

## NOTICE OF A REGULAR MEETING

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

Date/Time: Wednesday, December 6, 2017  
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 - 11/01/17

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 MODIFICATIONS TO SITE PLAN AND EXTERIOR ARCHITECTURE FOR THE FOUR-STORY HOME2 SUITES HOTEL AT THE NORTHWEST CORNER OF GRANT LINE ROAD AND CORRAL HOLLOW ROAD, ASSESSOR'S PARCEL NUMBERS 214-020-34 AND 214-020-35. THE APPLICANT IS CLOVER HOTEL PARTNERS, LP. PROJECT NUMBER D17-0030

**This item has been cancelled because the Applicant has withdrawn the application.**

- B. PUBLIC HEARING TO CONSIDER A RECOMMENDATION TO THE CITY COUNCIL REGARDING APPROVAL OF A GENERAL PLAN AMENDMENT, AN ELLIS SPECIFIC PLAN AMENDMENT, A ZONING ORDINANCE AMENDMENT, AND A DEVELOPMENT AGREEMENT AMENDMENT FOR THE ELLIS PROJECT. THE APPLICANT IS THE SURLAND COMPANIES. APPLICATION NUMBERS GPA15-0003, SPA15-0003, ZA17-0012, AND DA16-0001

C. PUBLIC HEARING TO CONSIDER THE PROPOSED ALVAREZ ANNEXATION, WHICH WOULD CONSIST OF THREE ACTIONS: (1) ANNEXATION OF THE 9.1-ACRE PROJECT SITE INTO THE TRACY CITY LIMITS, (2) PRE-ZONING THE SITE TO COMMUNITY RECREATION SUPPORT SERVICES, AND (3) AMENDING THE TRACY ZONING CODE TO INCLUDE THE COMMUNITY RECREATION SUPPORT SERVICES (CRS) ZONE. THE PROPOSED ANNEXATION AREA IS LOCATED ALONG THE SOUTH SIDE OF LARCH ROAD, WEST OF TRACY BOULEVARD, ASSESSOR'S PARCEL NUMBERS (APNS) 212-170-33 AND 212-170-34. A CEQA MITIGATED NEGATIVE DECLARATION IS PROPOSED TO BE ADOPTED FOR THE PROJECT. THE APPLICANT IS SCHACK & COMPANY, AND THE OWNER IS BYRON ALVAREZ. APPLICATION NUMBERS A/P 16-0002 AND ZA17-0013

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

Posted: December 1, 2017

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  
NOVEMBER 1, 2017, 7:00 P.M.  
CITY OF TRACY COUNCIL CHAMBERS  
333 CIVIC CENTER PLAZA**

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

Chair Orcutt led the pledge of allegiance.

**ROLL CALL**

Roll Call found Chair Orcutt, Vice Chair Sangha, Commissioners Hudson, Krogh, and Tanner present. Also present were: Bill Dean, Assistant Development Services Director; Leticia Ramirez, Assistant City Attorney; Scott Claar, Senior Planner; Kimberly Matlock, Associate Planner; Criseldo Mina, Senior Civil Engineer; and Gina Peace, Recording Secretary.

**MINUTES**

It was moved by Commissioner Tanner, and seconded by Vice Chair Sangha, that the Planning Commission meeting minutes of October 25, 2017, be approved. Voice vote found all in favor, 5-0-0; passed and so ordered.

**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 A VESTING TENTATIVE SUBDIVISION MAP FOR A 71-LOT RESIDENTIAL SUBDIVISION (APPLICATION NUMBER TSM14-0003) TO MAY 17, 2021. THE PROPERTY CONSISTS OF AN APPROXIMATELY 10-ACRE SITE LOCATED AT 2774 W. BYRON ROAD, 2850 W. BYRON ROAD, AND 12920 W. BYRON ROAD. THE APPLICANT IS FRED MUSSER. THE PROPERTY OWNERS ARE MARION WILLIAM COMPANY, LLC AND ANNE G. STEELE REVOCABLE LIVING TRUST. APPLICATION NUMBER EXT17-0002

Scott Claar presented the staff report, and addressed questions from the Commission.

Chair Orcutt opened the Public Hearing at 7:11 p.m.

Shawn Steele addressed the Commission.

The public hearing was closed at 7:13 p.m.

**ACTION** It was moved by Commissioner Hudson, and seconded by Commissioner Tanner, that the Planning Commission approve Application Number EXT17-0002 to extend the life of the Vesting Tentative Subdivision Map (Application Number TSM14-0003) to May 17, 2021, based on the findings contained in the Planning Commission Resolution dated November 1, 2017. Roll call vote found all in favor, 5-0-0; passed and so ordered.

- B. 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, 2021. 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 EXT17-0003

Kimberly Matlock presented the staff report, and answered questions from the Commission.

Chair Orcutt opened the Public Hearing at 7:18 p.m.

Chris Tyler, of TVC Tracy Holdco, applicant on the project, addressed the Commission.

Nancy Hernandez addressed the Commission, and expressed her concern regarding the traffic impact that 47 more homes would bring to the area, especially with being unable to turn left onto Chrisman from the Ellissagaray subdivision.

Cris Mina, Senior Civil Engineer, responded that he would look into this intersection, and get back to Mrs. Hernandez. Kimberly Matlock and Bill Dean also addressed the Commission and agreed that this particular improvement is not related to this project or approval of the extension application.

Chair Orcutt requested that this improvement be added to a future Planning Commission agenda, for an update.

Marsha Sciortino also expressed her concern about the traffic, and the intersection that Mrs. Hernandez mentioned earlier. She also expressed her frustration about the visual blight in the area due to this unkempt property, the delay of building on the site, and urged all to complete this project as soon as possible.

Harry Walker, a resident of the Hidden Lake subdivision, has an issue with paying a Mello Roos fee for 14 years, for a school that is not going to be built on the site, and he would like a refund.



Bill Dean responded, and said the Mello Roos tax fee is a result of the agreement between the developer and the school district, but did not think the fees were associated with the specific school site. Bill Dean said the records are available at City Hall through the Finance Department.

Kammy Cobarrubia, a new resident in Tracy, elaborated upon the traffic problem within the subdivision, and addressed the school promised to the subdivision. She was worried about property values, and wondering if local services for new homes in the area, including retail, would be provided.

The Public Hearing was closed at 7:51 p.m.

**ACTION** It was moved by Commissioner Hudson, and seconded by Commissioner Tanner, that the Planning Commission approve Application Number EXT17-0003 to extend the life of the vesting tentative subdivision map (Application Number TSM12-0002) to January 7, 2021, based on the findings contained in the Planning Commission Resolution dated November 1, 2017. Roll Call vote found all in favor, 5-0-0; passed and so ordered.

## **2. ITEMS FROM THE AUDIENCE**

None.

## **3. DIRECTOR'S REPORT**

### **- Discussion of Recent APA Conference in Sacramento**

Three commissioners attended the conference with several City staff, and Bill Dean encouraged all the commissioners to take advantage of the opportunity and attend next year in San Diego. Chair Orcutt, Commissioner Hudson and Commissioner Krogh each commented on their experiences attending the conference this year in Sacramento. Each of them enjoyed the conference, and learned a great deal by attending.

Commissioner Krogh thanked Councilmember Juana Dement, who was present in the audience, and the Council for providing the funding for the commissioners to attend this conference.

Bill Dean stated he will e-mail the Commission the results of the Mello Roos tax question from the audience during the Public Hearing of Item 1-B, and provided his contact information to members in the audience.

## **4. ITEMS FROM THE COMMISSION**

Vice Chair Sangha announced, after six years of being a commissioner, she will be resigning from the Planning Commission, effective December 31, 2017. Each of the commissioners, and Bill Dean, thanked Vice Chair Sangha for her contributions to the Planning Commission over the years.

**5. ADJOURNMENT**

It was moved by Commissioner Orcutt, and seconded by Commissioner Hudson, to adjourn.

Time: 8:12 p.m.

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CHAIR

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STAFF LIAISON

December 6, 2017

#### AGENDA ITEM 1-B

This item relates to recommendations to the City Council regarding approval of a General Plan Amendment, an Ellis Specific Plan Amendment, a Zoning Ordinance Amendment, and a Development Agreement Amendment for the Ellis Project. The Applicant is The Surland Companies. Application Numbers are GPA15-0003, SPA15-0003, ZA17-0012, and DA16-0001.

At the request of the applicant/developer this item is going to be placed on a Special Meeting of the Planning Commission next week. Staff recommends that the Planning Commission OPEN the public hearing and continue it until December 12, 2017, at 7:00 p.m.

AGENDA ITEM 1-C

REQUEST

**PUBLIC HEARING TO CONSIDER THE PROPOSED ALVAREZ ANNEXATION, WHICH WOULD CONSIST OF THREE ACTIONS: (1) ANNEXATION OF THE 9.1-ACRE PROJECT SITE INTO THE TRACY CITY LIMITS, (2) PRE-ZONING THE SITE TO COMMUNITY RECREATION SUPPORT SERVICES, AND (3) AMENDING THE TRACY ZONING CODE TO INCLUDE THE COMMUNITY RECREATION SUPPORT SERVICES (CRS) ZONE. THE PROPOSED ANNEXATION AREA IS LOCATED ALONG THE SOUTH SIDE OF LARCH ROAD, WEST OF TRACY BOULEVARD, ASSESSOR'S PARCEL NUMBERS (APNS) 212-170-33 AND 212-170-34. A CEQA MITIGATED NEGATIVE DECLARATION IS PROPOSED TO BE ADOPTED FOR THE PROJECT. THE APPLICANT IS SCHACK & COMPANY, AND THE OWNER IS BYRON ALVAREZ. APPLICATION NUMBERS A/P 16-0002 AND ZA17-0013**

DISCUSSION

Background

The Project site is located within unincorporated San Joaquin County, within Tracy's Sphere of Influence (SOI), adjacent to the current City limits. The proposed Project would annex the 9.1-acre Project site into the City of Tracy. In addition, as part of the annexation process, the proposed Project would provide the Project site pre-zoning. Pre-zoning is the zoning district for the site prior to action by the Local Agency Formation Commission (LAFCo), which is the agency that oversees final annexation activities. The zoning for the Project site would be a new zone classification, the Community Recreation Support Services (CRS) Zone.

There is no specific development proposed as part of the proposed Project. The proposed Project consists of three actions: (1) annexation of the site into the Tracy City Limits, (2) pre-zoning the site to Community Recreation Support Services, and (3) amending the Tracy Zoning Ordinance to include the Community Recreation Support Services (CRS) Zone. It is noted that the zoning code amendment would not rezone any other parcels within the City of Tracy, but would create a new zone district that could be used elsewhere to achieve similar land use objectives.

Future utilities serving the project site would be provided by the City of Tracy, via the extension of existing nearby water, storm drain, and sewer lines. Police and Fire services would also be provided by the City of Tracy. Fire Department service, in Tracy, is provided via the South County Fire Authority. Given that the Project site would be used for commercial uses, based upon the floor-area-ratio (FAR) of 1.0 for commercial uses as provided in the Tracy General Plan (pg. 2-24), the proposed Project has the potential to develop up to 396,396 square feet of commercial uses, consistent with the uses allowed under the proposed CRS zone. The applicant has indicated to staff ongoing interests of developers in constructing a hotel on a portion of the project site, though no application for such use has been filed with the City.





**Alvarez Annexation Site**

Surrounding Land Uses

Land uses to the east include a Holiday Inn Express, service station, and, across Tracy Boulevard, service station, motel and light industrial uses. To the north are unincorporated lands, primarily in residential use, north of Larch Road, while further to the north is the recently established Legacy Sports Fields recreation area. Lands to the west are in unincorporated San Joaquin County, and primarily in residential use. South of the project site is I-205 and, across the highway, a mix of uses, including residential.

Analysis

The 9.1-acre Project site lies within the unincorporated portion of San Joaquin County, although it is within the City's Sphere of Influence and General Plan planning area. The San Joaquin County General Plan has the site zoned for Low Density Residential (R-L).

The Project site is designated Commercial by the Tracy General Plan Land Use Map. Approval of the application by the City would provide the Project site rezoning. The zoning for the Project site would be a new zone classification, the Community Recreation Support Services (CRS) Zone. The City Council would then adopt an ordinance amending the Tracy Zoning Code to include the CRS Zone. After approval, the City will continue with the annexation process and prepare an annexation application for the site for submittal to the San Joaquin Local Agency Formation Commission (LAFCO).

As indicated above, the developer has submitted no plans for specific improvements or land use for the 9.1-acre site. The property could remain vacant for an indefinite amount of time. The proposed annexation site has frontage of approximately 660 feet along Larch Road. Upon annexation to the City, the City will take over maintenance liability from San Joaquin County for public storm drainage, street cleaning and repair; and service responsibility regarding any code and law enforcement activities at the site.

Upon development of the property, the City would require public right-of-way frontage improvements (such as repaving, curbs, gutters, sidewalks, street lights, etc.) and improvements and connections to City utilities (sewer, water, storm drainage). No significant additional property tax, sales tax, or other City revenue would be generated from this site to help off-set City services costs until the property is developed. The City will absorb any additional public service costs or facility maintenance costs that would arise from incorporation of this 9.1 acres into the existing General Fund budget.

#### Annexation Proposal

The project proposes the annexation of two lots, totaling 9.1 acres along the south side of Larch Road, adjoining the north side of I-205, and west of commercial development (motel, service station) along Tracy Boulevard. The project site is located within Tracy's Sphere of Influence.

Key General Plan objectives and policies applicable to the proposed annexation include:

- The City shall maintain a Sphere of Influence that is consistent with the long-term land use vision in this General Plan.
- Comprehensively plan for new development in the City's Sphere of Influence.
- Expand economic opportunities in Tracy.
- No urbanization in unincorporated County areas as defined by this General Plan or the San Joaquin County General Plan, whichever is more restrictive, without annexation to the city, a preannexation agreement, or a letter of support from the City.
- The City shall provide fire and emergency response facilities and personnel necessary to meet residential and employment growth in the City.
- The City shall ensure that new development pays a fair and equitable amount to offset the costs for fire facilities by collecting a Public Buildings impact fee, or by requiring developers to build new facilities.
- Maintain adequate police staffing, performance levels and facilities to serve Tracy's existing population as well as any future growth.
- The City shall ensure that new development pays a fair and equitable amount to offset the capital costs for police service and expansion by collecting a public facilities impact fee.

- Ensure that reliable water supply can be provided within the City's service area, even during drought conditions, while protecting the natural environment.
- The City shall maintain wastewater conveyance, treatment and disposal infrastructure in good working condition in order to supply municipal sewer service to the City's residents and businesses.

Additionally, the 364-acre Larch Clover area, including the project site, is categorized as being within an Area of Special Consideration in the General Plan. These areas have been identified where more detailed design and development guidance is to be applied. The General Plan states:

*"The majority of the Larch Clover area (approximately 85 percent) is developed with residential ranchettes, numerous scattered businesses and several places of worship. Due to the area's visibility and access from I-205 and its proximity to other existing commercial development, the long term vision for the Larch Clover area is that it will gradually transition to commercial uses. However, given the existing deficiencies in public infrastructure in the area, new commercial development is not expected to occur in this area for some time into the future.*

*When development does occur, the following additional General Plan policies apply:*

*4a. No commercial or more intense development or subdivision of property shall occur in this area without necessary infrastructure studies and review of development proposals by the Planning Commission and City Council. 4b. Landscaping should be provided along I-205 to provide a visual amenity to the City."*

While the City typically processes annexations associated with specific development projects, the proposed annexation of the lands on Larch Road can be supported based on anticipated commercial and related uses of the property in support of the Legacy Fields activities and based on proximity to I-205 and its support of highway travelers. Once annexed to Tracy, the City would be responsible for and able to provide all necessary municipal services, including water, sewer, storm drainage, police and fire protection (see below discussion). Development would be subject to the provisions of the proposed CRS Zone, and would require filing of a Development Plan and may require a conditional use permit depending upon the future uses proposed.

The annexation requires the approval by San Joaquin LAFCo following City Council action on the annexation.

#### General Plan

The San Joaquin County General Plan designation for the Project site is Residential Low (R/L). The R/L designation is applied to single family neighborhoods with density in the range of 2-6 dwelling units per gross acre.

The project site is designated Commercial by the City of Tracy General Plan Land Use Map, and would remain unchanged upon annexation. The Commercial land use designation provides for a wide range of commercial uses, focusing primarily on retail and consumer service activities that meet the needs of Tracy residents and employees as well as passthrough travelers. The Commercial designation has a maximum permitted floor-



area-ratio of up to 1.0; based on the 9.1-acre project site, the proposed Project has the potential to develop up to 396,000 square feet of commercial uses, consistent with the uses allowed under the proposed CRS zone.

Key applicable General Plan objectives and policies:

- Expand the City's retail base.
- Regional-scale retail development, such as shopping malls, big-box retail and auto sales, shall be primarily located in the I-205 Regional Commercial Area.
- Provision of a diversified and sustainable local economy.
- Ensure an adequate, balanced supply of all land uses for future economic development.

Annexation of the Project site would be consistent with the Commercial land use designation of the General Plan, and with applicable land use objectives and policies as noted above, particularly as it would be expected to result in development of various commercial and retail uses in support of Legacy Fields operations and through provision of commercial and retail services to travelers along I-205.

#### Prezoning and Use of Community Recreation Support Services (CRS) Zone

The Project site would be prezoned to Community Recreation Support Services (CRS), which would be a new zoning designation within the Tracy Municipal Code. The CRS Zone would then become effective upon completion of the annexation proceedings.

The CRS Zone classification would be consistent with the underlying Commercial land use designation of the General Plan, and intended to provide support services for users of nearby community and/or regional recreational and entertainment facilities through provision for a range of focused retail uses, restaurants, traveler's accommodations, and similar uses and services. In particular, the CRS Zone would more specifically support recreational activities associated with Legacy Fields uses. Noted is that the CRS Zone would only be applied to the current annexation project parcels along Larch Road, and not to other lands in the City.

The design and layout provisions of the CRS Zone are intended to minimize traffic conflicts through ensuring appropriate shared parking and circulation facilities while accommodating convenient traffic flow and turning movements, including during heavy traffic periods resulting from scheduled recreational events in the area. The uses permitted are also intended to support pedestrian, bicycle and automobile modes of travel, while ensuring compatibility with adjacent and nearby development.

Permitted uses would include traveler's accommodations and services, eating establishments and drinking establishments (no alcohol or entertainment after 11:00 p.m.), retail stores, and convenience and food stores.

Uses requiring use permit approval include traveler's accommodations, eating and drinking establishments serving alcohol and providing entertainment after 11:00 p.m., automobile service stations, building materials and hardware stores, retail warehouses and commercial amusement and entertainment establishments.

Key development regulations and requirements of the CRS Zone would include:

- Provisions for all site plans to include pedestrian and bicycle circulation, including access from sidewalks to on-site buildings, and between building groups.
- All newly created lots would have a minimum area of 20,000 square feet and minimum width of 120 feet street frontage.
- Required front yard setbacks of at least 15 feet.
- A maximum building height of 55 feet, except where adjacent to residential zones within the City, in which case the maximum height of any building shall not exceed 40 feet.

### Municipal Services

The City of Tracy will be able to provide all necessary urban services to the project site upon annexation, as summarized below:

#### Wastewater:

Wastewater generated by development on the project site would be conveyed to the City's wastewater treatment plant (WWTP) by gravity lines for treatment and disposal by discharge into the Old River. The City expanded its WWTP to its current capacity of 10.8 million gallons per day in 2008. The City has determined that there is adequate capacity within the WWTP to serve future development on the project site, with no expansion or improvements needed to the WWTP. Additionally, the Tracy General Plan EIR determined that there would no significant wastewater impacts associated with buildout of the General Plan land use plan, and the proposed annexation would not allow for any new land uses not previously contemplated and analyzed in the General Plan. As specific development is proposed in the future, the City will require detailed analysis of City wastewater conveyance systems in the area to determine if improvements are necessary. Payment of applicable City impact fees will also be required.

#### Water:

Potable water to serve development on the project site would be supplied by the City, via a connection to existing water mains in the project area. The demand for water supply was assessed as part of the City's Water System Master Plan. Water for Tracy is obtained from surface and groundwater sources. With the Master Plan identifying a total water demand of 16,600 acre feet per year, and with the City's Urban Water Management Plan identifying supplies of approximately 31,500 acre feet per year, future development of the project site would not exceed the City's available supplies. Additionally, the City has determined that its water treatment and delivery system infrastructure is generally adequate to serve existing development and demand which would be created by future planned development. As specific development is proposed in the future, the City will require detailed analysis of City water delivery systems in the area to determine if improvements are necessary. Payment of applicable City impact fees will also be required.

Storm Drainage:

The project does not propose any specific development at this time. Development of the property would result in increased storm water drainage as a result of construction of impervious surfaces. Storm water drainage would be conveyed from the project site to conveyance systems in the project area. As part of the City's required Development Plan review, the developer will be required to prepare a storm water drainage plan that identifies on-site improvements and which would ensure development does not adversely increase pollutant discharges from the site or affect City storm drainage systems. This would include preparation of a storm water pollution and prevention plan (SWPPP) that will include use of best management practices. Payment of applicable City impact fees will also be required.

Roadways and Transportation:

The project site fronts Larch Road. Commercial uses of the project site would be adequately provided with vehicular access from Larch Road, and would be required to construct frontage and driveway improvements consistent with City standards. Payment of applicable City impact fees will also be required.

Fire and Police Services:

Upon annexation of the project site, the City will provide fire and police protection services. Fire service, in the City of Tracy, is provided via the South County Fire Authority. Payment of applicable City fees will also be required in support of fire and police services and facilities. Additional funding of fire and police services will come from annual payment of property taxes, along with sales taxes and other revenues generated by development; this would include payment of City transient occupancy taxes if the site is developed with visitor serving accommodations. City review of development plans will also ensure adequate physical access is available to emergency response vehicles and personnel.

Other Urban Services:

Development of the site would be provided with cable television, waste disposal and related services. There would be no residential development permitted as part of the annexation, and no adverse impact or demand upon local schools.

CEQA Review

Consistent with California Environmental Quality Act (CEQA) provisions, the City prepared an Initial Study to evaluate the potential environmental impacts associated with the proposed annexation and establishment of the new CRS Zone. Based on the findings of this evaluation, prepared by the City's environmental consultant, De Novo, it was determined that the project would not result in any significant impact which could not be reduced to levels of insignificance, and a Mitigated Negative Declaration has been prepared.

