unavoidable
B - Beneficial

2.0 EXECUTIVE SUMMARY

Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
<p>Cumulative Police Services</p> <p>Impact 4.10.10 The proposed project, in combination with other reasonably foreseeable development, would increase the need for police protection services. Future developments have identified potential impacts to the Department and have proposed mitigation measures to lessen potential impacts.</p>	LTS	None required.	LTS
<p>Cumulative Fire Protection Services</p> <p>Impact 4.10.11 The proposed project, in combination with other reasonably foreseeable development, would increase the need for fire protection services. Future developments have identified potential impacts to the Department and have proposed mitigation measures to lessen potential impacts.</p>	LTS	None required.	LTS
<p>Cumulative Parks and Recreation</p> <p>Impact 4.10.12 Development of the proposed TYSF in combination with other development planned in the City of Tracy would result in additional demands for parks and recreational facilities.</p>	LTS	None required.	LTS
<p>Cumulative Solid Waste</p> <p>Impact 4.10.13 This project in combination with other reasonably foreseeable projects would increase the demand for solid waste generation, service, and disposal in the area.</p>	LTS	None required.	LTS

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B - Beneficial

Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
Agricultural Resources			
Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) Impact 4.11.1 The project site is not considered Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) since it has only been used to farm dry crops since the early 1960s.	LTS	None required.	LTS
Conflict with existing zoning for agricultural use, or a Williamson Act contract Impact 4.11.2 The project site is not under a Williamson Act agricultural contract. The existing County General Plan designation of the site is General Agriculture and the property is zoned AG - 40. Under this designation, recreational facilities are an allowable use.	LTS	None required.	LTS
Conversion of Agricultural Land Impact 4.11.3 The project would convert approximately 200 acres of previously productive farmland to non-agricultural uses. Although not farmed since the 1960's except for dryland crops, the site is surrounded by lands with prime farmland characteristics and may also contain prime soil characteristics.	LTS	None required.	LTS
Impairment to Productivity/Land Use Compatibility Impact 4.11.4 The project would locate urban land uses adjacent to primarily agricultural uses, which may impair agricultural production and result in land use compatibility conflicts.	PS	MM 4.11.4 The applicant has proposed a 50-foot buffer for the proposed project site to physically separate the facility from the agricultural and industrial uses that may pose compatibility problems for land applications of herbicides and pesticides. For materials applied via aerial spraying the following measures are included:	LTS

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2.0 EXECUTIVE SUMMARY

Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
		<ul style="list-style-type: none"> • The Youth Sports Alliance will contact the identified adjacent landowners and distribute the yearly schedule to ensure that no person will be on the field when an adjacent field is sprayed with any type of pesticide. • If games or park reservations are to be performed that are not on the pre-notification schedule, notice shall be given by phone calls to the affected parties. • The Youth Sports Alliance shall distribute additional notice of scheduled games added during the year that are known in advance. <p><i>Timing/Implementation: Prior to finalization of site design and project construction. Prior to the current year's scheduled games and activities and prior to any games/activities added during the current season.</i></p> <p><i>Enforcement/Monitoring: City of Tracy Parks and Community Services Department.</i></p>	
<p>Cumulative Agricultural Conversion/Conflicts</p> <p>Impact 4.11.5 The project would convert approximately 200 acres of grazing land to urban and recreational uses. This loss would contribute to the cumulative loss of farmland in the region and could contribute to cumulative conflicts with agricultural uses.</p>	LTS	None required.	LTS

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Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
Aesthetics, Visual Resources, Light and Glare			
View Obstruction Impacts Impact 4.12.1 The project would result in a change in the project site from surplus style, predominately unused land to a sports facility. This could impact distant views of the Diablo Range and the Altamont pass.	LTS	None required.	LTS
Impacts to Scenic Resources Impact 4.12.2 The project would not impact any existing scenic resources, as none are located on the project site or in the vicinity.	LTS	None required.	LTS
Visual Character Impacts Impact 4.12.3 The project would change the visual character of the project site.	LTS	None required.	LTS
Light and Glare Impacts Impact 4.12.4 The project would introduce new sources of light and glare to the project site.	PS	MM 4.12.4 A building permit shall be required prior to the installation of the project's lighting. The building permit plans shall demonstrate that site lighting and exterior building light fixtures that are designed to reduce the effects of light pollution and glare off of glass and metal surfaces. The site lighting shall be of a type that casts light downward onto the fields and shall also have control boxes that allow operation of the lighting only when teams need the field to be illuminated. <i>Timing/Implementation: Prior to issuance of an electrical permit for each field lighting system.</i> <i>Enforcement/Monitoring: City of Tracy Department of Development & Engineering Services</i>	LTS

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2.0 EXECUTIVE SUMMARY

Impact	Level of Significance Without Mitigation	Mitigation Measure	Resulting Level of Significance
<p>Cumulative View Obstruction Impacts</p> <p>Impact 4.12.5 Development of areas in the vicinity of the western Tracy City Limit would contribute to obstruction of short-range views of agricultural lands and long-range views of the Diablo Range.</p>	LTS	None required.	LTS

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3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

3.1 INTRODUCTION

No new significant environmental impacts or issues, beyond those already covered in the Draft EIR for the Tracy Youth Sports Facility project, were raised during the comment period, and the City of Tracy, acting as lead agency, directed that responses to the Draft EIR comments be prepared. Responses to comments received during the comment period do not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

3.2 LIST OF COMMENTORS

The following individuals and representatives of organizations and agencies submitted written comments on the Draft EIR:

Letter	Individual or Signatory	Affiliation	Date
A	Gary Munsterman	United States Department of the Interior Federal Lands to Parks Program Coordinator	10/14/05
B	Kevin Boles	Public Utilities Commission- Rail Crossings Engineering Section Consumer Protection and Safety Division	10/18/05
C	Brett Stevens	California Regional Water Quality Control Board Central Valley Region Storm Water Unit	10/06/05
D	Tom Dumas	Department of Transportation Office of Intermodal Planning- Chief	11/04/05
E	Hector R. Guerra	San Joaquin Valley Air Pollution Control District Senior Air Quality Planner	11/02/05
F	Karla Kuhl	San Joaquin County Community Development Department Assistant Planner	11/01/05
G	Andrea Vallejo	San Joaquin County Public Works Assistant Transportation Planner	11/01/05
1	Eric Parfrey	Chair- Sierra Club- Mother Lode Chapter	10/17/05
2	Michael Boyd	President-California for Renewable Energy, Inc. (CARE)	11/02/05
3	Jim Williams	GWF Energy LLC Director of Environmental and Safety Programs	10/28/05
4	Carole Dominguez	Resident	09/18/05
5	Various Citizens	City of Tracy City Council Meeting Comments	10/18/05

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

3.3 COMMENTS AND RESPONSES

3.3.1 REQUIREMENTS FOR RESPONDING TO COMMENTS ON A DRAFT EIR

CEQA Guidelines 15088 requires that lead agencies evaluate all comments on environmental issues received on the Draft EIR and prepare a written response. The written response must address the significant environmental issue raised and must 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 commentors, as long as a good faith effort at full disclosure is made in the EIR (CEQA Guidelines 15204).

CEQA Guidelines 15204 recommends that commentors provide detailed comments that focus on the sufficiency of the Draft EIR in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. CEQA Guidelines 15204 also notes that commentors should provide an explanation and evidence supporting their comments. Pursuant to CEQA Guidelines 15064, an effect shall not be considered significant in the absence of substantial evidence.

CEQA Guidelines 15088 also recommends that where response to comments results in revisions to the Draft EIR, that those revisions should either revise the text in the body of the EIR or include notes showing the information is revised in the response to comments.

3.3.2 MASTER RESPONSES

Several comment letters included common comments on issues associated with the project and the Draft EIR. In order to streamline the Final EIR, master responses have been prepared for these common comments and addressed the following issue areas. However, it should be noted that all comments are responded to in this Final EIR.

- Traffic Mitigation; and
- Hazards Risk Assessment.

3.3.3 RESPONSES TO COMMENT LETTERS

Written comments on the Draft EIR are reproduced on the following pages, along with responses to those comments. To assist in referencing comments and responses, the following coding system is used:

- Public agency comment letters are coded by letters and each issue raised in the comment letter is assigned a number (e.g., Comment Letter A, comment 1: A-1).
- Individual and interest group comment letters are coded by numbers and each issue raised in the comment letter is assigned a number (e.g., Comment Letter 1, comment 1: 1-1).

Where changes to the Draft EIR text result from responding to comments, those changes are included in the response and demarcated with revision marks (underline for new text, ~~strike-out~~ for deleted text).

3.4 MASTER RESPONSES

3.4.1 TYSF TRAFFIC MITIGATION MASTER RESPONSE

Introduction

Several comment letters expressed concerns over the potential for the project to generate significant traffic impact to intersections and roadways in the project vicinity. Comments also relate to payment of fair share impact fees toward recommended improvements to intersections and roadways in San Joaquin County affected by the Project.

Traffic Mitigation Overview

The following is an overview of existing regional, County and City traffic mitigation programs. Although the City does actively participate in regional traffic mitigation programs, none of the impacted intersections are covered under such programs. Furthermore, although it is anticipated that the impacted intersections in the City will be improved, it is unclear whether such improvements will be complete by the time they are needed for the Project. Therefore, the traffic impacts of the Project have been designated as significant and unavoidable.

Regional and County Programs

Measure K

As referenced in the Draft EIR, Measure K is the ½ -cent sales tax dedicated to transportation projects in San Joaquin County. (See Draft EIR, Section 4.3.2.) It is anticipated that a renewal of Measure K will be placed before the voters in 2006. Appendix A of the Draft EIR contains a list of projects that will be funded through Measure K. None of the impacted intersections are currently scheduled to receive Measure K funding.

Regional Transportation Impact Fee

San Joaquin County and each of the cities in the County, including the City of Tracy, have adopted a Regional Transportation Impact Fee ("RTIF"). (See Chapter 13.32 of the Tracy Municipal Code.) The RTIF funds improvements to the regional transportation network. A list of RTIF funded projects in the City and adjoining County area and fee percentage distribution can be seen in Appendix B of the Draft EIR. None of the impacted intersections are currently scheduled to receive RTIF funding.

San Joaquin County Traffic Fee Program

The San Joaquin County Traffic Fee Program collects impact mitigation fees to finance transportation infrastructure for all new developments within the unincorporated are of the County. An Engineering Report prepared by the County Department of Public Works identified fair share fees necessary for expanded and newly constructed traffic facilities (see Appendix C of the Draft EIR, Compiled Resolution 90-304). None of the impacted intersections are currently scheduled to receive funding from this Fee Program.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Other San Joaquin County Traffic Mitigation Programs

The impacted intersections are currently not included in the San Joaquin County Capital Improvement Plan (CIP). At this time, there are no other traffic impact mitigation programs in place to collect funds for the project's fair share to support future improvements for affected intersections in the County's jurisdiction.

Mountain House Development

Improvements to the Mountain House parkway / I-205 intersection are currently under construction in conjunction with the Mountain House Development in unincorporated San Joaquin County. The intersection will meet San Joaquin County's acceptable level of service standards after completion of construction.

City Programs

Infrastructure improvements, including traffic improvements, in the City of Tracy are largely funded through area-specific Finance and Implementation Plans ("FIPs"). It is anticipated that the four impacted intersections in the City (Corral Hollow Road/11th Street, Corral Hollow Road/Schulte Road, Lammers Road/Schulte Road, and Lammers Road/11th Street) will be improved in conjunction with the Plan "C" and Gateway FIPs along with other funding sources.

3.4.2 MASTER RESPONSE HAZARDOUS RISK ASSESSMENT

The purpose of CEQA is to protect the environment from proposed projects, not to protect proposed projects from the environment. To that end, it is beyond the scope of CEQA and, therefore, beyond the scope of this EIR to evaluate potential effects (such as noise, air pollutants, hazardous spills or accidents) of existing, industrial or agricultural land uses, for example, on the proposed Youth Sports Facility Project.

In a separate process, the City has conducted an air quality Human Health Risk Assessment that the City Council will review separately but concurrently with the Final EIR.

Letter A



United States Department of the Interior

NATIONAL PARK SERVICE
Pacific West Region
1111 Jackson Street, Suite 700
Oakland, California 94607-4807



IN REPLY REFER TO:
L3217-PWR-PR

October 14, 2005

RECEIVED
OCT 17 2005
CITY OF TRACY

Mr. John Palmer
City of Tracy
520 Tracy Boulevard
Tracy, CA 95376

Subject: Environmental Review – Tracy Youth Sports Facility

Dear Mr. Palmer;

The National Park Service has consulted with Mr. Andrew Malik on several occasions over the past several years concerning the proposed development of park facilities on federal property currently held by the U.S. Department of Justice, Bureau of Prisons and formerly occupied by the Federal Aviation Administration. In June 2005 the National Park Service visited the site and learned of and requested a copy of the Draft Environmental Impact Report currently under review upon which to evaluate the proposal pursuant to HR 2508 (105th Congress). This bill sponsored by Congressional Pombo provided for the transfer of the subject property to the city and review of recreational use of a 100 acre portion of the site by the Secretary of the Interior pursuant to the guidelines for recreation use conveyances of the Federal Property and Administrative Services Act (40 USC 471 et seq.) The authority referenced in HR 2508, providing for the public benefit conveyance of surplus federal property for park and recreation use is delegated by the Secretary of the Interior to National Park Service.

A-1

In our review of the proposal and research on the statutory basis for review and approval, the National Park Service in consultation with the Department of the Interior Office of the Solicitor determined that the final approved statute contained in P.L. 105-277, Section 140 and subsequent amendments does not reference the use of the guidelines for recreation use conveyances of the Federal Property and Administrative Services Act (40 USC 471 et seq.), therefore the authority for approval remains with the Secretary of the Interior. The Pacific West Region has requested that the Secretary of the Interior delegate authorities contained in P.L. 105-277, Section 140 and subsequent amendments, or in the alternative provided for the necessary approval required under the cited statute.

P.L. 105-277, Section 140, as amended, authorizes the conveyance of a 100 acre portion of the Bureau of Prison property for public park or other recreational purpose. Since separate 50 acre portions of the 200 acre site are authorized for conveyance for unrestricted and educational use, it would be most useful for the city to generally define the portions of the property being acquired under the distinct authorities contained in P.L. 105-277, Section 140, as amended.

A-2



In the absence of other authority upon which to base our review of the document, the National Park Service finds the Preferred Plan, Tracy Youth Sports Complex to represent both a reasonable and ambitious program for the conversion of the subject property to recreation use in response to what we understand are unmet needs within the community. If you have any questions regarding these comments, please contact me at 510-817-1445 or gary_munsterman@nps.gov.

A-3

Sincerely,



Gary Munsterman
Federal Lands to Parks Program Coordinator

C Andrew Malik, City of Tracy
Ken Paulson, GSA Property Disposal Division

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

LETTER A: GARY MUNSTERMAN, FEDERAL LANDS TO PARKS PROGRAM COORDINATOR

Response A-1: Comment noted regarding proposed development of park facilities on federal property currently being held by the US Department of Justice, Bureau of Prisons. The commentor does not comment on the adequacy of the EIR; therefore, no response is necessary.

Response A-2: After receiving this correspondence, the City received approval from the United States Department of Interior regarding the proposed site plan in conformance with P.L. 105-277, Section 140. The site plan is depicted in the Draft EIR Figure 3.0.7.

Response A-3: The National Park Service finds the Tracy Youth Sports Facility to be a "reasonable and ambitious program for the conversion of the subject property to recreation use". The commentor does not comment on the adequacy of the EIR; therefore, no response is necessary.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

FILE NO. 892 10/21 05 09:23 ID: 0111 01 10/21 09:23

Letter B

ARNOLD SCHWARZENEGGER, Governor

STATE OF CALIFORNIA
PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-9298



October 18, 2005

RECEIVED

OCT 20 2005

CITY OF TRACY

Alan Bell
City of Tracy
520 Tracy Boulevard
Tracy, CA 95376

Dear Mr. Bell:

Re: SCH# 2004022139; Tracy Youth Sports Facility

As the state agency responsible for rail safety within California, we recommend that any development projects planned adjacent to or near the rail corridor in the County be planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade highway-rail crossings. This includes considering pedestrian circulation patterns/destinations with respect to railroad right-of-way.

Safety factors to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade highway-rail crossings due to increase in traffic volumes and appropriate fencing to limit the access of trespassers onto the railroad right-of-way.

The above-mentioned safety improvements should be considered when approval is sought for the new development. Working with Commission staff early in the conceptual design phase will help improve the safety to motorists and pedestrians in the County.

If you have any questions in this matter, please call me at (415) 703-2795.

Very truly yours,

Kevin Boles
Utilities Engineer
Rail Crossings Engineering Section
Consumer Protection and Safety Division

cc: Pat Kerr, UP

B-1

LETTER B: KEVIN BOLES, PUBLIC UTILITY COMMISSION- RAIL CROSSINGS ENGINEERING SECTION

Response B-1: Comment noted regarding safety issues with the adjacent railroad right-of-way. As stated on page 4.2-12 in Impact 4.2.7 discussion, "Given that there are no existing or proposed at-grade rail crossings at the TYSF project location and that the project site will be fenced..."

It is anticipated that the City of Tracy will work closely with Public Utility Commission to ensure that all safety improvements for railroad right-of-ways are implemented with the proposed project.

Letter C



Alan C. Lloyd, Ph.D.
Agency Secretary

California Regional Water Quality Control Board Central Valley Region

Robert Schneider, Chair



Arnold
Schwarzenegger
Governor

Sacramento Main Office
11020 Sun Center Drive #200, Rancho Cordova, California 95670-6114
Phone (916) 464-3291 • FAX (916) 464-4645
<http://www.waterboards.ca.gov/centralvalley>

RECEIVED
OCT 11 2005
CITY OF TRACY

6 October 2005

Alan Bell
City of Tracy
520 Tracy Blvd.
Tracy, CA 95376

***PROPOSED PROJECT REVIEW, CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA),
DRAFT ENVIRONMENTAL IMPACT REPORT FOR TRACY YOUTH SPORTS FACILITY,
STATE CLEARINGHOUSE #2004022139, TRACT, SAN JOAQUIN COUNTY***

As a Responsible Agency, as defined by CEQA, we have reviewed the Draft Environmental Impact Report for Tracy Youth Sports Facility. Based on our review, we have the following comments regarding the proposed project.

Construction Storm Water

A NPDES General Permit for Storm Water Discharges Associated with Construction Activities, NPDES No. CAS000002, Order No. 99-08-DWQ is required when a site involves clearing, grading, disturbances to the ground, such as stockpiling, or excavation that results in soil disturbances of one acre or more of total land area. Construction activity that involves soil disturbances on construction sites of less than one acres and is part of a larger common plan of development or sale, also requires permit coverage. Coverage under the General Permit must be obtained prior to construction. More information may be found at <http://www.swrcb.ca.gov/stormwtr/construction.html>

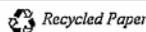
C-1

Post-Construction Storm Water Management

Manage storm water to retain the natural flow regime and water quality, including not altering baseline flows in receiving waters, not allowing untreated discharges to occur into existing aquatic resources, not using aquatic resources for detention or transport of flows above current hydrology, duration, and frequency. All storm water flows generated on-site during and after construction and entering surface waters should be pre-treated to reduce oil, sediment, and other contaminants. The local municipality where the proposed project is located may now require post construction storm water Best Management Practices (BMPs) pursuant to the Phase II, SWRCB, Water Quality Order No. 2003 – 0005 – DWQ, NPDES General Permit No. CAS000004, WDRS for Storm Water Discharges from Small Municipal Separate Storm Sewers Systems (MS4). The local municipality may require long-term post-construction BMPs to be incorporated into development and significant redevelopment projects to protect water quality and control runoff flow.

C-2

California Environmental Protection Agency



Wetlands and/or stream course alteration

Section 401 of the federal Clean Water Act requires any project that impacts waters of the United States (such as streams and wetlands) to file a 401 Water Quality Certification application with this office. The project proponent must certify the project will not violate state water quality standards. Projects include, but are not limited to, stream crossings, modification of stream banks or stream courses, and the filling or modification of wetlands. If a U.S. Army Corp of Engineers (ACOE) permit is required for the project, then Water Quality Certification must be obtained prior to initiation of project activities. The proponent must follow the ACOE 404(b)(1) Guidance to assure approval of their 401 Water Quality Certification application. The guidelines are as follows:

1. **Avoidance** (Is the project the least environmentally damaging *practicable* alternative?)
2. **Minimization** (Does the project minimize any adverse effects to the impacted wetlands?)
3. **Mitigation** (Does the project mitigate to assure a no net loss of functional values?)

If, after avoidance and minimization guidelines are considered and wetland impacts are still anticipated:

- determine functional losses and gains (both permanent and temporal; both direct and indirect)
- conduct adequate baselines of wetland functions including vegetation, wildlife, hydrology, soils, and water quality
- attempt to create/restore the same wetland type that is impacted, in the same watershed
- work with a regional context to maximize benefits for native fish, wildlife, vegetation, as well as for water quality, and hydrology
- use native species and materials whenever possible
- document all efforts made to avoid the minimize adverse wetland impacts
- be prepared to develop performance criteria and to track those for between 5 to 20 years
- be prepared to show project success based on achieving wetland functions
- if the project fails, be prepared to repeat the same process (via financial assurance), with additional acreage added for temporal losses
- specify how the mitigation project will be maintained in perpetuity and who will be responsible for the maintenance

C-3

For more information regarding Water Quality Certification may be found at http://www.waterboards.ca.gov/centralvalley/available_documents/wq_cert/application.pdf

Alan Bell

- 3 -

6 October 2005

Dewatering Permit

The proponent may be required to file a Dewatering Permit covered under Waste Discharge Requirements General Order for Dewatering and Other Low Threat Discharges to Surface Waters Permit, Order No. 5-00-175 (NPDES CAG995001) provided they do not contain significant quantities of pollutants and are either (1) four months or less in duration, or (2) the average dry weather discharge does not exceed 0.25 mgd:

- a. Well development water
- b. Construction dewatering
- c. Pump/well testing
- d. Pipeline/tank pressure testing
- e. Pipeline/tank flushing or dewatering
- f. Condensate discharges
- g. Water Supply system discharges
- h. Miscellaneous dewatering/low threat discharges

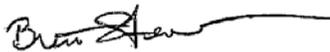
C-4

Industrial

A NPDES General Permit for Storm Water Discharges Associated with Industrial Activities, NPDES No. CAS000001, Order No. 97-03-DWQ regulates 10 broad categories of industrial activities. The General Industrial Permit requires the implementation of management measures that will achieve the performance standard of best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT). The General Industrial Permit also requires the development of a Storm Water Pollution Prevention Plan (SWPPP) and a monitoring plan. The General Industrial Permit requires that an annual report be submitted each July 1. More information may be found at <http://www.swrcb.ca.gov/stormwtr/industrial.html>

C-5

For more information, please visit the Regional Boards website at <http://www.waterboards.ca.gov/centralvalley/> or contact me at 916.464.4642 or by e-mail at stevenb@waterboards.ca.gov.



BRETT STEVENS
Storm Water Unit
916.464.4642

cc: State Clearinghouse, Sacramento

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

LETTER C: BRETT STEVENS, CRWQCB- CENTRAL VALLEY REGION

- Response C-1:* The commentor states that the project must obtain an NPDES General Permit for Storm Water Discharges Associated with Construction Activities. Since development of the project site would result in the disturbance of five or more acres, an NPDES construction activities permit would be required.
- Response C-2:* The commentor is referred to page 4.6-13 mitigation measure MM 4.6.1 regarding storm water runoff in conformance with City standards. The City's Storm Drainage Master Plan requires design to accommodate 100-year flows and encourages efficient use of existing facilities.
- Response C-3:* Comment noted regarding the Section 401 of the Clean Water Act. The drainage ditches located in the northeastern and southeastern corners of the project site appear to have been excavated, and are not natural watercourses. Additionally, vegetation observed in these ditches was predominantly ruderal. For these reasons, these ditches are not likely jurisdictional Waters of the U.S. A "blue line" intermittent drainage is mapped on the USGS Midway Quadrangle in the northwestern edge of the project site. This area was surveyed during field reconnaissance; however, this drainage no longer exists in this portion of the site. The commentor does not comment on the adequacy of the EIR, therefore no further response is necessary.
- Response C-4:* The project will obtain all necessary permits required to build the sport facility. Development of the project must utilize an on-site temporary retention basin or basins to collect and store site runoff for metered release via percolation, evaporation, and/or restricted discharge into local downstream drainage features. At such time in the future as drainage facilities associated with the Lammers Drainage System are constructed, site drainage may be retrofitted to discharge into an appropriate outfall. The commentor does not comment on the adequacy of the EIR, therefore no further response is necessary.
- Response C-5:* The commentor is referred to Response C-1. The commentor states that the project must obtain a NPDES General Permit for Storm Water Discharges Associated with Industrial Activities. The project will obtain all necessary permits required to build the sport facility. The commentor does not comment on the adequacy of the EIR, therefore no further response is necessary.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

FILE No.931 11/04 '05 14:55 ID:CITY OF TRACY DEV & ENG FAX:209 831 4606 PAGE 2/ 4
Nov. 4. 2005 12:04PM CA DEPARTMENT OF TRANSPORTATION No.4466 P. 2

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

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



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CITY OF TRACY

November 4, 2005

10-SJ-205-PM1.4
SCH 2004022139
Tracy Youth Sports Facility

Alan Bell
City of Tracy
520 Tracy Boulevard
Tracy, CA 95376

Dear Mr. Bell:

The California Department of Transportation (Department) appreciates the opportunity to have reviewed the Draft Environmental Impact Report for the proposed 200-acre youth park and recreational facility. The original letter dated November 2, 2005 was sent in error to San Joaquin County. Please accept the Department's comment letter at this time. The project includes 23 baseball fields, 4 football fields, 15 soccer fields, and 1 stadium to be located at 15178 West Schulte Road approximately 2.0 miles northeast of the Interstate 580 (I-580)/Patterson Pass interchange, 3.0 miles southeast of the Interstate 205 (I-205)/Mountain House Parkway interchange, and 1.5 miles south of the I-205/11th Street interchange. The Department has the following comments:

- For the Existing Plus Project (Phase I Plus Phase II) Recommended Mitigations (see Table 4.3-14) the project should pay its fair share of impact fees towards the recommended traffic signal for the intersection of Mountain House Parkway/I-580 eastbound ramps identified in page 4.3-13. D-1
- For the Near-Term (2010) Base Conditions Plus Project (Phase I Plus Phase II) Recommended Mitigations (see Table 4.13-15) the project should pay its fair share of impact fees towards the recommended traffic signals at the Mountain House Parkway intersection with I-205 westbound ramps, I-205 eastbound ramps, and I-580 westbound ramps. D-2
- Please forward the Final Conditions of Approval to the Transportation Planning Division in order to monitor transportation related mitigation measures. D-3

"Caltrans improves mobility across California"

11/04/2005 FRI 12:12 [TX/RX NO 7920] 002

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Mr. Bell
November 4, 2005
Page 2

- An Encroachment Permit will be required for work (if any) done within the Department's right of way. This work is subject to the California Environmental Quality Act. Therefore, additional biological, archaeological, or other environmental studies may be required as part of the encroachment permits application. A qualified professional must conduct any such studies undertaken to satisfy the Department's environmental review responsibilities. Ground disturbing activities to the site prior to completion and/or approval of required environmental documents may affect the Department's ability to issue a permit for the project. Furthermore, if engineering plans or drawings will be part of your permit application, they should be prepared in standard units. D-4
- All roadway features (for example signs, pavement delineation, roadway surface et cetera) within Department right of way must be protected or maintained in a temporary condition and restored. D-5
- The Department recognizes that there is a strong link between transportation and land use. Growth and development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both total vehicle miles traveled and the number of trips per household. In order to create more efficient and livable communities, the Department encourages the applicant to work towards a safe, functional, interconnected, multi-modal system integrated with "smart growth" type land use planning. Also, a mixture of land uses creates opportunities to substitute walking for driving. D-6
- In lieu of reliance on the automobile for every trip, the Department supports the concept of a local circulation system which is pedestrian-, bicycle-, and transit-friendly in order to enable residents to choose alternative modes of transportation. Also, a mixture of land uses creates opportunities to substitute walking for driving. Improved transit accommodation through the provision of park and ride facilities, signal prioritization, or other enhancements can also improve mobility. D-7

"Caltrans improves mobility across California"

11/04/2005 FRI 12:12 [TX/RX NO 7920] @ 003

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

FILE No.931 11/04 '05 14:56 ID:CITY OF TRACY DEV & ENG FAX:209 831 4606 PAGE 4/ 4
NOV. 4. 2005 12:00PM CA DEPARTMENT OF TRANSPORTATION No.4456 P. 4

Mr. Bell
November 4, 2005
Page 3

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

D-8

If you have any questions or would like to discuss our comments in more detail, please contact Dan Brewer at (209) 948-7142 (e-mail: dan.brewer@dot.ca.gov) or me at (209) 941-1921.

