

PLANNING COMMISSION

REGULAR MEETING AGENDA

**Wednesday, July 23, 2025, 7:00 P.M.**

A quorum of Planning Commission will be in attendance at the  
City of Tracy Transit Station, Room 103/104, 50 E. 6th Street  
Web Site: [www.cityoftracy.org](http://www.cityoftracy.org)

**THIS MEETING WILL BE OPEN TO THE PUBLIC FOR IN-PERSON PARTICIPATION  
PURSUANT TO GOVERNMENT CODE SECTION 54953(e).**

*This Planning Commission meeting is being held in the City of Tracy Transit Station, Room 103/104, because the Tracy City Council Chambers is not available due to a remodel project.*

*Remote participation via Webex will **not** be available for this meeting due to technical limitations in the facility.*

*The public may view this Planning Commission Meeting live on the City of Tracy's YouTube channel [www.youtube.com/live/ZtTcW7dmEek](https://www.youtube.com/live/ZtTcW7dmEek). This meeting will **not** be able to be viewed live on Comcast Channel 26/AT&T U-verse Channel 99 nor the City's website until the next business day. To view from the City's website, open the "Government" menu at the top of the City's homepage and select "Planning Commission", then select "[Planning Commission Meeting Videos](#)" under the "Boards and Commissions" section.*

**Americans With Disabilities Act** – The City of Tracy complies with the Americans with Disabilities Act and makes all reasonable accommodations for the disabled to participate in Planning Commission meetings. Persons requiring assistance or auxiliary aids should call City Hall (209/831-6105) 24 hours prior to the meeting.

**Addressing the Planning Commission on Items on the Agenda** – The Brown Act provides that every regular Planning Commission meeting shall provide an opportunity for the public to address the Planning Commission on any item within its jurisdiction before or during the Planning Commission's consideration of the item, provided no action shall be taken on any item not on the agenda. To facilitate the orderly process of public comment and to assist the Planning Commission to conduct its business as efficiently as possible, members of the public wishing to address the Planning Commission are requested to, but not required to, hand a speaker card, which includes the speaker's name or other identifying designation and address to the City Clerk prior to the agenda item being called. Generally, once the Planning Commission begins its consideration of an item, no more speaker cards will be accepted. An individual's failure to present a speaker card or state their name shall not preclude the individual from addressing the Planning Commission. Each citizen will be allowed a maximum of five minutes for input or testimony. In the event there are 15 or more individuals wishing to speak regarding any agenda item including the "Items from the Audience/Public Comment" portion of the agenda and regular items, the maximum amount of time allowed per speaker will be three minutes. When speaking under a specific agenda item, each speaker should avoid repetition of the remarks of the prior speakers. To promote time efficiency and an orderly meeting, the Presiding Officer may request that a spokesperson be designated to represent similar views. A designated spokesperson shall have 10 minutes to speak. At the Presiding Officer's discretion, additional time may be granted. The City Clerk shall be the timekeeper.

**Addressing the Planning Commission on Items not on the Agenda** – The Brown Act prohibits discussion or action on items not on the posted agenda. The City Council's Meeting Protocols and Rules of Procedure provide that in the interest of allowing Planning Commission to have adequate time to address the agendized items of business, "Items from the Audience/Public Comment" following the Consent Calendar will be limited to 15-minutes maximum period. "Items from the Audience/Public Comment" listed near the end of the agenda will not have a maximum time limit. A five-minute maximum time limit per speaker will apply to all individuals speaking during "Items from the Audience/Public Comment". For non-agendized items, Planning Commissioners may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to Planning Commission. When members of the public address the Planning Commission, they should be as specific as possible about their concerns. If several members of the public comment on the same issue an effort should be made to avoid repetition of views already expressed.

**Notice** – A 90-day limit is set by law for filing challenges in the Superior Court to certain City administrative decisions and orders when those decisions or orders require: (1) a hearing by law, (2) the receipt of evidence, and (3) the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure Section 1094.6). Further, if you challenge a Planning Commission action in court, you may be limited, by California law, including but not limited to Government Code Section 65009, to raising only those issues you or someone else raised during the public hearing, or raised in written correspondence delivered to the Planning Commission prior to or at the public hearing.

Full copies of the agenda are available on the City's website: [www.cityoftracy.org](http://www.cityoftracy.org).

## MEETING AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

MINUTES – 06.11.25 Regular Meeting Minutes

DIRECTOR'S REPORT REGARDING THIS AGENDA

**ITEMS FROM THE AUDIENCE** - *In accordance with Council Meeting Protocols and Rules of Procedure, adopted by Resolution No. 2019-240, a five-minute maximum time limit per speaker will apply to all individuals speaking during "Items from the Audience/Public Comment". For non-agendized items, Planning Commissioners may briefly respond to statements made or questions posed by individuals during public comment; ask questions for clarification; direct the individual to the appropriate staff member; or request that the matter be placed on a future agenda or that staff provide additional information to the Planning Commission.*

1. NEW BUSINESS

1.A STAFF RECOMMENDS THAT THE PLANNING COMMISSION CONDUCT A PUBLIC HEARING, AND UPON ITS CONCLUSION, MAKE THE FOLLOWING RECOMMENDATIONS TO THE CITY COUNCIL (1) DETERMINING THAT IN ACCORDANCE WITH THE PROVISIONS OF CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTIONS 15162 AND 15168, THE TRACY HILLS PHASE 1C PROJECT WAS ANALYZED UNDER A PREVIOUS ENVIRONMENTAL DOCUMENT. NO NEW SIGNIFICANT ENVIRONMENTAL IMPACTS WERE IDENTIFIED FOR THE PROJECT. THEREFORE, NO FURTHER ENVIRONMENTAL REVIEW IS NECESSARY (2) RECOMMENDING THE CITY COUNCIL APPROVE A SPECIFIC PLAN AMENDMENT TO THE TRACY HILLS SPECIFIC PLAN MODIFYING DEVELOPMENT STANDARDS AND ADDING APPENDIX F FOR TRACY HILLS PHASE 1C DESIGN STANDARDS AND INCLUDING AN ADDITION TO APPENDIX D FOR PUBLIC ART AND PROJECT BRANDING (3) RECOMMENDING THE CITY COUNCIL APPROVE A VESTING TENTATIVE SUBDIVISION MAP FOR THE TRACY HILLS PHASE 1C PROJECT CONTAINING 289 SINGLE FAMILY LOTS WITH ASSOCIATED HOME OWNER'S ASSOCIATION PARCELS AND PUBLIC SPACE AREAS.

1.B STAFF RECOMMENDS THAT THE PLANNING COMMISSION CONDUCT A PUBLIC HEARING, AND UPON ITS CONCLUSION, ADOPT A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL (1) ADOPT A RESOLUTION THAT (A) CERTIFIES AN ENVIRONMENTAL IMPACT REPORT ("EIR") AND ADOPTS A MITIGATION MONITORING AND REPORTING PROGRAM ("MMRP"), FINDINGS OF FACT AND A STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE ANNEXATION AND DEVELOPMENT OF THE SCHULTE WAREHOUSE PROJECT, WHICH CONSISTS OF APPROXIMATELY 20.92 ACRES LOCATED AT 16286 WEST SCHULTE ROAD AND ANNEXATION, BUT NOT DEVELOPMENT, OF AN ADJACENT ONE-ACRE PARCEL LOCATED AT 16310 WEST SCHULTE ROAD, (B) APPROVES A DEVELOPMENT REVIEW PERMIT FOR 16286 WEST SCHULTE ROAD PROPERTY FOR CONSTRUCTION OF A 217,466 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING, PROVIDED THAT THE DEVELOPMENT REVIEW PERMIT WILL NOT BE EFFECTIVE UNTIL THE FIRST DAY FOLLOWING THE EFFECTIVE DATE OF LAFCO'S APPROVAL OF THE ANNEXATION OF THE PROPERTY TO THE CITY, AND (C) AUTHORIZES THE CITY MANAGER TO SUBMIT A PETITION TO THE SAN JOAQUIN COUNTY LOCAL AGENCY FORMATION COMMISSION ("LAFCO") TO ANNEX THAT CERTAIN 21.92 ACRES LOCATED AT 16286 AND 16310 WEST SCHULTE ROAD BEARING ASSESSOR'S PARCEL NUMBERS 209-230-25 AND 209-230-26 (THE "PROPERTY") TO THE CITY OF TRACY; AND (2) INTRODUCE AND ADOPT AN ORDINANCE THAT APPROVES THE PREZONING OF THE COMBINED PROPERTY TO LIGHT INDUSTRIAL (M1).

1.C STAFF RECOMMENDS THAT THE PLANNING COMMISSION CONDUCT A PUBLIC HEARING, AND UPON ITS CONCLUSION, RECOMMEND THAT THE CITY COUNCIL TAKE THE FOLLOWING ACTIONS (1) ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE APPROVAL OF THE SPECIFIC PLAN AMENDMENT AND DEVELOPMENT REVIEW PERMIT FOR THE CONSTRUCTION OF AN APPROXIMATELY 52,000 SQ. FT., 4-STORY, 107 ROOM HOTEL, AN APPROXIMATELY 47,000 SQ. FT., 4-STORY, 70 ROOM HOTEL, AND SITE IMPROVEMENTS, LOCATED AT 3055, 3095, 3125 N. CORRAL HOLLOW RD.,

APN: 212-260-07, -08, -09 (PROJECT) IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, BASED ON THE FINDINGS, PURSUANT TO PUBLIC RESOURCES CODE SECTIONS § 21064.5 AND 21080(C) (2) APPROVE AN AMENDMENT TO THE I-205 CORRIDOR SPECIFIC PLAN THAT AMENDS THE I-205 CORRIDOR SPECIFIC PLAN BOUNDARY TO INCLUDE 3055 N. CORRAL HOLLOW RD., APN: 212-260-09, AMENDS THE I-205 CORRIDOR SPECIFIC PLAN TO DESIGNATE 3055 N. CORRAL HOLLOW RD., APN: 212-260-09 AS GENERAL COMMERCIAL, AND AMENDS THE I-205 CORRIDOR SPECIFIC PLAN HOTEL AND MOTELS' MAXIMUM FLOOR AREA RATIO REQUIREMENT FROM 0.6 TO 1.0 (3) APPROVE A DEVELOPMENT REVIEW PERMIT FOR THE CONSTRUCTION OF THE PROJECT AND (4) APPROVE A DETERMINATION FOR A PARKING REDUCTION OF 20 PERCENT PURSUANT TO TRACY MUNICIPAL CODE SECTION 10.08.3470(E).

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

Posted: July 17, 2025

Any materials distributed to the majority of the Planning Commission regarding any item on this agenda will be made available for public inspection via the City of Tracy website at [www.cityoftracy.org](http://www.cityoftracy.org).

**MINUTES  
TRACY CITY PLANNING COMMISSION  
REGULAR MEETING  
JUNE 11, 2025, 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 Penning, Commissioner Boakye-Boateng, and Commissioner English present. Commissioner Atwal present via WebEx. Also present were; Matthew Summers, Interim Assistant City Attorney; Victoria Lombardo, Senior Planner; Kenny Lipich, Associate Planner; Veronica Child, Management Analyst; Sharat Bandugula, Assistant City Engineer; Majeed Mohamed, Associate Engineer; Gina Peace, Executive Assistant; and Jennifer Lucero, Administrative Assistant.

While Commissioner Atwal was present via WebEx, he was not able to speak due to a City audio issue, and thus unable to vote.

**MINUTES**

Chair Orcutt introduced the Regular Meeting Minutes from the May 28, 2025 Planning Commission Regular Meeting.

**ACTION:** It was moved by Vice Chair Penning and seconded by Chair Orcutt to approve the May 28, 2025 Planning Commission Regular Meeting Minutes. A voice vote found Vice Chair Penning, Commissioner Boakye-Boateng, and Commissioner English in favor. Chair Orcutt abstained, as he was not present at the May 28<sup>th</sup> Planning Commission meeting. Commissioner Atwal absent. Passed and so ordered; 3-0-1-1.

**DIRECTOR'S REPORT REGARDING THIS AGENDA**

None.

**ITEMS FROM THE AUDIENCE**

None.

**1. NEW BUSINESS**

**DEVIATION IN AGENDA ORDER**

**B.** Staff recommends that the Planning Commission conduct a public hearing, and upon its conclusion, adopt a resolution (1) granting a Conditional Use Permit, Application Number CUP24-0011, to expand the existing school use on an 8.89-acre developed site located at 1790 Sequoia Boulevard, Assessor's Parcel Numbers 234-020-05 and 234-020-06 (2) approving a development review permit, application number D24-0025, for the existing six modular classrooms, modular bathroom, and storage container and for the new construction of four modular classrooms and one new storage container; and (3) determining that this Project is categorically exempt from California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15314, pertaining to minor additions to schools.

Kenny Lipich, Associate Planner, presented staff report.

Chair Orcutt opened the Public Hearing at 7:20 p.m., but seeing as no one came forward, the Public Hearing was closed.

Sam Crivello, Applicant, Tracy Community Church, 1790 Sequoia Boulevard, answered questions from the Commission.

**ACTION:** It was moved by Chair Orcutt and seconded by Vice Chair Penning that the Planning Commission recommend the City Council adopt a Resolution (1) Granting a conditional use permit (CUP24-0011) to allow the existing six modular classrooms, modular bathroom, and storage container and for the new addition of four modular classrooms and storage container for educational purposes at an existing school at 1790 Sequoia Boulevard, Assessor's Parcel Numbers 234-020-05 and 234-020-06; (2) approving a development review permit (D24-0025) for the existing six modular classrooms, modular bathroom, and storage container and for the new construction of four modular classrooms and one new storage container on a 8.89-acre developed site located at 1790 Sequoia Boulevard, Assessor's Parcel Numbers 234-020-05 and 234-020-06; and (3) determining that this Project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA guidelines section 15314, pertaining to minor additions to schools.

A roll call vote found Chair Orcutt, Vice Chair Penning, Commissioner Boakye-Boateng, and Commissioner English all in favor. Commissioner Atwal absent. Passed and so ordered; 4-0-1-0.

**C.** Staff recommends that the Planning Commission receive input from any interested parties regarding information that should be included in the Paradise Pointe Business Park Environmental Impact Report (EIR).

Victoria Lombardo, Senior Planner, presented staff report and addressed questions from the Commission.

Chair Orcutt opened the Public Hearing at 7:59 p.m.

Trevor Smith, consultant for the Applicant, addressed the Commission and answered questions.

Tim Silva addressed the Commission, in opposition to the Project.

Chair Orcutt closed the Public Hearing at 8:05 p.m.

No action necessary.

**D.** Staff recommends that the Planning Commission adopt a resolution finding, pursuant to Government Code Sections 65103(c) and 65401, that the City of Tracy's Capital Improvement Program for Fiscal Year 2025/2026 through Fiscal Year 2029/2030 is consistent with the City's General Plan.

Veronica Child, Management Analyst, presented the staff report.

Chair Orcutt opened the Public Hearing at 8:10 p.m.

Tim Silva addressed the Commission.

Chair Orcutt closed the Public Hearing at 8:15 p.m.

**ACTION:** It was moved by Commissioner Boakye-Boateng and seconded by Vice Chair Penning that the Planning Commission:

Adopt a resolution finding, pursuant to Government Code Sections 65103(C) and 65401, that the City of Tracy's Capital Improvement Program for Fiscal Year 2025/2026 through Fiscal Year 2029/2030 is consistent with the City's General Plan.

A roll call vote found Chair Orcutt, Vice Chair Penning, Commissioner Boakye-Boateng, and Commissioner English all in favor. Commissioner Atwal absent. Passed and so ordered; 4-0-1-0.

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

None.

### **1.**

**A.** By motion, election of new Planning Commission Chair and Vice Chair for fiscal year 25-26.

**ACTION:** It was moved by Chair Orcutt and seconded by Vice Chair Penning that Vice Chair Penning be appointed as Planning Commission Chair for fiscal year 25/26 beginning July 1, 2025, through June 30, 2026. Roll call vote found Chair Orcutt, Vice Chair Penning, Commissioner Boakye-Boateng, and Commissioner English all in favor. Commissioner Atwal absent. Passed and so ordered, 4-0-1-0.

**ACTION:** It was moved by Chair Orcutt and seconded by Commissioner English that Commissioner Boakye-Boateng be appointed as Planning Commission Vice Chair for fiscal year 25/26 beginning July 1, 2025, through June 30, 2026. Roll call vote found Chair Orcutt, Vice Chair Penning, Commissioner Boakye-Boateng, and Commissioner English all in favor. Commissioner Atwal absent. Passed and so ordered, 4-0-1-0.

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

Victoria Lombardo, Senior Planner, informed the Commission of the rules pertaining to their new City email addresses.

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

Commissioner Orcutt suggested that the City not count Commissioner Atwal's attendance as an absence, since the audio issue was out of his control. Interim Assistant Attorney Matthew Summers agreed, and stated, for the record, that Commissioner Atwal would not be given an absence for tonight's meeting.

Vice Chair Penning advised City staff fix the technical/audio issue.

Commissioner English thanked Chair Orcutt for his work during his term as Chair of the Planning Commission.

### **5. ADJOURNMENT**

**ACTION:** It was moved by Chair Orcutt and seconded by Vice Chair Penning to adjourn.

Time: 8:38 p.m.

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CHAIR

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STAFF LIAISON

This meeting's agenda was posted at the Tracy City Hall on June 5, 2025. The above are action minutes. A recording is available on the City's website.

**ATTACHMENTS:**

- Item 1.B – Memorandum on B.1
- Item 1.B – Public Comment email from Lori Riley
- Item 1.B – Public Comment email from Kelly Leanos



**Memorandum -- Received 06 10 25  
RE: Planning Commission Meeting 06 11 25  
Item 1.B Tracy Community Church  
D24-0025**

**City of Tracy  
333 Civic Center Plaza  
Tracy, CA 95376**

**COMMUNITY AND ECONOMIC  
DEVELOPMENT DEPARTMENT**  
MAIN 209.831.6000  
FAX 209.831.6120  
[www.ci.tracy.ca.us](http://www.ci.tracy.ca.us)

## Memorandum

**DATE:** June 9, 2025  
**TO:** Honorable Planning Commissioners  
**CC:** Scott Claar, Planning Manager  
Matthew Summers, Interim Assistant City Attorney  
**TOPIC:** Tracy Community Church Modular Classroom Additions.  
Development Review Permit (D24-0025) and Conditional Use Permit (CUP24-0011)  
**FROM:** Kenny Lipich, Associate Planner  
**SUBJECT:** Condition Modification to B.1.

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Planning Commissioners, staff requests the following condition modification to B.1. to be revised as follows:

### Original Language

B.1. Prior to the approval of a building permit, the applicant shall submit detailed plans that demonstrate six Keith Davey Chinese Pistache being placed approximately 40 feet in front of the playground area of multi-purpose/school building starting near the sanctuary to the west property line every 20 feet to the satisfaction of the Community and Economic Development Director.

### New Language

B.1. Prior to the approval of a building permit, the applicant shall submit detailed plans that demonstrate six Keith Davey Chinese Pistache trees being placed on the front, west side of the sanctuary to the west property line every 20 feet to the satisfaction of the Community and Economic Development Director.

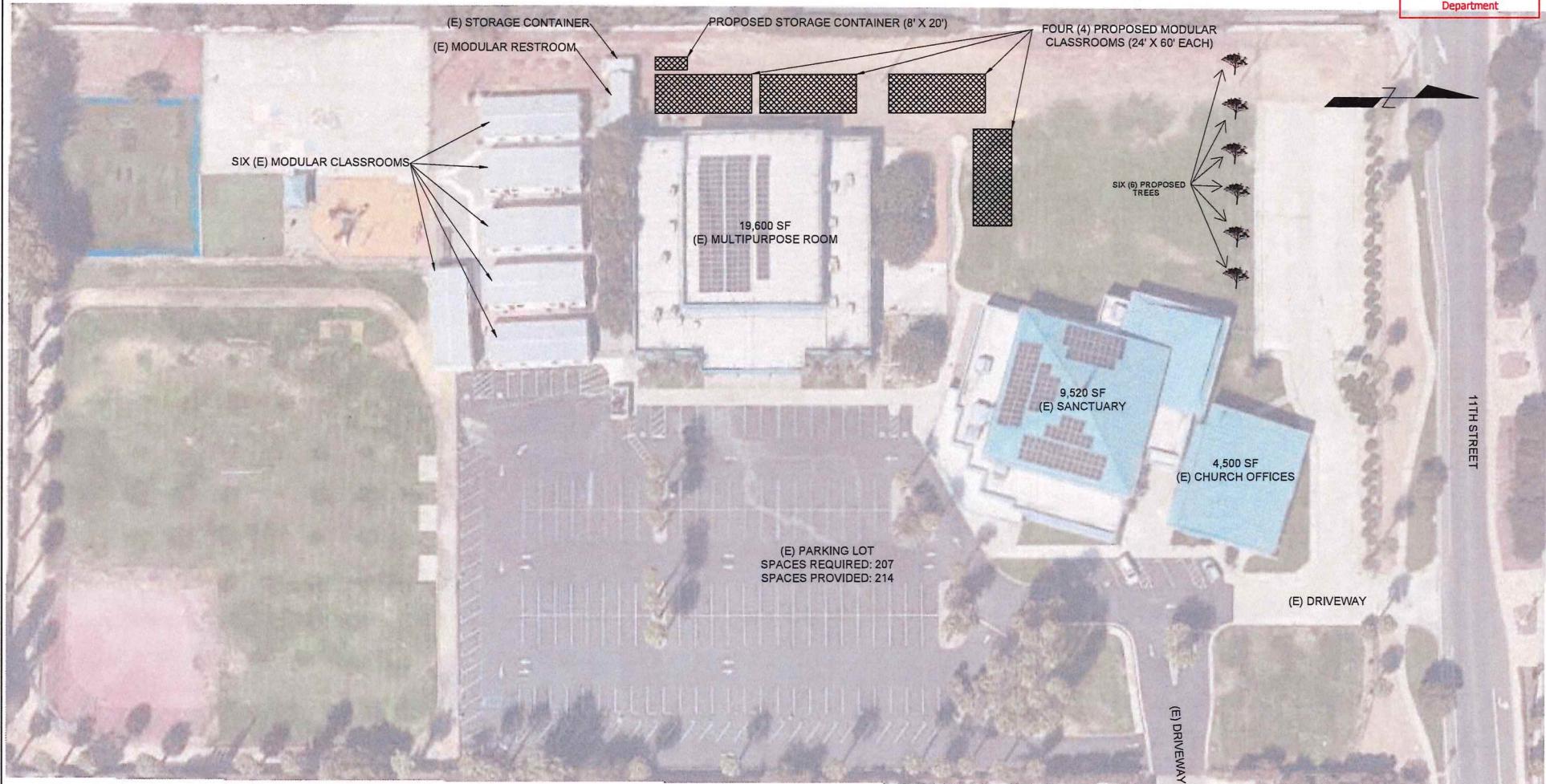
Attached for reference is updated site plan dated June 6<sup>th</sup>, 2025, showing six trees.

