

Final  
Environmental Impact Report  
for the

# Northeast Industrial Concept Development Plan

State Clearinghouse No. 95102050  
City File Number 5-95-A/P  
May 8, 1996

Prepared for  
City of Tracy

Prepared by  
Pacific Municipal Consultants



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# Final Environmental Impact Report



## Northeast Industrial Concept Development Plan

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*Prepared for:*

City of Tracy  
520 Tracy Boulevard  
Tracy, California 95376  
Contact: Mr. Robert Conant  
(209) 831-4600

*Prepared by:*

Pacific Municipal Consultants  
10411 Old Placerville Road, Suite 210  
Sacramento, CA 95827  
Contact: Mr. Jeff Pemstein/Al Inouye  
(916) 361-8384



# TABLE OF CONTENTS

## 1.0 INTRODUCTION

|   |     |
|---|-----|
| Final Environmental Impact Report Contents .....      | 1.1 |
| Certification of the Environmental Impact Report..... | 1.1 |
| Project Consideration .....                           | 1.1 |
| Mitigation Monitoring .....                           | 1.2 |

## 2.0 WRITTEN COMMENTS AND RESPONSES

|   |      |
|---|------|
| Introduction .....  | 2.1  |
| L. Ryan Broddrick, Department of Fish and (March 20, 1996) .....        | 2.2  |
| Jim Raymond, Tracy Parks and Recreation Director (March 22, 1996) ..... | 2.3  |
| David Stagnaro, SJVUAPCD (April 10, 1996).....                          | 2.4  |
| Sandy Gimbal, Gates and Associates (April 11, 1996) .....               | 2.6  |
| Nanda Gottiparthi, Tracy Public Works (April 15, 1996) .....            | 2.19 |
| Dana Cowell, Department of Transportation (April 15, 1996) .....        | 2.22 |

## 3.0 SUMMARY OF CHANGES, CORRECTIONS, AND ADDITIONS TO THE DRAFT EIR

|   |      |
|---|------|
| Introduction .....  | 3.1  |
| Changes to the Introduction.....                              | 3.1  |
| Changes to the Project Description.....                       | 3.1  |
| Changes to the Setting, Impacts, and Mitigation Measures..... | 3.1  |
| Changes to the Alternatives.....                              | 3.11 |
| Changes to the Long Term Implications of the Project.....     | 3.11 |
| Additional Information .....                                  | 3.11 |



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## 1.0 INTRODUCTION

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## SECTION 1.0

## FINAL ENVIRONMENTAL IMPACT REPORT CONTENTS

In concert with the Draft Environmental Impact Report (Draft EIR) incorporated by reference, this document constitutes the Final Environmental Impact Report (Final EIR) for the Northeast Industrial Concept Development Plan. In addition to this Introduction Section, the Final EIR contains the following information.

- ◇ Copies of all comment letters received during the public review period for the Draft EIR; following each comment letter, this document provides written responses appropriate to each remark.
- ◇ A summary of all modifications to the Draft EIR.

This Final EIR has been prepared in accordance with Section 15089 and 15132 of the California Environmental Quality Act (CEQA) Guidelines.

## CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT

The Tracy City Council may certify the document if the Final EIR is "adequate and complete." Prior to certification, the Council must determine that the EIR shows a good faith effort at full disclosure of environmental information. Also, the Council must determine the document provides sufficient analysis to allow decisions to be made regarding the project in contemplation of environmental considerations. In accordance with Section 15090 of the CEQA Guidelines,

"The Lead Agency (City of Tracy) shall certify that:

- (a) The final EIR has been completed in compliance with CEQA; and,
- (b) The final EIR was presented to the decision-making body of the Lead Agency and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project."

The Tracy City Council must certify the Final EIR as complete and adequate prior to final approval of the Northeast Industrial Concept Development Plan.

## PROJECT CONSIDERATION

Subsequent to consideration and certification of the Final EIR, the City may act upon the project. A decision to approve the project will be accompanied by written findings for each **significant** adverse environmental effect identified in the EIR.

**MITIGATION MONITORING**

CEQA requires that when a public agency makes findings based on an EIR, that agency must adopt a reporting or monitoring plan for those measures adopted as a condition of approval. The reporting or monitoring plan must be designed to provide public disclosure and to ensure compliance during project implementation (Public Resources Code Section 21081.6).

The draft Mitigation Monitoring Plan (MMP) for this project will be prepared under separate cover. Following certification of the Final EIR, the MMP will be finalized consistent with the City Council's final action on the project.

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## 2.0 WRITTEN COMMENTS AND RESPONSES

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SECTION 2.0

INTRODUCTION

The following section contains comment letters associated with the Northeast Industrial Concept Development Plan Draft EIR. Comment letters are listed chronologically by the date received. Following each comment letter, this document provides written responses appropriate to each remark.

The 45-day public review period for the Draft EIR commenced on February 29, 1996, and concluded on April 15, 1996. As specified by CEQA, responses are only required for comments relating to environmental issues associated with the Project. Every attempt, however, was made to respond to comments pertaining to general issues outside the scope of the Project's environmental review.

This section displays Draft EIR text changes resulting from individual comment letters as ~~deletions~~ or *additions*. Correspondingly, these changes are summarized in Section 3.0 of this document.

COMMENTATOR LIST

1. Ryan Broddrick, Department of Fish and (March 20, 1996)
2. Jim Raymond, Tracy Parks and Recreation Director (March 22, 1996)
3. David Stagnaro, SJVUAPCD (April 10, 1996)
4. Sandy Gimbal, Gates and Associates (April 11, 1996)
5. Nanda Gottiparthi, Tracy Public Works (April 15, 1996)
6. Dana Cowell, Department of Transportation (April 15, 1996)

## DEPARTMENT OF FISH AND GAME

REGION 2

1701 NIMBUS ROAD, SUITE A  
RANCHO CORDOVA, CA 95670

(916) 358-2900



March 20, 1996

Mr. Bob Conant  
City of Tracy  
520 Tracy Boulevard  
Tracy, California 95376

Dear Mr. Conant:

The Department of Fish and Game (DFG) has reviewed the draft Environmental Impact Report (DEIR) for the Northeast Industrial Concept Development Plan SCH # 95102050. The project consists of a Concept Plan permitting future industrial development on a 870-acre project area in northeastern Tracy. The project is located in the City of Tracy in San Joaquin County.

Wildlife habitat resources consist of a large block of agricultural land. The primary crops are barely/oats and alfalfa. Significant resources of the project include numerous Swainson's hawk (Buteo swainsoni) nests within a five-mile radius of the project site.

We are particularly concerned with the proposed project's potential for adverse impacts to the State-listed threatened Swainson's hawk. Information contained in DFG files indicated that there is a Swainson's hawk nest site located along Mr. Tom Payne Slough within 1 mile of the project site. In addition there are at least seven other Swainson's hawk nest sites located within a five-mile radius of the project site. The agricultural crops present on the project site (alfalfa and small grains) provide suitable foraging habitat for the Swainson's hawk. Suitable agricultural foraging habitat, particularly alfalfa, in association with occupied nesting habitat, provides the highest quality Swainson's hawk habitat in San Joaquin County.

We concur with the DEIR's finding that the project will have a significant adverse impact on the Swainson's hawk through the loss of over 800 acres of foraging habitat. However, we do not concur with the DEIR's evaluation of the relative merits of the foraging value of the existing habitat. The DEIR appears to "weight" the value of the foraging habitat based on a field survey for the presence of prey.

Densities of prey animals (gophers, and voles) in active agricultural fields change dramatically from year to year. Therefore, assessment of impacts to the Swainson's hawk must be based on the existence of suitable habitat, not on the results of short term field surveys for

Mr. Bob Conant  
March 20, 1996  
Page Two

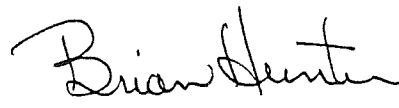
gophers and voles. We recommend that mitigation for the loss of foraging habitat for the Swainson's hawk be based on the presence of suitable habitat, in this case the entire project site, and not on some rating of the density of prey present at the time of a survey.

Pursuant to Public Resources Code Sections 21092 and 21092.2, the DFG requests written notification of proposed actions and pending decisions regarding this project. Written notifications should be directed to this office.

This project will have an impact to fish and/or wildlife habitat. Assessment of fees under Public Resources Code Section 21089 and as defined by Fish and Game Code Section 711.4 is necessary. Fees are payable by the project applicant upon filing of the Notice of Determination by the lead agency.

Thank you for the opportunity to review this project. If the DFG can be of further assistance, please contact Mr. Dan Gifford, Associate Biologist, telephone (209) 369-8851, or Mr. David Zezulak, Acting Environmental Services Supervisor, telephone (916) 358-2919.

Sincerely,

  
L. Ryan Broddrick  
Regional Manager

cc: Mr. Dan Gifford  
Mr. Dave Zezulak  
Department of Fish and Game  
Rancho Cordova, California

**RESPONSE TO LETTER 1**  
**RYAN BRODDRICK, REGIONAL MANAGER**  
**DEPARTMENT OF FISH AND GAME**  
**(MARCH 20, 1996)**

**RESPONSE TO LETTER 1**

Comment noted. Although disagreement may exist over the extent of the Project's impact to Swainson's hawk, page 4.33 of the Northeast Industrial Environmental Impact Report contains the following mitigation measure incorporated from the Urban Management Plan EIR.

**"M 21.9** The City of Tracy shall attempt to formalize the agreement with San Joaquin County and all of its incorporated cities to fully participate in the development and implementation of the San Joaquin County Swainson's hawk conservation plan. Until such time as the plan is implemented, or in the event the plan is not implemented, or the City of Tracy does not participate in the plan, impacts to Swainson's hawk and Swainson's hawk habitat shall be mitigated in consultation with CDFG. Current draft mitigation guidelines for the species are reprinted for informational purposes in technical appendix "N" (Mitigating Impact 4.4-2)."

In association with this requirement, page 4.34 of the Northeast Industrial Environmental Impact Report contains the following project-specific mitigation measure.

**"M. 4.4-3** Prior to approval of a Final Map, the Project applicant will either provide a mitigation fee appropriate and consistent with the I-205 Specific Plan, develop a Habitat Management Plan for the Swainson's hawk in consultation with the CDFG, or enter a county-wide HCP if available. (Mitigating Impact 4.4-2)."

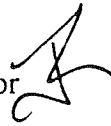
These two mitigation measures have been used in the past for previously approved projects in the City of Tracy. In consultation with the CDFG, the combination of these two mitigation measures ensures adequate mitigation is provided for the protection of the Swainson's hawk.

Please note that Section 3.0 of this document lists all the text changes, corrections, and additions that were made to the Northeast Industrial Concept Development Plan Draft EIR. These modifications resulted primarily in response to comments received during the Draft EIR public review period; some modifications, however, have been made to clarify particular issues associated with the Project.



# MEMO

**To:** Bob Conant, Senior Planner  
**From:** Jim Raymond, Parks and Recreation Director  
**Subject:** Draft EIR - Northeast Industrial  
**Date:** March 22, 1996



The following are my comments on the Draft EIR for the Northeast Industrial area.

1. The proposed road network should have bikeways, both Class I and II on all major roads. This system will tie in with the existing network on MacArthur, Grantline, and Pescadero.
2. Landscaping should reference the current Parks and Parkway Design Standards Manual. The consistency in landscaping will assist in the Landscape and Lighting District maintaining like facilities in the area.
3. Future channel landscaping should reflect current standards in the Parks and Parkway Design Manual.
4. Future roadways should allow for bus stops or drop off centers. Will there be a need for a park and ride?

**RESPONSE TO LETTER 2**

**JIM RAYMOND,  
TRACY PARKS AND RECREATION DIRECTOR  
(MARCH 22, 1996)**

**RESPONSE TO LETTER 2, COMMENT 1 (BIKEWAYS)**

This comment involves the inclusion of bikeways in the proposed development. As detailed in the City of Tracy Roadway Master Plan (RMP), Class II bikeways (8-foot wide) are included in the cross-sections of all new arterials and collectors. All cross-sections also include a 15-foot setback on both sides of the street, on which a Class I bikeway could be provided if required. In some cases, the rights-of-way proposed in the Concept Development Plan are narrower than those prescribed in the Roadway Master Plan. These roadways will need to be installed at the RMP widths in order to insure sufficient traffic capacity as well as provision of bike lanes.

**RESPONSE TO LETTER 2, COMMENT 2 AND 3 (LANDSCAPING)**

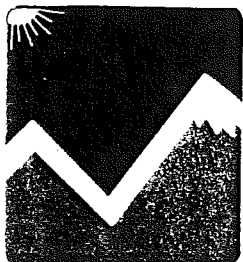
The Parks and Parkway Design Manual (April 1989) provides guidance for implementation of the park component of the Residential Area Specific Plan (RASP). Projects that do not fall within the RASP are considered on a project by project basis. The Northeast Industrial Project is not located within the RASP. In response to landscaping issues, page 3.5 and 3.6 the Draft EIR references the design guidelines proposed for the Northeast Industrial Concept Development Plan. These design guidelines, reproduced in the Technical Appendices, provide standards for streetscapes and landscaping. As described in the Northeast Industrial Concept Development Plan (page 32), “. . . landscaping requirements shall be as established by Off Street Parking Requirements (Section 10 2.2613 of the Tracy Municipal Code), except as modified . . .”

**RESPONSE TO LETTER 2, COMMENT 4 (BUS/PARK AND RIDE)**

This comment involves roadway allowances for bus stops and the need for a park and ride facility. As specified in the RMP, cross-sections for expressways and arterials include an 8-foot service lane on each side that can be used for bus stops without the need for further roadway widening.

Because the proposed development at Northeast Industrial will create new trip destinations in Tracy but no new trip origins, it generates relatively low demand for a local park-and-ride lot. Although not directly associated with the Northeast Industrial Project, opportunities for a regional park-and-ride lot will be explored within the studies for the new Chrisman Road interchange.

Please note that Section 3.0 of this document lists all the text changes, corrections, and additions that were made to the Northeast Industrial Concept Development Plan Draft EIR. These modifications resulted primarily in response to comments received during the Draft EIR public review period; some modifications, however, have been made to clarify particular issues associated with the Project.



# San Joaquin Valley Unified Air Pollution Control District

April 10, 1996

Robert Conant, Senior Planner  
City of Tracy  
Community Development Department  
520 Tracy Boulevard  
Tracy, CA 95376

APR 10 1996  
CITY OF TRACY  
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: Draft Environmental Impact Report - Northeast Industrial Concept  
Development Plan

Dear Mr. Conant:

The San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) has reviewed your referral and offers the following comments:

Comment 1, General: It does not appear that the Air Quality portion of the DEIR considered the effects of the proposed changes to land use in the Project area. Specifically, the General Plan Amendment to convert 45.5 acres of land from industrial to commercial zoning. The lack of comparative URBEMIS 5 runs in Appendix A and the scope of the air quality analysis in the DEIR are the basis for this conclusion.

Comment 2, page 4.66, Impact Analysis: The "Project Impact Assessment for Regional Impacts" should be amended to add **local impacts**, since carbon monoxide is considered a pollutant which has "local" not regional impacts associated with it. In addition, PM<sub>10</sub> emissions can have localized effects as noted in the DEIR.

Comment 3, page 4.66, Impact Analysis: The second sentence, "It should be noted that the Project will not produce stationary source impacts." is believed to be an inaccurate statement. Will the City of Tracy preclude service stations, cabinet shops, dry cleaners, auto body shops, and other stationary sources from locating within the Project area?

David L. Crow  
Executive Director/Air Pollution Control Officer

1999 California Street, Suite 100 • Fresno, CA 93701 • (209) 438-1100 • FAX (209) 438-1101

#### Northern Region

4230 Kiernan Avenue, Suite 730 • Modesto, CA 95356  
(209) 545-1300 • Fax (209) 545-8652

#### Central Region

1999 California Street, Suite 100 • Fresno, CA 93701  
(209) 438-1100 • Fax (209) 438-1101

#### Southern Region

1999 California Street, Suite 100 • Bakersfield, CA 93311  
(805) 833-1100 • Fax (805) 833-2060

Comment 4, Mitigation Measures in UMP EIR, page 4.72: In addition to the mitigation measures required by the UMP, the SJVUAPCD's Regulation VIII (Fugitive Dust Prohibitions) also applies to this project. The purpose of Regulation VIII is to reduce the amount of fine particulate matter ( $PM_{10}$ ) entrained into the ambient air from man-made sources. Specifically, the Rules within Regulation VIII that apply to your project are: Rule 8010 (Administrative Requirements), Rule 8020 (Construction, Demolition, Excavation, and Extraction Activities), Rule 8030 (Handling and Storage of Bulk Materials), Rule 8060 (Paved and Unpaved Roads), and Rule 8070 (Parking, Shipping, Receiving, Transfer, Fueling, and Service Areas).

The attached Synopsis highlights many of the requirements contained within Regulation VIII. The Synopsis is not meant to be all inclusive, but it can be a useful compliance aid in the field and office alike. Please refer to Regulation VIII for specific requirements.

Comment 5, DEIR page 4.73 and Technical Appendices, Air Quality Impact Assessment, page 16: Mitigation Measure M36.7 and M\_7 respectively, please refer to Section 5.4 of Regulation VIII which requires that any street sweeping be accompanied by the application of water.

Comment 6, Technical Appendices, Air Quality Impact assessment, Mitigation Measure M\_21, page 18: Recent state enacted legislation has precluded further implementation of Rule 9001. The SJVUAPCD recommends that this mitigation measure be replaced by another equally effective measure to reduce air emissions related to this project area. One possible alternative would be to establish a voluntary trip reduction program that could provide some of the same benefits as Rule 9001. Another strategy could involve additional resources being allocated to the remaining mitigation measures in order to enhance their effectiveness in reducing air pollution from this Project.

Comment 7, General: One of the issues that will arise in conjunction with the proposed demolition of the existing buildings in the project area is compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAPS). Specifically, the primary air pollutant of concern is asbestos. Enclosed for review and use is the District's Asbestos - Compliance Assistance Bulletin, Dated December 1994. A District contact for the program is listed noted in the bulletin and is available should you need further assistance.

City of Tracy  
DEIR - Northeast Concept Development Plan

April 10, 1996  
Page 3

Thank you for the opportunity to review this project. Should you have any questions or require any assistance please call me at (209) 545-7000.

Sincerely,



David J. Stagnaro  
Environmental Planner  
Northern Region

APCD REF #960072

c: Ron Giannone, Asbestos Coordinator, Compliance Division

**SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT**  
**Regulation VIII Fugitive Dust/PM<sub>10</sub> Synopsis**

| <b>Rule 8010 Administrative Requirements</b>                       |  |  |
|--|--|--|
| Section  | Applicability  | Requirements/Implementation  |
| 2.0  | <i>Applicability:</i> This regulation applies to specified outdoor man-made sources of fugitive dust for the purpose of attaining health-based standards for fine particulate matter (PM <sub>10</sub> ). Effective Date of Regulation VIII Rules: December 10, 1993. (For the purpose of this regulation <i>visible dust emissions</i> is defined as: visible dust of such opacity as to obscure an observer's view to a degree equal to or greater than an opacity of 40% (40%), for a period or periods aggregating more than three minutes in any one hour, except as set fourth in Rule 8030, 5.1.) |  |
| 4.0  | <i>Exemptions: (All Regulation VIII Rules)</i> Actions required by law to protect the environment; current District permitted activities with PM <sub>10</sub> control measures greater than or equal to this regulation; public health & safety emergency operations lasting less than 30 days; vegetative reduction required by a Federal, State or local agency for fire prevention; and activities conducted above the elevation of 3000 feet, or during freezing conditions.  |  |
| 5.1  | Chemical Stabilizing Agents.   | Must meet ARB/EPA acceptability and air/water quality standards.   |
| 5.4  | Dust Palliative and Asphalt Paving.  | Shall comply with other applicable District Rules (i.e. Rule 4641)   |
| <b>Rule 8020 Construction, Demolition, Excavation, Extraction</b>  |  |  |
| 2.0  | <i>Applicability:</i> Any construction, demolition, excavation, extraction, water mining related disturbances of soil, and the initial construction of landfills prior to commencement of landfill operations.   |  |
| 4.0  | <i>Exemptions:</i> Land preparation for agriculture; activities approved prior to the effective date of this Rule; blasting activities; maintenance or remodeling activities of less than 10,000 square feet or 50% of building area; renovation of ground water recharge basins; and solar drying & harvesting of sedimentary calcium carbonate precipitates. Compliance with Section 5.1 of this rule is not required where soil moisture or natural crusting is sufficient to limit visible dust emissions.   |  |
| 5.1  | All disturbed areas of a construction site, including storage piles, not used for seven or more days.  | Effective stabilization of visible dust emissions (40%) utilizing water, chemical stabilizer/suppressant, or vegetative ground cover.  |
| 5.2  | On-site unpaved roads and off-site unpaved access roads.   | Effective stabilization of visible dust emissions (40%) utilizing water, or a chemical stabilizer/suppressant.   |
| 5.3  | Land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill and demolition activities.<br><br>Operation of wrecking balls or wrecking equipment.   | Effective control of fugitive dust emissions utilizing the application of water, or by presoaking.<br><br>All exterior surfaces of a building up to six stories in height shall be wetted during demolition.   |
| 5.4  | Public paved roads, shoulders and access ways adjacent to the site.  | Limit or promptly remove any accumulation of mud or dirt. Recommended use of paved aprons, gravel strips or wheel washers. The use of blower devices for the removal of accumulations is prohibited. The use of dry rotary brushes is prohibited, except where preceded or accompanied by wetting to limit dust emissions. |
| <b>Rule 8030 Storage, Handling and Transport of Bulk Materials</b> |  |  |
| 2.0  | <i>Applicability:</i> Outdoor handling/storage of bulk material emitting visible dust. Additional requirements may apply if compliance with this Rule requires installation/modification of equipment under existing District permit.  |  |
| 4.0  | <i>Exemptions:</i> Conditions where moisture content of the material is sufficient to limit visible dust emissions; agricultural harvesting, open air drying, handling or storage of baled, cubed, pelletized, long-stemmed or pre-cleaned material; timber harvesting; dust free materials; materials less than 250 cubic yards; and materials subject to damage by wetting.  |  |
| 5.1  | Transport of bulk materials in an outside area for a distance of twelve feet or greater with the use of a chute or conveyor device.  | Chute/conveyer must be fully enclosed, or spray equipment wets materials to limit visible dust emissions (20% opacity) as defined in District Rule 4101-Visible Emissions, or materials conveyed are washed, separated, or screened to remove PM <sub>10</sub> .   |
| 5.2  | Materials transported by vehicle, except on site.  | Requirements of Rule 8020, 5.4 apply. Wet material to limit visible dust emissions (40%), or provide at least six inches of freeboard space from the top of the transport container, or cover the container.   |
| 5.3  | Outdoor storage of materials greater than 250 cubic yards.   | Effective stabilization of visible dust emissions (40%) utilizing water, or a chemical stabilizer/suppressant within seven days after the addition or removal of materials   |