Less than significant impacts with mitigation measures were identified for Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Noise, and Tribal Cultural Resources.

A 30-day public review period for the Mitigated Negative Declaration/ Initial Study commenced on October 17<sup>th</sup> and ran through November 17, 2017 for interested individuals and public agencies to submit written comments on the document.

The comments received on the Project Initial Study (Attachments B.1 through B.4) include letters from the Central Valley Regional Water Quality Control Board, San Joaquin County Public Works Department, San Joaquin Council of Governments, and San Joaquin Local Agency Formation Commission (LAFCo). These four letters, all from public agencies, primarily include routine, advisory comments regarding existing regulations that will be required for development of the project.

If the City Council chooses to pursue annexation of the subject property, LAFCo is the agency with final authority to approve or deny the annexation. The LAFCo letter (Attachment B.4) identifies concerns which have been raised in the past by LAFCo staff and will be resolved prior to consideration of the annexation by LAFCo. For example, the Agency expressed concern regarding Fire Department response times, the South County Fire Authority governance plan, and regular updates of the City's Municipal Services Review and Sphere of Influence. The Fire Department governance plan, Sphere of Influence update, and Municipal Services Review are all currently underway, and anticipated to be complete in 2018; and LAFCo's Fire Department response information includes only partial data from the 2016 calendar year, and will be clarified with LAFCo staff.

## RECOMMENDATION

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

1. Adopt the project Mitigated Negative Declaration.
2. Approve the annexation of the site into the Tracy City Limits.
3. Pre-zone the site to Community Recreation Support Services.
4. Approve amending of the Tracy Zoning Code to include the Community Recreation Support Services (CRS) Zone.
5. Prepare an application for approval of annexation request for San Joaquin Local Agency Formation Commission.

Prepared by: Brian Millar, AICP, Planning Consultant; and Alan Bell, Senior Planner  
Reviewed by: Bill Dean, Assistant Development Services Director  
Approved by: Andrew Malik, Development Services Director

## ATTACHMENTS

Attachment A – Applicant's Annexation Statement

Attachment B – Public Agency Comments:

B.1 – Central Valley regional Water Quality Control Board

B.2 – San Joaquin County Public Works Department

B.3 – San Joaquin Council of Governments

B.4 – San Joaquin Local Agency Formation Commission

Attachment C – Planning Commission Resolution (with Initial Study and CRS Zone Exhibits)

# APPLICANT'S ANNEXATION STATEMENT

RECEIVED

WRITTEN STATEMENT

DEC 20 2016

CITY OF TRACY

The property owner is applying to annex the subject property into the City of Tracy. The property is a 9.1 acre parcel of land located within San Joaquin County with a current county zoning of R-L (Low Density Residential.)

The subject property is generally rectangular in shape with property boundaries described as follows:

- East Boundary: The Tracy city limits boundary is located along the east edge of the subject property. A successful Holiday Inn Express motel (within the city limits, and with a general highway commercial zoning) is located on the adjacent property to the east.
- North Boundary: The subject property has approx. 660 LF of frontage along Larch Road. The northeast property corner (at Larch Road) is located approximately 660 LF west of the intersection of Larch Road and Tracy Boulevard. Low density, rural residential properties (with a county R-L zoning) are located on the opposite (or north) side of Larch Road from the subject property.
- West Boundary: A low density, rural residential property including dryland grazing (with a county R-L zoning.)
- South Boundary: The full length of the southerly boundary of subject property fronts along I-205

The property topography is generally flat and is currently used for agricultural dryland grazing. There are no structures or residents on the property.

Technical Studies regarding city utilities and other services, including determination of project requirements are ongoing at this time. Subject to the results of those technical studies, the following existing city underground utilities may be available to provide services to the property as follows:

- Water: Water/fire water services may be provided from a newer 12" water main installed under Larch Road, along the property frontage.
- Storm Drain On-site storm drainage lines may be extended down Larch Road (to the east) and connected into an existing manhole and 72" City SD collector line at the intersection of Tracy Boulevard and Larch Road.
- Sewer On-site sewer lines may be extended down Larch Road (to the east) and connected into an existing manhole and 18" SS collector line at the intersection of Tracy Boulevard and Larch Road.

Other City Services:

- Police Services Provided by the City of Tracy
- Fire Services Provided by the City of Tracy

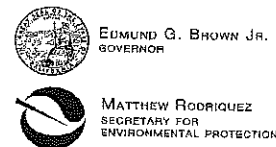
The City of Tracy General Plan (as adopted in 2011) shows the subject property to have future commercial uses. The property owner has proposed the pre-zoning for the (annexed) property to have some form of highway commercial, general commercial, or similar designation(s.)

The City of Tracy is committed to developing and promoting it's new, large-scale sports park, Legacy Fields. The sports park is located along Tracy Boulevard, just north of the boulevard's intersection with Larch Road. At full build-out, the park will consist of 166 acres of active sport fields and areas. In fact, the City Council recently approved an additional multi-million dollar investment in the continued development of the park. It has been projected the various sporting activities will keep the sports park busy year around, with weekend and summer sports tournaments drawing over 2,000 athletes to Tracy and Legacy Fields each day on the weekends. Most all of these athletes will be coming with family members and friends. Many of the out-of-town athletes and their families will want to stay in Tracy during these tournaments. As such, they'll be looking for hotels and motels to stay in; restaurants to eat in; quick stops, gas stations and other stores to buy things in, and they'll likely appreciate the availability of other types of stores and commercial services as well.

Right now, Tracy as a business community is not prepared to handle the large increase in projected business activity and demand for the above-described goods and services. For example, the current, average hotel/motel occupancy rates are reported (by the City) at 90%. As such, while there may be enough hotel/motel rooms available to handle the current business load, there is not adequate availability to accommodate the projected future demand.

The subject property has 660 LF of high-valued, highway frontage directly along I-205, with the northeast property corner only 660 LF west of the intersection of Tracy Boulevard and Larch Road. The property has quick and easy access onto I-205 from the Tracy Boulevard on-ramp/off-ramp, and it has great frontage, visibility and "curb appeal" along I-205. As such, the local commercial real estate brokers believe there are no other highway frontage properties with this proposed zoning currently available within the I-205 corridor, and certainly none with these excellent characteristics.

The property owner reports that he has received significant interest in the property from a number of developers (of highway commercial and general commercial properties), including a successful hotel/motel developer that has already committed to a portion of the site, to develop a 4-story, 113-room hotel on the easterly, approximate 2 acres of the total 9.1-acre site. (This future hotel project would be submitted to the City by the developer, through it's own separate development application/review process.)


**Central Valley Regional Water Quality Control Board**
**RECEIVED**

9 November 2017

NOV 13 2017

Alan Bell  
 City of Tracy  
 333 Civic Center Plaza  
 Tracy, CA 95376

CITY OF TRACY  
 DEVELOPMENT SERVICES  
 CERTIFIED MAIL  
 91 7199 9991 7035 8420 9196

**COMMENTS TO REQUEST FOR REVIEW FOR THE MITIGATED NEGATIVE  
 DECLARATION, ALVAREZ ANNEXATION PROJECT, SCH# 2017102046,  
 SAN JOAQUIN COUNTY**

Pursuant to the State Clearinghouse's 17 October 2017 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Mitigated Negative Declaration* for the Alvarez Annexation Project, located in San Joaquin County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

**I. Regulatory Setting**
**Basin Plan**

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases,

the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/).

### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:

[http://www.waterboards.ca.gov/centralvalleywater\\_issues/basin\\_plans/sacsjr.pdf](http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan



(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

### **Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Caltrans Phase I MS4 Permit, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/caltrans.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/caltrans.shtml).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:

[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

### **Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

### **Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the

<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

#### **Clean Water Act Section 401 Permit – Water Quality Certification**

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance (i.e., discharge of dredge or fill material) of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

#### **Waste Discharge Requirements (WDRs)**

##### *Discharges to Waters of the State*

If USACOE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

##### *Land Disposal of Dredge Material*

If the project will involve dredging, Water Quality Certification for the dredging activity and Waste Discharge Requirements for the land disposal may be needed.

##### *Local Agency Oversight*

Pursuant to the State Water Board’s Onsite Wastewater Treatment Systems Policy (OWTS Policy), the regulation of septic tank and leach field systems may be regulated under the local agency’s management program in lieu of WDRs. A county environmental health department may permit septic tank and leach field systems designed for less than 10,000 gpd. For more information on septic system regulations, visit the Central Valley Water Board’s website at:

[http://www.waterboards.ca.gov/centralvalley/water\\_issues/owts/sb\\_owts\\_policy.pdf](http://www.waterboards.ca.gov/centralvalley/water_issues/owts/sb_owts_policy.pdf)

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit2.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml).

### **Dewatering Permit**

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2003/wqo/wqo2003-0003.pdf](http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf)

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2013-0145\\_res.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf)

### **Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/app\\_approval/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/app_approval/index.shtml); or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the

Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

### **Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

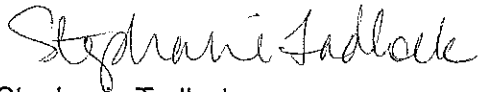
### **NPDES Permit**

If the proposed project discharges waste that could affect the quality of the waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:

[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit3.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml)

If you have questions regarding these comments, please contact me at (916) 464-4644 or [Stephanie.Tadlock@waterboards.ca.gov](mailto:Stephanie.Tadlock@waterboards.ca.gov).

A handwritten signature in black ink that reads "Stephanie Tadlock". The signature is written in a cursive, flowing style.

Stephanie Tadlock  
Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento



**SAN JOAQUIN**  
— COUNTY —

*Greatness grows here.*



**Department of Public Works**

Kris Balaji, Director of Public Works

Fritz Buchman, Deputy Director/Development

Michael Selling, Deputy Director/Engineering

Jim Stone, Deputy Director/Operations

Najee Zarif, Interim Business Administrator

RECEIVED

November 17, 2017

NOV 17 2017

CITY OF TRACY  
DEVELOPMENT SERVICES

Alan Bell, Senior Planner  
City of Tracy  
Department of Development Services  
333 Civic Center Plaza  
Tracy, California 95376

**SUBJECT: NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE  
DECLARATION/INITIAL STUDY FOR THE ALVAREZ ANNEXATION PROJECT**

Dear Mr. Bell,

The San Joaquin County Department of Public Works has reviewed the Notice of Intent to adopt an IS/MND for the above referenced project and our comments are as follows:

Public Services/Engineering Division

1. The annexation needs to include the full-width right of way portion of Larch Road that fronts the two parcels and become the permanent maintenance responsibility of the City of Tracy.

Thank you for the opportunity to review and comment. Should you have questions please contact me at [aspitzer@sigov.org](mailto:aspitzer@sigov.org) or (209) 468-8494.

Sincerely,

AMY SPITZER  
Associate Planner

AS:jl

c: Michael Selling, Deputy Director of Engineering  
Alex Chetley, Engineering Services Manager  
Firoz Vohra, Senior Engineer



S J C O G, Inc.

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 235-0438

*San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)*

**SJMSCP RESPONSE TO LOCAL JURISDICTION (RTLJ)  
ADVISORY AGENCY NOTICE TO SJCOG, Inc.**

**To:** Alan Bell, City of Tracy, Community Development Department  
**From:** Laurel Boyd, SJCOG, Inc.  
**Date:** October 20, 2017  
**Local Jurisdiction Project Title:** Alvarez Annexation Project  
**Assessor Parcel Number(s):** 212-170-33, -34  
**Local Jurisdiction Project Number:** N/A  
**Total Acres to be converted from Open Space Use:** Approximately 9.10 acres  
**Habitat Types to be Disturbed:** Urban Habitat Land  
**Species Impact Findings:** Findings to be determined by SJMSCP biologist.

Dear Mr. Bell:

SJCOG, Inc. has reviewed the project referral for the Alvarez Annexation project. The proposed project would annex the 9.10 acre project site into the City of Tracy. There is no specific development proposed as part of the proposed project, however the proposed project would consist of three actions: 1) annexation of the site into the Tracy City Limits, and 2) pre-zoning the site to Community Recreation Support Services, and 3) amending the Tracy Zoning Code to include the Community Recreation Support Services (CRS) Zone. The project site is located north of Interstate 205 and west of Tracy Boulevard, Tracy (APN: 212-170-33, -34).

The City of Tracy is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). 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). The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP. Although participation in the SJMSCP is voluntary, Local Jurisdiction/Lead Agencies should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.

***This Project is subject to the SJMSCP.*** This can be up to a 30 day process and it is recommended that the project applicant contact SJMSCP staff as early as possible. It is also recommended that the project applicant obtain an information package. <http://www.sjcoq.org>

Please contact SJMSCP staff regarding completing the following steps to satisfy SJMSCP requirements:

- Schedule a SJMSCP Biologist to perform a pre-construction survey ***prior to any ground disturbance***
- SJMSCP Incidental take Minimization Measures and mitigation requirement:
  1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
  2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
  3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
    - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
    - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
    - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
    - d. Purchase approved mitigation bank credits.
  4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
    - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or

- b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
- c. Purchase approved mitigation bank credits.

Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

- Receive your Certificate of Payment and release the required permit

*It should be noted that if this project has any potential impacts to waters of the United States [pursuant to Section 404 Clean Water Act], it would require the project to seek voluntary coverage through the unmapped process under the SJMSCP which could take up to 90 days. It may be prudent to obtain a preliminary wetlands map from a qualified consultant. If waters of the United States are confirmed on the project site, the Corps and the Regional Water Quality Control Board (RWQCB) would have regulatory authority over those mapped areas [pursuant to Section 404 and 401 of the Clean Water Act respectively] and permits would be required from each of these resource agencies prior to grading the project site.*

If you have any questions, please call (209) 235-0600.





**S J C O G , I n c .**

*San Joaquin County Multi-Species Habitat Conservation & Open Space Plan*

555 East Weber Avenue • Stockton, CA 95202 • (209) 235-0600 • FAX (209) 235-0438

**SJMSCP HOLD**

**TO:** Local Jurisdiction: Community Development Department, Planning Department, Building Department, Engineering Department, Survey Department, Transportation Department, Other: \_\_\_\_\_

**FROM:** Laurel Boyd, SJCOG, Inc.

**DO NOT AUTHORIZE SITE DISTURBANCE  
DO NOT ISSUE A BUILDING PERMIT  
DO NOT ISSUE \_\_\_\_\_ FOR THIS PROJECT**

The landowner/developer for this site has requested coverage pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). In accordance with that agreement, the Applicant has agreed to:

- 1) SJMSCP Incidental Take Minimization Measures and mitigation requirement:
    - 1. Incidental Take Minimization Measures (ITMMs) will be issued to the project and must be signed by the project applicant prior to any ground disturbance but no later than six (6) months from receipt of the ITMMs. If ITMMs are not signed within six months, the applicant must reapply for SJMSCP Coverage. Upon receipt of signed ITMMs from project applicant, SJCOG, Inc. staff will sign the ITMMs. This is the effective date of the ITMMs.
    - 2. Under no circumstance shall ground disturbance occur without compliance and satisfaction of the ITMMs.
    - 3. Upon issuance of fully executed ITMMs and prior to any ground disturbance, the project applicant must:
      - a. Post a bond for payment of the applicable SJMSCP fee covering the entirety of the project acreage being covered (the bond should be valid for no longer than a 6 month period); or
      - b. Pay the appropriate SJMSCP fee for the entirety of the project acreage being covered; or
      - c. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
      - d. Purchase approved mitigation bank credits.
    - 4. Within 6 months from the effective date of the ITMMs or issuance of a building permit, whichever occurs first, the project applicant must:
      - a. Pay the appropriate SJMSCP for the entirety of the project acreage being covered; or
      - b. Dedicate land in-lieu of fees, either as conservation easements or fee title; or
      - c. Purchase approved mitigation bank credits.
- Failure to satisfy the obligations of the mitigation fee shall subject the bond to be called.

Project Title: Notice of Intent to Adopt a Mitigated Negative Declaration/Initial Study for the Alvarez Annexation Project

Applicant: Schack & Company, Inc.

Assessor Parcel #s: 212-170-33, -34

T \_\_\_\_\_, R \_\_\_\_\_, Section(s): \_\_\_\_\_

Local Jurisdiction Contact: Alan Bell

**The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.**

**SAN JOAQUIN  
LOCAL AGENCY FORMATION COMMISSION**

RECEIVED

**LAFCo**

NOV 17 2017

509 W. WEBER AVENUE SUITE 420 STOCKTON, CA 95203

CITY OF TRACY  
DEVELOPMENT SERVICES

November 14, 2017

**CHAIR**

**DOUG KUEHNE**  
LODI CITY COUNCIL

Alan Bell, Senior Planner  
City of Tracy  
Department of Development Services  
333 Civic Center Plaza  
Tracy, CA 95376

**MIGUEL VILLAPUDUA**  
COUNTY BOARD OF  
SUPERVISORS

**DANNY FOX**  
ESCALON CITY COUNCIL

**BOB ELLIOTT**  
COUNTY BOARD OF  
SUPERVISORS

RE: Proposed Mitigated Negative Declaration  
Alvarez Property

**PETER JOHNSON**  
PUBLIC MEMBER

Dear Mr. Bell:

**ALTERNATE MEMBERS**

**Vice-Chair**  
**TOM PATTI**  
COUNTY BOARD OF  
SUPERVISORS

San Joaquin Local Agency Formation Commission (LAFCo) has reviewed the Proposed Mitigated Negative Declaration for the Alvarez Annexation Property and have the following comments to offer:

**JESÚS ANDRADE**  
STOCKTON CITY COUNCIL

**CHARLES MANNE**  
PUBLIC MEMBER

**EXECUTIVE OFFICER**

**JAMES E. GLASER**

**Fire Protection Discussion**

There are two separate fire agencies that provide fire services to the Tracy Area. Tracy Rural Fire Protection District (Tracy Rural) is a special independent district which formed in 1942 and whose fire district boundary is approximately 200 square miles and includes the unincorporated territory surrounding the City of Tracy and the territory that annexed to the City after 2002. The other fire service provider is the City of Tracy. These fire providers have not merged. These two agencies did execute a Joint Powers Agreement in 1999 and formed the South County Fire Authority (SCFA) to provide fire services to both agencies. They remain two separate agencies. The Negative Declaration does not state if the City will request detachment from Tracy Rural. Since 2002, the City has not requested detachment and therefore the Negative Declaration must evaluate the ability of Tracy Rural to provide fire protection.

**COUNSEL**

**ROD ATTEBERY**

**LAFCO ANALYST**

**ELIZABETH CONTRERAS**

**COMMISSION CLERK**

**MITZI STITES**

The Negative Declaration (p.86) cites a June 2016 study, which indicates deficiencies in response times. The Negative Declaration also references the opening of new facilities that occurred in May 2014. It is unclear as to how these new facilities has more "effectively served the greater community" when they occurred prior to the 2016 study.

According to data received from the City of Stockton Dispatch Center for calendar year 2016, the City of Tracy responded to 713 calls and Tracy Rural

responded to 204 calls for service that included fire, fire alarm, grass fire, medical, and vehicle calls. Tracy Rural had a reflex time (90<sup>th</sup> percentile) in 2016 of 15 minutes 45seconds for fire calls and 12minutes 38 seconds for medical calls including vehicles. City of Tracy had a reflex time (90<sup>th</sup> percentile) in 2016 of 9 minutes 30 seconds for fire calls and 7 minutes 29 seconds for medical calls including vehicles. These numbers exceed the established response goals for each department and the 6.5 minutes time specified in the Negative Declaration. The Negative Declaration fails to state the emergency response time to the proposed development.

### **Fire Governance Plan**

In 2011, the City of Tracy committed to completion a plan regarding the governance for the Tracy City Fire Department and Tracy Rural Fire Protection District subject to the approval of LAFCo, and that all subsequent annexations requests must be consistent with that Plan. This plan was due by October 2013. Since this plan has not been completed, the annexation request addressed in the Negative Declaration cannot be successfully processed. As evidence by the Municipal Service Review for Rural Fire Protection Districts prepared by LAFCO in 2011, there are significant shortcomings with Tracy Rural and there is no evidence that they have the ability to provide the service. The Negative Declaration should address this issue in the Land Use and Planning section.

### **Sphere of Influence**

In accordance with §56425 (g) of the California Government Code, the Commission shall review and update each sphere of influence every five years. The Commission last considered the City of Tracy's sphere of influence on January 20, 2012. Annexation requests must be consistent with an updated sphere of influence. Therefore, an update to the sphere of influence is also required before an application for annexation can be processed. The Negative Declaration should address this issue in the Land Use and Planning section.

### **Municipal Service Review**

In accordance with §56430 of the California Government Code, a service review must be conducted in order to update sphere of influences in accordance with §56425. As such, a Municipal Service Review is also needed prior to processing an annexation application. The Negative Declaration should address this issue in the Land Use and Planning section.

### **Agricultural Resources**

The Negative Declaration concludes that there is no Prime Farmland, Unique Farmland of Statewide Importance, and Farmland of Local Importance. The Negative Declaration should review §56016 and §56064 of the California Government Code to determine if the project site qualifies as "agricultural lands" or "prime agricultural lands".

### **Flood Protection**

SB5 prohibits a city within the Central Valley Flood Protection Plan area from approving a development agreement *discretionary permit or entitlement*, tentative map or parcel map for any property within a flood hazard zone (200- year) unless they can demonstrate any of the following:

- The project has already achieved the applicable level of flood protection
- Conditions have been imposed on the project that will eventually result in the applicable level of flood protection
- Adequate progress is being made toward achievement of the applicable level of flood protection


The Negative Declaration shows a substantial portion of the property to be in the 100-year flood zone. Does Tracy comply with SB5?

**Project Description**

The Negative Declaration states that there is no specific development proposed as part of the proposed project. LAFCo's policies require detail development plans for annexations. Detail development plans are not required only in cases where territory is added by LAFCo to promote orderly development, to avoid the creation of an island, or to encourage the elimination of an island. Consideration of annexation is premature at this time.

As a responsible agency, LAFCo must review and consider the information in the Negative Declaration. The document, as drafted, is inadequate.

