

**Wednesday, August 9, 2023, 7:00 P.M.**

A quorum of Planning Commission will be in attendance at  
Tracy City Hall Chambers, 333 Civic Center Plaza, Tracy  
Web Site: [www.cityoftracy.org](http://www.cityoftracy.org)

**THIS MEETING WILL BE OPEN TO THE PUBLIC FOR IN-PERSON AND REMOTE PARTICIPATION PURSUANT TO GOVERNMENT CODE SECTION 54953(e).**

**MEMBERS OF THE PUBLIC MAY PARTICIPATE REMOTELY IN THE MEETING VIA THE FOLLOWING METHOD:**

*As always, the public may view the Planning Commission meetings live on the City of Tracy's website at [CityofTracy.org](http://CityofTracy.org) or on Comcast Channel 26/AT&T U-verse Channel 99. To view from the City's website, open the "Government" menu at the top of the City's homepage and select "Planning Commission", then select "[Planning Commission Meeting Videos](#)" under the "Boards and Commissions" section.*

*If you only wish to watch the meeting and do not wish to address the Council, the City requests that you stream the meeting through the City's website or watch on Channel 26.*

**Remote Public Comment:**

*During the upcoming Planning Commission meeting public comment will be accepted via the options listed below. If you would like to comment remotely, please follow the protocols below:*

- *Comments via:*
  - **Online by visiting** <https://cityoftracyevents.webex.com> and using the following
  - **Event Number: 2553 975 8469** and **Event Password:** Planning
  - ***If you would like to participate in the public comment anonymously***, you may submit your comment in WebEx by typing "Anonymous" when prompted to provide a First and Last Name and inserting [Anonymous@example.com](mailto:Anonymous@example.com) when prompted to provide an email address.
  - Join by phone by dialing +1-408-418-9388, 2553 975 8469#75266464# Press \*3 to raise the hand icon to speak on an item.
  
- *Protocols for commenting via WebEx:*
  - *If you wish to comment on the "New Business" or "Items from the Audience" portions of the agenda:*
    - *Listen for the Chair to open that portion of the agenda for discussion, then raise your hand to speak by clicking on the Hand icon on the Participants panel to the right of your screen.*
    - *If you no longer wish to comment, you may lower your hand by clicking on the Hand icon again.*
  - *Comments for the "New Business" or "Items from the Audience" portions of the agenda will be accepted until the public comment for that item is closed.*

*Comments received on Webex outside of the comment periods outlined above will not be included in the record.*

**Americans With Disabilities Act** – The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in Council meetings. Persons requiring assistance or auxiliary aids should call City Hall (209/831-6105) 24 hours prior to the meeting.

**Addressing the Council on Items on the Agenda** – The Brown Act provides that every regular Council meeting shall provide an opportunity for the public to address the Council on any item within its jurisdiction before or during the Council's consideration of the item, provided no action shall be taken on any item not on the agenda. To facilitate the orderly process of public comment and to assist the Council to conduct its business as efficiently as possible, members of the public wishing to address the Council are requested to, but not required to, hand a speaker card, which includes the speaker's name or other identifying designation and address to the City Clerk prior to the agenda item being called. Generally, once the City Council begins its consideration of an item, no more speaker cards will be accepted. An individual's failure to present a speaker card or state their name shall not preclude the individual from addressing the Council. Each citizen will be allowed a maximum of five minutes for input or testimony. In the event there are 15 or more individuals wishing to speak regarding any agenda item including the "Items from the Audience/Public Comment" portion of the agenda and regular items, the maximum amount of time allowed per speaker will be three minutes. When speaking under a specific agenda item, each speaker should avoid repetition of the remarks of the prior speakers. To promote time efficiency and an orderly meeting, the Presiding Officer may request that a spokesperson be designated to represent similar views. A designated spokesperson shall have 10 minutes to speak. At the Presiding Officer's discretion, additional time may be granted. The City Clerk shall be the timekeeper.

**Addressing the Council on Items not on the Agenda** – The Brown Act prohibits discussion or action on items not on the posted agenda. The City Council's Meeting Protocols and Rules of Procedure provide that in the interest of allowing Council to have adequate time to address the agenda items of business, "Items from the Audience/Public Comment" following the Consent Calendar will be limited to 15-minutes maximum period. "Items from the Audience/Public Comment" listed near the end of the agenda will not have a maximum time limit. A five-minute maximum time limit per speaker will apply to all individuals speaking during "Items from the Audience/Public Comment". For non-agendized items, Council Members may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to Council. When members of the public address the Council, they should be as specific as possible about their concerns. If several members of the public comment on the same issue an effort should be made to avoid repetition of views already expressed.

**Notice** – A 90-day limit is set by law for filing challenges in the Superior Court to certain City administrative decisions and orders when those decisions or orders require: (1) a hearing by law, (2) the receipt of evidence, and (3) the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge a City Council action in court, you may be limited, by California law, including but



not limited to Government Code Section 65009, to raising only those issues you or someone else raised during the public hearing, or raised in written correspondence delivered to the City Council prior to or at the public hearing.

Full copies of the agenda are available on the City's website: [www.cityoftracy.org](http://www.cityoftracy.org).

## MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ACTIONS, BY MOTION, OF CITY COUNCIL PURSUANT TO AB 2449, IF ANY

ROLL CALL

MINUTES – 6/28/23 Regular Meeting

DIRECTOR'S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE - *In accordance with Council Meeting Protocols and Rules of Procedure, adopted by Resolution No. 2019-240, a five-minute maximum time limit per speaker will apply to all individuals speaking during "Items from the Audience/Public Comment". For non-agendized items, Planning Commissioners may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to the Planning Commission.*

1. NEW BUSINESS

1.A BY MOTION, ELECTION OF NEW PLANNING COMMISSION VICE CHAIR.

1.B STAFF RECOMMENDS THAT THE PLANNING COMMISSION RECOMMEND THAT THE CITY COUNCIL ADOPT A RESOLUTION: (1) APPROVING A GENERAL PLAN MAP AMENDMENT FROM OFFICE TO COMMERCIAL FOR AN APPROXIMATELY 1.97-ACRE SITE, LOCATED AT 2605 N. CORRAL HOLLOW ROAD, ASSESSOR'S PARCEL NUMBER 214-020-09 (APPLICATION NUMBER GPA22-0004); (2) APPROVING A DEVELOPMENT REVIEW PERMIT FOR A FOUR-STORY, 78-GUEST-ROOM HOTEL DEVELOPMENT (TRU BY HILTON), LOCATED AT 2605 N. CORRAL HOLLOW ROAD, APN 214-020-09 (APPLICATION NUMBER D22-0018); AND (3) ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE GENERAL PLAN AMENDMENT AND DEVELOPMENT REVIEW PERMIT TRU BY HILTON HOTEL PROJECT IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. THE APPLICANT IS ANDY KOTECHA FOR RAAD HOPITALITY GROUP.

2. ITEMS FROM THE AUDIENCE

3. DIRECTOR'S REPORT

4. ITEMS FROM THE COMMISSION

5. ADJOURNMENT

Posted: August 3, 2023

Any materials distributed to the majority of the Planning Commission regarding any item on this agenda will be made available for public inspection via the City of Tracy website at [www.cityoftracy.org](http://www.cityoftracy.org).

**MINUTES  
TRACY CITY PLANNING COMMISSION  
REGULAR MEETING  
JUNE 28, 2023, 7:00 P.M.  
CITY OF TRACY COUNCIL CHAMBERS  
333 CIVIC CENTER PLAZA**

**CALL TO ORDER**

Vice Chair Orcutt called the meeting to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

Vice Chair Orcutt led the pledge of allegiance.

**ROLL CALL**

Roll Call found Commissioner Atwal, Commissioner Boakye-Boateng, and Vice Chair Orcutt present. Also present: Alan Bell, Senior Planner; Kenneth Lipich, Associate Planner; Kimberly Matlock, Associate Planner; Bijal M. Patel, City Attorney; Koosun Kim, City Engineer; Al Gali, Associate Engineer; Majeed Mohamed, Assistant Engineer; and Miranda Aguilar, Administrative Assistant.

**MINUTES**

Vice Chair Orcutt introduced the Regular Meeting Minutes from the May 24, 2023 meeting and suggested some corrections to be made.

**ACTION:** It was moved by Vice Chair Orcutt and seconded by Commissioner Atwal to approve the May 24, 2023 Planning Commission Regular Meeting Minutes with corrections. A voice vote found Commissioner Atwal, Commissioner Boakye-Boateng and Vice Chair Orcutt in favor. Passed and so ordered; 3-0-0-0.

**DIRECTOR'S REPORT REGARDING THIS AGENDA**

Alan Bell, Senior Planner, reported that City Attorney, Bijal Patel, and Associate Planner, Kimberly Matlock have joined the meeting via Webex. Additionally, Item 1.D from tonight's agenda would be removed and re-noticed for a later date.

**ITEMS FROM THE AUDIENCE**

None.

**1. NEW BUSINESS**

**A. BY MOTION, ELECTION OF NEW PLANNING COMMISSION CHAIR**

Vice Chair Orcutt nominated himself as Planning Commission Chair.

Vice Chair Orcutt opened the Public Hearing at 7:09 p.m.

Alice English expressed support for Vice Chair Orcutt to be elected as Chair as well as Commissioner Atwal to be elected Vice Chair.

Seeing as no one else came forward, Vice Chair Orcutt closed the Public Hearing at 7:10 p.m.

**ACTION:** It was moved by Vice Chair Orcutt and seconded by Commissioner Boakye-Boateng that the Planning Commission elect Vice Chair Orcutt as Planning Commission Chair.

A roll call vote found Commissioner Atwal, Commissioner Boakye-Boateng, and Vice Chair Orcutt, in favor. Passed and so ordered: 3-0-0-0.

**B. STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION: 1) APPROVING A DEVELOPMENT REVIEW PERMIT (D23-0003) TO ALLOW A NEW OUTDOOR EATING AND DRINKING ESTABLISHMENT CONSISTING OF THREE STRUCTURES AT 22 E. 9TH STREET, INCLUDING REQUISITE CONDITIONS OF APPROVAL NECESSARY TO CURE EXISTING DEFICIENCIES AND MAKE SUCH STRUCTURES CODE-COMPLIANT; AND 2) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO CEQA GUIDELINES SECTION 15303, WHICH PERTAINS TO CONSTRUCTION OF LIMITED NUMBER OF NEW, SMALL FACILITIES OR SIMILAR STRUCTURES NOT INVOLVING THE USE OF SIGNIFICANT AMOUNTS OF HAZARDOUS SUBSTANCES, AND NOT EXCEEDING 2,500 SQUARE FEET IN FLOOR AREA. THE APPLICANT AND OWNER ARE CANDIDO & GABRIELA MACHUCA.**

Kenny Lipich, Associate Planner, presented the staff report and addressed questions from the Commission.

Gabriela Machuca, Applicant, addressed the Commission.

Chair Orcutt opened the Public Hearing at 7:30 p.m.

Alice English expressed support for Johnny's Diner.

Seeing as no one else came forward, Chair Orcutt closed the Public Hearing at 7:33 p.m.

Alan Bell, Senior Planner, addressed questions from the Commission.

Commissioner Boakye-Boateng acknowledged that a lot of work was put into the Project by both City Staff and the applicant.

Commissioner Atwal acknowledged the struggle of closing the businesses while the City reviewed the Project.

Chair Orcutt expressed support of the design idea for this Project.

**ACTION:** It was moved by Commissioner Atwal and seconded by Chair Orcutt that the Planning Commission adopt a resolution:

- 1) Approving a Development Review Permit (D23-0003) to allow a new outdoor eating and drinking establishment consisting of three structures at 22 E. 9<sup>th</sup> Street, including requisite conditions of approval necessary to cure existing deficiencies and make such structures code-compliant; and
- 2) Determining that this project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15303, which pertains to construction of limited number of new, small facilities or similar structures not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area.

A roll call vote found Commissioner Atwal, Commissioner Boakye-Boateng, and Chair Orcutt, in favor. Passed and so ordered: 3-0-0-0.

**C. STAFF RECOMMENDS THAT THE PLANNING COMMISSION ADOPT A RESOLUTION: 1) APPROVING A DEVELOPMENT REVIEW PERMIT FOR THE TRIANGLE PLAZA COMMERCIAL DEVELOPMENT ON A 1.91-ACRE SITE LOCATED AT 3788 N. TRACY BLVD., APN 212-250-01 & 02; 2) APPROVING A 20% OFF-STREET PARKING SPACE REDUCTION PURSUANT TO TRACY MUNICIPAL CODE SECTION 10.08.3740(E); AND 3) DETERMINING THAT THIS PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PER SECTION 15332. THE APPLICANT IS TECTA ASSOCIATES AND THE PROPERTY OWNER IS 3788 TRACY LLC, APPLICATION NUMBER D21-0006.**

Kimberly Matlock, Associate Planner, presented the staff report and addressed questions from the Commission.

Chair Orcutt opened the Public Hearing at 7:50 p.m.

Ahmad Mohazab, Project Architect, addressed the Commission.

Chris Kensil, Traffic Engineer, addressed the Commission regarding the Parking Study.

Seeing as no one else came forward, Chair Orcutt closed the Public Hearing at 8:00 p.m.

Chair Orcutt expressed concern about parking during the holidays for projects such as this.

Commissioner Boakye-Boateng suggested the City somehow keep track of information learned by studies from each project in order to inform everyone for future ordinances.

**ACTION:** It was moved by Chair Orcutt and seconded by Commissioner Atwal that the Planning Commission adopt a resolution:

- 1) Approving a Development Review Permit for The Triangle Plaza Commercial Development on a 1.91-acre site located at 3788 N. Tracy BLVD., APNs 212-250-01 & 02;
- 2) Approving a 20% off-street parking space reduction pursuant to Tracy Municipal Code section 10.08.3740(e); and
- 3) Determining that this project is categorically exempt from the California Environmental Quality Act in accordance with CEQA Guidelines section 15332.

A roll call vote found Commissioner Atwal, Commissioner Boakye-Boateng, and Chair Orcutt, in favor. Passed and so ordered: 3-0-0-0.

**2. ITEMS FROM THE AUDIENCE**

None.

**3. DIRECTOR'S REPORT**

None.

**4. ITEMS FROM THE COMMISSION**

Chair Orcutt expressed gratitude to former Chair Hudson and former Commissioner Augustus for their participation at these meetings.

**5. ADJOURNMENT**

**ACTION:** It was moved by Vice Chair Orcutt and seconded by Commissioner Atwal to adjourn.

A voice vote found Commissioner Atwal, Commissioner Boakye-Boateng, and Chair Orcutt, in favor. Passed and so ordered: 3-0-0-0.

Time: 8:06 p.m.

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CHAIR

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STAFF LIAISON

**From:** [Gina Peace](#)  
**To:** [Miranda Aguilar](#)  
**Subject:** FW: Planning Commission 5/24 Outdoor Eatery  
**Date:** Tuesday, May 16, 2023 8:44:59 AM

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**From:** Kathleen Francisco [REDACTED]  
**Sent:** Tuesday, May 16, 2023 6:38 AM  
**To:** Public Comment <publiccomment@cityoftracy.org>  
**Subject:** Planning Commission 5/24 Outdoor Eatery

Dear Planning Commission,  
I am requesting (imploring) that you vote "YES" to approving the permit for Machuca's Kitchen/Johnny's Diner at their 9th St. location. It's excellent food provided by an excellent family-run business.

[REDACTED]

**From:** [Gina Peace](#)  
**To:** [Miranda Aguilar](#)  
**Subject:** FW: Planning Commission 5/24 Outdoor Eatery  
**Date:** Tuesday, May 16, 2023 8:45:10 AM

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**From:** Michelle Walker-Wade [REDACTED]  
**Sent:** Monday, May 15, 2023 10:02 PM  
**To:** Public Comment <publiccomment@cityoftracy.org>  
**Subject:** Planning Commission 5/24 Outdoor Eatery

Hello City of Tracy,

I've been a resident of Tracy since 2011 and Johnny's has always been my go-to place for a good, hometown burger and a hometown feel. I've watched his kids grow up working in the family business, and a family stick together through the toughest of times.

Johnny's Outdoor Eatery is an amazing community space. Although I miss their ice cream I'm happy to know a delicious burger is right downtown. I can drop my car off for service, take a stroll around the corner and get a bite to eat made by people who actually know who I am. And I don't know what they do to those fries but they are ALWAYS hot. That can't be said of any of the franchise burger spots.

Please, keep our community together and approve Johnny's Outdoor Eatery to remain at 22E. 9th Street.

Warmly,

[REDACTED]



**From:** [Gina Peace](#)  
**To:** [Miranda Aguilar](#)  
**Subject:** FW: Planning Commision 5/24/23 Outdoor Eatery  
**Date:** Tuesday, May 16, 2023 9:04:26 AM

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**From:** Ruth Acosta [REDACTED]  
**Sent:** Tuesday, May 16, 2023 8:51 AM  
**To:** Public Comment <publiccomment@cityoftracy.org>  
**Subject:** Planning Commision 5/24/23 Outdoor Eatery

Hello!

My name is Ruth Acosta and I'd like to comment on the Outdoor Eatery project at 22 E. 9th St.

Tracy has done a good job filling 10th street up with places to go. With the same token I feel that downtown is geared towards adults.

We need more family oriented places to go and have fun with the family. Kids like to be out in the evening as well and having fun at an outdoor eatery with patio lights and giant size games is just awesome! What a fun environment and great hamburgers to boot!

Johnny and Gaby have created just the place! We need this in Tracy!! A place where people gather together to socialize and maybe have some ice cream, play family games with family and friends. This outdoor eatery is a win win for Tracy. I for one would like to see more places for families or others that like that good warm cozy atmosphere of family, to go to. The outdoor eatery is a very welcome and longtime needed place for Tracy!

Please vote YES for the Outdoor Eatery 22 E. 9th St. on May 24th!!!!

Thank you!

Sincerely,

[REDACTED]

**From:** [Gina Peace](#)  
**To:** [Miranda Aguilar](#)  
**Subject:** FW: Planning commission 5/24 Outdoor Eatery  
**Date:** Tuesday, May 16, 2023 9:56:44 AM

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**From:** Nadia C. [REDACTED]  
**Sent:** Tuesday, May 16, 2023 9:22 AM  
**To:** Public Comment <publiccomment@cityoftracy.org>  
**Subject:** Planning commission 5/24 Outdoor Eatery

Please vote Yes to keep the Outdoor Eatery at 22 E. 9th st Johnny's Diner & Creamery /Machucas Kitchen open. My family would like to show support for this local business and we urge you to vote Yes to keep it open.

Thank you,

[REDACTED]

**From:** [Gina Peace](#)  
**To:** [Miranda Aguilar](#)  
**Subject:** FW: Planning Commission 5/24/23 Outdoor eatery  
**Date:** Tuesday, May 16, 2023 9:56:56 AM

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-----Original Message-----

From: mpelayo86 [REDACTED]  
Sent: Tuesday, May 16, 2023 9:38 AM  
To: Public Comment <publiccomment@cityoftracy.org>  
Subject: Planning Commission 5/24/23 Outdoor eatery

To Whom it May Concern:

My name is Marisol Pelayo. I Vote YES on outdoor eatery project 22 East 9th street.

Thank you for your time!

[REDACTED]

Sent from my iPhone

**From:** [Gina Peace](#)  
**To:** [Miranda Aguilar](#)  
**Subject:** FW: Planning committee outdoor eatery 5/24/23  
**Date:** Tuesday, May 16, 2023 10:32:27 AM

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**From:** Michelle [REDACTED]  
**Sent:** Tuesday, May 16, 2023 10:31 AM  
**To:** Public Comment <publiccomment@cityoftracy.org>  
**Subject:** Planning committee outdoor eatery 5/24/23

My VOTE is YES For outdoor eatery 22 E 9th st Tracy Ca

**From:** [C Sampino](#)  
**To:** [Public Comment](#)  
**Subject:** Planning commission 5/24/23 outdoor eatery  
**Date:** Tuesday, May 16, 2023 5:27:34 PM

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YES FOR THE OUTDOOR EATERY 22 east 9th st.



**From:** [REDACTED]  
**To:** [Public Comment](#)  
**Subject:** planning commission 5/24 outdoor eatery  
**Date:** Wednesday, May 17, 2023 9:10:48 AM

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I have been a customer of Johnny's for over 7 years and I would like for their project at 22 E. 9th Street "Outdoor Eatery" to be approved, I feel like they have been a great addition to Tracy. The food is great and its very family oriented. Please approve it.

Thank you

[REDACTED]

**From:** [dbeveler](#)  
**To:** [Public Comment](#)  
**Subject:** Muchucas Kitchen/Johnny's Diner  
**Date:** Wednesday, May 17, 2023 8:37:25 PM

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Please vote Yes on allowing The Machuca's to operate their outdoor eatery... This location is an unobtrusive location that would compliment downtown Tracy. Please allow his restaurant to continue at the Ninth St location!



Sent from my Verizon, Samsung Galaxy smartphone

**From:** [REDACTED]  
**To:** [Public Comment](#)  
**Subject:** Johnny's Diner  
**Date:** Thursday, May 18, 2023 4:57:39 AM

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> To Tracy City Council,

> Good day to you from overseas, where we are currently on holiday. This email is in support of Johnny's Diner.

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> We first visited the diner when it was brand new and located on Tracy Blvd. Since then, we have followed the business through its various phases.

>

> We have found their menu to be consistently good and the owners/staff to be very professional. They very much support our Tracy community and it is our response to support them.

>

> Please vote in favor of their business proposal.

>

> Thank you,

[REDACTED]

>

>

>

> Sent from my iPhone by [REDACTED]



**From:** [REDACTED]  
**To:** [Public Comment](#); [REDACTED]  
**Subject:** Invite to visit site D23-0003 Outdoor Eatery 22 E. 9th  
**Date:** Thursday, May 18, 2023 2:09:22 PM

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Good Afternoon Planning Commissioners,

We would like to extend each of you the opportunity to visit our project site at 22 E. 9th Street in Downtown Tracy prior to the Planning Commission meeting on 5/24/2023 7:00pm in order to visually see this Outdoor Eatery.... it is existing because it was opened under a T.U.P (temporary use permit).

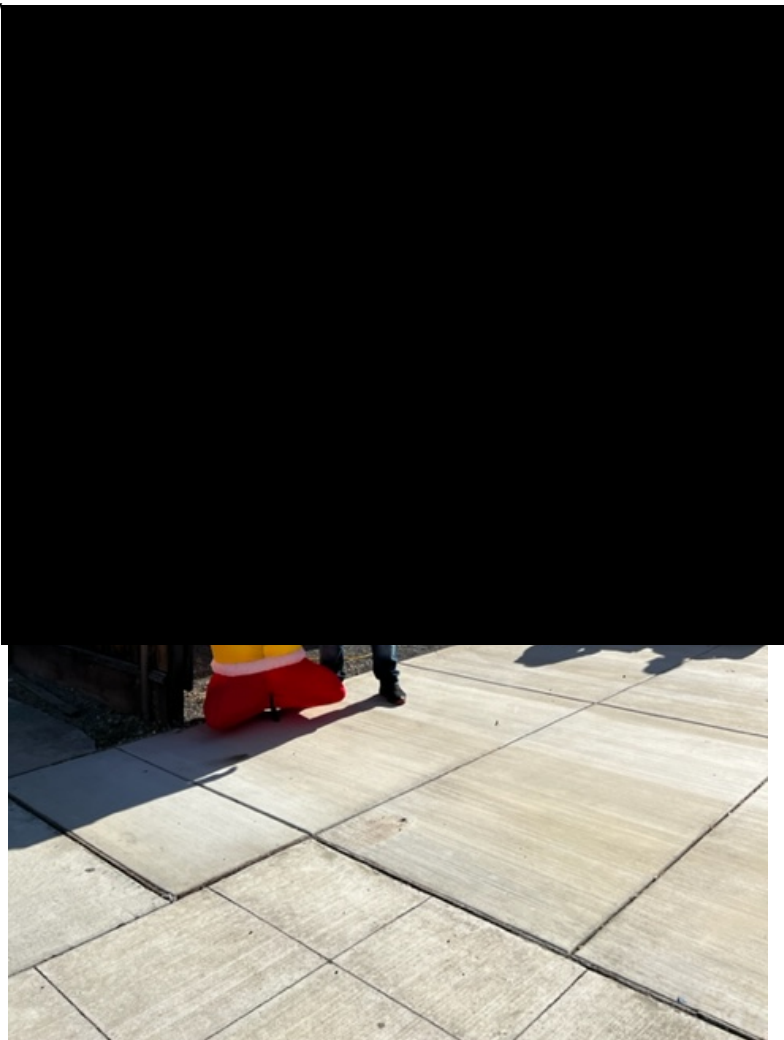
If you would like to visit in person we can set up a time that is convenient for each of you (separately of course).

**You may call or text us at [REDACTED] ask for "Johnny"**

**We will be at the location Thursday 5/18 and Friday 5/19 4:00pm -8:00 pm or we arrange a more convenient time.**

thank you for your time,

Candido " Johnny



**From:** [REDACTED]  
**To:** [Public Comment](#)  
**Subject:** Planning Commission 5/24 Outdoor Eatery  
**Date:** Friday, May 19, 2023 8:08:49 AM

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Caution: This is an external email. Please take care when clicking links or opening attachments.

Good Evening,

Thank you for this opportunity to voice my opinion and support of Johnny's Diner and Creamery.

Johnny's Diner and Creamery / Machuca's Kitchen needs to be embraced by the City of Tracy. This is a small, local, family business. Isn't that what is encouraged? Just because their kitchen is considered mobile should have no bearing on a permit being issued. Other towns and cities encourage such businesses and center events around them.

This business is such a positive addition to Downtown Tracy. Neighborhood residents can walk there and drive if necessary. This will actually increase the amount of patrons downtown, not take away from any business. This adds another choice in dining, including for families. In addition to being a lunch and dinner eatery, patrons will want to walk around downtown and then go to other establishments for shopping, after dinner desserts, beverages, and more eating! Plus the Grand Theater has many events and this is another option for the patrons.

How would Johnny's Diner and Creamery/ Machuca's Kitchen be a negative business for Downtown Tracy? How can you even consider a "No" vote?

Downtown is the heart of the Historic District. Johnny's Diner and Creamery/ Machuca's Kitchen is a positive addition to Downtown. Look at all the vacant lots where there is now blight in the Historic Downtown. Fencing and weeds in more than a few lots, most notably on corners in the heart of Downtown. And more destruction and construction is planned. There does not seem to be a focus on what we have, just what can be replaced.

Please vote "YES" to grant Johnny's Diner and Creamery/ Machuca's Kitchen the permit that has been applied for. This would be in the best interest for Downtown Tracy.

Thank you,  
[REDACTED]

**From:** [REDACTED]  
**To:** [Public Comment](#)  
**Subject:** Johnny's Diner  
**Date:** Monday, May 22, 2023 1:47:40 PM

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**Caution:** This is an external email. Please take care when clicking links or opening attachments.

Please allow the zoning laws to be changed to allow Johnny's Diner to finally have a home in Tracy. He has supported many organizations in our community with service from his Diner. It's time for Tracy to give back.

Jan Haws

[REDACTED]

**From:** [REDACTED]  
**To:** [Public Comment](#)  
**Subject:** Planning Commission 5/24 Outdoor Eatery  
**Date:** Tuesday, May 23, 2023 11:18:34 AM

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Caution: This is an external email. Please take care when clicking links or opening attachments.

Dear Planning Commission,

Please vote YES for Outdoor Eatery!

This place deserves to be in Tracy, especially the historic downtown. I used to go to their other locations as Johnny's Diner & Creamery and the owner is passionate about his business. The food was always great and I miss them terribly! Even though I now live in San Jose, I still drove to Tracy to eat there, I love them so much.

Please bring them back!!!

Thank you so much for listening.

Sincerely  
Vivian Kramp

Sent from my iPhone

**From:** [REDACTED]  
**To:** [Public Comment](#)  
**Subject:** Planning Commission 5/24 Outdoor Eatery  
**Date:** Tuesday, May 23, 2023 4:40:26 PM

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Caution: This is an external email. Please take care when clicking links or opening attachments.

Hello,

As a resident of Tracy I am asking for a yes vote for the machuca family to open their outdoor eatery. The Machuca's have been in Tracy for a long time and are trying to bring something that this city needs, SOMETHING TO DO! As a long time resident of this town, it is crazy to see the hoops needed to open a business when so much of our down town is empty.

Thank you for your consideration.

Regards,  
Jesse Souza

Sent from my iPhone

**From:** [REDACTED]  
**To:** [Public Comment](#)  
**Subject:** Johnny's Outdoor Eatery  
**Date:** Thursday, June 22, 2023 10:56:31 AM

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**Caution:** This is an external email. Please take care when clicking links or opening attachments.

Please vote yes.

As a long term resident of the city of Tracy. I have loved going to Johnny's dinner over the years. Please consider allowing them to stay at their location in downtown Tracy. Its businesses like this that we need in downtown to bring people to our downtown.

Thank you,  
Brian

**From:** [REDACTED]  
**To:** [Public Comment](#)  
**Subject:** Johnny's Outdoor Eatery  
**Date:** Friday, June 23, 2023 9:37:02 AM

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**Caution:** This is an external email. Please take care when clicking links or opening attachments.

To Whom It May Concern,

We write this email on behalf of Johnny's Outdoor Eatery. We are long time Tracy residents and feel our voices should be heard. As you are aware, there is very little for our community to do as a family. This location here is an ideal spot to bring the entire family out for delicious food, great conversation and fun for all. It's a gathering spot, just another way to bring our community together. Isn't this what we all strive for?

We're pleading with you. Please consider our request as we speak for so many of our residents. This is what Tracy needs.

Best Regards,  
Stella Lakey

[REDACTED]  
Happyfaces Childcare & Transportation Services  
Get 5 Star Notary Services  
Jay's Gourmet food with soul

**From:** [REDACTED]  
**To:** [Public Comment](#)  
**Subject:** Event #2552 387 5749  
**Date:** Sunday, June 25, 2023 7:53:27 PM

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Caution: This is an external email. Please take care when clicking links or opening attachments.

I'm getting a hold of you in regards to our burger place on 9th Street. Not sure how it was voted on, picked to be there but it is a great location, great restaurant and needs to be approved to have its home there. Many of us love the place, frequent it and want it there. Please consider a final approval for this place and location. This is not a new location for Johnny's but a long term place that chose a new location. Someone must have approved it as it should be approved.

Thank you, Jackie Manley  
Sent from my iPhone



To: PublicComment@cityoftracy.org <PublicComment@CityOfTracy.org> v

Cc:

Subject: VOTE YES ON OUTDOOR EATERY Project on 22 E. 9th St., Tracy, CA.

My name is Germaine Clark and I have been a resident in Tracy since 1984. I support and totally **VOTE YES ON OUTDOOR EATERY Project on 22 E. 9<sup>th</sup> St., Tracy, CA.**

Johnny and Gaby Machuca's are hard working, community minded, Tracy Chamber members, who thought beyond the COVID crisis, to create an incredible outdoor eatery for Tracy residents. I was fortunate to enjoy a beautiful outdoor event last fall, where Johnny and Gaby served delicious food and the atmosphere was relaxing.

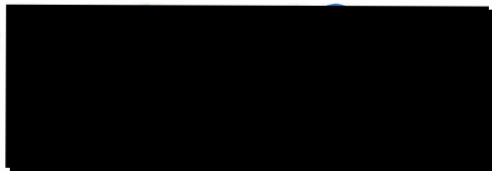
I have supported the Machucas for years, especially when they owned Johnny's Dinner off Tracy Blvd. So many fond memories with my family enjoying meals and my daughters loving their great milkshakes.

I support and **VOTE YES ON OUTDOOR EATERY Project on 22 E. 9<sup>th</sup> St., Tracy, CA** and believe that it will bring more people to Downtown Tracy and is another excellent option for families to support and enjoy.

Respectfully yours,

*Germaine Clark*  
Germaine Clark

5/16/23



**From:** [REDACTED]  
**To:** [Midori Lichtwardt](#); [Nancy Young](#); [Dan Arriola](#); [Matt Bedolla](#); [Eleassia Davis](#); [Dan Evans](#); [Public Comment](#); [Tracy City Council](#)  
**Cc:** [REDACTED] [Sekou Millington](#)  
**Subject:** URGENT Defending our reputation Fwd: Rebuttal to 1/25/23 S. Claar letter Fwd: 22 E. 9th Street : Machuca/ Johnny's Diner  
**Date:** Tuesday, June 27, 2023 3:05:01 PM  
**Attachments:** [two Public Hearing -more conditions.pdf](#)  
[APPEAL request.pdf](#)  
[TUP22-0021 Johnny's Diner Food Truck Approval Letter.pdf](#)

**Caution:** This is an external email. Please take care when clicking links or opening attachments.

This Communication is being addressed and sent to Interim City Manager Midori Lichtwardt and The Tracy City Council,

From: Candido "Johnny" Machuca & Gabriela Rodriguez Machuca ; Johnny's Diner aka MachucasKitchen 22 E. 9th Street

**Attached : APPEAL :** *Please read our response*  
**two Public hearing:** *Please read and compare; written about the same project by two different people and the 6/28 has more conditions and please note those conditions have absolutely nothing to do with safety.*  
**Email Thread Below :** *See our responses to letter from 1/25/23 in RED and Orange*

**Ms. Midori Lichtwardt ,**

**You have allowed your Staff to make some documents PUBLIC without having giving us the opportunity to discuss in private our concerns and grievances. Since City of Tracy has made this public we will RESPOND in public to defend our personal and professional reputation**

We have submitted in writing to you several times from February 12, 2023 thru Now with NO RESPONSE other than acknowledgement from your assistants that you were in receipt of the emails. Requests to your assistants for meeting times/dates were answered with;" We will review with Ms. Lichtwardt and get back to you next week" Well "next week" has come and gone several times.

**If our emails were acknowledged and you did not hear from us in person and you still allowed Staff to continue on the same path:**

**\*\* Delaying our project**

**\*\*Delaying the mobile food ordinance discussion** (1. Please note that in the letter written 1/25/23 from S. Claar he writes that staff will bring discussion to Council on March 21st to discuss food truck ordinances, that has not happened yet. Council needs to ask WHY? Is the delay tactic just one way to hurt our business?)

2. And recall the different times Council has asked the CM where is the Mobile food ordinance discussion one answer was : "going to Planning Commission in April and then to Council in May: and that has not happened. Council needs to ask WHY?

3. Than at a different meeting the question was asked again and the answer was " something to the effect of : there was a priority given to the project and convoluting of the project and mobile food ordinance.Council needs to ask WHY? Is perhaps Staff not following CM direction?

**\*\* Finding and creating new conditions**

**\*\* Constantly putting our integrity into question**

**Than what are we supposed to think ?**

**The documents published are all one sided, we submitted an appeal letter to the Notice and Order and we also submitted responses to your Staff member letter and NONE of our responses were**

published .

**To us this feels like a blatant way to continue to disparage our Personal and Professional reputation.**

**Its an attempt to make us look like we are irresponsible business owners without knowledge or regard to process and procedures. Which simply is not True.**

**We also asked** Chief Millington to meet and discuss **how a code violation escalated to a Notice and Order** and you were CC'd on that communication.(6/15/2023)

The Chief responded: *" I had a discussion with Interim CM Midori Lichtwardt and was made aware of a planned stakeholders meeting being coordinated for next week... to make sure you receive current and reliable information all at once....."*

If this meeting happened, WE were not a part of the meeting.

Since July 2022 most of the verbal communications we have been given have resulted in being misleading or incorrect because each time we took an action or submitted paperwork based on the verbal communications we were responded by email that what we submitted was not acceptable or lacking. And when we have asked for some responses in writing, we have gotten ZERO responses in writing. It would appear that no one wants to be held accountable.

The email attached in this thread below is our response ( our responses are all in **RED** and **ORANGE** **\*\*PLEASE read our responses**)

to a letter emailed to us and many staff on 1/25/2023 from S. Claar.

It was his attempt to put us in our place by stating ; He informed us...of procedures and that we allegedly ignored all process which simply is not the case

*( and we do have emails to back up*

*some of the actions we did take)*

We Sent our responses to then CM Rogers to not engage in confrontation with Staff member.

We disagreed with 95% of what he reported. And at the time of this email he, S. Claar, had already been instructed to not contact us. And yet he did.

On January 30,2023, before than CM Rogers left on medical leave he assured us that the retaliation would stop and he informed us that he was forwarding ALL our email communications to his Assistant M. Lichtwardt and she would be addressing all our concerns.

The only in person communication we had with Ms.Lichtwardt regarding our concerns was on February 15,2023 and that was the only time we communicated after that meeting every time we emailed her , the new Director Jaylen French would respond. ( and I have some voicemails saved 4/12/23 & 4/14/23)

So ZERO response from Ms. Lichtwardt

until 6/08 2023 a phone call to personally inform us that the 6/14 planning commission meeting had to be cancelled due to internal problems and wanted to assure us that "No Funny business ."

Then next communication response from Ms Lichtwardt was on 6/14/2023 9:01pm letting us know that the rescheduled Planning commission meeting would be 6/28.

We took it upon ourselves to make the assumption that since CM Rogers delegated "Us" to Ms. Lichtwardt she than delegated "Us " to Jaylen French, Director DES.

However Mr French was only addressing the project 22 E. 9th, two shipping containers /outdoor eatery He was not addressing any of the other concerns/issues we had experienced.

We originally shared our concerns/issues on Oct.18, 2022 with than Director Kris Balaji who subsequently left City of Tracy.

We also shared our our concerns/issues in Dec. 2022 and January 2023 with than CM Rogers.

We also shared our concerns in Oct/Dec 2022 with a City Council member and

We again shared with a different Council member in Late January 2023.

We have spoken up at many Council Meetings since October 18, 2022 .

We shared frustrations with Director Jaylen French, who unfortunately has also left City of Tracy. (

Council needs to assess and ask WHY?)

**We feel we have conducted ourselves with respect and integrity.**  
**We felt it was and is necessary for us to PUBLICLY Defend ourselves** in writing  
because 2 - 5 minutes oral comments is just not enough time.

We hope that the City Managers Office and the Tracy City Council will read and listen and take notice of  
our journey and

We hope and expect that both will take action and make corrections where needed.

Respectfully,

Candido " Johnny" Machuca & Gabriela Rodriguez Machuca  
22 E. 9th Street

-----Original Message-----

From: [REDACTED]  
To: [REDACTED]  
Sent: Sun, Jun 25, 2023 11:18 pm  
Subject: Rebuttal to 1/25/23 S. Claar letter Fwd: 22 E. 9th Street : Machuca/ Johnny's Diner

-----Original Message-----

From: [REDACTED]  
To: midori.lichtwardt@cityoftracy.org <midori.lichtwardt@cityoftracy.org>  
Cc: attorney@cityoftracy.org <attorney@cityoftracy.org>; [REDACTED]  
Sent: Wed, Jun 7, 2023 1:28 pm  
Subject: Fwd: 22 E. 9th Street : Machuca/ Johnny's Diner

Good Afternoon Ms Midori Lichtwardt,

I am forwarding you this email that I had sent to the CM back on January 29,2023.

**We chose not to respond to the staff member and engage in confrontation but rather we spoke to  
the City Manager**

and sent him ( the CM) our written response because we felt that this staff members actions were  
retaliatory.

Subesequent interactions with Staff that had been copied on this email sent by Scott Claar felt  
uncomfortable.

This was our response to an email that had been sent out by staff member Scott Claar.... full of "mis  
information"

All our comments /rebuttals were written in RED and Orange.

We felt at the time and still feel today that this staff member is at the root of most of the "confusion"  
around our project.

This staff member made sure that the email he sent me reached a wide audience of staff members trying  
to make us look like we were irresponsible.

We believe that the current "confusion"/"convulting" stems from the comments and actions of this staff member.

Gabriela Rodriguez Machuca & Candido "Johnny" Machuca

-----Original Message-----

From: [REDACTED]  
To: [REDACTED] michael.rogers@cityoftracy.org <michael.rogers@cityoftracy.org>  
Sent: Sun, Jan 29, 2023 2:47 am  
Subject: Fwd: 22 E. 9th Street : Machuca/ Johnny's Diner

**To Michael Rogers , City Manager of Tracy,**

**I am submitting my response to You in regards to this email from your Staff member Scott Claar.**

**I will not respond to him for reasons you are aware of.**

**Please ask him the role and purpose for each person he copied on the email he sent.**

**My responses are in RED and ORANGE**

**Gabriela Rodriguez Machuca**

-----Original Message-----

From: Scott Claar <Scott.Claar@cityoftracy.org>  
To: [REDACTED] <[REDACTED]>  
Cc: Plan Check <PlanCheck@cityoftracy.org>; Ana Contreras <Ana.Contreras@TracyPD.com>; Lacy Starling <Lacy.Starling@TracyPD.com>; Bobby Alcantar <Bobby.Alcantar@TracyPD.com>; Kenneth Lipich <kenneth.lipich@cityoftracy.org>; Veronica Child <veronica.child@cityoftracy.org>; Fire.PlanCheck-sjcfire <Fire.PlanCheck@sjcfire.org>; Al Gali <al.gali@cityoftracy.org>  
Sent: Wed, Jan 25, 2023 10:31 am  
Subject: RE: 22 E. 9th Street : Machuca/ Johnny's Diner

Hello Candido Machuca and Gabriela Rodriguez Machuca,

We would like to help you with your project. There are ways to move your project forward and we can assist you with understanding the requirements and process. We should start by having a meeting that brings together all relevant City staff members so that everyone is on the same page and you receive the most complete information.

**Who would be the Staff members that would be relevant to this project?**

We will follow up with you shortly to schedule this meeting. Additionally, we are planning to bring a discussion item to the City Council on March 21<sup>st</sup> to discuss food trucks/trailers and restaurant containers. In the meantime, we encourage you to move forward with your application submittal, as described below. **The discussion item Mobile food ordinance is a very separate issues from repurposing a shipping container and should be discussed separately.**

As I previously explained to you, your proposed restaurant container and associated structures/site improvements require approval of a Development Review Permit prior to

obtaining a building permit and locating the structures on the property. Please see below for a brief history of previous correspondence regarding your proposal, as well as information on how to submit a Development Review Permit application.

**This is the first written communication from Scott Claar.**

**We disagree . He Never in our verbal conversations "explained" or discussed a development review.**

**( There was 1 zoom/video meeting July 8 w/myself and husband, Michael Nimmon, Scott Claar and the two in person was just my w/my husband and Scott Claar August 29 and Sept. 2 )**

**\*\*\* The discussion about a TUP never happened with Scott Claar.  
We had gotten a TUP in 2020 and were familiar with the process.**

**In April 2022 : Candido went to City Hall and met with Kenneth Lipich**

**1.To discuss /confirm if Parcel # 235-161-02 at 22 E. 9th was a commercial site.  
Kenneth verified Yes.**

**2.He also asked if the parcel was in TCCA boundries or just CBD , he did not know the answer and suggested to ask TCCA.**

**3. He shared the idea of the project for the site.To park our mobile food truck.**

**Kenneth said remember the food trailer would need a TUP if it not in light industrial. Candido Acknowledged**

**and said we are going to request they amend the ordinance however if for some reason that doesn't happen**

**we have two back up plans : one would be a flea market/open market**

**To which Kenneth replied: Yes ok that would be allowed .**

**After this meeting we began looking a shipping container concepts because a shipping container is not a food truck.**

**And the concept of repurposing shipping containers is environmentally friendly.**

**\*\*\* This is how we began the discussion of a "food Container"**

**June 30,2022 : I sent an email to Michael Nimmon sharing our news and our project and ask him for help with next steps.**

**July 5, 2022: Michael Nimmon responded:**

**He was excited of the prospect of bringing the food shipping container to Tracy he had seen them in other Cities.**

**July 7, 2022 7:07 am : Michael Nimmon sent me an email to set up a zoom/video meeting with Development Services**

**July 7, 2022 2:41 pm : I sent an email to Michael with more detailed notes of our proposed project as well as several photos of other food container projects to use as a visual.**

**July 8, 2022 : Video Meeting ; ( Michael Nimmon, Scott Claar, Candido, Gabriela)**

**I presented our ideas and Scott the planner tried several times to dissuade us from our ideas... he suggested that a mobile food truck would best serve going to Amazon and providing service to them. I disagreed.**

**I was told that if I was in the mobile food business then my business model should be to keep being mobile. I disagreed.**

**The planner, Scott even made a comment : Oh you are very persistent.**

**We have done brick n mortar for 32 years and food truck for 2years**

**Parking the food truck in one permanent spot is no different than being inside a building**  
**We are not a new business, we are an existing business that found a solution to keep our business in Tracy.**

**Then Scott said :In order for us to give you better feedback he was going to need a visual rendering of the proposed project so he could show to his colleagues because the photos I had submitted weren't good enough visuals.**

**During this meeting there was no discussion of TUP. NONE.**

**( we already knew that information and had already begun conversation with Peggy Beeuwsaert)**

**During this meeting there was no discussion of the mobile food ordinance.**

**During this meeting there was no mention of development review.**

**During this meeting there was no mention of Design goals needing to be amended to allow restaurant containers**

**During this meeting He did mention something about sewer lateral fees...**

**And I responded : "Oh you mean like the discussion at the Council meeting where the City was trying to charge the Doctor over by the Post Office \$150k, I said I don't think so.**

**Brief History ( WE disagree with most of this history under July 8) SEE ABOVE for our NOTES**

- July 8, 2022 – I attended a Microsoft Teams meeting with Michael Nimon (City Economic Development), Gabriela Machuca and Johnny Machuca to discuss the Machuca's proposal to locate a food trailer and a restaurant container on their property at 22 E. 9<sup>th</sup> Street.
  - I explained that a food truck/trailer could only be located on the property at 22 E. 9<sup>th</sup> Street with approval of a Temporary Use Permit (TUP). I explained that the City's Zoning Ordinance states that TUPs are valid for a maximum of 30 days, but for the past few years we have been operating under local emergency orders that have allowed us to grant TUPs for up to 180 days. I also explained that the City's Zoning Ordinance would not allow a food truck/trailer to remain on the property beyond the duration of a TUP. I explained that they could propose an amendment to the City's mobile food vending ordinance to allow food trucks/trailers on a more permanent basis in the Central Business District (CBD) Zone, but I also explained that I didn't know whether City Council would be receptive to such a change, considering that the ordinance had been adopted only a few years ago and that the policy direction at the time was to keep food trucks/trailers out of the commercial zones so they wouldn't compete with brick-and-mortar establishments.
  - I explained that a restaurant container would need to get approval of a Development Review Permit before obtaining a building permit and locating it on the property. I explained that a Development Review Permit is a discretionary approval and I didn't know whether it would be approved. I explained that we might not be able to approve a Development Review Permit for a restaurant container because the architectural design would probably not be consistent with the City's Design Goals & Standards for new commercial development and the architectural character of Downtown. I mentioned that if they wanted to move forward with a proposal, they could provide me with a preliminary concept drawing that we could review and provide comments on



before they submit a formal application and pay fees. I mentioned that the City's Design Goals and Standards might need to be amended in order to allow for restaurant containers and I explained that I didn't know whether there would be support for such an amendment.

- I also mentioned that if the restaurant container was approved, it would be subject to development impact fees. I explained that a preliminary estimate of the development impact fees to construct a 2,000 square foot building on this site is approximately \$23,250, but that the fees might be less if smaller structures are proposed.
- September 2, 2022 – I met in-person with Johnny Machuca at the Development Services Department front counter to discuss his preliminary conceptual plans for a food trailer and restaurant container. Johnny provided me with rough sketch drawings, including an artistic rendering and site plan that showed a restaurant container (deli/café), food trailer, outdoor picnic tables with shade structure, and restroom unit.
  - I explained that the food trailer could only be allowed with a Temporary Use Permit (TUP). I explained that the City Council would need to approve an amendment to the City Zoning Ordinance in order to allow food trucks/trailers on a permanent basis beyond the life of a TUP. I explained that the City Council might not be supportive of amending the ordinance to allow this. Johnny said that he understood and that he would just operate it with a TUP and remove it if necessary. **The TUP was not discussed**
  - 
  - I explained that the restaurant container could possibly be approved with a Development Review Permit if the architectural design was dressed-up enough to meet the City's Design Goals and Standards for a new commercial building. We discussed the possibility of him using faux wood siding or stucco on the exterior of the metal shipping container. We also discussed the possibility of him adding a roof to the container to further enhance the architectural design. I explained that I did not know whether the restaurant container could be approved and that it would depend on the design quality and whether we could determine that it would be consistent with the City's Design Goals and Standards and the architectural character of Downtown. I explained that in order to submit a Development Review Permit application, he would need to submit detailed plans with his application that were prepared by an architect, engineer, or designer that satisfy the application submittal requirements. **No Scott did not discuss/ mention a Development Review**
  - He mentioned that he would be talking with Dan Schack's office to prepare the necessary plans.
  - **( No You asked if he knew an architect that knows what is expected in Tracy)**
  - 
  - **August 30: Candido went to City Hall to meet with Scott. He presented him the rendering of the project.**
  - **Scott said give me a few days to show this around the office, I will call you.**
  - **Scott didn't call**
  - **September 2, 2022: Candido returned to City Hall to meet with Scott**
  - **These are the talking points of that day:**
  - **Everything looks good we just need a few modifications.**



1. **The shipping container should not look like a shipping container**
    - o **Response : We could do greenery or wood slats.**
    - o **Scott said : Wood slats**
  2. **If anything is going on the roof like swamp cooler : we don't want it seen**
  3. **Question regarding the gazebo: What type of materials**
    - o **Answer: wood and metal**
  4. **Suggested by planner the Gates should remain Open all the time**
    - o **Response: NO the gates will be Closed when we are closed and open when we are opened; its like our front door plus its more secure if they are closed and locked .**
  5. **Sign : Scott did not like placement of the sign and gave no explanation.**
    - o **Candido did not pursue the topic of the sign**
  6. **Scott requested a cleaner version of the rendering: " Clean up the lines"**
    - o **Candido understood this to mean that the measurements needed to be more accurate.**
  7. **At some point Scott asked, Do you have an architect who knows what is expected in Tracy?**
    - o **Response: We outreached to Schack & Co for the rendering and they gave us a lead. We can go back and talk to them.**
    - o **\*\*\*\*\*Never during this verbal conversation did Scott mention development review.**
    - o
- **September 15, 2022** – The City's Development Services Department approved a Temporary Use Permit (Application No. TUP22-0021) to allow a food trailer with two outdoor picnic tables and a portable toilet at 22 E. 9<sup>th</sup> Street. The Temporary Use Permit was approved for 180 days and has an expiration date of March 14, 2023.  
**Why is this part of the notes if we had no discussion with Scott about the TUP.**
  - **Between June 29, 2022 -July 12, 2022 I had phone conversations and emails with Peggy Beeuwsaert about Bus Lic and TUP.**
  - **On July 12 : Peggy emailed me the TUP Application I had requested and she provided the email and details to submit.**
  - **( Peggy, Kellie Jones and Kenneth Lipich are the only ones I had interactions with for the TUP)**
  - 
  - **September 16, 2022** – I attended an in-person meeting at City Hall with representatives of Schack & Company, Inc. (including Dan Schack, Scott Schendel, and Dylan Wooten) to discuss the Machuca's proposal of locating a restaurant container on the property at 22 E. 9<sup>th</sup> Street. I explained that the project would require a Development Review Permit for the restaurant container and site improvements. I explained that I did not know whether the restaurant container would be approved and that it would depend on the design quality and whether we could determine that it would be consistent with the City's Design Goals and Standards and the architectural character of Downtown. We discussed potential options for dressing up the architectural design, similar to what was discussed with Johnny on September 2<sup>nd</sup>.
  - **This is NOT what Schack & Co. reported back.**
  - **We did not attend this meeting on Sept.16 2:00pm meeting because we were Uninvited.**
  - **"They" made the decision it was best to meet without**

**us. ( And I am not sure who "They" are)**

- **Sept. 16 , 2022 At 4:00pm : I received an email from Schack & Co :**
- **" We met with Scott Claar and he pretty much told us the same thing as you.... I'll start on a proposal and get it to you next week." Meaning everything in Orange above.**
- Following the meeting with Schack & Company on September 16<sup>th</sup>, I did not hear from anyone about the project until January 12, 2023, when I spoke with Gabriela Machuca on the phone regarding structures on the property without permits.
- **Lets be clear I did not call you, You called me on 1/12/2023 5:47 pm it was a 37 minute phone call.**
- **I let you know you were on speaker you asked if i was with my husband I said No and that I had a friend with me.**
- **You proceeded to speak.**

Notes:

1. The current improvements on the property are not consistent with the approved site plan for the Temporary Use Permit. Multiple structures (i.e. shipping containers) have been added to the property without approval of any permits. The Temporary Use Permit conditions state that the use shall be located and set up as shown on the site plan received on September 12, 2022. Please see attached Temporary Use Permit approval for reference.
2. I have asked Veronica Child in the City's Engineering Division to prepare an estimate of the development impact fees for your project, based on the specific details of your proposal. Veronica will need to know the square footage of all proposed structures and the acreage of the site. We will provide Veronica with the details submitted on your plans and she may follow up with you if she has questions. Veronica can be reached at phone (209) 831-6487 or email [veronica.child@cityoftracy.org](mailto:veronica.child@cityoftracy.org) if you'd like to contact her. Development impacts fees are due at the time of building permit issuance.

Development Review Permit Application – General Submittal Requirements and Instructions

Attached is a copy of our General Submittal Requirements and Instructions for submitting a Development Review Permit application, which contains detailed information about the submittal process and what documents are required. **Electronic submittal is required.** Once you are ready, please send your submittal documents to [PlanningAdmin@CityofTracy.org](mailto:PlanningAdmin@CityofTracy.org). Our email file size limit is 25 megabytes. If you anticipate your submittal may exceed this limit, we can send you a link the City's FTP site so that you can upload your documents there.

The amount of the Development Review Permit application fees are as follows:

FEE DESCRIPTION	AMOUNT
Development Review Permit (Class B)	3,605.00
Environmental Assessment	130.00
<b>TOTAL</b>	<b>\$3,735.00 *</b>

\* Please note that the fees listed above do not include fees for review of the application by the South San Joaquin County Fire Authority. Please visit the South San Joaquin County

Fire Authority's website to view the [Fee Schedule](#). You may also contact the Fire Authority at (209) 831-6707 or [Fire.PlanCheck@SJCfire.org](mailto:Fire.PlanCheck@SJCfire.org) for additional information. The Fire Authority's fees are not charged at the time of initial application submittal but, rather, after the review process is underway.

The Development Review Permit and Environmental Assessment fees listed above will not get assessed until the City confirms we have all of the documents needed for review; at that point, we will provide you with fee payment instructions and an application number to reference in your fee payment. After the fees are paid, the City's review will be initiated. Please do not attempt to pay the fees until you are provided with an application number to reference in your fee payment.

For general information about the Development Review process, you can visit our Development Review Permit page: [Development Review | City of Tracy, CA](#)

Please let me know if you have any questions.

Thank you,

Scott Claar  
Senior Planner  
Development Services Department  
City of Tracy  
(209) 831-6429

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**From:** Plan Check <PlanCheck@cityoftracy.org>  
**Sent:** Monday, January 23, 2023 12:11 PM  
**To:** [REDACTED] <[REDACTED]>  
**Cc:** Michael Rogers <michael.rogers@cityoftracy.org>; Bobby Alcantar <Bobby.Alcantar@TracyPD.com>; Fire.PlanCheck-sjcfire <Fire.PlanCheck@sjcfire.org>; Scott Claar <Scott.Claar@cityoftracy.org>; Kenneth Lipich <kenneth.lipich@cityoftracy.org>  
**Subject:** RE: 22 E. 9th Street : Machuca/ Johnny's Diner

Good Afternoon,

We received your email requesting a permit for the placement of 2 Connex boxes and associated utilities.

Unfortunately, we are unable to accept your submittal as proposed. Since this is a Commercial property, detailed plans will need to be drawn up by a licensed design professional. The plans will need to include all details associated with the project: site details, foundation for the containers (boxes), accessibility, electrical, mechanical and plumbing.

I am attaching our [Electronical Submittal Requirements](#) to this email which will detail out how the plans and documents must be formatted and submitted. In addition, for your convenience, I am also attaching all other documents that will be required with your submittal.

Please be advised that this proposed project will require a Development Review. This means that by submitting this project, prior to the Development Review being approved, this will be considered an at-risk permit. This can result in additional reviews and fees due if further changes are required once the Development Review is approved. Scott and Kenny will discuss the process with you pertaining to the Development Review.

If you have any questions, please feel free to email us back or call us at 209/831-6400.

Thank you,

**Meagan Washburn**

Bldg Permit Technician II  
City of Tracy – Development Services  
Building Safety Division  
209/831-6400  
[plancheck@cityoftracy.org](mailto:plancheck@cityoftracy.org)

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**From:** [REDACTED] <[REDACTED]>  
**Sent:** Sunday, January 22, 2023 9:53 PM  
**To:** Plan Check <[PlanCheck@cityoftracy.org](mailto:PlanCheck@cityoftracy.org)>; Fire.PlanCheck-sjcfire <[Fire.PlanCheck@sjcfire.org](mailto:Fire.PlanCheck@sjcfire.org)>  
**Cc:** Michael Rogers <[michael.rogers@cityoftracy.org](mailto:michael.rogers@cityoftracy.org)>; Bobby Alcantar <[Bobby.Alcantar@TracyPD.com](mailto:Bobby.Alcantar@TracyPD.com)>; [REDACTED]  
**Subject:** 22 E. 9th Street : Machuca/ Johnny's Diner

Good Morning City of Tracy:

In response to voicemail from 1/17/2023 ( time 3:21 pm) and follow up email on Friday 1/20/2023 from Code Enforcement B. Alcantar

We are submitting paperwork that was indicated.  
Total of 9 Pages

We have included two sets of Property Owner Package: one dated 6/22/2022 and second one dated 1/21/2023.

We also included a site plan that SJ Fire Indicated would be required.

We have copied City Manager ; Michael Rogers as well as SSJC Fire.

I have included SJ Fire because In August 2022 when processing TUP there was a long delay that was blamed on Fire Department **which was not true:**

SJ Fire had not been forwarded all appropriate documents that HAD been submitted.

Candido Machuca & Gabriela Rodriguez Machuca

22 E. 9th Street

September 15, 2022

Gabriela Rodriguez Machuca  
2734 Diablo View Dr.  
Manteca, CA 95537

SUBJECT: Temporary Use Permit – Food Truck  
22 E. 9<sup>th</sup> St.  
Application No. TUP22-0021

Dear Gabriela:

Thank you for your submittal of the above noted application. The Development Services Director has approved your application as described on the Site Plan submitted on September 12, 2022 (attached), subject to your compliance with the following conditions:

1. Application No. TUP22-0021 has been approved for the period beginning on September 15, 2022, and ending on March 14, 2023, during regular operating hours.
2. The use shall be located and set up as shown on the Site Plan received on September 12, 2022, except as modified by these conditions of approval.
3. The event, its setup, and its take down operations shall not impact adjoining properties by the excessive creation of dust, noise, light, odors, or any other objectionable characteristics.
4. The proposed use shall not obstruct circulation, loading spaces, or any drive aisles, except as shown on the approved Site Plan as the area designated for food truck.
5. No obstruction is permitted within the public right-of-way, which includes the public sidewalk, landscaping and trees, street lights, and utility poles.
6. The site, neighboring properties, and the public right-of-way shall be kept clear of garbage and debris.
7. No off-site advertising signage is permitted, nor shall any signs or banners associated with this event be placed on any public right-of-way without an encroachment permit. On-site temporary signage is permitted provided that it does not block pedestrian or vehicular circulation areas, is kept out of landscape planters, and complies with the Tracy Municipal Code requirements for temporary signs.
8. There shall be no additional exterior lighting or amplified sound permitted.

9. The applicant shall comply with the attached requirements of the South San Joaquin County Fire Authority, dated September 12<sup>th</sup>, 2022.
10. The applicant shall comply with the attached requirement of the City of Tracy Building Division, dated August 15<sup>th</sup>, 2022.
11. The applicant shall comply with all requirements of the Tracy Municipal Code and any applicable State codes to the satisfaction of the City of Tracy, its officers and agents.
12. The applicant shall comply with all requirements of the County of San Joaquin Environmental Health Department including:
  - a. A restroom must be available within 200 feet distance with warm water, soap and paper towels for the employees of the food truck.
13. All food and drink service shall comply with all applicable requirements for operation set forth in State and San Joaquin County public health orders related to COVID-19.
14. Upon termination of the approved temporary use of the property, the applicant shall remove all structures, materials, and equipment related to the use, and restore the property to its original condition.

In the event you are not satisfied with the decision of the Development Services Director, you may file an appeal to the Planning Commission within ten (10) days from the date of this letter. There is a \$326 non-refundable appeal application fee due upon submittal. This appeal must be filed in writing with the Secretary of the Planning Commission.

If you have any questions, please do not hesitate to contact me at (209) 831-6443 or [kenneth.lipich@cityoftracy.org](mailto:kenneth.lipich@cityoftracy.org).

Best regards,



Kenny Lipich  
Assistant Planner

Attachments



## South San Joaquin County Fire Authority

Community Risk Reduction Division

835 Central Avenue

Tracy, CA 95376

PH: (209) 831-6707

FAX: (209) 831-6703

[fire.plancheck@sjcfire.org](mailto:fire.plancheck@sjcfire.org)

Date: 9/12/2022

Project #: TUP 22-0021

Project Description: Johnny's Diner Food Truck

Project Address: 22 E Ninth St

Jurisdiction: City of Tracy

Applicant: Gabriela Rodriguez Machuca

Contact Info: (510) 978-1657 [REDACTED]

### At this time, project is conditionally approved subject to satisfying the following requirements:

1. Occupancy shall be determined by the code by the plan's designer
2. 2A:10BC type fire extinguishers shall be located at each attraction or 75 ft of travel from any point in the seating space. If food concession trailers are on site they shall have a 2A:10BC and a Type K fire extinguisher located within the trailer if grease-laden vapors are produced.
3. Concession trailers equipped with a UL300 Fire suppression system will have had to of had the system serviced with the last 6 months.
4. Tents, canopies and temporary membrane structures having an area in excess of 400 Sq. Feet are required to have an inspection and organizer shall obtain an operational permit through the fire department. Please refer to the attached outdoor assembly packet.
5. At no time shall the exit path be blocked.
6. The site plan shall be set up per the submitted drawings
7. A fire inspection must take place and invoice paid prior to inspection.

Feel free to contact our offices, should you have any questions.

Thank you,

Pauline Keener

Fire Inspector

(209) 831-6707 main line

Pauline.Keener@sjcfire.org





Public Comment -- Received 06/27/23  
RE: Item 1.B - Development Review  
Permit (D23-0003) Johnny's Diner  
AT 22 E. 9TH STREET

**CITY OF TRACY**  
**Development Services**  
**333 Civic Center Plaza • Tracy • CA • 95376**  
**(209) 831-6400 • www.cityoftracy.org**



Date: August 15, 2022  
Project Number: TUP22-0021  
Project Name: Food Trailer and Related Furniture/Equipment -Johnny's Diner  
Project Address: 22 E NINTH ST  
Event Dates: Monday-Sunday 8 a.m. to 10 p.m.  
To: Kenny Lipich

**1<sup>ST</sup> SUBMITTAL – TEMPORARY USE PERMIT APPLICATION**

**At this time, the project is approved with conditions. The plan review conditions for this project are listed below.**

This plan review is based upon the 2019 CBC, 2019 CRC, 2019 CPC, 2019 CMC, 2019 CEC, 2019 CFC, 2019 CEnC, 2019 CA Green Building Standards Code, and applicable City of Tracy Municipal Ordinances.

