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, April 13, 2016
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 – November 4, 2015 and November 18, 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 RECOMMENDATIONS TO THE CITY COUNCIL REGARDING APPROVAL OF A ZONING TEXT AMENDMENT TO THE MEDIUM DENSITY CLUSTER ZONE, APPROVAL OF A REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE TO MEDIUM DENSITY CLUSTER ZONE, APPROVAL OF A VESTING TENTATIVE SUBDIVISION MAP FOR 71 SINGLE-FAMILY RESIDENTIAL LOTS, AND APPROVAL OF RESIDENTIAL ARCHITECTURE FOR AN APPROXIMATELY 10-ACRE SITE LOCATED AT 2774 W. BYRON ROAD, 2850 W. BYRON ROAD, AND 12920 W. BYRON ROAD. THE APPLICANT IS MANA INVESTMENTS. THE PROPERTY OWNERS ARE MARION WILLIAM COMPANY LLC AND SHAWN D. STEELE. APPLICATION NUMBERS ZA15-0002, R14-0002, TSM14-0003, AND D16-0013

2. ITEMS FROM THE AUDIENCE

3. DIRECTOR'S REPORT

4. ITEMS FROM THE COMMISSION

5. ADJOURNMENT

Posted: **April 8, 2016**

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, NOVEMBER 4, 2015, 7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA

CALL TO ORDER - Chair Mitracos called the meeting to order at 7:03 p.m.

PLEDGE OF ALLEGIANCE - Chair Mitracos led the pledge of allegiance.

ROLL CALL - Roll Call found Chair Mitracos, Vice Chair Tanner, Commissioners Orcutt, and Sangha present; Commissioner Ransom absent. Also present were staff members Andrew Malik, Development Services Director; Bill Dean, Assistant Development Services Director; Scott Claar, Senior Planner; Alan Bell, Senior Planner; Cris Mina, Senior Civil Engineer; Dan Sodegren, City Attorney; and Sandra Edwards Recording Secretary.

MINUTES APPROVAL – None.

DIRECTOR'S REPORT REGARDING THIS AGENDA – None.

ITEMS FROM THE AUDIENCE – None.

1. NEW BUSINESS

A. PUBLIC HEARING TO CONSIDER APPROVING A CONDITIONAL USE PERMIT APPLICATION FOR AN EATING AND/OR DRINKING ESTABLISHMENT WITH ENTERTAINMENT AT 1005 E. PESCADERO AVENUE – APPLICANT IS ROSAURA QUINTANA AND PROPERTY OWNER IS 51 NEWCO LLC – APPLICATION NUMBER CUP15-0006

Commissioner Sangha recused herself from consideration of the item.

Scott Claar, Senior Planner, provided the staff report.

The Commission discussed nightclub policy at other locations, increase in police calls after 11:00 p.m., fee for entertainment license based on square footage, signage at Northgate Village, specific location of the proposed site (end of the building), possibility of a moratorium, and security.

Officer Wilmhurst, Tracy Police Department, addressed concerns regarding safety.

Chair Mitracos opened the public hearing.

Nelson Gomez, attorney for applicant, addressed the Commission stating they have met with staff trying to address all concerns and that they accept all the conditions of approval suggested.

The Commission further discussed the applicants' other business, and the ratio of guards to patrons.

The public hearing was closed.

ACTION: It was moved by Commissioner Orcutt and seconded by Vice Chair Tanner that the Planning Commission approve the Conditional Use Permit application for an eating and/or drinking establishment with entertainment at 1005 E. Pescadero Avenue, subject to the conditions as stated in the Planning Commission Resolution dated November 4, 2015. Voice vote found Commissioner Orcutt, Chair Mitracos, and Vice Chair Tanner in favor; Commissioner Sangha abstained; Commissioner Ransom absent.

Commissioner Sangha rejoined the Commission at 7:22 p.m.

B. PUBLIC HEARING TO CONSIDER A PLANNED UNIT DEVELOPMENT ZONE PRELIMINARY AND FINAL DEVELOPMENT PLAN TO CONSTRUCT AN APPROXIMATELY 6,300 SQUARE FOOT MULTI-TENANT RESTAURANT BUILDING WITH DRIVE THRU, PARKING AREA AND LANDSCAPING IMPROVEMENTS, LOCATED AT THE SOUTHEAST CORNER OF NAGLEE ROAD AND PARK-N-RIDE DRIVE, ASSESSOR'S PARCEL NUMBER 212-290-39. APPLICANT IS VMI ARCHITECTS INC. PROPERTY OWNER IS THE CITY OF TRACY. APPLICATION NUMBER D15-0009 – Scott Claar, Senior Planner, provided the staff report.

The Commission asked for clarification regarding elimination of the Park-N-Ride lot, other potential locations, the number of parking spaces, and timing of construction for the proposed building. Also discussed was the States' involvement with the Redevelopment Agency and the property.

Chair Mitracos opened the public hearing.

John Becker, Becker Commercial Properties, addressed the Commission voicing his excitement for the project.

Commissioner Orcutt requested a recess at 7:37, reconvening at 7:43 p.m.

The Commission further discussed outside dining, parking, and trash enclosures.

Chair Mitracos closed the public hearing.

ACTION: It was moved by Commissioner Orcutt and seconded by Vice Chair Tanner that the City Council approve a PUD Zone Preliminary and Final Development Plan to construct an approximately 6,300 square foot multi-tenant restaurant building with drive thru, parking area and landscaping improvements, located at the southeast corner of Naglee Road and Park-N-Ride Drive, Assessor's Parcel Number 212-290-39, Application Number D15-0009, subject to the conditions and based on the determinations contained in the Planning Commission Resolution dated November 4, 2015. Voice vote found Commissioners Orcutt, Sangha, Vice Chair Tanner, and Chair Mitracos in favor; Commissioner Ransom absent.

C. PUBLIC MEETING TO REVIEW THE GENERAL PLAN DRAFT HOUSING ELEMENT AND RECEIVE PUBLIC INPUT – Alan Bell, Senior Planner, provided the staff report. Jessica Sumagia, of Veronica Tam & Associates, provided a presentation on the Housing Element and housing program objectives.

The Planning Commission discussed the Regional Housing Needs Allocation, affordable housing, housing ratio and economics, the active retirement initiative, and priority areas.

No public input was offered.

D. PUBLIC HEARING TO CONSIDER AN ORDINANCE ADDING A NEW SECTION 10.08.3198 TO TITLE 10 OF THE TRACY MUNICIPAL CODE RELATING TO DONATION CONTAINERS – CITY INITIATED – APPLICATION NUMBER ZA15-0004 – Scott Claar, Senior Planner, provided the staff report and letters that were received and provided to the Commission.

The Commissioners discussed competition with Goodwill, and the proliferation of unattended for profit donation containers.

ACTION: It was moved by Commissioner Orcutt and seconded by Commissioner Sangha recommending that the City Council introduce and adopt an ordinance adding a new Section 10.08.3198 to Title 10 of the Tracy Municipal Code relating to donation containers, as stated in the Planning Commission Resolution dated November 4, 2015. Voice vote found Commissioners Orcutt, Sangha, Vice Chair Tanner, and Chair Mitracos in favor; Commissioner Ransom absent.

2. **ITEMS FROM THE AUDIENCE** – None.

3. **DIRECTOR'S REPORT** – None.

4. **ITEMS FROM THE COMMISSION** – Chair Mitracos announced that the Tracy Tree Foundation will be planting trees on Dronero Court on November 14, 2015, at 9:00 a.m. Commissioner Sangha announced the third annual Diwali (Festival of Lights(being held Saturday at the Grand Theatre this weekend.

5. **ADJOURNMENT** – Motion by Chair Mitracos, second by Commissioner Orcutt to adjourn. Voice vote found Commissioners Orcutt, Sangha, Vice Chair Tanner, and Chair Mitracos in favor; Commissioner Ransom absent.

Time: 8:25 p.m.

_____
CHAIR

_____
STAFF LIAISON

MINUTES
TRACY CITY PLANNING COMMISSION
WEDNESDAY, NOVEMBER 18, 2015, 7:00 P.M.
CITY OF TRACY COUNCIL CHAMBERS
333 CIVIC CENTER PLAZA

CALL TO ORDER - Chair Mitracos called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE - Chair Mitracos led the pledge of allegiance.

ROLL CALL - Roll Call found Chair Mitracos, Vice Chair Tanner, Commissioners Orcutt, Sangha, and Ransom present. Also present were staff members Bill Dean, Assistant Development Services Director; Kimberly Matlock, Associate Planner; Alan Bell, Senior 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. NEW BUSINESS

A. PUBLIC HEARING TO CONSIDER AN APPLICATION FOR AN EXTENSION OF THE ELISSAGARAY INFILL VESTING TENTATIVE SUBDIVISION MAP FOR 47 LOTS (APPLICATION NUMBER TSM12-0002) TO JANUARY 7, 2018. THE PROJECT IS LOCATED ON DOMINIQUE DRIVE BETWEEN EASTLAKE CIRCLE AND BASQUE DRIVE, ASSESSOR'S PARCEL NUMBERS 252-050-24 AND 252-260-01. THE APPLICANT AND PROPERTY OWNER IS TVC TRACY HOLDCO, LLC. APPLICATION NUMBER EXT15-0004 - Kimberly Matlock, Associate Planner, provided the staff report.

The Planning Commission discussed sewer capacity and plans to expand the water treatment plant. Cris Mina, Senior Civil Engineer, stated the plant is currently operating at 10 million gallons per day (mgd).

Chair Mitracos opened the public hearing.

Chris Tyler, representing the property owner, provided a history of the project and asked that the Planning Commission approve the project.

The public hearing was closed.

The Commission further discussed the need for the project extension, if the project would come back before the Commission, and why some of the lots covered two finance plans.

ACTION: It was moved by Commissioner Orcutt and seconded by Commissioner Ransom that the Planning Commission approve application number EXT15-0004 to extend the life of the vesting tentative subdivision map application number TSM12-0002 through January 7, 2018, based on the findings contained in the

Planning Commission Resolution dated November 18, 2015, with the added condition of approval. Voice vote found all in favor; passed and so ordered.

B. PUBLIC HEARING TO CONSIDER A CONCEPT DEVELOPMENT PLAN AMENDMENT TO THE MINIMUM REAR YARD SETBACK AND A PRELIMINARY AND FINAL DEVELOPMENT PLAN AMENDMENT TO THE ARCHITECTURE FOR THE 71-LOT SOUTHGATE RESIDENTIAL SUBDVISION LOCATED SOUTH OF THE WESTERN TERMINUS OF SCHULTE ROAD AND EAST OF MABEL JOSEPHINE DRIVE. THE APPLICANT AND OWNER IS BRIGHT DEVELOPMENT – APPLICATION NUMBER D14-0027 – Kimberly Matlock, Associate Planner, provided the staff report, adding that the project also included application number PUD15-0003.

The Planning Commission discussed various floor plans, setbacks, the inability for property owners to add on due to setbacks, and property in the County.

The public hearing was opened.

Dave Butz, Bright Development, provided a history of the project and asked for approval of the project.

Mark Gross, Mark Gross and Associates, discussed the variations among plans, setbacks, and rear yards.

The Commission asked for clarification regarding the ability for owners to add on to the proposed houses, placement of houses in the cul-de-sac, size of the house in relation to lot sizes, architectural elements, and placement of laundry facilities.

Sean Humphrey, 184 Mabel Josephine Drive, voiced concerns about the proposed architectural changes to the exterior of the proposed homes and how this will make his home stand out.

The public hearing was closed.

ACTION: It was moved by Commissioner Sangha and seconded by Commissioner Orcutt that the Planning Commission recommends that the City Council approve the amendments to the Concept Development Plan, Preliminary, and Final Development Plan, subject to the conditions contained in the Planning Commission Resolution dated November 18, 2015. Voice vote found all in favor; passed and so ordered.

C. CONDUCT A PUBLIC HEARING TO RECEIVE COMMENTS ON THE TRACY HILLS SPECIFIC PLAN RECIRCULATED DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT – Alan Bell, Senior Planner, provided the staff report. Mr. Bell introduced Kimley Horn representatives Karina Fidler, Frederick Vinter, and Laura Worthington Forbes. Ms. Forbes provided a summary of the Subsequent EIR and steps taken on the project.

The Planning Commission asked questions regarding airport land use, project timeline, special zones, why responses to comments were not included, and project impacts if the Byron Bethany Irrigation District stopped providing water.

The public hearing was opened. As there was no one wishing to provide comments, the public hearing was closed.

2. ITEMS FROM THE AUDIENCE – None.

3. DIRECTOR'S REPORT – None.

4. ITEMS FROM THE COMMISSION – None

5. ADJOURNMENT – Upon motion by Commissioner Orcutt, and second by Commissioner Sangha, the meeting was adjourned.

Time: 8:31 p.m.

_____
CHAIR

_____
STAFF LIAISON

April 13, 2016

AGENDA ITEM 1-A

REQUEST

PUBLIC HEARING TO CONSIDER RECOMMENDATIONS TO THE CITY COUNCIL REGARDING APPROVAL OF A ZONING TEXT AMENDMENT TO THE MEDIUM DENSITY CLUSTER ZONE, APPROVAL OF A REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE TO MEDIUM DENSITY CLUSTER ZONE, APPROVAL OF A VESTING TENTATIVE SUBDIVISION MAP FOR 71 SINGLE-FAMILY RESIDENTIAL LOTS, AND APPROVAL OF RESIDENTIAL ARCHITECTURE FOR AN APPROXIMATELY 10-ACRE SITE LOCATED AT 2774 W. BYRON ROAD, 2850 W. BYRON ROAD, AND 12920 W. BYRON ROAD. THE APPLICANT IS MANA INVESTMENTS. THE PROPERTY OWNERS ARE MARION WILLIAM COMPANY LLC AND SHAWN D. STEELE. APPLICATION NUMBERS ZA15-0002, R14-0002, TSM14-0003, AND D16-0013

DISCUSSION

This agenda item involves a Planning Commission public hearing to make recommendations to the City Council regarding a proposed amendment to the Medium Density Cluster Zone and development applications for the Berg Road Project. The Berg Road Project site consists of three parcels totaling approximately 10 acres located along W. Byron Road, between Corral Hollow Road and Lammers Road at 2774 W. Byron Road, 2850 W. Byron Road, and 12920 W. Byron Road (Attachment A: Location Map).

The Planning Commission will be asked to make a recommendation to the City Council regarding the following:

- Approval of a zoning text amendment to the Medium Density Cluster (MDC) Zone, which includes changes to the minimum front and rear yard setbacks and rear yard open space requirement (Application Number ZA15-0002)

- Approval of a rezone of the Berg Road Project site from Medium Density Residential (MDR) Zone to MDC Zone (Application Number R14-0002)

- Approval of a Vesting Tentative Subdivision Map for 71 single-family residential lots for the Berg Road Project (Application Number TSM14-0003)

- Approval of the residential architecture for the Berg Road Project (Application Number D16-0003)

Zoning Text Amendment to the MDC Zone

The applicant is proposing an amendment to the MDC Zone to change the minimum front and rear yard setbacks and rear yard open space requirement. More specifically,

the proposed amendment would result in the following Citywide zoning code changes to the MDC Zone:

- Reduce the minimum front setback from 15 feet to 10 feet.
- Establish a minimum front setback for the garage of 20 feet.
- Modify the rear setback from 10-foot minimum with 15-foot average minimum to 10-foot minimum (no requirement for average minimum).
- Reduce the minimum rear yard open space requirement from 675 square feet to 450 square feet.

The complete details of the proposed text changes are shown in strikethrough/ underline format in Attachment B.

The proposed minimum setbacks for the MDC zone are the same as the minimum front and rear setbacks approved by City Council on April 5, 2016 for the Low Density Residential and Medium Density Residential zoning districts in the Tracy Hills Specific Plan. The MDC Zone is intended primarily for small-lot single-family subdivisions (minimum lot size is 3,500 square feet). The proposed setbacks would allow more flexibility in house size and house design.

The requirement of a 20-foot front setback for the garage is necessary to ensure that vehicles parked in the driveway do not overhang into and block the sidewalk. A minimum front setback of 10 feet with a minimum front garage setback of 20 feet is also consistent with the City's residential design goal of deemphasizing garages facing the street, by pushing the garage farther back and allowing for the more interesting architectural elements of the house to be brought closer to the street.

Rezone from MDR to MDC

The applicant's proposal includes rezoning the subject property from MDR Zone to MDC Zone (Attachment C: Existing and Proposed Zoning). The reason for the proposed rezone is that the MDR zone has a minimum lot size of 6,000 square feet and is more suited for multi-family residential development (i.e. multiple units on the same lot, such as duplexes, triplexes, or apartments). The MDC Zone is more compatible with the applicant's proposal for a small-lot single-family residential subdivision because it allows for a minimum lot size of 3,500 square feet.

The subject property has a General Plan designation of Residential Medium. The surrounding areas to the north, west, south, and east are also designated Residential Medium. The density range allowed for the Residential Medium designation is 5.9 to 12.0 dwelling units per gross acre. The MDR Zone and the MDC Zone are both consistent with the General Plan designation of Residential Medium.

The majority of the surrounding areas have developed over the past 20 years as single-family residential neighborhoods. The applicant's proposal to rezone the site to MDC

Zone and develop a small-lot single-family subdivision would be compatible with the neighboring areas.

Vesting Tentative Subdivision Map

The project site currently contains approximately eight single-family residential structures and several accessory buildings. The existing structures are proposed for demolition and removal. The proposed Vesting Tentative Subdivision Map would subdivide the approximately 10-acre site into 71 single-family residential lots with public streets, sidewalks, landscaping, and a private open space area (Attachment D: Vesting Tentative Subdivision Map).

The proposed subdivision would include a street connection to Byron Road. Street stubs are proposed for future connections to the existing portion of Berg Road to the southeast and another potential street to the south. The public right of way would include a five-foot wide landscape strip between the curb and sidewalk on both sides of the street, which would enhance the visual appeal of the streetscape and provide shade coverage on both the street and sidewalk, further complementing a pedestrian-friendly neighborhood.

Parcel A would be an emergency vehicle access point between Street A and Byron Road. Parcel B would be a private open space area. Both Parcels A and B would be privately owned and maintained by a Homeowner's Association (HOA). The private open space area is described in further detail below.

The proposed Berg Road Project has a density of approximately 7.2 dwelling units per gross acre. The proposed average lot size is 3,901 square feet with a low of 3,501 square feet and a high of approximately 7,411 square feet. The majority of the lots are 50 to 55 feet wide with a few lots at the minimum width of 45 feet. The proposed Vesting Tentative Subdivision Map is consistent with the requirements of the MDC Zone and the General Plan designation of Residential Medium.

The proposed small-lot single-family subdivision would be compatible with the adjacent single-family neighborhood to the west. The neighboring properties to the east and south have remained rural in character since the time of annexation in the mid 1990's. Attachment E shows an example of how the project site could potentially connect with the adjacent properties to the east, if and when those areas choose to develop (Attachment E: Conceptual Future Development of the Surrounding Area). Of course, many other development concepts are possible for the surrounding area and this exhibit is not part of the project approval.

Residential Architecture

The proposed architecture consists of four plan types (all single-family detached homes) with four different elevation types per plan for a total of 16 different house designs (Attachment F: Architectural Packet). The proposed houses range in size from approximately 1,700 square feet to 2,200 square feet. All of the houses are two-story.

The proposed architecture includes a variety of building materials and interesting details. The architectural details are carried around to all four sides of the houses. The proposed architecture is consistent with the City's Design Goals and Standards for medium density residential projects. Attachment G shows conceptually how the houses would be arranged in the subdivision to achieve a sufficient mix and variety in the streetscape (Attachment G: Conceptual House Plotting Plan).

Private Open Space Area

The Berg Road Project includes an approximately 6,382 square foot parcel (Parcel B on the Vesting Tentative Subdivision Map) to be developed as a private open space area. The private open space area is planned to include picnic tables, a barbecue pedestal, a freestanding wood trellis, hardscape, and landscaping with trees (Attachment H: Private Open Space Area).

Environmental Document

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

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council take the following actions, as stated in the Planning Commission Resolution dated April 13, 2016 (Attachment J: Planning Commission Resolution):

- Approve a zoning text amendment to the Medium Density Cluster Zone, which includes changes to the minimum front and rear yard setbacks and rear yard open space requirement (Application Number ZA15-0002)

- Approve a rezone of the Berg Road Project site from Medium Density Residential Zone to Medium Density Cluster Zone (Application Number R14-0002)

- Approve a Vesting Tentative Subdivision Map for 71 single-family residential lots for the Berg Road Project (Application Number TSM14-0003)

- Approve the residential architecture for the Berg Road Project (Application Number D16-0003)

MOTION

Move that the Planning Commission recommend that the City Council take the following actions, subject to the conditions and based on the findings contained in the Planning Commission Resolution dated April 13, 2016:

- Approve a zoning text amendment to the Medium Density Cluster Zone, which includes changes to the minimum front and rear yard setbacks and rear yard open space requirement (Application Number ZA15-0002)

- Approve a rezone of the Berg Road Project site from Medium Density Residential Zone to Medium Density Cluster Zone (Application Number R14-0002)

- Approve a Vesting Tentative Subdivision Map for 71 single-family residential lots for the Berg Road Project (Application Number TSM14-0003)

- Approve the residential architecture for the Berg Road Project (Application Number D16-0003)

Prepared by Scott Claar, Associate Planner

Approved by Bill Dean, Assistant Development Services Director

ATTACHMENTS

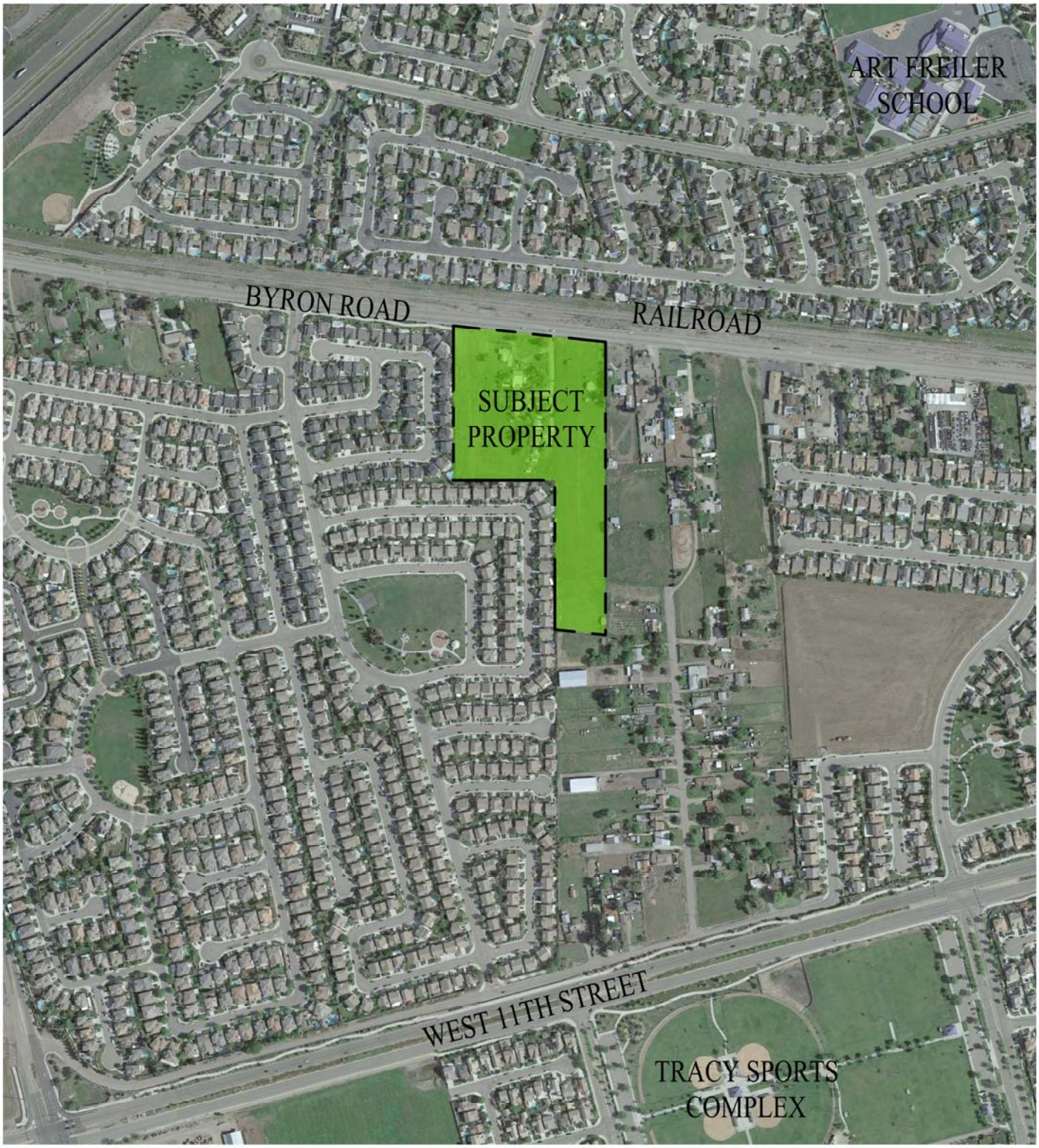
A: Location Map
B: Zoning Text Amendment to the MDC Zone (strikethrough/underline format)
C: Existing and Proposed Zoning
D: Vesting Tentative Subdivision Map (Oversized)
E: Conceptual Future Development of the Surrounding Area
F: Architectural Packet (Oversized)
G: Conceptual House Plotting Plan (Oversized)
H: Private Open Space Area
I: CEQA 15183 Analysis
J: Planning Commission Resolution

ATTACHMENT A

LOCATION MAP

BERG ROAD PROPERTIES

CITY OF TRACY, CALIFORNIA
APRIL 1, 2016



cbg
Carlson, Barbee & Gibson, Inc.
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2633 CAMINO RAMON, SUITE 350
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SAN RAMON • LATHROP

4/1/2016 4:17 PM

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The following text shows the proposed changes to Tracy Municipal Code Section 10.08.1310, Minimum Yards (MDC), in strikethrough/underline format.