Respectfully submitted,



James E. Glaser  
Executive Officer

RESOLUTION 2017-\_\_\_\_\_

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF TRACY  
RECOMMENDING APPROVAL OF AN ANNEXATION AND PREZONING (A/P 16-0002),  
ADOPTION OF A NEW COMMUNITY RECREATION SUPPORT SERVICES ZONE (ZA17-  
0013), AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION FOR THE ALVAREZ  
ANNEXATION**

WHEREAS, Applications have been filed or initiated for annexation and prezoning of lands adjacent to the Tracy City limits, collectively, the "Project," and

WHEREAS, The subject property consists of 9.1 acres in unincorporated San Joaquin County, and is located on the south side of Larch Road, west of Tracy Boulevard and north of Interstate 205, and is comprised of Assessor Parcel Numbers (APN) 212-170-33 and 212-170-34, and

WHEREAS, The Project also includes adoption of a new Community Recreation Support Services (CRS) Zone which would provide for a focused range of permitted and discretionary commercial services in support of the nearby Legacy Fields uses and for highway commercial support uses, and

WHEREAS, The Project includes a request to annex the Project site to the City of Tracy and Prezoning of the property utilizing the CRS Zone, and

WHEREAS, The subject property is well suited for commercial development because of its close proximity to recreational uses at Legacy Fields and convenient access to I-205 travelers, and

WHEREAS, The Project is consistent with General Plan Commercial land use designation and applicable Goals and Policies, and

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

WHEREAS, The Planning Commission conducted a public hearing on December 6, 2017 to receive public input and review the Project.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends to the City Council as follows:

1. Mitigated Negative Declaration

The project was evaluated under an Initial Study which evaluated potential environmental impacts associated with project development. Based on the analysis contained in the Initial Study, mitigation measures were identified which would reduce potentially significant impacts to levels of insignificance. Therefore, a Mitigated Negative Declaration has been prepared for the project.

The Planning Commission recommends adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan, attached as Exhibit 1.

2. Adoption of the new Community Recreation Support Services (CRS) Zone (ZA17-0013), attached as Exhibit 2.
3. Approval of Annexation and Rezoning of the Alvarez Project site (Exhibit 3) (A/P 16-0002), utilizing CRS Rezoning.
4. Direct staff to prepare an application for Approval of the annexation and Rezoning request for San Joaquin LAFCo.

\* \* \* \* \*

The foregoing Resolution 2017-\_\_\_\_\_, was adopted by the Planning Commission on the 6<sup>th</sup> day of December 2017, by the following vote:

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

---

CHAIR

ATTEST:

---

STAFF LIAISON

- Exhibit 1 – Mitigated Negative Declaration  
 Exhibit 2 – Community Recreation Support Services Zone  
 Exhibit 3 – Proposed Alvarez Annexation Site

# INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

FOR THE

## ALVAREZ ANNEXATION PROJECT

SEPTEMBER 26, 2017

*Prepared for:*

City of Tracy  
333 Civic Center Plaza  
Tracy, CA 95376

*Prepared by:*

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

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

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A Land Use Planning, Design, and Environmental Firm





INITIAL STUDY AND  
MITIGATED NEGATIVE DECLARATION

FOR THE

ALVAREZ ANNEXATION PROJECT

SEPTEMBER 26, 2017

*Prepared for:*

City of Tracy  
333 Civic Center Plaza  
Tracy, CA 95376

*Prepared by:*

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



## Proposed Mitigated Negative Declaration for the Alvarez Annexation Project

**Lead Agency:** City of Tracy  
Department of Development Services  
333 Civic Center Plaza  
Tracy, CA 95376

**Project Title:** Alvarez Annexation

**Project Location:** The Project site consists of 9.1 acres, located in unincorporated San Joaquin County, along Interstate 205 (I-205) adjacent to the northern portion of the City of Tracy. Project site includes two APNs: 212-170-34 and 212-170-33. In addition, the Project site contains an area to the south of the two APNs, within I-205 right-of-way.

**Project Description:** The Project site is located within unincorporated San Joaquin County, within Tracy's Sphere of Influence (SOI), adjacent to the current city limits. The proposed Project would annex the 9.1-acre Project site into the City of Tracy. In addition, as part of the annexation process, the proposed Project would provide the Project site pre-zoning. The zoning for the Project site would be a new Zone classification, the Community Recreation Support Services (CRS) Zone. This new Zone classification is described in greater detail below.

There is no specific development proposed as part of the proposed Project. The proposed project consists of three actions: 1) annexation of the site into the Tracy City Limits, and 2) pre-zoning the site to Community Recreation Support Services, and 3) amending the Tracy Zoning Code to include the Community Recreation Support Services (CRS) Zone. It is noted that the zoning code amendment would not rezone any other parcels within the City of Tracy.

### **Findings:**

In accordance with the California Environmental Quality Act, the City of Tracy has prepared an Initial Study to determine whether the proposed Project may have a significant adverse effect on the environment. The Initial Study and Proposed Mitigated Negative Declaration reflect the independent judgment of the City of Tracy staff. On the basis of the Initial Study, the City of Tracy hereby finds:

*Although the proposed project could have a significant adverse effect on the environment, there will not be a significant adverse effect in this case because the project has incorporated specific provisions to reduce impacts to a less than significant level and/or the mitigation measures described herein have been added to the project. A Mitigated Negative Declaration has thus been prepared.*

The Initial Study, which provides the basis and reasons for this determination, is attached and/or referenced herein and is hereby made a part of this document.

---

Signature

Date

## **Proposed Mitigation Measures:**

The following Mitigation Measures are extracted from the Initial Study. These measures are designed to avoid or minimize potentially significant impacts, and thereby reduce them to an insignificant level. A Mitigation Monitoring and Reporting Program (MMRP) would ensure that mitigation is properly implemented by the City of Tracy and the implementing agencies. The MMRP will describe actions required to implement the appropriate mitigation for each CEQA category including identifying the responsible agency, program timing, and program monitoring requirements. Based on the analysis and conclusions of the Initial Study, the impacts of proposed project would be mitigated to less-than-significant levels with the implementation of the mitigation measures presented below.

**Mitigation Measure BIO-1:** *Prior to any activities that would result in disturbance to the project site, the project applicant shall consult with SJCOG to determine the appropriate mitigation measures that must be implemented to comply with requirements of the SJMSCP and avoid impacts to special status plant species. If it is determined that the project site contains special status plants that are covered by the SJMSCP, the project applicant shall secure an authorization for an incidental take by remitting all appropriate fees to the San Joaquin Council of Governments and incorporating all Incidental Take Minimization Measures into the project design and construction phase. If it is determined that the project site contains special status plants that are not covered by the SJMSCP, the project applicant shall either avoid the Area, or seek consultation with the appropriate regulatory agency (CDFW or USFWS) for the appropriate permits and mitigation measures. If it is determined that the project site does not contain special status plants, then no additional action is necessary.*

*Implementation of this mitigation shall occur prior to grading or site clearing activities. The project applicant shall be responsible for monitoring and a qualified botanist shall conduct surveys as required.*

**Mitigation Measure BIO-2:** *Prior to ground disturbance in any areas that may contain sensitive habitat for special-status species, the project applicant shall arrange for pre-construction surveys to be conducted on the project site. In the event that special-status species are determined to be present in an area proposed for disturbance, the project applicant shall implement all incidental take minimization measures for that species, consistent with the requirements of the SJMSCP, and shall seek and obtain coverage under the SJMSCP from SJCOG.*

**Mitigation Measure BIO-3:** *Prior to any ground disturbance related to activities covered under the SJMSCP, which are conducted during the Swainson's hawk nesting season (March 15- September 15), a USFWS/CDFW-approved biologist shall conduct a preconstruction survey no more than 30 days prior to construction in order to establish whether occupied Swainson's hawk nests are located within ½ mile of the project site. If potentially occupied nests are identified within ½ mile of the project site, then their occupancy will be determined by observation from public roads or by observations of Swainson's hawk activity (e.g. foraging) near the project site. A written summary of the survey results shall be submitted to the City of Tracy Development Services Department. If occupied nests occur on- site or within ½ mile of the project site, then Mitigation Measure BIO-4 shall be implemented. If occupied nests are not found, further mitigation is not necessary.*

**Mitigation Measure BIO-4:** *During the nesting season (March 15-September 15), covered activities within ½ mile of occupied Swainson's hawk nests or nests under construction shall be prohibited to prevent nest abandonment. If site-specific conditions, or the nature of the covered activity (e.g., steep topography, dense vegetation, and limited activities) indicate that a smaller buffer could be used, SJCOG may coordinate with CDFW/USFWS to determine the appropriate buffer size. If young fledge prior to September 15, covered activities could proceed normally. If the active nest site is shielded from view and noise from the project site by other development, topography, or other features, the project applicant can apply to SJCOG for a waiver of this avoidance measure. Any waiver must also be approved by USFWS and CDFW. While a nest is occupied, activities outside the buffer can take place.*

**Mitigation Measure BIO-5:** *The project applicant shall comply with measures contained within the SJMSCP and shall consult with SJCOG biologists, the Technical Advisory Committee (TAC), and the CDFW prior to any site disturbing activities. The project applicant shall implement the requirements of the SJMSCP and the CDFW to ensure that impacts to burrowing owls are avoided. The details of the avoidance measures shall be dictated by the TAC and the CDFW, and may include the following:*

- *To the extent feasible, construction should be planned to avoid the burrowing owl breeding season.*
- *If no other options are available, during the non-breeding season (September 1 through January 31) burrowing owls occupying the Project Area should be evicted from the Project Area by passive relocation by a CDFW-approved biologist, as described in the California Department of Fish and Game's Staff Report on Burrowing Owls (March, 2012). If the CDFW does not approve relocation of any burrowing owls occupying the Project Area, the CDFW may consider further options, and further direction from the CDFW shall be followed (e.g. based on site specific conditions and the latest evidence).*
- *During the breeding season (February 1 through August 31) occupied burrows shall not be disturbed and shall be provided with a 75 meter or greater protective buffer until and unless the TAC, with the concurrence of the Permitting Agencies' representatives on the TAC; or unless a qualified biologist approved by the Permitting Agencies verifies through non-invasive means that either: 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The City of Tracy shall consult with the CDFW and shall follow CDFW guidance regarding the appropriate length of buffer distance, as determined by site-specific conditions. Once the fledglings are capable of independent survival, the burrow may be allowed to be destroyed, as determined by and upon approval from the CDFW.*

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

**Mitigation Measure BIO-6:** *Prior to any activities that would result in removal, fill, or hydrologic interruption of wetlands or jurisdictional waters, a formal wetland delineation shall be performed by a qualified biologist and submitted to the USACE for verification. If the USACE determines that the irrigation ditches are jurisdictional and that the project activities would result in a fill, the applicant shall secure an authorization of the fill through the Section 404 permit process.*

**Mitigation Measure BIO-7:** *Prior to any activities that would result in removal, fill, or hydrologic interruption of wetlands or jurisdictional waters, the applicant shall consult with the CDFW to determine if the activities are subject to Section 1601 of the Fish and Game Code. If the CDFW determines that the project activities are subject to these regulations, the applicant shall secure an authorization of the activities through a Streambed Alteration Agreement.*

**Mitigation Measure GEO-1:** *In accordance with the California Building Code (Title 24, Part 2) Section 1804A.3 and A.5, and the requirements of Tracy General Plan Objective SA-1.1, Policy 1, liquefaction and seismic settlement potential shall be addressed in the design level geotechnical engineering investigations. The City's Building Division of the Development and Engineering Services Department shall ensure that all the pertinent sections of the California Building Code shall be adhered to in the construction of infrastructure associated with the project, and that all appropriate measures are implemented in order to reduce the risk of liquefaction and seismic settlement prior to operation of the project.*

**Mitigation Measure HYD-1:** *Prior to issuance of grading permits, the contractor shall prepare a Storm Water Pollution Prevention Plan (SWPPP). The Developer shall file the Notice of Intent (NOI) and associated fee to the SWRCB. The SWPPP shall serve as the framework for identification, assignment, and implementation of BMPs. The contractor shall implement BMPs to reduce pollutants in stormwater discharges to the maximum extent practicable. The SWPPP shall be submitted to the City Engineer for review and approval and shall remain on the Project site during all phases of construction. Following implementation of the SWPPP, the contractor shall subsequently demonstrate the SWPPP's effectiveness and provide for necessary and appropriate revisions, modifications, and improvements to reduce pollutants in stormwater discharges to the maximum extent practicable.*

**Mitigation Measure HYD-2:** *Prior to issuance of a grading or building permit, 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.

**Mitigation Measure NOI-1:** Prior to approval of any development projects on the site, the project applicant shall retain a qualified acoustical engineer to prepare a noise study. The noise study shall assess the potential for the project to generate noise levels that would expose sensitive receptors to noise levels in excess of any adopted City threshold, and shall assess the potential for proposed land uses on the project site to be exposed to noise levels in excess of adopted City thresholds. If the project would generate excessive noise or be exposed to excessive noise, mitigation measures shall be implemented in order to reduce noise exposure levels below adopted City thresholds. Potential mitigation measures may include, but are not limited to, the construction of sound walls or site design features that effectively shield noise sources from adjacent sensitive receptors.

**Mitigation Measure NOI-2:** The proposed Project shall ensure that the sensitive receptors would not be exposed to noise levels exceeding 65 dBA during Project construction activities. The proposed Project shall implement the following actions to reduce noise during project construction activities:

- **Limit Construction Hours.** Construction activities shall be limited to the least noise-sensitive times and will comply with the City noise ordinance. Construction, alteration, or land development activities shall be allowed during daylight hours between the hours of 7 a.m. and 7 p.m.
- **Locate Staging Areas away from Sensitive Receptors.** The City's construction specification shall require that the contractor select staging areas as far as feasibly possible from sensitive receptors.
- **Maintain Mufflers on Equipment.** The City's construction specifications shall require the contractor to maintain all construction equipment with manufacturer's specified noise-muffling devices.
- **Idling Prohibition and Enforcement.** The City shall prohibit and enforce unnecessary idling of construction vehicles. In practice, this would mean turning off equipment if it will not be used for five or more minutes.

**Mitigation Measure TR-1:** Prior to grading permit issuance, the developer of the Project site shall submit plans to the Tracy Development Services Department for review and approval which indicate (via notation on the improvement plans) that if historic and/or cultural resources are encountered during site grading or other site work, all such work shall be halted immediately within the area of discovery and the developer shall immediately notify the Tracy Development Services Department of the discovery. In such case, the developer shall be required, at their own expense, to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist shall be required to submit to the Development Services Department for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the area of discovery would not be allowed until the preceding work has occurred.

**Mitigation Measure TR-2:** Pursuant to State Health and Safety Code §7050.5 (c) State Public Resources Code §5097.98, if human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find and the San Joaquin County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission who shall notify the person believed to be the most likely descendant. The most likely descendant shall work with the contractor to develop a program for re-interment of the human remains and any associated artifacts. Additional work is not to take place within the immediate vicinity of the find until the identified appropriate actions have been implemented.

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# INITIAL STUDY

## **PROJECT TITLE**

Alvarez Annexation

## **LEAD AGENCY NAME AND ADDRESS**

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

## **CONTACT PERSON AND PHONE NUMBER**

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

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

Schack & Company, Inc.  
1025 Central Ave.  
Tracy, CA 95376  
(209) 835-2178

## **PURPOSE OF THE INITIAL STUDY**

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

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

## **INTRODUCTION**

The following pages provide an analysis of the proposed Alvarez Annexation 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.

### *TRACY GENERAL PLAN EIR*

On February 1, 2011, the City adopted a new General Plan and certified the associated General Plan EIR (SCH# 2008092006). The proposed Project is consistent with Buildout scenario contained within the General Plan. The General Plan EIR assumed full development and buildout of the Project site upon buildout of the General Plan, consistent with the uses and densities proposed by the Project.

As explained in the following pages, the proposed Project is consistent with the City's General Plan and General Plan EIR, and there are no site-specific or cumulative impacts associated with the proposed Project that have not been fully addressed in the 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.

## **PROJECT OVERVIEW**

### *PROJECT LOCATION*

The Project site consists of 9.1 acres, located in unincorporated San Joaquin County, along Interstate 205 (I-205) adjacent to the northern portion of the City of Tracy. The Project's regional location is shown in Figure 1. The Project site includes two APNs: 212-170-34 and 212-170-33. In addition, the Project site contains an area to the south of the two APNs, within I-205 right-of-way. The Project's site boundary is shown in Figure 2. Figure 3 shows the Project site's parcels by APN.

### *PROJECT DESCRIPTION*

The Project site is located within unincorporated San Joaquin County, within Tracy's Sphere of Influence (SOI), adjacent to the current city limits. The proposed Project would annex the 9.1-acre Project site into the City of Tracy. In addition, as part of the annexation process, the proposed Project would provide the Project site pre-zoning. The zoning for the Project site would be a new Zone classification, the Community Recreation Support Services (CRS) Zone. This new Zone classification is described in greater detail below.

There is no specific development proposed as part of the proposed Project. The proposed project consists of three actions: 1) annexation of the site into the Tracy City Limits, and 2) pre-zoning the site to Community Recreation Support Services, and 3) amending the Tracy Zoning Code to include the Community Recreation Support Services (CRS) Zone. It is noted that the zoning code amendment would not rezone any other parcels within the City of Tracy.

Future utilities serving the project site would be provided by the City of Tracy, via the extension of existing nearby water, storm drain, and sewer lines. Police and Fire services would also be provided by the City of Tracy. Given that the Project site would be used for commercial uses, based upon the

floor-area-ratio (FAR) of 1.0 for commercial uses as provided in the Tracy General Plan (pg. 2-24), the proposed Project has the potential to develop up to 396,396 square feet of commercial uses, consistent with the uses allowed under the proposed CRS zone, as described below.

### **Community Recreation Support Services (CRS) Zone**

The following provides a summary of the new CRS Zone classification, which would be approved for the Project site as part of the proposed project.

#### **Purpose**

The CRS Zone classification is intended to provide support services for users of nearby community and/or regional recreational and entertainment facilities through the provision of a range of focused retail uses, restaurants, traveler’s accommodations, and similar uses and services. The design and layout provisions of the CRS Zone are intended to minimize traffic conflicts through ensuring appropriate shared parking and circulation facilities while accommodating convenient traffic flow and turning movements, including during heavy traffic periods resulting from scheduled recreational events in the area. The uses permitted are also intended to support pedestrian, bicycle and automobile modes of travel, while ensuring compatibility with adjacent and nearby development.

In addition, The CRS Zone use and design provisions are intended to direct property development as follows:

- (a) Promote a free traffic flow on major arterial streets;
- (b) Uses in the CRS Zone are primarily for the convenience of and use by nearby recreational facility users and visitors.
- (c) Assure compatibility among the uses along major arterial and collector streets and with existing and future uses in adjacent areas.

#### **Permitted Uses**

The following provides a summary of uses that would be permitted (without requiring a conditional use permit) in the CRS zone. The “Use Groups” referenced below are contained in Section 10.08.1080 of the Tracy Municipal Code.

Permitted uses would include:

- Group 1: Minor public service uses;
- Group 4: Temporary buildings and uses;
- Group 29: Accessory uses, except for residences;
- Group 40: Traveler's accommodations and services, except uses listed as (c-2), Eating and/or drinking establishment that serves alcohol and provides entertainment after 11:00 p.m.; and

Group 42: Retail stores, retail trade establishments, convenience foods or goods, food stores.

### **Conditionally Permitted Uses**

In addition, the following freeway-oriented uses would be permitted in the CRS Zone subject to the granting of a conditional use permit, as provided in Sections 10.08.4250 through 10.08.4420 of Article 34 of the Tracy Municipal Code:

- (1) Uses which are included in Use Group 2, Local public service and utility installations;
- (2) Use Group 40, Traveler's accommodations, subsection (c-2), Eating and/or drinking establishment that serves alcohol and provides entertainment after 11:00 p.m.;
- (3) Use Group 44 (a), Automobile service stations; building materials and hardware stores, department stores, retail warehouses, and similar larger retail buildings and operations;
- (4) Use Group 48, Commercial amusement and entertainment establishments.

All uses established within the CRS Zone would be conducted wholly within a building, except such uses as gasoline service stations and similar enterprises deemed by the Director of Development Services to be customarily conducted in the open.

### **Pedestrian and Bicycle Circulation**

Provisions shall be included in all site plans for pedestrian and bicycle circulation, including access from sidewalks to on-site buildings, and between building groups. Such circulation design features are also intended to connect adjoining properties in the CRS Zone.

### **Building Site Area**

The minimum area zoned CRS shall be two contiguous acres. Individual properties less than two contiguous acres under separate ownership and not separated by public streets, rights-of-way or similar features shall be permitted, provided the combined size of such sites establishes a CRS zone of two or more acres. Such sites shall comply with the provisions of this Chapter regarding uses and development standards. Sites shall have shared access and integrated, internal circulation plans.

### **Lot Area**

All newly created lots in the CRS Zone shall have a minimum area of 20,000 square feet and shall have a minimum width of 120 feet street frontage.

### **Yard Areas**

Minimum yards in the CRS Zone shall be as follows:

(a) Front yards. Every lot within the CRS Zone shall have a front yard of not less than 15 feet; and

(b) Side and rear yards. There shall be no side or rear yard requirements within the CRS Zone, except where adjacent to residential zones within the City, in which case there shall be side and rear yards of not less than ten feet.

### **Height**

The maximum height of any building in the CRS Zone shall not exceed 55 feet, except where adjacent to residential zones within the City, in which case the maximum height of any building shall not exceed 40 feet.

### **Floor Area**

There shall be no floor area requirements in the CRS Zone.

### **Off-street Parking**

Off-street parking shall conform to the requirements of Article 26, Chapter 10.08, of the Tracy Municipal Code. In addition, when two or more uses combine their parking into a single adjoining parking lot with common ingress and egress, they may receive a 25 percent reduction in the required number of spaces. The proposed common parking lot shall be subject to site plan and architectural review at the time of the Development Review.

### **Usable Open Space**

A minimum of ten percent of the site shall be reserved for pedestrian walkways, sitting areas or plazas, landscaping, or other open spaces.

### **Signs**

Signs in the CRS Zone shall be in compliance with the provisions of Article 35 of the Tracy Municipal Code.

### **Development Review and Development Plan**

All uses requiring a building permit shall obtain development review compliance, except as provided for in Article 30 of the Tracy Municipal Code, prior to being established in the CRS Zone.

