

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 24, 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 RECOMMENDING CITY COUNCIL APPROVAL OF A REZONE OF A 47.1-ACRE PARCEL FROM LOW DENSITY RESIDENTIAL TO PLANNED UNIT DEVELOPMENT, APPROVAL OF A CONCEPT, PRELIMINARY AND FINAL DEVELOPMENT PLAN, AND APPROVAL OF A VESTING TENTATIVE SUBDIVISION MAP FOR A 252-LOT RESIDENTIAL SUBDIVISION, KNOWN AS KAGEHIRO PHASE 3, LOCATED AT THE SOUTHEAST CORNER OF CORRAL HOLLOW ROAD AND KAGEHIRO DRIVE, ASSESSOR'S PARCEL NUMBER 242-040-36. THE APPLICANT AND PROPERTY OWNER IS CORRAL HOLLOW DEVELOPMENT, LLC. APPLICATION NUMBERS PUD13-0001 AND TSM12-0001**
- B. **PUBLIC HEARING TO CONSIDER AN APPLICATION TO AMEND A VESTING TENTATIVE SUBDIVISION MAP ON AN 18.6-ACRE PARCEL TO CREATE 105 LOTS, AND A PRELIMINARY AND FINAL DEVELOPMENT PLAN (PDP/FDP) AMENDMENT TO ALLOW FOR THE CONSTRUCTION OF 105 SINGLE-FAMILY HOMES LOCATED WITHIN THE 18.6 ACRE INFILL SITE ON THE WEST SIDE OF MAC ARTHUR DRIVE, NORTH OF VALPICO ROAD. THE APPLICANT IS VALLEY OAK PARTNERS AND OWNERS ARE DERONE W. AND D.A THRASHER- APPLICATION NUMBERS TSM13-0002 AND PUD13-0002**

3. ITEMS FROM THE AUDIENCE

4. DIRECTOR'S REPORT

A. DISCUSSION OF AGENDA PACKET DELIVERY

5. ITEMS FROM THE COMMISSION

6. ADJOURNMENT

Posted: **July 18, 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.

AGENDA ITEM 2-A

REQUEST

PUBLIC HEARING TO CONSIDER RECOMMENDING CITY COUNCIL APPROVAL OF A REZONE OF A 47.1-ACRE PARCEL FROM LOW DENSITY RESIDENTIAL TO PLANNED UNIT DEVELOPMENT, APPROVAL OF A CONCEPT, PRELIMINARY AND FINAL DEVELOPMENT PLAN, AND APPROVAL OF A VESTING TENTATIVE SUBDIVISION MAP FOR A 252-LOT RESIDENTIAL SUBDIVISION, KNOWN AS KAGEHIRO PHASE 3, LOCATED AT THE SOUTHEAST CORNER OF CORRAL HOLLOW ROAD AND KAGEHIRO DRIVE, ASSESSOR'S PARCEL NUMBER 242-040-36. THE APPLICANT AND PROPERTY OWNER IS CORRAL HOLLOW DEVELOPMENT, LLC. APPLICATION NUMBERS PUD13-0001 AND TSM12-0001

BACKGROUND

The subject property is a portion of the 141-acre Kagehiro property that was annexed to the City of Tracy on January 17, 1997. The subject property consists of a 47.1-acre parcel located at the southeast corner of Kagehiro Drive and Corral Hollow Road (Attachment A: Location Map).

The project consists of a rezone from Low Density Residential (LDR) to Planned Unit Development (PUD), approval of a Concept, Preliminary and Final Development Plan, and approval of a Vesting Tentative Subdivision Map to create 252 residential lots for single-family homes (Application Numbers PUD13-0001 and TSM12-0001).

DISCUSSION

Rezone from LDR to PUD

The subject property has a General Plan designation of Residential Low and zoning of LDR. The surrounding area includes single-family residential neighborhoods to the north and east (General Plan designation of Residential Low and zoning of LDR). A City park is located to the northeast (Gretchen Talley Park). The adjacent areas to the south and west are located in the jurisdiction of San Joaquin County and consist of rural residential lots and agricultural lands, and an irrigation ditch (West Side Irrigation District property) along the southern boundary of the subject property.

The applicant's proposal includes rezoning the subject property from LDR to PUD (Attachment B: Existing and Proposed Zoning). PUD zoning has been used throughout many areas of the City to achieve creative site plans that do not fit within the constraints of a particular zone, such as LDR.

The proposed Kagehiro Phase 3 PUD has a density of 5.3 dwelling units per gross acre. The proposed average lot size is 5,885 square feet with a low of 5,000 square feet and a high of approximately 13,000 square feet (Attachment C: Lot Size Table). The majority of the lots are sized at 55 feet wide by 100 feet deep (5,500 square feet). This varies

from the LDR zone, which has a minimum lot size of 5,600 square feet. The proposed PUD would be consistent with the General Plan designation of Residential Low, including the density range of 2.1 to 5.8 dwelling units per gross acre.

The proposed PUD zoning regulations (Attachment D: Concept Development Plan/ PUD Zoning Regulations) would allow lot sizes that are slightly smaller and narrower than allowed in the LDR zone (50 to 55 feet wide compared to 56 feet in the LDR), houses that are slightly closer together (five-foot minimum side setbacks with 10 feet between houses compared to side setbacks of four feet and ten feet with 14 feet between houses in the LDR), and houses that cover slightly more of the lot (up to 55% maximum lot coverage compared to 45% in the LDR). The proposed setbacks and lot sizes are similar to many other PUDs that have been approved throughout the City.

Preliminary and Final Development Plan

The Preliminary and Final Development Plan consists of the proposed site plan and architecture (Attachment E: Preliminary and Final Development Plan/ Architectural Packet). The site has some constraints due to its dimensions and being an infill parcel surrounded by existing development with stubbed streets and a West Side Irrigation District ditch along the southern property boundary.

The proposed site plan consists of 252 single-family residential lots on approximately 47 acres. The general layout for the subdivision includes modified grid pattern streets with small blocks and short street lengths to reduce traffic speeds, increase connectivity and pedestrian friendliness. The subdivision would have its primary access from Corral Hollow Road be from Kagehiro Drive, with secondary access points from existing streets to the north and east. The project would feature sidewalks separated from the street by a five-foot wide landscape strip to enhance the visual appeal of the streetscape, increasing shade coverage on both the street and sidewalk, and further creating a pedestrian friendly neighborhood.

The proposed architecture consists of six plan types (all single-family detached homes) with four to five different elevation types per plan (total of 28 different house designs). The proposed houses range in size from approximately 2,400 square feet to 3,500 square feet, with one single-story plan type and the rest two-story. The proposed architecture includes a variety of building materials and interesting details. The architectural details are carried around to all four sides of the houses. The proposal includes setting back the garages a minimum of 30 feet from the front property line on at least 20% of the lots.

The proposed project includes one single-story floor plan and is proposing to use it on 15% to 25% of the lots, as shown in recommended Condition of Approval number B.11 (Exhibit 1 of Planning Commission Resolution, Attachment I). The City's Design Goals and Standards state that there should be at least one single-story floor plan designed with each subdivision and used on approximately 25% of the lots. The proposed project meets all other requirements of the City's Design Goals and Standards, including the mix of housing types and frequency of each house used, as shown in Condition of Approval number B.11 (Exhibit 1 of Planning Commission Resolution, Attachment I) and depicted in the conceptual house plotting plan (Attachment F: Conceptual House Plotting Plan).

Vesting Tentative Subdivision Map

The proposed Vesting Tentative Subdivision Map would subdivide the 47.1 acre parcel into 252 residential lots and public streets with sidewalks and landscaping (Attachment G: Vesting Tentative Subdivision Map). The street sections would be 35 feet wide curb to curb with parking on both sides (total public right of way width of 55 feet). The public right of way would include a five-foot wide landscape strip between the curb and sidewalk on both sides of the street.

RGAs

The project will require 252 RGAs for the construction of the 252 proposed residential units. The project will be eligible to apply for and receive RGAs per the regulations set forth in the Growth Management Ordinance and Growth Management Ordinance Guidelines after a Tentative Subdivision Map is approved. The RGAs will be required prior to the issuance of any building permits.

Schools

The Tracy Unified School District has determined that the project does not need to dedicate property for a school site within the subdivision. However, in order to mitigate the proposed project's impacts on school facilities, the Tracy Unified School District and the developer executed an MOU, which requires the payment of school fees.

Parks

Parks are required to be established within residential neighborhoods to serve the residents of the homes that are established in Tracy. In order to meet the need for park land, projects are either required to build parks or pay park in-lieu fees. Rather than including land dedicated for park uses within the proposed project, the project applicant will be paying in-lieu fees, which could be used to expand the adjacent existing Gretchen Talley Park.

Neighborhood Meeting

The applicant conducted a neighborhood meeting on June 25, 2013 to present the project to the nearby residents, as requested by staff. Approximately thirty neighbors were present at the meeting. The project was generally well-received by the neighbors, although some concerns were expressed. The primary concerns were related to traffic congestion at the intersection of Corral Hollow Road and Valpico Road, the potential high-speed traffic on Kagehiro Drive, and the plans for the West Side Irrigation District canal.

The intersection of Corral Hollow Road and Valpico Road is located in the jurisdiction of San Joaquin County, outside of the City limits. Under existing conditions, the four-way-stop intersection operates at LOS E with an average delay of 44 seconds in the PM peak hour (worst peak hour). The County has a Capital Improvement Project to signalize this intersection and provide minor improvements to the intersection, including a left-turn lane added to all four approaches and an eight phase signal. Design of these improvements is expected to begin next month, with construction tentatively planned for August of 2014.

In order to identify roadway facility and intersection improvements needed to accommodate the traffic generated by buildout of the City's General Plan, the City prepared and adopted the 2012 Citywide Roadway and Transportation Master Plan (Transportation Master Plan). The Transportation Master Plan identified a range of roadway and intersection improvements that would be needed for buildout of the General Plan. The Kagehiro Phase 3 project is responsible for the payment of fair-share traffic mitigation fees to the City of Tracy. The payment of these fair-share traffic mitigation fees would assist the City with implementation of the various improvements identified in the Transportation Master Plan.

Regarding the concerns for the potential of high-speed traffic on Kagehiro Drive, the City will require a sign warrant analysis prior to construction of the project and also incrementally at every 50th building permit. It is likely that two additional stop signs will be needed along Kagehiro Drive before full buildout of the project. Once the warrant analysis identifies the need for new stop signs, the stop signs will be installed at the Developer's expense (unless the stop signs are warranted under existing conditions, in which case the signs would be installed at the City's expense).

Concerns were also raised regarding the plans for the West Side Irrigation District property and the location of the perimeter fence for the project. As it was explained at the neighborhood meeting, the West Side Irrigation District (WSID) property would remain the same as existing. The WSID property is outside of the City limits and outside of the project area. The southern perimeter of the project would be adjacent to the northern edge of the WSID property, and would consist of a standard residential fence (six foot high wood fence). The WSID has stated that their plans for the irrigation ditch are to leave it in its existing, open state. This explanation relieved the neighbors' concern that the ditch would be covered and the project would be located immediately adjacent to their property.

Environmental Document

The project is consistent with the Residential Low designation and density requirements of the General Plan, for which an Environmental Impact Report (EIR) was certified on February 1, 2011. As described in the attached document (Attachment H: CEQA 15183 Analysis), all cumulative and offsite impacts associated with development and buildout of the project were fully addressed in the General Plan EIR and there are no site specific or peculiar impacts associated with the project that cannot be substantially mitigated to a less-than-significant level through the application of uniformly applied standards and policies that would be applied to the project. Therefore, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15183, no further environmental assessment is required.

RECOMMENDATION

Staff recommends that the Planning Commission recommend that City Council take the following actions, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated July 24, 2013 (Attachment I: Planning Commission Resolution):

1. Approve a rezone from Low Density Residential to Planned Unit Development for a 47.1-acre parcel located at the southeast corner of Corral

Hollow Road and Kagehiro Drive, Assessor's Parcel Number 242-040-36, known as Kagehiro Phase 3, Application Number PUD13-0001;

2. Approve a Concept, Preliminary and Final Development Plan for Kagehiro Phase 3, a 252-lot residential subdivision, Application Number PUD13-0001; and
3. Approve a Vesting Tentative Subdivision Map for Kagehiro Phase 3, a 252-lot residential subdivision, Application Number TSM12-0001.

MOTION

Move that the Planning Commission recommend that City Council take the following actions, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated July 24, 2013:

1. Approve a rezone from Low Density Residential to Planned Unit Development for a 47.1-acre parcel located at the southeast corner of Corral Hollow Road and Kagehiro Drive, Assessor's Parcel Number 242-040-36, known as Kagehiro Phase 3, Application Number PUD13-0001;
2. Approve a Concept, Preliminary and Final Development Plan for Kagehiro Phase 3, a 252-lot residential subdivision, Application Number PUD13-0001; and
3. Approve a Vesting Tentative Subdivision Map for Kagehiro Phase 3, a 252-lot residential subdivision, Application Number TSM12-0001.

Prepared by Scott Claar, Associate Planner

Reviewed by Bill Dean, Assistant Development Services Director

Approved by Andrew Malik, Development Services Director

ATTACHMENTS

Attachment A - Location Map

Attachment B - Existing and Proposed Zoning

Attachment C - Lot Size Table

Attachment D - Concept Development Plan/ PUD Zoning Regulations

Attachment E - Preliminary and Final Development Plan/ Architectural Packet

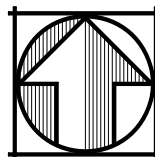
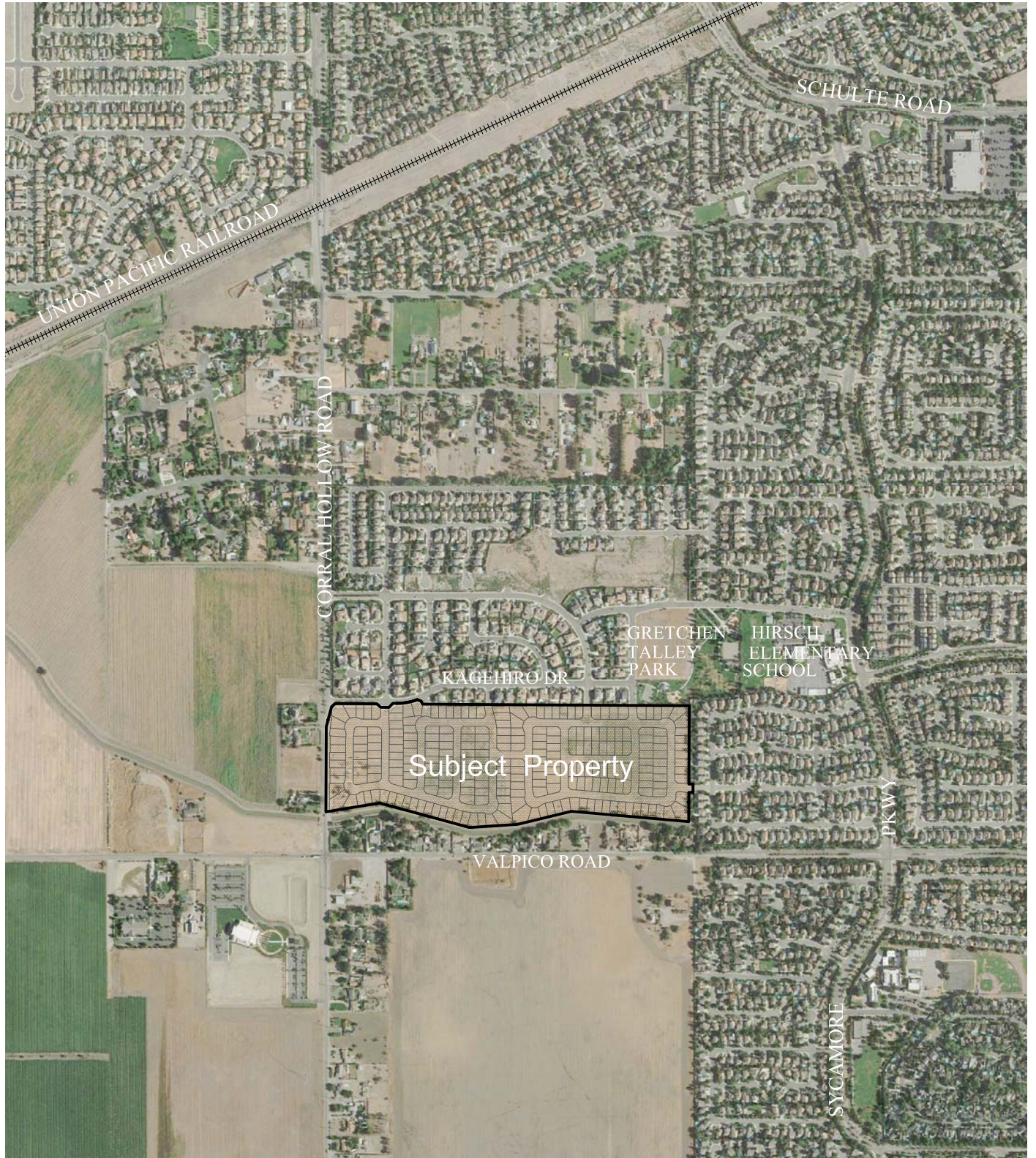
Attachment F - Conceptual House Plotting Plan

Attachment G - Vesting Tentative Subdivision Map

Attachment H - CEQA 15183 Analysis

Attachment I - Planning Commission Resolution

LOCATION MAP ATTACHMENT A
KAGEHIRO PHASE 3
CITY OF TRACY, CALIFORNIA
JULY 17, 2013



Carlson, Barbee
& Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

2633 CAMINO RAMON, SUITE 350
SAN RAMON, CALIFORNIA 94583

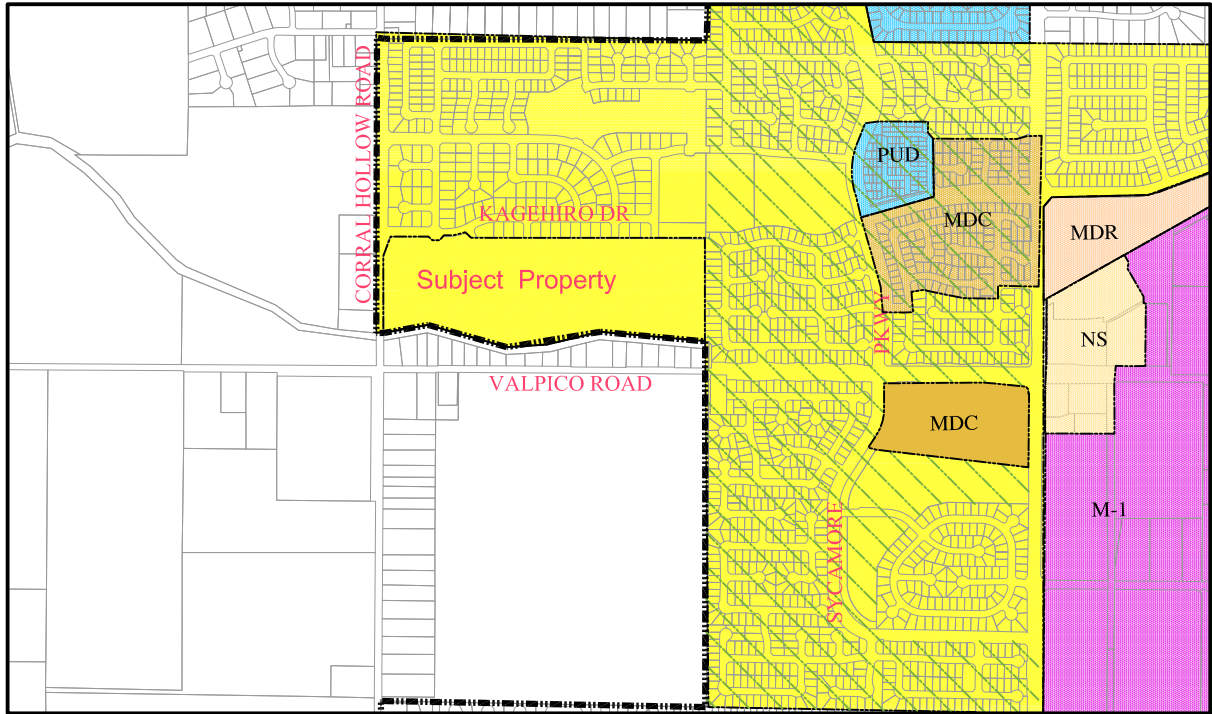
(925) 866-0322
FAX (925) 866-8575

EXISTING AND PROPOSED ZONING

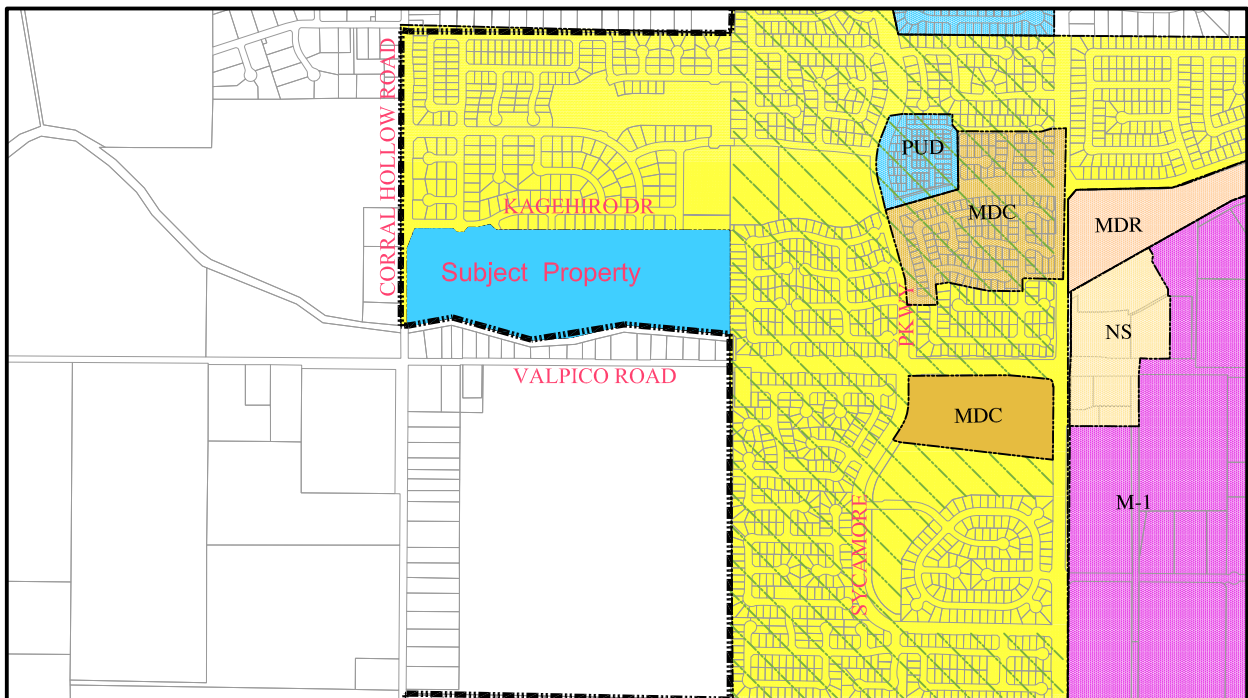
KAGEHIRO PHASE 3

CITY OF TRACY, CALIFORNIA

JULY 17, 2013



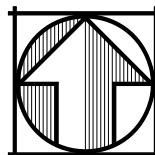
EXISTING ZONING




PROPOSED ZONING

LEGEND

- ▬▬▬▬▬ CITY LIMIT LINE
- LOW DENSITY RESIDENTIAL (LDR)
- ▨ RESIDENTIAL SPECIFIC PLAN
- PLANNED UNIT DEVELOPMENT (PUD)
- MEDIUM DENSITY CLUSTER (MDC)
- MEDIUM DENSITY RESIDENTIAL (MDR)
- LIGHT INDUSTRIAL (M-1)
- NEIGHBORHOOD SHOPPING (NS)



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ATTACHMENT C

June 27, 2013
Job No.: 2228-000

KAGEHIRO LOT SIZING Tracy, California

LOT NO.	AREA	LOT NO.	AREA	LOT NO.	AREA	LOT NO.	AREA
LOT 01	6,215	LOT 64	5,500	LOT 127	6,099	LOT 190	5,500
LOT 02	5,743	LOT 65	5,500	LOT 128	5,848	LOT 191	5,500
LOT 03	5,500	LOT 66	5,500	LOT 129	5,598	LOT 192	5,500
LOT 04	5,500	LOT 67	5,500	LOT 130	5,500	LOT 193	5,500
LOT 05	5,500	LOT 68	5,000	LOT 131	5,500	LOT 194	5,500
LOT 06	5,500	LOT 69	5,500	LOT 132	5,918	LOT 195	5,500
LOT 07	6,318	LOT 70	5,561	LOT 133	5,300	LOT 196	5,500
LOT 08	5,780	LOT 71	6,734	LOT 134	5,500	LOT 197	5,500
LOT 09	5,500	LOT 72	6,371	LOT 135	5,500	LOT 198	6,448
LOT 10	5,500	LOT 73	5,500	LOT 136	5,500	LOT 199	6,098
LOT 11	5,500	LOT 74	5,500	LOT 137	5,500	LOT 200	5,474
LOT 12	5,500	LOT 75	5,500	LOT 138	5,500	LOT 201	5,474
LOT 13	5,500	LOT 76	5,500	LOT 139	5,500	LOT 202	5,146
LOT 14	5,553	LOT 77	5,500	LOT 140	6,217	LOT 203	6,398
LOT 15	6,570	LOT 78	5,500	LOT 141	5,889	LOT 204	13,159
LOT 16	5,500	LOT 79	5,500	LOT 142	5,500	LOT 205	8,830
LOT 17	5,793	LOT 80	5,500	LOT 143	5,500	LOT 206	5,713
LOT 18	5,485	LOT 81	5,307	LOT 144	5,500	LOT 207	5,524
LOT 19	5,500	LOT 82	6,609	LOT 145	5,500	LOT 208	5,500
LOT 20	5,500	LOT 83	6,221	LOT 146	5,500	LOT 209	5,500
LOT 21	5,500	LOT 84	5,718	LOT 147	5,500	LOT 210	5,300
LOT 22	5,500	LOT 85	5,511	LOT 148	5,300	LOT 211	5,300
LOT 23	5,500	LOT 86	5,500	LOT 149	6,300	LOT 212	5,000
LOT 24	6,722	LOT 87	5,300	LOT 150	6,250	LOT 213	5,500
LOT 25	6,248	LOT 88	5,300	LOT 151	6,348	LOT 214	5,000
LOT 26	5,500	LOT 89	5,500	LOT 152	7,153	LOT 215	5,500
LOT 27	5,500	LOT 90	5,186	LOT 153	6,332	LOT 216	5,248
LOT 28	5,500	LOT 91	7,286	LOT 154	5,542	LOT 217	7,766
LOT 29	5,500	LOT 92	9,996	LOT 155	5,548	LOT 218	9,820
LOT 30	5,500	LOT 93	7,118	LOT 156	5,502	LOT 219	5,996
LOT 31	5,499	LOT 94	5,398	LOT 157	5,507	LOT 220	5,405
LOT 32	5,039	LOT 95	5,500	LOT 158	5,011	LOT 221	6,670
LOT 33	6,253	LOT 96	5,500	LOT 159	5,517	LOT 222	5,600
LOT 34	7,203	LOT 97	5,500	LOT 160	5,522	LOT 223	5,500
LOT 35	7,265	LOT 98	5,500	LOT 161	5,044	LOT 224	5,500
LOT 36	5,681	LOT 99	5,300	LOT 162	5,823	LOT 225	5,000
LOT 37	5,479	LOT 100	5,414	LOT 163	5,647	LOT 226	5,500
LOT 38	5,500	LOT 101	5,000	LOT 164	5,000	LOT 227	5,500
LOT 39	5,000	LOT 102	5,500	LOT 165	5,500	LOT 228	5,500
LOT 40	5,500	LOT 103	5,500	LOT 166	5,500	LOT 229	5,500
LOT 41	5,500	LOT 104	5,000	LOT 167	5,500	LOT 230	5,500
LOT 42	5,500	LOT 105	5,500	LOT 168	5,500	LOT 231	5,500
LOT 43	5,985	LOT 106	5,500	LOT 169	5,000	LOT 232	5,000
LOT 44	5,414	LOT 107	5,497	LOT 170	5,499	LOT 233	6,496
LOT 45	5,500	LOT 108	6,648	LOT 171	5,579	LOT 234	5,559
LOT 46	5,000	LOT 109	6,707	LOT 172	5,500	LOT 235	5,000
LOT 47	5,500	LOT 110	6,398	LOT 173	5,462	LOT 236	5,200
LOT 48	5,000	LOT 111	5,500	LOT 174	6,310	LOT 237	7,657
LOT 49	5,500	LOT 112	5,500	LOT 175	9,646	LOT 238	13,104
LOT 50	5,000	LOT 113	5,500	LOT 176	8,961	LOT 239	8,489
LOT 51	5,446	LOT 114	5,500	LOT 177	5,453	LOT 240	5,848
LOT 52	6,137	LOT 115	5,500	LOT 178	5,501	LOT 241	6,057
LOT 53	7,446	LOT 116	6,300	LOT 179	5,500	LOT 242	6,286
LOT 54	5,500	LOT 117	5,635	LOT 180	5,500	LOT 243	6,295
LOT 55	5,500	LOT 118	5,306	LOT 181	5,500	LOT 244	6,084
LOT 56	5,500	LOT 119	5,552	LOT 182	5,500	LOT 245	6,448
LOT 57	5,500	LOT 120	5,672	LOT 183	6,430	LOT 246	6,307
LOT 58	5,500	LOT 121	5,666	LOT 184	8,641	LOT 247	6,950
LOT 59	5,500	LOT 122	5,660	LOT 185	12,505	LOT 248	10,592
LOT 60	5,500	LOT 123	5,654	LOT 186	7,111	LOT 249	6,295
LOT 61	5,300	LOT 124	5,409	LOT 187	5,468	LOT 250	5,243
LOT 62	5,300	LOT 125	6,769	LOT 188	5,510	LOT 251	5,500
LOT 63	5,500	LOT 126	6,350	LOT 189	5,500	LOT 252	6,125
Average							5,885

RECEIVED
JUL 01 2013
CITY OF TRACY
D.E.S.

KAGEHIRO PHASE III

PLANNED UNIT DEVELOPMENT

CONCEPT DEVELOPMENT PLAN / PUD ZONING REGULATIONS

I. PURPOSE

The purpose of the Kagehiro Phase III PUD is to achieve (1) a new 252 lot subdivision with lot types and residential homes which are compatible with the existing single family residential uses in the project's surrounding areas; (2) a creative site plan which is designed to provide (i) adequate parking and emergency safety vehicle access, (ii) shorter streets for reduced automobile speeds, and (iii) the necessary connectivity to all parts of the subdivision, including pedestrian and automobile access to Corral Hollow Road, Gretchen Talley Park, Hirsch Elementary School, Tracy Area Rapid Transit and all points North, South, East and West; (3) onsite Storm Water Pollution Prevention Control Treatment within the subdivision, and (4) separated sidewalks enhancing the visual aesthetics of the subdivision with the planting of trees and groundcover immediately adjacent to streets, providing separation of pedestrian traffic from cars and the reduction of the "street heat island" by the shading of streets and parked cars.

II. PROPERTY DESCRIPTION

The subject parcel consists of approximately 47.1 acres located at the Southeast corner of Corral Hollow Road and Kagehiro Drive. The subject parcel is the third phase of an original approximate 140 acre parcel. The first phase was developed by Standard Pacific Homes and is known as the Muirfield Unit 7 Subdivision, the second phase was developed by Meritage Homes and is known as Eastgate Subdivision. The subject parcel is bordered by Corral Hollow Road to the west, Kagehiro Drive and the Meritage Subdivision and Gretchen Talley Park to the north, an older phase of the Standard Pacific Homes project, also known as Muirfield Subdivision, is located to the east, and unincorporated land containing a Westside Irrigation District Canal borders the project to the south.

III. PERMITTED USES

Permitted uses shall comply with the requirements of the Low Density Residential (LDR) zone.

IV. DEVELOPMENT STANDARDS

Except as otherwise specified herein, the Kagehiro Phase III PUD shall comply with all requirements of the Tracy Municipal Code that apply to the Low Density Residential (LDR) zone, including requirements for height limits, off-street parking, swimming pools, shade structures, detached accessory buildings, fences and projections into yards.

A. Lot area and width and depth.

The Lot area and width and depth requirements shall be consistent with the approved Final Development Plan.

B. Density

The density requirements shall be consistent with the approved Final Development Plan.

C. Minimum yards

1. Front Yard-The minimum front yard setback shall be ten feet from the back of the sidewalk, except garages, which shall be setback a minimum of eighteen feet from the back of the sidewalk to the face of the garage door. There shall be a minimum two foot differential between neighboring main buildings, except at knuckles where the benefit of such variation is not needed due to the curvature of the street.
2. Side Yards-The minimum side yard setbacks shall be five feet on each side of the lots, including corner lots. In addition to the projections into yards, which are permitted in the LDR zone, the following encroachments into the side yard setback areas are permitted, provided that at least one side of the property maintains a 5-foot minimum setback (on the garage-side) to allow for access to the rear yard, including movement of trash containers and other objects: (a) walled patios at the front of a house, as shown on the approved architectural plans and (b) air conditioning equipment, including such air conditioning equipment that is in excess of two feet in depth.
3. Rear Yard-The minimum rear yard setbacks shall be an average of fifteen feet and a minimum of ten feet.

D. Lot Coverage

The maximum lot coverage of all buildings shall not exceed fifty-five percent of the lot area. The computation of lot coverage shall exclude porches, terraces, courtyards, patios, patio covers, and shade structures.

ATTACHMENT E

OVERSIZED DOCUMENT
AVAILABLE TO VIEW AT CITY HALL,
DEVELOPMENT SERVICES DEPT.

ATTACHMENT F

OVERSIZED DOCUMENTS
AVAILABLE TO VIEW AT CITY HALL,
DEVELOPMENT SERVICES DEPT.

ATTACHMENT G

OVERSIZED DOCUMENTS AVAILABLE
TO VIEW AT CITY HALL, DEVELOPMENT
SERVICES DEPARTMENT

CEQA 15183 ANALYSIS

FOR THE

KAGEHIRO PHASE 3 PROJECT

JULY 2013

Prepared for:

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

Prepared by:

De Novo Planning Group
4630 Brand Way
Sacramento, CA 95819
(916) 949-3231

INTRODUCTION

The following pages provide an analysis of the proposed Kagehiro Phase 3 Development Project (project) with respect to the project's consistency with the City of Tracy General Plan, the analysis contained in the General Plan EIR, and any site-specific environmental impacts or cumulative impacts that may result from project implementation.

As explained in the following pages, the proposed project is consistent with the City's General Plan, for which an EIR was prepared and certified, and there are no site-specific or cumulative impacts associated with the proposed project that have not been fully addressed in a previous environmental document, or that cannot be mitigated to a less than significant level through the application of uniformly applied development policies and/or standards. The findings presented below demonstrate that no additional environmental analysis is required under the California Environmental Quality Act (CEQA) prior to approval of the proposed project.

PROJECT OVERVIEW

The subject property consists of a vacant 47.1-acre parcel located at the southeast corner of Kagehiro Drive and Corral Hollow Road (Assessor's Parcel Number 242-040-36). The General Plan designation is Residential Low and the zoning is Low Density Residential (LDR). The applicant's proposal consists of rezoning the property from LDR to Planned Unit Development (PUD) and a Vesting Tentative Subdivision Map to create 252 residential lots for single-family homes (Application Numbers PUD13-0001 and TSM12-0001).

The surrounding area includes single-family residential neighborhoods to the north and east (General Plan designation of Residential Low and zoning of LDR). A City park is located to the northeast. The adjacent areas to the south and west are located in the jurisdiction of San Joaquin County and consist of rural residential lots and agricultural lands, and an irrigation ditch (West Side Irrigation District property) along the southern boundary of the subject property.

The subject property is a portion of the 141-acre Kagehiro property that was annexed to the City of Tracy on January 17, 1997. A Mitigated Negative Declaration was adopted by City Council for the Kagehiro Annexation on September 17, 1996.

PREVIOUS ENVIRONMENTAL ANALYSES OF THE PROPOSED PROJECT

Two previous environmental analyses have been prepared and certified which are applicable to the proposed project.

On February 1, 2011, the City adopted a new General Plan and certified the associated General Plan EIR (SCH# 2008092006). The proposed project will be consistent with the General Plan designation of Residential Low and the density range of 2.1 to 5.8 dwelling units per gross acre. The General Plan EIR assumed full development and buildout of the project site, consistent with the uses and residential densities proposed by the project. The cumulative impacts associated with buildout of the City of Tracy General Plan, including the project site, were fully addressed in the General Plan EIR.

The subject property is a portion of the 141-acre Kagehiro property that was annexed to the City of Tracy on January 17, 1997. A Mitigated Negative Declaration (MND) was adopted by City Council for the Kagehiro Annexation on September 17, 1996 (SCH# 96042046). The 1996 MND addressed site-specific impacts associated with annexation and development of the subject property.

PUBLIC RESOURCES CODE SECTION 21083.3 AND CEQA GUIDELINES SECTION 15183 EXEMPTIONS

Public Resources Code Section 21083.3 and California Environmental Quality Act (CEQA) Guidelines Section 15183 allow for a streamlined environmental review process for projects that are consistent with the densities established by existing zoning, community plan or general plan policies for which an Environmental Impact Report (EIR) was certified. As noted above, the proposed project is consistent with the land use designation and densities established by the Tracy General Plan, for which an EIR was certified. The provisions contained in Section 15183 of the CEQA Guidelines are presented below.

15183. PROJECTS CONSISTENT WITH A COMMUNITY PLAN OR ZONING

(a) CEQA mandates that projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site. This streamlines the review of such projects and reduces the need to prepare repetitive environmental studies.

(b) In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:

- (1) Are peculiar to the project or the parcel on which the project would be located,*
- (2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,*
- (3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or*
- (4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.*

(c) If an impact is not peculiar to the parcel or to the project, has been addressed as a significant effect in the prior EIR, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, as contemplated by subdivision (e) below, then an additional EIR need not be prepared for the project solely on the basis of that impact.

(d) This section shall apply only to projects which meet the following conditions:

(1) The project is consistent with:

(A) A community plan adopted as part of a general plan,

(B) A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or

(C) A general plan of a local agency, and

(2) An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.

(e) This section shall limit the analysis of only those significant environmental effects for which:

(1) Each public agency with authority to mitigate any of the significant effects on the environment identified in the planning or zoning action undertakes or requires others to undertake mitigation measures specified in the EIR which the lead agency found to be feasible, and

(2) The lead agency makes a finding at a public hearing as to whether the feasible mitigation measures will be undertaken.

(f) An effect of a project on the environment shall not be considered peculiar to the project or the parcel for the purposes of this section if uniformly applied development policies or standards have been previously adopted by the city or county with a finding that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect. The finding shall be based on substantial evidence which need not include an EIR. Such development policies or standards need not apply throughout the entire city or county, but can apply only within the zoning district in which the project is located, or within the area subject to the community plan on which the lead agency is relying. Moreover, such policies or standards need not be part of the general plan or any community plan, but can be found within another pertinent planning document such as a zoning ordinance. Where a city or county, in previously adopting uniformly applied development policies or standards for imposition on future projects, failed to make a finding as to whether such policies or standards would substantially mitigate the effects of future projects, the decision-making body of the city or county, prior to approving such a future project pursuant to this section, may hold a public hearing for the purpose of considering whether, as applied to the project, such standards or policies would substantially mitigate the effects of the project. Such a public hearing need only be held if the city or county decides to apply the standards or policies as permitted in this section.

(g) Examples of uniformly applied development policies or standards include, but are not limited to:

(1) Parking ordinances.

(2) Public access requirements.

(3) Grading ordinances.

(4) Hillside development ordinances.

(5) Flood plain ordinances.

(6) Habitat protection or conservation ordinances.

(7) View protection ordinances.

(8) Requirements for reducing greenhouse gas emissions, as set forth in adopted land use plans, policies, or regulations.

(h) An environmental effect shall not be considered peculiar to the project or parcel solely because no uniformly applied development policy or standard is applicable to it.

(i) Where the prior EIR relied upon by the lead agency was prepared for a general plan or community plan that meets the requirements of this section, any rezoning action consistent with the general plan or community plan shall be treated as a project subject to this section.

(1) "Community plan" is defined as a part of the general plan of a city or county which applies to a defined geographic portion of the total area included in the general plan, includes or references each of the mandatory elements specified in Section 65302 of the Government Code, and contains specific development policies and implementation measures which will apply those policies to each involved parcel.

(2) For purposes of this section, "consistent" means that the density of the proposed project is the same or less than the standard expressed for the involved parcel in the general plan, community plan or zoning action for which an EIR has been certified, and that the project complies with the density-related standards contained in that plan or zoning. Where the zoning ordinance refers to the general plan or community plan for its density standard, the project shall be consistent with the applicable plan.

(j) This section does not affect any requirement to analyze potentially significant offsite or cumulative impacts if those impacts were not adequately discussed in the prior EIR. If a significant offsite or cumulative impact was adequately discussed in the prior EIR, then this section may be used as a basis for excluding further analysis of that offsite or cumulative impact.

PROJECT-SPECIFIC ENVIRONMENTAL REVIEW

The attached Environmental Checklist includes a discussion and analysis of any peculiar or site-specific environmental impacts associated with construction and operation of the proposed project. The Environmental Checklist identifies the applicable City of Tracy development standards and policies that would apply to the proposed project during both the construction and operational phases, and explains how the application of these uniformly applied standards and policies would ensure that no peculiar or site-specific significant environmental impacts would occur.

CONCLUSION

As described above, the proposed Kagehiro Phase 3 Development Project is consistent with the land use designations and development intensities assigned to the project site by the City of Tracy General Plan. Cumulative and offsite impacts associated with development and buildout of the project site, as proposed, were fully addressed in the City of Tracy General Plan EIR (SCH# 2008092006). Since the proposed project is consistent with the land use designation and development intensity for the site identified in the General Plan and analyzed in the General Plan EIR, implementation of the proposed project would not result in any new or altered cumulative impacts or offsite impacts beyond those addressed in the General Plan EIR.

The analysis in the attached CEQA Environmental Checklist demonstrates that there are no site-specific or peculiar impacts associated with the project that cannot be substantially mitigated to a less-than-significant level through the application of uniformly applied standards and policies that would be applied to the project. The Project Requirements identified in the attached environmental analysis include measures that must be implemented by the proposed project in order to ensure that any site-specific impacts or construction-related impacts are reduced to a less than significant level. All Project Requirements identified in the attached Environmental Checklist shall be made a condition of project approval, and shall be implemented within the timeframes identified.

ENVIRONMENTAL CHECKLIST

I. AESTHETICS -- WOULD THE PROJECT:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporation	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less Than Significant. There are no scenic vistas located on or adjacent to the project site. The proposed project is considered an infill project, and the proposed uses on the site are consistent and compatible with the surrounding land uses. The surrounding area includes single-family residential neighborhoods to the north and east (General Plan designation of Residential Low and zoning of LDR). A City park is located to the northeast. The adjacent areas to the south and west are located in the jurisdiction of San Joaquin County and consist of rural residential lots and agricultural lands, and an irrigation ditch (West Side Irrigation District property) along the southern boundary of the subject property.

Implementation of the proposed project would provide for additional residential development in an area of the City that is largely developed. The project site is not topographically elevated from the surrounding lands, and is not highly visible from areas beyond the immediate vicinity of the site. There are no prominent features on the site, such as trees, rock outcroppings, or other visually distinctive features that contribute to the scenic quality of the site. The project site is not designated as a scenic vista by the City of Tracy General Plan.

Implementation of the proposed project would not significantly change the existing visual character of the project area, as much of the areas immediately adjacent to the site are used for residential purposes.

Implementation of the proposed project would introduce residential development to the project area, and would be generally consistent with the surrounding residential development. Therefore, this impact is considered **less than significant**.

Response b): No Impact. As described in the Tracy General Plan EIR, there are two officially designated California Scenic Highway segments in the Tracy Planning Area, which extend a total length of 16 miles. The first designated scenic highway is the portion of I-580 between I-205 and I-5, which offers views of the Coast Range to the west and the Central Valley's urban and agricultural lands to the east. The second scenic highway is the portion of I-5 that starts at I-205 and continues south to Stanislaus County, which allows for views of the surrounding agricultural lands and the Delta-Mendota Canal and California Aqueduct.

The project site is not visible from any of the above-referenced scenic highways. Development of the proposed project would not result in the removal of any trees, rock outcroppings, or buildings of historical significance, and would not result in changes to any of the viewsheds from the designated scenic highways in the vicinity of the City of Tracy. There is **no impact**.

Response c): Less than Significant. As described under Response a), above, the proposed project would add additional residential uses to an area that currently contains numerous residential uses. The proposed project would be visually compatible with the surrounding land uses and would not significantly degrade the existing visual quality of the site or the surrounding area. Additionally, the project will comply with City standards, including, but not limited to, the City's Design Goals and Standards, which would ensure that the exterior facades of the proposed residential structures, streetscape improvements and exterior lighting improvements are compatible with the surrounding land uses. This is a **less than significant** impact.

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

The residential streets within the project area would have street lights that comply with City standards and are consistent with lighting in the surrounding residential areas. Due to compliance with these standards, the potential nighttime lighting impacts would be **less than significant**.

II. AGRICULTURE AND FOREST RESOURCES: WOULD THE PROJECT:

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

RESPONSES TO CHECKLIST QUESTIONS

Response a): No Impact. The project site is underlain by soils that are considered prime farmland soils by the California Department of Conservation, Farmland Mapping and Monitoring Program and the USDA Soil Conservation Service.

Development of the site for urban uses and the subsequent removal of prime farmland soil for agricultural use was taken into consideration in the City of Tracy General Plan and General Plan EIR. On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for the loss of prime agricultural land resulting from adoption of the General Plan and certification of the General Plan EIR.

The proposed project is identified for urban land uses in the Tracy General Plan. The proposed project is consistent with the overriding considerations that were adopted for the General Plan. As such, implementation of the proposed project would not create new impacts over and above those identified in the General Plan Final EIR, nor significantly change previously identified impacts. The project is subject to the City’s Agricultural Mitigation Fee, pursuant to Tracy Municipal Code Chapter 13.28, and the developer must pay the applicable fee.

There is **no impact** related to this environmental topic beyond what was identified in the General Plan EIR, and no additional mitigation is required.

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

Responses c) and d): No Impact. The project site is located in an area predominantly consisting of residential development. There are no forest resources on the project site or in the vicinity of the project site. Therefore, there is **no impact**.

Response e): No Impact. As described under Responses (a) and (b) above, the proposed project site is not currently designated or zoned for agricultural uses. The project site is also not currently used for agricultural purposes. There is **no impact** related to this environmental topic.

III. AIR QUALITY -- WOULD THE PROJECT:

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

EXISTING SETTING

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b), c): Less than Significant. Air quality emissions would be generated during construction of the proposed project and during operation of the proposed project. Operational emissions would come primarily from vehicle emissions from vehicle trips generated by the proposed project. Construction-related air quality impacts and operational air quality impacts are addressed separately below.

Construction-Related Emissions

The SJVAPCD’s approach to analysis of construction impacts is to require implementation of effective and comprehensive control measures, rather than to require detailed quantification of emission concentrations for modeling of direct impacts. PM10 emitted during construction can vary greatly depending on the level of activity, the specific operations taking place, the equipment being operated, local soils, weather conditions, and other factors, making quantification difficult. Despite this variability in emissions, experience has shown that there are a number of feasible control measures that can be reasonably implemented to significantly reduce PM10 emissions from construction activities. The SJVAPCD has determined that compliance with Regulation VIII for all sites and implementation of all other control measures

indicated in Tables 6-2 and 6-3 of the *Guide for Assessing and Mitigating Air Quality Impacts* (as appropriate) would constitute sufficient mitigation to reduce PM10 impacts to a level considered less than significant.

Construction would result in numerous activities that would generate dust. The fine, silty soils in the project area and often strong afternoon winds exacerbate the potential for dust, particularly in the summer months. Grading, leveling, earthmoving and excavation are the activities that generate the most particulate emissions. Impacts would be localized and variable. The initial phase of project construction would involve grading and leveling the project site and installation of supporting underground infrastructure, such as water, sewer, storm drain, and electrical lines.

Construction activities that could generate dust and vehicle emissions are primarily related to grading and other ground-preparation activities in order to prepare the project site for the construction of the residential subdivision.

Control measures are required and enforced by the SJVAPCD under Regulation VIII. The SJVAPCD considers construction-related emissions from all projects in this region to be mitigated to a **less than significant** level if SJVAPCD-recommended PM10 fugitive dust rules and equipment exhaust emissions controls are implemented. The following requirements shall be imposed upon the project during all phases of construction to reduce the potential for construction-related emissions.

The City's General Plan, Air Quality Element, Objective AQ-1.2, contains the following policies:

Policy 3 (page 10-24) – Developers shall implement best management practices to reduce air pollutant emissions associated with the construction and operation of development projects.

Policy 13 (page 10-25) – Dust control measures consistent with San Joaquin Valley Air Pollution Control District rules shall be required as a condition of approval for subdivision maps, site plans, and all grading permits.

The City's General Plan EIR describes the SJVAPCD rules and regulations on pages 4.15-11 to 4.15-43 of the 2010 Draft Recirculated Supplemental EIR, including SJVAPCD Regulation VIII, and states that these rules and regulations apply to projects in the City.

Project Requirements

Pursuant to the above General Plan policies and relevant sections of the General Plan EIR, the following requirements (Requirement 1 and 2), which are uniformly applied throughout the City, shall apply to the project:

Requirement 1: *Prior to the commencement of grading activities, the City shall require the contractor hired to complete the grading activities to prepare a construction emissions reduction plan that meets the requirements of SJVAPCD Rule VIII. The construction emissions reductions plan shall be submitted to the SJVAPCD for review and approval. The City of Tracy shall ensure*

that all required permits from the SJVAPCD have been issued prior to commencement of grading activities. The construction emissions reduction plan should include the following requirements and measures:

- *Properly and routinely maintain all construction equipment, as recommended by manufacturer's manuals, to control exhaust emissions.*
- *Shut down equipment when not in use for extended periods of time, to reduce exhaust emissions associated with idling engines.*
- *Encourage ride-sharing and use of transit transportation for construction employees commuting to the project site.*
- *Use electric equipment for construction whenever possible in lieu of fossil fuel-powered equipment.*
- *Curtail construction during periods of high ambient pollutant concentrations.*
- *Construction equipment shall operate no longer than eight cumulative hours per day.*
- *All construction vehicles shall be equipped with proper emission control equipment and kept in good and proper running order to reduce NOx emissions.*
- *On-road and off-road diesel equipment shall use aqueous diesel fuel if permitted under manufacturer's guidelines.*
- *On-road and off-road diesel equipment shall use diesel particulate filters if permitted under manufacturer's guidelines.*
- *On-road and off-road diesel equipment shall use cooled exhaust gas recirculation (EGR) if permitted under manufacturer's guidelines.*
- *Use of Caterpillar pre-chamber diesel engines or equivalent shall be utilized if economic and available to reduce NOx emissions.*
- *All construction activities within the project site shall be discontinued during the first stage smog alerts.*
- *Construction and grading activities shall not be allowed during first stage ozone alerts. (First stage ozone alerts are declared when ozone levels exceed 0.20 ppm for the 1-hour average.)*

Implementation of the above requirements shall occur during all grading or site clearing activities. The SJVAPCD shall be responsible for monitoring.

Requirement 2: *The following requirements, in addition to those required under Regulation VIII of the SJVAPCD, shall be implemented by the Project's contractor during all phases of project grading and construction to reduce fugitive dust emissions:*

- *Water previously disturbed exposed surfaces (soil) a minimum of three-times/day or whenever visible dust is capable of drifting from the site or approaches 20 percent opacity.*
- *Water all haul roads (unpaved) a minimum of three-times/day or whenever visible dust is capable of drifting from the site or approaches 20 percent opacity.*
- *All access roads and parking areas shall be covered with asphalt-concrete paving or water sprayed regularly.*
- *Dust from all on-site and off-site unpaved access roads shall be effectively stabilized by applying water or using a chemical stabilizer or suppressant.*
- *Reduce speed on unpaved roads to less than 15 miles per hour.*

- *Install and maintain a trackout control device that meets the specifications of SJVAPCD Rule 8041 if the site exceeds 150 vehicle trips per day or more than 20 vehicle trips per day by vehicles with three or more axles.*
- *Stabilize all disturbed areas, including storage piles, which are not being actively utilized for construction purposes using water, chemical stabilizers or by covering with a tarp, other suitable cover or vegetative ground cover.*
- *Control fugitive dust emissions during land clearing, grubbing, scraping, excavation, leveling, grading or cut and fill operations with application of water or by presoaking.*
- *When transporting materials offsite, maintain a freeboard limit of at least six inches and over or effectively wet to limit visible dust emissions.*
- *Limit and remove the accumulation of mud and/or dirt from adjacent public roadways at the end of each workday. (Use of dry rotary brushes is prohibited except when preceded or accompanied by sufficient wetting to limit visible dust emissions and the use of blowers is expressly forbidden.)*
- *Remove visible track-out from the site at the end of each workday.*
- *Cease grading activities during periods of high winds (greater than 20 mph over a one-hour period).*
- *Asphalt-concrete paving shall comply with SJVAPCD Rule 4641 and restrict use of cutback, slow-sure, and emulsified asphalt paving materials.*

Implementation of the above requirements shall occur during all grading or site clearing activities. The SJVAPCD shall be responsible for monitoring.

Operational Emissions

For the purposes of this operational air quality analysis, actions that violate Federal standards for criteria pollutants (i.e., primary standards designed to safeguard the health of people considered to be sensitive receptors while outdoors and secondary standards designed to safeguard human welfare) are considered significant impacts. Additionally, actions that violate State standards developed by the California Air Resources Board (CARB) or criteria developed by the SJVAPCD, including thresholds for criteria pollutants, are considered significant impacts. Projects that would generate 10 tons per year of either ROG or NO_x are considered to have a potentially significant air quality impact. The SJVAPCD has also established a threshold of 15 tons per year for PM₁₀. The San Joaquin Valley Air Basin is classified as a nonattainment area for ozone. In order to achieve the Federal and State standards of ozone, it is necessary to regulate ROG and NO_x, which contribute to the formation of ozone. This includes both direct and indirect emissions.

Emissions were estimated using the approach included in the CalEEMod (v.2011.1.1) computer program, combined with emissions factors developed by CARB and the SJVAPCD. The CalEEMod model is used to calculate construction and operational emissions associated with land development projects, and includes EPA, SJVAPCD, and CARB emissions factors embedded within it.

Rule 9510 Indirect Source Review

District Rule 9510 requires developers of large residential, commercial and industrial projects to reduce smog-forming (NOx) and particulate (PM10 and PM2.5) emissions generated by their projects. The Rule applies to projects which, upon full build-out, will include 50 or more residential units. Project developers are required to reduce:

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

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

The project would be an indirect source of air pollutants, in that it would attract and cause an increase in vehicle trips in the region. Table 1 shows the new auto emissions from vehicle trips that would result from the proposed project. The San Joaquin Valley Air Pollution Control District has established a threshold of significance for ozone precursors of 10 tons per year, and 15 tons per year has been assumed to represent a significant impact for PM10.

Table 1: Total Project Generated Emissions at Full Buildout

	EMISSIONS (TONS/YEAR)						
	ROG	NOX	CO	SO2	PM10	PM2.5	CO2e
Area Source Emissions	2.29	0.02	1.92	0.00	0.03	0.03	332.66
Energy Emissions	0.05	0.42	0.18	0.00	0.03	0.03	997.45
Mobile Source Emissions	2.45	9.13	22.28	0.04	3.84	0.47	3,514.62
Total Operational Emissions	4.79	9.57	24.38	0.04	3.90	0.53	5,026.75¹
SJVAPCD Threshold	10	10	--	--	15	--	--
Above SJCAPCD Threshold?	No	No	NA	NA	No	NA	NA

Emissions were calculated using the CalEEMod (v.2011.1.1) computer program. Assumes total buildout of the proposed project.

1: Includes CO2e emissions from water and waste sources in addition to the operational sources identified above.

As shown in the table above, project generated emissions are below the SJVAPCD thresholds for ROG, NOx and PM10. As such, the project would result in **less than significant** air quality impacts. However, regardless of the emissions totals presented above, the project is still subject to the requirements of SJVAPCD Rule 9510, which requires developers of large residential, commercial and industrial projects to reduce smog-forming (NOx) and particulate (PM10 and PM2.5) emissions generated by their projects.

The City's General Plan EIR describes the SJVAPCD rules and regulations on pages 4.15-11 to 4.15-43 of the 2010 Draft Recirculated Supplemental EIR, including SJVAPCD Rule 9510, and states that these rules and regulations apply to projects in the City.

General Plan EIR Mitigation Measure AIR-1 of the 2010 Draft Recirculated Supplemental EIR (page 4.15-44) states that the City will facilitate development applicants' participation in the San Joaquin Valley Air Pollution Control District's Indirect Source Review program.

Project Requirements

Pursuant to the above relevant sections of the General Plan EIR and Mitigation Measure AIR-1, the following requirement (Requirement 3), which is uniformly applied throughout the City, shall apply to the project:

Requirement 3: *Prior to the issuance of the first building permit, the project applicant shall coordinate with the SJVAPCD to verify that the project meets the requirements of District Rule 9510, which is aimed at the following reductions:*

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

The project applicant shall coordinate with SJVAPCD to develop measures and strategies to reduce operational emissions from the proposed project. If feasible measures are not available to meet the emissions reductions targets outlined above, then the project applicant may be required to pay an in-lieu mitigation fee to the SJVAPCD to off-set project-related emissions impacts. If in-lieu fees are required, the project applicant shall coordinate with the SJVAPCD to calculate the amount of the fees required to off-set project impacts.

Response d): Less than Significant. Sensitive receptors are those parts of the population that can be severely impacted by air pollution. Sensitive receptors include children, the elderly, and the infirm. The nearest sensitive receptor to the project site is Hirsch Elementary School, located at 1280 Dove Drive, within $\frac{1}{4}$ mile of the project site. As shown in Table 1 above, the proposed project would not generate significant emissions of criteria air pollutants and would not result in substantial pollutant concentrations. This is a **less than significant** impact.

Response e): Less than Significant. Operation of the proposed project would not generate notable odors. The proposed project is a residential development, which is compatible with the surrounding land uses. Occasional mild odors may be generated during landscaping maintenance (equipment exhaust), but the project would not otherwise generate odors. This is a **less than significant** impact.

IV. BIOLOGICAL RESOURCES -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?			X	

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant.

Special-status invertebrates that occur within the San Joaquin County region include: longhorn fairy shrimp, vernal pool fairy shrimp, and midvalley fairy shrimp, which requires vernal pools and swale areas within grasslands; and the valley elderberry longhorn beetle, which is an insect that is only associated with blue elderberry plants, oftentimes in riparian areas and sometimes on land in the vicinity of riparian areas. The project site does not contain essential habitat for these special status invertebrates. Implementation of the proposed project would have a **less than significant** impact on these species.

Special-status reptiles and amphibians that occur within the region include: the western pond turtle, which requires aquatic environments located along ponds, marshes, rivers, and ditches; the California tiger salamander, which is found in grassland habitats where there are nearby

seasonal wetlands for breeding; the silvery legless lizard, which is found in sandy or loose loamy soils under sparse vegetation with high moisture content; San Joaquin whipsnake, which requires open, dry habitats with little or no tree cover with mammal burrows for refuge; the Alameda whipsnake, which is restricted to valley-foothill hardwood habitat on south-facing slopes; the California horned lizard, which occurs in a variety of habitats including, woodland, forest, riparian, and annual grasslands, usually in open sandy areas; the foothill yellow-legged frog, which occurs in partly shaded and shallow streams with rocky soils; the California red legged frog, which occurs in stream pools and ponds with riparian or emergent marsh vegetation; and the western spadefoot toad, which requires grassland habitats associated with vernal pools. The project site does not contain essential habitat for these special status reptiles and amphibians. Implementation of the proposed project would have a **less than significant** impact on these species.