10.08.1310 - Minimum yards (MDC).

The following minimum yards shall be required in the MDC Zone:

(a) Front:

(1) For lots created on or after July 7, 2016, the minimum front yard shall be ten (10') feet, except for the garage door, which shall be setback a minimum of twenty (20') feet;

(2) For lots created before July 7, 2016, the minimum front yard shall be ~~A~~at least fifteen (15') feet to at least twenty (20') feet, including garage structure from the existing or planned sidewalk with at least a two (2') foot differential between neighboring main buildings. Garage setbacks fifteen (15') feet to eighteen (18') feet from the property line shall have roll-up doors;

(b) Side:

(1) Interior lots: Seven (7') feet on one side and four (4') feet on the other with a minimum distance of eleven (11') feet between neighboring main buildings;

(2) Corner lots: Ten (10') feet on the street side and four (4') feet on the interior side; with no four (4') foot side yard abutting another four (4') foot side yard with a minimum distance of eleven (11') feet between neighboring main buildings;

(3) Interior lots ten (10') feet on one side with zero (0') feet on interior side. On corner lots the ten (10') foot side yard shall be on the street side;

(c) Rear:

(1) For lots created on or after July 7, 2016, the minimum rear yard shall be ten (10') feet with at least 450 square feet of open space in the rear yard;

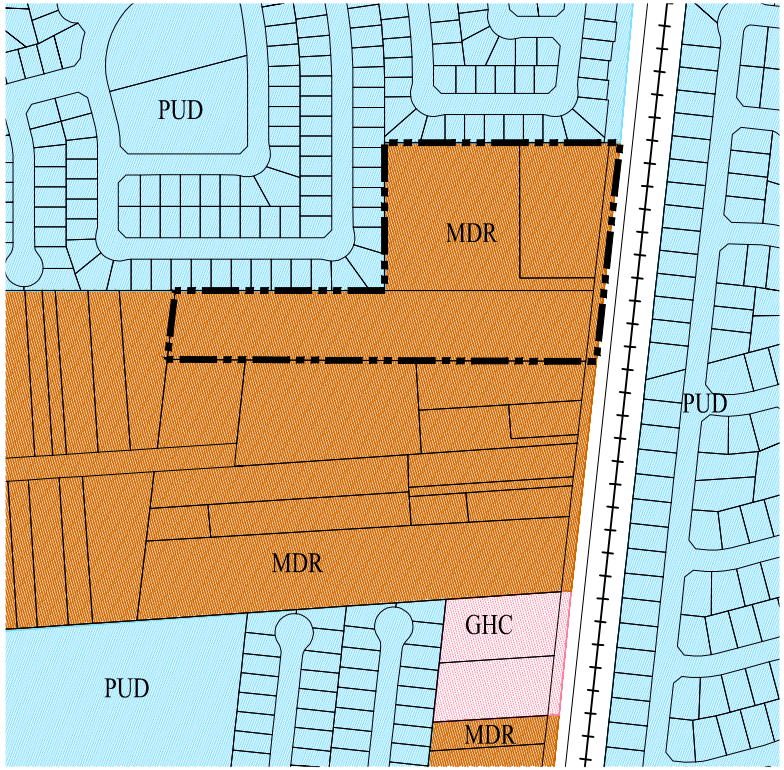
(2) For lots created before July 7, 2016, the minimum rear yard shall be ~~T~~ten (10') feet with an average distance of fifteen (15') feet and at least six hundred seventy-five (675') square feet of open space in the rear yard;

(d) Distance between buildings: Six (6') feet between accessory buildings and between an accessory and main building; and the minimum distance between main buildings shall be the average height of the two main buildings;

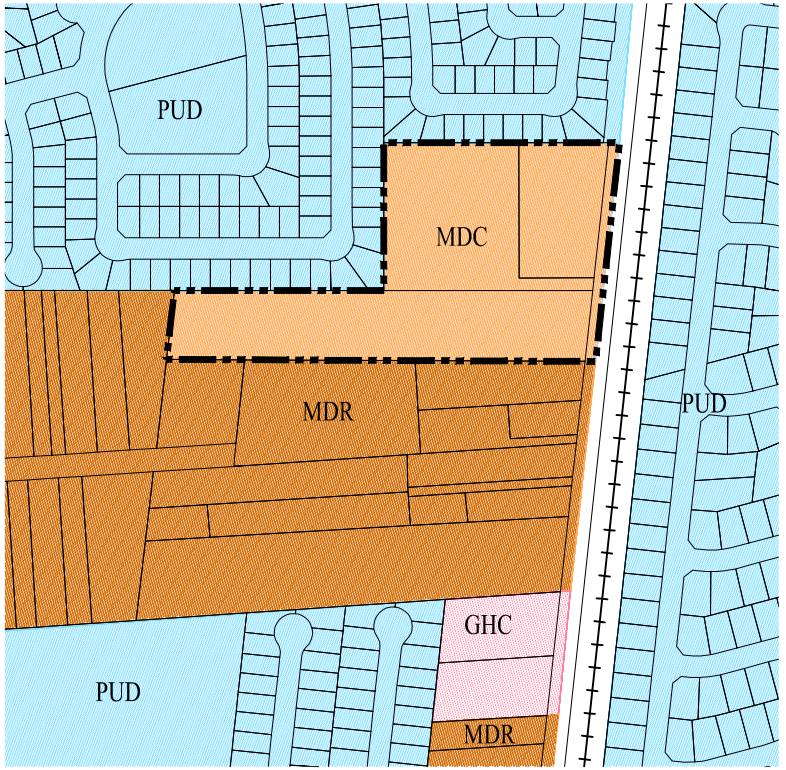
(e) Accessory buildings not exceeding one-story in height may be located in any required rear or interior side yard provided they are on the rear one-half (½) of the lot or at least sixty (60') feet from the front property line;

(f) The requirements for side (b) and rear (c) yards described above shall not apply to projects having an approved Development Review and/or Tentative Subdivision Map application prior to ~~the first reading of the ordinance codified in this section~~October 3, 1989. Such projects shall provide a side yard area of seven (7') feet on one side and three (3') feet on the other side, with a rear yard setback of ten (10') feet. (Prior code § 10-2.804)

ATTACHMENT C



EXISTING ZONING



PROPOSED ZONING

LEGEND

- MEDIUM DENSITY RESIDENTIAL (MDR)
- MEDIUM DENSITY CLUSTER (MDC)
- GENERAL HIGHWAY COMMERCIAL (GHC)
- PLANNED UNIT DEVELOPMENT (PUD)

ZONING

BERG ROAD PROPERTIES

CITY OF TRACY SAN JOAQUIN COUNTY CALIFORNIA

DATE: NOVEMBER 30, 2015 SCALE: 1" = 500'

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

11/30/2015 10:21 AM

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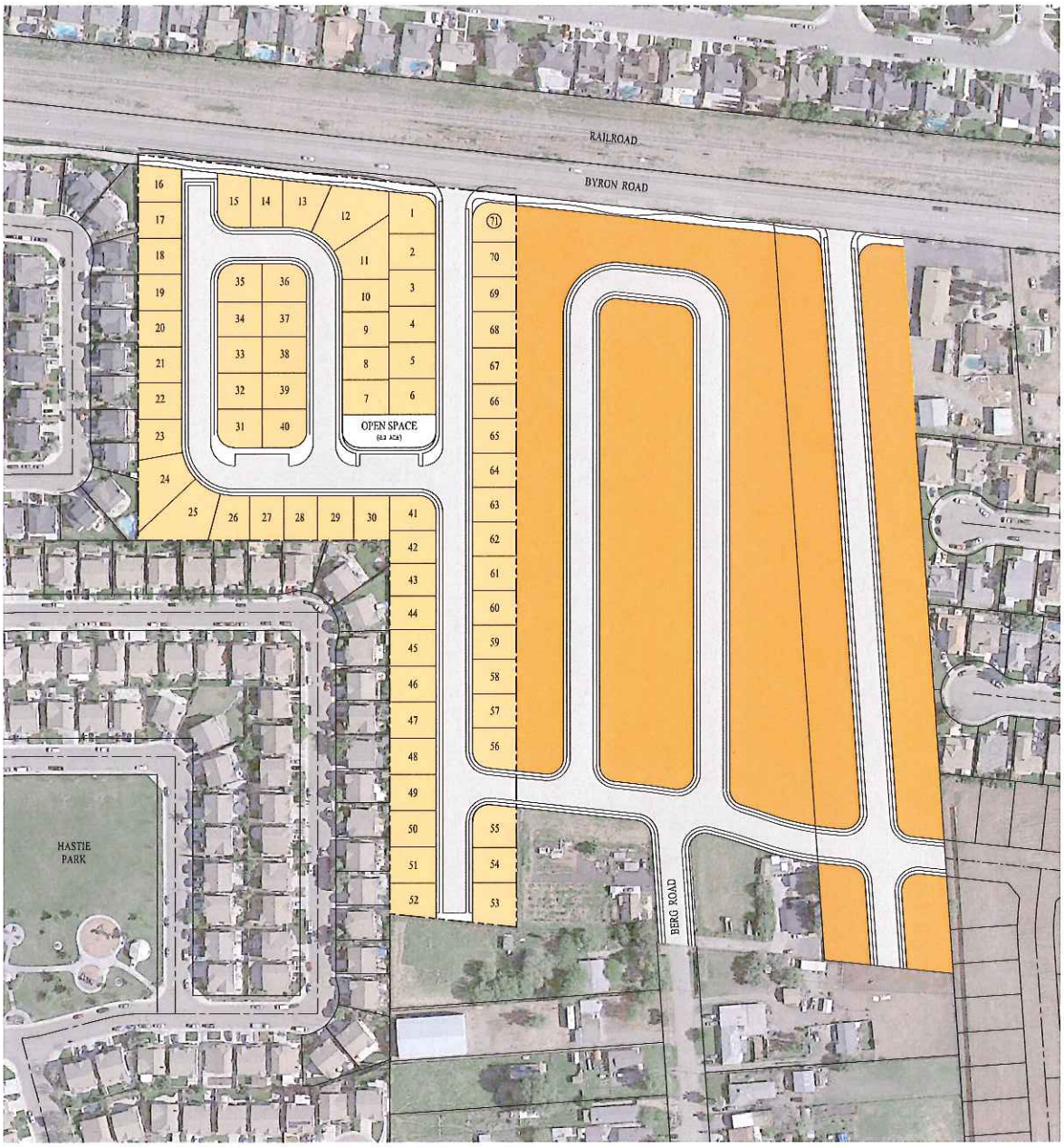
ATTACHMENT E



CONCEPTUAL FUTURE DEVELOPMENT OF THE SURROUNDING AREA

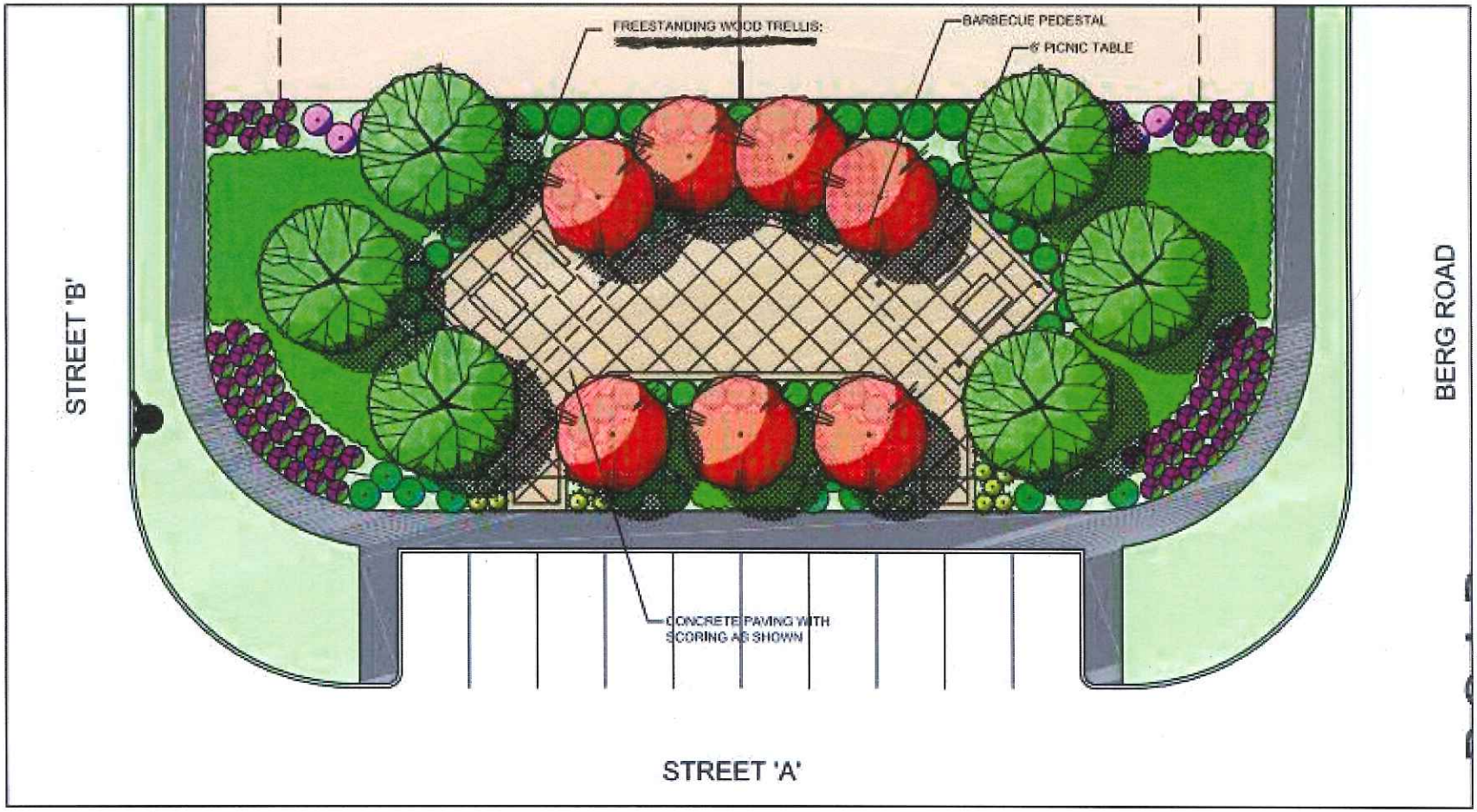
BERG ROAD PROPERTIES

CITY OF TRACY SAN JOAQUIN COUNTY CALIFORNIA

SCALE: 1" = 60' DATE: DECEMBER 7, 2015

Carlson, Barbee & Gibson, Inc.

Private Open Space Plan



ATTACHMENT I

CEQA 15183 ANALYSIS

FOR THE

BERG ROAD DEVELOPMENT PROJECT

(CEQA) Guidelines Section 15183 - Streamlined Environmental Review

APRIL 4, 2016

Prepared for:

The City of Tracy, Department of
Development Services
333 Civic Center Plaza
Tracy, California, 95376
(209) 831-6000

Prepared by:

De Novo Planning Group
1020 Suncast Lane, Suite 106
El Dorado Hills, CA 95762
(916) 580-9818

De Novo Planning Group

A Land Use Planning, Design, and Environmental Firm

CEQA 15183 ANALYSIS

FOR THE

BERG ROAD DEVELOPMENT PROJECT

(CEQA) Guidelines Section 15183 - Streamlined Environmental Review Process

APRIL 4, 2016

Prepared for:

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INTRODUCTION

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

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

PROJECT OVERVIEW

PROJECT LOCATION

The project site consists of 9.91 acres located at 12920-2774 West Byron Road in the north-west-quadrant of the City of Tracy. The project site encompasses Assessor Parcel Numbers (APN) 238-080-04, 238-080-03 and 238-050-01. The project's location is shown in Figure 1.

PROJECT DESCRIPTION

The proposed project would develop 71 single-family detached housing units on the 9.91-acre project site. The project would consist of medium-density residential development (7.2 units per acre). Each unit includes a two-car garage. Additionally, 107 (1.5 stalls/unit) on-street parking spaces are proposed throughout the project site. Lot sizes would range between 3,512 and 7,170 square feet, with an average lot size of 3,885 square feet. Typically, lots are uniform in nature (rectangular shaped), while corner lots, are generally larger and not uniform in shape. The project site includes 6,382 square feet of open space parcels.

The project applicant would construct a new access road (Berg Road) connecting the project site to Byron Road. Additionally, an emergency access point is provided at the north-west portion of the project site. Internal circulation within the project site consists of an interconnected street network. Figure 2 displays the proposed Site Plan layout.

EXISTING SITE USES

The project site currently consists of eight single-family residential structures, and several outbuildings. The unimproved portions of the site include barren land and several landscaping trees. Figure 3 shows an aerial view of the project site. The existing homes and outbuildings located on the project site are proposed for demolition and removal.

SURROUNDING LAND USES

The surrounding area adjacent to the project site includes single-family residential uses to the north, south, west and east of the project site. The project site and the surrounding uses are designated Residential Medium by the City's General Plan.

GENERAL PLAN AND ZONING DESIGNATIONS

The Tracy General Plan land use designation for the project site is Residential Medium (consistent with the proposed project). The characteristic housing for the Residential Medium designation includes small lot single-family detached homes, duplexes, triplexes, fourplexes, townhouses, apartments and includes condominiums as an ownership type. Densities in the Residential Medium designation range from 5.9 to 12 dwelling units per gross acre. Figure 4 displays the General Plan Land Use Designation for the project site and surrounding area.

The project site is currently zoned Medium Density Residential (MDR). Approval of a rezone from Medium Density Residential (MDR) to Medium Density Cluster (MDC) would be required prior to project approval. The Medium Density Cluster (MDC) Zone is designed to provide for single- and two-family dwellings, dwelling groups, and supporting uses to be utilized in appropriate locations within the areas designated Residential Medium.

Additionally, the proposed project would require an amendment to the MDC Zone setback requirements, and minimum rear yard area requirements. These changes would result in the following Citywide zoning code changes to the MDC Zone:

1. Reduce the minimum front setback from 15 feet to 10 feet.
2. Modify the rear setbacks for the MDC zone from 10 foot minimum with 15 foot average minimum to 10 foot minimum (no requirement for average setback).
3. Reduce the minimum rear yard open space requirement from 675 square feet to a minimum of 450 square feet.

The proposed changes to the MDC Zone all relate to standards and design modifications to allow flexibility in regard to building footprint locations. Changes proposed do not increase densities, or service requirements, or change any other standard that could have bearing on an environmental impact. Because these proposed changes to the Zoning Code do not dismiss or interfere with any standards relating to environmental protection, they warrant no further analysis.

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 California Environmental Quality Act (CEQA) Exemption (Guidelines Section 15183).

- Approval of a rezone from Medium Density Residential (MDR) to Medium Density Cluster (MDC).
- Amendment of the MDC Zone.
- Approval of a Vesting Tentative Subdivision Map of 71 lots.
- Approval of the Project Architecture.
- Development of Conditions of Approval.

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).

PREVIOUS ENVIRONMENTAL ANALYSES OF THE PROPOSED PROJECT

One previous environmental analysis has been prepared and certified which is applicable to the proposed project.

On February 1, 2011, the City adopted a new General Plan and certified the associated General Plan EIR (SCH# 2008092006). The proposed project would be consistent with the General Plan designation of Residential Medium (RM) and the 5.9 to 12 dwelling units per gross acre, as described above. The General Plan EIR assumed full development and buildout of the project site, consistent with the uses and residential densities proposed by the project. The cumulative impacts associated with buildout of the City of Tracy General Plan, including the project site, were fully addressed in the General Plan EIR.

CEQA Guidelines Section 15183 Exemptions

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

15183. PROJECTS CONSISTENT WITH A COMMUNITY PLAN OR ZONING

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

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

(1) Are peculiar to the project or the parcel on which the project would be located,

(2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent,

(3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or

(4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

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

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

(1) The project is consistent with:

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

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

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

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

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

(1) Each public agency with authority to mitigate any of the significant effects on the environment identified in the planning or zoning action undertakes or requires others to

undertake mitigation measures specified in the EIR which the lead agency found to be feasible, and

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

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

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

(1) Parking ordinances.

(2) Public access requirements.

(3) Grading ordinances.

(4) Hillside development ordinances.

(5) Flood plain ordinances.

(6) Habitat protection or conservation ordinances.

(7) View protection ordinances.

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

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

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

> *(1) "Community plan" is defined as a part of the general plan of a City or county which applies to a defined geographic portion of the total area included in the general plan, includes or references each of the mandatory elements specified in Section 65302 of the Government Code, and contains specific development policies and implementation measures which will apply those policies to each involved parcel.*
>
> *(2) For purposes of this section, "consistent" means that the density of the proposed project is the same or less than the standard expressed for the involved parcel in the general plan, community plan or zoning action for which an EIR has been certified, and that the project complies with the density-related standards contained in that plan or zoning. Where the zoning ordinance refers to the general plan or community plan for its density standard, the project shall be consistent with the applicable plan.*

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

PROJECT-SPECIFIC ENVIRONMENTAL REVIEW

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

CONCLUSION

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

The analysis in the attached CEQA Environmental Checklist demonstrates that there are no site-specific or peculiar impacts associated with the project, and identifies uniformly applied standards and policies that would be applied to the project. The Project Requirements identified in the attached environmental analysis include requirements that must be implemented by the proposed project in order to ensure that any site-specific impacts or construction-related

impacts are reduced to a less than significant level. All project requirements identified in the attached Environmental Checklist shall be made a condition of project approval, and shall be implemented within the timeframes identified.

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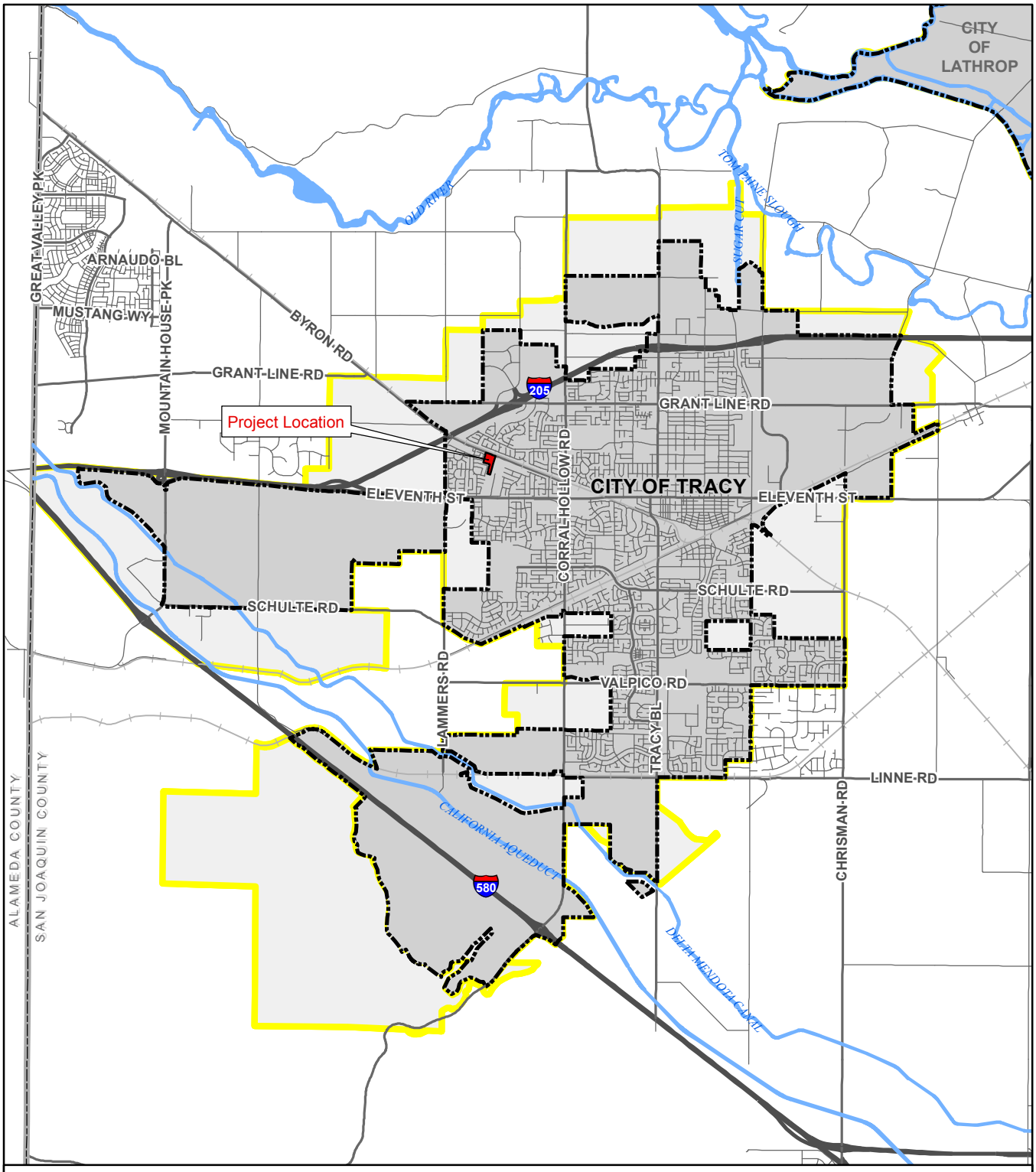

BERG RD SUBDIVISION
TRACY, CALIFORNIA

Figure 1: Project Location

Legend

- Project Boundary
- City Boundary
- Sphere of Influence

N

0 0.5 1
Miles

Sources: San Joaquin County GIS. Map date: August 27, 2014.

