

## 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, December 16, 2015  
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 – June 24, 2015

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 2015-052 any item not on the agenda brought up by the public at a meeting, shall be automatically referred to staff. If staff is not able to resolve the matter satisfactorily, the member of the public may request a Commission Member to sponsor the item for discussion at a future meeting.*

#### 1. NEW BUSINESS

A. PUBLIC HEARING TO CONSIDER A 47-UNIT RESIDENTIAL APARTMENT PROJECT, INCLUDING PARKING AND RELATED ON-SITE IMPROVEMENTS ON APPROXIMATELY 2.28 ACRES LOCATED ON THE SOUTH SIDE OF AUTO PLAZA DRIVE, WEST OF ITS INTERSECTION WITH AUTO PLAZA WAY IN NORTHWEST TRACY, ASSESSOR'S PARCEL NUMBER 212-270-24. THE PROJECT INCLUDES A GENERAL PLAN DESIGNATION AMENDMENT FROM COMMERCIAL TO RESIDENTIAL HIGH (GPA15-002), AN AMENDMENT TO THE I-205 CORRIDOR SPECIFIC PLAN DESIGNATION FROM GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL (SP15-001), AND A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN (15-003) FOR THE PROJECT. A MITIGATED NEGATIVE DECLARATION IS THE PROPOSED ENVIRONMENTAL DOCUMENT FOR THE PROJECT. THE APPLICANT IS NORTHSTAR ENGINEERING GROUP, INC., AND THE PROPERTY OWNER IS TRACY 300, LP.

#### 2. ITEMS FROM THE AUDIENCE

#### 3. ITEMS FROM THE COMMISSION

#### 4. ADJOURNMENT

Posted: **December 10, 2015**

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 Services Department located at 333 Civic Center Plaza during normal business hours.

**MINUTES**  
**TRACY CITY PLANNING COMMISSION**  
**WEDNESDAY, JUNE 24, 2015**  
**7:00 P.M.**  
**CITY OF TRACY COUNCIL CHAMBERS**  
**333 CIVIC CENTER PLAZA**

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

Chair Orcutt led the pledge of allegiance.

**ROLL CALL**

Roll Call found, Commissioners Ransom, Sangha, Tanner, Vice Chair Mitracos and Chair Orcutt present. Also present were staff members Alan Bell, Interim Assistant Development Services Director; Kimberly Matlock, Assistant Planner; Bill Sartor, Assistant City Attorney; and Sandra Edwards Recording Secretary.

**MINUTES APPROVAL** – None.

**DIRECTOR’S REPORT REGARDING THIS AGENDA** – None

**ITEMS FROM THE AUDIENCE** – None.

1. **OLD BUSINESS** – None

2. **NEW BUSINESS**

- A. PUBLIC HEARING TO CONSIDER APPLICATIONS FOR A CONDITIONAL USE PERMIT AND DEVELOPMENT REVIEW FOR A PRIVATE ELEMENTARY SCHOOL BUILDING, OUTDOOR PLAY AREA, NATURE GARDEN, AND PARKING AREA IMPROVEMENTS AT THE SOUTHEAST CORNER OF MURRIETA WAY AND HOLMES COURT (120 MURRIETA WAY) - APPLICANT IS PAMELA RIGG AND PROPERTY OWNER IS TR 120, LLC - APPLICATION NUMBERS CUP15-0002 & D15-0006 – Kimberly Matlock, Assistant Planner, provided the staff report. Staff recommended that the Planning Commission rescind previously approved applications and approve the applications currently before the Commission.

The Commissioners asked for clarification regarding changes between the applications, changes to the building/architecture, and discussed surrounding property uses, play area, drought tolerant plants, water wells, and construction timeline.

Chair Orcutt opened the public hearing.

Richard Larson, Design Architect, stated the proposal was similar to the project previously approved with the exception of changing from a two-story to single-

story building, which was due to value-engineering. Jeff Antrim addressed the Commission regarding the play field in terms of watering and public use.

Chair Orcutt closed the public hearing.

**ACTION**

It was moved by Commissioner Ransom and seconded by Commissioner Sangha that the Planning Commission do the following, based on the findings and subject to the conditions as stated in the Planning Commission Resolutions dated June 24, 2015:

- 1) Rescind Resolution Numbers 2014-023 and 2014-024 approved on October 22, 2014.
- 2) Approve the Conditional Use Permit application number CUP15-0002 for a 30,500 square foot private elementary school with associated outdoor play areas.
- 3) Approve the Development Review application for an approximately 30,500 square-foot one-story building, outdoor play area, and parking, landscape, and hardscape improvements at the southeast corner of Murrieta Way and Holmes Court.

Voice vote found all in favor; passed and so ordered.

3. ITEMS FROM THE AUDIENCE – None.
4. DIRECTOR'S REPORT – None.
5. ITEMS FROM THE COMMISSION – None
6. ADJOURNMENT – It was moved by Commissioner Ransom and seconded by Commissioner Sangha to adjourn.

Time 7:35 p.m.

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CHAIR

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STAFF LIAISON

AGENDA ITEM 1-A

REQUEST

**PUBLIC HEARING TO CONSIDER A 47-UNIT RESIDENTIAL APARTMENT PROJECT, INCLUDING PARKING AND RELATED ON-SITE IMPROVEMENTS ON APPROXIMATELY 2.28 ACRES LOCATED ON THE SOUTH SIDE OF AUTO PLAZA DRIVE, WEST OF ITS INTERSECTION WITH AUTO PLAZA WAY IN NORTHWEST TRACY, ASSESSOR'S PARCEL NUMBER 212-270-24. THE PROJECT INCLUDES A GENERAL PLAN DESIGNATION AMENDMENT FROM COMMERCIAL TO RESIDENTIAL HIGH (GPA15-002), AN AMENDMENT TO THE I-205 CORRIDOR SPECIFIC PLAN DESIGNATION (PUD CONCEPT DEVELOPMENT PLAN) FROM GENERAL COMMERCIAL TO HIGH DENSITY RESIDENTIAL (SP15-001), AND A PLANNED UNIT DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN (15-003) FOR THE PROJECT. A MITIGATED NEGATIVE DECLARATION IS THE PROPOSED ENVIRONMENTAL DOCUMENT FOR THE PROJECT. THE APPLICANT IS NORTHSTAR ENGINEERING GROUP, INC., AND THE PROPERTY OWNER IS TRACY 300, LP.**

DISCUSSION

Project Description

The proposed project would develop a 47-unit apartment building on the 2.28-acre project site, located on the south side of Auto Plaza Drive, west of its intersection with Auto Plaza Way in northwest Tracy (Attachment A). The project is an expansion of the adjacent 301-unit, Aspire Apartments, currently under construction. The vacant parcel is directly across (south of) the Department of Motor Vehicles office. Attachment B is an aerial photograph of the project site and surrounding properties. Attachments C-F contain the project's proposed site plan, exterior elevations, and floor plans.

The project would also include associated parking, garages, carports, and common areas, to be shared with the Aspire I project. Access to the site would be provided by an internal driveway connecting to the adjacent Aspire Apartments complex to the south (currently under construction), while gated emergency vehicle access would be available to Auto Plaza Drive at the north edge of the site. The project would match the architecture of the Aspire Apartments building complex.

The proposed project includes plans to connect to existing City infrastructure located within Auto Plaza Drive to the north, to provide water, sewer, and storm drainage to the site.

The proposed project includes a request for a General Plan Amendment to re-designate the site from Commercial to Residential High, and a corollary I-205 Corridor Specific Plan (PUD Concept Development Plan) Amendment to designate

the site High Density Residential. The project also includes a Preliminary and Final Development Plan as part of a Planned Unit Development. The project site is currently a vacant, undeveloped lot, presently being used for construction staging for the adjoining Aspire I apartment project being built on the adjoining lands to the south.

### Surrounding Land Uses

Lands immediately adjacent to the project site to the west include a variety of commercial automobile support services and businesses (tire shop, car rental, collision repair, etc.). A California Department of Motor Vehicles (DMV) office is located north of the project site, north of Auto Plaza Drive. An auto body repair facility is proposed, but not yet constructed, adjacent and to the east of the DMV site. The parcel immediately to the east of the project site is vacant, and a Mazda dealership is located immediately east of the vacant parcel adjacent to the project site. The lands to the south of the project site are the location of the Aspire Apartments project, currently under construction. The Aspire Apartments project is being constructed by the same project applicant as the proposed project, and the proposed project's apartment building is identical to one of the buildings in the Aspire Apartments project. Beyond the immediate project vicinity a variety of auto dealerships and auto-related commercial businesses are located to the east. Agricultural lands are located west of Auto Plaza Drive, in the unincorporated area of San Joaquin County.

### Building Design

The project would utilize one, four-story building to house all of the proposed apartment units. The 47-unit project would include the following unit mix:

- 12, 1-bedroom/1-bath units
- 16, 2-bedroom/2-bath units
- 14, 2-bedroom/w-bath units with lofts
- 5, 3-bedroom/2-bath units

Unit sizes would vary from approximately 800 to 1,400 square feet, with multi-story units on levels 3 and 4 of the apartment building. Each unit would be provided with either attached garage or detached carport parking.

The design of the building is consistent with City design goals and standards for multi-family residential development, which call for building façade elements to be emphasized by the use of color, layout, and variety of materials, and with very long façades designed with sufficient building articulation, reveals, mass variations, window treatments and rooflines.

The architecture is a modern design featuring exterior materials of cement plaster, cement composite lap siding board, metal railings, use of accent canvas awnings, and standing seam metal roofing, matching the design of the adjacent Aspire I apartment project.

Interest and variety is created with vertical and horizontal relief on wall planes, including projections for third- and fourth-floor units and at stairway entrances, balconies and first-floor patios, and in use of both horizontal and vertical siding (Attachment E). The architecture is further enhanced with abundant, symmetrical

windows and awnings at the ends of the buildings. The height of the building, to the top of the parapet wall, is 45 feet.

### Site Design

The subject property is a rectangular-shaped lot, with building placement towards the middle of the site. A driveway connection at the southeast corner of the property is proposed, providing vehicular access to the Aspire I apartments to the south; vehicular connection is provided to Pavillion Parkway on the south side of the Aspire I apartments, along with emergency vehicle connections to Power Road to the west and Robertson Drive to the east. A gated emergency access point is proposed at the northeast corner of the site, connecting to Auto Plaza Drive.

The Aspire II apartments' driveway would circle the apartment building, with uncovered parking spaces provided near the west, south and northeast property boundaries. Additional covered (carport) parking would be provided near a portion of the east property boundary. The interior driveway width would be 26 feet, consistent with City design standards. Additional parking would be provided through single-car and two-car (tandem) garage spaces. Based on the mix of 1-, 2- and 3-bedroom units, City regulations requires 97, off-street parking spaces, while the project proposes use of 115 spaces, exceeding this requirement. (Note: the second garage tandem spaces are not included in this calculation, per Tracy Municipal Code.) Sketches of the proposed carport design are depicted in Attachment J.

The building location on the site is consistent with City design goals and standards, which call for designs to have a relationship with public streets. This can be achieved, in part, by distributing parking areas evenly on the site, preventing mazes of parking areas. The site plan calls for parking distributed evenly around the building, with use of wide landscape planters along all property boundaries. The north side of the site, adjoining Auto Plaza Drive, includes use of a decorative metal fence, allowing visibility of the building from the public street. Gated pedestrian access to the site is also provided at the north property line. With shared access and use of facilities, upon approval of the project, the Aspire I and II sites would be merged to form a single lot, and would be operated and maintained as a single entity.

On-site utility improvements are summarized in Attachment K. Water, storm drainage and sanitary sewer lines on the site will connect to public lines located along Auto Plaza Drive.

### Land Use Compatibility

Attachment B illustrates the site's commercial neighborhood with the Aspire I apartment project to the south, adjoining office and commercial uses to the west, the Department of Motor Vehicles office to the north, and auto sales uses located to the east.

The site's proximity to commercial and office land uses could have potentially negative effects on the proposed residential project such as noise or traffic. However, the nearby commercial land uses can also benefit the proposed project by providing, for the residents, retail and commercial services, recreational

opportunities, or employment within walking distance. The West Valley Mall, with its movie theaters and restaurants, is approximately one-quarter mile southeast of the site. The site's location also benefits from relatively close freeway access for residents seeking shorter commute distances to I-205.

In order to help mitigate noise and visual effects from less compatible, adjacent land uses, the project will include an eight-foot tall masonry wall adjacent to the car sales and service land uses adjacent to the west and east. Additionally, the proposed apartment building will be separated from the west and east property lines by landscaping, parking stalls and the two-way drive aisle.

### Public Schools

Based on the site's location, away from public parks and schools, it may attract fewer families with school-age children. Nevertheless, the Aspire II apartment residents will have full access to use of significant on-site recreational amenities provided in the adjoining Aspire I apartment site and access to public schools, albeit no schools within a convenient walking distance. The project site is within the attendance boundary areas of Jacobson Elementary School (approximately one mile to the southeast), Monte Vista Middle School (approximately two miles to the southeast), and West High School (just over one mile to the southeast).

Tracy Unified School District representatives indicate they will receive the standard capital school facilities fees from the project and space is available in the public school system for students who may live in the new apartments.

### General Plan/Specific Plan Amendments

The project consists of three separate development application requests: (1) General Plan designation amendment from Commercial to Residential High; (2) I-205 Corridor Specific Plan amendment from General Commercial to High Density Residential; (3) Planned Unit Development Preliminary and Final Development Plan approval for the proposed apartment project.

As indicated earlier, the site is designated Commercial by the City's General Plan. And although the Commercial General Plan designation provides for high density residential development (in addition to a variety of commercial uses), the General Plan amendment is included with the project in order for the General Plan map to more specifically reflect the proposed residential land use of the site. This is the same action taken by the City when approving the Aspire I apartment project in 2013.

The second application is to amend the I-205 Corridor Specific Plan designation from General Commercial to High Density Residential (HDR). The Specific Plan amendment is necessary to accommodate the proposed high density residential development of this site, again, consistent with action taken by the City in 2013 in approving the adjoining Aspire I apartment project.

Finally, the project includes a request to approve the project Planned Unit Development Preliminary and Final Development Plan, which serves as the



permit for the City's approval of the 47-unit Aspire II apartment project.

### CEQA DOCUMENTATION

The City's environmental consultant prepared a project-level Initial Study (Exhibit 1 to Planning Commission Resolution, attached). The analysis included a traffic study, air quality analysis, noise analysis, and water and sewer studies. Various potentially significant environmental impacts were identified stemming from development of the proposed 47-unit apartment project, including the areas of aesthetics (light and glare generation), air quality, geology, storm water treatment, flooding, construction noise, and traffic. However, mitigation measures were identified for each of the potentially significant impacts that would, upon implementation, reduce the impacts to levels of insignificance. Therefore, in accordance with California Environmental Quality Act regulations, a Mitigated Negative Declaration is proposed.

### RECOMMENDATION

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

1. Adopt the project Mitigated Negative Declaration.
2. Approve the General Plan designation amendment from Commercial to Residential High.
3. Approve the I-205 Corridor Specific Plan (PUD Concept Development Plan) designation amendment from General Commercial to High Density Residential.
4. Approve the Planned Unit Development Preliminary and Final Development Plan for the Aspire II Apartment Project.

### MOTION

Move that the Planning Commission recommends that the City Council take the following action, as documented in the December 16, 2015 Planning Commission Resolution:

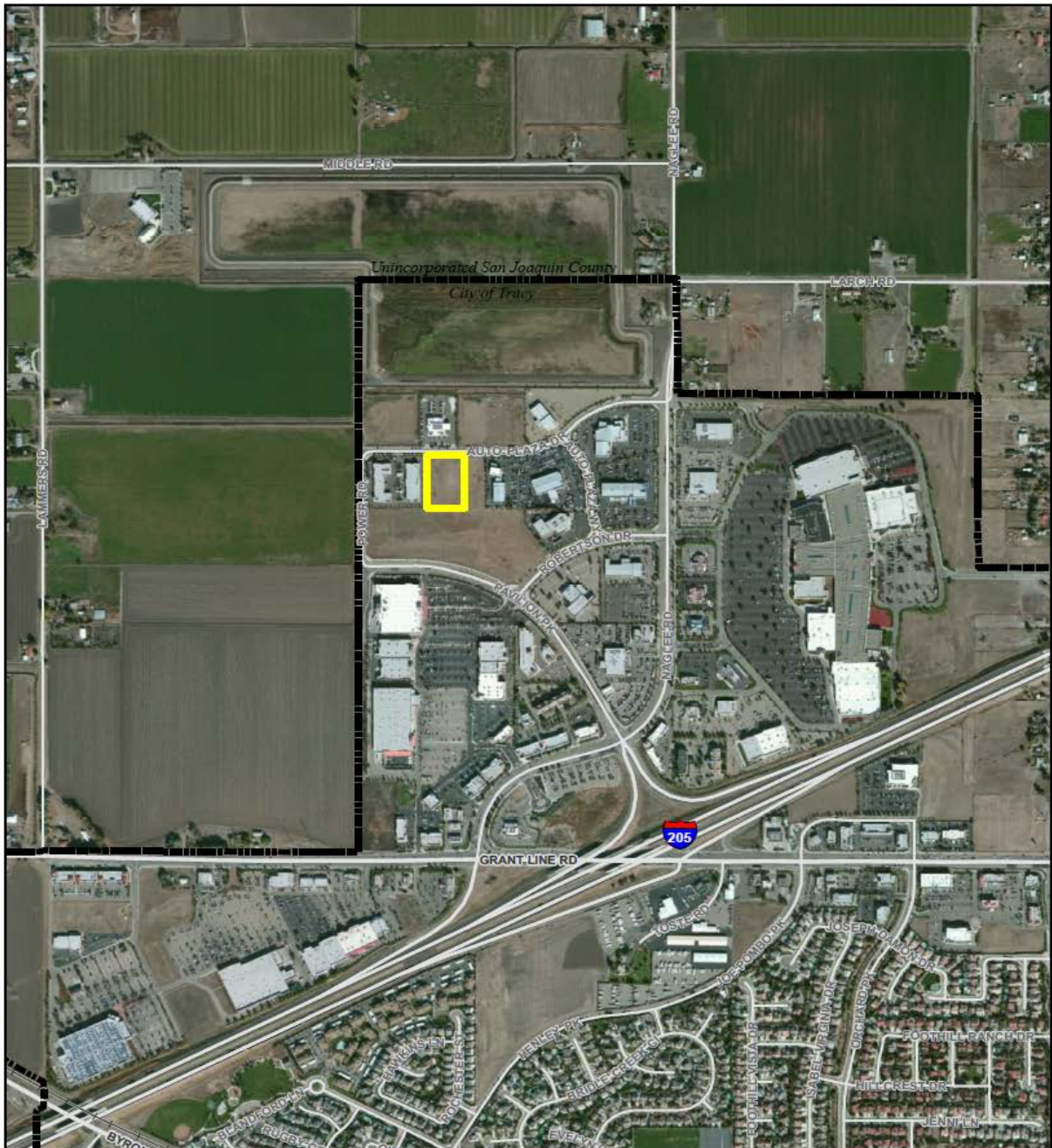
1. Adopt the project Mitigated Negative Declaration.
2. Approve the General Plan designation amendment from Commercial to Residential High.
3. Approve the I-205 Corridor Specific Plan (PUD Concept Development Plan) designation amendment from General Commercial to High Density Residential.
4. Approve the Planned Unit Development Preliminary and Final Development Plan for the Aspire II Apartment Project.

Prepared by: Brian Millar, AICP, Planning Consultant  
Reviewed by: Bill Dean, Assistant Development Services Director  
Approved by: Andrew Malik, Development Services Director



ATTACHMENTS

- Attachment A – Project Location Map
- Attachment B – Aerial Photograph of the Site and Surrounding Properties
- Attachment C – Site Plan (Showing Aspire I and II Apartments)
- Attachment D – Site Plan
- Attachment E – Exterior Building Elevations
- Attachment F – Floor Plans
- Attachment G – Roof Plan
- Attachment H – Exterior Building Perspective Drawings
- Attachment I – Landscape Plan
- Attachment J – Wall, Fence and Carport Drawings
- Attachment K – Utility Plans
- Attachment L – Planning Commission Resolution with Negative Declaration (Exhibit “1”) and  
Conditions of Approval (Exhibit “2”)

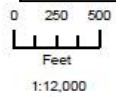
Oversized copies of Attachments B through K have been provided to Planning Commission members and are available for review upon request at Tracy City Hall.



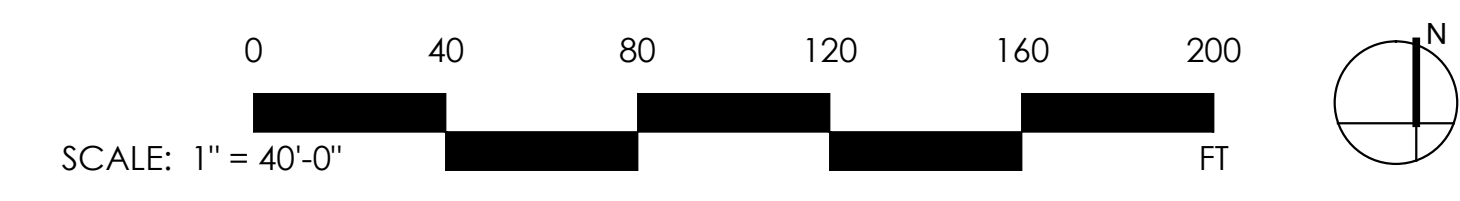
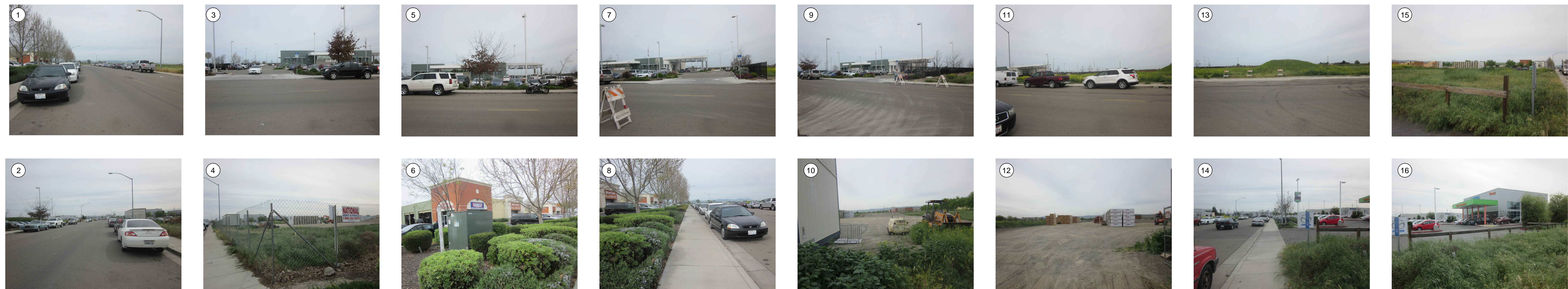
**Legend**

-  Project Boundary
-  City of Tracy

**Attachment A:  
Project Location Map**



Sources: San Joaquin County GIS; ArcGIS Online World Imagery  
Map Service. Map date: May 18, 2015.

