

NOTICE OF REGULAR MEETING

Pursuant to Section 54954.2 of the Government Code of the State of California, a Regular meeting of the Planning Commission is hereby called for:

Date/Time: **Wednesday, December 15, 2010, 7:00 p.m.**
(or as soon thereafter as possible)

Location: City Hall Council Chambers
333 Civic Center Plaza, Tracy

Government Code Section 54954.3 states that every public meeting shall provide an opportunity for the public to address the Planning Commission on any item, before or during consideration of the item, however no action shall be taken on any item not on the agenda.

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES APPROVAL

DIRECTOR'S REPORT REGARDING THIS AGENDA

ITEMS FROM THE AUDIENCE

In accordance with Procedures for Preparation, Posting and Distribution of Agendas and the Conduct of Public Meetings, adopted by Resolution 2008-140 any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. If staff is not able to resolve the matter satisfactorily, the member of the public may request a Planning Commission Member to sponsor the item for discussion at a future meeting.

1. OLD BUSINESS

2. NEW BUSINESS

A. RECOMMENDING CITY COUNCIL ADOPTION OF THE GENERAL PLAN AMENDMENT OF 2010/2011, THE CITYWIDE SUSTAINABILITY ACTION PLAN, AND RECOMMENDING CERTIFICATION OF THE GENERAL PLAN SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT WHICH INCLUDES MAKING FINDINGS RELATED TO SIGNIFICANT IMPACTS, ALTERNATIVES, AND STATEMENT OF OVERRIDING CONSIDERATIONS

3. ITEMS FROM THE AUDIENCE

4. DIRECTOR'S REPORT

5. ITEMS FROM THE COMMISSION

6. ADJOURNMENT

December 9, 2010

Posted Date

The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in public meetings. Persons requiring assistance or auxiliary aids in order to participate should call City Hall (209-831-6000), at least 24 hours prior to the meeting.

Any materials distributed to the majority of the Planning Commission regarding any item on this agenda will be made available for public inspection in the Development and Engineering Services Department located at 333 Civic Center Plaza during normal business hours.

AGENDA ITEM 2-A

REQUEST

RECOMMENDING CITY COUNCIL ADOPTION OF THE GENERAL PLAN AMENDMENT OF 2010/2011, THE CITYWIDE SUSTAINABILITY ACTION PLAN, AND RECOMMENDING CERTIFICATION OF THE GENERAL PLAN SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT WHICH INCLUDES MAKING FINDINGS RELATED TO SIGNIFICANT IMPACTS, ALTERNATIVES, AND STATEMENT OF OVERRIDING CONSIDERATIONS

DISCUSSION

Background

On July 20, 2006, the City Council adopted a General Plan and certified an Environmental Impact Report (EIR) for the General Plan. This document updated the previous General Plan, adopted in 1993. The General Plan included a proposed Sphere of Influence (SOI). After adoption of the General Plan, new policies regarding SOIs were adopted by the Local Agency Formation Commission (LAFCo), necessitating a revision of the SOI to reflect new LAFCo policies. Additionally, new regulations under the California Environmental Quality Act (CEQA) necessitated a comprehensive analysis of greenhouse gas emissions.

Between December 2007 and July 2008, the City Council held six workshops in order to discuss creating new 10 and 30-year horizons of the Sphere of Influence, as well as other policy changes to be incorporated into the revised General Plan, as summarized in the following paragraphs.

SOI Changes: 10-year and 30-year Horizons

A LAFCo policy now requires cities to show their projected growth within 10 and 30-year timeframes. Any project or area that a city does not anticipate to begin development within that timeframe cannot be included within a SOI. In order to comply with this LAFCo policy, the City held several workshops to determine the properties that would be within those 10 and 30-year horizons. This resulted in a reduction in acreage than proposed in the General Plan as approved by the City Council in 2006. The majority of the properties that are proposed to be removed from the SOI were planned for residential development, and could not all have begun development within the 30-year timeline, due to the regulations of the City's Growth Management Ordinance (GMO), which limits the rate of residential growth (Figure 1-2 on page 1-9). The proposed SOI is shown in the proposed General Plan Amendment document.

Sustainability

On April 15, 2008, the City Council identified sustainability as a priority and directed staff to develop a Citywide Sustainability Strategy. The Environmental Sustainability Priority Strategic Team was formed consisting of staff from various departments, including the City Manager's Office. One of its goals was to develop a Sustainability Action Plan

(SAP) for Tracy to address sustainable growth in compliance with State laws and regulations relating to climate change.

Assembly Bill 32 (AB 32) requires the State of California to reduce greenhouse gas (GHG) emissions to 1990 levels no later than 2020, an approximately 15% reduction from then-current (2006) levels. Senate Bill 375 (SB 375) aims to reduce transportation-related GHGs through strategic land use planning. Senate Bill 97 (SB 97) requires GHG analyses under CEQA.

Various City departments, outside agencies, and members of the Tracy community were involved in the development of the SAP. Drafts of the SAP were published in June and July 2010 for public review and comment.

Sustainability Action Plan

The SAP is a comprehensive, citywide plan through the year 2020 and contains twenty targets and eighty-four measures in the sectors of energy, transportation and land use, solid waste, water, agriculture and open space, biological resources, GHG emissions and air quality, public health, and economic development. As a part of the SAP, a baseline GHG inventory for the year 2006 and forecast for the year 2020 were conducted. Because not all the sustainability measures are quantifiable, the SAP focuses on the reduction of GHG emissions by the year 2020. Included in the SAP is an implementation and monitoring plan that outlines how to measure the effectiveness of the SAP as it is implemented over time.

The SAP contains measures to assist future development in occurring in a sustainable manner and comply with new CEQA requirements. It includes policies and programs at the municipal level as well as programs at the community level and partnerships with outside agencies. The SAP will be implemented over the next ten years as resources become available. Some measures will be able to be implemented shortly after adoption, while others may not be implemented for several years based on the availability of funding, staff, and other resources. Staff intends to pursue grant opportunities to fund SAP implementation.

New General Plan Policies Related to Sustainability

The development of the Sustainability Action Plan resulted in proposed additions and changes to goals, objectives and policies within several elements of the General Plan. Some examples of these goals, objectives and policies are summarized below:

- Land Use Element—density, mix of land uses, prioritizing infill development
- Community Character Element—walkability of neighborhoods, prioritizing downtown development
- Circulation Element—enhanced vehicular connectivity and expansion of transit systems
- Open Space and Conservation Element—promotion of energy efficient design principles and conservation of resources, continued use of agricultural lands within the Planning Area

- Public Facilities and Services Element—reduction of solid waste produced, through recycling and decreased use of new resources, water reduction strategies, and water recycling
- Air Quality Element—promoting the reduction of vehicular trips through land development patterns and maximized bicycle and pedestrian access, encouraging methods of design and construction that can reduce the production of greenhouse gas emissions

These proposed additions and changes to the goals, objectives and policies within the General Plan will lead to implementation action items and performance measures that will likely occur within the Zoning Ordinance, City Standard Plans, Infrastructure Master Plans, and other programs.

Changes to Urban Reserves

Each of the Urban Reserves (URs) within the General Plan contain policy language related to intended land uses and also contain statistical profiles that provide examples of the potential development within each area (such as low density residential, high density residential, neighborhood commercial, industrial, etc.).

This General Plan amendment adjusted several of the statistical profiles within the General Plan to reflect existing conditions (such as the true acreage of Kimball High School within UR 13) and to include flexibility for creativity within each UR. For example, a UR may allow a range of densities from very low to high, with the ultimate goal of medium density across the entire acreage of the UR. The statistical profiles have been clarified in order to promote flexibility for such development, and to address refinements as the Citywide Infrastructure Master Planning process continues.

Land Use Designation Changes/Edits/Cleanup

Throughout the amendment process of the General Plan, staff determined that a number of minor adjustments and corrections to the General Plan were necessary to ensure the accuracy of the document and the land use map.

There is additional information regarding newly released FEMA maps showing a 200-year floodplain (previously only 100 and 500-year floodplains had been mapped), that will be included. Topographical errors have been corrected and land use designations were reviewed for accuracy.

Planning Commission Workshops

In addition to hearings on SOI changes and separate hearing of the Draft SEIR, the Planning Commission, at their regularly scheduled meetings held four working sessions to discuss the proposed General Plan Amendment, SEIR, and SAP. These working sessions were held on June 23, July 14, August 25, and October 27, 2010. In these sessions the Commission discussed the proposed changes to the General Plan, reviewed the existing goals, objectives, and policies of the plan, and the SEIR and the SAP.

Environmental Document

A Supplemental Environmental Impact Report (SEIR) was prepared for the proposed revisions to the General Plan. It included only the sections that need to be changed due to the proposed changes to the General Plan. These included Land Use, Population, Employment and Housing, Traffic and Circulation, Noise, and Air Quality. A Notice of Preparation for the SEIR was distributed on September 2, 2008, and a scoping meeting to receive any comments of the preparation of the SEIR was held at a regularly scheduled Planning Commission meeting on September 24, 2008.