**Rule 8040 Landfills**

|       |  |   |
|-------|--|---|
| 2.0   | <i>Applicability:</i> All operational landfill sites, landfill closure activities, and activities conducted at closed landfill sites which disturb surface soils covering an area of more than one acre. |   |
| 4.0   | <i>Exemptions:</i> Landfills where active disposal and excavation areas disturb less than one acre of soil.  |   |
| 5.1   | Construction of a landfill site.   | Requirements of District Rule 8020 and the California Code of Regulations (CCR) Sections 17659 and 17706 apply.   |
| 5.2   | Adjacent public paved roads, shoulders & accesses.   | Rule 8020, 5.4 applies.   |
| 5.2.1 | Interior roads of the landfill site.   | Landfill roads connected to off-site adjacent paved public roads must be paved for a sufficient distance to allow mud and dirt accumulation to drop off. Sufficient cleaning of interior roads to limit carry out onto the off-site public roads. The use of blower devices for removal of accumulations is prohibited. Use of dry rotary brushes is prohibited, except when preceded or accompanied by sufficient wetting. |
| 5.4   | Storage of construction vehicles, equipment, and materials.  | Rule 8070 applies.  |
| 6.1   | Operators of landfill disposal sites and operations required to submit reports to the California Integrated Waste Management Board (CIWMB) in compliance with CCR 17616.                                 | Provide a copy of each report to the SJVUAPCD within 30 days from the date transmitted to the CIWMB.  |

**Rule 8060 Paved and Unpaved Roads**

|       |   |  |
|-------|---|--|
| 2.0   | <i>Applicability:</i> Any paved, or unpaved public or private road, street, highway, freeway, alley, way, access drive, access easement, or driveway constructed or modified after the effective date of this Rule.   |  |
| 4.0   | <i>Exemptions:</i> Easements and roads providing access for not more than ten residences; paved roads less than three miles in length, and unpaved roads less than 1/2 mile in length; agricultural access roads; roads which have been approved, or for which construction bids have been awarded, prior to the effective date of this Rule; gated roads owned by a public agency, special district, or public utility; road maintenance and resurfacing activities. |  |
| 5.1.1 | New construction, modifications, or approvals of paved roads with projected average daily vehicle trips of 500 vehicles or more.  | Comply with American Association of State Highway and Transportation Officials (AASHTO) guidelines for the width of shoulders and median shoulders. Additional requirements, exemptions or alternative compliance measures may apply.  |
| 5.2   | Construction and use of new unpaved roads.  | At least 50% of the length of the new road surface is controlled by application of chemical dust suppressant/stabilizer, or the entire surface is controlled by application of water at least one time per week as necessary, or at least 25% of the length of the new road is paved and maintained. |
| 6.1   | Government Agencies having jurisdiction over publicly maintained paved roads open to public access.   | Require preparation and submittal of a written report to the SJVUAPCD documenting compliance with the provisions of this Rule. Initial report prepared for the year 1994 and biennially thereafter. Additional requirements apply.   |

**Rule 8070 Parking, Shipping, Receiving, Transfer, Fueling and Service Areas**

|     |  |   |
|-----|--|---|
| 2.0 | <i>Applicability:</i> All unpaved vehicle and/or equipment parking areas, fueling and service areas; and shipping, receiving, and transfer areas which are of one acre or larger in size.                  |   |
| 3.0 | <i>Exemptions:</i> Activities described above which are conducted on sites less than one acre in size; agricultural activities; timber harvesting activities; and exposed surfaces of lake and river beds. |   |
| 4.1 | On days the area is used.  | Application of either water at least once daily, a chemical dust suppressant/stabilizer in accordance with manufacturer's recommendations for road applications, or gravel to the entire surface. |
| 4.2 | Public paved roads, shoulders and access ways adjacent to the site.  | Rule 8020, 5.4 applies.   |

For additional information please contact your nearest District regional office:

February 1995

Northern Region  
200 Kieman Avenue, Suite 130 Modesto, CA 95356  
(209) 545-7000

Central Region  
1999 Tuolumne Street, Suite 200 Fresno, CA 93721  
(209) 497-1100

Southern Region  
2700 M Street, Suite 275 Bakersfield, CA 93301  
(805) 861-3682

**Rule 8040 Landfills**

|       |  |   |
|-------|--|---|
| 2.0   | <i>Applicability:</i> All operational landfill sites, landfill closure activities, and activities conducted at closed landfill sites which disturb surface soils covering an area of more than one acre. |   |
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| 5.1   | Construction of a landfill site.   | Requirements of District Rule 8020 and the California Code of Regulations (CCR) Sections 17659 and 17706 apply.   |
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| 5.4   | Storage of construction vehicles, equipment, and materials.  | Rule 8070 applies.  |
| 6.1   | Operators of landfill disposal sites and operations required to submit reports to the California Integrated Waste Management Board (CIWMB) in compliance with CCR 17616.                                 | Provide a copy of each report to the SJVUAPCD within 30 days from the date transmitted to the CIWMB.  |

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|-------|---|--|
| 2.0   | <i>Applicability:</i> Any paved, or unpaved public or private road, street, highway, freeway, alley, way, access drive, access easement, or driveway constructed or modified after the effective date of this Rule.   |  |
| 4.0   | <i>Exemptions:</i> Easements and roads providing access for not more than ten residences; paved roads less than three miles in length, and unpaved roads less than 1/2 mile in length; agricultural access roads; roads which have been approved, or for which construction bids have been awarded, prior to the effective date of this Rule; gated roads owned by a public agency, special district, or public utility; road maintenance and resurfacing activities. |  |
| 5.1.1 | New construction, modifications, or approvals of paved roads with projected average daily vehicle trips of 500 vehicles or more.  | Comply with American Association of State Highway and Transportation Officials (AASHTO) guidelines for the width of shoulders and median shoulders. Additional requirements, exemptions or alternative compliance measures may apply.  |
| 5.2   | Construction and use of new unpaved roads.  | At least 50% of the length of the new road surface is controlled by application of chemical dust suppressant/stabilizer, or the entire surface is controlled by application of water at least one time per week as necessary, or at least 25% of the length of the new road is paved and maintained. |
| 6.1   | Government Agencies having jurisdiction over publicly maintained paved roads open to public access.   | Require preparation and submittal of a written report to the SJVUAPCD documenting compliance with the provisions of this Rule. Initial report prepared for the year 1994 and biennially thereafter. Additional requirements apply.   |

**Rule 8070 Parking, Shipping, Receiving, Transfer, Fueling and Service Areas**

|     |  |   |
|-----|--|---|
| 2.0 | <i>Applicability:</i> All unpaved vehicle and/or equipment parking areas, fueling and service areas; and shipping, receiving, and transfer areas which are of one acre or larger in size.                  |   |
| 3.0 | <i>Exemptions:</i> Activities described above which are conducted on sites less than one acre in size; agricultural activities; timber harvesting activities; and exposed surfaces of lake and river beds. |   |
| 4.1 | On days the area is used.  | Application of either water at least once daily, a chemical dust suppressant/stabilizer in accordance with manufacturer's recommendations for road applications, or gravel to the entire surface. |
| 4.2 | Public paved roads, shoulders and access ways adjacent to the site.  | Rule 8020, 5.4 applies.   |

For additional information please contact your nearest District regional office:

|   |  |   |
|---|--|---|
| Northern Region<br>1740 Kiernan Avenue, Suite 130 Modesto, CA 95356<br>(209) 545-7000 | Central Region<br>1999 Tuolumne Street, Suite 200 Fresno, CA 93721<br>(209) 497-1100 | Southern Region<br>2700 M Street, Suite 275 Bakersfield, CA 93301<br>(805) 861-3682 |
|---|--|---|



**SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT**  
**Regulation VIII Fugitive Dust/PM<sub>10</sub> Synopsis**

**Rule 8010 Administrative Requirements**

| Section | Applicability  | Requirements/Implementation  |
|---------|--|--|
| 2.0     | <i>Applicability:</i> This regulation applies to specified outdoor man-made sources of fugitive dust for the purpose of attaining health-based standards for fine particulate matter (PM <sub>10</sub> ). Effective Date of Regulation VIII Rules: December 10, 1993. (For the purpose of this regulation <i>visible dust emissions</i> is defined as: visible dust of such opacity as to obscure an observer's view to a degree equal to or greater than an opacity of 40% (40%), for a period or periods aggregating more than three minutes in any one hour, except as set fourth in Rule 8030, 5.1.) |  |
| 4.0     | <i>Exemptions: (All Regulation VIII Rules)</i> Actions required by law to protect the environment; current District permitted activities with PM <sub>10</sub> control measures greater than or equal to this regulation; public health & safety emergency operations lasting less than 30 days; vegetative reduction required by a Federal, State or local agency for fire prevention; and activities conducted above the elevation of 3000 feet, or during freezing conditions.  |  |
| 5.1     | Chemical Stabilizing Agents.   | Must meet ARB/EPA acceptability and air/water quality standards.   |
| 5.4     | Dust Palliative and Asphalt Paving.  | Shall comply with other applicable District Rules (i.e. Rule 4641) |

**Rule 8020 Construction, Demolition, Excavation, Extraction**

|     |  |  |
|-----|--|--|
| 2.0 | <i>Applicability:</i> Any construction, demolition, excavation, extraction, water mining related disturbances of soil, and the initial construction of landfills prior to commencement of landfill operations.   |  |
| 4.0 | <i>Exemptions:</i> Land preparation for agriculture; activities approved prior to the effective date of this Rule; blasting activities; maintenance or remodeling activities of less than 10,000 square feet or 50% of building area; renovation of ground water recharge basins; and solar drying & harvesting of sedimentary calcium carbonate precipitates. Compliance with Section 5.1 of this rule is not required where soil moisture or natural crusting is sufficient to limit visible dust emissions. |  |
| 5.1 | All disturbed areas of a construction site, including storage piles, not used for seven or more days.  | Effective stabilization of visible dust emissions (40%) utilizing water, chemical stabilizer/suppressant, or vegetative ground cover.  |
| 5.2 | On-site unpaved roads and off-site unpaved access roads.   | Effective stabilization of visible dust emissions (40%) utilizing water, or a chemical stabilizer/suppressant.   |
| 5.3 | Land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill and demolition activities.<br><br>Operation of wrecking balls or wrecking equipment.   | Effective control of fugitive dust emissions utilizing the application of water, or by presoaking.<br><br>All exterior surfaces of a building up to six stories in height shall be wetted during demolition.   |
| 5.4 | Public paved roads, shoulders and access ways adjacent to the site.  | Limit or promptly remove any accumulation of mud or dirt. Recommended use of paved aprons, gravel strips or wheel washers. The use of blower devices for the removal of accumulations is prohibited. The use of dry rotary brushes is prohibited, except where preceded or accompanied by wetting to limit dust emissions. |

**Rule 8030 Storage, Handling and Transport of Bulk Materials**

|     |   |  |
|-----|---|--|
| 2.0 | <i>Applicability:</i> Outdoor handling/storage of bulk material emitting visible dust. Additional requirements may apply if compliance with this Rule requires installation/modification of equipment under existing District permit.   |  |
| 4.0 | <i>Exemptions:</i> Conditions where moisture content of the material is sufficient to limit visible dust emissions; agricultural harvesting, open air drying, handling or storage of baled, cubed, pelletized, long-stemmed or pre-cleaned material; timber harvesting; dust free materials; materials less than 250 cubic yards; and materials subject to damage by wetting. |  |
| 5.1 | Transport of bulk materials in an outside area for a distance of twelve feet or greater with the use of a chute or conveyor device.   | Chute/conveyer must be fully enclosed, or spray equipment wets materials to limit visible dust emissions (20% opacity) as defined in District Rule 4101-Visible Emissions, or materials conveyed are washed, separated, or screened to remove PM <sub>10</sub> . |
| 5.2 | Materials transported by vehicle, except on site.   | Requirements of Rule 8020, 5.4 apply. Wet material to limit visible dust emissions (40%), or provide at least six inches of freeboard space from the top of the transport container, or cover the container.   |
| 5.3 | Outdoor storage of materials greater than 250 cubic yards.  | Effective stabilization of visible dust emissions (40%) utilizing water, or a chemical stabilizer/suppressant within seven days after the addition or removal of materials   |

in which asbestos could be disturbed at a regulated facility, including the clean up and removal of debris from buildings which have burned, other than in fire training exercises.

4. REGULATED ASBESTOS-CONTAINING MATERIALS (RACM) - include:

- A. Friable asbestos-containing material (ACM), which is any material containing more than 1 percent asbestos, as determined by Polarized Light Microscopy (PLM) testing, which, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.
- B. Category I nonfriable ACM that is in poor condition and "has become friable" or "that has or will be subjected to sanding, grinding, cutting, or abrading." (Category I nonfriable ACM means "asbestos-containing packings, gaskets, resilient floor coverings, and asphalt roofing products containing more than 1 percent asbestos as determined by PLM testing that, when dry, cannot be crumbled, pulverized or reduced to powder by hand pressure.")
- C. Category II nonfriable ACM that has a high probability of becoming, or has become, crumbled, pulverized, or reduced to powder by the forces expected to act on the material in the course of demolition or renovation. (Category II nonfriable ACM is "any asbestos-containing material, excluding Category I ACM, containing more than 1 percent asbestos as determined by PLM testing, that, when dry, cannot be crumbled, pulverized or reduced to powder by hand pressure.")

### INSPECTION

40 CFR, Part 61, Subpart M, § 145 (a)

An asbestos inspection must be performed by the owner or operator prior to:

- 1. Any regulated demolition.
- 2. Any renovation activity in which more than 160 square feet of any building material or 260 linear feet of pipe insulation will be disturbed. An inspection is not necessary if the material to be disturbed is stipulated to be asbestos-containing and will be removed in accordance with the NESHAP.

Cal-OSHA regulations in the California Labor Code, § 9021.5 through 9021.8 require that inspections must be done by, or under the direction of, a Cal-OSHA certified consultant.

The District requires that inspection reports include:

- A. A schematic showing the location of all tested materials.
- B. The following data for all asbestos-containing materials:
  1. The amount and description of each material.
  2. Percent asbestos content.
  3. Whether or not the material is friable. -

A report of the asbestos inspection must be received with the notification.

### NOTIFICATIONS

40 CFR Part 61, Subpart M, § 145 (b)

An asbestos notification must be submitted to the District at least 10 working days prior to:

1. Any regulated demolition (see definitions of *demolition* and *facility* above.)
2. Any renovation in which more than 160 square feet or 260 linear feet of RACM will be disturbed.

Notifications will not be considered complete, nor will the 10 working day notice period begin until all of the required information and fees have been submitted to the District.

### FEES

SJVUAPCD Rule 3050

District Rule 3050 requires that nonrefundable asbestos fees be received along with asbestos job notifications. The fee schedule (attached) was amended in February 1993. It includes fees for regulated asbestos abatement projects and regulated demolition projects, whether or not asbestos is present. Refer to the definition of *demolition* and *facilities* which describe projects that are regulated.

### DEMOLITION RELEASE FORM

The California Health and Safety Code requires that the city or county building official have proof of compliance with, or exemption from, the asbestos notification requirement before he or she issues a demolition permit. In order to facilitate this, the District has developed a Demolition Release Form (attached). After the District has received a demolition notification and is satisfied that the NESHAP notification requirements have been complied with, the District will issue a Demolition Release Form to the person who submitted the notification. The applicant can use the release form as proof of NESHAP notification compliance when applying for a demolition permit from the building department.

## RECYCLING AND WASTE DISPOSAL

In addition to providing waste disposal information about RACM, the asbestos notification must identify any building materials which will be recycled after removal from a project. The name of the recycling contractor and location of such activity must be identified.

### **NO ASBESTOS-CONTAINING OR ASBESTOS CONTAMINATED MATERIAL MAY BE RECYCLED.**

The intent of this notice is to help clarify asbestos terminology, how the regulation applies to demolition and renovation of buildings and other facilities, notification and inspection reports and requirements, fees and building department demolition permits. If you have any questions, we encourage you to contact one of our three regional offices.

#### **Northern Region**

Merced, San Joaquin and  
Stanislaus Counties:

4230 Kiernan Avenue,  
Suite 130  
Modesto, CA 95356  
(209) 545-7000

Asbestos Coordinator:  
Ronald Giannone

#### **Central Region**

Fresno, Kings and  
Madera Counties:

1999 Tuolumne Street,  
Suite 200  
Fresno, CA 93721  
(209) 497-1040

Asbestos Coordinator:  
Carlos Esguerra

#### **Southern Region**

Kern and Tulare  
Counties:

2700 M Street,  
Suite 275  
Bakersfield, CA  
(805) 861-3682

Asbestos Coordinator:  
Sherman Yount

RULE 3050 ASBESTOS REMOVAL FEES (Adopted May 21, 1992; Amended December 17, 1992; Amended February 18, 1993)

1.0 Applicability

The National Emission Standards for Hazardous Air Pollutants (NESHAP), adopted by reference as District Rule 4002, and therefore these fees are applicable to:

- 1.1 all demolitions whether or not asbestos is present; and
- 1.2 renovations in which 260 linear feet, 160 square feet, or 35 cubic feet or more of regulated asbestos containing materials are disturbed.

2.0 Fees

Every person filing notification of an asbestos removal project, subject to the provisions of Rule 4002 (National Emissions Standards for Hazardous Air Pollutants), shall pay upon filing, the nonrefundable fee prescribed herein. The total fee for any project shall be the sum of the applicable fee components below.

Demolition or Renovation:

| Linear Feet    | Square Feet    | Cubic Feet    | Fee Component (\$) |
|----------------|----------------|---------------|--------------------|
| 0 - 259*       | 0 - 159*       | 0 - 34*       | 175                |
| 260 - 499      | 160 - 499      | 35 - 109      | 175                |
| 500 - 999      | 500 - 999      | 110 - 218     | 300                |
| 1,000 - 2,499  | 1,000 - 2,499  | 219 - 547     | 600                |
| 2,500 - 4,999  | 2,500 - 4,999  | 548 - 1,094   | 1,000              |
| 5,000 - 9,999  | 5,000 - 9,999  | 1,095 - 2,188 | 1,500              |
| 10,000 or more | 10,000 or more | 2,189 or more | 2,000              |

\* Demolition only. Does not apply to renovations.

# San Joaquin Valley Unified Air Pollution Control District

## Asbestos Notification

|                    |               |               |                 |                |
|--------------------|---------------|---------------|-----------------|----------------|
| Operator Project # | Postmark Date | Date Received | Fee Received \$ | Notification # |
|--------------------|---------------|---------------|-----------------|----------------|

I. TYPE OF NOTIFICATION: (PLEASE CIRCLE ONE)      Original      Revised      Canceled      Courtesy

II. FACILITY OWNER INFORMATION:

OWNER NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

CONTACT: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_

REMOVAL CONTRACTOR:

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

CONTACT: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_ SITE SUPERVISOR: \_\_\_\_\_

OTHER CONTRACTOR:

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

CONTACT: \_\_\_\_\_ TELEPHONE: \_\_\_\_\_ SITE SUPERVISOR: \_\_\_\_\_

III. TYPE OF OPERATION: (D-Demo    O-Ordered Demo    R-Renovation    E-Emergency Renovation):

IV. IS ASBESTOS PRESENT?     Yes     No

V. FACILITY DESCRIPTION: (Include building name, number, and floor or room number)

BUILDING NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ COUNTY: \_\_\_\_\_ ZIP: \_\_\_\_\_

SITE LOCATION: \_\_\_\_\_

BUILDING SIZE: \_\_\_\_\_ NUMBER OF FLOORS \_\_\_\_\_ AGE: \_\_\_\_\_

PRESENT USE: \_\_\_\_\_ PRIOR USE: \_\_\_\_\_

VI. A COPY OF THE INSPECTION REPORT WITH PROCEDURE, INCLUDING ANALYTICAL METHOD USED TO DETECT THE PRESENCE OF ASBESTOS MATERIAL MUST BE INCLUDED WITH THIS REPORT:

| VII. Approximate amount of asbestos, including:<br>1. Regulated ACM to be removed.<br>2. Category III ACM not removed.<br>3. Non-friable ACM to be removed. | RACM<br><u>to be removed.</u> | Non-friable ACM<br><u>not to be removed.</u><br>Category I                      Category II | Non-friable ACM<br><u>to be removed.</u><br>(Courtesy) |
|---|-------------------------------|---|--|
| PIPES (Linear Feet)   |                               |   |  |
| SURFACE AREA (Square Feet)  |                               |   |  |
| VOLUME (Cubic Feet-If Lift or Sift could not be measured)   |                               |   |  |

VIII. REMOVAL DATES: (MM/DD/YY)      START: \_\_\_\_\_      COMPLETE: \_\_\_\_\_

X. DEMO/RENOVATION DATES: (MM/DD/YY)      START: \_\_\_\_\_      COMPLETE: \_\_\_\_\_

Description of planned demolition or renovation work, and method(s) to be used:

Description of work practices and engineering controls to be used to prevent emissions at the site:

WASTE TRANSPORTER:

ADDRESS: CITY: STATE: ZIP:

CONTACT: TELEPHONE:

WASTE DISPOSAL SITE

LOCATION: CITY: STATE: ZIP:

CONTACT: TELEPHONE:

DISPOSAL OF NON ASBESTOS CONTAINING WASTE MATERIAL (ACWM) - recycling:

LOCATION: CITY: STATE: ZIP:

CONTACT: TELEPHONE:

DEMOLITION ORDERED BY A GOVERNMENT AGENCY, PLEASE IDENTIFY THE AGENCY BELOW:

AGENCY: TITLE:

ISSUE DATE (MM/DD/YY): DATE ORDER TO BEGIN: (MM/DD/YY):

PROCEDURES FOR EMERGENCY RENOVATIONS

24 HOUR OF EMERGENCY:

DESCRIPTION OF THE SUDDEN, UNEXPECTED EVENT:

EXPLANATION OF HOW THE EVENT CAUSED UNSAFE CONDITIONS OR WOULD CAUSE EQUIPMENT DAMAGE OR AN UNREASONABLE FINANCIAL BURDEN:

DESCRIPTION OF PROCEDURES TO BE FOLLOWED IN THE EVENT THAT UNEXPECTED ASBESTOS IS FOUND OR PREVIOUSLY NON-FRIABLE ASBESTOS MATERIAL BECOMES CRUMBLING, PULVERIZED, OR REDUCED TO POWDER:

II. I CERTIFY THAT AN INDIVIDUAL TRAINED IN THE PROVISIONS OF THIS REGULATION (40 CFR, PART 61, SUBPART M) WILL BE ON SITE DURING THE DEMOLITION OR RENOVATION AND EVIDENCE THAT THE REQUIRED TRAINING HAS BEEN ACCOMPLISHED BY THIS PERSON WILL BE AVAILABLE FOR INSPECTION DURING NORMAL BUSINESS HOURS.

SIGNATURE OF OWNER/OPERATOR

DATE

I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT

# San Joaquin Valley Unified Air Pollution Control District

## ASBESTOS DEMOLITION/RENOVATION NOTIFICATION FORM GENERAL INFORMATION

The Asbestos NESHAP, 40 CFR Part 61, Subpart M, requires written notification of demolition or renovation operations under Section 61.145. This form may be used to fulfill this requirement. Only complete notification forms are acceptable. Incomplete notification may result in enforcement action.

The notification should be typewritten and postmarked or delivered no later than ten working days prior to the beginning of the asbestos removal activity (dates specified in section VIII) or demolition (dates specified in Section X). Please submit this form and corresponding fees to the appropriate office:

For Tulare and Kern Counties:  
SJVUAPCD  
Attention: Asbestos Program  
2700 "M" Street, Suite 275  
Bakersfield, CA 93301 (805) 861-3682

For San Joaquin, Stanislaus and Merced Counties:  
SJVUAPCD  
Attention: Asbestos Program  
4230 Kiernan Avenue, Suite 130  
Modesto, CA 95356  
(209) 545-7000

For Fresno, Madera and Kings Counties:  
SJVUAPCD  
Attention: Asbestos Program  
1999 Tuolumne Street, Suite 200  
Fresno, California 93721  
(209) 497-1000

### INSTRUCTIONS

Type of Notification: Circle "Original" if the notification is a first time or original notification; "Revised" if the notification is a revision of a prior notification; "Canceled" if the activity has been cancelled; or "Courtesy" if the activity is not regulated. When submitting a revised notification add a number (starting with the number 1) after "revised" to differentiate between revisions.

