

---

## **3.0 Revisions to the Draft Revised EIR**

### Geology, Soils, and Seismic Hazards

Increased development proposed under the General Plan could increase the number of people and buildings exposed to geologic hazards. The General Plan Update includes a series of policies and actions within the Safety Element to minimize harm from geologic hazards and did not identify any significant impacts.

### Hydrology and Flooding

Some development would occur within the 100-year floodplain, within the 20-year planning horizon, and under total buildout of the General Plan. However, the implementation of the General Plan and its policies would reduce the potential impact associated with exposure to the 100-year flood plain to a less than significant level. Portions of the SOI have the potential to experience flooding from dam failure during the 20-year planning horizon of the General Plan and at total buildout, but the General Plan includes policies and actions that would reduce this risk to a less than significant level. Moreover, risk of dam failure is small, because ~~the County continues to maintain~~ the dams are maintained to withstand probable seismic activity by the agencies, Federal and non-Federal that own them. Development proposed under the General Plan is not anticipated to significantly alter existing drainage patterns or stream alignments, and there would not be a significant increase in storm water runoff or flooding, especially in light of General Plan policies and actions that are designed to mitigate such risk. The City of Tracy is at a low risk for seiche and tsunami and implementation of the General Plan is not expected to increase these risks. No new development is proposed in the hillsides, where there is a risk of mudflow. Thus, no impact associated with seiche, tsunami, or mudflow would be expected.

### Hazards and Hazardous Materials

Implementation of the General Plan would allow for the development of new residential, commercial, office, and industrial uses. This could increase the amount of hazardous materials used and wastes generated, as well as the number of people and structures exposed to these and other hazards. Implementation of a combination of Federal, State, and local policies and regulations, including policies and actions identified by the General Plan, would reduce the risk to less than significant.

### Noise

Despite General Plan policies and regulations, significant noise level increases (3 dBA Ldn or greater) associated with increased traffic would occur adjacent to existing noise sensitive uses along portions of I-205, Grant Line Road, Schulte Road, Linne Road, Lammers Road, Corral Hollow Road, Tracy Boulevard, and MacArthur Drive. New roadways facilitated by the General Plan would also increase existing noise levels at receivers in the City of Tracy. This is a significant and unavoidable impact. No additional mitigation is available. Under the General Plan, new noise sensitive development is proposed throughout the City, and in some cases, in noisy areas. However, General Plan policies would adequately reduce this noise impact to a less than significant level. Additionally, development under the proposed General Plan would introduce new noise-generating sources adjacent to existing noise-sensitive areas and new noise-sensitive uses adjacent to existing noise-generating sources. Regardless, according to the General Plan EIR, General Plan policies would adequately reduce these impacts to a less than significant level. The General Plan EIR found that no significant impacts would occur with regard to airport noise, and noise associated with construction could be reduced to less than significant with the implementation of mitigation identified by the General Plan EIR.

### 3.3 MODIFIED PROJECT CHARACTERISTICS

#### 3.3.1 AMENDED AND RESTATED ELLIS DEVELOPMENT AGREEMENT<sup>1</sup>

The Amended and Restated Ellis DA (application number DA11-0002) would establish the allocation of a total of 2,250 RGAs to the Project Applicant (to be applied entirely within the approximate 321-acre ESP area), funding, land, and design assistance for a community swim center, and the development of the Modified ESP.

The Amended and Restated Ellis DA will supersede the previously approved Ellis DA. The Amended and Restated Ellis DA will vests into the existing laws and regulations as of the time ~~of the Agreement, with exceptions~~ it is hereafter approved with exception for future changes in affordable housing and green building requirements. The term of the Amended and Restated Ellis DA is 25 years. The Amended and Restated Ellis DA will set forth several burdens and benefits for both parties including the following:

#### PROJECT APPLICANT TO PROVIDE CITY

- ◆ Two (2) Capital Contributions toward the design, construction, operation and maintenance of a Swim Center
  - \$2 Million within 60 days of Annexation Effective Date (First Swim Center Contribution)
  - \$8 Million no later than three years following First Swim Center Contribution
- ◆ Land Contribution
  - 16 acres of land (the “Ellis Swim Center site”) offered for dedication to the City, at no cost, for a Swim Center
- ◆ Design Contribution
  - \$324 Thousand in previous Swim Center design costs paid by Tracy Ellis
- ◆ Environmental Review
  - All environmental review costs for construction of a Swim Center at the Ellis Swim Center site
- ◆ Infrastructure Analysis Funding
  - All technical infrastructure analyses necessary for provision of infrastructure to a Swim Center at the Ellis Swim Center site
- ◆ Recycled Water Program
  - Project to fully participate in future recycled water program requirements in anticipated Water Master Plan, including all infrastructure and fee requirements

---

<sup>1</sup> The Draft Amended and Restated Ellis DA terms presented here are intended to provide sufficient information to the public to fully and adequately understand the potential environmental impacts from adoption and implementation of the proposed Amended and Restated Ellis DA. While there may be changes to terms and language of the Amended and Restated DA between the date of publication of the Draft Revised EIR and the City's certification of the Final Revised EIR and approval of the Amended and Restated Ellis DA, the City and the Project Applicant do not anticipate any changes to the substantive terms of the of the Amended and Restated Ellis DA that would result in any new, potentially significant environmental impacts resulting from its adoption and implementation that are not identified and analyzed in this Draft Revised EIR. In the event that any changes are proposed to the current Draft Amended and Restated DA, the City would carefully evaluate such proposed changes to ensure that they do not alter the conclusions identified in the Draft Revised EIR.

## CITY TO PROVIDE PROJECT APPLICANT

- ◆ Reservation of Residential Growth Allotments (RGAs) ~~and Building Permits (BPs)~~
  - Maximum of 2,250 RGAs ~~and BPs~~ reserved for Project over 25 years that may not be applied or transferred to any other property, to be allocated ~~annually~~ as provided in the GMO Guidelines in effect on the Effective Date, but in no event more than 225 RGAs per year (“Annual RGA Eligibility”).
  - ◆ ~~225 RGAs and BPs reserved and allocated to the Project each year, subject to City’s right to reduce reservation to 150 RGAs and BPs for up to 3 years (non-consecutive and no less than 2 years apart)~~
  - ◆ Eligibility for building permits according to the requirements of the GMO Guidelines in effect on the Effective Date of the Amended and Restated Ellis DA
- ◆ Wastewater Treatment Capacity
  - Sufficient treatment capacity in City’s existing WWTP to serve 800 residential units
- ◆ Wastewater Conveyance Capacity
  - No cost for Corral Hollow System capacity sufficient to serve 550 residential units
  - The right to use 330 residential units of existing capacity in the Corral Hollow Sewer Conveyance System on a permanent basis shall be reserved for Tracy Ellis at no cost. If, by January 31, 2016, contributions from other developers for expansion of the system for an additional 220 residential units has not been guaranteed to the City, then the remaining 220 units of capacity shall be reserved to Tracy Ellis and allocated upon each subdivision map approval.
  - Sufficient capacity in Eastside System to serve additional 250 residential units on an interim basis, until Corral Hollow Phase One Upgrade is completed shall be reserved for Tracy Ellis.
- ◆ Water Supplies and Capacity
  - City to reserve supplies, and transmission and treatment capacity for all Project development
  - City to provide supplies (but not transmission or treatment capacity) at no cost to Tracy Ellis

### 3.3.2 MODIFIED ELLIS SPECIFIC PLAN (MODIFIED ESP)

#### OVERVIEW

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

The Modified ESP incorporates a Pattern Book that sets forth the design standards for the development of buildings on lots. The Modified ESP with the Pattern Book would serve as the primary regulatory document to guide land use decisions and reinforce the City's goals and expectations for quality development of the area designated as TR-Ellis. While the Modified ESP would generally regulate development of lots with their land uses, parks, public landscaping, roads, and utilities, the Pattern Book would guide the placement of buildings on lots and the exterior architecture of buildings. The Modified ESP was prepared in accordance with the General Plan such

**City of Tracy Modified Ellis Project  
Draft Revised EIR**

The Pattern Book calls for a mix of architectural styles historically popular in the region, such as Ellis Craftsman, Ellis Farmhouse Victorian, Ellis European Country, Ellis Revival, Ellis Mediterranean Revival, and Ellis Spanish Colonial to guide the design of all future buildings within the Modified ESP area.

Housing would be the predominant land use within the Modified ESP area. The Modified ESP proposes three residential neighborhoods that would have pedestrian-scaled streets, neighborhood parks, and open spaces: the Village Neighborhood, Garden Neighborhood, and Town and Country Neighborhood. A Village Center with commercial, office/professional, civic facilities, and/or places of public assembly is proposed to support the residential land uses. Ancillary commercial uses are proposed adjacent to the Village Center, at the northeastern corner of the Modified ESP area. A variety of uses are permitted, including retail, restaurants, and service stations.

As proposed, it is the intent of the Modified ESP to comply with *San Joaquin County's Aviation System Airport Land Use Compatibility Plan (2009 ALUCP)*. The 2009 ALUCP contains a Safety Criteria matrix (Table 3A of the 2009 ALUCP), which establishes criteria for assessing whether a land use plan, ordinance, or development proposal is compatible with a nearby airport with regard to safety. These criteria are used in conjunction with a compatibility map and policies for each airport. The Modified ESP was designed in response to the 2009 ALUCP compatibility map for the Tracy Municipal Airport (Exhibit 3TM-1: Tracy Municipal Airport (TCY) Compatibility Zones), the Safety Criteria matrix (Table 3A of the 2009 ALUCP), and the 2009 ALUCP's policies for the Tracy Municipal Airport.

The Modified ESP falls within three of the 2009 ALUCP "Safety Zones," as identified on the compatibility map for the Tracy Municipal Airport: Zones 4, 7, and 8; refer to Figure 3-10. Zone 4 is the Outer Approach/Departure Zone (OADZ), Zone 7 is the Traffic Pattern Zone (TPZ), and Zone 8 is the Airport Influence Area (AIA). Table 3-1 (2009 ALUCP Safety Criteria Matrix) identifies the safety criteria for each 2009 ALUCP Safety Zone applicable to the Modified ESP.

**TABLE 3-1 2009 ALUCP SAFETY CRITERIA MATRIX**

Zone	Dwelling Units Per Acre <sup>1</sup>	Maximum Non-Residential Intensity <sup>2</sup>	Required Open Land <sup>3</sup>	Prohibited Uses <sup>4</sup>	Other Development Conditions <sup>5</sup>
Zone 4 (OADZ)	One dwelling unit per five acres	180 persons per acre	20%	<ul style="list-style-type: none"> <li>◆ Children's schools, day care centers, libraries</li> <li>◆ Hospitals, nursing homes</li> <li>◆ Buildings with more than 3 aboveground habitable floors</li> <li>◆ Highly noise-sensitive outdoor nonresidential uses<sup>7</sup></li> <li>◆ Hazards to flight<sup>6</sup></li> </ul>	<ul style="list-style-type: none"> <li>◆ Minimum NLR of 25 dB in residences (including mobile homes) and office buildings<sup>8</sup></li> <li>◆ Airspace review required for objects greater than 70 feet tall<sup>9</sup></li> </ul>
Zone 7 (TPZ)	No Limit	450 persons per acre	10%	<ul style="list-style-type: none"> <li>◆ Hazards to flight<sup>6</sup></li> <li>◆ Outdoor stadiums</li> </ul>	<ul style="list-style-type: none"> <li>◆ Airspace review required for objects greater than 100 feet tall<sup>9</sup></li> </ul>
Zone 8 (AIA)	No Limit	No Limit	No Limit	<ul style="list-style-type: none"> <li>◆ Hazards to flight<sup>6</sup></li> </ul>	<ul style="list-style-type: none"> <li>◆ Airspace review required for objects greater than 100 feet tall<sup>9</sup></li> </ul>

The Pattern Book calls for a mix of architectural styles historically popular in the region, such as Ellis Craftsman, Ellis Farmhouse Victorian, Ellis European Country, Ellis Revival, Ellis Mediterranean Revival, and Ellis Spanish Colonial to guide the design of all future buildings within the Modified ESP area.

Housing would be the predominant land use within the Modified ESP area. The Modified ESP proposes three residential neighborhoods that would have pedestrian-scaled streets, neighborhood parks, and open spaces: the Village Neighborhood, Garden Neighborhood, and Town and Country Neighborhood. A Village Center with commercial, office/professional, civic facilities, and/or places of public assembly is proposed to support the residential land uses. Ancillary commercial uses are proposed adjacent to the Village Center, at the northeastern corner of the Modified ESP area. A variety of uses are permitted, including retail, restaurants, and service stations.

As proposed, it is the intent of the Modified ESP to comply with *San Joaquin County's Aviation System Airport Land Use Compatibility Plan (2009 ALUCP)*. The 2009 ALUCP contains a Safety Criteria matrix (Table 3A of the 2009 ALUCP), which establishes criteria for assessing whether a land use plan, ordinance, or development proposal is compatible with a nearby airport with regard to safety. These criteria are used in conjunction with a compatibility map and policies for each airport. The Modified ESP was designed in response to the 2009 ALUCP compatibility map for the Tracy Municipal Airport (Exhibit 3TM-1: Tracy Municipal Airport (TCY) Compatibility Zones), the Safety Criteria matrix (Table 3A of the 2009 ALUCP), and the 2009 ALUCP's policies for the Tracy Municipal Airport.