The Draft SEIR was completed and published for public comment on April 20, 2009. The comment period closed on June 8, 2009, and within that timeframe, numerous comments were received, the most lengthy from the Center for Biological Diversity, asserting that a Climate Action Plan must be developed for the City's proposed General Plan. The amendments regarding sustainability within the General Plan, the revised Air Quality section in the DSEIR, and the creation of the Sustainability Action Plan have addressed that comment letter. Due to the number and nature of the comments received on the SEIR, staff revised and re-circulated a revised SEIR on July 22, 2010 for review and comment. The comment period for the revised SEIR closed on September 2, 2010, with a number of comments received from various parties. Those comments have been addressed in the Final EIR (FEIR) in the responses to comments, and through edits/changes to the proposed General Plan and SAP.

Planning Commission and City Council Resolutions

There are three proposed Planning Commission resolutions attached to this staff report (Attachment 4). One resolution relates to the certification of the Supplemental EIR, one for the adoption of the General Plan, and one for the Sustainability Action Plan.

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council do the following:

1. Certify the General Plan Supplemental EIR and adopt Findings of Fact and Statement of Overriding Considerations
2. Adopt the General Plan Amendment of 2011
3. Adopt the Sustainability Action Plan

MOTION

Move that the Planning Commission recommend that the City Council do the following:

1. Certify the General Plan Supplemental EIR and adopt Findings of Fact and Statement of Overriding Considerations
2. Adopt the General Plan Amendment of 2011
3. Adopt the Sustainability Action Plan

Prepared by: Victoria Lombardo, Senior Planner and Kimberly Matlock, Assistant Planner

Reviewed by: Bill Dean, Assistant Director of Development and Engineering Services

Approved by: Andrew Malik, Director of Development and Engineering Services

ATTACHMENTS

1. Proposed Supplemental EIR (two documents: The Recirculated SEIR and Final SEIR) (distributed earlier, but will be available at the meeting on December 15th)
2. Proposed General Plan Amendment of 2011 (distributed earlier, but will be available at the meeting on December 15th)
3. Proposed Sustainability Action Plan (distributed earlier, but will be available at the meeting on December 15th)
4. Planning Commission resolutions:
 - Resolution recommending City Council approval of the General Plan Supplemental Environmental Impact Report
 - Resolution recommending City Council approval of the General Plan Amendment of 2011
 - Resolution recommending City Council approval of the Sustainability Action Plan

EXHIBIT A

FINDINGS RELATED TO SIGNIFICANT IMPACTS

A. Findings Associated with Potentially Significant Impacts that are Mitigated to a Less-Than-Significant Level

Based upon the criteria set forth in the EIR, the City Council finds that the following environmental effects of the Project are potentially significant but will be mitigated to a less-than-significant level. (Pub. Resources Code, § 21081; Guidelines, § 15091.)

1. Visual Resources

a. Impact and Mitigation

Impact V-3: Development permitted under the proposed General Plan would increase levels of light and glare to a significant level resulting in adverse impacts to the visual quality of Tracy.

Mitigation Measure V-3: The City should include a policy under Objective CC-1.1 to require that lighting on private and public property should be designed to provide safe and adequate lighting, while minimizing light spillage to adjacent properties.

(Amendment to the Draft EIR, page 58.)

b. Findings

The City Council finds that actions, policies, objectives and goals have been incorporated into the Draft General Plan to substantially lessen the significant environmental effects identified in Impact V-3. Specifically, see for example: Objective CC-1.1 of Goal CC-1 of the Community Character Element (at pages 3-14 – 3-15) [relating to preserving and enhancing Tracy’s unique character and “hometown feel” through high-quality urban design]; Objective CC-1.2 of Goal CC-1 of the Community Character Element (at page 3-15) [relating to balancing the need for growth with the preservation of Tracy’s “hometown feel”]; Policies P1 and P2 of Objective CC-1.4 of Goal CC-1 of the Community Character Element (at page 3-16) [relating to minimizing the use of soundwalls]; Policy P1 of Objective CC-1.5 of Goal CC-1 of the Community Character Element (at page 3-17); and Goal CC-4 of the Community Character Element (at page 3-20) [relating to enhancing identity through preservation of open space at the City’s periphery and appropriate transitions between urban development and non-urban areas].

The City Council further finds that a new policy P4 will be added to Objective CC-1.1 of Goal CC-1 of the Community Character Element of the Draft General Plan (at page 3-15) to read as follows:

- P4. Lighting on private and public property should be designed to provide safe and adequate lighting, while minimizing light spillage to adjacent properties.

The City Council further finds that this change to the Draft General Plan will avoid or substantially lessen the significant environmental effect identified in Impact V-3 to a less-than-significant level.

2. Cultural Resources

a. Impact and Mitigation

Impact CUL-1: Undiscovered archaeological and paleontological sites in the Planning Area, including human burial sites that could be impacted from development activities involving soil removal or disturbance.

Mitigation Measure CUL-1a: The City shall include a policy under Objective CC-3.1 (Policy 4) to require, as part of the development review process, a standard condition of approval that if any resources are found during construction, all operations within the project area shall halt until an assessment can be made by appropriate professionals regarding the presence of archaeological and paleontological resources and the potential for adverse impacts on these resources.

Mitigation Measure CUL-1b: The City shall include a policy under Objective CC-3.1 (Policy 5) to require that any archaeological or paleontological resources on private property be either preserved on their sites or adequately documented and conserved as a condition of removal. The policy shall further require that if any resources are found unexpectedly during development, then construction must cease immediately until accurate study and conservation measures are implemented.

Mitigation Measure CUL-1c: The City shall include a policy under Objective CC-3.1 (Policy 6) requiring that if Native American artifacts are discovered on a site, the City shall consult representatives of the Native American community to ensure the respectful treatment of Native American sacred places.

(Draft EIR, pages 4.5-17 – 4.5-18.)

b. Findings

The City Council finds that new policies P4, P5 and P6 will be added to Objective CC-3.1 of Goal CC-3 of the Community Character Element of the Draft General Plan at page 3-19) to read as follows:

- P4. As part of the development review process, there shall be a standard condition of approval that if any resources are found during construction, all operations within the project area shall halt until an assessment can be made by appropriate professionals regarding the presence of archaeological and paleontological resources and the potential for adverse impacts on these resources.
- P5. Any archaeological or paleontological resources on private property shall be either preserved on their sites or adequately documented and conserved as a condition of removal. If any resources are found unexpectedly during development, then construction must cease immediately until accurate study and conservation measures are implemented.
- P6. If Native American artifacts are discovered on a site, the City shall consult representatives of the Native American community to ensure the respectful treatment of Native American sacred places.

The City Council further finds that these changes to the Draft General Plan will avoid or substantially lessen the significant environmental effect identified in Impact CUL-1 to a less-than-significant level.

3. Noise

a. Impact and Mitigation

Impact NOI-2: New development proposed along existing railroad lines could expose residents to vibration levels in excess of Federal standards. The proposed General Plan does not address potential groundborne vibration impacts.

Mitigation Measure NOI-2: A policy should be added to the proposed General Plan under Objective N-1.3 that states that the City will seek to reduce impacts from groundborne vibration associated with rail operations by requiring that vibration-sensitive buildings (e.g., residences) are sited at least 100-feet from the centerline of the railroad tracks whenever feasible. The policy should further state that development of vibration-sensitive buildings within 100-feet from the centerline of the railroad tracks would require a study demonstrating that ground borne vibration issues associated with rail operations have been adequately addressed (i.e., through building siting or construction techniques).

(Draft EIR, page 4.14-28.)

Impact NOI-3: Construction associated with development projected during the planning horizon of the proposed General Plan would temporarily elevate noise levels at adjacent land uses by 15 to 20 dBA or more.

Mitigation Measure NOI -3: In addition to the time-of-day restriction in Objective N-1.2, P4, the following standard construction noise control measures should be included as requirements at construction sites to minimize construction noise impacts:

- Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Locate stationary noise generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction area.
- Utilize “quiet” air compressors and other stationery noise sources where technology exists.
- When necessary, temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected.
- Foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. The pre-drilling of foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile.
- The project sponsor shall designate a “disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The project sponsor shall also post a telephone number for excessive noise complaints in conspicuous locations in the vicinity of the project site. Additionally, the project sponsor shall send a notice to neighbors in the project vicinity

with information on the construction schedule and the telephone number for noise complaints.

(Draft EIR, pages 4.14-28 to 4.14-29.)

b. Findings

The City Council finds that actions, policies, objectives and goals have been incorporated into the Draft General Plan to substantially lessen the significant environmental effects identified in Impacts NOI-2 and NOI-3. Specifically, see for example: Goal N-1 of the Noise Element (at pages 9-16 – 9-21) [relating to protecting citizens from excessive noise].

