

NOTICE OF A REGULAR MEETING

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

Date/Time: Wednesday, July 10, 2013
7:00 P.M. (or as soon thereafter as possible)

Location: City of Tracy Council Chambers
333 Civic Center Plaza

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.

REGULAR MEETING AGENDA

CALL TO ORDER

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 item shall be placed on an agenda within 30 days*

1. OLD BUSINESS
2. NEW BUSINESS

A. PUBLIC HEARING TO CONSIDER RECOMMENDATIONS TO THE CITY COUNCIL ON CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE CORDES RANCH DEVELOPMENT AGREEMENT, GENERAL PLAN AMENDMENT, CORDES RANCH SPECIFIC PLAN, AND CORDES RANCH SITE ANNEXATION APPLICATIONS, AND TO CONSIDER THE APPLICATIONS FOR A GENERAL PLAN AMENDMENT, CORDES RANCH SPECIFIC PLAN, AN AMENDMENT TO VARIOUS SECTIONS OF THE TRACY MUNICIPAL CODE TO ADD THE CORDES RANCH SPECIFIC PLAN ZONE, AND ANNEXATION OF THE CORDES RANCH SITE TO THE CITY OF TRACY. THE CORDES RANCH SPECIFIC PLAN SITE IS APPROXIMATELY 1783 ACRES LOCATED NORTH OF SCHULTE ROAD, SOUTH OF I-205, AND EAST AND WEST OF MT HOUSE PARKWAY, APPLICATION NUMBERS GPA13-0002, AND A/P13-0001, AND ZA 13-0001, APPLICANT IS DAVID BABCOCK AND ASSOCIATES, APPLICATION NUMBER DA11-0001, APPLICANT IS PROLOGIS LP

THIS IS ALSO A PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE CITY COUNCIL REGARDING THE APPLICATION FOR A DEVELOPMENT AGREEMENT WITH PROLOGIS, LP. THE PROPERTIES ASSOCIATED WITH THE

DEVELOPMENT AGREEMENT APPLICATION INCLUDE APPROXIMATELY 1238-ACRES LOCATED EAST OF MT HOUSE PARKWAY AND NORTH OF SCHULTE ROAD, APPLICATION NUMBER DA11-0001. APPLICANT IS PROLOGIS, L.P.

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

Posted: **July 3, 2013**

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.

MINUTES
TRACY CITY PLANNING COMMISSION
WEDNESDAY, June 26, 2013
7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA

CALL TO ORDER Chair Ransom called the meeting to order at 7:02 p.m.

PLEDGE OF ALLEGIANCE Chair Ransom led the pledge of allegiance

ROLL CALL Roll Call found Chair Ransom, Vice Chair Sangha, Commissioner Johnson, Commissioner Mitracos, and Commissioner Orcutt. Also present were staff members Bill Dean, Assistant Director Development Services, Kul Sharma, Senior Engineer, Scott Claar, Associate Planner, Bill Sartor, Assistant City Attorney and Jan Couturier, Recording Secretary.

MINUTES APPROVAL

Chair Ransom requested a review of the June 12, 2013 Minutes and asked for comments. Commissioner Orcutt moved that the Commission approve the June 12, 2013 minutes. Commissioner Mitracos seconded; all in favor, none opposed.

DIRECTOR'S REPORT REGARDING THIS AGENDA – None

ITEMS FROM THE AUDIENCE – None

1. **OLD BUSINESS** – None

2. **NEW BUSINESS**

**A. RECOMMENDATION TO THE CITY COUNCIL FOR APPROVAL OF AN
AMENDMENT TO THE RESIDENTIAL DESIGN SECTION OF THE CITY OF TRACY
DESIGN GOALS AND STANDARDS – CITY INITIATED**

Chair Ransom reviewed Agenda item 2A and called for the staff report.

Scott Claar, Associate Planner, advised that the intent of the section is to add clarity and flexibility to the goals and standards to assist developers as well as add flexibility to set backs requirements.

Chair Ransom asked if the Commissioners had any questions.

Commissioner Orcutt requested what precipitated these revisions. Mr. Claar restated the need to provide clarity to the Goals and Standards; to make them more flexible. He added that with the recent increase in development staff had decided it was important to review them.

Mr. Dean advised that this was an attempt to streamline the process. That this was one piece that tended to raise questions.

Commissioner Orcutt asked requested an interpretation on the section pertaining to garage set back requirements.

Mr. Claar reviewed the intent and indicated that new laws required some of these changes. Mr. Dean advised that this particular provision is typically not controversial. Mr. Claar added that this set back requirement is least desirable in the market place.

Commissioner Orcutt asked if these changes would be beneficial for the city or the developer. Mr. Dean advised that these are guidelines to aid both and gave examples.

Vice Chair Sangha asked if these would affect apartment complexes. Mr. Claar advised that these guidelines were for single family residences.

Chair Ransom stated that she found the wording of the guidelines a bit loose and not really a standard.

Commissioner Johnson asked if these standards applied to all zone densities. Mr. Claar advised it is for all single family homes. There was some further discussion about the lack of specificity of the standards. Mr. Dean added that the old format was not clear and advised that the standards remained the same; only the wording was changed.

Chair Ransom asked about minimum or maximum floor plans/elevations, indicating concern about not enough variety within a neighborhood. She gave an example and Mr. Claar clarified the standard adding that developers needed to have a certain amount of variety.

Commissioner Mitracos commented that he was uncomfortable with the revisions to the standards as provided, stating that he felt these standards were too loose. He suggested there should be greater variety and fixed standards.

Commissioner Johnson further commented that if all the standards are being diluted he felt this would make the process of approval more difficult. He asked if the Commission would be making these reviews. Mr. Claar advised that would be the case.

Chair Ransom commented that if these standards are being negotiated at the staff level that might become too subjective based on the individual making that decision. Mr. Claar advised that the Planning Commission and then City Council would have the ultimate approval.

Mr. Dean provided the rationale behind the changes to the standards. He advised that a staff review is performed prior to it coming to Planning Commission. Commissioner Mitracos suggested that the standards would appear to be too diluted if there is a need for a staff review.

Chair Ransom then summarized her concerns adding that these standards were too loose and would require negotiations. Mr. Dean provided additional insight on the standards versus what the market will bear.

Chair Ransom asked if staff could rework the verbiage to add more specificity. Mr. Dean provided some examples of how the standards could be changed. Commissioner Mitracos suggested a wider discussion or workshop to allow more input from the Commissioners and developers to review the concerns of the Commission.

Chair Ransom opened Public Hearing at 7:50 p.m.

Jerry Finch, of San Leandro a developer in Tracy for 25 years, stated that he hoped to be presenting a larger project in the near future. He provided specifics from the perspective of a developer; how the market comes to bear on the types of homes, lots, elevations that the consumer will want. He advised that when there are hard and fast rules it makes it very hard for the developer. From a developer perspective the process is market driven and cannot be predicted.

Commissioner Mitracos asked how quickly his new development could sell in today's market. Mr. Finch advised that the state of the finances in the market along with growth restrictions in Tracy have a significant impact. He advised that estimate that he would be able to build approximately 50 units per year. He added that he felt Tracy's standards tend to be a bit more stringent than most communities.

Commissioner Mitracos asked about the garage setback standards. Mr. Finch stated he was strongly opposed to the standard of increased setbacks adding that the further a garage is set back, the greater the affect on storm drainage. There was more discussion about variations of these setbacks and the impact on house design.

Commissioner Johnson commented about the architecture of a previous project developed by Mr. Finch and recalled that the project was very good; although that previous project did not meet standards.

Chair Ransom re-opened the Commissioner session at 8:08 p.m.

Commissioner Johnson suggested that the public session was a good example of what could be accomplished with developers input on the standards during a workshop or study session.

Chair Ransom asked what the Commission wished to do next. Commissioners Johnson and Mitracos agreed that a study session would be beneficial and asked about the public hearing notice. Mr. Dean advised that there had been a public hearing notice sent to developers about this Planning Commission meeting. He added that staff would be willing to set up a workshop for further discussions in support of the Commissioners' concerns.

Commissioner Orcutt made a motion to return Item 2A to City Staff and conduct a workshop to discuss the various elements reviewed, seconded by Vice Chair Sangha.

Ransom restated that it had been recommended to send Agenda Item 2A; recommendation to the City Council for approval of an amendment to the Residential Design Section of the City of Tracy design goals and standards – city initiated, back to staff and to prepare a workshop between the community and the Planning Commission. All in favor; none opposed.

A. REPORT OF GENERAL PLAN CONSISTENCY FOR CAPITAL IMPROVEMENT PROGRAM PROJECTS FOR FISCAL YEAR 2013/2014 THROUGH FISCAL YEAR 2017/2018 - APPLICATION NUMBER DET13-0002

Chair Ransom reviewed Agenda item 2B and called for a staff report.

Mr. Dean reviewed the process for the Capital Improvement Program projects approval and advised that Kul Sharma would be doing the review.

Kul Sharma, Senior Engineer advised that he would be reviewing the list of proposed expenditures from construction, maintenance, and improvements to capital facilities including streets, buildings, infrastructure, parks, the airport, and other public facilities for fiscal year 2013 – 2014 through 2017 – 2018.

He reviewed the existing projects starting with the relocation of the fire station in Banta and an additional fire station on Grantline which is already under construction. He then reviewed the status of the new Animal Shelter project.

Commissioner Mitracos asked if the project was fully funded. Mr. Sharma stated that the money had been appropriated and advised that this was for Phase I.

Commissioner Mitracos asked about the Fire Arms Training project funding. Mr. Sharma advised that it was an ongoing project and gave additional details.

Chair Ransom asked about how future projects move up in priority, specifically asking about the Youth Center Multipurpose Facility.

Mr. Sharma reviewed how the projects are assessed and prioritized stating that some projects are funded from development projects and some from general projects fund. He added that development impact fees can change these priorities. Once a threshold is reached the project may move up.

Chair Ransom asked about New Gymnasium Multi-Purpose Facility. Mr. Sharma advised this project was funded by both grants and general funding. Sharma advised that grant funding is uncertain and that City Council would review the list and make recommendations. He then reviewed the process by which Development Impact Fees are reviewed and adopted.

Mr. Sharma reviewed the intersection improvement at 11th Street and MacArthur Avenue which was funded by grant money. Commissioner Mitracos asked about the project. Mr. Sharma advised there are two projects, that city is working on designs for both; but there have been significant changes to the project as well as funding issues.

Commissioner Mitracos asked for greater detail about the re-alignment of MacArthur. Mr. Sharma reviewed the changes and the fact that some projects become complicated by multi agency involvement, funding constraints and amendments to the original design.

Mr. Sharma continued to review existing projects and then moved to future projects which, he indicated, were long term projects adding that these tend to be dependent on grant funds.

Commissioner Mitracos asked about the Kavanagh Road project and asked why it was being extended. Mr. Sharma advised that it had to do with the future development for commercial projects and access to those properties. He added that the project had been funded through a grant.

Commissioner Orcutt asked about the efficacy of traffic circles and if there were any plans to implement any more. Mr. Sharma advised that there may be more in future, but it would depend on new developments; adding there had been some resistance from residential neighborhoods. Commissioner Orcutt asked about the design process. Mr. Sharma commented that traffic circles work well with an even distribution of traffic, but are less effective during peak hours or high volume.

Mr. Sharma reviewed the Aquatics Center project indicating location had not yet been determined. Commissioner Mitracos asked if the money was guaranteed. Mr. Sharma advised that it was. Chair Ransom asked if the cost of the project would increase if the site for the center were to change and Mr. Sharma advised that there might be other funding available

to supplement if that should occur; adding that City Council would have to make that final determination.

Mr. Sharma concluded his remarks by asking if there were further questions.

Commissioner Johnson asked about the wastewater dumping not meeting federal standards. Mr. Sharma indicated that because this was a Public Works project he was not as familiar. Commissioner Johnson asked about the expansion of capacity. Mr. Sharma advised permits are set, but funding is not yet available.

Chair Ransom asked if there were further questions. She opened the public hearing at 9:02 p.m.

A representative of Carpenter's Local 152 in Manteca addressed the Commission saying that she found the information very helpful. She asked about the date of the Environmental Impact Report for Cordes Ranch public hearing and was advised it would be July 10, 2013.

Commissioner Mitracos moved that the Planning Commission report that the Capital Improvement Program Projects are consistent with the goals, policies and actions of the City's General Plan. Commissioner Orcutt seconded, all in favor. None opposed.

3. **ITEMS FROM THE AUDIENCE** - None
5. **DIRECTOR'S REPORT** – Mr. Dean advised that there would be a Cordes Ranch agenda item on July 10, 2013.
6. **ITEMS FROM THE COMMISSION** – Vice Chair Sangha asked a question about Mountain House Community Services District. Mr. Dean advised it is included in the packet when the final Environmental Impact Report is given on July 10, 2013.
7. **ADJOURNMENT** – 9:07 Orcutt made a motion to adjourn.

Agenda Item 2A

REQUEST

PUBLIC HEARING TO CONSIDER RECOMMENDATIONS TO THE CITY COUNCIL ON CERTIFYING THE ENVIRONMENTAL IMPACT REPORT FOR THE CORDES RANCH DEVELOPMENT AGREEMENT, GENERAL PLAN AMENDMENT, CORDES RANCH SPECIFIC PLAN, AND CORDES RANCH SITE ANNEXATION APPLICATIONS, AND TO CONSIDER THE APPLICATIONS FOR A GENERAL PLAN AMENDMENT, CORDES RANCH SPECIFIC PLAN, AND AN AMENDMENT TO VARIOUS TRACY MUNICIPAL CODE SECTIONS TO CREATE THE CORDES RANCH SPECIFIC PLAN ZONE DISTRICT, AND PREZONING AND ANNEXATION OF THE CORDES RANCH SITE TO THE CITY OF TRACY. THIS IS ALSO A PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE CITY COUNCIL REGARDING A DEVELOPMENT AGREEMENT WITH PROLOGIS, LP. THE CORDES RANCH SPECIFIC PLAN SITE IS APPROXIMATELY 1783 ACRES LOCATED NORTH OF SCHULTE ROAD, SOUTH OF I-205, AND EAST AND WEST OF MT HOUSE PARKWAY, APPLICATION NUMBERS GPA13-0002, A/P13-0001. APPLICANT IS DAVID BABCOCK AND ASSOCIATES. THE PROPERTY SUBJECT TO THE DEVELOPMENT AGREEMENT IS WITHIN THE SPECIFIC PLAN SITE AND CONSISTS OF APPROXIMATELY 1238 ACRES OF LAND LOCATED NORTH OF SCHULTE ROAD AND EAST OF MOUNTAIN HOUSE PARKWAY, APPLICATION NUMBER DA11-0001; THE APPLICANT IS PROLOGIS, LP.

DISCUSSION

This agenda item involves a Planning Commission public hearing to consider applications for a General Plan Amendment, Cordes Ranch Specific Plan, annexation of the Cordes Ranch Specific Plan site to the City of Tracy and a development agreement (DA), all of which lead to development of the Cordes Ranch project. The applications also require minor amendments to the Tracy Municipal Code Zoning Ordinance to add the Cordes Ranch Specific Plan Zone (CRSP) to the list of zoning districts of the City and rezoning the Cordes Ranch Specific Plan area as CRSP. The zoning of the Cordes Ranch project site as CRSP, including amendment of the Zoning Map, would take effect upon annexation of the site. The foregoing first requires certification of an Environmental Impact Report (EIR) consistent with the California Environmental Quality Act (CEQA). Specifically, the Planning Commission will be asked to make a recommendation to the City Council on the following items:

- Certification of the Cordes Ranch Specific Plan EIR, which includes making findings of fact, findings related to alternatives, adopting a statement of overriding considerations, and adopting a mitigation monitoring and reporting plan
- Approval of a General Plan Amendment (application number GPA13-0002)
- Approval of the Cordes Ranch Specific Plan
- Approval of an amendment to the Tracy Municipal Code Sections 10.08.980 and 10.08.3021 to add the Cordes Ranch Specific Plan Zone (application number ZA13-0001)

- Annexation and rezoning of the Cordes Ranch Specific Plan site to the City of Tracy (application number A/P13-0001)
- Approval of a DA with Prologis, LP for lands they own within the Cordes Ranch Specific Plan area (application number DA-11-0001)

Brief Project History and Overview of the Cordes Ranch Specific Plan

The Cordes Ranch Specific Plan project has undergone significant community, Planning Commission, and City Council review of the last several years. The review and involvement by the Planning Commission and City Council spanned the General Plan update process (concluding in 2006) where the focus on Cordes Ranch related to land use visions for the site. This was carried forward in the comprehensive General Plan amendment process (concluding in 2011) where the City Council adjusted the City's Sphere of Influence (future annexation areas) and retained the Cordes Ranch site as a future jobs center at the same time as adjusting and shrinking the Sphere of Influence in other areas to address new Local Agency Formation Commission (LAFCo) directed at limiting the size of these areas. These City Council decisions set the stage for comprehensive land and infrastructure planning which culminated in recent adoption of seven new City Infrastructure Master Plans that identify infrastructure solutions for the Cordes Ranch area and other development areas within the City and Sphere of Influence.

Since that time, a group of four property owners representing the majority of the Cordes Ranch Specific Plan site has undertaken a comprehensive planning process to fine-tune the vision, zoning, development standards, roadway network, required infrastructure, and design standards, which are now included in the comprehensive Cordes Ranch Specific Plan (Attachment A to the staff report is the Cordes Ranch Specific Plan). Containing eight chapters, the proposed Specific Plan first organizes and explains the intended build out vision of the entire site in broad terms and briefly notes existing land use characteristics (chapters 1 and 2). Chapter 3 would establish the permitted land uses and development standards (setbacks, parking, minimum landscaping, and signage, for example), including the I-205 Overlay area that has additional land use limitations, design, and permit processing requirements. Chapter 4 contains the proposed Design Guidelines broken down into standards and guidelines for each zoning district (General Commercial, General Office, Business Park Industrial, and the I-205 Overlay). Images of intended designs have been incorporated to illustrate the written architectural standards and guidelines.

A major element of the Cordes Ranch Specific Plan has been the attention to landscaping details outside of the public right-of-way to create an aesthetically pleasing environment. Chapter 5 of the Specific Plan identifies and illustrates these concepts, which include entry monuments along the I-205 freeway, landscaping along the freeway, and a central green area that can serve as a park, among other features to enhance streetscapes. Chapter 6 of the Specific plan describes, in general terms, several key components of the required infrastructure to serve the project, including descriptions of the storm drainage system, water and wastewater utilities, and detailed street locations and cross sections. Chapter 7 describes the efforts aimed at conserving resources during the course of the implementation of this business park, and includes water conservation measures, energy conservation measures, solid waste, and public health

related measures. Chapter 8 identifies the key implementation processes, providing that future subdivisions, conditional use permits, and development review permits would be reviewed in accordance with the Specific Plan. Development Review permits proposed for property within the I-205 overlay area would require Planning Commission review and City Council approval; otherwise they would be reviewed and acted upon at the Director of Development Services level after a noticed public hearing.

The Specific Plan was developed after City Council and Planning Commission review, most notably during City Council meetings on August 7, 2012, where the I-205 corridor was discussed and on November 7, 2012 when land uses, freeway signage and the proposed DA were discussed. The Planning Commission also discussed the Cordes Ranch Specific Plan on several occasions over the course of the last few years, beginning on December 21, 2011, when a hearing was conducted on the Notice of Preparation for the EIR, and again on April 24, 2013, to receive comments on the Draft EIR. The Planning Commission also conducted study sessions on the draft Specific Plan and General Plan amendment, most recently on April 10, 2013. Additionally, the applicants have met with the remaining property owners on a number of occasions, who, mainly, own property along Mt House Parkway and just east of Hansen Road south of I-205. The purpose of these meetings has been to explain the Specific Plan process and content of the draft Specific Plan which includes new zoning and annexation of these areas.

Since Planning Commission review of the Specific Plan on April 10, 2013, a number of changes were made in order to clarify standards, text, and exhibits. These changes are listed in Attachment B to this staff report.

Overview of the General Plan Amendment

Attachment C to the staff report is the proposed General Plan Amendment for the Cordes Ranch Project. The General Plan identifies several Urban Reserve areas within the City and Sphere of Influence. Each Urban Reserve contains specific policies and a development profile establishing various land use intensities and densities. The Cordes Ranch site is identified as Urban Reserve 6 in the City's General Plan, and the proposed General Plan Amendment would replace the designation of Urban Reserve 6 with the land use designations of Industrial, Office, Commercial, and Park, which would enable the underlying zoning (the Cordes Ranch Specific Plan described above) to be implemented upon annexation. As shown in Attachment C, there are also a number of text changes to the General Plan clarifying tables and acreages as a result of the conversion from Urban Reserve 6 to the specific land use designations. There is also a policy change to remove reference to high density housing, which is not a component of the project.

Overview of the EIR

The California Environmental Quality Act (CEQA) required a 45-day public review period on the Draft EIR which began on April 5, 2013 and extended through May 20, 2013. The Draft EIR document was made available at the Development Services Department front counter at City Hall as well as the Tracy Library. Copies of the document were also made available on compact disks (CDs), and the document was posted to the City's website, where it remains accessible in a *pdf* file format, broken down by chapter.

Additionally, CDs were sent to various local, regional and State agencies and individuals that commented on the Draft EIR Notice of Preparation, and to individuals who have contacted the City asking to be included on a mailing list, as well as all property owners within the project boundaries and in the vicinity of the Cordes Ranch site.

The Draft EIR was published along with a 4,200 page Technical Appendices to the Draft EIR (also posted to the City's website). As discussed with the Planning Commission on April 24, 2013, there are several potential environmental impacts associated with implementation of the Cordes Ranch Project which generally mimic the potential impacts from development of Urban Reserve 6 that were described in the General Plan EIR, certified in 2011. More specifically, and as described in the EIR, the significant and unavoidable impacts are associated with the following areas (references to the Draft EIR are provided below and Table 2.1 of the Final EIR includes a summary of each impact):

- Aesthetics (See Chapter 4.1 of the Draft EIR)
- Ag Resources (See Chapter 4.2)
- Air Quality (See Chapter 4.3)
- Biological Resources (See Chapter 4.4)
- Greenhouse Gas Emissions (See Chapter 4.7)
- Noise (See Chapter 4.11)
- Traffic (See Chapter 4.14)
- Storm Drainage (See Utilities Chapter 4.15)

Currently, the Planning Commission is requested to make a recommendation to the City Council regarding certification of the Final EIR (Attachment D to the staff report is the Final EIR), and adopt findings of fact, findings related to alternatives, a statement of overriding considerations, and a Mitigation Monitoring and Reporting Plan (these are included as exhibits to the Planning Commission EIR Resolution).

The Final EIR is the document that contains the responses to comments received on the Draft EIR and it includes revisions to the text and analysis in the Draft EIR made in response to comments. A month after the close of the comment period, San Joaquin County Department of Public Works submitted a letter with two comments. The letter and response are not included in the Final EIR because they were received after the comment period and after the Final EIR was completed. However, those comments are attached to the staff report as Attachment E. The comment relates to road segments that cross jurisdictional boundaries.

Overview of the DA

Attachment F to the staff report is the draft DA. The DA would only apply to that property owned by Prologis, LP (Prologis), which consists of approximately 1200-acres of the total 1,780 acres of the Cordes Ranch Specific Plan. In order to assist the Planning Commission and the public in reviewing the proposed DA, a brief summary is provided below. The proposed DA is divided into the recitals and 12 sections. Sections 1 through 6 contain the principal terms of the agreement and the remaining 6 sections contain legal provisions related to contracts and transactions generally. Sections 1 through 6 are briefly discussed below.

Section 1: This includes the definitions of terms used throughout the DA.

Section 2: This would establish the term of the agreement at 25 years.

Section 3: This section identifies the City obligations and contains several subsections. The agreement would provide vested rights to Prologis, meaning that their approvals are “locked in” with limitations on how they can be changed. Section 3 also establishes that the City will allow the use of certain public utilities, specifically wastewater treatment and conveyance and water conveyance utilities, subject to Prologis’ payment of its fair share of applicable costs. The other main term under this Section relates to the City’s intent to prioritize work on the I-580/Mt House interchange and City’s intent to pursue inclusion of the I-205/Mt House interchange in the County Regional Transportation Impact Fee.

Section 4: This section would require Prologis to build certain necessary infrastructure to accommodate development and would enable Prologis to temporarily use existing infrastructure in order to get the project started.

Section 5: The DA provides that Prologis has the right to build certain “Program” infrastructure (backbone infrastructure that is part of the Citywide Master Plan systems) in lieu of paying full development impact fees. The City would still collect a portion of the fees in order to manage the development of the infrastructure systems, complete plan checking, inspections, and other services related to the installation of the infrastructure, which would become public infrastructure after completion. This Section also would require Prologis to construct certain landscaping, entry monuments, parks, etc. largely identified in Chapter 5 of the Specific Plan.

Section 6: This section relates to public benefit payments and development impact fees. It would require Prologis to pay the City \$5 million over 5 years, to be used at the City Council’s discretion, as a public benefit to the community. This Section also establishes payment obligations for required wastewater infrastructure. A major term outlined in this Section would allow Prologis to defer payment of a portion of its development impact fees on the first 600-acres of development, subject to its paying the deferred portion (along with the normally applicable fees) during development of the remaining approximately 600-acres. Over the life of the project, all applicable development impact the obligations are fully met, yet done so in a way to catalyze the initial portion of the project. The balance of this Section lets limits on how the City can modify fees over time and provides procedures for how to reconcile required fee amounts to be paid to the City when infrastructure is paid for under the initial 600-acre reduced fee, or when Prologis elects to build a component of Program infrastructure that otherwise would have been built by the City.

Attached to the staff report is a list of the consistency findings between the General Plan and the DA (Attachment G).

Overview of the Zoning Text Amendments, Annexation, and Prezoning

The Cordes Ranch Specific Plan will become the zoning for the site upon annexation by LAFCo. The proposed amendments to the zoning code would add the reference within

the zoning code to the Cordes Ranch Specific Plan. This is the same process that was followed when the Northeast Industrial Area Planned Unit Development was rezoned into a Specific Plan. Section 10.08.980 will add to the list of zone districts, the Cordes Ranch Specific Plan, and Section 10.08.3021 establishes the Cordes Ranch Specific Plan Zone and pre-zones it in anticipation of annexation by LAFCo. Following the public hearing, the Planning Commission will be asked to make a recommendation to City Council on annexation of the Specific Plan site to the City limits, which takes the form of pre-zoning until LAFCo conducts hearings and approves the annexation.

RECOMMENDATION

Staff recommends that the Planning Commission conduct a public hearing on the Environmental Impact Report and applications for a Development Agreement with Prologs, LP, a General Plan Amendment, Cordes Ranch Specific Plan, and Annexation and Prezoning of the Cordes Ranch site to the City. Staff further recommends that Planning Commission take the following actions:

- 1) Recommend that City Council certify the Cordes Ranch Specific Plan EIR, and make findings of fact, findings related to alternatives, adopt a statement of overriding considerations, and adopt a mitigation monitoring and reporting program, and
- 2) Approve a General Plan Amendment (application number GPA13-0002), and
- 3) Approve the Cordes Ranch Specific Plan, and
- 4) Approve an amendment to the Tracy Municipal Code Sections 10.08.980 and 10.08.3021 to add the Cordes Ranch Specific Plan Zone (application number ZA13-0001), and
- 5) Approve annexation of the Cordes Ranch Specific Plan site to the City of Tracy, including prezoning (application number A/P13-0001), and
- 6) Approve a development agreement with Prologis, LP for lands they own within the Cordes Ranch Specific Plan area (application number DA-11-0001)

Prepared by: Bill Dean, Assistant Development Services Director

Approved by: Andrew Malik, Director of Development Services

Attachment A: Cordes Ranch Specific Plan

Attachment B: List of changes to the Cordes Ranch Specific plan since April, 2013

Attachment C: General Plan Amendment

Attachment D: Final EIR

Attachment E: Letter from San Joaquin County Department of Public Works and City response

Attachment F: Development Agreement with Prologis, LP

Attachment G: Consistency findings between the General Plan and the DA

DRAFT EIR is on City's website and previously provided to the Planning Commission.



July 3, 2012

The attachments for the July 10, 2013 Planning Commission meeting are available on the City of Tracy's website. The files can be viewed and downloaded at the following locations:

Attachment A: Cordes Ranch Specific Plan (By Chapter)

- Chapter 1
http://www.ci.tracy.ca.us/documents/CRSP_Chapter_1.pdf
- Chapter 2
http://www.ci.tracy.ca.us/documents/CRSP_Chapter_2.pdf
- Chapter 3
http://www.ci.tracy.ca.us/documents/CRSP_Chapter_3.pdf
- Chapter 4
http://www.ci.tracy.ca.us/documents/CRSP_Chapter_4.pdf
- Chapter 5
http://www.ci.tracy.ca.us/documents/CRSP_Chapter_5.pdf
- Chapter 6
http://www.ci.tracy.ca.us/documents/CRPS_Chapter_6.pdf
- Chapter 7
http://www.ci.tracy.ca.us/documents/CRPS_Chapter_7.pdf
- Chapter 8
http://www.ci.tracy.ca.us/documents/CRSP_Chapter_8.pdf

Attachment B: List of Changes to the Cordes Ranch Specific Plan since April, 2013

- http://www.ci.tracy.ca.us/documents/List_of_Changes_to_CR_Specific_Plan.pdf

Attachment C: Final Draft - General Plan Amendment

- http://www.ci.tracy.ca.us/documents/Final_Draft_General_Plan_Amendment.pdf

Attachment D: Final EIR & Appendices

- FINAL EIR
http://www.ci.tracy.ca.us/documents/CR_FINAL_EIR.pdf
- FINAL EIR – Appendices
http://www.ci.tracy.ca.us/documents/CR_Final_EIR_Appendices.pdf

Attachment E: Letter from San Joaquin County Department of Public Works and City response

- http://www.ci.tracy.ca.us/documents/SJC_Dept_of_PW_Letter_and_City_Response.pdf

Attachment F: Development Agreement with Prologis, LP

- http://www.ci.tracy.ca.us/documents/CR_Development_Agreement_and_Exhibits.pdf

Attachment G: Consistency findings between the General Plan and the DA

- http://www.ci.tracy.ca.us/documents/CR_Consistency_Findings.pdf

The documentation is also available at the City of Tracy Development Services Department at 333 Civic Center Plaza, Tracy, CA 95376.

RESOLUTION 2013 – _____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TRACY RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE CORDES RANCH SPECIFIC PLAN FINAL ENVIRONMENTAL IMPACT REPORT AND ADOPT FINDINGS OF FACT, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN PROJECT

(APPLICATION #GPA 13-0002, A/P 13-0001, DA 11-0001, ZA 13-0001)

WHEREAS, David Babcock & Associates and Prologis, L.P., (collectively, the Project Applicant), submitted planning applications to the City of Tracy (City) requesting approval of various land use approvals and permits that are necessary to annex and develop approximately 1,780 acres of land located in unincorporated San Joaquin County, within the City's sphere of influence and adjacent to the City's existing municipal boundaries, which is currently designated in the City's General Plan as Urban Reserve 6; and

WHEREAS, development of Urban Reserve 6 with employment-generating uses is a major component of the City's economic development strategy as described more fully in the General Plan; and

WHEREAS, on February 1, 2011, the Tracy City Council adopted an update to the City of Tracy General Plan (General Plan), which guides land use planning for City (Resolution No. 2011-029); and

WHEREAS, the development proposed by the Project Applicant would result in approximately thirty one (31) million square feet of general commercial, general office and business park industrial uses, related on- and off-site infrastructure, and passive and active use open space areas, trails, joint use park/detention facilities, and other related improvements, in Urban Reserve 6, also referred to herein as the "Specific Plan Area," and is described more fully in the Cordes Ranch Specific Plan (Specific Plan); and

WHEREAS, the initial land use applications for the Project include a request to amend the General Plan; amend the City of Tracy Municipal Code to reflect Zoning Map and Text Amendments; adopt the Specific Plan; approve a development agreement that covers a portion of the Specific Plan Area; and approve a resolution to initiate annexation proceedings for the Specific Plan Area. The City's action on these land use applications, together with the San Joaquin County Local Agency Formation Commission's (LAFCO) action on the proposed annexation and the anticipated development described in the Cordes Ranch Specific Plan, comprise the "Project" subject to environmental review by the City under the California Environmental Quality Act (CEQA); and

WHEREAS, a Draft Environmental Impact Report (Draft EIR) was prepared and published for the Project in April 2013 (SCH# 2011122015), and was subject to a 45-day public review period from April 5, 2013 to May 20, 2013. During the public review period, the Tracy Planning Commission held a public meeting for the proposed Project on April 24, 2013 to receive public comments on the Draft EIR; and

WHEREAS, the City received and evaluated numerous comments from public agencies, organizations, and members of the public who reviewed the Draft EIR, and has prepared responses to comments on the Draft EIR; and

WHEREAS, a Final EIR/Responses to Comments (FEIR/RTC) was prepared and published on July 3, 2013, which consisted of an edited Draft EIR and responses to all comments that raise environmental issues on the Draft EIR. The responses to comments address all written and verbal comments on environmental issues received during the public review and comment period regarding the Draft EIR, and an inventory of agencies, organizations, and persons commenting on the Draft EIR during the public review and comment period,

WHEREAS, the Final EIR for the Project is comprised of the Draft EIR, the FEIR/RTC, and all Appendices; and

WHEREAS, consistent with CEQA requirements, a Mitigation Monitoring and Reporting Program (MMRP) has been prepared to outline the procedures for implementing all mitigation measures identified in the Final EIR (see attached Exhibit D), and

WHEREAS, the City desires and intends to use the Final EIR for the proposed Project as the environmental document required by CEQA in connection with the discretionary actions necessary for this Project by the City; and

WHEREAS, the Planning Commission held a duly noticed public hearing on July 10, 2013, and reviewed all evidence presented both verbally and in writing, and intends to make certain findings in compliance with CEQA, which are more fully set forth in this Resolution, and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission recommends that the City Council certify the Final EIR and adopt the MMRP, based on the findings set forth in this Resolution.