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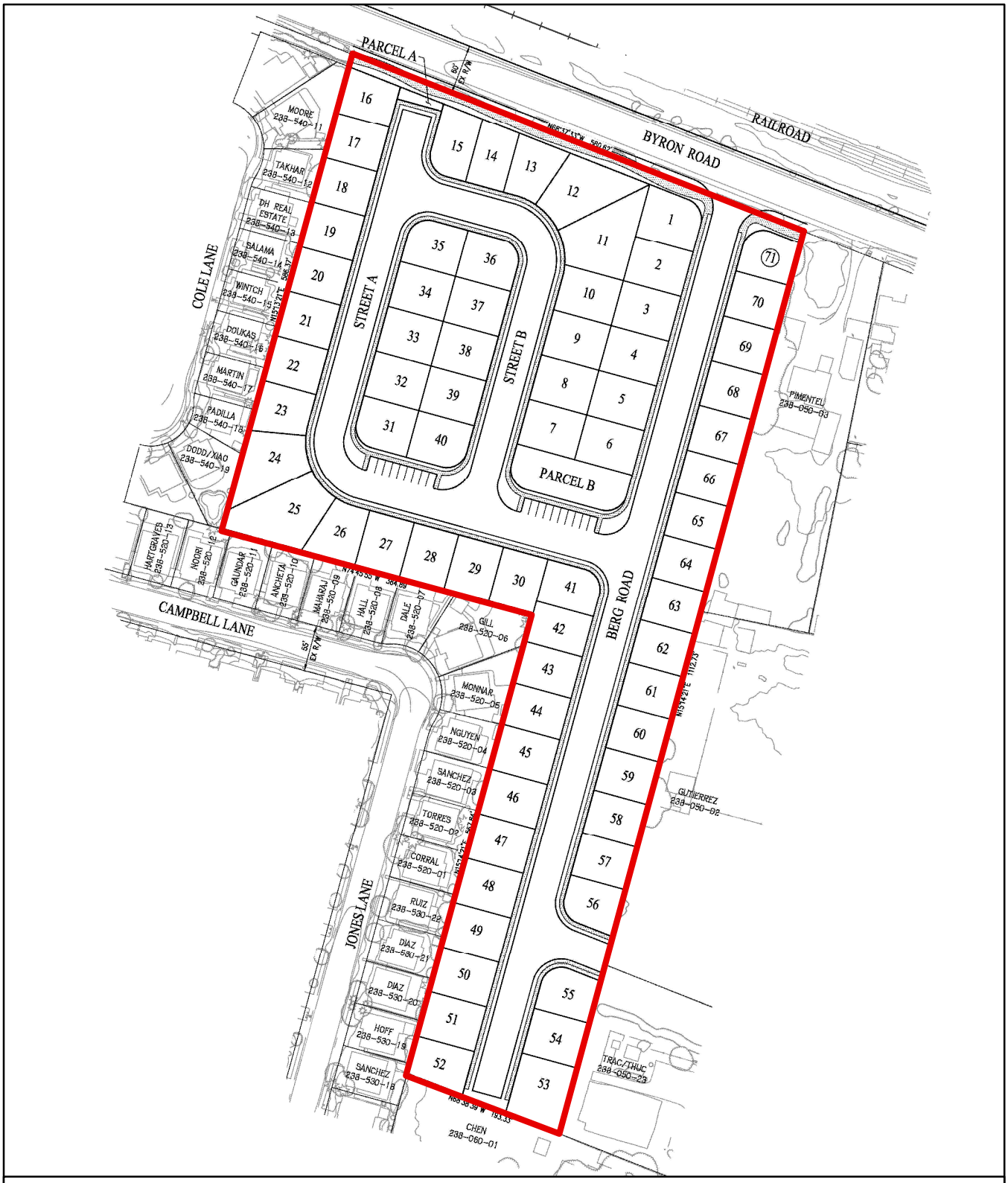

Legend

Project Boundary

N

0 50 100

Feet

1:2,000

BERG ROAD SUBDIVISION
TRACY, CALIFORNIA

Figure 2: Site Plan

Sources: San Joaquin County GIS; Carlson,Barbee & Gibson, Inc..
Map date: August 27, 2015.

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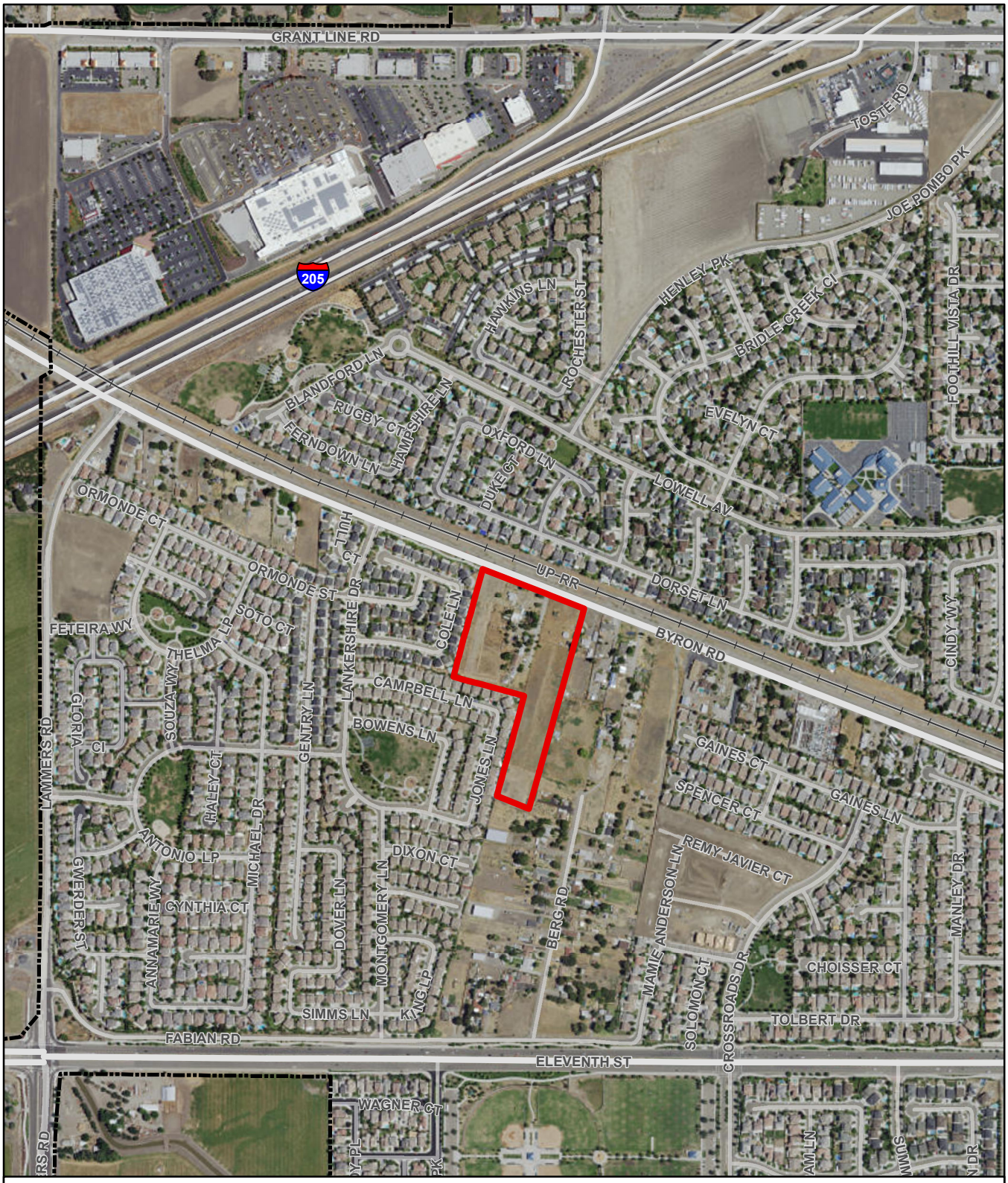

BERG ROAD SUBDIVISION
TRACY, CALIFORNIA

Figure 3: Aerial View of Project Site

Legend

- Project Boundary
- City of Tracy

N

0 200 400

Feet

1:9,000

Sources: San Joaquin County GIS; ArcGIS Online World Imagery Map Service. Map date: August 27, 2015.

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BERG ROAD SUBDIVISION
TRACY, CALIFORNIA

Figure 4: General Plan Land Use Designations

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ENVIRONMENTAL CHECKLIST

I. AESTHETICS -- WOULD THE PROJECT:

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

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant. There are no scenic vistas located on or adjacent to the project site. The proposed project uses are consistent and compatible with the surrounding land use designations. Lands surrounding the project site consist of single-family residential uses.

Implementation of the proposed project would provide for additional residential development in an area of the City that is adjacent to single-family housing development. 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 extensive 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 the areas immediately adjacent to the site are used for residential purposes. Furthermore, the General Plan designates this area for residential uses.

Implementation of the proposed project would introduce a medium-density residential development to the project area that would be generally consistent with the surrounding residential developments. Therefore, this impact is considered **less than significant**.

Response b): Less than Significant. 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 scenic portion of the I-580 highway is approximately 3 miles south-west from the project site. The project site is not visible from this highway. Additionally, the project is not at all visible along any scenic section of I-5.

Development of the proposed project would not result in the removal of any substantial 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.

The existing residential structures located on the project site were originally constructed in 1947, making them greater than 50 years old. Section 18955 the California State Historical Building Code (CHBC) defines a "qualified historical building or structure" as *"any structure or property, collection of structures, and their associated sites deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction. This shall include structures on existing or future national, state or local historical registers or official inventories, such as the National Register of Historic Places, State Historical Landmarks, State Points of Historical Interest, and city or county registers or inventories of historical or architecturally significant sites, places, historic districts, or landmarks. This shall also include places, locations, or sites identified on these historical registers or official inventories and deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction."*

The existing homes on the project site are not registered on any official state, regional, or local inventories of historical resources, nor are the existing homes deemed of importance to the history, architecture, or culture of the area. There are no notable architectural or historic-period design features present on any of the existing homes on the site, and these existing homes do not qualify as historically significant resources.

Therefore, there is a **less than significant impact**.

Response c): Less than Significant. The proposed project would add additional residential uses to an area that currently contains residential uses. The proposed project would be visually compatible with the surrounding residential uses and would not significantly degrade the existing visual quality of the surrounding area. Site specific characteristics would change portions of the site from undeveloped land to residential uses. However, taking into account the scope and location of the proposed project relative to the surrounding area uses, this would not greatly alter the area's overall visual characteristics.

Additionally, 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. Therefore, this is considered a **less than significant** impact.

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

The proposed project would include exterior lighting around the structures, and open space areas within the site. The City of Tracy Standard Plan #140 establishes street light standards, and requirements for light illumination. Exterior lighting on new projects is also regulated by the Tracy Municipal Code, 10.08.4000 (a), which specifies that the site plan and architectural review package includes an exterior lighting standards and devices review. 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 implementation of City standards and requirements would reduce any impacts related to light and glare to a **less than significant** level.

Project Requirements

Requirement 1*: A lighting plan shall be prepared in accordance with the City of Tracy Standard Plan #140 that establishes street light standards, and requirements for light illumination, and the Tracy Municipal Code, 10.08.4000 (a), which specifies that the site plan and architectural review package includes an exterior lighting standards and devices review. The lighting plan shall include the following:*

- *Design of site lighting and exterior building light fixtures to reduce the effects of light pollution and glare off of glass and metal surfaces;*
- *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:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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 is identified for urban land uses in the Tracy General Plan, and the project is consistent with the uses established by the General Plan. There are no agricultural activities occurring on the project site. As such, implementation of the proposed project would have **no impact** related to this environmental topic.

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, or designated for agricultural uses. Therefore, implementation of the proposed project would not conflict with a Williamson Act Contract, and would not conflict with any agricultural zoning. As such, there is **no impact**.

Responses c) and d): No Impact. The project site is located in an area consisting of residential development. Trees are present within the project site, however these trees are ornamental in nature. There are no forest resources on the project site or in the immediate vicinity of the project site. Therefore, there is **no impact**.

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

III. AIR QUALITY -- WOULD THE PROJECT:

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

EXISTING SETTING

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b), c): Less than Significant. Air quality emissions would be generated during construction of the proposed project and during operation of the proposed project. Operational emissions would come primarily from vehicle emissions from vehicle trips generated by the proposed project.

The SJVAPCD has established thresholds of significance for criteria pollutant emissions, which are based on District New Source Review (NSR) offset requirements for stationary sources. Using project type and size, the District has pre-quantified emissions and determined a size below which it is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants.

In the interest of streamlining CEQA requirements, projects that fit the descriptions of a Small Project Analysis Level (SPAL) by project type and vehicle trips are deemed to have a less than significant impact on air quality, and as such are excluded from quantifying criteria pollutant emissions for CEQA purposes. Qualifying factors for determining SPAL include Residential Housing under 1,453 trips/day, and under 152 Single Family Units. The proposed project screens out under both criteria, thus is excluded from quantifying criteria pollutant emissions for CEQA purposes.

Construction-Related Emissions

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

The SJVAPCD's pre-calculated the emissions to identify the level at which they have no possibility of exceeding the emissions thresholds listed in the SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts indicate that the proposed project is included within the stationary sources SPAL designation. However, regardless of the SPAL emissions not exceeding the emissions thresholds, the project is still subject to the requirements of SJVAPCD rules and control measures required and enforced by the SJVAPCD under Regulation VIII. The following requirements shall be imposed upon the project during all phases of construction to reduce the potential for construction-related emissions. Therefore, this is considered a **less than significant** impact.

Project Requirements

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

- *Properly and routinely maintain all construction equipment, as recommended by manufacturer's manuals, to control exhaust emissions.*
- *Shut down equipment when not in use for extended periods of time, to reduce exhaust emissions associated with idling engines.*
- *Encourage ride-sharing and use of transit transportation for construction employees commuting to the project site.*
- *Use electric equipment for construction whenever possible in lieu of fossil fuel-powered equipment.*
- *Curtail construction during periods of high ambient pollutant concentrations.*
- *Construction equipment shall operate no longer than eight cumulative hours per day.*
- *All construction vehicles shall be equipped with proper emission control equipment and kept in good and proper running order to reduce NOx emissions.*
- *On-road and off-road diesel equipment shall use aqueous diesel fuel if permitted under manufacturer's guidelines.*
- *On-road and off-road diesel equipment shall use diesel particulate filters if permitted under manufacturer's guidelines.*
- *On-road and off-road diesel equipment shall use cooled exhaust gas recirculation (EGR) if permitted under manufacturer's guidelines.*

- *Use of Caterpillar pre-chamber diesel engines or equivalent shall be utilized if economic and available to reduce NOx emissions.*
- *All construction activities within the project site shall be discontinued during the first stage smog alerts.*
- *Construction and grading activities shall not be allowed during first stage ozone alerts. (First stage ozone alerts are declared when ozone levels exceed 0.20 ppm for the 1-hour average.)*

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

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

- *Water previously disturbed exposed surfaces (soil) a minimum of three-times/day or whenever visible dust is capable of drifting from the site or approaches 20 percent opacity.*
- *Water all haul roads (unpaved) a minimum of three-times/day or whenever visible dust is capable of drifting from the site or approaches 20 percent opacity.*
- *All access roads and parking areas shall be covered with asphalt-concrete paving or water sprayed regularly.*
- *Dust from all on-site and off-site unpaved access roads shall be effectively stabilized by applying water or using a chemical stabilizer or suppressant.*
- *Reduce speed on unpaved roads to less than 15 miles per hour.*
- *Install and maintain a trackout control device that meets the specifications of SJVAPCD Rule 8041 if the site exceeds 150 vehicle trips per day or more than 20 vehicle trips per day by vehicles with three or more axles.*
- *Stabilize all disturbed areas, including storage piles, which are not being actively utilized for construction purposes using water, chemical stabilizers or by covering with a tarp, other suitable cover or vegetative ground cover.*
- *Control fugitive dust emissions during land clearing, grubbing, scraping, excavation, leveling, grading or cut and fill operations with application of water or by presoaking.*
- *When transporting materials offsite, maintain a freeboard limit of at least six inches and over or effectively wet to limit visible dust emissions.*
- *Limit and remove the accumulation of mud and/or dirt from adjacent public roadways at the end of each workday. (Use of dry rotary brushes is prohibited except when preceded or accompanied by sufficient wetting to limit visible dust emissions and the use of blowers is expressly forbidden.)*
- *Remove visible track-out from the site at the end of each workday.*
- *Cease grading activities during periods of high winds (greater than 20 mph over a one-hour period).*
- *Asphalt-concrete paving shall comply with SJVAPCD Rule 4641 and restrict use of cutback, slow-sure, and emulsified asphalt paving materials.*

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

Operational Emissions

As stated previously, the SJVAPCD has pre-calculated the emissions on a large number and types of projects to identify the level at which they have no possibility of exceeding the emissions thresholds listed in the SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts Table 4-1. The proposed project screens out under both criteria used by the SJVAPDC, thus is excluded from quantifying criteria pollutant emissions for CEQA purposes.

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

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

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

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

Project Requirements

Requirement 4: *Prior to the issuance of the first building permit, the project applicant shall coordinate with the SJVAPCD to verify that the project meets the requirements of District Rule 9510, which is aimed at the following reductions:*

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

The project applicant shall coordinate with SJVAPCD to develop measures and strategies to reduce operational emissions from the proposed project. If feasible measures are not available to meet the emissions reductions targets outlined above, then the project applicant may be required to pay an

in-lieu mitigation fee to the SJVAPCD to off-set project-related emissions impacts. If in-lieu fees are required, the project applicant shall coordinate with the SJVAPCD to calculate the amount of the fees required to off-set project impacts.

Response d): Less than Significant. Sensitive receptors are those parts of the population that can be severely impacted by air pollution. Sensitive receptors include children, the elderly, and the infirm. The nearest sensitive receptor to the project site is Art Freiler Elementary School, located approximately, ¼ mile north-east of the project site. As described above, the proposed project would not generate significant emissions of criteria air pollutants and would not result in substantial pollutant concentrations. The proposed project would be subject to the SJVAPCD requirements for construction and operational emissions outlined in requirements 2 through 4. Therefore, this is considered a **less than significant** impact.

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

IV. BIOLOGICAL RESOURCES -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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

The analysis of biological resources presented below is based primarily on the Biological Inventory prepared for the project site by LSA Associates, Inc. (September 26, 2014). LSA performed a database search of the California Natural Diversity Data Base (CNDDB 2014), the California Native Plant Society (CNPS) Online Edition (2014), and the United States Fish and Wildlife Service (USFWS) online list (2014) referencing the Tracy, Vernalis, Solyo, Lathrop, Midway, Union Island, and Clifton Court Forebay quadrangles. These databases contain records of special status species that have been recorded in the general vicinity and provide an indication of what species might occur on the property.

LSA biologist Dayna Winchell visited the property on August 15, 2014 and conducted a biological survey noting plant communities and special species occurring on the property. The potential for

the property to support special status species and sensitive habitats was also assessed during the site visit.

Response a): Less than Significant.

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

Special-status reptiles and amphibians: 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 is 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.

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

Special-status wildlife species: Special-status wildlife species that occur within the region include: bats, western burrowing owl, Swainson's hawk, ferruginous hawk, northern harrier,

white-tailed kite, California horned lark, loggerhead shrike, and California horned lizard. Each of these species, and the potential for presence on the project site, are discussed below.

Bats. The special status bat species most likely to occur in the vicinity of the property is the pallid bat (*Antrozous pallidus*); a California species of concern. There is only one CNDDB record for pallid bat within the search area, located approximately 7.5 miles south of the project site. This species may occupy a range of habitats including empty buildings and rock crevices. Pallid bat may utilize the empty houses and outbuildings on the property. No sign of bat presence was observed during the field survey; however, bats may roost in the outbuildings during other times of the year. While it is unlikely a large number of bats would roost on the property; some individuals could potentially use the outbuildings as a roost site.

Western burrowing owl. The western burrowing owl (*Athene cunicularia*) is a California species of concern. Burrowing owls are highly documented in the vicinity of the project with 74 CNDDB occurrences in the search area. Ten occurrences are located within 2 miles of the property. Burrowing owls occur in warm valleys, open, dry grasslands, scrubland associated with agriculture and urban areas that support populations of California ground squirrels. Burrowing owls nest below ground and depend on the presence of fossorial species in order to use abandoned burrows. Although no ground squirrel burrows were observed, artificial/substitute burrows (i.e., pipes and concrete debris) were observed on the property. No burrowing owls, or sign of owls, were observed on the property; however, during the nesting season or during the winter burrowing owls are locally migratory and this species could occur on the project site.

Ferruginous hawk. The ferruginous hawk (*Buteo regalis*) is a State threatened species. There are three CNDDB occurrences for ferruginous hawk in the search area; the closest is located approximately 5 miles southwest of the project site. This species occurs in open country, plains and grasslands. Ferruginous hawks nest in trees and forages on rabbits, squirrels, and small mammals. Ferruginous hawks prefer to nest in large tress and, due to their smaller size, the oak trees on the property provide only minimally suitable nesting habitat; it is possible but unlikely, that this species would nest on the project site. Suitable foraging habitat is present and this species could forage in the project site.

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, with the nearest nesting sites located approximate 1 mile south of the project site. Although no nesting sites for this species occur on the project site, Swainson's hawks are present in the vicinity. Swainson's hawks prefer to nest in large tress and, due to their smaller size, the oak trees on the project site provide only minimally suitable nesting habitat; it is possible, but unlikely, that this species would nest on the property. Suitable foraging habitat is present and this species could forage on the project site.

Northern harrier. The northern harrier (*Circus cyaneus*) is a State species of concern. Northern harriers are ground nesters; nests are usually built in a dense clump of vegetation such as willows and cattails. There is only 1 CNDDB records for this species in the search area; located approximately 7 miles northwest of the property. This species forages on the wing and fly low over the ground to capture prey. Prey generally consists of small mammals, reptiles, amphibians, and birds. There is no suitable nesting habitat on the property; however, this species could forage on the property.

White-tailed kite. The white-tailed kite (*Elanus leucurus*), a State special animal, nests and forages in a variety of settings. There are 2 CNDDB occurrences within the search area for this species; the closest located approximately 7 miles west of the project site. White-tailed kites range throughout the Central Valley, west of the Sierra, and the coast and coastal valleys from Humboldt County south. White-tailed kites build stick nests in the tops of trees and eggs are laid from January to June. They forage for small rodents over grassland and open savanna. No nests were observed on the property; however, the oak trees provide minimally suitable nesting habitat for white-tailed kites. It is possible, but unlikely, for this species to nest on the property. Suitable foraging habitat is present and this species could forage on the property.

California horned lark. The California horned lark (*Eremophila alpestris actia*) is a State species of concern. There are 11 CNDDB records for this specie in the search area; the closest is located approximately 7 miles south of the project site. This species occurs on bare, dry ground and areas with short vegetation such as prairies, deserts, tundras and grazed pastures. California horned larks nest on the bare ground in a nest constructed of woven grass and other plant material. The ruderal vegetation areas on the property provide suitable nesting and foraging habitat for this species; this species could potentially occur.

