

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, September 28, 2011, 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. DISCUSSION RELATED TO THE SAN JOAQUIN COUNCIL OF GOVERNMENTS PROPOSED REGIONAL SMART GROWTH / TRANSIT-ORIENTED DEVELOPMENT PLAN

B. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A CONDITIONAL USE PERMIT TO EXPAND A SMALL FAMILY DAY CARE HOME TO A LARGE FAMILY DAY CARE HOME AT 1011 BEN INGRAM LANE - APPLICANT IS RASHIDA KHAN - APPLICATION NUMBER CUP11-0004

C. PUBLIC HEARING TO CONSIDER THE FILIOS/DOBLER ANNEXATION AND DEVELOPMENT PROJECT WHICH INCLUDES A GENERAL PLAN AMENDMENT (GPA09-0002) TO RE-DESIGNATE THE SITE FROM URBAN RESERVE 2 TO COMMERCIAL; I-205 CORRIDOR SPECIFIC PLAN AMENDMENT (SPA10-0002) TO ADD THE SITE TO THE SPECIFIC PLAN AREA, DESIGNATE THE SITE GENERAL COMMERCIAL, AND ADD DEVELOPMENT STANDARDS REQUIRED BY EIR MITIGATION MEASURES; ANNEXATION OF THE 43-ACRE PROJECT SITE TO THE CITY OF TRACY AND PREZONE THE SITE PLANNED UNIT DEVELOPMENT (A/P09-0002); AND CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT FOR THE PROJECT – THE APPLICANTS ARE BILL FILIOS FOR GRANT LINE APARTMENTS, LLC AND GARY DOBLER FOR DOBLER FAMILY TRUST

3. ITEMS FROM THE AUDIENCE
4. DIRECTOR'S REPORT
5. ITEMS FROM THE COMMISSION
6. ADJOURNMENT

September 22, 2011

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

**DISCUSSION RELATED TO THE SAN JOAQUIN COUNCIL OF GOVERNMENTS
PROPOSED REGIONAL SMART GROWTH / TRANSIT-ORIENTED DEVELOPMENT PLAN**

DISCUSSION

The San Joaquin Council of Governments (SJCOG) is in the process of developing a plan that will assist in their administration of Measure K Renewal funding (Smart Growth funds). This agenda item is intended to provide the Planning Commission and the public an opportunity to comment on the Draft infill sites map that has been produced by SJCOG that may ultimately be included in their plan, which is called the Regional Smart Growth / Transit Oriented Development Plan. The SJCOG website has an overview of Measure K Renewal as well as the Smart Growth Incentive Program, and this planning endeavor specifically. Several relevant excerpts from the SJCOG website articulating this planning process are as follows:

“Sixty-five (\$65 million) of Measure K Renewal funding will be made available during the life of the Measure K Renewal program for smart growth incentives to local jurisdictions in San Joaquin County. These funds will be available for infrastructure enhancements, such as street calming, walkable community projects, transit amenities and alternative modes of transportation that will assist local agencies in better integrating transportation and land use. These funds will be available to support infill development, neighborhood revitalization and downtown improvements,” and

“The policies and procedures that guide the use of Measure K Renewal Smart Growth Incentive Program funds were developed as part of the original Measure K Renewal Strategic Plan that was approved by the SJCOG Board in January 2008,” and

“Over the last year several actions have taken place that impacts the Measure K Renewal Smart Growth Incentive Program. The first was the award of a Caltrans planning grant to SJCOG in the fall of 2009 in order to identify target areas and improvement forms for smart growth in San Joaquin County.”

SJCOG staff and their consultant team produced a brief overview of the recent steps they have taken in their planning process, which is attached to the staff report as Attachment A. Additionally, SJCOG staff produced a DRAFT Infill Opportunities Sites Map indicating infill sites that could develop in the future. Attachment B to the staff report is the Draft Infill Opportunity Sites Map produced by SJCOG. Sites that are indicated as being within the City of Tracy have been reviewed by City staff.

SJCOG staff and their consultant team will be in attendance at the Planning Commission meeting to provide an overview of this planning effort and to answer questions. This will also be an opportunity for members of the public to join in the discussion of the development of the Regional Smart Growth / Transit-Oriented Development Plan.

RECOMMENDATION

Staff recommends that the Planning Commission receive a presentation by SJCOG staff, provide input on the materials presented including the Draft Infill Opportunity Sites Map, and accommodate comments and input from the public.

Prepared by: Bill Dean, Assistant DES Director

Approved by: Andrew Malik, DES Director

Attachments

Attachment A - Memo to City staff regarding the Regional Smart Growth / Transit-Oriented Development Plan

Attachment B - Draft Infill Opportunity Sites Map produced by SJCOG



MEMORANDUM

1625 SHATTUCK AVENUE
 SUITE 300
 BERKELEY, CA 94709
 TEL: 510 848 3815
 FAX: 510 848 4315
 www.dceplanning.com

DATE September 13, 2011
 TO Bill Dean
 City of Tracy Planning
 FROM Dahlia Chazan
 RE **Regional Smart Growth | Transit-Oriented Development Plan**

A. Project Introduction

San Joaquin County faces a variety of challenges as it accommodates new growth and development. With increased scrutiny of growth patterns under AB 32 and the need to create a Sustainable Communities Strategy (SCS) under SB 375, SJCOG will be focusing on opportunities to decrease vehicle miles traveled (VMT) and the emission of greenhouse gases (GHG). To help shape future growth throughout the region, the San Joaquin Council of Governments (SJCOG) is in the process of preparing a Regional Smart Growth | Transit-Oriented Development (TOD) Plan.

The Plan will help SJCOG identify appropriate sites throughout the County for infill development. It will also result in tools that SJCOG and others can use in the future to evaluate potential infill sites and specific development proposals; and it will review policies, research, and outreach, to provide recommendations specific to the communities in San Joaquin County. These recommendations will identify appropriate types of TOD and infill development that can be created throughout the county in the years to come. The Plan will also include a demographic and economic analysis and a Vehicle Miles Travelled (VMT) and Greenhouse Gas Inventory (GHG). The Plan will inform SJCOG's ongoing efforts to develop a Sustainable Communities Strategy (SCS) for the region.

SJCOG will work in close partnership with local jurisdictions and community members to develop a Plan that will provide a roadmap to target local and private investment monies to those improvements. It will also identify the types of investments that yield the greatest benefit for San Joaquin County now and in the future.

B. Draft Infill Opportunity Sites

The aspect of the Plan to be discussed at the upcoming Planning Commission meeting is the Draft Infill Opportunity Site selection. Draft Infill Opportunity Sites were identified based upon specific criteria, including identified vacant or underutilized sites, land use designations, location, and context. A more thorough description of the site selection criteria will be presented during the meeting. A preliminary set of Opportunity Sites was presented to local jurisdiction and agency staff at a recent SJCOG Smart Growth Committee meeting. Since that presentation, local jurisdictions and agency staff have had the opportunity to review and revise the Draft Infill Opportunity Sites.

50 test sites have been identified throughout San Joaquin County for use in testing the Infill Site Evaluation Model, which will be developed as the next step of the planning process. The number of test sites selected per community is based upon the proportion of the total County population each community represents.

C. Regional Meetings

The presentation for the Tracy Planning Commission is the second of a series of four regional meetings that are being held at separate locations throughout San Joaquin County and will inform participants about this planning process and give them the opportunity to provide valuable input. Specifically, the meetings will provide a background on the project and review the Draft Infill Opportunity Sites that have been identified. At the Tracy Planning Commission meeting participants will have an opportunity to review the sites identified for the City of Tracy and for the Mountain House area of the County. The meeting will provide an opportunity for participants to provide their input on the Plan and the sites selected.

D. Next Steps

Once the Draft Infill Opportunity Sites have been vetted by the community, the next step in this planning process will be to analyze the 50 test sites with a draft version of the Infill Site Evaluation Model that is currently being developed. This model and the other components of the Plan will be discussed at additional meetings to be held toward the end of 2011 and early in 2012.

AGENDA ITEM 2-B

REQUEST

PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A CONDITIONAL USE PERMIT TO EXPAND A SMALL FAMILY DAY CARE HOME TO A LARGE FAMILY DAY CARE HOME AT 1011 BEN INGRAM LANE - APPLICANT IS RASHIDA KHAN - APPLICATION NUMBER CUP11-0004

DISCUSSION

Background

California State Planning and Zoning Laws define a small family day care as day care in the home consisting of eight children or fewer. Small family day care facilities are exempt from local land use regulations. Large family day care facilities, consisting of nine to fourteen children, are not exempt from those same zoning regulations and are therefore subject to local land use regulations. The subject property is located at 1011 Ben Ingram Lane in the Presidio Planned Unit Development. Large family day care facilities are permitted at this location upon the granting of a Conditional Use Permit by the Planning Commission.

Family day care facilities also need a license to operate from the State of California. The State licensing process consists of several steps. First is the submittal of an application for expansion of a day care home to 14 children. Prior to approval of that application and operation of the large family day care home, the applicant must have fire department inspection and clearance. The site is then inspected for compliance with all applicable State regulations, and upon passing inspection, the facility may begin operation. The site is then inspected by the State every three years or more often if any complaints are received.

Site and Project Description

The subject property is an approximately 5,800 square foot lot with an approximately 3,028 square foot two-story home. There is an existing small family day care home operating at the subject property. The applicant would like to expand her operation to a large family day care to serve up to fourteen children, ages four months to twelve years. Day care will be conducted on the first floor of the house and in an attached garage (Attachment B: Plot and Floor Plan).

Project Analysis

The applicant is the operator of the day care home. The current hours of operation are from 6:30AM to 6:30PM Monday thru Friday, with children dropped off and picked up at staggered times throughout the day. Activities, such as television, homework, and free play, will be held on the first floor of the home, in the back yard, and in the one-car garage that has been set up for play. The operator also picks up school-age children after school, and she either takes the younger children with her or has an assistant stay

with the children until she returns. The assistant is present for only a few hours during the day and parks in the driveway.

Parking and traffic impacts are usually the largest concern within a neighborhood of day care facilities. The worst-case scenario for traffic impact would be that fourteen parents with fourteen children in vehicles arrive at once for drop off. This is unlikely to happen, as different schedules result in vehicles arriving and departing at varying hours. Parents either pull up onto the driveway or park along the curb for several minutes to drop off and pick up their children. The driveway is wide enough for two cars and deep enough for two cars, with the ability to hold a total of four vehicles at once. The street is straight with long lengths of curbs that allow vehicles to park in front of the house without blocking the street or driveways of adjacent homes.

Another potential factor of a large family day care home is noise affecting the neighboring houses. Any noise impacts associated with the project would most likely not be noticeably greater than those of a normal single family home, and should not significantly increase from the current impacts with the addition of six children on the site, as outdoor play activity times are scheduled each day, occurring at 10:00am and 4:00pm for about thirty minutes.

No complaints regarding safety, noise, traffic, or any other issues have been reported to the City. In addition to the standard notifications the City sends to all property owners within 300 feet of the project, the applicant informed staff that she has personally informed neighbors of the proposed expansion. No neighbors have expressed any opposition to the expansion.

Family day care facilities within the state and the city are in low supply and high demand. Increasing the capacity of this existing day care home to accommodate up to 14 children will be helpful in filling a need for affordable child care within the community, with little impact on the surrounding neighborhood.

Environmental Document

The project is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303, which pertains to the conversion of existing small structures from one use to another where only minor modifications are made to the exterior of the structure. No further environmental assessment is necessary.

RECOMMENDATION

Staff recommends that the Planning Commission approve the application for a Conditional Use Permit to expand an existing small family day care home to a large family day care home at 1011 Ben Ingram Lane, based on the findings and subject to the conditions as stated in the Planning Commission Resolution dated September 28, 2011.

MOTION

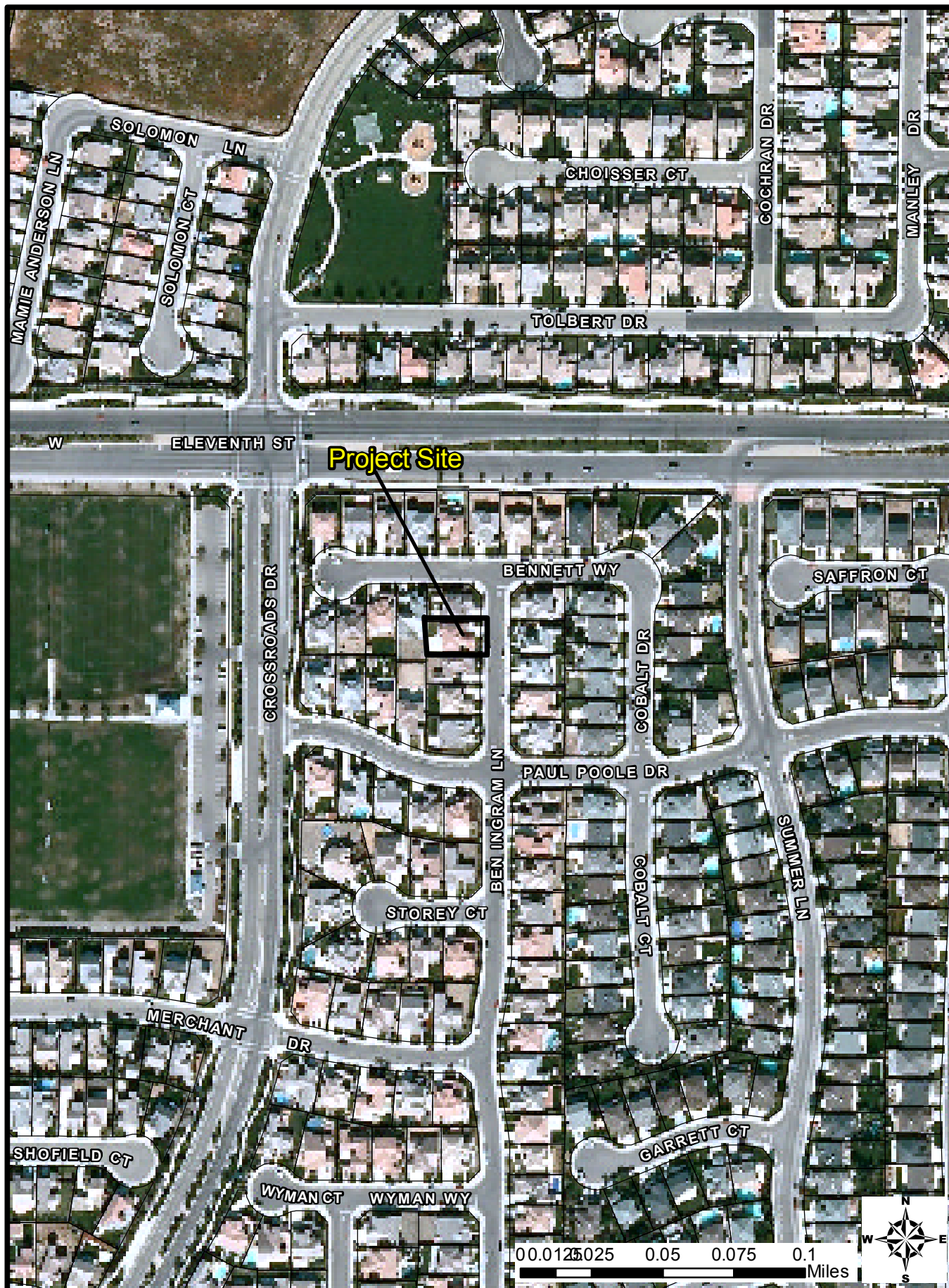
Move that the Planning Commission approve the application for a Conditional Use Permit to expand an existing small family day care home to a large family day care home at 1011 Ben Ingram Lane, based on the findings and subject to the conditions as stated in the Planning Commission Resolution dated September 28, 2011.