The Planning Commission recommends that the City Council resolve as follows, based on substantial evidence in the administrative record:

1. Certification:
 - a. The Final EIR has been completed in compliance with the requirements of CEQA and the CEQA Guidelines, as set forth in attached Exhibits A, B, and C. (CEQA Guidelines §15090(a)(1))
 - b. The Final EIR was presented to the Planning Commission, which reviewed and considered the information contained in the administrative record of proceedings, including in the Final EIR, prior to making its recommendation on the Project. (CEQA Guidelines §15090(a)(2))
 - c. The Final EIR reflects the independent judgment and analysis of the City. (CEQA Guidelines §15090(a)(3))
 - d. Therefore, the Planning Commission recommends that the City Council find that the Final EIR has been completed in compliance with the requirements of CEQA and the CEQA Guidelines. (CEQA Guidelines §15090(a)(1))

2. Significant Impacts:

- a. The Final EIR identifies potentially significant environmental impacts of the proposed Project that can be mitigated to a less-than-significant level. The Planning Commission recommends that the City Council make the findings with respect to these significant impacts as set forth in Exhibit A. (CEQA Guidelines §15191)
- b. The Final EIR identifies potentially significant environmental impacts of the proposed Project that cannot be mitigated to a less-than-significant level and are thus considered significant and unavoidable. The Planning Commission recommends that the City Council make the findings with respect to these significant impacts as set forth in attached Exhibit A. (CEQA Guidelines §15191)
- c. All other potential impacts identified in the Final EIR would be less than significant without mitigation. Therefore, further findings are not required for those impacts.

3. Alternatives:

The Final EIR includes four project alternatives, including the mandatory No Project Alternative. These alternatives are found to be infeasible based on the findings set forth in attached Exhibit B. (CEQA Guidelines §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 potentially significant adverse environmental effects caused by the proposed Project. However, the Planning Commission recommends that the City Council find that the proposed Project's benefits override and outweigh its unavoidable impacts on the environment, and adopt a Statement of Overriding Considerations, as set forth in attached Exhibit C. (CEQA Guidelines §15049 and 15093)

5. Mitigation Monitoring and Reporting Program:

The Planning Commission recommends that the City Council adopt the Mitigation Monitoring and Reporting Program set forth in attached Exhibit D. (CEQA Guidelines §15097)

6. Other Findings and Information:

The documents and other materials which constitute the administrative record of proceedings upon which the Planning Commission bases its recommendations with respect to the Project are located at City Hall, 333 Civic Center Plaza, Tracy, CA. The custodians of these documents are the City Clerk and Director of Development Services. (CEQA Guidelines §15091(e))

The foregoing Resolution 2013 – _____ is hereby passed and adopted by the Planning Commission of the City of Tracy on the 10th day of July, 2013 by the following vote:

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

Chair

ATTEST:

Staff Liaison

ATTACHMENTS: Exhibit A: Findings Related to Significant Impacts
Exhibit B: Findings Related to Alternatives
Exhibit C: Findings Related to statement of Overriding Consideration
Exhibit D: Mitigation Monitoring and Reporting Program

EXHIBIT A

FINDINGS RELATED TO SIGNIFICANT IMPACTS

This exhibit contains findings related to significant impacts identified in the Final EIR. The Final EIR, prepared in compliance with CEQA, the State CEQA Guidelines, and the provisions of the City of Tracy, constitutes an accurate, adequate, objective, and complete report that evaluates the potentially significant and significant adverse environmental impacts that could result from approval of the Project. As described more fully in the Specific Plan and the Final EIR, the Project, at full buildout, would result in the development of the approximately 1,783-acre Plan Area with approximately thirty one (31) million square feet of general commercial, general office and business park industrial uses, related on- and off-site infrastructure, and passive and active use open space areas, trails, joint use park/detention facilities, and other related improvements, as described more fully therein.

As the Final EIR concludes that implementation of the Project may result in significant adverse environmental impacts, the City is required under CEQA and the State CEQA Guidelines to make certain findings with respect to these impacts. (CEQA Guidelines §15091) These required findings appear in the following sections of this Exhibit. This Exhibit lists and describes the following, as analyzed in the Final EIR:

- a) Significant impacts that can be avoided, minimized, mitigated, or substantially reduced with the implementation of feasible mitigation measures.
- b) Significant impacts that are significant and unavoidable. As explained in the Statement of Overriding Considerations (Exhibit C), these effects are considered to be acceptable when balanced against the economic, legal, social, technological, and/or other benefits of the Project.

As a threshold matter, CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR, but before certification of the Final EIR. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The CEQA Guidelines provide examples of significant new information under this standard. The Planning Commission recognizes that the Final EIR incorporates information obtained by the City since the Draft EIR was completed, and contains additions, clarifications, modifications, and other changes. With respect to this information, the City finds that various changes and edits have been made to the Draft EIR, as set forth in the Final EIR. Many of these changes are generally of an administrative nature such as correcting typographical errors, making minor adjustments to the data, and adding or changing certain phrases to improve readability. In addition, other changes have been made to provide refinements to the analysis, in response to the comments received, that amplify and clarify the information provided in the Draft EIR. Finally, several mitigation measures have been modified to respond to input by various agencies, organizations and members of the public, and enhance the clarity of the mitigation measures, but do not cause any new or substantially more severe significant adverse environmental impacts.

The City finds this additional information does not constitute significant new information requiring recirculation, but rather that the additional information merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

In addition to the changes and corrections described above, the Final EIR provides additional information in Responses to Comments and questions from agencies and the public. The City finds that information added in the Final EIR does not constitute significant new information requiring recirculation, but rather that the additional information clarifies or amplifies an adequate EIR. Specifically, the City finds that the additional information, including the changes described above, does not show that:

- (1) A new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented.
- (2) 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.
- (3) 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.
- (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Based on the foregoing, and having reviewed the information contained in the Final EIR and in the record of City's proceedings, including the comments on the Draft EIR and the responses thereto, and the above-described information, the City finds that no significant new information has been added to the Final EIR since public notice was given of the availability of the Draft EIR that would require recirculation of the Final EIR.

In making its determination to certify the Final EIR and to approve the Project, the City recognizes that the Project involves several controversial environmental issues and that a range of technical and scientific opinion exists with respect to those issues. The City has acquired an understanding of the range of this technical and scientific opinion by its review of the Draft EIR, the comments received on the Draft EIR and the responses to those comments in the Final EIR, as well as testimony, letters, and reports regarding the Final EIR and its own experience and expertise in assessing those issues. The City has reviewed and considered, as a whole, the evidence and analysis presented in the Draft EIR, the evidence and analysis presented in the comments on the Draft EIR, the evidence and analysis presented in the Final EIR, the information submitted on the Final EIR, and the reports prepared by the experts who prepared the EIR, the City's consultants, the applicants' consultants, and by staff, addressing those comments. The City has gained a comprehensive and well-rounded understanding of the environmental issues presented by the Project. In turn, this understanding has enabled the City to make its decisions after weighing and considering the various viewpoints on these important issues.

Accordingly, the Planning Commission recommends that the City Council certify that the findings set forth herein are based on full appraisal of all of the evidence contained in the Final EIR, as well as the evidence and other information in the record addressing the Final EIR.

A. Findings associated with significant impacts that are mitigated to a less-than-significant level

Based on the information in the administrative record of proceedings, including the Final EIR, the following environmental effects are found to be potentially significant but would be mitigated to a less-than-significant level. (CEQA Guidelines §15091)

Impact AES-4: The Project would create new sources of light and glare, which, despite existing regulations, may result in a significant impact.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.1-21 to 4.1-23 of the Draft EIR and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, the Specific Plan would introduce new sources of light coming out from new commercial, office, and business park industrial uses and new surface parking lots, streets, pedestrian paths and recreational and open space facilities. In addition, the Project would create new sources of glare from windows and walls on new commercial, office, and business park industrial buildings, windshields of vehicles on new roads and on new surface parking lots. Accordingly, the Project has the potential to result in light and glare impacts to nearby existing residences, and other uses.

Findings

As authorized by Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above and in the Final EIR, both individually and cumulatively. The City hereby adopts Mitigation Measure AES-4, and 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 the mitigation is appropriate and feasible.

Facts in Support of Findings

Development of the Project will be required to adhere to various standards, guidelines, and policies that require shielding of lighting to minimize uplighting and to prevent light spillage from shining directly onto adjacent properties, and also require that streetlights be subdued and focused to reduce light pollution. Additionally, as described in Section A.3.b and c of Chapter 4.1 of the Draft EIR, the Tracy General Plan Policy P5 of OBJ: CC-1.1 and the City's Standard Plans for streetscapes and parks also calls for minimizing light spillage to adjacent properties.

The City finds that implementation of lighting design measures would substantially lessen the remaining environmental effects, both individually and cumulatively, to less-than-significant levels. These lighting design measures are more fully detailed in Mitigation Measure AES-4, as set forth in the Draft EIR at page 4.1-2 and in the attached Mitigation and Monitoring Reporting Program. Mitigation Measure AES-4 provides that prior to final inspection or certificate of occupancy, all exterior and parking area lighting shall be

directed downward or shielded, to prevent glare or spray of light on to public rights-of-way or adjacent residential property, consistent with City standards.

Impact AG-2: Implementation of the Project could result in a significant impact on agricultural activities on the adjacent land due to potential incompatibilities.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on page 4.2-13 of the Draft EIR, and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, to protect the agriculture operations from the impacts of potentially incompatible development, the City's General Plan Policy (OSC-2.2 P1) calls for the use of buffers, such as setbacks, open space, parks, trails, and roads, between agricultural uses and urban uses. As the Specific Plan Area is bounded on the north by Interstate 205, on the west by urban uses, and on the south by Old Schulte Road, the area of concern would be the agricultural lands immediately east of the Specific Plan Area. Although urban uses have been approved for the northern half of these lands (including approximately 538 acres of commercial, office/research and development, and open space/golf course development), potential impacts relating to incompatibility may occur until the planned conversion occurs. In addition, the remainder of this agricultural land east of the Specific Plan Area could experience negative impacts on its agricultural activities from development of the Project.

Findings

As authorized by Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The City hereby adopts Mitigation Measure AG-2, and 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 the mitigation is appropriate and feasible.

Facts in Support of Findings

The City finds that implementation of Mitigation Measure AG-2 would reduce the environmental effects associated with Impact AG-2 to less-than-significant levels. Mitigation Measure AG-2, as provided in the Draft EIR at page 4.2-15 and in the attached MMRP, provides that, as construction occurs along the eastern Specific Plan Area boundary, buffers such as roadways, building setbacks, and parking areas, shall be required prior to occupancy of those structures, in compliance with General Plan Policy. (e.g., OSC-2.2 P1) These measures in combination would reduce any potential land use incompatibilities to a less than significant level.

Impact AQ-6: Day care centers may be located within the Specific Plan Area and have the potential to be exposed to elevated concentrations of Toxic Air Contaminants (TACs). This is a significant impact of the Project.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.3-67 and 4.3-69 of the Draft EIR, and in the Final EIR Responses to Comments (e.g., responses RA3-8 to RA3-19; LA1-21; and ORG1-2) and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, day care centers are an allowed use within the Specific Plan Area. At this time, the exact location of any potential day care centers is unknown. However, based on the results of the health risk modeling shown in Table 4.3-11 and 4.3-12 in Chapter 4.3 of the Draft EIR, day care centers have the potential to be exposed to elevated concentrations of TACs and may be exposed to cancer risks that exceed the applicable thresholds. This level of exposure is not an impact cognizable under CEQA, as it is unnecessary to study and mitigate for impacts on future users and occupants of a project under applicable law. Nevertheless, the City desires from the standpoint of the public welfare to assess and mitigate air quality impacts to occupants of future day care centers, and impose all feasible mitigation measures for any significant impacts.

Findings

The City finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The City hereby adopts Mitigation Measure AQ-6, and 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 the mitigation is appropriate and feasible.

Facts in Support of Findings

The City finds that implementation of Mitigation Measure AQ-6 would reduce the environmental effects associated with Impact AQ-6 to less-than-significant levels. Mitigation Measure AQ-6, as provided in the Draft EIR at page 4.3-79 and in the attached MMRP, provides that no day care center shall be located within 1,000 feet of a major source of TACs (e.g., warehouses, other industrial uses, or roadways with traffic volumes over 10,000 vehicle per day), as measured from the property line of the development at issue to the property line of the source/edge of the nearest travel lane, unless a health risk assessment (HRA) is submitted and approved that demonstrates that the incremental cancer risk for the individual development at issue would not exceed ten in one million or the appropriate non-cancer hazard index would not exceed 1.0. Such HRA shall be prepared in accordance with policies and procedures of the state Office of Environmental Health Hazard Assessment (OEHHA) and the San Joaquin Valley Air Pollution Control District (SJVAPCD), including the then-current OEHHA guidelines that address age sensitivity factors, breathing rates, and body weights appropriate for children age 0 to 6 years. These measures will ensure that users and occupants of daycares will not be exposed to levels of TACs that exceed the applicable thresholds.

Impact BIO-1: Proposed development would result in a significant impact on certain special-status animal species known or with potential to utilize the existing habitat on the Specific Plan Area.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.4-22 and 4.4-23 of the Draft EIR, and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, development of the Specific Plan Area would result in the conversion of an estimated 1,728 acres of existing grassland and agricultural habitat to urban development, eliminating its suitability for numerous special-status animal species. This includes foraging habitat for Swainson's hawk, burrowing owl and numerous other bird species, possible nesting habitat for burrowing owl, and possible foraging and dispersal habitat for San Joaquin kit fox, among others. Suitable grassland and agricultural habitat occurs for all of these species in the Specific Plan Area.

Findings

As authorized by Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The City hereby adopts Mitigation Measure BIO-1, and 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 the mitigation is appropriate and feasible.

Facts in Support of Findings

The City finds that implementation of Mitigation Measure BIO-1 would reduce the environmental effects associated with Impact BIO-1 to less-than-significant levels. Mitigation Measure BIO-1, as set forth in the Draft EIR at page 4.4-29 and in the attached MMRP, provides that to mitigate the potential adverse impacts on certain special-status species, and provide for the incidental take of State and/or federally listed species (if necessary), the applicant of an individual, site-specific development shall either: (1) participate in the San Joaquin Multi-Species Conservation Open Space Plan (SJMSCP) and comply with all required Incidental Take Minimization Measures or (2) secure incidental take authorizations for State and/or federally-listed species directly from the California Department of Fish and Wildlife (CDFW) and US Fish and Wildlife Service (USFWS) respectively. Participation in the SJMSCP shall include compliance with all relevant Incidental Take Minimization Measures pertinent to the Specific Plan Area, including pre-construction surveys for covered species to confirm presence or absence and provide for their relocation, if necessary. Issuance of grading and building permits shall be contingent on providing evidence of either (1) compliance with the SJMSCP or (2) a 2081 Permit from the CDFW and Biological Opinion from the USFWS to the City of Tracy Development Services Director (if necessary) to ensure compliance with applicable regulations and ensure adequate compensatory mitigation has been provided. The SJMSCP and the applicable state and federal regulatory framework constitute detailed and stringent mechanisms for reducing impacts to biological resources, and are administered by agencies with expertise; adherence to requirements under this regulatory framework would reduce environmental effects under Impact BIO-1 to less-than-significant levels.

Impact BIO-2: Proposed development could result in inadvertent loss of bird nests in active use, which would be a violation of the Migratory Bird Treaty Act and California Fish & Game Code.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.4-23 and 4.4-24 of the Draft EIR, and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, no evidence of any tree nesting activity was observed during the surveys conducted during preparation of the Biological Resource Assessment by the EIR biologist, but new nests could be established in trees and dense scrub vegetation, or in burrows for burrowing owl. If nests are established in the future, ground disturbance or vegetation removal could inadvertently result in the destruction of a nest in active use, which would be a violation of the Migratory Bird Treaty Act and California Fish & Game Code. The Migratory Bird Treaty Act (16 USC 703) prohibits the taking, hunting, killing, selling, purchasing, etc. of migratory birds, parts of migratory birds, and their eggs and nests. Most native bird species within the Specific Plan Area and vicinity are covered by this act. Section 3503.5 of the Fish & Game Code specifically protects the nests and eggs of raptors and essentially overlaps with the Migratory Bird Treaty Act. Potential impacts on any nests in active use are considered to be a potentially significant impact.

Findings

As authorized by Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The City hereby adopts Mitigation Measure BIO-2, and 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 the mitigation is appropriate and feasible.

Facts in Support of Findings

The City finds that implementation of Mitigation Measure BIO-2 would reduce the environmental effects associated with Impact BIO-2 to less-than-significant levels. Mitigation Measure BIO-2, as set forth in the Draft EIR at pages 4.4-29 to 4.4-30 and in the attached MMRP, provides that, to avoid the potential for disturbance of nesting birds on or near the Specific Plan Area, the Project applicant for an individual, site-specific development must schedule the initiation of any vegetation removal and grading for the period of September 1 through February 15. If construction work cannot be scheduled during this period, a qualified biologist shall conduct pre-construction surveys for nesting birds according to the following guidelines:

- The preconstruction surveys shall be conducted by the qualified biologist no later than 14 days prior to the start of vegetation removal or initiating project grading.
- If birds protected under the Migratory Bird Treaty Act are found nesting, then appropriate construction buffers shall be established to avoid disturbance of the nests until such time that the young have fledged. The size of the nest buffer shall be determined by the biologist in consultation with CDFW, and shall be based on the nesting species, its sensitivity to disturbance, and expected types of

disturbance. Typically, these buffers range from 75 to 250 feet from the nest location.

- Nesting activities shall be monitored periodically by a qualified biologist to determine when construction activities in the buffer area can resume.
- Once the qualified biologist has determined that young birds have successfully fledged, a monitoring report shall be prepared and submitted to the City of Tracy Development Services for review and approval prior to initiating construction activities within the buffer area. The monitoring report shall summarize the results of the nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds. Construction within the designated buffer area shall not proceed until the written authorization is received by the applicant from the Development Services Director. The above provisions are in addition to the preconstruction surveys to confirm presence or absence of nesting Swainson's hawk, burrowing owl, and other special-status species that may be required under applicable Incidental Take Minimization Measures of the SJMSCP.

These precautions would ensure that risks to nests belonging to special-status avian species are avoided, and thus less-than-significant.

Impact BIO-3: Fill and modifications to potential wetlands and other jurisdictional waters would require authorization from the Corps and RWQCB while bridge crossings and pipe outfalls over the central drainage would require authorizations from the CDFW (Streambed Alteration Agreement).

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.4-24 and 4.4-25 of the Draft EIR and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, construction of certain aspects of the Project may entail direct modifications to potential wetlands and other jurisdictional waters, resulting in the elimination of the two seasonal wetland features, the construction new crossings and pipe outfalls, the re-grading of segments of the central drainage channel, and the culverting of the man-made drainage ditch that conveys surface flows from the central drainage channel to Interstate 205. The Specific Plan Area also would include structures and parking over the two-acre potential seasonal wetland in the northwestern portion of the Specific Plan Area, and a reconstructed series of detention basins and redesign of stormwater flows that would eliminate the potential seasonal wetland in the man-made basin at the southwest corner of the Interstate 205 and Hansen Road overcrossing. A detailed wetland delineation would have to be prepared and verified by the Corps to confirm the extent of jurisdictional waters but, based on the preliminary wetland assessment conducted as part of the technical review for the EIR, it appears that an estimated 2.86 acres of wetlands and other jurisdictional waters of the US may be filled or modified as a result of Project implementation. In addition, indirect impacts to wetlands and aquatic habitat could result from increased erosion and water quality degradation associated with typical urban development. Creation of impervious surfaces tends to magnify the volume of runoff and potential for urban pollutants, with perhaps the greatest potential damage resulting from

sedimentation during the construction phase of a project and from new non-point discharge of automobile by-products, fertilizers, and herbicides. The above constitutes a potentially significant impact.

Findings

As authorized by Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The City hereby adopts Mitigation Measure BIO-3, and 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 the mitigation is appropriate and feasible.

Facts in Support of Findings

The City finds that implementation of Mitigation Measure BIO-3 would reduce the environmental effects associated with Impact BIO-3 to less-than-significant levels. Mitigation Measure BIO-3, as set forth in the Draft EIR at pages 4.4-31 through 4.4-33 and in the attached MMRP, provides for implementation of the following measures:

- In connection with an individual, site-specific development that may affect wetlands or other jurisdictional waters, a formal wetland delineation shall be prepared by a qualified wetland consultant and submitted to the Corps for verification.
- Where verified waters of the US are present and cannot be avoided, authorization for modifications to these features shall be obtained from the Corps through the Section 404 permitting process. Similarly, a Section 401 Certification shall be obtained from the Regional Water Quality Control Board (RWQCB) where waters of the US are directly affected by the Project. All conditions required as part of the authorizations by the Corps and RWQCB shall be implemented as part of the individual, site-specific development at issue.
- A CDFW Streambed Alteration Agreement shall also be obtained where necessary under applicable laws and regulations, for any proposed Project activities that would affect the bed or banks of the central drainage and other features regulated by the CDFW in the Specific Plan Area. The applicant who is proposing to construct these improvements as part of an individual site-specific development proposal shall submit a notification form to the CDFW, shall obtain all legally required agreements, and implement any conditions contained within that agreement.
- The acreage of waters of the US and any riparian scrub habitat along the central drainage that would be removed by the Project shall be replaced or restored/enhanced on a "no-net loss basis" in accordance with Corps, RWQCB, and CDFW regulations, to the extent required by applicable laws and regulations.
- In connection with an individual, site-specific development that would affect delineated wetlands or other jurisdictional waters, a detailed mitigation plan shall be prepared by a qualified wetland consultant for any jurisdictional wetlands or waters of the US affected by proposed development, with replacement provided at a minimum 1:1 ratio or as required by the regulatory agencies. The plan shall

clearly identify the total wetlands and other jurisdictional areas affected by proposed improvements, as well as wetlands to be created, restored, or enhanced as part of the wetland mitigation. This shall preferably be accomplished on-site through adjustments to the proposed limits of grading, with any replacement wetlands consolidated to the degree possible to improve existing habitat values. The plan shall specify performance criteria, maintenance and long-term management responsibilities, monitoring requirements, and contingency measures, and shall adhere to all applicable requirements and conditions imposed by the regulatory agencies.

- Consultation or incidental take permitting may be required under the California and federal Endangered Species Acts (as discussed above under Mitigation Measures BIO-1). To the extent required under applicable laws and regulations, an applicant for an individual site-specific development shall obtain all legally required permits or other authorizations from the USFWS and CDFW for the potential “take” of protected species under the Endangered Species Acts, either through participation in the SJMSCP or through separate incidental take authorizations.
- Temporary orange construction fencing shall be installed around the boundary of any delineated jurisdictional waters to the extent they are being preserved so they are not disturbed during construction. The fencing shall be placed a minimum of 25 feet out from the boundary of the wetland but may need to be adjusted if construction and/or restoration activities are to be conducted within this area. Grading, trail construction and restoration work within any wetland buffer zones shall be conducted in a way that avoids or minimizes disturbance of existing wetlands to be preserved in accordance with any mitigation measures imposed by the regulatory agencies.
- Written evidence shall be provided to the City of Tracy Development Services that the applicant has secured all authorizations required by the Corps, RWQCB, and CDFW in connection with the individual, site-specific development proposal prior to issuance of a grading permit for that individual development at issue to ensure compliance with applicable regulations.

Impact CUL-1: The Project potentially could cause inadvertent damage to unique buried archaeological deposits during construction, resulting in a significant impact.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including without limitation the analysis contained on pages 4.5-13 and 4.5-14 of the Draft EIR, and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, although no prehistoric resources such as ethnographic camps or villages have been reported within the Specific Plan Area, there is potential that previously undiscovered prehistoric sites or other archaeological resources may exist in the Specific Plan Area or vicinity. As such, buildout of the Project has the potential to impact unknown archaeological resources because of its grading and construction activities. Inadvertent damage to unique, buried archaeological deposits during construction would result in a significant impact prior to mitigation.

Findings

As authorized by Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The City hereby adopts Mitigation Measure CUL-1, and 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 the mitigation is appropriate and feasible.

Facts in Support of Findings

The City finds that implementation of Mitigation Measure CUL-1 would reduce the environmental effects associated with Impact CUL-1 to less-than-significant levels. Mitigation Measure CUL-1, as set forth in the Draft EIR at pages 4.5-17 and 4.5-18 and in the attached MMRP, provides that if any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives from the City and the archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological resources, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the Specific Plan Area while mitigation for historical resources or unique archaeological resources is being carried out.

Impact CUL-2: While fossils are not expected to be discovered during construction, it is possible that significant fossils could be discovered during excavation activities, even in areas with a low likelihood of occurrence. Fossils encountered during excavation could be inadvertently damaged. If a unique paleontological resource is discovered, the impact to the resource could be significant.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.5-14 and 4.5-15 of the Draft EIR and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, several fossils have been found in the Specific Plan Area in 1948 during construction of the Delta Mendota Canal. These fossils include mammoth/mastodon, horse, pocket gopher, and other unspecified rodents, and unidentified artiodactyl (hoofed mammal) bone. As such, Project development has the potential to impact unknown paleontological resources because of its grading and construction activities.

Findings

As authorized by Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The City hereby adopts Mitigation Measure CUL-2, and 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 the mitigation is appropriate and feasible.

Facts in Support of Findings

The City finds that implementation of Mitigation Measure CUL-2 would reduce the environmental effects associated with Impact CUL-2 to less-than-significant levels. Mitigation Measure CUL-2, as set forth in the Draft EIR at pages 4.5-18 and 4.5-19 and in the attached MMRP, provides that in the event that fossils or fossil-bearing deposits are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If, in consultation with the paleontologist, it is determined that the avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the Project on the qualities that make the resource important. The plan shall be submitted to the City for review and approval and the Project proponent shall implement the approved plan.

Impact CUL-3: It is unlikely that human remains would be encountered during construction in the Specific Plan Area. However, in the unlikely event that human remains, including those interred outside of formal cemeteries, are discovered during subsurface activities, the human remains could be inadvertently damaged. This would be a significant impact.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.5-15 and 4.5-16 of the Draft EIR and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, four Native American burial sites were recorded in the general Tracy area in 1939. While these burial sites were not located in the Specific Plan Area or vicinity, there is still the possibility that as of yet undiscovered human remains may exist in the Specific Plan Area. As such, Project grading and construction activities in the Specific Plan Area have the potential to impact unknown human remains.

Findings

As authorized by Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in

the Final EIR. The City hereby adopts Mitigation Measure CUL-3, and 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 the mitigation is appropriate and feasible.

Facts in Support of Findings

The City finds that implementation of Mitigation Measure CUL-3 would reduce the environmental effects associated with Impact CUL-3 to less-than-significant levels. Mitigation Measure CUL-2, as set forth in the Draft EIR at pages 4.5-19 and 4.5-20 and in the attached MMRP, provides that if human skeletal remains are uncovered during construction, the contractor (depending on the Project component) shall immediately halt work within 50 feet of the find, contact the San Joaquin County coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5(e)(1) of the CEQA Guidelines. If the county coroner determines that the remains are Native American, the Project proponent shall contact the NAHC, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641). Per Public Resources Code 5097.98, the contractor shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the human remains are located, is not damaged or disturbed by further development activity until the contractor has discussed and conferred, as prescribed in this section (California Public Resources Code Section 5097.98), with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. This mitigation measure and associated regulatory framework would adequately mitigate the risk of harm to human remains to a level of insignificance.

Impact GEO-1: Without appropriate mitigation measures in place, construction and operation activities associated with the Project could be associated with substantial soil erosion and loss of topsoil, thereby resulting in a significant impact.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.6-16 and 4.6-17 of the Draft EIR, and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, the Project's construction activities could result in the loss of topsoil and soil erosion. However, construction activities in the Specific Plan Area would be required to adhere to the applicable grading requirements in the then-current California Building Code. Furthermore, such construction would be regulated under a construction-related stormwater control permit, generally administered by the State Water Resources Control Board (SWRCB), as described more fully in Chapter 4.9 (Hydrology and Water Quality) of the Draft EIR. The SWRCB's Construction General Permit (CGP) requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) that describes the BMPs that would be used to prevent erosion and protect storm water runoff. The construction of new buildings and structures as part of the Project would also create new impervious areas, such as sidewalks, driveways, parking lots, and rooftops. These impervious areas often result in increased stormwater runoff which can exacerbate soil erosion. As discussed more fully in Chapter 4.9 (Hydrology and Water Quality), the Project would be subject to the City of Tracy's Storm Water Management Program and

the City's Stormwater Quality Control Standards that require the design and implementation of a range of stormwater control measures that include: general site design control measures, site-specific source control measures, treatment measures, and other controls. Without imposition of these controls and safeguards, the Project's impacts associated with substantial soil erosion and loss of topsoil would be significant.

Findings

As authorized by Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The City hereby adopts Mitigation Measure GEO-1, and 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 the mitigation is appropriate and feasible.

Facts in Support of Findings

The City finds that implementation of Mitigation Measure GEO-1 would reduce the environmental effects associated with Impact GEO-1 to less-than-significant levels. Mitigation Measure GEO-1, as set forth in the Draft EIR at page 4.6-19 and in the attached MMRP, provides for the implementation of the following mitigation measures listed below: Mitigation Measures HYDRO-1a, HYDRO-1b, HYDRO-2a, HYDRO-2b, and HYDRO-2c, as described in Chapter 4.9 of this Draft EIR. These mitigation measures and their efficacy are further identified and discussed in those findings related to Impact HYDRO-1 and HYDRO-2 and the facts in support thereof, which are incorporated herein by this reference.

Impact HAZ-1: The routine use, transport, and disposal of hazardous materials associated with implementation of the Project could result in a significant impact.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.8-28 and 4.8-29 of the Draft EIR, and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, implementation of the Project would include land uses that may involve the routine use, transport, and disposal of hazardous materials and waste within the Specific Plan Area. Additionally, implementation of the Project would result in an intensification of land use throughout the Specific Plan Area and a corresponding increase in the amount of hazardous materials stored, transported, and disposed of in the Specific Plan Area. Although the risks related thereto are lessened through the implementation of and compliance with federal, State, and local regulations and policies, the impact of the routine use, transport, and disposal of hazardous materials associated with the Project would be significant without mitigation.

Findings

As authorized by Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which

mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The City hereby adopts Mitigation Measure HAZ-1, and 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 the mitigation is appropriate and feasible.

Facts in Support of Findings

The City finds that implementation of Mitigation Measure HAZ-1 would reduce the environmental effects associated with Impact HAZ-1 to less-than-significant levels. Mitigation Measure HAZ-1, as set forth in the Draft EIR at page 4.8-39 and in the attached MMRP, provides that the Project applicant shall fully implement the applicable provisions of the San Joaquin County Hazardous Material Area Plan and the Tracy General Plan, including but not limited to:

- Ensuring that any business locating in the Specific Plan Area which stores particular quantities of hazardous materials (e.g. larger than 55 gallons of liquid, 500 pounds of solid or 200 cubic feet of some compressed gases) as stipulated under Chapter 6.95 of the California Health and Safety Code annually files a hazardous materials business plan establishing incident prevention measures, hazardous material protocols, and emergency response and evacuation procedures;
- Providing adequate separation between areas where hazardous materials are present and sensitive uses; and
- Submitting an emergency response plan for any large generators of hazardous waste located or proposed to be located in the Specific Plan Area.

Impact HAZ-2: Construction of the Project could cause exposure to contamination associated with hazardous material sites, potential pesticide hot spot areas, and demolition of older structures that contain ACBM or lead based paint.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on page 4.8-40 of the Draft EIR, and in the Final EIR Responses to Comments (e.g., responses SA2-2, -3, -4; ORG2-2 to -4, -6, -8, -10, -12 to -19) and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, one hazardous material site located within the Specific Plan Area (Shell pipeline cleanup site) is undergoing active investigation of soil, soil vapor and groundwater contamination, and is subject to future remedial actions. One hazardous material site located up gradient from the Specific Plan Area (ARCO #6610 UST cleanup site) is undergoing active investigation and is subject to future remedial action, with potential for the contamination to extend to groundwater and soil vapor beneath the Specific Plan Area. In addition, historical agricultural activities and associated pesticide use and storage potentially may have resulted in localized contamination areas. Also, there is one known plugged abandoned well approximately 200 feet east of Hansen Road. The Specific Plan Area also includes structures that, because of their age, potentially may contain ACBM and lead-based paint. Without mitigation, exposure to contamination associated with these hazardous material sites,

potential pesticide hot spot areas, and demolition of older structures that contain ACBM or lead based paint, would be result in potential impacts that are considered significant.