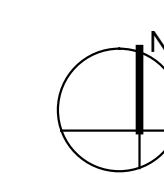


# ASPIRE II

TRACY, CA

## SITE CONTEXT

DATE: 09.18.2015  
 PROJECT NO: 1156-0001  
 SCALE:  
 SHEET: A11



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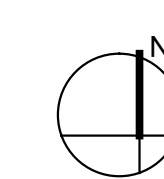


# ASPIRE II

TRACY, CA

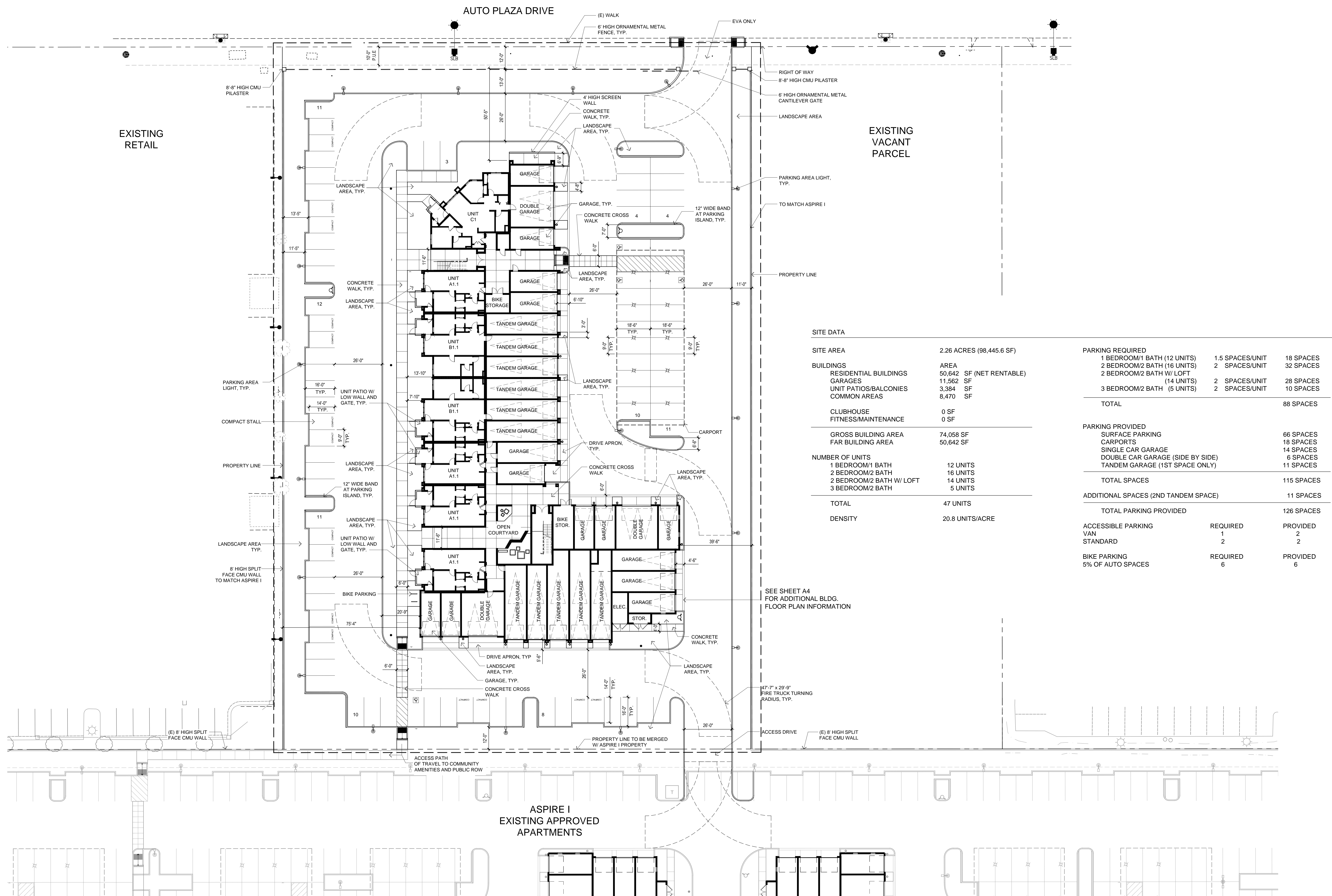
## OVERALL SITE PLAN ASPIRE I AND II

DATE: 09.18.2015  
 PROJECT NO: 1156-0001  
 SCALE: 1" = 40'-0"  
 SHEET: A2



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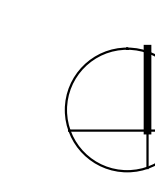


# ASPIRE II

TRACY, CA

## SITE PLAN

DATE: 09.18.2015  
 PROJECT NO: 1156-0001  
 SCALE: 1" = 20'-0"  
 SHEET: A2.1



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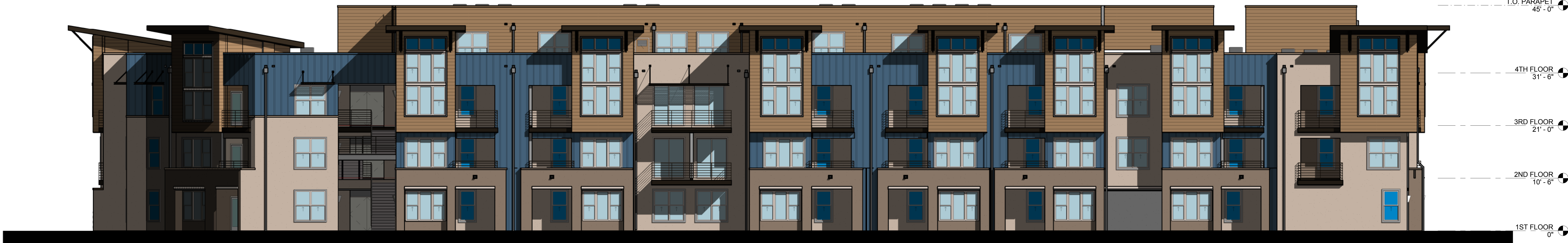
SOUTH 1 ELEVATION  
1/8" = 1'-0" 2

EXTERIOR COLOR SCHEDULE

- P1 - CEMENT PLASTER (ACCENT); KM5792-3 "STACKED STONE"
- P2 - CEMENT PLASTER (MAIN BODY)/HORIZONTAL SIDING; KM4572-2 "TUNGSTEN"
- P3 - HORIZONTAL SIDING/GARAGE DOORS; KM4554-5 "BUFFALO DANCE"
- P4 - FASCIA/KNEEBRACES/CANOPIES; KMA72-5 "BARNWOOD"
- P5 - RAILING; KMA89-5 "BLACK OAK"
- PALETTE 1
- P6 - BOARD AND BATTEN SIDING; KM5807-3 "ROLLING SEA"
- PALETTE 2
- P6 - BOARD AND BATTEN SIDING; KMA442-5 "TEXAS SWEET TEA"
- PALETTE 3
- P6 - BOARD AND BATTEN SIDING; KMA21-5 "TUSCAN OLIVE"

EXTERIOR FINISH KEYNOTES

- 1 FIBER CEMENT HORIZONTAL LAP SIDING; JAMES HARDIE; SELECT CEDARMILL WITH 1" EXPOSURE COLOR: P3
- 2 FIBER CEMENT HORIZONTAL LAP SIDING; JAMES HARDIE; SELECT CEDARMILL WITH 1" EXPOSURE COLOR: P2
- 3 FIBER CEMENT BOARD AND BATTEN SIDING; JAMES HARDIE; CEDARMILL SIDING PANEL WITH 1X3 RUSTIC BATTEN BOARDS AT 14" O.C. COLOR: P6 - VARIES BY PALETTE
- 4 CEMENT PLASTER - MAIN BODY COLOR COLOR: P2
- 5 CEMENT PLASTER COLOR - ACCENT COLOR COLOR: P1
- 6 VINYL FRAME WINDOWS
- 7 METAL KNEEBRACES AT EAVES; COLOR: P4
- 8 METAL RAILING; COLOR: P5
- 9 2X4 PLASTER-FINISHED FOAM HEADER TRIM; TYP. AT CEMENT PLASTER WALL SYSTEM COLOR: MATCH ADJACENT CEMENT PLASTER
- 10 PLASTER-FINISHED FOAM WINDOW TRIM; 2X4 HEAD, 2X4 SILL, 2X4 JAMB, TYP. AT WINDOWS IN THE CEMENT PLASTER WALL SYSTEM COLOR: MATCH ADJACENT CEMENT PLASTER
- 11 STANDING SEAM METAL ROOF; AEP SPAN, KLIP RIB COLOR: COOL WEATHERED COPPER
- 12 1X4 RUSTIC FIBER CEMENT TRIM BOARD, JAMES HARDIE TYP. AT WALLS WITH SIDING COLOR: P2
- 13 1X6 RUSTIC FIBER CEMENT TRIM BOARD, JAMES HARDIE TYP. HORIZONTAL TRIM BETWEEN WINDOWS IN SIDING COLOR: P2
- 14 1X12 RUSTIC FIBER CEMENT FASCIA BOARD, JAMES HARDIE COLOR: P4
- 15 42" HIGH CEMENT PLASTER PATIO WALL ON GROUND FLOOR COLOR: P2
- 16 LOUVERED METAL DOORS COLOR: P2
- 17 SECTIONAL PANELED METAL GARAGE DOOR (WITH WINDOWS AS OCCURS) COLOR: P3
- 18 METAL DOORS COLOR: P2
- 19 EXTERIOR SCUPPER AND DOWNSPOUT COLOR: MATCH ADJACENT FINISH
- 20 METAL SUN SHADE COLOR: P4
- 21 CMU COLUMN @ TRELLIS; BASALITE PRECISION BLOCK WITH MATCHING CAP COLOR: BASALITE D225
- 22 STEEL MEMBER @ TRELLIS COLOR: P6 - ROLLING SEA
- 23 CANVAS AWNING @ TRELLIS; GLEN RAVEN FIRESIST COLOR: 82030-0000 GREY
- 24 STOREFRONT SYSTEM; MFR: OLDCASTLE BUILDING ENVELOPE STYLE: FS-3000 THERMAL MULTIPANE - FRONT LOAD COLOR: DARK BRONZE
- 25 2X4 PLASTER FINISHED FOAM TRIM; TYP. AT CEMENT PLASTER TO SIDING TRANSITION COLOR: MATCH ADJACENT CEMENT PLASTER
- 26 PAINT ALL EXPOSED METAL @ STAIRS COLOR: P3
- 27 EXPANSION JOINT COLOR: MATCH ADJACENT FINISH
- 28 CONTROL JOINT COLOR: MATCH ADJACENT FINISH
- 29 PARAPET CAP FLASHING COLOR: PAINT TO MATCH ADJACENT SURFACE
- 30 DOOR COLOR: PAINT TO MATCH ADJACENT SURFACE
- 31 CURTAINWALL; MFR: OLDCASTLE BUILDING ENVELOPE STYLE: RELIANCE WALL COLOR: DARK BRONZE



WEST ELEVATION  
1/8" = 1'-0" 1

ASPIRE II  
TRACY, CA

EXTERIOR ELEVATIONS

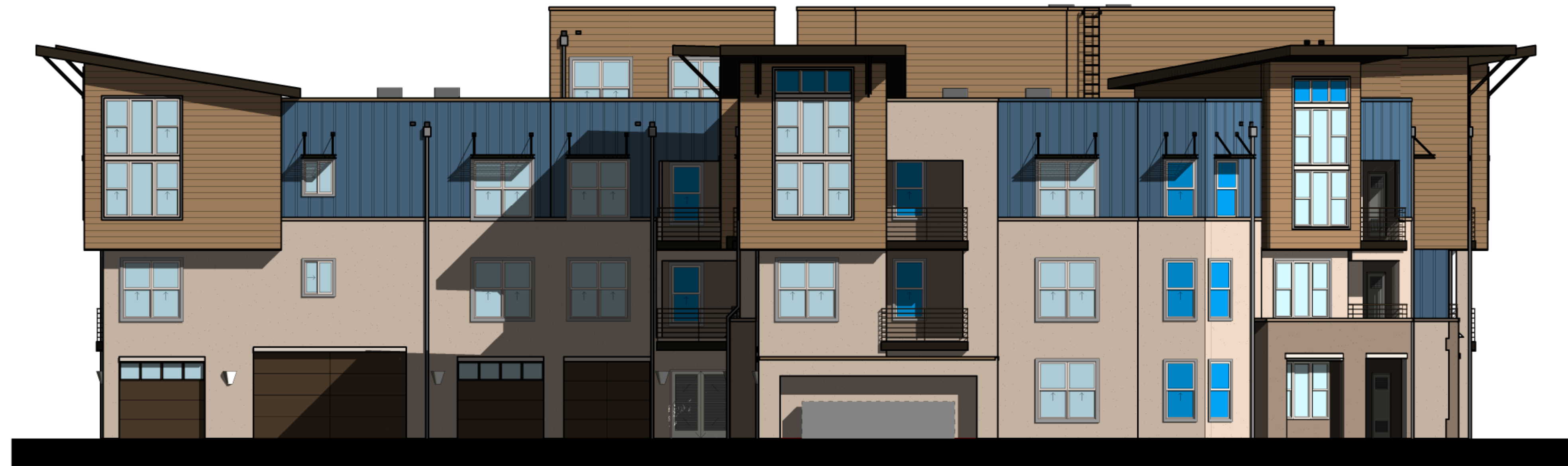
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PROJECT NO: 1156-0001  
SCALE: 1/8" = 1'-0"  
SHEET: A9



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SCALE: 1/8" = 1'-0"



NORTH 1 ELEVATION | 2  
1/8" = 1'-0"

**EXTERIOR COLOR SCHEDULE**

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- P4 - FASCIA/KNEEBRACES/CANOPIES; KMA72-5 "BARNWOOD"
- P5 - RAILING; KMA89-5 "BLACK OAK"
- PALETTE 1
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- P6 - BOARD AND BATTEN SIDING; KM4442-5 "TEXAS SWEET TEA"
- PALETTE 3
- P6 - BOARD AND BATTEN SIDING; KMA21-5 "TUSCAN OLIVE"

**EXTERIOR FINISH KEYNOTES**

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- 15 42" HIGH CEMENT PLASTER PATIO WALL ON GROUND FLOOR COLOR: P2
- 16 LOUVERED METAL DOORS COLOR: P2
- 17 SECTIONAL PANELED METAL GARAGE DOOR (WITH WINDOWS AS OCCURS) COLOR: P3
- 18 METAL DOORS COLOR: P2
- 19 EXTERIOR SCUPPER AND DOWNSPOUT COLOR: MATCH ADJACENT FINISH
- 20 METAL SUN SHADE COLOR: P4
- 21 CMU COLUMN @ TRELLIS: BASALITE PRECISION BLOCK WITH MATCHING CAP COLOR: BASALITE D225
- 22 STEEL MEMBER @ TRELLIS COLOR: P6 - ROLLING SEA
- 23 CANVAS AWNING @ TRELLIS: GLEN RAVEN FIRESIST COLOR: 82030-0000 GREY
- 24 STOREFRONT SYSTEM MFR: OLDCASTLE BUILDING ENVELOPE STYLE: FS-3000 THERMAL MULTIPANE - FRONT LOAD COLOR: DARK BRONZE
- 25 2X4 PLASTER FINISHED FOAM TRIM; TYP. AT CEMENT PLASTER TO SIDING TRANSITION COLOR: MATCH ADJACENT CEMENT PLASTER
- 26 PAINT ALL EXPOSED METAL @ STAIRS COLOR: P3
- 27 EXPANSION JOINT COLOR: MATCH ADJACENT FINISH
- 28 CONTROL JOINT COLOR: MATCH ADJACENT FINISH
- 29 PARAPET CAP FLASHING COLOR: PAINT TO MATCH ADJACENT SURFACE
- 30 DOOR COLOR: PAINT TO MATCH ADJACENT SURFACE
- 31 CURTAINWALL MFR: OLDCASTLE BUILDING ENVELOPE STYLE: RELIANCE WALL COLOR: DARK BRONZE



EAST ELEVATION | 1  
1/8" = 1'-0"

**ASPIRE II**  
TRACY, CA

**EXTERIOR ELEVATIONS**

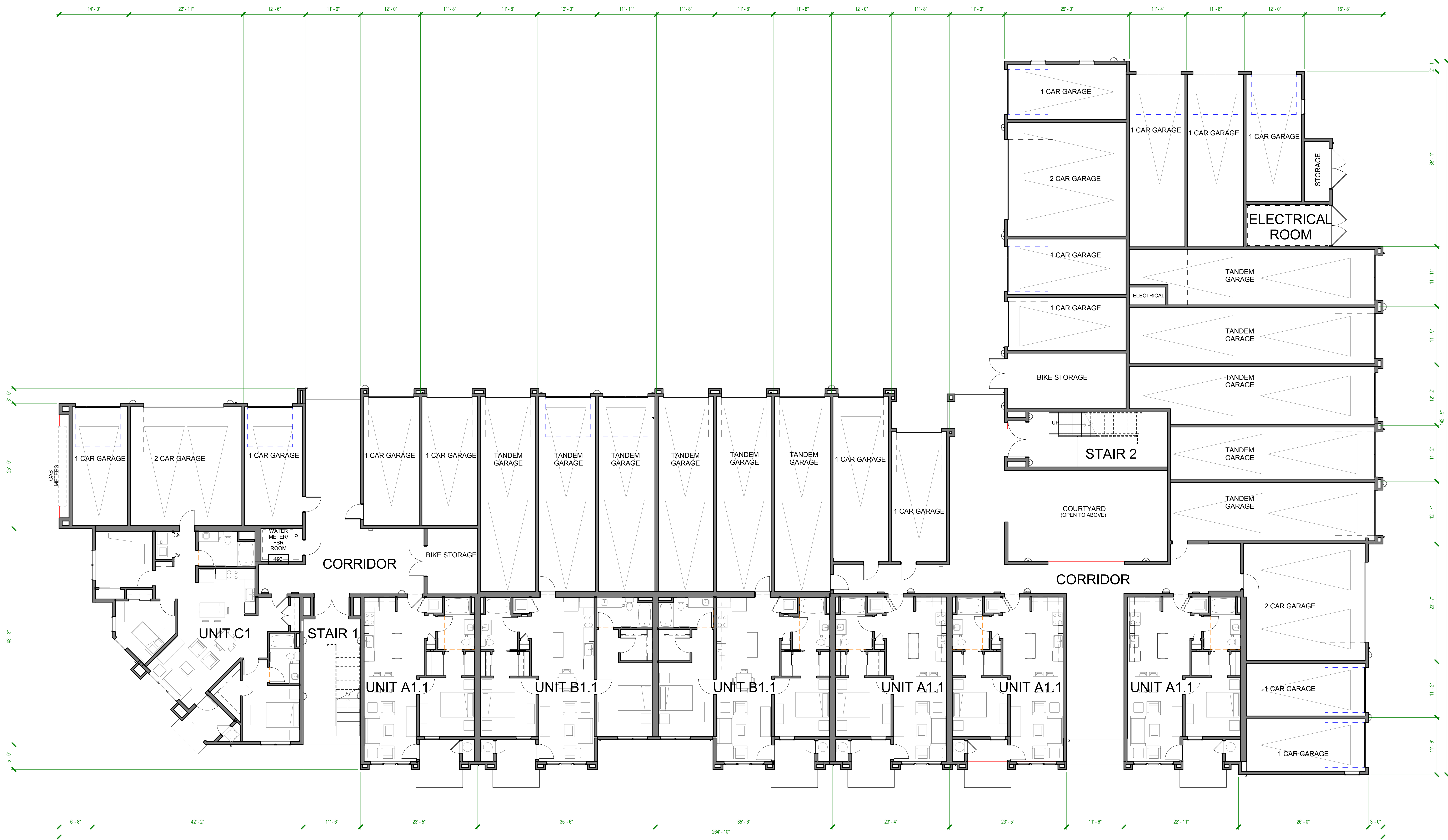
DATE: 02/24/15  
PROJECT NO: 1156-0001  
SCALE:  
SHEET: A10



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GROUND LEVEL FLOOR PLAN | 1  
1/8" = 1'-0"

SCALE: 1/8" = 1'-0"

# ASPIRE II

TRACY, CA

## GROUND LEVEL FLOOR PLAN

DATE: 02/24/15  
PROJECT NO: 1156-0001  
SCALE: 1/8" = 1'-0"  
SHEET: A4



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SECOND LEVEL FLOOR PLAN | 1  
1/8" = 1'-0"

SCALE: 1/8" = 1'-0"

ASPIRE II  
TRACY, CA

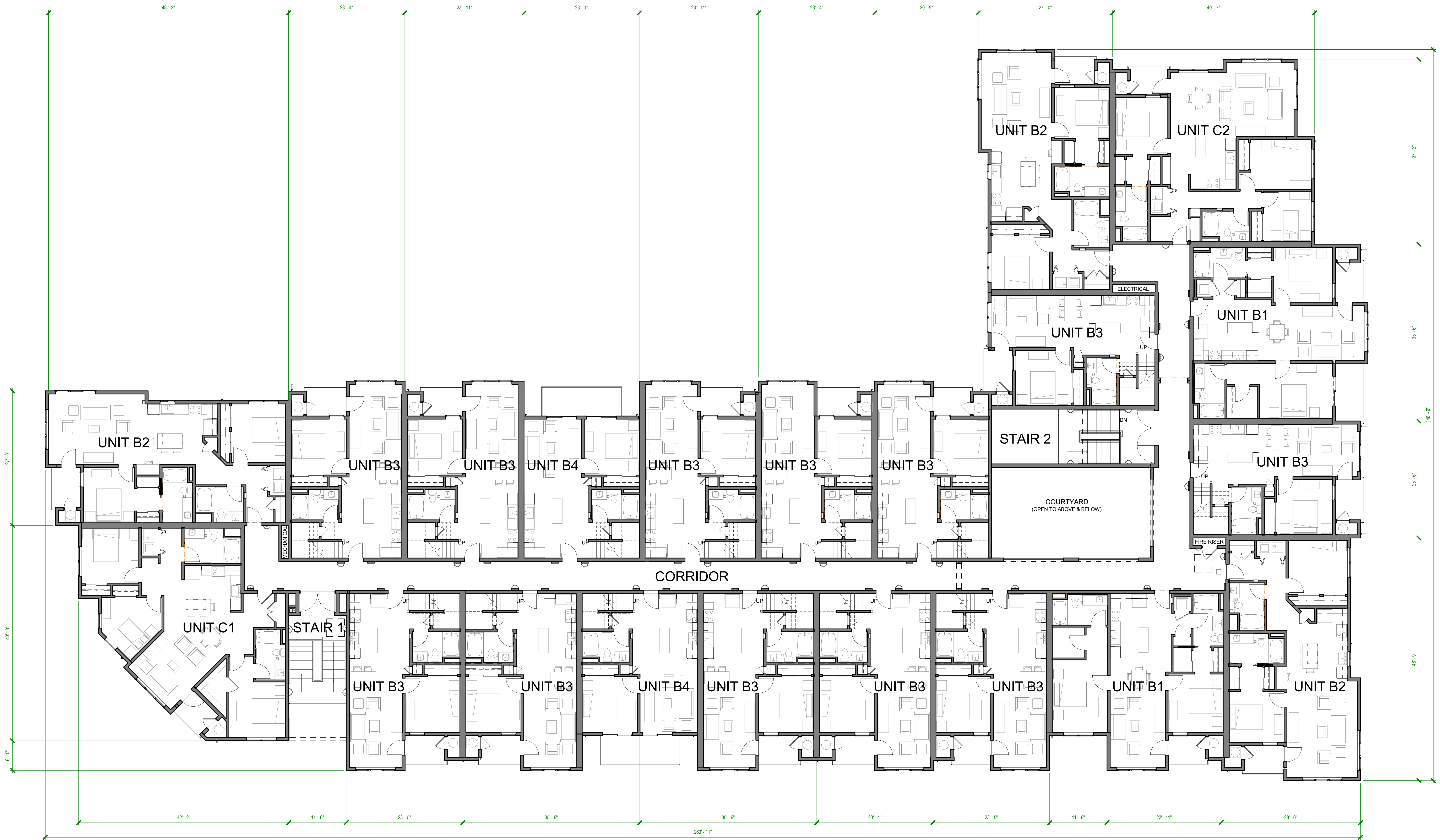
SECOND LEVEL FLOOR PLAN

DATE: 02/24/15  
PROJECT NO: 1156-0001  
SCALE: 1/8" = 1'-0"  
SHEET: A5



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THIRD LEVEL FLOOR PLAN | 1  
1/8" = 1'-0"

FT  
SCALE: 1/8" = 1'-0"

ASPIRE II  
TRACY, CA

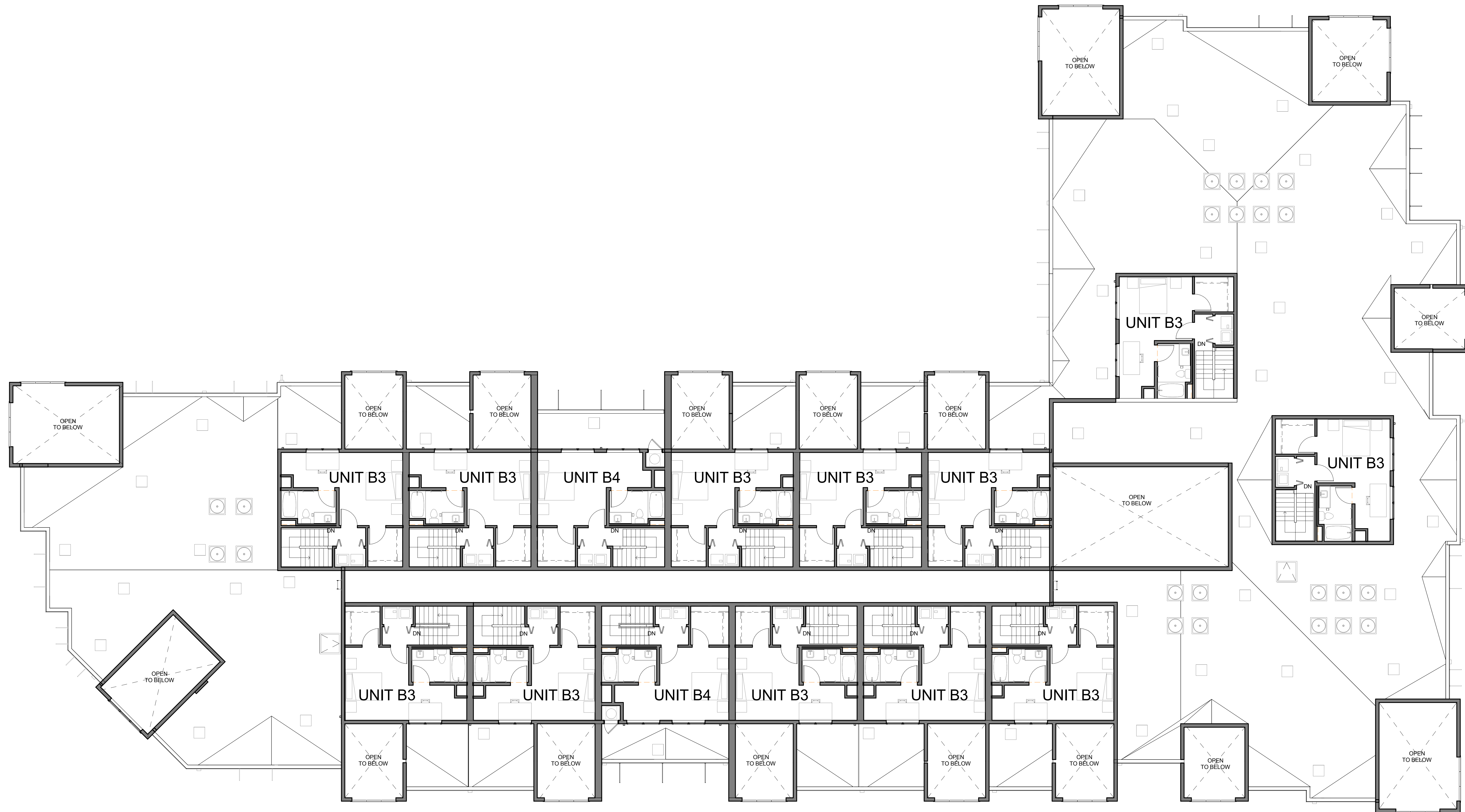
THIRD LEVEL FLOOR PLAN

DATE: 02/24/15  
PROJECT NO: 1156-0001  
SCALE: 1/8" = 1'-0"  
SHEET: A6



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FOURTH LEVEL FLOOR PLAN 1  
1/8" = 1'-0"