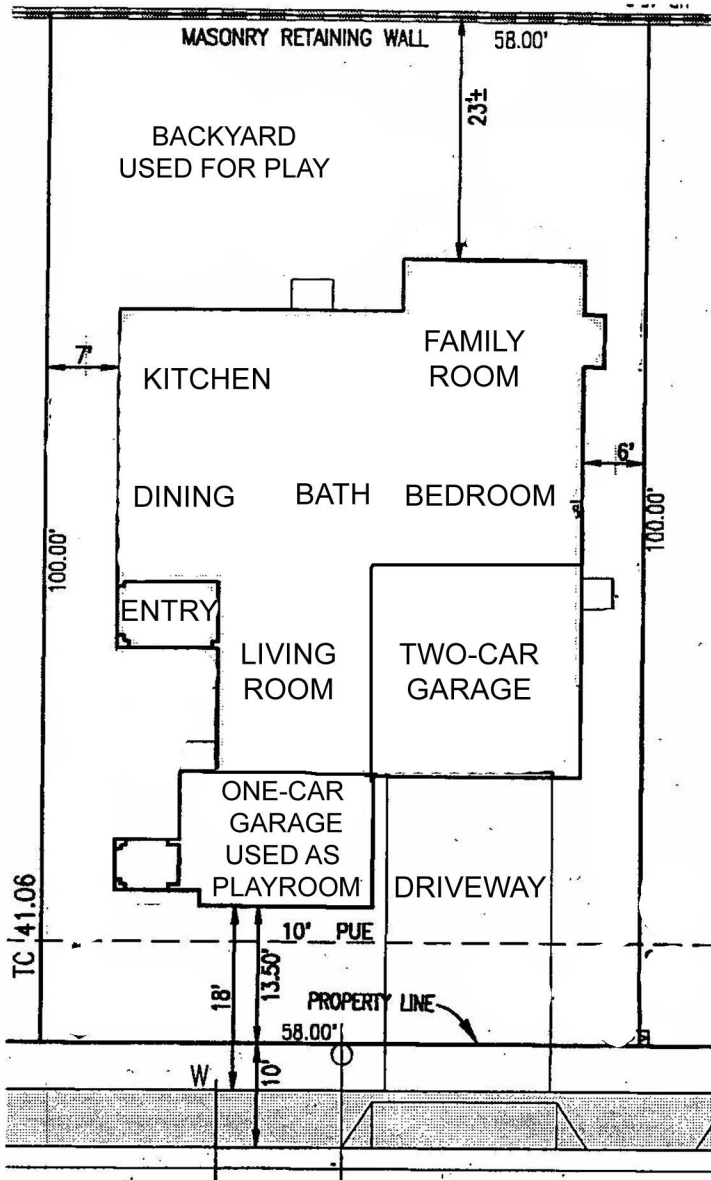
Prepared by Kimberly Matlock, Assistant Planner
Reviewed by Bill Dean, Assistant Development and Engineering Services Director
Approved by Andrew Malik, Development and Engineering Services Director

ATTACHMENTS

Attachment A: Location Map
Attachment B: Plot and Floor Plan
Attachment C: Planning Commission Resolution

Location Map
1011 Ben Ingram Lane





NOT TO SCALE

1011 BEN INGRAM LANE

SF AREA: 5,800±

PLOT PLAN-LOT 529

PLOT AND FLOOR PLAN

RESOLUTION _____

APPROVAL OF A CONDITIONAL USE PERMIT APPLICATION FOR THE EXPANSION OF A SMALL FAMILY DAY CARE HOME TO A LARGE FAMILY DAY CARE HOME AT 1011 BEN INGRAM LANE - APPLICANT IS RASHIDA KHAN - APPLICATION NUMBER CUP11-0004

WHEREAS, On August 4, 2011, Rashida Khan submitted an application for a Conditional Use Permit to expand a small family day care home to a large family day care home with up to 14 children on her residentially zoned property at 1011 Ben Ingram Lane, and

WHEREAS, a Conditional Use Permit is necessary for land use approval of a large family day care home within residentially zoned property, and

WHEREAS, The project is categorically exempt from the California Environmental Quality and Act requirements under Guidelines Section 15303, which pertains to existing facilities,

WHEREAS, The Planning Commission held a public hearing to review and consider the Conditional Use Permit application on September 28, 2011;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission does hereby approve the Conditional Use Permit application to expand an existing small family day care home to a large family day care home at 1011 Ben Ingram Lane, Application Number CUP11-0004, subject to the conditions as stated in Exhibit "1," attached and made part hereof, based on the following findings:

1. The establishment, maintenance, and/or operation of the proposed project will not adversely affect or impair the benefits of occupancy, most appropriate development, property value stability, or the desirability of property in the vicinity because the project is compatible with existing adjacent single-family uses. The project site can accommodate the employee parking on-site and parent drop-off and pick-up, and drop-off and pick-up will be at staggered times throughout the day. The driveway is large enough to accommodate vehicles, and there is a large curb on-street to accommodate additional vehicles.
2. The project, as conditioned, will conform to the requirements and intent of the City of Tracy General Plan and Tracy Municipal Code, because the site will remain a residential dwelling unit as its primary land use, and enlarging an in-home day care facility is a minor increase in intensity of the use. Hours of operation will be Monday through Friday from to 6:30am to 6:30pm with outdoor activities restricted to the rear yard during the hours of 9:00am to 5:00pm.
3. The establishment of the project will not, under the circumstances of the particular case, with conditions, be injurious or detrimental to the health, safety, or general welfare of persons or property in the vicinity of the proposed use or structure, or to the general welfare of the City because the children will be supervised at all times and will be restricted to the first floor of the home and in the rear yard and attached garage set up as a play area. In addition, the large family day care home will operate under the regulations of the State of California Child Care Licensing Program that oversees small and large family day care facilities.

* * * * *

The foregoing Resolution 2010-_____ of the Planning Commission was adopted by the Planning Commission on the 28th day of September, 2011, by the following vote:

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

Chair

ATTEST:

Staff Liaison

City of Tracy
Conditions of Approval
Large Family Day Care Home at 1011 Ben Ingram Lane
Application Number CUP11-0004
September 28, 2011

A. General Provisions and Definitions.

A.1. General. These Conditions of Approval apply to:

The Project: A Large Family Day Care Home (Application Number CUP11-0004)

The Property: 1011 Ben Ingram Lane, Assessor's Parcel Number 240-260-25

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 and Engineering 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, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
- d. "Development and Engineering Services Director" means the Development and Engineering Services Director of the City of Tracy, or any other person designated by the City Manager or the Development and Engineering Services Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the place of public assembly located at 213 W. Eleventh Street, Application Number CUP11-0002. The Conditions of Approval shall specifically include all Development and Engineering Services Department 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. Compliance with submitted plans. Except as otherwise modified herein, the project shall be operated in conformance with the California State law as it applies to large family day care facilities and as shown on the plot and floor plan dated September 13, 2011, except as otherwise modified herein.

- A.4. Payment of applicable fees. The applicant shall pay all applicable fees for the project, including, but not limited to, building permit fees, plan check fees, or any other City or other agency fees or deposits that may be applicable to the project.
- A.5. Compliance with laws. 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").
- A.6. Compliance with City regulations. 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. Protest of fees, dedications, reservations, or other exactions. 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. DES Planning Division Conditions

Contact: Kimberly Matlock (209) 831-6430 kimberly.matlock@ci.tracy.ca.us

- B.1. Project Expiration. The Conditional Use Permit approval shall expire six months from the project approval date, unless the use is established or unless an extension is granted by the Planning Commission in accordance with TMC Section 10.08.4350 and 4360 prior to six months from the project approval date.
- B.2. Number of children. The large-family day care home shall not exceed a maximum of 14 children.
- B.3. Outdoor activities. Outdoor activities within the rear yard shall be limited to the hours of 9:00am to 5:00pm.

C. DES Building and Fire Safety Division Conditions

Contact: Kevin Jorgensen (209) 831-6415 kevin.jorgensen@ci.tracy.ca.us

- C.1. Inspections. Prior to obtaining State licensing for a large family day care home, the applicant shall have a pre-inspection completed by the City of Tracy.
- C.2. Alarms. Prior pre-inspection, the applicant shall satisfy the following to the satisfaction of the Building Official:
 - C.2.1. Provide SFM-approved smoke detection and carbon monoxide detection systems.
 - C.2.2. Provide at least one manual alarm device that actuates a signal audible throughout the building at a minimum level of 15 db above ambient noise level. The alarm must be distinctive in tone.
- C.3. Fire Safety Requirements. Prior to the establishment of the large family day care home, the applicant shall provide and maintain the following to the satisfaction of the Building Official:
 - C.3.1. A portable fire extinguisher with a 2A;10B; C rating shall be on site.
 - C.3.2. Rooms used for day care purposes shall not be located above the first story, unless the building is sprinklered.
 - C.3.3. Provide protection from any unenclosed gas-fired water heater or furnace in areas used for child care.
 - C.3.4. Provide a minimum of two exits which are remotely located from each other which provide 32" net clear width and 6'-8" in height.

AGENDA ITEM 2-C

REQUEST

PUBLIC HEARING TO CONSIDER THE FILIOS/DOBLER ANNEXATION AND DEVELOPMENT PROJECT WHICH INCLUDES A GENERAL PLAN AMENDMENT (GPA09-0002) TO RE-DESIGNATE THE SITE FROM URBAN RESERVE 2 TO COMMERCIAL; I-205 CORRIDOR SPECIFIC PLAN AMENDMENT (SPA10-0002) TO ADD THE SITE TO THE SPECIFIC PLAN AREA, DESIGNATE THE SITE GENERAL COMMERCIAL, AND ADD DEVELOPMENT STANDARDS REQUIRED BY EIR MITIGATION MEASURES; ANNEXATION OF THE 43-ACRE PROJECT SITE TO THE CITY OF TRACY AND PREZONE THE SITE PLANNED UNIT DEVELOPMENT (A/P09-0002); AND CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT FOR THE PROJECT – THE APPLICANTS ARE BILL FILIOS FOR GRANT LINE APARTMENTS, LLC AND GARY DOBLER FOR DOBLER FAMILY TRUST

DISCUSSION

Project Description

The proposal is to annex approximately 43 acres of unincorporated land to the City for future commercial development. The Project site is located on the south side of Grant Line Road, north of Byron Road and the Union Pacific rail lines, and west of the Tracy Marketplace Shopping Center (Attachment A).

The Project includes a General Plan Amendment to re-designate the site from Urban Reserve 2 to Commercial; an amendment to the I-205 Corridor Specific Plan to add the site to the Specific Plan area and designate the site General Commercial within the Specific Plan; Annexation of the Project site to the City limits and Prezone the site Planned Unit Development (PUD); and certification of an Environmental Impact Report (EIR) for the Project. The Project also includes the addition of a new section to the Specific Plan (Attachment 1 to the Planning Commission Resolution) containing standards that would apply only to this Project site. These proposed standards are required by EIR Mitigation Measures that were not otherwise included in existing City standards.

The proposed General Commercial designation of the Project is the same Specific Plan designation and zoning as the nearby Tracy Pavilion center (containing Home Depot) and the adjacent Tracy Marketplace Shopping Center.

No specific land uses, buildings, site, or other improvements are proposed at this time. Instead, the property owners are seeking annexation with commercial zoning to attract future commercial tenants to the site. Yet, the EIR analysis assumes the construction of 466,000 square feet of retail and office development in order to form the basis of analysis and identification of potential environmental impacts. If a project is proposed that exceeds 466,000 square feet of floor area or otherwise exceeds the impacts analyzed in the EIR, additional CEQA review may be required at that time.

The Project area is currently used for non-irrigated farming. Three residences are located on the Project site and would eventually be removed as the site experiences commercial development.

City utilities (sewer, water, and storm drainage) will serve the Project. Utility lines will be extended to the site and the developer will pay development impact fees for their proportionate share of system-wide improvements to serve the Project. The developer will also be responsible for widening of Grant Line Road, installation of traffic signals adjacent to the Project, and for the payment of traffic impact fees to help mitigate impacts on the City's roadway system.

The Project's Notice of Preparation and Draft EIR Project description included a proposed amendment to the Specific Plan freeway sign standards. The developer had requested permission to construct a freeway sign for the Project that would be taller and larger than is currently permitted under City standards. After the Draft EIR was published, the applicant withdrew the freeway sign amendment portion of the project and instead, will participate with the City in an upcoming review of the freeway sign standards Citywide. In October, the City Council is scheduled to discuss whether or not to initiate a project to amend the freeway sign standards. Any amendments to freeway sign standards will be submitted to the Planning Commission for review and recommendation to the City Council prior to Council consideration of any amendments to sign standards.

Commercial Development Opportunities

As indicated above, no tenants or specific improvements have been proposed for the site. When buildings are proposed, their design (including the site plan, landscaping, and other details of the project) will be submitted to the Planning Commission and City Council for review through the PUD Preliminary and Final Development Plan process, which is the same process for all of the I-205 Specific Plan area buildings and sites.

This annexation request will set the stage for expansion of the I-205 regional commercial corridor in the future. Although the market demand for commercial space at this time is relatively low, the large size of this site provides an opportunity for one or more commercial anchor tenants who would seek direct freeway exposure to locate in Tracy. Construction of new or expanded retail stores, consumer services, or business offices would contribute to shopping opportunities for residents, employment opportunities, sales tax to support City services, and other benefits.

Attachments B and C contain excerpts from the existing City Zoning and General Plan maps in the vicinity of the Project area. These maps are attached to help depict the context of the proposed Project area and its relationship to the nearby zoning and land use designations.

CEQA Analysis

In accordance with the California Environmental Quality Act (CEQA) an EIR was prepared to analyze the potential environmental impacts of the Project and to evaluate and recommend mitigation measures to reduce the effects from potentially significant impacts. Attached to the proposed Planning Commission Resolution (Attachment F) is a proposed City Council Resolution, with four Exhibits, regarding certification of the EIR. The proposed City Council Resolution contains findings related to significant impacts of the Project, findings related to Project alternatives, findings related to a statement of overriding considerations for impacts that are not fully mitigated, and a mitigation

monitoring and reporting program. All of these items are required by State law. The proposed Planning Commission Resolution recommends that the City Council certify the EIR.

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council take the following action:

1. Certify the Project EIR,
2. Approve the General Plan Amendment,
3. Approve the Specific Plan Amendment,
4. Prezone the site PUD and authorize an application to LAFCo for annexation to the City.

MOTION

Move that the Planning Commission recommend that the City Council take the following action:

1. Certify the Final EIR for the Filios/Dobler Annexation and Development Project;
2. Approve the General Plan Amendment from Urban Reserve 2 to Commercial;
3. Approve the Specific Plan Amendment to add the site to the Specific Plan, designate the site General Commercial, and add a new Section 4.1.2.2 K regarding standards for the Project area; and
4. Prezone the site PUD and authorize an application to LAFCo for annexation to the City

as indicated in the Planning Commission Resolution dated September 28, 2011.