Findings

As authorized by Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The City hereby adopts Mitigation Measures HAZ-2a, HAZ-2b, HAZ-2c, and HAZ-2d, and further finds that the changes or alterations in the Project or the requirement to impose the mitigations as a condition of Project approval is within the jurisdiction of the City to require, and that the mitigations are appropriate and feasible.

Facts in Support of Findings

The City finds that implementation of Mitigation Measures HAZ-2a, HAZ-2b, HAZ-2c, and HAZ-2d would reduce the environmental effects associated with Impact HAZ-2 to less-than-significant levels. These mitigation measures, as set forth in the Draft EIR at pages 4.8-40 through 4.8-42, in the Final EIR Responses to Comments (e.g., response ORG2-3) and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), and in the attached MMRP, are as follows:

Mitigation Measure HAZ-2a: A Soil Management Plan and companion Sampling and Analysis Plan, as well as a Health and Safety Plan (HASP), shall be prepared and implemented during and following any soil excavation and compaction associated with implementation of the Project where such activities may encounter residual soil, soil vapor, or groundwater contamination that exceeds risk-based levels established by the RWQCB or Cal-EPA. As part of the Soil Management Plan, the applicant shall retain an experienced, independent environmental monitor to observe all significant earth-moving activities. The monitor shall observe the operations, remaining watchful for stained or discolored soil that could represent residual contamination. The monitor shall also be empowered to alert the City and regulatory agencies, when appropriate, and provide direction to the grading contractor. The monitor shall confirm the location of the one plugged and abandoned well in consultation with the Division of Gas, Oil, and Geothermal Resources, and the applicant shall comply with any remedial measures that may be required in connection therewith under applicable laws and regulations. In addition, in the event that a previously unknown abandoned well is discovered, construction activities that are proximate to said abandoned well shall stop and the Division of Gas, Oil, and Geothermal Resources shall be contacted. No structures shall be built on a discovered abandoned well until it is deemed safe by the State Oil and Gas Supervisor in accordance with applicable laws and regulations.

Mitigation Measure HAZ-2b: A plan shall be developed for installation a vapor barrier and venting system beneath buildings to be constructed at the site in those areas where residual petroleum hydrocarbons in soil vapor exceed risk-based levels established by the RWQCB or Cal-EPA, where exposure pathways are considered potentially complete. The system shall be designed to eliminate potentially significant indoor air quality health risks associated with subsurface contaminant vapor intrusion. The Plan shall be prepared by a California professional engineer experienced in vapor intrusion mitigation and who shall certify the installation.

Mitigation Measure HAZ-2c: Soil sampling shall occur within the portions of the Specific Plan Area that have historically been utilized for mixing or storing pesticides and that may contain pesticide residues in the soil, prior to issuance of grading permits in such areas. The sampling shall be performed in accordance with a Sampling and Analysis Plan and Soil Management Plan prepared by a qualified Environmental Professional and/or California professional engineer experienced in Phase II site characterization. The sampling shall be conducted in accordance with applicable guidance from DTSC and San Joaquin County Environmental Health Department, and shall determine if pesticide concentrations exceed established regulatory thresholds. Should pesticide contaminated soil be identified as a result of the evaluation, further site characterization and remedial activities, if necessary, will be implemented in accordance with the Soil Management Plan.

Mitigation Measure HAZ-2d: Existing structures shall be evaluated for the presence of ACBM and lead-based paints prior to their renovation or demolition. The evaluation shall be conducted by a Cal-OSHA certified ACBM and lead-based paint contractor. Any ACBM or lead identified as a result of the evaluation shall be removed by a Cal-OSHA certified ACBM and lead-based paint contractor and be transported and disposed off-site in accordance with regulatory requirements.

The above measures, undertaken by the identified experts, would adequately mitigate risks associated with the exposure to contamination from hazardous material sites, potential pesticide hot spot areas, abandoned wells, and demolition of older structures that may contain ACBM or lead based paint to less-than-significant levels.

Impact HYDRO-1: Construction of the Project would occur in phases over a period of ten to thirty years and Project-related construction activity could negatively affect downstream surface water quality during that time period. Therefore, the Project's construction impacts to water quality would be significant without mitigation measures.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.9-28 through 4.9-30 and 4.9-34 through 4.9-38, and in the Final EIR Responses to Comments (e.g., response LA1-13) and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, the Project includes grading and construction on approximately 1,780 acres of land within the Specific Plan Area. Grading and vegetation removal would increase erosion potential and could negatively affect water quality and lead to downstream sedimentation in receiving waters. This construction activity also would substantially alter the Specific Plan Area's existing charge pattern in a manner that may result in substantial erosion or siltation on or off-site without adequate mitigation. Of particular concern is the potential contribution of additional sediments and other urban pollutants to the Old River, which has been identified as a water quality limited segment under the CWA Section 303(d). Receiving waters may also include Patterson Run through the proposed detention basins. Though the Project would be regulated under local, state, and federal programs, and implement various stormwater control measures, impacts would be significant without mitigation.

Findings

As authorized by Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The City hereby adopts Mitigation Measures HYDRO-1a and HYDRO-1b, and further finds that the changes or alterations in the Project or the requirement to impose the mitigations as a condition of Project approval is within the jurisdiction of the City to require, and that the mitigations are appropriate and feasible.

Facts in Support of Findings

The City finds that implementation of Mitigation Measures HYDRO-1a and HYDRO-1b would reduce the environmental effects associated with Impact HYDRO-1 to less-than-significant levels. These mitigation measures, as set forth in the Draft EIR at pages 4.9-43 through 4.9-44 and in the attached MMRP, are as follows:

Mitigation Measure HYDRO-1a: Grading and ground disturbance on the Specific Plan Area shall be implemented in accordance with each individual development's approved grading plans and related grading permit. For the required treatment of urban pollutants and application of pesticides in the Specific Plan Area, each Project developer shall comply with the approved grading plan and related permit and conditions of approval.

Mitigation Measure HYDRO-1b: In accordance with the then-applicable regulations, as part of the application process for each individual development under the Specific Plan, each applicant shall file a Notice of Intent with the SWRCB to obtain coverage under the construction general permit (CGP) and shall comply with all of the requirements associated with the CGP, as necessary to mitigate those impacts that would result from the specific development proposed by that applicant. In addition, as part of the application process for each individual development under the Specific Plan, each applicant shall prepare and obtain City approval of a SWPPP which shall adequately address stormwater management during each construction phase of the Project. The SWPPP shall be consistent with the then-applicable RWQCB standards and NPDES permit requirements, and shall be designed to protect water quality during the course of construction. Said BMPs may include, without limitation, the following:

- Schedule earthwork to occur primarily during the dry season to prevent most runoff erosion.
- Protect drainages and storm drain inlets from sedimentation with berms or filtration barriers, such as filter fabric fences, hay bales, or straw wattles.
- Divert runoff from exposed slopes to on-site sediment basins before the runoff is released off-site.
- Install gravel construction entrances to reduce tracking of sediment onto adjoining streets.
- Sweep on-site paved surfaces and surrounding streets daily to collect sediment before it is washed into the storm drains or the Old River.

- After construction is completed, clean all drainage culverts of accumulated sediment and debris.
- Stabilize stockpiles of topsoil and fill material by watering daily, or by the use of chemical agents.
- Store all construction equipment and material in designated areas away from waterways and storm drain inlets. Surround construction staging areas with earthen berms.
- Wash and maintain equipment and vehicles in a separate bermed area, with runoff directed to a lined retention basin.
- Collect construction waste daily and deposit in covered dumpsters.

The aforementioned measures, implemented in compliance with existing regulatory frameworks, would reduce the environmental effects associated with Impact HYDRO-1 to less-than-significant levels.

Impact HYDRO-2: Operational activities associated with the Project could negatively affect downstream surface water quality without ensuring compliance with applicable State and local requirements. Therefore, the Project's impacts to water quality during operation of the Project would be significant without mitigation measures.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.9-30 through 4.9-33 and 4.9-38 through 4.9-40, and in the Final EIR Responses to Comments (e.g., response LA1-13, -14, -16, -18, -19, and -20) and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, the operational activities associated with the Project have the potential to degrade water quality in downstream water bodies, in particular Old River, which is already impaired. The Specific Plan Area is primarily undeveloped and does not contain many impervious surfaces. Development of the Project would add significant impervious surfaces to the Specific Plan Area through construction of buildings, parking areas, roadways, and other improvements. An increase in impervious surfaces has the potential to increase runoff from the Specific Plan Area, which in turn could transport urban pollutants to off-site areas. A number of pollutants and chemicals associated with development of the Project that are typical of urban development, including pesticides, fertilizers and landscape maintenance debris, petroleum products, hydrocarbons, litter, and sediment, could enter urban runoff that is discharged from the Specific Plan Area. The impacts of urban runoff would be particularly acute during the first storm event of the year, when accumulations of urban pollutants are flushed into the storm drain system. Changes associated with the Project also would increase in flow rates, frequency, and volumes of runoff, which can accelerate erosion along adjacent and downstream flow paths and can produce sedimentation in areas further downstream. Without mitigation, impacts would be significant.

Findings

As authorized by Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required herein,

incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The City hereby adopts Mitigation Measures HYDRO-2a, HYDRO-2b, and HYDRO-2c, and further finds that the changes or alterations in the Project or the requirement to impose the mitigations as a condition of Project approval is within the jurisdiction of the City to require, and that the mitigations are appropriate and feasible. The City further finds that adoption of any additional mitigation is not necessary under CEQA since the identified impacts in this regard would be fully mitigated with implementation of Mitigation Measures HYDRO-2a, HYDRO-2b, and HYDRO-2c.

Facts in Support of Findings

The City finds that implementation of Mitigation Measures HYDRO-2a, HYDRO-2b, and HYDRO-2c would reduce the environmental effects associated with Impact HYDRO-2 to less-than-significant levels. These mitigation measures, as set forth in the Draft EIR at pages 4.9-44 through 4.9-46 and in the attached MMRP, are as follows:

Mitigation Measure HYDRO-2a: As part of the application process for each individual development under the Specific Plan, each applicant shall prepare and obtain approval of a grading plan and related permit in accordance with Mitigation Measure HYDRO-1(a).

Mitigation Measure HYDRO-2b: As part of the application process for each individual development project under the Specific Plan, each applicant shall submit and obtain City approval of a drainage plan to the City of Tracy for on-site measures consistent with the Cordes Ranch Conceptual Drainage Plan, the Cordes Ranch Specific Plan, the Citywide Stormwater Master Plan, and other applicable stormwater standards and requirements that shall be designed to control and treat stormwater for the storm events in compliance with the then-applicable City's Manual of Stormwater Quality Control Standards for New Development and Redevelopment, including those dealing with capacity design of the facilities and contour grading. All such measures shall be implemented as part of the development and operation of the individual development at issue.

Each developer shall construct drainage improvements and other required stormwater retention/detention facilities as necessary to serve the specific development proposed by that applicant in conformance with the approved drainage plan, the Specific Plan and the then-applicable City standards including those set forth in the City's Storm Drainage Master Plan. These drainage facilities shall accommodate events up to and including a 100-year 24-hour storm. Schedule earthwork to occur primarily during the dry season to prevent most runoff erosion.

Any impacts on the operations of Mountain House CSD facilities, including the alteration of cleaning velocities, will require coordination and agreement between Mountain House CSD and the City of Tracy prior to issuance of building permit for any development west of Mountain House Parkway. The proposed mitigation measures will reduce impacts related to storm water runoff to less-than-significant levels.

Mitigation Measure HYDRO-2c: As part of the development of each individual project under the Specific Plan, each developer shall implement the following measures:

- Shall not utilize chemical pesticides in the maintenance of common landscaped areas, open space areas, or parks. Fertilizers shall be applied sparingly, and shall be derived from natural sources, such as fish emulsion or manure.
- Shall cooperate with the City to create a public education program for future business owners to increase their understanding of water quality protection, which should include but not be limited to:
 - Hazardous material use controls;
 - Hazardous materials exposure controls;
 - Hazardous material disposal and recycling.
- Encourage the use of alternative methods to avoid hazardous materials to the extent feasible, and prohibit the dumping of hazardous materials in open space areas or the storm drain system.
- To the extent feasible, direct stormwater runoff to percolation swale and basin areas rather than directing stormwater to storm drain pipes.
- Use biotreatment (natural pollutant filtering) where stormwater runs off paved surfaces onto pervious surfaces.
- Utilize sediment traps, evaporation basins, flow dissipaters, and other methods to reduce the volume and speed of stormwater runoff and reduce pollutant loads.

The aforementioned measures, implemented in compliance with existing regulatory frameworks, would reduce the environmental effects associated with Impact HYDRO-2 to less-than-significant levels.

Impact HYDRO-3: Soil disturbance associated with construction activities, including movement of soils and vegetation removal in the Specific Plan Area, could cause accelerated soil erosion and sedimentation or the release of other pollutants to adjacent or downstream waterways and wetlands.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.9-28 through 4.9-30 and 4.9-34 through 4.9-38, and in the Final EIR Responses to Comments (e.g., response LA1-13, -14, -16, -18, -19, and -20) and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, the Project includes grading and construction on approximately 1,780 acres of land within the Specific Plan Area. Grading and vegetation removal would increase erosion potential and could negatively affect water quality and lead to downstream sedimentation in receiving waters. Though the Project would be regulated under local, state, and federal programs, and implement various stormwater control measures, impacts would be significant without mitigation.

Findings

As authorized by Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The City hereby adopts Mitigation Measures HYDRO-3 and HYDRO-1b, and further finds that the changes or alterations in the Project or the requirement to impose the mitigations as a condition of Project approval is within the jurisdiction of the City to require, and that the mitigations are appropriate and feasible.

Facts in Support of Findings

The City finds that implementation of Mitigation Measures HYDRO-3 and HYDRO-1b would reduce the environmental effects associated with Impact HYDRO-3 to less-than-significant levels. These mitigation measures, as set forth in the Draft EIR at pages 4.9-43 and 4.9-46 and in the attached MMRP, provide that, in accordance with the then-applicable regulations, as part of the application process for each individual development under the Specific Plan, each applicant shall file a Notice of Intent with the SWRCB to obtain coverage under the construction general permit (CGP) and shall comply with all of the requirements associated with the CGP, as necessary to mitigate those impacts that would result from the specific development proposed by that applicant. In addition, as part of the application process for each individual development under the Specific Plan, each applicant shall prepare and obtain City approval of a SWPPP which shall adequately address stormwater management during each construction phase of the Project. The SWPPP shall be consistent with the then-applicable RWQCB standards and NPDES permit requirements, and shall be designed to protect water quality during the course of construction. Said BMPs may include, without limitation, the following:

- Schedule earthwork to occur primarily during the dry season to prevent most runoff erosion.
- Protect drainages and storm drain inlets from sedimentation with berms or filtration barriers, such as filter fabric fences, hay bales, or straw wattles.
- Divert runoff from exposed slopes to on-site sediment basins before the runoff is released off-site.
- Install gravel construction entrances to reduce tracking of sediment onto adjoining streets.
- Sweep on-site paved surfaces and surrounding streets daily to collect sediment before it is washed into the storm drains or the Old River.
- After construction is completed, clean all drainage culverts of accumulated sediment and debris.
- Stabilize stockpiles of topsoil and fill material by watering daily, or by the use of chemical agents.
- Store all construction equipment and material in designated areas away from waterways and storm drain inlets. Surround construction staging areas with earthen berms.

- Wash and maintain equipment and vehicles in a separate bermed area, with runoff directed to a lined retention basin.
- Collect construction waste daily and deposit in covered dumpsters.

The aforementioned measures, implemented in compliance with existing regulatory frameworks, would reduce the environmental effects associated with Impact HYDRO-1 to less-than-significant levels.

Impact HYDRO-4: The Project would increase the frequency, rate, and volume of storm runoff production when compared to existing conditions. These increases could accelerate erosion along adjacent and downstream flow paths and produce sedimentation in areas further downstream.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.9-30 through 4.9-33 and 4.9-38 through 4.9-40, and in the Final EIR Responses to Comments (e.g., response LA1-13, -14, -16, -18, -19, and -20) and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, the Project has the potential to degrade water quality in downstream water bodies, in particular Old River, which is already impaired. The Specific Plan Area is primarily undeveloped and does not contain many impervious surfaces. Development of the Project would add significant impervious surfaces to the Specific Plan Area through construction of buildings, parking areas, roadways, and other improvements. An increase in impervious surfaces has the potential to increase runoff from the Specific Plan Area. As a result, the Specific Plan Area would experience an increase in flow rates, frequency, and volumes of runoff, which can accelerate erosion along adjacent and downstream flow paths and can produce sedimentation in areas further downstream. Without mitigation, impacts would be significant.

Findings

As authorized by Public Resources Code Section 21081(a)(1) and C EQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The City hereby adopts Mitigation Measures HYDRO-4 and HYDRO-2b, and further finds that the changes or alterations in the Project or the requirement to impose the mitigations as a condition of Project approval is within the jurisdiction of the City to require, and that the mitigations are appropriate and feasible.

Facts in Support of Findings

The City finds that implementation of Mitigation Measures HYDRO-4 and HYDRO-2b would reduce the environmental effects associated with Impact HYDRO-3 to less-than-significant levels. These mitigation measures, as set forth in the Draft EIR at pages 4.9-45 and 4.9-46 and in the attached MMRP, provide that, as part of the application process for each individual development project under the Specific Plan, each applicant shall submit and obtain City approval of a drainage plan to the City of Tracy for on-site measures consistent with the Cordes Ranch Conceptual Drainage Plan, the Cordes

Ranch Specific Plan, the Citywide Stormwater Master Plan, and other applicable stormwater standards and requirements that shall be designed to control and treat stormwater for the storm events in compliance with the then-applicable City's Manual of Stormwater Quality Control Standards for New Development and Redevelopment, including those dealing with capacity design of the facilities and contour grading. All such measures shall be implemented as part of the development and operation of the individual development at issue.

Each developer shall construct drainage improvements and other required stormwater retention/detention facilities as necessary to serve the specific development proposed by that applicant in conformance with the approved drainage plan, the Specific Plan and the then-applicable City standards including those set forth in the City's Storm Drainage Master Plan. These drainage facilities shall accommodate events up to and including a 100-year 24-hour storm. Schedule earthwork to occur primarily during the dry season to prevent most runoff erosion.

The aforementioned measures, implemented in compliance with existing regulatory frameworks, would reduce the environmental effects associated with Impact HYDRO-4 to less-than-significant levels.

Impact HYDRO-5: New development within the Specific Plan Area would introduce sediments and constituent pollutants typically associated with urban non-residential development into stormwater runoff and may create opportunities for pollutants to be discharged to downstream areas and on-site wetlands. These pollutants would have the potential of degrading downstream and on-site stormwater quality.

Significant Impact

The facts supporting the impact determinations made under Impact HYDRO-5 are discussed and/or referenced in those findings related to Impact HYDRO-1 and HYDRO-2 and the facts in support thereof, which are incorporated herein by this reference. Without mitigation, impacts would be significant.

Findings

As authorized by Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The City hereby adopts Mitigation Measures HYDRO-5, HYDRO-1a, HYDRO-1b, HYDRO-2a, HYDRO-2b, and HYDRO-2c, and further finds that the changes or alterations in the Project or the requirement to impose the mitigations as a condition of Project approval is within the jurisdiction of the City to require, and that the mitigations are appropriate and feasible.

Facts in Support of Findings

The City finds that implementation of Mitigation Measures HYDRO-5, which requires the implementation of Mitigation Measures HYDRO-5, HYDRO-1a, HYDRO-1b, HYDRO-2a, HYDRO-2b, and HYDRO-2c, would reduce the environmental effects associated with Impact HYDRO-5 to less-than-significant levels. These mitigation measures, as set forth in the Draft EIR at pages 4.9-43 through and 4.9-47 and in the attached MMRP, require

the development and adherence to permitted grading and drainage plans, compliance with regulator frameworks designed to pollutants, and controls on the use of pesticides and other hazardous materials; the specific measures are described above in findings related to Impacts HYDRO-1 and HYDRO-2 and the facts in support thereof, and are incorporated herein by this reference. The aforementioned measures, implemented in compliance with existing regulatory frameworks, would reduce the environmental effects associated with Impact HYDRO-5 to less-than-significant levels.

Impact NOISE-2: The Project could cause groundborne vibration from construction that could result in a potentially significant impact with respect to perception or architectural damage.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.9-30 through 4.11-33 through 4.11-36, and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, for construction-related vibration, construction activities would be localized, would occur intermittently and variably, and for any individual, site-specific development, would only occur for relatively short periods of time. However, numerous individual sites could be developing concurrently; thereby effectively extending the construction period. Vibration effects could be reduced by a combination of appropriate equipment and process selection and by implementation of proper administrative controls. Even with these vibration reduction approaches, it is still possible that individual, site-specific developments could exceed either the annoyance threshold and/or the architectural damage threshold. This potential situation would be exacerbated with the use of standard pile driving techniques. As such, groundborne vibration from construction could result in a potentially significant impact with respect to perception or architectural damage. Without mitigation, impacts would be significant.

Findings

As authorized by Public Resources Code Section 21081(a)(1) and CEQA Guideline Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The City hereby adopts Mitigation Measures NOISE-2a, NOISE-2b, and NOISE-4, and further finds that the changes or alterations in the Project or the requirement to impose the mitigations as a condition of Project approval is within the jurisdiction of the City to require, and that the mitigations are appropriate and feasible.

Facts in Support of Findings

The City finds that implementation of Mitigation Measures NOISE-2a, NOISE-2b, and NOISE-4 would reduce the environmental effects associated with Impact NOISE-2 to less-than-significant levels. These mitigation measures, as set forth in the Draft EIR at pages 4.11-53 through 4.11-55 and in the attached Mitigation and Monitoring Reporting Program, are as follows:

Mitigation Measure NOISE-4: The following measures, when applicable and feasible, shall be required to reduce noise from construction activities:

1. Ensure that all internal combustion engine-driven equipment is equipped with mufflers that are in good operating condition and appropriate for the equipment.
2. Utilize “quiet” models of air compressors and other stationary noise sources where such technology exists.
3. Locate stationary noise-generating equipment as far as reasonable from sensitive receptors when sensitive receptors adjoin or are near a construction Project area.
4. Prohibit unnecessary idling of internal combustion engines (i.e. in excess of five minutes).
5. Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
6. Erect temporary noise control blanket barriers and/or temporary solid plywood fences around construction sites adjacent to operational businesses or noise-sensitive land uses. This mitigation would only be necessary if (a) potential conflicts could not be resolved by proper scheduling and (b) the temporary barrier could demonstrate a benefit at the façade of the receptor building of at least 10 dB.
7. Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.
8. Notify businesses and noise-sensitive land uses adjacent to construction sites of the construction schedule in writing. Designate a “Construction Liaison” that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g. starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. A telephone number for the Liaison should be conspicuously posted at the construction site.

Mitigation Measure NOISE-2a: The following measures, in addition to the best practices for construction activities (as specified in Mitigation Measure NOISE-4), are recommended to reduce groundborne noise and vibration from construction activities:

1. Avoid impact pile driving process, when feasible. The use of a pre-drilling pile installation process shall be utilized when feasible, where geological conditions permit their use, so as to reduce vibration levels at adjacent receptors.
2. Avoid using vibratory rollers and vibratory tampers near vibration-sensitive uses.

Mitigation Measure NOISE-2b: Before any individual, site-specific development conducts any high vibration-generating activities (such as pile driving or vibratory compacting) within one hundred (100) feet of existing structures, the following mitigation measures shall apply:

1. Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before- and after-construction conditions. Construction contingencies would be identified for when

vibration levels approached the limits. Vibration limits shall be applied to all vibration-sensitive structures located within 100 feet of each individual, site-specific development that is subject to this mitigation measure. Limits shall be based on Table 4.11-5 to preclude architectural damage and on Table 4.11-4 to preclude vibration annoyance. For the Specific Plan Area proposed development types (i.e. "institutional land uses with primarily daytime use"), the Table 4.11-4 Category 3 land uses would indicate a threshold of 83 V dB. For future developments that have special, vibration-sensitive operations or equipment, the criteria in the FTA Guideline Manual, Table 8-3 should be implemented. The monitoring and construction contingency plan shall include the following contents described in Numbers 2 through 4 below.

2. At a minimum, monitor vibration during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements.
3. When vibration levels approach the above limits, construction should be suspended and contingencies should be implemented to either lower vibration levels or to secure the affected structures.
4. Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.

Impact NOISE-4: Project construction could create a substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.9-30 through 4.11-46 through 4.11-48, and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, possible future construction activities in close proximity to land uses with sensitive receptors may cause notable sound level increases (by 15 to 20 dBA or more). In addition, pile driving conceivably could occur at some individual development sites during the early stages of construction, which can produce approximately 105 dBA at 50 feet. Therefore, this is considered to be a potentially significant impact.

Findings

As authorized by Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The City hereby adopts Mitigation Measure NOISE-4, and 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 the mitigation is appropriate and feasible.

Facts in Support of Findings

The City finds that implementation of Mitigation Measure NOISE-4 would reduce the environmental effects associated with Impact NOISE-4 to less-than-significant levels. This Mitigation Measure, as set forth in the Draft EIR at pages 4.11-56 through 4.11-57 and in the attached Mitigation and Monitoring Reporting Program, is as follows:

Mitigation Measure NOISE-4: The following measures, when applicable and feasible, shall be required to reduce noise from construction activities:

1. Ensure that all internal combustion engine-driven equipment is equipped with mufflers that are in good operating condition and appropriate for the equipment.
2. Utilize “quiet” models of air compressors and other stationary noise sources where such technology exists.
3. Locate stationary noise-generating equipment as far as reasonable from sensitive receptors when sensitive receptors adjoin or are near a construction Project area.
4. Prohibit unnecessary idling of internal combustion engines (i.e. in excess of five minutes).
5. Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
6. Erect temporary noise control blanket barriers and/or temporary solid plywood fences around construction sites adjacent to operational businesses or noise-sensitive land uses. This mitigation would only be necessary if (a) potential conflicts could not be resolved by proper scheduling and (b) the temporary barrier could demonstrate a benefit at the façade of the receptor building of at least 10 dB.
7. Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.
8. Notify businesses and noise-sensitive land uses adjacent to construction sites of the construction schedule in writing. Designate a “Construction Liaison” that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g. starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. A telephone number for the Liaison should be conspicuously posted at the construction site.

Impact TRANS-1: Construction of Phase 1 of the Project would cause significant impacts at various intersections under existing traffic conditions. This is a significant impact.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.9-30 through 4.14-60 through 4.14-66, and in the Final EIR Responses to Comments (e.g., responses SA3-1, -2, -5, -6, -8, -9, -10; RA2-3, -4; RA4-3; LA1-4, -5, -6, -8) and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, construction of Phase 1 of the Project would cause a significant impact at intersections 1,

2, 6, 7, 10, 18, 19, and 20, under Existing Plus Project Phase 1 conditions. This is a significant impact.

Findings

As authorized by Public Resources Code Section 21081(a)(1) and CEQA Guideline Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The City hereby adopts Mitigation Measure TRANS-1, and further finds that the changes or alterations 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 the mitigation is appropriate and feasible.

Facts in Support of Findings

The City finds that implementation of Mitigation Measure TRANS-1 would reduce the significant impacts to intersections 10, 18, 19, and 20, as described under Impact TRANS-1, to less-than-significant levels. Impacts to intersections 1, 2, 6, and 7 cannot be reduced to a less-than-significant level, and are addressed by separate findings below. Mitigation Measure TRANS-1, as set forth in the Draft EIR at pages 4.14-112 through 4.14-113 and in the attached MMRP, is as follows:

Mitigation Measure TRANS-1: The Project will construct the following improvements, in accordance with then-applicable engineering standards and requirements, and as determined by the City Engineer:

- *Intersection #10 (Old Schulte Road/Hansen Road)*: Signalize the intersection, and construct an additional westbound left turn lane, eastbound left-turn and right-turn lanes, and a southbound left-turn lane.
- *New Schulte Road*: Construct New Schulte Road from the eastern terminus of the Project Phase 1 network (east of Hansen Road) east to Lammers Road, as a two-lane road. At Intersection #18, New Schulte Road/Lammers Road, signalize the intersection and construct a left-turn lane on the eastbound approach, and right-turn lanes on the northbound and southbound approaches.
- *New Schulte Road*: Construct New Schulte Road between Hansen Road (the end of the Phase 1 proposed network) and Lammers Road as a two-lane road.
- *Intersection #18 (New Schulte Road/Lammers Road)*: Install a signal and construct a left-turn lane on the eastbound approach, and right-turn lanes on the northbound and southbound approaches.
- *Intersection #19 (Old Schulte Road/Lammers Road)*: Install a signal and construct a left-turn lane on the eastbound approach, and right-turn lanes on the northbound and eastbound approaches.
- *Intersection #20 (Valpico Road/Lammers Road)*: Signalize the intersection and construct a left-turn lane on the southbound approach.

A “trigger” analysis, provided in Table 4.14-12 of the Draft EIR, provides the estimated timing for provision of each of the above mitigations, based on Project AM and PM peak hour trip generation. In terms of when the above improvements would

need to be constructed, as part of the application process for each individual, site-specific development under the Specific Plan, the applicant will submit a trip generation study for the development at issue or will fund the preparation of this study by the City's consultants. This information will be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed. With construction of the required improvements at intersections 10, 18, 19, and 20, impacts to these identified intersections would be less than significant.

Impact TRANS-8a: Construction of Phase 1 of the Project would cause significant impacts at various intersections under the 2035 Plus Phase 1 scenario. This is a significant impact.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.9-30 through 4.14-70 through 4.14-95 and 4.14-118 through 4.14.-119, and in the Final EIR Responses to Comments (e.g., responses SA3-1, -2, -5, -6, -8 to -16, -20, -21; RA2-3, -4; RA4-3; LA1-4, -5, -6, -8) and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, construction of Phase 1 of the Project results in significant impacts at four intersections (1, 4, 18, and 20), based on 2035 conditions with the Tracy Roadway and Transportation Master Plan roadway network in place. This is a significant impact.

Findings

As authorized by Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The City hereby adopts Mitigation Measure TRANS-8a, and further finds that the changes or alterations 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 the mitigation is appropriate and feasible.

Facts in Support of Findings

The City finds that implementation of Mitigation Measure TRANS-8a would reduce the significant impacts to intersections 1, 4, 18, and 20, as described under Impact TRANS-8 and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), to less-than-significant levels. This mitigation measure, as set forth in the Draft EIR at pages 4.14-119 through 4.14-120, Chapter 3 of the Final EIR, and in the attached Mitigation and Monitoring Reporting Program, is as follows:

Mitigation Measure TRANS-8a: The Project will construct the following improvements, in accordance with then-applicable engineering standards and requirements and as determined by the City Engineer:

- *Intersection #1 (Mountain House Parkway/I-205 Westbound Ramps):* Change the striping from two left turns and one through-right (which is recommended in Mitigation Measure TRANS-1 to mitigate the Existing Plus Phase 1 impact) to one through-left and two right-turn lanes, and change the signal phasing to allow westbound right turns and southbound throughs to run concurrently on the same phase. This mitigation would provide LOS C in the AM peak hour and LOS D in the PM peak hour, for 2035 Plus Phase 1 Project conditions. This mitigation will be implemented, in coordination with Caltrans, when appropriate, based on periodic traffic volume monitoring by the City, and is expected to be needed when both the southbound through and westbound left-turn volumes grow substantially (in either peak hour), relative to the current volumes.
- *Intersection #4 (New Schulte Road/Mountain House Parkway):* Signalize the intersection.
- *Intersection #18 (New Schulte Road/Lammers Road):* Add a right-turn lane to the eastbound approach, for a mitigated configuration of one left turn lane, two through lanes, and one right-turn lane.
- *Intersection #20 (Valpico Road/Lammers Road):* Add a second southbound left-turn lane, for a mitigated configuration of two left-turn lanes, three through lanes, and one right-turn lane.

Impact PS-1: The Project could have potential environmental impacts relating to fire protection and emergency medical services.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.13-10 through 4.13-12 of the Draft EIR, and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, the service demand from the Project would result in the need for new or expanded facilities to house equipment or staff to maintain applicable performance objectives, which may impact the SCFA's fire operations. As a result, there would be a significant impact without mitigation.

Findings

As authorized by Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above and identified in the Final EIR. The City hereby adopts Mitigation Measure PS-1 and Improvement Measure PS-1, and further finds that the changes or alterations 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 the mitigation is appropriate and feasible, and that implementation of an additional measure will further reduce the Project's impacts.

Facts in Support of Findings

The City finds that implementation of Mitigation Measure PS-1 would reduce the significant effects under Impact PS-1 to less-than-significant levels, and that implementation of Improvement Measure PS-1 will further reduce impacts in this regard. These measures, as set forth in the Draft EIR at page 4.13-13 and in the attached MMRP, provide as follows:

Mitigation Measure PS-1: As part of the application process for each individual development under the Specific Plan, the Project applicant shall be required to pay the applicable development impact fee as set forth in an adopted Cordes Ranch FIP.

Improvement Measure PS-1: As part of the Development Review process for each individual development under the Specific Plan, each Project applicant shall adhere to all conditions of approval that are related to fire protection and emergency response services, such as those relating to fire flows, hydrants and other design and safety features (including any necessary and specialized fire protection equipment to service to individual uses proposed).