The City Council further finds that policy P4 of Objective N-1.2 of the Noise Element of the Draft General Plan (at page 9-18) will be amended to read as follows:

P4. All construction in the vicinity of noise sensitive land uses, such as residences, hospitals, or convalescent homes, shall be limited to daylight hours or 7:00 AM to 7:00 PM. In addition, the following construction noise control measures shall be included as requirements at construction sites to minimize construction noise impacts:

- Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Locate stationary noise generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction area.
- Utilize “quiet” air compressors and other stationery noise sources where technology exists.
- When necessary, temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected.
- Foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. The pre-drilling of foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile.
- The project sponsor shall designate a “disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. The project sponsor shall also post a telephone number for excessive noise complaints in conspicuous locations in the vicinity of the project site. Additionally, the project sponsor shall send a notice to neighbors in the project vicinity with information on the construction schedule and the telephone number for noise complaints.

The City Council further finds that a new policy P6 will be added to Objective N-1.3 of Goal N-1 of the Noise Element of the Draft General Plan (at page 9-21) to read as follows:

- P6. The City shall seek to reduce impacts from groundborne vibration associated with rail operations by requiring that vibration-sensitive buildings (e.g., residences) are sited at least 100-feet from the centerline of the railroad tracks whenever feasible. The development of vibration-sensitive buildings within 100-feet from the centerline of the railroad tracks shall require a study demonstrating that ground borne vibration issues associated with rail operations have been adequately addressed (i.e., through building siting or construction techniques).

The City Council further finds that these changes to the Draft General Plan will avoid or substantially lessen the significant environmental effect identified in NOI-2 and NOI-3 to a less-than-significant level.

4. Air

a. Impact and Mitigation

Impact AIR-2: The proposed General Plan does not provide adequate buffers between new or existing sources of odors and new or existing residences or sensitive receptors.

Mitigation Measure AIR-2: Policy 11 of Objective AQ-1.2 should be modified to include sources of odors as follows: Policy 11:

Residential developments and other projects with sensitive receptors shall be located an adequate distance from odors sources such as freeways, arterial roadways and stationary air pollutant sources.

(Draft EIR, 4.15-29.)

b. Findings

The City Council finds that actions, policies, objectives and goals have been incorporated into the Draft General Plan to substantially lessen the significant environmental effects identified in Impact AIR-2. Specifically, see for example: Objective AQ-1.2 of Goal AQ-1 of the Air Quality Element (at pages 10-11 – 10-14) [relating to promoting development that minimizes air pollutant emissions and their impact on sensitive receptors as a result of indirect and stationary sources]; and Objective AQ-1.3 of Goal AQ-1 of the Air Quality Element (at pages 10-14 – 10-15) [relating to providing a diverse and efficient transportation system that minimizes air pollutant emissions].

The City Council further finds that policy P11 of Objective AQ-1.2 of Goal AQ-1 of the Air Quality Element of the Draft General Plan (at page 10-13) will be amended to read as follows:

- P11. Residential developments and other projects with sensitive receptors shall be located an adequate distance from odors sources such as freeways, arterial roadways and stationary air pollutant sources.

The City Council further finds that this change to the Draft General Plan will avoid or substantially lessen the significant environmental effect identified in Impact AIR-2 to a less-than-significant level.

B. Findings Associated with Significant and Unavoidable Impacts

Based upon the criteria set forth in the EIR, the City finds that the following environmental effects of the Project are potentially significant and unavoidable. (Pub. Resources Code, § 21081; Guidelines, § 15091.) However, as explained in the Statement of Overriding Considerations, these effects are considered to be acceptable when balanced against the economic, legal, social, technological and/or other benefits of the Project.

1. Population, Employment and Housing

a. Impact and Mitigation

Impact POP-1: As discussed on page 41 [of the Amendment to the Draft EIR], despite policies in the Community Character Element of the proposed General Plan to maintain and enhance quality of life as future growth occurs, development permitted under the proposed General Plan would result in approximately an additional 147,000 residents, 193,000 employees and 46,000 housing units for a total of 221,000 residents, 223,000 employees and 69,000 housing units at total buildout.

Mitigation Measure: No additional mitigation is available.

(Amendment to the Draft EIR, page 42,)

Cumulative Impact: The Project's impact on population and housing, in combination with the growth that will occur in other communities throughout the County and the region, constitutes a significant and unavoidable impact.

Mitigation Measure: No additional mitigation is available.

(Amendment to the Draft EIR, page 174.)

b. Findings

The City Council finds that actions, policies, objective and goals have been incorporated into the Draft General Plan to substantially lessen the significant environmental effects identified in Impact POP-1 and the cumulative impacts related to population, employment and housing. Specifically, see for example: Policies P1 and P4 of Objective CC-6.3 of Goal CC-6 of the Community Character Element (at pages 3-25 – 3-26) and Goals ED-6, ED-7 and ED-8 of the Economic Development (at pages 4-11 –4-19) [providing some level of preservation and enhancement for existing neighborhoods and policy direction to enhance and support existing economic activity centers and businesses, and to ensure that Tracy has a competitive workforce and is able to respond quickly to changing economic conditions]. However, these will not reduce the impacts referenced above to a less than significant level. The City Council further finds that there are no other feasible mitigation measures that may avoid or reduce these impacts to a less than significant level. Therefore, these impacts are significant and unavoidable. Nevertheless, these impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations.

2. Visual Quality

a. Impact and Mitigation

Impact V-1: As discussed on pages 52 and 53 [of the Amendment to the Draft EIR], in addition to policies in the SJMSCP and the City’s Agricultural Mitigation Fee Ordinance, the proposed General Plan contains policies to preserve open space and agricultural lands and community character. Despite such policies to enhance “hometown feel” and preserve open space, development permitted under the proposed General Plan for both the 2025 and total buildout of the City limits and SOI will result in a significant impact to the existing visual identity and character of the City.

Mitigation Measure: No additional mitigation is available.

(Amendment to the Draft EIR, page 57.)

Impact V-2: As discussed on page 53 [of the Amendment to the Draft EIR], despite policies in the proposed General Plan to protect scenic resources, including those along state designated scenic highways for development projected through 2025, a significant and unavoidable impact would occur with regards to scenic resources along the state designated scenic routes I-580 (between I-205 and I-5) and I-5 (south of I-205) at total buildout of the proposed General Plan.

Mitigation Measure: No additional mitigation is available.

(Amendment to the Draft EIR, page 57.)

Cumulative Impact: The Project’s impact on the visual character due to development permitted within the City limits and SOI of Tracy, in combination with growth trends in San Joaquin County and the region, constitutes a significant and unavoidable impact.

Mitigation Measure: No additional mitigation is available.

(Amendment to the Draft EIR, page 174 – 175.)

b. Findings

The City Council finds that actions, policies, objectives and goals have been incorporated into the Draft General Plan to substantially lessen the significant environmental effects identified in Impacts V-1 and V-2, and the cumulative impacts relating to visual quality. Specifically, see for example: policies in the San Joaquin Multi-Species Habitat and Open Space Conservation Plan; policies in the City’s Agricultural Mitigation Fee Ordinance, objectives, policies and actions under the eleven goals in the Community Character Element (at pages 3-14 – 3-42); and policies under Objective OSC-4.4 of Goal OSC-4 of the Open Space and Conservation Element (at page 6-28) [relating to preserving land within the Tracy Planning Area and outside of the SOI from developing]. However, these objectives and policies will not reduce the impacts referenced above to a less than significant level. The City Council further finds that there are no other feasible mitigation measures that may avoid or reduce these impacts to a less than significant level. Therefore, these impacts are significant and

unavoidable. Nevertheless, these impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations.

3. Traffic and Circulation

a. Impact and Mitigation

Impact CIR-1: The proposed General Plan incorporates a range of features to help reduce the potential impact of future growth on regional roadways. However, traffic levels along regional roadways listed below will increase, creating a significant and unavoidable impact.

- ◆ I-205
- ◆ I-580
- ◆ I-5
- ◆ Altamont Pass Road
- ◆ Patterson Pass Road
- ◆ Tesla Road

Mitigation Measure: No additional mitigation is available.

(Draft EIR, page 4-68.)

Cumulative Impact: The Project's impact on regional roadways, in combination with growth and associated increases in traffic on regional roadways, that will occur in other communities in the County and in the region, constitutes a significant and unavoidable impact.

Mitigation Measure: No additional mitigation is available.

(Amendment to the Draft EIR, page 175.)

b. Findings

The City Council finds that actions, policies, objectives and goals have been incorporated into the Draft General Plan to substantially lessen the significant environmental effects identified in Impacts CIR-1 and the cumulative impacts related to traffic and circulation. Specifically, see for example: Policies P1 – P4 of Objective CIR-2.1 of Goal CIR-2 of the Circulation Element (at pages 5-28 – 5-29) [relating to supporting regional planning efforts to improve interregional highways and travel efficiency]; policy P1 of Objective ED-5.3 of Goal ED-5 of the Economic Development Element (at page 4-11)[relating to supporting SJCOG and Caltrans efforts to widen I-205]; and actions A1 and A2, and policies P1, P2, P3 and P6 of Objective AQ-1.3 of Goal AQ-1 of the Air Quality Element (at pages 10-14 – 10-15)[relating to supporting ways to increase the efficiency the regional transportation system while decreasing air pollutant emissions]. However, these policies will not reduce the impacts referenced above to a less than significant level. The City Council further finds that there are no other feasible mitigation measures that may avoid or reduce these impacts to a less than significant level. Therefore, these impacts are significant and unavoidable. Nevertheless, these impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations.