Please let us know if you have any questions.

**RECEIVED**

June 6, 2025

City of Tracy Community  
& Economic Development  
Department



**Public Comment Received 06 03 25**  
**RE: Planning Commission Meeting 06 11 25**  
**Item 1.B Tracy Community Church**  
**D24-0025**

**From:** Lori Arbo  
**To:** Public Comment; Kenneth Lipich  
**Subject:** applications D24-0025 and CUP 24-0011 Tracy Community Church  
**Date:** Tuesday, June 3, 2025 1:24:13 PM

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Some people who received this message don't often get email from loriarbo@att.net. [Learn why this is important](#)

**Caution: This is an external email. Please take care when clicking links or opening attachments.**

Good Afternoon,

I have been a neighbor of the Church for 35 years. It wasn't bad until they put in a baseball diamond right up against our fence line. We had 20 or 30 baseballs in our pool and backyard every month. I collected them and returned them for the kids. Then the holes started appearing in the fence along with broken boards. I mentioned this to the school and all I got was, well it is an old fence. To which I replied, yes but it was not damaged. Then the kids were allowed to run and come to our fence lines. They hung on my fence and barked at my dog, screamed. And teased the dogs daily. I went to the school and complained that they needed to keep the kids away from the fence, they are teasing my dogs and the dogs are getting aggressively agitated. At the time I was telling the principle, There were 2 kids hanging off my fence. I pointed it out. She said, well Kids will be kids. To which I replied, and dogs will be dogs.

A year later my dogs broke through one of the broken boards and got on the school grounds. They did nothing but run around, Thank God! I decided to replace the entire 100ft fence line and worked with Sunset fencing who worked with Mitch. I spoke to Mitch once, a very nice guy.

I understand wanting to make money and to expand. I am all for improvements for our community, but there must be protection for the homes butted up against the school property. They have been unable and unwilling to control the kids. The children have continued to come to my fence line and tease my dog. I only have one left now. The Teachers are unable or lack the desire to control those kids. More of the same seems like a bad price to pay and could lower our property values. There must be a 8 ft set back/cyclone fence, something to keep those kids away from our fence lines. My Dogs have been teased EVERYDAY of their lives by theses kids except weekends. The screaming is unreal. Protection for us property owners who are entitled to Life, Liberty and the pursuit of Happiness should be considered, we are entitled to peace at our homes. The field was not in use when I bought this property, So the kids didn't come up to our yards. There must be some type of compromise for us homeowners, not just more uncontrolled children.

Thank you  
Lori Riley  
1825 Foxwood Dr  
Tracy, Ca.

**Public Comment -- Received 06.05.25**  
**Planning Commission Meeting 06.11.25**  
**Item 1.B Tracy Community Church**  
**D24-0025**

**From:** Kelly Leanos  
**To:** Public Comment; Tony Leanos  
**Subject:** Public Hearing for Development Review Permit D24-0025 & Conditional Use Permit CUP24-0011 – West Valley Christian Academy Expansion  
**Date:** Thursday, June 5, 2025 6:36:40 PM

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Some people who received this message don't often get email from kleanos5@gmail.com. [Learn why this is important](#)

**Caution:** This is an external email. Please take care when clicking links or opening attachments.

Dear Planning Commissioners and City Staff,

I am writing to express my strong support for Tracy Community Church and West Valley Christian Academy's application for a Development Review Permit (D24-0025) and Conditional Use Permit (CUP24-0011) to expand their existing school facilities located at 1790 Sequoia Blvd. As a longtime member of the Tracy community and a parent whose daughter attended West Valley Christian Academy from preschool through 8th grade, I can personally attest to the tremendous value this school brings to local families.

West Valley Christian Academy has provided an exceptional education for our daughter, offering a nurturing environment with small class sizes, strong academic standards, and a foundation rooted in values and character development. Unlike many public options, the student-to-teacher ratio at WVCA is unmatched in Tracy, allowing for more individualized attention and support for each child's academic and personal growth.

The ability for families to choose the right educational path for their children is fundamental. For many of us, West Valley Christian Academy has been that choice—an environment where our children can thrive academically, spiritually, and socially. Unfortunately, due to the school's increasing popularity and limited space, many families are turned away each year. The proposed addition of modular classrooms will help alleviate this challenge and ensure more students can benefit from the quality education WVCA provides.

I urge you to approve the Development Review Permit and Conditional Use Permit for this project. Doing so will allow West Valley Christian Academy to continue serving Tracy families with excellence, providing meaningful educational choice in our growing community.

Thank you for your time and consideration.

Sincerely,

Tony and Kelly Leanos



# PLANNING COMMISSION STAFF REPORT

## Item No. 1.A

<b>DATE</b>	July 23, 2025
<b>TITLE</b>	Tracy Hills Phase 1C – Specific Plan Amendment and Vesting Tentative Subdivision Map
<b>LOCATION</b>	Phase 1C of the Specific Plan Area encompasses approximately 121.6 acres located generally west of Phase 1B, south of the California Aqueduct and north of Interstate 580. (APN: 251-040-08 and 251-040-19)
<b>APPLICATION TYPE</b>	Specific Plan Amendment (SPA22-0001) and Vesting Tentative Subdivision Map (TSM22-0001)
<b>CEQA STATUS</b>	Consistent with Tracy Hills Specific Plan EIR, pursuant to CEQA Guidelines Sections 15162 and 15168
<b>PROJECT PLANNER</b>	Scott Claar <a href="mailto:scott.claar@cityoftracy.org">scott.claar@cityoftracy.org</a>
<b>PREPARED BY</b>	Craig Hoffman (209) 831-6426 <a href="mailto:craig.hoffman@cityoftracy.org">craig.hoffman@cityoftracy.org</a>

### RECOMMENDATION

Staff recommends that the Planning Commission conduct a public hearing, and upon its conclusion, make the following recommendations to the City Council:

- (1) Determining that in accordance with the provisions of California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15168, the Tracy Hills Phase 1C project was analyzed under a previous environmental document. No new significant environmental impacts were identified for the project. Therefore, no further environmental review is necessary.
- (2) Recommending the City Council approve a specific plan amendment to the Tracy Hills Specific Plan modifying development standards and adding Appendix F for Tracy Hills Phase 1C design standards and including an addition to Appendix D for public art and project branding.
- (3) Recommending the City Council approve a Vesting Tentative Subdivision Map for the Tracy Hills Phase 1C project containing 289 single family lots with associated home owner's association parcels and public space areas.

The applicant is John Palmer with Integral Communities, and the property owner is Tracy Phase 1B, LLC / Integral Communities.

## **PROJECT DESCRIPTION**

### **BACKGROUND**

On April 5, 2016, City Council certified an Environmental Impact Report and approved a General Plan Amendment and a comprehensive update to the Tracy Hills Specific Plan. The Tracy Hills Specific Plan Area consists of approximately 2,767 acres located in the vicinity of the existing Corral Hollow Road interchange and the proposed Lammers Road interchange on Interstate 580.

Since this time, there have been several land use approvals for the Tracy Hills planning area. This project application is for a new phase within the Tracy Hills area. Attachment A identifies the Tracy Hills Phase 1C project area.

### **DISCUSSION**

This agenda item involves a Planning Commission public hearing to make recommendations to the City Council regarding the Tracy Hills Phase 1C Project. Specifically, the Planning Commission will be asked to make a recommendation to the City Council on the following items:

- Approval of a Tracy Hills Specific Plan Amendment (Application Number SPA22-0001)
- Approval of a Vesting Tentative Subdivision Map (Application Number TSM22-0001)

### **Overview of the Tracy Hills Specific Plan Amendment**

The proposed Tracy Hills Specific Plan Amendment (SPA) includes adding Appendix F, the Phase 1C Design Guidelines, which lays out the overall conceptual development plan and implementation details for Phase 1C along with modifications to section 2 of the residential zoning standards. (Attachment B – Tracy Hills Specific Plan Amendment).

The landscape design guidelines contained in Section 3.4 of the Tracy Hills Specific Plan apply Specific Plan-wide; however, implementation details are only shown for Phase 1A. The purpose of Appendix F is to provide landscape design guidelines and implementation details for Phase 1C of Tracy Hills. The Phase 1C landscape design guidelines include the following components: Community Monumentation, Circulation, Streetscape and Trails, Edge conditions/ Easements, Conceptual Overall Illustrative Parks and Landscape Plan, Lighting, Walls and Fences and Landscape Master Tree Plan

Section 2 of the Tracy Hills Specific Plan includes zoning and development standards for the various land uses in the planning area. The specific plan amendments add specificity and standards to enable review and construction of the Phase 1C project. Modifications to this section include updates to Table 2-3 to better define small and medium parcel development, Figure 2-2 to better design development standards for small lot housing product and introduces new housing product types to the specific plan area.

A modification of Appendix D of the Specific Plan will provide for guidelines for the construction of roundabout art and monument wall signage and project identification. This specific plan

modification was previously developed in concept for overall art in public spaces and Tracy Hills branding.

Overall, this specific plan amendment will allow the developers to offer a diverse housing mix that potential buyers are looking for. Many of the proposed small lot development is encouraged by the State of California to provide affordability options.

#### Overview of the Vesting Tentative Subdivision Map

The proposed Vesting Tentative Subdivision Map for Tracy Hills Phase 1C includes 289 single-family residential lots, one neighborhood park, five private park facilities and various other parcels maintained by the homeowner's association (Attachment C – Vesting Tentative Subdivision Map).

The proposed density is approximately 6.45 dwelling units per gross acre, based on a Phase 1C area of approximately 121.5 acres. The Phase 1C subdivision design includes typical lot sizes ranging from 3,100 square feet to 4,500 square feet. The proposed Vesting Tentative Subdivision Map is consistent with the proposed amendments to the Tracy Hills Specific Plan.

The proposed project is consistent for the vision and land use designations and densities for the property. The project is a continuation of the previous development to the east.

The project map has been reviewed by various city departments and outside agencies. The project has been conditioned appropriately, consistent with city standards and policies.

#### Tracy Hills Circulation and Traffic Improvements

The traffic analyses for Phase 1A, 1B/1C and Phase 2 determined that continued development within the Tracy Hills Specific Plan Area without the completion of identified traffic improvements would result in unsatisfactory traffic conditions. Several of these identified traffic improvements were not constructed when intended but were allowed by the City to be deferred for various reasons.

Today, the level of development has exceeded the capacity of the existing transportation network, as determined by multiple traffic analyses. This is most apparent on Corral Hollow Road and at the I-580 interchange where original conditions remain despite the construction and occupancy of 1,921 units.

#### *I-580 Interchange*

The Phase 2 traffic analysis determined that the roadway network is operating at an unsatisfactory level and will remain so until the new I-580 interchange is constructed and operational. The Phase 2 approval allowed for the deferral of this requirement if continued progress is made. The City is with the developer on a funding agreement for the construction of the I-580 interchange. Due to the partial grant funding of the project, the City of Tracy is required to manage the construction of the interchange, which is expected to be complete by 2031. The funding agreement ensures that the developer pays for all costs not covered by the grant.

The recommended Condition of Approval (B 1) will require that the funding agreement be executed prior to recording the Final Map.

#### *Corral Hollow Road Widening*

Multiple traffic analyses determined that Corral Hollow Road will operate at an unsatisfactory level until it is widened from Parkside Drive to the City's southern boundary. Portions of this roadway have been widened, but the majority remains in its original condition. The Development Agreement and the Phase 2 Conditions of Approval require the commencement of widening of Corral Hollow Road from Linne Road to I-580 prior to occupancy of the 2,600<sup>th</sup> residential unit across all of Tracy Hills. To date, 1,921 occupancies have been granted, leaving 679 additional occupancies until this requirement is triggered.

It is unknown whether development in Phase 2 or Phase 1C will create the 2,600<sup>th</sup> occupied unit. Since this requirement is a function of Building Permit count, rather than lot creation, no unique condition of approval is recommended. Rather, the recommended Condition of Approval (B 1) restates the requirement that the commencement of Corral Hollow Road must be widened from Linne Road to I-580 at the 2,600<sup>th</sup> occupancy.

This segment of Corral Hollow Road is part of a broader effort, led by the City of Tracy, to widen and improve all of Corral Hollow Road from Parkside Drive to the City's southern boundary. This project is anticipated to be complete by 2031.

#### *Summary*

In summary, the recommended Conditions of Approval would require that the developer commit to the funding of the I-580 interchange improvement and restates the requirement to widen Corral Hollow Road prior to the 2,600<sup>th</sup> occupancy. Each of these conditions would allow continued development of Tracy Hills prior to the completion of the required improvements. This would result in an unsatisfactory and worsening traffic condition until such time that the improvements are complete, estimated in 2031.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS**

An Environmental Impact Report (EIR) was certified by the City Council on April 5, 2016 for the Tracy Hills Specific Plan. An Addendum to the EIR has been prepared in accordance with the provisions of California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15168 to address the proposed General Plan Amendment, Tracy Hills Specific Plan Amendment, and the Vesting Tentative Subdivision Map for the Tracy Hills Phase 2 Project. This environmental document included the land use designations for the future 1C project. No new significant environmental impacts were identified for the project. Therefore, no further environmental review is necessary.

### **SUMMARY**

The requested Specific Plan Amendment (SPA22-0001) and Vesting Tentative Subdivision Map (TSM22-0001) is consistent with and a continuation of the Tracy Hills development. The 1C project is the final vacant property south of I-580 and north of the California Aqueduct. This area is consistent with the development proposed by the Tracy Hills Specific Plan.

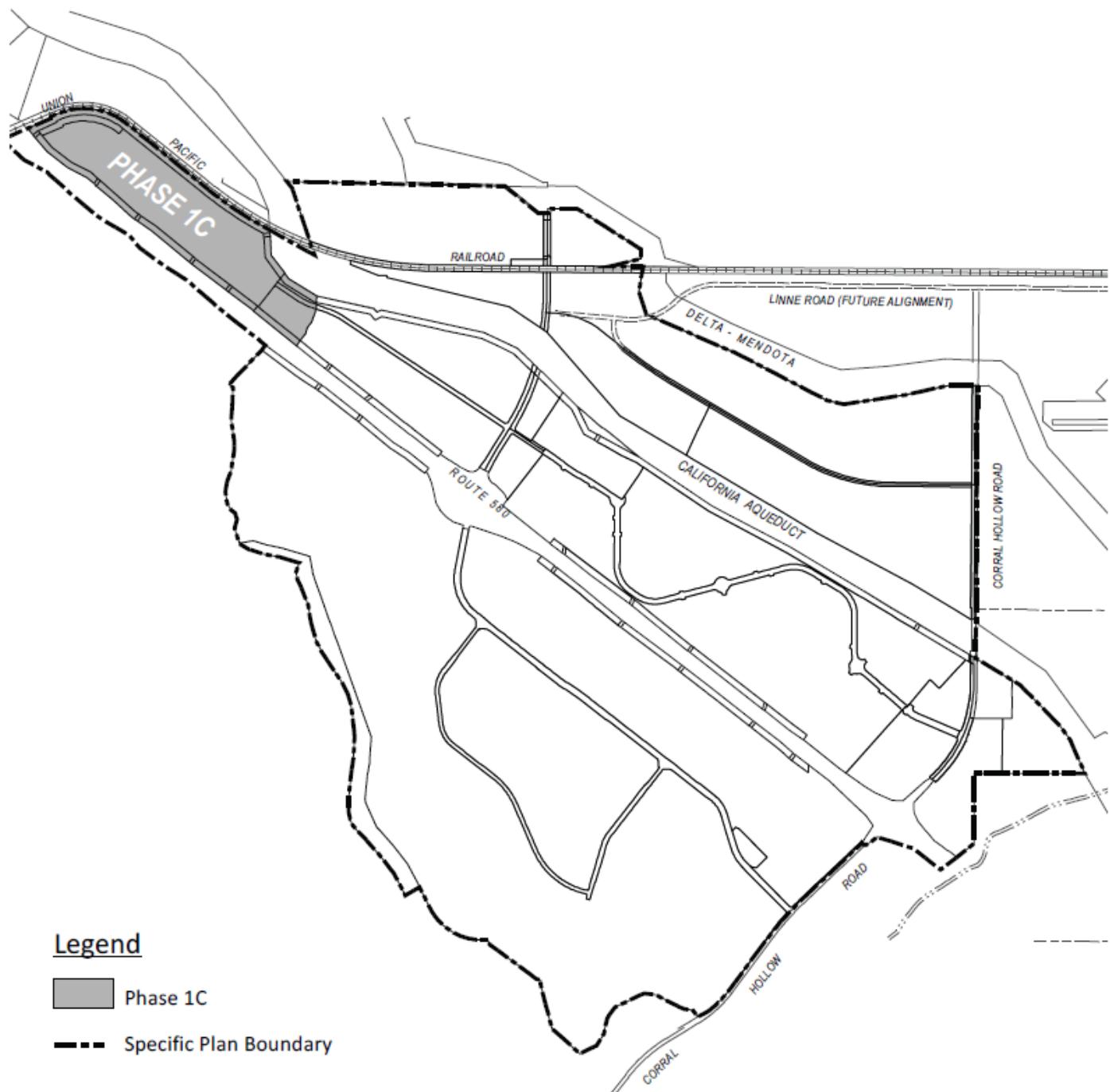
The project has been conditioned appropriately with previous conditions and environmental review.

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**ATTACHMENTS**

- A: Location Map
- B: Planning Commission Resolution
  - Exhibit 1 – Proposed City Council Ordinance for Tracy Hills Specific Plan Amendment
    - Exhibit 1 - Tracy Hills Specific Plan Amendment
  - Exhibit 2 – Proposed City Council Resolution for Vesting Tentative Subdivision Map
    - Exhibit 1 – Project Findings for Vesting Tentative Subdivision Map
    - Exhibit 2 – Conditions of Approval for Vesting Tentative Subdivision Map
    - Exhibit 3 – Tracy Hills Phase 1C - Vesting Tentative Subdivision Map

## Attachment A – Location Map



APPROVED AS TO FORM

CITY ATTORNEY'S OFFICE

TRACY PLANNING COMMISSION

RESOLUTION 2025-016

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**RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF TRACY CONDUCT A PUBLIC HEARING, AND UPON ITS CONCLUSION, TAKE THE FOLLOWING ACTIONS:**

**1. INTRODUCE AND ADOPT AN ORDINANCE THAT**

**(A) APPROVES AN AMENDMENT TO THE TRACY HILLS SPECIFIC PLAN RELATED TO TRACY HILLS PHASE 1C PROJECT AND THE ADDITION OF APPENDIX F – DESIGN GUIDELINES FOR TRACY HILLS PHASE 1C PROJECT AND INCLUDING AN ADDITION TO APPENDIX D FOR PUBLIC ART AND PROJECT BRANDING, APPLICATION NUMBER SPA22-0001; AND**

**(B) DETERMINES THAT BASED ON THE ENVIRONMENTAL IMPACT REPORT THAT WAS CERTIFIED BY THE CITY COUNCIL ON APRIL 5, 2016, FOR THE TRACY HILLS SPECIFIC PLAN, AND AN ADDENDUM TO THE EIR HAS BEEN PREPARED IN ACCORDANCE WITH THE PROVISIONS OF CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTIONS 15162 AND 15168 TO ADDRESS THE PROPOSED AMENDMENT TO THE TRACY HILLS SPECIFIC PLAN FOR THE TRACY HILLS PHASE 2 PROJECT. THE PHASE 1C PROJECT WAS ANALYZED AS PART OF THE PREVIOUS PHASE 2 PROJECT. NO NEW SIGNIFICANT ENVIRONMENTAL IMPACTS WERE IDENTIFIED FOR THE PROJECT AND THEREFORE, NO FURTHER ENVIRONMENTAL REVIEW IS NECESSARY; AND**

**2. ADOPT A RESOLUTION THAT**

**(A) APPROVES A VESTING TENTATIVE SUBDIVISION MAP TO CREATE 289 SINGLE-FAMILY RESIDENTIAL LOTS AND VARIOUS OTHER PARCELS ON APPROXIMATELY 121.5 ACRES LOCATED SOUTH OF I-580, WEST OF CORRAL HOLLOW ROAD, ASSESSOR'S PARCEL NUMBERS 251-040-08 AND 251-040-19, APPLICATION NUMBER TSM2022-0001; AND**

**(B) DETERMINES THAT BASED ON THE ENVIRONMENTAL IMPACT REPORT THAT WAS CERTIFIED BY THE CITY COUNCIL ON APRIL 5, 2016, FOR THE TRACY HILLS SPECIFIC PLAN, AND AN ADDENDUM TO THE EIR HAS BEEN PREPARED IN ACCORDANCE WITH THE PROVISIONS OF CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTIONS 15162 AND 15168 TO ADDRESS THE PROPOSED AMENDMENT TO THE TRACY HILLS SPECIFIC PLAN FOR THE TRACY HILLS PHASE 2 PROJECT. THE PHASE 1C PROJECT WAS ANALYZED AS PART OF THE PREVIOUS PHASE 2 PROJECT.**

**NO NEW SIGNIFICANT ENVIRONMENTAL IMPACTS WERE IDENTIFIED FOR  
THE PROJECT AND THEREFORE, NO FURTHER ENVIRONMENTAL REVIEW IS  
NECESSARY; AND**

**WHEREAS**, the Tracy Hills Specific Plan Area consists of approximately 2,767 acres located in the vicinity of Corral Hollow Road and Interstate 580; and

**WHEREAS**, the Tracy Hills Specific Plan was originally approved and annexed to the City in 1998, which included certification of an Environmental Impact Report (EIR); and

**WHEREAS**, on April 5, 2016, the City Council certified a Subsequent EIR and approved a General Plan Amendment and a comprehensive update to the Tracy Hills Specific Plan; and

**WHEREAS**, On January 12, 2022, an application was submitted for a Specific Plan Amendment and Vesting Tentative Subdivision Map for the Tracy Hills Phase 1C Project to create 289 single-family residential lots and various other parcels on approximately 121.5 acres located south of I-580, west of Corral Hollow Road, Application Number TSM2022-0001; and

**WHEREAS**, The proposed Vesting Tentative Subdivision Map for the Tracy Hills Phase 1C Project is consistent with the General Plan and the Tracy Hills Specific Plan, as amended; and

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

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

**WHEREAS**, the proposed Specific Plan Amendment (SPA) does not include any changes in land use designations; and

**WHEREAS**, The proposed Tracy Hills Specific Plan Amendment (SPA) includes adding Appendix F, the Phase 1C Design Guidelines, which lays out the overall conceptual development plan and implementation details for the Phase 1C development; and

**WHEREAS**, The proposed Tracy Hills Specific Plan Amendment (SPA) includes modifications to Section 2 of the specific plan for the residential zoning and development standards; and

**WHEREAS**, Modifications to Section 2 include updates to Table 2-3 to better define small and medium parcel development and Figure 2-2 to better design development standards for small lot housing product and introduces new housing product types to the specific plan area.