I. Facility Information: Enter the names, and contact persons and telephone numbers of the following:

Owner: Legal owner of the site at which asbestos removal or demolition is planned.

Removal Contractor: Contractor hired to remove asbestos.

Other Contractor: Demolition contractor, general contractor, or any other person who leases, operates, controls or supervises the site.

If known, the name of the site supervisor should be entered as the contact person for the notification. If additional parties share responsibility for the site, demolition activity, renovations or ACM removal, include complete information (including name, address, contact person and telephone number) on additional sheets submitted with the form.

III. Type of Operation: Enter "D" for facility demolition, O- for ordered demolition, R-for facility renovation, or E- for Emergency renovations.

IV. Is Asbestos Present? Answer "Yes" or "No" regardless of the amount or type of asbestos.

V. Facility Description: Provide detailed information on the areas being renovated or demolished. If applicable, provide the floor numbers and room numbers where renovations are to be conducted.

Site Location: Provide information needed to locate the site in the event that the address alone is inadequate.

Building Size: Provide in square meters or square feet.

No. of Floors: Enter the number of floors including basement or ground level floors.

Age in Years: Enter approximate age of the facility.

Present Use/Prior Use: Describe the primary use of the facility or enter the following codes: H - Hospital; S - School; P - Public Building; O - Office; I - Industrial; U - University or College; B - Ship; C - Commercial; or R - Residence



- Asbestos Detection Procedure: Describe methods and procedures used to determine whether ACM is present at the site, including a description of the analytical methods employed.
- I. Approximate Amount of Asbestos including: (1) Regulated ACM to be removed (including non-friable ACM to be sanded, ground or abraded); (2) Category III ACM not removed; and for "courtesy notices" (3) Non-friable ACM to be removed. Enter amounts in square feet or linear feet. Describe volume in cubic feet only if the amount cannot be approximated in square feet or linear feet.
- II. Removal Dates (MM/DD/YY): Enter scheduled dates for asbestos removal work. Asbestos removal work includes any activity, including site preparation, which will break up, dislodge or disturb asbestos material.
- III. Demo/Renovation Dates (MM/DD/YY): Enter scheduled dates for beginning and ending the planned demolition or renovation.
- X. Description of Planned Demolition or Renovation Work and Method(s) to be Used: Include in this description the demolition and renovation techniques to be used and a description of the areas and types of facility components which will be affected by this work.
- XI. Description of Engineering Controls and Work Practices to be Used to Prevent Emissions at the Site: Describe the work practices and engineering controls selected to ensure compliance with the requirements of the regulations, including both asbestos removal and waste-handling emission control procedures.
- XII. Waste Transporter(s): Enter the names, addresses, contact persons and telephone numbers of the persons or companies responsible for transporting ACM from the removal site to the waste disposal site. If the removal contractor or owner is the waste transporter, state "same as owner" or "same as removal contractor." If additional parties are responsible include complete information on an additional sheet submitted with the form.
- II. Waste Disposal Site: Identify the waste disposal site, including the complete name, location and telephone number of the facility. If ACM is to be disposed of at more than one site, provide complete information on an additional sheet submitted with the form.
- V. Disposal of Non Asbestos Containing Waste Material (ACWM)-Recycling: Identify the site, including the complete name, location and telephone number of the facility, where any material is to be taken for recycling.
- V. If Demolition Ordered by a Government Agency, Please Identify the Agency: Provide the name of the responsible official, title and agency, authority under which the order was issued, the dates of the order and the dates of the ordered demolition. A copy of the order shall be attached to the notification.
- VI. For Emergency Renovation: Provide the date and time of the emergency, a description of the event and a description of unsafe conditions, equipment damage or financial burden resulting from the event. The information should be detailed enough to evaluate whether a renovation falls within the emergency exception.
- XVII. Description of Procedures to be Followed in the Event that Unexpected Asbestos is Found or Previously Nonfriable Asbestos Material Becomes Crumbled, Pulverized, or Reduced to Powder: provide adequate information to demonstrate that appropriate actions have been considered and can be implemented to control asbestos emissions adequately, including at a minimum, conformance with applicable work practice standards.
- VIII. Certification of Presence of Trained Supervisor: The notifier must certify that a person trained in asbestos-removal procedures will supervise the demolition or renovation. The supervisor is responsible for the activity on-site. Evidence that the training has been completed by the supervisor must be available for inspection during normal business hours.
- XIX. Verification: Please certify the accuracy and completeness of the information provided by signing and dating the notification form.

# SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT

Northern Regional Office  
 4230 Kiernan Ave, Ste. 130  
 Modesto, CA 95356  
 (209) 545-7000  
 (San Joaquin, Stanislaus and Merced Counties)

Central Regional Office  
 1999 Tuolumne St.  
 Fresno, CA 93721  
 (209) 497-1040  
 (Fresno, Madera and Kings Counties)

Southern Regional Office  
 2700 "M" St., Suite 275  
 Bakersfield, CA 93301  
 (805) 861-3682  
 (Tulare and Kern Counties)

## DEMOLITION PERMIT RELEASE

California Health and Safety Code Section 19827.5 requires that a building official shall not issue a demolition permit until the applicant has demonstrated compliance with, or has declared an exemption from, the National Emission Standards for Hazardous Air Pollutants (NESHAP) asbestos notification requirements. An approval signature must be obtained, on this form, from the San Joaquin Valley Unified Air Pollution Control District. It is the Applicant's responsibility to obtain the required signature and return this form to the appropriate city or county building department.

### Project Description

|                      |           |           |
|----------------------|-----------|-----------|
| Job Site Address     | City      | Zip Code  |
| Owner's name         | Telephone |           |
| Owner's Address      | City      | Zip Code  |
| Contractor's Name    | License # | Telephone |
| Contractor's Address | City      | Zip Code  |

| 1. Facility being demolished                                  | Y | N | 2. Proposed project              | Y | N |
|---|---|---|----------------------------------|---|---|
| Single Family Dwelling or Apartment with four or fewer units. |   |   | Single Family Dwelling           |   |   |
|   |   |   | Subdivision                      |   |   |
| Other (describe):   |   |   | Public Project (School, Highway) |   |   |
| Zoning present/proposed is:                                   |   |   | Retail or Commercial             |   |   |

Comments:

Be advised that Regulation VIII, Fugitive PM<sub>10</sub> Prohibitions, requires that the exterior of buildings be wetted during demolition activities.

\_\_\_\_\_  
 Signature of applicant Title Date

**FOR SJVUAPCD USE ONLY**

This certifies that the demolition applicant has satisfied the APCD's notification requirements. The APCD allows the demolition to proceed on or after \_\_\_\_\_, 199\_\_.

This certifies that the Demolition application is exempt from the APCD's requirements.

District approval on this form only indicates compliance with or exemption from the NESHAP notification requirements. Enforcement action will be taken if asbestos NESHAP violations are found at the project.

Printed Name: \_\_\_\_\_ Title: \_\_\_\_\_

Approval Signature: \_\_\_\_\_ Date: \_\_\_\_\_

This form is no longer valid 30 days after approval or if information provided changes.

**RESPONSE TO LETTER 3**

**DAVID STAGNARO**

**SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT**

**(APRIL 10, 1996)**

**RESPONSE TO LETTER 3, COMMENT 1**

This comment involves the consideration of the General Plan Amendment in the air quality analysis. As described in the Technical Appendices and as discussed in pages 4.64 through 4.71 of the Draft EIR, the air quality analysis does include 45.5 acres of commercial land in the air quality modeling and analysis.

**RESPONSE TO LETTER 3, COMMENT 2 AND 3 (PAGE 4.66)**

With respect to these comments, the following modifications shall be made to page 4.66 of the Draft EIR.

**“IMPACT ANALYSIS**

**PROJECT IMPACT ASSESSMENT FOR *LOCAL AND* REGIONAL IMPACTS**

The following section describes *local and* regional ~~mobile~~ source impacts associated with the Project. ~~It should be noted that the Project will not produce stationary source impacts.~~ *Stationary source impacts have been assessed as part of area source impacts.”*

**RESPONSE TO LETTER 3, COMMENT 4, 5, 6 (PAGE 4.72, 4.73, TECHNICAL APPENDICES)**

Please note the UMP EIR mitigation measures referenced in these comments has already been certified as part of the UMP EIR approval process. The Northeast Industrial Environmental Impact Report can not change the certified and approved UMP EIR document.

Part and parcel with the UMP EIR mitigation measures, this Environmental Impact Report requires the applicant to coordinate with the SJVUAPCD and demonstrate to the City the incorporation of the UMP EIR air quality mitigation measures and others that may be applicable. This requirement facilitates interagency coordination and utilizes the air quality expertise of the SJVUAPCD prior to the approval of each Final Map. From page 4.74 of the Draft EIR, the following mitigation measures are reproduced.

**“M 4.8-3** Prior to approval of the Final Map, the applicant shall coordinate with the SJVUAPCD and demonstrate to the City the incorporation of UMP EIR air quality mitigation measures and others that may be applicable into the design of the Project (Mitigating Impact 4.8-1 -2).

**M 4.8-4** Prior to approval of the Final Map, the applicant shall coordinate with the SJVUAPCD and demonstrate to the City the incorporation of UMP EIR methods and others to be applicable to reduce dust emissions during construction (Mitigating Impact 4.8-3).”

**RESPONSE TO LETTER 3, COMMENT 7**

Comment noted.

Please note that Section 3.0 of this document lists all the text changes, corrections, and additions that were made to the Northeast Industrial Concept Development Plan Draft EIR. These modifications resulted primarily in response to comments received during the Draft EIR public review period; some modifications, however, have been made to clarify particular issues associated with the Project.

April 11, 1996

Mr. Robert Conant  
Senior Planner  
City of Tracy  
520 Tracy Boulevard  
Tracy, CA 95376

APR 1996  
RECEIVED  
Community  
Development

Re: Northeast Industrial Project

Dear Mr. Conant:

The following attachment contains the Northeast Industrial project team's comments specific to the Draft Environmental Impact Report. These comments are made on behalf of the Silva, Dover, Prima, and Costa properties within the Northeast Industrial Planning Area.

Please let me know if you have any questions.

Sincerely,



Sandy Gimbal  
Principal

attachment: DEIR Comments

cc: Michael Souza, SR&D  
Hagop Manuelian  
Steve Avila, Pombo Real Estate  
Michael Hakeem  
Steve Lichliter, MacKay & Soms  
George Nickelson  
Fred Diaz, City of Tracy

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## 4.0 Setting, Impacts, and Mitigation

### Section 4.1 Land Use

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*Comments*

page 4.7 Impact 4.1-2 This mitigation measure appears to be unnecessary, because the 200 foot wide strip of land is owned by Southern Pacific Railroad. (APN 250-01-03 and 250-01-04) We request that both this impact and Mitigation Measure 4.1-2 (page 4.9) be omitted from the FEIR.

### Section 4.4 Biotic Resources

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*Comments*

page 4.32 Impact 4.4-1 Please replace the third paragraph with the following text, to better clarify the status of the San Joaquin Kit Fox:

On-site, the only area where California ground squirrel burrows were even moderately abundant was along the Southern Pacific tracks near the southern planning area border. None of these burrows were large enough to be considered a potential den site. In addition, no distinct tracks of the endangered canid were seen on the numerous mud surfaces. The absence of prey on the site, coupled with on-going irrigation and tillage of the agricultural land results in a most unsuitable habitat for any wild carnivore, including the San Joaquin Kit Fox (SJKF).

Given the lack of any well documented evidence of SJKF presence in the greater project site are and the unsuitability of the on-site habitat to support this species, only the question of possible use of this parcel as part of a movement corridor remains. This, however, seems most unlikely, since the movement corridors function as passageways from one portion of a species corridor to another. In this situation, there are simply no appropriate habitat sites north and east of the planning area for a kit fox to travel to, even if it were to somehow travel from its preferred habitat area over three miles away in the Corral Hollow creek area west of I-580. The existing suburban development, intense industrial areas, and I-205 function as buffers which deter wild canine passage into this area.

All of these findings support the conclusion that the San Joaquin Kit Fox does not utilize the planning area as either a foraging or denning habitat, or a movement corridor. Therefore, the proposed change in land use within the planning area from agriculture to industrial / commercial would constitute a less than significant effect as defined by CEQA, and should require no kit-fox specific mitigation.

Please delete the fourth paragraph, since the conclusion that the planning area is a potential movement corridor is contradicted by the analysis presented in the biological study contained in the Technical Appendices.

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page 4.34 M.M. 4.4-1 This mitigation measure calls for pre-construction surveys for San Joaquin kit fox den sites prior to issuance of grading permits. However, based on the discussion of potential impacts (page 4.32, third paragraph and Technical Appendices), the EIR concludes that the project impacts to kit fox are less than significant because extensive recent surveys in the area did not detect the presence of this species. We request that this measure be omitted from the FEIR, since the impact is already mitigated to a less than significant level.

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page 4.34 M.M. 4.4-2 This mitigation measure calls for precautions during construction to prevent injury to San Joaquin kit fox. However, based on the discussion of potential impacts (page 4.32, third paragraph and Technical Appendices), the EIR concludes that the project impacts to kit fox are less than significant because extensive recent surveys in the area did not detect the presence of this species. We request that this measure be omitted from the FEIR, since the impact is already mitigated to a less than significant level.

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page 4.34 M.M. 4.4-3 Since the Northeast Industrial planning area is controlled by almost 20 separate owners, many different tentative maps, final maps, building permits, and grading permits will be approved or issued during a long build-out period. At this stage of planning, there is no mechanism for group participation in project-wide mitigation measures. It is also inappropriate for the EIR to tie everyone down to a specific solution, which may or may not be appropriate in the future. Such area-wide cooperative undertakings seem more appropriate for conditions of Concept Development Plan approval.

Modify the mitigation measure as follows, to be more flexibly and easily implemented.

Prior to approval of a each Final Map, the Project Applicant will either provide an appropriate mitigation fee ~~appropriate and consistent with the I-205 Specific Plan~~, develop a Habitat Management Plan for the Swainson's Hawk in consultation with the CDFG, or enter a county-wide HCP in available.

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page 4.34 M.M. 4.4-4 Modify the mitigation measure as follows, since such requirements are more appropriate to the conditions of approval. Since the planning area is under multiple ownership, the requirement in relation to grading permits also needs to be clarified.

The Tracy Community Development Department shall authorize a Burrowing Owls preconstruction survey prior the issuance of each grading permits. The survey shall be ~~paid by the Project applicant and~~ conducted by a qualified ornithologist. If no owls are located during these surveys, no additional action is warranted....

## Section 4.6 Hydrology and Water Quality

### Comments

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page 4.45 M.M. 4.6-1 Modify the mitigation measure as follows, to be more flexibly and easily

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implemented.

....At a minimum, this plan shall include the following (Mitigating Impact 4.6-2):

- phasing of construction to ~~target~~ ~~ensure that~~ grading operations ~~are targeted~~ for the dry months of the year as directed by the City;....

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page 4.45 M.M. 4.6-2 See comment under M.M. 4.4-3, above. Please modify the mitigation measure as follows to clarify the requirement in relation to Final Maps.

Prior to recordation of each Final Maps, the applicant shall coordinate with the City for review and approval of a plan to provide regular cleaning of streets and parking lots (where applicable) to limit the accumulation of "first flush" contaminants during construction (Mitigating Impact 4.6-2)

### Section 4.7 Transportation and Circulation

|                 |                                      | <i>Comments</i>   |
|-----------------|--------------------------------------|---|
| page 4.53       | Future Conditions without Project    | It would be helpful if the FEIR better described the relative effects of Mountain House and Gold Rush City with and without the Northeast Industrial project. It is not clear how these major developments would affect Tracy streets. A concise summary of these effects would be helpful in terms of understanding the impacts, and ultimately the mitigation measures.   |
| page 4.54       | Project Trip Generation              | It would also be helpful if the FEIR text provided further information on what percentage that the Northeast Industrial project itself contributes relative to the need for improvements. A concise summary of these effects would be helpful in terms of understanding the impacts, and ultimately the mitigation measures.  |
| after page 4.54 | Figure 17                            | <p>The distribution of Northeast Industrial PM peak traffic shown on Figure 17 indicates very heavy eastbound traffic on Grant Line Road through the Grant Line / Eleventh intersection, with much of this traffic destined for I-5 north. It would seem more reasonable that a new I-205 interchange in the Chrisman / Paradise vicinity would instead attract most of this traffic. Please review this distribution.</p> <p>Overall, the traffic model also appears to assign heavy traffic flows to the I-205 / MacArthur interchange, even though traffic flow conditions are expected to be very congested at I-205 / MacArthur and relatively uncongested at the new I-205 interchange.</p> |
| page 4.58       | Consistency with Roadway Master Plan | The Traffic Study indicates that a new I-205 interchange will be needed east of MacArthur to provide freeway access for 20 years of cumulative development (including Gold Rush City). The study concludes that for several reasons, the new interchange should not be located at Paradise Road but instead in line with a Chrisman Road extension. The reasons for the Paradise interchange location are rejected as "not compelling." However, to the owners of the property these reasons are quite compelling.  |



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This difference of opinion aside, it appears premature to reject any alternative at this stage of development since so many factors are currently unknown, cost in particular. Therefore, we request that the Paradise Road interchange location and Paradise Road expressway alignment be given equal weight as a possible alternative in the Final EIR.

Please modify all discussion about the Chrisman / I-205 Interchange to allow for the Paradise Road alternative where mentioned in the FEIR and Technical Appendices, including the following instance:

- page 4.58, second to last paragraph: ...The Concept Development Plan calls for the interchange to be constructed at the Paradise crossing. While not consistent with the RMP, this proposal has several possible advantages and may be a viable alternative worth further study. ~~While there are several advantages to construct the interchange at Paradise, they are not compelling.~~ The issue is discussed in detail in the Technical Appendices.

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|           |                                       |   |
|-----------|---------------------------------------|---|
| page 4.58 | Consistency with RMP, Access Controls | The City's adopted Roadway Master Plan (RMP) identifies access control guidelines which result in very limited access along expressways. Both Chrisman extension and Grant Line Road (east of Chrisman), proposed as expressways in the RMP, would virtually bisect the Project Area. The very limited access proposed along these roadways would severely impact the access and circulation of fronting properties. The DEIR provides limited discussion of this access issue. The FEIR should provide more detail on these roadways in terms of its access / circulation issues and solutions for accommodating development of the fronting properties. |
|-----------|---------------------------------------|---|

In addition, a Chrisman extension plus Grant Line Road could ultimately result in two limited access expressways bisecting the area. These limited access expressways would affect the potential viability of individual parcels within the area. In contrast, the alignment of a potential limited access expressway at Paradise Road would result in fewer access limitations and fewer potential land use conflicts.

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|           |          |  |
|-----------|----------|--|
| page 4.59 | Table 12 | The Northeast Industrial Plan reserves the potential for a 6 lane arterial north of Grant Line Road along the alignment of Paradise Road, leading to the proposed Paradise / I-205 Interchange (page 20, CDP Booklet, revised 2/26/96) Table 12 should be revised to replace the "none" listed for Chrisman North with "6 lane arterial (110 ft. ROW) along Paradise alignment." It should also be revised to read "6 lane arterial (110 ft. ROW)" at Chrisman South, rather than "4 lane arterial (110 ft. ROW)." |
|-----------|----------|--|

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|-----------|--------------|--------------------------------|
| page 4.59 | Impact 4.7-2 | Reword based on comment above. |
|-----------|--------------|--------------------------------|

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|           |              |   |
|-----------|--------------|---|
| page 4.60 | Impact 4.7-5 | Please add the following discussion after the description of the impact to accurately describe the conclusions of the traffic analysis: |
|-----------|--------------|---|

**...will not provide sufficient capacity to accommodate the full Project traffic impacts. This is considered a significant impact.**

As shown on Table 17 and discussed on page 4.57, the intersections at this

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interchange without improvements do not provide sufficient capacity to meet the traffic demand of cumulative development, even without Northeast Industrial project.

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page 4.62 first  
paragraph

Expand the statement to read as follows:

*In the event the Roadway Master Plan is modified prior to Project implementation, the Plan C Finance Plan is adopted including 150 acres of Northeast Industrial development, Industrial Specific Plan excess Traffic Equivalent Consumer Units (ECU'S) are committed to Northeast Industrial, or other such changes, the Project specific mitigation measures and the Project's contribution to cumulative mitigation measures will be modified accordingly. In addition, if the City Roadway Master Plan is modified to provide other suitable alternative circulation improvements, then the mitigation requirement for the Chrisman / I-205 Interchange will be modified accordingly.*

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page 4.62 RMP  
Mitigation

Modify Mitigation Measure 4.7-1 as follows, similar to the approach used in the Public Facilities section, to allow for further study of the proposed easterly north-south expressway alignment and the Paradise interchange, which is equally viable alternative for serving potential long-term transportation needs. Delete reference to UMP Finance Plan, since it is not an approved document.

Prior to the approval of the first Site Plan, Parcel, or Tentative Map for the Northeast Industrial project area Conceptual Development Plan, the applicant(s) will be required to demonstrate compliance with the approved Roadway Master Plan (RMP) should be modified as illustrated in Figure 21, or to provide an alternative plan to provide facilities acceptable to the City. Prior to approval of each Site Plan, Parcel or Tentative Map, the City shall review the Project application to ensure that existing and/or proposed facilities are adequate to meet project traffic capacity demands and are consistent with the RMP or and alternative acceptable to the City. (Mitigating Impact 4.7-1, -2, -3).

As defined in the City of Tracy Roadway Master Plan ~~and the UMP Finance Plan (pending)~~, developers of each applicant within the Northeast Industrial Area will be responsible for:

- Right of Way dedication....
  - Participating in any applicable City-wide or area program, or establishing the appropriate funding towards the Contributions to a finance plan to fund construction of arterial and expressway general-use lanes and medians, freeway interchanges, and major rail and canal crossing structures, prior to the recordation of the corresponding Final Map, and....
- 

page 4.62 Interchange  
Mitigation

Mitigation Measures 4.7-2 and 4.7-3 should clarify what level of development corresponds to the needed roadway improvements.