When addressing the comments of revised plans, submit a written response to each comment. Using complete and clear responses will expedite the re-check and approval of the project. Identify the revisions in the revision box with a corresponding date and type of correction.

If any changes have been made to the plan documents unrelated to those items identified in the comment lists, please list the changes on a separate sheet and include in your submittal documentation.

Sheet #	Notes
	<b>All of the items below must be provided for each of the above-mentioned event dates.</b>
	<p><b>Accessibility.</b> Temporary as defined in California Building Code (CBC) Ch. 2, is a <b><u>“facility”</u></b> intended for use at one location for not more than one year.” A <b><u>“facility”</u></b> as defined in CBC Ch.2 is “all or any portions of pedestrian routes located on a site.” <b>Per CBC 11B-201.3</b>, temporary facilities are required to meet the requirements found in <b>CBC 11B</b>. <b><u>Therefore, please provide all of the following amenities during the food trailer hours:</u></b></p> <ol style="list-style-type: none"> <li><b>1. Accessible Path of Travel-</b> According to the California Building Code (<b>CBC 11B-206.2</b>), Provide an accessible route inside the area that connects the food truck, bathrooms, accessible parking stalls, dining area, areas around any storm drains or openings greater than ½” and accessible tables. The path of travel shall be stable, firm, and slip resistant as per <b>CBC 11B-302.1</b> and with a maximum cross slope of 2% in all directions.</li> <li><b>2. Restrooms.</b> A minimum of two male and two female restrooms and a minimum of one of the restrooms shall be accessible. CPC 422.1 Also, a minimum of two lavatories with a minimum of one being accessible.</li> </ol>

3. **Accessible Dining Surfaces.** Where tables are provided for the consumption of food or drink, at least 5 percent of the seating spaces and standing spaces at the dining surfaces shall comply with **CBC 11B-902**. Which requires the accessible dining surface to have a clear floor space of 48" x 30" with maximum cross slope of 2% in any direction and be positioned with a forward approach, provided with the proper knee clearances (image #1 below) and toe clearances (images #2 below), and the height of the dining surface shall be 28" minimum to 34" maximum above finish ground.

Image #1 Knee Clearance

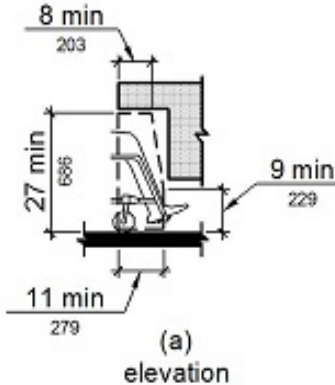
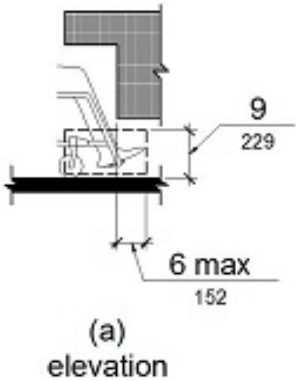


Image #2 Toe Clearance



- 4. All gates shall swing in the direction of travel, provided with panic hardware operable parts shall meet the requirements of CBC 11B-404.2.9, CBC 1010.1.2.1 & CBC 1010.1.10
- 5. Flexible electrical cords or cables shall be listed for damp and wet locations, listed for hard use and shall be sunlight resistant as per article 400. The electrical cords shall also be arranged to minimize the tripping hazard and shall be permitted to be covered by non-conductive matting, provided the matting does not create a greater tripping hazard than the uncovered cables. Electrical cords shall also be properly supported where suspended
- 6. Applicant shall maintain required accessible parking stalls as per CBC Table 11B-208.2.
- 7. The service window shall meet reach ranges per CBC 11B-308 if the payment method is fixed.
- 8. When intended to operate for longer than 180 days plan sand supporting documents shall be submitted for building permit per Title 24 requirements

**Notes:**

Generators 10KVA or greater require separate permits. Please submit a permit application for the 250 kw generators.

Plans Reviewed By:

Jesse Canright

(209) 831-6412

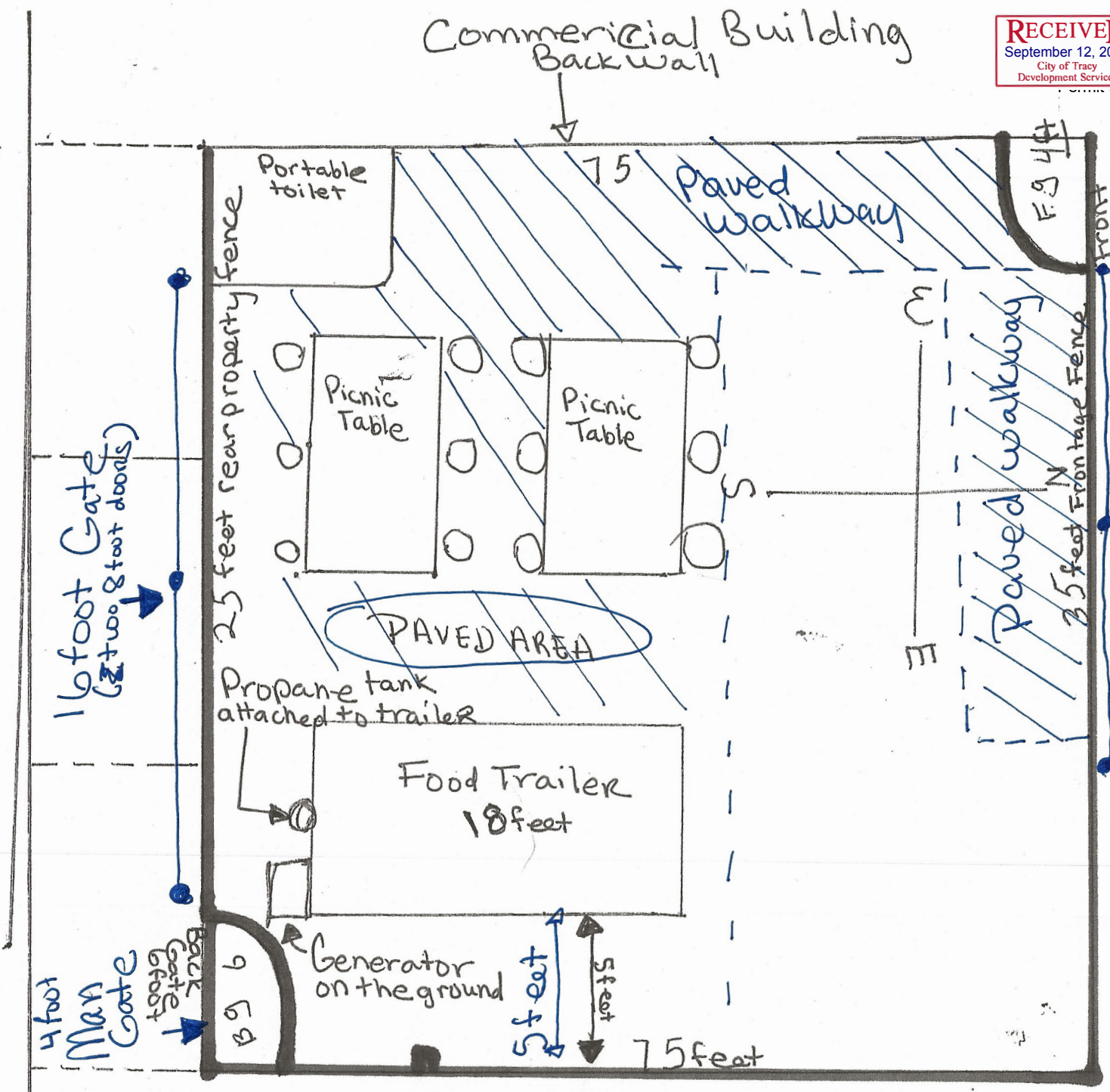
[jesse.canright@cityoftracy.org](mailto:jesse.canright@cityoftracy.org)

cc: permit file

RECEIVED  
September 12, 2022  
City of Tracy  
Development Services

Received 06/27/23  
Development Review  
J-0003) Johnny's Diner  
AT 22 E 19TH STREET

Garner Alley



Residential Home

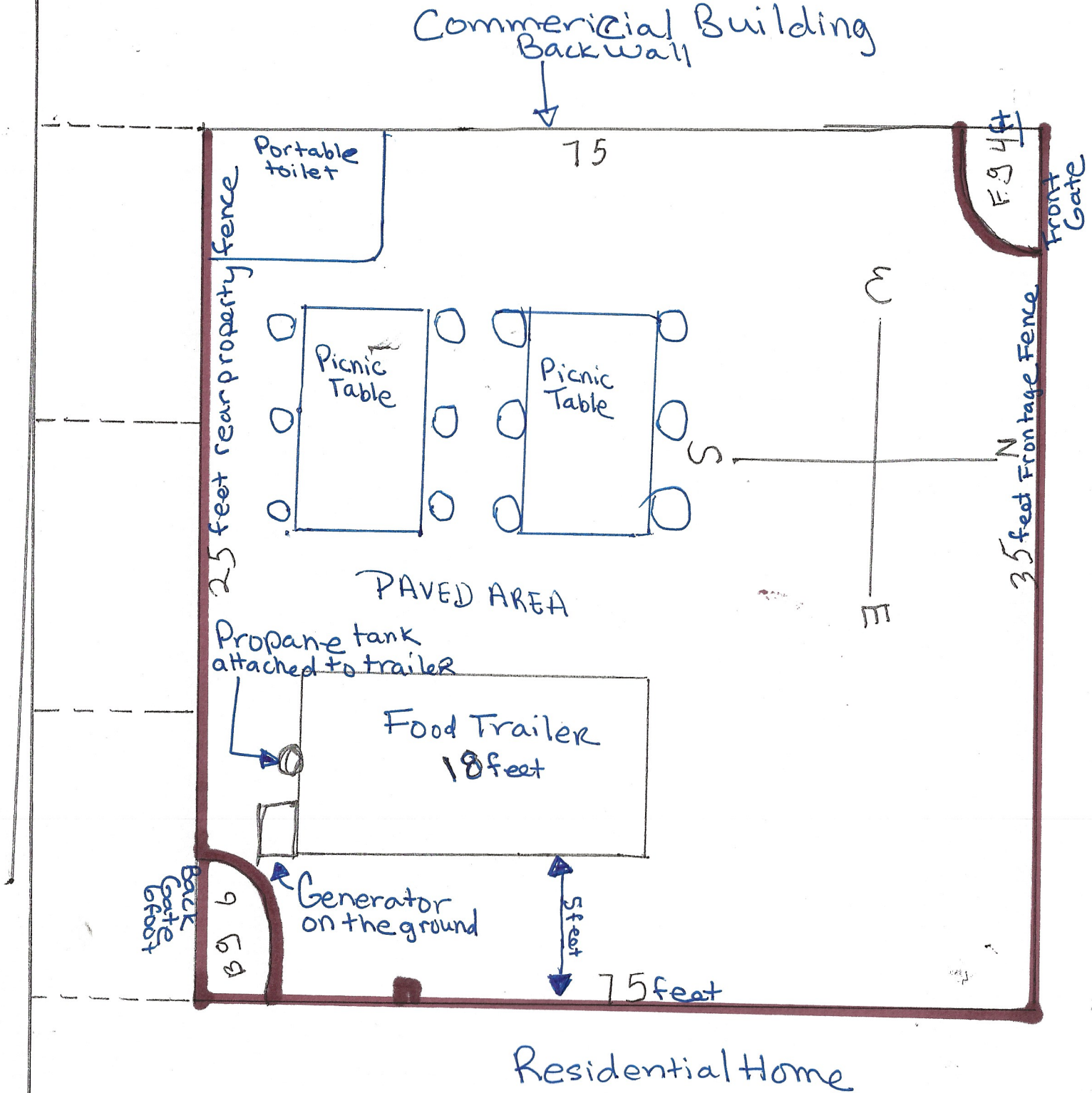
12 foot Gate  
opens inward  
(2 (6 foot) doors)

Man Gate  
4 feet

47 ft

Commercial Building  
Back wall

Garner Alley



4th Street

← D Street →



CITY OF TRACY

RECEIVED  
CITY CLERK'S OFFICE

REQUEST FOR HEARING ON ADMINISTRATIVE CITATION

COPY

In accordance with Section 1.28.070 of the Tracy Municipal Code, any recipient of an administrative citation may contest its issuance by completing this form and delivering it to the City Clerk's Office for the City of Tracy located at 333 Civic Center Plaza, Tracy, California within thirty (30) days of the administrative citation being issued, together with an advance deposit of the full fine amount. Personal checks or money orders must be made payable to the CITY OF TRACY.

Citation Number: N/A

Date of Citation: \_\_\_\_\_

Name of Citation Recipient: \_\_\_\_\_

Company Name: Gabriela Rodriguez Machi  
(If applicable) Candido Machuca Jr

Amount of Fine: \$ \_\_\_\_\_

If you intend to request a hearing to contest the issuance of an administrative citation but are financially unable to make the advance deposit, you may file a request for an Advance Deposit Hardship Waiver. This Form is available at the City of Tracy Finance Department and must be filed with that Department within ten (10) days of the date of the administrative citation to qualify for the waiver. Details regarding the criteria for obtaining the waiver are set forth on that form.

PLEASE MARK THE APPROPRIATE RESPONSES BELOW

I WILL APPEAR at the appointed time for the Administrative Hearing to present my case to the Hearing Officer.

I WILL APPEAR BY TELEPHONE at the appointed time for the Administrative Hearing and the telephone number that the Hearing Officer can reach me at is ( ) \_\_\_\_\_ - \_\_\_\_\_.

The basis for my appeal is as follows (please attach additional pages if necessary):

\* See attached Typed Statement  
We are currently in discussions with Development Services.  
Violations 1 & 2 did not happen as written  
We disagree on some of the information under Brief History  
Case # CD23-0014

Citation Recipient Signature: Gabriela R. Machuca Date: 3/31/2023

STAFF USE ONLY

Received by: MLopez Date of Receipt: 3/31/2023 Fine Paid: \$ N/A Date Paid: \_\_\_\_\_

Advance Deposit Hardship Waiver Filed:  Yes  No If Yes, Date of Receipt of Application: N/A

10f2

Public Comment -- Received 06/27/23  
RE: Item 1.B - Development Review  
Permit (D23-0003) Johnny's Diner  
AT 22 E. 9TH STREET

To: City of Tracy Board of Appeals via City Clerk's Office  
333 Civic Center Plaza, Tracy Ca.  
From: Gabriela R and Candido Machuca Jr.  
Case #: CD23-0014  
Address of Violation : 22 E. 9th Street, Tracy, Ca. 95376

March 31, 2023

RECEIVED  
CITY CLERK'S OFFICE  
2023 MAR 31 PM 4:00  
CITY OF TRACY  
TRACY, CA

This written notice serves as our appeal to Notice and Order violations cited on page 3.

We are currently in discussions with the Development Services Department and have submitted a project and it is under development review and has been assigned Kenneth Lipich as the planner. We communicated with him on 3/28/2023 this week for an update and timelines, he informed us that we just need to wait.

In regards to violation 1: There was never any illegal dumping of grease. We have continued to dump grease in the proper receptacle bin located at the rear of 2213 and 2211 N. Tracy Blvd. Presently we now have a grease receptacle at our new commissary at 88 W. 10th Street.

In regards to violation 2: We have always maintained our health permit. The inspection mentioned on 1/23/2023 was a routine annual food truck inspection that was set up by us with our regular health inspector, but we were told due to illness her supervisor came out to the site. Our health permit only came into question because a City Staff member gave the County health department inaccurate information regarding requiring land use approval for a commissary.

In regards to violations 3,4,5 : We currently have submitted paperwork/project and it is under review.

Brief history: We had conversations in August and September of 2022 with City Staff regarding shipping /connex containers All verbal. We had some conflicting information.

On October 18, 2022 We spoke to the then Development Director Kris Balaji: We submitted questions, concerns and complaints to him. He was looking for answers and looking into our concerns and we were awaiting his response. Unbeknownst to us that he had taken an unexpected leave of absence ; that is why there was a lapse in time.

\*\*\*Prior to speaking to Mr. Balaji we had already had a conversation, asked questions and shared some of our concerns with a City Council Member (I never said the Mayor) regarding the process listed on the City Website and some inaccurate/misleading information.

\*\*\* Prior to January 12, 2023 we had already had communications/concerns shared with the City Manager.

January 13, 2023 We had an hour long phone conversation with the City Manager. We were informed by the City Manager that the harassing communications would be stopped pending discussions yet the communications continued.

*Gabriela R Machuca Jr.*

On January 30, 2023 we had an in person conversation with City Manager Michale Rogers at which time he assured us our concerns/questions were being taken seriously and we would work towards solutions.

On January 30, 2023 :The City Manager informed us that he would be deferring our situation to his Assistant City Manager Ms. Midori Lichtwardt then there was a few weeks delay on the City's part in having a sit down/in person meeting.

On February 7, 2023: Ms Laura Smith Executive Assistant to Ms. Midori Lichtwardt emailed us to set up an in person meeting for February 15, 2023 at 4:00pm.

On February 15, 2023 : During this meeting we were introduced to the new Development Director Jalyen French. And we discussed some options about moving forward with a pre-meeting for development review in order to better understand requirements in order to submit paperwork for a Development Review.

On March 3, 2023 : We sent an email request to Mr French to set a meeting time.

On March 7, 2023 1:00pm: Mr Jaylen French met with us in person for a pre-development review.

On March 16, 2023: We submitted project to plan check

On March 19, 2023: We Re-submitted project to plan check with additional items requested

On March 21, 2023: Project Application was accepted and issued Application # D23-0003

On March 21, 2023 5:47pm : We were informed that the application will now be handled by Planner Kenneth Lipich and expect initial comments within 30 days.

\*\*\*\*Please note while our project/plans are in review that will address violations 3,4,5 in the Notice and Order

Our concerns /questions and complaints regarding this review process as well as the initial TUP have yet to be addressed.

Respectfully Submitted,  
Gabriela Rodriguez Machuca & Candido Machuca Jr.  
3/31/2023





3/30/23, 4:18 PM

Thank you for the information Re: 22 E. 9th Street : Machuca/ Johnny's Diner

Public Comment -- Received 06/27/23  
RE: Item 1.B - Development Review  
Permit (D23-0003) Johnny's Diner  
AT 22 E. 9TH STREET

**From:** gmachuca [REDACTED]  
**To:** Ana.Contreras@TracyPD.com, Bobby.Alcantar@TracyPD.com,  
**Cc:** Jaylen.French@cityoftracy.org, Lacy.Starling@TracyPD.com, Miguel.Contreras@TracyPD.com,  
**Subject:** Thank you for the information Re: 22 E. 9th Street : Machuca/ Johnny's Diner  
**Date:** Thu, Mar 9, 2023 4:27 pm

**Attachments:**

Thank you for the information.

Gaby

-----Original Message-----

**From:** Ana Contreras <Ana.Contreras@TracyPD.com>  
**To:** gmachuca [REDACTED] Bobby Alcantar <Bobby.Alcantar@TracyPD.com>  
**Cc:** Jaylen French <Jaylen.French@cityoftracy.org>; Lacy Starling <Lacy.Starling@TracyPD.com>; Miguel Contreras <Miguel.Contreras@TracyPD.com>  
**Sent:** Thu, Mar 9, 2023 12:32 pm  
**Subject:** RE: 22 E. 9th Street : Machuca/ Johnny's Diner

Good morning, Mrs. Machuca,

Thank you for your email dated Wednesday, March 8, 2023, regarding an appeal of the Notice to Abate or Show Cause mailed on Friday, March 3, 2023, for your property located at 22 E. Ninth Street. We appreciate the opportunity to answer your questions.

Attached to your email is a copy of the Health Permit issued by the San Joaquin County Environmental Health Department for your mobile food business. The Permit, issued on March 7, 2023, satisfies one of the conditions of approval associated with the Temporary Use Permit issued on September 15, 2022 (expires on March 14, 2023). The violation regarding the unapproved structures on the property still conflict with the approved site plan; however, I understand this matter is under discussion with the City's Development Services Department for resolution.

Your request for appeal of the Notice and Order can be submitted in writing to the City Clerk's Office located on the second floor of City Hall at 333 Civic Center Plaza, Tracy. There is no official form to file, therefore a written letter addressed to the City Clerk is sufficient to begin the appeal process. Please ensure your letter contains your name, address of the violation and the case number (CD23-0014). Once the appeal is filed, additional enforcement action will be placed on hold pending the outcome of your appeal.

Feel free to contact me if you need any additional information, clarification, or assistance in filing your appeal. We are happy to help.

Sincerely,

Ana Contreras  
Community Preservation Manager



Tracy City Hall  
333 Civic Center Plaza, First Floor  
Tracy, CA 95376  
Phone (209) 831-6416  
Fax (209) 831-6439  
[ana.contreras@tracypd.com](mailto:ana.contreras@tracypd.com)  
[www.ci.tracy.ca.us](http://www.ci.tracy.ca.us)

**From:** gmachuca [REDACTED]  
**Sent:** Wednesday, March 8, 2023 10:31 AM  
**To:** Bobby Alcantar <Bobby.Alcantar@TracyPD.com>

<https://mail.aol.com/webmail-std/en-us/PrintMessage>

CITY OF TRACY PLANNING COMMISSION  
PUBLIC HEARING

The City of Tracy Planning Commission will conduct a Public Hearing on **Wednesday, May 24, 2023, at 7:00 p.m.** or as soon after as possible, in the Tracy City Council Chambers, 333 Civic Center Plaza, Tracy, to consider the following:

**D23-0003: A New Outdoor Eatery Consisting of Two Shipping Containers at Approximately 240 sq. ft. and 160 sq. ft. and a 152 sq. ft. Mobile Food Trailer at 22 E. 9<sup>th</sup> Street – Applicant and Owner are Candido and Gabriela Machuca.** Public hearing to consider 1) Approving a Development Review Permit (D23-0003) to allow a new outdoor eatery consisting of two shipping containers at approximately 240 sq. ft. and 160 sq. ft. and a 152 sq. ft. mobile food trailer at 22 E. 9<sup>th</sup> Street; and 2) Determining that this project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15303, which pertains to construction of limited number of new, small facilities or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 sq. ft. in floor area, no further environmental assessment is necessary. *The Project Planner is Kenny Lipich, Associate Planner, (209) 831-6443, kenneth.lipich@cityoftracy.org.*

The City of Tracy will allow for remote participation at the upcoming Planning Commission meeting on May 24, 2023.

All interested persons may submit statements in writing via email to [publiccomment@cityoftracy.org](mailto:publiccomment@cityoftracy.org) **before the start of the Commission meeting at 7:00 p.m.** Please identify this item in the subject line of your email; or submit statements orally by visiting the City's WebEx Event at <https://cityoftracyevents.webex.com> and using the following Event Number: **2552 387 5749** and Event Password: **Planning**; or via phone by dialing (408)418-9388, Access code: 2552 387 5749, during the public comment portion of this item.

Should you decide to challenge the decision of the Planning Commission, you may be limited to those issues that were raised for consideration at the hearing.

Information concerning this matter may be obtained at the Department of Development Services, 333 Civic Center Plaza, or at 209-831-6400.

JAYLEN FRENCH  
Director, Development Services

Publish May 12, 2023



CITY OF TRACY PLANNING COMMISSION  
PUBLIC HEARING

The City of Tracy City Council will conduct a Public Hearing on **Wednesday, June 28, 2023, at 7:00 p.m.** or as soon after as possible, in the Tracy City Council Chambers, 333 Civic Center Plaza, Tracy, to consider the following:

**D23-0003: A New Outdoor Eating and Drinking Establishment Consisting of Three Structures at 22 E. 9<sup>th</sup> Street – Applicant and Owner are Candido and Gabriela Machuca.** Public hearing to consider 1) Approving a Development Review Permit (D23-0003) to allow a new outdoor eating and drinking establishment consisting of three structures at 22 E. 9<sup>th</sup> Street, including requisite Conditions of Approval necessary to cure existing deficiencies and make such structures Code-compliant; and 2) Determining that this project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines section 15303, which pertains to construction of limited number of new, small facilities or similar structures not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 sq. ft. in floor area. *The Project Planner is Kenny Lipich, Associate Planner, (209) 831-6443, kenneth.lipich@cityoftracy.org.*

The City of Tracy will allow for remote participation at the upcoming Planning Commission meeting on June 28, 2023.

All interested persons may submit statements in writing via email to [publiccomment@cityoftracy.org](mailto:publiccomment@cityoftracy.org) **before the start of the Commission meeting at 7:00 p.m.** Please identify this item in the subject line of your email; or submit statements orally by visiting the City's WebEx Event at <https://cityoftracyevents.webex.com> and using the following Event Number: **2555 236 7823** and Event Password: **Planning**; or via phone by dialing (408) 418-9388, Access code: 2555 236 7823, during the public comment portion of this item.

Should you decide to challenge the decision of the Planning Commission, you may be limited to those issues that were raised for consideration at the hearing.

Information concerning this matter may be obtained at the Department of Development Services, 333 Civic Center Plaza, at (209) 831-6400.

BILL DEAN  
Assistant Director, Development Services Department

**From:** [REDACTED]  
**To:** [Public Comment](#)  
**Subject:** Johnny's Outdoor Eatery  
**Date:** Wednesday, June 28, 2023 1:28:57 PM

---

Caution: This is an external email. Please take care when clicking links or opening attachments.

To whom it may concern:

I am writing to ask the planning commission to approve the relocation of Johnny's Diner to an outdoor eatery on the plot of land that they bought.

Please vote YES for Johnny's diner to be located in downtown.

I am hopeful that the city and planning commission will vote in a manner that reflects what the community and public want.

Sincerely,  
Jesse Souza

Sent from my iPhone

**From:** [REDACTED]  
**To:** [Public Comment](#)  
**Subject:** Johnny's Outdoor Eatery  
**Date:** Wednesday, June 28, 2023 3:10:16 PM

---

**Caution:** This is an external email. Please take care when clicking links or opening attachments.

Please vote yes! Good food! Good people!

[Sent from Yahoo Mail on Android](#)

Public Comment -- Received 06/28/23  
RE: Item 1.B - Development Review  
Permit (D23-0003) Johnny's Diner  
AT 22 E. 9TH STREET

**From:** [Angie Durrant](#)  
**To:** [Public Comment](#)  
**Subject:** Johnny's Outdoor Eatery  
**Date:** Wednesday, June 28, 2023 3:44:14 PM

---

**Caution:** This is an external email. Please take care when clicking links or opening attachments.

We'd like you to vote yes for this establishment!

Thanks for your support!

Angie Durrant

**From:** [Daniel Atkins](#)  
**To:** [Public Comment](#)  
**Subject:** Subject: Johnny's Outdoor Eatery  
**Date:** Wednesday, June 28, 2023 4:05:22 PM

---

**Caution:** This is an external email. Please take care when clicking links or opening attachments.

Sent from [Mail](#) for Windows

We have enjoyed Johnnys' Hamburger eatery on Tracy Blvd. for YEARS. Our first pick for eating a delicious Casual meal, straight out of "Happy Day's" Tv Show. The new area is perfect for people enjoying our downtown and "Down Home" enough that everyone will LOVE Whatever is on the Menu. We have lived in Tracy for going on 30 years next year and this is the kind of eatery that is a perfect addition to Central Avenue. We already have too many Chain food restaurants and need to support our very own 50's type diner. Please vote YES to this excellent eatery! You won't be let down.

Thank you,  
The Atkins Family

**From:** [Hill, Randal](#)  
**To:** [Public Comment](#)  
**Subject:** Johnny's Outdoor Eatery  
**Date:** Wednesday, June 28, 2023 4:50:30 PM

---

**Caution:** This is an external email. Please take care when clicking links or opening attachments.

To whom it may concern

I am writing regarding Johnny's Outdoor Eatery.

As a resident of Tracy since 1999 I have been a customer at Johnny's at his multiple locations and strongly urge the city to allow his new outdoor eatery in downtown to proceed. My family eats downtown at least once a week. We go to the farmer's market every weekend and frequent many of the other downtown businesses. I continue to be amazed at how much our downtown is growing into a place to be proud of and Johnny's is a great addition. I've had the chance to eat at Johnny's new outdoor eatery and it was such a wonderful experience. With so many food trucks seemingly permanently parked around town that look junky, Johnny's has done it right. It is the perfect set up for an outdoor eatery.

As for Johnny and his family, they are a staple in Tracy and are always welcoming with a big smile. They treat you like family from your first visit. I was disappointed when they closed their diner during Covid. Tracy needs an establishment and a family like Johnny's. I don't know why the city is choosing to make it difficult for them, but it needs to stop. Local, family-owned businesses are the heartbeat of any city. I urge the council to do what it takes to keep Johnny's Outdoor Eatery in town.

Thank you,  
Brian Hill



Agenda Item 1.B

RECOMMENDATION

**STAFF RECOMMENDS THAT THE PLANNING COMMISSION RECOMMEND THAT THE CITY COUNCIL ADOPT A RESOLUTION:**

**(1) APPROVING A GENERAL PLAN MAP AMENDMENT FROM OFFICE TO COMMERCIAL FOR AN APPROXIMATELY 1.97-ACRE SITE, LOCATED AT 2605 N. CORRAL HOLLOW ROAD, ASSESSOR'S PARCEL NUMBER 214-020-09 (APPLICATION NUMBER GPA22-0004);**

**(2) APPROVING A DEVELOPMENT REVIEW PERMIT FOR A FOUR-STORY, 78-GUEST-ROOM HOTEL DEVELOPMENT (TRU BY HILTON), LOCATED AT 2605 N. CORRAL HOLLOW ROAD, APN 214-020-09 (APPLICATION NUMBER D22-0018); AND**

**(3) ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE GENERAL PLAN AMENDMENT AND DEVELOPMENT REVIEW PERMIT TRU BY HILTON HOTEL PROJECT IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

**THE APPLICANT IS ANDY KOTECHA FOR RAAD HOPITALITY GROUP.**

EXECUTIVE SUMMARY

This agenda item is to consider a General Plan amendment and Development Review Permit for the development of a 78-room, four-story hotel at 2605 N. Corral Hollow Road, north of and adjacent to the Home2 Suites Hotel at the northwest corner of Grant Line Road and Corral Hollow Road. The project includes a General Plan map amendment for the site (from Office to Commercial) and a Development Review Permit for the design and construction of the hotel and site. Staff recommends that the Planning Commission recommend that the City Council approve the project.

BACKGROUND

The subject property was annexed to the City in 1988 as part of the Kuden Annexation, when the site and neighboring properties contained single-family homes and nearby Corral Hollow and Grant Line Roads were two-lane County roads. Upon annexation, the site was designated Commercial by the City's General Plan. By 2005, the Kaiser Medical Office Building (2185 W. Grant Line Road) and a Sutter Medical Office Building (2151 W. Grant Line Road, now Community Medical Center) had been constructed in the immediate vicinity. In order to capitalize on the synergies of nearby medical and other business offices and supporting development, the City designated this area (on both sides of Grant Line Road, west of Corral Hollow Road) Office in the City's General Plan. The Office designation provides for business and medical offices and other commercial land uses (retail, restaurants, etc.) as supports for office uses.

In 2017, the Tracy City Council redesignated the adjacent, approximately two-acre site at the northwest corner of Grant Line Road and Corral Road as Commercial to accommodate the

development of the existing Home2 Suites Hotel. The Home2 Suites Hotel was completed in 2020.

The proposed Tru By Hilton site (adjacent to the north of the Home2 Suites Hotel) (Attachment A) is currently vacant. In order to build on the strong market response of the Home2 Suites Hotel, the Hotel's owner/operator secured an interest in the neighboring parcel to the north and submitted the current application to construct a Tru By Hilton Hotel.

The project includes a General Plan amendment which is a legislative act requiring City Council consideration. Therefore, in accordance with Tracy Municipal Code (TMC) Section 10.08.3950(a), the Development Review Permit is a Tier 1 Application, also requiring City Council consideration following review and recommendation by the Planning Commission.

## ANALYSIS

### Project Description

The proposal is to develop a four-story, 78-room hotel with an outdoor pool, off-street parking, landscaping, and related site improvements. Attachment B, the plan set, contains the proposed site plan, floor plans, exterior elevations, and a preliminary landscape plan. The ground floor of the hotel will contain approximately 10,340 square feet; each of the upper three floors will contain approximately 9,950 square feet; the four-story building will contain a total of approximately 40,190 square feet. The project includes 80 vehicle parking spaces and seven bicycle parking spaces.

The approximately 1.97-acre site is located adjacent to the north side of the existing Home2 Suites Hotel at the northwest corner of Grant Line Road and Corral Hollow Road.

A single-family home neighborhood is across Corral Hollow Road to the east of the site. The nearest homes are approximately 250 feet from the proposed hotel building. The top of the tallest parapet walls of the building will be approximately 49 feet tall. By comparison, the top of the tower element of the adjacent Home2 Suites Hotel is approximately 60 feet tall. While the proposed hotel will be nearby and in direct view of the homes, no hotel bedroom windows are on the east end of the building facing the residential neighborhood. The fourth-floor windows on the north side of the building are approximately 35 feet above the ground level, consistent with the windows' height of the adjacent Home2 Suites Hotel.

The site will not have direct vehicular access to Corral Hollow Road. Instead, as indicated on the site plan in Attachment B, vehicular access to the site is proposed through two, two-way driveway connections with the adjacent Home2 Suites site to the south: one on the east end of the site near Corral Hollow Road, and the other on the west end. Vehicular access to the Home2 Suites site is obtained directly from either south-bound Corral Hollow Road or west-bound Grant Line Road. Future access points, identified on the site plan, will also be designed to provide opportunities for connections with properties adjacent to the north and to the west. Access easements will be recorded to ensure that customers, employees, deliveries, and other traffic will be able to travel unrestricted through the sites.

The western portion of the site, approximately one-third acre, is not proposed for development at this time. Development of that portion of the site will be subject to regulations in place at the time development is proposed. Until the future development area is improved, it will be secured with decorative rock, similar to the vacant, adjacent portion of the Home2 Suites site, or other

treatment to control dust or other undesirable maintenance concerns. This future development area could accommodate a small office or other commercial building or a future expansion of an existing building. The future development area is adjacent to an approximately one-half acre vacant property to the south, and vacant property to the north. Development of this site could be combined with one or more of the adjacent properties for parking, circulation, utilities, or other elements.

The guest rooms range in size from approximately 250 square feet to approximately 415 square feet for the largest accessible rooms. In addition to an outdoor pool on the north side of the hotel building, the first floor will contain a fitness center, dining area, and customer lounge/work area.

The proposed building exterior includes various colors, two textures of painted stucco, and stone veneer highlighting portions of the first floor of the building. Varying vertical planes on all four building sides and decorative color elements on the south face of the building add to its interest and appearance. The porte-cochere on the south side of the building contains a substantial fascia and columns to help give it a rich, solid feel. Overall, the architecture includes reasonable design elements to achieve consistency with the City's Design Goals and Standards, summarized below.

Site landscaping is designed to meet City standards including 20 percent of the parking area in landscaping and 40 percent in canopy tree coverage.

### General Plan Amendment

The General Plan designation of the site is Office. The Office designation was established for this site and its vicinity with a City-wide General Plan update in 2006, with a focus of providing for medical, business, and professional offices and related uses.

Hotels are not allowed within the Office General Plan designation. However, due to this site's direct exposure and access to two major arterial streets, proximity to Interstate 205, and surrounding (existing and permitted) land uses, such as restaurants and other commercial uses, the project site is well suited for a hotel use. Therefore, in addition to the Development Review Permit application, the project includes a request to amend the General Plan designation of the site from Office to Commercial. Attachment C contains the existing and proposed General Plan Map designations. Hotels are an allowed use within the Commercial General Plan designation.

The zoning of the project site is General Highway Commercial (GHC). The GHC Zone is consistent with the Commercial General Plan designation, permits hotels, and therefore, is not requested to be changed.

### Consistency with General Plan Policies and City Standards

As evidenced in the analysis above, this proposed design meets the City's objectives for high quality design as required by the Tracy General Plan and the City of Tracy Design Goals and Standards, including the following:

- General Plan Community Character Element
- Goal CC-1 *Superior design quality throughout Tracy.*
- Objective CC-1.1 *Preserve and enhance Tracy's unique character and*

*“hometown feel” through high-quality urban design.*

Policy P3. *All new development and redevelopment shall adhere to the basic principles of high-quality urban design, architecture and landscape architecture including, but not limited to, human-scaled design, pedestrian-orientation, interconnectivity of street layout, siting buildings to hold corners, entryways, focal points and landmarks.*

Goal CC-7 *High quality architecture, site planning and landscaping in the I-205 Regional Commercial Area.*

Objective CC-7.1 *Ensure that future development in the I-205 Regional Commercial Area enhances its attractiveness and provides multi-modal access.*

Policy P4. *Building architecture in the I-205 Regional Commercial Area shall be of the highest quality.*

#### Design Goals and Standards

##### Site Planning & Design

GOAL 1. *To integrate automobile, pedestrian, and alternative travel methods into site planning for optimal results for both the consumer and the business owner.*

##### Architecture

GOAL 1. *To promote well designed structures through attention to rich architectural details.*

GOAL 2. *To meet or exceed the highest quality design offered by projects having corporate identity.*

##### Landscape

GOAL 2. *To maximize and balance landscape areas throughout each site.*

#### Findings

In accordance with Tracy Municipal Code Section 10.08.3920, the following findings are required, upon approving a Development Review Permit:

- (a) That the proposal increases the quality of the project site, and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy; and
- (b) That the proposal conforms to this chapter, the General Plan, any applicable specific plan, the Design Goals and Standards, any applicable Infrastructure Master Plans, and other City regulations.

Staff recommends that the Planning Commission make the requisite findings for this project based on the evidence in the record, including, without limitation, the following:

- (a) The proposal increases the quality of the project site and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy because the proposed project would develop a vacant site that has good access, visibility, and proximity to supportive uses such as restaurants and to the I-205 Freeway for regional travelers. The proposed building and landscaped parking area meet the City’s objectives for high quality design. The proposed building is architecturally interesting in that it has significant recesses and popouts, and it has incorporated a number of horizontal and vertical changes through its use of color and stone in the façade, which give the building interest and dimension. The porte-cochere highlights the building entry and provides visual interest at the

building front pedestrian level. The architectural theme is present on all four sides of the building, and rooftop equipment will be hidden from view behind building parapets. Through-circulation is provided throughout the site, and the parking area will connect to adjacent commercial sites and allow cross-traffic without requiring access onto public rights-of-way. In furtherance of the City's landscaping goals, a significant amount of landscaping, including a variety of canopy and accent trees, is proposed throughout the parking area, on the site's perimeter, and around the building.

- (b) The proposal, as conditioned, conforms to the Tracy Municipal Code, the City of Tracy General Plan, the City Design Goals and Standards, applicable City Standards, California Building Codes, and California Fire Codes, because the proposed development will comply with all applicable City and State regulations for building design and construction, off-street parking and circulation, and landscaping design.

### PUBLIC OUTREACH/ INTEREST

This item was duly noticed in the local newspaper and public hearing notices were delivered to San Joaquin County Community Development and Public Works Departments, San Joaquin Council of Governments, San Joaquin Valley Air Pollution Control District, Pacific Gas and Electric, posted at the Tracy Branch Library and San Joaquin County Clerk's office, and mailed to owners of property within 300 feet of the subject site.

### COORDINATION

This development application was reviewed by multiple City Departments, the South San Joaquin County Fire Authority, Tracy Delta Disposal, and the Air Pollution Control District as part of the City's normal application review process. This staff report was prepared by the Development Services Department Planning Division.

### CEQA DETERMINATION

The City's environmental consultant, De Novo Planning Group, prepared an Initial Study (Attachment D) in accordance with the California Environmental Quality Act (CEQA). The analysis included the City's traffic, water, storm, and wastewater studies and an independent noise analysis. Substantial supporting evidence contained in the Initial Study demonstrates the Project will not have a significant effect on the environment. Various potentially significant environmental impacts were identified stemming from development of the proposed hotel. However, mitigation measures were identified for each of the potentially significant impacts that would, upon implementation, reduce the impacts to levels of insignificance. Therefore, in accordance with CEQA Guidelines Section 15074, a Mitigated Negative Declaration (MND) is proposed for adoption, attached as part of Attachment D.

### ACTION REQUESTED OF THE PLANNING COMMISSION

Staff recommends that the Planning Commission recommend that the City Council adopt a resolution:

- (1) Approving a General Plan Map amendment from Office to Commercial for an approximately 1.97-acre site, located at 2605 N. Corral Hollow Road, Assessor's Parcel Number 214-020-09

(Application Number GPA22-0004);

(2) Approving a Development Review Permit for a four-story, 78-guest-room hotel development (Tru By Hilton), located at 2605 N. Corral Hollow Road, APN 214-020-09 (Application Number D22-0018); and

(3) Adopting a Mitigated Negative Declaration for the General Plan Amendment and Development Review Permit Tru By Hilton Hotel project in accordance with the California Environmental Quality Act.

Prepared by: Alan Bell, Senior Planner

Reviewed by: Bill Dean, Assistant Development Services Director

Approved by: Bradley Evenson, Interim Development Services Director

### ATTACHMENTS

Attachment A – Project Vicinity

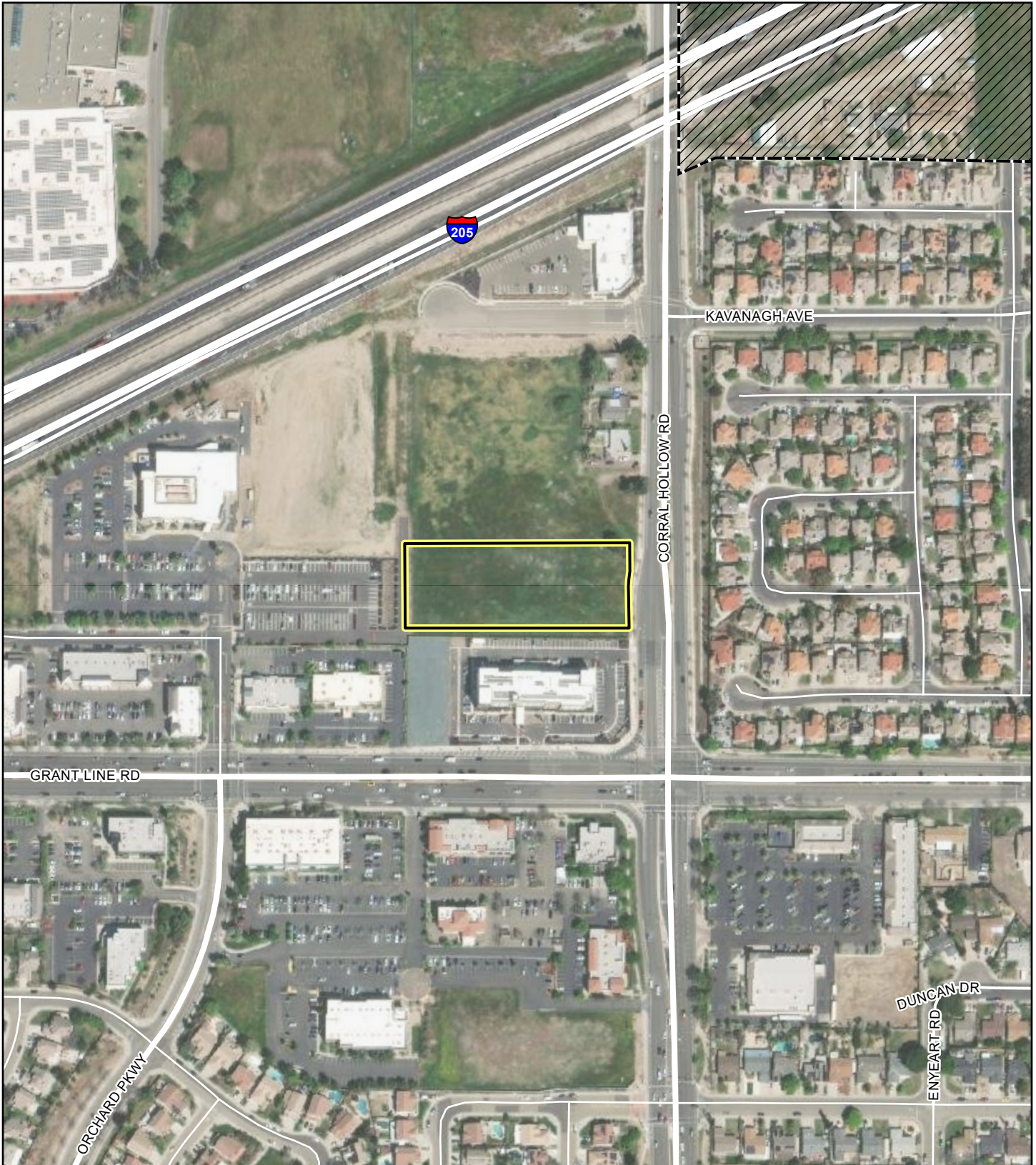
Attachment B – Plan Set, including site plan, floor plans, exterior elevations, color renderings, preliminary landscape plan.

Attachment C – Existing and Proposed General Plan Map Designations of the Site

Attachment D – Mitigated Negative Declaration/Initial Study

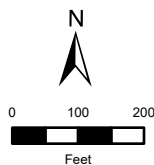
Attachment E – Proposed City Council Resolution with Project Findings (Exhibit 1), Existing and Proposed General Plan Map Designations (Exhibit 2), and Project Conditions of Approval (Exhibit 3)





**LEGEND**

-  Project Location
-  Tracy City Limits
-  Tracy SOI



Tracy TRU by Hilton Project

**Aerial View of Project Site**





# TRU BY HILTON

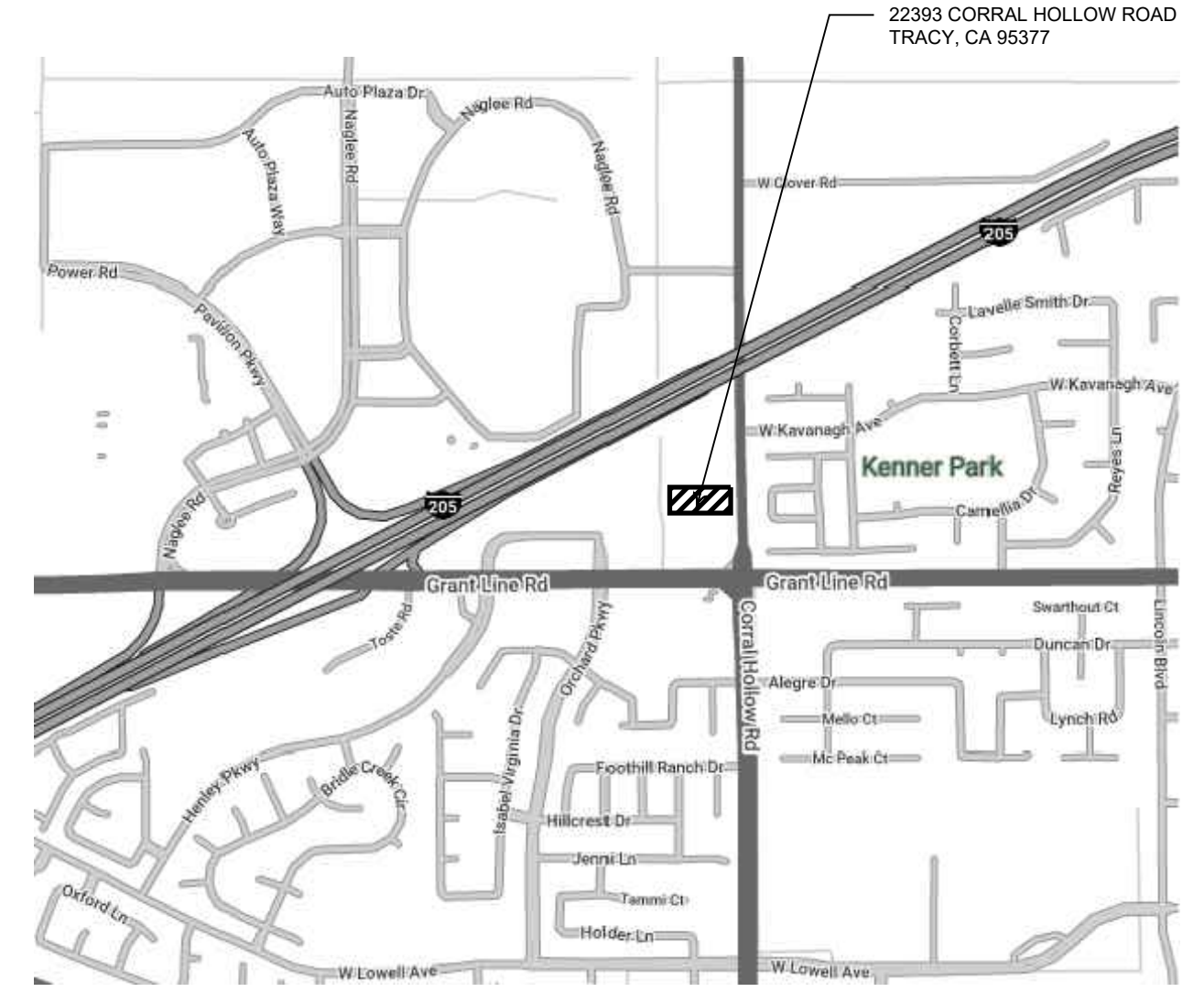
22393 CORRAL HOLLOW ROAD  
TRACY, CA, 95377



### INDEX OF DRAWING SYMBOLS

	MATCH LINE
	REFERENCE TAG (GENERAL/TYPICAL USE)
	SECTION REFERENCE
	WALL TAGS
	SECTION REFERENCE (DETAILS)
	ELEVATION REFERENCE (INTERIOR and/or EXTERIOR)
	ELEVATION REFERENCE (INTERIOR ONLY)
	ENLARGED REFERENCE
	REVISION CLOUD & DELTA
	STRUCTURAL GRID
	ELEVATION, WORK POINT
	KEY NOTE
	ROOM IDENTIFICATION
	WINDOW IDENTIFICATION
	DOOR IDENTIFICATION
	FINISH IDENTIFICATION
	CEILING HEIGHT
	CEILING FINISH
	FURNITURE/EQUIPMENT TAG

### VICINITY MAP



### PROJECT SCOPE:

PROPOSED DEVELOPMENT ON A 1.96 ACRE PROPERTY TO INCLUDE A NEW 4-STORY TRU BY HILTON HOTEL, CONTAINING 78 GUESTROOMS, AN OUTDOOR POOL, AND FITNESS CENTER AND WITH LIMITED FOOD AND BEVERAGE SERVICE. SITE DESIGN TO INCLUDE 80 PARKING STALLS, AND VEHICULAR AND PEDESTRIAN CONNECTIONS TO ADJACENT SITES.

A GENERAL PLAN MAP AMENDMENT FROM OFFICE TO COMMERCIAL IS REQUIRED.

### DEFERRED SUBMITTAL LIST:

THE GENERAL CONTRACTOR SHALL SUBMIT THE DEFERRED DOCUMENTS TO THE ARCHITECT, BUILDING, FIRE AND PLANNING DEPARTMENTS FOR REVIEW PRIOR TO INSTALLATION, AS APPLICABLE. GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DEFERRED SUBMITTALS.

THE ENGINEER(S) RESPONSIBLE FOR THE DESIGN OF THE DEFERRED SUBMITTAL ITEMS SHALL STAMP AND WET-SIGN THOSE DRAWINGS AND CALCULATIONS FOR WHICH HE IS RESPONSIBLE.

- EXTERIOR SIGNAGE
- SOLAR CANOPY CARPORTS
- FIRE SPRINKLERS PROTECTION SYSTEM
- UNDERGROUND WATER SUPPLY TO PRIVATE FIRE SERVICE MAIN SUPERVISING STATION FIRE ALARM SYSTEM

### PROJECT TEAM:

<b>ARCHITECT</b> RED INC. ARCHITECTS 1217 J STREET MODESTO, CA 95354 OFFICE: (209) 522-8900 CONTACT: DAVID BURKETT EMAIL: david@redincarchitects.com	<b>DEVELOPER</b> RAAD HOSPITALITY GROUP 2025 W. GRANT LINE ROAD TRACY, CA 95377 INDIO, CA 95354 OFFICE: (800) 407-4663 CONTACT: ANAND 'ANDY' KOTECHA EMAIL: anandkotecha@gmail.com
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<b>CIVIL ENGINEER</b> MCR ENGINEERING INC. 1242 DUPONT CT. MAINTICA, CA 95336 OFFICE: (209) 239-6229 CONTACT: SHAWN SAMANIEGO EMAIL: shawn@mcreng.com	<b>LIGHTING DESIGN</b> COMMERCIAL LIGHTING INDUSTRIES 81181 INDIO BOULEVARD INDIO, CA 95354 OFFICE: (800) 755-0155 CONTACT: KAZ HALZOVICH EMAIL: pcoitola@commercial-lighting.net
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<b>LANDSCAPE ARCHITECT</b> SAM HARNED LANDSCAPE ARCHITECTURE P.O. BOX 2275 OAKDALE, CA 95361 OFFICE: (209) 380-7376 CONTACT: SAM HARNED EMAIL: sam@hamedia.com
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### INDEX OF DRAWINGS

#### ARCHITECTURAL:

- A000 COVER SHEET
- A001 SITE CONTEXT MAP
- A002 SITE CONTEXT PHOTOS
- A003 STREET VIEWS
- A100 OVERALL SITE PLAN
- A200 OVERALL FLOOR PLANS
- A201 TYPICAL ROOMS
- A300 OVERALL ROOF PLAN
- A400 EXTERIOR ELEVATIONS
- A401 EXTERIOR ELEVATIONS

#### CIVIL:

- C1 PRELIMINARY GRADING, DRAINAGE & UTILITY PLAN

#### LANDSCAPING:

- L1 PRELIMINARY LANDSCAPE PLAN

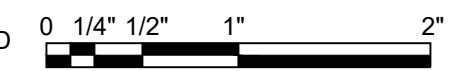
#### LIGHTING DESIGN:

- LDE-1 LIGHTING PLAN & PHOTOMETRIC DRAWING

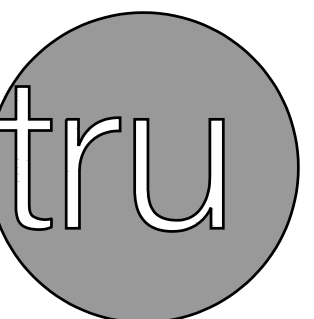
### PROJECT INFORMATION

<b>BUILDING DATA:</b> TRU BY HILTON: MAIN LEVEL 2ND FLOOR 3RD FLOOR 4TH FLOOR	10,340 S.F. 9,950 S.F. 9,950 S.F. 9,950 S.F.
<b>TOTAL BUILDING AREA:</b>	40,190 S.F.
<b>BUILDING HEIGHT AT ROOF DECK:</b> BUILDING HEIGHT AT PARAPET:	43'-7" 48'-9"
<b>NUMBER OF STORIES:</b>	4
<b>PARKING ANALYSIS:</b> PARKING REQUIRED: GUESTROOMS (78 x 1): STAFF:	78 01
<b>TOTAL:</b>	79
<b>CAL GREEN REQUIREMENTS:</b> CLEAN AIR VEHICLE SPACES (PER CGBSC 5.106.5.2): EV CHARGING SPACES (PER CGBSC 5.106.5.3.3): VAN ACCESSIBLE SPACES: STANDARD ACCESSIBLE SPACES: (PER CBC 11B-228.3.2.1)	12 08 01 01
<b>PARKING PROVIDED:</b> STANDARD SPACES: PARALLEL SPACES CLEAN AIR VEHICLES (PER CGBSC 5.106.5.2): EV CHARGING SPACES (CGBSC 5.106.5.3.3): COMPACT SPACES: CLEAN AIR VEHICLES (PER CGBSC 5.106.5.2): EV CHARGING SPACES (CGBSC 5.106.5.3.3): ACCESSIBLE SPACES: VAN ACCESSIBLE: EV CHARGING VAN ACCESSIBLE SPACE: EV CHARGING STANDARD SPACE:	55 02 07 04 18 05 03 02 05 01 01
<b>TOTAL PARKING SPACES PROVIDED</b>	80
<b>BIKE PARKING ANALYSIS:</b> BIKE PARKING REQUIRED: SHORT-TERM (80 x 5%): LONG-TERM (MINIMUM OF 1):	04 01
<b>TOTAL:</b>	05
<b>BIKE PARKING PROVIDED:</b> SHORT-TERM: LONG-TERM:	06 01
<b>TOTAL:</b>	07
<b>SITE DATA:</b> SITE LOCATION:	22393 S. CORRAL HOLLOW ROAD TRACY, CA 95377
<b>SITE AREA:</b> CURRENT DEVELOPMENT: FUTURE DEVELOPMENT:	85,731 SQ. FT. OR 1.96 ACRES 70,586 SQ. FT. OR 1.62 ACRES 15,145 SQ. FT. OR 0.34 ACRES (EXCLUDED FROM BELOW CALC)
<b>LANDSCAPING:</b> PARKING OVERHANG: HARDSCAPING: BUILDING FOOTPRINT:	17,908 SQ. FT. OR 25% 1,684 SQ. FT. OR 1% OF LANDSCAPE AREA 42,339 SQ. FT. OR 60% 10,340 SQ. FT. OR 15%
<b>CURRENT ZONING:</b> CURRENT GENERAL PLAN MAP: FUTURE GENERAL PLAN MAP:	GHC OFFICE COMMERCIAL
<b>APN:</b>	214-020-090
<b>JURISDICTION:</b>	CITY OF TRACY
<b>CONSTRUCTION TYPE:</b>	V-A
<b>OCCUPANCY TYPE:</b>	SERVICE HOSPITALITY R1, S2, B, A2
<b>APPLICABLE CODES:</b>	2019 C.B.C., C.P.C., C.M.C., C.E.C., C.F.C., C.G.C. AND ALL APPLICABLE STATE AND LOCAL REQUIREMENTS

	1ST FLOOR	2ND FLOOR	3RD FLOOR	4TH FLOOR	NOTES:
KING	1	13	13	13	40
DOUBLE QUEEN	4	9	9	9	31
ACCESSIBLE KING	1	1	1	1	4
ACCESSIBLE DOUBLE QUEEN	-	1	1	1	3
<b>TOTAL</b>	<b>6</b>	<b>24</b>	<b>24</b>	<b>24</b>	<b>78</b>







by HILTON

CALIFORNIA

**TRU BY HILTON**  
22393 S. CORRAL HOLLOW ROAD

DESIGN DRAWINGS FOR:

TRACY

PROJECT DETAILS

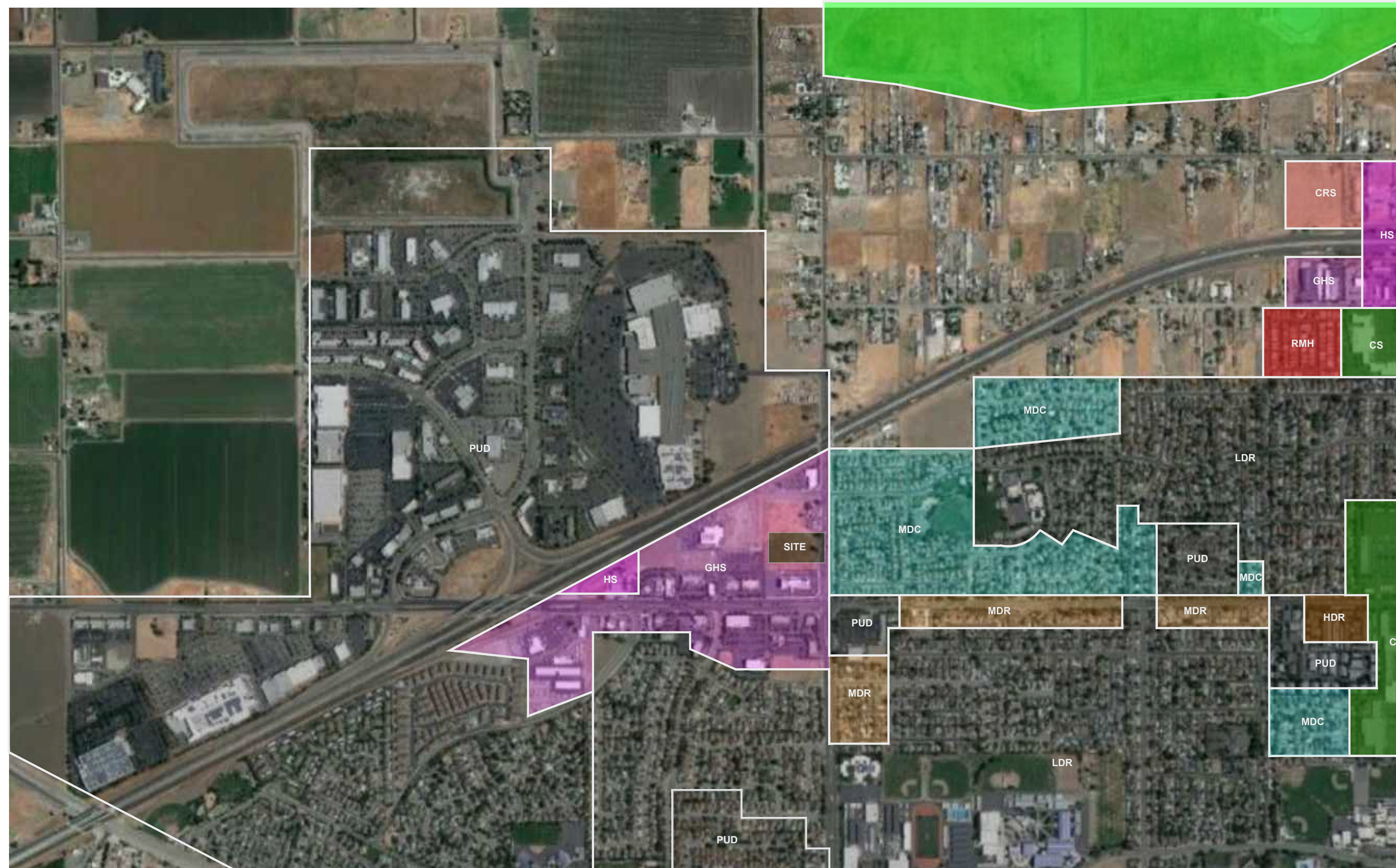
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2	07/26/2022	HILTON 25%

PROJECT DETAILS

RED PROJECT #	21053
HILTON #	22-059ND
PLANNING #	D22-0018
APN #	214-020-090
DATE:	04/22/22
DRAWN:	M.GOMES
CHECKED:	H.REED
COPYRIGHT:	©RED INC

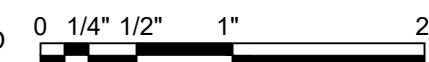
SHEET TITLE

**A001**  
**SITE CONTEXT**  
**MAP**

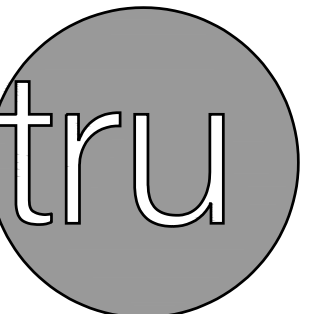


- LOW DENSITY RESIDENTIAL (LDR)
- MEDIUM DENSITY RESIDENTIAL (MDR)
- HIGH DENSITY RESIDENTIAL (HDR)
- MEDIUM DENSITY CLUSTER (MDC)
- GENERAL HIGHWAY COMMERCIAL (GHC)
- HIGHWAY SERVICE (HS)
- PLANNED UNIT DEVELOPMENT (PUD)
- COMMUNITY SHOPPING CENTER (CSC)
- RESIDENTIAL MOBILE HOME (RMH)
- COMMUNITY RECREATION SUPPORT SERVICES (CRS)
- PARK (P)