Sincerely,



**TOM DUMAS, Chief
Office of Intermodal Planning**

c: SMorgan CA Office of Research and Planning

"Caltrans Improves mobility across California"

11/04/2005 FRI 12:12 [TX/RX NO 7820] 004

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

LETTER D: TOM DUMAS, DEPARTMENT OF TRANSPORTATION OFFICE OF INTERMODAL PLANNING

- Response D-1:* The commentor is referred to Master Response 3.4.1 regarding traffic mitigation.
- Response D-2:* The commentor is referred to Master Response 3.4.1 regarding traffic mitigation.
- Response D-3:* There are no project conditions of approval. The Mitigation Monitoring and Reporting Program is available for public reference. The commentor does not comment on the adequacy of the EIR, therefore no further response is necessary.
- Response D-4:* Comment noted regarding the requirement for an Encroachment Permit for work done within the Department's right-of-way. The City of Tracy will comply with any required DOT permit for work within their right-of-way.
- Response D-5:* This comment is associated with protection and/or maintaining all roadway features in a temporary condition and restored within the Department of Transportation right-of-way. The City of Tracy will utilize BMPs to ensure that all construction activities that impact Caltrans' roadways are protected or restored to their previous condition.
- Response D-6:* The commentor's remarks regarding the recognition of a strong link between transportation and land use does not address the adequacy of the EIR, therefore no response is necessary.
- Response D-7:* The proposed project does not include residential or commercial development that would increase traffic on a regular, commute-hour basis. Use of the youth sport's facility (TYSF) is anticipated to be after work hours and on weekends. No bicycle or transit improvements are proposed as part of the TYSF project. It is anticipated that parent's may carpool with children participating in sport's activities when feasible. The commentor's remarks regarding the insertion of pedestrian-, bicycle-, and transit-friendly uses into the proposed project does not address the adequacy of the EIR, therefore no further response is necessary.
- Response D-8:* The comment is associated with pedestrian and bicycle access as regards mixed-use "village" center developments. The TYSF has not been designed as a compact residential development. The proposed project does not include alternative transportation options due to the location of the site in a predominantly industrial and agricultural area and the distance from local residents that may use the site.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

FILE No. 928 11/03 '05 15:57
11/02/2005 17:40 FAX 2308470

ID: CITY OF TRACY DEV & ENG FAX: 209 831 4606

PAGE 6 / 36



San Joaquin Valley
Air Pollution Control District

RECEIVED
NOV 02 2005
CITY OF TRACY

Fax Transmittal

1990 E. Gettysburg Avenue
Fresno, California 93726-0244
Phone (559) 230-5800
Fax (559) 230-6064

Date: 11/02/05
To: ALAN BALL
From: HECTOR GUERRA

Fax Number: (209) 831-4606
Number of pages (includes cover sheet): 6

Description: COMMENTS RE: DEIR TRACY YOUTH SPORTS FACILITY.

- Per Your Request
- For Your Information
- Per Our Conversation
- For Your Approval
- Take Appropriate Action
- Review & Comment
- Please Answer
- Review & Return
- Original transmittal will follow via mail

Remarks / Response :

Fax1 (rev. 8/8/2002)

4/23/2005 11:56 AM

11/02/2005 WED 17:43 [TX/RX NO 7881] 001

Letter E



San Joaquin Valley
Air Pollution Control District

November 2, 2005

Reference No.: C200501432

RECEIVED
NOV 02 2005
CITY OF TRACY

Alan Bell
City of Tracy
Community Development Department
520 Tracy Boulevard
Tracy, CA 95376

Subject: DEIR Tracy Youth Sports Facility

Dear Mr. Bell,

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above and offers the following comments:

The entire San Joaquin Valley Air Basin is designated non-attainment for ozone and particulate matter (PM10 and PM2.5). This project would contribute to the overall decline in air quality due to increased traffic and ongoing operational emissions. Preliminary analysis indicates that this project alone would not generate significant air emissions. However, the increase in emissions from this project, and others like it, cumulatively reduce the air quality in the San Joaquin Valley. A concerted effort should be made to reduce project-related emissions as outlined below.

E-1

We concur that the air quality impacts will be minimized if all the mitigation measures identified in the EIR are implemented to the extent noted. In addition to comments regarding criteria pollutants (i.e., PM10 and Ozone precursors (Oxides of Nitrogen (NOx) and Volatile Organic Compounds (VOC)), the District also analyzes odor and hazardous air pollutants and we have provided comments for these air impacts too.

In our review of an EIR or other environmental documents, we generally analyze impacts from sources that may impact air quality such as agricultural activities, traffic and circulation, hazards and hazardous materials. With respect to impacts on the air resource, our comments are as follows:

At Table 2-1, Project Impacts and Proposed Mitigation Measures, Impact 4.2.1; if soils are found to be contaminated, removal of contaminated soil requires a District permit and compliance with District Rule 4651 (Volatile Organic Compound Emissions from Decontamination of Soil). For further information, the applicant should contact the District's Small Business Assistance Office at (209) 557-6446.

E-2

At Table 2-1, Project Impacts and Proposed Mitigation Measures, Impact 4.2.2; if the abandoned FAA building were demolished, District Rule (National Emission Standards for Hazardous Air Pollutants) would apply. Prior to any demolition activity, an asbestos survey of existing structures on the project site may be required to identify the presence of any asbestos containing building material (ACBM). Any identified ACBM having the potential for disturbance must be removed by a certified asbestos-contractor in accordance with CAL-OSHA requirements. If you have any questions concerning asbestos related requirements, please contact Ms. Jan Sudomier at (209) 557-8422, or contact CAL-OSHA at (559) 454-1295. An Asbestos Requirements Bulletin is available on our website at <http://valleyair.org/busind/comply/asbestosbulletin.htm>.

E-3

11/02/2005 WED 17:43 [TX/RX NO 78811] 002

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Mr. Bell
DEIR Tracy Youth Sports Facility

November 2, 2005
Page 2 of 4

At Table 2-1, Project Impacts and Proposed Mitigation Measures, Impact 4.3.1 and 4.3.2, we concur that traffic impacts would be mitigated to an acceptable level of service as defined by the City of Tracy if the City of Tracy and San Joaquin County were to cooperatively make the improvements specified in the Traffic and Circulation Analysis.

E-4

At Table 2-1, Project Impacts and Proposed Mitigation Measures, Impact 4.5.1; we concur that fugitive PM10 would be adequately mitigated if the District's Regulation VIII were fully implemented. Regulation VIII was updated in August and September 2004 and implemented on October 1, 2004. As such, the first, second, and third bullets are now requirements. We believe these bullets were taken from our Guidelines for Assessing and Mitigating Air Quality Impacts (GAMAQI) which is also in the process of being updated. In order to avoid District compliance action and to ensure that dust control is adequately implemented, it would behoove the City of Tracy and its contractor(s) to thoroughly comprehend the full extent of Regulation VIII requirements. Current District rules can be found at <http://www.valleyair.org/rules/1ruleslist.htm>.

E-5

At page 4.5-11 Exposure to Sensitive Receptors to Objectionable Odors and Toxic Air Contaminants, the discussion does not provide a qualitative or quantitative discussion regarding an odor analysis. The project site may not emit odors but it may be impacted by adjacent uses that may. The following summarizes a typical odor analysis:

Odor Analysis: The proposed project should be analyzed to see if it is considered near a location of sensitive receptors and if odor is a concern. On page 43 of the GAMAQI, the District addresses and defines sensitive receptors with respect to CEQA. If the project is near a location of sensitive receptors and there is a potential odor impact, an Odor Impact Analysis should be conducted. The location of sensitive receptors should be explained in terms that demonstrate the relationship (e.g., proximity, topography, or upwind and downwind location) between the project site and potential air quality impacts. The odor impact analysis should include the processes that the project will employ, and measures included to reduce odor impacts. Odor impacts should be quantified when possible. To estimate odor impacts, a three-step approach can be used. First, the emissions of specific odorous compounds (e.g., hydrogen sulfide) should be estimated. Second, these emissions should be modeled using the Industrial Source Complex Short-Term (ISCST3) model with a full year of the most appropriate meteorological data. (Meteorological data can be obtained from our website at www.valleyair.org.) Third, the predicted concentrations should be compared to odor thresholds. Odor thresholds can vary greatly depending upon the compounds considered and the source of odor thresholds. The following website contains sources of information for odor thresholds http://response.restoration.noaa.gov/cameo/dr_aloha/odor/odor.html. The project consultant should contact the District to verify the appropriate thresholds to use, as well as review the proposed modeling approach before modeling begins. For more information on odor impact analyses, please contact Mr. Glenn Reed, Senior Air Quality Specialist, at (559) 230-5923, or glenn.reed@valleyair.org.

E-6

In addition to an odor analysis, the District's Technical Services Department provided the following comments and recommendations regarding a health risk assessment and forwarded a letter (see attached) to Ms. Irene Sundberg, City of Tracy Councilmember, regarding the proposed project:

1) Impact 4.5.5 (page 4.5-12)

As noted, in section 4.5.5, the youth sports facility would be located near several industrial sites (biomass plant, power peaking plant, and a glass plant) and one distribution center. The author states that the youth sports facility would not expose users of the site to "substantial levels of toxic air contaminants" and thus would be less than significant impact.

E-7

The District is unable to confirm this finding from the author as no health risk assessment was submitted / performed.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Mr. Ball
DEIR Tracy Youth Sports Facility

November 2, 2005
Page 3 of 4

2) District Recommendations

- A) The District recommends that a refined health risk assessment be conducted to determine the cumulative impact from the industrial sites noted above, traffic from diesel trucks, and any other industrial site located within 2 km of the youth sports facility.
- B) The ISCST3 or AERMOD model should be used to determine ground level concentration from sources determined above.
- C) The ARB HARP program should be used to calculate exposure from sources determined above.
- D) Receptors should be placed on the boundary of the youth sports facility and within the boundary to determine possible exposure concentration to users of the facility.
- E) Both long term (Cancer and Chronic) and short term (Acute)-exposures should be determined.
- F) Prior to conducting any modeling, it is recommended that the District be consulted to ensure that the appropriate modeling parameters have been selected.

E-7
cont.

In our review of the DEIR, we note that other District Rules may apply to the project such as:

Rule 4101 (Visible Emissions) This rule prohibits emissions of visible air contaminants to the atmosphere and applies to any source operation that emits or may emit air contaminants. The applicant must contact the District's Small Business Assistance Office at (209) 557-6446 to receive additional information/instructions.

Rule 4102 (Nuisance) applies to any source operation that emits or may emit air contaminants or other materials. In the event that the project or construction of the project creates a public nuisance, it could be in violation and be subject to District enforcement action.

Rule 4601 (Architectural Coatings) limits volatile organic compounds from architectural coatings. This rule specifies architectural coatings storage, clean up and labeling requirements.

Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations) If asphalt paving will be used, then paving operations of this project will be subject to Rule 4641. This rule applies to the manufacture and use of cutback asphalt, slow cure asphalt and emulsified asphalt for paving and maintenance operations.

E-8

To identify additional rules or regulations that apply to this project, or for further information, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (209) 557-6446.

The District encourages innovation in measures to reduce air quality impacts to provide additional reductions of the overall level of emissions. The suggestions listed below should not be considered all-inclusive and remain options that the agency with the land-use authority should consider:

Use California Air Resources Board (CARB) certified alternative fueled engines in construction equipment where practicable. Alternative fueled equipment may be powered by Compressed Natural Gas (CNG), Liquid Propane Gas (LPG), electric motors, or other CARB certified off-road technologies. To find engines certified by the CARB, see their certification website <http://www.arb.ca.gov/msprog/offroad/cert/cert.php>. For more information on alternative fuel engines, please call Mr. Chris Acree, Senior Air Quality Specialist, at (559) 230-5829.

E-9

Construction equipment should have engines that meet the current off-road engine emission standard (as certified by the California Air Resources Board), or be re-powered with an engine that meets this standard. Tier I and Tier II engines have significantly less NOx and PM emissions compared to uncontrolled engines. To find engines certified by the CARB, see their website at <http://www.arb.ca.gov/msprog/offroad/cert/cert.php>. This site lists engines by type, then manufacturer. The "Executive Order" shows what Tier the engine is certified as. For more

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

FILE No.928 11/03 '05 15:58
11/02/2005 17:40 FAX 2306475

ID:CITY OF TRACY DEV & ENG FAX:209 831 4606

PAGE 10/ 36

Mr. Bell
DEIR Tracy Youth Sports Facility

November 2, 2005
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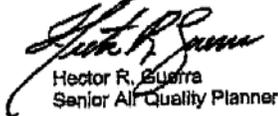
information on heavy-duty engines, please contact Mr. Kevin McCaffrey, Air Quality Specialist, at (559) 230-5831.

Finally, the District notes that the DEIR contains a discussion for an alternative and environmentally superior site. From an air quality perspective, we believe that locating the project at this site would lessen the possibility of impacts to Health Hazards/Risk of Upset (asbestos, odors, and toxic air contaminants), Traffic and Circulation (less traffic and circulation impacts), and Agricultural Resources (air impacts caused by soil disruption and entrainment, carryout/trackout of soil, and emissions from agricultural equipment).

E-10

District staff is available to meet with you to further discuss the regulatory requirements that are associated with this project. If you have any questions or require further information, please call me at (559) 230-5820 and provide the reference number at the top of this letter.

Sincerely,



Hector R. Guerra
Senior Air Quality Planner

Enclosure (1)

c: Irene Sundberg, City Councilmember
Susan Sarvey (e-mail copy w/o original signature)
file

11/02/2005 WED 17:43 [TX/RX NO 7881] 005

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

FILE No. 928 11/03 '05 15:59
11/02/2005 17:40 FAX 2306475

11: CITY OF TRACY DEV & ENG FAX: 209 631 4000

FILE NO. 117 05
NOV 02 2005



San Joaquin Valley
Air Pollution Control District

October 25, 2005

RECEIVED
NOV 02 2005
CITY OF TRACY

Irene Sundberg
Tracy City Council
47 West Tenth Street
Tracy, CA 95376

Re: Your 10/20/05 E-mail Concerning Proposed Tracy Youth Sports Facility

Dear Ms. Sundberg:

Thank you for your e-mail dated October 20, 2005 expressing concern regarding the proposed construction of the Tracy Youth Sports Facility. We share your concern regarding the siting of this proposed youth facility and will be submitting comments to the City of Tracy regarding the draft Environmental Impact Report (EIR) for this proposed facility (received by the District on October 17, 2005). The District feels that the draft EIR did not fully address potential health risk issues associated with the proposed site and recommends that a health risk analysis be performed that takes into account the nearby distribution center, glass manufacturing plant, biomass power plant, traffic considerations, and other factors. A copy of our comment letter regarding this proposed project will be forwarded to your attention.

Thank you for expressing your concern in this matter. If you have any further questions, please do not hesitate to contact Mr. Samir Sheikh, Permit Services Manager, via phone at (559) 230-5897 or email at samir.sheikh@valleyair.org.

Sincerely,


for Seyed Sadredin
Deputy Air Pollution Control Officer

SS: [redacted]

David L. Crow
Executive Director/Air Pollution Control Officer

Northern Region Office
4230 Kieman Avenue, Suite 130
Modesto, CA 95356-9322
(209) 557-6400 • FAX (209) 557-6475

Central Region Office
1990 East Gettysburg Avenue
Fresno, CA 93726-0244
(559) 230-6000 • FAX (559) 230-6061
www.valleyair.org

Southern Region Office
2708 M Street, Suite 275
Bakersfield, CA 93301-2573
(661) 326-6900 • FAX (661) 326-6985

11/02/2005 WED 17:43 [TX/RX NO 7881] 006

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

LETTER E: HECTOR R. GUERRA, SAN JOAQUIN VALLEY AIR POLLUTION CONTROL BOARD

- Response E-1:* Comment noted regarding cumulative increase in air emissions. The comment states that if mitigation measures presented in the DEIR are implemented then air quality impacts will be minimized.
- Response E-2:* The commenter notes that the applicant must obtain a permit for soil removal and comply with District Rule 4551 if soil contamination is found on the project site. Mitigation measure 4.2.1 will ensure that if soil contamination is found during construction activities that all District rules will be followed.
- Response E-3:* The commenter states that prior to any demolition activity, an asbestos survey of existing structures on the project site may be required to identify the presence of any asbestos containing building material (ACBM). Mitigation measure 4.2.2 will ensure that all District rules will be followed regarding removal of asbestos containing materials.
- Response E-4:* Comment noted. The commenter does not comment on the adequacy of the EIR, therefore, no response is necessary.
- Response E-5:* Comment noted regarding updated District guidelines that were included as bullets in MM 4.5.1 on page 4.5-9. The first, second and third bullets are now requirements of the District's and will be fully implemented as project requirements.
- Response E-6:* To the extent the commenter is commenting on the potential odor effects on nearby existing uses, the City does not believe that the proposed use has the potential to generate potential significant odors. To the extent the commenter is concerned about potential odor effects on the Project from existing, nearby land uses, the commenter is referenced to Master Response 3.4.2 regarding Hazardous Risk Assessment.
- Response E-7:* The commenter is referred to Master Response 3.4.2 regarding Hazardous Risk Assessment.
- Response E-8:* The commenter notes four specific rules (4101, 4012, 4601 and 4641), which would be applicable during construction activities for the proposed project. The commenter recommends contact with the District regarding these and any other applicable rules required for compliance to develop the project. The City of Tracy will contact the District prior to construction and adhere to all rules applicable to the project.
- Response E-9:* The commenter describes California Air Resources Board (CARB) recommendations regarding construction equipment where practicable. Mitigation Measure MM 4.5.6 would ensure that all construction equipment would utilize the latest technology for alternative fuels where feasible.
- Response E-10:* The commenter has stated his preference for the Chrisman Road site for the proposed project. Comment noted. The commenter does not comment on the adequacy of the EIR, therefore, no response is necessary.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

FILE No.928 11/03 '05 15:56
11/01/2005 16:55 FAX 2094683183

ID:CITY OF TRACY DEV & ENG
SJC_UORR_DEV

FAX:209 831 4606

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SAN JOAQUIN COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT

1810 E. HAZELTON AVE., STOCKTON, CA 95203-4332
DEVELOPMENT SERVICES PHONE: (209) 468-3120
PLANNING PHONE: (209) 468-3120
BUILDING PHONE: (209) 468-3123
NEIGHBORHOOD PRESERVATION PHONE: (209) 468-3021

RECEIVED

NOV 01 2005

CITY OF TRACY

THIS FAX IS FROM

SAN JOAQUIN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

Planning Development Services
 Fire Protection
 Building Inspection
 Neighborhood Preservation

Date 11-1-05

Sender Karla Kuhl

Telephone No. (209) 468-3103 FAX No. (209) 468-3163

Please deliver immediately upon receipt to:

Name Bill Dean

Company City of Tracy

FAX No. 831-4606

Telephone No. 831-4610

Subject Tracy Youth Sports Facility EIR (draft)

Comments

See attached
It was nice talking with
you today!

Number of pages including this cover sheet 2

If this FAX is not received in its entirety, please contact the sender at the telephone number listed above as soon as possible.

11/01/2005 TUE 17:00 [TX/RX NO 7850] 001

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

FILE No.928 11/03 '05 15:56 ID:CITY OF TRACY DEV & ENG FAX:209 831 4606
11/01/2005 16:55 FAX 2094888169 SJC_COMM_DEV

PAGE 3/ 36
11/01/2005

Letter F



**SAN JOAQUIN COUNTY
COMMUNITY DEVELOPMENT DEPARTMENT**

1616 E. HAZELTON AVE., STOCKTON, CA 95209-6282
PHONE: 209/488-3121 FAX: 209/488-3183

November 1, 2005

Bill Dean
Planning Manager
Department of Development and Engineering Services
City of Tracy
620 Tracy Boulevard
Tracy, CA. 95376

Re: Tracy Youth Sports Facility -15178 W. Schuite Road, Tracy
Draft Environmental Impact Report

Dear Mr. Dean:

Thank you for the opportunity to comment on this item. The Community Development Department has reviewed this item and offers the following comments:

The project site has a General Plan designation of A/G (General Agriculture) and a Zoning of AG-40 (General Agriculture – 40 acre minimum lot size). The Use Type for this project is Recreation – Parks.

If development occurs while the parcel is in the County, a Use Permit would be required. Use Permits must be approved by the Planning Commission. One of the Conditions of Approval of the Use Permit will be to obtain a Building Permit through San Joaquin County. Questions regarding the Use Permit application process may be directed to the San Joaquin County Community Development Department.

F-1

If you have any questions, please call me at 468-3103.

Sincerely,

Karla Kuhl
Assistant Planner

11/01/2005 TUE 17:00 [TX/RX NO 7850] 002

LETTER F: **KARLA KUHL, SAN JOAQUIN COUNTY COMMUNITY DEVELOPMENT
DEPARTMENT**

Response F-1: Comment noted. Per verbal clarification from San Joaquin County
Community Development Department staff on November 2, 2005, the City of
Tracy does not need a Use Permit if the City is the lead for the project.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Letter G



THOMAS R. FLINN
DIRECTOR

THOMAS M. GAU
DEPUTY DIRECTOR
MANUEL SOLORIO
DEPUTY DIRECTOR
STEVEN WINKLER
DEPUTY DIRECTOR
ROGER JAMES
BUSINESS ADMINISTRATOR



P. O. BOX 1810 - 1810 E. HAZELTON AVENUE
STOCKTON, CALIFORNIA 95201-3018
(209) 468-3000 FAX (209) 468-2988
www.sjgov.org

November 1, 2005

Mr. Alan Bell, Senior Planner
City of Tracy
520 Tracy Boulevard
Tracy, California 95376

SUBJECT: TRACY YOUTH SPORTS FACILITY DRAFT ENVIRONMENTAL IMPACT REPORT

Dear Mr. Bell:

The San Joaquin County Department of Public Works has reviewed the above-referenced document and our concern is as follows:

4.3.7 IMPACTS AND MITIGATION MEASURES, *Mitigation Measure 4.3.2* indicates that it "would only avoid impacts to intersections under the jurisdiction of the City of Tracy..." It further states that impacts to San Joaquin County "will remain significant and unavoidable." The only explanation given is that the affected intersections in the County, including:

- Mountain House Parkway/I-205 Westbound Ramps (one-way stop)
- Mountain House Parkway/I-205 Eastbound Ramps (one-way stop)
- Mountain House Parkway/Schulte Road (signal)
- Mountain House Parkway/I-580 Westbound Ramps (one-way stop)
- Mountain House Parkway/I-580 Eastbound Ramps (one-way stop)
- Hansen Road/Schulte Road (four-way stop)
- Lammers Road/Schulte Road (three-way stop)
- Lammers Road/11th Street (signal)
- Lammers Road/New Schulte Road (future signal)
- Hansen Road/New Schulte Road (future four-way stop)
- Mountain House Parkway/ New Schulte Road (future signal)

G-1

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

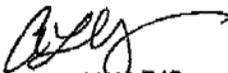
Mr. Alan Bell, Senior Planner - 2 -
TRACY YOUTH SPORTS FACILITY
DRAFT ENVIRONMENTAL IMPACT REPORT

are not under control of the City. While the County agrees that the impacts to County facilities are significant, it does not agree that they are unavoidable. The County requests the City of Tracy to collect the proposed project's fair share of the cost of mitigation to the above identified San Joaquin County roadway facilities and coordinate the installation/construction of the improvements with the County. The proposed project must be held responsible for all mitigation required by its approval. Anything less is unacceptable to the County.

G-1
cont.

Thank you for the opportunity to comment. Should you have any questions or need additional information, please contact me at 468-8494.

Sincerely,


ANDREA VALLEJO
Assistant Transportation Planner

AV:ej
TP-5/103-J1

c: Michael Selling, Senior Civil Engineer
Adam Brucker, Senior Transportation Planner
Dwayne Sabiniano, Engineering Assistant II

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

LETTER G: **ANDREA VALLEJO, SAN JOAQUIN COUNTY PUBLIC WORKS**

Response G-1: The commentor is referred to Master Response 3.4.1 regarding traffic mitigation.

Letter 1



MOTHER LODE CHAPTER
1414 K STREET, SUITE 500
SACRAMENTO, CA 95814
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RECEIVED
OCT 18 2005
CITY OF TRACY

October 17, 2005

Tracy City Council
300 East Tenth Street
Tracy, CA 95376

RE: Tracy Youth Sports Facility EIR

Councilmembers:

The Sierra Club submits the following preliminary comments on the Tracy Youth Sports Facility EIR. We will follow up these general comments with more specific comments before the end of the public review period.

1. We have concerns that the City is rushing to sell the one site that has been designated for a community park since the 1993 General Plan was adopted (the Chrisman/11th Street property) and replacing it with this "Antenna Farm" site on Schulte Road without considering the long term health risks. The previous EIR for the Tracy Learning Center which studied this site identified several very serious environmental issues (underground high pressure pipelines, particulate matter and other air emissions from nearby heavy industry, etc.). The previous school applicants decided not to proceed with a project on this site in part, we believe, because of health and safety concerns. Has this EIR analysis and the City staff analyzed the potential health and safety impacts of placing children in a future park and ballfields on this questionable property? 1-1

2. The Sierra Club urges the City not to attempt to certify an EIR that does not contain a detailed Public Health Risk Assessment that quantifies the dangers of air emissions from nearby sources and potential pipeline accidents and disruptions. Children and their families who will be using this park site and ballfield deserve to know in advance what the potential health risks may be. The EIR cannot defer these detailed studies to a later part of the process, since this would violate a basic tenet of the California Environmental Quality Act and case law (*Sundstrom v. Mendocino County*, and others). 1-2

Representing 18,000 members in 24 counties in Northern and Central California

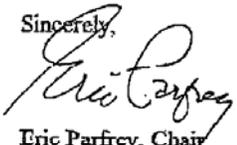
Alpine - Amador - Butte - Calaveras - Colusa - El Dorado - Glenn - Lassen - Modoc - Nevada - Placer - Plumas
Sacramento - San Joaquin - Shasta - Sierra - Siskiyou - Solano - Stanislaus - Sutter - Tehama - Tuolumne - Yolo - Yuba

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

3. We urge the City Council not to rush to approve this project simply because it is a "free" property from the Federal government. A serious discussion should take place about the pros and cons of this location for a park versus the Chrisman/11 Street property, free from the emotional zeal that the mayor and council have expressed during the attempt to wrest the Delta College site away from Mountain House and the County.

1-3

If there are any questions regarding these comments, you may contact me at eparfrey@webintellects.net, or 209/462-7079. Please send a copy of all notices regarding this project to me at 1421 W. Willow Street, Stockton, 95203. Please do NOT send further responses and notices on the EIR to the Mother Lode Chapter office of the Sierra Club in Sacramento at the address indicated on the letterhead.

Sincerely,

Eric Parfrey, Chair
Mother Lode Chapter

LETTER 1: ERIC PARFREY, SIERRA CLUB- MOTHER LODGE CHAPTER

Response 1-1: The commentor states that the City is "rushing to sell" the Chrisman site and replace it with the "Antenna Farm" site for use as a youth sport's facility. The Youth Sports Alliance of Tracy (YSAT) has indicated that it is their preference to utilize the Schulte Road site for youth sports and they have stated their willingness to enter into a Memorandum of Understanding with the City to construct and maintain the facility for a time period to be specified in the MOU. The commentor is referred to the Draft EIR Risk of Upset hazards Analysis, Chapter 4.2, regarding the CPUC approved pipeline safety plan published on December 16, 2004. The commentor is referred to Master Response 3.4.2 regarding Hazardous Risk Assessment.

Response 1-2: The commentor recommends a detailed Public Health Risk Assessment that addresses air emissions from nearby sources and potential pipeline accidents and disruptions. Please see the Master Response 3.4.2 and the response to Comment 1-1.

Response 1-3: Comment noted.

Letter 2

CAIifornians for Renewable
Energy, Inc. (CARE)
C/o Michael Boyd
5439 Soquel Drive
Soquel, CA 95073

RECEIVED
NOV 02 2005
CITY OF TRACY

**Comments on the Draft Environmental Impact Report for the
Tracy Youth Sports Facility**

Introduction

Californians for Renewable Energy (CARE) on behalf of its members in Tracy submits the following comments on the Draft environmental Impact Report for the Tracy Youth Sports Facility SCH # 2004022139. CARE also includes in their comments for he Record the Draft Environmental Impact Report for the Tracy Learning Center SCH# 99042015 prepared by Pacific Municipal Consultants January 2000.

Land Use

General Plan Consistency

1993 General Plan

The City's General Plan currently designates the project site as Industrial, and located within the Patterson Pass Community Area, one of six areas planned for development. The proposed project is inconsistent with the existing urban management plan created in 1993. The project will remove acreage from the existing Patterson Pass Community Area, resulting in development in advance of the comprehensive planning for this urban center. The detachment would accommodate changes in the land use which are more intensive than that would be expected under the existing industrial designation. This change could result in secondary or premature environmental impacts associated with the project development, and could undermine the feasibility of Patterson Pass developing as a community area originally anticipated by the UMP. (DEIR Tracy Learning Center PMS page 4.1-8) This is a significant impact not discussed in the DEIR even though the same consultant PMC did the environmental analysis and

2-1

identified this impact as a significant and unavoidable impact. The EIR should provide mitigation measures or a statement of overriding considerations.

2-1 cont.

Current General Plan Goals and Policies

In the update of the City's General Plan the land use designation of the 200 acre project site is proposed to be changed from Industrial to a Park designation. The project is inconsistent with many goals and policies of the current proposed general plan including but not limited to:

2-2

P1 The City shall not support development within the Sphere of Influence until it is annexed.