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|           |                           |  |
|-----------|---------------------------|--|
| page 4.62 | Interchange<br>Mitigation | Modify Mitigation Measure 4.7-4 as follows to provide for other viable interchange alternatives: |
|-----------|---------------------------|--|

~~Preserve right-of-way for an additional interchange at a location to be determined as described in Mitigation 4.7-1 between Paradise Road and the Yellow Freight Property and for access roads extending south from the interchange to align with the meet existing Chrisman Road south of the Southern Pacific tracks at Grant Line Road and north to or beyond Arbor Avenue. Develop~~ Contribute a fair share to the funding plan for the interchange involving the Cities of Tracy and Lathrop, as describe in Mitigation 4.7-1. Upon completion of the specified improvements to the MacArthur interchange, the City should begin CalTrans project development studies and engineering for new interchange. The City should Bbegin construction in time to prevent LOS at MacArthur interchange from deteriorating in to the LOS E range (Mitigating Impact 4.7-6)

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|           |                       |  |
|-----------|-----------------------|--|
| page 4.63 | Freeway<br>Mitigation | Mitigation Measure 4.7-6 should be clarified to specifically identify the responsibility of the Northeast Industrial project relative to a Northern Tracy Expressway, since this facility is needed for cumulative development after the anticipated project buildout. |
|-----------|-----------------------|--|

#### Section 4.8 Air Quality

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*Comments*

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|           |                         |  |
|-----------|-------------------------|--|
| page 4.74 | M.M. 4.8-3<br>and 4.8-4 | We have not seen these types of mitigation measures before and are not aware of similar requirements on other recent Tracy projects. This type of coordination is more appropriate as a part of the CEQA process, rather than on a site by site basis. Please revise as follows: |
|-----------|-------------------------|--|

M 4.8-3 Prior to approval of ~~each~~the Final Map, ~~each~~the applicant shall ~~coordinate with the SJVUAPCD and~~ demonstrate to the City the incorporation of UMP EIR air quality mitigation measures and others that may be applicable into the design of the Project. ( Mitigating Impact 4.8-2)

M 4.8-4 Prior to approval of ~~each~~the Final Map, ~~each~~the applicant shall ~~coordinate with te SJVUAPCD and~~ demonstrate to the City the incorporation of UMP EIR methods and others to be applicable to reduce dust emissions during construction. (Mitigating Impact 4.8-3)

#### Section 4.9 Noise

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*Comments*

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|-----------|------------|--|
| page 4.82 | M.M. 4.9-1 | Please clarify that this measure only applies to the I-205 freeway frontage at the northeastern edge of the planning area. |
|-----------|------------|--|

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|-----------|------------|---|
| page 4.84 | M.M. 4.9-3 | The noise from the street at existing residences is an existing deficiency. Please add a statement acknowledging that Northeast Industrial should contribute to this mitigation to the extent that it exacerbates the existing problem. |
|-----------|------------|---|

**Section 4.11 Public Services and Facilities**

*Comments*

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|------------|----------------|--|
| page 4.95  | 4th paragraph  | The text relating to existing water system facilities appears to be in the wrong section.  |
| page 4.98  | first sentence | 18,000 seems to be a typing error.   |
| page 4.103 | M.M. 4.11-1    | Since the Northeast Industrial planning area is controlled by almost 20 separate owners, many different tentative maps, final maps, building permits, and grading permits will be approved or issued during a long build-out period. At this stage of planning, there is no mechanism for group participation in project-wide mitigation measures. Such area-wide cooperative undertakings seem more appropriate for conditions of Concept Development Plan approval. Please modify as follows:<br><br>The project applicants shall implement the measures provided within the UMP and UMP EIR to the City's satisfaction <u>with each</u> <del>prior to the first</del> Site Plan, Parcel Map, or Tentative Map approval. |
| page 4.103 | M.M. 4.11-2    | See above for reasoning. Modify as follows:<br><br>Prior to approval of <u>each</u> <del>the first</del> Site Plan, Parcel and/or Tentative Map for the Northeast Industrial project area, the applicant(s) will be required to demonstrate compliance with the approved Water Master Plan, or to provide an alternative plan to provide facilities acceptable to the City.  |
| page 4.104 | M.M. 4.11-4    | Change "the first" to "each" as described above.   |
| page 4.105 | M.M. 4.11-5    | Change "the first" to "each" as described above.   |
| page 4.106 | M.M. 4.11-7    | Change "the first" to "each" as described above.   |

**Section 4.12 Socioeconomics**

*Comments*

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|------------|----------------------|--|
| page 4.113 | UMP EIR<br>M.M. 19.1 | Relating to the last sentence of the Mitigation, the Northeast Industrial Design Guidelines (page 31, item 2 under Building Setbacks) provide for commercial and industrial property line landscaping, consistent with the requirements of the Industrial Specific Plan. Please acknowledge this guideline in the text, which is slightly different from the UMP EIR mitigation. |
| page 4.113 | M.M. 4.12-1          | We request that the mitigation be deleted and replaced with the following mitigation that calls instead for an addition to the Guidelines:<br><br><u>M. 4.12-1 Add the following provision to the Northeast Industrial Design Guidelines:</u>  |

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“Buffers to Existing Residences

- Industrial or commercial properties adjacent to existing residential development should adequately buffer existing residential homes from future development impacts. Implement a variety of measures including increasing building setbacks, providing dense evergreen planting as a screen, providing solid noise buffers, (see EIR Mitigation 4.9-4), and eliminating lighting overspill.
- Such buffers should be provided early in site development to avoid construction period impacts.”

RESPONSE TO LETTER 4

SANDY GIMBAL

GATES AND ASSOCIATES

(APRIL 11, 1996)

RESPONSE TO LETTER 4, COMMENT 1 (IMPACT 4.1-2, PAGE 4.7)

With respect to the comment concerning Impact 4.1-2, the Draft EIR describes a strip of land north of the railroad line and south of a portion of the Project's southern boundary. As described in the environmental evaluation, the exclusion of this property from the Project created several significant land use impacts.

The "Annexation Property Description" submitted by the applicant (February 6, 1996) indicates that this strip of land is associated with the railroad right of way as it existing on July 1, 1862. Based on current assessor's information, it appears that Southern Pacific now owns only a portion of the land north of the railroad tracks.

As described in the annexation submittal, the Project's southern boundary extends to the existing City Limits along the railroad line, eliminating any strip of land between the Project site and the existing City Limits. As such, this eliminates the significant land use impacts associated with Impact 4.1-2 of the Draft EIR.

In response to this comment, the following modification shall be made on page 4.7 of the Draft EIR.

*"Adjacent Land -- South*

~~Impact 4.1-2 — To the south, the configuration of the Project may isolate a 200 foot wide strip of land between the Project and the railroad line. Considering the intent of the UMP for well planned development, the absence of this portion of land from the Project is considered a significant land use impact.~~

A Southern Pacific Railroad line lies directly south or in close proximity to the Project's southern boundary. A portion of the Project's southern boundary, however, lies adjacent to a 200-foot wide strip of land separating the Project's southern boundary from the railroad line. *This land, however, is part of the railroad corridor.*

~~As envisioned, Project implementation excludes consideration of the future use of this strip of land. For planning purposes, the exclusion of this strip of land may inhibit the Project's ability to acquire railroad access through the southern portion of the Project. Also, exclusion of this land may prevent the consideration of Project specific improvements or requirements that may be desirable adjacent to the railroad line. In addition, the exclusion of this narrow strip from the Project may result in this land becoming unusable for future urban development. Considering the intent of the UMP~~

~~for well planned developments (Land Use Policy 4.2), the exclusion of this 200 foot wide property from the Project represents a significant land use impact."~~

Correspondingly, the following modification shall be made to page 4.9 of the Draft EIR.

"PROJECT SPECIFIC MITIGATION MEASURES

**M 4.1-1** For the portion of the Project site proposed for commercial land uses, the City shall amend the UMP Land Use Designation from Industrial to Commercial concurrent with the consideration of the Concept Development Plan application. (Mitigating Impact 4.4-1).

~~**M 4.1-2** Prior to approval by the City, the applicant shall agree to amend the Project's southern boundary to include the 200 foot wide strip of land described in the above analysis (Mitigating Impact 4.1-2)."~~

**RESPONSE TO LETTER 4, COMMENT 2 (IMPACT 4.4-1, MITIGATION MEASURE M. 4.4-1 AND M. 4.4-2)**

In response to the comments concerning the San Joaquin Kit fox (Impact 4.4-1, Mitigation Measure 4.4-1 and 4.4-2), the following modifications shall be made to pages 4.31 and 4.32 of the Draft EIR.

*"San Joaquin kit fox*

~~**Impact 4.4-1** The possibility exists that kit fox could enter the site during construction and risk injury or take. This is considered a significant impact.~~

As described in the UMP EIR, denning and foraging habitat for the San Joaquin kit fox occurs primarily in the moderately hilly grassland areas in the southeastern portion of the TPA. Kit fox populations have suffered substantial declines over the last 50 years primarily as a result of conversion of native valley floor habitats to agricultural and urban uses. Other factors contributing to kit fox population declines include secondary pesticide poisoning and competition for food and cover resources. The recent proliferation of the non-native red fox has placed significant competitive pressure on kit fox populations and is considered a factor in population declines.

Kit foxes and other large mammals typically establish home ranges in the best available habitat. A home range is considered an area traversed by the individual in its normal activities of food gathering, mating and caring for young. Areas outside the home range are occasionally explored, and if good hunting areas are discovered, the home range may shift to incorporate these new areas. If the new area is already occupied by a competitor, few prey are found, or the habitat is not appropriate, the animal typically returns to the established home range.

Several extensive recent surveys in the south and west Tracy areas have been unable to detect the kit fox east of the Delta-Mendota Canal. However in 1991, there was a reported finding of a kit fox track in South Tracy and two reported sightings (unverified) at the Tracy Airport.

Considering *that* the habitat on the Project site is at best marginal, kit foxes occasionally move outside their typical home range, and that extensive recent surveys in the area did not detect kit foxes or their presence on or immediately adjacent to the site, the loss of habitat within the Project site should not be considered as a "take" under the definitions of the Endangered Species Acts (Federal and State). Correspondingly the loss of these habitats would constitute a less-than-significant effect as defined by CEQA, and ~~should~~ require no *further* kit-fox specific mitigation.

*As to the possibility that the project site may be occasionally used as a travel route and temporary denning site for the SJKF when traveling from one point in its home range to another, as explained in detail in the Biological Report, several factors join to discourage such a theory. One is the land use in the surrounding area. A SJKF traveling to and through the project site from habitat sites west of Tracy would have to pass through the entire residential/commercial region of the City before reaching this area.*

*Travel through the site from north to south would entail the crossing of several movement barriers, including the heavily traveled I-205 corridor. Conversely, travel to the site from the southwest would entail the crossing of both I-5 and Business I-205 with intervening crop land maintained in a "clean farming" state.*

*One final point which should be considered in this evaluation is the geographic position of the project site. As already mentioned in the environmental setting section, it is located just outside of the current range of the SJKF as defined by the USFWS's 1990 range map for this subspecies. A more detailed picture of this situation is seen in a range map by Bell, 1994, for the area west of Tracy in which all SJKF sightings for the past three decades are plotted (Figure 2). This shows that the project site is over three miles east and north of the most easterly sightings of this endangered species. To date a home range study of the SJKF in the northern extent of its range has not been done. However, if we apply the finding that the average home range for the SJKF is 1.7 square miles as defined in Kern County to this area (Zoellick, et al, 1987), the implication would be that even if there presently were kit foxes at these eastern sighting points, their annual home range wanderings would not take them onto or even near the project site.*

*All of these findings strongly support the conclusion that the San Joaquin kit fox does not utilize the project site, either as a foraging/denning area or a movement corridor. Therefore, the proposed change in land use on these parcels from agriculture to industrial park should have a less-than-significant impact to the San Joaquin kit fox.*



~~However, there is a remote possibility that a kit fox, while moving outside of its home range, could enter the site during construction and risk injury or death. This is considered a significant impact on the San Joaquin kit fox."~~

In association with the changes to Impact 4.4-1, the following modifications shall be made to page 4.33 and 4.34 of the Draft EIR.

"PROJECT SPECIFIC MITIGATION MEASURES

~~M 4.4.1 — The Tracy Community Development Department shall authorize a kit fox pre construction survey prior to the issuance of grading permits. The survey shall be paid by the Project applicant and involve walking the site at approximately 30 100 foot wide increments searching for potential kit fox den sites. A qualified biologist shall conduct the site survey. If kit fox den sites are discovered, the City shall contact the US Fish and Wildlife Service in consideration of UMP EIR mitigation measures for kit fox (Mitigating Impact 4.4 1).~~

~~M 4.4.2 — The Project applicant shall make a good faith attempt to implement the following construction practices to minimize the potential for injury or death of a kit fox during construction (Mitigating Impact 4.4 1).~~

- ~~◇ Limit construction vehicle speeds to 15 mph.~~
- ~~◇ Provide covers or include ramps for all Project related excavated steep walled holes or trenches at the end of each day.~~
- ~~◇ Cover the ends of Project related stored pipes at the end of each work day.~~
- ~~◇ Remove all Project related food waste at the end of each work day."~~

These two mitigation measures have been used for Projects located to the south and southwest of the City of Tracy. As noted in the Biological Report, however, the Project site is physically separated from Kit fox habitat by several barriers, including the urbanized City of Tracy. Although these mitigation measures have been used in the past, they do not apply to the Northeast Industrial Project site.

RESPONSE TO LETTER 4, COMMENT 3 (M 4.4-1, PAGE 4.34)

Please see Response to Letter 4, Comment 2.

RESPONSE TO LETTER 4, COMMENT 4 (M 4.4-2, PAGE 4.34)

Please see Response to Letter 4, Comment 2.

**RESPONSE TO LETTER 4, COMMENT 5 (M 4.4-3, PAGE 4.34)**

In response to the comments involving the Swainson's hawk, the following modifications shall be made on page 4.34 of the Draft EIR.

**"M. 4.4-3** Prior to approval of a *each* Final Map, the Project applicant will either provide *an appropriate* mitigation fee, ~~appropriate and consistent with the I-205 Specific Plan~~ develop a Habitat Management Plan for the Swainson's hawk in consultation with the CDFG, or enter a county-wide HCP if available. (Mitigating Impact 4.4-2)."

**RESPONSE TO LETTER 4, COMMENT 6 (M 4.4-4, PAGE 4.34)**

In response to the comments involving the Burrowing owl, the following modifications shall be made on page 4.34 of the Draft EIR.

**"M. 4.4-4** The Tracy Community Development Department shall authorize a Burrowing Owls pre-construction survey prior to the issuance of *each* grading permits. The survey shall be paid by the Project applicant and conducted by a qualified ornithologist. If no owls are located during these surveys, no additional action is warranted. However, if breeding owls are located on or adjacent to the site, then an ornithologist shall determine the extent of a construction buffer zone around the active nesting Burrowing Owl. No construction activities shall proceed which would disturb breeding owls. The CDFG shall also be immediately contacted to determine if any additional mitigation measures are necessary (Mitigating Impact 4.4-3)."

**RESPONSE TO LETTER 4, COMMENT 7 (M 4.6-1, PAGE 4.45)**

With respect to comment concerning M 4.6-1, the following modifications shall be made to page 4.45 of the Draft EIR.

**"M 4.6-1** Subject to review and approval by the Public Works Department, a comprehensive plan to prevent erosion, siltation, and contamination of storm water during construction shall be required for the Project prior to Final Map approval. Such a plan must be prepared and implemented in accordance with permit conditions and requirements of the State Water Resources Control Board. At a minimum, this plan shall include the following (Mitigating Impact 4.6-2):

- ◇ phasing of construction to ~~target~~ *ensure that* grading operations ~~are targeted~~ for the dry months of the year as directed by the City;
- ◇ methods to reduce erosion in the event of a storm during construction such as the use of sediment traps, barriers, covers, or other methods approved by the City; and,

- ◇ a description of temporary mulching, seeding, or other suitable erosion stabilization measures approved by the City to protect exposed areas during construction activities.”

**RESPONSE TO LETTER 4, COMMENT 8 (M 4.6-2, PAGE 4.45)**

With respect to comment concerning M 4.6-2, the following modifications shall be made to page 4.45 of the Draft EIR.

“M 4.6-2 Prior to recordation of *each* Final Maps, the applicant shall coordinate with the City for review and approval a plan to provide regular cleaning of streets and parking lots (where applicable) to limit the accumulation of “first flush” contaminants during construction (Mitigating Impact 4.6-2).”

**RESPONSE TO LETTER 4, COMMENT 9 (FUTURE CONDITIONS, PAGE 4.53)**

This comment concerns the traffic effects of the Mountain House and Gold Rush City Projects. Traffic generated at Mountain House and Gold Rush City does impact traffic conditions around the Project site, and these impacts are included in the EIR cumulative analysis. The EIR, however, is not responsible for assessing the individual impacts of other projects. Therefore, while the Northeast Industrial Traffic Analysis identifies other project’s combined impacts, it does not isolate the impacts of each cumulative project. For information on their individual impacts, please consult the Mountain House and Gold Rush City EIR’s.

**RESPONSE TO LETTER 4, COMMENT 10 (TRIP GENERATION, PAGE 4.54)**

With respect to the comment involving trip generation, Figure 17 shows the project traffic and the project’s share of the total traffic volumes on roadways in the area. A detailed finance plan will be needed to evaluate the project’s fair contribution to the costs of the roadway improvements identified as mitigation measures. This finance plan will be prepared in coordination with the City of Lathrop because its development contributes to the need for the new Chrisman interchange. This analysis is currently under preparation.

**RESPONSE TO LETTER 4, COMMENT 11 (FIGURE 17, FOLLOWING PAGE 4.54)**

With respect to the comments concerning Figure 17, Eastbound I-205 will be congested during the p.m. peak in the year 2015. The level of service on the segment between MacArthur Drive and I-5 will be LOS F, both with and without the project. Until further widening of I-205 to eight lanes is in place, there is no reserve capacity on this segment to accommodate all the project traffic to and from I-5. As a result, eastbound project traffic is forced to use Grant Line Road, which triggers the need for improvements in this corridor.

The assignment of project traffic between both interchanges is correct. Traffic to and from the west will use the upgraded MacArthur interchange while traffic to and from the east will use the new Chrisman interchange and Grant Line Road. This result is expected given the congested conditions on the freeway and the fact that project trips will avoid backtracking.

**RESPONSE TO LETTER 4, COMMENT 12 (ROADWAY MASTER PLAN, PAGE 4.58)**

This comment involves the consistency with the Roadway Master Plan. While from the perspective of the City and Caltrans, there are a number of advantages to the Chrisman alignment, there may be advantages to the Paradise alignment as well. While the Roadway Master Plan sets a general location for the interchange between Yellow Freight and the Paradise overcrossing, further engineering studies will need to be conducted in order to establish the precise location and configuration of the interchange and the alignment of the access expressway. These studies will include interchange Concept Approval Report, Project Study Report, Project Report and Environmental Documents, as well as a Precise Plan Line Study for the interchange access expressway. If such studies determine that Paradise Road is a preferred alignment for the interchange, then the Roadway Master Plan will be amended accordingly. Until that time, Precise Development Plan applications for the Northeast Industrial area will require that access and rights-of-way be designated consistent with the existing Roadway Master Plan.

**RESPONSE TO LETTER 4, COMMENT 13 (ACCESS CONTROLS, PAGE 4.58)**

The location of the north/south expressway through the Plan area will depend on the location selected for the new I-205 interchange. The Roadway Master Plan sets a general location for the interchange between Yellow Freight and the Paradise overcrossing, but this position is subject to more precise interchange and access expressway design studies, including FHWA Concept Approval Report, Caltrans Project Study Report, Project Report and Environmental Document and a precise Plan Line Study. If such studies determine that Paradise Road is a preferred alignment for the interchange and expressway, then the Roadway Master Plan will be amended accordingly. Until that time, Precise Development Plan applications for the Northeast Industrial area will require that access and rights -of-way be designed consistent with the existing Roadway Master Plan. While these pose certain access restrictions on properties abutting the Chrisman and Grant Line alignments, aligning the north/south expressway along Paradise would impact a larger amount of fronting property footage, simple because the Paradise alignment is longer than the Chrisman alignment.

The access restrictions imposed by the expressway are not as severe as they may seem. A revised Figure 21 (contained in Section 3.0 of this document) depicts existing property lines in the Plan area, showing all parcels with the exception of about ten small single-family lots. The figure also shows the locations at which major signalized access points will be permitted along the expressways (Chrisman and Grant Line) and the expressway segments along which access control (limiting traffic to right-turns only) will be applied. According to the Roadway Master Plan, property access along Paradise and Pescadero will be collectors or industrial streets with driveway spacing of 250 of 400 feet (RMP Conceptual Design Standards, Table IV-1). Consequently, the proposed expressway alignments and access control standards provide at least one multi-directional exclusive or shared access point for each major property on its abutting expressway, arterial or collector. It provides similar accessibility for all but two of

the single family lots (#20 and #25 on Concept Development Plan page 3). These two properties would be limited to right-turn-in, right-turn-out traffic movements.

If the expressway were shifted to Paradise instead of Chrisman, additional properties would lose direct left-turn access, including #24 and #31 and the commercial land use site at the southwest corner of the Grant Line/ Paradise intersection shown on page 12 of the Concept Development Plan.

As large properties are sub-divided, the permitted access spacing is generally sufficient to allow a shared access point. This would be true as long as each at least as large as the industrial and warehouse proto-types shown on pages 28 and 34 of the Concept Development Plan. Properties smaller than the proto-types would not have individual multi-directional access directly on the expressway, but would be served by the secondary arterial/ collector street system, including Pescadero Avenue and the Paradise Road. The commercial proto-type shown on page 31 of the Concept Development Plan would be difficult to accommodate with multi-directional driveways if it were located at the intersection of two expressways such as Grant Line/Chrisman, or Grant Line/Paradise.

However, specific access issues will be evaluated, within the framework of the constraints shown on the revised Figure 21, when individual parcels submit tentative site plans.

**RESPONSE TO LETTER 4, COMMENT 14 (TABLE 12, PAGE 4.59)**

With respect to the comment involving Table 12, the 6-lane arterial (Paradise Road) proposed in the Concept Development Plan has the same intended function as the 6-lane expressway on Chrisman Road recommended in the EIR. However, the right-of-way proposed by the applicant for a six-lane facility (110') is not sufficient. Because these facilities require 72 feet of travel lanes, 16 feet of median, and 16 feet of service lanes, a 110 foot right-of-way would leave only three feet on each side for sidewalk and landscaping, which is unacceptable. As specified in the Roadway Master Plan, the right-of-way required for a six-lane arterial is 134 feet, while the right-of-way required for a six-lane expressway is 140 feet. The 110-foot right-of-way proposed by the applicant would be suited for a 4-lane major arterial.

**RESPONSE TO LETTER 4, COMMENT 15 (IMPACT 4.7-2, PAGE 4.59)**

With respect to the comment involving Impact 4.7-2, the applicant proposal of a 6-lane arterial on 110 feet of right-of-way along the Paradise alignment is not acceptable and not compatible with the requirements of the RMP. Consequently, Impact 4.7-2 is not modified.

Please see Response to Letter 4, Comment 14.

**RESPONSE TO LETTER 4, COMMENT 16 (IMPACT 4.7-5, PAGE 4.60)**

This comment involves Impact 4.7-5 of the Draft EIR. As noted in this comment, the predicted unacceptable LOS at the expanded MacArthur interchange is a cumulative impact, not a Project-specific impact. As such, the costs associated with implementing Mitigation Measure M 4.7-4

should be shared by cumulative development, including the Northeast Industrial Plan and other future development projects in Tracy, Lathrop, and San Joaquin County. In response to this comment, the following modifications shall be made to page 4.60 of the Draft EIR.

“Impact 4.7-5 Even with the Mitigation 4.7-2, the signalized intersections within the MacArthur interchange will not provide sufficient capacity to accommodate the full Project traffic impacts. This is considered a significant *cumulative* impact.”

**RESPONSE TO LETTER 4, COMMENT 17 (PAGE 4.62)**

With one exception, the comment correctly states circumstances under which Project mitigation measures may be modified. The exception is that independent of the outcome of the Plan C Finance Plan and excess ECU transfer studies, right-of-way dedications and reservations will be required as specified in the Roadway Master Plan. Right-of-way reservations will be required at the Chrisman/I-205 interchange and dedications will be required for the expressway and arterial alignments. The City will develop a finance plan for the purpose of reimbursing or crediting property owners for dedications and reservations beyond the 35-foot permanent dedication required along each side of expressways and arterials.