The Modified ESP falls within three of the 2009 ALUCP "Safety Zones," as identified on the compatibility map for the Tracy Municipal Airport: Zones 4, 7, and 8; refer to Figure 3-10. Zone 4 is the Outer Approach/Departure Zone (OADZ), Zone 7 is the Traffic Pattern Zone (TPZ), and Zone 8 is the Airport Influence Area (AIA). Table 3-1 (2009 ALUCP Safety Criteria Matrix) identifies the safety criteria for each 2009 ALUCP Safety Zone applicable to the Modified ESP.

TABLE 3-1 2009 ALUCP SAFETY CRITERIA MATRIX

Zone	Dwelling Units Per Acre <sup>1</sup>	Maximum Non-Residential Intensity <sup>2</sup>	Required Open Land <sup>3</sup>	Prohibited Uses <sup>4</sup>	Other Development Conditions <sup>5</sup>
Zone 4 (OADZ)	One dwelling unit per five acres	180 persons per acre	20%	<ul style="list-style-type: none"> <li>◆ Children's schools, day care centers, libraries</li> <li>◆ Hospitals, nursing homes</li> <li>◆ Buildings with more than 3 aboveground habitable floors</li> <li>◆ Highly noise-sensitive outdoor nonresidential uses<sup>7</sup></li> <li>◆ Hazards to flight<sup>6</sup></li> </ul>	<ul style="list-style-type: none"> <li>◆ Minimum NLR of 25 dB in residences (including mobile homes) and office buildings<sup>8</sup></li> <li>◆ Airspace review required for objects greater than 70 feet tall<sup>9</sup></li> </ul>
Zone 7 (TPZ)	No Limit	450 persons per acre	10%	<ul style="list-style-type: none"> <li>◆ Hazards to flight<sup>6</sup></li> <li>◆ Outdoor stadiums</li> </ul>	<ul style="list-style-type: none"> <li>◆ Airspace review required for objects greater than 100 feet tall<sup>9</sup></li> </ul>
Zone 8 (AIA)	No Limit	No Limit	No Limit	<ul style="list-style-type: none"> <li>◆ Hazards to flight<sup>6</sup></li> </ul>	<ul style="list-style-type: none"> <li>◆ Airspace review required for objects greater than 100 feet tall<sup>9</sup></li> </ul>

TABLE 3-1 2009 ALUCP SAFETY CRITERIA MATRIX

<p>Notes:</p> <ol style="list-style-type: none"><li>1. Residential development must not contain more than the indicated number of dwelling units (excluding secondary units) per gross acre (d.u./ac). Clustering of units is encouraged. Gross acreage includes the property at issue plus a share of adjacent roads and any adjacent, permanently dedicated, open lands.</li><li>2. Usage intensity calculations shall include all people (e.g., employees, customers/visitors, etc.) who may be on the property at a single point in time, whether indoors or outside. Multiplier bonus for Special Risk-Reduction Bldg. Design is 1.5 for Zone 2 and 2.0 for Zones 3, 4, 5, and 7. (Appropriate risk reduction measures are specified in the California Code of Regulations, Title 24, Part 2.)</li><li>3. Open land requirements are intended to be applied with respect to an entire zone. This is typically accomplished as part of a community general plan or a specific plan, but may also apply to large (10 acres or more) development projects.</li><li>4. The uses listed here are ones that are explicitly prohibited regardless of whether they meet the intensity criteria. In addition to these explicitly prohibited uses, other uses will normally not be permitted in the respective compatibility zones because they do not meet the usage intensity criteria.</li><li>5. As part of certain real estate transactions involving residential property within any compatibility zone (that is, anywhere within an airport influence area), information regarding airport proximity and the existence of aircraft overflights must be disclosed. This requirement is set by state law. Easement dedication and deed notice requirements indicated for specific compatibility zones apply only to new development and to reuse if discretionary approval is required.</li><li>6. Hazards to flight include physical (e.g., tall objects), visual, and electronic forms of interference with the safety of aircraft operations. Land use development that may cause the attraction of birds to increase is also prohibited.</li><li>7. Examples of highly noise-sensitive outdoor nonresidential uses that should be prohibited include amphitheaters and drive-in theaters. Caution should be exercised with respect to uses such as poultry farms and nature preserves.</li><li>8. NLR = Noise Level Reduction, the outside-to-inside sound level attenuation that the structure provides.</li><li>9. This height criterion is for general guidance. Shorter objects normally will not be airspace obstructions unless situated at a ground elevation well above that of the airport. Taller objects may be acceptable if determined not be obstructions.</li></ol> <p>Source: <i>San Joaquin County's Aviation System Airport Land Use Compatibility Plan</i>, Coffman Associates, July 2009.</p>
---

The following describes the relationship of each of the 2009 ALUCP Safety Zones to the land uses proposed by the Modified ESP. As shown on Figure 3-10, Safety Zone 4 encompasses the ~~A-Limited Use designation~~ ~~encompasses the Tracy Airport Outer Approach/Departure Zone~~ in the southeast corner of the Modified ESP area, as well as a portion of the Residential Mixed area surrounding the Limited Use designated area. ~~This designation allows all uses permitted in the Outer Approach/Departure Zone per the 1998 Tracy Municipal Airport Master Plan and the 2009 San Joaquin County Airport Land Use Compatibility Plan (ALUCP), including outdoor/self storage (conditional approval not required).~~ Safety Zone 7 encompasses the Residential Mixed area surrounding Safety Zone 4 in the southeast corner of the Modified ESP area. Included in this area as well is the proposed Village Center. Safety Zone 8 encompasses the remainder of the Residential Mixed area of the Modified ESP. ~~Uses within the Modified ESP area would be prohibited based on the applicable safety zone criteria.~~ Permissible uses within the Modified ESP area will ultimately necessarily be determined with reference to their consistency with uses allowed by the applicable safety zone of the 2009 ALUCP. However, it should be noted that all uses within the ~~Tracy Airport Outer Approach/Departure Zone~~ Modified ESP would be restricted to those consistent with the criteria established by the 2009 ALUCP ~~in effect at the time of application.~~

As noted previously, a minimum of four acres per 1,000 residents would be dedicated to public use for parks and could include the provision of a Family Swim Center, which would serve as a Community Park. Uses in the Family Swim Center may include a competition swimming pool, recreation pool, wet play structures, recreational rivers, support facilities, and associated parking and landscaping. Should the Family Swim Center locate elsewhere in the City other than the Modified ESP area, the area it could have occupied within the Modified ESP area would revert to the

### Limited Use

The Limited Use designation is intended to allow for up to 80,000 square feet of development within the Tracy Airport Outer Approach Zone. Residential uses are not permitted in the Limited Use designation. No uses resulting in an assembly of greater than 50 people per acre are allowed. Uses permitted in this zone would include low intensity active recreation (i.e., jogging trails), agriculture production and sales (with restrictions on gathering), construction business, nurseries, storage units, and art studios (with restrictions on gathering). As noted previously, all uses within the Tracy Airport Outer Approach/Departure Zone would be restricted to those consistent with the criteria established by the [2009 Airport Land Use Compatibility Plan \(ALUCP\)](#) ~~in effect at the time of application~~.

### Public Facilities

The Modified ESP allows a Transit Center as an allowable land use within a portion of the Residential Mixed Use zoning designation along a five-acre site along the existing Union Pacific rail line, approximately halfway between Corral Hollow Road and Lammers Road. It could include a train stop, bus transfer stop, and commuter parking spaces. The ACE Train and Tracer bus service may serve the Modified ESP area via a multi-modal transit hub. The feasibility of this use is dependent upon the transit policies of the City and regional transportation agencies. As noted previously, in the event the transit center is feasible to build in the future, it would replace residential development otherwise permitted.

### Improved Parks

A substantial portion of the Modified ESP area is reserved for parks, including a Family Swim Center that would serve as a Community Park. Consistent with City requirements, the Modified ESP includes a minimum of four acres of parkland per 1,000 residents that would be dedicated for public use (Ellis proposes three acres of Neighborhood Parks per 1,000 residents and one acre of Community Parks per 1,000 residents – four acres total). The Amended and Restated Ellis DA establishes that the Family Swim Center would be used as credit for the Community Park requirement. However, it should be noted that if the Family Swim Center locates elsewhere in the City and not within the Modified ESP area, the Project Applicant would be required to pay an in lieu fee to meet the City's parkland dedication requirements, and the area it could have occupied would revert to the underlying zoning (Residential Mixed Use). The system is designed to serve a broad cross-section of residents by providing a diverse mix of active and passive recreational opportunities. The park areas would also be designed to be in compliance with the City of Tracy General Plan and the State of California's Quimby Act. The Modified ESP proposes improved parks that would be distributed throughout Modified ESP residential neighborhoods. The Modified ESP would also provide a native preserve that would be fenced off and planted with drought-tolerant native grasses and other compatible plants. The parks are designed to provide a diverse set of passive and active recreational opportunities, including walking paths, sports fields, play areas, court games, and community gathering places. Refer to Figure 3-6 (Illustrative Parks Plan).

### Family Swim Center

A site along Corral Hollow Road has been reserved for a Family Swim Center that under the Amended and Restated Ellis DA would fulfill the Community Park obligation. As noted above, should the Family Swim Center not locate within the Modified ESP, the Project Applicant would be required to pay an in lieu fee to meet the City's parkland dedication requirements and the area it could have occupied would revert to the underlying zoning (Residential Mixed Use). Uses in the Family Swim Center may include a competition swimming pool, recreation pool, wet play structures, recreational rivers, support facilities, and associated parking and landscaping. The Community Park



If feasible measures are not available to meet the emissions reductions targets outlined above, then the Project Applicant shall pay an in lieu mitigation fee to the SJVAPCD to off-set the Modified Project's emissions-related impacts, or coordinate with the SJVAPCD to implement a Voluntary Emission Reduction Agreement (VERA). If in lieu fees are required, the Project Applicant shall coordinate with the SJVAPCD to calculate the amount of the fees required to off-set the Modified Project's impacts.

## PLAN CONSISTENCY

**Impact 4.3-3** Due to the Modified ESP's exceedances of SJVAPCD's air quality standards, future development projects would not be consistent with the most recent Air Quality Management Plan.

### Determination: Significant and Unavoidable Impact.

Air quality conformity refers to the process whereby transportation plans, programs and projects conform to the requirements of applicable general plans and regional plans. Regional plans that apply to the Modified ESP include the SJVAPCD Air Quality Attainment Plans (AQAPs) for Ozone and PM<sub>10</sub>, which are part of the State Implementation Plan (SIP).

The California Clean Air Act (CCAA) requires non-attainment districts with severe to extreme air quality problems to provide for a five percent reduction with non-attainment emissions per year. The AQAPs for ozone and PM<sub>10</sub> prepared for the Basin by the SJVAPCD fulfill this requirement. Banked emission reduction credits are included in the emissions inventories for the AQAP and provide an additional means to attaining the required five percent reduction in these inventories per year.

Air quality conformity to an implementation plan as required in the CCAA Section 176(c) is defined as: "Conformity to the plan's purpose of eliminating or reducing the severity and number of violations of the national ambient air quality standards and achieving expeditious attainment of such standards; and that such activities would not (i) cause or contribute to any new violation of any standard in any area; (ii) increase the frequency or severity of any existing violation of any standard in any area; or (iii) delay timely attainment of any standard or any required interim emission reductions or other milestones in any area." The Air Quality Conformity document adopted July 22, 2010 demonstrates that the Federally-approved Regional Transportation Plan (RTP) and the Federal Transportation Improvement Program (FTIP) conform to the SIP for controlling air pollution sources.

If a project is found to interfere with the region's ability to comply with Federal and State air quality standards, local governments then need to consider project modifications or provide mitigation measures to eliminate the inconsistency of the project plans. In order for a project to be considered "consistent" with the latest AQAP, the Modified ESP must be consistent with the goals, objectives, and assumptions in the respective plan to achieve the Federal and State air quality standards.

As indicated in the Long-Term Operational Impacts discussion, the Modified ESP would result in exceedances of SJVAPCD thresholds for criteria pollutants. The Modified Project's design features would help reduce criteria pollutants; however, as indicated in the analysis, impacts would remain significant and unavoidable. Therefore, the Modified ESP would be inconsistent with the *2007 Ozone Plan* in this regard.

#### Transportation

- ◆ Provide pedestrian connections to the off-site circulation network (building permit).
- ◆ ~~For willing participants, H~~ Implement a trip reduction program, for which all employees shall be eligible to participate (occupancy permit).
- ◆ ~~For willing participants, p~~ Provide a ride sharing program, for which all employees shall be eligible to participate (occupancy permit).
- ◆ Provide amenities for non-motorized transportation (i.e., secure bicycle storage, changing rooms, and showers) (building permit).

#### Energy Efficiency

- ◆ Design buildings to be energy efficient, ~~28 percent above per~~ Title 24 requirements (building permit).
- ◆ Install “cool” roofs and cool pavements, and strategically placed trees (building permit).
- ◆ Install high efficiency lighting, and energy efficient heating and cooling systems (building permit).
- ◆ Reduce unnecessary outdoor lighting (building permit).

#### Water Conservation and Efficiency

- ◆ Install water-efficient irrigation systems (building permit).
- ◆ Comply with *Municipal Code* Section 21.20.050, Efficient Landscape Standards (building permit).
- ◆ Install water-efficient fixtures (e.g., faucets, toilets, showers) (building permit).