P2 The City shall not make new commitments to provide water and wastewater services to areas outside the City limit.

P2 Land uses allowed near agricultural operations should be limited to those not negatively impacted by dust, noise and odors.

Air Quality

Objective AQ-1.2 Promote development that minimizes air Pollutant emissions and their impact on sensitive receptors as a result of indirect and stationary sources.

P11. Residential developments and other projects with sensitive receptors shall be located an adequate distance from air pollution sources such as freeways, arterial roadways and stationary air pollutant sources.

2-3

P12. New sources of toxic air pollutants shall prepare a Health Risk Assessment as required under the Air Toxics "Hot Spots" Act and, based on the results of the Assessment, establish appropriate land use buffer zones around those areas posing substantial health risks.

The project violates many proposed goals and policies in the new draft general plan the EIR should examine these inconsistencies and recommend another project alternative.

Conversion of Farmland

The project will convert approximately 200 acres of previously productive farmland to non agricultural uses. Although not farmed since the 1960's except for dry land crops, the site is surrounded by lands with prime farmland characteristics and may also contain prime soil characteristics. Use of the site for more intensive urban uses is therefore considered a significant impact. (Tracy Learning Center EIR Pacific Municipal Consultants page 4.1-10)

According to the San Joaquin county important farm map the project site is designated as farmland of local importance. The same firm who did the DEIR for the Tracy Learning Center Pacific Municipal Consultants identified the loss of 200 acres of farmland as a significant impact. To comply with CEQA the DEIR should propose mitigation for this loss of farmland of local importance. The Tracy City Council adopted ordinance 1079 on June 7, 2005. This ordinance acknowledged the loss of farmland as a significant, unavoidable environmental consequence of many projects reviewed by the City under the requirements of CEQA. The ordinance established a mitigation fee program to provide a source of funding to acquire farmland, farmland conservation easements or farmland deed restrictions, to mitigate some of the environmental consequences of development on farmland. The Tracy Peaker Plant adjacent to the project was required to provide over \$100,000 to the American farmland trust to mitigate the loss of 38 acres of farmland with the same characteristics as the Sports Park. Not only will this project eliminate 200 acres of farmland it will impact adjacent farming operations by limiting hours when harvesting spraying and disking of the fields could occur. This could lead to additional impacts for agriculture and possible idling of adjacent farmland.

2-4

The project will limit adjacent agricultural lands ability to apply pesticide and fertilizer impacting farming operation in violation of the county right to farm ordinance and Tracy Municipal Code 10.24.080. The EIR does not discuss the Code Section 10.24.080 requirements for the party requesting approval of a project to make a good faith effort to coordinate with adjacent agriculture operators regarding cropping patterns, harvesting, and hours of farming operation. The EIR only discusses the farmer's ability to apply pesticide.

2-5

Odor complaints from project users about the vegetation piles at the Biomass plant could impact storage options for the plant which may impact the farmer's ability to dispose of crop wastes and necessitate increased agricultural burning.

2-6

Conflict with a Planning Policy Established to Mitigate an Environmental Effect

On page 4.1-13 the DEIR states under Impact 4.1.2 The project would place 150 acres of field sports facilities and 50 acres of general park/passive recreational area immediately adjacent to one residence to the south, industrial uses to the east, and active agricultural operations to the north, east and west.

2-7

Placement of 150 acres of sports facilities and 50 acres of General Park/recreational area in a location known to be part of an HCP or a NCCP constitutes an appropriation of potential habit for threatened and endangered species for non-wildlife uses. The DEIR does not explain why the proposed mitigation measures would result in a less than significant impact to endangered species. Other listed species have been identified in the vicinity of the project site and should be discussed in the EIR. California red-legged frog and California tiger salamander populations have been identified near the project site and surveys near the project were conducted in the area as part of the Tracy Peaker Plant construction. The DEIR merely stating that the project does not conflict with the SJMSCP does not explain why potential impacts to wildlife and special species would be less than significant. A previous EIR the Tracy Learning Center (page 2-21) prepared by the same consultant (PMC) identified impacts to the Swainson Hawk foraging habitat and required as a condition of approval participation in the San Joaquin Multi species habitat program. The EIR for the Tracy Learning Center proposed as mitigation a \$750 an acre fee for impacts to the Swainson Hawk foraging habitat. The recently constructed Tracy Peaker Plant adjacent to the sport park was required to participate in the San Joaquin Multi Species Habitat program at a cost of \$1,690 an acre for 38 acres for a total of \$58,474. This cost should be borne by the city not YSAT as the city is choosing the location for the park that has numerous biological impacts as opposed to the alternative Chrisman Site.

2-7 cont.

Conflict with a Planning Policy Established to Mitigate an Environmental Effect

On page 4.1-11 the DIER states "The project would place 150 acres of field sports facilities and 50 acres of general park/passive recreational area immediately adjacent to one residence to the south, industrial uses to the east, and active agricultural operations to the north, east, and west. The interface between the project and these uses may result in **potentially significant land use conflicts.**" The proposed project violates air quality Objective AQ-1.2 which provides that projects "promote development that minimizes air pollutant emissions and their impact on sensitive receptors as a result of indirect and stationary sources." It violates General Plan Policy P11. "Residential developments and other projects with sensitive receptors shall be located an adequate distance from air pollution sources such as freeways, arterial roadways and **stationary air pollutant sources.**" Proposed Mitigation Measure 4.1.2a "The entire play fields shall be set back approximately 50 feet from its property line to provide a buffer from the immediate boundary with active agricultural and industrial areas." is inadequate There DEIR provides no analytical basis for the 50-foot boundary. The EIR should provide an analysis that demonstrates why the 50 foot buffer will mitigate potential air quality, agricultural chemical application, and emergency upset hazard impacts. For example the DEIR does not prescribe a necessary time buffer to be established between application of agricultural chemicals and outdoor recreation. An analysis of dispersion is necessary to

2-8

determine the amount of time necessary for settling of agricultural chemicals. Mitigation Measure MM3.1.4b is inadequate to protect sensitive receptors at the Sports facility "YSAT shall be required to provide each of its agricultural and industrial neighbors with a complete draft schedule of the games for each season and coordinate said schedules to ensure that no game shall be under way when an adjacent field is being treated with an aerially applied pesticide or herbicide other potentially toxic substance." The notification of youth facility game schedules to adjacent land owners does not insure that impacts from aerial or other application of pesticides will be adequately mitigated. Unless the City intends to adopt an ordinance prohibiting the application of pesticides during periods of possible exposure to sports facility users, the only realistic way to prevent exposure of youths to these types of exposures is to prevent use of the facility during periods when pesticides are applied. The notification of industrial neighbors does not mitigate the potential for hazardous material releases as accidents are not planned events. The DEIR proposes no effective mitigation measures to prevent violations of Planning Policies Established to Mitigate an Environmental Effect. It is stated on p. 4.1-12 that "Implementation of Mitigation Measure MM 4.1.2a and MM 4.1.2b would result in a less than significant impact." However, specific impacts are never discussed in this section or how these mitigation measures will mitigate these specific impacts. No quantitative analysis has been provided to establish the extent of this potential health risk or the effectiveness of proposed mitigation measures

2-8 cont.

The Sports Park Is Inconsistent with existing land uses.

The project would be located adjacent to three major industrial uses and agricultural operations. These uses existed before the sports park was ever considered. Adjacent industrial and agricultural users have been paying taxes and providing jobs and services to the community for many years their operations should not be impacted by the location of the youth sports facility which is an incompatible land use.

2-9

Risk of Upset / Health Hazards

Existing Adjacent Industrial Uses

Tracy Peaker Plant

The Tracy Peaker Plant is a modern electrical generating facility that stores large amounts of Hazardous materials and was certified in 2002. The Presiding Members Proposed Decision adopted Finding 5 in the adoption order for the facility 5. Existing governmental land use restrictions are sufficient to adequately control population density in the area surrounding the facility and may be reasonably expected to ensure public health and safety. The Decision did

2-10

not fathom that the City of Tracy would locate such an inappropriate use such as the youth sports facility adjacent to the Power plant. The Peaker Project transports large amount of hazardous materials for use in the plant. After complete EIR analysis by the Energy Commission a hazardous material transportation route to the site was planned to avoid sensitive receptors and avoid a significant impact as defined by the Decision. The Decision approved Hazardous material condition 6 stating "HAZ-6 provides that the only approved hazardous materials transportation route is from I-205 to Mountain House Parkway to Schulte Road to the project site." Condition 6 presented below determined that Schulte Road past the proposed sports park was the safest route because no sensitive receptors would be located near the transportation route. Location of the sports park would be contrary to the exhaustive analysis conducted in the Tracy Peaker Plant siting case and eliminate the only safe transportation route in the industrial corridor.

2-10 cont.

HAZ-6 The project owner shall direct all vendors delivering any hazardous materials to the site to use only the route approved by the CPM, which is from I-205 to Mountain House Parkway to Schulte Road to the TPP site.
Verification: At least 60 days prior to receipt of any hazardous materials on site, the project owner shall submit to the CPM for review and approval, a copy of the letter to be mailed to the vendors. The letter shall state the required transportation route limitation. (Source Tracy Peaker plant Decision page 147
http://www.energy.ca.gov/sitings/cases/tracypeaker/documents/2002-07-18_COMMISN_DECISION.PDF)

2-11

Owens Illinois

The DEIR on page 4.2-9,10 identifies impact 4.2-4 "Existing industrial plants adjacent to the project site store and utilize hazardous materials which, in the unlikely event of a catastrophic release, could potentially result in hazardous conditions at the project site. This is a **potentially significant impact.**" The impact describes a catastrophic release as an unlikely impact. The EIR should establish the probabilities and the results of a catastrophic event in light of the accident history at the adjacent industrial facilities. The Owens Illinois Glass Plant experienced a catastrophic fire on January 25, 2003. This is not the first major fire and explosion that has occurred at the plant. The quantities and types of hazardous compounds and chemicals stored and utilized should be listed and modeling should be included in the EIR which demonstrates that releases of these chemicals will not endanger sensitive receptors at the ball fields. A catastrophic event at the Glass Plant should be considered likely, not unlikely as the DEIR has characterized the probability of a serious accident at the glass Plant. Transportation of hazardous materials and associated catastrophic releases from transportation also should be analyzed. Location of the Sports Park will eliminate the only safe transportation route in the industrial corridor.

2-12

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR



Owens Illinois Glass Plant Fire January 25, 2003

The DEIR states that "In terms of air emissions, the glass plant is currently in compliance with applicable air quality standards, although they have experienced permit violations in the past. According to Craig Mitchell with the AQCB (March 1997), the plant is tested biannually and source-tested yearly. Testing reports indicate that hazardous or toxic emissions from this facility are unlikely and that nitrogen dioxide, sulfur dioxide, carbon monoxide, volatile compounds and particulate matter emissions all are below federal and state standards (based upon the AQCB's model of the plant's emissions)." The glass plant is listed on the EPA ECHO Compliance website as a continual violator of the Clean Air Act (CAA) and the RCRA.

2-13

OWENS BROOKWAY GLASS CONTAINER INCORPORATED 14700 SCHULTE RD. TRACY, CA 95378 FRG ID:

Formal Enforcement Actions - AFS, PCS, RCRAInfo, NCDB (03 year history)

Data Diction

State	Source ID	Type of Action	Law Agency	Date	Penalty	Penalty Description
CAA	06077N0563	STATE ADMINISTRATIVE ORDER ISSUED	State	01/16/2003	\$300	
CAA	06077N0563	STATE ADMINISTRATIVE ORDER ISSUED	State	01/16/2003	\$2,250	
CAA	06077N0563	STATE ADMINISTRATIVE ORDER ISSUED	State	01/28/2003	\$2,684	
CAA	06077N0563	STATE ADMINISTRATIVE ORDER ISSUED	State	06/16/2003	\$2,250	
CAA	06077N0563	STATE ADMINISTRATIVE ORDER ISSUED	State	05/20/2003	\$2,250	
CAA	06077N0563	STATE ADMINISTRATIVE ORDER ISSUED	State	05/12/2005	\$6,000	

In some cases, formal enforcement actions may be entered both at the initiation and final stages of the action. These may appear more than once above. Entries in #/s/os are not "formal" actions under the PCS definitions but are either the initiation of an action or penalties assessed as a result of a previous action. This section includes US EPA and State formal enforcement actions under CAA, CWA and RCRA.

Source EPA Echo Website <http://www.epa.gov/cgi-bin/get1cReport.cgi?tool=echo&IDNumber=11000048542>

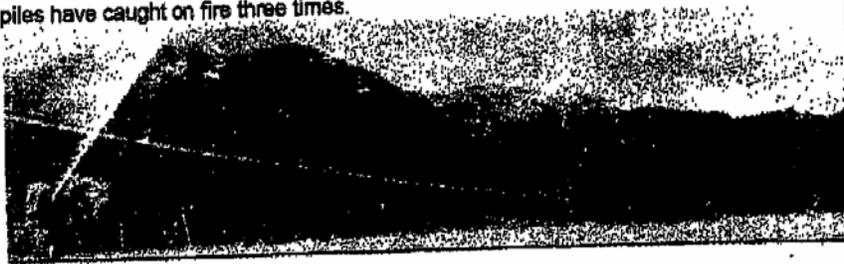
The EPA ECHO Website illustrates that the Glass Plant has been fined 6 times since January of 2003 for clean air act violations with the most recent fine issued on May 5, 2005. The DEIR should examine issues related to the air violations of the Glass Plant and the Biomass Plant and their impacts from their emissions that are above permitted levels in a PM 2.5 assessment and a health risk assessment.

2-14

Tracy Biomass Plant

The Tracy Biomass Plant generates electricity through the burning of agricultural waste which prevents thousand of tons per year of air pollution in the valley and supplies much needed electricity. Location of the sports park should not be allowed to affect operations at the plant. The Tracy Biomass Plant also stores and utilizes large amounts of ammonia and sulfuric acid. The Biomass Fuel piles have caught on fire three times.

2-15



Mary McGurley and Enrique Gutierrez/Tracy Press

Fire on top of a pile of burning wood chips Monday morning at the Tracy Biomass Plant on firefighters — representing 17 fire districts — work the hard-to-extinguish blaze southwest later contained after only two hours had passed since the initial alarm, firefighters say the fire for a day or more. A similar fire at the same plant in 1990 burned for three days. That fire buted to spontaneous combustion, with high temperatures and breezy conditions cited as

Risk of upset should be considered likely since the plant has experienced major fires three times in the last fifteen years. Transportation and storage of hazardous materials and associated catastrophic releases should be modeled for impacts to sensitive receptors. Location of the sports park eliminates the only safe hazardous material transportation route to the facility.

2-16

Natural Gas Pipelines

Impact 4.2.3 Development of the site in the vicinity of the two underground natural gas pipelines may expose people to risk of upset conditions associated with a potential natural gas release or explosion. The Tracy Learning Center was rejected by the Tracy Planning Commission in 1999 because the project site was considered unsafe because of the natural gas pipelines that run beneath the project site. The decision was not challenge by the city council. It seems inconceivable that an area that was not safe enough for a school campus would be safe enough for our children. The EIR should discuss this policy change by

2-17

the city government and determine if a free two hundred acres of land is worth putting our children next to a 36 inch and a 26 inch natural gas pipelines.

2-17 cont.

Safeway Distribution Center

The Safeway Distribution Center located ½ mile from the project site stores massive amounts of hazardous materials and anhydrous ammonia. In 1988 the Safeway Distribution center had a large fire and explosion which rained toxic chemicals on the city of Richmond for many days. This fire resulted in the relocation of the Safeway Facility to Tracy. The accident history of this facility is relevant and the EIR should identify the types and quantities of hazardous materials and the potential impacts from their release. The lower levels of service on roads around the Safeway distribution Center and other industrial facilities could lead to higher levels of accidents involving trucks transporting hazardous materials to the industrial sites. The EIR should identify and provide mitigation for the traffic impacts on hazardous materials transportation routes.

2-18

Pesticides and Potential Soil Contamination

The DEIR identifies Impact 4.2.1 on page 4.27 "Development of the Tracy Youth Sports Facility on lands previously utilized for agricultural production could expose people or property to a potential risk associated with soil contamination. The EIR should assess whether areas adjacent to the project site that still are used for "active agriculture" could create agrochemical contamination issues at the site. The EIR fails to explain whether the chemicals listed as previously used are still used in the Tracy area, and, if not, when use was discontinued. The EIR should explain whether other agricultural chemicals are being used or have been used in the project area and why these are not of concern. The EIR provides no information regarding sampling locations for soil contamination. A sampling map should be included in the EIR. The EIR should specify whether organochlorines will be the only target analytes and, if so, justify why other analytes should not also be included. The EIR should explain how toxic contamination data will be "statistically evaluated" and whether a human health risk assessment will be performed. If so, what are the receptors, pathways, chemicals, exposure scenarios, and screening values that will be used in the HHRA? The EIR should specify what screening and threshold criteria will be used to determine the need for further sampling and remediation. If screening values are exceeded, the EIR should identify the anticipated sampling and remediation activities that may follow. The EIR should specify whether soil sampling and analysis for agrochemicals will be conducted during construction. Construction equipment and activities have the potential to expose contaminated soil. The EIR should include a recommendation for sampling and analysis after construction (i.e., to ensure that hazardous levels of chemicals are not being surfaced by recreational uses or deposition in the project area from adjacent agricultural uses) The EIR should specify the "regulatory action levels" to which

2-19

soil sample levels will be compared. The EIR should describe a range of mitigation measures that would be employed if screening values are exceeded.

Evacuation Plan

The draft EIR prescribes mitigation measure MM 4.2.4 to respond to hazards at adjacent industrial uses. "The City shall prepare an emergency response plan applicable to all Tracy Youth Sports Facility uses. Such a plan should include emergency evacuation routes and general information regarding the relative risk and activities of neighboring industries. The Plan should be prepared with input and coordination from Tracy Peaker Plant, Owens-Brockway, Tracy Biomass, Tracy Fire Department and the County Office of Emergency Services (OES). Since the adjacent industrial uses have such poor accident records the EIR should provide adequate details on the emergency response plan. The emergency response plan should identify the potential risks and hazards of each facility. The plan should identify how people at the park be notified of the evacuation procedures. The plan should identify how will facility users will be informed of the plan and its procedures? What review of standards will be applied to the plan? Who will have responsibility for implementing the evacuation plan? How will the plan ensure the orderly movement of hundreds vehicles in the event of an emergency? How will the emergency plan deal with a catastrophic explosion of the 36inch diameter gas pipeline? Because of the extreme hazards of the nearby industrial facilities and the gas pipelines the EIR needs to go extraordinary detail to protect the children.

2-20

Air Quality

The Glass Plant, the Tracy Peaker Plant and the Biomass plant are all in the top ten of the highest PM 2.5 emitting facilities in San Joaquin County. Their cumulative impact on sensitive receptors at the proposed project must be analyzed in the EIR. The table below illustrates the combined emissions of the three industrial facilities next to the proposed project.

Combined Emissions Pounds per Year

<u>Pollutant</u>	<u>Owens Brockway</u>	<u>Tracy Biomass</u>	<u>Tracy Peaker Plant</u>	<u>TOTAL</u>
NO _x	1,501,320	196,840	307,000	2,005,160
PM ₁₀	181,580	142,900	167,400	491,880

2-21

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

SO ₂	543,060	39,080	8,800	590,940
CO	36,440	377,040	143,120	556,600
Ammonia	12,640	45,300	106,000	163,940

2-21 cont.

The DEIR dismisses the impact of these combined emissions stating "Because of the persistence of northwesterly winds in the project area, any cumulative impacts of the two plants would occur south and east of the two plants and would not affect the project site." This statement is not correct. There are definitely periods where the wind will blow from the east and cause cumulative impacts on receptors located at the proposed facility. The EIR should specify the values of these cumulative impacts at the proposed facility and provide a numeric reference for determination of the significance of these impacts.

The EIR provides no explanation or analysis in either the air quality section or the land use section demonstrating how the project will conform to air quality Objective AQ-1.2 (Promote development that minimizes air pollutant emissions and their impact on sensitive receptors as a result of indirect and stationary sources) and Air Quality Element – Policy AQ 2.2 (Minimize land use conflicts between emission sources and sensitive receptors). There is an apparent conflict between the project and these general plan policies. This should be noted as a significant impact. Then the EIR should identify the Chrisman Site as an alternative site that would eliminate this significant impact.

2-22

Impact 4.5.5 (Exposure to Toxic Air Contaminants) states, "There are no TAC sources directly upwind of the site (to the northwest)." This statement is incorrect and misleading. There are several facilities that would be considered upwind, depending on wind direction. The EIR should clarify this by presenting a windrose showing the frequency distribution of wind direction and speed. In addition, the EIR should present the results of a cumulative health risk assessment, providing numeric estimates of cancer risk and hazard indices on sensitive receptors. A PM 2.5 impacts analysis should be conducted to examine the particulate matter impacts for the three facilities emitting together in stagnant conditions. These health risk assessments should take into consideration the numerous air quality violations from both the Biomass Plant and the Glass Plant presented below from the EPA ECHO Website. The EPA website shows that the Biomass plant has violated the Clean Air Act 11 out of the last 12 Quarters and the Glass plant has violated the clean air act 8 out of the last 12 quarters.

2-23

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

OWENS BROCKWAY GLASS CONTAINER INCORPORATED 14700 SCHULTE RD. TRACY, CA 95376 FR8 ID:
Formal Enforcement Actions - AFS, PCS, RCRAInfo, NCDB (03 year history)

Data Diction

State	Source ID	Type of Action	Lead Agency	Date	Penalty	Penalty Description
CAA	08077N0593	STATE ADMINISTRATIVE ORDER ISSUED	State	01/18/2003	\$300	
CAA	08077N0593	STATE ADMINISTRATIVE ORDER ISSUED	State	01/18/2003	\$2,250	
CAA	08077N0593	STATE ADMINISTRATIVE ORDER ISSUED	State	01/28/2003	\$2,684	
CAA	08077N0593	STATE ADMINISTRATIVE ORDER ISSUED	State	05/19/2003	\$2,250	
CAA	08077N0593	STATE ADMINISTRATIVE ORDER ISSUED	State	05/20/2003	\$2,250	
CAA	08077N0593	STATE ADMINISTRATIVE ORDER ISSUED	State	05/12/2005	\$5,000	

In some cases, formal enforcement actions may be entered both at the initiation and final stages of the action. These may appear more than once above. Entries in *italics* are not "formal" actions under the PCS definitions but are either the initiation of an action or penalties assessed as a result of a previous action. This section includes US EPA and State formal enforcement actions under CAA, CWA and RCRA.
 Source EPA Echo Website <http://www.epa.gov/cgi-bin/get1cReport.cgi?tool=echo&IDNumber=11000485421>

2-23 cont.

THERMAL ENERGY DEVELOPMENT CORPORATION 14800 WEST SCHULTE ROAD TRACY, CA 95376 ID:110000511893
Formal Enforcement Actions - AFS, PCS, RCRAInfo, NCDB (03 year history)

Data Diction

State	Source ID	Type of Action	Lead Agency	Date	Penalty	Penalty Description
CAA	08077N1028	STATE ADMINISTRATIVE ORDER ISSUED	State	01/18/2003	\$2,400	
CAA	08077N1028	STATE ADMINISTRATIVE ORDER ISSUED	State	10/21/2003	\$1,200	
CAA	08077N1028	STATE ADMINISTRATIVE ORDER ISSUED	State	05/10/2004	\$4,800	
CAA	08077N1028	STATE ADMINISTRATIVE ORDER ISSUED	State	08/14/2004	\$4,800	
CAA	08077N1028	STATE ADMINISTRATIVE ORDER ISSUED	State	08/30/2004	\$1,200	
CAA	08077N1028	STATE ADMINISTRATIVE ORDER ISSUED	State	05/12/2005	\$2,400	

Source EPA ECHO Website <http://www.epa.gov/cgi-bin/get1cReport.cgi?tool=echo&IDNumber=110000511893>

Cumulative Air Quality Impacts

The EIR should address the air quality impacts related to the projects location between industrial uses to the east, Owens Brockway, Tracy Biomass Plant, and the Tracy Peaker Plant and two proposed business parks the Tracy Gateway Project and the Cordes Ranch Project and the existing Patterson Pass Business Park. The Tracy Youth Sports Facility will be surrounded by industrial uses. Large amounts of Residential development are also projected to be occurring near the project area with the development of the Tracy Hills and South Schulte Planning areas. Appendix A to this submittal contains the latest isopleths generated for these developments by the California Energy Commission and modeling files can be made available upon request. The isopleths in Appendix A reveal that the project area is the location of some of the highest concentrations of PM-10 from new development and construction in the Tracy area and the health impacts associated with young children (sensitive receptors) exercising at this site must be carefully evaluated in the EIR. Children are more sensitive to air pollution. Children breathe faster especially when exercising and are more susceptible to damage to their developing organs and immune systems. Studies specifically involving children below age 14 suggest small reductions in lung function, exacerbation of asthma, and increased medical or hospital visits associated with PM10 or PM in general (U.S. EPA, 1998). For example, among studies conducted using U.S. data, short-term exposure to PM10 has been associated with asthma exacerbation in Los Angeles (Ostro et al., 1995), cough among non-asthmatic children (Schwartz et al., 1994), and lung function (Hoak et

2-24

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

al., 1998). In addition, several studies have reported effects on children resulting from chronic exposure to PM. Monitoring in San Joaquin County has shown an average of about 60 days per year of unhealthy PM-10 levels for the last several years. Examination of the high background PM-10 levels in combination with the new development projects should be a priority in the air quality analysis in the EIR.

2-24 cont.

Traffic

The DRAFT EIR estimates the level of service at the Corral Hollow and the new Schulte Road intersection. New Schulte Road does not go through to Lammers Road and cannot be used as an access road to the Sports Park. The DEIR examines a route that doesn't exist. The current intersection at Old Schulte Road and Corral Hollow Road should be evaluated for impacts from the proposed project in the EIR. This intersection is already heavily impacted by the narrowing of Corral Hollow from two southbound lanes to one southbound lane. The intersection has no left turn. The current intersection has one of the highest accident rates in the city. The EIR should identify a timeline for the opening of new Schulte Road.

2-25

The EIR should provide a discussion on potential traffic hazards to pedestrians using the sports facility (e.g., children crossing the road). The adequacy of facility parking has not been adequately addressed in the EIR. The assumption that each vehicle holds on average 4 passengers is not conservative. Many vehicles will be single or two person occupancy. What measures will be in place to ensure that overflow or convenience parking on Schulte is not routine? What measures will be in place to prevent the unsafe crossing of Schulte to parked cars? The EIR should address the adequacy of the posted speed limit on Schulte to maintain safe conditions near the facility. What measures will be in place to ensure the safe ingress/egress of vehicles using the facility from a relatively high speed thoroughfare? The EIR should address why signalization of the facility entry is not necessary to ensure safe exit from the facility

2-26

The EIR's approach to road improvements to provide adequate Level Of Service on roads surrounding the facility does not conform to CEQA requirements. The assertion of lack of funding does not relieve the City from the responsibility for describing all possible means of funding these necessary improvements or alternatives to avoid them and explain why the identified mitigation or alternatives are not feasible. If LOS impacts (reduction to unavoidable levels) are found to be significant and unavoidable, the City will need to make a legitimate and well-documented finding of overriding considerations.

2-27

The DEIR Text states: "It is important to note that improvements at the intersection of Mountain House Parkway/I-580 Eastbound Ramps would be necessary regardless of whether or not Phase I of this proposed project is built." This statement makes the case for significant cumulative traffic impacts. The EIR

2-28

should explain whether funding for this improvement has been identified and on what timeline. Would it be feasible and appropriate to delay the sports facility until such time as funding for the requisite traffic improvements is available? How will future improvements to the Tracy transportation system be implemented, if there is no funding available? The EIR should discuss a possible timing for funding these much needed improvements or clearly explain the overriding need for these impacts.

2-28 cont.

The DEIR provides Mitigation Measure 4.3.7 which states "Phase II of the project shall not be implemented until such time that a Capital Improvement Program (CIP) or similar program is in place for affected intersections within the City's jurisdiction. The postponement of Phase 2 of the project will impact the ability of the project to meet YSAT's projected facility needs, one of the projects main objectives. This will make the Chrisman site a much better alternative for meeting the projects objectives of supplying all of YSAT's facility needs.

2-29

Water Resources

The DEIR lists the projects water use as 387 acre feet per year. The DEIR states that the projects water supply for irrigation, 385.3 afy will be met by onsite wells. The DEIR must examine the impacts on water quality and other well users in the project vicinity to determine if any impacts would occur to other users or overall water quality.

2-30

The DEIR also proposes the use recycled water for irrigation purposes at a later date. The impacts to soils and sensitive receptors playing on the irrigated fields must be examined in the EIR.

2-31

Alternatives

The Draft EIR states that the Chrisman site is the environmentally preferred alternative except for three areas. "As shown in Table 3.0-1, the Chrisman Road Alternative would result in worse impacts in up to three issue areas (land use, public services and utilities, and agriculture)" As the DEIR admits the Chrisman site would lead to less Environmental impacts than the Schulte site.