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

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

Swainson's Hawk. The Swainson's hawk is threatened in California and is protected by the California Department of Fish and Game (CDFG) and the Migratory Bird Treaty Act (MBTA). Additionally, Swainson's hawk foraging habitat is protected by the CDFG. Swainson's hawks forage in open grasslands and agricultural fields and commonly nest in solitary trees and riparian areas in close proximity to foraging habitat. The foraging range for Swainson's hawk is ten miles from its nesting location. There are numerous documented occurrences of Swainson's hawk within ten miles of the project site. Although no nesting habitat for this species occur onsite, Swainson's hawks are present within the vicinity of the project site. The site and the surrounding open non-native grassland habitat will provide medium quality foraging opportunities for local Swainson's hawks. Incidental take minimization measures are not required for this species due to the fact that there is no suitable nesting habitat on the project site. As such, impacts to Swainson's hawk are **less than significant** and no mitigation is required.

Burrowing Owls. Burrowing owls are a California Species of Special Concern and are protected by the CDFG and the MBTA. Burrowing owls forage in open grasslands and shrublands and typically nest in old ground squirrel burrows. The project site contains suitable, but not high-quality habitat for burrowing owls. The project site is adjacent to other lands that are currently undeveloped that offer foraging and roosting habitat for wintering or breeding owls. Impacts to burrowing owls are considered unlikely, due to the presence of urban development surrounding the site. The implementation of Requirement 4 would ensure that burrowing owls are not impacted during construction activities. The implementation of Requirement would ensure a **less than significant** impact to burrowing owls.

The City's General Plan, Open Space and Conservation Element, Objective OSC-1.1 contains the following policies:

Policy P1 (page 6-18) – New Development shall meet all federal, State, and regional regulations for habitat and species protection.

Policy P2 (page 6-18) – The City shall continue to participate with the San Joaquin Council of Governments and other agencies to implement and enforce the San Joaquin Multi-Species Habitat Conservation and Open Space Plan.

The City's General Plan EIR describes the rules and regulations that apply to biological resources on pages 63 to 66 of the 2006 Amended Draft EIR.

Project Requirements

Pursuant to the above General Plan policies and relevant sections of the General Plan EIR, the following requirement (Requirement 4), which is uniformly applied throughout the City, shall apply to the project:

Requirement 4: *Prior to the commencement of grading activities or other ground disturbing activities on the project site, the project applicant shall arrange for a qualified biologist to conduct a preconstruction survey for western burrowing owls. If no owls or owl nests are detected, then construction activities may commence. If burrowing owls or occupied nests are discovered, then the following shall be implemented:*

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

- *During the non-breeding season (September 1 through January 31) burrowing owls occupying the project site should be evicted from the project site by passive relocation as described in the California Department of Fish and Game's Staff Report on Burrowing Owls (Oct., 1995)*

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

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

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

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

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

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

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

- **Farmed Wetlands:** This category of wetlands includes areas that are currently in agricultural uses. This type of area occurs in the northern portion of the Tracy Planning Area.

- **Lakes, Ponds and Open Water:** This category of wetlands includes both natural and human-made water bodies such as that associated with working landscapes, municipal water facilities and canals, creeks and rivers.
- **Seasonal Wetlands:** This category of wetlands includes areas that typically fill with water during the wet winter months and then drain enough to become ideal plant habitats throughout the spring and summer. There are numerous seasonal wetlands throughout the Tracy Planning Area.
- **Tidal Salt Ponds and Brackish Marsh:** This category of wetlands includes areas affected by irregular tidal flooding with generally poor drainage and standing water. There are minimal occurrences along some of the larger river channels in the northern portion of the Tracy Planning Area.

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

Response d): Less than Significant. The CNDDDB record search did not reveal any documented wildlife corridors or wildlife nursery sites on or adjacent to the project site. Implementation of the proposed project would have a **less than significant** impact.

Responses e), f): Less than Significant. The project site is located within the jurisdiction of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (“Plan” or “SJMSCP”) and is located within the Central/Southwest Transition Zone of the SJMSCP. The San Joaquin Council of Governments (SJCOG) prepared the Plan pursuant to a Memorandum of Understanding adopted by SJCOG, San Joaquin County, the United States Fish and Wildlife Service (USFWS), the California Department of Fish and Game (CDFG), Caltrans, and the cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy in October 1994. On February 27, 2001, the Plan was unanimously adopted in its entirety by SJCOG. The City of Tracy adopted the Plan on November 6, 2001.

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

In addition to providing compensation for conversion of open space to non open space uses, which affect plant and animal species covered by the SJMSCP, the SJMSCP also provides some compensation to offset impacts of open space conversions on non-wildlife related resources such as recreation, agriculture, scenic values and other beneficial open space uses. Specifically, the SJMSCP compensates for conversions of open space to urban development and the

expansion of existing urban boundaries, among other activities, for public and private activities throughout the County and within Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy.

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

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

The proposed project is classified as Urban Habitat under the SJMSCP. The City of Tracy and the project applicant shall consult with SJCOG to pursue and obtain coverage of the project pursuant to the SJMSCP prior to development of the site. Therefore, this is a **less than significant** impact.

The City's General Plan, Open Space and Conservation Element, Objective OSC-1.1 contains the following policies:

Policy P1 (page 6-18) – New Development shall meet all federal, State, and regional regulations for habitat and species protection.

Policy P2 (page 6-18) – The City shall continue to participate with the San Joaquin Council of Governments and other agencies to implement and enforce the San Joaquin Multi-Species Habitat Conservation and Open Space Plan.

The City's General Plan EIR describes the rules and regulations that apply to biological resources on pages 63 to 66 of the 2006 Amended Draft EIR.

Project Requirements

Pursuant to the above General Plan policies and relevant sections of the General Plan EIR, the following requirement (Requirement 5), which is uniformly applied throughout the City, shall apply to the project:

Requirement 5: *Prior to development of the site, including the commencement of grading activities, the City of Tracy and the project applicant shall consult with SJCOG to pursue and obtain coverage of the project pursuant to the SJMSCP, and pay applicable fees as appropriate.*

V. CULTURAL RESOURCES -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?			X	
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	

RESPONSES TO CHECKLIST QUESTIONS

Response a), b), c), d): Less than Significant. A review of literature maintained by the Central California Information Center of the California Historical Resources Information System at California State University, Stanislaus identified that no previously identified prehistoric period cultural resources are known within, or within a 1/4 mile radius of the project site. Additionally, there are no known unique paleontological or archeological resources known to occur on, or within the immediate vicinity of the project site. Therefore, it is not anticipated that site grading and preparation activities would result in impacts to cultural, historical, archaeological or paleontological resources. There are no known human remains located on the project site, nor is there evidence to suggest that human remains may be present on the project site

However, as with most projects in California that involve ground-disturbing activities, there is the potential for discovery of a previously unknown cultural and historical resource or human remains.

The implementation of Requirement 6 would require appropriate steps to preserve and/or document any previously undiscovered resources that may be encountered during construction activities, including human remains. Implementation of this requirement would reduce this impact to a **less than significant** level.

Project Requirements

Pursuant to General Plan EIR Mitigation Measures CUL-1a, 1b, and 1c of the 2005 Draft General Plan EIR (pages 4.5-17 and 18) and General Plan policies 4, 5 and 6 of the Community Character Element, Objective CC-3.1 (pages 3-19 and 20), the following requirement (Requirement 6), which is uniformly applied throughout the City, shall apply to the project:

Requirement 6: *If any prehistoric or historic artifacts, human remains or other indications of archaeological resources are found during grading and construction activities, an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be consulted to evaluate the finds and recommend appropriate mitigation measures.*

- *If cultural resources or Native American resources are identified, every effort shall be made to avoid significant cultural resources, with preservation an important goal. If significant sites cannot feasibly be avoided, appropriate mitigation measures, such as data recovery excavations or photographic documentation of buildings, shall be undertaken consistent with applicable state and federal regulations.*
 - *If human remains are discovered, all work shall be halted immediately within 50 meters (165 feet) of the discovery, the County Coroner must be notified, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.*
 - *If any fossils are encountered, there shall be no further disturbance of the area surrounding this find until the materials have been evaluated by a qualified paleontologist, and appropriate treatment measures have been identified.*

VI. GEOLOGY AND SOILS -- WOULD THE PROJECT:

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a.i), a.ii): Less than Significant. The project site is located in an area of moderate to high seismicity. No known active faults cross the project site, and the site is not located within an Alquist-Priolo Earthquake Fault Zone, however, relatively large earthquakes have historically occurred in the Bay Area and along the margins of the Central Valley. Many earthquakes of low magnitude occur every year in California. The two nearest earthquake faults zoned as active by the State of California Geological Survey are the Great Valley Fault, located approximately 3.5 miles to the west of the site, and the Greenville fault, located approximately 12 miles southwest of the site. The Great Valley fault is a blind thrust fault with no known surface expression; the postulated fault location has been based on historical regional seismic activity and isolated subsurface information.

Portions of the Great Valley fault are considered seismically active thrust faults; however, since the Great Valley fault segments are not known to extend to the ground surface, the State of California has not defined Earthquake Fault Hazard Zones around the postulated traces. The Great Valley fault is considered capable of causing significant ground shaking at the site, but the recurrence interval is believed longer than for more distant, strike-slip faults. Further seismic activity can be expected to continue along the western margin of the Central Valley, and as with all projects in the area, the project will be designed to accommodate strong earthquake ground shaking, in compliance with the applicable California building code standards.

Other active faults capable of producing significant ground shaking at the site include the Calaveras, 26 miles southwest; the Hayward fault, 28 miles west; the Ortigalita fault, 31 miles southwest; and the San Andreas Fault, 49 miles southwest of the site. Any one of these faults could generate an earthquake capable of causing strong ground shaking at the subject site. Earthquakes of Moment Magnitude (Mw) 7 and larger have historically occurred in the region and numerous small magnitude earthquakes occur every year.

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

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

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

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

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

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

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

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

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

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

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

Prior to development of the project site, a subsurface geotechnical investigation must be performed to identify onsite soil conditions and identify any site-specific engineering measures to be implemented during the construction of building foundations and subsurface utilities. Adherence to the engineering requirements contained in the subsurface geotechnical report would ensure that this impact is **less than significant**.

Project Requirements

Pursuant to the above General Plan policies (SA-1.1, Policy 2 and SA-1.2, Policy 1) and relevant sections of the General Plan EIR (pages 4.11-19 to 22 of the 2005 Draft General Plan EIR), the following requirement (Requirement 7), which is uniformly applied throughout the City, shall apply to the project:

Requirement 7: *Prior to development of the project site, a subsurface geotechnical investigation must be performed to identify onsite soil conditions and identify any site-specific*

engineering measures to be implemented during the construction of building foundations and subsurface utilities.

Responses a.iv): Less than Significant. The project site is relatively flat and there are no major slopes in the vicinity of the project site. As such, the project site is exposed to little or no risk associated with landslides. This is a **less than significant** impact and no mitigation is required.

Response b): Less than Significant. Construction and site preparation activities associated with development of the project site include grading for the construction of the proposed project. During the construction preparation process, existing vegetation would be removed to grade and compact the project site, as necessary. As construction occurs, these exposed surfaces could be susceptible to erosion from wind and water. Effects from erosion include impacts on water quality and air quality. Exposed soils that are not properly contained or capped increase the potential for increased airborne dust and increased discharge of sediment and other pollutants into nearby stormwater drainage facilities. Risks associated with erosive surface soils can be reduced by using appropriate controls during construction and properly revegetating exposed areas. Project Requirement 2 requires the implementation of various dust control measures during site preparation and construction activities that would reduce the potential for soil erosion and the loss of topsoil. Additionally, Project Requirement 8 would require the implementation of various best management practices (BMPs) that would reduce the potential for disturbed soils and ground surfaces to result in erosion and sediment discharge into adjacent surface waters during construction activities. The implementation of these requirements would reduce these impacts to a **less than significant** level and no additional mitigation is required.

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

XII. GREENHOUSE GAS EMISSIONS – WOULD THE PROJECT:

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

BACKGROUND DISCUSSION

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

Naturally occurring greenhouse gases include water vapor (H₂O), carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and ozone (O₃). Several classes of halogenated substances that contain fluorine, chlorine, or bromine are also greenhouse gases, but they are, for the most part, solely a product of industrial activities. Although the direct greenhouse gases CO₂, CH₄, and N₂O occur naturally in the atmosphere, human activities have changed their atmospheric concentrations. From the pre-industrial era (i.e., ending about 1750) to 2005, concentrations of these three greenhouse gases have increased globally by 36, 148, and 18 percent, respectively (IPCC 2007)¹.

Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is now retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect are carbon dioxide (CO₂), methane (CH₄), ozone (O₃), water vapor, nitrous oxide (N₂O), and chlorofluorocarbons (CFCs).

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors (California Energy Commission 2006a)². In California, the transportation

¹ Intergovernmental Panel on Climate Change. 2007. "Climate Change 2007: The Physical Science Basis, Summary for Policymakers."

http://www.ipcc.ch/publications_and_data/publications_ipcc_fourth_assessment_report_wg1_report_the_physical_science_basis.htm

² California Energy Commission. 2006a. Inventory of California Greenhouse Gas Emissions and Sinks 1990 to

sector is the largest emitter of GHGs, followed by electricity generation (California Energy Commission 2006a).

As the name implies, global climate change is a global problem. GHGs are global pollutants, unlike criteria air pollutants and toxic air contaminants, which are pollutants of regional and local concern, respectively. California produced 492 million gross metric tons of carbon dioxide equivalents (MMTCO_{2e}) in 2004 (California Energy Commission 2006a). By 2020, California is projected to produce 507 MMTCO_{2e} per year.³

Carbon dioxide equivalents are a measurement used to account for the fact that different GHGs have different potential to retain infrared radiation in the atmosphere and contribute to the greenhouse effect. This potential, known as the global warming potential of a GHG, is also dependent on the lifetime, or persistence, of the gas molecule in the atmosphere. Expressing GHG emissions in carbon dioxide equivalents takes the contribution of all GHG emissions to the greenhouse effect and converts them to a single unit equivalent to the effect that would occur if only CO₂ were being emitted.

Consumption of fossil fuels in the transportation sector was the single largest source of California's GHG emissions in 2004, accounting for 40.7% of total GHG emissions in the state (California Energy Commission 2006a). This category was followed by the electric power sector (including both in-state and out of-state sources) (22.2%) and the industrial sector (20.5%) (California Energy Commission 2006a).

EFFECTS OF GLOBAL CLIMATE CHANGE

The effects of increasing global temperature are far-reaching and extremely difficult to quantify. The scientific community continues to study the effects of global climate change. In general, increases in the ambient global temperature as a result of increased GHGs are anticipated to result in rising sea levels, which could threaten coastal areas through accelerated coastal erosion, threats to levees and inland water systems and disruption to coastal wetlands and habitat.

If the temperature of the ocean warms, it is anticipated that the winter snow season would be shortened. Snowpack in the Sierra Nevada provides both water supply (runoff) and storage (within the snowpack before melting), which is a major source of supply for the state. The snowpack portion of the supply could potentially decline by 70% to 90% by the end of the 21st century (Cal EPA 2006)⁴. This phenomenon could lead to significant challenges securing an

2004. <http://www.arb.ca.gov/cc/inventory/archive/archive.htm>

³ California Air Resources Board. 2010. "Functional Equivalent Document prepared for the California Cap on GHG Emissions and Market-Based Compliance Mechanisms."

⁴ California Environmental Protection Agency, Climate Action Team. 2006. Climate Action Team Report to Governor Schwarzenegger and the Legislature. http://www.climatechange.ca.gov/climate_action_team/reports/

adequate water supply for a growing state population. Further, the increased ocean temperature could result in increased moisture flux into the state; however, since this would likely increasingly come in the form of rain rather than snow in the high elevations, increased precipitation could lead to increased potential and severity of flood events, placing more pressure on California's levee/flood control system.

Sea level has risen approximately seven inches during the last century and it is predicted to rise an additional 22 to 35 inches by 2100, depending on the future GHG emissions levels (Cal EPA 2006). If this occurs, resultant effects could include increased coastal flooding, saltwater intrusion and disruption of wetlands (Cal EPA 2006). As the existing climate throughout California changes over time, mass migration of species, or failure of species to migrate in time to adapt to the perturbations in climate, could also result. Under the emissions scenarios of the Climate Scenarios report (Cal EPA 2006), the impacts of global warming in California are anticipated to include, but are not limited to, the following.

Public Health

Higher temperatures are expected to increase the frequency, duration, and intensity of conditions conducive to air pollution formation. For example, days with weather conducive to ozone formation are projected to increase from 25% to 35% under the lower warming range and to 75% to 85% under the medium warming range. In addition, if global background ozone levels increase as predicted in some scenarios, it may become impossible to meet local air quality standards. Air quality could be further compromised by increases in wildfires, which emit fine particulate matter that can travel long distances depending on wind conditions. The Climate Scenarios report indicates that large wildfires could become up to 55% more frequent if GHG emissions are not significantly reduced (Cal EPA 2006).

In addition, under the higher warming scenario, there could be up to 100 more days per year with temperatures above 90°F in Los Angeles and 95°F in Sacramento by 2100. This is a large increase over historical patterns and approximately twice the increase projected if temperatures remain within or below the lower warming range. Rising temperatures will increase the risk of death from dehydration, heat stroke/exhaustion, heart attack, stroke, and respiratory distress caused by extreme heat (Cal EPA 2006).

Water Resources

A vast network of man-made reservoirs and aqueducts capture and transport water throughout the state from northern California rivers and the Colorado River. The current distribution system relies on Sierra Nevada snow pack to supply water during the dry spring and summer months. Rising temperatures, potentially compounded by decreases in precipitation, could severely reduce spring snow pack, increasing the risk of summer water shortages (Cal EPA 2006).

The state's water supplies are also at risk from rising sea levels. An influx of saltwater would degrade California's estuaries, wetlands, and groundwater aquifers. Saltwater intrusion caused by rising sea levels is a major threat to the quality and reliability of water within the southern edge of the Sacramento/San Joaquin River Delta, a major state fresh water supply. Global

warming is also projected to seriously affect agricultural areas, with California farmers projected to lose as much as 25% of the water supply they need; decrease the potential for hydropower production within the state (although the effects on hydropower are uncertain); and seriously harm winter tourism. Under the lower warming range, the snow dependent winter recreational season at lower elevations could be reduced by as much as one month. If temperatures reach the higher warming range and precipitation declines, there might be many years with insufficient snow for skiing, snowboarding, and other snow dependent recreational activities (Cal EPA 2006).

If GHG emissions continue unabated, more precipitation will fall as rain instead of snow, and the snow that does fall will melt earlier, reducing the Sierra Nevada spring snow pack by as much as 70% to 90%. Under the lower warming scenario, snow pack losses are expected to be only half as large as those expected if temperatures were to rise to the higher warming range. How much snow pack will be lost depends in part on future precipitation patterns, the projections for which remain uncertain. However, even under the wetter climate projections, the loss of snow pack would pose challenges to water managers, hamper hydropower generation, and nearly eliminate all skiing and other snow-related recreational activities. (Cal EPA 2006)

Agriculture

Increased GHG emissions are expected to cause widespread changes to the agriculture industry reducing the quantity and quality of agricultural products statewide. Although higher carbon dioxide levels can stimulate plant production and increase plant water-use efficiency, California's farmers will face greater water demand for crops and a less reliable water supply as temperatures rise (Cal EPA 2006).

Plant growth tends to be slow at low temperatures, increasing with rising temperatures up to a threshold. However, faster growth can result in less-than-optimal development for many crops, so rising temperatures are likely to worsen the quantity and quality of yield for a number of California's agricultural products. Products likely to be most affected include wine grapes, fruits and nuts, and milk (Cal EPA 2006).

Crop growth and development will be affected, as will the intensity and frequency of pest and disease outbreaks. Rising temperatures will likely aggravate ozone pollution, which makes plants more susceptible to disease and pests and interferes with plant growth (Cal EPA 2006).

In addition, continued global warming will likely shift the ranges of existing invasive plants and weeds and alter competition patterns with native plants. Range expansion is expected in many species while range contractions are less likely in rapidly evolving species with significant populations already established. Should range contractions occur, it is likely that new or different weed species will fill the emerging gaps. Continued global warming is also likely to alter the abundance and types of many pests, lengthen pests' breeding season, and increase pathogen growth rates (Cal EPA 2006).

Forests and Landscapes

Global warming is expected to alter the distribution and character of natural vegetation thereby resulting in a possible increased risk of large wildfires. If temperatures rise into the medium warming range, the risk of large wildfires in California could increase by as much as 55%, which is almost twice the increase expected if temperatures stay in the lower warming range. However, since wildfire risk is determined by a combination of factors, including precipitation, winds, temperature, and landscape and vegetation conditions, future risks will not be uniform throughout the state. For example, if precipitation increases as temperatures rise, wildfires in southern California are expected to increase by approximately 30% toward the end of the century. In contrast, precipitation decreases could increase wildfires in northern California by up to 90% (Cal EPA 2006).

Moreover, continued global warming will alter natural ecosystems and biological diversity within the state. For example, alpine and sub-alpine ecosystems are expected to decline by as much as 60% to 80% by the end of the century as a result of increasing temperatures. The productivity of the state's forests is also expected to decrease as a result of global warming (Cal EPA 2006).

Rising Sea Levels

Rising sea levels, more intense coastal storms, and warmer water temperatures will increasingly threaten the state's coastal regions. Under the higher warming scenario, sea level is anticipated to rise 22 to 35 inches by 2100. Elevations of this magnitude would inundate coastal areas with saltwater, accelerate coastal erosion, threaten vital levees and inland water systems, and disrupt wetlands and natural habitats (Cal EPA 2006).

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant.

Development of the site for urban uses and the corresponding generation of GHG emissions associated with buildout of the Tracy General Plan, including the project site, was taken into consideration in the City of Tracy General Plan and General Plan EIR. As described in Chapter 3 of the 2010 Recirculation Supplemental General Plan Draft EIR, the Tracy General Plan and Sustainability Action Plan include policies and measures to reduce GHG emissions, supporting the State's emission reduction targets and other environmental goals. In total, it is estimated that measures in the General Plan and Sustainability Action Plan would reduce 2020 business-as-usual (BAU) GHG emissions by between 382,422 and 486,115 metric tons CO₂e. Although the General Plan and Sustainability Action Plan include many goals, policies, and measures that would reduce GHG emissions from projected BAU levels, the Tracy General Plan would not meet the San Joaquin Valley Air Pollution Control District's threshold of a 29 percent reduction in GHG emissions from BAU projected emissions. Therefore, the General Plan and Sustainability Action Plan would result in a significant GHG emission impact.

On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for the significant generation of GHG emissions resulting from adoption of the General Plan.

The proposed project is identified for urban land uses in the Tracy General Plan. The proposed project is consistent with the overriding considerations that were adopted for the General Plan and the established mitigation measures under that Plan. As such, implementation of the proposed project would not create new impacts over and above those identified in the General Plan EIR, nor significantly change previously identified impacts.

Response b): Less than Significant. The City of Tracy recently adopted the Tracy Sustainability Action Plan. The Sustainability Action Plan includes programs and measures to reduce GHGs through community and municipal operations. Programs and measures contained in the Sustainability Action Plan that relate to the proposed project include, but are not limited to:

Measure E-1: Implement California Green Building Standards, as contained in Title 24, Part 11, CCR.

Measure T-5 c and d: Which promote the use of alternative transportation measures, including bikes and pedestrian travel, by providing connections to existing bike and pedestrian facilities.

Measure E-2 e: Requiring energy efficient exterior lighting.

The City of Tracy will require the project to fully implement all applicable requirements of the Sustainability Action Plan. For example, the proposed project would be constructed in compliance with the California Green Building Standards, and would install energy efficient exterior lighting. Implementation of the requirements of the Sustainability Action Plan, and other relevant policies in the Tracy General Plan represent the application of uniformly applied measures aimed at reducing GHG emissions from new development projects. This is a **less than significant** impact.

VIII. HAZARDS AND HAZARDOUS MATERIALS -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X	
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b): Less than Significant. The proposed project would place new residential uses in an area of the City that currently contains predominantly residential and agricultural uses. The proposed residential land uses do not routinely transport, use, or dispose of hazardous materials, or present a reasonably foreseeable release of hazardous materials, with the exception of common residential grade hazardous materials such as household cleaners, paint, etc. The operational phase of the proposed project does not pose a significant hazard to the public or the environment. Implementation of the proposed project would have a **less than significant** impact relative to this issue.

Response c): Less than Significant. The project site is located within ¼ mile of Hirsch Elementary School, which is located immediately northeast of the project site at 1280 Dove Drive. As described under Response a), above, the project would not involve the use, storage, transport or handling of hazardous materials, beyond those commonly found in typical residential areas. The residential uses proposed as part of the project would not expose school children at Hirsch Elementary to substantial pollutant concentrations, hazardous materials, or other significant hazards. Residential uses are compatible with school uses in close proximity. This is a **less than significant** impact and no mitigation is required.

Response d): Less than Significant. According the California Department of Toxic Substances Control (DTSC) there are no Federal Superfund Sites, State Response Sites, or Voluntary Cleanup Sites on, or in the vicinity of the project site. This is a **less than significant** impact, and no mitigation is required.

Responses e), f): Less than Significant. The Federal Aviation Administration (FAA) establishes distances of ground clearance for take-off and landing safety based on such items as the type of aircraft using the airport.

The Tracy Municipal Airport is the closest airport to the project site, located approximately 1.5 miles south of the site. The Airport is a general aviation airport owned by the City and managed by the Public Works Department. The City of Tracy adopted an Airport Master Plan in 1998, analyzing the impacts to safety on surrounding development from the Tracy Municipal Airport.

The probability of an aircraft accident is highest along the extended runway centerline, and within one mile of the runway end. The Airport Master Plan designates four safety zones in which land use restrictions apply due to proximity to the airport:

1. Runway Protection Zone (RPZ)
2. Inner Approach Zone (PAZO)
3. Outer Approach Zone (OAZ)
4. Overflight Zone (OZ)

Land use constraints in these four zones become progressively less restrictive from the RPZ to the OZ. The proposed project is not located in any of these four safety zones. The proposed project is not located within one mile of the airport, nor along the extended runway centerline. Additionally, there are no private airstrips within the vicinity of the project site. Safety hazards related to the project's proximity to the Tracy Municipal Airport are **less than significant**, and no mitigation is required.

Response g): No Impact. The General Plan includes policies that require the City to maintain emergency access routes that are free of traffic impediments (Objective SA-6.1, P1 and A2). The proposed project does not include any actions that would impair or physically interfere with an adopted emergency response plan or emergency evacuation plan. The project involves the development of residential land uses within an urbanized environment, and would not interfere with any emergency response or evacuation plans. Implementation of the proposed project would result in **no impact** on this environmental topic.

Response h): Less than Significant. The risk of wildfire is related to a variety of parameters, including fuel loading (vegetation), fire weather (winds, temperatures, humidity levels and fuel moisture contents) and topography (degree of slope). Steep slopes contribute to fire hazard by intensifying the effects of wind and making fire suppression difficult. Fuels such as grass are highly flammable because they have a high surface area to mass ratio and require less heat to reach the ignition point, while fuels such as trees have a lower surface area to mass ratio and require more heat to reach the ignition point.

The City has areas with an abundance of flashy fuels (i.e. grassland) in the outlying residential parcels and open lands that when combined with warm and dry summers with temperatures often exceeding 100 degrees Fahrenheit create a situation that results in higher risk of wildland fires. Most wildland fires are human caused, so areas with easy human access to land with the appropriate fire parameters generally result in an increased risk of fire.

The California Department of Forestry has designated the western and southern edge of the City as having a moderate wildland fire potential. This is predominately a result of the hills and grassland habitat that persists. The proposed project is located in an urbanized area of the City adjacent to agricultural fields. The agricultural fields in the vicinity of the project site have a low to moderate wildfire potential. Irrigated agricultural lands that are actively farmed have a low wildland fire potential, while fallow fields that are not actively managed or irrigated have a moderate wildfire potential. The project site and the surrounding area is served by Fire Station #97, which is located at 595 West Central Avenue, less than one mile east of the project site. The project site is located within the Fire Department's 5-minute response zone⁵. The proximity of Fire Station #97 to the project site would ensure that in the event of a wildfire on agricultural lands west of the project site, the fire department could respond within five minutes. The project site is adequately served by roadways that provide emergency vehicle access to the site, and the site would be equipped with fire hydrants that meet the City of Tracy's design and fire flow requirements. This is a **less than significant** impact and no mitigation is required.

⁵ Reference: City of Tracy, *Holly Sugar Sports Park Draft EIR, Figure 3.11-1, 5-Minute Fire Department Response Zone for the South County Fire Authority*, August 31, 2009.

IX. HYDROLOGY AND WATER QUALITY -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X	
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?			X	

RESPONSES TO CHECKLIST QUESTIONS

Responses a): Less than Significant. Wastewater generated by the proposed project would be conveyed to the Tracy Wastewater Treatment Plan (WWTP) for treatment and disposal. The City's wastewater collection system consists of gravity sewer lines, pump stations and the WWTP. Wastewater flows toward the northern part of the City where it is treated at the WWTP and then discharged into the Old River in the southern Sacramento-San Joaquin Delta.

The City's WWTP provides secondary-level treatment of wastewater followed by disinfection. Treated effluent from the WWTP is conveyed to a submerged diffuser for discharge into the Old River. The WWTP has an NPDES permit for discharge into the Old River from the State Regional Water Quality Control Board. The proposed project would add a minimal volume of wastewater to the City's system, and would not produce a volume of wastewater that would significantly affect the City's ability to treat its wastewater. The City's 2012 Wastewater Master Plan identifies necessary infrastructure improvements to expand the City's wastewater treatment capacity to meet demands associated with buildout of the City's General Plan, which includes the proposed project site. The payment of applicable development impact fees by the proposed project would ensure that the project pays its fair-share of capital improvement fees towards future system expansions, as identified in the 2012 Tracy Wastewater Master Plan. This is a **less than significant** impact, and no mitigation is required.

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

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

Responses c), d), e), f): Less than Significant. When land is in a natural or undeveloped condition, soils, mulch, vegetation, and plant roots absorb rainwater. This absorption process is called infiltration or percolation. Much of the rainwater that falls on natural or undeveloped land slowly infiltrates the soil and is stored either temporarily or permanently in underground layers of soil. When the soil becomes completely soaked or saturated with water or the rate of

rainfall exceeds the infiltration capacity of the soil, the rainwater begins to flow on the surface of land to low lying areas, ditches, channels, streams, and rivers. Rainwater that flows off of a site is defined as storm water runoff. When a site is in a natural condition or is undeveloped, a larger percentage of rainwater infiltrates into the soil and a smaller percentage flows off the site as storm water runoff.

The infiltration and runoff process is altered when a site is developed with urban uses. Houses, buildings, roads, and parking lots introduce asphalt, concrete, and roofing materials to the landscape. These materials are relatively impervious, which means that they absorb less rainwater. As impervious surfaces are added to the ground conditions, the natural infiltration process is reduced. As a result, the volume and rate of storm water runoff increases. The increased volumes and rates of storm water runoff may result in flooding if adequate storm drainage facilities are not provided.

Development of the project site would place impervious surfaces throughout much of the 47.1-acre project site. Development of the project site would potentially increase local runoff production, and would introduce constituents into storm water that are typically associated with urban runoff. These constituents include heavy metals (such as lead, zinc, and copper) and petroleum hydrocarbons. Best management practices (BMPs) will be applied to the proposed site development to limit the concentrations of these constituents in any site runoff that is discharged into downstream facilities to acceptable levels.

In order to ensure that stormwater runoff from the project site does not adversely increase pollutant levels in adjacent surface waters and stormwater conveyance infrastructure, Requirement 8 requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP). As described below, the SWPPP would require the application of best management practices (BMPs) to effectively reduce pollutants from stormwater leaving the site during both the construction and operational phases of the project. The implementation of this requirement would reduce this impact to a **less than significant** level. Additionally, the project is subject to the requirements of Chapter 11.34 of the Tracy Municipal Code – Stormwater Management and Discharge Control. The purpose of this Chapter is to *“Protect and promote the health, safety and general welfare of the citizens of the City by controlling non-stormwater discharges to the stormwater conveyance system, by eliminating discharges to the stormwater conveyance system from spills, dumping, or disposal of materials other than stormwater, and by reducing pollutants in urban stormwater discharges to the maximum extent practicable.”*

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

New development projects in the City of Tracy are required to provide site-specific storm drainage solutions and improvements that are consistent with the overall storm drainage

infrastructure approach presented in the 2012 City of Tracy Citywide Storm Drainage Master Plan. Prior to approval of the Final Map, the project applicant is required to submit a detailed storm drainage infrastructure plan to the City of Tracy Development Services Department for review and approval. The project's storm drainage infrastructure plans must demonstrate adequate infrastructure capacity to collect and direct all stormwater generated on the project site within onsite retention/detention facilities to the City's existing stormwater conveyance system, and demonstrate that the project would not result in on- or off-site flooding impacts. The project is also required to pay all applicable development impact fees, which would include funding for offsite Citywide storm drainage infrastructure improvements identified in the 2012 City of Tracy Citywide Storm Drainage Master Plan. The development of an onsite storm drainage system, the payment of all applicable fees, and the implementation of Requirement 8 would ensure that this impact is **less than significant**.

The City's General Plan, Public Facilities and Services Element, Objective PF-8.2, contains the following policy:

Policy P3 (page 7-40) – New development projects shall only be approved if necessary stormwater infrastructure is planned and is in compliance with environmental regulations.

The City's General Plan EIR describes the federal, State, and local regulations regarding stormwater quality on pages 4.10-28 to 30 of the 2005 Draft General Plan EIR.

Project Requirements

Pursuant to the above General Plan policy and relevant sections of the General Plan EIR, the following requirement (Requirement 8), which is uniformly applied throughout the City, shall apply to the project:

Requirement 8: *The project applicant shall prepare a Storm Water Pollution Prevention Plan (SWPPP) that includes specific types and sources of stormwater pollutants, determine the location and nature of potential impacts, and specify appropriate control measures to eliminate any potentially significant impacts on receiving water quality from stormwater runoff. The SWPPP shall require treatment BMPs that incorporate, at a minimum, the required hydraulic sizing design criteria for volume and flow to treat projected stormwater runoff. The SWPPP shall comply with the most current standards established by the Central Valley RWQCB. Best Management Practices shall be selected from the City's Manual of Stormwater Quality Control Standards for New Development and Redevelopment according to site requirements and shall be subject to approval by the City Engineer and Central Valley RWQCB.*

Responses g), h): Less than Significant. The 100-year floodplain denotes an area that has a one percent chance of being inundated during any particular 12-month period. The risk of a site within the 100-year floodplain being flooded in any century is one percent but statistically the risk is almost 40 percent in any 50-year period.

Floodplain zones are determined by the Federal Emergency Management Agency (FEMA) and used to create Flood Insurance Rate Maps (FIRMs). These tools assist cities in mitigating

flooding hazards through land use planning. FEMA also outlines specific regulations for any construction, whether residential, commercial, or industrial within 100-year floodplains.

The project site is not located within the FEMA designated 100-year floodplain. This is a **less than significant** impact and no mitigation is required.

Responses i), j): Less than Significant. The project site is located within the inundation risk area for San Luis Reservoir and New Melones Dams. The safety of dams in California is stringently monitored by the California Department of Water Resources, Division of Safety of Dams (DSD). In the unlikely event of a dam failure, there is the potential that the project site could become inundated with water. The DSD is responsible for inspecting and monitoring the dam in perpetuity. The proposed project would not result in actions that could result in a higher likelihood of dam failure at San Luis Reservoir and New Melones Dams. There will always be a remote chance of dam failure that results in flooding of the City of Tracy, including the project site. However, given the regulations provided in the California Dam Safety Act, and the ongoing monitoring performed by the DSD, the risk of loss, injury, or death to people or structures from dam failure is considered **less than significant**.

There are no significant bodies of water near the project site that could result in the occurrence of a seiche or tsunami. Additionally, the project site and the surrounding areas are relatively flat, which precludes the possibility of mudflows occurring on the project site. This is a **less than significant** impact and no mitigation is required.

X. LAND USE AND PLANNING - Would the project:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?			X	

RESPONSES TO CHECKLIST QUESTIONS

Responses a): No Impact. The project site is surrounded by residential and agricultural land uses. The project would be consistent and compatible with the surrounding land uses, and would not divide an established community. There is **no impact**.

Responses b): Less than Significant. The project site is currently designated Residential Low by the City of Tracy General Plan Land Use Designations Map and is zoned Low Density Residential. The proposed project includes a request for a zoning change to zone the site Planned Unit Development. The Planned Unit Development (PUD) Zone is designed to allow flexibility and creativity in site planning.

The proposed uses on the project site are consistent with the General Plan designation of Residential Low. The project’s consistency with other General Plan policies that provide environmental protections are addressed within the relevant sections of this document. This is a **less than significant** impact, and no mitigation is required.

Response c): Less than Signification. As described under the Biological Resources section of this document, the proposed project is classified as Urban Habitat under the SJMSCP. The City of Tracy and the project applicant shall consult with SJCOG to pursue and obtain coverage of the project pursuant to the SJMSCP prior to development of the site. Therefore, this is a **less than significant** impact and no additional mitigation is required.

XI. MINERAL RESOURCES -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X	

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b): Less than Significant. As described in the Tracy General Plan EIR, the main mineral resources found in San Joaquin County, and the Tracy Planning Area, are sand and gravel (aggregate), which are primarily used for construction materials like asphalt and concrete. According to the California Geological Survey (CGS) evaluation of the quality and quantity of these resources, the most marketable aggregate materials in San Joaquin County are found in three main areas:

- ◆ In the Corral Hollow alluvial fan deposits south of Tracy
- ◆ Along the channel and floodplain deposits of the Mokelumne River
- ◆ Along the San Joaquin River near Lathrop

Figure 4.8-1 of the General Plan EIR identifies Mineral Resource Zones (MRZs) throughout the Tracy Planning Area. The project site is located within an area designated as MRZ-3. The MRZ-3 designation applies to areas containing mineral deposits the significance of which cannot be evaluated from available data.

As described on page 4.8.4 of the Tracy General Plan Draft EIR, the City of Tracy has an agreement with the State Division of Mines and Geology that the area north of Linne Road would allow for urban development, while the area south of Linne Road would be protected for aggregate mining. The project site is located north of Linne Road, in the area of the City designated for urban development. The project would not result in the loss of availability of a known mineral resource. This impact is considered **less than significant**

XII. NOISE -- WOULD THE PROJECT RESULT IN:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant. The proposed project is located in an area consisting predominately of residential land uses. Residential land uses do not generate significant noise levels beyond those associated with common residential activities (lawn mowers, car doors, voices, etc.). However, traffic generated by the proposed project has the potential to contribute to roadway noise levels in the vicinity of the project site and throughout other areas of the City. Increases in roadway noise associated with buildout of the Tracy General Plan were addressed in the 2010 General Plan Recirculated Supplemental Draft EIR. As described in this Draft EIR, vehicular traffic on existing roadways in Tracy would increase as development proceeds and the city’s population increases. Under buildout of the General Plan, which includes the proposed project site, noise levels would increase substantially (3 dBA Ldn or greater) along major roadways throughout Tracy, including portions of I-205, I-580, Grant Line Road, Schulte Road, Valpico Road, Linne Road, Lammers Road, Corral Hollow Road, Tracy Boulevard, and MacArthur Drive. Other than Valpico Road and I-580, all significant increases would occur adjacent to existing noise sensitive areas.

Development of the site for urban uses and the subsequent increase in vehicle roadway noise was taken into consideration in the City of Tracy General Plan and General Plan EIR. On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for the increase in vehicle roadway noise resulting from adoption of the General Plan and EIR.

The Tracy General Plan Noise Element contains several policies that are intended to ensure that new development projects are not exposed to excessive noise levels. The General Plan Noise Element policies applicable to the proposed project are summarized below.

Objective N-1.1 Ensure appropriate exterior and interior noise levels for new land uses.

Policies

P1. Noise sensitive land uses shall not be located in areas with noise levels that exceed those considered normally acceptable for each land use unless measures can be implemented to reduce noise to acceptable levels.

P2. Land uses shall require appropriate interior noise environments when located in areas adjacent to major noise generators.

P3. Recognizing that some new single-family residential uses may be located adjacent to non-residential uses, new single-family residential development shall not exceed 60 Ldn (day/night average noise level) for exterior noise in private use areas.

P4. New residential uses exposed to noise levels exceeding 60 Ldn shall be analyzed following protocols in the operative California Building Code or other operative code.

P5. For new residential land uses, noise from external sources shall not cause building interiors to exceed 45 Ldn.

P7. New residential development affected by noise from railroads or aircraft operations shall be designed to limit typical maximum instantaneous noise levels to 50 dBA in bedrooms and 55 dBA in other rooms.

P8. Measures to attenuate exterior and/or interior noise levels to acceptable levels shall be incorporated into all development projects. Acceptable, conditionally acceptable and unacceptable noise levels are presented in Figure 9-3.

Objective N-1.2 Control sources of excessive noise.

Policies

P2. Mitigation measures shall be required for new development projects that exceed the following criteria:

- Cause the Ldn at noise-sensitive uses to increase by 3 dB or more and exceed the “normally acceptable” level.

- Cause the Ldn at noise-sensitive uses to increase 5 dB or more and remain “normally acceptable.”
- Cause new noise levels to exceed the City of Tracy Noise Ordinance limits.

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

- Equip all internal combustion engines-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction area.
- Utilize “quiet” air compressors and other stationary noise sources where technology exists.

Objective N-1.3 Consider noise issues in the Development Review process.

Policies

P1. Development projects shall be evaluated for potential noise impacts and conflicts as part of the Development Review process.

P2. Significant noise impacts shall be mitigated as a condition of project approval.

P3. New development projects shall have an acoustical specialist prepare a noise analysis with recommendations for design mitigation if a noise-producing project is proposed near existing or planned noise-sensitive uses.

P4. Proposed noise sensitive projects within noise-impacted areas shall submit acoustical studies and provide necessary mitigation from noise.

P5. Site design techniques shall be considered as the primary means to minimize noise impacts as long as they do not conflict with the goals of the Community Character Element. Techniques include:

- Designing landscaped building setbacks to serve as a buffer between the noise source and receptor.
- Placing noise-tolerant land uses, such as parking lots, maintenance facilities, and utility areas between the noise source, such as highways and railroad tracks, and receptor.
- Orienting buildings to shield noise sensitive outdoor spaces from a noise source.
- Locating bedrooms or balconies on the sides of buildings facing away from noise sources.
- Utilizing noise barriers (e.g., fences, walls, or landscaped berms) to reduce adverse noise levels in noise-sensitive outdoor activity areas.

The implementation of the General Plan Noise policies identified above for the proposed project would ensure that any potential for the proposed residential uses to be exposed to excessive noise levels would be reduced to a **less than significant** level.

Response b): Less than Significant. No major stationary sources of groundborne vibration were identified in the project area that would result in the long-term exposure of proposed onsite land uses to unacceptable levels of ground vibration. In addition, the proposed project would not involve the use of any major equipment or processes that would result in potentially significant levels of ground vibration that would exceed these standards at nearby existing land uses. However, construction activities associated with the proposed project would require the use of various tractors, trucks, and potentially jackhammers that could result in intermittent increases in groundborne vibration levels. The use of major groundborne vibration-generating construction equipment/processes (i.e., blasting, pile driving) is not anticipated to be required for construction of the proposed project.

Groundborne vibration levels commonly associated with construction equipment are summarized in Table 2. Based on the levels presented in Table 2, groundborne vibration generated by construction equipment would not be anticipated to exceed approximately 0.09 inches per second ppv at 25 feet. Predicted vibration levels would not be anticipated to exceed recommended criteria for structural damage and human annoyance (0.2 and 0.1 in/sec ppv, respectively) at nearby land uses. As a result, short-term groundborne vibration impacts would be considered **less than significant** and no mitigation is required.

Table 2: Representative Vibration Source Levels for Construction Equipment

<i>EQUIPMENT</i>	<i>PEAK PARTICLE VELOCITY AT 25 FEET (IN/SEC)</i>
Large Bulldozers	0.089
Loaded Trucks	0.076
Jackhammer	0.035
Small Bulldozers	0.003
Source: FTA 2006, Caltrans 2004	

Response c): Less than Significant. Generally, a project may have a significant effect on the environment if it will substantially increase the ambient noise levels for adjoining areas or expose people to severe noise levels. In practice, more specific professional standards have been developed. These standards state that a noise impact may be considered significant if it would generate noise that would conflict with local planning criteria or ordinances, or substantially increase noise levels at noise-sensitive land uses.

The proposed project would not directly generate increased noise beyond those activities commonly found in residential developments (i.e., lawnmowers, leaf blowers, etc.). The noise

directly generated by the project would not differ from the existing ambient noises currently generated by the surrounding residential land uses.

The proposed project may indirectly increase ambient noise levels in the project vicinity through the introduction of additional vehicle trips to area roadways, particularly Corral Hollow Road. As described above, development of the site for urban uses and the subsequent increase in vehicle roadway noise was taken into consideration in the City of Tracy General Plan and General Plan EIR. On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for the increase in vehicle roadway noise resulting from adoption of the General Plan and EIR. As such, this is a **less than significant** impact and no mitigation is required.

Response d): Less than Significant. Construction activities at the project site would result in temporary increases in noise levels that could expose adjacent residences to increased noise levels and noise nuisances. Construction activities could create temporary noise levels of up to 90 dBA at distances of 50 feet. Because the project site is surrounded by existing residential neighborhoods, this temporary increase in construction noise is considered potentially significant.

The following requirements would place restrictions on the time of day that construction activities can occur, and includes additional techniques to reduce noise levels at adjacent residences during construction activities. The implementation of this requirement would reduce this temporary impact to a **less than significant** level.

Project Requirements

Pursuant to General Plan, Noise Element, Objective N-1.2, Policy P4 (pages 9-20 and 21) and the relevant sections of the General Plan EIR (pages 4.14-26 and 27 of the 2010 Draft Recirculated Supplemental EIR), the following requirement (Requirement 9), which is uniformly applied throughout the City, shall apply to the project:

Project Requirement 9: *The following requirements shall be implemented during all construction phases of the project:*

- a) Construction activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. Construction activities shall be prohibited on Sundays and federal holidays.*
- b) Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations.*
- c) Construction equipment staging areas shall be located at the furthest distance possible from nearby noise-sensitive land uses.*

Response e): Less than Significant. The Tracy Municipal Airport is the closest airport to the project site, located approximately 1.5 miles south of the site. The Airport is a general aviation

airport owned by the City and managed by the Public Works Department. The City of Tracy adopted an Airport Master Plan in 1998, analyzing the impacts to safety on surrounding development from the Tracy Municipal Airport.

The San Joaquin County Airport Land Use Plan establishes noise contours surrounding the Tracy Municipal Airport. As shown on Figure 4.14-3 of the Tracy General Plan Final Supplemental EIR (Certified on February 1, 2011), the project site is located outside of both the 65 dBCNEL and the 60 dBCNEL noise contours for the Tracy Municipal Airport. As such, the project site would not be exposed to excessive noise from the Tracy Municipal Airport. This is a **less than significant** impact, and no mitigation is required.

Response f): No Impact. The project site is not located within two miles of a private airstrip. There is **no impact**.

XIII. POPULATION AND HOUSING -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant. Implementation of the project would result in the construction of 252 single-family housing units on the project site. The proposed project is located in an urbanized area of the City of Tracy, and constitutes an infill project. There is existing infrastructure (roads, water, sewer, etc) in the immediate vicinity of the project site. While the project would extend these services onto the site to serve the proposed development, the project would not extend infrastructure to an area of the City not currently served. Therefore, while the project may directly induce population growth through the provision of 252 new single-family residences, the project would not indirectly induce population growth in other areas of the City of Tracy.

The potential for the project to directly induce population growth in the City of Tracy is not a significant impact in and of itself. Population growth can result in impacts to other environmental topics, such as traffic, service demands, etc. The population growth that would occur as a result of approval and development of the proposed project was considered in the Tracy General Plan and General Plan EIR. The proposed project is consistent with the land use designations for the site that were addressed in the General Plan EIR, and the environmental effects of the population growth generated by the project were considered in the analysis of buildout of the Tracy General Plan. Additionally, as described throughout this environmental document, the population growth attributable to the proposed project would not result in any significant site-specific environmental impacts to other environmental topics that cannot be mitigated to a less than significant level. While this document acknowledges that project approval would provide for additional housing opportunities in the City of Tracy, which may lead to population growth in the City, this impact is **less than significant**, as demonstrated throughout this document.

Responses b), c): No Impact. There are no existing homes or residences located on the project site. There is **no impact**.

XIV. PUBLIC SERVICES

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?			X	
ii) Police protection?			X	
iii) Schools?			X	
iv) Parks?			X	
v) Other public facilities?			X	

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant.

i) Fire Protection and Emergency Medical Services

The Tracy Fire Department, as a member agency of the South County Fire Authority, provides fire protection, life safety, and emergency response services to 167 square miles of the southern part of San Joaquin County. In 1999, the South County Fire Authority was established to more effectively and efficiently serve the City of Tracy, the Tracy Rural Fire Protection District (FPD), and the Mountain House Community Services District (CSD).

The Fire Authority currently operates seven fire stations and an administrative office. Twenty-four hour-a-day staffing is provided with five paramedic engine companies, two basic life support engine companies, and one ladder truck company. Three fire stations are within the incorporated area of the City of Tracy, three are in the surrounding rural Tracy area, and one is located in the planned Community of Mountain House.

Medical transport is provided by private ambulance. American Medical Response is the exclusive emergency ambulance service provider in San Joaquin County.

The Tracy Fire Department has a force consisting of 70 professional firefighters, 12 reserve firefighters, a fire chief, three division chiefs, two civilian fire inspectors and a two-person administrative support staff⁶.

The Tracy Fire Department conducted a Standards of Response Coverage study in late 2007. Findings of the study indicated that the Department has challenges in meeting its established response time objectives in the areas of the West Valley Mall and Downtown Tracy utilizing existing resources. The Department is currently in the process of mitigating the deficiency in the area of the West Valley Mall through the potential relocation of an existing fire station. Future development will create a need for expanded fire and emergency medical services.

Currently the Department is working on a plan to expand its ability to deliver Advanced Life Support services from all seven Fire Department facilities. Since November 2008, the Fire Department has expanded its provision of Advanced Life Support Services to six of the seven fire stations; there are plans to provide these services from the final station upon successful relocation of the facility, which is expected to be completed in fiscal year 2013/2014. Emergency medical services in Tracy and the surrounding areas are reported to be good, as Tracy is one of only three fire departments in San Joaquin County that provide Advanced Life Support services, and there are no reported concerns about the level of service provided.

Recognizing the potential need for increases in fire protection and emergency medical services, the City's General Plan includes policies to ensure that adequate related facilities are funded and provided to meet future growth (Objective PF-1.1, P1). This policy will be implemented through the review of all new projects within the SOI, prior to development, and through the collection of development impact fees for the funding of facilities.

The project site and the surrounding area is served by Fire Station #97, which is located at 595 West Central Avenue, less than one mile east of the project site. The project site is located within the Fire Department's 5-minute response zone⁷.

Implementation of the proposed project would not adversely impact existing fire and emergency services within the City, and would not require the construction of new fire protection facilities.

In order to provide adequate fire protection and suppression services to the project site, the Tracy Fire Department must have access to adequate onsite hydrants with adequate fire-flow pressure available to meet the needs of fire suppression units. The final site plans and development specifications developed for the proposed project will indicate the location and design specifications of the fire hydrants that will be required within the project site. This is a **less than significant** impact.

⁶ Reference: City of Tracy Fire Department website, accessed 7/15/13.
<http://www.ci.tracy.ca.us/?navId=869>

⁷ Reference: City of Tracy, *Holly Sugar Sports Park Draft EIR, Figure 3.11-1, 5-Minute Fire Department Response Zone for the South County Fire Authority*, August 31, 2009.

ii) Police Protection

The Tracy Police Department provides police protection services to the City of Tracy. Its headquarters are located at 1000 Civic Center Drive, and there are no satellite offices or plans to construct any in the near future. The Department currently employs 91 officers. The Department also has 43 non-sworn positions, which include both full- and part-time administrators, communications dispatchers, community services personnel, animal control, crime scene technicians, and a records superintendent. The City has a goal of a 5-minute response time for Priority 1 calls (life threatening situations).

The police station is located approximately 2.4 miles northeast of the project site. The Department divides calls for service into three categories:

- Priority 1 calls are defined as life threatening situations.
- Priority 2 calls are not life threatening, but require immediate response.
- Priority 3 calls cover all other calls received by the police.

The average response time for Priority 1 calls within the City limits is approximately seven to nine minutes. Response time for Priority 2 and 3 calls is, on average, between 20 and 30 minutes. The Tracy Police Department provides mutual aid to the San Joaquin County Sheriff's office, and vice versa, when a situation exceeds the capabilities of either department. Mutual aid is coordinated through the San Joaquin County Sheriff.

It is not anticipated that implementation of the proposed project would result in significant new demand for police services. Project implementation would not require the construction of new police facilities to serve the project site, nor would it result in impacts to the existing response times and existing police protection service levels. This is a **less than significant** impact.

iii) Schools

Implementation of the proposed project would result in population growth within the City of Tracy, which would likely increase enrollment at schools within the Tracy Unified School District. Under the provisions of SB 50, a project's impacts on school facilities are fully mitigated via the payment of the requisite new school construction fees established pursuant to Government Code Section 65995. Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from taxes, would ensure that project impacts to school services are **less than significant**.

iv) Parks

Potential project impacts to parks and recreational facilities are addressed in the following section of this document.

v) Other Public Facilities

Other public facilities in the City of Tracy include libraries, hospitals, and cultural centers such as museums and music halls. The proposed project would increase demand on these facilities. The City of Tracy General Plan requires new development to pay its fair share of the costs of public buildings by collecting the Public Buildings Impact Fee. The Public Buildings Impact fee is used by the City to expand public services and maintain public buildings, including the Civic Center and libraries in order to meet the increased demand generated by new development. Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from taxes, would ensure that project impacts to libraries and public buildings are **less than significant**.

XV. RECREATION

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b): Less than Significant. The proposed project would increase demand for parks and recreational facilities within the City of Tracy, and would increase the use of the City’s existing parks and recreation system. As described in the Tracy General Plan, the City maintains 48 mini-parks, 15 neighborhood parks, and eight community parks, providing approximately 256 acres at 71 sites. The City is also in the process of constructing the Holly Sugar Sports Park at the northern edge of the City, which will provide an additional 166 acres of sports parks, 86 acres of passive recreation area, and a 46-acre future expansion area for additional park facilities.

The City strives to maintain a standard of 4 acres of park land for every 1,000 persons. In order to maintain this standard, the City requires new development projects to either include land dedicated for park uses, or to pay in-lieu fees towards the City’s parks program. Chapter 13.12 of the Tracy Municipal Code states that, *“all development projects shall be required to maintain the City standard of four (4) acres of park land per 1,000 population. All development projects, as a condition of approval of any tentative parcel map or tentative subdivision map, or as a condition of approval of any building permit, shall dedicate land to the City or pay a fee in lieu thereof, or a combination of both, in order to maintain this City standard. The precise obligation of any development project to dedicate land or pay a fee pursuant to this section shall be incorporated in the implementing resolution for the park fee applicable to the development project.”*

Rather than including land dedicated for park uses within the proposed project, the project applicant will be paying in-lieu fees, which could be used to expand the adjacent existing Gretchen Talley Park. The payment of the project’s fair share in-lieu parks fees to the City of Tracy, would ensure that this is a **less than significant** impact.

XVI. TRANSPORTATION/TRAFFIC -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?			X	
f) Result in inadequate parking capacity?			X	
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X

RESPONSES TO CHECKLIST QUESTIONS

Response a), b): Less than Significant. Development of the proposed project would add vehicle trips to the City’s roadway network. In order to identify roadway facility and intersection improvements needed to accommodate the traffic generated by buildout of the City’s General Plan, the City of Tracy prepared and adopted the 2012 Citywide Roadway and Transportation Master Plan (Transportation Master Plan). The Transportation Master Plan identifies a range of roadway and intersection improvements to be implemented over the next several years in order to maintain acceptable levels of service on City streets. The proposed project is consistent with the General Plan land use designation for the site, and is consistent with the assumed residential density levels for development of the site. The generation of vehicle traffic associated with the proposed project was considered during preparation of the Transportation Master Plan. The Transportation Master Plan identifies the roadway and intersection improvements needed in order to maintain acceptable levels of service throughout the City. One such improvement is needed at the intersection of Corral Road and Valpico Road. Under existing conditions, the all-way-stop controlled Corral Hollow Road/Valpico Road

intersection operates at LOS E with an average delay of 44 seconds in the PM peak hour (worst peak hour). The City of Tracy level of service standard for this intersection is D. Signalizing the intersection and widening the southbound approach to provide two lanes would raise the level of service to C. The project is responsible for the payment of fair share traffic mitigation fees to the City of Tracy. The payment of these fair-share traffic mitigation fees would assist the City of Tracy with implementation of the various improvements identified in the Transportation Master Plan, in order to maintain acceptable levels of service throughout the City. There would not be any site-specific traffic impacts associated with project development. The payment of the required traffic mitigation fees to the City of Tracy would reduce project-related traffic impacts to a **less than significant** level.

Response c): Less than Significant. As discussed above under the Hazards Section, the proposed project is not located within any of the four Tracy Municipal Airport safety zones. The proposed project is not located within one mile of the airport, nor along the extended runway centerline. Additionally, there are no private airstrips within the vicinity of the project site. Implementation of the proposed project would not result in any needed changes to airport operations or air travel patterns at the Tracy Municipal Airport. This impact is **less than significant**, and no mitigation is required.

Responses d) and e): Less than Significant. The proposed site plan provides adequate access to the project site, which would accommodate emergency vehicles. Implementation of the proposed project would have a less than significant impact related to emergency access, and would not interfere with an emergency evacuation plan. This is a **less than significant** impact and no mitigation is required.

Response f): Less than Significant. Parking for the proposed project would be provided within private on-site two-car garages and individual driveways. The internal roadway system would also provide opportunities for on-street parking within the project site. Section 10.08.3480 of the Tracy Municipal Code identifies parking requirements for residential projects. The minimum parking requirement for single-family residential projects is one non-tandem two-car garage per dwelling unit. This is a **less than significant** impact and no mitigation is required.

Response g): No Impact. The project would have no impact on any existing plans or policies related to alternative transportation. The payment of fair-share traffic mitigation fees would provide funding for implementation of the Transportation Master Plan, which includes bicycle, pedestrian, and alternative transportation improvements throughout the City. There is **no impact**.

XVII. UTILITIES AND SERVICE SYSTEMS -- WOULD THE PROJECT:

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the projects solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	

RESPONSES TO CHECKLIST QUESTIONS

Responses a) and e): Less than Significant. Wastewater generated by the proposed project would be conveyed to the Tracy Wastewater Treatment Plant (WWTP) for treatment and disposal. The City's wastewater collection system consists of gravity sewer lines, pump stations and the WWTP. Wastewater flows toward the northern part of the City where it is treated at the WWTP and then discharged into the Old River in the southern Sacramento-San Joaquin Delta.

The City's WWTP provides secondary-level treatment of wastewater followed by disinfection. Treated effluent from the WWTP is conveyed to a submerged diffuser for discharge into the Old River. The WWTP has an NPDES permit for discharge into the Old River from the State Regional Water Quality Control Board. The City of Tracy currently has plans to expand and improve the existing Tracy Wastewater Treatment Plant. These plans have been evaluated in the Draft and

Final EIR for the Tracy Wastewater Treatment Plant Expansion (SCH No. 2000012039). The Final EIR was completed in September of 2002 and was certified in November 2002. The City plans to expand the average dry weather flow treatment capacity of the Plant from 9.0 million gallons per day to 16.0 million gallons per day. The expansion would also result in improvements to the quality of the effluent discharged from the Plant by upgrading the facility from secondary to tertiary treatment. The expansion of the Wastewater Treatment Plant is occurring in four phases. The phase expanding the treatment capacity to 10.8 mgd was completed in 2008. The next phase is projected to commence in the year 2014.