A development plan that includes areas (whether vacant or containing nonconforming uses or structures) adjacent to the CRS site being developed shall be submitted and approved as part of the development review process. The development plan shall demonstrate adequate circulation including, where relevant, streets, driveways, shared right-of-way access points and driveways, bicycle paths, pedestrian connections between the buildings and between the building and public sidewalks and parking, and a unified and coordinated arrangement of buildings and service facilities and utilities.

### ***EXISTING SITE USES***

The Project site currently consists of undeveloped land along the I-205 corridor. The Project site is generally flat and is currently used for dryland grazing. There are no residents or permanent

structures located on the Project site. A small cluster of trees is located in the far northeastern corner of the site. The Project site is surrounded on all sides by fencing, and a gated entrance is located in the northeast corner. Figure 2 shows an aerial image of the Project site.

### *SURROUNDING LAND USES*

The surrounding area adjacent to the Project site includes commercial uses to the east (e.g. a Holiday Inn Express, other hotels, eateries, and a vehicle repair station), vacant land and scattered residential properties to the north and west, I-205 to the south, and additional commercial and scattered residential uses to the south.

### *GENERAL PLAN AND ZONING DESIGNATIONS*

The San Joaquin County General Plan designation for the Project site is Low Density Residential (R/L). The R/L designation is appropriate for single family neighborhoods. The typical housing type for this land use designation is detached, single family dwelling units. The density is 2-6 primary dwelling units per gross acre.

The project site is designated Commercial by the Tracy General Plan Land Use Map. As described in the Tracy General Plan Land Use Element:

*The Commercial designation allows for a relatively wide range of uses but focuses primarily on retail and consumer service activities that meet the needs of Tracy residents and employees as well as pass-through travelers. Office uses are allowed in commercially designated areas. Mixed-use development is also permitted in the Commercial designation. Appropriately scaled and designed residential development in the density ranges permitted in Residential High (RH) may be allowed, and other residential densities may be allowed in Commercial districts in Areas of Special Consideration. In addition, parks are allowed in the Commercial designation. Regardless of configuration, there should be an attempt in both locational criteria and design criteria to be as accessible and appealing to the pedestrian as possible to encourage walking and biking. Commercially designated land may have a maximum FAR of 1.0.*

*Specific categories of commercial activity within this designation include general commercial, regional commercial and highway commercial. The specific location of each type of commercial use will be provided in the zoning code.*

*General commercial uses include grocery and convenience stores, salons, professional offices, restaurant, fast-food establishments, auto service stations, drug stores, dry cleaners, day care centers, and banks. Adequate access, compatibility with other surrounding uses, and consistent design with the community are all necessary for these uses. They should be located in centralized areas capable of serving the greatest number of households with the least travel distance and best access to alternate modes of transportation and freeways.*

*Regional commercial uses (such as the I-205 Regional Commercial Area), include factory outlets, discount stores, regional shopping malls, automobile sales, office uses, medical facilities and home improvement centers. These uses should be located in areas with the highest level of automobile access but should also contain a safe pedestrian environment.*

*Highway commercial uses serve the needs of the traveling motorist and should be located in close proximity to freeway ramps. Appropriate uses include hotels and motels, restaurants, and motor vehicle and gasoline service stations that provide services to the traveling public and allow for convenient freeway access. Since these areas are visible from the interstate and function as gateways to the community, it is important to ensure that they are well designed.*

The Project site is currently zoned Low Density Residential (R-L) by the San Joaquin County Zoning Map. The R-L zone is provided for neighborhoods consisting of detached, single-family residences located within or immediately adjacent to population centers which have public services.

As stated previously, upon annexation by the City of Tracy, the Project site would be designated as a Commercial land use by the City of Tracy, and would be zoned under the new CRS Zone.

## **REQUESTED ENTITLEMENTS AND OTHER APPROVALS**

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

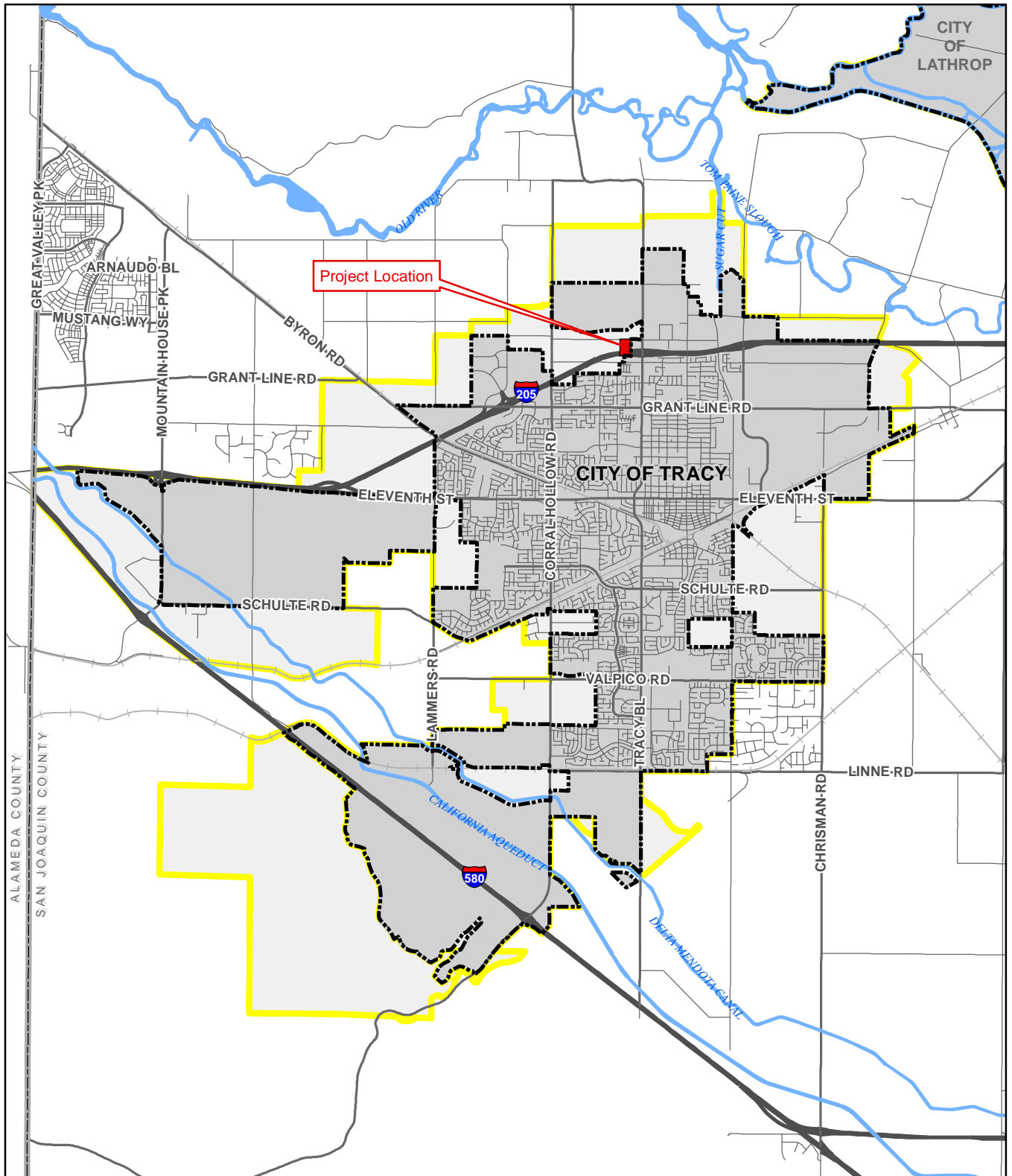
This document will be used by the City of Tracy to take the following actions:

- Adoption of the Mitigated Negative Declaration (MND)
- Adoption of the Mitigation Monitoring and Reporting Program (MMRP)
- Approval of the proposed CRS Zone classification under Title 10, Planning and Zoning, of the Tracy Municipal Code.
- Approval of site rezoning / zoning
- Development and building permits

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

- San Joaquin Local Agency Formation Commission (LAFCO) - Approval of annexation request.

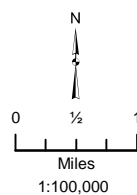




**ALVAREZ ANNEXATION MND**  
 Figure 1: Regional Location

**Legend**

- Proposed Annexation Area
- City Boundary
- Sphere of Influence



Sources: San Joaquin County GIS. Map date: May 22, 2017

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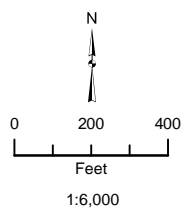


**ALVAREZ ANNEXATION MND**

Figure 2: Site Boundary

**Legend**

- Proposed Annexation Area
- Proposed Annexation Parcels
- City Limits





Sources: San Joaquin County GIS; ArcGIS Online World Imagery Map Service. Map date: May 22, 2017.

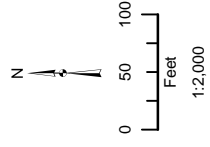
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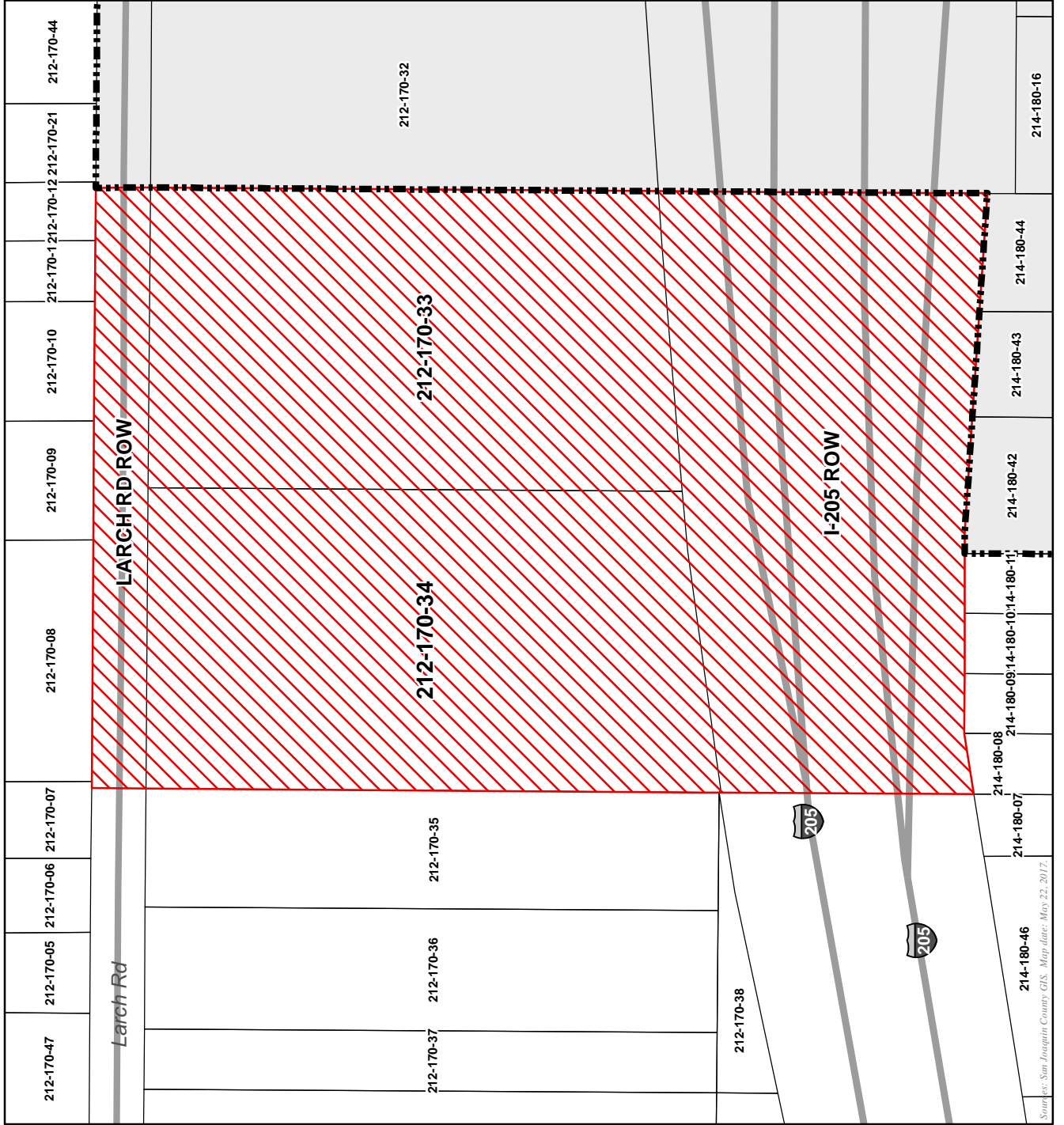
# ALVAREZ ANNEXATION MND

## Figure 3: Assessor's Parcel Map

 Proposed Annexation Area  
 City of Tracy



De Novo Planning Group  
A Land Use Planning, Design, and Environmental Firm



Source: San Joaquin County GIS. Map date: May 22, 2017.

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**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

**DETERMINATION:**

On the basis of this initial evaluation:

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

\_\_\_\_\_  
Signature \_\_\_\_\_  
Date

## EVALUATION INSTRUCTIONS:

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



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

## EVALUATION OF ENVIRONMENTAL IMPACTS:

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

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

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## ENVIRONMENTAL CHECKLIST

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

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

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

### *RESPONSES TO CHECKLIST QUESTIONS*

**Response a): Less than Significant.** There are no scenic vistas located on or adjacent to the Project site. The proposed Project would allow for future development which would be consistent and compatible with the surrounding land use designations. Lands surrounding the Project site consist of commercial and residential uses.

Implementation of the proposed Project would facilitate future commercial development in an area of the city that is adjacent to existing and future commercial 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 commercial and residential purposes. Furthermore, the General Plan designates this area for commercial uses. The General Plan EIR analyzed impacts related to aesthetics as a result of development of the General Plan, including the Project site.

The proposed Project supports implementation of goals and policies contained within the Tracy General Plan, and would be fully consistent with both the General Plan and the analysis contained in the General Plan EIR. 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 5.6 miles southwest 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.

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

**Response c): Less than Significant.** Development of the Project site would be visually compatible with the surrounding 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 commercial uses. A commercial project on the site could be developed with a maximum of 396,396 square feet of commercial space. However, taking into account the scope and location of the proposed project relative to the surrounding area uses, and given the Project site's proximity to I-205, 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 any future structures, landscaping, streetscape improvements, or exterior lighting would be compatible with the surrounding land uses. As previously stated, the proposed zoning (CRS) would also require that the maximum height of any building would not exceed 55 feet, except where adjacent to City residential zones, in which case the maximum height of any building would not exceed 40 feet. Furthermore, given that the proposed Project is located in the Tracy General Plan Buildout Area, the proposed Project is consistent with the findings related to visual impacts as provided within the City of Tracy General Plan and Tracy General Plan EIR. 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 has the potential to include a large number of windows, which could reflect light to nearby residences and/or motorists. However, vehicle glare would be reduced because landscaping and other barriers would provide partial visual blockage to the Project site from nearby residences. In addition, the maximum height of any building located near a residential zone would not exceed 40 feet. Further, the types of uses that would be allowed to be developed (e.g. hotels) are not generally known to generate high levels of glare.

Development of the proposed Project would likely include exterior lighting around any structures or parking 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. Compliance with existing City standards and requirements would ensure impacts related to light and glare would be **less than significant**.

*II. AGRICULTURE AND FOREST RESOURCES: WOULD THE PROJECT:*

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

*RESPONSES TO CHECKLIST QUESTIONS*

**Response a): Less than Significant.** According to the City of Tracy General Plan, there are a total of 39,781 acres of land identified as Prime Farmland, Unique Farmland, Farmland of Statewide Importance and Farmland of Local Importance within the City’s Planning Area, SOI and city limits combined. Of this amount, 4,890 acres are located within the city limits, 10,268 acres are within the SOI outside City limits, and 24,263 acres are located in the Tracy Planning Area outside the SOI.

As shown in Figure 4, the Project site contains no Prime Farmland, Unique Farmland, Farmland of Statewide Importance, and Farmland of Local Importance. Pursuant to the Farmland Mapping and Monitoring Program, the Project site is classified as ‘Vacant or Disturbed Land’ and ‘Urban and Built-Up Land’. This is a **less than significant** impact.

**Response b): Less than Significant.** The Tracy Planning Area includes lands protected under Williamson Act contracts. These contracts preserve land in agricultural use for ten years and are adopted by land owners on a voluntary basis in exchange for tax benefits. As provided by San Joaquin County Community Development GIS data, no portion of the Project site is located on land under Williamson Act Contract, nor are any of the parcels immediately adjacent to the Project site under a Williamson Act Contract (SJCCDGIS, 2017). Although dryland grazing currently occurs on the Project site, the existing San Joaquin County land use designation for the Project site is Low Density Residential and the zoning is Low Density Residential. Therefore, the proposed Project

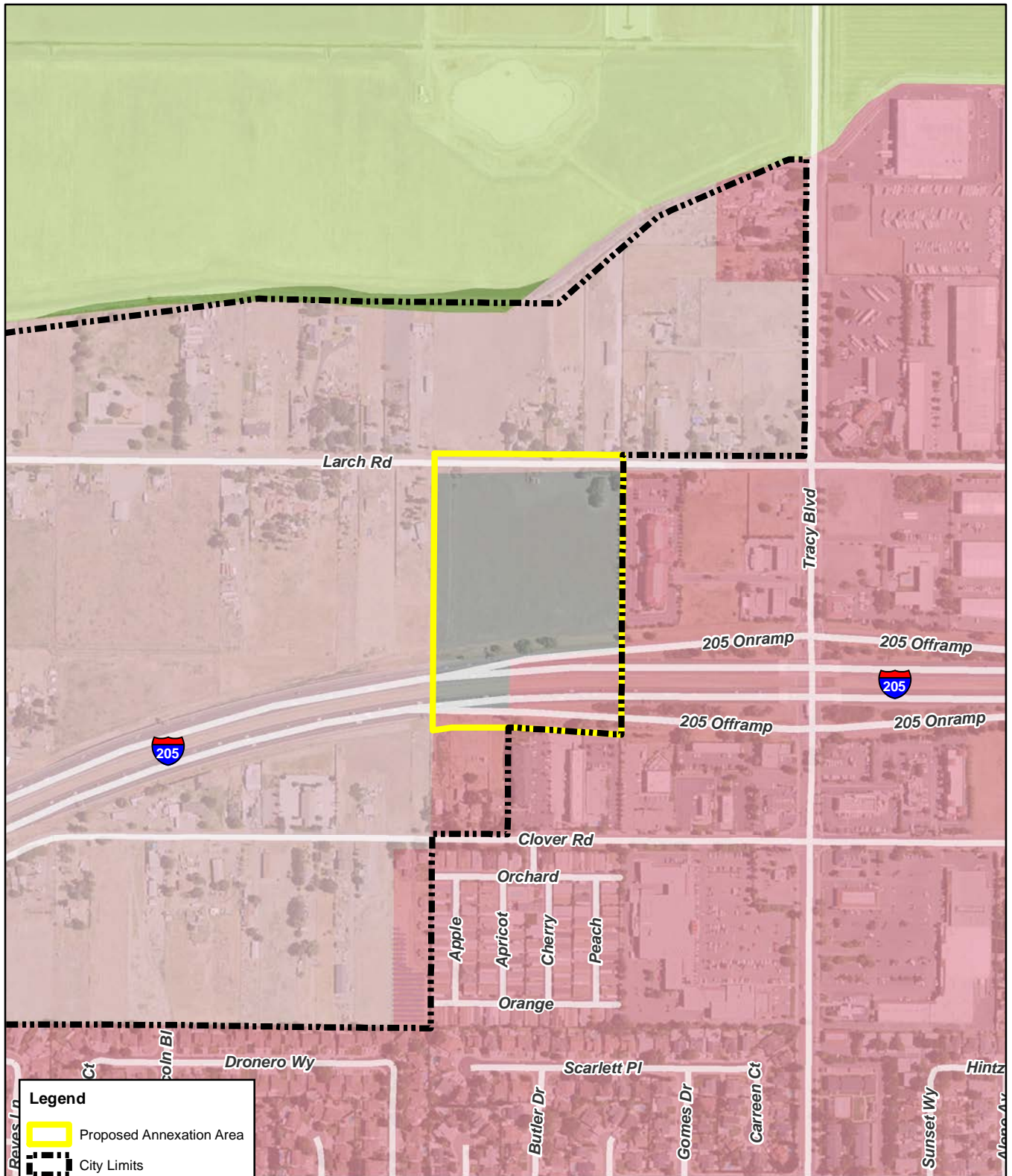
would not conflict with agricultural zoning or Williamson Act contracts. This is a **less than significant** impact.

**Responses c), d): No Impact.** The Project site is located in an area consisting of commercial and low density 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. The Project site is not considered forest land (as defined in Public Resources Code section 12220[g]), timberland (as defined by Public Resources Code section 4526), and is not zoned Timberland Production (as defined by Government Code section 51104[g]). Therefore, the proposed Project would have no impact with regard to conversion of forest land or any potential conflict with forest land, timberland, or Timberland Production zoning. Therefore, there is **no impact**.








**Response e): Less than Significant.** As previously stated under Response (b), the site does not contain an agricultural land use designation and the site is not currently zoned for agricultural use. Additionally, as previously stated under Responses (c) and (d), the site does not contain any forest land. There is a **less than significant** impact related to this environmental topic.

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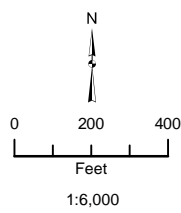


**Legend**

-  Proposed Annexation Area
-  City Limits
- Farmland Classification**
-  Prime Farmland
-  Unique Farmland
-  Vacant or Disturbed Land
-  Rural Residential Land
-  Urban and Built-Up Land

**ALVAREZ ANNEXATION MND**

Figure 4: Farmland Classification Map



Sources: Farmland Mapping and Monitoring Program, San Joaquin County 2014; San Joaquin County GIS; ArcGIS Online World Imagery Map Service. Map date: May 30, 2017.

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*III. AIR QUALITY -- WOULD THE PROJECT:*

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

*EXISTING SETTING*

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

*RESPONSES TO CHECKLIST QUESTIONS*

**Responses a), b), c): Less than Significant.** Air quality emissions would be generated during construction and operation of future development within the Project site.