2-32

Chrisman Road

Land Use

The land use section of the alternatives analysis does not consider the incompatibility of the Schulte Site with adjacent industrial users. The alternatives analysis does not consider that the Schulte Site will eliminate the only safe hazardous materials transportation route to the adjacent industrial users. The proposed project is inconsistent with the existing urban management plan created in 1993. The project will remove acreage from the existing Patterson

2-33

Pass Community Area, resulting in development in advance of the comprehensive planning for this urban center. The detachment would accommodate changes in the land use which are more intensive than that would be expected under the existing industrial designation. This change could result in secondary or premature environmental impacts associate with the project development, and could undermine the feasibility of Patterson Pass developing as a community area originally anticipated by the UMP. (DEIR Tracy Learning Center PMS page 4.1-8) The Schulte Road site is also inconsistent with several other proposed general plan policies as discussed in the land use section of these comments. The Schulte Site also conflicts with an applicable conservation plan the SJCMSHP. The Schulte site is in the middle of a kit Fox migration corridor and has impacts to other listed species such as the Swainson Hawk and the burrowing owl that have not been identified on the Chrisman Site. The EIR is incorrect in stating that the Schulte Site is superior to the Chrisman site due to land use impacts.

2-33 cont.

Public Services

The DEIR states that the Chrisman site is environmentally inferior to the Schulte site related to impacts on Public Services. The DEIR does not contain any discussion that would lead to a conclusion that the Chrisman site is inferior. The DEIR sole discussion is as follows. "The Chrisman Road Alternative would place the project closer to the existing City core, therefore, placing the project closer to existing service lines and minimizing the extension of services. The City of Tracy would not be the likely water purveyor, but water would be required from a new source, similar to the proposed project. Sewer collection would not be within the Hansen line, allowing that line to accommodate other users. However, existing lines on the east side would therefore be impacted. Performance standards and response times for emergency services may be better, and the project would be closer to the City's wastewater treatment plant. New facilities would be required, but the linear distances for new infrastructure would not be as great as currently proposed."

2-34

The only negative impact identified in the discussion is the need to expand the existing lines on the East site of town to accommodate the Chrisman site. The Schulte site has no lines to expand and funding is not even available for infrastructure costs. The city staff has presented evidence in numerous city council meetings that the utility lines near the Chrisman site have been oversized so the argument contained in the alternatives section is illogical and clearly the Chrisman site produces fewer impacts than the Schulte Site to Public Services

2-35

Agriculture

The DEIR indicates that impacts to agriculture would be greater at the Chrisman site. Both the Schulte Road Parcel and the Chrisman Parcel are

2-36

considered to be farmland of local importance but the Chrisman site will only remove 112 acres of farmland while the Schulte Road Site has a lot larger impact because it removes 200 acres of farmland. "The same firm who did the DEIR for the Tracy Learning Center Pacific Municipal Consultants identified the loss of 200 acres of farmland as a significant impact and recommended as mitigation participation in the City's farmland mitigation program. Mitigation Measure MM4.1.3 page 4.1-11 Tracy Learning Center EIR.) The project will convert approximately 200 acres of previously productive farmland to non agricultural uses. Although not farmed since the 1960's except for dry land crops, the site is surrounded by lands with prime farmland characteristics and may also contain prime soil characteristics. Use of the site for more intensive urban uses is therefore considered a significant impact. (Tracy Learning Center EIR Pacific Municipal Consultants page 4.1-10). Since the Chrisman site will remove only 112 acres rather than 200 acres it will be the environmentally superior alternative in terms of impacts to agriculture.

2-36 cont.

Conclusion

As can be seen from the above discussion the Chrisman Site is clearly the superior alternative in terms of all environmental impacts. The DEIR agrees with this conclusion with the exception of Land Use, Agriculture and Public Services. The DEIR concludes on page 6.0-17 "The Chrisman Road Alternative is essentially also a reduced scale alternative as the site has fewer acres available overall for project construction. As such it avoids or reduces significant adverse project impacts in most areas and would be considered the environmentally superior alternative. This alternative would result in reduced traffic, decreases in anticipated noise and air quality impacts, reduced demand for public services and utilities, and would reduce light and glare impacts associated with athletic field lighting facilities. While this alternative may be feasible, it may not result in the necessary facilities to meet the needs identified by YSAT for the City current and future youth population." The DEIR concludes that the Chrisman site is the superior environmental alternative but states that the Chrisman site may not provide the facility needs of YSAT. The following table was presented at the joint meeting of the City council and the Parks commission on April 6, 2004 identifying YSAT's facility needs and the capability of each site to accommodate them.

2-37

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Comparison of programs met at each site is:

Program	Antenna Farm Site	Revised Antenna Farm Site Design	Chrisman Site	Tracy Ball Park
Baseball	28	19	21	
Softball	5	5	4	
Soccer	15	15	14	4 - Same spatial area as Football.
Football	3	4	3	3 - Same spatial area as Soccer
Field Stadium		1		
Park Area	1	1		
Basketball	3	TBD		

2-37 cont.

YSAT Facility Needs Source Tuesday, April 6, 2004, 6:00 p.m. Special Meeting city Council parks Commission

Because the Schulte Road site cannot be developed due to the gas pipeline setbacks the Chrisman Road Site in fact provides almost the same number of sport fields and as the proposed Schulte Site. The Chrisman site provides 2 more baseball fields and 1 less softball field. The Chrisman site also provides one less soccer field and 1 less football field. Both alternatives provide almost the exact same number of fields for youth which is the major project objective. As demonstrated above the Chrisman site will produce almost as many athletic fields as the Schulte Site and is the environmentally preferred alternative therefore the Chrisman Site should be the preferred alternative because it meets the projects main objective of supplying sport fields for Tracy's Youth with fewer environmental impacts. The cities desire to develop the 200 acres of vacant land from the Federal government can be achieved by other means that have far less environmental and safety impacts as the Youth Sport Facility does. Additionally because of mitigation Measures 4.3.2 and 4.3.7 the status of the second phase of the project is uncertain due to the lack of funding agreements for road infrastructure improvement and jurisdictional issues with County owned roadways. This limitation would only allow the first phase of the Schulte sports park to be constructed until agreements and funding can be located to mitigate a significant impact to Traffic and Transportation. Therefore only three football fields, ten baseball/softball fields, and thirteen soccer fields can be constructed until a Capital Improvements plan can be finalized. This leaves the Chrisman site as a superior alternative to the Schulte Road site because the Phase 2 of the Schulte Road site is uncertain and the Chrisman Road Site does not have any limitations.

2-38

Respectfully submitted,

Michael E. Boyd

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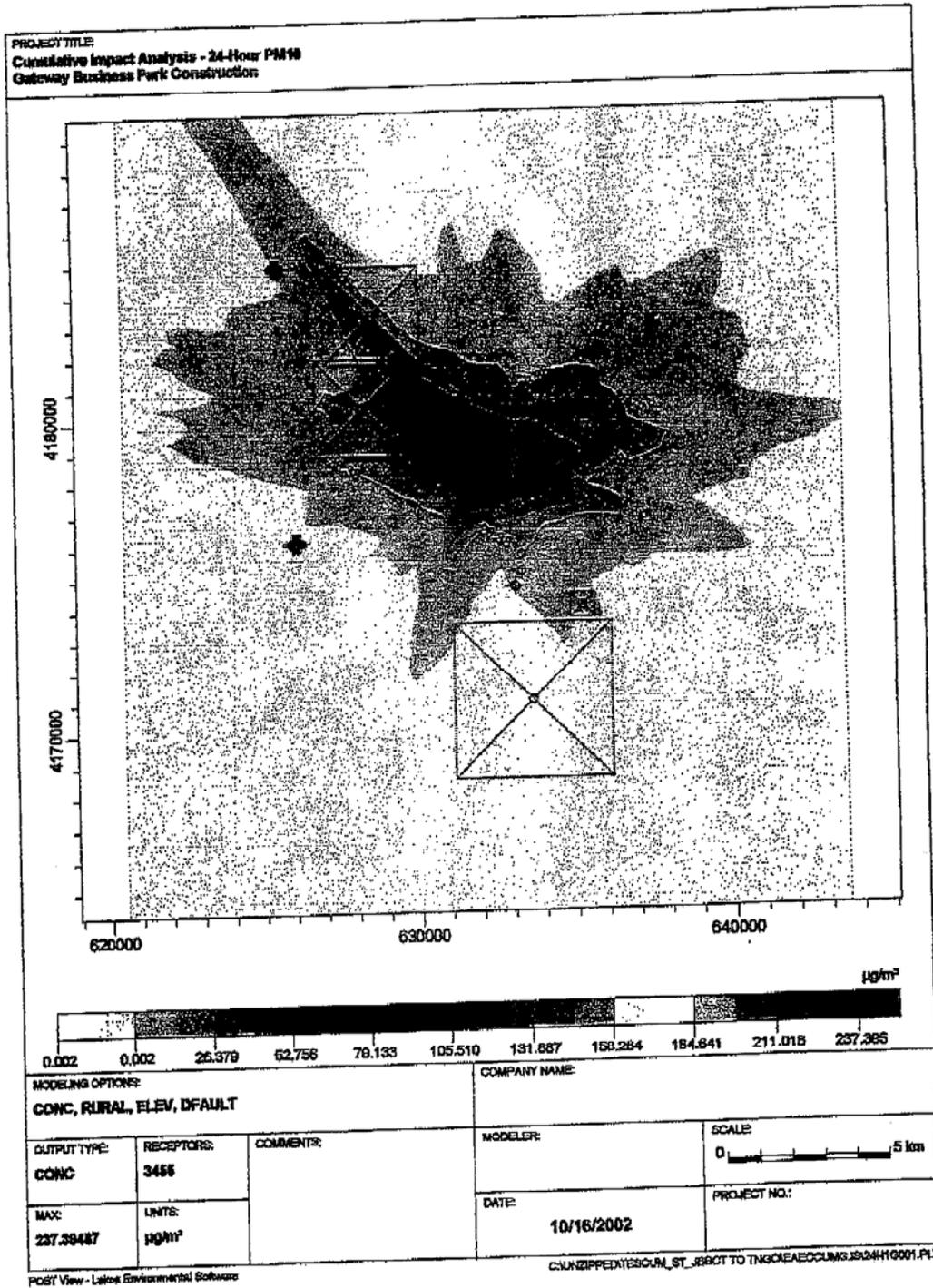
Michael E. Boyd President
CALifornians for Renewable
Energy, Inc. (CARE)
5439 Soquel Drive
Soquel, CA 95073

Appendix A

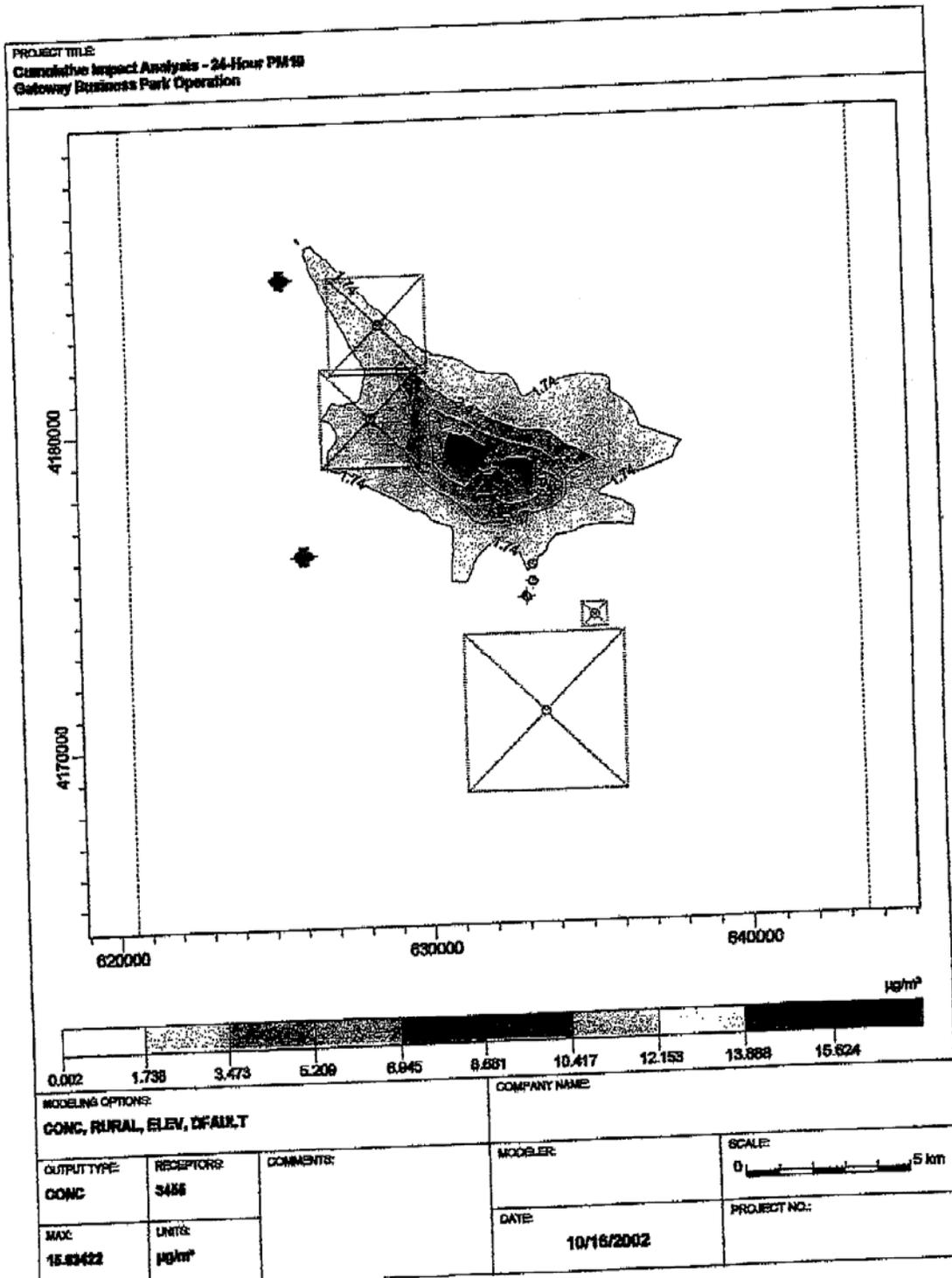
Contents

- Figure 1 24 Hour PM-10 Construction Impacts Gateway Business park**
- Figure 2 24 Hour PM-10 Impacts Gateway Project operations**
- Figure 3 24 hour PM-10 Impacts Owens Illinois Operation**
- Figure 4 24 hour PM-10 Impacts Tracy Biomass Plant Operation**
- Figure 5 24 hour PM-10 Impact South Schulte Project Operation**
- Figure 6 24 Hour PM-10 Impact Tracy Hills Operation**

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3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR



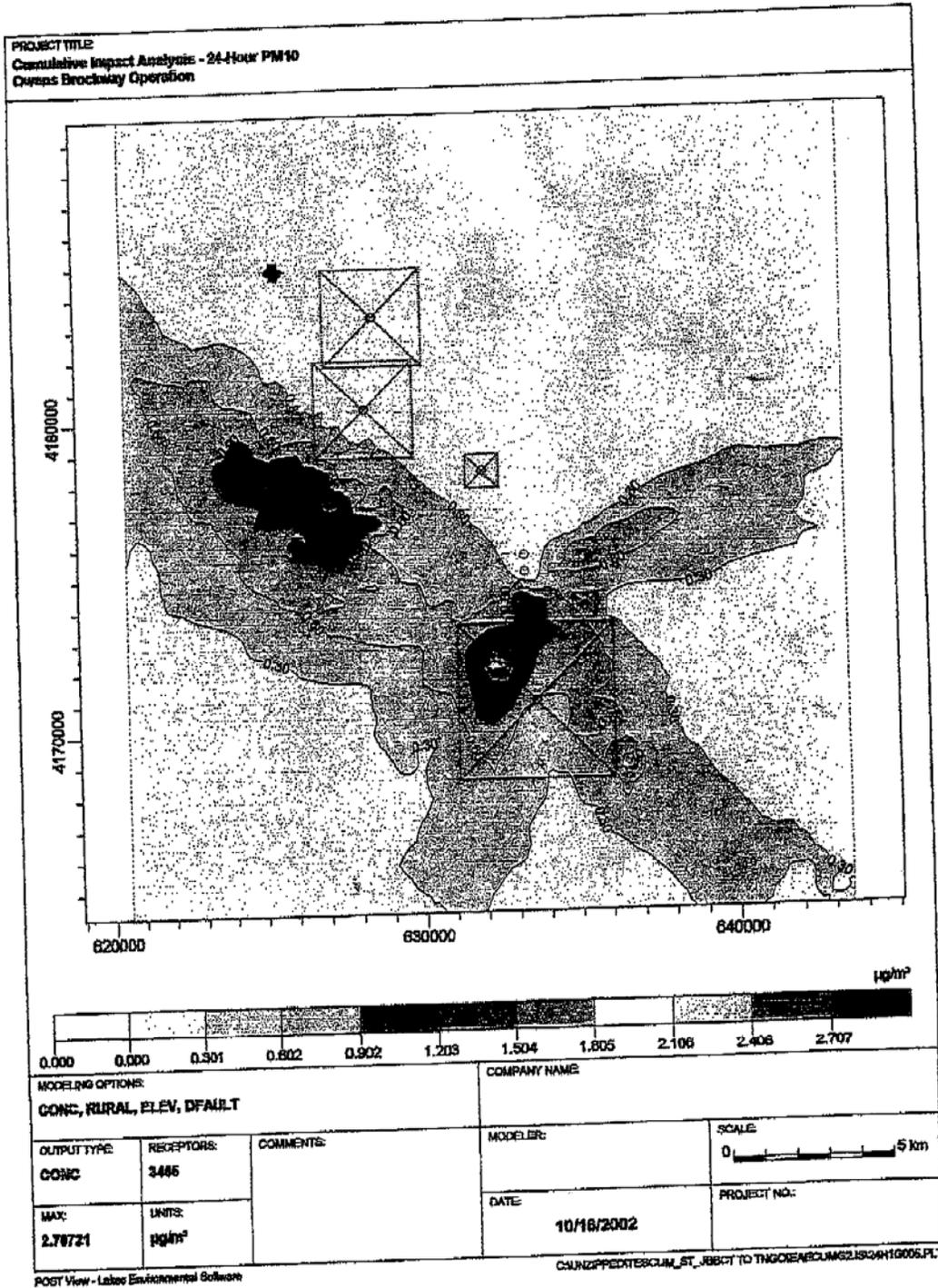
3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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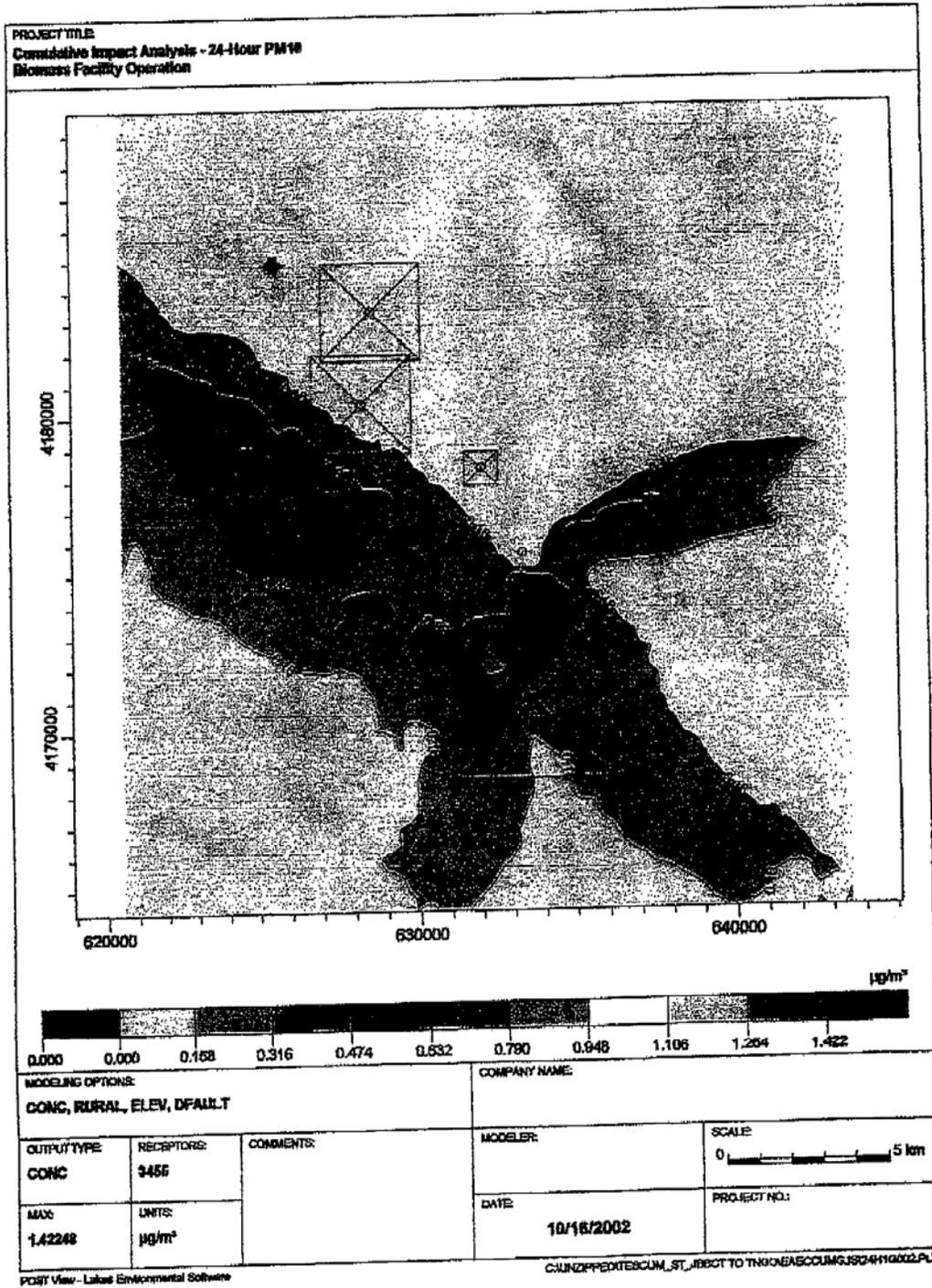
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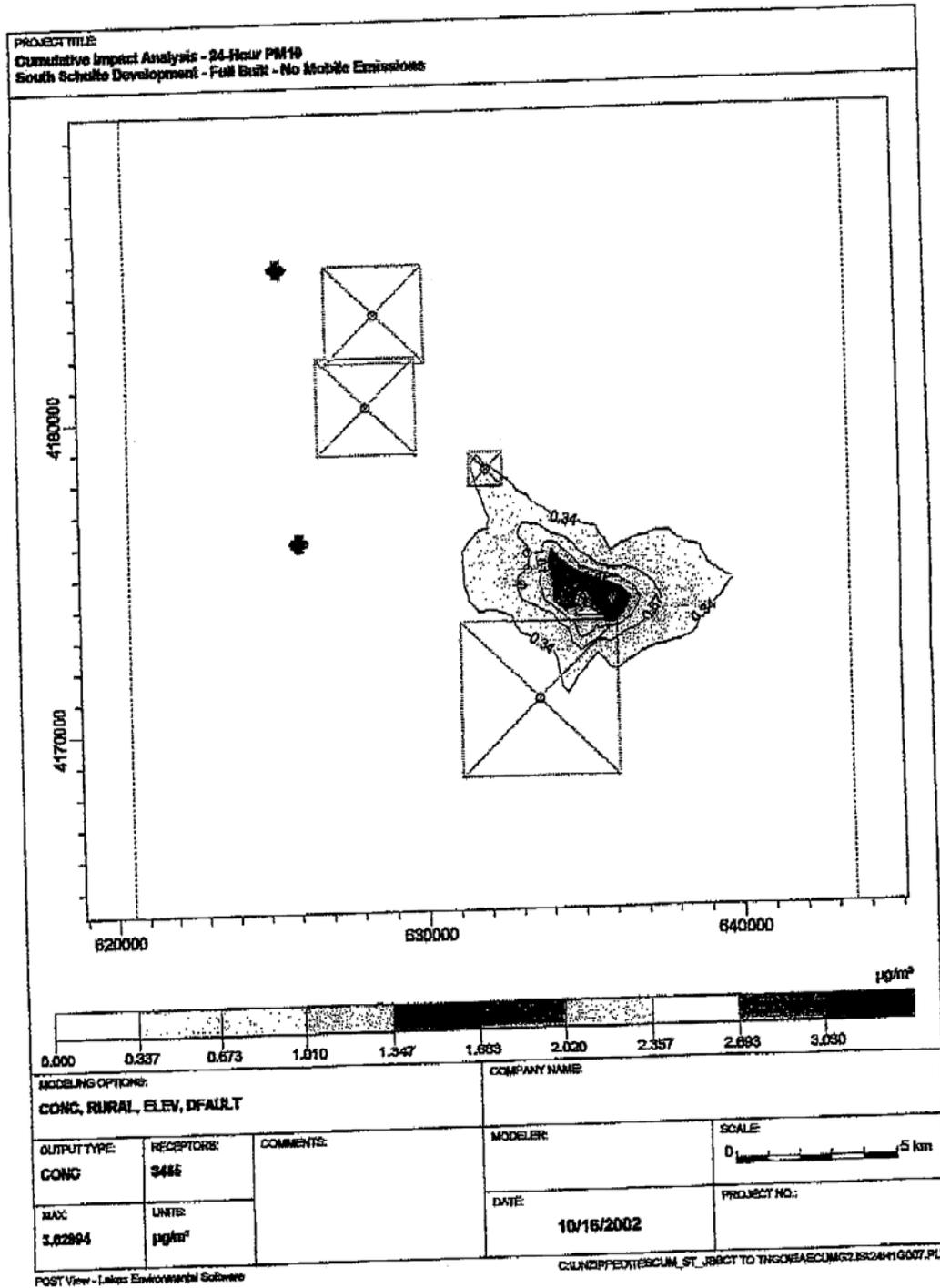
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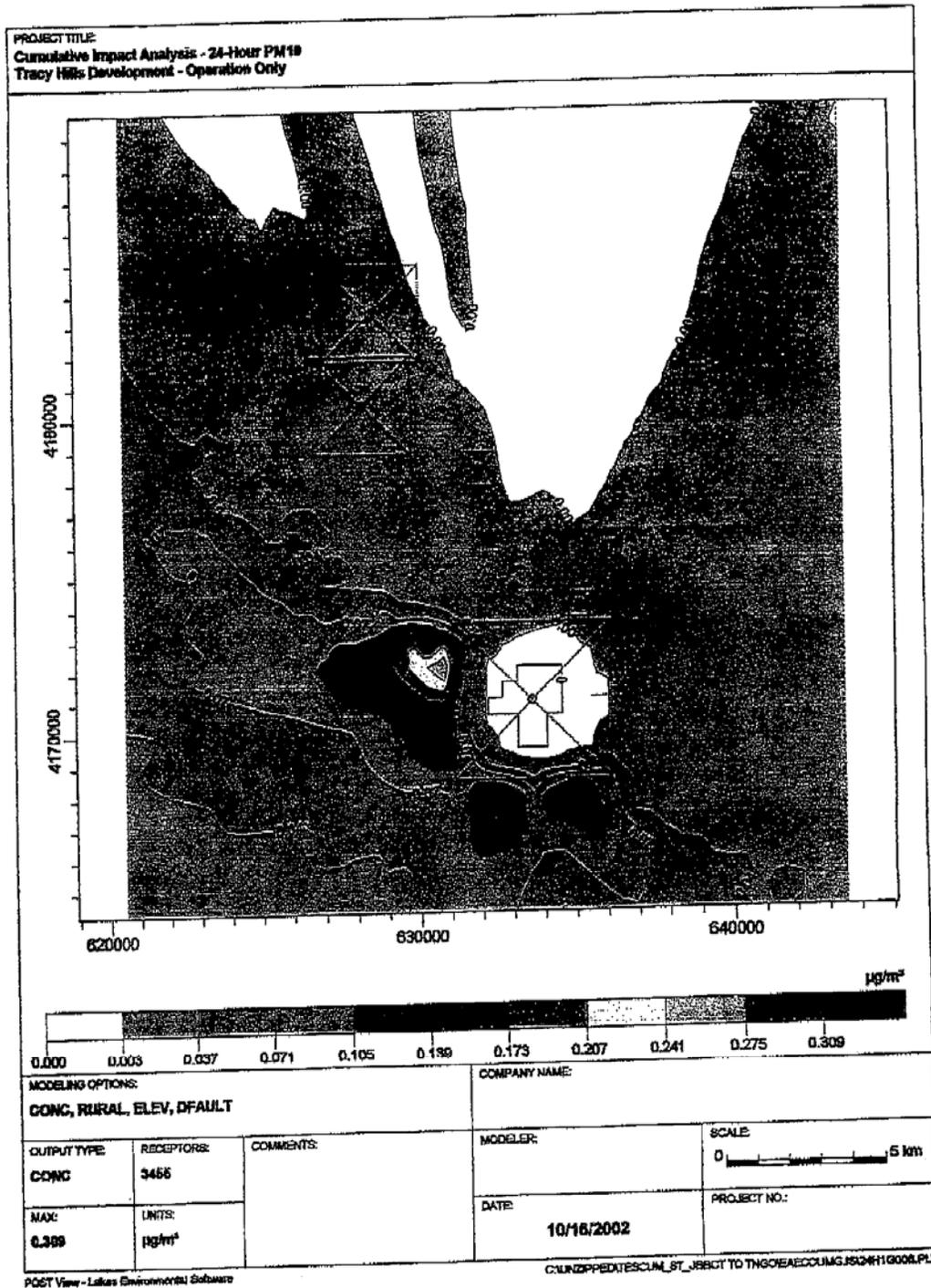
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3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

LETTER 2: MICHAEL BOYD, CALIFORNIA FOR RENEWABLE ENERGY, INC.