The City's WWTP currently treats approximately 9.0 mgd of wastewater. For this analysis, a unit generation factor of 264 gallons per day of wastewater per residential unit was used, based on the wastewater generation factors contained in the 2011 City of Tracy Wastewater Master Plan. Therefore, the proposed project would generate up to 66,528 gallons per day of wastewater, or 0.0067 mgd of wastewater. The addition of 0.0067 mgd of wastewater would not exceed the treatment capacity of the City's WWTP. No improvements or expansions to the existing WWTP are required, and the addition of project-generated wastewater would not result in any RWQCB violations related to effluent treatment or discharge. Implementation of the proposed project would have a **less than significant** impact and no mitigation is required.

Responses b) and d): Less than Significant. Potable water for the proposed project would be supplied from the City's municipal water system. The project site would receive potable water via a connection to an existing water main located on Corral Hollow Road. The proposed project's water demand was included in the demand calculations for the 2012 Citywide Water System Master Plan.

The City of Tracy obtains water from both surface water and groundwater sources. The amount of water that Tracy uses from each of its water supply sources to make up its total water use varies from year to year based on contractual agreements, annual precipitation, and City policies about how to expand, utilize, and manage its water resources. As described in the 2011 City of Tracy Urban Water Management Plan- Public Review Draft, Tracy's maximum annual water supply amounts to over 31,500 acre feet per year from its various supply sources. Future agreements may increase the City's available water supply to over 49,500 acre feet per year.

In recent years, demand for potable water in the City of Tracy has been trending downward. The 2010 total water demand in the City was 16,603 afy. The addition of the project's water demand would not exceed the City's available water supply. The City's water treatment and conveyance infrastructure is adequate to serve existing demand, in addition to the demand created by the proposed project. This is a **less than significant** impact and no mitigation is required.

Responses c): Less than Significant. Development of the project site would place impervious surfaces throughout much of the 47.1-acre project site. Development of the project site would potentially increase local runoff production, and would introduce constituents into storm water that are typically associated with urban runoff. These constituents include heavy metals (such as lead, zinc, and copper) and petroleum hydrocarbons. Best management practices (BMPs)

will be applied to the proposed site development to limit the concentrations of these constituents in any site runoff that is discharged into downstream facilities to acceptable levels.

As described above under the Hydrology and Water Quality Section, new development projects in the City of Tracy are required to provide site-specific storm drainage solutions and improvements that are consistent with the overall storm drainage infrastructure approach presented in the 2012 City of Tracy Citywide Storm Drainage Master Plan. Prior to approval of the Final Map, the project applicant is required to submit a detailed storm drainage infrastructure plan to the City of Tracy Development Services Department for review and approval. The project's storm drainage infrastructure plans must demonstrate adequate infrastructure capacity to collect and direct all stormwater generated on the project site within onsite retention/detention facilities to the City's existing stormwater conveyance system, and demonstrate that the project would not result in on- or off-site flooding impacts. The project is also required to pay all applicable development impact fees, which would include funding for offsite Citywide storm drainage infrastructure improvements identified in the 2012 City of Tracy Citywide Storm Drainage Master Plan. The development of an onsite storm drainage system, the payment of all applicable fees, and the implementation of Requirement 8 would ensure that this impact is **less than significant**.

Responses f) and g): Less than Significant. The City of Tracy has an exclusive franchise agreement with Tracy Disposal Service for solid waste collection and disposal and recycling collection. Solid waste is collected and taken to the 40-acre Tracy Material Recovery Facility (MRF) and Transfer Station on South MacArthur Drive before being sent to the Foothill Sanitary landfill, 48 miles northeast of Tracy, off of Shelton Road east of Linden, California. The MRF is operated by Tracy Material Recovery and Solid Waste Transfer, Inc., and has capacity of approximately 1,000 tons per day, but averages approximately 350 tons per day, of which 85 percent is generated in Tracy. Approximately 175,000 tons of solid waste is generated in Tracy each year, of which approximately 27 percent is residential garbage.

The approximately 800-acre Foothill landfill, owned by San Joaquin County, is the primary disposal facility accepting the City's solid waste. The Foothill landfill receives approximately 810 tons per day. The landfill is permitted to accept up to 1,500 tons per day, and has a permitted capacity of 51 million tons, of which approximately 45 million tons of capacity remains. It is estimated that the Foothill landfill will have the capacity to accept solid waste from the City of Tracy until 2054.

The proposed project would not generate significant volumes of solid waste, beyond levels normally found in residential developments. The proposed project would not generate hazardous waste or waste other than common household solid waste. As described above, there is adequate landfill capacity to serve the proposed project. This is a **less than significant** impact.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b), c): Less than Significant. As described throughout the analysis above, the proposed project would not result in any significant impacts to the environment that cannot be mitigated to a less than significant level through the application of uniformly applied development policies and/or standards. The proposed project is required to implement a range of standard and uniformly applied development policies and standards, most of which are identified in the Tracy General Plan or various infrastructure master plans, which would reduce any potentially significant impacts to a less than significant level. The cumulative impacts associated with development of the project were considered, analyzed and disclosed in the City of Tracy General Plan and General Plan EIR. On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for all significant impacts associated with buildout of the Tracy General Plan. The project would not result in any cumulative impacts that were not contemplated in the General Plan EIR. The project would not result in any peculiar site-specific impacts, impacts to biological resources or impacts to cultural and/or historical resources. These are **less than significant** impacts.

RESOLUTION _____

RECOMMENDING CITY COUNCIL APPROVAL OF THE REZONE OF A 47.1-ACRE PARCEL FROM LOW DENSITY RESIDENTIAL TO PLANNED UNIT DEVELOPMENT, APPROVAL OF A CONCEPT, PRELIMINARY AND FINAL DEVELOPMENT PLAN, AND APPROVAL OF A VESTING TENTATIVE SUBDIVISION MAP FOR A 252-LOT RESIDENTIAL SUBDIVISION, KNOWN AS KAGEHIRO PHASE 3, LOCATED AT THE SOUTHEAST CORNER OF CORRAL HOLLOW ROAD AND KAGEHIRO DRIVE, ASSESSOR'S PARCEL NUMBER 242-040-36 APPLICATION NUMBERS PUD13-0001 AND TSM12-0001

WHEREAS, The subject property is a portion of the 141-acre Kagehiro property that was annexed to the City of Tracy on January 17, 1997; and

WHEREAS, The subject property consists of a 47.1-acre parcel located at the southeast corner of Kagehiro Drive and Corral Hollow Road (Assessor's Parcel Number 242-040-36); and

WHEREAS, Corral Hollow Development, LLC submitted applications for a rezone of the subject property from Low Density Residential (LDR) to Planned Unit Development (PUD), a Concept, Preliminary and Final Development Plan, and a Vesting Tentative Subdivision Map to create 252 residential lots for single-family homes (Application Numbers PUD13-0001 and TSM12-0001); and

WHEREAS, The project would create 252 single-family dwelling units on 47.1 acres with an overall density of approximately 5.3 dwelling units per acre; and

WHEREAS, The proposed rezone from LDR to PUD, including the Concept Development Plan/ PUD zoning regulations, would be consistent with the General Plan designation of Residential Low, including the density range of 2.1 to 5.8 dwelling units per gross acre; and

WHEREAS, The proposed Preliminary and Final Development Plan, including the site plan and architectural renderings, are in compliance with the City's Design Goals and Standards because they have incorporated significant variation between floor plans and elevations, deemphasized the garages, used architectural features on all four sides of each house, and provided ample mix and frequency of each house type; and

WHEREAS, The proposed Vesting Tentative Subdivision Map is consistent with the General Plan, and Title 12, the Subdivision Ordinance, of the Tracy Municipal Code. The General Plan designation of the property is Residential Low, which provides for a density range of 2.1 to 5.8 dwelling units per acre; and

WHEREAS, The site is physically suitable for the type of development, as the site, once graded, will be virtually flat and the characteristically high clay content of Tracy's soils may require amendments and treatment for proposed landscaping, foundations, and other surface and utility work. The physical qualities of the property make it suitable for residential development in accordance with City standards, and

WHEREAS, The site is physically suitable for the proposed density of development. Traffic circulation is designed in accordance with City standards for the proposed density to ensure adequate traffic service levels are met; and

WHEREAS, The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat; and

WHEREAS, The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision; and

WHEREAS, The project complies with all other applicable ordinances, regulations and guidelines of the City, including but not limited to, the local floodplain ordinance. The subject property is not located within any floodplain and the project, with conditions, will meet all applicable City design and improvement standards; and

WHEREAS, All the public facilities necessary to serve the subdivision will be in place prior to the issuance of building permits. All the public facilities necessary to serve the subdivision or mitigate the impacts created by the subdivision will be assured through a subdivision improvement agreement prior to the approval of a final map; and

WHEREAS, The project is consistent with the Residential Low designation and density requirements of the General Plan, for which an Environmental Impact Report (EIR) was certified on February 1, 2011, and as described in the CEQA 15183 Analysis (Attachment H of Planning Commission staff report dated July 24, 2013), all cumulative and offsite impacts associated with development and buildout of the project were fully addressed in the General Plan EIR and there are no site specific or peculiar impacts associated with the project that cannot be substantially mitigated to a less-than-significant level through the application of uniformly applied standards and policies that would be applied to the project, and therefore, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15183, no further environmental assessment is required; and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the project on July 24, 2013;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission hereby recommends that the City Council approve the rezone of a 47.1-acre parcel from Low Density Residential to Planned Unit Development, approve the Concept, Preliminary and Final Development Plan, and approve the Vesting Tentative Subdivision Map for the 252-lot residential subdivision, known as Kagehiro Phase 3, located at the southeast corner of Corral Hollow Road and Kagehiro Drive, Assessor's Parcel Number 242-040-36, Application Numbers PUD13-0001 and TSM12-0001, subject to conditions stated in Exhibit "1" attached and made part hereof.

The foregoing Resolution _____ was adopted by the Planning Commission on the
24th day of July, 2013, by the following vote:

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

Chair

ATTEST:

Staff Liaison

**Conditions of Approval for Kagehiro Phase 3
252-lot Vesting Tentative Subdivision Map and
Preliminary/Final Development Plan
Application Numbers TSM12-0001 and PUD13-0001**

These Conditions of Approval shall apply to the real property described as Kagehiro Phase 3, a 252-lot Vesting Tentative Subdivision Map and Preliminary/Final Development Plan, located on approximately 47.1 acres at the southeast corner of Corral Hollow Road and Kagehiro Drive, Assessor's Parcel Number 242-040-36, Application Numbers TSM 12-0001 and PUD13-0001.

A. The following definitions shall apply to these Conditions of Approval:

1. "Applicant" means any person, or other legal entity, defined as a "Developer".
2. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Public Works Director, or the City Engineer to perform the duties set forth herein.
3. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
4. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
5. "Conditions of Approval" shall mean the conditions of approval applicable to the Kagehiro Phase 3 project, a 252-lot Vesting Tentative Subdivision Map and Preliminary/Final Development Plan, Application Numbers TSM12-0001 and PUD13-0001. The Conditions of Approval shall specifically include all Development Services Department Conditions set forth herein.
6. "Project" means Kagehiro Phase 3, a 252-lot Vesting Tentative Subdivision Map and Preliminary/Final Development Plan, Application Numbers TSM 12-0001 and PUD13-0001, consisting of approximately 47.1 acres of real property, located at the southeast corner of Corral Hollow Road and Kagehiro Drive, Assessor's Parcel Number 242-040-36.
7. "Property" means the 47.1 acres of real property located at the southeast corner of Corral Hollow Road and Kagehiro Drive, Assessor's Parcel Number 242-040-36.
8. "Subdivider" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. "Subdivider" also means the Developer. The term "Subdivider" shall include all successors in interest.

B. Planning Division Conditions of Approval

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, et seq.), the Subdivision Map Act (Government Code sections 66410, et seq.), the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 15000, et seq., "CEQA Guidelines").
2. Unless specifically modified by these Conditions of Approval, the Project shall comply with all City Regulations.
3. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the General Plan Environmental Impact Report, dated February 11, 2011.
4. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code Section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.
5. Prior to the issuance of a building permit, the Developer shall document compliance with all applicable school mitigation requirements consistent with City Council standards and obtain certificate of compliance from Tracy Unified School District for each new residential building permit.
6. Prior to the recordation of each Final Map, the Subdivider shall show public utility easements necessary to accommodate the needs of local utility providers in accordance with City standards, to the satisfaction of the City Engineer.
7. Prior to approval of the first Final Map, the Developer shall obtain approval of all street names from the Development Services Department. At least one street shall be named after a deceased veteran in accordance with City Council Resolution Number 87-041.
8. All Final Maps shall be consistent with the Vesting Tentative Subdivision Map received by the Development Services Department on July 1, 2013, unless modified herein.

9. Except as modified herein, the residential architecture, site plan, and floor plans shall be consistent with the Preliminary/ Final Development Plan, including the architectural packet, received by the Development Services Department on July 2, 2013, to the satisfaction of the Development Services Director.
10. The development standards for the 252 lots shall comply with the Kagehiro Phase 3 Planned Unit Development (PUD) Zoning Regulations received by the Development Services Department on July 17, 2013, to the satisfaction of the Development Services Director.
11. Prior to the issuance of each building permit for a particular group of lots, the Developer shall specify the house type (i.e. floor plan type and elevation type) for each particular lot (i.e. within that group of lots) in a manner that achieves a sufficient mix and variety in the streetscape view, such that there shall be no approvals of the same floor plan type used on three consecutive lots, and no approvals of the same floor plan type and same elevation type used on two consecutive lots. At least 20% of the houses shall have garage doors which are setback a minimum of thirty (30) feet from the front property line. Additionally, the overall mix of houses used in the subdivision should fit within the parameters set forth below:
 - a. The Plan 1 floor plan (one story) shall be used on not less than 15% of the lots nor on more than 25% of the Lots. Each of the Plan 2 through 6 floor plans shall be used on not less than 9% of the lots nor on more than 22% of the lots.
 - b. Each elevation type for each floor plan shall be used on not less than 10% of the particular floor plan lots nor on more than 30% of the same particular floor plan lots.
12. The Developer shall comply with all project requirements identified in the CEQA Analysis/Environmental Checklist for the Kagehiro Phase 3 Project.
13. The Developer shall comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District (APCD), including District Rule 9510, Regulation VIII, and payment of all applicable fees.
14. The Developer shall comply with all applicable provisions of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, including Incidental Take Minimization Measures applicable at the time of permit, a pre-construction survey prior to ground disturbance, and payment of all applicable fees, to the satisfaction of San Joaquin Council of Governments.

15. Prior to issuance of a grading permit, the Developer shall provide proof of compliance with the Construction General Permit through a Waste Discharge ID number or Notice of Intent submittal; and provide proof of compliance with the City of Tracy Manual of Stormwater Quality Control Standards for New Development and Redevelopment (Manual), which includes the requirements for Site Design, Source and Treatment Control Measures, in a project Stormwater Quality Control Plan (SWQCP), to the satisfaction of the Public Works Director or his/her designee. Prior to issuance of a building permit, the Developer shall provide proof of compliance with CalGreen Building Standards for Residential Properties, to the satisfaction of the Public Works Director or his/her designee. Prior to building permit final inspection, a Storm Water Treatment Device Access and Maintenance Agreement must be approved and notarized between the Developer and the City, to the satisfaction of the Public Works Director or his/her designee.
16. Prior to the issuance of a building permit, the Developer shall prepare a detailed landscape and irrigation plan for all landscape areas (e.g. back yards, front yards, and public right of way) consistent with City standards and shall show compliance with the State's (Department of Water Resources) model Water Efficient Landscape Ordinance and mandatory CalGreen Building Standards for Residential Properties through submittal and approval of the required Landscape Package, which includes project information, a water efficient landscape worksheet, a soil management report and Landscape, Irrigation, Drainage and Grading Plans, to the satisfaction of the Public Works Director or his/her designee.
17. Prior to approval of each Final Map, the Developer shall submit improvement plans that demonstrate compliance with current California Fire Code regulations, including the maximum separation between fire hydrants of 500 feet.

C. Engineering Division Conditions of Approval

C.1. Vesting Tentative Subdivision Map

Prior to signature of the Vesting Tentative Subdivision Map (Tentative Subdivision Map) by the City Engineer, the Subdivider shall comply with the requirements set forth in this section, to the satisfaction of the City Engineer.

- C.1.1. Revise the Tentative Subdivision Map to change the street name "Kagehiro Court" to "Remedios Cantos Drive".
- C.1.2. Revise the Tentative Subdivision Map to show 1-foot wide reserve street dedications and restricted access to Corral Hollow Road for Lots 238 through 248.

- C.1.3. Submit one (1) reproducible copy of the approved tentative subdivision map for the Project within ten (10) days after Subdivider's receipt of notification of approval of the tentative subdivision map. The owner of the Property must sign the Tentative Subdivision Map.

C.2. Final Map

There is not enough sewer conveyance and wastewater treatment plant capacity to serve the full build out of the Project. In order to construct improvements to create sewer conveyance and wastewater treatment plant capacity for the Tentative Subdivision Map area, the Subdivider will pay to the City in advance the estimated fee amount for sewer conveyance and wastewater treatment in accordance with the Citywide Wastewater Facilities Master Plan, which is estimated to be \$2,373,963.48 (or 252 lots multiplied by \$9,420.49 per lot), prior to the approval of the First Final Map or on March 1, 2014, whichever of the two occurs first.

This advance payment will be reconciled with the actual sewer development fees to be adopted by the City, prior to the issuance of the building permit of the first residential building to be constructed on the Property. The Subdivider agreed to pay additional sewer development fees, if the actual sewer development fees are higher than the advance payment received by the City, or will be entitled to fee credits for the overpaid sewer development fees which will be applied towards the Project's other unpaid development impact fees.

The City will allow the map submittal of the First Final Map or multiple final map(s), and make available sewer conveyance and wastewater treatment plant capacity for the first 151 residential lots within the Tentative Subdivision Map area. No subsequent final map applications beyond 151 residential lots will be accepted and approved by the City until the Corral Hollow Road Sewer Conveyance Downstream Improvements (known as "choke points") are completed by the City.

In addition to the requirements above, no final map within the Project boundaries will be approved by the City until the Subdivider demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

- C.2.1. The Subdivider has completed all the requirements set forth in this section, and Condition C.1., above.
- C.2.2. The final map prepared in accordance with the Subdivision Ordinance, the City Design Documents, and in substantial conformance with the Tentative Subdivision Map for the Project.
- C.2.3. The Subdivider has obtained the approval of all other public agencies with jurisdiction over the required public facilities.

- C.2.4. The Final Map shall include dedications or offers of dedication of all right(s)-of-way and/or easement(s) required to serve the Project described by the Final Map, in accordance with City Regulations and these Conditions of Approval.
- C.2.5. Improvement Plans for the subdivision improvements and public facilities that are required to serve the Property or lots described by the Final Map in accordance with City Regulations, these Conditions of Approval and Condition C.3., below.
- C.2.6. Dedicate a 10 feet wide Public Utility Easement (PUE) along the lot frontages for the installation, use, operation, repair and maintenance of other public utilities such as electric, telephone, cable TV, gas and others.
- C.2.7. Horizontal and vertical control for the Project shall be based upon the City of Tracy coordinate system and at least three 2nd order Class 1 control points establishing the "Basis of Bearing" and shown as such on the final map. The final map shall also identify surveyed ties from two of the control points to a minimum of two separate points adjacent to or within the property described by the Final Map.
- C.2.8. A detailed construction phasing plan showing the limits and logical sequence of construction of street and utilities improvements. The construction phasing plan shall clearly identify the improvements to be constructed with each construction phase of the Project.
- C.2.9. A construction cost estimate of subdivision improvements and all the required public facilities, prepared in accordance with City Regulations. Use and add ten percent (10%) for construction contingencies.
- C.2.10. The improvement plans for subdivision improvements as required in Condition C.3., below. All the required improvement agreements are executed, improvement security is submitted and documentation of insurance are provided, as required by these Conditions of Approval and Condition C.11., below. The amounts of improvement security shall be approved by the City and the form of improvement security shall be in accordance with the Tracy Municipal Code.
- C.2.11. The Subdivider shall participate in any applicable Benefit Districts, Assessment Districts, or sub-regional reimbursement areas, in accordance with City Regulations.
- C.2.12. Payment of all fees required by these Conditions of Approval and City Regulations. In the event that the Project's development impact fees

are not adopted at the time of issuance of the 1st building permit, the Subdivider shall pay the estimated development fees in accordance with the Citywide Facilities Master Plan. The Subdivider shall pay the difference, if the actual development fees are higher than the advance payment, or the City will apply overpaid development impact fees as fee credits towards the Project's other unpaid development impact fees.

C.2.13. All public facilities that are required to serve the proposed development within the final map boundaries, including water distribution, sewer conveyance, and water and wastewater treatment capacities have been financially assured by the Subdivider, except as provided on Condition C.2., above. The Subdivider acknowledges that complex planning and financing are involved in providing the public facilities required to serve the Property. Such public facilities are not available now. The City will make reasonable efforts to facilitate the necessary planning, but cannot and does not guarantee that sufficient public facilities, and the resulting capacity, will be available before expiration of the Tentative Map for this Project (under Government Code Section 66452.6 and relevant City Regulations

C.2.15. The Subdivider shall demonstrate to the satisfaction of the City Engineer, and a finding made by the City Engineer that City's water facilities (capacities at the treatment plant and distribution or transmission lines) are adequate to meet Project's water flow demands, and is consistent with the City's Water Facilities Master Plan. The Subdivider shall pay the costs of analysis by City consultants required to make such finding, if necessary.

C.3. Improvement Plans

The Improvement Plans that are required in this section shall contain the design and construction details of street and utilities improvements on Corral Hollow Road, and all subdivision improvements that are required to serve the Project. The Improvement Plans shall consist of the Grading and Drainage Plans, Irrigation and Landscaping Plans, Composite and Joint Utility Trench Plans, Street Lighting Plan, Retaining Wall Plans, In-tract and Off-tract Improvement Plans, Signing and Striping Plans, Storm Water Management Plans, and others. The Improvement Plans shall be prepared to satisfy all the requirements specified on Conditions C.4., C.5., C.6., and C.7., below, the City Regulations and these Conditions of Approval. Improvement Plans to be signed by the City Engineer must be provided on a 4-mil thick 24" x 36" size polyester film (mylar) and prepared under the supervision of, and stamped and signed by a Registered Civil Engineer. Prior to obtaining the City Engineer's signature on the Improvement Plans, all the requirements set forth in this section shall be completed, to the satisfaction of the City Engineer, including but not limited to, the following:

- C.3.1. The Subdivider has completed all the requirements set forth in this section, and Conditions C.1., and C.2., above.
- C.3.2. The Subdivider has obtained written approval and signature from the Chief Building Official and Fire Safety Officer on the Improvement Plans as required in Condition C.6.2., below.

C.4. Street Improvements

- C.4.1. The Subdivider's responsibility towards frontage improvements on Corral Hollow Road shall include the design and construction of street and utilities improvements including but not limited to, concrete curb and gutter, concrete sidewalk, landscaping with automatic irrigation system (Motorola Controller), asphalt concrete pavement, signing and striping, street lights, fire hydrant, and other improvements determined by the City Engineer that are necessary to provide a safe transition from the existing roadway to an improved and wider roadway section which include the application of 2" inches thick asphalt concrete overlay on the entire width of the travel lane for the existing northbound and southbound Corral Hollow Road, and other improvements such as guardrail and barricade and appropriate traffic sign where necessary, asphalt concrete paving, and pavement marking and signing for creating a pavement transition. In order to maintain existing grades of pavement crown and cross slope, the top 2 inches of the existing pavement must be removed by grinding.

The Subdivider is also required to design and construct roadway improvements at the intersection of Corral Hollow Road and Kagehiro Drive. The intersection improvements include but not limited to, modification of the southern end of the existing raised median on Corral Hollow Road north of Kagehiro Drive, to provide for an exclusive left-turn lane on Corral Hollow Road for eastbound Kagehiro Drive. The exclusive left-turn lane shall not be less than 12 feet wide, and shall have a vehicle storage length of 120 feet (90 feet bay taper length per Caltrans standards).

The final configuration, length, and grade of the modified raised median will be determined during the design of improvements on Corral Hollow Road. Landscaping improvements and automatic irrigation system to be installed within the modified raised median on Corral Hollow Road shall be in accordance with City Regulations. The type, size and spacing of street trees shall be determined during the preparation of Improvement Plans. The area or extent and location where hand-placed and grouted cobblestone will be installed will be determined by the City Engineer during the improvement plan review process.

After the construction of the intersection improvements described above, the traffic movements at Kagehiro Drive / Corral Hollow Road will be restricted to “right-turn in”, “right-turn out”, and “left-turn in” only.

The masonry wall along the Project’s frontage on Corral Hollow Road is considered a public improvement which will be maintained by the City’s Landscape Maintenance District (TLMD). The masonry wall including its column and wall footings shall be constructed within the area that will be dedicated to the City with the first final map. The masonry wall shall be designed and constructed in accordance with City Regulations.

The Subdivider is responsible for acquiring all rights-of-way and/or easements, if necessary, all at the Subdivider’s sole cost and expense, which are necessary to complete the improvements described above.

The Subdivider shall obtain permit(s) and /or permission(s) for work that are located on private property(s) including the West Side Irrigation District (WSID), if necessary, and pay all costs associated with obtaining the permit(s) and/ or permission(s).

All the improvements that are described under this section shall be completed by the Subdivider, prior to final inspection of the first residential building to be constructed within the Property, all at the Subdivider’s sole cost and expense.

- C.4.2. The City’s Traffic Section will monitor traffic conditions at various locations within the Eastgate and Muirfield subdivisions by conducting volume counts and speed study (warrant analysis) when necessary as determined by the City Engineer. Prior to the approval of the First Final Map, the City will perform a warrant analysis based on the “Existing Traffic Condition” within these two subdivisions specifically on Kagehiro Drive and Starflower Drive, to determine if additional traffic calming sign(s) such as speed limit sign(s), and stop sign(s) are needed on these locations. If determined by warrant analysis that traffic calming signs are needed, the City will install the appropriate traffic signs after obtaining City Council’s approval.

If traffic calming signs are not needed on the “Existing Traffic Condition” as determined by the warrant analysis, the City will continue to monitor traffic conditions on these two subdivisions. It is anticipated that development of the Kagehiro Subdivision will create an increase in traffic volumes on certain streets within these two subdivisions. In order to guarantee the Project’s obligation towards installing traffic calming sign(s) as a result of traffic increase

generated by the Project, the Subdivider will be required to deliver a cash deposit in the amount of \$22,000, prior to the approval of the First Final Map. The cash deposit will include the cost of performing four (4) traffic sign warrant analyses and installing the appropriate traffic sign(s). The City shall complete the warrant analyses, prior to performing final inspection of the 25th, 50th, 100th, and 151th residential buildings to be constructed within the Property. If the actual cost of the warrant analyses and traffic sign(s) is more than the cash deposit, the Subdivider shall pay the cost difference within fifteen working (15) days from the date of written notice from the City Engineer. The unused portion of the cash deposit will be refunded to the Subdivider after the issuance of the 252nd building permit.

- C.4.3. Pavement markings and traffic signs shall be constructed in accordance with City Regulations. Pavement design shall be based on State of California "R" value method, using Traffic Indices specified in the Design Standards, to the satisfaction of the City Engineer. The street longitudinal grade on any street shall be more than 0.30%. Street crown shall have a minimum slope of 2%. Valley gutters shall not be used to provide drainage across any through street or through intersections. All traffic control devices, including stop signs, speed limit signs, street name signs, legends and striping shall be installed in accordance with the detailed striping and signing plan prepared by the Subdivider and approved by the City Engineer. The Subdivider shall design and install street lights in accordance with City Regulations and at the locations approved by the City Engineer, and per the detailed street lighting plan approved by the City Engineer.

C.5. Sanitary Sewer Facilities

- C.5.1. The Subdivider shall design and install sanitary sewer facilities including the Project's sewer connection in accordance with City Regulations and utility improvement plans approved by the City Engineer. The Subdivider is hereby notified that the City will not provide maintenance of the sewer lateral within the public right-of-way unless the sewer cleanout is located and constructed in conformance with Standard Plan No. 203. The City's responsibility to maintain on the sewer lateral is from the wye fitting to the point of connection with the sewer main.

C.6. Water System Facilities

- C6.1. Domestic water service shall be installed in accordance with City Regulations and the utility improvement plans approved by the City Engineer. City's responsibility to maintain water lines shall be from the water main on the street to the back of the water meter (inclusive) only. Repair and maintenance of all on-site water lines, laterals, sub-meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Subdivider.

- C.6.2. The Improvement Plans shall contain the Tracy's Chief Building Official and Fire Safety Officer's signature indicating their approval on the Project's fire service connection, fire and emergency vehicle access to the Project, and compliance of the City's Building and Safety Division and the Fire Department's fire protection related requirements. Written approval from the City's Chief Building Official and Fire Safety Officer required in this section shall be obtained by the Subdivider, prior to City Engineer's signature on the Improvement Plans.
- C.6.3. The Subdivider shall design and install fire hydrants within the Project at the locations approved by the City's Building and Safety Division.
- C.6.4. The Subdivider shall coordinate with the Tracy Post Master for location of, and installation (by the Subdivider) of, cluster type mailbox units. Design and construction criteria of the mailbox units shall require approval from the City Engineer. The US Postal Services is responsible for repairing and maintaining all cluster mailboxes located within City's right-of-way.
- C.6.5. Prior to recordation of any final map within the Project, the Subdivider shall coordinate with the City and the School District(s) regarding vehicular and pedestrian access to schools from this residential development. The Subdivider shall submit plans to the City showing pedestrian routes, facilities for bus transportation and bike paths for approval by the City.
- C.6.6. The Subdivider shall abandon or remove all existing irrigation structures, channels and pipes as directed by the City after coordination with the irrigation district, if the facilities are no longer required for irrigation purposes. If irrigation facilities including the tile drain are to remain to serve existing adjacent agricultural uses, the Subdivider will design, coordinate and perform required modifications to the facilities to the satisfaction of the affected agency and the City. Written permission from irrigation district or affected owner(s) will be required to be submitted prior to City approval of the final map(s).
- C.6.7. The Subdivider shall, to the satisfaction of the affected utility companies and the City Engineer, underground or relocate all utilities within the Property and along the residential lots on-site street frontages. The Subdivider shall submit joint utility trench plans for City's review and approval.
- C.6.8. All engineering calculations such as the pavement design, hydrologic and storm drainage calculation, sanitary sewer design, water line

design, soil report, technical specifications, and other documents related to the design of the subdivision improvements.

C.6.9. The Subdivider shall design and install landscaping improvements with automatic irrigation system (Motorola or approved equivalent) on Corral Hollow Road and on frontage streets within the Property in accordance with City Regulations. Type, size, and location of residential street trees shall be in accordance with the City Regulations and the City's Park and Parkways Design Manual.

C.6.10. The Subdivider shall design and submit improvement plans, and construct all the street improvements that are necessary for the abandonment of Mia Way as a public street, prior to the issuance of the 25th building permit. As part of a complete submittal for the First Final Map, a legal description and map that shows the right-of-way to be vacated shall be submitted for City's review, and the payment of the street abandonment processing fee of \$2,621 (\$1,035 for Determination by Planning Commission, \$1,483 for engineering review, and \$103 for Environmental Assessment).

C.7. Storm Drainage Facilities

C.7.1. The Subdivider shall design and install storm drainage facilities including the Project's permanent storm drainage connection in accordance with City Regulations and the utility improvement plans approved by the City Engineer.

C.7.2. The Project's on-site storm drainage system and site grading shall be designed such that the Project has a functional overland storm drainage release point. The purpose of the overland storm drainage release point is to provide a low spot or an area where water leaves the Project site and drains directly to an improved public street with a functional storm drain system, in the event the on-site storm drainage system fails to function or it is clogged. The building finish floor is recommended to be at least 0.70 feet higher than the finish grade of the overland storm drainage release point. The Grading and Drainage Plans must indicate the location and elevation of the overland storm drainage release point and specify any improvements that may be necessary to create a functional overland storm drainage release point.

C.8. Grading Permit

No application for grading permit within the Project boundaries will be accepted by the City as complete until the Subdivider provides all documents required by City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including but not limited to, the following:

- C.8.1. The Subdivider has completed all the requirements set forth in this section and Conditions C.1., C.2., C.3., C.4., C.5., C.6., and C.7., above.
- C.8.2. A Grading and Storm Drainage Plan prepared by a Registered Civil Engineer as required in Condition C.7., and accompanied by Soils Engineering and Engineering Geology reports shall be submitted to the City with the Improvement Plans. The reports shall provide recommendations regarding adequacy of sites to be developed by the proposed grading and also information relative to the stability of soils. Slope easements, if necessary, shall be recorded per City Regulations. Prior to the issuance of the first building permit within the Property, the Subdivider shall submit a letter, signed and stamped by a Registered Geo-technical Engineer licensed to practice in the State of California, certifying that grading work, including excavation, backfilling, compacting and backfilling work performed by the Subdivider, meets the requirements of the Project's Soils Report and was completed under the supervision of the Project's Geo-technical Engineer.
- C.8.3. All grading shall require a Grading Permit. Erosion control measures shall be implemented in accordance with plans approved by the City Engineer for all grading work not completed before the 15th of October of that year. Improvement Plans shall designate all erosion control methods and materials to be employed.
- C.8.4. Prior to the issuance of the Grading Permit, the Subdivider shall submit three (3) sets of the Storm Water Pollution Prevention Plans (SWPPP) and a copy of the Notice of Intent (NOI) submitted to the State Water Quality Control Board (SWQCB) and any documentation or written approvals from the SWQCB, including the Wastewater Discharge Identification Number (WDID#). After the completion of the Project, the Subdivider is responsible for filing the Notice of Termination (NOT) required by SWQCB. The Subdivider shall provide the City, a copy of the completed Notice of Termination. Cost of preparing the SWPPP, NOI and NOT including the filing fee of the NOI and NOT shall be paid by the Subdivider. The Subdivider shall provide the City with the WDID#, prior to the issuance of the Grading Permit. The Subdivider shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs), City's Storm Water Regulations, and the City's Storm Water Management Program.
- C.8.5. All existing on-site wells shall be abandoned in accordance with the City and San Joaquin County requirements. All costs associated with the abandonment of existing wells including the cost of permits, if required, shall be the responsibility of the Subdivider. The Subdivider

shall provide the City documentation or copy of permit issued by the San Joaquin County, approving the removal or destruction of existing well(s), if applicable, prior to the issuance of the Grading Permit.

- C.8.6. Retaining or engineered walls shall be designed and constructed where cuts and fills do not match existing/ final grades and if the difference in elevation between two adjacent lots or adjacent property(s) is more than 12 inches. The use of engineered slope and slope easement(s) is subject to approval by the City Engineer, and will not be allowed, if a retaining or engineered wall can mitigate the grading issue.

C.9. Encroachment Permit

No application for encroachment permit within the Project boundaries will be accepted by the City as complete until the Subdivider provides all documents required by City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including but not limited to, the following:

- C.9.1. The Subdivider has completed all requirements set forth in this section and Conditions C.1., C.2., C.3., C.4., C.5., C.6., C.7., and C.8., above.
- C.9.2. Improvement Plans for installing traffic calming sign(s), as required in Condition C.4.2., above, if applicable.
- C.9.3. Payment of all applicable processing fees, including improvement plan check fees, encroachment and grading permits processing fees, testing, agreement processing fees, and engineering inspection fees, and other fees as required by these Conditions of Approval and City Regulations.

C.10. Building Permit

No building permit within the Project boundaries will be approved by the City until the Subdivider demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

- C.10.1. The Subdivider has completed all requirements set forth in this section, and Conditions C.1., C.2., C.3., C.4., C.6., and C.9., above.
- C.10.2. Payment of all applicable development impact fees (a.k.a. capital in-lieu fees), San Joaquin County Facilities Fees, Regional Transportation Impact Fees, Agricultural Mitigation Fees, School Mitigation Fees, and all fees required by these Conditions of Approval and City Regulations. Development impact fees are adjusted annually based on the Construction Cost Index (CCI) published in the Engineering News Record (ENR). The final development impact fees

to be paid by the Subdivider are the development impact fees that will be adopted by the City Council.

The Subdivider agreed that no building permit applications will be accepted and processed until the City approves the development impact fees applicable for this Project. If the development impact fees are not adopted, the City will accept cash deposit as a guarantee for payment towards the Project's development impact fees. The amount of cash deposit will be determined by the City Engineer, prior to the approval of the Final Map.

- C.10.3. A letter signed and stamped by the Project's Geo-Technical Engineer certifying that all grading work that were performed by the Subdivider within the Project meets the requirements of the Project's Geo-technical/Soils Report and the recommendations of the Project's Geo-Technical Engineer, and that the grading work was performed under the direct supervision of the Project's Geo-technical Engineer, as required in Condition C.8.2., above.
- C.10.4. The 61st building permit application within the Project boundaries will not be approved by the City until the Subdivider provides and demonstrates to the satisfaction of the Chief Building Official and Fire Safety Officer that there are two (2) vehicular access points to an improved public street and that the locations where they are constructed are acceptable.
- C.10.5. The applicable final map is approved by the City and recorded at the Office of the San Joaquin County Recorder.

C.11. Agreements, Improvement Security, and Insurance

- C.11.1. Inspection Improvement Agreement - Prior to City approval of a final map, the Subdivider may request to proceed with construction with the public facilities required to serve the real property described by the final map only if the Subdivider satisfies all of the following requirements to the satisfaction of the City Engineer:
 - a. The Subdivider has submitted all required improvement plans in accordance with the requirements of City Regulations and these Conditions of Approval, and the improvement plans have been approved by the City Engineer.
 - b. The Subdivider has submitted a complete application for a final map which is served by the required public improvements, and the final map is in the process of being reviewed by the City.
 - c. The Subdivider has paid all required processing fees including plan check and inspection fees.

- d. The Subdivider executes an Inspection Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all required improvements, and the Subdivider agrees to assume the risk that the proposed final map may not be approved by the City.
 - e. The Subdivider posts all required improvement security and provides required evidence of insurance.
- C.11.2. Subdivision Improvement Agreement - Concurrently with the City's processing of a final map, and prior to the City's approval of the final map, the Subdivider shall execute a Subdivision Improvement Agreement (for the public facilities required to serve the real property described by the final map), which includes the Subdivider's responsibility to complete all of the following requirements to the satisfaction of the City Engineer:
- a. The Subdivider has submitted all required improvement plans in accordance with the requirements of City Regulations and these Conditions of Approval, and the improvement plans have been approved by the City Engineer.
 - b. The Subdivider has submitted a complete application for a final map which is served by the required public improvements, and the final map has been approved by the City Engineer.
 - c. The Subdivider has paid all required processing fees including plan check and inspection fees.
 - d. The Subdivider executes a Subdivision Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all required improvements.
 - e. The Subdivider posts all required improvement security and evidence of insurance.
- C.11.3. Deferred Improvement Agreement - Prior to the City's approval of the first final map within the Project, the Subdivider shall execute a Deferred Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all remaining public facilities (to the extent the public facilities are not included in the Subdivision Improvement Agreement) which are required by these Conditions of Approval. The Deferred Improvement Agreement shall

identify timing requirements for construction of all remaining public facilities, in conformance with the phasing plan submitted by the Subdivider and approved by the City Engineer.

- C.11.4. Improvement Security - The Subdivider shall provide improvement security for all public facilities, as required by an Inspection Improvement Agreement or a Subdivision Improvement Agreement. The form of the improvement security may be a bond, or other form in accordance with City Regulations. The amount of the improvement security shall be in accordance with City Regulations, generally, as follows: Faithful Performance (100% of the approved estimates of the construction costs of public facilities), Labor & Material (100% of the approved estimates of the construction costs of public facilities), and Warranty (10% of the approved estimates of the construction costs of public facilities).
- C.11.5. Insurance - For each Inspection Improvement Agreement and Subdivision Improvement Agreement, the Subdivider shall provide the City with evidence of insurance, as follows:
- a. General. The Subdivider shall, throughout the duration of the Agreement, maintain insurance to cover Subdivider, its agents, representatives, contractors, subcontractors, and employees in connection with the performance of services under the Agreement at the minimum levels set forth below.
 - b. Commercial General Liability (with coverage at least as broad as ISO form CG 00 01 01 96) coverage shall be maintained in an amount not less than \$3,000,000 general aggregate and \$1,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.
 - c. Automobile Liability (with coverage at least as broad as ISO form CA 00 01 07 97, for "any auto") coverage shall be maintained in an amount not less than \$1,000,000 per accident for bodily injury and property damage.
 - d. Workers' Compensation coverage shall be maintained as required by the State of California.
 - e. Endorsements. Subdivider shall obtain endorsements to the automobile and commercial general liability with the following provisions:
 - 1) The City (including its elected and appointed officials, officers, employees, agents, and volunteers) shall be named as an additional "insured."

- 2) For any claims related to this Agreement, Subdivider's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Subdivider's insurance and shall not contribute with it.
 - f. Notice of Cancellation. Subdivider shall obtain endorsements to all insurance policies by which each insurer is required to provide thirty (30) days prior written notice to the City should the policy be canceled before the expiration date. For the purpose of this notice requirement, any material change in the policy prior to the expiration shall be considered a cancellation.
 - g. Authorized Insurers. All insurance companies providing coverage to Subdivider shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.
 - h. Insurance Certificate. Subdivider shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance, in a form satisfactory to the City.
 - i. Substitute Certificates. No later than thirty (30) days prior to the policy expiration date of any insurance policy required by the Agreement, Subdivider shall provide a substitute certificate of insurance.
 - j. Subdivider's Obligation. Maintenance of insurance by the Subdivider as specified in the Agreement shall in no way be interpreted as relieving the Subdivider of any responsibility whatsoever (including indemnity obligations under the Agreement), and the Subdivider may carry, at its own expense, such additional insurance as it deems necessary.
- C.11.6. Release of Improvement Security – Release of improvement security shall be in accordance with the requirements of the Tracy Municipal Code. The City shall not release any improvement security until after the Subdivider provides as-built plans, to the satisfaction of the City Engineer. Within twenty (20) days after the City's approval of the final map, the City shall provide the Subdivider one (1) set of reproducible duplicates on polyester film of all approved Improvement Plans. Upon completion of the construction by the Subdivider, the City shall temporarily release the originals to the Subdivider so that the Subdivider will be able to document revisions to show the "As Built" configuration of all improvements. The Subdivider shall submit these

As-Built Plans (or Record Drawings) to the City Engineer within 30 days after City Council acceptance of the public improvements.

C.12. Final Building Inspection

The City shall not conduct a final building inspection on any building within the Project boundaries until the Subdivider provides documentation which demonstrates, to the satisfaction of the City Engineer, that:

- C.12.1. The Subdivider has completed all requirements set forth in this section, and Conditions C.1., C.2., C.3., C.4., C.5., C.6., C.7., C.8., C.9., C.10., and C.11., above.
- C.12.2. The Subdivider has completed construction of public facilities or improvements required to serve the Project for which a building certificate of occupancy is requested. Unless specifically provided in these Conditions of Approval or other City Regulations, the Subdivider shall take all actions necessary to construct all public facilities required to serve the Project, and the Subdivider shall bear all costs related to the construction of the public facilities (including all costs of design, construction, construction management, improvement plans check, inspection, land acquisition, program implementation, and contingency).

AGENDA ITEM 2-B

REQUEST

PUBLIC HEARING TO CONSIDER AN APPLICATION TO AMEND A VESTING TENTATIVE SUBDIVISION MAP ON AN 18.6-ACRE PARCEL TO CREATE 105 LOTS, AND A PRELIMINARY AND FINAL DEVELOPMENT PLAN (PDP/FDP) AMENDMENT TO ALLOW FOR THE CONSTRUCTION OF 105 SINGLE-FAMILY HOMES LOCATED WITHIN THE 18.6 ACRE INFILL SITE ON THE WEST SIDE OF MAC ARTHUR DRIVE, NORTH OF VALPICO ROAD. THE APPLICANT IS VALLEY OAK PARTNERS AND OWNERS ARE DERONE W. AND D.A THRASHER- APPLICATION NUMBERS TSM13-0002 AND PUD13-0002

BACKGROUND

The subject property is located on the west side of Mac Arthur Drive, south of and adjacent to the Ashley Park subdivision, and north of and adjacent to the Valpico and Mac Donald Apartment projects, properties with approvals in place that have not yet commenced construction (Attachment A). The project consists of 18.6 acres that the applicant wishes to subdivide for the construction of 105 single-family homes, herein called the project site. The proposed project will connect with two stubbed streets from the Ashley Park subdivision to the north, and with a street (Glenbriar Drive) and pedestrian walkway to the Valpico and Mac Donald Apartment projects to the south. The project site, along with the adjacent existing Ashley Park subdivision, was annexed to the City in 1973. The project site falls within the Infill development and finance plan area.

In 2007 this property was rezoned from Low Density Residential (LDR) to Planned Unit Development (PUD), along with the adjacent out-parcels along Mac Arthur Drive. With that rezoning, a Vesting Tentative Subdivision Map, and Concept, Preliminary and Final Development Plans were approved for the development of 103 single-family homes on the project site.

Site and Project Area Description

The current zoning designation is Planned Unit Development (PUD), with a General Plan designation of Residential Low, allowing for 2.1 to 5.8 dwelling units per gross acre. The property to the west of the project site is zoned Light Industrial (M-1) (but has a General Plan designation of Residential High), and is currently vacant. The southern border of the project site is zoned High Density Residential (HDR), and two apartment projects have been approved for the site, but not yet constructed. The applicant of this project and the applicants of the adjacent apartment projects worked together with the City to incorporate both vehicular and pedestrian access points between the two sites for convenient future access. The 18.6-gross acre site is bordered on the north side by existing single-family homes zoned Low Density Residential (LDR).

DISCUSSION

PUD Amendment

In order to establish a Planned Unit Development (PUD) zone, the minimum and maximum standards must be established for the project in the Concept, Preliminary and Final Development Plan (Attachment B). The Concept Development Plan (CDP) is the first step, which describes the proposed uses in a very general manner, showing potential building locations, parking areas, and proposed land uses. The Preliminary Development Plan (PDP) supplies all of the detailed information, such as architectural renderings, site plans showing open space and circulation, landscape, and utility plans. The Final Development Plan (FDP) must be approved prior to any construction, and typically finalizes all of the details laid out by the Preliminary Development Plan, and any changes proposed. It is typical for the CDP to be approved upon annexation or rezoning, and then later the PDP and FDP are often reviewed concurrently, showing their conformity with the adopted CDP.

When this property was rezoned to PUD in 2007, a CDP/PDP/FDP was approved for the land that encompassed the 103 lots that were proposed for development at the time. In addition, the CDP only was approved for the five "out-parcels", as the project proponent did not own or plan to develop those lots. That situation remains today, and the CDP will provide for the provision of streets, utilities and development standards upon the redevelopment of those lots.

Subdivision

The proposal is to divide the property into 105 lots in order to develop 105 detached single-family homes on approximately 18.6 acres (Attachment C). The proposed lot sizes range from 4,176 to 8,544 square feet and are divided into three different lot size groups with varying building regulations (such as setbacks and lot coverage, as shown in Attachment B). The three lot size groups are 55'x100', 50'x100', and 48'x87'. The gross density of the proposed subdivision is 5.6 units per acre, within the range allowable under the site's General Plan designation of Residential Low.

The subdivision design utilizes the existing street patterns from the property to the north, and connects to the apartment projects to the south, ultimately creating a street connection from the existing and proposed residences to Valpico Road. The design of this project relating to the existing, proposed, and future development through the use of existing stubbed streets and the creation of new ones to future development is a direct result of the City's discussions regarding connectivity. The proposed subdivision has produced a layout that promotes both pedestrian and vehicular connections to reduce the need for the use of automobiles while at the same time retaining the hometown feel that defines neighborhoods in Tracy.

Parking

Each unit within the project will include two side-by-side parking spaces within an enclosed garage as provided within Tracy Municipal Code. This garage space is to be no smaller than 20 feet by 20 feet of clear unobstructed space. These garages will be

accessed from public streets. On-street parking has also been provided on the project site, as the street sections as designed allow on-street parking on both sides of the streets. The plotting of the houses on the lots will occur in a manner to pair driveways when possible to maximize the number of on-street parking spaces within the project.

Building Setbacks, Development Standards

The minimum building setbacks are to be as shown in the revised Preliminary and Final Development Plan as shown in Attachment B. The minimum setbacks, lot coverage, and other requirements vary for each of the three lot sizes, and the housing product is appropriately sized to fit on the proposed lots. Staff worked with the applicant to create the development standards for the subdivision so the end result would be a well-planned but flexible subdivision that accounts for the needs of the future residents of the proposed houses, with regards to building and shade structure additions, pools, and the like.

Building Height

The proposed houses are one and two stories in height. The Tracy Municipal Code provides that height limits can be established in each PUD, as appropriate. The proposed maximum building height is 35 feet, which is consistent with the zoning regulations of all of the adjacent single-family homes in the LDR zone, which are allowed to be up to two and a half stories, or 35 feet, whichever is less.

Architecture

Upon submittal of a vesting tentative subdivision map application (or map amendment), as well as a PUD, the applicant is required by Tracy Municipal Code Sections 12.28.040(b)(2) and 10.08.1830 to submit architectural floor plans and elevations for review and approval by the Planning Commission and City Council. The proposed architecture for the 105 units contains a total of six floor plans, some with three and some with four different architectural elevations, including Spanish, Craftsman, English Country, and Italian (Attachment D). In total, the combination of floor plans and elevations amounts to a total of 20 different houses, which is in compliance with the City's Design Goals and Standards for a subdivision of this size. The garages are de-emphasized within the subdivision because all six floor plans are designed with their garage facades five or more feet behind the front façade of the living space of each house. Some of the garages are set back even further, allowing the project have some garages set back 30 feet from the street. The combination of these six floor plans, and their varying architectural styles complies with the City's Design Goals and Standards and should create an interesting streetscape.

Residential Growth Allotments (RGAs)

Because this project is an amendment to the existing Vesting Tentative Subdivision Map, the requirements for allocation of RGAs are vested to the requirements of the 2005 Growth Management Ordinance (GMO) and its Guidelines. The project does not currently have any RGAs and will apply for RGAs in accordance with the 2005 GMO prior to the issuance of any building permits for the project. The project falls within the

“Primary Area” of the 2005 GMO and is eligible to apply for RGAs in accordance with the 2005 GMO Guidelines.

Schools

The Tracy Joint Unified School District has determined that the Tiburon Village project does not need to dedicate property for a school site within the subdivision. However, in order to mitigate the proposed developments' impacts on school facilities, a Memorandum of Understanding was executed with the School District, which will cause a per-unit fee to be charged for each of the 105 units constructed.

Parks

Parks are required to be established within residential neighborhoods to serve the residents of the homes that are established in Tracy. In order to meet the need for park land, projects are either required to build their own park, or pay park in-lieu fees. Since the minimum park size within the City is typically required to be two acres, this project will pay the park in-lieu fees, as the 105 homes proposed would only constitute a need for a 1-acre park. (The total population estimate for the project area is 344 residents, based on 105 dwelling units, and 3.28 people per unit.) In addition, community parks are required at a rate of 1 acre of park land per every 1,000 residents, resulting in 0.34 acres of community park area required, or mitigation fees paid.

Environmental Document

A joint Initial Study/Negative Declaration was prepared for the project site and the adjacent commercial project (Valpico Town Center), as both projects were being processed in the same time frame and each required environmental documentation. The Valpico Town Center project has since been amended to accommodate an apartment project. That Initial Study was completed, and went through the required review period as prescribed by the California Environmental Quality Act (CEQA) before the Initial Study and the Negative Declaration were presented to and approved by the Planning Commission during the review and approval of the Valpico Town Center project. The study included analyses of various potential effects of the projects in compliance with CEQA, including specific studies regarding traffic and air quality. This project is consistent with the Valpico/South Mac Arthur Development Projects Initial Study and Negative Declaration, approved by the Planning Commission in April of 2004. The project is also consistent with the analyses completed in the General Plan Environmental Impact Report approved by City Council February 1, 2011.

RECOMMENDATIONS

Staff recommends that the Planning Commission recommend that the City Council approve the amendment to the Tiburon Village Vesting Tentative Subdivision Map, Application Number TSM13-0002, and the amendment to the Preliminary and Final Development Plans, Application Number PUD13-0002, based on the findings and subject to the conditions contained in the Planning Commission Resolution (Attachment E) dated July 24, 2013.

MOTION

Move that the Planning Commission recommend that the City Council approve the amendment to the Tiburon Village Vesting Tentative Subdivision Map, Application Number TSM13-0002, and the amendment to the Preliminary and Final Development Plans, Application Number PUD13-0002, based on the findings and subject to the conditions contained in the Planning Commission Resolution (Attachment E) dated July 24, 2013.

Prepared by Victoria Lombardo, Senior Planner

Reviewed by Bill Dean, Assistant DS Director

Approved by Andrew Malik, DS Director

ATTACHMENTS

Attachment A - Location Map

Attachment B - PUD Guidelines

Attachment C - Subdivision Map

Attachment D - Architectural Renderings

Attachment E - Planning Commission Resolution to approve VTSM Amendment and Amendment to the PDP/FDP

Location Map



PLANNED UNIT DEVELOPMENT (PUD)
TIBURON VILLAGES

1. PURPOSE

The purpose of the PUD is to allow a mix of unit types and size within the project and to maximize the efficiency of open space for recreation, pedestrian usage, and enhancement of public improvements, including vehicular and pedestrian connectivity with adjacent developments.

2. PROPERTY DESCRIPTION

a. Location

The proposed project is approximately 18.6 acres in area, located off South MacArthur Drive, south of and abutting the existing Ashley Park Community, and in the proximity of the intersection of South MacArthur Drive and Valpico Road.

b. Site Description

The site is currently undeveloped, fallow land with topography consisting of a series of terraced benches stepping up from west to east with a change in elevation from 92 feet in the southwest corner to elevation 100 feet in the northeast corner

c. Access

The main access to the site will be via a neighborhood entry intersecting at South MacArthur Drive as depicted on the Tentative Map plans dated July 2013. Two secondary points of access from the north are proposed from existing stubbed streets, Stalsburg Drive and Bently Lane, both constructed as part of the Ashley Park Development. Tung M. Nguyen Lane will be stubbed to the vacant parcel to the west providing a third access point. There is an additional fourth access point stubbed to the apartment site to the south for extension of Glenbriar Drive to Valpico Road.

d. Circulation within the subdivision shall consist of a series of 55-foot wide public streets connecting to the neighborhood entry and extending to Stalsburg Drive and Bently Lane to the Ashley Park Development. Residents and visitors will have multiple paths of travel throughout the subdivision.

3. DESIGN CONCEPT

a. Land Use

The project shall be developed with single family detached product types including six floor plans across three typical lot sizes: (i) 55' x 100' typical, (ii) 50' x 100' typical, and (iii) 48' x 87' typical. Two of the six floor plans shall be single story level homes.

b. Development Standards

Except as otherwise specified herein and when not in conflict with the standards outlined herein, all development standards shall be those of the Low Density Residential (LDR) Zone. All standards for fence, wall and hedge heights, swimming pools, portable buildings, shade structures, projections into yards and courts shall be consistent with Tracy Municipal Code Article 24 of Chapter 10.08 – Zoning Regulations. Parking of boats or recreation vehicles and motor homes within driveways or within any required front yard areas is prohibited within the PUD.

<u>Yard</u>	Typical Lots		
	55' x 100'	50' x 100'	48' x 87'
Front Setback to Garage	18' Minimum	18' Minimum	18' Minimum
Front Setback to House/Porch	10' Minimum	10' Minimum	10' Minimum
Side Yard Setback	5' Minimum	5' Minimum	5' Minimum
Side Yard Setback on Corner Lot (street side)	10' Minimum; Any part of structure within 20' of driveway must be 15' minimum	10' Minimum; Any part of structure within 20' of driveway must be 15' minimum	10' Minimum; Any part of structure within 20' of driveway must be 15' minimum
Rear Yard Setback	10' Minimum; 15' average	10' Minimum; 15' average	10' Minimum; 15' average

Area	5,500 sq ft minimum	5,000 sq ft minimum	4,175 sq ft minimum
Width at Front Yard Setback	55' (Minimum 45' on cul-de-sac or knuckle)	50' (Minimum 45' on cul-de-sac or knuckle)	48' (Minimum 45' on cul-de-sac or knuckle)
Minimum Lot Depth	100'	100'	87'

Height	35' (Max)	35' (Max)	35' (Max)
Maximum Lot Coverage	55% (Max) - Single Story only; 50% (Max) all other	55% (Max) - Single Story only; 50% (Max) all other	55% (Max) - Single Story only; 50% (Max) all other
Parking On-Site	20' x 20' 2 Car Garage/Unit Minimum	20' x 20' 2 Car Garage/Unit Minimum	20' x 20' 2 Car Garage/Unit Minimum

c. Architectural/Site Design/Open Space

i. Design of the Site

The design of streets and individual lots, including the conceptual footprint of buildings, is shown on the Tentative Map development plans in accordance with the provisions contained herein.

ii. Design and Distribution of Floor Plans and Architectural Elevations

The Development Plan prepared for the subdivision shall incorporate plan variety. A minimum of six floor plans with three different elevations shall be utilized within the development, as shown on the architectural renderings. The same floor plan shall occur at least once for every nine (9) lots in a row, and no more than two (2) times for every six (6) lots. No exact plan and elevation shall be located on adjacent lots. The single story plans will generally be interspersed within the community where lot dimensions allow.

iii. Vehicular Circulation

Circulation through the subdivision shall be provided as shown on the Tentative Map.