**Construction-Related Emissions**

Construction of future development within the Project site would result in numerous activities that would generate dust. The fine, silty soils within the Project site 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 future project construction would likely involve grading and leveling the project site and installation of supporting underground infrastructure, such as water, sewer, storm drain, and electrical lines.

Future development at the Project site would be subject to the requirements of SJVAPCD rules and control measures required and enforced by the SJVAPCD under Rule VIII. Rule VIII requires a construction emissions reduction plan which includes 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 of use 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 period 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.)

The above requirements, and other applicable SJVAPCD rules, would be imposed upon any future development within the Project site during all phases of construction to reduce the potential for construction-related emissions. Additionally, impacts related to air quality as a result of development within the City’s Planning Area, including the Project site, were analyzed in the General Plan EIR. Approval of the proposed Project would not allow for any new land uses not already contemplated in the Tracy General Plan and analyzed in the General Plan EIR. Therefore, this is considered a less than significant impact.

### **Operational Emissions**

Construction of future development within the Project site would result in operational emissions, including smog-forming and particulate emissions.

District Rule 9510 requires developers of residential, commercial, and industrial projects to reduce smog-forming (NOx) and particulate (PM<sub>10</sub> and PM<sub>2.5</sub>) emissions generated by their projects. The Rule applies to projects which, upon full build-out, will include one of the following:

- 50 or more residential units;
- 2,000 square feet of commercial space;

- 25,000 square feet of light industrial space;
- 100,000 square feet of heavy industrial space;
- 20,000 square feet of medical office space;
- 39,000 square feet of general office space;
- 9,000 square feet of educational space;
- 10,000 square feet of government space;
- 20,000 square feet of recreational space; or
- 9,000 square feet of space not identified above.

Project developers are required to reduce:

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

Developers are encouraged to meet these reduction requirements through the implementation of on-site mitigation; however, if the on-site mitigation does not achieve the required baseline emission reductions, 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.

Regardless of the expected emissions totals, future development within the Project site would be subject to the requirements of SJVAPCD Rule 9510, which requires developers of large residential, commercial and industrial projects to reduce smog-forming (NO<sub>x</sub>) and particulate (PM<sub>10</sub> and PM<sub>2.5</sub>) emissions generated by their projects. Additionally, impacts related to air quality as a result of development within the City's Planning Area were analyzed in the General Plan EIR. Approval of the proposed Project would not allow for any new land uses not already contemplated in the Tracy General Plan and analyzed in the General Plan EIR. As such, the project would result in **less than significant** air quality impacts.

**Response d): Less than Significant.** Sensitive receptors are those parts of the population that can be severely impacted by air pollution. Sensitive receptors include children, the elderly, and the infirm. The nearest potential sensitive receptors to the Project site are the existing residences located adjacent to the Project site, to the west and north. As described above, the proposed Project itself would not generate significant emissions of criteria air pollutants and would not result in substantial pollutant concentrations. Future development within the Project site would be subject to the SJVAPCD requirements for construction and operational emissions outlined above. Therefore, this is considered a **less than significant** impact.

**Response e): Less than Significant.** According to the CARB's Handbook, some of the most common sources of odor complaints received by local air districts are sewage treatment plants, landfills, recycling facilities, waste transfer stations, petroleum refineries, biomass operations, autobody shops, coating operations, fiberglass manufacturing, foundries, rendering plants, and livestock operations. The proposed Project site is located in a partially developed area, surrounded by existing low density residential land uses to north and west, commercial uses to the east, and I-

205 to the south. Accordingly, the proposed Project site is not located in the vicinity of any substantial objectionable odor sources such as those mentioned above.

Operation of the proposed project would not generate notable odors. The proposed project would be developed with a commercial use, which is compatible with the surrounding land uses. Commercial land uses are not typically associated with the creation of substantial objectionable odors. Occasional mild odors may be generated during landscaping maintenance (equipment exhaust), but the project would not otherwise generate odors.

Diesel fumes from construction equipment and delivery trucks are often found to be objectionable; however, construction of the proposed project would be temporary and diesel emissions would be temporary and regulated. This is a **less than significant** impact and no mitigation is required.

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

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

*RESPONSES TO CHECKLIST QUESTIONS***Response a): Less than Significant.**

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, or suitable habitat for these special status invertebrates. Implementation of the proposed project would have a **less than significant** impact on these species. No mitigation is necessary.

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



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

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, highly 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.

There is the potential for several special status plants to grow within the existing drainage ditches adjacent to the project site, within the mesic (i.e. moist) conditions that are present during specific times. These include the Mason's lilaepsis, Suisun Marsh aster, and Delta button celery, two of which are documented within a five-mile radius of the project site. There are no documented occurrences of special status plants on the project site or within the drainage ditches on adjacent properties that are interconnected. The potential for their occurrence cannot be dismissed in any given year, however, because potentially suitable habitat is present and protocol-level surveys within the ditches have not been conducted (i.e. blooming period surveys).

Detailed development and construction plans for future site improvements have not been prepared or submitted to the City at this time, therefore, it is unknown whether or not these ditches will be retained in their existing conditions or modified to meet drainage standards and specifications. It is not known whether any modifications to the ditches would occur. If the final project plans show that the ditches will be maintained in their current condition without any disturbance to the plants within the ditches, the project would be determined to have a less than significant impact. Because the final plans are not yet prepared there is a possibility that the project could cause disturbance to the plants within the ditches, which is considered a potentially significant impact. Implementation of Mitigation Measure BIO-1 would reduce the impact to a **less than significant** level.



**Special-status mammals:** Special-status mammals that occur within the region include: the pallid bat, the Townsend’s big eared bat, and the western mastiff bat, which occur in a variety of habitats, including grasslands, trees, cliffs, and buildings; and the American badger and San Joaquin kit fox, which occurs in annual grassland and scrub habitats where there is an abundance of burrowing rodents.

The project site could serve as foraging habitat for the pallid bat, Townsend’s big eared bat, or western mastiff bat. These species are highly mobile mammals; however, there are no documented occurrences of these species within a five-mile radius of the project site and there is no suitable roosting habitat present on the project site. These species are covered under the SJCOG SJMSCP, which imposes Incidental Take and Minimization Measures that are intended to prevent impacts in the event that these species are found. The proposed Project is subject to the SJCOG SJMSCP. Implementation of the proposed Project would have a **less than significant** impact on these species.

The project site has been frequently disturbed from historical agricultural activities. As a result, the site does not contain high quality habitat for the American badger or the San Joaquin kit fox. However, these species are highly mobile mammals that may forage on or pass through the project site from time to time. All but one of the documented occurrences of the San Joaquin kit fox occur on the southwest side of Tracy near the foothills. One documented occurrence is located approximately five miles to the northwest near Mountain House. There is only one documented occurrence of American badger, located approximately two miles to the southeast. The proposed Project may have an indirect impact on these species by removing potential foraging habitat, but the Project Area is not in an area that would be classified as a movement corridor for either of these species. These species are covered under the SJCOG SJMSCP, which imposes Incidental Take and Minimization Measures that are intended to prevent impacts in the event that these species are found. The proposed Project is subject to the SJCOG SJMSCP. Implementation of Mitigation Measure BIO-2 would ensure that the proposed Project would have a **less than significant** impact on these species.

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

**Swainson’s Hawk.** The Swainson’s hawk is threatened in California and is protected by the CDFW and the MBTA. Additionally, Swainson’s hawk foraging habitat is protected by the CDFW. 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. Future construction on the project site could adversely affect Swainson’s hawk foraging habitat. The Swainson’s hawk is a species covered by the SJMSCP. As required by Mitigation Measure BIO-3, below, the project applicant must submit an application to SJCOG to request coverage of the Project Area under the SJMSCP. Coverage of a

project under the SJMSCP is intended to reduce impacts to biological resources, including Swainson's hawk, resulting from a project. Once the project site has successfully received coverage under the SJMSCP, the applicant is required to incorporate all Incidental Take Minimization Measures identified by SJCOG into the project design. SJCOG will use the mitigation fee to purchase habitat for Swainson's hawk to be protected in perpetuity. In addition, Mitigation Measure BIO-3 would require preconstruction surveys for Swainson's hawk if construction activities are to take place during nesting season, and Mitigation Measure BIO-4 establishes non-disturbance or monitoring buffers if nests are found. No additional mitigation measure is required, and the project's coverage under the SJMSCP ensures that this potential impact would be **less than significant**.

**Burrowing Owls.** Portions of the project site could contain suitable habitat for burrowing owls, and burrowing owls have been observed nearby during biological site visits conducted for various projects throughout the Tracy Planning Area. Burrowing owls are a California Species of Special Concern and are protected by the CDFW and the MBTA. Burrowing owls forage in open grasslands and shrublands and typically nest in old ground squirrel burrows. This species is covered under the SJCOG SJMSCP, which imposes Incidental Take and Minimization Measures that are intended to prevent impacts in the event that these species are found. The proposed Project is subject to the SJCOG SJMSCP. Implementation of Mitigation Measure BIO-5 would reduce the potential impact to a **less than significant** level.

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, development within the Project site would be required to consult with the San Joaquin Council of Governments (SJCOG) to pursue and obtain coverage pursuant to the SJMSCP. Project applicants would be required to arrange for a qualified biologist to conduct a preconstruction survey for all of the species listed above if suitable habitat is present onsite. If any of these species or occupied nests are discovered, then the project applicant(s) shall implement all avoidance and protection measures required by SJCOG pursuant to the SJMSCP. Compliance with the existing SJMSCP requirements would ensure that special status plant or wildlife species are protected throughout the region. Additionally, impacts related to special-status species within the City's Planning Area were analyzed in the General Plan EIR. Approval of the proposed Project would not allow for any new land uses not already contemplated in the Tracy General Plan and analyzed in the General Plan EIR. Impacts to special status plant or wildlife species would be **less than significant**.

#### *Mitigation Measures*

**Mitigation Measure BIO-1:** *Prior to any activities that would result in disturbance to the project site, the project applicant shall consult with SJCOG to determine the appropriate mitigation measures that must be implemented to comply with requirements of the SJMSCP and avoid impacts to special status plant species. If it is determined that the project site contains special status plants that are covered by the SJMSCP, the project applicant shall secure an authorization for an incidental take by remitting all appropriate fees to the San Joaquin Council of Governments and incorporating all Incidental Take*

*Minimization Measures into the project design and construction phase. If it is determined that the project site contains special status plants that are not covered by the SJMSCP, the project applicant shall either avoid the Area, or seek consultation with the appropriate regulatory agency (CDFW or USFWS) for the appropriate permits and mitigation measures. If it is determined that the project site does not contain special status plants, then no additional action is necessary.*

*Implementation of this mitigation shall occur prior to grading or site clearing activities. The project applicant shall be responsible for monitoring and a qualified botanist shall conduct surveys as required.*

**Mitigation Measure BIO-2:** *Prior to ground disturbance in any areas that may contain sensitive habitat for special-status species, the project applicant shall arrange for pre-construction surveys to be conducted on the project site. In the event that special-status species are determined to be present in an area proposed for disturbance, the project applicant shall implement all incidental take minimization measures for that species, consistent with the requirements of the SJMSCP, and shall seek and obtain coverage under the SJMSCP from SJCOG.*

**Mitigation Measure BIO-3:** *Prior to any ground disturbance related to activities covered under the SJMSCP, which are conducted during the Swainson's hawk nesting season (March 15- September 15), a USFWS/CDFW-approved biologist shall conduct a preconstruction survey no more than 30 days prior to construction in order to establish whether occupied Swainson's hawk nests are located within ½ mile of the project site. If potentially occupied nests are identified within ½ mile of the project site, then their occupancy will be determined by observation from public roads or by observations of Swainson's hawk activity (e.g. foraging) near the project site. A written summary of the survey results shall be submitted to the City of Tracy Development Services Department. If occupied nests occur on-site or within ½ mile of the project site, then Mitigation Measure BIO-4 shall be implemented. If occupied nests are not found, further mitigation is not necessary.*

**Mitigation Measure BIO-4:** *During the nesting season (March 15-September 15), covered activities within ½ mile of occupied Swainson's hawk nests or nests under construction shall be prohibited to prevent nest abandonment. If site-specific conditions, or the nature of the covered activity (e.g., steep topography, dense vegetation, and limited activities) indicate that a smaller buffer could be used, SJCOG may coordinate with CDFW/USFWS to determine the appropriate buffer size. If young fledge prior to September 15, covered activities could proceed normally. If the active nest site is shielded from view and noise from the project site by other development, topography, or other features, the project applicant can apply to SJCOG for a waiver of this avoidance measure. Any waiver must also be approved by USFWS and CDFW. While a nest is occupied, activities outside the buffer can take place.*

**Mitigation Measure BIO-5:** *The project applicant shall comply with measures contained within the SJMSCP and shall consult with SJCOG biologists, the Technical Advisory Committee (TAC), and the CDFW prior to any site disturbing activities. The project applicant shall implement the requirements of the SJMSCP and the CDFW to ensure that impacts to burrowing owls are avoided. The details of the avoidance measures shall be dictated by the TAC and the CDFW, and may include the following:*

- *To the extent feasible, construction should be planned to avoid the burrowing owl breeding season.*
- *If no other options are available, during the non-breeding season (September 1 through January 31) burrowing owls occupying the Project Area should be evicted from the Project Area by passive relocation by a CDFW-approved biologist, as described in the California Department of Fish and Game’s Staff Report on Burrowing Owls (March, 2012). If the CDFW does not approve relocation of any burrowing owls occupying the Project Area, the CDFW may consider further options, and further direction from the CDFW shall be followed (e.g. based on site specific conditions and the latest evidence).*
- *During the breeding season (February 1 through August 31) occupied burrows shall not be disturbed and shall be provided with a 75 meter or greater protective buffer until and unless the TAC, with the concurrence of the Permitting Agencies’ representatives on the TAC; or unless a qualified biologist approved by the Permitting Agencies verifies through non-invasive means that either: 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The City of Tracy shall consult with the CDFW and shall follow CDFW guidance regarding the appropriate length of buffer distance, as determined by site-specific conditions. Once the fledglings are capable of independent survival, the burrow may be allowed to be destroyed, as determined by and upon approval from the CDFW.*

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

**Response 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. Impacts related to riparian habitat or other sensitive natural communities within the City’s Planning Area were analyzed in the General Plan EIR. Approval of the proposed Project would not allow for any new land uses not already contemplated in the Tracy General Plan and analyzed in the General Plan EIR. As such, the proposed project would have **no impact** on these resources.

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

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

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

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

The Project site has the potential to be include wetlands that may be subject to USACE and/or CDFW jurisdiction. A formal wetland delineation of jurisdictional waters of the United States within the Project Area has not been performed and verified by the USACE, nor are any of these activities covered under the SJMSCP. Development projects within the Project site would be required to determine if wetlands are present on-site prior to development. Any activities that would require removal, filling, or hydrologic interruption of the jurisdictional wetlands or Waters of the United States would be subject to the federal Clean Water Act Section 404 and California Fish and Game Code Section 1601 (Streambed Alteration Agreement). If wetlands are determined to be present, then a formal wetland delineation must be completed and submitted to the U.S. Army Corps of Engineers (USACE) for verification. After verification by the USACE, future project applicants within the Project site would be required to comply with all applicable Section 404 mitigation requirements at the project-level in order to offset the loss of wetlands, or implement wetland

avoidance measures. Additionally, impacts related to wetlands within the City's Planning Area were analyzed in the General Plan EIR. Approval of the proposed Project would not allow for any new land uses not already contemplated in the Tracy General Plan and analyzed in the General Plan EIR. Implementation of mitigation measures BIO-6 and BIO-7 would reduce potential impacts to a **less than significant** level.

#### *Mitigation Measures*

**Mitigation Measure BIO-6:** *Prior to any activities that would result in removal, fill, or hydrologic interruption of wetlands or jurisdictional waters, a formal wetland delineation shall be performed by a qualified biologist and submitted to the USACE for verification. If the USACE determines that the irrigation ditches are jurisdictional and that the project activities would result in a fill, the applicant shall secure an authorization of the fill through the Section 404 permit process.*

**Mitigation Measure BIO-7:** *Prior to any activities that would result in removal, fill, or hydrologic interruption of wetlands or jurisdictional waters, the applicant shall consult with the CDFW to determine if the activities are subject to Section 1601 of the Fish and Game Code. If the CDFW determines that the project activities are subject to these regulations, the applicant shall secure an authorization of the activities through a Streambed Alteration Agreement.*

**Response d): Less than Significant.** The CNDDDB record search did not reveal any documented wildlife corridors or wildlife nursery sites on or adjacent to the Project site. Impacts related to wildlife corridors or wildlife nursery sites within the City's Planning Area were analyzed in the General Plan EIR. Approval of the proposed Project would not allow for any new land uses not already contemplated in the Tracy General Plan and analyzed in the General Plan EIR. 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 SJMSCP and is located within the Central/Southwest Transition Zone of the SJMSCP. 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 Wildlife (CDFW), 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



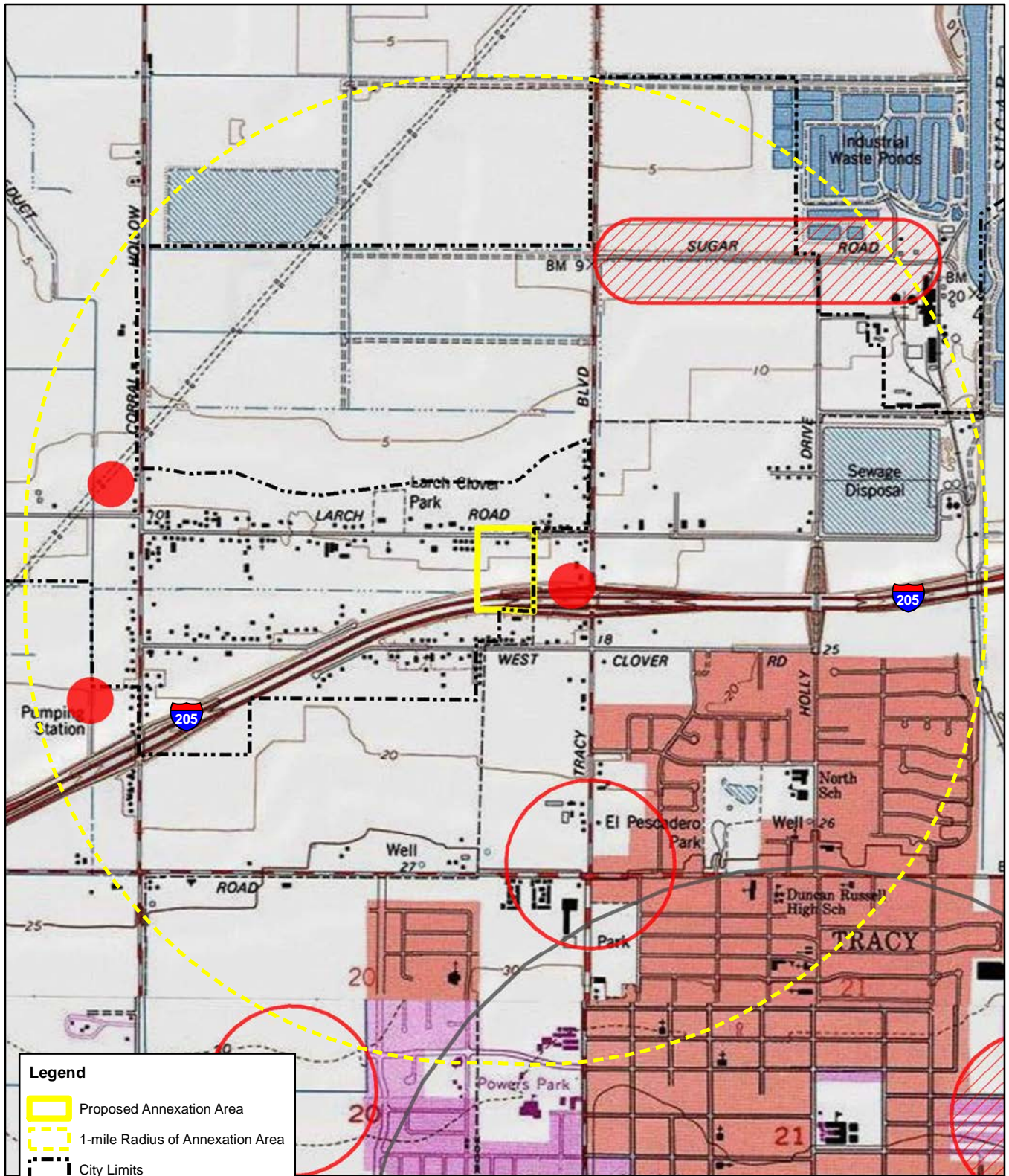
compensation to offset impacts of open space conversions on non-wildlife related resources such as recreation, agriculture, scenic values and other beneficial open space uses. Specifically, the SJMSCP compensates for conversions of open space to urban development and the expansion of existing urban boundaries, among other activities, for public and private activities throughout the County and within Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy.

Development within the Project site may be subject to SJMSCP land conversion fees. Providing for the long-term management of plant, fish and wildlife species, including those currently listed under the Federal ESA or the CESA, the SJMSCP provides Incidental Take Minimization Measures (ITMMs). Development within the Project site would also be subject to these ITMMs, when appropriate.

As indicated above, the City of Tracy and future project applicants shall consult with SJCOG to pursue and obtain coverage of the project pursuant to the SJMSCP prior to development of the Project site. This would ensure that development within the Project site comply with the requirements of the SJMSCP, and do 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 CEQA. Therefore, this is a **less than significant** impact.