Loggerhead shrike. The loggerhead shrike (Lanius ludovicianus) is a State species of concern. Loggerhead shrikes are relatively common; there are seven CNDDB records within the search area. The closest record is located approximately 7 miles southwest of the property. Loggerhead shrikes prefer open habitats with scattered shrubs, trees, posts, fences, utility lines, or other perches. Loggerhead shrikes are rarely found in heavily urbanized areas, but often occur in open croplands. This species nests in thorny vegetation or pile of brush or tumbleweed. There is no suitable nesting habitat present; however, the property does provide suitable foraging habitat for this species. Loggerhead shrikes could forage on the property.

California horned lizard. The coast horned lizard (*Phrynosoma blainvillii*) is a State species of concern that occurs in a variety of habitats types. There are 12 CNDDB records for this species in the search area; the closest is located approximately 5 miles southwest of the property. Open areas of loose soil and low vegetation in valleys, foothills and semiarid mountains are suitable for this species. This species may also be found in lowlands along sandy washers and scattered shrubs. The coast horned lizard could potentially occur on the property.

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 relatively low, the implementation of the following requirement would ensure that special status plant or wildlife species are protected throughout the region. Impacts to special status plant or wildlife species would be **less than significant**.

Project Requirements

Requirement 5: *Prior to development of the site, including the commencement of grading activities, the City of Tracy and the project applicant shall consult with SJCOG to pursue and obtain coverage of the project pursuant to the SJMSCP. 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 all of the species listed above. If none of these species are detected, then construction activities may commence. If any of these species or occupied nests are discovered, then the project applicant shall implement all avoidance and protection measures required by SJCOG pursuant to the SJMSCP.*

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.

Response c): No Impact. 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. As such, the proposed project would have **no impact** on these resources.

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

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

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

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

The project site is designated as land Category-A exempt/ no pay zone by the SJMSCP. Therefore, the project would not be subject to land conversion fees. However, providing for the long-term management of plant, fish and wildlife species, including those currently listed under the Federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA), the SJMSCP provides Incidental Take Minimization Measures (ITMMs).

As indicated under Requirement 5, the City of Tracy and the project applicant shall consult with SJCOG to pursue and obtain coverage of the project pursuant to the SJMSCP prior to development of the site. Compliance with Requirement 5 would ensure that the project complies with the requirements of the SJMSCP, and would not conflict with any applicable habitat conservation plans. Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). Therefore, this is a **less than significant** impact.

V. CULTURAL RESOURCES -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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. The City of Tracy General Plan and subsequent EIR do not identify the project site as having prehistoric period, or cultural resources. Additionally, there are no known unique cultural, historical, paleontological or archeological resources known to occur on, or within the immediate vicinity of the project site. Furthermore, neither the site, nor any structures on the site, are designated as a historical resource as defined by Public Resources Code § 21084.1, or listed in, or eligible for listing in the California Register of Historical Resources. The existing residential structures located on the project site were originally constructed in 1947, making them greater than 50 years old. Section 18955 the California State Historical Building Code (CHBC) defines a "qualified historical building or structure" as *"any structure or property, collection of structures, and their associated sites deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction. This shall include structures on existing or future national, state or local historical registers or official inventories, such as the National Register of Historic Places, State Historical Landmarks, State Points of Historical Interest, and city or county registers or inventories of historical or architecturally significant sites, places, historic districts, or landmarks. This shall also include places, locations, or sites identified on these historical registers or official inventories and deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction."*

The existing homes on the project site are not registered on any official state, regional, or local inventories of historical resources, nor are the existing homes deemed of importance to the history, architecture, or culture of the area. There are no notable architectural or historic-period design features present on any of the existing homes on the site, and these existing homes do not qualify as historically significant resources.

Because the site has been previously disturbed and contains residential uses, it is not anticipated that site grading and preparation activities would result in impacts to cultural, historical,

archaeological or paleontological resources. There are no known human remains located on the project site, nor is there evidence to suggest that human remains may be present on the project site. However, as with most projects in California that involve ground-disturbing activities, there is the potential for discovery of a previously unknown cultural and historical resource or human remains.

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

Project Requirements

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

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

VI. GEOLOGY AND SOILS -- WOULD THE PROJECT:

	Potentially Significant Impact	***Less Than Significant with Mitigation***	***Less Than Significant Impact***	***No Impact***
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. However, 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 5 miles to the west of the site, and the Greenville fault, located approximately 13 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. Figure 5 shows nearby faults in relation to the project site.

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

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

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

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

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

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**.

Responses a.iii): Less than Significant. Liquefaction normally occurs when sites underlain by saturated, loose to medium dense, granular soils are subjected to relatively high ground shaking. During an earthquake, ground shaking may cause certain types of soil deposits to lose shear strength, resulting in ground settlement, oscillation, loss of bearing capacity, landsliding, and the buoyant rise of buried structures. The majority of liquefaction hazards are associated with sandy soils, some 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. Soils that underlay the project site consist of predominantly clay soil particle sizes. Clay-type soils are generally not subject to liquefaction.

As identified in the Tracy General Plan EIR, the majority of the Tracy Planning Area is at low risk for liquefaction, with the exception for the river banks within the Planning Area. Objective SA-1.1 states that geologic hazards should be minimized. The Safety Element contains a policy requiring that geotechnical engineering studies be undertaken for any development in areas where potentially serious geologic risks exist (Objective SA- 1.1, P1), which would include liquefaction. The General Plan EIR concluded that the implementation of this policy would reduce the potential risk of liquefaction to a **less-than-significant** level.

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

Project Requirements

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

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

Response b): Less than Significant. During the construction preparation process, 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. Air quality requirements 2 through 4 (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, Requirement 10 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 requirements would ensure impacts are **less than significant**.

Responses c), d): Less than Significant. The potential for the project to be exposed to unstable soil conditions resulting from on-or off-site landslide, and liquefaction are discussed above under Responses a.iii, and a.iv., and were found to be **less than significant** impacts.

Lateral Spreading: The geologic conditions conducive to lateral spreading include gentle surface slope (0.3-5% slope), and liquefiable soils. As identified in the Tracy General Plan EIR, the majority of the Tracy Planning Area is at low risk for liquefaction, with the exception for the river banks within the Planning Area. Soils that underlay the project site consist of predominantly clay soil particle sizes, which are generally not subject to liquefaction.

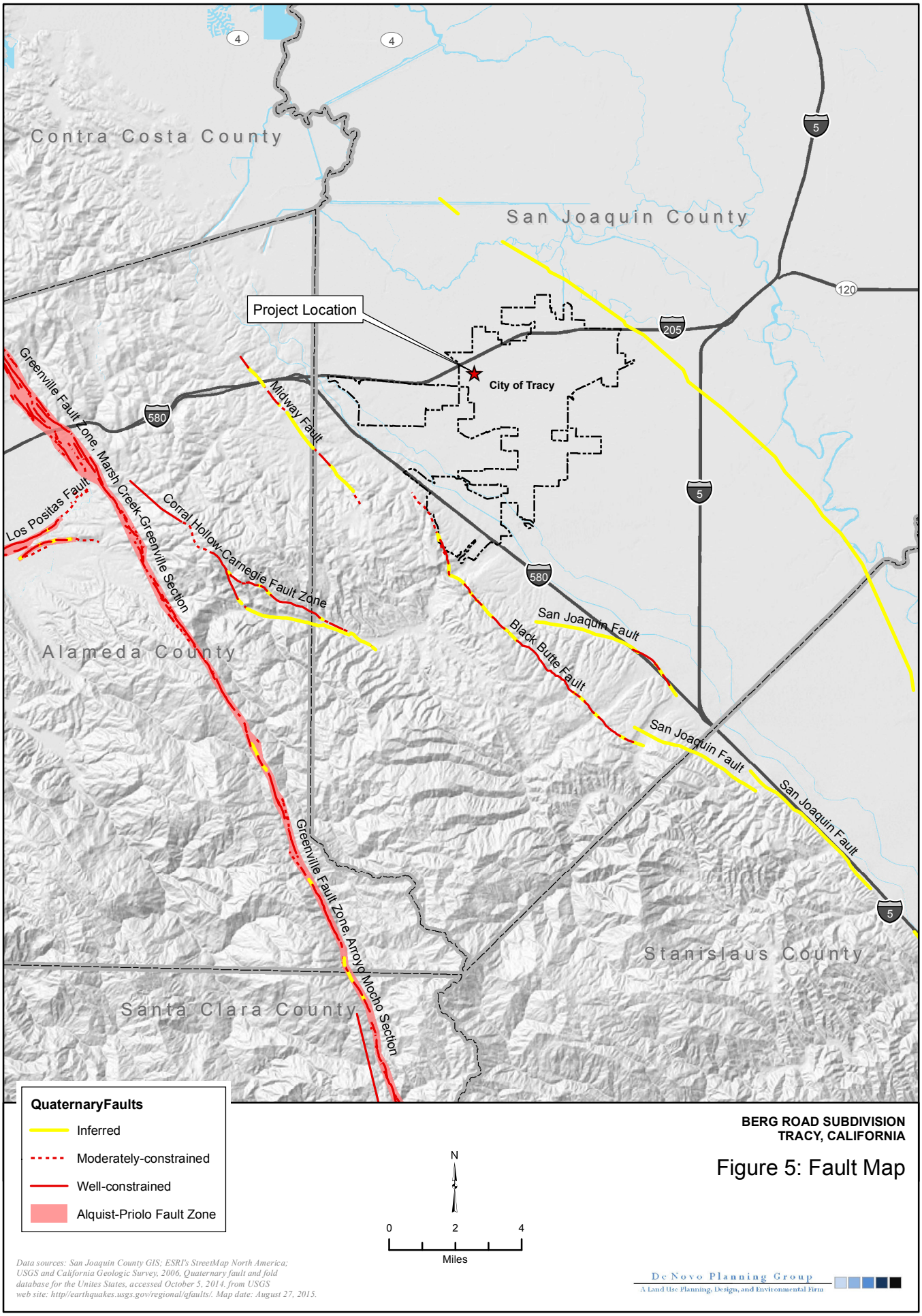
The potential for ground surface damage at the site resulting in lateral spreading is low due to lack of saturated liquefiable soils. Therefore, impacts related to lateral spreading from project implementation would be **less than significant**.

Expansive Soils: Expansive Soils are those that undergo volume changes as moisture content fluctuates; swelling substantially when wet or shrinking when dry. Soil expansion, and settling 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. As indicated in the Tracy General Plan EIR, Tracy does have a moderate to high risk for expansive soils, depending on the location and soil type. The Safety Element contains objectives to minimize geologic hazards, and a policy to require geotechnical reports for all development proposed in areas with risk of geological hazard (Objective SA-1.1, P2). Therefore, it was concluded that implementation of the General Plan policy would reduce the potential impact related to the risk of soil expansion to a less-than-significant level. Figure 6 shows the shrink-swell potential of soils on the project site. As shown in Figure 6, soils that underlay the project site are considered to have a high potential for expansion (Linear Extensibility 6-9%).

To reduce the potential for post-construction distress to the proposed structures resulting from swelling and shrinkage of these materials, a geotechnical evaluation is required by Requirement 7 in order to reduce the potential for damaging differential settlement of overlying improvements. Additionally, the California Building Code Title 24, Part 2, Chapter 18, Section 1803.1.1.2 requires specific geotechnical evaluation when a preliminary geotechnical evaluation determines that expansive or other special soil conditions are present, which, if not corrected, would lead to structural defects. As such, this is a **less than significant** impact.

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.



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TRACY, CALIFORNIA

Figure 5: Fault Map

Data sources: San Joaquin County GIS; ESRI's StreetMap North America; USGS and California Geologic Survey, 2006, Quaternary fault and fold database for the Unites States, accessed October 5, 2014, from USGS web site: http/earthquakes.usgs.gov/regional/qfaults/. Map date: August 27, 2015.

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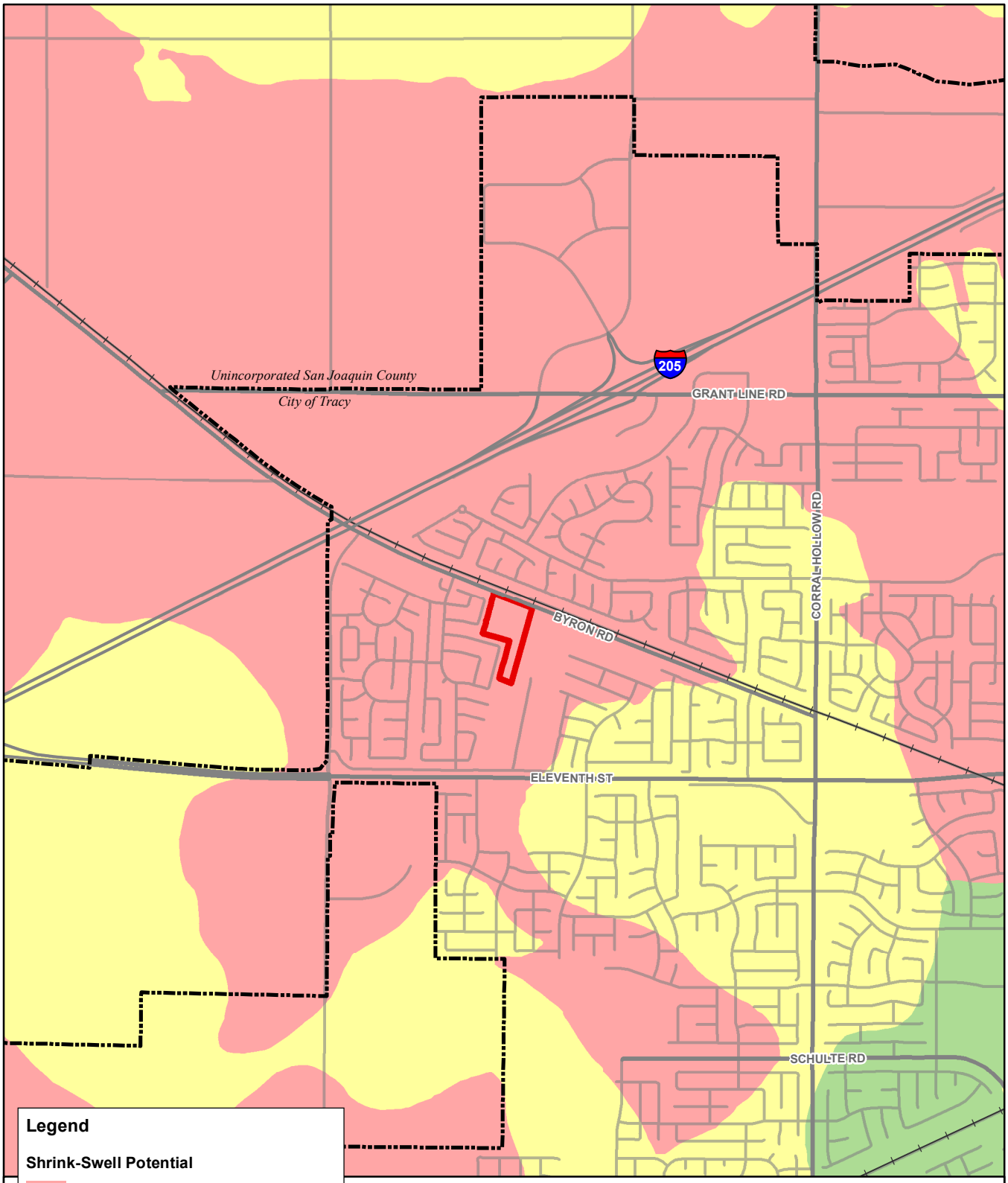

Sources: NRCS Web Soil Survey Area CA077, San Joaquin County, California, SSA version 8 established 09/17/2014; San Joaquin County GIS; Map date: August 31, 2015.

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TRACY, CALIFORNIA

Figure 6: Shrink-Swell Potential of Soils

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XII. GREENHOUSE GAS EMISSIONS – WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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_2O), carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and ozone (O_3). 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_2, CH_4, and N_2O 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)[1].

Greenhouse gases, which are transparent to solar radiation, are effective in absorbing infrared radiation. As a result, this radiation that otherwise would have escaped back into space is now retained, resulting in a warming of the atmosphere. This phenomenon is known as the greenhouse effect. Among the prominent GHGs contributing to the greenhouse effect are carbon dioxide (CO_2), methane (CH_4), ozone (O_3), water vapor, nitrous oxide (N_2O), 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) [2]. In California, the transportation

[1] Intergovernmental Panel on Climate Change. 2013. "Climate Change 2013: The Physical Science Basis, Summary for Policymakers." http://www.climatechange2013.org/images/report/WG1AR5_SPM_FINAL.pdf

[2] California Energy Commission. 2014. California Greenhouse Gas Emission Inventory. http://www.arb.ca.gov/cc/inventory/inventory_current.htm

sector is the largest emitter of GHGs, followed by electricity generation (California Energy Commission 2014).

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 ($MMTCO_2e$) in 2012 (California Energy Commission 2014). By 2020, California is projected to produce 509 $MMTCO_2e$ per year.[3]

Carbon dioxide equivalents are a measurement used to account for the fact that different GHGs have different potential to retain infrared radiation in the atmosphere and contribute to the greenhouse effect. This potential, known as the global warming potential of a GHG, is also dependent on the lifetime, or persistence, of the gas molecule in the atmosphere. Expressing GHG emissions in carbon dioxide equivalents takes the contribution of all GHG emissions to the greenhouse effect and converts them to a single unit equivalent to the effect that would occur if only CO_2 were being emitted.

Consumption of fossil fuels in the transportation sector was the single largest source of California's GHG emissions in 2004, accounting for 40.7% of total GHG emissions in the state (California Energy Commission 2006a). This category was followed by the electric power sector (including both in-state and out of-state sources) (22.2%) and the industrial sector (20.5%) (California Energy Commission 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 21st century (Cal EPA 2006)[4]. 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

[3] California Air Resources Board. 2015. "2020 Business-as-Usual (BAU) Emissions Projection *2014 Edition*". http://www.arb.ca.gov/cc/inventory/data/bau.htm

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

precipitation could lead to increased potential and severity of flood events, placing more pressure on California's levee/flood control system.

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

Public Health

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

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

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

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

Response b): Less than Significant. The City of Tracy recently adopted the Tracy Sustainability Action Plan. The Sustainability Action Plan includes programs and measures to reduce GHGs

through community and municipal operations. Programs and measures contained in the Sustainability Action Plan that relate to the proposed project include, but are not limited to:

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

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

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

The City of Tracy will require the project to fully implement all applicable requirements of the Sustainability Action Plan. 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.

Requirements

Requirement 8: *Prior to construction, the project applicant shall demonstrate compliance* of *all applicable requirements of the Sustainability Action Plan to the City of Tracy Development Services Department for review and approval.*

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

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a), b): Less than Significant. The proposed project would place new residential uses in an area of the City that currently contains predominantly residential 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, Requirement 10 (hydrology and water quality) requires the project applicant to implement a Stormwater Pollution Prevention Plan during construction activities, which would prevent any contaminated runoff from leaving the project site. Therefore, compliance with applicable federal, state, local statutes and regulations, and the SWPPP provided in Requirement 10, the proposed project would have a **less than significant** impact relative to this issue.

Response c): Less than Significant. The project site is located within ½ mile of Art Freiler Elementary School. As described under Response a), above, the project would not involve the use, storage, transport or handling of hazardous materials, beyond those commonly found in typical residential areas. The residential uses proposed would not expose school children to substantial pollutant concentrations, hazardous materials, or other significant hazards. Construction related activities may utilize limited quantities of common hazardous materials on the site, and the use, storage, and transport of these materials are required to comply with applicable federal, state, and local statutes and regulations, which would reduce the potential for accidental spills or releases that could exposure schools to hazardous materials. Additionally Requirement 10 requires the project applicant to implement a Stormwater Pollution Prevention Plan during construction activities, which would prevent any contaminated runoff from leaving the project site. Therefore, there is limited exposure of school sites to hazardous materials from operation or construction activities that may use or store hazardous materials at the project site. This is a **less than significant** impact

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 adjacent to the project site. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5.

The nearest site to the proposed project is located roughly ¼ mile east of the project site. Information relating to this site is provided below:

Old Valley Pipeline (site #39460005)

- Cleanup status active as of 9/9/2002
- site type: voluntary cleanup
- national priorities list: no
- acres: 26 acres
- cleanup oversight agencies:
- RWQCB 5f - central valley - lead
- DTSC - site cleanup program

In the early 1900s, Chevron's predecessors built the Old Valley and TAOC Pipelines to transport oil from the oilfields in Kern County to Richmond refinery where it was turned into gasoline and other fuels. Also, Bunker "C" fuel was transported from Richmond to Tracy. The pipelines were operated until the early 1970s when they were emptied, cleaned and decommissioned. Due to the nature of the historic pipeline operations, soils affected by residual oil have been found along these pipelines. Residual oil has occasionally been found while maintaining neighboring underground utilities and during construction in areas adjacent to the former pipeline right-of-way along Byron Road.

As stated in the City's General Plan and General Plan EIR, developers are required to conduct the necessary level of environmental investigation prior to project approval to ensure that development sites would not affect the environment or the health or safety of future property owners (Objective SA-4.1, P2). The General Plan EIR concluded that this policy would reduce the potential impact to a less-than-significant level.

The testing of soil prior to the start of construction in order to identify whether soil in the area has been impacted by historic pipeline operations is required prior to construction and earthmoving activities, as required by the Tracy General Plan and Project Requirement 9. This requirement represents the application of uniformly applied measures aimed at reducing exposure to hazardous materials. Additionally, there are no Federal Superfund Sites, State Response Sites, or Voluntary Cleanup Sites on, or adjacent to the project site. The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5. Therefore, implementation of the proposed project would result in a **less than significant** impact relative to this environmental topic.

Requirements

Requirement 9: *Prior to earthmoving or utility upgrade activities, the project proponent shall coordinate with Chevron for Pipeline location and alignment and procedures to reduce the potential of accidental upset of historical pipeline contaminates. These efforts shall include onsite soil samples to determine the presence or absence of historical pipeline contaminates in soils on the project site. In the event that elevated levels of soil contaminants are discovered, remediation and cleanup efforts shall be completed, to the satisfaction of the California Department of Toxic Substances Control (DTSC) prior to any onsite earthmoving or grading activities.*

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 mile to the southeast. 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. According to SJCOG Guidelines there are seven 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)
7. Zone 8 Airport Influence Area (AIA)

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, or within an AIA. 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. Therefore safety hazards related to the project's proximity to the Tracy Municipal Airport are **less than significant.**

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

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

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

The California Department of Forestry has designated the southwestern edge of the City as having a moderate wildland fire potential. This is predominately a result of the hills and grassland habitat that persists. The identified moderate wildland fire potential area in and around Tracy

does not include the project site. Since the project site is not located within a designated wildfire hazard area, this is a **less than significant** impact.

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

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

RESPONSES TO CHECKLIST QUESTIONS

Responses a): Less than Significant. Wastewater generated by the proposed project would be conveyed to the Tracy Wastewater Treatment Plan (WWTP) for treatment and disposal. The City's wastewater collection system consists of gravity sewer lines, pump stations and the WWTP. Wastewater flows toward the northern part of the City where it is treated at the WWTP and then discharged into the Old River in the southern Sacramento-San Joaquin Delta. The 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 10.8mgd. The City's Wastewater Treatment Plant (WWTP) currently treats approximately 9.0mgd 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 216 gallons per day of wastewater per residential unit was used to estimate the wastewater that would be generated by the proposed project. [5] Based on this generation factor, it is estimated that the proposed project would generate up to 15,336gpd, or 0.0153mgd of wastewater. The addition of 0.0153mgd 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 City requires 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. Additionally, projects are required to prepare a Stormwater Pollution Prevention Plan (SWPPP).

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. The payment of applicable development impact fees by the proposed project would ensure that the project pays its fair-share of capital improvement fees towards future system expansions, as identified in the 2012 Tracy Wastewater Master Plan. Additionally, 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 the SWPPP required by Requirement 10 impacts are considered **less than significant**.

[5] Wastewater Flow and Loading Generation Factors from the Tracy Wastewater Master Plan (Low Density Residential wastewater generation factor)

Project Requirements

Requirement 10*: 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.*

Requirement 11: *Prior to approval of the Final Map, the project applicant shall 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 shall, to the satisfaction of the City Engineer, 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 shall also pay all applicable development impact fees, which would include funding for offsite Citywide storm drainage infrastructure improvements identified in the 2012 City of Tracy Citywide Storm Drainage Master Plan.*

Responses b): Less than Significant. The proposed project would not result in the construction of new groundwater wells, nor would it increase existing levels of groundwater pumping. The proposed project would be served by the City's municipal water system. The City of Tracy uses several water sources, including the US Bureau of Reclamation, the South County Water Supply Project (SCWSP), and groundwater.