Response 2-1: Comment noted regarding General Plan consistency with the City's 1993 General Plan. The Draft EIR Chapter 4.1 discusses conformance with the City's General Plan.

Under Government Code section 53091, cities and counties are exempt from each other's building and zoning ordinances (including each other's general plans).

Nevertheless, under the County's General Plan, the project site is designated as Agriculture. This designation allows for recreational facilities.

Response 2-2: The proposed General Plan has not been adopted. However, the proposed land use designation of the site is Park. Therefore, the Project is consistent with the proposed land use designation identified in the draft General Plan update. The Project is anticipated to be a City facility. A 50-foot buffer has been provided. The commentor is referred to Draft EIR Chapter 11 and MM 4.11.4.

Response 2-3: The commentor is referred to Response 2-2 and 2-22.

Response 2-4: The commentor states that the project would result in the conversion of farmland. The commentor is referred to MM 4.11.1 and to Response 2-1 since under the County's General Plan, the project site is designated as Agriculture. This designation allows for recreational facilities.

Response 2-5: MM 4.11.4 lists measures for aerial spraying that will minimize impacts on adjacent agricultural lands. The mitigation measures would reduce land use compatibility impacts by also requiring a 50-foot buffer between the project and the existing industrial and agricultural uses. See also MM4.1.2b regarding notification and coordination with neighboring agricultural and industrial land uses.

Response 2-6: The City of Tracy does not concur that an odor analysis as regards the adjacent uses is related to CEQA review of the Project. The commentor is referred to Response E-6 regarding odor issues with adjacent land uses.

Response 2-7: The EIR requires the TYSF to implement a 50-foot buffer (DEIR p. 4.1-12 MM 4.1.2a) and to coordinate with adjacent landowners and distribute the yearly schedule to ensure no person will be on the project site when an adjacent field is sprayed. Regarding the California Red-legged frog and the tiger salamander, see Response 3-41 and the Draft EIR Chapter 4.8 regarding Biological Resources.

Response 2-8: Comment noted. With respect to the noticing requirements, the City believes the noticing is appropriate and adequate.

Response 2-9: Comment noted. The commentor does not comment on the adequacy of the EIR, therefore, no response is necessary.

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- Response 2-10:* The commentor is referred to Master Response 3.4.2 regarding Hazardous Risk Assessment.
- Response 2-11:* The commentor is referred to Master Response 3.4.2 regarding Hazardous Risk Assessment.
- Response 2-12:* The commentor is referred to Master Response 3.4.2 regarding Hazardous Risk Assessment.
- Response 2-13:* Comment noted. The commentor does not comment on the adequacy of the EIR, therefore, no response is necessary.
- Response 2-14:* The commentor is referred to Master Response 3.4.2 regarding Hazardous Risk Assessment. The commentor does not comment on the adequacy of the EIR, therefore, no response is necessary.
- Response 2-15:* The commentor is referred to Master Response 3.4.2 regarding Hazardous Risk Assessment. The commentor does not comment on the adequacy of the EIR, therefore, no response is necessary.
- Response 2-16:* The commentor is referred to Master Response 3.4.2 regarding Hazardous Risk Assessment.
- Response 2-17:* The EIR requires the TYSF to implement a California Public Utility Commission (CPUC) approved Pipeline Safety Plan for the Tracy Youth Sports Facility. The commentor is referred to DEIR p. 4.2-9 MM 4.2.3 regarding development of the site in the vicinity of the two underground gas pipelines.
- Response 2-18:* The commentor is referred to Master Response 3.4.2 regarding Hazardous Risk Assessment.
- Response 2-19:* The commentor is referred to MM 4.2.1 regarding soil testing prior to initial grading or site clearing.
- Response 2-20:* The commentor is referred to MM 4.10.4a, 4.10.4b, 4.10.5 and 4.2.4 regarding emergency response.
- Response 2-21:* The commentor is referred to Master Response 3.4.2 regarding Hazardous Risk Assessment.
- Response 2-22:* Air quality Objective AQ-1.2 is a proposed Objective from the draft General Plan update, not adopted by the City. Air quality Policy AQ 2.2 (which contains similar Actions as the proposed policies of the draft General Plan update) contains Actions, which, in part, encourage air pollution emission sources to be located downwind from sensitive receptors and to create buffer zones between sensitive receptors and stationary air pollutant sources. As indicated in Response 2.21, above, Owens Brockway, GWF Peaker Plant, and the Biomass Plant are predominantly downwind from the Project site and, in accordance with Mitigation Measure 4.1.2a and 4.11.4; a 50-foot buffer from property lines is required for any playfield. The Project will comply with any State or other applicable buffer or setback requirements. The Project and surrounding land uses will adhere to applicable laws regarding

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

operations and emissions and the DEIR concluded that impacts would be less than significant so there would be no inconsistency with general plan objectives and policies.

Response 2-23: The DEIR utilized the following wind data from Stockton:¹

<i>WIND DIRECTION</i>	<i>ANNUAL FREQUENCY</i>
North	4.8%
North Northeast	1.4%
Northeast	1.9%
East Northeast	0.9%
East	3.0%
East Southeast	3.1%
Southeast	6.6%
South Southeast	2.9%
South	2.2%
South Southwest	1.0%
Southwest	3.4%
West Southwest	6.4%
West	18.8%
West Northwest	13.2%
Northwest	15.5%
North Northwest	5.0%
Calm	9.8%

A wind rose prepared by the CARB based on more limited data confirms this wind pattern.

The commentor is referred to Master Response 3.4.2 regarding Hazardous Risk Assessment.

Response 2-24: The commentor is referred to Master Response 3,4,2 regarding Hazardous Risk Assessment.

Response 2-25: The commentor is referred to Master Response 3.4.1 regarding traffic mitigation. A copy of collision data provided by the California Highway Patrol for accidents occurring along and adjacent to Schulte Road from 1995-2005 is provided in the Appendix to the FEIR. The commentor does not comment on the adequacy of the EIR, therefore, no further response is necessary.

Response 2-26: The commentor is referred to Master Response 3.4.1 regarding traffic mitigation. The commentor does not comment on the adequacy of the EIR, therefore no further response is necessary.

Response 2-27: The commentor is referred to Master Response 3.4.1 regarding traffic mitigation.

¹ California Department of Water Resources, Wind in California, Bulletin No. 185, January 1978.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

- Response 2-28: The commentor is referred to Master Response 3.4.1 regarding traffic mitigation.
- Response 2-29: The commentor is referred to Master Response 3.4.1 regarding traffic mitigation.
- Response 2-30: The project is located within the City's water service area boundary as described in the City's Urban Water Management Plan Service Area Boundary (March 2005). A water assessment completed in accordance with California Senate Bill (SB) 610, illustrates that the City's Urban Water Management Plan projected water use for parks accounts for the additional water demand of the project.
- Response 2-31: The City is considering use of recycled treated wastewater (non-potable) or "purple pipes" for irrigation in the future. The City will examine impacts to soil and sensitive receptors at the time it proposes to switch to recycled water uses.
- Response 2-32: The Chrisman Road alternative would result in a loss of productive agricultural land. The commentor does not comment on the adequacy of the EIR, therefore, no response is necessary.
- Response 2-33: The commentor is referred to Response 2-32. The commentor does not comment on the adequacy of the EIR, therefore, no response is necessary.
- Response 2-34: The commentor is referred to DEIR pg 4.10-6 MM 4.10.2a, which states that project sponsor shall demonstrate to the City that water treatment and distribution facilities are constructed or available to meet project water demands. The project sponsor will contribute to the project's fair-share funding of water treatment and distribution facilities and improvements associated with providing service to the project site in accordance with the Water Master Plan and City Design Standards.
- Response 2-35: The commentor is referred to Response 2-34. The commentor does not comment on the adequacy of the EIR, therefore, no further response is necessary.
- Response 2-36: As stated in the Chrisman Road alternative on pg 6.0-16 under *Agricultural Resources*, both alternatives would convert agricultural land to other land uses. The Chrisman Road Alternative would have a greater impact since the City leases the site for farming.
- Response 2-37: Comment noted. The commentor does not comment on the adequacy of the EIR, therefore, no response is necessary.
- Response 2-38: Comment noted. The commentor does not comment on the adequacy of the EIR, therefore, no response is necessary.

Letter 3



October 28, 2005

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CITY OF TRACY

John Palmer
Associate Planner
City of Tracy
520 Tracy Boulevard
Tracy, CA 95376

Subject: Comments on Draft EIR for Tracy Youth Sports Facility (SCH#2004022139)

Dear Mr. Palmer:

We have reviewed the Draft EIR for the proposed Tracy Youth Sports Facility (TYSF) and are submitting the following comments for your consideration. Our key comments are highlighted below. Additional, detailed comments are provided in the Table 1.

Traffic Impacts and Traffic Safety

The proposed TYSF has the potential to generate significant traffic and safety issues. Traffic conditions at a number of intersections are already poor and are predicted to become even more congested with the addition of TYSF-generated traffic. However, specific mitigation measures to remedy these impacts are dismissed by the EIR because of a stated lack of funding. The EIR should address a comprehensive range of possible funding sources before dismissing these as unavoidable adverse impacts.

3-1

The placement of the TYSF on Schulte Road also has the potential to create safety issues for facility users. Consideration should be given to measures that will help reduce the potential for vehicular and vehicular-pedestrian incidents near the park. There are a number of measures the City should consider to reduce this significant risk, including the following:

- Reducing the speed limit on Schulte Road in the vicinity of the TSYF;
- Prohibiting parking on the opposite side of Schulte Road to minimize the risk of pedestrians crossing to the facility, and
- Signalizing the entrance to the TSYF to allow for the safe exit of vehicles from the facility or, at a minimum, restricting TSYF exit to right turns only and creating a merge lane for exiting vehicles.

3-2

The avoidance of tragic traffic related injuries should be given a very high priority, should the City proceed with this project at this location.

4300 RAILROAD AVE., PITTSBURG, CALIFORNIA 94565-6006 • TEL. (925) 431-1444 • FAX (925) 431-0515

Proximity to Industrial Uses

The industrial uses near this facility are professionally managed and operated. However, unusual breakdown or upsets of industrial equipment in close proximity to sensitive receptors must be considered. The TYSF would place several hundred or more sensitive receptors in close proximity with existing industrial uses. This placement appears to be in conflict with the City's Air Quality Element Policy AQ 2.2. Further discussion in the EIR is warranted to reconcile this apparent conflict and the appropriateness of adding major recreational use in an area that is predominantly industrial.

3-3

Emergency Preparedness

The EIR appropriately recommends that an emergency response plan be developed for the facility. A well-conceived emergency response plan is necessary to ensure the orderly and safe response to potential industrial accidents. A simple requirement to prepare such a plan is not sufficient mitigation. The EIR should identify all of the plan components necessary to ensure the safety of TYSF users. This type of thoughtful analysis would further explore the appropriateness of the current facility design and layout (for example, has the layout been optimized for the orderly evacuation of the site if necessary?).

3-4

We appreciate the opportunity to comment on the Draft EIR and look forward to your response to our comments.

Should you have any questions, please feel free to call me at (925) 431-1440. Thank you for your time and consideration regarding our concerns.

Respectfully,

**Thermal Energy Development Partnership L.P., Tracy Biomass Power Plant
GWF Energy LLC**



Mark Kehoe
Director of Environmental and Safety Programs

Enclosure: Table 1 - Specific Comments

- cc. John Thunderberg, Planning Department, San Joaquin County
- James Swaney, Permit Services, San Joaquin Valley Air Pollution Control District

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Comments	
<ul style="list-style-type: none"> • It is stated on p. 4.1-12 that "Implementation of Mitigation Measure MM 4.1.2a and MM 4.1.2b would result in a less than significant impact." However, <u>specific impacts are never discussed in this section</u>. Readers should be referred to other impacts and mitigation measures (for example, included in the Hazards section), and/or these should be summarized in this section (1) Rural residents located south of the site near the Delta Mendota Canal will be significantly impacted by the presence of this facility. These impacts include increased traffic, increased noise, and increased light and glare. (2) Readers should be referred to the specific sections of the document containing discussion of impacts and mitigation measures – or – these should be copied and pasted in this section. (3) MM 4.1.2a - There is no analytical basis for the 50-foot boundary. The EIR should provide an analysis that demonstrates why the 50 foot buffer is sufficient to mitigate potential air quality, agricultural chemical application, and emergency upset hazard impacts. (4) MM 3.1.4b – The EIR does not describe the extent of any necessary time buffer to be established between application of agricultural chemicals and outdoor recreation. An assessment of time necessary for settling/degradation of agricultural chemicals is appropriate. In addition, no quantitative analysis has been provided to establish the extent of this potential health risk. The notification of youth facility game schedules to adjacent land owners does not insure that impacts from aerial or other application of pesticides will be adequately mitigated. Unless the City intends to adopt an ordinance prohibited the application of pesticides during periods of possible exposure to sports facility users, the only realistic way to prevent exposure of youths to these types of exposures is to prevent use of the facility during periods when pesticides are applied. 	<p>3-5</p> <p>3-6</p> <p>3-7</p> <p>3-8</p>
<ul style="list-style-type: none"> • The EIR should identify in which specific HCP and/or NCCP the proposed project site is included. (1) <ul style="list-style-type: none"> • Paragraph should be amended to read: "As discussed in Section 4.8, Biological Resources, the site provides potential burrowing and foraging habitat for the San Joaquin kit fox (<i>Vulpes macrotis mutica</i>) (FSC), potential nesting habitat for the burrowing owl (<i>Athene cunicularia</i>) (FSC/CSC), and potential foraging habitat (cropland) for the Swainson's hawk (<i>Buteo swainsoni</i>) (FSC)." • Placement of a 150 acres of sports facilities and 50 acres of general park/recreational area in a location known to be part of an HCP or a NCCP constitutes an appropriation of potential habit for threatened and endangered species for non-wildlife uses. The EIR fails to explain why the proposed mitigation for this impact would result in a less than significant impact. (2) <ul style="list-style-type: none"> • Potential for other listed species to occur in the vicinity of the project site should be discussed. For example, California red-legged frog and California tiger salamander surveys were conducted in the area as part of the Tracy Peaker Plant construction. The CNDDB search results (explained in the Biology section) should be included here. Stating that the project does not conflict with the SJMSCP does not explain why potential impacts to wildlife/special species would be less than significant. 	<p>3-9</p> <p>3-10</p>

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Comments	
The term "smart pig" inspection should be explained to the lay reader.	3-11
1) <ul style="list-style-type: none"> • Areas adjacent to the project site that still are used for "active agriculture" could create agrochemical contamination issues at the site • The EIR fails to explain whether the chemicals listed still used in the Tracy area, and, if not, when use was discontinued. • The EIR should clarify what is meant by listing this set of chemicals as having the "greatest potential for being an environmental hazard"? Are they hazardous due to (for example) persistence and/or toxicity? • The EIR should explain whether other agricultural chemicals are/have been used in the project area and why these are not of concern. 	3-12
2) Sentence should read: "Several of these pesticides have been identified as having the potential to contaminate groundwater, including..."	3-13
3) Sentence should read: "Among the problems that can be caused by the aforementioned pesticides are contamination of groundwater and surface water and degradation of biological resources." Also, The EIR should explain what is meant by "degradation of biological resources."	3-14
4) MM 4.2.1 – First paragraph <ul style="list-style-type: none"> • The EIR provides no information regarding sampling locations. It is suggested that a sampling map be included. • The EIR should specify whether organochlorines will be the only target analytes and, if so, justify why other analytes should not also be included. • Change "The sample shall be statistically evaluated" to "Sampling data will be statistically evaluated..." • The EIR should explain how data will be presented and "statistically evaluated". and whether a human health risk assessment will be performed. If so, what are the receptors, pathways; chemicals, exposure scenarios, and screening values that will be used in the HHRA? • The EIR should specify what screening/threshold criteria will be used to determine the need for further sampling and remediation. • If screening/threshold values are exceeded, the EIR should identify the anticipated sampling and/or remediation activities may follow. • The EIR should specify whether soil sampling and analysis for agrochemicals will be conducted during construction. Construction equipment and activities have the potential to expose contaminated soil. • The EIR should include a recommendation for sampling and analysis after construction (i.e., to ensure that hazardous levels of chemicals are not being surfaced by recreational uses or deposition in the project area from adjacent agricultural uses). 	3-15

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Comments	
<p>5) MM 4.2.1 – Second paragraph</p> <ul style="list-style-type: none"> • First sentence should be changed to indicate that conclusions about soil chemical levels are not pre-determined. For example, "Comparison of surface soil chemical concentrations with regulatory screening values." • The EIR should specify the "regulatory action levels" to which soil sample levels will be compared. • The EIR should describe a range of mitigation measures that would be employed if screening values are exceeded. 	3-16
<p>1)</p> <ul style="list-style-type: none"> • The EIR should clarify whether the "former" transformers are still present. • The EIR should address whether leakage or spillage of PCB-containing fluid would be expected from electrical transformers. If so, would visible evidence of leakage or spillage be expected (i.e., would there be visible evidence, and would it last for years), or would testing (e.g., soil sampling) be required to determine PCB contamination? 	3-17
<p>2) MM 4.2.2</p> <ul style="list-style-type: none"> • The EIR should specify what screening values will be used to determine whether chemical levels constitute "a health hazard". • The EIR should further explain what "remediation" would involve. 	3-18
<p>1) The EIR should explain why the RCRA Hazardous Waste Generators listings not of concern?</p>	3-19
<p>2)</p> <ul style="list-style-type: none"> • The EIR should clarify that it is referring to the Owens-Brockway plant in this paragraph • In compliance with which standards? • The EIR should explain which tests are run biannually and when the plant was last source-tested? • The EIR should define the term "hazardous or toxic emissions" for the reader. • The EIR should explain the federal and State standards against which the emissions are compared. 	3-20

Comments
<p>3) MM 4.2.4</p> <ul style="list-style-type: none">• The EIR should be more prescriptive regarding the details on the emergency response plan that are necessary to mitigate this potentially significant impact to insignificant levels. For example, which events/chemicals should be captured by the plan? What specific notification procedures should be required? What evacuation drills/training be required/provided? By whom? How will facility users be informed of the plan and its procedures? What review of standards will be applied to ensure that the plan is adequate? Which department and personnel within the City will have responsibility for implementing the plan? How frequently will it be updated? How will the plan ensure the orderly movement of hundreds vehicles in the event of an emergency? Will wind socks be placed on the facility premises to help guide evacuees?

3-21

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Comments	
<p>This needs to be explained more clearly. Why does the fact that the chemicals will be moved during the construction phase of the project and the handling and transport must comply with regulations mean the impact is less than significant? The EIR should explain and quantify if possible whether there is a limited duration and low potential for exposure, particularly of the public once construction is complete.</p>	3-22
<ul style="list-style-type: none"> • Discussion should be added in the EIR on potential traffic hazards to pedestrians using the sports facility (e.g., children crossing the road). What measures will be in place to ensure that overflow or convenience parking on Schulte is not routine? What measures will be in place to prevent the unsafe crossing of Schulte to parked cars? 	3-23
<ul style="list-style-type: none"> • The EIR should address the adequacy of the posted speed limit on Schulte to maintain safe conditions near the facility. What measures will be in place to ensure the safe ingress/egress of vehicles using the facility from a relatively high speed thoroughfare? The EIR should address why signalization of the facility entry is not necessary to ensure safe exit from the facility 	3-24
<ul style="list-style-type: none"> • The adequacy of facility parking has not been adequately addressed in the EIR. The assumption that each vehicle holds on average 4 passengers is not conservative. Many vehicles will be single or two person occupancy. 	3-25
<ul style="list-style-type: none"> • <u>Main issue</u> –The EIR’s approach to road improvements to provide adequate LOS on roads surrounding the facility do not conform to CEQA requirements. The assertion of lack of funding does not relieve the City from the responsibility for describing all possible means of funding these necessary improvements or alternatives to avoid them and explain why the identified mitigation or alternatives are not feasible. If LOS impacts (reduction to unavoidable levels) are found to be significant and unavoidable, the City will need to make a legitimate and well-documented finding of overriding considerations. 	3-26

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Comments	
<ul style="list-style-type: none"> Mitigation measures recommended in Table 4.3-14 would improve peak PM LOS to "B" for all three intersections mentioned. However, text indicates that there is no funding for these measures. As stated above, the EIR must evaluate all possible means of obtaining this funding and alternatives to the project before dismissing these impacts as unavoidable. What measures could be taken to lessen traffic impacts at these three intersections, currently at F (Mountain House Parkway/I-580 EB Ramps, and Lammers Road/Schulte Road) and E (Hansen Road/Schulte Road)? These levels of service are inadequate if traffic is to increase in the area. 	3-27
<ul style="list-style-type: none"> Text states: "It is important to note that improvements at the intersection of Mountain House Parkway/I-580 Eastbound Ramps would be necessary regardless of whether or not Phase I of this proposed project is built." This statement makes the case for significant cumulative traffic impacts. The EIR should explain whether funding for this improvement has been identified and on what timeline. Would it be feasible and appropriate to delay the sports facility until such time as funding for the requisite traffic improvements is available? 	3-28
<ul style="list-style-type: none"> Text further states: "Phase I would not create an exceedance at this intersection since this intersection is currently operating at LOS E. However, it would contribute to the total future growth at this intersection requiring mitigation." The EIR must explain what mitigation would be implemented to reduce this to insignificant levels, and whether that mitigation will be adopted and funded. 	3-29
<ul style="list-style-type: none"> Mitigation measures recommended in Table 4.3-15 would improve peak PM LOS to "D" or better for all intersections mentioned. However, the EIR text indicates that there is no funding for these measures. These levels of service are inadequate if traffic is to increase in the area. This discussion is inadequate under CEQA for the same reasons noted above. The EIR must address all possible means to mitigate these impacts, including alternatives to the project, before finding that these impacts are unavoidable. 	3-30
<ul style="list-style-type: none"> How will future improvements to the Tracy transportation system be implemented, if there is no funding available? The EIR should discuss a possible timing for funding these much needed improvements or clearly explain the overriding need for these impacts. 	3-31
<ul style="list-style-type: none"> Text states that "Phase I would not create an exceedance at this intersection since it is currently operating at LOS E." Which intersection? There are no intersections in Table 4.3-14 currently operating at LOS E. 	3-32
<ul style="list-style-type: none"> Text further states: "Phase I would not create an exceedance at this intersection since this intersection is currently operating at LOS E. However, it would contribute to the total future growth at this intersection requiring mitigation." What sort of mitigation would be implemented, and who would fund it? 	3-33

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Comments	
There is no assessment of parking capacity - i.e., number of parking spaces available and numbers that will be required during normal and peak periods. This analysis needs to be performed and explained in the EIR. A more conservative estimate of vehicle use should be developed assuming a lower average vehicle occupancy than 4 persons per vehicle. An assessment of ability to move around the facility roads during different levels of use should be conducted. If the facility access roads are choked during peak use, traffic will back up onto Schulte and impact Schulte traffic flow.	3-34
A new state 8-hr ozone standard of 0.07 ppm has been adopted by the ARB and is expected to become effective in early 2006. This new standard should be reflected in the table. The table should also state that federal standards are not to be exceeded more than once, while State standards are not to be equaled or exceeded. The ozone standard is attained when the fourth highest eight hour concentration in a year, averaged over three years, is equal to or less than the standard. For PM10, the 24 hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above 150 µg/m ³ is equal to or less than one. For PM2.5, the 24 hour standard is attained when 98 percent of the daily concentrations, averaged over three years, are equal to or less than the standard. A more complete listing of the standards with appropriate footnotes is available at http://www.arb.ca.gov/aqs/aqs.htm	3-35
This statement is not correct. There are definitely periods where the wind will blow from the east and cause cumulative impacts on receptors located at the proposed facility. The EIR should specify the values of these cumulative impacts at the proposed facility and provide a numeric reference for determination of the significance of these impacts.	3-36
The EIR should specifically note that the project site would itself be considered a sensitive receptor. The placement of sensitive receptors in close proximity to industrial sources should be more fully analyzed and discussed.	3-37
The EIR provides no explanation or analysis in either the air quality section or the land use section demonstrating how the project will conform to this air quality policy. There is an apparent conflict between the project and this policy. This should be noted as a significant impact. Then the EIR should explain whether there are alternatives (such as alternative sites) or mitigation measures that would somehow lessen this impact to an insignificant level.	3-38
This statement is incorrect and misleading. There are several facilities that would be considered upwind, depending on wind direction. The EIR should clarify this by presenting a windrose showing the frequency distribution of wind direction and speed. In addition, the EIR should present the results of a cumulative health risk assessment, providing numeric estimates of cancer risk and hazard indices at sensitive receptors on the proposed facility site. These estimates should then be compared with specific significance criteria in order to determine potential significance.	3-39
Please include a legend so it is clear which species are indicated on the map.	3-40

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Comments	
<ul style="list-style-type: none"> • The EIR should clearly describe habitat conditions at the project site in previous section so it is clear whether grasslands, streams, rivers, etc. are present or absent from the project site. • Habitat for San Joaquin whipsnake is open dry grasslands and saltbush scrub. Habitat for California horned lizard is open grasslands with sandy washes and brush. California tiger salamander (CTS) (upland) habitat includes grasslands. The EIR should explain why the California horned lizard has a "low" potential for occurrence while the whipsnake and tiger salamander have no potential for occurrence, based on habitat conditions. • The EIR should discuss the potential for dispersal of species (e.g., California red-legged frog, California tiger salamander) into or through the project site. • The EIR should explain why the project site does not provide suitable aestivation habitat for CTS. • San Joaquin pocket mouse: for "Habitat", the EIR should specify what sort of habitat is used for breeding and foraging. • The EIR should explain why potential for occurrence for California horned lark is "low", considering they are known to forage onsite. The EIR should compare with the "high" potential for occurrence given to Swainson's hawk and "other raptors", which are not known to nest on site but may forage on site. • The EIR should explain why tricolored blackbird has "no" potential for occurrence, given that suitable foraging habitat exists on site. See horned lark and Swainson's hawk discussion, above. "Potential" designations in the EIR should be consistent. • Wildlife Species of Concern (CDFG) and CNPS special-status plant species should be included in this table and discussed in the text. • Avian species other than raptors that are protected by the MBTA (e.g., songbirds) should be included in this table and discussed in the text. 	3-41
<p>This needs to be better explained. Several listed species are known or likely to use cropland <u>on the project site</u>, including the San Joaquin kit fox, California horned lark, Burrowing owl, and Swainson's hawk. Numerous other species likely use the cropland habitat, including small mammals, several species of birds, and reptiles. The EIR should explain why the loss of this cropland is less than significant impact. Would all of the species, including the kit fox, be expected to find habitat elsewhere? What type of habitat is nearby? What is the acreage? Are there movement corridors between the areas of habitat? Is the surrounding habitat suitable for all species that will be displaced?</p>	3-42
<p>The EIR should explain this in further detail. Where is the similar habitat that species in the area can "move" to? What species would be expected to find habitat elsewhere, and what sort of habitat would replace affected habitat?</p>	3-43

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Comments	
<ul style="list-style-type: none">As a threatened species in the State of California, the Swainson's hawk is protected under CESA and MBTA. CDFG also has a mandate to "fully protect" species. The EIR should provide a more complete explanation.Measures in the SJMSCP that will mitigate for impacts to the Swainson's hawk (e.g., create or preserve habitat elsewhere) need to be better explained in the EIR. How will fees be collected? What habitat will be augmented for Swainson's hawk? Where will it be?	3-44
<p>The EIR should explain why, after razing, off-site mitigation should not be required for destroyed burrows:</p> <p>http://www2.ucsc.edu/scpbro/mitigation.htm</p> <p>http://www.dfg.ca.gov/hcpb/species/stds_gdl/bird_sq/boconsortium.pdf</p>	3-45
<p>MM 4.8.5</p> <ul style="list-style-type: none">Sentence should read: "... (potential dens are defined)"This sentence seems out of place and should be deleted, as the conditions under which dens can be destroyed is further explained below.Sentence should read "... the den may be destroyed when the adult fox has moved..."Should be "low- or no-cost activities."	3-46

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Comments
Measures in the SJMSCP that will mitigate for impacts to kit fox (e.g., creation or preservation of habitat elsewhere) need to be better explained in the EIR. How will fees be collected? What habitat will be augmented for kit fox? Where will it be? How will this offset on-site losses?