Impact PS-2: The Project could have potential environmental impacts relating to law enforcement services.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.13-17 through 4.13-20 of the Draft EIR, and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, the service demand from the Project would result in the need for new or expanded facilities to house equipment or staff to maintain applicable performance objectives, which may impact the Tracy Police Department's operations. As a result, there would be a significant impact without mitigation.

Findings

As authorized by Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above and identified in the Final EIR. The City hereby adopts Mitigation Measure PS-2 and Improvement Measure PS-2, and further finds that the changes or alterations 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 the mitigation is appropriate and feasible, and that implementation of an additional measure will further reduce the Project's impacts.

Facts in Support of Findings

The City finds that implementation of Mitigation Measure PS-2 would reduce the significant effects under Impact PS-2 to less-than-significant levels, and that implementation of Improvement Measure PS-2 would further reduce impacts in this regard. These measures, as set forth in the Draft EIR at page 4.13-20 and in the attached MMRP, provide as follows:

Mitigation Measure PS-2: As part of the application process for each individual development under the Specific Plan, the Project applicant shall be required to pay the applicable development impact fee as set forth in an adopted Cordes Ranch FIP.

Improvement Measure PS-2: As part of the Development Review process for each individual development under the Specific Plan, each Project applicant shall adhere to all conditions of approval that are related to police protection services, such as safety features, emergency access, and physical improvements to the proposed site plan and/or to police facilities and equipment to ensure adequate service is maintained.

Impact UTIL-1: Project water demands would significantly impact water infrastructure unless the City constructed new water facilities or expanded existing facilities.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.15-19 through 4.15-31 of the Draft EIR, and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), new water facilities would be required to serve the Project, including additional transmission and distribution, water storage facilities, pumping stations, and pressure reducing stations, as identified in the WSMP. This is a significant impact.

Findings

As authorized by Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required herein, incorporated into the Project, or required as a condition of Project approval, which mitigate or avoid the significant environmental impact listed above, and as identified in the Final EIR. The City hereby adopts Mitigation Measure UTIL-1, and further finds that the changes or alterations 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 the mitigation is appropriate and feasible.

Facts in Support of Findings

The City finds that implementation of Mitigation Measure UTIL-1 would reduce the significant effects under Impact UTIL-1 to less-than-significant levels. Mitigation Measure UTIL-1, as set forth in the Draft EIR at pages 4.14-119 through 4.14-120 and in the attached MMRP, ensures the implementation of WSMP facilities, and provides as follows:

Mitigation Measure UTIL-1: To ensure the construction of the necessary WSMP facilities, the Project shall be required to pay appropriate development impact fees as contemplated by WSMP.

The WSMP is incorporated herein by this reference. Note, the potential environmental impacts from construction and operation of the WSMP improvements were evaluated and mitigated through the environmental review process for the WSMP, where such environmental review documents also are incorporated herein by this reference.

B. Findings associated with significant and unavoidable impacts

As authorized by Public Resources Code Section 21081(a)(1) and CEQA Guidelines Sections 15091 and 15092, the Final EIR is required to identify the significant impacts that cannot be reduced to a less-than-significant level through mitigation measures. Based upon the Final EIR, public comments, and the entire record before the Planning Commission, the Planning Commission recommends that the City Council find that the Project will cause the following significant and unavoidable impacts after the implementation of mitigation measures with respect to the impacts identified below. As explained in the Statement of Overriding Considerations (attached Exhibit C), these effects are considered to be acceptable when balanced against the economic, legal, social, technological, and/or other benefits of the Project.

Impact AES-1: The Project would change the visual aspect of and views from, to, and across the Specific Plan Area, resulting in a significant impact to scenic vistas.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.1-15 and 4.1-18 of the Draft EIR and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, development of the Project would involve an overall change to the visual aspect of and views from, to, and across the approximately 1,780-acre Specific Plan Area. These public views — while of features and vistas not identified in the City's General Plan as significant scenic vistas — are treated by the City generally as important assets. Therefore, given the scope and nature of the Project, there would be a significant impact.

Findings

The City finds that the impacts on scenic vistas are potentially significant, and that there exist no feasible mitigation measures that would reduce these impacts to a level of insignificance. The City therefore finds that impacts on scenic vistas are significant and unavoidable. The City finds that it has adopted all feasible mitigation and, to this end, the City finds that Mitigation Measure AES-1, as set forth in the Draft EIR at pages 4.14-119 through 4.14-120 and in the attached MMRP, is feasible, is within the jurisdiction of the City to require, is hereby adopted, and would reduce potential impacts under Impact AES-1, but not to a level of insignificance. This impact is overridden by Project benefits as set forth in the Statement of Overriding Considerations.

Facts in Support of Findings

Mitigation Measure AES-1, as set forth on page 4.1-23 of the Draft EIR and in the attached MMRP, provides that the Specific Plan contains numerous design and landscaping requirements intended to beautify the Project, which shall be imposed on individual, site-specific developments under the Specific Plan. The City finds that the design and landscaping requirements contained in the Cordes Ranch Specific Plan would lessen the environmental effects identified in Impact AES-1. For example, the Specific Plan requires wide setbacks along Mountain House Parkway, Hansen Road, Capital Parks Drive, and Pavilion Parkway that would help preserve views to the mountains. Additionally, a range of parks, trails, and open space in the Specific Plan Area, including the Central Green, Eastside Park, and other recreational and open space features, would

provide continuous landscaped view corridors. Landscaping would be provided in three tiers adjacent to Interstate 205. Publicly visible sides of commercial buildings would be designed with a complementary level of detailing and quality so that there is equal visual interest on all sides. Sign design standards would regulate the size, height, lighting, location, and appearance of signs. Landscaping would screen views of the truck trailer parking, service doors, and loading docks from public streets.

However, these design and landscaping requirements would not reduce Impact AES-1 to a less-than-significant level. The only way to eliminate potentially significant impacts would be to preserve existing uses within the Specific Plan Area. As there is no feasible mitigation to reduce impacts to scenic vistas, this impact remains significant and unavoidable. This impact is overridden, though, by the public benefits as set forth in the Statement of Overriding Considerations (Exhibit C). Note, the No Project Alternative, which evaluates a scenario where existing uses are preserved, is discussed in Chapter 5 of the Draft EIR at pages 5-8 to 5-15, and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR).

Impact AES-2: The Project would add new development to the viewsheds, with the potential to adversely affect a State-designated route, which would be a significant impact.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.1-18 and 4.1-19 of the Draft EIR and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, some of the Specific Plan Area is within the viewsheds of Interstate 580, a State-designated scenic highway. The views from Interstate 580 to the Specific Plan Area are limited because of small hills and commercial buildings along Interstate 580 and given high speeds of travel; for these reasons, impacts in this regard would be limited. Nevertheless, new development proposed by the Project in the viewsheds would have the potential to adversely affect a State-designated route.

Findings

The City finds that the impacts on viewsheds are potentially significant, and that there exist no feasible mitigation measures that would reduce these impacts to a level of insignificance. The City therefore finds that impacts on viewsheds are significant and unavoidable. The City finds that it has adopted all feasible mitigation and, to this end, the City finds that Mitigation Measure AES-2, as set forth in the Draft EIR at page 4.1-24 and in the attached MMRP, is feasible, is within the jurisdiction of the City to require, is hereby adopted, and would reduce potential impacts under Impact AES-2, but not to a level of insignificance. This impact is overridden by Project benefits as set forth in the Statement of Overriding Considerations.

Facts in Support of Findings

Mitigation Measure AES-2, as set forth on page 4.1-24 of the Draft EIR and in the attached MMRP, provides that the Specific Plan contains numerous design and landscaping requirements intended to beautify the Project, which shall be imposed on individual, site-specific developments under the Specific Plan. The City finds that the design and landscaping requirements contained in the Cordes Ranch Specific Plan would lessen the environmental effects identified in Impact AES-2. For example, proposed

development would be appropriately set back and screened with landscaping to reduce impacts on views. In addition, proposed development would be generally consistent in scale and type as compared to existing nearby uses.

However, these design and landscaping requirements would not reduce Impact AES-2 to a less-than-significant level. The only way to eliminate potentially significant impacts would be to preserve existing uses within the Specific Plan Area. As there is no feasible mitigation to reduce impacts to scenic vistas, this impact remains significant and unavoidable. This impact is overridden, though, by the public benefits as set forth in the Statement of Overriding Considerations (attached Exhibit C). Note, the No Project Alternative, which evaluates a scenario where existing uses are preserved, is discussed in Chapter 5 of the Draft EIR at pages 5-8 to 5-15, and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR).

Impact AES-3: The Project would bring urban development to a rural and agricultural area, thereby changing its character and resulting in a significant impact.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.1-19 and 4.1-21 of the Draft EIR and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, the Specific Plan Area's character is generally rural and agricultural in nature. The Project would bring urban development (including buildings ranging from 30 feet to 100 feet high, with office, commercial, and business park industrial uses) to the Specific Plan Area.

Findings

The City finds that the impacts regarding visual character are potentially significant, and that there exist no feasible mitigation measures that would reduce these impacts to a level of insignificance. The City therefore finds that impacts regarding visual character are significant and unavoidable. The City finds that it has adopted all feasible mitigation and, to this end, the City finds that Mitigation Measure AES-3, as set forth in the Draft EIR at page 4.1-24 and in the attached MMRP, is feasible, is within the jurisdiction of the City to require, is hereby adopted, and would reduce potential impacts under Impact AES-3, but not to a level of insignificance. This impact is overridden by Project benefits as set forth in the Statement of Overriding Considerations.

Facts in Support of Findings

Mitigation Measure AES-3, as set forth on page 4.1-24 of the Draft EIR and in the attached MMRP, provides that the Specific Plan contains numerous design and landscaping requirements intended to beautify the Project, which shall be imposed on individual, site-specific developments under the Specific Plan. The City finds that the design and landscaping requirements contained in the Cordes Ranch Specific Plan would lessen the environmental effects identified in Impact AES-3. For example, proposed development would be designed to establish a sense of place and would use a consistent landscape theme to provide a gateway. Site planning and building orientation would support the opportunities of the Project, and development options would provide flexibility.

However, these design and landscaping requirements would not reduce Impact AES-3 to a less-than-significant level. The only way to eliminate potentially significant impacts would be to preserve existing uses within the Specific Plan Area. As there is no feasible mitigation to reduce impacts to scenic vistas, this impact remains significant and unavoidable. This impact is overridden, though, by the Project benefits as set forth in the Statement of Overriding Considerations (attached Exhibit C). Note, the No Project Alternative, which evaluates a scenario where existing uses are preserved, is discussed in Chapter 5 of the Draft EIR at pages 5-8 to 5-15, and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR).

Impact AES-CUM-1: The Project would change the visual aspect of and views from, to, and across the Specific Plan Area, add new development to viewsheds, and bring urban development to a rural and agricultural area, resulting in cumulatively considerable contributions to significant impacts on scenic vistas, scenic resources within a State scenic highway, and visual character.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained in Chapter 4.1 of the Draft EIR and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, and as discussed above in findings related to Impacts AES-1, AES-2, and AES-3, the Project would have significant and unavoidable impacts to scenic vistas, viewsheds, and visual character within and near the Specific Plan Area, and these impacts would constitute considerable contributions to a significant cumulative impact.

Findings

The City finds that the significant and unavoidable aesthetic impacts are considerable contributions to a significant cumulative impact, and that there exist no feasible mitigation measures that would reduce these impacts to a level of insignificance. The City therefore finds that impacts regarding visual character are significant and unavoidable. The City finds that it has adopted all feasible mitigation and, to this end, the City finds that Mitigation Measure AES-CUM-1, as set forth in the Draft EIR at page 4.1-25 and in the attached MMRP, is feasible, is within the jurisdiction of the City to require, is hereby adopted, and would reduce potential impacts under Impact AES-CUM-1, but not to a level of insignificance. This impact is overridden by Project benefits as set forth in the Statement of Overriding Considerations.

Facts in Support of Findings

Mitigation Measure AES-CUM-1, as set forth on page 4.1-25 of the Draft EIR and in the attached MMRP, provides that the Specific Plan contains numerous design and landscaping requirements intended to beautify the Project, which shall be imposed on individual, site-specific developments under the Specific Plan. The City finds that the design and landscaping requirements contained in the Cordes Ranch Specific Plan would lessen the environmental effects identified in Impact AES-CUM-1.

However, these design and landscaping requirements would not reduce Impact AES-CUM-1 to a less-than-significant level. The only way to eliminate potentially significant impacts would be to preserve existing uses within the Specific Plan Area. As there is no

feasible mitigation to reduce impacts to scenic vistas, this impact remains significant and unavoidable. This impact is overridden, though, by the Project benefits as set forth in the Statement of Overriding Considerations (attached Exhibit C). Note, the No Project Alternative, which evaluates a scenario where existing uses are preserved, is discussed in Chapter 5 of the Draft EIR at pages 5-8 to 5-15, and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR).

Impact AG-1: Implementation of the Project would result in the conversion of Prime Farmland and other Important Farmland.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.2-11 through 4.2-12 of the Draft EIR and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, development of the Project would entail the conversion of the entire Specific Plan Area from agricultural uses to urban uses, which includes the conversion of approximately 100 acres of Prime Farmland as well as approximately 1,600 acres of other Important Farmland.

Findings

The City finds that the impacts to Prime and Important Farmland are potentially significant, and that there exist no feasible mitigation measures that would reduce these impacts to a level of insignificance. The City therefore finds that impacts regarding farmland are significant and unavoidable. The City finds that it has adopted all feasible mitigation and, to this end, the City finds that Mitigation Measure AG-1, as set forth in the Draft EIR at page 4.2-215 and in the attached Mitigation and Monitoring Reporting Program, is feasible, is within the jurisdiction of the City to require, is hereby adopted, and would reduce potential impacts under Impact AG-1, but not to a level of insignificance. This impact is overridden by Project benefits as set forth in the Statement of Overriding Considerations.

Facts in Support of Findings

Mitigation Measure AG-1, as set forth on page 4.1-15 of the Draft EIR and in the attached MMRP, provides that, as part of the development process for each individual site-specific development project under the Specific Plan, the applicable agricultural mitigation fee for each acre of farmland to be developed shall be paid, in compliance with Chapter 13.28, Agricultural Mitigation Fee, of the Tracy Municipal Code. The fees shall be collected by the City at the time that building permits are issued for such site-specific development project, or as otherwise required by City. As detailed in the Tracy Municipal Code, such fees are used for the preservation of farmland or open space within or adjacent to the Tracy planning area or its adopted sphere of influence (beyond the land deemed necessary for development), to establish an urban boundary or open space buffer zone, or within San Joaquin County. The use of the fee may include outreach, the purchase of land or easements, transaction costs, easement monitoring and enforcement of regulations on the land, and reasonable general administrative costs. Farmland conservation easements should be permanent and the fees may not be used to purchase land or easements already subject to another conservation easement.

However, the payment of fees would not reduce Impact AG-1 to a less-than-significant level. The only way to eliminate potentially significant impacts would be to preserve existing agricultural uses within the Specific Plan Area. As there is no feasible mitigation to reduce impacts to Prime and Important Farmland, this impact remains significant and unavoidable. This impact is overridden, though, by the Project benefits as set forth in the Statement of Overriding Considerations (attached Exhibit C). Note, the No Project Alternative, which evaluates a scenario where existing uses are preserved, is discussed in Chapter 5 of the Draft EIR at pages 5-8 to 5-15, and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR).

Impact AG-3: Development of the Project, together with other cumulative projects, would result in an incremental reduction in agricultural resources. The loss of farmland would be considered significant.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained in Chapter 4.2 of the Draft EIR and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, and as discussed above in findings related to Impacts AG-1, AG-2, and AES-3, the Project would have significant impacts to agricultural lands and activities near the Specific Plan Area, and these impacts would constitute considerable contributions to a significant cumulative impact.

Findings

The City finds that Impacts AG-1 and AG-2 are considerable contributions to a significant cumulative impact, and that there exist no feasible mitigation measures that would reduce these impacts to a level of insignificance. The City therefore finds that impacts regarding agricultural resources are significant and unavoidable. The City finds that it has adopted all feasible mitigation and, to this end, the City finds that Mitigation Measure AG-3, as set forth in the Draft EIR at page 4.2-16 and in the attached Mitigation and Monitoring Reporting Program, is feasible, is within the jurisdiction of the City to require, is hereby adopted, and would reduce potential impacts under Impact AG-3, but not to a level of insignificance. This impact is overridden by Project benefits as set forth in the Statement of Overriding Considerations.

Facts in Support of Findings

Mitigation Measure AG-3, as set forth on page 4.2-16 of the Draft EIR and in the attached MMRP, provides for the implementation of Mitigation Measures AG-1 and AG-2, which generally involve the payment of fees and use of buffers, and which are identified and discussed above in findings related to Impacts AG-1 and AG-2 and the facts in support thereof, where such findings and facts are incorporated herein by this reference.

However, the payment of fees and use of buffers would not reduce Impact AG-3 to a less-than-significant level. The only way to eliminate potentially significant impacts to Prime and Important Farmland would be to preserve existing agricultural uses within the Specific Plan Area. As there is no feasible mitigation to reduce impacts to agricultural resources, this impact remains significant and unavoidable. This impact is overridden, though, by the Project benefits as set forth in the Statement of Overriding Considerations (attached

Exhibit C). Note, the No Project Alternative, which evaluates a scenario where existing uses are preserved, is discussed in Chapter 5 of the Draft EIR at pages 5-8 to 5-15, and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR).

Impact AQ-1: The Project would conflict with or obstruct implementation of the applicable air quality plan.

Significant Impact

While the Project is consistent with the City of Tracy General Plan's growth projections and would implement a number of transportation control measures, the Project would exceed the regional significance thresholds and the Project's cumulative contribution to criteria air pollutants and toxic air contaminants (TACs). For this reason and to ensure a conservative analysis, this evaluation treats this as an inconsistency with (San Joaquin Valley Air Pollution Control District's) SJVAPCD's air quality plans. More specifically, as presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.3-47 through 4.3-50 of the Draft EIR and in the Final EIR Responses to Comments (e.g., responses RA3-3, -4, -5, 25, -26; ORG1-2, -3) and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, Project-related criteria air pollutants were quantified for the Project construction and operation (discussed in further detail under those findings addressing Impacts AQ-2 and A Q-3, incorporated herein by this reference), and the analysis shows the Project would generate a substantial increase in criteria air pollutants that would exceed significance thresholds set by the SJVAPCD. Therefore, the Project would be inconsistent with the SJVAPCD's air quality plans in this regard. Moreover, the Project would result in a significant cumulative contribution of TACs as a result of a substantial increase in truck traffic on major roadways in the Specific Plan Area and vicinity (see findings related to discussion of Impact AQ-5, incorporated herein by this reference).

Findings

The City finds that the impacts related to inconsistencies with SJVAPCD's air quality plans are potentially significant, and that there exist no feasible mitigation measures that would reduce these impacts to a level of insignificance. The City therefore finds that impacts regarding inconsistencies with SJVAPCD's air quality plans are significant and unavoidable. The City finds that it has adopted all feasible mitigation and, to this end, the City finds that Mitigation Measures AQ-1 and AQ-5, as set forth in the Draft EIR at page 4.3-73 and in the attached MMRP, are feasible, are within the jurisdiction of the City to require, are hereby adopted, and would reduce potential impacts under Impact AQ-1, but not to a level of insignificance. Though impacts would remain significant and unavoidable after the imposition of all feasible mitigation measures, Impact AQ-1 is overridden by Project benefits, as set forth in the Statement of Overriding Considerations.

Facts in Support of Findings

Mitigation Measures AQ-1, as set forth on page 4.3-73 of the Draft EIR and in the attached MMRP, provides for the implementation of Mitigation Measures AQ-2a and AQ-2b and Mitigation Measures GHG-1b through 1d (set forth on pages 4.7-49 to 4.7-50 of the Draft EIR), which are described more fully in those findings addressing Impact AQ-2 and AQ-3 and the facts in support thereof, which are incorporated herein by this

reference. Mitigation Measures AQ-5, as set forth on pages 4.3-78 to 4.3-79 of the Draft EIR and in the attached MMRP, provides for the adoption of best available control technologies in order to reduce TAC levels, or provide the City with a health risk assessment showing an individual use would not exceed applicable thresholds.

Insofar as the SJVAPCD has recommended the adoption of a voluntary emission reduction agreement (VERA) as an additional mitigation measures, the City finds, as discussed in response to comment RA3-3, that there is not substantial evidence in the record to support a feasibility determination regarding the VERA for the following separate and independent reasons:

- The VERA and the Indirect Source Review Rule (Rule 9150) address similar impacts in a similar manner (e.g., through the financing of SJVAPCD projects) and therefore could be viewed as redundant, and could also raise concerns regarding the legal nexus required for mitigation measures.
- The City is not aware of any evidence that the VERA has effectively mitigating impacts for a particular project. A VERA does not appear to prescribe specific mitigation measures with known, quantifiable reduction values, but rather, appears to be a mechanism to collect funds and allocate them to other programs, the parameters of which have not all been determined. Without knowing these details, there is no evidence to support a claim that the VERA is an effective mitigation measure.
- A VERA could not effectively mitigate any localized impacts (such as health risks from TACs, carbon monoxide hotspots, etc.), since any effective mitigation measure also must also be a localized mechanism. Such measures already are prescribed in the existing Final EIR and Mitigation Monitoring and Reporting Program (e.g., by ensuring construction equipment has filters, etc.). Thus, for many Project-related impacts, it would appear a VERA would not have any mitigation value, that no legal nexus exists for the City to impose it, and thus the measure would be legally infeasible.
- It is impossible to know at this time what costs would be associated with the VERA, especially given the volume of emissions the Project would generate and the lack of specifics inherent in any such arrangement. Without such limits, requiring adherence to a VERA has the potential to make the Project economically infeasible. Separately, the City finds it is against public policy to impose upon development projects a mitigation measure that has no known costs and, accordingly, may operate to place a project in financial jeopardy in the future. Imposing such a measure would both harm the subject project and discourage prospective developers from electing the City of Tracy for future projects.

The City finds that all other measures, programs, or policies suggested are not feasible for the reasons set forth in the Final EIR Responses to Comments (e.g., response ORG1-3.)

While adoption of feasible mitigation measures would reduce impacts to the extent feasible, it remains uncertain whether the identified impacts may be reduced to a less-than-significant level. As there is no feasible and certain way to mitigate air quality impacts under Impact AQ-1 to a desired level, this impact remains significant and unavoidable. This

impact is overridden, though, by the Project benefits as set forth in the Statement of Overriding Considerations (attached Exhibit C).

Impact AQ-2: Construction of the Project potentially could violate air quality standards or contribute substantially to an existing or projected air quality standard.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.3-50 through 4.3-58 of the Draft EIR and in the Final EIR Responses to Comments (e.g., responses RA3-3, -4, -5, -25, -26; ORG1-2, -3) and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, construction of the Project could emit significant levels of ROG, NO_x and PM₁₀, and would cumulatively contribute to the ozone and particulate matter non-attainment designations of the San Joaquin Valley Air Basin. While feasible mitigation measures would be imposed (as set forth below), due to the nature and scope of the Project along with its anticipated buildout horizon, construction period emissions would be considered significant and unavoidable.

Findings

The City finds that the impacts related to the aforementioned construction emissions are potentially significant, and that there exist no feasible mitigation measures that would reduce these impacts to a level of insignificance. The City therefore finds that such impacts are significant and unavoidable. The City finds that it has adopted all feasible mitigation and, to this end, the City finds that Mitigation Measures AQ-2a and AQ-2b, as set forth in the Draft EIR at pages 4.3-74 to 4.3-76 and in the attached Mitigation and Monitoring Reporting Program, are feasible, are within the jurisdiction of the City to require, are hereby adopted, and would reduce potential impacts under Impact AQ-2, but not to a level of insignificance. This impact is overridden by Project benefits as set forth in the Statement of Overriding Considerations.

Facts in Support of Findings

Mitigation Measures AQ-2a and AQ-2b, as set forth on pages 4.3-74 through 4.3-76 of the Draft EIR and in the attached MMRP, are as follows:

Mitigation Measure AQ-2a: Each applicant for individual, site-specific developments under the Specific Plan shall comply with the San Joaquin Valley Air Pollution Control District (SJVAPCD) rules and regulations, including, without limitation, Indirect Source Rule 9510. The applicant shall document, to the City's reasonable satisfaction, its compliance with this mitigation measure.

Mitigation Measure AQ -2b: Prior to issuance of a grading permit by the City of Tracy, the applicant for an individual, site-specific development under the Specific Plan shall be required to develop and obtain approval of a fugitive dust and emissions control plan to mitigate, as feasible, the identified impacts, which satisfies the requirements set forth under then-applicable SJVAPCD Rules and Regulations, including, without limitation, Regulation VIII. Depending on the size, location, and nature of the individual development at issue, the fugitive dust and emissions control plan shall consider the following mitigation measures, for example:

- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover;
- All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant;
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking;
- When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained;
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.);
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant;
- Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday; and
- Any site with 150 or more vehicle trips per day shall prevent carryout and trackout;
- Limit traffic speeds on unpaved roads to 15 mph;
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the Specific Plan Area;
- Adhere to Regulation VIII's 20 percent opacity limitation, as applicable;
- Use of construction equipment rated by the United States Environmental Protection Agency (US EPA) as having Tier 3 or higher exhaust emission limits for equipment over 50 horsepower that are on-site for more than 5 days, if available and feasible. Tier 3 engines between 50 and 750 horsepower are available for 2006 to 2008 model years. After January 1, 2015, encourage the use of equipment over 50 horsepower that are on-site for more than 5 days to meet the Tier 4 standards, if available and feasible. A list of construction equipment by type and model year shall be maintained by the construction contractor on-site, which shall be available for City review upon request.

- Use of alternative-fueled or catalyst-equipped diesel construction equipment, if available and feasible; and
- Clearly posted signs that require operators of trucks and construction equipment to minimize idling time (e.g. 5-minute maximum).

Insofar as the SJVAPCD has recommended the adoption of a VERA as an additional mitigation measures, the City finds, as discussed in response to comment RA3-3, that a VERA is not feasible for the separate and independent reasons discussed in findings addressing Impact AQ-1 and the facts in support thereof, incorporated herein by this reference. The City finds that all other measures, programs, or policies suggested are not feasible for the reasons set forth in the Final EIR Responses to Comments (e.g., response ORG1-3.)

While adoption of feasible mitigation measures would reduce impacts to the extent feasible, it remains uncertain whether the identified impacts may be reduced to a less-than-significant level. As there is no feasible and certain way to mitigate air quality impacts under Impact AQ-2 to a desired level, this impact remains significant and unavoidable. This impact is overridden, though, by the Project benefits as set forth in the Statement of Overriding Considerations (attached Exhibit C).

Impact AQ-3: Construction of the Project potentially could violate air quality standards or contribute substantially to an existing or projected air quality standard.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.3-58 through 4.3-61 of the Draft EIR and in the Final EIR Responses to Comments (e.g., responses RA3-3, -4, -5, -26; ORG1-2, -3) and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, operation of the Project could emit significant levels of ROG, NO_x, CO, and PM₁₀, and would cumulatively contribute to the ozone and particulate matter non-attainment designations of the San Joaquin Valley Air Basin. While feasible mitigation measures would be imposed (as set forth below), due to the nature and scope of the Project, impacts would be considered significant and unavoidable.

Findings

The City finds that the impacts related to the aforementioned operations emissions are potentially significant, and that there exist no feasible mitigation measures that would reduce these impacts to a level of insignificance. The City therefore finds that such impacts are significant and unavoidable. The City finds that it has adopted all feasible mitigation and, to this end, the City finds that Mitigation Measures GHG-1a, GHG-1b, GHG-1c, and GHG-1d (which comprise Mitigation Measure AQ-3), as set forth in the Draft EIR at pages 4.3-76 to 4.3-77 and pages 4.7-49 to 4.7-50 and in the attached MMRP, and Mitigation Measures AQ-2a and AQ-2b, as set forth in the Draft EIR at pages 4.3-74 to 4.3-76 and in the attached Mitigation and Monitoring Reporting Program, are feasible, are within the jurisdiction of the City to require, are hereby adopted, and would reduce potential impacts under Impact AQ-3, but not to a level of insignificance. This impact is overridden by Project benefits as set forth in the Statement of Overriding Considerations.

Facts in Support of Findings

Mitigation Measures AQ-2a and AQ-2b are identified above in the findings regarding Impact AQ-2, and are incorporated herein by this reference. Mitigation Measures GHG-1a, GHG-1b, GHG-1c, and GHG-1d (which comprise Mitigation Measure AQ-3), as set forth in the Draft EIR at pages 4.3-76 to 4.3-77 and pages 4.7-49 to 4.7-50 and in the attached MMRP, are as follows:

Mitigation Measure GHG-1a: Applicants for individual, site-specific developments shall conform to the then-applicable requirements of the California Building Code, including the Green Code's provisions relating to "solar readiness." Applicants will be encouraged to utilize or otherwise facilitate the use of alternative energy generation technologies, as feasible, to offset their energy consumption, by, for example, ensuring that roof structures are built such that they can accommodate the weight of solar panels in accordance with the California Building and Energy Standards; providing for energy storage within their buildings; and installing electrical switch gears to facilitate solar usage.

Mitigation Measure GHG-1b: Prior to issuance of a building permit for an individual, site-specific development that requires or is intended to accommodate refrigerated vehicles, the construction documents shall demonstrate an adequate number of electrical service connections at loading docks for plug-in of the anticipated number of refrigerated trailers to reduce idling time and emissions.

Mitigation Measure GHG-1c: Applicants for individual, site-specific developments with truck delivery and loading areas, and truck parking spaces, shall include signage as a reminder to limit idling of vehicles while parked for loading/unloading in accordance with California Air Resources Board Rule 2845 (13 CCR Chapter 10 §2485).

Mitigation Measure GHG-1d: Applicants for individual, site-specific developments shall identify in the grading plans that non-essential idling of construction equipment and vehicles shall be restricted to no more than 5 minutes in accordance with California Air Resources Board Rule 2485 (13 CCR Chapter 10 §2485).

Insofar as the SJVAPCD has recommended the adoption of a VERA as an additional mitigation measure, the City finds, as discussed in response to comment RA3-3, that a VERA is not feasible for the separate and independent reasons discussed in findings addressing Impact AQ-1 and the facts in support thereof, incorporated herein by this reference. The City finds that all other measures, programs, or policies suggested are not feasible for the reasons set forth in the Final EIR Responses to Comments (e.g., response ORG1-3.)

While adoption of feasible mitigation measures would reduce impacts to the extent feasible, it remains uncertain whether the identified impacts may be reduced to a less-than-significant level. As there is no feasible and certain way to mitigate air quality impacts under Impact AQ-3 to a desired level, this impact remains significant and unavoidable. This impact is overridden, though, by the Project benefits as set forth in the Statement of Overriding Considerations (attached Exhibit C).

Impact AQ-4: Emissions of ozone precursors and particulate matter caused by construction and operation of the Project are considered significant.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.3-63 through 4.3-64 of the Draft EIR and in the Final EIR Responses to Comments (e.g., responses RA3-3, -4, -5, -26; ORG1-2, -3) and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, individual site-specific development projects under the Specific Plan have the potential to result in construction and operational emissions that exceed the thresholds established by SJVAPCD for ROG, NOx, and PM10. These thresholds include precursor pollutants for ozone and particulate matter (i.e. PM10 and PM2.5). Projects that have emissions above these thresholds are considered to cause a cumulatively considerable net increase in emissions that could contribute or cause the exceedance of a nonattainment air pollutant. Project-related criteria air pollutant emissions would therefore have the potential to result in elevated concentrations of O3, NO2, and PM10 that have the potential to exceed the ambient air quality standards. Therefore, the impact is considered significant.

Findings

The City finds that the impacts related to emissions of ozone precursors and particulate matter caused by construction and operation of the Project are potentially significant, and that there exist no feasible mitigation measures that would reduce these impacts to a level of insignificance. The City therefore finds that such impacts are significant and unavoidable. The City finds that it has adopted all feasible mitigation and, to this end, the City finds that Mitigation Measures GHG-1a, GHG-1b, GHG-1c, and GHG-1d (which comprise Mitigation Measure AQ-3), as set forth in the Draft EIR at pages 4.3-76 to 4.3-77 and pages 4.7-49 to 4.7-50 and in the attached Mitigation and Monitoring Reporting Program, and Mitigation Measures AQ-2a and AQ-2b (which comprise Mitigation Measure AQ-4), as set forth in the Draft EIR at pages 4.3-74 to 4.3-76 and in the attached Mitigation and Monitoring Reporting Program, are feasible, are within the jurisdiction of the City to require, are hereby adopted, and would reduce potential impacts under Impact AQ-4, but not to a level of insignificance. This impact is overridden by Project benefits as set forth in the Statement of Overriding Considerations.

Facts in Support of Findings

Mitigation Measures AQ-2a and A Q-2b (which comprise Mitigation Measure AQ-4) are identified above in the findings regarding Impact AQ-2 and the facts in support thereof, and are incorporated herein by this reference. Mitigation Measures GHG-1a, GHG-1b, GHG-1c, and GHG-1d (which comprise Mitigation Measure AQ-3) are identified above in the findings regarding Impact AQ-3, and are incorporated herein by this reference.