**RESPONSE TO LETTER 4, COMMENT 18 (M 4.7-1, PAGE 4.62)**

This comment presents a reasonable statement of the mitigation measure and the methods through which it will be implemented, providing that the third and fourth bullets from the DEIR Mitigation M4.1-1 are retained and providing that ultimate right-of-way set asides along expressways and arterials satisfy the needs generated by cumulative development as well as project-specific needs, and with the following amendments to the proposed language. In response to this comment, the following modifications shall be made to page 4.62 of the Draft EIR.

**“CONSISTENCY WITH ROADWAY MASTER PLAN**

**M 4.7-1** *Prior to the approval of the first Site Plan, Parcel or Tentative Map for the Northeast Industrial Project site, ~~Concept Development Plan~~ the applicant(s) will be required to demonstrate compliance with the approved Roadway Master Plan, or to provide an alternative plan to provide facilities acceptable to the City, resulting in an amendment to the Roadway Master Plan. Prior to approval of each Site Plan, Parcel or Tentative Map, the City shall review the Project application to ensure that existing and/or proposed facilities are adequate to meet project traffic capacity demands and are consistent with the RMP or and alternative acceptable to the City. If this alternate plan deviates significantly from the Master Plan, the applicant shall be responsible for the cost of the additional analysis and the cost of additional infrastructure construction ~~should be modified as illustrated in Figure 24~~ (Mitigating Impact 4.7-1, -2, -3).*

As defined in the City of Tracy Roadway Master Plan ~~and the UMP Finance Plan (pending)~~, developers of *and the City Finance Plan*, each applicant within the Northeast Industrial area will be responsible for accomplishing all of the following through such mechanisms as cash payment, build, and dedicate or finance district:

- ◇ Right-of-way dedication and construction relating to fronting property owner responsibilities (including curb lanes, bike lanes, curb, sidewalk and landscape buffers) along major arterials and expressways (Grant Line and Chrisman), and
- ◇ *Participating in any applicable City-wide or area program, or establishing the appropriate funding toward the Contributions to a finance plan to fund construction of arterial and expressway general-use lanes and medians, freeway interchanges, and major rail and canal crossing structures prior to the recordation of the corresponding Final Map*, and
- ◇ Right-of-way dedication and construction of all needed minor arterials, collectors and industrial streets within the Plan.
- ◇ Future roadway alignments shall recognize existing property lines, structures, and other physical features (such as dairy operations) so as to preserve their continued uses (unless otherwise provided for)."

#### RESPONSE TO LETTER 4, COMMENT 19 (M 4.7-2, -3, PAGE 4.62)

The implementation dates for these mitigations will depend on the relative development rates in the Northeast Industrial Plan, Gold Rush City and other major area projects. In response to this comment, the following modifications shall be made to page 4.62 of the Draft EIR.

#### "INTERCHANGE MITIGATION

- M 4.7-2**      Contribute, along with other cumulative development, to the following modifications to the interchange: 1) extension of the eastbound on-ramp by a length sufficient to allow trucks safe merge speeds relative to mainline traffic (estimated by Caltrans to be roughly 1000 feet), and 2) construct a loop on-ramp in the northeast quadrant of the interchange to lengthen the ramp and reduce its slope *The City will monitor area development rates and traffic growth and LOS along MacArthur and the I-205 interchange, and will begin engineering and project development studies for the improvements with sufficient lead time to allow construction before the onset of LOS E conditions* (Mitigating Impact 4.7-4).

**M 4.7-3** Widen MacArthur from Pescadero Avenue through the interchange as illustrated in Figure 20. *The City will monitor area development rates and traffic growth and LOS along MacArthur and the I-205 interchange, and will begin engineering and project development studies for the improvements with sufficient lead time to allow construction before the onset of LOS E conditions (Mitigating Impact 4.7-5).*”

**RESPONSE TO LETTER 4, COMMENT 20 (M 4.7-4, PAGE 4.62)**

The Roadway Master Plan sets a general location for the interchange between Yellow Freight and the Paradise overcrossing, but this position is subject to more precise interchange and access expressway design studies, including FHWA Concept Approval Report, Caltrans Project Study Report, Project Report and Environmental Document, and a precise Plan Line Study. If such studies determine that Paradise Road is a preferred alignment for the interchange and expressway, then the Roadway Master Plan will be amended accordingly. Until that time, Precise Development Plan applications for the Northeast Industrial area will require that access and rights-of-way be designed consistent with the existing Roadway Master Plan.

In other respects, The comment presents a reasonable statement of the role that the City may take in mitigation measure implementation, such as setting up interchange funding plans, preparation of Caltrans Project Development studies, and administering the construction project.

**RESPONSE TO LETTER 4, COMMENT 21 (M 4.7-6, PAGE 4.63)**

In response to this comment, the project will be responsible for participating, on a fair share basis, in any applicable City-wide or multi-jurisdictional funding program leading to plan lining, right-of-way preservation, engineering and construction of the North Tracy Expressway. The precise nature of this arrangement and the potential role of Northeast Industrial project will be determined through future inter-jurisdictional discussions and will ultimately be reflected in a Tracy City-wide roadway finance plan.

**RESPONSE TO LETTER 4, COMMENT 22 (M 4.8-3, -4, PAGE 4.74)**

With respect to the comments concerning M 4.8-3 and M 4.8-4, the following modifications shall be made to page 4.74 of the Draft EIR.

“**M 4.8-3** Prior to approval of ~~each~~ the Final Map, ~~each~~ the applicant shall coordinate with the SJVUAPCD and demonstrate to the City the incorporation of UMP EIR air quality mitigation measures and others that may be applicable into the design of the Project (Mitigating Impact 4.8-1 -2).



- M 4.8-4** Prior to approval of ~~each~~ the Final Map, ~~each~~ the applicant shall coordinate with the SJVUAPCD and demonstrate to the City the incorporation of UMP EIR methods and others to be applicable to reduce dust emissions during construction (Mitigating Impact 4.8-3)."

Comment noted regarding the request for excluding the requirement for coordination with the SJVUAPCD. However, this requirement is not changed. The UMP contains several goals, policies, and action items specifically addressing coordination of air quality improvements with other agencies. This requirement promotes interagency coordination and utilizes the air quality expertise of the SJVUAPCD prior to approval of each Final Map.

**RESPONSE TO LETTER 4, COMMENT 23 (M 4.9-1, PAGE 4.82)**

With respect to this comment, the following modifications shall be made to page 4.82 of the Draft EIR.

**"PROJECT SPECIFIC MITIGATION MEASURES**

*Compatibility of Proposed Industrial and Commercial Land Uses with Future Noise Levels*

- M 4.9-1** Since the noise sensitivity of the industrial use is presently unknown, the City, with the help of an acoustical consultant, could evaluate the acceptability of the noise environment once the type of use is specified. If it is determined that a facilitates of 75 dB should be met, then a 12-foot sound wall should be constructed along the northern property line *adjacent to I-205*. If this is not feasible, then a building facade setback of 464 feet from the I-205 roadway centerline could be considered as shown in Table 21. (Mitigation Impact 4.9-1).

Although sound-rated windows will not improve the exterior noise environment, sound-rated windows may be recommended to improve the interior work environment for facilities located along the freeway corridor."

**RESPONSE TO LETTER 4, COMMENT 24 (M 4.9-3, PAGE 4.84)**

This comment involves the noise mitigation for the existing residential homes along Grant Line Road. In terms of only mitigating noise impacts to the extent that the proposed development exacerbates the existing problem, a six-foot high noise barrier is the minimum type of noise barrier that will reduce the noise generated from the Project at the residential property line. No changes are made in response to this comment.

**RESPONSE TO LETTER 4, COMMENT 25 (PAGE 4.95)**

Comment noted.

**RESPONSE TO LETTER 4, COMMENT 26 (PAGE 4.98)**

Comment noted. The correct number should read 18,094,000.

**RESPONSE TO LETTER 4, COMMENT 27 (M 4.11-1, PAGE 4.103)**

This comment concerns the language of mitigation measures M 4.11-1 through 4.11-7. As highlighted in this particular comment, the Northeast Industrial planning area is controlled by several different land owners. During the build-out period, many different tentative maps, final maps, building permits, and grading permits will be individually issued at different times. To reflect this scenario, mitigation measures M 4.11-1 through 4.11-7 shall be modified as described below.

“Prior to approval of *each* ~~the first~~ Site Plan, Parcel . . . “

**RESPONSE TO LETTER 4, COMMENT 28 (M 4.11-4, PAGE 4.104)**

Comment noted, please see Response to Letter 4, Comment 27.

**RESPONSE TO LETTER 4, COMMENT 29 (M 4.11-5, PAGE 4.105)**

Comment noted, please see Response to Letter 4, Comment 27.

**RESPONSE TO LETTER 4, COMMENT 30 (M 4.11-7, PAGE 4.106)**

Comment noted, please see Response to Letter 4, Comment 27.

**RESPONSE TO LETTER 4, COMMENT 31 (UMP EIR M. 19.1, PAGE 4.113)**

It is noted that the Building Setback standards in the Northeast Industrial Design Guidelines are slightly different from the UMP EIR M 19.1.

**RESPONSE TO LETTER 4, COMMENT 32 (M 4.12-1, PAGE 4.113)**

Comment noted. However, no changes are made in response to this comment.

Please note that Section 3.0 of this document lists all the text changes, corrections, and additions that were made to the Northeast Industrial Concept Development Plan Draft EIR. These modifications resulted primarily in response to comments received during the Draft EIR public review period; some modifications, however, have been made to clarify particular issues associated with the Project.

# MEMO

## CITY OF TRACY PUBLIC WORKS DEPARTMENT

---

**To:** Bob Conant, Senior Planner  
**From:** Nanda Gottiparthi, Associate Engineer *mg*  
**Subject:** EIR for the Northeast Industrial Concept Development Plan  
**Date:** April 15, 1996

The following are our comments on the draft EIR for the subject property:

1. Executive Summary

- \* Please verify and correct reference to Figure 22 in mitigation measures M4.7-3 and M4.7-5.
- \* Mitigation measures M4.11-2, M4.11-4 and M4.11-5 allow alternate plans to be proposed by applicants for water, wastewater and storm drainage infrastructure. If these alternate plans vary significantly from the master plans for the respective utilities, the applicant(s) shall be responsible for analyses required to determine the adequacy of the proposals. In addition, the applicant(s) will be responsible for any additional costs of construction required because of the proposed alternate plans.

2. Section 4.7

Typically the minor arterial streets (e.g. in City's Residential Specific Plan) have medians and the central portion of streets are built or paid for by the fees collected from the development fees collected throughout the specific plan or program area. Please discuss the intent for minor arterials being included in the responsibility of fronting property owner(s), and justification for Nexus.

3. Technical Appendices

- \* Please include street cross-sections for expressways and minor arterials.
- \* Introduction of 16' landscaped median for industrial streets will substantially increase costs for the property owners, and will result in high cost of maintenance for the City.

cc: Kuldeep Sharma

04-0411.96d

**RESPONSE TO LETTER 5**

**NANDA GOTTIPARTHY**

**TRACY PUBLIC WORKS**

**APRIL 15, 1996**

**RESPONSE TO LETTER 5, COMMENT 1 (EXECUTIVE SUMMARY)**

Comment noted. In response to this comment, the following modifications shall be made to the Executive Summary (Although these references were incorrectly stated in the executive summary, the references are correct in the Traffic Section of the Draft EIR).

For M 4.7-3, please see figure ~~22~~ 20. For M 4.7-5, please see figures ~~21 and 22~~ 19 and 20.

Regarding the comments concerning M 4.11-2, the following modification shall be made to page 4.103 of the Draft EIR.

*"Additional Mitigation Measures Required*

- M 4.11-2** Prior to the approval of the first Site Plan, Parcel and or Tentative Map for the Northeast Industrial project area, the applicant(s) will be required to demonstrate compliance with the approved Water Master Plan or to provide an alternative plan to provide facilities acceptable to the City. *If this alternate plan deviates significantly from the Master Plan, the applicant shall be responsible for the cost of the additional analysis and the cost of additional infrastructure construction.* Prior to the approval of each Site Plan, Parcel and Tentative Map, the City shall review the Project application to ensure that existing and/or proposed facilities are adequate to meet project service demands, and are consistent with the City's Master Plan or an alternative acceptable to the City. In order to provide adequate facilities to serve individual developments within the Project area, each applicant shall participate in any applicable City-wide or area program, or establish the appropriate funding toward these facilities prior to the recordation of the corresponding Final Map (Mitigating Impact 4.11-4)."

Regarding the comments concerning 4.11-4, the following modification shall be made to page 4.104 of the Draft EIR.

*"Additional Mitigation Measures Required*

- M 4.11-4** Prior to the approval of the first Site Plan, Parcel and or Tentative Map for the Northeast Industrial project area, the applicant(s) will be required to demonstrate compliance with the approved Wastewater Master Plan or to provide an alternative plan to provide facilities acceptable to the City. *If this alternate plan deviates significantly from the Master Plan, the*

*applicant shall be responsible for the cost of the additional analysis and the cost of additional infrastructure construction.* Prior to the approval of each Site Plan, Parcel and Tentative Map, the City shall review the Project application to ensure that existing and/or proposed facilities are adequate to meet project service demands, and are consistent with the City's Master Plan or an alternative acceptable to the City. In order to provide adequate facilities to serve individual developments within the Project area, each applicant shall participate in any applicable City-wide or area program, or establish the appropriate funding toward these facilities prior to the recordation of the corresponding Final Map (Mitigating Impact 4.11-5)."

Regarding the comments concerning 4.11-5, the following modification shall be made to page 4.105 of the Draft EIR.

*"Additional Mitigation Measures Required*

**M 4.11-5** Prior to the approval of the first Site Plan, Parcel and or Tentative Map for the Northeast Industrial project area, the applicant(s) will be required to demonstrate compliance with the approved Storm Drainage Master Plan or to provide an alternative plan to provide facilities acceptable to the City. *If this alternate plan deviates significantly from the Master Plan, the applicant shall be responsible for the cost of the additional analysis and the cost of additional infrastructure construction.* Prior to the approval of each Site Plan, Parcel and Tentative Map, the City shall review the Project application to ensure that existing and/or proposed facilities are adequate to meet project service demands, and are consistent with the City's Master Plan or an alternative acceptable to the City. In order to provide adequate facilities to serve individual developments within the Project area, each applicant shall participate in any applicable City-wide or area program, or establish the appropriate funding toward these facilities prior to the recordation of the corresponding Final Map (Mitigating Impact 4.11-6 and 7)."

**RESPONSE TO LETTER 5, COMMENT 2 (SECTION 4.7)**

With respect to this comment, there are no streets classified as minor arterials within the Northeast Industrial site. Nevertheless, for all 4-lane and 6-lane streets (expressways, major and minor arterials, major collectors and major industrial streets) a finance mechanism will be set up such that property owners be reimbursed for all costs incurred in building the median and the third, fourth, fifth and sixth travel lanes (beyond the two curb lanes, which are a frontage responsibility).

**RESPONSE TO LETTER 5, COMMENT 3 (TECHNICAL APPENDICES)**

With respect to the cross sections of expressways, arterials, and collectors, they are included in the technical appendix of this final EIR, as they appear in the Conceptual Design Standards for the RMP.

With respect to the comment involving the landscaped median on the industrial streets, the median on Paradise Road and its extension toward MacArthur Drive should be eliminated. As shown on the revised Figure 21, the right-of-way for this facility was reduced to 68 feet, which makes it consistent with the industrial street standard of the RMP, and reduces construction and maintenance costs. The cross-section for industrial streets is presented in the technical appendix.

Please note that Section 3.0 of this document lists all the text changes, corrections, and additions that were made to the Northeast Industrial Concept Development Plan Draft EIR. These modifications resulted primarily in response to comments received during the Draft EIR public review period; some modifications, however, have been made to clarify particular issues associated with the Project.

**DEPARTMENT OF TRANSPORTATION**

P.O. BOX 2048 (1976 E. CHARTER WAY)  
STOCKTON, CA 95201  
TDD 209-948-7773  
209-948-7906



April 12, 1996

10-SJ-I-205  
City of Tracy  
DEIR  
SCH #95101050

Ms. Dana Lidster  
State Clearinghouse  
1400 Tenth Street  
Sacramento, CA 95814

Dear Ms. Lidster:

We appreciate the opportunity to review and comment on the Draft Environmental Impact Report for the Northeast Industrial Concept Development Plan. The project area is located along the northeast boundary of the City of Tracy.

Transportation Planning has circulated the DEIR through our normal interdepartmental review process. Following are comments provided by our Traffic, Engineering and Planning Departments:

SECTION 4.7, TRANSPORTATION AND CIRCULATION, Page 4.47

MITIGATION MEASURES, Page 4.61 - Caltrans feels that the following Mitigation Measures should be considered:

- I-205 Widening to 6 lanes is assumed. However, cumulative traffic volumes which this project contributes to identifies the need for widening to 8 lanes. As a mitigation measure this project needs to contribute it's fair share based on traffic loadings to the future widening of I-205 to 8 lanes and future improvements to I-5 in the Mossdale Y area to 12 lanes.
- Eastbound off-ramp to MacArthur Drive needs to be widened for project traffic
- Westbound on-loop to be constructed for project traffic will require a long acceleration lane for trucks.
- Widen northbound MacArthur Drive for three through and a free right into the eastbound on-ramp. Extend the on-ramp auxiliary lane for truck merging.
- The Traffic Study assumes Chrisman Road would be connected across the SPRR after 2015. The traffic volumes at the ramps will be higher than shown in the DEIR when this connection is made. Right of Way needs to be preserved for a grade separation at the railroad.

- Grant Line Road shows widening for a dual left at 11th Street. 11th Street shows widening to 6 lanes. This is an alternative route to I-5 north for project traffic and ramp improvements will be needed at I-5 for PM peak hour traffic as shown. Specific mitigation measures and funding responsibilities for the impact at the I-5 interchange needs to be included.

General Comments:

- Figure 14, Clarification of traffic is needed. The legend should show west/east traffic. Separate ramp volumes need to be identified, i.e., MacArthur, 1020 off, 910 on I-205. Eastbound freeway 7230 not 9230 as shown. Level of Service is "F" with a 6 lane freeway.

- Figure 17, Clarification of traffic is needed. The legend should show west/east traffic and separate ramp volumes. A chart of freeway related traffic would be useful. At MacArthur Drive 410 east off-ramp and 10 east on-ramp. (Why only 10?) 60 trips west on the off-ramp and 490 west on-ramp to I-205. At Chrisman expressway 230 east off ramp and 350 east on-ramp. 410 west on-ramp and 50 west off-ramp.

- Figure 18, The traffic turn movement volumes should be in the Appendix. Are there Chrisman/Pescadero and Chrisman/Grant Line Road intersection diagrams?

Page 4.51, Existing Paradise Road should be retained for local access and moving farm equipment.

- Page 4.57, Widening the freeway off-ramp for a free right turn lane and widening MacArthur Drive should be identified as mitigation.

- The DEIR discusses the level of service on eastbound I-205. The level of service "F" problem may necessitate ramp metering and future construction of the east/west parallel expressway connecting to Lathrop. This parallel facility is of key significance given traffic demand in the I-205 corridor and steps are needed now to preserve it and identify financing mechanisms for its future construction.

- The study shows Grant line Road as a parallel reliever to I-205. Widening through the development and east to 11th Street is assumed. Is there funding for this arterial widening?

As discussed in both EIR's for Gold Rush City and the Northeast Industrial Concept Development Plan a proposed interchange at Chrisman Road and I-205 is identified. This will require concept approval by FHWA in Sacramento, San Francisco and Washington D.C. Caltrans conceptual approvals and modification of the existing freeway agreement to include this interchange by the California Transportation Commission will also be needed. Until these approvals are received this interchange proposal has no formal standing. If this new interchange proposal moves forward it will require right-of-way preservation, appropriate connection to the proposed Chrisman Expressway and coordination with San Joaquin County and the City of Lathrop. This coordination includes agreement on the interchange location, traffic projections and traffic loadings by project, right-of-way requirements, financing program and how to jointly proceed with the formal state and federal approval process. With this interchange identified to handle traffic from the Northeast Industrial Concept Development right-of-way provisions must be made for the interchange, project mitigation responsibilities identified and the steps needed to gain state and federal approval and determine project details (PSR, CAR etc.) need to be added as mitigation measures.



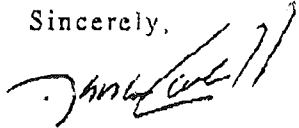
"Fair share" funding participation by the City of Tracy based on project traffic loadings on I-205 needs to be specifically referenced as mitigation responsibilities of the development in the EIR. This includes widening I-205 from 6 to 8 lanes. For this purpose, the EIR needs to specially identify the impacts of this development to the State Highway System with statements added based on the percentage or its projected volumes of traffic, of its potential contribution to future traffic loadings on the system.

The EIR needs to include discussion of TMA's and TDM strategies that identify goals and programs that would reduce automobile travel generated by development. Other modes of travel need to be identified and tangible mitigation and implementation programs established, including financing and phased service availability relative to project build-out, such as the provision of a bus system, as well as carpooling, vanpooling and trip reduction measures.

Caltrans would like to formally request that Lathrop and Tracy as well as representatives from Caltrans, San Joaquin County and San Joaquin Council of Governments meet to discuss a funding plan for future mainline improvements on I-205 and the location and preliminary planning and approvals necessary for the proposed Chrisman Road/I-205 interchange. Caltrans will be following up next week to schedule that meeting.

If you have any questions regarding the above comments, please contact Chris Sayre at (209) 948-7142

Sincerely,



DANA COWELL  
Chief, Transportation  
Planning Branch "B"

cc: Pam Carder/Lathrop  
Bob Conant/ City of Tracy  
Bart Meays/SJCOG

**RESPONSE TO LETTER 6**

**DANA COWELL**

**DEPARTMENT OF TRANSPORTATION**

**APRIL 15, 1996**

**RESPONSE TO LETTER 6, COMMENT 1 (I-205)**

In response to the comment involving I-205, the EIR presents the following measures to off-set Project-specific impacts on I-205: 1) lengthening of on-ramps at the MacArthur interchange to improve mainline merge conditions, 2) construction of a new interchange at or near Chrisman Road with mainline auxiliary lanes as determined necessary in the interchange Concept Approval Report (CAR), Project Study Report (PSR) and Project Report (PR), and 3) full participation in the development of a North Tracy Expressway to relieve congestion on I-205. The expressway would remove more traffic from the freeway mainline than the proposed project would add. As part of the finance plan currently under development to support the Tracy Roadway Master Plan, the City would be willing to enter discussions with Caltrans on additional measures to mitigate mainline freeway impacts. Such cooperation would need to recognize the effectiveness of mitigations the City otherwise contributes to freeway impacts and involve the full and fair cooperation of all other jurisdictions affecting the freeway.

**RESPONSE TO LETTER 5, COMMENT 2 (WIDENING OF I-205 EASTBOUND OFF-RAMP AT MACARTHUR)**

With respect to the comment involving the addition of Northeast Industrial traffic, about 1,400 vehicles are expected to use the eastbound off-ramp at MacArthur Drive during the p.m. peak in the year 2015. This volume can be handled by a single-lane off-ramp and therefore no widening is required at the diverge point and on the ramp itself. However, a widening of this eastbound off-ramp will be necessary at its intersection with MacArthur Drive, as illustrated on Figure 20. The exact length of the added pockets will be determined in the Project Study Report required for the MacArthur interchange upgrade.