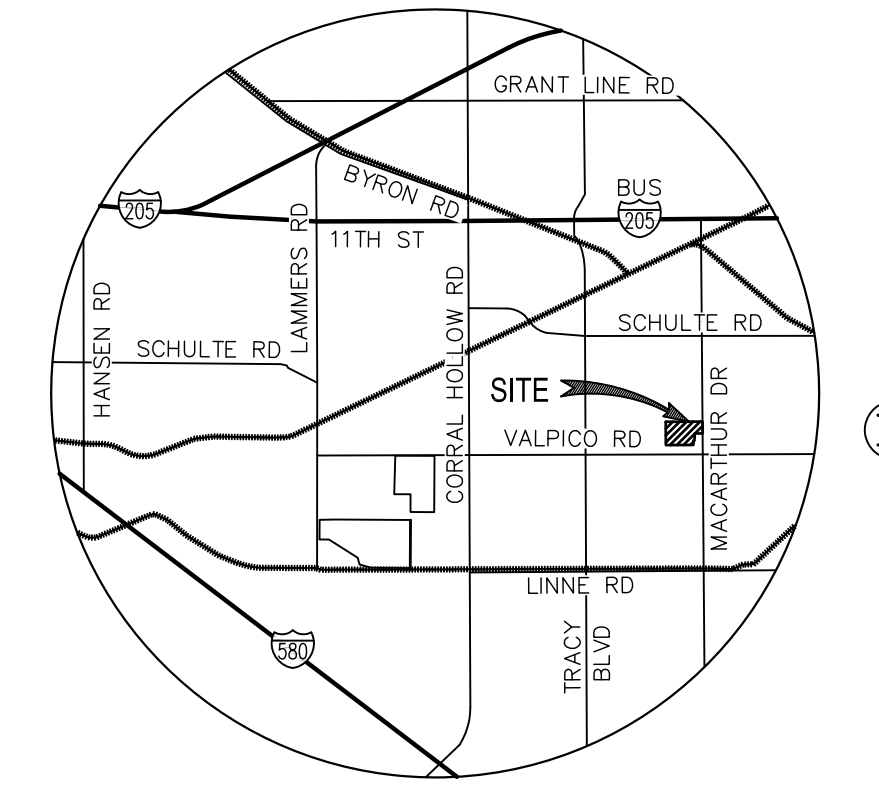
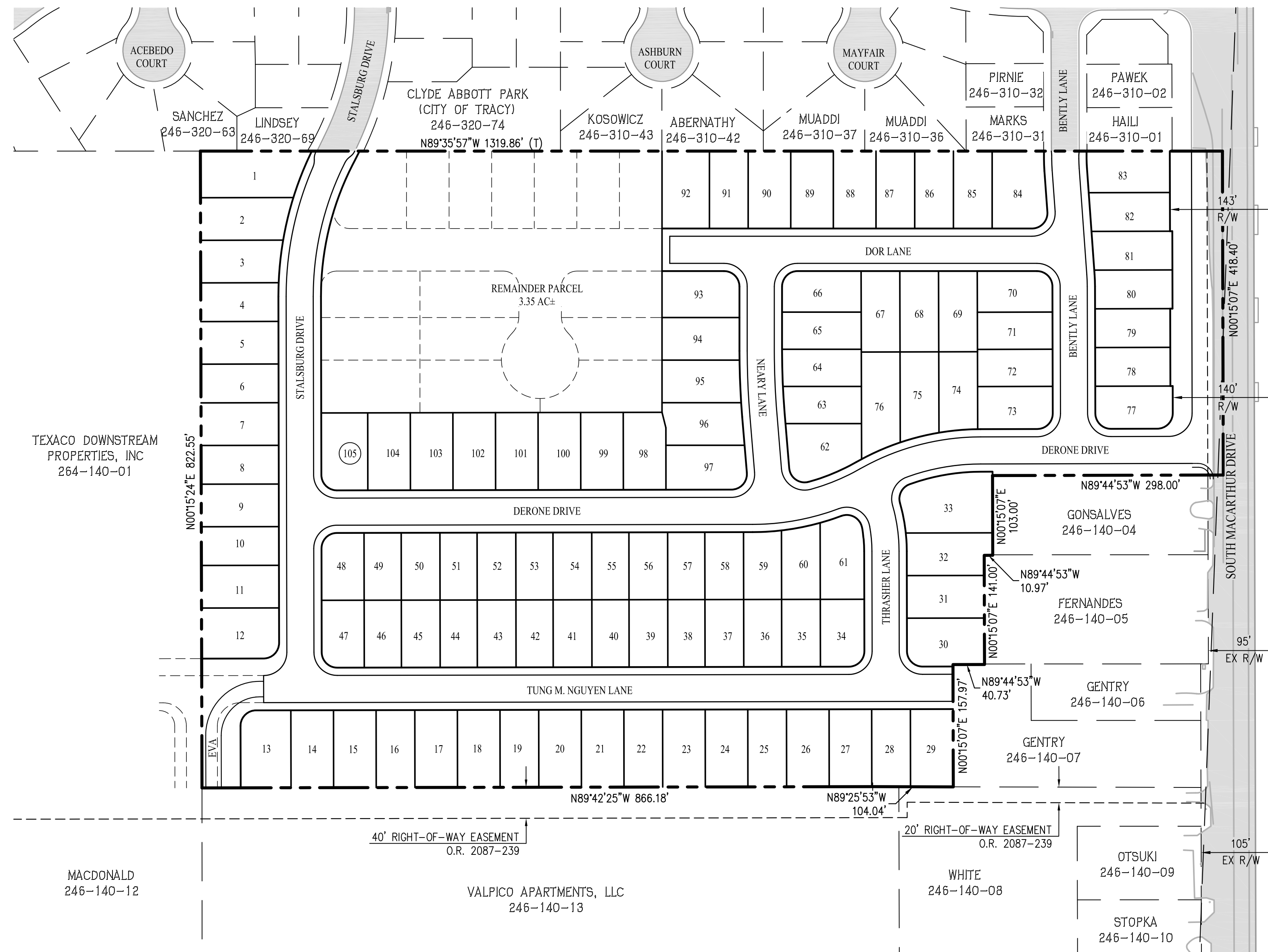
iv. Pedestrian Circulation

Five foot "separated" pedestrian sidewalks (adjacent to five foot landscape strips) are proposed on both sides of all residential streets providing for pedestrian access for the development.

v. On-Street Parking

Building footprints, garage locations and "curb cuts" shall be designed and located to maximize where feasible the number of on-street parking locations within the PUD.

ATTACHMENT C



VICINITY MAP
NOT TO SCALE

LEGEND

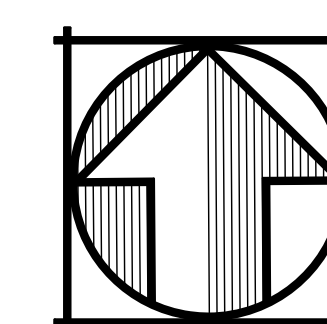
EXISTING	PROPOSED	DESCRIPTION
		PROPERTY LINE
		CURB, GUTTER AND SIDEWALK
		CENTERLINE
		SECTION LINE
		SPOT ELEVATIONS
		STORM DRAIN LINE (PUBLIC) MINIMUM SLOPE (12")=0.0050 ALL OTHERS =0.0020
		SANITARY SEWER (PUBLIC) 8" MIN SLOPE = 0.0035 12"-15" MIN SLOPE = 0.0025
		WATER (PUBLIC)
		FIBER OPTIC TRENCH (PRIVATE)
		IRRIGATION PIPELINE (PRIVATE)
		SANITARY SEWER MANHOLE
		STORM DRAIN MANHOLE
		CURB INLET
		FIELD INLET
		FIRE HYDRANT
		TEMPORARY BLOW-OFF VALVE
		STREETLIGHT
		LOT NUMBER / PARCEL NUMBER
		APPROXIMATE STREET SLOPE (MINIMUM 0.40%)

ABBREVIATIONS

BNDY	BOUNDARY	P	PAD ELEVATION
CL	CENTERLINE	PL	PROPERTY LINE
EVA	EMERGENCY VEHICLE ACCESS	PUE	PUBLIC UTILITY EASEMENT
EX	EXISTING	R	RADIUS
FL	FLOW LINE	R/W	RIGHT-OF-WAY
HP	HIGH POINT	S	SLOPE
INV	INVERT	SS	SANITARY SEWER
L	LENGTH	SD	STORM DRAIN
LF	LINEAR FEET	TC	TOP OF CURB
LP	LOW POINT	W	WATER

INDEX SHEET

TM01	TITLE SHEET AND GENERAL NOTES
TM02	SITE PLAN
TM03	TYPICAL SECTIONS AND LOT DETAILS
TM04	GRADING AND DRAINAGE PLAN
TM05	UTILITY PLAN



SCALE: 1" = 100'
DATE: JULY 12, 2013

GENERAL NOTES

- OWNER: DERONE W. AND D. A. THRASHER
2295 S. MACARTHUR DRIVE
TRACY, CA 95376-8182
- SUBDIVIDER: VALLEY OAK PARTNERS, LLC.
160 W. SANTA CLARA STREET, SUITE 1190
SAN JOSE, CA 95113
(408) 282-0995
DOUG RICH
- CIVIL ENGINEER: CARLSON, BARBEE & GIBSON, INC.
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CA 94583
(925) 866-0322
LEW CARPENTER, RCE 59416
- GEOTECHNICAL ENGINEER: ENGeo, INC.
580 NORTH WILMA AVENUE, SUITE A
RIPON, CA 95366
(209) 835-0610
STEVE HARRIS
- ASSESSORS PARCEL NO.: 246-140-02 & 246-140-03
- SITE ADDRESS: 2295 & 2325 S MACARTHUR DRIVE
- SITE AREA: 18.6± ACRES
- EXISTING ZONING: PLANNED DEVELOPMENT - PD
- EXISTING LAND USE: VACANT
- PROPOSED LAND USE: SINGLE FAMILY RESIDENTIAL (TOTAL 121 UNITS)
- BENCHMARK: CITY OF TRACY BM#11
1/2" BOLT W/ PUNCH IN MONUMENT WELL
LOCATED 280' EAST OF CORRAL HOLLOW ROAD & LINNE ROAD
40' SOUTH OF THE RAILROAD TRACKS
ELEVATION 171.33 (NAVD 88)
- STREETS: ALL STREETS WITHIN THE SUBDIVISION WILL BE PUBLIC STREETS MAINTAINED BY THE CITY OF TRACY.
- SANITARY SEWER: PROPOSED SANITARY SEWER FACILITIES TO BE DESIGNED PER CITY STANDARDS AND PUBLICLY MAINTAINED PER THE CITY OF TRACY.
- STORM DRAIN: PROPOSED STORM DRAIN FACILITIES TO BE DESIGNED PER CITY STANDARDS AND PUBLICLY MAINTAINED PER THE CITY OF TRACY.
- WATER: PROPOSED WATER FACILITIES TO BE DESIGNED PER CITY STANDARDS AND PUBLICLY MAINTAINED PER THE CITY OF TRACY.
- FLOOD ZONE: NO SPECIAL FLOOD ZONE AREAS PER SAN JOAQUIN COUNTY FLOOD INSURANCE RATE MAP (FIRM) 06077CIND0A, PANEL 06077C0735F.
- GAS & ELECTRIC: PG&E
- TELEPHONE: AT&T
- DIMENSIONS: ALL DIMENSIONS SHOWN ARE PRELIMINARY AND SUBJECT TO FINAL DESIGN AND MAPPING.
- PHASING: THIS SUBDIVISION MAY BE CONSTRUCTED IN MULTIPLE PHASES. MULTIPLE FINAL MAPS MAY BE FILED ON THE LANDS SHOWN ON THIS MAP PURSUANT TO THE SUBDIVISION MAP ACT SECTION 66456.1.
- LAND USE SUMMARY

LAND USE SUMMARY	
DESCRIPTION	AREA (AC)
LOTS	12.53±
PUBLIC STREETS AND LANES	6.04±

CITY ENGINEER'S STATEMENT

I HEREBY CERTIFY THAT THIS MAP HAS BEEN REVIEWED FOR COMPLIANCE WITH THE REQUIREMENTS OF THE TRACY MUNICIPAL CODE AND THE SUBDIVISION MAP ACT AS TO FORM AND CONTENT.

CITY ENGINEER _____ DATE _____

PLANNING COMMISSION FILING CERTIFICATE

TENTATIVE MAP FILED THIS _____ DAY OF _____, 20____ IN THE OFFICE OF THE TRACY PLANNING COMMISSION, TRACY, CALIFORNIA, ACCOMPANIED WITH APPROPRIATE FILING FEES. THIS CERTIFICATE DOES NOT DEEM THIS APPLICATION COMPLETE.

CITY COUNCIL CERTIFICATE

I HEREBY CERTIFY THAT THE CITY COUNCIL OF TRACY HAS CONDITIONALLY APPROVED THIS TENTATIVE MAP ON _____ BY RESOLUTION NO. _____

CITY CLERK _____ DATE _____

ENGINEER'S STATEMENT

THIS MAP WAS PREPARED BY CARLSON, BARBEE & GIBSON, INC. UNDER MY DIRECTION

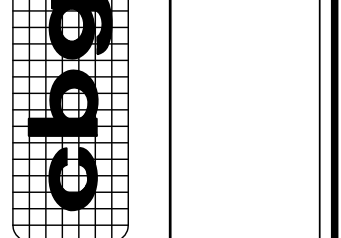
LEW CARPENTER, R.C.E. 59416 DATE _____
LICENSE EXPIRATION DATE: 12-31-13

CITY OF TRACY

APPROVED FOR CONSTRUCTION SUBJECT TO THE DATA SHOWN.
CITY OF TRACY AND THE UNDERSIGNED ARE NOT RESPONSIBLE FOR
ERRORS AND/OR OMISSION THAT MAY BE PRESENT ON THESE PLANS.
KULDEEP SHARMA CITY ENGINEER DATE: _____



Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CALIFORNIA 94583
TEL: (925) 866-0322

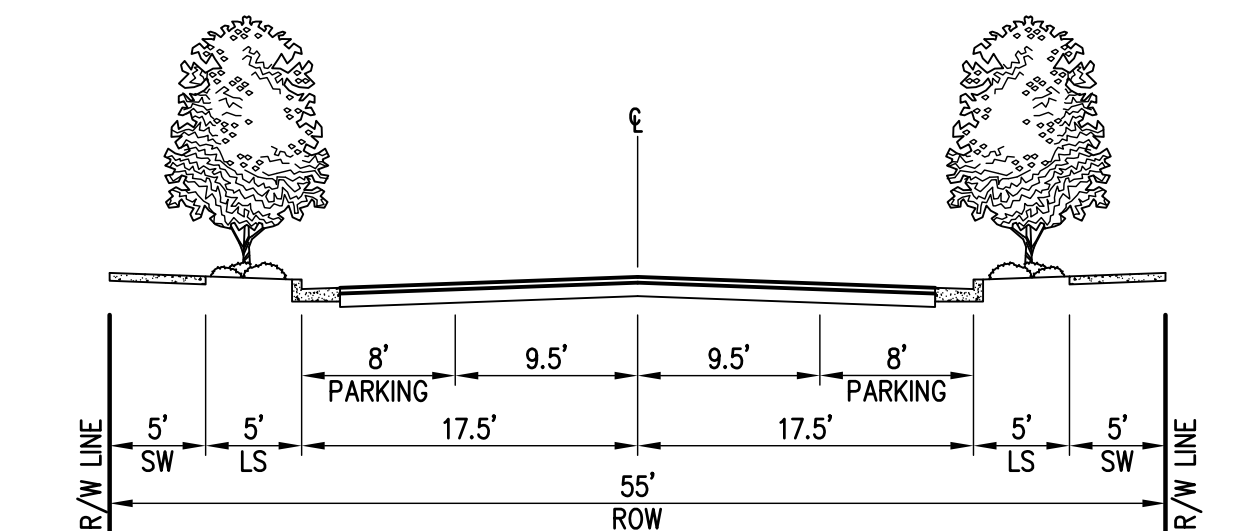
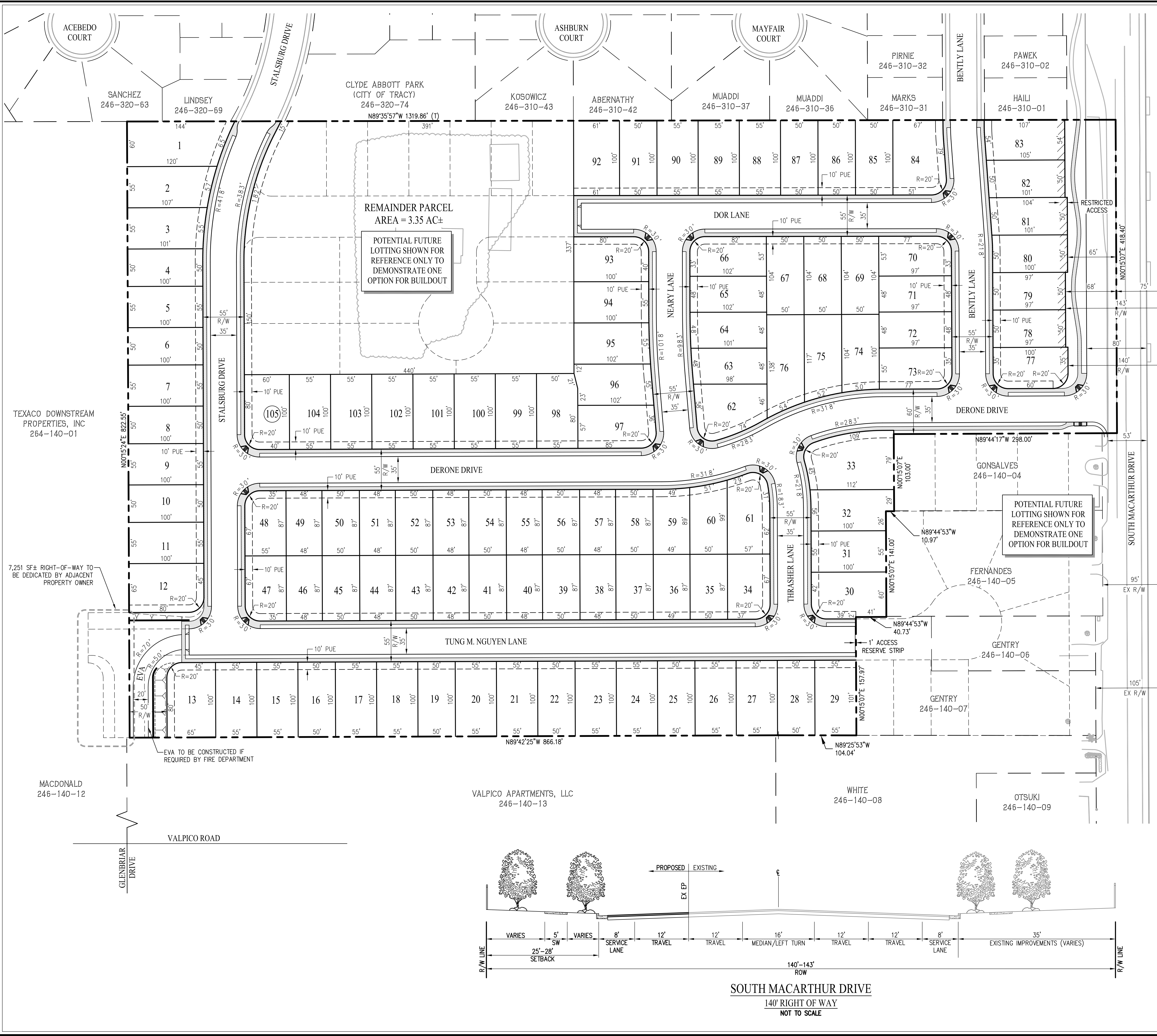


SYMBOL	DATE	REVISIONS	DESCRIPTION	APPROVED

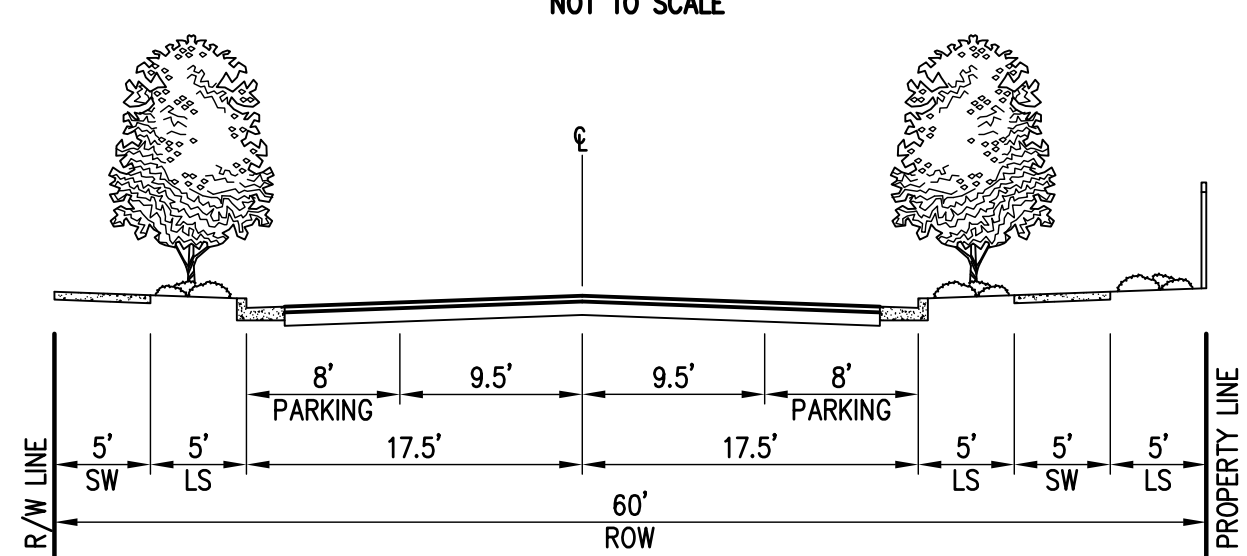
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DRAWN BY: HCA
CHECKED BY: TRR
SCALE: AS SHOWN

TITLE SHEET AND GENERAL NOTES
TRACT 3290
VESTING TENTATIVE MAP
TIBURON VILLAGE
TRACY, CALIFORNIA

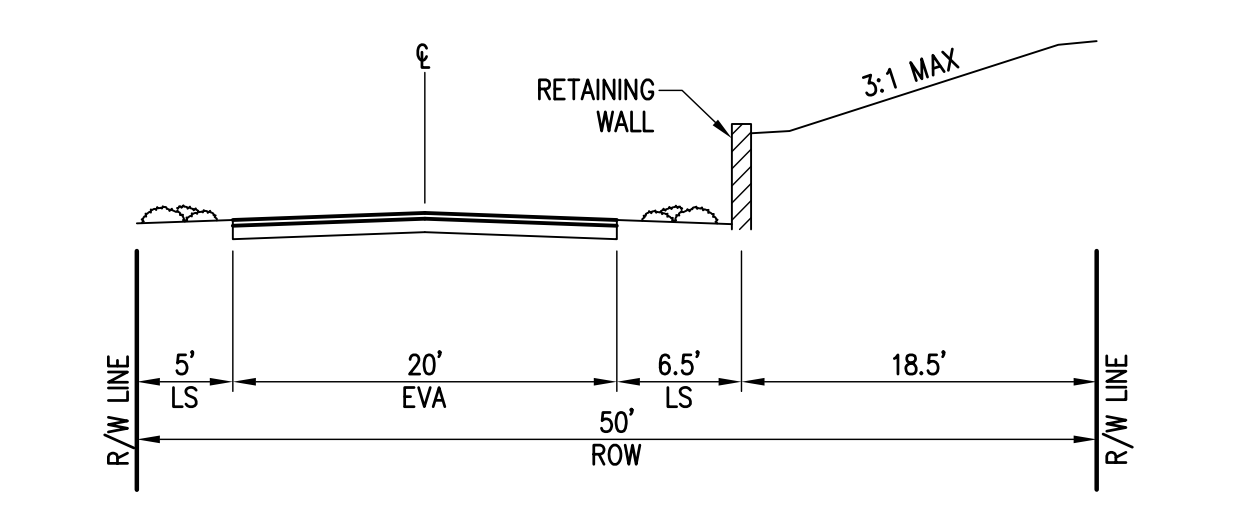
SHEET
TM01
OF 5 SHEETS



STALSBURG DRIVE, NEARY LANE,
BENTLY LANE, THRASHER LANE,
TUNG M. NGUYEN LANE,
DOR LANE, DERONE DRIVE
55' RIGHT OF WAY
NOT TO SCALE

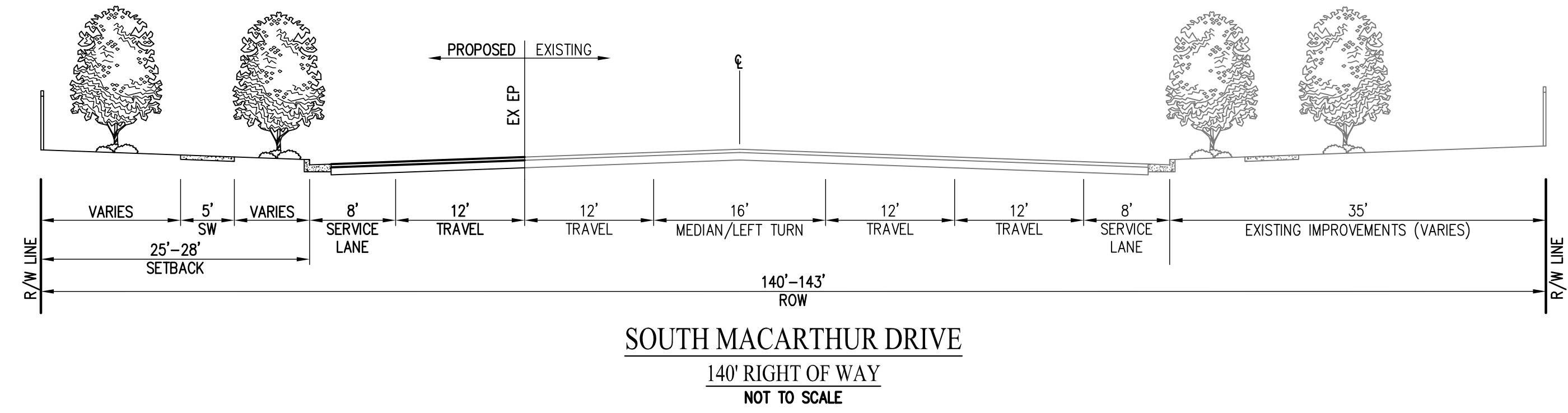


DERONE DRIVE
60' RIGHT OF WAY
NOT TO SCALE

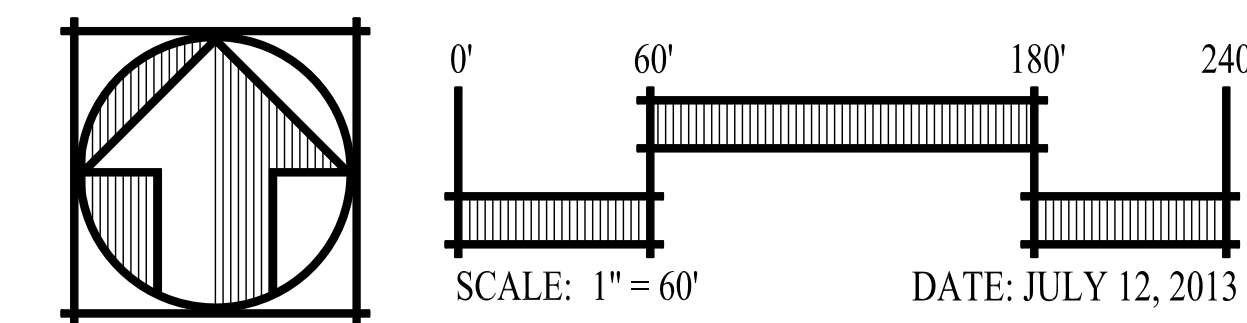


EMERGENCY VEHICLE ACCESS
50' RIGHT OF WAY
NOT TO SCALE

Lot #	Area (sF)	Lot #	Area (sF)	Lot #	Area (sF)
1	7,880	36	4,263	71	4,655
2	6,196	37	4,350	72	4,655
3	5,668	38	4,176	73	5,249
4	5,018	39	4,350	74	5,079
5	5,516	40	4,176	75	5,498
6	5,013	41	4,350	76	6,340
7	5,512	42	4,176	77	5,328
8	5,009	43	4,350	78	4,850
9	5,008	44	4,176	79	4,850
10	5,006	45	4,350	80	5,076
11	5,505	46	4,176	81	5,132
12	6,448	47	4,700	82	5,155
13	6,417	48	4,700	83	5,717
14	5,500	49	4,176	84	5,841
15	5,500	50	4,350	85	5,000
16	5,000	51	4,176	86	5,000
17	5,500	52	4,350	87	5,000
18	5,500	53	4,176	88	5,500
19	5,000	54	4,350	89	5,500
20	5,500	55	4,176	90	5,500
21	5,500	56	4,350	91	5,000
22	5,000	57	4,176	92	6,125
23	5,500	58	4,350	93	5,914
24	5,500	59	4,289	94	5,500
25	5,000	60	4,665	95	5,548
26	5,500	61	5,874	96	5,576
27	5,500	62	6,218	97	5,853
28	5,006	63	4,796	98	5,457
29	5,539	64	4,898	99	5,500
30	6,068	65	4,909	100	5,500
31	5,502	66	5,327	101	5,500
32	5,828	67	5,224	102	5,500
33	8,544	68	5,218	103	5,500
34	4,857	69	5,212	104	5,500
35	4,350	70	5,060	105	5,914



SOUTH MACARTHUR DRIVE
140' RIGHT OF WAY
NOT TO SCALE



SCALE: 1" = 60'
DATE: JULY 12, 2013

CITY OF TRACY
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CITY OF TRACY AND THE UNDERSIGNED ARE NOT RESPONSIBLE FOR
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KULDEEP SHARMA CITY ENGINEER DATE:



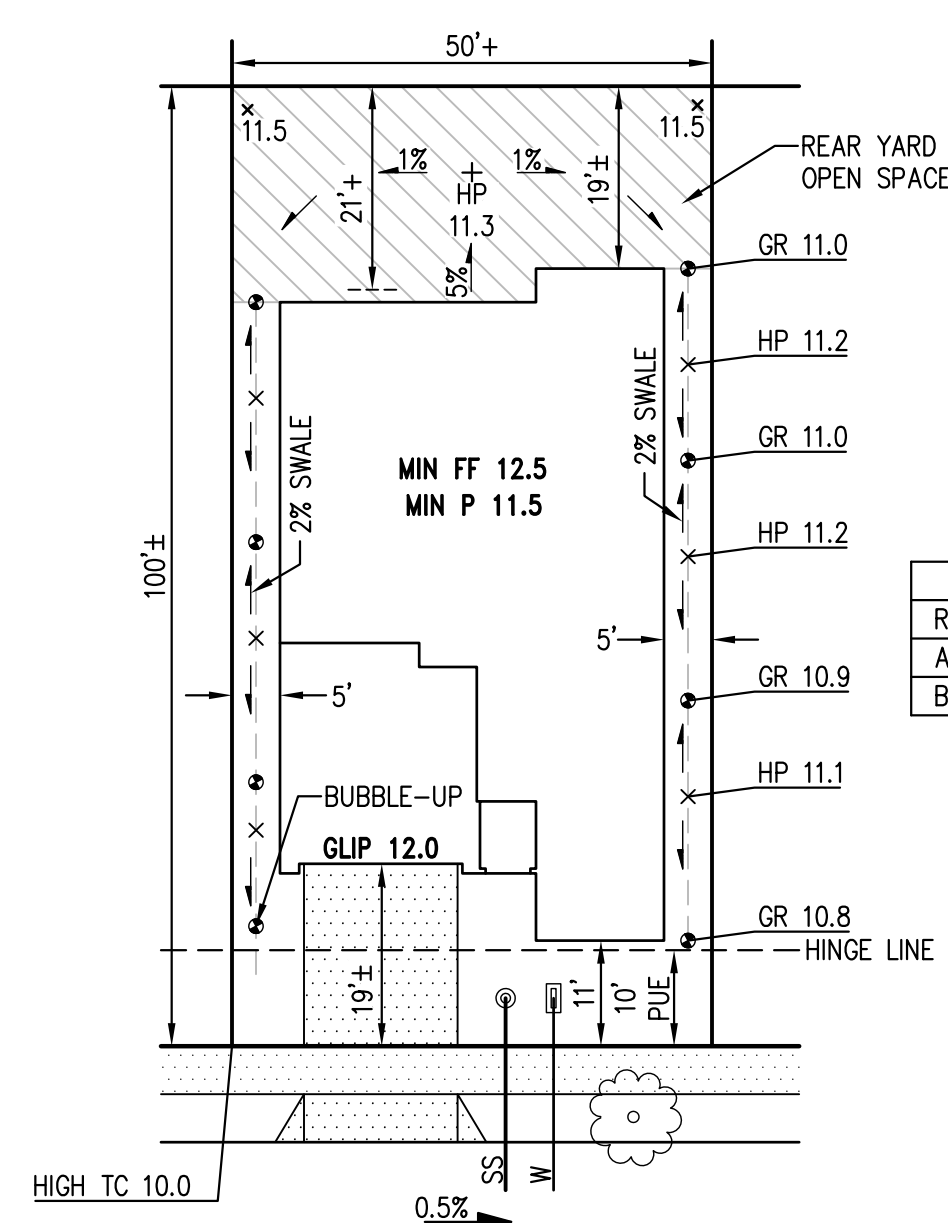
Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS
2633 CAMINO RAMONA, SUITE 160
SAN RAMON, CALIFORNIA 94583
TEL. (925) 866-0322

SYMBOL	DATE	REVISIONS	DESCRIPTION	APPROVED

DESIGNED BY: HCA
DRAWN BY: HCA
CHECKED BY: TRR
SCALE: AS SHOWN

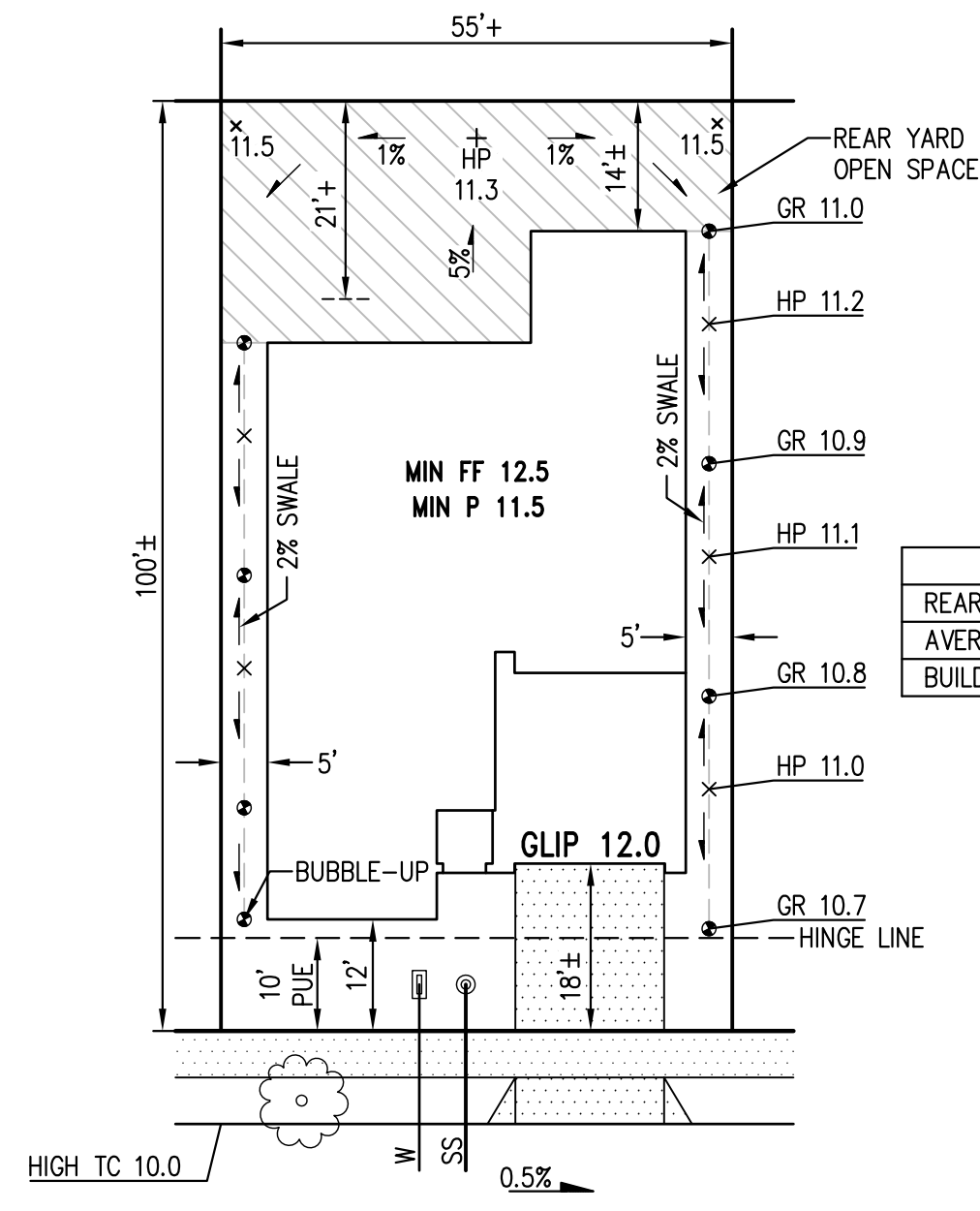
SITE PLAN
TRACT 3290
VESTING TENTATIVE MAP
TIBURON VILLAGE
TRACY, CALIFORNIA

SHEET
TM02
OF 5 SHEETS



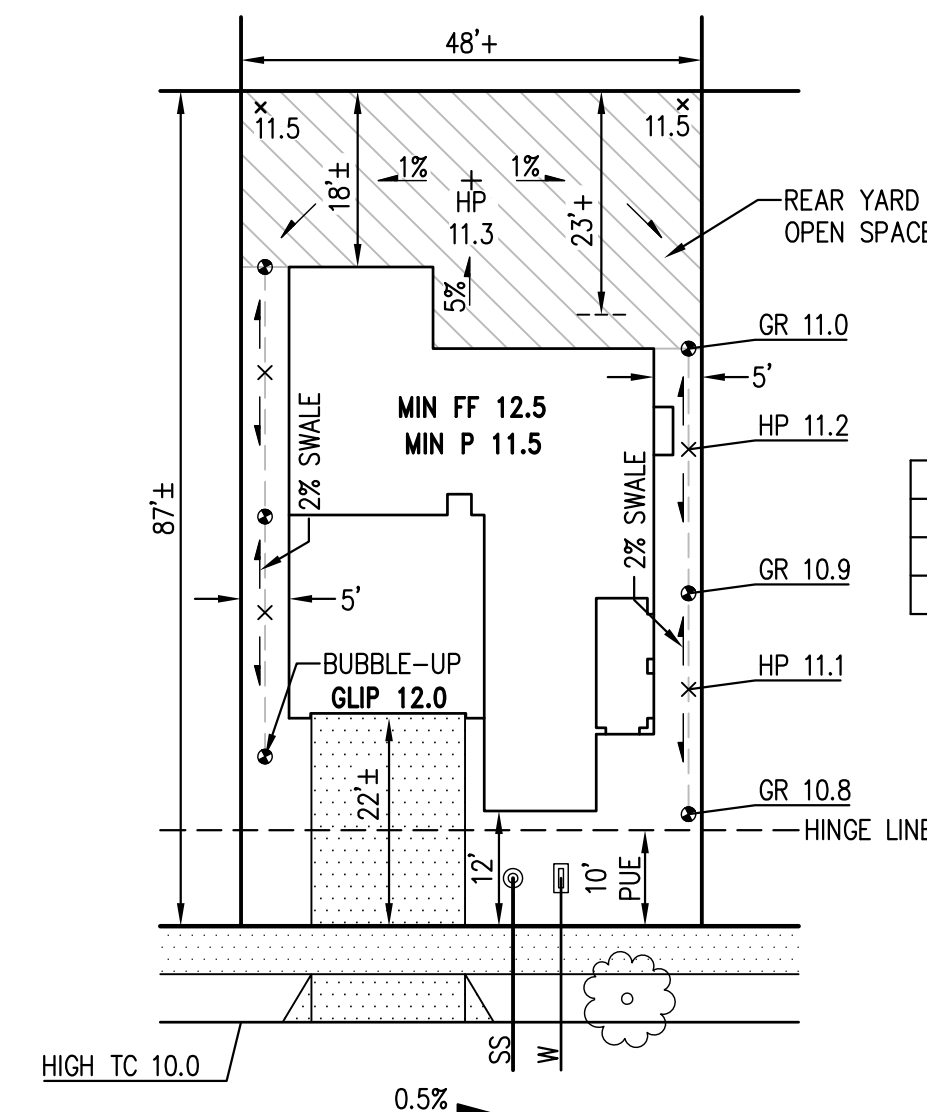
LOT SUMMARY	
REAR YARD	1,061 SF
AVERAGE SETBACK	21.2 FT
BUILDING COVERAGE	50.1%

PLAN 1 TYPICAL FINISHED LOT DRAINAGE
NOT TO SCALE



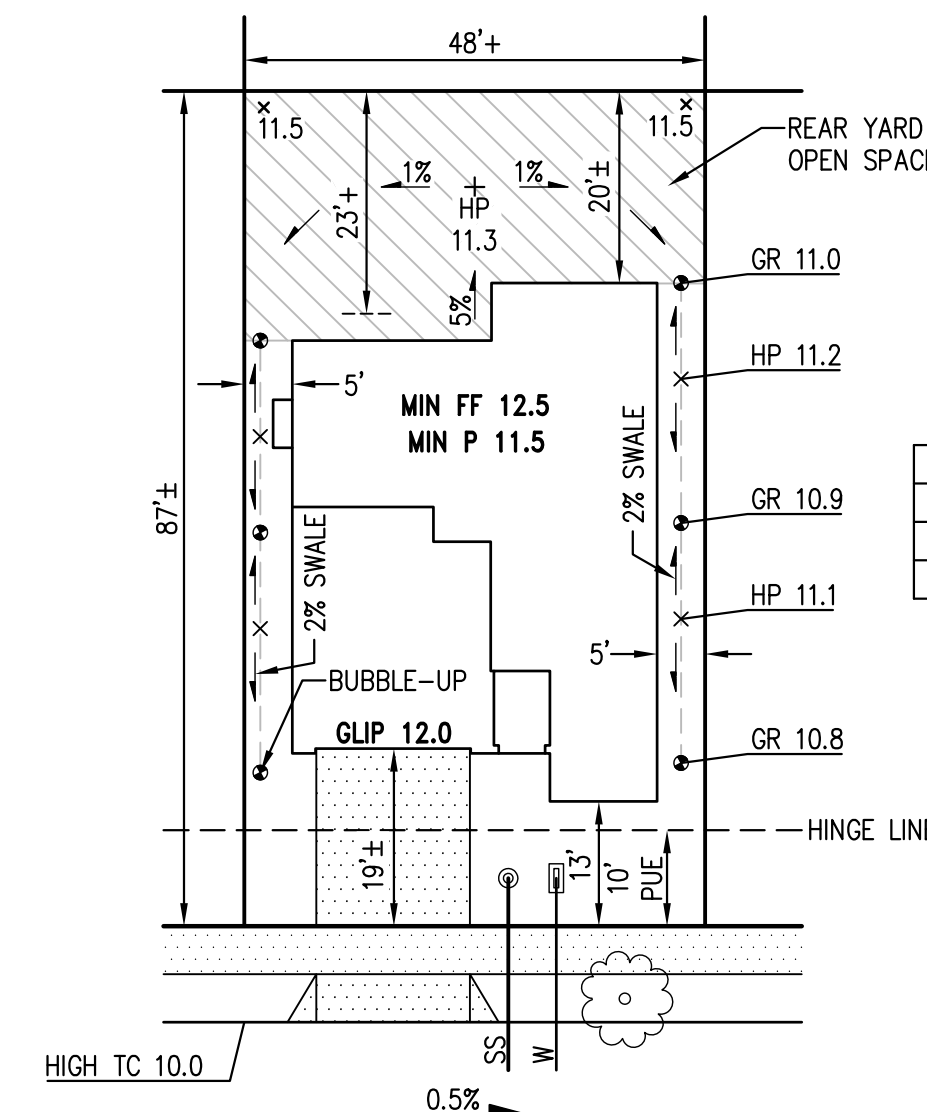
LOT SUMMARY	
REAR YARD	1,170 SF
AVERAGE SETBACK	21.3 FT
BUILDING COVERAGE	51.6%

PLAN 2 TYPICAL FINISHED LOT DRAINAGE
NOT TO SCALE



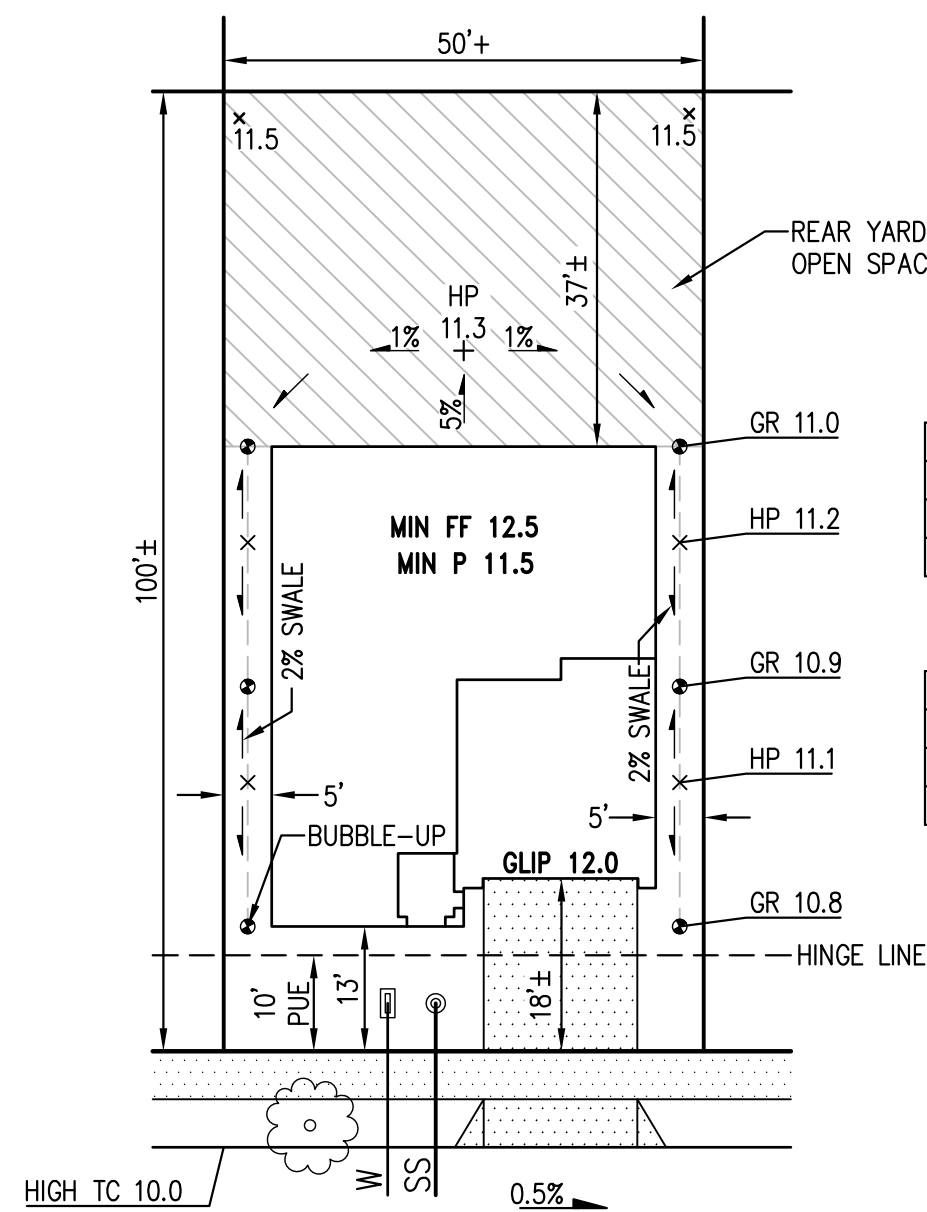
LOT SUMMARY	
REAR YARD	1,118 SF
AVERAGE SETBACK	23.3 FT
BUILDING COVERAGE	39.4%

PLAN 3 TYPICAL FINISHED LOT DRAINAGE
NOT TO SCALE



LOT SUMMARY	
REAR YARD	1,115 SF
AVERAGE SETBACK	23.2 FT
BUILDING COVERAGE	42.7%

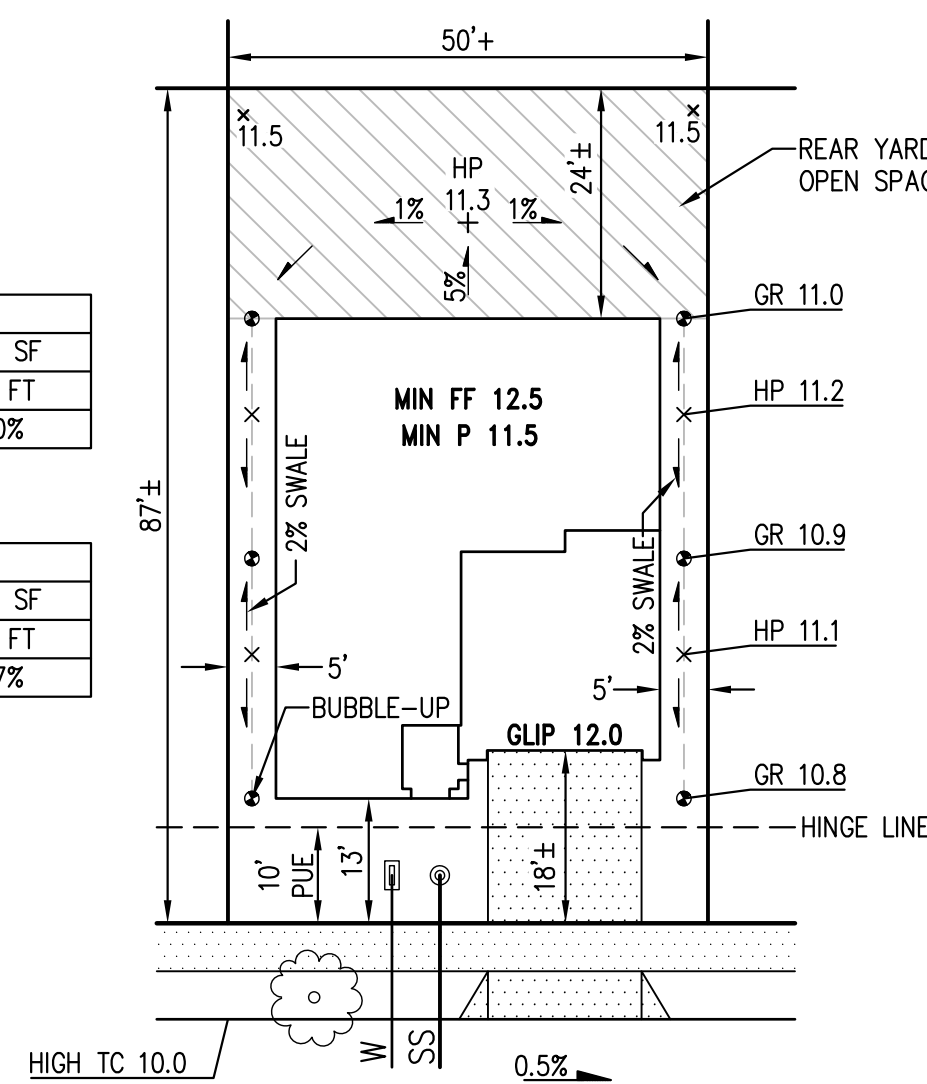
PLAN 4 TYPICAL FINISHED LOT DRAINAGE
NOT TO SCALE



100' LOT SUMMARY	
REAR YARD	1,850 SF
AVERAGE SETBACK	37.0 FT
BUILDING COVERAGE	38.0%

87' LOT SUMMARY	
REAR YARD	1,200 SF
AVERAGE SETBACK	24.0 FT
BUILDING COVERAGE	43.7%

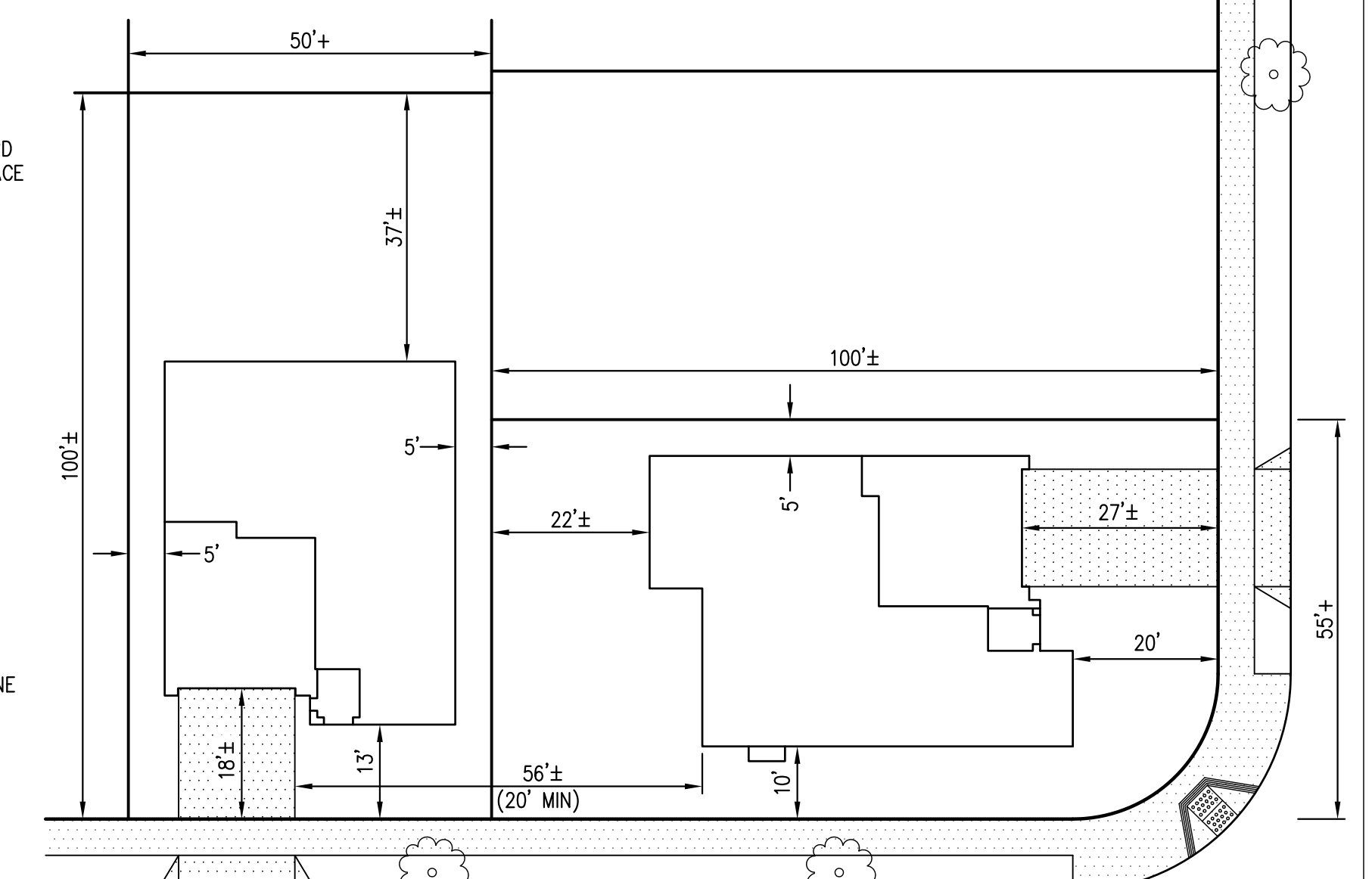
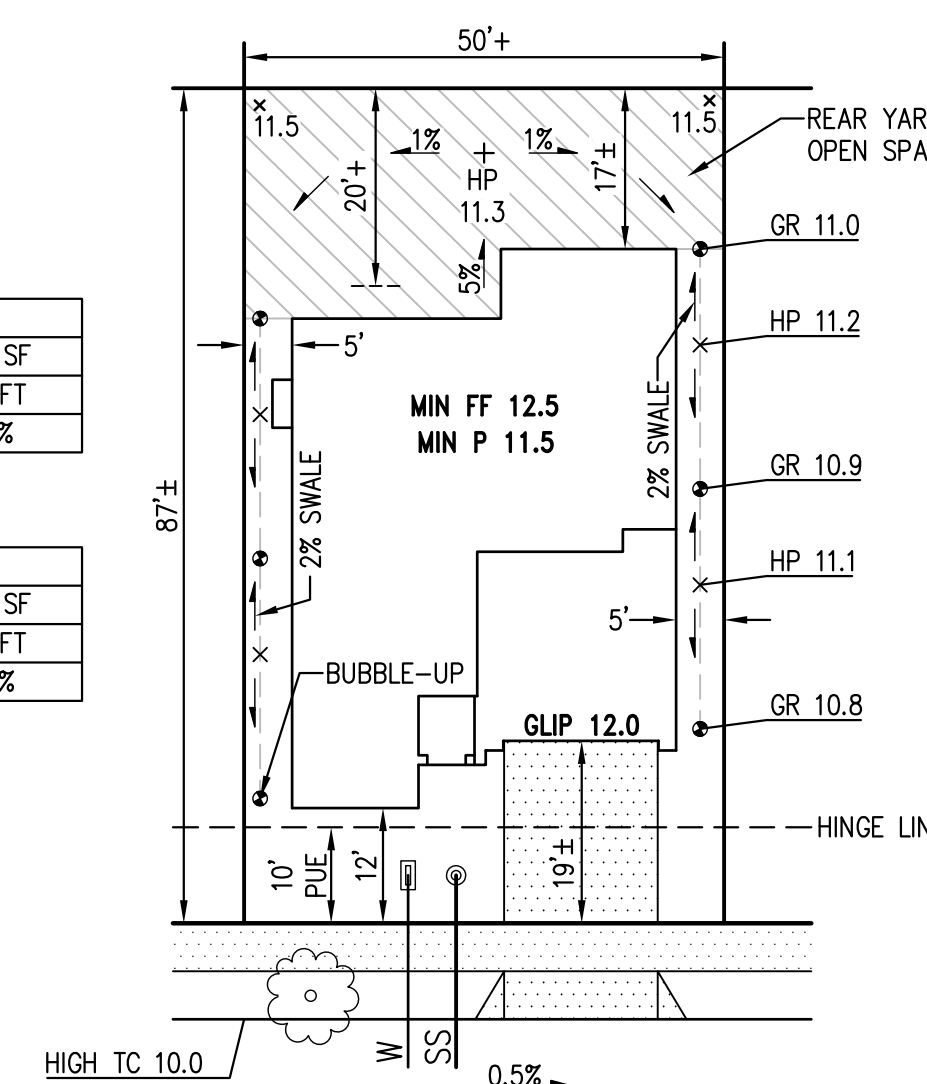
PLAN 5 TYPICAL FINISHED LOT DRAINAGE
NOT TO SCALE



100' LOT SUMMARY	
REAR YARD	1,681 SF
AVERAGE SETBACK	33.6 FT
BUILDING COVERAGE	41.0%

87' LOT SUMMARY	
REAR YARD	1,031 SF
AVERAGE SETBACK	20.6 FT
BUILDING COVERAGE	48.8%

PLAN 6 TYPICAL FINISHED LOT DRAINAGE
NOT TO SCALE



TYPICAL REVERSE CORNER LOT
NOT TO SCALE

CITY OF TRACY

APPROVED FOR CONSTRUCTION SUBJECT TO THE DATA SHOWN. CITY OF TRACY AND THE UNDERSIGNED ARE NOT RESPONSIBLE FOR ERRORS AND/OR OMISSION THAT MAY BE PRESENT ON THESE PLANS.