The City's existing Groundwater Management Policy prohibits groundwater extraction to exceed 9,000 AF (the determined safe yield). The General Plan contains policies to address groundwater use and conservation that will assist in avoiding impacts to groundwater sources. The City will use surface water supplies to the greatest extent feasible to reduce reliance on groundwater (Objective PF-6.1, P3) and to reserve groundwater supplies for emergency use, such as droughts or short-term shortages (Objective PF-6.4, P1). As a result of adopted City policies and General Plan policies, a less-than-significant groundwater impact was determined by the General Plan EIR. The proposed project is consistent with land use designations and densities analyzed under the General Plan EIR. Thus, the proposed project potential for groundwater depletion is consistent with the General Plan EIR finding of less than significant.

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, portions 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.

Because the City has adequate existing water service capacity to serve the project, and the limited scope of impervious surface coverage (when compared to the larger groundwater basin), the proposed project would result in **less than significant** impacts related to depletion of groundwater supplies and interference with groundwater recharge.

Responses c), d), e), f): Less than Significant. When land is in a natural or undeveloped condition, soils, mulch, vegetation, and plant roots absorb rainwater. This absorption process is called infiltration or percolation. Much of the rainwater that falls on natural or undeveloped land slowly infiltrates the soil and is stored either temporarily or permanently in underground layers of soil. When the soil becomes completely soaked or saturated with water or the rate of rainfall exceeds the infiltration capacity of the soil, the rainwater begins to flow on the surface of land to low lying areas, ditches, channels, streams, and rivers. Rainwater that flows off of a site is defined as storm water runoff. When a site is in a natural condition or is undeveloped, a larger percentage of rainwater infiltrates into the soil and a smaller percentage flows off the site as storm water runoff.

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

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 portions of the 9.91-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 a retention basin by a new stormwater conveyance system northeast of the project site.

In order to ensure that stormwater runoff from the project site does not adversely increase pollutant levels in adjacent surface waters and stormwater conveyance infrastructure, Requirement 10 requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP).

As described previously, 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.

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. The project applicant is required to submit a detailed storm drainage infrastructure plan to the City of Tracy Development Services Department for review and approval. The project's storm drainage infrastructure plans must demonstrate adequate infrastructure capacity to collect and direct all stormwater generated on the project site within onsite retention/detention facilities to the City's existing stormwater conveyance system, and demonstrate that the project would not result in on- or off-site flooding impacts. The project is also required to pay all applicable development impact fees, which would include funding for offsite Citywide storm drainage infrastructure improvements identified in the 2012 City of Tracy Citywide Storm Drainage Master Plan. The 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. The payment of applicable development impact fees by the proposed project would ensure that the project pays its fair-share of capital improvement fees towards future system expansions, as identified in the 2012 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, or otherwise degrade water quality, Requirement 10 requires the preparation of a Stormwater Pollution Prevention Plan (SWPPP), and structural BMPs. As described above, the SWPPP would require the application of BMPs to effectively reduce pollutants from stormwater leaving the site, which would ensure that stormwater runoff does not adversely increase pollutant levels, and would reduce the potential for disturbed soils and ground surfaces to result in erosion and sediment discharge into adjacent surface waters during construction and operational phases of

the project. The implementation of this requirement would reduce this impact to a less than significant level.

In order to ensure that stormwater runoff generated at the project site as a result of new impervious surfaces does not exceed the capacity of the existing or planned stormwater drainage system, Requirement 11 above, requires the project applicant 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 shall, to the satisfaction of the City Engineer, 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 implementation of this requirement would reduce this impact to a less than significant level.

Through the payment of all applicable fees, and the implementation of requirements 10 and 11, would ensure that this impact is **less than significant**.

Responses g), h): Less than Significant. The 100-year floodplain denotes an area that has a one percent chance of being inundated during any particular 12-month period.

Floodplain zones are determined by the Federal Emergency Management Agency (FEMA) and used to create Flood Insurance Rate Maps (FIRMs). These tools assist cities in mitigating flooding hazards through land use planning. FEMA also outlines specific regulations for any construction, whether residential, commercial, or industrial within 100-year floodplains.

The project site is not located within the FEMA designated 100-year or 500-year floodplain. This is a **less than significant** impact.

Responses i), j): Less than Significant. The project site is not located within an inundation risk area. The nearest inundation areas are at the northernmost parts of the City (approximately 2.5 miles north of the project site) and are subject to inundation by the 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). 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 portions of the City. However, the project site lies outside of this risk area. Therefore, this is considered a **less than significant** impact.

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

X. LAND USE AND PLANNING - Would the project:

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

RESPONSES TO CHECKLIST QUESTIONS

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

Responses b): Less than Significant. The City Tracy General Plan land use designation for the project site is Residential Medium (consistent with the proposed project). The characteristic housing for the Residential Medium designation includes small lot single-family detached homes, duplexes, triplexes, fourplexes, townhouses, apartments and includes condominiums as an ownership type. Densities in the Residential Medium designation are from 5.9 to 12 dwelling units per gross acre.

The project site is currently zoned Medium Density Residential (MDR). Approval of a rezone from Medium Density Residential (MDR) to Medium Density Cluster (MDC) would be required prior to project approval. The Medium Density Cluster (MDC) Zone is designed to provide for single- and two-family dwellings, dwelling groups, and supporting uses to be utilized in appropriate locations within the areas designated medium density residential.

The proposed uses and densities on the project site are consistent with the General Plan designation of Residential Medium, and are consistent with the proposed MDC Zone. 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.

Response c): Less than Signification. The proposed project is classified as Urban Habitat under the SJMSCP. The City of Tracy and the project applicant shall consult with SJCOG to pursue and obtain coverage of the project pursuant to the SJMSCP prior to development of the site, as required by Requirement 5. Implementation of Requirement 5 would ensure that the project does not conflict with the implementation of the SJMSCP. Therefore, implementation of the Project would have a **less than significant** impact.

XI. MINERAL RESOURCES -- Would the project:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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): No Impact. As described in the Tracy General Plan EIR, the main mineral resources found in San Joaquin County, and the Tracy Planning Area, are sand and gravel (aggregate), which are primarily used for construction materials like asphalt and concrete. According to the California Geological Survey (CGS) evaluation of the quality and quantity of these resources, the most marketable aggregate materials in San Joaquin County are found in three main areas:

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

Figure 4.8-1 of the General Plan EIR identifies Mineral Resource Zones (MRZs) throughout the Tracy Planning Area. The project site is located within an area designated as MRZ-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 not 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:

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

RESPONSES TO CHECKLIST QUESTIONS

Response a): Less than Significant. The proposed project is located in an area consisting predominately of residential land uses. Residential land uses do not typically generate significant noise levels beyond those associated with common residential activities (lawn mowers, car doors, voices, etc.). However, traffic generated by the proposed project has the potential to contribute to roadway noise levels in the vicinity of the project site and throughout other areas of the City. Increases in roadway noise associated with buildout of the Tracy General Plan were addressed in the 2010 General Plan Recirculated Supplemental Draft EIR. As described in the Draft EIR, vehicular traffic on existing roadways in Tracy would increase as development proceeds and the City's population increases.

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 City of Tracy General Plan Noise Element establishes exterior and interior noise level limits for residential project. Policy 3 establishes a specific limit of 60 dB Ldn for exterior areas of single-family residential uses. However, if the primary noise source is train pass-bys, then the

standard for outdoor noise levels in multi-family residential is increased to 70 dB Ldn (Policy 9). An interior noise level standard of 45 dB Ldn is also established for all residential uses under (Policy 5).

EXISTING AMBIENT NOISE LEVELS

A Traffic Noise Analysis was conducted on the proposed project in order to determine in detail the potential for noise impacts to persons on the project site.

To quantify existing ambient noise levels in the vicinity of the project site, j.c. brennan & associates, Inc. staff conducted continuous short-term noise level measurements at three locations on the project site. Figure 1 shows noise measurement locations taken on the project site on August 31, 2015. The noise level measurements were conducted to determine the existing traffic noise levels on the project site and to calibrate the FHWA traffic noise prediction model.

The sound level meters were programmed to record the maximum, median, and average noise levels at each site during the survey. The maximum value, denoted L_{max}, represents the highest noise level measured. The average value, denoted L_{eq}, represents the energy average of all of the noise received by the sound level meter microphone during the monitoring period. The median value, denoted L_{50}, represents the sound level exceeded 50 percent of the time during the monitoring period.

Larson Davis Laboratories (LDL) Model 820 precision integrating sound level meters were used for the ambient noise level measurement survey. The meters were calibrated before and after use with an LDL Model CAL200 acoustical calibrator to ensure the accuracy of the measurements. The equipment used meets all pertinent specifications of the American National Standards Institute for Type 1 sound level meters (ANSI S1.4). Table 1 shows a summary of the noise measurement results.

Table 1: Existing Ambient Noise Monitoring Results

			AVERAGE MEASURED HOURLY NOISE LEVELS, DBA						
				DAYTIME (7:00 AM - 10:00 PM)			*NIGHTTIME (10:00 PM – 7:00 AM)*		
SITE	*LOCATION*	*DATE - TIME*	L_{dn}	L_{eq}	L_{50}	L_{max}	L_{eq}	L_{50}	L_{max}
NOISE MEASUREMENT SITE									
1	Northwest corner of site. 50 feet to centerline of Byron Rd.	8/31/15 – 12:30 p.m.	N/A	65	59	78	N/A	N/A	N/A
2	Northeast corner of site. 50 feet to centerline of Byron Rd.	8/31/15 – 12:51 p.m.	N/A	64	56	75	N/A	N/A	N/A
3	Northeast corner of site. 66 feet to centerline of Byron Rd	8/31/15 – 1:05 p.m.	N/A	63	57	74	N/A	N/A	N/A

SOURCE: J.C. BRENNAN & ASSOCIATES, INC. – 2015

PREDICTED NOISE LEVELS

Railroad Noise Levels

Based upon field observations, the adjacent UPRR line does not appear to be in operation. Additionally, the Mountain House Master Plan EIR (San Joaquin County, July 2008) indicates that the line is a standby route with no contemplated use for freight movement. However, the Master Plan indicates that there has been discussion of using the line for commuter passenger service.

Because future use of the rail line could occur, the potential for noise impacts exists. However, it is difficult to provide an accurate assessment of railroad noise impacts without knowing the level of activity that could occur on the rail line.

Assuming that 10 trains occurred daily and that each train generated a sound exposure level (SEL) of 100 dB at a distance of 100 feet from the railroad centerline, the day-night average (Ldn) noise level can be calculated using the following equation.

$$L_{dn} = SEL + 10 \log N_{eq} - 49.4 \text{ dB, where:}$$

SEL is the measured SEL of the train event (100 dB at a distance of 100 feet), Neq is the sum of the daytime (7 a.m. to 10 p.m.) train events plus 10 times the number of nighttime (10 p.m. to 7 a.m.) train events, and 49.4 is ten times the logarithm of the number of seconds per day. Assuming an even distribution of trains between daytime and nighttime hours, the Ldn would be 67 dB at 100 feet. The nearest proposed residential property lines would be located approximately 130 feet from the railroad centerline.

Traffic Noise Levels

On August 27, 2015, j.c. brennan & associates, Inc. conducted short-term noise level measurements and concurrent counts of traffic on Byron Road at the project site. The purpose of the short-term traffic noise level measurement is to determine the accuracy of the FHWA model in describing the existing noise environment on the project site, while accounting for existing site conditions such as intervening structures, actual travel speeds, and roadway grade. Noise measurement results were compared to the FHWA model results by entering the observed traffic volume, speed, and distance as inputs to the FHWA model.

Instrumentation used for the measurement was a Larson Davis Laboratories (LDL) Model 820 precision integrating sound level meter which was calibrated in the field before use with an LDL CAL200 acoustical calibrator. Table 2 shows the results of the traffic noise calibration.

Table 2: Comparison of FHWA Model to Measured Traffic

VEHICLES				SPEED (MPH)	DIST. (FEET)*	MEASURED L_{eq}, dB	MODELED L_{eq}, dB**	DIFFERENCE
SITE	AUTOS	MED. TRK.	HVY.TRK.					
BYRON ROAD								
1	76	2	0	50	51	65.2 dBA	64.8 dBA	-0.4 dBA
2	62	0	0	50	51	64.1 dBA	63.4 dBA	-0.7 dBA
3	69	3	0	50	66	63.1 dBA	63.0 dBA	-0.1 dBA

*The noise measurement location is from the roadway centerline.
**Acoustically "soft" site assumed

Based upon the calibration results, the FHWA Model was found to accurately-predict Byron Road traffic noise levels within a 1 dB difference. Therefore, no offsets were added to the FHWA model for predicted future traffic noise levels for this roadway segment.

To predict existing noise levels due to traffic, the Federal Highway Administration Highway Traffic Noise Prediction Model (FHWA RD-77-108) was used. The model is based upon the Calveno reference noise emission factors for automobiles, medium trucks, and heavy trucks, with consideration given to vehicle volume, speed, roadway configuration, distance to the receiver, and the acoustical characteristics of the site. The FHWA model was developed to predict hourly L_{eq} values for free-flowing traffic conditions.

Traffic volumes were obtained from the traffic study prepared for the project (TJKM, January 2016). Truck percentages and vehicle speeds on the local area roadways were estimated from field observations.

Table 3 shows the predicted traffic noise levels at exterior and interior areas of the project.

Table 3: Predicted Traffic and Railroad Noise Levels

NOISE SOURCE	LOCATION	APPROXIMATE DISTANCE TO CENTERLINE, FEET	EXTERIOR NOISE LEVEL, L_{dn}	INTERIOR NOISE LEVEL (STANDARD CONSTRUCTION), L_{dn}[1]
EXISTING PLUS PROJECT				
Byron Road	1st Floor Interior	60	--	42 dB
Byron Road	2nd Floor Interior	60	--	45 dB
Byron Road	Backyards	60	**67 dB**	--
UPRR	1st Floor Interior	130	--	40 dB
UPRR	2nd Floor Interior	130	--	43 dB
UPRR	Backyards	130	65 dB	--
FUTURE PLUS PROJECT				
Byron Road	1st Floor Interior	60	--	42 dB
Byron Road	2nd Floor Interior	60	--	45 dB
Byron Road	Backyards	60	**67 dB**	--
UPRR	1st Floor Interior	130	--	40 dB
UPRR	2nd Floor Interior	130	--	43 dB
UPRR	Backyards	130	65 dB	--

[1] Standard residential construction typically provides a minimum exterior-to-interior noise level reduction of 25 dB with windows closed. With windows open, a reduction of 10-15 dB is typical.
Bold Underline indicates a predicted noise level in excess of the City standards.
-- Indicates that the exterior or interior noise level standard does not apply to this location.

Based upon the predicted future traffic noise levels shown in Table 3, the backyards of the residential lots located adjacent to Byron Road will be exposed to future traffic noise levels that exceed the City of Tracy General Plan exterior noise level standard of 60 dB Ldn. In order to achieve compliance with the City's exterior noise level standard, a noise barrier analysis was conducted. The results of the barrier analysis is shown in Table 4.

Table 4 Predicted Future Traffic Noise Levels with Various Noise Barrier Heights

NOISE SOURCE	LOCATION	NOISE LEVEL WITH VARYING PROPERTY LINE BARRIER HEIGHTS, LDN			
		6'	7'	8'	9'
Byron Road	Adjacent Backyards	61 dB	59 dB	58 dB	56 dB
UPRR	Adjacent Backyards	60 dB	59 dB	58 dB	57 dB

SOURCE: J.C. BRENNAN & ASSOCIATES, INC. WITH FHWA-RD-77-108
Barrier heights are relative to the proposed building pad elevations. Noise barrier reductions apply to first floor locations only.

The results of the barrier analysis shown in Table 4 indicate that the construction of a 7-foot tall solid noise barrier along Bryon Road would result in compliance with the City of Tracy normally acceptable exterior noise level standard of 60 dB L_{dn}.

Figure 8 shows the locations of the recommended noise barriers for the proposed project. Noise barriers should be constructed of concrete masonry (CMU) units or solid concrete panels. Noise barriers may include the combination of earthen berm and CMU wall. For example, a 6-foot tall CMU wall on top of a 1-foot tall earthen berm would be equivalent to a 7-foot tall sound wall, as long as the overall berm/wall height achieves an elevation 7-feet higher than the proposed building pad elevation. Wood is not recommended due to eventual warping and degradation of

acoustical performance. Other types of materials should be reviewed by an acoustical consultant prior to use. It should be noted that noise barriers are only effective for reducing traffic noise levels at first floor locations.

Interior Traffic Noise Levels:

Standard construction practices, consistent with the uniform building code typically provides an exterior-to-interior noise level reduction of approximately 25 dB, assuming that air conditioning is included for each unit, which allows residents to close windows for the required acoustical isolation. Therefore, as long as exterior noise levels at the building facades do not exceed 70 dB L_{dn}, the interior noise levels will typically comply with the interior noise level standard of 45 dB L_{dn}.

First floor traffic noise exposure at the lots closest to Byron Road are predicted to be less than 65 dB L_{dn} with the use of a property line noise barrier. Sound walls do not shield second floor building facades, additionally noise levels are typically 2-3 dB higher at second floor locations. Therefore, exterior noise levels at the second floor façade are predicted to be up to 70 dB L_{dn}. Based upon a typical exterior-to-interior noise level reduction of 25 dB, interior noise levels are predicted to be 45 dB L_{dn}, with windows closed. This would comply with the City's standard of 45 dB L_{dn}. Therefore, no additional interior noise control measures would be required.

CONCLUSIONS

The proposed project is predicted to be exposed to transportation noise levels exceeding the City of Tracy exterior noise level standards. The implementation of the Traffic Noise Analysis recommendations as stated previously, would make the proposed project consistent with the General Plan Noise policies identified above, and 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.

Project Requirements

Project Requirement 12*: The project shall require a 7-foot tall noise barrier to comply with the City of Tracy 60 dB L_{dn} exterior noise level standard. The recommended noise barrier location and height is to be as shown on Figure 8. The sound walls is to be constructed of concrete masonry (CMU) units, or solid concrete panels. Noise barriers may include the combination of earthen berm and CMU wall (i.e. a 6-foot tall CMU wall on top of a 1-foot tall earthen berm which would be equivalent to a 7-foot tall sound wall, as long as the overall berm/wall height achieves an elevation 7-feet higher than the proposed building pad elevation). If other Noise barrier materials are proposed, review by an acoustical consultant for consistency with noise standards shall be required prior to use.*

Project Requirement 13*:Air conditioning shall be included in all residences to allow occupants to close doors and windows as desired for acoustical isolation.*

Response b): Less than Significant. No major stationary sources of groundborne vibration were identified in the project area that would result in the long-term exposure of proposed onsite land

uses to unacceptable levels of ground vibration. In addition, the proposed project would not involve the use of any major equipment or processes that would result in potentially significant levels of ground vibration that would exceed these standards at nearby existing land uses. However, construction activities associated with the proposed project would require the use of various tractors, trucks, and potentially jackhammers that could result in intermittent increases in groundborne vibration levels. The use of major groundborne vibration-generating construction equipment/processes (i.e., blasting, pile driving) is not anticipated to be required for construction of the proposed project.

Groundborne vibration levels and their associated effects are shown in Table 5, and Groundborne vibration levels commonly associated with construction equipment are summarized in Table 6.

Table 5: Effects of Vibration on People and Buildings

PEAK PARTICLE VELOCITY IN./SEC.	HUMAN REACTION	EFFECT ON BUILDINGS
0.006-0.019	Threshold of perception; possibility of intrusion	Vibrations unlikely to cause damage of any type
0.08	Vibrations readily perceptible	Recommended upper level of the vibration to which ruins and ancient monuments should be subjected
0.10	Level at which continuous vibrations begin to annoy people	Virtually no risk of "architectural" damage to normal buildings
0.20	Vibrations annoying to people in buildings (this agrees with the levels established for people standing on bridges and subjected to relative short periods of vibrations)	Threshold at which there is a risk of "architectural" damage to normal dwelling - houses with plastered walls and ceilings. Special types of finish such as lining of walls, flexible ceiling treatment, etc., would minimize "architectural" damage
0.4-0.6	Vibrations considered unpleasant by people subjected to continuous vibrations and unacceptable to some people walking on bridges	Vibrations at a greater level than normally expected from traffic, but would cause "architectural" damage and possibly minor structural damage.

SOURCE: CALTRANS. TRANSPORTATION RELATED EARTHBORN VIBRATIONS. TAV-02-01-R9601 FEBRUARY 20, 2002.

Table 6: Representative Vibration Source Levels for Construction Equipment

EQUIPMENT	PEAK PARTICLE VELOCITY AT 25 FEET (IN/SEC)
Large Bulldozers	0.089
Loaded Trucks	0.076
Jackhammer	0.035
Small Bulldozers	0.003

SOURCE: FTA 2006, CALTRANS 2004

Based on the levels presented in Table 6, groundborne vibration generated by construction equipment (Table 5) 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**.

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. 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, and the proposed project is consistent with these findings. As such, this is a **less than significant** impact.

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

Table 7: Construction Equipment Noise

Type of Equipment	Maximum Level, dB at 50 feet
Backhoe	78
Compactor	83
Compressor (air)	78
Concrete Saw	90
Dozer	82
Dump Truck	76
Excavator	81
Generator	81
Jackhammer	89
Pneumatic Tools	85
Source: *Construction Noise Model User's Guide*. Federal Highway Administration. FHWA-HEP-05-054. January 2006.	

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

Project Requirements

Project Requirement 14*: The following requirements shall be implemented during all construction phases of the project:*

a) Construction activities (excluding activities that would result in a safety concern to the public or construction workers) shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. Construction activities shall be prohibited on Sundays and federal holidays.

b) Construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations.

c) Construction equipment staging areas shall be located at the furthest distance possible from nearby noise-sensitive land uses.

Response e): Less than Significant. The Tracy Municipal Airport is located approximately 4 miles south of the project site. The Airport is a general aviation airport owned by the City and managed by the Public Works Department. The City of Tracy adopted an Airport Master Plan in 1998, analyzing the impacts to safety on surrounding development from the Tracy Municipal Airport.

The San Joaquin County Airport Land Use Plan establishes noise contours surrounding the Tracy Municipal Airport. The project site is located outside of both the 65 dBCNEL and the 60 dBCNEL noise contours for the Tracy Municipal Airport, and the project site is outside of the Airport

Influence Area (AIA). As such, the project site would not be exposed to excessive noise from the Tracy Municipal Airport. This is a **less than significant** impact.