40  
32  
24  
16  
8  
0  
FT  
SCALE: 1/8" = 1'-0"

**ASPIRE II**  
TRACY, CA

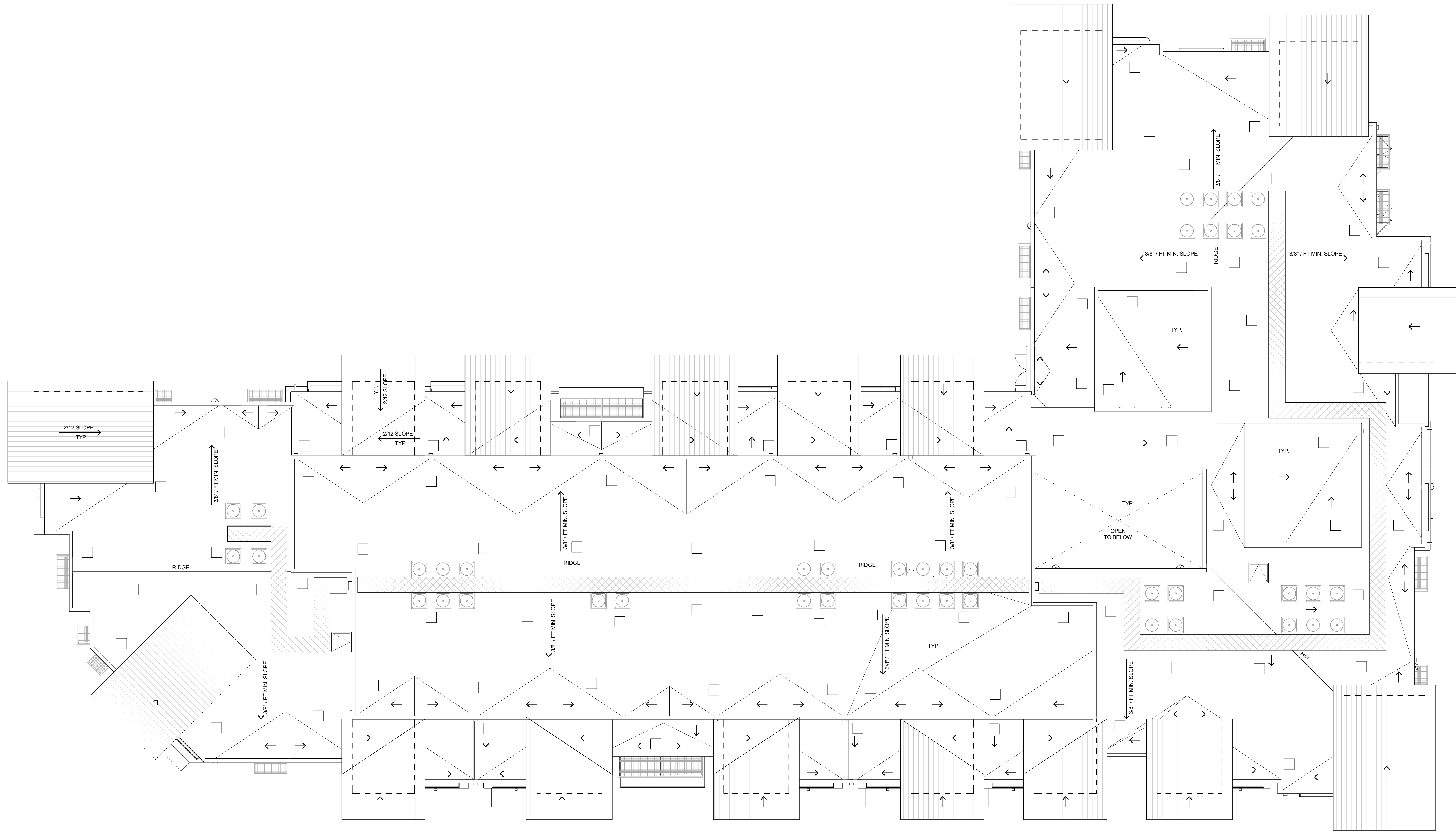
**FOURTH LEVEL FLOOR PLAN**

DATE: 02/24/15  
PROJECT NO: 1156-0001  
SCALE: 1/8" = 1'-0"  
SHEET: A7



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ROOF PLAN  
1/8" = 1'-0"

40  
32  
24  
16  
8  
0  
FT

SCALE: 1/8" = 1'-0"

ASPIRE II  
TRACY, CA

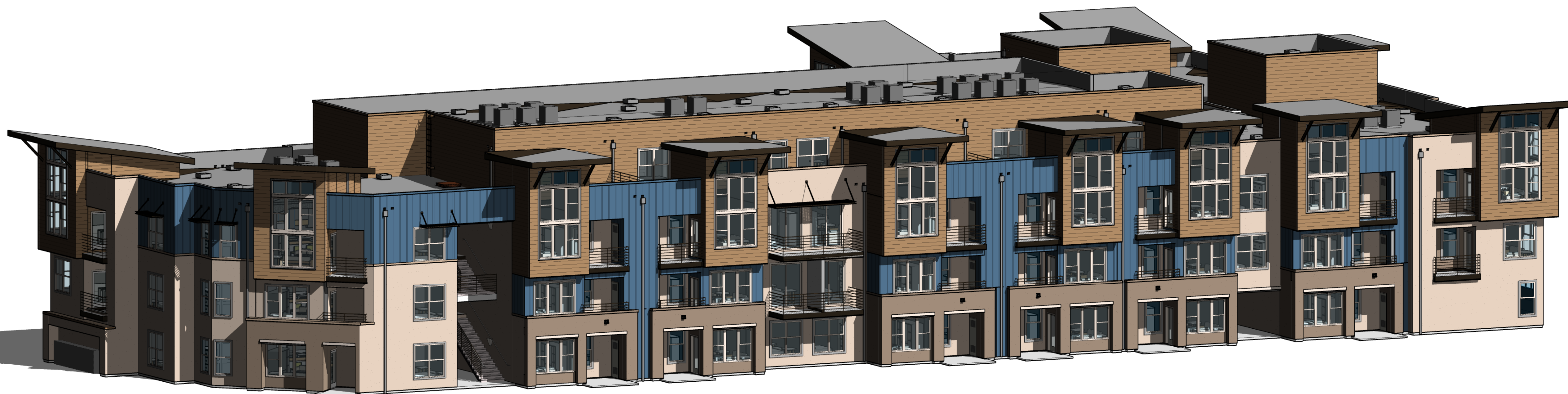
ROOF PLAN

DATE: 02/24/15  
 PROJECT NO: 1156-0001  
 SCALE: 1/8" = 1'-0"  
 SHEET: A8



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**ASPIRE II**  
TRACY, CA

**COVER**

DATE: 6/19/2015  
PROJECT NO: 1156-0001  
SCALE: NONE  
SHEET: A1

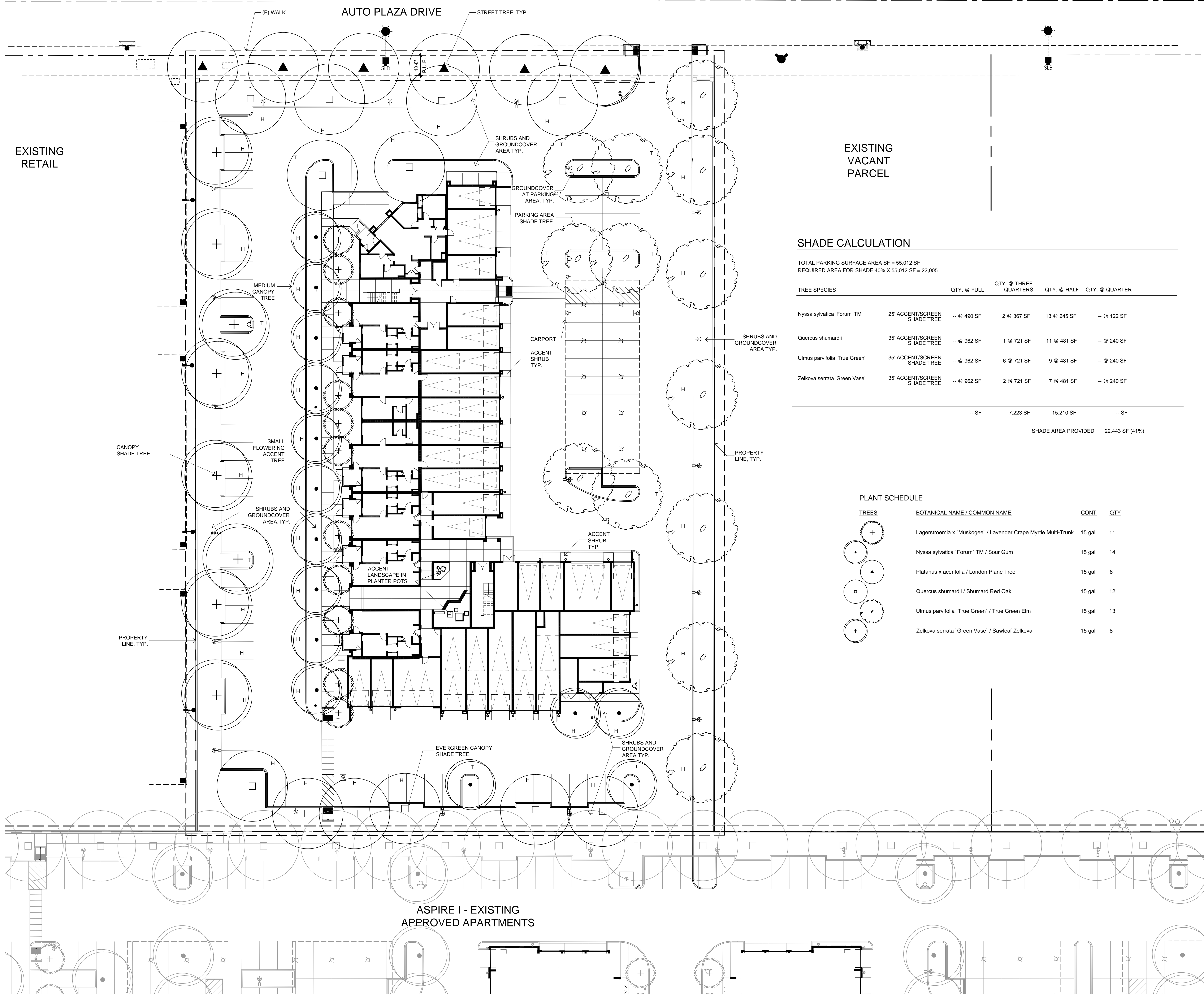


ENTITLEMENTS

A1	COVER
A2	OVERALL SITE PLAN PHASE 1 & 2
A2.1	SITE PLAN
A2.2	SITE DETAILS
A3	LANDSCAPE PLAN
A4	GROUND LEVEL FLOOR PLAN
A5	SECOND LEVEL FLOOR PLAN
A6	THIRD LEVEL FLOOR PLAN
A7	FOURTH LEVEL FLOOR PLAN
A8	ROOF PLAN
A9	EXTERIOR ELEVATIONS
A10	EXTERIOR ELEVATIONS
A11	SITE CONTEXT

SCALE: NONE





**SHADE CALCULATION**

TOTAL PARKING SURFACE AREA SF = 55,012 SF  
 REQUIRED AREA FOR SHADE 40% X 55,012 SF = 22,005

TREE SPECIES	QTY. @ FULL	QTY. @ THREE-QUARTERS	QTY. @ HALF	QTY. @ QUARTER
Nyssa sylvatica 'Forum' TM 25' ACCENT/SCREEN SHADE TREE	-- @ 490 SF	2 @ 367 SF	13 @ 245 SF	-- @ 122 SF
Quercus shumardii 35' ACCENT/SCREEN SHADE TREE	-- @ 962 SF	1 @ 721 SF	11 @ 481 SF	-- @ 240 SF
Ulmus parvifolia 'True Green' 35' ACCENT/SCREEN SHADE TREE	-- @ 962 SF	6 @ 721 SF	9 @ 481 SF	-- @ 240 SF
Zelkova serrata 'Green Vase' 35' ACCENT/SCREEN SHADE TREE	-- @ 962 SF	2 @ 721 SF	7 @ 481 SF	-- @ 240 SF
	-- SF	7,223 SF	15,210 SF	-- SF
SHADE AREA PROVIDED = 22,443 SF (41%)				

**USABLE OPEN SPACE**

REQUIRED UNITS	1-10	10 UNITS X 100 SF	= 1,000 SF
UNITS 11-20	10 UNITS X 50 SF	= 500 SF	
UNITS 21-47	26 UNITS X 25 SF	= 650 SF	
TOTAL		= 2,150 SF	
PROVIDED		= 5,289 SF	

**NOTES**

LANDSCAPE AND IRRIGATION IS DESIGNED TO MEET THE STATE MODEL WATER EFFICIENCY ORDINANCE.  
 PARKING AREAS MEET MINIMUM 20% LANDSCAPE REQUIREMENT

**PLANT SCHEDULE**

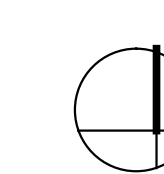
TREES	BOTANICAL NAME / COMMON NAME	CONT	QTY
	Lagerstroemia x 'Muskogee' / Lavender Crape Myrtle Multi-Trunk	15 gal	11
	Nyssa sylvatica 'Forum' TM / Sour Gum	15 gal	14
	Platanus x acerifolia / London Plane Tree	15 gal	6
	Quercus shumardii / Shumard Red Oak	15 gal	12
	Ulmus parvifolia 'True Green' / True Green Elm	15 gal	13
	Zelkova serrata 'Green Vase' / Sawleaf Zelkova	15 gal	8

**ASPIRE II**

TRACY, CA

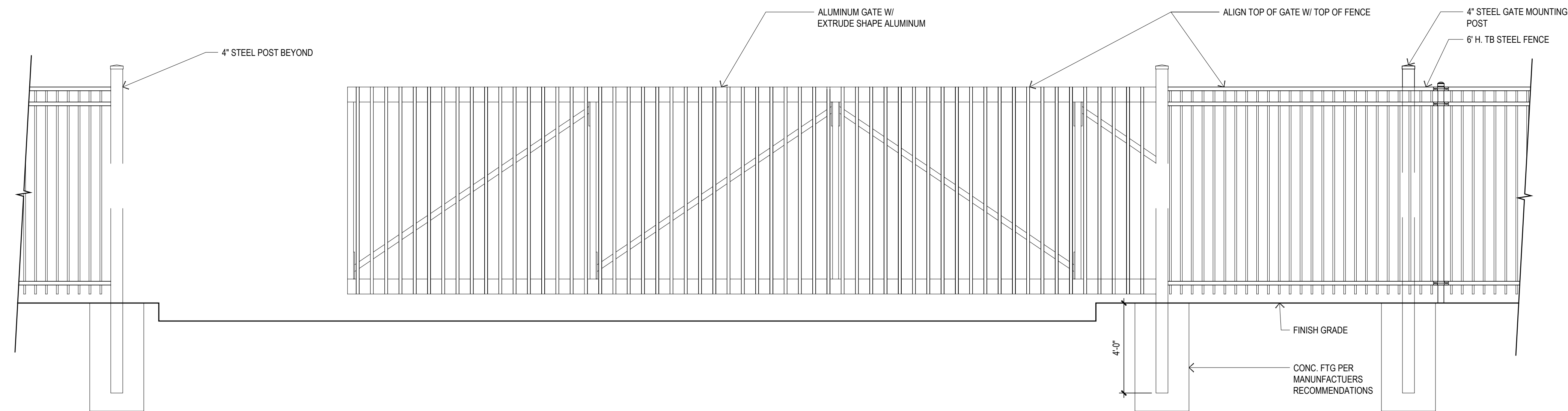
**LANDSCAPE PLAN**

DATE: 06.19.2015  
 PROJECT NO: 1156-0001  
 SCALE: 1" = 20'  
 SHEET: A3

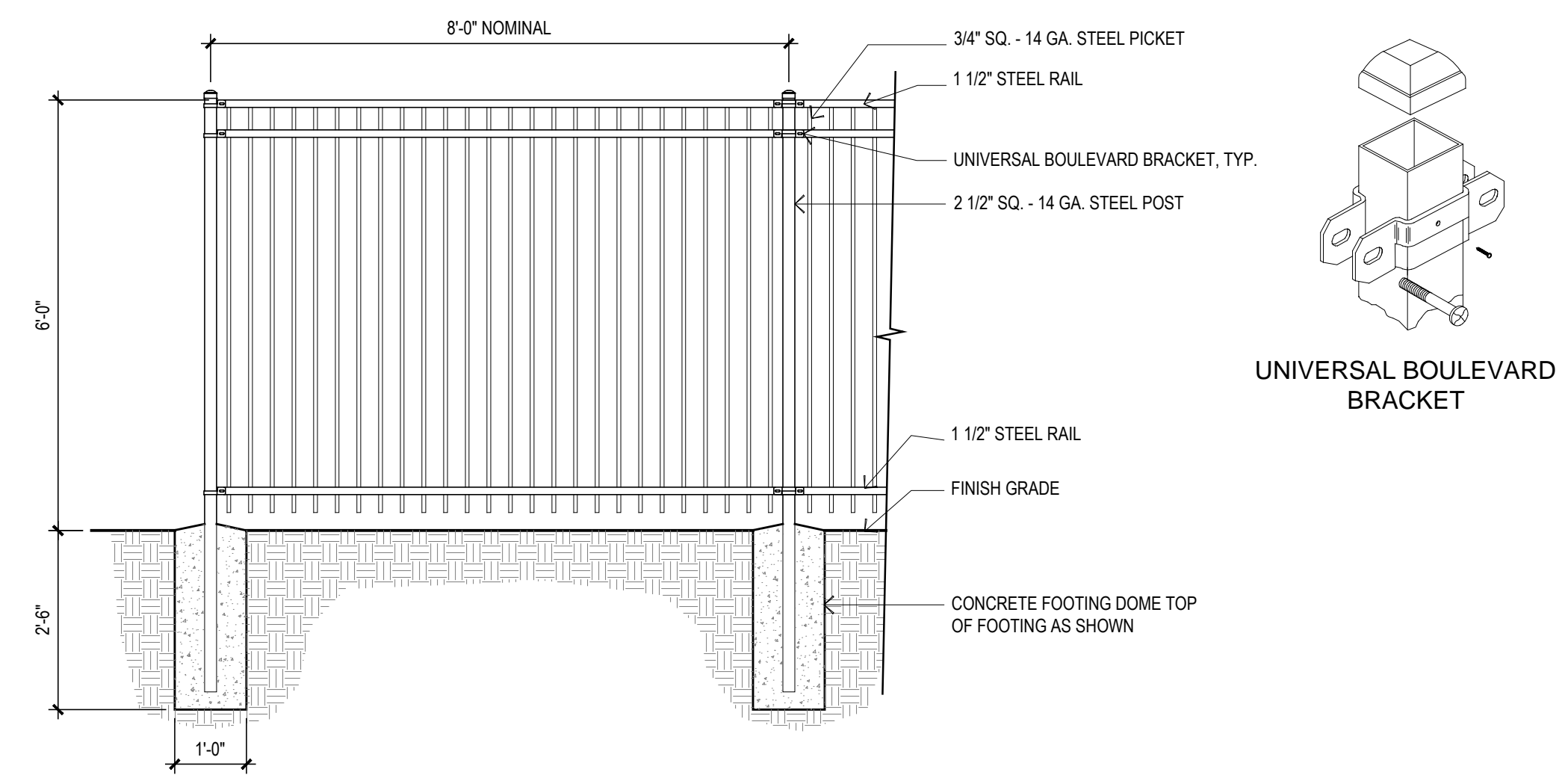


**LPAS**

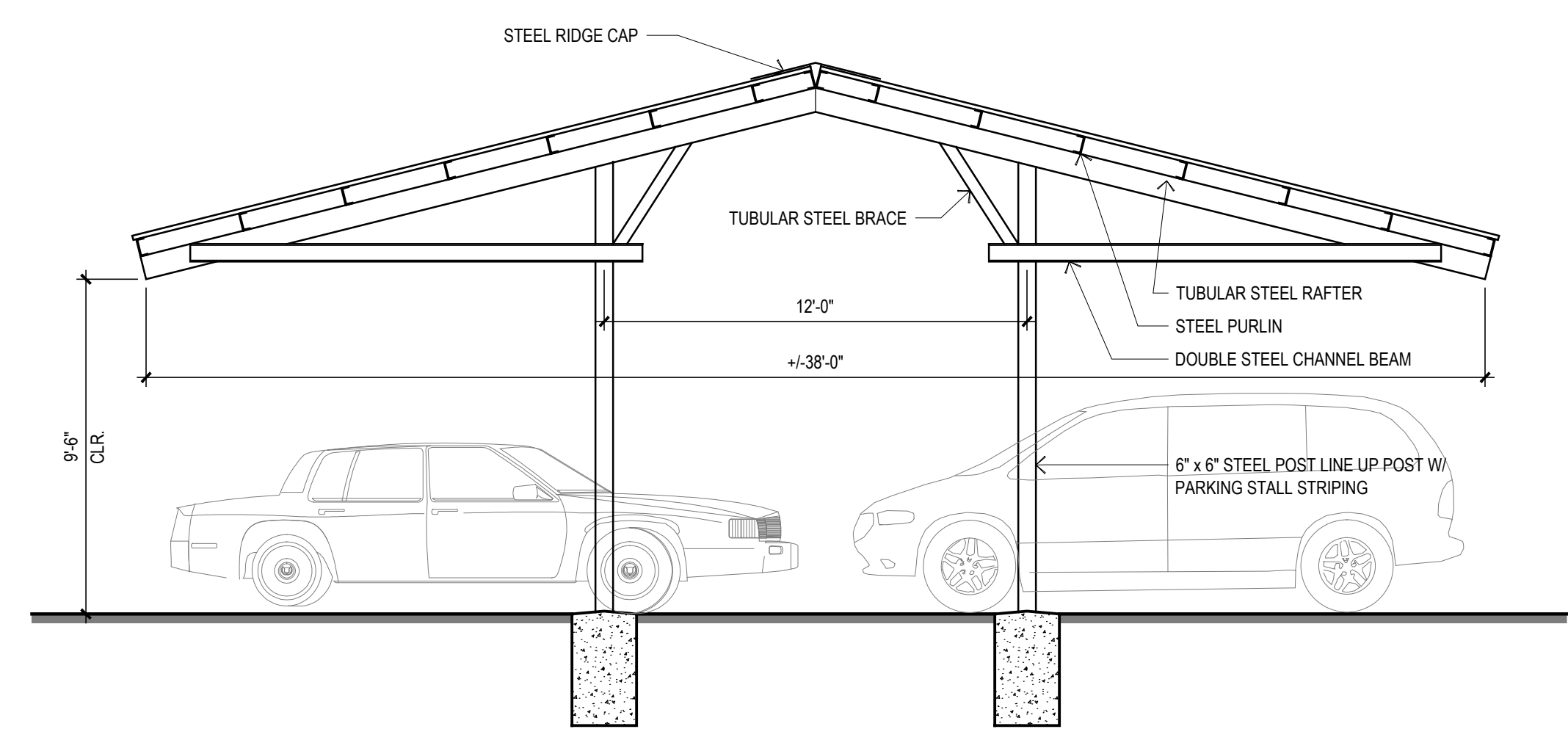
2484 Natomas Park Drive Suite 100 Sacramento CA 95833  
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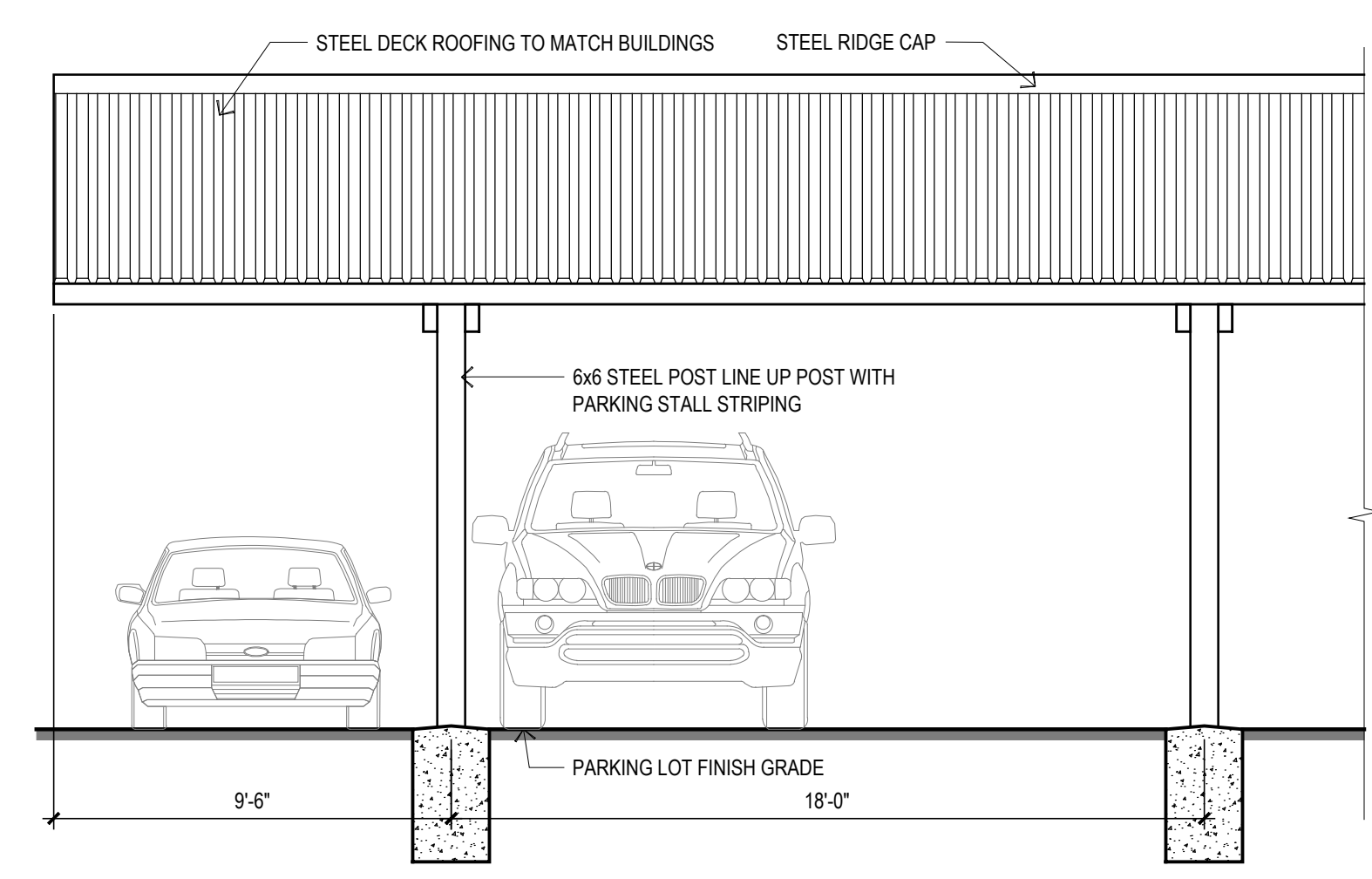
CANTILEVER GATE  
1/2" = 1'-0"