**RESPONSE TO LETTER 5, COMMENT 3 (ON-LOOP)**

Comment noted. This measure is included in Mitigation M 4.7-2 on page 4.62 of the Draft EIR.

**RESPONSE TO LETTER 5, COMMENT 4 (NORTHBOUND MACARTHUR WIDENING AND FREE RIGHT INTO EASTBOUND ON-RAMP)**

Comment noted. The widening of northbound MacArthur to three lanes and the addition of a free right turn lane into the eastbound on-ramp are already included in Mitigation 4.7-3 (page 4.62), which prescribes that the geometry illustrated on Figure 20 should be implemented at the MacArthur interchange. Also, the on-ramp auxiliary lane for truck merging is included in Mitigation M 4.7-2 of the Draft EIR (page 4.62).

**RESPONSE TO LETTER 5, COMMENT 5 (CHRISMAN EXPRESSWAY EXTENSION OVER SOUTHERN PACIFIC RAILROAD)**

The completion of the Chrisman expressway with a new crossing over the Southern Pacific railroad is part of the City of Tracy Roadway Master Plan. Because it will not be required by the year 2015, it was not included in the traffic analysis for Northeast Industrial. However, as illustrated on the revised Figure 21, adequate right-of-way (140 feet) was preserved along the Chrisman corridor through the project site to allow for that future connection. Right-of-way preservation on the portion of Chrisman Road south of SPRR will be made when these properties submit development proposals.

**RESPONSE TO LETTER 5, COMMENT 6 (ELEVENTH STREET/I-5 INTERCHANGE)**

The widening of the Eleventh Street eastbound on-ramp onto northbound I-5 should be added to the list of roadway improvements required by 2015. Because this improvement will be required even without the project, it should not be a project-only responsibility. This improvement should be funded on a fair share basis among all development projects that contribute to the need for the widening. A Concept Approval Report and Project Study Report should be prepared to analyze the impacts of the widening of the on-ramp on freeway operations on I-5.

**RESPONSE TO LETTER 5, COMMENT 7 (FIGURE 14)**

Comment noted. A modified figure is provided as requested (the Figure is contained in Section 3 of this document). Even without the project, the level of service on eastbound I-205 during the p.m. peak is LOS F.

**RESPONSE TO LETTER 5, COMMENT 8 (FIGURE 17)**

Comment noted. A modified figure is provided as requested (the Figure is contained in Section 3 of this document). Project traffic volumes are very low at the MacArthur ramps to and from the east. This is because, given the congestion on I-205, it is much shorter for eastbound Northeast Industrial traffic to use Grant Line Road and Pescadero Avenue toward Chrisman Road and the new I-205 interchange than to backtrack to the MacArthur interchange and use a congested segment of the freeway. As a result, all project traffic coming to and from the east will use the new Chrisman interchange and Grant Line Road toward I-5.

**RESPONSE TO LETTER 5, COMMENT 9 (FIGURE 18)**

With respect to Figure 18, the turning movement volumes at the study intersections were already provided to Caltrans as a separate document. The document, "Traffic Volumes for the Northeast Industrial Concept Development Plan" is available at the City of Tracy Department of Public Works. No detailed analysis could be performed to identify the exact lane geometry of the intersections located within the project site (Chrisman/Pescadero and Chrisman/Grant Line). The exact land use and driveway access points required to perform such an analysis will be available only when Northeast Industrial properties submit tentative site plans. In

addition, the final location of the new I-205 interchange is not agreed upon yet by all interested parties.

**RESPONSE TO LETTER 5, COMMENT 10 (PAGE 4.51)**

Comment noted. This objective will be given careful consideration when the location and configuration of the new Chrisman interchange are studied in the CAR, PSR, PR and environmental documents.

**RESPONSE TO LETTER 5, COMMENT 11 (PAGE 4.57)**

Comment noted. All improvements required at the MacArthur interchange are already included in Mitigation 4.7-3, which specifies that the geometry illustrated on Figure 20 should be implemented.

**RESPONSE TO LETTER 5, COMMENT 12 (EASTBOUND I-205)**

Comment noted. Please refer to Mitigation M 4.7-6, page 4.63 of the Draft EIR.

**RESPONSE TO LETTER 5, COMMENT 13 (FUNDING FOR GRANT LINE ROAD)**

With respect to this comment, funding required for the next twenty years will be defined in the finance plan for the Tracy Roadway Master Plan, currently in preparation.

**RESPONSE TO LETTER 5, COMMENT 14 (INTERCHANGE)**

Comment noted. This comment accurately describes the steps through which mitigation measure M 4.7-4 will be implemented.

**RESPONSE TO LETTER 5, COMMENT 15 (FAIR SHARE FUNDING)**

In response to this comment, the EIR presents the following measures to off-set Project-specific impacts on I-205: 1) lengthening of on-ramps at the MacArthur interchange to improve mainline merge conditions, 2) construction of a new interchange at or near Chrisman Road with mainline auxiliary lanes as determined necessary in the interchange Concept Approval Report, Project Study Report and Project Report, and 3) full participation in the development of a North Tracy Expressway to relieve congestion on I-205. The expressway would remove more traffic from the freeway mainline than the proposed project would add. As part of the finance plan currently under development to support the Tracy Roadway Master Plan, the City would be willing to enter discussions with Caltrans on additional measures to mitigate mainline freeway impacts. Such cooperation would need to recognize the effectiveness of mitigations the City otherwise contributes to freeway impacts and involve the full "fair share" cooperation of all other jurisdictions affecting the freeway.

**RESPONSE TO LETTER 5, COMMENT 16 (TMA AND TDM STRATEGIES)**

With respect to TMA and TDM strategies, Northeast Industrial employers will be encouraged to establish reasonable goals and strategies to reduce automobile travel generated by

development. These strategies might include but are not limited to: ridesharing and vanpooling, provision of transit services or employer shuttles, and other travel demand management programs such as reduced work week or staggered work hours. Major employers at Northeast Industrial will be encouraged to join Commute Connections, a ridesharing matching and vanpool service program operated by SJCOG.

**RESPONSE TO LETTER 5, COMMENT 17**

Comment noted.

Please note that Section 3.0 of this document lists all the text changes, corrections, and additions that were made to the Northeast Industrial Concept Development Plan Draft EIR. These modifications resulted primarily in response to comments received during the Draft EIR public review period; some modifications, however, have been made to clarify particular issues associated with the Project.



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## 3.0 CHANGES, CORRECTIONS, AND ADDITIONS TO THE DRAFT EIR

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## SECTION 3.0

## INTRODUCTION

This section lists all the text changes, corrections, and additions that were made to the Northeast Industrial Concept Development Plan Draft EIR. These modifications resulted primarily in response to comments received during the Draft EIR public review period; some modifications, however, have been made to clarify particular issues associated with the Project.

The ~~strikeout~~ indicates deleted text while *bold italic* corresponds to text subsequently modified for the Final EIR.

## CHANGES TO THE INTRODUCTION SECTION

No changes were made to this section.

## CHANGES TO THE PROJECT DESCRIPTION SECTION

No changes were made to this section.

## CHANGES TO THE ENVIRONMENTAL SETTING, IMPACTS, AND MITIGATION MEASURES SECTION

## LAND USE

The following modification shall be made on page 4.7 of the Draft EIR (Response to Letter 4, Comment 1).

*“Adjacent Land -- South*

~~Impact 4.1-2 To the south, the configuration of the Project may isolate a 200-foot wide strip of land between the Project and the railroad line. Considering the intent of the UMP for well planned development, the absence of this portion of land from the Project is considered a significant land use impact.~~

A Southern Pacific Railroad line lies directly south or in close proximity to the Project's southern boundary. A portion of the Project's southern boundary, however, lies adjacent to a 200-foot wide strip of land separating the Project's southern boundary from the railroad line. *This land, however, is part of the railroad corridor.*

~~As envisioned, Project implementation excludes consideration of the future use of this strip of land. For planning purposes, the exclusion of this strip of land may inhibit the Project's ability to acquire railroad access through the southern portion of the Project. Also, exclusion of this land may prevent the~~

~~consideration of Project specific improvements or requirements that may be desirable adjacent to the railroad line. In addition, the exclusion of this narrow strip from the Project may result in this land becoming unusable for future urban development. Considering the intent of the UMP for well planned developments (Land Use Policy 4.2), the exclusion of this 200 foot wide property from the Project represents a significant land use impact."~~

The following modification shall be made to page 4.9 of the Draft EIR (Response to Letter 4, Comment 1).

"PROJECT SPECIFIC MITIGATION MEASURES

M 4.1-1 For the portion of the Project site proposed for commercial land uses, the City shall amend the UMP Land Use Designation from Industrial to Commercial concurrent with the consideration of the Concept Development Plan application. (Mitigating Impact 4.4-1).

~~M 4.1 2 Prior to approval by the City, the applicant shall agree to amend the Project's southern boundary to include the 200 foot wide strip of land described in the above analysis (Mitigating Impact 4.1 2)."~~

PUBLIC HEALTH AND SAFETY

No changes were made to this section.

BIOTIC RESOURCES

The following modifications shall be made to pages 4.31 and 4.32 of the Draft EIR (Response to Letter 4, Comment 2).

*"San Joaquin kit fox*

~~Impact 4.4 1 The possibility exists that kit fox could enter the site during construction and risk injury or take. This is considered a significant impact.~~

As described in the UMP EIR, denning and foraging habitat for the San Joaquin kit fox occurs primarily in the moderately hilly grassland areas in the southeastern portion of the TPA. Kit fox populations have suffered substantial declines over the last 50 years primarily as a result of conversion of native valley floor habitats to agricultural and urban uses. Other factors contributing to kit fox population declines include secondary pesticide poisoning and competition for food and cover resources. The recent proliferation of the non-native red fox has placed significant competitive pressure on kit fox populations and is considered a factor in population declines.

Kit foxes and other large mammals typically establish home ranges in the best available habitat. A home range is considered an area traversed by the individual in its normal activities of food gathering, mating and caring for young. Areas outside the home range are occasionally explored, and if good hunting areas are discovered, the home range may shift to incorporate these new areas. If the new area is already occupied by a competitor, few prey are found, or the habitat is not appropriate, the animal typically returns to the established home range.

Several extensive recent surveys in the south and west Tracy areas have been unable to detect the kit fox east of the Delta-Mendota Canal. However in 1991, there was a reported finding of a kit fox track in South Tracy and two reported sightings (unverified) at the Tracy Airport.

Considering *that* the habitat on the Project site is at best marginal, kit foxes occasionally move outside their typical home range, and that extensive recent surveys in the area did not detect kit foxes or their presence on or immediately adjacent to the site, the loss of habitat within the Project site should not be considered as a "take" under the definitions of the Endangered Species Acts (Federal and State). Correspondingly the loss of these habitats would constitute a less-than-significant effect as defined by CEQA, and ~~should~~ require no *further* kit-fox specific mitigation.

*As to the possibility that the project site may be occasionally used as a travel route and temporary denning site for the SJKF when traveling from one point in its home range to another, as explained in detail in the Biological Report, several factors join to discourage such a theory. One is the land use in the surrounding area. A SJKF traveling to and through the project site from habitat sites west of Tracy would have to pass through the entire residential/commercial region of the City before reaching this area.*

*Travel through the site from north to south would entail the crossing of several movement barriers, including the heavily traveled I-205 corridor. Conversely, travel to the site from the southwest would entail the crossing of both I-5 and Business I-205 with intervening crop land maintained in a "clean farming" state.*

*One final point which should be considered in this evaluation is the geographic position of the project site. As already mentioned in the environmental setting section, it is located just outside of the current range of the SJKF as defined by the USFWS's 1990 range map for this subspecies. A more detailed picture of this situation is seen in a range map by Bell, 1994, for the area west of Tracy in which all SJKF sightings for the past three decades are plotted (Figure 2). This shows that the project site is over three miles east and north of the most easterly sightings of this endangered species. To date a home range study of the SJKF in the northern extent of its range has not been done. However, if we apply the*

*finding that the average home range for the SJKF is 1.7 square miles as defined in Kern County to this area (Zoellick, et al, 1987), the implication would be that even if there presently were kit foxes at these eastern sighting points, their annual home range wanderings would not take them onto or even near the project site.*

*All of these findings strongly support the conclusion that the San Joaquin kit fox does not utilize the project site, either as a foraging/denning area or a movement corridor. Therefore, the proposed change in land use on these parcels from agriculture to industrial park should have a less-than-significant impact to the San Joaquin kit fox.*

~~However, there is a remote possibility that a kit fox, while moving outside of its home range, could enter the site during construction and risk injury or death. This is considered a significant impact on the San Joaquin kit fox."~~

The following modifications shall be made to page 4.33 and 4.34 of the Draft EIR (Response to Letter 4, Comment 2).

"PROJECT SPECIFIC MITIGATION MEASURES

~~M 4.4 1 — The Tracy Community Development Department shall authorize a kit fox pre construction survey prior to the issuance of grading permits. The survey shall be paid by the Project applicant and involve walking the site at approximately 30 100 foot wide increments searching for potential kit fox den sites. A qualified biologist shall conduct the site survey. If kit fox den sites are discovered, the City shall contact the US Fish and Wildlife Service in consideration of UMP EIR mitigation measures for kit fox (Mitigating Impact 4.4 1).~~

~~M 4.4 2 — The Project applicant shall make a good faith attempt to implement the following construction practices to minimize the potential for injury or death of a kit fox during construction (Mitigating Impact 4.4 1).~~

- ~~◇ Limit construction vehicle speeds to 15 mph.~~
- ~~◇ Provide covers or include ramps for all Project related excavated steep walled holes or trenches at the end of each day.~~
- ~~◇ Cover the ends of Project related stored pipes at the end of each work day.~~
- ~~◇ Remove all Project related food waste at the end of each work day."~~

The following modifications shall be made on page 4.34 of the Draft EIR (Response to Letter 4, Comment 5).

- “M. 4.4-3 Prior to approval of a *each* Final Map, the Project applicant will either provide *an appropriate* mitigation fee, ~~appropriate and consistent with the I-205 Specific Plan~~ develop a Habitat Management Plan for the Swainson’s hawk in consultation with the CDFG, or enter a county-wide HCP if available. (Mitigating Impact 4.4-2).”

The following modifications shall be made on page 4.34 of the Draft EIR (Response to Letter 4, Comment 6).

- “M. 4.4-4 The Tracy Community Development Department shall authorize a Burrowing Owls pre-construction survey prior to the issuance of *each* grading permits. The survey shall be paid by the Project applicant and conducted by a qualified ornithologist. If no owls are located during these surveys, no additional action is warranted. However, if breeding owls are located on or adjacent to the site, then an ornithologist shall determine the extent of a construction buffer zone around the active nesting Burrowing Owl. No construction activities shall proceed which would disturb breeding owls. The CDFG shall also be immediately contacted to determine if any additional mitigation measures are necessary (Mitigating Impact 4.4-3).”

#### HYDROLOGY

The following modifications shall be made to page 4.45 of the Draft EIR (Response to Letter 4, Comment 7).

- “M 4.6-1 Subject to review and approval by the Public Works Department, a comprehensive plan to prevent erosion, siltation, and contamination of storm water during construction shall be required for the Project prior to Final Map approval. Such a plan must be prepared and implemented in accordance with permit conditions and requirements of the State Water Resources Control Board. At a minimum, this plan shall include the following (Mitigating Impact 4.6-2):
- ◇ phasing of construction to *target ensure*—~~that~~ grading operations—~~are targeted~~ for the dry months of the year as directed by the City;

- ◇ methods to reduce erosion in the event of a storm during construction such as the use of sediment traps, barriers, covers, or other methods approved by the City; and,
- ◇ a description of temporary mulching, seeding, or other suitable erosion stabilization measures approved by the City to protect exposed areas during construction activities.”

The following modifications shall be made to page 4.45 of the Draft EIR (Response to Letter 4, Comment 8).

- “M 4.6-2 Prior to recordation of *each* Final Maps, the applicant shall coordinate with the City for review and approval a plan to provide regular cleaning of streets and parking lots (where applicable) to limit the accumulation of “first flush” contaminants during construction (Mitigating Impact 4.6-2).”

#### TRANSPORTATION AND CIRCULATION

The following modifications shall be made to page 4.60 of the Draft EIR (Response to Letter 4, Comment 16).

- “Impact 4.7-5 Even with the Mitigation 4.7-2, the signalized intersections within the MacArthur interchange will not provide sufficient capacity to accommodate the full Project traffic impacts. This is considered a significant *cumulative* impact.”

The following modifications shall be made to page 4.62 of the Draft EIR (Response to Letter 4, Comment 18).

#### “CONSISTENCY WITH ROADWAY MASTER PLAN

- M 4.7-1 *Prior to the approval of the first Site Plan, Parcel or Tentative Map for the Northeast Industrial Project site, ~~Concept Development Plan~~ the applicant(s) will be required to demonstrate compliance with the approved Roadway Master Plan, or to provide an alternative plan to provide facilities acceptable to the City, resulting in an amendment to the Roadway Master Plan. Prior to approval of each Site Plan, Parcel or Tentative Map, the City shall review the Project application to ensure that existing and/or proposed facilities are adequate to meet project traffic capacity demands and are consistent with the RMP or and alternative acceptable to the City. If this alternate plan deviates significantly from the Master Plan, the applicant shall be responsible for the cost of the additional analysis and the cost of additional infrastructure*

~~construction~~ should be modified as illustrated in Figure 21 (Mitigating Impact 4.7-1, -2, -3).

As defined in the City of Tracy Roadway Master Plan ~~and the UMP Finance Plan (pending), developers of~~ *and the City Finance Plan, each applicant within* the Northeast Industrial area will be responsible for *accomplishing all of the following through such mechanisms as cash payment, build, and dedicate or finance district:*

- ◇ Right-of-way dedication and construction relating to fronting property owner responsibilities (including curb lanes, bike lanes, curb, sidewalk and landscape buffers) along major arterials and expressways (Grant Line and Chrisman), and
- ◇ *Participating in any applicable City-wide or area program, or establishing the appropriate funding toward the* ~~Contributions to a finance plan to fund~~ construction of arterial and expressway general-use lanes and medians, freeway interchanges, and major rail and canal crossing structures *prior to the recordation of the corresponding Final Map, and*
- ◇ Right-of-way dedication and construction of all needed minor arterials, collectors and industrial streets within the Plan.

Future roadway alignments shall recognize existing property lines, structures, and other physical features (such as dairy operations) so as to preserve their continued uses (unless otherwise provided for)."

The following modifications shall be made to page 4.62 of the Draft EIR (Response to Letter 4, Comment 19).

"INTERCHANGE MITIGATION

- M 4.7-2      Contribute, along with other cumulative development, to the following modifications to the interchange: 1) extension of the eastbound on-ramp by a length sufficient to allow trucks safe merge speeds relative to mainline traffic (estimated by Caltrans to be roughly 1000 feet), and 2) construct a loop on-ramp in the northeast quadrant of the interchange to lengthen the ramp and reduce its slope *The City will monitor area development rates and traffic growth and LOS along MacArthur and the I-205 interchange, and will begin engineering and project development studies for the improvements with sufficient lead*

*time to allow construction before the onset of LOS E conditions (Mitigating Impact 4.7-4).*

- M 4.7-3 Widen MacArthur from Pescadero Avenue through the interchange as illustrated in Figure 20. *The City will monitor area development rates and traffic growth and LOS along MacArthur and the I-205 interchange, and will begin engineering and project development studies for the improvements with sufficient lead time to allow construction before the onset of LOS E conditions (Mitigating Impact 4.7-5).*”

#### AIR QUALITY

The following modifications shall be made to page 4.66 of the Draft EIR (Response to Letter 3, Comment 2 and 3).

#### “IMPACT ANALYSIS

##### PROJECT IMPACT ASSESSMENT FOR LOCAL AND REGIONAL IMPACTS

The following section describes *local and* regional mobile source impacts associated with the Project. ~~It should be noted that the Project will not produce stationary source impacts.~~ *Stationary source impacts have been assessed as part of area source impacts.*”

The following modifications shall be made to page 4.74 of the Draft EIR (Response to Letter 4, Comment 22).

- “M 4.8-3 Prior to approval of ~~each~~ the Final Map, ~~each~~ the applicant shall coordinate with the SJVUAPCD and demonstrate to the City the incorporation of UMP EIR air quality mitigation measures and others that may be applicable into the design of the Project (Mitigating Impact 4.8-1 -2).
- M 4.8-4 Prior to approval of ~~each~~ the Final Map, ~~each~~ the applicant shall coordinate with the SJVUAPCD and demonstrate to the City the incorporation of UMP EIR methods and others to be applicable to reduce dust emissions during construction (Mitigating Impact 4.8-3).”

#### NOISE

The following modifications shall be made to page 4.82 of the Draft EIR (Response to Letter 4, Comment 23).



“PROJECT SPECIFIC MITIGATION MEASURES

*Compatibility of Proposed Industrial and Commercial Land Uses with Future Noise Levels*

M 4.9-1 Since the noise sensitivity of the industrial use is presently unknown, the City, with the help of an acoustical consultant, could evaluate the acceptability of the noise environment once the type of use is specified. If it is determined that a facilitates of 75 dB should be met, then a 12-foot sound wall should be constructed along the northern property line *adjacent to I-205*. If this is not feasible, then a building facade setback of 464 feet from the I-205 roadway centerline could be considered as shown in Table 21. (Mitigation Impact 4.9-1).”

AESTHETICS

No changes were made to this section.

PUBLIC SERVICES AND FACILITIES

The following modification shall be made to page 4.91 of the Draft EIR.

“EXISTING SETTING

FIRE PROTECTION

*Fire protection services to the UMP/GP area are provided by the Tracy Fire Department and the Tracy Rural Fire District. Currently, the site lies within the Tracy Rural Fire District. Upon annexation, the site will be served by the Tracy Fire Department.*

The existing level of service provided by the City of Tracy Fire Department is detailed in the UMP EIR. According to this document, the City of Tracy Fire Department currently conducts operations out of three fire stations: Station One is located at Ninth Street and Central Avenue; Station Two is located at Parker Avenue and Grant Line Road; and Station Three is located at Tracy Boulevard and West Central Avenue. The latter is an interim facility to be in used until a permanent facility is built at the northeast corner of Valpico Road and Tracy Boulevard. A fourth station is proposed in the area of Byron and Grant Line Roads.”

The following modifications shall be made to mitigation measures M 4.11-1 through 4.11-7, starting on page 4.103 of the Draft EIR (Response to Letter 4, Comment 27).

“Prior to approval of *each* ~~the first~~ Site Plan, Parcel . . . “

The following modification shall be made to page 4.103 of the Draft EIR (Response to Letter 5, Comment 1).

*“Additional Mitigation Measures Required*

**M 4.11-2** Prior to the approval of the first Site Plan, Parcel and or Tentative Map for the Northeast Industrial project area, the applicant(s) will be required to demonstrate compliance with the approved Water Master Plan or to provide an alternative plan to provide facilities acceptable to the City. *If this alternate plan deviates significantly from the Master Plan, the applicant shall be responsible for the cost of the additional analysis and the cost of additional infrastructure construction.* Prior to the approval of each Site Plan, Parcel and Tentative Map, the City shall review the Project application to ensure that existing and/or proposed facilities are adequate to meet project service demands, and are consistent with the City’s Master Plan or an alternative acceptable to the City. In order to provide adequate facilities to serve individual developments within the Project area, each applicant shall participate in any applicable City-wide or area program, or establish the appropriate funding toward these facilities prior to the recordation of the corresponding Final Map (Mitigating Impact 4.11-4).”