3-47

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

LETTER 3: JIM WILLIAMS, GWF ENERGY LLC

- Response 3-1: The commentor is referred to Master Response 3.4.1 regarding traffic mitigation.
- Response 3-2: Comment noted. The commentor does not comment on the adequacy of the EIR, therefore, no response is necessary.
- Response 3-3: The commentor is referred to Master Response 3.4.2 regarding Hazardous Risk Assessment and to Response 2.22.
- Response 3-4: Comment noted. Under Mitigation Measure MM 4.2.4 in the DEIR the City will prepare an emergency response plan applicable to the Tracy Youth Sports Facility.
- Response 3-5: The commentor does not comment on the adequacy of the EIR, therefore no response is necessary.
- Response 3-6: Comment noted.
- Response 3-7: The TYSF EIR and the industrial facilities acknowledge that 100% safety factors for the adjacent facilities are not realistic for any plant within an urban setting. For that reason the EIR requires the TYSF to implement a 50-foot buffer (DEIR p. 4.1-12 MM 4.1.2a) and to prepare an emergency response plan (DEIR p. 4.2-11 MM 4.2.4) in consultation with the industrial plants and the Office of Emergency Services. Mitigation measure MM 4.2.4 states the plan is to include evacuation routes and information regarding the relative risk and activities of neighboring industries.
- Response 3-8: The commentor is referred to Master Response 3.4.2 regarding Hazardous Risk Assessment.
- Response 3-9: Comment noted. The commentor does not comment on the adequacy of the EIR, therefore, no response is necessary.
- Response 3-10: The commentor is referred to section 4.8 Biological Resources for a list and discussion of potential special status species occurring in the project vicinity.
- Response 3-11: Comment noted.
- Response 3-12: The commentor is referred to Master Response 3.4.2 regarding Hazardous Risk Assessment.
- Response 3-13: Comment noted.
- Response 3-14: The commentor does not comment on the adequacy of the EIR, therefore no response is necessary.
- Response 3-15: The commentor is referred to Master Response 3.4.2 regarding Hazardous Risk Assessment.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

- Response 3-16: The commentor is referred to Master Response 3.4.2 regarding Hazardous Risk Assessment.
- Response 3-17: Comment noted.
- Response 3-18: Comment noted.
- Response 3-19: Comment noted.
- Response 3-20: The commentor is referred to Master Response 3.4.2 regarding Hazardous Risk Assessment.
- Response 3-21: Comment noted.
- Response 3-22: The construction phase of the project will comply with all federal, state, and local regulations to ensure the handling and transport will have no impact on the project site and surrounding vicinity.
- Response 3-23: The TYSF project does not propose improvements to the surrounding vicinity that would promote pedestrian, bicycle and transit modes of travel through the area. Parking on Schulte Road is also not encouraged nor is it anticipated at this time that it will be necessary for users of the facility to park utilize Schulte Road for overflow parking. The project will be constructed in phases and the number of spaces allocated for parking was deemed to be adequate for the usage anticipated. If the facility becomes so popular as to require parking on Schulte Road the issue of safety will be evaluated at that time.
- Response 3-24: The commentor is referred to Master Response 3.4.1 regarding traffic mitigation.
- Response 3-25: Parking areas will be located throughout the project site, providing access to each of the ball fields and accommodating 2,166 spaces. The City and YSAT view this estimated number of parking spaces as adequate for the amount of usage expected at the project site.
- Response 3-26: The commentor is referred to Master Response 3.4.1 regarding traffic mitigation.
- Response 3-27: The commentor is referred to Master Response 3.4.1 regarding traffic mitigation.
- Response 3-28: The commentor is referred to Master Response 3.4.1 regarding traffic mitigation.
- Response 3-29: The commentor is referred to Master Response 3.4.1 regarding traffic mitigation.
- Response 3-30: The commentor is referred to Master Response 3.4.1 regarding traffic mitigation.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Response 3-31: The commentor is referred to Master Response 3.4.1 regarding traffic mitigation.

Response 3-32: The commentor is referred to Master Response 3.4.1 regarding traffic mitigation.

Response 3-33: The commentor is referred to Master Response 3.4.1 regarding traffic mitigation.

Response 3-34: The commentor is referred to Response 3-25 regarding parking spaces.

Response 3-35: Table 4.5-1 in the DEIR is hereby modified as follows:

**TABLE 4.5-1
FEDERAL AND STATE AMBIENT AIR QUALITY STANDARDS**

Pollutant	Averaging Time	Federal Primary Standard	State Standard
Ozone	1-Hour	0.12 ppm	0.09 ppm
	8-Hour	0.08 ppm	<u>0.07 ppm-</u>
Carbon Monoxide	8-Hour	9.0 ppm	9.0 ppm
	1-Hour	35.0 ppm	20.0 ppm
Nitrogen Dioxide	Annual	0.05 ppm	--
	1-Hour	--	0.25 ppm
Sulfur Dioxide	Annual	0.03 ppm	--
	24-Hour	0.14 ppm	0.04 ppm
	1-Hour	--	0.25 ppm
PM ₁₀	Annual	50 ug/m ³	20 ug/m ³
	24-Hour	150 ug/m ³	50 ug/m ³
PM _{2.5}	Annual	15 ug/m ³	12 ug/m ³
	24-Hour	65 ug/m ³	--
Lead	30-Day Average	--	1.5 ug/m ³
	3-Month Average	1.5 ug/m ³	--

Notes: ppm = parts per million; ug/m³ = Micrograms per Cubic Meter.

The federal standards are not to be exceeded more than once, while State standards are not to be equaled or exceeded.

Source: California Air Resources Board, Ambient Air Quality Standards, <http://www.arb.ca.gov.aqs/aaqs2.pdf>, 2005.

The last requested notes were deemed too technical for inclusion in an EIR setting section and would be available to anyone interested through the citation.

Response 3-36: The commentor is referred to Responses 2-21 and 2-23.

Response 3-37: The commentor is referred to Master Response 3.4.2 regarding Hazardous Risk Assessment.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

- Response 3-38: The commentor is referred to Responses 2-2 and 2-22.
- Response 3-39: The commentor is referred to Responses 2-21 and 2-23.
- Response 3-40: The commentor is referred to Table 4.8-1 on page 4.8-7 for a list of Special Status Species potentially occurring on the project site or in the vicinity.
- Response 3-41: The EIR authors do not agree. The DEIR satisfactorily describes the biological conditions of the project site. Section 4.8.3 describes the major plant communities on the project site. Section 4.8.6 describes jurisdictional waters of the site.

It is unlikely that San Joaquin whipsnake or California horned lizard occurs within the habitat patches present on the site. In the Errata 4.0 the 'Potential for Occurrence' in **Table 4.8-1** has been changed to reflect 'low' for the California horned lizard. This change does not reflect in an alteration of the analyses of impacts presented in the DEIR. (See Section 4.0 – Errata.)

There are no known California tiger salamander sites within 3.1 miles of the project boundaries. In addition, the project site is plowed annually therefore it is unlikely to support occupied aestivation habitat for the species. The nearest aquatic habitat records for California red-legged frog are over one mile from the project site. In accordance with the Federal Register Notice 50 CFR Part 17 RIN 1018-AC 34 *Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the California Red-Legged Frog (1996)* aestivation occurs within 300 feet of aquatic habitat therefore the project site does not represent upland for the species. There is no stated evidence that the site provides dispersal opportunity for either species (connection between known population).

Comment is noted. Table 4.8-1 identifies the plowed field as providing foraging habitat for California horned lark and tri-color blackbird but states that it is low potential for nesting habitat since the project area is plowed. The same table states that nesting potential for raptors is low but foraging opportunity is high.

The EIR authors concur. CNPS species list 1B and 2 and California species of concern are addressed in table 4.8-1.

Other non-raptorial species are discussed in the table. The comment does not provide detail information in which additional species are of concern.

- Response 3-42: The EIR authors do not agree. Impact 4.8-1 and 4.8-2 provides sufficient explanation why the impact is considered less than significant. The comment does not provide additional data or analyses to refute the DEIR's conclusions.
- Response 3-43: Comment noted. Based on the aerial baseline presented in Figure 4.8-2, similar habitats are contiguous with the project.
- Response 3-44: Comment noted. The EIR authors concur. Table 4.8-1 on page 4.8-7 in the DEIR identifies Swainson's hawk as a federal species of concern, nesting protected through the MBTA, and state threatened species. Swainson's hawk

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

mitigation will be coordinated through VDFG and the SJCM SHCP in order to provide maximum benefit to species.

Response 3-45: Comment noted. Burrowing owls are a federal and state species of concern. Take of individuals and active nest site are prohibited through MBTA but there is no state or federal regulations protecting foraging habitat and the determination of significance thresholds through CEQA are at the discretion of the lead agency. Given the amount of similar habitat present in the region (See Impact 4.8.1). The City has determined the loss of foraging habitat to burrowing owls to be less-than- significant.

Response 3-46: Comment noted. The EIR authors concur. Mitigation Measure MM 4.8.5 on Page 4.8-15 in the DEIR has been modified as seen in section 4.0 Errata.

Response 3-47: Comment noted.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

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August 18, 2005

Mr. Alan Bell
Senior Planner
City of Tracy, DES
520 Tracy Blvd
Tracy, CA 95376

RECEIVED
OCT 19 2005
CITY OF TRACY

RE: Draft EIR Youth Sports Facility

Dear Mr. Bell,

Thank you for providing me with notice and a copy of the Draft EIR for the Youth Sports Facility on Schulte Rd. I have reviewed the document and respectfully submit the following comments for consideration.

1. Clarification of Project Participants

On July 15, 2003 when the Tracy City Council initiated the EIR process I objected to the sole source procurement of Pacific Municipal Consultants. I further objected because Mr. Brian Millar was a recently resigned former City of Tracy employee. In my opinion this represented a potential conflict of interest and an appearance of cronyism. City Attorney Debra Corbett rebuffed my objections. Upon reviewing the Draft EIR and specifically page 312 of section 8.0/8.1, I would like the City of Tracy to clarify the current employer and title designation of Mr. Millar. Further I would like the City of Tracy to identify the author of pg. 312 of section 8.0/8.1. I renew my objection to the City of Tracy utilizing PMC for the EIR. Additionally, on page 312 of section 8.0/8.1, Mr. John Palmer is identified as the City planner for the EIR. It is my understanding that Mr. Palmer is no longer employed by the City of Tracy.

4-1

4-2

The Draft EIR's original completion date was scheduled for October 29, 2003, so approximately two years has elapsed and an inordinate amount of time has been available to the City of Tracy and PMC to proofread and edit the document. If page 312 of section 8.0/8.1 is illustrative of the Draft EIR's accuracy it calls into question any and all data being offered for review.

4-3

2. Cumulative Air Quality

Throughout the preliminary workshops and hearings for the Youth Sports Facility, Tracy citizens and some Councilmembers expressed concern about the project site because it is adjacent to heavy industrial facilities. On July 15, 2003 when the EIR process was approved by the Tracy City Council, Councilmember

4-4

- Ives requested that the “EIR needs to take a specific look at air quality” and “He felt the analysis needed to be very detailed on air quality in the area” and “drive that question into the ground”. Unfortunately the Draft EIR did not evaluate site specific and site surrounding cumulative air quality impacts and the necessary mitigation. Instead the draft EIR gives us regional data and mitigations. 4-4 cont.
- I renew my and others requests for a site specific and surrounding site specific analysis of air quality that evaluates the cumulative effects of the site in concert with the industrial chemical emissions from the adjacent industrial plants. Attachment A is a comprehensive list of the chemical emissions by neighboring plants. The EIR should consider the recent facility growth of Owens Brockway and therefore a corresponding increase in emission output from the facility. The EIR should consider the recent facility clean up measures undertaken by GWF Biomass Plant and a corresponding increase in emission output from the facility. The EIR should consider a potential for increased emission activity from the GWF Tracy Peaker Plant because its licensing agreement permits more potential start up activity than was originally projected and the potential for increased emission activity from the facility. The EIR should consider the industrial zoning designation of surrounding properties offered for sale and the potential for heavy industry chemical emissions from those properties. The EIR should consider the cumulative chemical emissions from industrial facilities adjacent to the site in the absence of windy days. The data used for windy days should come from the studies conducted for the GWF Tracy Peaker Plant licensing process, not from a wind terminal in Stockton. The general assumptions in the Draft EIR on wind patterns are not consistent with the data from the Peaker Plant licensing process. The citizens and Councilmembers have requested site specific and site surrounding specific data. 4-5
- 3. Soil Contamination**
 On July 15, 2003 when the EIR process was approved by the Tracy City Council, Councilmember Tucker called for complete and comprehensive soil testing. The Draft EIR indicates that soil testing will be performed prior to issuance of a grading permit. That is not acceptable because the purchase of the property puts public funds at risk if eventual soil testing determines that mitigation measures would be too costly for project continuance. Attachment A is a comprehensive list of the chemical emissions from the neighboring plants that should be included in soil tests. Further the possible site specific soil contamination issues identified in the Draft EIR should be tested for prior to City Council approval of the EIR and prior to purchase. 4-6
- 4. FAA Building**
 The Draft EIR does not reiterate precisely the data from the Tracy Learning Center EIR, which identified an extreme level of asbestos contamination present in the abandoned FAA Building on the project site. Costly mitigation for removal of the building will surely have an effect on project feasibility. The EIR should specifically present the asbestos data previously discovered by the prior EIR. 4-7
- 5. Public Health and Safety**
 The Draft EIR does not include a combined cumulative Health Risk Assessment. Since the project’s purpose is athletic playing fields for children the EIR should include a combined 4-8

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Page 3

cumulative Health Risk Assessment. It is not sufficient for the authors of the Draft EIR to claim exemption from a Health Risk Assessment because the citizens have requested it in order to ensure the health of their children when playing on the athletic fields, they will be "sensitive receptors".

4-8 cont.

The EIR should analyze public safety risk of open public access and participation on a site where a power plant, high volume gas lines and an active railroad intersect. There may be a potential for terrorist opportunity.

4-9

6. Chrisman site as project alternative

Although it is a superior site the city owned property at Chrisman should not have been considered as a project alternative in the Draft EIR because the site has been actively promoted for sale by Mayor Dan Bilbrey and former City Manager Fred Diaz since May 26, 2004, (Attachment B, Tracy City Council Meeting June 15, 2004, pg. 10) and more recently by Mayor Dan Bilbrey and current City Manager Dan Hobbs. Even though no public process that resulted in Council direction to redesignate the site use and promote it for sale ever took place after May 1, 2003 and prior to the September 20, 2005 Council Meeting the site was undeniably "on the market". Additionally, YSAT has rejected Chrisman as a site option.

4-10

7. Project Partners

The Draft EIR assumes the project partners are the City of Tracy and YSAT (Youth Sports Alliance of Tracy). The Draft EIR assigns specific mitigation responsibilities to YSAT without qualification of their financial or functional ability to perform and complete those mitigations. Public funds may be compromised by continuing to assume YSAT has the ability to fulfill its partnership role. The propriety and legality of volunteer labor on a public project should be explored.

4-11

Throughout the workshops and public hearing process for the project community members and the site planning consultant, Beals Alliance Inc. identified that the site would be used not only by City of Tracy participants but by families that lived in surrounding county areas such as Mountain House, Banta, Jefferson, etc. The City of Tracy should identify and partner with surrounding rural communities that will participate in youth sports on the site and attempt to partner with them on the financial and practical elements of the project.

There's no urgency to ratify the EIR until these issues are fully addressed. YSAT President Fred Kruger has stated it was understood at the beginning of the project that it would be a long process of possibly twenty years. There've been significant delays to the project timeline although clearly it's not a priority for the City Council since the Draft EIR was due on October 29, 2003 yet no Councilmember inquired on its delay at any public meeting until February 2005. It took city management six months to supply a revised project schedule and the GSA property negotiations haven't been brought back to the Council as promised by city staff on May 3, 2004 "within 30 to 60 days". The Chrisman site was purchased nearly fifteen years ago for a community park yet remains barren and it has been four years since the City Council was approach by YSAT in October of 2001.

4-12

Please let me know if you have any questions or require any supporting information.

Sincerely,



Carole Dominguez

Cc: Leland Villalvazo, SJVAPCD
Tracy City Councilmembers

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

GWF - Tracy Peaker - Projected

Turbine Emissions

	LBS./YR.	LBS./HR.
Acetaldehyde	302.3825	3.67E-02
Acrolein	73.5525	8.92E-03
Benzene	92.34925	1.12E-02
Formaldehyde	768.215	9.31E-02
Naphthalene	6.538	7.92E-04
PAH's	1.6345	1.98E-04
Propylene	8599.105	1.04E+00
Toluene	593.3235	7.19E-02
Xylenes	236.1853	2.86E-02
Ethyl Benzene	107.877	1.31E-02
Hexane	14301.88	1.73E+00

Diesel IC Engine

Diesel Exhaust	
Lb / Hr	Lb / Yr
0.11	21.90

Inventory Year 1997

THERMAL ENERGY DEV. CORP, LTD (Tracy Operators) (Currently named Tracy Biomass)

CAS #	POLLUTANT NAME	Lb/ Yr	Lb / Hr
1086	Dioxins, total, w/o individ. isomers reported	5.75E-04	9.43E-08
1150	PAHs, total, with individ. components also reported	1.29E+00	8.31E-04
1151	PAHs, total, w/o individ. components reported	2.07E+00	1.41E-02
1210	Xylenes (mixed)	6.56E-01	4.90E-02
50000	Formaldehyde	5.41E+01	4.41E-02
50328	Benzo[alpyrene	2.07E+00	1.41E-02
67663	Chloroform	2.18E+01	2.67E-03
71432	Benzene	4.37E+01	1.12E-02
75070	Acetaldehyde	5.27E+01	2.62E-02
79005	1,1,2-Trichloroethane	2.88E-01	2.40E-02
91203	Naphthalene	2.37E+01	1.80E-02
100414	Ethyl benzene	2.88E-01	2.40E-02
106990	1,3-Butadiene	4.85E-03	6.97E-05
107028	Acrolein	1.32E-01	1.01E-03
108883	Toluene	4.20E-01	2.56E-02
108907	Chlorobenzene	6.93E-04	9.96E-06
108952	Phenol	2.44E+01	4.00E-03
115071	Propylene	2.90E+00	2.59E-02
127184	Perchloroethylene {Tetrachloroethene}	2.88E-01	2.40E-02
132649	Dibenzofuran	1.64E-03	2.69E-07
1336363	Polychlorinated biphenyls (PCBs)	5.97E-02	9.80E-06
7439921	Lead	4.14E+00	1.00E-03

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

7439965 Manganese	1.54E+01	2.61E-03
7439976 Mercury	8.06E+00	1.33E-03
7440020 Nickel	6.17E-01	2.35E-04
7440382 Arsenic	5.46E-01	1.24E-04
7440417 Beryllium	5.69E-02	4.13E-05
7440439 Cadmium	1.15E+00	2.42E-04
7440473 Chromium	2.34E+00	3.86E-04
7440508 Copper	1.41E+01	2.50E-03
7440666 Zinc	9.40E+01	1.64E-02
7647010 Hydrochloric acid		
	6.33E-01	9.09E-03
7664417 Ammonia	4.53E+04	7.43E+00
7782492 Selenium	2.48E-01	6.04E-05
7782505 Chlorine	9.19E-02	1.13E-05
18540299 Chromium, hexavalent (& compounds)		
	2.34E-01	4.46E-05

Owens-Brockway

Pollutant	Annual Emissions	
	(lb/yr)	(lb/hr)
Ammonia	12640.00	1.505
Arsenic	22.98	0.003
Benzene	4.89	1.878
Benzene	200.03	0.024
Cadmium-food	40.84	0.005
Chromium (hex.)	0.58	0.000
Formaldehyde	470.96	0.560
Hydrochloric acid		
	53524.70	6.398
Lead	433.97	0.052
Manganese	3.83	0.000
Methyl chloroform		
	27104.00	3.360
Methylene chloride		
	1659.68	0.198
Nickel	17.86	0.004
Selenium	1210.45	0.532
Xylene	158.62	0.901

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3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

City Council Minutes

10

June 15, 2004

Council Member Tolbert spoke in support of the item, and the amount of time and the commitment of elected officials who serve the City.

Following reading of the title of proposed Ordinance 1064, it was moved by Mayor Pro Tem Ives and seconded by Council Member Tolbert to waive reading of the text. Voice vote found all in favor; passed and so ordered. It was then moved by Mayor Pro Tem Ives and seconded by Council Member Tolbert to introduce proposed Ordinance 1064. Voice vote found all in favor; passed and so ordered.

7. ITEMS FROM THE AUDIENCE – None.

8. STAFF ITEMS

A. Status of the Proposed Lease of a City Owned Parcel, Described as Assessor's Parcel Number 232-150-08, Located at 1635 Lincoln Boulevard to St. Paul Lutheran Church and Bella Vista Christian Academy for use as an Extension of Their School Playground – Kuldeep Sharma, City Engineer, presented the staff report. On May 18, 2004, the Council took testimony from the public and the applicant regarding the proposed lease of a City owned parcel. The Council requested the applicant work with neighboring property owners to address their concerns and directed staff to bring back the item in one month. To date, the applicant, St. Paul Lutheran Church, has conducted two meetings and is trying to resolve the issue. The applicant plans to schedule more meetings with neighbors to reach a mutually acceptable solution. Staff will reschedule this item for Council consideration when it is ready. Council accepted the report

B. Update Regarding a Proposal to San Joaquin County for Locating a Future South County Court Facility in Tracy – Andrew Malik, Economic Development Director, presented an update on the "Superior Courts of California – San Joaquin County Master Facilities Plan," and the future location of a South County regional court facility. The Master Plan identifies either Tracy or Manteca as the future location for this facility.

On May 4, 2004, staff presented information to Council regarding the advantages and disadvantages of locating a regional court facility in Tracy. While the benefits appear to outweigh the negatives, staff was directed to make a proposal to the County on several potential sites, excluding the downtown "Bowtie" area. The sites, and the general parameters of the proposal, were to highlight the advantages of Tracy as a superior location serving a growing regional population.

On May 26, 2004, the Mayor, City Manager and staff made a presentation to the County regarding three prospective sites for the regional court facility; 1) Gateway, 2) Cordes Ranch, and 3) the City owned Chrisman property. In addition to County staff, Supervisors Leroy Ornellas and Victor Mow were in attendance at the presentation. Additional sites such as the Bright property just north of the Gateway project, and Tracy Hills were suggested as potential options. The County indicated that timing for the project, which is unknown at this time, may have a bearing on which sites are recommended. More specifically, if the project is several years away it may be in the court's best interest to purchase property now that is in the entitlement process, as it may be

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

LETTER 4: CAROLE DOMINQUEZ, RESIDENT

- Response 4-1: Comment noted regarding the comment directed at Mr. Millar's employment status. Mr. Brian Millar is no longer an employee with either the City of Tracy or Pacific Municipal Consultants (PMC) and has had no affiliation with the Tracy Youth Sports Facility project since right after the inception of the environmental review process. Bill Dean should have been listed as Planning Manager for the City. Mr. John Palmer was the City Planner on the TYSF project CEQA review up until publication of the DEIR. Mr. Palmer's name should remain on the preparer's list, as he was involved in much of the project up until his departure. Staff changes are often necessary during the preparation of environmental documents. At PMC, Ms. Janet Palma took over as Project Manager for Margaret Kavanaugh-Lynch. Please see the Errata to the DEIR for a revised Section 8.0.
- Response 4-2: Mr. John Palmer was the City Planner coordinating the TYSF CEQA review until publication of the DEIR and the commentor is correct in that Mr. John Palmer is no longer employed by the City of Tracy. The current coordinator from City staff for the CEQA portion of the project is Mr. Alan Bell. A revised Section 8.0 Report Preparers has been included with FEIR's Section 4.0 Errata.
- Response 4-3: Comment noted. Section 8.0 Report Preparers has been updated with current staff members. Updates to a Report Preparers section do not indicate the accuracy of the entire EIR or the data contained therein.
- Response 4-4: The DEIR contains a qualitative analysis of the relationship of the project site, as a new sensitive receptor, to existing sources of TACs and concluded that impacts would be less than significant.
- The commentor is referred to Master Response 3.4.2 regarding Hazardous Risk Assessment.
- Response 4-5: The commentor is referred to Master Response 3.4.2 regarding Hazardous Risk Assessment.
- Response 4-6: Comment noted. The commentor does not comment on the adequacy of the EIR; therefore, no response is necessary.
- Response 4-7: An asbestos survey of existing structures on the project site may be required to identify the presence of any asbestos containing building material (ACBM). Mitigation measure 4.2.2 will ensure that all District rules will be followed regarding removal of asbestos containing materials.
- Response 4-8: The commentor is referred to Master Response 3.4.2 regarding Hazardous Risk Assessment.
- Response 4-9: Comment noted. The commentor is referred to Master Response 3.4.2 regarding Hazardous Risk Assessment.
- Response 4-10: Comment noted.
- Response 4-11: Comment noted.

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Response 4-12: Comment noted.

Letter 5

CITY OF TRACY – CITY COUNCIL MEETING 10/18/05

Meeting Chairman: “Item five is the public hearing to receive comments on the proposed Tracy Youth Sports Facility Draft Environmental Impact Report and uh, Allan are you gonna share with us please.”

Alan Bell: “The Tracy Youth Sports facility has proposed to consist of ball fields and a public park on a 200 acre antenna farm site. Two years ago the City Council authorized an agreement with Pacific Municipal Consultants to prepare an Environmental Impact Report for the project in accordance with State Environmental Quality Act Guidelines, the Draft EIR has been prepared and we are currently in the middle of that 45-day public review and comment period. That comment period concludes on November 2nd of 2005. Copies of the Draft EIR and its Notice of Availability were sent to the State Clearing House or sent to public and private agencies, nearby property owners and other interested parties and we’ve already begun to receive comments on this Draft EIR. Tonight’s hearing is a chance, or is an opportunity for people to comment on this Draft EIR who prefer to do so in this format. The purpose of this agenda item is to receive comments and questions only, uh city staff and PMC staff are here to take notes, a responses to comments and questions received tonight and otherwise on the Draft EIR will be published with the Final Environmental Impact Report, so staff recommends that the City Council open the public hearing, receive comments on the Draft EIR and no other response or action is necessary and that concludes a report.”

Meeting Chairman: “Thank You Alan, um questions of Mr. Bell.”

Irene Sundberg: “Yes Alan, can you tell me um who was notified on this list, who was notified?”

Alan Bell: “There were about 40 names and addresses on the list, specifically the agencies, the state agencies through the State Clearing House, all neighboring properties owners, there are a dozen and a half or so neighboring property owners and another eight to ten individuals who’ve expressed interest in the project over the past several years, um YSAT individuals, city staff members, council members, uh makeup the bulk of that list.”

Irene Sundberg: “Um, would the San Joaquin Valley Unified um Air pollution control district have been one of those that should have received a notification of this?”

Alan Bell: “I don’t specifically recall if, if they were on this list.”

Irene Sundberg: “Ok”

Alan Bell: “We’ll certainly get that together.”

Irene Sundberg: “And can you tell me um, was the Motherlode District of the CR club on the list?”

Alan Bell: “Don’t have the list at hand tonight.”

Irene Sundberg: “Can you get that information to me?”

Alan Bell: “You bet, we can get the whole list available to the Council.”

5-1

Irene Sundberg: "Also, I have an e-mail here that I'll make, give out to everybody and we'll make it part of the record, that came from the San Joaquin Unified Air Pollution Control District to me, and um it basically is asking because they were not notified for them to have an extension of 2 weeks on this because they have not even as of today received their copy of the Draft EIR. So I hope that we would make that available to them and the CR club as soon as possible, and anyone else that didn't get a copy. Um, my other questions have to do with um a health risk assessment. I um, noticed that in the EIR or the Draft that um the glass plan has doubled in size since the 80's and um, there was no mention of that sizing in our draft. The biomass has changed owners and their production and there was no mention of that either in the EIR. I'm finding that um, there were quotes in there from the San Joaquin Air Quality Control District and the gentleman, I talked to him on the phone today and he said that the staff interviewed him over the phone, but none of the answers that he gave were answers that he would have put down in writing, so they would definatly like the opportunity to respond. I'm also concerned about um the sensitive receptors out at the property. They, we mention the existing home, this is for the Sports field, that's great, but we didn't talk about what the children and the adults with health issues are going to be, those are also sensitive receptors, the fact that they are still growing and the fact that the adults may have health issues are reasons that we should be doing a health risk assessment. Costco and Safeway warehouses are not identified and they both blow east over the land that we're talking about putting our children on. They also have within them, large amounts of ammonia that's used for refrigeration, pesticides, chemicals and detergent, which if they caught on fire would end up in a mess just like Richmond had several years ago. Our traffic, we're looking at traffic, but yet can you tell me how YSAT going to pay 14% of the intersections at both Hansen and Schulte and supposedly the new Schulte and Lamerse. Um, I don't have any clue as, they have no funding source yet, how can they pay their 14 % on the improved traffic for those areas. I'm very concerned about um the adversarial relationship that we've placed with the Board of Supervisors at this point, and they've already said that they won't do West 11th for us, so I am hoping we can partnership and make sure that we have mended our fences with the Board of Supervisors when this project is to come about."

5-2

Dan Hobbs: "I'm sorry, could you repeat that about..."

Irene Sundberg: "Well, we formed an adversarial relationship in the last couple of weeks on two projects and I don't wanna go into that, but the Board of Supervisors is not very happy with this point, and I've had several calls from our local supervisor and I've talked to him and he is not a happy camper, so I think it's important that we mend those fences and that we take care of that."

Dan Hobbs: "So tell me the relationship between public comment on the EIR and our relationship with San Joaquin County."

Irene Sundberg: "I believe that San Joaquin County is not willing at this point to give us any help on doing anything at this point as far as it comes to traffic because of the fact that we have not you know, taken care of business and the fact that this is county property that we're talking about, it has not been annexed into the city."