DATE: _____

CITY ENGINEER

KULDEEP SHARMA

DESIGNED BY: HCA

DRAWN BY: HCA

CHECKED BY: TRR

SCALE: AS SHOWN

REVISIONS

APPROVED

SYMBOL

DATE

DESCRIPTION

TRACT 3290

VESTING TENTATIVE MAP

TIBURON VILLAGE

TRACY, CALIFORNIA

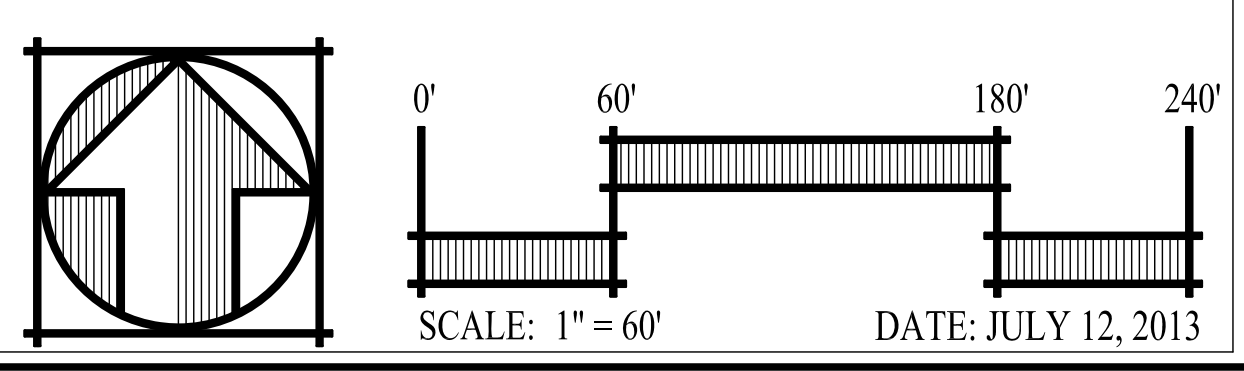
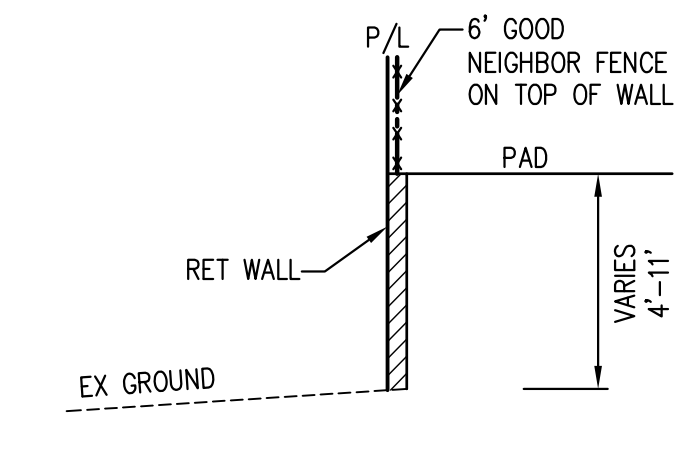
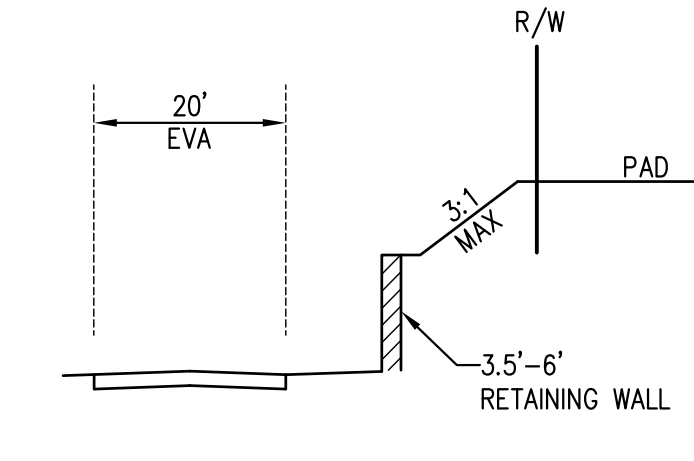
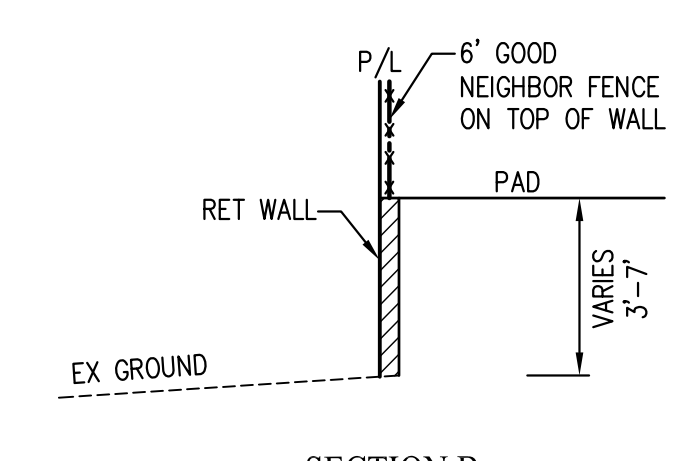
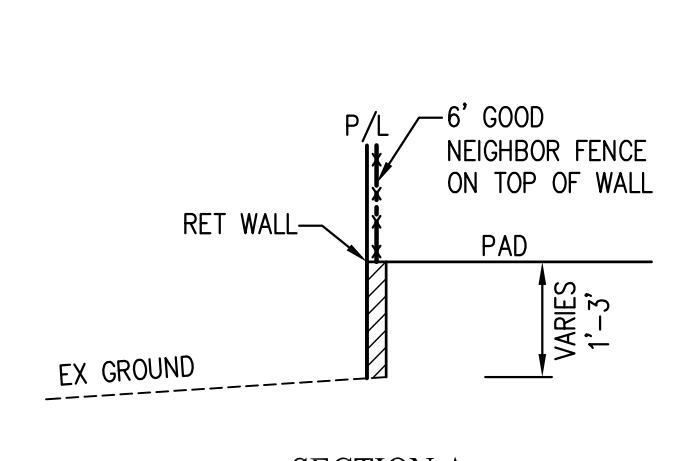
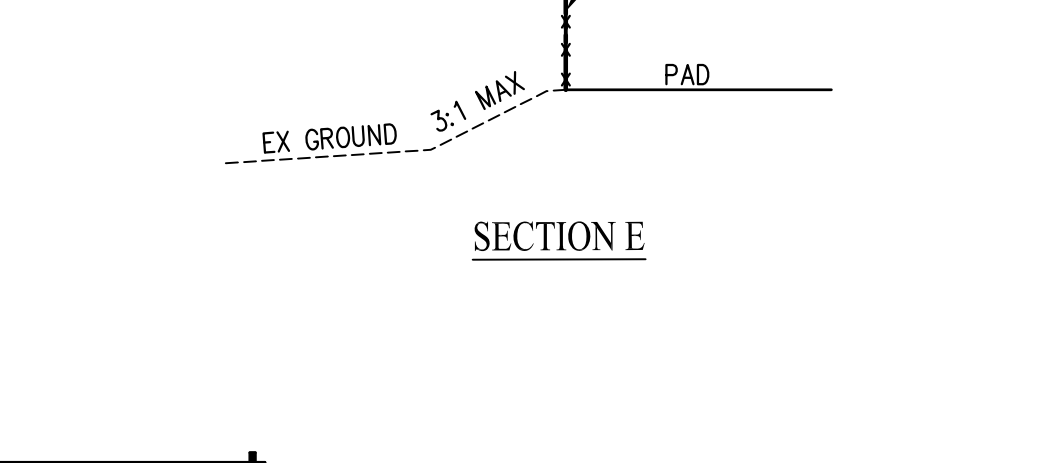
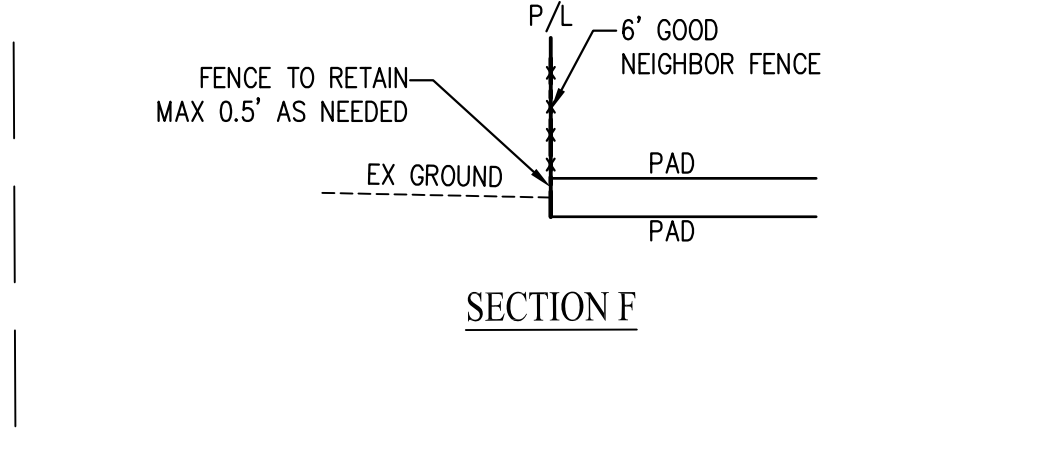
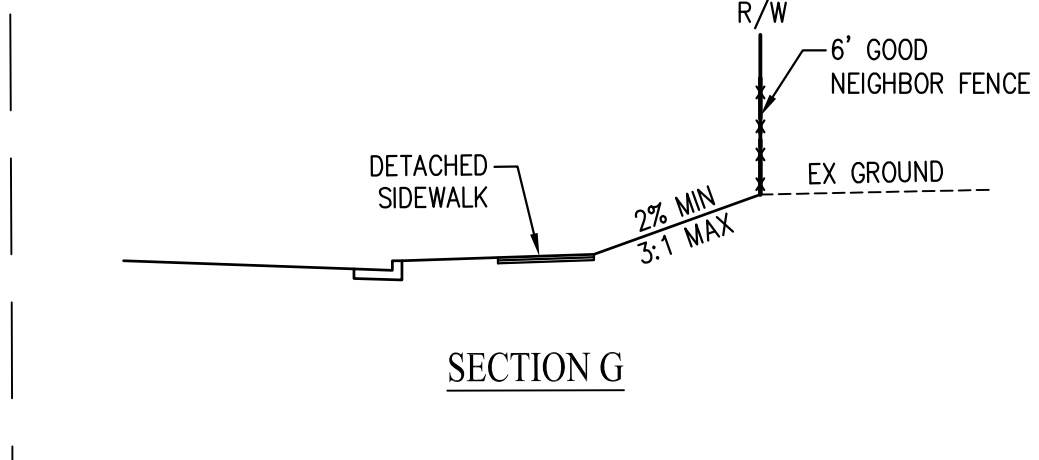
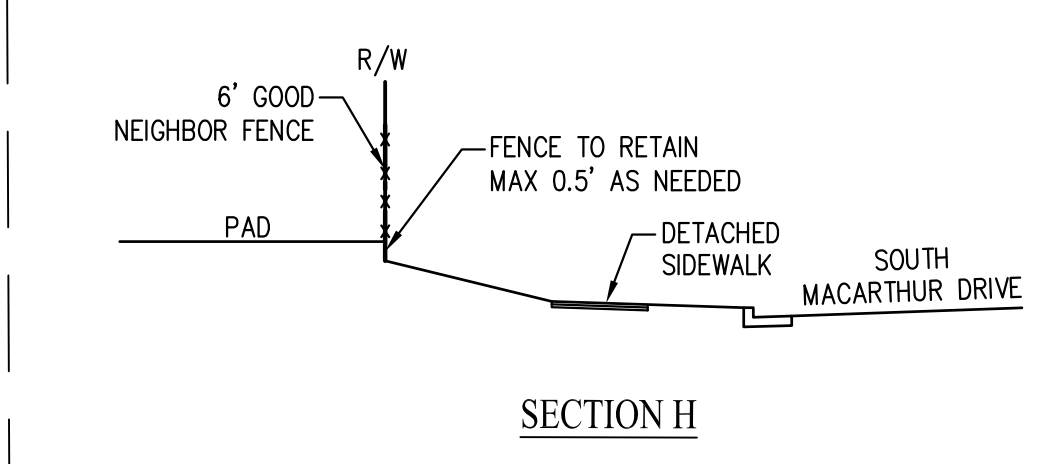
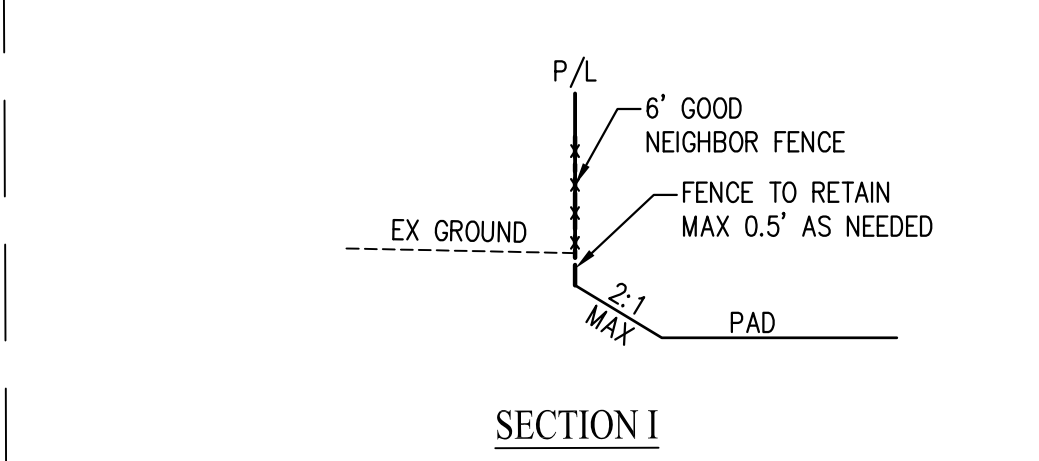
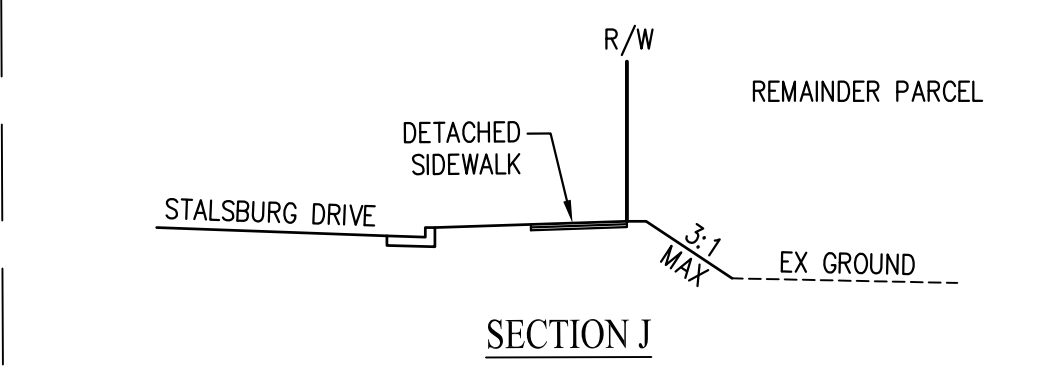
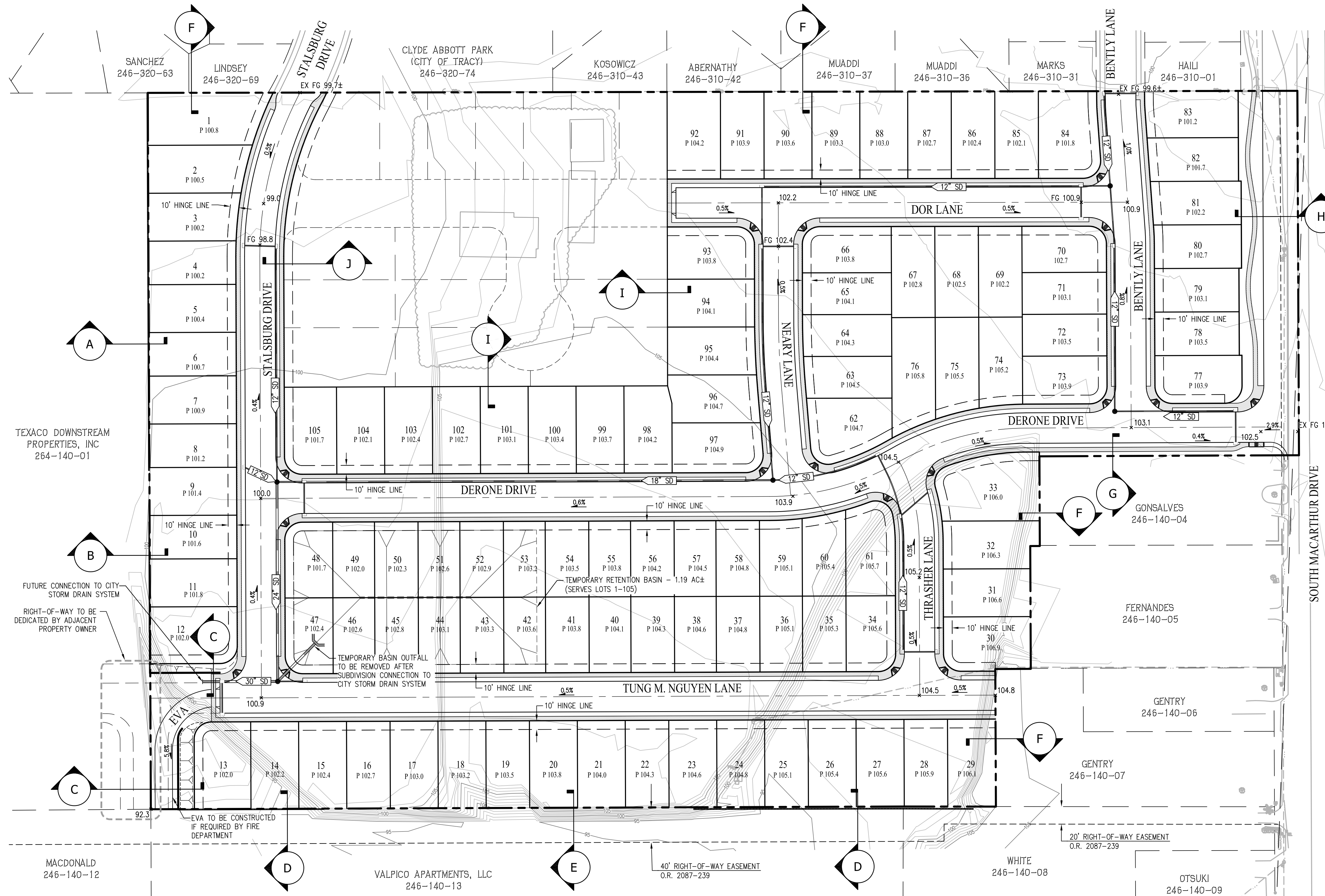
SHEET

TM03

OF 5 SHEETS

DATE: JULY 12, 2013

DATE: _____



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 RULDEEP SHARMA CITY ENGINEER DATE:

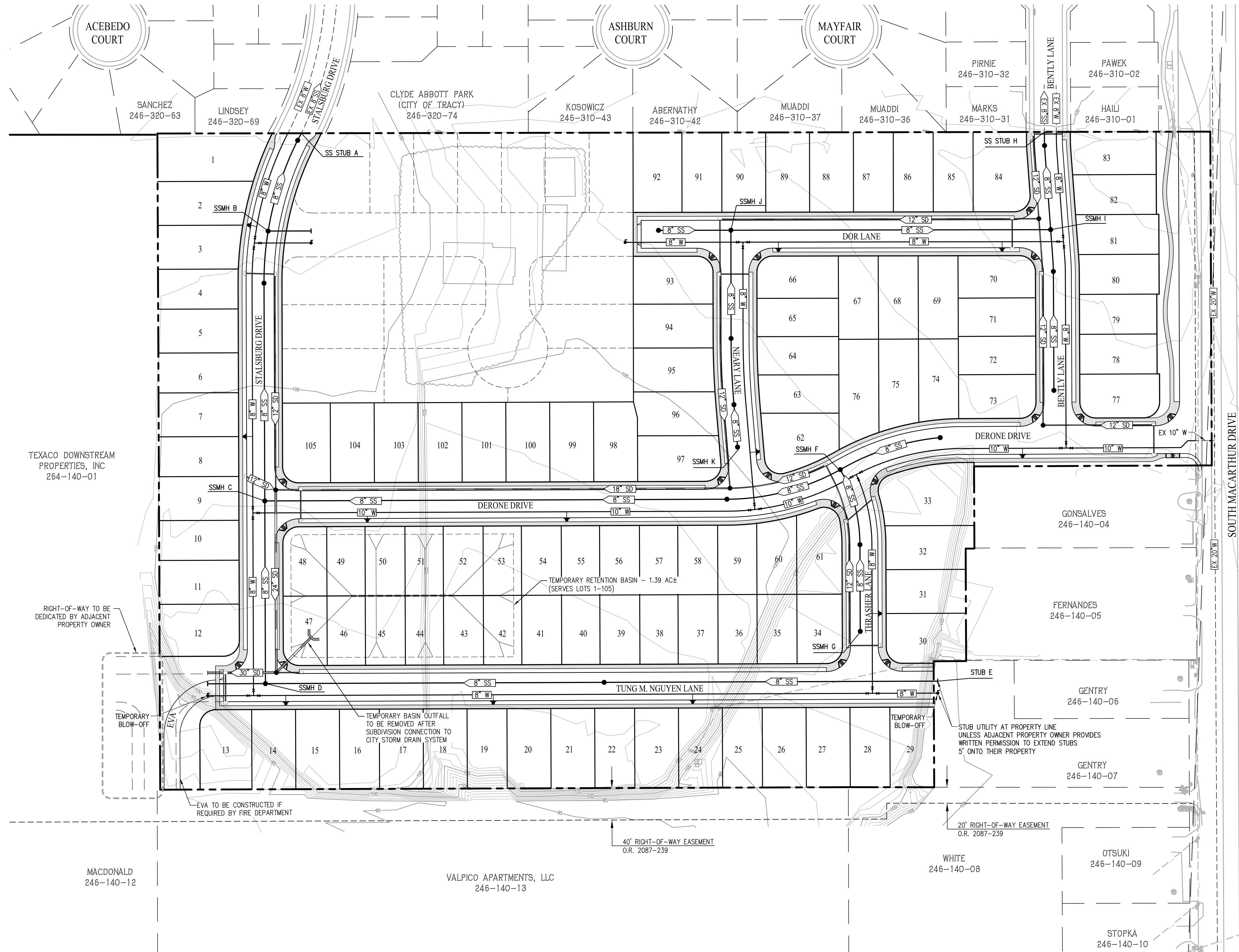


Carlson, Barbee & Gibson, Inc.
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cbg
 2633 CAMINO RANCHO, SUITE 160
 SAN RAMON, CALIFORNIA 94583
 TEL: (925) 966-0322

APPROVED	DESCRIPTION

DESIGNED BY: HCA
 DRAWN BY: HCA
 CHECKED BY: TRR
 SCALE: AS SHOWN

GRADING AND DRAINAGE PLAN
 TRACT 3290
 VESTING TENTATIVE MAP
 TIBURON VILLAGE
 TRACY, CALIFORNIA
 SHEET
TM04
 OF 5 SHEETS



SANITARY SEWER DATA

POINT	INVERT INFORMATION
STUB A	INV 8" SS 91.9±
SSMH B	INV 8" SS THRU 92.6 INV 8" SS IN(E) 92.8
SSMH C	INV 8" SS THRU 94.2 INV 8" SS IN(E) 94.4
SSMH D	INV 8" SS OUT 95.0 INV 8" SS IN 95.2
STUB E	INV 8" SS 98.1
SSMH F	INV 8" SS OUT 97.1 INV 8" SS IN 97.3
SSMH G	INV 8" SS OUT 98.2
STUB H	INV 8" SS 94.6±
SSMH I	INV 8" SS THRU 95.2 INV 8" SS IN(W) 95.4
SSMH J	INV 8" SS THRU 96.8 INV 8" SS IN(S) 97.0
SSMH K	INV 8" SS OUT 98.4

S=0.0035 FOR ALL PIPES.

NOTES:

- SANITARY SEWER INFORMATION IS PROVIDED AT CRITICAL POINTS TO SHOW THE FEASIBILITY OF PROVIDING SERVICE TO THE PROJECT SITE. DETAILED DESIGN WILL BE PROVIDED DURING FINAL DESIGN.
- SANITARY SEWER DESIGN IS PRELIMINARY AND MAY BE ADJUSTED DURING FINAL DESIGN.

CITY OF TRACY
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KULDEEP SHARMA CITY ENGINEER DATE: _____

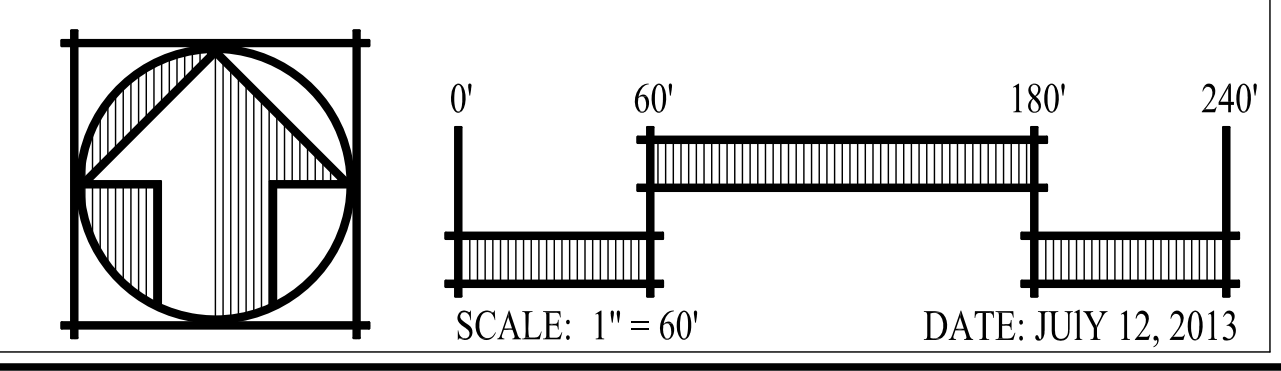


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SAN RAMON, CALIFORNIA 94583
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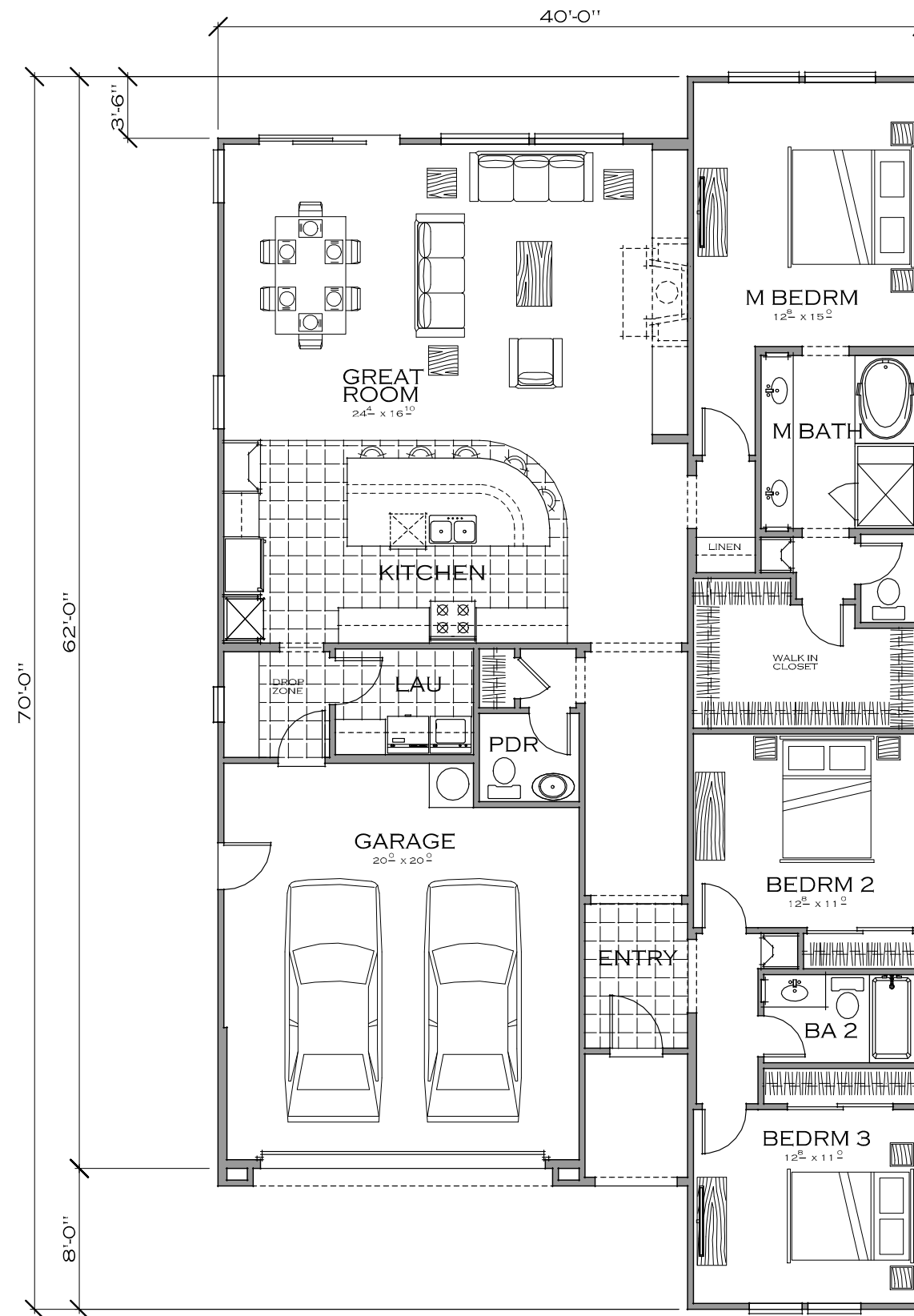
APPROVED	REVISIONS
DATE	DESCRIPTION

DESIGNED BY: HCA
DRAWN BY: HCA
CHECKED BY: TRR
SCALE: AS SHOWN

UTILITY PLAN
TRACT 3290
VESTING TENTATIVE MAP
TIBURON VILLAGE
TRACY, CALIFORNIA



SHEET
TM05
OF 5 SHEETS
DATE: JULY 12, 2013

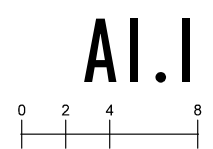


Tiburon Village
Valley Oak Partners, LLC

Plan I - 1,996 Square Feet

Tracy, California

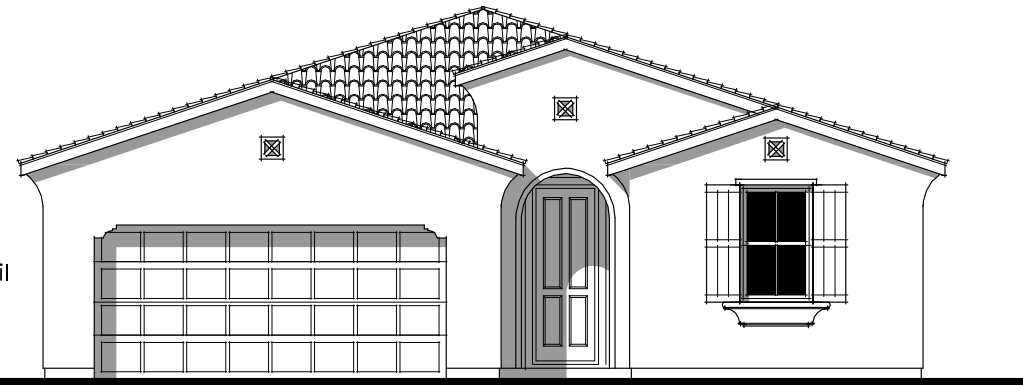
6.28.2013



KTGY Group Inc.
Architecture+Planning
580 Second Street, Suite 200
Oakland, California 94607
ktgy.com
510 272 2910



Spanish
 Material Legend:
 Concrete Low Profile 'S' Tile
 Stucco Finish
 Shutters
 Decorative Gable End Detail
 Enhanced Sills
 1x Stucco Finish Trim



ELEVATION '1A' - SPANISH

Craftsman
 Material Legend:
 Flat Concrete Tile Roofing
 Stucco Finish
 Cementitious Siding/ Shingles
 Stone Veneer
 Enhanced Sills
 1x Stucco Finish Trim

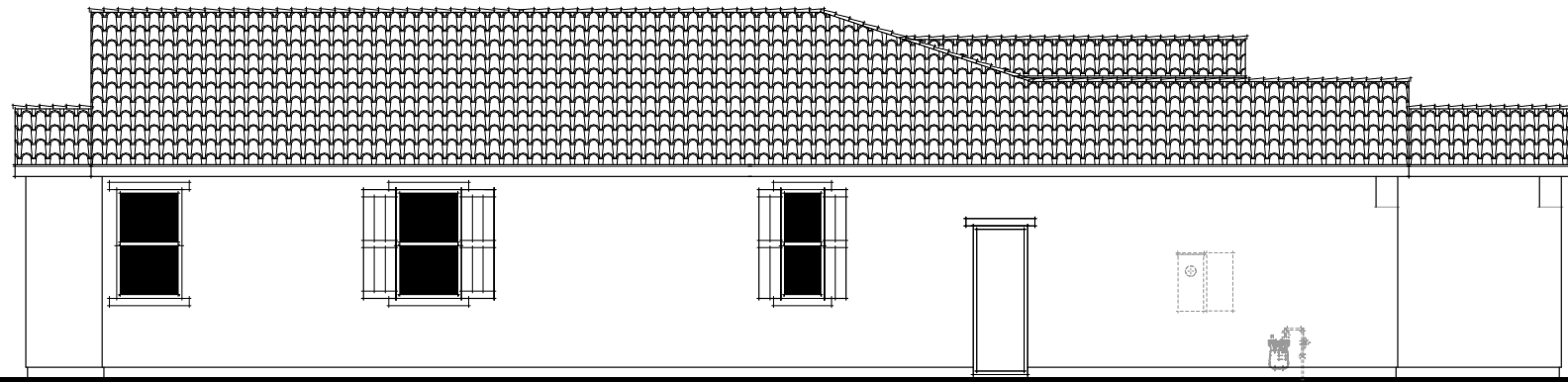


ELEVATION '1B' - CRAFTSMAN

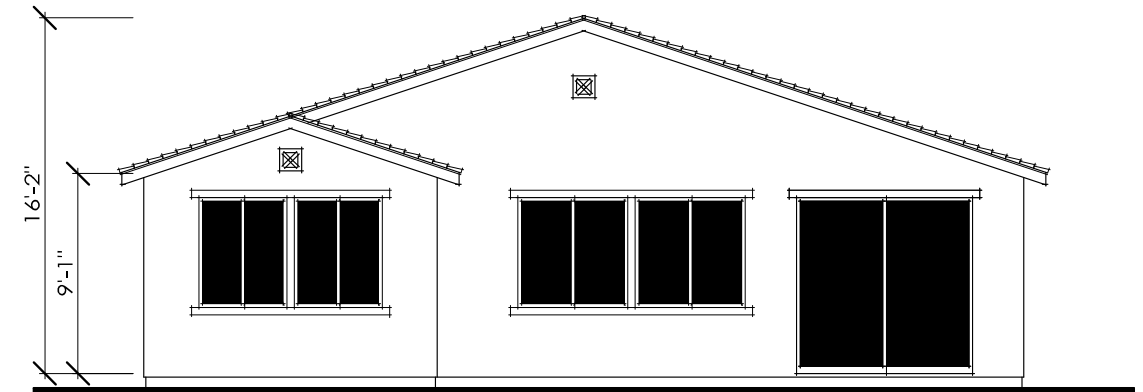
English Country
 Material Legend:
 Flat Concrete Tile Roofing
 Stucco Finish
 Brick Veneer
 Shutters
 1x Stucco Finish Trim
 Enhanced Sills
 Cementitious Gable Siding



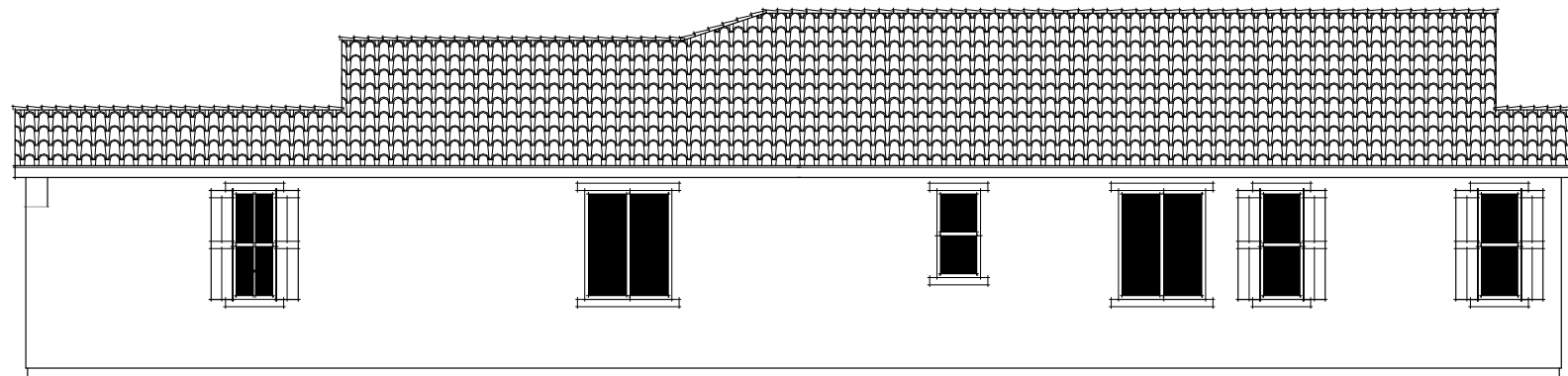
ELEVATION '1C' - ENGLISH COUNTRY



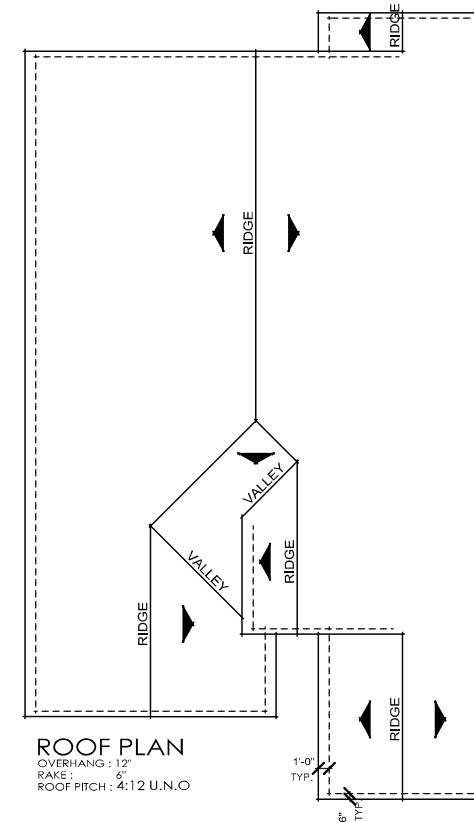
LEFT



REAR

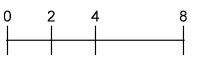


RIGHT



A1.3

SIDES, REAR AND ROOF PLAN - PLAN IA



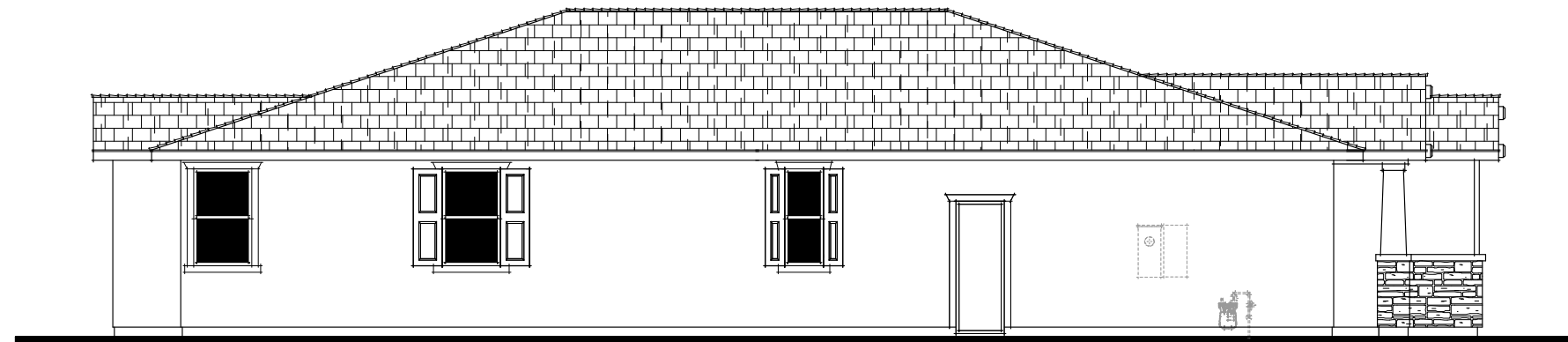
Tiburon Village
 Valley Oak Partners, LLC

Tracy, California

6.27.2013

KTYG Group Inc.
 Architecture+Planning
 580 Second Street, Suite 200
 Oakland, California 94607
 ktyg.com
 510 272 2910

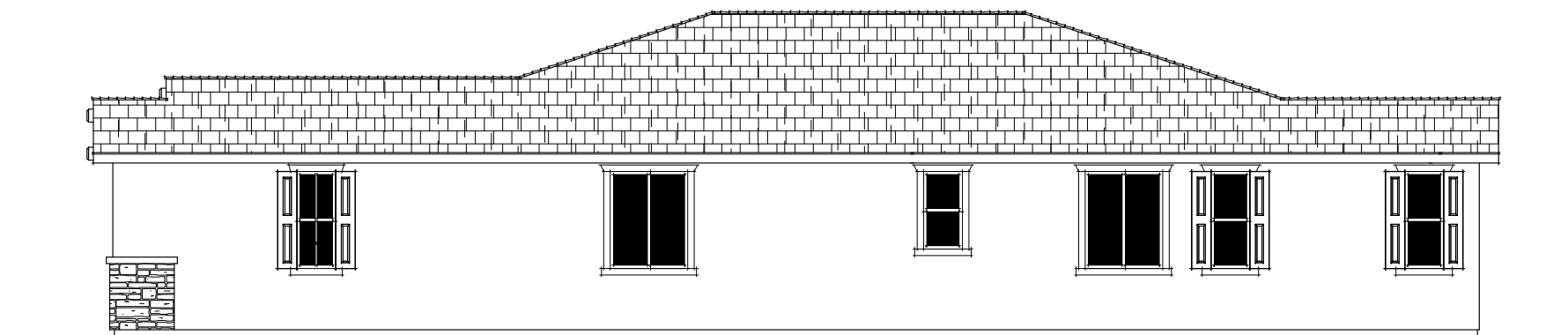




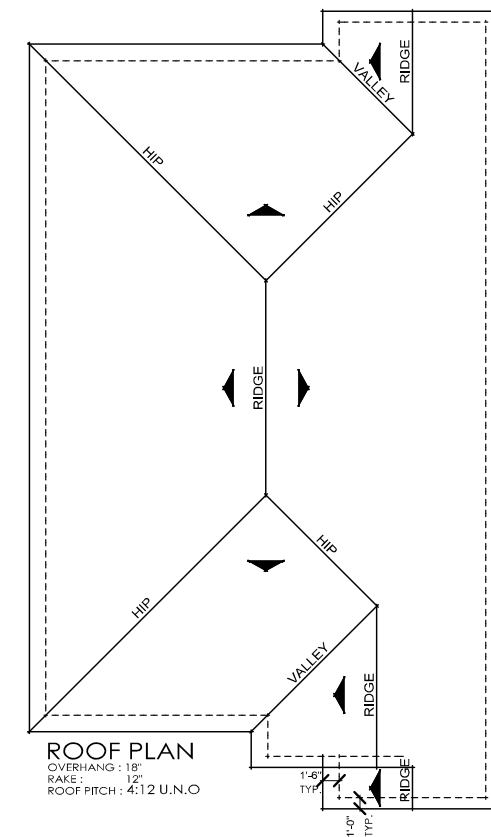
LEFT



REAR



RIGHT



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 Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 1B

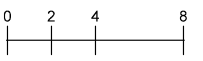
Tracy, California

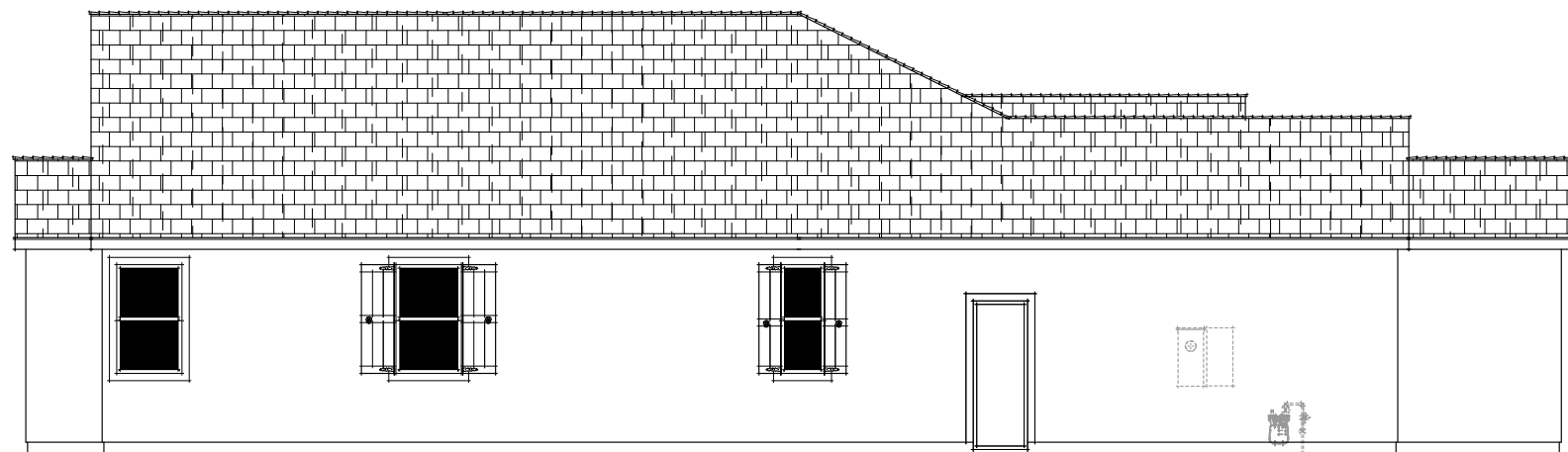
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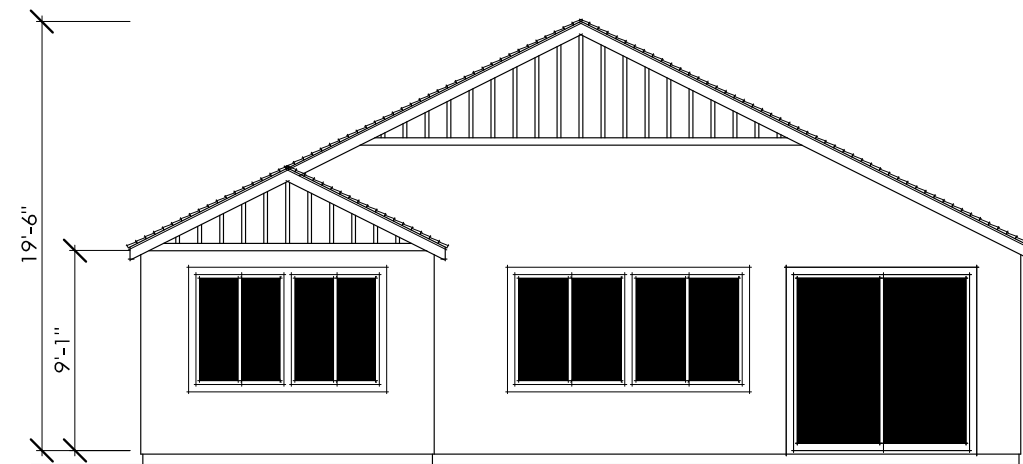


A1.4

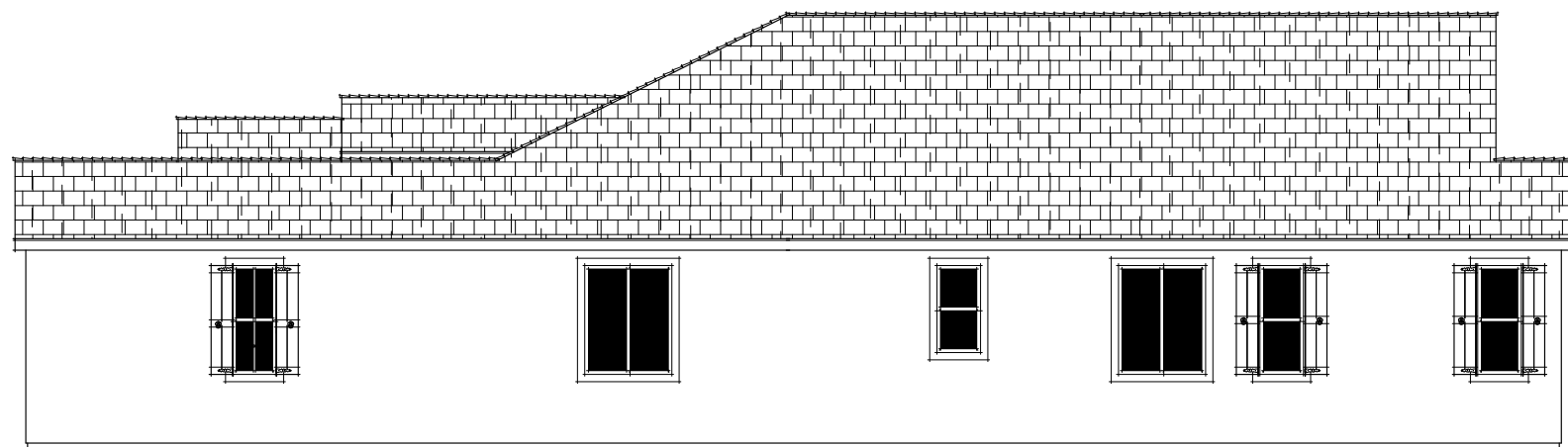




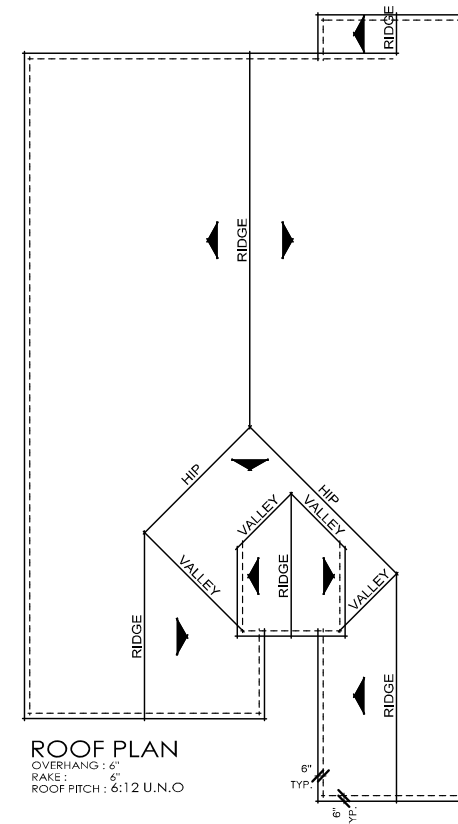
LEFT



REAR



RIGHT



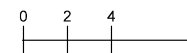
Tiburon Village
 Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN IC

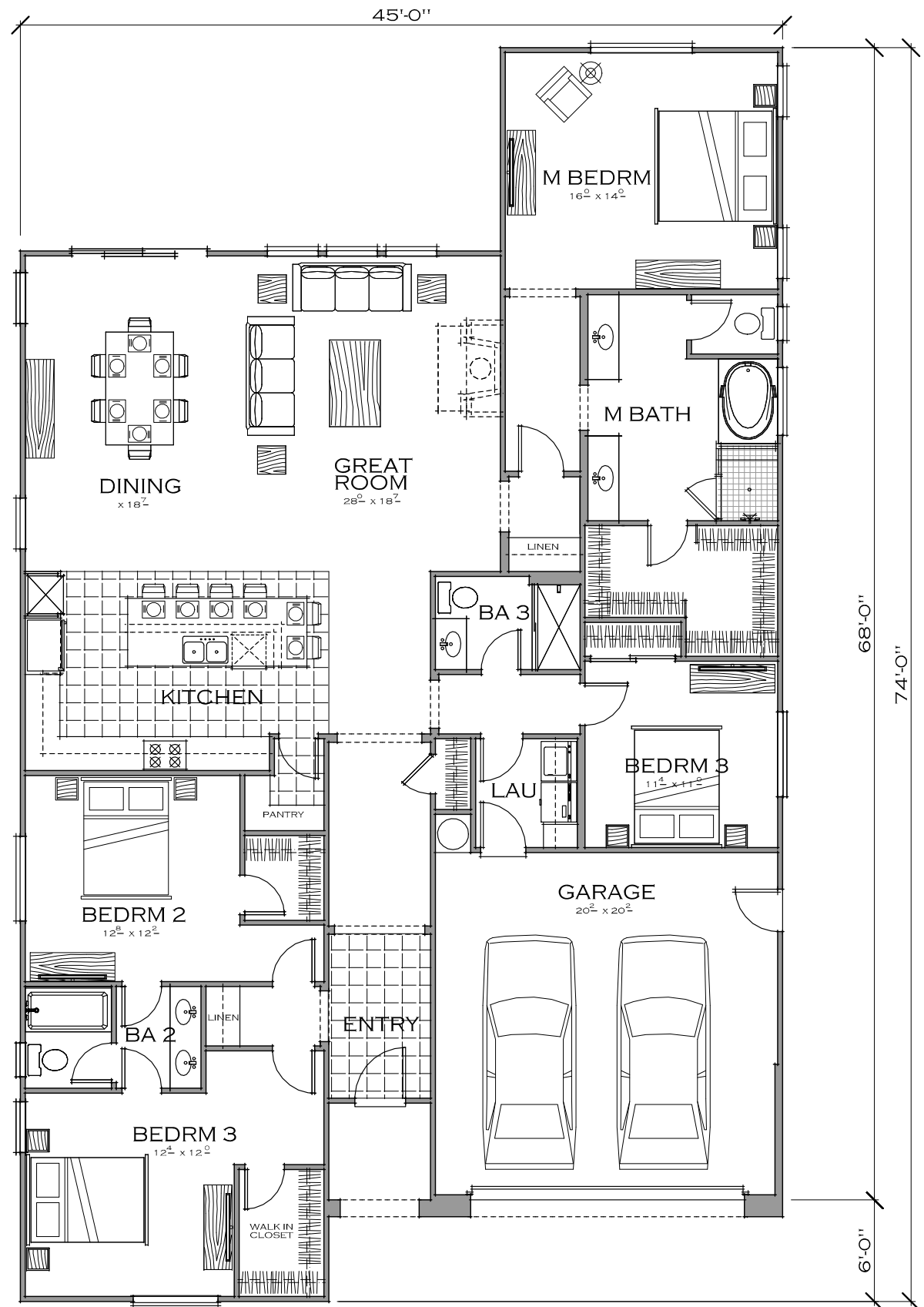
Tracy, California

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A1.5



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Plan 2 - 2,368 Square Feet

Tracy, California

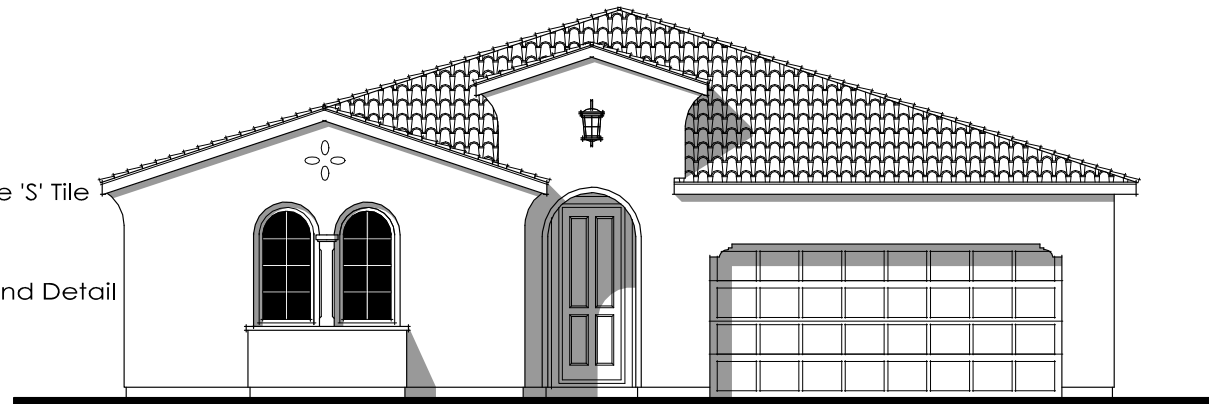
6.28.2013

A2.1
0 2 4 8

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Spanish
 Material Legend:
 Concrete Low Profile 'S' Tile
 Stucco Finish
 1x Stucco Finish Trim
 Decorative Gable End Detail
 Stucco potsheff



ELEVATION '2A' - SPANISH

Craftsman
 Material Legend:
 Flat Concrete Tile Roofing
 Stucco Finish
 Cementitious Shingles
 Stone Veneer
 Enhanced Sills
 1x Stucco Finish Trim



ELEVATION '2B' - CRAFTSMAN

English Country
 Material Legend:
 Flat Concrete Tile Roofing
 Stucco Finish
 Brick Veneer
 Shutters
 1x Stucco Finish Trim
 Enhanced Sills



ELEVATION '2C' - ENGLISH COUNTRY

Tiburon Village

Valley Oak Partners, LLC

FRONTS - PLAN 2

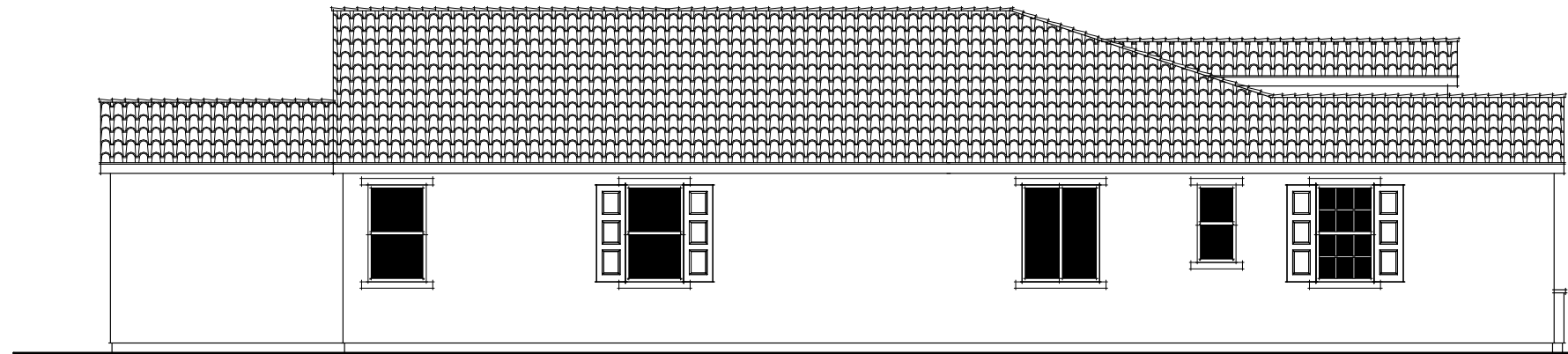
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6.28.2013

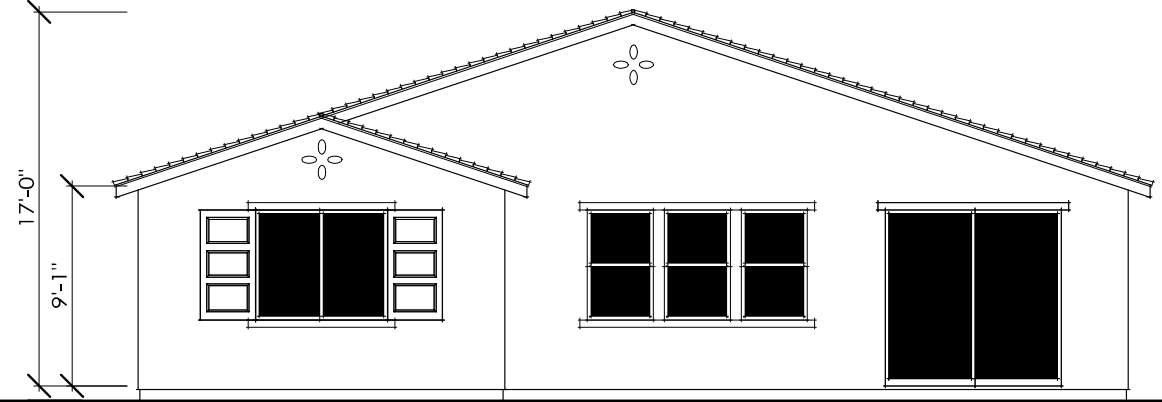
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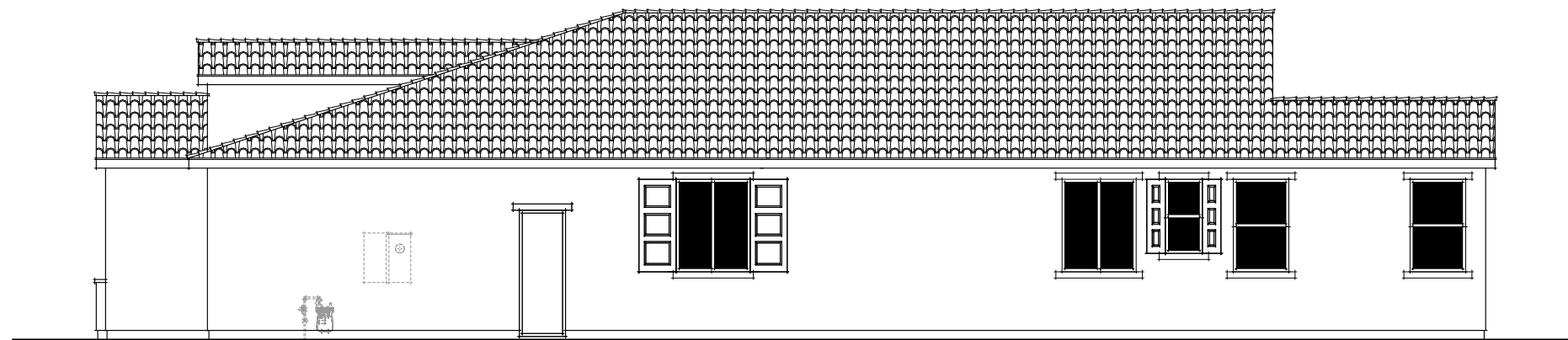




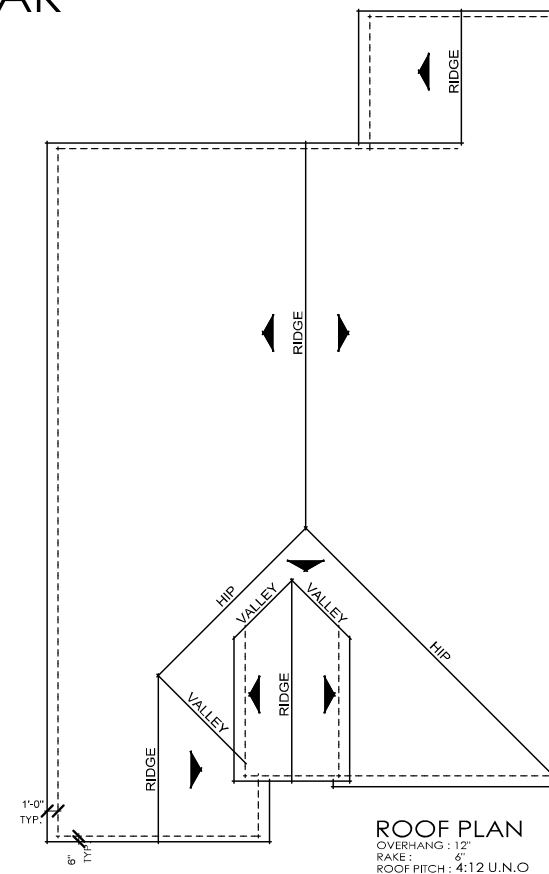
LEFT



REAR

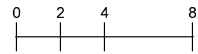


RIGHT



ROOF PLAN
OVERHANG: 12"
RAKE: 6"
ROOF PITCH: 4:12 U.N.O.