Prepared by Alan Bell, Senior Planner

Reviewed by Bill Dean, Assistant Development and Engineering Services Department Director

Approved by Andrew Malik, Development and Engineering Services Department Director

ATTACHMENTS

Attachment A – Location Map

Attachment B – Existing Zoning in Project Vicinity

Attachment C – Existing General Plan in Project Vicinity

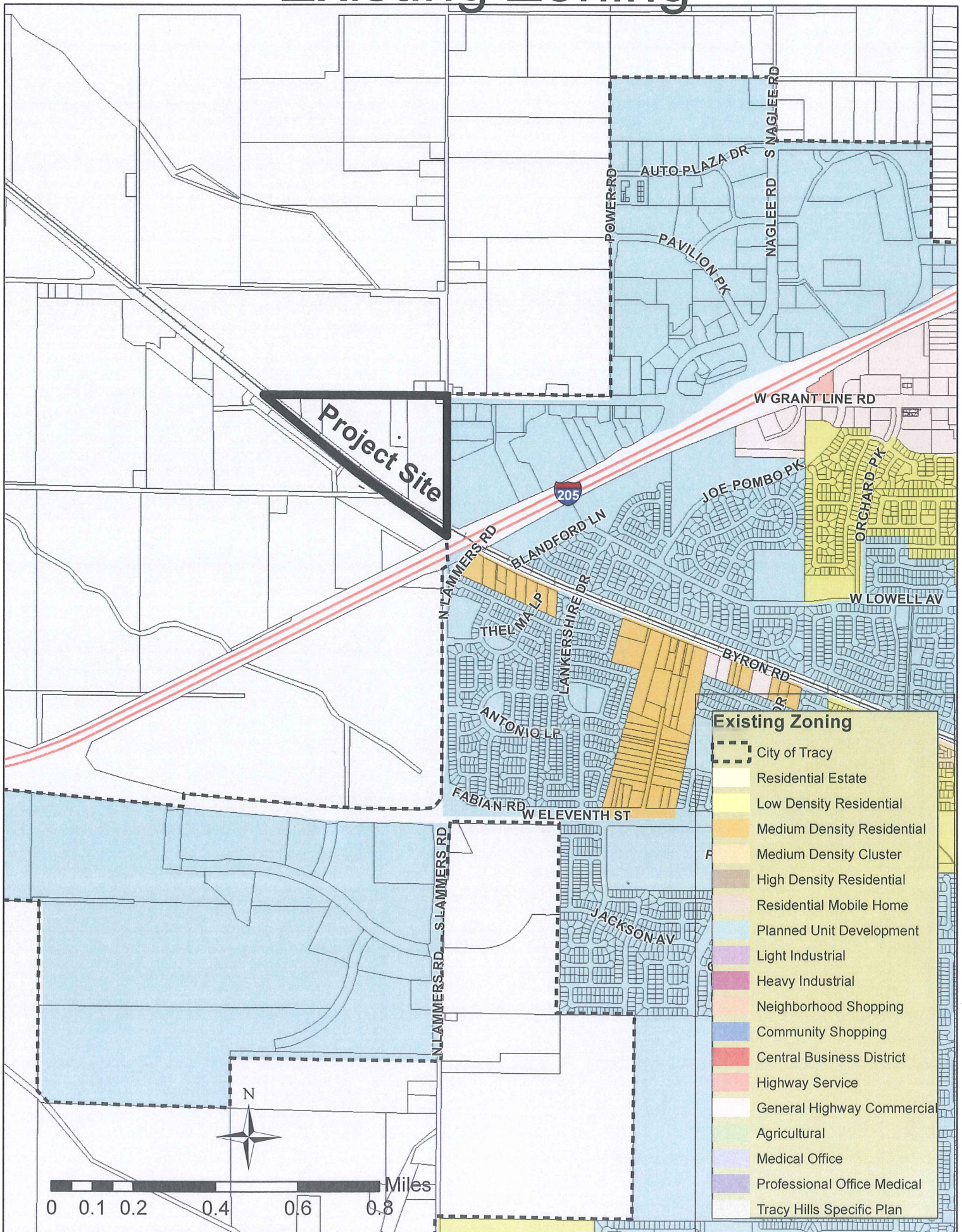
Attachment D – June 2011 Project Draft EIR (Distributed Previously to Planning Commission)

Attachment E – September 2011 Project Final EIR (Distributed Previously to Planning Commission)

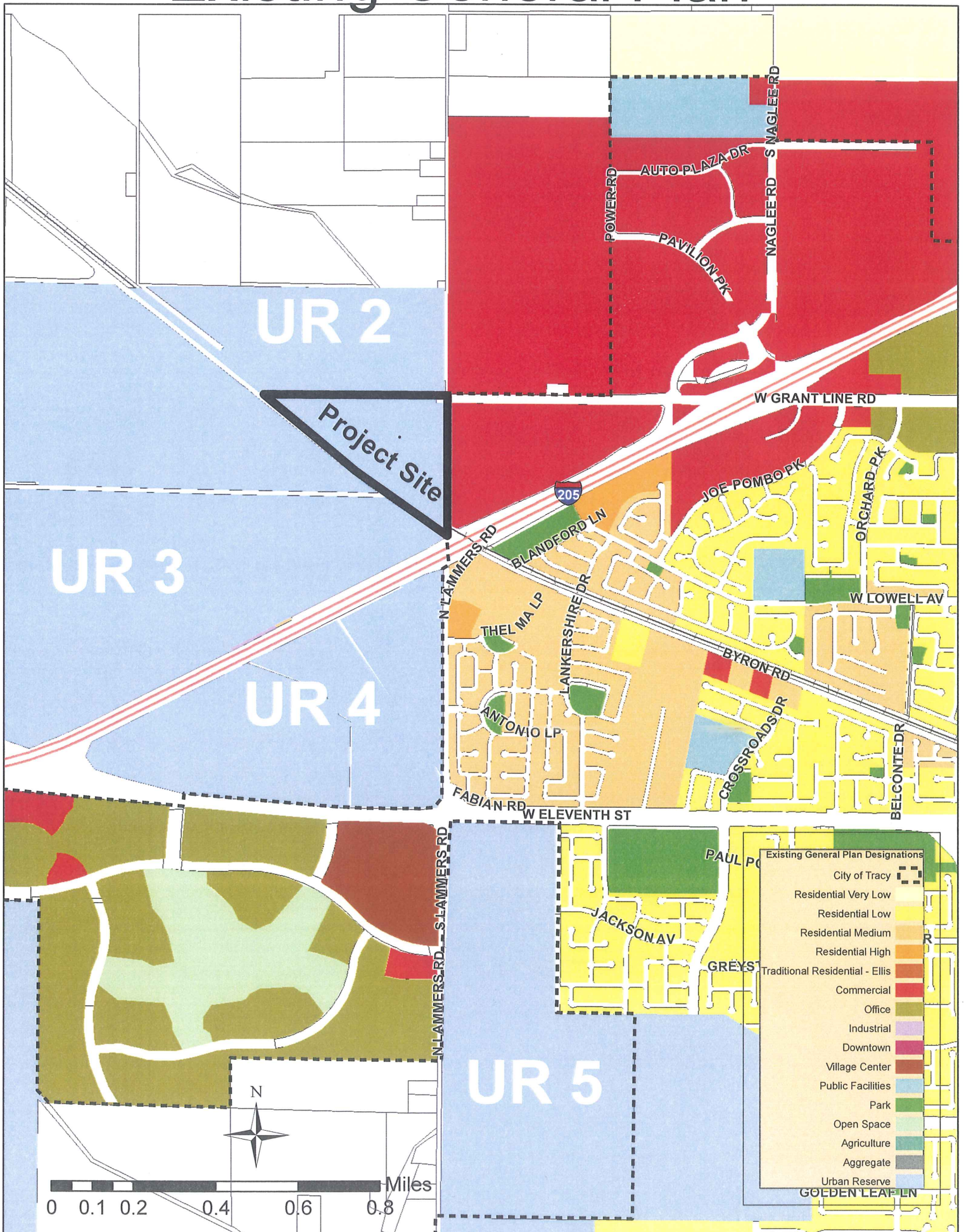
Attachment F – Proposed Planning Commission Resolution (with Exhibit 1, Proposed New Section 4.1.2.2 K to the I-205 Specific Plan; and Exhibit 2, Proposed City Council Resolution Regarding EIR Certification)



Existing Zoning



Existing General Plan



RESOLUTION NO. _____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TRACY
RECOMMENDING
APPROVAL OF A GENERAL PLAN AMENDMENT (GPA09-0002),
I-205 CORRIDOR SPECIFIC PLAN AMENDMENT (SPA10-0002),
ANNEXATION AND PREZONE (A/P09-0002), AND
CERTIFICATION OF A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
FILIOS/DOBLER ANNEXATION AND DEVELOPMENT PROJECT

WHEREAS, Applications have been filed or initiated for a General Plan Amendment to re-designate approximately 43 acres from Urban Reserve 2 to Commercial, amend the I-205 Corridor Specific Plan to add the site to the Specific Plan with a designation of General Commercial, Annex the site to the Tracy City limits, and Prezone the site Planned Unit Development (collectively, the "Project"), and

WHEREAS, The Project would be an expansion of the I-205 regional commercial corridor, providing consumer shopping opportunities, commercial services, jobs, and tax revenue for City services, and

WHEREAS, The Project will have access to City services by extension of existing utilities and payment of a proportionate share of costs for expansion of utility and service systems, and

WHEREAS, The site is located within the City's Sphere of Influence and designated Urban Reserve 2 by the General Plan, the Profile for which includes a mix of commercial and office development, and

WHEREAS, LAFCo's review of the City's Municipal Services Review and Sphere of Influence is currently underway and anticipated to be complete in early 2012, and

WHEREAS, The City determined that the Project requires review pursuant to the California Environmental Quality Act (CEQA), and pursuant to CEQA, an Environmental Impact Report (EIR) was prepared to evaluate the potential environmental effects of the Project, to evaluate potential alternatives to the Project, and to evaluate and recommend mitigation measures for all potentially significant impacts of the Project, and

WHEREAS, The Project EIR is tiered off the General Plan EIR which was certified by the City Council on February 1, 2011 when the General Plan update was approved, and

WHEREAS, The Planning Commission conducted a public hearing to receive public input and review the Project on September 28, 2011;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission as follows:

1. Environmental Impact Report

a. The Planning Commission finds that the EIR has been completed in compliance with the requirements of CEQA and the CEQA Guidelines (14 Cal. Code Regs. sections 15000-15387).

b. The Planning Commission recommends that the City Council take the following actions as contained in the draft resolution (Attachment 2):

- i. Certify the EIR;
- ii. Make findings relating to significant impacts, alternatives, and Statement of Overriding Considerations; and
- iii. Adopt a Mitigation Monitoring and Reporting Program

2. General Plan Amendment (GPA09-0002)

The Planning Commission recommends that the City Council approve the General Plan Amendment.

3. Specific Plan Amendment (SPA10-0002)

a. The Planning Commission finds as follows:

i. The Specific Plan Amendment to add the Project site to the Specific Plan area and designate it General Commercial is consistent with the goals, actions and policies of the Specific Plan and with its purposes, standards and land use guidelines. The Specific Plan was adopted in 1990 to promote economic development along the City's major transportation route. One design goal of the Specific Plan is that the "[p]lan area shall be designed to provide large commercial and industrial sites to attract needed retail and commercial uses to serve the whole town and surrounding region." (Specific Plan, section 2.1.1.) Another design goal of the Specific Plan is that "[r]etail land uses needing and benefiting from the freeway shall be given priority sites. Less extensive services and industrial land uses shall require less proximity to freeway visibility." (Specific Plan, section 2.1.2.) The Specific Plan Amendment is consistent with these and other goals of the Specific Plan. Furthermore, all improvements of the Project will be required (through the Specific Plan development application review process) to conform to all applicable provisions of the Specific Plan, including those for parking, landscaping, shade coverage, driveway location and design, floor area ratio and utilities. For additional discussion as to the Amendment's consistency with the Specific Plan, please see section 4.2 of the Draft EIR (Land Use and Planning).

ii. The Specific Plan Amendment will help achieve a balanced community of all races, age groups, income levels and ways of life.

iii. The Specific Plan Amendment results in development of desirable character which will be compatible with existing and proposed development in the surrounding neighborhood. The designation of the site to General Commercial will contribute to the regional draw for customers seeking consumer retail shops and services. The Specific Plan Amendment will promote the most appropriate development of property within the vicinity by helping to draw customers to the area, thus promoting a synergistic effect of the commercial district already established by the West Valley Mall, Walmart, restaurants, hotels, and other nearby commercial businesses. The Specific Plan Amendment will also result in the extension of and other improvements to Grant Line Road in the vicinity of the Project.

iv. The Specific Plan Amendment contributes to a balance of land uses that will enable local residents to work and shop within the Tracy Planning Area. Populations along the I-205 corridor are increasing and many of the people who make their homes in the area need and desire general commercial and retail services. The Specific Plan Amendment would allow the placement of such services closer to this population base.

v. As outlined in the EIR, the Specific Plan Amendment respects the environmental and aesthetic assets of the community consistent with economic realities.

vi. The Specific Plan Amendment incorporates, where feasible, active and passive energy conservation measures. Populations along the I-205 corridor, are increasing and many of the people who make their homes in the area need and desire general commercial and retail services. The Specific Plan Amendment would allow the placement of such services closer to this population base and therefore reduce the number and length of automobile trips. The Sustainability Action Plan items required specifically for this Project through the EIR (Attachment 1), furthermore, will reduce energy consumption and result in energy efficiency by encouraging carpooling, energy efficient light fixtures, and other measures.

b. The Planning Commission recommends that the City Council approve the Specific Plan Amendment to (1) add the approximately 43-acre site to the Specific Plan area, (2) designate the site General Commercial, and (3) add Section 4.1.2.2 K to the Specific Plan to include specific Sustainability Action Plan and EIR mitigation measures to apply to the Filios/Dobler Project site (Attachment 1).

4. Annexation and Prezone the Site Planned Unit Development (A/P09-0002)

a. The Planning Commission finds as follows:

i. The Annexation and Prezone are consistent with the General Plan in that General Plan Section B.7. requires each Urban Reserve to obtain a zoning district, specific plan or PUD and the PUD (General Commercial designation with the I-205 Specific Plan) is consistent with the Urban Reserve 2 General Plan Statistical Profile (General Plan Section E.2.).

ii. The Annexation and Prezone are required to support the public necessity, convenience, and general welfare because opportunities for consumer access to retail goods and commercial services, jobs production, expansion of local sales tax to support City services, and other benefits of the Project could be realized after Annexation and Prezone of the property.

iii. The Annexation and Prezone application was initiated by owners of two of the properties proposed to be Annexed and Prezoned.

iv. On September 28, 2011, the Planning Commission conducted a public hearing to consider the property owner's application for Annexation and Prezone.

b. The Planning Commission recommends that the City Council Prezone the Project site Planned Unit Development and authorize an application to the San Joaquin County Local Agency Formation Commission for jurisdictional annexation to the City of Tracy.

* * * * *

The foregoing Resolution 2011-_____ was adopted by the Planning Commission on the 28th day of September, 2011, by the following vote:

AYES: Commission Members:
NOES: Commission Members:
ABSENT: Commission Members:
ABSTAIN: Commission Members:

CHAIR

ATTEST:

STAFF LIAISON

I-205 Corridor Specific Plan Amendment for the Filios/Dobler Project Site

The following new Section is added to the I-205 Corridor Specific Plan:

4.1.2.2 K Filios/Dobler Commercial Project Site

The following standards apply specifically to the approximately 43-acre, triangular-shaped, Filios/Dobler Project site, on the south side of Grant Line Road, north of Byron Road and the Union Pacific rail line, and west of the Tracy Marketplace Shopping Center (APNs: 209-270-10, 11, 26, and 31), added to the Specific Plan through Application Number SPA10-0002, City Council Resolution Number _____. The following standards are required mitigation measures from the Filios/Dobler Annexation and Development Project Environmental Impact Report (City Council Resolution Number _____.)

1. A minimum of 1% of on-site parking spaces shall be reserved in close proximity to building primary entrances for hybrid or electric vehicles, carpool, van pool, or car share vehicles.
2. The Project shall contain at least one, publicly accessible, bus/transit stop located within or adjacent to the Project site.
3. Employers are encouraged to provide incentives to employees and visitors for utilizing the transit services, carpooling and van pooling.
4. Except as otherwise provided herein, the minimum number of required off-street parking spaces shall be in accordance with this Specific Plan Section 4.1.2.2 D (Parking and On-Site Vehicular Circulation) or as demonstrated by a parking study approved through the Preliminary and Final Development Plan process, which may result in a lower minimum number of parking spaces.
5. When two or more uses combine their parking into a single adjoining parking lot with common ingress and egress, they may receive a 25% reduction in the required number of off-street parking spaces.
6. Parking lot light fixtures and light fixtures on buildings shall be on full cut-off fixtures, except emergency exit or safety lighting, and all permanently installed exterior lighting shall be controlled by adjustable timers.
7. Sidewalks and bicycle lanes shall be required along the Project frontage in compliance with San Joaquin Council of Governments and City policies.
8. The Project shall pay its proportionate fair share toward the City's traffic development impact fee program that will include the use of Intelligent Transportation Systems, such as traffic signal controllers.