Insofar as the SJVAPCD has recommended the adoption of a VERA as an additional mitigation measures, the City finds, as discussed in response to comment RA3-3, that a VERA is not feasible for the separate and independent reasons discussed in findings addressing Impact AQ-1 and the facts in support thereof, incorporated herein by this reference. The City finds that all other measures, programs, or policies suggested are not feasible for the reasons set forth in the Final EIR Responses to Comments (e.g., response ORG1-3.)

While adoption of feasible mitigation measures would reduce impacts to the extent feasible, it remains uncertain whether the identified impacts may be reduced to a less-than-significant level. As there is no feasible and certain way to mitigate air quality impacts under Impact AQ-4 to a desired level, this impact remains significant and unavoidable. This impact is overridden, though, by the Project benefits as set forth in the Statement of Overriding Considerations (attached Exhibit C).

Impact AQ-5: Operation of the Project could expose sensitive receptors to substantial pollutant concentrations.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.3-64 through 4.3-69 of the Draft EIR and in the Final EIR Responses to Comments (e.g., responses RA3-3, -4, -5, -8 to -19, -26; LA1-21; ORG1-2, -3) and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, operation of the Project would emit TACs, primarily from diesel particulate matter emitted by trucks, that would cause increased cancer risk, that exceeds 10 excess cancer cases per million, at residents on-site (Phase 1 only) and off-site. While individual, site-specific development projects under the Specific Plan may not individually result in excess cancer risk above the SJVAPCD threshold, the cumulative contribution of diesel truck traffic from Project developments would significantly contribute to a substantial increase in concentrations of TACs at sensitive receptors in the Project vicinity. This is a significant and adverse impact of the Project.

Findings

The City finds that the impacts related to TAC emissions associated with operation of the Project are potentially significant, and that there exist no feasible mitigation measures that would reduce these impacts to a level of insignificance. The City therefore finds that such impacts are significant and unavoidable. The City finds that it has adopted all feasible mitigation and, to this end, the City finds that Mitigation Measure AQ-5, as set forth in the Draft EIR at pages 4.3-78 to 4.3-79 and in the attached MMRP, are feasible, is within the jurisdiction of the City to require, is hereby adopted, and would reduce potential impacts under Impact AQ-5, but not to a level of insignificance. This impact is overridden by Project benefits as set forth in the Statement of Overriding Considerations.

Facts in Support of Findings

Mitigation Measures AQ-5 provides as follow:

Applicants for industrial or warehousing land uses that: 1) are expected to generate 100 or more diesel truck trips per day or have 40 or more trucks with operating diesel-powered transport refrigeration units (TRUs), and 2) are located within 1,000 feet of a sensitive receptor, as measured from the property line of the development at issue to the property line of the nearest sensitive receptor, shall adhere to applicable Best Available Control Technologies for Toxics (T-BACT), as set forth in CARB or SJVAQPD guidance (as applicable), for the purpose of reducing potential cancer and non-cancer risks to below the applicable thresholds, as feasible (e.g., restricting idling onsite, electrifying warehouse docks, requiring use of newer equipment and/or vehicles, restricting off-site truck travel through the creation of truck routes).

Provided, however, that an applicant may submit a health risk assessment (HRA) to the City of Tracy prepared in accordance with policies and procedures of the state Office of Environmental Health Hazard Assessment (OEHHA) and the San Joaquin Valley Air Pollution Control District (SJVAPCD); if this HRA demonstrates that the incremental cancer risk for the individual development at issue would not exceed ten in one million (10E-06) or the appropriate non-cancer hazard index would not exceed 1.0, then no further mitigation shall be required.

Insofar as the SJVAPCD has recommended the adoption of a VERA as an additional mitigation measures, the City finds, as discussed in response to comment RA3-3, that a VERA is not feasible for the separate and independent reasons discussed in findings addressing Impact AQ-1 and the facts in support thereof, incorporated herein by this reference. The City finds that all other measures, programs, or policies suggested are not feasible for the reasons set forth in the Final EIR Responses to Comments (e.g., response ORG1-3.)

While adoption of feasible mitigation measures would reduce impacts to the extent feasible, it remains uncertain whether the identified impacts may be reduced to a less-than-significant level. As there is no feasible and certain way to mitigate air quality impacts under Impact AQ-5 to a desired level, this impact remains significant and unavoidable. This impact is overridden, though, by the Project benefits as set forth in the Statement of Overriding Considerations (attached Exhibit C).

Impact BIO-4: The Project could interfere substantially with the movement of wildlife species.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.4-25 through 4.4-26 of the Draft EIR and in the Final EIR Responses to Comments (e.g., response ORG1-4) and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, the Project would have a substantial impact on the existing agricultural and grassland cover on the Specific Plan Area, and the associated wildlife habitat functions and values. Opportunities for terrestrial wildlife movement beyond the Specific Plan Area are currently limited by Interstate 205 to the north and the California Aqueduct to the west, and the Delta-Mendota Canal and existing industrial and commercial development to the southwest. Accordingly, the California Aqueduct and Interstate 205 already pose substantial impediments to terrestrial wildlife movement, but both have locations where wildlife can move under or over these barriers, and Interstate 205 is passable by wildlife late at night when traffic volumes are relatively low. However, wildlife currently has only limited obstructions for movement within the Specific Plan Area itself and to undeveloped lands to the east and southeast. Proposed development would encompass all but the central drainage channel and around the detention basins along the northern edge of the Specific Plan Area. Due to the extent of development and changes in habitat conditions on the Specific Plan Area, the proposed Project would permanently alter the suitability of much of the Specific Plan Area as natural habitat and potential movement corridor for a number of terrestrial wildlife species, such as coyote, gray fox, long-tailed weasel, black-tailed jackrabbit, burrowing owl, and Swainson's hawk, among many other species. While the Project would include various parklands and trails, these open spaces would be fragmented by roadways and structures, with limited

opportunities for wildlife to move between these features and other enhanced areas on the Specific Plan Area. For the above reasons, this loss of movement opportunities for common terrestrial wildlife would be significant.

Findings

The City finds that the impacts to wildlife corridors are potentially significant. As set forth more fully in the Final EIR, Mitigation Measure BIO-1 would address the loss of suitable habitat for special species, and provide adequate compensatory mitigation for these species. However, there exist no feasible mitigation measures that would reduce these impacts on wildlife corridors to a level of insignificance. The City therefore finds that such impacts are significant and unavoidable. This impact is overridden by Project benefits as set forth in the Statement of Overriding Considerations.

Facts in Support of Findings

Mitigation Measure BIO-1, as set forth in the Draft EIR at page 4.4.29 and in the attached Mitigation and Monitoring Reporting Program, and as discussed and identified in findings regarding Impact BIO-1 and the facts in support thereof, would address the loss of suitable habitat for special-status species, and provide adequate compensatory mitigation for these species. However, no feasible measures are available to mitigate adverse impacts on wildlife movement opportunities to a level of insignificance without a substantial reduction in the extent of development and retention of existing grassland and agricultural cover on the Specific Plan Area.

As there is no feasible way to mitigate Impact BIO-4, this impact remains significant and unavoidable. This impact is overridden, though, by the Project benefits as set forth in the Statement of Overriding Considerations (attached Exhibit C). Note, the Reduced Intensity Alternative, which evaluates a scenario where existing uses are preserved, is discussed in Chapter 5 of the Draft EIR at pages 5-15 to 5-24, and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR).

Impact GHG-1: The Project may generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.7-23 through 4.7-30 of the Draft EIR and in the Final EIR Responses to Comments (e.g., responses to comments ORG1-2, -3) and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, despite the incorporation of numerous sustainability measures, GHG emissions generated by the proposed Project (both construction and operational-related) would exceed the applicable threshold set forth in SJVAPCD's guidance because the Project's GHG emissions cannot feasibly be reduced to 29 percent below the Business As Usual standard, set and defined by the California Air Resources Board in its Scoping Plan as emissions levels in year 2020 that would occur if California continued to grow and add new GHG emissions but did not adopt any measures to reduce emissions.. This would be a significant impact.

Findings

The City finds that the impacts regarding greenhouse gas emissions are potentially significant, and that there exist no feasible mitigation measures that would reduce these impacts to a level of insignificance. The City therefore finds that such impacts are significant and unavoidable. The City finds that it has adopted all feasible mitigation and, to this end, the City finds that Mitigation Measures GHG-1a, GHG-1b, GHG-1c, and GHG-1d, as set forth in the Draft EIR at pages 4.7-49 to 4.7-50 and in the attached Mitigation and Monitoring Reporting Program, are feasible, are within the jurisdiction of the City to require, are hereby adopted, and would reduce potential impacts under Impact GHG-1, but not to a level of insignificance. This impact is overridden by Project benefits as set forth in the Statement of Overriding Considerations.

Facts in Support of Findings

The Project incorporates a number of green practices that reduce greenhouse gas emissions, as set forth on pages 4.7-27 to 4.7-29 of the Draft EIR. Furthermore, Mitigation Measures GHG-1a, GHG-1b, GHG-1c, and GHG-1d, as set forth in the Draft EIR at pages 4.7-49 to 4.7-50 and in the attached MMRP, would reduce the Project's GHG emissions. They are as follows:

Mitigation Measure GHG-1a: Applicants for individual, site-specific developments shall conform to the then-applicable requirements of the California Building Code, including the Green Code's provisions relating to "solar readiness." Applicants will be encouraged to utilize or otherwise facilitate the use of alternative energy generation technologies, as feasible, to offset their energy consumption, by, for example, ensuring that roof structures are built such that they can accommodate the weight of solar panels in accordance with the California Building and Energy Standards; providing for energy storage within their buildings; and installing electrical switch gears to facilitate solar usage.

Mitigation Measure GHG-1b: Prior to issuance of a building permit for an individual, site-specific development that requires or is intended to accommodate refrigerated vehicles, the construction documents shall demonstrate an adequate number of electrical service connections at loading docks for plug-in of the anticipated number of refrigerated trailers to reduce idling time and emissions.

Mitigation Measure GHG-1c: Applicants for individual, site-specific developments with truck delivery and loading areas, and truck parking spaces, shall include signage as a reminder to limit idling of vehicles while parked for loading/unloading in accordance with California Air Resources Board Rule 2845 (13 CCR Chapter 10 §2485).

Mitigation Measure GHG-1d: Applicants for individual, site-specific developments shall identify in the grading plans that non-essential idling of construction equipment and vehicles shall be restricted to no more than 5 minutes in accordance with California Air Resources Board Rule 2485 (13 CCR Chapter 10 §2485).

Insofar as the SJVAPCD may have recommended the adoption of a VERA as an additional mitigation measures, the City finds, as discussed in response to comment RA3-3, that a VERA is not feasible for the separate and independent reasons discussed in findings addressing Impact AQ-1 and the facts in support thereof, incorporated herein

by this reference. The City finds that all other measures, programs, or policies suggested are not feasible for the reasons set forth in the Final EIR Responses to Comments (e.g., response ORG1-3.)

In summary, no feasible measures are available to further reduce Project-related GHG emissions to 29 percent below BAU — i.e., to a level of insignificance. As there is no feasible way to mitigate Impact GHG-1, this impact remains significant and unavoidable. This impact is overridden, though, by the Project benefits as set forth in the Statement of Overriding Considerations (Exhibit C).

Impact NOISE-1: Regarding land use compatibility with respect to the City of Tracy General Plan Noise Element, exterior noise levels could potentially reach the Noise Element's 'unacceptable' noise level thresholds due to future traffic noise.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including without limitation the analysis contained on page 4.11-31 of the Draft EIR and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, based on the noise measurement survey results and traffic noise contour distances contained in the City of Tracy General Plan Noise Element, exterior noise levels could exceed the City of Tracy's 'normally acceptable' noise and land use compatibility standard levels near on-site residential land uses and within about 1,000 feet of the centerline of Interstate 205, about 200 feet of the centerline of Mountain House Parkway and about 70 feet of the centerline of New Schulte Road. While noise levels could potentially reach or exceed the Noise Element's 'unacceptable' noise level thresholds, where construction or development "should generally not be undertaken" (General Plan Noise Element, Figure 9-3), the General Plan does not prohibit such development projects in all circumstances, but rather provides for the application of exceptions to such generally applicable thresholds under appropriate circumstances. Further, the City finds that impacts to future Project users are not cognizable under CEQA, and that information in the Final EIR concerning such users has been provided for informational purposes only.

Findings

The City finds that the noise impacts from mobile sources to existing on-site receptors may exceed levels of acceptability and would be potentially significant. The City further finds that there exist no feasible mitigation measures that would reduce the aforementioned noise levels to an acceptable level, and that such impacts are significant and unavoidable. Both CEQA requires the adoption of feasible mitigation where a proposed project could generate noise at an unacceptable level; however, the General Plan provides the City with significant flexibility in approving exceptions to the otherwise applicable standards, which when granted, ensures that the development at issue is not treated as exceeding the applicable standard. The City finds that Mitigation Measure NOISE-1, as set forth in the Draft EIR at pages 4.7-52 to 4.7-53 and in the attached MMRP, is feasible to a limited extent (as detailed below), is within the jurisdiction of the City to require, is hereby adopted, and would reduce potential impacts under NOISE-1, but not to a level of insignificance. The City further finds this noise impact is overridden by Project benefits, as set forth in the Statement of Overriding Considerations.

Facts in Support of Findings

Mitigation Measure NOISE-1, as set forth in the Draft EIR at pages 4.7-52 to 4.7-53 and in the attached MMRP, would reduce the Project's noise levels. It provides:

As part of the development process for each individual, site-specific project under the Specific Plan, the development at issue shall adhere to all applicable Building Code and Municipal Code provisions and standards and other requirements, as noted in the above Regulatory Framework discussion. Regarding mitigation of impacts relating to mobile sources for an individual, site-specific project, the City will consider, as appropriate and feasible, a variety of techniques to reduce noise, which may include, for example, building setbacks, berms, walls, fences of various materials, and rubberized asphalt, taking into account relevant General Plan policies (as they relate to sound walls) and the nature and location of sensitive receptors at issue.

However, implementation of these measures could have unacceptable aesthetic and safety impacts on the design of the Project (e.g., an urban canyoning of local roadways that the City finds would frustrate citywide design goals), as well as raise those concerns discussed more fully on page 4.11-45 of the Draft EIR, including, without limitation, that the use of rubberized asphalt would not effectively reduce noise from truck traffic. Separately and independently, implementation of this measure at properties belonging to existing on-site receptors is legally infeasible insofar as the City does not have sufficient control over said properties to construct soundwalls and implement other sound-reducing mechanisms. Ultimately, no feasible measures are available to reduce impacts to on-site receptors to a level of acceptability. As there is no feasible way to mitigate Impact NOISE-1, this impact remains significant and unavoidable. This impact is overridden, though, by the Project benefits as set forth in the Statement of Overriding Considerations (attached Exhibit C).

Impact NOISE-3: Mobile noise sources could generate substantial noise levels in the vicinity of the Project.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.11-38 to 4.11-46 of the Draft EIR and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, implementation of the proposed Project would result in substantial traffic noise level increases on several on-site and off-site roadway segments around the Specific Plan Area. These increases would start with the initial implementation of the Project and would continue to grow as the Project approached full buildout. The traffic noise assessment focused on the full buildout conditions and followed the general development timeline assessed in the Project's traffic analysis. As such, the exact time at which each segment would be expected to cross the impact threshold is dependent on how fast the Specific Plan is implemented and on when each specific parcel was developed. The City finds that impacts to future Project users are not cognizable under CEQA, and that information in the Final EIR has been provided for informational purposes only. Impacts to existing on-site and off-site users are cognizable, however, and the City finds that impacts to these sensitive receptors are significant.

Findings

The City finds that the noise impacts from Project-related mobile sources are potentially significant, and that there exist no feasible mitigation measures that would reduce these impacts to a level of insignificance. The City therefore finds that such impacts are significant and unavoidable. The City finds that it has adopted all feasible mitigation and, to this end, the City finds that Mitigation Measure NOISE-3, as set forth in the Draft EIR at page 4.11-55, which requires the implementation of NOISE-1, as set forth in the Draft EIR at pages 4.7-52 to 4.7-53 and in the attached MMRP, is feasible to a limited extent (as detailed below), is within the jurisdiction of the City to require, is hereby adopted, and would reduce potential impacts under Impact NOISE-3, but not to a level of insignificance. This impact is overridden by Project benefits as set forth in the Statement of Overriding Considerations.

Facts in Support of Findings

Mitigation Measure NOISE-3, as set forth in the Draft EIR at page 4.11-55, which requires the implementation of NOISE-1, as set forth in the Draft EIR at pages 4.7-52 to 4.7-53 and in the attached MMRP, would reduce impacts from mobile sources on off-site receptors. However, insofar as these measures must be implemented at off-site locations (e.g., construction of berms, walls, and fences; retrofitting of windows), they are not legally feasible, as neither the Project applicant or City has the legal right to implement such measures because doing so could be found to constitute a constitutional taking. Moreover, implementation of these measures would have unacceptable aesthetic impacts on the community, as discussed in those findings related to Impact NOISE-1 and the facts in support thereof, as well as raise those concerns discussed more fully on page 4.11-45 of the Draft EIR, including, without limitation, that the use of rubberized asphalt would not effectively reduce noise from truck traffic. Ultimately, the City finds that no feasible measures are available to reduce impacts to on-site receptors to a level of insignificance. As there is no feasible way to mitigate Impact NOISE-3, this impact remains significant and unavoidable. This impact is overridden, though, by the Project benefits as set forth in the Statement of Overriding Considerations (attached Exhibit C).

Impact NOISE-5: For the purpose of this analysis, a cumulative impact would occur when an overall increase over 5 d BA occurs, and the project contribution is greater than 3 d BA; the Project's mobile noise sources, when combined with other past, present, and reasonably foreseeable future development projects, could generate substantial noise.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.11-49 to 4.11-52 of the Draft EIR, and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, and as more specifically shown in Tables 4.11-13 and 4.11-14 of the Draft EIR, cumulative traffic noise impacts from mobile noise sources would occur at several segments in the Specific Plan Area and vicinity. The City finds that impacts to future Project users are not cognizable under CEQA, and that information in the Final EIR has been provided for informational purposes only. The City finds that impacts to other sensitive receptors are significant.

Findings

The City finds that cumulative noise impacts from Project-related mobile sources are potentially significant, and that there exist no feasible mitigation measures that would reduce these impacts to a level of insignificance. The City therefore finds that such impacts are significant and unavoidable. The City finds that it has adopted all feasible mitigation and, to this end, the City finds that Mitigation Measure NOISE-5, as set forth in the Draft EIR at page 4.11-57, which requires the implementation of NOISE-1, as set forth in the Draft EIR at pages 4.7-52 to 4.7-53 and in the attached MMRP, is feasible to a limited extent, is within the jurisdiction of the City to require, is hereby adopted, and would reduce potential impacts under Impact NOISE-3, but not to a level of insignificance. This impact is overridden by Project benefits as set forth in the Statement of Overriding Considerations.

Facts in Support of Findings

Mitigation Measure NOISE-5, as set forth in the Draft EIR at page 4.11-57, which requires the implementation of NOISE-1, as set forth in the Draft EIR at pages 4.7-52 to 4.7-53 and in the attached MMRP, would reduce impacts from mobile sources on off-site receptors. However, insofar as these measures must be implemented at off-site locations (e.g., construction of berms, walls, and fences; retrofitting of windows), they are not legally feasible, as neither the Project applicant or City has the legal right to implement such measures because doing so could be found to constitute a constitutional taking. Moreover, implementation of these measures would have unacceptable aesthetic impacts on the community, as discussed in those findings related to Impact NOISE-1 and the facts in support thereof, as well as raise those concerns discussed more fully on page 4.11-45 of the Draft EIR, including, without limitation, that the use of rubberized asphalt would not effectively reduce noise from truck traffic. Ultimately, the City finds that no feasible measures are available to reduce impacts to on-site receptors to a level of insignificance. As there is no feasible way to mitigate Impact NOISE-5, this impact remains significant and unavoidable. This impact is overridden, though, by the Project benefits as set forth in the Statement of Overriding Considerations (attached Exhibit C).

Impact TRANS-1: Construction of Phase 1 of the Project would cause a significant impact at intersections 1, 2, 6, and 7 under Existing Plus Project Phase 1 conditions. This is a significant impact.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.9-30 through 4.14-60 through 4.14-66 of the Draft EIR, and in the Final EIR Responses to Comments (e.g., responses to comments SA3-1 to -6, -8 to -16, -20, -21; RA2-3, -4; RA4-3; LA1-4 to -6, -8, -9; ORG1-3) and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, construction of Phase 1 of the Project would cause a significant impact at intersections 1, 2, 6, and 7 under Existing Plus Project Phase 1 conditions. This is a significant impact.

Findings

Impacts and mitigations regarding intersections 10, 18, 19, and 20 are fully addressed in previous findings related to Impact TRANS-1 and the facts in support thereof, which concern impacts that are significant but could be mitigated to levels of insignificance. These

findings and facts are incorporated herein by this reference, as they also identify and adopt mitigation measures for intersections 1, 2, 6, and 7.

The City finds that impacts to intersections 1, 2, 6, and 7 under Existing Plus Project Phase 1 conditions are potentially significant, and that there exist no feasible mitigation measures that, with certainty, would reduce these impacts to a level of insignificance. The City therefore finds that such impacts are significant and unavoidable. The City finds that it has adopted all feasible mitigation and, to this end, the City finds that Mitigation Measure TRANS-1 is feasible, is within the jurisdiction of the City to require, is hereby adopted, and would reduce potential impacts under Impact TRANS-1, but not to a level of insignificance. This impact is overridden by Project benefits as set forth in the Statement of Overriding Considerations.

Facts in Support of Findings

The City finds that implementation of Mitigation Measure TRANS-1 would reduce the significant impacts to intersections 1, 2, 6, and 7, as described under Impact TRANS-1, to less-than-significant levels. This mitigation measure is set forth in the Draft EIR at pages 4.14-112 through 4.14-113, in the attached MMRP, and provide that the Project will construct the following improvements, in accordance with then-applicable engineering standards and requirements, and as determined by the City Engineer:

- *Intersection #1 (Mountain House Parkway/I-205 Westbound Ramps):* Restripe westbound off-ramp to provide two left-turn lanes and one shared through/right lane, and optimize signal timings.
- *Intersection #2 (Mountain House Parkway/I-205 Eastbound Ramps):* Convert the northbound right-turn lane to a free right with an acceptance lane on the eastbound on-ramp, and optimize signal timings.
- *Intersection #6 (Mountain House Parkway/I-580 Westbound Ramps):* Signalize the intersection with eastbound/westbound split phasing, or install a roundabout.
- *Intersection #7 (Mountain House Parkway/I-580 Eastbound Ramps):* Signalize the intersection with eastbound/westbound split phasing, or install a roundabout.

The City finds that all other measures, programs, or policies suggested are not feasible for the reasons set forth in the Final EIR Responses to Comments (e.g., responses to Comments ORG1-3, SA3-2, SA3-5, and LA1-4.)

In summary, the measures concerning intersections 1, 2, 6, and 7 would mitigate Project-related impacts to a level of insignificance, but the City finds that, because the improvements to the freeway interchange intersections require the approval of Caltrans, their implementation is uncertain and thus impacts at these intersections remain significant and unavoidable. This impact is overridden, though, by the Project benefits as set forth in the Statement of Overriding Considerations (attached Exhibit C).

Impact TRANS-2: Construction of Phase 1 of the Project would cause a significant impact to a freeway segment under Existing Plus Project Phase 1 conditions. This is a significant impact.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.14-66 and 4.14-114 of the Draft EIR, and in the Final EIR Responses to Comments (e.g., responses to comments SA3-1 to -4, -6, -8, -9 to -16, -20, -21; RA2-5; LA1-4 to -6, -8, -9; ORG1-3) and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, construction of Phase 1 of the Project would cause a significant impact to one freeway segment – I-205 Eastbound between Mountain House Parkway and Tracy Boulevard – which would fall from LOS D to LOS E in the PM peak hour (refer to Table 4.14-13). This is a significant impact.

Findings

The City finds that impacts to the aforementioned freeway segment under Existing Plus Project Phase 1 conditions are potentially significant, and that there exist no feasible mitigation measures that would reduce these impacts to a level of insignificance. The City therefore finds that such impacts are significant and unavoidable. The City finds that it has adopted all feasible mitigation and, to this end, the City finds that Mitigation Measures TRANS-2 is feasible, is within the jurisdiction of the City to require, is hereby adopted, and would reduce potential impacts under Impact TRANS-2, but not to a level of insignificance. This impact is overridden by Project benefits as set forth in the Statement of Overriding Considerations.

Facts in Support of Findings

The City finds that implementation of Mitigation Measure TRANS-2 could result in the construction of traffic improvements that could reduce the significant impacts to the aforementioned freeway segment, as described under Impact TRANS-2, to less-than-significant levels. This mitigation measure is set forth in the Draft EIR at page 4.14-114, in the attached MMRP, and requires the payment of regional traffic fees. However, the City finds that neither full funding for the necessary improvements, which would involve the widening of Interstate 205, nor prioritization of such improvements above others in the RTIF can be assured, and thus the payment of regional traffic fees does not guarantee to fully mitigate this impact. Finally, the City finds that all other measures, programs, or policies suggested are not feasible for the reasons set forth in the Final EIR Responses to Comments (e.g., responses to Comments ORG1-3, SA3-2, SA3-5, and LA1-4.) For each of the above reasons, Impact TRANS-2 remains significant and unavoidable. Nevertheless, this impact is overridden by the Project benefits as set forth in the Statement of Overriding Considerations (attached Exhibit C).

Impact TRANS-7: Project Buildout under Existing Conditions would cause over-capacity conditions on the existing roadway and freeway network. This is a significant impact.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.14-66 to 4.14-70, 4.14-71 to 4.14-74, 4.14-78 to 4.14-79 and 4.14-117 to 4.14-118 of the Draft EIR, and in the Final EIR Responses to Comments (e.g., responses to Comments SA3-1 to -4, -6, -8 to -16, -20, -21; RA2-5; RA4-3; LA1-4 to -6, -8, -9; ORG1-3) and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, the buildout of the Project would cause a significant overloading on many

segments of the existing City roadway system, and cause significant impacts on two segments of I-205 in the AM and PM peak hours. This is a significant impact.

Findings

The City finds that impacts to the aforementioned impacts are potentially significant, and that there exist no feasible mitigation measures that would reduce these impacts to a level of insignificance. The City therefore finds that such impacts are significant and unavoidable. The City finds that it has adopted all feasible mitigation and, to this end, the City finds that Mitigation Measures TRANS-7 is feasible, is within the jurisdiction of the City to require, is hereby adopted, and would reduce potential impacts under Impact TRANS-7, but not to a level of insignificance. This impact is overridden by Project benefits as set forth in the Statement of Overriding Considerations.

Facts in Support of Findings

The City finds that implementation of Mitigation Measure TRANS-7 could result in the construction of traffic improvements that could reduce the significant impacts to the aforementioned freeway segment, as described under Impact TRANS-7, to less-than-significant levels. This mitigation measure is set forth in the Draft EIR at page 4.14-118, in the attached MMRP, and requires the payment of various traffic impact fees. However, as discussed on page 4.14-118 of the Draft EIR, while the City is planning many roadway network improvements to accommodate traffic growth generated by the Project and other development areas in the City, and while the San Joaquin Council of Governments is also planning capacity improvements on I-205 to handle regional growth over the coming decades, as part of the RTIF program — and while the Project applicant's payment of fees would fund these improvements — it is not certain such improvements could be timely constructed (since they are Master Plan improvements dependent on funding from development throughout Tracy).

Separately and independently, the construction of prescribed improvements by a single developer is economically infeasible and, because the improvements to the impacted freeway segments require the approval of Caltrans, their implementation is uncertain. Finally, the City finds that all other measures, programs, or policies suggested are not feasible for the reasons set forth in the Final EIR Responses to Comments (e.g., responses to Comments ORG1-3, SA3-2, SA3-5, and LA1-4.) For each of the above reasons, Impact TRANS-2 remains significant and unavoidable. Nevertheless, this impact is overridden by the Project benefits as set forth in the Statement of Overriding Considerations (attached Exhibit C).

Impact TRANS-8b: Construction of Phase 1 of the Project would cause significant impacts at intersection 1 under the 2035 Plus Phase 1 and 2035 Plus Project Buildout conditions that likely could not be reduced to a level of insignificance.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.9-30 through 4.14-70 through 4.14-95 and 4.14-118 through 4.14-119, and in the Final EIR Responses to Comments (e.g., responses SA3-1, -2, -3, -5, -6, -8 to -16, -20, -21; RA2-3, -4; RA4-3; LA1-4, -5, -6, -8) and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, construction of Phase 1 of the Project

results in significant impacts at intersection 1, based on 2035 conditions with the Tracy Roadway and Transportation Master Plan roadway network in place. This is a significant impact.

Findings

The City finds that the aforementioned impacts to intersection 1 are potentially significant, and that there exist no feasible mitigation measures that would reduce these impacts to a level of insignificance. The City therefore finds that such impacts are significant and unavoidable, but that such impacts are overridden by Project benefits as set forth in the Statement of Overriding Considerations.

Facts in Support of Findings

As described in Section E.1.c.i of Chapter 4.14 of the Draft EIR, incorporated by reference, in the case of this intersection, I-205 Westbound Ramps/Mountain House Parkway, the poor PM peak hour service level is projected to occur with or without the Project, and is primarily related to a very large projected increase in the right turn volume from the westbound off-ramp to northbound Mountain House Parkway. This increase is related primarily to the anticipated completion of the development of the Mountain House community in the 2035 Tracy Travel Demand Model. In recent studies performed by the City for the General Plan Update EIR and the Roadway and Transportation Master Plan environmental review, operations of the Mountain House Parkway interchange intersections were not assessed. Further analysis was performed to evaluate other potential additional improvement options to mitigate the 2035 Plus Phase 1 and 2035 Plus Project Buildout impacts at this intersection and restore acceptable operations to serve both Mountain House build-out traffic and Project traffic.

The City finds that implementation of Mitigation Measure TRANS-8b, as set forth in Chapter 3 of the Final EIR and in the attached MMRP, would somewhat reduce the impacts to intersection 1 but not to a level of insignificance under the 2035 Plus Project Buildout conditions.

Mitigation Measure TRANS-8b: The City will implement the following improvements at Intersection #1 (Mountain House Parkway/I-205 Westbound Ramps):

Post 2035 + Project Full Buildout mitigation: To serve longer-term traffic growth from sources, such as Project buildout and other regional growth beyond year 2035, the City shall add the following interchange improvement to its Transportation Master Plan and update its TMP fee program to reflect said improvement: the construction of a northbound-to-westbound loop ramp, including relocation and potential widening of the westbound off-ramp. The City will monitor traffic volumes at the interchange and use the monitoring to determine when to initiate the loop ramp planning and construction, in coordination with Caltrans. An analysis of this mitigation using 2035 Plus Project Buildout turn movements estimated from the roadway segment volumes presented in the Draft EIR, indicates that the re-configured westbound ramps intersection would operate at LOS D (44 seconds of delay) in the AM peak hour and LOS F (97 seconds of delay) in the PM peak hour. It should be noted, however, that to achieve LOS D in the PM peak hour, using the estimated volumes, would require a bridge widening. Given the uncertainty in projecting very long-range traffic growth

and travel behavior at the turn movement level, it is not recommended that the mitigation include a bridge widening.

The City will monitor traffic conditions at this intersection as part of its ongoing roadway maintenance programs, and, if actual volume increases over time indicate the need to plan for capacity improvements, the City will work with Caltrans and San Joaquin County to implement improvements separately. Finally, the City finds that all other measures, programs, or policies suggested are not feasible for the reasons set forth in the Final EIR Responses to Comments (e.g., responses to Comments ORG1-3, SA3-2, SA3-5, and LA1-4.) Impact TRANS-8 remains significant and unavoidable, but this impact is overridden by the Project benefits as set forth in the Statement of Overriding Considerations (attached Exhibit C).

Impact TRANS-9: In 2035, the addition of Phase 1 Project traffic to the 2035 No Project volumes causes significant impacts to various freeway segments.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.14-95 and 4.14-121 of the Draft EIR, and in the Final EIR Responses to Comments (e.g., responses SA3-1 to -4, -6, -8 to -16, -20, -21; RA2-5; LA1-4, -5, -6, -8, -9; ORG1-3) and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, construction of Phase 1 of the Project would cause a significant impacts freeway segment as follows:

- In the AM peak hour, the Project adds more than 5 percent to the total 2035 Plus Phase 1 Project volume on I-205 westbound east of Tracy Boulevard, which is projected to operate at LOS E without the Project.
- In the PM peak hour, the LOS falls from D (2035 No Project) to E (2035 Plus Phase 1 Project) on I-205 eastbound between I-580 and Mountain House Parkway.

This is a significant impact.

Findings

The City finds that impacts to the aforementioned freeway segment under the year 2035 Plus Phase 1 conditions are potentially significant, and that there exist no feasible mitigation measures that would reduce these impacts to a level of insignificance. The City therefore finds that such impacts are significant and unavoidable. The City finds that it has adopted all feasible mitigation and, to this end, the City finds that Mitigation Measures TRANS-9 is feasible, is within the jurisdiction of the City to require, is hereby adopted, and would reduce potential impacts under Impact TRANS-9, but not to a level of insignificance. This impact is overridden by Project benefits as set forth in the Statement of Overriding Considerations.