#### Solid Waste

- ◆ Reuse and recycle construction and demolition waste (including, but not limited to, soil, vegetation, concrete, lumber, metal, and cardboard) (building permit).
- ◆ Provide interior and exterior storage areas for recyclables and adequate recycling containers located in public areas (occupancy permit).

### CONSISTENCY WITH APPLICABLE GHG PLANS, POLICIES, OR REGULATIONS

**Impact 4.6-2            The Modified ESP would not result in a conflict with an applicable greenhouse gas reduction plan, policy, or regulation.**

**Determination: Less Than Significant Impact with Mitigation Incorporation.**

The City’s SAP establishes a GHG emission reduction target that is based on SJVACPD threshold of a 29 percent reduction from “business as usual” emissions. The City’s target was also developed following a review of sustainability targets set by other entities, such as the Attorney General’s Office, and have been refined iteratively and concurrently with the sustainability measures.

- ◆ The Community Character Element policies encourage the development of urban green spaces, promote the incorporation of pedestrian and bicycle access into site design, and discourage new strip commercial development.
- ◆ The Economic Development Element includes policies encouraging green businesses, local procurement of green products, and employment opportunities that reduce the need for vehicle trips.

## 4.7 HAZARDS AND HAZARDOUS MATERIALS

As described in Chapter 2 (Introduction), this Revised Draft EIR analyzes the potential environmental effects of the proposed changes associated with the Modified Project, and identifies feasible mitigation measures for potentially significant impacts where applicable. In addition, this Draft Revised EIR also addresses:

- ◆ the Trial Court's Statement of Decision and Judgment (issued October 31, 2011) on the City of Tracy/Surland Companies Development Agreement and Ellis Specific Plan Applications Draft and Final EIRs (State Clearinghouse No. 2006102092) (Original Ellis EIR); as well as,
- ◆ updates to the ESP area as identified in the 2011 General Plan Update and analysis in the General Plan EIR (certified February 2011).

Other background information, analysis of environmental impacts, and mitigation measures contained within the Original Ellis EIR remain valid, and as described in Chapter 2, that information has been incorporated by reference into this Draft Revised EIR. Thus, the topics covered in this chapter are limited to addressing those aspects described above. Specifically, this section provides:

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

A Phase I Initial Site Assessment (Phase I) was prepared by RBF Consulting in October 2007 for the Original Ellis DA and Specific Plan (Original Phase I). However, a new Phase I (2012 Phase I) was prepared by ENGEO, Incorporated (ENGEO) on March 29, 2012 (Phase I Environmental Site Assessment Ellis Property Tracy, California) at the request of Project Applicant for the purpose of environmental due diligence; refer to Appendix C for a copy of the 2012 Phase I. The 2012 Phase 1 was peer reviewed by RBF Consulting in May 2012. The objective of the 2012 Phase I is to identify recognized environmental conditions associated with the Modified ESP site. This section of the Draft Revised EIR incorporates the information contained within the 2012 Phase I.

In addition, to address pipeline safety issues raised in the Statement of Decision and Judgment, the Project Applicant commissioned an investigation into the safety of on-site pipelines, which is documented in the Final Report, Safety Aspects of Energy Pipelines Regarding the Proposed Ellis Development, prepared by Kiefner & Associates, May 1, 2012 (Pipeline Safety Report). That report was peer reviewed by V&A, Ellis Specific Plan, Tracy, CA - Safety Aspects of Energy Pipelines Peer Review, May 29, 2012 (Pipeline Safety Report Peer Review). Both reports are summarized in this section and are reproduced in their entirety in Appendix C (Hazards Data).

[The California Airport Land Use Planning Handbook was also used in as a technical resource in the preparation of this section, as recommended by the California Department of Transportation, Division of Aeronautics.](#)

Pipeline Integrity

The Chevron crude oil pipeline was reported to have had a major release on March 11, 1995, near Huron, CA, about 135 miles from the City of Tracy. The release was caused by 100-year flooding conditions severe enough to wash out an overpass on I-5 about one-mile upstream from the site of the pipeline failure. Accumulated debris from the washout may have caused the pipeline to fail at a girth weld. The incident report filed with PHMSA described the affected pipe as having been installed in 1969, which indicates that it was not part of the original construction. The pipelines cross the Corral Hollow Creek approximately two miles southeast of the southeast corner of Ellis. Small 100-year floodplain zones have been defined near where the pipelines intersect the creek and extending to the east. These zones do not encompass Ellis. Another reportable incident may have been associated with the KLM pipeline due to excavator damage in Fresno County in 1988.

ERW seams as old as the KLM pipeline are generally reliable but are known to have susceptibility to unique degradation mechanisms. No failures associated with seam-related conditions have been reported in this pipeline, which is consistent with either a low inherent susceptibility to this problem, or with any problem having been eliminated in the past.

**TRACY MUNICIPAL AIRPORT SAFETY ZONES**

The Modified ESP falls within three of the 2009 ALUCP “Safety Zones,” as identified on the compatibility map for the Tracy Municipal Airport: Zones 4, 7, and 8; refer to Figure 3-10 in the Project Description (Chapter 3). Zone 4 is the Outer Approach/Departure Zone (OADZ), Zone 7 is the Traffic Pattern Zone (TPZ), and Zone 8 is the Airport Influence Area (AIA). Each zone has specific prohibitions regarding the type of development that can occur within their boundaries; refer to Table 4.7-404 (2009 ALUCP Safety Criteria Matrix Applicable to the Modified ESP) for the list of development that is prohibited in the Safety Zones applicable to the Modified ESP.

TABLE 4.7-404 2009 ALUCP SAFETY CRITERIA MATRIX APPLICABLE TO THE MODIFIED ESP

Zone	Dwelling Units Per Acre <sup>1</sup>	Maximum Non-Residential Intensity <sup>2</sup>	Required Open Land <sup>3</sup>	Prohibited Uses <sup>4</sup>	Other Development Conditions <sup>5</sup>
Zone 4 (OADZ)	One dwelling unit per five acres	180 persons per acre	20%	<ul style="list-style-type: none"> <li>◆ Children’s schools, day care centers, libraries</li> <li>◆ Hospitals, nursing homes</li> <li>◆ Buildings with more than 3 aboveground habitable floors</li> <li>◆ Highly noise-sensitive outdoor nonresidential uses<sup>7</sup></li> <li>◆ Hazards to flight<sup>6</sup></li> </ul>	<ul style="list-style-type: none"> <li>◆ Minimum NLR of 25 dB in residences (including mobile homes) and office buildings<sup>8</sup></li> <li>◆ Airspace review required for objects greater than 70 feet tall<sup>9</sup></li> </ul>
Zone 7 (TPZ)	No Limit	450 persons per acre	10%	<ul style="list-style-type: none"> <li>◆ Hazards to flight<sup>6</sup></li> <li>◆ Outdoor stadiums</li> </ul>	<ul style="list-style-type: none"> <li>◆ Airspace review required for objects greater than 100 feet tall<sup>9</sup></li> </ul>
Zone 8 (AIA)	No Limit	No Limit	No Limit	<ul style="list-style-type: none"> <li>◆ Hazards to flight<sup>6</sup></li> </ul>	<ul style="list-style-type: none"> <li>◆ Airspace review required for objects greater than 100 feet tall<sup>9</sup></li> </ul>

TABLE 4.7-410 2009 ALUCP SAFETY CRITERIA MATRIX APPLICABLE TO THE MODIFIED ESP

Notes:

1. Residential development must not contain more than the indicated number of dwelling units (excluding secondary units) per gross acre (d.u./ac). Clustering of units is encouraged. Gross acreage includes the property at issue plus a share of adjacent roads and any adjacent, permanently dedicated, open lands.
2. Usage intensity calculations shall include all people (e.g., employees, customers/visitors, etc.) who may be on the property at a single point in time, whether indoors or outside. Multiplier bonus for Special Risk-Reduction Bldg. Design is 1.5 for Zone 2 and 2.0 for Zones 3, 4, 5, and 7. (Appropriate risk reduction measures are specified in the California Code of Regulations, Title 24, Part 2.)
3. Open land requirements are intended to be applied with respect to an entire zone. This is typically accomplished as part of a community general plan or a specific plan, but may also apply to large (10 acres or more) development projects.
4. The uses listed here are ones that are explicitly prohibited regardless of whether they meet the intensity criteria. In addition to these explicitly prohibited uses, other uses will normally not be permitted in the respective compatibility zones because they do not meet the usage intensity criteria.
5. As part of certain real estate transactions involving residential property within any compatibility zone (that is, anywhere within an airport influence area), information regarding airport proximity and the existence of aircraft overflights must be disclosed. This requirement is set by state law. Easement dedication and deed notice requirements indicated for specific compatibility zones apply only to new development and to reuse if discretionary approval is required.
6. Hazards to flight include: sources of glare or distracting lights that could be mistaken for airport lights; (2) reflective materials on structures or signs, excluding traffic directing signs; (3) sources of dust, steam, or smoke which may impair pilot visibility; (4) physical (e.g., tall objects); (5) visual, and sources of electrical electronic forms of interference with the safety of aircraft communication, navigation, or operations; (6) Hand use development, especially landfills and certain agricultural uses, that may cause the attraction of birds to increase is also prohibited.
7. Examples of highly noise-sensitive outdoor nonresidential uses that should be prohibited include amphitheaters and drive-in theaters. Caution should be exercised with respect to uses such as poultry farms and nature preserves.
8. NLR = Noise Level Reduction, the outside-to-inside sound level attenuation that the structure provides.
9. This height criterion is for general guidance. Shorter objects normally will not be airspace obstructions unless situated at a ground elevation well above that of the airport. Taller objects may be acceptable if determined not be obstructions.

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

## 4.7.2 REGULATORY FRAMEWORK

The management of hazardous materials is regulated by various Federal, State, and local agencies. Federal and State agencies include the US Environmental Protection Agency (EPA), US Department of Transportation (DOT), California Environmental Protection Agency (Cal EPA), Cal EPA Department of Toxic Substance Control (DTSC), California State Water Resources Control Board (SWRCB), Regional Water Quality Control Board (RWQCB), and the California Highway Patrol. Local agencies include the City of Tracy Fire Department, which regulates hazardous materials use, storage, and disposal within the City.

At the Federal level, the EPA is the principal regulatory agency, while at the State level, the Department of Toxic Substances Control (DTSC) is the primary agency governing the storage, transportation, and disposal of hazardous wastes. Regional Water Quality Control Boards (for the Modified ESP site, the Central Valley Regional Water Quality Control Board) have jurisdiction over discharges into waters of the State. The Federal Occupational Safety and Health Administration (OSHA) and the State Cal-OSHA regulate many aspects of worker safety.

The San Joaquin County Environmental Health Department (EHD) was approved by the State as the State Certified Unified Program Agency (CUPA) for San Joaquin County in January 1997. The

**City of Tracy Modified Ellis Project  
Draft Revised EIR**

operator and the land developer to lower risk. The PIR is suggested for defining the width of each of these regions.

The PIR is not intended to define minimum setback distances inside of which development should be prohibited. In the words of the Transportation Research Board, using the PIR as a setback criterion only "considers the consequences of an event without accounting for its probability ... and does not attempt to weigh the risk-reduction benefits of such a measure against the considerable cost that such a provision would entail."

**Identification of Integrity Threats**

The integrity threats which pipeline operators must consider in their assessment of risks and hazards are listed in Table 4.7-5-6 (Pipeline Integrity Threats). The actual attributes of a pipeline, encompassing all aspects of manufacturing of the pipe, design parameters, construction and inspection standards, integrity test history, operation and maintenance, and the environment the pipeline operates in, determine to which threats a given segment of pipeline may be susceptible.

**TABLE 4.7-5-6 PIPELINE INTEGRITY THREATS**

Root Cause	Integrity Threat	Category	Assessment
Internal Corrosion	Internal Corrosion	Time Dependant	Periodic, repeated at intervals (e.g., ILI
External Corrosion	External Corrosion		
Stress Corrosion Cracking	Stress Corrosion Cracking		
Pipe Seam Defect	Manufacturing Defects	Time Stable	One time only (e.g., hydrostatic pressure test) unless conditions change
Pipe Body Defect			
Girth Weld Defect	Defective Construction or Fabrication		
Wrinkle Bend			
Broken Thread or Coupling	Equipment		
Gasket or O-ring Failure			
Pressure Control Equipment			
Seal or Packing Failure			
Miscellaneous Equipment			
Immediate Damage to Pipe	Mechanical Damage	Time Dependant (random)	Surveillance and Prevention
Previously Damaged Pipe			
Vandalism			
Incorrect Operation	Incorrect operation		
Cold Weather	Natural Events		
Lightening			
Flooding or Heavy Rain			
Soil Movement			

**Mitigation of Integrity Threats**

Federal regulations and industry standards require pipeline operators to perform the following actions to mitigate the threat of damage, including:

2079.10.5. (a) Every contract for the sale of residential real property entered into on or after July 1, 2013, shall contain, in not less than 8-point type, a notice as specified below:

*NOTICE REGARDING GAS AND HAZARDOUS LIQUID TRANSMISSION PIPELINES*

*This notice is being provided simply to inform you that information about the general location of gas and hazardous liquid transmission pipelines is available to the public via the National Pipeline Mapping System (NPMS) Internet Web site maintained by the United States Department of Transportation at <http://www.npms.phmsa.dot.gov/>. To seek further information about possible transmission pipelines near the property, you may contact your local gas utility or other pipeline operators in the area. Contact information for pipeline operators is searchable by ZIP Code and county on the NPMS Internet Web site.*

(b) Upon delivery of the notice to the transferee of the real property, the seller or broker is not required to provide information in addition to that contained in the notice regarding gas and hazardous liquid transmission pipelines in subdivision (a). The information in the notice shall be deemed to be adequate to inform the transferee about the existence of a statewide database of the locations of gas and hazardous liquid transmission pipelines and information from the database regarding those locations.