4. Agricultural Resources

a. Impact and Mitigation

Impact AG-1: As discussed in on pages 67 through 71 [of the Amendment to the Draft EIR], the proposed General Plan contains policies to preserve agricultural lands, in addition to policies in the SJMSCP and the City's Agricultural Mitigation Fee Ordinance. Despite these policies and regulations, development permitted under the proposed General Plan would result in the conversion of Prime Farmland, Unique Farmland and Farmland of Statewide Importance to urban uses.

Mitigation Measure: No additional mitigation is available.

(Amendment to the Draft EIR, page 72.)

Impact AG-2: Despite policies in the proposed General Plan to support and encourage preservation of Williamson Act lands and the voluntary nature of the Williamson Act program, total buildout of the City limits and SOI may result in the conversion of land under active contracts to urban uses.

Mitigation Measure: No additional mitigation is available.

(Amendment to the Draft EIR, page 72.)

Impact AG-3: The proposed General Plan contains several policies to mitigate impacts to agricultural resources due to the conversion of additional farmland to urban uses. However, implementation of the proposed General Plan would result in additional and incompatible urban development adjacent to agricultural uses.

Mitigation Measure: No additional mitigation is available.

(Amendment to the Draft EIR, page 72.)

Cumulative Impact: The Project's impact on the loss of agricultural lands and land under active Williamson Act contracts, in combination with the projected urbanization rate in the County and the region as a whole, constitutes a significant and unavoidable impact.

Mitigation Measure: No additional mitigation is available.

(Amendment to the Draft EIR, pages 176 – 177.)

b. Findings

The City Council finds that actions, policies, objectives and goals have been incorporated into the Draft General Plan to substantially lessen the significant environmental effects identified in Impacts AG-1, AG-2, AG-3 and the cumulative impacts related to agricultural resources. Specifically, see for example: policies contained in the San Joaquin Multi-Species Habitat Open Space and Conservation Plan (SJMSCP); policies contained in the City's Agricultural Mitigation Fee Ordinance; Policy P2 of Objective OSC-1.1 of the Open Space and Conservation Element (at page 6-18 – 6-19 [relating to participation with the San Joaquin Council of Governments and other agencies to implement and enforce the San Joaquin Multi

Species Habitat Conservation and Open Space Plan]; Policies P2 – P5 of Objective OSC-2.1 of Goal OSC-2 of the Open Space and Conservation Element (at pages 6-19 – 6-20) [relating to supporting San Joaquin County efforts to preserve existing agricultural lands in the Planning Area and outside of the Sphere of Influence]; Policies P1 – P3 of Objective OSC-4.4 of Goal 4 of the Open Space and Conservation Element (at page 6-28) [relating to preventing undeveloped lands within the Planning Area but outside the Sphere of Influence from developing]; and Policies P2 and P3 of Objective CC-4.1 of Goal CC-4 of the Community Character Element (at pages 3-20 – 3-21) [related to approaches to creating “soft” or gradual transitions between urbanized and agricultural uses as a means to reduce pressure for further conversion of agricultural land]. However, these policies will not reduce the impacts referenced above to a less than significant level. The City Council further finds that there are no other feasible mitigation measures that may avoid or reduce these impacts to a less than significant level. Therefore, these impacts are significant and unavoidable. Nevertheless, these impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations.

5. Infrastructure

a. Impact and Mitigation

Impact INF-1: As discussed on page 92 [this was incorrectly identified as page 78 in the FEIR], no significant water-related impacts have been identified for development projected through 2025. However, despite policies in the Land Use and Public Facilities Elements of the proposed General Plan directing the City to acquire reliable, additional sources of water supplies to meet the City’s future demand as new development occurs, there is currently insufficient water supply secured to serve projected development under total buildout of the proposed General Plan.

Mitigation Measure: No additional mitigation is available.

(Amendment to the Draft EIR, page 94.)

Cumulative Impact: The Project’s impact associated with water services to serve projected growth at total buildout, in combination with the fact that regional water supplies are also not ensured into the future for development that would begin beyond a 20-year planning horizon, constitutes a significant and unavoidable impact.

Mitigation Measure: No additional mitigation is available.

(Amendment to the Draft EIR, pages 180 – 181.)

b. Findings

The City Council finds that actions, policies, objectives and goals have been incorporated into the Draft General Plan to substantially lessen the significant environmental effects identified in Impact INF-1 and the cumulative impacts related to infrastructure. Specifically, see for example: Action A1 of Objective PF-6.1 of Goal PF-6 of the Public Facilities and Services Element (at page 7-26) [relating to updating the Water Master Plan upon adoption of the General Plan on a regular basis]; Objective PF-6.2 of Goal PF-6 of the Public Facilities and Services Element (at page 7-27 – 7-28) [relating to providing adequate water infrastructure facilities to meet current and future populations]; Policies P1 and P5 of Objective LU-1.4 of Goal LU-1 of the Land Use Element (at page 2-31) [directing the City to follow guidelines for

residential growth in the Growth Management Ordinance and providing that new development should not be approved unless there is infrastructure in place or planned to support the growth]. However, these policies will not reduce the impacts referenced above to a less than significant level. The City Council further finds that there are no other feasible mitigation measures that may avoid or reduce these impacts to a less than significant level. Therefore, these impacts are significant and unavoidable. Nevertheless, these impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations.

6. Noise

a. Impact and Mitigation

Impact NOI-1: As discussed on page 4.14-22[of the Draft EIR], the City's Noise Ordinance and policies in the proposed General Plan serve to control excessive sources of noise in the City and ensure that noise impacts from new projects are evaluated when they are reviewed. Despite these policies and regulations, significant noise levels increases (3 dBA Ldn or greater) associated with increased traffic would occur adjacent to existing noise sensitive uses along portions of Interstate 205, Grant Line Road, Schulte Road, Linne Road, Lammers Road, Corral Hollow Road, Tracy Boulevard, and MacArthur Drive. New roadways facilitated by the General Plan would also increase existing noise levels at receivers in Tracy.

Mitigation Measure: No additional mitigation is available.

(Draft EIR, pages 4.14-27 – 4.14-28.)

Cumulative Impact: The Project's impact related to noise level increases associated with new roadways facilitated by the proposed General Plan, in combination with the with noise level increases associated with the growth that will occur in other communities throughout the County and the region, constitutes a significant and unavoidable impact.

Mitigation Measure: No additional mitigation is available.

(Amendment to the Draft EIR, page 183 – 184.)

b. Findings

The City Council finds that actions, policies, objectives and goals have been incorporated into the Draft General Plan to substantially lessen the significant environmental effects identified in Impact NOI-1 and the cumulative impacts related to noise. Specifically, see for example: Policies P1 and P3 of Objective N-1.2 of Goal N-1 of the Noise Element (at page 9-18) [relating to reducing noise from the City's roadways to existing residential areas to the extent feasible through enforcement and structural improvements]; Policies P1, P2, P3 and P5 of Objective N-1.3 of Goal N-1 of the Noise Element (at pages 9-20 – 9-21) [relating to requiring evaluation and mitigation of a project's noise impacts as a condition of project approval]. However, these policies will not reduce the impacts referenced above to a less than significant level. The City Council further finds that there are no other feasible mitigation measures that may avoid or reduce these impacts to a less than significant level. Therefore, these impacts are significant and unavoidable. Nevertheless, these impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations.

7. Air Quality

a. Impact and Mitigation

Impact AIR-1: The General Plan would not be consistent with applicable clean air planning efforts of the SJVAPCD, since vehicle miles traveled that could occur under the General Plan would exceed that projected by SJCOG, which are used in projections for air quality planning. The projected growth could lead to an increase in the region's VMT, beyond that anticipated in the SJCOG and SJVAPCD's clean air planning efforts. Development in Tracy and the SOI would contribute to the on-going air quality issues in the San Joaquin Valley Air Basin.

Mitigation Measure AIR-1: The City of Tracy should study adopting an air quality impact mitigation fee program, which would provide for partial mitigation of adverse environmental effects associated with new development and establish a formalized process for air quality standards as growth and development requires. Fees collected could be used to fund transit, rideshare programs, pedestrian and bicycle facilities, or other programs that would offset vehicle trips. The specifics of the program should be developed in coordination with SJCOG and SJVAPCD to ensure that proceeds would effectively fund projects that would reduce air pollutant emissions.

(Draft EIR, page 4.15-28.)

Cumulative Impact: The Project's impact on air quality, in combination with existing air quality issues in the San Joaquin Valley Air Basin as a whole and growth that will occur in other communities throughout the County and the region, constitutes a significant and unavoidable impact.

Mitigation Measure: No additional mitigation is available.