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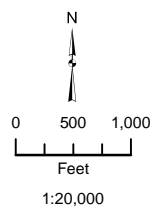
**Legend**

- Proposed Annexation Area
- 1-mile Radius of Annexation Area
- City Limits
- Animal (80m)
- Animal (non-specific)
- Animal (circular)
- Multiple (circular)

**ALVAREZ ANNEXATION MND**

Figure 5: California Natural Diversity Database

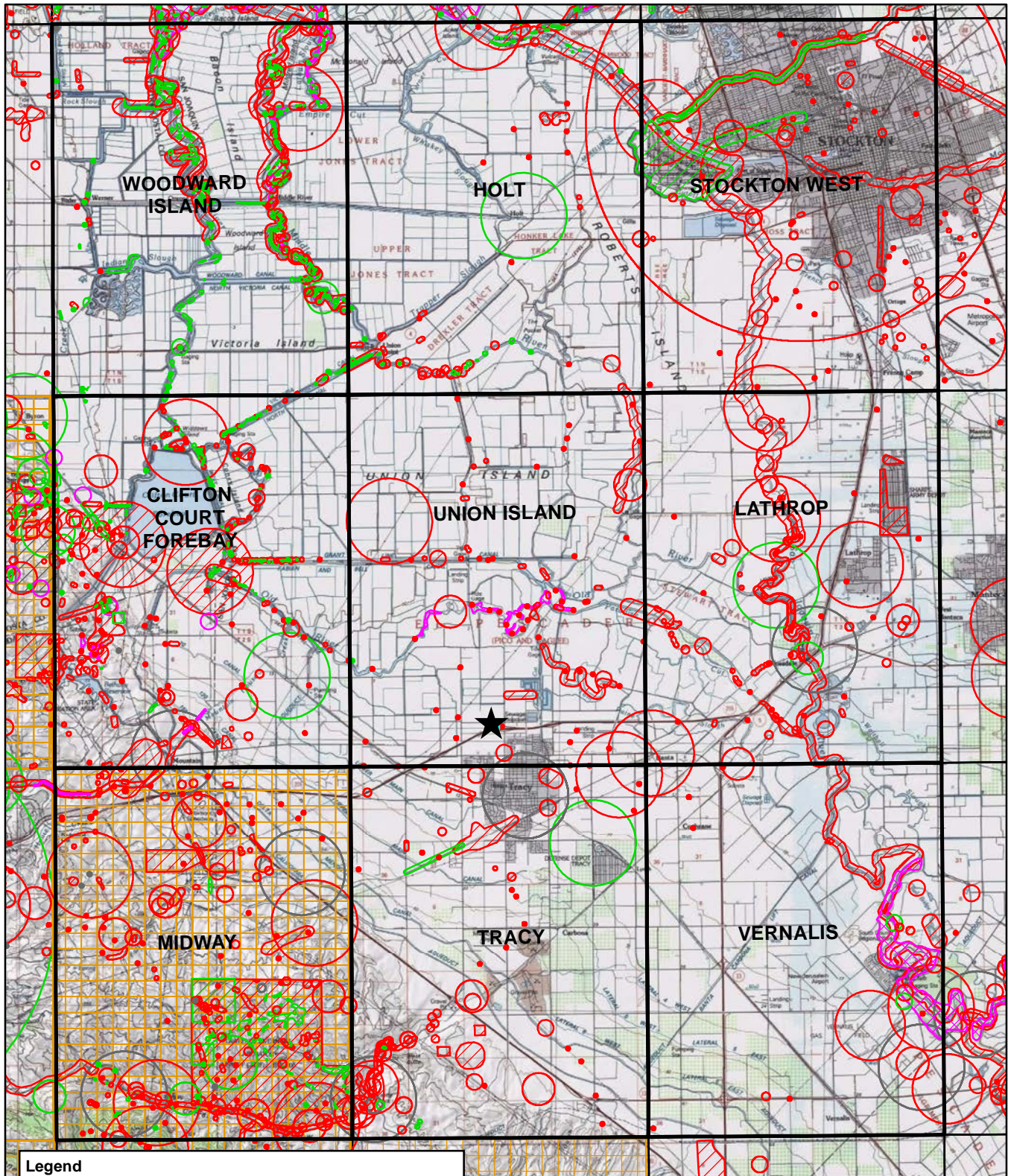
1-mile Radius Search



CNDDDB version 04/30/2017. Please Note: the occurrences shown on this map represent the known locations of the species listed here as of the date of this version. There may be additional occurrences or additional species within this area which have not been surveyed and/or mapped. Lack of information in the CNDDDB about a species or an area can never be used as proof that no special status species occur in an area. Basemap: ArcGIS Online Topographic Map Service. Map date: May 31, 2017.

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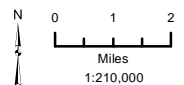


Legend	
★	Project Location
■ (Green)	Plant (80m)
■ (Green with X)	Plant (specific)
■ (Green with diagonal lines)	Plant (non-specific)
○ (Green)	Plant (circular)
■ (Red)	Animal (80m)
■ (Red with X)	Animal (specific)
■ (Red with diagonal lines)	Animal (non-specific)
○ (Red)	Animal (circular)
■ (Purple with X)	Terrestrial Comm. (specific)
■ (Purple)	Terrestrial Comm. (circular)
■ (Grey)	Multiple (80m)
■ (Grey with X)	Multiple (specific)
■ (Grey with diagonal lines)	Multiple (non-specific)
○ (Grey)	Multiple (circular)
■ (Yellow grid)	Sensitive EO's (Commercial only)

**ALVAREZ ANNEXATION MND**

Figure 6: California Natural Diversity Database

9-Quad Search



CNDDDB version 04/2017. Please Note: the occurrences shown on this map represent the known locations of the species listed here as of the date of this version. There may be additional occurrences or additional species within this area which have not been surveyed and/or mapped. Lack of information in the CNDDDB about a species or an area can never be used as proof that no special status species occur in an area. Basemap: ArcGIS Online Topographic Map Service. Map date: May 31, 2017.

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*V. CULTURAL RESOURCES -- WOULD THE PROJECT:*

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

*RESPONSES TO CHECKLIST QUESTIONS*

**Responses 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, the site is not 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. There are no permanent structures located within the Project site.

Because much of the site has been previously disturbed, it is not anticipated that future 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.

Development within the Project site would be required to take appropriate steps to preserve and/or document any previously undiscovered prehistoric, historic, Native American, paleontological, or archaeological resources that may be encountered during future construction activities, including human remains. As provided under Mitigation Measures TR-1 and TR-2, if human remains are discovered during construction activities for future development, all work shall be halted immediately surrounding 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.

Impacts related to cultural resources within the City's Planning Area were analyzed in the General Plan EIR. Approval of the proposed Project would not allow for any new land uses not already contemplated in the Tracy General Plan and analyzed in the General Plan EIR. Therefore, implementation of the proposed Project would have a **less than significant** impact related to this topic.

*VI. GEOLOGY AND SOILS -- WOULD THE PROJECT:*

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?		X		
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?		X		
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		X		
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, 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. Nevertheless, 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 Midway Fault, located approximately 9 miles to the west of the Project site, and the Black Butte Fault, located approximately 7 miles southwest of the Project 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 7 shows nearby faults in relation to the Project site.

Other active faults capable of producing significant ground shaking at the site include the Calaveras Fault, approximately 28 miles southwest; the Hayward fault, approximately 41 miles west; and the San Andreas Fault, approximately 56 miles west 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 future construction within the Project site would comply with the latest California Building Code standards, as required by the City of Tracy Municipal Code Section 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. Development within the Project site would be required to adhere to the aforementioned requirements.

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**.

**Response a.iii): Less than Significant with Mitigation.** Liquefaction normally occurs when sites underlain by saturated, loose to medium dense, granular soils are subjected to relatively high ground shaking. During an earthquake, ground shaking may cause certain types of soil deposits to lose shear strength, resulting in ground settlement, oscillation, loss of bearing capacity, landsliding, and the buoyant rise of buried structures. The majority of liquefaction hazards are associated with sandy soils, 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. Development within the Project site would be required to comply with the policies of the Tracy General Plan. 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 within the Project site, a subsurface geotechnical investigation would be required to identify onsite soil conditions and identify any site-specific engineering measures to be implemented during the construction of building foundations and subsurface utilities, as described by Mitigation Measure GEO-1. Adherence to the engineering requirements contained in the future subsurface geotechnical report would ensure that this impact is **less than significant**.

#### *Mitigation Measure*

**Mitigation Measure GEO-1:** *In accordance with the California Building Code (Title 24, Part 2) Section 1804A.3 and A.5, and the requirements of Tracy General Plan Objective SA-1.1, Policy 1, liquefaction and seismic settlement potential shall be addressed in the design level geotechnical engineering investigations. The City's Building Division of the Development and Engineering Services Department shall ensure that all the pertinent sections of the California Building Code shall be adhered to in the construction of infrastructure associated with the project, and that all appropriate measures are implemented in order to reduce the risk of liquefaction and seismic settlement prior to operation of the project.*

**Response 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 with Mitigation.** During any construction and land preparation processes within the Project site, 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. The implementation of various dust control measures during site preparation and construction activities would reduce the potential for soil erosion and the loss of topsoil. Additionally, the implementation of various best management practices (BMPs) and a storm water pollution prevention plan (SWPPP) would reduce the potential for disturbed soils and ground surfaces to result in erosion and sediment discharge into adjacent surface waters during construction activities. Furthermore, implementation of Mitigation Measure HYD-1 (see the *Hydrology and Water Quality Section* of this document) would require the implementation of various best management practices (BMPs) that would reduce the potential for disturbed soils and ground surfaces to result in erosion and sediment discharge into adjacent surface waters during construction activities. For these reasons, and with implementation of the aforementioned mitigation, the proposed Project would have a **less than significant** impact related to this topic.

**Responses c), d): Less than Significant with Mitigation.** 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 would be reduced to a **less than significant** level following implementation of mitigation measure GEO-1.

**Lateral Spreading:** The geologic conditions conducive to lateral spreading include gentle surface slope (0.3 to 5.0 percent 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.

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**.

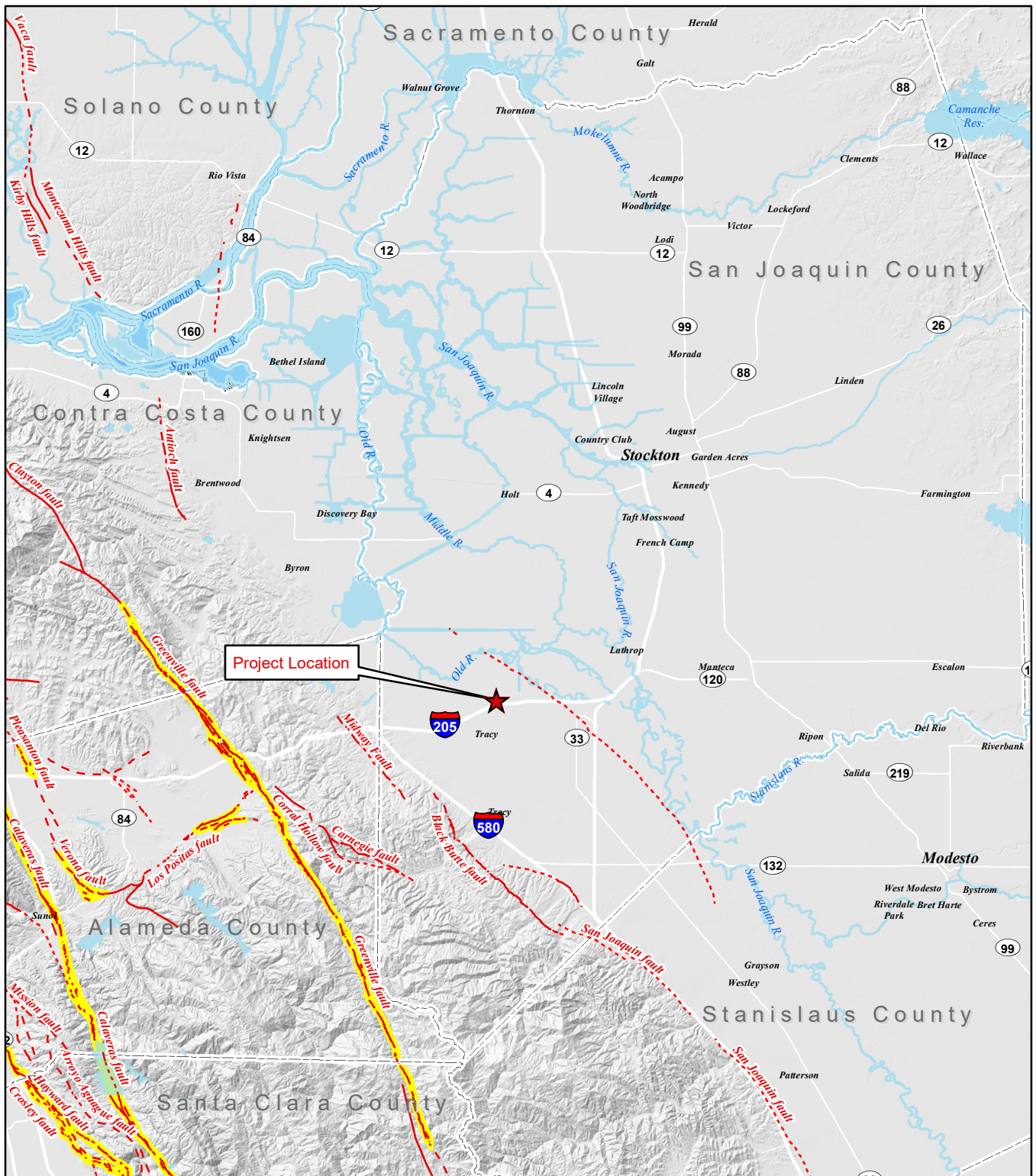
**Expansive Soils:** Expansive soils are those that undergo volume changes as moisture content fluctuates, swelling substantially when wet or shrinking when dry. Soil expansion and settling can damage structures by cracking foundations, causing settlement and distorting structural elements. Expansion 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 8 shows the shrink-swell potential of soils on the Project site. As shown in Figure 8, soils that underlay the entire project site are considered to have a high potential for expansion.

To reduce the potential for post-construction distress to any structures resulting from swelling and shrinkage of these materials, a geotechnical evaluation would be required for development within the Project site in order to reduce the potential for damaging differential settlement of overlying improvements, as provided by Mitigation Measure GEO-1. 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. With mitigation incorporated, this is a **less than significant** impact.

**Response e): No Impact.** Development projects within the Project site would be served by public wastewater facilities and these projects would not require an alternative wastewater system such as septic tanks. Implementation of the proposed Project would have **no impact** on this environmental topic.

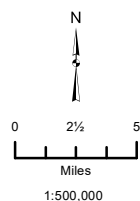
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Project Location

**Legend**

- Quaternary Faults
- Well-constrained
- - - Moderately-constrained
- · · Inferred
- Alquist-Priolo Fault Zones

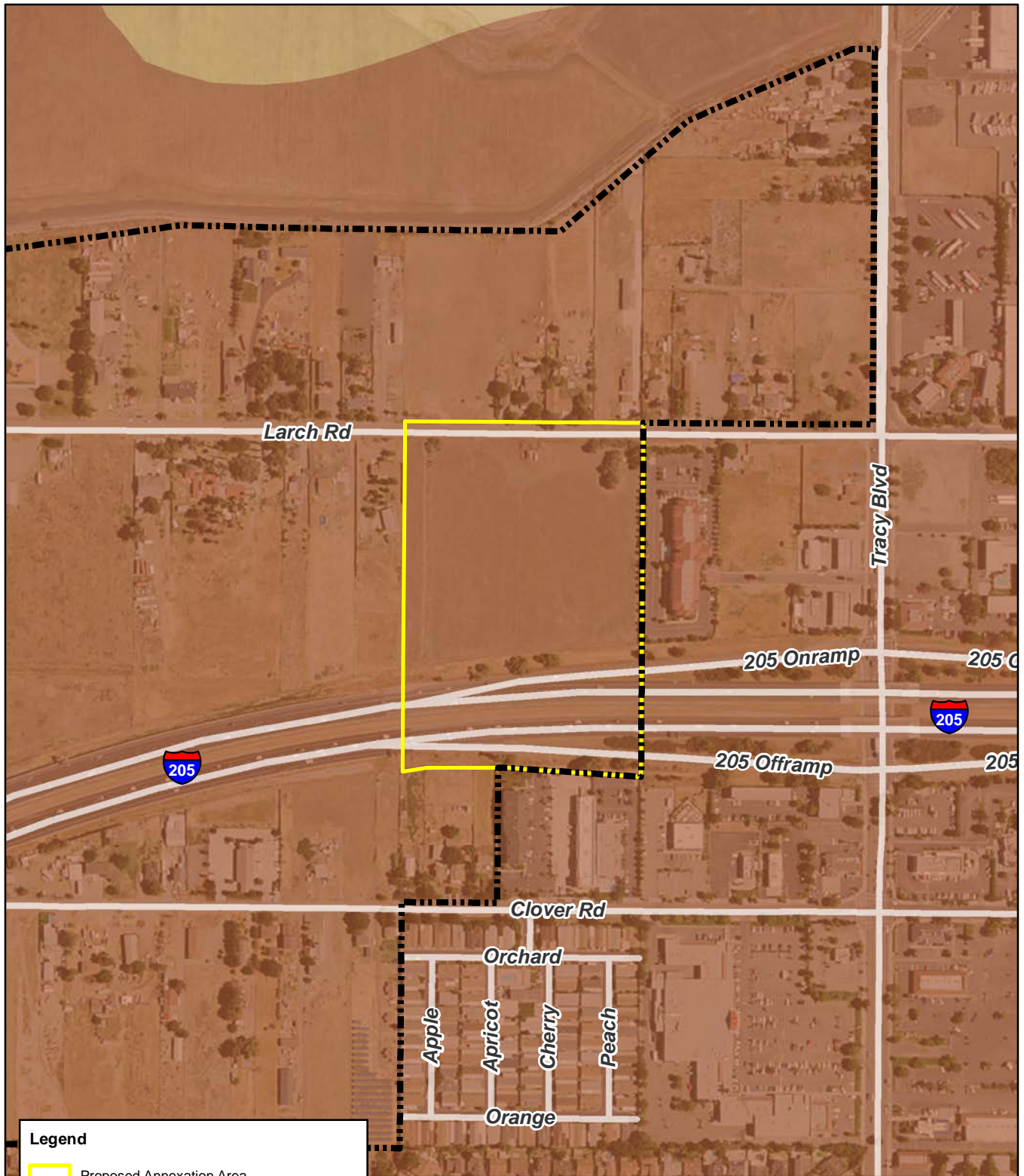


**ALVAREZ ANNEXATION MND**

Figure 7: Known Faults in Project Area

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**Legend**

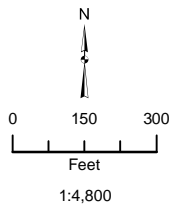
- Proposed Annexation Area
- City Limits

**Shrink-Swell Potential\* of the Surface Horizon**

- Moderate
- High

*\*Shrink-swell potential of soils is low if the soil has a linear extensibility of less than 3%, moderate if 3-6%, high if 6-9%, and very high if greater than 9%. Linear extensibility refers to the change in length of an unconfined clod as moisture content is decreased from a moist to a dry state.*

*Sources: San Joaquin County GIS; ArcGIS Online World Imagery Map Service. Map date: May 22, 2017.*



**ALVAREZ ANNEXATION MND**

**Figure 8: Expansive Soils Map**

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*XII. GREENHOUSE GAS EMISSIONS – WOULD THE PROJECT:*

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

*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 CO<sub>2</sub>e. 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 site 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. Approval of the proposed Project would not allow for any new land uses not already contemplated in the Tracy General Plan and analyzed in the General Plan EIR. 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 development of the Project site to fully implement all applicable requirements of the Sustainability Action Plan. Development would be constructed in compliance with the California Green Building Standards, and would install energy efficient exterior lighting. Implementation of the requirements of the Sustainability Action Plan, and other relevant policies in the Tracy General Plan represent the application of uniformly applied measures aimed at reducing GHG emissions from new development projects. This is a **less than significant** impact.

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

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

**RESPONSES TO CHECKLIST QUESTIONS**

**Responses a), b): Less than Significant with Mitigation.** Development within the Project site would place new commercial uses in an area of the City that currently contains predominantly commercial and rural residential uses. Approval of the proposed Project would not allow for any new land uses not already contemplated in the Tracy General Plan and analyzed in the General Plan EIR. Any future land uses within the Project site which would routinely transport, use, or dispose of hazardous materials, or present a reasonably foreseeable release of hazardous materials, would be required to comply with existing local, regional, and state regulations regarding the transport and use of hazardous materials.

Construction equipment and materials required for development within the Project site 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, project applicants of development projects within the Project site would be required to implement a Stormwater Pollution Prevention Plan (SWPPP) during construction activities, as described by Mitigation Measure HYD-1, which would prevent any contaminated runoff from leaving the Project site. Further, impacts related to the routine transport, use, disposal, or accidental release of hazardous materials within the City's Planning Area were analyzed in the General Plan EIR. Approval of the proposed Project would not allow for any new land uses not already contemplated in the Tracy General Plan and analyzed in the General Plan EIR. Therefore, compliance with applicable federal, state, local statutes and regulations, and the SWPPP would ensure that the proposed project would have a **less than significant** impact relative to this issue.

**Response c): Less than Significant with Mitigation.** The project site is not located within  $\frac{1}{4}$  mile of an existing school. The nearest school to the project site, North Elementary School, is located approximately 0.7 miles southeast of the Project site. As described under Response a), above, development within the Project site may involve the use, storage, transport or handling of hazardous materials. Nevertheless, because the Project site is not located within  $\frac{1}{4}$  mile of an existing school, the allowed uses 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 expose schools to hazardous materials. Additionally, project applicants at the Project site would be required to implement a SWPPP during construction activities, as required by Mitigation Measure HYD-1, 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. With implementation of the aforementioned mitigation measure, 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 closest Cleanup Site is an active Voluntary Cleanup Site at a dry cleaning facility, located approximately 0.2 miles to the south of the Project site (Quality Cleaners, Tracy; #60002170). The cleanup has been active since March 2015. However, this active cleanup site would not generate a hazardous impact at the Project site.

Additionally, impacts related to hazards and hazardous materials were analyzed in the General Plan EIR. Approval of the proposed Project would not allow for any new land uses not already contemplated in the Tracy General Plan and analyzed in the General Plan EIR. 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. Therefore, implementation of the proposed Project would result in a **less than significant** impact relative to this environmental topic.

**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 4.7 miles to the south. 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 site is not located within any of the safety zones. The proposed Project site 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 would limit the height of structures within the Project site to 40 feet where adjacent to a residential zone, and 55 feet otherwise, and the Project 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. Approval of the proposed Project would not allow for any new land uses not already contemplated in the Tracy General Plan and analyzed in the General Plan EIR, and would not interfere with any emergency response or evacuation plans. Implementation of the proposed Project would result in **no impact** to 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 General Plan includes a variety of policies that are designed to minimize wildfire risk. These standard policies include the use of fire-resistant plants, ground cover, and roofing materials, and clearing areas around structures of potential fuel (Objective SA-3.1, P1 and P4). The General Plan also establishes fire flow and hydrant standards to facilitate fire-fighting in the event of a fire (Objective SA-3.1, P3).