**WHEREAS**, The proposed Tracy Hills Specific Plan Amendment (SPA) includes modifications to Appendix D, the Phase 2 Design Guidelines to allow for roundabout public art and wall monumentation and identification signage; and

**WHEREAS**, This Specific Plan Amendment (SPA) will allow the developers to offer a diverse housing mix by introducing various small lot housing products; and

**WHEREAS**, This Specific Plan Amendment (SPA) is consistent with direction from the State of California to offer more affordable housing options; and

**WHEREAS**, The proposed SPA is consistent with the General Plan, as amended; and

**WHEREAS**, An Environmental Impact Report (EIR) was certified by the City Council on April 5, 2016 for the Tracy Hills Specific Plan. An Addendum to the EIR has been prepared in accordance with the provisions of California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15168 to address the proposed amendment to the Tracy Hills Specific Plan for the Tracy Hills Phase 2 Project. The Phase 1C project was analyzed as part of the previous Phase 2 project. No new significant environmental impacts were identified for the project and therefore, no further environmental review is necessary; and

**WHEREAS**, the Planning Commission considered this matter at a duly noticed public hearing held on July 23, 2025; now, therefore, be it

**RESOLVED**: That the Planning Commission of the City of Tracy hereby recommends that the City Council of the City of Tracy determine, based on the Environmental Impact Report (EIR) that was certified by the City Council on April 5, 2016, for the Tracy Hills Specific Plan, and an Addendum to the EIR that was prepared in accordance with the provisions of California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15168 to address the proposed amendment to the Tracy Hills Specific Plan for the Tracy Hills Phase 2 Project. The Phase 1C project was analyzed as part of the previous Phase 2 project, the City Council hereby determines that none of the conditions or circumstances that would require preparation of a subsequent EIR, pursuant to Sections 15162 and 15168 of the CEQA Guidelines, exist in connection with the proposed Tracy Hills Phase 1C project, and therefore, pursuant to Section 15168(c)(2), no further environmental document is required; and be it

**FURTHER RESOLVED**: That the Planning Commission of the City of Tracy hereby recommends that the City Council of the City of Tracy introduce and adopt an ordinance in **Exhibit 1** to approve the Tracy Hills Specific Plan Amendment adding Appendix F, the Phase 1C Design Guidelines, which lays out the overall conceptual development plan and implementation details for the Phase 1C development and modifications to Section 2 include updates to Table 2-3 to better define small and medium parcel development and Figure 2-2 to better design development standards for small lot housing product and introduces new housing product types to the specific plan area. (Application Number SPA2022-0001); and be it

**FURTHER RESOLVED**: That the Planning Commission of the City of Tracy hereby recommends that the City Council of the City of Tracy adopt a resolution in **Exhibit 2** based on the findings and conditions of approval for the Vesting Tentative Subdivision Map for the Tracy Hills Phase 1C Project (Application Number TSM2022-0001); provided, however, that the approval of this Vesting Tentative Subdivision Map shall not be effective until the first day following the effective date of the Ordinance approving the Tracy Hills Specific Plan Amendment for the Tracy Hills Phase 1C Project (Application Number SPA2022-0001).

The foregoing Resolution 2025-016 was adopted by the Planning Commission of the City of Tracy on July 23, 2025, by the following vote:

AYES: COMMISSION MEMBERS:  
NOES: COMMISSION MEMBERS:  
ABSENT: COMMISSION MEMBERS:  
ABSTENTION: COMMISSION MEMBERS:

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CHAIR

ATTEST: \_\_\_\_\_  
STAFF LIAISON

Date of Attestation: \_\_\_\_\_

Exhibit 1 – Proposed City Council Ordinance for Tracy Hills Specific Plan Amendment  
Exhibit 1 - Tracy Hills Specific Plan Amendment

Exhibit 2 – Proposed City Council Resolution for Vesting Tentative Subdivision Map  
Exhibit 1 – Project Findings for Vesting Tentative Subdivision Map  
Exhibit 2 – Conditions of Approval for Vesting Tentative Subdivision Map  
Exhibit 3 - Tracy Hills Phase 1C - Vesting Tentative Subdivision Map

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CITY ATTORNEY'S OFFICE

**TRACY CITY COUNCIL**

**ORDINANCE NO. \_\_\_\_\_**

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**AN ORDINANCE OF THE CITY OF TRACY APPROVING AN AMENDMENT TO THE TRACY HILLS SPECIFIC PLAN MODIFYING APPENDIX D, ADDING APPENDIX F AND MODIFYING SECTION 2 OF THE SPECIFIC PLAN FOR THE RESIDENTIAL ZONING AND DEVELOPMENT STANDARDS FOR THE TRACY HILLS PHASE 1C PROJECT  
APPLICATION NUMBER SPA22-0001**

**WHEREAS**, The Tracy Hills Specific Plan Area consists of approximately 2,732 acres located in the vicinity of the existing Corral Hollow Road interchange and the proposed Lammers Road interchange on Interstate 580; and

**WHEREAS**, On April 5, 2016, City Council certified an Environmental Impact Report and approved a General Plan Amendment and a comprehensive update to the Tracy Hills Specific Plan; and

**WHEREAS**, On January 12, 2022, an application was submitted for a proposed amendment to the Tracy Hills Specific Plan for the Tracy Hills Phase 1C Project, which consists of approximately 121.5 acres located south of I-580, west of Corral Hollow Road, Application Number SPA22-0001; and

**WHEREAS**, the proposed Specific Plan Amendment (SPA) does not include any changes in land use designations; and

**WHEREAS**, The proposed Tracy Hills Specific Plan Amendment (SPA) includes adding Appendix f, the Phase 1C Design Guidelines, which lays out the overall conceptual development plan and implementation details for the Phase 1C development; and

**WHEREAS**, The proposed Tracy Hills Specific Plan Amendment (SPA) includes modifications to Section 2 of the specific plan for the residential zoning and development standards; and

**WHEREAS**, The proposed Tracy Hills Specific Plan Amendment (SPA) includes modifications to Appendix D, the Phase 2 Design Guidelines to allow for roundabout public art and wall monumentation and identification signage; and

**WHEREAS**, Modifications to Section 2 include updates to Table 2-3 to better define small and medium parcel development and Figure 2-2 to better design development standards for small lot housing product and introduces new housing product types to the specific plan area.

**WHEREAS**, This Specific Plan Amendment (SPA) will allow the developers to offer a diverse housing mix by introducing various small lot housing products; and

**WHEREAS**, This Specific Plan Amendment (SPA) is consistent with direction from the State of California to offer more affordable housing options; and

**WHEREAS**, The proposed SPA is consistent with the General Plan, as amended; and

**WHEREAS**, An Environmental Impact Report (EIR) was certified by the City Council on April 5, 2016 for the Tracy Hills Specific Plan. An Addendum to the EIR has been prepared in accordance with the provisions of California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15168 to address the proposed amendment to the Tracy Hills Specific Plan for the Tracy Hills Phase 2 Project. The Phase 1C project was analyzed as part of the previous Phase 2 project. No new significant environmental impacts were identified for the project and therefore, no further environmental review is necessary; and

**WHEREAS**, On July 23, 2025, the Planning Commission conducted a duly noticed public hearing to consider the proposed amendment to the Tracy Hills Specific Plan for the Tracy Hills Phase 1C Project; and

**WHEREAS**, The City Council considered this matter at a duly noticed public hearing held on August 19, 2025;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TRACY DOES ORDAIN AS FOLLOWS:**

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

**SECTION 2.** The City Council determines that an Environmental Impact Report (EIR) was certified by the City Council on April 5, 2016 for the Tracy Hills Specific Plan. An Addendum to the EIR has been prepared in accordance with the provisions of California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15168 to address the proposed amendment to the Tracy Hills Specific Plan for the Tracy Hills Phase 2 Project. The Phase 1C project was analyzed as part of the previous Phase 2 project. No new significant environmental impacts were identified for the project and therefore, no further environmental review is necessary.

**SECTION 3.** The City Council hereby approves the Tracy Hills Specific Plan Amendment for the Tracy Hills Phase 1C Project, Application Number SPA22-0001, as attached to this Ordinance as **Exhibit 1**.

**SECTION 4.** This Ordinance shall take effect 30 days after its final passage and adoption.

**SECTION 5.** This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the ordinance is adopted and within

15 days after adoption, with the names of the Council Members voting for and against the ordinance. (Gov't. Code §36933.)

**SECTION 6.** **Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

\* \* \* \* \*

The foregoing Ordinance \_\_\_\_\_ was introduced at a regular meeting of the Tracy City Council on the 2<sup>nd</sup> day of September, 2025, and finally adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2025, by the following vote:

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

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MAYOR

ATTEST:

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CITY CLERK

**Exhibit 1 to Exhibit 1**  
**Tracy Hills Specific Plan Amendment**

This exhibit is too large to include in the packet.

A copy has been provided separately or may also be viewed on the City of Tracy's website:

<https://www.cityoftracy.org/government/boards-and-commissions/planning-commission>

FAPPROVED AS TO FORM

CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION 2025-\_\_\_\_\_

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1. APPROVING A VESTING TENTATIVE SUBDIVISION MAP TO CREATE 289 SINGLE-FAMILY RESIDENTIAL LOTS AND VARIOUS OTHER PARCELS ON APPROXIMATELY 121.5 ACRES LOCATED SOUTH OF I-580, WEST OF CORRAL HOLLOW ROAD, ASSESSOR'S PARCEL NUMBERS 251-040-08 AND 251-040-19, APPLICATION NUMBER TSM2022-0001; AND
2. DETERMINING THAT BASED ON THE ENVIRONMENTAL IMPACT REPORT THAT WAS CERTIFIED BY THE CITY COUNCIL ON APRIL 5, 2016, FOR THE TRACY HILLS SPECIFIC PLAN, AND THE CONSISTENCY ANALYSIS AND ENVIRONMENTAL CHECKLIST PREPARED BY THE CITY FOR THE TRACY HILLS COMMERCE CENTER PROJECT IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) AND THE CEQA GUIDELINES, NO FURTHER ENVIRONMENTAL DOCUMENT IS REQUIRED, PURSUANT TO CEQA GUIDELINES SECTIONS 15162 AND 15168(c)(2).

**WHEREAS**, the Tracy Hills Specific Plan Area consists of approximately 2,767 acres located in the vicinity of Corral Hollow Road and Interstate 580; and

**WHEREAS**, the Tracy Hills Specific Plan was originally approved and annexed to the City in 1998, which included certification of an Environmental Impact Report (EIR); and

**WHEREAS**, on April 5, 2016, the City Council certified a Subsequent EIR and approved a General Plan Amendment and a comprehensive update to the Tracy Hills Specific Plan; and

**WHEREAS**, On January 12, 2022, an application was submitted for a Specific Plan Amendment and Vesting Tentative Subdivision Map for the Tracy Hills Phase 1C Project to create 289 single-family residential lots and various other parcels on approximately 121.5 acres located south of I-580, west of Corral Hollow Road, Application Number TSM2022-0001; and

**WHEREAS**, The proposed Vesting Tentative Subdivision Map for the Tracy Hills Phase 1C Project is consistent with the General Plan and the Tracy Hills Specific Plan, as amended; and

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

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

**WHEREAS**, An Environmental Impact Report (EIR) was certified by the City Council on April 5, 2016 for the Tracy Hills Specific Plan. An Addendum to the EIR has been prepared in accordance with the provisions of California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164 to address the proposed amendment to the Tracy Hills Specific Plan for the Tracy Hills Phase 2 Project. The Phase 1C project was analyzed as part of the previous Phase 2 project. No new significant environmental impacts were identified for the project and therefore, no further environmental review is necessary; and

**WHEREAS**, the Planning Commission considered this matter at a duly noticed public hearing held on July 23, 2025, and voted to recommend that the City Council approve the project; and

**WHEREAS**, the City Council considered this matter at a duly noticed public hearing held on September 2, 2025; now, therefore, be it

**RESOLVED:** That based on the Environmental Impact Report (EIR) that was certified by the City Council on April 5, 2016, for the Tracy Hills Specific Plan, and an Addendum to the EIR that was prepared in accordance with the provisions of California Environmental Quality Act (CEQA) Guidelines Sections 15162 and 15164 to address the proposed amendment to the Tracy Hills Specific Plan for the Tracy Hills Phase 2 Project. The Phase 1C project was analyzed as part of the previous Phase 2 project, the City Council hereby determines that none of the conditions or circumstances that would require preparation of a subsequent EIR, pursuant to Sections 15162 and 15168 of the CEQA Guidelines, exist in connection with the proposed Tracy Hills Phase 1C project, and therefore, pursuant to Section 15168(c)(2), no further environmental document is required; and be it

**FURTHER RESOLVED:** That based on the findings set forth in **Exhibit 1** hereto, the City Council hereby approves the Vesting Tentative Subdivision Map for the Tracy Hills Phase 1C Project (Application Number TSM22-0001), subject to the Conditions of Approval set forth in **Exhibit 2** and the vesting tentative map in **Exhibit 3** hereto; provided, however, that the approval of this Vesting Tentative Subdivision Map shall not be effective until the first day following the effective date of the Ordinance approving the Tracy Hills Specific Plan Amendment for the Tracy Hills Phase 1C Project (Application Number SPA22-0001).

\* \* \* \* \*

The foregoing Resolution 2025-\_\_\_\_\_ was adopted by the City Council of the City of Tracy on September 2, 2025, by the following vote:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:
ABSTENTION:	COUNCIL MEMBERS:

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DAN ARRIOLA  
Mayor of the City of Tracy

ATTEST: \_\_\_\_\_

APRIL QUINTANILLA  
City Clerk and Clerk of the Council of the City of Tracy

Date of Attestation: \_\_\_\_\_

Exhibit 1 – Findings to support approval of Vesting Tentative Subdivision Map  
Exhibit 2 – Conditions of Approval for Vesting Tentative Subdivision Map  
Exhibit 3 – Tracy Hills Phase 1C - Vesting Tentative Subdivision Map

**City of Tracy  
Vesting Tentative Subdivision Map Findings  
Tracy Hills Phase 1C  
Application Number TSM2022-0001  
City Council – September 2, 2025**

In accordance with Tracy Municipal Code (TMC) Section 12.28.020, the City Council has final authority on all Vesting Tentative Subdivision Maps, following recommendation by the Planning Commission. Vesting Tentative Subdivision Maps must meet the requirements set forth in TMC Chapters 12.28 and 12.16, including a noticed public hearing.

After consideration of the entire record, under TMC Sections 12.28.040 and 12.16.070, the City Council may approve the Vesting Tentative Subdivision Map if the facts in the record support the following findings:

- (1) The proposed map is consistent with the general plan, any applicable specific plan, and this title;
- (2) The site is physically suitable for the type of development;
- (3) The site is physically suitable for the proposed density of development;
- (4) The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- (5) The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision;
- (6) Complies with all other applicable ordinances, regulations and guidelines of the City, including but not limited to the local floodplain ordinance (Municipal Code Chapter 9.52).

Therefore, the City Council conducted a noticed public hearing on September 2, 2025, to consider approving a Vesting Tentative Subdivision Map for the Tracy Hills Phase 1C Project (Application Number TSM2022-0001), and upon its conclusion, makes the following requisite findings for the Vesting Tentative Subdivision Map based on consideration of the entire record of evidence, including, without limitation, the following:

- (1) The proposed Vesting Tentative Subdivision Map (Application Number TSM22-0001) is consistent with the General Plan, the Tracy Hills Specific Plan, TMC Chapter 10.08 Zoning Regulations, and Title 12, the Subdivision Ordinance, of the Tracy Municipal Code. The property has a General Plan designation of Residential Medium and a Tracy Hills Specific Plan designation of Single Family Homes – Small Lot.
- (2) The site is physically suitable for the type of development. The site is relatively flat and the physical qualities of the property and the large-lot subdivision make it suitable for industrial development in accordance with City standards.

- (3) The site is physically suitable for the proposed density of development. All proposed development on the property will be consistent with the allowable densities and floor area ratios prescribed by the General Plan and the Tracy Hills Specific Plan. Traffic circulation is designed in accordance with City standards for the proposed development to ensure adequate traffic service levels are met.
- (4) The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The proposed Vesting Tentative Subdivision Map is consistent with the Tracy Hills Specific Plan Environmental Impact Report (EIR) approved by the City Council on April 5, 2016, and the General Plan EIR approved by the City Council on February 1, 2011. Pursuant to CEQA Guidelines Section 15162 and 15168(c)(2), no additional environmental documentation is required. Significant fish or wildlife or their habitat have not otherwise been identified on the site and no further environmental documentation is required. In addition, the subdivider will demonstrate compliance with the San Joaquin County Multi-Species Habitat Conservation & Open Space Plan administered by the San Joaquin Council of Governments for the protection of any wildlife or habitats found on the site prior to development.
- (5) The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. There are no public easements on the property that would conflict with the proposed subdivision. The developer will comply with all utility and infrastructure requirements of the Tracy Hills Specific Plan as development occurs. The subdivision will facilitate the construction and dedication of various streets for proper circulation in accordance with City standards.
- (6) Complies with all other applicable ordinances, regulations and guidelines of the City, including but not limited to the local floodplain ordinance (Municipal Code Chapter 9.52). The subject property is not located within any floodplain and the project, with conditions, will meet all applicable City design and improvement standards.

**City of Tracy  
Conditions of Approval**  
Tracy Hills Phase 1C  
Vesting Tentative Subdivision Map Application Number TSM21-0001  
September 2, 2025

**A. General Provisions and Definitions.**

A.1. **General.** These Conditions of Approval apply to the Tracy Hills Phase 1C Project (hereinafter "Project"), which includes the following:

**Vesting Tentative Subdivision Map Application Number TSM21-0001:**  
A Vesting Tentative Subdivision Map to create 314 parcels, including 289 residential parcels, 22 homeowner association parcels, two public park parcels, and one parcel for a public lift station, on a site containing approximately 121.5 acres, identified as Assessor's Parcel Numbers 251-040-008 and 251-040-18 (hereinafter "Property"), Application Number TSM21-0001.

A.2. **Compliance with submitted plans.** Except as otherwise modified herein, the Property shall be subdivided and developed in substantial compliance with the Vesting Tentative Subdivision Map (Application Number TSM21-0001) received by the Community and Economic Development Department on February 18, 2025, to the satisfaction of the City Engineer.

A.3. **Payment of applicable fees.** The Developer shall pay all applicable fees for the project for each building, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project. Applicable fees will be assessed at the time of building permit application and paid at the time of building occupancy, on "pro-rata" basis, based on the individual building(s) square footage.

A.4. **Compliance with City regulations.** Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), City of Tracy Design Documents, the Tracy Hills Specific Plan, and the City's Design Goals and Standards.

A.5. **Definitions.**

- a. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Community and Economic Development Director, or the City Engineer to perform the duties set forth herein.
- b. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code ordinances, resolutions, policies, procedures, the Tracy Hills Specific Plan, and the City's Design Documents (including the Standard Plans, Standard Specifications, and relevant Public Facility Master Plans).

- c. "Community and Economic Development Director" means the Community and Economic Development Director of the City of Tracy, or any other person designated by the City Manager or the Community and Economic Development Director, to perform the duties set forth here. (The Community and Economic Development Director is also referred to in the Tracy Municipal Code as the Development and Engineering Services Director.)
- d. "Conditions of Approval" shall mean these conditions of approval applicable to the Project, Application Numbers TSM21-0001. The Conditions of Approval shall specifically include all conditions set forth herein.
- e. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.
- f. "Property" means the approximately 121.5 acres located in the Tracy Hills Specific Plan Area that is the subject of the Vesting Tentative Subdivision Map for Tracy Hills Phase 1C, Application Number TSM22-0001.
- g. "Subdivider" means a person, firm, corporation, partnership, or association who owns the property or represents the owner and who proposes to divide, divides, or causes to be divided real property into a subdivision for oneself or for others. Employees and consultants of such persons or entities, acting in such capacity, are not subdividers.