6' ORNAMENTAL METAL FENCE  
1/2" = 1'-0"

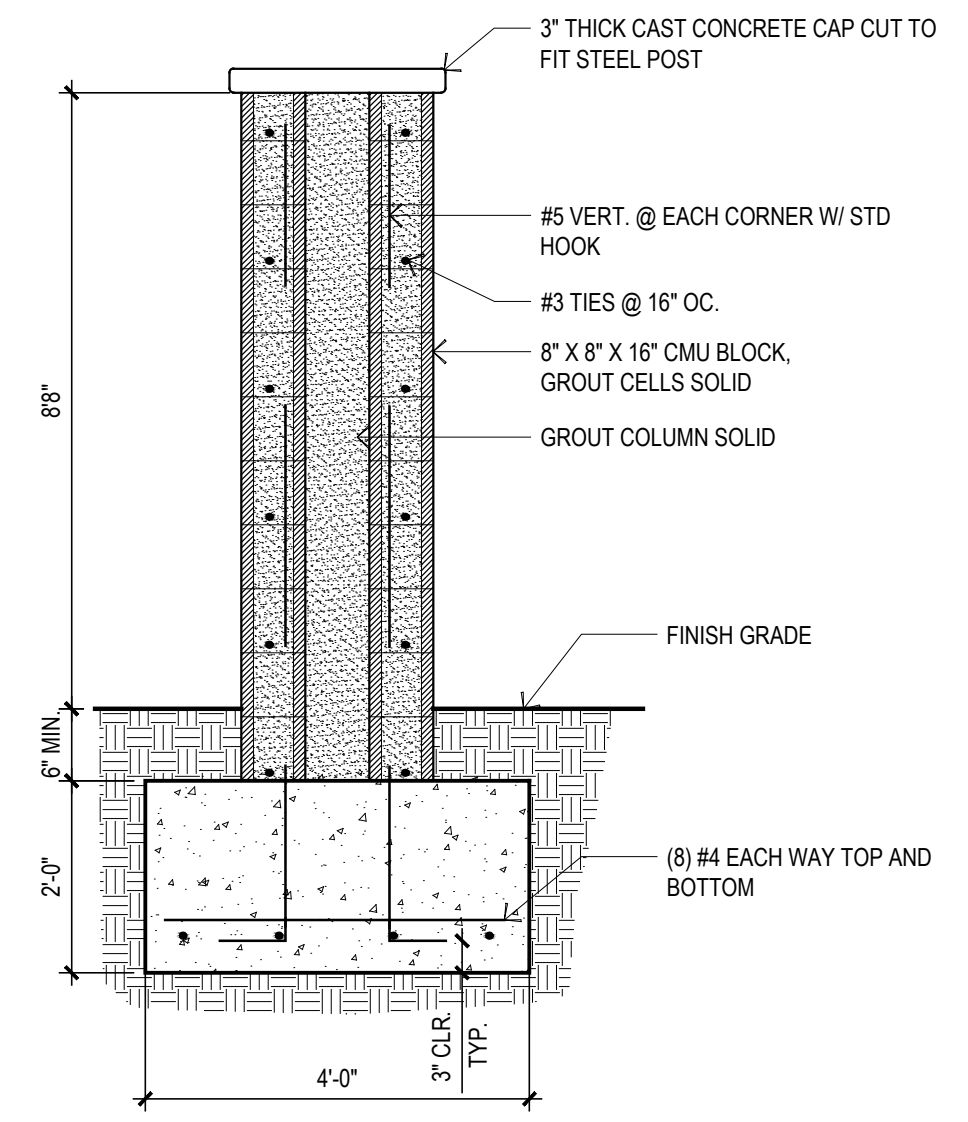
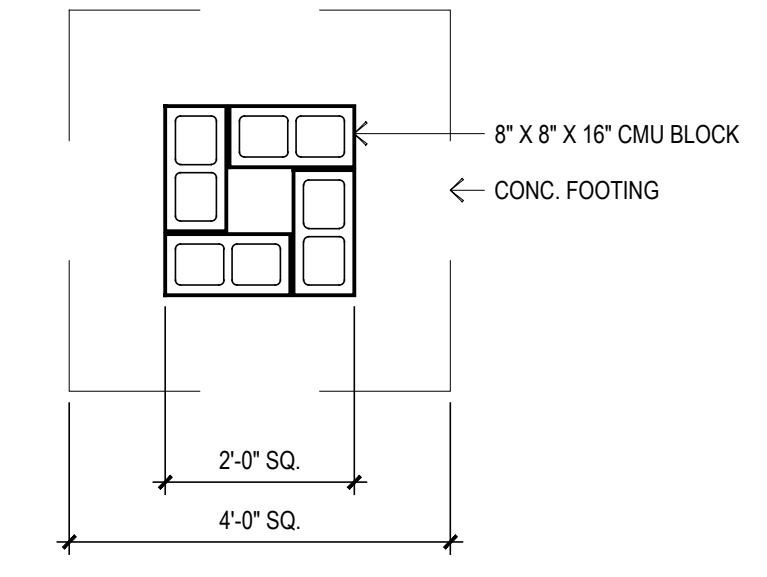


SIDE ELEVATION

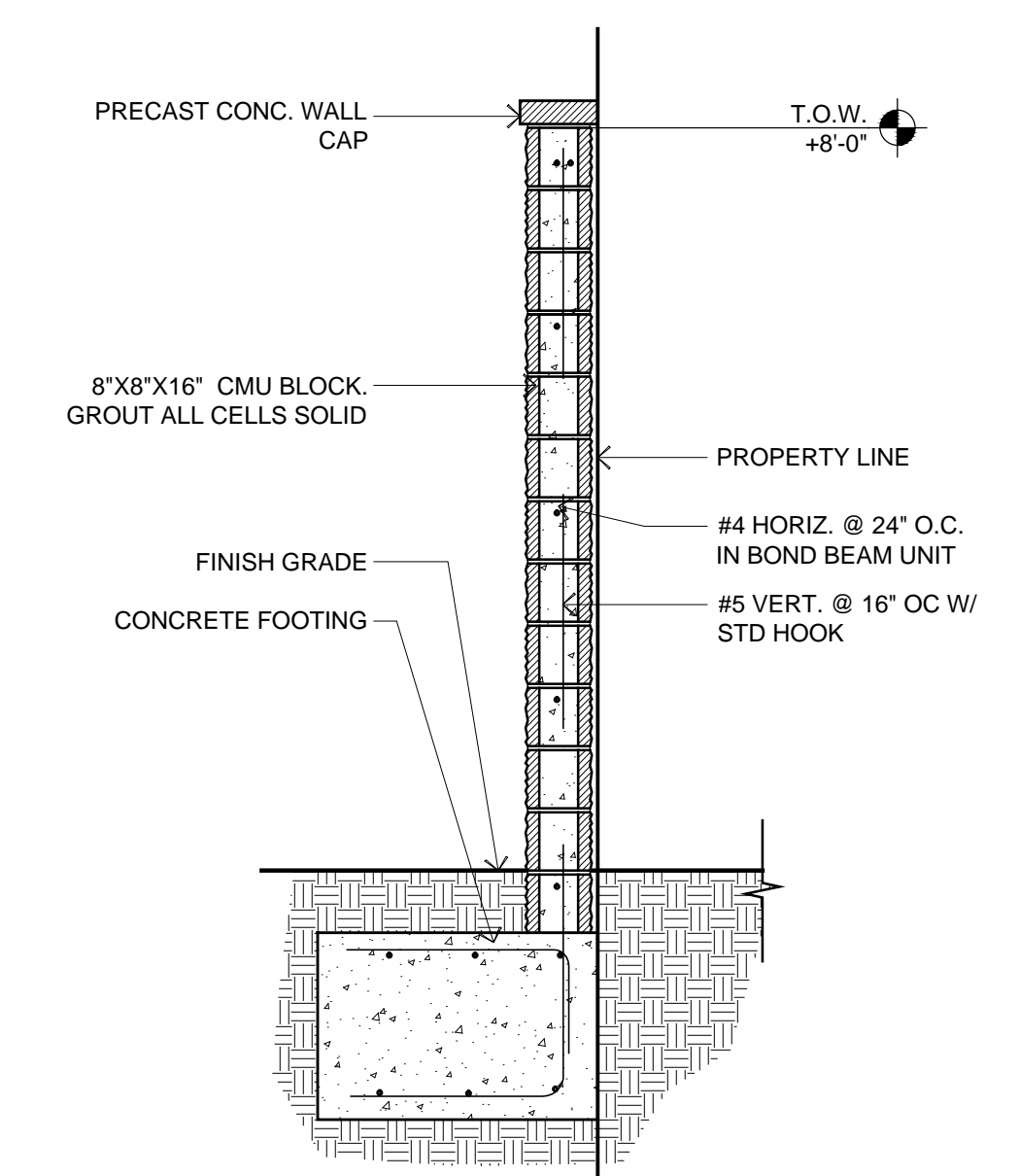


FRONT ELEVATION

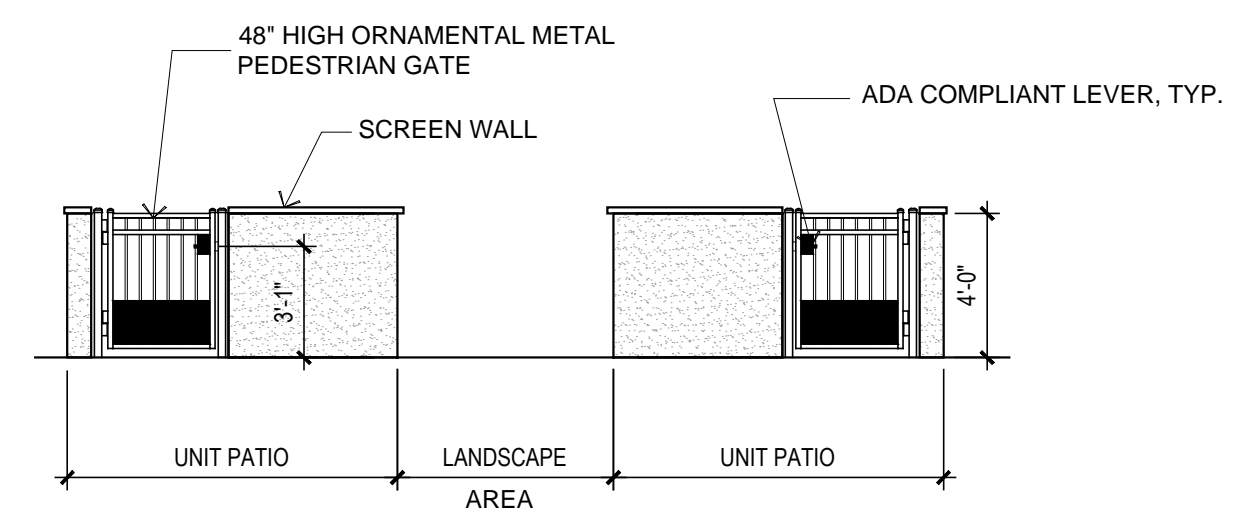
DOUBLE ROW CARPORT  
1/4" = 1'-0"



PILASTER AT AUTO PLAZA DRIVE WALL  
1/2" = 1'-0"



PROPERTY LINE WALL  
1/2" = 1'-0"



UNIT PATIO WALL  
3/16" = 1'-0"

# ASPIRE II

TRACY, CA

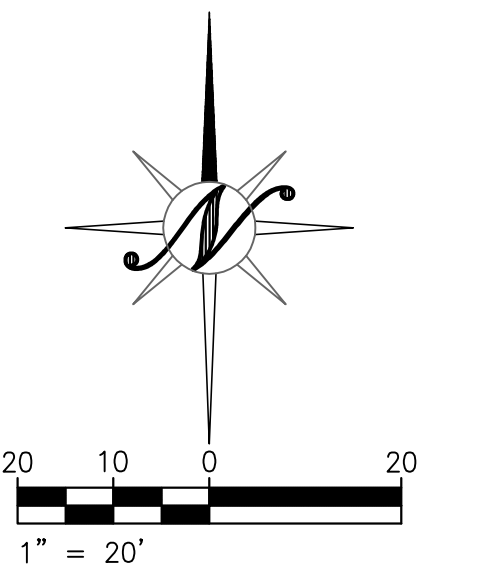
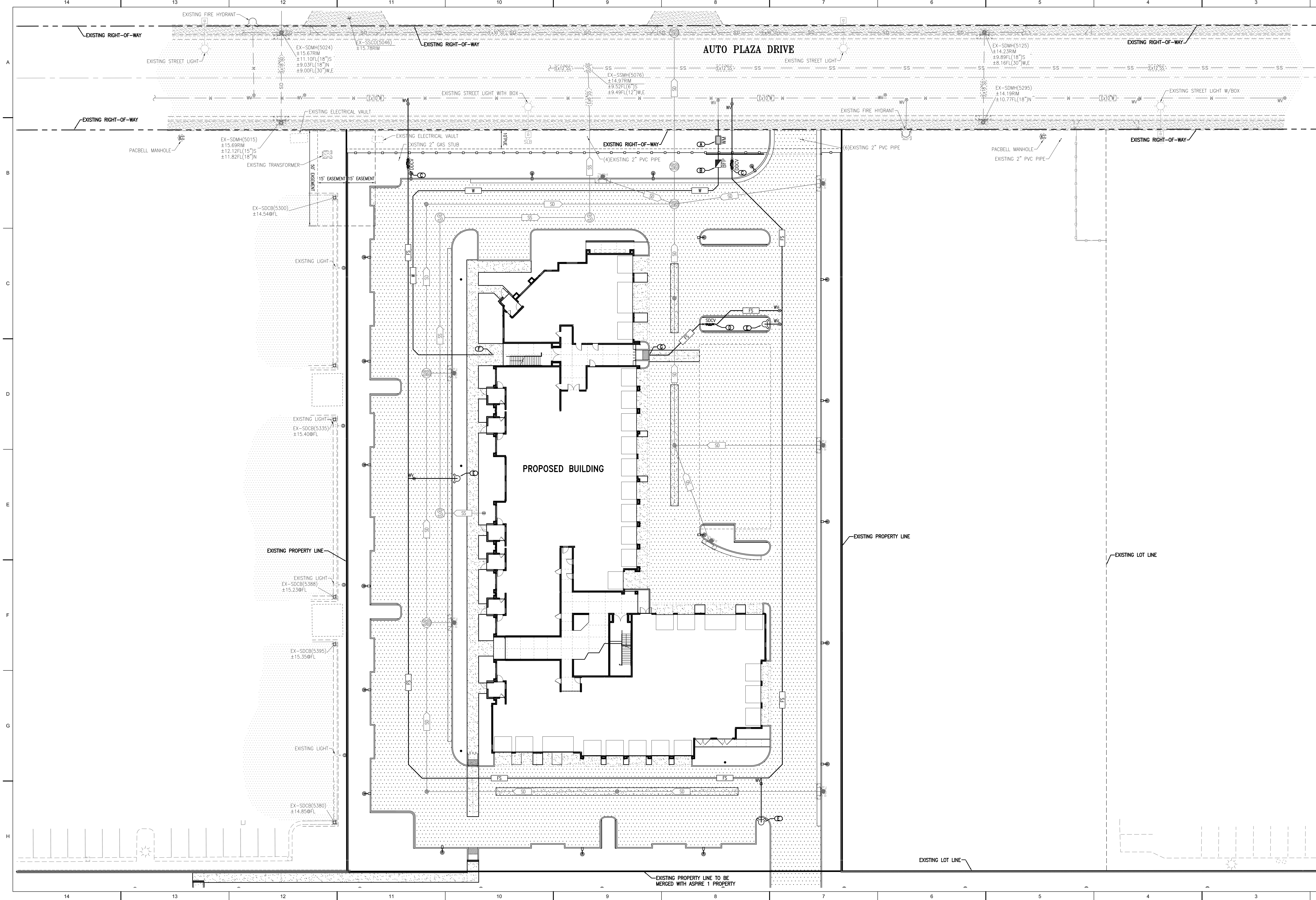
## SITE DETAILS

DATE: 09.18.2015  
PROJECT NO: 1156-0001  
SCALE:  
SHEET: A2.2



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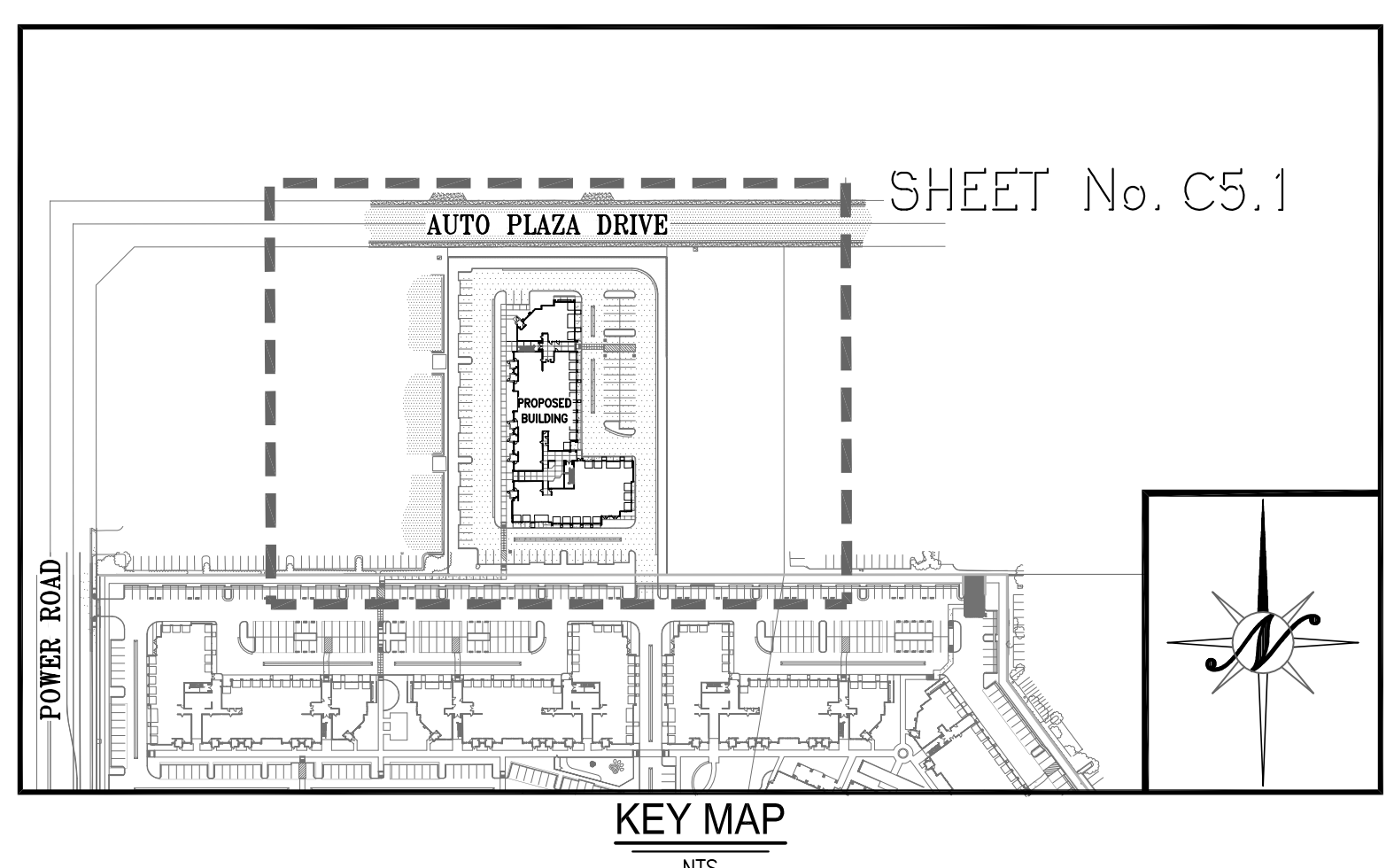




**KEY NOTES**

- 1. CONTRACTOR SHALL INSTALL WATER METER PER CITY OF TRACY STANDARDS AND SPECIFICATIONS.
  - 2. CONTRACTOR SHALL INSTALL BACKFLOW PREVENTER PER CITY OF TRACY STANDARDS AND SPECIFICATIONS.
  - 3. CONTRACTOR SHALL INSTALL DOUBLE DETECTOR CHECK OSEY VALVE WITH TAMPER SWITCH PER CITY OF TRACY STANDARDS AND SPECIFICATIONS.
  - 4. CONTRACTOR SHALL INSTALL SINGLE DETECTOR CHECK VALVE (ABOVE GROUND) WITH FDC PER CITY OF TRACY STANDARDS AND SPECIFICATIONS.
  - 5. CONTRACTOR SHALL INSTALL FIRE HYDRANT ASSEMBLY PER CITY OF TRACY STANDARD DETAILS, MAINTAINING A MINIMUM OF A 3' CLEAR SPACE.
- PROPOSED DOMESTIC WATER TO BE STUBBED 5 FEET FROM THE FACE OF THE BUILDING. CONTRACTOR SHALL VERIFY THE LOCATIONS OF THE UTILITY CONNECTIONS WITH THE PLUMBING PLANS PRIOR TO CONSTRUCTION OF PROPOSED STUBS.
- PROPOSED FIRE SERVICE TO BE STUBBED 5 FEET FROM THE FACE OF THE BUILDING. CONTRACTOR SHALL VERIFY THE LOCATIONS OF THE UTILITY CONNECTIONS WITH THE FIRE SPRINKLER PLANS PRIOR TO CONSTRUCTION OF PROPOSED STUBS.