(Amendment to the Draft EIR, 184.)

b. Findings

The City Council finds that actions, policies, objectives and goals have been incorporated into the Draft General Plan to substantially lessen the significant environmental effects identified in AIR-1 and the cumulative impacts related to air quality. Specifically, see for example: policies and actions under Objectives AQ-1.1 - AQ-1.4 of Goal AQ-1 of the Air Quality Element (at pages 10-11 – 10-15) [relating to improving air quality through land use planning and development requirements, providing a transportation system that minimizes air pollutant emissions and supporting local and regional air quality improvement efforts]. However, these policies will not reduce the impacts referenced above to a less than significant level. The City Council further finds that there are no other feasible mitigation measures that may avoid or reduce these impacts to a less than significant level. Therefore, these impacts are significant and unavoidable. Nevertheless, these impacts are overridden by project benefits as set forth in the Statement of Overriding Considerations.

EXHIBIT B

FINDINGS RELATED TO ALTERNATIVES

The EIR describes and evaluates four alternatives to the proposed Project. While all of the alternatives have the ability to reduce environmental impacts, none of the alternatives can completely reduce all of the environmental impacts to a level of insignificance.

As explained below, the City Council finds the various alternatives to be infeasible. Whether an alternative is considered to be feasible involves a determination of whether it is capable of being successfully accomplished within a reasonable period of time, taking into account environmental, economic, legal, social, technological and/or other relevant factors. A key factor is the degree to which the Project and alternatives to the Project will implement relevant City goals and policies.

Under CEQA, feasibility also encompasses “desirability” to the extent desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.

The City Council finds that when looked at as a whole, and considering the benefits presented by the Project together with its potential environmental impacts, the Project offers a reasonable and desirable means for achieving important City goals, policies and objectives including, among others, to increase land supply for industrial, office and employment-generating uses in key opportunity areas and balance this with the development of new housing, the preservation and enhancement of community character and the protection of open space and agricultural lands. The Project comprises a feasible and reasonable method of achieving these City goals, policies and objectives while offering benefits to the public that would not otherwise occur in the absence of the Project. As explained in more detail below, the City Council finds that the alternatives to the Project will not achieve these important City objectives to the same degree as the proposed Project, and are therefore less desirable. Further, as explained in the findings for each alternative below, unlike the Project, some of the alternatives would impede achievement of City policies and objectives.

A. No-Project Alternative

This alternative is required by CEQA, and assumes that the General Plan would not be adopted, new uses proposed in the General Plan would not occur, and new policies would not be implemented. The purpose of describing and analyzing a No Project alternative is to allow decision makers to compare the impacts of approving a proposed project with the impacts of not approving the proposed project. Under this alternative, the proposed General Plan would not be adopted and the existing General Plan for the City of Tracy, including the existing Sphere of Influence (SOI), would remain in effect. This alternative includes development projected in both the Tracy Hills Specific Plan and Tracy Gateway Planned Unit Development areas, since these areas have adopted plans. The City Council finds that this alternative is less desirable than the proposed project and is infeasible, and therefore rejects this alternative for the following reasons:

1. One of the City's long-term goals is to increase its land supply for industrial, office and employment-generating uses in targeted areas, which will provide a balance with the development of new housing. This goal is emphasized a number of times throughout the proposed Plan, including in the opening Vision Statement (at pages 1-1 and 1-2), and in the Land Use Element where an expansion of the Sphere of Influence is key to the creation of expanded opportunities for flex-office uses, industrial and office development (see General Plan Land Use Designation Map Figure 2-2, page 2-15; Goal LU-2 of the Land Use Element, pages 2-34 - 2-36, and Urban Reserve 6 of the Land Use Element, pages 2-62 and 2-63). Because the No Project Alternative does not include an expansion of the Sphere of Influence, it does not as effectively further this goal.
2. The General Plan includes a new Economic Development Element, which was based on the City's adopted Economic Development Strategy (Resolution #2003-094, adopted April 2003). The Economic Development Element will serve to promote job development, a diversified local economy, and a greater job-housing balance (see Economic Development Element, Goals ED-1 – ED-9, pages 4-7 – 4-19). This Alternative would not include an Economic Development Element; and therefore would not as effectively further these goals and the City's Economic Development Strategy.
3. Major public infrastructure projects, such as the widening of I-205 (in which the City is a participant) and the construction of the Mountain House Parkway interchange, are in progress. Developing and being able to effectively utilize such infrastructure projects are an important objective of the new Economic Development Element (see Objective ED-5.3, page 4-11). The No Project Alternative does not include an expansion of the Sphere of Influence, and therefore does not include Urban Reserve 6, which lies along I-205. The City would not as effectively be able to benefit from these improvements under the No Project Alternative, and the City would lose the opportunity in planning for the most appropriate job-generating uses for these areas.
4. It is a goal of the City that the Holly Sugar property remains as open space, including the potential for public access. This goal has been incorporated into the proposed General Plan (see Land Use Element, page 2-49, and Community Character Element Objective OSC 4-4, page 6-28). The No Project does not include an expansion of the Sphere of Influence, and does not include the majority of Holly Sugar property. Therefore, the No Project alternative would not further this goal.
5. The Land Use Element (Goal LU-5, page 2-38 and Area of Special Consideration (The Bowtie), page 2-45), the Community Character Element (Goal CC-8, page 3-31), and Economic Development Element (Objective ED-6.1, page 4-11) of the proposed General Plan include policy direction to enhance downtown, preserve historic structures, and revitalize neighborhoods adjacent to downtown. The No Project Alternative would not as effectively further these goals because it does

not include the specific policies to attract anchor uses, increase residential densities, continue a street grid pattern into the Bowtie, orient buildings towards the pedestrian network, enhance the pedestrian environment, and require architecture that preserves downtown's historic integrity. New development, including development in the Tracy Hills Specific Plan area, would not be subject to these improved design principals.

6. It is a goal of the City to promote connectivity between modes of transit, a high level of street connectivity, and protection from truck traffic and for bicycle users (see Circulation Element Goal CIR-1, pages 5-20 – 5-28); and Goal CIR-3, page 5-30; and Goal CIR-4, page 5-32). The No Project Alternative would not as effectively further this goal because it would not contain policies to implement a Level of Service policy to provide for movement of goods and people at the same time as developing a hierarchical street system that is sensitive to the land uses served that provide a high-level of connectivity, and emphasizes multi-mode transportation.
7. Growth Management goals would be weakened under this alternative because no specific policy direction would be in place to guide the next increment of residential growth (see Land Use Element: Goal LU-1, Objective LU-1.4, page 2-30, and Figure 2-3, page 2-32).
8. Conservation goals would be weakened under this alternative because specific policy language related to energy conservation would not be in place (see Open Space and Conservation Element: Goal OSC-5, page 6-30).
9. When compared to the proposed Plan, the No Project Alternative does not have the same level of comprehensive policy direction in many areas, including land use, economic development, orderly growth management, energy, community character, noise and air quality as the proposed General Plan.

B. Concentrated Growth Alternative

Under this alternative, the General Plan would include policy direction to ensure that new growth would be concentrated near the existing urbanized area (both within and outside the City limits). This alternative would include development of all available land within the existing City limits, except for the Tracy Hills Specific Plan area. It would also include development in areas identified as "Secondary Residential Growth Areas" in Figure 2-3 of the proposed General Plan. Under this alternative, the City's Sphere of Influence would be contracted to encompass only these areas identified for development. The same General Plan land use designations as under the proposed General Plan would be applied to these areas. All other policies proposed for the General Plan would be included. The City Council finds that this alternative is infeasible and less desirable than the proposed Project and rejects this alternative for the following reasons:

1. One of the City's long-term goals is to increase its land supply for industrial, office and employment-generating uses in targeted areas, which will provide a balance with the development of new housing. This goal is emphasized a number of times throughout the proposed General Plan, including in the opening Vision Statement (see pages 1-1 - 1-2), and in the Land Use Element where an expansion of the Sphere of Influence is key to the creation of expanded opportunities for flex-office uses, industrial and office development (see General Plan /Land Use Designation Map Figure 2-2, page 2-15; Goal LU-2 of the Land Use element, pages 2-34 – 2-36; and Urban Reserve 6 of the Land Use Element, pages 2-62 – 2-63). Under the Concentrated Growth Alternative, the only areas for flex-office development would be the areas along Tracy Boulevard, south of Valpico Road, that are part of the Industrial Areas Specific Plan, and a small number of infill sites along Mariani Court and Larch Road. This does not provide for land to accommodate an expansion of flex office uses as stated above and as established in the policy direction contained in the Economic Development Element (Economic Development Element: Goal ED-6, Objective ED-6.6, page 4-16; and Objective 6.7, page 4-16).
2. In addition to a smaller land supply, the Concentrated Growth Alternative would not include specific areas that have been identified as important economic development opportunities in the City's Economic Development Strategy (Resolution #2003-094, adopted April 2003), the policies and recommendations of which have been carried over into the proposed Plan's Economic Development Element. This alternative would be inconsistent with the City's vision for the Sphere of Influence that could be considered for future development to meet growth needs. Specifically, the City's land use and economic development goals target specific areas along the City's entryways, such as I-205, I-580 and I-5, to attract new higher-end office and office-flex uses (see Land Use Element: Goal LU-2, page 2-34; Urban Reserve 6 description and policies, page 2-62 and 2-63; and Economic Development Element: Goal ED-5, page 4-10). Major public roadway improvement projects, such as widening of I-205 (in which the City is a participant) and construction of the Mountain House Parkway interchange support economic development opportunities in these areas. The Concentrated Growth Alternative does not include areas such as Urban Reserve 6 (along I-205) and the Tracy Hills Specific Plan area (along I-580), which would preclude the City from being able to plan for the most appropriate job-generating uses for these areas, as called for under Land Use Element Goals (see Land Use Element: Policy P3 of Objective 2.3 of Goal LU-2, page 2-35).
3. The mix of uses proposed as part of the adopted Tracy Hills Specific Plan area would provide important job-generating office and industrial uses in close proximity to housing at a mix of intensities, which supports the City's policies of expanding economic development in the Tracy Hills Specific Plan Area (see Economic Development Element: Policy P1 of Objective ED-6.9 of Goal ED-6, page 4-17; Land Use Element: Policy P3 of Objective LU-2.3 of Goal LU-2, page 2-35; and Policy P3 of Objective 2.4 of Goal LU-2, page 2-36). The Tracy Hills Specific Plan would help