5-3

Dan Hobbs: "Thank you."

Irene Sundberg: "Thank You."

3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

Chairman: "Well, this is a public hearing o the Draft EIR, we wanna stay on that, but I would certainly take exception to those comments, I don't think they resemble reality at all, any other comments from the council, if not this is a public hearing, please come forward, state your name for the records and share with us if you would please."

5-3 cont.

Shirley Thompson: "Shirley Thompson, 1239 Adams Street, President of the Tracy Youth Soccer League. I am here to tell you I am extremely disappointed in this council, I'm disappointed in the City of Tracy at this time. I stood before you four years ago, four. Ms. Sundberg, I apologize, you were not on the council at the time, this is not directed at you. Four years ago you told us you were gong to surge ahead for a place for the children of Tracy to play baseball and soccer. We are constantly being thrown out of here and there and everywhere. Since I last talked to you, were at 2500 children now, just in my league. 2500! You guys have no problem building new homes, new commercial real estate, you guys can shake your heads at me all you want, I am extremely, I have lived here all my life and you know it too Brent. All my life I have lived here, 4 years ago you guys, I thought you guys were receptive to the needs, 4 years. My understanding at that time is you guys were going to hold the Chrisman site, put that on hold until all of this with the antenna farm is done. Well, apparently that's not true either. Well I wasn't lucky enough; the zip lady will probably be to see this in my children's lifetime, as they're gone now. I am just praying that we get it for my grand children. I am very disappointed, we're shuffled everywhere, baseball, soccer, were all shuffled, I thought we were all here for the same reason. You can be mad at me, you can cuss me and call me the name that people like to use for me, but I am here for the kids of this town, I'm not here for you anymore than I was. I am not here for the parents of these kids; I'm here for the kids. Tracy has a lot of land everybody; I don't care what you say. You guys have enough land to build everything else you want, but when it comes to the kids of this town, it's obvious to me that nobody really cares and I will not hesitate anymore. I have kept my mouth shut for 4 years, and it's going to take my last dying breath, I'm going to be screaming and hollering about this. You've got, complexes in Pleasanton, Dublin, Danville. They're smaller than we are for heavens sakes. They're all moving over here. Babe Ruth, Little League, Tracy Youth Soccer, we can't accommodate these kids anymore, so we can't take these kids and keep them busy to where they're not going to get into trouble, what are we producing here. But, everybody will do what they wanna do and I will continue the fight just as everybody else, that if this antenna farm is not feasible in the very near future, you need to look at another alternative for these kids. Thank you."

5-4

(Applause)

Susan Sarvey: "Susan Sarvy, 26139 Corral Hollow Road. I started talking with the pollution control district last week. I informed them that I had the EIR, I was very upset about some of the comments that were attributed to them in the EIR because I had talked to them 3 years ago and the comments I saw in the EIR did not mirror my conversations with them. I have spoken to them daily for the last 10 days. They still, today do not have a copy of the Draft EIR. The Air Resource Board has promised to look over all of the pollution control districts comments that are going to come back to you on this EIR. Everyone is shocked that we have a Draft EIR that states there is one sensitive receptive, a home next to these ball fields. This EIR is for ball fields and by law to be a valid EIR, the children have to be identified as sensitive receptors, they have to be, their lungs are developing. It is against pollution Control District Guidelines to put sensitive receptors next to gross polluters. Owens-Brockway is our largest gross polluter in Tracy. I understand that most people in this room do not understand Air Quality the way that I do. What you do need

5-5

to understand is that Owens-Brockway has been here first, they provide jobs and they need to be allowed to do what they are doing because we need those jobs...

END OF TAPE 1

BEGINNING OF TAPE 2

Susan Sarvey (Con't): "...Safeway fire in Richmond, it almost bankrupted Richmond. Those people for miles around had permanent health affect damage from breathing chemicals, pesticides, detergents, all of them burning at the same time, with paint, solvent, all different kinds of things that you find in a grocery store. We have Costco and Safeway right there and anhydrous ammonia to run their cooling systems and their refrigeration. If there was a leak, it would blow east directly over the ball fields, directly on those children. The Pollution Control District has already started working on the health risk assessment. They are working on it right now. They're re-evaluating Owens-Brockway, the Peecker Plant, the Biomass Plant, Safeway, Costco, all of the industries that they were not told about, they got, they had to obtain aerial photographs of the site, they were under the impression that we were talking about putting open space at the antenna farm. They were never told there was going to be children there by our city staff when they were interviewed. You need to give them the two weeks, you need to give them the two weeks, you need to re-do this public comment in 4 weeks. You need to let all of us get that public comment from the Pollution Control District and the ARV, we should be aloud to review what is going to happen to our children if they breath these toxic contaminants. That woman is entirely right. We have been talking about building these ball fields for a long time. There are many kids that do not get to play ball. They should not have to choose between having healthy lungs to play sports, or not get to play sports at all. You have insisted upon going forward with this, you've refused to look at the health affects of it, no one wanted to look at the cumulative health affects from the pollution that was coming out of those plants, when I talked to you about it, five years ago, she's talking about four years ago, I'm talking about when this first came up, it wasn't good enough for the INS, it wasn't good enough for Delta, but for some reason its good enough for our little kids, and its not YSAT fault that they don't understand how dangerous these air quality things are, it took me a long time to understand it, and I have talked to experts the entire time we have been going through this process and people cannot believe that we would actually want to put our children next to a glass plant. They don't understand that, we need our industrial quarter to be our industrial quarter; we need to have industry in Tracy for jobs. We need the support services that come from these industries. We do not need our young children in the middle of that. That is absolutely unconscionable, I would ask what my husband asked you when he was here last time, if the Delta deal falls through, I would ask that you immediately vote to proceed with building the ball fields and the aquatic center at the Chrisman site, we own the land, the infrastructure is there and you already set the money aside, so what are we waiting for? Thank You!"

5-5 cont.

Jeff Hoffman: "Good evening, Jeff Hoffman, Southern 58, Lawn Court. I actually want to echo the ladies statements that was here a minute ago, I was sitting over there listening to everyone else talk and it seemed to make so much sense to me that we could sit down and accomplish both the goals that we're discussed here tonight in one step. The Chrisman Road facility is large enough for both, both the aquatic complex and a sports complex for our children to play in. It provides a central location for the entire community to come to and its really supporting all of our kids. I have 3 children involved in every sport that's going to be talking here tonight and I want someplace safe for them

5-6

to be. I've known for a long time from all of my discussions with everyone out here that, that is not a safe environment for my children to be in and I want them some place safe, so that they can grow in this community that they live in. The didn't have a choice to move here, they were moved here by their parents, so they're gonna grow up here no matter what happens and they need to be safe in doing that. Thank You."

5-6 cont.

Tom Benigno: "Good evening Mayor, Council, Ladies and Gentlemen, my name in Tom Benino, I live at 2473 Angora Court, Tracy. The lady that just spoke was very eloquent and very whatever the word is, very angered and she had the right to be angered, but I think that there is some other issues that are, that are very difficult here and it almost makes it impossible to discuss because first of all, we're crossing territory of another issue that we just talked about and we can't talk about it cuz now it's no longer an issue that is on the agenda, so I'm speaking about the, the a sports park and I'm also speaking about the college, um which is being on the agenda, uh shortly. This significance of Hansen, not Hansen, I keep talking about Hansen Road, the significance of Chrisman Road property, a 106 acres was designated supposedly for parks. Now I sat here, I've been sitting here for some oh, I don't know 8 or 10 different city council meetings, I did listen to some discussion in regard to a the size of the pool for the aquatic center that were supposed to go Lowell Avenue. I heard someone talk about two and a half acres. Now I don't know why we need twenty acres for an aquatic park, cuz two and half acres is your gonna put a pool, that's a pretty big pool and pretty big aquatic park. Now if you need parking, I think that's a different agenda, but the significance of what I'm saying is that, that Alveraz property was sold some twenty years ago or twenty five years ago at a pretty fair price in them days. Today its value is much greater, but as the gentleman from the Tracy Tomorrow spoke about the question of money to partnership that particular property for the aquatic center is really..."

5-7

Mayor- Dan Bilbrey: "Tom, Tom, excuse me, this is about the EIR..."

Tom Benigno: "I understand, I said that your under, Mayor because we had to cross over into territory, but I think if we consider moving the EIR to another location, we're talking about mixing oranges and apples here, cuz I think it's a systematic problem that we have the way we do our EIRs and how they're in place, I think we need to understand that every action creates reaction and we're gonna have a reaction here that these people want an aquatic pool, we're talking about, we're gonna short come in the money, we're talking ten billion dollars. I'm saying why can't they go ahead and adopt part of that money of that park; it's already bought, so that would reduce the figure of um from ten or twelve million back to six million. I don't know why they couldn't do that because this is what the problem is that we're trying to solve, we're trying to solve that problem, so if its possible to do that and not go to the, to the Glasspent property up there by the towers. Now I think, I farmed that property for a couple years up there, it's impossible, it's absolutely impossible to consider that would be a recreation area. Bad enough it wasn't going to be a college some ten or twelve years ago, so it just doesn't, it just doesn't fit. If it doesn't fit you gotta do something else. Thank You."

Chairman: "Thank You, Anyone else?"

Marlene Wilkonson: "Hi, my name is Marlene Hulkenson, and it's the first time I've been to a city council meeting, so I'm a little nervous, but in my opinion, I drove by the antenna farm and I don't know why we would wanna spend all the money we're going to spend for a city for a kids sports park in an industrial zone. It's not a gateway into our city, um you come in from eleventh street and you see the adult one and its like wow,

5-8

they've got their act together and coming in the other way you have nothing, so I would highly suggest, I (smukem ?) my kids go up and play on soccer or softball in that kind of environment between those two industrial things, so that's my opinion."

5-8 cont.

Chairman: "Thank you, anyone else?"

Celeste Garamendi: "Celeste Garamindy, 121 East Eleventh Street. With regard to the EIR, um the major deficiencies have been identified. One is the lack of an Air Quality Assessment, the second is the Health Risk Assessment, both of which were identified as necessary in the discussions before the council leading up to this and I believe um Brent Ice specifically agreed with the air quality. There was dispute about the Health Risk Assessment but there were some council members that did not think that was necessary but I really cannot imagine any of you wanting to give your approval to this EIR without that Health Risk Assessment being completed given the issues that have been identified, secondly the buffer areas required as a result of this and the amount of land that will not be able to be used is another issue that needs to be more clearly discussed and identified within this EIR, there's no question that the usable portion of that property is going to be far less than what has been touted because of the need to have adequate buffers around the various hazardous, gross hazardous sites as have been identified, and then the feasibility does need to be considered more thoroughly and affectively, this has been an issue that we have identified numerous times. The City, unfortunately has taken advantage of the good will of YSAT by saying we'll provide the land, YSAT you build the millions of dollars in facilities, I cannot believe that anybody cannot see that that is not feasible, um for them to in fact raise millions of dollars of funds to develop the facilities, let alone some of the infrastructure impacts or mitigation impacts that were identified and so this analysis has to be realistic and at this point it isn't. It's important that we in fact make this analysis realistic and not a pro-forma attempt to push this through because I believe now we've taken the positive step of acknowledging that we need youth facilities, sports facilities that have been long overdue for far too long. Aquatics facilities as well as sports fields, there has been discussion tonight with regard to both of these, both items, well gee, we don't have the land and we don't have the money. Well in fact that is not true, the City does have the land, the city has over 100 acres at Chrisman and Eleventh that it owns. The property that was planned for city park facilities and that can be put to use for these facilities today. Any issues that have been raised about the appropriateness of those facilities have now been completely put to rest because the city has been touting, the appropriateness of Chrisman and Eleventh for the Delta property, for the Delta campus and in fact has said one of the options that's considering is a joint venture on the aquatic facilities, additionally the city has identified millions of dollars in subsidy to go into that Delta deal, so the land is available for our sports parks whether they be aquatic or sports facilities and the money is available to develop those now. What is lacking is simply the commitment and the will by the council to designate the available land which is appropriate and to designate the available funds which exist to go to this priority. Once again we call on the council to take the action that it has the ability to take now. If the Delta deal does not go through, to designate the Chrisman and Eleventh Street property for park facility and begin immediately to build both the aquatic centers and the sports fields at that site, perhaps clearly other facilities will be needed in the future, but we cannot delay and pretend any longer that we can go down a path that isn't going to lead us to the fruition that we need of getting these facilities in place as soon as possible. Thank you."

5-9

(Applause)

Mark Miller: "Good evening, my name is Mark Miller, I live at 860 Independence Drive. Kind of a dual role here, I am the president of Babe Ruth baseball here in town and also a member of YSAT, and while I can understand peoples concerns about the health environment of that area, we gotta remember that we are not building hundreds of acres of homes where families and children live year round. What we are talking about is an area where people come to play a couple times a week, yep there doing physical activities, there are families coming out to watch, but its not the same as living there, its not the same as people living there, working there, you know fifty hours a week either. But I also wanted to stress the need for fields absolutely immediately at least for our own organization. Our league represents over nine hundred families and about twelve hundred children ages four years old up to fifteen years old and our league is very concerned about the availability of fields. Not only are we growing in the number of children we attract, the number of field spaces that are available to us continue to shrink, so we're talking about not even having the ability to maintain status quo, and we'd like to urge the council to expedite the purchase. The fields our league has built and maintained, and I mean built and maintained are becoming less available to our own leagues because of dual use with the Tracy Unified School District, we are our own school and so you know all the agreements are based upon first come, school children, second come, Babe Ruth. The City of Tracy's ballpark as most of you are well aware of, that's going to be decommissioned, it's going to be, the fields are going to be removed, I believe it's going to be into football, soccer, open space areas. We typically play on that six days a week, that's soon to be gone. Babe Ruth has been notified by Monte Vista, that they're going to continue to expand and as they have to put more portables, guess where they're gonna put them? They're going to start taking up one or two of our fields, we've been notified that its just a matter of time, its going to happen and so as I say, we really have been unable to maintain status quo and its rapidly accelerating, we need a new location immediately you know. Even to think that it's a couple years down the road just will not be soon enough. Babe Ruth typically gets, I'm just guessing two hundred volunteers that come out to help maintain our fields during two weekends during the year you know in the spring, you know get em up to snuff, you know improve the facilities, but we have people that are bringing you know tractors, bobcats, power rollers, graders, um you know heavy equipment, this is what they do for a living, but they're coming out, they have their own equipment, we're renting equipment with trained operators. We can do an awful lot of work and have for many years and we couple these resources with the fact that Babe Ruth has been saving three years to build the fields and feel that we have the capabilities of immediately building four baseball fields out there, given the schedule that has been broadcast in the paper and prior that this spring the initial grading is done and then allows, uh actually maybe it's the winter early spring and then there's the different clubs that belong to YSAT, all the groups that are represented here tonight have the ability to start you know planning and building their infrastructure. We have the money set aside and we have the means to make this a quick fruition on The City of Tracy's investment to not only buy the fields, but to also put in the minimal infrastructure needed to, you know get the parking and those kind of items set up for us. We could move you know hundreds of families out there to make use of this facility immediately. Our investment as I say can yield instant returns with your investment. Thank you very much."

5-10

Chairman: "Thank you, anyone else? Bring it back for council discussion, direction to staff. Alan, any comments that you would like to make before you hear from council?"

Alan Bell: "No, nothing to add at this time."

Chairman: "Irene, would you like to start please?"

Irene Sundberg: "I would hope that the council will see to it that we ask for an extension for the two weeks and that we bring it back in a month after the analysis has been done and the comments have been made by the Air Quality Control Board. I think its very important that this council realize that, that Health Risk Assessment and the other assessments that they'll be doing on that property when they have all of the information is very important to the health and welfare of our families here in Tracy. It's very important that Owens-Brockway, the Biomass plan and all the other businesses out there stated and we should not be intruding in their industrial corridor, its not right, its wring for our community."

5-11

Chairman: "Thank you, uh Suzanne?"

Suzanne Tucker: "I would like to ask a question, you know four years ago we did decide to move forward on this project, we kind of envisioned that it would be less than a two-year project and um, can you just kind of give us a summary of where we've been in the last four years?"

Chairman: "Karen, you thought you were just gonna leave town and not have any, just come on down, and if you don't get this right, we're gonna fire you."

(Laughter)

Karen: "Where's Rod when you need him anyway. What the primary steps of the project have been site acquisition, which we're still in the process of working through approvals from the owners of the property, which is the federal government and there's concurrent process that they wanna see the completion of the EIR and the site plan so that we can move forward on acquisition, um also been including some negotiations with them on the price of the fair market value of the land so that's taken some time. The second piece as you know has been the EIR itself which I think admittedly the staff has indicated has taken much longer than originally anticipated due to the complexity of the project and the numbers of folks involved with the project and primarily the traffic study was I think more intensive and complicated than originally envisioned. The work has from my perspective, the work has gone on, there has been no lapse if you will in the staff's attention and diligence to the project, but there are certain things that do take more time than expected. We have been working with YSAT on their plans for development of the site have been in contact with them on their plans to build the infrastructure and staying in touch with them on that, also the infrastructure design has been under way and so I don't think the long answer is that there have been continued staff work on the project, but I tell people the complexity of it has just taken longer than expected. Thank You."

5-12

Chairman: "Is that what you were looking for Suzanne?"

Suzanne Tucker: "Yes, um well you know the EIR will be circulated for thirty days, is that right? Thirty days or sixty days?"

Chairman: "Forty-five days."

Suzanne Tucker: "Ok, so..."

Chairman: "And the close of that period is um November 2nd."

Suzanne Tucker: "The closing dates November 2nd."

Chairman: "The close of the 45 day period ends."

Suzanne Tucker: "Ok, so its not really appropriate to do an extension at the beginning of the process, isn't that more appropriate at the end of the process?"

Unknown Man: "If we're going to do one."

Chairman: "Well, that we can do it if that is councils direction, that that clearly has affected the time table that we'll talk about later on the agenda. It may not affect it a great deal."

Unknown Man #2: "We have later in your agenda, a review of the timeline for development of the YSAT facility and that calls for construction to begin next fall, so what Bill is saying, we could absorb the two weeks in the review period, here up front, because the consultant is going to start immediately tomorrow with the comments that have already been sent in and while he's working on the EIR, response to comment that have already been received we could extend the review period two more weeks if that was your desire, so that there would be no criticism that some critical group didn't get this in a timely fashion."

Unknown Man: "Is it possible that we could um, presuming that indeed the airport doesn't have the EIR and AI, I don't know if you know whether you've talked to them today or whether we shipped one out or what, but if we overnighted one to them, is it possible to call them and ask them when they could get coming, they've already asked for two weeks, I presume they've asked for two weeks, they've asked in some way that is kind of by the by here, never the less they haven't contacted you specifically for a copy and an extension? I mean they're supposed to, there's a, there's a convention here to follow, yeah we're not at this point sure the extent to which they have or haven't gotten a copy of the Draft EIR, we have not heard from them, we haven't heard from them during this review period. We'll certainly contact them in the morning, find out who, who they have been, who representatives here tonight have been talking with among AQCB staff."

Mayor- Dan Bilbrey: "I think they should have one too, I think they should be reviewing it, I would love for them to build a review within the review period, however if they can't, then we really do have an issue because I think we need their input, secondly is with regard to, do we have a consultant here from PMC?"

Unknown Man: "Yes"

Mayor- Dan Bilbrey: "Can you, can you discuss for us this, the logic behind the designation of sensitive receptors, with regard to this kind of a project?"

PMC- Janet Palma: "We had a Air Quality expert provide the air quality analysis for us and I think there's a discussion in there regarding the wind direction not having the considered effect on the children that would be playing on the field, therefore it was deemed to be less than significant impact on that basis."

5-12
cont.

5-13

5-14

Mayor- Dan Bilbrey: "The industry was less of an impact on the property because of the prevailing winds?"

PMC Janet Palma: "Exactly, yes."

Mayor- Dan Bilbrey: "Ok, and the Air Board, I take it would look at something similar, they would probably look at it from that standpoint."

PMC Janet Palma: "My understanding was that Don Ballanti who was our subconsultant on the Air Quality, had attempted to contact the Air Board several times and couldn't, couldn't get anybody to respond and this is his analysis based on the Meteorological facts."

Mayor- Dan Bilbrey: "Ok, I hope he's got, look I think we're going, we're going to shove one to them one way or the other, call them and talk to them

PMC Janet Palma: "I agree that if they want to comment on this, then they, but if you want, if you actually want a health risk assessment specifically, that can be done in an extended two week period."

5-14
cont.

Brent Ives: "I haven't asked for that yet, but what I'm, I that was an excellent segue, thank you. What does it mean to get a health risk assessment? I just think we recall, and some of you that are up there now were not here when I asked for that issue to be driven to ground prior to us having to make a decision on this property, so tell me what a health risk assessment really does?"

PMC Janet Palma: "My understanding is that measurements probably need to be taken over a period of time that would indicate the levels of air contaminants and you know just more specific data obtained from field survey work, I don't know how long that takes to do and I don't know what the cost would be."

Brent Ives: "Fair enough, that's probably not your specific area of business, but I think in my opinion, its intuitive to me when there is a property of any youth, similar youth, that an assessment of the heath impact is an important aspect of, or piece of information that a decision maker needs to have to be able to say yes, this is the right thing to do, I, I firmly believe, that based on the analysis of your air person, I think the air board will corroborate that, but health of risk assessment will drive that to ground, however, I also don't know in asking or suggesting something like that, what am I doing to a schedule that in my opinion is already too long, so I'm caught between a rock and a hard place here, I don't ever wanna say that its something that I asked for earlier because obviously the council, we didn't discuss, or we didn't get that far with this, I, I think we at least need to look into what that means and what it would take to do that kind of thing and what it would cost in terms of time and money, um Alan, there was some mention of a percentage of off site traffic costs for YSAT, is that something I may have missed or someone... ..sorry?"

5-15

Bill Dean: "Mayor Pro Tem, Bill Dean, Planning Manger, I have been involved in this project as well, the EIR work has been conducted through my office um with PMC and AI, and formerly before with John Palmer being the lead on the project, what have, the EIR has identified a number of mitigation measures, and some of those may have dollar signed attached to them and that's in the environmental impact report identifying possible, for example habitat fees that may have to be paid, because this project falls within an area that is covered by the habitat conservation plan and there are fees that

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3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

may have to be paid to mitigate impacts possibly on that site, that's something we're discussing with the habitat folks, specifically on traffic, there are a number of intersections, that have been identified as being impacted in the cumulative scenario, looking at the total quantified development scenario for this project along with other projects, those intersections are funded under other programs, I'd have to check with our City Engineer to find out exactly if that's a plan C and I, which of the programs, I don't know today whether or not they're fully covered or not, that's something we'd have to check with our engineering department, but there are mitigation measures that may have a financial side to them."

Mayor- Dan Bilbrey: "I completely understand that, however that kind of a financial burden would never fall to the volunteer organization that's putting the uses on the property, not in the, not in the construct that we have constructed for the deal or the MOU that we have with YSAT. YSAT does not, is not responsible for the infrastructure, the city's part is the infrastructure including off site improvements necessary to be able to make the park successful, YSAT's given land, the individual and they work with the individual agencies to be able to go out there and improve those properties so they can use them in perpetuity, that's the intent, so all that to say, that, that the off-site improvements would never, I hope and its conceivable that traffic engineer plugged something in there, that isn't really intended to do that, but it may look as though YSAT would shoulder some off-site mitigation burden and I certainly would discourage that of the council."

Council Member: "That's our understanding as well Mayor Pro Tem, I mean it's a multi-year implementation project, I mean..."

Mayor- Dan Bilbrey: "I just didn't want tonight to be the first time YSAT would be thinking that they're going to have to shoulder some off-site improvement burden."

Council Member: "Um, so I have sensitive receptors percent from YSAT I covered Air Board and the EIR review and the health risk assessment with a big question mark at the end, those are my four big comments at this point."

Unknown: Any other comments?"

Mayor- Dan Bilbrey: "A couple of comments I guess um I guess Al, and I don't know, or Bill, the we're gonna contact the Air Board and Air District, so we'll know what that looks like in terms of whether they have a copy or not and whether they want a copy or not given the information that they already have, I think Brett, part of the comments that we may receive from the air district may be the driver for the health assessment, is that your, would that be your take Bill?"

Bill Dean: "Regarding the health risk assessment, there may be a way to approach this outside the context of the EIR itself, but still providing information to the council or the public. Basically CEQA asks us to analyze the projects impact on the environment, not the environments impact on the project, so I think that this is, this is actually the former, this is actually, what is the environment your going into, that's the health risk assessment and that is an analysis that can be conducted outside of the CEQA process that we're in right now and that information can be brought to City Council in conjunction with the review of this project either as part of, well I'd have to look at the schedule, either as part of the Final EIR, or as part of the regular schedule that's been laid out in terms of the acquisition or say the planning for, for construction, so my point is that there are, there

5-16
cont.

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3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

are different dates involved in the project where this information can be brought to council.”

Mayor- Dan Bilbrey: “So this health assessment could be conducted and potentially completed by the end of the 45 day comment period.”

Bill Dean: “Actually, that would not be possible, because the assessment, we’d have to look in, I’d have to talk to the consultants here at PMC to find out what that would take, to conduct the comment period is going to be closing on November the second, so I don’t think leaves us enough time to actually get that, do justice to that type of a report, I can look into the idea of how long it will take and we could look into what the schedule looks like for responding to these comments, and gather an idea, I think I really want to get my hands around this scope of work for a Health Assessment before I can commit to a schedule.”

Mayor- Dan Bilbrey: “Potentially that can be done prior to the closing as listed as January?”

Unknown Man: “Prior, yes, potentially that could be done prior to January 3rd which I the schedule of the hearing.”

Mayor- Dan Bilbrey: “Yeah, that’s if I can summarize, kind of what I have heard from the council and what my thought are, we’re gonna contact the Air District.”

Unknown Woman: “I don’t want to interrupt you, but can I offer some clarification here, because I have the answers to these questions. In order to do a Health Risk Assessment, the issue in terms of Air Quality is not when the wind is blowing, the problem is a day when its hot and there’s no wind and all the particulate and the chemicals from the plant sit in the air and drop on the ground in the ball fields around them, so that requires something called modeling to be done and they model what’s coming out of the plant, at what rate, and that can be done in the time period that we’re all discussing here. A Health Risk Assessment is not as complicated as you guys think it is. By law right now, you could go on the internet and Owens-Brockway, every chemical that they omit is listed on the website, how many tons of arsenic, how many tons of silica, there’s a twenty five chemical list just for the glass plant, how many tons come out. What they do is the Pollution Control Districts will look at all of the facilities that are around, they’ll look at the chemicals, they’ll look at the modeling and then they will give it number determination as to what that risk would be to a child breathing this on a day when there was no wind and this particulate was getting stuck in their lung, or they were like playing football or soccer and their face went down on the ground, and they got their nose in the arsenic that was sitting on the ground, as a result of settling...”

Mayor- Dan Bilbrey: “Thank you, that’s enough.”

Unknown Woman: “So, that’s what it is, it won’t take long at all.”

Mayor- Dan Bilbrey: “Thank you so let me see if I can complete this, a copy and contact will be made with the Air District, their comments may have some relationship to a health assessment, I think the council would like to know that. I think the EIR, Draft and comments received and responses to those comments can continue, the two week extension that’s been discussed tonight, I think will be driven by what you hear from the Air Board...”

5-17
cont.

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5-19

Unknown Man: "Tomorrow?"

Mayor- Dan Bilbrey: "Or soon there after and that needs to come back to the council also. There was some comment about a buffer area tonight and so that needs to be addressed as a comment and several people have commented on the two facilities that are there, the Safeway and the Costco and quantities of chemicals and pesticides and all of that would need to be commented on as part of the EIR report back, did we miss anything? Ok, is that straight enough Bill? Clear enough?"

Bill Dean: "Yes, and Mayor we will at the next council meeting, after we have talked to the Air Quality Board, let you know as the whether we think its necessary to extend the period or not, although let me look at my schedule just one second, (sigh), I think the next council meeting is on November 1st, the 45 day review period ends November 2nd, so that looks like that's doable."

Mayor- Dan Bilbrey: " so if there were some reason to extend it for two weeks, we could do it at that time?"

Bill Dean: "Well, you can do it and I think we could do it as well without coming back to you if we, based upon our discussions with the Air Quality District, we think it necessary?"

Mayor- Dan Bilbrey: "And then, just, I want to make clear and certain the comments made about the potential habitat, these and off-site road and intersection improvements, I believe that belongs to use, and I need to re-state that."

Bill Dean: "That's correct and any intersection improvements will have to be included in the CIP, you're the project, project..."

Mayor- Dan Bilbrey: "those pieces belong to us then, very good, thank you. Does that sum it up pretty good? Ok, Thank you."