(c) Nothing in this section shall alter any existing duty under any other statute or decisional law imposed upon the seller or broker, including, but not limited to, the duties of a seller or broker under this article, or the duties of a seller or broker under Article 1.5 (commencing with Section 1102) of Chapter 2 of Title 4 of Part 4 of Division 2.

**SAN JOAQUIN COUNTY AIRPORT LAND USE COMPATIBILITY PLAN**

Since the preparation of the Original Ellis EIR, the San Joaquin Council of Governments (SJCOG), which serves as the Airport Land Use Commission (ALUC) for San Joaquin County, adopted an update to its 1993 Airport Land Use Compatibility Plan, the 2009 Airport Land Use Compatibility Plan (2009 ALUCP). The intention of the 2009 ALUCP is to protect and promote the safety and welfare of residents and airport users near the public use airports in San Joaquin County (County), while promoting the continued operation of those airports. Specifically, the plan seeks to protect the public from the adverse effects of airport, noise, to ensure that people and facilities are not concentrated in areas susceptible to aircraft accidents, and to ensure that no structures or activities encroach upon or adversely affect the use of navigable airspace.

The 2009 ALUCP includes all components of the Updated Comprehensive Land Use Plan for five of the six public-use airports within San Joaquin County. Stockton Metropolitan Airport is in the process of an Airport Master Plan Update. The 2009 ALUCP will may be amended to include the Stockton Metropolitan Airport after the Master Plan has been through the approval process. Additionally, policies are provided for the portion of the County affected by the operations at Byron Airport located in neighboring Contra Costa County.

State of California Public Utilities Code Section 21676 grants the ALUC the authority to review amendments to general plans, specific plans, zoning amendments, and building regulations that apply within the airport planning boundary.

### 4.4.3 ENVIRONMENTAL ANALYSIS

#### THRESHOLDS OF SIGNIFICANCE

##### CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES

The following thresholds of significance are based on Appendix G of the State CEQA Guidelines. The Modified ESP would have a significant impact related to hazards and hazardous materials if it would:

- ◆ Create a significant hazard to the public or the environment through ~~reasonable~~ reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; or,
- ◆ For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the Project site.

~~As noted previously, the purpose of this section of the Revised Draft EIR is to provide an updated discussion of existing conditions; an expanded discussion of gas and oil pipelines; and, potential gas and oil pipelines impacts that could occur as a result of the implementation of the Modified ESP. Other background information, analysis of environmental impacts, and mitigation measures contained within the Original Ellis EIR remains valid, and as described in Chapter 1, that information has been incorporated by reference into this Draft Revised EIR. Thus, the topics covered in this chapter are limited to addressing those aspects described above. Please refer to the Original Ellis EIR for a discussion of other potential hazards and hazardous materials impacts. Hazard impacts associated with the Tracy Municipal Airport are discussed in Section 4.5 (Land Use).~~

#### POTENTIAL IMPACTS AND MITIGATION MEASURES

##### ACCIDENTAL RELEASE OF HAZARDOUS MATERIALS

**Impact 4.7-1:** Implementation of the Modified ESP may create a significant hazard to the public or the environment through reasonably foreseeable upset and accidental conditions involving the release of hazardous materials into the environment.

**Determination:** Less than Significant Impact with Mitigation Incorporation.

##### 2012 Phase I Findings

The 2012 Phase I investigation included a review of local, State, and Federal environmental record sources, standard historical sources, aerial photographs, fire insurance maps and physical setting sources, a reconnaissance of the Modified ESP area to review use and current conditions and to check for the storage, use, production or disposal of hazardous or potentially hazardous materials and interviews with persons knowledgeable about current and past site use.

The reconnaissance and records research did not find documentation or physical evidence of soil or groundwater impairments associated with the use of the Modified ESP area. A review of regulatory databases maintained by County, State, and Federal agencies found no documentation of hazardous



City of Tracy Modified Ellis Project  
Draft Revised EIR

- ◆ designing a site development plan incorporating permanent land use over the pipeline right-of-way that minimizes the potential for damage to the lines (as discussed above, this is already an integrated plan design feature, but is listed here because it is an important component of a damage prevention plan);
- ◆ prominently marking the line locations prior to site development, maintaining markings throughout the development process, and final marking after work is complete;
- ◆ communicate plans for significant excavation or land contouring work;
- ◆ identify changes in land contour that could significantly reduce the soil cover over the pipelines;
- ◆ evaluate the effects of heavy construction vehicles crossing the lines, designate areas for heavy construction vehicles to cross the lines, and provide temporary fill or other temporary protection over the lines where necessary;
- ◆ minimize installations of new buried utilities and services across the existing pipelines;
- ◆ evaluate whether the existing lines should be lowered to increase vertical separation between the pipelines and new surface features; and
- ◆ develop other damage-prevention measures as may be necessary.

In addition to the damage prevention measures listed above, the Project Applicant and the pipeline operators should consider other measures for reducing risk suggested in the Pipelines and Informed Planning Alliance (PIPA) recommended practices on informed land use. Many of PIPA's recommendations appear to already have been accounted for in site plans, but additional details for consideration (if they have not been considered already) include:

- ◆ select landscaping vegetation to avoid root structures that damage pipeline coatings;
- ◆ avoid planting trees that prevent direct observation of the pipelines by aerial patrol;
- ◆ manage storm runoff to prevent erosion of pipeline bedding;
- ◆ consider accessibility to pipeline personnel and first responders in the event of an emergency; and;
- ◆ incorporate escape routes from areas within the Potential Impact Radius (PIR).

The following impact statement has been relocated from the Land Use Section of the Draft Revised EIR pursuant to a request by the San Joaquin Council of Governments (SJCOG), acting as Airport Land Use Commission (ALUC) in their comment letter dated September 7, 2012. Further, at the request of SJCOG in their September 7, 2012 comment letter, additional clarification and detail has been added to the text regarding all three of the "Safety Zones" that overlie the Project site as identified on the compatibility map for the Tracy Municipal Airport in the 2009 ALCUP. However, it should be noted that, importantly, none of the clarified information provided changes the disposition or characterization of the impact. Thus, the clarified information provides additional detail, as requested by the SJCOG and the impact remains less than significant and no mitigation measures are required.

## AIRPORT HAZARDS

Impact 4.7-3: Implementation of the Modified ESP would result in the placement of people and structures within the flight approach to Tracy Municipal Airport.

Determination: Less than Significant Impact.

The Modified ESP falls within three of the 2009 ALUCP “Safety Zones,” as identified on the compatibility map for the Tracy Municipal Airport: Zones 4 (OADZ), 7 (TPZ), and 8 (AIA); refer to Figure 3-10 in the Project Description (Chapter 3). This has the potential to create a significant impact if incompatible development is allowed. Development within an airport Safety Zone requires land use restrictions to minimize risks to both people working and residing in this area, and aircraft utilizing the airport. The two principal methods for reducing these risks are to limit the number of persons in an area, and to limit the area covered by occupied structures.

As proposed, the Modified ESP was designed to be consistent with the applicable safety criteria for each Safety Zone that encompasses the Modified ESP area. More specifically, the Modified ESP was designed in response to the 2009 ALUCP compatibility map for the Tracy Municipal Airport (Exhibit 3TM-1: Tracy Municipal Airport (TCY) Compatibility Zones), the Safety Criteria matrix (Table 3A of the 2009 ALUCP), the 2009 ALUCP’s policies for the Tracy Municipal Airport, and the California Airport Land Use Planning Handbook. On November 7, 2012, the ALUC conducted a consistency review of the project and concluded that, upon implementation of project design conditions, the project would be consistent with the 2009 ALUCP (“Consistency Determination”). The following discussion provides:

- 1) a description of the land uses proposed for each 2009 ALUCP Safety Zone that encompasses the Modified ESP area; and,
- 2) an assessment of the consistency of the land uses proposed by the Modified ESP with the safety criteria for the applicable Zone.

### Safety Zone 4 (OADZ)

Safety Zone 4 encompasses the Limited Use designation in the southeast corner of the Modified ESP area, as well as a portion of the Residential Mixed area surrounding the Limited Use designated area. As indicated in Table 3A of the 2009 ALUCP and Table 4.7-104.7-4 of this Draft Revised EIR, Safety Zone 4 includes the following prohibitions on development and restrictions on flight hazards:

- ◆ One residential dwelling unit per five acres;
- ◆ A maximum non-residential intensity of 180 persons per acre;
- ◆ A minimum of 20 percent open space;
- ◆ No children’s schools, day care centers, libraries, hospitals, nursing homes, buildings with more than three aboveground habitable floors allowed;
- ◆ No highly noise-sensitive outdoor nonresidential uses (i.e., amphitheaters and drive-in theaters) allowed;
- ◆ No hazards to flight (e.g., tall objects, visual and electronic forms of interference with the safety of aircraft operations, development that attracts increased amount of birds, etc.) allowed;

- ◆ Minimum Noise Level Reduction of 25 dB in residences (including mobile homes) and office buildings;
- ◆ Occupied structures must be soundproofed to reduce interior noise to 45 dB according to State Guidelines; and;
- ◆ Airspace review for objects greater than 70 feet tall; and
- ◆ Regardless of location within San Joaquin County, any proposal for construction or alteration of a structure (including antennas) taller than 200 feet above the ground level at the site would require notification to the Federal Aviation Administration in accordance with Code of Federal Regulations, Part 77, Paragraph 77.13(a)(1).;

The Modified ESP proposes the following range of permitted uses for the Limited Use designated area:

- ◆ agricultural production and sales;
- ◆ botanical gardens/demonstration gardens;
- ◆ low intensity active recreation (e.g., jogging trails, tennis courts);
- ◆ construction business;
- ◆ nurseries; and
- ◆ art studios, outdoor storage for recreational vehicles, boats, equipment, and vehicles; and indoor storage for all of the preceding as well as personal storage units, including a habitable space for up to two persons to be occupied by a property manager. Abandoned and inoperable vehicles, or uses allowed in an automobile wrecking yard, are not permitted; and, art studios.

The Modified ESP proposes the following range of permitted uses for the Residential Mixed designated area:

- ◆ Civic, Quasi-Civic, and Cultural Uses
  - Cultural and entertainment facilities including community theaters, performing arts centers, museums, and auditoriums
  - Libraries
  - Public recreation facilities, including parks and swim centers
  - Community centers, senior centers, teen centers
  - Childcare facilities
  - Social service facilities
  - Places of public assembly, including places of worship
  - Fire and police stations
  - Transit facilities, terminals, and stations
  - Educational facilities
  - Post office
- ◆ Residential - Multi-Family Housing (common entry)
  - Buildings used as a residence for multiple households where dwelling units are accessed from a common lobby entry or shared hallway.
  - Senior residential facilities.
- ◆ Residential – Attached Single-Family Housing (individual entry).

- Buildings used as a residence for multiple households where all dwelling units have a dedicated entrance accessed directly from the public sidewalk or publicly accessible open space.

◆ Residential — Detached Single-Family Housing

- A detached building used as a residence for one household
- Secondary Residential Units. The lot upon which the unit is located shall have an area of at least 4,800 square feet.

Building heights within the Limited Use designation would be limited to 35 feet or two stories. Building heights within the Residential Mixed designation would be limited as follows:

◆ Low density – 35 feet or two and a half stories

◆ Medium density – 40 feet or three stories

◆ High density – 50 feet or three stories (Towers, parapet walls, and other architectural or ornamental features may extend above the permitted building height. All roof-mounted mechanical equipment, including but not limited to: HVAC equipment, vents, skylights, fans, hoods, antennas, satellite dishes, and access hatches or ladders shall be at or below the height of the exterior parapet wall and not visible from any public right-of-way.)

As indicated above, the range of uses permitted within the Limited Use designation would include low intensity active recreation (i.e., jogging trails), agriculture production and sales (with restrictions on gathering), construction business, nurseries, storage units, and art studios (with restrictions on gathering) and would be limited to 35 feet or two stories in height. These types of uses and building heights would be consistent with the prohibitions on development and restrictions on flight hazards identified for Safety Zone 4 by the 2009 ALCUP that are described above.

The majority of the civic, quasi-civic, and cultural uses allowed within the Residential Mixed land use designation are prohibited in Safety Zone 4 including, libraries, any uses that would result in the gathering of large groups of people (i.e., community theaters, performing arts centers, museums, auditoriums, public recreation facilities, community centers, places of public assembly, or transit facilities), childcare facilities, social service facilities, nursing homes, senior centers, teen centers, and educational centers. Regarding the residential uses allowed within the Residential Mixed land use designation, all but the senior residential facilities permitted within the Multi-Family Housing category would be consistent with the safety criteria established for Safety Zone 4 in Table 3A (Safety Criteria Matrix) of the 2009 ALUCP, as identified in Table 4.7-404.7-4 of this Draft Revised EIR. -However, whereas senior residential facilities and other community uses may be contemplated for areas carrying the Residential Mixed land use designation that lie outside of Safety Zone 4, the project does not contemplate their location within this zone. A-all allowable land uses within the Modified ESP would be subject to Federal Aviation Administration (FAA) regulations and the 2009 ALUCP. Thus, all project uses within the Modified ESP area would be required to conform to be consistent with the applicable Safety Zone development criteria listed in Table 3A (Safety Criteria Matrix) of the 2009 ALUCP, as identified in Table 4.7-404.7-4 of this Draft Revised EIR, or the ALUCP in effect at the time of the application. Therefore, the project's civic, quasi-civic, and cultural uses, along with the senior housing (which otherwise may be allowed in other areas carrying within the Residential Mixed designation within the project site), would be prohibited from developing within Safety Zone 4 based on the criteria established by the 2009 ALUCP. The City of Tracy would enforce any prohibitions or restrictions on development due to safety concerns or flight hazards with standard conditions of project approval.