Facts in Support of Findings

The City finds that implementation of Mitigation Measure TRANS-9 could result in the construction of traffic improvements that could reduce the significant impacts to the aforementioned freeway segments, as described under Impact TRANS-9, to less-than-significant levels. This mitigation measure is set forth in the Draft EIR at pages 4.14-120

to 4.14-121 and in the attached MMRP, and requires the payment of regional traffic fees. However, the City finds that neither full funding for the necessary improvements, which would involve the widening of Interstate 205, nor prioritization of such improvements above others in the RTIF can be assured, and thus the payment of regional traffic fees does not guarantee to fully mitigate this impact. Finally, the City finds that all other measures, programs, or policies suggested are not feasible for the reasons set forth in the Final EIR Responses to Comments (e.g., responses to Comments ORG1-3, SA3-2, SA3-5, and LA1-4.) For each of the above separate and independent reasons, Impact TRANS-9 remains significant and unavoidable. Nevertheless, this impact is overridden by the Project benefits as set forth in the Statement of Overriding Considerations (attached Exhibit C).

Impact TRANS-10: Project Buildout would cause over-capacity conditions on the 2035 roadway and freeway network. This is a significant impact.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.14-95 to 4.14-111 and 4.14-121 of the Draft EIR, and in the Final EIR Responses to Comments (e.g., responses SA3-1 to -4, -6, -8 to -16, -20, -21; RA2-3, -4; LA1-4, -5, -6, -8, -9; ORG1-3) and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, the applicable land use plans and roadway networks are likely to change between now and year 2035, making detailed analysis and infrastructure planning infeasible. Nevertheless, based on substantial evidence, the Draft EIR has included a high-level view of roadway volumes at Project Buildout in year 2035. Accordingly, buildout of the Project would cause a significant overloading on many segments of the TMP roadway system assumed in year 2035, and cause significant impacts on several segments of I-205 and I-580 in the AM and PM peak hours. Though conservatively determined, as buildout of the Project is expected to occur well beyond year 2035, the above represents a potentially significant impact.

Findings

The City finds that the aforementioned impacts are potentially significant, and that there exist no feasible mitigation measures that would reduce these impacts to a level of insignificance. The City therefore finds that such impacts are significant and unavoidable. The City finds that it has adopted all feasible mitigation and, to this end, the City finds that Mitigation Measures TRANS-10 is feasible, is within the jurisdiction of the City to require, is hereby adopted, and would reduce potential impacts under Impact TRANS-10, but not to a level of insignificance. This impact is overridden by Project benefits as set forth in the Statement of Overriding Considerations.

Facts in Support of Findings

The City finds that implementation of Mitigation Measure TRANS-10 could result in the construction of traffic improvements that could reduce the significant impacts described under Impact TRANS-10 to less-than-significant levels. This mitigation measure is set forth in the Draft EIR at page 4.14-121, in the attached MMRP, and requires the payment of various traffic impact fees. However, as discussed on page 4.14-121 of the Draft EIR, while the roadway network improvements to accommodate traffic growth generated by the Project and other development areas in the City are planned — and while the Project

applicant's payment of fees would fund these improvements — it is not certain such improvements could be timely constructed.

Separately and independently, the construction of prescribed improvements by a single developer is economically infeasible and, because the improvements to the impacted freeway segments require the approval of Caltrans, their implementation is uncertain. Moreover, impacts occurring in year 2035 occur not only from Project-related traffic volume, but traffic generated by other reasonably foreseeable development projects, and it would be legally infeasible for the City to impose the burden of financing improvements solely on the Project applicant while respecting constitutional guarantees against unlawful takings and exactions. Finally, the City finds that all other measures, programs, or policies suggested are not feasible for the reasons set forth in the Final EIR Responses to Comments (e.g., responses to Comments ORG1-3, SA3-2, SA3-5, and LA1-4.) For each of the above separate and independent reasons, Impact TRANS-2 remains significant and unavoidable. Nevertheless, this impact is overridden by the Project benefits as set forth in the Statement of Overriding Considerations (attached Exhibit C).

Impact TRANS-14: Full Buildout of the Project may result in inadequate emergency access. This is a significant impact.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analyses contained in Chapter 4.14 of the Draft EIR, including pages 4.4-123 to 4.4-124, and in the Final EIR Responses to Comments (e.g., responses SA3-1 to -4, -6, -8 to -16, -20, -21; RA2-3, -4; LA1-4, -5, -6, -8, -9; ORG1-3) and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), the Project would contribute substantial traffic to roadway networks under the Existing Plus Full Buildout and 2035 Plus Full Buildout analysis. The findings addressing Impact TRANS-7 and TRANS-10 and the facts in support thereof better detail these impacts, and are incorporated herein by this reference. Such congestion has the potential to result in inadequate emergency access, and this is a potentially significant impact.

Findings

The City finds that the aforementioned impacts are potentially significant, and that there exist no feasible mitigation measures that would reduce these impacts to a level of insignificance. The City therefore finds that such impacts are significant and unavoidable. The City finds that it has adopted all feasible mitigation and, to this end, the City finds that Mitigation Measures TRANS-14, which requires the implementation of Mitigation Measures TRANS-7 and TRANS-10, is feasible, is within the jurisdiction of the City to require, is hereby adopted, and would reduce potential impacts under Impact TRANS-10, but not to a level of insignificance. This impact is overridden by Project benefits as set forth in the Statement of Overriding Considerations.

Facts in Support of Findings

The City finds that implementation of Mitigation Measure TRANS-14 would result in the construction of traffic improvements that could reduce the significant impacts described under Impact TRANS-14 to less-than-significant levels. This mitigation measure is set forth in the Draft EIR at page 4.14-124, as well as in the attached MMRP, and requires the implementation of Mitigation Measures TRANS-7 and TRANS-10, which are

discussed above and incorporated herein by this reference. However, as discussed in findings related to Impacts TRANS-7 and TRANS-10 and the facts in support thereof, incorporated herein by this reference, the construction of necessary roadway improvements is uncertain. Separately and independently, the construction of prescribed improvements by a single developer is economically infeasible and, because the improvements to the freeway segments require the approval of Caltrans, their implementation is uncertain. Moreover, impacts occurring in year 2035 occur not only from Project-related traffic volume, but traffic generated by other reasonably foreseeable development projects, and it would be legally infeasible for the City to impose the burden of financing improvements solely on the Project applicant while respecting constitutional guarantees against unlawful takings and exactions. Finally, the City finds that all other measures, programs, or policies suggested are not feasible for the reasons set forth in the Final EIR Responses to Comments (e.g., responses to Comments ORG1-3, SA3-2, SA3-5, and LA1-4.) For each of the above separate and independent reasons, Impact TRANS-14 remains significant and unavoidable. Nevertheless, this impact is overridden by the Project benefits as set forth in the Statement of Overriding Considerations (attached Exhibit C).

Impact UTIL-2: The Project, in combination with other reasonably foreseeable development, would require new or expanded wastewater facilities to serve full buildout, in accordance with the City's Wastewater Mast Plan (WWMP). This is a significant impact.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.15-31 through 4.15-45 of the Draft EIR and in the Final EIR Responses to Comments (e.g., response LA1-22) and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, the City's master infrastructure planning process has planned for existing needs and future growth to be accommodated through the construction of new and expanded facilities, the impacts of which have been evaluated by the City as part of that master planning process. Because new and expanded facilities would be needed to serve the Project, along with other cumulative development, this would constitute a cumulatively considerable contribution to this impact.

Findings

The City finds that the aforementioned impacts are potentially significant, and that there exist no feasible mitigation measures that would reduce these impacts to a level of insignificance. The City therefore finds that such impacts are significant and unavoidable. The City finds that it has adopted all feasible mitigation and, to this end, the City finds that Mitigation Measures UTIL-2a, UTIL-2b, and UTIL-2c are feasible, are within the jurisdiction of the City to require, are hereby adopted, and would reduce potential impacts under Impact UTIL-2, but not to a level of insignificance. This impact is overridden by Project benefits as set forth in the Statement of Overriding Considerations

Facts in Support of Findings

The City finds that implementation of Mitigation Measures UTIL-2a, UTIL-2b, and UTIL-2c would result in the construction of wastewater improvements that could reduce the significant impacts described under Impact UTIL-2 to less-than-significant levels. These

mitigation measures are set forth in the Draft EIR at page 4.15-54, as well as in the attached MMRP, and are as follows:

Mitigation Measure UTIL-2a: At no cost to the City, flow monitoring equipment shall be installed in the Hansen Sewer Line, as approved by the City, prior to the issuance of the certificate of occupancy for the first (1st) building constructed as part of the Project. Flow monitoring shall be used to determine available capacities to serve site-specific developments proposals under the Specific Plan. In monitoring flows for purposes of determining available capacity, the initial 0.145 shall be attributable to those lands within the Specific Plan identified in the proposed development agreement.

Mitigation Measure UTIL-2b: As part of the development process for each individual site-specific development under the Specific Plan, the applicant shall pay its applicable development impact fees for wastewater facilities prior to issuance of building permits.

Mitigation Measure UTIL-2c: As part of the development process for each individual site-specific development under the Specific Plan, the City shall review flow monitoring, at the applicant's cost, to determine available capacity. If the City determines, based on technical and legal constraints and other relevant data, that existing capacity is available to serve the development at issue, then no further mitigation is required. However, if the City determines, based on technical and legal constraints and other relevant data, that existing capacity is not available to serve the development at issue, then the improvements as identified in the Wastewater Master Plan must be constructed that are necessary to create the additional capacity required, subject to any applicable credit and/or reimbursement provisions, as determined by the City.

While the construction of improvements under the City's WWMP ultimately would reduce impacts to a level of insignificance, given the Citywide nature of the necessary improvements, which would require significant funding from other developments, the construction of such improvements cannot be guaranteed when the need is triggered by the Project. It would be legally infeasible for the City to impose the burden of financing citywide improvements solely on the Project applicant and respect constitutional guarantees against unlawful takings and exactions. Therefore, Impact UTIL-2 remains significant and unavoidable. Nevertheless, this impact is overridden by the Project benefits as set forth in the Statement of Overriding Considerations (attached Exhibit C).

Impact UTIL-3: Construction of the Project's stormwater drainage facilities may result in significant impacts without mitigation.

Significant Impact

As presented in and determined by the analysis in the administrative record of proceedings, including, without limitation, the analysis contained on pages 4.15-45 through 4.15-67 of the Draft EIR and in the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), which are incorporated herein by this reference, the Project would build stormwater drainage facilities to accommodate the Project's drainage, as well as to address some existing drainage issues on properties

adjacent to the Specific Plan Area. The construction of new stormwater drainage facilities or expansion of existing facilities could cause significant environmental effects. These effects have been evaluated in other chapters of the Draft EIR, including Chapter 4.2 (Agricultural Resources), Chapter 4.3 (Biological Resources), Chapter 4.5 (Cultural Resources), Chapter 4.6 (Geology, Soils and Seismicity), Chapter 4.8 (Hazards and Hazardous Materials), and Chapter 4.9 (Hydrology and Water Quality). Findings addressing these impacts are included above, and incorporated herein by this reference. To the extent that significant impacts in any of the above environmental topic areas are identified, then feasible mitigation has been included as well. Accordingly, because construction of the Project's stormwater drainage facilities may have significant impacts without mitigation, the Project's impacts in this regard are considered significant.

Findings

The City finds that the aforementioned impacts are potentially significant, and that there exist no feasible mitigation measures that would reduce these impacts to a level of insignificance. The City therefore finds that such impacts are significant and unavoidable. The City therefore finds that such impacts are significant and unavoidable. The City finds that it has adopted all feasible mitigation and, to this end, the City finds that Mitigation Measure UTIL-3, and the mitigation measures that must be implemented thereunder, including Mitigation Measures AQ-2a, AQ-2b, AQ-4, CUL-1, CUL-2, CUL-3, GEO-1, HYDRO-1a, HYDRO-1b, HYDRO-2a, HYDRO-2b, and HYDRO-2c, are feasible, are within the jurisdiction of the City to require, are hereby adopted, and would reduce potential impacts under Impact UTIL-3, but not to a level of insignificance. This impact is overridden by Project benefits as set forth in the Statement of Overriding Considerations

Facts in Support of Findings

The City finds that implementation of Mitigation Measure UTIL-3 would reduce the significant impacts described under Impact UTIL-3 to less-than-significant levels. This mitigation measure is set forth in the Draft EIR at page 4.15-67, as well as in the attached Mitigation and Monitoring Reporting Program, and requires the implementation of Mitigation Measures AQ-2a, AQ-2b, AQ-4, CUL-1, CUL-2, CUL-3, GEO-1, HYDRO-1a, HYDRO-1b, HYDRO-2a, HYDRO-2b, and HYDRO-2c, which are identified in findings above and incorporated herein by this reference. In brief summary, these measures require adherence to applicable rules and regulations; avoidance and restoration of cultural resources; consultation with most likely descendants of any discovered human remains; and adherence to approved grading plans, construction general permit requirements, Stormwater Pollution Prevention Plans, drainage plans, and water quality protection measures. While the implementation of these measures would reduce construction-related impacts to the extent feasible, it is not certain that these impacts can be reduced to a level of insignificance. Therefore, Impact UTIL-3 remains significant and unavoidable. Nevertheless, this impact is overridden by the Project benefits as set forth in the Statement of Overriding Considerations (attached Exhibit C).

EXHIBIT B

FINDINGS RELATED TO ALTERNATIVES

The State CEQA Guidelines Section 15126.6 mandates that every EIR evaluate a no-project alternative, plus a feasible and reasonable range of alternatives to the Project or its location. The Alternatives were formulated considering the Project Objectives outlined on pages 3-10 through 3-12 of Draft EIR. Alternatives provide a basis of comparison to the project in terms of beneficial, significant, and unavoidable impacts. This comparative analysis is used to consider reasonable feasible options for minimizing environmental consequences of a project.

Typically, where a project causes significant impacts and an EIR is prepared, the findings must discuss not only how mitigation can address the potentially significant impacts, but whether project alternatives can address potentially significant impacts. But where all significant impacts can be substantially lessened (e.g., to a less-than-significant level) solely by adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility of project alternatives that might reduce an impact, even if the alternative would mitigate the impact to a greater degree than the proposed project, as mitigated (Pub. Res. Code § 21002; *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 521; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 730-733; *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal.3d 376, 400-403).

Because not all significant effects can be substantially reduced to a less-than-significant level either by adoption of mitigation measures or by standard conditions of approval, the following section considers the feasibility of the Project alternatives as compared to the proposed Project. (14 Cal. Code. Regs. § 15091(a)(3).)

As a threshold matter, the City finds that the range of alternatives studied in the EIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the environmental effects of the Project, while accomplishing most of the Project objectives. The City finds that the alternatives analysis is sufficient to inform the City, agencies, organizations, and the public regarding the trade-offs between the degree to which alternatives to the Project could reduce environmental impacts and the corresponding degree to which the alternatives would hinder the achievement of the Project objectives and economic, environmental, social, technological, legal, and other considerations.

The City finds that the proposed Project would achieve the Project objectives, and is more desirable than the alternatives considered in the EIR. As set forth in Exhibit A, which is hereby incorporated by reference, the City has adopted mitigation measures that avoid or substantially reduce, to the extent feasible, the significant environmental effects of the Project. As is also explained in Exhibit A, while these mitigation measures would not mitigate all Project impacts to a less-than-significant level, they would mitigate those impacts to a level that the City finds acceptable. The City finds the remaining alternatives infeasible. Accordingly, the City has determined to approve the proposed Project instead of approving one of the remaining alternatives.

In making this determination, the City finds that, when compared to the alternatives described and evaluated in the EIR, the proposed Project, as mitigated, provides a reasonable balance between satisfying the Project objectives and reducing potential environmental impacts to an acceptable

level. The City further finds and determines that the proposed Project should be approved, rather than one of the alternatives, for the reasons set forth below in this Exhibit B and the administrative record, including, without limitation, Chapter 5 of the Draft EIR and the Final EIR Responses to Comments and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR).

Finally, in making these findings, the City certifies that it has independently reviewed and considered the information on alternatives provides in the EIR, including the information provided in comments on the Draft EIR, Final EIR Responses to Comments, and errata to the Draft EIR (e.g., Chapter 3 of the Final EIR), and all other information in the administrative record. These analyses are not repeated in total in these findings, but the discussion and analysis of the alternatives in these documents are incorporated into these findings by reference to supplement the analysis here.

Summary of Alternatives

This exhibit contains findings related to the alternatives evaluated in the Final EIR. The Final EIR describes and evaluates four alternatives to the proposed Project. While three out of four of the alternatives have the ability to reduce environmental impacts, none of the alternatives can completely reduce all of the environmental impacts to a less-than-significant level. The Final EIR analyzed the following four alternatives to the Cordes Ranch Specific Plan project:

- No Project Alternative
- Reduced Intensity Alternative
- Mixed Use Alternative
- Reconfigured Specific Plan Boundary

Summary of Project Objectives

The following Project Objectives were identified for the Project :

- Implement the City of Tracy General Plan land use vision for the Specific Plan Area (designated as Urban Reserve 6 by the General Plan).
- Facilitate the implementation of the City's various infrastructure, utility, public services, and public safety master plans.
- Facilitate the City's goal to master plan large parcels, in order to provide land use flexibility and encourage the efficient provision of utilities and associated infrastructure.
- Accommodate a variety of land uses including highway and retail commercial; office and business industrial (including office/warehouse; light industrial; warehouse and distribution facilities) to foster the growth of research and development and manufacturing uses.
- To create a state-of-the art commerce and business park within an economically viable and flexible planning context, which will accommodate a wide range of land uses including general commercial, general office, and business park industrial uses.
- Capitalize on the existing transportation corridors of Interstate 580 and Interstate 205 and increased demand for manufacturing and distribution space from the Bay Area, and attract a wide range of high-quality businesses, including emerging growth industries.

- To contribute to an economically vibrant employment sector by generating a significant number of temporary and permanent employment opportunities for Tracy residents (both “head-of-household” and entry level positions), and improving the City’s jobs/housing balance.
- Create a thematic gateway to the City of Tracy, introducing the City’s character with enhanced landscape treatments and sculptural monument signage along the Interstate 205 freeway edge.
- Provide a range of sustainability measures aimed at conserving resources, decreasing energy and water consumption, and reducing air and water pollutants.
- Allow property owners within the Specific Plan Area to realize a reasonable return on their investments to provide incentives for private development.
- Encourage and secure private participation in the provision and funding of community benefits.
- To foster economic vitality for the City of Tracy by generating substantial amounts of revenue in the form of taxes and fees, which will help fund vital improvements to City infrastructure, services, and amenities and provide improved infrastructure systems for the benefit of the broader community.
- To create a development that has an identity of its own with a commitment to sustainability, flexible planning, high-quality architecture and site design, and the provision of attractive on-site amenities, including open space, public spaces, recreational facilities, trail network, and enhanced landscaping design.
- To preserve and enhance the City’s unique character by developing business and commerce park uses within a context of passive and active park and recreational facilities, including significant open space components and an extensive trail network, which will benefit Project users and the broader community.
- To build a comprehensive and integrated trail network, which will create substantial pedestrian and bicycle amenities, enhance connectivity within the Specific Plan Area, and provide alternatives to automobile use.
- To incorporate a range of sustainability measures into the Project’s design, which will help to conserve resources by reducing energy and potable water consumption, decrease contributions to greenhouse gas emissions by promoting high levels of connectivity and reliance on multimodal transportation modes, reduce air and water pollutants, and enhance on-site biological resources.

A. No Project Alternative

Under the No Project Alternative, the Specific Plan Area would remain in the jurisdiction of San Joaquin County and retain the existing County zoning. No new development would occur in the proposed Specific Plan Area, and no action would be taken to annex the Specific Plan Area to the City or otherwise change its land use designation.

Findings

The City hereby rejects the No Project Alternative, finding it is not feasible, separately and independently, because (1) it would fail to achieve any of the Project Objectives and (2) specific economic, legal and other considerations each make the No Project Alternative, identified in the Final EIR and described above, an infeasible alternative for the Project Applicant and the City of Tracy.

Facts in Support of Finding

The No Project Alternative would avoid most of the potential impacts of the proposed Project since no physical or operational changes to the Specific Plan Area and its surroundings would occur beyond existing conditions, as discussed on pages 5-8 to 5-15, incorporated herein by reference. However, the No Project Alternative is impractical or undesirable, and thus infeasible, for the following separate and independent reasons

1. One of the City's long-term goals is to increase its land supply for industrial, office, and employment-generated uses in targeted areas, providing a balance of non-residential uses along with the City's housing supply. Under the No Project Alternative, no development would occur in the Specific Plan Area and therefore the approximately 36,708 jobs associated with the proposed Project would not be created. Nor would any of the substantial construction jobs associated with the Project be created. By leaving the Specific Plan Area undeveloped, this alternative would strain the City's ability to reverse commute patterns. Moreover, it is crucial that the City follow a policy that maximizes job creation after the unprecedented economic downturn the City and region has experienced, which has resulted in unemployment levels near 10 per cent. (See Comprehensive Annual Financial Report For The Fiscal Year Ended June 30, 2012 ["Fiscal Report"].)
2. This alternative would not effectively implement the General Plan because it would not capitalize on the two major transportation corridors (Interstate 205 and Interstate 580) near the Specific Plan Area.
3. Under the No Project Alternative, the Project would not be implemented, and therefore this alternative does not meet any of the Project objectives.
4. Leaving the Specific Plan Area in its existing state under this alternative would remove the economic viability of the proposed Project and the ability of the Project to provide a reasonable rate of return to the developers.
5. The Project's substantial commercial, office, and business industrial uses, enhancing and stabilizing the City's tax base. Such uses are expected to generate significant property tax and sales tax revenues. Currently, the Specific Plan Area is used mainly for agricultural purposes, which generates comparatively insignificant property tax revenues. It is crucial that the City implement a policy that maximizes tax revenues after the unprecedented economic downturn the City and region has experienced, so that the City can provide its citizens with the necessary services. Property tax revenues have been in a steady decline for multiple years and, while sales tax has increased modestly, a substantial portion of the increase can be attributed to the increased cost of petroleum, and thus the City's sales tax revenues are not currently based on a diverse portfolio of commercial activity. (See Fiscal Report.) In addition, Fiscal Year 2011-2012 was the fifth year the City had to dip into reserve funds to meet its obligations. (See Fiscal Report.)

6. Providing the maximum possible recreational facilities is an important City policy that is reflected in the incorporated General Plan. (See, e.g., General Plan, p. 1-1; 3-17 [Objective CC-2.1 et seq]; p. 5-32 et seq; p. 6-20 et seq.) The proposed Project, which consists entirely of nonresidential development, would include almost 90 acres of parks and recreational facilities, including the Central Green, the Eastside Park, the Westside Open Space, a riparian corridor, and the WSID linear park/open space corridor. In addition, the Project proposes to construct a comprehensive trail network to enhance connectivity throughout the Project and to these various recreational facilities and open space features. Under the No Project Alternative, none of these amenities would be provided, frustrating City policy to provide its citizenry with more recreational facilities.

B. Reduced Intensity Alternative

The Reduced Intensity Alternative would reduce the level of development that would be permitted in the Specific Plan Area to reduce the intensity and resultant environmental effects of the proposed Project. The boundaries of the Specific Plan Area would remain the same. This alternative would reduce the level of development allowed in the Specific Plan Area by roughly half, resulting in 295,990 square feet of commercial, 1,232,966 square feet of office, and 13,894,551 square feet of business park industrial uses. This reduction would be due to a reduction in the allowable floor area ratios (FARs) for the respective uses, although the general location of uses would remain the same as proposed under the Project. In addition, the almost 90 acres of park and recreational uses and open space provided under this alternative would be the same as that under the proposed Project.

Findings

The City hereby rejects the No Project Alternative, finding it is not feasible, separately and independently, because (1) it would fail to meet fundamental Project Objectives and (2) specific economic, legal and other considerations each make the Reduced Density Alternative, identified in the Final EIR and described above, an infeasible alternative for the Project Applicant and the City of Tracy.

Facts in Support of Finding

The Reduced Intensity Alternative would result in less severe air quality, greenhouse gas, public service, transportation, traffic, and utilities impacts than the proposed Project, as discussed in Chapter 5 of the Draft EIR, including, without limitation, Table 5-1 and pages 5-15 to 5-24, incorporated herein by reference. It would not reduce, however, any significant and unavoidable impacts associated with the proposed Project to a level of insignificance. The Planning Commission recommends the rejection of the Reduced Intensity Alternative, finding that it is impracticable or less desirable than the proposed Project, and thus infeasible, for the following reasons:

1. One of the City's long-term goals is to increase its land supply for industrial, office, and employment-generated uses in targeted areas, providing a balance of non-residential uses along with the City's housing supply. The Reduced Density Alternative would not maximize such uses, which would frustrate not only the City's long-term goals, but also the Project Objective to create a state-of-the art commerce and business park within an economically viable and flexible planning context, which will accommodate a wide range of land uses.

2. The Reduced Intensity Alternative would result in a reduced employee population of approximately 18,185 employees, compared to approximately 36,708 employees under the proposed Project, and result in the creation of substantially less construction jobs associated with full buildout of the proposed Project. By developing the Specific Plan Area at a lower density, this alternative would reduce the City's ability to reverse commute patterns. Moreover, it is crucial that the City follow a policy that maximizes job creation after the unprecedented economic downturn the City and region has experienced, which has resulted in high unemployment levels. (See Fiscal Report.)
3. This alternative would not effectively implement the General Plan because it would not as effectively capitalize on the two major transportation corridors (Interstate 205 and Interstate 580) near the Specific Plan Area. Note this policy is reflected, separately and independently, in the Project Objective that seeks to capitalize on the existing transportation corridors of Interstate 580 and Interstate 205 and increased demand for manufacturing and distribution space from the Bay Area
4. The Reduced Intensity Alternative would constrain the City's ability to efficiently deliver services, resources, and infrastructure to the Specific Plan Area and to users and employment-generating activities given the reduced amount of sales tax revenue that this alternative would generate. A less intense development would not as effectively make use of scarce land resources, which would not as effectively meet the City's goal to conserve environmental resources. For instance, reducing intensity likely would have the effect of displacing uses, ultimately resulting in greater environmental impacts as additional land is acquired and developed to accommodate such uses.
5. Reducing the Project's uses by 50 percent under this alternative would pose an issue in terms of economic viability and the ability of the Project to provide a reasonable rate of return to the developers. Note this consideration also is reflected, separately and independently, in the Project Objectives.
6. Under this alternative, the lands not developed with employment-generating land uses within the Specific Plan Area would likely instead be developed as parking, thereby intensifying the local heat island effect. This consideration also is reflected in Project Objectives that emphasize a commitment to sustainability.
7. The reduced intensity of development would impose a development pattern that hinders the creation of a concentrated employment-generating business park, and would thereby reduce pedestrian and bicycle connectivity, given the spacing of the buildings on site. This consideration also is reflected, separately and independently, in Project Objectives that emphasize a commitment to sustainability and green development, and thus this alternative would frustrate implementation of Project Objectives.
8. The Project's substantial commercial, office, and business park industrial uses, enhancing and stabilizing the City's tax base. Such uses are expected to generate significant property tax and sales tax revenues. The Reduced Density Alternative, while generating tax revenues, would result in only about half as much development as the proposed Project, and thus generate proportionately less tax revenue. It is crucial that the City implement a policy that maximizes tax revenues after the unprecedented economic downturn the City and region has experienced, so that the

City can provide its citizens with the necessary services. Property tax revenues have been in a steady decline for multiple years and, while sales tax has increased modestly, a substantial portion of the increase can be attributed to the increased cost of petroleum, and thus the City's sales tax revenues are not currently based on a diverse portfolio of commercial activity. (See Fiscal Report.) In addition, Fiscal Year 2011-2012 was the fifth year the City had to dip into reserve funds to meet its obligations. (See Fiscal Report.) Note, the consideration of tax revenues also is reflected, separately and independently, in the Project Objectives, and thus this alternative would frustrate their implementation.

9. This alternative would likely increase the cost per acre to extend infrastructure to the Project, inhibiting the City's implementation of its master planned infrastructure and thereby hampering the participating property owners from realizing a reasonable rate of return to the developers.

C. Mixed Use Alternative

The Mixed Use Alternative would replace approximately 150 acres of Business Park Industrial uses along the eastern boundary of the Specific Plan Area with housing. Assuming a residential density of 25 units per acre, this alternative would include approximately 3,838 residential units. Like the proposed Project, this alternative would include approximately 591,980 square feet of General Commercial and 2,465,932 square feet of General Office space. In addition, this alternative would include approximately 24,445,872 square feet of business park industrial uses. The boundaries of the Specific Plan Area would remain the same. In addition, the almost 90 acres of park and recreational uses and open space provided under this alternative would be the same as that under the proposed Project.

Findings

The Planning Commission recommends the rejection of the Mixed Use Alternative, finding it is not feasible, separately and independently, because (1) it would fail to meet fundamental Project Objectives and (2) specific economic, legal and other considerations each make the Mixed Use Alternative, identified in the Final EIR and described above, an infeasible alternative for the Project Applicant and the City of Tracy.

Facts in Support of Finding

The Mixed Use Alternative would result in less significant greenhouse gas, land use, transportation, and traffic impacts than the proposed Project, as discussed in Chapter 5 of the Draft EIR, including without limitation Table 5-1 and pages 5-24 to 5-36, incorporated herein by reference. However, this alternative would result in more significant impacts regarding agricultural resources, hazards and hazardous materials, noise, population and employment, public services, and utilities than the proposed Project. The Planning Commission recommends the rejection of the Mixed Use Alternative, finding that it is less desirable than the proposed Project and is infeasible for the following reasons:

1. One of the City's long-term goals is to increase its land supply for industrial, office, and employment-generated uses in targeted areas, providing a balance of non-residential uses along with the City's housing supply. The Reduced Density Alternative would not maximize such uses, which would frustrate not only the City's

long-term goals, but also the Project Objective to create a state-of-the art commerce and business park within an economically viable and flexible planning context, which will accommodate a wide range of land uses.

2. The Mixed Use Alternative would result in a reduced employee population of approximately 33,028 employees, compared to approximately 36,708 employees under the proposed Project, and would include 3,838 housing units, which would result in a population of approximately 12,318 persons. Residential development in the Specific Plan Area would be inconsistent with the planning vision of Urban Reserve 6 as well as the parameters for residential development established in the General Plan, which directs growth away from this portion of the City's Sphere of Influence generally. Moreover, it is crucial that the City implement a policy that maximizes job creation after the unprecedented economic downturn the City and region has experienced, which has resulted in high unemployment levels. (See Fiscal Report.)
3. The General Plan calls for industrial and residential uses to be separated to the extent feasible. This alternative would introduce sensitive receptors into immediate proximity of industrial uses and elevated emissions. Further, the existing environment in the Specific Plan Area vicinity includes a great amount of truck traffic from the Patterson Pass Business Park, which would raise a potential land use compatibility issue.
4. The residential strategy established in the General Plan is to further enhance neighborhood connectivity, with new housing being developed near existing schools, resident-serving services, community amenities, and existing residential neighborhoods. Under this alternative, access to services would be constrained. This alternative would create a new residential neighborhood more than a mile away from existing neighborhoods, thus isolating this area. Housing in the Specific Plan Area would be substantially surrounded by business park uses, as opposed to more complementary consumer services, other residential uses, and school infrastructure. Children in these households would be separated from other community amenities in the City.
5. Walkability would be constrained under this alternative, because the neighborhood street pattern would not readily connect to other resident-serving uses and amenities. This consideration also is reflected, separately and independently, in Project Objectives that emphasize a commitment to sustainability and green development, and thus this alternative would frustrate implementation of these Project Objectives.
6. The Mixed Use Alternative would result in more significant impacts regarding agricultural resource, hazards and hazardous materials, noise, population and employment, public services, and utilities than the proposed Project. On balance, the modest environmental benefits that might be achieved with the Mixed Use Alternative (e.g., a 7-percent reduction in trip generation) are outweighed by its ineffectiveness in reducing significant and unavoidable impacts associated with the proposed Project (e.g., impacts regarding aesthetics, air quality, and biological resources), as well as its exacerbation of other significant impacts (e.g., impacts related to agricultural resources, noise, population, public services, and utilities).

D. Reconfigured Specific Plan Boundary Alternative

Under the Reconfigured Specific Plan Boundary Alternative, the boundary of the proposed Specific Plan Area would be modified to exclude the area south of New Schulte Road and west of the Westside Open Space. North of New Schulte Road and east of the Westside Open Space, the land use map would be the same as under the proposed Project. Like the proposed Project, this alternative would include approximately 591,980 square feet of General Commercial and 2,465,932 square feet of General Office space. This alternative would include 9,641,570 square feet of Business Park Industrial uses, compared to the 27,789,102 square feet of Business Park Industrial uses under the proposed Project.

Findings

The City hereby rejects the Reconfigured Specific Plan Boundary Alternative, finding it is not feasible, separately and independently, because (1) it would fail to meet fundamental Project Objectives and (2) specific economic, legal and other considerations each make the Reduced Density Alternative, identified in the EIR and described above, an infeasible alternative for the Project Applicant and the City of Tracy.