RESOLUTION _____

CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
FILIOS/DOBLER ANNEXATION AND DEVELOPMENT PROJECT
APPLICANTS ARE BILL FILIOS (FOR GRANT LINE APARTMENTS, LLC) AND
GARY DOBLER (FOR DOBLER FAMILY TRUST)
APPLICATION NUMBERS GPA09-0002, SPA10-0002, AND A/P09-0002

WHEREAS, Applications have been filed or initiated for a General Plan Amendment to re-designate approximately 43 acres from Urban Reserve 2 to Commercial, amend the I-205 Corridor Specific Plan to add the site to the Specific Plan with a designation of General Commercial, Annex the site to the Tracy city limits, and Prezone the site Planned Unit Development (collectively, the "Project"), and

WHEREAS, The City of Tracy ("City") determined that the Project requires review pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code sections 21000 et seq.), and pursuant to CEQA an Environmental Impact Report ("EIR") was prepared to evaluate the potential environmental effects of the Project, to evaluate potential alternatives to the Project, and to evaluate and recommend mitigation measures for all potentially significant impacts of the Project, and

WHEREAS, The City published a Notice of Preparation on July 14, 2010 regarding the EIR seeking public and public agency review and comments on topics and issues that should be evaluated in the Draft EIR, and

WHEREAS, On August 11, 2010, the City Planning Commission ("Planning Commission") conducted a public scoping meeting to provide an opportunity for public and public agency input regarding the environmental concerns and issues to be addressed in the EIR, and

WHEREAS, On June 9, 2011, the City published the Notice of Availability and Notice of Completion, starting a 45-day public review and comment period on the Draft EIR, which ended on July 25, 2011, and

WHEREAS, The City submitted the Draft EIR to the State Clearinghouse for state agency review (State Clearinghouse No. 2010072043), and

WHEREAS, On July 13, 2011, the Planning Commission conducted a public hearing to receive comments on the Draft EIR, and

WHEREAS, The Draft EIR made reference to Assembly Bill 231 and the General Plan EIR regarding the CEQA Statement of Overriding Considerations concerning the Project's unavoidable significant impacts. Instead, however, the City Council is relying on the analysis in this EIR to making findings for the overriding considerations, and

WHEREAS, On September 28, 2011, the Planning Commission conducted a public hearing to review the EIR and recommended that the City Council of the City ("City Council") certify the EIR (Planning Commission Resolution Number _____) and adopt the findings in accordance with CEQA, which are more fully set forth in this Resolution, and

WHEREAS, On _____, the City Council conducted a public hearing to review the EIR, and

WHEREAS, The EIR is comprised of the Draft EIR and appendices, comments and a list of those who commented on the Draft EIR, responses to such comments, and revisions to the Draft EIR in response to the comments, and

WHEREAS, the City Council reviewed all evidence presented both orally and in writing and intends to make certain findings in compliance with CEQA, which are more fully set forth in this Resolution;

NOW, THEREFORE, BE IT RESOLVED by the City Council as follows:

1. Certification

The City Council certifies the following:

- a. The EIR has been completed in compliance with the requirements of CEQA and the CEQA Guidelines 914 CA. Code Regs. (hereafter referred to as "Guidelines"). (Guidelines, section 15090(a)(1).)
- b. The EIR was presented to the City Council which reviewed and considered the information contained in the EIR and the record thereof prior to taking action on the Project. (Guidelines, section 15090(a)(2).)
- c. The EIR reflects the independent judgment and analysis of the City Council. (Guidelines, section 15090(3).)

2. Potentially Significant Impacts

- a. The EIR identifies potentially significant environmental impacts of the Project that can be mitigated to a less-than-significant level. The City Council makes the findings with respect to these significant impacts as set forth in Exhibit A (Pub. Resources Code, section 21081; Guidelines, section 15091.)
- b. The EIR identifies potentially significant impacts that cannot be mitigated to a less-than-significant level and are thus considered significant and unavoidable. The City Council makes the findings with respect to these significant and unavoidable impacts as set forth in Exhibit A. (Pub. Resources Code, section 21081; Guidelines, section 15091.) For these impacts that are identified as significant and unavoidable, the City Council finds, based on substantial record evidence, that mitigation is infeasible because specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures that would avoid these impacts or reduce them to a less-than-significant level.
- c. All other impacts identified in the EIR are less than significant without mitigation. Therefore, further findings are not required for those impacts.

3. Alternatives

The EIR includes three Project alternatives, including the mandatory No Project alternative, which the City evaluated during Project analysis and review and in the EIR. The City Council finds these alternatives to be infeasible based on the findings as set forth in Exhibit B (Pub. Resources Code, section 21081; Guidelines, section 15091.)

4. Statement of Overriding Considerations

The adoption of all feasible mitigation measures will not avoid or reduce to a less-than-significant level all significant adverse environmental effects caused by the Project. However, the City Council finds that the Project's benefits override and outweigh its unavoidable impacts on the environment, and adopts a Statement of Overriding Considerations, as set forth in Exhibit C. (Pub. Resources Code, section 21081(b); Guidelines, sections 15043 and 15093.)

5. Mitigation Monitoring and Reporting Program

The City Council adopts the Mitigation Monitoring and Reporting Program as set forth in Exhibit D. (Pub. Resources Code, section 21081.6; Guidelines, 15097.)

6. Other Findings and Information

a. The City Council finds that there has been no significant new information that has been obtained by the City or added to the EIR after public notice was given of the availability of the Draft EIR. This includes information showing that:

i. A new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented;

ii. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;

iii. A feasible Project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the Project, but the Project's proponents decline to adopt it; or

iv. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Therefore, the City Council finds that it is not necessary to recirculate the Draft EIR for further public review and comment. (Pub. Resources Code, section 21166; Guidelines, section 15088.5)

b. The record upon which all findings and determinations related to the Project and the EIR are based includes the following, all of which constitute substantial evidence:

- i. The EIR, and all documents referenced in or relied upon by the EIR;
 - ii. All information (including written evidence and testimony) considered by City staff and/or provided by City staff to the Planning Commission or City Council related to the EIR or the proposed approvals for the Project;
 - iii. All information (including written evidence and testimony) presented to the Planning Commission or City Council by the environmental consultant and sub-consultants who prepared the EIR, or incorporated into reports presented to City staff and/or to the Planning Commission or City Council;
 - iv. All information (including written evidence and testimony) presented to the City by other public agencies relating to the EIR or the Project;
 - v. All applications, letters, testimony and hearing presentations given by any of the Project sponsors or their consultants to the City in connection with the Project;
 - vi. All information (including written evidence and testimony) presented to the City by members of the public relating to the EIR or the Project;
 - vii. For documentary and information purposes, all City-adopted land use plans and ordinances, including, without limitation, general plans, specific plans, and ordinances, and all environmental impact reports and other CEQA documentation prepared in support of City's consideration and adoption of those regulations and policies;
 - viii. The Mitigation Monitoring and Reporting Program for the Project; and
 - ix. All other documents comprising the record of proceedings pursuant to Public Resources Code section 21167.6(e).
- c. The findings contained in this Resolution are based upon substantial evidence in the entire record of the City's proceedings relating to the Project. All the evidence supporting these findings was presented in a timely fashion, and early enough to allow adequate consideration by the City. Any information not presented directly to the City Council and the Planning Commission is nonetheless considered to have been before the City Council and the Planning Commission because that information contributed to City staff's consideration and presentation to the City Council and the Planning Commission of the Project and its environmental impacts, mitigation measures and alternatives. References to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the findings. Any reference to certain parts of the EIR set forth in these findings are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

d. The custodian of the documents and other materials that constitute the record of proceedings on which the City's decision is based is the Director of Development and Engineering Services, or designee. Such documents and other materials are located at 333 Civic Center Plaza, Tracy, California 95376. (Pub. Resources Code, section 21081(a)(2); Guidelines, section 15091(e).)

* * * * *

The foregoing Resolution was adopted by the City Council on the ____ day of _____, 2011, by the following vote:

AYES:	Council Members:
NOES:	Council Members:
ABSENT:	Council Members:
ABSTAIN:	Council Members:

Mayor

ATTEST:

City Clerk

EXHIBIT A

FINDINGS RELATED TO SIGNIFICANT IMPACTS

A. Significant Impacts that are Mitigated to a Less-Than-Significant Level

Based upon the criteria set forth in the EIR and the administrative record of this proceeding, the City Council finds, based on substantial record evidence, that the following environmental effects of the Project are potentially significant but will be mitigated to a less-than-significant level. (Pub. Resources Code, section 21081; Guidelines, section 15091.)

1. Land Use and Planning

a. Impacts and Mitigation Measures

Impact 4.2-1: The proposed Project could conflict with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.

Mitigation Measure 4.2-1: Prior to the issuance of building permits, the Project property owners shall either pay the appropriate fee or dedicate, as conservation easements or fee title, habitat lands as prescribed by the San Joaquin County Council of Governments to compensate for the loss of Habitat Land and its conversion to urban use.

b. Findings

The City finds that, pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in or incorporated into the Project, which would mitigate or avoid potential conflicts with the SJMSCP as identified in the Final EIR. The City further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

c. Facts in Support of Findings

Implementation of Mitigation Measure 4.2-1, requiring compensation for the loss of habitat and its conversion to urban use, would fulfill the mitigation requirements of the SJMSCP and reduce impacts to less than significant.

2. Aesthetics

a. Impacts and Mitigation Measures

Impact 4.3-2: Implementation of the proposed Project may generate additional light and glare beyond existing conditions.

Impact 4.3-3: The proposed Project could result in a cumulatively considerable aesthetic impact.

EXHIBIT A

Mitigation Measure 4.3-2a: All construction-related lighting shall be locate and aimed away from adjacent residential areas and consist of the minimal wattage necessary to provide safety at the construction site.

Mitigation Measure 4.3-2b: The Project applicant shall ensure that any exterior lighting does not spill over onto the adjacent uses in accordance with Tracy Municipal Code Section 10.08. Adequate lighting in accordance with City of Tracy Standard Plan 154 shall be provided to ensure the safety and security of pedestrians and vehicular movements.

b. Findings

The City finds that, pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in or incorporated into the Project, which would mitigate or avoid potential impacts associated with the generation of additional sources of light and glare as identified in the Final EIR. The City further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

c. Facts in Support of Findings

Construction-related light and glare impacts would be less than significant with implementation of Mitigation Measure 4.3-2a, which would require nighttime security lighting to be located and aimed away from adjacent residential areas and consist of minimal wattage necessary to provide safety at the construction site. Implementation of Mitigation Measure 4.3-2b would ensure that any exterior lighting would not spill over onto adjacent uses and would reduce impacts from permanent sources of light and glare to less than significant.

3. **Air Quality**

a. Impacts and Mitigation Measures

Impact 4.5-1: Implementation of the Project would result in temporary construction-related dust and vehicle emissions within the Project site.

Mitigation Measure 4.5-1a: Prior to the issuance of any grading, building, or other construction permit, the Project applicant shall demonstrate conformance with SJVAPCD Rule VIII to the satisfaction of SJVAPCD. The Development and Engineering Services Department shall require that the grading plans, building plans, and specifications stipulate compliance with the control measures in SJVAPCD Regulation VIII. The mitigation could include the following or may include other measures as determined by the SJVAPCD:

- Properly and routinely maintain all construction equipment, as recommended by manufacturer's manuals, to control exhaust emissions.
- Shut down equipment when not in use for extended periods of time, to reduce exhaust emissions associated with idling engines.
- Encourage ride-sharing and use of transit transportation for construction employees commuting to the project site.

EXHIBIT A

- Use electric equipment for construction whenever possible in lieu of fossil fuel-fired equipment.
- Curtail construction during periods of high ambient pollutant concentrations.
- Construction equipment shall operate no longer than eight cumulative hours per day.
- All construction vehicles shall be equipped with proper emission control equipment and kept in good and proper running order to reduce NOx emissions.
- All construction activities within the project site shall be discontinued during the first stage smog alerts.
- Construction and grading activities shall not be allowed during first stage ozone alerts. (First stage ozone alerts are declared when ozone levels exceed 0.20 ppm for the 1-hour average.)

Mitigation Measure 4.5-1b: Prior to the issuance of any grading, building, or other construction permit, the Project applicant shall demonstrate conformance with SJVAPCD Rule VIII to the satisfaction of the SJVAPCD. The Development and Engineering Services Department shall require that the grading plans, building plans, and specifications stipulate that, in compliance with the fugitive dust control measures in SJVAPCD Regulation VIII. The mitigation could include the following or may include other measures as determined by SJVAPCD:

- Water previously disturbed exposed surfaces (soil) a minimum of three-times/day or whenever visible dust is capable of drifting from the site or approaches 20 percent opacity.
- Water and haul roads (unpaved) a minimum of three-times/day or whenever visible dust from such roads is capable of drifting from the site or approaches 20 percent opacity.
- All access roads and parking areas shall be covered with asphalt-concrete paving or water sprayed regularly.
- Dust from all onsite and offsite unpaved access roads shall be effectively stabilized by applying water or using a chemical stabilizer or suppressant.
- Reduce speed on unpaved roads to less than 15 miles per hour.
- Install and maintain a trackout control device that meets the specifications of SJVAPCD Rule 8041 if the site exceeds 150 vehicle trips per day or more than 20 vehicle trips per day by vehicle with three or more axles.
- Stabilize all disturbed areas, including storage piles, which are not being actively utilized for construction purposes using water, chemical stabilizers or by covering with a tarp, other suitable cover or vegetative ground cover.
- Control fugitive dust emissions during land clearing, grubbing, scraping, excavation, leveling, grading or cut and fill operations with application of water or by presoaking.
- When transporting materials offsite, maintain a freeboard limit of at least six inches and cover or effectively wet to limit visible dust emissions.
- Limit and remove the accumulation of mud and/or dirt from adjacent public roadways at the end of each workday. (Use of dry rotary brushes is prohibited except when preceded or accompanied by sufficient wetting to limit visible dust emissions and use of blowers is expressly forbidden.)
- Stabilize the surface of storage piles following the addition or removal of materials using water or chemical stabilizer/suppressants.
- Remove visible track-out from the site at the end of each workday.

EXHIBIT A

- Cease grading activities during periods of high winds (greater than 20 miles per hour [mph] over a one-hour period).
- Asphalt-concrete paving shall comply with SJVAPCD Rule4641 and restrict use of cutback, slow-cure, and emulsified asphalt paving materials.
- Grading should be conducted in phases.
- The Project site shall not be cleared of existing vegetation cover for the preparation of construction until the issuance of grading permits required by construction.
- The Project applicant shall revegetate graded areas as soon as it is feasible after construction is completed.

b. Findings

The City finds that, pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in or incorporated into the Project, which would mitigate or avoid potential impacts from air pollutant emissions during construction activities as identified in the Final EIR. The City further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

c. Facts in Support of Findings

Short-term air quality impacts during construction would be less than significant with implementation Mitigation Measures 4.5-1a and 4.5-1b, which require conformance with the San Joaquin Air Pollution Control District's (SJAPCD's) Rule VIII regulating fugitive dust and controlling equipment exhaust emissions.

4. **Biological Resources**

a. Impacts and Mitigation Measures

Impact 4.7-1: Construction in the Project area could disturb nesting Swainson's Hawk and result in the loss of foraging habitat.