1 SITE CONTEXT MAP







by HILTON

CALIFORNIA

**TRU BY HILTON**  
22393 S. CORRAL HOLLOW ROAD

DESIGN DRAWINGS FOR:

TRACY

PROJECT DETAILS

#	DATE	DESCRIPTION
1	07/26/2022	PLANNING 01
2	07/26/2022	HILTON 25%

PROJECT DETAILS

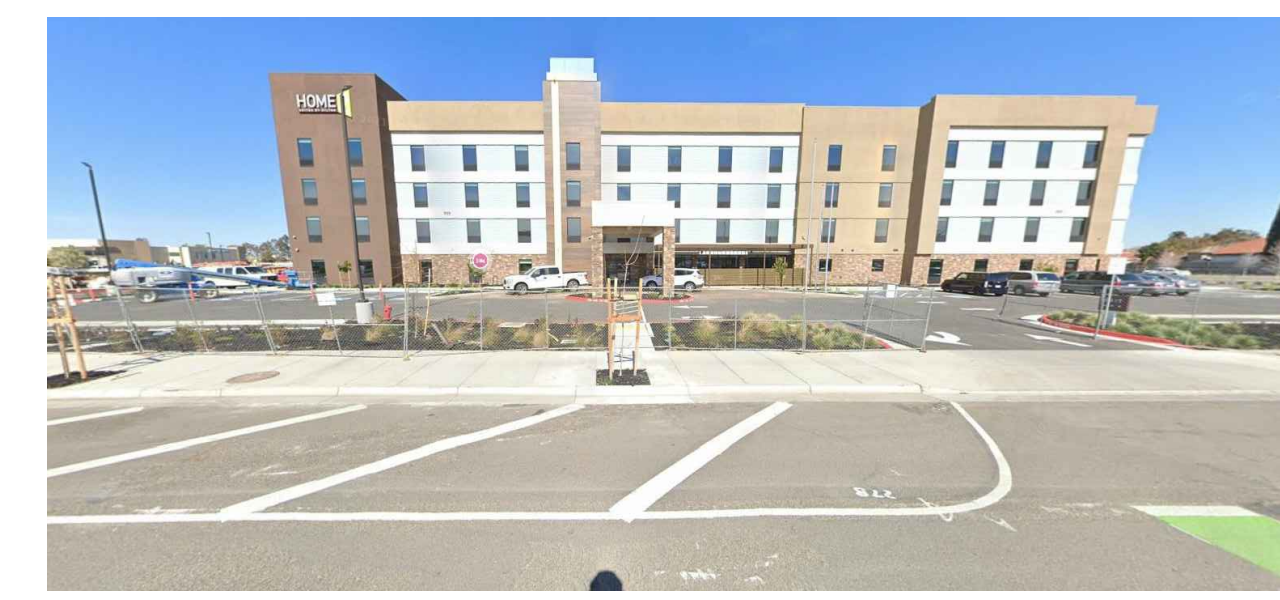
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HILTON #	22-059ND
PLANNING #	D22-0018
APN #	214-020-090
DATE:	04/22/22
DRAWN:	M.GOMES
CHECKED:	H REED
COPYRIGHT:	©RED INC

SHEET TITLE

**A002**  
SITE CONTEXT  
PHOTOS



SITE AERIAL



1 GRANT LINE RD LOOKING NORTH



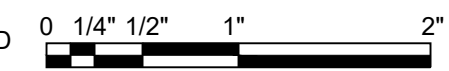
2 MEDICAL CENTER PARKING LOT LOOKING EAST



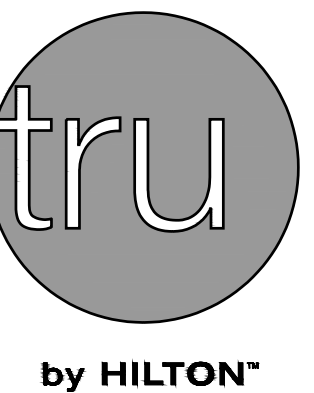
3 CORRAL HOLLOW RD LOOKING WEST



4 ROBERT T. MONAGAN FW LOOKING SOUTH-WEST







**TRU BY HILTON**  
22393 S. CORRAL HOLLOW ROAD

DESIGN DRAWINGS FOR:

TRACY

#	DATE	DESCRIPTION
1	07/26/2022	PLANNING 01
2	07/26/2022	HILTON 25%

PROJECT DETAILS	
RED PROJECT #	21053
HILTON #	22-059ND
PLANNING #	D22-0018
APN #	214-020-090
DATE:	04/22/22
DRAWN:	M.GOMES
CHECKED:	H.REED
COPYRIGHT:	©RED INC

SHEET TITLE  
A003

STREET VIEWS



1 STREET VIEW LOOKING NORTH-EAST



2 STREET VIEW LOOKING SOUTH-EAST

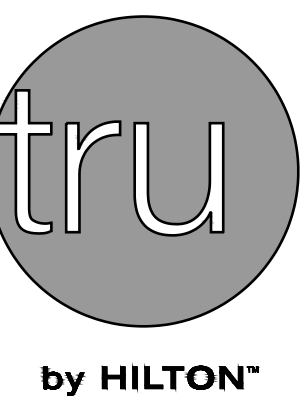


3 STREET VIEW LOOKING NORTH-WEST



4 STREET VIEW LOOKING NORTH-EAST





by HILTON

CALIFORNIA

**TRU BY HILTON**  
22393 S. CORRAL HOLLOW ROAD

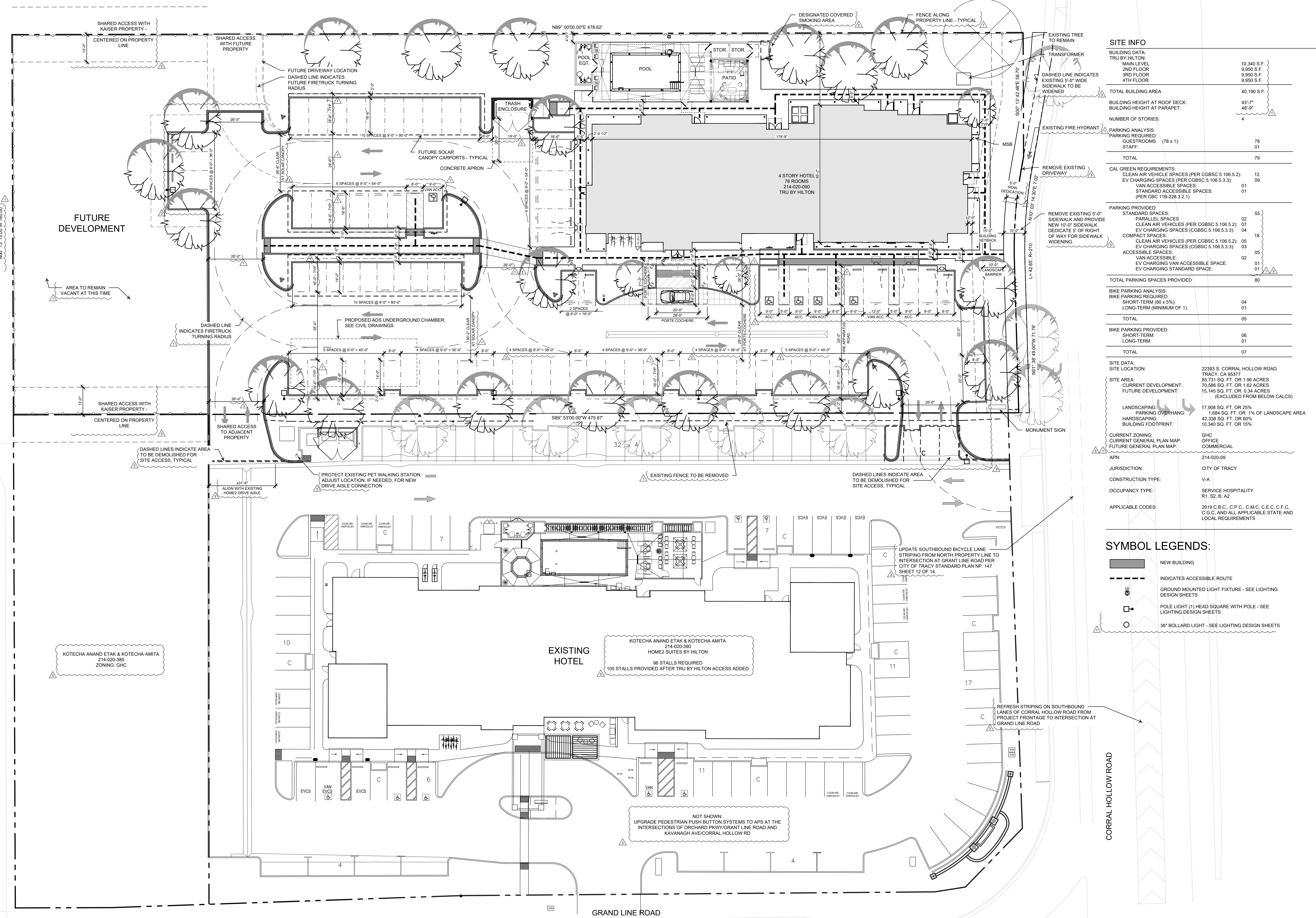
TRACY

DESIGN DRAWINGS FOR:

#	DATE	DESCRIPTION
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2	07/26/2022	HILTON 25%
3	02/23/2023	TRAFFIC STUDY 01

PROJECT DETAILS	
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HILTON #	22-059ND
PLANNING #	D22-0018
APN #	214-020-090
DATE:	04/22/22
DRAWN:	M.GOMES
CHECKED:	H.REED
COPYRIGHT:	©RED INC

SHEET TITLE  
**A100**  
OVERALL  
SITE PLAN

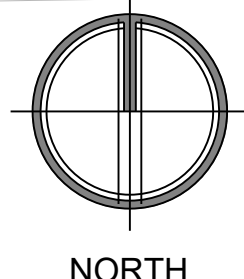
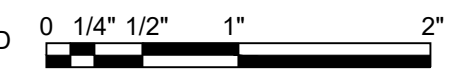


SITE INFO	
BUILDING DATA:	
TRU BY HILTON:	
MAIN LEVEL	10,340 S.F.
2ND FLOOR	9,950 S.F.
3RD FLOOR	9,950 S.F.
4TH FLOOR	9,950 S.F.
TOTAL BUILDING AREA	40,190 S.F.
BUILDING HEIGHT AT ROOF DECK:	43'-7"
BUILDING HEIGHT AT PARAPET:	48'-9"
NUMBER OF STORIES:	4
PARKING ANALYSIS:	
PARKING REQUIRED:	
GUESTROOMS (78 x 1):	78
STAFF:	01
TOTAL:	79
CAL GREEN REQUIREMENTS:	
CLEAN AIR VEHICLE SPACES (PER CGBSC 5.106.5.2):	12
EV CHARGING SPACES (PER CGBSC 5.106.5.3.3):	09
VAN ACCESSIBLE SPACES:	01
STANDARD ACCESSIBLE SPACES:	01
(PER CBC 11B-228.3.2.1)	
PARKING PROVIDED:	
STANDARD SPACES:	
PARALLEL SPACES:	02
CLEAN AIR VEHICLES (PER CGBSC 5.106.5.2):	07
EV CHARGING SPACES (CGBSC 5.106.5.3.3):	04
COMPACT SPACES:	18
CLEAN AIR VEHICLES (PER CGBSC 5.106.5.2):	05
EV CHARGING SPACES (CGBSC 5.106.5.3.3):	03
ACCESSIBLE SPACES:	
VAN ACCESSIBLE:	02
EV CHARGING VAN ACCESSIBLE SPACE:	01
EV CHARGING STANDARD SPACE:	01
TOTAL PARKING SPACES PROVIDED:	80
BIKE PARKING ANALYSIS:	
BIKE PARKING REQUIRED:	
SHORT-TERM (60 x 5%):	04
LONG-TERM (MINIMUM OF 1):	01
TOTAL:	05
BIKE PARKING PROVIDED:	
SHORT-TERM:	06
LONG-TERM:	01
TOTAL:	07
SITE DATA:	
SITE LOCATION:	22393 S. CORRAL HOLLOW ROAD TRACY, CA 95377
SITE AREA:	85,721 SQ. FT. OR 1.96 ACRES
CURRENT DEVELOPMENT:	70,586 SQ. FT. OR 1.62 ACRES
FUTURE DEVELOPMENT:	15,145 SQ. FT. OR 0.34 ACRES (EXCLUDED FROM BELOW CALC)
LANDSCAPING:	17,908 SQ. FT. OR 25% 1,854 SQ. FT. OR 1% OF LANDSCAPE AREA
PARKING OVERHANG:	
HARDSCAPING:	42,338 SQ. FT. OR 60%
BUILDING FOOTPRINT:	10,340 SQ. FT. OR 15%
CURRENT ZONING:	GHC
CURRENT GENERAL PLAN MAP:	OFFICE
FUTURE GENERAL PLAN MAP:	COMMERCIAL
APN:	214-020-090
JURISDICTION:	CITY OF TRACY
CONSTRUCTION TYPE:	V-A
OCCUPANCY TYPE:	SERVICE HOSPITALITY R1, S2, B, A2
APPLICABLE CODES:	2019 C.B.C., C.P.C., C.M.C., C.E.C., C.F.C., C.G.C. AND ALL APPLICABLE STATE AND LOCAL REQUIREMENTS

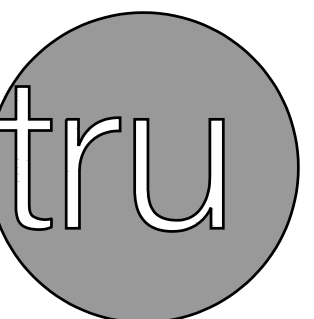
SYMBOL LEGENDS:	
	NEW BUILDING
	INDICATES ACCESSIBLE ROUTE
	GROUND MOUNTED LIGHT FIXTURE - SEE LIGHTING DESIGN SHEETS
	POLE LIGHT (1) HEAD SQUARE WITH POLE - SEE LIGHTING DESIGN SHEETS
	36" BOLLARD LIGHT - SEE LIGHTING DESIGN SHEETS

**1** OVERALL SITE PLAN  
SCALE: 1" = 20'-0"

IF THIS SHEET IS NOT 36"x24", IT HAS BEEN RESIZED







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CALIFORNIA

**TRU BY HILTON**  
22393 S. CORRAL HOLLOW ROAD

DESIGN DRAWINGS FOR:

TRACY

PROJECT DETAILS

#	DATE	DESCRIPTION
1	07/26/2022	PLANNING 01
2	07/26/2022	HILTON 25%

PROJECT DETAILS

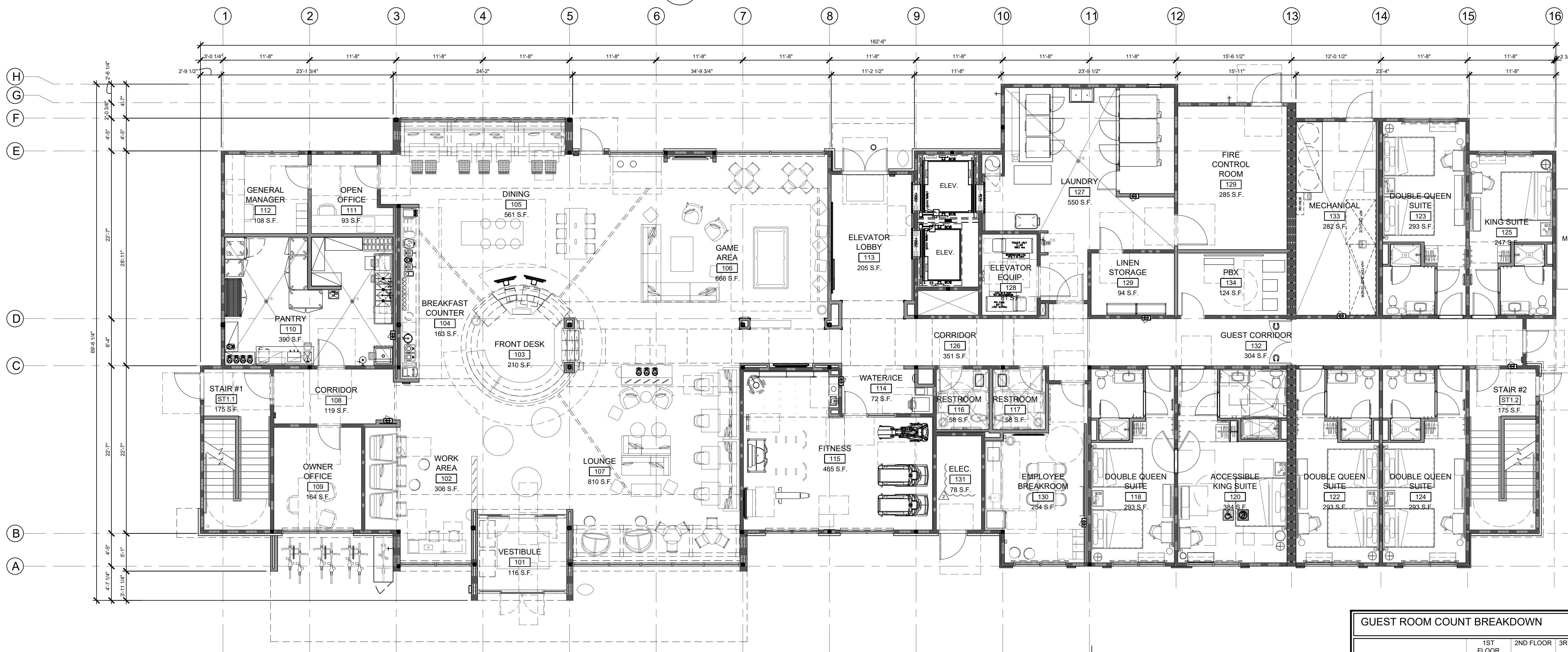
RED PROJECT #	21053
HILTON #	22-059ND
PLANNING #	D22-0018
APN #	214-020-090
DATE:	04/22/22
DRAWN:	M.GOMES
CHECKED:	H.REED
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SHEET TITLE

**A200**  
**OVERALL**  
**FLOOR PLANS**

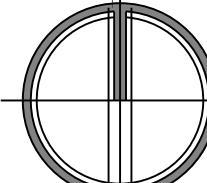


**2** OVERALL UPPER LEVEL FLOOR PLANS  
SCALE: 1/8" = 1'-0"

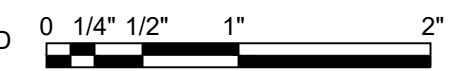


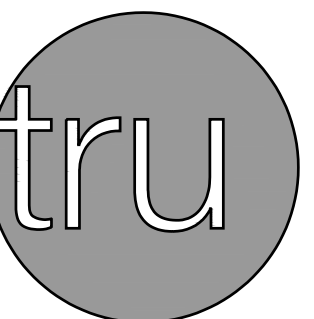
**1** OVERALL MAIN LEVEL FLOOR PLAN  
SCALE: 1/8" = 1'-0"

GUEST ROOM COUNT BREAKDOWN						
	1ST FLOOR	2ND FLOOR	3RD FLOOR	4TH FLOOR	TOTAL	NOTES:
KING	1	13	13	13	40	56% KING
DOUBLE QUEEN	4	9	9	9	31	44% QUEEN
ACCESSIBLE KING	1	1	1	1	4	
ACCESSIBLE DOUBLE QUEEN	-	1	1	1	3	
<b>TOTAL</b>	<b>6</b>	<b>24</b>	<b>24</b>	<b>24</b>	<b>78</b>	



NORTH





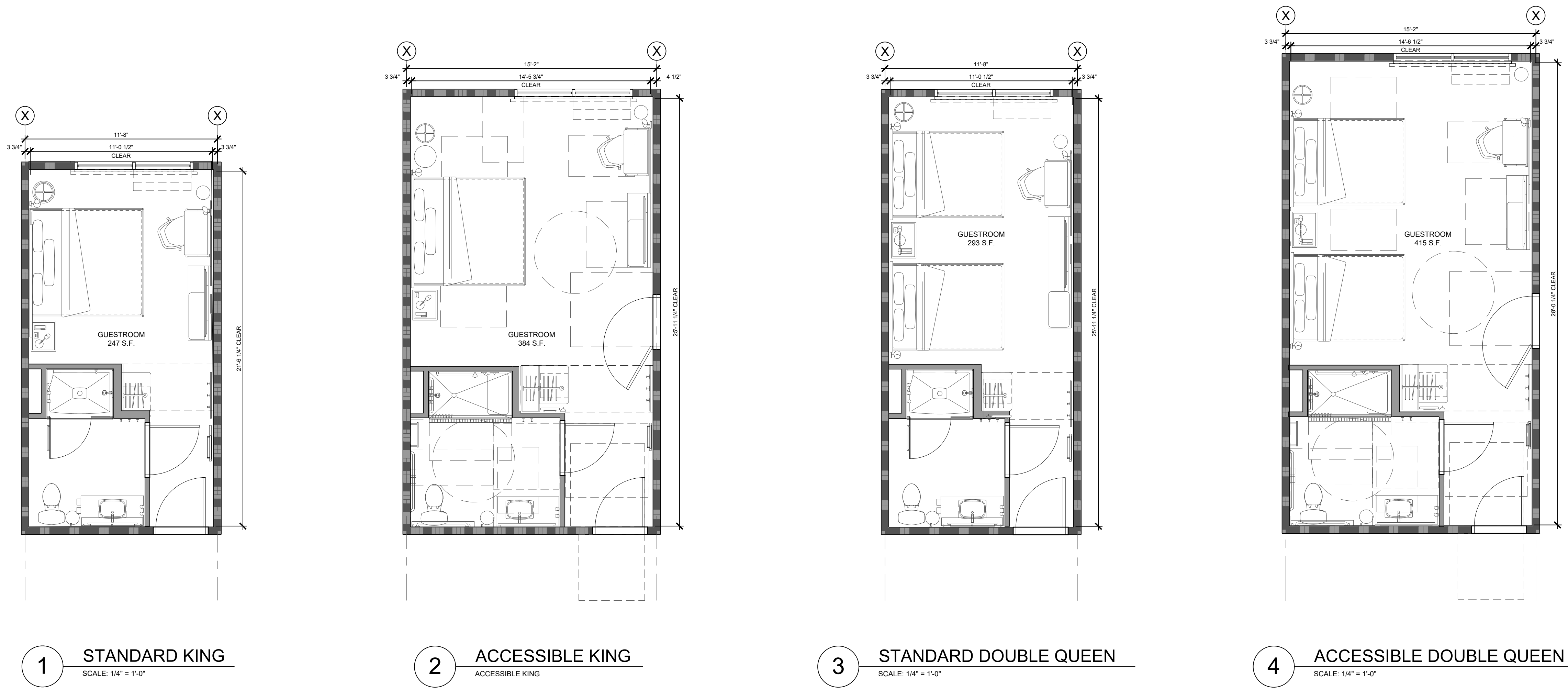
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**TRU BY HILTON**  
22393 S. CORRAL HOLLOW ROAD

DESIGN DRAWINGS FOR:

TRACY

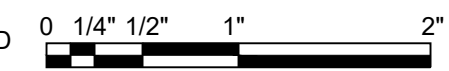


**1** STANDARD KING  
SCALE: 1/4" = 1'-0"

**2** ACCESSIBLE KING  
ACCESSIBLE KING

**3** STANDARD DOUBLE QUEEN  
SCALE: 1/4" = 1'-0"

**4** ACCESSIBLE DOUBLE QUEEN  
SCALE: 1/4" = 1'-0"



PROJECT DETAILS

#	DATE	DESCRIPTION
▲	07/26/2022	PLANNING 01
▲	07/26/2022	HILTON 25%

PROJECT DETAILS

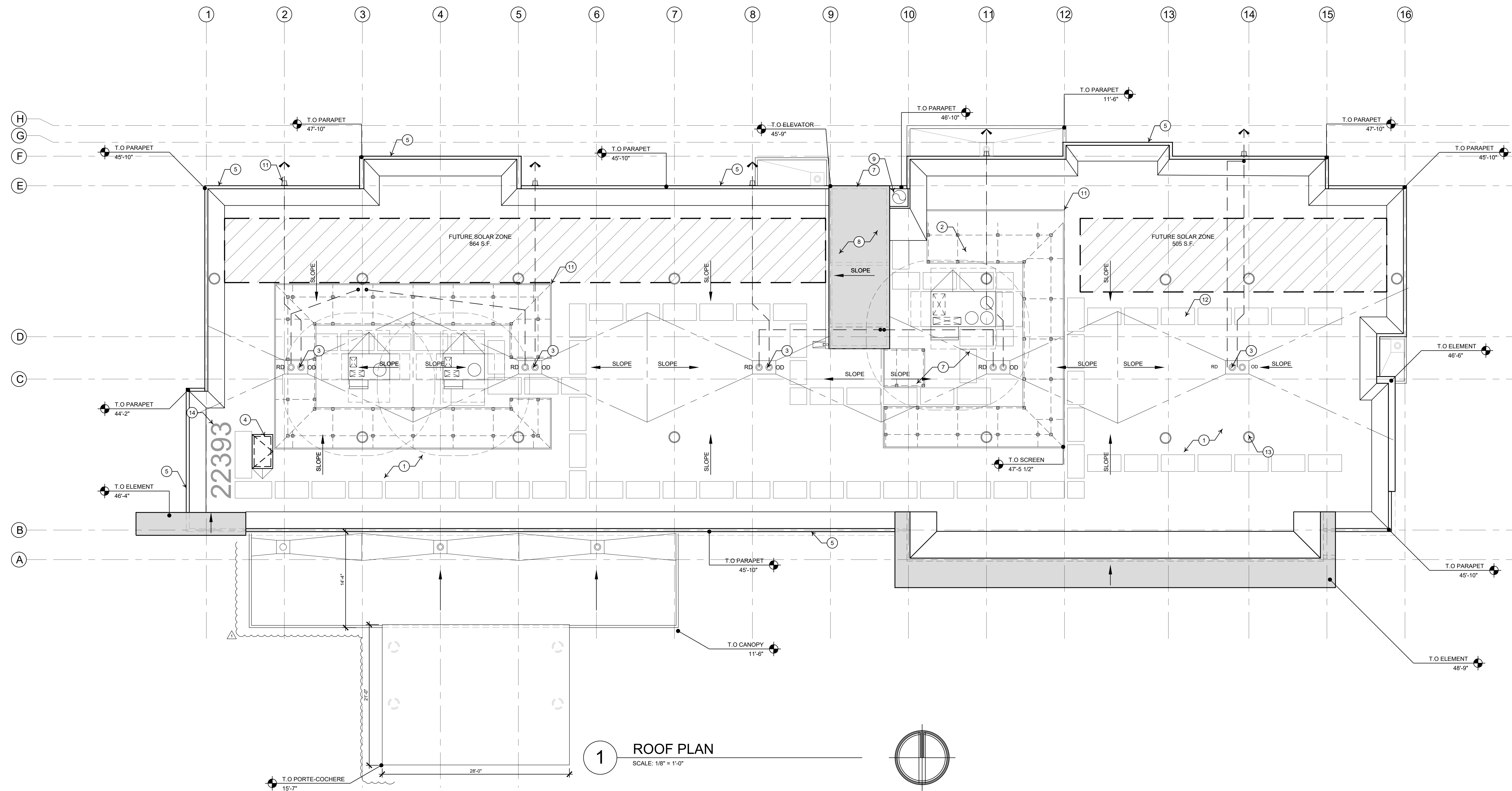
RED PROJECT #	21053
HILTON #	22-059ND
PLANNING #	D22-0018
APN #	214-020-090
DATE:	04/22/22
DRAWN:	M.GOMES
CHECKED:	H.REED
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SHEET TITLE  
**A201**  
**TYPICAL**  
**GUESTROOMS**



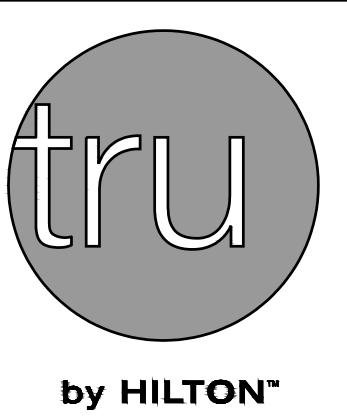
**KEYNOTES**

1. MEMBRANE ROOF, SLOPE STRUCTURE TO DRAIN TOWARDS ROOF DRAINS/GUTTERS
2. TAPERED INSULATION CRICKET
3. ROOF LEADER AND OVERFLOW DRAIN TO THROUGHWALL SCUPPER
4. ROOF HATCH ACCESSED VIA AN ALTERNATING TREAD STAIR
5. ROOF PARAPET
6. GRAVEL STOP EDGE
7. MAKE UP AIR UNIT ON ROOF CURB
8. ELEVATOR OVERRUN PENTHOUSE
9. LAUNDRY CHUTE VENT
10. ALUMINUM GUTTER AND DOWNSPOUT
11. MECHANICAL EQUIPMENT SCREEN TO HIDE EQUIPMENT - PROVIDE CLEARANCE AND ACCESS AS REQUIRED
12. WALKWAY/PROTECTION PAD IN CONTRASTING COLOR TO ROOF
13. EXHAUST FAN HOOD
14. PROVIDE ADDRESS NUMBERS, NUMBERS TO BE 3" HIGH, 2" WIDE, 9" APART WITH 6" BRUSH STROKE. COLOR TO CONTRAST W/ ROOFING.



**1 ROOF PLAN**  
SCALE: 1/8" = 1'-0"

**WALL TYPES:**  
 ——— TYPICAL PARAPET WALL  
 - - - - - WALL BELOW  
 SEE SHEETS A060-A061



**TRU BY HILTON**  
22393 S. CORRAL HOLLOW ROAD

DESIGN DRAWINGS FOR:

TRACY

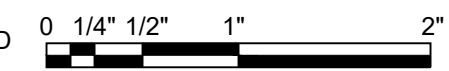
**PROJECT DETAILS**

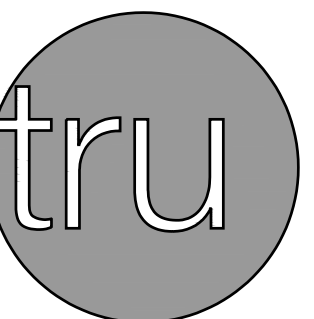
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APN #	214-020-090
DATE:	04/22/22
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**SHEET TITLE**  
A300  
OVERALL  
ROOF PLAN





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CALIFORNIA

**TRU BY HILTON**  
22393 S. CORRAL HOLLOW ROAD

DESIGN DRAWINGS FOR:

TRACY

#	DATE	DESCRIPTION
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2	07/26/2022	HILTON 25%

PROJECT DETAILS	
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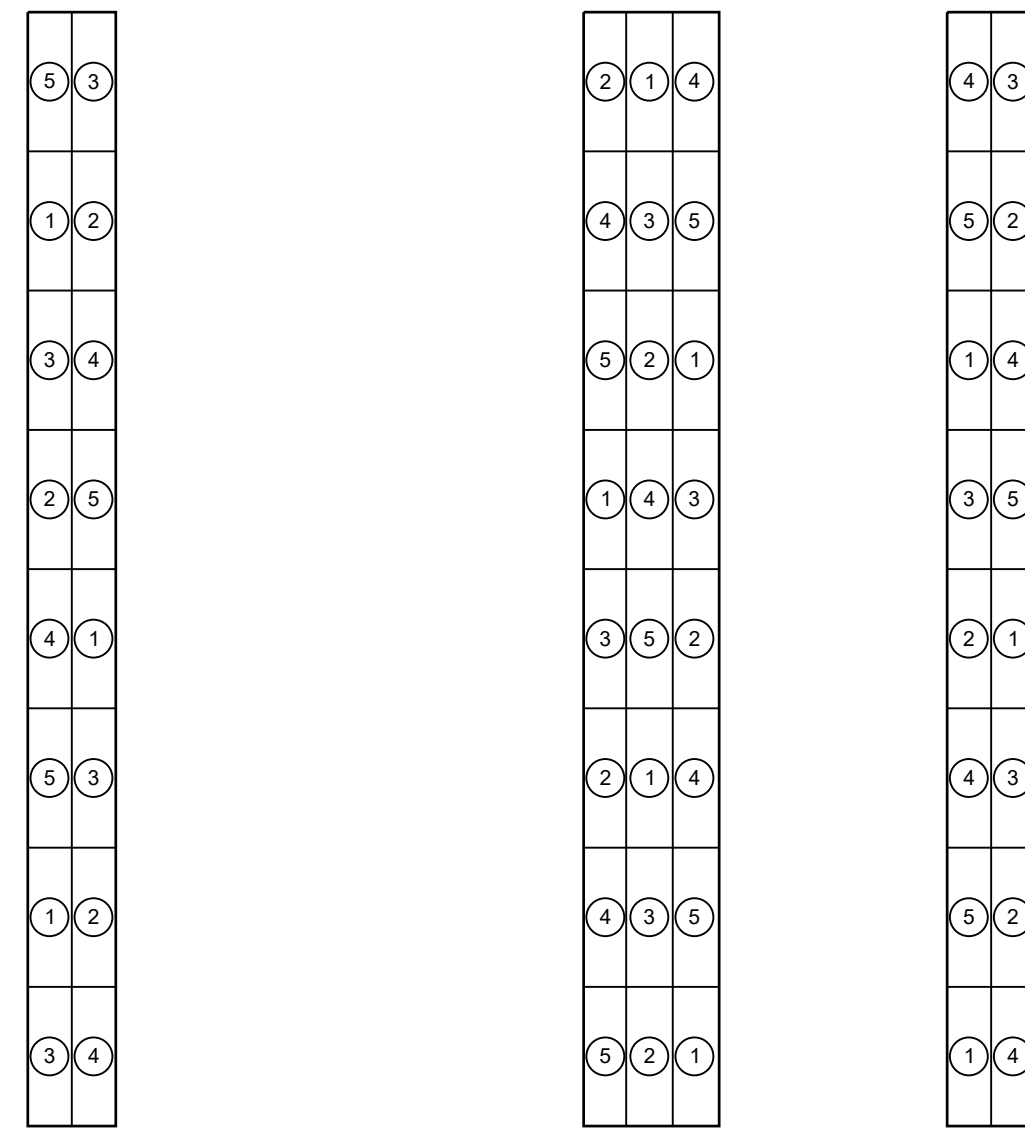
SHEET TITLE  
**A400**  
**EXTERIOR**  
**ELEVATIONS**

**FINISH LEGEND**

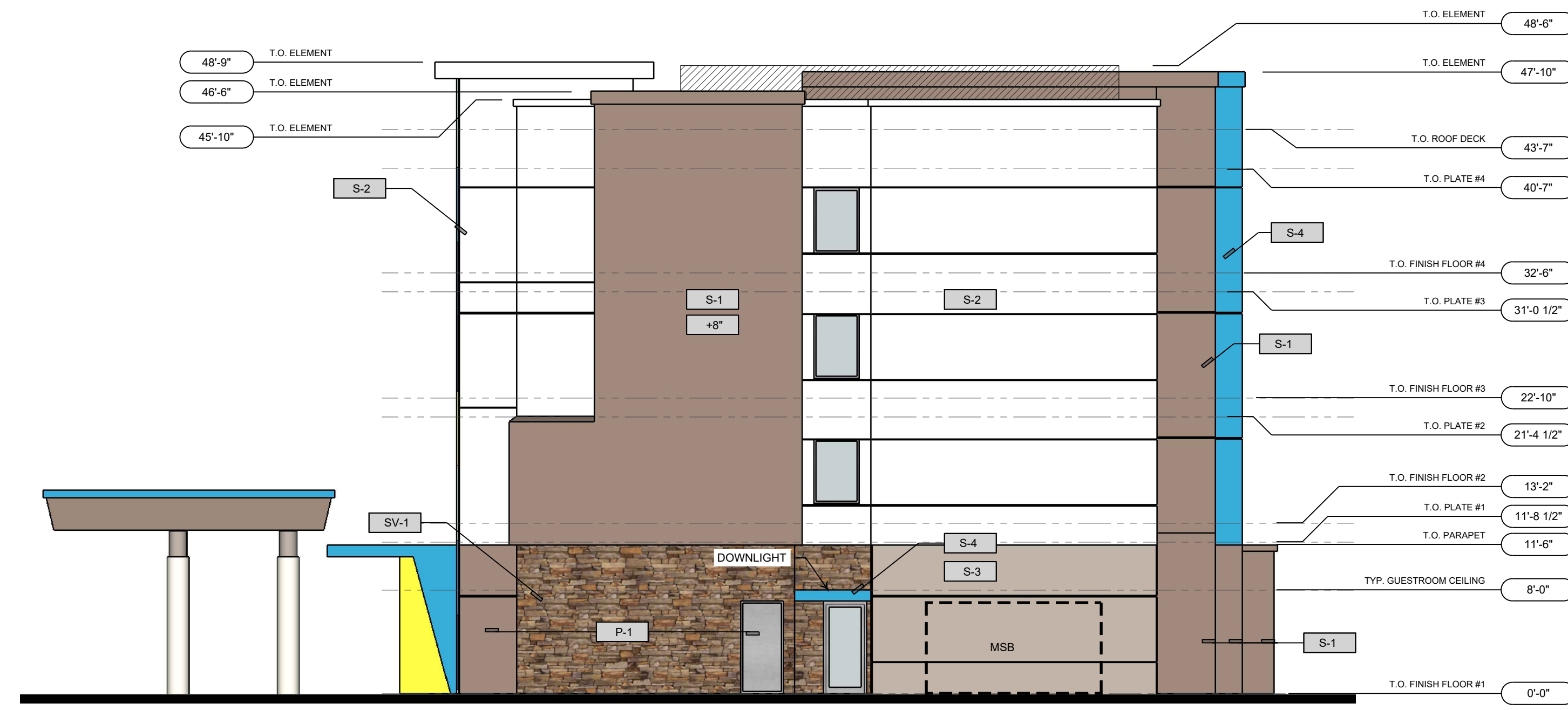
- S-1** PAINTED STUCCO SYSTEM: MEDIUM SAND STUCCO, COLOR TO MATCH - BENJAMIN MOORE #993 BEACH COMBER
- S-2** PAINTED STUCCO SYSTEM: LIGHT SAND STUCCO, COLOR TO MATCH - BENJAMIN MOORE #OC-442 - OLD PRAIRIE
- S-3** PAINTED STUCCO SYSTEM: LIGHT SAND STUCCO, COLOR TO MATCH - BENJAMIN MOORE #988 FROSTED TOFFEE
- S-4** PAINTED STUCCO SYSTEM: LIGHT SAND STUCCO, COLOR TO MATCH - DRYVIT PANTONE PMS PROCESS CYAN
- S-5** PAINTED STUCCO SYSTEM: LIGHT SAND STUCCO, COLOR TO MATCH - DRYVIT PANTONE PMS PROCESS YELLOW
- SV-1** ADHERE LIGHTWEIGHT VENEER SYSTEM - ELDORADO STONE - CLIFFSTONE - MESQUITE - TRIM AND CAP PIECES
- P-1** PAINT: BENJAMIN MOORE EXTERIOR PAINT - BENJAMIN MOORE #2107-40 DRIFTWOOD
- SF-1** STOREFRONT & WINDOW ASSEMBLY: CLEAR ANODIZED ALUMINUM
- FW** FEATURE WALL: SEE DIAGRAM

**FEATURE WALL**

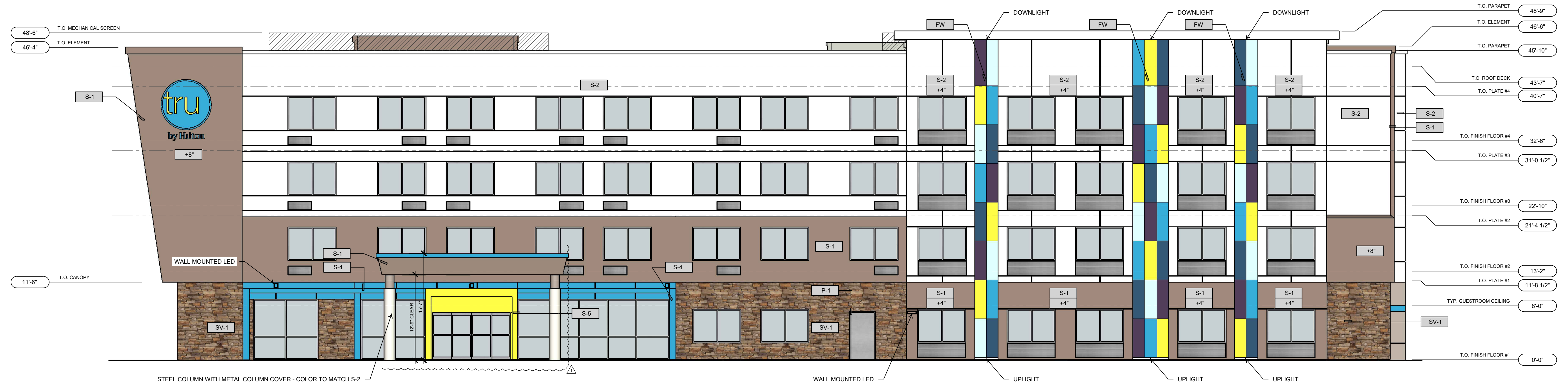
- FW 1** PAINTED STUCCO SYSTEMS: SMOOTH STUCCO, COLOR TO MATCH - PANTONE PMS PROCESS YELLOW
- FW 2** PAINTED STUCCO SYSTEMS: SMOOTH STUCCO, COLOR TO MATCH - PANTONE PMS PROCESS CYAN
- FW 3** PAINTED STUCCO SYSTEMS: SMOOTH STUCCO, COLOR TO MATCH - PANTONE PMS #317C
- FW 4** PAINTED STUCCO SYSTEMS: SMOOTH STUCCO, COLOR TO MATCH - PANTONE PMS #2955C
- FW 5** PAINTED STUCCO SYSTEMS: SMOOTH STUCCO - COLOR TO MATCH - PANTONE PMS #2685C



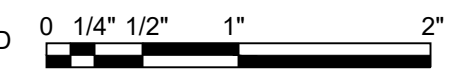
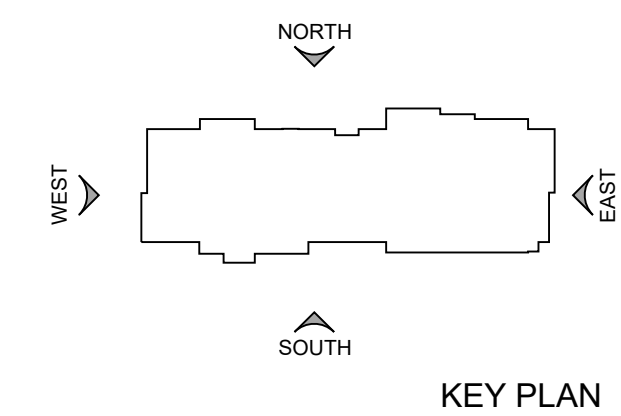
**3** COLOR DIAGRAM  
SCALE: 1/8" = 1'-0"



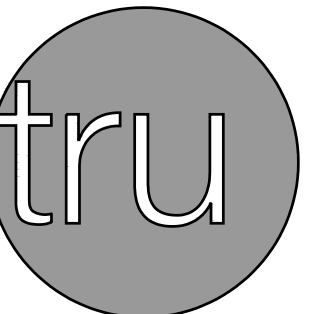
**2** EAST ELEVATION  
SCALE: 1/8" = 1'-0"



**1** SOUTH ELEVATION  
SCALE: 1/8" = 1'-0"







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**TRU BY HILTON**  
22393 S. CORRAL HOLLOW ROAD

DESIGN DRAWINGS FOR:

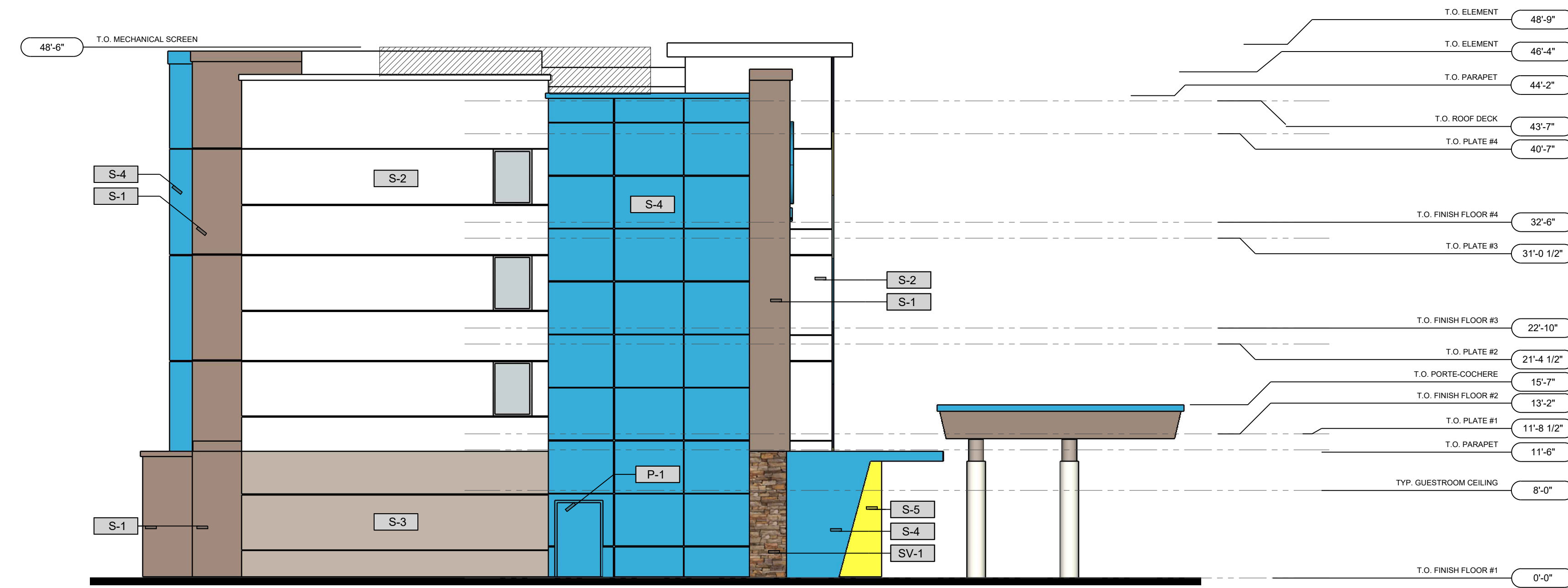
#	DATE	DESCRIPTION
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PROJECT DETAILS	
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HILTON #	22-059ND
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DATE:	04/22/22
DRAWN:	M.GOMES
CHECKED:	H REED
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SHEET TITLE  
**A401**  
**EXTERIOR**  
**ELEVATIONS**

**FINISH LEGEND**

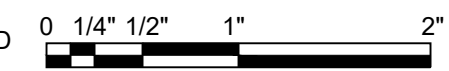
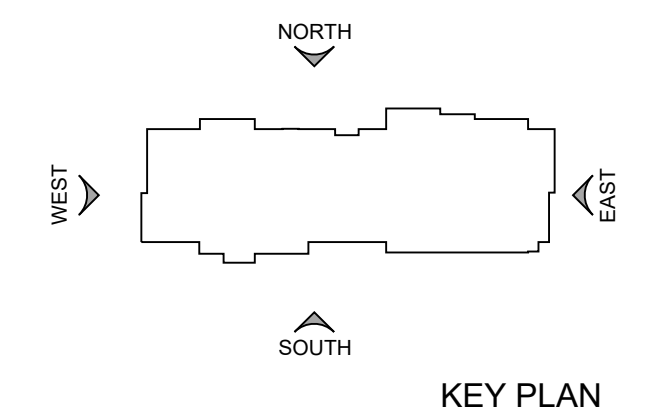
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- P-1** PAINT: BENJAMIN MOORE EXTERIOR PAINT - BENJAMIN MOORE #2107-40 DRIFTWOOD
- SF-1** STOREFRONT & WINDOW ASSEMBLY: CLEAR ANODIZED ALUMINUM
- FW** FEATURE WALL: SEE DIAGRAM



**2 WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



**1 NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"





APPROVED:

PLAN REVISIONS		
NO.	DESCRIPTIONS	DATE

PRELIMINARY GRADING, DRAINAGE AND UTILITY PLAN FOR:

**TRU BY HILTON**  
D22-0018

TRACY, CALIFORNIA

22393 CORRAL HOLLOW ROAD



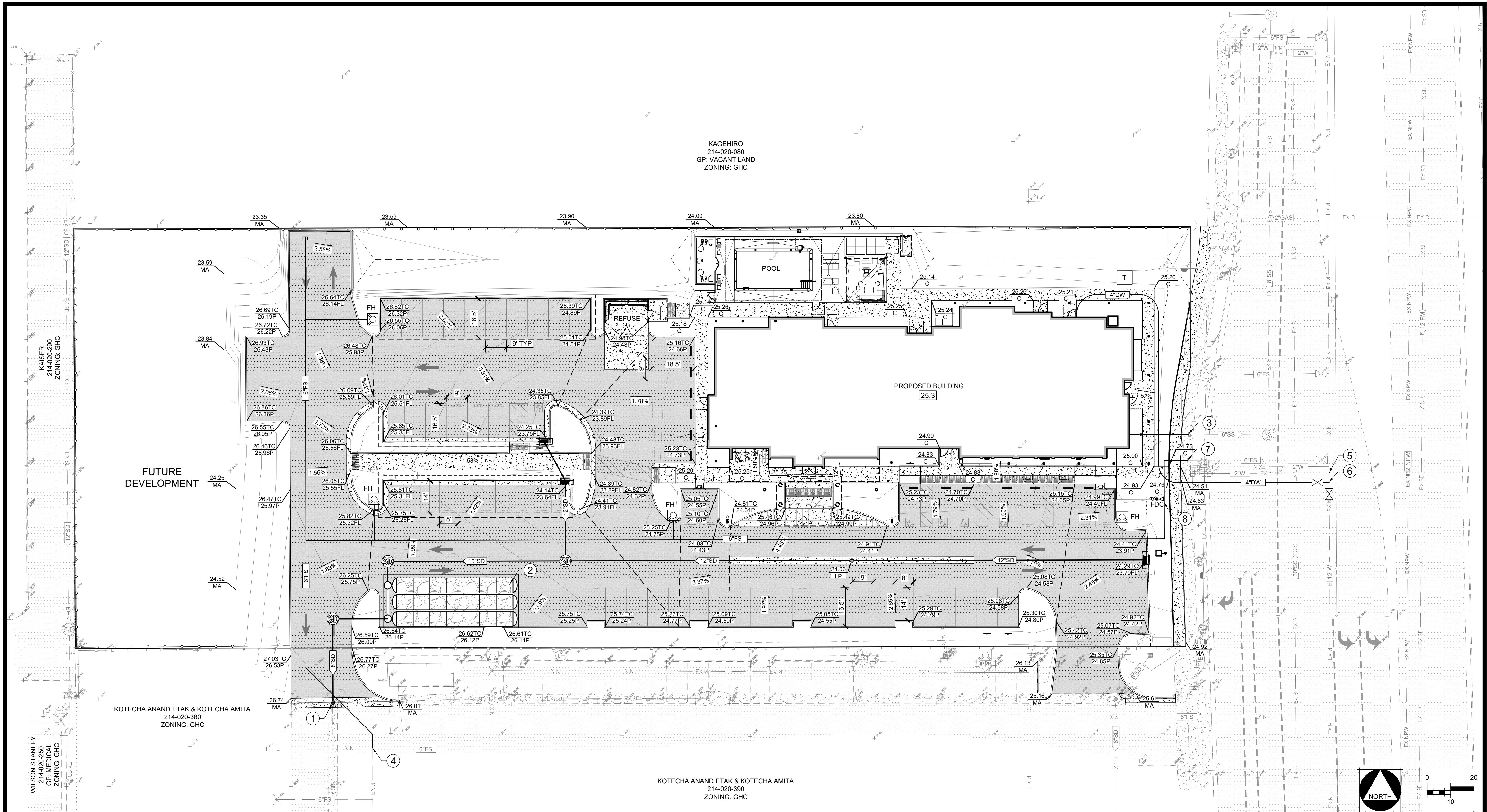
Know what's below.  
Call before you dig.  
811 / 800-227-2600

JOB NO.: 21-119  
DATE: JULY, 2022  
SCALE: AS SHOWN  
DR. BY: RBP  
CK. BY: SLS

SHEET NO.

**C1**

OF 1 SHEET



**GENERAL INFORMATION**

- OWNER: RAAD HOSPITALITY GROUP  
2025 W GRANT LINE ROAD  
TRACY, CA 95377
- APPLICANT: ANAND KOTECHA  
RAAD HOSPITALITY GROUP  
103 E LOUISE AVE  
LATHROP CA 95330
- ENGINEER: MCR ENGINEERING  
1242 DUPONT COURT  
MANTECA, CA 95336
- EXISTING GENERAL PLAN: OFFICE
- EXISTING ZONING: GHC (GENERAL HIGHWAY COMMERCIAL)
- PROPOSED GENERAL PLAN: OFFICE
- PROPOSED ZONING: GHC (GENERAL HIGHWAY COMMERCIAL)

- UTILITIES: WATER: CITY OF TRACY  
SEWER: CITY OF TRACY  
STORM: CITY OF TRACY
- APN: 214-020-090
- 4 STORY HOTEL ON 1.97 ±ACRES
- THE PROPERTY HAS GENTLE SLOPE WITH ELEVATIONS RANGING FROM 24'-27'
- BOUNDARY LINES ARE BASED ON RECORD INFORMATION AND TOPOGRAPHIC SURVEY.
- ANY EXISTING WELLS AND/OR SEPTIC SYSTEMS ON SITE SHALL BE ABANDONED PER SAN JOAQUIN COUNTY STANDARD
- 10' PUBLIC UTILITY EASEMENTS SHALL BE DEDICATED ALONG ALL STREET FRONTAGE.
- UTILITIES TO LOCATED WITHIN PUBLIC UTILITY EASEMENTS AND SHALL BE MAINTAINED BY GOVERNING AGENCIES.
- ALL ADJACENT OVERHEAD POWER LINES AND/OR UTILITY LINES SHALL BE UNDERGROUND.

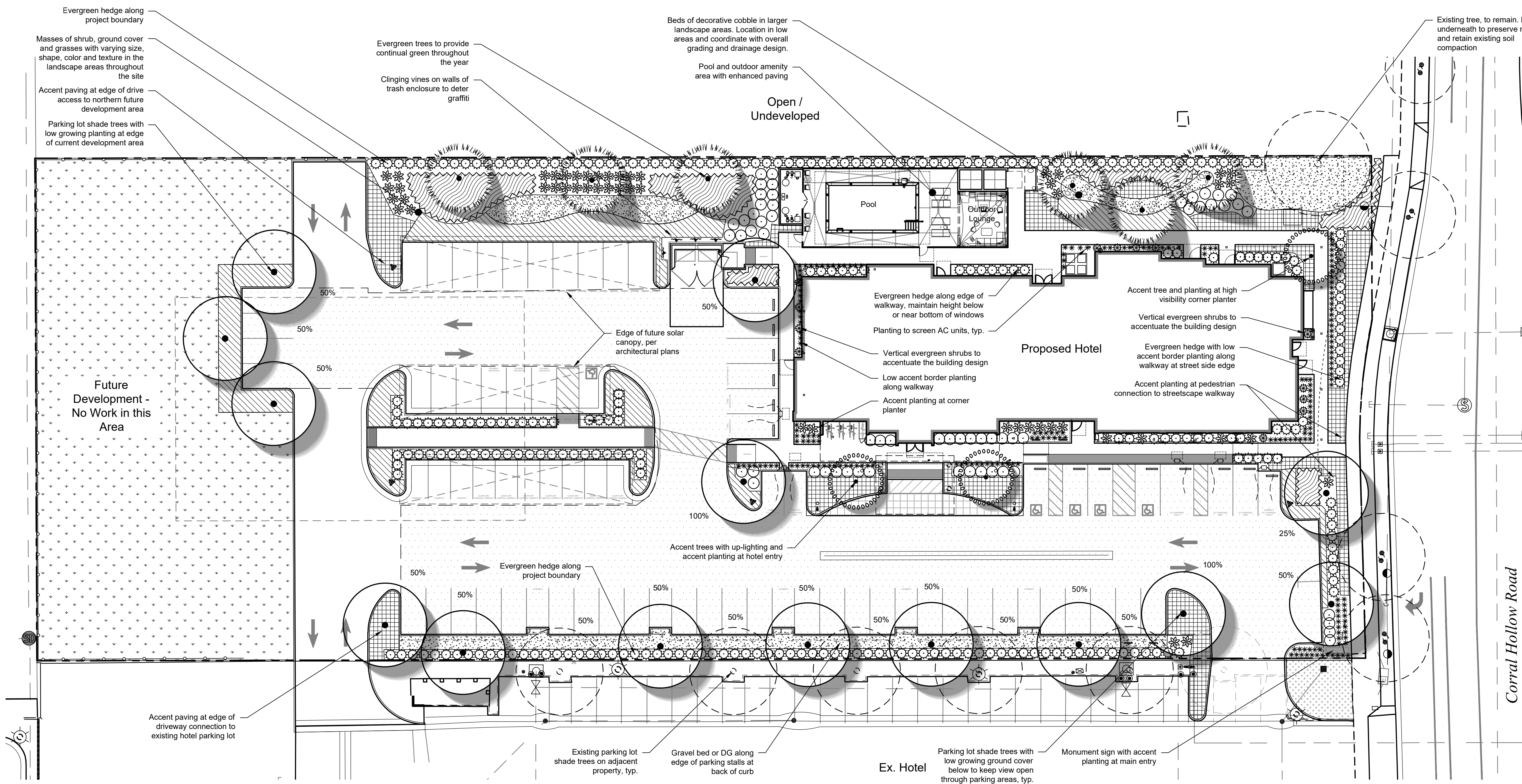
**LEGEND**

1. DRAINAGE DIRECTION	→
2. PROPOSED STORM DRAIN	—SD—
3. PROPOSED STORM DRAIN MAINTENANCE HOLE	⊙
4. PROPOSED STORM DRAIN INLET	⊙
5. DRAINAGE MANAGEMENT AREA	---
6. PROPOSED SEWER	—SS—
7. PROPOSED WATER	—W—

**UTILITY KEY NOTES:**

- CONNECT TO EX. 8" HDPE @ 22.48 INV.
- PROPOSED ADS UNDERGROUND CHAMBER
- CONNECT TO EX. 6" SS
- CONNECT TO EX. 6" FIRE SERVICE
- ABANDONED EX. 2" DOMESTIC WATER SERVICE
- INSTALL 4" DOMESTIC WATER SERVICE WITH METER
- CONNECT TO EX. 6" FIRE SERVICE AND INSTALL BACKFLOW PREVENTION DEVICE
- INSTALL PIV & FDC





### PARKING LOT SHADE CALCULATIONS

Tree diameters per species based on published City documentation or the Sunset Western Garden Book. Shade area on plans is identified with the hatch symbol to the left.

The calculations below include shade estimations from the existing parking lot trees on the adjacent property. Shade trees along that edge coordinate with locations of existing trees for healthy and responsible branch development.

Tree Type	Area at 100%	100%	75%	50%	25%	Subtotal (sf)
38" diameter Parking Lot Shade Tree	962 sf	1,924 (2)	0	5,291 (11)	241 (1)	7,456
Ex. Tree, adjacent site	962 sf	0	0	2,405 (5)	0	2,405
Species: <i>Ulmus parvifolia</i>						
Total shade provided by trees:						9,861 sf
Parking area:						24,373 sf
Percentage of shade provided (min. 40% req'd):						40%

### PRELIMINARY WELO CALCULATIONS

The calculations provided below are an initial estimate of water usage for the planting and irrigation design being proposed with this plan. Hydrozones are approximated and may change with the final design, but the overall intent will remain and compliance with WELO will be achieved.

City (ETo): Tracy (48.5)

Plant Type	Water Use (per WUCOLS)	Type of Irrigation (IE)	Plant Factor	Hydrozone Area (sf)	ETWU (gal.)
Shrubs	Moderate	Drip (0.81)	0.5	4,544 sf	84,344
Shrubs	Low	Drip (0.81)	0.3	11,680 sf	130,081
Inert GC	None	None	0.0	876 sf	0
Total:				17,100 sf	214,425
Estimated Total Water Use (ETWU):				214,425 gal.	
Maximum Applied Water Allowance (MAWA):				231,389 gal.	
Estimated Average ETAF:				0.42	
Maximum Allowed ETAF:				0.45	

### PARKING LOT TREE REQUIREMENTS

Number parking spaces:	80
Req'd trees (1 tree per 5 parking space):	16
Trees Provided:	19 (14 proposed, 5 existing)

### LANDSCAPE AREA CALCULATIONS

Total Site Area:	85,731 sf.
Current development:	70,586 sf.
Future development:	15,145 sf.
Landscape Area (current development):	17,908 sf.
Planter:	16,224 sf
Inert:	1,684 sf
Percent of Total Site (current development) as Landscape:	25%

### WELO COMPLIANCE

This project has been designed to conform with the State's Model Water Efficient Landscape Ordinance (MWELO).

### IRRIGATION DESIGN

The irrigation on the site will use drip irrigation, will meet the City's requirements, and will comply with the requirements of WELO. Equipment will include dedicated irrigation meter, smart controller, weather sensor, and efficient irrigation emitters, nozzles, and other equipment.

### PLANTING DESIGN

The landscape design uses water-wise plant species suitable for this region and that are low maintenance and durable, uses trees to shade paved areas, and plants have been grouped into hydro-zones. References used for the landscape design include published information from the local jurisdiction, Sunset Western Garden Book and WUCOLS.

### PRELIMINARY PLANT PALETTE

The Preliminary Plant Palette represents a sampling of the types of plants selected for this project that are suitable for the location and design concept. Plants in the final plan will be selected from this list. Not all plants in the list below will be used and additional plants may be incorporated with the final plans, but the overall design concept represented will be maintained.

#### TREES

Shrubs shall be 15-gallon minimum container size.

BOTANICAL NAME	COMMON NAME	SIZE	H x W or SPACING	WATER USE RATING
<b>Parking Lot Trees - 14 ea.</b>				
<i>Ginkgo biloba</i> 'Autumn Gold'	Maidenhair Tree	TBD	40'x35'	Mod.
<i>Pistacia chinensis</i> 'Keith Davey'	Chinese Pistache	TBD	40'x35'	Low
<i>Quercus illex</i>	Holly Oak	TBD	50'x35'	Mod.
<i>Ulmus parvifolia</i>	Chinese Elm	TBD	50'x40'	Mod.
<i>Zelkova serrata</i>	Zelkova	TBD	40'x35'	Mod.
<b>Evergreen / Shade Trees - 6 ea.</b>				
<i>Brachyctenon populneus</i>	Bottle Tree	15-gal	40'x30'	Low
<i>Pinus eldarica</i>	Alfghan Pine	15-gal	50'x20'	Low
<i>Quercus</i> spp.	Evergreen Oak	15-gal	50'x50'	Low
<i>Rhus lancea</i>	Sumac	15-gal	25'x30'	Low
<i>Schinus molle</i>	California Pepper Tree	15-gal	35'x35'	Low
<b>Accent Trees - 3 ea.</b>				
<i>Cercis canadensis</i> 'Forest Pansy'	Redbud	24" box	20'x25'	Low
<i>Lagerstroemia</i> spp.	Crape Myrtle	24" box	20'x15'	Low
<i>Prunus</i> 'Krauter Visivius'	Ornamental Plum	24" box	20'x20'	Mod
<i>Rhaphiolepis indica</i> 'Majestic Beauty'	India Hawthorn Tree	24" box	20'x20'	Mod

#### SHRUBS

Shrubs shall be 5-gallon minimum container size.