Facts in Support of Finding

The Reconfigured Specific Plan Boundary Alternative would result in less significant impacts regarding agricultural resources, air quality, biological resources, greenhouse gas emissions, hydrology and water quality, and public services than the proposed Project, as discussed in Chapter 5 of the Draft EIR, including, without limitation, Table 5-1 and pages 5-36 to 5-47, incorporated herein by reference. However, the Planning Commission recommends the rejection of the Reconfigured Specific Plan Boundary Alternative, finding that it is less desirable than the proposed Project and is infeasible for the following reasons:

1. One of the City's long-term goals is to increase its land supply for industrial, office, and employment-generated using in targeted areas, providing a balance of non-residential uses along with the City's housing supply. The Reduced Density Alternative would not maximize such uses, which would frustrate not only the City's long-term goals, but also the Project Objective to create a state-of-the art commerce and business park within an economically viable and flexible planning context, which will accommodate a wide range of land uses.
2. The Reconfigured Specific Plan Boundary Alternative would result in a reduced employee population of approximately 18,223 employees, compared to approximately 36,708 employees under the proposed Project, and result in the creation of substantially less construction jobs associated with full buildout of the proposed Project. By developing only a portion of the Specific Plan Area, this alternative would strain the City's ability to reverse commute patterns. Moreover, it is crucial that the City follow a policy that maximizes job creation after the unprecedented economic downturn the City and region has experienced, which has resulted in high unemployment levels. (See Fiscal Report.)
3. This alternative would not effectively implement the General Plan because it would not as effectively capitalize on the two major transportation corridors (Interstate 205 and Interstate 580) near the Specific Plan Area. Note this policy is reflected, separately and independently, in the Project Objective that seeks to capitalize on the

existing transportation corridors of Interstate 580 and Interstate 205 and increased demand for manufacturing and distribution space from the Bay Area.

4. The Reconfigured Specific Plan Boundary Alternative would constrain the City's ability to efficiently deliver services, resources, and infrastructure to the Specific Plan Area and to users and employment-generating activities given its reduction in intensity in land uses and thus the lower generation of sales tax and other revenues.
5. This alternative would increase the cost per acre to extend infrastructure to the Project, inhibiting the City's implementation of its master planned infrastructure and thereby hampering the participating property owners from realizing a reasonable rate of return to the developers. Note this latter consideration also is reflected, separately and independently, in the Project Objectives.
6. The reduced density of development would impose a development pattern that hinders the creation of a concentrated office district and would thereby reduce the ability to implement pedestrian and bicycle connectivity given the spacing of the buildings on site. This consideration also is reflected, separately and independently, in Project Objectives that emphasize a commitment to sustainability and green development, and thus this alternative would frustrate implementation of these Project Objectives.
7. The Reconfigured Specific Plan Boundary Alternative would create an island of undeveloped property that would be substantially surrounded by other industrial areas, and would not facilitate the extension of transportation corridors to connect the business park to City infrastructure. This results in a potential land use impact.
10. The Project substantial commercial, office, and business industrial uses, enhancing and stabilizing the City's tax base. Such uses are expected to generate significant property tax and sales tax revenues. The Reconfigured Specific Plan Boundary Alternative, while generating tax revenues, would result in significantly less industrial development as the proposed Project, and thus generate proportionately less tax revenue. It is crucial that the City implement a policy that maximizes tax revenues after the unprecedented economic downturn the City and region has experienced, so that the City can provide its citizens with the necessary services. Property tax revenues have been in a steady decline for multiple years and, while sales tax has increased modestly, a substantial portion of the increase can be attributed to the increased cost of petroleum, and thus the City's sales tax revenues are not currently based on a diverse portfolio of commercial activity. (See Fiscal Report.) In addition, Fiscal Year 2011-2012 was the fifth year the City had to dip into reserve funds to meet its obligations. (See Fiscal Report.) Note, the consideration of tax revenues also is reflected, separately and independently, in the Project Objectives, and thus this alternative would frustrate their implementation.

E. Alternatives Considered but Rejected from Further Consideration

The City considered another alternative to the proposed Project that would have involved an alternative location for the proposed Project but for the following reasons, rejected this alternative from further consideration.

Findings

The City hereby rejects the alternative location because specific economic, legal and other considerations each make the an alternative location an infeasible alternative for the Project Applicant and the City of Tracy.

Facts in Support of Finding

As discussed on pages 5-3 and 5-6 of the Draft EIR, which are incorporated herein by this reference, the City rejected this alternative from further consideration for several separate and independent reasons. First, the General Plan vision for the Specific Plan Area calls for the area to be developed with a mix of commercial, office, and industrial uses consistent with those included in the proposed Project. Second, the large parcel sizes in the Specific Plan Area, in comparison to the parcel sizes in other areas of the City and Sphere of Influence (SOI), lend themselves to the scale and form of development proposed by the Project, consistent with the planning vision in the General Plan. Third, the Specific Plan Area is located away from most residential uses in the City, reducing potential conflicts with existing neighborhoods. Fourth, no infill areas exist in the City that could accommodate the campus-style development called for in the proposed Project. Fifth, the other potential locations would require a significant aggregation of properties, none of which the participating property owners within the Specific Plan own or otherwise control.

The City considered alternative locations in the SOI that could potentially accommodate the proposed Project in terms of acreage, proximity to existing infrastructure, and distance from existing neighborhoods. Other areas identified by the City as potential locations for the Project are located along Lammers Road or east of the city, along Interstate 205 or east of Highway 99. However, these areas were recently considered for inclusion in the City's SOI and were rejected by the San Joaquin Local Agency Formation Commission (LAFCO). Therefore, the other areas that could be appropriate for the proposed Project would not be consistent with recent planning efforts and S OI adjustments.

EXHIBIT C

STATEMENT OF OVERRIDING CONSIDERATIONS

The Planning Commission recommends that the City Council adopt and make 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 of Tracy is the Lead Agency under CEQA responsible for the preparation, review, and certification of the Final EIR for the Cordes Ranch Specific Plan EIR. As the Lead Agency, the City is also responsible for determining the potential environmental impacts of the proposed action and which of those impacts are significant. CEQA also requires the Lead Agency to balance the benefits of a proposed action against its significant and unavoidable adverse environmental impacts in determining whether or not to approve the proposed Project.

In making this determination, the Lead Agency is guided by the CEQA Guidelines Section 15093 which provides as follows:

- a) "CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposal project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable,'"
- b) "When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The Statement of Overriding Considerations shall be supported by substantial evidence in the record."
- c) "If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination"

In addition, Public Resources Code Section 21081(b) requires that where a public agency finds that economic, legal, social, technical, or other reasons make infeasible the mitigation measures or alternatives identified in the EIR and thereby leave significant unavoidable adverse project effects, the public agency must also find that overriding economic, legal, social, technical or other benefits of the project outweigh the significant unavoidable adverse effects of the project.

The proposed Project represents the best possible balance between the City's goals, objectives, and policies related to the development of the Specific Plan Area, development of employment-generating land uses, and site-specific open space, recreation, and non-vehicular transportation enhancements. In accordance with CEQA Guidelines Section 15093 and other applicable law, the City has, in determining whether or not to approve the Project, balanced the economic, social, technological, and other Project benefits against its unavoidable environmental risks, and the Planning Commission finds, and recommends that the City Council find, that the Project's unavoidable significant impacts are acceptable in light of the Project's benefits. Each benefit set

forth below constitutes an overriding consideration warranting approval of the proposed Project, independent of the other benefits, despite each and every unavoidable impact. This statement of overriding considerations is based on the City's review of the EIR and other information in the administrative record. This Exhibit C also incorporates the findings contained in Exhibit B (related to Project alternatives), and the substantial evidence upon which they are based. The benefits of the Project are as follows:

1. The proposed Project increases the City's ability to plan for a key area for economic development, namely Urban Reserve 6 (the Specific Plan Area). The large parcel sizes in the Specific Plan Area, in comparison to the parcel sizes in other areas of the City and Sphere of Influence, and the large size of the Specific Plan Area when considered as a whole, presents a unique opportunity for the City to create a major employment center. The proposed Project will facilitate the City's goal to master plan large parcels.
2. With the creation of an estimated 36,708 jobs at full buildout (including a significant number of "head of household" positions), development under the proposed Specific Plan would foster economic vitality for the City of Tracy, as well as significant construction jobs during buildout. It is crucial that the City implement a policy that maximizes job creation after the unprecedented economic downturn the City and region has experienced, and are expected to experience in the future, which has resulted in high unemployment levels. (See Comprehensive Annual Financial Report For The Fiscal Year Ended June 30, 2012 ["Fiscal Report"].) Thus the creation of jobs is determined to be an extremely valuable benefit.
3. As a master planned office and employment district, the Specific Plan Area will be developed under a flexible planning framework. In addition, the proposed Project would create a state-of-the-art commerce and business center. Such innovative, modern facilities will attract new businesses to the city that would not otherwise locate to the City of Tracy, and the proposed Project represents a resource otherwise unavailable in the City.
4. The proposed Project would implement the City of Tracy General Plan land use vision for the Specific Plan Area.
5. The proposed Specific Plan provides policy guidance to enhance the character of future development in the Specific Plan Area. Without a Specific Plan, piecemeal development of the Specific Plan Area would not be subject to the same coherent set of design guidelines and policies. The proposed Project provides policy guidance to protect the visual quality of the Specific Plan Area as new development occurs.
6. The proposed Project, which consists entirely of nonresidential development, would include almost 90 acres of parks, open space, and recreational facilities for use by future employees and visitors of the Specific Plan Area, including the Central Green, the Eastside Park, the Westside Open Space, a riparian corridor, and the WSID linear park/open space corridor. In addition, the Project proposes to construct a comprehensive trail network to enhance connectivity throughout the Project and to these various recreational facilities and open space features. These master-planned amenities, developed in the context of nonresidential development, constitute a significant benefit to the City and, without a Specific Plan, piecemeal development of the Specific Plan Area would not create a cohesive, well-connected open space and trails network.
7. The proposed Project will capitalize on existing transportation corridors (Interstate 580 and Interstate 205).

8. Located at the western edge of the city, the proposed Project would create a thematic gateway to Tracy along Interstate 205. The Specific Plan provides special consideration of the lands along Interstate 205.
9. The proposed Project implements the City's Sustainability Action Plan. The Specific Plan provides many opportunities for future development to increase sustainability and minimize greenhouse gas emissions, reduce water and energy consumption, and decrease the impacts of construction activities and waste generation.
10. The Project includes a number of resource conservation measures. The Project therefore ensures that new growth in the City would follow sophisticated design blueprints that are cognizant of the relationship between construction practices and climate change/air pollution, and would serve as a model for future growth in the City. It is highly desirable that the City follow land use planning policies that implement sustainable and green practices, to the extent feasible. Thus the inclusion in the Project of numerous green elements is determined to be an extremely valuable benefit.
11. The Project includes substantial commercial, office, and business industrial uses, enhancing and stabilizing the City's tax base. Such uses are expected to generate significant property tax and sales tax revenues. It is crucial that the City implement a policy that maximizes tax revenues after the unprecedented economic downturn the City and region has experienced, so that the City can provide its citizens with the necessary services. Property tax revenues have been in a steady decline for multiple years and, while sales tax has increased modestly, a substantial portion of the increase can be attributed to the increased cost of petroleum, and thus the City's sales tax revenues are not currently based on a diverse portfolio of commercial activity. (See Fiscal Report.) In addition, Fiscal Year 2011-2012 was the fifth year the City had to dip into reserve funds to meet its obligations. (See Fiscal Report.)

The Planning Commission recommends that the City Council, acting as the Lead Agency and having reviewed the EIR and public records, adopt this Statement of Overriding Considerations (SOC), which has balanced the benefits of the Project against its significant unavoidable adverse impacts in reaching a decision to approve the Project.

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
<p><u>AE-4:</u> To decrease light spillage and glare to the maximum extent practicable, all individual developments under the Specific Plan shall be required to:</p> <ul style="list-style-type: none"> ◆ Prior to final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light on to public rights-of-way or adjacent residential property, consistent with City standards. 	Developers	Prior to final inspection or certificate of occupancy	Development & Engineering Services	Site inspection	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
<p><u>AG-1:</u> As part of the development process for each individual site-specific development project under the Specific Plan, the applicable agricultural mitigation fee for each acre of farmland to be developed shall be paid, in compliance with Chapter 13.28, Agricultural Mitigation Fee, of the Tracy Municipal Code. The fees shall be collected by the City at the time that building permits are issued for such site-specific development project, or as otherwise required by City.</p>	Developers	Prior to issuance of building permits	Development & Engineering Services	Obtain proof of fee payment and retain for administrative record	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
<p><u>AG-2:</u> As construction occurs along the eastern Specific Plan Area boundary, buffers such as roadways, building setbacks, and parking areas, shall be required prior to occupancy of those structures, in compliance with General Plan Policy (OSC-2.2 P1).</p>	Construction Contractors	Prior to approval of Subdivision Map	Development & Engineering Services	Require as condition of approval of Subdivision Map	Once per subdivision	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
						Date: _____ Initials: _____ Date: _____
<p><u>AQ-2a:</u> Each applicant for individual, site-specific developments under the Specific Plan shall comply with the San Joaquin Valley Air Pollution Control District (SJVAPCD) rules and regulations, including, without limitation, Indirect Source Rule 9510. The applicant shall document, to the City's reasonable satisfaction, its compliance with this mitigation measure.</p>	Construction Contractors	During construction	Development & Engineering Services	Review construction specifications materials and retain for administrative record/ Conduct site inspections	During regularly scheduled inspections	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
<p><u>AQ-2b:</u> Prior to issuance of a grading permit by the City of Tracy, the applicant for an individual, site-specific development under the Specific Plan shall be required to develop and obtain approval of a fugitive dust and emissions control plan to mitigate, as feasible, the identified impacts, which satisfies the requirements set forth under then-applicable SJVAPCD Rules and Regulations, including, without limitation, Regulation VIII. Depending on the size, location and nature of the individual development at issue, the fugitive dust and emissions control plan shall consider the following mitigation measures, for example:</p> <ul style="list-style-type: none"> ◆ All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a 	Construction Contractors	During construction	Development & Engineering Services	Review construction specifications materials and retain for administrative record/ Conduct site inspections	During regularly scheduled inspections	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
<p>tarp or other suitable cover or vegetative ground cover;</p> <ul style="list-style-type: none"> ◆ All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant; ◆ All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking; ◆ When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained; ◆ All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.); ◆ Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant; ◆ Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday; and ◆ Any site with 150 or more vehicle trips per day shall prevent carryout and trackout; ◆ Limit traffic speeds on unpaved roads to 15 mph; 						

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
<ul style="list-style-type: none"> ◆ Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent. ◆ Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the Specific Plan Area; ◆ Adhere to Regulation VIII's 20 percent opacity limitation, as applicable; ◆ Use of construction equipment rated by the United States Environmental Protection Agency (US EPA) as having Tier 3 or higher exhaust emission limits for equipment over 50 horsepower that are on-site for more than 5 days, if available and feasible. Tier 3 engines between 50 and 750 horsepower are available for 2006 to 2008 model years. After January 1, 2015, encourage the use of equipment over 50 horsepower that are on-site for more than 5 days to meet the Tier 4 standards, if available and feasible. A list of construction equipment by type and model year shall be maintained by the construction contractor on-site, which shall be available for City review upon request. ◆ Use of alternative-fueled or catalyst-equipped diesel construction equipment, if available and feasible; and ◆ Clearly posted signs that require operators of trucks and construction equipment to minimize idling time (e.g. 5-minute maximum). 						
<p><u>AQ-5a:</u> Applicants for industrial or warehousing land uses that: 1) are expected to generate 100 or more diesel truck trips per day or have 40 or more trucks with operating diesel-powered transport refrigeration units (TRUs), and 2) are located within 1,000 feet of a sensitive receptor, as measured from the property line of the development at issue to the property line of the nearest sensitive</p>	Construction Contractors	During construction	Development & Engineering Services	Review construction specifications materials and retain for administrative record/	During regularly scheduled inspections	Initials: _____ Date: _____ Initials: _____ Date: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
receptor, shall adhere to applicable Best Available Control Technologies for Toxics (T-BACT), as set forth in CARB or SJVAQPD guidance (as applicable), for the purpose of reducing potential cancer and non-cancer risks to below the applicable thresholds, as feasible (e.g., restricting idling onsite, electrifying warehouse docks, requiring use of newer equipment and/or vehicles, restricting off-site truck travel through the creation of truck routes). Provided, however, that an applicant may submit a health risk assessment (HRA) to the City of Tracy prepared in accordance with policies and procedures of the state Office of Environmental Health Hazard Assessment (OEHHA) and the San Joaquin Valley Air Pollution Control District (SJVAPCD); if this HRA demonstrates that the incremental cancer risk for the individual development at issue would not exceed ten in one million (10E-06) or the appropriate non-cancer hazard index would not exceed 1.0, then no further mitigation shall be required.				Conduct site inspections		Initials: _____ Date: _____ Initials: _____ Date: _____
<u>ΔQ-6:</u> No day care center shall be located within 1,000 feet of a major source of TACs (e.g. warehouses, industrial, or roadways with traffic volumes over 10,000 vehicle per day), as measured from the property line of the development at issue to the property line of the source/edge of the nearest travel lane unless a health risk assessment (HRA) is submitted and approved by the City that demonstrates that the incremental cancer risk for the individual development at issue would not exceed ten in one million (10E-06) or the appropriate non-cancer hazard index would not exceed 1.0. Such HRA shall be prepared in accordance with policies and procedures of the state Office of Environmental Health Hazard Assessment (OEHHA) and the San Joaquin Valley Air Pollution Control District (SJVAPCD), including the latest OEHHA guidelines that address age sensitivity factors,	Developers	Prior to site plan approval	Development & Engineering Services	Site inspection	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
breathing rates, and body weights appropriate for children age 0 to 6 years.						
<u>BIO-1:</u> To mitigate the potential adverse impacts on special-status species, and provide for the incidental take of State and/or federally listed species, the applicant shall either: 1) participate in the SJMSCP and comply with all required Incidental Take Minimization Measures or 2) secure incidental take authorizations for State and/or federally-listed species directly from the CDFW and USFWS, respectively. Participation in the SJMSCP shall include compliance with all relevant Incidental Take Minimization Measures pertinent to the Specific Plan Area, including pre-construction surveys for covered species to confirm presence or absence and provide for their relocation, if necessary. Issuance of grading and construction permits shall be contingent on providing evidence of either 1) compliance with the SJMSCP or 2) a 2081 Permit from the CDFW and Biological Opinion from the USFWS to the City of Tracy Development Services Director to ensure compliance with applicable regulations and ensure adequate compensatory mitigation has been provided.	Developers	Prior to issuance of grading and construction permits	Development & Engineering Services	Review evidence of either 1) compliance with SJMSCP or 2) a 2081 Permit from the CDFW and Biological Opinion from the USFWS	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
<u>BIO-2:</u> To avoid the potential for disturbance of nesting birds on or near the Specific Plan Area, schedule the initiation of any vegetation removal and grading for the period of September 1 through February 15. If construction work cannot be scheduled during this period, a qualified biologist shall conduct pre-construction surveys for nesting birds according to the following guidelines: ◆ The preconstruction surveys shall be conducted by the qualified biologist no later than 14 days prior to the start of vegetation removal or initiating project grading. ◆ If birds protected under the Migratory Bird Treaty Act	Construction Contractor	Prior to issuance of grading and construction permits	Development & Engineering Services	As recommended in monitoring report	As recommended in monitoring report	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
<p>are found nesting, then appropriate construction buffers shall be established to avoid disturbance of the nests until such time that the young have fledged. The size of the nest buffer shall be determined by the biologist in consultation with CDFW, and shall be based on the nesting species, its sensitivity to disturbance, and expected types of disturbance. Typically, these buffers range from 75 to 250 feet from the nest location.</p>						
<ul style="list-style-type: none"> ◆ Nesting activities shall be monitored periodically by a qualified biologist to determine when construction activities in the buffer area can resume. 						
<ul style="list-style-type: none"> ◆ Once the qualified biologist has determined that young birds have successfully fledged, a monitoring report shall be prepared and submitted to the City of Tracy Development Services for review and approval prior to initiating construction activities within the buffer area. The monitoring report shall summarize the results of the nest monitoring, describe construction restrictions currently in place, and confirm that construction activities can proceed within the buffer area without jeopardizing the survival of the young birds. Construction within the designated buffer area shall not proceed until the written authorization is received by the applicant from the Development Services Director. The above provisions are in addition to the preconstruction surveys to confirm presence or absence of nesting Swainson’s hawk, burrowing owl, and other special-status species as required under the Incidental Take Minimization Measures of the SJM-SCP. 						
<p><u>BIO-3:</u> To mitigate potential impacts on jurisdictional wetlands and other waters, the following measures shall be implemented.</p>	Construction Contractors	Prior to issuance of grading and construction	Development & Engineering Services	As recommended in mitigation plan/	As recommended in mitigation plan	Initials: _____ Date: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
<ul style="list-style-type: none"> ◆ An applicant proposing to construct improvements that may affect potential wetlands or other jurisdictional features, as discussed in the EIR, shall cause a formal wetlands delineation to be prepared by a qualified wetland consultant and submitted to the Corps for verification to confirm the extent of jurisdictional wetlands and other waters on the specific site at issue (if any). ◆ Where verified waters of the US are present and cannot be avoided, authorization for modifications to these features shall be obtained from the Corps through the Section 404 permitting process. Similarly, a Section 401 Certification shall be obtained from the RWQCB where waters of the US are directly affected by the Project. All conditions required as part of the authorizations by the Corps and RWQCB shall be implemented as part of the Project. ◆ A CDFW Streambed Alteration Agreement shall also be obtained where necessary under applicable laws and regulations, for any proposed Project activities that would affect the bed or banks of the central drainage and other features regulated by the CDFW in the Specific Plan Area. The applicant who is proposing to construct these improvements as part of an individual site-specific development proposal shall submit a notification form to the CDFW, shall obtain all legally-required agreements, and implement any conditions contained within that agreement. ◆ The acreage of waters of the US and any riparian scrub habitat along the central drainage that would be removed by the Project shall be replaced or restored/enhanced on a “no-net loss basis” in accordance with Corps, RWQCB, and CDFW regulations, to 		permits		Review authorizations and retain for administrative record		Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
<p>the extent required by applicable laws and regulations.</p>						
<ul style="list-style-type: none"> ◆ A detailed mitigation plan shall be prepared by a qualified wetland consultant for any jurisdictional wetlands or waters of the US affected by proposed development, with replacement provided at a minimum 1:1 ratio or as required by the regulatory agencies. The plan shall clearly identify the total wetlands and other jurisdictional areas affected by proposed improvements, as well as wetlands to be created, restored, or enhanced as part of the wetland mitigation. This shall preferably be accomplished on-site through adjustments to the proposed limits of grading, with any replacement wetlands consolidated to the degree possible to improve existing habitat values. The plan shall specify performance criteria, maintenance and long-term management responsibilities, monitoring requirements, and contingency measures, and shall adhere to all applicable requirements and conditions imposed by the regulatory agencies. 						
<ul style="list-style-type: none"> ◆ Consultation or incidental take permitting may be required under the California and federal Endangered Species Acts (as discussed above under Mitigation Measures BIO-1). To the extent required under applicable laws and regulations, an applicant for an individual site-specific development shall obtain all legally required permits or other authorizations from the USFWS and CDFW for the potential “take” of protected species under the Endangered Species Acts, either through participation in the SJMSCP or through separate incidental take authorizations. 						
<ul style="list-style-type: none"> ◆ Temporary orange construction fencing shall be installed around the boundary of all delineated jurisdictional waters to the extent they are being preserved so 						