The Residential Mixed designation would permit a maximum of three habitable stories and building heights of up to 50 feet. This is consistent with Safety Zone 4's criteria of prohibiting any building with more than three aboveground habitable floors. Some of the features allowed to extend above the permitted building height could be considered hazards to flight. However, as identified above, all project uses within the Modified ESP area would be required to conform to be consistent with the applicable Safety Zone development criteria listed in Table 3A (Safety Criteria Matrix) of the 2009 ALUCP, as identified in Table 4.7-104.7-4 of this Draft Revised EIR, or the ALUCP in effect at the time of the application. Thus, any type of use that would be allowed to extend above the permitted building height in the Residential Mixed designation that could be considered a hazard to flight due to its height or physical characteristics would be prohibited from developing within Safety Zone 4 based on the criteria established by the 2009 ALUCP. Again, as stated previously, any development that could pose a safety concern or flight hazard would be prohibited by the City of Tracy with standard conditions of project approval.

In consideration of these factors, on November 7, 2012, the ALUC issued a Consistency Determination, finding the project uses were consistent with the 2009 ALUCP so long as certain conditions were observed. Each of the conditions identified by the ALUC are incorporated into the project and, as explained above, would be enforced by the City of Tracy.

#### Safety Zone 7

Safety Zone 7 encompasses the Residential Mixed area surrounding Safety Zone 4 in the southeast corner of the Modified ESP area. Included in this area as well is the proposed Village Center and Commercial area. As indicated in Table 3A of the 2009 ALUCP and Table 4.7-104.7-4 of this Draft Revised EIR, Safety Zone 7 includes the following prohibitions on development and restrictions on flight hazards:

- ◆ A maximum non-residential intensity of 450 persons per acre;
- ◆ A minimum of 10 percent open space;
- ◆ No hazards to flight (e.g., tall objects, visual and electronic forms of interference with the safety of aircraft operations, development that attracts increased amount of birds, etc.) allowed;
- ◆ No outdoor stadiums; and;
- ◆ Occupied structures must be soundproofed to reduce interior noise to 45 dB according to State Guidelines;
- ◆ Airspace review for objects greater than 100 feet tall.
- ◆ Regardless of location within San Joaquin County, any proposal for construction or alteration of a structure (including antennas) taller than 200 feet above the ground level at the site would require notification to the Federal Aviation Administration in accordance with Code of Federal Regulations, Part 77, Paragraph 77.13(a)(1).

The range of permitted uses proposed for the Residential Mixed area by the Modified ESP and associated allowable building heights are described above. The range of permitted uses proposed by the Modified ESP for the Village Center and Commercial area are listed below.

#### Village Center Proposed Uses

Ground Floor Neighborhood Center Retail

- ◆ Neighborhood-serving retail and services for which the nearby residential neighborhoods are intended to be the primary customers, featuring smaller scale uses up to 5,000 square feet per use, including but not limited to grocery stores, clothing stores, pharmacies, banks and financial institutions (excluding check cashing stores), hair and nail salons, beauty or barber shops, shoe repair, cafes and food sales (e.g., delicatessens, bakeries, butchers, etc.), and residential convenience uses such as book stores, florists, dry cleaners, laundromats, or business convenience uses such as copy shops or office supply.
- ◆ Eating and drinking establishments, for which nearby residential neighborhoods are intended to be the primary customers, featuring small-scale uses up to 2,000 square feet per use including the following uses:
  - Fast food restaurants without a drive-through
  - Restaurants
  - Beverage vendors serving coffee, smoothies, juices, and other non-alcoholic beverages
- ◆ Health and exercise clubs
- ◆ Business services — businesses that generate a significant amount of foot traffic, such as computer and office supply, photocopy shops, and print shops — excluding sales and storage of heavy equipment
- ◆ Personal services — especially those types of services that are particularly neighborhood-oriented — including the following and similar services: travel agencies, hair and nail salons, spas, beauty or barber shops, shoe repair
- ◆ Childcare facilities

Civic, Quasi-Civic, and Cultural (described above)

Office (permitted with a use permit)

- ◆ Business and professional offices
- ◆ Data /telecommunication offices
- ◆ Educational and instructional facilities
- ◆ Exhibition, convention or other commercial assembly facilities
- ◆ Medical and dental offices
- ◆ Real estate agencies and general finance offices
- ◆ Insurance agencies and tile companies
- ◆ Research and development offices
- ◆ Indoor veterinary clinics

Lodging

- ◆ Hostels, hotels, motels, and bed & breakfasts

Residential – Live/Work (ground floor residential requires a conditional use permit)

- ◆ Residential living space that also includes an integrated work space principally used by one or more residents: Work activity shall be limited to business (primarily office), the making of arts and crafts, including painting, graphic production, photography, print, ceramics, sculpture, needlework, tapestry making, pottery making, hand weaving and other activities compatible with residential use.

- ◆ Primary access from the public sidewalk to residential living space shall be provided through work space
- ◆ Permitted work activities shall be classified as a business and shall be provided through work space
- ◆ Ground-floor residential uses in the Village Center Special Conditions
  - The maximum number of employees onsite not including the owner /occupant is limited to two.
  - Once established, Live /Work may not be converted to a solely commercial or business use. However, Live /Work units may revert to solely residential use, subject to the granting of a CUP.

Residential - Multi-Family Housing (common entry) (50 dwelling units maximum over the entire Village Center)

- ◆ Buildings used as a residence for multiple households where dwelling units are accessed from a common lobby entry or shared hallway.
- ◆ Senior residential facilities.

Residential – Attached Single-Family Housing (individual entry)

- ◆ Buildings used as a residence for multiple households where all dwelling units have a dedicated entrance accessed directly from the public sidewalk or publicly accessible open space.

Commercial Area Proposed Uses

- ◆ Everything in Neighborhood Center Retail (described above), plus commercial sales and services up to 20,000 square feet, including the following:
  - Establishments selling or servicing goods such as groceries, party goods, art supplies, sporting goods, electronics or appliances, outdoor accessories, furniture, home furnishings, hardware, and home improvement stores
  - Commercial services such as miscellaneous repair service uses with no outdoor storage, including plumbing services, laundry services, cleaning and janitorial service and supplies, vacuum cleaning and sewing repair, repair and rental shops, etc. Industrial uses and services are not permitted.
  - Print and graphics supply and service, including typesetting, graphics and art services, etc.
  - Warehouse retail, restaurant supply retail, and warehouse-scale buying club retail
- ◆ Eating and drinking establishments, featuring medium-scale uses up to 6,500 square feet per use including the following uses:
  - Drive-in /drive-through fast food restaurants
  - Dine-in /carry-out restaurants, including those serving alcoholic beverages
  - Drive-in /drive-up beverage vendors serving coffee, smoothies, juices, and other non-alcoholic beverages
  - Gas stations with convenience stores
- ◆ Decorative water tower

Lodging

- ◆ Hostels, hotels, motels, and bed & breakfasts

Discussion

Allowable building heights for the Residential Mixed designation are listed above. In the Village Center building heights would be restricted to 45 feet or three stories. Commercial uses would be

allowed to have building heights of 35 feet or up to two and a half stories. Similar to the Residential Mixed designation towers, parapet walls, and other architectural or ornamental features may extend above the permitted building height in the Village Center. In addition, in the Village Center all roof-mounted mechanical equipment, including but not limited to: HVAC equipment, vents, skylights, fans, hoods, antennas, satellite dishes, and access hatches or ladders shall be at or below the height of the exterior parapet wall and not visible from any public right-of-way. Offices and other commercial uses, such as lodging facilities would be restricted to 35 feet or two and a half stories. One freestanding water tower landmark would be permitted in the Village Center to extend up to 40 feet high. The Family Swim Center that is identified for the Residential Mixed area within safety zone 7 would not have a maximum number of stories or height limit. Flag poles would be permitted in the Village Center and in Commercial areas or the Family Swim center at heights up to 50 feet. The area designated as Commercial may also have one freestanding water tower landmark that extends up to 40 feet.

~~Again, on November 7, 2012, the ALUC issued a Consistency Determination, finding the project uses were consistent with the 2009 ALUCP so long as certain conditions were observed. Some of the uses proposed by the Modified ESP could conflict with applicable Safety Zone development criteria listed in Table 3A (Safety Criteria Matrix) of the 2009 ALUCP, as identified in Table 4.7-10 of this Draft Revised EIR. However, the ESP does not propose any specific development at this time. All development within the ESP site would occur at a future date, as guided by the ESP and its Pattern Book. In addition, However, development within the airport sphere of influence would be subject to review and approval by affected regulatory agencies with jurisdiction over that portion of the Modified ESP site, at the time of application, each individual development proposal would be reviewed for its consistency with applicable prohibitions on development and restrictions on flight hazards as identified in the ALUCP in effect at the time of the application.~~

~~Each of the conditions identified by the ALUC are incorporated into the project and Therefore, as identified above, all project uses within the Modified ESP area would be required to conform be consistent with the applicable Safety Zone development criteria listed in Table 3A (Safety Criteria Matrix) of the 2009 ALUCP, as identified in Table 4.7-10 4.7-4 of this Draft Revised EIR, or the ALUCP in effect at the time of the application. Thus, any type of use that could be considered a hazard to flight due to its height or physical characteristics would be prohibited from developing within Safety Zone 7 based on the criteria established by the 2009 ALUCP and, As stated previously, any development that could pose a safety concern or flight hazard would be prohibited by the City of Tracy with conditions of project approval. Therefore, the project would be consistent with the 2009 ALUCP.~~

#### Safety Zone 8

Safety Zone 8 encompasses Residential Mixed as proposed by the Modified ESP. As indicated in Table 3A of the 2009 ALUCP and Table 4.7-10 4.7-4 of this Draft Revised EIR, Safety Zone 8 includes the following prohibitions on development and restrictions on flight hazards:

- ◆ No hazards to flight (e.g., tall objects, visual and electronic forms of interference with the safety of aircraft operations, development that attracts increased amount of birds, etc.) allowed; and,
- ◆ Occupied structures must be soundproofed to reduce interior noise to 45 dB according to State Guidelines;
- ◆ Airspace review for objects greater than 100 feet tall.



- ◆ Regardless of location within San Joaquin County, any proposal for construction or alteration of a structure (including antennas) taller than 200 feet above the ground level at the site would require notification to the Federal Aviation Administration in accordance with Code of Federal Regulations, Part 77, Paragraph 77.13(a)(1).

Residential Mixed land uses proposed by the Modified ESP are identified above. None of the uses allowed within the Residential Mixed area proposed for Safety Zone 8 would conflict with the applicable prohibitions on development and restrictions on flight hazards identified for this safety zone by the 2009 ALUCUP with the exception of some of the features allowed to extend above the permitted building height, as these could be considered hazards to flight. As stated previously, on November 7, 2012, the ALUC issued a Consistency Determination, finding the project uses were consistent with the 2009 ALUCP so long as certain conditions were observed. Each of the conditions identified by the ALUC are incorporated into the project and However, as stated previously in the above discussion, all project uses within the Modified ESP area would be required to conform to be consistent with the applicable Safety Zone development criteria listed in Table 3A (Safety Criteria Matrix) of the 2009 ALUCP, as identified in Table 4-7-104.7-4 of this Draft Revised EIR, or the ALUCP in effect at the time of the application. Thus, a. Any type of use that could be considered a hazard to flight due to its height or physical characteristics would be prohibited from developing within Safety Zone 8 based on the criteria established by the 2009 ALUCP and any prohibitions on development would be enforced by the City of Tracy with conditions of project approval. Therefore, the project would be consistent with the 2009 ALUCP.

#### Conclusion

As discussed above, the ESP does not propose any specific development at this time. Moreover, Development within the airport sphere of influence would be subject to review and approval by affected regulatory agencies with jurisdiction over that portion of the Modified ESP site, at the time of application, each individual development proposal would be reviewed for its consistency with applicable prohibitions on development and restrictions on flight hazards as identified in the ALUCP in effect at the time of the application. This would ensure that noThe Project is consistent with the 2009 ALUCP and, therefore, no incompatible development would be allowed that could pose a risk to people or structures or create hazards to flight. All prohibitions on development would be enforced by the City of Tracy with conditions of project approval. Thus, impacts related to the placement of people and structures within Safety Zones 4, 7, and 8 of the 2009 ALUCP would be considered less than significant. No mitigation measures are required.

## CUMULATIVE IMPACTS AND MITIGATION MEASURES

**Impact 4.7-34:** Future development facilitated by the Modified Project and other related cumulative projects could have a cumulatively considerable contribution to hazard impacts.

**Determination:** Less than Significant Impact with Mitigation Incorporation.

The cumulative impacts analysis for hazards and hazardous materials relied upon the projections of the General Plan and General Plan EIR. Cumulative impacts relative to hazards and hazardous materials would be impacts that result from incremental impacts relative to hazardous and hazardous materials that, cumulatively, would result in significant impacts.