A.6. Indemnification. The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs or any other costs arising out of or in any way related to this project approval, or the City's activities conducted pursuant to its processing and approval of this project approval, including any constitutional claim. Accordingly, to the fullest extent permitted by law and as a condition of this approval, the applicant and property owner, and its representative(s), or its successors shall defend, indemnify and hold harmless the City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of this project approval, or the City's activities conducted pursuant to its processing and approval of this project approval, including any constitutional claim. The applicant and property owner, and its representative(s), or its successors shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

B. **Final Map –** The following Conditions of Approval shall be satisfied prior to City Council Final Map approval:

Conditions of Approval  
Tracy Hills Phase 1C  
Application Number TSM21-0001  
September 2, 2025

B.1. Traffic: Subdivider shall fund, design, and construct all necessary on-site and off-site traffic facilities as generally described on the Vesting Tentative Subdivision Map and as follows:

- a. I-580 & Corral Hollow Road Ramp Terminals: Subdivider shall enter into a Funding Agreement with the City of Tracy, whereby Subdivider commits to funding the interchange improvements.
- b. Subdivider shall ensure to the satisfaction of the Fire Chief and Police Chief that the existing all-weather EVA road extending from Tracy Hills Drive northerly to its terminus at South Lammers Road, is maintained and fully accessible to and traversable by all emergency vehicles and available for resident evacuation.
- c. Sierra View Drive (southern extension of former Lammers Road) shall be constructed, offered for dedication and capable of public use prior to first Final Map approval.
- d. Subdivider is advised that certain traffic improvements are required by prior approvals and agreements, including the amended Development Agreement. These requirements, though not a function of this Vesting Tentative Map, are enforceable at the time of either building permit issuance or final occupancy of a dwelling. Specifically, per the amended Development Agreement, the required widening of Corral Hollow Road from the southern terminus of the bridge crossing the California Aqueduct to the intersection with Linne Rd shall commence construction prior to the final inspection of the structure that will contain the 2,600<sup>th</sup> dwelling unit within the area defined as the Project in the Development Agreement. This may occur during the course of development of Phase 1C and/or Phase 2.

B.2. Storm Drainage: Subdivider shall fund, design, and construct all necessary storm drainage facilities as generally described on the Tentative Subdivision Map and as follows:

- a. All permanent underground storm drainage lines and structures to be maintained by the City shall be located within right-of-way to be dedicated to the City or within an easement. If applicable, interim facilities and storm drain lines and collection basins shall be maintained by the Subdivider.
- b. Subdivider shall provide design and construction details for all storm water intercept points at Project boundary at I-580 showing adequate inlet structures, erosion control features, storm drainage easements and connections to the proposed storm drainage facilities in Tracy Hills Drive.

B.3. Water Supply. The Subdivider shall fund, design, and construct all necessary water supply lines and facilities as generally described on the Vesting Tentative Subdivision Map and as follows:

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- a. Fire flow parameters per Design Standards Section 6.02 shall be met for the phased construction of water lines to the satisfaction of the Fire Marshall.
- B.4. **Private Utilities.** All private utility services to serve the Project such as electric, telephone and cable TV to the building must be installed underground, within right-of-way or a dedicated five (5) feet wide Public Utility Easement (PUE) and at the location approved by the City and the respective owner(s) of the utilities.

The Subdivider shall submit improvement plans for the installation of electric, gas, telephone and TV cable lines that are to be installed under the sidewalk or within the PUE. Underground utility conduits may be installed under the sidewalks, and underground boxes and structures may be located in the landscaped parkway next to the curb. All above-ground boxes and facilities shall be behind the sidewalk and within the PUE. Pop-outs to provide additional width of PUE where required to accommodate larger above-ground structures will be permitted subject to review and approval by Public Works Director and the City Engineer. Before approval of the first Final Map, the Subdivider shall complete the necessary coordination work with the respective owner(s) of the utilities for approval.

- B.5. **Public Parks.** Subdivider shall enter into an agreement with the City, which shall be recorded against the property, which stipulates the following:

- a. The design and development of the park must comply with City Standards. This includes the approval of a park conceptual plan through the Parks & Community Services Commission. Designs shall reflect the concept design approved by the Parks & Community Services Commission on June 6, 2024.
- b. Construction of the 1.95-acre public park located on Parcel K begin no later than occupancy of the 145<sup>th</sup> unit unless extended by the Community and Economic Development Director.

B.6. **Fire Marshall Requirement**

- a. **Fire Flow.** The Subdivider shall submit calculations, and improvement plans as required by the Fire Marshall and the City Engineer and obtain a letter from the Fire Marshall that confirms that the fire flow parameters per Tracy Design Standards Section 6.02 are met for the phased construction of water lines to the satisfaction of the Fire Marshal.
- b. **Fire Service Line –** The Subdivider shall design and install fire hydrants at the locations approved by the Fire Marshall. Before the approval of the Improvement Plans, the Subdivider shall obtain written approval from the Fire Marshall for the design, location and construction details of the fire service connections to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.

- B.7. **Community Facilities Districts.** Subdivider shall provide for perpetual funding of the on-going costs of providing the following services:

- Police/Public Safety and Public Works Services.
- Public Landscaping. The items to be maintained include but are not limited to the following: ground cover, turf, shrubs, trees, irrigation systems, drainage and electrical systems, masonry walls or other fencing, entryway monuments or other ornamental structures, furniture, recreation equipment, hardscape and any associated appurtenances within medians, parkways, dedicated easements, channel-ways, public parks and public open space areas, excluding the community park.
- Streetlights

Subdivider shall enter into an agreement with the City, to be signed by the Finance Director, which shall be recorded against the Property, which will identify which of the following mechanisms will be used to fund which of the above referenced services. More than one of the following mechanisms may be used, at the discretion of the Finance Director:

- a. CFD Annexation: Subdivider to complete the annexation of the Property to City of Tracy Community Facilities District in compliance with the requirements of the Mello–Roos Community Facilities Act of 1982 (Gov. Code § 53311 et seq.) including, without limitation, affirmative votes, and the recordation of a Notice of Special Tax Lien. Subdivider shall be responsible for all costs associated with the CFD proceedings.
- b. Homeowner's Association and Dormant CFD. Prior to the final inspection or occupancy of the first dwelling unit (except for up to fifteen model homes) form a Homeowner's Association (HOA) or other maintenance association, with CC&Rs reasonably acceptable to the City, to assume the obligation for the on-going costs of operation, maintenance, and replacement for the subject improvements or services on the Property;
  - i. Subdivider shall cause the HOA to enter into an agreement with the City, in a form to be approved by the City and to be recorded against the Property prior to the final inspection or occupancy of the first dwelling (except for up to fifteen model homes), setting forth, among other things, the required maintenance obligations, the standards of maintenance, and all other associated obligation(s) to ensure the long-term operation, maintenance and replacement by the HOA for subject improvements or services on the Property;
  - ii. Before final inspection or occupancy of the first dwelling (except for up to fifteen model homes), annex into a CFD in a "dormant" capacity, to be triggered if the HOA fails (as determined by the City in its sole and exclusive discretion) to perform the required level of operation, maintenance and replacement for the subject improvements or services on the Property. The dormant tax or assessment shall be disclosed to all

Conditions of Approval  
Tracy Hills Phase 1C  
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September 2, 2025

homebuyers and non-residential property owners, even during the dormant period.

- iii. For each Final Map, Subdivider shall make and submit to the City, in a form reasonably acceptable to the City, an irrevocable offer of dedication of all public landscape areas within the Final Map area.

This alternative may not be used for the Police/Public Safety and Public Work Services.

- c. Direct funding. Subdivider shall enter into an agreement with the City, which shall be recorded against the Property, which requires that prior to issuance of a certificate of occupancy for a residential dwelling unit, Subdivider shall deposit with the City an amount necessary, as reasonably determined by the City, to fund in perpetuity the full ongoing costs of operation, maintenance and replacement for the subject improvements on the Property. If the provisions for adequate funding of the on-going costs of operation, maintenance and replacement of the subject improvements on the Property are met subject to the Finance Director's review and approval, the terms of this condition shall be considered to have been met.
- B.8. Protest of fees, dedications, reservations, or other exactions. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.
- B.9. Final Map Phasing. The Final Map may be phased upon approval by the City Engineer of a Phasing Plan prior to the approval of the first Final Map. The Phasing Plan shall describe all phases and corresponding permanent or interim improvements.
- B.10. Final Map Approval and Recordation. The Subdivider shall submit a Final Map consistent with the Vesting Tentative Subdivision Map Application Number TSM21-0001 for review by the City Engineer and approval by the City Council. The Final Map shall be prepared in accordance with the applicable requirements of the Tracy Municipal Code, these Conditions of Approval, all other applicable City Regulations, the Subdivision Map Act, and in substantial conformance with the Vesting Tentative Subdivision Map. The approved map shall be recorded at the San Joaquin County Recorder's Office. Applications for Building Permits will not be approved prior to recordation of the Final Map.
- B.11. Improvement Plans. The construction of required improvements requires the prior approval of Improvement Plans through a Subdivision Improvement Agreement (SIA) with improvement security as described in Tracy Municipal Code Chapter 12.36. The

Subdivider shall submit all necessary plans, studies, and application forms, for review and approval by the City Engineer.

B.12. **Credits and Reimbursement**. The use of credits and reimbursements shall be pursuant to the Development Agreement and the Tracy Municipal Code.

**C. Grading Permit – Prior to Grading Permit release**, the following Conditions of Approval shall be satisfied prior to disturbance of the site or issuance of a Grading Permit:

C.1. **Grading Permit Requirement**: A Grading Permit will be required for the construction of improvements. The Subdivider shall submittal all necessary plans and studies, as determined by the City Engineer, and pay all applicable fees for the review and approval of a Grading Permit.

C.2. **Habitat Conservation**: Subdivider shall demonstrate compliance with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), biologist survey, and the Incidental Take Minimization Measures (ITMM) prepared by San Joaquin Council of Government (SJCOC) Habitat Division, to the satisfaction of the Community and Economic Development Director.

C.3. **Air Pollution Control District**: Subdivider shall comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District (APCD), to the satisfaction of the Community and Economic Development Director.

C.4. **Site Damage Prevention Plan**: Subdivider shall work with Conoco Phillips and/or Shell to implement and observe site damage prevention plan, per Mitigation Measure HAZ 4.8-2a and b.

**D. Acceptance of Public Improvements**

D.1. Prior to acceptance of public improvements, Subdivider shall demonstrate to the reasonable satisfaction of the City Engineer, completion of the following:

- a. All the public improvements shown on the Improvement Plans are completed and free of deficiencies.
- b. Subdivider has completed the 90-day public landscaping maintenance period.
- c. Subdivider has submitted Certified "As-Built" Improvement Plans (or Record Drawings). Upon completion of the construction by the Subdivider, the City shall temporarily release the originals of the Improvement Plans to the Subdivider so that the Subdivider will be able to document revisions to show the "As Built" configuration of all improvements.
- d. Where applicable, signed and notarized Grant Deed(s) with legal description(s) and plat maps for the offer of dedication of right-of-way, and Grant of Easements

as required per these Conditions of Approval and City Regulations, or dedications shown on the Final Map.

- e. All improvement plans shall contain a note stating that the Subdivider (or Contractor) will be responsible for preserving and protecting all existing survey monuments and other survey markers. Any damaged, displaced, obliterated, or lost monuments or survey markers shall be re-established or replaced by a licensed Land Surveyor at the Subdivider's (or Contractor's) sole expense. A corner record must be filed in accordance with the State law for any reset monuments (California Business and Professions Code Section 8871).

D.2. Release of Improvement Security Subdivider may request the release of the Improvement Security(s) after or upon City Council's acceptance of public improvements, both on-site and off-site, in accordance with TMC section 12.36.080, upon written request and submittal of the recorded Notice of Completion.

**E. South San Joaquin County Fire Authority**

- E.1 To reduce the risk of wildfire and protect structures within the proposed development, a defensible space shall be established and maintained around the perimeter of the development area in accordance with California Government Code Section 51182.
- E.2 Prior to the delivery of any combustible building construction materials to the project site the following conditions shall be completed to the satisfaction of the SSJCFA:
  - a. A water supply for fire protection shall be installed and approved by the appropriate inspecting department.
  - b. Approved vehicle access for firefighting shall be provided to all construction sites prior to the start of construction.
  - c. 200 feet of clearance of vegetation shall be provided for each construction site prior to combustible material arriving on the site and shall be maintained throughout the duration of construction. The SSJCFA may allow this clearance to occur in phases to help protect the soil from erosion.
  - d. Street names shall be made available to the SSJCFA prior to the start of construction.
  - e. Lot numbers and/or address identification shall be provided for each lot under construction and posted at the front of the unit.
- E.3 All perimeter structures located adjacent to wildland fuels shall be constructed per Chapter 7A of the California Building Code and per the California Residential Code, Section R337.

Conditions of Approval  
Tracy Hills Phase 1C  
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September 2, 2025

E.4 The following vegetation management practices shall be completed in open spaces in the Tracy Hills Phase 1C development, to ensure effective vegetation management preventing the spread of fire.

- a. Vegetation Maintenance Methods:
  - i. Vegetation, including weeds and grasses, must be managed through discing, rototilling, or mowing.
  - ii. If discing or rototilling is used, sufficient passes must be made to adequately cover and incorporate the vegetation into the soil to prevent the spread of fire.
  - iii. If mowing is chosen as the method of vegetation control, the stubble must be cut to no more than four inches in height.
- b. Fence Line Vegetation Management:
  - i. Vegetation along fence lines within the open spaces contiguous to the development must also be removed and managed according to the same standards as the rest of the parcel.
- c. Frequency and Timing:
  - i. Vegetation management must be performed regularly, with frequency determined by the growth rate of the vegetation to ensure compliance with these standards at all times.
  - ii. Management activities should be conducted before the peak fire season to maximize the effectiveness of the fire prevention measures.
- d. Responsibility and Compliance:
  - i. The responsibility for maintaining the vegetation in accordance with this condition lies with the property owner or designated maintenance entity.
  - ii. Compliance will be monitored by the South San Joaquin County Fire Authority.

E.5. Fencing installed along the boundary between the new development and contiguous open spaces must be constructed from fire-resistant materials to reduce the risk of fire spread. Acceptable materials include:

- a. Noncombustible materials
- b. Ignition-resistant materials. The ignition-resistant material shall be labeled for exterior use and shall meet the requirements of California Building Code Section 704A.2.

Conditions of Approval  
Tracy Hills Phase 1C  
Application Number TSM21-0001  
September 2, 2025

- c. Fire-treated wood labeled for exterior applications is also permitted, provided it meets recognized testing standards for outdoor fire exposure and shall meet the requirements of California Building Code Section 2303.2.
- d. Proper maintenance of the fencing, including the regular removal of debris and vegetation along its base, is essential to maintain the fire-resistant properties. Compliance with these requirements will be monitored by the fire authority, and any fencing not meeting the approved standards will be subject to corrective action.

**BASIS OF BEARINGS:**

**RECEIVED**  
FEBRUARY 26, 2025  
City of Tracy  
Community and Economic Development

# VESTING TENTATIVE MAP - TRACT 4012

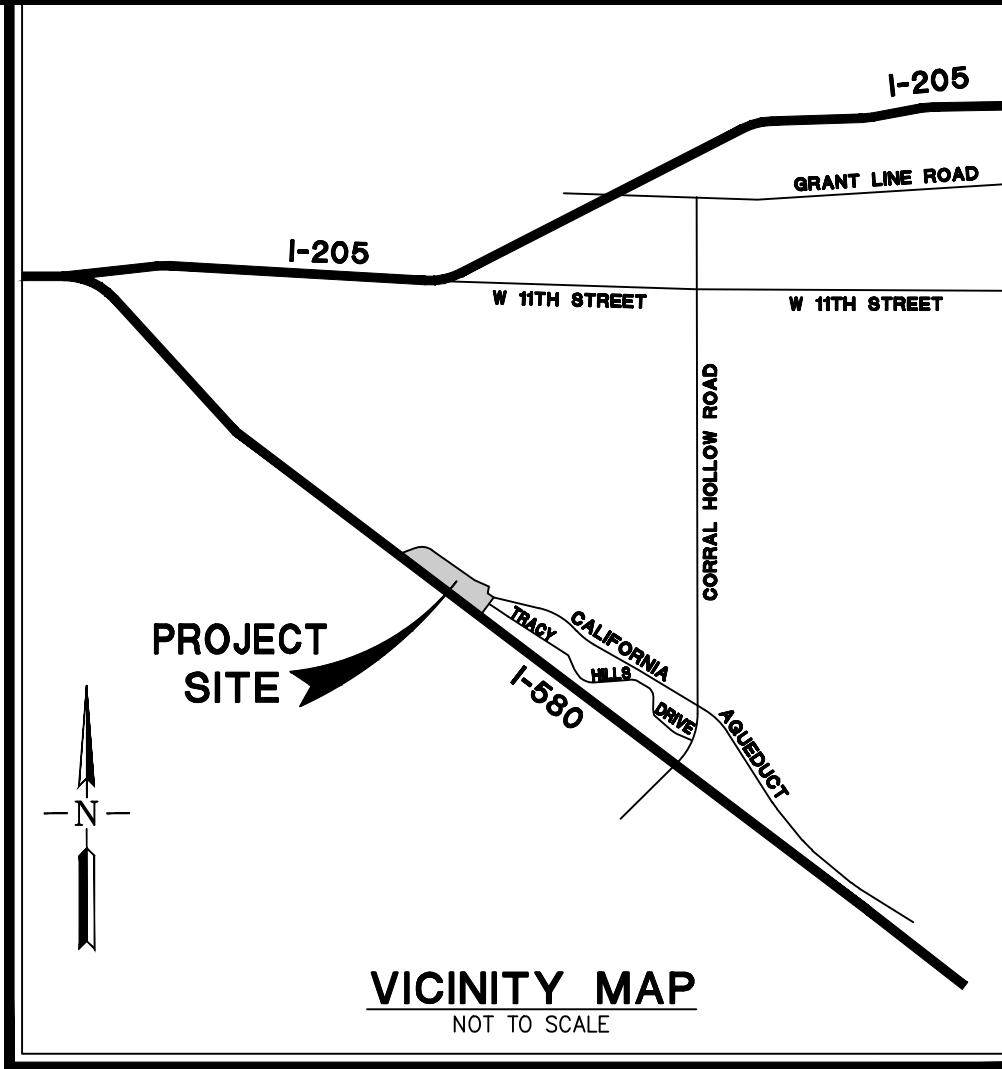
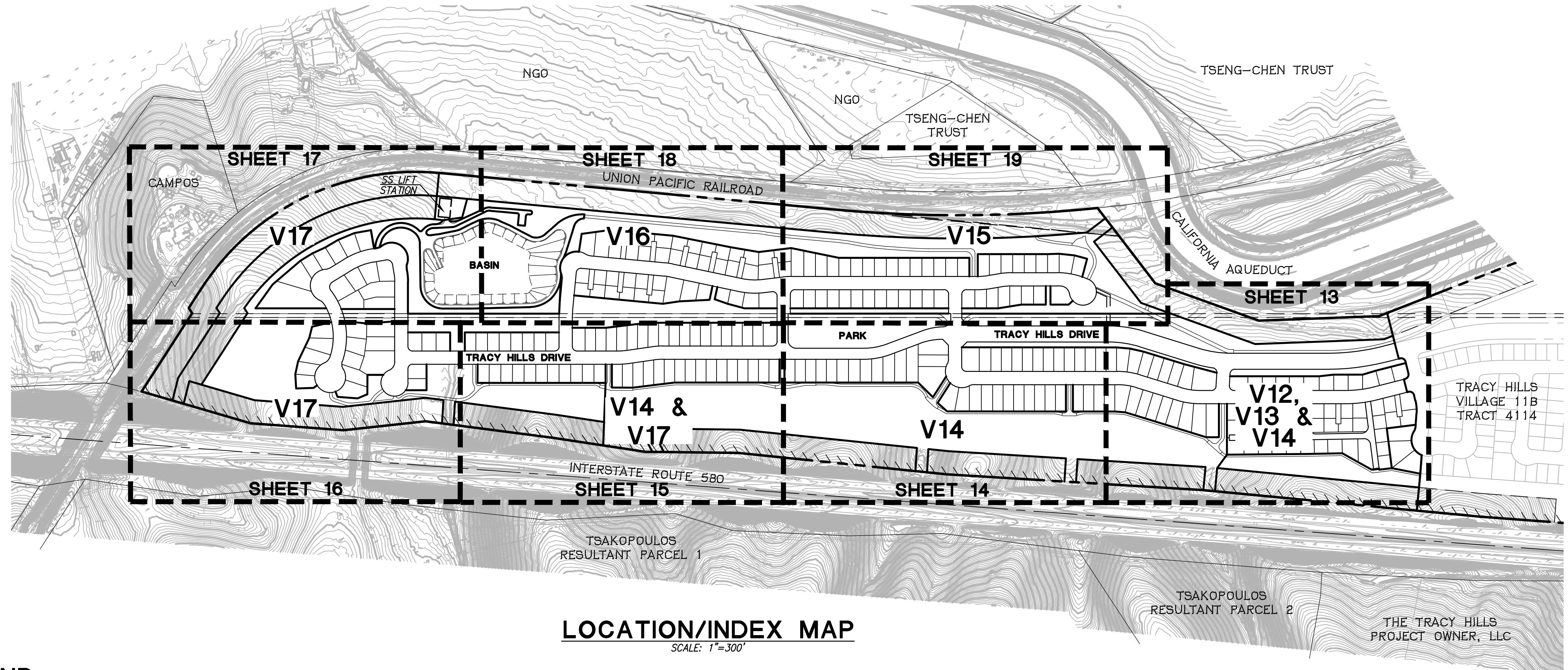
## TRACY HILLS - PHASE 1C

CITY OF TRACY, COUNTY OF SAN JOAQUIN, CALIFORNIA

**BENCHMARK:**

BASIS OF ELEVATIONS:  
PER GEOLOGIC CONTROL NETWORK RECORD OF SURVEY FOR CITY OF TRACY, RECORDED BOOK 36 PAGE 118 ELEVATION SHOWN ARE IN TERMS OF NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), BASED LOCALLY UPON ELEVATION FOR THE FOLLOWING BENCHMARKS AS PUBLISHED BY THE NATIONAL GEOLOGIC SURVEY: PT. 3022 "1259 1974" ELEV. 250.25'

0 300 600 900  
1 inch = 300 ft.