the City retain high-quality employment opportunities for its residents, reduce jobs-housing imbalance, and reduce the numbers of commuters. As a result, the economic and cultural base of the City would be strengthened. In support of these goals, a great deal of effort has been given to moving this project forward and many City approvals are already in place (City Council resolution 98-001 Certifying the Tracy Hills Specific Plan EIR, City Council resolution 98-002 approving annexation of the Tracy Hills Specific Plan area, City Council resolution 98-003 approving the Tracy Hills Specific Plan). This alternative would not include Tracy Hills, and would be inconsistent with the residential growth management policies of the General Plan including the Secondary Residential Growth Areas map (see Land Use Element: Goal LU-1, Objective LU-1.4, page 2-30; and Figure 2-3, page 2-32). Under this alternative, the Tracy Hills Specific Plan area, which is a comprehensively planned development, would require de-annexation from the City limits. To pursue a de-annexation at this late stage of the planning process is undesirable.

4. It is a goal of the City that the Holly Sugar property be included within the City's Sphere of Influence. The General Plan creates special policy direction, which is called out in the General Plan as an Area of Special Consideration, to ensure that the property will remain as open space, including the potential for a publicly accessible open space area (see page 2-49). Specifically, the City desires to comprehensively plan for the Holly Sugar property to provide both public infrastructure benefits to the Tracy Community through environmentally sensitive re-use of treated wastewater, but also to incorporate accessible open space planning into the long-range future for use of the property (see Land Use Element: Areas of Special Consideration, page 2-49; Public Facilities Element: Policies P3 and P5 of Objective PF-6.5 of Goal PF-6, pages 7-28 – 29; Policy P1 of Objective PF-7.2, of Goal PF-7, page 7-34; Policy P2 of Objective PF-7.4, of Goal PF-7, page 7-36; and Open Space and Conservation Element: Action A1 of Objective OSC-4.4 of Goal OSC-4, page 6-28 – 6-29). The Concentrated Growth Alternative excludes this area from the Sphere of Influence and fails to provide the policy direction to realize these City goals, objectives, policies, and actions.
5. It is a goal of the City that urbanization not occur in unincorporated County areas outside the Sphere of Influence (see Land Use Element: Goal LU-8, Objective LU-8.1, Policy P1, P2, and P3, pages 2-42 – 2-43). Under this alternative, the proposed expansion of the Sphere of Influence would not occur, the Sphere of Influence would be contracted, and the City would lose influence over potential development and the ability to plan comprehensively in the best interests of the City in areas that would otherwise be exclusively subject to San Joaquin County development processes. Therefore, in such areas, the City would lose its ability to ensure the most appropriate comprehensive planning and the policy guidance related to air quality, energy conservation, circulation, and public facilities contained within the General Plan would not be required (see Circulation Element: Goal CIR-1, Objective CIR-1.1 - Objective CIR-1.7, pages 5-20 - 5-28; Goal CIR-3, Objective CIR 3-1, pages 5-30 and 5-31; Goal CIR-4, Objective CIR-4.1 and CIR 4.2, pages 5-32 - 5-34; Open

Space Element, Goal OSC-5, Objective OSC-5.1 and OSC-5.2 , pages 6-30 - 6-33; Public Facilities Element, Goal PF-6, Objective PF-6.3, page 7-28; Objective PF-6.5, Policies P1, P3, P3, and P4, pgs 7-29 and 7-30; Goal PF-7, Objective PF-7.3, page 7-35; Air Quality Element, Goal AQ-1, Objective AQ-1.1 and Objective AQ-1.2, pages 10-11 - 10-15).

Additionally, a goal of the City is to ensure outstanding urban design. Development within San Joaquin County would not be subject to the City's design standards (see Community Character Element: Goal CC-1, Objectives CC-1.1, CC-1.2, CC-1.3, CC-1.4, and CC-1.5, pages 3-14 - 3-17; Goal CC-2, Objective CC-2.1 and Objective CC 2.2, pages 3-17 - 3-19; Goal CC-4, Objective cc-4.1, pages 3-20 - 3-23; Goal CC-11, Objectives CC-11.1, CC-11.2, CC-11.3, pages 3-40 - 3-42).

6. It is a goal of the City to have mixes of residential types in close proximity within neighborhoods, and that land use and housing product types not be isolated from one-another. Achieving the urban design objectives that create architecturally, socially, and economically diverse neighborhoods, as discussed in the General Plan, would not be achieved under the Concentrated Growth Alternative. Significant policy direction in the General Plan related to land use planning, community character, and urban design would not be feasible to implement under the Concentrated Growth Alternative. Specifically, the mix of housing types would be limited because the Concentrated Growth Alternative would result in much more development of medium density (5.9 to 12 units per acre) and high density (12.1 to 25 units per acre) projects in close proximity to one another than is desirable (See Community Character Element: Goal CC-6, Objective CC-6.1, Policies P1 – P8, pages 3-25 – 3-26; Objective CC-6.2, Policies P1 – P7 and Action A1, pages 3-26 – 3-28). Numerous workshops throughout the General Plan update process focused on the desire to mix densities and achieve a greater housing type variety in close proximity to one another throughout all areas planned for future residential growth (see General Plan Draft EIR, pages 3-7 and 3-8). Additional policies related to mixes of housing types that would not be feasible under this alternative include Land Use Element Goal 2, Objective LU-2.1, Policy P1, p. 2-34; Land Use Element Goal 4, Objective LU 4.1, Policy P1, p. 2-37; and Community Character Element Goal 6, Objective CC-6.1, P2 and P3, p. 3-25 and 3-26. Overbuilding multifamily units under the Concentrated Growth Alternative would adversely impact the City's ability to ensure mixes of residential housing types in new development areas and new neighborhoods. Also included in the mix of residential uses are low-density land use designations to accommodate estate developments. This type of housing development is important to attract business professionals to Tracy, thereby increasing the opportunity to expand the diversity of businesses, and establish a locally based high-skilled workforce.

C. City Limits Alternative

Under this alternative, the proposed General Plan land use designations would be applied to all land within the existing City limits. The SOI would be contracted to become coterminous with the existing City limits. All other policies proposed for the

General Plan would be included. The City Council finds that this alternative is infeasible and less desirable than the proposed Project and rejects this alternative for the following reasons:

1. One of the City's long-term goals is to increase its land supply for industrial, office and employment-generating uses in targeted areas, which will provide a balance with the development of new housing. This goal is emphasized a number of times throughout the proposed Plan, including in the opening Vision Statement (at pages 1-1 and 1-2), and in the Land Use Element where an expansion of the Sphere of Influence is key to the creation of expanded opportunities for flex-office uses, industrial and office development (see General Plan Land Use Designation Map Figure 2-2, page 2-15; Goal LU-2 of the Land Use Element, pages 2-34 - 2-36, and Urban Reserve 6 of the Land Use Element, pages 2-62 and 2-63). Because the City Limits Alternative does not include an expansion of the Sphere of Influence, and would require that the Sphere of Influence be contracted to exclude areas immediately adjacent to the City limits, it does not further this goal. The City Limits Alternative includes a considerably smaller land supply and would not meet the City's vision to increase its land supply for industrial, office and employment-generating uses and balancing this with the development of new housing, as effectively as the proposed General Plan (see Economic Development Element: Goal ED-4, page 4-10).
2. It is a goal of the City to expand the I-205 Corridor Specific Plan Area, as this area is viewed as a key component of the General Plan to achieve an expanded retail base for the City. This alternative would not promote an expansion of the I-205 Corridor Specific Plan area as well as the General Plan (See Land Use Element: Goal LU-2, Objective LU-2.2, page 2-34; and Economic Development Element, Goal 6, Objective ED-6.6, page 4-15).
3. While it would allow for development along I-580 in the Tracy Hills Specific Plan area, overall, the City Limits alternative would exclude specific areas that have been identified as important economic development opportunities in the City's Economic Development Strategy (Resolution #2003-094, adopted April 2003), the policies and recommendations of which have been carried over into the proposed Plan's Economic Development Element. The specific areas targeted as economic development opportunities excluded under this alternative include areas along the City's entryways, such as I-205, I-580 and I-5, for attracting new higher-end office and office-flex uses. Major public roadway improvement projects, such as widening of I-205 (in which the City is a participant) and construction of the Mountain House Parkway interchange, both of which are under construction, support economic development opportunities in these areas. The City Limits Alternative would preclude the City from being able to plan for the most appropriate job-generating uses for these areas, as called for in the City's adopted Economic Development Strategy and stated in Land Use Element and Economic Development Goals (see Land Use Element, Goal LU-2, p. 2-

34; Urban Reserve 6 description and policies, p. 2-62 and 2-63; and Economic Development Element, Goal ED-5, page 4-10).

