

Administrative Final

Environmental Impact Report Tracy Gateway

SCH No: 2001032008

Prepared for:

City of Tracy

Prepared by:

EIP Associates

September 27, 2002

Final

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INTRODUCTION

This Final Environmental Impact Report (FEIR) has been prepared for the City of Tracy, pursuant to the State of California Environmental Quality Act (CEQA) of 1970 (as amended). The City of Tracy is the lead agency for preparation of environmental documentation for the proposed Tracy Gateway Project, which is a 538-acre business park with a mix of office, retail, and open space land uses. The Proposed Project for this EIR is: 1) amendment of the City's General Plan designation of the site from Residential Low to Commercial and Open Space as defined in the City's 1993 General Plan, 2) detachment of the project site from the 1,884-acre North Schulte Community Area, 3) pre-zoning of the site from the County's designation of AG-40 (40-acre lot size) to a City designation of Planned Unit Development, and 4) annexation of the site into the corporate boundaries of the City, 5) amendment of the City's Roadway Master Plan (RMP), and 6) approval of a Concept Development Plan (CDP).

The Proposed Project

The Proposed Project encompasses approximately 538 acres located along the western edge of the City of Tracy. The project would create a mixed-use business park with a golf course in an area currently zoned by San Joaquin County for agricultural uses (AG-40).

The Proposed Project would develop the following uses at the 538-acre project site: 1) commercial/office/retail space, 2) a recreation/golf facility with storm water management facilities and open space features, and 3) roadways/parkways, in accordance with the site master plan. The project is proposed for development in five phases estimated to take approximately 10 years to complete. Ultimate project phasing would be dependent on the availability of public services and market demands.

Proposed uses include a 365-net-acre business/R&D development park with a phased design of over 5,800,000 square feet (sf) of Class A office, research space in mid- and high-rise office buildings located on the periphery of a golf course, 220,000 sf of retail, two hotels of 150 and 200 rooms totaling 220,000 sf, and over 340,000 sf of second floor office space. The Proposed Project would include a 9-hole championship golf course, clubhouse, a 300-yard double ended lighted driving range and maintenance facility. Approximately 60 acres of the site would be used for roads, pedestrian trails and sidewalks, bike trails, fitness course and turnouts for public transit uses.

Potable water would be provided by the City of Tracy through extensions of existing infrastructure to the project site. The potable water would be made available from existing potable supplies through a "water exchange program" in accordance with the City Ordinance 1035 (Recycled and Non-Potable Water Ordinance). The City of Tracy is currently pursuing

additional water supplies to meet future potable demand. These additional sources of water are not currently available to the Proposed Project; however, as additional water supplies become available, the City could allow the Proposed Project access to these suppliers. Wastewater generated by the Proposed Project would be processed at an on-site Water Reclamation Facility (WRF), which would occupy approximately one acre of the site adjacent to the golf course maintenance building. The WRF would be designed and operated to produce effluent that meets or exceeds State treatment standards for “Disinfected Tertiary Recycled Water.” This water is suitable for irrigation of public parks, playgrounds, and recreation facilities. Water features at the golf course and additional pond areas on the project site (approximately 46 acres total) would be used to temporarily store stormwater runoff prior to discharge to the West Side Irrigation District Lower Main Canal or to future City storm drain facilities, when and if those facilities are constructed.

Off-site infrastructure improvements would include installation of potable water lines to the project site and recycled water lines to convey treated water from the WRF to City parks and fields, and roadway modifications. To mitigate the anticipated impacts due to project-generated traffic leaving the project site, roadway improvements would include the widening of 11th Street from four to six lanes, and the acquisition of new right of way to widen the intersection at Lammers and Valpico. The off-site roadway improvements would also include the construction of new roadways and other traffic improvements in areas that are not yet specified.

Project Background

The City of Tracy adopted and certified the Urban Management Plan/General Plan (General Plan) and associated EIR in July 1993 (State Clearinghouse No. 19092060). The General Plan was based upon input from the City’s General Plan’s Steering Committee and public and agency input. Based upon the input and direction provided, a fundamental vision, goals and policies were developed and incorporated into the General Plan and Land Use Map.

The General Plan Land Use Map represents the culmination of the land use planning process completed as part of the General Plan. The map is intended to be a comprehensive, graphic representation of many of the goals and policies of that plan. The General Plan establishes general locations and relationships of land uses, as well as the general circulation system and general utility systems including water, sewer, storm drainage, etc. Systematic implementation of the General Plan is carried out in some cases through the approval of specific plans, as well as planned unit development concept plans.

The General Plan EIR analyzed the environmental impacts of buildout of the Tracy Planning Area (TPA) with the land uses and densities allowed by the General Plan. Where feasible, the City adopted mitigation measures to reduce impacts to a level of insignificance. In addition, significant and unavoidable impacts identified in the General Plan EIR were addressed by the City in the General Plan EIR’s adopted Findings and Statement of Overriding Considerations (Resolution No. 93-226). Not covered in the General Plan EIR is the General Plan amendment proposed as part of this project action. This is discussed in the Land Use section of this EIR.

This EIR provides an analysis of environmental effects specifically associated with the Proposed Project, as well as an evaluation of project impacts in light of the environmental analysis

provided in the General Plan EIR. Consistent with CEQA Guidelines Section 15183, this EIR addresses environmental effects that are peculiar to the project and uses mitigation measures that are based on adopted City development policies and standards to mitigate anticipated impacts. The General Plan EIR is available for public review at the City of Tracy, Department of Development and Engineering Services, 520 Tracy Boulevard, Tracy, CA 95376.

Environmental Review and Project Approval Process

An Initial Study and NOP for the Tracy Gateway Project was issued in March 2001. The *Draft Environmental Impact Report for the City of Tracy Tracy Gateway Project* was released to the public in April 2002 for a 45-day public comment period.

The City of Tracy City Council is currently scheduled to consider certification of the EIR and approval of the project on October 9, 2002. This hearing, or any change in proposed hearing date, will be publicly noticed in accordance with State law.

Contents of the Final EIR

This FEIR contains four chapters and an appendix.

Chapter 1 – Introduction: This chapter contains an overview of the Proposed Project, a discussion of project background and the environmental review process and a description of the FEIR contents.

Chapter 2 – Revisions to the Draft EIR: This chapter lists the revisions to the Draft EIR made either in response to public comments on the DEIR or at the initiative of the lead agency. It should be noted that none of the changes to the Draft EIR, comments received, or responses provided result in change to the substantive conclusions of the Draft EIR.

Chapter 3 –Comments and Responses: The chapter contains all comment letters on the DEIR received by the City. Each letter in Chapter 3 is numbered. In addition, all substantive comments within each letter is bracketed and numbered. Responses to each bracketed comment are provided immediately following each letter in Chapter 3. As the subject matter of one letter may overlap with another, responses to comments may be cross-referenced between those letters.

Chapter 4 – Mitigation Monitoring Program: This chapter contains the Mitigation Monitoring Program (MMP) for the Proposed Project. The MMP is presented in table form and lists the full text of each mitigation measure presented in the EIR, the party responsible for implementing the measure, the timing of implementation, and the standards of success for each measure. The reader must occasionally refer to more than one letter and response to collect all information on a given subject.

Appendix: The appendix section of the FEIR contains additional information that is pertinent to the responses to comments contained in Chapter 3.

Responses to all substantive comments were prepared by the City of Tracy and its consultant in accordance with the State CEQA Guidelines. These comments and responses, in conjunction with the Draft EIR, text changes, and mitigation monitoring program, constitute the FEIR, which will be considered for certification by the City of Tracy City Council and the mitigation monitoring program.

REVISIONS TO THE DRAFT EIR

Introduction

This chapter contains changes to the text of the Draft EIR made either in response to comments or at the initiative of the Lead Agency. These changes correct errors or clarify information in the Draft EIR. Deleted text is shown by strike-through and new text is double underlined. Revisions to the Draft EIR did not result in a change to the substantive conclusions of the Draft EIR.

Revision to the Draft EIR

2. Executive Summary

The third paragraph on page 2-1 of the DEIR has been revised as follows:

The Proposed Project encompasses approximately 538 acres located ~~along the western edge of the City of Tracy in San Joaquin County and within the City of Tracy's Sphere of Influence.~~ The City limits are contiguous with the northeast corner of the project site. The project would create a mixed-use business park with a golf course in an area currently zoned by San Joaquin County for agricultural uses (AG-40).

The text in fifth paragraph, Page 2-1 has been revised as follows:

Proposed uses include a 3656 net-acre business/R&D development park with a phased design of over 5,800,000 square feet (sf) of Class A office, research space in mid- and high-rise office buildings ~~located on the periphery of a golf course,~~ 220,000 sf of retail, two hotels of 150 and 200 rooms totaling 220,000 sf, and over 340,000 sf of second floor office space. The Proposed Project would include a 9-hole championship golf course, clubhouse, a 300-yard double ended lighted driving range and maintenance facility. Approximately 60 acres of the site would be used for roads, pedestrian trails and sidewalks, bike trails, ~~fitness course~~ and turnouts for public transit uses.

3. Project Description

The second paragraph on page 3-1 of the DEIR has been revised as follows:

The project site is located in San Joaquin County ~~along the western edge of the City of Tracy,~~ and inside the SOI of the City. The City limits are contiguous with the northeast corner of the project site. The site is bounded...

The text in the last paragraph of Page 3-7 has been revised as follows:

Traffic/Circulation

Approximately 60 acres of the site would be used for roads, pedestrian trails and sidewalks, bike trails, ~~fitness course~~ and turnouts for public transit uses. The Proposed Project roads would be designed as curvilinear parkways, with landscaped medians in the middle, tree-lined on both sides, and landscaped berming to screen parking areas. Other miscellaneous streetscape features (street lights, road signs, building identification signs, benches, trash cans, etc.) would be selected for aesthetics and design consistency to provide visual identity and uniformity and would be based on the City's Park and Parkway Design Manual, unless otherwise approved by the City.

The text in fourth paragraph on Page 3-8 has been revised as follows:

Pedestrian Mobility

The sidewalks for pedestrians are proposed on both sides of all internal roads as well as frontage to 11th Street and Lammers Road. Additionally, walking paths would meander around the golf course ~~and landscaped buffer zone areas~~. Both the bike lanes and walkways would interconnect with City bikeways and sidewalks on Lammers Road and 11th Street adjacent to the property in accordance with City standards.

The text in the last paragraph of page 3-8 of the DEIR has been revised as follows:

In order to mitigate the anticipated impacts due to project-generated traffic leaving the project site, off-site roadway improvements are proposed (see Mitigation Measure MM 4.3.2, in Section 4.3, Traffic and Circulation, and Appendix B, Transportation and Circulation Analysis – Tracy Gateway Business Park, figure 6). These improvements include: widening 11th Street from four to six lanes from I 205 to Lincoln Boulevard; ~~the acquisition of right of way to allow for dual left turn lanes into the Proposed Project at the signalized intersections from both Lammers Road and 11th Street; the construction of a second southbound left turn lane at the Lammers/Valpico intersection; construction of a new roadway that begins at the intersection of the main arterial for the project and 11th Street and extends north and east to intersect with Lammers Road between I 205 and 11th Street; the construction of a new roadway extending from the Schulte Road/Lammers Road intersection westward to Mountain House Parkway; and the construction of a new roadway that extends from the main arterial for the project and to intersect with the new extension of Schulte Road. Construction of a grade separation at the intersection of Lammers/11th Street or construction of an additional arterial capacity west of Lammers Road; construction of a second southbound left-turn lane from Lammers onto Valpico; and provision of right-of-way to allow for dual left-turn lanes into proposed project at the signalized intersection in to the project from both 11th Street and Lammers Road.~~

The fifth paragraph on page 3-14 of the DEIR has been revised as follows:

The City of Tracy Wastewater Master Plan prepared in 1993 identified three potential locations for regional WRFs that could treat wastewater from the Westside area, which includes the project site: the Lammers Road site, the Tracy Hills site and the Valpico Road site. The Tracy Hills WRF has an approved Wastewater Treatment Master Plan and certified Permanent Wastewater Reclamation Facility EIR, however, no applications for development of Tracy Hills have been submitted to the City. These facilities have not been approved or constructed. If these regional facilities are developed, the City could allow the Proposed Project to connect to them. Connection of the project site to any of these regional facilities would be subject to appropriate environmental review.

The first paragraph on page 3-22 in Chapter 3, Project Description, of the DEIR has been revised as follows:

This area has been factored into the storm drain design for the Proposed Project. This total area, consisting of 866 acres, represents the local watershed that would be incorporated into the storm drainage plan for the Tracy Gateway project. Components of the storm drainage system needed to serve the drainage area are analyzed in Section 4.7.C and would include approximately 46 acres of storm water management ponds that will be used as a recreation/landscape amenity throughout the project. Operation of the detention facilities would be based upon mutual agreement between the Proposed Project developer and the City of Tracy. The Proposed Project would include permanent Best Management Practices (BMPs) to minimize and control pollutants in stormwater runoff. Water quality control measures would include the stormwater detention basins, inlet protection (e.g., filters), and administrative controls. The administrative controls will be those that are established as a part of the City's future adoption of a Storm Water Management Program as an NPDES Phase II community. The Storm Water Management Program is scheduled for adoption in March of 2003.

The first bullet item under the heading "Regional Water Quality Control Board" on page 3-25 has been revised as follows:

Regional Water Quality Control Board:

- NPDES permits for control of non-point source runoff during construction and groundwater dewatering.
- Report of Waste Discharge (RWD) and Waste Discharge Requirements (WDR) for WRF operation.

4.1 Land Use

The last paragraph on page 4.1-14 of the DEIR is revised as follows:

There are specific guidelines and regulations that govern the specific location of these improvements. If there is no compliance with County or Caltrans regulations and permitting requirements then this would be a significant impact. Compliance with

County and or Caltrans regulations and permitting for construction of the off-site facilities located in the County or within Caltrans right-of-way, through implementation of the following mitigation measure, would reduce the impacts due to inconsistency to a **less-than-significant** level.

The text on Page 4.1-15 has been revised as follows:

Mitigation Measure

MM 4.1.2 The City shall ensure that the Proposed Project is in conformance with all applicable regulations for construction of the off-site water facility prior to approval of any FDP. Any potential non-conforming land uses or conflicts shall be modified to meet the stated regulations of the affected agency.

Timing/Implementation: Prior to approval of ~~Concept~~-Final Development Plan.

Enforcement/Monitoring: City of Tracy

Mitigation Measure 4.1.4 on page 4.1-18 has been revised as follows:

The City shall ensure that the Proposed Project is in conformance with the City's zoning regulations relating to project design and land use compatibility ~~with prior to~~ approval of the PUD Zoning and CDP. Any ~~future potential non-conforming~~ land uses ~~incompatibilities or conflicts~~ shall be modified to achieve meet the stated goals and policies in the ~~City's zoning regulations~~ CDP and General Plan.

4.2 Agricultural and Mineral Resources

The following paragraph has been added before the "Mineral Resources" subheading on page 4.2-1 of the DEIR:

Agricultural Productivity

Certain crops such as alfalfa, tomatoes, beans, asparagus, and nuts account for a significant proportion of the overall economic production the Tracy Planning Area. The Tracy Planning Area, which includes the 538-acre project site, represents 6.8 percent of San Joaquin County's vacant/agricultural/grazing land. Agriculture and related activities constitute a major portion of the economic base of San Joaquin County. However, there has been a decrease in crop value since 1990. Growth pressures in the San Francisco Bay Area, coupled with the absence of affordable housing, have made San Joaquin County a highly attractive location.¹

1 City of Tracy, Final Environmental Impact Report for the City of Tracy Urban Management Plan/General Plan 1993, pages 73- 74.

Soils at the project site consist of Stomar clay loam and Capay clay, both of which are Prime Farmland soils considered by the Natural Resources Conservation Service (formerly Soil Conservation Service) as generally well-suited for agriculture. Stomar clay loam has a Land Capability classification of IVs and a Storie Index of 68. Capay clay has a Land Capability classification of IVs and a Storie Index of 44.² Although the soils are generally well-suited for agriculture, soils at the project site have limitations that can affect agricultural uses. Class IV soils have severe limitations that restrict the choice of plants and require careful management. Soils with a Storie Index of 68 (Grade 2 soils) are suitable for most crops, but have minor limitations that narrow the choice of crops and have a few special management needs. Soils with a Storie Index of 44 (Grade 3) are suited to a few crops or to special crops and require special management.

The following paragraph has been inserted after the third paragraph on page 4.2-1 of the DEIR:

Williamson Act Contracts

The project site is not under Williamson Act Contract. The site adjacent to the Proposed Project site to the west is zoned for agricultural uses by the County and is currently used for agricultural purposes, but the property, also, is not under Williamson Act Contract.³

The lands to the south of the Proposed Project site are zoned for agricultural use by the County and have a land use designation of residential by the City of Tracy. The sites are currently used for agricultural purposes, but are not under Williamson Act Contract.⁴

The lands to the east of the Proposed Project site are zoned for agricultural use by the County and have a land use designation of residential by the City of Tracy. A portion of the lands are used for agricultural purposes, but are not under Williamson Act Contract.⁵

The lands to the north of the Proposed Project site are either within Caltrans right of way for I 205 or zoned for agricultural use by the County and have a land use designation of Residential Medium and Parks by the City of Tracy. A portion of the lands are used for agricultural purposes, but the lands are not under Williamson Act Contract.⁶

The text on page 4.2-2 in the DEIR has been revised as follows. The following paragraph has been inserted under the heading “Regulatory Framework.”

City of Tracy General Plan

The Land Use and Conservation Elements of the General Plan contain goals and policies to address the preservation of agricultural lands, protect the economic viability of agricultural operations and ensure the continuance of agricultural uses on lands within the

2 City of Tracy, Final Environmental Impact Report for the City of Tracy Urban Management Plan/General Plan 1993, Table 13, Figure 9, and page 74.

3 Chandler Martin, Senior Planner, San Joaquin County, personal communication, July 29, 2002.

4 Chandler Martin, Senior Planner, San Joaquin County, personal communication, July 29, 2002.

5 Chandler Martin, Senior Planner, San Joaquin County, personal communication, July 29, 2002.

6 Chandler Martin, Senior Planner, San Joaquin County, personal communication, July 29, 2002.

City of Tracy Planning Area. These goals include LU 8, which encourages the continuance of agricultural operations as long as they can be conducted in an economically feasible fashion. This goal is implemented by policies LU 8.5, to retain Agricultural land in economically viable parcel sizes; LU 8.7, to guide development to maintain agricultural areas; LU 8.8, to protect agricultural lands needed for the continuation of a variety of agricultural operations; and LU 8.9, to minimize the impact on agriculture during the transition of existing agricultural areas to urban development. Goal CO 5 encourages the preservation of agricultural lands and the protection of the economic viability of agricultural operations. This goal is implemented by policies CO 5.1, to encourage the City's support of the County's efforts to preserve agricultural land and CO 5.3, to reduce the potential for land use conflicts resulting from agricultural operations.

The third paragraph on page 4.2-3 of the DEIR is revised as follows:

The General Plan EIR estimates that approximately 21,237 acres of prime and non-prime farmland would be lost due to development. Although the General Plan EIR identified the loss of agricultural lands as significant and unavoidable cumulative impact, the EIR found that on a project level, implementation of ~~the following mitigation measure~~ General Plan EIR Mitigation Measure 11.1 (requiring the creation and implementation of a program to mitigate the loss agricultural lands) would reduce this impact to a less than significant level. Because the program identified in General Plan Mitigation Measure 11.1 has not yet been developed, and because the Proposed Project-would contribute to the loss of prime farmland, the following mitigation Mitigation Measure 4.2.1 (presented below) is recommended to reduce the potential impact of this loss. ~~, which was presented in the General Plan Final EIR, would reduce the magnitude of this impact. The following mitigation measure is consistent with similar conditions of approval required for recent projects within the City of Tracy.~~ The mitigation measure, together with General Plan goals and policies LU 8, CO 5, LU 8.5, 8.6, 8.7, 8.8, 8.9, CO 5.1, 5.2, their related implementation actions (which are summarized in the "Regulatory Framework" discussion above) and General Plan EIR mitigation measure M 11.1~~(requiring the creation of a program to mitigate for the loss of agricultural lands)~~, would reduce the magnitude of the impact. Although the project's contribution to the cumulative loss of prime farmland has been identified and considered within the General Plan EIR, for which the City of Tracy adopted a Statement of Overriding Consideration (Resolution No. 93-226), the project specific loss of prime agricultural land remains a **significant and unavoidable** impact, even with implementation of MM 4.2.1.

Mitigation Measure

MM 4.2.1 ~~To the extent that a Farmland Preservation Program is adopted by the City of Tracy, the applicant shall be required to participate in the Program, subject to provisions of law, and be subject to any fee that may be required by the Program.~~

The project applicant shall pay \$750 per acre to the City of Tracy to help establish a Farmland Preservation Program to offset the loss of farmland on the project site.

When a Farmland Preservation Program is implemented by the City of Tracy, the project applicant shall participate in the program. Elements of the Farmland Preservation Program may include, but not necessarily be limited to: enactment of agricultural conservation easements to preserve existing farmland within San Joaquin County or nearby counties, fee title acquisition of farmlands to ensure agricultural use in perpetuity, and use of strategically located greenbelts or community separators between Tracy and surrounding communities.

In addition, until such time as a Farmland Preservation Program is adopted by the City of Tracy (through a stand-alone program, imposition of specific farmland preservation policies in the General Plan/Urban Management Plan, or similar action), the project applicant shall further mitigate the impact of farmland loss by establishing a conservation easement or other permanent preservation of farmland for a total of 269 acres (one-half acre for every acre converted to a non-agricultural use). The intent of the easement shall be to protect, in perpetuity, viable farmland in the general vicinity of Tracy and within San Joaquin County by ensuring easement grantors continued use of their lands for farming, ranching and other agricultural purposes that do not otherwise reduce or interfere with agricultural viability. The land being protected through the conservation easement shall be comparable to the project site in terms of soil conditions/agricultural use capabilities. Lands shall continue to be held in fee title by the easement grantor, and would be binding upon any successive owners of the property. The project applicant shall be responsible for any reasonable costs in implementing this mitigation measure, and in assisting the City and other agencies, as appropriate, in finding lands suitable for conservation easements and in developing a qualified land trust or conservation organization for overseeing the terms and implementation of the conservation easement. The project applicant can seek the assistance of the State's Department of Conservation, American Farmland Trust, or similar agency in meeting this mitigation measure. All terms and conditions of conservation easements including its location shall be subject to City review and approval.

Timing/Implementation: For Phase 1, prior to the issuance of any grading permit, the applicant shall pay \$750 per acre, for acreage associated with the grading permit to help establish the Farmland Preservation Program. For Phase 2, prior to the issuance of the first grading permit, the applicant shall demonstrate compliance with the remaining requirements

of this mitigation measure, including establishment of a conservation easement, or participation in a City adopted Farmland Preservation Program.

~~*Timing/Implementation:* Prior to approval of any building permit.~~

~~*Enforcement/Monitoring:* City of Tracy~~

Mitigation Measure 4.2.3(a) on page 4.2-5 is revised as follows:

MM 4.2.3(a) The following disclosure statement shall be ~~incorporated into the CC&Rs~~ written on each building permit and stated on each final map for the Tracy Gateway project:

“If your property is adjacent to property used for agricultural operations, you may be subject to inconveniences or discomforts arising from such operations on a 24-hour basis. Said discomforts may include, but shall not be limited to: noise, odors from manure or chemicals, and dust or smoke. Pursuant to the Tracy Municipal Code, properly conducted and maintained agricultural operations are not considered to be a nuisance.”

Mitigation Measure 4.2.3(b) on page 4.2-5 is revised as follows:

MM 4.2.3(b) The following requirement shall be incorporated into the ~~CC&Rs~~ Conditions of Approval for the Tracy Gateway project:

“The project applicant shall provide for additional vegetation along portions of the project site adjoining active agricultural uses in order to serve as a windbreak and buffer from adjacent agricultural operations.”

4.3 Traffic and Circulation

Table 4.3-1, on Page 4.3-7 of the DEIR has been revised as follows:

TABLE 4.3-1			
INTERSECTION LEVEL OF SERVICE DEFINITIONS SIGNALIZED INTERSECTIONS			
Level of Service	Description of Traffic Conditions	Volume to Capacity Ratio (V/C)	Average Control Delay per Vehicle (sec.)
A	No approach phase is fully utilized and no vehicle waits longer than one red indication.	≤ 0.60	≤ 10.0
B	An occasional approach phase is fully utilized. Drivers begin to feel restricted.	0.61 to 0.70	≥ 10.0 to 20.0
C	Major approach phase may become fully utilized. Most drivers feel somewhat restricted.	0.71 to 0.80	≥ 20.0 to 35.0
D	Drivers may wait through more than one red indication. Queues may develop but dissipate rapidly, without excessive delays.	0.81 to 0.90	≥ 35.0 to 55.0
E	Volumes approaching capacity. Vehicles may wait through several signal cycles and long vehicle queues form upstream.	0.91 to 1.00	≥ 55.0 to 80.0
F	Represents conditions at capacity, with extremely long delays. Queues may block upstream intersections.	> 1.00	> 80.0

Mitigation Measure 4.3.1, on Page 4.3-16 of the DEIR, has been revised as follows:

Mitigation Measure

MM 4.3.1(a) The following traffic improvements, as detailed in the traffic technical report prepared by Fehr & Peers, March 2002, shall be included in the project's FIP. The project shall contribute its fair share of costs to these following roadway improvements have been identified as mitigation measures:

- New Lammers Road extending from I 205 to I 580; to include the construction of a grade-separated railroad crossing (at Union Pacific Railroad), a new structure over the Delta-Mendota Canal and one over the California Aqueduct.
- New freeway interchanges at I 205 and I 580 with Lammers Road.
- Widening Corral Hollow Road to four lanes between Linne Road and Lammers Parkway.
- Construction of the Chrisman/I 205 interchange.

2. Revisions to the Draft EIR

- Constructing four-lane Schulte Road between Crossroads Drive and Lammers Road
- Constructing Street B from Naglee Road to Bryon Road as a four-lane arterial that would connect directly with the western segment of Grant Line Road to improve access between Tracy and Mountain House.
- Widen Grant Line Road to six lanes between Tracy Boulevard and Corral Hollow.
- Upgrade the City-owned portions of Linne Road, Chrisman Road and 11th Street east of MacArthur to expressway status.

Timing/Implementation: Roadway improvements as outlined in the Fehr & Peers traffic technical report shall be installed in phases to meet the traffic demand generated by the project and other Proposed Projects. The cost of traffic improvements will be determined in the FIP, which will be approved prior to ~~any application deemed complete~~ approval of first tentative map. A monitoring program will be included as part of the FIP, which will track improvements put in place as development occurs.

Enforcement/Monitoring: City of Tracy.

MM 4.3.1(b) The project applicant shall pay applicable development fees to the City of Tracy towards construction of regionally significant transportation facilities.

Timing/Implementation: The project's portion of the cost of regionally significant traffic improvements will be determined by the City after adoption of such fees at the regional level. These fees will be paid by the developer in accordance with fees applicable at the time of approval of the final map or final development plan. Until a regional transportation fee is adopted by the City, a mitigation measure of \$1.50 per square foot of office development will be paid to the City of Tracy at the time of each building permit.

Enforcement/Monitoring: City of Tracy

Mitigation Measure 4.3.2 on page 4.3-19 is revised as follows:

- MM 4.3.2** The following roadway improvements shall be included in the project's Finance and Implementation Plan (FIP).
- Widen 11th Street from four to six lanes
 - Either grade separate the intersection of Lammers/11th Street or construct additional arterial capacity west of Lammers Road
 - Construct a second southbound left-turn lane from Lammers onto Valipico
 - Provide right-of-way to allow for dual left-turn lanes into the ~~Proposed~~ Project at the signalized intersection into the project from both 11th Street and Lammers Road.

Mitigation Measure 4.3.6 on page 4.3-21 of the DEIR has been revised as follows:

- MM 4.3.6** The following access improvements shall be made as part of the project:
- The center access road on 11th Street and the Lammers Access road should be signalized, with all turning movements allowed.
 - ~~The remaining access roads on 11th Street should be unsignalized, with left turns prohibited into and out of the project site.~~
 - As development of the Proposed Project progresses, traffic control for the remaining access roads on 11th Street will be established in conformance with City standards and in coordination with other agencies.
 - ~~At~~ both of the project's signalized access roads dual left-turn lanes should be provided to accommodate the expected traffic entering the project during the morning peak flow.
 - At the signalized project ~~driveway-arterial~~ and 11th Street, ~~three~~ five outbound lanes should be provided at the intersections, including ~~two~~ three dedicated left-turn lanes, ~~and~~ one dedicated right-turn lane, and one through lane.
 - At the signalized ~~driveway, arterial~~ on Lammers Road, ~~three~~ five outbound lanes should be provided. ~~One~~ Two dedicated left-turn

lanes ~~and one~~ two dedicated right-turn lanes and one through lane should be provided, ~~in addition to one shared lane.~~

Mitigation Measure 4.3.7 on page 4.3-22 is revised as follows:

MM 4.3.7 Class I bicycle lanes shall be constructed along the portions of 11th Street and Lammers Road that front the project site, as detailed in the traffic technical report prepared by Fehr & Peers. (Appendix B of the DEIR)

Mitigation Measure 4.3.10 on page 4.3-26 is revised as follows:

MM 4.3.10 Implement MM 4.3.1 (a) (b) and 4.3.2

Mitigation Measure 4.3.11 on page 4.3-26 is revised as follows:

MM 4.3.11 Implement MM 4.3.1 (a) (b)

4.4 Noise

Mitigation Measure 4.4.3 on page 4.4-8 of the DEIR has been revised as follows:

MM 4.4.3 A solid noise barrier ~~with a minimum height of four feet~~ shall be constructed along the north and east property boundaries to reduce roadway noise levels. The barrier may take the form of an earthen berm, solid masonry wall, or as approved by the City.

4.6 Biological Resources

Impact 4.6-3, on page 4.6-11, is hereby revised as follows.

Implementation of the following mitigation measure will ensure that there is no net loss of Swainson's hawk foraging habitat. ~~Payment of fees that will be used to preserve appropriate mitigation lands in perpetuity.~~ Compliance with SJMSCP regulations will ensure that foraging habitat for Swainson's hawk will continue to be available in the region. Implementation of this mitigation measure will reduce this impact to a level that is **less than significant**.

Mitigation Measure

MM 4.6.3 Implement Mitigation Measure 4.6.2. ~~Pursuant to the provisions of the SJMSCP, the project applicant shall purchase one acre of mitigation land, to be enhanced and managed in perpetuity, for each acre of Swainson's hawk foraging habitat (i.e., agricultural land) that is converted from compatible agricultural use.~~

~~The project applicant shall either purchase mitigation credits at a rate of \$1,500 to \$1,690 per acre of agricultural land that is converted to non-~~

~~open space use, or the project applicant may, in lieu of fee payments, offer suitable land for dedication. Dedications shall be approved by the JPA with concurrence from the permitting agencies. In lieu lands shall meet minimum parcel sizes designated in the SJMSCP preserve design descriptions, or if smaller, should be adjacent to an existing preserve which, in combination with in lieu lands, meets Preserve size minimums.~~

~~Additionally, in lieu lands shall include an endowment payment (equal to the management endowment and administration costs of land acquisitions as prescribed in Sections 7.2.3 and 7.2.4 of the SJMSCP) to ensure management of the dedicated land in perpetuity as described in Section 5.3.2.2 of the SJMSCP.~~

Timing/Implementation: Prior to issuance of grading permit or any building permit
Enforcement/Monitoring: ~~City of Tracy~~ Developer

4.7 Public Utilities

The text on the fourth paragraph on page 4.7-10 of the DEIR has been revised as follows:

City of Tracy General Plan

The following General Plan goals, policies, and actions addressing water demand and supply are included in the Public Facilities and Services Conservation Elements: Policies PF 1.1, PF 1.4, PF 1.5, PF 1.9, PF 1.10, CO 2.1, and CO 2.2 and associated implementing actions, and General Plan EIR Mitigation Measures M60.1 and 60.3.

The first paragraph on page 4.7-27 of the DEIR has been revised as follows:

City of Tracy General Plan

General Plan goals, policies, and actions addressing wastewater are ~~Goal PF1 and policies PF 1.1 and PF 1.7. Goals PF1 and PF2 and policies PF 1.1, PF 1.2, PF 1.7, PF 1.9, PF 1.10, and PF 2.1 through PF 2.5.~~ As described in Section 4.1, Land Use, the project would be consistent with the General Plan.

The text of the DEIR (last sentence at the bottom of page 4.7-37 and the first full paragraph on page 4.7-38) has been revised as follows:

Higher levels of TDS occur at shallower depths than in deeper zones in the aquifer.⁴¹ Based on available data from shallow wells east of the project site, the shallow groundwater typically contains TDS concentrations ranging from 700 to over 1,000 mg/L. ~~Therefore, wastewater generated from this blend of water sources would result in wastewater with a TDS level nearly equal to or less than groundwater.~~

7 Ron Heinzen, Kleinfelder, personal communication with Rich Stratton, HDR Engineering, July 11, 2002.

~~The treatment process would not use significant quantities of chemicals and, therefore, would only increase the TDS of the effluent by less than 20 mg/L. Wastewater entering the on-site WRF from the Proposed Project would come from City supply that is a blend of low-TDS surface water and groundwater that is anticipated to decrease to less than 500 mg/L (secondary drinking water standard) by 2004.⁸ Treated effluent from the on-site WRF would increase influent TDS levels by approximately 150 to 200 mg/L. The resulting TDS levels (650 to 700 mg/L) would be at or below background levels in the shallow aquifer, which range from 700 to 1,000 mg/L.~~

~~Treated effluent from the on-site WRF would percolate into the shallow, poorer quality groundwater beneath the site. The anticipated effect of irrigation and percolation of effluent in TDS of the underlying shallow and deeper groundwater would be less than significant for several reasons. First, because percolation of effluent beneath parking lots would not evaporate, the proposed percolation system would not cause levels of TDS to increase in the shallow aquifer through concentration of salts. Second, irrigation water for landscaping is typically applied at rates exceeding evapotranspiration, resulting in reduced levels of TDS in comparison to agricultural application. Third, the shallow zone is not used for municipal supply. Finally, there is a 200-foot-thick clay layer (Corcoran clay) that separates the shallow aquifer from underlying groundwater. Even if shallow groundwater contains elevated levels of TDS, this water would not percolate to the deeper aquifer that is used for municipal supply. The minimal contribution of TDS from the effluent, combined with percolation of effluent, surface water used for irrigation, and natural rainfall, would not be expected to substantially worsen TDS levels in groundwater.~~

The text under the subheading “Application of Recycled Water During Wet Season” on page 4.7-38 of the DEIR has been revised as follows:

The Geoflow® system has been ~~approved by the RWQCB~~ used for year-round irrigation in other areas of California, ~~because~~ the emitters and distribution systems are located below the surface and outside of the influence of rainfall. The emitter is located low enough in the soil profile to prevent any restriction to effluent percolation. The Geoflow® system would be beneath the parking lots. Other irrigated areas on the site would be considered as alternative locations for the Geoflow® system.

Text has been inserted after the third paragraph on page 4.7-50:

Urban Runoff and Stormwater Quality Management

Development of the Proposed Project would increase the amount of impervious surfaces, which would alter the types and concentrations of urban pollutants (e.g., petroleum products, sediments, TDS, metals, and herbicides/pesticides) that could be discharged to the storm drain system. Consistent with City requirements for new development, the Storm Water Management Program, and the U.S. Environmental Protection Agency’s

8 City of Tracy, Water for the City of Tracy, 1999 Consumer Confidence Report.

Phase II Storm Water Final Rule, the Proposed Project would include permanent BMPs to minimize and control pollutants in stormwater runoff. Water quality control measures would include the stormwater “wet” detention basins, inlet protection (e.g., filters), and administrative controls. Project Conditions of Approval would specify that appropriate BMPs be incorporated into project design in conformance with the adopted Storm Water Management Program to reduce urban pollutants in runoff, consistent with goals and standards established under federal and State non-point source discharge regulations (U.S. Environmental Protection Agency Phase II program) and Regional Water Quality Control Board water quality objectives for the Delta. Stormwater runoff BMPs selected from the Storm Water Quality Task Force (*California Storm Water Best Management Practices Handbook*, 1993), the Bay Area Stormwater Management Agencies Association *Start at the Source Design Guidance Manual*, or equally effective measures would be identified prior to Tentative Map approval by the City. To maximize effectiveness, the selected BMPs would be based on finalized site-specific drainage studies, with consideration for the types and locations of proposed land uses. Mechanisms to maintain the BMPs would be identified in the Conditions of Approval.

BMPs would be implemented in accordance/compliance with the NPDES Phase II program requirements. As part of the Tentative Map approval process, the Proposed Project would be conditioned to require BMPs. At the time of design, technical studies would be required that support the proposed physical structures to be incorporated as part of the BMPs, as well as any monitoring that may be required.

The fourth paragraph on page 4.7-50 of the DEIR has been revised as follows:

With the inclusion of an appropriate level of stormwater detention and the interim and permanent outfall systems, which would include features such as detention basins, inlet protection, and administrative controls to reduce the types and concentrations of urban pollutants that could affect receiving water quality, the Tracy Gateway project would result in storm drainage impacts that are considered to be **less than significant**.

4.8 Public Services

Mitigation Measure 4.8.1(a) on page 4.8.-4 is revised as follows:

MM 4.8.1(a) The project shall contribute its fair share of costs for any facilities and/or equipment necessary to serve the project. The project’s contribution to law enforcement equipment and facilities will be included in the project’s FIP. The City shall ensure that the funding in the FIP adequately mitigates the project’s increased demand for law enforcement services.
~~The project shall coordinate with the City and the Police Department in the placement of any necessary facilities. These facilities will be included in the project’s FIP. Once sited and designed, these facilities will be subject to environmental review, as appropriate, for CEQA compliance.~~

Mitigation 4.8.1(b) on page 4.8-4 is revised as follows:

~~**MM 4.8.1(b)** The project's contribution to law enforcement equipment and facilities will be included in the project's FIP. The City shall ensure that the FIP adequately mitigates the project's increased demand for law enforcement services.~~

The text on Page 4.8-5 of the DEIR has been revised as follows:

Mitigation 4.8.2 on page 4.8-5 is revised as follows:

Mitigation Measure

MM 4.8.2 Implement MM 4.8.1(a) and 4.8.1(b).