A2.3



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Valley Oak Partners, LLC

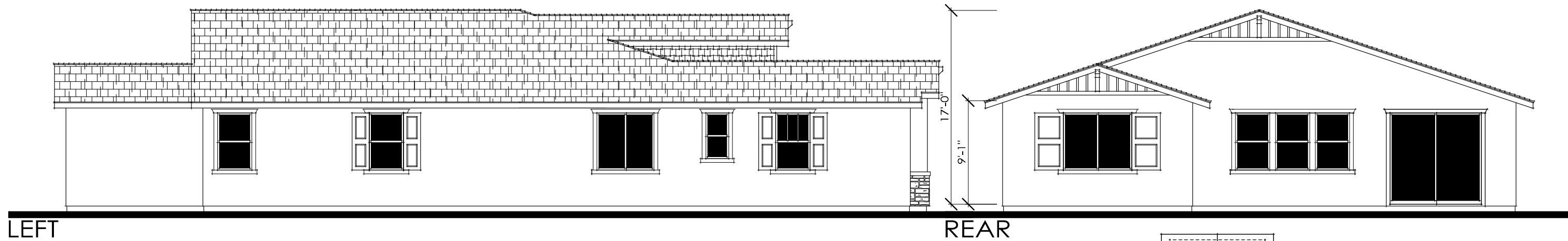
SIDES, REAR AND ROOF PLAN - PLAN 2A

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6.28.2013

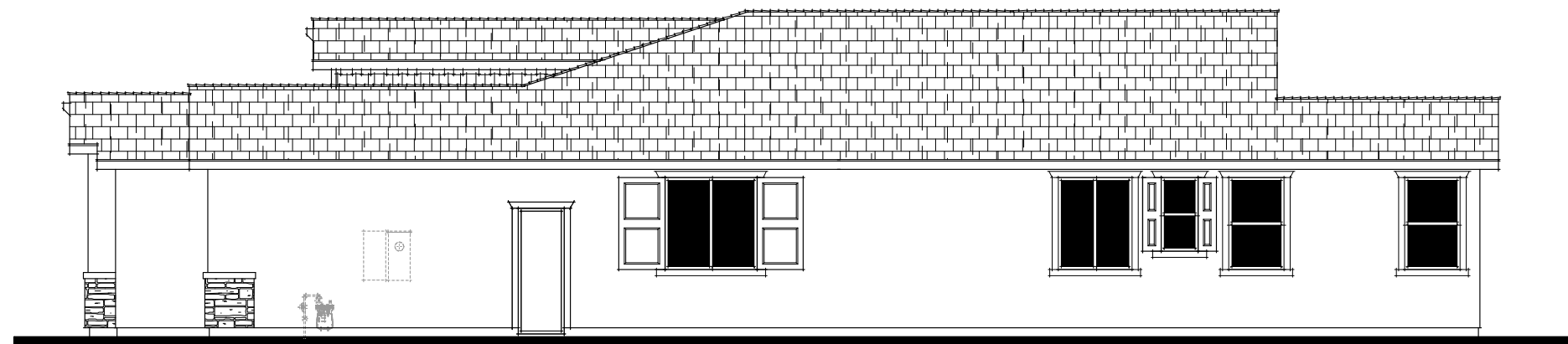
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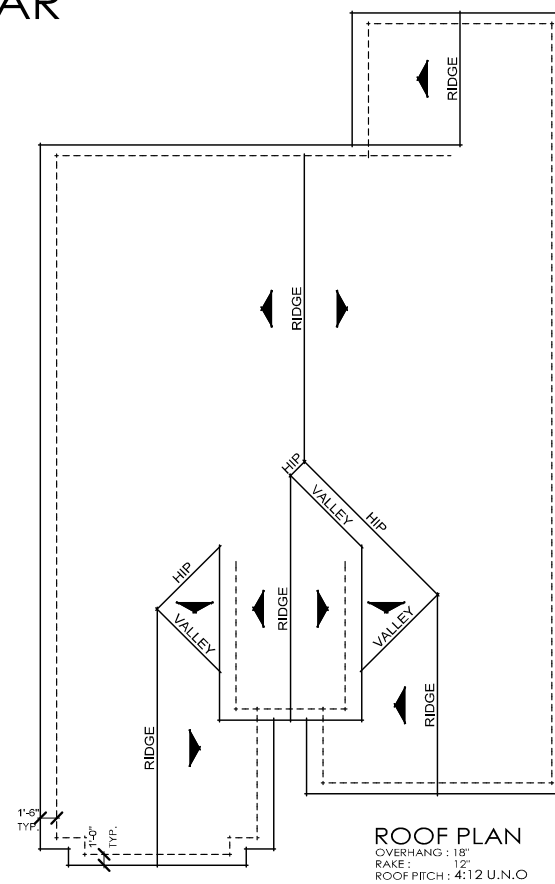


LEFT

REAR

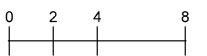


RIGHT



ROOF PLAN
OVERHANG: 18"
RAKE: 12"
ROOF PITCH: 4:12 U.N.O

A2.4



Tiburon Village
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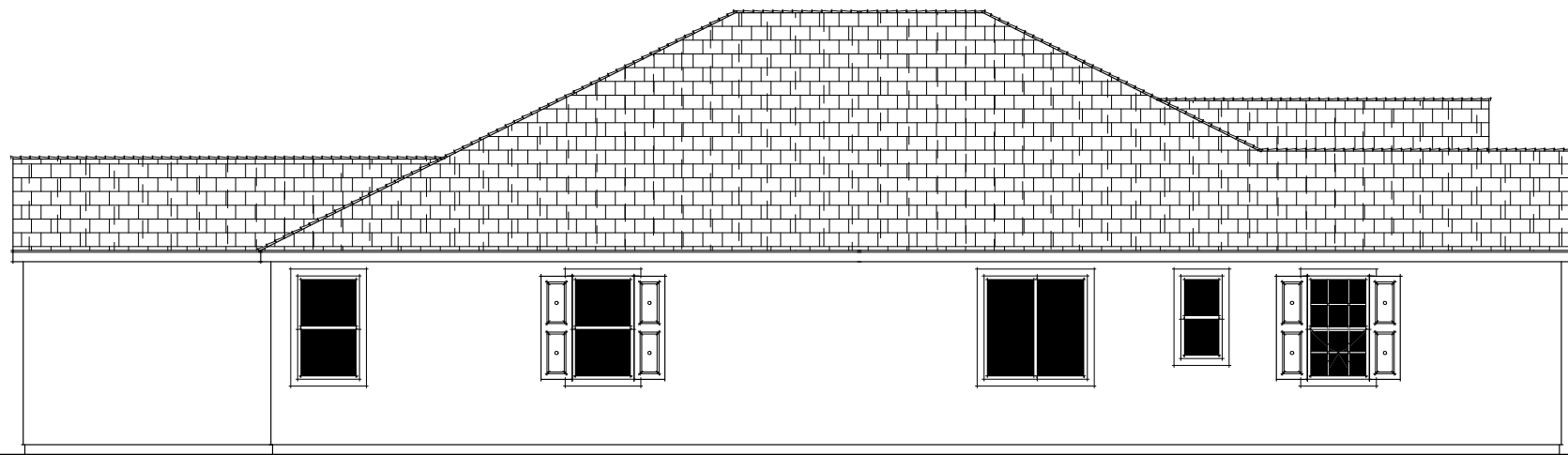
SIDES, REAR AND ROOF PLAN - PLAN 2B

Tracy, California

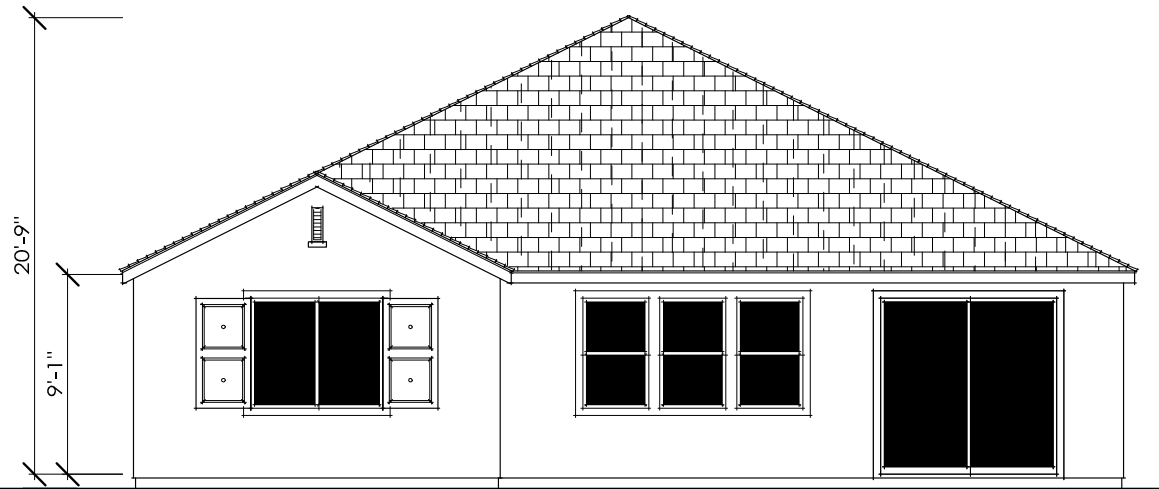
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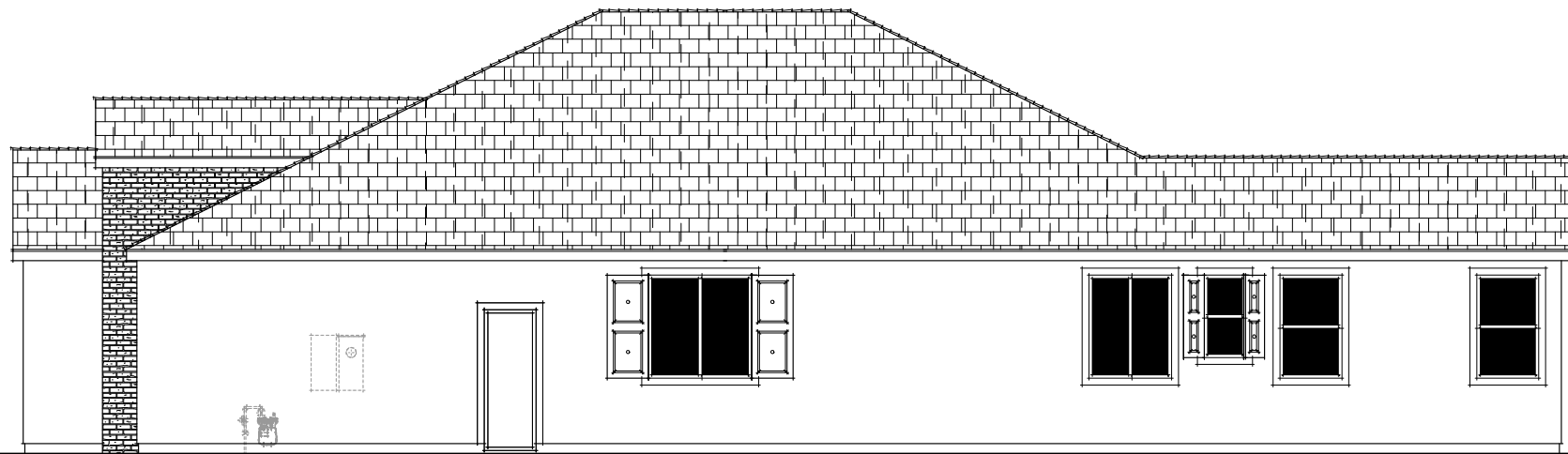




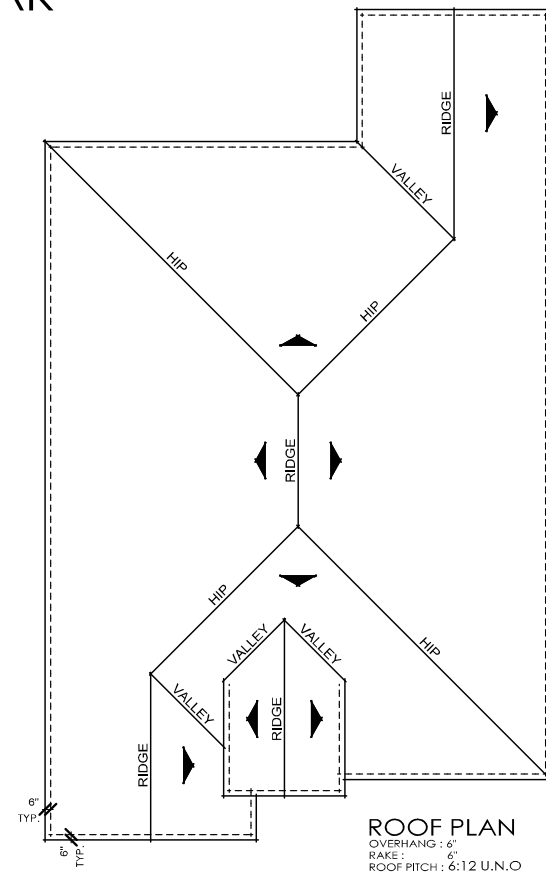
LEFT



REAR

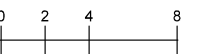


RIGHT



ROOF PLAN
OVERHANG: 6"
RAKE: 6"
ROOF PITCH: 6:12 U.N.O

A2.5



Tiburon Village
Valley Oak Partners, LLC

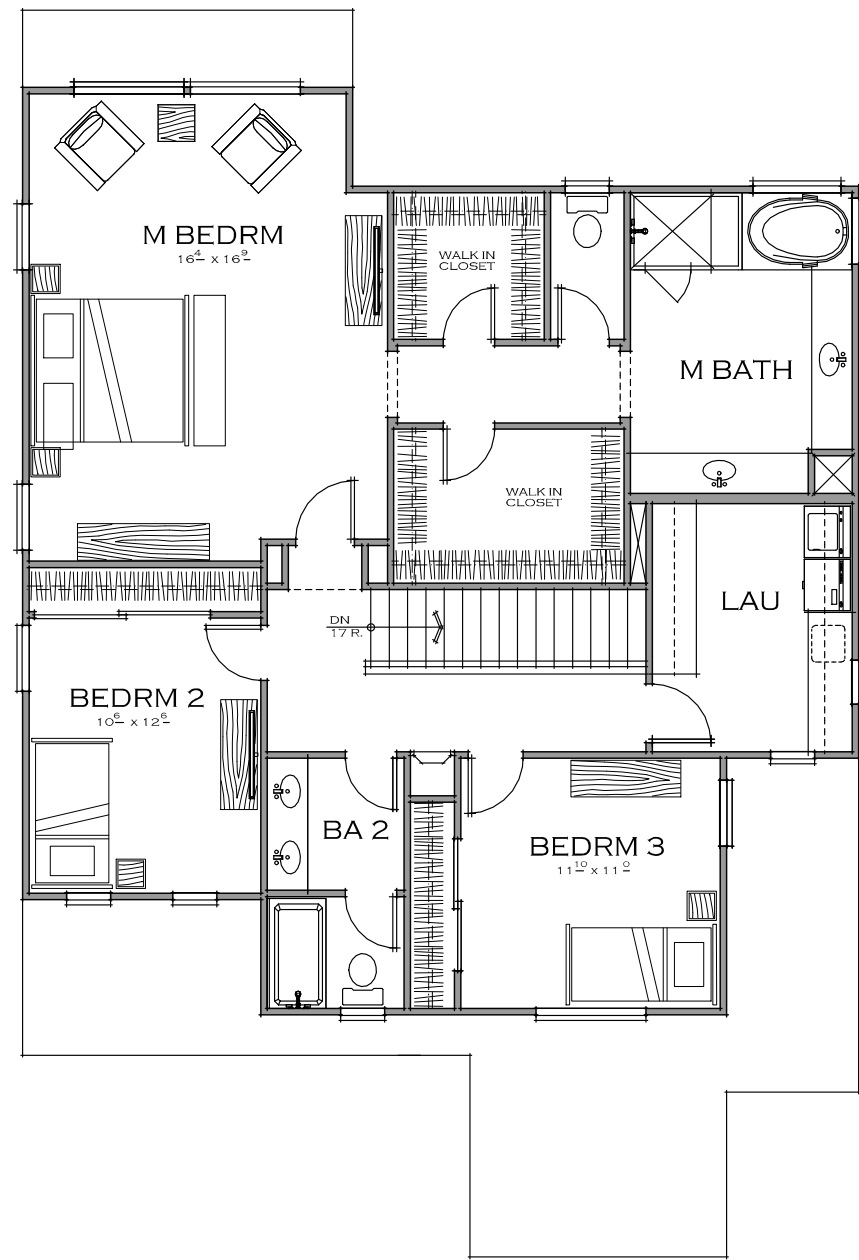
SIDES, REAR AND ROOF PLAN - PLAN 2C

Tracy, California

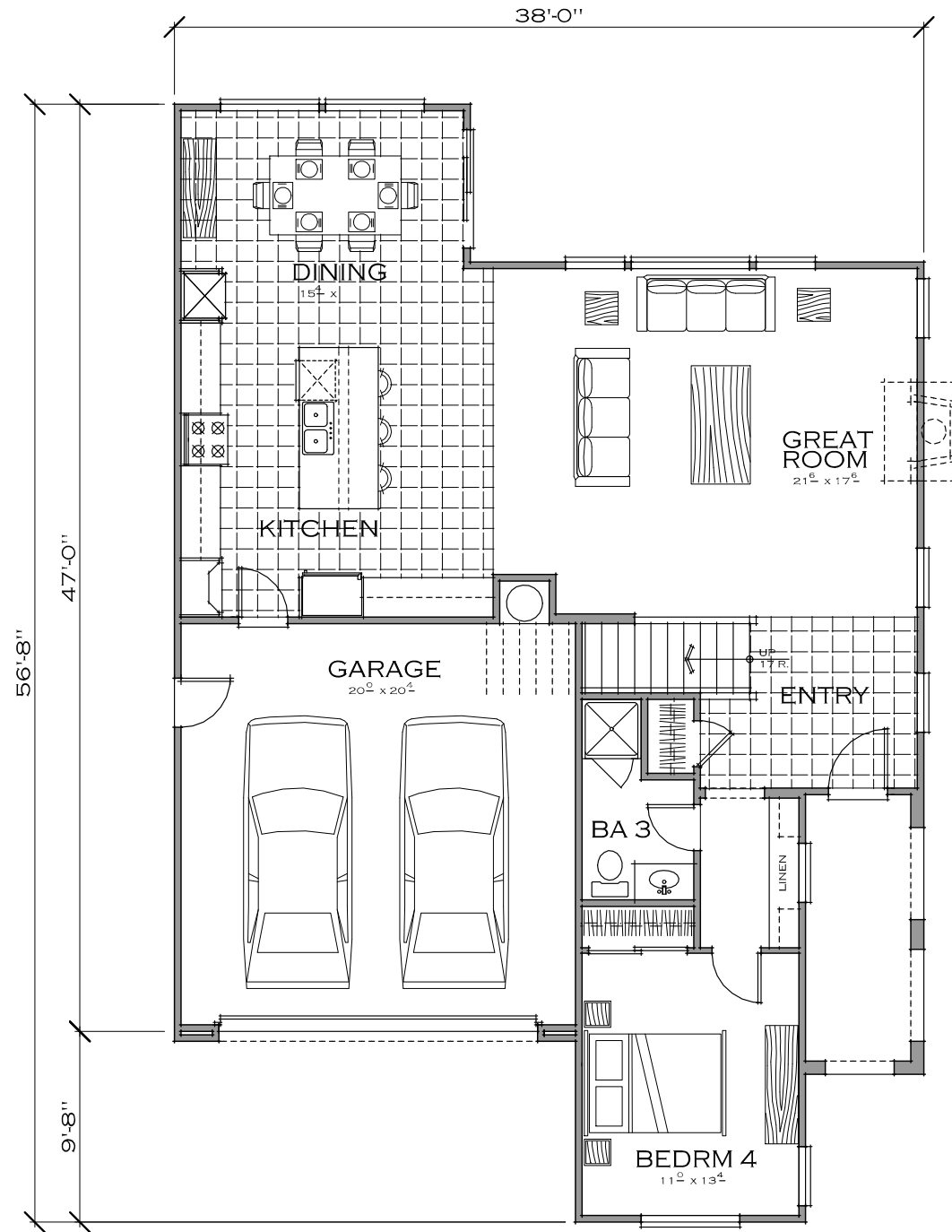
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Second Floor Plan



First Floor Plan

Spanish
 Material Legend:
 Concrete Low Profile 'S' Tile
 Stucco Finish
 Shutters
 Decorative Gable End Detail
 Stucco Potshelf
 1x Stucco Finish Trim



ELEVATION '3A' - SPANISH

Craftsman
 Material Legend:
 Flat Concrete Tile Roofing
 Stucco Finish
 1x Stucco Finish Trim
 Stone Veneer
 Enhanced Sills
 Shutters
 Cementitious Gable Shingle



ELEVATION '3B' - CRAFTSMAN

English Country
 Material Legend:
 Flat Concrete Tile Roofing
 Stucco Finish
 Brick Veneer
 Shutters
 1x Stucco Finish Trim
 Enhanced Sills
 Cementitious Gable Siding



ELEVATION '3C' - ENGLISH COUNTRY

Italian
 Material Legend:
 Concrete Low Profile 'S' Tile
 Stucco Finish
 1x Stucco Finish Trim
 Shutters
 Enhanced Sills



ELEVATION '3D' - ITALIAN



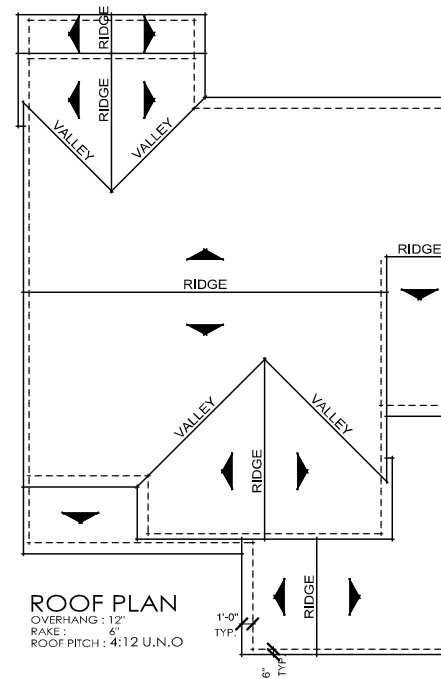
LEFT



REAR



RIGHT



Tiburon Village
 Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 3A

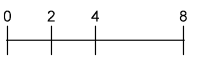
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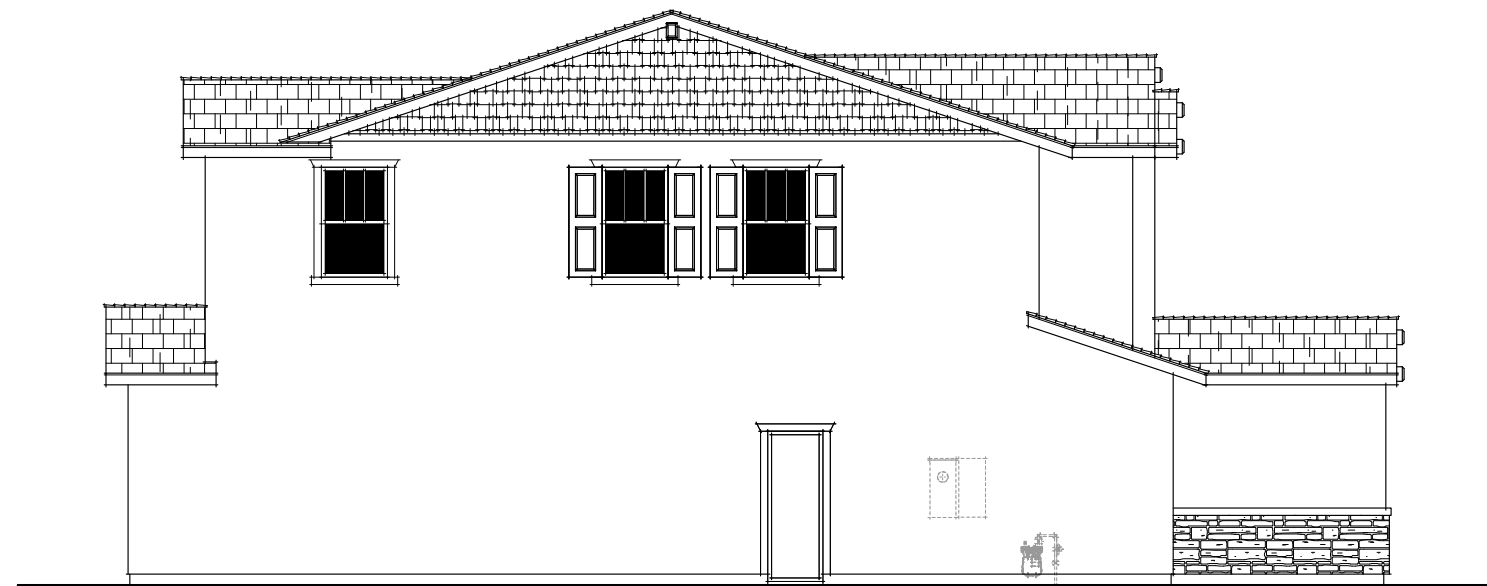
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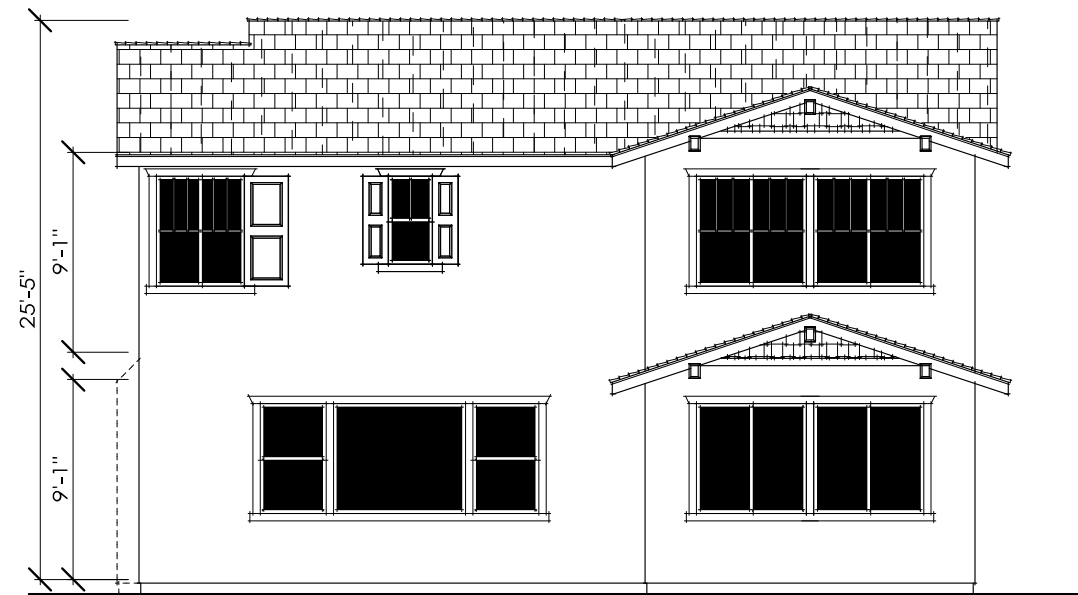


A3.3

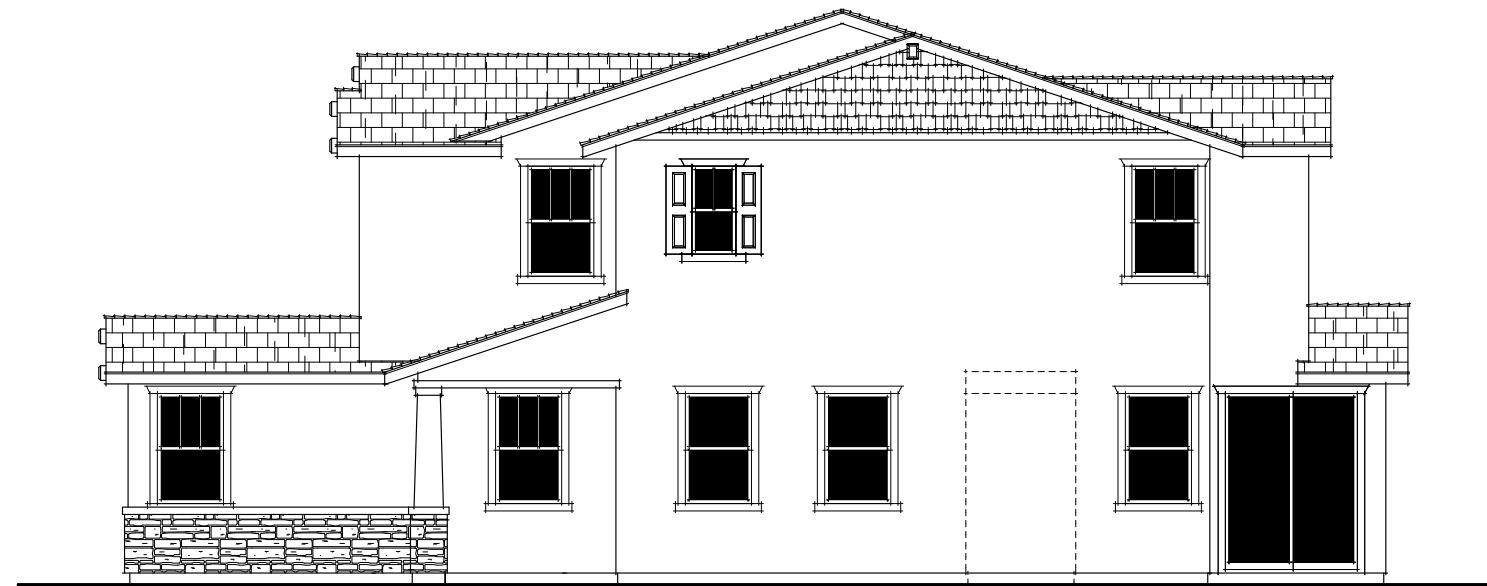




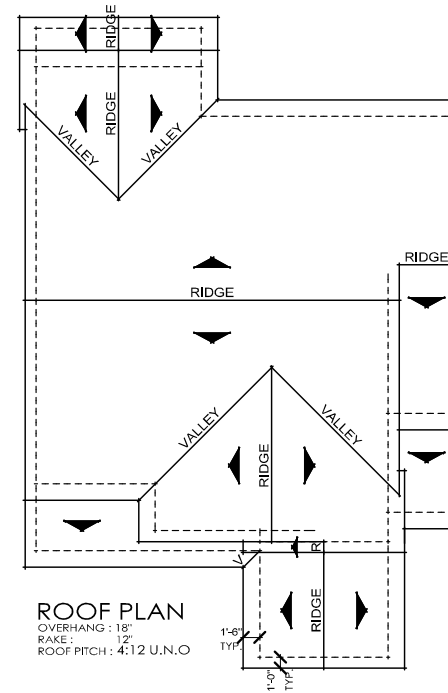
LEFT



REAR



RIGHT



Tiburon Village
Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 3B

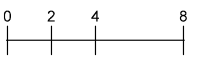
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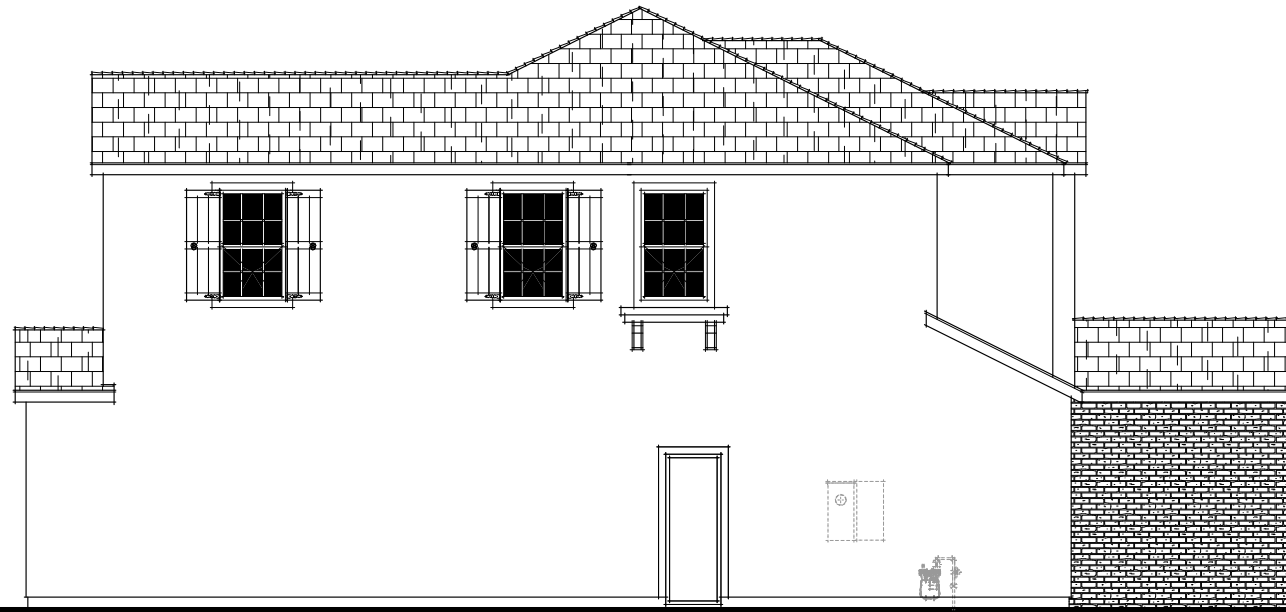
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A3.4





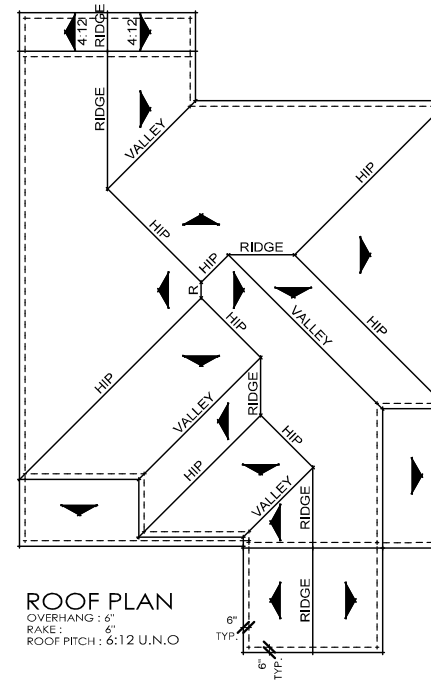
LEFT



REAR



RIGHT



Tiburon Village
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SIDES, REAR AND ROOF PLAN - PLAN 3C

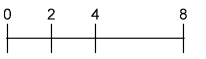
Tracy, California

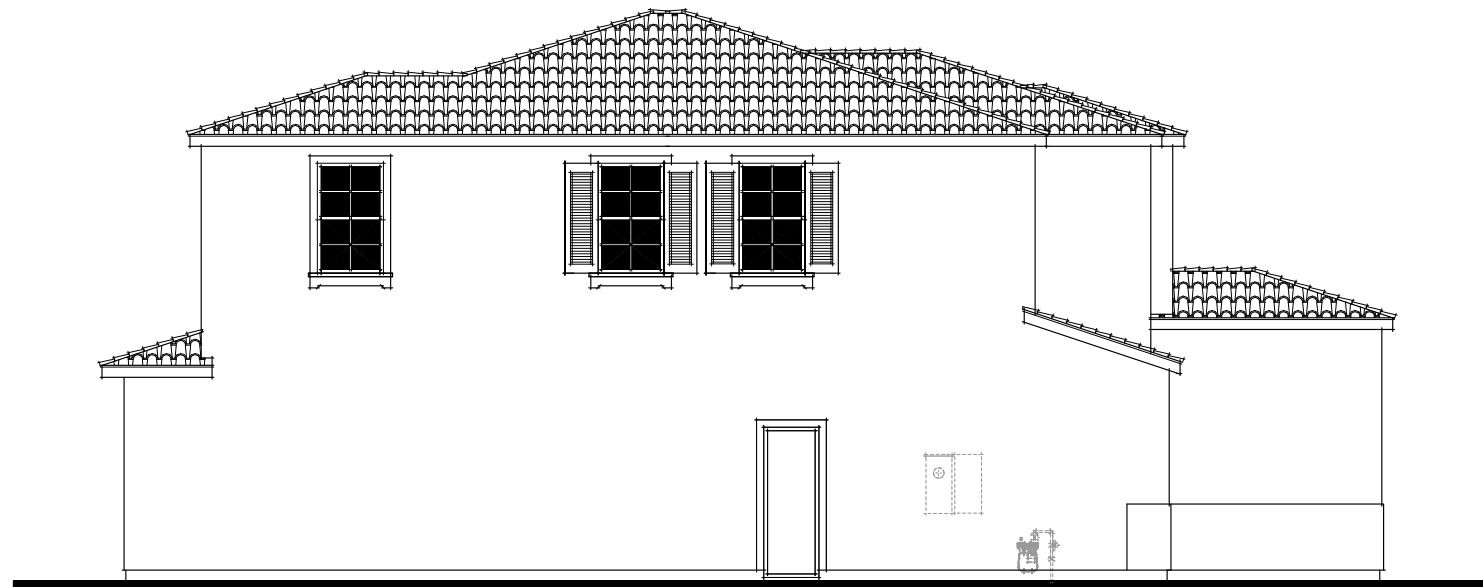
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A3.5





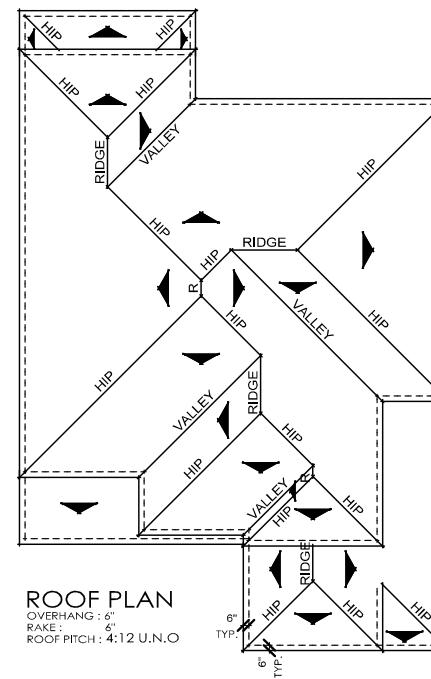
LEFT



REAR



RIGHT



Tiburon Village
 Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 3D

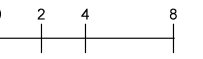
Tracy, California

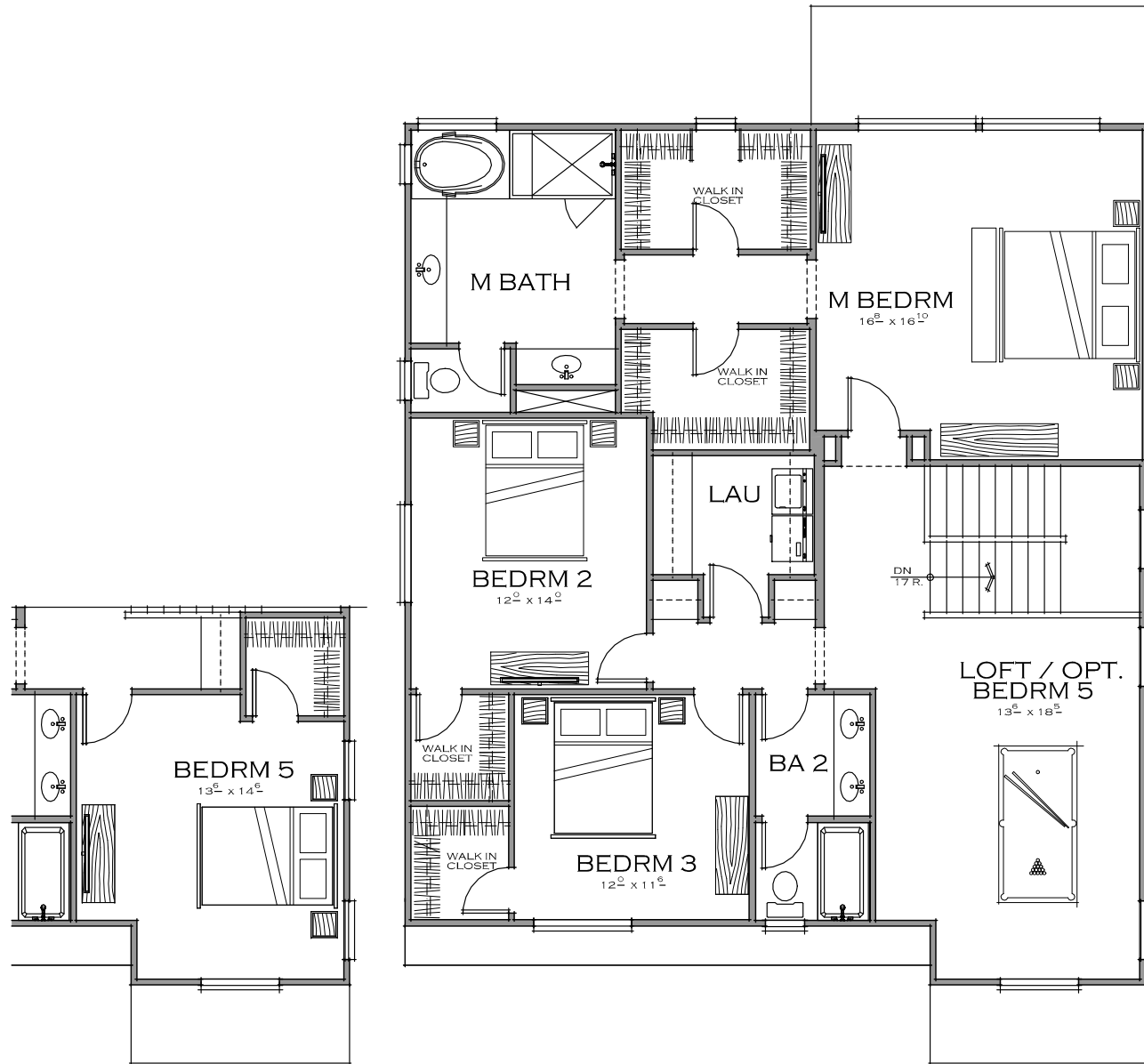
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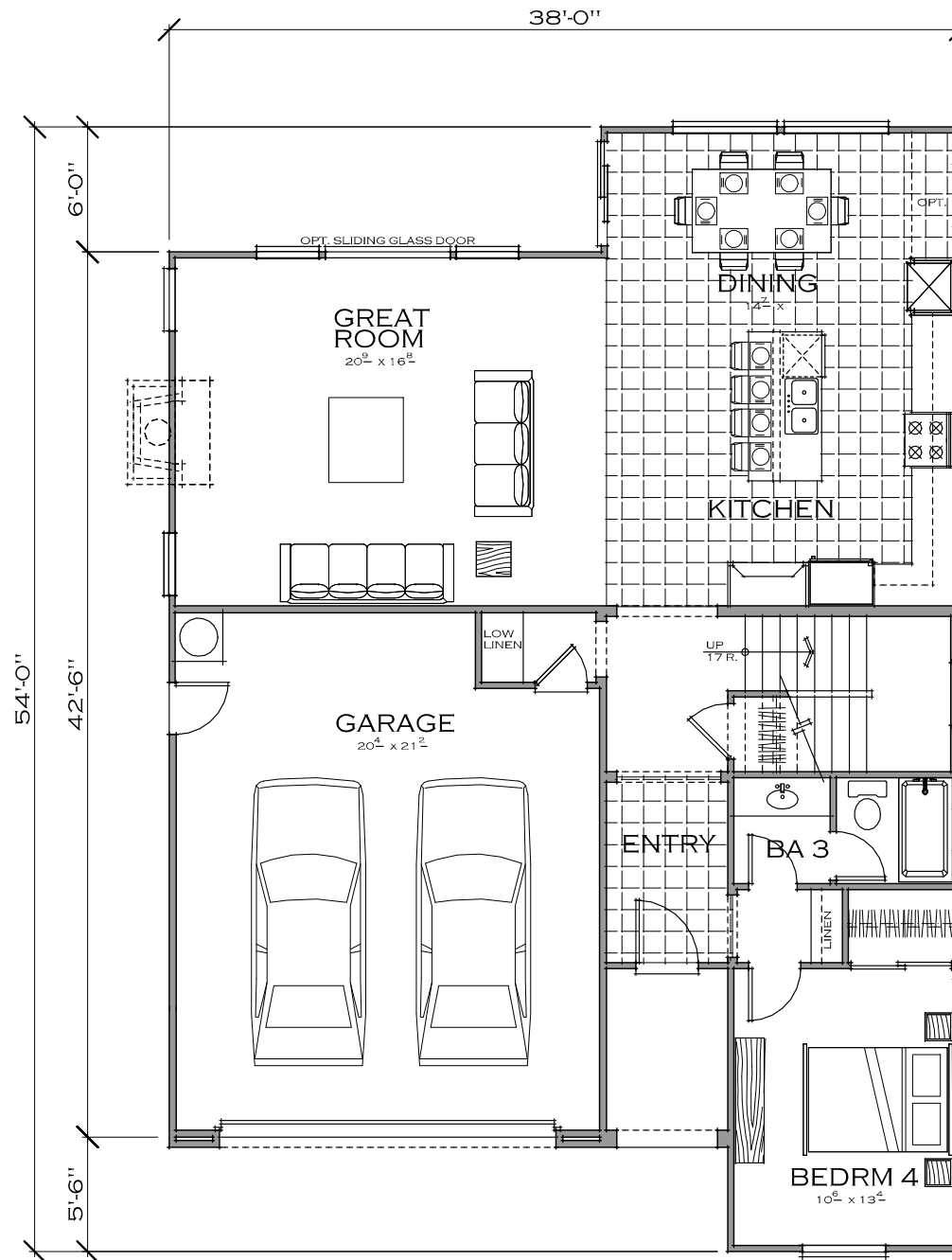
A3.6





OPT. BEDROOM 5
SCALE: 1/4" = 1'-0"

Second Floor Plan



First Floor Plan

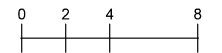
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Plan 4 - 2,739 Square Feet

Tracy, California

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A4.1

Spanish
 Material Legend:
 Concrete Low Profile 'S' Tile
 Stucco Finish
 Shutters
 Decorative Gable End Detail
 Enhanced Sills
 1x Stucco Finish Trim



ELEVATION '4A' - SPANISH

Craftsman
 Material Legend:
 Flat Concrete Tile Roofing
 Stucco Finish
 Cementitious Shingles
 Stone Veneer
 Enhanced Sills
 1x Stucco Finish Trim
 Cementitious Gable Siding



ELEVATION '4B' - CRAFTSMAN

English Country
 Material Legend:
 Flat Concrete Tile Roofing
 Stucco Finish
 Brick Veneer
 Shutters
 1x Stucco Finish Trim
 Enhanced Sills
 Cementitious Gable Siding

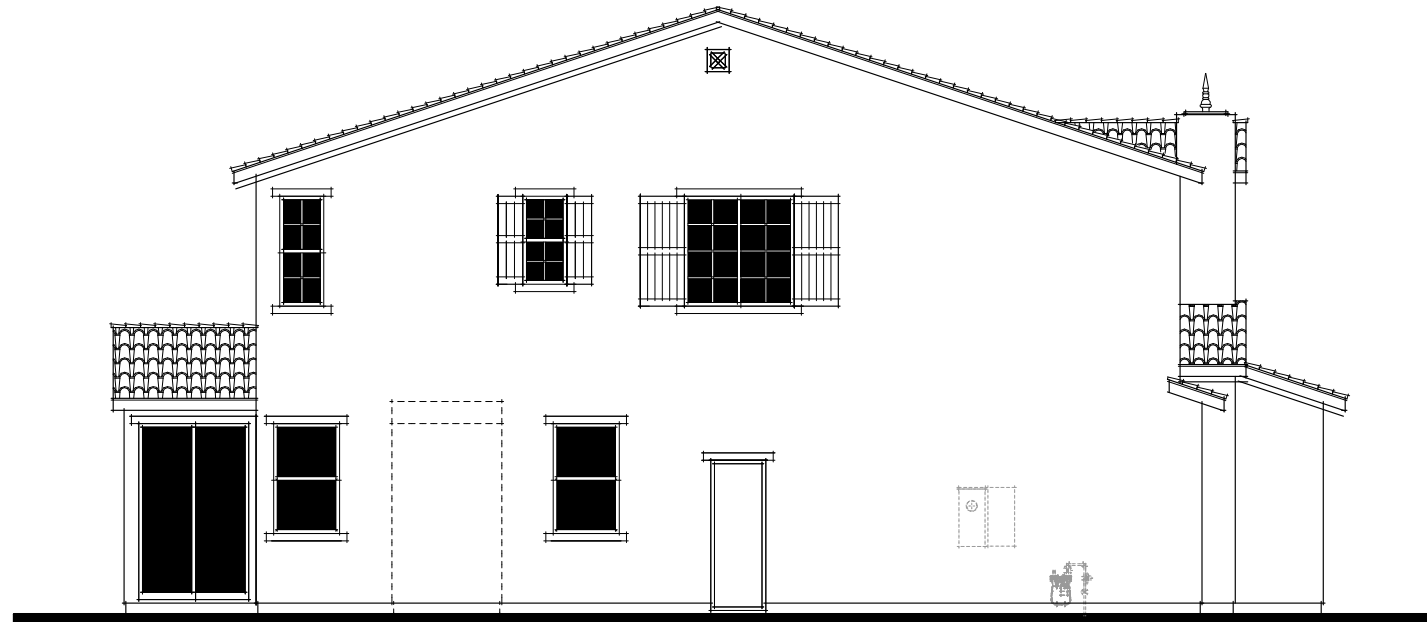


ELEVATION '4C' - ENGLISH COUNTRY

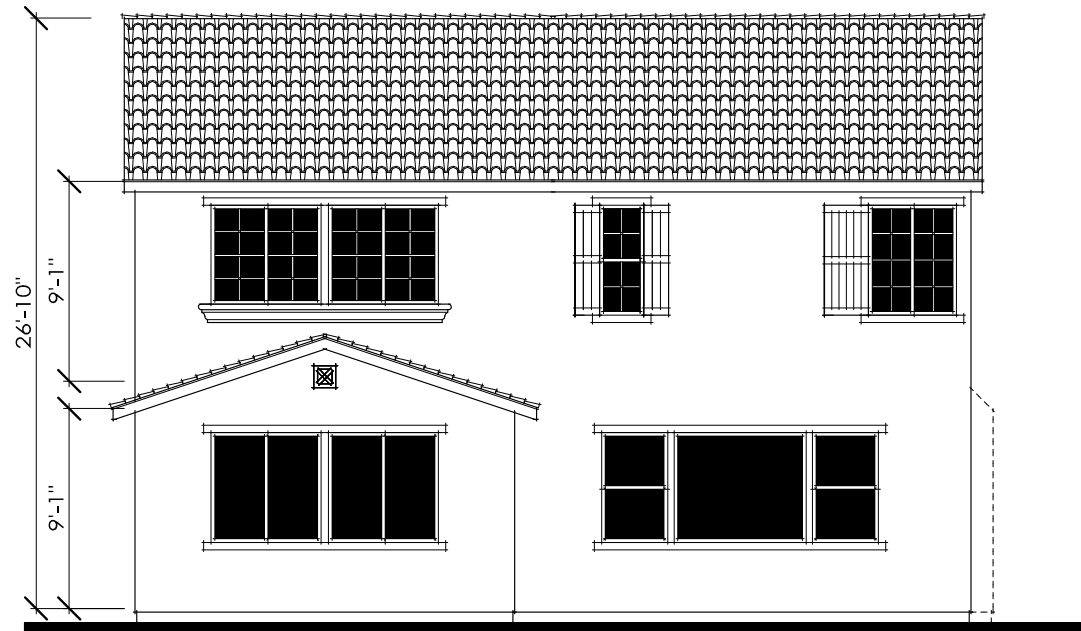
Italian
 Material Legend:
 Concrete Low Profile 'S' Tile
 Stucco Finish
 1x Stucco Finish Trim
 Shutters
 Enhanced Sills



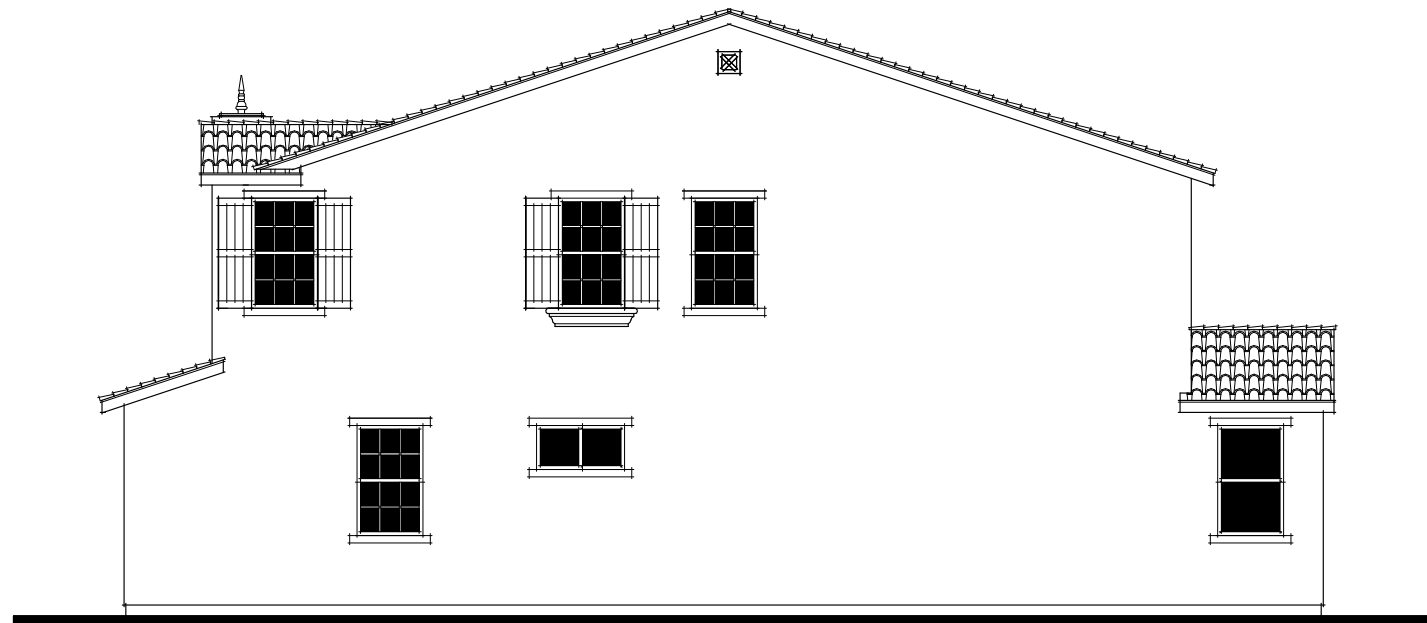
ELEVATION '4D' - ITALIAN



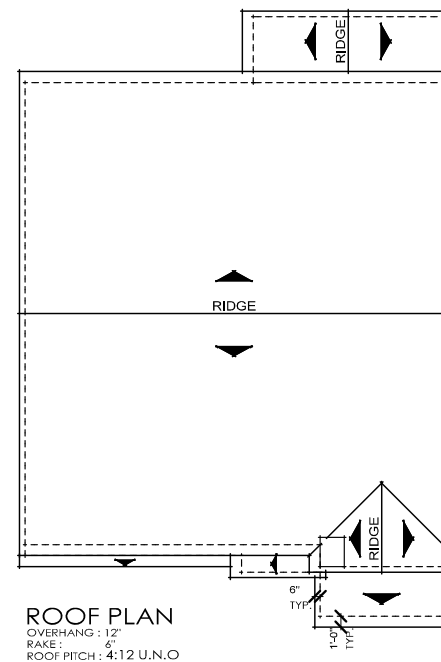
LEFT



REAR



RIGHT



ROOF PLAN
OVERHANG : 12"
RAISE : 6"
ROOF PITCH : 4:12 U.L.O

Tiburon Village
Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 4A

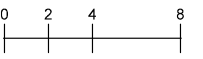
Tracy, California

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A4.3

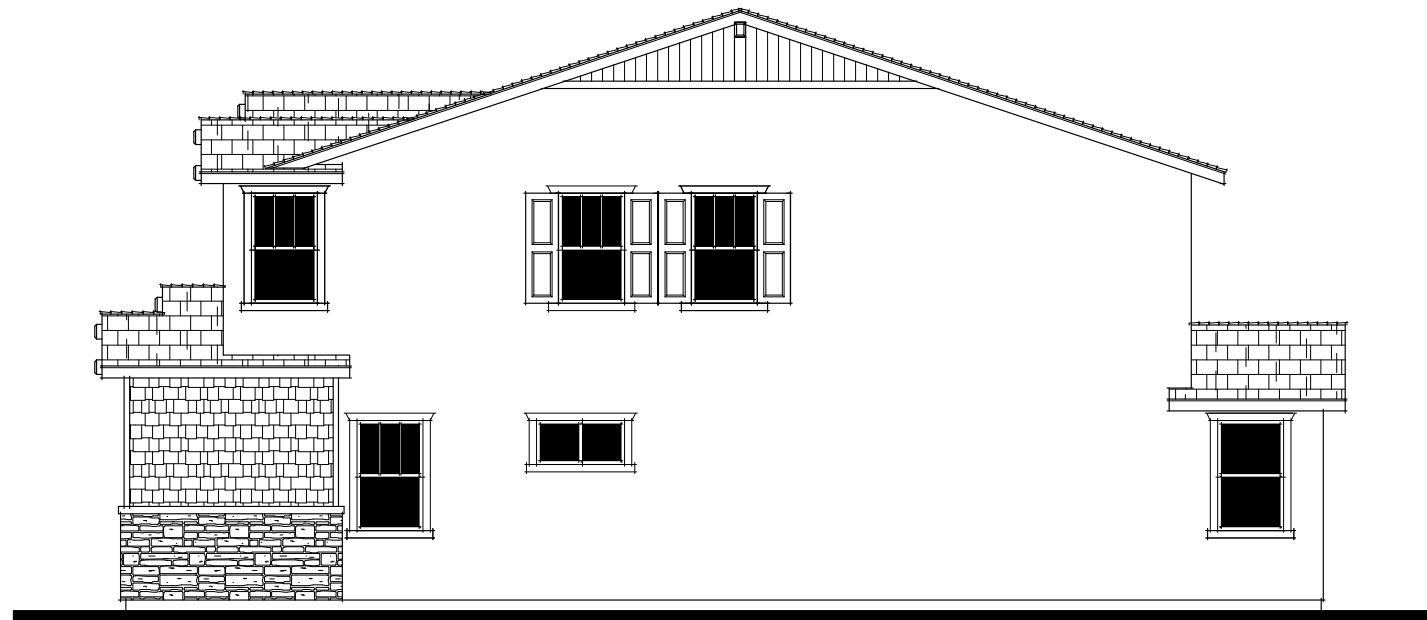




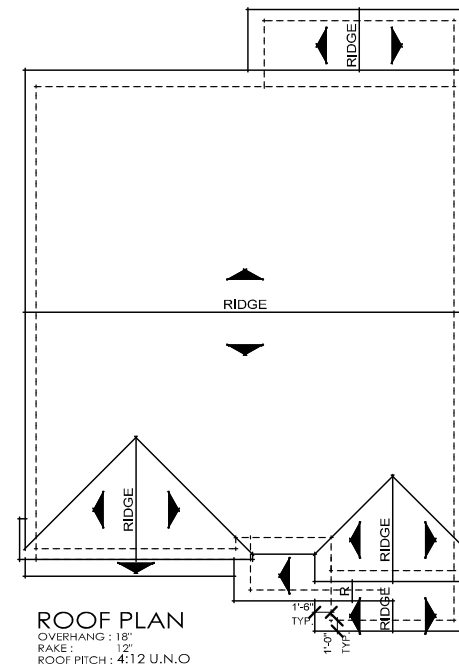
LEFT



REAR



RIGHT



Tiburon Village
Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 4B

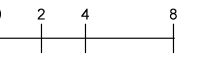
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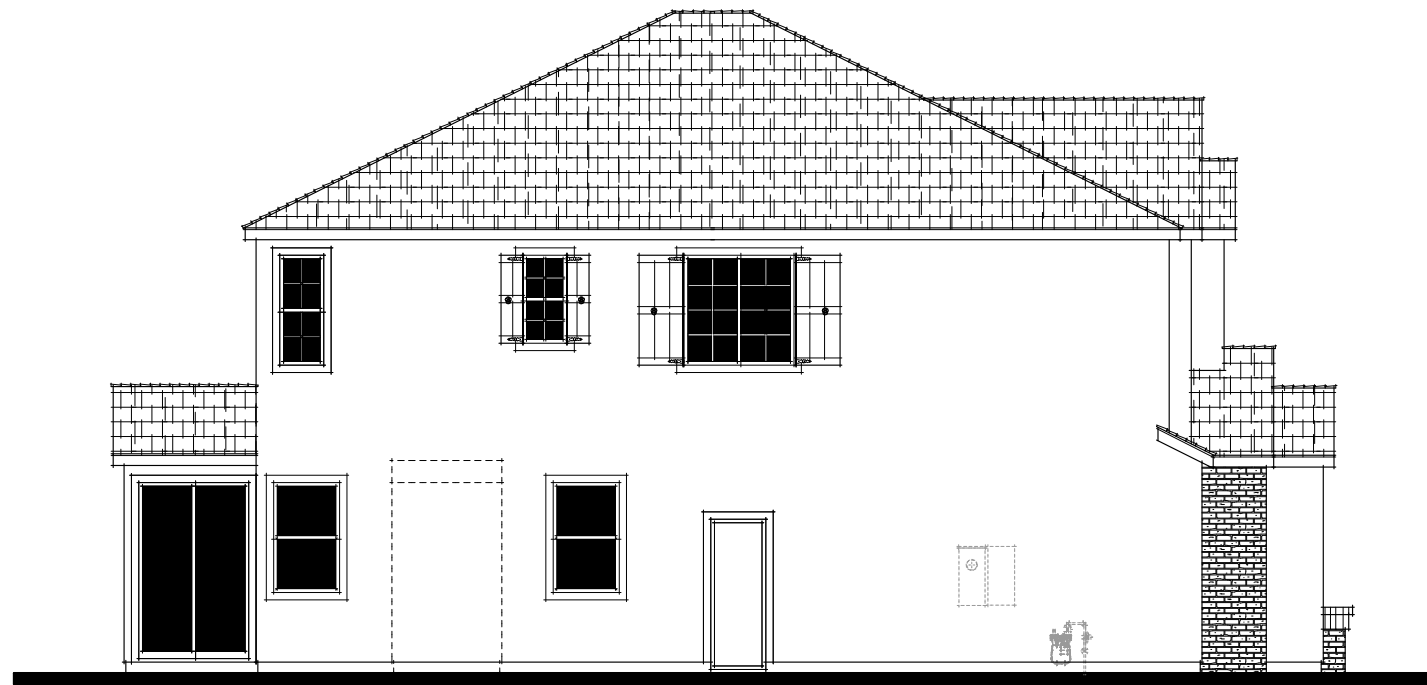
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A4.4