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

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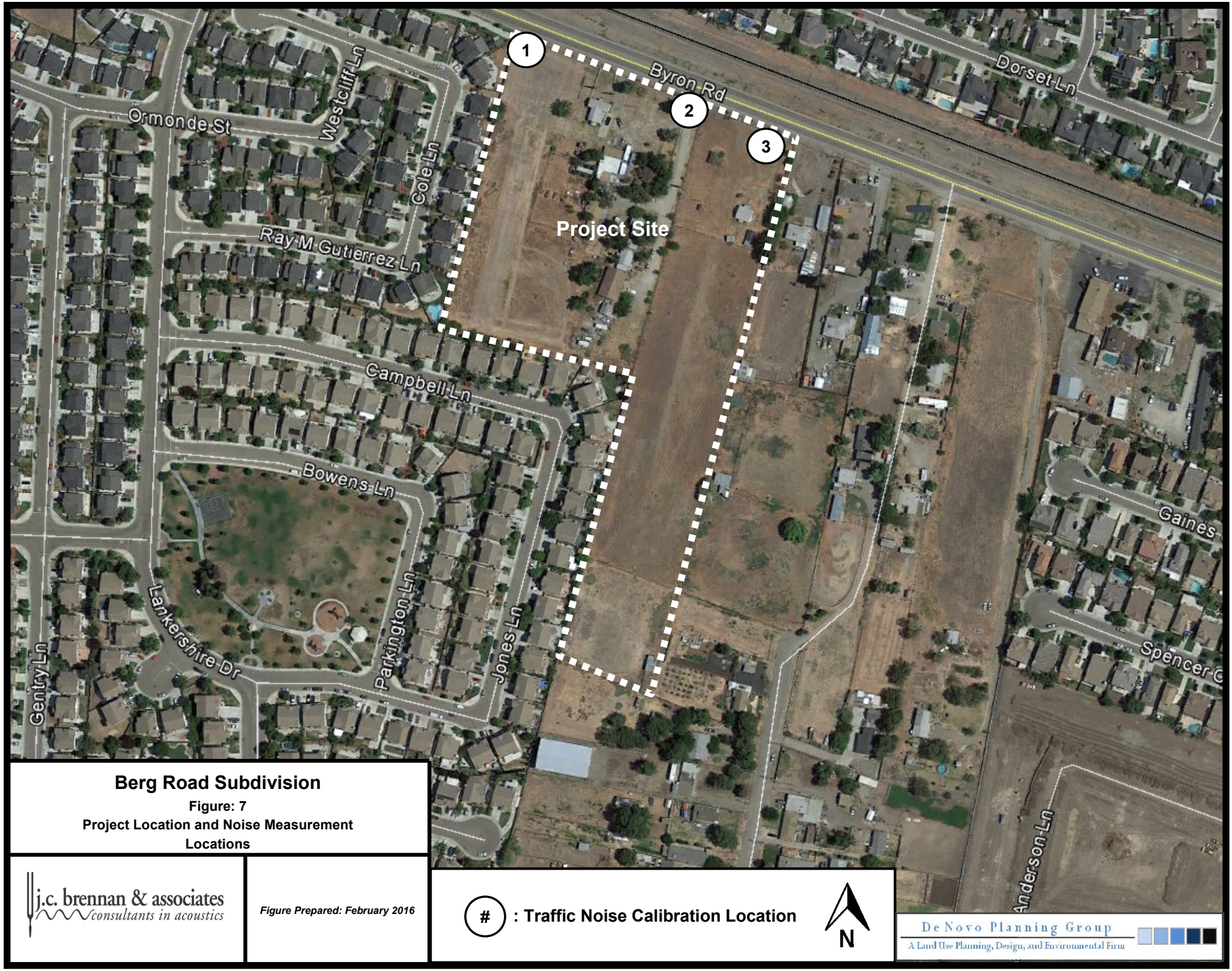

Berg Road Subdivision

Figure: 7

Project Location and Noise Measurement Locations

j.c. brennan & associates
consultants in acoustics

Figure Prepared: February 2016

(#) : Traffic Noise Calibration Location

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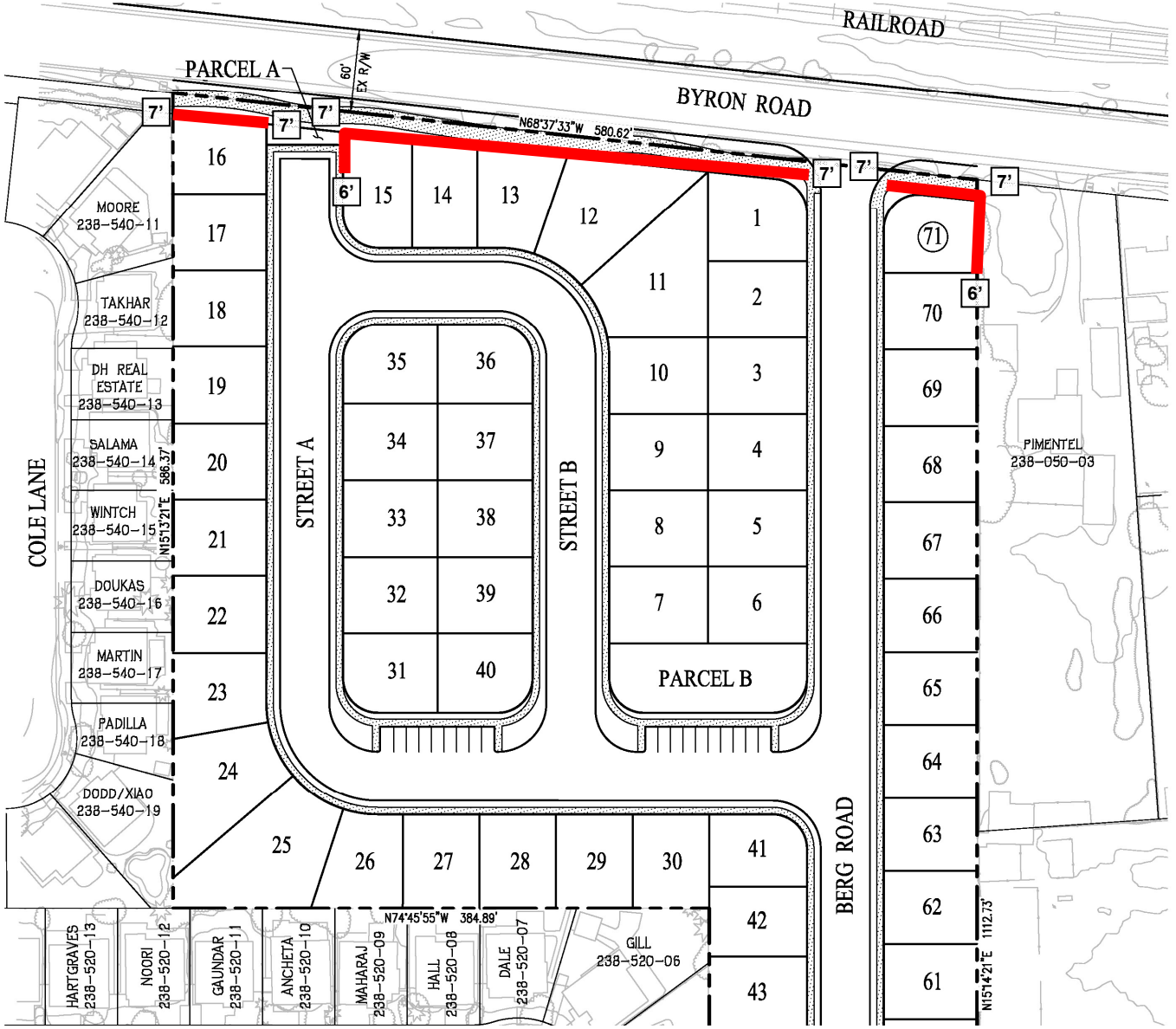

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consultants in acoustics

Figure Prepared: February 2016

Berg Road Subdivision

Figure: 8 – Recommended Noise Barrier Locations

: Recommended Noise Barrier Height and Location

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XIII. POPULATION AND HOUSING -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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 proposed project would result in the construction of 71 dwelling 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 a 71-single family units, 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 other types of environmental impacts, 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 that cannot be mitigated to a less than significant level through the application of standard requirements that all new development in the City must adhere to. 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.[6] 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.

Responses b), c): Less than Significant. There are eight residential structures located on the project site. Development of the proposed project would remove all housing units onsite, and add

[6]http://www.sjgov.org/lafco/Tracy%20MSR/TracyMSR_Dec2011_ALL%20FILES[1].pdf

71 single-family residential units. Therefore, the project would not displace substantial numbers of people or existing housing, and would have a **less than significant** impact.

XIV. PUBLIC SERVICES

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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:				
• Fire protection?			X	
• Police protection?			X	
• Schools?			X	
• Parks?			X	
• Other public facilities?			X	

RESPONSES TO CHECKLIST QUESTIONS

Response a):

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

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

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

The Tracy Fire Department 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 August 5, 2014, to replace Fire Stations 92 &

96. The new facilities allow the fire department to serve the greater community of Tracy more effectively within the established response time standard of 6.5 minutes.[7]

Since November 2008, the Fire Department has expanded its provision of Advanced Life Support Services to all of its fire stations. Emergency medical services in Tracy and the surrounding areas are reported to be good, as Tracy is one of only three fire departments in San Joaquin County that provide Advanced Life Support services.

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 City, prior to development, and through the collection of development impact fees for the funding of facilities.

Implementation of the proposed project would not adversely impact existing fire and emergency services within the City, and would not require the construction of new fire protection facilities. 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. Payment of the applicable impact fees by the project applicant as Conditions of Approval (COAs) prior to project approval, and ongoing revenues that would come from property taxes, sales taxes, and other revenues generated by the project, would fund capital and labor costs associated with fire protection services.

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. Therefore, this is considered a **less than significant** impact.

ii) Police Protection: Less than Significant. The Tracy Police Department provides police protection services to the City of Tracy. Its headquarters are located at 1000 Civic Center Drive, approximately 3 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.

[7]http://www.ci.tracy.ca.us/?navid=4716

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.

Impact fees from new developments are collected based upon projected impacts from each development by the City as Conditions of Approval (COAs) prior to project approval. The adequacy of impact fees is reviewed on an annual basis to ensure that the fee is commensurate with the service. Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from property taxes, and other revenues generated by the project, would fund capital and labor costs associated with police services.

It is not anticipated that implementation of the proposed project would result in significant new demand for police services. Project implementation would not require the construction of new police facilities to serve the Project site, nor would it result in impacts to the existing response times and existing police protection service levels. Furthermore, the City's General Plan ensures the City maintains adequate police staffing, performance levels and facilities to serve Tracy's existing population as well as any future growth (Goal PF-2, policy P.1). Therefore, this is considered a **less than significant** impact.

iii) Schools: Less than Significant. 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, school students residing at the project site would attend Melville S. Jacobson Elementary School, Monte Vista Middle School, and Merrill F. West High School.

The Tracy Unified School District collects impact fees from new developments under the provisions of SB 50. Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from taxes, would fund capital and labor costs associated with school services. The adequacy of fees is reviewed on an annual basis to ensure that the fee is commensurate with the service. Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from property taxes, sales taxes, and other revenues generated by the project, would fund improvements associated with school services and would ensure that project impacts to school services are **less than significant**.

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

v) Other Public Facilities: Less than Significant. 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 Conditions of Approval (COAs) prior to project approval, and ongoing revenues that

would come from taxes, would ensure that project impacts to libraries and public buildings are **less than significant**.

XV. RECREATION

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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 site plan indicates no on-site developed park space will be provided under the proposed development. The 71 unit development has the potential to add roughly 241 individuals leaving a 0.9656 acre deficiency in project park space. [8] 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

[8] Household size of 3.4 per 2010 U.S Census (3.4/(1000/4)= acres per dwelling *71= 0.9656 total acres

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.

XVI. TRANSPORTATION/TRAFFIC -- WOULD THE PROJECT:

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards 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) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X	

RESPONSES TO CHECKLIST QUESTIONS

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

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. The payment of applicable traffic impact fees by the proposed project would ensure that the project pays its fair-share of capital improvement fees towards the future transportation system improvements and expansions, as identified in the Transportation Master Plan. The payment of these fair-share traffic impact fees would assist the City of Tracy with implementation of the various improvements identified in the Transportation Master Plan, in order to maintain acceptable levels of service throughout the City.

A focused Traffic Impact Analysis was prepared by TJKM Transportation Consultants for the proposed project. 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 a.m. - 9 a.m. and 4 p.m. – 6 p.m. TJKM evaluated seven intersections in accordance with the standards set forth by the LOS policies of City of Tracy and the SJCOG CMP in consultation with the City staff. The study analyzed the following proposed project intersections:

1. Lankershire Drive / Byron Road
2. Berg Road / Byron Road
3. Corral Hollow Road / Byron Road
4. Corral Hollow Road / 11th Street
5. Crossroads Drive / 11th Street
6. S. Lammers Road / 11th Street
7. W. Grant Line Road / Byron Road

The roadway system operation was analyzed under the following scenarios:

1. ***Existing Conditions:*** This scenario evaluates existing traffic and roadway conditions based on traffic counts and field surveys.
2. ***Existing Plus Project Conditions:*** This scenario adds traffic generated by the currently proposed project to existing traffic conditions.
3. ***Background Conditions:*** This scenario evaluates existing volumes plus traffic from approved but not yet constructed and unoccupied developments in the project vicinity.
4. ***Background Plus Project Conditions:*** This scenario adds traffic generated by the currently proposed project to Background traffic conditions.
5. ***Cumulative Conditions:*** This scenario is similar to the Background Conditions but with the projected growth rate from the City's traffic model.
6. ***Cumulative Plus Project Conditions:*** This scenario adds traffic generated by the currently proposed project to the background Cumulative traffic from the City's traffic model.

It is estimated that the proposed project will generate approximately 50 trips (12 inbound trips and 38 outbound trips) during the a.m. peak hour and 67 trips (42 inbound trips and 25 outbound trips) during the p.m. peak hour. Based on the Traffic Impact Analysis prepared by TJKM, a summary of impacts to the local roadway network be scenario is provided below:

Existing and Existing Plus Project Conditions:

Under Existing and Existing plus Project scenarios, all intersections are expected to continue operating within applicable City of Tracy and San Joaquin Council of Governments (SJCOG) Congestion Management Program (CMP) jurisdictional standards of Level of Service (LOS) D.

Background and Background Plus Project Conditions:

Under Background and Background plus Project scenarios, all intersections are expected to continue operating within applicable City of Tracy and SJCOG CMP jurisdictional standards of LOS D.

Cumulative Conditions:

Under the Cumulative Conditions scenario, the results indicated the following study intersections operate at LOS F in Cumulative Conditions.

- Coral Hollow Road & Byron Road
- Coral Hollow Road & 11th Street
- Crossroads Drive & W. 11th Street
- S. Lammers Road & W. 11th Street

Cumulative plus Project Conditions:

Under the Cumulative Project Conditions scenario, the results indicated the following study intersections continue to operate at LOS F in Cumulative plus Project Conditions:

- Coral Hollow Road & Byron Road
- Coral Hollow Road & 11th Street
- Crossroads Drive & W. 11th Street
- S. Lammers Road & W. 11th Street

Since these four intersections were already operating at LOS F in the Cumulative Conditions, this is not considered a project impact requiring mitigation.

The proposed project does not induce any additional required improvements beyond those that are already included within the Transportation Master 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. The payment of the required traffic impact fees to the City of Tracy would reduce project-related traffic impacts to a **less than significant** level.

Response c): Less than Significant. As discussed above under the Hazards Section, the proposed project is not located within the Tracy Municipal Airport's Airport Influence Area (AIA). Additionally, there are no private airstrips within the vicinity of the project site. 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**.

Responses d) and e): **Less than Significant.** On-Site Circulation for the proposed project was addressed in the Traffic Impact Analysis prepared by TJKM. TJKM found that the proposed site access is adequate and will not have any on-site operational issues. Future connections, as parcels develop, include southbound on Berg Road towards Fabian Road, and on the southeast portion of the project site. The proposed access from Byron Road and Berg Road are projected to be adequate for vehicles accessing the site, including emergency vehicles and other service vehicles. However, TJKM recommends installation of Stop control at the intersection of Byron Road and Berg Road with appropriate pavement delineation and signing.

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. Therefore, this is considered a **less than significant** impact.

Project Requirements
Project Requirement 15*:*

- *The project proponent shall pay its fair share for the installation of Stop control at the intersection of Byron Road and Berg Road.*

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

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

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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.

The Tracy General Plan EIR determined that no significant wastewater-related impacts were identified as a result of buildout of the General Plan. Because the project is consistent with the

intended uses allowed under the General Plan no impacts beyond those identified should result from implementation of the proposed project.

The City's WWTP currently treats approximately 9.0 mgd of wastewater. City residents generated an average dry weather flow (ADWF) of 7.6 mgd. A unit generation factor of 216 gallons per day of wastewater per residential unit was used to estimate the wastewater that would be generated by the proposed project.[9] Based on this generation factor, it is estimated that the proposed project would generate up to 15,336 gallons per day of wastewater, or 0.0153 mgd of wastewater. The addition of 0.0153 mgd of wastewater would not exceed the treatment capacity of the City's WWTP. As a result, the City has determined that it has adequate capacity to serve the project's projected demand for wastewater treatment services in addition to its existing commitments, and no improvements or expansions to the existing WWTP are required to serve the proposed project, and the addition of project-generated wastewater would not result in any RWQCB violations related to effluent treatment or discharge. Implementation of the proposed project would have a **less than significant** impact.

Responses c): Less than Significant. Development of the project site would place impervious surfaces on approximately 6 acres of the 9.91-acre project site.[10] 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.

Permanent onsite storm drainage would be installed to serve the proposed project. The collection system would consist of inlets and underground piping. The potential environmental impacts of construction of the onsite storm drainage system are addressed throughout this Initial Study, given that all improvements would occur onsite, within the area proposed for disturbance. As described above under the Hydrology and Water Quality Section, new development projects in the City of Tracy are required to provide site-specific storm drainage solutions and improvements that are consistent with the overall storm drainage infrastructure approach presented in the 2012 City of Tracy Citywide Storm Drainage Master Plan.

Prior to approval of the Final Map, the project applicant is required to submit a detailed storm drainage infrastructure plan to the City of Tracy Development Services Department for review and approval (Requirement 11). 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.

[9] Wastewater Flow and Loading Generation Factors Tracy Wastewater Master Plan (Medium Density Residential wastewater generation factor)
[10] Assumes average impervious surface coverage of 60 percent

The project is also required to pay all applicable development impact fees, which would include funding for offsite Citywide storm drainage infrastructure improvements identified in the 2012 City of Tracy Citywide Storm Drainage Master Plan. The 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. The adequacy of impact fees is reviewed on an annual basis to ensure that the fee is commensurate with the service.

The development of an onsite storm drainage system that is approved by the City engineer (Requirement-11), the payment of all applicable fees, and the implementation of Storm Water Pollution Prevention Plan (SWPPP) that includes specific types and sources of stormwater pollutants, determines the location and nature of potential impacts, and specifies appropriate control measures to eliminate any potentially significant impacts on receiving water quality from stormwater runoff (as required under Requirement 10), ensure that impacts to storm water drainage facilities are **less than significant**.

Responses 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 existing water mains located on Berg Road and Byron Road. The proposed project's water demand was included in the demand calculations for the 2012 Citywide Water System Master Plan.

According to the Hydraulic Evaluation Technical Memorandum prepared by Black Water Consulting Engineers, Inc. the proposed project is expected to require an annual potable water demand of 33 acre feet per year (afy) based on a unit water demand factor of 310 gallons per day per dwelling unit. Maximum day demands are estimated to be 200 percent of average day demands, and peak hour demands are estimated to be 340 percent of average day demands. Based on the modeling results, the City's existing potable water system has adequate capacity serve the proposed projects water demand. However, the hydraulic modeling analysis shows that the proposed water utility plan for the Project does not meet the City's design criteria during the maximum day with fire flow demand conditions.

Recommended improvements from Black Water Consulting Engineers to meet the maximum day with fire flow demand conditions include:

- Allow the required fire flow criterion of 2,500 gpm at a single hydrant to be met by two adjacent hydrants with a required fire flow of 1,250 gpm per hydrant.
- The diameter of pipe P-1-4900 on Street A from Street B Berg Road should be increased from an 8-inch diameter pipe to a 12-inch diameter pipe to allow more flow to Project hydrants and reduce pipe velocities and head loss.
- Add a connection to the existing City distribution system at Byron Road from Street A via an 8- inch diameter pipe to provide a looped connection from the existing City system to the Project. The additional connection the existing City system provides and additional supply to meet high flow demands, such as fire flow demands, from a different flow direction thereby further reducing velocities throughout the system. The additional

connection also provides redundancy to the Project when a pipe may be out of service during an emergency or repair situation.

Based on Black Water's analysis, the existing and proposed pipelines serving the project would require the above recommendations in order to adequately to meet the required minimum pressure and maximum pipeline velocity during a peak hour demand condition.

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, 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 potable 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. As of 2010 the total water demand in the City was 16,603 afy. The additional water demand (33 afy) of the proposed project 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. Therefore, this is a **less than significant** impact.

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 138 million cubic yards, of which approximately 125 million cubic yards 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. Assuming the high waste generation factor provided by CalRecycle[11] for residential uses (12.2 lb-day/unit), the project would be expected to produce and additional 0.43 tons per day, which it well within the capacity of the local landfills.

[11] CalRecycle Residential Developments: Estimated Solid Waste Generation Rates http://www.calrecycle.ca.gov/wastechar/wastegenrates/Residential.htm

Additionally, 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, and the project will comply with all applicable statutes and regulations related to solid waste. This is a **less than significant** impact.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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

Response a): Less than Significant. As described throughout the analysis above, the proposed project would not result in any significant impacts that would substantially reduce the habitat of fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal to the environment.

All potentially significant impacts related to plant and animal species would be reduced to a less than significant level through the application of uniformly applied development policies and/or standards. The proposed project is required to implement a range of standard and uniformly applied development policies and standards, most of which are identified in the Tracy General Plan or various infrastructure master plans, which would reduce any potentially significant impacts to a less than significant level. The cumulative impacts associated with development of the project were considered, analyzed and disclosed in the City of Tracy General Plan and General Plan EIR. On February 1, 2011 the Tracy City Council adopted a Statement of Overriding Considerations (Resolution 2011-028) for all significant impacts associated with buildout of the Tracy General Plan. The project would not result in any cumulative impacts that were not contemplated in the General Plan EIR. The project would not result in any peculiar site-specific impacts, impacts to biological resources or impacts to cultural and/or historical resources.

The proposed project would implement requirements aimed at reducing stormwater pollutants and runoff, as well as through compliance of various state, regional and local standards. Specifically related to ensuring the continued sustainability of biological resources through

adaptive management, Requirement 5 ensures the project proponent seeks coverage under the SJMSCP to mitigate for habitat impacts to covered special status species. Through the application of uniformly applied development policies and/or standards, the project would not result in any cumulative impacts related to biological resources. Therefore, these are **less than significant** impacts.

Response b): **Less than Significant.** The General Plan EIR assumed full development and buildout of the project site, consistent with the uses and residential densities proposed by the project. The cumulative impacts associated with buildout of the City of Tracy General Plan, including the project site, were fully addressed in the General Plan EIR. Additionally, as described throughout the analysis above, the proposed project would not result in any significant individual or cumulative impacts that would not be reduced to less than significant levels through the application of uniformly applied development policies and/or standards. Therefore, this is considered a **less than significant** impact.

Response c): Less than Significant. As described throughout the analysis above, the proposed project would not result in any significant impacts that would have environmental effects which will cause substantial adverse effects on humans. The analysis in the relevant sections above provides the application of uniformly applied development policies and/or standards reduce any potentially significant impacts on humans to less than significant levels. A variety of requirements including those related to aesthetics and light and glare, GHG and air quality, cultural resources, hazardous materials, seismic hazards, water pollution and water quality, and noise, ensure any adverse effects on humans are reduce to an acceptable standard. Therefore, this is considered a **less than significant** impact.

REFERENCES

- California Important Farmlands 2012 Map (California Department of Conservation, September 2012)
- California Williamson Act Contracts Map (California Department of Conservation, San Joaquin County September 2013-2014). Available at: ftp://ftp.consrv.ca.gov/pub/dlrp/wa/
- California Department of Fish and Wildlife CNDDB BIOS viewer. Version 5.31.13a Updated 2015. Available at: https://www.dfg.ca.gov/biogeodata/cnddb/mapsanddata.asp
- City of Tracy General Plan and EIR (City of Tracy, 2011)
- Black Water Consulting Engineers 2015. Technical Memorandum Tracy water distribution system.
- Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI), 2007 Ozone Plan, 2007 PM10 Plan and the prepared by the San Joaquin Valley Air Pollution Control District.
- LSA Associates 2014. Biological Inventory- Tracy Property on Byron Road.
- Meteorology Today: An Introduction to Weather, Climate, & the Environment, 2003, D.C. Ahrens
- Inventory of California Greenhouse Gas Emissions and Sinks: 1990 to 2004. (Staff Final Report), California Energy Commission, 2006
- City of Tracy Airport Master Plan (P&D Aviation, 1998)
- City of Tracy Manual of Stormwater Quality Standards for New Development and Redevelopment (Larry Walker Associates, 2008)
- City of Tracy Citywide Storm Drainage Master Plan 2012 (Stantec 2012)
- City of Tracy Wastewater Master Plan 2012 (CH2MHILL 2012)
- City of Tracy Municipal Services Review 2011 (Design Community & Environment 2011)
- City of Tracy 2010 Urban Water Management Plan (Erler & Kalinowski, Inc. 2011)
- TJKM Transportation Consultants. January 21, 2016. Focused Traffic Impact Analysis for the City of Tracy Berg Road Residential Development.
- j.c. brennan & associates, Inc. February 10, 2016. jcb Project # 2015-187, City of Tracy Berg Road Residential Development.
- Department Of Toxic Substances Control DTSC Enviorstor Database. 2015. Available at: http://www.envirostor.dtsc.ca.gov/
- U.S. Environmental Protection Agency (EPA) Water Sense Guide. Available At http://www.epa.gov/
- USDA Natural Resources Conservation Service (NRCS) Web Soil Survey (WSS) 2015. Available at:

RESOLUTION 2016- _____

RECOMMENDING THAT THE CITY COUNCIL APPROVE A ZONING TEXT AMENDMENT TO THE MEDIUM DENSITY CLUSTER ZONE, APPROVE A REZONE FROM MEDIUM DENSITY RESIDENTIAL ZONE TO MEDIUM DENSITY CLUSTER ZONE, APPROVE A VESTING TENTATIVE SUBDIVISION MAP FOR 71 SINGLE-FAMILY RESIDENTIAL LOTS, AND APPROVE THE RESIDENTIAL ARCHITECTURE FOR AN APPROXIMATELY 10-ACRE SITE LOCATED AT 2774 W. BYRON ROAD, 2850 W. BYRON ROAD, AND 12920 W. BYRON ROAD, APPLICATION NUMBERS ZA15-0002, R14-0002, TSM14-0003, AND D16-0013

WHEREAS, Mana Investments submitted applications to the City for an amendment to the Medium Density Cluster Zone, a rezone from Medium Density Residential Zone to Medium Density Cluster Zone, a Vesting Tentative Subdivision Map for 71 single-family residential lots, and residential architecture for an approximately 10-acre site located at 2774 W. Byron Road, 2850 W. Byron Road, and 12920 W. Byron Road (Application Numbers ZA15-0002, R14-0002, TSM14-0003, and D16-0013), collectively known as the “Berg Road Project applications”, and

WHEREAS, The project is consistent with the Residential Medium designation and density requirements of the General Plan, for which an Environmental Impact Report (EIR) was certified on February 1, 2011, and as described in the CEQA 15183 Analysis (Attachment I of the Planning Commission Staff Report dated April 13, 2016), there are no site-specific or cumulative impacts associated with the project that have not been fully addressed in the General Plan EIR, or that cannot be mitigated to a less-than-significant level through the application of uniformly applied development policies and/or standards, and therefore, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15183, no further environmental assessment is required, and

WHEREAS, On April 13, 2016, the Planning Commission conducted a duly noticed public hearing to consider the Berg Road Project applications;

NOW, THEREFORE BE IT RESOLVED, That the Planning Commission recommends that the City Council take the following actions:

1. Approve a zoning text amendment to the Medium Density Cluster Zone, which includes changes to the minimum front and rear yard setbacks and rear yard open space requirement (Application Number ZA15-0002), as shown in attached Exhibit “1”.