The text on Page 4.8-5 of the DEIR has been revised as follows:

Mitigation Measures

MM 4.8.3(a) The project applicant shall coordinate with the City Department of Development and Engineering Services and the Fire Department in the placement of any necessary facilities, including those necessary to serve buildings up to 15 stories high. The City will hire a Consultant, at the developer's expense, to address fire department related impacts of the project. This study shall include, but not be limited to, requirements for training, equipment, infrastructure, and any necessary City of Tracy Code revisions. Any required facilities will be included in the project infrastructure plans and financed through the FIP. When assigned and sited, any new facilities will be subject to environmental review, as appropriate for CEQA compliance.

Timing/Implementation: Prior to adoption of the FIP ~~and~~ or Development Agreement.

Enforcement/Monitoring: City of Tracy.

The text on, page 4.8-8, first paragraph of the DEIR has been revised as follows:

1. EXISTING SETTING

The project site falls within the boundaries of the Lammersville Elementary School District (LESD) (Grades K - 8) and the Tracy Unified School District (TUSD) (Grades 9 - 12). ~~There are 12 elementary schools (serving 6,929 students), three middle schools (serving 2,823 students) and The Lammersville Elementary School has a current capacity of 340 students and a current enrollment of 300 students⁹. The TUSD has two high schools (serving 4,673 students) with a total permanent capacity of 3,240 and a total~~

9 Bill Lebo, Superintendent, LESD, personal communication August 19, 2002.

capacity of 4,738 students with the addition of portable classrooms. The current enrollment of the two high schools is 4,727.¹⁰ in the TUSD.

The text on, page 4.8-9 (beginning with the second paragraph) of the DEIR has been revised as follows:

Cumulative Impacts and Mitigation Measures

Impact 4.8.6 Cumulative development within the City of Tracy, in combination with the Proposed Project, could require the construction of new schools.

Development of the Proposed Project could result in the relocation of residents that currently reside outside the TUSD and LESD boundaries to an area within the TUSD and LESD boundaries. Development of the project site ~~will~~ would provide employment opportunities in the City and may draw residents and their families to the area. This could indirectly increase enrollment at local schools thereby affecting facilities.

Consultation with the LESD and TUSD personnel indicate that Lammersville Elementary School is near capacity¹¹ and there is capacity at the elementary school level district-wide. ~~However, Clover and Monte Vista middle schools are at capacity, and Monte Vista Middle School currently accepts overflow students from the other two middle schools and has capacity to accept approximately 100 more students. Both high schools are very close to capacity.¹² Tracy High and West High are near or at capacity, respectively.¹³~~

Development of the Proposed Project in combination with other development within the boundaries of the LESD and TUSD could increase demand on schools. Existing schools might not be able to accommodate the projected future population at their current capacities. In order for projected demands to be served, additional schools would be needed or the capacity increased at existing schools.

The text on page 4.8-9, last paragraph of the DEIR, has been revised as follows:

Pursuant to Proposition 1A/Senate Bill 50 (Chapter 407, Statutes of 1998), payment of statutory fees or alternate fees, as discussed above, is deemed to be full and complete mitigation of school impacts. Generally, the impact fees would be applicable to any future development within the school district, including the Proposed Project. ~~however, non-residential development on the project site would not be subject to the Districts' fees.~~ In addition, the TUSD has developed a Comprehensive School Facility Capital Improvement and Finance Plan, which in part, sets forth three options for developers to mitigate school facility impacts. Therefore, the cumulative impacts related to schools resulting from the Proposed Project would be **less than significant.**

10 Sherry Gongaware, Director of Facilities, TUSD, personal communication July 17, 2002.

11 Bill Lebo, Superintendent, LESD, personal communication, August 19, 2002.

~~12 Mrs. Riddle, Student Service Department, Tracy Unified School District, personal communication with EIP Associates, October 4, 2001.~~

13 Sherry Gongaware, Director of Facilities, Tracy Unified School District, personal communication with EIP, July 17, 2002.

The text on Page 4.8-18 of the DEIR has been revised as follows:

Mitigation Measures

MM 4.8.10(a) Prior to issuance of first building permit, ~~approval of the project~~, the applicant shall develop an integrated waste management plan. The contents of the plan shall, at a minimum, include provisions for redirecting the following types of materials from the landfill: landscaping materials and other green waste, cardboard, office paper, wood (i.e. pallets), and food waste when feasible. The plan shall also include provisions for incorporation of garbage and recycling containers within and outside of buildings.

Timing/Implementation: Prior to issuance of first ~~grading~~ building permit.

Enforcement/Monitoring: City of Tracy

MM 4.8.10(b) The construction contractor shall set up bins or other means of containment to hold separated scraps of recyclable material (i.e. cardboard, lumber, etc). The contractor shall work with Tracy Delta Solid Waste Management, Inc. in accordance with the Tracy Municipal Code to recycle at the maximum level possible.

Timing/Implementation: Prior to issuance of first ~~grading~~ building permit.

Enforcement/Monitoring: City of Tracy

MM 4.8.10(c) The contractor shall work with the City of Tracy to establish construction recycling measures to reduce the amount of construction waste disposed of at the landfill.

Timing/Implementation: Prior to issuance of first ~~grading~~ building permit.

Enforcement/Monitoring: City of Tracy

The text on Page 4.8-18 has been revised as follows:

Mitigation Measure

MM.4.8.11 (a) Final plans for the project WRF shall include a dewatering system that is capable of processing biosolids generated by the project WRF to reduce the amount of potential disposal into area landfills.

Timing/Implementation: As a condition of approval of the improvement plans for the project WRF.

Enforcement/Monitoring: City of Tracy

4.9 Visual Resources/Light and Glare

The text on Page 4.9-9 of the DEIR has been revised as follows:

Mitigation Measure

- MM 4.9.4**
- a. Parking lot lighting shall be designed in accordance with the City of Tracy Standard Plan #154, Sheet 3, or as modified by the CDP.
 - b. Lighting shall be designed to confine light within the site boundaries of both on and off-site improvements, while providing safety and security.
 - c. Exterior lighting, including lighting of the parking lot, recreational facilities, and off-site improvements shall be designed to prevent light spillover onto adjoining properties or roads. This shall be accomplished by limiting the height of light poles, intensity of night lighting and the use of cutoff fixtures and shields.

Timing/Implementation: Design to be approved as part of any PDP/FDP that provides for development of such facilities that includes this type of lighting.

Enforcement/Monitoring: City of Tracy

5. Alternatives to the Project

The text beginning on Page 5-4, fourth paragraph, of the DEIR, has been revised as follows:

Public Services

Alternative 1 provides for 300 apartment units that would have the potential to house school age children. The project site is located within the Lammersville Elementary School District (grades k – 8) and the Tracy Unified School District (TUSD) (grades 9 – 12). Student generation rates are used to determine the number of new students per dwelling unit. At the elementary and middle school levels (grades k-8), this alternative would generate 101 new students for multi-family units (.338 students per multi-family dwelling unit). At the high school level (grades 9-12), this alternative would generate approximately 22 new students (.073 students per dwelling unit).

~~There is capacity at the elementary school level district wide. However, Clover and Monte Vista Middle Schools are at capacity, and Monte Vista Middle School currently accepts overflow students from the other two middle schools and has capacity to accept~~

~~approximately 100 more students. Both high schools are very close to capacity.~~¹⁴
Lammersville Elementary School is near capacity¹⁵ and Tracy High and west High are near or at capacity, respectively.¹⁶

Development of the 300 residential units would increase demand on schools. Because they are at, or close to, capacity existing ~~middle elementary~~ and high schools may not be able to accommodate the projected future population at their current capacities. In order for projected demands to be served, additional schools could be needed.

Pursuant to Proposition 1A/Senate Bill 50 (Chapter 407, Statutes of 1998), payment of statutory fees or alternate fees, as discussed above, is deemed to be full and complete mitigation of school impacts. Generally, the impact fees would be applicable to any future development within the school district, including the Proposed Project. ~~however, non-residential development on the project site would not be subject to the Districts' fees. In addition, the TUSD has developed a Comprehensive School Facility Capital Improvement and Finance Plan, which in part, sets forth three options for developers to mitigate school facility impacts.~~ Therefore, the cumulative impacts related to schools resulting from the Proposed Project would be **less than significant**.

~~The TUSD would require that the project participate in school mitigation in conformance with the District's Comprehensive School Facility Capital Improvement and Finance Plan (CFD), as provided by the General Plan and the Growth Management Ordinance. However, Government Code Section 65995 restricts the District and the City from requiring participation in a CFD that would require school mitigation fees above the statutory school fee cap.~~

The text on fifth paragraph on page 5-4 has been revised as follows:

There is capacity at the elementary school level district-wide. However, Clover and Monte Vista Middle Schools are at capacity, and Monte Vista Middle School currently accepts overflow students from the other two middle schools and has capacity to accept approximately 100 more students. ~~Both high schools are very close to capacity.~~¹⁷ The Lammersville Elementary School is near capacity and the two high schools are near or at capacity.¹⁸

6. Cumulative Impacts Summary

The text in the second paragraph on page 6-6 in the DEIR has been revised as follows:

~~14 Mrs. Riddle, Student Service Department, Tracy Unified School District, personal communication with EIP Associates, October 4, 2001.~~

15 Bill Lebo, Superintendent, LESD, personal communication, August 19, 2002.

16 Sherry Gongaware, Director of Facilities, TUSD, personal communication, July 17, 2002

~~17 Mrs. Riddle, Student Service Department, Tracy Unified School District, personal communication with EIP Associates, October 4, 2001.~~

18 Sherry Gongaware, Director of Facilities, Tracy Unified School District, personal communication with EIP Associates, July 17, 2002.

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Operation of the on-site WRF, in combination with recycled water that would be produced by the City's WWTP and growth within the City of Tracy, could result in additional City parks and fields irrigated with recycled water. Because recycled water from both facilities would be treated to the same stringent standards, and the incremental addition of treated effluent from the Proposed Project WRF would not worsen existing groundwater conditions that would affect municipal supply, cumulative impacts on groundwater would be **less than significant**.

Staff Initiated Text Changes

Throughout the text of the DEIR, the terms "CC&Rs" or "CCRs" have been changed to "Conditions of Approval."

1. The text in the last paragraph on page 2-3 and at the top of page 2-4 has been revised as follows:

Based on the City's evaluation provided in the NOP, the following environmental issue areas will not be addressed in the EIR, as the project will not result in a significant impact related to ~~these~~ this issues:

- Geology and Soils
- ~~Mineral Resources~~

2. The text on Page 3-4 of the DEIR has been revised as follows:

3.3 PROJECT OBJECTIVES

The Proposed Project is a result of an application submitted to the City of Tracy by Tracy Gateway, LLC, the project applicant. The applicant has identified the following objectives:

- create a Class A business park for over 20,000 employees;
- reduce long work commutes to the Bay Area by providing local jobs;
- incorporate bicycle lanes, walking areas, and shuttle bus services within the business park;
- create an upscale image and true business center by establishing zoning for mid-rise and high-rise offices;
- establish a true campus environment, minimizing auto impact and maximizing human/natural elements, including areas to interact with the environment;
- create a central focal point with a 9-hole championship golf course surrounded by mid-rise office buildings where citizens and employees can play a round within 2.5 hours and office workers can have views of green landscape and water;
- incorporate over 40 acres of storm water management ponds as amenities to the golf course and business park that will function as part of the project's water drainage;

2. Revisions to the Draft EIR

- incorporate a multi-level European-style commercial urban center, creating a sense of place, with restaurants, services, hotel, and living areas;
- create a landmark project; and
- create a gateway to the City of Tracy.

3. The text in the first paragraph on Page 3-6 has been revised as follows:

Commercial

Under the commercial designation, proposed uses include a 365~~6~~ net acre business/R&D development park with a phased design of over ~~5,000,000~~ 5,800,000 square feet (sf) of Class A office, research space in mid- and high-rise office buildings ~~located on the periphery of a golf course~~. The commercial component would consist of 220,000 sf of retail, two hotels of 150 and 200 rooms totaling 220,000 sf, and over 340,000 sf of second floor office space.

4. The text in third paragraph of Page 3-24 has been revised as follows:

Subsequent entitlements shall include:

- preparation of preliminary and final development plans;
- tentative and final subdivision maps; ~~and~~
- grading and building permits, and
- preparation of Finance Implementation Plan.

5. The text in the last paragraph on Page 4.3-11 has been revised as follows:

The primary traffic impact of developing the access points into the project are not the entryways themselves but the traffic loading on the existing streets that would result from development of the project. This issue is presented later in this section as part of the discussion of Impact 4.3.5~~6~~, which addresses project access.

6. The text on Page 4.3-16 has been revised as follows:

Cumulative Impact and Mitigation Measure
~~Project Impacts and Mitigation Measures~~

Impact 4.3.1 Project-generated development could potentially affect I 205 and I 580 through an increase in the number of P.M. peak hour trips leaving the project site.

7. The text on Page 4.3-18 has been revised as follows:

Cumulative Impact and Mitigation Measure
Project Impact

Impact 4.3.2 Project-generated development under the 2025 cumulative scenario would increase the number of P.M. peak hour trips leaving the project site, which could potentially affect local expressways and arterials.

8. The text on Page 4.3-19 has been revised as follows:

Cumulative Impact and Mitigation Measure

Project Impact

Impact 4.3.3 Project-generated development would increase the number of P.M. peak hour trips leaving the project site, which could potentially affect rural roads in the project area.

9. The project on Page 4.3-20 has been revised as follows:

Cumulative Impact and Mitigation Measure

Project Impact

Impact 4.3.4 Project-generated development would increase the number of P.M. peak hour trips leaving the project site, which could potentially affect key intersections in the project area.

10. The text on Page 4.3-21 has been revised as follows:

MM 4.3.6 The following access improvements shall be made as part of the project:

- The center access road on 11th Street and the Lammers Access road should be signalized, with all turning movements allowed.
- As development of the Proposed Project progresses, traffic control for the remaining access roads on 11th Street will be established in conformance with City standards and in coordination with other agencies.
- At both of the project's signalized access roads, dual left-turn lanes should be provided to accommodate the expected traffic entering the project during the morning peak flow.
- At the signalized project arterial and 11th Street, five outbound lanes should be provided at the intersections, including three dedicated left-turn lanes, and one dedicated right-turn lane, and one through lane.
- At the signalized arterial on Lammers Road, five outbound lanes should be provided. Two dedicated left-turn lanes, two dedicated right-turn lanes should be provided, and one through lane.

11. The text on Page 4.3-22 has been revised as follows:

Mitigation Measure

MM 4.3.7 Class I bicycle lanes shall be constructed along the portions of 11th Street and Lammers Road that front the project site, as detailed in the traffic technical report prepared by Fehr & Peers (Appendix B of DEIR).

Timing/Implementation: *Prior to issuance of occupancy permit for first building.*

Enforcement/Monitoring: City of Tracy.

12. The text just before Impact 4.5.7 on page 4.5-21 has been revised as follows:

Cumulative Impacts and Mitigation Measures

Impact 4.5.7 Project-related traffic would contribute to an increase of localized CO concentrations.

13. The text in the last paragraph on Page 5-5 is revised as follows:

Comparative Analysis

Land Use and LAFCO Conformity

The No Golf Course/Increased Office Space Alternative would change the land uses and would increase the density on the project site. The additional office space would be placed in the center of the site and would not increase the density of the site along the property boundaries. Therefore, the issues of land use compatibility, both within the site and with adjoining lands, would not be different than the Proposed Project. Because the proposed alternative does not include land uses different than the Proposed Project, the increase ~~the impacts~~ due to possible inconsistencies with the General Plan, other City policies, or LAFCO policies would not be greater.

14. The text in second paragraph on Page 7-5 has been revised as follows:

Analysis

Development of the Proposed Project would include the annexation of the project site into the City and the redesignation of the site from Residential Low to Commercial and Open Space. The Proposed Project would include 335~~6~~ net-acres of business park and retail uses, two hotels of 150 and 200 rooms, respectively, and a 83-acre golf course. Because of these project elements, this assessment assumes that growth-inducing impacts would result from the elimination of obstacles to growth and the extent to which development could cause increased activity in the local or regional economy.

TABLE 2-1

SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE TRACY GATEWAY PROJECT

Impact(s)	Level of Significance Prior to Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
4.1 Land Use			
4.1.1 The Proposed Project could be inconsistent with the City's General Plan or other City plans, policies or ordinances.	LS	MM 4.1.1 None required.	NA
4.1.2 The locations of the off-site improvements for the Proposed Project could be inconsistent with Caltrans regulations, the City's General Plan, County's General Plan or other plans, policies and ordinances.	LS	MM 4.1.2 The City shall ensure that the Proposed Project is in conformance with all applicable regulations for construction of the off-site water facility prior to approval of any FDP. Any potential non-conforming land uses or conflicts shall be modified to meet the stated regulations of the affected agency.	LS
4.1.3 The Proposed Project could conflict with San Joaquin LAFCO guidelines and policies.	LS	MM 4.1.3 None required.	NA
4.1.4 The Proposed Project could allow development of land uses that could be incompatible with existing or planned surrounding land uses.	S	MM 4.1.4 The City shall ensure that the Proposed Project is in conformance with the City's zoning regulations relating to project design and land use compatibility with prior to approval of the <u>PUD Zoning and CDP</u> . Any <u>future potential non-conforming</u> land uses <u>incompatibilities or conflicts</u> shall be modified to <u>achieve meet</u> the stated goals and policies in the City's zoning regulations <u>CDP</u> and General Plan.	NA <u>LS</u>
4.1.5 The off-site improvements for the Proposed Project could allow development of land uses that could be incompatible with existing or planned surrounding uses.	LS	MM 4.1.5 None required	NA
4.1.6 The Proposed Project would allow development of land uses that could be internally incompatible.	LS	MM 4.1.6 None required.	NA

Note:

LS = Less Than Significant
FDP = Final Development Plan

S = Significant SU = Significant and Unavoidable
PSU = Potentially Significant and Unavoidable

NA = Not Applicable

PS = Potentially Significant

NI = No Impact

TABLE 2-1

SUMMARY OF IMPACTS AND MITIGATION MEASURES FOR THE TRACY GATEWAY PROJECT

Impact(s)	Level of Significance Prior to Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
4.2 Agriculture and Mineral Resources			
<p>4.2.1 The Proposed Project could convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use.</p>	S	<p>MM 4.2.1 <u>To the extent that a Farmland Preservation Program is adopted by the City of Tracy, the applicant shall be required to participate in the Program, subject to provisions of law, and be subject to any fee that may be required by the Program.</u></p> <p><u>The project applicant shall pay \$750 per acre to the City of Tracy to help establish a Farmland Preservation Program to offset the loss of farmland on the project site.</u></p> <p><u>When a Farmland Preservation Program is implemented by the City of Tracy, the project applicant shall participate in the program. Elements of the Farmland Preservation Program may include, but not necessarily be limited to: enactment of agricultural conservation easements to preserve existing farmland within San Joaquin County or nearby counties, fee title acquisition of farmlands to ensure agricultural use in perpetuity, and use of strategically located greenbelts or community separators between Tracy and surrounding communities.</u></p> <p><u>In addition, until such time as a Farmland Preservation Program is adopted by the City of Tracy (through a stand-alone program, imposition of specific farmland preservation policies in the General Plan/Urban Management Plan, or similar action), the project</u></p>	SU

Note:

LS = Less Than Significant
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		<p><u>applicant shall further mitigate the impact of farmland loss by establishing a conservation easement or other permanent preservation of farmland for a total of 269 acres (one-half acre for every acre converted to a non-agricultural use). The intent of the easement shall be to protect, in perpetuity, viable farmland in the general vicinity of Tracy and within San Joaquin County by ensuring easement grantors continued use of their lands for farming, ranching and other agricultural purposes that do not otherwise reduce or interfere with agricultural viability. The land being protected through the conservation easement shall be comparable to the project site in terms of soil conditions/agricultural use capabilities. Lands shall continue to be held in fee title by the easement grantor, and would be binding upon any successive owners of the property. The project applicant shall be responsible for any reasonable costs in implementing this mitigation measure, and in assisting the City and other agencies, as appropriate, in finding lands suitable for conservation easements and in developing a qualified land trust or conservation organization for overseeing the terms and implementation of the conservation easement. The project applicant can seek the assistance of the State's Department of Conservation, American Farmland Trust, or similar agency in meeting this mitigation measure. All terms and conditions of conservation easements including its location shall be</u></p>	

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		<u>subject to City review and approval.</u>	
<p>4.2.2 Construction of the off-site utility improvements required by the Proposed Project could convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use.</p>	S	<p>MM 4.2.2 The Developer shall work with land owners whose existing agricultural operations could be disrupted by construction of the off-site improvements to ensure the following:</p> <ul style="list-style-type: none"> • Disruption to existing agricultural operations is minimized. • Land owner has reasonable access to agricultural fields during construction. • Land owner(s) is (are) adequately compensated for loss of crops. 	LS

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<p>4.2.3 The Proposed Project would develop a mixed-use business park, hotels, and a golf course that could conflict with active agricultural operations to the east, south and west.</p>	<p>S</p>	<p>MM 4.2.3(a) The following disclosure statement shall be incorporated into the CC&Rs <u>written on each building permit and stated on each final map</u> for the Tracy Gateway project:</p> <p>“If your property is adjacent to property used for agricultural operations, you may be subject to inconveniences or discomforts arising from such operations on a 24-hour basis. Said discomforts may include, but shall not be limited to: noise, odors from manure or chemicals, and dust or smoke. Pursuant to the Tracy Municipal Code, properly conducted and maintained agricultural operations are not considered to be a nuisance.”</p> <p>MM 4.2.3(b) The following requirement shall be incorporated into the CC&Rs <u>Conditions of Approval</u> for the Tracy Gateway project:</p> <p>“The project applicant shall provide for additional vegetation along portions of the project site adjoining active agricultural uses in order to serve as a windbreak and buffer from adjacent agricultural operations.”</p>	<p>LS</p>
<p>4.2.4 The Proposed Project could result in the loss of mineral resources.</p>	<p>LS</p>	<p>MM 4.2.4 None required.</p>	<p>NA</p>

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4.2.5 The Proposed Project, in combination with future development in San Joaquin County, could result in the cumulative loss of Important Farmlands.	S	MM 4.2.5 Implement MM 4.2.1.	SU
4.3 Traffic and Circulation			
4.3.1 Project-generated development could potentially affect I 205 and I 580 through an increase in the number of p.m. peak hour trips leaving the project site.	S	MM 4.3.1(a) The following traffic improvements, as detailed in the traffic technical report prepared by Fehr & Peers, March 2002, shall be included in the project's FIP. <u>The project shall contribute its fair share of costs to these following roadway improvements have been identified as mitigation measures:</u> <ul style="list-style-type: none"> • New Lammers Road extending from I 205 to I 580; to include the construction of a grade-separated railroad crossing (at Union Pacific Railroad), a new structure over the Delta-Mendota Canal and one over the California Aqueduct. • New freeway interchanges at I 205 and I 580 with Lammers Road. • Widening Corral Hollow Road to four lanes between Linne Road and Lammers Parkway. 	SU

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		<ul style="list-style-type: none"> • Construction of the Chrisman/I 205 interchange. • Constructing four-lane Schulte Road between Crossroads Drive and Lammers Road • Constructing Street B from Naglee Road to Bryon Road as a four-lane arterial that would connect directly with the western segment of Grant Line Road to improve access between Tracy and Mountain House. • Widen Grant Line Road to six lanes between Tracy Boulevard and Corral Hollow. • Upgrade the City-owned portions of Linne Road, Chrisman Road and 11th Street east of MacArthur to expressway status. <p><u>MM 4.3.1(b)</u> The project applicant shall pay applicable development fees to the City of Tracy towards construction of regionally significant transportation facilities.</p>	

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<p>4.3.2 Project-generated development under the 2025 cumulative scenario would increase the number of p.m. peak hour trips leaving the project site, which could potentially affect local expressways and arterials.</p>	<p>S</p>	<p>MM 4.3.2 The following roadway improvements shall be included in the project’s Finance and Implementation Plan (FIP).</p> <ul style="list-style-type: none"> • Widen 11th Street from four to six lanes • Either grade separate the intersection of Lammers/11th Street or construct additional arterial capacity west of Lammers Road • Construct a second southbound left-turn lane from Lammers onto Valipico • Provide right-of-way to allow for dual left-turn lanes into the Proposed Project at the signalized intersection into the project from both 11th Street and Lammers Road. 	<p>LS</p>
<p>4.3.3 Project-generated development would increase the number of p.m. peak hour trips leaving the project site, which could potentially affect rural roads in the project area.</p>	<p>LS</p>	<p>MM 4.3.3 None Required</p>	<p>NA</p>
<p>4.3.4 Project-generated development would increase the number of p.m. peak hour trips leaving the project site, which could potentially affect key intersections in the project area.</p>	<p>S</p>	<p>MM 4.3.4 Implement MM 4.3.2.</p>	<p>LS</p>
<p>4.3.5 Project-generated development could decrease the trips through the Altamont Pass.</p>	<p>NI</p>	<p>MM 4.3.5 None required.</p>	<p>NA</p>

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<p>4.3.6 Existing entryways for access to the project site along 11th Street and along Lammers Road could create unacceptable traffic congestion on these roadways.</p>	<p>S</p>	<p>MM 4.3.6 The following access improvements shall be made as part of the project:</p> <ul style="list-style-type: none"> • The center access road on 11th Street and the Lammers Access road should be signalized, with all turning movements allowed. • The remaining access roads on 11th Street should be unsignalized, with left turns prohibited into and out of the project site. • <u>As development of the Proposed Project progresses, traffic control for the remaining access roads on 11th Street will be established in conformance with City standards and in coordination with other agencies.</u> • At bBoth of the project's signalized access roads dual left-turn lanes should be provided to accommodate the expected traffic entering the project during the morning peak flow. 	<p>LS</p>
		<ul style="list-style-type: none"> • At the signalized project driveway <u>arterial</u> and 11th Street, three <u>five</u> outbound lanes should be provided at the intersections, including two <u>three</u> dedicated left-turn lanes, and one dedicated right-turn lane, <u>and one through lane.</u> 	

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		<ul style="list-style-type: none"> At the signalized driveway-<u>arterial</u> on Lammers Road, three <u>five</u> outbound lanes should be provided. One <u>Two</u> dedicated left-turn lanes and one <u>two</u> dedicated right-turn lanes, <u>and one through lane</u> should be provided, in addition to one shared lane. 	
<p>4.3.7 Project-generated development could affect bicycle and pedestrian mobility in and around the project site.</p>	S	<p>MM 4.3.7 Class I bicycle lanes shall be constructed along the portions of 11th Street and Lammers Road that front the project site, as detailed in the traffic technical report prepared by Fehr & Peers. (<u>Appendix B of the DEIR</u>)</p>	LS
<p>4.3.8 If mitigation measures 4.3.2, 4.3.6, 4.3.9 are implemented, other environmental resource areas could be adversely impacted.</p>	PS	<p>MM 4.3.8 None available at this time.</p>	PSU
<p>4.3.9 Construction activities associated with the off-site potable and non-potable water infrastructure and roadway improvements could result in temporary disruption of vehicle travel on affected roadways.</p>	S	<p>MM 4.3.9 Prior to project construction affecting any roadway segment, the applicant and the City of Tracy shall ensure preparation of a Construction Traffic Control Plan. This plan shall be prepared in accordance with standards of agencies in the jurisdiction to ensure safe and efficient roadway operations and shall include, but would not be limited to, detailed requirements for the following:</p>	LS

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		<ul style="list-style-type: none"> ▪ Traffic control devices, including signs and markings ▪ Detours, including consideration of concurrent construction activities; ▪ Construction phasing ▪ Access to adjacent properties; and ▪ Emergency vehicle access. • The Construction Traffic Control Plan shall consider the impacts of changes in traffic volumes and capacities related to the construction activities, and their impact on traffic operations. Where appropriate, construction activities may be limited to specific time periods to avoid undue traffic congestion. • The Construction Traffic Control Plan shall also address the following items: <ul style="list-style-type: none"> ▪ Active rail line crossings; ▪ Construction “haul” routes for earthen materials; ▪ Construction routes for other materials; and ▪ Impacts, if any, on roadway pavements, including provisions to restore construction-damaged pavements. 	

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4.3.10 Under cumulative conditions, the Proposed Project could contribute to traffic impacts on local streets that could exceed City LOS standards.	S	MM 4.3.10 Implement MM 4.3.1 <u>(a)</u> , <u>(b)</u> and 4.3.2	LS
4.3.11 Under cumulative conditions, the Proposed Project could contribute to traffic impacts on freeways that could exceed LOS standards.	S	MM 4.3.11 Implement MM 4.3.1 <u>(a)</u> , <u>(b)</u>	SU
4.4 Noise			
4.4.1 The Proposed Project could cause an increase in noise levels that exceed the City of Tracy Noise Element standards.	LS	MM 4.4-1 None required.	NA
4.4.2 Construction of the Proposed Project could cause an increase in the noise level in the project vicinity.	S	MM 4.4.2 Construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. (or daylight hours) in areas where sensitive receptors are located, with no construction allowed on Sunday. In noise-sensitive areas, construction equipment, compressors, and generators shall be fitted with heavy-duty mufflers specifically designed to reduce noise impacts.	LS
4.4.3 The Proposed Project could be exposed to noise from vehicular traffic on adjacent roadways.	S	MM 4.4.3 A solid noise barrier with a minimum height of four feet shall be constructed along the north and east property boundaries to reduce roadway noise levels. The barrier may take the form of an earthen berm, solid masonry wall, or as approved by the City.	LS
4.4.4 Development of the Proposed Project, in combination with other development within the City, could result in noise levels that exceed adopted standards.	S	MM 4.4.4 None feasible.	SU

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4.5 Air Quality			
4.5.1 The Proposed Project would involve operation of a water reclamation facility (WRF) that could generate odors.	LS	MM 4.5.1 None required.	NA
4.5.2 Dust from construction activities could cause adverse localized effects for sensitive land uses surrounding the project site.	LS	MM 4.5.2 None required.	NA
4.5.3 Construction activities would generate NO _x and ROG emissions above the air districts daily thresholds of 55 lbs/day and 10 tons/ year for NO _x and ROG.	S	MM 4.5.3 (a) If feasible, use alternative fuel construction equipment. (b) The maximum allowable time limit for idling equipment is 10 minutes. (c) Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use. (d) Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set). (e) Curtail construction during periods of high ambient pollutant concentrations: This may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways. (f) Implement activity managements (e.g. rescheduling activities to reduce short-term impacts).	SU

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4.5.4 Operational emissions associated with motor vehicle trip generation would exceed ROG, NO _x and CO standards.	S	MM 4.5.4 Implementation of the goals, policies, and actions outlined in the air quality element of the Tracy Urban Management Plan and the following additional mitigation measures would reduce the magnitude of emissions associated with mobile sources created by the buildout the project area.	SU
		(a) Encourage the use of alternative fuel vehicles by large employers within the project area; (b) Provide transit-enhancing infrastructure that includes transit shelters, benches, route signs, and bus turnouts to promote the use of public transportation; and (c) Provide pedestrian enhancing infrastructure that includes bike paths, sidewalks and pedestrian paths, direct pedestrian connections, street trees to shade sidewalks, pedestrian safety designs/infrastructure, street furniture, street lighting, and pedestrian signalization and signage.	
4.5.5 Operation of the project WRF could result in the generation of toxic air contaminants.	LS	MM 4.5.5 None required.	NA

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<p>4.5.6 Operation of the Proposed Project could include research and development (R&D) land uses could result in the generation of toxic air contaminants.</p>	<p>S</p>	<p>MM.4.5.6 The project applicant shall coordinate with the SJVUAPCD regarding potential toxic air contaminant emissions from R&D activities. This shall include preparation of necessary documents (e.g., facility design and controls, and risk evaluation, as appropriate). Evidence of this coordination with the SJVUAPCD shall be provided to the City of Tracy Department of Development and Engineering Services. Best available control technology (BACT) shall be installed if adopted thresholds are exceeded.</p>	<p>LS</p>
<p>4.5.7 Project-related traffic would contribute to an increase of localized CO concentrations.</p>	<p>LS</p>	<p>MM 4.5.7 None required</p>	<p>NA</p>
<p>4.5.8 The cumulative impact of the Proposed Project, in combination with other development in the air basin, could hinder the SJVUAPCD's ability to bring the air basin into attainment.</p>	<p>S</p>	<p>MM 4.5.8 Implement MM 4.5.3 and 4.5.4.</p>	<p>SU</p>
<p>4.5.9 Implementation of the Proposed Project, in combination with other development in the Tracy Planning Area, could generate unacceptable cumulative toxic air contaminant health risks.</p>	<p>S</p>	<p>MM 4.5.9 Implement MM 4.5.6.</p>	<p>SU</p>

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4.6 Biological Resources			
4.6.1 The Proposed Project may result in impacts to wetlands or other Waters of the U.S.	S	MM 4.6.1 Prior to the issuance of a grading permit, an evaluation of the irrigation sediment pond and the associated distribution system shall be made to determine if either would be considered jurisdictional. If it is determined that the irrigation sediment pond or distribution system on the site is not jurisdictional then no further mitigation would be required. If it is determined that the irrigation sediment pond or associated distribution system on the site is jurisdictional then a formal delineation shall be prepared and submitted to the ACOE. Prior to site grading for the project, the project applicant shall be in compliance with the programmatic 404/401 permit that has been established for the SJMSCP.	LS
4.6.2 The Proposed Project could conflict with the San Joaquin County Multi Species Habitat Conservation and Open Space Plan.	S	MM 4.6.2 The applicant shall be required to comply with the policies and regulations of the SJMSCP.	LS
4.6.3 The Proposed Project may result in loss of Swainson's hawk foraging habitat.	S	MM 4.6.3 Implement MM 4.6.2	LS

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<p>4.6.4 The Proposed Project may result in impacts to nesting raptors.</p>	<p>S</p>	<p>MM 4.6.4 Prior to the commencement of any construction activities, a survey of the project site by a qualified biologist should be conducted to determine if any raptors are nesting in the area. If it is determined that no raptors are nesting in the project area, then no further mitigation is necessary.</p> <p>If any raptors are determined to be nesting in the project area, then construction activities shall be conducted outside of the breeding season for the species in question. The nesting season is generally between mid-March to late August, but may vary by species.</p> <p>If construction outside of the breeding season is not feasible, then a buffer zone (100 feet for white-tailed kite and other tree nesting raptor nest sites, and 500 feet for northern harrier nest sites) shall be established and maintained during the nesting season for the period encompassing nest building and continuing until the young have fledged. This setback applies whenever construction or other ground disturbing activities must begin during the nesting season in the presence of nests which are known to be occupied. Setbacks shall be marked by brightly colored temporary fencing.</p>	<p>LS</p>

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<p>4.6.5 The Proposed Project may result in impacts to loggerhead shrike.</p>	<p>S</p>	<p>MM 4.6.5 Prior to the commencement of any construction activities, a survey of the project site by a qualified biologist should be conducted to determine if any loggerhead shrike are nesting in the project area. If it is determined that no loggerhead shrike are nesting in the project area, then no further mitigation is necessary.</p> <p>If loggerhead shrike are determined to be nesting in the project area, then construction activities shall be conducted outside of their breeding season. The nesting season for loggerhead shrike occurs from March to July.</p> <p>If construction outside of the breeding season is not feasible, then a buffer zone of 100 feet shall be established and maintained during the nesting season for the period encompassing nest building and continuing until the young have fledged. This setback applies whenever construction or other ground disturbing activities must begin during the nesting season in the presence of nests which are known to be occupied. Setbacks shall be marked by brightly colored temporary fencing.</p>	<p>LS</p>

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<p>4.6.6 The Proposed Project may result in impacts to western burrowing owl.</p>	<p>S</p>	<p>MM 4.6.6 Within Nesting Season (March through August) Prior to the commencement of any construction activities, a survey of the project site by a qualified biologist should be conducted to determine if any western burrowing owl are present in the project area. If it is determined that no western burrowing owl are present in the project area, then no further mitigation is necessary.</p> <p>If burrowing owl are determined to be nesting in the project area, then construction activities shall be conducted outside of their breeding season. The nesting season for burrowing owl in this region occurs from March through August.</p> <p>If work must be conducted during the nesting season, then a buffer of 250 feet shall be established around all active burrowing owl nests. No disturbance shall be allowed within these buffers, and the buffer areas shall remain in place until the young have fledged.</p>	<p>LS</p>

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		<p>Outside of Nesting Season (September through February) If any western burrowing owl are determined to be inhabiting the project area, then pursuant to the provisions of the SJMSCP that pertain to burrowing owls, the project applicant may install one-way doors, as approved by the JPA in burrows outside of the nesting season so that owls may exit the burrows, but not re-enter them.</p> <p>To discourage colonization, or recolonization of the site by burrowing owls, the project applicant may plant and maintain new vegetation that will cover the entire area of potential nesting habitat at a height of 36 inches above the ground. This vegetation shall be maintained until construction begins. Vegetation of this type will discourage use of the site by ground squirrels and burrowing owls.</p>	
<p>4.6.7 The Proposed Project may result in impacts to San Joaquin kit fox.</p>	<p>S</p>	<p>MM 4.6.7 Prior to the commencement of any construction activities, the project applicant shall retain a qualified biologist to conduct preconstruction surveys for potential kit fox dens within two calendar weeks to thirty calendar days prior to commencement of ground disturbing activities. If no potential dens are discovered, then no further mitigation is necessary.</p>	<p>LS</p>