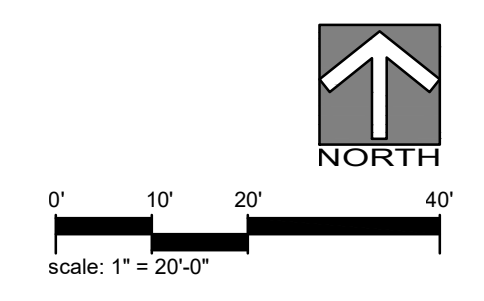
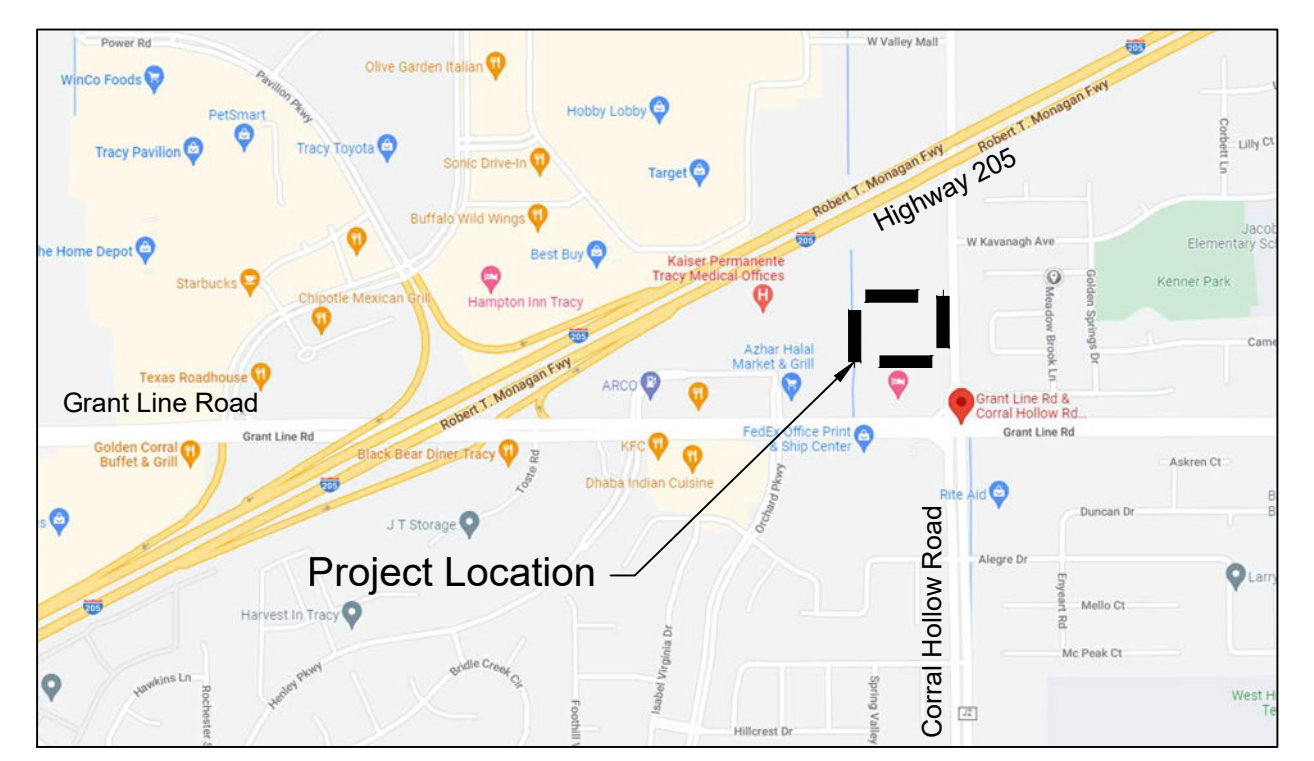
BOTANICAL NAME	COMMON NAME	SIZE	H x W or SPACING	WATER USE RATING
<b>Upright Evergreen Shrubs</b>				
<i>Cupressus sempervirens</i> 'Tiny Towers'	Italian Cypress (dwarf)	15-gal	8'x2'	Low
<i>Juniperus scopulorum</i> var.	Juniper	15-gal	15'x4'	Low
<i>Podocarpus macrophyllus</i> 'maki'	Shrubby Yew Pine	15-gal	12'x3'	Mod.
<b>Evergreen Hedge</b>				
<i>Ilex vomitoria</i> 'Nana'	Dwarf Yaupon Holly	5-gal	4' x 4'	Mod.
<i>Ligustrum japonicum</i> 'Texanum'	Privet	5-gal	4' x 4'	Low
<i>Nandina domestica</i> 'Compacta'	Heavenly Bamboo	5-gal	4' x 3'	Low
<i>Olea europaea</i> 'Little Ollie'	Little Ollie Olive	5-gal	5' x 5'	Low
<i>Rhaphiolepis indica</i>	India Hawthorn	5-gal	3' x 5'	Mod.
<i>Rhaphiolepis umbellata</i>	Yedda Hawthorn	5-gal	42" x 42"	Low
<b>Medium Accent/ Flowering Shrub</b>				
<i>Cistus purpureus</i>	Rockrose	5-gal	6' x 6'	Low
<i>Hemerocallis</i> spp.	Evergreen Daylily	5-gal	3'x3'	Mod.
<i>Lantana camara</i> /hybrid	Lantana	5-gal	2' x 5'	Low
<i>Perovskia atriplicifolia</i>	Russian Sage	5-gal	4'x4'	Low
<i>Phormium tenax</i>	New Zealand Flax	5-gal	3' x 4'	Low
<b>Low Accent/ Flowering Shrub</b>				
<i>Dianella revoluta</i> 'Little Rev'	Flax Lily	5-gal	30" x 30"	Low
<i>Hemerocallis</i> spp.	Evergreen Daylily	5-gal	3'x3'	Mod.
<i>Pennisetum alopecuroides</i> 'Little Bunny'	Fountain Grass	5-gal	2'x2'	Low
<i>Phormium tenax</i> var.	New Zealand Flax	5-gal	18" x 2'	Low
<i>Salvia</i> spp.	Sage (small)	5-gal	2'x2'	Low
<b>Infill Shrub</b>				
<i>Callistemon viminalis</i> 'Little John'	Little John Bottlebrush	5-gal	3' x 3'	Low
<i>Dietes vegeta</i>	Fortnight Lily	5-gal	3' x 3'	Low
<i>Nandina domestica</i> 'Gulf Stream'	Heavenly Bamboo	5-gal	4'x3'	Low
<i>Pittosporum tobira</i> 'Wheeler's Dwarf'	Pittosporum	5-gal	2'x4'	Mod.
<i>Rhaphiolepis indica</i>	India Hawthorn	5-gal	3' x 5'	Mod.
<b>Vines</b>				
<i>Ficus pumila</i>	Creeping Fig	5 gal.		Mod.
<i>Parthenocissus tricuspidata</i>	Boston Ivy	5 gal.		Mod.

#### GROUND COVER

Ground cover shall be 1-gallon container size. Spacing varies per species.

BOTANICAL NAME	COMMON NAME	SIZE	H x W or SPACING	WATER USE RATING
<b>Ornamental Grass</b>				
<i>Calamagrostis acutiflora</i> "KF"	Feather Reed Grass	1-gal	5' x 42"	Low
<i>Carex comans</i>	New Zealand Sedge	1-gal	12" x 30"	Low
<i>Chondropetalum tectorum</i>	Cape Rush	1-gal	3'x4'	Low
<i>Muhlenbergia capillaris</i>	Pink Muhly	1-gal	3' x 6'	Low
<i>Muhlenbergia dubia</i>	Pine Muhly	1-gal	30" x 30"	Low
<i>Muhlenbergia rigens</i>	Deer Grass	1-gal	4' x 4'	Low
<b>Accent Groundcover</b>				
<i>Dianella revoluta</i> 'Little Rev'	Flax Lily	1-gal	30" x 30"	Low
<i>Hemerocallis</i> spp.	Evergreen Daylily	1-gal	3'x3'	Mod.
<i>Lantana montevidensis</i>	Trailing Lantana	1-gal	2'x5'	Low
<i>Liriope muscari</i>	Lily Turf	1-gal	18" x 18"	Mod.
<i>Phormium tenax</i>	New Zealand Flax	1-gal	2' x 2'	Low
<i>Teucrium chamaedrys</i>	Germander	1-gal	24" o.c.	Low
<i>Trachelospermum jasminoides</i>	Star Jasmine	1-gal	2'x7'	Mod.
<b>Spreading/ Low Groundcover</b>				
<i>Baccharis pilularis</i>	Dwarf Coyote Brush	1-gal	60" o.c.	Low
<i>Cotoneaster dammeri</i> 'Lowfast'	Bearberry	1-gal	60" o.c.	Low
<i>Juniperus</i> spp.	Juniper	1-gal	60" o.c.	Low
<i>Myoporum parvifolium</i>	Myoporum	1-gal	60" o.c.	Low
<i>Teucrium chamaedrys</i>	Germander	1-gal	24" o.c.	Low
<i>Trachelospermum asiaticum</i>	Asian Jasmine	1-gal	48" o.c.	Mod.
<b>Inert Groundcovers</b>				
<b>Decorative Aggregate Bed</b>				
Clean, rounded 2" aggregate bed, min. 3" deep, install on continuous weed barrier filter fabric, provide redwood bender board edging.				
<b>Inert Groundcover</b>				
Bark, gravel or other inert material for use under existing trees, maintenance areas, or other areas where plants may not thrive.				
<b>Future Development - No Landscape in This Area</b>				
Graded pad, no permanent landscape in this area.				

### VICINITY MAP



# Preliminary Landscape Plan



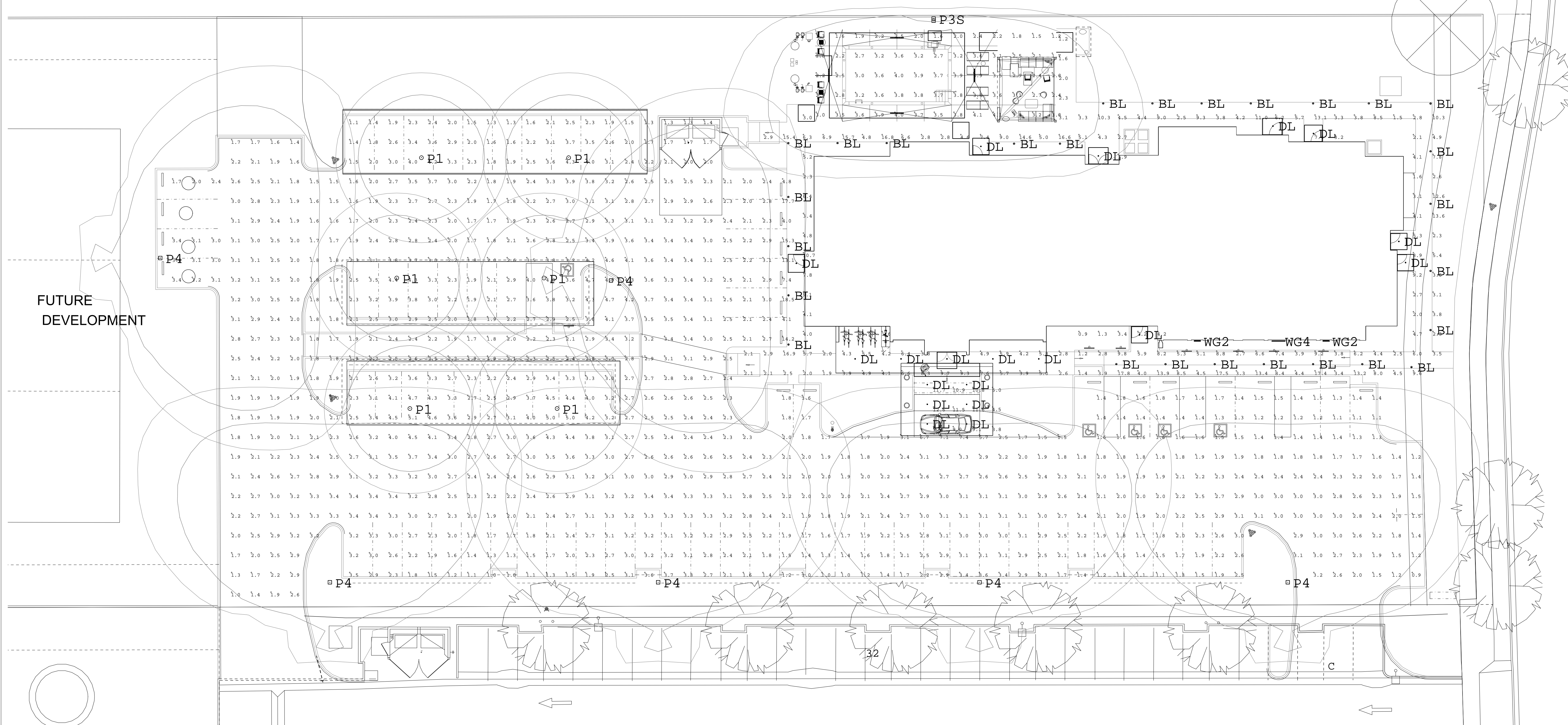


TRU BY HILTON - TRACY  
 MAINTAINED HORIZONTAL ILLUMINANCE CALCULATIONS AT FINISH GRADE  
 REVISED 3-17-23

Luminaire Schedule						
Symbol	Qty	Label	Description	LLF	Luminaire Lumens	Luminaire Watts
⊕	27	BL	LED BOLLARD	3.000	518	12
⊖	19	DL	4 INCH RECESSED LED DOWNLIGHT WET	0.950	1005	13.4
⊙	6	P1	LED CANOPY LGHT	0.950	4767	37.4
□	1	P3S	LED AREA LIGHT TYPE III DIST IL	0.950	12301	135
■	6	P4	LED AREA LIGHT TYPE IV DIST IH	0.950	15025	135
▬	2	WG2	2 FOOT LED WALL GRAZER	0.950	N.A.	N.A.
▬	1	WG4	4 FOOT LED WALL GRAZER	0.950	N.A.	N.A.

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Building Perimeter	Illuminance	Fc	5.83	17.8	0.9	6.48	19.78
Parking	Illuminance	Fc	2.58	18.5	0.9	2.87	20.56
Pool Area	Illuminance	Fc	2.94	4.1	1.2	2.45	3.42
Porte Cochere Drop Off	Illuminance	Fc	9.20	12.6	3.8	2.42	3.32

Luminaire Schedule (Issue: July 13, 2022)		Project No.		TRU BY HILTON - TRACY					
Contact Kaz Halovich with Commercial Lighting Industries, 800-755-0155 x226, Kaz@Commercial-Lighting.net for pricing									
Fixture Type	Description	Dimming Interface	Product Registration ID	Lamps, CCT, Lumen, Optics, CRI	Input Voltage	Fixture Wattage	Total Qty	Mounting, Finishes, Remarks & Other Notes	
ARCHITECTURAL FIXTURE TYPES									
BL	LED BOLLARD	0-10V	CU-NATBHTBL	LEDM, 4000K, 1600lm, 80 CRI	UNV	12	27	LOCATED AT BUILDING PERIMETER	
DL	RECESSED LED DOWNLIGHT	0-10V	CU-NATBHTDL	LEDM, 4000K, 1500lm, 90 CRI	UNV	18	19	RECESSED IN EXTERIOR ENTRY CANOPY	
P1	LED CANOPY LIGHT	0-10V	CU-NATBHTP1	LEDM, 4000K, 4000lm, 70 CRI	UNV	37	6	RECESSED IN EXTERIOR PARKING CANOPY	
P3S	LED AREA LIGHT TYPE III DISTRIBUTION WITH INTEGRAL SHIELD	0-10V	CU-NATBHTP3S	LEDM, 18,000lm, 4000K, 70CRI	UNV	135	1	MOUNTED ON A 22 FOOT POLE WITH 36 INCH HIGH CONCRETE BASE, 25 FEET OVERALL HEIGHT	
P4	LED AREA LIGHT TYPE IV FORWARD THROW DISTRIBUTION WITH INTEGRAL SHIELD	0-10V	CU-NATBHTP4	LEDM, 18,000lm, 4000K, 70CRI	UNV	135	7	MOUNTED ON A 22 FOOT POLE WITH 36 INCH HIGH CONCRETE BASE, 25 FEET OVERALL HEIGHT	
WG2	2 FOOT LED WALL GRAZER	0-10V	CU-NATBHTWG2	LEDM, 864lm PER FOOT, 4000K, 80CRI	UNV	16	2	GROUND MOUNTED AT BUILDING FAÇADE GRAPHICS	
WG4	4 FOOT LED WALL GRAZER	0-10V	CU-NATBHTWG4	LEDM, 864lm PER FOOT, 4000K, 80CRI	UNV	32	1	GROUND MOUNTED AT BUILDING FAÇADE GRAPHICS	

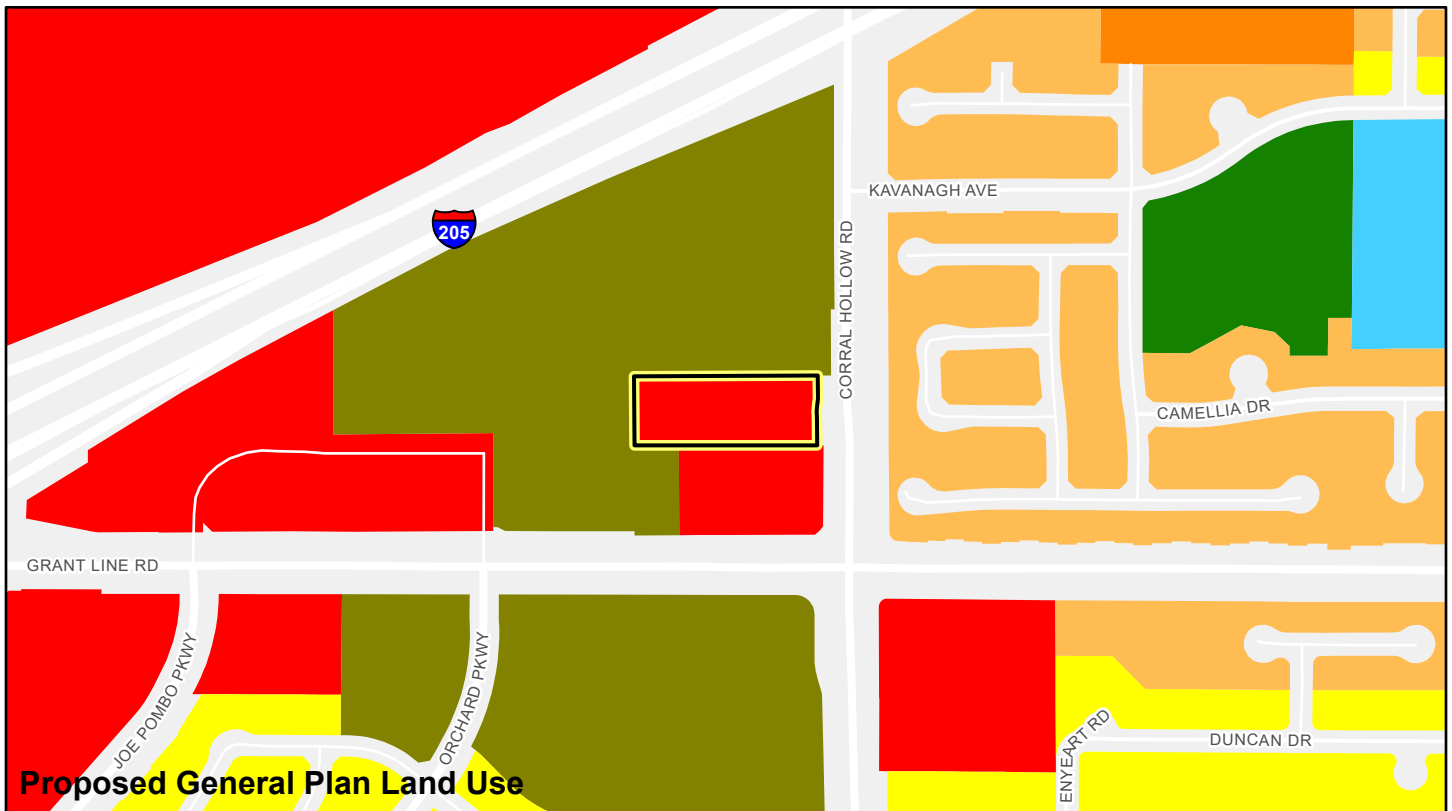
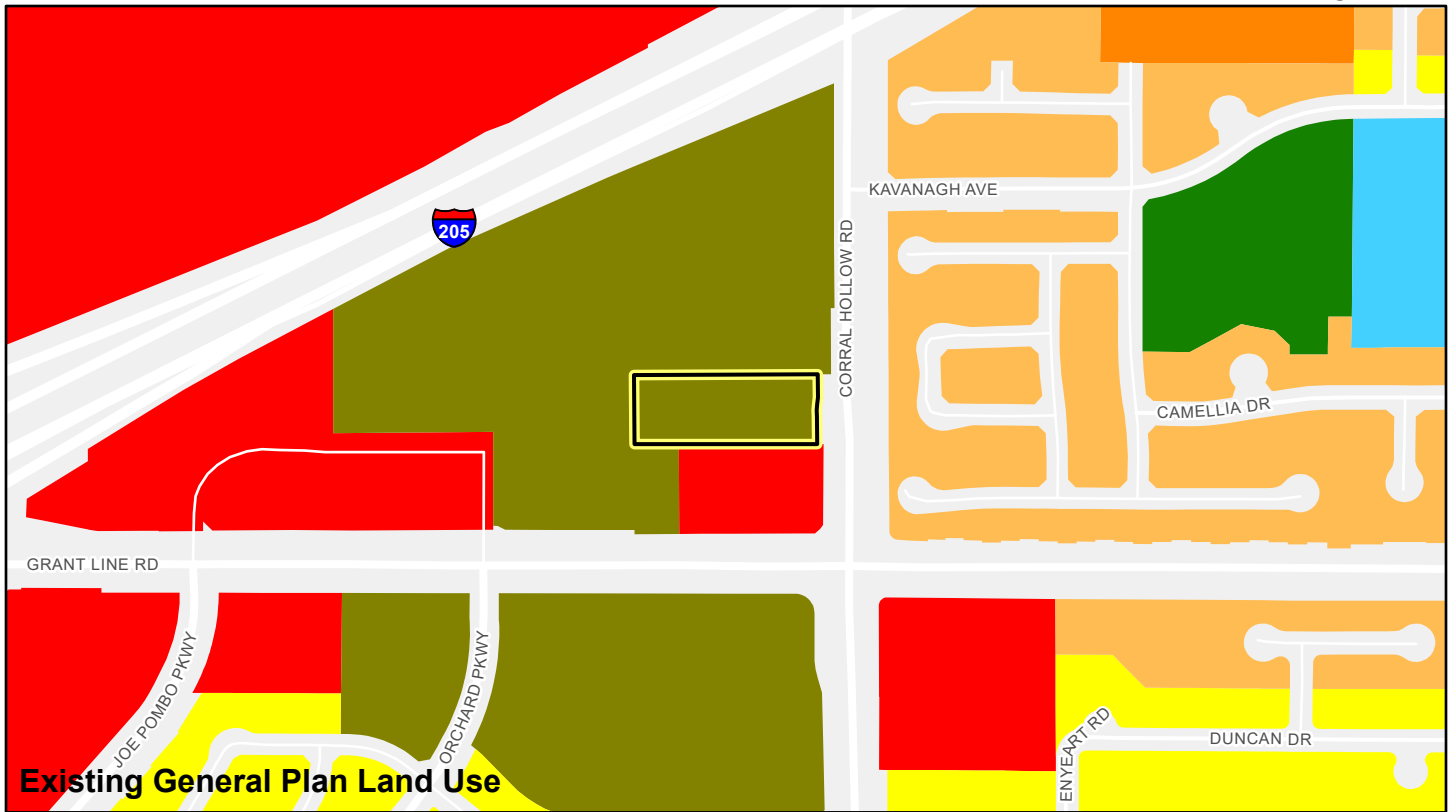


TRY BY HILTON  
 TRACY









ALL PLANS AND SPECIFICATIONS ARE THE PROPERTY OF COMMERCIAL LIGHTING INDUSTRIES. ALL REQUIREMENTS MUST BE CHECKED ON SITE BY THE CONTRACTORS AND ANY DISCREPANCIES BROUGHT TO THE ATTENTION OF THE DESIGNER OR ARCHITECT.

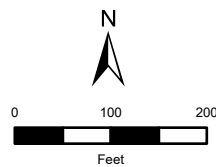
LIGHTING PLAN & PHOTOMETRIC DRAWING

Scale: 1/16"=1'-0" Date: 03.17.23  
 Drawn By: FG Checked By: I.D.  
 Job No.:  
 Sheet No.:  
 LDE-1



**LEGEND**

- |  |  |
|--|--|
|  Project Location |  Public Facilities  |
| <b>City of Tracy General Plan Land Use</b>   |  Residential High   |
|  Commercial       |  Residential Low    |
|  Office           |  Residential Medium |
|  Park             |  |



**Tracy TRU by Hilton Project**

**Existing and Proposed General Plan Land Use Map**



# MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY

FOR THE

## TRU BY HILTON PROJECT

APRIL 2023

*Prepared for:*

City of Tracy  
Development Services Department  
333 Civic Center Plaza  
Tracy, CA 95376

*Prepared by:*

De Novo Planning Group  
1020 Suncoast Lane, Suite 106  
El Dorado Hills, CA 95762  
(916) 235-0116

D e N o v o P l a n n i n g G r o u p

A Land Use Planning, Design, and Environmental Firm





MITIGATED NEGATIVE DECLARATION  
AND INITIAL STUDY

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# INITIAL STUDY

## **PROJECT TITLE**

TRU by Hilton Project

## **LEAD AGENCY NAME AND ADDRESS**

City of Tracy  
Development Services Department  
333 Civic Center Plaza  
Tracy, CA 95376

## **CONTACT PERSON AND PHONE NUMBER**

Alan Bell, Senior Planner  
City of Tracy  
Planning Division  
333 Civic Center Plaza  
Tracy, CA 95376  
alan.bell@cityoftracy.org  
(209) 831-6426

## **PROJECT SPONSOR'S NAME AND ADDRESS**

Andy Kotecha  
Raad Hospitality Group  
2025 W. Grant Line Road  
Tracy, CA 95377

## **PROJECT LOCATION AND SETTING**

The TRU by Hilton Project site (Project site) is located at 2605 N. Corral Hollow Road in the City of Tracy, San Joaquin County, California (see Figures 1 and 2). The Project site is identified by Assessor Parcel Number (APN) 214-020-09. The 1.96-acre Project site consists of vacant undeveloped land with ruderal grasses which are regularly disced (see Figure 3). One tree and one large bush are located on site. The site is bound by vacant land, two single-family residences, a commercial building (Da Vita Grant Line Dialysis), and Interstate 205 (I-205) to the north; Corral Hollow Road and a residential neighborhood to the east; an existing hotel to the south; and commercial uses to the west.

## **PROJECT DESCRIPTION**

The proposed Project would include development and subsequent operation of a four-story, 78-room hotel and associated amenities and parking (see Figure 4). The proposed Project would connect to existing City infrastructure to provide water, sewer, and storm drainage to the site.

The Project components, including the hotel building and utilities, and requested development applications and construction permits, are discussed in detail below.

### *HOTEL BUILDING*

The 78-room hotel would total 40,190 square feet (SF), with 10,340 SF on the main floor and 9,950 SF on each of the second, third, and fourth floors. The main floor would contain the following features: front desk, guest work area and lounge, three offices for employees, employee break room, pantry, dining area with breakfast counter, game area, ice room, fitness center, elevators, laundry, linen storage, fire control room, six guest suites, elevators, and stairs. The second, third, and fourth floors would include guest rooms. Typical guest rooms include standard kings, accessible kings, standard double queens, and accessible double queens.

A pool with a patio and lounge area would be provided to the north of the hotel building, and a designated covered smoking area would be located west of the pool and patio area. A trash enclosure would be provided northwest of the hotel building.

The tallest portion of the hotel building (along a decorative parapet on the south side of the building) would be 48 feet and nine inches, with the majority of the building at 46 feet and four inches. Landscaping would be provided throughout the site. The irrigation on the site will use drip irrigation, will meet the City's requirements, and will comply with the requirements of the City's Water Efficient Landscape Ordinance. Equipment will include dedicated irrigation meter, smart controller, weather sensor, and efficient irrigation emitters, nozzles, and other equipment. The landscape design uses water-wise plant species suitable for this region and that are low maintenance and durable, uses trees to shade paved areas, and plants have been grouped into hydro-zones. A monument sign would be located at the southeastern corner of the site along Corral Hollow Road.

The proposed Project would be subject to Development Review Permit approval by the City, during which City staff would ensure that the proposed Project would comply with all applicable City regulations including, but not limited to, landscaping and visual screening.

### *ACCESS AND CIRCULATION*

Site access would be provided by a new shared driveway located in the southeast corner of the site off Corral Hollow Road. This driveway would be shared with the adjacent Home2Suites Hotel located adjacent south of the Project site. The existing fencing at the southern boundary of the Project site and northern boundary of the adjacent hotel site would be removed to allow for free-flow of pedestrians, bicycles, and automobiles. The Project would also include a secondary shared access to the adjacent Home2Suites Hotel in the southwestern portion of the site. Additionally, a future shared access with the properties to the north and west would be provided in the northwestern portion of the Project site. This northwestern shared access would not be fully developed until the adjacent properties to the north and west are developed at some time in the future.

The proposed parking area would include 80 vehicle parking stalls. The vehicle parking area would be located in the western and southern portions of the Project site.

As part of the proposed Project, the pedestrian push button systems at the Orchard Parkway/Grant Line Road intersection and Kavanagh Avenue/Corral Hollow Road intersection

would be upgraded. Additionally, the striping on the southbound lanes of Corral Hollow Road from the Project frontage to the intersection at Grant Line Road would be refreshed. Further, the southbound bicycle lane striping would be updated from the northern property line to the intersection of Grant Line Road, per the City of Tracy Standard Plans.

### *UTILITIES*

The proposed Project would connect to existing City infrastructure to provide water, sewer, and storm drainage utilities. Existing storm drain, sewer, water, and gas lines/pipes are currently located along S. Corral Hollow Road and Grant Line Road.

The Project would be served by the following existing service providers:

1. City of Tracy for water;
2. City of Tracy for wastewater collection and treatment;
3. City of Tracy for stormwater collection;
4. Pacific Gas and Electric Company for gas and electricity.

Utility lines within adjacent roadways would be extended throughout the Project site. Wastewater, water, and storm drainage lines would be connected via existing lines along Corral Hollow Road and Grant Line Road. The Project would also connect to existing electrical and natural gas infrastructure in the Project vicinity.

Stormwater retention treatment planters would be located throughout the Project site, mainly in the proposed landscaped areas surrounding the hotel building and within the parking areas. Stormwater runoff from each of the drainage areas would be routed to a series of on-site stormwater bioretention treatment planters and treatment/detention basins.

The preliminary plan for the Project shows an underground infiltration system to meet stormwater quality requirements. Best management practices (BMPs) will be applied to the proposed development to limit the concentrations of constituents in any site runoff to acceptable levels. Stormwater flows from the Project site would be directed to the proposed stormwater treatment basins, treatment planters, and bioretention areas by a new stormwater conveyance system on the Project site. The landscaping plan includes stormwater treatment plantings in the treatment/detention basins. Additionally, erosion and sediment control measures would be implemented during construction.

### **GENERAL PLAN AND ZONING**

The Project site is identified as Office on the Tracy General Plan Land Use Map (see Figure 5) and General Highway Commercial (GHC) on the Tracy Zoning Map (see Figure 6). The Project would require a General Plan Amendment to change the designation from Office (O) to Commercial (C).

The C land use designation allows for a relatively wide range of uses but focuses primarily on retail and consumer service activities that meet the needs of Tracy residents and employees as well as passthrough travelers. Office uses are allowed in commercially designated areas. Mixed-use development is also permitted in the Commercial designation. Appropriately scaled and designed residential development in the density ranges permitted in Residential High (RH) may

be allowed, and other residential densities may be allowed in Commercial districts in Areas of Special Consideration as identified in the City's General Plan. In addition, parks are allowed in the Commercial designation. Regardless of configuration, there should be an attempt in both locational criteria and design criteria to be as accessible and appealing to the pedestrian as possible to encourage walking and biking. Commercially designated land may have a maximum floor-area-ratio (FAR) of 1.0. The proposed use is consistent with the proposed C land use designation.

The GHC Zone is to provide areas for commercial activities which are automobile-oriented or for those uses which seek independent locations outside shopping centers or other business clusters. The GHC Zone is not to be confused with the Highway Service (HS) Zone which is applicable to freeway interchanges only. The proposed hotel use is consistent with the current GHC zoning requirements.

### **REQUESTED DEVELOPMENT APPLICATIONS AND OTHER APPROVALS**

The City of Tracy is the Lead Agency for the proposed Project, pursuant to the State Guidelines for Implementation of CEQA, Section 15050.

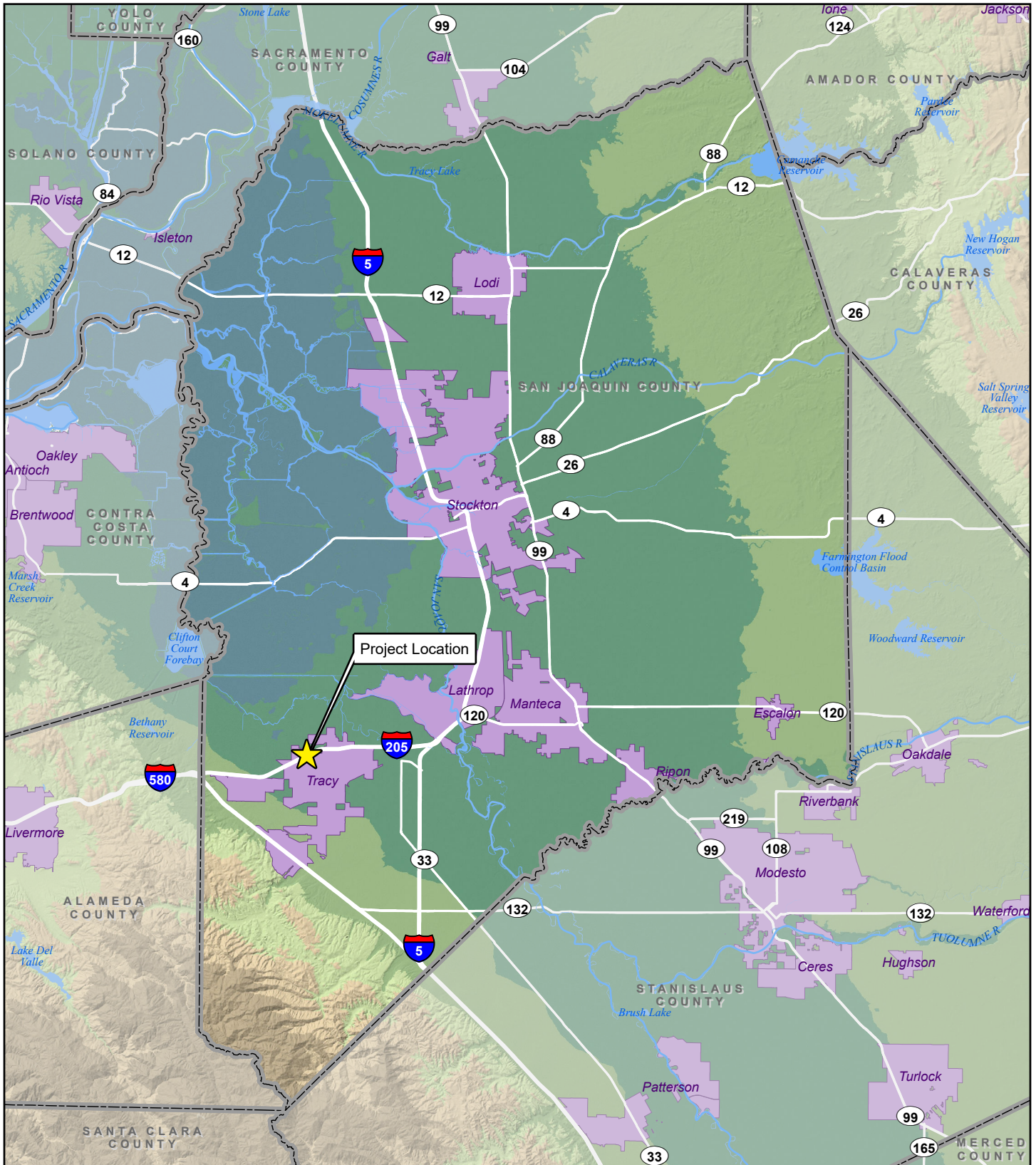
If the City Council adopts the IS/MND in accordance with CEQA requirements, the City may use the IS/MND to support the following actions:

- General Plan Amendment of the property from O to C;
- Development Review Permit approval for building design, landscaping, and other site features;
- Building, grading, and other permits as necessary for Project construction;
- Adopting a Mitigation Monitoring and Reporting Program (MMRP).

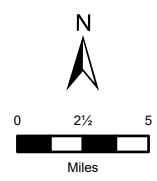
The following agencies may rely on the adopted IS/MND to issue permits or approve certain aspects of the proposed Project:

- Regional Water Quality Control Board (RWQCB) – Construction activities would be required to be covered under the National Pollution Discharge Elimination System (NPDES);
- RWQCB – The Storm Water Pollution Prevention Plan (SWPPP) would be required to be approved prior to construction activities pursuant to the Clean Water Act;
- San Joaquin Valley Air Pollution Control District (SJVAPCD) – Construction activities would be subject to the SJVAPCD codes and requirements.





- LEGEND**
- Incorporated Area
  - County Boundary



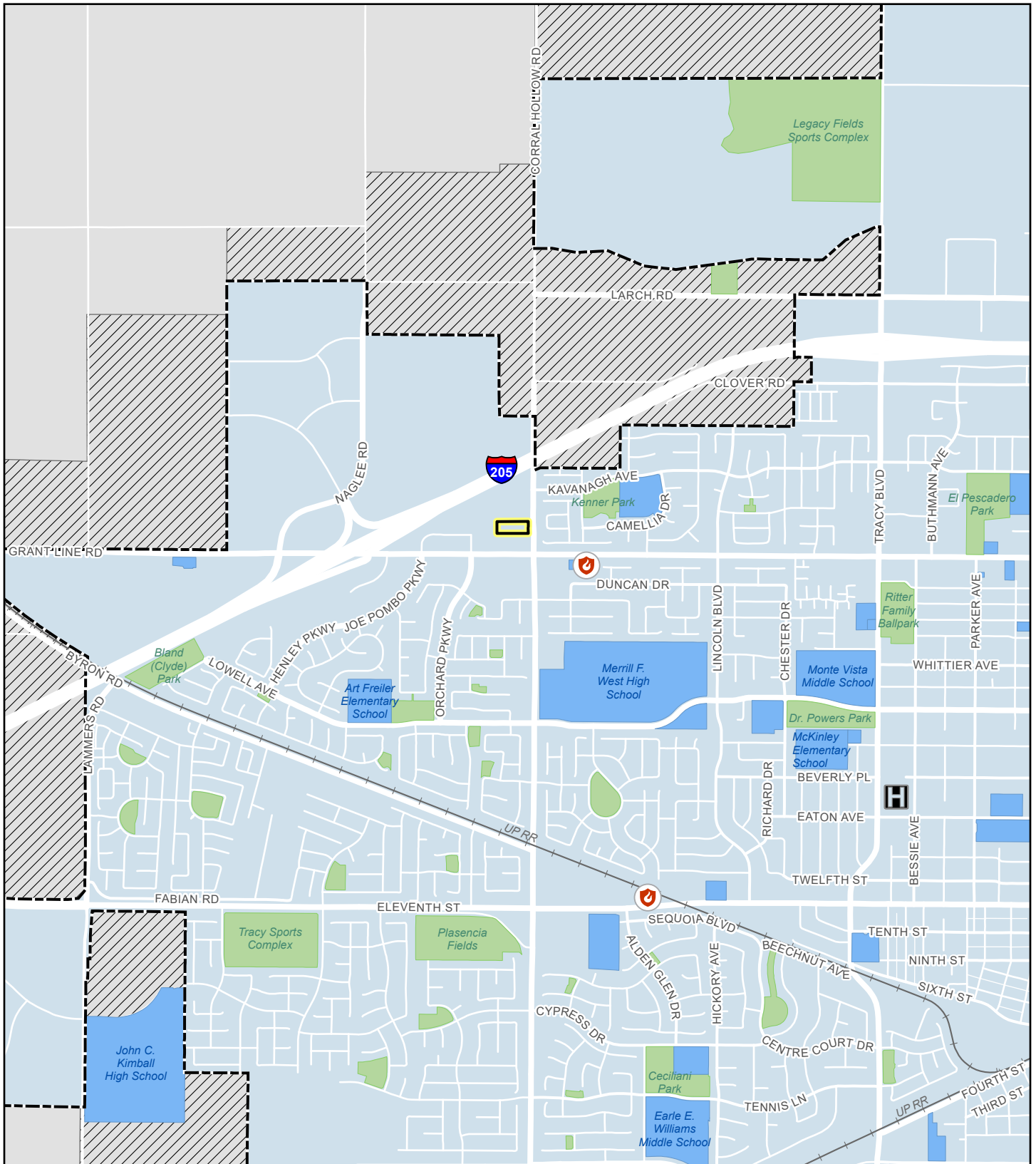
Tracy TRU by Hilton Project

Figure 1. Regional Project Location








Sources: San Joaquin County GIS. Map date: October 12, 2022.

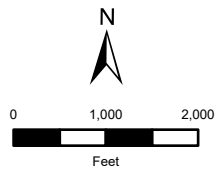


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**LEGEND**

-  Project Location
-  Tracy City Limits
-  Tracy SOI
-  Tracy Fire Department Stations
-  Sutter Tracy Community
-  Schools
-  Parks

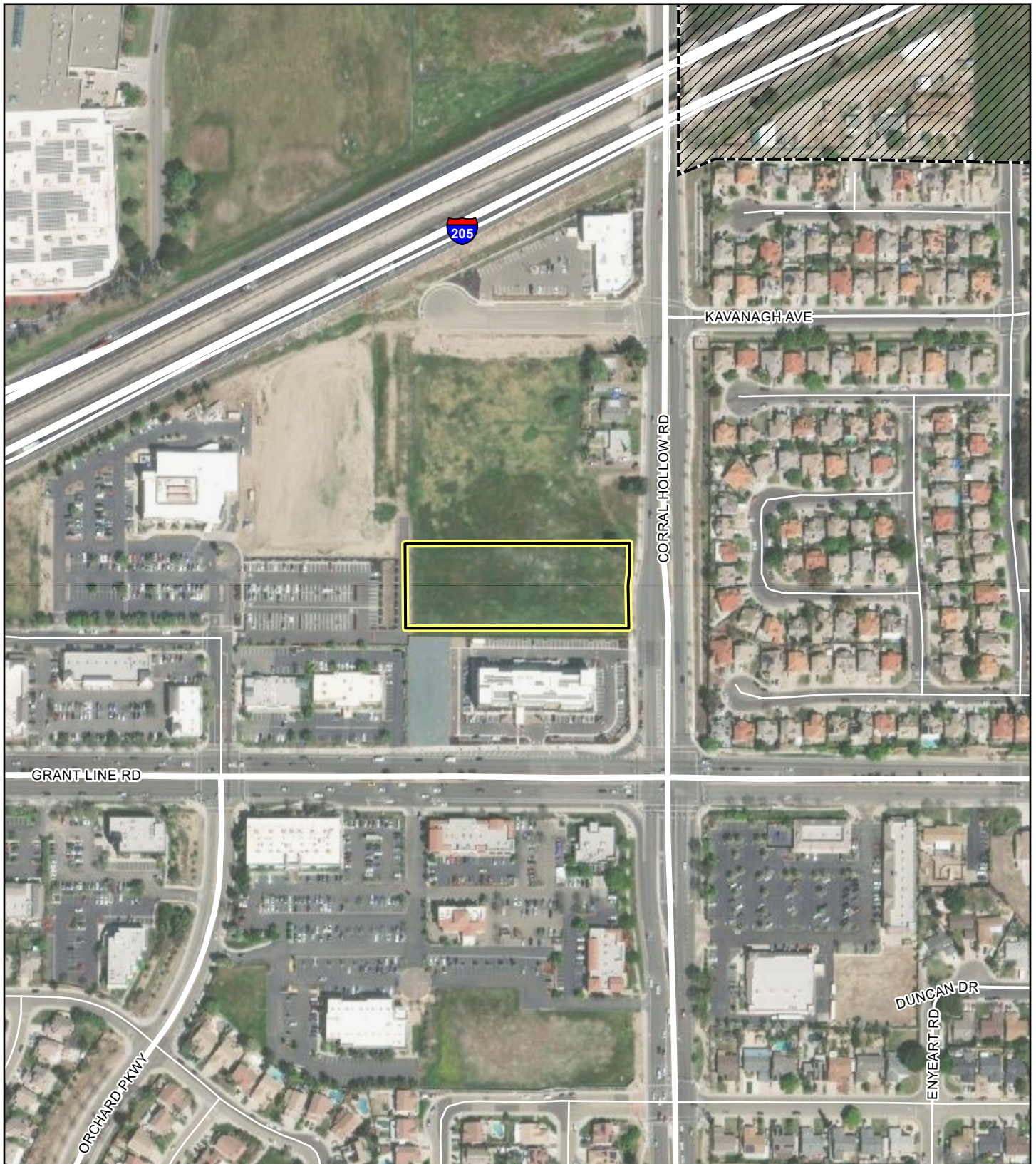


**Tracy TRU by Hilton Project**

**Figure 2. Project Vicinity**

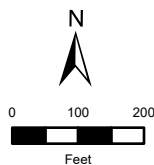
Sources: San Joaquin County GIS. Map date: October 12, 2022.

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**LEGEND**

-  Project Location
-  Tracy City Limits
-  Tracy SOI



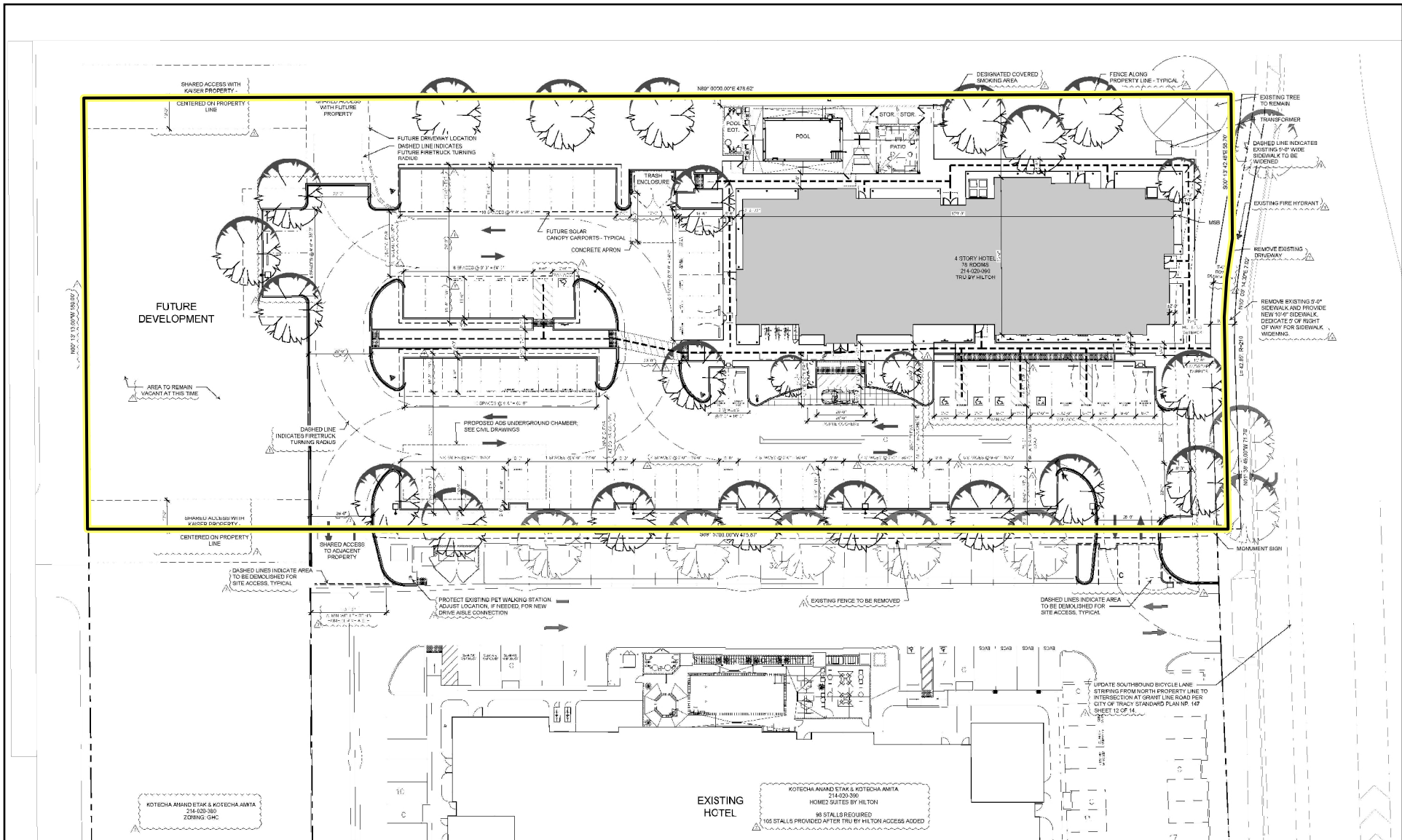
Tracy TRU by Hilton Project

Figure 3. Aerial View of Project Site

Sources: San Joaquin County GIS, ArcGIS Online World Imagery Map Service(10/12/2022).  
Map date: October 12, 2022.

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**LEGEND**

- Project Location
- New Building
- Indicates Accessible Route
- Ground Mounted Light Fixture - See Lighting Design Sheets
- Pole Light (1) Head Square with Pole - See Lighting Design Sheets
- 36" Bollard Light - See Lighting Design Sheets

Sources: RED INC ARCHITECTS. Map date: March 21, 2023.

**EXISTING HOTEL**

KOTECHA ANAND ETAK & KOTECHA ANITA  
214/20/350  
HOME SUITES BY HILTON  
88 STALLS BY HILTON  
165 STALLS PROVIDED AFTER TRU BY HILTON ACCESS ADDED

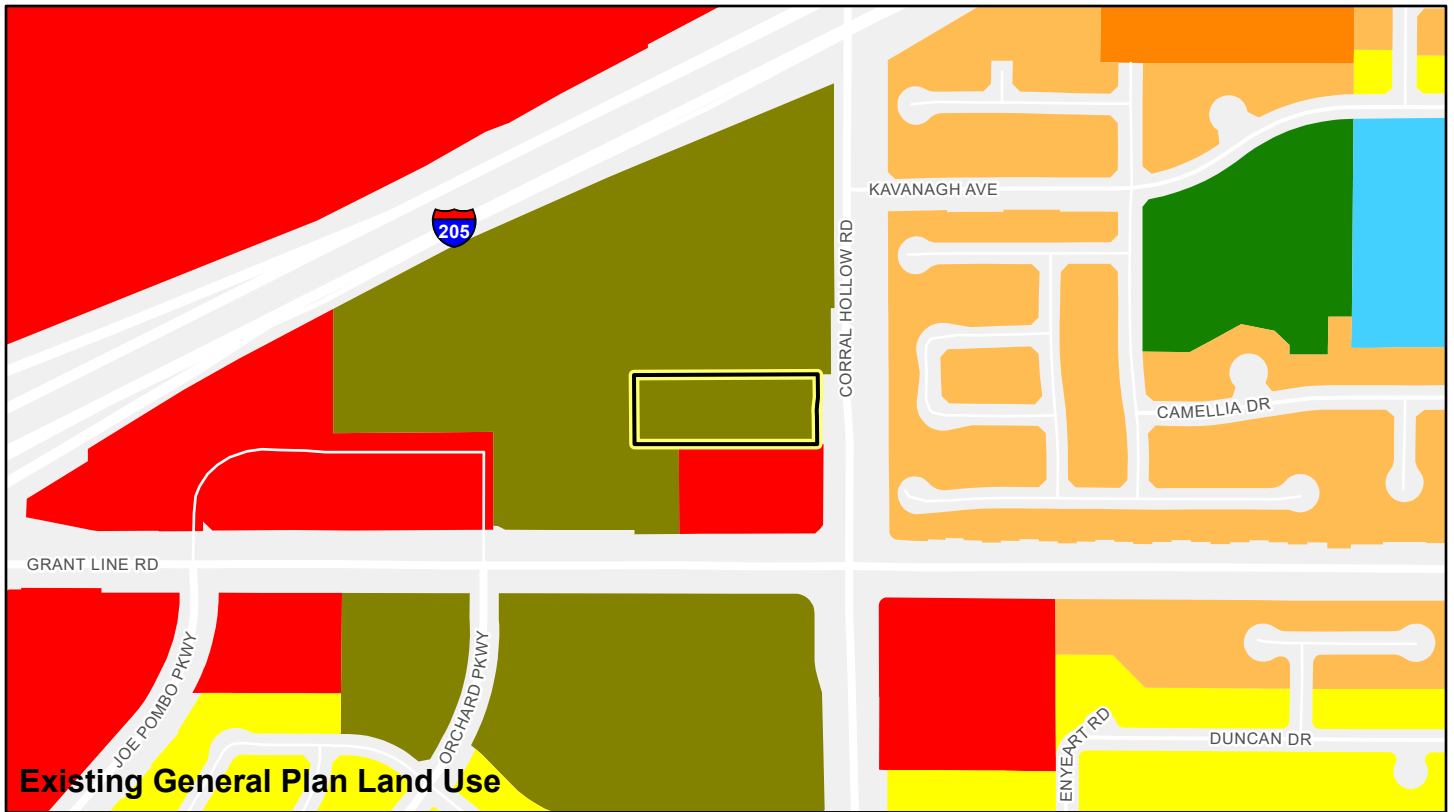
0      25      50  
Feet

**Tracy TRU by Hilton Project**

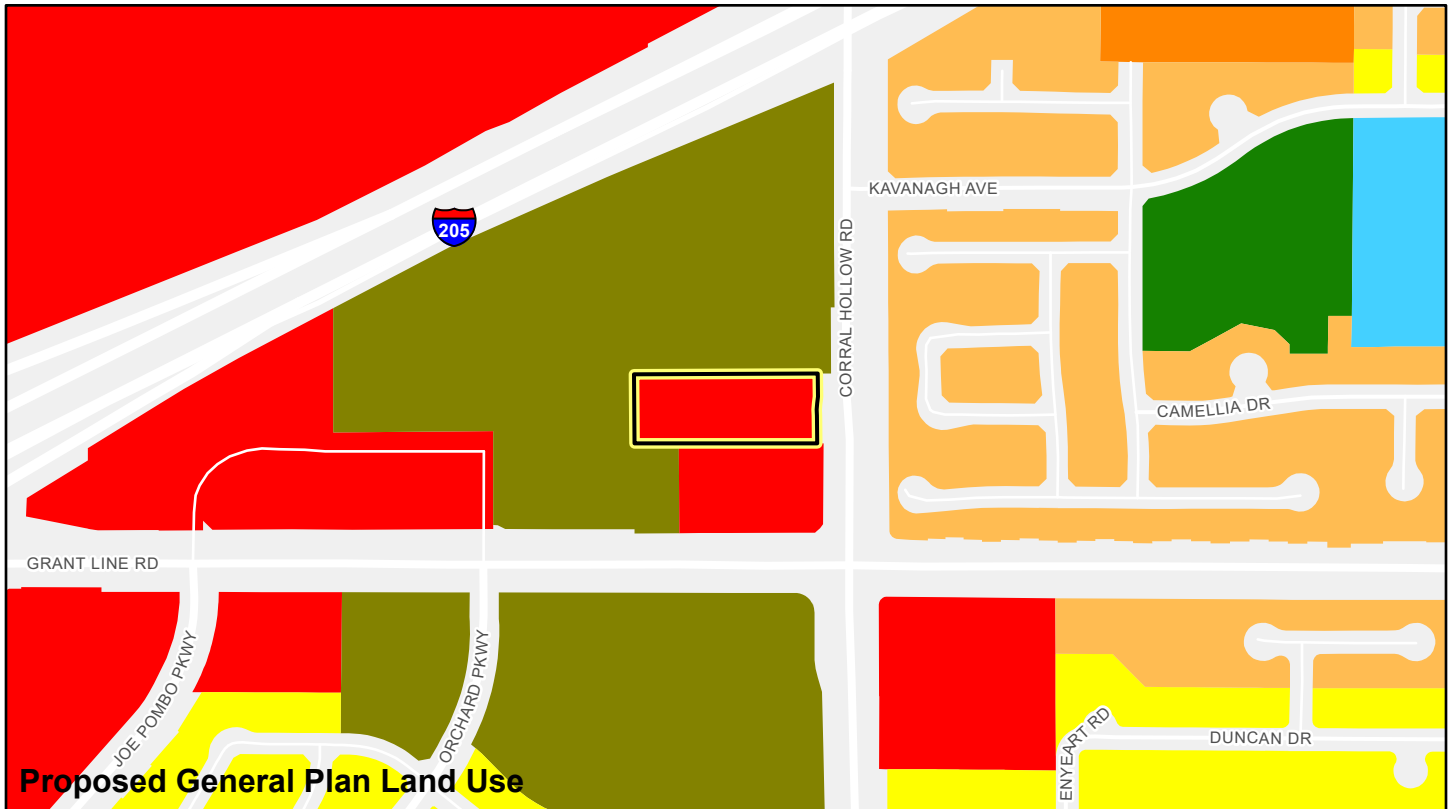
**Figure 4. Site Plan**

De Novo Planning Group  
A Land Use Planning, Design, and Environmental Firm









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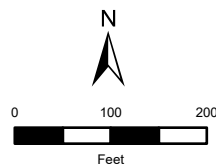


**Existing General Plan Land Use**



**Proposed General Plan Land Use**

LEGEND	
	Project Location
	Public Facilities
	Commercial
	Residential High
	Office
	Residential Low
	Park
	Residential Medium

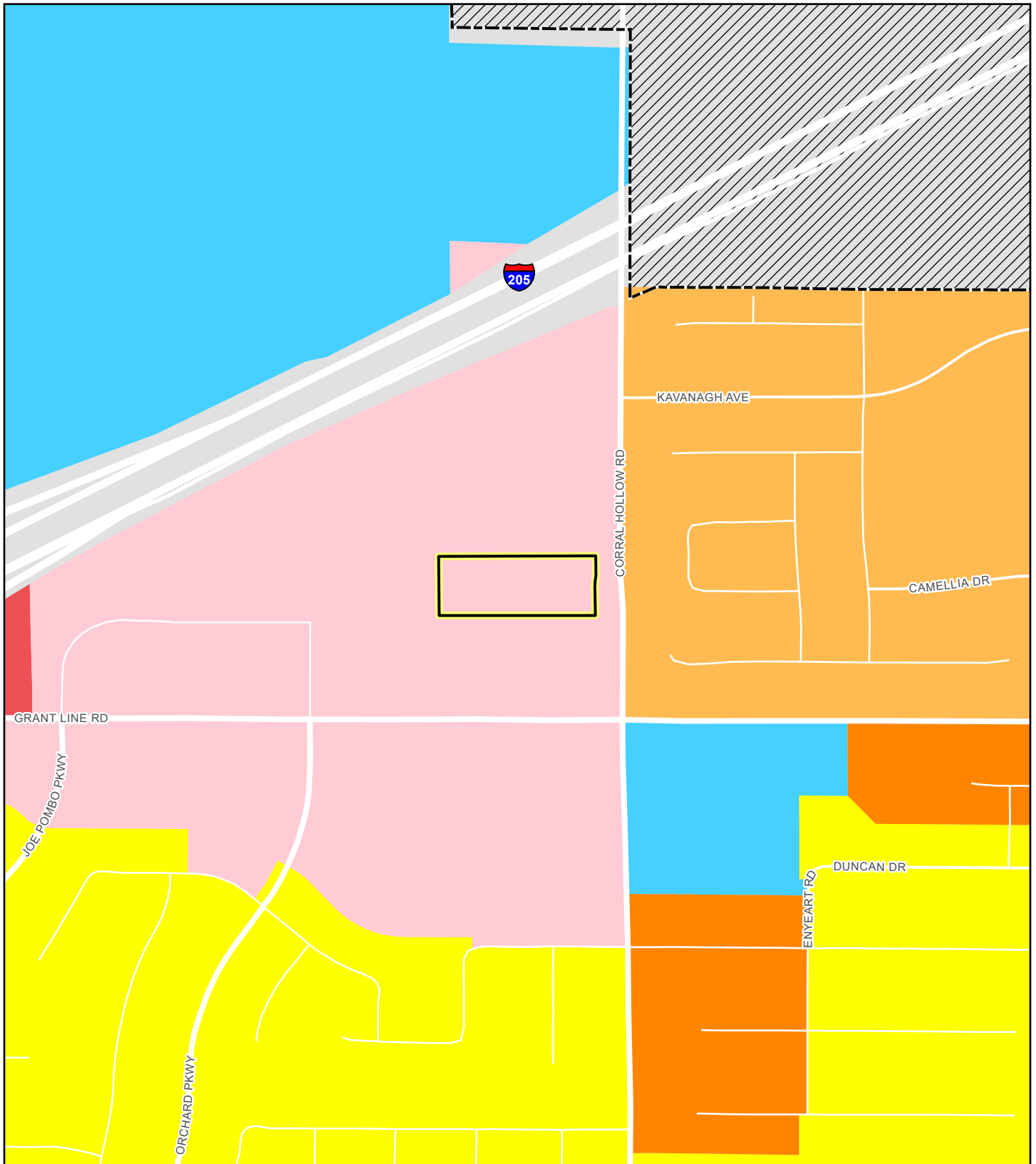


Tracy TRU by Hilton Project










**Figure 5. Existing and Proposed General Plan Land Use Map**

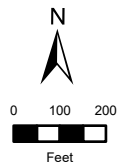


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**LEGEND**

- |   |   |   |
|---|---|---|
|  Project Location  | <b>City of Tracy Zoning</b>   |  MDC |
|  Tracy City Limits |  GHC |  MDR |
|  Tracy SOI         |  HS  |  PUD |
|   |  LDR |   |



**Tracy TRU by Hilton Project**

**Figure 6. Existing Zoning Map**

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**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this Project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

	Aesthetics		Agriculture and Forest Resources		Air Quality
	Biological Resources		Cultural Resources		Geology and Soils
	Greenhouse Gasses		Hazards and Hazardous Materials		Hydrology and Water Quality
	Land Use and Planning		Mineral Resources		Noise
	Population and Housing		Public Services		Recreation
	Transportation and Traffic		Tribal Cultural Resources		Utilities and Service Systems
	Mandatory Findings of Significance				

**DETERMINATION:**

On the basis of this initial evaluation:

	I find that the proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed Project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed Project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed Project, nothing further is required.