2. Approve a rezone of the Berg Road Project site from Medium Density Residential Zone to Medium Density Cluster Zone (Application Number R14-0002), as shown in attached Exhibit “2”.

3. Approve a Vesting Tentative Subdivision Map for 71 single-family residential lots for the Berg Road Project (Application Number TSM14-0003), as shown and based on the findings set forth in attached Exhibit “3”.

4. Approve the residential architecture for the Berg Road Project (Application Number D16-0003), as shown and based on the findings set forth in attached Exhibit “4”.

* *

The foregoing Resolution 2016- _____ was passed and adopted by the Planning Commission of the City of Tracy on the 13th day of April 2016, by the following vote:

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

_____
CHAIR

ATTEST:

_____
STAFF LIAISON

EXHIBIT 1

ORDINANCE _____

AN ORDINANCE OF THE CITY OF TRACY AMENDING SECTION 10.08.1310 OF THE TRACY MUNICIPAL CODE RELATING TO MINIMUM FRONT AND REAR YARDS AND REAR YARD OPEN SPACE REQUIREMENTS IN THE MEDIUM DENSITY CLUSTER (MDC) ZONE APPLICATION NUMBER ZA15-0002

WHEREAS, Mana Investments submitted an application to amend the minimum front and rear yards and rear yard open space requirements in the Medium Density Cluster (MDC) Zone, Application Number ZA15-0002; and

WHEREAS, The proposed ordinance is not a project within the meaning of the California Environmental Quality Act because it does not have the potential for causing a significant effect on the environment (CEQA Guidelines, 14 California Code of Regulations, §15061(b).); and

WHEREAS, The Planning Commission considered this matter at a noticed public hearing held on _____ and recommended that City Council _____; and

WHEREAS, The City Council held a noticed public hearing to consider the ordinance on _____, 2016.

The Tracy City Council hereby ordains as follows:

SECTION 1: Section 10.08.1310, Minimum Yards (MDC), of the Tracy Municipal Code is amended to read as follows:

"**10.08.1310 - Minimum yards (MDC).**

The following minimum yards shall be required in the MDC Zone:

(a) Front:

(1) For lots created on or after July 7, 2016, the minimum front yard shall be ten (10') feet, except for the garage door, which shall be setback a minimum of twenty (20') feet;

(2) For lots created before July 7, 2016, the minimum front yard shall be at least fifteen (15') feet to at least twenty (20') feet, including garage structure from the existing or planned sidewalk with at least a two (2') foot differential between neighboring main buildings. Garage setbacks fifteen (15') feet to eighteen (18') feet from the property line shall have roll-up doors;

(b) Side:

(1) Interior lots: Seven (7') feet on one side and four (4') feet on the other with a minimum distance of eleven (11') feet between neighboring main buildings;

(2) Corner lots: Ten (10') feet on the street side and four (4') feet on the interior side; with no four (4') foot side yard abutting another four (4') foot side yard with a minimum distance of eleven (11') feet between neighboring main buildings;

(3) Interior lots ten (10') feet on one side with zero (0') feet on interior side. On corner lots the ten (10') foot side yard shall be on the street side;

(c) Rear:

(1) For lots created on or after July 7, 2016, the minimum rear yard shall be ten (10') feet with at least 450 square feet of open space in the rear yard;

(2) For lots created before July 7, 2016, the minimum rear yard shall be ten (10') feet with an average distance of fifteen (15') feet and at least six hundred seventy-five (675') square feet of open space in the rear yard;

(d) Distance between buildings: Six (6') feet between accessory buildings and between an accessory and main building; and the minimum distance between main buildings shall be the average height of the two main buildings;

(e) Accessory buildings not exceeding one-story in height may be located in any required rear or interior side yard provided they are on the rear one-half (½) of the lot or at least sixty (60') feet from the front property line;

(f) The requirements for side (b) and rear (c) yards described above shall not apply to projects having an approved Development Review and/or Tentative Subdivision Map application prior to October 3, 1989. Such projects shall provide a side yard area of seven (7') feet on one side and three (3') feet on the other side, with a rear yard setback of ten (10') feet. (Prior code § 10-2.804)"

SECTION 2. This Ordinance shall take effect thirty (30) days after its final passage and adoption.

SECTION 3. This Ordinance shall either (1) be published once in a newspaper of general circulation, within fifteen (15) days after its adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the ordinance. (Gov't. Code §36933.)

* *

The foregoing Ordinance was introduced at a regular meeting of the Tracy City Council on the _____ day of _____, 2016, and finally adopted on the _____ day of _____, 2016, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
Mayor

ATTEST:

_____
City Clerk

EXHIBIT 2

ORDINANCE _____

AN ORDINANCE OF THE CITY OF TRACY REZONING THE PROPERTY LOCATED AT 2774 W. BYRON ROAD, 2850 W. BYRON ROAD, AND 12920 W. BYRON ROAD (ASSESSOR'S PARCEL NUMBERS 238-080-04, 238-080-03, AND 238-050-01) FROM MEDIUM DENSITY RESIDENTIAL ZONE TO MEDIUM DENSITY CLUSTER ZONE APPLICATION NUMBER R14-0002

WHEREAS, Mana Investments submitted an application to rezone three parcels totaling approximately 10 acres located at 2774 W. Byron Road, 2850 W. Byron Road, and 12920 W. Byron Road (Assessor's Parcel Numbers 238-080-04, 238-080-03, and 238-050-01) from Medium Density Residential (MDR) Zone to Medium Density Cluster (MDC) Zone, Application Number R14-0002; and

WHEREAS, The subject property is designated Residential Medium by the General Plan; and

WHEREAS, The applicant's proposal to rezone the site to MDC Zone would be compatible with the surrounding areas, which primarily consist of single-family residential neighborhoods; and

WHEREAS, The project is consistent with the Residential Medium designation and density requirements of the General Plan, for which an Environmental Impact Report (EIR) was certified on February 1, 2011, and as described in the CEQA 15183 Analysis (Attachment I of the Planning Commission Staff Report dated April 13, 2016), there are no site-specific or cumulative impacts associated with the project that have not been fully addressed in the General Plan EIR, or that cannot be mitigated to a less-than-significant level through the application of uniformly applied development policies and/or standards, and therefore, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15183, no further environmental assessment is required; and

WHEREAS, The Planning Commission considered this matter at a duly noticed public hearing held on _____, 2016 and recommended that the City Council _____; and

WHEREAS, The City Council considered this matter at a duly noticed public hearing held on _____, 2016;

The City Council of the City of Tracy does ordain as follows:

SECTION 1: The property located at 2774 W. Byron Road, 2850 W. Byron Road, and 12920 W. Byron Road (Assessor's Parcel Numbers 238-080-04, 238-080-03, and 238-050-01) is hereby rezoned from Medium Density Residential (MDR) Zone to Medium Density Cluster (MDC) Zone and the City's Zoning Map is hereby amended to show this property zoned as MDC.

SECTION 2: This Ordinance shall take effect 30 days after its final passage and adoption.

SECTION 3: This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the

ordinance. (Gov't. Code §36933.)

* *

The foregoing Ordinance _____ was introduced at a regular meeting of the Tracy City Council on the _____ day of _____, 2016, and finally adopted on the ____ day of _____, 2016, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

EXHIBIT 3

RESOLUTION 2016- _____

CITY COUNCIL APPROVAL OF A VESTING TENTATIVE SUBDIVISION MAP TO CREATE 71 SINGLE-FAMILY RESIDENTIAL LOTS AND TWO OTHER PARCELS ON APPROXIMATELY 10 ACRES LOCATED AT 2774 W. BYRON ROAD, 2850 W. BYRON ROAD, AND 12920 W. BYRON ROAD (ASSESSOR'S PARCEL NUMBERS 238-080-04, 238-080-03, AND 238-050-01) APPLICATION NUMBER TSM14-0003

WHEREAS, On December 19, 2014, Mana Investments submitted an application for a Vesting Tentative Subdivision Map to create 71 single-family residential lots and two other parcels on approximately 10 acres located at 2774 W. Byron Road, 2850 W. Byron Road, and 12920 W. Byron Road (Assessor's Parcel Numbers 238-080-04, 238-080-03, and 238-050-01), Application Number TSM14-0003, known as the "Berg Road Project", and

WHEREAS, The subject property is designated Residential Medium by the General Plan, and

WHEREAS, The project is consistent with the Residential Medium designation and density requirements of the General Plan, for which an Environmental Impact Report (EIR) was certified on February 1, 2011, and as described in the CEQA 15183 Analysis (Attachment I of the Planning Commission Staff Report dated April 13, 2016), there are no site-specific or cumulative impacts associated with the project that have not been fully addressed in the General Plan EIR, or that cannot be mitigated to a less-than-significant level through the application of uniformly applied development policies and/or standards, and therefore, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15183, no further environmental assessment is required, and

WHEREAS, The proposed Vesting Tentative Subdivision Map is consistent with the Tracy Municipal Code, Title 12, Subdivisions, and

WHEREAS, The site is physically suitable for the type of development and will be developed in accordance with City standards, and

WHEREAS, The site is physically suitable for the proposed density of development. The proposed density of 7.2 dwelling units per gross acre is consistent with the Residential Medium designation of the General Plan, which provides for a density range of 5.9 to 12.0 dwelling units per gross acre. Traffic circulation is designed in accordance with City standards for the proposed density to ensure adequate traffic service levels are met, and

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

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

WHEREAS, The project complies with all other applicable ordinances, regulations and guidelines of the City, including but not limited to, the local floodplain ordinance. The subject

property is not located within any floodplain and the project, with conditions, will meet all applicable City design and improvement standards, and

WHEREAS, All public facilities necessary to serve the subdivision or mitigate any impacts created by the subdivision will be constructed or assured before approval of a final map or issuance of a building or grading permit, and

WHEREAS, The Planning Commission considered this matter at a duly noticed public hearing held on _____, 2016 and recommended that the City Council _____, and

WHEREAS, The Planning Commission considered the housing needs of the region and balanced those needs against the public service needs of its residents and available fiscal and environmental resources in accordance with Government Code Section 66412.3, and

WHEREAS, The City Council considered this matter at a duly noticed public hearing held on _____, 2016;

NOW, THEREFORE BE IT RESOLVED, As follows:

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

2. Compliance with CEQA. The project is consistent with the Residential Medium designation and density requirements of the General Plan, for which an Environmental Impact Report (EIR) was certified on February 1, 2011, and as described in the CEQA 15183 Analysis (Attachment I of the Planning Commission Staff Report dated April 13, 2016), there are no site-specific or cumulative impacts associated with the project that have not been fully addressed in the General Plan EIR, or that cannot be mitigated to a less-than-significant level through the application of uniformly applied development policies and/or standards, and therefore, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15183, no further environmental assessment is required.

3. Approval of a Vesting Tentative Subdivision Map for the Berg Road Project. The City Council hereby approves a Vesting Tentative Subdivision Map to create 71 single-family residential lots and two other parcels on approximately 10 acres located at 2774 W. Byron Road, 2850 W. Byron Road, and 12920 W. Byron Road (Assessor's Parcel Numbers 238-080-04, 238-080-03, 238-050-01), Application Number TSM14-0003, subject to the conditions stated in Exhibit "1" attached and made part hereof.

4. Effective Date. This resolution shall be effective only upon the effective date of the Ordinance rezoning the subject property to Medium Density Cluster (MDC) Zone.

* *

The foregoing Resolution 2016-_____ was passed and adopted by the City Council of the City of Tracy on the _____ day of _____ 2016, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Conditions of Approval for the Berg Road Project
71-lot Vesting Tentative Subdivision Map
Application Number TSM14-0003
April 13, 2016

Project: These Conditions of Approval shall apply to the Vesting Tentative Subdivision Map for the 71-lot Berg Road Project, Application Number TSM14-0003.

Property: The property consists of approximately 10 acres located at 2774 W. Byron Road, 2850 W. Byron Road, and 12920 W. Byron Road (Assessor's Parcel Numbers 238-080-04, 238-080-03, 238-050-01), Application Number TSM14-0003.

A. **Definitions; Abbreviations.**

The definitions in the City's zoning regulations (Tracy Municipal Code, Title 10, Chapter 10.08) and subdivision ordinance (Tracy Municipal Code, Title 12, Chapter 12.08) apply, and in addition:

1. "Applicant" means any person, or other legal entity, defined as a "Subdivider" by Section 12.08.010 of the City of Tracy Municipal Code.

2. "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 here. (The Development Services Director is also referred to in the Tracy Municipal Code as the Development and Engineering Services Director.)

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 Hills Specific Plan, the Tracy Municipal Code, ordinances, resolutions, written policies, written procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).

4. "Conditions of Approval" or "Conditions" means these conditions of approval.

The following abbreviations may be used in these Conditions:

EIR	Environmental Impact Report	PI&RA	Park Improvement and Reimbursement Agreement
DIA	Deferred Improvement Agreement	PUE	Public Utility Easement
OIA	Offsite Improvement Agreement	TMC	Tracy Municipal Code

B. Planning Division Conditions of Approval

1. Compliance with laws. The Subdivider shall comply with all laws (federal, state, and local) related to the development of real property within the Project boundaries, 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 the California Environmental Quality Act (California Administrative Code, title 14, sections 15000, et seq., "CEQA Guidelines").

2. City Regulations. Unless specifically modified by these Conditions of Approval, the Subdivider shall comply with all City Regulations.

3. California Environmental Quality Act (CEQA) Compliance. The Subdivider shall comply with all project requirements identified in the CEQA 15183 Analysis/Environmental Checklist for the Berg Road Project.

4. Notice of protest period. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Subdivider that the 90-day approval period (in which the Subdivider may protest the imposition of any fees, dedications, reservations, or other exactions that are within the purview of the Mitigation Fee Act [Government Code section 66000 et seq.] ("Exactions") and imposed on this Project by these Conditions of Approval) shall begin on the date of the conditional approval of this Project. If the Subdivider fails to file a protest of the Exactions complying with all of the requirements of Government Code Section 66020 within this 90-day period, the Subdivider will be legally barred from later challenging any of the Exactions. The terms of this paragraph shall not affect any other deadlines or statutes of limitations set forth in the Mitigation Fee Act or other applicable law, or constitute a waiver of any affirmative defenses available to the City.

5. Conformance with Vesting Tentative Subdivision Map. All Final Maps shall be in substantial conformance with the approved Vesting Tentative Subdivision Map (Application Number TSM14-0003), which was date stamped as received by the Development Services Department on April 4, 2016, and approved by the City Council on _____, 2016, unless modified by these Conditions.

6. Effective Date of the Vesting Tentative Subdivision Map. Approval of the Vesting Tentative Subdivision Map shall be effective only upon the effective date of the Ordinance rezoning the subject property to Medium Density Cluster (MDC) Zone.

7. Public Services. Before approval of the first Final Map, the Subdivider shall do one of the following, subject to the approval of the Administrative Services Director:

a. CFD or other funding mechanism. The Subdivider shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates that prior to issuance of a building permit, the Subdivider will form a Community Facilities District (CFD) or establish another lawful funding mechanism that is reasonably acceptable to the City for funding the on-going operational costs of providing Police services, Fire services, Public Works and other City services within the Project area. Formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien. Upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment which, at the time of formation of the CFD, shall not exceed $325 per unit per month; provided, however, that the City reserves the right to provide for escalation of the maximum special tax rate to a commercially reasonable rate determined by the City.

Or

b. Direct funding. The Subdivider shall enter into an agreement with the City, which shall be recorded against the property, which stipulates that prior to issuance of a building permit, the Subdivider will fund a fiscal impact study to be conducted and approved by the City to determine the long term on-going operational costs of providing Police services, Fire services, Public Works and other City services within the Project area, and deposit with the City an amount necessary, as reasonably determined by the City, to fund the full costs of funding the provision of Police services, Fire services, Public Works and other City services within the Project area in perpetuity as identified by the approved study.

8. Landscape Maintenance. Before approval of the first Final Map, the Subdivider shall do one of the following, subject to the approval of the Administrative Services Director:

a. CFD or other funding mechanism. The Subdivider shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates the following: (1) prior to issuance of a building permit, the Subdivider shall form a Community Facilities District (CFD) for funding the on-going maintenance costs related to maintenance, operation, repair and replacement of public landscaping, public walls and any public amenities included in the Project, and ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan; (2) the items to be maintained include but are not limited to the following: ground cover, turf, shrubs, trees, irrigation systems, drainage and electrical systems, masonry walls or other fencing, entryway monuments or other ornamental structures, furniture, recreation equipment, hardscape and any associated appurtenances within

medians, parkways, dedicated easements, channel-ways, public parks and public open space areas; (3) formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien; (4) upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment; (5) prior to issuance of a building permit, the developer shall deposit an amount equal to the first year's taxes; and (6) the developer shall be responsible for all costs associated with formation of the CFD.

Or

b. Direct funding. The Subdivider shall enter into an agreement with the City, which shall be recorded against the property, which stipulates that prior to issuance of a building permit, the Subdivider shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the full on-going maintenance costs related to maintenance, operation, repair and replacement of public landscaping, public walls and any public amenities included in the Project, and ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan. The items to be maintained include but are not limited to the following: ground cover, turf, shrubs, trees, irrigation systems, drainage and electrical systems, masonry walls or other fencing, entryway monuments or other ornamental structures, furniture, recreation equipment, hardscape and any associated appurtenances within medians, parkways, dedicated easements, channel-ways, public parks and public open space areas.

9. Private Open Space Area (Parcel B). Before approval of the first Final Map, the Subdivider shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates the following: (1) prior to issuance of a building permit, the Subdivider shall form a Homeowner's Association (HOA), in accordance with State regulations, for funding the on-going maintenance costs related to maintenance, repair, and replacement of landscaping, hardscape, structures, furniture, and any related appurtenances located in the private open space area (Parcel B); (2) the private open space area shall be designed, improved, and maintained consistent with City standards, to the satisfaction of the Development Services Director; (3) prior to issuance of the 20th building permit, construction of the private open space area shall be completed, to the satisfaction of the Development Services Director; and (4) the private open space area shall contain landscaping, furniture, recreation equipment, or other improvements to provide passive or active recreation, to the satisfaction of the Development Services Director.

10. Emergency Vehicle Access (Parcel A). Before approval of the first Final Map, the Subdivider shall enter into an agreement with the City, which shall be recorded against the property, which stipulates the following: (1) prior to issuance of a building permit, the Subdivider shall form a Homeowner's Association (HOA), in accordance with State regulations, for funding the on-going maintenance costs related to maintenance, repair, and replacement of all improvements associated with the emergency vehicle access (Parcel A); (2) the emergency vehicle access shall be designed, improved, and maintained consistent with City Standards, to the satisfaction of the Development Services Director; and (3) prior to issuance of a building permit, construction of the emergency vehicle access shall be completed, to the satisfaction of the Development Services Director.

C. Engineering Division Conditions of Approval

C.1. General Conditions

C.1.1. Subdivider shall comply with the applicable requirements of the approved documents, technical analyses/ reports prepared for the Project listed as follows:

a. Subdivider shall comply with the applicable recommendations of the "*Berg Road Property Traffic Impact Study",* prepared by TJKM, Inc., dated January 21, 2016 ("Traffic Analysis").

b. "Berg Road Properties Water Distribution System Technical Memorandum", prepared by Blackwater Consulting Engineers, Inc., dated January 14, 2016 ("Water Analysis").

C.2. Final Map No application for any final map within the Project boundaries will be accepted by the City as complete until the Subdivider provides all documents as required by City Regulations and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

C.2.1. The final map application, which includes tract boundary, street right- of-way, and lot closure calculations, preliminary title report, updated subdivision map guarantee, copies of recorded deeds and/or easements and documents that are necessary to complete the technical accuracy review of the final map.

C.2.2. The Final Map is prepared in accordance with the Tracy Municipal Code and the City Design Documents, and in substantial conformance with the Tentative Subdivision Map.

C.2.3. The Final Map shall include dedications or offers of dedication of all right(s)-of-way and/or easement(s) required to serve the Project described by the Final Map, in accordance with City Regulations and these Conditions of Approval.

a. The Subdivider shall dedicate a 10-foot wide Public Utility Easement (PUE) along the lot frontages within the Property, for the installation, repair, use, operation, and maintenance of other public utilities such as electric, gas, telephone, cable TV, and others.

b. The Subdivider shall coordinate with the respective owner(s) of these utilities including PG&E, AT&T, and Comcast, for the design and installation of these utilities within the Property. Engineering design and construction details of these utilities must be prepared as part of the joint utility trench plans to be submitted for City's approval.

c. The Subdivider shall obtain the approval of all other public agencies with jurisdiction over the required public facilities.

C.2.4. The Subdivider shall prepare Grant Deed documents for conveyance of the existing non-exclusive 20' wide easement for storm drain and sanitary sewer purposes within the subdivision boundary limits. All costs for preparation of the documents, for City's review, and for processing and recordation shall be paid for by the Subdivider.

C.2.5. The existing easement(s) for ditch and incidental purposes recorded March 8 1948 in favor of West Side Irrigation District (WSID) (1124 OR 100 and 3308 OR 456) shall be vacated or quit-claimed by WSID.

C.2.6. The existing easement for drainage ditch and pipe line and incidental purposes that was recorded May 23, 1952 (1424 OR 27) in favor of WSID shall be vacated or quit-claimed by WSID.

C.2.7. The existing easement for right-of-way for underground main or pipe line with right of ingress and egress and incidental purposes that was recorded March 10, 1953 (1503 OR 305) in favor of Pacific Gas and Electric Company (PG&E) shall be vacated or quit-claimed by PG&E.

C.2.8. The existing easement for right-of-way for pole lines with the right of ingress and egress and incidental purposes that recorded March 9, 1949 (1189 OR 60) in favor of Pacific Telephone and Telegraph Company (AT&T) shall be vacated or quit-claimed by AT&T.

C.2.9. The EVA parcel shown on the Tentative Map as Parcel 'A', and the open space parcel shown on the Tentative Map as Parcel 'B' shall be dedicated to and maintained by the Homeowner's Association.

C.2.10. Horizontal and vertical control for the Project shall be based upon the City of Tracy coordinate system and at least three 2nd order Class 1 control points establishing the "Basis of Bearing" and shown as such on the Final Map. The Final Map

shall also identify surveyed ties from two of the control points to a minimum of two separate points adjacent to or within the property described by the Final Map.

C.2.11. Improvement Plans for in-tract and offsite improvements required to serve the Property described by the final map and Tentative Subdivision Map in accordance with the Tracy Municipal Code, the City Design Documents, and these Conditions of Approval. The Improvement Plans shall specifically include all the requirements specified in Condition C.5.

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

b. All supporting and engineering calculations, material and technical specifications, and reports related to the design of the subdivision improvements, and as required by the City Engineer. The engineering calculations shall include calculations for determining the size and capacity of sewer, water and storm drain lines.

c. If multiple final maps are to be filed, the Improvement Plans, as described above, must be prepared with a detailed phasing plans showing construction limits and logical sequence or order of constructing street and utilities improvements. The phasing plan shall clearly identify the improvements to be constructed with each construction phase.

C.2.12. A signed and stamped Engineer's Estimate for the cost of subdivision improvements and all the required public facilities, prepared in accordance with City Regulations. Use and add ten percent (10%) for construction contingencies.

C.2.13. All the required improvement plans are prepared in accordance with City Regulations and these Conditions of Approval. The improvement agreements are executed, improvement security is submitted and documentation of insurance are provided, as required by these Conditions of Approval. The amounts of improvement security shall be approved by the City and the form of improvement security shall be in accordance with the Tracy Municipal Code.

C.2.14. Subdivision Improvement Agreement. Before the City's approval of the Final Map, the Subdivider shall execute a

Subdivision Improvement Agreement (for the public facilities required to serve the real property described by the Final Map), and post all required improvement security in accordance with City Regulations.

