

NOTICE OF AVAILABILITY OF THE CITY OF TRACY MODIFIED ELLIS PROJECT DRAFT REVISED ENVIRONMENTAL IMPACT REPORT

In June 2004, the Surland Companies ("Project Applicant") filed land use applications to entitle the Ellis Project. The City of Tracy processed the applications and commissioned the preparation of the City of Tracy/Surland Development Agreement and Ellis Specific Plan Environmental Impact Report ("Original Ellis EIR"). On December 16, 2008, the City certified the Original Ellis EIR and approved the land use applications for the Original Ellis Entitlements, approving the Ellis Development Agreement ("Original Ellis DA") and the Ellis Specific Plan ("Original Ellis Specific Plan").

Following the approvals, the Tracy Regional Alliance for a Quality Community (TRAQC) challenged the sufficiency of the Original Ellis EIR and the Original Ellis DA in an action filed in the Superior Court. On October 31, 2011, the trial court issued its Statement of Decision and Judgment, ordering that the certification of the Original Ellis EIR and the Original Ellis DA be set aside for legal infirmities. The other requested entitlements were also ordered to be set aside. The Project Applicant and the City subsequently appealed the judgment of the Superior Court to the District Court of Appeal. The result of the appeal is that the judgment of the Superior Court is stayed, pending the outcome of the appeal. It is anticipated that the appeal process could take two years or more.

Following the Original Ellis EIR approvals, the City prepared an update to its General Plan and adopted the 2011 General Plan. No challenges to that 2011 General Plan were filed. The 2011 General Plan was the subject of a separate and sufficient EIR, City of Tracy General Plan Final EIR, State Clearinghouse No. 2008092006 (the "General Plan EIR"), and established a separate and distinct land use classification for the Ellis Project entitled Traditional Residential-Ellis ("TR-Ellis").

In December 2011, the Project Applicant filed applications with the City for a modification and amendment to the Original Ellis DA ("Amended and Restated Ellis DA"); a modification and amendment to the Original Ellis Specific Plan ("Modified Ellis Specific Plan"); and Petition for Annexation and Pre-Zoning and General Plan Amendment (collectively referred to as the "Modified Project"). The application for the General Plan Amendment seeks to make minor modifications to the language in the TR-Ellis designation identified in the City's 2011 General Plan.

A revised Ellis EIR ("Revised Ellis EIR" or "Draft Revised EIR") has been prepared pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines in response to the trial judge's Statement of Decision and Judgment, addressing and remedying those issues that the trial judge found objectionable. In addition, the Original Ellis DA and the Original Ellis Entitlements will be modified and amended to address and remedy the issues outlined by the trial judge.

The Project proposes a modification and amendment to the Original Ellis DA ("Amended and Restated Ellis DA") (Application Number DA11-0002); a modification and amendment to the Original Ellis Specific Plan ("Modified Ellis Specific Plan or Modified ESP") (Application Number SP11-0002); and Petition for Annexation and Pre-Zoning (Application Number A/P11-0002) and General Plan Amendment (Application Number GPA11-0005) (collectively referred to as the "Modified Project"). The Modified Project would accommodate the development of a minimum of 1,000 to a maximum of 2,250 residential units, as well as a Village Center, open space, 180,000 square feet of retail, office, and other commercial uses and, consistent with City requirements, approximately four acres per 1,000 people of parks with an opportunity to include a Family-Oriented Swim Center ("Family Swim Center") on approximately 321 acres. Pursuant to Section 15161 of the State CEQA Guidelines, the environmental impacts associated with implementation of the Modified ESP and corresponding Amended and Restated Ellis DA are addressed at a "Project" level of detail within this Revised Environmental Impact Report (Draft Revised EIR).

A 45-day public review period for the Draft Revised EIR will commence on July 31, 2012 and end on September 13, 2012. Members of the public and other interested agencies and individuals are invited to provide comments on the Draft Revised EIR. Comments on the Draft Revised EIR may be submitted to the City at the address below during the 45-day review period. Additionally, the Tracy Planning Commission will

conduct a public hearing on August 22, 2012 at 7:00 p.m. to receive comments on the Draft Revised EIR. The Tracy Planning Commission meets in the City Hall Council Chambers located at 333 Civic Center Plaza, Tracy, CA 95376.

The Draft Revised EIR is available on the City's web site (www.ci.tracy.ca.us) and at the City of Tracy's Department of Development and Engineering Services, 333 Civic Center Plaza.

CONTACT INFORMATION: Bill Dean, Assistant Development and Engineering Services Director, City of Tracy, 333 Civic Center Plaza, Tracy, CA 95376, 209-831-6400, fax 209-831-6439.