Signature

Date

## EVALUATION INSTRUCTIONS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
  - a) Earlier Analysis Used. Identify and state where they are available for review.
  - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The explanation of each issue should identify:
  - a) The significance criteria or threshold, if any, used to evaluate each question; and
  - b) The mitigation measure identified, if any, to reduce the impact to less than significance

## EVALUATION OF ENVIRONMENTAL IMPACTS:

In each area of potential impact listed in this section, there are one or more questions which assess the degree of potential environmental effect. A response is provided to each question using one of the four impact evaluation criteria described below. A discussion of the response is also included.

- **Potentially Significant Impact.** This response is appropriate when there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries, upon completion of the Initial Study, an EIR is required.
- **Less than Significant With Mitigation Incorporated.** This response applies when the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact". The Lead Agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level.
- **Less than Significant Impact.** A less than significant impact is one which is deemed to have little or no adverse effect on the environment. Mitigation measures are, therefore, not necessary, although they may be recommended to further reduce a minor impact.
- **No Impact.** These issues were either identified as having no impact on the environment, or they are not relevant to the Project.

## ENVIRONMENTAL CHECKLIST

This section of the Initial Study incorporates the most current Appendix "G" Environmental Checklist Form, contained in the CEQA Guidelines. Impact questions and responses are included in both tabular and narrative formats for each of the 18 environmental topic areas.

### *I. AESTHETICS -- WOULD THE PROJECT:*

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

### *RESPONSES TO CHECKLIST QUESTIONS*

**Response a): Less than Significant.** There are no designated scenic vistas located on or adjacent to the Project site. The Project site currently consists primarily of vacant, undeveloped land with ruderal grasses which are regularly disced and is surrounded by existing or future urban development. The vacant land to the north and northwest of the Project site is designated as Office by the City's General Plan, and I-205 is located further north.

The proposed Project uses are consistent and compatible with the surrounding land uses. Surrounding land uses include single family uses, W. Kavanagh Avenue, a commercial building (DaVita Grant Line Dialysis), and Interstate 205 (I-205) to the north, single-family residential uses to the east, commercial uses and single-family residential uses to the south, and commercial uses and I-205.

Implementation of the proposed Project would provide for additional hotel development in an area of the City that is adjacent to existing commercial development. The Project site is not topographically elevated from the surrounding lands, and is not highly visible from areas beyond the immediate vicinity of the site. There are no prominent features on the site, such as extensive trees, rock outcroppings, or other visually distinctive features that contribute to the scenic



quality of the site. The Project site is not designated as a scenic vista by the City of Tracy General Plan.

Implementation of the proposed Project would not significantly change the existing visual character of the Project area, as much of the areas immediately adjacent to the site are used for commercial purposes. Furthermore, the General Plan designates this area as Office, which is intended to provide for the maintenance and expansion of the job and economic base of the City of Tracy and to provide more Tracy residents with the potential to work in the City. The Project is consistent with the adopted Statement of Overriding Considerations, and uses established by the General Plan. Implementation of the proposed Project would introduce a hotel building to the Project area that would be generally consistent with the surrounding commercial developments, and consistent with the intended uses established by the Tracy General Plan. Therefore, this impact is considered **less than significant**.

**Response b): Less than Significant.** As described in the Tracy General Plan EIR, there are two Officially Designated California Scenic Highway segments in the Tracy Planning Area, which extend a total length of 16 miles. The first designated scenic highway is the portion of I-580 between I-205 and I-5, which offers views of the Coast Range to the west and the Central Valley’s urban and agricultural lands to the east. The second scenic highway is the portion of I-5 that starts at I-205 and continues south to Stanislaus County, which allows for views of the surrounding agricultural lands and the Delta-Mendota Canal and California Aqueduct.

The Project site lies approximately 5.3 miles northeast of the I-580 scenic highway. The Project site is approximately 6.0 miles west of the I-5 scenic highway and is not visible from the Project site. Additionally, the Project site is not visible from the I-580 corridor. The Project site is consistent with the surrounding commercial uses and consists of a four-story hotel structure. The structures proposed as part of the Project present no more visual prominence within the development area relative to the existing development. Existing commercial buildings in the vicinity are one to three stories. Distant background views would remain roughly equal to existing conditions.

The Project site is not visible from any of the above-referenced scenic highways. The Project site contains one tree along the eastern boundary of the site. As shown in the landscaping plan, the tree would be retained. Development of the proposed Project would not result in the removal of any rock outcroppings, or buildings of historical significance, and would not result in substantial changes to the viewsheds from the designated scenic highways in the vicinity of the City of Tracy. Therefore, this is a **less than significant** impact.

**Response c): Less than Significant.** The CEQA definition for an “Urbanized area” means a central city or a group of contiguous cities with a population of 50,000 or more, together with adjacent densely populated areas having a population density of at least 1,000 persons per square mile. In addition, to be considered an Urbanized area according to CEQA, projects must also be within the boundary of a map prepared by the U.S. Bureau of the Census which designates the area as urbanized area. According to the U.S. Bureau of the Census, the Project site is mapped and designated as urbanized area. In addition, the Project site is located within the City of Tracy,

which has an estimated population of approximately 94,538 people; meaning the Project site is within an urbanized area and subjected to applicable zoning or other regulation governing scenic quality. Development of the Project site would convert the Project site from its existing state to a hotel use.

The proposed Project would add a commercial use to an area that currently contains numerous commercial buildings. The proposed Project would be visually compatible with the surrounding commercial uses. Site specific characteristics would change the site from vacant land to commercial uses. However, taking into account the scope and location of the proposed Project relative to the surrounding area uses, this would not greatly alter the area's overall visual character.

Additionally, the Project is subject to the City of Tracy's development and design review criteria, which would ensure that the exterior facades of the proposed structures, landscaping, streetscape improvements and exterior lighting improvements are compatible with the surrounding land uses. Additionally, the proposed Project includes extensive planting of new trees and other vegetation. Overall, Project implementation would not conflict with the applicable zoning and other regulations governing scenic quality. Therefore, this impact is considered **less than significant**.

**Response d): Less than Significant.** Daytime glare can occur when the sunlight strikes reflective surfaces such as windows, vehicle windshields and shiny reflective building materials. The proposed Project would introduce new commercial structures into the Project site; however, reflective building materials are not proposed for use in the Project, and as such, the Project is not anticipated to result in increases in daytime glare.

The proposed Project would include exterior lighting around the proposed structures. The City of Tracy Standard Plan #140 establishes street light standards, and requirements for light illumination. Exterior lighting on new projects is also regulated by the Tracy Municipal Code, 10.08.4000 (a), which specifies that the site plan and architectural review package includes an exterior lighting standards and devices review. The City addresses light and glare issues on a case-by-case basis during Project approval and typically adds requirements as a condition of Project approval to shield and protect against light spillover from one property to the next as required by Tracy Municipal Code Section 10.08.3530(h).

A lighting plan for the Project is included in the Plan Set. The lighting plan shows that exterior Project lighting has been designed to minimize light spillage onto adjacent properties to the greatest extent feasible. Therefore, this impact would be **less than significant**.

**II. AGRICULTURE AND FOREST RESOURCES -- WOULD THE PROJECT:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?			X	
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 1222(g)) or timberland (as defined in Public Resources Code section 4526)?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?			X	

**RESPONSES TO CHECKLIST QUESTIONS**

**Response a): Less than Significant.** The Project site is designated as Vacant or Disturbed Land by the Farmland Mapping and Monitoring Program and the California Department of Conservation.<sup>1</sup> Figure 7 identifies important farmlands, as mapped by the California Department of Conservation, on and near the Project site. The Project site has been historically used for agricultural production. Due to the existing surrounding land uses, the Project site is not suitable for agricultural production and agricultural operations.

The potential environmental impacts from development of the site for urban uses and the associated removal of prime farmland soil for agricultural use were considered and addressed in the City of Tracy General Plan and Final EIR. There, it was determined that buildout of the General Plan would result in the conversion of Prime Farmland, Unique Farmland and Farmland of Statewide Importance to urban uses. The General Plan Draft EIR found this to be a significant and unavoidable impact. On February 1, 2011, the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for the loss of prime agricultural land resulting from adoption of the Plan and EIR, and provided mitigation measures for the agricultural land lost to development in the City of Tracy’s urbanized areas. Mitigation measures included the implementation of a “Right to Farm” ordinance by the City (Tracy Municipal Code Chapter 10.24 et seq.), intended to preserve and protect existing agricultural operations within the

<sup>1</sup> Available at: <http://maps.conservation.ca.gov/ciff/ciff.html>.

incorporated City, and participation in the City’s agricultural mitigation fee program (Tracy Municipal Code, Chapter 13.26).

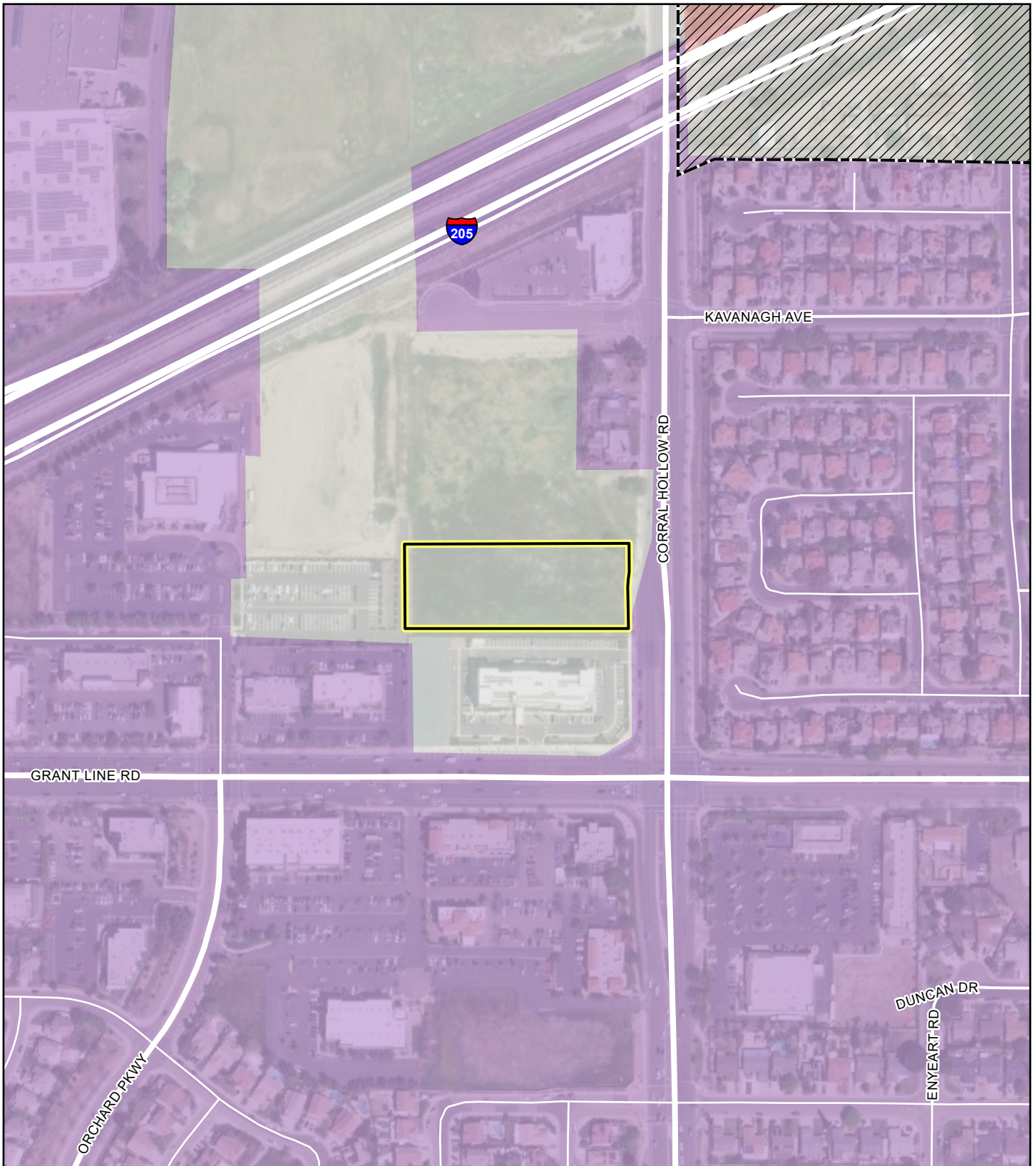
The proposed Project site is designated Office, which is intended for future urban land uses in the Tracy General Plan. As such, implementation of the proposed Project would not create new impacts over and above those identified in the General Plan Final EIR, nor significantly change previously identified impacts. Therefore, this would be considered a **less than significant** impact.

**Response b): No Impact.** The Project site is not under a Williamson Act Contract, nor are any of the parcels immediately adjacent to the Project site under a Williamson Act Contract. Therefore, implementation of the proposed Project would not conflict with a Williamson Act Contract. The Project site is currently zoned GHC by the City’s Zoning Map. As such, the proposed Project would not conflict with any agricultural zoning or Williamson Act Contract. There is **no impact**.

**Responses c) and d): No Impact.** The Project site is located in an area consisting of residential and commercial development. One tree is present on the Project site; however, this tree is ornamental in nature. There are no forest resources on the Project site or in the immediate vicinity of the Project site. Therefore, development of the Project would result in **no impact**.

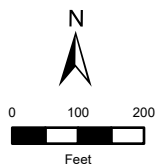
**Response e): Less than Significant.** As described under Responses (a) above, the proposed Project site has previously been used for agricultural purposes, but is not designated or zoned for agricultural uses. The proposed Project is identified for urban land uses in the Tracy General Plan. The proposed Project is consistent with the overriding considerations that were adopted for the General Plan. As such, implementation of the proposed Project would not create new impacts over and above those identified in the General Plan Final EIR, nor significantly change previously identified impacts. Therefore, implementation of the proposed Project would result in a **less than significant** impact.





**LEGEND**

- Project Location
- Tracy City Limits
- Tracy SOI
- Vacant or Disturbed Land
- Rural Residential Land
- Urban and Built-Up Land



Tracy TRU by Hilton Project

Figure 7. Important Farmland Map

Sources: California Department of Conservation Farmland Mapping and Monitoring Program; San Joaquin County GIS, ArcGIS Online World Imagery Map Service(10/12/2022).  
Map date: October 12, 2022.

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*III. AIR QUALITY -- WOULD THE PROJECT:*

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Conflict with or obstruct implementation of the applicable air quality plan?		X		
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?		X		
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	

*EXISTING SETTING*

The Project site is located within the boundaries of the San Joaquin Valley Air Pollution Control District (SJVAPCD). This agency is responsible for monitoring air pollution levels and ensuring compliance with federal and state air quality regulations within the San Joaquin Valley Air Basin (SJVAB) and has jurisdiction over most air quality matters within its borders.

*RESPONSES TO CHECKLIST QUESTIONS*

**Responses a), b), c): Less than Significant with Mitigation.** Air quality emissions would be generated during construction of the proposed Project and during operation of the proposed Project. Construction-related air quality impacts and operational air quality impacts are addressed separately below.

**Construction-Related Emissions**

The SJVAPCD has published guidance on determining CEQA applicability, significance of impacts, and potential mitigation of significant impacts, in the SJVAPCD Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI). The SJVAPCD has established thresholds of significance for criteria pollutant emissions, which are based on District New Source Review (NSR) offset requirements for stationary sources. Using project type and size, the SJVAPCD has pre-quantified emissions and determined a size below which it is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants. In the interest of streamlining CEQA requirements, projects that fit the descriptions and project sizes provided in the SJVAPCD Small Project Level (SPAL) are deemed to have a less than significant impact on air quality and, as such, are excluded from quantifying criteria pollutant emissions for CEQA purposes.



The SJVAPCD's approach to analysis of construction impacts is that quantification of construction emissions is not necessary if an Initial Study demonstrates that construction emissions would be less than significant based on the SJVAPCD SPAL screening levels (SJVAPCD, 2015). The proposed Project would only generate a very small number of vehicle trips during its construction and operational phases and would not require a large Project area (far less than the SPAL screening threshold of 1,673 daily trips for commercial land uses, and 200 units for the hotel land use, respectively). Specifically, the Project would only include 78 hotel rooms and, as provided in the Transportation Analysis provided by Kimley Horn (2023), only generate approximately 623 daily trips. Based on these Project characteristics, the proposed Project would be deemed to have a less than significant impact on air quality under the SPAL guidelines (SJVAPCD, 2015). As such, the proposed Project is excluded from quantifying criteria pollutant emissions for CEQA purposes.

However, regardless of emission quantities, the SJVAPCD requires construction related mitigation in accordance with their rules and regulations. Implementation of the following mitigation measures in addition to compliance with all applicable measures from SJVAPCD Rule VIII would ensure that the Project would have a **less than significant** impact related to construction emissions.

#### **MITIGATION MEASURE(S)**

**Mitigation Measure AIR-1:** *Prior to the commencement of grading activities, the contractor hired to complete the grading activities shall prepare a construction emissions reduction plan that meets the requirements of SJVAPCD Rule VIII. The construction emissions reductions plan shall be submitted to the SJVAPCD for review and approval. The Project applicant shall comply with all applicable APCD requirements prior to commencement of grading activities.*

**Mitigation Measure AIR-2:** *The following mitigation measures, in addition to those required under Regulation VIII of the SJVAPCD, shall be implemented by the Project's contractor during all phases of Project grading and construction to reduce fugitive dust emissions:*

- *Water previously disturbed exposed surfaces (soil) a minimum of two-times/day or whenever visible dust is capable of drifting from the site or approaches 20 percent opacity.*
- *Water all haul roads (unpaved) a minimum of two-times/day or whenever visible dust is capable of drifting from the site or approaches 20 percent opacity.*
- *Reduce speed on unpaved roads to less than 5 miles per hour.*
- *Reduce the amount of disturbed surface area at any one time pursuant to the scope of work identified in approved and permitted plans.*
- *Restrict vehicular access to the area to prevent unlawful entry to disturbed areas and limit unnecessary onsite construction traffic on disturbed surfaces. Restriction measures may include fencing or signage as determined appropriate by the City.*

- *Cease grading activities during periods of high winds (greater than 20 mph over a one-hour period).*
- *Asphalt-concrete paving shall comply with SJVAPCD Rule 4641 and restrict use of cutback, slow-sure, and emulsified asphalt paving materials.*

*Implementation of this mitigation shall occur during all grading or site clearing activities. The SJVAPCD shall be responsible for monitoring.*

### **Operational-Related Emissions**

For the purposes of this operational air quality analysis, actions that violate Federal standards for criteria pollutants (i.e., primary standards designed to safeguard the health of people considered to be sensitive receptors while outdoors and secondary standards designed to safeguard human welfare) are considered significant impacts. Additionally, the SJVAPCD has established operations related emissions thresholds of significance as follows: 10 tons per year of oxides of nitrogen (NO<sub>x</sub>), 10 tons per year of reactive organic gases (ROG), and 15 tons per year particulate matter of 10 microns or less in size (PM<sub>10</sub>) and 15 tons per year particulate matter of 2.5 microns or less in size (PM<sub>2.5</sub>). Additionally, as discussed previously, the SJVAPCD has established thresholds of significance for criteria pollutant emissions, which are based on District NSR offset requirements for stationary sources. Using project type and size, the SJVAPCD has pre-quantified emissions and determined a size below which it is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants.

The proposed Project is smaller in scope and size than the SJVAPCD's SPAL for hotel uses (200 rooms). Therefore, localized CO modeling is not warranted for this Project.

#### *Rule 9510 Indirect Source Review*

District Rule 9510 requires developers of large residential, commercial and industrial projects to reduce smog-forming (NO<sub>x</sub>) and particulate (PM<sub>10</sub> and PM<sub>2.5</sub>) emissions generated by their projects. The Rule applies to projects which, upon full build-out, will include 2,000 square feet of commercial space. Project developers are required to reduce:

- 20 percent of construction-exhaust nitrogen oxides;
- 45 percent of construction-exhaust PM<sub>10</sub>;
- 33 percent of operational nitrogen oxides over 10 years; and
- 50 percent of operational PM<sub>10</sub> over 10 years.

Developers are encouraged to meet these reduction requirements through the implementation of on-site mitigation; however, if the on-site mitigation does not achieve the required baseline emission reductions, the developer will mitigate the difference by paying an off-site fee to the District. Fees reduce emissions by helping to fund clean-air projects in the District.

The proposed Project includes development of a 78-room hotel. Therefore, the Project would be subject to the requirements of Direct Rule 9510. Additionally, the SJVAPCD has established thresholds of significance for criteria pollutant emissions, which are based on District New

Source Review (NSR) requirements. Projects with emissions below the thresholds of significance for criteria pollutants would be determined to “not conflict or obstruct implementation of the District’s air quality plan.” As such, the Project would result in **less than significant** air quality impacts, and would not conflict or obstruct implementation of the District’s air quality plan. However, regardless of the emissions totals presented above, the Project is still subject to the requirements of SJVAPCD Rule 9510, as described above and required by Mitigation Measure AIR-3.

### **MITIGATION MEASURE(S)**

***Mitigation Measure AIR-3:** Prior to the issuance of any building permits, the Project applicant shall comply with the requirements of District Rule 9510, which is aimed at the following reductions:*

- 20 percent of construction-exhaust nitrogen oxides;
- 45 percent of construction-exhaust PM10;
- 33 percent of operational nitrogen oxides over 10 years; and
- 50 percent of operational PM10 over 10 years.

*The Project applicant shall coordinate with SJVAPCD to develop measures and strategies to reduce operational emissions from the proposed Project. If feasible measures are not available to meet the emissions reductions targets outlined above, then the Project applicant may be required to pay an in-lieu mitigation fee to the SJVAPCD to off-set Project-related emissions impacts. 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 Project impacts. The Project applicant shall provide verification of compliance to the City prior to the issuance of any building permits.*

**Response d): Less than Significant.** Sensitive receptors are those parts of the population that can be severely impacted by air pollution. Sensitive receptors include children, the elderly, and the infirm. The closest sensitive receptors are located approximately 200 feet to the north and 175 feet to the east of the Project site.

Implementation of the proposed Project would not expose these or other nearby sensitive receptors to substantial pollutant concentrations. Air emissions would be generated during the construction phase of the Project. The construction phase of the Project would be temporary and short-term, and the implementation of Mitigation Measures AIR-1, AIR-2, and AIR-3 would greatly reduce pollution concentrations generated during construction activities.

Operation of the proposed Project would result in emissions primarily from vehicle trips. As described under Response a) – c) above, the proposed Project would not generate significant concentrations of air emissions. Impacts to sensitive receptors would be negligible and this is a **less than significant** impact.

**Response e): Less than Significant.** Operation of the proposed Project would not generate notable odors. The proposed Project includes development of hotel uses, which is compatible with the surrounding land uses. Occasional mild odors may be generated during landscaping

maintenance (equipment exhaust), but the Project would not otherwise generate odors. Trash receptacles would be provided in the northern portion of the site. The receptacles would have lids in order to contain potential odor from trash and waste. This is a **less than significant** impact and no mitigation is required.

*IV. BIOLOGICAL RESOURCES -- WOULD THE PROJECT:*

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X		
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?		X		

*RESPONSES TO CHECKLIST QUESTIONS*

**Response a): Less than Significant with Mitigation.** A background search of special-status species within one mile of the Project site that are documented in the California Natural Diversity Database (CNDDDB) was completed. Figure 8 illustrates the special-status species records located within the nine-quadrangle radius of the Project site.

Special-status invertebrates that occur within the San Joaquin County region include: longhorn fairy shrimp, vernal pool fairy shrimp, and midvalley fairy shrimp, which requires vernal pools and swale areas within grasslands; and the valley elderberry longhorn beetle, which is an insect that is only associated with blue elderberry plants, oftentimes in riparian areas and sometimes on land in the vicinity of riparian areas. The Project site does not contain essential habitat for these special status invertebrates. Additionally, no CNDDDB records of the aforementioned special-status invertebrates exist within one-mile of the Project site. Implementation of the

proposed Project would have a **less than significant** impact on these species. No mitigation is necessary.

Special-status reptiles and amphibians that occur within the region include the western pond turtle, which requires aquatic environments located along ponds, marshes, rivers, and ditches; the California tiger salamander, which is found in grassland habitats where there are nearby seasonal wetlands for breeding; the silvery legless lizard, which is found in sandy or loose loamy soils under sparse vegetation with high moisture content; San Joaquin whipsnake, which requires open, dry habitats with little or no tree cover with mammal burrows for refuge; the Alameda whipsnake, which is restricted to valley-foothill hardwood habitat on south-facing slopes; the California horned lizard, which occurs in a variety of habitats including, woodland, forest, riparian, and annual grasslands, usually in open sandy areas; the foothill yellow-legged frog, which occurs in partly shaded and shallow streams with rocky soils; the California red legged frog, which occurs in stream pools and ponds with riparian or emergent marsh vegetation; and the western spadefoot toad, which requires grassland habitats associated with vernal pools.

No CNDDDB records of the aforementioned special-status reptiles or amphibians exist within one-mile of the Project site. The Project site does not contain essential habitat for these special status reptiles and amphibians. Implementation of the proposed Project would have a **less than significant** impact on these species. No mitigation is necessary.

Numerous special-status plant species are known to occur in the region. Many of these special status plant species require specialized habitats such as serpentine soils, rocky outcrops, slopes, vernal pools, marshes, swamps, riparian habitat, alkali soils, and chaparral, which are not present on the Project site. The Project site is located in an area that was likely valley grassland prior to human settlement, and there are several plant species that are found in valley and foothills grasslands areas. These species include large-flowered fiddleneck, bent-flowered fiddleneck, big balsamroot, big tarplant, round-leaved filaree, Lemmon's jewelflower, and showy golden madia. Human settlement has involved a high frequency of ground disturbance associated with the historical farming activities in the region, including the Project site.

CNDDDB records of two special-status plant species exist within one mile of the Project site: big tarplant and caper-fruited tropidocarpum. The Project site does not contain suitable habitat for special-status plant species, and these species are not expected to be present on the site due to ongoing site disturbance. Implementation of the proposed Project would have a **less than significant** impact on these species. No mitigation is necessary.

Special-status birds that occur within the region include tricolored blackbird, Swainson's hawk, northern harrier, and bald eagle, which are associated with streams, rivers, lakes, wetlands, marshes, and other wet environments; loggerhead shrike, and burrowing owl, which lives in open areas, usually grasslands, with scattered trees and brush; and raptors that are present in varying habitats throughout the region.

**Swainson's Hawk.** The Swainson's hawk is threatened in California and is protected by the California Department of Fish and Wildlife (CDFW) and the Migratory Bird Treaty Act (MBTA).

Additionally, Swainson's hawk foraging habitat is protected by the CDFW. Swainson's hawks forage in open grasslands and agricultural fields and commonly nest in solitary trees and riparian areas in close proximity to foraging habitat. The foraging range for Swainson's hawk is ten miles from its nesting location. There is one documented occurrence of Swainson's hawk within one mile of the Project site; although not of high quality, potentially suitable nesting habitat for this species occurs within the on-site tree along the eastern site boundary. Additionally, the site and the surrounding open grassland habitat will provide low to medium quality foraging opportunities for local Swainson's hawks. The San Joaquin Council of Governments (SJCOG) administers the San Joaquin County Multi-Species Open Space and Conservation Plan (SJMSCP) for the region. The proposed Project would require coverage under the SJMSCP. SJCOG would apply incidental take minimization measures for the Project. As such, impacts to Swainson's hawk are **less than significant** with implementation of Mitigation Measure BIO-1.

**Burrowing Owls.** Burrowing owls are a California Species of Special Concern and are protected by the CDFW and the MBTA. Burrowing owls forage in open grasslands and shrublands and typically nest in old ground squirrel burrows. There are four documented occurrences of burrowing owls within one mile of the Project site. The nearest documented occurrence of burrowing owl is located approximately 0.26 miles north of the northern boundary of the Project site. The Project site contains suitable, but not high quality, habitat for burrowing owls. The Project site is near to other lands that are currently undeveloped that offer foraging and roosting habitat for wintering or breeding owls. Overall, there is the potential for burrowing owls to occupy the site. While considered unlikely, this is considered potentially significant impact.

The proposed Project would require coverage under the SJMSCP and SJCOG would apply incidental take minimization measures for the Project. In addition, implementation of Mitigation Measure BIO-1 would ensure that burrowing owls are not impacted during construction activities. Implementation of Mitigation Measure BIO-1 would ensure a **less than significant** impact to burrowing owls.

**Tricolored Blackbird.** Tricolored blackbirds are a California Species of Special Concern and are protected by the CDFW and the MBTA. Tricolored blackbirds nest in dense colonies in emergent marsh vegetation, such as tules and cattails, or upland sites with blackberries, nettles, thistles, and grainfields. Tricolored blackbird habitat must be large enough to support 50 pairs and likely requires water at or near the nesting colony. The Project site does not contain suitable habitat for tricolored blackbirds. As such, impacts to tricolored blackbirds are **less than significant**.

Participation in the SJMSCP is recommended for all new projects on previously undeveloped land in Tracy. Although the likelihood for the occurrence of any special status plant or wildlife species on the site is extremely low, the implementation of Mitigation Measure BIO-2 would ensure that special status plant or wildlife species are protected throughout the region. Impacts to special status plant or wildlife species would be reduced to a **less than significant** level with mitigation.

#### **MITIGATION MEASURE(S)**

*Mitigation Measure BIO-1: Prior to the commencement of grading activities or other ground disturbing activities on the Project site, the Project applicant shall arrange for a*



*qualified biologist to conduct a preconstruction survey for western burrowing owls in accordance with SJMSCP requirements. If no owls or owl nests are detected, then construction activities may commence. If burrowing owls or occupied nests are discovered, then the following shall be implemented:*

- *During the breeding season (February 1 through September 1) occupied burrows shall not be disturbed and shall be provided with a 75 meter protective buffer until and unless the SJCOG Technical Advisory Committee (TAC), with the concurrence of the Permitting Agencies' representatives on the TAC; or unless a qualified biologist approved by the Permitting Agencies verifies through non-invasive means that either: 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Once the fledglings are capable of independent survival, the burrow can be destroyed. They should only be destroyed by a qualified biologist using passive one-way eviction doors to ensure that owls are not harmed during burrow destruction. Methods for removal of burrows are described in the California Department of Fish and Game's Staff Report on Burrowing Owls (October, 1995).*
- *During the non-breeding season (September 1 through January 31) burrowing owls occupying the Project site should be evicted from the Project site by passive relocation as described in the California Department of Fish and Game's Staff Report on Burrowing Owls (Oct., 1995)*

*Implementation of this mitigation shall occur prior to grading or site clearing activities. SJCOG shall be responsible for monitoring and a qualified biologist shall conduct surveys and relocate owls as required.*

**Mitigation Measure BIO-2:** *Prior to commencement of any grading activities, the Project proponent shall seek coverage under the SJMSCP to mitigate for habitat impacts to covered special status species. Coverage involves compensation for habitat impacts on covered species through payment of development fees for conversion of open space lands that may provide habitat for covered special status species. These fees are used to preserve and/or create habitat in preserves to be managed in perpetuity. In addition, coverage includes incidental take avoidance and minimization measures for species that could be affected as a result of the proposed Project. There are a wide variety of incidental take avoidance and minimization measures contained in the SJMSCP that were developed in consultation with the USFWS, CDFW, and local agencies. The applicability of incidental takes avoidance and minimization measures are determined by SJCOG on a Project basis. The process of obtaining coverage for a Project includes incidental take authorization (permits) under the Endangered Species Act Section 10(a) and California Fish and Game Code Section 2081. The Section 10(a) permit also serves as a special-purpose permit for the incidental take of those species that are also protected under the MBTA. Coverage under the SJMSCP would fully mitigate all habitat impacts on covered special-status species. The SJMSCP includes the implementation of an ongoing Monitoring Plan to ensure success in mitigating the habitat impacts that are covered. The SJMSCP Monitoring Plan includes an Annual Report process,*

*Biological Monitoring Plan, SJMSCP Compliance Monitoring Program, and the SJMSCP Adaptive Management Plan SJCOG.*

**Responses b): No Impact.** Riparian natural communities support woody vegetation found along rivers, creeks and streams. Riparian habitat can range from a dense thicket of shrubs to a closed canopy of large mature trees covered by vines. Riparian systems are considered one of the most important natural resources. While small in total area when compared to the state's size, they provide a special value for wildlife habitat.

Over 135 California bird species either completely depend upon riparian habitats or use them preferentially at some stage of their life history. Riparian habitat provides food, nesting habitat, cover, and migration corridors. Another 90 species of mammals, reptiles, invertebrates and amphibians depend on riparian habitat. Riparian habitat also provides riverbank protection, erosion control and improved water quality, as well as numerous recreational and aesthetic values.

There is no riparian habitat or other sensitive natural communities located on the Project site. As such, the proposed Project would have **no impact** on these resources, and no mitigation is required.

**Response c): Less than Significant.** A wetland is an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetlands are defined by regulatory agencies as having special vegetation, soil, and hydrology characteristics. Hydrology, or water inundation, is a catalyst for the formation of wetlands. Frequent inundation and low oxygen causes chemical changes to the soil properties resulting in what is known as hydric soils. The prevalent vegetation in wetland communities consists of hydrophytic plants, which are adapted to areas that are frequently inundated with water. Hydrophytic plant species have the ability to grow, effectively compete, reproduce, and persist in low oxygen soil conditions.

Below is a list of wetlands that are found in the Tracy planning area:

- **Farmed Wetlands:** This category of wetlands includes areas that are currently in agricultural uses. This type of area occurs in the northern portion of the Tracy Planning Area.
- **Lakes, Ponds and Open Water:** This category of wetlands includes both natural and human-made water bodies such as that associated with working landscapes, municipal water facilities and canals, creeks and rivers.
- **Seasonal Wetlands:** This category of wetlands includes areas that typically fill with water during the wet winter months and then drain enough to become ideal plant habitats throughout the spring and summer. There are numerous seasonal wetlands throughout the Tracy Planning Area.

- Tidal Salt Ponds and Brackish Marsh: This category of wetlands includes areas affected by irregular tidal flooding with generally poor drainage and standing water. There are minimal occurrences along some of the larger river channels in the northern portion of the Tracy Planning Area.

There are no wetlands located on the Project site. Therefore, this is a **less than significant** impact and no mitigation is required.

**Response d): Less than Significant.** The CNDDDB record search did not reveal any documented wildlife corridors or nursery sites on or adjacent to the Project site. Furthermore, field surveys did not reveal any wildlife nursery sites on or adjacent to the Project site. Implementation of the proposed Project would have a **less than significant** impact. No mitigation is necessary.

**Responses e), f): Less than Significant with mitigation.** The Project site is located within the jurisdiction of the SJMSCP and is located within the Central/Southwest Transition Zone of the SJMSCP. The SJCOG prepared the Plan pursuant to a Memorandum of Understanding adopted by SJCOG, San Joaquin County, the United States Fish and Wildlife Service (USFWS), the CDFW, Caltrans, and the cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy in October 1978. On February 27, 2001, the Plan was unanimously adopted in its entirety by SJCOG. The City of Tracy adopted the Plan on November 6, 2001.

According to Chapter 1 of the SJMSCP, its key purpose is to “provide a strategy for balancing the need to conserve open space and the need to convert open space to non-open space uses, while protecting the region’s agricultural economy; preserving landowner property rights; providing for the long-term management of plant, fish and wildlife species, especially those that are currently listed, or may be listed in the future, under the Federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA); providing and maintaining multiple use Open Spaces which contribute to the quality of life of the residents of San Joaquin County; and, accommodating a growing population while minimizing costs to project proponents and society at large.”

In addition, the goals and principles of the SJMSCP include the following:

- Provide a County-wide strategy for balancing the need to conserve open space and the need to convert open space to non-open space uses, while protecting the region’s agricultural economy.
- Preserve landowner property rights.
- Provide for the long-term management of plant, fish, and wildlife species, especially those that are currently listed, or may be listed in the future, under the ESA or the CESA.
- Provide and maintain multiple-use open spaces, which contribute to the quality of life of the residents of San Joaquin County.
- Accommodate a growing population while minimizing costs to project proponents and society at large.

In addition to providing compensation for conversion of open space to non-open space uses, which affect plant and animal species covered by the SJMSCP, the SJMSCP also provides some compensation to offset impacts of open space conversions on non-wildlife related resources such as recreation, agriculture, scenic values and other beneficial open space uses. Specifically, the SJMSCP compensates for conversions of open space to urban development and the expansion of existing urban boundaries, among other activities, for public and private activities throughout the County and within Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy.

Participation in the SJMSCP is voluntary for both local jurisdictions and project applicants. Only agencies adopting the SJMSCP would be covered by the SJMSCP. Individual project applicants have two options if their project is located in a jurisdiction participating in the SJMSCP: mitigating under the SJMSCP or negotiating directly with the state and/or federal permitting agencies. If a project applicant opts for SJMSCP coverage in a jurisdiction that is participating under the SJMSCP, the following options are available, unless their activities are otherwise exempted: pay the appropriate fee; dedicate, as conservation easements or fee title, habitat lands; purchase approved mitigation bank credits; or, propose an alternative mitigation plan.

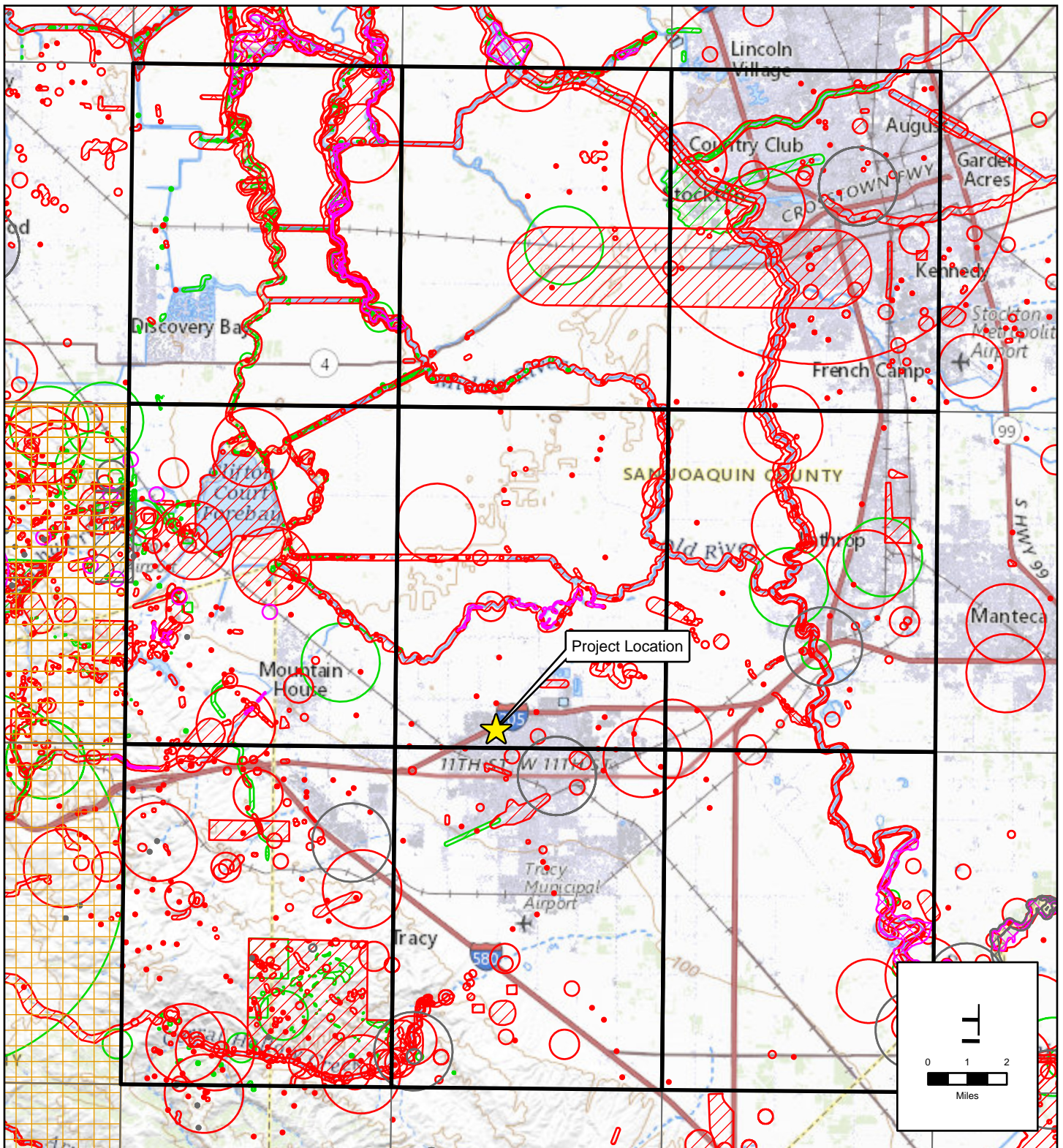
Responsibilities of permittees covered by the SJMSCP include collection of fees, maintenance of implementing ordinances/resolutions, conditioning permits (if applicable), and coordinating with the Joint Powers Authority (JPA) for Annual Report accounting. Funds collected for the SJMSCP are to be used for the following: acquiring Preserve lands, enhancing Preserve lands, monitoring and management of Preserve lands in perpetuity, and the administration of the SJMSCP. Because the primary goal of SJMSCP to preserve productive agricultural use that is compatible with SJMSCP's biological goals, most of the SJMSCP's Preserve lands would be acquired through the purchase of easements in which landowners retain ownership of the land and continue to farm the land. These functions are managed by San Joaquin Council of Governments.

As described under Response (a), the proposed Project is subject to participation in the SJMSCP by Mitigation Measure BIO-2. The City of Tracy and the Project applicant shall consult with SJCOG and determine coverage of the Project pursuant to the SJMSCP. Implementation of Mitigation Measure BIO-2 would ensure that the Project complies with the requirements of the SJMSCP, and would not conflict with any applicable habitat conservation plans. With the implementation of Mitigation Measure BIO-2, the Project would have a **less than significant** impact.

#### **MITIGATION MEASURE(S)**

*Implement Mitigation Measure BIO-2*





**LEGEND**

- |  |                      |  |                              |  |                                  |
|--|----------------------|--|------------------------------|--|----------------------------------|
|  | Plant (80m)          |  | Animal (specific)            |  | Multiple (80m)                   |
|  | Plant (specific)     |  | Animal (non-specific)        |  | Multiple (specific)              |
|  | Plant (non-specific) |  | Animal (circular)            |  | Multiple (non-specific)          |
|  | Plant (circular)     |  | Terrestrial Comm. (specific) |  | Multiple (circular)              |
|  | Animal (80m)         |  | Terrestrial Comm. (circular) |  | Sensitive EO's (Commercial only) |

Tracy TRU by Hilton Project

Figure 8. CNDDDB 9-quad Map

Sources: ArcGIS Online USGS Topo Map Service; CNDDDB version 3/1/2023. Note: the occurrences shown on this map represent the known locations of the species listed here as of the date of this version. There may be additional occurrences or additional species within this area which have not been surveyed and/or mapped. Lack of information in the CNDDDB about a species or an area can never be used as proof that no special status species occur in an area. Map date: March 28, 2023

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**V. CULTURAL RESOURCES -- WOULD THE PROJECT:**

<b>Would the project:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?		X		
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?		X		
c) Disturb any human remains, including those interred outside of formal cemeteries?		X		

**RESPONSES TO CHECKLIST QUESTIONS**

**Responses a)-c): Less than Significant with Mitigation.** The City of Tracy General Plan and subsequent EIR does not identify the site as having prehistoric period cultural resources. Additionally, there are no known unique cultural, historical, paleontological or archeological resources known to occur on, or within the immediate vicinity of the Project site. Furthermore, the site is not designated as a historical resource as defined by Public Resources Code § 21084.1, or listed in, or eligible for listing in the California Register of Historical Resources.

The site has previously been used for agricultural uses. No instances of cultural resources or human remains have been unearthed on the Project site, and site visits did not identify any historical, cultural, paleontological, or archeological resources present on site. Therefore, it is not anticipated that site grading and preparation activities would result in impacts to cultural, historical, archaeological or paleontological resources. There are no known human remains located on the Project site, nor is there evidence to suggest that human remains may be present on the Project site. However, as with most projects in California that involve ground-disturbing activities, there is the potential for discovery of a previously-unknown cultural or historical resource or human remains. This is considered a **potentially significant** impact.

The implementation of the following mitigation measure would require appropriate steps to preserve and/or document any previously undiscovered resources that may be encountered during construction activities, including human remains. Implementation of this measure would reduce this impact to a **less-than-significant** level.

**MITIGATION MEASURE(S)**

**Mitigation Measure CUL-1:** *If any prehistoric or historic artifacts, human remains or other indications of archaeological or paleontological resources are found during grading and construction activities, an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be consulted to evaluate the finds and recommend appropriate mitigation measures.*

- *If cultural resources or Native American resources are identified, every effort shall be made to avoid significant cultural resources, with preservation an*

*important goal. If significant sites cannot feasibly be avoided, appropriate mitigation measures, such as data recovery excavations or photographic documentation of buildings, shall be undertaken consistent with applicable state and federal regulations.*

- *If human remains are discovered, all work shall be halted immediately within 50 meters (165 feet) of the discovery, the County Coroner must be notified, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.*
- *If any fossils are encountered, there shall be no further disturbance of the area surrounding this find until the materials have been evaluated by a qualified paleontologist, and appropriate treatment measures have been identified.*



**VI. ENERGY**

<i>Would the project:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

*Responses to Checklist Questions*

**Responses a) and b):** Appendix G of the State CEQA Guidelines requires consideration of the potentially significant energy implications of a project. CEQA requires mitigation measures to reduce “wasteful, inefficient and unnecessary” energy usage (Public Resources Code Section 21100, subdivision [b][3]). According to Appendix G of the CEQA Guidelines, the means to achieve the goal of conserving energy include decreasing overall energy consumption, decreasing reliance on natural gas and oil, and increasing reliance on renewable energy sources. In particular, the proposed Project would be considered “wasteful, inefficient, and unnecessary” if it were to violate state and federal energy standards and/or result in significant adverse impacts related to Project energy requirements, energy inefficiencies, energy intensiveness of materials, cause significant impacts on local and regional energy supplies or generate requirements for additional capacity, fail to comply with existing energy standards, otherwise result in significant adverse impacts on energy resources, or conflict or create an inconsistency with applicable plan, policy, or regulation.

The amount of energy used at the Project site would directly correlate to the energy consumption (including fuel) used by vehicle trips generated during Project construction, fuel used by off-road construction vehicles during construction, fuel used by vehicles during Project operation, and electricity and other energy usage during Project operation.

**Electricity and Natural Gas**

The CalEEMod modeling results for the proposed Project estimate annual operational electricity usage at approximately 727,104 kWh/year, and annual natural gas usage at 299,6750 kBTU/year (see Appendix A for further detail).

**On-road Vehicles (Operation)**

The proposed Project would generate vehicle trips (i.e. passenger vehicles for employees and heavy-duty trucks for hauling) during its operational phase. Requirements to limit the idling of vehicles and equipment would result in fuel savings. Similarly, compliance with applicable State laws and regulations would limit idling and a part of a comprehensive regulatory framework that is implemented by the CARB. A description of Project operational on-road mobile energy usage is provided below.

According to the Traffic Study prepared for the proposed Project (Kimley Horn, 2023), and as described in more detail in Section XVI. Transportation of this IS/MND, the proposed Project would increase total vehicle trips by approximately 623 daily trips. In order to calculate operational on-road vehicle energy usage, De Novo Planning Group used fleet mix data from the CalEEMod (v2022.4.0) output for the proposed Project, and Year 2025 gasoline and diesel MPG (miles per gallon) factors for individual vehicle classes as provided by EMFAC2021, to derive weighted average gasoline and diesel MPG factors for the vehicle fleet as a whole. Based on these calculations, as provided in Appendix B, upon full buildout, the proposed Project would generate operational vehicle trips that would use a total of approximately 120 gallons of gasoline and 20 gallons of diesel per day, or 43,762 gallons of gasoline and 7,135 gallons of diesel per year.

The proposed Project's building would be designed and constructed in accordance with the City's latest adopted energy efficiency standards, which are based on the State's Title 24 Energy Efficiency Standards for Nonresidential Buildings and Green Building Code Standards. These standards include minimum energy efficiency requirements related to building envelope, mechanical systems (e.g., heating, ventilation, and air conditioning [HVAC] and water heating systems), and indoor and outdoor lighting, are widely regarded as some of the most advanced and stringent building energy efficiency standards in the country. Therefore, building energy consumption would not be considered wasteful, inefficient, or unnecessary.

Moreover, the proposed Project would be required to comply with transportation efficiency standards, as promulgated at the State and federal levels. Thus, transportation fuel consumption would not be wasteful, inefficient, or unnecessary.

### **On-road Vehicles (Construction)**

The proposed Project would also generate on-road vehicle trips during Project construction (from construction workers and vendors travelling to and from the Project site). De Novo Planning Group estimated the vehicle fuel consumed during these trips based on the assumed construction schedule, vehicle trip lengths and number of workers per construction phase as provided by CalEEMod, and Year 2023 gasoline and diesel MPG factors provided by EMFAC2021 (year 2023 factors were used to represent a conservative analysis, as the energy efficiency of construction activities is anticipated to improve over time). For the sake of simplicity and to be conservative, it was assumed that all construction worker light duty passenger cars and truck trips use gasoline as a fuel source, and all medium and heavy-duty vendor trucks use diesel fuel. Table ENERGY-1, below, describes gasoline and diesel fuel consumed during each construction phase (in aggregate). As shown, the vast majority of on-road mobile vehicle fuel used during the construction of the proposed Project would occur during the building construction phase. See Appendix A of this EIR for a detailed accounting of construction on-road vehicle fuel usage estimates.

**Table ENERGY-1: Project On-Road Vehicles (Construction) Fuel Consumption**

CONSTRUCTION PHASE	# OF DAYS	TOTAL DAILY WORKER TRIPS(A)	TOTAL DAILY VENDOR TRIPS(A)	TOTAL HAULER WORKER TRIPS(A)	TOTAL GALLONS OF GASOLINE FUEL(B)	TOTAL GALLONS OF DIESEL FUEL(B)
Site Preparation	2	8	0	0	10	0
Grading	4	10	0	0	26	2,680
Building Construction	200	41	0	750	6,209	2,923
Paving	10	13	19	0	84	0
Architectural Coatings	10	10	0	0	65	0
<b>Total</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>6,394</b>	<b>5,603</b>

NOTE: (A) PROVIDED BY CALEEMOD OUTPUT. (B) SEE APPENDIX A OF THIS EIR FOR FURTHER DETAIL

SOURCE: CALEEMOD (v.2022.4.0); EMFAC2021.

### Off-road Equipment (Construction)

Off-road construction equipment would use diesel fuel during the construction phase of the proposed Project. A non-exhaustive list of off-road constructive equipment expected to be used during the construction phase of the proposed Project includes: forklifts, generator sets, tractors, excavators, and dozers. Fuel utilized from off-road equipment is anticipated to be approximately 19,185 MT CO<sub>2</sub>e.

State laws and regulations would limit idling from both on-road and off-road diesel-powered equipment and are part of a comprehensive regulatory framework that is implemented by the CARB. Additionally, as a practical matter, it is reasonable to assume that the overall construction schedule and process would be designed to be as efficient as feasible in order to avoid excess monetary costs. For example, equipment and fuel are not typically used wastefully due to the added expense associated with renting the equipment, maintaining it, and fueling it. Therefore, the opportunities for further future efficiency gains during construction are limited. For the foregoing reasons, it is anticipated that the construction phase of the Project would not result in wasteful, inefficient, and unnecessary consumption of energy.

### Conclusion

The proposed Project would be in compliance with all applicable federal, state, and local regulations regulating energy usage. For example, statewide measures, including those intended to improve the energy efficiency of the statewide passenger and heavy-duty truck vehicle fleet (e.g. the Pavley Bill and the Low Carbon Fuel Standard) are improving vehicle fuel economies, thereby conserving gasoline and diesel fuel. These energy savings would continue to accrue over time.

As a result, the proposed Project would not result in any significant adverse impacts related to Project energy requirements, energy use inefficiencies, and/or the energy intensiveness of materials by amount and fuel type for each stage of the proposed Project including construction, operations, maintenance, and/or removal. PG&E, the electricity and natural gas provider to the site, maintains sufficient capacity to serve the proposed Project. In addition, PG&E is on its way

to achieving the statewide requirement of 60% of total energy mix generated by eligible renewables by year 2030. As of 2021, PG&E generated approximately 48% of its energy from eligible renewables (PG&E, 2019).<sup>2</sup> The proposed Project would comply with all existing energy standards, including the statewide Title 24 Energy Efficiency Standards, and would not result in significant adverse impacts on energy resources. Therefore, the proposed Project would not result in potentially significant environmental impacts due to inefficient, wasteful, or unnecessary use of energy resources during construction and operation, nor conflict with or construct with a State or local plan for renewable energy or energy efficiency. This is a **less than significant** impact.

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<sup>2</sup> PG&E 2021 POWER MIX. WEBSITE: [HTTPS://WWW.PGE.COM/PGE\\_GLOBAL/COMMON/PDFS/YOUR-ACCOUNT/YOUR-BILL/UNDERSTAND-YOUR-BILL/BILL-INSERTS/2022/1022-POWER-CONTENT-LABEL.PDF](https://www.pge.com/pge_global/common/pdfs/your-account/your-bill/understand-your-bill/bill-inserts/2022/1022-power-content-label.pdf)



**VII. GEOLOGY AND SOILS -- WOULD THE PROJECT:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?		X		
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		X		
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?		X		
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		

**RESPONSES TO CHECKLIST QUESTIONS**

**Responses a.i), a.ii): Less than Significant.** The Project site is located in an area of low to moderate seismicity. No known active faults cross the Project site, and the site is not located within an Alquist-Priolo Earthquake Fault Zone; however, relatively large earthquakes have historically occurred in the Bay Area and along the margins of the Central Valley. Many earthquakes of low magnitude occur every year in California. The nearest earthquake fault zoned as active by the State of California Geological Survey is the Greenville fault, located approximately 11 miles southwest of the site. Figure 9 shows nearby faults in relation to the Project site.

The Tracy area has a low-to-moderate seismic history. The largest recorded measurable magnitude earthquake in Tracy measured 3.9 on the Richter scale. The greatest potential for significant ground shaking in Tracy is believed to be from maximum credible earthquakes occurring on the Calaveras, Hayward, San Andreas, or Greenville faults. Further seismic activity can be expected to continue along the western margin of the Central Valley, and as with all projects in the area, the Project will be designed to accommodate strong earthquake ground shaking, in compliance with the applicable California building code standards.

Other faults capable of producing ground shaking at the site include the San Joaquin fault, 6.7 miles southwest; the Midway fault, 6.9 miles southwest; and the Corral Hollow-Carnegie fault, 10.7 miles southwest of the site. Any one of these faults could generate an earthquake capable of causing strong ground shaking at the subject site. Earthquakes of Moment Magnitude (Mw) 7 and larger have historically occurred in the region and numerous small magnitude earthquakes occur every year.

Since there are no known active faults crossing the Project site and the site is not located within an Earthquake Fault Special Study Zone, the potential for ground rupture at the site is considered low.

An earthquake of moderate to high magnitude generated within the San Francisco Bay Region and along the margins of the central valley could cause considerable ground shaking at the site, similar to that which has occurred in the past. In order to minimize potential damage to the proposed structures caused by groundshaking, all construction would comply with the latest California Building Code standards, as required by the City of Tracy Municipal Code 9.04.030.

Seismic design provisions of current building codes generally prescribe minimum lateral forces, applied statically to the structure, combined with the gravity forces of dead-and-live loads. The code-prescribed lateral forces are generally considered to be substantially smaller than the comparable forces that would be associated with a major earthquake. Therefore, structures should be able to: (1) resist minor earthquakes without damage, (2) resist moderate earthquakes without structural damage but with some nonstructural damage, and (3) resist major earthquakes without collapse but with some structural as well as nonstructural damage.

Implementation of the California Building Code standards, which include provisions for seismic building designs, would ensure that impacts associated with groundshaking would be **less than significant**. Building new structures for human use would increase the number of people exposed to local and regional seismic hazards. Seismic hazards are a significant risk for most property in California.

The Safety Element of the Tracy General Plan includes several goals, objectives and policies to reduce the risks to the community from earthquakes and other geologic hazards. In particular, the following policies would apply to the Project site:

**SA-1.1, Policy P1:** Underground utilities, particularly water and natural gas mains, shall be designed to withstand seismic forces.

**SA-1.1, Policy P2:** Geotechnical reports shall be required for development in areas where potentially serious geologic risks exist. These reports should address the degree of hazard, design parameters for the project based on the hazard, and appropriate mitigation measures.

**SA-1.2, Policy P1:** All construction in Tracy shall conform to the California Building Code and the Tracy Municipal Code including provisions addressing unreinforced masonry buildings.

The City reviews all proposed development projects for consistency with the General Plan policies and California Building Code provisions identified above. This review occurs throughout the project application review and processing stage, and throughout plan check and building inspection phases prior to the issuance of a certificate of occupancy.

Consistency with the requirements of the California Building Code and the Tracy General Plan policies identified above would ensure that impacts on humans associated with seismic hazards would be **less than significant**. No mitigation is required.

**Responses a.iii), c), d): Less than Significant with Mitigation.** Liquefaction normally occurs when sites underlain by saturated, loose to medium dense, granular soils are subjected to relatively high ground shaking. During an earthquake, ground shaking may cause certain types of soil deposits to lose shear strength, resulting in ground settlement, oscillation, loss of bearing capacity, landsliding, and the buoyant rise of buried structures. The majority of liquefaction hazards are associated with sandy soils, silty soils of low plasticity, and some gravelly soils. Cohesive soils are generally not considered to be susceptible to liquefaction. In general, liquefaction hazards are most severe within the upper 50 feet of the surface, except where slope faces or deep foundations are present.

Expansive soils are those that undergo volume changes as moisture content fluctuates; swelling substantially when wet or shrinking when dry. Soil expansion can damage structures by cracking foundations, causing settlement and distorting structural elements. Expansion is a typical characteristic of clay-type soils. Expansive soils shrink and swell in volume during changes in moisture content, such as a result of seasonal rain events, and can cause damage to foundations, concrete slabs, roadway improvements, and pavement sections.

Soil expansion is dependent on many factors. The more clayey, critically expansive surface soil and fill materials will be subjected to volume changes during seasonal fluctuations in moisture content. Figure 10 shows the soils within the Project site, and Figure 11 shows the shrink-swell potential of the soils within the site. The soils encountered at the site consist of capay clay, zero to two percent slopes. The capay series consists of very deep, moderately well drained, and firm to very firm soils. Therefore, the potential for liquefaction to occur at the Project site is considered low. However, as shown in Figure 11, the capay clay has a relatively high moisture content, posing a potentially high risk of soil expansion. Implementation of Mitigation Measures GEO-1 and GEO-2 below would bring this impact to **less than significant**.

**MITIGATION MEASURE(S)**

**Mitigation Measure GEO-1:** *Prior to the development of the Project site, a subsurface geotechnical investigation must be performed to identify onsite soil conditions and identify any site-specific engineering measures to be implemented during the construction of building foundations and subsurface utilities. The results of the subsurface geotechnical investigation shall be reflected on the Improvements Plans, subject to review and approval by the City's Building Safety and Fire Prevention Division.*

**Mitigation Measure GEO-2:** *Expansive materials and potentially weak and compressible fills at the site shall be evaluated by a Geotechnical Engineer during the grading plan stage of development. If highly expansive or compressible materials are encountered, special foundation designs and reinforcement, removal and replacement with soil with low to non-expansive characteristics, compaction strategies, or soil treatment options to lower the expansion potential shall be incorporated through requirements imposed by the City's Development Services Department.*

**Responses a.iv): Less than Significant.** The Project site is relatively flat and there are no major slopes in the vicinity of the Project site. According to the City's General Plan EIR, the landslide risk in Tracy is low in most areas. In the wider Tracy Planning Area, some limited potential for risk exists for grading and construction activities in the foothills and mountain terrain of the upland areas in the southwest. The potential for small scale slope failures along river banks also exists. The Project site is not located in the foothills, mountain terrain, or along a river bank. Additionally, the Project site is essentially flat. As shown in Figure 12, the Project site is not in an area known to have landslide susceptibility. As such, the Project site is exposed to little or no risk associated with landslides. This is a **less than significant** impact and no mitigation is required.

**Response b): Less than Significant.** During the construction preparation process, existing vegetation would be removed to grade and compact the Project site, as necessary. As construction occurs, these exposed surfaces could be susceptible to erosion from wind and water. Effects from erosion include impacts on water quality and air quality. Exposed soils that are not properly contained or capped increase the potential for increased airborne dust and increased discharge of sediment and other pollutants into nearby stormwater drainage facilities. Risks associated with erosive surface soils can be reduced by using appropriate controls during construction and properly re-vegetating exposed areas. The SJVAPCD's Rule 8021 requires the implementation of various dust control measures during site preparation and construction activities that would reduce the potential for soil erosion and the loss of topsoil. Additionally, the Project would be required to implement various best management practices (BMPs) and a SWPPP that would reduce the potential for disturbed soils and ground surfaces to result in erosion and sediment discharge into adjacent surface waters during construction activities. Compliance with these existing regulations would ensure these impacts are **less than significant**.

**Response e): No Impact.** The Project site would be served by public wastewater facilities and does not require an alternative wastewater system such as septic tanks. Implementation of the proposed Project would have **no impact** on this environmental issue.