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		<p>If potential dens are discovered, then the potential den entrances shall be dusted with flour or bentonite for three calendar days to register tracks of any San Joaquin kit fox that may be present. If no San Joaquin kit fox activity is identified, then the potential dens may be destroyed.</p> <p>If San Joaquin kit fox activity is identified, then the dens shall be monitored by a qualified biologist to determine if it is a natal den, or if it is occupied only by adults. If only adults occupy the den, then the den may be destroyed after the den has been vacated. If the den is a natal den, then a buffer zone of 250 feet shall be established and maintained around the den until a qualified biologist has determined that the den has been vacated.</p> <p>Loss of foraging habitat or movement corridors shall be mitigated by compliance with the compensation measures for Swainson’s hawk described above.</p>	
<p>4.6.8 The Proposed Project, in combination with other cumulative development in the project study area, would convert undeveloped land to urban uses, resulting in the loss of general wildlife foraging and sheltering habitat for resident and migratory species.</p>	<p>S</p>	<p>MM 4.6.8 Implement MM 4.6.1, 4.6.3, 4.6.4, and 4.6.5-4.6.7.</p>	<p>SU</p>

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Impact(s)	Level of Significance Prior to Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
4.7 Public Utilities			
<p>4.7.1 Depending on Proposed Project phasing, potable water obtained through the proposed water exchange program with the City may not be sufficient to meet project demand if recycled water treated to tertiary standards at the City’s wastewater treatment plant is delayed.</p>	S	<p>MM 4.7.1 Development of Phase 3 of the Proposed Project shall not proceed until seasonal storage has been provided at the Proposed Project. Up to 309 ac-ft/yr of storage shall be accommodated within the project site to balance the annual demands of the water exchange program with the annual supplies from the on-site <u>project</u> WRF. If seasonal winter storage is developed, the Proposed Project shall comply with conditions, if any, imposed by the Regional Water Quality Control Board and/or Department of Health Services. Such conditions could include, but would not be limited to, minimizing the potential for the stored recycled water to hydraulically connect with on-site storm drainage features or the underlying aquifer.</p>	LS
<p>4.7.2 Development of the Proposed Project includes off-site connections to the City’s potable water system, and installation of pipelines, pumps, and storage for the water exchange program.</p>	LS	<p>MM 4.7.2 None required.</p>	NA
<p>4.7.3 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>	NI	<p>MM 4.7.3 None required.</p>	NA

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Impact(s)	Level of Significance Prior to Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
4.7.4 The Proposed Project would include an on-site water reclamation facility (WRF) designed and sized to accommodate flows from the Proposed Project. Consequently, this would not increase the demand on existing or planned wastewater treatment or conveyance facilities that would result in the need for expansion of these facilities.	LS	MM 4.7.4 None required.	NA
4.7.5 The on-site water reclamation facility (WRF) would generate flows during winter months that would exceed the irrigation demand of City parks and fields. Disposal of these excess flows could not be accommodated within existing or planned water or wastewater systems.	S	MM.4.7.5 In the event the results of detailed site design for the on-site emitter system indicate that on-site permeabilities may preclude the effective operation of the system, or if the installed system does not function as anticipated, implement MM 4.7.1 (provide wet-season recycled water storage at the project site).	LS
4.7.6 Treated effluent generated by the on-site WRF would be applied through spray irrigation at City parks and recreation fields and applied at the project site through an underground emitter system. People using the parks and fields could come in contact the recycled water, or applied water could migrate to groundwater.	LS	MM 4.7.6 None required.	NA
4.7.7 The WRF would use chemicals that would be transported, stored, and used at the project site.	LS	MM 4.7.7 None required.	NA

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Impact(s)	Level of Significance Prior to Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
4.7.8 The WRF would generate biosolids that would be temporarily stored at the project site until removed for disposal at a landfill.	LS	MM 4.7.8 None required.	NA
4.7.9 The Proposed Project, in combination with existing and planned development in the City of Tracy, would not result in an increase in wastewater flows that could exceed capacity of existing treatment and disposal systems or require extensions of wastewater infrastructure.	NI	MM 4.7.9 None required.	NA
4.7.10 The Proposed Project, in combination with existing and planned development in the City of Tracy that would use recycled water from the City's WWTP, would not result in any cumulative effects on receiving water quality (surface water or groundwater) through the use of recycled water for landscape irrigation.	LS	MM 4.7.10 None required.	NA
4.7.11 The Proposed Project, in combination with existing and planned development in the City of Tracy, would result in the increase use, storage, and transport of hazardous materials.	LS	MM 4.7.11 None required.	NA

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Impact(s)	Level of Significance Prior to Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
4.7.12 The Proposed Project could result in an increase in impervious surfaces, which could increase the rate and amount of stormwater runoff.	LS	MM 4.7.12 None required.	NA
4.7.13 The Proposed Project, in combination with other development in the City of Tracy, would result in an increase in impervious surfaces, which could increase the rate and amount of stormwater runoff.	LS	MM 4.7.13 None required.	NA
4.7.14 The Proposed Project could increase the demand for electricity and natural gas.	S	MM 4.7.14 Prior to approval of each phase of the Proposed Project, the applicant must demonstrate that sufficient electrical and natural gas supplies are available to serve the Proposed Project.	LS
4.7.15 Construction or operation of the Proposed Project could result in wasteful, inefficient and unnecessary consumption of energy.	LS	MM 4.7.15 None required.	NA
4.7.16 The Proposed Project could require the extension of electrical and natural gas transmission and distribution infrastructure.	S	MM 4.7.16 The project applicant shall coordinate with PG&E regarding the extension of electrical and natural gas service to the project site and off-site improvements. This shall include preparation of detailed plans for utility placement and the project's participation in energy conservation programs provided by PG&E. Evidence of this coordination with PG&E shall be provided to the City of Tracy Department of Development and Engineering Services.	LS

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Impact(s)	Level of Significance Prior to Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
4.7.17 The Proposed Project, along with development in the region, could result in the need for new or physically altered energy generation facilities.	LS	MM 4.7.17 None required.	NA
4.8 Public Services			
4.8.1 The Proposed Project could cause an increased demand on law enforcement services and new facilities related to those services.	S	<p>MM 4.8.1(a) <u>The project shall contribute its fair share of costs for any facilities and/or equipment necessary to serve the project. The project's contribution to law enforcement equipment and facilities will be included in the project's FIP. The City shall ensure that the funding in the FIP adequately mitigates the project's increased demand for law enforcement services.</u></p> <p>The project shall coordinate with the City and the Police Department in the placement of any necessary facilities. These facilities will be included in the project's FIP. Once sited and designed, these facilities will be subject to environmental review, as appropriate, for CEQA compliance.</p>	LS
		<p>MM 4.8.1(b) The project's contribution to law enforcement equipment and facilities will be included in the project's FIP. The City shall ensure that the FIP adequately mitigates the project's increased demand for law enforcement services.</p>	
4.8.2 The Proposed Project, in combination with future development in the City will create demand for additional law enforcement services and facilities.	S	MM 4.8.2 Implement MM 4.8.1(a) and 4.8.1(b).	LS

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Impact(s)	Level of Significance Prior to Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
<p>4.8.3 The Proposed Project could cause an increased demand in fire protection services and related facilities.</p>	<p>S</p>	<p>MM 4.8.3(a) The project applicant shall coordinate with the City Department of Development and Engineering Services and the Fire Department in the placement of any necessary facilities, including those necessary to serve buildings up to 15 stories high. The City will hire a Consultant, at the developer's expense, to address fire department related impacts of the project. This study shall include, but not be limited to, requirements for training, equipment, infrastructure, and any necessary City of Tracy Code revisions. Any required facilities will be included in the project infrastructure plans and financed through the FIP. When assigned and sited, any new facilities will be subject to environmental review, as appropriate for CEQA compliance.</p> <p>MM 4.8.3(b) The project applicant will coordinate with the City regarding the project's contribution to fire protection equipment and facilities, which will be included in the project's FIP. The City shall ensure that the FIP adequately mitigates the project's increased demand for fire protection services.</p>	<p>LS</p>

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Impact(s)	Level of Significance Prior to Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
4.8.4 Operation of the WRF could require special fire protection/hazardous materials services beyond what is currently anticipated for the project area.	S	MM 4.8.4 The City of Tracy Fire Department shall review plans for the project WRF facilities to determine if special fire protection/suppression services, equipment or facilities are required (e.g., special hazardous materials equipment, temporary and/or water tanks, and fire breaks). The recommendations of the Fire Department shall be incorporated into the improvement plans for the project WRF.	LS
4.8.5 The Proposed Project, in combination with future development in the City, could create demand for additional fire protection and emergency service.	S	MM 4.8.5 Implement MM 4.8.3(a), (b), and 4.8.4.	LS
4.8.6 Cumulative development within the City of Tracy, in combination with the Proposed Project, could require the construction of new schools.	LS	MM 4.8.6 None required.	NA
4.8.7 The Proposed Project could result in the need to create, or pay into, the City's park development program for the expansion of recreational facilities.	S	MM 4.8.7 The City shall adopt, and the project applicant shall comply with, the provisions of the Retail, Industrial and Office Impact Fee Ordinance.	LS
4.8.8 The Proposed Project could cause increased use of existing park facilities.	LS	MM 4.8.8 None required.	NA

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Impact(s)	Level of Significance Prior to Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
<p>4.8.9 The Proposed Project in combination with future development in the City could result in the cumulative need for additional park/recreation sites in the City.</p>	<p>LS</p>	<p>MM 4.8.9 None required.</p>	<p>NA</p>
<p>4.8.10 The Proposed Project could result in the need for expansion of the existing, or construction of a new, landfill or transfer facility to accommodate the solid waste generated by the project.</p>	<p>S</p>	<p>MM 4.8.10(a) Prior to <u>issuance of first building permit approval of the project</u>, the applicant shall develop an integrated waste management plan. The contents of the plan shall, at a minimum, include provisions for redirecting the following types of materials from the landfill: landscaping materials and other green waste, cardboard, office paper, wood (i.e. pallets), and food waste when feasible. The plan shall also include provisions for incorporation of garbage and recycling containers within and outside of buildings.</p> <p>MM 4.8.10(b) The construction contractor shall set up bins or other means of containment to hold separated scraps of recyclable material (i.e. cardboard, lumber, etc). The contractor shall work with Tracy Delta Solid Waste Management, Inc. in accordance with the Tracy Municipal Code to recycle at the maximum level possible.</p>	<p>LS</p>

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Impact(s)	Level of Significance Prior to Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
		MM 4.8.10(c) The contractor shall work with the City of Tracy to establish construction recycling measures to reduce the amount of construction waste disposed of at the landfill.	
4.8.11 Operation of the on-site WRF would require the disposal of biosolids into a landfill.	LS	MM 4.8.11(a) Final plans for the <u>project</u> WRF shall include a dewatering system that is capable of processing biosolids generated by the <u>project WRF</u> to reduce the amount of potential disposal into area landfills. MM 4.8.11(b) As part of the final improvement plans for the project WRF, the applicant shall prepare a biosolids disposal plan. If the plan includes disposal at a landfill, it shall be demonstrated that the landfill has adequate capacity and disposal would be consistent with AB 939, as well as all applicable regulations of the California Integrated Waste Management Board (IWMB) and Regional Water Quality Control Board (RWQCB)	LS
4.8.12 The Proposed Project, in combination with future development in the City, could increase the demand for solid waste collection and disposal.	LS	MM 4.8.12 None required.	NA
4.9 Visual Resources/Light and Glare			
4.9.1 The Proposed Project could result in an alteration in the visual character of the area from agricultural land to developed urban uses.	S	MM 4.9.1 None available.	SU

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<p>4.9.2 The Proposed Project would develop a mixed-use business center at the intersection of 11th Street and Lammers Road, which has been designated as a community entry point by the City of Tracy.</p>	<p>LS</p>	<p>MM 4.9.2 None required.</p>	<p>NA</p>
<p>4.9.3 The Proposed Project could partially obstruct distant views of the Diablo Range and short-range and distant views of agricultural lands.</p>	<p>S</p>	<p>MM 4.9.3 None available.</p>	<p>SU</p>
<p>4.9.4 The Proposed Project could introduce new sources of nighttime light within the project area.</p>	<p>S</p>	<p>MM 4.9.4</p> <ul style="list-style-type: none"> a. Parking lot lighting shall be designed in accordance with the City of Tracy Standard Plan #154, Sheet 3, <u>or as modified by CDP.</u> b. Lighting shall be designed to confine light within the site boundaries of both on and off-site improvements, while providing safety and security. c. Exterior lighting, including lighting of the parking lot, recreational facilities, and off-site improvements shall be designed to prevent light spillover onto adjoining properties or roads. This shall be accomplished by limiting the height of light poles, intensity of night lighting, and the use of cutoff fixtures and shields. 	<p>SU</p>

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Impact(s)	Level of Significance Prior to Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
4.9.5 Reflective surfaces within the Proposed Project could create glare that distracts drivers on I 205.	S	MM 4.9.5 Design features to reduce the amount of reflective surfaces shall be considered. Such measures could include, but would not be limited to: use of non-reflective window glass, reducing the percentage of window area that could reflect glare onto motorists traveling on I 205, or building orientation.	SU
4.9.6 The Proposed Project could contribute to a cumulative alteration of aesthetic characteristics of the City of Tracy by increasing urban development in existing rural and undeveloped natural areas.	S	MM 4.9.6 None available.	SU
4.9.7 The Proposed Project could contribute to the cumulative introduction of artificial light into a rural area.	S	MM 4.9.7 None available	SU

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Impact(s)	Level of Significance Prior to Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
4.10 Historic and Cultural Resources			
<p>4.10.1 The Proposed Project could negatively affect previously unidentified cultural resources.</p>	PS	<p>MM 4.10.1(a) If construction activities at the project site or at off-site potable water or non-potable untreated surface water/recycled water line and related improvements locations expose unusual amounts of non-native stone (obsidian, fine-grained silicates, basalt), bone, shell, or prehistoric or historic period artifacts (purple glass, etc.), or if areas that contain dark-colored sediment that do not appear to have been created through natural processes are discovered, work shall cease in the immediate area of discovery. A professionally qualified archaeologist shall be contacted immediately for an on-site inspection of the discovery, shall assess the significance of the find, and develop mitigation recommendations (e.g., manual excavation of the immediate area), if warranted.</p>	LS

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Impact(s)	Level of Significance Prior to Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
		<p>MM 4.10.1(b) In the event of discovery or recognition of any human remains on the project site or at off-site potable or non-potable water line locations, the project sponsor shall contact the San Joaquin County Coroner, pursuant to Section 7050.5(b) of the California Health and Safety Code. In this event, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner determines that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.</p>	

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Impact(s)	Level of Significance Prior to Mitigation	Mitigation Measure(s)	Level of Significance After Mitigation
		<p>MM 4.10.1(c) The Coroner, upon recognizing the remains as being of Native American origin, shall contact the Native American Heritage Commission within 24 hours. No further disturbance of the site may be made except as authorized by the County Coroner. The Commission has various powers and duties to provide for the ultimate disposition of any Native American remains, including the designation of a Native American Most Likely Descendant. Sections 5097.98 and 5097.99 of the Public Resources Code also call for “protection to Native American human burials and skeletal remains from vandalism and inadvertent destruction.” To achieve this goal, construction personnel on the project shall be instructed as to both the potential for discovery of cultural or human remains, and the need for proper and timely reporting of such finds, and the consequences of failure to do so.</p>	
<p>4.10.2 Cumulative impacts to historical and cultural resources could occur with development of the Proposed Project.</p>	<p>PS</p>	<p>MM 4.10.2 Implement MM 4.10.1 (a)-(b)</p>	<p>LS</p>

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LETTER 1: TERRY ROBERTS, CALIFORNIA GOVERNOR'S OFFICE OF PLANNING AND RESEARCH, STATE CLEARINGHOUSE (JUNE 7, 2002 [2 LETTERS] AND JUNE 11, 2002)

Response to Comment 1a-1

The State Clearinghouse submitted a letter dated June 7, 2002 indicating that the comment period for the DEIR closed June 6, 2002 and the City has complied with the review requirements for draft environmental documents.

Response to Comment 1b-1

The State Clearinghouse submitted a second letter dated June 7, 2002 to the City that included comments from the California Department of Conservation (DOC) that were received by the State Clearinghouse after the close of the comment period. The comments from DOC received by the State Clearinghouse are addressed in Responses to Comments for Letter 4 in this FEIR.

Response to Comment 1c-1

The State Clearinghouse submitted a letter dated June 11, 2002 to the City that included comments from the California Department of Transportation (Caltrans) that were received by the State Clearinghouse after the close of the comment period. The comments from Caltrans received by the State Clearinghouse are addressed in Responses to Comments for Letter 3 in this FEIR.

LETTER 2: TIMOTHY R. O'BRIEN, CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD (MAY 22, 2002)

Response to Comment 2-1

Comment noted.

Response to Comment 2-2

The DEIR (page 3-25) indicates under the "Regional Water Quality Control Board" subheading that a RWD (Report of Waste Discharge) would be required for operation of the on-site water reclamation facility.

The first bullet item under the heading "Regional Water Quality Control Board" on page 3-25 has been revised as follows to include dewatering permit requirements:

Regional Water Quality Control Board:

- NPDES permits for control of non-point source runoff during construction and groundwater dewatering.
- Report of Waste Discharge (RWD) and Waste Discharge Requirements (WDR) for WRF operation.

Response to Comment 2-3

As noted in Chapter 3, Project Description, and in Section 4.7C, Storm Drainage, in the DEIR, the Proposed Project would include several acres of detention basins to control stormwater runoff. As stated on page 4.7-45 in the DEIR, a network of detention basins is expected to provide water quality treatment prior to stormwater being discharged into Old River.

The following discussion is provided to enhance and clarify information presented in the Project Description and Section 4.7C, Storm Drainage, regarding potential water quality effects related to urban runoff from the Proposed Project. The information presented in this response supplements the analysis included in the DEIR and does not change the conclusions presented in the DEIR.

The City of Tracy is designated as a small municipal separate storm sewer system (MS4) under the U.S. Environmental Protection Agency Storm Water Phase II Final Rule. The City is in the process of developing a formal Storm Water Management Program as an initial step towards achieving compliance with the Phase II requirements. The Storm Water Management Program will address the required six minimum Best Management Practices (BMPs) under the Phase II program. These six minimum BMP measures consist of public education and outreach on stormwater impacts, public involvement/participation, illicit discharge detection and elimination, construction site stormwater runoff control, post-construction stormwater management in new development and redevelopment, and pollution prevention/good housekeeping for municipal operations. The Storm Water Management Program is scheduled for adoption in March 2003.

Consistent with pending Phase II requirements, as previously identified in the Project Applicant's preliminary description of the Proposed Project dated November 2000, the Proposed Project would include permanent BMPs to minimize and control pollutants in stormwater runoff. Water quality control measures would include the stormwater detention basins, inlet protection (e.g., filters), and administrative controls.¹

The first paragraph on page 3-22 in Chapter 3, Project Description, in the DEIR has been revised as follows to recognize that stormwater quality BMPs would be included in the Proposed Project storm drainage system, consistent with NPDES Phase II requirements that will be in effect in March 2003:

This area has been factored into the storm drain design for the Proposed Project. This total area, consisting of 866 acres, represents the local watershed that would be incorporated into the storm drainage plan for the Tracy Gateway project. Components of the storm drainage system needed to serve the drainage area are analyzed in Section 4.7.C and would include approximately 46 acres of storm water management ponds that will be used as a recreation/landscape amenity throughout the project. Operation of the detention facilities would be based upon mutual agreement between the Proposed Project developer and the City of Tracy. The Proposed Project would include permanent Best Management Practices (BMPs) to minimize and control pollutants in stormwater runoff. Water quality control measures would include the stormwater detention basins, inlet protection (e.g., filters), and administrative controls. The administrative controls will be those that are established as a part of the City's Storm Water Management Program as an NPDES Phase II community. The Storm Water Management Program is scheduled for adoption in March of 2003.

Page 4.7-50 in the DEIR has also been revised as follows:

Urban Runoff and Stormwater Quality Management

Development of the Proposed Project would increase the amount of impervious surfaces, which would alter the types and concentrations of urban pollutants (e.g., petroleum products, sediments, TDS, metals, and herbicides/pesticides) that could be discharged to the storm drain system. Consistent with City requirements for new development, the Storm Water Management Program, and the U.S. Environmental Protection Agency's Phase II Storm Water Final Rule, the Proposed Project would include permanent BMPs to minimize and control pollutants in stormwater runoff. Water quality control measures would include the stormwater "wet" detention basins, inlet protection (e.g., filters), and administrative controls. Project Conditions of Approval would specify that appropriate BMPs be incorporated into project design in conformance with the adopted Storm Water Management Program to reduce urban pollutants in runoff, consistent with goals and standards established under federal and State non-point source discharge regulations (U.S. Environmental Protection Agency Phase II program) and Regional Water Quality Control Board water quality objectives for the Delta. Stormwater runoff BMPs selected

1 Tracy Gateway LLC, Tracy Gateway Project Description, October 4, 2000, revised November 16,2000, pp.45-46.

3. Responses To Comments

from the Storm Water Quality Task Force (*California Storm Water Best Management Practices Handbook*, 1993), the Bay Area Stormwater Management Agencies Association *Start at the Source Design Guidance Manual*, or equally effective measures would be identified prior to Tentative Map approval by the City. To maximize effectiveness, the selected BMPs would be based on finalized site-specific drainage studies, with consideration for the types and locations of proposed land uses. Mechanisms to maintain the BMPs would be identified in the Conditions of Approval.

BMPs would be implemented in accordance/compliance with the NPDES Phase II program requirements. As part of the Tentative Map approval process, the Proposed Project would be conditioned to require BMPs. At the time of design, technical studies would be required that support the proposed physical structures to be incorporated as part of the BMPs, as well as any monitoring that may be required.

The structural measures that the City has implemented or is proposing as a part of their flood management program, including large stormwater detention basins and channel/parkway drainage corridors, exceed the minimum requirements because they are structural measures that are supplementary to the six mandated minimum BMP measures and would serve to further enhance the City's water quality management effectiveness once the six minimum BMP measures are implemented upon completion of the Storm Water Management Program.

The following discussion addresses the effectiveness of the proposed detention features and supporting evidence to conclude that project and cumulative water quality impacts would be less than significant.

The overall Tracy West Area consists primarily of agricultural uses, which drain via tailwater ditches to Old River. As indicated in the DEIR (page 4.7-43), excess irrigation water from the undeveloped project site is collected in ditches and basins, which eventually discharge tailwater to ditches that ultimately drain to Old River. The Old River watershed, which would receive stormwater flows from the Proposed Project, encompasses approximately 433,000 acres. To date, approximately 25,200 acres of the 433,000-acre watershed have been developed with impervious surfaces. Within the context of the Old River watershed, the 865-acre watershed assumed for developing storm drainage features for the Proposed Project represents less than 0.2 percent of the entire watershed. Under the developed condition, approximately 53 percent (approximately 460 acres) of the project watershed would be developed with impervious surfaces.²

The Proposed Project's increase in developed (impervious) surfaces would increase storm runoff generation for the local 865-acre watershed. However, the project storm drainage facilities that incorporate detention facilities would mitigate the increase in runoff production by limiting the peak outflow rate to 4 cfs during a 100-year storm event. The reduction in discharge rates for stormwater realized by on-site detention is sufficient to offset the proposed increase in impervious surfaces. This conclusion is augmented by the context of the size of the project site watershed in proportion to the overall watershed contributing to Old River described above.

² Stantec Consulting, Inc., Technical Report Storm Drainage Analysis and Supplement to the SDMP, Tracy Gateway Project, August 28, 2001, Attachment A.

Stormwater systems are designed to manage specific runoff volumes and flow rates. For flood protection, peak runoff volumes and flow rate are calculated for various storm sizes, depending on local conditions. The amount of water that can be managed to protect water quality is called the "water quality volume." As with stormwater runoff control, there are a variety of standards and approaches for managing stormwater for water quality purposes. The California Storm Water Quality Task Force and the Water Environment Federation/American Society of Civil Engineers have adopted an 80 percent annual capture rate (of runoff) as a standard practice for the water quality volume to provide effective treatment. This translates into approximately the first 0.50 to 1.25 inches of rain, or a 2-year recurrence interval. Where feasible, the detention basins constructed as part of the Proposed Project would provide treatment of the first one-half inch of runoff for water quality purposes, consistent with industry standards. The detention system would release runoff slowly enough to reduce downstream peak flows and allow fine sediments to settle.³

The Proposed Project would utilize a network of "wet" detention basins that would allow for the settling of a significant amount of the pollutants and sediments normally associated with stormwater prior to any downstream release. In the practice of stormwater pretreatment prior to discharge into receiving waters, the temporary storing of such water in detention basins has been demonstrated to be an effective and widely used mitigation technique. "Wet" detention is also the more effective method when compared to dry detention basins.

Detaining water in the basins would improve the quality of water ultimately released to Old River via the Wicklund outfall by reducing water velocity and turbulence and providing time for suspended particles to settle out. The expected reduction in sedimentation is also expected to be highly correlated to a corresponding reduction in other potential pollutants associated with sediment loading, for example, biological oxygen demand, chemical oxygen demand, suspended solids, salts, nitrogen, and various metals that typically bind with colloidal particles. In addition, agricultural runoff and tailwater, which can also contain various agricultural chemicals (e.g., herbicides and pesticides) would be reduced. This is considered a benefit of the Proposed Project.

The fourth paragraph on page 4.7-50 in the DEIR has been revised as follows to clarify that the drainage system includes features that would protect water quality in Old River from potential adverse effects as a result of project-generated urban runoff:

With the inclusion of an appropriate level of stormwater detention and the interim and permanent outfall systems, which would include features such as detention basins, inlet protection, and administrative controls to reduce the types and concentrations of urban pollutants that could affect receiving water quality, the Tracy Gateway project would result in storm drainage impacts that are considered to be **less than significant**.

3 Bay Area Stormwater Management Agencies Association, Start at the Source: Design Guidance Manual for Stormwater Quality Protection, 1999, pages 40, 43 and 142.

Response to Comment 2-4

The DEIR (page 3-25) notes that an NPDES permit will be required during construction to control project site runoff and that the RWQCB requires filing a Notice of Intent and preparing a Storm Water Pollution Prevention Plan.

Response to Comment 2-5

Page 4.6-8 in Section 4.6, Biological Resources, in the DEIR describes the permit requirements under Clean Water Act Section 404. No wetlands have been identified on the project site; however, some jurisdictional wetlands may be present at off-site locations. Impact 4.6.1 and Mitigation Measure 4.6.1 on pages 4.6-9 through 4.6-10 in the DEIR describes the process that will be followed if jurisdictional wetlands are identified.

No surface water drainage realignment is proposed.

Response to Comment 2-6

Subsequent to the General Plan Amendment (GPA) Report, which identified preliminary concepts for utility infrastructure (including wastewater), and the August 2001 Technical Memorandum referred to by the commentor, the City further evaluated wastewater options for the Proposed Project. The currently proposed wastewater system for the Proposed Project is described in a Technical Memorandum prepared by HDR in March 2002. This document is included in Appendix F in the DEIR, and the effects of implementation of the proposed system are evaluated in the DEIR.

Documentation that the project's flows cannot be accommodated at the City's WWTP is provided in the DEIR. As stated on pages 4.7-23 and 4.7-24 in the DEIR, the Proposed Project is not included in the unused remaining capacity or planned 16.0-mgd expansion of the City's wastewater treatment plant. None of the regional water reclamation facilities have been approved or constructed. The City concluded that development of an on-site water reclamation facility (WRF) is the preferred method of wastewater disposal for the Proposed Project at this time. However, development of the on-site WRF would not preclude future connection to the City's expanded WWTP or a regional WRF (e.g., Tracy Hills). Additional environmental review of the project's incremental contribution to either of these facilities would be required should either of these options be pursued in the future.

The information regarding the on-site WRF is not new information. Alternative options for wastewater disposal, such as an on-site WRF, were disclosed in the Notice of Preparation (page IV-18), which was circulated for agency review in February 2001. The NOP stated:

Lastly, and depending on the timing of the treatment plant expansion program, and the ability of the facility to include the project, it may be necessary for the project to develop an onsite 'package treatment plant' as an interim solution. It is assumed that such a facility could remain on line for 10 to 12 years, or indefinitely.

Response to Comment 2-7

Page 3-17 in Chapter 3, Project Description, and page 4.7-36 in Section 4.7B, Utilities – Wastewater states that industrial-type wastewater generated by R&D uses would require pre-treatment by the generator prior to release to the on-site WRF. The degree of pre-treatment would be specified when operational characteristics of the WRF and types of R&D uses are more clearly defined. An Industrial Pretreatment Program (IPP), which would include random sampling and testing of discharges from industrial users, would be required by the City and implemented by the developer. This will be established in an agreement between the Proposed Project developer and the City related to the private operation of the on-site WRF. A condition of approval for the Tentative Map, or any Final Development Plan that proposes any R&D uses whose operational characteristics include industrial type wastewater, will state that pretreatment systems shall be required for review and approval by the City prior to approval of any building permit, and that a report demonstrating compliance with the IPP shall be provided to the City on an annual basis.

Response to Comment 2-8

The “Cumulative Impacts Summary” in Chapter 6 referred to by the commentor summarizes information presented in each technical chapter. The cumulative effects on groundwater as a result of wastewater discharge from the on-site WRF are discussed in Impact 4.7.10 on page 4.7-41 in the DEIR. The following discussion elaborates on local and regional effects on groundwater.

Primary constituents of concern for groundwater in the treated effluent are nitrates and TDS. According to the San Joaquin County Environmental Health Department, the shallow groundwater (first groundwater) in the Tracy area contains elevated levels of TDS and nitrates due to naturally occurring dissolved salts, untreated sewage leach fields, and agricultural activities. Based on available data from shallow wells east of the project site, the shallow groundwater typically contains nitrate concentrations that exceed 10 mg/L and TDS concentrations ranging from 700 to over 1,000 mg/L.⁴ These background levels, in the absence of the Proposed Project, exceed adopted drinking water standards. The DEIR (page 4.7-37) noted that shallow groundwater has been affected by TDS.

Shallow groundwater is separated from the underlying deeper aquifer by the Corcoran clay. This clay unit is approximately 200 feet thick and forms an impermeable barrier that effectively eliminates downward migration of groundwater containing elevated levels of nitrate and TDS from the shallow aquifer into deeper zones. The City’s municipal supply wells are screened at depths below the Corcoran clay.

The WRF would include denitrification treatment to reduce the total nitrate/nitrogen concentration to as low as 5 to 8 mg/L, if required. When using effluent for landscape irrigation, nitrogen would be removed by plant uptake and denitrification in the soil. When percolating effluent below the parking lots, further nitrogen removal would occur by denitrification in the

4 Ron Heinzen, Kleinfelder, personal communication with Rich Stratton, HDR Engineering, July 11, 2002.

soil. The cumulative effect of either irrigation or percolation of effluent on nitrogen concentration in the underlying shallow groundwater would not exacerbate an existing condition in which nitrate levels are already higher than adopted standards. For the deeper aquifer, as noted above, the Corcoran clay effectively restricts downward migration of groundwater, so municipal supply would not be affected by the effluent.

As stated on page 4.7-38 in the DEIR, the water supply to the project would consist of a blend of low-TDS surface water and groundwater. Although existing TDS levels slightly exceed adopted standards (500 mg/L), the City anticipates that TDS levels in the City's supply will be decreasing to less than 500 mg/L as planned supplemental surface water supplies are developed.⁵ (Development of these planned supplies, which are described on pages 4.7-3 through 4.7-4 in the DEIR, would occur regardless of whether the Proposed Project is implemented). The Proposed Project incrementally contribute 150 to 200 mg/L of TDS. Therefore, the treated effluent would have a TDS concentration of approximately 650 to 700 mg/L.

Treated effluent from the on-site WRF would percolate into the shallow, poorer quality groundwater beneath the site. The anticipated cumulative effect of irrigation and percolation of effluent in TDS of the underlying groundwater would be less than significant for three reasons. First, because percolation of effluent beneath parking lots would not evaporate, the proposed percolation system would not cause levels of TDS to increase in the shallow aquifer through concentration of salts. Second, irrigation water for landscaping is typically applied at rates exceeding evapotranspiration, resulting in reduced levels of TDS in comparison to agricultural application. Third, as previously noted, the shallow zone is not used for municipal supply, and the Corcoran clay is an impermeable layer that restricts downward movement of groundwater. Even if shallow groundwater contains elevated levels of TDS, this water would not percolate to the deeper aquifer that is used for municipal supply.

In summary, the proposed wastewater treatment system and the proposed management of effluent irrigation and percolation would limit groundwater degradation to a less-than-significant level. Monitoring wells would be installed (please see also Responses to Comments 2-15 and 2-16) and testing of the groundwater for nitrate and TDS levels would be performed as part of the Proposed Project. Additional measures would be implemented, if required, to protect beneficial uses of groundwater in compliance with State and federal regulations.

The summary discussion in the second paragraph on page 6-6 in the DEIR has been revised as follows to incorporate and further clarify the information as it pertains to groundwater under the cumulative condition:

Operation of the on-site WRF, in combination with recycled water that would be produced by the City's WWTP and growth within the City of Tracy, could result in additional City parks and fields irrigated with recycled water. Because recycled water from both facilities would be treated to the same stringent standards, and the incremental addition of treated effluent from the Proposed Project WRF would not worsen existing

5 City of Tracy, Water for the City of Tracy, 1999 Consumer Confidence Report.

groundwater conditions that would affect municipal supply, cumulative impacts on groundwater would be **less than significant**.

Response to Comment 2-9

Each of the technical issues raised by the RWQCB are related to the design and operating characteristics of the proposed on-site WRF. As required for the Report of Waste Discharge (RWD), these issues would be further addressed during project design and reported in the RWD. As part of the Tentative Map approval process, the Proposed Project would be conditioned to provide design and operational characteristics of the WRF to obtain a RWD. Project Applicant responses to specific technical considerations raised by the RWQWB regarding the on-site WRF are provided in Responses to Comments 2-10 through 2-16.

Response to Comment 2-10

Please see Response to Comment 2-8 regarding nitrogen levels.

Response to Comment 2-11

Impact 4.7.5 on pages 4.7-34 through 4.7-35 in the DEIR discusses the possibility that soil permeability could preclude effective operation of the wastewater storage system. Mitigation Measure 4.7.5, which would provide wet-season recycled water storage (per Mitigation Measure 4.7.1), was identified to address this potential problem. As part of the Tentative Map approval process, the Proposed Project would be conditioned to up to 309 ac-ft/yr of storage should the underground emitter system prove to be insufficient to provide wet-season water disposal to meet requirements of the Regional Water Quality Control Board, as a condition of approval of the tentative map. Mitigation Measure 4.7.1 specifically notes that potential hydraulic connections to drainage features and underlying aquifer be considered.

Impact 4.7.6 (under the subheading “Irrigation Runoff and Ponding”) on page 4.7-38 discusses the potential for runoff and ponding associated with effluent irrigation. The discussion goes on to note that the State Department of Health Services staff has indicated that monitoring irrigation rates would be acceptable.

Development of on-site storage in accordance with Regional Water Quality Control Board requirements, as imposed by the City as a condition of approval of the tentative map, and on-going monitoring would reduce the potential for treated effluent mixing with stormwater runoff, which would ensure off-site stormwater discharges are not adversely affected.

In summary, applying the recycled water during the summer growing season only and percolating beneath the parking lots during the winter (or storing it in ponds during the winter should the underground emitter system prove to be insufficient to provide wet-season water disposal) would address soil conditions and the potential for mixing with stormwater.

Response to Comment 2-12

City staff have reviewed the DEIR text regarding the discussion of total dissolved solids (TDS) on pages 4.7-37 through 4.7-38 in the DEIR and in the technical memorandum prepared by HDR included in Appendix F. The statement made by the commentator that “TDS will not be an important issue” does not appear in either document.

Please see Response to Comment 2-8 for additional information on TDS.

The text of the DEIR (last sentence at the bottom of page 4.7-37 and the first full paragraph on page 4.7-38) has been revised as follows to clarify the discussion of TDS:

Higher levels of TDS occur at shallower depths than in deeper zones in the aquifer.⁴¹ Based on available data from shallow wells east of the project site, the shallow groundwater typically contains TDS concentrations ranging from 700 to over 1,000 mg/L.⁶ Therefore, wastewater generated from this blend of water sources would result in wastewater with a TDS level nearly equal to or less than groundwater.

The treatment process would not use significant quantities of chemicals and, therefore, would only increase the TDS of the effluent by less than 20 mg/L. Wastewater entering the on-site WRF from the Proposed Project would come from City supply that is a blend of low-TDS surface water and groundwater that is anticipated to decrease to less than 500 mg/L (secondary drinking water standard) by 2004.⁷ The Proposed Project would incrementally contribute 150 to 200 mg/L of TDS. The resulting effluent TDS levels (650 to 700 mg/L) would be at or below background levels in the shallow aquifer, which range from 700 to 1,000 mg/L.

Treated effluent from the on-site WRF would percolate into the shallow, poorer quality groundwater beneath the site. The anticipated effect of irrigation and percolation of effluent in TDS of the underlying shallow and deeper groundwater would be less than significant for several reasons. First, because percolation of effluent beneath parking lots would not evaporate, the proposed percolation system would not cause levels of TDS to increase in the shallow aquifer through concentration of salts. Second, irrigation water for landscaping is typically applied at rates exceeding evapotranspiration, resulting in reduced levels of TDS in comparison to agricultural application. Third, the shallow zone is not used for municipal supply. Finally, there is a 200-foot-thick clay layer (Corcoran clay) that separates the shallow aquifer from underlying groundwater. Even if shallow groundwater contains elevated levels of TDS, this water would not percolate to the deeper aquifer that is used for municipal supply. The minimal contribution of TDS from the effluent, combined with percolation of effluent, surface water used for irrigation, and natural rainfall, would not be expected to substantially worsen TDS levels in groundwater.

6 Ron Heinzen, Kleinfelder, personal communication with Rich Stratton, HDR Engineering, July 11, 2002.

7 City of Tracy, Water for the City of Tracy, 1999 Consumer Confidence Report.

Response to Comment 2-13

The City's engineering consultant agrees that a feed rate error has the potential to create a process upset. However, many plants use this same chemical at the upstream end of wastewater treatment plants for odor control and/or process control reasons. This is not an unusual approach, and the potential for a feed rate error can be minimized by installing the appropriate sized feed pump. The sizing of the feed pump as well as instrumentation, alarms, and automatic shutdown controls to prevent a damaging overfeed rate would be more precisely identified during project design.