Impact 4.7-2: The proposed Project could disturb nesting Burrowing Owls and result in the loss of occupied Burrowing Owl habitat.

Impact 4.7-3: The proposed Project could disturb nesting White-Tailed Kites and result in injury or mortality to individuals.

Impact 4.7-4: The proposed Project could disturb nesting Loggerhead Shrikes and result in injury or mortality to individuals.

Impact 4.7-5: The proposed Project could disturb nesting California Horned Larks and result in injury or mortality to individuals.

Impact 4.7-6: The proposed Project could result in injury or mortality to, and loss of foraging and refuge habitat for, San Joaquin Kit Foxes.

EXHIBIT A

Impact 4.7-8: Grading and construction within the Project area would result in temporary noise impacts to nearby Swainson's Hawks and Burrowing Owls.

Mitigation Measure 4.7-1: Prior to the issuance of grading or building permits, the Project applicant shall either pay the appropriate fee or dedicate, as conservation easements or fee title, habitat lands as prescribed by the San Joaquin County Council of Governments to compensate for the loss of habitat and its conversion to urban use.

Impact 4.7-7: The proposed Project could result in the injury of mortality and the disturbance of maternity colonies of Pallid Bat and SJMSCP-covered bat species.

Mitigation Measure 4.7-7: The Project applicant shall implement take minimization measures, adopted in the SJMSCP to avoid take of other bat species, to minimize take of pallid bats during the breeding season (April-September).

b. Findings

The City finds that, pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in or incorporated into the Project, which would mitigate or avoid potential impacts to special-status species and nesting birds and raptors as identified in the Final EIR. The City further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

c. Facts in Support of Findings

Potential impacts to special-status species and nesting birds and raptors would be less than significant with implementation of Mitigation Measure 4.7-1 requiring compensation for the loss of habitat and its conversion to urban use either through the payment of the appropriate fee or dedication, as a conservation easement or fee title, of habitat lands as prescribed by the San Joaquin Council of Governments.

5. Cultural Resources

a. Impacts and Mitigation Measures

Impact 4.8-1: Project implementation may cause a substantial adverse change to an unknown historical or archeological resource, or result in the damage or destruction of unknown paleontological resources or human remains.

Mitigation Measure 4.8-1: If subsurface deposits believed to be cultural or human in origin are discovered during the construction of the Project, then all work shall halt within a 200-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, shall be retained at the Project sponsor's expense to evaluate the significance of the find. Work shall not continue at the discovery site until the archaeologist conducts sufficient research

EXHIBIT A

and data collection to make a determination that the resource is either: 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the National Register of Historic Places or the California Register or Historical Resources.

If a potentially-eligible resource is encountered, then the archaeologist, lead agency and Project sponsor shall arrange for either: 1) total avoidance of the resource, if possible; or 2) test excavations to evaluate eligibility and, if eligible, data recovery as mitigation. The determination shall be formally documented in writing and submitted to the lead agency and filed with the North Central Information Center as verification that the provisions in this mitigation measure have been met.

If human remains of any kind are found during construction activities, all activities shall cease immediately and the San Joaquin County Coroner be notified as required by state law (Section 7050.5 of the Health and Safety Code). If the coroner determines the remains to be of Native American origin, he or she shall notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the most likely descendant(s) (MLD) to be consulted regarding treatment and/or reburial of the remains (Section 5097.98 of the Public Resources Code). If an MLD cannot be identified, or the MLD fails to make a recommendation regarding the treatment of the remains within 48 hours after gaining access to the remains, the City shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. Work can continue once the MLD's recommendations have been implemented or the remains have been reburied if no agreement can be reached with the MLD (Section 5097.98 of the Public Resources Code).

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.

b. Findings

The City finds that, pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in or incorporated into the Project, which would mitigate or avoid the potential impacts on historical, archaeological and paleontological resources and human remains as identified in the Final EIR. The City further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

c. Facts in Support of Findings

Potential impacts to cultural resources, including human remains, would be less than significant with implementation of Mitigation Measures 4.8-1 requiring work to halt if subsurface deposits believed to be cultural or human in origin are discovered and retention of a qualified archaeologist to evaluate the find. If a potentially eligible resource is encountered, human remains are found or any

EXHIBIT A

fossils are identified, Mitigation Measure 4.8-1 provides the necessary steps to follow.

6. Geology and Soils

a. Impacts and Mitigation Measures

Impact 4.9-2: The proposed Project could result in substantial soil erosion or the loss of topsoil.

Impact 4.9-3: The proposed Project could be located on a geologic formation unit or soil that is unstable, or that would become unstable as a result of construction and potentially result in liquefaction.

Impact 4.9-4: The proposed Project could be located on expansive soil, as defined in Table 18-1-B of the California Building Code (1994), creating substantial risks to life or property.

Mitigation Measure 4.9-2: In accordance with CBC (Title 24, Part 2) Section 1804A.3 and A.5, and the requirements of Tracy General Plan Objective SA-1.1, Policy 1, liquefaction and seismic settlement potential shall be addressed in design-level geotechnical engineering investigations. The Development and Engineering Services Department shall ensure that all the pertinent sections of the CBC shall be adhered to in the construction of buildings on the Project site, and that all appropriate measures are implemented in order to reduce the risk of liquefaction and seismic settlement prior to the issuance of a building permit.

b. Findings

The City finds that, pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in or incorporated into the Project, which would mitigate or avoid potential impacts associated with soil erosion, unstable soil and expansive soil as identified in the Final EIR. The City further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

c. Facts in Support of Findings

Implementation of Mitigation Measure 4.9-2 requiring preparation of design-level geotechnical engineering investigations and adherence to recommendations contained therein would reduce impacts associated with soil erosion, unstable soil and expansive soil to less than significant.

7. Hazards and Hazardous Materials

a. Impacts and Mitigation Measures

Impact 4.10-1: Short-term construction activities and long-term operations at the Project site may create a significant hazard to the public or environment through accident conditions involving the release of hazardous materials.

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Mitigation Measure 4.10-1a: Prior to demolition and/or rehabilitation activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to determine the presence or absence of asbestos-containing materials (ACMs). If ACMs are located, abatement shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with San Joaquin Valley Air Pollution Control District (SJVAPCD) Rule 4002.

Mitigation Measure 4.10-1b: If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste shall be evaluated independently from the building material for lead by a qualified Environmental Professional. If lead-based paint is found, abatement shall be completed by a qualified Lead Specialist prior to any activities that would create lead dust or fume hazard. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall notify the City when abatement activities have been completed in accordance with state requirements.

Mitigation Measure 4.10-1c: Prior to issuance of a grading permit, soil sampling shall occur within the portions of the Project site that have historically been utilized for agricultural purposes and may contain pesticide residues in the soil, as determined by a qualified Phase II/Site Characterization specialist. The sampling, conducted in consultation with the San Joaquin County Environmental Health Department (EHD), shall determine if pesticide concentrations exceed established regulatory requirements and shall identify further site characterization and remedial activities, if necessary. Should further site characterization/remedial activities be required, these activities shall be conducted per the applicable regulatory agency requirements, as directed by the EHD.

Mitigation Measure 4.10-1d: Prior to issuance of building permits, a qualified Site Characterization specialist shall review existing Site Characterization documents with regard to onsite contaminated soils associated with adjacent pipeline leaks. If such review identifies significant data gaps and, if required by the Central Valley Regional Water Quality Control Board (RWQCB), the Site Characterization specialist, in consultation with Chevron and RWQCB, shall conduct Site Characterization at the Project site. Upon completion of the review (and updated Site Characterization activities, if needed), the Site Characterization specialist shall recommend remedial activities, if necessary, in consultation with RWQCB.

Mitigation Measure 4.10-1e: Prior to issuance of building permits, a vapor intrusion screening evaluation shall be conducted by a qualified Environmental Professional, in consultation with the Central Valley Regional Water Quality

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Control Board (RWQCB). Should the screening evaluation indicate that there is a reasonable potential that proposed building(s) could be impacted by vapor intrusion, the Environmental Professional, in consultation with Chevron and RWQCB, shall conduct targeted soil vapor/vapor intrusion investigation(s). Should the investigation(s) determine that proposed building(s) could be impacted by indoor air vapor concentrations above regulatory thresholds, the Environmental Professionals, in consultation with RWQCB, shall recommend specific design measures to be incorporated into the building(s) design that would reduce these indoor air quality concentrations to below regulatory thresholds.

Mitigation Measure 4.10-1f: Prior to issuance of a grading permit, the Project applicant(s) shall submit a Worker Safety Plan for site disturbance/construction activities, in consultation with California Division of Occupational Safety and Health (Cal/OSHA) and the San Joaquin County Environmental Health Department (EHD). The Worker Safety Plan shall include safety precautions (e.g., personal protective equipment or other precautions to be taken to minimize exposure to hazardous materials) to be taken by personnel when encountering potential hazardous material, including potential contaminated groundwater.

Mitigation Measure 4.10-1g: If unknown wastes or suspect materials are discovered during construction by the contractor that are believed to involve hazardous waste or materials, the contractor shall comply with the following:

- Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area
- Notify the City Building Official
- Secure the areas as directed by the City Building Official
- Notify the San Joaquin County Environmental Health Department's (EHD's) Hazardous Waste/Materials Coordinator.

Impact 4.10-3: The Project site is located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, could create a significant hazard to the public or the environment.

Mitigation Measures 4.10-1d and 4.10-1e, above.

Impact 4.10-5: Project implementation may expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Mitigation Measure 4.10-5: Prior to issuance of building permits, all development at the Project site shall satisfy fire flow and hydrant requirements, street widths and design requirements, as established by the City.

b. Findings

The City finds that, pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in or incorporated into the Project, which would mitigate or avoid potential impacts associated with accidental release or exposure to hazardous materials and wildland fires as identified in the Final EIR. The City further finds that the change or alteration in the Project or the

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requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

c. Facts in Support of Findings

Implementation of Mitigation Measures 4.10-1a through 4.10-1g would reduce impacts that might result from accidental release or exposure to hazardous materials to less than significant. These measures would require an asbestos survey, LBP evaluation, soil sampling within portions of site utilized for agricultural purposes, a Site Characterization to address onsite contaminated soils from adjacent pipeline leaks, vapor intrusion investigations, and stopping work and notifying the City Building Official if unknown wastes or suspect materials are discovered during construction. In addition, impacts associated with wildland fires would be less than significant with implementation of Mitigation Measure 4.10-5 requiring all development to satisfy fire flow and hydrant, street widths and design requirements.

8. Noise

a. Impacts and Mitigation Measures

Impact 4.12-3: Implementation of the proposed Project could result in an increase in ambient noise levels due to operational noise impacts.

Mitigation Measure 4.12-3: Prior to issuance of a building permit, the Project applicant shall demonstrate, to the satisfaction of the Development and Engineering Services Department, that site placement of stationary noise sources would not exceed the City's noise standard of 60 dBA at any adjacent residential district property line inside the City limits, or 65 dBA at an adjacent commercial property line.

b. Findings

The City finds that, pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in or incorporated into the Project, which would mitigate or avoid potential impacts resulting from an increase in ambient noise levels as identified in the Final EIR. The City further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

c. Facts in Support of Findings

Implementation of Mitigation Measure 4.12-3 requiring building permit plans to demonstrate that the site placement of stationary noise sources would not exceed the City noise standards would reduce the impact to less than significant.

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9. Public Services, Utilities, and Service Systems

a. Impacts and Mitigation Measures

Impact 4.13-3: The proposed Project would construct sewer lines, the construction of which could cause significant environmental effects.

Mitigation Measures 4.5-1a and b (in Air Quality Section, above)

Mitigation Measure 4.13-3: Prior to issuance of grading or building permits, whichever occurs first, sewer design calculations shall be prepared for review and approval by the City Engineer to ensure proper sizing of sewer lines and lift stations to meet sewer flow requirements.

Impact 4.13-5: The proposed Project may require additional water lines and/or pump station and water reservoir improvements to provide sufficient water pressure or fire flows, the construction of which could cause significant environmental effects.

Mitigation Measures 4.5-1a and b (in Air Quality Section, above)

b. Findings

The City finds that, pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in or incorporated into the Project, which would mitigate or avoid potential impacts associated with the construction of new sewer lines, and water lines, pump stations and/or water reservoir improvements as identified in the Final EIR. The City further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

c. Facts in Support of Findings

Impacts from the construction of sewer and water improvements would be less than significant with implementation of Mitigation Measures 4.5-1a and b and 4.12-3, which require conformance with the San Joaquin Air Pollution Control District's Rule VII Rule VIII regulating fugitive dust and controlling equipment exhaust emissions and preparation of sewer design calculations to ensure proper sizing of sewer lines and lift stations to meet sewer flow requirements.

10. Transportation/Traffic

a. Impacts and Mitigation Measures

Impact 4.14-2: The proposed Project would add traffic to the unsignalized County (City of Tracy with Project annexation) intersection of Lammers Road and Grant Line Road (Intersection #2). This intersection is projected to operate at an overall LOS F (unacceptable) in the AM and PM peak hour.

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Mitigation Measure 4.14-2: A traffic signal shall be installed at the intersection of Lammers Road and Grant Line Road (Intersection #2). In conjunction with the proposed traffic signal installation, the following geometric improvements shall be constructed:

- Westbound approach – Reconstruct the approach to include one through lane and one through/right-turn lane and a separate left-turn lane.
- Eastbound approach – reconstruct the approach to include one through lane and one shared through/right-turn lane. Provide an acceleration lane east of Lammers Road.
- Northbound approach – Reconstruct the approach to include a shared left-turn/through lane and a right-turn lane. The existing truck exit from Costco would be reconstructed to be part of the intersection and the current truck movements incorporated in the northbound right-turn movement.

The Project applicant shall be responsible for implementation of the above improvements prior to Project occupancy or at a time determined by the City Engineer based on the City's ability to meet City vehicle and pedestrian standards. If all or a portion of this traffic signal improvement is otherwise scheduled by the City to be financed as a Program improvement, the Project applicant may be eligible for reimbursements from future benefitting development in excess of the Project's fair share costs.

Impact 4.14-3: The proposed Project would add traffic to the Caltrans intersection of I-205 eastbound ramps and Grant Line Road (Intersection #6). The intersection is projected to operate at an LOS E (Unacceptable) during the PM and Saturday peak hours.

Mitigation Measure 4.14-3: A second eastbound left-turn and widening of the eastbound on-ramp to two lanes shall be constructed at the intersection of I-205 Eastbound Ramps and Grant Line Road (Intersection #6). To accommodate the second left-turn lane and widening of the ramp, the westbound free right-turn lane shall be modified to be part of the signal operation. The proposed improvement may require a design exemption from Caltrans. This improvement is included in the City's TIF program (Project 72PP-084). The Project shall make a fair share contribution toward implementation of this improvement through the payment of City of Tracy traffic impact fees.

Impact 4.14-4: The proposed Project would add a driveway and traffic at Project Access Road-2 and Grant Line Road (Intersection #17). This intersection is projected to operate at LOS F (unacceptable) in the PM peak hour.

Mitigation Measure 4.14-4: A traffic signal shall be installed at the intersection of Access Road-2 and Grant Line Road (Intersection #17). In conjunction with the traffic signal installation, the following geometric improvements shall be constructed:

- Westbound approach – Provide two through lanes and a left-turn lane.
- Eastbound approach – Provide one through lane and one shared through-right-turn lane.
- Northbound approach – Provide a separate left-turn and right-turn lane.

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The four lane improvement along Grant Line Road would continue along the Project frontage to accommodate traffic flow demand. SimTraffic analysis indicates that four lanes are required to avoid queue overflow between the Project driveways. The Project applicant shall be responsible for implementation of the above improvements prior to project occupancy or at a time determined by the City Engineer based on the City's ability to meet vehicle and pedestrian standards.

Impact 4.14-5: The proposed Project would add a driveway and traffic at Project Access Road-3 and Grant Line Road (Intersection #19) that could result in unsafe conditions.