WATER AND COMPOSITE UTILITY PLAN  
SCALE: AS SHOWN H1



NO.	ISSUE	DATE

# ASPIRE 2 APARTMENTS

ASPIRE 2 APARTMENTS  
2750 AUTO PLAZA DRIVE  
TRACY, CA 95304



ARCHITECT / CONSULTANT



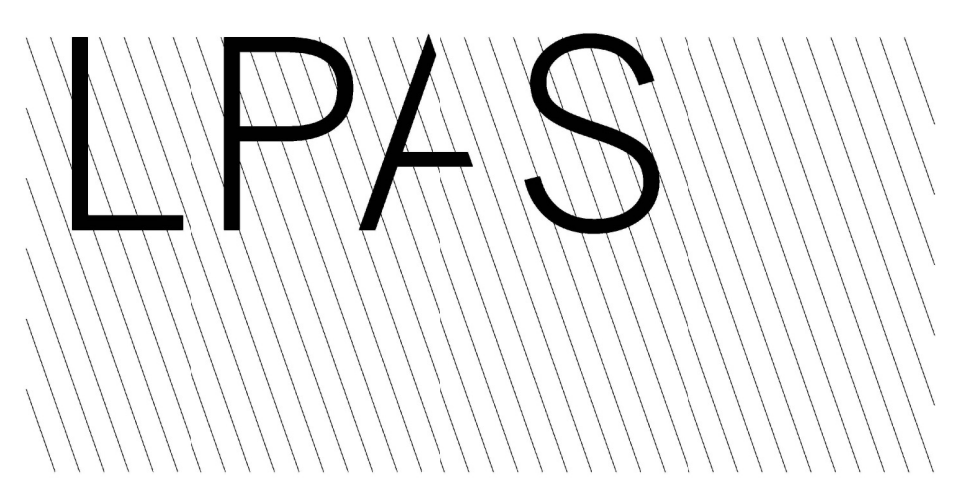
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# WATER AND COMPOSITE UTILITY PLAN

PROJECT NO: 14-1451  
DATE: 09/21/2015  
SHEET NO:

# C5.1

## RESOLUTION 2015 - \_\_\_\_\_

RECOMMENDING APPROVAL OF A GENERAL PLAN AMENDMENT (GPA15-002),  
APPROVAL OF I-205 CORRIDOR SPECIFIC PLAN AMENDMENT/ PUD CONCEPT  
DEVELOPMENT PLAN (SPA15-001), APPROVAL OF A PLANNED UNIT  
DEVELOPMENT PRELIMINARY AND FINAL DEVELOPMENT PLAN (D15-003),  
AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION  
FOR THE ASPIRE II APARTMENTS

WHEREAS, Applications have been filed or initiated for a General Plan Amendment to re-designate approximately 2.28 acres from Commercial to Residential High; amend the I-205 Corridor Specific Plan designation from General Commercial to High Density Residential (HDR); and approve a Planned Unit Development Preliminary and Final Development Plan for the 47-unit residential apartment complex, collectively, the "Project", and

WHEREAS, The subject property is located on the south side of Auto Plaza Drive, northwest of its the intersection with Auto Plaza Way, Assessor's Parcel Number 212-270-24, and

WHEREAS, In addition to retail, office, and other commercial land uses, the Commercial land use designation provides for residential development in the density ranges permitted in the Residential High designation (12.1 to 25 dwelling units per gross acre), and

WHEREAS, The Project includes a request to amend the General Plan designation of the site to Residential High in order for the General Plan Land Use Diagram to more specifically reflect the high-density residential land use of this Project, and

WHEREAS, The subject property is well suited for high density residential development because of its close proximity to the Aspire I apartments, a grocery store, retail and consumer services, employment, and access to I-205, and

WHEREAS, The Project represents an infill site in the City, promotes a compact development pattern, minimizes consumption of open space lands and resources, and provides for high-density housing opportunities which assist the City in achieving housing goals established in the City's General Plan Housing Element, and

WHEREAS, The Project is consistent with General Plan Housing Element Goals and Policies, including Policy 3.1 ("Provide for a range of residential densities and products, including ... higher-density apartments."), and

WHEREAS, The Project has been evaluated in accordance with California Environmental Quality Act (CEQA) Guidelines, and a Mitigated Negative Declaration is proposed which would reduce any potentially significant environmental impacts to levels of insignificance, and is proposed for approval, and

WHEREAS, The Planning Commission conducted a public hearing to receive public input and review the Project on December 16, 2015;

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

1. Mitigated Negative Declaration

- A. The project was evaluated under an Initial Study which evaluated potential environmental impacts associated with project development. Based on the analysis contained in the Initial Study, mitigation measures were identified which would reduce potentially significant impacts to levels of insignificance. Therefore, a Mitigated Negative Declaration has been prepared for the project.
- B. The Planning Commission recommends that the City Council adopt the Mitigated Negative Declaration, Exhibit 1.

2. General Plan Amendment (Application Number GPA15-002)

The Planning Commission recommends that the City Council approve the General Plan Amendment to re-designate the site from Commercial to Residential High.

3. I-205 Corridor Specific Plan Amendment (Application Number SPA15-001)

- A. The Specific Plan amendment is consistent with the General Plan, because the permitted uses of the Specific Plan's High Density Residential designation are allowed within the General Plan designation of Residential High and are consistent with goals and policies of the Housing Element. Also, the Specific Plan's Design Standards and Guidelines, particularly related to siting requirements (site planning, architecture, and parking) and design standards (transitions/edges, commercial interface, auxiliary site features, fencing and walls) are consistent with Land Use and Community Character Element goals and policies.
- B. The General Plan identifies apartments, specifically, among the "characteristic housing" for property designated Residential High, in the density range from 12.1 to 25 units per gross acre. The Specific Plan is consistent with the General Plan in that it, too, identifies apartments (and other similar uses as the General Plan) as permitted uses in the High Density Residential Designation.
- C. The project site is part of the I-205 Corridor Specific Plan Finance and Implementation Plan (FIP), originally adopted in 1990 and subsequently amended. The project site is subject to the FIP's development impact fees and other infrastructure mitigation requirements to mitigate the Project's fair share of infrastructure costs required by the City's infrastructure master plans.
- D. The Planning Commission recommends that the City Council approve the Specific Plan/ PUD Concept Development Plan amendment to change the designation of the site from General Commercial to High Density Residential.

4. Planned Unit Development Preliminary and Final Development Plan (Application Number D15-003)

- A. The Project includes site plan and design elements consistent with City design

goals and standards, such as placement of buildings close to the public street to create an inviting, pedestrian-oriented environment; and compliance with all City standards, including number and design of parking spaces, circulation, land use, and landscaping.

- B. The Project is consistent with Specific Plan architecture Design Standards and Guidelines. The architecture incorporates elements such as variation in texture, materials, and the building facades include relief to avoid monotonous appearance. Building elevations facing streets have windows and other architectural features. Stairwells are covered and integrated into overall building design and private spaces (patios and balconies) are included for each unit.
- C. The Planning Commission recommends that the City Council approve the Project Planned Unit Development Preliminary and Final Development Plan, subject to the conditions contained in Exhibit 2, attached.

\* \* \* \* \*

The foregoing Resolution 2015-\_\_\_\_\_ was adopted by the Planning Commission on the 16th day of December 2015, by the following vote:

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

\_\_\_\_\_  
CHAIR

ATTEST:

\_\_\_\_\_  
STAFF LIAISON

**PUBLIC DRAFT  
INITIAL STUDY AND MITIGATED NEGATIVE  
DECLARATION**

FOR THE

**ASPIRE II APARTMENTS PROJECT**

NOVEMBER 2015

*Prepared for:*

City of Tracy  
Department of Development Services  
333 Civic Center Plaza  
Tracy, CA 95676

*Prepared by:*

De Novo Planning Group  
1020 Suncast Lane, Suite 106  
El Dorado Hills, CA 95762  
(916) 949-3231

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

A Land Use Planning, Design, and Environmental Firm



PUBLIC DRAFT  
INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

FOR THE  
ASPIRE II APARTMENTS PROJECT

NOVEMBER 2015

*Prepared for:*

City of Tracy  
Department of Development Services  
333 Civic Center Plaza  
Tracy, CA 95676

*Prepared by:*

De Novo Planning Group  
1020 Suncastr Lane, Suite 106  
El Dorado Hills, CA 95762  
(916) 949-3231





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# INITIAL STUDY

## **PROJECT TITLE**

Aspire II Apartments

## **LEAD AGENCY NAME AND ADDRESS**

City of Tracy  
333 Civic Center Plaza  
Tracy, CA 95376

## **CONTACT PERSON AND PHONE NUMBER**

Alan Bell, Senior Planner  
Development Services Department  
City of Tracy  
(209) 831-6426

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

Tracy 300, LP  
3202 W. March Lane, Suite A  
Stockton, CA 95219  
(209) 951-5190

## **PURPOSE OF THE INITIAL STUDY**

An Initial Study (IS) is a preliminary analysis which is prepared to determine the relative environmental impacts associated with a proposed project. It is designed as a measuring mechanism to determine if a project will have a significant adverse effect on the environment, thereby triggering the need to prepare an Environmental Impact Report (EIR). It also functions as an evidentiary document containing information which supports conclusions that the project will not have a significant environmental impact or that the impacts can be mitigated to a "Less Than Significant" or "No Impact" level. If there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment, the lead agency shall prepare a Negative Declaration (ND). If the IS identifies potentially significant effects, but: (1) revisions in the project plans or proposals would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and (2) there is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment, then a Mitigated Negative Declaration (MND) shall be prepared.

This Initial Study has been prepared consistent with CEQA Guidelines Section 15063, to determine if the proposed Aspire II Apartments Project (project) may have a significant effect upon the environment. Based upon the findings and mitigation measures contained within this report, a Mitigated Negative Declaration (MND) will be prepared.

## **PROJECT LOCATION AND SETTING**

### *PROJECT LOCATION*

The project site consists of approximately 2.28 acres of land, located south of Auto Plaza Dr., in the far northwest portion of the City of Tracy. The project site is APN 212-27-24.

The project's regional location is shown in Figure 1 and the project area and site boundary are shown in Figure 2.

### *EXISTING SITE USES*

The project site is currently a vacant, undeveloped lot, covered by ruderal grassland vegetation.

### *SURROUNDING LAND USES*

Lands immediately adjacent to the project site to the west include a variety of commercial automobile support services and businesses (tire shop, car rental, collision repair, etc.). A California Department of Motor Vehicles (DMV) office is located north of the project site, north of Auto Plaza Drive. An auto body repair facility is proposed, but not yet constructed, adjacent and to the east of the DMV site. The parcel immediately to the east of the project site is vacant, and a Mazda dealership is located immediately east of the vacant parcel adjacent to the project site. The lands to the south of the project site are the location of the Aspire Apartments project, which is a 301-unit apartment project that is just beginning construction. The Aspire Apartments project is being constructed by the same project applicant as the proposed project, and the proposed project's apartment building design is identical to one of the buildings in the Aspire Apartments project.

Beyond the immediate project vicinity, a variety of auto dealerships and auto-related commercial businesses are located to the east. Agricultural lands are located west of Auto Plaza Drive, in the unincorporated area of San Joaquin County.

## **GENERAL PLAN AND ZONING DESIGNATIONS**

The project site is currently designated Commercial by the City of Tracy General Plan Land Use Map and is zoned Planning Unit Development.

## **SPECIFIC PLAN DESIGNATION**

The project site is currently designated General Commercial by the I-205 Corridor Specific Plan Land Use Plan Map.

## **PROJECT DESCRIPTION**

The proposed project would develop a 47-unit apartment building on the 2.28-acre project site. The project would also include associated parking, garages, carports, community buildings, and common areas. Access to the site would be provided by an internal road connecting to the adjacent 301-unit Aspire Apartments complex to the south (currently under construction), which in turn connects to Pavilion Parkway. A gated emergency access drive would be provided at the

north edge of the site off of Auto Plaza Drive. The project would also match the architecture of the 301-unit Aspire Apartments building complex adjacent to the south.

The proposed project includes plans to connect to existing City infrastructure located within Auto Plaza Drive to the north, to provide water, sewer, and storm drainage to the site. The proposed site plan is shown on Figure 3.

The proposed project also includes a request for a General Plan Amendment to designate the site Residential High, and an I-205 Corridor Specific Plan Amendment to designate the site High Density Residential.

### **REQUESTED ENTITLEMENTS AND OTHER APPROVALS**

The City of Tracy is the Lead Agency for the proposed project, pursuant to the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), Section 15050.

This document will be used by the City of Tracy to take the following actions:

- Adoption of the Mitigated Negative Declaration (MND)
- Adoption of the Mitigation Monitoring and Reporting Program (MMRP)
- Approval of a General Plan Amendment from Commercial to the Residential High land use designation
- Approval of an I-205 Corridor Specific Plan Amendment from General Commercial to High Density Residential
- Approval of a PUD Preliminary and Final Development Plan

The following agencies may be required to issue permits or approve certain aspects of the proposed project:

- Central Valley Regional Water Quality Control Board (CVRWQCB) - Storm Water Pollution Prevention Plan (SWPPP) approval prior to construction activities.
- San Joaquin Valley Air Pollution Control District (SJVAPCD) - Approval of construction-related air quality permits.
- San Joaquin Council of Governments (SJCOG) Review of project application to determine consistency with the San Joaquin County Multi-Species Habitat, Conservation, and Open Space Plan (SJMSCP).

## **PROJECT GOALS AND OBJECTIVES**

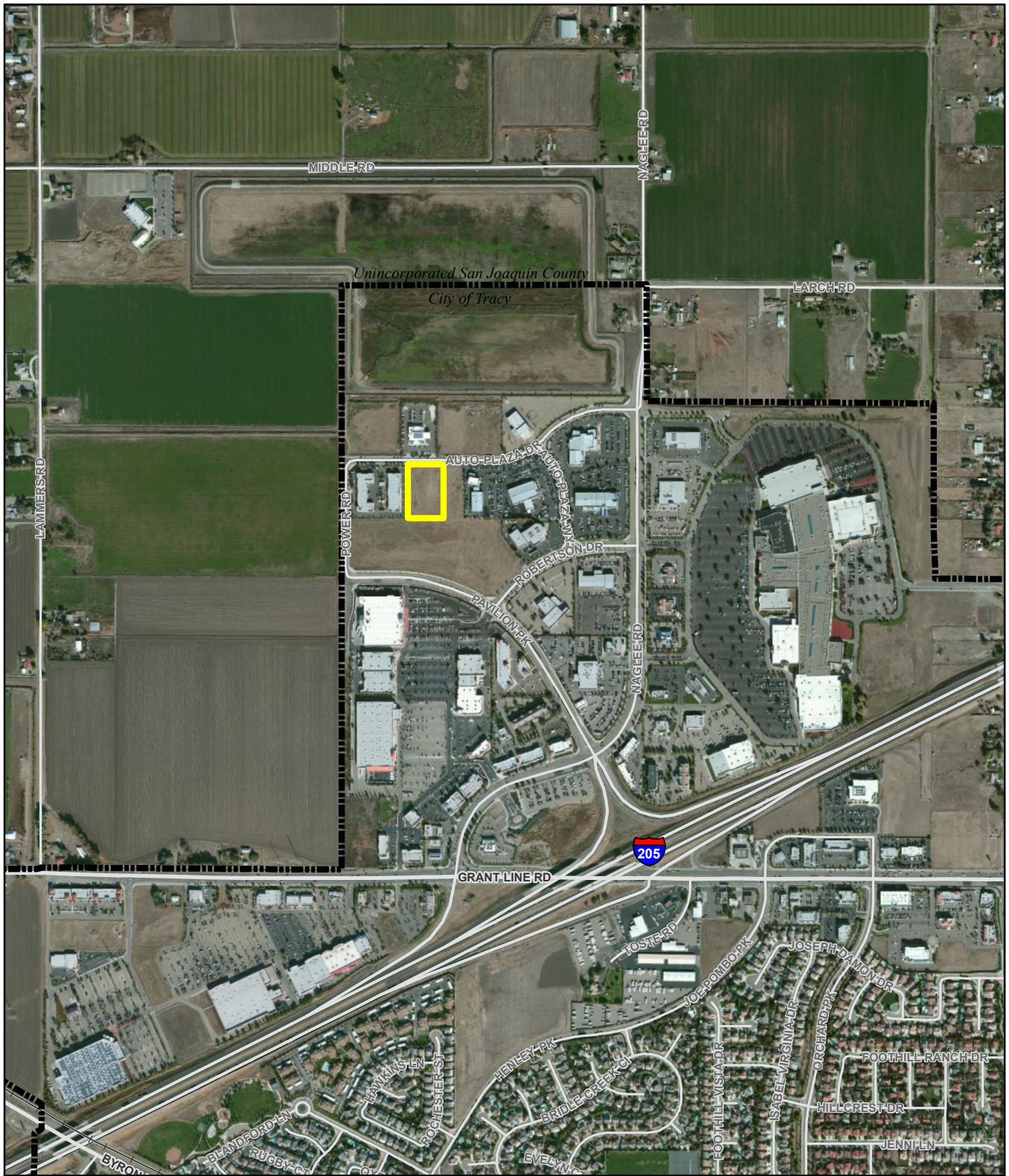
The City of Tracy and the project applicant have identified the following goals and objectives for the proposed project:

1. Expand the available supply of high density residential housing options in the City of Tracy, consistent with City Housing Element goals of providing a range of residential densities and products, including high-density apartments.
2. Develop a project that is consistent and compatible with the surrounding land uses.
3. Increase the supply of market-rate rental housing units that may be affordable to moderate income households within the City of Tracy.



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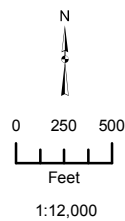


**ASPIRE II APARTMENTS  
TRACY, CALIFORNIA**

Figure 2: Project Area and Site Boundary Map

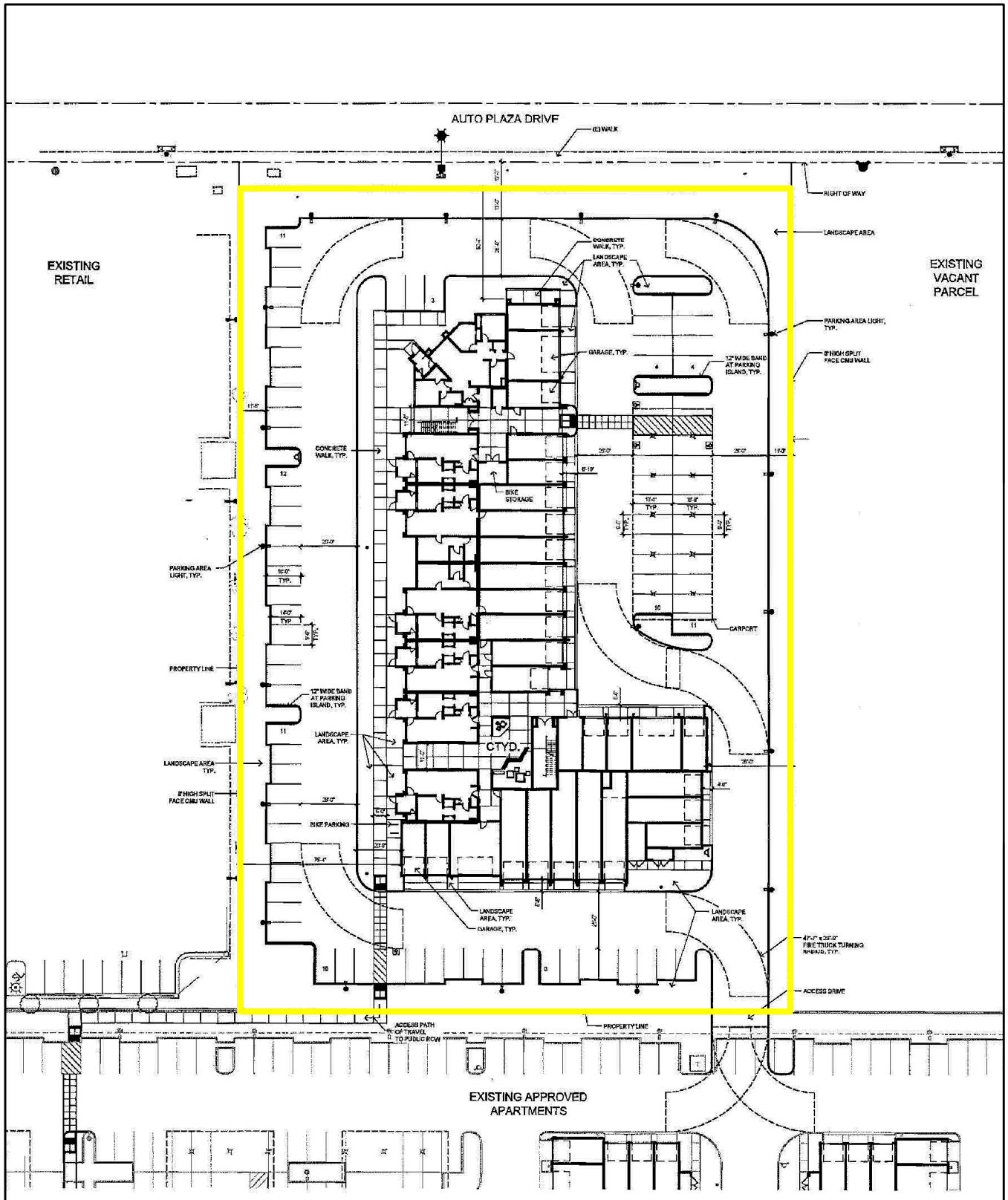
**Legend**


-  Project Boundary
-  City of Tracy

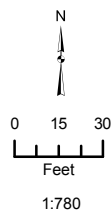


Sources: San Joaquin County GIS; ArcGIS Online World Imagery  
Map Service. Map date: May 18, 2015.

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**Legend**  
 Project Boundary



**ASPIRE II APARTMENTS  
 TRACY, CALIFORNIA**  
 Figure 3: Site Plan Map

Sources: City of Tracy; North Star Engineering Group, 2015. Map date: May 18, 2015.

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**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

**DETERMINATION:**

On the basis of this initial evaluation:

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

Signature

Date

## EVALUATION INSTRUCTIONS:

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

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

## EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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## ENVIRONMENTAL CHECKLIST

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

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

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) 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. Lands immediately adjacent to the project site to the west include a variety of commercial automobile support services and businesses (tire shop, car rental, collision repair, etc.). A California Department of Motor Vehicles (DMV) office is located north of the project site, north of Auto Plaza Drive. The parcel immediately to the east of the project site is vacant, and a Mazda dealership is located immediately east of the vacant parcel. The land to the south of the project site is the location of the Aspire Apartments project, which is a related 301-unit apartment project under development.

Implementation of the proposed project would provide for additional residential development on a lot that is currently vacant. 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 and commercial purposes.

Implementation of the proposed project would introduce a high-density residential development to the project area, and would be generally consistent with the surrounding residential and commercial 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 Dedicated 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 and commercial 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 proposed project would visually match the Aspire Apartments project that is currently under construction adjacent to and south of the proposed project site. Furthermore, the project is subject to the City of Tracy’s development and design review criteria, which would ensure that the exterior facades of the proposed residential structures, landscaping, 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 with Mitigation.** 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 and parking areas 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. The City of Tracy Standard Plan #154 establishes minimum requirements for light illumination. Exterior lighting on new projects is also regulated by the Tracy Municipal Code, Off-Street Parking Requirements, Section 10.08.3530(h). The City addresses light and glare issues on a case-by-case basis during project approval and typically adds requirements as a condition of project approval to shield and protect against light spillover from one property to the next. The Tracy Municipal Code requires

that the site plan and architectural package include the exterior lighting standards and devices, and be reviewed by the Development and Engineering Services Department.

The implementation of Mitigation Measure 1 requires the preparation of a lighting plan, which must demonstrate that exterior project lighting has been designed to minimize light spillage onto adjacent properties to the greatest extent feasible. The implementation of Mitigation Measure 1 would reduce this impact to a **less than significant** level.

#### *Mitigation Measures*

***Mitigation Measure 1:*** *A lighting plan shall be prepared prior to the issuance of a building permit and installation of the project's exterior lighting. The lighting plan shall demonstrate that the exterior lighting systems have been designed to minimize light spillage onto adjacent properties to the greatest extent feasible. The lighting plan shall include the following:*

- *Design of site lighting and exterior building light fixtures to minimize the effects of light pollution and glare off of glass and metal surfaces; and*
- *Lighting shall be directed downward and light fixtures shall be shielded to reduce upward and spillover lighting.*

**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 not underlain by soils that are considered Prime Farmland, Unique Farmland, or Farmland of Statewide Importance by the California Department of Conservation, Farmland Mapping and Monitoring Program and the USDA Soil Conservation Service. The proposed project site is vacant land and the project is considered infill development. Additionally, the project site is designated for urban land uses (commercial) by the Tracy General Plan Land Use Designations Map. The project site is surrounded by commercial and residential land uses, and there are no agricultural land uses or agricultural operations adjacent to the site.

There is **no impact** related to this environmental topic, 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 Planned Unit Development 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 commercial and 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 is not currently used for agricultural purposes, nor is it designated or zoned for agricultural uses. There are no agricultural lands or operations adjacent to the project site. 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 with Mitigation.** 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. PM<sub>10</sub> 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 PM<sub>10</sub> 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 PM<sub>10</sub> impacts to a level considered less than significant.

Construction would result in numerous activities that would generate dust. Grading, leveling, earthmoving and excavation are the activities that generate the most particulate emissions. Impacts would be localized and variable. Construction impacts would last for a period of several months. The initial phase of project construction would involve grading and leveling the project site and associated improvements such as parking area improvements and supporting underground infrastructure, such as water, sewer, 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 apartment units and parking areas.

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 PM<sub>10</sub> fugitive dust rules and equipment exhaust emissions controls are implemented.

Implementation of Mitigation Measures 2 and 3, in addition to compliance with all applicable measures from SJVAPCD Rule VIII would reduce construction-related impacts associated with dust and construction vehicle emissions to a **less than significant** level.

#### *Mitigation Measures*

***Mitigation Measure 2:*** *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 project applicant shall comply with all applicable APCD requirements prior to commencement of grading activities.*

***Mitigation Measure 3:*** *The following mitigation measures, in addition to those required under Regulation VIII of the SJVAPCD, shall be implemented by the Project's contractor during all phases of project grading and construction to reduce fugitive dust emissions:*

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

- *Asphalt-concrete paving shall comply with SJVAPCD Rule 4641 and restrict use of cutback, slow-sure, and emulsified asphalt paving materials.*

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

### **Operational 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 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<sub>x</sub> are considered to have a potentially significant air quality impact. The SJVAPCD has also established a threshold of 15 tons per year for PM<sub>10</sub>. As previously mentioned, the 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<sub>x</sub>, which contribute to the formation of ozone. This includes both direct and indirect emissions.