Response to Comment 2-14

The text under the subheading "Application of Recycled Water During Wet Season" on page 4.7-38 in the DEIR has been revised as follows:

The Geoflow® system has been ~~approved by the RWQCB~~ used for year-round irrigation in other areas of California. ~~because~~ The emitters and distribution systems are located below the surface and outside of the influence of rainfall. The emitter is located low enough in the soil profile to prevent any restriction to effluent percolation. The Geoflow® system would be beneath the parking lots. Other irrigated areas on the site would be considered as alternative locations for the Geoflow® system.

The treatment plant would include denitrification facilities for removal of nitrogen. Please see Response to Comment 2-8 regarding nitrogen levels.

Response to Comment 2-15

The DEIR authors and wastewater technical consultant recognize that wastewater mixed with stormwater is considered wastewater. This issue was considered in the development of the on-site WRF and associated on-site and off-site application areas.

Impact 4.7.6 (under the subheading "Irrigation Runoff and Ponding") on page 4.7-38 discusses the potential for runoff and ponding associated with effluent irrigation. The discussion goes on to note that the State Department of Health Services staff has indicated that monitoring irrigation rates would be acceptable. Areas irrigated with Title 22 effluent would be graded to prevent direct discharge to ponds. Monitoring irrigation rates would ensure that over-irrigation and runoff do not occur.

At this time, the City does not believe an NPDES permit would be needed because measures such as monitoring irrigation rates to prevent runoff and facilities to collect and return runoff would be included in project design. These design features would be identified in the RWD.

Response to Comment 2-16

Monitoring wells would be installed as part of the project. The monitoring wells would be installed in accordance with Regional Water Quality Control Board requirements. The

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monitoring wells would be located and sampled to ensure that potential impacts of storage and land application facilities on groundwater can be detected. The monitoring system would be identified in the RWD.

LETTER 3: TOM DUMAS, CALIFORNIA DEPARTMENT OF TRANSPORTATION (JUNE 6, 2002)

Response to Comment 3-1

Comment noted. Please see Responses to Comments 3-2 through 3-42.

Response to Comment 3-2

Impact 4.3-1, discussed on pages 4.3-13 through 4.3-17 of the DEIR, addresses the impacts of project-generated traffic on I 205 and I 580. As stated in the last paragraph on Page 4.3-16, Mitigation Measure 4.3-1 would be implemented to address these impacts and would reduce the impacts through a reduction of traffic congestion within the project area, which would directly or indirectly minimize the impacts to I 205 and I 580. The analysis determined, however, that the impact would remain Significant and Unavoidable, even with implementation of the mitigation. The DEIR addresses the comment and no revisions to the DEIR are necessary.

Response to Comment 3-3

More detailed information has been included that substantiates the conclusion that I-205 is congested under future Project and No-Project conditions and to confirm future volumes. (See Figures 3 through 6 in Appendix A of the FEIR) The 2025 PM peak hour volume on eastbound I-205 east of the new Lammers interchange is expected to be 9,129 vehicles without the project (Figure 3) and 10,639 vehicles with the project (Figure 4). On a 6-lane freeway (3 lanes in each direction of travel), with a theoretical capacity of 6,150 vehicles per hour, eastbound I-205 would be operating at LOS F under both future No-project and future project conditions (Figure 5 and Figure 6). This additional information substantiates the conclusions in the DEIR.

The City has initiated a Project Study Report (PSR) on the proposed Lammers interchange and is in the process of addressing the related operations and design factors with Caltrans. This is being accomplished through the standard Caltrans Project Development process. Caltrans is involved in setting the scope of analysis and the assumptions for the study. It will include full development impacts of the Gateway project and other cumulative development, and will address in detail the operation of the interchange ramps and merge/diverge points as well at the operation of the over-crossing and intersections.

Response to Comment 3-4

Please see Response to Comment 3-3 for a discussion of the impact analysis of I 205.

As stated in the first paragraph on Page 10 of the Transportation/Circulation Analysis for the Tracy Gateway Business Park, included as Appendix B in the DEIR, the assumed Year 2025 traffic improvements listed on Page 6-3 of the DEIR include some of the major components of Tracy's Roadway Master Plan system, which identifies roadway improvements required at the citywide level to support the long-range buildout of the City. Therefore, these are traffic improvements that have been incorporated into an approved Roadway Master Plan and are beyond the purview of this EIR to examine.

The commentor is not specific as to his concerns with the air quality impacts and, therefore, a specific response is not possible. Please see the discussion of Impact 4.5-8 on Page 4.5-23 of the DEIR for an analysis of the cumulative impacts of the Proposed Project, in combination with other development in the air basin.

Section 4.3 of the DEIR discusses the impacts of the Proposed Project related to Traffic and Circulation, including Caltrans facilities. Appendix B of the DEIR contains the Traffic and Circulation Analysis prepared for the Proposed Project. Appendix A of the FEIR contains additional traffic and circulation information. The traffic analysis included in the DEIR and reiterated in the FEIR, is sufficient to determine the impacts related to the Proposed Project. It is not the purpose of this EIR to provide all information needed by Caltrans for its approval of its freeway interchange facilities.

Response to Comment 3-5

Please see Responses to Comments 3-3 and 3-4 information related to Caltrans facilities.

The Proposed Project will contribute to mitigating its fair share of cumulative impacts to the regional transportation network through traffic impact fees. SJCOG is currently preparing a countywide transportation impact fee study to define development fee requirements to pay for regionally significant facilities. The Gateway Project will be responsible for paying these fees in accordance with the program ultimately adopted by SJCOG. Transportation facilities funded through the fee would benefit traffic flow in the I 205 corridor and other regional facilities in the Tracy area. The regional fee will be collected on a square foot of development basis at the issuance of building permits and will remain in effect through buildout of the Proposed Project or until replaced by a comprehensive regional transportation fee adopted by SJCOG. Until the regional fee is adopted, the Proposed Project would be responsible for an interim regional traffic mitigation of \$1.50 per square foot of office development. This required mitigation measure would convert to payment of the SJCOG fee if and when it is adopted. Payments previously made to mitigate regional transportation impacts would be subject to adjustment so that they equal the adopted SJCOG fee. This fee will also cover the cost contributions, in the context of a countywide program, toward mitigation of cumulative impacts to the State Highway system. The regional fees will be in addition to project funding of local transportation infrastructure through a Finance and Implementation Plan.

Mitigation Measure 4.3.1(a)(b), on Page 4.3-16 of the DEIR, has been revised as follows to reflect payment of SJCOG fees:

Mitigation Measure

MM 4.3.1(a) The following traffic improvements, as detailed in the traffic technical report prepared by Fehr & Peers, March 2002, shall be included in the project's FIP. The project shall contribute its fair share of costs to these following roadway improvements have been identified as mitigation measures:

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- New Lammers Road extending from I 205 to I 580; to include the construction of a grade-separated railroad crossing (at Union Pacific Railroad), a new structure over the Delta-Mendota Canal and one over the California Aqueduct.
- New freeway interchanges at I 205 and I 580 with Lammers Road.
- Widening Corral Hollow Road to four lanes between Linne Road and Lammers Parkway
- Construction of the Chrisman/I 205 interchange.
- Constructing four-lane Schulte Road between Crossroads Drive and Lammers Road
- Constructing Street B from Naglee Road to Bryon Road as a four-lane arterial that would connect directly with the western segment of Grant Line Road to improve access between Tracy and Mountain House.
- Widen Grant Line Road to six lanes between Tracy Boulevard and Corral Hollow.
- Upgrade the City-owned portions of Linne Road, Chrisman Road and 11th Street east of MacArthur to expressway status.

Timing/Implementation: Roadway improvements as outlined in the Fehr & Peers traffic technical report shall be installed in phases to meet the traffic demand generated by the project and other Proposed Projects. The cost of traffic improvements will be determined in the FIP, which will be approved prior to any application being deemed complete. A monitoring program will be included as part of the FIP, which will track improvements put in place as development occurs.

Enforcement/Monitoring: City of Tracy.

MM 4.3.1(b) The project applicant shall pay applicable development fees to the City of Tracy towards construction of regionally significant transportation facilities.

3. Responses To Comments

Timing/Implementation: The project's portion of the cost of regionally significant traffic improvements will be determined by the City after adoption of such fees at the regional level. These fees will be paid by the developer in accordance with fees applicable at the time of approval of the final map or final development plan. Until a regional transportation fee is adopted by the City, a mitigation measure of \$1.50 per square foot of office development will be paid to the City of Tracy at the time of each building permit.

Enforcement/Monitoring: City of Tracy

Mitigation Measure 4.3.1(b) was added to identify the Proposed Project's need to pay applicable development fees adopted for region transportation improvements, in addition to the payment of its fair share for traffic improvements detailed in the traffic technical report. There are no new impacts and no change in the level of impact significance due to implementation of Mitigation Measure 4.3.1(b).

Response to Comment 3-6

SJCOG is currently preparing a countywide transportation impact fee study to define development fee requirements to pay for regionally significant facilities, such as the northern expressway. This fee will also cover the cost contributions, in the context of a countywide program, toward mitigation of cumulative impacts to the State Highway system. Please See Response to Comment 3-5 for the mitigation measure specifying the Proposed Project's required contribution toward these improvements. In addition, the Gateway Project will also be responsible to contribute toward any local share of the cost allocation for these facilities through its Finance and Implementation Plan (FIP).

Response to Comment 3-7

The traffic analysis contained in the DEIR addressed specific elements of the TIS Guidelines that are most relevant to assessing traffic impacts on the State highway system. The traffic analysis used the following from the Caltrans Guidelines:

project trip generation and distribution based on local trip generation rates from the validated Citywide traffic model (Chapter IV, Section A);

a traffic model that reflects the most current land use and planned improvements (Chapter IV, Section D); and

Highway Capacity Manual (HCM) methodology for evaluating freeway interchange capacity and operations (Chapter V).

Please see Response to Comments 3-1 through 3-42 for responses to Caltrans' comments.

Response to Comment 3-8

The City of Tracy traffic model is linked to the SJCOG model, which covers all of San Joaquin County, the full Bay Area, Sacramento region, and other Valley and Foothill counties. The regional trip distribution and through-traffic estimates in the EIR are derived from these adopted regional sources. The scale of the model is fully adequate to determine the local and interregional impacts of the Proposed Project. In addition, the model has been calibrated to meet or exceed industry and Caltrans standards and has been reviewed and approved by Caltrans.

Response to Comment 3-9

Please see Responses to Comments 3-10 through 3-35 regarding Traffic Operations comments.

Response to Comment 3-10

Simulation files were not coded for this study. The operations analysis using the *Synchro* files submitted to Caltrans contains a sufficient level of detail necessary for environmental review of potential impacts due to the project.

Response to Comment 3-11

The analysis for this project includes existing, existing plus project, and existing plus cumulative (year 2025). The EIR uses a conservative, CEQA-approved method of determining what cumulative development to include in its analysis. For development outside of Tracy, it uses adopted regional land use forecasts over an extended (25 year) period of time. SJCOG, through its Policy Board, makes the appropriate determinations on the levels of growth and development the County will absorb over future time horizons based on the amount of available and zoned land in each jurisdiction, lists of proposed and approved projects, and Statewide economic and demographic forecasts. These forecasts are used in all of the region's major transportation planning documents including the Regional Transportation Plan, major Project Development reports, and Measure K expenditure plan. Within the City of Tracy, this EIR takes a more conservative assumption, and includes full buildout of development projects that have been approved even though these projects produce significantly greater numbers of jobs and residents in the Tracy area than the SJCOG forecasts. As a result, the transportation analysis conservatively assumes considerably more cumulative development in the vicinity of the Proposed Project than CEQA requires and than SJCOG's regional land use and transportation planning assumes.

Existing and existing plus project data has been included in Appendix A of the FEIR. As shown in that data, I 205 two-way peak hour traffic volumes range from 6,600 east of MacArthur Drive to 8,700 between Eleventh Street and MacArthur Drive. This 4-lane section of freeway (east of

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Eleventh Street) is operating at LOS E and LOS F during the peak hour. On I 205, just west of Eleventh Street, the two-way peak hour traffic volume is 8,300 vehicles. I 205, west of Eleventh Street, is six lanes and operates at LOS C west of Mountain House Parkway and LOS D east of Mountain House Parkway. I 580, west of I 205, is 8 lanes and operates at LOS C. East of I 205, I 580 is 4 lanes and operates at LOS B. East of the City of Tracy, I 5 at the Mossdale Y is eight lanes and operates at LOS C. This data substantiates the DEIR conclusion that I-205 is congested under future Project and No-Project conditions in both the AM and PM peak periods. Future Eastbound I 205 AM would operate at LOS E and F throughout the majority of its length, both without and with the project.

Response to Comment 3-12

Please see Figure 3 and Figure 4 for Year 2025 Freeway Mainline Volumes with and without the Tracy Gateway project for AM peak volumes. See Figure 5 and Figure 6 for 2025 Freeway Mainline Levels of Service with and without the Tracy Gateway project for AM peak volumes. See also the “Intersection Level of Service Report – Existing AM Peak Hour.” All of these figures and the report are included in Appendix A of the FEIR.

The fifth paragraph on page 4.3-16 of the DEIR addresses the AM peak hour impacts of I 580 and I 205, including the I 205/Lammers Road interchange.

Response to Comment 3-13

The comment correctly states the chapter numbers for the intersection level of service methodology. Because this information was included in Appendix B of the DEIR. No revisions to the text of the DEIR are necessary.

Response to Comment 3-14

Table 4.3-1, on Page 4.3-7 of the DEIR has been revised to reflect the comment.

TABLE 4.3-1			
INTERSECTION LEVEL OF SERVICE DEFINITIONS			
SIGNALIZED INTERSECTIONS			
Level of Service	Description of Traffic Conditions	Volume to Capacity Ratio (V/C)	Average Control Delay per Vehicle (sec.)
A	No approach phase is fully utilized and no vehicle waits longer than one red indication.	≤ 0.60	≤ 10.0
B	An occasional approach phase is fully utilized. Drivers begin to feel restricted.	0.61 to 0.70	≥ 10.0 to 20.0
C	Major approach phase may become fully utilized. Most drivers feel somewhat restricted.	0.71 to 0.80	≥ 20.0 to 35.0

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D	Drivers may wait through more than one red indication. Queues may develop but dissipate rapidly, without excessive delays.	0.81 to 0.90	<u>≥35.0 to 55.0</u>
E	Volumes approaching capacity. Vehicles may wait through several signal cycles and long vehicle queues form upstream.	0.91 to 1.00	<u>≥ 55.0 to 80.0</u>
F	Represents conditions at capacity, with extremely long delays. Queues may block upstream intersections.	> 1.00	> 80.0

Response to Comment 3-15

The analysis for Caltrans facilities was performed using a PHF of 0.92, as required by Caltrans. Consistent with City policy, analyses of City intersections were performed in a manner that provides average peak-hour (PHF of 1.0) LOS C attainment. The analysis for intersections within the City of Tracy was also performed using the 0.92 PHF. No new impacts were indicated by the analysis using the 0.92 PHF. The method of analysis conforms to Caltrans and City standards.

Response to Comment 3-16

Please see Response to Comment 3-15.

Response to Comment 3-17

On City streets, the City of Tracy adopted level of service policy (LOS D at and near freeway interchanges and LOS C elsewhere) has been applied. On State Highways, the SJCOG Congestion Management Plan standards have been applied. This requires LOS D or better at most freeway locations, but allows freeways that have historically operated at lower LOS (such as I-205) to continue to do so as long as they are not degraded further.

As shown on Figure 5, 2025 Freeway Mainline Levels of Service – Without Tracy Gateway Project, in Appendix A of the FEIR, year 2025 P.M. eastbound and westbound levels of service on I 205 are D or below east of Grantline Road, and LOS E or below west of Grantline Road. Therefore, because I 205 would be at or below the minimum level of service D *without* the Tracy Gateway project, a new analysis, as requested by Caltrans, would not change the conclusions of the DEIR.

Response to Comment 3-18

Please see Response to Comment 3-11 regarding cumulative, regional development assumptions.

The Mountain House Parkway DEIR took a conservative assumption concerning the project it addressed by assuming buildout of the Mountain House community, but only partial buildout of Tracy projects consistent with regionally adopted SJCOG estimates of future development. In the same way, the Tracy Gateway EIR takes a conservative assumption concerning the Tracy Gateway project located in Tracy, assuming buildout of approved projects in Tracy and consistent with regionally adopted SJCOG estimates of future development outside of Tracy.

Response to Comment 3-19

Design and approval of new interchanges will be subject to project development study process through Caltrans. The City has initiated a Project Study Report (PSR) on the proposed Lammers interchange at I-205 to determine the feasibility and ultimate location and design of the new interchange. Similar studies will be completed for the I-580/Lammers and I-205/Chrisman interchanges as the need arises.

Response to Comment 3-20

Please see Figure 5 and Figure 6 in Appendix A of the FEIR. The number of lanes on mainline I 205 have been shown.

Response to Comment 3-21

Please see Appendix A for the revised Figure 2 for the Transportation/Circulation Analysis for Tracy Gateway Business Park included in the memorandum to the City of Tracy from Fehr and Peers dated September 11, 2002.

Response to Comment 3-22

Lane configurations and turning movement volumes for Cumulative (2025) No Project and Cumulative (2025) With Project are in Appendix B, of the DEIR, the Transportation/ Circulation Analysis.

Response to Comment 3-23

The rates used in the EIR have been validated for the City of Tracy and are an element of a model that meets industry and Caltrans calibration standards. They are more accurate for the purpose of this analysis than average national rates from ITE.

Response to Comment 3-24

The statement on Page 15, in the Transportation/Circulation Analysis in Appendix B of the DEIR, referenced in the comment, refers to commuters living east of the Altamont Pass. As shown on Figure 5 of the Transportation/Circulation Analysis, traffic demand is projected to decrease by 5-percent in the critical direction of travel (eastbound during the P.M. peak hour) at that location.

Impact 4.3-1, on Page 4.3-13 of the DEIR, addresses the impacts on I 205 and I 580 due to project-generated development through an increase in the number of P.M. peak hour trips leaving the project site. The impact discussion also includes, in the fifth paragraph on Page 4.3-16, the A.M. peak hour impacts.

In addition, please see Figure 3 and Figure 4 for Year 2025 Freeway Mainline Volumes with and without the Tracy Gateway project for A.M. peak volumes. See Figure 5 and Figure 6 for 2025 Freeway Mainline Levels of Service with and without the Tracy Gateway project for A.M. peak volumes. See also the “Intersection Level of Service Report – Existing A.M. Peak Hour.” All of these figures and the report are included in Appendix A of the FEIR. Figure 4.3-3, on Page 4.3-15 of the DEIR, shows Year 2025 existing plus project volumes for P.M. peak volumes.

Because an analysis of I 205, for both A.M. and P.M. peak hour has been included in the EIR, as requested by the commentor, no further analysis is necessary.

Response to Comment 3-25

Please see Response to Comment 3-24.

Response to Comment 3-26

Figures 3 through 6 in Appendix A of the FEIR show the A.M. peak hour 2025 Freeway Mainline Volumes and Mainline Levels of Service, both with and without the Tracy Gateway project.

Response to Comment 3-27

Figure 2 in Appendix A of the FEIR shows the number of lanes assumed on the freeways within the Proposed Project area.

Figure 1 in Appendix A of the FEIR shows the volumes used for the freeway mainlines.

Analysis of freeway volume versus freeway capacity has been performed in the Transportation/Circulation Analysis included in Appendix B of the DEIR, and is also reflected in Figures 1 through 6 in Appendix A of the FEIR.

Response to Comment 3-28

Please see Response to Comment 3-2. Discussion of the Proposed Project’s potential impacts on the Mossdale Y were discussed under Impact 4.3-1, on page 4.3-16 of the DEIR. Mitigation Measure 4.3-1, as shown on Page 4.3-16 of the DEIR, was implemented for Impact 4.3-1. However, the impact was determined to be significant and unavoidable, even with implementation of the mitigation measure.

Please see Response to Comment 3-6 regarding project fee contributions to improvements on regionally significant facilities.

Response to Comment 3-29

The statement referred to in the comment discusses A.M. peak hour impacts. The statement is true for the A.M. peak hour. The impact to the westbound on-ramp traffic from Eleventh Street during the A.M. peak hour results from cumulative growth.

Response to Comment 3-30

The previous report used Synchro output that calculated LOS based on the “percentile delay” methodology, the default methodology used by the Synchro software. The current analysis and reports in the DEIR used “Average Control Delay” for reporting LOS, consistent with the 2000 HCM methodology requested by Caltrans.

Response to Comment 3-31

Please see Response to Comment 3-27 regarding mainline analysis.

Response to Comment 3-32

Figure 8 of the Transportation/Circulation Analysis report contained in Appendix B of the DEIR shows volumes for on- and off-ramps on I-205. The volumes represented in the figure are total volume, including left-turn volumes from the local street. For example, the WB on from Lammers Road shows a total volume of 29 vehicles per hour (vph) under future with Project conditions. This includes 5 vph from the NB left-turn traffic plus 24 vph from the SB right-turn traffic. The volume diagram is complete in its representation of total traffic on each of the ramps and mainline segment.

Section 15147 of the CEQA Guidelines states that, “the information contained in an EIR shall include summarized technical data...placement of highly specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analysis as appendices to main body of EIR.” Therefore, in compliance with the section, the traffic analysis was included as an appendix.

Response to Comment 3-33

The 1,592 vehicles per hour (vph) added to the Lammers Road interchange EB 205 onramp is identified in the Draft EIR in the fourth paragraph on page 4.3-16, as a significant and unavoidable impact. 1,557 vph added to the 11th Street WB 205 on-ramp is a non-peak direction of travel during the P.M. peak hour and fits within the capacity of the on-ramp.

Response to Comment 3-34

Revision has been made.

Response to Comment 3-35

This detailed analysis will be provided to Caltrans as part of the Lammers interchange PSR study. See Response to Comment 3-3.

Response to Comment 3-36

Comment noted. Bike paths will be constructed and landscaped in accordance with City of Tracy standards. As stated in the third paragraph on Page 3-8 of the DEIR, bicycle racks would be provided in accordance with City standards, unless otherwise approved.

Response to Comment 3-37

As stated in the fourth paragraph on Page 3-8 of the DEIR, the project would be designed to accommodate public transit throughout the project site. Installation of transit amenities such as shelter, bus pullouts and bus stop signs prior to occupancy will be a requirement of the project during the PDP/FDP review process.

Response to Comment 3-38

The City of Tracy currently does not have policies for vehicular recharging stations or the provision of parking spaces for carpool vehicles. However, the City could make the provision of either, or both, of these a requirement of the project during the PDP/FDP review process.

Response to Comment 3-39

Please see Response to Comment 3-37 regarding transit amenities.

Response to Comment 3-40

Permit requirements are described on page 3-25 in the DEIR. The fifth paragraph on page 3-25 in the DEIR under the heading “Other Agency Permits/Actions” includes the following:

California Department of Transportation:

- Approval of improvements along I 205 on and off ramps at 11th Street
- Encroachment Permit

The DEIR addresses the comment, and no revisions to the DEIR are necessary.

Response to Comment 3-41

Please see Responses to Comments 3-1 through 3-40, which address the comments made by Caltrans on the DEIR. Preparation of a new traffic section is not necessary for the reasons stated in the referenced Responses to Comments, including the following:

As noted in Response to Comment 3-3, more detailed information has been developed and included in Appendix A of this FEIR that confirms the information regarding impacts to the surrounding highway system and substantiates the conclusion in the DEIR.

The commentor was not specific as to the discrepancies in the traffic section of the DEIR, and in responding to the comments by Caltrans, no discrepancies were found. Please see Responses to Comments 3-1 through 3-40.

Please see Responses to Comments 3-2, 3-3 through 3-5, 3-11, 3-12, 3-17, 3-20, 3-24, 3-32, and 3-33 for a discussion of the impacts on the Proposed Project on the surrounding highway system.

Please see Responses to Comments 3-5 and 3-6 for a discussion of “fair share costs” and responsibilities

The DEIR identifies the full worst-case impacts associated with the Project.

The DEIR includes conservative estimates of cumulative development so as to not underestimate the potential project impacts, in keeping with the requirements of CEQA.

The DEIR and these responses address the comments by Caltrans on the Proposed Project. The information included in the Appendix of this FEIR substantiates the conclusions of the DEIR and did not identify new impacts. Because the analysis contained in the EIR for this project considers the effects of the Proposed Project on the State Highway system, no further analysis is necessary.

Response to Comment 3-42

Section 15088.5 of the State CEQA Guidelines addresses recirculation of a Draft EIR prior to certification. The section states that new information added to the EIR requires recirculation if one or more conditions identified in the section are met. Comment 3-42 states that a revised Draft EIR traffic analysis should be prepared and recirculated for an additional 45-day review period in order to address a variety of comments concerning the traffic analysis raised by Caltrans in their comment letter on the Draft EIR. The City believes it has adequately responded to Caltrans comments on the traffic analysis and requests for additional information and analysis. For reasons discussed below, the City also believes the presentation of this new information does not require recirculation of the Draft EIR.

Section 15088.5 of the State CEQA Guidelines states recirculation is required when significant new information is added to an EIR after public notice of the availability of the draft EIR. As defined in the Section, new information is considered “significant” if:

- a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- a substantial increase in the severity of an impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;

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- a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impact, but the project proponents decline to adopt it; or
- the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Section 15088.5 states that recirculation of the Draft EIR is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications to an adequate EIR.

The responses to Caltrans comments provided above present new information regarding the potential traffic impacts of the Proposed Project. This information, however, primarily clarifies or amplifies information and conclusions already presented in the Draft EIR. The information does not contain any new impact related the Proposed Project or proposed mitigation measures that is not addressed in Draft EIR. In addition, this information does not identify any substantial increase in the severity of an impact identified in the Draft EIR. Lastly, the responses to comments presented above do not identify any new feasible alternatives of mitigation measures that were not identified in the Draft EIR.

The City believes the Draft EIR was prepared in accordance with the requirements of CEQA and provided the public with an adequate opportunity for meaningful review. For the above reasons, recirculation of the Draft EIR was not pursued.

LETTER 4: JASON MARSHALL, CALIFORNIA DEPARTMENT OF CONSERVATION, DIVISION OF LAND RESOURCE PROTECTION (JUNE 4, 2002)

Response to Comment 4-1

Comment noted.

Response to Comment 4-2

The DEIR (Section 4.2, Agricultural and Mineral Resources) has been revised to include information on Williamson Act contracts. The following paragraph has been inserted after the third paragraph on page 4.2-1:

Williamson Act Contracts

The project site is not under Williamson Act Contract. The site adjacent to the Proposed Project site to the west is zoned for agricultural uses by the County and is currently used for agricultural purposes, but the property, also, is not under Williamson Act Contract.⁸

The lands to the south of the Proposed Project site are zoned for agricultural use by the County and have a land use designation of residential by the City of Tracy. The sites are currently used for agricultural purposes, but are not under Williamson Act Contract.⁹

The lands to the east of the Proposed Project site are zoned for agricultural use by the County and have a land use designation of residential by the City of Tracy. A portion of the lands are used for agricultural purposes, but are not under Williamson Act Contract.¹⁰

The lands to the north of the Proposed Project site are either within Caltrans right of way for I 205 or zoned for agricultural use by the County and have a land use designation of Residential Medium and Parks by the City of Tracy. A portion of the lands are used for agricultural purposes, but the lands are not under Williamson Act Contract.¹¹

Response to Comment 4-3

The comment requests that Mitigation Measure 4.2.1 be revised to clearly require participation by the project applicant in a mitigation program or alternative that takes specific action to reduce the project's impact on Prime Farmland, prior to the approval of a grading permit. The amount and type of land to be mitigated as well as methods to achieve mitigation have been stated. In preparing the response to this comment, City staff consulted with and California Department of Food and Agriculture staff to refine Mitigation Measure 4.2.1. As a result of these discussions, and discussions carried out between the project applicant and the American Farmland Trust,

8 Chandler Martin, Senior Planner, San Joaquin County, personal communication, July 29, 2002.

9 Chandler Martin, Senior Planner, San Joaquin County, personal communication, July 29, 2002.

10 Chandler Martin, Senior Planner, San Joaquin County, personal communication, July 29, 2002.

11 Chandler Martin, Senior Planner, San Joaquin County, personal communication, July 29, 2002.

Mitigation Measure 4.2.1 has been refined. As a result, the text of the second full paragraph under Impact 4.2.1 and Mitigation Measure 4.2.1 are revised as follows:

The General Plan EIR estimates that approximately 21,237 acres of prime and non-prime farmland would be lost due to development. Although the General Plan EIR identified the loss of agricultural lands as significant and unavoidable cumulative impact, the EIR found that on a project level, implementation of ~~the following mitigation measure~~ General Plan EIR Mitigation Measure 11.1 (requiring the creation and implementation of a program to mitigate the loss agricultural lands) would reduce this impact to a less than significant level. Because the program identified in General Plan Mitigation Measure 11.1 has not yet been developed, and because the Proposed Project project would contribute to the loss of prime farmland, ~~the following mitigation~~ Mitigation Measure 4.2.1 (presented below) is recommended to reduce the potential impact of this loss. ~~which was presented in the General Plan Final EIR, would reduce the magnitude of this impact. The following mitigation measure is consistent with similar conditions of approval required for recent projects within the City of Tracy.~~ The mitigation measure, together with General Plan goals and policies LU 8, CO 5, LU 8.5, 8.6, 8.7, 8.8, 8.9, CO 5.1, 5.2, their related implementation actions (which are summarized in the “Regulatory Framework” discussion above) and General Plan EIR mitigation measure M 11.1 ~~(requiring the creation of a program to mitigate for the loss of agricultural lands)~~, would reduce the magnitude of the impact. Although the project’s contribution to the cumulative loss of prime farmland has been identified and considered within the General Plan EIR, for which the City of Tracy adopted a Statement of Overriding Consideration (Resolution No. 93-226), the project specific loss of prime agricultural land remains a **significant and unavoidable** impact, even with implementation of MM 4.2.1.

Mitigation Measure

MM 4.2.1 ~~To the extent that a Farmland Preservation Program is adopted by the City of Tracy, the applicant shall be required to participate in the Program, subject to provisions of law, and be subject to any fee that may be required by the Program.~~

The project applicant shall pay \$750 per acre to the City of Tracy to help establish a Farmland Preservation Program to offset the loss of farmland on the project site.

When a Farmland Preservation Program is implemented by the City of Tracy, the project applicant shall participate in the program. Elements of the Farmland Preservation Program may include, but not necessarily be limited to: enactment of agricultural conservation easements to preserve existing farmland within San Joaquin County or nearby counties, fee title acquisition of farmlands to ensure agricultural use in perpetuity, and use of strategically located greenbelts or community separators between Tracy and surrounding communities.

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In addition, until such time as a Farmland Preservation Program is adopted by the City of Tracy (through a stand-alone program, imposition of specific farmland preservation policies in the General Plan/Urban Management Plan, or similar action), the project applicant shall further mitigate the impact of farmland loss by establishing a conservation easement or other permanent preservation of farmland for a total of 269 acres (one-half acre for every acre converted to a non-agricultural use). The intent of the easement shall be to protect, in perpetuity, viable farmland in the general vicinity of Tracy and within San Joaquin County by ensuring easement grantors continued use of their lands for farming, ranching and other agricultural purposes that do not otherwise reduce or interfere with agricultural viability. The land being protected through the conservation easement shall be comparable to the project site in terms of soil conditions/agricultural use capabilities. Lands shall continue to be held in fee title by the easement grantor, and would be binding upon any successive owners of the property. The project applicant shall be responsible for any reasonable costs in implementing this mitigation measure, and in assisting the City and other agencies, as appropriate, in finding lands suitable for conservation easements and in developing a qualified land trust or conservation organization for overseeing the terms and implementation of the conservation easement. The project applicant can seek the assistance of the State's Department of Conservation, American Farmland Trust, or similar agency in meeting this mitigation measure. All terms and conditions of conservation easements including its location shall be subject to City review and approval.

Timing/Implementation: For Phase 1, prior to the issuance of any grading permit, the applicant shall pay \$750 per acre, for acreage associated with the grading permit to help establish the Farmland Preservation Program. For Phase 2, prior to the issuance of the first grading permit, the applicant shall demonstrate compliance with the remaining requirements of this mitigation measure, including establishment of a conservation easement, or participation in a City adopted Farmland Preservation Program.

Timing/Implementation: Prior to approval of any building permit.

Enforcement/Monitoring: City of Tracy

Response to Comment 4-4

Comment noted.

**LETTER 5: STEVE SHAFFER, CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE
(JUNE 6, 2002)**

Response to Comment 5-1

Comment noted.

Response to Comment 5-2

The commentator requested that the agricultural setting in the DEIR be expanded to include greater detail of the agricultural resources in the Proposed Project area. As stated on page 4.2-1 in the DEIR, the project site and surrounding area is designated as Prime Farmland. As indicated in Response to Comment 4-2 and as stated on page 4.2-3 in the DEIR, there are no Williamson Act Contract lands that are relevant to the Proposed Project. A map illustrating these lands, as requested by the commentator, would not provide any additional meaningful information that would support the analysis in the DEIR. Pages 4.2-1 and 4.6-1 in the DEIR describe the crops at the project site. As stated on page 4.2-1 in the DEIR, the site was used to grow alfalfa in the past but it currently fallow.

The following paragraph has been added before the “Mineral Resources” subheading on page 4.2-1 in the DEIR to reflect the commentator’s request for additional information:

Agricultural Productivity

Certain crops such as alfalfa, tomatoes, beans, asparagus, and nuts account for a significant proportion of the overall economic production the Tracy Planning Area. The Tracy Planning Area, which includes the 538-acre project site, represents 6.8 percent of San Joaquin County’s vacant/agricultural/grazing land. Agriculture and related activities constitute a major portion of the economic base of San Joaquin County. However, there has been a decrease in crop value since 1990. Growth pressures in the San Francisco Bay Area, coupled with the absence of affordable housing, have made San Joaquin County a highly attractive location.¹²

Soils at the project site consist of Stomar clay loam and Capay clay, both of which are Prime Farmland soils considered by the Natural Resources Conservation Service (formerly Soil Conservation Service) as generally well-suited for agriculture. Stomar clay loam has a Land Capability classification of IVs and a Storie Index of 68. Capay clay has a Land Capability classification of IVs and a Storie Index of 44.¹³ Although the soils are generally well-suited for agriculture, soils at the project site have limitations that can affect agricultural uses. Class IV soils have severe limitations that restrict the choice of plants and require careful management. Soils with a Storie Index of 68 (Grade 2 soils) are suitable for most crops, but have minor limitations that narrow the choice of crops

12 City of Tracy, Final Environmental Impact Report for the City of Tracy Urban Management Plan/General Plan 1993, pages 73- 74.

13 City of Tracy, Final Environmental Impact Report for the City of Tracy Urban Management Plan/General Plan 1993, Table 13, Figure 9, and page74.

and have a few special management needs. Soils with a Storie Index of 44 (Grade 3) are suited to a few crops or to special crops and require special management.

The information on production, trends, and soil types that has been added to the DEIR does not change the conclusions of the analysis of agricultural resources impacts.

Response to Comment 5-3

Please see Response to Comment 4-2 regarding Williamson Act contracts.

Response to Comment 5-4

Water for current agricultural uses at the project site is provided by the West Side Irrigation District (WSID), as noted in the DEIR on pages 4.7-1 and 4.7-3. The DEIR (pages 4.7-5 through 4.7-6) includes information describing water supplies available to WSID, water transfers, crop production, and use in the WSID. WSID is an agricultural district that receives water from the Central Valley Project (CVP) and does not provide water for M&I use. WSID also has licensed appropriative rights on Old River. Currently, WSID contains approximately 6,100 acres, or about one-half of the original district size. Water use for agricultural purposes has shown an overall decrease over the last 10 years.

As stated on page 4.7-16 in the DEIR, implementation of the Proposed Project would result in a reduction in CVP agricultural water deliveries to the project site relative to existing conditions. Consequently, this would increase the amount available for agricultural use elsewhere in the WSID.

Response to Comment 5-5

Please see Response to Comment 4-3 regarding mitigation for the proposed conversion of Prime Farmland.

Response to Comment 5-6

Section 4.2, Agricultural and Mineral Resources, under the heading “Regulatory Framework” on page 4.2-2 in the DEIR has been revised as follows to include information about referenced General Plan policies:

City of Tracy General Plan

The Land Use and Conservation Elements of the General Plan contain goals and policies to address the preservation of agricultural lands, protect the economic viability of agricultural operations and ensure the continuance of agricultural uses on lands within the City of Tracy Planning Area. These goals include LU 8, which encourages the continuance of agricultural operations as long as they can be conducted in an economically feasible fashion. This goal is implemented by policies LU 8.5, to retain Agricultural land in economically viable parcel sizes; LU 8.7, to guide development to

maintain agricultural areas; LU 8.8, to protect agricultural lands needed for the continuation of a variety of agricultural operations; and LU 8.9, to minimize the impact on agriculture during the transition of existing agricultural areas to urban development. Goal CO 5 encourages the preservation of agricultural lands and the protection of the economic viability of agricultural operations. This goal is implemented by policies CO 5.1, to encourage the City's support of the County's efforts to preserve agricultural land and CO 5.3, to reduce the potential for land use conflicts resulting from agricultural operations.

Response to Comment 5-7

In response to comments received concerning mitigation for the proposed conversion of prime farmland, Mitigation Measure 4.2.1 has been revised. Please see Response to Comment 4-3.

Response to Comment 5-8

Please see Responses to Comments 4-3 and 5-6.

Response to Comment 5-9

Please see Responses to Comments 4-3 and 5-6. The cumulative effects of the loss of agricultural land within the Tracy Planning Area have been previously considered in a General Plan environmental document. The Proposed Project would not directly or cumulatively remove land from agricultural production that was not considered in that EIR. The information requested by the commentor (i.e., retrospective and prospective impact components and a comparison of the project to county-wide and State-wide trends) would not alter the conclusions of the cumulative analysis in the DEIR

Response to Comment 5-10

Growth-inducing effects of the Proposed Project are discussed in Section 7.3 (Growth-Inducing Impacts) in the DEIR. The following information further clarifies the information provided in the DEIR; however, it does not change the conclusions in the DEIR.