The following modification shall be made to page 4.104 of the Draft EIR (Response to Letter 5, Comment 1).

*“Additional Mitigation Measures Required*

**M 4.11-4** Prior to the approval of the first Site Plan, Parcel and or Tentative Map for the Northeast Industrial project area, the applicant(s) will be required to demonstrate compliance with the approved Wastewater Master Plan or to provide an alternative plan to provide facilities acceptable to the City. *If this alternate plan deviates significantly from the Master Plan, the applicant shall be responsible for the cost of the additional analysis and the cost of additional infrastructure construction.* Prior to the approval of each Site Plan, Parcel and Tentative Map, the City shall review the Project application to ensure that existing and/or proposed facilities are adequate to meet project service demands, and are consistent with the City’s Master Plan or an alternative acceptable to the City. In order to provide adequate facilities to serve individual developments within the Project area, each applicant shall participate in any applicable City-wide or area program, or establish the appropriate funding toward these facilities prior to the recordation of the corresponding Final Map (Mitigating Impact 4.11-5).”

The following modification shall be made to page 4.105 of the Draft EIR (Response to Letter 5, Comment 1).

*“Additional Mitigation Measures Required*

**M 4.11-5** Prior to the approval of the first Site Plan, Parcel and or Tentative Map for the Northeast Industrial project area, the applicant(s) will be required to demonstrate compliance with the approved Storm Drainage Master Plan or to provide an alternative plan to provide facilities acceptable to the City. *If this alternate plan deviates significantly from the Master Plan, the applicant shall be responsible for the cost of the additional analysis and the cost of additional infrastructure construction.* Prior to the approval of each Site Plan, Parcel and Tentative Map, the City shall review the Project application to ensure that existing and/or proposed facilities are adequate to meet project service demands, and are consistent with the City’s Master Plan or an alternative acceptable to the City. In order to provide adequate facilities to serve individual developments within the Project area, each applicant shall participate in any applicable City-wide or area program, or establish the appropriate funding toward these facilities prior to the recordation of the corresponding Final Map (Mitigating Impact 4.11-6 and 7).”

**CHANGES TO THE ALTERNATIVES SECTION**

No changes were made to this section.

**CHANGES TO THE CHANGES TO THE LONG TERM IMPLICATIONS OF THE PROJECT**

No changes were made to this section.

**ADDITIONAL INFORMATION**

The following information follows this page:

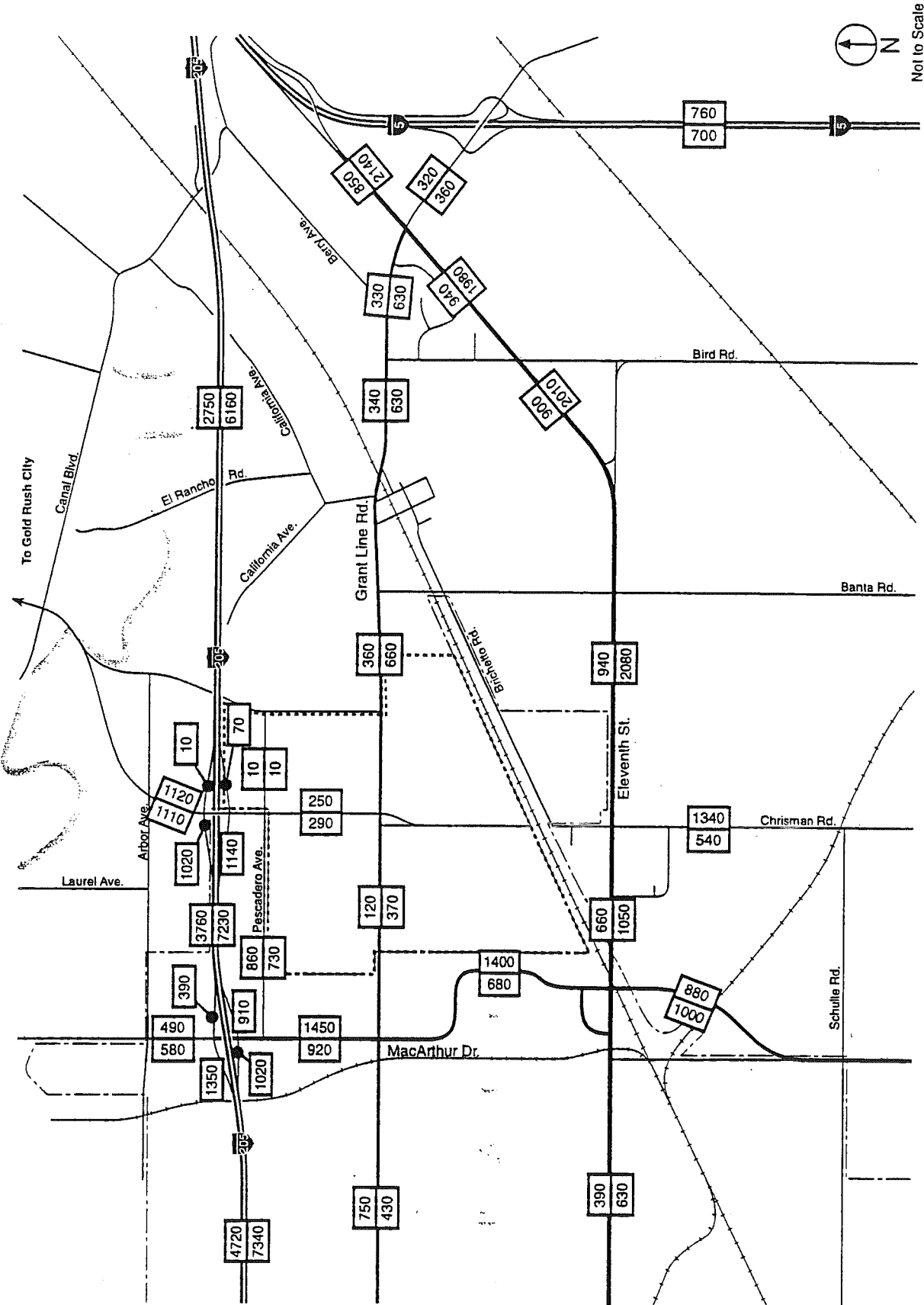
Attachment 1: Modified Figures 14, 17, and 21. From the Traffic Technical Study, modified Figures 2-6.

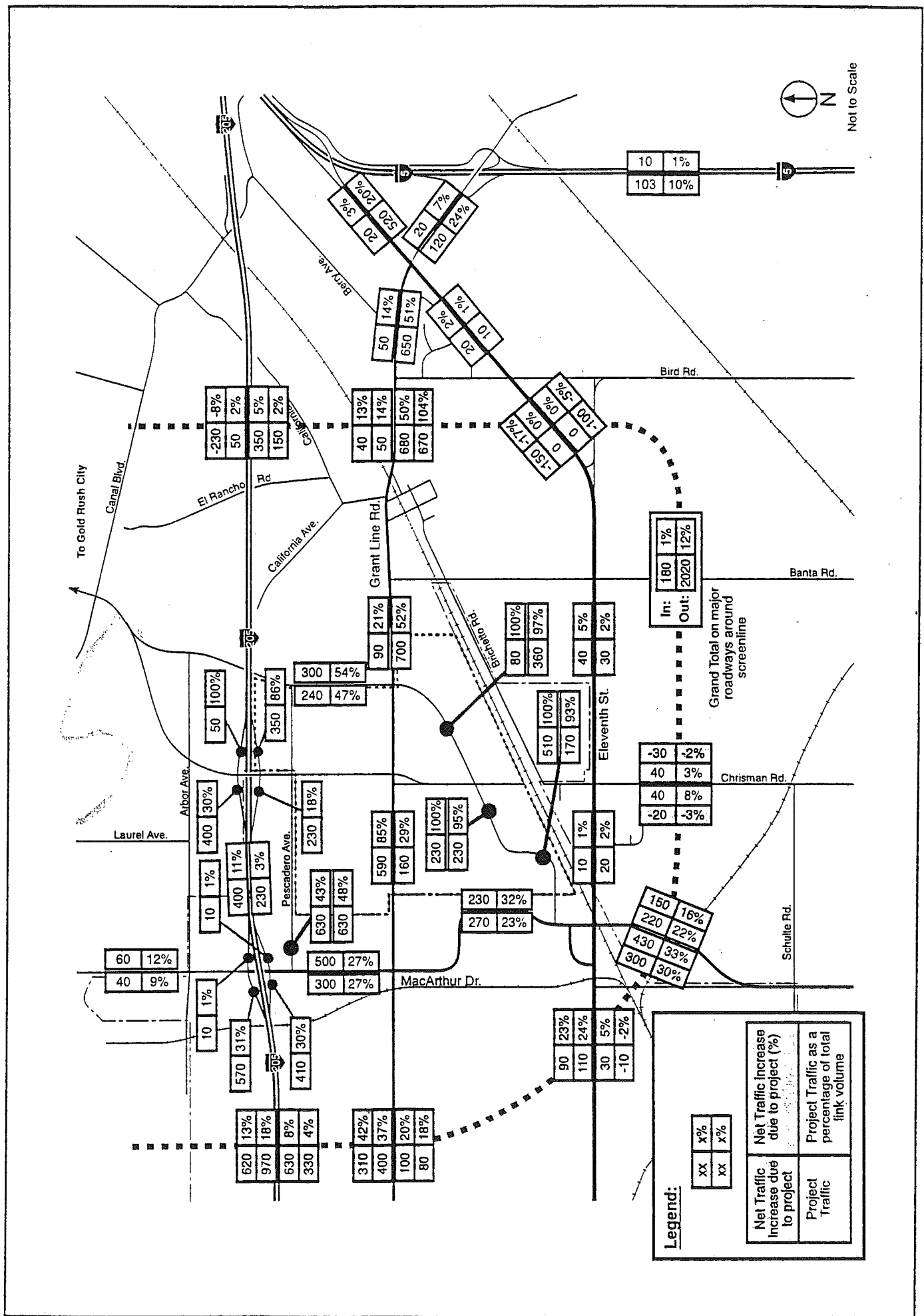
Attachment 2: Table describing current employment density in Tracy.

Attachment 3: Correspondence with the biologist for the Northeast Industrial Project.

Attachment 1:

From the Draft EIR, modified Figures 14, 17, and 21. From the Traffic Technical Study, modified Figures 2-6.





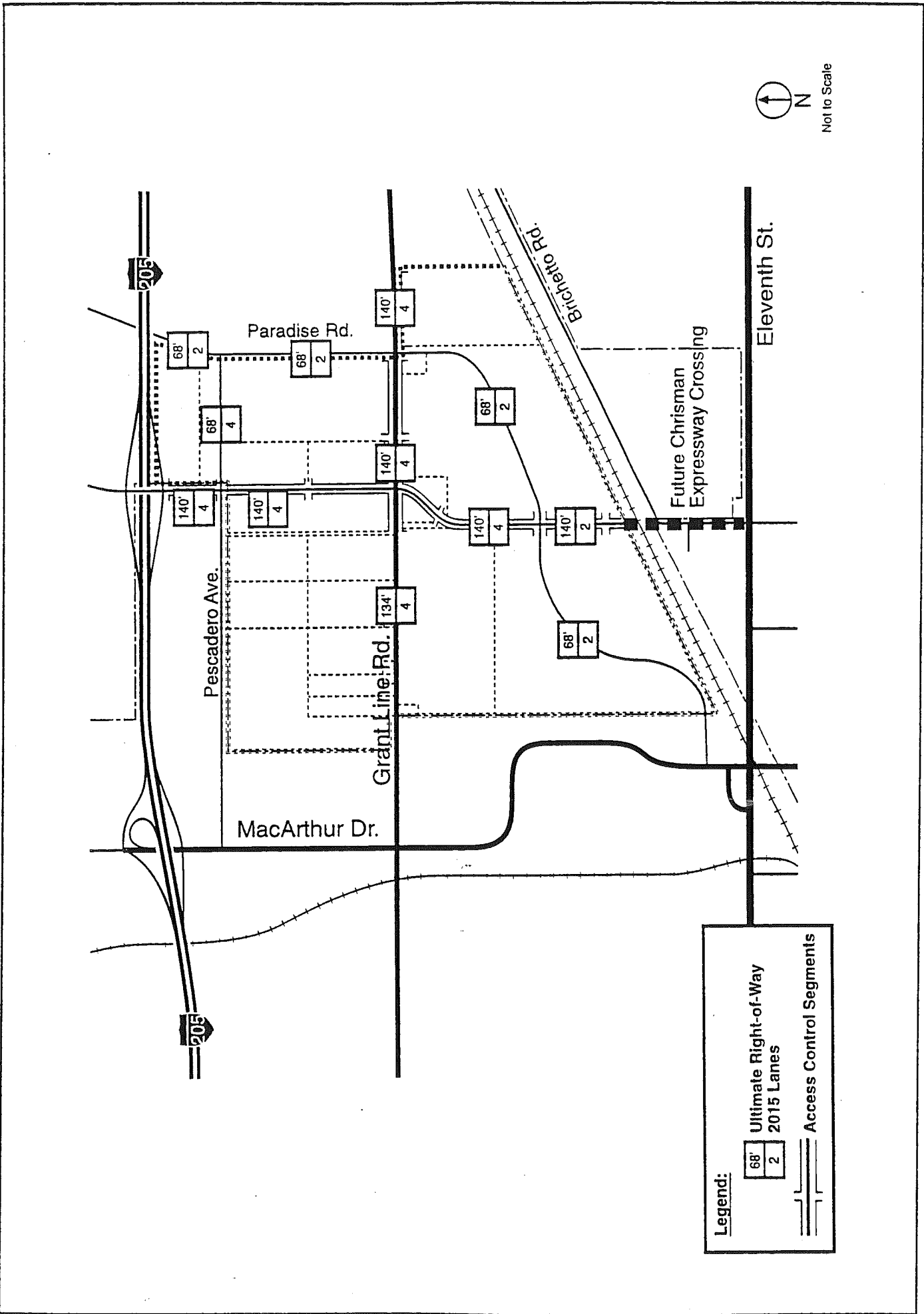
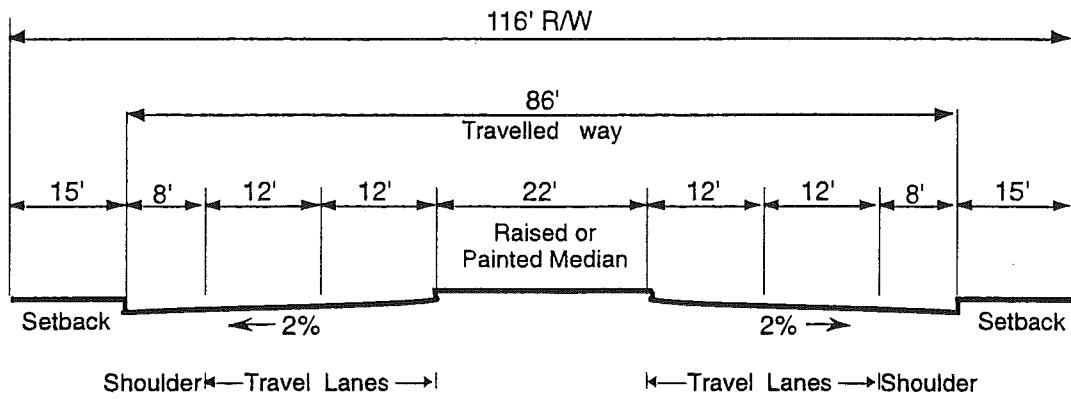
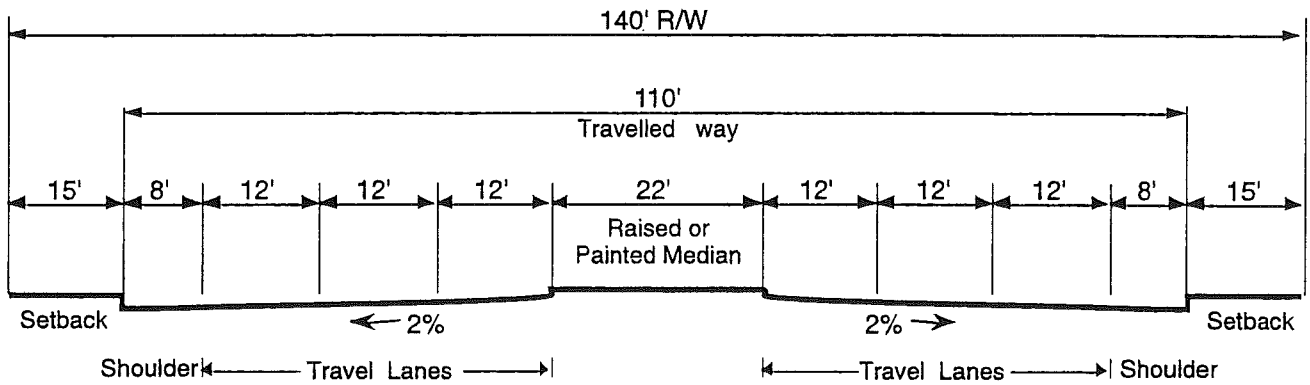


Figure 21  
Modified Project Road Network



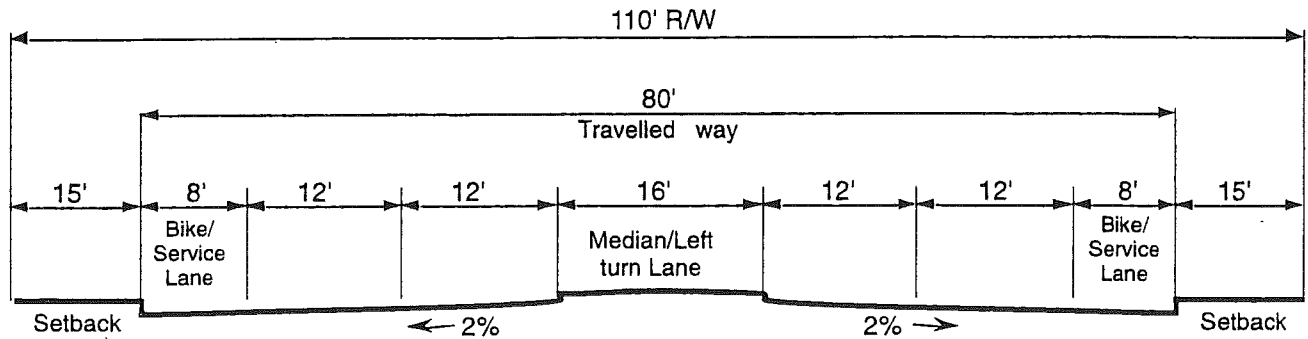
**4-LANE EXPRESSWAY**



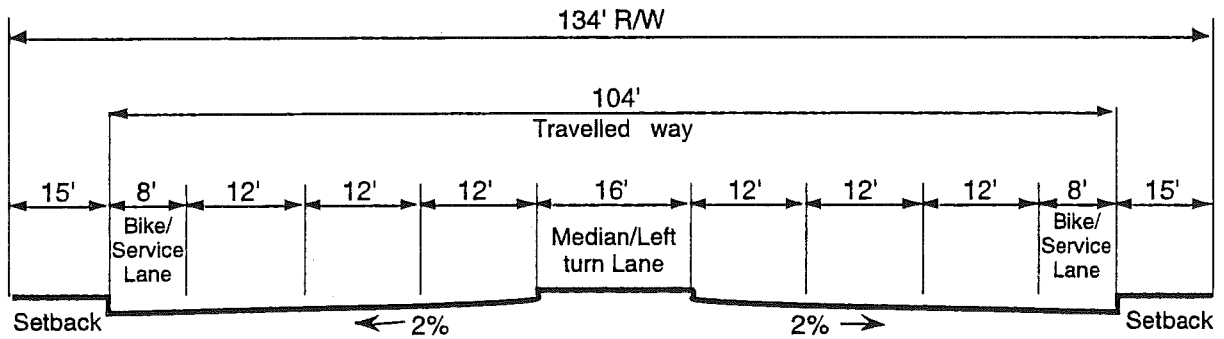
**6-LANE EXPRESSWAY**

**NOTE:**  
An additional 55' of R/W is required if an open channel is located adjacent to the street.



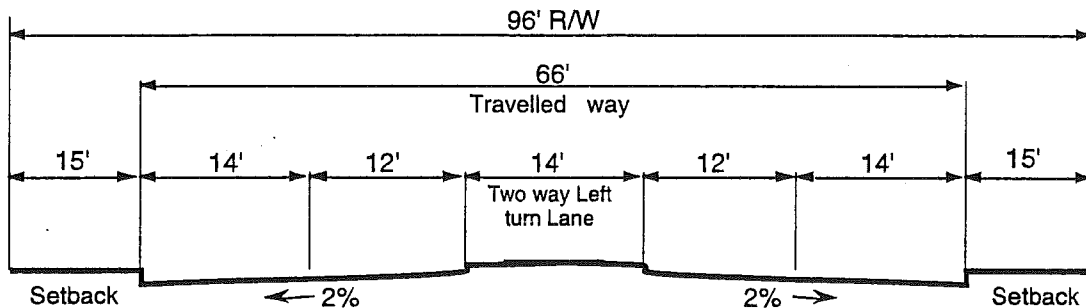
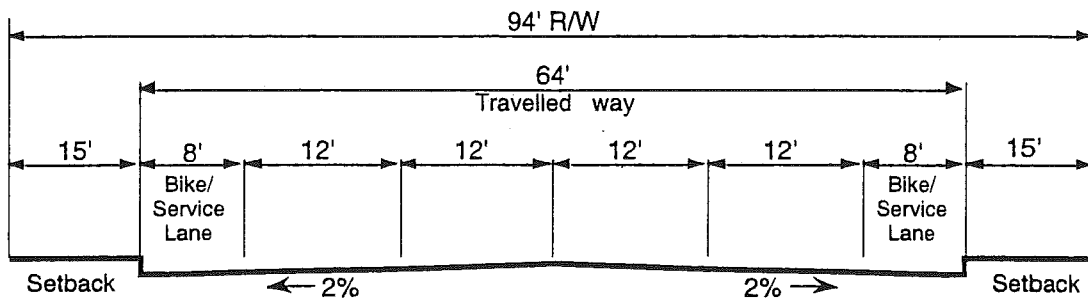


**4-LANE MAJOR ARTERIAL**



**6-LANE MAJOR ARTERIAL**

**NOTE:**  
An additional 55' of R/W is required if an open channel is located adjacent to the street.

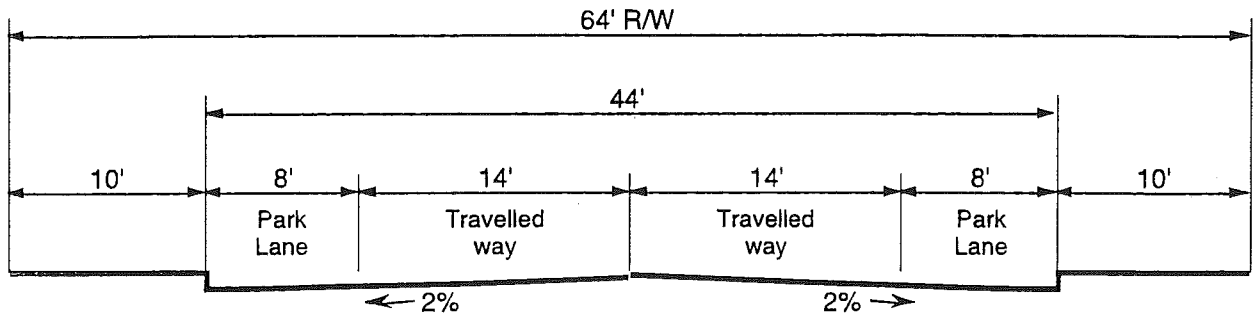


**MINOR ARTERIAL**

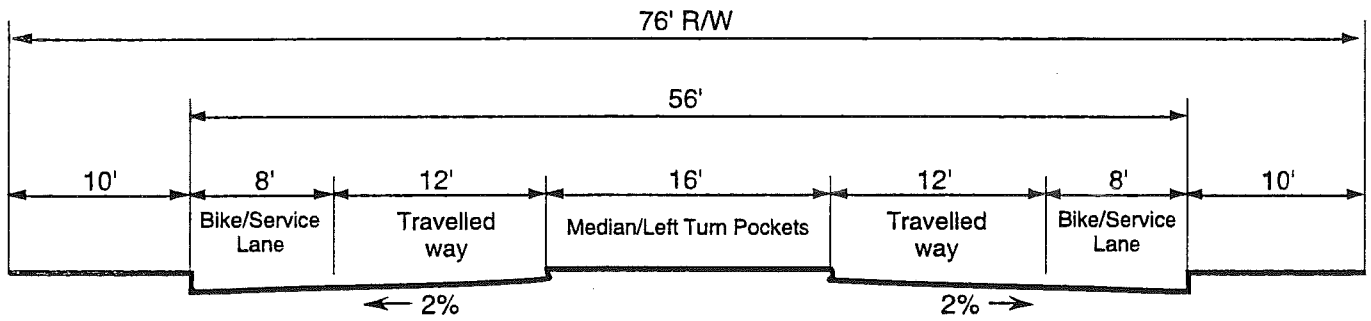
**NOTE:**  
An additional 55' of R/W is required if an open channel is located adjacent to the street.