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3.0 COMMENTS AND RESPONSES TO COMMENTS ON THE DRAFT EIR

LETTER 5: CITY COUNSEL HEARING

- Response 5-1: The commentor requested the list of names of persons and agencies notified regarding publication of the Draft EIR. City staff agreed to provide the entire list to the City Council.
- Response 5-2: The SJVAPCD was sent a copy of the DEIR on October 13, 2005. City staff contacted the SJVAPCD to ask if they would need an extension of the comment period. SJVAPCD indicated that would not be necessary and subsequently submitted an official comment letter.
- Response 5-3: The commentor does not comment on the adequacy of the EIR. No response is necessary.
- Response 5-4: Comment noted. The commentor does not comment on the adequacy of the EIR. Therefore, no response is necessary.
- Response 5-5: The commentor is referred to Master Response 3.4.2 regarding Hazardous Risk Assessment.
- Response 5-6: Comment noted regarding preference of the commentor for the Chrisman Road site.
- Response 5-7: Comment noted. The commentor does not comment on the adequacy of the EIR; therefore, no response is necessary.
- Response 5-8: Comment noted. The commentor does not comment on the adequacy of the EIR; therefore, no response is necessary.
- Response 5-9: The commentor is referred to Master Response 3.4.2 regarding Hazardous Risk Assessment.
- Response 5-10: The commentor has expressed his support for construction of the proposed project at the proposed project site. No response is necessary.
- Response 5-11: The commentor is referred to Master Response 3.4.2 regarding Hazardous Risk Assessment.
- Response 5-12: The commentor does not comment on the adequacy of the EIR; therefore, no response is necessary.
- Response 5-13: The commentor is referred to Response 5-2.
- Response 5-14: The commentor is referred to Response 2-21 regarding wind direction analysis for air quality issues.
- Response 5-15: Comment noted.
- Response 5-16: Comment noted.
- Response 5-17: Comment noted.
- Response 5-18: Comment noted.
- Response 5-19: Comment noted.

4.0 ERRATA TO THE DRAFT EIR

Listed below are the complete changes, additions, and deletions that have been made to the text of the Draft EIR as a result of public and staff review. Changes to the text are shown as **additions** and ~~deletions~~.

4.3 TRAFFIC AND CIRCULATION

Table 4.3-16 of the DEIR has been modified to identify intersections 7 and 8 (Lammers Rd./Schulte Rd. and Lammers Rd./11th St.) as being in the City of Tracy, not in San Joaquin County.

**TABLE 4.3-16
JURISDICTIONAL AUTHORITY OVER INTERSECTION**

San Joaquin County Intersections
1. Mountain House Pkwy/1-205 WB Ramps
2. Mountain House Pkwy/1-205 EB Ramps
3. Mountain House Pkwy/Schulte Rd
4. Mountain House Pkwy/I-580 WB Ramps
5. Mountain House Pkwy/I-580 EB Ramps
6. Hanson Rd/Schulte Rd
7. Lammers Rd./Schulte Rd.
8. Lammers Rd./11th St.
City of Tracy Intersections
<u>7. Lammers Rd/Schulte Rd.</u>
<u>8. Lammers Rd./11th St.</u>
9. Corral Hollow Rd./11 th St.
10. Corral Hollow Rd./Schulte Rd.

4.5 NOISE

Table 4.5-1 on page 4.5-2 in the DEIR has been modified as follows:

**TABLE 4.5-1
FEDERAL AND STATE AMBIENT AIR QUALITY STANDARDS**

Pollutant	Averaging Time	Federal Primary Standard	State Standard
Ozone	1-Hour	0.12 ppm	0.09 ppm
	8-Hour	0.08 ppm	<u>0.07 ppm</u>
Carbon Monoxide	8-Hour	9.0 ppm	9.0 ppm
	1-Hour	35.0 ppm	20.0 ppm
Nitrogen Dioxide	Annual	0.05 ppm	–
	1-Hour	–	0.25 ppm

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Sulfur Dioxide	Annual	0.03 ppm	–
	24-Hour	0.14 ppm	0.04 ppm
PM ₁₀	Annual	50 ug/m ³	20 ug/m ³
	24-Hour	150 ug/m ³	50 ug/m ³
PM _{2.5}	Annual	15 ug/m ³	12 ug/m ³
	24-Hour	65 ug/m ³	–
Lead	30-Day Average	–	1.5 ug/m ³
	3-Month Average	1.5 ug/m ³	–

Notes: ppm = parts per million; ug/m³ = Micrograms per Cubic Meter.

The federal standards are not to be exceeded more than once, while State standards are not to be equaled or exceeded.

Source: California Air Resources Board, Ambient Air Quality Standards, <http://www.arb.ca.gov/aqs/aaqs2.pdf>, 2005.

4.8 BIOLOGICAL RESOURCES

The 'Potential for Occurrence' for the California horned lizard in Table 4.8-1 on page 4.8-7 in the DEIR has been modified as follows:

**TABLE 4.8-1
LISTED AND SPECIAL STATUS SPECIES POTENTIALLY OCCURRING ON THE PROJECT SITE OR IN THE SITE VICINITY**

Species	Federal (USFWS)	State (CDFG)	CNPS ¹	Habitat	Potential for Occurrence
Plants					
Big tarplant <i>Blepharizonia plumosa</i> ssp. <i>Plumose</i>	–	–	1B	Valley and foothill grasslands	No; suitable habitat for this species is not present onsite.
Caper-fruited tropidocarpum <i>Tropidocarpum capparideum</i>	–	–	1A	Valley and foothill grasslands on alkaline soils	No; suitable habitat for this species is not present onsite.
Ferris's milk-vetch <i>Astragalus tener</i> var. <i>ferrisiae</i>	–	–	1B	Meadows or valley and foothill grasslands on alkaline soils	No; suitable habitat for this species is not present onsite.
Mason's lilaepsis <i>Lilaeopsis masonii</i>	–	R	1B	Marshes, swales, or riparian scrub	No; suitable habitat for this species is not present onsite.
Round-Leaved Filaree <i>Erodium macrophyllum</i>	–	–	2	Cismontane woodland, valley and foothill grassland / clay	No; suitable habitat for this species is not present onsite.
Amphibians/Reptiles					
California red-legged frog <i>Rana aurora draytonii</i>	T	CSC	–	Occurs in slow moving, densely vegetated	No; suitable habitat for this species is not present onsite.

Species	Federal (USFWS)	State (CDFG)	CNPS ¹	Habitat	Potential for Occurrence
				permanent pools, streams, or rivers	
California Tiger Salamander <i>Ambystoma californiense</i>	FE	–	–	Inhabits primarily annual grasslands and open woodlands of the foothills and valleys. Breeding sites are vernal ponds or stock ponds.	No; suitable habitat for this species is not present onsite.
California horned lizard <i>Phrynosoma coronatum frontale</i>	–	CSC, FP	–	Open grasslands with sandy washes and brush	<u>Low; habitat for this species would be restricted to the outer edges of the project site or adjacent land due to active farming practices.</u> No; suitable habitat for this species is not present within the project site.
San Joaquin whipsnake <i>Masticophis flagellum</i> ssp. <i>Ruddocki</i>	FSC	CSC	–	Open dry grasslands and saltbrush scrub	Low; habitat for this species would be restricted to the outer edges of the project site or adjacent land due to active farming practices.

Mitigation Measure MM 4.8.5 on Page 4.8-15 in the DEIR has been modified as follows:

MM 4.8.5

A qualified biologist should conduct focused surveys for active kit fox dens within 30 days prior to the onset of construction activities. When surveys identify potential dens (potential dens are ~~defines~~ defined as burrows at least four inches in diameter which open up within two feet), potential den entrances shall be dusted for three calendar days to register track of any San Joaquin kit fox present. ~~If San Joaquin kit fox activity is identified, potential dens may be destroyed.~~ If San Joaquin kit fox activity is identified, then dens shall be monitored to determine if occupation is by an adult fox only or is a natal den (natal dens usually have multiple openings. If the den is occupied by an adult only, the den may be destroyed when the adult fox has ~~move~~ moved or is temporarily absent. If the den is a natal den, a buffer zone of 250 feet shall be maintained around the den until the biologist determines that the den has been vacated. Where San Joaquin kit fox are identified, the provision of the U.S. Fish and Wildlife Service’s published *Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance* shall apply. These standards include provisions for educating construction workers regarding the kit fox, keeping heavy equipment operating at safe speeds, checking construction pipes for kit fox occupation during construction and similar low- or no-cost activities.

8.0 REPORT PREPARERS AND REFERENCES

On page 8.0-1 the following changes have been made to 8.1 Preparers of the Environmental Impact Report (see following page).

4.0 ERRATA TO THE DRAFT EIR

8.1 PREPARERS OF THE ENVIRONMENTAL IMPACT REPORT

CITY OF TRACY

Director of Development and Engineering Services	Brian Millar
<u>Planning Manager</u>	<u>Bill Dean</u>
Senior Planner	Alan Bell
Associate Planner (<u>former employee</u>)	John Palmer

PACIFIC MUNICIPAL CONSULTANTS

Project Director	Christina Ratcliffe, AICP
<u>Project Manager</u>	<u>Janet Palma, AICP</u>
<u>Project Manager</u>	<u>Margaret Kavanaugh-Lynch</u>
<u>Senior Planner</u>	<u>Margaret Kavanaugh-Lynch</u>
Environmental Planner	Brett Bollinger
Assistant Planner	Rebecca Atkinson
Assistant Planner	Richard Hirsch

BOLLARD & BRENNAN ACOUSTICAL CONSULTING

Principal	Paul Bollard
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DON BALLANTI – AIR QUALITY CONSULTANT

Principal	Don Ballanti
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FOOTHILL ASSOCIATES

Senior Biologist	Brian Mayerle
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FOOTHILL ARCHAEOLOGICAL

Principal	John Foster
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5.0 MITIGATION MONITORING AND REPORTING PROGRAM

5.0 MITIGATION MONITORING AND REPORTING PROGRAM

5.1 INTRODUCTION

This document is the Mitigation Monitoring and Reporting Program (MMRP) for the Tracy Youth Sports Facility project. CEQA Section 21081.6(a) requires lead agencies to adopt a mitigation monitoring and reporting program (MMRP) to describe measures, which have been adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. An MMRP is required for the proposed project because the EIR has identified significant adverse impacts, and measures have been identified to mitigate those impacts.

The numbering of the individual mitigation measures follows the numbering sequence as found in the EIR. All revisions to mitigation measures that were necessary as a result of responding to public comment and incorporating staff-initiated revisions shall be incorporated into this MMRP.

5.2 MITIGATION MONITORING AND REPORTING PROGRAM

The MMRP, as outlined in the following table describes mitigation timing, monitoring responsibilities, and compliance verification responsibility for all mitigation measures identified in this Final EIR.

The City of Tracy will be the primary agency, but not the only agency responsible for implementing the mitigation measures. In some cases, the City or other public agencies will implement measures. The City may choose to require the construction contractor to implement specific mitigation measures prior to and/or during construction. The City will continue to monitor mitigation measures that are required to be implemented during the operation of the project.

The MMRP is presented in tabular form on the following pages. The components of the MMRP are described briefly below:

- **Mitigation Measures:** Mitigation measures contained in the MMRP are taken from the Draft EIR in the same order that they appear in the Draft EIR. The MMRP contains revisions to mitigation measures, as well as new mitigation measures. All revisions to existing mitigation measures and new mitigation measures are shown in revision marks in Section 2.0 and/or 4.0 of the Final EIR.
- **Mitigation Timing:** Identifies at which stage of the project mitigation must be completed.
- **Monitoring Responsibility:** Identifies the department within the City or consultant responsible for mitigation monitoring.
- **Compliance Verification Responsibility:** Identifies the department of the City or other State agency responsible for verifying compliance with the mitigation. In some cases, verification will include contact with responsible state and federal agencies.

5.0 MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 5.0-1
MITIGATION MONITORING AND REPORTING PROGRAM TRACY YOUTH SPORTS FACILITY

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
Land Use				
MM 4.1.2a	The entire play fields shall be set back approximately 50 feet from its property line to provide a buffer from the immediate boundary with active agricultural and industrial areas.	City's Department of Parks and Community Services.	During final site design and ongoing during operations.	
MM 4.1.2b	The operator of the Tracy Youth Sports Facility will provide each of its agricultural and industrial neighbors with a complete draft schedule of the games for each season and coordinate said schedules to ensure that no game will be under way when an adjacent field is being treated with an aerially applied pesticide or herbicide or other potentially toxic substance.	City's Department of Parks and Community Services	During final site design and ongoing during operations.	
Health Hazards/Risk of Upset				
MM 4.2.1	<p>Prior to the initiation of grading or site clearing activities, soil sampling and analysis for soil contamination shall be conducted. The results of the soil sampling and analysis shall be incorporated into a soils report submitted to the City for review. Soil sampling shall include the following:</p> <ul style="list-style-type: none"> An agrochemical impact assessment involving recovery of near surface soil samples from selected areas of the property with laboratory analysis for organochlorine pesticides. The sample shall be statistically evaluated to determine the need for further sampling or remediation; Documentation that exposed soils do not contain soil contamination in excess of regulatory action levels. If chemicals are detected at concentrations that could pose a health hazard, remediation of the affected areas shall be undertaken prior to construction in accordance with the requirements of the San Joaquin County Department of Public Health Services, and the Regional Water Quality Control Board. Assessments and remediation will be the responsibility of the project sponsors. 	City of Tracy, Parks and Community Services Department, San Joaquin County and CVRWQCB.	Prior to issuance of the first grading permit.	
MM 4.2.2	Prior to the initiation of grading or site clearing activities, a Phase II	City of Tracy, San Joaquin	Prior to initiation of	

5.0 MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	<p>environmental assessment of the project site shall be conducted. Included in this assessment shall be soil sampling in the vicinity of the underground storage tank, underground pipelines, former transformer location and an interior inspection of the concrete structure conducted by an environmental professional to identify ACMs.</p> <p>The result of this assessment and analysis shall be incorporated into a report submitted to the City and County for review. If contamination exists at levels that present a health hazard, remediation of the affected areas shall take place prior to construction in accordance with the requirements of the San Joaquin County Department of Public Health Services and the Regional Water Quality Control Board.</p>	County and CVRWQCB.	grading or site clearing activates.	
MM 4.2.3	<p>Prior to the initiation of grading or site clearing activities, the City shall coordinate with PG&E and Chevron representatives to ensure proper information is exchanged and protocols followed so that existing pipelines are not disturbed in accordance with the California Public Utilities Commission (“CPUC”) approved Pipeline Safety Plan for the Tracy Youth Sports Facility on December 16, 2004. Digging in the immediate vicinity surrounding the pipeline shall be monitored during construction and the pipeline right of way shall be accurately marked prior to any grading or construction in accordance with the CPUC approved Pipeline Safety Plan for the Tracy Youth Sports Facility on December 16, 2004.</p>	City of Tracy and PG&E.	Prior to any grading or construction.	
MM 4.2.4	<p>The City shall prepare an emergency response plan applicable to all Tracy Youth Sports Facility uses. Such a plan should include emergency evacuation routes and general information regarding the relative risk and activities of neighboring industries. The Plan should be prepared with input and coordination from Tracy Peaker Plant, Owens-Brockway, Tracy Biomass, Tracy Fire Department and the County Office of Emergency Services (OES).</p>	City of Tracy.	Prior to any grading or construction.	
M.M. 4.3.2	<p>Phase II of the project shall not be implemented until such time that a Capital Improvement Program (CIP) or similar program is in place for affected intersections within the City’s jurisdiction.</p>	City of Tracy Department of Development and Engineering Services.	Prior to improvement of Phase II.	
MM 4.3.7	<p>Phase II of the project shall not be implemented until such time that a Capital Improvement Program (CIP) or similar program is in place for affected intersections within the City’s jurisdiction.</p>	City of Tracy Department of Development and Engineering Services.	Prior to improvement of Phase II.	
MM 4.3.8	<p>Phase II of the project shall not be implemented until such time that a</p>	City of Tracy Department of	Prior to improvement of	

5.0 MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	Capital Improvement Program (CIP) or similar program is in place for affected intersections within the City's jurisdiction.	Development and Engineering Services.	Phase II.	
Noise				
MM 4.4.5a	Grounds maintenance activities should be limited to the hours of 7 a.m. to 5 p.m.	City of Tracy Public Works Department.	Ongoing during and after project construction.	
MM 4.4.5b	All maintenance equipment utilizing internal combustion engines shall be properly muffled in accordance with manufacturers specifications.	City of Tracy Public Works Department.	Ongoing during and after project construction.	
MM 4.4.6	Prior to the issuance of an electrical permit for any public address systems proposed for the playing fields located near the southern property line, City Parks and Community Services Department staff will test the sound system to ensure that it was designed not to generate noise levels in excess of 75dB Leq at the property line.	City of Tracy Parks and Community Services Department.	Prior to the issuance of building permits and ongoing after construction.	
MM 4.4.9	Prior to the issuance of an electrical permit for any public address systems proposed for the playing fields located near the southern property line, City Parks and Community Services Department staff will test the sound system to ensure that it was designed not to generate noise levels in excess of 75dB Leq at the property line.	City of Tracy Parks and Community Services Department.	Include as a requirement in plans.	
Air Quality				
MM 4.5.1	<p>The following measures are appropriate dust control strategies to be implemented that go beyond the requirements of SJVUAPCD Regulation VIII:</p> <ul style="list-style-type: none"> • Limit traffic speeds on unpaved roads to 15 mph. • Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site. • Suspend excavation and grading activities when winds exceed 20 mph. • Limit size of area subject to excavation, grading or other construction activity at any one time to avoid excessive dust. • Install sandbags or other erosion control measures to 	City of Tracy Development and Engineering Services Department.	Include as a note on all grading and improvement plans; "comply with EIR Mitigation Measure 4.5.1 during all grading and construction phases of the project".	

5.0 MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	<p>prevent silt runoff to public roadways from sites with a slope greater than one percent.</p> <ul style="list-style-type: none"> Expediently remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. 			
MM 4.5.6	<p>Require the following design features be implemented:</p> <ul style="list-style-type: none"> Use energy efficient design including automated control system for heating/air conditioning and energy efficiency, utilize lighting controls and energy-efficient lighting in buildings and use light colored roof materials to reflect heat. Plant deciduous trees on the south and westerly facing sides of buildings. Provide low nitrogen oxide (NOx) emitting and/or high efficiency water heaters. Appropriate easements should be reserved to provide for future improvements such as bus turnouts, loading areas, and shelters. Purchase low-emission, alternatively fueled or electrical-driven maintenance vehicles and equipment. Promote pedestrian, bicycle and transit modes of travel through informational programs and provision of amenities such as transit shelters, secure bicycle parking, and attractive pedestrian pathways. 	City of Tracy Parks and Community Services Department.	Include as a requirement in plans.	
Water Quality and Hydrology				
MM 4.6.1	<p>The City shall ensure that the development of the project site shall incorporate the construction of one or more on-site temporary retention basins to capture site runoff in conformance with City's Standards. Said on-site temporary retention basins shall remain in operation at least until adequate downstream storm drainage facilities associated with the future Lammers Drainage System are constructed and operational, and beyond this time frame if necessary. Onsite temporary retention basins shall collect and store all "first flush"</p>	City of Tracy Development & Engineering Services Department.	Prior to the initiation of grading or site clearing activities.	

5.0 MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	runoff generated within the site. Sediments accumulating within the on-site temporary retention basins shall be periodically monitored and shall be removed prior to the occurrence of any toxic concentrations of deleterious constituents.			
MM 4.6.2a	<p>Construction. The City shall ensure that the development of the project site shall incorporate the construction of one or more on-site temporary retention basins to capture site runoff in conformance with City Design Standards as described in MM 4.6.1. In addition, site construction and maintenance practices shall adhere to any and all applicable provisions and ordinances resulting from the City's implementation of its SWMP, to the extent to which they exist at the time of construction and/or maintenance activities. The following list is intended as an outline summary and the City may impose additional requirements:</p> <p style="padding-left: 40px;">Non-Structural BMPs</p> <ul style="list-style-type: none"> • Minimizing Disturbance • Preserving Natural Vegetation (where possible) • Good Housekeeping, e.g., daily clean-up of construction site <p style="padding-left: 40px;">Structural BMPs</p> <p style="padding-left: 40px;"><i>Erosion Controls</i></p> <ul style="list-style-type: none"> • Mulch • Grass • Stockpile Covers <p style="padding-left: 40px;"><i>Sediment Controls</i></p> <ul style="list-style-type: none"> • Silt Fence • Inlet Protection • Check Dams • Stabilized Construction Entrances • Sediment Traps 	City of Tracy Development and Engineering Services Department.	Prior to the initiation of grading or site clearing activities.	

5.0 MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
MM 4.6.2b	Post-Construction. The Plans and Specifications of the proposed retention facilities should meet the standards of the City of Tracy Development and Engineering Services Department as an adequate engineering product. The City would review the design criteria and monitor for proper installation, if necessary. New development and significant redevelopment projects that begin after February of 2005 will be required to comply with numeric standards for post-construction stormwater BMPs in the re-issued permit. Treatment BMPs are to be constructed that incorporate, at a minimum, the required hydraulic sizing design criteria for volume and flow to treat stormwater runoff.	City of Tracy Development and Engineering Services Department.	Prior to the initiation of grading or site clearing activities.	
MM 4.6.4	YSAT and the City of Tracy shall be required to ensure that the development of the project site shall incorporate Provisions 1 through 4 (above) into the design of any buildings or other site facilities that are to be placed within the area of the site that has been identified to experience a potential for shallow, sheet flooding as derived from an offsite watershed.	City of Tracy Development and Engineering Services Department.	Prior to the initiation of grading or site clearing activities.	
Geology and Soils				
MM 4.7.1	In accordance with the California Building Code (Title 24, Part 2) Section 1804A.3 and A.5, liquefaction and seismic settlement potential shall be addressed in the design level geotechnical engineering investigations. The City's Building Official shall ensure that all the pertinent sections of the California Building Code shall be adhered to in the construction of service buildings on site, prior to the issuance of a Building Permit.	City of Tracy Development and Engineering Services Department.	Prior to the initiation of grading or site clearing activities.	
MM 4.7.2	Prior to the issuance of a building permit, the City shall employ the following mitigation measures: <ul style="list-style-type: none"> • Expansive soils can be excavated and replaced with non-expansive materials. The required depth of excavation shall be specified by a registered civil engineer based on actual soil conditions; • Expansive soils may be treated in place by mixing them with lime. Lime-treatment alters the chemical composition of the expansive clay minerals such that the soil becomes 	City of Tracy Development and Engineering Services Department.	Prior to the initiation of grading or site clearing activities.	

5.0 MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	<p>non-expansive; or,</p> <ul style="list-style-type: none"> Implement alternative engineering practices for mitigation expansive soil conditions considered appropriate by the City's Development and Engineering Services. 			
Biological Resources				
MM 4.8.4	<p>A qualified biologist shall conduct a focused survey for burrowing owls within 30 days prior to the onset of construction activities (during the breeding season) to determine if active burrows exist onsite. If burrowing owls are found to occupy the project site, then the following measures shall be implemented. The project proponent shall consult with the CDFG on an appropriate buffer for avoiding impacts to burrowing owls during the breeding season (February 1 to August 31), if construction is proposed during that time. Alternatively, the owls shall be passively excluded by a qualified biologist, in consultation with the CDFG prior to the breeding season. If construction is proposed after the nesting season, then an additional field survey shall be conducted to determine the absence or presence of the species, prior to issuance of development permits on the property.</p>	<p>The City of Tracy and a qualified biologist shall conduct surveys and relocate owls as required.</p>	<p>Prior to the initiation of grading or site clearing activities.</p>	
MM 4.8.5	<p>A qualified biologist should conduct focused surveys for active kit fox dens within 30 days prior to the onset of construction activities. When surveys identify potential dens (potential dens are defined as burrows at least four inches in diameter which open up within two feet), potential den entrances shall be dusted for three calendar days to register track of any San Joaquin kit fox present. If San Joaquin kit fox activity is identified, then dens shall be monitored to determine if occupation is by an adult fox only or is a natal den (natal dens usually have multiple openings. If the den is occupied by an adult only, the den may be destroyed when the adult fox has moved or is temporarily absent. If the den is a natal den, a buffer zone of 250 feet shall be maintained around the den until the biologist determines that the den has been vacated. Where San Joaquin kit fox are identified, the provision of the U.S. Fish and Wildlife Service's published <i>Standardized Recommendations for Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance</i> shall apply. These standards include provisions for educating construction workers regarding the kit fox, keeping heavy equipment operating at safe</p>	<p>The City of Tracy and qualified biologists shall conduct surveys, conduct educational seminars and monitor activities.</p>	<p>Prior to the initiation of grading or site clearing activities.</p>	

5.0 MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	speeds, checking construction pipes for kit fox occupation during construction and similar low- or no-cost activities.			
Cultural Resources				
MM 4.9.1a	If any prehistoric or historic artifacts, or other indications of archaeological resources are found during grading and construction activities, an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be consulted to evaluate the finds and recommend appropriate mitigation measures.	City of Tracy Development and Engineering Services Department.	During construction activities.	
MM 4.9.1b	Similarly, if human remains are discovered, all work must stop in the immediate vicinity of the find, and the County Coroner must be notified, according to Section 7050.5 of California's Health and Safety Code. If the remains are Native American, the coroner will notify the Native American Heritage Commission, which in turn will inform a most likely descendant. The descendant will then recommend to the landowner appropriate disposition of the remains and any grave goods.	City of Tracy Development and Engineering Services Department.	During construction activities.	
MM 4.9.2	If any fossils are encountered, there shall be no further disturbance of the area surrounding this find until the materials have been evaluated by a qualified paleontologist, and appropriate treatment measures have been identified.	City of Tracy Development and Engineering Services Department.	During construction activities.	
Public Services				
MM 4.10.2	Prior to approval of the project, the City shall demonstrate that water treatment and distribution facilities are constructed or available to meet project water demands. The project sponsor will contribute to the project's fair-share funding of water treatment and distribution facilities and improvements associated with providing service to the project site in accordance with the Water Master Plan and City Design Standards.	City of Tracy Development and Engineering Services Director.	Prior to the approval of the project.	
MM 4.10.3a	The project sponsors shall coordinate with PG&E and Pacific Bell regarding the proper extension of electrical, natural gas and telephone services to the project site. This shall include the development of detailed plans for utility placement and the project's participation in energy conservation programs provided by PG&E. Utility placement	City's Development and Engineering Services Department.	Prior to completion of final improvement plans.	

5.0 MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
	shall not conflict with other planned infrastructure improvements such as water distribution systems and project site drainage facilities. Evidence of this coordination with PG&E and Pacific Bell shall be provided to the City's Department of Development and Engineering Services.			
MM 4.10.3b	The on-site facilities shall be designed according to the California Code of Regulations, Title 24, "Energy Standards for Nonresidential Buildings", or be designed to not exceed the energy consumption requirements of those standards.	City's Development and Engineering Services Department.	Prior to completion of final improvement plans.	
MM 4.10.4a	The project sponsor will coordinate directly with the San Joaquin County Sheriff's Department and/or the Tracy Police Department to prepare a police services plan for proposed project. The plan will determine service requirements for all project land uses and ratios for public/private patrolling which are acceptable to the Sheriff's and/or the Tracy Police Departments performance standards for response times. Prior to site plan approvals for each phase of the project the City may be required to provide fair-share contribution to any applicable County public service fees in place at that time.	City of Tracy Parks and Community Services Department	Prior to finalization of final site design.	
MM 4.10.4b	The County Sheriff's Department shall be given the opportunity to review site-specific proposals and make recommendations to improve public safety and emergency access.	City of Tracy Parks and Community Services Department	Prior to finalization of final site design.	
MM 4.10.5	The City's Fire Department shall be provided the opportunity to review development plans for the project site to ensure that the following items are addressed: <ul style="list-style-type: none"> • Project site accesses and internal roadways shall be adequately designed to ensure adequate access for emergency vehicles. Any gates shall be designed to allow access for emergency vehicles. • Buildings shall be designed in accordance with Tracy Fire Department and Uniform Fire Code standards. • Fire hydrants spacing and location shall be consistent with Tracy Fire Department standards. • Acceptable response time can be ensured. 	City's Development and Engineering Services Department.	Prior to start of construction activities.	

5.0 MITIGATION MONITORING AND REPORTING PROGRAM

Proposed Mitigation	Summary of Measure	Monitoring Responsibility	Timing	Verification (Date and Initials)
Agricultural Resources				
MM 4.11.4	<p>The applicant has proposed a 50-foot buffer for the proposed project site to physically separate the facility from the agricultural and industrial uses that may pose compatibility problems for land applications of herbicides and pesticides. For materials applied via aerial spraying the following measures are included:</p> <ul style="list-style-type: none"> • The Youth Sports Alliance will contact the identified adjacent landowners and distribute the yearly schedule to ensure that no person will be on the field when an adjacent field is sprayed with any type of pesticide. • If games or park reservations are to be performed that are not on the pre-notification schedule, notice shall be given by phone calls to the affected parties. • The Youth Sports Alliance shall distribute additional notice of scheduled games added during the year that are known in advance. 	City of Tracy Parks and Community Services Department.	Prior to finalization of site design and project construction. Prior to the current year's scheduled games and activities and prior to any games/activities added during the current season.	
Aesthetics, Visual Resources, Light and Glare				
MM 4.12.4	A building permit shall be required prior to the installation of the project's lighting. The building permit plans shall demonstrate that site lighting and exterior building light fixtures that are designed to reduce the effects of light pollution and glare off of glass and metal surfaces. The site lighting shall be of a type that casts light downward onto the fields and shall also have control boxes that allow operation of the lighting only when teams need the field to be illuminated.	City of Tracy Department of Development & Engineering Services	Prior to issuance of an electrical permit for each field lighting system.	