As discussed in Response to Comment 4-2, information obtained in July 2002 from San Joaquin County indicates there are no Williamson Act Contracts on any lands adjacent to the Proposed Project. The lands to the north, east, and south of the project site are within the Sphere of Influence of the City of Tracy, and, therefore, have been previously designated for development. The lands to the west are within San Joaquin County and have had an application for development since early 2001,¹⁴ although that application has not yet been deemed complete by the county (please see Response to Comment 14-1).

The third paragraph on page 2-1 in the DEIR has been revised as follows to clarify the boundary of the project site relative to San Joaquin County and the City's Sphere of Influence:

14 David G. Corliss, Vice President, Golden State Developers, Inc., letter to Bill Dean, Associate Planner, City of Tracy, June 5, 2002 [included as Comment Letter 14 in this FEIR].

The Proposed Project encompasses approximately 538 acres located ~~along the western edge of the City of Tracy in San Joaquin County and within the City of Tracy's Sphere of Influence. The City limits are contiguous with the northeast corner of the project site.~~ The project would create a mixed-use business park with a golf course in an area currently zoned by San Joaquin County for agricultural uses (AG-40).

The second paragraph on page 3-1 in the DEIR has been similarly revised as follows:

The project site is located in San Joaquin County ~~along the western edge of the City of Tracy,~~ and inside the SOI of the City. The City limits are contiguous with the northeast corner of the project site. The site is bounded on the north by 11th Street/Interstate 205 (I 205), on the east by Lammers Road, on the west by the Upper Main Canal operated by the West Side Irrigation District (WSID) and on the south by undeveloped, County agricultural land. The regional and project locations are shown on Figures 3-1 and 3-2, respectively.

The lands surrounding the project site are zoned for non-agricultural use or have applied for a rezone for non-agricultural uses. These lands are not under Williamson Act Contract. With the exception of lands to the west (as discussed above), all other adjacent lands are within the Sphere of Influence of the City of Tracy. Therefore, it is already assumed the contiguous properties would be developed with non-agricultural uses, regardless of whether the Proposed Project is implemented. Therefore, the Proposed Project would not, in and of itself, be directly growth-inducing. It would, however, remove obstacles to growth through the extension of infrastructure and by changing the economic and population assumptions from that assumed in the General Plan (DEIR, page 7-5). For example, as discussed on page 7-6 in the DEIR, there could be additional requests for general plan amendments and rezonings of the North Schulte Community Area from residential to commercial uses, which would be a secondary growth-related effect of the project. Other secondary growth-related impacts such as increased traffic, air emissions, noise, demand on utilities/services, and loss of habitat could occur as a result of expansion of infrastructure, or changes in economic conditions, as discussed on pages 7-5 through 7-7 in the DEIR.

Response to Comment 5-11

In its application of the City's Right-to Farm Ordinance, the City has been successful in the past, and most recently with the approved Presidio project located to the east of the Gateway site, by requiring that, prior to City acceptance of the first tentative map application, the project applicant shall be conditioned to provide the following statement to future project residents prior to purchase of homes.

"If your property is adjacent to property used for agricultural operations, you may be subject to inconveniences or discomforts arising from such operations on a 24-hour basis. Said discomforts may include, but shall not be limited to, noise, odors from manure or other chemicals, and dust or smoke. Pursuant to Tracy Municipal Code, properly conducted and maintained agricultural operations are not to be a nuisance."

Prior to City approval of the first tentative map for the Gateway project, the project applicant will be conditioned to provide the above disclosure statement to future project applicants, tenants and owners.

In addition, the reader should note that Tracy Municipal Code Section 10.24.080 states that, “All discretionary development approvals administered by the City of Tracy Community Development Department (currently DES Dept.) for lands adjacent to an agricultural operation shall include a reference to this chapter. These discretionary development approvals shall include, but not be limited to, the approval of tentative and final maps for residential purposes. The references to this chapter shall make it incumbent upon the individual or entity requesting a discretionary development approval to make a good faith effort to coordinate with the adjacent agricultural operator cropping patterns, harvesting, applications of herbicides, and pesticides, and hours of farming operations with the express intent to reduce or eliminate the potential conflicts between agricultural and urban land uses.”

Response to Comment 5-12

Statements in comment 5-12 are incorrect; no easements are required as part of General Plan MM 12.1. However, General Plan MM 12.1 states that vegetation will be provided as a windbreak and buffer where urban/rural uses join. To that effect, this project will be required to submit Preliminary and Final development plans (PDP/FDP) for City review and approval prior to issuance of any building permits. The purpose and process to implement the PUD zone (zoning proposed by applicant as part of the project) is outlined in Article 13 of the Tracy Municipal Code. As part of the PDP/FDP review process, each application for development will be reviewed, in part, for potential interface inconsistencies between urban and rural uses, and will be required to provide for mitigating buffers, as appropriate, in accordance with the General Plan MM12.1, and the project shall be conditioned to make reference to the City’s Right to Farm Ordinance as stated in TMC Section 10.24.080, as discussed in Response to Comment 5-11 above.

**LETTER 6: JOHN CADRETT, SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT
(JUNE 5, 2002)**

Response to Comment 6-1

The District states that the DEIR adequately addresses existing air pollution conditions and current regulations, and that the District concurs with the conclusions regarding significant impacts identified in the DEIR.

Response to Comment 6-2

The District's Regulation VIII, Fugitive Dust Prohibitions, is summarized on page 4.5-12 in the DEIR. Regulation VIII is currently being revised to include additional construction site dust control measures such as those listed in the District's comment letter. Impact 4.5.2 on page 4.5-16 notes that the Proposed Project would be required to implement the District's Regulation VIII. As a condition of project approval, the City will require the project developer's construction contractor to contact the District regarding the current requirements.

Per the Tracy Municipal Code, Chapter 7, Article 1, Section 7.24.010, construction drawings submitted to the City to obtain a building permit after discretionary approvals are complete include a condition requiring that dust control measures be taken. Typically, the condition would state the following:

At all times, including weekends and holidays, during construction and until final completion and acceptance of the work, the contractor shall comply with the City Dust Control Ordinance and prevent the formation of an airborne dust nuisance by watering as required by the City Engineer, and to treat the site of the work in such a manner that it will confine dust particles to the immediate surface of the work. The Contractor shall perform such treatment immediately during construction hours and within 2 hours after notification by the City Engineer that the airborne nuisance exists. If the Contractor fails to remove the nuisance within the above timeframe, the City may order that the treatment of the site be done by City personnel and equipment or by others. All expenses incurred in the performance of this treatment shall be charged to the Contractor.

Compliance with the above measure would be monitored by the City's Engineering Inspectors during the construction phases.

Response to Comment 6-3

Comment noted.

Response to Comment 6-4

The District standards for emissions quantification are listed on page 4.5-13 as 10 tons/year or 55 pounds/day for ROG and NO_x. The summary of construction emissions presented in Table 4.5-5 on page 4.5-17 in the DEIR considered both thresholds in determining whether project-generated emissions would be significant. Based on these standards, ROG and NO_x effects were determined to be significant. Mitigation was identified to reduce the levels of ROG and NO_x, which would reduce the magnitude of the impact, but not to less-than-significant levels.

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Response to Comment 6-5

Comment noted. As indicated in Impact 4.5.9 on page 4.5-24 in the DEIR, cumulative impacts associated with toxic air contaminants (TACs) were identified as significant and unavoidable. On-going consultation with the District would ensure compliance with all newly adopted rules and regulations pertaining to TACs.

LETTER 7: CHANDLER MARTIN, SAN JOAQUIN COUNTY COMMUNITY DEVELOPMENT DEPARTMENT (JUNE 6, 2002)

Response to Comment 7-1

In response to comments received concerning mitigation for the proposed conversion of prime farmland, Mitigation Measure 4.2.1 has been revised. Please see Response to Comment 4-3. Also see Response to Comment 5-4 that addresses the increased availability of water for agricultural use that would result from the Proposed Project.

Response to Comment 7-2

The following tables summarize existing and cumulative traffic and levels of service on Mountain House Parkway, Grant Line Road, and the Mountain House Parkway interchange at I-205. As shown, the levels of service would remain at C under existing plus project conditions, and therefore, the Proposed Project would not contribute significant volumes to county roadways leading to the Mountain House community.

The Mountain House Parkway interchange at I-205 would operate at LOS D and LOS C at the eastbound and westbound ramp intersections, respectively.

Under cumulative 2025 conditions, the Tracy Gateway project would add 20%-25% to the p.m. peak hour traffic on Mountain House Parkway north of I-205 and Grant Line Road west of Mountain House Parkway. The LOS on Mountain House Parkway would change from LOS C without the project to LOS D with the addition of project traffic. The LOS on other county roadway segments would not change with the addition of project traffic. The I-205 / Mountain House Parkway interchange would operate at LOS B with the project. Acceptable operations are LOS D or better for Mountain House Parkway and Grant Line Road.¹⁵

EXISTING PEAK HOUR TRAFFIC AND LOS ON COUNTY ROADWAY SEGMENTS							
Road Segment	Location	Lanes	Peak Hour	Existing		Existing Plus Project	
				Segment Volumes	LOS	Segment Volumes	LOS
Mountain House Pkwy	South of I-205	2	A.M.	600	C	610	C
			P.M.	480	C	490	C
Mountain House Pkwy	North of I-205	2	A.M.	500	C	520	C
			P.M.	610	C	620	C
Grant Line Road	West of Mt. House Pkwy	2	A.M.	580	C	590	C
			P.M.	540	C	670	C

Source: FSEIR for the Delta College Center at Mountain House, June 2002; Fehr & Peers Associates 2002

15 San Joaquin Delta Community College District, FSEIR for Delta College Center at Mountain House (SCH 2001062043), June 2002, page 4.12-15.

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EXISTING PEAK HOUR INTERCHANGE OPERATIONS					
Location	Peak Hour	Existing		Existing Plus Project	
		Delay	LOS	Delay	LOS
EB I-205 / Mountain House Parkway	A.M.	0.3	A	0.3	A
	P.M.	8.1	C	11.0	D
WB I-205 / Mountain House Parkway	A.M.	2.1	B	2.3	B
	P.M.	1.4	B	1.7	C

Source: FSEIR for the Delta College Center at Mountain House, June 2002; Fehr & Peers Associates 2002

CUMULATIVE PEAK HOUR TRAFFIC AND LOS ON COUNTY ROADWAY SEGMENTS							
Road Segment	Location	Lanes	Peak Hour	2025		2025 Plus Project	
				Segment Volumes	LOS	Segment Volumes	LOS
Mountain House Pkwy	South of I-205	4	A.M.	2000	C	2010	C
			P.M.	2140	D	2150	D
Mountain House Pkwy	North of I-205	8	A.M.	3490	C	3710	C
			P.M.	3990	C	4940	D
Grant Line Road	West of Mt. House Pkwy	4	A.M.	2230	D	2300	D
			P.M.	2120	D	2540	D

Source: Fehr & Peers Associates 2002

CUMULATIVE PEAK HOUR INTERCHANGE OPERATIONS					
Location	Peak Hour	Existing		Existing Plus Project	
		Delay	LOS	Delay	LOS
EB I-205 / Mountain House Parkway	A.M.	5.4	B	5.5	B
	P.M.	7.6	B	8.1	B
WB I-205 / Mountain House Parkway	A.M.	7.1	B	7.8	B
	P.M.	4.7	A	5.9	B

Source: Fehr & Peers Associates 2002

Major development generating major origins and destinations south of I-205 has been included in the Tracy Urban Management Plan adopted in 1993. In addition, major development projects and specific plans have been approved in the area south of I-205 by both San Joaquin County and the City of Tracy over the past ten years. Please also see Responses to Comments 3-5, 3-6 and 3-41 regarding regional impact fees.

Response to Comment 7-3

The Wicklund outfall is shown in Figure 4.7-5 on page 4.7-44 and is discussed on page 4.7-45 in the DEIR. The Wicklund Outfall connects directly to Old River. Old River normally experiences flows in either direction ranging from 0 to 3,000 cfs and is influenced by tides and contributing streams and rivers. During periods of heavy inflow from contributing streams and rivers, flow rates may be expected to be in the tens of thousands of cfs. The City has identified, on a watershed level, improvements that are necessary to serve anticipated storm drainage needs in the Tracy West Area. These improvements are illustrated on Figure 4.7-5 on page 4.7-44 in

the DEIR. The City ascertained that approaches represented in the Storm Drain Master Plan (SDMP) for the Tracy West Area would send more water (higher rates of runoff) to the Wicklund Outfall and Old River than would be considered to be acceptable in today's regulatory environment. The actual infrastructure proposed for the Tracy Gateway project is a refinement of (or supplement to) the proposed infrastructure represented in the City's SDMP and is much more aggressive than features identified in the SDMP in reducing stormwater rates and increasing stormwater quality treatment. The refinements were identified and adopted after completion of the public review and EIR process for the contiguous Westside Channel Watershed to the east of the Proposed Project. The Proposed Project's on-site storm drainage systems are consistent with the policies contained in the City's SDMP, which encourage joint-use opportunities to be realized with the construction of detention basins.

The City will require new development within the Tracy West Area, including the Proposed Project, to attenuate runoff to a level that will ultimately reduce the peak rate of outflow to an attenuated peak rate that is considered to be minimal in the context of Old River flows. Generally, the City intends to limit the maximum discharge rate into the Wicklund outfall from the Tracy West Area to 30 cfs during a 100-year event, as stated on pages 4.7-45, 4.7-47, and pages 4.7-48 through 4.7-49 in the DEIR.

Impacts 4.7.12 and 4.7.13 on pages 4.7-48 through 4.7-51 in the DEIR describe project-specific and cumulative stormwater drainage impacts on the Wicklund outfall and discharges to Old River. As noted in those impact discussions, the Proposed Project would include a sufficient amount of detention and control features on-site to limit project-generated runoff to the future Wicklund storm drainage outfall to 4 cfs. By minimizing the project's contribution to the storm drainage system that conveys flows to the Wicklund outfall, sufficient capacity would be available within the 30 cfs maximum outflow limit for other future development in the Tracy West Area that would discharge stormwater to the Wicklund outfall.

City staff and the engineering consultant have concluded the introduction of a peak rate of runoff into the Wicklund Outfall of less than or equal to 30 cfs in the future is insignificant with regard to the carrying capacity of the Wicklund Cut channel and bridge, Old River, and any downstream waters.

Response to Comment 7-4

The Proposed Project's increase in developed (impervious) surfaces would increase storm runoff generation for the local 865-acre watershed. However, the project storm drainage facilities that incorporate detention facilities would mitigate the increase in runoff production by limiting the peak outflow rate to 4 cfs during a 100-year storm event. The reduction in discharge rates to the Wicklund Outfall provided by on-site detention would offset the runoff increase from impervious surfaces.

As discussed in Response to Comment 2-3, detaining water in the on-site stormwater basins would improve the quality of water ultimately released to Old River via the Wicklund outfall by reducing water velocity and turbulence and providing time for suspended particles to settle out. The expected reduction in sedimentation is also expected to be highly correlated to a

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corresponding reduction in other potential pollutants associated with sediment loading, for example, biological oxygen demand, chemical oxygen demand, suspended solids, salts (i.e., TDS), nitrogen, and various metals that typically bind with colloidal particles. In addition, agricultural runoff and tailwater, which can also contain various agricultural chemicals (e.g., herbicides and pesticides) and salts (TDS) would be reduced.

Within the context of the Old River watershed, as discussed in Response to Comment 2-3, the 865-acre watershed assumed for developing storm drainage features for the Proposed Project represents less than 0.2 percent of the entire watershed. Therefore, the project's contribution, if any, to water quality conditions in Old River would not be cumulatively considerable.

As indicated in Response to Comment 2-3, the DEIR has been revised to include additional information that clarifies the discussion in the DEIR regarding water quality.

LETTER 8: ROBIN KIRK, SAN JOAQUIN COUNTY DEPARTMENT OF PUBLIC WORKS (JUNE 6, 2002)

Response to Comment 8-1

An Existing Plus Project condition is highly unlikely to occur given the size of the project and its expected absorption rate. Other development projects in the City have already been approved or are further along in the approval process than the Gateway project is. Therefore, the EIR reports project impacts and mitigation measures based on future (2025) cumulative conditions along with other planned projects. Existing conditions analysis of the surrounding circulation system shows project trips would significantly affect nearby roadways and intersections. Intersections currently operating at acceptable LOS B or LOS C would degrade to LOS E or F operations with the addition of project traffic:

<u>Intersection</u>	<u>Existing LOS</u>	<u>Existing plus Project LOS</u>	
		<u>(Unmitigated)</u>	<u>(Mitigated)</u>
Grant Line/Corral Hollow	C	E	B
Eleventh/Lammers	B	F	C
Eleventh/Corral Hollow	C	F	C
Schulte/Corral Hollow	C	F	C
Schulte/Lammers	C	F	B
Valpico/Corral Hollow	B	F	C
Valpico/Tracy	C	E	C

An already congested I 205 would be further affected by the addition of project traffic onto the freeway system. Mitigation requirements would include construction of elements of Tracy’s Roadway Master Plan, including:

- traffic signals at Schulte/Lammers, Valpico/Corral Hollow, and Valpico/Tracy;
- widening Corral Hollow to four lanes;
- widening Grant Line Road to six lanes;
- grade-separated interchange at Eleventh/Lammers; and
- widening I 205 to six lanes.

These mitigation measures have been identified under the cumulative 2025 analysis. The project, in its Finance and Implementation Plan, will be responsible to contribute toward its share of these improvements along with other cumulative development projects.

Response to Comment 8-2

The City of Tracy cannot require improvements to facilities outside of its jurisdiction. Therefore, the traffic improvements required as part of the Proposed Project’s mitigation measures must be within the City limits. No revisions to the DEIR are necessary.

Response to Comment 8-3

Please see Response to Comment 7-2 regarding potential project impacts on Mountain House Parkway, Mountain House/I-205 interchange and Grant Line Road.

Response to Comment 8-4

Mitigation Measure 4.3-7, on Page 4.3-22 of the DEIR, requires the construction of bicycle lanes as part of the Proposed Project. As stated in the second paragraph on Page 4.3-22, the project's bikeway system would connect fully to the City of Tracy's bikeway system. The City of Tracy's Bikeways Master Plan identifies connections to the unincorporated San Joaquin County Bikeway system. Therefore, the bicycle lanes constructed as part of the Proposed Project would become part of a city-wide system that connects to the unincorporated San Joaquin County Bikeway system.

Impact 4.3.7 on page 4.3-22 in the DEIR analyzes the project's connectivity to existing and proposed external bikeways within the City of Tracy. The impact analysis concluded the Proposed Project could affect existing bicycle facilities. To mitigate this, the project would extend bicycle facilities along 11th Street, consistent with the City's adopted Bikeways Master Plan. Other connections with facilities to the west in unincorporated San Joaquin County could be considered at a later date; however, these facilities would not be required for the Proposed Project, and are, therefore, not analyzed in the DEIR.

Response to Comment 8-5

As stated in the first paragraph on Page 10 of the Transportation/Circulation Analysis for the Tracy Gateway Business Park, included as Appendix B in the DEIR, the assumed Year 2025 traffic improvements include some major components of Tracy's Roadway Master Plan system, which identifies roadway improvements required at the citywide level to support the long-range buildout of the City. These improvements were included in Mitigation Measure 4.3-1, as shown on page 4.3-16 of the DEIR. The Proposed Project, as part of the cumulative set of future developments occurring in the City of Tracy, would be required to mitigate its share of cumulative impacts through implementation of Mitigation Measure 4.3-1.

Crossroads Drive, referenced in the DEIR, is a new north-south arterial that extends south from Eleventh Street through the Presidio PUD development located west of Corral Hollow Road in the City of Tracy. The text of the DEIR is correct and no revision to the DEIR is necessary.

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LETTER 9: KIM KLOEB, SAN JOAQUIN COUNCIL OF GOVERNMENTS (JUNE 6, 2002)

Response to Comment 9-1

Comment noted.

Response to Comment 9-2

See Response to Comment 3-40.

Response to Comment 9-3

Please see Response to Comment 3-41 regarding detailed analysis and re-circulation of project impacts.

LETTER 10: SHERRY GONGAWARE, TRACY UNIFIED SCHOOL DISTRICT (MAY 31, 2002)

Response to Comment 10-1

The text in Section 4.8 Public Services, Page 4.8-8, first paragraph has been revised to reflect that two school districts serve the Proposed Project site:

1. EXISTING SETTING

The project site falls within the boundaries of the Lammersville Elementary School District (LESD) (Grades K - 8) and the Tracy Unified School District (TUSD) (Grades 9 - 12). ~~There are 12 elementary schools (serving 6,929 students), three middle schools (serving 2,823 students) and The Lammersville Elementary School has a current capacity of 340 students and a current enrollment of 300 students¹⁶. The TUSD has two high schools (serving 4,673 students) with a total permanent capacity of 3,240 and a total capacity of 4,738 students with the addition of portable classrooms. The current enrollment of the two high schools is 4,727.¹⁷ in the TUSD.~~

The text in Section 4.8 Public Services, Page 4.8-9 (beginning with the second paragraph) has been revised to reflect that two school districts serve the Proposed Project site:

Cumulative Impacts and Mitigation Measures

Impact 4.8.6 Cumulative development within the City of Tracy, in combination with the Proposed Project, could require the construction of new schools.

Development of the Proposed Project could result in the relocation of residents that currently reside outside the TUSD and LESD boundaries to an area within the TUSD and LESD boundaries. Development of the project site ~~will~~ would provide employment opportunities in the City and may draw residents and their families to the area. This could indirectly increase enrollment at local schools thereby affecting facilities.

Consultation with the LESD and TUSD personnel indicate that Lammersville Elementary School is near capacity¹⁸ and there is capacity at the elementary school level district-wide. ~~However, Clover and Monte Vista middle schools are at capacity, and Monte Vista Middle School currently accepts overflow students from the other two middle schools and has capacity to accept approximately 100 more students. Both high schools are very close to capacity.¹⁹ Tracy High and West High are near or at capacity, respectively.²⁰~~

16 Bill Lebo, Superintendent, LESD, personal communication August 19, 2002.
17 Sherry Gongaware, Director of Facilities, TUSD, personal communication July 17, 2002.
18 Bill Lebo, Superintendent, LESD, personal communication August 19, 2002.
19 Mrs. Riddle, Student Service Department, Tracy Unified School District, personal communication with EIP Associates, October 4, 2001.
20 Sherry Gongaware, Director of Facilities, Tracy Unified School District, personal communication with EIP Associates, July 17, 2002.

Development of the Proposed Project in combination with other development within the boundaries of the LESD and TUSD could increase demand on schools. Existing schools might not be able to accommodate the projected future population at their current capacities. In order for projected demands to be served, additional schools would be needed or the capacity increased at existing schools.

Response to Comment 10-2

Chapter 5, Alternative to the Project, of the DEIR discusses the potential alternatives to the Proposed Project and the associated potential impacts. Beginning on Page 5-4, fourth paragraph, the DEIR, addresses the impacts to schools resulting from development of 300 apartment units. The text has been revised to reflect that two school districts serve the Proposed Project site:

Public Services

Alternative 1 provides for 300 apartment units that would have the potential to house school age children. The project site is located within the Lammersville Elementary School District (grades k – 8) and the Tracy unified school district (TUSD) (grades 9 – 12). Student generation rates are used to determine the number of new students per dwelling unit. At the elementary and middle school levels (grades k-8), this alternative would generate 101 new students for multi-family units (.338 students per multi-family dwelling unit). At the high school level (grades 9-12), this alternative would generate approximately 22 new students (.073 students per dwelling unit).

~~There is capacity at the elementary school level district wide. However, Clover and Monte Vista Middle Schools are at capacity, and Monte Vista Middle School currently accepts overflow students from the other two middle schools and has capacity to accept approximately 100 more students. Both high schools are very close to capacity.²¹~~

Development of the 300 residential units would increase demand on schools. Because they are at, or close to, capacity existing middle elementary and high schools may not be able to accommodate the projected future population at their current capacities. In order for projected demands to be served, additional schools could be needed.

Pursuant to Proposition 1A/Senate Bill 50 (Chapter 407, Statutes of 1998), payment of statutory fees or alternate fees is deemed to be full and complete mitigation of school impacts. Generally, the impact fees would be applicable to any future development within the school district, including the Proposed Project; however, non-residential development on the Proposed Project site would not be subject to the Districts' fees. Under this alternative there would be 300 units within the Proposed Project site that would be subject to impact fees.

The TUSD would require that the project participate in school mitigation in conformance with the District's Comprehensive School Facility Capital Improvement and Finance Plan

21 Mrs. Riddle, Student Service Department, Tracy Unified School District, personal communication with EIP Associates, October 4, 2001.

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(CFD), as provided by the General Plan and the Growth Management Ordinance. However, Government Code Section 65995 restricts the District and the City from requiring participation in a CFD that would require school mitigation fees above the statutory school fee cap.

Because this impact to schools would occur only with development of an alternative, and not with the project as proposed and analyzed in this DEIR, no revisions to the school section are necessary. The DEIR is in accordance with CEQA Section 15126.6(d), “the EIR shall include sufficient information about each alternative to allow meaningful evaluations, analysis and comparison with the Proposed Project. If an alternative would cause one or more significant effects in additions to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed.” Therefore, in accordance with CEQA, this DEIR is intended to thoroughly address the impacts related to the Proposed Project and describe a range of reasonable alternatives to the project or its location. Compliant with CEQA Section 15126.6(d), this DEIR is not intended to be a full analysis of each of the alternatives. Further environmental review would be required if Alternate 1 is chosen for development of the Proposed Project site to include the potential impacts to schools. The DEIR analyzed the potential effects to schools resulting from Alternative, in accordance with CEQA, and no further analysis is necessary.

Response to Comment 10-3

On Page 5-5, second paragraph, the DEIR states that the Tracy Unified School District would require the Tracy Gateway project to, “participate in school mitigation in conformance with the District’s Comprehensive School Facility Capital Improvement and Finance Plan, as provided by the General Plan and the Growth Management Ordinance.” Meetings between the developers and the District would be appropriate if, and when, Alternative 1 is developed. The DEIR addresses the concern of the commentor and no revision to the DEIR is needed in response to the comment.

Response to Comment 10-4

See Response to Comment 10-2. Appropriate agreements between the developer and the Tracy Unified School District would be required if, and when, Alternative 1 is developed.

Response to Comment 10-5

The DEIR addresses the concern raised in Comment 10-5. On page 4.4-8, first bullet in the second paragraph, the DEIR states that Proposition 1A/Senate Bill 50, “establishes the base (statutory) amount (*indexed for inflation*) [emphasis added] of allowable developer fees at \$0.31 per square foot for commercial construction.

Please see Response to Comment 10-1 for revision to the text of the DEIR to include the payment of District fees by nonresidential development.

The text in Chapter 4.8 Public Services, Page 4.8-9, last paragraph, has been revised:

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Pursuant to Proposition 1A/Senate Bill 50 (Chapter 407, Statutes of 1998), payment of statutory fees or alternate fees, as discussed above, is deemed to be full and complete mitigation of school impacts. Generally, the impact fees would be applicable to any future development within the school district, including the Proposed Project. ~~however, non-residential development on the project site would not be subject to the Districts' fees.~~ In addition, the TUSD has developed a Comprehensive School Facility Capital Improvement and Finance Plan, which in part, sets forth three options for developers to mitigate school facility impacts. Therefore, the cumulative impacts related to schools resulting from the Proposed Project would be **less than significant**.

Response to Comment 10-6

See Response to Comment 10-4. Appropriate agreements between the developer and the Tracy Unified School District would be required if, and when, Alternative 1 is developed.

Response to Comment 10-7

Please see Response to Comment 10-1 for revisions to the DEIR text that address the school capacities.

LETTER 11: TIMOTHY D. TARON, HEFNER, STARK AND MAROIS (JUNE 4, 2002)

Response to Comment 11-1

The Tracy Hills WRF has an approved Wastewater Treatment Master Plan and certified Permanent Wastewater Reclamation Facility EIR, however, no applications for development of Tracy Hills have been submitted to the City, and the actual WRF design improvements have not been reviewed or approved by the City.

The fifth paragraph on page 3-14 in the DEIR has been revised as follows to identify the status of the plan and EIR:

The City of Tracy Wastewater Master Plan prepared in 1993 identified three potential locations for regional WRFs that could treat wastewater from the Westside area, which includes the project site: the Lammers Road site, the Tracy Hills site and the Valpico Road site. The Tracy Hills WRF has an approved Wastewater Treatment Master Plan and certified Permanent Wastewater Reclamation Facility EIR. No applications for development of Tracy Hills have been submitted to the City. These facilities have not been approved or constructed. If these regional facilities are developed, the City could allow the Proposed Project to connect to them. Connection of the project site to any of these regional facilities would be subject to appropriate environmental review.

Response to Comment 11-2

Please see Responses to Comments 4-3 and 5-7 regarding the City's farmland mitigation program as it relates to the Proposed Project.

Response to Comment 11-3

The trip generation rate based on square footage assumed an approximate office density of 300 square feet per 1 employee, which is consistent with the anticipated project density.

Response to Comment 11-4

The Tracy Citywide traffic model was used to determine project trip generation and trip distribution to/from other parts of Tracy, San Joaquin County and beyond. The traffic model has been calibrated and validated to forecast trip distribution and traffic volumes on City streets and intersections to within industry accepted standards. The traffic model estimates the total number of trip ends inbound and outbound from specific land uses such as the Tracy Gateway development project and distributes the trip origins to trip destinations. During the p.m. peak hour, more trips would be exiting the project than would be entering the project. The trip distribution module of the Citywide traffic model has determined that of the 7,345 project-generated trips, 5,800 would be outbound (exiting from a particular site) within the project area while 1,500 project-generated trips would be inbound (entering a particular site) within the project area. 8% of the 5,800 trips (450 trips) leaving a particular site within the project area

have destinations to other sites within the project area. These same 450 trips with destinations within the project area make up 30% of the 1,500 trips inbound to the project.

Response to Comment 11-5

Please see Response to Comment 8-1 regarding Existing Plus Project analysis.

Response to Comment 11-6

Differences in Traffic Demand were used as the basis for determining where Level of Service operations would be necessary to identify possible impact locations.

Response to Comment 11-7

Please see RTC 3-11 for a discussion of the cumulative setting.

In accordance with CEQA Guidelines Section 15121(a) and as stated on Page 1-2, second paragraph, one of the intended uses of the EIR is to evaluate the environmental impacts of the annexation. It is beyond the scope of an environmental document to justify annexations. LAFCO is the agency that would either approve or disapprove the request for the annexation.

Response to Comment 11-8

The project will be required to complete a Finance and Implementation Plan to determine its fair share of transportation improvements necessary to mitigate cumulative impacts.

Response to Comment 11-9

Page 4.7-12 in the DEIR describes that City policy allows new development to use the groundwater basin as an emergency source of supply (in lieu of providing storage for that supply) and that developments can meet their emergency supply requirements using wells with a capacity equal to the projected average day demand. The capacity referred to is the pumping rate of the well, which should not be confused with the required emergency storage volume. Table 4, footnote b, in Technical Memo No. 2—Water Infrastructure (included in Appendix F in the DEIR) indicates that emergency storage would be provided from the groundwater basin. The required emergency storage volume, per standard water supply planning criteria, is two times the average day demand. For example, if the average day demand is 1.0 million gallons per day, the required emergency storage volume would be 2.0 million gallons. A pumping rate equal to the average day demand would be required to utilize this emergency storage.

Response to Comment 11-10

As discussed in Impact 4.7-2 on pages 4.7-20 through 4.7-21 in the DEIR, the project applicant has identified the necessary off-site infrastructure improvements to convey potable water to the project site and for the water exchange program. These infrastructure improvements would require City oversight, development of a cross-connection program, and public information

program (see DEIR pages 4.7-10 and 4.7-21), which are also required by State regulations. As stated on page 4.7-21 in the DEIR, the project's costs for these potable water system improvements will be addressed in the project's FIP. Cross-connection program funds would be generated by the City through direct charges and water rates. No additional mitigation is required.

Response to Comment 11-11

Mitigation Measure 4.7.1 addresses the need for development of seasonal storage. As stated on page 4.7-21 in the DEIR, to participate in the water exchange program and receive the 780 ac-ft/yr allotment for potable supply, the City will require the Proposed Project to fund the completion of the non-potable water system (storage facilities, pump stations and distribution pipelines). Further, as indicated in Response to Comment 11-10, the project's costs for potable water system improvements that are required for the water exchange program will be addressed in the project's FIP. Please see Response to Comment 16-15 regarding implementation of the FIP.

Mitigation Measure 4.7.1 (page 4.7-19 in the DEIR) requires that seasonal storage be provided at the project site to balance annual demands of the water exchange program with the annual supplies from the on-site WRF. If it appears recycled water from the existing City WWTP will be available to the Proposed Project prior to Phase 3 of the Tracy Gateway project, fair-share funding of the planned improvements for the WWTP to produce recycled water will be required and covered in the FIP.

Response to Comment 11-12

Comment 11-12 is unclear. The comment presents two sentence fragments (“...however, these options have not yet been approved or...” and “None of these facilities have been approved or...”) and suggests that these be revised. The comment does not suggest how these fragments should be revised and refers to “comment 3 above” which specifically addresses trip generation rates used in the traffic model. The reference to comment three does not shed light on the revisions suggested by the comment, therefore no revisions to the text were performed in response to the comment.

Response to Comment 11-13

The third sentence in the last paragraph on page 4.7-24 regarding the Tracy Hills Specific Plan WRF is correct as written. Use of the phrase “When the Tracy Hills Specific Plan proceeds...” as suggested by the commentor, would not be appropriate. The City has no assurances that the proposed Tracy Hills Specific Plan project, including the WRF, will proceed, and the City currently has no development applications on file. Please see Response to Comment 11-1.

Response to Comment 11-14

Please see Responses to Comments 10-4 through 10-6 regarding school impact fees.

Response to Comment 11-15

The discussion on page 10 in “Technical Memorandum No.1 – Water Infrastructure (Revised)” prepared by West Yost & Associates and included in Appendix F in the DEIR indicates that it is currently unclear what other developments may occur within Pressure Zone 3 and when they will be developed. With respect to the Tracy Hills project, although the Tracy Hills project has proposed three pressure zones (Pressure Zones 3, 4 and 5), additional specific hydraulic analysis is required to assess how these proposed pressure zones for Tracy Hills coordinate with the City’s anticipated Pressure Zone 3 hydraulic characteristics. Furthermore, the proposed Tracy Gateway Project area is located within Pressure Zones 1 and 2 and has no impact on Pressure Zone 3. The statement on page 10 of Appendix F is valid, and no revision is necessary.

Response to Comment 11-16

The project analyzed in the DEIR is the Tracy Gateway Project. Potable water supply features of the Proposed Project, including storage, are illustrated on Figure 3-4 on page 3-10 in the Project Description and described on pages 3-9 through 3-11. Figure 3-4 indicates storage would be provided at one location adjacent to the project site.

The locations of the four above-ground water storage facilities in the Tracy Hills Specific Plan area shown on Figure 4 in Water Supply Technical Memo No.2 included in Appendix F in the DEIR are not relevant to the Proposed Project. The potential storage locations described and shown in Technical Memo No. 2 – Water Infrastructure (Revised) were initially considered based on available land use data and hydraulic location (in terms of elevation). A screening-level feasibility evaluation of these potential storage locations (as described in the Technical Memo No.2) indicated that the potential sites located within the proposed Tracy Hills Project Area, as well as three other potential sites within the Westside Planning Area (an area identified by West Yost & Associates [DEIR, page 4.7-1], who prepared the water supply technical studies), were not suitable with respect to their ability to effectively serve the storage needs of the Westside Planning Area and the Gateway Project. Therefore, these sites were eliminated from further consideration and were not evaluated further.

Potential environmental effects related to implementation of the Tracy Hills Specific Plan, including zoning and land use consistency, were evaluated in the *Tracy Hills Specific Plan EIR*, State Clearinghouse No. 95122045 (August 1997).

LETTER 12: TIMOTHY D. TARON, HEFNER, STARK, AND MAROIS (JUNE 6, 2002)

Response to Comment 12-1

A university/college is a permitted use in the CDP; however a university/college project has not been proposed by the project developer, and the City is not aware of any proposals for private or public higher education institutions on the project site at this time. If, however, a development application is submitted in the future that includes higher education facility, supplemental environmental review would be performed as necessary, which would address, any traffic-related considerations with the university/college use. The traffic analysis addresses the project as proposed in Chapter 3.0, Project Description, of the DEIR. As stated in the second paragraph on page 1-2, "This EIR, in accordance with CEQA Guidelines Section 15126, should be used as the primary environmental document to evaluate all subsequent planning and permitting actions associated with the project." Therefore, before a proposed use on the site can be approved, it must be examined in light of this EIR and a determination made of any additional traffic study that would be necessary.

LETTER 13: MICHAEL D. HAKEEM, HAKEEM, ELLIS, & MARENGO (JUNE 6, 2002)

Response to Comment 13-1

The Filios project was not included in the traffic analysis because its status as an approved project at the time the traffic analysis for the Tracy Gateway EIR commenced was in question. City staff recommended it not be considered part of the adopted summary of projections for this project. Since the close of the comment period the San Joaquin Superior Court found the EIR, prepared for the Filios project, to be inadequate and therefore, the project's approvals were rescinded.

LETTER 14: DAVID G. CORLISS, GOLDEN STATE DEVELOPERS, INC. (JUNE 5, 2002)

Response to Comment 14-1

In accordance with Section 15125(a) of the CEQA Guidelines, the DEIR included “a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published . . . from both a local and regional perspective.” Section 15125(a) continues, “[t]his environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.” The Notice of Preparation for the DEIR for the Tracy Gateway project was issued March 2, 2001. As of that date, the applicants for Area A had not yet completed their application to the County for the project and had not yet identified water availability for the project and how public utilities and services would be provided. Therefore, the Old River/Northwest Tracy Specific Plan Area project had not been established as a feasible project, especially in light of the question of water availability, at the time of the issuance of the NOP in March 2001. As of July 18, 2002, the Old River/Northwest Tracy Specific Plan Area project still has not determined a source of water, and the application to the County for the project has not yet been completed.²² For these reasons, the DEIR did not address the cumulative impacts associated with “Area A.”

Response to Comment 14-2

See Response to Comment 14-1.