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:**

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

### *RESPONSES TO CHECKLIST QUESTIONS*

**Response a): Less than Significant with Mitigation.** Wastewater generated by development projects within the Project site would be conveyed to the Tracy Wastewater Treatment Plant (WWTP) for treatment and disposal. The City's wastewater collection system consists of gravity sewer lines, pump stations and the WWTP. Wastewater flows toward the northern part of the City where it is treated at the WWTP and then discharged into the Old River in the southern Sacramento-San Joaquin Delta. The Project's potential to violate a water quality standard or waste discharge requirement is related to the treatment of wastewater generated by development of the Project site, and the quality of stormwater runoff generated at the Project site. These two issues are addressed below.

In 2008 the City expanded its wastewater treatment capacity to 10.8 million gallons per day (mgd). The City's WWTP currently treats approximately 9.0 mgd of wastewater. The City's WWTP provides secondary-level treatment of wastewater followed by disinfection. Treated effluent from the WWTP is conveyed to a submerged diffuser for discharge into the Old River. The WWTP has an NPDES permit for discharge into the Old River from the State Regional Water Quality Control Board. The addition of wastewater to the City's WWTP as a result of development of the Project site was previously analyzed in the City's General Plan EIR. Approval of the proposed Project would not allow for any new land uses not already contemplated in the Tracy General Plan and analyzed in the General Plan EIR. The proposed Project would not allow for any intensification of land uses beyond the levels currently allowed by the General Plan, Municipal Code, or any applicable specific plans.

The addition 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 projects 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 BMPs to effectively reduce pollutants from stormwater leaving the site during both the construction and operational phases of the Project. As described by Mitigation Measure HYD-1, below, development at the Project site would be required to prepare a 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 development projects within the Project site would ensure that the fair-share of capital improvement fees are contributed towards system expansions, as identified in the 2012 Tracy Wastewater Master Plan. Additionally, developments at the Project site would be required to pay all applicable development impact fees, which would include funding for offsite City-wide storm drainage infrastructure improvements identified in the 2012 City of Tracy Citywide Storm Drainage Master Plan. Further, through compliance with the NPDES permit requirements, and compliance with the SWPPP, developments within the Project site would not result in a violation of any water quality standards or waste discharge requirements. Therefore,



through compliance with the NPDES and after implementation of Mitigation Measure HYD-1, impacts to this topic are considered **less than significant**.

*Mitigation Measure(s)*

**Mitigation Measure HYD-1:** *Prior to issuance of grading permits, the contractor shall prepare a Storm Water Pollution Prevention Plan (SWPPP). The Developer shall file the Notice of Intent (NOI) and associated fee to the SWRCB. The SWPPP shall serve as the framework for identification, assignment, and implementation of BMPs. The contractor shall implement BMPs to reduce pollutants in stormwater discharges to the maximum extent practicable. The SWPPP shall be submitted to the City Engineer for review and approval and shall remain on the Project site during all phases of construction. Following implementation of the SWPPP, the contractor shall subsequently demonstrate the SWPPP's effectiveness and provide for necessary and appropriate revisions, modifications, and improvements to reduce pollutants in stormwater discharges to the maximum extent practicable.*

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

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

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

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

Development within the Project site would place impervious surfaces on portions of the 9.1-acre Project site. Development of the Project site would potentially increase local runoff production, and would introduce constituents into storm water that are typically associated with urban runoff. These constituents include heavy metals (such as lead, zinc, and copper) and petroleum hydrocarbons. BMPs will be applied to any 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 stormwater conveyance systems within the Project site. These stormwater conveyance systems would be constructed as part of development within 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, a SWPPP would be required, as provided under Mitigation Measure HYD-1. As described previously, the SWPPP would require the application of BMPs to effectively reduce pollutants from stormwater leaving the site during both the construction and operational phases of projects.

Additionally, development projects would be 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. Applicants for development at the Project site would be required to submit a detailed storm drainage infrastructure plan to the City of Tracy Development Services Department for review and approval, as required by mitigation measure HYD-2. Any development’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 development(s) would not result in on- or off-site flooding impacts. Any development would also be 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 COAs for all new development projects prior to approval. The payment of applicable development impact fees by any project would ensure that the project(s) pays their fair-share of capital improvement fees towards system expansions, as identified in the 2012 Citywide Storm Drainage Master Plan.

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, the applicant(s) to develop the Project site would be required to submit a detailed storm drainage infrastructure plan to the City of Tracy Development Services Department for review and approval. The development’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 developments 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.

The payment of all applicable fees, the implementation of all appropriate regulatory requirements, and implementation of Mitigation Measures HYD-1 and HYD-2, would ensure that this impact is **less than significant**.

*Mitigation Measure(s)*

**Mitigation Measure HYD-2:** *Prior to issuance of a grading or building permit, 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 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.

As shown in Figure 9, the majority of the Project site is not located within the FEMA designated 100-year floodplain. A portion of the Project site, located in the northern portion of the site, is located within the 100-year (one percent annual chance) flood hazard zone. However, as noted in the City's General Plan EIR, lands within the FEMA-designated 100-year floodplain or Zone A are subject to mandatory flood insurance purchase as required by FEMA. The insurance rating is based on the difference between the base flood elevation (BFE), the average depth of the flooding above the ground surface for a specific area, and the elevation of the lowest floor. Because Tracy participates in the National Flood Insurance Program, it must require development permits to ensure that construction materials and methods will mitigate future flood damage. New construction and substantial improvements of residential structures are also required to "have the lowest floor (including the basement) elevated to or above the base flood level." Non-residential structures must have their utility systems above the BFE or be of flood-proof construction. Additionally, Chapter 9.52 of the Tracy Municipal Code establishes regulations limiting new construction in an area of special flood hazard.

The purpose of Chapter 9.52 of the Tracy Municipal Code –Floodplain Regulations – is to: *"Promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed: (a) To protect human life and health; (b) To minimize expenditure of public money for costly flood control projects; (c) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; (d) To minimize prolonged business interruptions; (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard; (f) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas; (g) To ensure that potential buyers are notified that property is in an area of special flood hazard; and (h) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions."* (Prior code Section 9-13.03)

Development within the Project site would be subject to existing City and federal regulations pertaining to flood hazards.

Impacts related to flooding as a result of development of the General Plan, including the proposed Project site, were analyzed in the General Plan EIR. The General Plan EIR concluded that implementation of General Plan and its policies would reduce the potential impact associated with exposure to the 100-year flood plain to a less than significant level. Therefore, this is a **less than significant** impact.

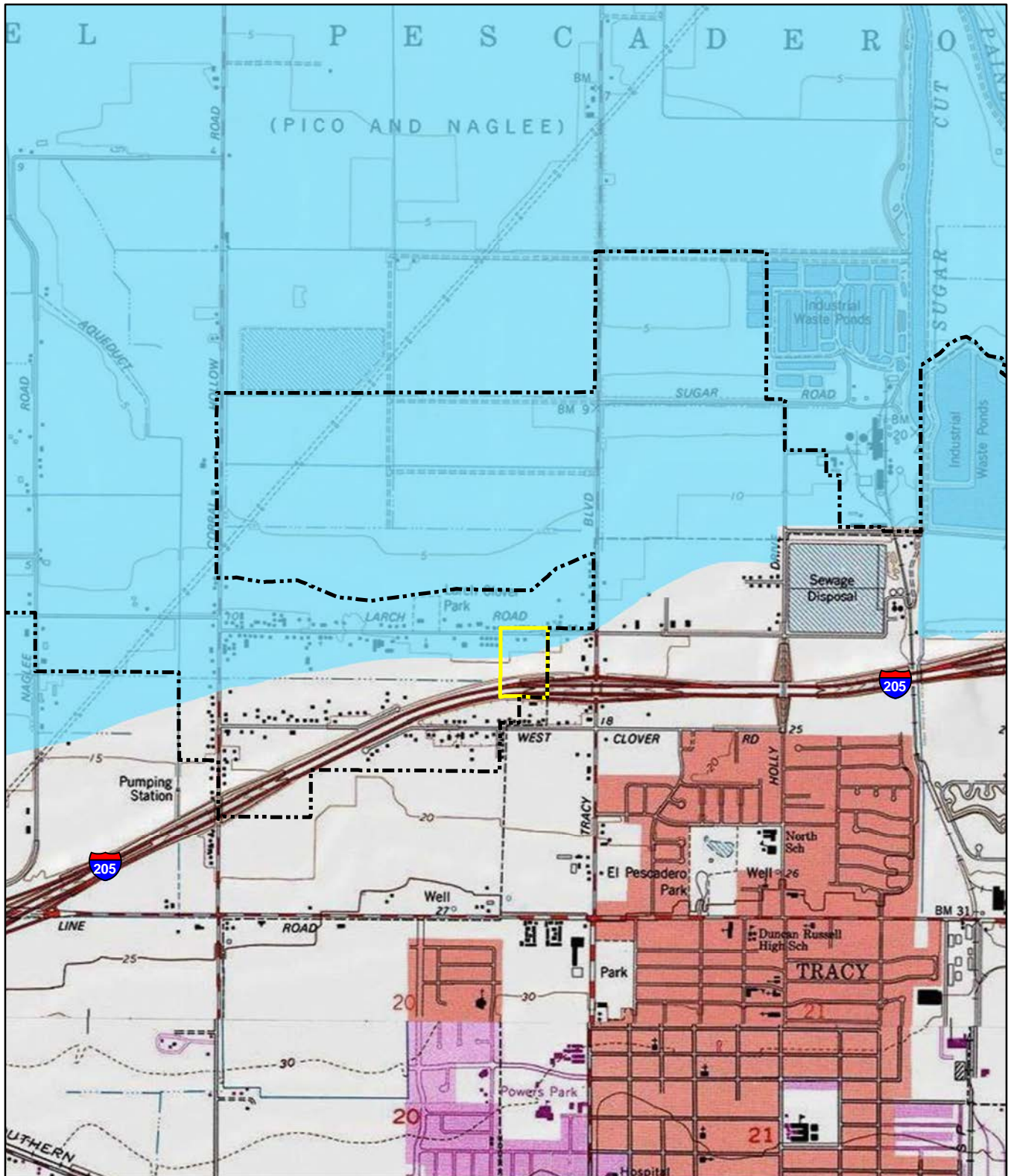
**Responses i), j): Less than Significant.** As shown in Figure 10, the Project site is located within the inundation risk area of the San Luis Reservoir. As noted in the City's General Plan EIR, some areas in the northern portion of the Tracy Planning Area have the potential to be affected by dam failure inundation such as from the San Luis Reservoir, New Melones and New Exchequer dams. The northern most portion of the Sphere of Influence and the City limits fall within areas that could be potentially affected by dam inundation.

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, impacts related to dam inundation as a result of development of the General Plan, including the proposed Project site, were analyzed in the General Plan EIR. The General Plan EIR concluded that implementation of General Plan and its policies would reduce the potential impact associated with dam inundation to a less than significant level.

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. Overall, this is a **less than significant** impact.

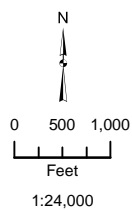
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**Legend**

- Proposed Annexation
- City Limits
- 1% Annual Chance Flood Hazard (100-yr Flood Zone)



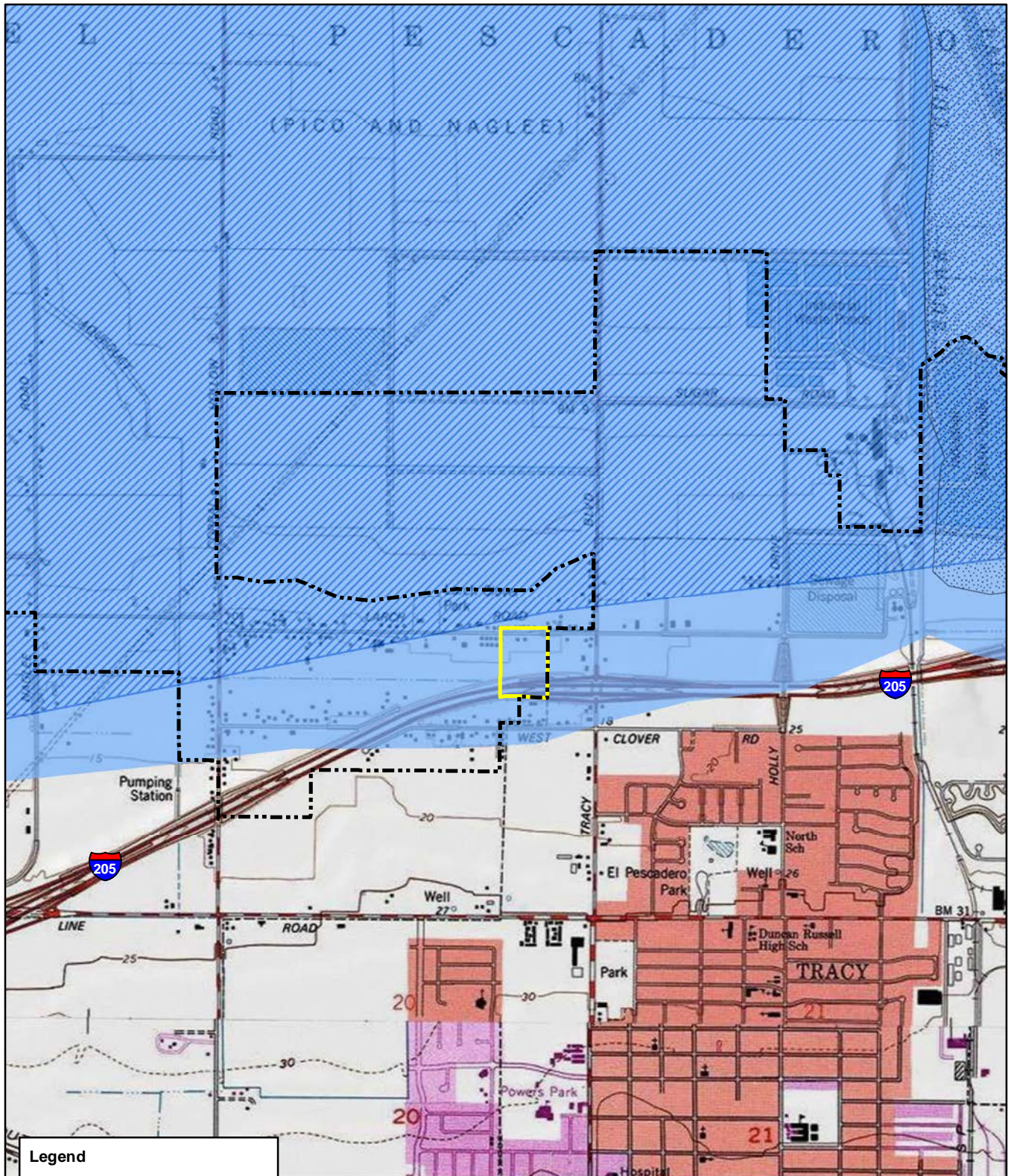
**ALVAREZ ANNEXATION MND**

Figure 9: FEMA Flood Insurance Rate Map

Sources: FEMA's National Flood Hazard Layer map service, accessed through ArcGIS Online; San Joaquin County GIS; ArcGIS Online Topographic Map Service. Map date: May 31, 2017.

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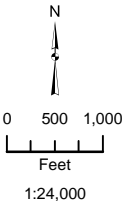


**Legend**

- Proposed Annexation Area
- City Limits
- Dam Inundation Areas**
- New Exchequer/Lake McClure
- New Melones
- San Luis Reservoir

**ALVAREZ ANNEXATION MND**

Figure 10: Dam Inundation Area Map



*Sources: Calema Statewide Dam Inundations map service, accessed through ArcGIS Online; San Joaquin County GIS; ArcGIS Online Topographic Map Service. Map date: May 30, 2017.*

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*X. LAND USE AND PLANNING - Would the project:*

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

*RESPONSES TO CHECKLIST QUESTIONS*

**Responses a): No Impact.** The Project site does not contain any residential uses. Therefore, there is no established community the Project site that could be physically divided. Development of the Project site would be consistent and compatible with the surrounding land uses, and would not divide an established community. Construction and/or operation of the proposed Project would not result in a disruption, physical division, or isolation of existing residential areas. There is **no impact** and no mitigation is required.

**Response b): Less than Significant.** The City Tracy General Plan land use designation for the Project site is Commercial. The Commercial land use designation includes sites with one or more types of retail and office facilities, typically containing restaurants, grocery stores, shopping centers, and office parks. Land designated Commercial may have a maximum FAR of 1.0.

As part of the proposed Project, the Project site would be rezoned to Community Recreation Support Services (CRS). The CRS Zone classification is intended to provide support services for users of nearby community and/or regional recreational and entertainment facilities through provision for a range of focused retail uses, restaurants, traveler’s accommodations, and similar uses and services. The design and layout provisions of the CRS Zone are intended to minimize traffic conflicts through ensuring appropriate shared parking and circulation facilities while accommodating safe and convenient traffic flow and turning movements, including during heavy traffic periods resulting from scheduled recreational events in the area. The uses permitted are also intended to support pedestrian, bicycle and automobile modes of travel, while ensuring compatibility with adjacent and nearby residential development.

Approval of the proposed Project would not allow for any new land uses not already contemplated in the Tracy General Plan and analyzed in the General Plan EIR. The proposed Project would not permit any uses inconsistent with the CRS Zone classification, and the proposed Project would not allow for any intensification of land uses beyond the levels currently allowed by the General Plan or any applicable specific plans. 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 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”). The San Joaquin Council of Governments (SJCOG) prepared the Plan pursuant to a Memorandum of Understanding adopted by SJCOG, San Joaquin County, the United States Fish and Wildlife Service (USFWS), the California Department of Fish and Game (CDFG), Caltrans, and the cities of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton, and Tracy in October 1994. On February 27, 2001, the Plan was unanimously adopted in its entirety by SJCOG. The City of Tracy adopted the Plan on November 6, 2001.

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

In addition, the goals and principles of the SJMSCP include the following:

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

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

Participation in the SJMSCP is voluntary for both local jurisdictions and project applicants. Only agencies adopting the SJMSCP would be covered by the SJMSCP. Individual project applicants have two options if their project is located in a jurisdiction participating in the SJMSCP: mitigating under

the SJMSCP or negotiating directly with the state and/or federal permitting agencies. If a project applicant opts for SJMSCP coverage in a jurisdiction that is participating under the SJMSCP, the following options are available, unless their activities are otherwise exempted: pay the appropriate fee; dedicate, as conservation easements or fee title, habitat lands; purchase approved mitigation bank credits; or, propose an alternative mitigation plan.

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

Future development within the Project site would be required to consult with SJCOG to pursue and obtain coverage of the projects pursuant to the SJMSCP. This 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:*

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

*RESPONSES TO CHECKLIST QUESTIONS*

**Responses a), b): 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:**

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

**RESPONSES TO CHECKLIST QUESTIONS**

**Response a): Less than Significant.** The proposed Project is located in an area consisting predominately of commercial and low-density residential uses. Commercial land uses may generate significant noise levels. Additionally, traffic generated by development of the Project site have 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. Approval of the proposed Project would not allow for any new land uses not already contemplated in the Tracy General Plan and analyzed in the General Plan EIR, and the proposed Project would not allow for any intensification of land uses beyond the levels currently allowed by the General Plan, or any applicable specific plans. The proposed Project would also be required to be consistent with the new CRS Zone Classification.

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 projects and exterior noise level limits for all other projects, including commercial and industrial uses. 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. Additionally, Policy 8 establishes conditionally acceptable and unacceptable noise levels for various commercial and industrial land uses, as shown in Figure 9-3 of the Tracy General Plan Noise Element. Specifically, Policy 8 establishes a 60 dB Ldn exterior noise limit for schools, libraries, museums, hospitals, personal care, meeting halls, and churches, and a 70 dB Ldn exterior noise limit for office buildings, business, commercial, and professional uses.

Further, Objective N-1.3 and Policies P1, P2, P3, and P5 of the Tracy General Plan ensure that noise impacts from new projects will be evaluated during the design review process and mitigated as a condition of project approval. To comply with the General Plan, development of the proposed Project would be required to predict their future operational noise and compare the results to the City of Tracy noise level standards within a Noise Analysis. The future Noise Analysis, as required by mitigation measure NOI-1, would include any necessary recommendations to ensure that the projects are consistent with the General Plan Noise policies identified above, and would ensure that any potential for the allowed uses to be exposed to excessive noise levels would be reduced to a **less than significant** level.

#### *Mitigation Measure(s)*

**Mitigation Measure NOI-1:** *Prior to approval of any development projects on the site, the project applicant shall retain a qualified acoustical engineer to prepare a noise study. The noise study shall assess the potential for the project to generate noise levels that would expose sensitive receptors to noise levels in excess of any adopted City threshold, and shall assess the potential for proposed land uses on the project site to be exposed to noise levels in excess of adopted City thresholds. If the project would generate excessive noise or be exposed to excessive noise, mitigation measures shall be implemented in order to reduce noise exposure levels below adopted City thresholds. Potential mitigation measures may include, but are not limited to, the construction of sound walls or site design features that effectively shield noise sources from adjacent sensitive receptors.*

**Responses b), d): Less than Significant with Mitigation.** Operation of the proposed Project would not result in groundborne vibrations. Pile driving or blasting is not expected to be required for future Project construction, and therefore, groundborne vibration would be less than significant during construction activities. However, construction of the proposed Project may result in temporary increases in ambient noise levels from the use of heavy machinery and equipment used during construction.

Low density residential and commercial uses surround the Project site, which have the potential to be affected by construction noise. It is plausible that temporary noise in excess of 65 dBA could occur at residences located near to Project site.



However, the proposed Project is consistent with the land use designations and development intensities assigned to the project site by the City of Tracy General Plan. Noise 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 impacts beyond those addressed in the General Plan EIR.

Construction activities associated with the proposed Project are required to occur during the daytime hours between 7:00 a.m. and 7:00 p.m., which would ensure that construction noise does not increase ambient nighttime noise levels in the Project vicinity. Additionally, construction noise would be temporary, and limited to the time needed to complete site preparation activities. Out of an abundance of caution, implementation of Mitigation Measure NOI-2 would ensure that sensitive receptors would not be exposed to noise levels exceeding 65 dBA. Given that the proposed Project is compliant with the General Plan, and with implementation of Mitigation Measure NOI-2, this is considered a **less than significant** impact and no further mitigation is required.