- ~~◆ For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard for people residing or working in the Project site.~~
- ◆ Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

## POTENTIAL IMPACTS AND MITIGATION MEASURES

### CONFLICTS WITH THE CITY OF TRACY 2011 GENERAL PLAN OR ZONING ORDINANCE OR THE 2009 SAN JOAQUIN COUNTY AIRPORT LAND USE COMPATIBILITY PLAN

Impact 4.9-1: The Modified ESP would result in no conflicts with the City's 2011 General Plan land use strategy, goals, or policies, or the 2009 San Joaquin County Airport Land Use Compatibility Plan.

Determination: No Impact with regard to conflicts with the City's 2011 General Plan and less than significant impact with regard to conflicts with the 2009 San Joaquin County Airport Land Use Compatibility Plan.

No impact is anticipated regarding conflict with the General Plan as a result of the Modified Project. The recent update of the General Plan (2011) identified the potential development allowed within the TR-Ellis land use designation (formerly Urban Reserve 10). Based on the revised land use designation, the Modified ESP is consistent with the anticipated development associated with the TR-Ellis designation. As part of the Modified Project implementation, a General Plan Amendment is proposed, which makes text modifications (identified above) to the General Plan to ensure consistency with the Modified ESP. These modifications are intended to address the following:

- ◆ Modifications to acreages of land use (reflecting the changes associated with the Modified ESP);
- ◆ Simplifying the land use designation text to better reflect the Modified ESP and ensure that the General Plan complies with recent changes that have occurred since adoption; and
- ◆ Text changes to reflect Modified ESP terminology

The text modifications would result in no direct or indirect change to the existing physical environment, and no conflicts with the City's General Plan or zoning designation. Thus, no environmental impact would result. As noted in the introduction to Section 4.9, all other background information, analysis of environmental impacts, and mitigation measures contained within the Original Ellis EIR regarding land use and planning remain valid. As noted throughout this Draft Revised EIR, the Original Ellis EIR is on file with the City of Tracy, Development and Engineering Services Department, Planning Division, located at 333 Civic Center Drive, Tracy, California, 95376.e

Less than significant impacts are anticipated with regard to potential conflicts between the Modified ESP and the 2009 ALUCP. This is because development within the airport sphere of influence would be subject to review and approval by affected regulatory agencies with jurisdiction over that portion of the Modified ESP site. Accordingly, at the time of application, each individual development proposal would be reviewed for its consistency with applicable prohibitions on development and restrictions on flight hazards as identified in the ALUCP in effect at the time of the application. This would ensure all future development within the Modified ESP area would be consistent with the ALUCP in effect at the time of the application. All prohibitions on development would be enforced

by the City of Tracy with conditions of project approval. In addition, as proposed, the Modified ESP was designed to be consistent with the 2009 ALUCP compatibility map for the Tracy Municipal Airport (Exhibit 3TM-1: Tracy Municipal Airport (TCY) Compatibility Zones), the Safety Criteria matrix (Table 3A of the 2009 ALUCP) (as indicated in Table 4.9-1 below), the 2009 ALUCP's policies for the Tracy Municipal Airport, and the California Airport Land Use Planning Handbook.

TABLE 4.9-1 2009 ALUCP SAFETY CRITERIA MATRIX APPLICABLE TO THE MODIFIED ESP

Zone	Dwelling Units Per Acre <sup>1</sup>	Maximum Non-Residential Intensity <sup>2</sup>	Required Open Land <sup>3</sup>	Prohibited Uses <sup>4</sup>	Other Development Conditions <sup>5</sup>
Zone 4 (OADZ)	One dwelling unit per five acres	180 persons per acre	20%	<ul style="list-style-type: none"> <li>◆ Children's schools, day care centers, libraries</li> <li>◆ Hospitals, nursing homes</li> <li>◆ Buildings with more than 3 aboveground habitable floors</li> <li>◆ Highly noise-sensitive outdoor nonresidential uses<sup>7</sup></li> <li>◆ Hazards to flight<sup>6</sup></li> </ul>	<ul style="list-style-type: none"> <li>◆ Minimum NLR of 25 dB in residences (including mobile homes) and office buildings<sup>8</sup></li> <li>◆ Airspace review required for objects greater than 70 feet tall<sup>9</sup></li> </ul>
Zone 7 (TPZ)	No Limit	450 persons per acre	10%	<ul style="list-style-type: none"> <li>◆ Hazards to flight<sup>6</sup></li> <li>◆ Outdoor stadiums</li> </ul>	<ul style="list-style-type: none"> <li>◆ Airspace review required for objects greater than 100 feet tall<sup>9</sup></li> </ul>
Zone 8 (AIA)	No Limit	No Limit	No Limit	<ul style="list-style-type: none"> <li>◆ Hazards to flight<sup>6</sup></li> </ul>	<ul style="list-style-type: none"> <li>◆ Airspace review required for objects greater than 100 feet tall<sup>9</sup></li> </ul>
<p>Notes:</p> <ol style="list-style-type: none"> <li>1. Residential development must not contain more than the indicated number of dwelling units (excluding secondary units) per gross acre (d.u./ac). Clustering of units is encouraged. Gross acreage includes the property at issue plus a share of adjacent roads and any adjacent, permanently dedicated, open lands.</li> <li>2. Usage intensity calculations shall include all people (e.g., employees, customers/visitors, etc.) who may be on the property at a single point in time, whether indoors or outside. Multiplier bonus for Special Risk-Reduction Bldg. Design is 1.5 for Zone 2 and 2.0 for Zones 3, 4, 5, and 7. (Appropriate risk reduction measures are specified in the California Code of Regulations, Title 24, Part 2.)</li> <li>3. Open land requirements are intended to be applied with respect to an entire zone. This is typically accomplished as part of a community general plan or a specific plan, but may also apply to large (10 acres or more) development projects.</li> <li>4. The uses listed here are ones that are explicitly prohibited regardless of whether they meet the intensity criteria. In addition to these explicitly prohibited uses, other uses will normally not be permitted in the respective compatibility zones because they do not meet the usage intensity criteria.</li> <li>5. As part of certain real estate transactions involving residential property within any compatibility zone (that is, anywhere within an airport influence area), information regarding airport proximity and the existence of aircraft overflights must be disclosed. This requirement is set by state law. Easement dedication and deed notice requirements indicated for specific compatibility zones apply only to new development and to reuse if discretionary approval is required.</li> <li>6. Hazards to flight include physical (e.g., tall objects), visual, and electronic forms of interference with the safety of aircraft operations. Land use development that may cause the attraction of birds to increase is also prohibited.</li> <li>7. Examples of highly noise-sensitive outdoor nonresidential uses that should be prohibited include amphitheaters and drive-in theaters. Caution should be exercised with respect to uses such as poultry farms and nature preserves.</li> <li>8. NLR = Noise Level Reduction, the outside-to-inside sound level attenuation that the structure provides.</li> <li>9. This height criterion is for general guidance. Shorter objects normally will not be airspace obstructions unless situated at a ground elevation well above that of the airport. Taller objects may be acceptable if determined not be obstructions.</li> </ol> <p>Source: <i>San Joaquin County's Aviation System Airport Land Use Compatibility Plan</i>, Coffman Associates, July 2009.</p>					

The following impact statement was relocated to Section 4.7 (Hazards) of the Draft Revised EIR pursuant to a request by the San Joaquin Council of Governments (SJCOG), acting as Airport Land Use Commission (ALUC) in their comment letter dated September 7, 2012. On November 7, 2012, the ALUC issued a Consistency Determination, finding the Project uses were consistent with the 2009 ALUCP so long as certain conditions were observed. Each of the conditions identified by the ALUC are incorporated into the Project. Further, at the request of SJCOG in their September 7, 2012 comment letter, additional clarification and detail has been added to the text regarding all three of the "Safety Zones" that overlie the Project site as identified on the compatibility map for the Tracy Municipal Airport in the 2009 ALUCP. However it should be noted that importantly, none of the clarified information provided changes the disposition or characterization of the impact. Thus, the clarified information provides additional detail, as requested by the SJCOG and the impact remains less than significant and no mitigation measures are required.

## **AIRPORT HAZARDS**

~~Impact 4.9-2: Implementation of the Modified ESP would result in the placement of people and structures within the flight approach to Tracy Municipal Airport.~~

~~Determination: Less than Significant Impact.~~

~~A portion of the ESP site is located within the 2009 ALUCP Outer Approach/Departure Zone 4. This has the potential to create a significant impact if incompatible development is allowed. Development within an airport safety zone requires land use restrictions to minimize risks to both people working and residing in this area, and aircraft utilizing the airport. The two principal methods for reducing these risks are to limit the number of persons in an area, and to limit the area covered by occupied structures. Development within the airport's sphere of influence, including approach and safety zones, would be subject to Federal Aviation Administration (FAA) regulations and the 2009 ALUCP and the City's 1998 Airport Master Plan — Tracy Municipal Airport. According to the ALUCP, the following conditions are applicable in Safety and Compatibility Zone 4:~~

- ~~◆ residential units should be limited to one dwelling unit per five acres;~~
- ~~◆ the maximum non-residential intensity should be no more than 180 persons per acre;~~
- ~~◆ 20 percent of the land is required to remain in open space;~~
- ~~◆ several uses are prohibited (children's schools, day care centers, libraries, hospitals, nursing homes, buildings with more than three aboveground habitable floors, highly noise sensitive outdoor non-residential uses, and hazards to flight);~~
- ~~◆ a minimum noise level reduction (NLR) of 25 dB in residences (including mobile homes) and office buildings is required; and;~~
- ~~◆ airspace review is required for objects greater than 70 feet tall.~~

~~The portion of the ESP area that is within the 2009 ALUCP Outer Approach/Departure Zone 4 is designated as Limited Use and Residential Mixed. As defined by the Modified ESP, the Limited Use land use designation would permit the following:~~

- ~~◆ all uses permitted in the Outer Approach Zone per the Tracy Municipal Airport Master Plan (July 8, 1998) including, but not limited to:~~

- ~~—agricultural production and sales;~~
- ~~—botanical gardens/demonstration gardens;~~
- ~~—low intensity active recreation (e.g., jogging trails, tennis courts);~~
- ~~—construction business;~~
- ~~—nurseries;~~
- ~~—outdoor storage for recreational vehicles, boats, equipment, and vehicles, and indoor storage for all of the preceding as well as personal storage units, including a habitable space for up to two persons to be occupied by a property manager. Abandoned and inoperable vehicles, or uses allowed in an automobile wrecking yard, are not permitted; and;~~
- ~~—art studios.~~

~~As defined by the Modified ESP, the Residential Mixed land use designation would permit the following:~~

- ~~—Civic, Quasi-Civic, and Cultural Uses~~
- ~~—Multi-Family Housing with Common Entry~~
- ~~—Attached Single-Family Housing with Individual Entry~~
- ~~—Detached Single-Family Housing~~

~~For the Residential Mixed area of the Modified ESP located within the 2009 ALUCP Outer Approach/Departure Zone 4 the following requirement applies and supersedes:~~

~~The Outer Approach/Departure Zone is defined in Section 3.1.1. (d) of the 2009 San Joaquin County Airport Land Use Compatibility Plan (ALUCP), as Zone 4, Outer Approach/Departure Zone situated along extended runway centerline beyond Zone 3. Approaching aircraft are usually at less than traffic pattern altitude in Zone 4. Permitted Uses within the Outer Approach/Departure Zone are limited to those identified in Appendix B, Table B2 San Joaquin County Airport Land Use Plan Airspace Restrictions of the 2009 San Joaquin County Aviation System Airport Land Use Compatibility Plan<sup>6</sup>, or the plan in effect at the time of the application.~~

~~This designation and its allowable uses would be in conformance with the 2009 ALUCP. Uses permitted within this designation would include low intensity active recreation (i.e., jogging trails), agriculture production and sales (with restrictions on gathering), construction business, nurseries, storage units, and art studios (with restrictions on gathering).~~

~~Given the special design considerations included in the 2009 ALUCP, as well as the low intensity of the proposed Limited Use designation, it is anticipated that implementation of the Modified ESP would not expose people or property to significant airport-related hazards. Furthermore, development within the airport sphere of influence would be subject to review and approval by affected regulatory agencies with jurisdiction over that portion of the Modified ESP site. However, it should be noted that for any discretionary reviews and/or approvals subsequent to the adoption of the Modified Ellis Specific Plan, the Project Applicant reserves the right to require that the land uses be subjected to the ALUCP in effect at the time of the application<sup>7</sup>. As the Modified ESP would be in conformance with the 2009 ALUCP, and consistent with the special design considerations included in the ALUCP,~~

---

<sup>6</sup> The current ALUCP requires residential densities of 1 dwelling unit per five acres within Zone 4, Outer Approach/Departure Zone.

<sup>7</sup> Modified Ellis Specific Plan, July 2012, Section 3 LAND USE, Subsection 3.5.12, page 17.

~~impacts related to the placement of people and structures within the Outer Approach/Departure Zone would be considered less than significant. No mitigation measures are required.~~

## AGRICULTURAL LAND CONVERSION

**Impact 4.9-3:** Implementation of the Modified ESP would result in agricultural land conversion.

### **Determination: Significant and Unavoidable Impact.**

Implementation of the 2011 Tracy General Plan is anticipated to cause significant and unavoidable impacts associated with:

- ◆ Conversion of prime farmland, unique farmland, and farmland of statewide importance to urban uses;
- ◆ Conversion of land under Williamson Act contracts to urban uses;
- ◆ Development of incompatible urban uses adjacent to agricultural uses resulting in the conversion of those lands from farmland; and
- ◆ A cumulative impact associated with the contribution of implementation of the General Plan to the ongoing loss of agricultural lands in the region as a whole.