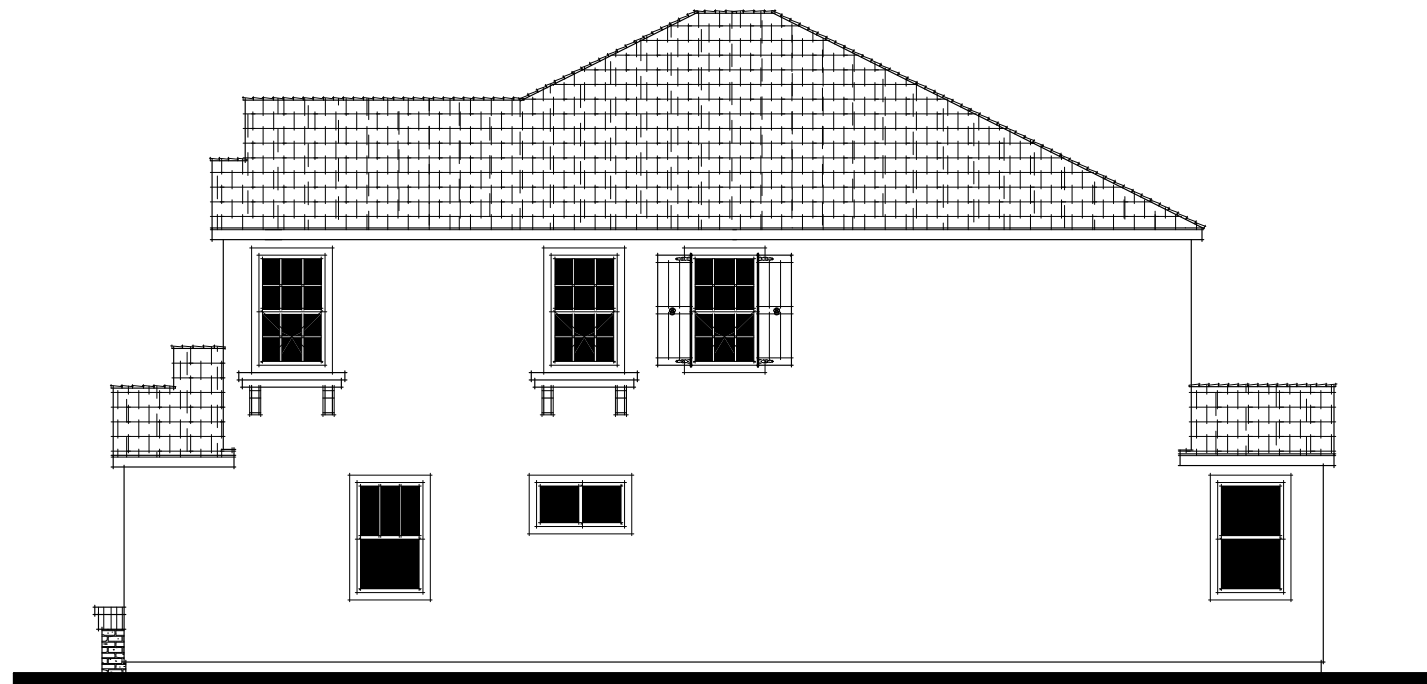




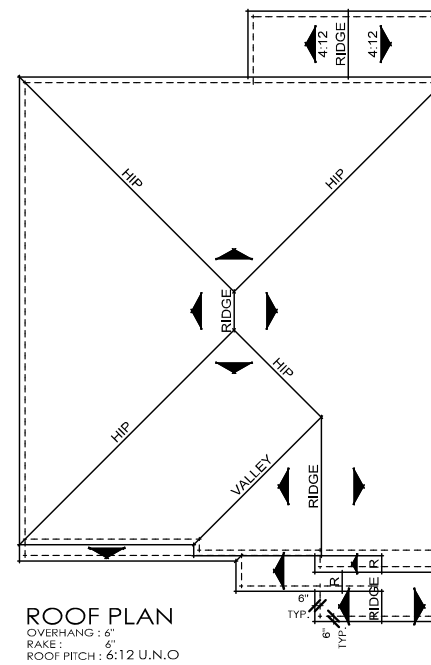
LEFT



REAR



RIGHT



Tiburon Village
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SIDES, REAR AND ROOF PLAN - PLAN 4C

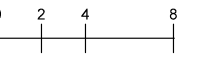
Tracy, California

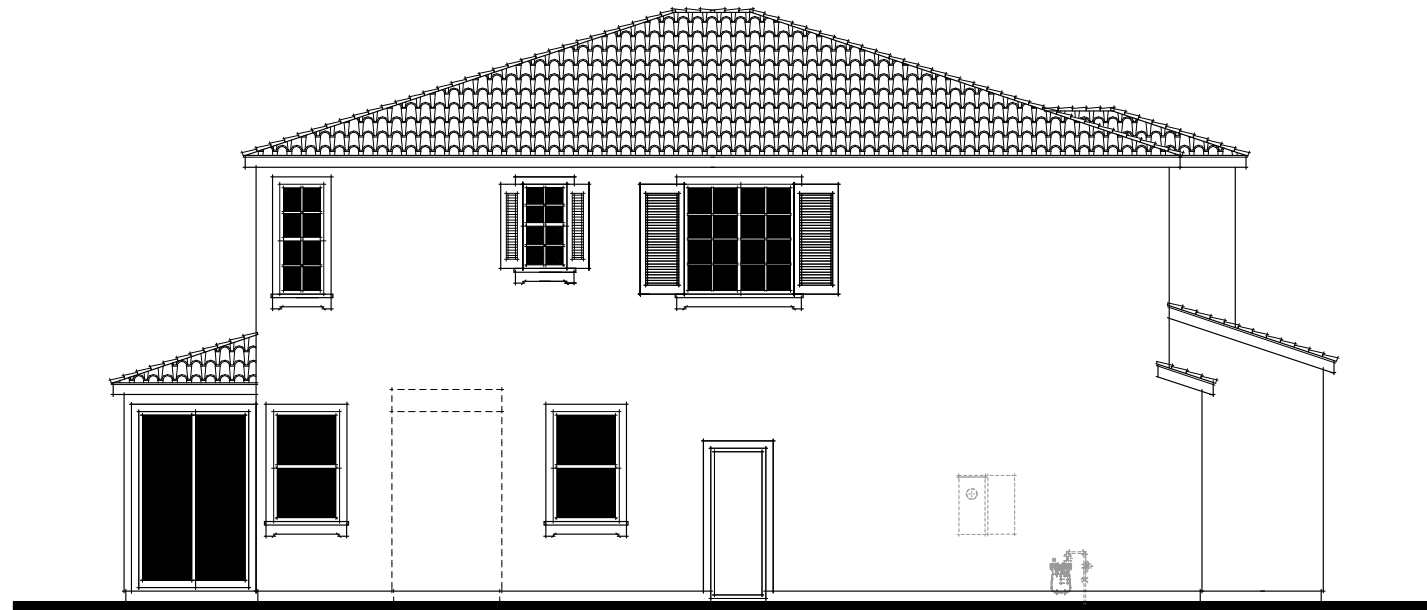
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A4.5

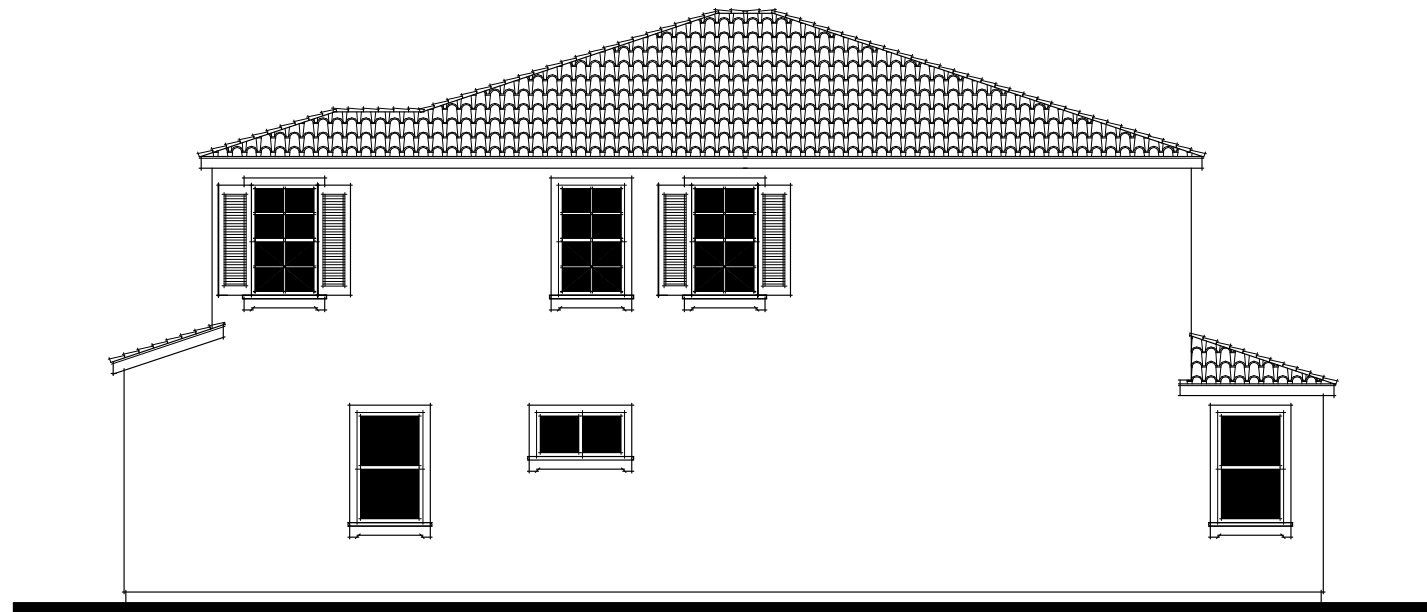




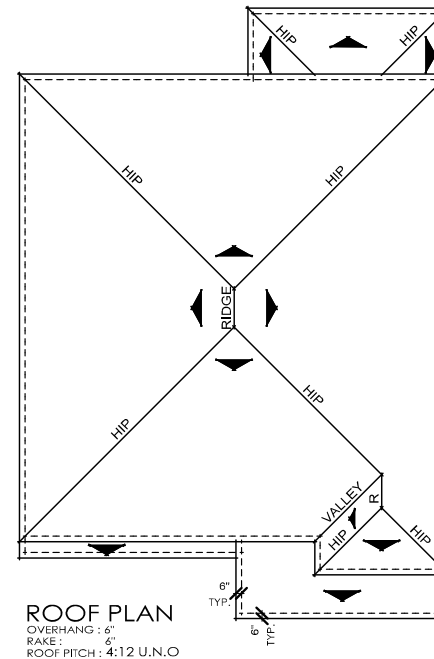
LEFT



REAR



RIGHT



Tiburon Village
 Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 4D

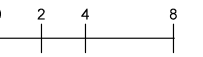
Tracy, California

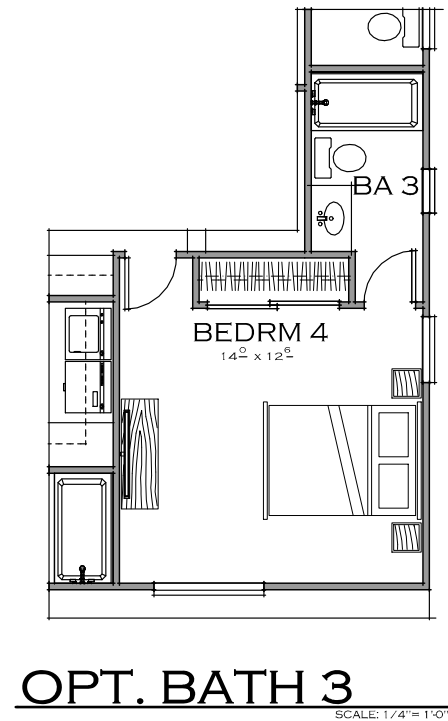
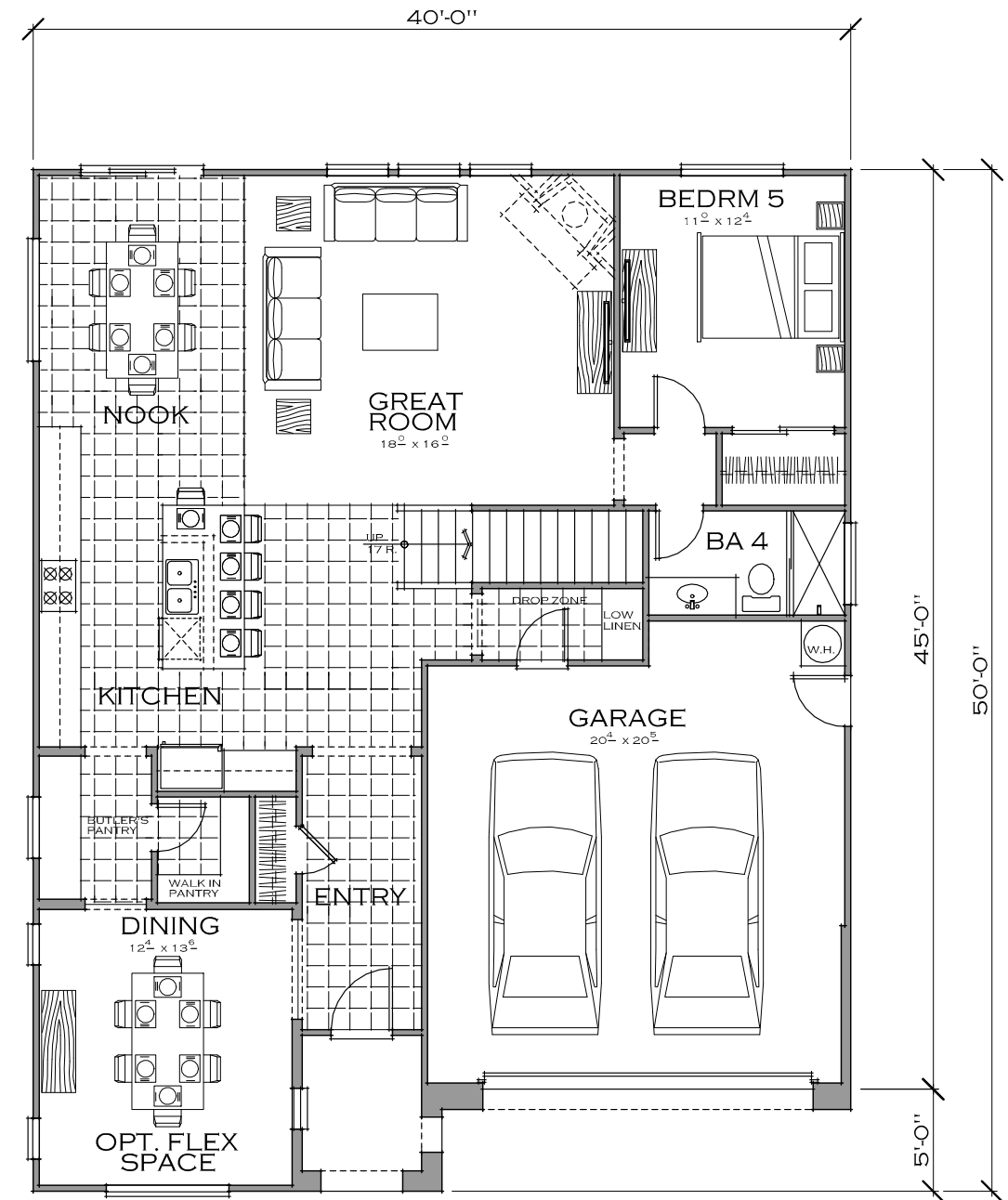
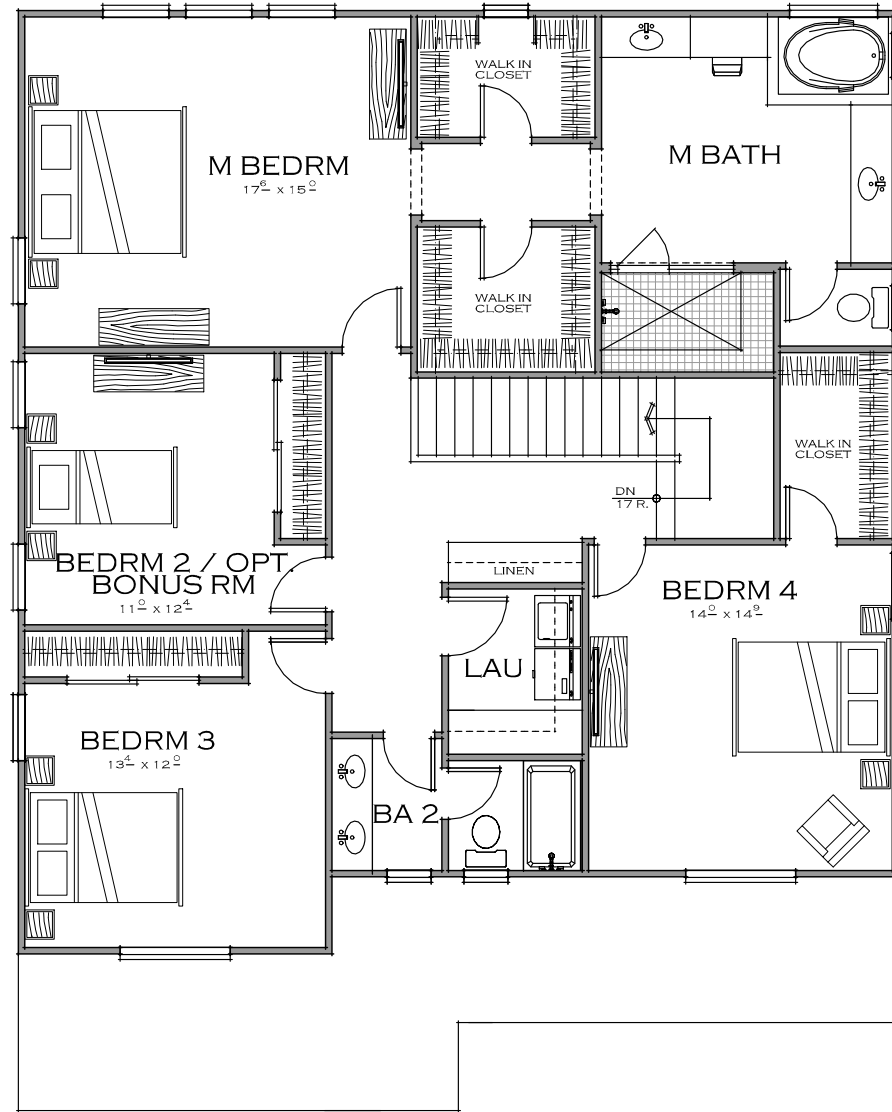
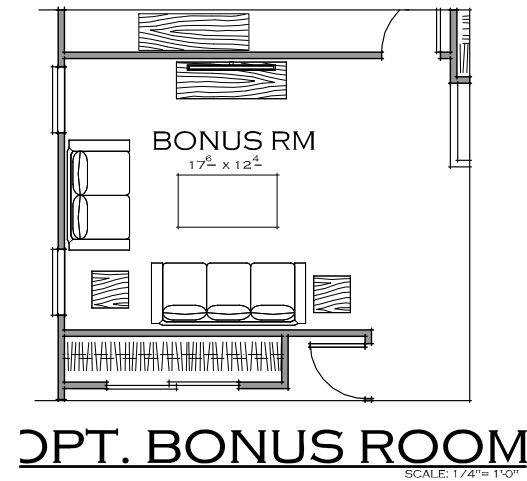
6.28.2013

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A4.6





Second Floor Plan

First Floor Plan

Spanish
 Material Legend:
 Concrete Low Profile 'S' Tile
 Stucco Finish
 1x Stucco Finish Trim
 Decorative Gable End Detail
 Stucco potshef
 Enhanced Sills



ELEVATION '5A' - SPANISH

Craftsman
 Material Legend:
 Flat Concrete Tile Roofing
 Stucco Finish
 Shutters
 Stone Veneer
 Enhanced Sills
 1x Stucco Finish Trim
 Cementitious Gable Siding

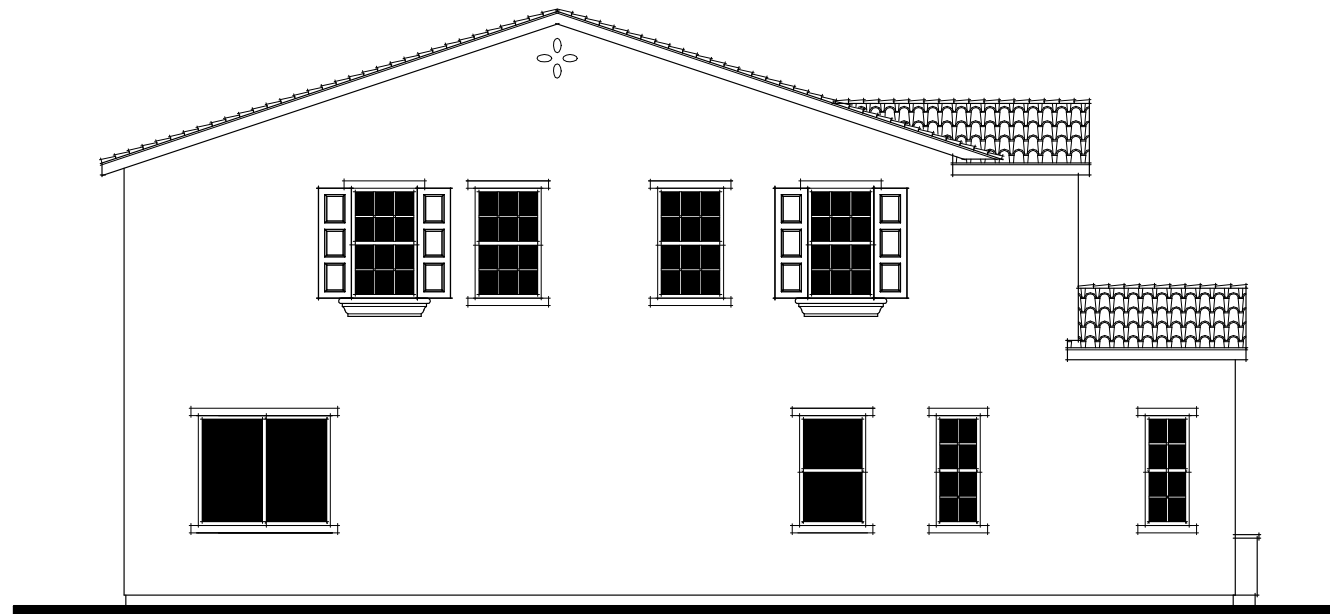


ELEVATION '5B' - CRAFTSMAN

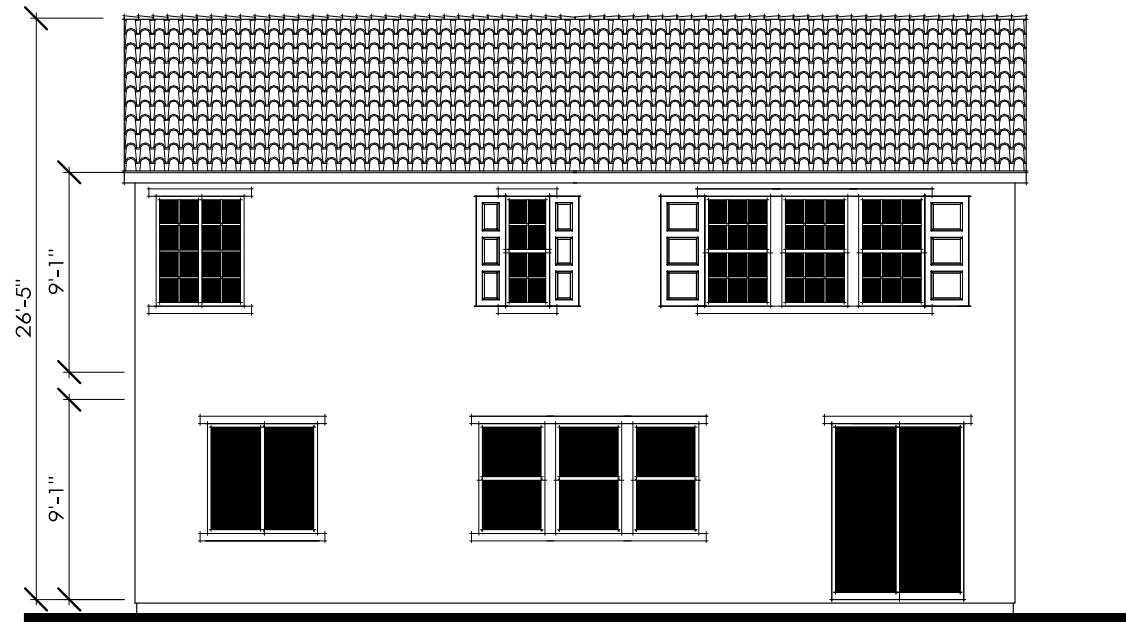
English Country
 Material Legend:
 Flat Concrete Tile Roofing
 Stucco Finish
 Brick Veneer
 Shutters
 1x Stucco Finish Trim
 Enhanced Sills
 Cementitious Gable Siding



ELEVATION '5C' - ENGLISH COUNTRY



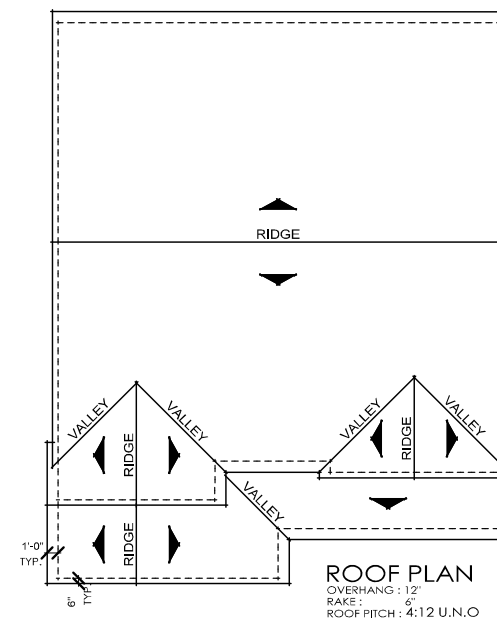
LEFT



REAR



RIGHT



Tiburon Village
Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 5A

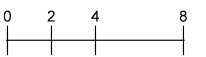
Tracy, California

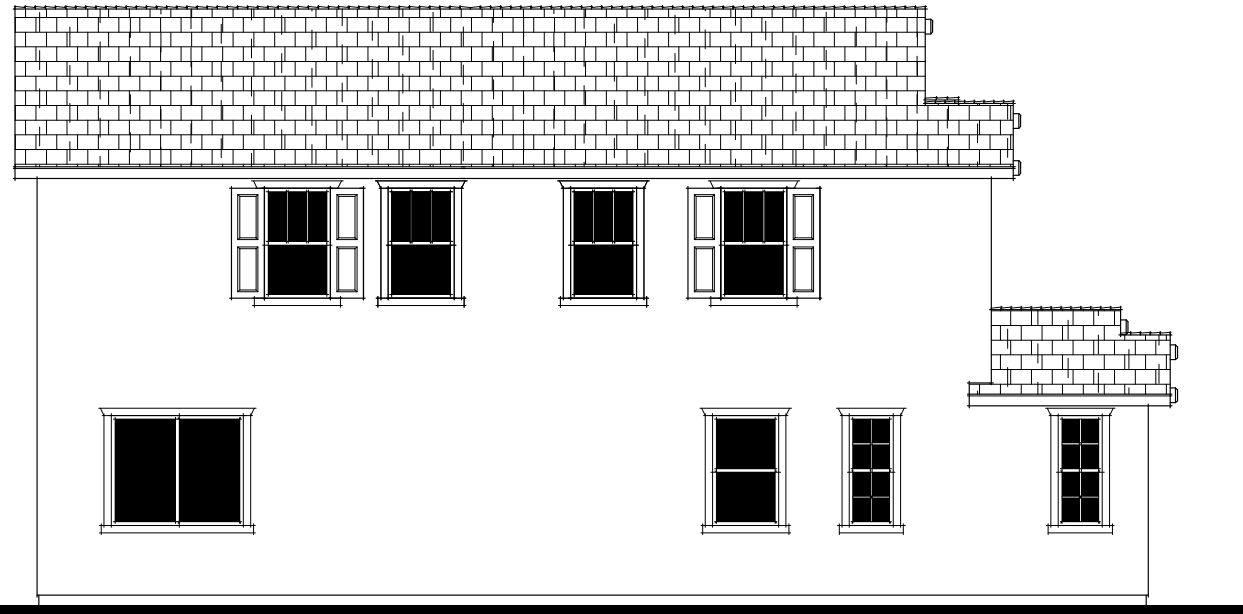
6.28.2013

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Architecture+Planning
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Oakland, California 94607
ktgy.com
510 272 2910

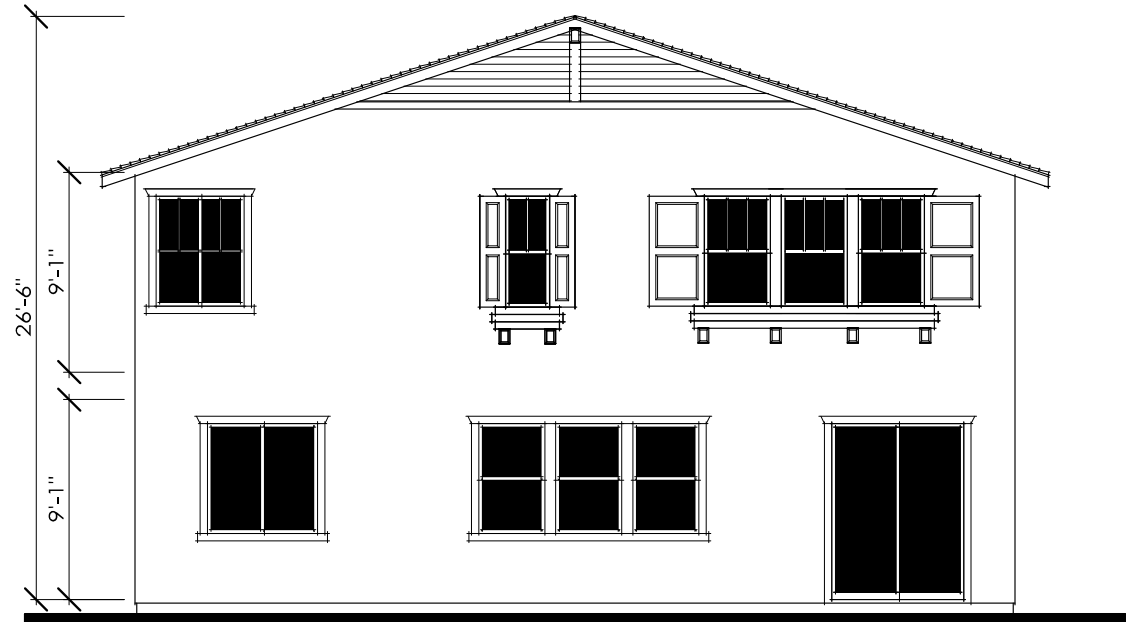


A5.3

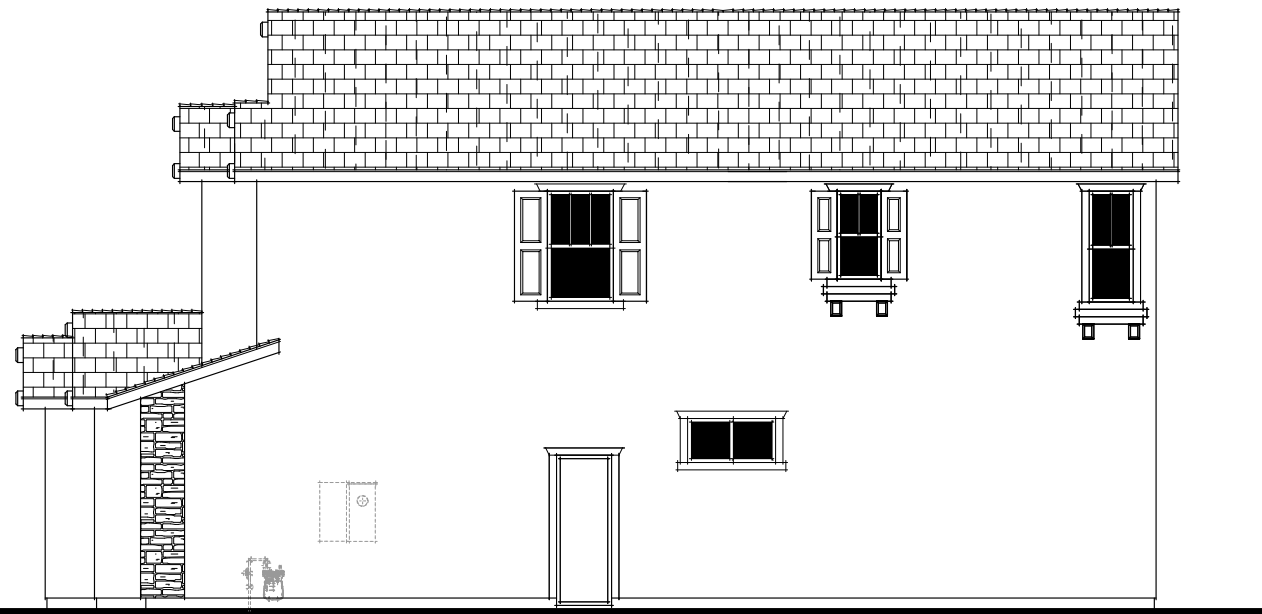




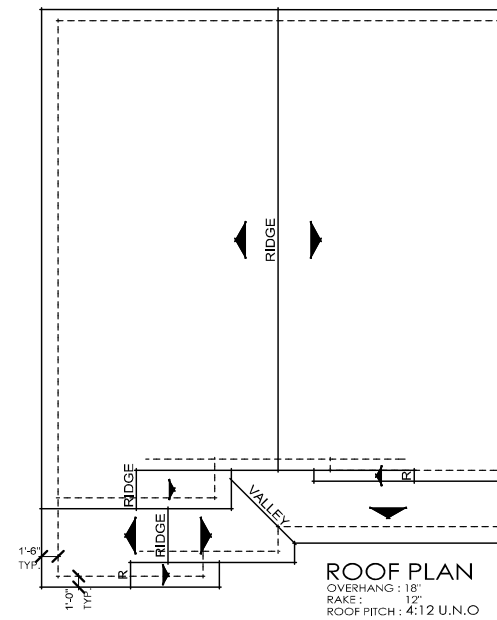
LEFT



REAR



RIGHT



Tiburon Village
Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 5B

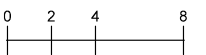
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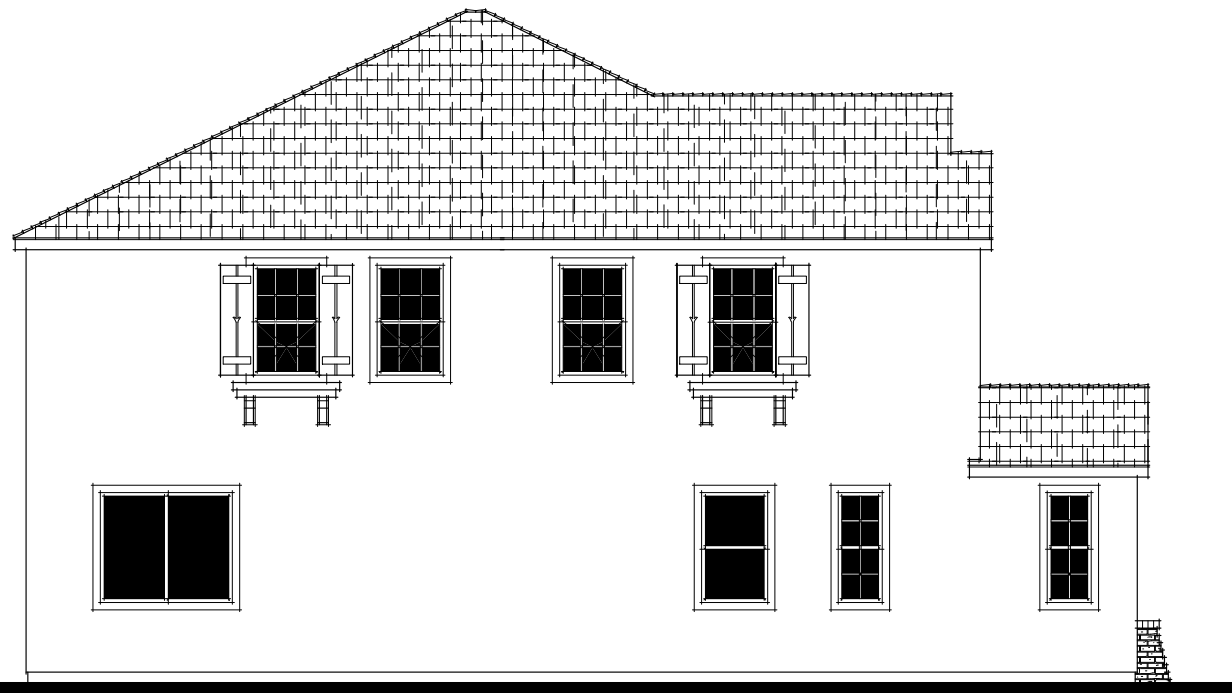
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A5.4





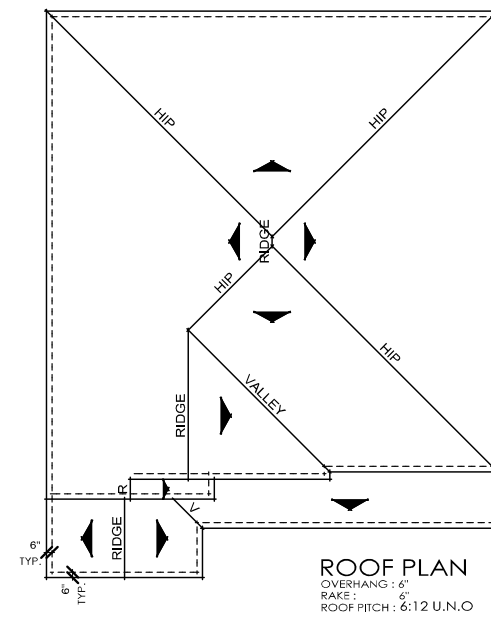
LEFT



REAR



RIGHT



ROOF PLAN
OVERHANG: 6"
RAKE: 6"
ROOF PITCH: 6:12 U.N.O.

Tiburon Village
Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 5C

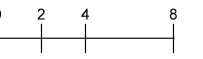
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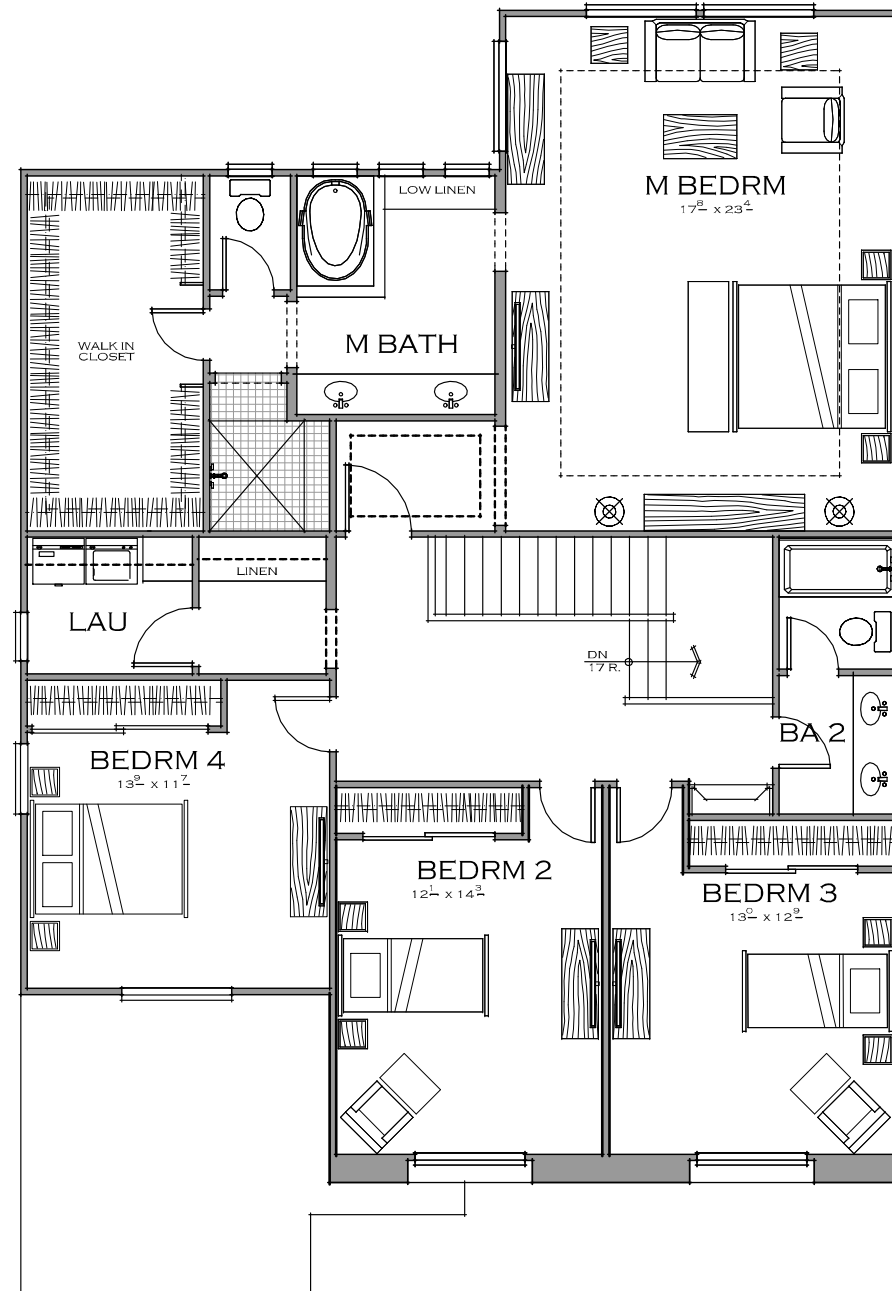
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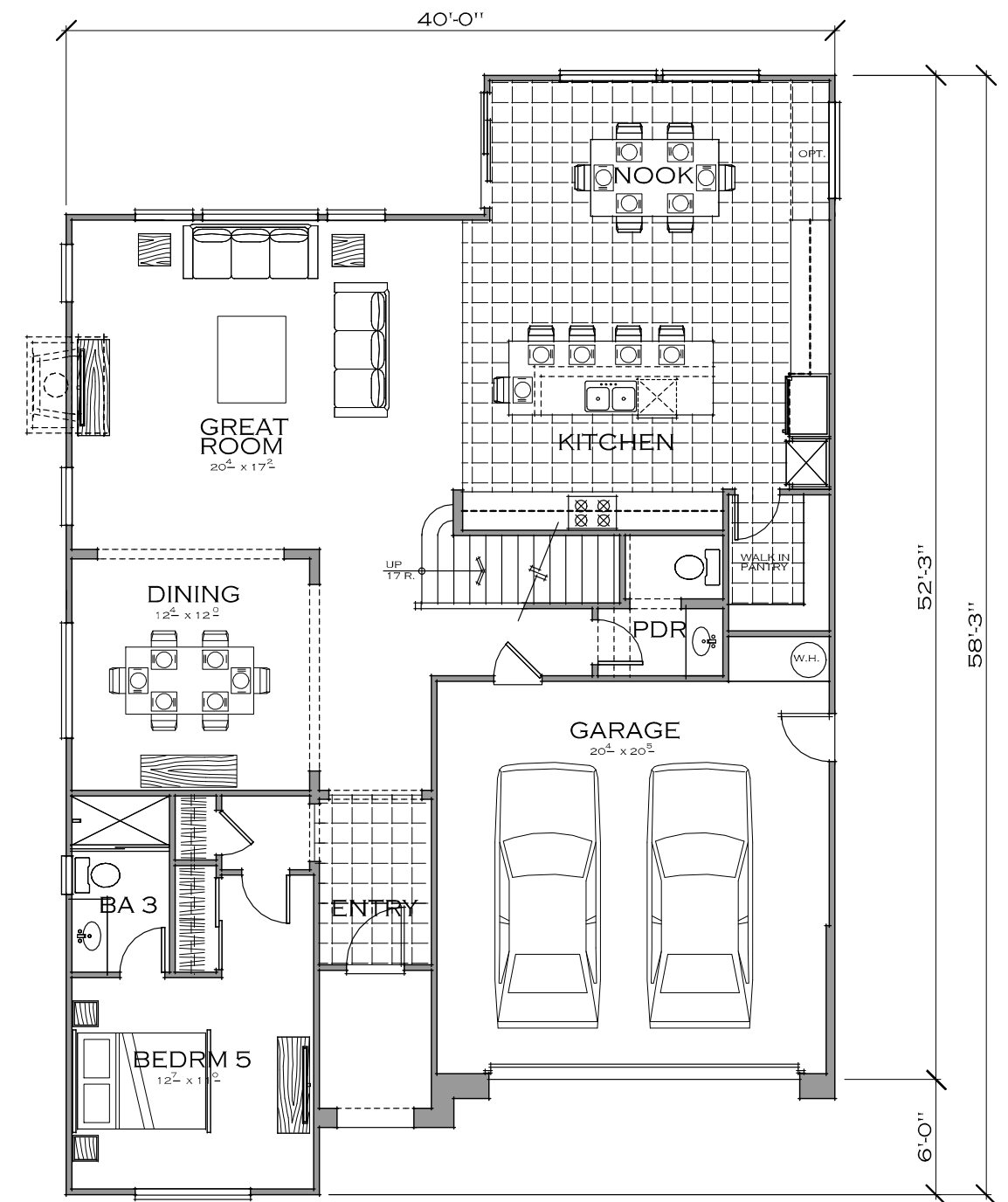


A5.5





Second Floor Plan



First Floor Plan

Spanish
Material Legend:
Concrete Low Profile 'S' Tile
Stucco Finish
1x Stucco Finish Trim
Wrought Iron Balcony
Enhanced Sills



ELEVATION '6A' - SPANISH

Craftsman
Material Legend:
Flat Concrete Tile Roofing
Stucco Finish
Cementitious Shingles
Stone Veneer
Enhanced Sills
1x Stucco Finish Trim



ELEVATION '6B' - CRAFTSMAN

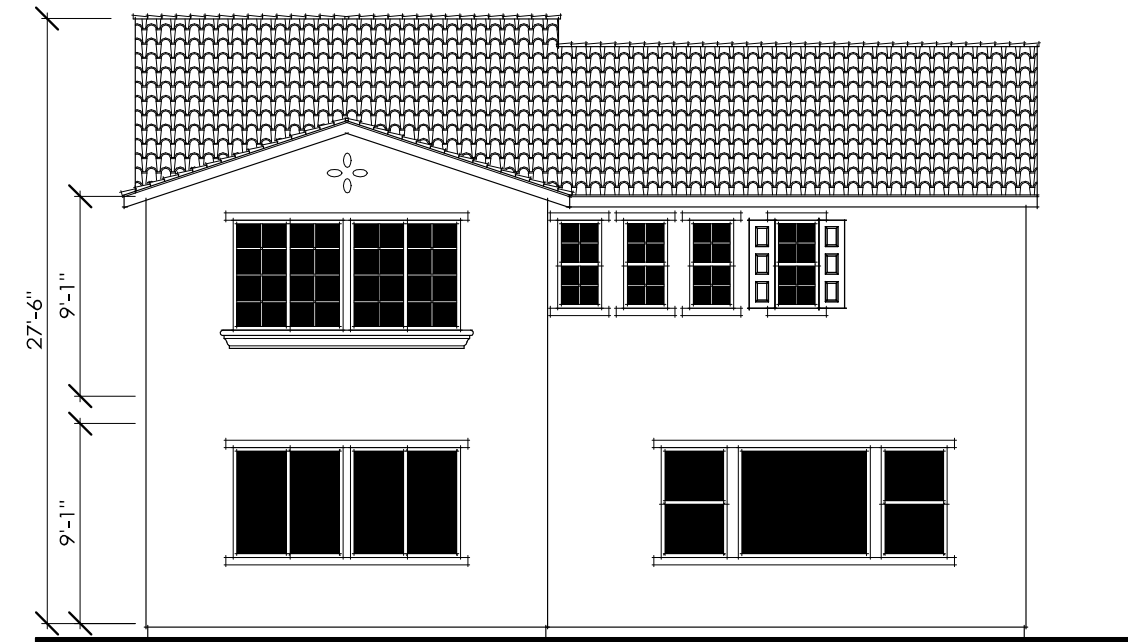
English Country
Material Legend:
Flat Concrete Tile Roofing
Stucco Finish
Brick Veneer
Shutters
1x Stucco Finish Trim
Enhanced Sills



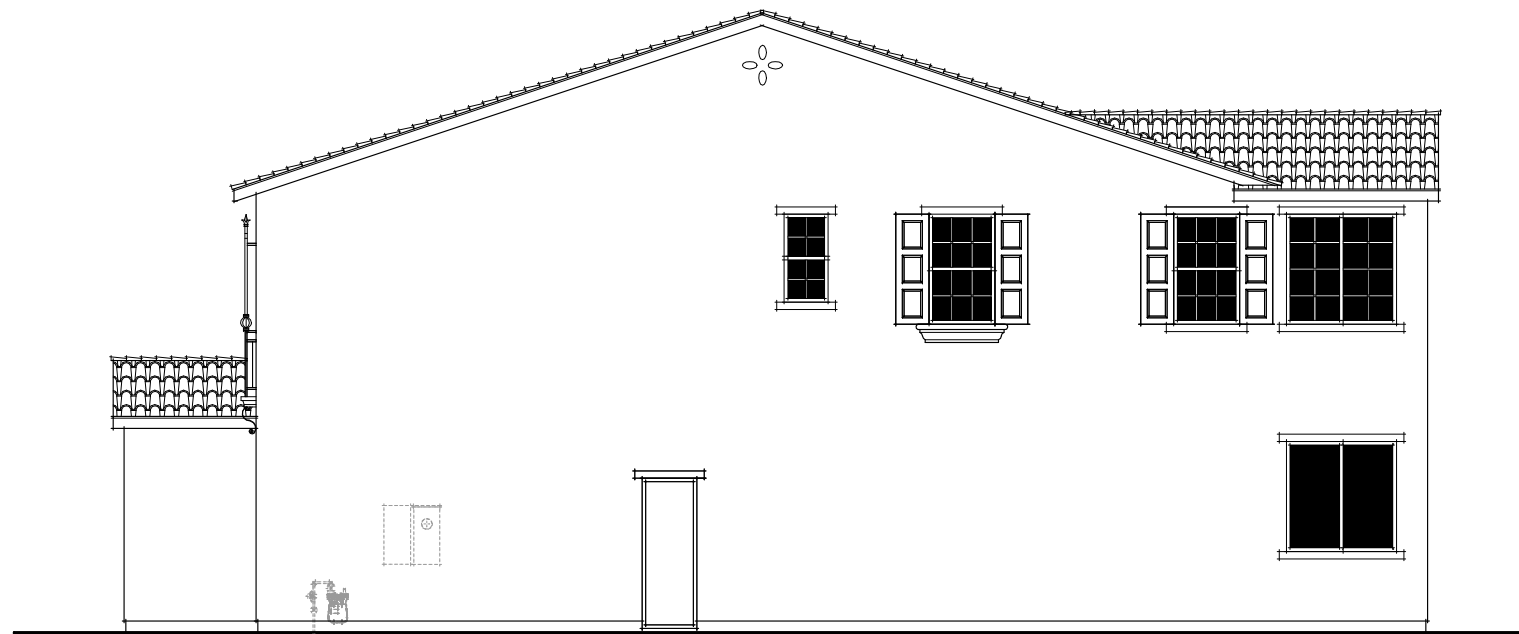
ELEVATION '6C' - ENGLISH



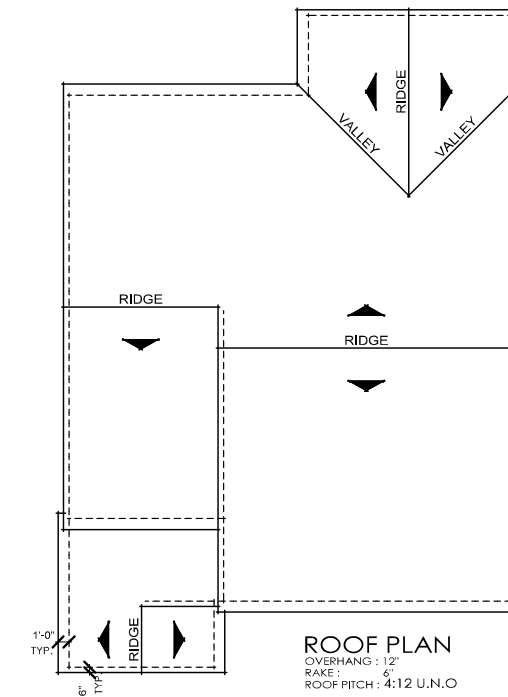
LEFT



REAR



RIGHT



Tiburon Village
Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 6A

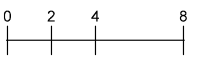
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A6.3