#### *Mitigation Measure*

**Mitigation Measure NOI-2:** *The proposed Project shall ensure that the sensitive receptors would not be exposed to noise levels exceeding 65 dBA during Project construction activities. The proposed Project shall implement the following actions to reduce noise during project construction activities:*

- **Limit Construction Hours.** *Construction activities shall be limited to the least noise-sensitive times and will comply with the City noise ordinance. Construction, alteration, or land development activities shall be allowed during daylight hours between the hours of 7 a.m. and 7 p.m.*
- **Locate Staging Areas away from Sensitive Receptors.** *The City's construction specification shall require that the contractor select staging areas as far as feasibly possible from sensitive receptors.*
- **Maintain Mufflers on Equipment.** *The City's construction specifications shall require the contractor to maintain all construction equipment with manufacturer's specified noise-muffling devices.*
- **Idling Prohibition and Enforcement.** *The City shall prohibit and enforce unnecessary idling of construction vehicles. In practice, this would mean turning off equipment if it will not be used for five or more minutes.*

**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, as no specific development is proposed at this time. Development of the Project site may result in operational noise which may increase ambient noise levels in the Project vicinity above levels existing without the Project. Approval of the proposed Project would not allow for any new land uses not already contemplated in the Tracy General Plan and analyzed in the General Plan EIR, and the proposed Project would not allow for any intensification of land uses beyond the levels currently allowed by the General Plan, and would be consistent with the new CRS Zone.

As noted previously, to comply with the General Plan, development of the Project site would be required to predict their operational noise and compare the results to the City of Tracy noise level standards within a Noise Analysis, as required by mitigation measure NOI-1. The Noise Analysis would include any necessary recommendations to ensure that the projects are consistent with the General Plan Noise policies identified above.

Additionally, 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 e): Less than Significant.** The Tracy Municipal Airport is located approximately 4.8 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.

*XIII. POPULATION AND HOUSING -- WOULD THE PROJECT:*

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

*RESPONSES TO CHECKLIST QUESTIONS*

**Response a): Less than Significant.** Implementation of the proposed Project would result in the addition of a new Article under Title 10, Planning and Zoning, to the Tracy Municipal Code, for the new CRS Zone. The Project site would be annexed into the City of Tracy, and the Project would not allow for any new land uses not already contemplated in the Tracy General Plan and analyzed in the General Plan EIR. There is existing infrastructure (roads, water, sewer, etc.) in the immediate vicinity of the Project site. While development of the Project site would extend these services onto the site, the proposed 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. Residential uses are not allowed in the proposed CRS zone, which would apply to the project site. As such, the proposed project would not directly generate population growth within Tracy, as no new housing would be constructed. It is possible that the project could lead to indirect population growth in the City of Tracy associated with an increase in employment opportunities associated with development of the site. Residential growth in Tracy would occur through development allowed by the General Plan and by the City's Growth Management Ordinance (GMO). Under the GMO, approximately 19,981 building permits can be issued between 2011 and 2041.<sup>1</sup> Growth under this project is consistent with the General Plan and GMO.

This impact is **less than significant**, as demonstrated throughout this document.

**Responses b), c): Less than Significant.** There are no homes or residents currently located on the Project site, and therefore, no homes or people would be displaced as a result of project implementation. Impacts to this topic are considered **less than significant** and no mitigation is required.

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

*XIV. PUBLIC SERVICES*

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

*RESPONSES TO CHECKLIST QUESTIONS*

**Response a.i): 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 six fire stations and an administrative office. Twenty-four hour-a-day staffing is provided with six paramedic engine companies, one ladder truck company, and one duty chief. Four fire stations are within the incorporated area of the City of Tracy and two are in the surrounding rural Tracy area.

Medical transport is provided by private ambulance. With the exception of Manteca District Ambulance and Ripon Consolidated Fire District, American Medical Response is the exclusive emergency ambulance transport service provider in San Joaquin County.

The Tracy Fire Department conducted a Standards of Response Coverage study in June 2016. 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 May 16, 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.

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 future project applicants as COAs prior to approval of future development within the Project site, and ongoing revenues that would come from property taxes, sales taxes, and other revenues generated by this development, 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. As development of the Project site occurs, these site plans and development specifications developed for the Project site will indicate the location and design specifications of the fire hydrants that will be required within the Project site. Additionally, approval of the proposed Project would not allow for any new land uses not already contemplated in the Tracy General Plan and analyzed in the General Plan EIR. Therefore, this is considered a **less than significant** impact.

**Response a.ii): 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 2 miles south of the Project site. There are no satellite offices or plans to construct any in the near future.

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

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

Impact fees from new developments are collected based upon projected impacts from each development by the City as 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(s) as COAs prior to approval of development of the

Project site, and ongoing revenues that would come from property taxes, and other revenues generated by this development, 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). Approval of the proposed Project would not allow for any new land uses not already contemplated in the Tracy General Plan and analyzed in the General Plan EIR. Therefore, this is considered a **less than significant** impact.

**Response a.iii): Less than Significant.** The proposed Project would annex the Project site into the City of Tracy and would allow for commercial uses. Implementation of the proposed project would not directly result in population growth within the City of Tracy. Since the proposed Project is a commercial development and would not generate additional public school students, the proposed project would cause a less than significant impact with regard to generating adverse impacts associated with the provision of schools or school facilities. It is also noted that approval of the proposed Project would not allow for any new land uses not already contemplated in the Tracy General Plan and analyzed in the General Plan EIR.

Additionally, the Tracy Unified School District collects impact fees from new developments under the provisions of SB 50. Payment of any applicable impact fees by the Project applicant(s) of development at the Project site, and ongoing revenues that would come from taxes, as necessary, 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. Full payment of any applicable impact fees by the development applicant at the Project site, 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**.

**Response a.iv): Less than Significant.** Potential Project impacts to parks and recreational facilities are addressed in the following section of this document.

**Response a.v): 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 itself would not increase demand on these facilities; however, development at the Project site may increase demand for other 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 project applicants as COAs prior to approval of development of the Project site, and ongoing revenues that would come from taxes, would ensure that project impacts to libraries and public buildings are **less than significant**.

**XV. RECREATION**

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

*RESPONSES TO CHECKLIST QUESTIONS*

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

The City of Tracy requires the payment of the project’s fair share in-lieu parks fees, as required by the City’s General Plan. The collection of fees and determined fair share fee amounts are adopted by the City as COAs for all new development projects prior to project approval. As new residential projects directly result in new residents, park fees are collected from residential projects. 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, any additional demand for parks generated by the proposed project would not result in the physical deterioration of existing parks and facilities within Tracy. As such, this is a **less than significant** impact.



*XVI. TRANSPORTATION/TRAFFIC -- WOULD THE PROJECT:*

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) 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	
g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance of safety of such features?				X

*RESPONSES TO CHECKLIST QUESTIONS*

**Responses a), b): Less than Significant.** Development of the Project site would add vehicle trips to the nearby 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 the proposed Project would not allow for any intensification of land uses beyond the levels currently allowed by the General Plan or any applicable specific plans, or conflict with any of the requirements of the new CRS Zone. The generation of vehicle traffic associated with the development of the Project site 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 COAs for all new development projects prior to project approval. The payment of applicable traffic impact fees by development at the Project site would ensure that development pays their fair-share of capital improvement fees towards the 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.

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 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 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), e): Less than Significant.** Development at the Project site would be required to provide adequate access to the Project site in order to accommodate emergency vehicles. Implementation of the proposed Project would not directly result in development of the site and, therefore, would have a less than significant impact related to emergency access and interference with an emergency evacuation plan. This is a **less than significant** impact and no mitigation is required.

**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 by the project applicant(s) for development of the Project site 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. TRIBAL CULTURAL RESOURCES -- WOULD THE PROJECT:*

	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?		X		
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resources to a California Native American tribe.		X		

*BACKGROUND*

Assembly Bill 52 (AB 52) requires a lead agency, prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project, to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation. The City of Tracy has not received any requests from California Native American tribes to be informed through formal notification of proposed projects in the City's geographic area.

*RESPONSES TO CHECKLIST QUESTIONS*

**Responses a), b): Less than Significant with Mitigation.** The City of Tracy General Plan Update and General Plan Update EIR do not identify the site as having prehistoric period cultural resources. Additionally, there are no known unique cultural resources known to occur on, or within the immediate vicinity of the Project site. No instances of cultural resources or human remains have been unearthed on the Project site. Based on the above information, the Project site has a low potential for the discovery of prehistoric, ethnohistoric, or historic archaeological sites that may meet the definition of Tribal Cultural Resources. Although no Tribal Cultural Resources have been documented in the Project site, the proposed project is located in a region where cultural resources

have been recorded and there remains a potential that undocumented archaeological resources that may meet the Tribal Cultural Resource definition could be unearthed or otherwise discovered during ground-disturbing and construction activities. Examples of significant archaeological discoveries that may meet the Tribal Cultural Resources definition would include villages and cemeteries.

Due to the possible presence of undocumented Tribal Cultural Resources within the Project site, construction-related impacts on tribal cultural resources would be potentially significant. Implementation of the following mitigation measures 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 these measures would reduce this impact to a **less than significant** level.

*Mitigation Measure(s)*

**Mitigation Measure TR-1:** *Prior to grading permit issuance, the developer of the Project site shall submit plans to the Tracy Development Services Department for review and approval which indicate (via notation on the improvement plans) that if historic and/or cultural resources are encountered during site grading or other site work, all such work shall be halted immediately within the area of discovery and the developer shall immediately notify the Tracy Development Services Department of the discovery. In such case, the developer shall be required, at their own expense, to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist shall be required to submit to the Development Services Department for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the area of discovery would not be allowed until the preceding work has occurred.*

**Mitigation Measure TR-2:** *Pursuant to State Health and Safety Code §7050.5 (c) State Public Resources Code §5097.98, if human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find and the San Joaquin County Coroner shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission who shall notify the person believed to be the most likely descendant. The most likely descendant shall work with the contractor to develop a program for re-internment of the human remains and any associated artifacts. Additional work is not to take place within the immediate vicinity of the find until the identified appropriate actions have been implemented.*

*XVIII. UTILITIES AND SERVICE SYSTEMS -- WOULD THE PROJECT:*

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

*RESPONSES TO CHECKLIST QUESTIONS*

**Responses a), b), e): Less than Significant.** Wastewater generated by future development of the Project site 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. Approval of the proposed Project would not

allow for any new land uses not already contemplated in the Tracy General Plan and analyzed in the General Plan EIR. The proposed Project would not allow for any intensification of land uses beyond the levels currently allowed by the General Plan or any applicable specific plans, and would not conflict with the new CRS Zone proposed for the site. 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.

As a result, the City has determined that it has adequate capacity to serve the future 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 such future development, and the addition of 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.

**Response c): Less than Significant.** Development of the Project site would place impervious surfaces on the 9.1-acre Project site. Development of the Project site would potentially increase local runoff production, and would introduce constituents into storm water that are typically associated with urban runoff. These constituents include heavy metals (such as lead, zinc, and copper) and petroleum hydrocarbons. BMPs will be applied to 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 development of the Project site. The collection systems would likely 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. 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 any final development plans for the Project site, the project applicant would be required to submit a detailed storm drainage infrastructure plan to the City of Tracy Development Services Department for review and approval. The development'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 development would not result in on- or off-site flooding impacts.

The development would also be 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 COAs for all new development projects prior to its 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, the payment of all applicable fees, and the implementation of 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, ensure that impacts to storm water drainage facilities are **less than significant**.

**Response d): Less than Significant.** Potable water for development of the Project site 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 in the nearby roadways. The water demand resulting from development within the proposed Project was included in the demand calculations for the 2012 Citywide Water System Master Plan.

The City of Tracy obtains water from both surface water and groundwater sources. The amount of water that Tracy uses from each of its water supply sources to make up its total water use varies from year to year based on contractual agreements, annual precipitation, and City policies about how to expand, utilize, and manage its water resources. As described in the 2011 City of Tracy Urban Water Management Plan, 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 resulting from development 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 development projects. Therefore, this is a **less than significant** impact.

**Responses f), 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.

Development of the Project site would not generate significant volumes of solid waste, beyond levels estimated in the General Plan EIR. Additionally, should development of the Project site generate hazardous waste or waste other than common household solid waste, this development would be responsible for the disposal of such waste. As discussed previously, transportation, storage, use, and disposal of hazardous materials would be required to comply with applicable federal, state, and local statutes and regulations.

As described above, there is adequate landfill capacity to serve development within the Project site, and such development will comply with all applicable statutes and regulations related to solid waste. This is a **less than significant** impact.



***XVIX. MANDATORY FINDINGS OF SIGNIFICANCE --***

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

***RESPONSES TO CHECKLIST QUESTIONS***

**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. Any development within the proposed Project site 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.

Development at the Project site 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, the development proponents would be required to seek 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 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.

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**December 6, 2017**

**Article 16. – DRAFT Community Recreation Support Services (CRS)**

- **10.08.xxxx - Purpose (CRS).**

The Community Recreation Support Services (CRS) Zone classification is intended to provide support services for users of nearby community and/or regional recreational and entertainment facilities through provision for a range of focused retail uses, restaurants, traveler’s accommodations, and similar uses and services. The design and layout provisions of the CRS Zone are intended to minimize traffic conflicts through ensuring appropriate shared parking and circulation facilities while accommodating convenient traffic flow and turning movements, including during heavy traffic periods resulting from scheduled recreational events in the area. The uses permitted are also intended to support pedestrian, bicycle and automobile modes of travel, while ensuring compatibility with adjacent and nearby development.

The CRS Zone use and design provisions are intended to direct property development as follows:

- (a) Promote a free traffic flow on major arterial streets;
- (b) Uses in the CRS Zone are primarily for the convenience of and use by nearby recreational facility users and visitors.
- (c) Assure compatibility among the uses along major arterial and collector streets and with existing and future uses in adjacent areas.

- **10.08.xxxx - Permitted uses (CRS).**

(a) Only uses which are included in the following Use Groups shall be permitted without conditional approval in the CRS Zone:

Group 1: Minor public service uses;

Group 4: Temporary buildings and uses;

Group 29: Accessory uses, except for residences;

Group 40: Traveler's accommodations and services, except uses listed as (c-2), Eating and/or drinking establishment that serves alcohol and provides entertainment after 11:00 p.m.; and

Group 42: Retail stores, retail trade establishments, convenience foods or goods, and food stores.

(b) The following freeway-oriented uses shall be permitted in the CRS Zone subject to the granting of a conditional use permit as provided in Sections [10.08.4250](#) through [10.08.4420](#) of [Article 34](#) of this chapter:

- (1) Uses which are included in Use Group 2, Local public service and utility installations;
- (2) Use Group 40, Traveler's accommodations, subsection (c-2), Eating and/or drinking establishment that serves alcohol and provides entertainment after 11:00 p.m.;
- (3) Use Group 44 (a), Automobile service stations; building materials and hardware stores, department stores, retail warehouses, and similar larger retail buildings and operations; and
- (4) Use Group 48, Commercial amusement and entertainment establishments.

- **10.08.xxxx - Uses to be conducted within buildings (CRS).**

All uses established within the CRS Zone shall be conducted wholly within a building, except such uses as gasoline service stations and similar enterprises deemed by the Director of Development Services to be customarily conducted in the open.

- **10.08.xxxx – Pedestrian and bicycle circulation (CRS).**

Provisions shall be included in all site plans for pedestrian and bicycle circulation, including access from sidewalks to on-site buildings, and between building groups. Such circulation design features are also intended to connect adjoining properties in the CRS Zone.

- **10.08.xxxx - Building site area (CRS).**

The minimum area zoned CRS shall be two contiguous acres. Individual properties less than two contiguous acres under separate ownership and not separated by public streets, rights-of-way or similar features shall be permitted, provided the combined size of such sites establishes a CRS zone of two or more acres. Such sites shall comply with the provisions of this Chapter regarding uses and development standards. Sites shall have shared access and integrated, internal circulation plans.

- **10.08.xxxx - Lot area (CRS).**

All newly created lots in the CRS Zone shall have a minimum area of 20,000 square feet and shall have a minimum width of 120 feet street frontage.

- **10.08.xxxx - Yard areas (CRS).**

Minimum yards in the CRS Zone shall be as follows:

- (a) Front yards. Every lot within the CRS Zone shall have a front yard of not less than 15 feet; and



(b) Side and rear yards. There shall be no side or rear yard requirements within the CRS Zone, except where adjacent to residential zones within the City, in which case there shall be side and rear yards of not less than ten feet.

- **10.08.xxxx - Height (CRS).**

The maximum height of any building in the CRS Zone shall not exceed 55 feet, except where adjacent to residential zones within the City, in which case the maximum height of any building shall not exceed 40 feet.

- **10.08.xxxx - Floor area (CRS).**

There shall be no floor area requirements in the CRS Zone.

- **10.08.xxxx - Off-street parking (CRS).**

See Article 26 of this chapter. In addition, when two or more uses combine their parking into a single adjoining parking lot with common ingress and egress, they may receive a 25 percent reduction in the required number of spaces. The proposed common parking lot shall be subject to site plan and architectural review at the time of the Development Review.

- **10.08.xxxx - Usable open space (CRS).**

A minimum of ten percent of the site shall be reserved for pedestrian walkways, sitting areas or plazas, landscaping, or other open spaces.

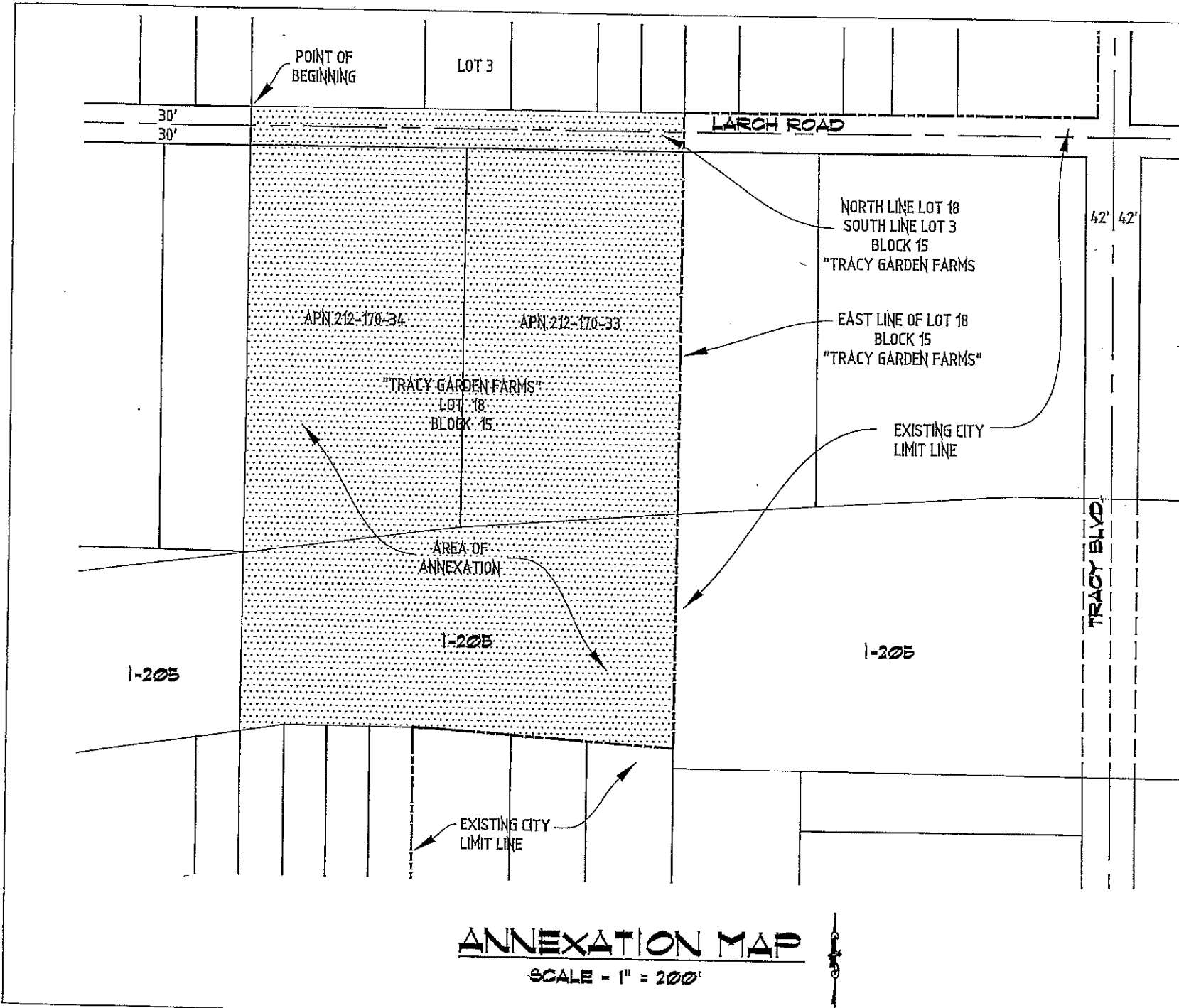
- **10.08.xxxx - Signs (CRS).**

Signs in the CRS Zone shall be in compliance with the provisions of [Article 35](#) of this chapter.

- **10.08.xxxx - Development review and development plan (CRS).**

All buildings, site development, and other improvements shall obtain a development review permit, as required by Article 30 of this chapter prior to being established in the CRS Zone.

A development plan that includes areas (whether vacant or containing nonconforming uses or structures) adjacent to the CRS site being developed shall be submitted and approved as part of the development review process. The development plan shall demonstrate adequate circulation including, where relevant, streets, driveways, shared right-of-way access points and driveways, bicycle paths, pedestrian connections between the buildings and between the building and public sidewalks and parking, and a unified and coordinated arrangement of buildings and service facilities and utilities.



**ANNEXATION MAP**  
 SCALE - 1" = 200'

**ALVAREZ  
 ANNEXATION**  
 APN 212-170-33 & 34  
 TRACY CALIFORNIA

**Schack & Company, Inc.**  
 Civil Engineering • Building Design • Surveying  
 (925) 835-2178 • P.O. Box 839 • Tracy, California 95370 • FAX (925) 835-1166

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