Response to Comment 14-3

Section 4.9, Visual Resources/Light and Glare, describes the existing conditions at the project site and analyzes the potential effects on the visual environment as a result of the Proposed Project. Impact 4.9.1 on pages 4.9-4 through 4.9-6 and Impact 4.9.3 on page 4.9-7 through 4.9-8 in the DEIR conclude that development of high-rise buildings at the project site will significantly alter the visual character of the area and will have an adverse effect on views. The DEIR concludes that these project-specific impacts would be significant and unavoidable. Cumulative impacts related to aesthetics are evaluated in Impact 4.9.5 on pages 4.9-10 through 4.9-11 in the DEIR. The discussion recognizes that other development in the Tracy area would result in significant and unavoidable cumulative impacts as undeveloped land, such as that owned by the commentator, is converted to urban uses.

Response to Comment 14-4

Figure 4.9-1 on page 4.9-5 in the DEIR illustrates the locations of building height zones at the project site. Figure 3-3 on page 3-5 in the DEIR is the Site Master Plan, which shows the relative locations of buildings, landscaping, and other features. Pages 3-6 through 3-7 in the DEIR summarize the architectural concept for the Proposed Project and includes information about building design.

22 Memorandum to Northwest Tracy/Old River Specific Plan Property Owners from Ben Hulse, Community Development Director, San Joaquin County Community Development Department, July 18, 2002.

Response to Comment 14-5

The City requires that the developer submit additional applications for project development. These applications will include a tentative map and, due to the zoning sought by Gateway (PUD), Preliminary and Final Development Plans (PDP/FDP). Nothing can be built on the Gateway site without an approved PDP/FDP. At the time of PDP/FDP application submittal, City staff will review the applications for conformance with the Gateway CDP, City Regulations, including the General Plan and GP EIR MMs for conformance. Public hearings are a part of the process of PDP/FDP approval. Opportunities for staff to coordinate with project proponents will allow for discussion of access and connectivity to adjacent parcels, which are typical elements to land use analyses. See also response to comment 16-15.

Response to Comment 14-6

Impact 4.4.3 on 4.2-4 in the DEIR addresses potential conflicts between the proposed development and adjoining agricultural operations. Mitigation measures were developed to reduce potential conflicts to a less-than-significant level. Mitigation Measure 4.2.3(a) on page 4.2-5 requires a disclosure statement to be incorporated into the Tracy Gateway CCRs that would notify that property owners adjacent to existing agricultural operations could be subject to inconveniences or discomforts due to the agricultural operation and that properly conducted and maintained agricultural operations are not considered to be a nuisance. In order to provide a buffer between the adjoining agricultural uses and the Proposed Project, Mitigation Measure 4.2.3(b) on page 4.2-5 was developed to require the project applicant to provide additional vegetation along the portions of the project site adjoining active agricultural operations in order to serve as a windbreak and buffer from adjacent agricultural operations. The DEIR includes a mitigation measure that requires the notification of future tenants of the adjoining agricultural uses.

In addition, the Proposed Project's Concept Development Plan identifies a landscape buffer of 20 feet along the project edges. The general lot layout is to have buildings forward on the parcels with parking in the back. This provides additional buffer between buildings and adjacent land uses.

Please see Responses to Comments 14-4 and 14-5 above. These address other comments related to the Proposed Project's impact on agricultural uses.

**LETTER 15: PAUL M. SENSIBAUGH, MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT
(JUNE 3, 2002)**

Response to Comment 15-1

For reference purposes, we have included a copy of the letter sent by Mountain House Community Services District (CSD) in response to the Notice of Preparation for the Tracy Gateway Project. This letter is referred to in comments 15-1, 15-2, and 15-3.

First Paragraph:

Please see Response to Comment 3-5 regarding funding for regional traffic improvements.

Second Paragraph:

Please see Response to Comment 7-2 for potential impacts to Mountain House Parkway, the Mountain House/I 205 interchange and Grant Line Road.

Third through Fifth Paragraphs:

Please see Response to Comment 3-8 for information as to which facilities were included in the traffic model.

The text on the last paragraph of page 3-9 has been revised to reflect Mitigation Measure 4.3-2.

In order to mitigate the anticipated impacts due to project-generated traffic leaving the project site, off-site roadway improvements are proposed (see Mitigation Measure MM 4.3.2, in Section 4.3, Traffic and Circulation, and Appendix B, Transportation and Circulation Analysis – Tracy Gateway Business Park, figure 6). These improvements include: widening 11th Street from four to six lanes from I 205 to Lincoln Boulevard; ~~the acquisition of right-of-way to allow for dual left turn lanes into the Proposed Project at the signalized intersections from both Lammers Road and 11th Street; the construction of a second southbound left turn lane at the Lammers/Valpico intersection; construction of a new roadway that begins at the intersection of the main arterial for the project and 11th Street and extends north and east to intersect with Lammers Road between I 205 and 11th Street; the construction of a new roadway extending from the Schulte Road/Lammers Road intersection westward to Mountain House Parkway; and the construction of a new roadway that extends from the main arterial for the project and to intersect with the new extension of Schulte Road.~~ Construction of a grade separation at the intersection of Lammers/11th Street or construction of an additional arterial capacity west of Lammers Road; construction of a second southbound left-turn lane from Lammers onto Valipico; and provision of right-of-way to allow for dual left-turn lanes into Proposed Project at the signalized intersection in to the project from both 11th Street and Lammers Road.

The construction of Schulte Road between Crossroads Drive and Lammers Road would be part of the necessary improvements and is part of the Tracy Roadway Master Plan system. Therefore, the traffic generated by the Proposed Project would be only a portion of the traffic that would generate the need for the construction of Schulte Road.

The determination of which projects will be included in the Project Study Report costs for the I 580/Mountain House Parkway interchange will be made at the time the Report is initiated.

Response to Comment 15-2

Comments on the NOP were considered during preparation of the DEIR. Please see Response to Comment 7-3 regarding potential storm drainage impacts.

Response to Comment 15-3

Comments on the NOP were considered during preparation of the DEIR. Please see Responses to Comments 2-3 and 7-4 regarding water quality and TDS impacts related to urban runoff.

Response to Comment 15-4

Comments were received from TJKM and are attached to Comment Letter 15. Please see Responses to Comments 15-5 through 15-12.

Response to Comment 15-5

Please see Response to Comment 8-1 regarding Existing plus Project analysis.

Response to Comment 15-6

Please see Response to Comment 3-5 for information on funding of 2025 traffic facilities.

Please see figure entitled “2025 Freeway Mainline Volumes – Without Tracy Gateway Project” and “2025 Freeway Mainline Volumes – With Tracy Gateway Project” in Appendix A of the FEIR for lane and intersection assumptions. The assumptions for traffic control and signalized intersection are found in the worksheets attached to Appendix B of the DEIR and Appendix A of the FEIR.

Response to Comment 15-7

Figure 4.3-4 shows that traffic on Schulte Road east of Lammers Road would increase by 22- to 25-percent; therefore, Mitigation Measure 4.3-1 includes the construction of four-lane Schulte Road between Crossroads Drive and Lammers Road. The text is consistent with the diagram and no revision is necessary.

Response to Comment 15-8

Per Figure 6 in Appendix A of this FEIR, for the assumed number of lanes on I 205 in year 2025 west of Eleventh Street (3 lanes). As noted on Figure 4.3-3, Page 4.3-15 of the DEIR, I-205 to the west of the project is already congested and constrained during the p.m. peak hour without and with the project. The sixth paragraph on Page 4.3-16 of the DEIR, discusses the impacts of

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the Proposed Project on I 205 and determines that the impacts would be significant and unavoidable, even with implementation of Mitigation Measure 4.3-1.

Response to Comment 15-9

Please see Response to Comment 3-5 for revised mitigation measure.

Response to Comment 15-10

Please see Responses to Comments 7-2, 7-3, 7-4.

Response to Comment 15-11

Please see figure entitled “Lane Geometry at Project Access Point” in Appendix A of the FEIR.

Response to Comment 15-12

The new Lammers/I-205 interchange is in the City of Tracy’s Roadway Master Plan, and was determined to be needed by 2025 as a result of area development independent of the Catellus project.

LETTER 16: ERIC PARFREY, SIERRA CLUB, MOTHER LODE CHAPTER (JUNE 6, 2002)

Response to Comment 16-1

Comment noted.

Response to Comment 16-2

Responses to comments submitted by RWQCB, Caltrans District 10, and San Joaquin Council of Governments are presented above in Responses to Comment Letters 2, 3, and 9, respectively.

Response to Comment 16-3

The comment letter included the three attachments that address the adequacy of the EIR prepared for the proposed Filios project. Issues raised in the litigation (Attachments 1 and 2) address the adequacy of the technical analysis of water, wastewater, traffic, land use, biological resources, and cumulative impacts. Attachment 3 regarding the Filios project also identified concerns related to deferral of fees and mitigation.

City staff has considered the information presented in the attachments as it relates to the DEIR for the proposed Tracy Gateway Project. Litigation concerning the proposed Filios project is independent of the Proposed Project. The materials provided by the commentor do not contain significant new information that would alter the assumptions or conclusions of the Tracy Gateway Project DEIR. No changes to the Tracy Gateway Project DEIR are necessary as a result of information contained in the three attachments.

Response to Comment 16-4

The comment states the opinion that “the City Council is poised to approve a large development project prematurely, before adequate infrastructure planning and engineering has been completed.” In support of this opinion the comment cites a perceived failure on the part of the EIR to address cumulative impacts on transportation, air quality, water supply, sewer treatment and disposal, storm drainage, farmland and habitat loss, and consistency with the City’s general plan policies. This comment does not provide specifics concerning why the EIR is considered inadequate in these areas, but specific comments are provided for each of these issue areas in other sections of this comment letter. We, therefore, refer the reader to Responses to Comments 16-34, 16-48, and 16-79 that address cumulative impacts on transportation, Responses to Comments 16-49 and 16-50 that address cumulative impacts air quality, Responses to Comments 16-13, 16-14, 16-27, 16-51, 16-52, 16-54, 16-60 through 16-73, and 16-79 that address cumulative impacts water supply, Responses to Comments 16-13, 16-14, 16-27, and 16-53 through 16-59 that address sewer treatment and disposal issues, Responses to Comments 16-13, 16-14, 16-27, 16-74 through 16-77, and 16-79 that address storm drainage, Responses to Comments 16-33 and 16-79 that address farmland loss, Response to Comment 16-78 that addresses habitat loss, and Responses to Comments 16-20, 16-26, and 16-28 that address consistency of the Proposed Project with General Plan policies.

As demonstrated in these responses, and the text of the EIR, the EIR meets the requirements of CEQA for the analysis of potential project impacts. In addition, given that the EIR is a “program EIR,” the level of detail provided by the project applicant regarding infrastructure improvements to be constructed as part of the project or as mitigation for identified impacts, is considered adequate to allow an evaluation of potential project impacts that meets the requirements of CEQA.

Response to Comment 16-5

Please see Responses to Comments 16-6 through 16-86, below. Refer also to responses to Comment Letters 2 (Regional Water Quality Control Board) and 3 (Caltrans). Please refer to Response to Comment 3-42 which addresses the issue of DEIR recirculation.

Response to Comment 16-6

The comment incorrectly suggests that the Tracy Gateway Project EIR is required to conform to the recent decision by the San Joaquin County Superior Court on the Filios project. That decision concerns specific inadequacies of the EIR for that project and does not pertain to the Tracy Gateway Project. The comment correctly states that CEQA requires recirculation of an EIR when a lead agency adds “significant new information” to that EIR. It is important to understand, however, what constitutes significant new information before a determination is made as to whether or not recirculation is required.

Section 15088.5 of the State CEQA Guidelines states recirculation is required when significant new information is added to an EIR after public notice of the availability of the draft EIR. As defined in the Section, new information is considered “significant” if:

- a new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- a substantial increase in the severity of an impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- a feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impact, but the project proponents decline to adopt it; or
- the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Section 15088.5 states that recirculation of the Draft EIR is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications to an adequate EIR.

The responses to comments provided in this Final EIR present new information regarding the potential impacts of the Proposed Project. This information, however, clarifies or amplifies information and conclusions already presented in the Draft EIR. In addition, some mitigation measures presented in the Draft EIR have been refined and expanded in response to comments from responsible agencies. This information does not contain any new impact related to the

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Proposed Project or proposed mitigation measures that is not addressed in Draft EIR. In addition, this information does not identify any substantial increase in the severity of an impact identified in the Draft EIR. Lastly, the responses to comments presented above do not identify any new feasible alternatives of mitigation measures that were not identified in the Draft EIR.

The City believes the Draft EIR was prepared in accordance with the requirements of CEQA and provided the public with an adequate opportunity for meaningful review. For the above reasons, recirculation of the Draft EIR is not required.

Response to Comment 16-7

The comment refers to "...the higher standards of the Judge's ruling." From the text of Comment 16-7 and from a review of the Judge's ruling itself, it is unclear to the City what the commentor means by "higher standard" and how this specifically relates to the Tracy Gateway Project. It should be noted that the Filios Project is substantially different than the Tracy Gateway Project. Likewise, the content and approach to preparation of the respective EIRs are substantially different for each project. The commentor's conclusion that the ruling on the Filios applies directly to the Gateway Project EIR, therefore, is misplaced.

In responding to public comment on the Draft EIR, revisions to the Traffic and Circulation, Air Quality, Land Use, Agricultural and Mineral Resources, and Public Utilities chapters of the Draft EIR and are incorporated in this Final EIR. As noted in Response to Comment 16-6, above, these revisions are amplifications and clarification of information presented in the Draft EIR and do not meet the CEQA standard of "significant new information" as defined in Section 15088.5 of the State CEQA Guidelines.

Response to Comment 16-8

Please refer to Response to Comment 3-42.

Response to Comment 16-9

Comment noted.

Response to Comment 16-10

Please see Responses to Comments 16-5 through 16-9 regarding the adequacy of the Tracy Gateway Project DEIR and the relevance of the ruling on the Filios project EIR to the Tracy Gateway EIR.

Response to Comment 16-11

Comment noted. Please see Response to Comments 3-1, 3-8, and 3-11 regarding demographic projections for traffic impacts. As indicated in Response to Comment 4-3, Mitigation Measure MM 4.2.1 has been revised to specify the applicant's responsibilities for farmland preservation in the absence of a city-wide Farmland Preservation Ordinance.

Response to Comment 16-12

Comment noted.

Response to Comment 16-13

The DEIR clearly states why the types of water supply, wastewater, and storm drainage services proposed are being considered for the project, as follows:

Water Supply: As stated on page 4.7-4 in the DEIR, although future water supplies have been identified by the City, the planned supplies may not be available in time to meet initial phase of the Proposed Project. Three reasons were provided in the DEIR: environmental review has not been completed on the major supply projects (WSID, BCID, and SCSWSP (i.e., SSJID)); the ASR program is still being tested; and treatment capacity for water deliveries from other sources is not yet available. Therefore, the firm source of supply for the Proposed Project is the water exchange program, which is described in the Project Description and in the Water Supply section in the DEIR. The City can fully implement this program through the City's Recycled and Non-Potable Water Ordinance adopted in March 2002.

Wastewater: As discussed on pages 4.7-23 through 4.7-24 in the DEIR, the Proposed Project wastewater treatment demand cannot be accommodated within the capacity of the existing wastewater treatment plant (WWTP). The Proposed Project could be accommodated through oversizing of the planned WWTP expansion; however, disposal capacity would not be available. None of the regional wastewater reclamation facilities being considered by the City have been approved or developed. Therefore, the City concluded development of an on-site WRF (which was identified as a potential option in the NOP, as discussed in Response to Comment 2-6) would be an acceptable method to both (1) treat and dispose of project-generated wastewater, and (2) would provide non-potable water for use in the water exchange program.

Storm Drainage: As discussed on pages 4.7-45 through 4.7-47 in the DEIR, the City is requiring new development, including the Proposed Project, to ultimately discharge stormwater flows to a City-operated drainage system that will convey flows to the Wicklund outfall. The City has identified, on a watershed level, improvements that are necessary to serve anticipated storm drainage needs in the Tracy West Area. These improvements are illustrated on Figure 4.7-5 on page 4.7-44 in the DEIR. The City will require new development, including the Proposed Project, to attenuate runoff to a level that will not adversely affect drainage system capacity. As stated in Impact 4.7.12 on page 4.7-48, the on-site system of detention features (stormwater ponds) are necessary to limit project-generated runoff to the future Wicklund storm drainage outfall to 4 cfs. By minimizing the project's contribution to the storm drainage system that conveys flows to the Wicklund outfall, sufficient capacity would be available within the 30 cfs maximum outflow limit for other future development in the Tracy West Area.

Neither the Public Resources Code laws pertaining to CEQA nor the CEQA Guidelines require that "basic city services" must be used to serve a project. What CEQA does require, however, is that the environmental effects of the whole of the project be evaluated. The necessary water,

wastewater, and storm drainage systems to serve the Proposed Project have been identified in the Project Description for the Proposed Project and evaluated in the appropriate technical sections of the DEIR. No revisions to the DEIR are necessary.

Response to Comment 16-14

The commentor has not provided any substantive information or data to support the assertion that the City cannot serve the Proposed Project. The DEIR clearly identifies the necessary utilities infrastructure to serve the Proposed Project through build-out, and the reasons for the type of service that would be provided. Please see Response to Comment 16-13. The DEIR also contains analyses of the construction and operation of these facilities. Mitigation measures have been identified, where necessary. Please see Response to Comment 16-15 for a detailed explanation of the environmental review process as it relates to the timing and implementation of providing City services to the Proposed Project.

Response to Comment 16-15

The EIR is not a “project” EIR, but rather a “program” EIR. The last line on page 1-1 in the DEIR states: “[t]his EIR is a “Program EIR” pursuant to CEQA Guidelines Section 15168. However, as further noted at the top of page 1-2 in the DEIR, project-level analysis has been provided in a manner consistent with CEQA Guidelines. The need for subsequent actions related to the project’s Final Development Plan (FDP) and Finance and Implementation Plan (FIP) is noted in Section 1.3, “Intended Uses of the EIR” on page 1-2. In that discussion, the third sentence states that the project’s Program EIR is the “primary environmental document to evaluate all subsequent planning and permitting actions associated with the project.” The following describes these anticipated actions and the potential steps for subsequent environmental review of project elements.

Development approval of the Tracy Gateway Project will occur through a series of actions by City staff, the Tracy Planning Commission, and Tracy City Council, once annexation into the City limits occurs. These actions include, but are not limited to, the approval of a tentative subdivision map, FDP, and FIP. This DEIR utilizes the FDP as the timing mechanism for implementation of several mitigation measures, mainly because an approved FDP is a necessary requirement for development and issuance of building permits regardless of the status of a tentative map application.

Title 10, Article 13 of the Tracy Municipal Code (TMC) establishes the PUD zone to allow flexibility and creativity in site planning and development, and outlines the required level of detail and basis for approval of each set of plans submitted. The Tracy Gateway project is being processed as a PUD zone to allow flexibility in specific development and performance standards and to allow a more specific range of land uses and site development objectives. In accordance with Article 13, three levels of planning documents are required in order to develop the site. The Concept Development Plan (CDP) is intended to briefly describe the nature, size, and impact of the proposed uses in the PUD. Subsequently, the Preliminary Development Plan (PDP) describes the intended uses and structures in greater detail, including design standards, development regulations, floor area ratios, public facilities, utilities, and other on- and off-site

improvements. Finally, the FDP incorporates all the revisions, changes and modifications required of the project during the PDP process. The CDP, PDP, and FDP are subject to review and approval by the Tracy Planning Commission and Tracy City Council. Only after an FDP has been approved by City Council may a developer secure building permits for actual construction.

Initial approval and annexation into the City limits of the Tracy Gateway project site would establish the first tier of the PUD zone with the CDP. Tracy Gateway's CDP includes an elevated level of detail compared to City minimum requirements, due to the nature of the complex project. Subsequent PDP and FDP approvals are necessary before any development can occur on-site. At the time of annexation the Tracy Gateway site will be zoned PUD with the most basic level of entitlement, the CDP. The PDP and FDP applications will be made to the City, and will be required to demonstrate conformance with Tracy standards, the Tracy Municipal Code, and the Tracy Gateway CDP. As part of the PDP/FDP review process, each application is evaluated for conformance with these regulations, and is also considered in accordance with CEQA Guidelines for environmental review. Any specific development proposal that is found to contain elements that could have adverse impacts on the environment that were not identified adequately in the Tracy Gateway Project EIR, will require subsequent environmental work.

The FIP is the document prepared by the City that defines capital improvements, the timing of those improvements, and how Tracy Gateway will finance the improvements that are required to mitigate its impacts on city utilities and other infrastructure. The Capital Improvement projects identified in the FIP are incorporated into the City's annual budget. The preparation of the FIP begins after certification of the project's FEIR. Due to the use of land secured financing, approval of the FIP by Tracy City Council will occur after annexation of the project area into the City limits, prior to approval of first tentative map.

The FIP defines the project's build-out, fair share cost of public improvements in which the project participates. The FIP will also define the amount of money that can be bond funded through land secured financing. Improvement projects that are needed prior to the first phase of development are generally bond financed. Improvement projects that are not triggered until later phases of development are generally funded through development impact fees.

The issues raised by the commentator have been addressed in the DEIR, or will be addressed through the procedures described above, and no revisions to the DEIR are necessary as a result of this comment.

Response to Comment 16-16

Opportunities for the public and public agencies to comment on the DEIR within the context of CEQA are explained in Section 1.6, "Environmental Review Process," on pages 1-5 through 1-6 in the DEIR. The Proposed Project itself will not require subsequent environmental documentation so long as the project or conditions addressed in the EIR do not change substantially. However there will be additional environmental documentation required on some project related components such as future off-site roadway improvements and new interchange construction. In addition, the zoning for the Proposed Project site requires that plans be

submitted to get building permits for each element of the Tracy Gateway project. During the city's review of these projects, it is the City's responsibility to determine if subsequent CEQA review is required, or if existing documentation needs to be supplemented. Every project will require Planning Commission review and City Council approval and will require staff assessments of CEQA completeness. At these subsequent public hearings, the Preliminary Design Plan and Final Design Plan details will be reviewed, and CEQA documentation considered for adoption and certification.

Response to Comment 16-17

See Response to Comment 16-16.

Response to Comment 16-18

The Tracy Gateway Project DEIR does not defer environmental analysis and mitigation to a later study. Section 15126.4(a)(1)(B) of the CEQA Guidelines states that, "Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way." As shown in Table 2-1, "Summary of Impacts and Mitigation Measures for the Tracy Gateway Project", in the DEIR, all mitigation measures commit the lead agency to a realistic performance standard or criterion that would ensure the mitigation of the significant effect and does not allow physical changes to the environment unless the performance standard would be satisfied. Section 15126.4(a)(2) of the CEQA Guidelines states, "Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments." Every mitigation measure in the DEIR includes a "timing/implementation" and "enforcement/monitoring" section.

Further environmental review of the Proposed Project will occur because the DEIR is a Program EIR, as discussed in Response to Comment 16-15. Please see Response to Comment 16-14 regarding the FDP, FIP, the need for additional mitigation measures, and subsequent environmental review.

Response to Comment 16-19

As shown in Response to Comment 16-18, mitigation measures presented in this EIR meet CEQA requirements and do not constitute an "illegal deferral of detailed mitigation measures" as stated by the commentor. The environmental review process for the Tracy Gateway Project has met or exceeded all CEQA requirements for public review and comment.

Response to Comment 16-20

Section 4.1 of the DEIR addresses the potential land use impacts of removal of the Proposed Project site from the North Schulte Community Area. Specifically, please refer to the discussion of Impact 4.4.1, beginning on page 4.1-8.

Response to Comment 16-21

The commentor incorrectly states that the “[c]umulative impacts related to the project to detach land from the Lammers Community Area have not been analyzed adequately . . .” The Proposed Project site is part of the North Schulte Community Area, not the Lammers Community Area. Analysis of detachment from the Lammers Community Area would not be appropriate and is not required in this DEIR.

The potential impacts of removing the Proposed Project site from the North Schulte Community Area were addressed in Impact 4.1.1, in Chapter 4.1 Land Use, on page 4.1-8, fourth paragraph. On page 4.1-19, last paragraph, the DEIR addressed cumulative land use impacts, to include those impacts associated with Impact 4.1.1.

Response to Comment 16-22

According to the *City of Tracy General Plan – An Urban Management Plan* (July 19, 1993), page 1-25, “[t]he Community Area boundaries may evolve and shift over time without impact to the underlying Land Use Plan.” Therefore, the boundary of the North Schulte Community Area, of which the Proposed Project is a part, can be revised without compromising the comprehensive planning of the Community Area.

Evidence to support the analysis of detachment is provided in the DEIR. As stated on page 4.1-12 in the DEIR, the City has historically allowed the removal of lands from Community Areas when the removal complies with the General Plan's land use policies and the removal does not preclude the development of the remainder of the Community Area, either as one cohesive Community Area, or as a specific plan, or other development mechanism. A recent example of such a removal is the Presidio project, less than one-half mile to the east of the project site along 11th Street. That project removed lands from the North Schulte Community Area.

In addition, Impact 4.1-4 on page 4.1-16 in the DEIR analyzes the potential impact of allowing development of land uses on the Proposed Project site that could be incompatible with existing or planned surrounding land uses. The DEIR concluded this would be a significant impact and implemented Mitigation Measure 4.4.1 (page 4.1-18), which requires the City to ensure that the Proposed Project is in conformance with the City's zoning regulations related to project design and land use compatibility prior to approval of the CDP and that any non-conforming land uses or conflicts shall be modified and contained in the CDP to meet the stated goals and policies in the City's zoning regulations and General Plan. The DEIR determined that this mitigation measure would reduce land use compatibility impacts to a less-than-significant level. Therefore, any development on the Proposed Project site would be required to be compatible with the land uses of the North Schulte Community Area.

On page 1-27 of the General Plan, the North Schulte Community Area is described as, “[t]he North Schulte Community Area is proposed as predominately a residential area located directly west of town”. Implementation of Mitigation Measure 4.4-1 would ensure that the Proposed Project would not preclude the future comprehensive development of the Community Area with residential uses.

As stated on page 4.1-13 in the DEIR, “[a]t this time, the Tracy Gateway project would not be considered as the Urban Center for the North Schulte Community Area; although this would not preclude the future development of the northeastern portion of the project site, at the southwest corner of 11th Street and Lammers Road in such a manner.” The Proposed Project as described in the project description and as analyzed in the DEIR, does not include development of an Urban Center on the project site. Because development of a portion of the site as an Urban Center is not proposed as part of the project, it is not necessary to add mitigation measures to address the potential. If the development of the project site differs from the project as described and analyses in this DEIR further environmental review would be necessary. According to CEQA Section 15186(c), “subsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared”. Section 15186(c)(1) states that “if a later activity would have effects that were not examined in the program EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration”. Therefore, the project applicants would be required by CEQA to prepare additional environmental review if the project description is changed to include an Urban Center. This subsequent environmental review would be required to analyze the necessary “land use and development design changes” for development of the Urban Center.

On page 4.1-8, the DEIR includes the definition of an Urban Center as an area of higher intensity uses serving as a focal point for each Community Area. According to Table 1-2E of the 1993 General Plan (page 1-34) the Urban Center for the North Schulte Community Area is to be approximately 160 acres, but the location of the Center within the Community Area is not established. As shown on Table 4.1-1 (page 4.1-10 in the DEIR), the Proposed Project would remove 538 acres from the North Schulte Community Area, leaving 1,199 acres. The 160 acres for an Urban Center is reflected in Table 4.1-1, Proposed North Schulte Community Area Statistical Profile (with Tracy Gateway). Therefore, there would be sufficient remaining land within the Community Area for an Urban Center. It is beyond the purview of this EIR to determine where an Urban Center could be located within the Community Area. It is also beyond the purview of this EIR to determine whether the Urban Center would compete directly with the Proposed Project. Section 15064(e) of the CEQA Guidelines states that, “Economic and social changes resulting from a project shall not be treated as significant effects on the environment. Economic and social changes may be used, however, to determine that a physical change shall be regarded as a significant effect on the environment.”

Response to Comment 16-23

See Response to Comment 16-22, above.

Response to Comment 16-24

The focus of the analysis in Section 4.1, Land Use, is on changes in land use and demographics that would occur with the Proposed Project. There was no intent to “conveniently...not discuss consistency of the project’s specific infrastructure systems...with any of the other Public Facilities (PF) goals, policies, and actions,” as asserted by the commentator.

It should be noted that CEQA (CEQA Guidelines Section 15125, Environmental Setting) requires that the EIR discuss any inconsistencies [emphasis added] between the project and applicable general plans. The proposed water, sewer, and storm drainage infrastructure would not be inconsistent with the City's General Plan, so detailed discussion of these issues is not required. However, to respond to the commentor's request for a discussion of this issue, the City has provided the following information.

General Plan policies related to water supply are listed on page 4.7-10 in the DEIR. The development of the proposed non-potable distribution system that would convey water from the on-site WRF to City parks and fields within existing roadway right-of-way would be consistent with Policy PF 1.1. The DEIR includes a water supply assessment and identifies potable and non-potable water supplies for the Proposed Project, consistent with Policy PF 1.4. The Proposed Project would not increase the demand on existing surface water or groundwater supplies, as directed by Policy PF 1.5. The use of recycled water (Policies PF 1.9 and 1.10) is addressed below. Policies CO 2.1 and 2.2 also address the use of reclaimed water for conservation purposes. Use of project-generated wastewater from the WRF to irrigate the site and City parks/fields would be consistent with these policies.

The text on page 4.7-10 in the DEIR has been revised as follows to include two policies that address recycled water. These policies are also noted in the Wastewater analysis (see Response to Comment 16-25).

City of Tracy General Plan

The following General Plan goals, policies, and actions addressing water demand and supply are included in the Public Facilities and Services Conservation Elements: Policies PF 1.1, PF 1.4, PF 1.5, PF 1.9, PF 1.10, CO 2.1, and CO 2.2 and associated implementing actions, and General Plan EIR Mitigation Measures M60.1 and 60.3.

General Plan policies addressing wastewater are cited on page 4.7-27 in the DEIR. The text on page 4.7-27 has been revised as follows to include additional policies that are relevant to the analysis; however, the addition of these policies to the text does not alter the conclusions of the DEIR:

City of Tracy General Plan

General Plan goals, policies, and actions addressing wastewater are ~~Goal PF1 and policies PF 1.1 and PF 1.7.~~ Goals PF1 and PF2 and policies PF 1.1, PF 1.2, PF 1.7, PF 1.9, PF 1.10, and PF 2.1 through PF 2.5. As described in Section 4.1, Land Use, the project would be consistent with the General Plan.

Please see Response to Comment 16-25 regarding wastewater General Plan policy consistency. Policies referenced in the text revision also address the use of recycled water to meet project potable water demands. The Proposed Project would not conflict with General Plan wastewater policies.

3. Responses To Comments

Relevant General Plan policies for storm drainage are listed and described on page 4.7-47 in the DEIR. Policy PF 1.11 directs that effective storm drainage facilities for planned development be provided in accordance with existing standards. Policy PF 1.12 encourages the integration of drainage facilities with paths and landscaping. Policy PF 1.13 recommends the use of existing facilities for storm drainage, particularly the use of agricultural drains as storm drainage outfalls. The Proposed Project would include on-site ponds that would serve as visual amenities. The site would connect to off-site features that would convey stormwater runoff to an engineered system, including the Lower Main Canal, designed to accommodate regional flows without adversely affecting Old River. Therefore, the Proposed Project would not conflict with applicable storm drainage policies.

Other than the text revisions noted above, no other changes to the DEIR are necessary to address policy consistency.

Response to Comment 16-25

Please see Response to Comment 16-24. Policies PF 1.1, 1.2, and 1.7 address planning, development, and siting of major public facilities to serve future development in Tracy. Policies PF 1.9, PF 1.10, PF 2.2, PF 2.3, and PF 2.4 address alternative wastewater options, on-site wastewater treatment and reuse systems, and reclamation/reuse. Policy PF 2.5 addresses sludge produced from wastewater treatment. The Proposed Project would not conflict with these policies, as discussed below.

The DEIR (page 4.7-24) recognizes that regional WRFs are being considered. The Proposed Project would not alter the City's ability to implement Policies PF 1.1, 1.2, and 1.7 regarding major wastewater infrastructure. As stated on pages 3-14, 4.7-24, and 4.7-33 in the DEIR, the City could allow the Proposed Project to connect to a regional WRF, subject to additional environmental review, if a regional WRF is developed. There are no aspects of the proposed on-site WRF that would preclude connection of the project site to a regional WRF, as stated in the last paragraph in Impact 4.7.4 on page 4.7-33 in the DEIR. Please see also Response to Comment 11-1.

There are no City policies that specifically prohibit development of small on-site WRFs, such as that proposed for the Tracy Gateway Project. In fact, Policy PF 2.2 encourages the use of on-site wastewater treatment and reuse systems in commercial/industrial development. Use of project-generated wastewater from the WRF to irrigate the site and City parks/fields would be consistent with Policies PF 2.3 and PF 2.4 that encourage water reclamation and reuse. Biosolids generated at the on-site WRF (see Impact 4.7.8) would be managed in accordance with current requirements, consistent with Policy PF 2.5.

Other than revising the list of relevant policies noted in Response to Comment 16-24, no other changes to the DEIR are necessary as a result of this comment.

Response to Comment 16-26

The City's Water Master Plan identifies the storage and distribution of potable water supplies within the City. The Proposed Project would use potable water obtained from existing City supplies through the water exchange program. The Proposed Project would connect to existing water supply lines, which are illustrated in Figure 3-4 on page 3-10 in the DEIR. Technical Memorandums No.1 and No. 2 – Water Infrastructure (March 18, 2002) included in Appendix F in the DEIR and summarized in Section 4.7.A, Water Supply, identify demand factors and planning assumptions to determine pressure zones, pipe sizing and alignment, and storage. Because the Proposed Project would connect to existing distribution facilities through a system that has taken into account current and planned infrastructure and would not require the development of new supplies, the Proposed Project would be consistent with the Water Master Plan.

The Wastewater Master Plan addresses the collection, conveyance, and treatment of wastewater in the sewer system. As currently proposed, the Tracy Gateway Project would not connect to the sewer line in Hansen Road or convey flows to the City's wastewater treatment plant. Therefore, the Proposed Project would be consistent with the Wastewater Master Plan.

Please see Response to Comment 7-3 regarding consistency with the City's Storm Drain Master Plan. Responses to Comments 16-24 and 16-25 address General Plan consistency.

Response to Comment 16-27

As noted in Response to Comment 16-13, the City of Tracy cannot currently provide wastewater treatment for the Proposed Project at the existing wastewater treatment plant. The City's Wastewater Master Plan identifies a Westside wastewater collection and treatment plan to serve the project area, in addition to a much larger area. Development in the west side of City of Tracy currently is not of sufficient size to efficiently operate a wastewater treatment plant for that area and provide for the required infrastructure. Because of this, the Tracy Gateway Project proposes to construct an on-site water reclamation facility (WRF) to serve the Proposed Project, as indicated in the Project Description and in Section 4.7.B, Public Utilities – Wastewater in the DEIR.

If a Westside wastewater treatment plant is constructed in the future, the City could allow the Proposed Project to connect to the facility (please see also Response to Comment 16-25). The City would address the cost of the treatment plant and the conveyance infrastructure in the Proposed Project's FIP (please see Response to Comment 16-15).

Response to Comment 16-28

In response to Comment 16-28, the last paragraph on page 4.1-14 is revised as follows:

There are specific guidelines and regulations that govern the specific location of these improvements. If there is no compliance with County or Caltrans regulations and permitting requirements then this would be a significant impact. Compliance with County and or Caltrans regulations and permitting for construction of the off-site

facilities located in the County or within Caltrans right-of-way, through implementation of the following mitigation measure, would reduce the impacts due to inconsistency to a **less-than-significant** level.

Response to Comment 16-29

Local Agency Formation Commissions (LAFCO) were established by state law (Cortese/Knox Act) to discourage urban sprawl and encourage the orderly formation and development of local government agencies. The San Joaquin County LAFCO is a regulatory agency with county-wide jurisdiction and is responsible for coordinating logical and timely changes in local governmental boundaries, including annexations and detachments of territory, incorporations of cities, formations of special districts, and consolidations, mergers, and dissolutions of districts, as well as reviewing ways to reorganize, simplify, and streamline governmental structure.

As stated in the DEIR, the Cortese/Knox Act mandates specific factors which LAFCO must address when considering annexation proposals. Noncompliance with these factors would be considered inconsistent with the mission of LAFCO and could potentially adversely affect existing and planned land uses in areas affected by the annexation. For this reason, the DEIR examined the general consistency of the project with LAFCO Guideline Standards that are pertinent to the Proposed Project. These standards are listed on pages 4.1-15 and 4.1-16 of the DEIR, as are the reasons why the City considers the Proposed Project to be consistent with the standards.

Section 4.7 of the DEIR addresses project impact on public utilities. The section discusses elements of the Proposed Project and mitigation measures designed to ensure adequate utility service for the project site. The Proposed Project would be required to comply with all regulations for the supply of utilities to a project, to include water. While a Services Plan will be required by LAFCO in advance of their consideration of the proposed annexation of the project site, it is not needed to determine consistency of the Proposed Project with the standards identified above, or the project's potential for impact under CEQA.

Response to Comment 16-30

Please see Response to Comment 16-29.

Response to Comment 16-31

Please see Response to Comment 16-29. In addition, please refer to 4.7 of the DEIR that addresses the Proposed Project's ability to provide adequate water supply during all phases of the project, and Responses to Comments 16-13 and 16-14.

Response to Comment 16-32

The City consulted with Bruce Barraco, a LAFCO representative. As noted in Response to Comment 16-29, LAFCO standards are used in this EIR as indicators of potential land use impacts related to the EIR. The EIR is not a tool to determine compliance of the project with all

LAFCO policies and procedures. This will be done by LAFCO as part of the annexation process.

Response to Comment 16-33

Please see Response to Comment 4-3 regarding mitigation for farmland loss.

Response to Comment 16-34

Please see response to Comment Letter 3 (Caltrans).