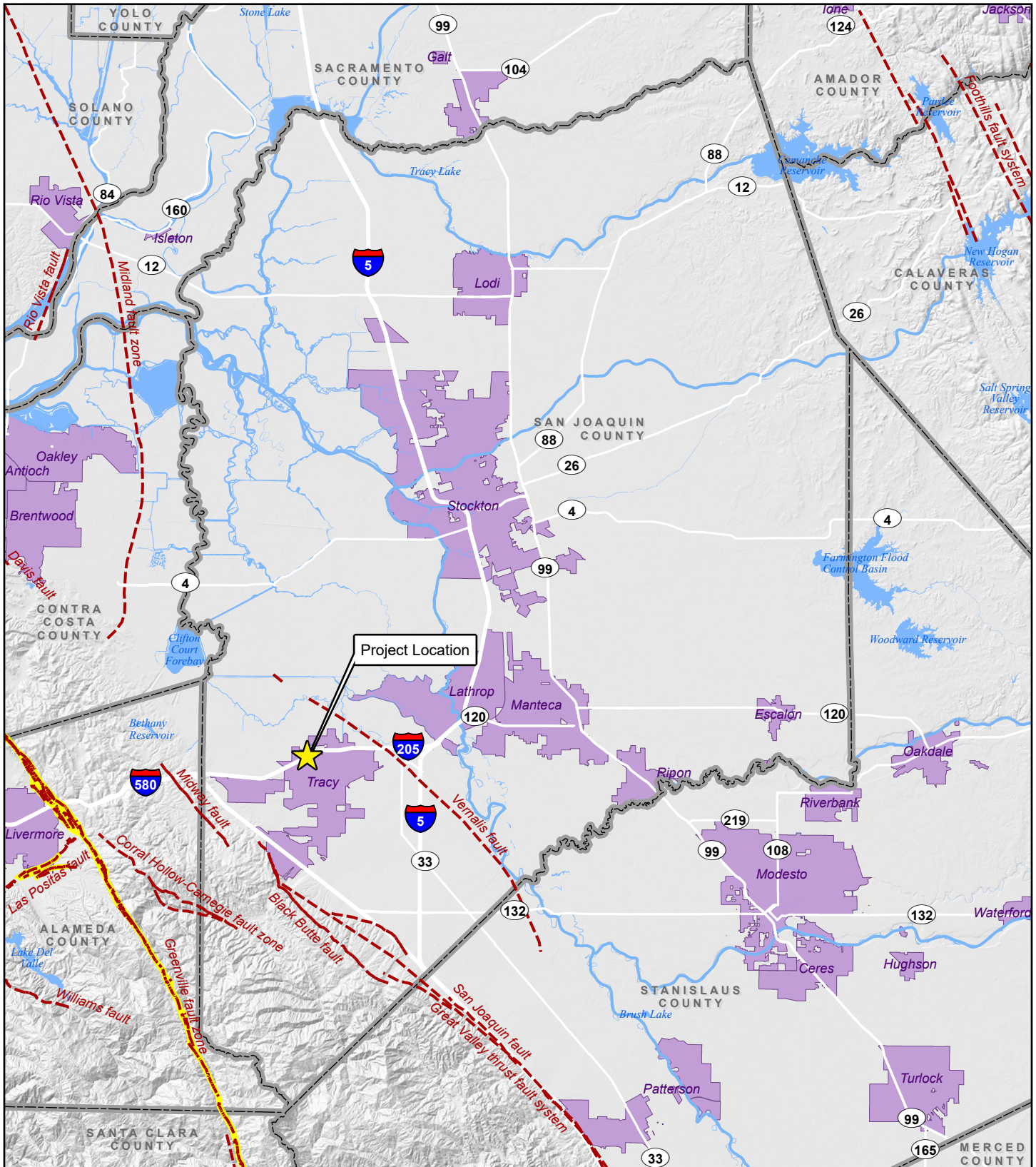


**Response f): Less than Significant with Mitigation.** The Project site is not expected to contain subsurface paleontological resources, although it is possible. Damage to or destruction of a paleontological resource would be considered a potentially significant impact under local, state, or federal criteria. Implementation of the following mitigation measure would ensure steps would be taken to reduce impacts to paleontological resources in the event that they are discovered during construction. This would ensure that any potentially significant impacts would be reduced to a **less than significant** level regarding this topic.

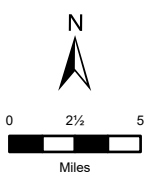
**MITIGATION MEASURE(S)**

***Mitigation Measure GEO-3:** If paleontological resources are discovered during the course of construction, work shall be halted immediately within 50 meters (165 feet) of the discovery, the City of Tracy or San Joaquin County shall be notified, and a qualified paleontologist shall be retained to determine the significance of the discovery. If the paleontological resource is considered significant, it should be excavated by a qualified paleontologist and given to a local agency, State University, or other applicable institution, where they could be curated and displayed for public education purposes.*

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- LEGEND**
- Incorporated Area
  - County Boundary
  - Quaternary Fault
  - Alquist Priolo Fault Zone



Tracy TRU by Hilton Project

Figure 9. Earthquake Fault Map

Sources: USGS, California State GeoPortal; San Joaquin County GIS. Map date: October 12, 2022.

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**LEGEND**

Project Location

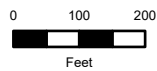
Tracy City Limits

Tracy SOI

**Soil Types**

Capay clay, 0 to 1 percent slopes, MLRA 17 (1.98 ac)

Sources: NRCS Soil Survey; San Joaquin County GIS. Map date: October 12, 2022.



**Tracy TRU by Hilton Project**





**Figure 10. Project Site Soils**

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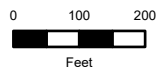




**LEGEND**

-  Project Location
-  Tracy City Limits
-  Tracy SOI
- Shrink-Swell Potential**
-  Very High

Sources: NRCS Soil Survey; San Joaquin County GIS. Map date: October 12, 2022.

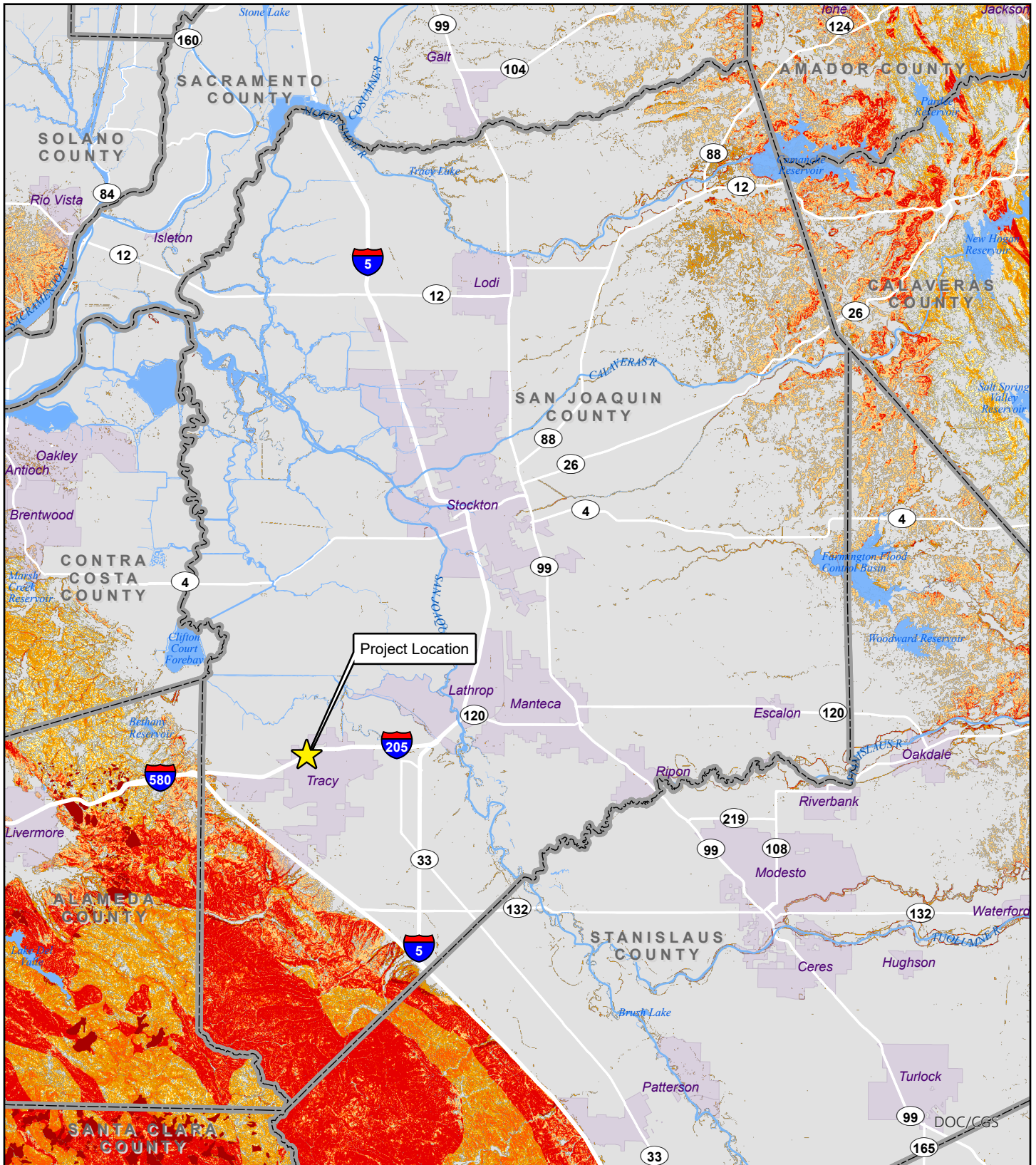


Tracy TRU by Hilton Project

Figure 11. Shrink-Swell Potential

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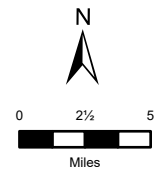


**LEGEND**

- Incorporated Area
- County Boundary

**Landslide Susceptibility Classes**

0	VII
III	VIII
V	IX
VI	X



**Tracy TRU by Hilton Project**

**Figure 12. Landslide Susceptibility**

Sources: California Department of Conservation Map Sheet 58, San Joaquin County GIS, Map date: October 12, 2022.

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**VIII. GREENHOUSE GAS EMISSIONS -- WOULD THE PROJECT:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?			X	

**BACKGROUND**

Various gases in the Earth's atmosphere, classified as atmospheric greenhouse gases (GHGs), play a critical role in determining the Earth's surface temperature. Solar radiation enters Earth's atmosphere from space, and a portion of the radiation is absorbed by the Earth's surface. The Earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation.

Naturally occurring GHGs include water vapor (H<sub>2</sub>O), carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and ozone (O<sub>3</sub>). Several classes of halogenated substances that contain fluorine, chlorine, or bromine are also GHGs, but they are, for the most part, solely a product of industrial activities. Although the direct GHGs, including CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O, occur naturally in the atmosphere, human activities have changed their atmospheric concentrations. From the pre-industrial era (i.e., ending about 1750) to 2011, concentrations of these three GHGs have increased globally by 40, 150, and 20 percent, respectively (IPCC, 2013).

Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is now retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), ozone (O<sub>3</sub>), water vapor, nitrous oxide (N<sub>2</sub>O), and chlorofluorocarbons (CFCs).

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. Consumption of fossil fuels in the transportation sector was the single largest source of California's GHG emissions in 2018, accounting for 41% of total GHG emissions in the state. This category was followed by the industrial sector (24%), the electricity generation sector (including both in-state and out-of-state sources) (15%) and the agriculture and forestry sector (8%) (California Energy Commission, 2021).

As the name implies, global climate change is a global problem. GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern, respectively. California produced approximately 425 million gross metric tons of carbon dioxide equivalents (MMTCO<sub>2</sub>e) in 2018 (California Energy Commission, 2021). Given that the

U.S. EPA estimates that worldwide emissions from human activities totaled nearly 46 billion gross metric tons of carbon dioxide equivalents (BMT $\text{CO}_2\text{e}$ ) in 2010, California’s incremental contribution to global GHGs is approximately 2% (U.S. EPA, 2014).

Carbon dioxide equivalents are a measurement used to account for the fact that different GHGs have different potential to retain infrared radiation in the atmosphere and contribute to the greenhouse effect. This potential, known as the global warming potential of a GHG, is also dependent on the lifetime, or persistence, of the gas molecule in the atmosphere. Expressing GHG emissions in carbon dioxide equivalents takes the contribution of all GHG emissions to the greenhouse effect and converts them to a single unit equivalent to the effect that would occur if only  $\text{CO}_2$  were being emitted.

### *RESPONSES TO CHECKLIST QUESTIONS*

**Response a) and b): Less than Significant.** Existing science is inadequate to support quantification of impacts that project specific GHG emissions have on global climatic change. This is readily understood when one considers that global climatic change is the result of the sum total of GHG emissions, both man-made and natural that occurred in the past; that is occurring now; and will occur in the future. The effects of project specific GHG emissions are cumulative, and unless reduced or mitigated, their incremental contribution to global climatic change could be considered significant.

The SJVAPCD’s Guidance for Assessing and Mitigating Air Quality Impacts (SJVAPCD, 2015) provides an approach to assessing a project’s impacts on greenhouse gas emissions by evaluating the project’s emissions to the “reduction targets” established in the CARB’s AB 32 Scoping Plan. For instance, the SJVACD’s guidance recommends that projects should demonstrate that “*project specific GHG emissions would be reduced or mitigated by at least 29%, compared to Business as Usual (BAU), including GHG emission reductions achieved since the 2002-2004 baseline period, consistent with GHG emission reduction targets established in ARB’s AB 32 Scoping Plan. Projects achieving at least a 29% GHG emission reduction compared to BAU would be determined to have a less than significant individual and cumulative impact for GHG.*”

Subsequent to the SJVAPCD’s approval of the *Final Draft Guidance for Assessing and Mitigating Air Quality Impacts* (SJVAPCD 2015), the California Supreme Court issued an opinion that affects the conclusions that should/should not be drawn from a GHG emissions analysis that is based on consistency with the AB 32 Scoping Plan. More specifically, in *Center for Biological Diversity v. California Department of Fish and Wildlife*, the Court ruled that showing a “project-level reduction” that meets or exceeds the Scoping Plan’s overall statewide GHG reduction goal is not necessarily sufficient to show that the project’s GHG impacts will be adequately mitigated: “*the Scoping Plan nowhere related that statewide level of reduction effort to the percentage of reduction that would or should be required from individual projects...*” According to the Court, the lead agency cannot simply assume that the overall level of effort required to achieve the statewide goal for emissions reductions will suffice for a specific project.

Given this Court decision, reliance on a 29 percent GHG emissions reduction from projected BAU levels compared to the project’s estimated 2020 levels as recommended in the SJVAPCD’s



guidance documents is not an appropriate basis for an impact conclusion in the MND. Given that the SJVAPCD staff has concluded that “*existing science is inadequate to support quantification of impacts that project specific GHG emissions have on global climatic change,*” this MND instead relies on consistency with the local reduction strategies contained within the latest version of the CARB’s Scoping Plan policies, and the policies contained within the SJCOG’s 2022 RTP/SCS.

The approach still relies on the Appendix G of the CEQA Guidelines thresholds which indicate that climate change-related impacts are considered significant if implementation of the proposed Project would do any of the following:

1. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
2. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

These two CEQA Appendix G threshold questions are provided within the Initial Study checklist and are the thresholds used for the subsequent analysis. The focus of the analysis is on the Project’s consistency with the 2022 Scoping Plan policies and the policies contained within the SJCOG’s 2022 RTP/SCS.

### Project Greenhouse Gas Emissions

The proposed Project would generate GHGs during the construction and operational phases of the proposed Project. The primary source of construction-related GHGs from the proposed Project would result from emissions of CO<sub>2</sub> associated with the construction of the proposed Project, and worker vehicle trips. The proposed Project would require limited grading, and would also include site preparation, building construction, architectural coating, and paving phases. Sources of GHGs during Project operation would include CO<sub>2</sub> associated with operational vehicle trips and on-site energy usage (e.g. electricity). Other sources of GHG emissions would be minimal.

Table GHG-1 provides the estimated GHG emissions that would be generated during Project construction and operation.

**Table GHG-1: Project Mitigated Construction and Operational GHG Emissions (metric tons/year)**

YEAR	CO <sub>2</sub> E
<b>Construction</b>	
Maximum Annual	163
<b>Operation</b>	
Annual	693.5

SOURCE: CAL EEMOD, v.2022.4.0

### Project Consistency with the 2022 Scoping Plan Policies

Table GHG-2, below provides a consistency analysis of the relevant 2022 Scoping Plan Policies in comparison to the proposed Project. The 2030 goal was codified under SB 32 and is addressed by the 2022 Scoping Plan. The new plan provides a strategy that is capable of reaching the SB 32

target if the measures included in the plan are implemented and achieve reductions within the ranges expected. Under the Scoping Plan Update, local government plays a supporting role through its land use authority and control over local transportation infrastructure. SB 375 and AB 32 is implemented with the SJCOG RTP/SCS. The RTP/SCS envisions an increase in development density that would encourage fewer and shorter trips and more trips by transit, walking, and bicycling in amounts sufficient to achieve the SB 375 targets. The 2022 Scoping Plan Update includes the strategy that the State intends to pursue to achieve the 2030 targets of Executive Order S-3-05 and SB 32.

**TABLE GHG-2: PROJECT CONSISTENCY WITH THE 2022 SCOPING PLAN**

SCOPING PLAN MEASURE	PROJECT CONSISTENCY
<p><b>SCAQMD Rule 445 (Wood Burning Devices):</b> Restricts the installation of wood-burning devices in new development.</p>	<p><u>Mandatory Compliance.</u> Approximately 15 percent of California’s major anthropogenic sources of black carbon include fireplaces and woodstoves. The Project would not include hearths (woodstove and fireplaces) as mandated by this rule.</p>
<p><b>California Renewables Portfolio Standard, Senate Bill 350 (SB 350) and Senate Bill 100 (SB 100):</b> Increases the proportion of electricity from renewable sources to 33 percent renewable power by 2020. SB 350 requires 50 percent by 2030. SB 100 requires 44 percent by 2024, 52 percent by 2027, and 60 percent by 2030. It also requires the State Energy Resources Conservation and Development Commission to double the energy efficiency savings in electricity and natural gas final end uses of retail customers through energy efficiency and conservation.</p>	<p><u>No Conflict.</u> The Project would utilize electricity provided by Pacific Gas &amp; Electric (PG&amp;E), which is required to meet the 2020, 2030, 2045, and 2050 performance standards. In 2021, 48 percent of PG&amp;E’s electricity came from renewable resources.<sup>1</sup> By 2030 PG&amp;E plans to achieve over 60 percent carbon-free energy.</p>
<p><b>All Electric Appliances for New Residential and Commercial Buildings (AB 197):</b> All electric appliances beginning 2026 (residential) and 2029 (commercial), contributing to 6 million heat pumps installed statewide by 2030.</p>	<p><u>Mandatory Compliance.</u> Project-specific plans would be required to demonstrate that only all electric appliances would be installed for residential land uses starting in 2026, and for commercial uses starting in 2029, consistent with this requirement.</p>
<p><b>California Code of Regulations, Title 24, Building Standards Code:</b> Requires compliance with energy efficiency standards for residential and nonresidential buildings.</p>	<p><u>Mandatory Compliance.</u> Future development associated with Project implementation would be required to meet the applicable requirements of the 2022 Title 24 Building Energy Efficiency Standards, including installation of rooftop solar panels and additional CALGreen requirements (see discussion under CALGreen Code requirements below).</p>
<p><b>California Green Building Standards (CALGreen) Code Requirements:</b> All bathroom exhaust fans are required to be ENERGY STAR compliant.</p>	<p><u>Mandatory Compliance.</u> Project-specific construction plans would be required to demonstrate that energy efficiency appliances, including bathroom exhaust fans, and equipment are ENERGY STAR compliant.</p>

SCOPING PLAN MEASURE	PROJECT CONSISTENCY
<b>California Green Building Standards (CALGreen) Code Requirements:</b> HVAC system designs are required to meet American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) standards.	<u>Mandatory Compliance.</u> Project-specific construction plans would be required to demonstrate that the HVAC system meets the ASHRAE standards.
<b>California Green Building Standards (CALGreen) Code Requirements:</b> Air filtration systems are required to meet a minimum efficiency reporting value (MERV) 8 or higher.	<u>Mandatory Compliance.</u> Specific development projects would be required to install air filtration systems (MERV 8 or higher) as part of its compliance with the 2022 Title 24 Building Energy Efficiency Standards.
<b>California Green Building Standards (CALGreen) Code Requirements:</b> Refrigerants used in newly installed HVAC systems shall not contain any chlorofluorocarbons.	<u>Mandatory Compliance.</u> Specific development projects would be required to meet this requirement as part of its compliance with the CALGreen Code.
<b>California Green Building Standards (CALGreen) Code Requirements:</b> Parking spaces shall be designed for carpool or alternative fueled vehicles. Up to eight percent of total parking spaces is required for such vehicles.	<u>Mandatory Compliance.</u> Specific development projects would be required to meet this requirement as part of its compliance the CALGreen Code.
<b>Mobile Source Strategy (Cleaner Technology and Fuels):</b> Reduce GHGs and other pollutants from the transportation sector through transition to zero-emission and low-emission vehicles, cleaner transit systems, and reduction of vehicle miles traveled.	<u>Consistent.</u> The Project would be consistent with this strategy by supporting the use of zero-emission and low-emission vehicles; refer to CALGreen Code discussion above.
<b>Senate Bill (SB) 375:</b> SB 375 establishes mechanisms for the development of regional targets for reducing passenger vehicle GHG emissions. Under SB 375, CARB is required, in consultation with the State’s Metropolitan Planning Organizations, to set regional GHG reduction targets for the passenger vehicle and light-duty truck sector for 2020 and 2035.	<u>Consistent.</u> As demonstrated in <a href="#">Table GHG-3</a> , the Project would comply with the San Joaquin Council of Governments (SJCOG) 2022 RTP/SCS, and therefore, the Project would be consistent with SB 375.
<b>CCR, Title 24, Building Standards Code:</b> Title 24 includes water efficiency requirements for new residential and non- residential uses.	<u>Mandatory Compliance.</u> Refer to the discussion under 2022 Title 24 Building Standards Code and CALGreen Code, above.
<b>Water Conservation Act of 2009 (Senate Bill X7-7):</b> The Water Conservation Act of 2009 sets an overall goal of reducing per capita urban water use by 20 percent by December 31, 2020. Each urban retail water supplier shall develop water use targets to meet this goal. This is an implementing measure of the Water Sector of the AB 32 Scoping Plan. Reduction in water consumption directly reduces the energy necessary and the associated emissions to convene, treat, and distribute the water; it also reduces emissions from wastewater treatment.	<u>Consistent.</u> Refer to the discussion under 2022 Title 24 Building Standards Code and CALGreen Code, above.

<i>SCOPING PLAN MEASURE</i>	<i>PROJECT CONSISTENCY</i>
<b>California Integrated Waste Management Act (IWMA) of 1989 and Assembly Bill (AB) 341:</b> The IWMA mandates that State agencies develop and implement an integrated waste management plan which outlines the steps to divert at least 50 percent of solid waste from disposal facilities. AB 341 directs the California Department of Resources Recycling and Recovery (CalRecycle) to develop and adopt regulations for mandatory commercial recycling and sets a Statewide goal for 75 percent disposal reduction by the year 2020.	<b>Mandatory Compliance.</b> The Project would be required to comply with AB 341 which requires multifamily residential dwelling of five units or more to arrange for recycling services. This would reduce the overall amount of solid waste disposed of at landfills. The decrease in solid waste would in return decrease the amount of methane released from decomposing solid waste.

<sup>1</sup>PG&E 2021 POWER MIX. WEBSITE: [HTTPS://WWW.PGE.COM/PGE\\_GLOBAL/COMMON/PDFS/YOUR-ACCOUNT/YOUR-BILL/UNDERSTAND-YOUR-BILL/BILL-INSERTS/2022/1022-POWER-CONTENT-LABEL.PDF](https://www.pge.com/pge_global/common/pdfs/your-account/your-bill/understand-your-bill/bill-inserts/2022/1022-power-content-label.pdf)

SOURCE: CALIFORNIA AIR RESOURCES BOARD. 2022. FINAL 2022 SCOPING PLAN FOR ACHIEVING CARBON NEUTRALITY. WEBSITE: [HTTPS://WW2.ARB.CA.GOV/SITES/DEFAULT/FILES/2022-12/2022-SP.PDF](https://ww2.arb.ca.gov/sites/default/files/2022-12/2022-sp.pdf)

### Project Consistency with SJCOG's RTP/SCS

The proposed Project is analyzed for consistency with the strategies contained in the latest adopted SJCOG RTP/SCS (i.e. SJCOG's 2022 RTP/SCS). With the passage of SB 375 in 2008, metropolitan planning organizations were required to develop an SCS, which must demonstrate an ambitious, yet achievable, approach to how land use development and transportation can work together to meet greenhouse gas emission reduction targets for cars and light trucks. These targets, set by the California Air Resources Board, call for the region to reduce per capita emissions. Table GHG-3 below provides this consistency analysis.

**TABLE GHG-3: PROJECT CONSISTENCY WITH THE SJCOG'S 2022 RTP/SCS**

<i>RTP/SCS POLICY</i>	<i>PROJECT CONSISTENCY</i>
<b>Policy 1: Enhance the Environment for Existing and Future Generations and Conserve Energy</b>	<b>Consistent.</b> The proposed Project would meet the requirements of Title 24 for energy efficient design.
<b>Policy 2: Maximize Mobility and Accessibility</b>	<b>Consistent.</b> The proposed Project is compatible to the surrounding area. The proposed Project's location would be easily accessible from the surrounding area.
<b>Policy 3: Increase Safety and Security</b>	<b>Consistent.</b> The proposed Project is along Corral Hollow Road, in a safe and accessible location.
<b>Policy 4: Preserve the Efficiency of the Existing Transportation System</b>	<b>Consistent.</b> The proposed Project will facilitate movement in the Tracy area and thereby increasing the efficiency of the existing transportation system.
<b>Policy 5: Support Economic Vitality</b>	<b>Consistent.</b> The proposed Project improves access to a key strategic economic center, promotes the safe and efficient movement of goods by truck, and supports the implementation of transportation improvements adjacent to the Project site (since the Project would pay its fair share of traffic improvements).
<b>Policy 6: Promote Interagency Coordination and Public Participation for Transportation Decision-Making and Planning Efforts</b>	<b>Not Applicable.</b> The proposed Project is not a transportation Project.
<b>Policy 7: Maximize Cost-Effectiveness</b>	<b>Consistent.</b> The proposed Project is located in an area that has been planned for in the City's General Plan for commercial uses such as the proposed Project. Moreover, the proposed Project utilizes existing transportation corridors.



<i>RTP/SCS POLICY</i>	<i>PROJECT CONSISTENCY</i>
<b>Policy 8: Improve the Quality of Life for Residents</b>	<b>Consistent.</b> The proposed Project implements a commercial Project in an area that has been planned for in the General Plan for commercial land uses. Therefore, the proposed Project avoids being sited in an area that would be highly sensitive to the physical environmental impacts associated with the proposed Project, thereby maintaining quality of life for residents in the City of Tracy and the region.

*SOURCE: SAN JOAQUIN COUNCIL OF GOVERNMENTS (SJCOG). 2022. 2022 REGIONAL TRANSPORTATION PLAN/SUSTAINABLE COMMUNITIES STRATEGY (RTP/SCS). AUGUST 5, 2022. WEBSITE: [HTTPS://WWW.SJCOG.ORG/608/ADOPTED-2022-RTPSCS-PLAN](https://www.sjco.org/608/ADOPTED-2022-RTPSCS-PLAN). ACCESSED MARCH 21, 2023.*

### **Conclusion**

Overall, the proposed Project would be consistent with the policies within the CARB’s 2022 Scoping Plan and the SJCOG’s latest RTP/SCS. Therefore, the proposed Project would not generate a significant cumulative impact to GHGs. The proposed Project would not generate GHG emissions that would have a significant impact on the environment or conflict with any applicable plans, policies, or regulations. Therefore, impacts related to greenhouse gases are **less than significant**.

*IX. HAZARDS AND HAZARDOUS MATERIALS -- WOULD THE PROJECT:*

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		X		
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) 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, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

*RESPONSES TO CHECKLIST QUESTIONS*

**Responses a), b): Less than Significant with Mitigation.** The proposed Project would place hotel uses in an area of the City that currently contains residential and commercial uses. Like most agricultural and farming operations in the Central Valley, agricultural practices in the area have used agricultural chemicals including pesticides and herbicides as a standard practice. Although no contaminated soils have been identified on the Project site or the vicinity above applicable levels, residual concentrations of pesticides may be present in soil as a result of historic agricultural application and storage. Continuous spraying of crops over many years can potentially result in a residual buildup of pesticides, in farm soils. Of highest concern relative to agrichemicals are chlorinated herbicides, organophosphate pesticides, and organochlorine pesticides, such as such as Mecoprop (MCP), Dinoseb, chlordane, dichloro-diphenyltrichloroethane (DDT), and dichloro-diphenyl-dichloroethylene (DDE). There are no records of soil contamination on the Project site.

The proposed commercial land uses do not routinely transport, use, or dispose of hazardous materials, or present a reasonably foreseeable release of hazardous materials, with the exception of common hazardous materials such as household cleaners, paint, etc. The operational phase of the proposed Project does not pose a significant hazard to the public or the environment.

Onsite reconnaissance and historical records indicate that there are no known underground storage tanks or pipelines located on the Project site that contain hazardous materials. Therefore, the disturbance of such items during construction activities is unlikely. Construction equipment and materials would likely require the use of petroleum based products (oil, gasoline, diesel fuel), and a variety of common chemicals including paints, cleaners, and solvents. Transportation, storage, use, and disposal of hazardous materials during construction activities would be required to comply with applicable federal, state, and local statutes and regulations. Compliance would ensure that human health and the environment are not exposed to hazardous materials.

Mitigation Measure HAZ-1 presented below require a Soils Management Plan (SMP) to be submitted and approved by the San Joaquin County Department of Environmental Health prior to the issuance of a grading permit. The SMP will establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction. In addition, the Project applicant would be statutorily required to implement a SWPPP during construction activities, which would prevent any contaminated runoff from leaving the Project site. Further, Mitigation Measure HAZ-2 requires submittal of a Hazardous Materials Business Plan. Therefore, the proposed Project would have a **less than significant** impact relative to this issue.

#### **MITIGATION MEASURE(S)**

***Mitigation Measure HAZ-1:*** A Soils Management Plan (SMP) shall be submitted and approved by the San Joaquin County Department of Environmental Health prior to the issuance of a grading permit. The SMP shall establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction. The approved SMP shall be posted and maintained onsite during construction activities and all construction personnel shall acknowledge that they have reviewed and understand the plan.

***Mitigation Measure HAZ-2:*** Prior to bringing hazardous materials onsite, the applicant shall submit a Hazardous Materials Business Plan (HMBP) to San Joaquin County Environmental Health Division (CUPA) for review and approval. If during the construction process the applicant or his subcontractors generates hazardous waste, the applicant must register with the CUPA as a generator of hazardous waste, obtain an EPA ID# and accumulate, ship and dispose of the hazardous waste per Health and Safety Code Ch. 6.5. (California Hazardous Waste Control Law).

**Response c): No Impact.** The Project site is not located within ¼ mile of an existing school. Jacobson Elementary School is located approximately 0.27 miles east of the Project site. Therefore, **no impact** would occur as a result of the proposed Project.

**Response d): Less than Significant.** According to the California Department of Toxic Substances Control (DTSC) there are no Federal Superfund Sites, State Response Sites, or Voluntary Cleanup

Sites on, or in the near vicinity of the Project site. The Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5. The nearest investigation sites include:

**Quality Cleaners, Tracy** (site #60002170). This site is a strip mall that contains Quality Dry Cleaners. The site is a voluntary cleanup site and is active as of March 27, 2015. The site was investigated and had limited soil, indoor air, and soil samples taken. PDT/TCE has been found in the groundwater and indoor air.

**Old Valley Pipeline (Laurelbrook)** (site #37860005). From the early 1900's to the late 1950's, the Old Valley Pipeline was used by Standard Oil Company (now Chevron) to transport heavy petroleum (crude oil) from Bakersfield to Richmond. The site is a voluntary cleanup site and was referred to the Regional Water Quality Control Board as of December 9, 2015. A Voluntary Cleanup Agreement dated October 23, 2002 outlined site characterization and human health activities. The site characteristic activities are ongoing.

Therefore, implementation of the proposed Project would result in a **less than significant** impact relative to this environmental topic.

**Response e): No Impact.** The Project is not located within the airport land use plan area for any airport, including for the Tracy Municipal Airport, which is located approximately 4.6 miles south of the Project site. Therefore, implementation of the proposed Project would have **no impact** relative to this topic.

**Response f): Less than Significant.** The Project site currently connects to an existing network of City streets. The proposed roadway circulation improvements would allow for greater emergency access relative to existing conditions. The Project includes new connections to the adjacent Home2Suites Hotel, and would stub roadway connections to adjacent future developments to the north and west. The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, impacts from Project implementation would be considered **less than significant** relative to this topic.

**Response g): Less than Significant.** The risk of wildfire is related to a variety of parameters, including fuel loading (vegetation), fire weather (winds, temperatures, humidity levels and fuel moisture contents) and topography (degree of slope). Steep slopes contribute to fire hazard by intensifying the effects of wind and making fire suppression difficult. Fuels such as grass are highly flammable because they have a high surface area to mass ratio and require less heat to reach the ignition point. The County has areas with an abundance of flashy fuels (i.e. grassland) in the foothill areas of the County. The Project would not result in development of structures or housing which would subject residents, visitors, or workers to long-term wildfire danger. Therefore, impacts from Project implementation would be considered **less than significant** relative to this topic.



*X. HYDROLOGY AND WATER QUALITY -- WOULD THE PROJECT:*

<i>Would the project:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			X	
(i) Result in substantial erosion or siltation on- or off-site;			X	
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			X	
(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X	
(iv) Impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

*RESPONSES TO CHECKLIST QUESTIONS*

**Responses a): Less than Significant.** The proposed Project does not contain any drainage connectivity to Waters of the US. A Stormwater Runoff Management Technical Memorandum on January 4, 2023 (as provided in Appendix F), which identifies how the proposed Project would mitigate for potential discharges on and near the Project site as well as further downstream. The proposed Project will not result in intensification of land uses, or the addition of structures or uses that would differ from the current General Plan. In order to ensure that stormwater runoff from the Project site does not adversely increase pollutant levels in adjacent surface waters and stormwater conveyance infrastructure, the application of BMPs to effectively reduce pollutants from stormwater leaving the site during both the construction and operational phases of the Project are required. As noted in the Project description, a SWPPP would be required to be approved prior to construction activities pursuant to the Clean Water Act.

Through compliance with the NPDES permit requirements, and compliance with the SWPPP, the proposed Project would not result in a violation of any water quality standards or waste discharge requirements. Therefore, through compliance with the NPDES, and SWPPP requirements, the proposed Project would result in a **less than significant** impact relative to this topic.

**Responses b): Less than Significant.** The proposed Project would not result in the construction of new groundwater wells, nor would it increase existing levels of groundwater pumping. The proposed Project would be served by the City’s municipal water system. The City of Tracy uses several water sources, including the US Bureau of Reclamation, the South County Water Supply Project (SCWSP), and groundwater. As described in greater detail in the Utilities Section of this document, the City has adequate water supplies to serve the proposed Project without increasing the current rate of groundwater extraction.

Groundwater recharge occurs primarily through percolation of surface waters through the soil and into the groundwater basin. The addition of significant areas of impervious surfaces (such as roads, parking lots, buildings, etc.) can interfere with this natural groundwater recharge process. Upon full Project buildout, most of the Project site would be covered in impervious surfaces, which would limit the potential for groundwater percolation to occur on the Project site. However, given the relatively large size of the groundwater basin in the Tracy area, the areas of impervious surfaces added as a result of Project implementation will not adversely affect the recharge capabilities of the local groundwater basin. The proposed Project would result in **less than significant** impacts related to depletion of groundwater supplies and interference with groundwater recharge. No mitigation is required.

**Responses c.i)-c.iv):** The proposed Project would not alter a stream or river. The implementation of the proposed Project would result in additional impervious surfaces. As a standard practice, the City requires post-Project runoff to be equal to or less than pre-Project runoff, which would ensure that the proposed Project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.

Additionally, the Project is subject to the requirements of Chapter 11.34 of the Tracy Municipal Code – Stormwater Management and Discharge Control. The purpose of this Chapter is to *“Protect and promote the health, safety and general welfare of the citizens of the City by controlling non-stormwater discharges to the stormwater conveyance system, by eliminating discharges to the stormwater conveyance system from spills, dumping, or disposal of materials other than stormwater, and by reducing pollutants in urban stormwater discharges to the maximum extent practicable.”*

This chapter is intended to assist in the protection and enhancement of the water quality of watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Water Pollution Control Act (Clean Water Act, 33 USC Section 1251 et seq.), Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.) and NPDES Permit No. CAS000004, as such permit is amended and/or renewed.

New projects in the City of Tracy are required to provide site-specific storm drainage solutions and improvements that are consistent with the overall storm drainage infrastructure approach presented in the 2012 City of Tracy Citywide Storm Drainage Master Plan. Prior to approval of the improvement plans, a detailed storm drainage infrastructure plan shall be coordinated with the City of Tracy Development Services Department and Utilities Department for review and approval. The proposed Project's storm drainage infrastructure plans must demonstrate adequate infrastructure capacity to collect and direct all stormwater generated on the Project site to the existing stormwater conveyance system and demonstrate that the proposed Project would not result in on- or off-site flooding impacts.

In order to ensure that stormwater runoff from the Project site does not adversely increase pollutant levels in adjacent surface waters and stormwater conveyance infrastructure, or otherwise degrade water quality, a SWPPP would be required. The SWPPP would require the application of BMPs to effectively reduce pollutants from stormwater leaving the site, which would ensure that stormwater runoff does not adversely increase pollutant levels and would reduce the potential for disturbed soils and ground surfaces to result in erosion and sediment discharge into adjacent surface waters during construction and operational phases of the Project.

As noted above, the City requires post-Project runoff to be equal to or less than pre-Project runoff, which would ensure that the proposed Project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site. Additionally, a Stormwater Runoff Management Technical Memorandum on January 4, 2023 (as provided in Appendix F), which identifies how the proposed Project would mitigate for potential discharges on and near the Project site as well as further downstream. The Technical Memorandum includes four recommendations:

1. The Project either should be conditioned to demonstrate to the satisfaction of the City Engineer that infiltration is feasible and that the concept shown on the Project's Preliminary Plan meets the requirements of the Multi-Agency Post Construction Stormwater Standards Manual, otherwise, the applicant must provide an alternative drainage and stormwater quality treatment configuration that meets the City's Design Standards.
2. It should be noted in the Project Conditions of Approval that a stormwater pump system and flow-through planter configuration will be required in order to meet the City's Design Standards unless the applicant demonstrates to the satisfaction of the City Engineer that the configuration shown on the Preliminary Plans (or an alternative configuration) meets all of the applicable requirements.
3. Appropriate calculations will need to be provided with the Project's Design Plans in order to demonstrate that the hydraulic grade lines on the Project will meet the drainage constraints.
4. The Project should be conditioned to provide a maintenance plan for the site drainage system and to maintain the system in perpetuity.

According to the City,<sup>3</sup> storm drain issues identified in the Technical Memorandum have been resolved and the recommendations in the Memorandum will be City conditions of approval for the Project.

Overall, impacts from Project implementation would be reduced to a **less than significant** level relative to this topic.

**Response d):** The Project site is not within a 100-year or 200-year flood zone as delineated by FEMA, as provided in Figure 13. Additionally, the Project site is not within a tsunami or seiche zone. Further, the Project site is not within a dam inundation area, as provided in Figure 14. Development of the proposed Project would not place housing or structures in a flood hazard area. As a result, the proposed Project would have a **less than significant** impact relative to this topic.

**Response e):** The Water Quality Control Plan for the Central Valley Region and the 2014 Eastern San Joaquin Integrated Water Resources Master Plan (IRWMP) are the two guiding documents for water quality and sustainable groundwater management in the Project area. Consistency with the two plans is discussed below.

#### **Water Quality Control Plan for the Central Valley Region**

The Water Quality Control Plan for the Central Valley Region (Basin Plan) includes a summary of beneficial water uses, water quality objectives needed to protect the identified beneficial uses, and implementation measures. The Basin Plan establishes water quality standards for all the ground and surface waters of the region. The RWQCB regulates waste discharges to minimize and control their effects on the quality of the region's ground and surface water. Permits are issued under a number of programs and authorities. The terms and conditions of these discharge permits are enforced through a variety of technical, administrative, and legal means. Water quality problems in the region are listed in the Basin Plan, along with the causes, where known.

As discussed above, impacts related to water quality during construction and operation would be less than significant with implementation of the four recommendations in the Technical Memorandum and the Project-specific SWPPP. The proposed Project would create new impervious surfaces along Corral Hollow Road. The long-term operations of the proposed Project would not result in long-term impacts to surface water quality from urban stormwater runoff.

#### **2014 Eastern San Joaquin IRWMP**

The 2014 Eastern San Joaquin IRWMP defines and integrates key water management strategies to establish protocols and courses of action to implement the Eastern San Joaquin Integrated Conjunctive Use Program. The 2014 Eastern San Joaquin IRWMP is an update and expansion of the 2007 IRWMP prepared for the Eastern San Joaquin Region. There has been significant progress toward implementing the goal of improving the sustainability and reliability of water supplies in the Region, but the process is ongoing and as yet incomplete. The IWRMP does not

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<sup>3</sup> Personal communication with Alan Bell, Senior Planner, City of Tracy, March 21, 2023.



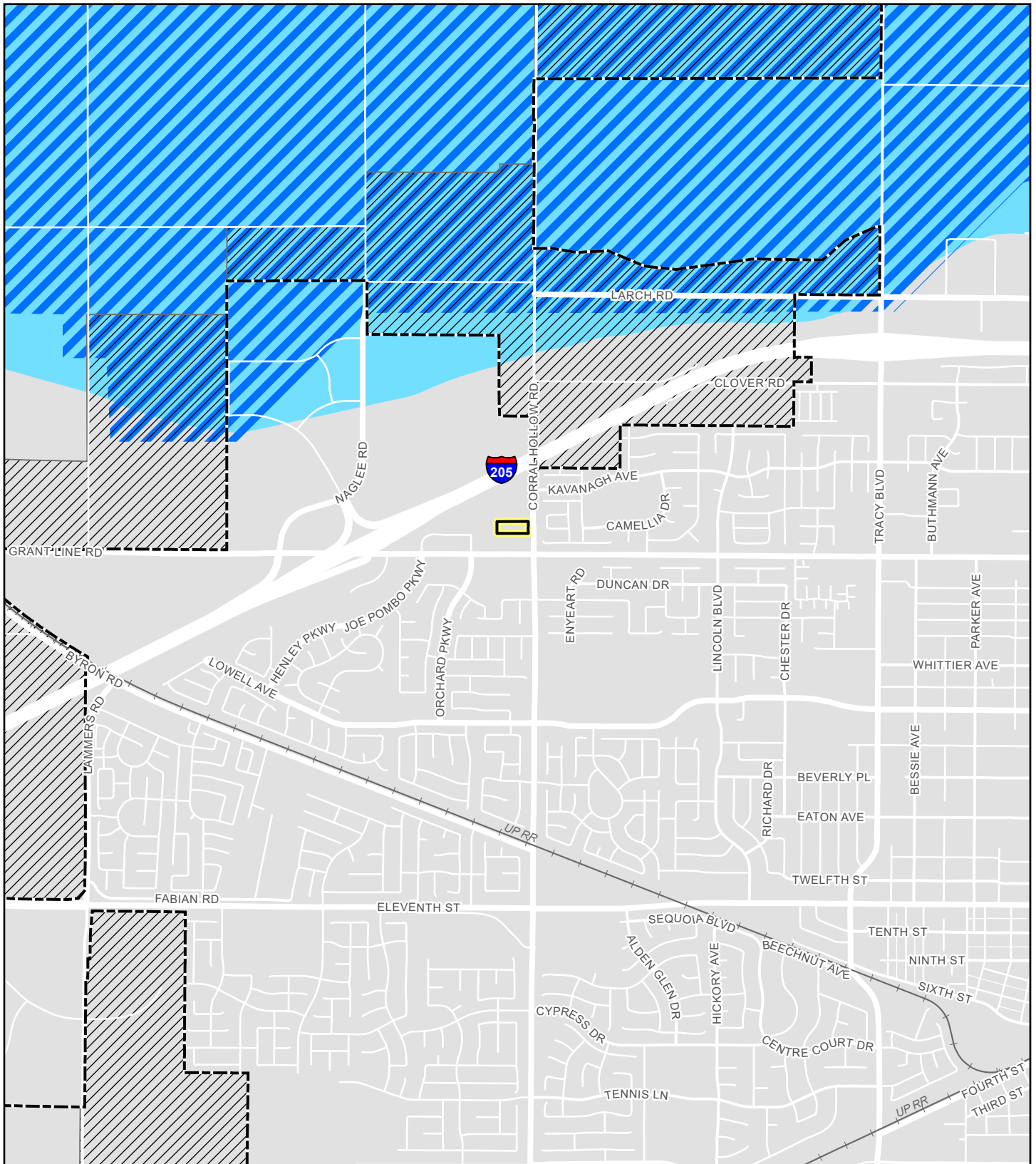
include requirements for individual projects, such as the proposed Project. Instead, the IWRMP outlines projects to be carried out which achieve regional goals, such as reduced water demand, improved efficiency, improved water quality, and improved flood management.

As discussed previously, the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin. The proposed Project would result in new impervious surfaces that could reduce rainwater infiltration and groundwater recharge. Rainwater which falls on the new impervious surfaces would flow to the adjacent stormwater facilities. Additionally, the proposed Project would not interfere with groundwater recharge.


### **Conclusion**

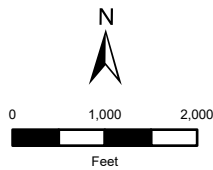
Overall, implementation of the proposed Project would have a **less than significant** impact related to conflicts with the Basin Plan and the Groundwater Management Plan.

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**LEGEND**

-  Project Location
-  100-Year Flood Zone
-  Tracy City Limits
-  200-Year Flood Zone
-  Tracy SOI



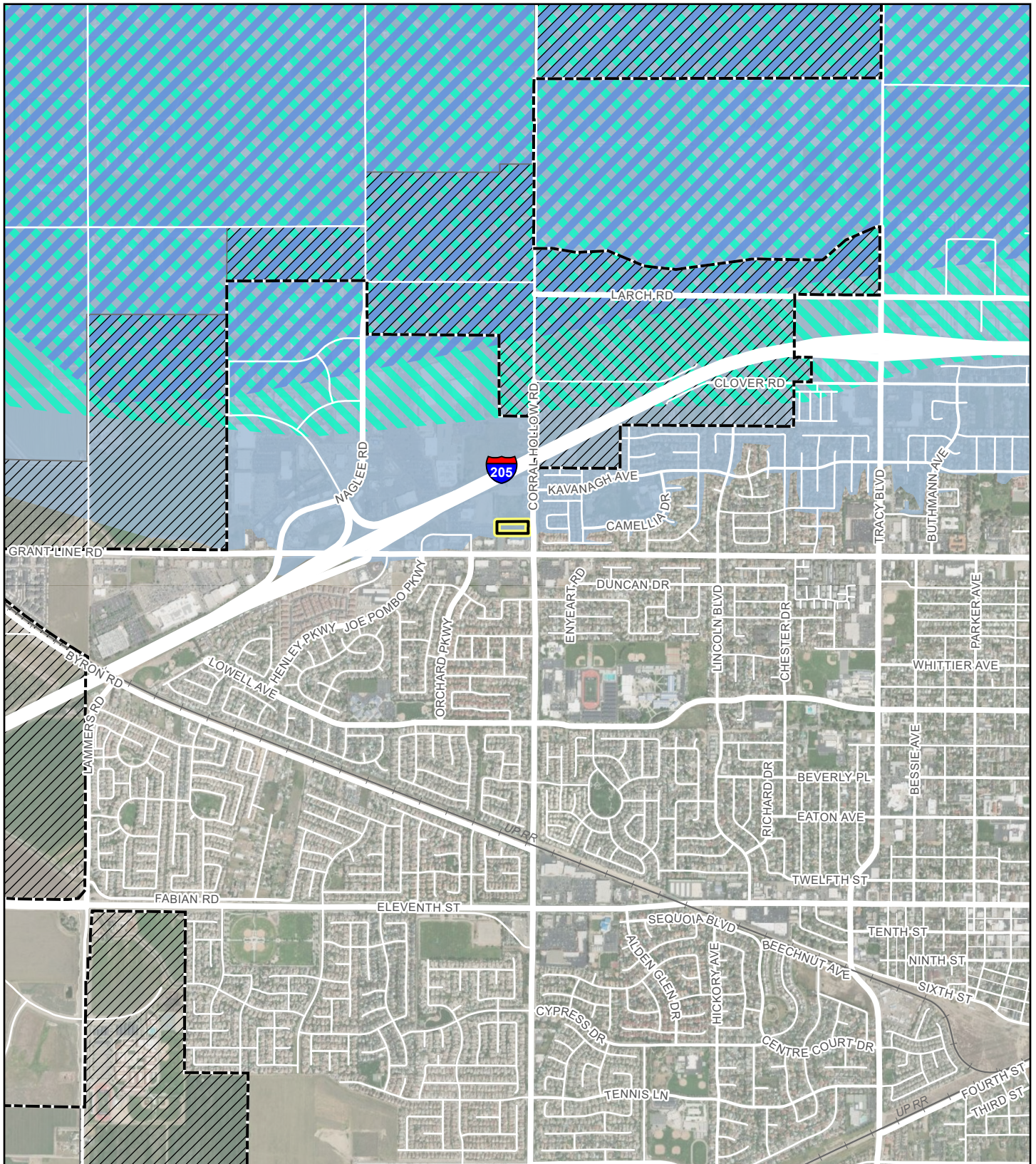
Tracy TRU by Hilton Project

Figure 13. FEMA Flood Insurance Rate Map

Sources: FEMA; DWR; San Joaquin County GIS. Map date: October 12, 2022

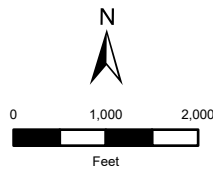
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**LEGEND**

- Project Location
- Don Pedro Dam Inundation Area
- New Melones Dam Inundation Area
- San Luis Reservoir Dam Inundation Area
- Tracy City Limits
- Tracy SOI



Tracy TRU by Hilton Project

Figure 14. Dam Inundation Map

Sources: ArcGIS Online World Imagery Map Service; DWR Division of Safety of Dams. San Joaquin County GIS.  
Map date: October 13, 2022.

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**XI. LAND USE AND PLANNING -- WOULD THE PROJECT:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Physically divide an established community?				X
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

*RESPONSES TO CHECKLIST QUESTIONS*

**Responses a): No Impact.** The Project site is surrounded by residential and commercial land uses. The Project would be consistent and compatible with the surrounding land uses. The Project would not physically divide any established community. Therefore, there is **no impact**.

**Responses b): Less than Significant.** The Project site is currently designated Office by the City of Tracy General Plan Land Use Designations Map and is zoned GHC. The Project would require a General Plan Amendment to change the designation from O to C.

The key planning documents that are directly related to, or that establish a framework within which the proposed Project must be consistent, include:

- City of Tracy General Plan
- City of Tracy Zoning Ordinance

The Project site is located in the Grant Line Road and Corral Hollow Road Area of Special Consideration. The vision for this area is for a medical office area that takes advantage of the proximity of the Kaiser Medical Center. The following General Plan policies apply to areas within the Grant Line Road and Corral Hollow Road Area of Special Consideration:

- 3a. Commercial uses that support the medical industry may be allowed in areas designated as Office.
- 3b. High density residential development, including projects for senior citizens, may be allowed on a case-by-case basis to take advantage of the close proximity to medical and retail services.

Additionally, the following standards apply to the O land use designation:

- Office (O). The purpose of this designation is to provide for the maintenance and expansion of the job and economic base of the City of Tracy and to provide more Tracy residents with the potential to work in the City. The Office designation provides sites for office and research and development uses that accommodate high-tech, medical, hospital, legal, insurance, government and similar users. Office parcels may have a maximum floor-area-ratio (FAR) of 1.0.

The following standards apply to the proposed C land use designation:

- Commercial (C). The Commercial designation allows for a relatively wide range of uses but focuses primarily on retail and consumer service activities that meet the needs of Tracy residents and employees as well as pass-through travelers. Specific categories of commercial activity within this designation include general commercial, regional commercial and highway commercial. The specific location of each type of commercial use is provided in the zoning code. Commercially designated land may have a maximum FAR of 1.0

The Project site is currently zoned GHC. A Zoning Amendment would not be required for the Project. The City of Tracy Zoning Ordinance (Municipal Code Title 10) provides the following designations relevant to the proposed Project:

- General Highway Commercial (GHC). The purpose of the General Highway Commercial zone is to provide areas for commercial activities which are automobile-oriented or for those uses which seek independent locations outside shopping centers or other business clusters.

The proposed uses on the Project site are consistent with the purpose of the General Plan designation of C, which allows for a relatively wide range of uses but focuses primarily on retail and consumer service activities that meet the needs of Tracy residents and employees as well as pass-through travelers. Approval of the requested General Plan Amendment (from O to C) would be required to ensure that the proposed Project is consistent with the Tracy General Plan. The Project site is currently zoned GHC, and a re-zone would not be required. The Project's consistency with other General Plan policies that provide environmental protections are addressed within the relevant sections of this document. This is a **less than significant** impact, and no mitigation is required.

*XII. MINERAL RESOURCES -- WOULD THE PROJECT:*

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

*RESPONSES TO CHECKLIST QUESTIONS*

**Responses a), b): No Impact.** As described in the Tracy General Plan EIR, the main mineral resources found in San Joaquin County, and the Tracy Planning Area, are sand and gravel (aggregate), which are primarily used for construction materials such as asphalt and concrete. According to the California Geological Survey (CGS) evaluation of the quality and quantity of these resources, the most marketable aggregate materials in San Joaquin County are found in three main areas:

- In the Corral Hollow alluvial fan deposits south of Tracy
- Along the channel and floodplain deposits of the Mokelumne River
- Along the San Joaquin River near Lathrop

Figure 4.8-1 of the General Plan EIR identifies Mineral Resource Zones (MRZs) throughout the Tracy Planning Area. The Project site is located within an area designated as MRZ-1. The MRZ-1 designation applies to areas where adequate information indicates that no significant mineral deposits are present, or where there is little likelihood for their presence. There are no substantial aggregate materials located within the Project site. Therefore, the Project would not result in the loss of availability of a known mineral resource. There is **no impact**.



**XIII. NOISE**

<b>Would the project result in:</b>	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporation</b>	<b>Less Than Significant Impact</b>	<b>No Impact</b>
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or 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, would the project expose people residing or working in the project area to excessive noise levels?				X

**KEY NOISE TERMS**

**Acoustics** The science of sound.

**Ambient Noise** The distinctive acoustical characteristics of a given area consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.

**Attenuation** The reduction of noise.

**A-Weighting** A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.

**Decibel or dB** Fundamental unit of sound, defined as ten times the logarithm of the ratio of the sound pressure squared over the reference pressure squared.

**CNEL** Community noise equivalent level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by a factor of three and nighttime hours weighted by a factor of 10 prior to averaging.

**Frequency** The measure of the rapidity of alterations of a periodic acoustic signal, expressed in cycles per second or Hertz.

**Impulsive** Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.

**L<sub>dn</sub>** Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.

<b>L<sub>eq</sub></b>	Equivalent or energy-averaged sound level. This section provides a general description of the existing noise sources in the project vicinity, a discussion of the regulatory setting, and identifies potential noise impacts associated with the proposed project. project impacts are evaluated relative to applicable noise level criteria and to the existing ambient noise environment.
<b>L<sub>max</sub></b>	The highest root-mean-square (RMS) sound level measured over a given period of time.
<b>L<sub>(n)</sub></b>	The sound level exceeded a described percentile over a measurement period. For instance, an hourly L <sub>50</sub> is the sound level exceeded 50 percent of the time during the one hour period.
<b>Loudness</b>	A subjective term for the sensation of the magnitude of sound.
<b>Noise</b>	Unwanted sound.
<b>SEL</b>	Sound exposure levels. A rating, in decibels, of a discrete event, such as an aircraft flyover or train passby, that compresses the total sound energy into a one-second event.

### *RESPONSES TO CHECKLIST QUESTIONS*

**Response a): Less than Significant with Mitigation.** The following analysis is based on the Environmental Noise Assessment prepared by Saxelby Acoustics for the proposed Project on March 27, 2023 (see Appendix C).

### **Summary of Applicable Noise Level Criteria**

The proposed Project includes development of transient lodging and is subject to the City of Tracy hotel noise level standards.

Table NOISE-1 shows the City of Tracy Land Use Compatibility Chart. The table indicates that development of residential uses is “Normally Acceptable” where the ambient noise level is 65 dBA L<sub>dn</sub> or less. Ambient levels exceeding 60 dB L<sub>dn</sub> shall be analyzed following protocols in Appendix Chapter 12, Section 1208A, Sound Transmission Control, California Building Code. Construction where the ambient noise level exceeds 70 dBA L<sub>dn</sub> is considered “Unacceptable.” Construction may occur where noise levels range from 60 dBA L<sub>dn</sub> to 70 dBA L<sub>dn</sub> if noise reduction measures are implemented to ensure interior and exterior spaces are protected from excessive noise. Policy P5 establishes an acceptable interior noise level of 45 dBA L<sub>dn</sub>.

**Table NOISE-1: Effects of Vibration on People and Buildings**

LAND USE CATEGORY	EXTERIOR NOISE EXPOSURE (LDN)					
	55	60	65	70	75	80
Single-Family Residential						
Multi-Family Residential, Hotels, and Motels		(a)				
Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds						
Schools, Libraries, Museums, Hospitals, Personal Care, Meeting Halls, Churches						
Office Buildings, Business Commercial, and Professional						
Auditoriums, Concert Halls, Amphitheaters						
	<b>NORMALLY ACCEPTABLE</b> Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.					
	<b>CONDITIONALLY ACCEPTABLE</b> Specified land use may be permitted only after detailed analysis of the noise reduction requirements and the needed noise insulation features included in the design.					
	<b>UNACCEPTABLE</b> New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies.					

(A) RESIDENTIAL DEVELOPMENT SITES EXPOSED TO NOISE LEVELS EXCEEDING 60 LDN SHALL BE ANALYZED FOLLOWING PROTOCOLS IN APPENDIX CHAPTER 12, SECTION 1208A, SOUND TRANSMISSION CONTROL, CALIFORNIA BUILDING CODE.  
SOURCE: CITY OF TRACY GENERAL PLAN.

Table NOISE-2 shows the noise level standard of a one-hour average sound level permitted at any point on or beyond the boundaries of the property. The table indicates the proposed Project shall not produce non-transportation noise levels of 55 dBA  $L_{eq}$  at adjacent noise sensitive receptors.

**Table NOISE-2: General Sound Level Limits at Base District Zone**

BASE DISTRICT ZONE	SOUND LEVEL LIMITS (DECIBELS)
1. Residential Districts RE (Residential Estate) LDR (Low Density) MDR/MDC (Medium Density) HDR (High Density) RMH (Mobile Home)	55
2. Commercial Districts MO (Medical Office) POM (Professional Office and Medical) NS (Neighborhood Shopping) CBD (Central Business District) GHC (General Highway) H-s (Highway Service)	65
3. Industrial Districts M-1 (Light Industrial) M-2 (Heavy Industrial)	75

<i>BASE DISTRICT ZONE</i>	<i>SOUND LEVEL LIMITS (DECIBELS)</i>
4. A (Agricultural)	75
5. AMO Aggregate Mineral Overlay Zone	75

SOURCE: CITY OF TRACY MUNICIPAL CODE.

### Existing Noise Receptors

Some land uses are considered more sensitive to noise than others. Land uses often associated with sensitive receptors generally include residences, schools, libraries, hospitals, and passive recreational areas. Sensitive noise receptors may also include threatened or endangered noise sensitive biological species, although many jurisdictions have not adopted noise standards for wildlife areas. Noise sensitive land uses are typically given special attention in order to achieve protection from excessive noise.

Sensitivity is a function of noise exposure (in terms of both exposure duration and insulation from noise) and the types of activities involved. In the vicinity of the Project site, sensitive land uses include existing single-family residential uses to the north of the Project site, multi-family residential uses to the east of the Project site, and commercial and office uses to the west and south of the Project site.

### Existing General Ambient Noise Levels

The existing noise environment in the Project area is primarily defined by traffic on I-205 and Corral Hollow Road. To quantify the existing ambient noise environment in the Project vicinity, Saxelby Acoustics conducted continuous (24-hr.) noise level measurements at two locations on the Project site (LT-1 and LT-2). Noise measurement locations are shown on Figure 15. A summary of the noise level measurement survey results is provided in Table NOISE-3. Appendix B of Appendix C contains the complete results of the noise monitoring.

**Table NOISE-3: Summary of Existing Background Noise Measurement Data**

<i>LOCATION</i>	<i>DATE</i>	<i>L<sub>DN</sub></i>	<i>DAYTIME L<sub>EQ</sub></i>	<i>DAYTIME L<sub>50</sub></i>	<i>DAYTIME L<sub>MAX</sub></i>	<i>NIGHTTIME L<sub>EQ</sub></i>	<i>NIGHTTIME L<sub>50</sub></i>	<i>NIGHTTIME L<sub>MAX</sub></i>
LT-1: 330 ft. to CL of I-205.	11/11/22	67	63	62	72	61	60	72
	11/12/22	67	64	63	75	60	60	70
LT-2: 110 ft. to CL of Corral Hollow Rd	11/11/22	68	65	59	84	61	57	77
	11/12/22	67	65	61	81	60	55	75

SOURCE: SAXELBY ACOUSTICS, 2023.

The sound level meters were programmed to record the maximum, median, and average noise levels at each site during the survey. The maximum value, denoted  $L_{max}$ , represents the highest noise level measured. The average value, denoted  $L_{eq}$ , represents the energy average of all the noise received by the sound level meter microphone during the monitoring period. The median value, denoted  $L_{50}$ , represents the sound level exceeded 50 percent of the time during the monitoring period.



Larson Davis Laboratories (LDL) model 820 precision integrating sound level meters were used for the ambient noise level measurement survey. The meters were calibrated before and after use with a CAL200 acoustical calibrator to ensure the accuracy of the measurements. The equipment used meets all pertinent specifications of the American National Standards Institute for Type 1 sound level meters (ANSI S1.4).

### **Future Traffic Noise Environment at Off-Site Receptors**

#### *Off-Site Traffic Noise Impact Assessment Methodology*

To assess noise impacts due to Project-related traffic increases on the local roadway network, traffic noise levels are predicted at sensitive receptors for “Existing” and “Background” conditions.

Existing and Background condition noise levels due to traffic are calculated using the Federal Highway Administration Highway Traffic Noise Prediction Model (FHWA RD-77-108). The model is based upon the Calveno reference noise factors for automobiles, medium trucks and heavy trucks, with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and the acoustical characteristics of the site. The FHWA model was developed to predict hourly  $L_{eq}$  values for free-flowing traffic conditions. To predict traffic noise levels in terms of  $L_{dn}$ , it is necessary to adjust the input volume to account for the day/night distribution of traffic.

Project trip generation volumes were provided by the Project traffic engineer (Kimley Horn, 2023), and truck usage and vehicle speeds on the local area roadways were estimated from field observations. The predicted increases in traffic noise levels on the local roadway network for Existing and Background conditions which would result from the Project are provided in terms of  $L_{dn}$ .

Traffic noise levels are predicted at the sensitive receptors located at the closest typical setback distance along each Project-area roadway segment. In some locations sensitive receptors may not receive full shielding from noise barriers or may be located at distances which vary from the assumed calculation distance.

Tables NOISE-4 and NOISE-5 summarize the modeled traffic noise levels at the nearest sensitive receptors along each roadway segment in the Project area. Appendix C of Appendix C provides the complete inputs and results of the FHWA traffic modeling.

Based upon the Tables NOISE-4 and NOISE-5 data, the proposed Project is predicted to result in an increase in a maximum traffic noise level increase of 0.1 dBA.

**Table NOISE-4: Predicted Traffic Noise Level and Projected-Related Traffic Noise Level Increases**

ROADWAY	SEGMENT	PREDICTED EXTERIOR NOISE LEVEL (DBA L <sub>DN</sub> ) AT CLOSEST SENSITIVE RECEPTORS		
		EXISTING NO PROJECT	EXISTING + PROJECT	CHANGE
Orchard Parkway	South of Grant Line Rd	57.9	57.9	0.0
Corral Hollow Rd	South of Grant Line Rd	61.9	61.9	0.0
Grant Line Road	East of Corral Hollow Rd	61.2	61.2	0.0
Grant Line Road	West of Orchard Pkwy	58.3	58.3	0.0
Corral Hollow Rd	South of Kavanagh Ave	58.7	58.7	0.0
Corral Hollow Rd	North of Kavanagh Ave	58.7	58.7	0.0

SOURCE: SAXELBY ACOUSTICS, 2023.