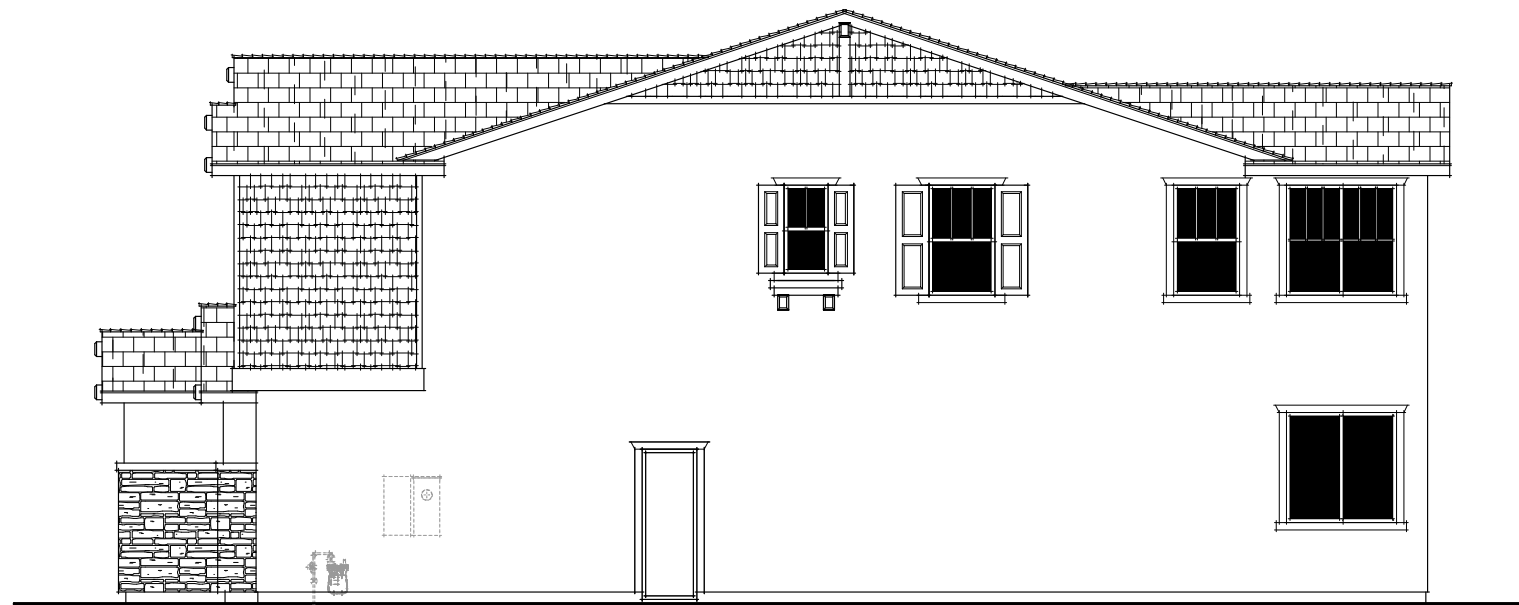




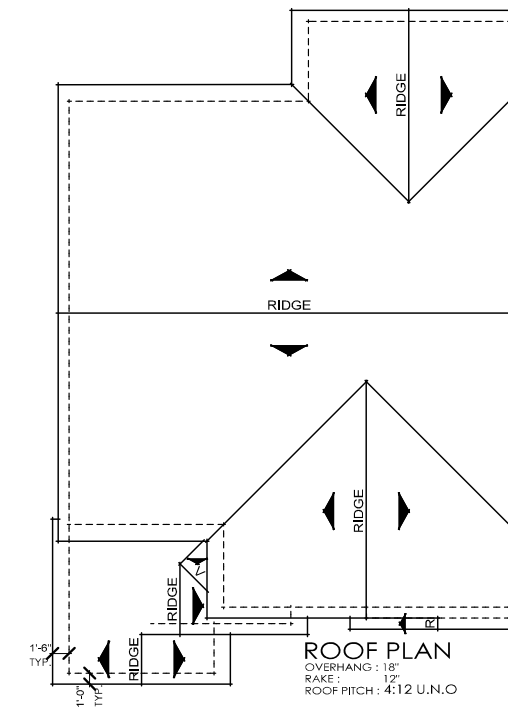
LEFT



REAR



RIGHT



A6.4

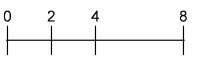
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SIDES, REAR AND ROOF PLAN - PLAN 6B

Tracy, California

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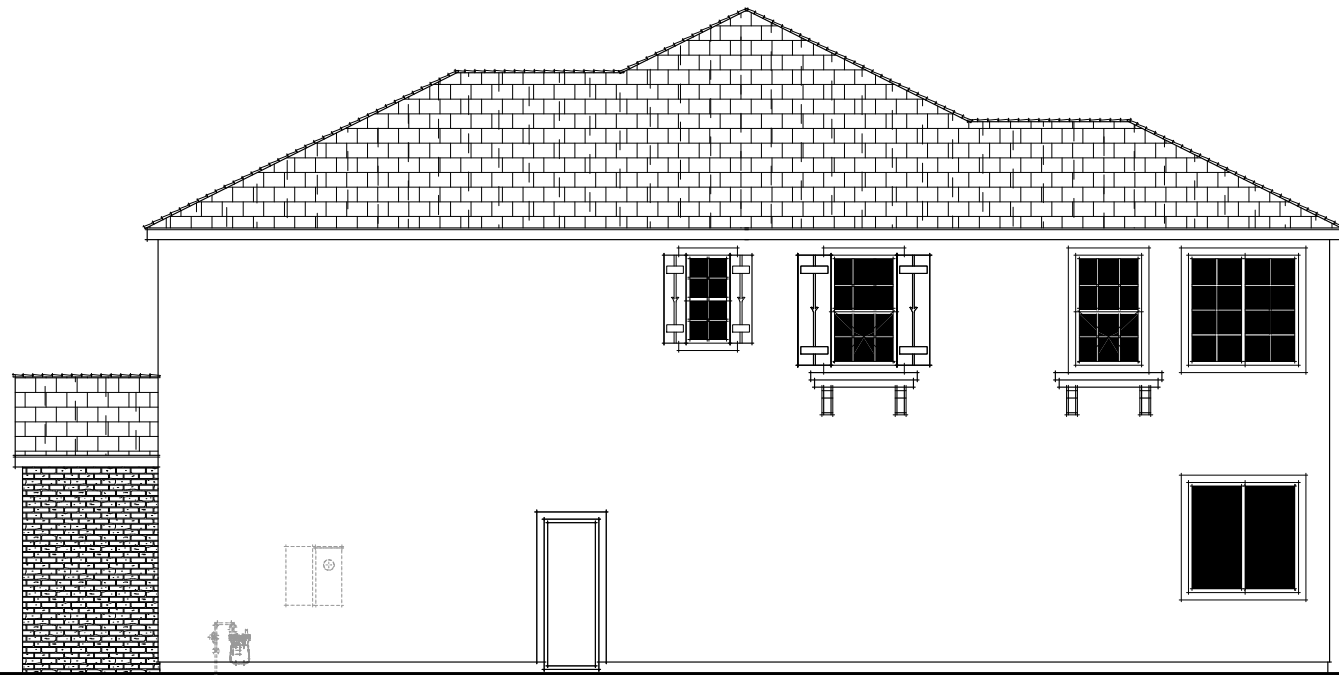




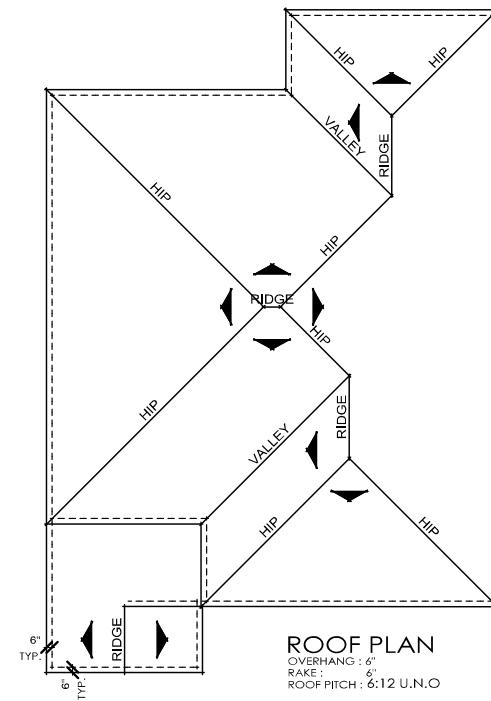
LEFT



REAR



RIGHT



Tiburon Village
 Valley Oak Partners, LLC

SIDES, REAR AND ROOF PLAN - PLAN 6C

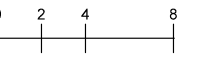
Tracy, California

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A6.5



RESOLUTION _____

**RECOMMENDING CITY COUNCIL APPROVAL OF THE AMENDMENT TO THE
105-LOT TIBURON VILLAGE VESTING TENTATIVE SUBDIVISION MAP AND
AMENDMENT TO THE PRELIMINARY AND FINAL DEVELOPMENT PLAN
FOR AN 18.6-ACRE SITE LOCATED ON THE WEST SIDE OF MAC ARTHUR
DRIVE, APPROXIMATELY 600 FEET NORTH OF VALPICO ROAD
APPLICATION NUMBERS TSM13-0002 AND PUD13-0002**

WHEREAS, The subject property was annexed to the City of Tracy in 1973 and is a part of the Infill Finance Plan, and

WHEREAS, The project will amend an existing Vesting Tentative Subdivision Map to create 105 single-family dwelling units on 18.6 gross acres, with an overall density of approximately 5.6 dwelling units per acre, which is consistent with the General Plan land use and density requirements, and

WHEREAS, The proposed map amendment is consistent with the General Plan, and Title 12, the Subdivision Ordinance, of the Tracy Municipal Code. The General Plan designation of the property is Residential Low, which provides for a density range of 2.1 to 5.8 dwelling units per acre. The General Plan identifies that the characteristic housing for the Low Density Residential categories includes single family homes, and

WHEREAS, The site is physically suitable for the type of development, as the site, once graded will be virtually flat and the characteristically high clay content of Tracy's soils may require amendments and treatment for proposed landscaping, foundations, and other surface and utility work. The physical qualities of the property make it suitable for residential development in accordance with City standards, and

WHEREAS, The site is physically suitable for the proposed density of development. The 5.6 dwelling units per acre proposed is consistent with the allowable density range prescribed by the General Plan. Traffic circulation is designed in accordance with City standards for the proposed density to ensure adequate traffic service levels are met, and

WHEREAS, The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. An Initial Study and Negative Declaration was approved for the project site in April of 2004. Significant fish or wildlife or their habitat have not otherwise been identified on the site and no further environmental documentation is required, and

WHEREAS, The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision, and

WHEREAS, The project complies with all other applicable ordinances, regulations and guidelines of the City, including but not limited to, the local floodplain ordinance. The subject property is not located within any floodplain and the project, with conditions, will meet all applicable City design and improvement standards, and

WHEREAS, All the public facilities necessary to serve the subdivision will be in place prior to the issuance of building permits. All the public facilities necessary to serve the subdivision or mitigate the impacts created by the subdivision will be assured through a subdivision improvement agreement prior to the approval of a final map, and

WHEREAS, the architectural renderings are in compliance with Tracy's Design Goals and Standards because they have incorporated significant variation between floor plans and elevations, located garages set back from the facades of the living space, and used architectural features on all four sides of each house, and

WHEREAS, The Planning Commission conducted a public hearing to review and consider the amendments to the Vesting Tentative Subdivision Map and Preliminary and Final Development Plan on July 24, 2013;

NOW, THEREFORE, BE IT RESOLVED, That the Planning Commission hereby recommends that the City Council approve the amendments to the Tiburon Village Vesting Tentative Subdivision Map and Preliminary and Final Development Plan, Application Numbers TSM13-0002 and PUD13-0002, subject to conditions stated in Exhibit "1", attached and made part hereof.

The foregoing Resolution _____ was adopted by the Planning Commission on the 24th day of July, 2013, by the following vote:

AYES: COMMISSION MEMBERS:

NOES: COMMISSION MEMBERS:

ABSENT: COMMISSION MEMBERS:

ABSTAIN: COMMISSION MEMBERS:

Chair

ATTEST:

Staff Liaison

**Conditions of Approval for the
Tiburon Village Revised Vesting Tentative Subdivision Map, and
Preliminary and Final Development Plan Amendment
Application Numbers TSM13-0002, and PUD13-0002**

These Conditions of Approval shall apply to the real property described as the Tiburon Village Vesting Tentative Subdivision Map Amendment, Preliminary and Final Development Plan Amendment, Application Numbers TSM13-0002, and PUD13-0002 (hereinafter "Project"), generally located on approximately 18.1 acres on the west side of Mac Arthur Drive, approximately 600 feet north of Valpico Road, Assessor's Parcel Numbers 246-140-02 and 03.

A. The following definitions shall apply to these Conditions of Approval:

1. "Applicant" means any person, or other legal entity, defined as a "Developer".
2. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed engineer designated by the City Manager, or the Public Works Director, or the City Engineer to perform the duties set forth herein.
3. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code, ordinances, resolutions, policies, procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).
4. "Development Services Director" means the Development Services Director of the City of Tracy, or any other person designated by the City Manager or the Development Services Director to perform the duties set forth herein.
5. "Conditions of Approval" shall mean the conditions of approval applicable to the Tiburon Village Vesting Tentative Subdivision Map Amendment, and Preliminary and Final Development Plan Amendment, Application Numbers TSM13-0002, and PUD13-0002. The Conditions of Approval shall specifically include all Development Services Department Conditions set forth herein.
6. "Project" means the real property consisting of approximately 18.1 acres located on the west side of Mac Arthur Drive, approximately 600 feet north of Valpico Road, Assessor's Parcel Numbers 246-140-02 and 03.
7. "Subdivider" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. "Subdivider" also

means the Developer. The term "Subdivider" shall include all successors in interest.

B. Planning Division Conditions of Approval:

1. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to: the Planning and Zoning Law (Government Code sections 65000, *et seq.*), the Subdivision Map Act (Government Code sections 66410, *et seq.*), the California Environmental Quality Act (Public Resources Code sections 21000, *et seq.*, "CEQA"), and the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 15000, *et seq.*, "CEQA Guidelines").
2. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City Regulations.
3. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all mitigation measures identified in the General Plan Environmental Impact Report, approved February 1, 2011 and the "Valpico/South Mac Arthur Development Projects Initial Study and Negative Declaration" approved by the Planning Commission in April of 2004.
4. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code Section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.
5. The applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project.
6. All improvements shall be consistent with the Tracy Municipal Code, Standard Plans, and other applicable City Regulations.
7. All final maps shall be consistent with the Vesting Tentative Subdivision Map received by the Development Services Department on July 18, 2013, unless modified herein.

8. Prior to the issuance of a building permit, the developer shall document compliance with all applicable school mitigation requirements consistent with City Council standards and obtain certificate of compliance from Tracy Unified School District for each new residential building permit.
9. Prior to approval of the first Final Map, the Developer shall obtain approval of all street names from the Traffic Engineering Division. At least one street shall be named after a deceased veteran in accordance with City Council Resolution Number 87-041.
10. Prior to the approval of the first Final Map, the developer shall submit plans that show, to the satisfaction of the Development Services Director, the detailed plans for the construction of the pedestrian connection along MacArthur Drive to the commercial site (Rite Aid) to the south.
11. Prior to the recordation of the first Final Map, the Subdivider shall show public utility easements necessary to accommodate the needs of local utility providers in accordance with City standards, to the satisfaction of the City Engineer.
12. Prior to the issuance of building permits, the applicant shall pay all park in-lieu fees required for the project.
13. The floor plans and architectural elevations, except as modified herein, shall be consistent with the plans received by the Development Services Department on July 15, 2013.
14. All of the development standards for the 105 lots shall comply with the standards as listed in the "Planned Unit Development Tiburon Villages" document, received by the Development and Engineering Services Department on July 17, 2013. The development standards for the 3.35-acre "Thrasher" out-parcel (located generally at the northwest area of the site) shall be in compliance with the standards established within said document for the 5,500 square foot minimum lots. The development standards for the out-parcels on the southeast corner of the site, adjacent to MacArthur Drive shall be in compliance with the standards established for the 5,000 square foot minimum lots.
15. The Developer shall comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District (APCD), including District Rule 9510, Regulation VIII, and payment of all applicable fees.
16. The Developer shall comply with all applicable provisions of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, including Incidental Take Minimization Measures applicable at the time of permit, a pre-construction survey prior to ground disturbance, and payment of all applicable fees, to the satisfaction of San Joaquin Council of Governments.

17. Prior to issuance of a grading permit, the Developer shall provide proof of compliance with the Construction General Permit through a Waste Discharge ID number or Notice of Intent submittal; and provide proof of compliance with the City of Tracy Manual of Stormwater Quality Control Standards for New Development and Redevelopment (Manual), which includes the requirements for Site Design, Source and Treatment Control Measures, in a project Stormwater Quality Control Plan (SWQCP), to the satisfaction of the Public Works Director or his/her designee. Prior to issuance of a building permit, the Developer shall provide proof of compliance with CalGreen Building Standards for Residential Properties, to the satisfaction of the Public Works Director or his/her designee. Prior to building permit final inspection, a Storm Water Treatment Device Access and Maintenance Agreement must be approved and notarized between the Developer and the City, to the satisfaction of the Public Works Director or his/her designee.

18. Prior to the issuance of a building permit, the Developer shall prepare a detailed landscape and irrigation plan for all landscape areas (e.g. back yards, front yards, and public right of way) consistent with City standards and shall show compliance with adopted Water Efficient Landscape Ordinance and mandatory CalGreen Building Standards for Residential Properties through submittal and approval of the required Landscape Package, which includes project information, a water efficient landscape worksheet, a soil management report and Landscape, Irrigation, Drainage and Grading Plans, to the satisfaction of the Public Works Director or his/her designee.

C. Engineering Division Conditions

Contact: Criseldo Mina, P. E. (209) 831-6425 cris.mina@ci.tracy.ca.us

C.1. Tentative Subdivision Map

Prior to signature of the Tentative Subdivision Map by the City Engineer, the Subdivider shall comply with the requirements set forth in this section, to the satisfaction of the City Engineer.

- C.1.1. Revise the Tentative Subdivision Map to show the locations of the 1-foot wide strip reserve street dedications and restricted access to MacArthur Drive for Lots 77 through 83 (7 lots).

- C.1.2. Other street names not specifically changed by these conditions of approval shall be reviewed and approved by the City's Fire Department, prior to approval of the first final map.

- C.1.3. Revise the Tentative Subdivision Map to show the 27.5 feet wide strip of land needed from the Texaco Downstream Properties, Inc., for the extension of street and utilities improvements on Stalsburg Drive from

Tung Nguyen to the southern boundary of the Property. The 27.5 feet wide strip of land will be the westerly-half of the right-of-way of Stalsburg Drive.

- C.1.4. Submit one (1) reproducible copy of the approved tentative subdivision map for the Project within ten (10) days after Subdivider's receipt of notification of approval of the tentative subdivision map. The owner(s) of the Property must sign the Tentative Subdivision Map, or provide documentation their consent to the preparation of the tentative subdivision map.

C.2. Final Map Applications

No application for any final map within the Project boundaries will be accepted by the City as complete until the Subdivider provides all documents as required by City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

- C.2.1. The Subdivider has completed all the requirements set forth in this section, and Condition C.1., above.
- C.2.2. The Final Map prepared in accordance with the Tracy Municipal Code and the City Design Documents, and in substantial conformance with the Tentative Subdivision Map.
- C.2.3. The final map application, which includes tract boundary, street right-of-way, and lot closure calculations, preliminary title report, updated subdivision map guarantee, copies of recorded deeds and/or easements and documents that are necessary to complete the technical accuracy review of the final map.
- C.2.4. Improvement Plans for in-tract and offsite improvements required to serve the Property described by the final map and Tentative Subdivision Map in accordance with the Tracy Municipal Code, the City Design Documents, and these Conditions of Approval. The Improvement Plans shall specifically include all the requirements specified in Conditions C.5., C.6., C.7., C.8., and C.9., below.
 - a) Location and size of existing utilities such as electric, gas, telephone, TV-cable, sewer, water, storm drain, and others on MacArthur Drive and within the Property.
 - b) All supporting and engineering calculations, material and technical specifications, and reports related to the design of the subdivision improvements, and as required by the City Engineer. The engineering calculations shall include calculations for determining the size and capacity of sewer, water and storm drain lines.

- c) The Improvement Plans shall consist of the Grading and Storm Drainage Plans, Irrigation and Landscaping Plans, Composite / Joint Utility Plans, In-tract Civil and Utility Plans, Street Lighting Plans, Signing and Striping Plans, Masonry Wall Plans, and Storm Water Plans prepared in accordance with the Tracy Municipal Code and City Regulations. The Grading Plans shall be submitted together with the calculations of earthwork quantities or specifically the volumes of cut and fill in cubic yards.

The Masonry Wall Plans shall be submitted together with the necessary structural calculations, and construction details, if necessary, signed and stamped by a Structural or Civil Engineer licensed to practice in the State of California.

- d) If multiple final maps are to be filed, the Improvement Plans, as described above, must be prepared with a detailed phasing plans showing construction limits and logical sequence or order of constructing street and utilities improvements. The phasing plan shall clearly identify the improvements to be constructed with each construction phase.
- e) If it is necessary to close or interrupt the operation of travel lane(s) on MacArthur Drive during construction, a Traffic Control Plan prepared and/or signed by a Registered Civil or Traffic Engineer licensed to practice in the State of California, must be submitted for review and approval. No work shall start within City's right of-way or no lane closure shall be made without obtaining City Engineer's approval on the Traffic Control Plan.

C.2.5. Engineer's Estimate for the construction cost of subdivision improvements and public facilities that are required to be constructed to serve the Project, prepared in accordance with City Regulations. Add ten (10) percent for construction contingencies.

C.2.6. Initial payment of plan and map checking, agreement(s) processing, and other fees required by these Conditions of Approval and City Regulations.

C.3. Final Map

No final map within the Project boundaries will be approved by the City until the Subdivider demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

- C.3.1. The Subdivider has completed all the requirements set forth in this section, and Condition C.1., and C.2., above.

- C.3.2. The Subdivider has obtained the approval of all other public agencies with jurisdiction over the required public facilities.
- C.3.3. The Final Map shall include dedications or offers of dedication of all right(s)-of-way and/or easement(s) required to serve the Project described by the Final Map and Tentative Subdivision Map, in accordance with City Regulations and these Conditions of Approval.
- C.3.4. The existing residential house owned by Derone W. and Dorlane A. Thrasher will remain on a parcel (Thrasher Parcel) that will be created by a separate Final Parcel Map after the Tentative Subdivision Map is approved. The Subdivider shall provide access and utilities connections stubbed to the Thrasher Parcel from future public street(s), at the Subdivider's sole cost and expense. The Subdivider shall design and construct concrete curb, gutter and sidewalk including the typical landscaping improvements between the curb and sidewalk along the frontage of the Thrasher Parcel on Stalsburg Drive and complete the frontage improvements, prior to final inspection of first the residential building to be constructed on any of the lots located along the west side of Stalsburg Avenue north of Derone Drive.
- C.3.5. The Subdivider shall dedicate a 10-foot wide Public Utility Easement (PUE) along the lot frontages within the Property, for the installation, repair, use, operation, and maintenance of other public utilities such as electric, gas, telephone, cable TV, and others. The Subdivider shall coordinate with the respective owner(s) of these utilities including PG&E, AT&T, and Comcast, for the design and installation of these utilities within the Property. Engineering design and construction details of these utilities must be prepared as part of the joint utility trench plans to be submitted for City's approval.
- C.3.6. Horizontal and vertical control for the Project shall be based upon the City of Tracy coordinate system and at least three 2nd order Class 1 control points establishing the "Basis of Bearing" and shown as such on the final map. The final map shall also identify surveyed ties from two of the control points to a minimum of two separate points adjacent to or within the property described by the Final Map.
- C.3.7. A detailed construction phasing plan showing the limits and logical sequence of construction of street and utilities improvements. The construction phasing plan shall clearly identify the improvements to be constructed with each construction phase of the Project.
- C.3.8. All the required improvement plans are prepared in accordance with City Regulations and these Conditions of Approval. The improvement agreements are executed, improvement security is submitted and

documentation of insurance are provided, as required by these Conditions of Approval. The amounts of improvement security shall be approved by the City and the form of improvement security shall be in accordance with the Tracy Municipal Code.

- C.3.9. The Subdivider shall participate in any applicable Benefit Districts, Assessment Districts, or sub-regional reimbursement areas, in accordance with City Regulations.

The Subdivider is required to pay the Property's proportional share of cost of design and construction of the street extension of Stalsburg Drive extension south of the Property through the proposed high density residential projects (Valpico and Peter MacDonald Apartments) to the intersection of Valpico Road/ Glenbriar Drive. Payment of the Property's proportional share of cost which includes cost of right-of-way, design and plan checking, construction, and inspection shall be delivered, prior to the issuance of the first building permit within the Property. The proportional share of cost shall be determined based on the number of trips from benefitting properties.

- C.3.10. Payment of all fees required by these Conditions of Approval and City Regulations.
- C.3.11. All public facilities that are required to serve the proposed development within the final map boundaries, including water distribution, sewer conveyance, and water and wastewater treatment capacities have been financially assured by the Subdivider. The Subdivider acknowledges that complex planning and financing are involved in providing the public facilities required to serve the Property. Such public facilities are not available now. The City will make reasonable efforts to facilitate the necessary planning, but cannot and does not guarantee that sufficient public facilities, and the resulting capacity, will be available before expiration of the Tentative Map for this Project (under Government Code Section 66452.6 and relevant City Regulations
- C.3.12. In order to provide adequate wastewater treatment facilities to serve the Project, the Subdivider shall secure rights to wastewater treatment capacity, and contribute appropriate funding toward expansion of the municipal wastewater treatment facilities.
- C.3.13. The Subdivider shall demonstrate to the satisfaction of the City Engineer, and a finding made by the City Engineer that City's water and wastewater facilities (capacities at the treatment plant and distribution or transmission lines, and sewer conveyance) are adequate to meet Project's water and sewer flow demands, and are consistent with the City's Water and Wastewater Facilities Master

Plans. The Subdivider shall pay the costs of analysis by City consultants required to make such finding, if necessary.

C.3.14. All engineering calculations such as the pavement design, hydrologic and storm drainage calculation, sanitary sewer design, water line design, soil report, technical specifications, and other documents related to the design of the subdivision improvements.

C.4. Improvement Plans

The Improvement Plans that are required in this section shall contain the design and construction details of street and utilities improvements on MacArthur Drive, and all subdivision improvements that are required to serve the Project. The Improvement Plans shall consist of the Grading and Drainage Plans, Irrigation and Landscaping Plans, Composite and Joint Utility Trench Plans, Retaining Wall Plans, In-tract and Off-tract Civil and Utility Improvement Plans, Street Lighting Plans, Signing and Striping Plans, Storm Water Management Plans, and others. The Improvement Plans shall contain all the requirements specified in Conditions C.5., C.6., C.7., C.8., and C.9., below, and these Conditions of Approval. Improvement Plans to be signed by the City Engineer must be provided on a 4-mil thick 24" x 36" size polyester film (mylar) and prepared under the supervision of, and stamped and signed by a Registered Civil Engineer. Prior to obtaining the City Engineer's signature on the Improvement Plans, all the requirements set forth in this section shall be completed, to the satisfaction of the City Engineer, including Conditions C.1., C.2., and C.3., above.

C.5. Street Improvements

C.5.1. All traffic control devices and appurtenances, including stop sign, street name sign, pavement legend, and pavement marking and striping shall be installed in accordance with City Regulations and a detailed signing and striping plan approved by the City Engineer.

C.5.2. Street lights shall be installed in accordance with City Regulations and at locations approved by the City Engineer. As part of the Improvement Plans, a street lighting plan that shows the street lights, conduits, wires and electrical connection to PG&E facility including all pertinent construct details must be submitted for City's review and approval.

C.5.3. Landscaping improvements along MacArthur Drive shall be installed with an automatic irrigation system (Motorola Controller) as approved by the City Engineer, and shall be completed by the Subdivider, prior to the final inspection of the first residential building to be constructed within the Property (excluding model homes). Irrigation and Landscape Plans shall be signed and stamped by a registered Landscape Architect licensed to practice in the State of California. The kind and size of street trees to be planted on MacArthur Drive

and within the Property shall be per City Regulations, or as provided by the City Engineer.

- C.5.4. The Subdivider is required to complete the design and construction of frontage improvements on MacArthur Drive (MacArthur Drive Improvements), prior to the final inspection of the first residential building to be constructed on the Property. MacArthur Drive Improvements shall include but not limited to, saw-cutting, removal, and disposal of existing asphalt concrete pavement, grinding of existing pavement for 2" thick asphalt concrete overlay, curb, gutter, meandering sidewalk, handicap ramp, street light, fire hydrant, storm drain and catch basin, masonry wall, pavement marking, signing, striping and other improvements that are deemed necessary to create a safe pavement transition from wider to narrower street section such as pavement marking and striping, temporary paving, and barricade and guardrail. The limit of the new asphalt pavement shall be from the gutter to the existing asphalt concrete pavement. The Subdivider shall install a 2" thick asphalt concrete overlay over a portion of the existing pavement on MacArthur Drive to retain existing pavement crown grades and uniform cross slope, and as determined by the City Engineer. MacArthur Drive Improvements when completed shall provide for a one (1) 8 feet wide bike lane, two (2) 12 feet wide travel lanes and a striped median not less than 16 feet wide.

The Subdivider shall design and construct all improvements including pavement marking, and signing and striping at the Property's entrance on MacArthur Drive that are necessary to provide for a safe "right-turn in", "right-turn out", and "left-turn in" vehicular and pedestrian access to and from the Project, as part of the MacArthur Drive Improvements. In order to prevent a "left-turn out" traffic movement from Derone Drive, a temporary raised median may be necessary on MacArthur Drive. The configuration, shape and location of the temporary raised median shall be submitted by the Subdivider, for City's approval. The design and improvement plans of the temporary raised median will be required to be submitted, prior to the approval of the First Final Map. MacArthur Drive Improvements shall be completed by the Subdivider, all at the Subdivider's sole cost and expense.

- C.5.5. As part of the frontage improvements on MacArthur Drive, the Subdivider shall design and construct a 4 feet wide temporary pedestrian walkway along the west side of MacArthur Drive from Derone Drive to the northern boundary of the commercial parcel at the northwest corner of Valpico Road and MacArthur Drive. The City must approve location, grades and construction detail of the temporary pedestrian walkway. Cost of the pedestrian walkway including cost of acquiring permission(s) or right-of-way(s) and/or easement(s), if necessary, and modifying or adjusting existing

driveway that are impacted by the installation of the walkway will be paid by the Subdivider. The design and construction details of the temporary pedestrian walkway shall be in accordance with City Regulations. The temporary pedestrian walkway is required to be completed, prior to final inspection of the 1st residential building to be constructed within the Property. The Subdivider may propose an alternative solution, for providing a pedestrian connection from this Project to the commercial parcel at the northwest corner of Valpico Road and MacArthur Drive, subject to approval by the City Engineer.

- C.5.6. The Subdivider shall install a handicap ramp at the southwest corner of Derone Drive and MacArthur Drive, if necessary, to provide a safe transition to the temporary pedestrian walkway on MacArthur Drive. The handicap ramp shall be installed within City's right-of-way and as part of the frontage improvements on MacArthur Drive.
- C.5.7. Pavement design shall be based on State of California "R" value method, using Traffic Indices specified in the Design Standards, to the satisfaction of the City Engineer. The street longitudinal grade on any street shall be more than 0.30%. Street crown shall have a minimum slope of 2%. Valley gutters shall not be used to provide drainage across any through street or through intersections.
- C.5.8. The street extension of Stalsburg Drive from the Property to Valpico Road will provide vehicular and pedestrian access to Valpico Road and improve better traffic circulation for the Project. For the portion of Stalsburg Drive north of the Valpico and Peter MacDonald Apartments site (approved high density residential projects to be located north of Valpico Road), it will require acquisition of right-of-way approximately 27.5 feet from the adjacent property or the Texaco Downstream Properties, Inc. In order to guarantee completion of right-of-way acquisition, design, and construction of Stalsburg Drive from Tung Nguyen Lane to the southern boundary of the Property, the Developer shall sign a Deferred Improvement Agreement and post improvement security, concurrent with the approval of the first final map. The street alignment and grades of Stalsburg Drive shall be consistent with the preliminary site plan of the Valpico Apartments and Peter MacDonald Apartments.

Prior to the issuance of the 100th building permit, the Subdivider may submit cash payment equivalent to the cost of acquiring right-of-way and/or easement(s), design, preparing improvement plans, and constructing that portion of Stalsburg Avenue. The cash payment shall include plan checking, and engineering inspection fees. Upon receipt of the cash payment and after City Council's approval of the termination of or amendment to the deferred improvement agreement, the City shall return the improvement security posted by the

Subdivider for this specific deferred improvement within thirty calendar (30) days.

- C.5.9. A standard barricade and guardrail with appropriate traffic sign will be required at the east end of Tung Nguyen Lane and south end of Stalsburg Drive. The space behind the barricade shall be paved to prevent growth of weeds and provide easier access for removing accumulated debris. To prevent street runoff from draining to adjacent property(s), a concrete curb shall be installed through the entire width of the pavement or curb-to-curb. Asphalt concrete berm or curb is an acceptable alternative solution. A wooden fence shall be installed at the east end of Tung Nguyen Lane for the entire right of way width of the street.
- C.5.10. A warning sign mounted on an invert "U" railing made of galvanized iron pipes shall be installed at the west end of Tung Nguyen Lane stating that pedestrian traffic will not be allowed beyond the sign the location.
- C.5.11. Prior to the final building inspection of the residential house to be constructed on Lots 12 and 13, and if at that time the portion of Stalsburg Drive south of Tung Nguyen Lane is not constructed and it is not utilized as an emergency vehicle access, a typical 6-foot high wooden fence shall be installed along the western and southern sides of the unimproved portion of Stalsburg Drive within the Property.
- C.5.12. As part of the responsibility to construct frontage improvements on MacArthur Drive, the Subdivider is required to underground existing overhead facilities or electric lines carrying not more than 34 kilovolts and the Property's electrical service. If the overhead facilities or electric lines are more than 34 kilovolts, the Subdivider shall coordinate with the respective owner(s) of the utilities, for the relocation of their facilities, if necessary, to clear the construction of frontage improvements. The limits of undergrounding work shall be the entire frontage of the Property on MacArthur Drive and to the nearest utility pole(s) on both sides of the Property. If the nearest pole is more than 100 feet, the nearest utility pole can be relocated or an additional pole can be added such that it is 100 feet away from the Property. All electrical transformer(s), pad-mounted switch(s), and other above-ground installations on MacArthur Drive will not be allowed unless otherwise it is specifically approved by the City Engineer.
- C.5.13. The Subdivider shall coordinate with the Tracy Post Master for location of, and installation (by the Subdivider) of, cluster type mailbox units. Design and construction criteria shall be in accordance with City requirements. The US Postal Services is responsible for repairing

and maintaining all cluster mailboxes located within City's right-of-way.

- C.5.14. Prior to recordation of any final map within the Project, the Subdivider shall coordinate with the City and the School District(s) regarding vehicular and pedestrian access to schools from this residential development. The Subdivider shall submit plans to the City showing pedestrian routes, facilities for bus transportation and bike paths for approval by the City.
- C.5.15. The Subdivider shall abandon or remove all on-site existing irrigation and drainage structures, channels and pipes as directed by the City after coordination with the involved irrigation district, if the facilities are no longer required for irrigation and /or drainage purposes. If irrigation facilities including the tile drain are to remain to serve existing adjacent agricultural uses, the Subdivider will design, coordinate and perform required modifications to the facilities to the satisfaction of the affected agency and the City. Written permission from irrigation district or affected owner(s) will be required to be submitted prior to City approval of the final map(s).
- C.5.16. The Subdivider shall, to the satisfaction of the affected utility companies and the City Engineer, underground or relocate all overhead utilities within the Property and along the residential lots on-site street frontages and on MacArthur Drive, all at the Subdivider's cost and expense. The Subdivider shall submit joint utility trench plans for City's review and approval.

C.6 Grading

- C.6.1. Retaining or engineered walls shall be designed and constructed where cuts and fills do not match existing/ final grades and if the difference in elevation between two adjacent lots or adjacent property(s) is more than 12 inches. The use of engineered slope and slope easement(s) is subject to approval by the City Engineer, and will not be allowed, if a retaining or engineered wall can mitigate the grading issue.
- C.6.2. Site and lot grading shall be designed and constructed in such a way that storm water generated within the Property including street runoff will not drain to adjacent property(s). Catch basins are to be installed where it is necessary.
- C.6.3. The masonry wall along MacArthur Drive shall be at least 8 feet high measured from the top of curb (highest) on MacArthur Drive and not less than 6 feet measured from the finish lot grade behind the wall.

Top/base of wall grades at every lot corner must be shown on the Grading Plans. The type of wall to be installed and the exterior finish of the wall shall require approval from the City's Public Works Department.

C.7. Sanitary Sewer

- C.7.1. The Subdivider shall design and install sanitary sewer facilities including the Project's sewer connection on Stalsburg Drive and Bentley Lane in accordance with City Regulations. The Subdivider is hereby notified that the City will not provide maintenance of the sewer lateral within the public right-of-way unless the sewer cleanout is located and constructed in conformance with Standard Plan No. 203. The City's responsibility to maintain on the sewer lateral is from the wye fitting to the point of connection with the sewer main.
- C.7.2. Installation of the sanitary sewer lateral and cleanout for Lots 106, 107, and 108 on Stalsburg Drive shall be deferred and will be part of the offsite improvements for the Thrasher Parcel when it is developed.
- C.7.3. The proposed 8-inch diameter sanitary sewer line on Tung Nguyen Lane west of Stalsburg Drive shall extend and terminate with a flushing inlet (for future extension) not closer than 10 feet from the western boundary of the Property.

C.8. Storm Drainage Facilities

- C.8.1. The Subdivider shall design and install storm drainage facilities including the Project's permanent storm drainage connection in accordance with City Regulations.
- C.8.2. The 30-inch diameter storm drain line on Tung Nguyen Lane shall extend to the western boundary of the Property and shall be capped with concrete mortar. The design and invert elevation of this storm drain line shall be consistent with the City's Storm Drainage Master Plan.
- C.8.3. In accordance with the City's Storm Drainage Master Plan, storm water generated from the Property must drain to the permanent storm drainage detention facility known as "Detention Basin 2B" or "DB 2B", in the ultimate condition. DB 2B's final location is where the City's existing storm drainage basin located south of the Sycamore Village Apartments and the City's Westside Storm Drainage Channel. However, in order for this Property to access and use DB 2B, it is necessary to install new storm drain line and manholes starting from the Project's permanent storm drainage connection to be located west of the Property through the Texaco Downstream Properties, Inc. and the Union Pacific Railroad Company (UPRR) properties to DB 2B, and expand the City's existing storm drainage basin to create storage

capacity (Downstream Storm Drainage Facilities). It is also necessary to acquire right-of-way and/or easement(s) from involved properties such as the Texaco Downstream Properties, Inc., UPRR, and the property west of the City's existing storm drainage basin to complete the construction of the Downstream Storm Drainage Facilities.

The Subdivider has the option to complete the design and construction of the Downstream Storm Drainage Facilities, including the necessary acquisition of rights-of-way and/or easements with prior approval from the City. If the Subdivider decides to undertake the work, the Subdivider will be required to sign a construction and reimbursement agreement and post improvement security, to guarantee completion of the work. The Subdivider will also be required to submit improvement plans, engineering calculations, soils condition report, and documents to show that permission has been granted by Texaco Downstream Properties, Inc. and UPRR.

The Downstream Storm Drainage Facilities shall be designed and constructed to have sufficient capacity to drain the intended drainage areas, and shall be completed in accordance with City Regulations, the City's Storm Drainage Master Plan, and the technical report dated July 2000 titled "South Industrial Specific Plan (South ISP) Storm Drainage Analysis" prepared by Stantec Consulting, Inc. (City Storm Consultant).

The width of the new storm drain line right-of-way or permanent utility easement within the Texaco Downstream Properties, Inc. and UPRR shall not be less than 15 feet. The alignment and location of the new storm drain line shall be consistent with the South ISP Storm Drainage Analysis and as determined by the City Engineer.

Prior to the installation of the storm drain crossing within the UPRR property, the Subdivider shall obtain written permission from UPRR. The Subdivider may be required by UPRR to sign a Contractor's Right of Entry Agreement for the installation of the storm drain crossing. The City may be required to sign a Pipeline Crossing Agreement, for the repair, operation and maintenance of the storm drain crossing. The Subdivider shall pay for the cost of the agreements and all costs associated with obtaining permission from UPRR. These agreements must be fully executed by all involved parties, prior to starting any work within UPRR's right-of-way.

- C.8.4. On-site temporary storm drainage retention basin with sufficient capacity is an acceptable solution in the interim condition, for disposing storm water generated from the Property. The required on-site temporary storm drainage retention basin shall have a storage capacity not less than and equivalent to two (2) ten year 48 hour

event, for the storage and disposal of storm runoff that will be draining from the drainage areas that will serve the residential lots created by the First Final Map and from streets that are required to be constructed by the First Final Map. The on-site storm drainage retention basin shall remain functional and shall not be removed by the Subdivider until after the Downstream Storm Drainage Facilities which includes the expansion of the City's storm drainage retention facility described as Detention Basin No. 2B (DB #2B) and the Project's storm drain connection are completed and made operational. The cost of installing, maintaining and removing the on-site temporary storm drainage retention basin shall be paid by the Subdivider.

If excavated soil and materials on the basin site are to be kept within the basin site, the excess soil and excavated materials shall be stored as an embankment around the on-site temporary basin and within the fenced area. The height of the embankment shall not be more than 6 feet. The fence for the basin site shall be at least 6 feet high, a chain link fence with plastic slats, and with an access gate. The access gate shall be secured with a padlock that can be unlocked by a City master key. The on-site temporary retention basin shall be accessible from a public street.

- C.8.5. The City will allow reduction of the holding capacity of the on-site temporary storm drainage retention basin to 50% (one 10-year storm drain event), subject to verification by submitting a storm drainage calculation and subject to City Engineer's approval, only if the Subdivider proceed with the construction of the storm drain line from Tiburon Village through the Texaco/Chevron/Union Pacific Railroad Company (UPRR) property to DB #2B. The actual reduction in size can only be allowed and may begin at the time the construction of the storm drain line described on section 1 is actually started. The cost of reconstructing the on-site temporary storm drainage retention basin or reducing the basin capacity shall be the sole responsibility of the Subdivider.
- C.8.6. When it becomes necessary and at the request of the Subdivider, the City shall make available its condemnation powers to acquire right of way and/or easements (temporary construction easement & permanent utility easement) that are necessary to construct the storm drain line within the Texaco Downstream Properties, Inc. and the UPRR properties and the expansion of the City's storm drainage basin. All costs associated with the acquisition of right of way or easements by condemnation process and other costs such appraisal services, title search, and property ownership reports, preparing an alignment plan, legal services, and administrative costs including City staff, City's consultants and costs incurred by attorneys and

appraisers working for the City will be the responsibility of the Subdivider.

- C.8.7. If the Subdivider completes the construction of the Downstream Storm Drainage Facilities and dedicate or convey to the City, all rights-of-way and/or permanent easements (including temporary construction easement, if necessary) obtained by the Subdivider from involved properties associated with the construction of the Downstream Storm Drainage Facilities, the Subdivider will be entitled to reimbursement. The terms of reimbursement specifically the amount and timing of payment of reimbursement will be specified in the construction and reimbursement agreement between the City and the Subdivider. The City will be responsible for preparing the agreement.
- C.8.8. The Property is within the drainage area of the South ISP Storm Drainage Zone 1. The City has plans to construct the South ISP Storm Drainage Zone 1 Infrastructure as part of a capital storm drainage improvement project when funds become available through the City's collection of storm drainage development impact fees. The City has no definite time to start and complete the design and construction of the South ISP Storm Drainage Zone 1 Infrastructure.
- C.8.9. Prior to the approval of the First Final Map, the Subdivider shall demonstrate to the satisfaction of the City Engineer that storm drainage facilities with sufficient capacity to meet project demands on the interim condition will be constructed by the Subdivider, and it is consistent with City Regulations. Due to uncertainty on the schedule of completing the right-of-way acquisition, design and preparation of improvement plans and specifications, and the availability of funds, the City cannot provide a timeline or a definite time of completion of the South ISP Storm Drainage Zone 1 Infrastructure, and the City will allow the use of a temporary on-site storm drainage retention as a temporary solution of disposing storm water from developed portion of the Property.
- C.8.10. In order to guarantee Developer's obligation and responsibility to repair, maintain and remove the temporary on-site storm drainage retention basin, and the re-grading of the basin site after the basin is removed, the Subdivider is required to sign an improvement agreement (Deferred Improvement Agreement) and post improvement security in the amounts approved by the City Engineer, prior to the approval of the First Final Map. The temporary on-site storm drainage retention basin shall remain on the Property until the Downstream Storm Drainage Facilities or the South ISP Storm Drainage Zone 1 Infrastructure is completed or made operational. The Subdivider will be required to obtain a grading permit and pay grading plan checking,

permit processing, and inspection fees, prior to starting the grading work.

C.8.11. A hydrologic and storm drainage calculations for the sizing of the temporary on-site storm drainage basin, signed and stamped by a Registered Civil Engineer licensed to practice in the State of California and a copy of the Project's Geo-technical/ Soils Report with the Project's percolation rate information, signed and stamped by a Registered Geo-technical Engineer licensed to practice in the State of California must be submitted as part of a complete submittal of the Grading and Storm Drainage Plans.

C.8.12. The Subdivider shall record a temporary storm drainage easement to grant rights to the City to access the temporary on-site storm drainage retention basin for any emergency repair or maintenance work the City may have to perform within the basin site. The temporary access easement shall be recorded after the First Final Map is recorded and shall have a sunset clause that such easement will automatically terminate after recordation of a notice of completion.

C.9. Water System

C.9.1. All water lines that will serve this Project shall be designed in accordance with City Regulations and the recommendations shown on the technical report dated February 20, 2013 titled "Hydraulic Evaluation of Tiburon Village" prepared by West Yost & Associates, and as approved by the City Engineer. The Subdivider will be responsible for constructing all water line improvements that are required in the technical report.

C.9.2. Domestic water service shall be installed in accordance with City Regulations and at the location approved by the City Engineer. City's responsibility to maintain individual water service shall be from the water main on the street to the back of the water meter (inclusive) only. Repair and maintenance of all on-site water lines, laterals, sub-meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Subdivider.

C.9.3. The 8-inch diameter water main at Tung Nguyen Lane west of Stalsburg Drive shall extend to the southern boundary of the Property with a blow-off assembly per City standards for future water main extension.

C.9.4. Water main loop through residential lot(s), even on a temporary basis, will not be permitted.

C.9.5. If the landscaping improvements along the frontage of this Property on MacArthur Drive and within the project cannot be serviced by an

existing irrigation controller, the Subdivider shall design and install a new irrigation controller including new irrigation water service with backflow prevention device, electrical service, and appurtenances. The location of the new irrigation controller shall be determined during the plan review process.

- C.9.6. The Improvement Plans shall contain the Tracy's Chief Building Official and Fire Safety Officer's signature indicating their approval on the Project's fire service connection, fire and emergency vehicle access to the Project, and compliance of the City's Building and Safety Division and the Fire Department's fire protection requirements. Written approval from the City's Chief Building Official and Fire Safety Officer required in this section shall be obtained by the Subdivider, prior to City Engineer's signature on the Improvement Plans.
- C.9.7. The Subdivider shall design and install fire hydrants at locations approved by the City's Chief Building Official and Fire Safety Officer.
- C.9.8. Prior to the issuance of the 61st building permit, the Subdivider shall provide a second access road to an improved public street for fire and medical emergency vehicle(s) use. The second access shall be paved and at least 20 feet wide with 8 feet wide aggregate base shoulder on both sides of the access road. The location and construction detail of the paved second access road will require approval from the Chief Building Official and Fire Safety Officer.
- C.9.9. Installation of water service and meter for Lots 106, 107, and 108 on Stalsburg Drive shall be deferred and will be part of the offsite improvements for the Thrasher Parcel when it is developed.

C.10. Community and Neighborhood/Mini Park

- C.10.1. The Subdivider will be required to pay development impact fees for community and neighborhood/mini park fees, in lieu of dedicating land for park site, and designing and constructing a park within the Property at the time of issuance of the building permit.

C.11. Grading Permit

No application for grading permit within the Project boundaries will be accepted by the City as complete until the Subdivider provides all documents required by City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including but not limited to, the following:

- C.11.1. The Subdivider has completed all the requirements set forth in this section and Conditions C.1, C.2, C.3., and C.4., above.

- C.11.2. A Grading and Storm Drainage Plan prepared by a Registered Civil Engineer, and accompanied by Soils Engineering and Engineering Geology reports shall be submitted to the City with the Improvement Plans. The engineering reports shall provide recommendations regarding adequacy of sites to be developed by the proposed grading and also information relative to the stability of soils. Slope easements, if necessary, shall be recorded per City Regulations. Prior to the issuance of the first building permit within the Property, the Subdivider shall submit a letter, signed and stamped by a Registered Geo-technical Engineer, certifying that grading work, including excavation, backfilling, compacting and backfilling work performed by the Subdivider, meets the requirements of the Project's Soils Report and was completed under the supervision of the Project's Geo-technical Engineer (licensed to practice in the State of California).
- C.11.3. All grading shall require a Grading Permit. Erosion control measures shall be implemented in accordance with plans approved by the City Engineer for all grading work not completed before the 15th of October of that year. Improvement Plans shall designate all erosion control methods and materials to be employed.
- C.11.4. Prior to the issuance of the Grading Permit, the Subdivider shall submit three (3) sets of the Storm Water Pollution Prevention Plans (SWPPP) and a copy of the Notice of Intent (NOI) submitted to the State Water Quality Control Board (SWQCB) and any documentation or written approvals from the SWQCB, including the Wastewater Discharge Identification Number (WDID#). After the completion of the Project, the Subdivider is responsible for filing the Notice of Termination (NOT) required by SWQCB. The Subdivider shall provide the City, a copy of the completed Notice of Termination. Cost of preparing the SWPPP, NOI and NOT including the filing fee of the NOI and NOT shall be paid by the Subdivider. The Subdivider shall provide the City with the WDID#, prior to the issuance of the Grading Permit. The Subdivider shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs), City's Storm Water Regulations, and the City's Storm Water Management Program.
- C.11.5. All existing on-site wells shall be abandoned in accordance with the City and San Joaquin County requirements. All costs associated with the abandonment of existing wells including the cost of permits, if required, shall be the responsibility of the Subdivider. The Subdivider shall provide the City documentation or copy of permit issued by the San Joaquin County, approving the removal or destruction of existing well(s), if applicable, prior to the issuance of the Grading Permit.

- C.11.6. The Project's on-site storm drainage system and site grading shall be designed such that the Project has a functional overland storm drainage release point. The purpose of the overland storm drainage release point is to provide a low spot or an area where water leaves the Project site and drains directly to an improved public street with a functional storm drain system, in the event the on-site storm drainage system fails to function or it is clogged. The building finish floor is recommended to be at least 0.70 feet higher than the finish grade of the overland storm drainage release point. The Grading and Drainage Plans must indicate the location and elevation of the overland storm drainage release point and specify any improvements that may be necessary to create a functional overland storm drainage release point.
- C.11.7. Subdivider shall coordinate with the owner(s) of the property(s) to the west, for the construction of the retaining structure along the western and southern boundaries of the Project. Subdivider will be required to show documentation that the adjacent owner(s) of the adjacent property(s) to the south and west have granted permission (temporary construction easement, slope easement, and agreement) for the installation of the soil retaining structure, and that the Subdivider has obtained rights to encroach on their property during the construction of the soil retaining structure. Subdivider shall coordinate with the property owner of the adjacent property(s) for the drainage that may be necessary to be installed with the soil retaining structure. The Subdivider shall provide structural calculations for the design and improvement plans with construction detail of the soil retaining structure, as part of the Grading and Drainage Plan. The documentation requested in this section must be presented to the City for review, prior to the approval of the final map. Subdivider is responsible for obtaining all necessary permits, including paying permit and inspection fees, associated with the installation of the soil retaining structure. If a building permit is necessary, the Subdivider shall obtain such permit and pay all permit and building inspection fees associated with the installation of the soil retaining structure. Subdivider shall be responsible for installing all improvements necessary to prevent soil erosion and any improvements deemed necessary to be in-place, as a result or due to the existence of the soil retaining structure along the western boundary of the residential project. If necessary, the temporary construction easement and slope easement for the soil retaining structure must be recorded, prior to the start of construction. Subdivider will not be allowed to begin construction until after these easements are obtained and recorded, and copies of the recorded easement(s) and/or agreements are provided to the City. Cost of soil retaining structure and associated improvements including temporary construction easement and slope easement(s) are Subdivider's sole responsibility.

C.11.8. The Subdivider shall provide documentation of the Project's compliance to the San Joaquin Valley Air Pollution Control District's (SJVAPCD) dust control requirements and program. The Subdivider is responsible for all costs associated with compliance of this requirement including the cost of obtaining necessary permit(s) from SJVAPCD.

C.12. Encroachment Permit

No application for encroachment permit within the Project boundaries will be accepted by the City as complete until the Subdivider provides all documents required by City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including but not limited to, the following:

- C.12.1. The Subdivider has completed all requirements set forth in this section and Conditions C.1., C.2., C.3., and C.4., above.
- C.12.2. A construction cost estimate for all required public improvements or facilities, prepared in accordance with City Regulations. Total construction cost shall include fifteen percent (15%) construction contingencies. Engineering review fees are calculated based on the approved Engineer's Estimate.
- C.12.3. Payment of all applicable processing fees, including improvement plan check fees, engineering fees for processing Conditions of Approval, encroachment and grading permits and inspection fees, and other fees as required by these Conditions of Approval and City Regulations.

C.13. Building Permit

No building permit within the Project boundaries will be approved by the City until the Subdivider demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

- C.13.1. The Subdivider has completed all requirements set forth in this section, and Conditions C.1., C.2., C.3., C.4., C.10., C.11., and C.12., above.
- C.13.2. The Final Map is approved by the City and recorded at the Office of the San Joaquin County Recorder.
- C.13.3. Payment of all applicable development impact fees (a.k.a. capital in-lieu fees), San Joaquin County Facilities Fees, Regional Transportation Impact Fees, School Mitigation Fees, and all fees required by these Conditions of Approval and City Regulations. Development impact fees are adjusted annually based on the

Construction Cost Index (CCI) published in the Engineering News Record (ENR). The final development impact fees to be paid by the Subdivider are the development impact fees that are in effect at the time of issuance of the building permit.

- C.13.4. A letter signed and stamped by the Project's Geo-technical Engineer certifying that all grading work that were performed by the Subdivider within the Project meets the requirements of the Project's Geo-technical/Soils Report and the recommendations of the Project's Geo-Technical Engineer, and that the grading work was performed under the direct supervision of the Project's Geo-technical Engineer, as required in Condition C.10.3., above.
- C.13.5. The 61st building permit within the Project boundaries will not be approved by the City until the Subdivider provides and demonstrates that there are two (2) vehicular access points to an improved public street, to the satisfaction of the Chief Building Official and Fire Safety Officer.

C.14. Agreements, Improvement Security, and Insurance

- C.14.1. Inspection Improvement Agreement - Prior to City approval of a final map, the Subdivider may request to proceed with construction with the public facilities required to serve the real property described by the final map only if the Subdivider satisfies all of the following requirements to the satisfaction of the City Engineer:
 - a. The Subdivider has submitted all required improvement plans in accordance with the requirements of City Regulations and these Conditions of Approval, and the improvement plans have been approved by the City Engineer.
 - b. The Subdivider has submitted a complete application for a final map which is served by the required public improvements, and the final map is in the process of being reviewed by the City.
 - c. The Subdivider has paid all required processing fees including plan check and inspection fees.
 - d. The Subdivider executes an Inspection Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all required improvements, and the Subdivider agrees to assume the risk that the proposed final map may not be approved by the City.
 - e. The Subdivider posts all required improvement security and provides required evidence of insurance.

- C.14.2. Subdivision Improvement Agreement - Concurrently with the City's processing of a final map, and prior to the City's approval of the final map, the Subdivider shall execute a Subdivision Improvement Agreement (for the public facilities required to serve the real property described by the final map), which includes the Subdivider's responsibility to complete all of the following requirements to the satisfaction of the City Engineer:
- a. The Subdivider has submitted all required improvement plans in accordance with the requirements of City Regulations and these Conditions of Approval, and the improvement plans have been approved by the City Engineer.
 - b. The Subdivider has submitted a complete application for a final map which is served by the required public improvements, and the final map has been approved by the City Engineer.
 - c. The Subdivider has paid all required processing fees including plan check and inspection fees.
 - d. The Subdivider executes a Subdivision Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all required improvements.
 - e. The Subdivider posts all required improvement security and evidence of insurance.
- C.14.3. Deferred Improvement Agreement - Prior to the City's approval of the first final map within the Project, the Subdivider shall execute a Deferred Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all remaining public facilities (to the extent the public facilities are not included in the Subdivision Improvement Agreement) which are required by these Conditions of Approval. The Deferred Improvement Agreement shall identify timing requirements for construction of all remaining public facilities, in conformance with the phasing plan submitted by the Subdivider and approved by the City Engineer.
- C.14.4. Improvement Security - The Subdivider shall provide improvement security for all public facilities, as required by an Inspection Improvement Agreement or a Subdivision Improvement Agreement. The form of the improvement security may be a bond, or other form in accordance with City Regulations. The amount of the improvement security shall be in accordance with City Regulations, generally, as

follows: Faithful Performance (100% of the approved estimates of the construction costs of public facilities), Labor & Material (100% of the approved estimates of the construction costs of public facilities), and Warranty (10% of the approved estimates of the construction costs of public facilities).

- C.14.5. Insurance - For each Inspection Improvement Agreement and Subdivision Improvement Agreement, the Subdivider shall provide the City with evidence of insurance, as follows:
- a. General. The Subdivider shall, throughout the duration of the Agreement, maintain insurance to cover Subdivider, its agents, representatives, contractors, subcontractors, and employees in connection with the performance of services under the Agreement at the minimum levels set forth below.
 - b. Commercial General Liability (with coverage at least as broad as ISO form CG 00 01 01 96) coverage shall be maintained in an amount not less than \$3,000,000 general aggregate and \$1,000,000 per occurrence for general liability, bodily injury, personal injury, and property damage.
 - c. Automobile Liability (with coverage at least as broad as ISO form CA 00 01 07 97, for "any auto") coverage shall be maintained in an amount not less than \$1,000,000 per accident for bodily injury and property damage.
 - d. Workers' Compensation coverage shall be maintained as required by the State of California.
 - e. Endorsements. Subdivider shall obtain endorsements to the automobile and commercial general liability with the following provisions:
 - 1) The City (including its elected and appointed officials, officers, employees, agents, and volunteers) shall be named as an additional "insured."
 - 2) For any claims related to this Agreement, Subdivider's coverage shall be primary insurance with respect to the City. Any insurance maintained by the City shall be excess of the Subdivider's insurance and shall not contribute with it.
 - f. Notice of Cancellation. Subdivider shall obtain endorsements to all insurance policies by which each insurer is required to provide thirty (30) days prior written notice to the City should the policy be canceled before the expiration date. For the purpose of this notice

requirement, any material change in the policy prior to the expiration shall be considered a cancellation.

- g. Authorized Insurers. All insurance companies providing coverage to Subdivider shall be insurance organizations authorized by the Insurance Commissioner of the State of California to transact the business of insurance in the State of California.
 - h. Insurance Certificate. Subdivider shall provide evidence of compliance with the insurance requirements listed above by providing a certificate of insurance, in a form satisfactory to the City.
 - i. Substitute Certificates. No later than thirty (30) days prior to the policy expiration date of any insurance policy required by the Agreement, Subdivider shall provide a substitute certificate of insurance.
 - j. Subdivider's Obligation. Maintenance of insurance by the Subdivider as specified in the Agreement shall in no way be interpreted as relieving the Subdivider of any responsibility whatsoever (including indemnity obligations under the Agreement), and the Subdivider may carry, at its own expense, such additional insurance as it deems necessary.
- C.14.6. Release of Improvement Security – Release of improvement security shall be in accordance with the requirements of the Tracy Municipal Code. The City shall not release any improvement security until after the Subdivider provides as-built plans, to the satisfaction of the City Engineer. Within twenty (20) days after the City's approval of the final map, the City shall provide the Subdivider one (1) set of reproducible duplicates on polyester film of all approved Improvement Plans. Upon completion of the construction by the Subdivider, the City shall temporarily release the originals to the Subdivider so that the Subdivider will be able to document revisions to show the "As Built" configuration of all improvements. The Subdivider shall submit these As-Built Plans (or Record Drawings) to the City Engineer within 30 days after City Council acceptance of the public improvements.

C.15. Final Building Inspection

The City shall not conduct a final building inspection on any building within the Project boundaries until the Subdivider provides documentation which demonstrates, to the satisfaction of the City Engineer, that:

- C.15.1. The Subdivider has completed all requirements set forth in this section, and Conditions C.1., C.2., C.3., C.4., C.5., C.6., C.11., and C.12., above.

- C.15.2. The Subdivider has completed construction of public facilities or improvements required to serve the Project for which a building certificate of occupancy is requested or a Final Map is approved. Unless specifically provided in these Conditions of Approval or other City Regulations, the Subdivider shall take all actions necessary to construct all public facilities required to serve the Project, and the Subdivider shall bear all costs related to the construction of the public facilities (including all costs of design, construction, construction management, improvement plans check, inspection, land acquisition, program implementation, and contingency).