In addition to the tons/year thresholds cited above, the SJVAPCD has thresholds applicable to CO emissions that require projects to perform localized CO modeling. These thresholds include the following:

- Project traffic would impact signalized intersections operating at level of service (LOS) D, E or F or would cause LOS to decline to D, E or F.
- Project traffic would increase traffic volumes on nearby roadways by 10 percent or more.
- The project would contribute to CO concentrations exceeding CAAQS of 9 parts per million (ppm) averaged over 8 hours and 20 ppm for one hour.

Emissions were estimated using the approach included in the CalEEMod (v.2013.2.2) computer program. 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.

As described in greater detail under the traffic impact analysis section in this document, the proposed project would not cause an intersection to decline to LOS E or F. Additionally, the proposed project would not increase traffic volumes on nearby roadways by 10 percent or more. Therefore, localized CO modeling is not warranted for this project.

### *Rule 9510 Indirect Source Review*

District Rule 9510 requires developers of large residential, commercial and industrial projects to reduce smog-forming (NO<sub>x</sub>) and particulate (PM<sub>10</sub> and PM<sub>2.5</sub>) emissions generated by their projects. The Rule applies to projects which, upon full build-out, will include 50 or more residential units. The proposed project would contain fewer than 50 upon full build-out, and



therefore would not be subject to Rule 9510. However, the Rule serves a general guideline for development even for those projects with fewer than 50 units.

Under the Rule, project developers are required to reduce:

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

Developers are encouraged to meet these reduction requirements through the implementation of on-site mitigation; however, if the on-site mitigation does not achieve the required baseline emission reductions, developers can 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 PM<sub>10</sub>.

**Table 1: Total Project Generated Emissions at Full Buildout**

	EMISSIONS (TONS/YEAR)						
	ROG	NO <sub>x</sub>	CO	SO <sub>2</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>	CO <sub>2</sub>
Mobile Source Project Emissions	0.49	0.86	3.13	0.01	3.35	0.11	552.57
SJVAPCD Threshold	10	10	--	--	15	--	--
Above SJCAPCD Threshold?	No	No	NA	NA	No	NA	NA

*EMISSIONS WERE CALCULATED USING CALCEEMOD V.2013.2.2.*

As shown in the table above, project generated emissions are below the SJVAPCD thresholds for ROG, NO<sub>x</sub> and PM<sub>10</sub>. For this reason, and since the proposed project would have fewer than 50 units upon full build-out, development of the proposed project would result in **less than significant** air quality 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 closest school (the Art Freiler Elementary School) is located approximately 0.8 miles south of the project site. In addition, Merrill F. West High School is located approximately 1.1 miles southeast of the project site, and McKinley Elementary School is located approximately 1.8 miles southeast of the project site.

Implementation of the proposed project would not expose these sensitive receptors to substantial pollutant concentrations. Air emissions would be generated during the construction

phase of the project. The construction phase of the project would be temporary and short-term, and the implementation of Mitigation Measures 2 and 3 would greatly reduce pollution concentrations generated during construction activities.

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

**Response e): Less than Significant.** Operation of the proposed project would not generate notable odors. The proposed project is an apartment complex, 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 and no mitigation is required.

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

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on 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 with Mitigation.**

The biological site conditions and the potential for the presence of special-status species were assessed by De Novo Planning Group's staff biologist on May 12, 2015.

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. No mitigation is necessary.

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

Numerous special-status plant species are known to occur in the region. Many of these special status plant species require specialized habitats such as serpentine soils, rocky outcrops, slopes, vernal pools, marshes, swamps, riparian habitat, alkali soils, and chaparral, which are not present on the project site. The project site is located in an area that was likely valley grassland prior to human settlement, and there are several plant species that are found in valley and foothills grasslands areas. These species include large-flowered fiddleneck, bent-flowered fiddleneck, big-balsamroot, big tarplant, round-leaved filaree, Lemmon's jewelflower, and showy golden madia. Human settlement has involved a high frequency of ground disturbance associated with the historical farming activities in the region, including the project site. 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. No mitigation is necessary.

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

**Swainson's Hawk.** The Swainson's hawk is threatened in California and is protected by the California Department of Fish and 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. The site and the surrounding open grassland habitat will provide medium quality foraging opportunities for local Swainson's hawks. SJCOG administers the San Joaquin County Multi-Species Open Space and Conservation Plan (SJMSCP) for the region. The proposed project would

require coverage under the SJMSCP. SJCOG would apply incidental take minimization measures for the project. As such, impacts to Swainson's hawk are **less than significant** 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 near to other lands that are currently undeveloped that offer foraging and roosting habitat for wintering or breeding owls. However, there is the potential for burrowing owls to occupy the site. While considered unlikely, this is considered potentially significant impact. The proposed project would require coverage under the SJMSCP and SJCOG would apply incidental take minimization measures for the project. In addition, the implementation of Mitigation Measure 4 would ensure that burrowing owls are not impacted during construction activities. The implementation of Mitigation Measure 4 would ensure a **less than significant** impact to burrowing owls.

Participation in the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) is recommended for all new projects on previously undeveloped land in Tracy. Although the likelihood for the occurrence of any special status plant or wildlife species on the site is extremely low, the implementation of Mitigation Measure 5 would ensure that special status plant or wildlife species are protected throughout the region. Impacts to special status plant or wildlife species would be reduced to **less than significant** levels with mitigation.

#### Mitigation Measure(s)

**Mitigation Measure 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 in accordance with SJMSCP requirements. If no owls or owl nests are detected, then construction activities may commence. If burrowing owls or occupied nests are discovered, then the following shall be implemented:*

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

*described in the California Department of Fish and Game's Staff Report on Burrowing Owls (Oct., 1995)*

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

**Mitigation Measure 5:** *Prior to commencement of any grading activities, the project proponent shall seek coverage under the SJMSCP to mitigate for habitat impacts to covered special status species. Coverage involves compensation for habitat impacts on covered species through payment of development fees for conversion of open space lands that may provide habitat for covered special status species. These fees are used to preserve and/or create habitat in preserves to be managed in perpetuity. In addition, coverage includes incidental take avoidance and minimization measures for species that could be affected as a result of the proposed project. There are a wide variety of incidental take avoidance and minimization measures contained in the SJMSCP that were developed in consultation with the USFWS, CDFW, and local agencies. The applicability of incidental takes avoidance and minimization measures are determined by SJCOG on a project basis. The process of obtaining coverage for a project includes incidental take authorization (permits) under the Endangered Species Act Section 10(a) and California Fish and Game Code Section 2081. The Section 10(a) permit also serves as a special-purpose permit for the incidental take of those species that are also protected under the MBTA. Coverage under the SJMSCP would fully mitigate all habitat impacts on covered special-status species. The SJMSCP includes the implementation of an ongoing Monitoring Plan to ensure success in mitigating the habitat impacts that are covered. The SJMSCP Monitoring Plan includes an Annual Report process, Biological Monitoring Plan, SJMSCP Compliance Monitoring Program, and the SJMSCP Adaptive Management Plan SJCOG.*

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

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

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

**Response c): Less than Significant.** A wetland is an area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal

circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

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

Below is a list of wetlands that are found in the Tracy Planning Area:

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

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

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

**Responses e), f): Less than Significant.** 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, the goals and principles of the SJMSCP include the following:

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

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

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



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

As described under Response (a) the proposed project is subject to participation in the SJMSCP by Mitigation Measure 5. The City of Tracy and the project applicant shall consult with SJCOG and determine coverage of the project pursuant to the SJMSCP. The implementation of Mitigation Measure 5 would ensure that the project complies with the requirements of the SJMSCP, and would not conflict with any applicable habitat conservation plans. With implementation of Mitigation Measure 5, this would be a **less than significant** impact.

*Mitigation Measure(s)*

*Implement Mitigation Measure 5*

**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 with Mitigation.** There are no known previously identified prehistoric period cultural resources are known within, or within a 1/4 mile radius of the project site. The site has no historic landmarks, since the project site is an undeveloped lot. 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. This is considered a **potentially significant** impact.

The implementation of Mitigation Measure 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 measure would reduce this impact to a **less than significant** level.

*Mitigation Measure(s)*

**Mitigation Measure 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 six miles to the southwest 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, approximately 25 miles southwest; the Hayward fault, approximately 31 miles west; the Ortigalita fault, approximately 31 miles southwest; and the San Andreas Fault, approximately 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 (M<sub>w</sub>) 7 and larger have historically occurred in the region and numerous small magnitude earthquakes occur every year.

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

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

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

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

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

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

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

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

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

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

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

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

Soil expansion is dependent on many factors. The more clayey, critically expansive surface soil and fill materials will be subjected to volume changes during seasonal fluctuations in moisture content. The soils encountered at the site generally consist of capay clay. The capay series consists of very deep, moderately well drained, and firm to very firm soils. Therefore, the potential for liquefaction to occur at the project site is considered low. However, the capay clay has a relatively high moisture content, posing a potentially high risk of soil expansion. Implementation of Mitigation Measures 7 and 8 below would bring this impact to **less than significant**.

### *Mitigation Measures*

**Mitigation Measure 7:** *Prior to the development of the project site, a subsurface geotechnical investigation must be performed to identify onsite soil conditions and identify any site-specific engineering measures to be implemented during the construction of building foundations and subsurface utilities.*

**Mitigation Measure 8.** *Expansive materials and potentially weak and compressible fills at the site shall be evaluated by a Geotechnical Engineer during the grading plan stage of development. If highly expansive or compressible materials are encountered, special foundation designs and reinforcement, removal and replacement with soil with low to non-expansive characteristics, compaction strategies, or soil treatment options to lower the expansion potential shall be incorporated through requirements imposed by the City's Development Services Department.*

**Responses a.iv): Less than Significant.** The project site is relatively flat and there are no major slopes in the vicinity of the project site. 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 with Mitigation.** During the construction preparation process, existing vegetation would be removed to grade and compact the project site, as necessary. As construction occurs, these exposed surfaces could be susceptible to erosion from wind and water. Effects from erosion include impacts on water quality and air quality. Exposed soils that are not properly contained or capped increase the potential for increased airborne dust and increased discharge of sediment and other pollutants into nearby stormwater drainage facilities. Risks associated with erosive surface soils can be reduced by using appropriate controls during construction and properly re-vegetating exposed areas. Mitigation Measures 2 and 3 (air quality) require 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, Mitigation Measure 9 (under Section IX, Hydrology and Water Quality) would require the implementation of various best management practices (BMPs) and a SWPPP that would reduce the potential for disturbed soils and ground surfaces to result in erosion and sediment discharge into adjacent surface waters during construction activities. The implementation of these required mitigation measures would reduce these impacts to a **less than significant** level and no additional mitigation is required.

### *Mitigation Measures*

*Implement Mitigation Measures 2, 3, and 9.*

**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.

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

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

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors (California Energy Commission 2014). In California, the transportation sector is the largest emitter of GHGs, followed by electricity generation (California Energy Commission 2014).

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 459 million gross metric tons of carbon dioxide equivalents (MMTCO<sub>2e</sub>) in 2012 (California Energy Commission 2014). By 2020, California is projected to produce 509 MMTCO<sub>2e</sub> per year (CARB 2015).



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 CO<sub>2</sub> 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 (CEC 2014). 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%) (CEC 2014).

### *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 21<sup>st</sup> century (Cal EPA 2006). This phenomenon could lead to significant challenges securing an 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% to 90% more frequent in northern California if GHG emissions are not significantly reduced.

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.

### *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.

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.

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.

### *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.

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.

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.

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.

#### *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%.

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.

#### *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.

### *RESPONSES TO CHECKLIST QUESTIONS*

**Response a): Less than Significant.** A number of academic and professional studies have demonstrated that the built environment can have a profound effect on travel. According to *Growing Cooler* (ULI, 2008, pg 88), ten studies examined the effects of regional location on travel. The studies yielded the same general conclusion: infill locations generate substantially lower vehicle trips and vehicle miles of travel (VMT) per capita than do greenfield locations (from 13 to 72 percent). Designing projects with greater Densities, access to regional Destinations, site Design, and Diversity of land use (the ‘4Ds’) can result in meaningful reductions in vehicle trips and VMT.

Chapter 1 of *Driving and the Built Environment: The Effects of Compact Development on Motorized Travel, Energy Use, and CO<sub>2</sub> Emissions -- Special Report 298* (Transportation Research Board, 2009) reached the following key conclusions:

- Finding 1: Developing more compactly, that is, at higher residential and employment densities, is likely to reduce VMT.
- Finding 2: The literature suggests that doubling residential density across a metropolitan area might lower household VMT by about 5 to 12 percent, and perhaps by as much as 25 percent, if coupled with higher employment concentrations, significant public transit improvements, mixed uses, and other supportive demand management measures.

The primary source of GHGs from the proposed project would result from emissions of CO<sub>2</sub> associated with vehicle trips generated by the project. In order to calculate CO<sub>2</sub> emissions from project vehicle trips, the CalEEMod (v.2013.2.2) computer program was utilized. Based on the total vehicle miles travelled (VMT) as a result of project implementation, the proposed project would generate up to 436 tons/year of CO<sub>2</sub> from vehicle emissions.

The City of Tracy has not established a threshold of significance for determining what level of CO<sub>2</sub> emissions from vehicle trips is considered a significant impact. Additionally, the proposed project represents an infill project within the City, as it is a high-density residential development, which promotes a compact development pattern, and minimizes the consumption of open space lands and resources. The project also provides for additional high-density housing opportunities within the City of Tracy, and would assist the City in achieving the housing goals established in the City’s Housing Element. The residential population growth that would occur as a result of project implementation would contribute to the growth anticipated in the City’s General Plan and General Plan EIR.

As stated previously, short-term construction GHG emissions are a one-time release of GHGs and are not expected to significantly contribute to global climate change over the lifetime of the proposed Project. Construction GHG emissions from the proposed project do not impede local GHG reduction efforts, or violate GHG reduction goals set by AB 32, as required by the Public Resources Code, Section 21082.2. Therefore, cumulatively these construction emissions would not generate a significant contribution to global climate change.

Given the relatively small amount of GHGs that would be generated by the project, coupled with the fact that the project is a high-density residential infill project, this is considered a **less than significant** impact, and no mitigation is required.

**Response b): Less than Significant.** The City of Tracy has 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:

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.

Measure SW-3: Providing opportunities for onsite recycling in multi-family development.

The proposed project would assist the City of Tracy with implementation of the Sustainability Action Plan, and is consistent with the measures described above. 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 and no mitigation is required.

**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 with Mitigation.** The proposed project would place new high-density residential uses in an area of the City that currently contains predominantly residential, commercial and light industrial 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.

Construction equipment and materials would likely require the use of petroleum based products (oil, gasoline, diesel fuel), and a variety of common chemicals including paints, cleaners, and solvents. Transportation, storage, use, and disposal of hazardous materials during construction activities would be required to comply with applicable federal, state, and local statutes and regulations. Compliance would ensure that human health and the environment are not exposed to hazardous materials. In addition, Mitigation Measure 9 requires the project applicant to implement a Stormwater Pollution Prevention Plan during construction activities, which would prevent any contaminated runoff from leaving the proposed project site. Therefore, the proposed project would have a **less than significant** impact relative to this issue.

*Mitigation Measure(s)*

*Implement Mitigation Measure 9 (SWPPP)*

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 not located within  $\frac{1}{4}$  mile of an existing or proposed school, and would therefore, not result in the exposure of any school site to any hazardous materials that may be used or stored at the project site. Art Freiler School is located approximately 0.8 miles south of the project site, Merrill F. West High School approximately 1.1 miles southeast of the project site, and McKinley Elementary School approximately 1.8 miles southeast of the project site. 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. 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. The Project site is not included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5.

The DTSC Envirostor Database identified an active Voluntary Cleanup Site approximately 1.1 miles south of the proposed project site. The Standard Oil Company (now Chevron) used the Old Valley Pipeline to transport heavy petroleum (crude oil) from Bakersfield to Richmond, California. A voluntary cleanup agreement dated October 23, 2002 outlined site characterization and human health activities. Site remediation activities are ongoing.

As described above, there are no known hazardous materials located on the project site. Additionally, known potentially hazardous sites are not with the project vicinity. 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 4.8 miles south of the site. The Airport is a general aviation airport owned by the City and managed by the Public Works Department. Guidelines for Airport Land Use were developed by SJCOG Airport Land Use Commission in 2013. Furthermore, 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. Zone 1 Runway Protection Zone (RPZ)
2. Zone 2 Inner Approach/Departure Zone (IADZ)
3. Zone 3 Inner Turning Zone (ITZ)
4. Zone 4 Outer Approach/Departure Zone (OADZ)
5. Zone 5 Sideline Safety Zone (SSZ)
6. Zone 7 Traffic Pattern Zone (TPZ)

Land use constraints in these zones become progressively less restrictive from the RPZ to the TPZ. The proposed project is not located within any of the 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. The proposed project consists of single story and two story structures, and does not propose any structures of substantial height that would protrude into active airspace. Building height would be consistent with surrounding uses. Therefore, 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 Tracy General Plan (Adopted February 1, 2011) includes policies that require the City to maintain emergency access routes that are free of traffic impediments (Goal SA-6, Objective SA-6.1, Policy P1 and Action 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 in 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 does not designate the area in the northern half of Tracy as having significant wildland fire potential. Although there are irrigated and fallow agricultural fields in the general area of the project site, the potential for wildfire to the proposed project is considered low. Additionally, the proposed project is located in an urbanized area of the City that is undergoing rapid development. This is a **less than significant** impact and no mitigation is required.

**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 with Mitigation.** 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 project's potential to violate a water quality standard or waste discharge requirement is related to the treatment of wastewater generated by the project, and the quality of stormwater runoff generated at the project site. These two issues are addressed below.

In 2008 the City expanded its wastewater treatment capacity to 10.8 mgd. The City's Wastewater Treatment Plant (WWTP) currently treats approximately 9.0 mgd of wastewater. 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. A unit generation factor of 176 gallons per day of wastewater per residential unit was used to estimate the wastewater that would be generated by the proposed project.<sup>1</sup> Based on this generation factor, it is estimated that the proposed project would generate up to 0.05996 mgd of wastewater. The addition of 0.0596 mgd of wastewater would not exceed the treatment capacity of the City's WWTP, or violate waste discharge requirements under the City's National Pollutant Discharge Elimination System (NPDES) permit. As such, the project would not cause, or contribute to, a violation of wastewater quality standards or waste discharge requirements.

In order to ensure that stormwater runoff from the Project site does not adversely increase pollutant levels in adjacent surface waters and stormwater conveyance infrastructure, the application of best management practices (BMPs) to effectively reduce pollutants from stormwater leaving the site during both the construction and operational phases of the project are required under Mitigation Measure 9, which requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP).

Through compliance with the NPDES permit requirements, and compliance with the SWPPP, the proposed project would not result in a violation of any water quality standards or waste discharge requirements. Therefore, through compliance with the NPDES, and SWPPP requirements required by Mitigation Measure 9, impacts from the proposed project would result in a **less than significant** impact relative to this environmental topic.

*Mitigation Measure**Implement Mitigation Measure 9 (SWPPP)*

**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

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<sup>1</sup> Wastewater Flow and Loading Generation Factors from the Tracy Wastewater Master Plan (Low Density Residential wastewater generation factor)

proposed project would be served by the City’s municipal water system. The City of Tracy uses several water sources, including the US Bureau of Reclamation, the South County Water Supply Project (SCWSP), and groundwater. As described in greater detail in the Utilities Section of this document, the City has adequate water supplies to serve the proposed project without increasing the current rate of groundwater extraction.

Groundwater recharge occurs primarily through percolation of surface waters through the soil and into the groundwater basin. The addition of significant areas of impervious surfaces (such as roads, parking lots, buildings, etc.) can interfere with this natural groundwater recharge process. Upon full project buildout, 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 with Mitigation.** 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.

There are no rivers, streams, or water courses located on or immediately adjacent to the project site. As such, there is no potential for the project to alter a water course, which could lead to on or offsite flooding. Drainage improvements associated with the project site would be located on the project site, and the project would not alter or adversely impact offsite drainage facilities.

Development of the project site would place impervious surfaces on most of the 2.28-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. Stormwater flows from the project site would be directed to the existing stormwater conveyance system along Auto Plaza Drive, north of the project site. The potential for the project to exceed the capacity of the stormwater system is a **less than significant** impact.

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 City-wide storm drainage infrastructure improvements identified in the 2012 City of Tracy Citywide Storm Drainage Master Plan.

In order to ensure that stormwater runoff from the project site does not adversely increase pollutant levels in adjacent surface waters and stormwater conveyance infrastructure, Mitigation Measure 9 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 mitigation measure 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.”*

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#### *Mitigation Measure(s)*

**Mitigation Measure 9:** *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): Less than Significant with Mitigation.** 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 located within a FEMA designated 100-year floodplain (FEMA Panel ID: 06077C0590F; effective on 10/16/2009). The area is therefore subject to a one percent annual chance flood event. The impact is **less than significant** after implementation of Mitigation Measures 10 and 11 below.

*Mitigation Measure(s)*

**Mitigation Measure 10:** *All structures within the 100-year floodplain on the project shall have the lowest floor (including the basement) elevated at least one foot above the base flood level, or be of flood-proof construction.*

**Mitigation Measure 11:** *The following General Plan policies and actions (under Goal SA-2, Objective SA-2.1) shall be incorporated into the proposed project:*

- P.2 New construction and substantial improvements to structures within the 100-year floodplain are required to “have the lowest floor (including the basement) elevated at least one foot above the base flood level” or be of flood-proof construction.*
- P.3 The City shall prevent the construction of flood barriers within the 100-year flood zone that divert flood water or increase flooding in other areas.*
- P.4 Property owners within the 100-year floodplain are encouraged to purchase National Flood Insurance, which reduces the financial risk from flooding and mudflows.*
- A.2 Continue to implement the City’s existing Storm Drainage Master Plan which provides storm drainage conveyance capacity sufficient to contain 100-year flood flows in the rights-of-way of the major public streets and 10-year flood flows within the top of the street curbs.*

**Responses h): Less than Significant.** Although the proposed project site lies within a FEMA 100-year flood plain, the proposed project is not of a large enough size to impede or direct flood flows. Therefore, this impact is considered **less than significant**.

**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 essentially

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 commercial and residential land uses. The project is an infill project that 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 Commercial by the City of Tracy General Plan Land Use Designations Map, Service Commercial by the I-205 Corridor Specific Plan, and is zoned Planned Unit Development (PUD). The proposed project includes a request for a General Plan Amendment to designate the site Residential High, and an I-205 Corridor Specific Plan Amendment to designate the site High Density Residential.

The proposed uses on the project site are consistent with the General Plan designation of Residential High, I-205 Corridor Specific Plan designation of High Density Residential, and zoning of Planned Unit Development (PUD). Approval of the requested General Plan Amendment and Specific Plan Amendment would ensure that the proposed project is consistent with the Tracy General Plan and I-205 Corridor Specific Plan. The proposed project is also consistent with the land uses and General Plan, Zoning, and I-205 Corridor Specific Plan designations assigned to the adjacent Aspire I Apartments project. 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 with Mitigation.** As described under the Biological Resources section of this document, the proposed project is classified as Urban Habitat under the SJMSCP. Incorporation of Mitigation Measure 5 would reduce the impact to **less than significant**.

*Mitigation Measure**Implement Mitigation Measure 5*

*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 such as asphalt and concrete. According to the California Geological Survey (CGS) evaluation of the quality and quantity of these resources, the most marketable aggregate materials in San Joaquin County are found in three main areas:

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

Figure 4.8-1 of the General Plan EIR identifies Mineral Resource Zones (MRZs) throughout the Tracy Planning Area. The Project site is located within an area designated as MRZ-1. The MRZ-1 designation applies to areas where adequate information indicates that no significant mineral deposits are present, or where there is little likelihood for their presence. There are no substantial aggregate materials located within the Project site. Therefore, the project would not result in the loss of availability of a known mineral resource. There is **no impact**.

*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 commercial and residential land uses. Light industrial land uses are also located in the project vicinity. The primary sources of noise currently present in the project area are from vehicle traffic along Auto Plaza Drive and the within the neighboring commercial lots. 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.

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 (of the Tracy General Plan).

**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 project site is not located along any major roadways, nor is traffic to nearby parking lots expected to exceed any established noise standards. In addition, noise from adjacent commercial lots are not expected to be substantial enough to exceed any established noise standards for the residents of the proposed project. The proposed project would be consistent with the General Plan Noise policies identified above, which 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 could 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.

However, the proposed project is expected to increase ambient noise levels in the project vicinity through the introduction of additional vehicle trips to area roadways, particularly along Auto Plaza Drive. However, 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. The overall traffic volumes generated by the proposed project would not exceed the traffic volumes assumed to be generated at the project site if the site were developed with commercial uses, as was assumed in the General Plan EIR. Therefore, mobile source noise levels associated with the proposed project would be similar, or lower, to mobile source noise levels assessed for the project area under the General Plan EIR. As such, this is a **less than significant impact** and no mitigation is required.

**Response d): Less than Significant with Mitigation.** 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 resides adjacent to a residential apartment complex currently under development, construction noise from the proposed project is considered potentially significant.

The following mitigation measure 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 mitigation measure would reduce this temporary impact to a **less than significant** level.

#### *Mitigation Measures*

**Mitigation Measure 12:** *The following mitigation measures shall be implemented:*

- 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 4.8 miles southwest of the site. The Airport is a general aviation airport owned by the City and managed by the Parks and Community Services 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 47 multi-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 47 new high-density 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. As described throughout this environmental document, the population growth attributable to the proposed project would not result in any significant environmental impacts to other environmental topics that cannot be mitigated to a less than significant level. Future growth will occur through development allowed by the General Plan and by the City’s Growth Management Ordinance (GMO). Under the GMO, approximately 19,981 building permits can be issued between 2011 and 2041.<sup>2</sup> Growth under this project is consistent with the General Plan and GMO.