**Table NOISE-5: Background Traffic Noise Level and Projected-Related Traffic Noise Level Increases**

ROADWAY	SEGMENT	PREDICTED EXTERIOR NOISE LEVEL (DBA L <sub>DN</sub> ) AT CLOSEST SENSITIVE RECEPTORS		
		BACKGROUND NO PROJECT	BACKGROUND + PROJECT	CHANGE
Orchard Way	South of Grant Line Rd	57.9	57.9	0.0
Corral Hollow Rd	South of Grant Line Rd	61.9	62.0	0.1
Grant Line Road	East of Corral Hollow Rd	61.3	61.3	0.0
Grant Line Road	West of Orchard Pkwy	58.4	58.4	0.0
Corral Hollow Rd	South of Kavanagh Ave	58.8	58.8	0.0
Corral Hollow Rd	North of Kavanagh Ave	58.7	58.7	0.0

SOURCE: SAXELBY ACOUSTICS, 2023.

### Evaluation of Project Operational Noise on Existing Sensitive Receptors

Project site traffic circulation and residential HVAC noise are the primary noise sources for this Project. The data used is based upon a combination of manufacturer's provided data and Saxelby Acoustics data from similar operations.

#### On-Site Circulation

The Project is projected to generate 623 daily trips with 36 trips in the morning peak hour (Kimley Horn, 2023). Saxelby Acoustics assumed that one to two of these trips could be heavy trucks. Parking lot movements are predicted to generate a sound exposure level (SEL) of 71 dBA SEL at 50 feet for cars and 85 dBA SEL at 50 feet for trucks.

#### Traffic Noise Increases at Off-Site Receptors

Based upon the City's General Plan Policy P2 criteria, where existing traffic noise levels are greater than 65 dBA L<sub>dn</sub>, at the outdoor activity areas of noise-sensitive uses, a +3.0 dBA L<sub>dn</sub> increase in roadway noise levels will be considered significant. Where traffic noise levels cause an increase of +5.0 dB L<sub>dn</sub>, an increase in roadway noise levels will be considered significant.

Where traffic noise levels cause new noise levels that exceed the City of Tracy noise standards, the noise level would be considered significant.

According to Tables NOISE-4 and NOISE-5, the maximum increase in traffic noise at the nearest sensitive receptor is predicted to be 0.1 dBA. Therefore, impacts resulting from increased traffic noise would be considered **less-than-significant**, and no mitigation is required.

#### *Operational Noise at Existing Sensitive Receptors*

The analysis for noise associated with the HVAC assumes rooftop equipment would contain ten-ton air-cooled chiller units. The units were assumed to have a sound level rating of 59 dBA  $L_{eq}$  at 50 feet. Manufacturers data.

Saxelby Acoustics used the SoundPLAN noise prediction model. Inputs to the model included sound power levels for the proposed amenities, existing and proposed buildings, terrain type, and locations of sensitive receptors. These predictions are made in accordance with International Organization for Standardization (ISO) standard 9613-2:1996 (Acoustics – Attenuation of sound during propagation outdoors). ISO 9613 is the most commonly used method for calculating exterior noise propagation. Figure 16 shows the noise level contours resulting from operation of the Project.

As shown on Figure 16, the Project is predicted to expose nearby residences to noise levels up to 44 dBA,  $L_{eq}$  during both daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) hours. The predicted Project noise levels would meet the City of Tracy Municipal Code noise level standard of 55 dBA,  $L_{eq}$ . The results are also summarized in Table NOISE-6.

**Table NOISE-6: Project Operational Noise Significant Increase at Adjacent Noise Sensitive Receptors**

NOISE SENSITIVE RECEPTOR	AMBIENT NOISE LEVEL	PROJECT NOISE LEVEL	AMBIENT + PROJECT NOISE LEVEL	DIFFERENCE
1	67.7 $L_{DN}^1$	51.0 $L_{DN}^3$	67.8 $L_{DN}^3$	0.1
2	62.7 $L_{DN}^{1,2}$	45.0 $L_{DN}^3$	62.8 $L_{DN}^3$	0.1

**NOTES:**

<sup>1</sup> AS MEASURED AT LT-2

<sup>2</sup> ADJUSTED FOR SOUND WALL (MINUS 5 DBA)

<sup>3</sup> ASSUMES CONTINUOUS DAY/NIGHT OPERATION

SOURCE: SAXELBY ACOUSTICS, 2023.

Based on Table NOISE-6 data, the proposed Project will result in a 0.1 increase in the ambient noise level of nearby noise-sensitive receptors. As stated in the City of Tracy General Plan Policy P2, mitigation measures shall be required for new development projects under the following conditions:

- Causes the  $L_{dn}$  at noise-sensitive uses to increase 3 dB or more and exceed the “normally acceptable level”;
- Causes the  $L_{dn}$  at noise-sensitive uses to increase 5 dB or more and remain “normally acceptable” level;
- Cause new noise levels to exceed the City of Tracy Noise Ordinance limits.

The predicted Project noise levels are predicted to comply with the City of Tracy General Plan Policy P2. This is a **less-than-significant** impact, and no mitigation is required.

### Evaluation of Project Construction Noise on Existing Sensitive Receptors

During the construction of the proposed Project, noise from construction activities would temporarily add to the noise environment in the Project vicinity. As shown in Table NOISE-7, activities involved in construction would generate maximum noise levels ranging from 76 to 90 dB at a distance of 50 feet.

**Table NOISE-7: Vibration Levels for Varying Construction Equipment**

TYPE OF EQUIPMENT	PEAK PARTICLE VELOCITY @ 25 FEET (INCHES/SECOND)	PEAK PARTICLE VELOCITY @ 50 FEET (INCHES/SECOND)	PEAK PARTICLE VELOCITY @ 100 FEET (INCHES/SECOND)
Large Bulldozer	0.089	0.031	0.011
Loaded Trucks	0.076	0.037	0.010
Small Bulldozer	0.003	0.001	0.000
Auger/drill Rigs	0.089	0.031	0.011
Jackhammer	0.035	0.012	0.004
Vibratory Hammer	0.070	0.025	0.009
Vibratory Compactor/roller	0.210	0.074	0.026

SOURCE: FEDERAL TRANSIT

During the construction phases of the Project, noise from construction activities would add to the noise environment in the immediate Project vicinity. As indicated in Table 6, activities involved in construction would generate maximum noise levels ranging from 76 to 90 dBA  $L_{max}$  at a distance of 50 feet. Construction activities would also be temporary in nature and are anticipated to occur during normal daytime working hours.

Noise would also be generated during the construction phase by increased truck traffic on area roadways. A Project-generated noise source would be truck traffic associated with transport of heavy materials and equipment to and from the construction site. This noise increase would be of short duration and would occur during daytime hours.

Noise from localized point sources (such as construction sites) typically decreases by approximately 6 dBA with each doubling of distance from source to receptor. Given this noise attenuation rate and assuming no noise shielding from either natural or human-made features (e.g., trees, buildings, fences), outdoor receptors within approximately 290 feet of construction sites could experience maximum instantaneous noise levels of greater than 75 dBA when on-site construction-related noise levels exceed approximately 90 dBA at the boundary of the construction site. As previously discussed, nearby noise-sensitive receptors consist predominantly of residential dwellings located near the northern and eastern boundaries of the Project site.

The City of Tracy Noise Ordinance places limitations on the acceptable hours of construction. During development of the proposed Project, construction activities occurring during the more noise-sensitive nighttime hours (i.e., 7 PM to 7 AM) are prohibited. Additionally, there are several residential uses directly north and east of the Project site which may be subject to construction

noise. As a result, noise-generating construction activities would be considered to have a potentially significant short-term impact.

Implementation of Mitigation Measure NOISE-1 would reduce construction-generated noise levels. With implementation of Mitigation Measure NOISE-1, the proposed Project would have a **less than significant** impact relative to this environmental topic.

### **MITIGATION MEASURE(S)**

**Mitigation Measure NOISE-1:** *The City of Tracy Development Services Department shall establish the following as conditions of approval for any permit that results in the use of construction equipment:*

- *Construction shall be limited to 7:00 a.m. to 7:00 p.m.*
- *All construction equipment powered by internal combustion engines shall be properly muffled and maintained.*
- *Quiet construction equipment, particularly air compressors, are to be selected whenever possible.*
- *All stationary noise-generating construction equipment such as generators or air compressors are to be located as far as is practical from existing residences. In addition, the Project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the Project site.*
- *Unnecessary idling of internal combustion engines is prohibited.*
- *The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the Project site during all Project construction.*

*These requirements shall be noted on the Project plans prior to approval of grading and/or building permits.*

**Response b): Less than Significant.** Vibration is like noise in that it involves a source, a transmission path, and a receiver. While vibration is related to noise, it differs in that noise is generally considered to be pressure waves transmitted through air, whereas vibration usually consists of the excitation of a structure or surface. As with noise, vibration consists of an amplitude and frequency. A person's perception to the vibration will depend on their individual sensitivity to vibration, as well as the amplitude and frequency of the source and the response of the system which is vibrating.

Vibration can be measured in terms of acceleration, velocity, or displacement. A common practice is to monitor vibration measures in terms of peak particle velocities in inches per second. Standards pertaining to perception as well as damage to structures have been developed for vibration levels defined in terms of peak particle velocities.



Human and structural response to different vibration levels is influenced by several factors, including ground type, distance between source and receptor, duration, and the number of perceived vibration events. Table NOISE-8 indicates that the threshold for damage to structures ranges from 0.2 to 0.6 peak particle velocity in inches per second (in/sec p.p.v.). One-half this minimum threshold or 0.1 in/sec p.p.v. is considered a safe criterion that would protect against architectural or structural damage. The general threshold at which human annoyance could occur is noted as 0.1 in/sec p.p.v.

**Table NOISE-8: Effects of Vibration on People and Buildings**

PEAK PARTICLE VELOCITY		HUMAN REACTION	EFFECT ON BUILDINGS
MM/SEC.	IN./SEC.		
0.15-0.30	0.006-0.019	Threshold of perception; possibility of intrusion	Vibrations unlikely to cause damage of any type
2.0	0.08	Vibrations readily perceptible	Recommended upper level of the vibration to which ruins and ancient monuments should be subjected
2.5	0.10	Level at which continuous vibrations begin to annoy people	Virtually no risk of “architectural” damage to normal buildings
5.0	0.20	Vibrations annoying to people in buildings (this agrees with the levels established for people standing on bridges and subjected to relative short periods of vibrations)	Threshold at which there is a risk of “architectural” damage to normal dwelling - houses with plastered walls and ceilings. Special types of finish such as lining of walls, flexible ceiling treatment, etc., would minimize “architectural” damage
10-15	0.4-0.6	Vibrations considered unpleasant by people subjected to continuous vibrations and unacceptable to some people walking on bridges	Vibrations at a greater level than normally expected from traffic, but would cause “architectural” damage and possibly minor structural damage.

SOURCE: CALTRANS. TRANSPORTATION RELATED EARTHBOEN VIBRATIONS. TAV-02-01-R9601 FEBRUARY 20, 2002.

The vibration-generating activities typically happen during construction when activities such as grading and road construction occur. Structures which could be impacted by construction-related vibrations, especially vibratory compactors/rollers, are located approximately 130 feet, or further, from the Project site. At this distance, construction vibrations are not predicted to exceed acceptable levels. Additionally, construction activities would be temporary in nature and would likely occur during normal daytime working hours.

Construction vibration impacts include human annoyance and building structural damage. Human annoyance occurs when construction vibration rises significantly above the threshold of perception. Building damage can take the form of cosmetic or structural. Table NOISE-9 shows the typical vibration levels produced by construction equipment.

**Table NOISE-9: Vibration Levels for Varying Construction Equipment**

TYPE OF EQUIPMENT	PEAK PARTICLE VELOCITY @ 25 FEET (INCHES/SECOND)	PEAK PARTICLE VELOCITY @ 50 FEET (INCHES/SECOND)	PEAK PARTICLE VELOCITY @ 100 FEET (INCHES/SECOND)
Large Bulldozer	0.089	0.031	0.011
Loaded Trucks	0.076	0.037	0.010
Small Bulldozer	0.003	0.001	0.000
Auger/drill Rigs	0.089	0.031	0.011
Jackhammer	0.035	0.012	0.004
Vibratory Hammer	0.070	0.025	0.009
Vibratory Compactor/roller	0.210	0.074	0.026

SOURCE: FEDERAL TRANSIT ADMINISTRATION, TRANSIT NOISE AND VIBRATION IMPACT ASSESSMENT GUIDELINES, MAY 2006.

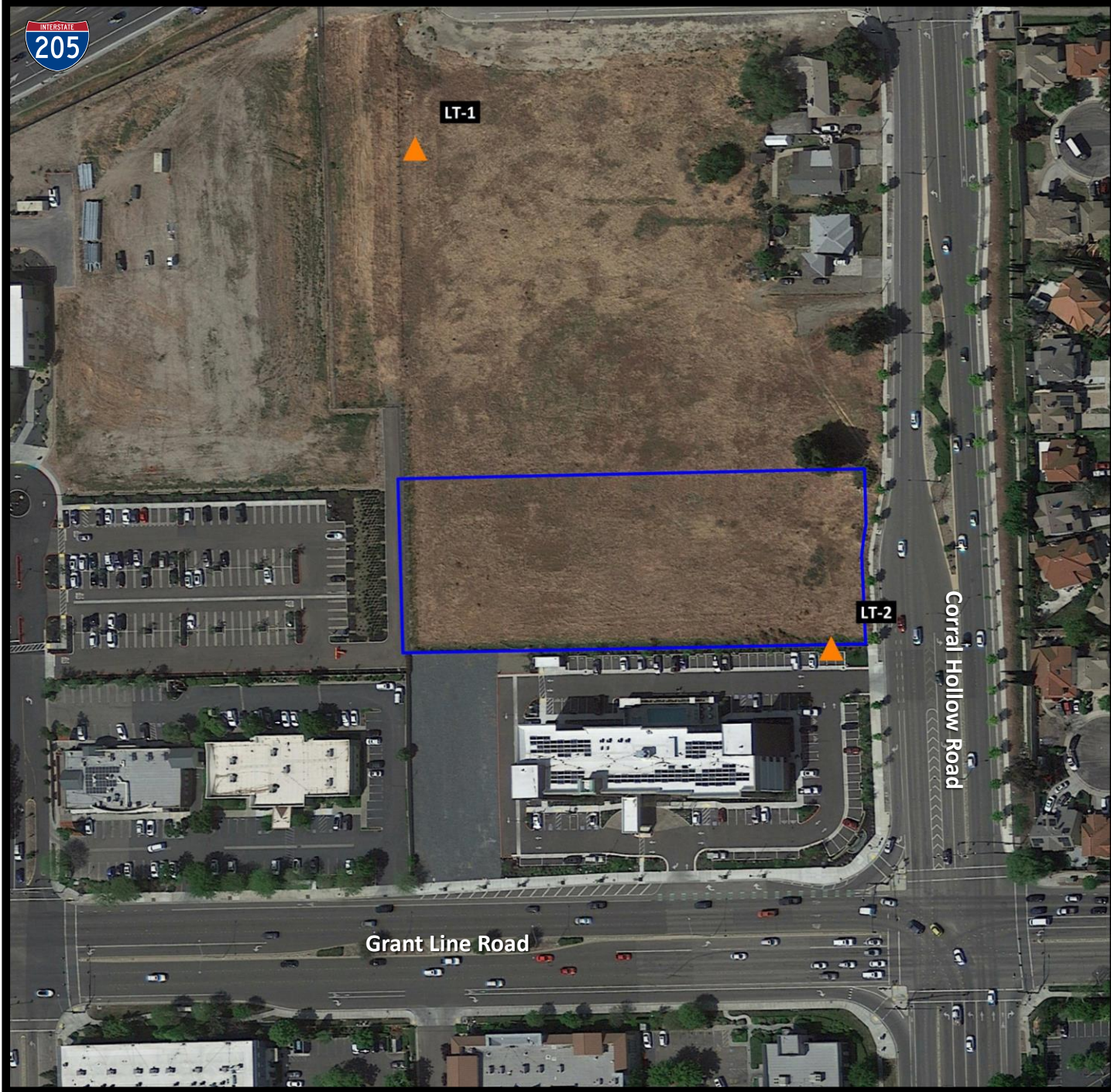
### Construction Vibration Impacts

Construction vibration impacts include human annoyance and building structural damage. Human annoyance occurs when construction vibration rises significantly above the threshold of perception. Building damage can take the form of cosmetic or structural.

The Table NOISE-9 data indicates that construction vibration levels anticipated for the Project are less than the 0.2 in/sec threshold at distances of 26 feet. Sensitive receptors which could be impacted by construction related vibrations, especially vibratory compactors/rollers, are located further than 26 feet from typical construction activities. At distances greater than 26 feet construction vibrations are not predicted to exceed acceptable levels. Additionally, construction activities would be temporary in nature and would likely occur during normal daytime working hours.

This is a **less-than-significant** impact, and no mitigation is required.

**Response c): No Impact.** The Project site is located approximately 4.6 miles southeast of the nearest airport (the Tracy Municipal Airport) and is outside of the contours of the Tracy Municipal Airport land use plan. Therefore, there is **no impact** relative to this topic.



**Tracy TRU by Hilton IS-MND**

City of Tracy, California

Figure 15.  
Noise Measurement Sites

**Legend**

-  Project Site
-  Noise Measurement Site - Long Term



Projection: UTM Zone 10 / WGS84 / meters  
Rev. Date: 01/12/2023



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**Tracy TRU by Hilton Project**

City of Tracy, California

Figure 16.  
Stationary Noise Contours  
Leq, dB(A)

Noise Level, dB(A)

55 <	56	<=	56
56 <	57	<=	57
57 <			

**Legend**

	Project Building
	Project Site
	Outdoor Area Noise Level

Scale 1:110  
0 20 40 80 120 160 feet





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**XIV. POPULATION AND HOUSING -- WOULD THE PROJECT:**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?			X	

**RESPONSES TO CHECKLIST QUESTIONS**

**Response a): Less than Significant.** Implementation of the Project would result in the construction of a 78-room hotel on the Project site. The proposed Project is located near the northern edge of an existing urbanized area of the City. There is existing infrastructure (roads, water, sewer, etc.) in the immediate vicinity of the Project site. While the Project would extend these services onto the site to serve the proposed development, the Project would not extend infrastructure beyond an area of the City not currently served. Therefore, while the Project may induce population growth through the provision of a 78-room hotel in the short-term, the Project would not indirectly induce population growth in other areas of the City of Tracy.

This impact is **less-than-significant**, as demonstrated throughout this document. No additional mitigation is required.

**Response b): Less than Significant.** There are no residential structures located on the Project site. Development of the Project would not create or remove housing. Therefore, the Project would not displace substantial numbers of people or existing housing and would have a **less-than-significant** impact in this respect.

*XV. PUBLIC SERVICES*

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	

*RESPONSES TO CHECKLIST QUESTIONS*

**Response a.i) Fire Protection: Less than Significant.** On September 16, 1999, the City of Tracy Fire Department merged with the Tracy Rural Fire Protection District, forming the South San Joaquin County Fire Authority (SCFA). The SCFA was created to provide fire protection services to the entire jurisdictional area of both the corporate city limits and surrounding rural community. Employees of the Tracy Rural Fire Protection District became employees of the City of Tracy with the City of Tracy maintaining day to day administrative control of the department. Both the Tracy Rural Fire Protection District and the City of Tracy contract with the SCFA to receive fire protection services. The SCFA in turn contracts with the City of Tracy to provide employees and administrative services.

The SCFA/Tracy Fire Department provides emergency medical services to citizens located within the San Joaquin Emergency Medical Services Agency (SJEMSA) Zone C. Ambulance transport is provided by private provider, American Medical Response (AMR) under contract with the SJEMSA. The SCFA currently operates six fire stations and an administrative office. Twenty-four hour-per-day staffing is provided with six paramedic engine companies and one ladder truck company. Four fire stations are within the incorporated area of the City of Tracy, and two are in the surrounding rural Tracy area.

The SCFA conducted a Standards of Response Coverage study in late 2007. Findings of the study indicated that the Department had challenges in meeting its established response time objectives in the areas of the West Valley Mall and Downtown Tracy utilizing existing resources. The Project site is located approximately 0.25 miles southeast of the West Valley Mall. Two new facilities were opened in June 2014, to replace Fire Stations 92 and 96. The new facilities allow the Fire Department to serve the greater community of Tracy (including the West Valley Mall) more effectively within the established response time standard of 6.5 minutes.

The nearest fire station, Station 96, is located approximately 0.15 miles southeast of the Project site. The City of Tracy Public Safety Master Plan identifies this fire station that will permanently serve the Project area as Station “96” (Figure 22).

Response time and fire department effectiveness once units arrive are critical considerations in mitigating emergencies. The response time standard is defined as total reflex time (1:30 call processing, 1:00 turn-out time, and 4:00 travel-time). In addition, the SCFA performance standard to measure effectiveness is to confine moderate risk structure fires to the room of origin or less 90 percent of the time in the City. In order to successfully mitigate emergencies, it is essential the SCFA assemble an adequate number of personnel to perform critical tasks at the scene once the unit(s) arrive.

Recognizing the potential need for increases in fire protection and emergency medical services, the City’s General Plan includes policies to ensure that adequate related facilities are funded and provided to meet future growth (Objective PF-1.1, P1). This policy is implemented through the review of all new projects with the City’s Sphere of Influence, prior to development, and through the collection of development impact fees for the funding of facilities.

Impact fees from new development are collected based upon projected impacts from each development. The adequacy of impact fees is reviewed on an annual basis to ensure that the fee is commensurate with the service facility and equipment needs.

Payment of the applicable impact fees by the Project applicant, and ongoing revenues that would come from property taxes, sales taxes, participation in the Community Facilities District or similar funding mechanism, and other revenues generated by the Project, would fund capital and labor costs associated with fire protection services.

All construction plans and development proposals are evaluated to determine fire protection needs. The Fire Prevention Division works closely with other City departments to ensure appropriate design and construction standards, including adequate fire protection water flows and that fire-resistant building materials are met within new development projects.

A Water Distribution System Hydraulic Network Analysis was prepared by Blackwater Consulting Engineers for the proposed Project on February 3, 2023 (as provided in Appendix D). As part of the Analysis, individual fire flow demands were simulated at locations along the Project where fire service connections are proposed in order to evaluate the potable water system during maximum day demand with fire flow scenario for the Project. No storage capacity issues were identified. Overall, this impact is considered **less than significant**.

**a.ii) Police Protection: Less than Significant.** The Tracy Police Department provides police protection services to the City of Tracy. Its headquarters are located at 1000 Civic Center Drive, approximately 2.2 miles southeast of the Project site. There are no satellite offices or plans to construct any in the near future.

The Department divides calls into three categories, Priority 1, 2, and 3 calls. Priority 1 calls are defined as life threatening situations. Priority 2 calls are not life threatening, but require



immediate response. Priority 3 calls cover all other calls received by the police. Average response time for Priority 1 calls within city limits is approximately six to eight minutes. Response time for Priority 2 and 3 calls is, on average, 22 minutes.

The Tracy Police Department provides mutual aid to the San Joaquin County Sheriff's office, and vice versa, when a situation exceeds the capabilities of either department. Mutual aid is coordinated through the San Joaquin County Sheriff.

The City of Tracy General Fund provides approximately 96% of the Police Department's budget. The remaining 4% comes from various grants, fees, and assessments. The Police Department operates on a pre-approved annual budget, based on a fiscal year. New service demands are assessed when budget proposals are reviewed. Supplemental budget requests are considered on a case-by-case basis during the fiscal year.

It is not anticipated that implementation of the proposed Project would result in significant new demand for police services. Project implementation would not require the construction of new police facilities to serve the Project Area, nor would it result in impacts to the existing response times and existing police protection service levels. Therefore, impacts to police services will be **less than significant**.

**a.iii) Schools: Less than Significant.** The proposed Project includes development of a 78-room hotel in an area adjacent to existing commercial uses. Such uses would generate additional students requiring accommodation in the Tracy Unified School District (TUSD).

The TUSD collects impact fees from new developments under the provisions of SB 50. Payment of the applicable impact fees by the Project applicant, and ongoing revenues that would come from taxes, would fund capital and labor costs associated with school services. The adequacy of fees is reviewed on an annual basis to ensure that the fee is commensurate with the service. Payment of the applicable impact fees by the Project applicant, and ongoing revenues that would come from property taxes, sales taxes, and other revenues generated by the Project, would fund improvements associated with school services. Under the provisions of SB 50, a project's impacts on school facilities are fully mitigated via the payment of the requisite new school construction fees established pursuant to Government Code Section 65995. As such, the Project's impacts to school services are **less than significant**.

**a.iv) Parks: Less than Significant.** Potential Project impacts to parks and recreational facilities are addressed in the following Recreation section of this document.

**a.v) Other Public Facilities: Less than Significant.** Other public facilities in the City of Tracy include libraries, hospitals, and cultural centers such as museums and music halls. The proposed Project would increase demand on these facilities. The City of Tracy General Plan requires new development to pay its fair share of the costs of public buildings by collecting the Public Buildings Impact Fee. The Public Buildings Impact fee is used by the City to expand public services and maintain public buildings, including the Civic Center and libraries in order to meet the increased demand generated by new development. The collection of fees and determined fair share fee amounts are adopted by the City as Conditions of Approval (COAs) for all new development

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projects prior to Project approval. Payment of the applicable impact fees by the Project applicant, and ongoing revenues that would come from taxes, would ensure that Project impacts to libraries and public buildings are **less than significant**.

*XV. RECREATION*

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

*RESPONSES TO CHECKLIST QUESTIONS*

**Responses a), b): Less than Significant.** The proposed Project would increase demand for parks and recreational facilities within the City of Tracy, and would increase the use of the City's existing parks and recreation system. Patrons of the proposed hotel may visit existing park and recreational facilities within the City. As described in the Tracy General Plan, the City maintains 48 mini-parks, 15 neighborhood parks, and eight community parks, providing approximately 256 acres at 71 sites. The City is also in the process of constructing the Legacy Fields sports park at the northern edge of the City, which will provide an additional 166 acres of sports parks, 86 acres of passive recreation area, and a 46-acre future expansion area for additional park facilities.

The City strives to maintain a standard of 4 acres of park land for every 1,000 persons. In order to maintain this standard, the City requires new development projects to either include land dedicated for park uses, or to pay in-lieu fees towards the City's parks program. Chapter 13.12 of the Tracy Municipal Code states that, *"all development projects shall be required to maintain the City standard of four (4) acres of park land per 1,000 population. All development projects, as a condition of approval of any tentative parcel map or tentative subdivision map, or as a condition of approval of any building permit, shall dedicate land to the City or pay a fee in lieu thereof, or a combination of both, in order to maintain this City standard. The precise obligation of any development project to dedicate land or pay a fee pursuant to this section shall be incorporated in the implementing resolution for the park fee applicable to the development project."*

The City of Tracy requires the payment of the Project's fair share in-lieu parks fees, as required by the City's General Plan. The collection of fees and determined fair share fee amounts are adopted by the City as Conditions of Approval (COAs) for all new development projects prior to Project approval. Fees paid aid in the development of new park-space and maintenance as required, to ensure continued high quality park facilities for all city residents. Additionally, given that the City maintains an ample and diverse range of park sites and park facilities, and collects fees from new development to fund the construction of new parks and the maintenance of existing parks, the additional demand for parks generated by the proposed Project would not result in the physical deterioration of existing parks and facilities within Tracy. As such, this is a **less than significant** impact and no mitigation is required.

*XVI. TRANSPORTATION AND CIRCULATION -- WOULD THE PROJECT:*

<i>Would the project:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?			X	
b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?			X	

*RESPONSES TO CHECKLIST QUESTIONS*

**Response a): Less than Significant.** Implementation of the proposed Project would not result in a conflict with an existing or planned pedestrian facility, bicycle facility, or transit service/facility. In addition, the Project would not interfere with the implementation of a planned bicycle facility, pedestrian facility, or transit service/facility. The Project would not cause a degradation in transit service such that service does not meet performance standards established by the transit operator.

Existing pedestrian and bicycle facilities are located on the roadways adjacent to the Project site. There are no pedestrian or bicycle facilities within the undeveloped Project site. The City of Tracy General Plan describes an interconnected, hierarchical system of sidewalks, on-street bike lanes, and off-street trails for pedestrians and bicyclists that provides access to this area of the City of Tracy. The Project's transportation and circulation system is designed to accommodate access to and from Corral Hollow Road.

Site access would be provided by a new shared driveway located in the southeast corner of the site off Corral Hollow Road. This driveway would be shared with the adjacent Home2Suites Hotel located adjacent south of the Project site. The existing fencing at the southern boundary of the Project site and northern boundary of the adjacent hotel site would be removed to allow for free-flow of pedestrians, bicycles, and automobiles. The Project would also include a secondary shared access to the adjacent Home2Suites Hotel in the southeastern portion of the site. Additionally, a future shared access with the properties to the north and west would be provided in the northwestern portion of the Project site. This northwestern shared access would not be fully developed until the adjacent properties to the north and west are developed at some time in the future.

Additionally, as part of the proposed Project, the pedestrian push button systems at the Orchard Parkway/Grant Line Road intersection and Kavanagh Avenue/Corral Hollow Road intersection would be upgraded. Additionally, the striping on the southbound lanes of Corral Hollow Road

from the Project frontage to the intersection at Grant Line Road would be refreshed. Further, the southbound bicycle lane striping would be updated from the northern property line to the intersection of Grant Line Road, per the City of Tracy Standard Plans.

Overall, this impact would be **less than significant**.

**Response b): Less than Significant.** A CEQA Transportation Review was prepared by Kimley Horn on January 12, 2022. The following VMT analysis is based on the CEQA Transportation Review prepared by Kimley Horn (See Appendix B for further detail).

Per the City's Draft VMT Policy, Kimley Horn conducted a VMT analysis for the proposed Project for automobile (employee) trips only. The purpose of the VMT analysis was to measure the transportation impact of the proposed development.

The City of Tracy considers the VMT performance of residential and non-residential components of a project separately, using the efficiency metrics of VMT per capita and VMT per employee as described in the City of Tracy Transportation Master Plan Update (2022). For retail components of a project, or other customer-focused uses, the citywide VMT change is analyzed. The City of Tracy's VMT thresholds of significance are summarized below for each of these components:

- Residential – 15% below baseline (existing) average VMT per Capita
- Employment-based land uses (e.g., office) – 15% below baseline (existing) average VMT per Employee
- Customer-based non-residential land uses (e.g., retail) – No net increase in VMT

### **Methodology and Assumptions**

Based on the land use information provided, for the purposes of SB 743 analysis and the determination of transportation related significant impacts, the proposed hotel land use was analyzed.

In terms of a VMT analysis, hotels are grouped into two categories, typical and destination. Typical hotels are generally those hotels with limited amenities that may include a dining area with a breakfast buffet, small gym, and sometimes a pool; generally, guests stay at these hotels because their ultimate destination is in the vicinity of the hotel. Alternatively, guests visiting destination hotels will spend the majority of their time on the hotel property or engaging in activities run by the hotel because the hotel is their ultimate destination. While both types of hotels are customer-based, and impacts are measured in terms of whether the hotel increases regional VMT, destination hotels generally require quantitative analyses while typical hotels can be assumed to result in a less than significant impact. Conversely, destination hotels do not serve pre-existing needs as they offer special amenities that aren't offered elsewhere, and guests typically spend the majority of their time on the destination hotel property. The Chaminade Resort & Spa in Santa Cruz or the Great Wolf Lodge and Resort in Manteca are examples of destination hotels while the proposed Project is an example of a typical hotel. Guests will choose the hotel type based on their reason for travel, such as a work-related trip versus a spa vacation retreat.



## Analysis

Similar to retail stores, typical hotels such as the proposed Project most often serve pre-existing needs (i.e., the hotel does not generate new trips because it meets existing demand) because their guests are staying at the hotel not because of the amenities offered by the hotel, but because of the area the hotel is located in. Because of this, typical hotels can be presumed to reduce trip lengths when a new hotel is proposed. Essentially, the assumption is that someone will travel to a newly constructed typical hotel because of its proximity to the area attraction, rather than that the proposed hotel is fulfilling an unmet need (i.e., the person had an existing need to travel to the area that was previously met by an existing hotel located in the same general area, but now is traveling to the new hotel because it is either closer to the person's origin location or located a similar distance away). Typical hotels most often they can be presumed to reduce trip lengths when a new hotel is introduced within a cluster of existing hotels located near a local destination or attraction. Essentially, a trip to a hotel is expected to occur due to someone planning to travel to Tracy, or the immediate area, but the proximity of the hotel to the surrounding attractions would drive the length of that trip and the resultant impact to the overall transportation system. Thus, the impact to the transportation system would be negligible or reduced by the introduction of a new hotel to an area where people are already traveling and planning on staying unless the hotel significantly effects the local supply of rooms or introduces a significant new attraction.

While a specific market study for the proposed hotel is not provided as part of the VMT analysis, a map showing the proximity of other similar hotels is provided as Figure 17. A half-mile buffer was placed around the seven existing hotels in the area, as well as the proposed Project, to visually represent the lack of overlapping service area between the proposed Project and the existing hotels. As shown in Figure 17, the proposed Project, identified with a red icon labeled "Proposed Tru by Hilton", and a yellow buffer surrounding it, will reduce trip lengths by "adding hotel opportunities into the local area, further improving hotel destination proximity".<sup>4</sup> Accordingly, it is appropriate that the proposed Project development be presumed, in accordance with the Technical Advisory, that it will result in a VMT reduction and support the goals of SB 743.

## Findings

Based on the results of this analysis, the addition of a proposed hotel in the Project location can shorten existing trip lengths, which would result in a net decrease in VMT. Therefore, it is presumed that the VMT-related impact of the proposed hotel would be **less than significant**.

**Responses c-d): Less than Significant.** No site circulation or access issues have been identified that would cause a traffic safety problem/hazard or any unusual traffic congestion or delay that could impede emergency vehicles or emergency access. The Project does not include any design features or incompatible uses that pose a significant safety risk. The Project would create no adverse impacts to emergency vehicle access or circulation. Site access would be provided by a

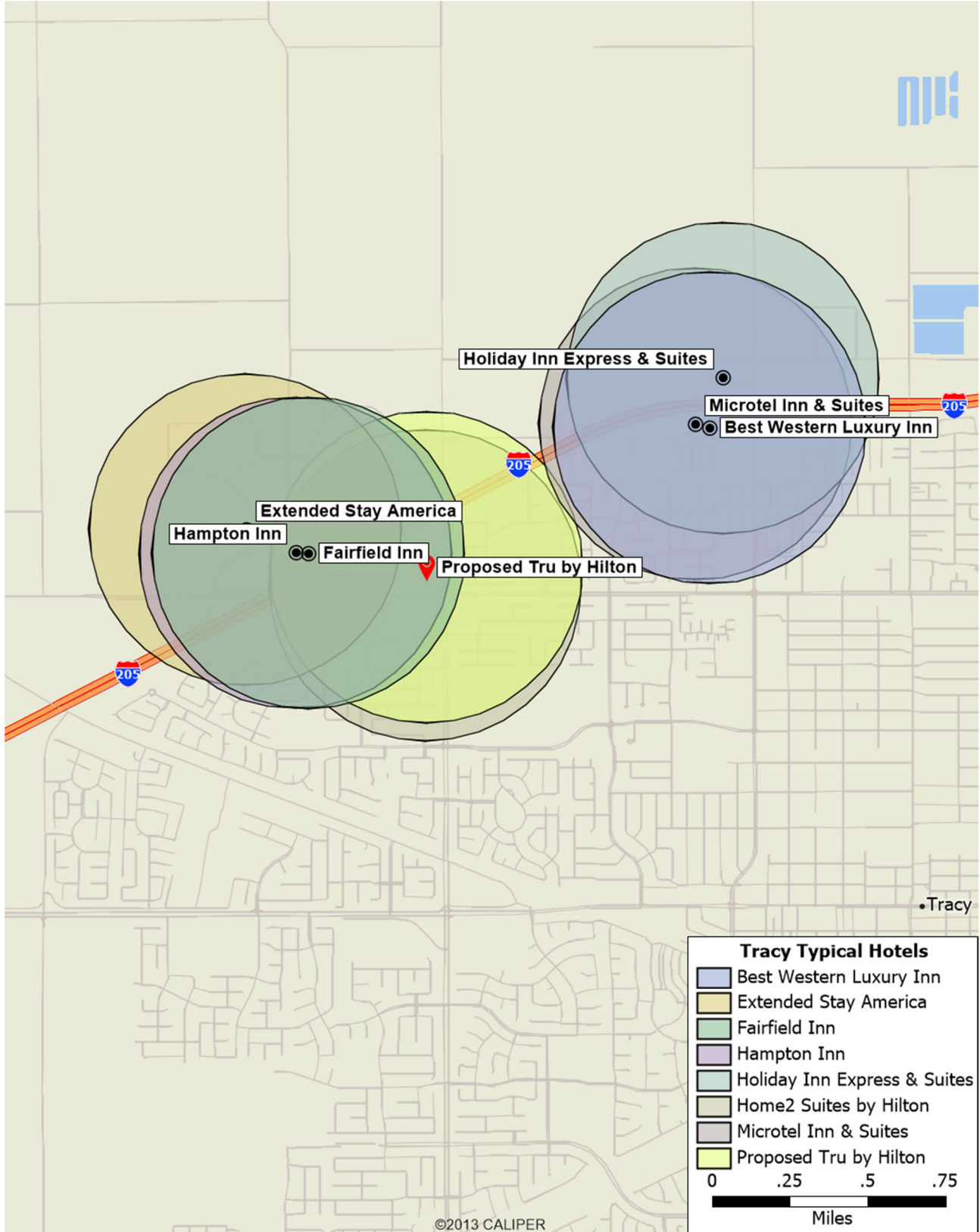
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<sup>4</sup> Technical Advisory on Evaluating Transportation Impacts in CEQA. Governor's Office of Planning and Research. December 2018. Page 16.

new shared driveway located in the southeast corner of the site off Corral Hollow Road. This driveway would be shared with the adjacent Home2Suites Hotel located adjacent south of the Project site. The existing fencing at the southern boundary of the Project site and northern boundary of the adjacent hotel site would be removed to allow for free-flow of pedestrians, bicycles, and automobiles. The Project would also include a secondary shared access to the adjacent Home2Suites Hotel in the southeastern portion of the site. Additionally, a future shared access with the properties to the north and west would be provided in the northwestern portion of the Project site. This northwestern shared access would not be fully developed until the adjacent properties to the north and west are developed at some time in the future.

Overall, Project implementation would have a **less-than-significant** impact relative to this topic.

Figure 17. Proximity of Project to Existing Hotels



SOURCE: Tru by Hilton CEQA Transportation Review (Kimley Horn, 2023).

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**XVII. TRIBAL CULTURAL RESOURCES**

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?		X		
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resources to a California Native American tribe.		X		

**BACKGROUND**

Assembly Bill 52 (AB 52) requires a lead agency, prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project, to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation. The City of Tracy has not received any requests from California Native American tribes to be informed through formal notification of proposed projects in the City’s geographic area.

**RESPONSES TO CHECKLIST QUESTIONS**

**Responses a.i)-a.ii): Less than Significant with Mitigation.** The City of Tracy General Plan and subsequent EIR does not identify the site as having prehistoric period cultural resources. Additionally, there are no known unique cultural resources known to occur on, or within the immediate vicinity of the Project site. The site has previously been used for agricultural uses. No instances of cultural resources or human remains have been unearthed on the Project site. Based on the above information, the Project site has a low potential for the discovery of prehistoric, ethnohistoric, or historic archaeological sites that may meet the definition of Tribal Cultural Resources. Although no Tribal Cultural Resources have been documented in the Project site, the Project is located in a region where cultural resources have been recorded and there remains a potential that undocumented archaeological resources that may meet the Tribal Cultural Resource definition could be unearthed or otherwise discovered during ground-disturbing and



construction activities. Examples of significant archaeological discoveries that may meet the Tribal Cultural Resources definition would include villages and cemeteries.

Due to the possible presence of undocumented Tribal Cultural Resources within the Project site, construction-related impacts on tribal cultural resources would be potentially significant. Implementation of the Mitigation Measure CUL-1 would require appropriate steps to preserve and/or document any previously undiscovered resources that may be encountered during construction activities, including human remains. Implementation of this measure would reduce this impact to a **less than significant** level.

**MITIGATION MEASURE(S)**

*Implement Mitigation Measure CUL-1*

**XVIII. UTILITIES AND SERVICE SYSTEMS -- WOULD THE PROJECT:**

<i>Would the project:</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Require or result in the relocation or construction of new or expanded water, wastewater or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments?			X	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

*Responses to Checklist Questions*

**Response a)-c): Less than Significant.**

**Water**

The provision of public services and the construction of onsite infrastructure improvements will be required to accommodate the development of the proposed Project. The proposed Project would require extensions of offsite water conveyance infrastructure to the Project site for potable water and irrigation water. Water distribution will be by an underground distribution system to be installed as per the City of Tracy standards and specifications. All offsite water utility improvements will be in or adjacent to existing roadways along the perimeter of the Project site, thereby limiting any potential impact to areas that were not already disturbed.

*Estimated Project Water Demands*

A Water Distribution System Hydraulic Network Analysis was prepared by Blackwater Consulting Engineers for the proposed Project on February 3, 2023 (as provided in Appendix D). As part of the Analysis, the water demands for the Project were estimated based on the unit water demand factors adopted in the 2020 Water System Master Plan (WSMP) Update. The total annual potable water demand for the Project is approximately 3.68 acre-ft per year (af/yr) based on a unit water demand factor of 2.0 af/ac/yr for commercial land use and a unit water demand factor

of 1.9 af/ac/yr for non-residential irrigation land use. Maximum day demands are estimated to be 170 percent of average day demands, and peak hour demands are estimated to be 290 percent of average day demands. Table UTIL-1 summarizes the estimated water demands for the Project.

**TABLE UTIL-1: ESTIMATED PROJECT WATER DEMANDS**

LAND USE DESIGNATION	ACREAGE	UNIT POTABLE WATER DEMAND FACTOR <sup>B</sup> , AF/AC/YR	ANNUAL POTABLE WATER DEMAND, AF/YR
Site <sup>A</sup>	1.67	--	--
Commercial <sup>B</sup>	1.42	2.00	2.85
Landscape Irrigation <sup>B</sup>	0.25	1.90	0.48
UAFW <sup>C</sup>	--	--	0.35
<b>TOTAL</b>	--	--	<b>3.68</b>

NOTES: <sup>A</sup> BASED ON TRU BY HILTON PLAN SET.

<sup>B</sup> CONSISTENT WITH ASSUMPTIONS IN THE 2020 WSMP UPDATE - UNIT WATER DEMAND FACTOR TO BE APPLIED TO 85 PERCENT OF THE TOTAL GROSS ACRES ONLY, ASSUMING 15 PERCENT OF THE GROSS ACREAGE IS ASSUMED TO BE LANDSCAPE.

<sup>C</sup> UNACCOUNTED-FOR WATER (UAFW) IS EQUAL TO 9.6 PERCENT OF TOTAL WATER DEMAND.

SOURCE: BLACKWATER CONSULTING ENGINEERS, 2023.

Based on the modeling results, the Project does not significantly impact the existing system deficiencies. There is sufficient storage capacity to serve the Project. No off-site improvements are required to serve the Project.

### Conclusion

Overall, according to the Water Distribution System Hydraulic Network Analysis, the City of Tracy currently has sufficient storage capacity in Zones 1 and 2 (existing system operations) and Zone 3 (future alternative system operations) to meet the needs of the proposed Project. The proposed Project would not result in insufficient water supplies available to serve the proposed Project from existing entitlements and resources. Therefore, the proposed Project would result in a **less than significant** impact to water supplies.

### Wastewater

The provision of public services and the construction of onsite infrastructure improvements will be required to accommodate the development of the proposed Project. The proposed Project would require extensions of offsite wastewater conveyance infrastructure to the Project site. Wastewater lines would be connected via existing lines along S. Corral Hollow Road and Grant Line Road. All offsite water utility improvements will be in or adjacent to existing roadways along the perimeter of the Project site, thereby limiting any potential impact to areas that were not already disturbed.

Sewer generated from the Project is proposed to flow into the existing sewer trunkline in Corral Hollow Road. The Corral Hollow Sewer System consists of gravity sewer pipelines in Corral Hollow Road. A majority of the sewer from the Corral Hollow Sewer System flows into the Larch Pump Station where sewer flows are pumped to the wastewater treatment plant (WWTP).

### *Estimated Project Sewer Flows*

A Sewer Collection System Hydraulic Capacity Analysis was prepared for the proposed Project by Blackwater Consulting Engineers on February 3, 2023 (as provided in Appendix E).

As part of the Analysis, the average dry weather flow (ADWF) for the Project was calculated based on the wastewater generation factors adopted in the 2012 Wastewater Master Plan (WWMP). The total ADWF for the Project is approximately 1,904 gallons per day (gpd) based on a wastewater generation factor of 1,140 gpd/gross acre for the commercial land use designation. Table UTIL-2 presents the estimated Project ADWF.

**TABLE UTIL-2: ESTIMATED PROJECT ADWF**

<i>LAND USE DESIGNATION</i>	<i>GROSS ACREAGE</i>	<i>GENERATION FACTOR, GPD/GROSS ACRE</i>	<i>ADWF, GPD</i>
Commercial	1.67	1,140	1,904

*SOURCE: BLACKWATER CONSULTING ENGINEERS, 2023.*

PWWF includes the peak dry weather flow (PDWF) and the rainfall induced inflow/infiltration. The total estimated PWWF is 6,494 gpd. Table UTIL-3 provides the values for parameters used to estimate the PWWF.

**TABLE UTIL-3: ESTIMATED PROJECT PWWF**

<i>PARAMETER</i>	<i>VALUE</i>
Peaking Factor	3.00
Gross Acreage	1.67
PDWF <sup>1</sup> , gpd	5,711
Infiltration <sup>2</sup> , gpd	114
Inflow <sup>3</sup> , gpd	668
<b>PWWF<sup>4</sup>, gpd</b>	<b>6,494</b>

*NOTES: <sup>1</sup>PDWF IS EQUAL TO ADWF MULTIPLY BY THE PEAKING FACTOR*

*<sup>2</sup>INFILTRATION IS EQUAL TO SIX (6) PERCENT OF THE ADWF*

*<sup>3</sup>INFLOW IS EQUAL TO THE GROSS ACREAGE MULTIPLY BY 400 GAL/AC-DAY*

*<sup>4</sup>PWWF IS EQUAL TO THE SUMMATION OF THE PDWF, INFILTRATION, AND INFLOW.*

*SOURCE: BLACKWATER CONSULTING ENGINEERS, 2023.*

The model results indicate that the existing Corral Hollow Sewer System has capacity to serve the Project based on the estimated PWWFs in 2023 and 2024. Additionally, the model results indicate that the existing Corral Hollow Sewer System has capacity to serve the Project with the Phase 2 parallel pipeline improvement.

Based on the evaluation completed as part of the Sewer Collection System Hydraulic Capacity Analysis, the existing Corral Hollow Sewer System and the Larch Pump Station have the capacity to serve the Project. No additional off-site improvements are required to serve the Project. Additionally, preliminary review indicates the utility plan meets City requirements for on-site sewer improvements.

### *Conclusion*

Ultimately, the sanitary sewer collection system will be an underground collection system installed as per the City of Tracy standards and specifications. Sanitary sewer disposal and treatment will be to the City of Tracy WWTP. The development of the proposed Project would not exceed the wastewater discharge requirements in the WDR Order. Therefore, the proposed Project is anticipated to have a **less than significant** impact relative to this topic.

### **Storm Drainage**

Because the proposed Project increases impervious surface area from an existing undeveloped and predominately previous site, the Project site could increase runoff significantly. Project impacts to stormwater are considered potentially significant. Onsite storm drainage would be installed to serve the proposed Project. Development of the proposed Project would include construction of a new storm drainage system.

Pursuant to section 11.34.210 Design Standards of the City's Municipal Code, installation of the Project's storm drain system would be required to conform to the design criteria, standard plans and specifications and the inspection and testing procedures set forth in the applicable City public improvement design standards. Thus, the proposed storm drainage collection and detention system will be subject to the SWRCB and City of Tracy regulations, including: Tracy Municipal Code, Tracy Storm Drain Master Plan, 2012; Phase II, NPDES Permit Requirements; NPDES-MS4 Permit Requirements; and LID Guidelines.

To that end, the Wood Rogers prepared a Stormwater Runoff Management Technical Memorandum on January 4, 2023 (as provided in Appendix F), which identifies how the proposed Project would mitigate for potential discharges on and near the Project site as well as further downstream. The Technical Memorandum includes four recommendations:

5. The Project either should be conditioned to demonstrate to the satisfaction of the City Engineer that infiltration is feasible and that the concept shown on the Project's Preliminary Plan meets the requirements of the Multi-Agency Post Construction Stormwater Standards Manual, otherwise, the applicant must provide an alternative drainage and stormwater quality treatment configuration that meets the City's Design Standards.
6. It should be noted in the Project Conditions of Approval that a stormwater pump system and flow-through planter configuration will be required in order to meet the City's Design Standards unless the applicant demonstrates to the satisfaction of the City Engineer that the configuration shown on the Preliminary Plans (or an alternative configuration) meets all of the applicable requirements.
7. Appropriate calculations will need to be provided with the Project's Design Plans in order to demonstrate that the hydraulic grade lines on the Project will meet the drainage constraints.
8. The Project should be conditioned to provide a maintenance plan for the site drainage system and to maintain the system in perpetuity.



According to the City,<sup>5</sup> storm drain issues identified in the Technical Memorandum have been resolved and the recommendations in the Memorandum will be City conditions of approval for the Project. Therefore, impacts from Project implementation would be **less than significant**.

**Responses d), e): Less than Significant.** The City of Tracy contracts with Tracy Disposal Service, a private company, for solid waste collection and disposal. Based on the most recent waste generation factor provided by CalRecycle for hotel/motel uses, the proposed Project is expected to generate approximately 156 pounds per day of solid waste upon full buildout, which is equivalent to less than 0.08 tons per day; refer to Table UTIL-4.

**TABLE UTIL-4: ESTIMATED SOLID WASTE GENERATION<sup>6</sup>**

<i>LAND USE</i>	<i>GENERATION FACTOR<sup>(1)</sup></i>	<i>PROJECT</i>	<i>ESTIMATED SOLID WASTE (LBS/DAY)</i>
Hotel/Motel	2 lbs/room/day	78 rooms	156

<sup>(1)</sup> CALRECYCLE 2023

Currently, the permitted capacity of the Foothill Landfill is 102 million cubic yards. The remaining capacity of the facility is approximately 95 million cubic yards. As noted previously, the remaining capacity of the facility is approximately 95 million cubic yards. Current permits indicate a closure in 2054. There are no plans to expand the Foothill Landfill or build a new one to accommodate Tracy's waste since the Foothill Landfill is expected to meet the City's needs for the foreseeable future. The addition of the volume of solid waste associated with the proposed Project to the Foothill Landfill would not exceed the landfill's remaining capacity.

Overall, the proposed Project would be required to comply with applicable State and local requirements including those pertaining to solid waste, construction waste diversion, and recycling. The City would coordinate development of the proposed Project with Tracy Disposal Service. Furthermore, the addition of the volume of solid waste associated with the proposed Project, approximately 0.08 tons per day, would increase the total tons of solid waste to the MRF; however, this increase would not cause an exceedance of the landfill's remaining capacity. Therefore, the proposed Project would not generate solid waste in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals, or exceed any State or local standards associated with solid waste. This is a **less-than-significant** impact.

<sup>5</sup> Personal communication with Alan Bell, Senior Planner, City of Tracy, March 21, 2023.

<sup>6</sup> See: <https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates>

*XV. MANDATORY FINDINGS OF SIGNIFICANCE*

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

*RESPONSES TO CHECKLIST QUESTIONS*

**Response a): Less than Significant.** As described throughout the analysis above, the proposed Project would not result in any significant impacts that would substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal to the environment. All potentially significant impacts related to plant and animal species would be mitigated to a less than significant level. The proposed Project would be required to implement a SWPPP aimed at reducing stormwater pollutants and runoff during construction, as well as through compliance of various other state, regional and local standards. Specifically related to ensuring the continued sustainability of biological resources through adaptive management, Mitigation Measure BIO-2 requires the SJMSCP Monitoring Plan an Annual Report process, Biological Monitoring Plan, SJMSCP Compliance Monitoring Program, and the SJMSCP Adaptive Management Plan. The Project proponent shall seek coverage under the SJMSCP to mitigate for habitat impacts to covered special status species that would reduce any potentially significant impacts to a less than significant level. Through the full mitigation of biological impacts, the Project would not result in any cumulative impacts, related to biological resources. These are **less-than-significant** impacts.

**Response b): Less than Significant.** As described throughout the analysis above, the proposed Project would not result in any significant individual or cumulative impacts that would not be mitigated to less than significant levels. Therefore, these are **less-than-significant** impacts.

**Response c): Less than Significant.** As described throughout the analysis above, the proposed Project would not result in any significant impacts that would have environmental effects which will cause substantial adverse effects on humans. The analysis in the relevant sections above provides standards and mitigation measures to reduce any potentially significant impacts on humans to less than significant levels. A variety of mitigation measures including those related to aesthetics and light and glare, GHG and air quality, cultural resources, hazardous materials, seismic hazards, water pollution and water quality, and noise, ensure any adverse effects on humans are reduce to an acceptable standard. Therefore, these are **less-than-significant** impacts.

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## Proposed TRU by Hilton Project Mitigated Negative Declaration

### Lead Agency:

City of Tracy, Planning Division  
333 Civic Center Plaza  
Tracy, CA 95376

Contact: Alan Bell, Senior Planner, [alan.bell@cityoftracy.org](mailto:alan.bell@cityoftracy.org), (209) 831-6426

### Project Title: TRU by Hilton Hotel Project

**Project Location:** The TRU by Hilton Project site (Project site) is located at 2605 N. Corral Hollow Road in the City of Tracy, San Joaquin County, California. The Project site is identified by Assessor Parcel Number (APN) 214-020-09. The site is north of and adjacent to the Home2 Suites Hotel at the northwest corner of Grant Line Road and Corral Hollow Road. The 1.96-acre Project site is bound by vacant land and two single-family residences to the north, Corral Hollow Road to the east, an existing hotel to the south, and commercial uses to the west.

The Project site consists of vacant, undeveloped land with ruderal grasses which are regularly disced. One tree and one large bush are located on-site. Surrounding land uses include single family uses, W. Kavanagh Avenue, a commercial building (DaVita Grant Line Dialysis), and Interstate 205 (I-205) to the north, single-family residential uses to the east, commercial uses and single-family residential uses to the south, and commercial uses and I-205.

**Project Description:** The proposed Project would include development and subsequent operation of a four-story, 78-room hotel and associated amenities and parking. The 78-room hotel would total 40,190 square feet (SF), with 10,340 SF on the main floor and 9,950 SF on the second, third, and fourth floors. The tallest point of the hotel building would be 48 feet and nine inches, with the majority of the building at 46 feet and four inches. Landscaping would be provided throughout the site. The proposed Project would connect to existing City infrastructure to provide water, sewer, and storm drainage to the site.

If the City Council adopts the IS/MND in accordance with CEQA requirements, the City may use the IS/MND to support the following actions:


- General Plan Amendment of the property from Office to Commercial;
- Development Review Permit approval for building design, landscaping, and other site features;
- Building, grading, and other permits as necessary for Project construction;
- Adopting a Mitigation Monitoring and Reporting Program (MMRP).

### Findings:

In accordance with the California Environmental Quality Act, the City of Tracy has prepared an Initial Study, attached, dated April 2023, to determine whether the proposed project may have a significant adverse effect on the environment. The Initial Study and Proposed Mitigated Negative Declaration reflect the independent judgment of City of Tracy staff. On the basis of the Initial Study, the City of Tracy hereby finds:

*Although the proposed project could have a significant adverse effect on the environment, there will not be a significant adverse effect in this case because the project has incorporated specific provisions to reduce impacts to a less than significant level and/or the mitigation measures described herein have been added to the project. A Mitigated Negative Declaration has thus been prepared.*

The Initial Study, which provides the basis and reasons for this determination, is attached and/or referenced herein and is hereby made a part of this document.



Signature



Date

## Proposed Mitigation Measures:

The following Mitigation Measures are extracted from the Initial Study. These measures are designed to avoid or minimize potentially significant impacts, and thereby reduce them to an insignificant level. An MMRP is an integral part of project implementation to ensure that mitigation is properly implemented by the City and the implementing agencies. The MMRP will describe actions required to implement the appropriate mitigation for each CEQA category including identifying the responsible agency, program timing, and program monitoring requirements. Based on the analysis and conclusions of the Initial Study, the impacts of proposed project would be mitigated to less-than-significant levels with the implementation of the mitigation measures presented below.

### AIR QUALITY

**Mitigation Measure AIR-1:** *Prior to the commencement of grading activities, the contractor hired to complete the grading activities shall prepare a construction emissions reduction plan that meets the requirements of SJVAPCD Rule VIII. The construction emissions reductions plan shall be submitted to the SJVAPCD for review and approval. The Project applicant shall comply with all applicable APCD requirements prior to commencement of grading activities.*

**Mitigation Measure AIR-2:** *The following mitigation measures, in addition to those required under Regulation VIII of the SJVAPCD, shall be implemented by the Project's contractor during all phases of Project grading and construction to reduce fugitive dust emissions:*

- *Water previously disturbed exposed surfaces (soil) a minimum of two-times/day or whenever visible dust is capable of drifting from the site or approaches 20 percent opacity.*
- *Water all haul roads (unpaved) a minimum of two-times/day or whenever visible dust is capable of drifting from the site or approaches 20 percent opacity.*
- *Reduce speed on unpaved roads to less than 5 miles per hour.*
- *Reduce the amount of disturbed surface area at any one time pursuant to the scope of work identified in approved and permitted plans.*
- *Restrict vehicular access to the area to prevent unlawful entry to disturbed areas and limit unnecessary onsite construction traffic on disturbed surfaces. Restriction measures may include fencing or signage as determined appropriate by the City.*
- *Cease grading activities during periods of high winds (greater than 20 mph over a one-hour period).*
- *Asphalt-concrete paving shall comply with SJVAPCD Rule 4641 and restrict use of cutback, slow-sure, and emulsified asphalt paving materials.*

*Implementation of this mitigation shall occur during all grading or site clearing activities. The SJVAPCD shall be responsible for monitoring.*

**Mitigation Measure AIR-3:** *Prior to the issuance of any building permits, the Project applicant shall comply with the requirements of District Rule 9510, which is aimed at the following reductions:*

- *20 percent of construction-exhaust nitrogen oxides;*
- *45 percent of construction-exhaust PM10;*
- *33 percent of operational nitrogen oxides over 10 years; and*
- *50 percent of operational PM10 over 10 years.*

*The Project applicant shall coordinate with SJVAPCD to develop measures and strategies to reduce operational emissions from the proposed Project. If feasible measures are not available to meet the emissions reductions targets outlined above, then the Project applicant may be required to pay an in-lieu mitigation fee to the SJVAPCD to off-set Project-related emissions impacts. 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 Project impacts. The Project applicant shall provide verification of compliance to the City prior to the issuance of any building permits.*

### BIOLOGICAL RESOURCES

**Mitigation Measure BIO-1:** *Prior to the commencement of grading activities or other ground disturbing activities on the Project site, the Project applicant shall arrange for a qualified biologist to conduct a preconstruction survey for western burrowing owls in accordance with SJMSCP requirements. If no owls or owl nests are detected, then construction activities may commence. If burrowing owls or occupied nests are discovered, then the following shall be implemented:*

- *During the breeding season (February 1 through September 1) occupied burrows shall not be disturbed and shall be provided with a 75 meter protective buffer until and unless the SJCOG Technical Advisory Committee (TAC), with the concurrence of the Permitting Agencies' representatives on the TAC; or unless a qualified biologist approved by the Permitting Agencies verifies through non-invasive means that either: 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Once the fledglings are capable of independent survival, the burrow can be destroyed. They should only be destroyed by a qualified biologist using passive one-way eviction doors to ensure that owls are not harmed*

during burrow destruction. Methods for removal of burrows are described in the California Department of Fish and Game's Staff Report on Burrowing Owls (October, 1995).

- During the non-breeding season (September 1 through January 31) burrowing owls occupying the Project site should be evicted from the Project site by passive relocation as described in the California Department of Fish and Game's Staff Report on Burrowing Owls (Oct., 1995)

Implementation of this mitigation shall occur prior to grading or site clearing activities. SJCOG shall be responsible for monitoring and a qualified biologist shall conduct surveys and relocate owls as required.

**Mitigation Measure BIO-2:** Prior to commencement of any grading activities, the Project proponent shall seek coverage under the SJMSCP to mitigate for habitat impacts to covered special status species. Coverage involves compensation for habitat impacts on covered species through payment of development fees for conversion of open space lands that may provide habitat for covered special status species. These fees are used to preserve and/or create habitat in preserves to be managed in perpetuity. In addition, coverage includes incidental take avoidance and minimization measures for species that could be affected as a result of the proposed Project. There are a wide variety of incidental take avoidance and minimization measures contained in the SJMSCP that were developed in consultation with the USFWS, CDFW, and local agencies. The applicability of incidental takes avoidance and minimization measures are determined by SJCOG on a Project basis. The process of obtaining coverage for a Project includes incidental take authorization (permits) under the Endangered Species Act Section 10(a) and California Fish and Game Code Section 2081. The Section 10(a) permit also serves as a special-purpose permit for the incidental take of those species that are also protected under the MBTA. Coverage under the SJMSCP would fully mitigate all habitat impacts on covered special-status species. The SJMSCP includes the implementation of an ongoing Monitoring Plan to ensure success in mitigating the habitat impacts that are covered. The SJMSCP Monitoring Plan includes an Annual Report process, Biological Monitoring Plan, SJMSCP Compliance Monitoring Program, and the SJMSCP Adaptive Management Plan SJCOG.

## CULTURAL RESOURCES

**Mitigation Measure CUL-1:** If any prehistoric or historic artifacts, human remains or other indications of archaeological or paleontological resources are found during grading and construction activities, an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be consulted to evaluate the finds and recommend appropriate mitigation measures.

- If cultural resources or Native American resources are identified, every effort shall be made to avoid significant cultural resources, with preservation an important goal. If significant sites cannot feasibly be avoided, appropriate mitigation measures, such as data recovery excavations or photographic documentation of buildings, shall be undertaken consistent with applicable state and federal regulations.
- If human remains are discovered, all work shall be halted immediately within 50 meters (165 feet) of the discovery, the County Coroner must be notified, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.

If any fossils are encountered, there shall be no further disturbance of the area surrounding this find until the materials have been evaluated by a qualified paleontologist, and appropriate treatment measures have been identified.

## GEOLOGY AND SOILS

**Mitigation Measure GEO-1:** Prior to the development of the Project site, a subsurface geotechnical investigation must be performed to identify onsite soil conditions and identify any site-specific engineering measures to be implemented during the construction of building foundations and subsurface utilities. The results of the subsurface geotechnical investigation shall be reflected on the Improvements Plans, subject to review and approval by the City's Building Safety and Fire Prevention Division.