C.2.15. Improvement Security. The Subdivider shall provide improvement security for all public facilities, as required by any Subdivision Improvement Agreement and any Deferred Improvement Agreement. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with City Regulations. The amount of the improvement security shall be as follows:

a. Faithful Performance (100% of the estimated cost of constructing the public facilities),

b. Labor & Material (100% of the estimated cost of constructing the public facilities), and

c. Warranty (10% of the estimated cost of constructing the public facilities)

d. Monumentation ($500 multiplied by the total number of street centerline monuments that are shown on the Final Map)

C.2.16. The Subdivider shall participate in any applicable Benefit Districts, Assessment Districts, or sub-regional reimbursement areas, in accordance with City Regulations.

C.2.17. Initial payment of plan and map checking, agreement(s) processing, and other fees required by these Conditions of Approval and City Regulations.

C.2.18. Payment of fair share cost of future traffic signal at the intersection of Byron Road and Berg Road intersection.

C.3. Grading Permit The City will not accept grading permit application for the Project until the Subdivider 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.3.1. 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.3.2. 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.3.3. 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 Subdivider is responsible for filing the Notice of Termination (NOT) required by SWQCB. The Subdivider 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 Subdivider.

c. The Subdivider 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.

C.3.4. 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, percolation rate, and elevation of the highest observed groundwater level.

C.3.5. 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.3.6. Calculations related to the design and sizing of on-site storm water treatment facilities must be submitted with the Grading and Storm Drainage Plans, and approved by City's Stormwater Coordinator prior to issuance of the Grading Permit for the Project.

C.3.7. A copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD) requirements.

C.3.8. Prior to the issuance of Grading Permit for the Project, Subdivider shall submit improvement plans and secure approval of plans from the City's Building Division, for the design of on-site sewer improvements.

C.4. Encroachment Permit - No applications for encroachment permit will be accepted by the City as complete until the Subdivider 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.4.1. Improvement Plans prepared on a 24" x 36" size 4-mil thick polyester film (mylar). 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.4.2. Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.

C.4.3. 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 Subdivider'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.4.4. Check payment for the applicable of 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.4.5. If it is necessary to close or interrupt the operation of travel lane(s) on Byron Road during construction, a Traffic Control Plan prepared and/or signed by a Registered Civil or Traffic Engineer licensed to practice in the State of California, must be submitted for review and approval. No work shall start within City's right-of-way or no lane closure shall be made without obtaining City Engineer's approval on the Traffic Control Plan.

C.5. Improvement Plans - The Improvement Plans that are required in this section shall contain the design and construction details of street and utilities improvements on South Lammers Road, and all subdivision improvements that are required to serve the Project. The Improvement Plans shall be drawn on a 24" x 36" size 4-mil thick polyester film (mylar) and prepared under the supervision of, and stamped and signed by a Registered Civil Engineer, Traffic Engineer, Electrical Engineer, Mechanical Engineer, and Registered Landscape Architect for the relevant work.

The Design Engineer shall submit to the City three (3) sets of signed and stamped originals and one (1) pdf version of all Technical Studies, Technical Reports, and supporting Design Calculations prior to final approval of the Improvement Plans.

C.5.1. Grading and Storm Drainage Plans

a. Erosion Control Improvement Plans shall specify the method of erosion control to be employed and materials to be used.

b. Site Grading

(1) When the grade differential between the Project Site and adjacent property(s) exceeds 12 inches, a reinforced or masonry block, or engineered retaining wall is required for retaining soil. The Grading Plan shall show construction detail(s) and structural calculations of the retaining wall or masonry wall for City's review and approval. The entire retaining wall and footing shall be constructed within the Project Site. A structural calculation shall be submitted with the Grading and Storm Drainage Plans.

(2) 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. If an engineered slope is used to retain soil, a slope easement will be necessary from the adjacent property. The Subdivider shall obtain a slope easement from owner(s) of the adjacent and affected property(s) and show the slope easement on the Final Map. The Grading and Storm Drainage Plans must show the extent of the slope easement(s). The Subdivider 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.

(3) Site grading shall be designed such that the Project's storm water can surface drain directly 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. Storm Drainage

(1) The design and construction details of the Project's storm drainage system and treatment facilities shall meet City Regulations in affect at the time of this approval 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 and any subsequent amendments.

(2) Prior to the final inspection of the first building to be constructed on the Property, the Subdivider shall submit a signed and notarized Stormwater Treatment Facilities Maintenance Agreement (STFMA) as a guarantee for the performance of Subdivider's responsibility towards the repair and maintenance of on-site storm water treatment facilities. Calculations related to the design and sizing of on-site storm water treatment facilities must be submitted with the STFMA and the Grading and Storm Drainage Plans.

C.5.2. Sanitary Sewer Facilities

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

b. 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.5.3. Water System Facilities

a. The Subdivider shall complete the design and installation of water lines and connections as recommended in the Water Analysis, including the 8-inch diameter DIP connection from the existing 12-inch water main in Berg Road at the intersection of Street 'B' and Berg Road.

b. Water Shutdown Plan and Traffic Control Plan: If water main shut down is necessary, the City will allow a maximum of four hours water supply shutdown. The Subdivider shall be responsible for notifying residents or business owner(s), regarding the water main shutdown. 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 the water main shutdown. Prior to starting the work described in this section, the Subdivider shall submit a Water Shutdown Plan and Traffic Control Plan to be used during the installation of the offsite water mains.

c. Domestic and Irrigation Water Services

(1) All water connections that are bigger than 2 inches in diameter shall be Ductile Iron Pipe (DIP).

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

(3) All costs associated with the installation of the Project's permanent water connection(s) as identified in the Water Analysis including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings, replacing traffic detecting loops, conduits, and wires, relocating existing utilities that may be in conflict with the water connection(s), and other improvements shall be paid by the Subdivider.

(4) Prior to the approval of the Improvement Plans, the Subdivider shall obtain written approval from the City's Fire Safety Officer and Chief Building Official, for the location and spacing of fire hydrants that are to be installed to serve the Project.

C.5.4. Street Improvements

a. Roadway Improvements Frontage Responsibility – Per the Citywide Roadway & Transportation Master Plan (CRTMP)

that was adopted by the City Council on November 26, 2012, pursuant to Resolution 2012-240, Byron Road will be a 4-lane arterial street with a minimum right-of-way of 83 feet.

According to the CRTMP (Fig. 5.1 – Roadway Improvement Cross Section Responsibility per Frontage Policy), the Subdivider is responsible to design and construct the outside travel lane (plus shoulder) and improvements behind the curb up to the property line. Any left-turn and right-turn lane(s) along the Property's frontage at the access points on Byron Road that are provided and are necessary to meet access spacing requirements are considered to be site specific offsite improvements and they are Subdivider's responsibility to design and construct without any reimbursement from the City.

b. Right-of-Way on Byron Road – The Subdivider shall dedicate minimum 15 feet (25 feet if the wall is staggered to match existing layout to the west) of right-of-way along the entire frontage of the Property on Byron Road. The Subdivider shall execute a Grant Deed to convey the land in fee title or dedicate the right-of-way on the Final Map.

   Due to the right-of-way constraints on the north side of Byron Road along the UPRR right-of-way, the City intends to undertake a traffic analysis in the future to determine the ultimate configuration of traffic lanes on Byron Road and, if required, the City will amend the CRTMP based on the findings of the traffic analysis.

c. Berg Road and Other In-tract Streets. The Subdivider shall dedicate all rights-of-way that are necessary to construct Berg Road and all the in-tract streets based on their respective cross sections shown on the VTM. The width of travel lanes, landscaping strip and sidewalk shall be in accordance with the City Standards.

d. Emergency Vehicle Access Easement (EVA) A minimum 55-foot wide Emergency Vehicle Access shall be provided to ensure emergency access to Byron Road. The Subdivider and City shall enter into an EVA Agreement prior to the start of construction. This agreement will address access across private property and maintenance responsibilities. The Subdivider shall submit improvement plans for any improvements required by the Police and Fire Departments. The Subdivider shall obtain any permits and/or easements that may be required for construction and use of the EVA.

e. Frontage Improvements on Byron Road – The Subdivider shall design and construct all roadway improvements on Byron Road that are necessary to provide safe and functional access to the Project, as described by the Technical Memorandum prepared

by TJKM, dated December XX, 2015 (Traffic Report), and as required by these Conditions of Approval and as approved by the City Engineer. The Traffic Report is on file with the Office of the City Engineer and is available for review upon request.

(1) Byron Road Improvements: The roadway improvements required on Byron Road shall include street widening and other improvements which include but are not limited to, the installation of new asphalt concrete pavement, concrete curb and gutter, a 12-foot wide meandering sidewalk, parkway landscaping improvements with automatic irrigation system (Motorola Controller), a masonry wall, storm drainage, catch basin/ drop inlet, fire hydrants, domestic, irrigation and fire services, LED street lights, traffic sign(s), pavement marking and striping along the entire frontage of the Project and other improvements such as barricades, signing, and striping that are necessary to provide a safe transitions to and from a widened roadway section of Byron Road. Design and construction of Roadway Improvements shall be completed by the Subdivider, prior to final inspection of the first building to be constructed within the Property.

All roadway improvements described in these Conditions of Approval must be designed and constructed by the Subdivider 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), all applicable City Regulations, and these Conditions of Approval, prior to final inspection of the first building to be constructed within the Property.

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

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

be planted on Byron Road, Berg Road, and within the Property shall be per City Regulations, or as provided by the City Engineer.

f. The City will assume responsibility to maintain the public improvements and accept the offer of dedication for right-of-way on Byron Road after the City Council accepts the public improvements.

g. The City Engineer has made a determination that a traffic signal at the intersection of Byron Road and Berg Road will be required in the future when Byron Road is widened per the Roadway Master Plan. City will collect funds from future developments benefiting from the traffic signal, and install the signal when the traffic signal warrants are met. At the time of issuance of building permit, the Subdivider shall pay to the city $555.00 per unit towards its fair share cost of the traffic signal at the intersection of Byron Road and Berg Road to be installed by the City.

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

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

j. A standard barricade and guardrail with appropriate traffic sign will be required at the east end of Berg Road at south end of the Project boundary. The space behind the barricade shall be paved to prevent growth of weeds and provide easier access for removing accumulated debris. To prevent street runoff from draining to adjacent property(s), a concrete curb shall be installed through the entire width of the pavement or curb-to-curb. Asphalt concrete berm or curb is an acceptable alternative solution

k. The Subdivider shall coordinate with the Tracy Post Master for location of, and installation (by the Subdivider) of, cluster type mailbox units. Design and construction criteria shall be in accordance with City requirements. The US Postal Services is responsible for repairing and maintaining all cluster mailboxes located within City's right-of- way.

l. Prior to recordation of any final map within the Project, the Subdivider shall coordinate with the City and the School District(s) regarding vehicular and pedestrian access to schools from this residential development. The Subdivider shall submit plans to the City showing pedestrian routes, facilities for bus transportation and bike paths for approval by the City.

C.5.5. Joint Utility Trench Plans – All existing utilities along the frontage of the Project on Byron Road shall be placed in an underground facility. No fee credits or reimbursements shall be applicable for utility undergrounding or pole relocations.

a. Subdivider 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. The Subdivider 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 10-feet wide Public Utility Easement (PUE) that will be offered for dedication to the City. The Subdivider 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-feet wide PUE to the extent feasible (and except in the event, that additional space beyond the 10-feet PUE is required, as determined by the utilities owner(s)).

b. 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.6. Building Permit No building permit within the Project boundaries will be approved by the City until the Subdivider demonstrates, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

C.6.1. Payment of the Master Plan Fees for Citywide Roadway and Traffic, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, and Park adopted by the City Council on January 7, 2014, per Resolution 2014-010, as required by these Conditions of Approval.

C.6.2. Payment of the San Joaquin County Facilities Fees as required in Chapter 13.24 of the TMC, and these Conditions of Approval.

C.6.3. Payment of the Agricultural Conversion or Mitigation Fee as required in Chapter 13.28 of the TMC, and these Conditions of Approval.

C.6.4. Payment of the Regional Transportation Impact Fees (RTIF) as required in Chapter 13.32 of the TMC, and these Conditions of Approval.

C.6.5. Per Condition 5.4 (g) above, at the time of issuance of building permit, the Subdivider shall pay to the City $555.00 per unit towards its fair share cost of the traffic signal at the intersection of Byron Road and Berg Road.

C.6.6. A letter signed and stamped by the Project's Geotechnical Engineer certifying that all grading work that was performed by the Subdivider within the Project meets the requirements of the Project's Geotechnical/Soils Report and the recommendations of the Project's Geotechnical Engineer.

C.6.7. The applicable final map is approved by the City and recorded at the Office of the San Joaquin County Recorder.

C.7. Agreements and Improvement Security

C.7.1. Inspection Improvement Agreement - Prior to City approval of a final map, the Subdivider may request to proceed with construction with the public facilities required to serve the real property described by the final map only if the Subdivider satisfies all of the following requirements to the satisfaction of the City Engineer:

a. Improvement Plans for in-tract and offsite improvements required to serve the Property described by the final map and Tentative Subdivision Map in accordance with the Tracy Municipal Code, the City Design Documents, and these Conditions of Approval. The Improvement Plans shall specifically include all the requirements specified in Conditions C.5., above.

b. The Subdivider has submitted all required improvement plans in accordance with the requirements of City Regulations and these Conditions of Approval, and the improvement plans have been approved by the City Engineer.

c. The Subdivider has submitted all required improvement plans in accordance with the requirements of City Regulations and these Conditions of Approval, and the improvement plans have been approved by the City Engineer.

d. The Subdivider has submitted a complete application for a final map which is served by the required public improvements, and the final map is in the process of being reviewed by the City.

e. The Subdivider executes an Inspection Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all required improvements, and the Subdivider agrees to assume the risk that the proposed final map may not be approved by the City.

f. The Subdivider posts all required improvement security and provides required evidence of insurance.

C.7.2. Subdivision Improvement Agreement - Concurrently with the City's processing of a final map, and prior to the City's approval of the final map, the Subdivider shall execute a Subdivision Improvement Agreement (for the public facilities required to serve the real property described by the final map), which includes the Subdivider's responsibility to complete all of the following requirements to the satisfaction of the City Engineer:

a. The Subdivider has submitted all required improvement plans in accordance with the requirements of City Regulations and these Conditions of Approval, and the improvement plans have been approved by the City Engineer.

b. The Subdivider has submitted a complete application for a final map which is served by the required public improvements, and the final map has been approved by the City Engineer.

c. The Subdivider has paid all required processing fees including plan check and inspection fees.

d. The Subdivider executes a Subdivision Improvement Agreement, in substantial conformance with the City's standard form agreement, by which (among other things) the Subdivider agrees to complete construction of all required improvements.

e. The Subdivider posts all required improvement security and evidence of insurance.

C.7.3. Offsite Improvement Agreement: Prior to starting any work on Roadway Improvements, the Subdivider shall sign an improvement agreement (Offsite Improvement Agreement or OIA) and post improvement security in accordance with Section 12.36.080 of the TMC, to guarantee completion of the public improvements. The OIA requires approval from the City Council.

a. Prior to the approval of the OIA, the Subdivider will be required to submit Improvement Plans that contains the design, construction details and specifications of all public improvements that are required to serve the Project, prepared in a 24" x 36" size polyester film (mylar), signed and stamped by the Design Engineer, for City's approval and signature. The Subdivider shall also submit Technical Specifications and Cost Estimates. All engineering calculations for the design of the improvements must be submitted as part of the Improvement Plans.

b. The Subdivider will be required to pay Engineering Review Fees which include plan checking, agreement and permit processing, testing, engineering inspection, and program management fees, prior to the approval of the OIA.

C.7.4. Improvement Security - The Subdivider shall provide improvement security for all public facilities, as required by an Inspection Improvement Agreement or a Subdivision Improvement Agreement. The form of the improvement security may be a bond, or other form in accordance with City Regulations. The amount of the improvement security shall be in accordance with City Regulations, generally, as follows: Faithful Performance (100% of the approved estimates of the construction costs of public facilities), Labor & Material (100% of the approved estimates of the construction costs of public facilities), and Warranty (10% of the approved estimates of the construction costs of public facilities).

C.7.5. Release of Improvement Security - Improvement Security(s) described herein shall be released to the Subdivider after City Council's acceptance of public improvements, and after the Subdivider demonstrates, to the satisfaction of the City Engineer, compliance of these Conditions of Approval, and completion of the following:

a. Improvement Security for Faithful Performance, Labor & Materials, and Warranty shall be released to the Subdivider in accordance with Section 12.36.080 of the TMC.

b. Written request from the Subdivider and a copy of the recorded Notice of Completion.

C.8. Acceptance of Public Improvements - Public improvements will not be accepted by the City Council until after the Subdivider completes construction of the relevant public improvements, and also demonstrates to the City Engineer satisfactory completion of the following:

C.8.1. 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.8.2. Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Subdivider, the City shall temporarily release the originals of the Improvement Plans to the Subdivider that the Subdivider will be able to document revisions to show the "As Built" configuration of all improvements.

C.9. Temporary or Final Building Certificate of Occupancy - No Temporary or Final Building Certificate of Occupancy will be issued by the City until after the Subdivider provides reasonable documentation which demonstrates, to the satisfaction of the City Engineer, that:

C.9.1. The Subdivider has satisfied all the requirements set forth in Condition C.8, above.

C.9.2. The Subdivider 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 Subdivider shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Subdivider 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.10. Special Conditions

C.10.1. 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.10.2. All existing on-site wells, if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. The Subdivider 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 Subdivider 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.10.3. The Subdivider shall abandon or remove all existing irrigation structures, channels and pipes, if any, as directed by the City after coordination with the irrigation district, if the facilities are no longer required for irrigation purposes. If irrigation facilities including tile drains, if any, are required to remain to serve existing adjacent agricultural uses, the Subdivider will design, coordinate and construct required modifications to the facilities to the satisfaction of the affected agency and the City. Written permission from irrigation district or affected owner(s) will be required to be submitted to the City prior to the issuance of the Grading Permit. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Subdivider.

C.10.4. Any damages to existing improvements within the street right-of-way due to construction related activities shall be repaired or replaced as directed by the City at Subdivider's cost.

C.10.5. 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.10.6. 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, and OIA, 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 Subdivider shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

EXHIBIT 4

RESOLUTION 2016- _____

CITY COUNCIL APPROVAL OF THE RESIDENTIAL ARCHITECTURE FOR THE BERG ROAD PROJECT, WHICH CONSISTS OF A 71-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION ON APPROXIMATELY 10 ACRES LOCATED AT 2774 W. BYRON ROAD, 2850 W. BYRON ROAD, AND 12920 W. BYRON ROAD (ASSESSOR'S PARCEL NUMBERS 238-080-04, 238-080-03, AND 238-050-01), APPLICATION NUMBER D16-0013

WHEREAS, Mana Investments submitted an application for approval of the residential architecture for the Berg Road Project, which consists of a 71-lot single-family residential subdivision on approximately 10 acres located at 2774 W. Byron Road, 2850 W. Byron Road, and 12920 W. Byron Road (Assessor's Parcel Numbers 238-080-04, 238-080-03, and 238-050-01), Application Number D16-0013, and

WHEREAS, The proposed architecture consists of four plan types (all single-family detached homes) with four different elevation types per plan for a total of 16 different house designs, and

WHEREAS, The proposed houses range in size from approximately 1,700 square feet to 2,200 square feet, and

WHEREAS, The proposed architecture includes a variety of building materials and interesting details, which are carried around to all four sides of the houses, and

WHEREAS, The proposed architecture is consistent with the City's Design Goals and Standards for medium density residential projects, and

WHEREAS, The Planning Commission considered this matter at a duly noticed public hearing held on _____, 2016 and recommended that the City Council _____, and

WHEREAS, The City Council considered this matter at a duly noticed public hearing held on _____, 2016;

NOW, THEREFORE BE IT RESOLVED as follows:

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

2. Compliance with CEQA. The project is consistent with the Residential Medium designation and density requirements of the General Plan, for which an Environmental Impact Report (EIR) was certified on February 1, 2011, and as described in the CEQA 15183 Analysis (Attachment I of the Planning Commission Staff Report dated April 13, 2016), there are no site-specific or cumulative impacts associated with the project that have not been fully addressed in the General Plan EIR, or that cannot be mitigated to a less-than-significant level through the application of uniformly applied development policies and/or standards, and therefore, in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15183, no further environmental assessment is required.

3. Approval of the residential architecture for the Berg Road Project. The City Council hereby approves the residential architecture for the Berg Road Project, which consists of a 71-lot single-family residential subdivision on approximately 10 acres located at 2774 W. Byron Road, 2850 W. Byron Road, and 12920 W. Byron Road (Assessor's Parcel Numbers 238-080-04, 238-080-03, 238-050-01), Application Number D16-0013, subject to the conditions stated in Exhibit "1" attached and made part hereof.

4. Effective Date. This resolution shall be effective only upon the effective date of the Ordinance amending the Medium Density Cluster (MDC) Zone regarding changes to the front and rear yard setbacks and rear yard open space requirements and the Ordinance rezoning the subject property to the MDC Zone.

* *

The foregoing Resolution 2016-_____ was passed and adopted by the City Council of the City of Tracy on the _____ day of _____ 2016, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR

ATTEST:

_____
CITY CLERK

Conditions of Approval for the Berg Road Project
Residential Architecture
Application Number D16-0013
April 13, 2016

Project: These Conditions of Approval shall apply to the residential architecture for the 71-lot Berg Road Project, Application Number D16-0013.

Property: The property consists of approximately 10 acres located at 2774 W. Byron Road, 2850 W. Byron Road, and 12920 W. Byron Road (Assessor's Parcel Numbers 238-080-04, 238-080-03, 238-050-01), Application Number D16-0013.

A. **Definitions; Abbreviations.**

The definitions in the City's zoning regulations (Tracy Municipal Code, Title 10, Chapter 10.08) and subdivision ordinance (Tracy Municipal Code, Title 12, Chapter 12.08) apply, and in addition:

1. "Applicant" means any person, or other legal entity, defined as a "Subdivider" by Section 12.08.010 of the City of Tracy Municipal Code.

2. "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 here. (The Development Services Director is also referred to in the Tracy Municipal Code as the Development and Engineering Services Director.)

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 Hills Specific Plan, the Tracy Municipal Code, ordinances, resolutions, written policies, written procedures, and the City's Design Documents (including the Standard Plans, Standard Specifications, Design Standards, and relevant Public Facility Master Plans).

4. "Conditions of Approval" or "Conditions" means these conditions of approval.

The following abbreviations may be used in these Conditions:

EIR	Environmental Impact Report	PI&RA	Park Improvement and Reimbursement Agreement
DIA	Deferred Improvement Agreement	PUE	Public Utility Easement
OIA	Offsite Improvement Agreement	TMC	Tracy Municipal Code

B. Planning Division Conditions of Approval

1. Compliance with laws. The Subdivider shall comply with all laws (federal, state, and local) related to the development of real property within the Project boundaries, 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 the California Environmental Quality Act (California Administrative Code, title 14, sections 15000, et seq., "CEQA Guidelines").

2. City Regulations. Unless specifically modified by these Conditions of Approval, the Subdivider shall comply with all City Regulations.

3. California Environmental Quality Act (CEQA) Compliance. The Subdivider shall comply with all project requirements identified in the CEQA 15183 Analysis/Environmental Checklist for the Berg Road Project.

4. Notice of protest period. Pursuant to Government Code Section 66020, including Section 66020 (d)(1), the City HEREBY NOTIFIES the Subdivider that the 90-day approval period (in which the Subdivider may protest the imposition of any fees, dedications, reservations, or other exactions that are within the purview of the Mitigation Fee Act [Government Code section 66000 et seq.] ("Exactions") and imposed on this Project by these Conditions of Approval) shall begin on the date of the conditional approval of this Project. If the Subdivider fails to file a protest of the Exactions complying with all of the requirements of Government Code Section 66020 within this 90-day period, the Subdivider will be legally barred from later challenging any of the Exactions. The terms of this paragraph shall not affect any other deadlines or statutes of limitations set forth in the Mitigation Fee Act or other applicable law, or constitute a waiver of any affirmative defenses available to the City.

5. Residential Architecture. All residential architecture shall be consistent with the architectural packet for the Berg Road Project, received by the Development Services Department on March 22, 2016, and approved by the City Council on _____, 2016, to the satisfaction of the Development Services Director.

6. Mix of House Types. The overall mix of houses used in the subdivision shall generally conform with the conceptual house plotting plan received by the Development Services Department on April 4, 2016, to the satisfaction of the Development Services Director. Prior to the issuance of each building permit for a particular group of lots, the Developer shall specify the house type (i.e. floor plan type and elevation type) for each particular lot (i.e. within that group of lots) in a manner that achieves a sufficient mix and variety in the streetscape view. There shall be no approvals of the same floor plan type used on three

consecutive lots, and no approvals of the same floor plan type and same elevation type used on two consecutive lots.

7. Effective Date. Approval of the residential architecture for the Berg Road Project shall be effective only upon the effective date of the Ordinance amending the Medium Density Cluster (MDC) Zone regarding changes to the front and rear yard setbacks and rear yard open space requirements and the Ordinance rezoning the subject property to the MDC Zone.