4. It is a goal of the City that the Holly Sugar property be included within the City's Sphere of Influence. The General Plan creates special policy direction, which is called out in the General Plan as an Area of Special Consideration, to ensure that the property will remain as open space, including the potential for a publicly accessible open space area. Specifically, the City desires to comprehensively plan for the Holly Sugar property to provide both public infrastructure benefits to the Tracy Community through environmentally sensitive re-use of treated wastewater, but also to incorporate accessible open space planning into the long-range future for use of the property (see Land Use Element: Areas of Special Consideration, page 2-49; Public Facilities Element: Policies P3 and P5 of Objective PF-6.5 of Goal PF-6, pages 7-28 – 29; Policy P1 of Objective PF-7.2, of Goal PF-7, page 7-34; Policy P2 of Objective PF-7.4, of Goal PF-7, page 7-36; and Open Space and Conservation Element: Action A1 of Objective OSC-4.4 of Goal OSC-4, page 6-28 – 6-29). The City Limits Alternative excludes this area from the Sphere of Influence and fails to provide the policy direction to realize these City goals, objectives, policies, and actions. This alternative excludes this area from the Sphere of Influence and fails to provide the policy direction to realize these City goals and objectives.

5. It is a goal of the City that urbanization not occur in unincorporated County areas outside the Sphere of Influence (see Land Use Element: Goal LU-8, Objective LU-8.1, Policy P1, P2, and P3, pages 2-42 – 2-43). Under this alternative, the proposed expansion of the Sphere of Influence would not occur, the Sphere of Influence would be contracted, and the City would lose influence over potential development and the ability to plan comprehensively in the best interests of the City in areas that would otherwise be exclusively subject to San Joaquin County development processes. Therefore, in such areas, the City would lose its ability to ensure the most appropriate comprehensive planning and the policy guidance related to air quality, energy conservation, circulation, and public facilities contained within the General Plan would not be required (see Circulation Element: Goal CIR-1, Objective CIR-1.1 - Objective CIR-1.7, pages 5-20 - 5-28; Goal CIR-3, Objective CIR 3-1, pages 5-30 and 5-31; Goal CIR-4, Objective CIR-4.1 and CIR 4.2, pages 5-32 - 5-34; Open Space Element, Goal OSC-5, Objective OSC-5.1 and OSC-5.2, pages 6-30 - 6-33; Public Facilities Element, Goal PF-6, Objective PF-6.3, page 7-28; Objective PF-6.5, Policies P1, P3, P3, and P4, pgs 7-29 and 7-30; Goal PF-7, Objective PF-7.3, page 7-35; Air Quality Element, Goal AQ-1, Objective AQ-1.1 and Objective AQ-1.2, pages 10-11 - 10-15). By effectively eliminating the City's Sphere of Influence, this Alternative would be contrary to sound planning principals. Spheres of influence serve as an important tool to facilitate planning, shape logical and orderly development, and foster coordination between local government agencies. (See Government Code, sections 56001 and 56425.) Additionally, a goal of the City is to ensure outstanding urban design. Development within San Joaquin County would not be subject to the

City's design standards (see Community Character Element: Goal CC-1, Objectives CC-1.1, CC-1.2, CC-1.3, CC-1.4, and CC-1.5, pages 3-14 - 3-17; Goal CC-2, Objective CC-2.1 and Objective CC 2.2, pages 3-17 - 3-19; Goal CC-4, Objective cc-4.1, pages 3-20 - 3-23; Goal CC-11, Objectives CC-11.1, CC-11.2, CC-11.3, pages 3-40 - 3-42).

D. Existing Sphere of Influence Alternative

Under this alternative, the proposed General Plan land use designations would be applied to all land within both the existing City limits and the existing Sphere of Influence (SOI). However, no new development-oriented General Plan designations or development would occur outside of the existing SOI. All other policies proposed for the General Plan would be included. The City Council finds that this alternative is infeasible and less desirable than the proposed Project and rejects this alternative for the following reasons:

1. While it encompasses a similar extent of area, it does not meet the City's long-term goals and objectives of the proposed Plan since it would exclude key economic development and targeted open space areas from the SOI, thereby precluding the City from having any influence regarding planning decisions and leaving planning control exclusively under the County. The Existing Sphere of Influence Alternative would not include Urban Reserve 6, which represents a key economic development opportunity for the City, particularly in light of major public infrastructure projects that are underway, such as widening I-205 (in which the City is a participant) and construction of the Mountain House Parkway interchange. Adoption of this alternative would preclude the City from having the ability to plan for the most appropriate job-generating uses for these areas, as called for in the City's adopted Economic Development Strategy, and as stated in the Land Use and Economic Development Elements (see Land Use Element: Goal LU-2, page 2-34; Urban Reserve 6 description and policies, pages 2-62 and 2-63; Economic Development Element: Goal ED-5, page 4-10).
2. The majority of the Holly Sugar property would not be included within the City's SOI in the Existing Sphere of Influence Alternative, which is called out in the proposed Plan as an Area of Special Consideration with policies to ensure that the property will remain as open space, including the potential for a publicly accessible open space area. Specifically, the City desires to comprehensively plan for the Holly Sugar property to provide both public infrastructure benefits to the Tracy Community through environmentally sensitive re-use of treated wastewater (Objective PF-6.5, Policies 3 and 5, pgs. 7-28 and 29, and Objective PF-7.2, Policy P1, p. 7-34, and Objective PF-7.4, Policy P2, p. 7-36), but also to incorporate accessible open space planning into the long-range future for use of the property (Objective OSC-4.4, Action 1, p. 6-28). This alternative excludes the majority of this area from the Sphere of Influence, thereby failing to provide the policy direction to realize these City goals and objectives

EXHIBIT C

FINDINGS RELATED TO STATEMENT OF OVERRIDING CONSIDERATIONS

The City Council adopts and makes this Statement of Overriding Considerations concerning the Project's unavoidable significant impacts to explain why the Project's benefits override and outweigh its unavoidable impacts.

The Project represents the best possible balance between the City's goals, objectives, and policies relating to on-going residential growth, development of employment areas, and open space and agricultural preservation. As more fully described below, the Project will bring substantial benefits to the City, including: increasing the City's ability to plan for key areas for economic development; augmenting policy guidance to preserve and enhance community character; incorporating policy guidance to protect agricultural land and other open space areas; supporting provision of a diversity of housing types; and providing a policy framework for orderly expansion and systematic, continual upgrade of transportation and utility infrastructure and services.

The City Council finds that the Project's unavoidable significant impacts are acceptable in light of the Project's benefits. Each benefit set forth below constitutes an overriding consideration warranting approval of the Project, independent of the other benefits, despite each and every unavoidable impact. This Exhibit C also incorporates the findings contained in Exhibit B (relating to Alternatives), and the substantial evidence upon which they are based.

1. The Project provides the most comprehensive and balanced approach for economic development, and serves an important role in implementing the City's adopted Economic Development Strategy (Resolution #2003-094, adopted April 2003). This comprehensive approach consists of promoting and revitalizing key economic development centers, including the Downtown and other commercial infill areas within in the City limits. It also recognizes that the City's ability to compete with other jurisdictions, in attracting higher-wage and higher-skilled office and technology employment opportunities, depends upon having a land supply in locations that best serve these economic sectors.
2. The Project will allow the City to increase its land supply and plan for new industrial, office and retail uses in key opportunity areas, such as along the City's entryways (e.g. I-205, I-580 and I-5). The Project includes large, contiguous parcels of undeveloped land designated for industrial, office and retail uses along key regional corridors that will help attract economic development in sectors of industry with long-term growth and income potential, such as management, financial and business services and technology.
3. The Project will allow the City to better take advantage of certain public infrastructure projects that are occurring in and around Tracy, such as the widening of I-205 (in which the City is a participant) and construction of the Mountain House Parkway interchange.
4. The Project would allow the City, rather than San Joaquin County, to plan for the most appropriate job generating uses in areas located along key regional

corridors. Leaving future planning of these areas to the County may adversely affect the City's ability to attract higher-income jobs and higher tax revenues, and thus, affect the City's ability to meet its long-term economic development objectives.