**Mitigation Measure GEO-2:** Expansive materials and potentially weak and compressible fills at the site shall be evaluated by a Geotechnical Engineer during the grading plan stage of development. If highly expansive or compressible materials are encountered, special foundation designs and reinforcement, removal and replacement with soil with low to non-expansive characteristics, compaction strategies, or soil treatment options to lower the expansion potential shall be incorporated through requirements imposed by the City's Development Services Department.

**Mitigation Measure GEO-3:** If paleontological resources are discovered during the course of construction, work shall be halted immediately within 50 meters (165 feet) of the discovery, the City of Tracy or San Joaquin County shall be notified, and a qualified paleontologist shall be retained to determine the significance of the discovery. If the paleontological resource is considered significant, it should be excavated by a qualified paleontologist and given to a local agency, State University, or other applicable institution, where they could be curated and displayed for public education purposes.

## HAZARDS AND HAZARDOUS MATERIALS

**Mitigation Measure HAZ-1:** A Soils Management Plan (SMP) shall be submitted and approved by the San Joaquin County Department of Environmental Health prior to the issuance of a grading permit. The SMP shall establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction. The approved SMP shall be posted and maintained onsite during construction activities and all construction personnel shall acknowledge that they have reviewed and understand the plan.

**Mitigation Measure HAZ-2:** Prior to bringing hazardous materials onsite, the applicant shall submit a Hazardous Materials Business Plan (HMBP) to San Joaquin County Environmental Health Division (CUPA) for review and approval. If during the construction process the applicant or his subcontractors generates hazardous waste, the applicant must register with the CUPA as a generator of hazardous waste, obtain an EPA ID# and accumulate, ship and dispose of the hazardous waste per Health and Safety Code Ch. 6.5. (California Hazardous Waste Control Law).

## NOISE

**Mitigation Measure NOISE-1:** The City of Tracy Development Services Department shall establish the following as conditions of approval for any permit that results in the use of construction equipment:

- Construction shall be limited to 7:00 a.m. to 7:00 p.m.
- All construction equipment powered by internal combustion engines shall be properly muffled and maintained.
- Quiet construction equipment, particularly air compressors, are to be selected whenever possible.
- All stationary noise-generating construction equipment such as generators or air compressors are to be located as far as is practical from existing residences. In addition, the Project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the Project site.
- Unnecessary idling of internal combustion engines is prohibited.
- The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the Project site during all Project construction.

These requirements shall be noted on the Project plans prior to approval of grading and/or building permits.

## TRIBAL CULTURAL RESOURCES

Implement **Mitigation Measure CUL-1**

ATTACHMENT – MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY FOR THE TRU BY HILTON HOTEL PROJECT, DATED  
APRIL 2023



APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
CITY ATTORNEY'S OFFICE

**TRACY CITY COUNCIL**

**RESOLUTION 2023- \_\_\_\_\_**

---

**(1) APPROVING A GENERAL PLAN MAP AMENDMENT FROM OFFICE TO COMMERCIAL FOR AN APPROXIMATELY 1.97-ACRE SITE, LOCATED AT 2605 N. CORRAL HOLLOW ROAD, ASSESSOR'S PARCEL NUMBER 214-020-09 (APPLICATION NUMBER GPA22-0004);**

**(2) APPROVING A DEVELOPMENT REVIEW PERMIT FOR A FOUR-STORY, 78-GUEST-ROOM HOTEL DEVELOPMENT (TRU BY HILTON), LOCATED AT 2605 N. CORRAL HOLLOW ROAD, APN 214-020-09 (APPLICATION NUMBER D22-0018); AND**

**(3) ADOPTING A MITIGATED NEGATIVE DECLARATION FOR THE GENERAL PLAN AMENDMENT AND DEVELOPMENT REVIEW PERMIT TRU BY HILTON HOTEL PROJECT IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

**WHEREAS**, Development applications have been filed for an amendment to the General Plan Map (GTPA22-0004) and a Development Review Permit (D22-0018) (the "Project") for a Tru By Hilton Hotel on an approximately 1.97-acre site at 2605 N. Corral Hollow Road (APN: 214-020-09); and

**WHEREAS**, The General Plan Map Amendment application is to redesignate the subject property from Office to Commercial; and

**WHEREAS**, The zoning of the site, General Highway Commercial, is consistent with the Commercial General Plan designation and is not proposed to be amended; and

**WHEREAS**, The proposed Tru By Hilton Hotel will have four stories, approximately 40,190 square feet, and 78 guest rooms; and

**WHEREAS**, The City Council may approve a Development Review Permit on the basis of the application and evidence submitted, subject to making all of the requisite findings set forth in Tracy Municipal Code Section 10.08.3960, which findings are set forth in Exhibit 1; and

**WHEREAS**, The Project has been evaluated in accordance with the California Environmental Quality Act (CEQA) Guidelines, and a Mitigated Negative Declaration is proposed which would reduce any potentially significant environmental impacts to a level of insignificance, and is proposed for adoption; and

**WHEREAS**, On August 9, 2023, the Planning Commission conducted a public hearing to review and consider the Project and recommended the City Council adopt the Mitigated

Negative Declaration, and approve the General Plan Amendment, and Development Review Permit; and

**WHEREAS**, On \_\_\_\_\_, 2023, the City Council conducted a public hearing to review and consider the Project;

NOW, THEREFORE, BE IT

**RESOLVED:** That the City Council, based on its independent judgment and analysis, has reviewed and considered the proposed Project and has determined, based on the whole record before it, including the Mitigated Negative Declaration and Initial Study for the Tru By Hilton Project, dated April 2023, and comments received, that there is no substantial evidence that the Project will have a significant effect on the environment and hereby adopts the Initial Study/Negative Declaration, as full satisfaction of the requirements under CEQA for the Project; and be it

**FURTHER RESOLVED:** The City Council hereby approves the General Plan map amendment from Office to Commercial for the approximately 1.97-acre site at 2605 N. Corral Hollow Road, APN 214-020-09, Exhibit 3; and be it

**FURTHER RESOLVED:** The City Council approves the Development Review Permit for the Tru By Hilton Hotel, Application Number D22-0018, based on the findings contained in Exhibit 1 and subject to the conditions contained in Exhibit 4.

\*\*\*\*\*

The foregoing Resolution \_\_\_\_\_ was adopted by the City Council on the \_\_\_\_ day of \_\_\_\_\_ 2023, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTENTION:	COUNCIL MEMBERS:

---

NANCY D. YOUNG  
Mayor of the City of Tracy, California

ATTEST: \_\_\_\_\_  
ADRIANNE RICHARDSON  
City Clerk and Clerk of the Council of the  
City of Tracy, California

Date of Attestation: \_\_\_\_\_

Resolution \_\_\_\_\_  
Page 3

- Exhibit 1 – Development Review Permit Findings
- Exhibit 2 – Existing and Proposed General Plan Map Designations
- Exhibit 3 – Project Conditions of Approval

**Tracy City Council Findings for Resolution No. \_\_\_\_\_**  
**Tru By Hilton**  
**Application Number D22-0018**  
**\_\_\_\_\_, 2023**

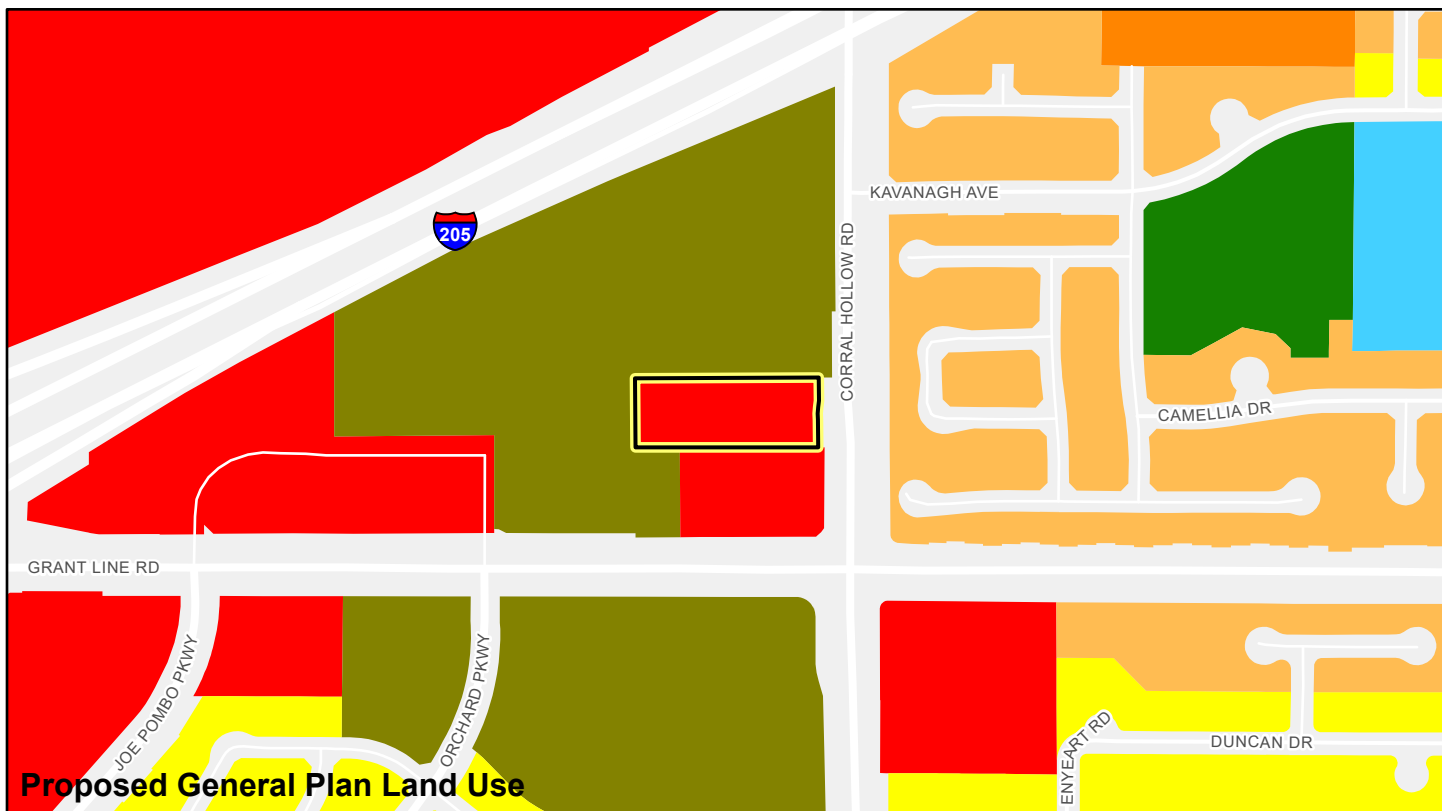
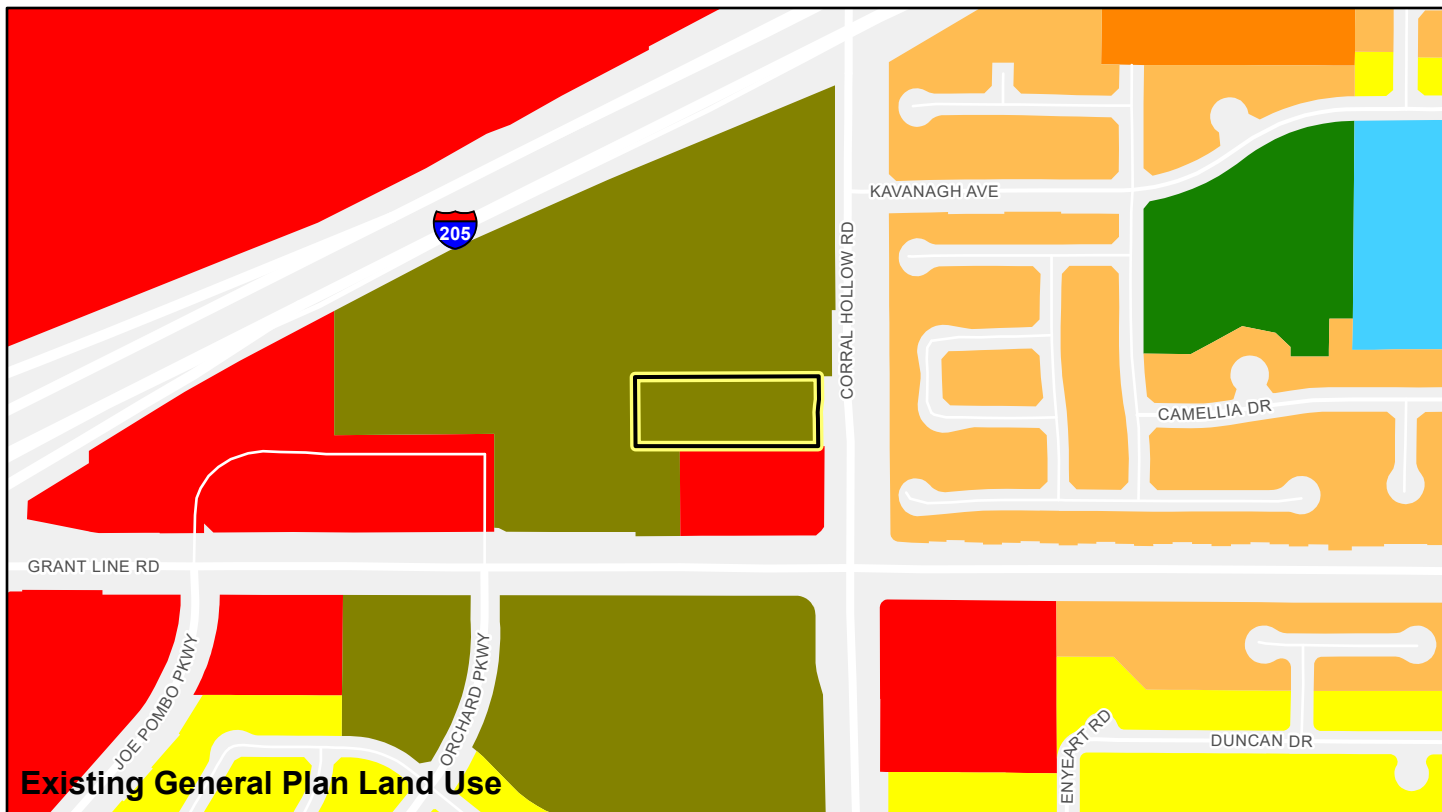
The City Council findings related to approving the Development Review Permit for the Tru By Hilton Hotel Project, Application D22-0018:

In accordance with Tracy Municipal Code Section 10.08.3920, the following findings are required, upon approving a Development Review Permit:









- (a) That the proposal increases the quality of the project site, and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy; and
- (b) That the proposal conforms to this chapter, the General Plan, any applicable specific plan, the Design Goals and Standards, any applicable Infrastructure Master Plans, and other City regulations.

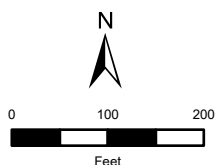
Staff recommends that the Planning Commission make the requisite findings for this project based on the evidence in the record, including, without limitation, the following:

- (a) The proposal increases the quality of the project site and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy because the proposed project would develop a vacant site that has good access, visibility, and proximity to supportive uses such as restaurants and to the I-205 Freeway for regional travelers. The proposed building and landscaped parking area meet the City's objectives for high quality design. The proposed building is architecturally interesting in that it has significant recesses and popouts, and it has incorporated a number of horizontal and vertical changes through its use of color and stone in the façade, which give the building interest and dimension. The porte-cochere highlights the building entry and provides visual interest at the building front pedestrian level. The architectural theme is present on all four sides of the building, and rooftop equipment will be hidden from view behind building parapets. Through-circulation is provided throughout the site, and the parking area will connect to adjacent commercial sites and allow cross-traffic without requiring access onto public rights-of-way. In furtherance of the City's landscaping goals, a significant amount of landscaping, including a variety of canopy and accent trees, is proposed throughout the parking area, on the site's perimeter, and around the building.
- (b) The proposal, as conditioned, conforms to the Tracy Municipal Code, the City of Tracy General Plan, the City Design Goals and Standards, applicable City Standards, California Building Codes, and California Fire Codes, because the proposed development will comply with all applicable City and State regulations for building design and construction, off-street parking and circulation, and landscaping design.



**LEGEND**

- |  |  |
|--|--|
|  Project Location |  Public Facilities  |
| <b>City of Tracy General Plan Land Use</b>   |  Residential High   |
|  Commercial       |  Residential Low    |
|  Office           |  Residential Medium |
|  Park             |  |



**Tracy TRU by Hilton Project**

**Existing and Proposed General Plan Land Use Map**



**Tru By Hilton Hotel**  
**Conditions of Approval**  
Application Number D22-0018  
Tracy City Council - \_\_\_\_\_, 2023

**A. General Provisions and Definitions.**

A.1. These Conditions of Approval apply to:

The Project: A four-story, approximately 40,190 square-foot hotel consisting of 78 guestrooms and associated parking, landscaping, and utility improvements (Tru By Hilton Hotel)

The Property: An approximately 1.97-acre site located at 2605 N. Corral Hollow Road, Tracy, Assessor's Parcel Number 214-020-09

A.2. Definitions.

- a. "Applicant" means any person, or other legal entity, defined as a "Developer."
- b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Development Services Director, or the City Engineer to perform the duties set forth herein.
- c. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code ordinances, resolutions, policies, procedures, the City's Design Goals and Standards, and the City's Design Documents (including the Standard Plans, Standard Specifications, and relevant Public Facility Master Plans).
- d. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the Project, Application Number D22-0018. The Conditions of Approval shall specifically include all conditions set forth herein.
- f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.

A.3. Except as otherwise modified herein, the project shall be constructed in substantial compliance with the plans received by the Development Services Department on March 18, 2023, which include the civil, site, floor, roof, elevations, sections, and landscape plans, as well as color and material details.

A.4. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees,

encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.

- A.5. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:
- the Planning and Zoning Law (Government Code sections 65000, et seq.)
  - the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and
  - the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines").
  - California State Title 24 and Title 19
- A.6. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), Standard Plans, and Design Goals and Standards.
- A.7. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

## **B. Development Services Department, Planning Division**

Contact: Alan Bell (209) 831-6426 [alan.bell@cityoftracy.org](mailto:alan.bell@cityoftracy.org)

- B.1. Bollard pipes shall not be used in areas visible to the general public. Boulders, planter boxes, decorative walls, or other architectural features that complement the character of the site may be used as needed for protection of utilities or other site improvements from potential vehicular impact.
- B.2. Before the approval of a building permit, the applicant shall submit the following to the satisfaction of the Development Services Director:
- B.2.1 Site plans and construction details that demonstrate 12-inch-wide concrete curbs along the perimeter of landscape planters where such planters are parallel and adjacent to vehicular parking spaces to provide access to vehicles without stepping into the landscape planters.
- B.2.2 Site and construction details shall demonstrate the parking stalls are striped in accordance with City Standard Plan 141. Planters or sidewalks at the head of parking spaces may be constructed two feet into the front of parking spaces. Such two-foot overhang of landscape planters into the head of parking spaces is not included in the minimum area of required landscaping.

- B.2.3 Bicycle parking spaces shall be provided in accordance with Tracy Municipal Code Section 10.08.3510 to the satisfaction of the Development Services Director.
- B.3. Prior to issuance of a building permit, the applicant shall provide detailed landscape and irrigation plans consistent with the following, in accordance with City regulations, to the satisfaction of the Development Services Director:
  - B.3.1. Said plans shall demonstrate compliance with Tracy Municipal Code Section 10.08.3560 for parking area landscaping. Said plans shall include a planting legend indicating, at minimum, the quantity, planting size, and height and width at maturity and calculations for landscape and canopy tree shading areas.
  - B.3.2. The landscape and irrigation plans shall include documentation which demonstrates there is no less than 20 percent of the parking area in landscaping and 40 percent canopy tree coverage at tree maturity.
  - B.3.3. Each planter shall contain a combination of trees, shrubs, and groundcover. Trees shall be a minimum of 24-inch box and shrubs shall be minimum five gallons size at planting.
  - B.3.4. Where trees are planted ten feet or less from a sidewalk or curb, root barriers dimensioned 8 feet long by 24 inches deep shall be provided adjacent to such sidewalk and curb, centered on the tree.
  - B.3.5. The landscape and irrigation plan shall be consistent with the applicable Department of Water Resources Model Efficient Landscape Ordinance to the satisfaction of the Utilities Director.
  - B.3.6. Prior to the issuance of a building permit, the Developer shall execute an Agreement for Maintenance of Landscape and Irrigation Improvements and submit financial security to the Development Services Department. The Agreement shall ensure maintenance of the on-site landscape and irrigation improvements for a period of two years following Project occupancy. Said security shall be equal to the actual material and labor costs for installation of the on-site landscape and irrigation improvements, or \$2.50 per square foot of on-site landscape area.
- B.4. Prior to final inspection or certificate of occupancy, all landscaping and irrigation substantially conforming with the development review permit and the approved building permit construction plans shall be installed or secured to the satisfaction of the Development Services Director.
- B.5. Prior to final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into the public rights-of-way to the satisfaction of the Development Services Director.
- B.6. Prior issuance of a building permit, the applicant shall submit detailed plans that demonstrate the following:

- B.6.1. No roof mounted equipment, including, but not limited to HVAC units, vents, fans, antennas, sky lights and dishes, whether proposed as part of this application, potential future equipment, or any portion thereof, shall be readily visible from any public right-of-way, including I-205 Freeway. The plans shall demonstrate that such equipment is fully screened from view by the building parapet designed to be equal to or higher than the height of the mounted equipment to the satisfaction of the Development Services Director.
- B.6.2. All vents, gutters, downspouts, flashing, plumbing lines, fire risers, and electrical conduits shall be internal to the structure and other ground-mounted, wall-mounted, or building-attached utilities, including bollards, shall be painted to match the color of the adjacent surfaces or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.
- B.6.3. All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or substantially screened from view behind structures or landscaping, to the satisfaction of the Development Services Director.
- B.6.4. Trash enclosures shall be designed and appropriately sized for this project, including allowance for recycling collection. The trash and recycling collection enclosure shall include a solid roof structure, solid metal doors, and solid masonry walls sufficiently sized to fully screen the dumpsters. The enclosure, including the roof, shall be architecturally compatible with the building, which includes but is not limited to, design, materials, and colors. A six-inch concrete curb and/or bollards may be installed on the interior of the enclosure for the protection and durability of the enclosure walls.
- B.7. No business identification signs are approved with this permit. Prior to the installation of any signs requiring a sign permit, the applicant shall obtain applicable sign and building permits in accordance with the Tracy Municipal Code.
- B.8. Except for the wall or fence required by law around the pool area, no fence or wall is proposed or allowed for this project except as may be proposed by the developer along the north or west property lines. If constructed, such wall shall be outside of the yard setback areas, no taller than six feet, and receive Development Services Director approval for consistency with this Development Review permit prior to construction. A fence or wall shall be visually compatible with the overall design character and style of the Hotel; materials may include wrought iron, tube steel, decorative masonry, stone, or stone veneer. If wood is used, it shall be in combination with metal posts and rails and/or masonry base or posts. The following fence materials are not permitted: chain link, barbed wire, razor wire, integrated corrugated metal, electronically charged, plain exposed plastic or plain cement, vinyl slats, or woven fabric.
- B.9. Prior to occupancy or final inspection, the existing fence along the project site's south property line (built with the adjacent Home2 Suites Hotel) shall be removed to the satisfaction of the Development Services Director.

- B.10. Prior to issuance of a building permit, the Developer shall comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District (APCD), including District Rule 9510, Regulation VIII, and payment of all applicable fees, to the satisfaction of the APCD.
- B.11. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the Mitigated Negative Declaration and Initial Study for the Tru By Hilton Project, dated April 2023.
- B.12. Improvements of and around the pool area designated on the north side of the building may change from time to time. Improvements of this area shall include active or passive amenities for patrons of the hotel or the general public. This area is not intended for permanent storage, automobile parking, or other uses inconsistent with its intent as an amenity area. All improvements of this area shall be consistent with City Regulations to the satisfaction of the Development Services Director.
- B.13. Prior to the issuance of a building permit, the developer shall document compliance with the City of Tracy June 2015 Multi-Agency Post Construction Stormwater Standards Manual to the satisfaction of the Utilities Director, which includes submittal of site design and source and treatment controls along with hydromodification. Compliance with the Manual includes, but is not limited to, addressing outdoor storage areas, loading and unloading areas, trash enclosures, parking areas, any wash areas and maintenance areas and compliance with Tracy Municipal Code Chapter 11.34 and the California Green Building Standards Code, Chapter 5.
- B.14. Prior to issuance of a grading or building permit, the applicant shall submit a Department of Water Resources Model Efficient Landscape Ordinance (MWELo) Project Information Sheet prepared in compliance with City standards to the Utilities Director. The submittal must show compliance with the MWELo by choosing either the Prescriptive or Performance Approach through inclusion in submitted plans and documents. The submittal shall demonstrate compliance with Tracy Municipal Code Chapter 11.28 and California Green Building Standards Chapter 5.
- B.15. The project shall comply with all applicable provisions of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, including Incidental Take Minimization Measures applicable at the time of permit and a pre-construction survey prior to ground disturbance, to the satisfaction of San Joaquin Council of Governments.
- B.16. Consistent with General Plan Noise Element Policy 4 (Goal N-1.2), all construction activity producing any noise beyond the site's property line shall not occur after 7:00 p.m. or before 7:00 a.m.
- B.17. Prior to the issuance of a building permit, the developer shall cause to be recorded an instrument(s) that ensures the site will provide and participate in vehicle and pedestrian access to the properties adjacent to the north and/or to the west upon development of those adjacent properties and to the south (to the Home2 Suites site) upon occupancy of the Tru By Hilton Hotel. The access shall occur at the locations identified as "shared access with future property", "shared access with Kaiser property", and "shared access to adjacent property" on the approved site plan, or as



otherwise approved by the Development Services Director. The access may include indirect connection to Kavanagh Avenue to the north or to Grant Line Road, Orchard Parkway, or Joe Pombo Parkway to the west. The recorded instrument shall be consistent with City Regulations to the satisfaction of the Development Services Director and in a form satisfactory to the City Attorney.

- B.18. Prior to occupancy or final inspection, the developer shall treat and stabilize the "Future Development" area (approximately one-quarter acre labelled on the site plan on the west side of the site) with decorative rock or other treatment to ensure dust control and install a perimeter concrete curb, low fence or similar barrier to prohibit vehicle access to the satisfaction of the Development Services Director.

**C. Development Services Department, Engineering Division**

Contact: Majeed Mohamed (209) 831-6425 [majeed.mohamed@cityoftracy.org](mailto:majeed.mohamed@cityoftracy.org)

**C.1. General Conditions**

Developer shall comply with the applicable sections of approved documents and/or recommendations of the technical analyses/reports prepared for the Project listed as follows:

- 1) Potable Water Technical Memorandum prepared by Black Water Consulting Engineers of Modesto, CA dated February 3, 2023;
- 2) Sanitary Sewer Technical Memorandum prepared by Black Water Consulting Engineers of Modesto, CA dated February 3, 2023;
- 3) Storm Drain Technical Memorandum prepared by Wood Rodgers, of Roseville, CA dated January 4, 2023;
- 4) Traffic Analysis and Engineering Review prepared by Kimley-Horn and Associates of San Jose, CA dated January 31, 2023;

C.2. RESERVED

C.3. RESERVED

**C.4. Grading Permit**

All grading work (on-site and off-site) shall require a Grading Plan. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Registered Geotechnical Engineer.

Prior to the release of the Grading Permit for the Project, Developer shall provide all documents related to said Grading Permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

C.4.1 Developer has completed all conditions set forth in this section.

C.4.2 Developer has obtained the approval (i.e. recorded easements for slopes, drainage, utilities, access, parking, construction, etc.) of all other public agencies and/or private entities with jurisdiction or interest over the required public and/or

private facilities and/or property. Written permission from affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit.

- C.4.3 Developer has obtained a demolition permit to remove any existing structure located within the project's limits.
- C.4.4 All existing on-site water well(s), septic system(s), and leech field(s), if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. Developer shall be responsible for all costs associated with the abandonment or removal of the existing well(s), septic system(s), and leech field(s) including the cost of permit(s) and inspection. Developer shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.
- C.4.5 The Improvement Plans for all improvements to serve the Project (on-site and off-site) including the Grading Plan shall be prepared in accordance with the City's Subdivision Ordinance (Tracy Municipal Code Chapter 12.36), City Design Documents as defined in Title 12 of the Tracy Municipal Code, and these Conditions of Approval.
- C.4.6 On-site Grading Plan shall be prepared on a twenty-four (24) inch x thirty-six (36) inch size 20-pound (min.) bond paper and PDF. These plans shall use the City's Title Block. Improvement Plans shall be prepared under the supervision of, stamped and signed by the Project's Registered Civil Engineer of Record and the Project's Registered Geotechnical Engineer. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the plans prior to submitting the mylars to Engineering Division for City Engineer's signature. Erosion control measures shall be implemented in accordance with the Grading Plan approved by the City Engineer for all grading work. All grading work not completed before October 15 may be subject to additional requirements as applicable. Improvement Plans shall specify all proposed erosion control methods and construction details to be employed and specify materials to be used during and after the construction.
- C.4.7 Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.
- C.4.8 For Projects on property larger than one (1) acre: Prior to the issuance of the Grading Permit, Developer shall submit to the Utilities Department ([stephanie.hiestand@cityoftracy.org](mailto:stephanie.hiestand@cityoftracy.org)) one (1) electronic copy and one (1) hard copy of the Storm Water Pollution Prevention Plan (SWPPP) as submitted in Stormwater Multiple Applications and Reporting Tracker System (SMARTS) along with either a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID) or a copy of the receipt for the NOI. After the completion of the Project, the Developer is responsible for filing the Notice of Termination (NOT) required by SWQCB, and shall provide the City, a copy of the completed Notice of Termination. Cost of preparing the

SWPPP, NOI and NOT including the annual storm drainage fees and the filing fees of the NOI and NOT shall be paid by the Developer. Developer shall comply with all the requirements of the SWPPP, applicable Best Management Practices (BMPs) and the Stormwater Post-Construction Standards adopted by the City in 2015 and any subsequent amendment(s).

For Projects on property smaller than one (1) acre: Prior to the issuance of the Grading Permit, the Developer shall submit to the Utilities Department ([stephanie.hiestand@cityoftracy.org](mailto:stephanie.hiestand@cityoftracy.org)) one (1) electronic copy and 1 hard copy of the City of Tracy Erosion and Sediment Control Plan (ESCP) for approval. Cost of preparing the ESCP including any annual storm drainage fees shall be paid by the Developer. Developer shall comply with all the requirements of the ESCP, applicable BMPs and the Post-Construction Stormwater Standards adopted by the City in 2015 and any subsequent amendment(s).

- C.4.9 Developer shall provide a PDF copy of the Project's Geotechnical Report signed and stamped by the Project's Registered Geotechnical Engineer. The technical report must include relevant information related to, but not limited to, soil types and characteristics; soil bearing capacity; recommendations of soil and pavement compaction, import fill gradation, retaining wall design, slope gradients, flexible and in-flexible pavement (including paving calculations such as 5-values, gravel factors, gravel equivalence); bore logs; elevation of the highest observed groundwater level; infiltration testing at the bottom floor elevation of the proposed basin; and other design recommendations or geotechnical tests to the satisfaction of the City Engineer.
- C.4.10 Minor Retaining – Developer shall use reinforced or engineered masonry blocks for retaining soil at property lines when the grade differential among the in-tract lots exceeds twelve (12) inches. Developer will include construction details of these minor retaining walls with the on-site Grading Plan. Developer may use slopes among the lots to address the grade differential but said slope shall not exceed a slope gradient of 3 (horizontal) to 1 (vertical) unless the Project's Registered Geotechnical Engineer signs and stamps a geotechnical report letter that supports a steeper slope gradient. Slope easements may be required and will be subject to approval by the City Engineer.

Minor Retaining along Project Perimeter – Developer shall use reinforced or engineered masonry blocks for retaining soil along the Project boundary and adjacent property(s) when the grade differential exceeds 12-inches. Developer will include construction details for these minor retaining walls with the on-site Grading Plan. Developer may use slopes to address the grade differential but said slope shall not exceed a slope gradient of 3 (horizontal) to 1 (vertical). Slope easements may be subject to approval by the City Engineer and if adjacent and affected property(s) owner(s) grants said easements.

Slopes are an acceptable option as a substitute to engineered retaining walls, where cuts or fills do not match existing ground or final grade with the adjacent property or public right of way, up to a maximum grade differential of two (2) feet, subject to approval by the City Engineer.

Slope easements will be recorded, prior to the issuance of the Grading Permit. The Developer shall be responsible to obtain and record slope easement(s) on private properties, where it is needed to protect private improvements constructed within and outside the Project, and a copy of the recorded easement document must be provided to the City, prior to the issuance of the Grading Permit.

Walls - Developer shall show proposed retaining walls and masonry walls on the on-site Grading Plan. The Developer is required to submit improvement plans, construction details, and structural calculations for retaining walls and masonry walls to Building and Safety. Retaining wall and masonry wall design parameters will be included in the geotechnical report.

- C.4.11 Developer shall provide a copy of the approved Incidental Take Minimization Measures (ITMM) habitat survey [San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)] from San Joaquin Council of Governments (SJCOG).
- C.4.12 Developer shall provide a copy of the approved Air Impact Assessment (AIA) with an Indirect Source Review (ISR) from San Joaquin Valley Air Pollution Control District (SJVAPCD).
- C.4.13 Developer shall abandon or remove all existing irrigation structures, channels and pipes, if any, as directed by the City after coordination with the irrigation district, if the facilities are no longer required for irrigation purposes. If irrigation facilities including tile drains, if any, are required to remain to serve existing adjacent agricultural uses, the Developer will design, coordinate and construct required modifications to the facilities to the satisfaction of the affected agency and the City. Written permission from irrigation district or affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Developer.
- C.4.14 Developer shall underground existing overhead utilities such as electric, TV cable, telephone, and others. Each dry utility shall be installed at the location approved by the respective owner(s) of dry utility and the Developer shall coordinate such activities with each utility owner. All costs associated with the undergrounding shall be the sole responsibility of the Developer and no reimbursement will be due from the City. Developer shall submit undergrounding plans. Referenced and incorporated herein are Title 11 and Title 12 of the Tracy Municipal Code. Exemptions from this condition are further clarified in the aforementioned code sections.
- C.4.15 If at any point during grading that the Developer, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any potential archeological, historical, or other paleontological findings, the Developer shall address the findings as required per the General Plan Cultural Resource Policy and General Plan Environmental Impact Report; and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.

C.5. Improvement Agreement(s)

All construction activity involving public improvements will require a fully executed improvement agreement (Off-site, Subdivision, and/or Inspection). Any construction activity involving public improvements without a fully executed improvement agreement is prohibited. All public improvements shall be performed and completed in accordance with the recommendation(s) of the Project's Registered Civil Engineer of Record.

Prior to the consideration of City Council's approval of said improvement agreement, the Developer shall provide all documents related to said improvements required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

- C.5.1. Off-site and/or Public Infrastructure Improvement Plans prepared on a twenty-four (24) inch x thirty-six (36) inch size 20-pound (min.) bond paper and PDF that incorporate all requirements described in the documents described in these Conditions of Approval, the City's Design Documents as defined in Title 12 of the Tracy Municipal Code. Developer shall use the latest title block and, if necessary, contain a signature block for the Fire Marshal. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Landscape Architect for the relevant discipline. Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the plans including signatures by Fire Marshal to submitting the mylars to Engineering Division for City Engineer's signature. The improvement plans shall be prepared to specifically include, but not be limited to, the following items:
- C.5.1.a. All existing and proposed utilities such as domestic water line, irrigation service, fire service line, storm drain, and sanitary sewer, including the size and location of the pipes.
  - C.5.1.b. All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports. All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers such as benchmarks.
  - C.5.1.c. A PDF copy of the Project's approved Geotechnical/Soils Report that was prepared for the grading permit submittal.
  - C.5.1.d. Storm Water - Storm drainage release point is a location at the boundary of the Project adjacent public right-of-way where storm water leaves the Property, in a storm event and that the Property's on-site storm drainage system fails to function, or it is clogged. Site grading shall be designed such that the Project's storm drainage overland release point will be directly to an adjacent public right-of-



way with a functional storm drainage system and the existing storm drainage line has adequate capacity to drain storm water from the Property. The storm drainage release point is recommended to be at least 0.70-feet lower than the building finish floor elevation and shall be designed and improved to the satisfaction of the City Engineer.

The Project's permanent storm drainage connection(s) shall be designed and constructed in accordance with City Regulations. The design of the permanent storm drainage connection shall be shown on the Grading Plans with calculations for the sizing of the storm drain pipe(s), and shall comply with the applicable requirements of the City's storm water regulations adopted by the City Council in 2012 and any subsequent amendments. Developer shall also comply with and/or construct the recommended mitigations as described in the storm drain technical memorandum.

Developer and its heirs shall be responsible for repairing and maintaining the on-site storm water treatment system at the Developer's (and heirs') sole cost and expense.

C.5.1.e Sanitary Sewer - It is the Developer's responsibility to design and construct the Project's permanent on-site sanitary sewer (sewer) improvements including the Project's sewer connection in accordance with the City's Design Standards, City Regulations and Standard Specifications. Sewer improvements shall include but not limited to, replacing asphalt concrete pavement, reconstructing curb, gutter and sidewalk, restoring pavement marking and striping, and other improvements that are disturbed as a result of installing the Project's permanent sewer connection. Developer shall submit improvement plans that include the design of the sewer line from the Property to the point of connection.

C.5.1.f Water Distribution - Developer shall design and construct domestic and irrigation water service that comply with the City Regulations. Water line sizing, layout and looping requirements for this Project shall comply with City Regulations. During the construction of the Project, the Developer is responsible for providing water infrastructure (temporary or permanent) capable of delivering adequate fire flows and pressure appropriate to the various stages of construction and as approved by the Fire Marshal.

Interruption to the water supply to the existing businesses and other users will not be allowed to facilitate construction of improvements related to the Project. Developer shall be responsible for notifying business owner(s) and users, regarding construction work. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least seventy-two (72) hours before start of work. Prior to starting the work described in this section, the Developer shall

submit a Work Plan acceptable to the City that demonstrates no interruptions to the water supply, and Traffic Control Plan to be used during the installation of the off-site water mains and connections.

The Project's water service connections shall use a remote-read (radio-read) master water meter and a Reduced Pressure Type back-flow protection device in accordance with City Regulations. The domestic and irrigation water service connection(s) must be completed before the inspection of the building. The location of the meters shall be per City Regulations and shall not in the driveway. Other proposed locations shall be approved to the satisfaction of the City Engineer.

All costs associated with the installation of the Project's water connection(s) including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings on existing street or parking area(s) that may be disturbed with the installation of the permanent water connection(s), or domestic water service, and other improvements shall be paid by the Developer.

Fire Service Line – Location and construction details of fire service line including fire hydrant(s) that are to serve the Project shall be approved by the Fire Marshal. Prior to the approval of the Improvement Plans by the City Engineer, the Developer shall obtain written approval from the Fire Marshal, for the design, location and construction details of the fire service connection to the Project, and for the location and spacing of fire hydrants that are to be installed or planned to serve the Project.

C.5.1.g Streets – The Developer shall have frontage improvements. All streets and utilities improvements within City right-of-way shall be designed and constructed in accordance with City Regulations, and City's Design Documents including the City's Facilities Master Plan for storm drainage, roadways, wastewater, and water as adopted, amended, and updated by the City, or as otherwise specifically approved by the City. The Developer shall construct frontage improvements as described below.

Grant Line Road and Orchard Parkway

Developer shall install an audible pedestrian crossing system at the existing traffic signal at Grant Line Road and Orchard Parkway.

Kavanagh Avenue and Orchard Parkway

Developer shall install an audible pedestrian crossing system at the existing traffic signal at Kavanagh Avenue and Orchard Parkway.

Corral Hollow Road

The Developer shall dedicate right of way as required to widen the existing sidewalk along the project frontage to ten (10) feet. The said sidewalk shall conform to Section 3.07 of the 2020 Design Standards. In addition, the Developer shall record a ten (10) foot wide P.U.E. immediately behind the new property line.

Developer shall construct or re-construct cracked, settled, and/or damaged portland cement concrete curb, gutter, and sidewalk; a parkway, construct landscaping and its automatic irrigation system; fire hydrants; and streetlights along the Project's frontage.

Developer shall preserve the existing trees on the project's frontage.

Developer shall remove the existing commercial driveway at the northeast corner of the property frontage and replace it with landscaping, sidewalk, curb and gutter per current City Standards.

Along the Project frontage, Developer shall construct a landscaped and irrigated parkway. Landscape and irrigation plans shall be prepared on a 24-inch x 36-inch size 20-pound (min.) bond paper and PDF that incorporate all requirements described in the documents described in these Conditions of Approval, the City's Design Documents as defined in Title 12 of the Tracy Municipal Code. Developer shall use the latest title block. Said landscape and irrigation plan shall be prepared by a California licensed landscape architect.

Developer shall update the south bound bicycle lane signing and striping along the Project frontage to the intersection of Corral Hollow Road and Grant Line Road per City of Tracy Standard Plan 147 (Sheet 12 of 14). The Developer shall also refresh all existing southbound striping along Project frontage to the intersection of Corral Hollow Road and Grant Line Road.

Developer shall also construct the recommended mitigations described in the traffic technical memorandum.

Overhead Utilities along Project frontage shall be placed underground.

Street cuts and trenching related to utility installation in Corral Hollow Road shall be subject to Condition C.8.1.

- C.5.2. Joint Trench Plans and Composite Utility Plans, prepared on a twenty-four (24) inch x thirty-six (36) inch size 20-pound (min.) bond paper and PDF for the installation of dry utilities such as electric, gas, TV cable, telephone, and others that will be located within a PUE, if existing, to be installed to serve the Project. All private utility services to serve Project must be installed

underground or relocated to be underground, and to be installed at the location approved by the respective owner(s) of the utilities from the street or an existing or proposed utility easement to the building(s).

- C.5.3. Payment of applicable fees required by City Regulations, and these Conditions of Approval including but not limited to plan checking, grading, construction inspection, agreement processing, encroachment permits, and testing fees.
- C.5.4. Project Engineer's reasonable cost estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.
- C.5.5. Traffic Control Plan - Prior to starting the work for any work within City's right-of-way, the Developer shall submit a Traffic Control Plan (TCP). TCP can be split among the different construction phases. TCP will show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. TCP shall conform to the Manual on Uniform Traffic Control Devices as amended by the State of California, latest edition (MUTCD-CA). TCP shall be prepared under the supervision of, signed and stamped by a Registered Civil Engineer or Registered Traffic Engineer.

Access and Traffic Circulation to Existing Businesses/Residents - Developer shall take all steps necessary to plan and construct site improvements such that construction operations do not impact safety and access (including emergency vehicles) to the existing businesses and residents throughout the duration of construction. Developer shall coordinate with the owners and cooperate to minimize impacts on existing businesses. All costs of measures needed to provide safe and functional access shall be borne by the Developer.

- C.5.6. No street trench shall be left open, uncovered, and/or unprotected during night hours and when the Developer's contractor is not performing construction activities. Appropriate signs and barricades shall be installed on the street and on all trenches during such times. If the Developer or its contractor elects to use steel plates to cover street trenches, said steel plates will be skid-resistance, and shall be either pinned and recessed into the pavement or ramped on all sides. Ramps will be made of cold-mix asphalt concrete, be a minimum two-foot wide, and will run the entire length of each side.
- C.5.7. If at any point during utility installation or construction in general that the Developer, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other paleontological findings, the Developer shall address the findings as required per the General Plan Cultural Resource Policy and General Plan EIR; and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.

- C.5.8 Improvement Security - Developer shall provide improvement security for all public facilities, as required by the Improvement Agreement. The form of the improvement security may be a bond, or other form in accordance with the Government Code, and the TMC. The amount of the improvement security shall be in accordance with Title 12 of the TMC.

Insurance – Developer shall provide written evidence of insurance coverage that meets the terms of the Improvement Agreement.

C.6. Building Permit

Prior to the release of a building permit within Project boundaries, the Developer shall demonstrate, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

- C.6.1 Developer has satisfied all conditions in C.1 through C.4 in these Conditions of Approval and has obtained a City approved Grading Permit.
- C.6.2 Developer shall pay any applicable development impact fees.

C.7 Acceptance of Public Improvements

Prior to the consideration of City Council's acceptance of public improvements, the Developer shall demonstrate to the reasonable satisfaction of the City Engineer, completion of the following:

- C.7.1 Developer has satisfied all conditions in C.1 through C.6 in these Conditions of Approval.
- C.7.2 Prior to improvement acceptance, Developer submitted the Storm water Treatment Facilities Maintenance Agreement (STFMA) to the Utilities Department.
- C.7.3 Developer has satisfactory completed construction of all required/conditioned improvements. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).
- C.7.4 Certified "As-Built" On-site Grading and Off-Site Improvement Plans (or Record Drawings) - Prior to improvement acceptance, Developer shall cause its design professionals(s) to prepare Certified "As-Built" grading and off-site Improvement Plans (or Record Drawings). Said Record Drawings shall be prepared on a twenty-four (24) inch x thirty-six (36) inch size 4-millimeter-thick polymer film (mylar). Developer shall re-obtain all signatures from outside agencies prior to submitting the Record Drawings to the City.



- C.7.5 Prior to improvement acceptance, Developer shall be responsible for any repairs or reconstruction of street pavement, curb, gutter, sidewalk and other public improvements associated with the Project, if determined by the City Engineer to be in poor condition or damaged by construction activities related to the Project.
- C.7.6 Prior to improvement acceptance, Developer has completed the ninety (90) day public landscaping maintenance period.
- C.7.7 Prior to improvement acceptance, per Section 21107.5 of the California Vehicle Code, Developer shall install signs at all entrance(s) of the Project stating that the streets are privately owned and maintained and are not subject to the public traffic regulations or control. Said signs must be conspicuously placed, plainly visible, and legible during daylight hours from a distance of one hundred (100) feet, if applicable.
- C.7.8 Survey Monuments – Prior to improvement acceptance, Developer shall submit centerline tie sheets, corner records, a record of survey, etc. for the following: new public streets; re-established survey monuments, damaged, destroyed, altered, and/or reconstructed any existing curb returns, survey monuments and/or benchmarks. Any survey document will be submitted to the City and to the San Joaquin County Surveyor to comply with California Business and Professions Code Section 8771(c). Said work shall be executed by a California licensed Land Surveyor at the Developer's sole expense.
- C.7.9 Prior to improvement acceptance, repair and maintenance of all on-site water lines, laterals, sub-water meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer.
- C.7.10 Prior to improvement acceptance, Developer shall submit warranty bonds.

C.8 Special Conditions

- C.8.1 When street cuts are made for the installation of utilities, the Developer shall conform to Section 3.14 of the 2020 Design Standards and is required install a two (2) inch thick asphalt concrete (AC) overlay with reinforcing fabric at least twenty-five (25) feet from all sides of each utility trench. A two (2) inch deep grind on the existing AC pavement will be required where the AC overlay will be applied and shall be uniform thickness in order to maintain current pavement grades, cross and longitudinal slopes. This pavement repair requirement is when cuts/trenches are perpendicular and parallel to the street's direction.
- C.8.2 Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the improvement plans, prior to the City Engineer's signature on the improvement plans, and prior to issuance of Grading Permit, Encroachment Permit,

Building Permit, if the City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City. The Developer shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

- C.8.3 Prior to the release of the Building Permit, if water is required for the Project, the Developer shall obtain an account for the water service and register the water meter with the Finance Department. Developer shall pay all fees associated with obtaining the account number for the water service.
- C.8.4 Prior to acceptance of the public improvements, Developer shall cause its design professional to provide to the City in both AutoCAD format, and Shape File format (both in versions approved by the City), the public improvements associated with this Project.
- C.8.5 Prior to release of temporary or permanent occupancy, whichever is first, Developer shall provide a paved [finished surface of Asphalt Concrete] public access easement (paved PAE) that would allow the public to travel from Corral Hollow Road to Orchard Court/Joe Pombo Parkway and the Naglee-Burke Irrigation district Parcel. The paved PAE shall also be a reciprocal access and parking easement among the abutting parcels. Developer shall dedicate the paved PAE to the City of Tracy and the said paved PAE shall be recorded with the San Joaquin County Recorder's Office.

The paved PAE's alignment, cross-section, and pavement section shall be to the satisfaction of the City Engineer. Since the Developer owns the adjacent parcel to the south (existing Home2 Suites Hotel) of the Project and the adjacent parcel at the southwest corner of the Project (existing undeveloped parcel associated with Assessor's Parcel Number 214-020-380), the paved PAE's general alignment shall be as follows:

- 1) Along the southerly drive aisle of the Project, which runs east/west, from the shared driveway access fronting Corral Hollow Road to the shared access at the southwest corner of the project. This portion of the paved PAE shall be twenty-six (26) feet wide.
- 2) Along the northerly drive aisle of the adjacent Developer owned parcel to the south (existing Home2 Suites Hotel), which runs east/west, from the shared driveway fronting Corral Hollow Road to the shared access at the northwest corner of the said parcel. This portion of the paved PAE shall be twenty-six (26) feet wide.
- 3) Along the westerly portion of the Project's southerly property line from the shared access at the southwest corner of the project to the Project's westerly property line. This portion of the paved PAE shall be thirteen (13) feet wide along the Project's southerly property line and thirteen (13) feet wide along the northerly property line of the adjacent undeveloped parcel located at the southwest corner of the project. This portion of the paved PAE shall be twenty-six (26) feet total and should align with the existing paved PAE located at the southeastern corner of the adjacent Kaiser Permanente parcel. Developer shall coordinate with Kaiser Permanente to relocate the temporary

vehicular barrier to the north/south portion of the paved PAE on the Kaiser Permanente parcel.

#### **D. Utilities Department, Water Resources Division**

Contact: Stephanie Hiestand (209) 831-6333 [stephanie.hiestand@cityoftracy.org](mailto:stephanie.hiestand@cityoftracy.org)

- D.1. Prior to issuance of a construction or building permit, the applicant shall demonstrate compliance with the 2015 Post-Construction Stormwater Standards (PCSWS) Manual and obtain approval through the following:
- D.1.1. Develop a Project Stormwater Plan (PSP) that identifies the methods to be employed to reduce or eliminate stormwater pollutant discharges through the construction, operation and maintenance of source control measures, low impact development design, site design measures, stormwater treatment control measures and hydromodification control measures.
    - D.1.1.a. Design and sizing requirements shall comply with PCSWS Manual.
    - D.1.1.b. Demand Management Areas must be clearly designated along with identification of pollutants of concern.
    - D.1.1.c. Calculations of the Stormwater Design Volume and/or Design Flow with results from the Post-Construction Stormwater Runoff Calculator must be submitted in the PSP for approval.
    - D.1.1.d. Per the PCSWS Manual, include a hydromodification management plan ensuring the post-project runoff flow rate shall not exceed estimated pre-project flow rate for the 2-year, 24-hour storm.
    - D.1.1.e. Submit one (1) hard copy of the PSP and an electronic copy to the Utilities Department ([WaterResources@cityoftracy.org](mailto:WaterResources@cityoftracy.org)), include the project name, address and Project # and/or Permit # in the title or subject line.
  - D.1.2. A separate plan sheet(s) designated SW shall be submitted in the plan set that includes the identified methods for pollution prevention outlined in the submitted PSP. You must include all standards, cross sections and design specifications such as landscape requirement in treatment areas including type of irrigation installation and/or height of drain inlet above the flow line, etc. in these SW plan sheets along with legend.
  - D.1.3. Develop and electronically submit to the Utilities Department for approval ([WaterResources@cityoftracy.org](mailto:WaterResources@cityoftracy.org)) a preliminary Operations and Maintenance (O & M) Plan that identifies the operation, maintenance, and inspection requirements for all stormwater treatment and baseline hydromodification control measures identified in the approved PSP.
  - D.1.4. No later than two (2) months after approval notification of the submitted PSP, the applicant shall electronically submit the following information to the Utilities Department ([WaterResources@cityoftracy.org](mailto:WaterResources@cityoftracy.org)) for development of a draft stormwater maintenance access agreement, in accordance with the MAPCSWS:

- i. Property Owner(s) name and title report; or Corporate name(s) and binding documents (resolutions, etc.) designating ability to sign agreement
  - ii. Property Address
  - iii. Exhibit A – legal property description
  - iv. Exhibit B – approved O & M Plan
- D.2. Prior to issuance of a grading permit, the applicant shall provide proof of permit coverage under the Construction General Permit and submittal of an electronic Stormwater Pollution Prevention Plan (SWPPP), to be submitted to [WaterResources@cityoftracy.org](mailto:WaterResources@cityoftracy.org).
- D.3. Project shall always be in compliance with Federal, State and Local mandates with potable water, recycled water and water quality.
- D.4. Prior to Certificate of Occupancy, the applicant shall complete the following to the satisfaction of the Utilities Director:
  - D.4.1. Return to the Utilities Department, two legally signed and notarized copies of the final maintenance access agreement including all exhibits and approved O & M plan previously submitted and received from the Utilities Department.
  - D.4.2. Obtain final approval by the Utilities Department of the constructed and installed Stormwater pollution prevention methods outlined in the PSP. Frequent inspections of the Post-Construction treatment measures should occur during the construction phase by calling 209-831-6333.
  - D.4.3. The project shall be in full compliance with Construction General Permit including 70% stabilization of the project with Notice of Termination approval.
- D.5. Before the approval of a construction, grading or building permit, the applicant shall demonstrate compliance with Tracy Municipal Code Chapters 11.28 and 11.34 and Chapter 4 or 5 of the California Green Building Standards Code to the satisfaction of the Utilities Director.
- D.6. Prior to issuance of a construction or building permit, applicant shall demonstrate compliance with the 2015 Model Water Efficient Landscape Ordinance and obtain approval by the Utilities Department through the following:
  - D.6.1. Develop and submit electronically and by hard copy, a Landscape Document Package (LDP) that identifies the methods to be employed to reduce water usage through proper landscape design, installation and maintenance. This LDP shall consist of:
    - i. A project information sheet that includes the checklist of all documents in the LDP;

- ii. The Water Efficient Landscape Worksheets that include a hydrozone information table and the water budget calculations – Maximum Applied Water Allowance and Estimate Total Water Use;
- iii. A soil management report, after compaction and from various locations throughout the project;
- iv. A landscape design plan that includes the statement, “I agree to comply with the requirements of the 2015 water efficient landscape ordinance and shall submit for approval a complete Landscape Document Package:
- v. An irrigation design plan with schedule; and
- vi. A grading design plan.

D.6.2. Per State Water Resources Control Board on May 24, 2022, all Commercial, Industrial, and Institutional facilities may not use potable water to irrigate non-functional turf. Non-functional turf is defined as a ground cover surface of mowed grass that is ornamental and not otherwise used for recreational purposes.  
Please submit your final landscape plan in conformance with these new regulations.

D.6.3. A Certificate of Completion must be completed, signed, and submitted to the Utilities Department prior to Final approval for Occupancy.

#### **E. Development Services Department, Building & Fire Safety**

Contact: Phillip Rainone (209) 831-6413 [phillip.rainone@cityoftracy.org](mailto:phillip.rainone@cityoftracy.org)

- E.1. Prior to construction of any structures, applicant must submit construction documents, plans, specifications and/or calculations to the Building Safety Division, which meet all requirements of Title 24 California Code of Regulations and City of Tracy Municipal Codes, as applicable.

#### **F. South San Joaquin County Fire Authority**

Contact: Daniel Stowe (209) 831-6707 [daniel.stowe@sjcfire.org](mailto:daniel.stowe@sjcfire.org)

- F.1. Prior to construction, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval.
  - F.1.1. Construction documents shall be designed to the current edition of the California Code of Regulations, Title 24, as amended by the City of Tracy Municipal Code.
  - F.1.2. Deferred submittals for fire sprinkler system, fire protection water supply, and fire alarm system shall be listed on the coversheet. Each deferred submittal shall be submitted, reviewed, and approved by SSJCFA prior to installation.



- F.1.3. Fire protection water supply application must be submitted separately from construction permit. All piping and installation shall be in accordance with CFC §507 & NFPA standards. Approval of grading and/or on-site improvements does not grant installation of underground fire service.
  - F.1.4. Fire sprinklers shall be designed by a licensed fire protection contractor or engineer. Hydraulic calculations, specifications and plans shall be submitted prior to issuance of building permit.
  - F.1.5. A request for fire flow shall be submitted to the South San Joaquin County Fire Authority and results shall be approved by the Fire Marshal prior to construction. Fire flow requirements shall be in accordance with CFC Appendix B.
  - F.1.6. Fire department connections shall be installed in accordance with CFC §912 and NFPA standards. A hydrant shall be placed within 100' of the FDC, in accordance with NFPA 14 §6.4.5.4. FDC locations shall be approved by the fire code official prior to issuance of construction permit.
  - F.1.7. Fire control room locations shall be approved the fire code official prior to the issuance of construction permit.
  - F.1.8. Provide a truck turning template which clearly shows the truck turning radius of 29'-9" inside and 47'-7" outside. Truck turning template shall show all ingress and egress paths available.
- F.2. Engineering and building permit applications received by our offices are subject to the current fee schedule for South San Joaquin County Fire Authority. Contact our offices for additional information.
- F.2.1. Application processing fees and minimum plan review fees are due at time of submittal of construction documents.
  - F.2.2. Additional plan review fees, minimum inspection fees and administrative fees are calculated on approval of project and shall be paid prior to issuance of permit.
  - F.2.3. Permit holder is responsible for any additional inspection fees incurred and shall be paid prior to final inspection.
- F.3. Prior to construction, all-weather fire apparatus access roads shall be installed. Fire apparatus access roads during construction shall have a minimum 20' unobstructed width in accordance with CFC §503.
- F.4. All hydrants shall be installed, inspected, and tested prior to bringing combustible materials onsite, including storage.

- F.5. Knox boxes shall be required for this building. One by the main entrance and one by the fire control room. The operator of the building shall immediately notify the Fire Authority and provide the new key where a lock is changed or rekeyed. The key to such shall be secured in the key box.
- F.6. Building shall be provided with approved address identification that is illuminated in accordance with CFC §505 as amended by the Tracy Municipal Code.
- F.7. Prior to final inspection, emergency radio responder coverage shall be tested to confirm coverage areas. It is beneficial for the applicant to conduct testing at foundation as retrofitting for the conduit is costly. If coverage is inadequate, a separate permit for emergency radio responder coverage shall be submitted to SSJCFA for review and approval prior to installation.
  - F.7.1. Additional improvements may warrant additional testing to be performed. Testing shall be the determination of the fire code official.
- F.8. Prior to construction, an address must be posted at the construction site entrance. Address must be a minimum of 4 inches high by ½ inch numerals. Address must be provided so that emergency service personnel can locate the construction site in the event of an emergency.
- F.9. Additional comments may occur upon submittal of construction documents.

**G. Finance Department. The following conditions provide the applicant with options for funding required Citywide services.**

Contact: Guadalupe Pena                      209.831.6834                      [Guadalupe.pena@cityoftracy.org](mailto:Guadalupe.pena@cityoftracy.org)

G.1. Streets and Streetlights

Before issuance of any building permit for the Property, Developer shall provide for perpetual funding of the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the “Infrastructure”), by doing one of the following, subject to the approval of the City’s Finance Director:

- a. Community Facilities District (CFD). Developer shall enter into an agreement with the City, to be signed by the Finance Director, which shall be recorded against the Property, which requires that prior to the final inspection, Developer shall complete the annexation of the Property to City of Tracy Community Facilities District in compliance with the requirements of the Mello – Roos Community Facilities Act of 1982 (Gov. Code § 53311 et seq.) including, without limitation, affirmative votes, and the recordation of a Notice of Special Tax Lien. Developer shall be responsible for all costs associated with the CFD proceedings.

Or

b. POA and dormant CFD. If the POA is the chosen funding mechanism, Developer must do the following:

- 1) Form a Property Owner's Association (POA) or other maintenance association, with CC&Rs reasonably acceptable to the City, to assume the obligation for the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the "Infrastructure");
- 2) Cause the POA to enter into an agreement with the City, in a form to be approved by the City and to be recorded against the Property prior to the final inspection, setting forth, among other things, the required maintenance obligations, the standards of maintenance, and all other associated obligation(s) of the POA to ensure the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the "Infrastructure");
- 3) Before final inspection, annex into a CFD in a "dormant" capacity, to be triggered if the POA fails (as determined by the City in its sole and exclusive discretion) to perform the required level of operation, maintenance and replacement for the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the "Infrastructure"). The dormant tax or assessment shall be disclosed to all property owners, even during the dormant period.

Or

c. Direct funding. Developer shall enter into an agreement with the City, which shall be recorded against the Property, which requires that prior to approval of final inspection, Developer shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the "Infrastructure").

If the provisions for adequate funding of the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the "Infrastructure") are met prior to issuance of the building permit for the Property, subject to the Finance Director's review and approval, the terms of this condition shall be considered to have been met and this condition shall become null and void.

## G.2. Landscaping Maintenance

Prior to issuance of any building permit for the Property, Developer shall provide for perpetual funding of the on-going costs of operation, maintenance, and replacement for public landscaping for the Property at a high-quality service level as determined by the Parks Director by doing one of the following, subject to the approval of the City's Finance Director:

- a. CFD or other funding mechanism. The Developer shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates the following: (1) prior to issuance of a building permit, the Developer shall form or annex into a Community Facilities District (CFD) for funding the on-going costs related to maintenance, operation, repair and replacement of public landscaping, public walls and any public amenities included in the Project, and ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan; (2) the items to be maintained include but are not limited to the following: ground cover, turf, shrubs, trees, irrigation systems, drainage and electrical systems; masonry walls or other fencing, entryway monuments or other ornamental structures, furniture, recreation equipment, hardscape and any associated appurtenances within medians, parkways, dedicated easements, channel-ways, public parks, and public open space areas and trails; (3) formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien; (4) upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment; (5) prior to issuance of a building permit, the Developer shall deposit an amount equal to the first year's taxes; and (6) the Developer shall be responsible for all costs associated with formation or annexation of the CFD.

Or

- b. POA and dormant CFD. If the POA is the chosen funding mechanism, the Developer must do the following:
  1. Form a Property Owner's Association (POA) or other maintenance association, with CC&Rs reasonably acceptable to the City, to assume the obligation for the on-going maintenance of all public landscaping areas that will serve the Property;
  2. Cause the POA to enter into an agreement with the City, in a form to be approved by the City and to be recorded against the

Property prior to the final inspection, setting forth, among other things, the required maintenance obligations, the standards of maintenance, and all other associated obligation(s) to ensure the long-term maintenance by the POA of all public landscape areas that will serve the Property;

3. Make and submit to the City, in a form reasonably acceptable to the City, an irrevocable offer of dedication of all public landscape areas that will serve the Property;
4. Before final inspection, annex into a CFD in a "dormant" capacity, to be triggered if the POA fails (as determined by the City in its sole and exclusive discretion) to perform the required level of public landscape maintenance. The dormant tax or assessment shall be disclosed to all property owners, even during the dormant period.

Or

- c. Direct funding. The Developer shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates that prior to issuance of a building permit, the Developer shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the full on-going maintenance costs related to maintenance, operation, repair and replacement of public landscaping, public walls and any public amenities included in the Project, and ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan. The items to be maintained include but are not limited to the following: ground cover, turf, shrubs, trees, irrigation systems, drainage and electrical systems, masonry walls or other fencing, entryway monuments or other ornamental structures, furniture, recreation equipment, hardscape and any associated appurtenances within medians, parkways, dedicated easements, channel-ways, public parks, and public open space areas and trails.