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. No additional mitigation is required.

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

<sup>2</sup>[http://www.sjgov.org/lafco/Tracy%20MSR/TracyMSR\\_Dec2011\\_ALL%20FILES\[1\].pdf](http://www.sjgov.org/lafco/Tracy%20MSR/TracyMSR_Dec2011_ALL%20FILES[1].pdf)



*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 with Mitigation.****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 (SCFA) was established to more effectively and efficiently serve the City of Tracy and the Tracy Rural Fire Protection District (FPD).

The SCFA currently operates six fire stations and an administrative office. Twenty-four hour-per-day staffing is provided with six paramedic engine companies and one ladder truck company. Four fire stations are within the incorporated area of the City of Tracy, and two are in the surrounding rural Tracy area.

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 conducted a Standards of Response Coverage study in late 2007. Findings of the study indicated that the Department had challenges in meeting its established response time objectives in the areas of the West Valley Mall and Downtown Tracy utilizing existing resources. Two new facilities were opened in June 2014, to replace Fire Stations 92 and 96. The new facilities allow the Fire Department to serve the greater community of

Tracy (including the West Valley Mall) more effectively within the established response time standard of 6.5 minutes.

Response time and fire department effectiveness once units arrive are critical considerations in mitigating emergencies. The response time standard is defined as total reflex time (1:30 call processing, 1:00 turn-out time, and 4:00 travel-time). In addition, the Fire Department performance standard to measure effectiveness is to confine moderate risk structure fires to the room of origin or less 90% of the time in the City. In order to successfully mitigate emergencies, it is essential the Fire Department assemble an adequate number of personnel to perform critical tasks at the scene once the unit(s) arrive.

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

Impact fees from new development are collected based upon projected impacts from each development. The adequacy of impact fees is reviewed on an annual basis to ensure that the fee is commensurate with the service facility and equipment needs.

Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from property taxes, sales taxes, participation in a Community Facilities District or similar funding mechanism, and other revenues generated by the project, would fund capital and labor costs associated with fire protection services.

The proposed project would be served by Fire Stations 96 and 91. Station 96 is located approximately 2.1 miles from the project site, and Station 91 is located approximately 1.8 miles from the project site. Both stations' response times are outside of the Department's 4-minute travel-time standard. The addition of 47 units to the existing deficiency will generate a population increase of 151 persons ( $47 \times 3.21$  persons per household = 151) outside of the 4-minute travel-time. The Tracy Fire Department will experience increased demand due to a growing industrial/commercial development within its first-due area. Additional future development in the proposed project area will further degrade the Fire Department's ability to adequately serve the area unless a permanent fire station is constructed. Although the project remains outside of the 4-minute travel time standard, the number of incidents generated due to the population increase are low ( $47 \times 3.21$  persons per household =  $151 \times .064$  calls per capita = 10 additional calls for service per year).

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 will pay its proportionate fair

share toward the construction of a nearby fire station to serve this and other development in the vicinity.

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.

### **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, approximately 3.0 miles east of the project site. There are no satellite offices or plans to construct any in the near future.

The Department divides calls into three categories, Priority 1, 2, and 3 calls. Priority 1 calls are defined as life threatening situations. Priority 2 calls are not life threatening, but require immediate response. Priority 3 calls cover all other calls received by the Police. Average response time for Priority 1 calls within City limits is approximately six to eight minutes. Response time for Priority 2 and 3 calls is, on average, 22 minutes.

The Tracy Police Department provides mutual aid to the San Joaquin County Sheriff's Office, and vice versa, when a situation exceeds the capabilities of either department. Mutual aid is coordinated through the San Joaquin County Sheriff.

The project will also be required to provide additional sources of funding to support what will be on-going operational costs for Fire and Police services in the project area (as well as for Public Works staffing services related to maintenance of landscaping and other improvements within the public right-of-way). The City will therefore impose a condition of approval on the project requiring the developer to establish and fund a Community Facilities District (CFD) or other lawful funding mechanism prior to issuance of any building permits for the project. Alternatively, the developer can propose, subject to City review and approval of an agreement which shall then be recorded, a source of direct funding that will ensure provision of Fire, Police, and Public Works maintenance services for the project area in perpetuity. This option would also be required to be met prior to building permit issuance. With City imposition of this condition of approval, impacts to Fire, Police, and Public Works maintenance services will be **less than significant**.

### **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. According to the School District's boundary maps, new elementary school students residing at the project site would attend Melville S. Jacobson Elementary School, middle school students would attend Monte Vista Middle School, and high school students would attend Merrill F. West High School.

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**.

#### *Mitigation Measures*

**Mitigation Measure 13:** *Prior to the issuance of a building permit, the applicant shall pay applicable school fees mandated by SB 50 to the Tracy Unified School District and provide a receipt of payment to the Tracy Development Services Department.*

#### **iv) Parks**

Potential project impacts to parks and recreational facilities are addressed in the following section of this document, and the impact is considered **less than significant**.

#### **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 (as required by Mitigation Measure 15), and ongoing revenues that would come from taxes, would ensure that project impacts to libraries and public buildings are mitigated to a **less than significant** level.

#### *Mitigation Measures*

**Mitigation Measure 14:** *Prior to the issuance of a building permit, the applicant shall pay applicable Public Building Impact Fees to the City of Tracy.*

**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.*"

The City of Tracy requires the payment of the project's fair share in-lieu parks fees, as required by the City's General Plan. The collection of fees and determined fair share fee amounts are adopted by the City as Conditions of Approval (COAs) for all new development projects prior to project approval. Fees paid aid in the development of new park-space and maintenance as required, to ensure continued high quality park facilities for all city residents. Additionally, given that the City maintains an ample and diverse range of park sites and park facilities, and collects fees from new development to fund the construction of new parks and the maintenance of existing parks, the additional demand for parks generated by the proposed project would not result in the physical deterioration of existing parks and facilities within Tracy. As such, this is a **less than significant** impact and no mitigation is required.

**XVI. TRANSPORTATION/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 with Mitigation.** In order to determine potential impacts related to traffic generated by the proposed project, a Traffic Impact Study was prepared by TJKM Transportation Consultants in September 2015.

TJKM evaluated traffic conditions at the study intersections during a.m. and p.m. peak hours for a typical weekday. The peak periods were observed between 7:00 a.m. - 9:00 a.m. and 4:00 p.m. - 6:00 p.m. TJKM evaluated four (4) intersections in accordance with the standards set forth by the level of service (LOS) policies of City of Tracy and the San Joaquin Council of Governments Congestion Management Program (CMP) in consultation with the city staff:

1. Pavilion Parkway/Power Road
2. Robertson Drive/Auto Plaza Way
3. Auto Plaza Way/Naglee Road
4. Grant Line Road/Power Road.

These intersections were addressed in the traffic assessment to determine if the project would result in an unacceptable level of service (LOS) under either existing (near-term) conditions, or cumulative (future) conditions with the addition of traffic generated by the proposed project. Level of service is a qualitative measure describing operational conditions at an intersection. The LOS generally describes these conditions in terms of average delay per vehicle. Six levels of service are defined and given letter designations from A to F, with LOS A representing the best operating conditions and LOS F the worst.

**Thresholds of Significance**

To evaluate the impacts on the transportation infrastructure due to the addition of traffic from this project, the study intersections were evaluated in accordance with the standards set forth by the level of service (LOS) policies of City of Tracy and San Joaquin Council of Governments (SJCOG) Congestion Management Program. The City of Tracy has established LOS D, where feasible, as the minimum acceptable LOS for roadway and overall intersection operations. However, there are certain locations where these standards do not apply. The following lists the exceptions to the LOS D standard:

- Within ¼ mile of any freeway, LOS E shall be allowed on roadways and at intersections to discourage inter-regional traffic from using City streets.
- In the Downtown and Bowtie area of Tracy, LOS E shall be allowed.
- At intersections where construction of improvements is not feasible, the LOS may fall below the City’s LOS D standard.

During construction of intersection improvements or funded but not yet constructed, the LOS may temporarily fall below the City’s LOS D standard.

**Existing Intersection Traffic Counts**

Traffic operations for the study intersections were evaluated under Existing Conditions for the weekday a.m. and p.m. peak hours based on the turning movement count data. **Table 3** summarizes the levels of service at the study intersections under this scenario.

Under this scenario, all intersections are expected to continue operating within applicable jurisdictional standards of (LOS D) City of Tracy and San Joaquin Council of Governments (SJCOG) Congestion Management Program.

**TABLE 3: INTERSECTION LOS- EXISTING CONDITIONS**

ID	Intersection	Intersection Control	AM Peak Hour		PM Peak Hour	
			Average Delay	LOS	Average Delay	LOS
1	Pavilion Pkwy & Power Road	All-way Stop	7.6	A	7.7	A
2	Robertson Drive & Auto Plaza Way	Two-Way Stop	10.7	B	12.5	B
3	Auto Plaza Drive & Naglee Road	Two-Way Stop	11.7	B	11.2	B
4	Grant Line Road & Power Road	<b>FUTURE INTERSECTION</b>				

Notes: 1. LOS = Level of Service;  
 2. Average intersection delay expressed in seconds per vehicle for signalized intersections and all way stop controlled intersections. Total control delay for the worst movement is presented for side-street stop controlled intersections.

**Project Trip Generation**

Trip generation is defined as the number of “vehicle trips” produced by a particular land use or project. A trip is defined as a one-direction vehicle movement. The total number of trips generated by each land use includes the inbound and outbound trips.

The project trip rates were obtained from the standard reference *Trip Generation*, 9<sup>th</sup> Edition, published by the Institute of Transportation Engineers (ITE). The trip generation estimates were developed using the trip rate for “Multi Family” (ITE Land Use 220). It is estimated that the proposed project will generate approximately 24 trips during the a.m. peak hour and 29 trips during the p.m. peak hour as shown in **Table 4**.

**TABLE 4: PROPOSED PROJECT TRIP GENERATION**

Land Use (ITE Code)	Size	Daily	A.M Peak Hour Trips			P.M. Peak Hour Trips		
		Trips	In	Out	Total	In	Out	Total
Multi-family (ITE 220)	47	Units	5	19	24	19	10	29

Source: Trip Generation (9th Edition), Institute of Transportation Engineers (2012)

**Project Trip Distribution and Assignment**

Trip distribution is the process of determining the proportion of vehicles that would travel between the project site and various destinations in the vicinity of the study area. Trip assignment is the process of determining the various paths vehicles would take from the project site to each destination. The trip distribution assumptions for the proposed project are based on SJCOG/City of Tracy Traffic Demand Model, also based on local knowledge and existing travel pattern. Separate trip distributions are considered for Existing Conditions and Cumulative Conditions because of changes in the roadway network in Cumulative Conditions based on SJCOG/City of Tracy Traffic Demand Model.



Existing Plus Project Conditions

**Table 5** summarizes the results of the intersection LOS analysis under this scenario. Under this scenario, all intersections are expected to continue operating within applicable jurisdictional standards of (LOS D) City of Tracy and San Joaquin Council of Governments (SJCOG) Congestion Management Program.

**TABLE 5: EXISTING PLUS PROJECT CONDITIONS INTERSECTION LEVELS OF SERVICE**

ID	Intersection	Control	Existing				Existing Plus Project			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
			Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
1	Pavilion Pkwy & Power Road	All-way Stop	7.4	A	7.5	A	7.4	A	7.5	A
2	Robertson Drive & Auto Plaza Way	Two-Way Stop	9.9	A	10.8	B	10.0	A	10.9	B
3	Auto Plaza Drive & Naglee Road	Two-Way Stop	11.4	B	11.2	B	11.4	B	11.2	B
4	Grant Line Road & Power Road	<b>FUTURE INTERSECTION</b>								

Notes: 1. LOS = Level of Service;  
 2. Average intersection delay expressed in seconds per vehicle for signalized intersections and all way stop controlled intersections. Total control delay for the worst movement is presented for side-street stop controlled intersections.

Cumulative Conditions

This section details expected traffic conditions at the study intersections under Cumulative Conditions. This analysis scenario is defined as baseline conditions without the proposed project in Year 2035. TJKM obtained the base cumulative traffic volumes from City’s traffic model.

For Intersection (#3) Auto Plaza Drive and Naglee Road as per the City’s guidance the lane geometries and stop control has been revised, changing existing side-street stop control to an all-way stop control and restriping the northbound approach to left turn lane only and shared through right turn lane.

For Intersection (#4) Grant Line Road and Power Road, as its future intersection lane geometries were assumed based upon the volumes provided by the City’s model for preliminary analysis.

**Table 6** summarizes the LOS at the study intersections under the Cumulative Conditions scenario.

The results indicated the following study intersections operate at LOS F in Cumulative Conditions.

- Pavilion Parkway and Power Road (Int # 1) – LOS F in the p.m. peak hour.
- Auto Plaza Way and Naglee Road (Int # 3) – LOS F in the p.m. peak hour.
- Grant Line Road and Power Road (Int # 4) – LOS F in both the a.m. and p.m. peak hour.

**TABLE 6: INTERSECTION LOS- CUMULATIVE CONDITIONS**

ID	Intersection	Intersection Control	AM Peak Hour		PM Peak Hour	
			Average Delay	LOS	Average Delay	LOS
1	Pavilion Pkwy & Power Road	All-way Stop	24.9	C	452.0	F
2	Robertson Drive & Auto Plaza Way	Two-Way Stop	11.2	B	22.3	C
3	Auto Plaza Drive & Naglee Road	Two-Way Stop	17.3	C	607.9	F
4	Grant Line Road & Power Road	One-way Stop	>55.0	F	>55.0	F

Notes: 1. LOS = Level of Service;  
 2. Average intersection delay expressed in seconds per vehicle for signalized intersections and all way stop controlled intersections. Total control delay for the worst movement is presented for side-street stop controlled intersections.

Cumulative (2035) Plus Project Conditions

TJKM obtained the base cumulative traffic volumes from City’s traffic model. The estimated traffic generated by the proposed project was added to the cumulative base volumes to obtain the Cumulative plus Project Conditions.

**Table 7** summarizes the results of the intersection LOS analysis under this scenario. The results indicated the following study intersections will operate at LOS F in Cumulative plus Project Conditions.

- Pavilion Parkway & Power Road (Int # 1) – LOS F in the p.m. peak hour.
- Auto Plaza Way & Naglee Road (Int # 3) – LOS F in the p.m. peak hour.
- Grant Line Road & Power Road (Int # 4) – LOS F in both the a.m. and p.m. peak hour.

All three intersections, which are operating at LOS F in the Cumulative plus Project Conditions, can consider a traffic signal as mitigation since they all meet the signal warrant criteria. With a signal and change in lane geometries, all three intersections would operate at acceptable LOS D.

**TABLE 7: CUMULATIVE PLUS PROJECT CONDITIONS INTERSECTION LEVELS OF SERVICE**

ID	Intersection	Control	Cumulative				Cumulative Plus Project (with Mitigation as Signalized)			
			AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
			Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS	Delay (sec/veh)	LOS
1	Pavilion Pkwy & Power Road	All-way Stop	25.4	D	453.1	F	27.3	C	43.3	D
2	Robertson Drive & Auto Plaza Way	Two-Way Stop	11.4	B	22.8	C				
3	Auto Plaza Drive & Naglee Road	Two-Way Stop	17.6	C	611.4	F	8.6	A	14.4	B
4	Grant Line Road & Power Road	One-Way Stop	>55.0	F	>55.0	F	12.9	B	37.7	D

Notes: 1. LOS = Level of Service;  
 2. Average intersection delay expressed in seconds per vehicle for signalized intersections and all way stop controlled intersections. Total control delay for the worst movement is presented for side-street stop controlled intersections.

## Conclusion

TJKM estimated that the proposed project will generate approximately 24 trips (5 inbound trips and 19 outbound trips) during the a.m. peak hour and 29 trips (19 inbound trips and 10 outbound trips) during the p.m. peak hour. Under the Existing and the Existing plus Project Conditions scenarios, all intersections are expected to continue operating within applicable jurisdictional standards of (LOS D) City of Tracy and San Joaquin Council of Governments (SJCOG) Congestion Management Program.

The results indicated the following study intersections operate at LOS F in Cumulative Conditions and Cumulative Plus Project Conditions (unmitigated).

- Pavilion Parkway & Power Road (Int # 1) – LOS F in the p.m. peak hour.
- Auto Plaza Way & Naglee Road (Int # 3) – LOS F in the p.m. peak hour.
- Grant Line Road & Power Road (Int # 4) – LOS F in both the a.m. and p.m. peak hour.

All three of the intersections identified above that are projected to operate at LOS F under Cumulative and Cumulative Plus Project Conditions are currently unsignalized. As shown in Table 7, the signalization of each of these intersections would result in acceptable LOS operations for each intersection under Cumulative Plus Project Conditions.

The signalization of Intersection #1 (Pavilion Parkway and Power Road) is not included in the City of Tracy's Master Plan fee funded infrastructure. As required by Mitigation Measure 15, the Developer shall pay for its fair share of the cost of the future traffic signal at this intersection at the time of issuance of Building Permit. Fair share cost of the Project will be determined by the City Engineer.

The signalization of Intersection #3 (Auto Plaza Way and Naglee Road), and Intersection #4 (Grant Line Road and Power Road) are included in the City of Tracy's Master Plan fee funded infrastructure. The Payment of Traffic Impact Fees by the project applicant would satisfy the obligation of the project towards the future traffic signals at these intersections, as required by Mitigation Measure 16.

The signalization of Intersections 1, 3, and 4 would reduce project-related traffic impacts under Cumulative Plus Project Conditions to a **less than significant** level by providing fair-share payment towards the installation of traffic signals at these intersections, which would improve LOS operations to acceptable levels.

### *Mitigation Measures*

**Mitigation Measure 15:** *Prior to the issuance of a building permit, the applicant shall pay its fair share of the cost of a future traffic signal at the intersection of Pavilion Parkway and Power Road. Fair share cost of the Project will be determined by the City Engineer.*

**Mitigation Measure 16:** *Prior to the issuance of a building permit, the applicant shall pay all applicable City of Tracy Traffic Impact Fees. The payment of Traffic Impact Fees would satisfy the*

*obligation of the project towards the future traffic signals at the intersections of Auto Plaza Way and Naglee Road, and Grant Line Road and Power Road.*

**Response c): Less than Significant.** The Tracy Municipal Airport is the closest airport to the proposed project site, located approximately 4.8 miles southeast of the site. The Airport is a general aviation airport owned by the City and managed by the Public Works Department. As discussed previously in the Hazards section, the project site is not located within any of the safety restriction zones or within the airport influence area as designated by SJCOG. The proposed project includes a residential structure that would not protrude into active airspace, or disrupt aviation patterns. The distance, and development characteristics precludes the possibility of the proposed project altering aviation patterns or creating aviation hazards. Additionally, the addition of 47 housing units would not be expected to significantly increase air travel demand. Therefore, 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.**

Based on the preliminary site plan, street access to the site will provided via the Aspire Apartment project located directly to the south of the proposed project site, which is connected to the neighboring street grid (e.g., Pavilion Parkway and Power Road).

The proposed site plan provides adequate access to the proposed project site, which would adequately 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.** The proposed project includes 66 surface parking spaces, 18 carports, 14 single car garages, 6 double car garages, and 11 tandem garages, for a total of 115 parking spaces. Section 10.08.3480 of the Tracy Municipal Code identifies parking requirements for residential projects. The project would require 88 spaces. Since the total number of parking spaces for the proposed project exceeds the spaces required by the City of Tracy, there would be adequate parking capacity provided for the project. 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 City of Tracy offers the TRACER bus service. The City of Tracy offers six TRACER bus routes, including commuter routes with morning and afternoon service to most local schools. The Route B bus travels near to the project site, with a nearby stop along Pavilion Parkway, just south of the proposed project site.

The project on-site streets and the adjacent City street network include pedestrian and bicycle facilities. This will be a condition of approval for the proposed project. Future transit stops and routes are identified in the TMP provide mode choice opportunities to project residents.

As described previously, the project applicant will pay the SJCOG and the City Transportation traffic impact fees. These programs include the development of Travel Demand Management principles such as:

- Ride and car sharing
- Ride match assistance
- Preferential car pool parking
- Flexible work schedules and telecommute
- Van pool assistance
- Employer shuttles
- Bicycle racks, lockers and shower

Project implementation would assist the City in providing connections and access to alternative transportation in the project area. Therefore, in regard to this environmental topic 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), b) and e): 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 City of Tracy expanded the treatment capacity to 10.8 million gallons per day (mgd) in 2008. Currently with the final completed phase the City plans to expand the average dry weather flow treatment capacity of the Plant from 9.0 mgd to 16.0 mgd. The expansion also will result in improvements to the quality of the effluent discharged from the Plant

by upgrading the facility from secondary to tertiary treatment. Design plans on the expansion will commence by late 2016.

The City's WWTP currently treats approximately 9.0 mgd of wastewater. City residents generated an average dry weather flow (ADWF) of 7.6 million gallons per day (mgd). The City's wastewater treatment plant WWTP, has an ADWF design capacity of 10.8 mgd.<sup>3</sup> For this analysis, a unit generation factor of 176 gallons per day of wastewater per residential unit was used.<sup>4</sup> Therefore, the proposed project would generate up to 8,272 gallons per day of wastewater, or 0.008272 mgd of wastewater (47 units x 176 gallons per day). The addition of 0.008272 mgd of wastewater would not exceed the current treatment capacity of the City's WWTP, and the addition of project-generated wastewater would not result in any RWQCB violations related to effluent treatment or discharge. As of January 2015, the City had an unused capacity of approximately 4,200 EDU's (Equivalent Dwelling Units, equal the wastewater demand generated by a single-family residence) within its wastewater treatment plant (WWTP), available to new development within the City on a first-come, first-served basis. These EDU's are available to serve the proposed project, which would generate a wastewater demand of no greater than 47 EDU's.

As other development projects within the City come forward, and building permits are issued, this remaining capacity will be reduced. Accordingly, as noted above and to ensure that capacity at the WWTP is available and sufficient to respond to planned future development demands, the City is proceeding with the next phase of expansion of the WWTP. The development of the 47 units of the project would be required to pay sewer impact fees at time of building permit issuance, ensuring fair-share contribution towards the future WWTP expansion project. With this condition of approval, impacts related to City sewer services will be **less than significant** and no mitigation is required.

A new sewer line of from the proposed Aspire II apartment project to existing gravity sewer line along Auto Plaza drive is needed as shown in Figure 3. This sewer line is considered as an off-site improvement. It is the responsibility of the project proponent to install this new sewer line meeting the City standards.

**Responses c): Less than Significant with Mitigation.** Development of the project site would place impervious surfaces on the majority of the 2.28-acre 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.

A Mitigation Measure identified in the Tracy Citywide Storm Drain Master Plan (Mitigated Negative Declaration 2012) requires that prior to the issuance of grading permits, new

<sup>3</sup> [http://www.ci.tracy.ca.us/documents/Tracy\\_Wastewater\\_Master\\_Plan.pdf](http://www.ci.tracy.ca.us/documents/Tracy_Wastewater_Master_Plan.pdf) (does not take into account increased capacity with upgrades)

<sup>4</sup> Wastewater Flow and Loading Generation Factors Tracy Wastewater Master Plan (High Density Residential wastewater generation factor)

development shall be required demonstrate to the satisfaction of the City Engineer that it has incorporated storm drainage facilities that conform to the SDMP and the City's SWQC Manual or that it has incorporated temporary retention facilities when downstream SDMP facilities are not constructed or operational.

All of the storm drainage facilities required for the proposed project would be located on the project site. As such, there is no potential for the project to result in environmental impacts associated with the construction of off-site drainage facilities. The environmental impacts associated with the construction of onsite drainage facilities fall within the project "footprint" and have been addressed throughout this environmental document.

The following mitigation measure requires the project applicant to install a drainage system that meets this performance standard and, prior to issuance of grading permits, provide a drainage plan and report to the City of Tracy for review and approval. With the implementation of the following mitigation measure, drainage impacts would be reduced to **less than significant**.

#### *Mitigation Measure*

**Mitigation Measure 17:** *Prior to the issuance of a building or grading permit, the project applicant shall submit a drainage plan to the City of Tracy for review and approval. The plan shall include an engineered storm drainage plan that includes treatment controls in compliance with the City's 2008 Manual of Stormwater Quality Control Standards for Development and Redevelopment for storm water treatment.*

**Response 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 Auto Plaza Drive. The proposed project's water demand was calculated in a technical memorandum prepared by West Yost Associates. It is estimated that the proposed project would increase the demand for municipal water supplies by 14 acre feet per year (afy), which accounts for residential water usage, landscape irrigation and unaccounted-for water (UAFW). The peak hour demand for water was determined to be 29.6 gallons per minute and 0.04 mgd.

The West Yost Associates technical memorandum also provides a series of water system improvements that are required to serve the proposed project. Implementation of these improvements would be sufficient to allow sufficient water supply for the proposed project. These improvements include:

- On-site pipelines to serve the proposed project;
- Existing water system pipeline improvements as identified in the Master Plan; and
- Design and construction of a new Catellus Tank and Booster Pump Station, as identified in the 2012 Citywide Water System Master Plan, should be expedited by the City to support additional water demands from new developments (including this proposed Project) located on the west side of Pressure Zone 1.



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 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. The proposed project is required to implement mitigation measures that would reduce any potentially significant impacts to a less than significant level. The project would not result in any cumulative impacts. These are **less than significant** impacts.