**LEGEND**

PROPOSED	DESCRIPTION	EXISTING
—	TRACT BOUNDARY	—
—	EASEMENT LINE	—
—	LOT LINE	—
—	RIGHT OF WAY	—
—	CENTER LINE	—
—	FLOW LINE	—
12"SD	STORM DRAIN	EX 12"SD
8"SS	SANITARY SEWER	EX 8"SS
8"W	WATER	EX 8"W
8"RCW	RECLAIMED WATER	EX 8"RCW
4"FM	FORCE MAIN	—
—	RETAINING WALL	—
—	—	—
—	SOUND WALL	—
—	DRAINAGE DITCH/SWALE	—
—	CURB & GUTTER	—
—	SIDEWALK	—
—	PAVED ACCESS ROAD/EVA	—
—	DG TRAIL	—
—	DIRT TRAIL	—
—	STORM WATER INLET	—
—	FIELD INLET	—
—	MANHOLE	—
—	FIRE HYDRANT	—
—	BLOWOFF RISER	—
—	GATE VALVE	—
—	FENCE	—
—	SLOPE	—
—	CONTOUR ELEVATIONS	130
—	SPOT ELEVATION	525.2
—	MONUMENT	—

**SHEET INDEX****SHEET NO. DESCRIPTION**

- 1 TITLE SHEET
- 2 EXISTING CONDITION PLAN
- 3 STREET SECTIONS AND DETAILS
- 4 TYPICAL DETAILS
- 5 LOT GRADING DETAILS
- 6 UTILITY DETAILS
- 7 STORM DRAIN DETAILS
- 8 RESIDENTIAL LOT AREA SUMMARY
- 9 OWNERSHIP EXHIBIT
- 10 OVERALL SANITARY SEWER PLAN
- 11 OVERALL STORM DRAIN SYSTEM PLAN
- 12 OVERALL WATER SYSTEM PLAN
- 13 VILLAGE 12, VILLAGE 13 & VILLAGE 14
- 14 VILLAGE 14
- 15 VILLAGE 14 & 17
- 16 VILLAGE 17
- 17 VILLAGE 17
- 18 VILLAGE 16
- 19 VILLAGE 15

**ABBREVIATIONS**

(#)	DENOTES SHEET NOTE NUMBER	JUT	JOINT UTILITY TRENCH
AB	AGGREGATE BASE	LP	LOW POINT
AC	ASPHALT CONCRETE	MIN	MINIMUM
BDLG	BUILDING	P	PAD ELEVATION
C & G	CURB & GUTTER	PAE	PRIVATE ACCESS EASEMENT
CMP	CORRUGATED METAL PIPE	PUE	PUBLIC UTILITY EASEMENT
CR	CURB RETURN	R	RADIUS
DG	DECOMPOSED GRANITE	ROW	RECLAIMED WATER
DRN	DRAINAGE OPEN SPACE	RET	RECLAIMED WALL
ESMT	EASEMENT	RW	RIGHT OF WAY
EVA	EMERGENCY VEHICLE ACCESS	SD	STORM DRAIN
EX	EXISTING	SS	SANITARY SEWER
FC	FACE OF CURB	SSPM	SANITARY SEWER FORCE MAIN
FSW	FRONT OF SIDEWALK	TC	TOP OF CURB
GB	GRADE BREAK	W	WATER
HP	HIGH POINT		

**CITY ENGINEER'S STATEMENT**

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

CITY ENGINEER

DATE

**PLANNING COMMISSION FILING CERTIFICATE**

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

**CITY COUNCIL CERTIFICATE**

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

CITY CLERK

DATE

**ENGINEER'S STATEMENT**

THIS MAP WAS PREPARED BY RUGGERI-JENSEN-AZAR UNDER MY DIRECTION

CHRISTOPHER P. RUGGERI, RCE 60901

DATE

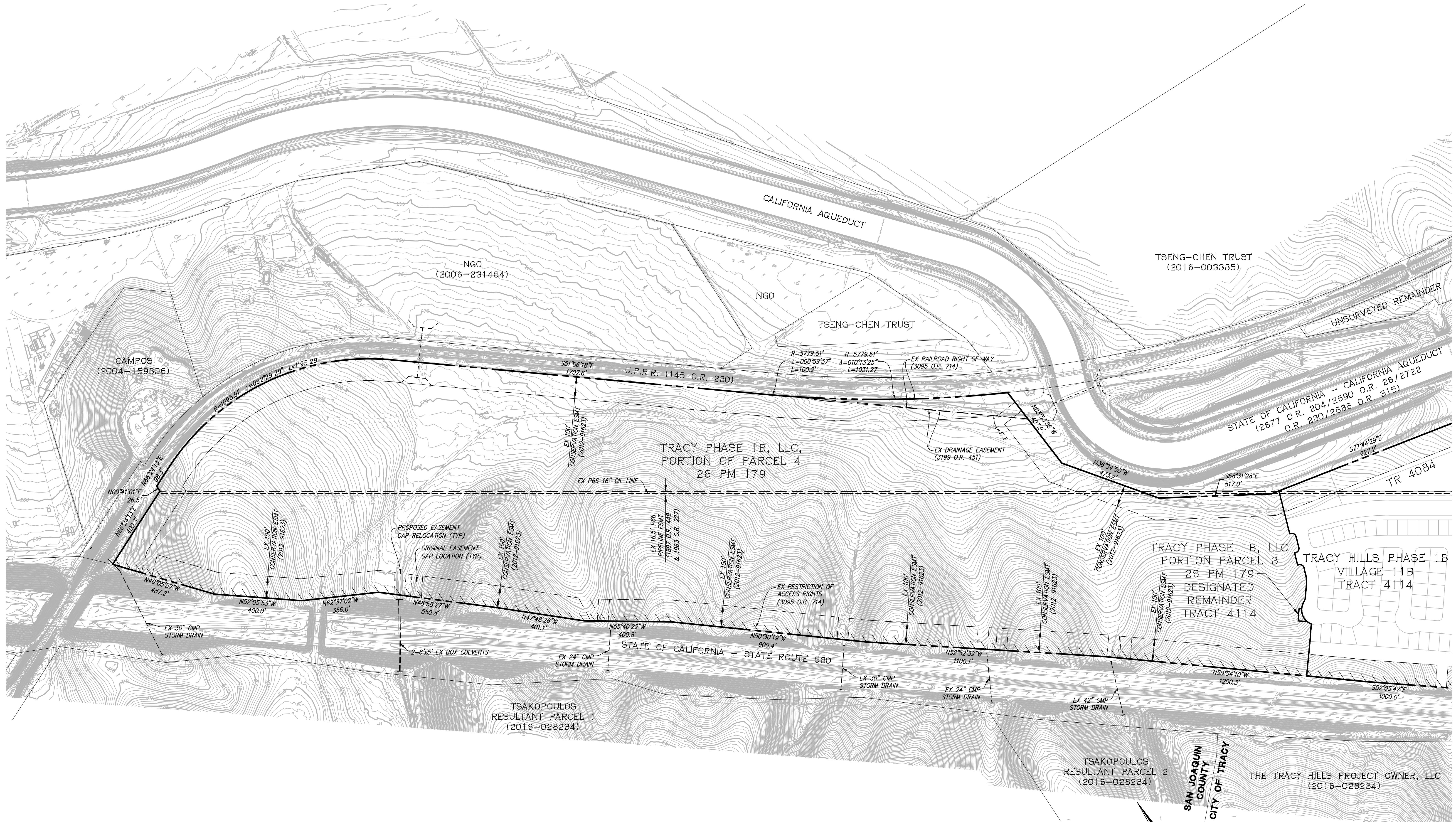
**OWNER/DEVELOPER**

JOHN STANEK, TRACY PHASE 1B, LLC

DATE



**RJA**  
RUGGERI-JENSEN-AZAR  
ENGINEERS • PLANNERS • SURVEYORS  
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588  
PHONE: (925) 227-9100 FAX: (925) 227-9300