5. Currently many of Tracy's employed residents commute outside of Tracy—many as far as the Bay Area—for higher-wage and higher-skilled job opportunities. A more diversified local economy, with expanded higher-wage job opportunities and a full range of shopping and entertainment options would enhance residents' overall quality of life. The commercial and industrial land uses identified in the proposed General Plan will allow the City to provide additional employment opportunities for residents. This would reduce the need for residents to travel outside the community, and improve the City's jobs-housing balance.
6. The Project would improve the tax base of the community by expanding the retail base, and thus, provide increased funding for services and facilities for Tracy residents.
7. The Project would provide a more diverse range of housing opportunities. The Land Use Element includes policies that support the types of new residential development that best serve a diverse workforce. This includes goals and policies to: promote an increased supply of housing affordable to all economic segments of the community, which includes improving and preserving existing stock of affordable housing (see Land Use Element, Goal LU-4, Objective LU-4.1, Policies P1, P2, and P3); promote infill development, affordable housing, senior housing (see Land Use Element: Goal LU-1, Objective LU-1.4, Policies P2, P4, and Action A1); and provide for lower density, residential estate housing, that will attract business professionals in the management, financial services and technology sectors of the economy.
8. The Sphere of Influence under the Project includes the Holly Sugar property, which is called out in the proposed Plan as an Area of Special Consideration with policies to ensure that the property will remain as open space, with the potential for public access.

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CITY OF TRACY GENERAL PLAN AND SUSTAINABILITY ACTION PLAN

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/ Timing	Agency Responsible for Monitoring	Monitoring Action	Monitoring Frequency
<p><u>Mitigation Measure NOI-2:</u> In addition to the time-of-day restriction in Objective N-1.2, P4, the following standard construction noise control measures should be included as requirements at construction sites to minimize construction noise impacts:</p> <ul style="list-style-type: none"> ◆ When necessary, temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected. ◆ Foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. The pre-drilling of foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile. ◆ All construction projects shall comply with the Article 9 of the City of Tracy Municipal Code, the City’s Noise Control Ordinance. 	Development & Engineering Services	Modify text prior to approval of General Plan Update	Development & Engineering Services	Verify text is modified	Once
<p><u>Mitigation Measure AIR-1:</u> The City of Tracy will facilitate development applicants’ participation in the San Joaquin Valley Air Pollution Control District’s Indirect Source Review program. The Indirect Source Review program requires developers of larger projects to reduce emissions and provides on-site mitigation measures to help developers reduce air impacts. However, the mitigation measure identified above may not completely mitigate this impact. Therefore, it is considered a significant and unavoidable impact.</p>	Development & Engineering Services	Revise building permit application materials within 30 days	Development & Engineering Services	Verify materials have been updated	Once
<p><u>Mitigation Measure AIR-2:</u> Add a new Action under Objective AQ-1.2 as follows: “Require supplemental project studies in accordance with CARB and SJVAPCD recommendations to evaluate air quality health risks for proposed developments with sensitive receptors proximate to Interstate 205, Interstate 580, or large truck warehousing facilities or truck facilities where trucks with transportation refrigeration units operate almost continuously. Mitigation measures to reduce significant health risks shall be included in final project designs.”</p>	Development & Engineering Services	Modify text prior to approval of General Plan update	Development & Engineering Services	Verify text is modified	Once

RESOLUTION _____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TRACY
RECOMMENDING THAT THE CITY COUNCIL ADOPT THE GENERAL PLAN
AMENDMENT OF 2011 WITH THE EXCEPTION OF THE HOUSING ELEMENT

WHEREAS, ON July 20, 2006, the City Council adopted the City of Tracy General Plan of 2006, and

WHEREAS, in 2007, the City of Tracy ("City") began the process of petitioning for approval of the Sphere of Influence from the Local Agency Formation Commission (LAFCo), and

WHEREAS, LAFCo had adopted revised policies regarding Spheres of Influence, thus requiring the City to revise the proposed Sphere within the General Plan, and

WHEREAS, The City held workshops and public hearings on December 2, 2007, January 15, 2008, February 5, 2008, April 1, 2008, June 3, 2008, and July 15, 2008 to discuss revisions to the Sphere of Influence, and

WHEREAS, These revisions, along with work related to strengthening policies related to sustainability and creation of a Sustainability Action Plan (SAP) resulted in the General Plan Amendment, titled Tracy General Plan Amendment of 2011, and

WHEREAS, the City of Tracy General Plan consists of the following ten elements: the Land Use Element, the Community Character Element, the Economic Development Element, the Circulation Element, the Open Space and Conservation Element, the Public Facilities and Services Element, the Safety Element, the Noise Element, the Air Quality Element, and the Housing Element, and

WHEREAS, The City's Housing Element is being updated separately from the other elements of the General Plan given the unique timing and other requirements that are contained in the State housing element law (Government Code Sections 65580-65589.8), and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), the Planning Commission recommended that the City Council: certify a Final Supplemental Environment Impact Report (SEIR) for the General Plan; make findings related to significant impacts, alternatives, and Statement of Overriding Considerations; and adopt a Mitigation Monitoring and Reporting Program, and

WHEREAS, The Planning Commission met to discuss the General Plan Amendment on June 23, July 14, August 25, and October 27, 2010, and

WHEREAS, The Planning Commission conducted a public hearing to consider the General Plan on December 15, 2010;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends that the City Council adopt the General Plan Amendment of 2011 as set forth in Exhibit A, based on the following :

Resolution _____

- a. The General Plan constitutes a comprehensive, long term document capable of guiding the future development of the City.
- b. The General Plan meets all of the requirements for such plans as contained in the Planning and Zoning Law (Government Code Sections 65300-65303.4) and other laws.
- c. The General Plan contains all seven elements mandatory by section 65303 of the Government Code. These are the Land Use Element, the Circulation Element, the Housing Element, the Conservation Element, the Open Space Element, the Noise Element, and the Safety Element. The Conservation and Open Space Elements are combined in the General Plan as the Open Space and Conservation Element. The General Plan also contains two optional elements: The Community Character Economic Development Elements. As stated above, the Housing Element is being considered separately.
- d. The General Plan has been prepared and adopted in accordance with the requirements of the Planning and Zoning Laws.

* * * * *

The foregoing Resolution is hereby passed and adopted by the Planning Commission on the 15th day of December, 2010, by the following vote:

AYES:	COMMISSION MEMBERS:
NOES:	COMMISSION MEMBERS:
ABSENT:	COMMISSION MEMBERS:
ABSTAIN:	COMMISSION MEMBERS:

CHAIR

ATTEST:

STAFF LIAISON

Exhibit A—General Plan in strikethrough underline format

EXHIBIT A

Exhibit A is the General Plan in strike-through underline format, as provided to the Planning Commission on December 3, 2010.

RESOLUTION _____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TRACY
RECOMMENDING THAT THE CITY COUNCIL ADOPT THE SUSTAINABILITY ACTION
PLAN

WHEREAS, On July 20, 2006, the City Council adopted the City of Tracy
General Plan of 2006, and

WHEREAS, On April 15, 2008, the City Council identified sustainability as a
priority and directed staff to develop a Citywide Sustainability Strategy, and

WHEREAS, The City held a workshop with the public on February 17, 2010 to
discuss the targets and measures to be included within the Sustainability Action Plan,
and

WHEREAS, A Draft Sustainability Action Plan was published for public review on
July 22, 2010, and

WHEREAS, At the close of the public comment period, the City had received four
comment letters on the July Draft Sustainability Action Plan, and

WHEREAS, The City responded to all comments received within the attachment
to the Staff Report presented to the Planning Commission for review with the General
Plan and the General Plan SEIR on December 15, 2010

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA"), the
Planning Commission recommended that the City Council: certify a Final Supplemental
Environment Impact Report (SEIR) for the General Plan and Sustainability Action Plan;
make findings related to significant impacts, alternatives, and Statement of Overriding
Considerations; and adopt a Mitigation Monitoring and Reporting Program, and

WHEREAS, The Planning Commission conducted a public hearing to consider
the General Plan on December 15, 2010, with the Sustainability Action Plan to be used
as an part implementation tool of the General Plan, and

WHEREAS, The Planning Commission conducted a public hearing to consider
the Sustainability Action Plan on December 15, 2010;

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission
recommends that the City Council adopt the Sustainability Action Plan as set forth in
exhibit A, based on the following:

- a. The Sustainability Action Plan contains targets and measures that will
assist in the implementation of the Goals, objectives and policies of the
General Plan.
- b. The Sustainability Action Plan contains an Implementation and Monitoring
Plan that assists in the implementation and tracking of the progress of the
Plan in reducing greenhouse gas emissions.

* * * * *

The foregoing Resolution is hereby passed and adopted by the Planning Commission on the 15th day of December, 2010, by the following vote:

AYES: COMMISSION MEMBERS:
NOES: COMMISSION MEMBERS:
ABSENT: COMMISSION MEMBERS:
ABSTAIN: COMMISSION MEMBERS:

CHAIR

ATTEST:

STAFF LIAISON

Exhibit A—Sustainability Action Plan

EXHIBIT A

Exhibit A is the Sustainability Action Plan as provided to the Planning Commission on December 3, 2010.