Please see Response to Comment 3-8 regarding validity of the City of Tracy traffic model and Response to Comment 3-41 regarding adequacy of the traffic analysis.

Response to Comment 16-35

Please see Response to Comment 3-8 regarding validity of the City of Tracy traffic model and Response to Comment 3-41 regarding adequacy of the traffic analysis.

Response to Comment 16-36

Please see Responses to Comments 11-4 and 3-41.

Response to Comment 16-37

The third paragraph on page 4.3-13 of the DEIR states, “the Proposed Project would reduce the homeward bound commute from the Bay Area and P.M. peak hour traffic demand through the Altamont Pass would decline by five percent”. The homeward bound commute from the Bay Area refers to travel in the eastbound direction across the Altamont Pass on I-580. Figure 4.3-4, on Page 4.3-14, shows that this project would reduce eastbound traffic demand on I-580 from the Altamont Pass during the p.m. peak hour, consistent with the statement on page 4.3-13. Figure 4.3-4 also shows the project would increase p.m. peak hour traffic demand in the westbound, non-commute, direction by 9%.

Response to Comment 16-38

Table 4 in the Transportation/Circulation Analysis, in Appendix B of the DEIR, summarizes the distribution of project trips. About 1,050 trips are expected to travel west across the Altamont Pass to the Bay Area during the p.m. peak hour. These 1,050 project trips would increase traffic demand in the westbound (non-commute, non-critical) direction of travel on I-580, consistent with the information presented in Figure 4.3-4, on Page 4.3-14 of the DEIR, which shows the project would increase p.m. peak hour traffic demand in the westbound direction.

The third paragraph on Page 4.3-13 of the DEIR discusses the impacts on p.m. peak hour traffic demand through the Altamont Pass and the fifth paragraph on Page 4.3-16 discusses the impacts on a.m. peak hour traffic demand through the Altamont Pass. Therefore, the information in

3. Responses To Comments

Table of Appendix B was reflected in the DEIR in Figure 4.3-4 and in the text on pages 4.3-13 and 4.3-16 and no revisions to the DEIR are necessary.

Response to Comment 16-39

Please see Response to Comment 3-6 regarding project contributions to regional improvements.

Response to Comment 16-40

Please see Response to Comment 7-2 for a discussion of potential traffic impacts to Mountain House.

Response to Comment 16-41

Please see Response to Comment 3-8 regarding adequacy of the traffic model.

Response to Comment 16-42

Please see Responses to Comments 3-11 and 3-18 regarding land use assumptions.

Response to Comment 16-43

Please see Response to Comment 3-11 regarding land use assumptions.

Response to Comment 16-44

Please see Response to Comment 3-5 and 3-6 regarding Lammers interchange and project contributions to regional traffic improvements.

Response to Comment 16-45

Mitigation of traffic impacts and payment of fees is not “deferred,” as asserted by the commentor. Mitigation Measure 4.3.1(a)(b) contains specific roadway improvements to be made and specifies that the improvements must be installed to meet the traffic demand generated by the project and other Proposed Projects. As development occurs, a monitoring program will be implemented to track improvements put in place.

As stated in the Mitigation Measure, the Financing and Implementation Plan (FIP) is to be approved prior to approval of the first tentative map. Therefore, before any approval of the Proposed Project can take place, the FIP would be required and the specified mitigation of the impacts required of the Proposed Project. Please see also Responses to Comments 3-5 and 16-15.

Response to Comment 16-46

Please see Response to Comment 3-6 project contributions to regional traffic improvements.

Response to Comment 16-47

Please see Response to Comment 3-28 regarding impacts to the Mossdale Y.

Response to Comment 16-48

Although the project proposes substantial TDM programs (including bike paths, shuttle and bus connections, pedestrian paths), the EIR conservatively assesses the full project traffic impact without discount for potential TDM effectiveness. Actual impacts may be 5% to 10% less than stated in the Draft EIR.

Response to Comment 16-49

Please see response to Comment 16-48.

Response to Comment 16-50

Please see Response to Comment 16-48.

Response to Comment 16-51

Pages 4.7-4 through 4.7-7 in the DEIR provide a comprehensive description of the use of untreated surface water from the West Side Irrigation District (WSID). The second through fourth paragraphs on page 4.7-7 in the DEIR provide information regarding in-district and out-of-district use and conditions that apply to that use.

Response to Comment 16-52

Existing and planned water supplies for the City of Tracy are discussed in Section 4.7.A.1, "Existing Setting," on pages 4.7-3 through 4.7-4 in the DEIR. The total water demand in 2001 and projected water demand is provided on page 4.7-4. Available water supplies are listed on page 4.7-3. This information is summarized from water supply technical memoranda included in Appendix F in the DEIR, as indicated in the footnotes. Table 6 in Technical Memorandum – Water Supply (Revised) dated March 18, 2002 presents water supply data for normal, wet, and dry years using the most current data available to the City's engineering consultant (West Yost & Associates) who prepared the water supply technical analysis. Figure 8 in the same technical memorandum illustrates projected supply versus demand. As described in the Technical Memorandum - Water Supply (Revised) dated March 18, 2002, water supplies for a normal year, wet year and dry year (from the City's Water Inventory Report) were evaluated to ensure that the City's available supplies were adequate (even in dry years) to meet projected future demands.

The West Yost & Associates water supply analysis is consistent with the City's Water Inventory Report dated July 17, 2001. The data presented in the July 2001 Water Inventory Report have been reviewed and approved by the City. These data were the most current approved data

available at the time the water supply assessment was prepared and are appropriate and adequate for purposes of the DEIR.

Response to Comment 16-53

The DEIR (pages 4.7-23 through 4.7-24) clearly states that the project cannot be accommodated with the existing or planned expansion of the City wastewater treatment plant. The DEIR identifies what improvements are anticipated and when they are expected to occur. As stated on page 4.7-24 in the DEIR, the plant could be oversized to provide treatment capacity, but the discharge limitation to Old River would remain unchanged. The nearest sewer connection is the “Hansen Sewer Line,” which is described on page 4.7-23 in the DEIR. Capacity in the Hansen Sewer Line would be available for upset conditions at the on-site WRF (please see page 4.7-33 in the DEIR), but not for phased (interim) or long-term use because capacity in the line is already committed to other projects.

The DEIR includes information on pages 4.7-24 and 4.7-33 that describes the conditions under which the Proposed Project could connect to a regional water reclamation facility. The DEIR (last paragraph on page 4.7-33) specifically indicates that development of the on-site WRF would not preclude connection to a regional WRF.

Response to Comment 16-54

Comment noted. Please see Response to Comment 16-13.

Response to Comment 16-55

The distribution of reclaimed water from the on-site WRF to irrigate City parks and fields through the “purple pipe” is not speculative. Please see Responses to Comments 2-6, 2-9 through 2-16, 16-13, and 16-54.

The components of the on-site wastewater treatment system, on-site and off-site distribution infrastructure, and regulatory framework for the generation and use of reclaimed water have been clearly identified in the DEIR. Portions of the infrastructure that would support Phase 1 of the Proposed Project through the water exchange program are currently being installed as part of the 11th Street improvements between Corral Hollow and Lammers Road, which implements City’s General Policy PF 2.3 (see Response to Comment 16-25). Development of the 11th Street improvements is noted on pages 3-11 and 4.7-20 in the DEIR.

Response to Comment 16-56

The City’s Water Master Plan identifies the storage and distribution of potable water supplies. The Wastewater Master Plan addresses the collection, conveyance, and treatment of wastewater in the sewer system. The “purple pipe” is not included in Water or Wastewater Master Plans because it conveys non-potable (reclaimed or recycled) water. Therefore, the Proposed Project would not conflict with existing master plans for water and wastewater. However, the proposed system will be part of the foundation of a future recycled water master plan.

Please see Responses to Comments 16-24 through 16-26 regarding General Plan consistency.

Response to Comment 16-57

Figure 3-6 on page 3-13 in the DEIR shows the location and timing of the non-potable system that corresponds with the Proposed Project development phasing. Table 3-1 on page 3-23 in the DEIR lists each development phase and estimated project start year. The schedule can be determined by reviewing Figure 3-6 and Table 3-1.

The DEIR does not defer the identification or analysis of the “purple pipe” system to a later phase. Response to Comment 16-15 describes the process for securing project funding through the FIP. Collection and use of these funds would be further addressed in the City’s Capital Improvement Program (CIP) and City Budget.

Response to Comment 16-58

As discussed in Response to Comment 16-56, the proposed recycled water system will be part of the foundation of a future recycled water master plan. Development of the recycled water system infrastructure presented in this DEIR would not preclude development of a different configuration, should one be identified in the future as part of master planning efforts. Environmental review of the recycled water master plan would be conducted as required by law. It should be noted, however, the environmental effects of installation and operation of the currently proposed layout have been analyzed in the Tracy Gateway Project DEIR (see Response to Comment 16-59). The DEIR for the Proposed Project was circulated for public review in accordance with CEQA requirements.

As also discussed on page 4.7-11 in the DEIR, the public had an opportunity to comment on the Urban Water Management Plan update (to address recycled water) and the City’s Recycled and Non-Potable Water Ordinance in March 2002, prior to the adoption of the two documents.

Response to Comment 16-59

The potential environmental effects of construction of the recycled water pipelines are evaluated throughout the technical analyses in the DEIR, as described below.

More specifically, Impact 4.3.9 on page 4.3-24 in the DEIR notes that construction of the off-site recycled water pipelines along the alignments shown in Figures 3-4 and 3-6 could result in temporary traffic disruptions resulting from land closures and detours (which could affect driveway access). A review of the proposed pipeline routes shown in those two figures indicates the “key arterials” that could be affected. Impact 4.4.4 on pages 4.4-6 through 4.4-7 discusses potential impacts of pipeline installation, noting that residences, schools, a hospital, and parks (for which locations are discussed on page 4.4-3 in the DEIR) could be affected by construction noise. Table 4.5-5 (Tracy Gateway Summary of Construction Emissions) referenced in Impact 4.5.3 includes a separate line item (“off-site improvements”) that includes estimated air emissions from pipeline installations). A description of biological resources characteristics of

the off-site recycled water pipeline alignments is provided on page 4.6-5 in the DEIR. Impact 4.6.1 on page 4.6-9 discusses the potential for wetland habitat to be affected by recycled water pipeline installations. Impact 4.6.4 addresses potential impacts on nesting raptors along utility alignments. The potential for discovering previously unidentified buried cultural resources during recycled water pipeline installation is discussed on page 4.10-5 in the DEIR. The discussion of potential effects on page 4.7-21 is, as indicated, a summary, and includes mitigation measures identified in Sections 4.3 (Traffic and Circulation), 4.4 (Noise), 4.5 (Air Quality), 4.6 (Biological Resources), and 4.10 (Cultural Resources) that address potential construction-related effects identified in the specific impacts listed above.

The level of detail provided in the technical chapters described above is sufficient for the DEIR.

Response to Comment 16-60

As indicated in Response to Comment 16-13, although future water supplies have been identified by the City, the planned supplies may not be available in time to meet initial phase of the Proposed Project. Therefore, the Proposed Project has identified a source of supply to meet buildout demands, which is described and analyzed in the DEIR. The initial phases and buildout of the Proposed Project would require both potable and non-potable supplies to meet the total water demands. To meet the Proposed Project's non-potable demands, untreated surface water supplies will be provided to the City by WSID in accordance with an agreement established between the City and WSID that is specific to the Proposed Project. The Proposed Project's potable water demand would be met through the Proposed Project's participation in the City's "water exchange program." Participation in the proposed water exchange program, as described in the DEIR, would provide potable adequate water supplies for both the initial phases and buildout of the Proposed Project. Table 4.7-1 on page 4.7-8 in the DEIR lists the potable water supply available to the Proposed Project, by phase, through the water exchange program. The total available water supply (780 ac-ft/yr) that would be made available through the water exchange program would be sufficient to meet Proposed Project potable water demand without the need for expansion of existing City entitlements. However, the Proposed Project would not be prohibited from using other sources of water when they become available.

Documentation that the City can provide water to the Proposed Project is presented in the DEIR. The analysis complies with Sections 10910 and 10911 of the California Water Code, Section 21151.9 of the Public Resources Code, and recently passed legislation (e.g., Senate Bill 610) that amends these laws for water supply assessments. The proposed source of potable water for the Proposed Project and necessary administrative mechanisms and physical improvements to provide that water is thoroughly described on pages 4.7-4 through 4.7-9 in the DEIR. Technical data and discussion that supports the analysis is included in Appendix F in the DEIR. The regulatory framework that provides for implementation of the proposed water supply is discussed on pages 4.7-9 through 4.7-13 in the DEIR.

As discussed on page 4.7-4 in the DEIR, two water supply sources that are under City control have been identified: untreated surface water from WSID and the water exchange program. These sources are sufficient to serve the project through build-out if other sources are not available. The untreated surface water from WSID has been secured through two will-service

letters, which are included in Appendix F in the DEIR (as noted on page 4.2-7 in the DEIR). The potential environmental effects related to use of that water is discussed on page 4.7-16 in the DEIR (“Potential Effects on WSID CVP Supply). The City has adopted a recycled and non-potable water ordinance, which provides for the water exchange program. The potential environmental effects related to implementation of the water exchange program are evaluated in the DEIR for the proposed Tracy Gateway Project. Impacts 4.7.1 through 4.7.10 in Sections 4.7A (Water Supply) and 4.7B (Wastewater) in the DEIR address hydrologic, water quality, and public safety issues. As discussed in Response to Comment 16-59, construction-related effects have been evaluated throughout the Tracy Gateway Project DEIR.

No revision to the DEIR is necessary as a result of this comment.

Response to Comment 16-61

As discussed in Response to Comment 16-60, the analysis of water supplies complies with Sections 10910 and 10911 of the California Water Code, Section 21151.9 of the Public Resources Code, and recently passed legislation (e.g., Senate Bill 610) that amends these laws for water supply assessments. These laws require that the results of the assessment be included in the DEIR, but there is no requirement that explicitly states where such information should be presented in the environmental document. Please see also Response to Comment 16-38.

The City’s Water Inventory Report provides some, but not all, of the information necessary for the City to make a determination whether water supplies are sufficient to serve a project. Please see Response to Comment 16-52.

Response to Comment 16-62

The basis for the commentator’s conclusion that the “City is out of water now” was not provided. The statement made by the commentator is incorrect. As stated on page 4.7-3 in the DEIR, the current long-term sustainable supply (without planned future supplies) is 16,890 ac-ft/yr. As stated on page 4.7-4 in the DEIR, actual water demand in 2001 was about 15,300 ac-ft/yr. Thus, current supply exceeds current demand. Please see Responses to Comments 16-52 and 16-61 regarding the use of Water Inventory Report data.

The Proposed Project has identified a source of potable water that will not require the use of existing supplies. However, the Proposed Project would not be prohibited from using other sources of water when they become available. The City’s long-term sustainable water supplies during normal, wet, and dry years will be sufficient to meet projected water demands, including the Proposed Project, through at least 2019, as stated on page 4.7-4 in the DEIR. Please see Responses to Comments 16-13 and 16-60.

Response to Comment 16-63

The status of securing additional future potable water supplies from the West Side Irrigation District (WSID) and Banta Carbona Irrigation District (BCID) U.S. Bureau of Reclamation Central Valley Supply water is presented on page 4.7-3 in the DEIR. As stated on page 4.7-4 in

the DEIR, the environmental review processes for WSID and BCID have not been completed; therefore, the projects have not been approved or authorized. The DEIR further recognizes that expansion of water treatment capacity would be needed if these supplies are secured. An EIR for the WTP expansion has been prepared and certified. The status of WSID and BCID environmental review is also noted again on page 4.7-16 in the DEIR. Development of the proposed potable water supply for the Proposed Project conservatively assumes that these two sources of supply would be delayed, or possibly, may not occur. Neither the WSID supply nor the BCID supply have been considered as potable water supplies for the Proposed Project.

Response to Comment 16-64

Drought-year constraints for WSID and BCID are described in detail on page 10 in “Technical Memorandum – Water Supply (Revised),” dated March 18, 2002, which is included in Appendix F in the DEIR. Table 6 on page 15 in the Technical Memorandum summarizes water supply availability in normal, wet, and dry years and lists percent delivery and amount for the three scenarios. It should be noted that the drought-year constraints of the WSID and BCID supplies are not relevant to the Proposed Project because these sources are not yet available to the City and, therefore, were not considered to be available for use by the Proposed Project.

Response to Comment 16-65

A firm and documented source of water has been identified for the Proposed Project, as discussed and analyzed in the DEIR, and as further addressed in Responses to Comments 16-13, 16-52, and 16-60. Please see Response to Comment 16-15 regarding the need for further environmental review and how utility services would be ensured through the FDP/FIP process.

Response to Comment 16-66

As described in Technical Memorandum - Water Supply (Revised) dated March 18, 2002 included in Appendix F in the DEIR, the water supply analysis considered the City’s overall water supply availability and reliability as compared with projected future demands in the City. The City’s latest Water Inventory Report, which was used in the analysis (please see Response to Comment 16-52), contains a list of projects that contribute to City-wide demand on existing and future supplies. No revision to the DEIR is necessary.

The approval of specific proposed development projects, and the sequencing thereof, is a matter of City policy that is governed by the requirements of the General Plan, Urban Management Plan, Title 10 of the Tracy Municipal Code (TMC), Chapter 10.12 of the TMC, Chapter 11.6 of the TMC, Chapter 12 of the TMC, and the City’s Groundwater Management Policy as adopted in May 2001.

Response to Comment 16-67

A documented water supply has been identified for the Proposed Project, as discussed at length in Section 4.7A, Water Supply, in the DEIR and as noted in Responses to Comments 16-13, 16-51, 16-52, and 16-60 through 16-66. Impacts on the future water supplies for the City listed by

the commentor (SSJID, WSID, and BCID) are not relevant to the Proposed Project because these sources are not available to the Proposed Project (see Responses to Comments 16-60 and 16-63). However, the DEIR does include a discussion on page 4.7-16 that recognizes these potential sources of water for use elsewhere in the City and the extent to which potential environmental effects related to the delivery and use of these sources have been evaluated in other environmental documents. The DEIR specifically notes (last full paragraph on page 4.7-16) that the City *could* [emphasis added] allow the project to obtain water from these supplies, but such use would be subject to appropriate environmental review. Please see Response to Comment 16-15 regarding the need for mitigation and how the necessary services would be ensured through the FDP/FIP process.

Response to Comment 16-68

Comment noted. The City has identified a sufficient amount of potable water to serve the Proposed Project through build-out from existing supplies over which it has control. Please see Responses to Comments 16-15, 16-29, 16-30, and 16-32 regarding phasing and annexation.

Response to Comment 16-69

Please see Responses to Comments 16-52 through 16-68 regarding the availability of water to serve the Proposed Project and the need for mitigation.

Response to Comment 16-70

The City's potable water supply is a blend of surface water and groundwater. The Proposed Project would receive potable water through the water exchange program. To the extent that the project would use this blend, which includes a groundwater component, there would be some groundwater use by the project. However, this would not increase the demand on groundwater supplies because the project would replace the potable water currently used to irrigate City parks and fields with an equivalent amount from an untreated surface water source or recycled water. Consequently, there would be no net increase in groundwater use associated with the Proposed Project. As noted in Response to Comment 11-9, City policy allows new development to use the groundwater basin as an *emergency* [emphasis added] source of supply. Because the Proposed Project would not increase the short-term or long-term demand on groundwater supplies, there would be no project-related impact related to aquifer overdraft or degradation. Therefore, this issue did not require detailed analysis in the DEIR.

Response to Comment 16-71

Impact 4.7.6 on pages 4.7-36 discusses the issue of potential public health effects related to spray irrigation of parks and recreation fields. Information developed by the California Department of Health Services (DHS) related to exposure of children to tertiary-2.2-treated wastewater was reviewed as part of the impact analysis, as indicated in footnote 37 on page 4.7-36 in the DEIR.

Response to Comment 16-72

Treated wastewater effluent generated by the proposed on-site WRF would be applied to parks and recreation fields through spray irrigation or would be applied at the project site through underground emitters. The Proposed Project would not involve reinjection of treated wastewater effluent into underground aquifers.

The “widescale public resistance” issue in the Tri-Valley area referred to by the commentor occurred almost four years ago in 1998, when the Safe Water Committee and the Sierra Club raised objections to the then-proposed construction of a reverse-osmosis wastewater treatment plant in the Dublin-San Ramon Services District (DSRSD). Under the proposal, treated wastewater would be injected into the aquifer under the Tri-Valley area, one of the major sources of drinking water for the Pleasanton, Dublin, Livermore, Sunol, and San Ramon area. Injection of the highly treated water would be used to replenish the aquifer and to improve groundwater quality. In September 1998, the DSRSD Board voted against the project.²³ Since then, however, the DSRSD wastewater treatment plant/groundwater replenishment project has been approved by the district and constructed, and has implemented performance and reliability testing.²⁴ In 1999, the DSRSD received the California Association of Sanitation Top Achievement Award and the WaterReuse Association Recycled Water Project of the Year Award for its groundwater replenishment and recycling for landscape irrigation programs.²⁵

The use of treated wastewater effluent has gained widespread acceptance in California because it offsets the use of limited potable water supplies. Public agencies using reclaimed water include El Dorado Irrigation District (Serrano Development), Rancho Murietta Community Services District (Sacramento County), City of Ione (Castle Oaks Golf Course), and the cities of Los Angeles and San Diego. Nonetheless, the commentor’s observance that northern California is far behind southern California in water reuse is noted.

Response to Comment 16-73

The State of California Health and Safety Code, Water Code, and Titles 22 and 17 of the California Code of Regulations regulate the use of reclaimed water. The Regional Water Quality Control Boards and the State Department of Health Services enforce these regulations. The above-mentioned regulations establish standards for treatment and system reliability for the use of reclaimed water for irrigation of parks and golf courses. The regulations are intended to protect public health and to minimize the risks to all segments of the population to negligible levels. The DEIR, page 4.7-10 summarizes these regulations.

Impact 4.7.6 on page 4.7-36 in the DEIR discusses the issue of potential public health effects related to spray irrigation of parks and recreation fields. Information developed by the California Department of Health Services related to the use of tertiary-2.2-treated wastewater was reviewed

23 Sierra Club San Francisco Bay Chapter, *Sierra Club Yodeler*, “Tri-Valley Agency Won’t Inject Sewage,” October 1998.

24 Dublin San Ramon Services District, “Clean Water Revival, Recycling for Groundwater Replenishment, Project Status” (<http://www.dsrds.com>)

25 Dublin San Ramon Services District, “Recycled Water” (<http://www.dsrds.com>)

as part of the impact analysis, as indicated in footnote 37 on page 4.7-36 in the DEIR. As stated on page 4.7-36 in the DEIR, the State Department of Health Services has concluded “properly filtered and disinfected water meeting the tertiary-2.2 standard to be essentially pathogen-free and adequately protective of human health.”

The Proposed Project wastewater treatment facilities would meet or exceed all State of California reclaimed water regulations. Odors in the reclaimed water system would be prevented by ensuring that a chlorine residual is always maintained in the water leaving the treatment plant, and by periodically flushing the pipelines conveying reclaimed water to irrigation sites. Water would be applied to the public parks and fields during the irrigation season only at rates identical to existing irrigation rates to minimize the potential for runoff and ponding. Irrigation rates would be monitored. Please see Responses to Comments 2-11, 2-15, and 2-16, which address RWQCB comments on application of the treated wastewater. No changes to the DEIR are necessary in response to this comment.

Response to Comment 16-74

The City has identified, on a watershed level, improvements that are necessary to serve anticipated storm drainage needs in the Tracy West Area. These improvements, which would convey flows to the Wicklund outfall (not the Westside outfall, which is assumed to be the issue of concern to the commentor), are illustrated on Figure 4.7-5 on page 4.7-44 in the DEIR. As noted in Response to Comment 7-3, the City requires new development within the Tracy West Area, including the Proposed Project, to attenuate runoff to a level that will ultimately reduce the peak rate of outflow to an attenuated peak rate that is considered to be minimal in the context of Old River flows. There is no basis for the commentor’s conclusion that on-site drainage features are necessary because other improvements have not been implemented. Specifically, the proposed on-site storm drainage features are necessary to ensure the rate and volume of project-generated runoff does not adversely affect drainage capacity at the Wicklund outfall, and to reduce the amount of urban pollutants in runoff that would be discharged to Old River through the Wicklund outfall. The Proposed Project’s on-site storm drainage systems are consistent with the policies contained in the City’s Storm Drainage Master Plan.

Response to Comment 16-75

The use of Placencia Field for short-term retention of stormwater flows and “City flood waters” is not relevant to the Proposed Project. As discussed in Impact 4.7.12 on page 4.7-47 and in Responses to Comments 2-3, 7-3, and 16-13, project stormwater would be conveyed to the Wicklund outfall through an engineered drainage system consistent with current policies and regulatory issues related to such discharges.

Response to Comment 16-76

The statement made by the commentor regarding “pump[ing] of lake waters from one side of the project to other” does not appear in the DEIR or stormwater technical appendix. The source of this information was not provided by the commentor. This issue does not require evaluation in the DEIR because it does not appear to relate to the Proposed Project.

Potential problems, if any, with algae formation, aesthetics, and odor associated with the proposed ponds would be prevented using sound design criteria for pond depth, aeration and circulation.

Response to Comment 16-77

Please see Responses to Comments 7-3 and 16-74 regarding consistency with the City's Storm Drainage Master Plan.

Response to Comment 16-78

The DEIR adequately evaluates biological impacts to protected species in Section 4.6, Biological Resources, in the DEIR. The San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) is discussed on pages 4.6-8 through 4.6-9 in Section 4.6, Biological Resources, in the DEIR. Impact 4.6.2 on page 4.6-10 and Impact 4.6.3 on pages 4.6-11 through 4.6-12 in the DEIR describe potential impacts related to consistency with the SJMSCP and loss of Swainson's hawk habitat. Impact 4.6.3 and Mitigation Measure 4.6.3 on page 4.6-11 contains specific language that references the SJMSCP and describes how the Proposed Project would implement its responsibilities under the provisions of the SJMSCP to protect Swainson's hawk habitat. Impact 4.6.4 on page 4.6-12 in the DEIR addresses potential impacts to nesting raptors, which includes Swainson's hawk. In addition to Mitigation Measure 4.6.3, the project would also be required to perform surveys for nesting raptors under Mitigation Measure 4.6.4.

Response to Comment 16-79

Comment noted.

Response to Comment 16-80

The cumulative analysis adequately addresses cumulative water supply, sewer, storm drainage, traffic, and loss of agricultural and habitat lands, both in terms of the scope and magnitude of the impact. The Proposed Project would not contribute considerably to the demand on regional water supplies because potable and non-potable supply would be obtained from existing sources and no expansion or new entitlements would be needed, as discussed in Impact 4.7.3 on pages 4.7-21 through 4.7-22 in the DEIR. The water demands of the Proposed Project, in combination with anticipated demands of existing and future projects in the City of Tracy, were accounted for in the water supply assessment for the Proposed Project (please see Response to Comment 16-52). The Proposed Project would not adversely affect existing City wastewater treatment or discharge capacity because it would not contribute flows to the City's sewer system. Therefore, there would be no incremental contribution to a cumulative impact as a result of the project, as stated in Impact 4.7.9 on pages 4.7-40 through 4.7-41 in the DEIR. The Proposed Project would be required to limit storm drainage discharges substantially to avoid adverse cumulative effects on carrying capacity of drainage canals and Old River, as noted in Impact 4.7.13 on pages 4.7-50 through 4.7-51 in the DEIR.

The methods used in the DEIR for the evaluation of traffic impacts are explained in detail on pages 4.3-6 through 4.3-13 of the DEIR. Cumulative impacts on traffic are identified and discussed on pages 4.3-25 and 4.3-26. In addition, responses prepared for Comment Letter 3 (Caltrans) provides additional detail concerning the DEIR's cumulative traffic impact analysis: particularly Responses to Comments 3-1, 3-3, 3-8, and 3-11.

Significant and unavoidable cumulative impacts related to loss of agricultural land were previously considered in the General Plan EIR (please see Response to Comment 5-5), which are reiterated in Impact 4.2.5 on page 4.2-6 in the DEIR. As discussed in Response to Comment 4-3, above, Mitigation Measure 4.2.1 has been expanded to address the issue of the conversions of agricultural land conversion, but the impact remains significant and unavoidable with the Proposed Project.

Finally, significant and unavoidable cumulative impacts related to loss of habitat are described in Impact 4.6.8 on pages 4.6-16 through 4.6-17 in the DEIR.

Response to Comment 16-81

The Comment asserts that “half a dozen” inadequate FEIRs on major projects have been approved by the City in the last four years, but the comment contains no evidence to support this contention. The City disagrees with the comment. In addition, please refer to Response to Comment 16-18 that addresses deferral of mitigation measures and Responses to Comments 16-79 and 16-80 that address the evaluation of the Proposed Project's cumulative impact.

Response to Comment 16-82

As stated on page 5-1 in the DEIR, and in Section 15126.6(f) of the CEQA Guidelines, the range of alternatives required in an EIR is governed by the “rule of reason.” Section 15126.6(f)(2) recognizes several factors that may be taken into account when addressing the feasibility of alternatives, including, among others, whether the proponent can “reasonably acquire, control or otherwise have access to the alternative site.” In addition to being feasible, an alternative must one that “could feasibly accomplish most of the basic project objectives and could avoid or substantially lessen one or more significant impacts” (Section 15126.6(c) of the State CEQA Guidelines). As further stated in the Guidelines, “no one of these factors establishes a fixed limit on the scope of reasonable alternatives.

In addition to the alternatives to the Proposed Project evaluated in Section 5.3, a broad range of other alternatives were considered but rejected from further consideration because they did not meet the criteria for appropriate alternatives identified in the State CEQA Guidelines. These alternatives are described in Section 5.2 of the DEIR on pages 5-1 and 5-2.

Response to Comment 16-83

The comment suggests the range of alternatives be broadened to include a “reduced development project.” The example given for this alternative is the completion of the first phase of the Proposed Project, only. As described on page 3-22 of the DEIR, Phase I of the project would

3. Responses To Comments

entail construction of the proposed golf course and related water features followed by 87 acres of office and commercial/office uses. Implementation of this alternative would result in the elimination of approximately 235 acres of commercial, office, and research and development uses from the Proposed Project. Under this alternative, one of the key project objectives would not be met, i.e., the creation of a Class A business park for 20,000 employees. Other basic project objectives identified in Section 3.3 of the DEIR (such as the reduction in long commutes to the Bay Area by providing local jobs, the creation of an upscale true business center and true campus environment, the creation of a multi-level European-style commercial urban center, and the creation of a “landmark project”) would be substantially diminished under the suggested alternative. For these reasons, the City believes the suggested alternative does not meet the standards for a feasible alternative as defined in Section 15126.6 (c) of the State CEQA Guidelines.

Comment 16-83 also suggests that the EIR evaluate an alternative that includes the creation of an “Urban Center” within the project site. In response to this comment, we note that an Urban Center could include elements of residential, office and retail space. Under this alternative, one of the key project objectives would not be met, i.e., creation of a business park for 20,000 employees, if land is used for other than business park uses, with just 220,000 square feet of retail. For this reason, the inclusion of an Urban Center into the Proposed Project is not considered feasible and appropriate for further evaluation in this EIR. In addition, please see Response to Comment 16-22.

Lastly, Comment 16-83 notes that the DEIR lacks an analysis of an alternative location for the Proposed Project that “could substantially lessen the significant traffic impacts to Interstate 205 and still satisfy most of the project objectives.” Given the Proposed Project’s building size of over 6 million square feet, the project site must be one that optimizes the incoming and outgoing traffic yet meets most of the basic project objectives identified in Section 3.3. As the traffic study for the Proposed Project shows that over 50% of the traffic into the site would come from outside the City of Tracy, to meet this objective the selected project site must be adjacent to, or near a freeway/highway such as I-205. In addition, in order to meet most of the project objectives, the project must be located within the Sphere of Influence of the City of Tracy, and the only available undeveloped acreage (of adequate size to accommodate the project) is available either at the City’s western or eastern limits.

The City’s General Plan directs all development within the eastern limits of the City be industrial. This would be inconsistent with the objectives of the Proposed Project to create a business park with office, commercial, and research/development type of uses. As such, no feasible alternative locations are available that would meet the basic project objectives and still result in the elimination or reduction of identified project impacts. Therefore an alternative site alternative was not further evaluated in this EIR.

Response to Comment 16-84

See Responses to Comments 16-82 and 16-83.

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Response to Comment 16-85

See Response to Comment 16-83.

Response to Comment 16-86

See Response to Comment 16-83.

4. MITIGATION MONITORING AND REPORTING PLAN

A Mitigation Monitoring and Reporting Plan (MMRP) has been prepared for the Project. The City will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period.

CEQA requires that a lead agency establish a program to report on or monitor measures adapted as part of the environmental review process to mitigate or avoid significant effects on the environment. This MMRP is designed to ensure that the mitigation measures necessary to reduce significant impacts identified in the Draft EIR are implemented. The MMRP, as outlined in the following table describes monitoring and reporting procedures, monitoring responsibilities, and monitoring schedules for all mitigation measures identified in the Draft EIR.

The components of the MMRP are addressed briefly below.

Environmental Impact: The impacts are taken verbatim from the Tracy Gateway FEIR.

Mitigation Measures: The mitigation measures are taken verbatim from the Tracy Gateway FEIR.

Timing/Milestone: Identifies a schedule for conducting each mitigation and monitoring and reporting action.

Responsibility for Oversight: Identifies the department/agency, consultant, or other entity responsible for overseeing that mitigation occurs.

Implementation of Mitigation Measure: Identifies the action that must be completed for the mitigation measure to be considered implemented.

Responsibility for Implementation: Identifies the department/agency, consultant, or other entity responsible for mitigation monitoring and reporting tasks.

Check off Date/Initials: To be filled out when individual mitigation is complete.

MITIGATION MONITORING AND REPORTING PLAN

Environmental Impact	Mitigation Measure(s)	Timing/ Milestone	Responsible Entity	Mitigation Action	Monitoring and Enforcement Responsibility	Check off Date/ Initials
4.1 Land Use						
4.1.2 The locations of the off-site improvements for the Proposed Project could be inconsistent with Caltrans regulations, the City's General Plan, County's General Plan or other plans, policies and ordinances.	MM 4.1.2 The City shall ensure that the Proposed Project is in conformance with all applicable regulations for construction of the off-site water facilities prior to approval of any FDP. Any potential non-conforming land uses or conflicts shall be modified to meet the stated regulations of the affected agency.	Prior to approval of Final Development Plan.	City of Tracy	Verify that off-site improvements are in compliance with Caltrans regulations, City's General Plan or other plans, policies or ordinances.	City of Tracy	
4.1.4 The Proposed Project could allow development of land uses that could be incompatible with existing or planned surrounding land uses.	MM 4.1.4 The City shall ensure that the Proposed Project is in conformance with the City's zoning regulations relating to project design and land use compatibility with approval of the PUD Zoning and CDP. Any future land uses incompatibilities shall be modified to achieve the stated goals and policies in the CDP and General Plan.	Prior to approval of Concept Development Plan.	City of Tracy	Verify that proposed project is in conformance with the City's zoning regulations relating to project design and land use compatibility.	City of Tracy	
4.2 Agriculture and Mineral Resources						
4.2.1 The Proposed Project could convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use.	MM 4.2.1 The project applicant shall pay \$750 per acre to the City of Tracy to help establish a Farmland Preservation Program to offset the loss of farmland on the project site. When a Farmland Preservation Program is implemented by the City of Tracy, the project applicant shall participate in the program. Elements of the Farmland Preservation Program may include, but not necessarily be limited to: enactment of agricultural conservation easements to preserve existing farmland within San Joaquin County or nearby counties, fee title acquisition of farmlands to ensure agricultural use in perpetuity, and use of strategically located greenbelts or community separators between Tracy and surrounding communities. In addition, until such time as a Farmland Preservation Program is adopted by the City of Tracy (through a stand-alone program, imposition of specific farmland preservation policies in the General Plan/Urban Management Plan, or similar action), the project applicant shall further mitigate the impact of farmland loss by establishing a conservation	Prior to issuance of first grading permit. Prior issuance of the first grading permit for Phase 2 or until the City adopts a Farmland Preservation Program.	Project Applicant	Verify that the fee to help establish the City's Farmland Preservation Program is paid and that a conservation easement or other permanent preservation of farmland has been established.	City of Tracy	

MITIGATION MONITORING AND REPORTING PLAN

Environmental Impact	Mitigation Measure(s)	Timing/ Milestone	Responsible Entity	Mitigation Action	Monitoring and Enforcement Responsibility	Check off Date/ Initials
	<p>easement or other permanent preservation of farmland for a total of 269 acres (one-half acre for every acre converted to a non-agricultural use). The intent of the easement shall be to protect, in perpetuity, viable farmland in the general vicinity of Tracy and within San Joaquin County by ensuring easement grantors continued use of their lands for farming, ranching and other agricultural purposes that do not otherwise reduce or interfere with agricultural viability. The land being protected through the conservation easement shall be comparable to the project site in terms of soil conditions/agricultural use capabilities. Lands shall continue to be held in fee title by the easement grantor, and would be binding upon any successive owners of the property. The project applicant shall be responsible for any reasonable costs in implementing this mitigation measure, and in assisting the City and other agencies, as appropriate, in finding lands suitable for conservation easements and in developing a qualified land trust or conservation organization for overseeing the terms and implementation of the conservation easement. The project applicant can seek the assistance of the State's Department of Conservation, American Farmland Trust, or similar agency in meeting this mitigation measure. All terms and conditions of conservation easements including its location shall be subject to City review and approval.</p>					
<p>4.2.2 Construction of the off-site utility improvements required by the Proposed Project could convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use.</p>	<p>MM 4.2.2 The Developer shall work with land owners whose existing agricultural operations could be disrupted by construction of the off-site improvements to ensure the following:</p> <ul style="list-style-type: none"> • Disruption to existing agricultural operations is minimized. • Land owner has reasonable access to agricultural fields during construction. • Land owner(s) is (are) adequately compensated for loss of crops. 	<p>At the time of approval of each FDP.</p>	<p>Developer</p>	<p>Developer to provide correspondence documenting coordination with land owners.</p>	<p>City of Tracy</p>	

MITIGATION MONITORING AND REPORTING PLAN

Environmental Impact	Mitigation Measure(s)	Timing/ Milestone	Responsible Entity	Mitigation Action	Monitoring and Enforcement Responsibility	Check off Date/ Initials
4.2.3 The Proposed Project would develop a mixed-use business park, hotels, and a golf course that could conflict with active agricultural operations to the east, south and west.	MM 4.2.3(a) The following disclosure statement shall be written on each building permit and stated on each final map for the Tracy Gateway project: “If your property is adjacent to property used for agricultural operations, you may be subject to inconveniences or discomforts arising from such operations on a 24-hour basis. Said discomforts may include, but shall not be limited to: noise, odors from manure or chemicals, and dust or smoke. Pursuant to the Tracy Municipal Code, properly conducted and maintained agricultural operations are not considered to be a nuisance.”	At the time of approval for each building permit and each final map.	Developer	Verify that disclosure statement is written on each building permit and stated on each final map.	City of Tracy	
	MM 4.2.3(b) The following requirement shall be incorporated into the Conditions of Approval for the Tracy Gateway project: “The project applicant shall provide for additional vegetation along portions of the project site adjoining active agricultural uses in order to serve as a windbreak and buffer from adjacent agricultural operations.”	At the time of approval of Conditions of Approval.	Developer	Verify that requirement is incorporated into the Conditions of Approval and that windbreaks and buffers are provided.	City of Tracy	
4.2.5 The Proposed Project, in combination with future development in San Joaquin County, could result in the cumulative loss of Important Farmlands.	MM 4.2.5 Implement MM 4.2.1.	See MM 4.2.1.				