The Modified ESP proposes the loss of 321 acres of Prime Farmland within the City's SOI, which is area contemplated for development within the 2011 General Plan. Therefore the impacts associated with implementation of the Modified ESP were contemplated and accounted for in the City's General Plan EIR. As indicated in General Plan Objective OSC-2.1, the City is focused on preserving agricultural resources within the Tracy Planning Area and outside of the Sphere of Influence. The Modified ESP is consistent with this objective and corresponding policies.

Since the 2011 General Plan is unable to mitigate impacts associated with agricultural land conversion, the City has established an Agricultural Mitigation Fee (Chapter 13.28 of the Municipal Code), which implements a fee program to mitigate for the loss of farmland as development occurs, especially for projects using water from the SSJID. The Ordinance is also in response to policies in the General Plan to preserve productive farmland, including the development of a program to secure permanent agriculture on lands designated for agriculture in the City and/or County General Plan.<sup>7</sup>

The fee is intended to mitigate a CEQA determination of significant, unavoidable impacts to the loss of farmland as a result of proposed development, which would be approved by the City with a statement of overriding consideration. The fees are collected and administered by the City before the issuance of building permits, and used for acquiring farmland, farmland conservation easements or farmland deed restrictions from willing sellers. As a result of this requirement, the Project Applicant will be required to comply with the following mitigation measure.

### **Mitigation Measure**

4.9-3: Prior to issuance of building permits, future project applicants shall pay the appropriate Agricultural Mitigation Fee to the City of Tracy, in accordance with Chapter 13.28 of the Tracy Municipal Code.

---

<sup>7</sup> Tracy Municipal Code, 13.28.020, May 17, 2005.

With implementation of Mitigation Measure 4.9-2 as well as adherence to General Plan Goal OSC-2 and corresponding objectives and policies, impacts associated with agricultural land conversion would still remain significant and unavoidable, which is consistent with the Tracy General Plan EIR.

## CUMULATIVE IMPACTS AND MITIGATION MEASURES

**Impact 4.9-4: Future development of the ESP area facilitated by the Modified ESP could result in potential land use conflicts.**

### **Determination: Significant and Unavoidable Impact.**

The geographic scope of this impact is cumulative development generally located within the City of Tracy and the Tracy Planning area.

The Modified ESP would be an extension of the existing residential uses located in the Project vicinity and would not create substantial land use impacts. The past, present, and reasonably foreseeable future projects anticipated by the General Plan, as most recently updated, could contribute incrementally to changes in the character of the City and surrounding area. However, it is anticipated that a majority of cumulative development would take place within areas previously contemplated for development within the 2011 General Plan and would not require significant land use changes, potentially resulting in land use conflicts.

Impacts associated with airport hazards and airport land use compatibility are considered less than significant because development within the airport sphere of influence would be subject to review and approval by affected regulatory agencies with jurisdiction over the Modified ESP site. As such, at the time of application, each individual development proposal would be reviewed for its consistency with applicable prohibitions on development and restrictions on flight hazards as identified in the ALUCP in effect at the time of the application. This would ensure all future development within the Modified ESP area would be consistent with the ALUCP in effect at the time of the application. All prohibitions on development would be enforced by the City of Tracy with conditions of project approval, since the 2009 Airport Land Use Compatibility Plan was recently adopted and incorporated the anticipated future development associated with the project into consideration as part of their analysis. In addition, all future developments within the Airport's Sphere of Influence would be required to adhere to the regulations and requirements within the 2009 ALUCP as well as Federal Aviation Administration (FAA) regulations, and the City's 1998 Airport Master Plan - Tracy Municipal Airport. Based on this, impacts associated with airport hazards are not considered cumulatively considerable.

Impacts associated with agricultural land conversion are considered significant and unavoidable. Although the ESP area is approximately 0.78 percent of the total agricultural area located within the City's Planning Area (including SOI and City Limits), any loss of agricultural land (especially Prime Farmland) is considered a significant cumulative impact. In addition, the 2011 General Plan found impacts associated with agricultural land conversion significant and unavoidable even with adherence to the goals, objectives, and policies outlined within the Open Space and Conservation Element and implementation of the City's Agricultural Mitigation Fee (Municipal Code Chapter 13.28). Based on this, impacts associated with cumulative agricultural land conversion associated with implementation of the Modified ESP are considered significant and unavoidable.

## 4.10 NOISE

As described in Chapter 2 (Introduction), this Revised Draft EIR analyzes the potential environmental effects of the proposed changes associated with the Amended and Restated Ellis DA and the minor amendments to the Original Ellis Specific Plan (Modified Ellis Specific Plan or Modified ESP), and identifies feasible mitigation measures for potentially significant impacts where applicable. In addition, this Draft Revised EIR also addresses:

- ◆ the Trial Court’s Statement of Decision and Judgment (issued October 31, 2011) on the City of Tracy/Surland Companies Development Agreement and Ellis Specific Plan Applications Draft and Final EIRs (State Clearinghouse No. 2006102092) (Original Ellis EIR); as well as,
- ◆ updates to the ESP area as identified in the 2011 General Plan Update and analysis in the General Plan EIR (certified February 2011).

Other background information, analysis of environmental impacts, and mitigation measures contained within the Original Ellis EIR remain valid, and as described in Chapter 2, that information has been incorporated by reference into this Draft Revised EIR. Thus, the topics covered in this chapter are limited to addressing those aspects described above. Specifically, this section provides:

- 1) an analysis of noise source impacts onsite and on surrounding land uses generated by implementation of the Modified ESP;
- 2) an evaluation of short-term construction-related impacts, as well as long-term buildout operational conditions; and,
- 3) recommended mitigation measures to avoid or lessen identified impacts.

Information in this section is based on the City of Tracy General Plan, City of Tracy Municipal Code, traffic information contained in the *Transportation Impact Analysis for the Ellis Specific Plan in the City of Tracy*, prepared by Fehr & Peers, dated December 2007 (updated and validated by RBF Consulting in April 2012); and the *Updated Railroad Train Noise and Vibration Mitigation Study*, prepared by Illingworth and Rodkin, Inc., dated May 25, 2012. Refer to Appendix D (Noise Data) for the assumptions utilized in this analysis.

[The California Airport Land Use Planning Handbook was also used in as a technical resource in the preparation of this section, as recommended by the California Department of Transportation, Division of Aeronautics.](#)

### 4.10.1 EXISTING CONDITIONS

#### NOISE SCALES AND DEFINITIONS

Human response to sound is highly individualized. Annoyance is the most common issue regarding community noise. The percentage of people claiming to be annoyed by noise will generally increase with the environmental sound level. However, many factors will also influence people’s response to noise. The factors can include the character of the noise, the variability of the sound level, the presence of tones or impulses, and the time of day of the occurrence. Additionally, non-acoustical factors, such as the person’s opinion of the noise source, the ability to adapt to the noise, the attitude towards the source and those associated with it, and the predictability of the noise, will influence



**City of Tracy Modified Ellis Project  
Draft Revised EIR**

- Erler & Kalinowski, Inc., City of Tracy 2010 Urban Water Management Plan, May 2011.
- Federal Transit Administration, *Transit Noise and Vibration Impact Assessment*, May 2006.
- Fehr & Peers Transportation Consultants, *Transportation Impact Analysis for the Ellis Specific Plan in the City of Tracy*. August 2007.
- H.T. Harvey & Associates, *Ellis Specific Plan Biotic Study*, September 11, 2006 (validated December 2007).
- Illingworth and Rodkin, Inc., *Ellis Property, Tracy, CA – Updated Railroad Train Noise and Vibration Mitigation Study*, May 25, 2012.
- Kiefner & Associates Inc., *Final Report, Safety Aspects of Energy Pipelines Regarding the Proposed Ellis Development*, May 1, 2012.
- Office of the Governor, *Press Release: Governor Schwarzenegger Advances State's Renewable Energy Development*, <http://gov.ca.gov/press-release/11073/>, accessed on September 21, 2010.
- RBF Consulting, *Ellis Specific Plan Habitat Assessment Update*, April 2012.
- San Joaquin Valley Air Pollution Control District, *2007 Ozone Plan, 2007 PM<sub>10</sub> Plan*, 2007.
- San Joaquin Valley Air Pollution Control District, *Final Staff Report Addressing Greenhouse Gas Emissions Impacts Under the California Environmental Quality Act*, December 17, 2009.
- San Joaquin Valley Air Pollution Control District, *Guidance for Valley Land-Use Agencies in Addressing GHG Emissions Impacts for New Projects Under CEQA*, December 17, 2009.
- San Joaquin Valley Air Pollution Control District, *Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI)*, 2002.
- Stantec, *Ellis Program Sub-Basin Final Storm Drainage Technical Report*, January 2011.
- [State of California, Department of Transportation, Division of Aeronautics, California Airport Land Use Planning Handbook, October 2011.](#)
- Superior Court of California, County of San Francisco, *Statement of Decision: Association of Irrigated Residents, et al v. California Air Resources Board*, March 18, 2011.
- Superior Court of California, County of San Joaquin, *Statement of Decision: Tracy Regional Alliance for a Quality Community (TRAQC), v. City of Tracy* (Case No. 39-2009-00201854-CU-WM-STK), October 31, 2011.
- Urban Design Associates, *Ellis Specific Plan*, December 2008, Amended March 2012.
- U.S. Department of Housing and Urban Development, *The Noise Guidebook*, March 1995 (updated February 2009). U.S. Environmental Protection Agency, *Class I Ozone Depleting Substances*, August 19, 2010.
- U.S. Environmental Protection Agency, *High GWP Gases and Climate Change*, June 22, 2010. <http://www.epa.gov/highgwp/scientific.html>
- U.S. Environmental Protection Agency, *Inventory of United States Greenhouse Gas Emissions and Sinks 1990 to 2004*, April 2006.
- U.S. Environmental Protection Agency, *Protection of Stratospheric Ozone: Listing of Global Warming Potential for Ozone Depleting Substances*, dated October 29, 2009. <http://www.epa.gov/EPA-AIR/1996/January/Day-19/pr-372.html>

**Appendix A**  
**SJCOG ALUC Response to**  
**Local Jurisdiction Letter**

---



## San Joaquin Council of Governments

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

*San Joaquin County Airport Land Use Commission*

### ALUC RESPONSE TO LOCAL JURISDICTION

**To:** Bill Dean, Assistant Development and Engineering Services Director, City of Tracy

**From:** Laura Brunn, Associate Regional Planner, San Joaquin Council of Governments

**Date:** November 7, 2012

**Local Jurisdiction Project Title:** Modified Ellis Specific Plan

**Area of Influence, Airport:** Tracy Municipal Airport

**Status:** Consistent Land Use with Conditions

**Total Acres:** 321 acres

**Safety Criteria Matrix Zones:**

Outer Approach Departure Zone (4); Traffic Pattern

Zone (7); Airport Influence Area - (8)

---

The project site is located within the Tracy Municipal Airports Airport Influence Area (AIA), and, pursuant to the State Aeronautics Act (Public Utilities Code Section 21676), the project is subject to a Consistency Determination by the San Joaquin County ALUC. For the Consistency Review, the project is subject to the most current Airport Land Use Compatibility Plan (ALUCP), adopted by the SJCOG Board in June 2009.

#### CONSISTENCY REVIEW

ALUC staff has reviewed the modified project for the proposed Ellis Specific Plan (ESP). The project proposes a modification and amendment to the Original Ellis Development Agreement, a modification and amendment to the Original Ellis Specific Plan, and Petition for Annexation and Pre-Zoning. The Modified Project would allow for the development of a minimum of 1,000 to a maximum of 2,250 residential units, as well as a Village Center, open space, 180,000 square feet of retail, office, and other commercial uses, and approximately four acres per 1,000 people of parks with an opportunity to include a Family Swim Center on approximately 321 acres.

The entire project is located within Tracy Municipal Airport's Airport Influence Area (AIA) with the eastern portion also within the Traffic Pattern Zone (TPZ) and Outer Approach Departure Zone (OADZ) (Figure 1). The Specific Plan's proposed land uses, as described within the project information submitted to the ALUC (Specific Plan, Draft EIR, and Final EIR Errata) are consistent with the 2009 Airport Land Use Compatibility Plan's safety zones and development criteria. Table 1 categorizes the modified ESP's land use categories relative to the prohibited land uses and other development criteria for the AIA, TPZ, and OADZ Zones. Based on the information reviewed, the project is not proposing any uses that would be in conflict with Table 1.

Proposed land use designations for the Ellis Specific Plan are shown in Figure 2 with the striped area outlining the region in which a site-specific "overlay zone" has been created. In 2008, the ALUC deemed the "original"

project’s land uses consistent with the safety zones applicable at that time. Since the adoption of the 2009 ALUCP, new safety zones and development criteria are now in effect. The overlay zone will ensure future development in this area will meet the allowable land uses per the current ALUCP.