Mitigation Measure 4.14-5: A westbound left-turn lane for inbound Project traffic shall be provided at the intersection of Access Road-3 and Grant Line Road (Intersection #19). The Project applicant shall be responsible for implementation of the left-turn lane prior to Project occupancy or at a time determined by the City Engineer based on the City's ability to meet vehicle and pedestrian standards.

Impact 4.14-6: (Near term plus Project) The proposed Project, along with near term growth, would result in unacceptable traffic operations at four intersections.

Mitigation Measures 4.14-2 through 4.14-5, above.

Impact 4.14-8: (Cumulative plus Project) The proposed Project, along with cumulative growth, would result in unacceptable operations at four intersections.

Mitigation Measure 4.14-8a: To provide acceptable (LOS D or better) operations at the intersection of Lammers Road/Grant Line Road, a westbound left-turn lane and conversion of one eastbound through lane into a shared through/right-turn lane shall be constructed. These improvements are similar to those recommended in Mitigation Measure 4.14-2. In addition, the northbound approach shall be modified to provide a separate left-turn lane and a shared through/right-turn lane. The Project applicant shall be responsible for implementation of the above improvements prior to occupancy or at a time determined by the City Engineer based on the City's ability to meet City vehicle and pedestrian standards.

Mitigation Measure 4.14-8b: The Project applicant shall make a fair share contribution toward implementation of improvements at the intersection of I-205 Eastbound Ramps/Grant Line Road including the construction of an eastbound loop on-ramp through payment of City traffic impact fees.

Mitigation Measure 4.14-8c: The addition of a traffic signal, westbound left-turn lane (Mitigation Measure 4.14-4), and separate left-turn and right-turn lanes on the northbound approach shall be required at the intersection of Access Road-2/Grant Line Road.

b. Findings

The City finds that, pursuant to Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in or incorporated into the Project,

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which would mitigate or avoid potential traffic impacts as identified in the Final EIR. The City further finds that the change or alteration in the Project or the requirement to impose the mitigation as a condition of Project approval is within the jurisdiction of the City to require, and that this mitigation is appropriate and feasible.

c. Facts in Support of Findings

Implementation of Mitigation Measures 4.14-2 through 4.14-5 would reduce traffic impacts under Project Plus Existing Conditions and Project Plus Near Term Conditions to less than significant. These mitigation measures would require installation of a traffic signal at the intersection of Lammers Road and Grant Line Road; a second eastbound left-turn lane and widening of the eastbound on-ramp to two lanes at the intersection of I-205 Eastbound Ramps and Grant Line Road; installation of a traffic signal at the intersection of Access Road-2 and Grant Line Road; and a westbound left-turn lane for inbound Project traffic at the intersection of Access Road-3 and Grant Line Road.

In addition, Mitigation Measures 4.14-8a through 4.14-8c would reduce traffic impacts under Cumulative Plus Project Conditions. These mitigation measures would require a westbound left-turn lane and conversion of one eastbound through lane into a shared through/right-turn lane at the intersection of Lammers Road and Grant Line Road plus on the northbound approach a separate left-turn lane and a shared through/right-turn lane; a fair share contribution toward improvements at the intersection of I-205 Eastbound Off-Ramp and Grant Line Road; and a traffic signal at the intersection of Access Road-2 and Grant Line Road, and separate right-turn and left-turn lanes on the northbound approach.

B. 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, section 21081; Guidelines section 15091.) However, as explained in the Statement of Overriding Considerations set forth in Exhibit C below, these effects are considered to be acceptable when balanced against the economic, legal, social, technological and/or other benefits of the Project.

1. **Agricultural Resources**

a. Impacts and Mitigation Measures

Impact 4.4-1: The proposed Project would convert prime farmland to non-agricultural use.

Mitigation Measure 4.4-1: Prior to the issuance of building permits, the Project applicant shall pay the appropriate Agricultural Mitigation Fee to the City of Tracy, in accordance with Chapter 13.28 of the Tracy Municipal Code.

Impact 4.4-3: The proposed Project would result in cumulatively considerable impacts to agricultural resources.

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Mitigation Measure: No feasible mitigation is available beyond the payment of fees described in Mitigation Measure 4.4-1.

b. Findings

The City Council finds Impacts 4.4-1 and 4.4-3 to be significant and unavoidable; the mitigation measure listed above is adopted and will reduce this impact, but not to a level of insignificance. The City Council further finds that there are no other feasible mitigation measures available to minimize, reduce or avoid this impact.

c. Facts in Support of Findings

The Project would permanently convert approximately 43 acres of Prime Farmland to non-agricultural use. Although mitigation is included that requires future developers of the Project site to pay fees to preserve farmland elsewhere in the County and/or dedicate agricultural habitat land, there is no mitigation that could completely reduce or minimize this impact since prime agricultural soils cannot be recreated. Thus, the Project would result in a significant and unavoidable impact.

While local and regional programs and regulations would help reduce the cumulative loss of agricultural land throughout the state, the proposed Project in combination with other development projects undertaken in agricultural areas would result in a net permanent loss of agricultural land to non-agricultural use, which would be significant and unavoidable. The Project's contribution would be cumulatively considerable, as there is no way to recreate the agricultural land it would convert to non-agricultural use.

As there is no feasible mitigation to reduce impacts resulting from the conversion of Prime Farmland to a non-agricultural use, this is significant and unavoidable Project impact as well as a significant and unavoidable cumulative impact.

2. **Air Quality**

a. Impacts and Mitigation Measures

Impact 4.5-2: The proposed Project would result in an overall increase in the local and regional pollutant load due to direct impacts from vehicle emissions and indirect impacts from electricity and natural gas consumption.

Mitigation Measure 4.5-2: Prior to issuance of building permits, the Development and Engineering Services Department shall verify that the Project has demonstrated compliance with SJVAPCD Rule 9510, Indirect Source Review (ISR) to the satisfaction of the SJVAPCD. The Project applicant shall coordinate with SJVAPCD to ensure that the Project meets the requirements of SJVAPCD Rule 9510, which requires the following reductions:

- 20 percent of construction-exhaust NO_x
- 45 percent of construction-exhaust PM₁₀
- 33 percent of operational NO_x over 10 years

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-50 percent of operational PM10 over 10 years

The SJVAPCD provides numerous measures to attain the emissions reductions target above, which are available on their website (<http://www.valleyair.org/ISR/ISROnSiteMeasures.htm>). The SJVAPCD allows project applicants to choose to implement the SJVAPCD-approved emissions reduction measures, or pay an emission based fee to fund off-site emissions reduction projects. If in-lieu fees are required, the Project applicant shall coordinate with SJVAPCD to calculate the amount of the fees required to off-set Project impacts.

Impact 4.5-3: Implementation of the proposed Project could conflict with the most recent air quality management plan.

Mitigation Measure: Implement Mitigation Measure 4.5-2. No other feasible mitigation measures are available.

Impact 4.5-4: Implementation of the proposed Project could impact regional air quality levels on a cumulatively considerable basis.

Mitigation Measures: Implement Mitigation Measures 4.5-1a, 4.5-1b, and 4.5-2. No other feasible mitigation measures are available.

b. Findings

The City Council finds Impacts 4.5-2, 4.5-3, and 4.5-4 to be significant and unavoidable; the mitigation measures listed above are adopted and will reduce these impacts, but not to a level of insignificance. The City Council further finds that there are no other feasible mitigation measures available to minimize, reduce or avoid these impacts.

c. Facts in Support of Findings

Mobile source emissions generated by vehicle traffic associated with the proposed Project would exceed established SJVAPCD thresholds. Although mitigation is included that requires compliance with SJVAPCD's Rule 9510 (Indirect Source Rule [ISR]) to reduce emissions, the impact would remain significant and unavoidable.

The proposed Project would result in significant air quality impacts and would, therefore, conflict with the applicable air quality management plan. The significant air quality impacts could contribute to a pollutant for which the area is non-attainment. Despite mitigation, this impact would remain significant and unavoidable.

Since construction emissions from future development projects within the Project area cannot be mitigated to a less than significant level, operation of those projects would exceed SJAVPCD thresholds, and the construction and operation of 466,000 square feet of commercial and office uses would have similar significant and unavoidable impacts. Thus, cumulative impacts would be considered significant and unavoidable.

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The proposed Project would be consistent with the City of Tracy General Plan (City General Plan) vision for UR 2 land use designation. The City of Tracy General Plan Environmental Impact Report (General Plan EIR) analyzed the long-term development of the City and found that buildout under the City General Plan is projected to lead to substantial increases in vehicle travel and contribute to existing air quality issues in the Basin. These air quality impacts associated with increases in regional traffic are anticipated to occur after 2030, constituting a cumulatively significant impact. As a result, the proposed Project would have significant air quality impact at both the Project and the cumulative level.

3. Greenhouse Gas Emissions

a. Impacts and Mitigation Measures

Impact 4.6-1: Greenhouse gas emissions generated by the proposed Project would have a significant impact on the environment.

Mitigation Measure: No feasible mitigation beyond measures included in the General Plan and Sustainability Action Plan are available.

Impact 4.6-3: Greenhouse gas emissions resulting from development associated with implementation of the proposed Project would impact greenhouse gas levels on a cumulatively considerable basis.

Mitigation Measure: No feasible mitigation beyond measures included in the General Plan and Sustainability Action Plan are available.

b. Findings

The City Council finds Impacts 4.6-1 and 4.6-3 to be significant and unavoidable; the mitigation measures contained within the General Plan and the Sustainability Action Plan will reduce the impacts, but not to a level of insignificance. The City Council further finds that there are no other feasible mitigation measures available to minimize, reduce or avoid these impacts.

c. Facts in Support of Findings

An evaluation of potential impacts related to greenhouse gas (GHG) emissions is found in Section 4.6 (Greenhouse Gas Emissions) of the Draft EIR.

Emissions reductions from Project-design features and implementation of the City's Sustainability Action Plan Strategies E-2, T-2, and T-17 would reduce greenhouse gas emissions by 18 percent and implementation of the Sustainability Action Plan would achieve a 22 to 28 percent reduction in greenhouse gas emissions from business-as-usual conditions throughout the City. However, the SJVAPCD requires a 29 percent reduction from business-as-usual projected emissions for greenhouse gas impacts to be considered less than significant.

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Although the proposed Project would be consistent with the City's General Plan and Sustainability Action Plan and would incorporate relevant measures within the Sustainability Action Plan, Project GHG emissions would not meet SJVAPCD criteria and impacts would be significant and unavoidable. Because the Project's impacts associated with GHG emissions would be significant and unavoidable, the Project's cumulative-related GHG emissions would also be significant and unavoidable.

FINDINGS RELATED TO ALTERNATIVES

The EIR describes and evaluates three 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 these alternatives to be infeasible. To be feasible, an alternative must be capable of being successfully accomplished within a reasonable period of time, taking into account environmental, economic, legal, social, technological and/or other relevant factors, and it must reduce or avoid potentially significant impacts of the Project. A key factor is the degree to which the Project and alternatives to the Project will implement relevant City goals and policies.

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 as conditioned and mitigated offers a reasonable and desirable means for achieving important City goals, policies and objectives including, among others, providing additional opportunities for Tracy residents to gain access to retail goods and consumer and office services, creating opportunities for new businesses to start or expand, building out and implementing the Tracy General Plan, and providing additional employment opportunities for Tracy residents. 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. 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 relating to economic development, community development and employment.

The City Council finds that alternatives analyzed in the EIR constitute a reasonable range of alternatives. These alternatives were selected for analysis because they satisfy most of the Project objectives (with the exception of the No Project alternative, which was analyzed to comply with CEQA) and because they reduce or avoid some or all of the potentially significant environmental impacts of the proposed Project. The mixed-use development alternative (Alternative B) provides the decision makers and the public with an analysis of the impacts of the Project developing with a mix of high density residential, commercial, and office uses consistent with the Commercial land use designation identified in the City General Plan. The industrial development alternative (Alternative C) provides the decision makers and the public with a comparison to development under a General Plan designation of Industrial instead of Commercial and land uses including warehouse, distribution, and mini storage. Overall, this constitutes a reasonable range of alternatives given the Project objectives, the limited scope of the Project and the site overall, and the existence of substantial, established surrounding land uses, land use patterns and infrastructure.

A. No-Project/No Build (Status Quo) Alternative

Under the No Project/No Build (Status Quo) Alternative (Alternative A), there would be no physical or operational changes at the Project site and, thus, the existing conditions would remain unchanged. The Project site would not be annexed to the City, the City General Plan and I-205 Corridor Specific Plan would not be amended, and the site would not be Prezoned Planned Unit Development (PUD).

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Implementation of Alternative A would avoid the Project's significant and unavoidable impacts related to agricultural resources, air quality and GHG emissions as well as potentially significant impacts in the areas of land use and planning, aesthetics, air quality, biological resources, cultural resources, geology and soil, hazards and hazardous materials, hydrology, drainage and water quality, noise, public services, utilities and service systems, and traffic. Because the Project site would continue to be used for hay production and the existing three homes and their associated outbuildings and the existing welding shop would remain, this alternative would not need to seek coverage under the SJMSCP and, thus, would not have any potential to conflict with the plan. However, Alternative A would not be consistent with the City General Plan vision for the Project site. In addition, Alternative A would have potentially greater risk for pesticide exposure and an increased potential for vapor intrusion compared to the proposed Project.

The City Council finds that this alternative is infeasible and less desirable than the proposed Project and rejects this alternative for the following reasons:

Alternative A would not meet the primary Project objectives of implementing the City General Plan, providing for the expansion of the City's regional commercial corridor, developing a Commercial Center of adequate size with reasonable freeway exposure and access to attract new anchor tenants, and constructing commercial and office buildings consistent with the development potential anticipated for the Project site by the City General Plan.

B. Mixed-Use Development Alternative

The Mixed-Use Development Alternative (Alternative B) assumes the Project site would develop with a mix of high density residential, commercial and office uses consistent with the Commercial land use designation identified in the City General Plan. This alternative would require annexation of the Project site to the City; a General Plan amendment to re-designate the Project site from UR 2 to Commercial; and Rezoning the site PUD. This alternative would allow a similar mix of land uses to develop on the Project site as envisioned by the City General Plan statistical profile. However, this alternative assumes a little less than half the land envisioned for commercial uses (approximately 16 acres) would be developed with residential uses, since the Commercial land use designation allows appropriately scaled and designed residential development in the density ranges permitted in the Residential High (RH) designation (12.1 to 25 units per gross acre).

Based on this, Alternative B would include 16 acres of residential uses at a density of 18 units per gross acre (288 multi-family units), 17 acres of commercial uses at an FAR of 0.3 (222,156 square feet) and seven acres of office uses at an FAR of 0.3 (91,476 square feet). Alternative B would allow multiple combinations of uses and building types, which would allow for flexibility of uses within the site. As a result, uses could be mixed in varying combinations or not mixed at all (e.g., a building could contain first floor retail with residential above, or only residential).

Implementation of Alternative B would reduce impacts related to aesthetics, air quality and greenhouse gas emissions. Because Alternative B would have the same development footprint, there would be no substantial changes in impacts associated with agricultural resources, biological resources, cultural resources, hydrology, drainage, and water quality, and traffic. Greater impacts would result in the areas of land use and planning, geology and soils,

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hazards and hazardous materials, noise, and public services, utilities and service systems under Alternative 2.

The City Council finds that this alternative is infeasible and less desirable than the proposed Project and rejects this alternative for the following reasons:

Alternative B would not meet the Project objectives of developing a Commercial Center of adequate size with reasonable freeway exposure and access to attract new anchor tenants, remaining consistent with the I-205 Corridor Specific Plan, and constructing commercial and office buildings consistent with the development potential anticipated for the Project site by the City General Plan.