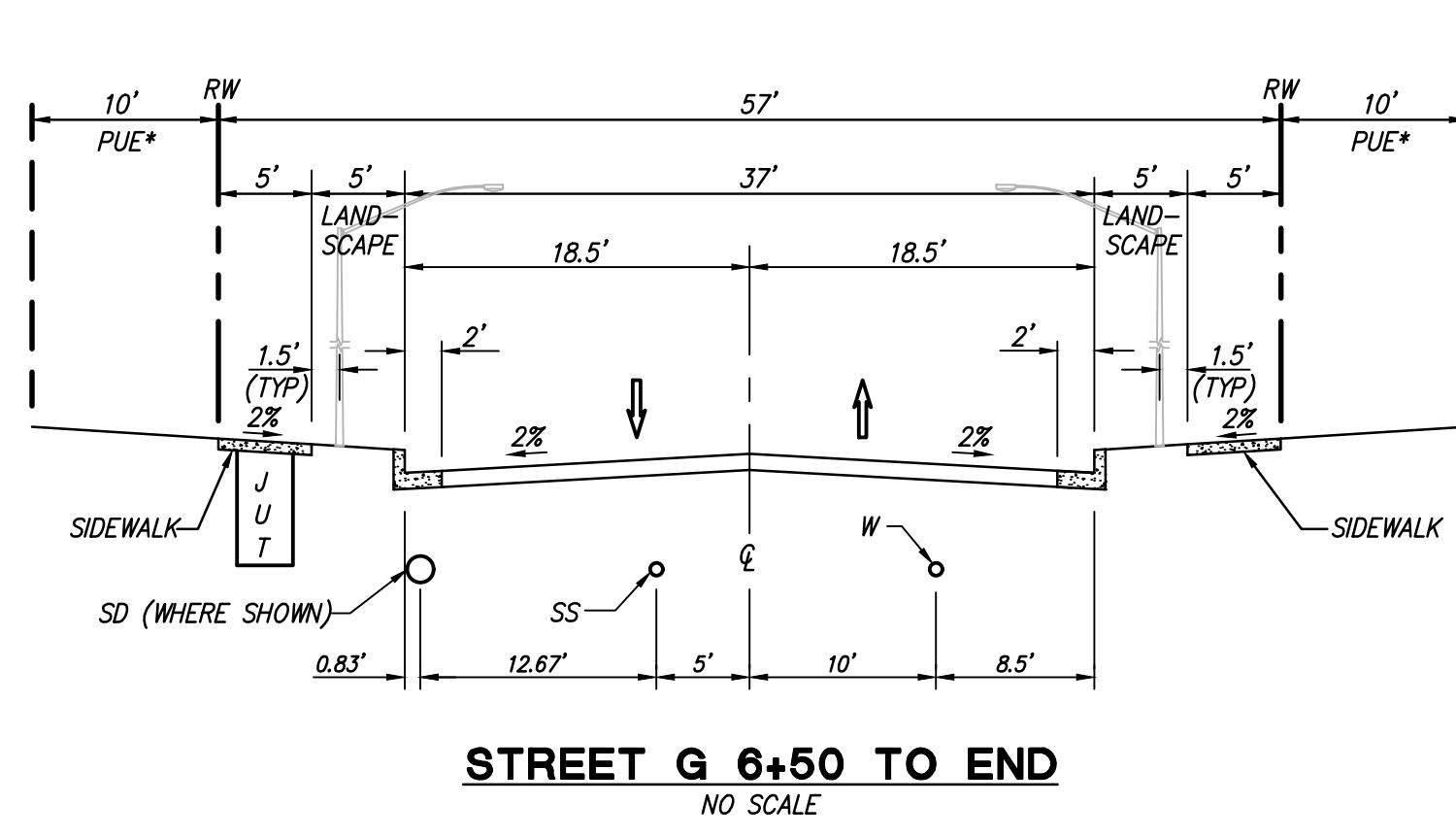
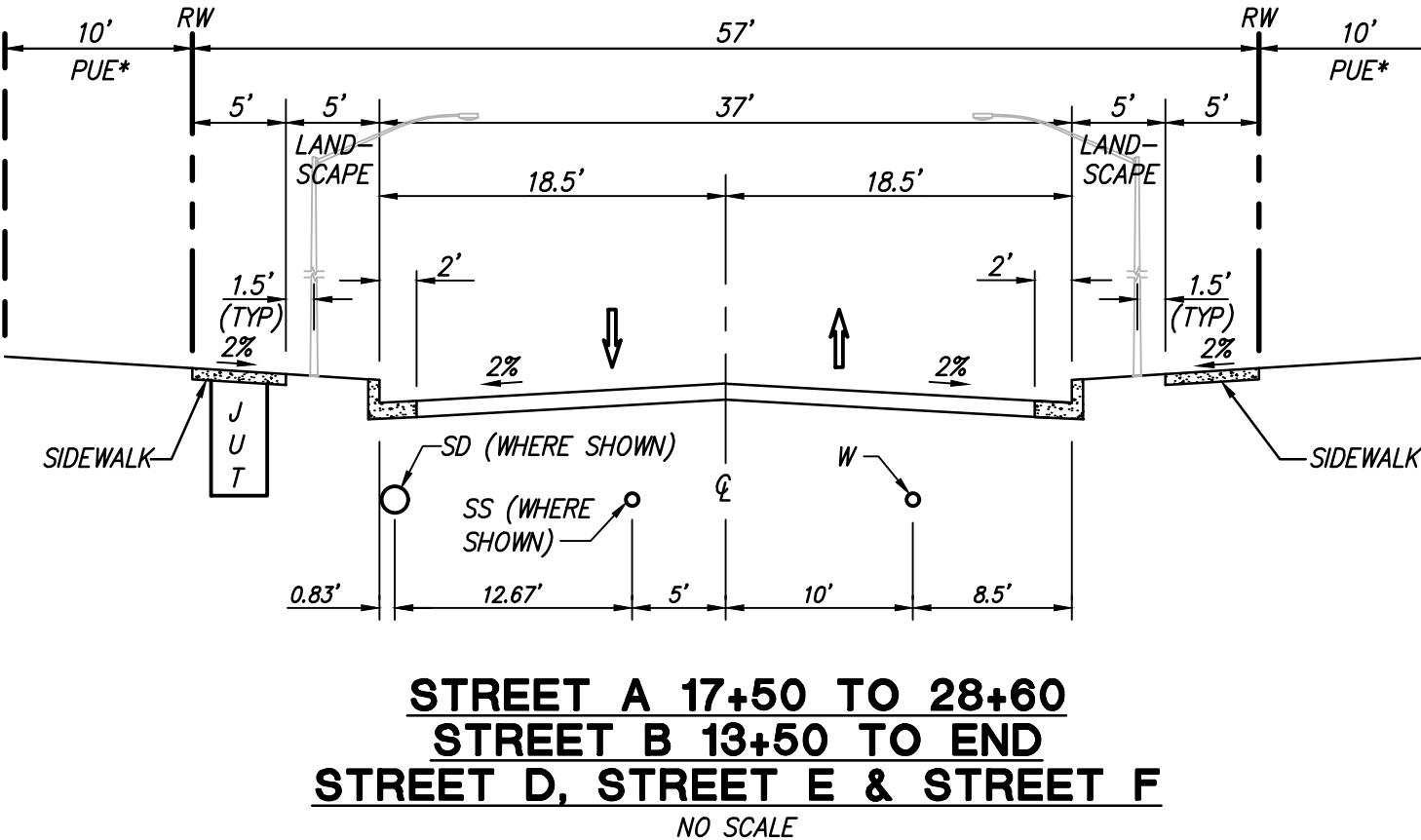
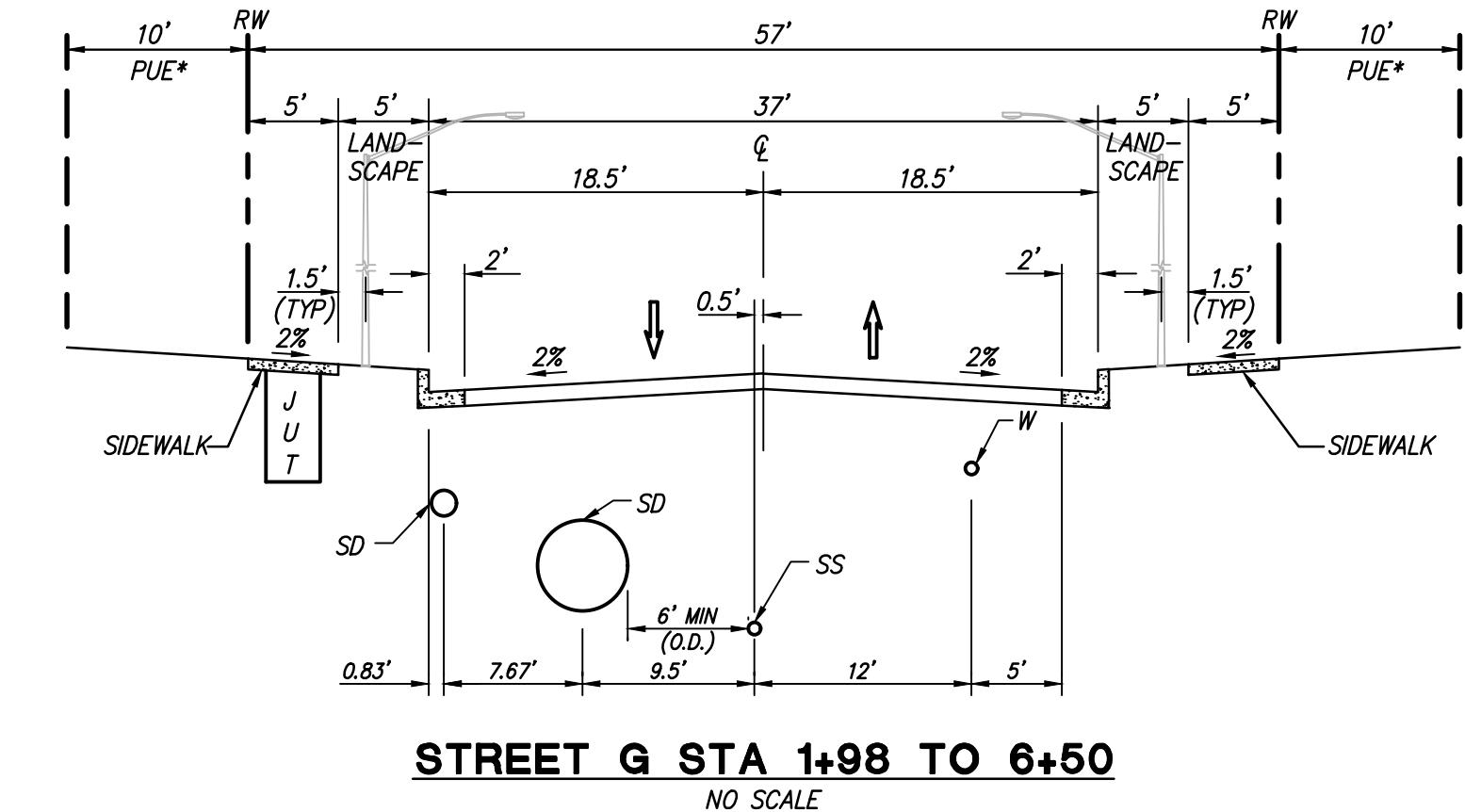
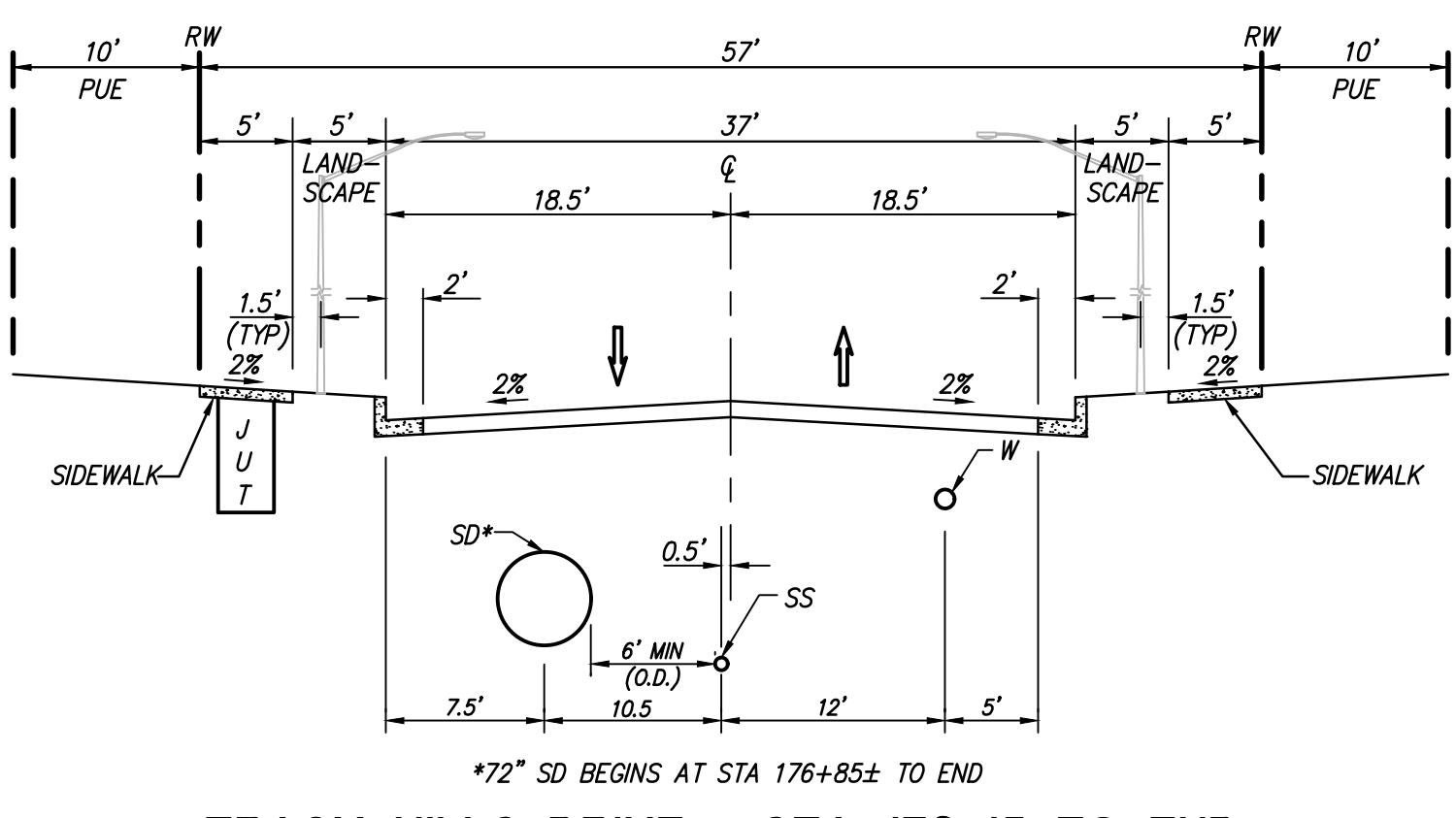
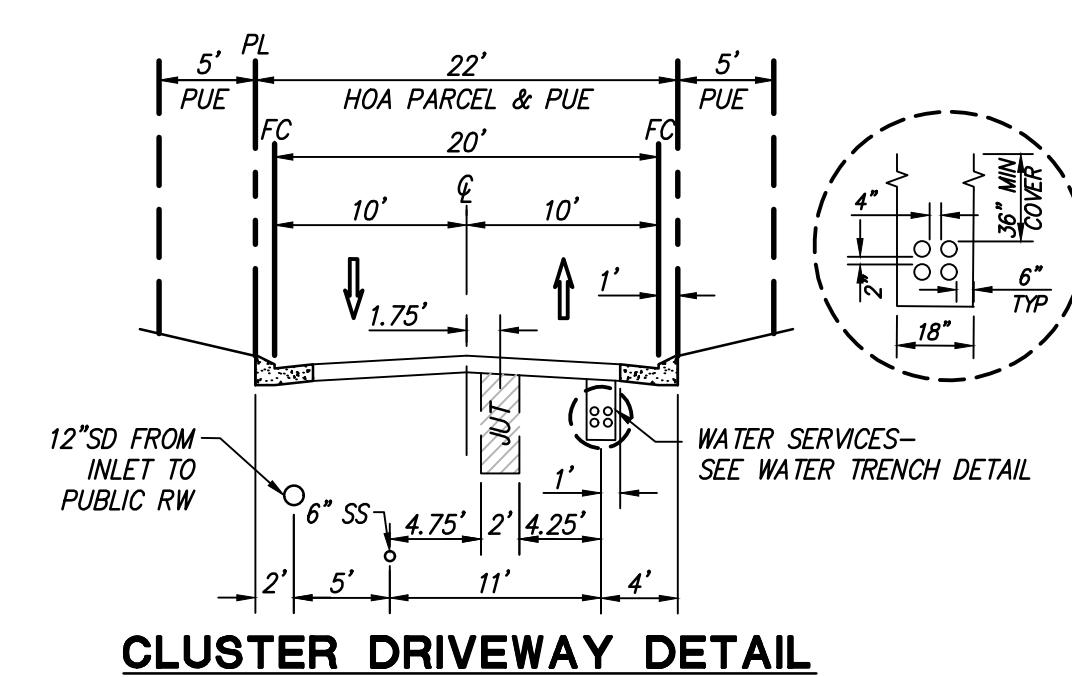
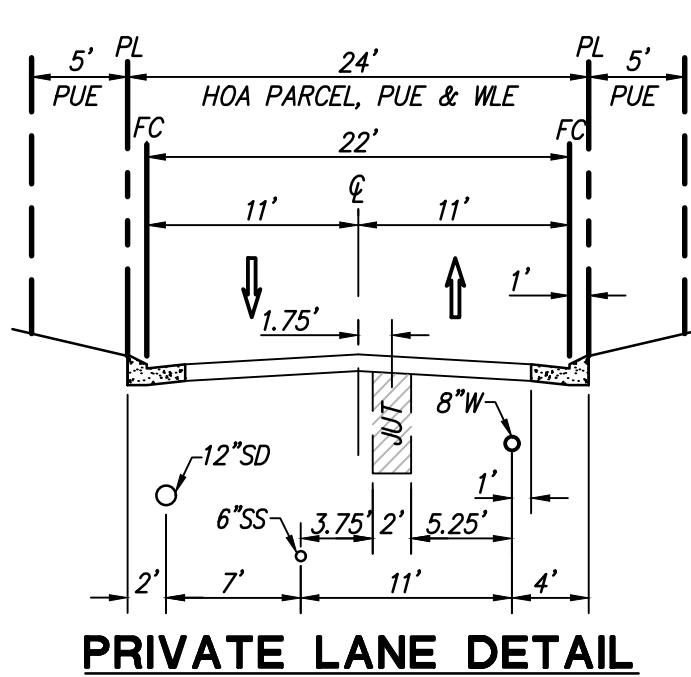
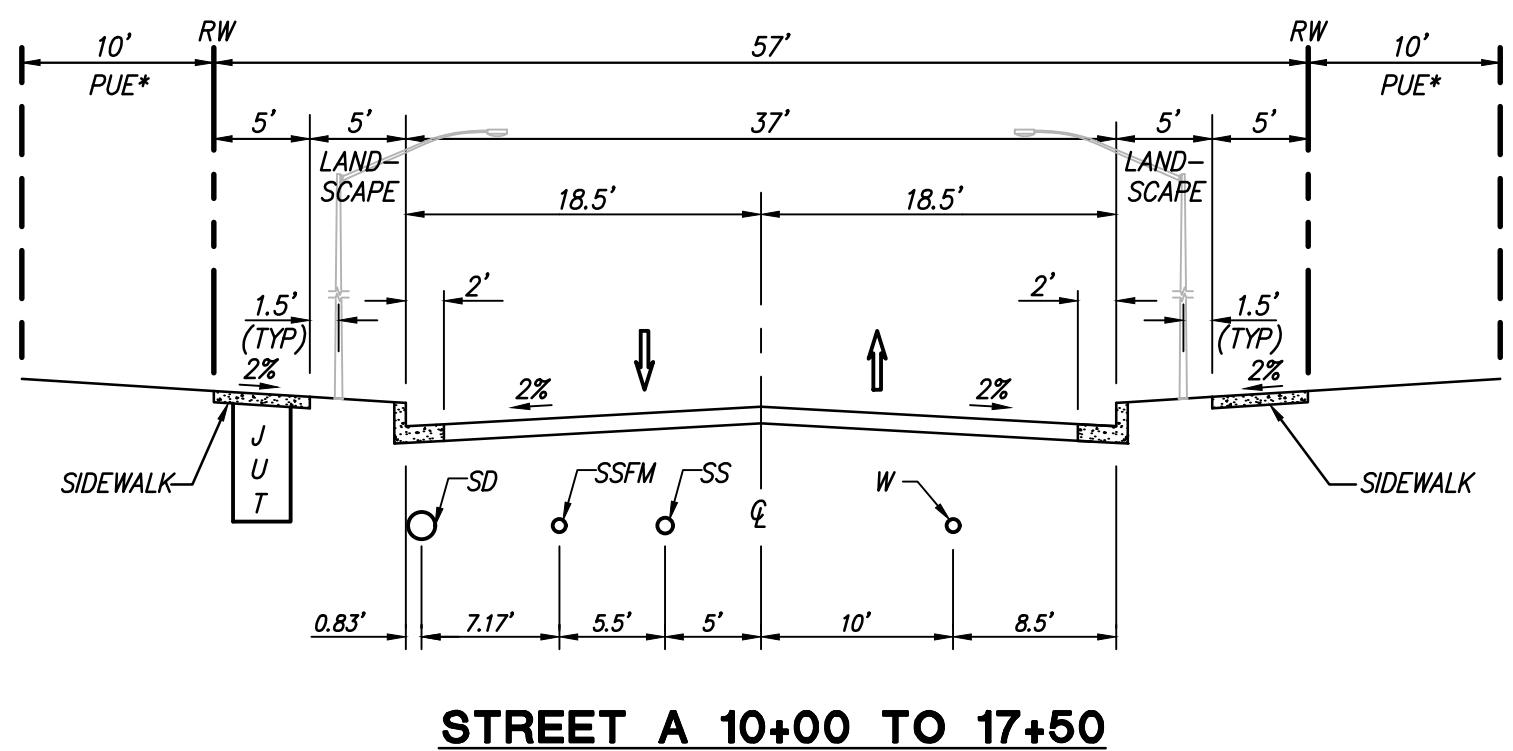
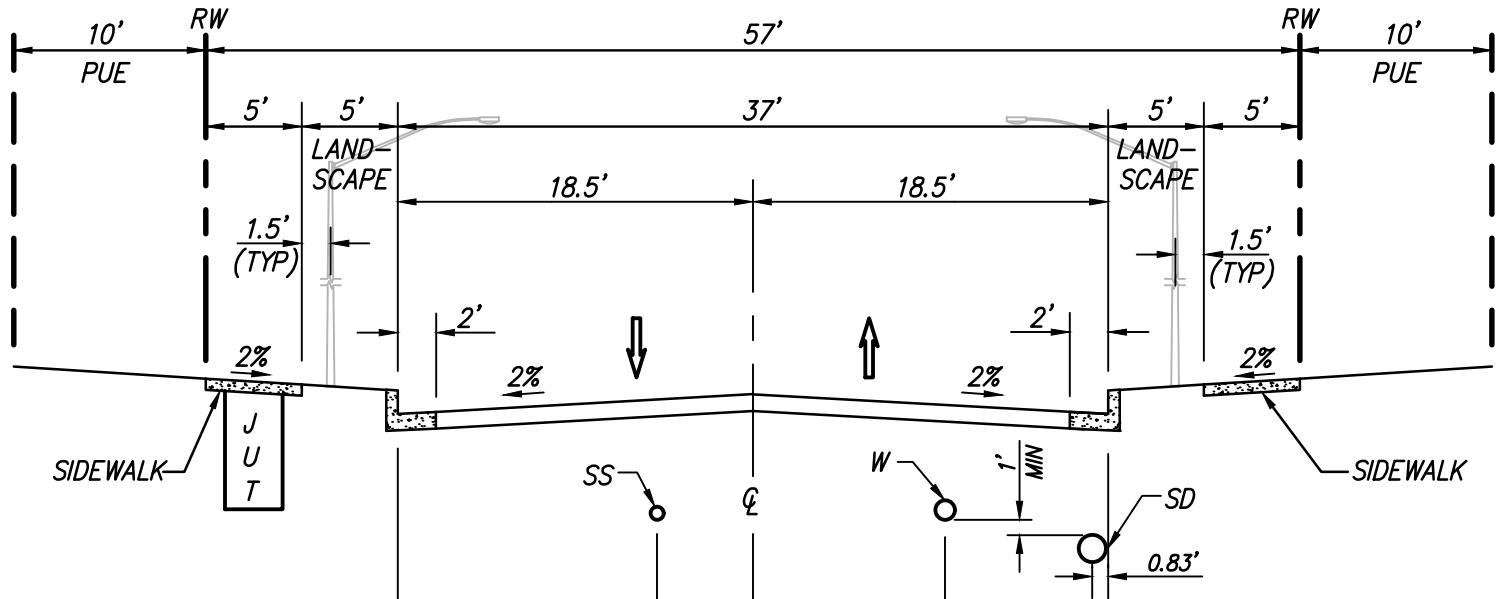
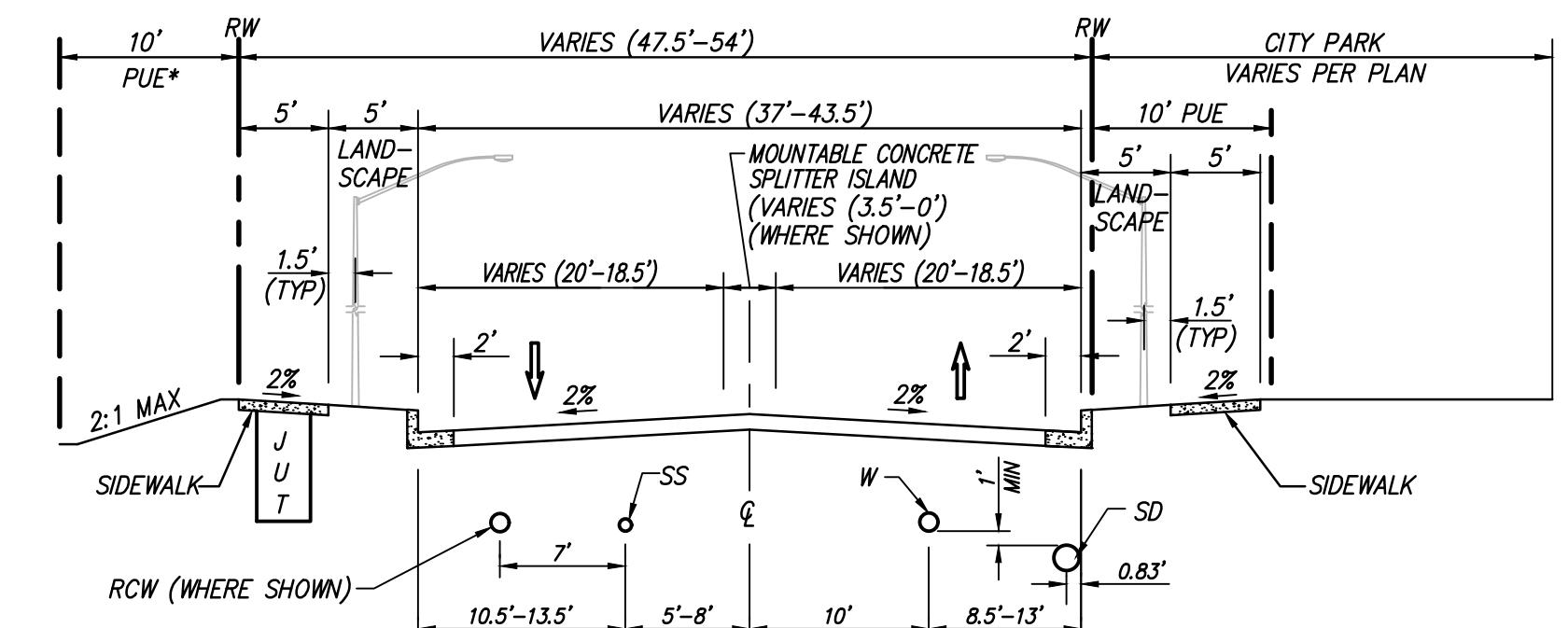
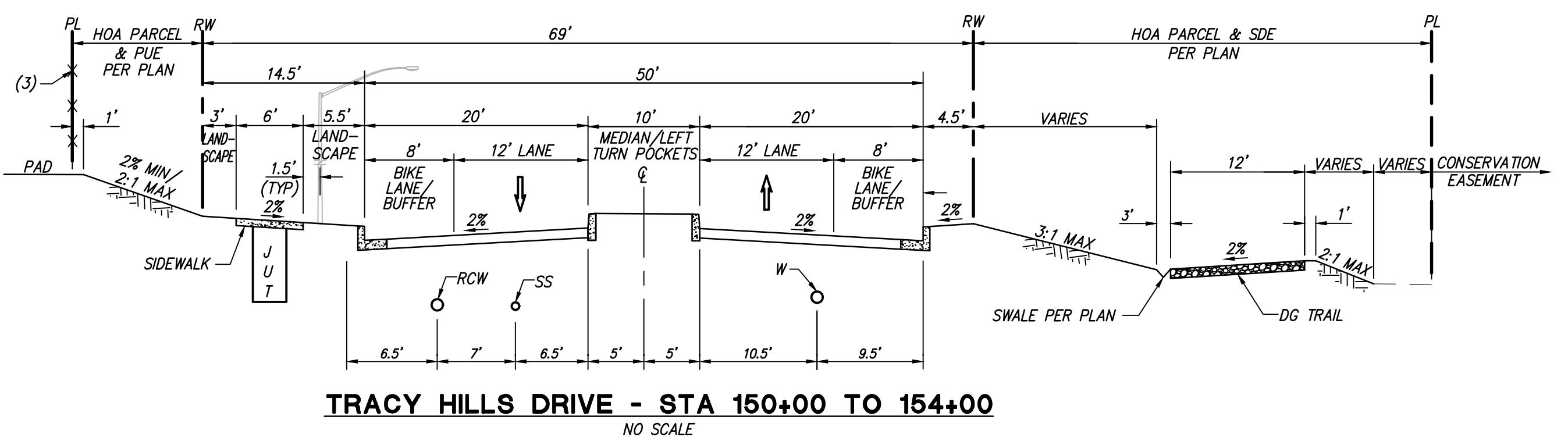
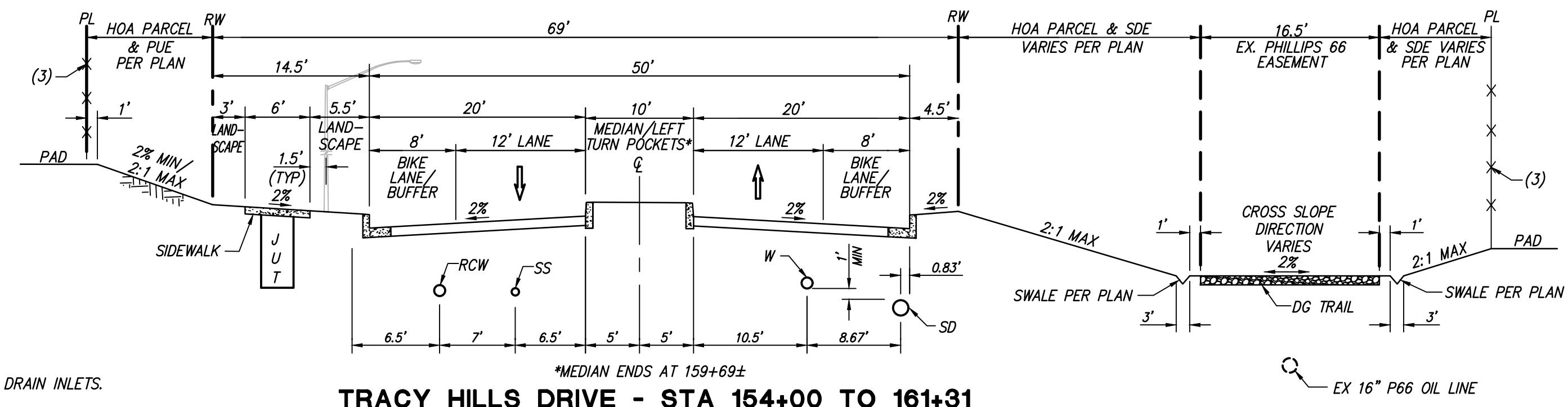
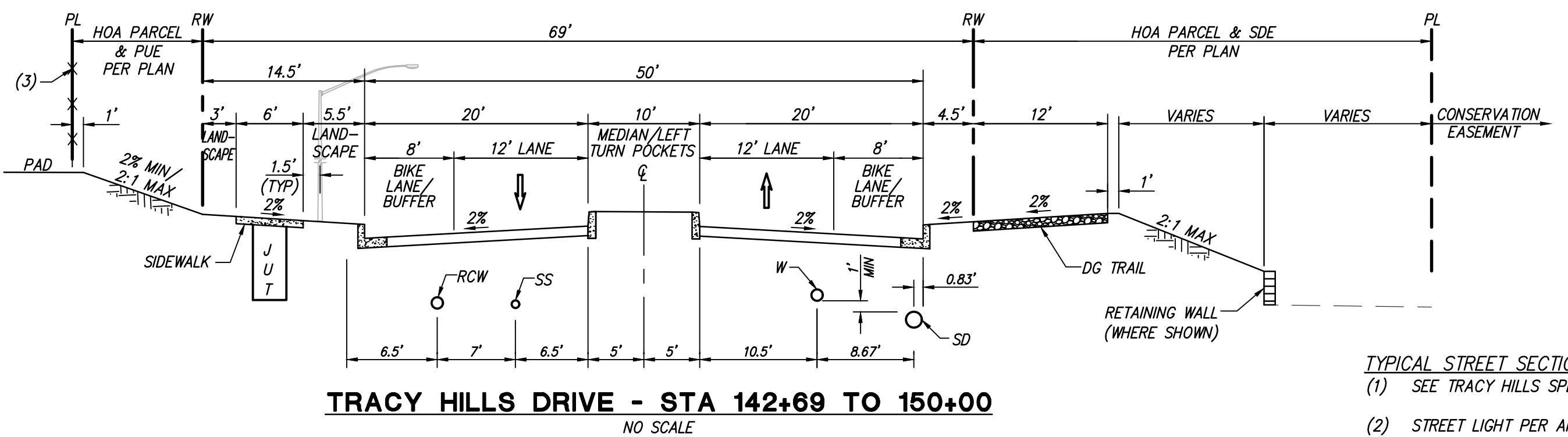


**VESTING TENTATIVE MAP - TRACT 4012**  
**EXISTING CONDITION PLAN**

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA  
 FOR: INTEGRAL COMMUNITIES

0 200 400 600  
 1 inch = 200 ft.