<b>TABLE 1 MODIFIED ELLIS SPECIFIC PLAN LAND USE CATEGORIES</b>					
	<b>COMMERCIAL</b>	<b>VILLAGE CENTER</b>	<b>LIMITED USE</b>	<b>RESIDENTIAL MIXED</b>	<b>RESIDENTIAL MIXED WITH AIRPORT SAFETY ZONE OVERLAY</b>
<b>ALUCP ZONE(S)</b>	Traffic Pattern (7)	Traffic Pattern (7)	Outer Approach Departure Zone (4)	Traffic Pattern Zone (7) Airport Influence Area (8)	Outer Approach Departure Zone (4)
<b>PROHIBITED USES</b>	<ul style="list-style-type: none"> <li>– *Hazards to Flight</li> <li>– Outdoor Stadiums</li> </ul>	<ul style="list-style-type: none"> <li>– *Hazards to Flight</li> <li>– Outdoor Stadiums</li> </ul>	<ul style="list-style-type: none"> <li>– Children’s Schools</li> <li>– Daycare Centers</li> <li>– Libraries</li> <li>– Bldgs. With &gt; 3 above ground habitable floors</li> <li>– Highly noise-sensitive outdoor nonresidential uses</li> <li>– *Hazards to Flight</li> </ul>	<ul style="list-style-type: none"> <li>– *Hazards to Flight</li> <li>– Outdoor Stadiums (Zone 7)</li> </ul>	<ul style="list-style-type: none"> <li>– Children’s Schools</li> <li>– Daycare Centers</li> <li>– Libraries</li> <li>– Bldgs. With &gt; 3 above ground habitable floors</li> <li>– Highly noise-sensitive outdoor nonresidential uses</li> <li>– *Hazards to Flight</li> </ul>
<b>ALLOWABLE RESIDENTIAL DENSITY</b>	No Limit	No Limit	1 du per 5 acres	No Limit No Limit	1 du per 5 acres
<b>ALLOWABLE NON-RESIDENTIAL INTENSITY</b>	450 persons per acre	450 persons per acre	180 persons per acre	450 persons per acre No Limit	180 persons per acre
<b>OTHER DEVELOPMENT CRITERIA</b>	– Airspace review required for objects >100’	– Airspace review required for objects >100’	<ul style="list-style-type: none"> <li>– Airspace review required for objects &gt;70’</li> <li>– Minimum NLR of 25dB in residences (including mobile homes) and office buildings</li> </ul>	– Airspace review required for objects >100’	<ul style="list-style-type: none"> <li>– Airspace review required for objects &gt;70’</li> <li>– Minimum NLR of 25dB in residences (including mobile homes) and office buildings</li> </ul>

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

- Glare or distracting lights which could be mistaken for airport lights. Reflective materials are not permitted to be used in structures or signs (excluding traffic directing signs);

### 3 | Airport Land Use Commission

- Sources of dust, steam, or smoke which may impair pilot visibility;
- Sources of electrical interference with aircraft communications or navigation. No transmissions which would interfere with aircraft radio communications or navigational signals are permitted.
- Any proposed use, especially landfills and certain agricultural uses, that creates an increased attraction for large flocks of birds.

The following are standards and project design conditions specific to compliance with the ALUCP and should be carried through as conditions of approval: This is not a mitigation request. These are project design conditions that are required as part of compliance with the 2009 ALUCP:

1. New land uses that may cause visual, electronic, or increased bird strike hazards to aircraft in flight shall not be permitted within any airport's influence area. Specific characteristics to be avoided include:
  - o Glare or distracting lights which could be mistaken for airport lights. Reflective materials are not permitted to be used in structures or signs (excluding traffic directing signs);
  - o Sources of dust, steam, or smoke which may impair pilot visibility;
  - o Sources of electrical interference with aircraft communications or navigation. No transmissions which would interfere with aircraft radio communications or navigational signals are permitted.
  - o Any proposed use, especially landfills and certain agricultural uses, that creates an increased attraction for large flocks of birds.
2. Within the Outer Approach Departure Zone, all residences (including mobile homes) and office buildings shall have a minimum NLR of 25 dB
3. Occupied structures must be soundproofed to reduce interior noise to 45 dB according to State Guidelines
4. Within the AIA, ALUC review is required for any proposed object taller than 100 feet AGL.
5. Within the Outer Approach Departure Zone, ALUC review is required for any proposed object taller than 70 feet AGL
6. Regardless of location within San Joaquin County, any proposal for construction or alteration of a structure (including antennas) taller than 200 feet above the ground level at the site. Such structures also require notification to the Federal Aviation Administration in accordance with Code of Federal Regulations, Part 77, Paragraph 77.13(a)(1).
7. **Deed Notice Requirement**

For new residential development within any airport's influence area (AIA), deed notices are required per the California Civil Code as well as the San Joaquin County's Airport Land Use Compatibility Plan. These notices are a form of buyer awareness measure whose objective is to ensure that prospective buyers of airport area property, particularly residential property, are informed about the airport's impact on the property. A statement similar to the following should be included on the deed for any real property subject to the deed notice requirements set forth in the San Joaquin County Airport Land Use

#### 4 | Airport Land Use Commission

Compatibility Plan. Such notice should be recorded by the county of San Joaquin. Also, this deed notice should be included on any parcel map, tentative map, or final map for subdivision approval.

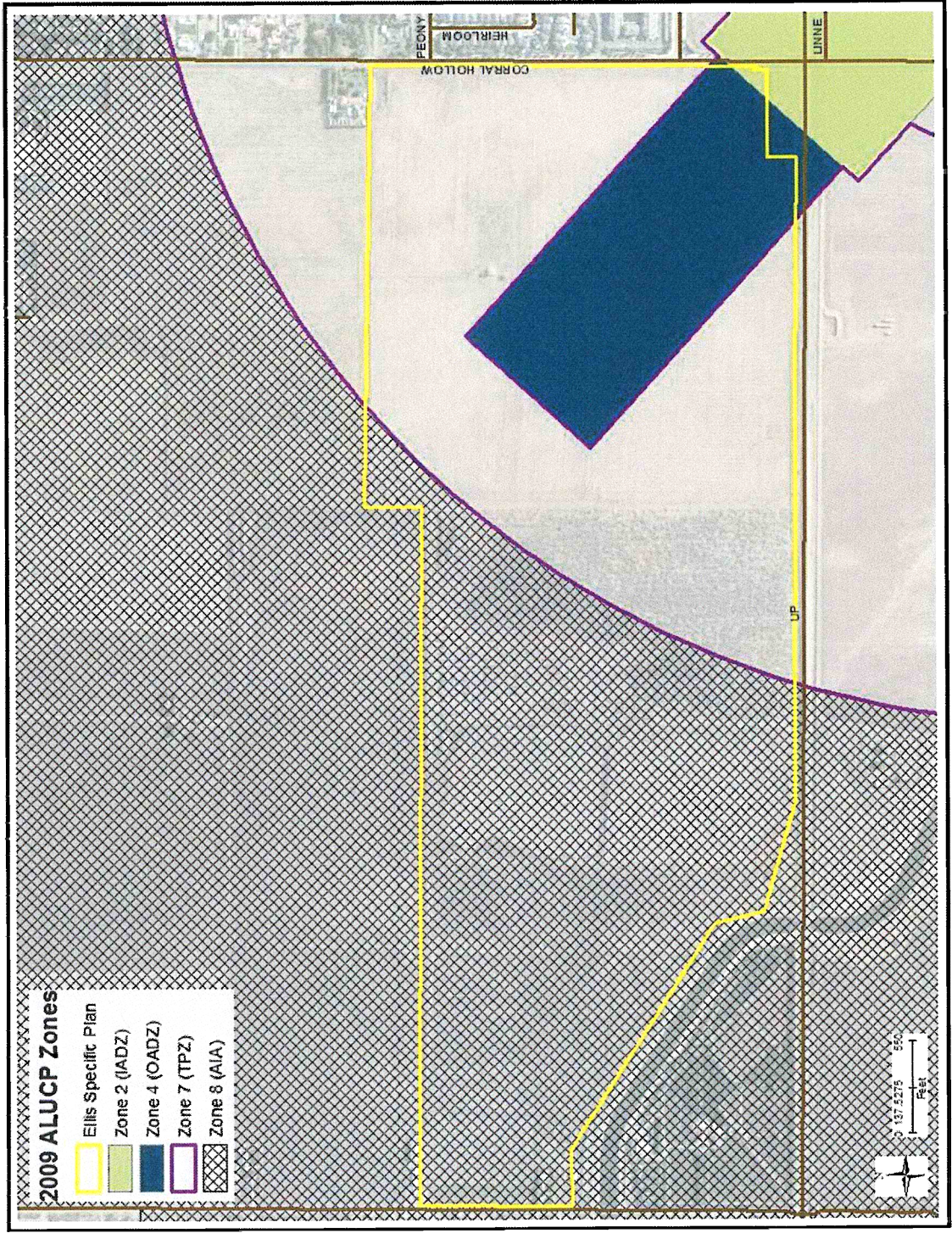
***Sample Deed Notice** - The San Joaquin County Airport Land Use Commission's Airport Land Use Compatibility Plan identify the Tracy Municipal Airport's Airport Influence Area. Properties within this area are routinely subject to overflights by aircraft using this public-use airport and, as a result,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

Please contact ALUC staff Laura Brunn if you have any questions or comments at (209) 235-0579, or by email at [brunn@sjcog.org](mailto:brunn@sjcog.org).

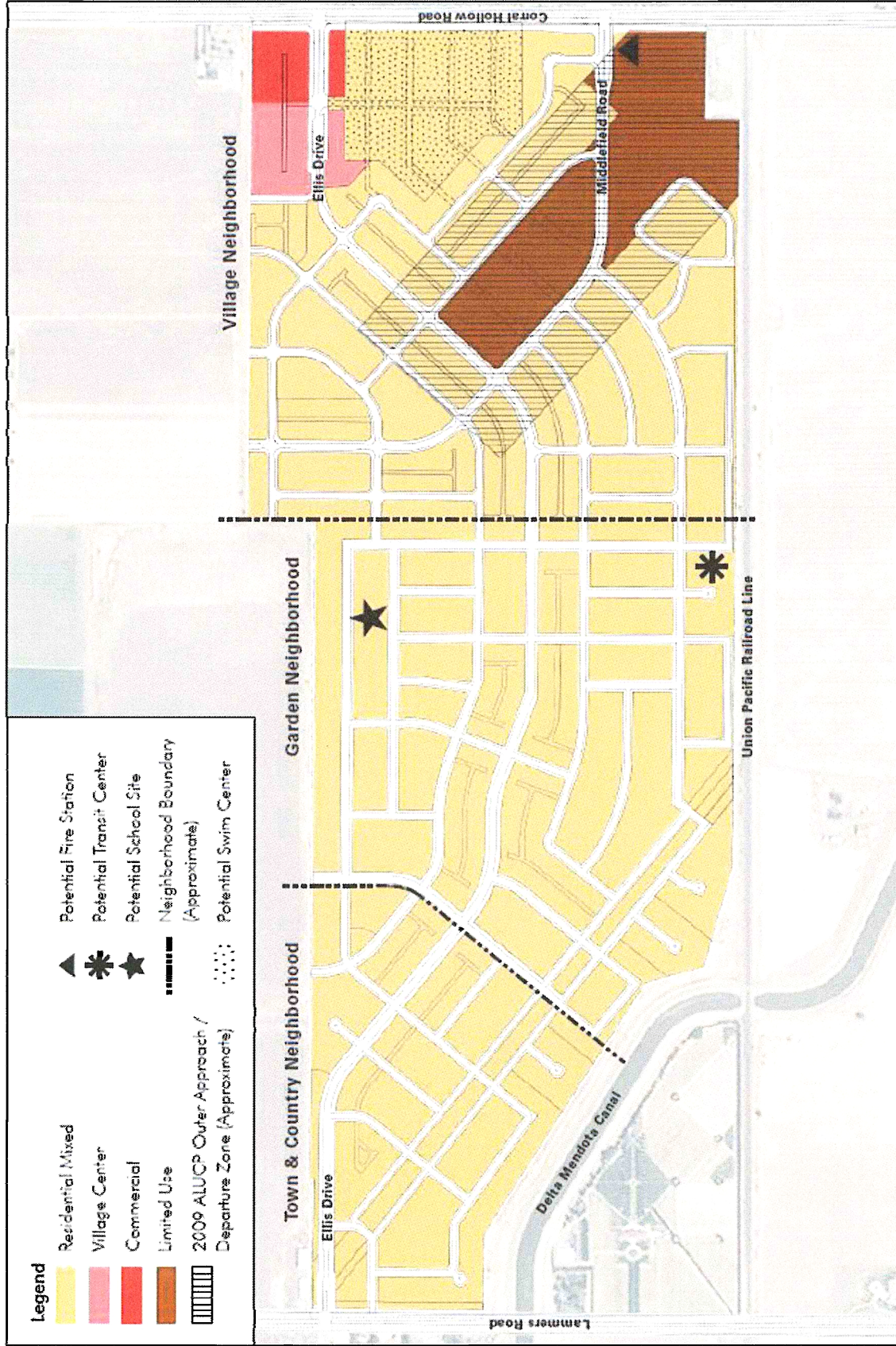


Laura Brunn, SJCOG Associate Regional Planner

**FIGURE 1**  
MODIFIED ELLIS SPECIFIC PLAN PROJECT BOUNDARIES & 2009 ALUCP ZONES



**FIGURE 2**  
 MODIFIED ELLIS SPECIFIC PLAN LAND USE DESIGNATIONS



Source: Modified Ellis Specific Plan (2012)