C. Industrial Development Alternative

The Industrial Development Alternative (Alternative C) assumes that the Project site would be developed with industrial uses such as warehouse, distribution and mini storage. This alternative would require annexation of the Project site to the City; a General Plan amendment to re-designate the Project site from UR 2 to Industrial; an amendment to the I-205 Corridor Specific Plan to add the Project site to the Specific Plan and designate it Light Industrial; and Rezoning the site PUD. Under this alternative, 33 acres of the site would develop with warehouse and distribution uses and the remaining seven acres with mini storage. Based on the I-205 Corridor Specific Plan's FAR of up to 0.5 for warehouse/distribution uses (and applying this same maximum FAR to mini storage uses), 33 acres of warehouse/distribution could accommodate a maximum of 718,740 square feet of floor area and seven acres of mini storage could include up to 152,460 square feet.

Although impacts associated with land use and planning, hydrology and water quality, and noise would be slightly greater under Alternative C, the majority of impacts would be the same or reduced compared to those identified for the proposed Project. Impacts associated with agricultural resources, biological resources, cultural resources and transportation/traffic would be equivalent under Alternative C. However, Alternative C would result in reduced impacts in the areas of aesthetics, geology and soils, greenhouse gas emissions, hazards and hazardous materials, and public services, utilities and service systems. Some impacts associated with air quality would be reduced and some would be greater.

The City Council finds that this alternative is infeasible and less desirable than the proposed Project and rejects this alternative for the following reasons:

Alternative C would not meet the primary Project objectives of implementing the City General Plan, providing for the expansion of the City's regional commercial corridor, developing a Commercial Center of adequate size with reasonable freeway exposure and access to attract new anchor tenants, and constructing commercial and office buildings consistent with the development potential anticipated for the Project site by the City General Plan.

**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 City Council finds, based on substantial record evidence, that the Project's unavoidable significant impacts are acceptable in light of the Project's specific economic, legal, social, technological and other 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. The Exhibit C also incorporates the findings contained in Exhibit B (relating to Alternatives), and the substantial evidence upon which they are based.

1. The Filios/Dobler Annexation and Development Project would be consistent with and effectuates the City of Tracy's General Plan and other applicable planning and zoning goals, policies, objectives and requirements.
2. The Filios/Dobler Annexation and Development Project would expand the City's regional commercial corridor, which would provide the City with additional sales tax revenue and provide the community with greater opportunities for shopping for goods and services.
3. The Filios/Dobler Annexation and Development Project would provide and maintain connectivity with the existing shopping areas of the I-205 Corridor Specific Plan and increase opportunities for connectivity to residential areas south of the Project site.
4. The Filios/Dobler Annexation and Development Project would result in employment and shopping opportunities adjacent to existing residential and commercial areas, which would provide the benefits of reduced automobile dependence, gasoline consumption, GHG emissions and emissions of other pollutants associated with automobile use, noise pollution and improved congestion on local roadways.
5. The Filios/Dobler Annexation and Development Project, when compared to the other alternatives analyzed in the Final EIR (including the No Project Alternative), provides the best available balance between maximizing the attainment of the Project objectives while minimizing significant environmental impacts.

FILIOS/DOBLER ANNEXATION AND DEVELOPMENT PROJECT

FINAL ENVIRONMENTAL IMPACT REPORT
(State Clearinghouse No. 2010072043)

MITIGATION MONITORING AND REPORTING PROGRAM

Planning Commission Review Draft
September 28, 2011

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
Land Use and Planning					
4.2-1 - Prior to the issuance of grading or building permits, the Project applicant shall either pay the appropriate fee or dedicate, as conservation easements or fee title, habitat lands as prescribed by the San Joaquin County Council of Governments to compensate for the loss of Agricultural Habitat Land and its conversion to urban use.	Require as a condition of Project approval. Project applicant pays fee or dedicates habitat lands.	City Council and Planning Division Planning Division	Draft and incorporate condition as part of Project approval. Prior to issuance of grading or building permits, ensure that fee has been paid or land has been dedicated.	Deny Project approval. Deny grading or building permits.	
Aesthetics					
4.3-2a - All construction-related lighting shall be located and aimed away from adjacent residential areas and consist of the minimal wattage necessary to provide safety at the construction site.	Require as a condition of Project approval. Project applicant submits building permit plans that conform to requirements.	City Council and Planning Division Planning Division	Draft and incorporate condition as part of Project approval. Prior to issuance of building permits, review plans to ensure that requirements of Mitigation Measure 4.3-2a have been met.	Deny Project approval. Deny building permits.	
4.3-2b - The Project applicant shall ensure that any exterior lighting does not spill over onto the adjacent uses in accordance with Tracy Municipal Code Section 10.08. Adequate lighting in accordance with City of Tracy Standard Plan 154 shall be provided to ensure the safety and security of pedestrians and vehicular movements.	Require as a condition of Project approval. Project applicant submits building permit plans that conform to requirements.	City Council and Planning Division Planning Division	Draft and incorporate condition as part of Project approval. Prior to issuance of building permits, review plans to ensure that requirements of Mitigation Measure 4.2-2b have been met.	Deny Project approval. Deny building permits.	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
Agricultural Resources					
4.4-1 - Prior to the issuance of building permits, the Project applicant shall pay the appropriate Agricultural Mitigation Fee to the City of Tracy, in accordance with Chapter 13.28 of the Tracy Municipal Code.	Require as a condition of Project approval. Project applicant pays appropriate fee.	City Council and Planning Division Planning Division	Draft and incorporate condition as part of Project approval. Prior to issuance of building permits, ensure that fee has been paid.	Deny Project approval. Deny building permits.	
Air Quality					
4.5-1a - Prior to the issuance of any grading, building, or other construction permit, the Project applicant shall demonstrate conformance with SJVAPCD Rule VIII to the satisfaction of the SJVAPCD. The Development and Engineering Services Department shall require that the grading plans, building plans, and specifications stipulate compliance with the control measures in SJVAPCD Regulation VIII. The mitigation could include the following or may include other measures as determined by the SJVAPCD:	Require as a condition of Project approval. Project applicant includes relevant measures on plans submitted for grading, building, or other construction permits. Construction contractor implements control measures.	City Council and Planning Division Engineering/Planning Divisions Building Division	Draft and incorporate condition as part of Project approval. Review plans prior to issuance of grading, building, or other construction permits to ensure that requirements described in Mitigation Measure 4.5-1a have been met. Conduct periodic site visits during demolition, grading and construction.	Deny Project approval. Deny grading, building, or other construction permits. Halt demolition, grading or construction until control measures are implemented.	
<ul style="list-style-type: none"> ▪ Properly and routinely maintain all construction equipment, as recommended by manufacturer's manuals, to control exhaust emissions. ▪ Shut down equipment when not in use for extended periods of time, to reduce exhaust emissions associated with idling engines. ▪ Encourage ride-sharing and use of transit transportation for construction employees commuting to the project site. ▪ Use electric equipment for construction whenever possible in lieu of fossil fuel-fired 					

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
<ul style="list-style-type: none"> ▪ equipment. ▪ Curtail construction during periods of high ambient pollutant concentrations. ▪ Construction equipment shall operate no longer than eight cumulative hours per day. ▪ All construction vehicles shall be equipped with proper emission control equipment and kept in good and proper running order to reduce NOX emissions. ▪ All construction activities within the project site shall be discontinued during the first stage smog alerts. ▪ Construction and grading activities shall not be allowed during first stage ozone alerts. (First stage ozone alerts are declared when ozone levels exceed 0.20 ppm for the 1-hour average.) 					
<p>4.5-1b - Prior to the issuance of any grading, building, or other construction permit, the Project applicant shall demonstrate conformance with SJVAPCD Rule VIII to the satisfaction of the SJVAPCD. The Development and Engineering Services Department shall require that the grading plans, building plans, and specifications stipulate that, in compliance with the fugitive dust control measures in SJVAPCD Regulation VIII. The mitigation could include the following or may include other measures as determined by the SJVAPCD:</p> <ul style="list-style-type: none"> ▪ Water previously disturbed exposed surfaces (soil) a minimum of three-times/day or whenever visible dust is capable of drifting from the site or approaches 20 percent 	<p>Require as a condition of Project approval.</p> <p>Project applicant includes relevant measures on plans submitted for grading, building, or other construction permits.</p> <p>Construction contractor implements control measures.</p>	<p>City Council and Planning Division</p> <p>Engineering/Planning Divisions</p> <p>Building Division</p>	<p>Draft and incorporate condition as part of Project approval.</p> <p>Review plans prior to issuance of grading, building, or other construction permits to ensure that requirements described in Mitigation Measure 4.5-1b have been met.</p> <p>Conduct periodic site visits during demolition, grading and construction.</p>	<p>Deny Project approval.</p> <p>Deny grading, building, or other construction permits.</p> <p>Halt demolition, grading or construction until control measures are implemented.</p>	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
<ul style="list-style-type: none"> ▪ opacity. ▪ Water all haul roads (unpaved) a minimum of three-times/day or whenever visible dust from such roads is capable of drifting from the site or approaches 20 percent opacity. ▪ All access roads and parking areas shall be covered with asphalt-concrete paving or water sprayed regularly. ▪ Dust from all onsite and offsite unpaved access roads shall be effectively stabilized by applying water or using a chemical stabilizer or suppressant. ▪ Reduce speed on unpaved roads to less than 15 miles per hour. ▪ Install and maintain a trackout control device that meets the specifications of SJVAPCD Rule 8041 if the site exceeds 150 vehicle trips per day or more than 20 vehicle trips per day by vehicle with three or more axles. ▪ Stabilize all disturbed areas, including storage piles, which are not being actively utilized for construction purposes using water, chemical stabilizers or by covering with a tarp, other suitable cover or vegetative ground cover. ▪ Control fugitive dust emissions during land clearing, grubbing, scraping, excavation, leveling, grading or cut and fill operations with application of water or by presoaking. ▪ When transporting materials offsite, maintain a freeboard limit of at least six inches and cover or effectively wet to limit visible dust emissions. ▪ Limit and remove the accumulation of mud and/or dirt from adjacent public roadways at 					

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
<p>the end of each workday. (Use of dry rotary brushes is prohibited except when preceded or accompanied by sufficient wetting to limit visible dust emissions and use of blowers is expressly forbidden).</p> <ul style="list-style-type: none"> ▪ Stabilize the surface of storage piles following the addition or removal of materials using water or chemical stabilizer/suppressants. ▪ Remove visible track-out from the site at the end of each workday. ▪ Cease grading activities during periods of high winds (greater than 20 miles per hour [mph] over a one-hour period). ▪ Asphalt-concrete paving shall comply with SJVAPCD Rule 4641 and restrict use of cutback, slow-cure, and emulsified asphalt paving materials. ▪ Grading should be conducted in phases. ▪ The Project site shall not be cleared of existing vegetation cover for the preparation of construction until the issuance of grading permits required by construction. ▪ The Project applicant shall revegetate graded areas as soon as it is feasible after construction is completed. <p>4.5-2 - Prior to issuance of building permits, the Department and Engineering Services Department shall verify that the Project has demonstrated compliance with SJVAPCD Rule 9510, Indirect Source Review (ISR) to the satisfaction of the SJVAPCD. The Project applicant shall coordinate with the SJVAPCD to ensure that the Project meets the requirements of SJVAPCD Rule 9510, which requires the following</p>					
	<p>Require as a condition of Project approval.</p> <p>Project applicant submits building permit plans that demonstrate compliance.</p>	<p>City Council and Planning Division</p> <p>Planning/Building Divisions and SJVAPCD</p>	<p>Draft and incorporate condition as part of Project approval.</p> <p>Review plans prior to issuance of building permits to ensure that requirements described in Mitigation Measure 4.5-2</p>	<p>Deny Project approval.</p> <p>Deny building permits.</p>	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
<p>reductions:</p> <ul style="list-style-type: none"> ▪ 20 percent of construction-exhaust NOx ▪ 45 percent of construction-exhaust PM₁₀ ▪ 33 percent of operational NOx over 10 years ▪ 50 percent of operational PM₁₀ over 10 years <p>The SJVAPCD provides numerous measures to attain the emissions reductions targets above, which are available on their website. The SJVAPCD allows project applicants to choose to implement the SJVAPCD-approved emissions reduction measures, or pay an emission based fee to fund off-site emissions reduction projects. 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.</p>			have been met.		
Biological Resources					
<p>4-7-1 - Prior to the issuance of grading or building permits, the Project applicant shall either pay the appropriate fee or dedicate, as conservation easements or fee title, habitat lands as prescribed by the San Joaquin County Council of Governments to compensate for the loss of habitat and its conversion to urban use.</p>	<p>Require as a condition of Project approval.</p> <p>Project applicant pays fee or dedicates habitat lands.</p>	<p>City Council and Planning Division</p> <p>Planning Division</p>	<p>Draft and incorporate condition as part of Project approval.</p> <p>Prior to issuance of grading or building permits, ensure that fee has been paid or land has been dedicated.</p>	<p>Deny Project approval.</p> <p>Deny grading or building permits.</p>	
<p>4-7-7 - The Project applicant shall implement take minimization measures, adopted in the SJMSCP to avoid take of other bat species, to minimize take of pallid bats during the breeding season (April – September).</p>	<p>Require as a condition of Project approval.</p> <p>Project applicant</p>	<p>City Council and Planning Division</p> <p>Planning Division</p>	<p>Draft and incorporate condition as part of Project approval.</p> <p>Prior to issuance of</p>	<p>Deny Project approval.</p> <p>Deny issuance of</p>	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
	includes take minimization measures on plans submitted for grading, building or demolition permits.		grading, building or demolition permits, ensure that take minimization measures adopted in the SJMSCP are included on plans.	grading, building or demolition permits.	
Cultural Resources					
4.8-1 - If subsurface deposits believed to be cultural or human in origin are discovered during the construction of the Project, then all work shall halt within a 200-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, shall be retained at the Project sponsor's expense to evaluate the significance of the find. Work shall not continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either: 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the National Register of Historic Places or the California Register of Historical Resources.	Require as a condition of Project approval. If subsurface deposits are discovered during construction, contractor halts work and complies with requirements, as described in Mitigation Measure 4.8-1.	City Council and Planning Division Planning/Building Divisions	Draft and incorporate condition as part of Project approval. Conduct periodic site visits during grading and construction.	Deny Project approval. Halt grading and/or construction until requirements are met.	
If a potentially-eligible resource is encountered, then the archaeologist, lead agency and Project sponsor shall arrange for either: 1) total avoidance of the resource, if possible; or 2) test excavations to evaluate eligibility and, if eligible, data recovery as mitigation. The determination shall be formally documented in writing and submitted to the lead agency and filed with the North Central Information Center as verification that the provisions in this mitigation measure have been met.					