**FIGURE 4**

**ARTERIAL STREETS**



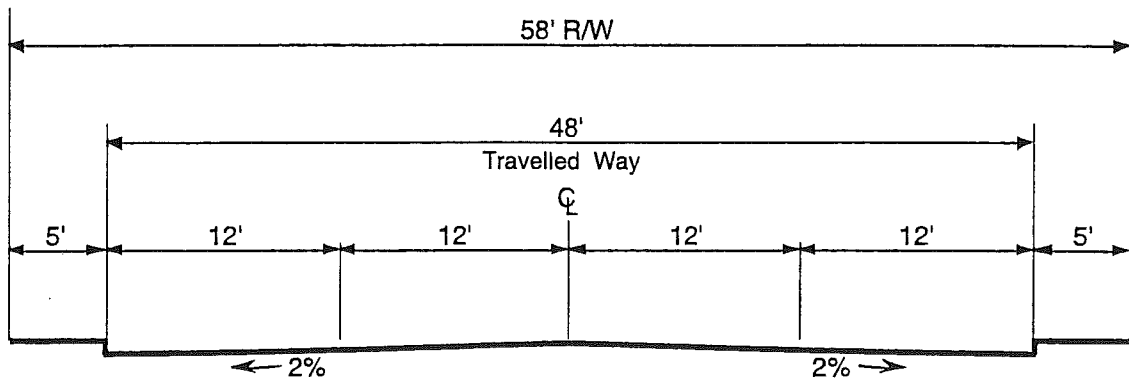
**SPECIFIC PLAN COLLECTOR**



**MAJOR RESIDENTIAL COLLECTOR**

**NOTE:**

An additional 55' of R/W is required if an open channel is located adjacent to the street.



**NOTE:**  
 An additional 55' of R/W is required if an open channel is located adjacent to the street.

**FIGURE 6**

**INDUSTRIAL STREETS**

Attachment 2:

Table describing current employment density in Tracy.

| Current Employment Density<br>for Major Industrial Employers in Tracy |                              |             |              |              |
|---|------------------------------|-------------|--------------|--------------|
| Employer  | Type of Industry             | Employment  | Acreage      | Employ./acre |
| Safeway Stores  | Food Distribution            | 1350        | 145.6        | 9.3          |
| Owens Brockway  | Glass Containers             | 475         | 66.6         | 7.1          |
| H. J. Heinz   | Food Processing              | 445         | 72.6         | 6.1          |
| Ameron Pipe   | Cement Pipes                 | 250         | 86.8         | 2.9          |
| Leprino Foods   | Cheese Processing            | 250         | 8.9          | 28.1         |
| Orchard Supply Hardware   | Hardware                     | 249         | 27.0         | 9.2          |
| Yellow Freight Systems  | Regional Break-bulk Facility | 200         | 61.9         | 3.2          |
| Ortho Tech  | Orthopedic Braces            | 165         | 14.7         | 11.2         |
| Inland Container  | Paper Boxes                  | 160         | 18.7         | 8.6          |
|   |                              | <b>3544</b> | <b>502.8</b> | <b>7.0</b>   |

Attachment 3:

Correspondence with the biologist for the Northeast Industrial Project.





Dr. Samuel M. McGinnis  
*Biological Consultant*  
9699 Melton Road Manteca, California 95337  
(209) 599-2726

April 21, 1996

TO: PMC

Fax: (916) 361-174

SUBJECT: Response to comments on biotic section of Tracy Northwest Industrial DEIR.

1. City of Tracy - suggested clarification for statement on kit fox: Appears to be fine.

2. CDFG response to Swainson's Hawk: My Response:

The goal of the biological work for the Northeast Industrial DEIR was to make the best possible assessment of potential use of the project site by special status species, with specific attention to the Swainson's hawk. It has always been by professional policy to make the most accurate, scientifically-based determination, with disregard to either plans and aspirations of developers or the mitigation ratios and policies of governmental agencies. One inherent problem with this and many other such biotic surveys is that this field work had to be conducted during the winter months when, in this case, the Swainson's hawk (SH) is on its wintering habitat in Argentina. If the field work could have been conducted during the spring-summer nesting period, direct observation of possible SH foraging on the project site would have directly documented those areas which serve as a feeding habitat for this species. Unfortunately, the time frame of this project did not allow for this.

However, as my colleagues in CDFG and USFWS well know, Buteo hawks and other rodent predators utilize specific foraging areas for one reason: the rodent resource therein. Areas which support good rodent populations function as foraging habitats for numerous predators. Those with few or no rodents do not.

The agricultural crop lands in the greater Tracy area which fall into this latter category are parcels where annual single or double cropping is practiced. Crops such as oats and barley are grown during the winter. After these are harvested in late spring, the soil is disced and usually ripped. Then it is either planted to a summer rotation crop (corn, tomatoes, etc.) or left fallow until the fall planting season for the next winter grain crop. In this system, the relatively short time during which a standing crop is present coupled with the deep tillage which occurs between same essentially negates any rodent populations on such parcels. In my 30 years as a resident of the Manteca-Tracy area I have never seen Buteo foraging on such parcels, nor have I seen other avian rodent predators such as great egret and great blue heron utilizing such sites. Thus the 187 acres of the project site which supports such crops cannot currently function as SH foraging habitat.

Most of the remainder of the project site is currently planted to alfalfa, and as pointed out in the DEIR, this is essentially the only Tracy area crop which can support a viable small rodent. However, the age of an individual alfalfa stand determines the extent to which a population of California meadow vole or Botta's pocket gopher has increased sufficiently to actually attract and hold avian predators. Having both raised alfalfa on my own farm and observed numerous stands elsewhere in hopes of observing SH foraging, I know that it takes a minimum of two years for rodent populations to invade and multiply to the extent that predators linger at such sites during their foraging rounds. Once at the third and fourth year stage, there is no doubt that alfalfa is a prime rodent foraging habitat and indeed the main one which supports the SH in this area.

During my winter, 1995, survey, I not only observed and documented abundant rodent sign on the older alfalfa stands within the project site borders but also observed red-tailed hawks and numerous great egrets foraging on same on each trip to the site. However, neither abundant rodent sign nor actively foraging avian predators were seen on the young alfalfa stands (denoted by the close spacing of the plants, smaller root systems, and scant of invasive weeds between plants). Once again, both my personal farming and professional biological experience in this area allows for only one conclusion: that these younger alfalfa stands are currently (winter, 1995-96) not productive rodent-predator foraging sites. This, of course, will change during the next two years as the current small rodent populations within these stands mature. However, concurrent with this event will be the rotation of the present old alfalfa stands to a one year oat or barley crop and then back to new alfalfa.

This, then, is the biological reality of what is happening with respect to the current SH use of the project site. The 241 acres of rodent producing old stand alfalfa plus the 9 acres of old fallow fields presently constitute to only viable foraging habitat for the SH at this time. Also, this exact acreage will not remain constant but instead will fluctuate with the rotation schemes of the individual farmers in this area. However, at no time will it theoretically equal much more than approximately half the total alfalfa acreage of this area. In addition, the 187 acres held in annual crop rotation will never function as a viable SH feeding habitat.

This is the biological reality of the situation and, as noted, differs substantially from the view of my colleagues in the CDFG that the entire project site is SH foraging habit. I would be most interest in debating this point with them and, if possible, to conduct direct field observations of SH behavior in this area to further substantiate my indirect findings concerning SH use of the project site.

# PACIFIC MUNICIPAL CONSULTANTS

Formerly the Willdan Associates Planning Group, Northern California



## MEMORANDUM

**FAXED**

SACRAMENTO  
10411 Old Placerville  
Suite 210  
Sacramento, CA 95827  
(916) 361-8384  
Fax (916) 361-1574

DATE: April 22, 1996

TO: Sam McGinnis  
Biological Consultant

PHONE: (209) 599-2726

FROM: Al Inouye - Project Manager  
Pacific Municipal Consultants

PHONE: (916) 361-8384  
FAX: (916) 361-1574

RE: *Northeast Industrial* - City of Tracy

MONTEREY  
225H Cannery Row  
Monterey, CA 93940  
(408) 644-9174  
Fax (408) 373-0733

Mr. McGinnis:

For your records, your original comment letter (April 21, 1996), this Fax, and your subsequent response to this fax will be used in the Northeast Industrial Final EIR. This document also contains responses to comments that were not addressed in your April 21, 1996 letter.

Where quoted, this fax contains the specific language originally contained in the Northeast Industrial Draft EIR. The ~~strikeout~~ indicates deleted text while *bold italic* corresponds to text subsequently modified for the Final EIR.

Please review the information and fax PMC a response indicating that the changes have been reviewed and are consistent with the findings in the Northeast Industrial Biological Study. This step is imperative in order for us to meet the City's and property owner's schedule pursuant to the LAFCO annexation submittal.

As mentioned over the phone, time is of the essence. Any delay may jeopardize our mandated legislative responsibility (Public Resource Code 21092.5) to notify commenting agencies 10 days prior to the lead agency's certification of the Final EIR.

*The following text, pending your review, will appear in the Final EIR for the NEI Project.*

OROVILLE  
1465 Myers Street  
Oroville, CA 95965  
(916) 533-1131

SAN JOSE  
P.O. Box 5609  
San Jose, CA 95150  
(408) 920-0900  
Fax (408) 295-9066

RESPONSE TO DEPARTMENT OF FISH AND GAME, MARCH 20, 1996 LETTER.

Comment noted. Although disagreement may exist over the extent of the Project's impact to Swainson's hawk, page 4.33 of the Northeast Industrial Environmental Report contains the following mitigation measure incorporated from the Urban Management Plan.

"M 21.9 The City of Tracy shall attempt to formalize the agreement with San Joaquin County and all of its incorporated cities to fully participate in the development and implementation of the San Joaquin County Swainson's hawk conservation plan. Until such time as the plan is implemented, or in the event the plan is not implemented, or the City of Tracy does not participate in the plan, impacts to Swainson's hawk and Swainson's hawk habitat shall be mitigated in consultation with CDFG. Current draft mitigation guidelines for the species are reprinted for informational purposes in technical appendix "N" (Mitigating Impact 4.4-2)."

In association with this requirement, page 4.34 of the Northeast Industrial Environmental Report contains the following project-specific mitigation measure.

"M. 4.4-3 Prior to approval of a Final Map, the Project applicant will either provide a mitigation fee appropriate and consistent with the I-205 Specific Plan, develop a Habitat Management Plan for the Swainson's hawk in consultation with the CDFG, or enter a county-wide HCP if available. (Mitigating Impact 4.4-2)."

These two mitigation measures have been used in the past for previously approved projects. In consultation with the CDFG, the combination of these two mitigation measures ensures adequate mitigation is provided for the protection of the Swainson's hawk.

RESPONSE TO GATES AND ASSOCIATES, APRIL 11, 1996 LETTER.

In response to the comments concerning the San Joaquin Kit fox (Impact 4.4-1, Mitigation Measure 4.4-1 and 4.4-2), the following modifications shall be made to the pages 4.31 and 4.32 of the Draft EIR.

*"San Joaquin kit fox*

~~Impact 4.4-1 The possibility exists that kit fox could enter the site during construction and risk injury or take. This is considered a significant impact.~~

As described in the UMP EIR, denning and foraging habitat for the San Joaquin

kit fox occurs primarily in the moderately hilly grassland areas in the southeastern portion of the TPA. Kit fox populations have suffered substantial declines over the last 50 years primarily as a result of conversion of native valley floor habitats to agricultural and urban uses. Other factors contributing to kit fox population declines include secondary pesticide poisoning and competition for food and cover resources. The recent proliferation of the non-native red fox has placed significant competitive pressure on kit fox populations and is considered a factor in population declines.

Kit foxes and other large mammals typically establish home ranges in the best available habitat. A home range is considered an area traversed by the individual in its normal activities of food gathering, mating and caring for young. Areas outside the home range are occasionally explored, and if good hunting areas are discovered, the home range may shift to incorporate these new areas. If the new area is already occupied by a competitor, few prey are found, or the habitat is not appropriate, the animal typically returns to the established home range.

Several extensive recent surveys in the south and west Tracy areas have been unable to detect the kit fox east of the Delta-Mendota Canal. However in 1991, there was a reported finding of a kit fox track in South Tracy and two reported sightings (unverified) at the Tracy Airport.

Considering *that* the habitat on the Project site is at best marginal, kit foxes occasionally move outside their typical home range, and that extensive recent surveys in the area did not detect kit foxes or their presence on or immediately adjacent to the site, the loss of habitat within the Project site should not be considered as a "take" under the definitions of the Endangered Species Acts (Federal and State). Correspondingly the loss of these habitats would constitute a less-than-significant effect as defined by CEQA, and ~~should~~ require no *further* kit-fox specific mitigation.

*As to the possibility that the project site may be occasionally used as a travel route and temporary denning site for the SJKF when traveling from one point in its home range to another, as explained in detail in the Biological Report, several factors join to discourage such a theory. One is the land use in the surrounding area. A SJKF traveling to and through the project site from habitat sites west of Tracy would have to pass through the entire residential/commercial region of the City before reaching this area.*

*Travel through the site from north to south would entail the crossing of several movement barriers, including the heavily traveled I-205 corridor. Conversely, travel to the site from the southwest would entail the crossing of both I-5 and Business I-205 with intervening crop land maintained in a "clean farming" state.*

*One final point which should be considered in this evaluation is the geographic position of the project site. As already mentioned in the environmental setting section, it is located just outside of the current range of the SJKF as defined by the USFWS's 1990 range map for this subspecies. A more detailed picture of this situation is seen in a range map by Bell, 1994, for the area west of Tracy in which all SJKF sightings for the past three decades are plotted (Figure 2). This shows that the project site is over three miles east and north of the most easterly sightings of this endangered species. To date a home range study of the SJKF in the northern extent of its range has not been done. However, if we apply the finding that the average home range for the SJKF is 1.7 square miles as defined in Kern County to this area (Zoellick, et al, 1987), the implication would be that even if there presently were kit foxes at these eastern sighting points, their annual home range wanderings would not take them onto or even near the project site.*

*All of these findings strongly support the conclusion that the San Joaquin kit fox does not utilize the project site, either as a foraging/denning area or a movement corridor. Therefore, the proposed change in land use on these parcels from agriculture to industrial park should have a less-than-significant impact to the San Joaquin kit fox.*

~~However, there is a remote possibility that a kit fox, while moving outside of its home range, could enter the site during construction and risk injury or death. This is considered a significant impact on the San Joaquin kit fox."~~

In association with the changes to Impact 4.4-1, the following modifications shall be made to page 4.33 and 4.34 of the Draft EIR.

#### "PROJECT SPECIFIC MITIGATION MEASURES

~~M 4.4 1 The Tracy Community Development Department shall authorize a kit fox pre construction survey prior to the issuance of grading permits. The survey shall be paid by the Project applicant and involve walking the site at approximately 30 100 foot wide increments searching for potential kit fox den sites. A qualified biologist shall conduct the site survey. If kit fox den sites are discovered, the City shall contact the US Fish and Wildlife Service in consideration of UMP EIR mitigation measures for kit fox (Mitigating Impact 4.4 1).~~

~~M 4.4 2 The Project applicant shall make a good faith attempt to implement the following construction practices to minimize the potential for injury or death of a kit fox during construction (Mitigating Impact 4.4 1).~~

~~◇ Limit construction vehicle speeds to 15 mph.~~

- ◇ Provide covers or include ramps for all Project related excavated steep walled holes or trenches at the end of each day.
- ◇ Cover the ends of Project related stored pipes at the end of each work day.
- ◇ Remove all Project related food waste at the end of each work day.”

These two mitigation measures have been used for Projects located to the south and southwest of the City of Tracy. As noted in the Biological Report, however, the Project site is physically separated from Kit fox habitat by several barriers, including the urbanized City of Tracy. Although these mitigation measures have been used in the past, they do not apply to the Northeast Industrial Project site.

In response to the comments involving the Swainson’s hawk, the following modifications shall be made on page 4.34 of the Draft EIR.

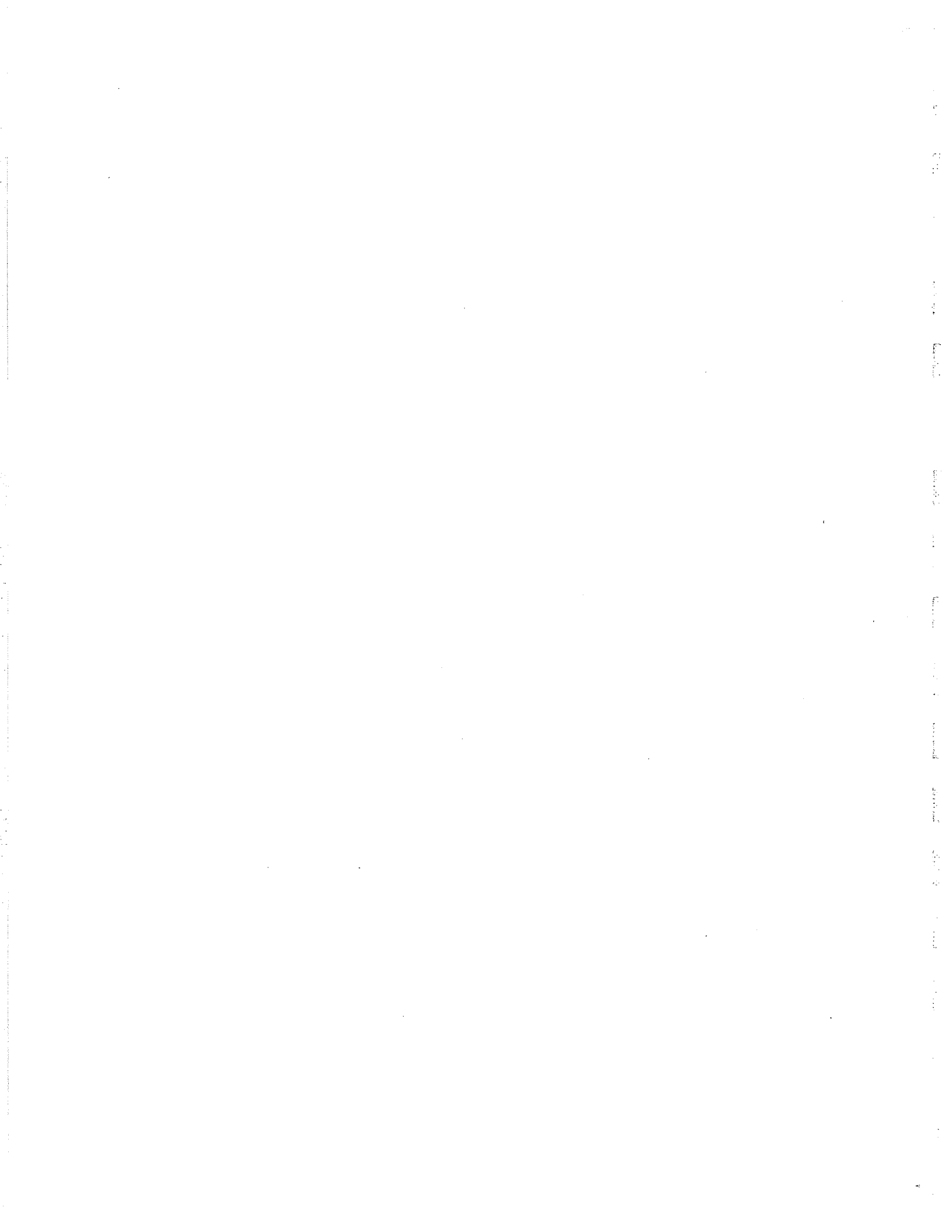
“M. 4.4-3 Prior to approval of a *each* Final Map, the Project applicant will either provide *an appropriate* mitigation fee, ~~appropriate and consistent with the I-205 Specific Plan~~ develop a Habitat Management Plan for the Swainson’s hawk in consultation with the CDFG, or enter a county-wide HCP if available. (Mitigating Impact 4.4-2).”

In response to the comments involving the Burrowing owls, the following modifications shall be made on page 4.34 of the Draft EIR.

“M. 4.4-4 The Tracy Community Development Department shall authorize a Burrowing Owls pre-construction survey prior to the issuance of *each* grading permits. The survey shall be paid by the Project applicant and conducted by a qualified ornithologist. If no owls are located during these surveys, no additional action is warranted. However, if breeding owls are located on or adjacent to the site, then an ornithologist shall determine the extent of a construction buffer zone around the active nesting Burrowing Owl. No construction activities shall proceed which would disturb breeding owls. The CDFG shall also be immediately contacted to determine if any additional mitigation measures are necessary (Mitigating Impact 4.4-3).”

C: Robert Conant  
Jeff Pemstein

NEIbio.fax





# FAX COVER SHEET

CALIFORNIA STATE UNIVERSITY, HAYWARD  
Department of Biological Sciences  
Hayward, CA 94542

Voice: (510) 885-3471  
FAX: (510) 885-4747

Date: 4/24/96

From: Sam McGinnis

To: Al Inouye

Firm: pmc

Voice: \_\_\_\_\_

Fax No.: Local: 9(916) 361-1524

Long Distance: 91-\_\_\_\_\_

International: 9011-\_\_\_\_\_

Number of pages including this cover page: 1

Reference or Instruction:

All re-worked sections on the San Joaquin Fox are O.K.  
Comments on the Savanna's Hawk along with my 2 page reply  
of 4/21/96 are fine to, as is borrowing Owl paragraph  
Sam McGinnis