MITIGATION MONITORING AND REPORTING PLAN

Environmental Impact	Mitigation Measure(s)	Timing/ Milestone	Responsible Entity	Mitigation Action	Monitoring and Enforcement Responsibility	Check off Date/ Initials
4.3 Traffic and Circulation						
<p>4.3.1 Project-generated development could potentially affect I 205 and I 580 through an increase in the number of p.m. peak hour trips leaving the project site.</p>	<p>MM 4.3.1(a) The following traffic improvements, as detailed in the traffic technical report prepared by Fehr & Peers, March 2002, shall be included in the project’s FIP. The project shall contribute its fair share of costs to these road improvements:</p> <ul style="list-style-type: none"> • New Lammers Road extending from I 205 to I 580; to include the construction of a grade-separated railroad crossing (at Union Pacific Railroad), a new structure over the Delta-Mendota Canal and one over the California Aqueduct. • New freeway interchanges at I 205 and I 580 with Lammers Road. • Widening Corral Hollow Road to four lanes between Linne Road and Lammers Parkway • Construction of the Chrisman/I 205 interchange. • Constructing four-lane Schulte Road between Crossroads Drive and Lammers Road • Constructing Street B from Naglee Road to Bryon Road as a four-lane arterial that would connect directly with the western segment of Grant Line Road to improve access between Tracy and Mountain House. • Widen Grant Line Road to six lanes between Tracy Boulevard and Corral Hollow. • Upgrade the City-owned portions of Linne Road, Chrisman Road and 11th Street east of MacArthur to expressway status. <p>MM 4.3.1(b) The project applicant shall pay applicable development fees</p>	<p>Roadway improvements outlined in the Fehr & Peers traffic technical report shall be installed in phases to meet traffic demand generated by the project and other proposed projects. The cost of traffic improvements will be determined in the FIP, which will be approved prior to approval of first tentative map</p> <p>The project’s portion of the cost of regionally</p>	<p>Project Applicant</p> <p>Developer</p>	<p>A monitoring program will be included as part of the FIP to track improvements put in place as development occurs. Report outcomes shall become Conditions of Approval on tentative map.</p> <p>Developer to pay applicable fees.</p>	<p>City of Tracy</p> <p>City of Tracy and San Joaquin</p>	

MITIGATION MONITORING AND REPORTING PLAN

Environmental Impact	Mitigation Measure(s)	Timing/ Milestone	Responsible Entity	Mitigation Action	Monitoring and Enforcement Responsibility	Check off Date/ Initials
	to the City of Tracy towards construction of regionally significant transportation facilities.	significant traffic improvements will be determined by SJCOG. These fees will be allocated in accordance fees applicable at the time the first tentative map is approved and paid at the time of the first building permit.			Council of Governments	
<p>4.3.2 Project-generated development under the 2025 cumulative scenario would increase the number of p.m. peak hour trips leaving the project site, which could potentially affect local expressways and arterials.</p>	<p>MM 4.3.2 The following roadway improvements shall be included in the project’s Finance and Implementation Plan (FIP).</p> <ul style="list-style-type: none"> • Widen 11th Street from four to six lanes • Either grade separate the intersection of Lammers/11th Street or construct additional arterial capacity west of Lammers Road • Construct a second southbound left-turn lane from Lammers onto Valipico • Provide right-of-way to allow for dual left-turn lanes into the proposed project at the signalized intersection into the project from both 11th Street and Lammers Road. 	<p>Roadway improvements as outlined in the Fehr & Peers traffic technical report shall be installed in phases to meet the traffic demand generated by the project. The cost of traffic improvements will be determined in the FIP, which will be approved prior to any development application being deemed complete.</p> <p>The need for a grade-separated intersection can be deferred through construction of an additional arterial system west of Lammers Road, which would consist of the following: a new four-lane arterial opposite the intersection with 11th Street of the main arterial for the Proposed</p>	Developer	Verify that roadway improvements are included in FIP.	City of Tracy	

MITIGATION MONITORING AND REPORTING PLAN

Environmental Impact	Mitigation Measure(s)	Timing/ Milestone	Responsible Entity	Mitigation Action	Monitoring and Enforcement Responsibility	Check off Date/ Initials
		Project extending north and east to intersect with Lammers Road between I 205 and 11 th Street; a new four-lane arterial from the Schulte Road/Lammers Road intersection westward to Mountain House Parkway; and a new four-lane arterial extension of the main Project north/south arterial to intersect with the new four-lane extension of Schulte Road				
<p>4.3.4 Project-generated development would increase the number of p.m. peak hour trips leaving the project site, which could potentially affect key intersections in the project area.</p>	<p>MM 4.3.4 Implement MM 4.3.2.</p>	See MM 4.3.2.				
<p>4.3.6 Existing entryways for access to the project site along 11th Street and along Lammers Road could create unacceptable traffic congestion on these roadways.</p>	<p>MM 4.3.6 The following access improvements shall be made as part of the project:</p> <ul style="list-style-type: none"> • The center access road on 11th Street and the Lammers Access road should be signalized, with all turning movements allowed. • As development of the Proposed Project progresses, traffic control for the remaining access roads on 11th Street will be established in conformance with City standards and in coordination with other agencies. 	At the time access roads for the Proposed Project are designed. The project shall be conditioned at tentative map to incorporate all the access and signalization improvements as stated in the technical reports.	Developer	Include improvements specified in MM 4.3.6 in improvement plans for Proposed Project.	City of Tracy	

MITIGATION MONITORING AND REPORTING PLAN

Environmental Impact	Mitigation Measure(s)	Timing/ Milestone	Responsible Entity	Mitigation Action	Monitoring and Enforcement Responsibility	Check off Date/ Initials
	<ul style="list-style-type: none"> • At both of the project's signalized access roads, dual left-turn lanes should be provided to accommodate the expected traffic entering the project during the morning peak flow. • At the signalized project arterial and 11th Street, four outbound lanes should be provided at the intersections, including three dedicated left-turn lanes, one dedicated right-turn lane, and one through lane. • At the signalized arterial and Lammers Road, five outbound lanes should be provided. Two dedicated left-turn lanes, one through lane and two dedicated right-turn lanes should be provided. 					
<p>4.3.7 Project-generated development could affect bicycle and pedestrian mobility in and around the project site.</p>	<p>MM 4.3.7 Class I bicycle lanes shall be constructed along the portions of 11th Street and Lammers Road that front the project site, as detailed in the traffic technical report prepared by Fehr & Peers. (Appendix B of DEIR)</p>	<p>Prior to issuance of occupancy permit for first building.</p>	<p>Developer</p>	<p>Construct bicycle lanes</p>	<p>City of Tracy</p>	
<p>4.3.9 Construction activities associated with the off-site potable and non-potable water infrastructure and roadway improvements could result in temporary disruption of vehicle travel on affected roadways.</p>	<p>MM 4.3.9 Prior to project construction affecting any roadway segment, the applicant and the City of Tracy shall ensure preparation of a Construction Traffic Control Plan. This plan shall be prepared in accordance with standards of agencies in the jurisdiction to ensure safe and efficient roadway operations and shall include, but would not be limited to, detailed requirements for the following:</p> <ul style="list-style-type: none"> • Traffic control devices, including signs and markings • Detours, including consideration of concurrent construction activities; 	<p>Prior to any construction of off-site improvements in the City right of way.</p>	<p>Project Applicant and City of Tracy</p>	<p>Prepare Construction Traffic Control Plan</p>	<p>City of Tracy and appropriate agencies within the jurisdiction.</p>	

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Environmental Impact	Mitigation Measure(s)	Timing/ Milestone	Responsible Entity	Mitigation Action	Monitoring and Enforcement Responsibility	Check off Date/ Initials
	<ul style="list-style-type: none"> ▪ Construction phasing ▪ Access to adjacent properties; and ▪ Emergency vehicle access. • The Construction Traffic Control Plan shall consider the impacts of changes in traffic volumes and capacities related to the construction activities, and their impact on traffic operations. Where appropriate, construction activities may be limited to specific time periods to avoid undue traffic congestion. • The Construction Traffic Control Plan shall also address the following items: <ul style="list-style-type: none"> ▪ Active rail line crossings; ▪ Construction “haul” routes for earthen materials; ▪ Construction routes for other materials; and ▪ Impacts, if any, on roadway pavements, including provisions to restore construction-damaged pavements. 					
<p>4.3.10 Under cumulative conditions, the Proposed Project could contribute to traffic impacts on local streets that could exceed City LOS standards.</p>	<p>MM 4.3.10 Implement MM 4.3.1(a)(b) and MM 4.3.2.</p>	See MM 4.3.1(a)(b) and MM 4.3.2.				
<p>4.3.11 Under cumulative conditions, the Proposed Project could contribute to traffic impacts on freeways that could exceed LOS standards.</p>	<p>MM 4.3.11 Implement MM 4.3.1(a)(b)</p>	See MM 4.3.1(a)(b).				
4.4 Noise						
<p>4.4.2 Construction of the Proposed Project could cause an increase in the noise level in the project vicinity.</p>	<p>MM 4.4.2 Construction activities shall be limited to the hours of 7:00 a.m. to 7:00 p.m. (or daylight hours) in areas where sensitive receptors are located, with no construction allowed on Sunday. In noise-sensitive areas, construction equipment,</p>	During all phases of project construction.	Developer	Include specified provisions in a statement on all grading and building permits	City of Tracy	

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Environmental Impact	Mitigation Measure(s)	Timing/ Milestone	Responsible Entity	Mitigation Action	Monitoring and Enforcement Responsibility	Check off Date/ Initials
	compressors, and generators shall be fitted with heavy-duty mufflers specifically designed to reduce noise impacts.					
4.4.3 The Proposed Project could be exposed to noise from vehicular traffic on adjacent roadways.	MM 4.4.3 A solid noise barrier shall be constructed along the north and east property boundaries to reduce roadway noise levels. The barrier may take the form of an earthen berm, solid masonry wall, or as approved by the City.	Design to be approved prior to approval of any FDP, in accordance with an approved noise study.	Developer	Construct noise barrier.	City of Tracy	
4.5 Air Quality						
4.5.3 Construction activities would generate NO _x and ROG emissions above the air districts daily thresholds of 55 lbs/day and 10 tons/ year for NO _x and ROG.	MM 4.5.3 (a) If feasible, use alternative fuel construction equipment. (b) The maximum allowable time limit for idling equipment is 10 minutes. (c) Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use. (d) Replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set). (e) Curtail construction during periods of high ambient pollutant concentrations: This may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways. (f) Implement activity managements (e.g. rescheduling activities to reduce short-term impacts).	During all phases of project construction.	Developer	Include specified provisions in a statement on all grading and building permits.	City of Tracy	
4.5.4 Operational emissions associated with motor vehicle trip generation would exceed ROG, NO _x and CO standards.	MM 4.5.4 Implementation of the goals policies and actions outlined in the air quality element of the Tracy Urban Management Plan and the following additional mitigation measures would reduce the magnitude of emissions associated with mobile sources created by the buildout the project area. (a) Encourage the use of alternative fuel vehicles by large employers within the project area; (b) Provide transit-enhancing infrastructure that includes transit shelters, benches, route signs, and bus turnouts to promote the use of public transportation; and (c) Provide pedestrian enhancing infrastructure that includes bike paths, sidewalks and pedestrian paths, direct	Prior to approval of any FDP.	Developer	Include specified improvements in Conditions of Approval of FDP and improvement plans for Proposed Project.	City of Tracy	

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Environmental Impact	Mitigation Measure(s)	Timing/ Milestone	Responsible Entity	Mitigation Action	Monitoring and Enforcement Responsibility	Check off Date/ Initials
	pedestrian connections, street trees to shade sidewalks, pedestrian safety designs/infrastructure, street furniture, street lighting, and pedestrian signalization and signage.					
4.5.6 Operation of the Proposed Project could include research and development (R&D) land uses could result in the generation of toxic air contaminants.	MM.4.5.6 The project applicant shall coordinate with the SJVUAPCD regarding potential toxic air contaminant emissions from R&D activities. This shall include preparation of necessary documents (e.g., facility design and controls, and risk evaluation, as appropriate). Evidence of this coordination with the SJVUAPCD shall be provided to the City of Tracy Department of Development and Engineering Services. Best available control technology (BACT) shall be installed if adopted thresholds are exceeded.	Prior to occupancy of each R & D use that requires a permit from the SJVUAPCD or upon verification from the SJVUAPCD that permit requirements do not apply.	Project Applicant	Coordinate with the SJVUAPCD and provide evidence to the City of Tracy Department of Development and Engineering Services of this coordination. If thresholds are exceeded, verify through site visits that BACT is installed.	City of Tracy	
4.5.8 The cumulative impact of the Proposed Project, in combination with other development in the air basin, could hinder the SJVUAPCD's ability to bring the air basin into attainment.	MM 4.5.8 Implement MM 4.5.3 and 4.5.4.	See MM 4.3.5 and MM 4.5.4.				
4.5.9 Implementation of the Proposed Project, in combination with other development in the Tracy Planning Area, could generate unacceptable cumulative toxic air contaminant health risks.	MM 4.5.9 Implement MM 4.5.6.	See MM 4.5.6.				
4.6 Biological Resources						
4.6.1 The Proposed Project may result in impacts to wetlands or other Waters of the U.S.	MM 4.6.1 Prior to the issuance of a grading permit, an evaluation of the irrigation sediment pond and the associated distribution system shall be made to determine if either would be considered jurisdictional. If it is determined that the irrigation sediment pond or distribution system on the site is not jurisdictional then no further mitigation would be required.	Prior to issuance of a grading permit.	Developer	Submit formal delineation to ACOE. Provide evidence to verify that project applicant is in compliance with programmatic 404/401 permit established for SJMSCP.	City of Tracy, ACOE, SWRCB	

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Environmental Impact	Mitigation Measure(s)	Timing/ Milestone	Responsible Entity	Mitigation Action	Monitoring and Enforcement Responsibility	Check off Date/ Initials
	<p>If it is determined that the irrigation sediment pond or associated distribution system on the site is jurisdictional then a formal delineation shall be prepared and submitted to the ACOE.</p> <p>Prior to site grading for the project, the project applicant shall be in compliance with the programmatic 404/401 permit that has been established for the SJMSCP.</p>					
<p>4.6.2 The Proposed Project could conflict with the San Joaquin County Multi Species Habitat Conservation and Open Space Plan.</p>	<p>MM 4.6.2 The applicant shall be required to comply with the policies and regulations of the SJMSCP.</p>	<p>Prior to issuance of a grading permit.</p>	<p>Developer</p>	<p>Comply with policies and regulations of the SJMSCP.</p>	<p>City of Tracy and joint powers authority established for SJMSCP</p>	
<p>4.6.3 The Proposed Project may result in loss of Swainson’s hawk foraging habitat.</p>	<p>MM 4.6.3 Implement Mitigation Measure 4.6.2.</p>	<p>Prior to issuance of a grading permit.</p>	<p>City of Tracy</p>	<p>Comply with applicable provisions of SJMSCP.</p>	<p>City of Tracy and joint powers authority established for SJMSCP</p>	
<p>4.6.4 The Proposed Project may result in impacts to nesting raptors.</p>	<p>MM 4.6.4 Prior to the commencement of any construction activities, a survey of the project site by a qualified biologist should be conducted to determine if any raptors are nesting in the area. If it is determined that no raptors are nesting in the project area, then no further mitigation is necessary.</p> <p>If any raptors are determined to be nesting in the project area, then construction activities shall be conducted outside of the breeding season for the species in question. The nesting season is generally between mid-March to late August, but may vary by species.</p> <p>If construction outside of the breeding season is not feasible, then a buffer zone (100 feet for white-tailed kite and other tree nesting raptor nest sites, and 500 feet for northern harrier nest sites) shall be established and maintained during the nesting season for the period encompassing nest building and</p>	<p>Prior to issuance of a grading permit or any building permit.</p>	<p>Developer</p>	<p>Verify that no raptors are nesting in the construction area. If nesting raptors are found, include specified provisions in project’s Conditions of Approval.</p>	<p>City of Tracy</p>	

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Environmental Impact	Mitigation Measure(s)	Timing/ Milestone	Responsible Entity	Mitigation Action	Monitoring and Enforcement Responsibility	Check off Date/ Initials
	continuing until the young have fledged. This setback applies whenever construction or other ground disturbing activities must begin during the nesting season in the presence of nests which are known to be occupied. Setbacks shall be marked by brightly colored temporary fencing.					
<p>4.6.5 The Proposed Project may result in impacts to loggerhead shrike.</p>	<p>MM 4.6.5 Prior to the commencement of any construction activities, a survey of the project site by a qualified biologist should be conducted to determine if any loggerhead shrike are nesting in the project area. If it is determined that no loggerhead shrike are nesting in the project area, then no further mitigation is necessary.</p> <p>If loggerhead shrike are determined to be nesting in the project area, then construction activities shall be conducted outside of their breeding season. The nesting season for loggerhead shrike occurs from March to July.</p> <p>If construction outside of the breeding season is not feasible, then a buffer zone of 100 feet shall be established and maintained during the nesting season for the period encompassing nest building and continuing until the young have fledged. This setback applies whenever construction or other ground disturbing activities must begin during the nesting season in the presence of nests which are known to be occupied. Setbacks shall be marked by brightly colored temporary fencing.</p>	Prior to issuance of a grading permit or any building permit.	Developer	Verify that no loggerhead shrike are nesting in construction area. If nesting loggerhead shrike are found, include specified provisions in project's Conditions of Approval.	City of Tracy	
<p>4.6.6 The Proposed Project may result in impacts to western burrowing owl.</p>	<p>MM 4.6.6 Within Nesting Season (March through August) Prior to the commencement of any construction activities, a survey of the project site by a qualified biologist should be conducted to determine if any western burrowing owl are present in the project area. If it is determined that no western burrowing owl are present in the project area, then no further mitigation is necessary.</p>	Prior to issuance of a grading permit or any building permit.	Developer	Verify that no western burrowing owl are present in construction area. If burrowing owl are nesting, include specified provisions in project's Conditions of Approval.	City of Tracy	

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Environmental Impact	Mitigation Measure(s)	Timing/ Milestone	Responsible Entity	Mitigation Action	Monitoring and Enforcement Responsibility	Check off Date/ Initials
	<p>If burrowing owl are determined to be nesting in the project area, then construction activities shall be conducted outside of their breeding season. The nesting season for burrowing owl in this region occurs from March through August.</p> <p>If work must be conducted during the nesting season, then a buffer of 250 feet shall be established around all active burrowing owl nests. No disturbance shall be allowed within these buffers, and the buffer areas shall remain in place until the young have fledged.</p> <p>Outside of Nesting Season (September through February) If any western burrowing owl are determined to be inhabiting the project area, then pursuant to the provisions of the SJMSCP that pertain to burrowing owls, the project applicant may install one-way doors, as approved by the JPA in burrows outside of the nesting season so that owls may exit the burrows, but not re-enter them.</p> <p>To discourage colonization, or recolonization of the site by burrowing owls, the project applicant may plant and maintain new vegetation that will cover the entire area of potential nesting habitat at a height of 36 inches above the ground. This vegetation shall be maintained until construction begins. Vegetation of this type will discourage use of the site by ground squirrels and burrowing owls.</p>					
<p>4.6.7 The Proposed Project may result in impacts to San Joaquin kit fox.</p>	<p>MM 4.6.7 Prior to the commencement of any construction activities, the project applicant shall retain a qualified biologist to conduct preconstruction surveys for potential kit fox dens within two calendar weeks to thirty calendar days prior to commencement of ground disturbing activities. If no potential dens are discovered, then no further mitigation is necessary.</p>	<p>Prior to issuance of grading permit or any building permit.</p>	<p>Developer</p>	<p>Verify that no kit fox dens are present within construction area. If dens are present, include specified provisions in project’s Conditions of Approval.</p>	<p>City of Tracy</p>	

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Environmental Impact	Mitigation Measure(s)	Timing/ Milestone	Responsible Entity	Mitigation Action	Monitoring and Enforcement Responsibility	Check off Date/ Initials
	<p>If potential dens are discovered, then the potential den entrances shall be dusted with flour or bentonite for three calendar days to register tracks of any San Joaquin kit fox that may be present. If no San Joaquin kit fox activity is identified, then the potential dens may be destroyed.</p> <p>If San Joaquin kit fox activity is identified, then the dens shall be monitored by a qualified biologist to determine if it is a natal den, or if it is occupied only by adults. If only adults occupy the den, then the den may be destroyed after the den has been vacated. If the den is a natal den, then a buffer zone of 250 feet shall be established and maintained around the den until a qualified biologist has determined that the den has been vacated.</p> <p>Loss of foraging habitat or movement corridors shall be mitigated by compliance with the compensation measures for Swainson’s hawk described above.</p>					
<p>4.6.8 The Proposed Project, in combination with other cumulative development in the project study area, would convert undeveloped land to urban uses, resulting in the loss of general wildlife foraging and sheltering habitat for resident and migratory species.</p>	<p>MM 4.6.8 Implement MM 4.6.1, 4.6.3, 4.6.4, and 4.6.5-4.6.7.</p>	<p>See MM 4.6.1, 4.6.3, 4.6.4, and 4.6.5 through 4.6.7.</p>				
4.7 Public Utilities						
<p>4.7.1 Depending on Proposed Project phasing, potable water obtained through the proposed water exchange program with the City may not be sufficient to meet project demand if recycled water treated to tertiary standards at the City’s</p>	<p>MM 4.7.1 Development of Phase 3 of the Proposed Project shall not proceed until seasonal storage has been provided at the Proposed Project. Up to 309 ac-ft/yr of storage shall be accommodated within the project site to balance the annual demands of the water exchange program with the annual supplies from the on-site project WRF. If seasonal winter storage is developed, the Proposed Project shall comply with conditions, if any, imposed by the Regional Water Quality</p>	<p>Prior to Phase 3, if the volume of recycled water from the City’s WWTP is not available or if winter disposal of the project WRF effluent fails, see Mitigation Measure MM 4.7.5, the pond size</p>	<p>Developer</p>	<p>Construct required seasonal storage and verify it complies with any imposed conditions of the RWQCD and/or DHS.</p>	<p>City of Tracy, RWQCB, DHS</p>	

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wastewater treatment plant is delayed.	Control Board and/or Department of Health Services. Such conditions could include, but would not be limited to, minimizing the potential for the stored recycled water to hydraulically connect with on-site storm drainage features or the underlying aquifer.	would be sufficient to balance high summer demand period at City parks and fields.				
4.7.5 The on-site water reclamation facility (project WRF) would generate flows during winter months that would exceed the irrigation demand of City parks and fields. Disposal of these excess flows could not be accommodated within existing or planned water or wastewater systems.	MM.4.7.5 In the event the results of detailed site design for the on-site emitter system indicate that on-site permeabilities may preclude the effective operation of the system, or if the installed system does not function as anticipated, implement MM 4.7.1 (provide wet-season recycled water storage at the project site).	Prior to Phase 1, if the results of on-site permeability testing indicate the system cannot be designed to achieve the necessary application criteria, or during operation if the emitter system does not function as expected.	Developer	Verify that MM 4.7.1 has been implemented.	City of Tracy	
4.7.14 The Proposed Project could increase the demand for electricity and natural gas.	MM 4.7.14 Prior to approval of each phase of the Proposed Project, the applicant must demonstrate that sufficient electrical and natural gas supplies are available to serve the Proposed Project.	Prior to approval of each FDP.	Developer	Verify that sufficient electrical and natural gas supplies are available.	City of Tracy	
4.7.16 The Proposed Project could require the extension of electrical and natural gas transmission and distribution infrastructure.	MM 4.7.16 The project applicant shall coordinate with PG&E regarding the extension of electrical and natural gas service to the project site and off-site improvements. This shall include preparation of detailed plans for utility placement and the project's participation in energy conservation programs provided by PG&E. Evidence of this coordination with PG&E shall be provided to the City of Tracy Department of Development and Engineering Services.	Prior to issuance of grading permits for each phase of construction.	Developer	Coordinate with PG&E and provide evidence of coordination to the City of Tracy Department of Development and Engineering Services.	City of Tracy, PG&E	

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4.8 Public Services						
<p>4.8.1 The Proposed Project could cause an increased demand on law enforcement services and new facilities related to those services.</p>	<p>MM 4.8.1 The project shall contribute its fair share of costs for any facilities and/or equipment necessary to serve the project. The project’s contribution to law enforcement equipment and facilities will be included in the project’s FIP. The City shall ensure that the funding in the FIP adequately mitigates the project’s increased demand for law enforcement services.</p>	<p>Prior to adoption of the FIP.</p>	<p>Developer</p>	<p>Verify that FIP adequately mitigates project’s increased demand for law enforcement services.</p>	<p>City of Tracy</p>	
<p>4.8.2 The Proposed Project, in combination with future development in the City will create demand for additional law enforcement services and facilities.</p>	<p>MM 4.8.2 Implement MM 4.8.1.</p>	<p>See MM 4.8.1.</p>				
<p>4.8.3 The Proposed Project could cause an increased demand in fire protection services and related facilities.</p>	<p>MM 4.8.3(a) The project applicant shall coordinate with the City Department of Development and Engineering Services and the Fire Department in the placement of any necessary facilities, including those necessary to serve buildings up to 15 stories high. The City will hire a Consultant, at the developer’s expense, to address fire department related impacts of the project. This study shall include, but not be limited to, requirements for training, equipment, infrastructure, and any necessary City of Tracy Code revisions. Any required facilities will be included in the project infrastructure plans and financed through the FIP. When assigned and sited, any new facilities will be subject to environmental review, as appropriate for CEQA compliance.</p> <p>MM 4.8.3(b) The project applicant will coordinate with the City regarding the project’s contribution to fire protection equipment and facilities, which will be included in the project’s FIP. The City shall ensure that the FIP adequately mitigates the project’s increased demand for fire protection services.</p>	<p>Prior to adoption of the FIP or Development Agreement.</p>	<p>Developer</p>	<p>Include the required facilities in project infrastructure plans financed through the FIP.</p>	<p>City of Tracy</p>	
		<p>Prior to adoption of the FIP.</p>	<p>Developer</p>	<p>Verify that the FIP adequately mitigates the project’s increased demand for future protection services.</p>	<p>City of Tracy</p>	

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4.8.4 Operation of the project WRF could require special fire protection/hazardous materials services beyond what is currently anticipated for the project area.	MM 4.8.4 The City of Tracy Fire Department shall review plans for the project WRF facilities to determine if special fire protection/suppression services, equipment or facilities are required (e.g., special hazardous materials equipment, temporary and/or water tanks, and fire breaks). The recommendations of the Fire Department shall be incorporated into the improvement plans for the project WRF.	Prior to approval of the improvement plans for the project WRF.	Developer	Verify that recommendations of Fire Department are incorporated into improvement plans for project WRF.	City of Tracy	
4.8.5 The Proposed Project, in combination with future development in the City, could create demand for additional fire protection and emergency service.	MM 4.8.5 Implement MM 4.8.3(a)(b), and 4.8.4.	See MM 4.8.3 (a)(b) and 4.8.4.				
4.8.7 The Proposed Project could result in the need to create, or pay into, the City’s park development program for the expansion of recreational facilities.	MM 4.8.7 The City shall adopt, and the project applicant shall comply with, the provisions of the Retail, Industrial and Office Impact Fee Ordinance.	Prior to issuance of each building permit.	Developer	Provide verification the project applicant complies with the provisions of Retail, Industrial and Office Impact Fee Ordinance.	City of Tracy	
4.8.10 The Proposed Project could result in the need for expansion of the existing, or construction of a new, landfill or transfer facility to accommodate the solid waste generated by the project.	MM 4.8.10(a) Prior to issuance of first building permit, the applicant shall develop an integrated waste management plan. The contents of the plan shall, at a minimum, include provisions for redirecting the following types of materials from the landfill: landscaping materials and other green waste, cardboard, office paper, wood (i.e. pallets), and food waste when feasible. The plan shall also include provisions for incorporation of garbage and recycling containers within and outside of buildings.	Prior to issuance of first building permit.	Developer	Verify that an integrated waste management plan is developed.	City of Tracy	

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	<p>MM 4.8.10(b) The construction contractor shall set up bins or other means of containment to hold separated scraps of recyclable material (i.e. cardboard, lumber, etc). The contractor shall work with Tracy Delta Solid Waste Management, Inc. in accordance with the Tracy Municipal Code to recycle at the maximum level possible.</p> <p>MM 4.8.10(c) The contractor shall work with the City of Tracy to establish construction recycling measures to reduce the amount of construction waste disposed of at the landfill.</p>	<p>Prior to issuance of first building permit.</p> <p>Prior to issuance of first building permit.</p>	<p>Developer</p> <p>Contractor</p>	<p>Verify that this provision is included in project’s Conditions of Approval.</p> <p>Include this provision in project’s Conditions of Approval.</p>	<p>City of Tracy</p> <p>City of Tracy</p>	
<p>4.8.11 Operation of the on-site project WRF would require the disposal of biosolids into a landfill.</p>	<p>MM 4.8.11(a) Final plans for the project WRF shall include a dewatering system that is capable of processing biosolids generated by the project WRF to reduce the amount of potential disposal into area landfills.</p> <p>MM 4.8.11(b) As part of the final improvement plans for the project WRF, the applicant shall prepare a biosolids disposal plan. If the plan includes disposal at a landfill, it shall be demonstrated that the landfill has adequate capacity and disposal would be consistent with AB 939, as well as all applicable regulations of the California Integrated Waste Management Board (IWMB) and Regional Water Quality Control Board (RWQCB)</p>	<p>As a condition of approval of the improvement plans for the project WRF.</p> <p>As a condition of approval of the improvement plans for the project WRF.</p>	<p>Developer</p> <p>Developer</p>	<p>Include specified system in final plans for project WRF.</p> <p>Prepare biosolids disposal plan.</p>	<p>City of Tracy</p> <p>City of Tracy</p>	
4.9 Visual Resources/Light and Glare						
<p>4.9.4 The Proposed Project could introduce new sources of nighttime light within the project area.</p>	<p>MM 4.9.4</p> <p>(a) Parking lot lighting shall be designed in accordance with the City of Tracy Standard Plan #154, Sheet 3 or as modified by CDP.</p> <p>(b) Lighting shall be designed to confine light within the site boundaries of both on and off-site improvements, while providing safety and security.</p> <p>(c) Exterior lighting, including lighting of the parking lot, recreational facilities, and off-site improvements shall</p>	<p>Design to be approved as part of any PDP/FDP that provides for development of such facilities that includes this type of lighting.</p>	<p>Developer</p>	<p>Verify that lighting plans comply with these provisions.</p>	<p>City of Tracy</p>	

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	be designed to prevent light spillover onto adjoining properties or roads. This shall be accomplished by limiting the height of light poles, intensity of night lighting, and the use of cutoff fixtures and shields.					
4.9.5 Reflective surfaces within the Proposed Project could create glare that distracts drivers on I 205.	MM 4.9.5 Design features to reduce the amount of reflective surfaces shall be considered. Such measures could include, but would not be limited to: use of non-reflective window glass, reducing the percentage of window area that could reflect glare onto motorists traveling on I 205, or building orientation.	At the time of approval of each Final Development Plan.	Developer	Verify that design of project complies with these provisions.	City of Tracy	
4.10 Historic and Cultural Resources						
4.10.1 The Proposed Project could negatively affect previously unidentified cultural resources.	MM 4.10.1(a) If construction activities at the project site or at off-site potable water or non-potable untreated surface water/recycled water line and related improvements locations expose unusual amounts of non-native stone (obsidian, fine-grained silicates, basalt), bone, shell, or prehistoric or historic period artifacts (purple glass, etc.), or if areas that contain dark-colored sediment that do not appear to have been created through natural processes are discovered, work shall cease in the immediate area of discovery. A professionally qualified archaeologist shall be contacted immediately for an on-site inspection of the discovery, shall assess the significance of the find, and develop mitigation recommendations (e.g., manual excavation of the immediate area), if warranted.	During all phases of construction.	Developer	Verify that specified provision is in the contractor's contract. If subsurface resources are found, stop work and contract with an archeologist to determine the significance of the find.	City of Tracy, Contractor	

MITIGATION MONITORING AND REPORTING PLAN

Environmental Impact	Mitigation Measure(s)	Timing/ Milestone	Responsible Entity	Mitigation Action	Monitoring and Enforcement Responsibility	Check off Date/ Initials
	<p>MM 4.10.1(b) In the event of discovery or recognition of any human remains on the project site or at off-site potable or non-potable water line locations, the project sponsor shall contact the San Joaquin County Coroner, pursuant to Section 7050.5(b) of the California Health and Safety Code. In this event, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner determines that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.</p> <p>MM 4.10.1(c) The Coroner, upon recognizing the remains as being of Native American origin, shall contact the Native American Heritage Commission within 24 hours. No further disturbance of the site may be made except as authorized by the County Coroner. The Commission has various powers and duties to provide for the ultimate disposition of any Native American remains, including the designation of a Native American Most Likely Descendant. Sections 5097.98 and 5097.99 of the Public Resources Code also call for “protection to Native American human burials and skeletal remains from vandalism and inadvertent destruction.” To achieve this goal, construction personnel on the project shall be instructed as to both the potential for discovery of cultural or human remains, and the need for proper and timely reporting of such finds, and the consequences of failure to do so.</p>	<p>During all phases of construction.</p>	<p>Developer</p>	<p>Verify that provisions are included in contractor’s contract.</p> <p>Consult with appropriate Native American(s).</p>	<p>City of Tracy, Contractor</p>	

MITIGATION MONITORING AND REPORTING PLAN

Environmental Impact	Mitigation Measure(s)	Timing/ Milestone	Responsible Entity	Mitigation Action	Monitoring and Enforcement Responsibility	Check off Date/ Initials
4.10.2 Cumulative impacts to historical and cultural resources could occur with development of the Proposed Project.	MM 4.10.2 Implement MM 4.10.1 (a) (b)	See MM 4.10.1 (a) (b).				

- LETTER 1a: Terry Roberts, Senior Planner
California Governor's Office of Planning and Research
State Clearinghouse
June 7, 2002
- LETTER 1b: Terry Roberts, Senior Planner
Governor's Office of Planning and Research
State Clearinghouse
June 7, 2002 (transmitting Department of Conservation comments)
- LETTER 1c: Terry Roberts, Senior Planner
Governor's Office of Planning and Research
State Clearinghouse
June 11, 2002 (transmitting Caltrans comments)
- LETTER 2: Timothy R. O'Brien
Waste Discharge to Land Unit, Lower Sacramento River Watershed
California Regional Water Quality Control Board
May 22, 2002
- LETTER 3: Tom Dumas, Chief
Office of Intermodal Planning
California Department of Transportation (Caltrans)
June 6, 2002
- LETTER 4: Jason Marshall, Assistant Director
California Department of Conservation
June 4, 2002
- LETTER 5: Steve Shaffer, Director
Ag & Environmental Policy
California Department of Food and Agriculture
June 6, 2002
- LETTER 6: John Cadrett, Air Quality Planner
Northern Region
San Joaquin Valley Air Pollution Control District
June 5, 2002
- LETTER 7: Chandler Martin, Senior Planner
San Joaquin County Community Development Department
June 6, 2002
- LETTER 8: Robin Kirk, Environmental Coordinator
San Joaquin County Department of Public Works
June 6, 2002
- LETTER 9: Kim Kloeb, Senior Regional Planner
San Joaquin Council of Governments
June 6, 2002

- LETTER 10: Sherry Gongaware, Director
Facilities Development
Tracy Unified School District
May 30, 2002
- LETTER 11: Timothy D. Taron
Hefner Stark & Marois, LLP (for AKT Development)
June 4, 2002
- LETTER 12: Timothy D. Taron
Hefner Stark & Marois, LLP (for AKT Development)
June 6, 2002
- LETTER 13: Micheal D. Hakeem
Hakeem, Ellis & Marengo (for Bill Filios)
June 6, 2002
- LETTER 14: David G. Corliss, Senior Vice President
Golden State Developers, Inc.
June 5, 2002
- LETTER 15: Paul M. Sensibaugh, General Manager
Mountain House Community Services District
June 3, 2002
- LETTER 16: Eric Parfrey, Chair
Sierra Club, Mother Lode Chapter
June 6, 2002

Attachment 1: Filios/Dobler EIR San Joaquin County Superior Court Ruling
(May 14, 2002)

Attachment 2: Filios/Dobler EIR Petitioner's Opening Brief in Support of Petition
for Writ of Mandamus, San Joaquin County Superior Court Ruling (March 2002)

Attachment 3: Letter from Sierra Club, Mother Lode Chapter, to Tracy City
Council regarding Filios/Dobler EIR (February 1, 2000)