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
<p>If human remains of any kind are found during construction activities, all activities shall cease immediately and the San Joaquin County Coroner be notified as required by state law (Section 7050.5 of the Health and Safety Code). If the coroner determines the remains to be of Native American origin, he or she shall notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the most likely descendant(s) (MLD) to be consulted regarding treatment and/or reburial of the remains (Section 5097.98 of the Public Resources Code). If an MLD cannot be identified, or the MLD fails to make a recommendation regarding the treatment of the remains within 48 hours after gaining access to the remains, the City shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance. Work can continue once the MLD's recommendations have been implemented or the remains have been reburied if no agreement can be reached with the MLD (Section 5097.98 of the Public Resources Code).</p> <p>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.</p>					
Geology and Soils					
4.9-2 - In accordance with CBC (Title 24, Part 2) Section 1804A.3 and A.5, and the requirements of Tracy General Plan Objective SA-1.1, Policy 1,	Require as a condition of Project approval.	City Council and Planning Division	Draft and incorporate condition as part of Project approval.	Deny Project approval.	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
liquefaction and seismic settlement potential shall be addressed in design-level geotechnical engineering investigations. The City's Building Division of the Development and Engineering Services Department shall ensure that all the pertinent sections of the CBC shall be adhered to in the construction of buildings on the Project site, and that all appropriate measures are implemented in order to reduce the risk of liquefaction and seismic settlement prior to the issuance of a building permit.	Project applicant submits design-level geotechnical investigation.	Building Division	Prior to issuance of building permits, review geotechnical investigation and confirm that recommendations are included in construction plans.	Deny building permits.	
Hazards and Hazardous Materials					
4.10-1a - Prior to demolition and/or rehabilitation activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to determine the presence or absence of asbestos-containing materials (ACMs). If ACMs are located, abatement of asbestos shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the San Joaquin Valley Air Pollution Control District (SJVAPCD) Rule 4002.	Require as a condition of Project approval. Project applicant hires certified building inspector to conduct asbestos survey and completes abatement, if asbestos containing materials are located.	City Council and Planning Division Planning/Building Divisions	Draft and incorporate condition as part of Project approval. Prior to issuance of demolition permit, confirm that asbestos survey has been prepared and any necessary abatement has been completed.	Deny Project approval. Deny issuance of demolition permit.	
4.10-1b - If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste shall be evaluated independently from the building material for lead by a qualified Environmental Professional. If lead-based paint is found, abatement shall be completed by a qualified Lead Specialist prior to any activities that would create	Require as a condition of Project approval. Project applicant hires qualified Environmental Professional to evaluate paint separated from	City Council and Planning Division Planning/Building Divisions	Draft and incorporate condition as part of Project approval. Conduct periodic site visits during demolition and verify that requirements described in	Deny Project approval. Halt demolition until requirements are met.	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
<p>lead dust or fume hazard. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall notify the City when abatement activities have been completed in accordance with state requirements.</p>	<p>building materials during demolition and completes abatement, if lead-based paint is found.</p>		<p>Mitigation Measure 4.10-1b have been met.</p>		
<p>4.10-1c - Prior to issuance of a grading permit, soil sampling shall occur within the portions of the Project site that have historically been utilized for agricultural purposes and may contain pesticide residues in the soil, as determined by a qualified Phase II/Site Characterization Specialist. The sampling, conducted in consultation with the San Joaquin County Environmental Health Department (EHD), shall determine if pesticide concentrations exceed established regulatory requirements and shall identify further site characterization and remedial activities, if necessary. Should further site characterization/remedial activities be required, these activities shall be conducted per the applicable regulatory agency requirements, as directed by the EHD.</p>	<p>Require as a condition of Project approval. Project applicant hires Phase II/Site Characterization Specialist to conduct soil sampling and recommend remedial activities, if necessary.</p>	<p>City Council and Planning Division Building/Engineering Divisions</p>	<p>Draft and incorporate condition as part of Project approval. Prior to issuance of a grading permit, ensure that requirements of Mitigation Measure 4.10-1c have been met.</p>	<p>Deny Project approval. Deny issuance of grading permit.</p>	
<p>4.10-1d - Prior to issuance of building permits, a qualified Site Characterization Specialist shall review existing Site Characterization documents with regard to onsite contaminated soils associated with adjacent pipeline leaks. If such review identifies significant data gaps and, if required by the Central Valley Regional Water Quality Control Board (RWQCB), the Site Characterization Specialist, in consultation with</p>	<p>Require as a condition of project approval Project applicant hires Site Characterization Specialist to review documents and recommend remedial</p>	<p>City Council and Planning Division Building/Engineering Divisions</p>	<p>Draft and incorporate condition as part of project approval Prior to issuance of building permits, ensure that requirements of Mitigation Measure 4.10-1d have been met.</p>	<p>Deny project approval Deny issuance of building permits.</p>	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
Chevron and RWQCB, shall conduct updated Site Characterization at the Project site. Upon completion of the review (and updated Site Characterization activities, if needed), the Site Characterization specialist shall recommend remedial activities, if necessary, in consultation with RWQCB.	activities, if necessary.				
4.10-1e - Prior to issuance of building permits, a vapor intrusion screening evaluation shall be conducted by a qualified Environmental Professional, in consultation with the Central Valley Regional Water Quality Control Board (RWQCB). Should the screening evaluation indicate that there is a reasonable potential that proposed building(s) could be impacted by vapor intrusion, the Environmental Professional, in consultation with Chevron and RWQCB, shall conduct targeted soil vapor/vapor intrusion investigation(s). Should the investigation(s) determine that proposed building(s) could be impacted by indoor air vapor concentrations above regulatory thresholds, the Environmental Professional, in consultation with RWQCB, shall recommend specific design measures to be incorporated into the building(s) design that would reduce these indoor air quality concentrations to below regulatory thresholds.	Require as a condition of Project approval. Project applicant hires qualified Environmental Professional to conduct vapor intrusion screening evaluation and recommend specific design measures, if necessary.	City Council and Planning Division Building/Engineering Divisions	Draft and incorporate condition as part of Project approval. Prior to issuance of building permits, ensure that requirements of Mitigation Measure 4.10-1e have been met.	Deny Project approval. Deny issuance of building permits.	
4.10-1f - Prior to issuance of a grading permit, the Project applicant(s) shall submit a Worker Safety Plan for site disturbance/construction activities, in consultation with California Division of Occupational Safety and Health (Cal/OSHA) and the San Joaquin County Environmental Health Department (EHD). The Worker Safety Plan shall include safety precautions (e.g., personal	Require as a condition of Project approval. Project applicant submits Worker Safety Plan.	City Council and Planning Division Building/Engineering Divisions	Draft and incorporate condition as part of Project approval. Prior to issuance of a grading permit, ensure that requirements of Mitigation Measure 4.10-	Deny Project approval. Deny issuance of grading permit.	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
protective equipment or other precautions to be taken to minimize exposure to hazardous materials) to be taken by personnel when encountering potential hazardous materials, including potential contaminated groundwater.			1f have been met.		
<p>4.10-1g - If unknown wastes or suspect materials are discovered during construction by the contractor that are believed to involve hazardous waste or materials, the contractor shall comply with the following:</p> <ul style="list-style-type: none"> ▪ Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area ▪ Notify the City Building Official ▪ Secure the areas as directed by the City Building Official <p>Notify the San Joaquin County Environmental Health Department's (EHD's) Hazardous Waste/Materials Coordinator.</p>	<p>Require as a condition of Project approval.</p> <p>Construction contractor stops work and complies with requirements if unknown wastes or suspect materials are discovered.</p>	<p>City Council and Planning Division</p> <p>Building Division</p>	<p>Draft and incorporate condition as part of Project approval.</p> <p>Conduct periodic site visits during grading and verify that requirements described in Mitigation Measure 4.10-1g have been met.</p>	<p>Deny Project approval.</p> <p>Halt grading until requirements are met.</p>	
<p>4.10-5 - Prior to issuance of building permits, all development at the Project site shall satisfy fire flow and hydrant requirements, street widths and design requirements, as established by the City.</p>	<p>Require as a condition of Project approval.</p> <p>Project applicant submits plans that meet requirements.</p>	<p>City Council and Planning Division</p> <p>Building Division</p>	<p>Draft and incorporate condition as part of Project approval.</p> <p>Prior to issuance of building permits, review plans to ensure that requirements are met.</p>	<p>Deny Project approval.</p> <p>Deny issuance of building permits.</p>	
Noise					
<p>4.12-3 - Prior to issuance of a building permit, the Project applicant shall demonstrate, to the satisfaction of the Development and Engineering</p>	<p>Require as a condition of Project approval.</p>	<p>City Council and Planning Department</p>	<p>Draft and incorporate condition as part of Project approval.</p>	<p>Deny Project approval.</p>	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
Services Department, that site placement of stationary noise sources would not exceed the City's noise standard of 60 dBA at any adjacent residential district property line inside the City limits, or 65 dBA at an adjacent commercial property line.	Project applicant submits building permit plans that conform to requirements.	Planning/Building Divisions	Prior to issuance of building permits, review plans to ensure that requirements of Mitigation Measure 4.12-3a have been met.	Deny issuance of building permits.	
Public Services, Utilities and Service Systems					
4.13-3 - Prior to issuance of grading or building permits, whichever occurs first, sewer design calculations shall be prepared for review and approval by the City Engineer to ensure proper sizing of sewer lines and lift stations to meet sewer flow requirements.	Require as a condition of Project approval. Project applicant submits sewer design calculations.	City Council and Planning Division Engineering Division	Draft and incorporate condition as part of Project approval. Prior to issuance of grading or building permits, review calculations to ensure proper sizing of sewer lines and lift stations.	Deny Project approval. Deny issuance of grading or building permits.	
Transportation/Traffic					
4.14-2 - A traffic signal shall be installed at the intersection of Lammers Road and Grant Line Road (Intersection #2). In conjunction with the proposed traffic signal installation, the following geometric improvements shall be constructed:	Require as a condition of Project approval. Project applicant submits plans for traffic signal and geometric improvements.	City Council and Planning Division Building/Engineering Divisions	Draft and incorporate condition as part of Project approval. Prior to issuance of building permits, review requirements of Mitigation Measure 4.14-2 have been met.	Deny Project approval. Deny issuance of building permits.	
<ul style="list-style-type: none"> ▪ Westbound approach – Reconstruct the approach to include one through lane and one through/right turn lane and a separate left-turn lane. ▪ Eastbound approach – Reconstruct the approach to include one through lane and one shared through/right-turn lane. Provide an acceleration lane east of Lammers Road. 	Project applicant installs traffic signal and completes improvements.	Building/Engineering Divisions	Prior to occupancy, ensure that traffic signal and improvements have been completed.	Deny Project occupancy.	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
<p>Northbound approach – Reconstruct the approach to include a shared left-turn/through lane and a right-turn lane. The existing truck exit from Costco would be reconstructed to be part of the intersection and the current truck movements incorporated in the northbound right-turn movement.</p> <p>The Project applicant shall be responsible for implementation of the above improvements prior to Project occupancy or at a time determined by the City Engineer based on the City's ability to meet City vehicle and pedestrian standards. If all or a portion of this traffic signal improvement is otherwise scheduled by the City to be financed as a program improvement, the Project applicant may be eligible for reimbursements from future benefiting development in excess of the Project's fair share costs.</p>					
<p>4.14-3 - A second eastbound left-turn lane and widening of the eastbound on-ramp to two lanes shall be constructed at the intersection of I-205 Eastbound Ramps and Grant Line Road (Intersection #6). To accommodate the second left-turn lane and widening of the ramp, the westbound free right-turn lane shall be modified to be part of the signal operation. The proposed improvement may require a design exemption from Caltrans. This improvement is included in the City's TIF program (Project 72PP-084). The Project applicant shall make a fair share contribution toward implementation of this improvement through the payment of City of Tracy traffic impact fees.</p>	<p>Require as a condition of Project approval.</p> <p>Project applicant makes fair share contribution toward improvement.</p>	<p>City Council and Planning Division</p> <p>Engineering Division</p>	<p>Draft and incorporate condition as part of Project approval.</p> <p>Prior to issuance of grading or building permits, Project applicant makes fair share contribution toward improvement.</p>	<p>Deny Project approval.</p> <p>Deny issuance of grading or building permits.</p>	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
<p>4.14-4 - A traffic signal shall be installed at the intersection of Access Road-2 and Grant Line Road (Intersection #17). In conjunction with the traffic signal installation, the following geometric improvements shall be constructed:</p> <ul style="list-style-type: none"> ▪ Westbound approach – Provide two through lanes and a left-turn lane. ▪ Eastbound approach – Provide one through lane and one shared through/right-turn lane. ▪ Northbound approach – Provide a separate left-turn and right-turn lane. <p>The four lane improvement along Grant Line Road would continue along the Project frontage to accommodate traffic flow demand. SimTraffic analysis indicates that four lanes are required to avoid queue overflow between the Project driveways. The Project applicant shall be responsible for implementation of the above improvements prior to project occupancy or at a time determined by the City Engineer based on the City's ability to meet City vehicle and pedestrian standards.</p>	<p>Require as a condition of Project approval.</p> <p>Project applicant submits plans for traffic signal and geometric improvements.</p> <p>Project applicant installs traffic signal and completes improvements.</p>	<p>City Council and Planning Division</p> <p>Building/Engineering Divisions</p> <p>Building/Engineering Divisions</p>	<p>Draft and incorporate condition as part of Project approval.</p> <p>Prior to issuance of building permits, review plans to ensure that requirements of Mitigation Measure 4.14-4 have been met.</p> <p>Prior to occupancy, ensure that traffic signal and improvements have been completed.</p>	<p>Deny Project approval.</p> <p>Deny issuance of building permits.</p> <p>Deny Project occupancy.</p>	
<p>4.14-5 - A westbound left-turn lane for inbound Project traffic shall be provided at the intersection of Access Road-3 and Grant Line Road (Intersection #19). The Project applicant shall be responsible for implementation of the left-turn lane prior to Project occupancy, or at a time determined by the City Engineer based on the City's ability to meet vehicle and pedestrian standards.</p>	<p>Require as a condition of Project approval.</p> <p>Project applicant submits plans for intersection improvements.</p>	<p>City Council and Planning Division</p> <p>Building/Engineering Divisions</p>	<p>Draft and incorporate condition as part of Project approval.</p> <p>Prior to issuance of building permits, review plans to ensure that requirements of Mitigation Measure 4.14-5 have been met.</p>	<p>Deny Project approval.</p> <p>Deny issuance of building permits.</p>	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
	Project applicant completes improvements. Require as a condition of Project approval.	Building/Engineering Divisions	Prior to occupancy, ensure that improvements have been completed.	Deny Project occupancy.	
4.14-8a - To provide acceptable (LOS D or better) operations at the intersection of Lammers Road/Grant Line Road, a westbound left-turn lane and conversion of one eastbound through lane into a shared through/right-turn lane shall be constructed. These improvements are similar to those recommended in Mitigation Measure 4.14-2. In addition, the northbound approach shall be modified to provide a separate left-turn lane and a shared through/right-turn lane. The Project applicant shall be responsible for implementation of the above improvements prior to occupancy or at a time determined by the City Engineer based on the City's ability to meet City vehicle and pedestrian standards.	Project applicant submits plans for intersection improvements. Project applicant completes improvements.	City Council and Planning Division Building/Engineering Divisions Building/Engineering Divisions	Draft and incorporate condition as part of Project approval. Prior to issuance of building permits, review plans to ensure that requirements of Mitigation Measure 4.14-8a have been met. Prior to occupancy, ensure that improvements have been completed.	Deny Project approval. Deny issuance of building permits. Deny Project occupancy.	
4.14-8b - The Project applicant shall make a fair share contribution toward implementation of improvements at the intersection of I-205 Eastbound Ramps/Grant Line Road including the construction of an eastbound loop on-ramp through payment of City traffic impact fees.	Require as a condition of Project approval. Project applicant makes fair share contribution toward improvement.	City Council and Planning Division Engineering Division	Draft and incorporate condition as part of Project approval. Prior to issuance of grading or building permits, Project applicant makes fair share contribution toward improvement.	Deny Project approval. Deny issuance of grading or building permits.	
4.14-8c - The addition of a traffic signal, westbound left-turn lane (Mitigation Measure 4.14-4), and separate left-turn and right-turn lanes on the northbound approach shall be required at the intersection of Access Road-2/Grant Line Road.	Require as a condition of Project approval. Project applicant	City Council and Planning Division Building/Engineering	Draft and incorporate condition as part of Project approval. Prior to issuance of	Deny Project approval. Deny issuance of	

Mitigation Measure	Implementation Procedure	Monitoring Responsibility	Monitoring/Reporting Action & Schedule	Non-Compliance Sanction/Activity	Monitoring Compliance Record Name/Date
	submits plans for traffic signal and geometric improvements. Project applicant installs traffic signal and completes improvements.	Divisions Building/Engineering Divisions	building permits, review plans to ensure that requirements of Mitigation Measure 4.14-8c have been met. Prior to occupancy, ensure that traffic signal and improvements have been completed.	building permits. Deny Project occupancy.	