**RJA**  
**RUGGERI-JENSEN-AZAR**  
 ENGINEERS • PLANNERS • SURVEYORS  
 4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588  
 PHONE: (925) 227-9100 FAX: (925) 227-9300

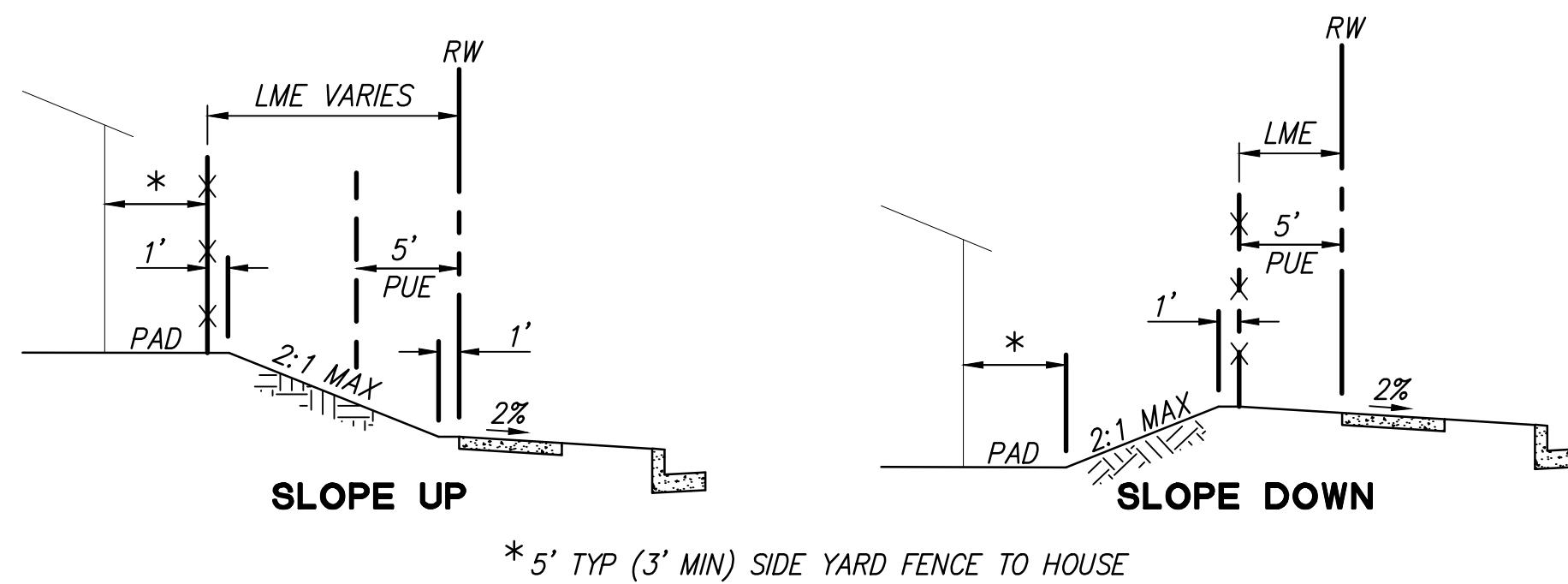


**\*PUES ON SIDE YARD CORNER  
LOTS SHALL BE 5'. FINAL SIDEYARD  
PUE WIDTHS TO BE ADJUSTED OR  
ELIMINATED WITH FINAL JUT DESIGN**

## VESTING TENTATIVE MAP - TRACT 4012 STREET SECTIONS AND DETAILS

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA  
FOR: INTEGRAL COMMUNITIES

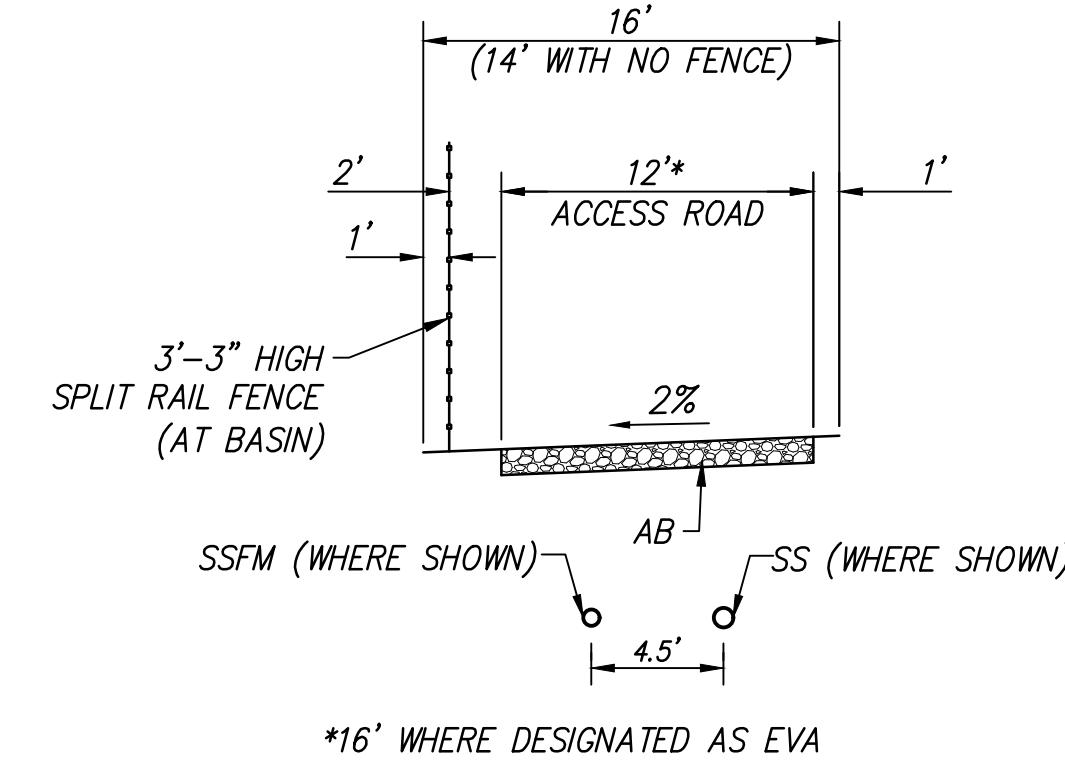
**RJA**  
RUGGERI-JENSEN-AZAR  
ENGINEERS • PLANNERS • SURVEYORS  
4690 CHABOT DRIVE, SUITE 200 • PLEASANTON, CA 94588  
PHONE: (925) 227-9100 FAX: (925) 227-9300



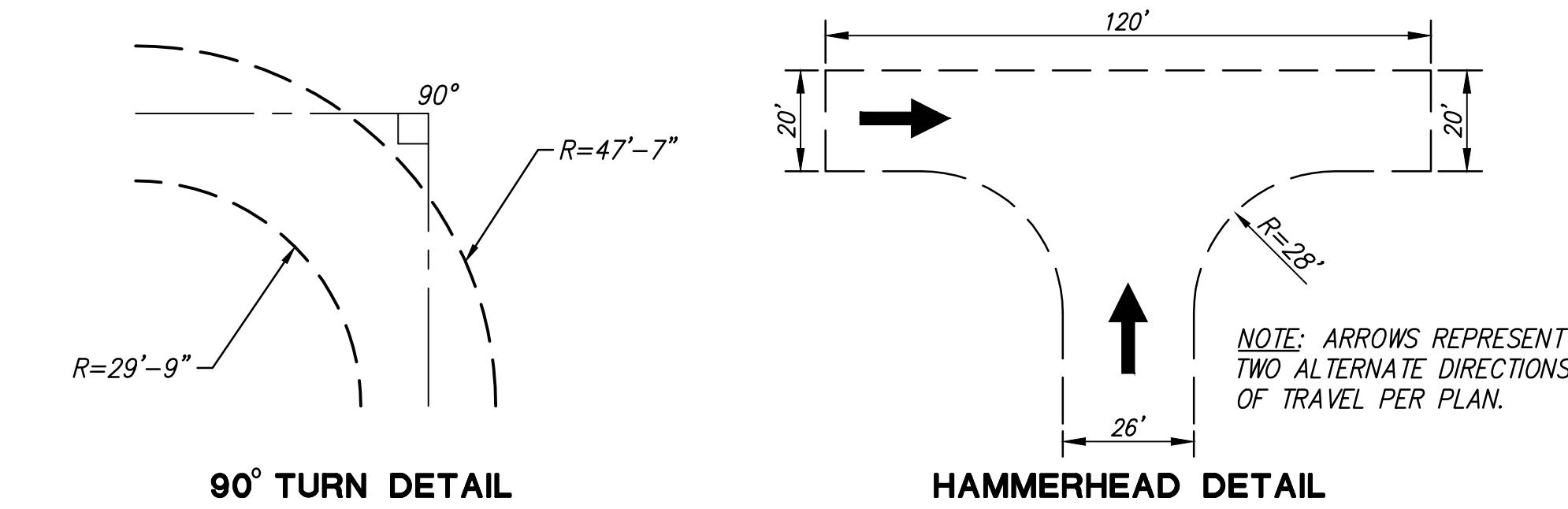
# **TYPICAL LANDSCAPE MAINTENANCE EASEMENT FOR CORNER LOTS**

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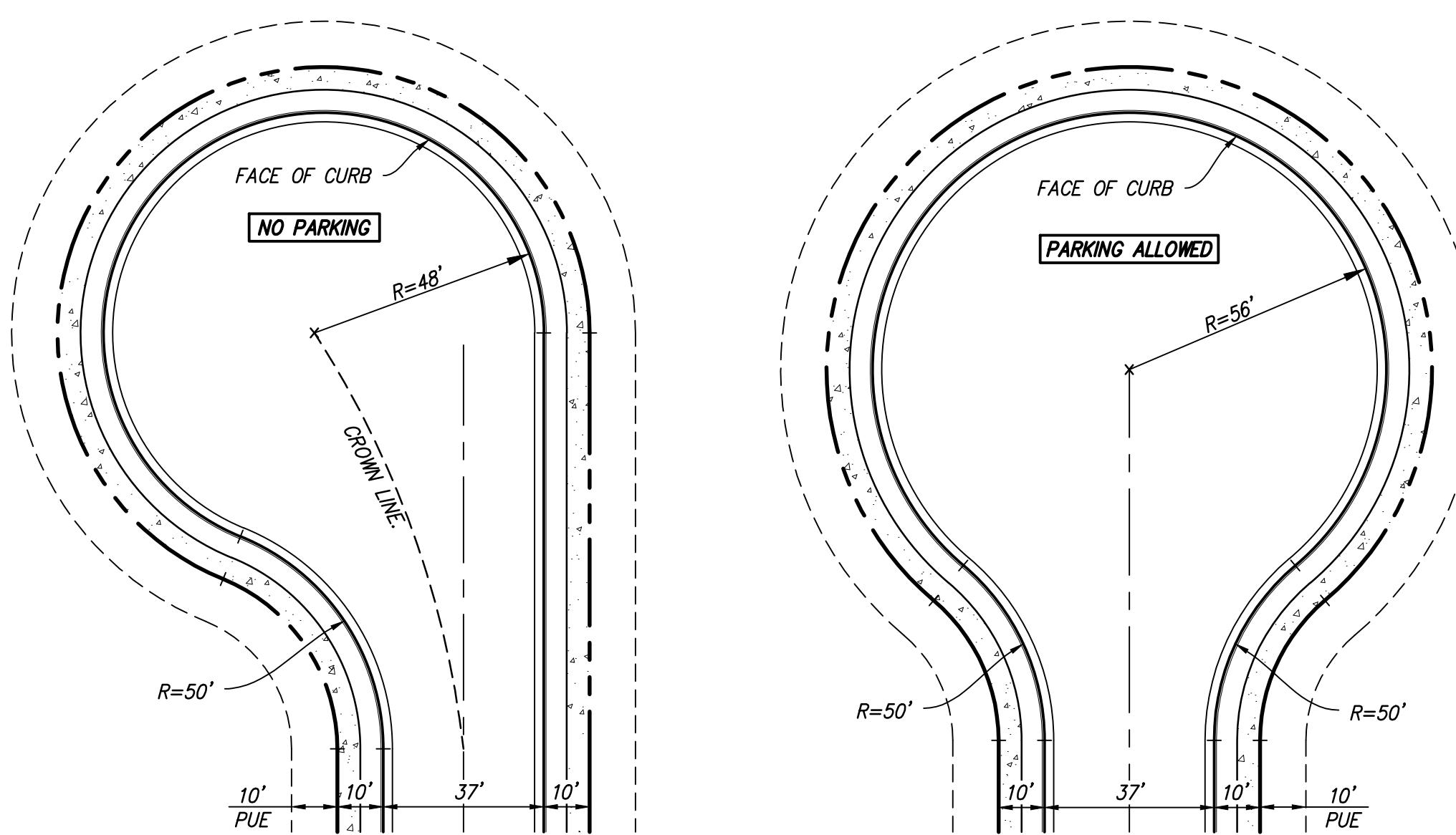
*NO SCALE*



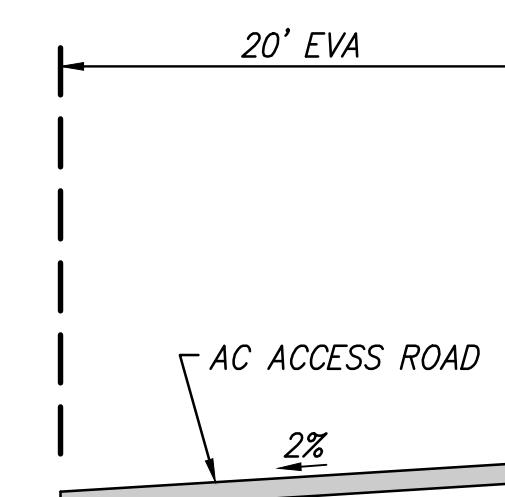
**BASIN ACCESS ROAD**  
*NO SCALE*



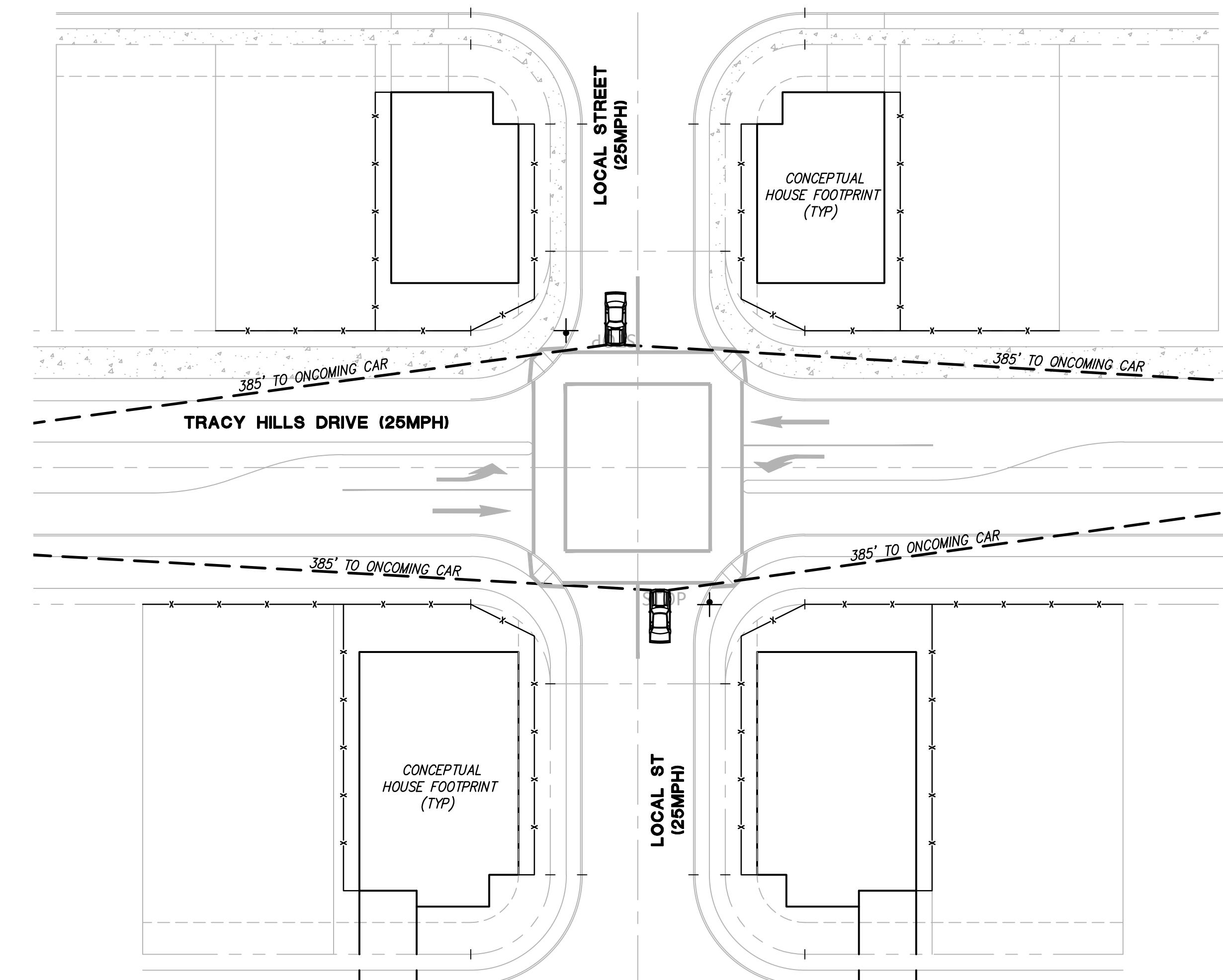
# **FIRE TRUCK TURN TEMPLATES**



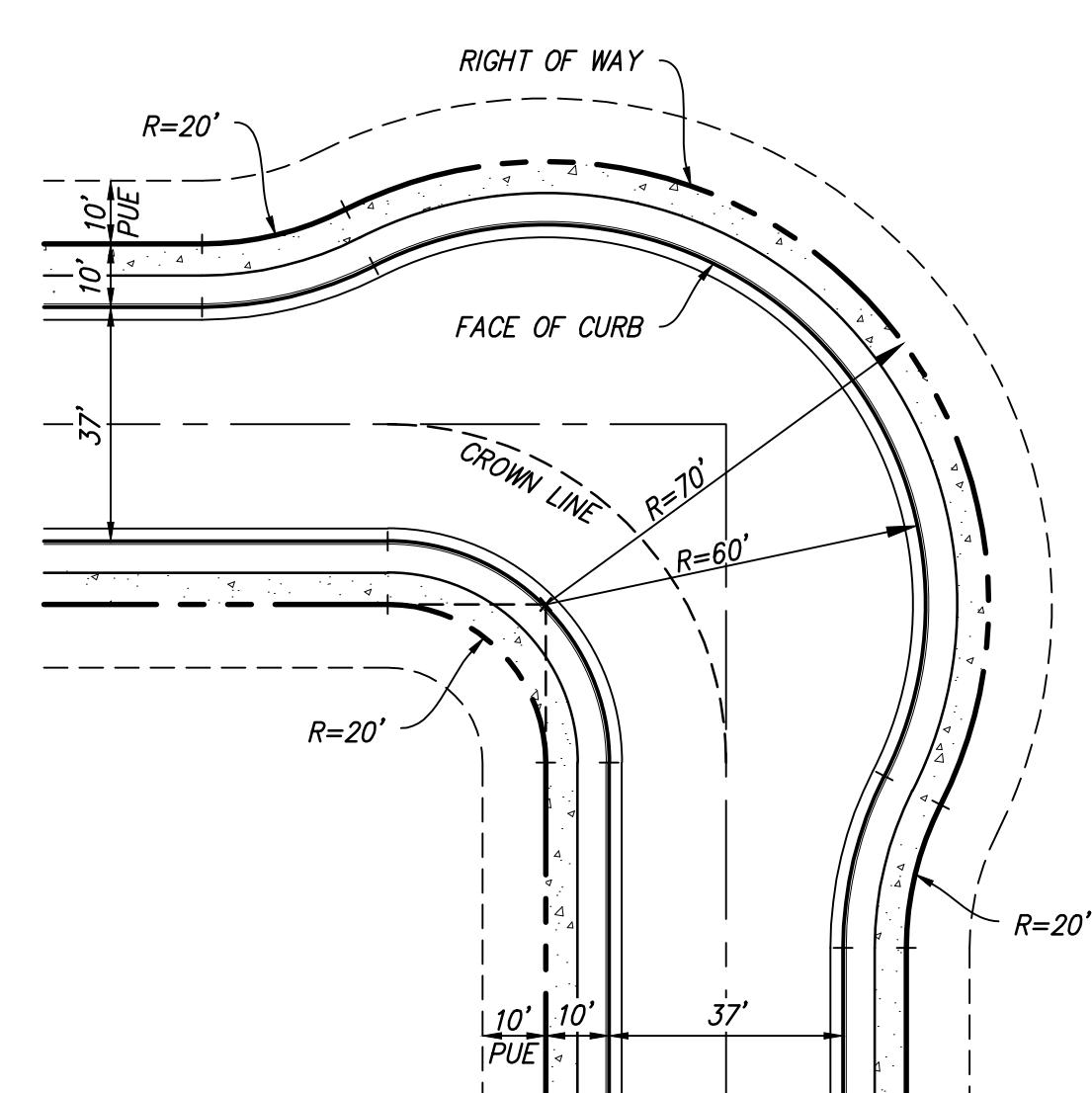
NOTE: RADII IS SHOWN TO FACE OF CURB PER CITY OF TRACY  
STANDARD PLAN 114 (SEE STANDARD PLAN FOR ADDITIONAL INFORMATION)