## REFERENCES

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**Aspire II Apartments Conditions of Approval**  
**Application Number D15-003**  
**Planning Commission**  
**December 16, 2015**

These Conditions of Approval shall apply to the real property described as the Aspire II Apartments Project; proposed 47 multi-family residential units on approximately 2.28 acres located on the south side of Auto Plaza Drive, west of its intersection with Auto Plaza Way, Assessor's Parcel Number 212-270-24; Application Number D15-003.

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 Development Services 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 (the Streets and Utilities Standard Plans, Design Standards, Parks and Streetscape Standard Plans, Standard Specifications, and Manual of Storm Water Quality Control Standards for New Development and Redevelopment, and Relevant Public Facilities Master Plans).
4. "Conditions of Approval" shall mean the conditions of approval applicable to the Aspire II Apartments Project, proposed 47 multi-family residential units on approximately 2.28 acres located on the south side of Auto Plaza Drive, west of its intersection with Auto Plaza Way, Assessor's Parcel Number 212-270-24, Application Number D15-003. The Conditions of Approval shall specifically include all Development Services Department conditions, including Planning Division and Engineering Division conditions set forth herein.
5. "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.
6. "Project" means the real property consisting of approximately 2.28 acres located on the south side of Auto Plaza Drive, west of its intersection with Auto Plaza Way, Assessor's Parcel Number 212-270-24, Application Number D15-003.
7. "Property" means the real property generally located on the south side of Auto Plaza Drive, west of its intersection with Auto Plaza Way, Assessor's Parcel Number 212-270-24.
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 Developer. The term "Developer" shall include all successors in interest.

B. General 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 Aspire II Apartments Project Mitigated Negative Declaration dated November 2015.
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. Except as otherwise modified herein, all construction shall be consistent with the plans received by the Development and Engineering Services Department on September 29, 2015.
6. Prior to the issuance of a building permit, the applicant shall provide a detailed landscape and irrigation plan consistent with City landscape and irrigation standards, including, but not limited to Tracy Municipal Code Section 10.08.3560, the City's Design Goals and Standards, and the applicable Department of Water Resources Model Efficient Landscape Ordinance on private property, and the Parks and Parkways Design Manual for public property, to the satisfaction of the Development Services Director.
7. The landscape plan referenced in Condition of Approval Number 6, above, shall include documentation which demonstrates there is no less than 20 percent of the parking area in landscaping, and 40 percent canopy tree coverage at tree maturity in accordance with City Regulations; and shall include large canopy trees within the planters along the project's east and west property lines spaced no greater than 40 feet apart, with smaller accent trees planted within each space between all of the canopy trees to the satisfaction of the Development Services Director. Newly planted, on-site trees shall be a minimum size of 24-inch box and shrubs shall be a minimum size of five gallons.
8. Where landscape planters are parallel and adjacent to vehicular parking spaces, the planter areas shall incorporate a 12-inch wide concrete curb along their perimeter that is adjacent to the parking space in order to allow access to vehicles without stepping into landscape planters.

9. Prior to the issuance of a building permit, an Agreement for Maintenance of Landscape and Irrigation Improvements shall be executed and financial security submitted to the Development Services Department. The Agreement shall ensure maintenance of the on-site landscape and irrigation improvements for a period of two years. Said security shall be equal to the actual material and labor costs for installation of the on-site landscape and irrigation improvements, or \$2.50 per square foot of on-site landscape area.
10. No roof mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from Power Road, Pavilion Parkway, Auto Plaza Drive, or any other public right-of-way. All roof-mounted equipment shall be contained within the roof well or screened from view from the public rights-of-way by the roof of the building, to the satisfaction of the Development Services Director.
11. All vents, gutters, downspouts, flashing, electrical conduit, and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent surface or otherwise designed in harmony with the building exterior to the satisfaction of the Development Services Director.
12. Prior to final inspection or certificate of occupancy, all exterior and parking area lighting shall be directed downward or shielded, to prevent glare or spray of light into the public rights-of-way, to the satisfaction of the Development Services Director.
13. Prior to the issuance of a building permit, bicycle parking spaces shall be provided in accordance with Tracy Municipal Code Section 10.08.3510 to the satisfaction of the Development Services Director.
14. All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Development Services Director.
15. Prior to the issuance of a building permit, a lot line adjustment or other instrument shall be approved by the City and recorded to effectively merge the lots of the Aspire I and II Project sites into one lot, to the satisfaction of the Development Services Director.
16. No signs are approved as a part of this development application. Prior to the installation of any signs, the applicant shall submit a sign permit application and receive approval from the Development Services Director in accordance with City Regulations.
17. Prior to the issuance of a building permit, the Developer shall submit detailed trash and recycling enclosure plans which include the following, to the satisfaction of the Development Services Director: the walls shall be of masonry construction, at least eight feet in height, include solid metal doors, a solid roof, and an interior perimeter concrete curb. The enclosures shall include exterior color and material compatible with the adjacent or nearby building exterior. This may also include use of Aspire I trash and recycling facilities and services, requiring Developer submittal of details to the City.

18. Prior to the issuance of a building permit, the developer shall design a recycling program consistent with State Assembly Bill 341, to the satisfaction of the Public Works Director. The program shall include or have access to enclosures with adequate space for both refuse and recycling and shall be incorporated with the trash and recycling enclosures described in Planning Division Condition of Approval Number 17, above. Each enclosure shall have signs that clearly indicate refuse and recycling locations as well as prohibition of scavenging. The program shall include recycling options or elements at the pool area and other common areas for the tenants.
19. Prior to final inspection for any residential unit of the project, the Developer shall construct an eight-foot tall masonry wall, CMU (as measured from the taller grade on either side of the wall) along the project's west and east property lines. The wall shall be designed with materials and colors compatible with the on-site building exterior and shall have split face block finish on both sides of the wall, not a smooth, combed, or other finish, to the satisfaction of the Development Services Director.
20. Prior to the issuance of a building permit, the developer shall document compliance with the City of Tracy Manual of Stormwater Quality Control Standards for New Development and Redevelopment (Manual) to the satisfaction of the Utilities Director, which includes the requirement for Site Design Control Measures, Source Control Measures and Treatment Control Measures under the guidelines in a project Stormwater Quality Control Plan (SWQCP). Compliance with the Manual includes, but is not limited to, addressing outdoor storage areas, loading and unloading areas, trash enclosures, parking areas, any wash areas and maintenance areas. The SWQCP must conform to the content and format requirements indicated in Appendix D of the Manual and must be approved by the Utilities Director prior to issuance of grading or building permits.
21. The project shall comply with all applicable provisions of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, including Incidental Take Minimization Measures applicable at the time of permit and a pre-construction survey prior to ground disturbance, to the satisfaction of San Joaquin Council of Governments.
22. The developer shall design the carports in substantial conformance with the design received by the Development Services Department on September 29, 2015 to the satisfaction of the Development Services Director.
23. Prior to issuance of a building permit, the developer shall design and demonstrate that all buildings will be construction with NFPA 13-R automatic sprinkler systems and fire smoke alarm systems, with monitoring, all buildings with fire sprinklers with City to the satisfaction of the Chief Building Official.
24. All usable open space area improvements shall be designed and improved consistent with City standards to the satisfaction of the Development Services Director.
25. The "metal fence" and gates identified adjacent to the public streets, if constructed, shall be designed and constructed in accordance with City standards and, while providing site security, shall be of a decorative nature, such as wrought iron or tube steel construction, such that spaces in the fence elements result in the fence being predominantly "see through" and do not create a visual barrier. The color, material, and other design elements of the fence shall be compatible with the on-site building architecture, and the height shall be the minimum necessary to provide reasonable security but not over 72

inches tall, to the mutual satisfaction of the Developer and the Development Services Director. Any gates at project entries shall be designed to provide reasonable access by emergency vehicles and located such that vehicle stacking or queuing does not occur in the public right-of-way, to the satisfaction of the Development Services Director.

26. All exterior building colors shall be consistent with City standards and obtain approval by the Development Services Director prior to issuance of a building permit for the project.
27. Prior to final inspection or certificate of occupancy, the developer shall provide an emergency responder radio coverage system in accordance with Section 510 of the 2013 California Fire Code to the satisfaction of the City Building Official/ Fire Marshal.
28. Prior to the issuance of a building permit, the developer shall provide detailed plans demonstration fire hydrants located outside the collapse zone of the building in accordance with the 2013 California Fire Code to the satisfaction of the City Building Official/ Fire Marshal.

#### C. Engineering Division Conditions of Approval

##### C.1. General Conditions

C.1.1. Developer shall comply with the applicable recommendations of the technical analyses and reports prepared for the Project listed as follows:

- a. *City of Tracy Wastewater System Fee for Aspire II Apartment Project* prepared by CH2MHill, dated July, 2015 ("*WW Analysis*"), and any subsequent amendments or updates.
- b. *Hydraulic Evaluation of Aspire II* Technical Memorandum prepared by West Yost Associates, dated July 30, 2015, and any subsequent amendments or updates.
- c. *Traffic Impact Study Report Aspire II Residential Development* ("*Traffic Analysis*") prepared by TJKM Transportation Consultants, dated October 13, 2015, and any subsequent amendments or updates.

C.1.2. Developer shall comply with all applicable requirements and pay applicable fees specified in the Finance Plan for I-205 Specific Plan Parcel GL-2.

##### C.2. Grading Permit

The City will not accept grading permit application for the Project as complete until the Developer has provided all relevant documents related to said grading permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

- C.2.1. Grading and Drainage Plans prepared on a 24" x 36" size polyester film (mylar). Grading and Drainage Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil Engineer.
- C.2.2. Payment of the applicable Grading Permit fees which include grading plan checking and inspection fees, and other applicable fees as required by these Conditions of Approval.



- C.2.3. Three (3) sets of the Storm Water Pollution Prevention Plan (SWPPP) for the Project with a copy of the Notice of Intent (NOI) submitted to the State Water Quality Control Board (SWQCB) and any relevant documentation or written approvals from the SWQCB, including the Wastewater Discharge Identification Number (WDID#).
- a. After the completion of the Project, the Developer is responsible for filing the Notice of Termination (NOT) required by SWQCB. The Developer shall provide the City with a copy of the completed Notice of Termination.
  - b. The cost of preparing the SWPPP, NOI and NOT, including the filing fee of the NOI and NOT, shall be paid by the Developer.
  - c. The Developer shall comply with all the requirements of the SWPPP and applicable Best Management Practices (BMPs) and the applicable provisions of the City's Storm Water Management Program.
- C.2.4. Two (2) sets of the Project's Geotechnical Report signed and stamped by a licensed Geotechnical Engineer licensed to practice in the State of California. The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, pavement design recommendations, and elevation of the highest observed groundwater level.
- C.2.5. Two (2) sets of Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system and for determining the size of the project's storm drainage connection.
- C.2.6. Documentation of any necessary authorizations from Regional Water Quality Control Board (RWQCB) such as NOI and WDID and documents such as SWPPP.

C.3. Encroachment Permit

No applications for encroachment permit will be accepted by the City as complete until the Developer provides all relevant documents related to said encroachment permit required by the applicable City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

- C.3.1. Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (mylar) that incorporate all the requirements described in these Conditions of Approval. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.
- C.3.2. Two (2) sets of structural calculations, as applicable, signed and stamped by a Structural Engineer licensed in the State of California, as required in Condition C.4.1.b., below.
- C.3.3. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.
- C.3.4. If required, a signed and notarized Offsite Improvement Agreement (OIA) and Improvement Security, to guarantee completion of the identified public improvements that are necessary to serve the Project as required by these Conditions of Approval. The form and amount of Improvement Security shall be in accordance with Section 12.36.080 of the Tracy Municipal Code (TMC), and

the OIA. The Developer's obligations in the OIA shall be deemed to be satisfied upon City Council's acceptance of the public improvements and release of the Improvement Security.

- C.3.5. Check payment for the applicable engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and other applicable fees as required by these Conditions of Approval. The engineering review fees will be calculated based on the fee rate adopted by the City Council on April 15, 2014, per Resolution 2014-059.
  - C.3.6. Traffic Control Plan, if necessary, signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California, as required in Condition C.4.6, below.
  - C.3.7. A signature block on the Civil Improvement Plans for the City of Tracy's Fire Code Official signature on the Utility Improvement Plans indicating their approval for the Project's fire service connection and fire and emergency vehicle access. The written approval from the Fire Department required in this section shall be obtained by the Developer, prior to City Engineer's signature on the improvement plans.
- C.4. Improvement Plans - Improvement Plans shall contain the design, construction details and specifications of public improvements that are necessary to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. The Improvement Plans shall be completed to comply with City Regulations, these Conditions of Approval, and the following requirements:
- C.4.1. Grading and Storm Drainage Plans
    - Site Grading:
      - a. Include all proposed erosion control methods and construction details to be employed and specify materials to be used. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Geotechnical Engineer. A copy of the Project's Geotechnical Report must be submitted with the Grading and Storm Drainage Plans.
      - b. An engineered fill may be accepted as a substitute of a retaining wall, if the grade differential is less than 2 feet and subject to approval by the City Engineer. The Grading and Storm Drainage Plans must show the extent of the slope easement(s). The Developer shall be responsible for obtaining permission from owner(s) of the adjacent and affected property(s). The slope easement must be recorded, prior to the issuance of the final building certificate of occupancy.
      - c. Grading for the site shall be designed such that the Project's storm water can overland release to a public street that has a functional storm drainage system with adequate capacity to drain storm water from the Project Site, in the event that the on-site storm drainage system fails or it is clogged. The storm drainage release point is recommended to be at least 0.70 foot lower than the building finish floor elevation and shall be improved to the satisfaction of the City Engineer.

C.4.2. Storm Drainage

- a. The Developer shall design and install the Project's permanent drainage connection(s) to the City's existing storm drainage facility located on Auto Plaza Drive per City Regulations and as approved by the City Engineer. Storm drainage calculations for the sizing of the on-site storm drainage system must be submitted with the Improvement Plans and approved by City's Stormwater Coordinator prior to issuance of the Grading Permit for the Project.
- b. The design and construction details of the Project's storm drainage connection shall meet City Regulations and shall comply with the applicable requirements of the City's Storm Water Quality Control Standards and Storm Water Regulations that were adopted by the City Council in 2008.
- c. Stormwater Treatment Facilities Maintenance Agreement: Prior to the final inspection of the building, the Developer shall submit a signed and notarized Stormwater Treatment Facilities Maintenance Agreement (STFMA) as a guarantee for the performance of Developer's responsibility towards the repair and maintenance of on-site storm water treatment facilities.

C.4.3. Sanitary Sewer Improvement Plans

- a. The Developer 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 Developer 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.
- b. The Developer is responsible for the cost of installing the Project's permanent sewer connection to the existing sewer line in Auto Plaza Drive including but not limited to, replacing asphalt concrete pavement, application of 2" thick asphalt concrete overlay (25 feet on both sides of the utility trench) where required, restoring pavement marking and striping, and other improvements that are disturbed as a result of installing the Project's sewer connection.
- c. The Developer is hereby notified that the City has limited wastewater treatment capacity in the City's Wastewater Treatment Plant until current and future expansion capital improvement projects are completed and operational. As of January 2015, the City had an unused capacity of approximately 4200 EDU's within its wastewater treatment plant available to new development within the City on a first come-first served basis. These EDU's are currently available to serve the proposed project, but as other development projects within the City come forward and building permits are issued, this remaining capacity will be reduced.

C.4.4. Water Distribution System

- a. All costs associated with the installation of the Project's water connection(s) as identified in the "*Water Analysis*" including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping, relocating existing utilities that may be in conflict with the water connection(s), and other improvements shall be paid by the Developer.
- b. Domestic and Irrigation Water Services – The Developer shall design and install domestic and irrigation water service connection, including a remote-read master water meter (the water meter to be located within City's right-of-way) and a Reduced Pressure Type back-flow protection device in accordance with City Regulations.
  - (1) The domestic and irrigation water service connection(s) must be completed before the final inspection of the building. Sub-metering will be allowed within private property.
  - (2) The City will not perform water consumption reading on sub-meters.
  - (3) The Developer will be responsible for relocating or reinstalling water sub-meters.
  - (4) The City shall maintain water lines from the master water meter to the point of connection with the water distribution main (inclusive) only.
  - (5) Repair and maintenance of all on-site water lines, laterals, sub-meters, valves, fittings, fire hydrant and appurtenances shall be the responsibility of the Developer.
- c. Fire Service Line - The Developer shall design and install fire hydrants at the locations approved by the City's Fire Code Official and Chief Building Official. Prior to the approval of the Improvement Plans, the Developer shall obtain written approval from the City's Fire Code Official and Chief Building Official, for the design, location and construction details of the fire service connection to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.
- d. During the construction phase of the Project, the Developer is responsible for providing water infrastructure (temporary or permanent) capable of delivering adequate fire flows and pressure appropriate to the various stages of construction and as required by the City of Tracy Fire Code Official.
- e. Interruption to the water supply to the existing businesses and other users shall be kept to a minimum to facilitate construction of off-site improvements related to the Project. Prior to starting the work described in this section, the Developer shall submit a Work Plan acceptable to the City that demonstrates no interruptions to the water supply, and Traffic Control Plan to be used during the installation of the offsite water mains and connections. The Developer shall be responsible for notifying business owner(s) and users, regarding construction work. The written

notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least 72 hours before start of work.

C.4.5. Street Improvements

- a. Frontage Improvements on Auto Plaza Drive: Prior to issuance of the final certificate of occupancy, the Developer shall design and install improvements on Auto Plaza Drive which shall include replacement of damaged or disturbed curb, gutter and sidewalk, installation of driveways, storm drains, manholes and other improvements as determined by the City Engineer. In addition, the Developer shall overlay street pavement for all utility trench cuts as required in Condition C.4.7 below.
- b. The roadway improvements described in these Conditions of Approval must be designed and constructed by the Developer to meet the applicable requirements of the latest edition of the California Department of Transportation Highway Design Manual (HDM) and the California Manual of Uniform Traffic Control Devices (MUTCD), the applicable City Regulations, and these Conditions of Approval prior to final inspection of the first building to be constructed within the Property.
- c. Irrigation and Landscaping Plans - All parkway landscaping improvements along the frontage of the Property on Auto Plaza Drive shall be designed and constructed in accordance with City Regulations. Design and construction details of these improvements shall be included in the Irrigation and Landscaping Plans. The Developer shall be responsible for maintenance of any landscaping improvements located outside of the fence along Auto Plaza Drive.
- d. Project Driveways:

Primary access to the Aspire II Project shall be through the Aspire I Apartments Project Entry Drive on Pavilion Parkway. As is shown on the Aspire II Preliminary Development Plans prepared by LPAS Architecture + Design (dated June 19, 2015), the Aspire II project will construct a 26-foot wide drive aisle connection to the Aspire I central drive aisle at the common boundary line between the Aspire I and Aspire II parcels.

The Aspire II Project shall construct a secondary driveway for Emergency Vehicle Access at the northeast corner of the project along Auto Plaza Drive in accordance with the recommendations of the *Traffic Analysis* and City Regulations. Design details of the EVA access including the gate access shall be shown on the Improvement Plans and shall be approved by City Fire Code Official.

C.4.6. Joint Utility Trench Plans

Developer shall prepare joint trench plans in compliance with utility companies' requirements and City regulations, and obtain approval of the plans. All private utility services to serve Project such as electric, telephone and cable TV to the

building must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities.

- a. The Developer shall submit Joint Utility Trench Plans for the installation of electric, gas, telephone and TV cable main and service lines that are necessary to be installed to serve the Project. These utilities shall be installed within the existing 10-foot wide Public Utility Easement (PUE). The Developer shall coordinate, as feasible, with the respective owner(s) of the utilities for the design of these underground utilities to ensure they can be installed within the 10-foot wide PUE to the extent feasible (and except in the event, that additional space beyond the 10-foot PUE is required, as determined by the utilities owner(s)).

C.4.7. Street Cuts - Pavement cuts or utility trench(s) on existing street(s) for the installation of water distribution main, storm drain, sewer line, electric, gas, cable TV, and telephone will require the application of 2" asphalt concrete overlay and replacement of pavement striping and marking that are disturbed during construction. The limits of asphalt concrete overlay shall be 25 feet from both sides of the trench, and shall extend over the entire width of the adjacent travel lane(s) if pavement excavation encroaches to the adjacent travel lane or up to the street centerline or the median curb. If the utility trench extends beyond the street centerline, the asphalt concrete overlay shall be applied over the entire width of the street (to the lip of gutter or edge of pavement, whichever applies). This pavement repair requirement is applicable when cuts or trenches are perpendicular to the street direction; when the new joint trench is placed in the street parallel to the street direction; the width of overlay is to be the width of the affected lane.

C.5. Building Permit - No building permit will be approved by the City until the Developer demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

- C.5.1. Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC, and these Conditions of Approval.
- C.5.2. Payment of the Agricultural Conversion or Mitigation Fee as required in Chapter 13.28 of the TMC, and these Conditions of Approval.
- C.5.3. Payment of the Regional Transportation Impact Fees (RTIF) as required in Chapter 13.32 of the TMC, and these Conditions of Approval.
- C.5.4. Payment of the Fair Share Costs for Future Traffic Signal at Pavilion Parkway and Power Road: The future intersection of Pavilion Parkway and Power Road will operate at a Level of Service of "F" under the *Cumulative (2035) Plus Project Conditions* scenario. To mitigate this impact, prior to the issuance of any building permit for the Aspire II Apartments project, the Developer shall pay for its fair share of the cost of the future traffic signal at this intersection with the Fair share cost to be determined by the City Engineer.

- C.5.5. The Project is within the boundaries of the I-205 Specific Plan Parcel GL-2. Payment of applicable development impact fees (a.k.a. capital in-lieu fees) as specified in the Project's Finance Plan and all fees as required in the I-205 Infrastructure Cost Allocation Spreadsheet (recent version) and the I-205 Corridor Specific Plan Finance & Implementation Plan (1-205 FIP) update and these Conditions of Approval. The Developer shall also pay to the City the Project's fair share of the cost of the Non-program Streets and Non-program Traffic Signals within the 1-205 Specific Plan Area in accordance with 1-205 North Roadway Funding Study approved by the City, and as shown on the Project's Finance Plan, 1-205 Infrastructure Cost Allocation Spreadsheet (recent version) and the 1-205 FIP update.
- C.6. Acceptance of Public Improvements - Public improvements will not be accepted by the City Council until after the Developer completes construction of the relevant public improvements, and also demonstrates to the City Engineer satisfactory completion of the following:
- C.6.1. Correction of all items listed in the deficiency report prepared by the assigned Engineering Inspector relating to public improvements subject to City Council's acceptance.
- C.6.2. Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Developer, the City shall temporarily release the originals of the Improvement Plans to the Developer so that the Developer will be able to document revisions to show the "As Built" configuration of all improvements.
- C.7. Temporary or Final Building Certificate of Occupancy - No Temporary or Final Building Certificate of Occupancy will be issued by the City until the Developer provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:
- C.7.1. The Developer has satisfied all the requirements set forth in Condition C.6, above.
- C.7.2. The Developer has completed construction of all required public facilities for the building for which a certificate of occupancy is requested and all the improvements required in these Conditions of Approval. Unless specifically provided in these Conditions of Approval, or some other applicable City Regulations, the Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).
- C.8. Special Conditions
- C.8.1. All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Regulations, and City's Design documents including the City's Facilities Master Plan for storm drainage, roadway, wastewater and water adopted by the City, or as otherwise specifically approved by the City.

- C.8.2. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Developer shall be responsible for all costs associated with the abandonment or removal of the existing well(s) including the cost of permit(s) and inspection. The Developer shall submit a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s), prior to the issuance of the Grading Permit.
- C.8.3. All improvement plans shall contain a note stating that the Developer (or Contractor) will be responsible to preserve and protect all existing survey monuments and other survey markers. Any damaged, displaced, obliterated or lost monuments or survey markers shall be re-established or replaced by a licensed Land Surveyor at the Developer's (or Contractor's) sole expense. A corner record must be filed in accordance with the State law for any reset monuments (California Business and Professions Code Section 8871).
- C.8.4. Developer, and/or owner of record, is responsible for assuring the maintenance of the public improvements installed in the right-of-way for Auto Plaza Drive. The public improvements include, but are not limited to, street landscaping, sidewalk, and improvements as defined in California Streets and Highway Code Sections 22525 et. seq. Developer shall be responsible for all formation costs. To comply with this obligation, Developer, and/or owner of record, shall evidence one of the following prior to City's acceptance of the public landscape improvements: (i) participation in an existing Landscape Maintenance District (LMD), or (ii) formation of a new Landscape Maintenance District. If the Property is not annexed to an existing or new LMD and the collection of assessment have not started prior to City's acceptance of the public landscape improvements, the Developer shall submit a cash deposit, to pay for cost of services and expenses incurred by the City in maintaining the landscape improvements. The amount of cash deposit shall be determined by the City's Public Works Department at the time of review of improvement plans. City will return any unused portion of the cash deposit, after the Developer submits documentation evidencing that assessments have been levied on the Property and that collection of assessments have started. City will not accept the public landscape improvements until all the requirements in this section are satisfied to the satisfaction of Director of Engineering and Development Services. The Developer is still required to contribute towards cost of maintaining public landscaping that are away from the Project, that are located within the Landscape Maintenance District zone for which the Property is responsible to pay for.
- C.8.5. Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the Grading Permit, Encroachment Permit, Building Permit, Improvement Plans, OIA, and DIA, if the City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City. The Developer shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.