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
<p>that they are not disturbed during construction. The fencing shall be placed a minimum of 25 feet out from the boundary of the wetland but may need to be adjusted if construction and/or restoration activities are to be conducted within this area. Grading, trail construction and restoration work within the wetland buffer zones shall be conducted in a way that avoids or minimizes disturbance of existing wetlands to be preserved in accordance with any mitigation measures imposed by the regulatory agencies.</p>						
<p>♦ Written evidence shall be provided to the City of Tracy Development Services that the applicant has secured all authorizations required by the Corps, RWQCB, and CDFW in connection with the individual, site-specific development proposal prior to issuance of a grading permit for that individual development at issue to ensure compliance with applicable regulations.</p>						
<p>CUL-1: If any prehistoric or historic subsurface cultural resources are discovered during ground-disturbing activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist shall be consulted to assess the significance of the find according to CEQA Guidelines Section 15064.5. If any find is determined to be significant, representatives from the City and the archaeologist shall meet to determine the appropriate avoidance measures or other appropriate mitigation. All significant cultural materials recovered shall be, as necessary and at the discretion of the consulting archaeologist, subject to scientific analysis, professional museum curation, and documentation according to current professional standards. In considering any suggested mitigation proposed by the consulting archaeologist to mitigate impacts to historical resources or unique archaeological</p>	Construction Contractors	During construction	Development & Engineering Services	As determined in consultation with qualified archaeologist	As recommended by qualified archaeologist	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
resources, the City shall determine whether avoidance is necessary and feasible in light of factors such as the nature of the find, project design, costs, and other considerations.						
If avoidance is infeasible, other appropriate measures (e.g. data recovery) shall be instituted. Work may proceed on other parts of the Specific Plan Area while mitigation for historical resources or unique archaeological resources is being carried out.						
<u>CUL-2:</u> In the event that fossils or fossil-bearing deposits are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The paleontologist shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If in consultation with the paleontologist, the Project proponent determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the Project on the qualities that make the resource important. The plan shall be submitted to the City for review and approval and the Project proponent shall implement the approval plan.	Construction Contractors	During construction	Development & Engineering Services	As determined in consultation with qualified paleontologist	As recommended by qualified paleontologist	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
<u>CUL-3:</u> If human skeletal remains are uncovered during construction, the contractor (depending on the Project component) shall immediately halt work within 50 feet of the find, contact the San Joaquin County coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5(e)(1) of the CEQA	Construction Contractors	During construction	Development & Engineering Services	As determined in consultation with County Coroner	As recommended by descendants	Initials: _____ Date: _____ Initials: _____ Date: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
<p>Guidelines. If the county coroner determines that the remains are Native American, the Project proponent shall contact the NAHC, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code Section 5097.98 (as amended by AB 2641). Per Public Resources Code 5097.98, the contractor shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the human remains are located, is not damaged or disturbed by further development activity until the contractor has discussed and conferred, as prescribed in this section (California Public Resources Code Section 5097.98), with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains.</p>						Initials: _____ Date: _____ Initials: _____ Date: _____
<p>GHG-1a: Applicants for individual, site-specific developments shall conform to the then-applicable requirements of the California Building Code, including the Green Code’s provisions relating to “solar readiness.” Applicants will be encouraged to utilize or otherwise facilitate the use of alternative energy generation technologies, as feasible, to offset their energy consumption, by, for example, ensuring that roof structures are built such that they can accommodate the weight of solar panels in accordance with the California Building and Energy Standards; providing for energy storage within their buildings; and installing electrical switch gears to facilitate solar usage.</p>	Construction Contractors	Prior to issuance of building permits	Development & Engineering Services	Review building plans	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
<p>GHG-1b: Prior to issuance of a building permit for an individual, site-specific development that requires or is intended to accommodate refrigerated vehicles, the construction documents shall demonstrate an adequate number of electrical service connections at loading docks for plug-in of the anticipated number of refrigerated trailers to reduce idling time and emissions.</p>	Construction Contractors	Prior to issuance of building permits	Development & Engineering Services	Review construction documents and retain for administrative record	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
						Initials: _____ Date: _____
						Initials: _____ Date: _____
<u>GHG-1c</u> : Applicants for individual, site-specific developments with truck delivery and loading areas, and truck parking spaces, shall include signage as a reminder to limit idling of vehicles while parked for loading/unloading in accordance with California Air Resources Board Rule 2845 (13 CCR Chapter 10 §2485).	Developers	Prior to issuance of occupancy permits	Development & Engineering Services	Site inspection	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
<u>GHG-1d</u> : Applicants for individual, site-specific developments shall identify in the grading plans that non-essential idling of construction equipment and vehicles shall be restricted to no more than 5 minutes in accordance with California Air Resources Board Rule 2485 (13 CCR Chapter 10 §2485).	Developers	Prior to issuance of grading permit	Development & Engineering Services	Review grading plans and retain for administrative record	Review plans once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
<p><u>HAZ-1:</u> The project applicant shall fully implement the provisions of the San Joaquin County Hazardous Material Area Plan and the Tracy General Plan, including but not limited to:</p> <ul style="list-style-type: none"> ◆ Ensuring that any business locating in the Specific Plan Area which stores particular quantities of hazardous materials (e.g. larger than 55 gallons of liquid, 500 pounds of solid or 200 cubic feet of some compressed gases) as stipulated under Chapter 6.95 of the California Health and Safety Code annually files a hazardous materials business plan establishing incident prevention measures, hazardous material protocols, and emergency response and evacuation procedures; ◆ Providing adequate separation between areas where hazardous materials are present and sensitive uses; and ◆ Submitting an emergency response plan for any large generators of hazardous waste located or proposed to be located in the Specific Plan Area. 						Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
<p><u>HAZ-2a:</u> A Soil Management Plan and companion Sampling and Analysis Plan, as well as a Health and Safety Plan (HASP), shall be prepared and implemented during and following any soil excavation and compaction associated with implementation of the Project where such activities may encounter residual soil, soil vapor, or groundwater contamination that exceeds risk-based levels established by the RWQCB or Cal-EPA. As part of the Soil Management Plan, the applicant shall retain an experienced, independent environmental monitor to observe all significant earth-moving activities. The monitor shall observe the operations, remaining watchful for stained or discolored soil that could represent residual contamination. The monitor shall also be empowered to alert the City and regulatory agencies, when appropriate, and pro-</p>	Construction Contractors	Prior to construction	Development & Engineering Services	Review Soil Management Plan and retain for administrative record	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
<p>vide direction to the grading contractor. The monitor shall confirm the location of the one plugged and abandoned well in consultation with the Division of Gas, Oil, and Geothermal Resources, and shall comply with any remedial measures that may be required in connection therewith under applicable law and regulations. In addition, in the event that a previously unknown abandoned well is discovered, construction activities that are proximate to said abandoned well shall stop and the Division of Gas, Oil, and Geothermal Resources shall be contacted. No structures shall be built on a discovered abandoned well until it is deemed safe by the State Oil and Gas Supervisor in accordance with applicable laws and regulations.</p>						
<p><u>HAZ-2b:</u> A plan shall be developed for installation a vapor barrier and venting system beneath buildings to be constructed at the site in those areas where residual petroleum hydrocarbons in soil vapor exceed risk-based levels established by the RWQCB or Cal-EPA, where exposure pathways are considered potentially complete. The system shall be designed to eliminate potentially significant indoor air quality health risks associated with subsurface contaminant vapor intrusion. The Plan shall be prepared by a California professional engineer experienced in vapor intrusion mitigation and who shall certify the installation.</p>	Construction Contractors	Prior to construction	Development & Engineering Services	Review plan and retain for administrative record	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
<p><u>HAZ-2c:</u> Soil sampling shall occur within the portions of the Specific Plan Area that have historically been utilized for mixing or storing pesticides and that may contain pesticide residues in the soil, prior to issuance of grading permits in such areas. The sampling will be performed in accordance with a Sampling and Analysis Plan and Soil Management Plan prepared by a qualified Environmental</p>	Qualified Environmental Professional and/or Engineer	Prior to issuance of grading permits	Development & Engineering Services	Verify sampling results	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
Professional and/or California professional engineer experienced in Phase II site characterization. The sampling shall be conducted in accordance with applicable guidance from DTSC and San Joaquin County Environmental Health Department, and shall determine if pesticide concentrations exceed established regulatory thresholds. Should pesticide contaminated soil be identified as a result of the evaluation, further site characterization and remedial activities, if necessary, will be implemented in accordance with the Soil Management Plan.						Initials: _____ Date: _____ Initials: _____ Date: _____
<u>HAZ-2d</u> : Existing structures shall be evaluated for the presence of ACBM and lead-based paints prior to their renovation or demolition. The evaluation shall be conducted by a Cal-OSHA certified ACBM and lead-based paint contractor. Any ACBM or lead identified as a result of the evaluation shall be removed by a Cal-OSHA certified ACBM and lead-based paint contractor and be transported and disposed off-site in accordance with regulatory requirements.	Cal-OSHA Certified Contractor	Prior to construction	Development & Engineering Services	Verify evaluation results	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
<u>HYDRO-1a</u> : Grading and ground disturbance on the Specific Plan Area shall be implemented in accordance with each individual development's approved grading plans and related grading permit. For the required treatment of urban pollutants and application of pesticides in the Specific Plan Area, each Project developer shall comply with the approved grading plan and related permit and conditions of approval.	Construction Contractors	During construction	Development & Engineering Services	Site inspection	During regularly scheduled site inspections	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
<p><u>HYDRO-1b:</u> In accordance with the then-applicable regulations, as part of the application process for each individual development under the Specific Plan, each applicant shall file a Notice of Intent with the SWRCB to obtain coverage under the construction general permit (CGP) and shall comply with all of the requirements associated with the CGP, as necessary to mitigate those impacts that would result from the specific development proposed by that applicant. In addition, as part of the application process for each individual development under the Specific Plan, each applicant shall prepare and obtain City approval of a SWPPP which shall adequately address stormwater management during each construction phase of the Project. The SWPPP shall be consistent with the then-applicable RWQCB standards and NPDES permit requirements, and shall be designed to protect water quality during the course of construction. Said BMPs may include, without limitation, the following:</p> <ul style="list-style-type: none"> ◆ Schedule earthwork to occur primarily during the dry season to prevent most runoff erosion. ◆ Protect drainages and storm drain inlets from sedimentation with berms or filtration barriers, such as filter fabric fences, hay bales, or straw wattles. ◆ Divert runoff from exposed slopes to on-site sediment basins before the runoff is released off-site. ◆ Install gravel construction entrances to reduce tracking of sediment onto adjoining streets. ◆ Sweep on-site paved surfaces and surrounding streets daily to collect sediment before it is washed into the storm drains or the Old River. 	Developers	Prior to construction	Development & Engineering Services	Verify Notice of Intent and approve SWPPP/retain for administrative record	Once per individual development project	Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
<ul style="list-style-type: none"> ◆ After construction is completed, clean all drainage culverts of accumulated sediment and debris. ◆ Stabilize stockpiles of topsoil and fill material by watering daily, or by the use of chemical agents. ◆ Store all construction equipment and material in designated areas away from waterways and storm drain inlets. Surround construction staging areas with earthen berms. ◆ Wash and maintain equipment and vehicles in a separate bermed area, with runoff directed to a lined retention basin. ◆ Collect construction waste daily and deposit in covered dumpsters. 						
<u>HYDRO-2a</u> : As part of the application process for each individual development under the Specific Plan, each applicant shall prepare and obtain approval of a grading plan and related permit in accordance with Mitigation Measure HYDRO-1(a).	Developers	Prior to issuance of grading permit	Development & Engineering Services	Review grading plan and retain for administrative record	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
<u>HYDRO-2b</u> : As part of the application process for each individual development project under the Specific Plan, each applicant shall submit and obtain City approval of a drainage plan to the City of Tracy for on-site measures consistent with the Cordes Ranch Conceptual Drainage Plan, the Cordes Ranch Specific Plan, the Citywide	Developers City of Tracy	Prior to issuance of building permit	City of Tracy Development & Engineering Services	Review drainage plan and retain for administrative record	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
<p>Stormwater Master Plan, and other applicable stormwater standards and requirements that shall be designed to control and treat stormwater for the storm events in compliance with the then-applicable City’s Manual of Stormwater Quality Control Standards for New Development and Redevelopment, including those dealing with capacity design of the facilities and contour grading. All such measures shall be implemented as part of the development and operation of the individual development at issue.</p> <p>Each developer shall construct drainage improvements and other required stormwater retention/detention facilities as necessary to serve the specific development proposed by that applicant in conformance with the approved drainage plan, the Specific Plan and the then-applicable City standards including those set forth in the City’s Storm Drainage Master Plan. These drainage facilities shall accommodate events up to and including a 100-year 24-hour storm.</p> <p>Any impacts on the operations of Mountain House CSD facilities, including the alteration of cleaning velocities, will require coordination and agreement between Mountain House CSD and the City of Tracy prior to issuance of building permit for any development west of Mountain House Parkway.</p> <p>The proposed mitigation measures will reduce impacts related to storm water runoff to less-than-significant levels.</p>						Initials: _____ Date: _____ Initials: _____ Date: _____
<p>HYDRO-2c: As part of the development of each individual project under the Specific Plan, each developer shall implement the following measures:</p> <ul style="list-style-type: none"> ◆ Shall not utilize chemical pesticides in the maintenance of common landscaped areas, open space areas, 	Developers	Prior to construction	Development & Engineering Services	Review landscaping, construction, and drainage plans and retain	Once per individual development project	Initials: _____ Date: _____ Initials: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
<p>or parks. Fertilizers shall be applied sparingly, and shall be derived from natural sources, such as fish emulsion or manure.</p> <ul style="list-style-type: none"> ◆ Shall cooperate with the City to create a public education program for future business owners to increase their understanding of water quality protection, which should include but not be limited to: <ul style="list-style-type: none"> • Hazardous material use controls; • Hazardous materials exposure controls; • Hazardous material disposal and recycling. ◆ Encourage the use of alternative methods to avoid hazardous materials to the extent feasible, and prohibit the dumping of hazardous materials in open space areas or the storm drain system. ◆ To the extent feasible, direct stormwater runoff to percolation swale and basin areas rather than directing stormwater to storm drain pipes. ◆ Use biotreatment (natural pollutant filtering) where stormwater runs off paved surfaces onto pervious surfaces. ◆ Utilize sediment traps, evaporation basins, flow dissipaters, and other methods to reduce the volume and speed of stormwater runoff and reduce pollutant loads. 				for administrative record		Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
<p>NOISE-1: As part of the development process for each individual, site-specific project under the Specific Plan, the development at issue shall adhere to all applicable Building Code and Municipal Code provisions and standards and other requirements, as noted in the above Regulatory Framework discussion. Regarding mitigation of impacts relating to mobile sources for an individual, site-specific project, the City will consider, as appropriate and</p>	Developers and Construction Contractors	Prior to construction and site plan approval	Development & Engineering Services	Consider measures to include in construction and site plans	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
feasible, a variety of techniques to reduce noise, which may include, for example, building setbacks, berms, walls, fences of various materials, and rubberized asphalt, taking into account relevant General Plan policies (as they relate to sound walls) and the nature and location of sensitive receptors at issue.						Date: _____ Initials: _____ Date: _____
NOISE-2a: The following measures, in addition to the best practices for construction activities (as specified in Mitigation Measure NOISE-4), are recommended to reduce groundborne noise and vibration from construction activities: 1. Avoid impact pile driving process, when feasible. The use of a pre-drilling pile installation process shall be utilized when feasible, where geological conditions permit their use, so as to reduce vibration levels at adjacent receptors. 2. Avoid using vibratory rollers and vibratory tampers near vibration-sensitive uses.	Construction Contractors	Prior to construction	Development & Engineering Services	Review construction plans and retain for administrative record	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
NOISE-2b: Before any individual, site-specific development conducts any high vibration-generating activities (such as pile driving or vibratory compacting) within one hundred (100) feet of existing structures, the following mitigation measures shall apply: 1. Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before- and after-construction conditions. Construction contingencies would be identified for when vibration levels approached the limits. Vibration limits shall be applied to all vibration-sensitive structures located	Construction Contractors	Prior to construction	Development & Engineering Services	Review vibration monitoring and construction contingency plan and retain for administrative record/ Site inspection/ Surveys	Review plans once per individual development project/ Conduct site inspection at least once at beginning of demolition activities and during pile driving/ Conduct post-surveys once	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
<p>within 100 feet of each individual, site-specific development that is subject to this mitigation measure. Limits shall be based on Table 4.11-5 to preclude architectural damage and on Table 4.11-4 to preclude vibration annoyance. For the Specific Plan Area proposed development types (i.e. “institutional land uses with primarily daytime use”), the Table 4.11-4 Category 3 land uses would indicate a threshold of 83 VdB. For future developments that have special, vibration-sensitive operations or equipment, the criteria in the FTA Guideline Manual, Table 8-3 should be implemented. The monitoring and construction contingency plan shall include the following contents described in Numbers 2 through 4 below.</p> <ol style="list-style-type: none"> At a minimum, monitor vibration during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements. When vibration levels approach the above limits, construction should be suspended and contingencies should be implemented to either lower vibration levels or to secure the affected structures. Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage have been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities. 					after high levels are reported or complaints are made	
<p>NOISE-4: The following measures, when applicable and feasible, shall be required to reduce noise from construction activities:</p> <ol style="list-style-type: none"> Ensure that all internal combustion engine-driven equipment is equipped with mufflers that are in good operating condition and appropriate for the equipment. Utilize “quiet” models of air compressors and other 	Construction Contractors	Prior to construction	Development & Engineering Services	Review construction plans and retain for administrative record	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
stationary noise sources where such technology exists.						Date: _____
3. Locate stationary noise-generating equipment as far as reasonable from sensitive receptors when sensitive receptors adjoin or are near a construction Project area.						Initials: _____ Date: _____
4. Prohibit unnecessary idling of internal combustion engines (i.e. in excess of five minutes).						
5. Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.						
6. Erect temporary noise control blanket barriers and/or temporary solid plywood fences around construction sites adjacent to operational businesses or noise-sensitive land uses. This mitigation would only be necessary if (a) potential conflicts could not be resolved by proper scheduling and (b) the temporary barrier could demonstrate a benefit at the façade of the receptor building of at least 10 dB.						
7. Route construction-related traffic along major roadways and as far as feasible from sensitive receptors.						
8. Notify businesses and noise-sensitive land uses adjacent to construction sites of the construction schedule in writing. Designate a "Construction Liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g. starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. A telephone number for the Liaison should be conspicuously posted at the construction site.						
<u>PS-1:</u> As part of the application process for each individual development under the Specific Plan, the Project applicant shall be required to pay the applicable development impact fee as set forth in an adopted Cordes Ranch FIP.	Project Proponents	Prior to construction	Development & Engineering Services	Review construction plans and retain for administrative	Once per individual development project	Initials: _____ Date: _____ Initials: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
				record		Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
<u>Improvement Measure PS-1:</u> As part of the Development Review process for each individual development under the Specific Plan, each Project applicant shall adhere to all conditions of approval that are related to fire protection and emergency response services, such as those relating to fire flows, hydrants and other design and safety features (including any necessary and specialized fire protection equipment to service to individual uses proposed).	Project Proponents	Prior to construction	Development & Engineering Services	Review construction plans and retain for administrative record	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
<u>PS-2:</u> As part of the application process for each individual development under the Specific Plan, the Project applicant shall be required to pay the applicable development impact fee as set forth in an adopted Cordes Ranch FIP.	Project Proponents	Prior to construction	Development & Engineering Services	Review construction plans and retain for administrative record	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/ Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
<u>Improvement Measure PS-2:</u> As part of the Development Review process for each individual development under the Specific Plan, each Project applicant shall adhere to all conditions of approval that are related to police protection services, such as safety features, emergency access, and physical improvements to the proposed site plan and/or to police facilities and equipment to ensure adequate service is maintained.	Project Proponents	Prior to construction	Development & Engineering Services	Review construction plans and retain for administrative record	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
<u>TRANS-1:</u> The Project will construct the following improvements, in accordance with then-applicable engineering standards and requirements, and as determined by the City Engineer: <ul style="list-style-type: none"> ◆ <i>Intersection #1 (Mountain House Parkway/I-205 Westbound Ramps):</i> Restripe westbound off-ramp to provide two left-turn lanes and one shared through/right lane, and optimize signal timings. ◆ <i>Intersection #2 (Mountain House Parkway/I-205 Eastbound Ramps):</i> Convert the northbound right-turn lane to a free right with an acceptance lane on the eastbound on-ramp, and optimize signal timings. ◆ <i>Intersection #6 (Mountain House Parkway/I-580 Westbound Ramps):</i> Signalize the intersection with eastbound/westbound split phasing, or install a roundabout. ◆ <i>Intersection #7 (Mountain House Parkway/I-580 Eastbound Ramps):</i> Signalize the intersection with eastbound/westbound split phasing, or install a roundabout. 	Project Proponents	As stipulated in “trigger” analysis (see Table 4.14-13 in Section F.1.a.i of the Cordes Ranch EIR)	Development & Engineering Services	Plan review/ Site inspection	Twice per improvement	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
<ul style="list-style-type: none"> ◆ <i>Intersection #10 (Old Schulte Road/Hansen Road):</i> Signalize the intersection, and construct an additional westbound left turn lane, eastbound left-turn and right-turn lanes, and a southbound left-turn lane. ◆ <i>New Schulte Road:</i> Construct New Schulte Road from the eastern terminus of the Project Phase 1 network (east of Hansen Road) east to Lammers Road, as a two-lane road. At Intersection #18, New Schulte Road/Lammers Road, signalize the intersection and construct a left-turn lane on the eastbound approach, and right-turn lanes on the northbound and southbound approaches. ◆ <i>New Schulte Road:</i> Construct New Schulte Road between Hansen Road (the end of the Phase 1 proposed network) and Lammers Road as a two-lane road. ◆ <i>Intersection #18 (New Schulte Road/Lammers Road):</i> Install a signal and construct a left-turn lane on the eastbound approach, and right-turn lanes on the northbound and southbound approaches. ◆ <i>Intersection #19 (Old Schulte Road/Lammers Road):</i> Install a signal and construct a left-turn lane on the eastbound approach, and right-turn lanes on the northbound and eastbound approaches. ◆ <i>Intersection #20 (Valpico Road/Lammers Road):</i> Signalize the intersection and construct a left-turn lane on the southbound approach. <p>A “trigger” analysis, provided in Table 4.14-12 in Section E.1.a.i, provides the estimated timing for provision of each of the above mitigations, based on Project AM and PM peak hour trip generation. In terms of when the above improvements would need to be constructed, as part of the application process for each individual, site-</p>						

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
<p>specific development under the Specific Plan, the applicant will submit a trip generation study for the development at issue or will fund the preparation of this study by the City's consultants. This information will be utilized by the City to determine whether the relevant trip generation thresholds are met, taking into account past Project trip generation studies and the running cumulative total. The City may also take actual traffic counts and operations at the mitigation locations into account (funded by the applicant), in determining when specific improvements need to be constructed. With construction of the required improvements at intersections 10, 18, 19, and 20, impacts to these identified intersections would be less than significant.</p> <p>Because the improvements to the freeway interchange intersections require the approval of Caltrans, the impacts at intersections 1, 2, 6 and 7 remain significant and unavoidable.</p>	Developers	Prior to issuance of building permits	Development & Engineering Services	Obtain proof of payment and retain for administrative record	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
<u>TRANS-7:</u> Each Project applicant will pay the applicable TMP Program Fee, the RTIF, and any other applicable transportation fees that may be in place when individual projects are processed under the Specific Plan in accordance with applicable laws and regulations.	Developers	Prior to issuance of building permits	Development & Engineering Services	Obtain proof of payment and retain for administrative record	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
<u>TRANS-8a:</u> The Project will construct the following improvements, in accordance with then-applicable engineering standards and requirements and as determined by the City Engineer: <ul style="list-style-type: none"> ◆ <i>Intersection #1 (Mountain House Parkway/I-205 Westbound Ramps):</i> <ul style="list-style-type: none"> • <u>2035 Plus Phase 1 mitigation:</u> Change the striping from two left turns and one through-right (which is recommended in Mitigation Measure TRANS-1 to mitigate the Existing Plus Phase 1 impact) to one through-left and two right-turn lanes, and change the signal phasing to allow westbound right turns and southbound throughs to run concurrently on the same phase. Shall implement this mitigation measure in coordination with Caltrans, when appropriate, based on periodic traffic volume monitoring by the City. It is expected to be needed when both the southbound through and westbound left-turn volumes grow substantially (in either peak hour), relative to the current 	Project Proponents	Prior to issuance of building permits	Development & Engineering Services	Plan review/ Site inspection	Twice per improvement	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
volumes.						
<ul style="list-style-type: none"> ◆ <i>Intersection #4 (New Schulte Road/Mountain House Parkway):</i> Signalize the intersection. ◆ <i>Intersection #18 (New Schulte Road/Lammers Road):</i> Add a right-turn lane to the eastbound approach, for a mitigated configuration of one left turn lane, two through lanes, and one right-turn lane. ◆ <i>Intersection #20 (Valpico Road/Lammers Road):</i> Add a second southbound left-turn lane, for a mitigated configuration of two left-turn lanes, three through lanes, and one right-turn lane. 						
<p><u>TRANS-8b:</u> The City will implement the following improvements at <i>Intersection #1 (Mountain House Parkway/I-205 Westbound Ramps)</i>:</p> <p><u>Post 2035 + Project Full Buildout mitigation:</u> To serve longer-term traffic growth from sources, such as Project buildout and other regional growth beyond year 2035, the City shall add the following interchange improvement to its Transportation Master Plan and update its TMP fee program to reflect said improvement: the construction of a northbound-to-westbound loop ramp, including relocation and potential widening of the westbound off-ramp. The City will monitor traffic volumes at the interchange and use the monitoring to determine when to initiate the loop ramp planning and construction, in coordination with Caltrans. An analysis of this mitigation using 2035 Plus Project Buildout turn movements estimated from the roadway segment volumes presented in the Draft EIR, indicates that the re-configured westbound ramps intersection would operate at LOS D (44 seconds of delay) in the AM peak hour and LOS F (97 seconds of delay) in the PM peak hour. It should be noted, however,</p>	City of Tracy	Upon approval of the Cordes Ranch Project.	Development & Engineering Services	Monitor traffic volumes	Twice per improvement	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
that to achieve LOS D in the PM peak hour, using the estimated volumes, would require a bridge widening. Given the uncertainty in projecting very long-range traffic growth and travel behavior at the turn movement level, it is not recommended that the mitigation include a bridge widening.						
<u>TRANS-10:</u> Each Project applicant will pay the applicable TMP Program Fee, the RTTF, and any other applicable transportation fees that may be in place when individual projects are processed under the Specific Plan in accordance with applicable laws and regulations.	Developers	Prior to issuance of building permits	Development & Engineering Services	Obtain proof of payment and retain for administrative record	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
<u>UTIL-1:</u> To ensure the construction of the necessary WSMP facilities, the Project shall be required to pay appropriate development impact fees as contemplated by WSMP.	Developers	Prior to issuance of building permits	Development & Engineering Services	Obtain proof of payment and retain for administrative record	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
<u>UTIL-2a:</u> At no cost to the City, flow monitoring equipment shall be installed in the Hansen Sewer Line, as ap-	Project Proponents	Prior to issuance of first	Development & Engineering	Plan review/ Site inspection	Twice	Initials: _____ Date: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
proved by the City, prior to the issuance of the certificate of occupancy for the first (1 st) building constructed as part of the Project. Flow monitoring shall be used to determine available capacities to serve site-specific developments proposals under the Specific Plan. In monitoring flows for purposes of determining available capacity, the initial 0.145 shall be attributable to those lands within the Specific Plan identified in the proposed development agreement.		occupancy permit	Services			Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
<u>UTIL-2b:</u> As part of the development process for each individual site-specific development under the Specific Plan, the applicant shall pay its applicable development impact fees for wastewater facilities prior to issuance of building permits.	Developers	Prior to issuance of building permits	Development & Engineering Services	Obtain proof of payment and retain for administrative record	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____
<u>UTIL-2c:</u> As part of the development process for each individual site-specific development under the Specific Plan, the City shall review flow monitoring, at the applicant's cost, to determine available capacity. If the City determines, based on technical and legal constraints and other relevant data, that existing capacity is available to serve the development at issue, then no further mitigation is required. However, if the City determines, based on technical and legal constraints and other relevant data, that existing capacity is not available to serve the devel-	Public Works Department	Following occupancy	Development & Engineering Services	Review monitoring results	Once per individual development project	Initials: _____ Date: _____ Initials: _____ Date: _____ Initials: _____ Date: _____

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

SUMMARY OF MITIGATION MEASURES AND MONITORING PROGRAM FOR THE CORDES RANCH SPECIFIC PLAN (CONTINUED)

Mitigation Measures	Party Responsible for Implementation	Implementation Trigger/Timing	Agency Responsible for Monitoring	Monitoring/Reporting Action	Monitoring Frequency	Monitoring Compliance Record (Name/Date)
<p>opment at issue, then the improvements as identified in the Master Plan must be constructed that are necessary to create the additional capacity required, subject to any applicable credit and/or reimbursement provisions, as determined by the City.</p>						<p>Initials: _____ Date: _____</p>

S = Significant; LTS = Less Than Significant; SU = Significant and Unavoidable

RESOLUTION 2013-_____

RECOMMENDING THAT THE CITY COUNCIL APPROVE A GENERAL PLAN AMENDMENT, THE CORDES RANCH SPECIFIC PLAN, PREZONING/ ANNEXATION OF THE CORDES RANCH SITE INTO THE CITY OF TRACY, APPROVE AN ORDINANCE AMENDING TRACY MUNICIPAL CODE SECTIONS 10.08.980 and 10.08.3021 ADDING THE CORDES RANCH SPECIFIC PLAN ZONE, AND APPROVE AN ORDINANCE APPROVING THE DEVELOPMENT AGREEMENT WITH PROLOGIS LP,
APPLICATION NUMBERS GPA13-0002, A/P13-0001, DA11-0001, AND ZA13-0001

WHEREAS, On February 1, 2011, the City of Tracy adopted a General Plan (“General Plan”), which guides the growth of the City of Tracy (Resolution 2011-029); and

WHEREAS, A Final Environmental Impact Report (“FEIR”) for the General Plan (SCH# 2008092006) was certified in 2011, which considered the environmental consequences of the adoption of the General Plan and included the adoption of a series of self-mitigating goals, policies, actions, and mitigation measures; and

WHEREAS, With certification of the FEIR in 2011, the City Council of the City of Tracy adopted a Statement of Overriding Considerations (Resolution No. 2011-028) for a number of unavoidable significant impacts identified within the General Plan FEIR, which is incorporated herein by reference; and

WHEREAS, The General Plan establishes areas for future growth, and identifies one of those areas as Urban Reserve 6, otherwise known as the Cordes Ranch site; and

WHEREAS, Applications were submitted to the City of Tracy for the Cordes Ranch Specific Plan, a General Plan Amendment, and Prezoning/ Annexation (Application Numbers GPA13-0002 and A/P13-0001); and

WHEREAS, on June 4, 2013 City Council directed staff to negotiate a DA with Prologis LP (Application DA11-0001), and

WHEREAS, Pursuant to California Government Code Section 65867, the Planning Commission reviewed the Development Agreement, in conjunction with other applications

WHEREAS, A Final Environmental Impact Report (“FEIR”) for the Cordes Ranch Specific Plan (and related applications) (SCH No. 2011122015) was prepared in compliance with the requirements of the California Environmental Quality Act (“CEQA”) and recommended for City Council approval by Planning Commission Resolution No. _____; and

WHEREAS, The Cordes Ranch Specific Plan constitutes a comprehensive, long-range planning document consistent with the General Plan, capable of guiding development within the planning area, and meets all requirements of the California Planning and Zoning Law and all other applicable codes; and

WHEREAS, Pursuant to Tracy Municipal Code section 10.20.060(b), the Cordes

Ranch Specific Plan is consistent with the City's General Plan and adequately shows the infrastructure needed to support the land uses described in the Specific Plan, including detailed plans and technical studies that show how infrastructure will be funded and implemented; and

WHEREAS, The adoption of the Cordes Ranch Specific Plan is in the public interest, in general, and specifically in the interests of the City and residents within the Tracy Planning Area; and

WHEREAS, The Cordes Ranch Specific Plan is consistent with the goals and policies of the General Plan and with the purposes, standards and land use guidelines therein; and

WHEREAS, The Cordes Ranch Specific Plan creates a major employment area within the Tracy Planning Area, increasing the local employment opportunities for City residents; and

WHEREAS, On July 10, 2013, the Planning Commission, following a duly noticed public hearing, in accordance with State law, considered and recommended to City Council approval of the Cordes Ranch Specific Plan, General Plan Amendment, the Annexation/Prezoning, development agreement and zoning text amendment applications.

NOW, THEREFORE BE IT RESOLVED as follows:

1. Recitals. The foregoing recitals are true and correct and are incorporated herein as findings.
2. Compliance with CEQA. The Final Environmental Impact Report ("FEIR") for the Cordes Ranch Specific Plan (SCH No. 2011122015), recommended for City Council certification by Planning Commission Resolution No. 2013-_____, and incorporated herein by reference, was prepared in compliance with the requirements of the California Environmental Quality Act ("CEQA").
3. General Plan Amendment Approval. The Planning Commission recommends that the City Council approve General Plan Amendment GPA13-0002, attached to the July 10, 2013 Planning Commission Staff Report as Attachment "B".
4. Specific Plan Approval. The Planning Commission recommends that the City Council approve the Cordes Ranch Specific Plan, attached to the July 10, 2013 Planning Commission Staff Report as Attachment "C".
5. Pre-Annexation and Prezoning. The Planning Commission recommends that the City Council prezone the site in accordance with the Cordes Ranch Specific Plan and further recommends that the City petition LAFCo for annexation of the property.
6. Development Agreement. The Planning Commission recommends that the City Council approve an ordinance approving the development agreement with

Prologis, LP, attached hereto as Exhibit "1.

7. Zoning Text Amendment. The Planning Commission recommends that the City Council approve an ordinance amending Section 10.08.980, names of zones, and adding Section 10.08.3021, Cordes Ranch Specific Plan Zone (CRSP) to the Tracy Municipal Code and rezoning the Cordes Ranch Specific Plan area as CRSP, attached hereto as Exhibit "2".

8. Effective Date. This resolution shall be effective immediately.

* * * * *

The foregoing Resolution 2013-_____ was passed and adopted by the Planning Commission of the City of Tracy on the 10th day of July 2013, by the following vote:

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

CHAIR

ATTEST:

STAFF LIAISON

ORDINANCE

AN ORDINANCE OF THE CITY OF TRACY APPROVING A DEVELOPMENT AGREEMENT WITH PROLOGIS, LP

APPLICATION DA11-0001

WHEREAS, in June, 2013, Prologis, LP applied for a development agreement (DA11-0001) which would provide funding towards the creation of City amenities or for uses deemed appropriate by the City Council; and

WHEREAS, On June 4, 2013, the City Council, directed staff to enter into negotiations with Prologis, LP for a development agreement; and

WHEREAS, A Final Environmental Impact Report ("FEIR") for the Cordes Ranch Specific Plan project Applications, including an application for a development agreement (SCH No. 2011122015), was prepared in compliance with the requirements of the California Environmental Quality Act ("CEQA"), and

WHEREAS, Pursuant to California Government Code Section 65867, the Planning Commission reviewed the Development Agreement, in conjunction with other Cordes Ranch project applications, including the Cordes Ranch Specific Plan and General Plan Amendment, annexation and rezoning, and municipal code amendment applications, and

WHEREAS, On July 10, 2013, the Planning Commission, following duly noticed and conducted public hearing, in accordance with state law, recommended approval of the Development Agreement to the City Council and hereby transmits the Resolution, including the proposed findings, to the City Council; and

WHEREAS, The proposed Development Agreement is consistent with the General Plan, and the Cordes Ranch Specific Plan, for the reasons set forth in the Planning Commission staff report dated July 10, 2013; and

WHEREAS, The Planning Commission conducted a public hearing on July 10, 2013, and recommended that the City Council approve the Development Agreement with Prologis, LP.

The city council of the City of Tracy City Council hereby does ordains as follows:

1. Recitals. The foregoing recitals are true and correct and are incorporated herein as findings.

2. Compliance with CEQA. The Final Environmental Impact Report ("FEIR") for the Cordes Ranch Specific Plan Project, approved by Resolution No. _____, and incorporated herein by reference, was prepared in compliance with the requirements of the CEQA. The City undertook environmental review of the potential direct and indirect environmental impacts of the Cordes Ranch Specific Plan and this Agreement pursuant to the California Environmental Quality Act and Guidelines (hereinafter "CEQA") analyzing both the Cordes Ranch Specific Plan, and the proposed Development Agreement.

3. Findings regarding Development Agreement. The City Council finds that the proposed Development Agreement:

a. is consistent with the objectives, policies, general land uses and programs specified in the City General Plan and any applicable community and specific plan;

b. is in conformity with public convenience, general welfare, and good land use practices;

c. will not be detrimental to the health, safety, and general welfare of persons residing in the immediate area, nor be detrimental or injurious to property or persons in the general neighborhood or to the general welfare of the residents of the City as a whole;

d. will not adversely affect the orderly development of property or the preservation of property values; and

e. is consistent with the provisions of Government Code Sections 65864 et seq.

4. Development Agreement Approval. The Planning Commission recommends that the City Council approves the Development Agreement with Prologis, LP attached hereto as Exhibit "1".

5. Effective Date. This Ordinance takes effect 30 days after its final passage and adoption.

6. Publication. This Ordinance shall be published once in the San Joaquin Edition of the Tri-Valley Herald, a newspaper of general circulation, within fifteen (15) days from and after its final passage and adoption.

* * * * *

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the 5th 22nd day of January March, 20123, and finally adopted on the _____ day of _____, 2013, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Mayor

ATTEST:

City Clerk

ORDINANCE _____

AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTION 10.08.980, NAMES OF ZONES, AND ADDING SECTION 10.08.3021, CORDES RANCH SPECIFIC PLAN ZONE (CRSP) TO THE TRACY MUNICIPAL CODE AND PREZONING THE CORDES RANCH SPECIFIC PLAN AREA AS CRSP

WHEREAS, On February 1, 2012, the City of Tracy adopted a General Plan (“General Plan”), which guides the growth of the City of Tracy (Resolution 2011-029); and

WHEREAS, A Final Environmental Impact Report (“FEIR”) for the General Plan (SCH# 2008092006) was certified in 2011, which considered the environmental consequences of the adoption of the General Plan and included the adoption of a series of self-mitigating goals, policies, actions, and mitigation measures; and

WHEREAS, With certification of the FEIR in 2011, the City Council of the City of Tracy adopted a Statement of Overriding Considerations (Resolution No. 2011-028) for a number of unavoidable significant impacts identified within the General Plan FEIR, which is incorporated herein by reference; and

WHEREAS, The General Plan establishes areas for future growth, and identifies one of those areas as Urban Reserve 6, otherwise known as the Cordes Ranch site; and

WHEREAS, Applications were submitted to the City of Tracy for the Cordes Ranch Specific Plan, a General Plan Amendment, and Prezoning/ Annexation (Application Numbers GPA13-0002 and A/P13-0001); and

WHEREAS, A Final Environmental Impact Report (“FEIR”) for the Cordes Ranch Specific Plan (SCH No. 2011122015) was prepared in compliance with the requirements of the California Environmental Quality Act (“CEQA”) and the CEQA Guidelines and certified by City Council Resolution No. _____ on July 25, 2013; and

WHEREAS, On July 25, 2013, the City Council adopted Resolution No. _____ approving the Cordes Ranch Specific Plan and the General Plan Amendment; and

WHEREAS, The Cordes Ranch Specific Plan Area is proposed to be annexed into the City of Tracy and prezoned as Cordes Ranch Specific Plan Zone (CRSP); and

WHEREAS, A Zoning Ordinance Amendment is necessary to establish a Cordes Ranch Specific Plan Zone (CRSP); and

WHEREAS, The Planning Commission held a duly noticed public hearing on July 10, 2013 to review and discuss the proposed establishment of the Cordes Ranch Specific Plan Zone (CRSP) and the prezoning of the Cordes Ranch Specific Plan Area to CRSP; and

WHEREAS, The City Council held a duly noticed public hearing on July 25, 2013 to review and discuss the proposed establishment of the Cordes Ranch Specific Plan Zone (CRSP) and the prezoning of the Cordes Ranch Specific Plan Area to CRSP;

The city council of the City of Tracy does ordain as follows:

SECTION 1: Section 10.08.980, Names of zones, of the Tracy Municipal Code, is amended to read as follows:

“10.08.980 - Names of zones.

In order to classify, regulate, restrict, and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings, to regulate the area of yards and other open spaces about buildings, and to regulate the density of population, the following zones are hereby established:

- (a) Residential Estate ZoneRE;
- (b) Low Density Residential ZoneLDR;
- (c) Medium Density Cluster ZoneMDC;
- (d) Medium Density Residential ZoneMDR;
- (e) High Density Residential ZoneHDR;
- (f) Medical Office ZoneMO;
- (g) Professional Office and Medical ZonePOM;
- (h) Planned Unit Development ZonePUD;
- (i) Residential Mobile Home ZoneRMH;
- (j) Community Shopping Center ZoneCS;
- (k) Neighborhood Shopping ZoneNS;
- (l) Central Business District ZoneCBD;
- (m) General Highway Commercial ZoneGHC;
- (n) Light Industrial ZoneM-1;
- (o) Heavy Industrial ZoneM-2;
- (p) Highway Service ZoneHS;
- (q) Agricultural ZoneA;
- (r) Airport Overlay ZoneAO;
- (s) Northeast Industrial Specific Plan Zone ...NEI; and
- (t) Cordes Ranch Specific Plan Zone....CRSP.”

SECTION 2: A new Article 22.2, Cordes Ranch Specific Plan Zone (CRSP), and a new Section 10.08.3021, Cordes Ranch Specific Plan Zone, are added to the Tracy Municipal Code to read as follows:

“Article 22.2 Cordes Ranch Specific Plan Zone (CRSP)

10.08.3021 Cordes Ranch Specific Plan Zone.

The zoning within the Cordes Ranch Specific Plan Zone is governed by the Cordes Ranch Specific Plan.”

SECTION 3: The Cordes Ranch Specific Plan Area is hereby rezoned Cordes Ranch Specific Plan Zone (CRSP). The zoning of said Project site as CRSP, including amendment of the Zoning Map, shall take effect on the same date that annexation of the site occurs.

SECTION 4: This Ordinance shall take effect thirty (30) days after its final passage and adoption.

SECTION 5: This Ordinance shall be published once in the San Joaquin Edition of the Tri Valley Herald, a newspaper of general circulation, within fifteen (15) days from and after its

final passage and adoption.

* * * * *

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the 25th day of July, 2013, and finally adopted on the ____ day of August, 2013, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

Mayor

ATTEST:

City Clerk