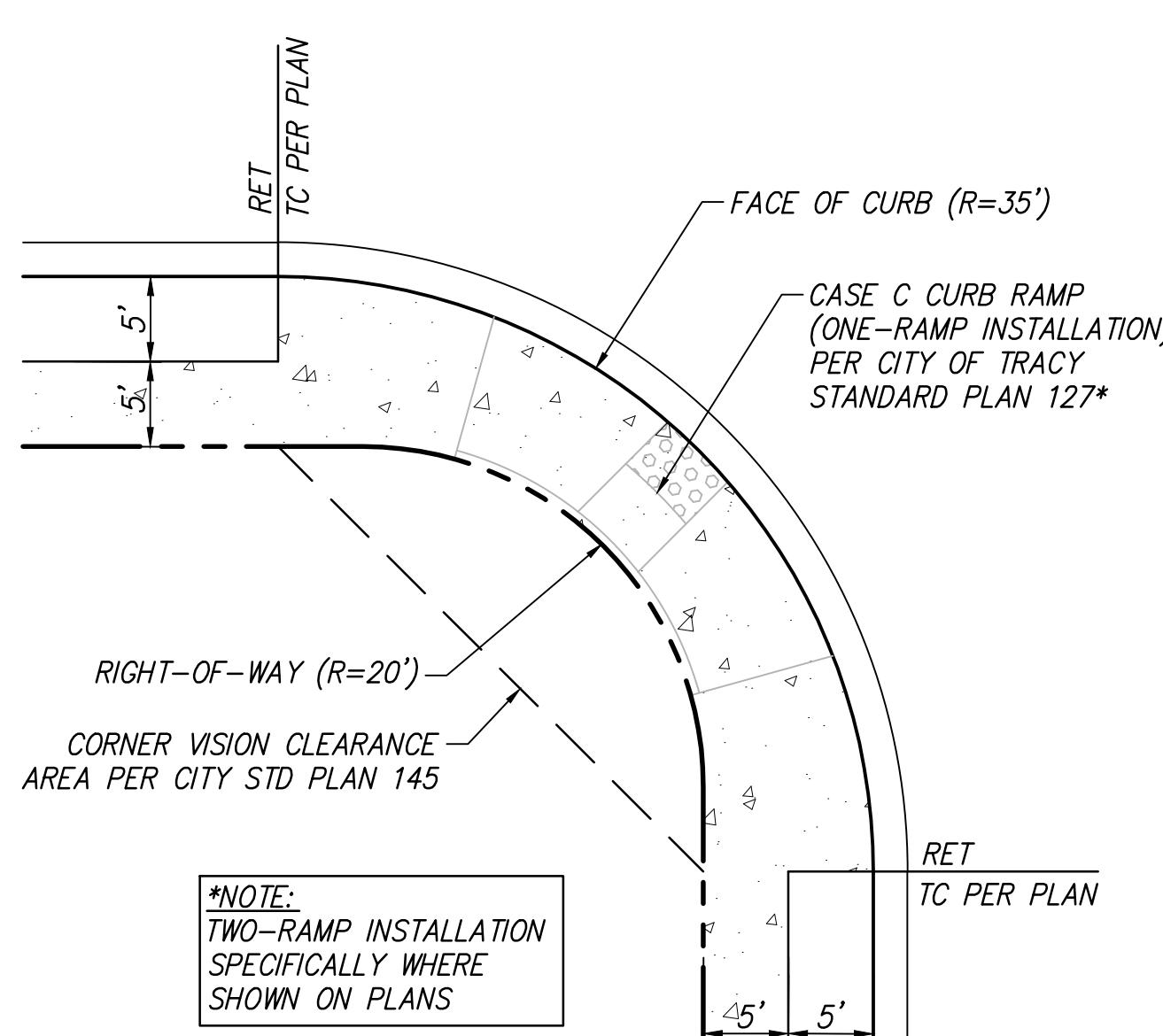
## 20' EVA DETAIL AT STREET G



# SIGHT DISTANCE DETAIL



NOTE: RADII IS SHOWN TO RIGHT OF WAY PER CITY OF TRACY STANDARD PLAN 113 (SEE STANDARD PLAN FOR ADDITIONAL INFORMATION)



# **TYPICAL CURB RETURN DETAIL**

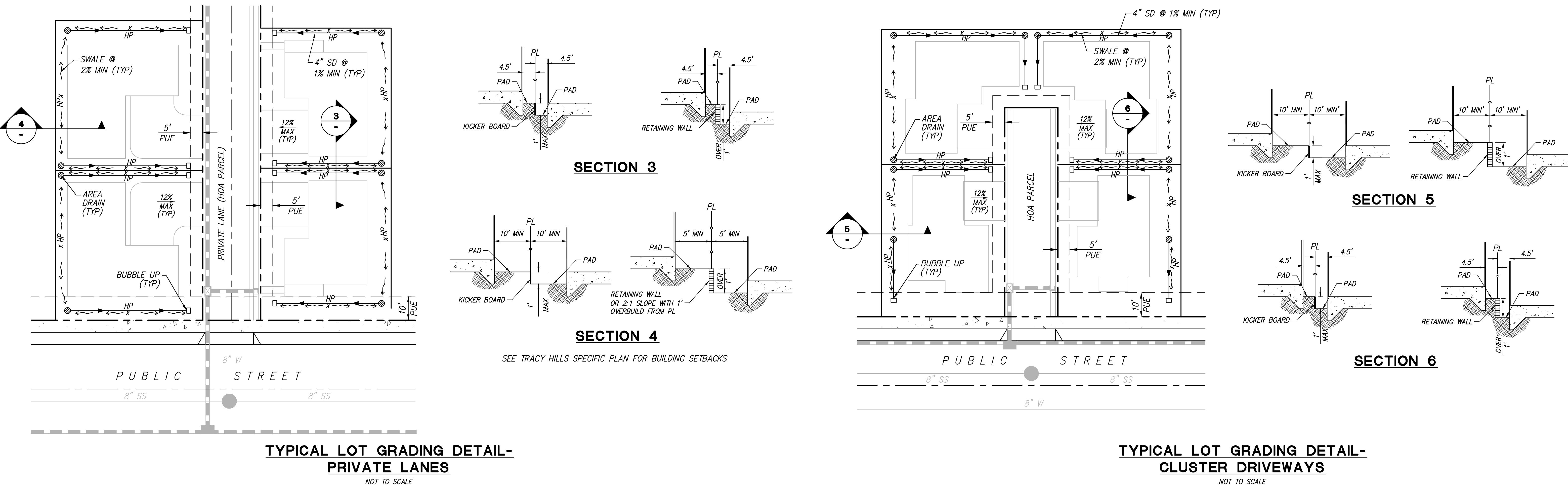
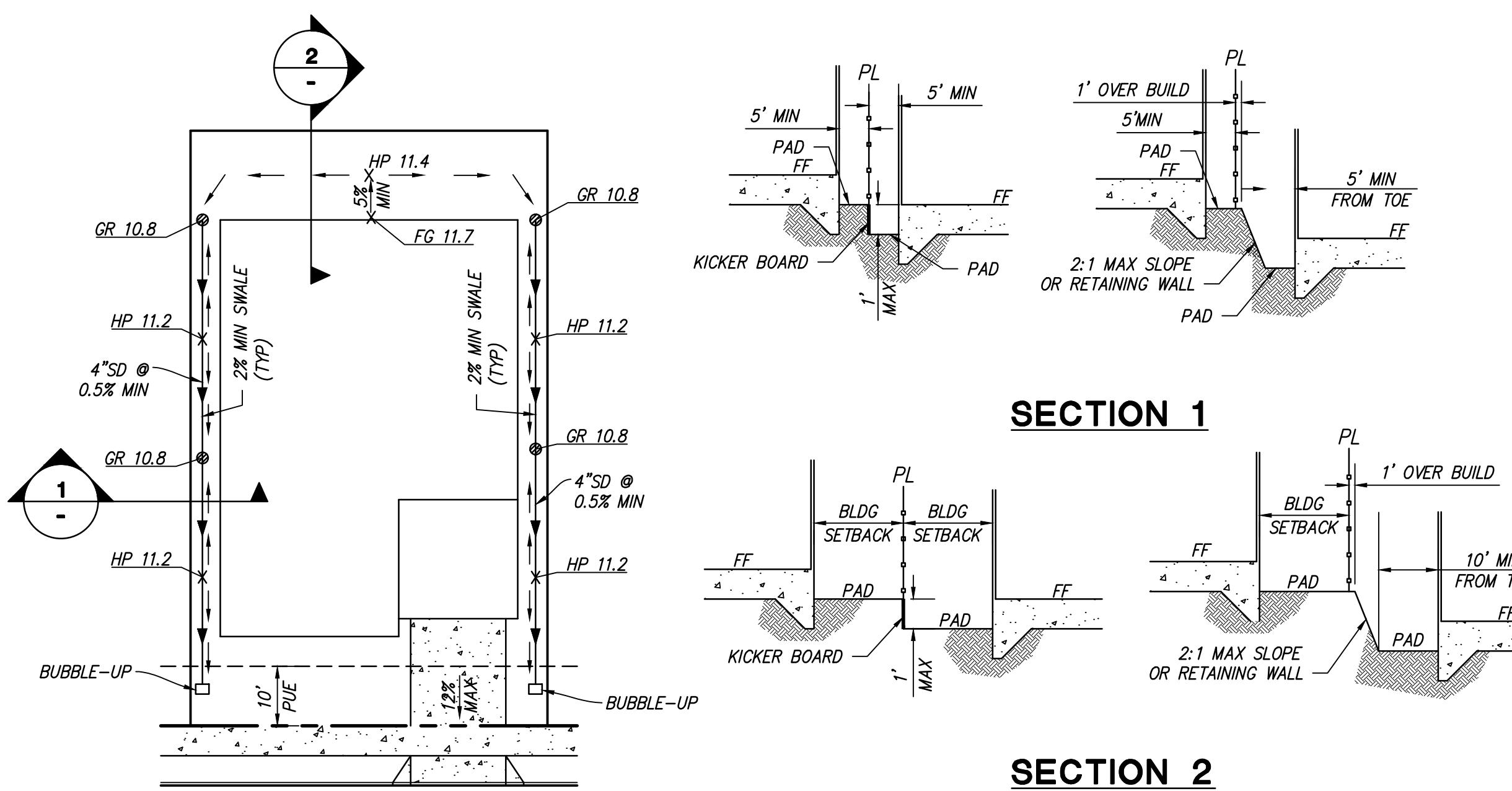
*NO SCALE*

# VESTING TENTATIVE MAP - TRACT 4012

# TYPICAL DETAILS

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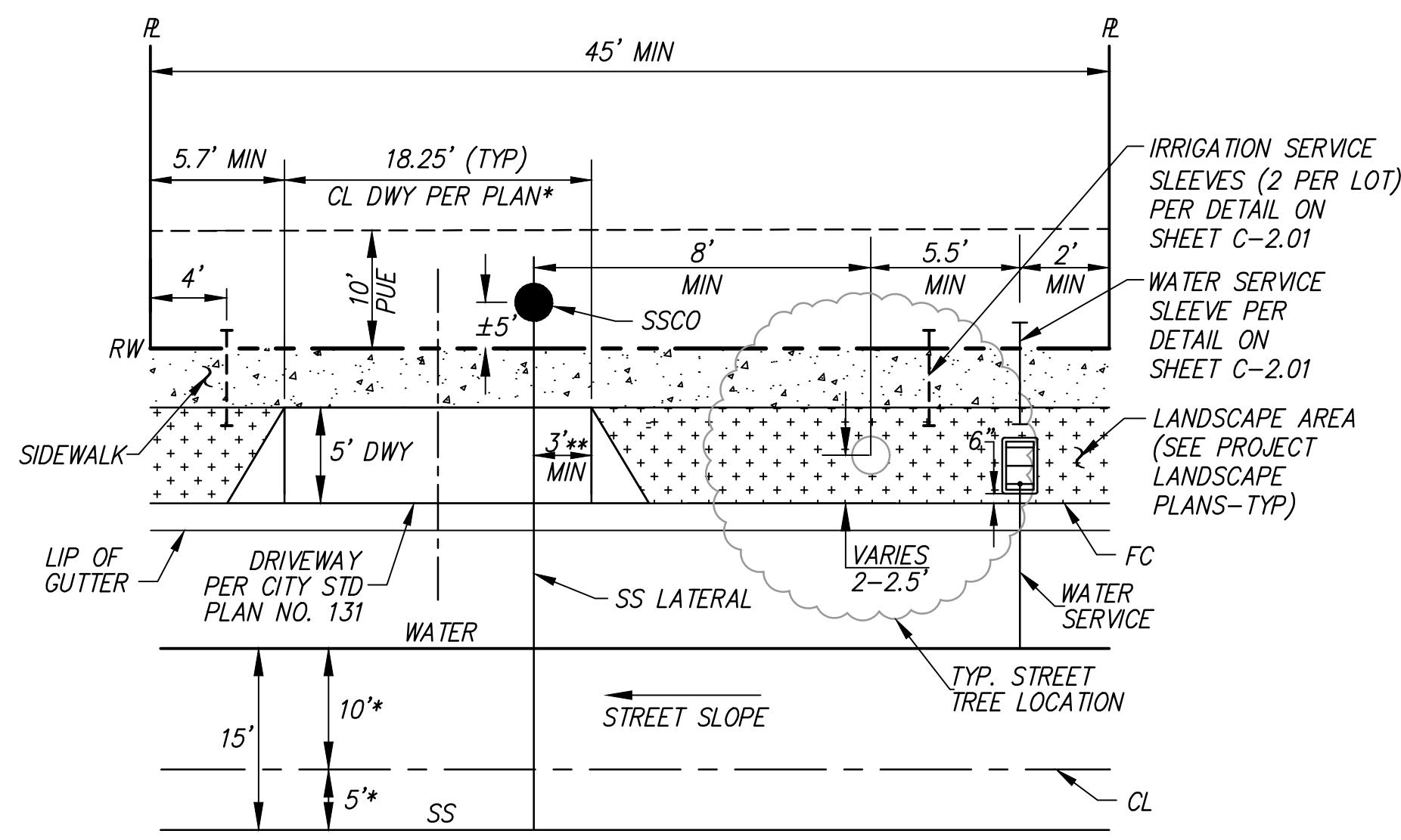
**CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA  
FOR: INTEGRAL COMMUNITIES**



## VESTING TENTATIVE MAP - TRACT 4012

### LOT GRADING DETAILS

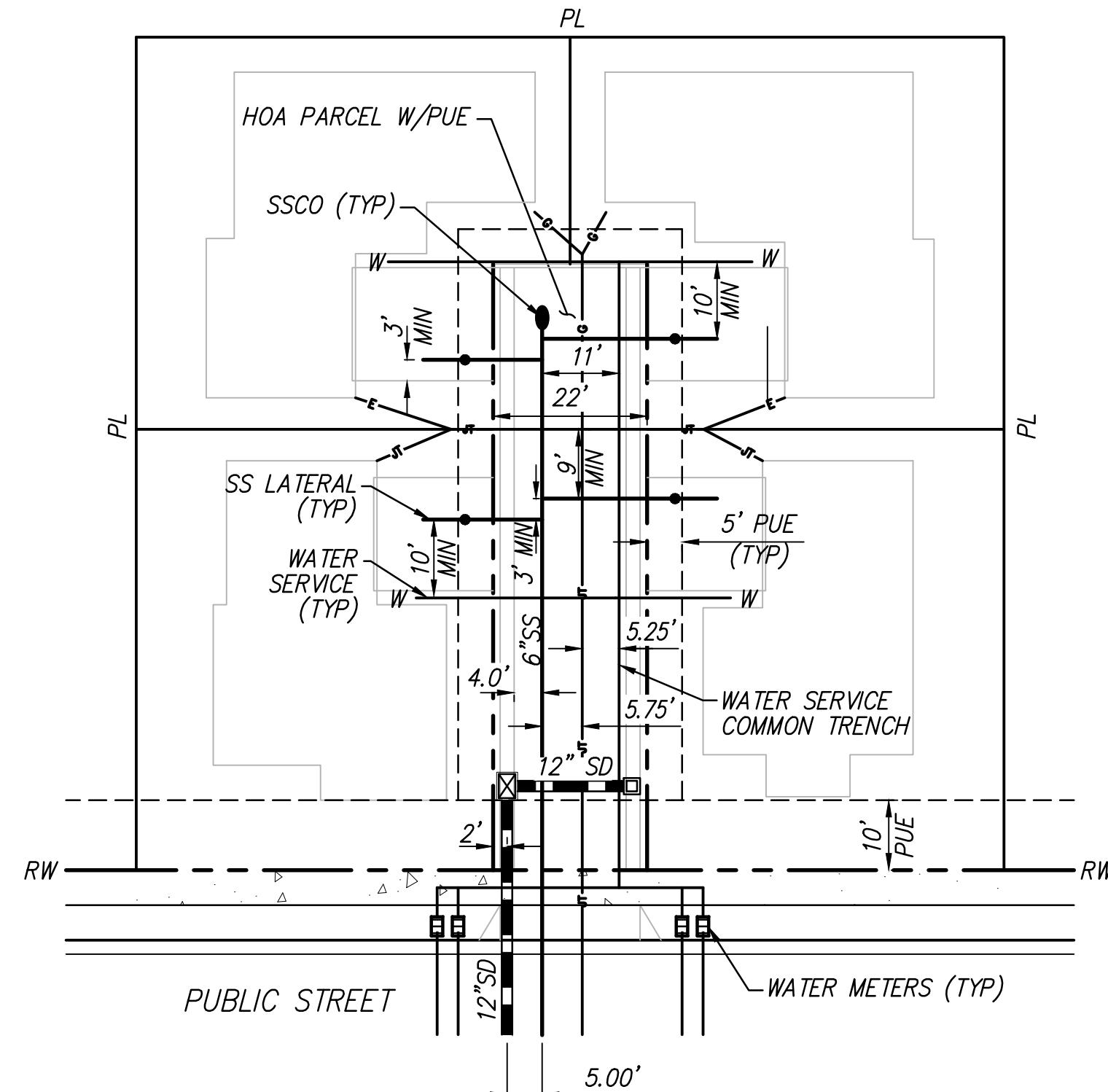
CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA  
FOR: INTEGRAL COMMUNITIES



NOTES:

- \* DIMENSIONS ARE TYPICAL, UNLESS OTHERWISE NOTED ON PLANS.
- \*\* SS LATERAL MAY BE EITHER WITHIN OR OUTSIDE OF DRIVEWAY, 3' MIN FROM EDGE OF DRIVEWAY. WHERE LOT WIDTH ALLOWS, SS LATERAL IS TO BE OUTSIDE OF DRIVEWAY. SS LATERAL WITHIN DRIVEWAY IS TO HAVE TRAFFIC RATED BOX AND COVER AT CLEANOUT.

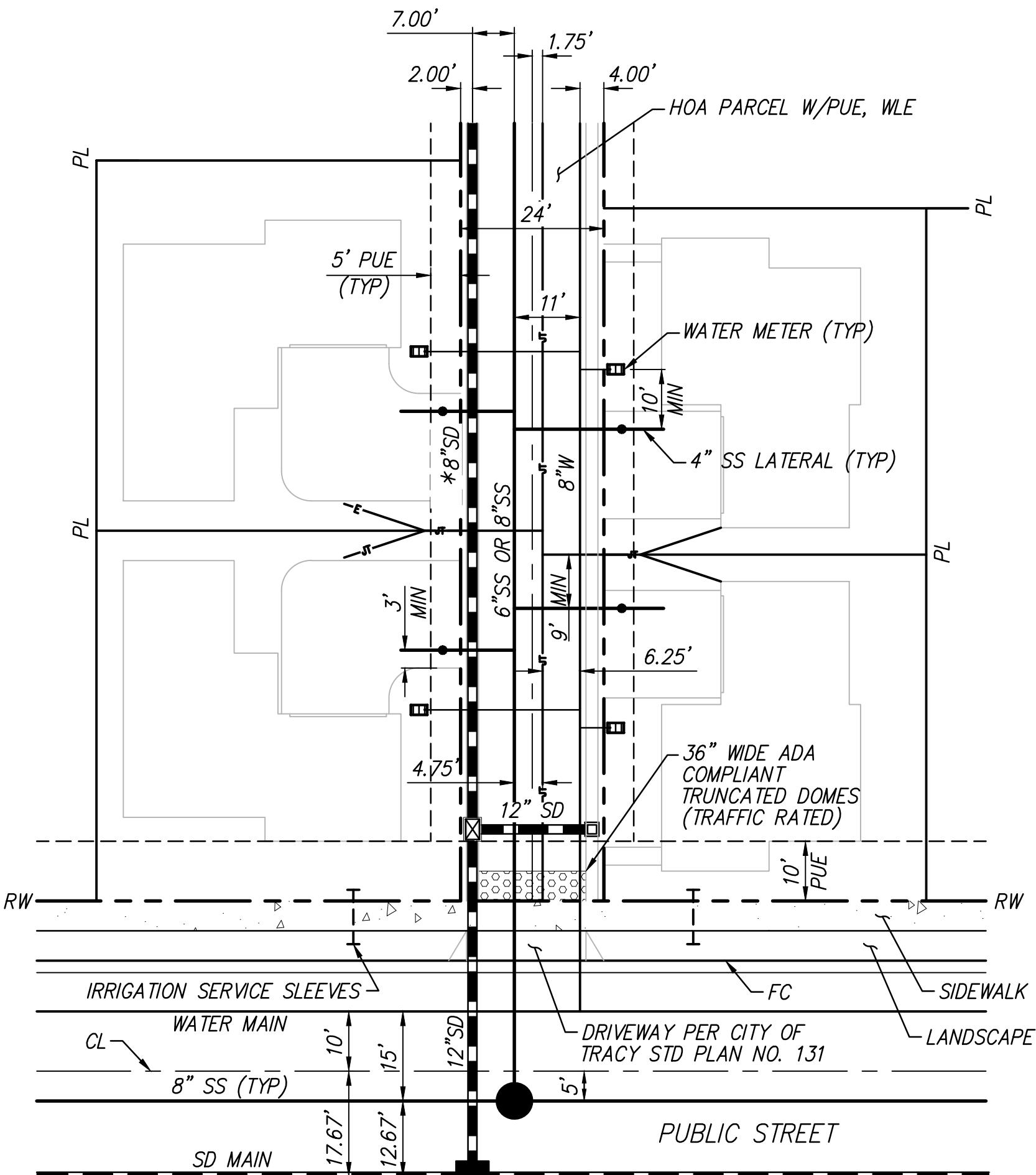
**TYPICAL UTILITY LOCATION DETAIL-  
PUBLIC STREET LOT WITH TREE**  
NO SCALE



NOTES:

1. 12" STORM DRAIN BE CLASS III RCP 6" & 8" SD SHALL BE HDPE.
2. SANITARY SEWER PIPE SHALL BE SDR-26 PVC.
3. SANITARY SEWER LATERALS SHALL BE LOCATED IN THE DRIVEWAY WITH TRAFFIC RATED BOX AND COVER AT CLEANOUT.
4. STORM DRAIN, SEWER AND WATER SERVICES ARE PRIVATE/MAINTAINED BY HOA.
5. CLUSTER DRIVEWAYS ARE TO BE LIGHTED USING WALL-MOUNTED FIXTURES ATTACHED TO EXTERIOR GARAGE WALL PROVIDING A MINIMUM AVERAGE LUMINANCE OF 0.3 cd/m<sup>2</sup> AT THE CENTERLINE OF THE DRIVEWAY.

**TYPICAL UTILITY LOCATION DETAIL-  
CLUSTER DRIVEWAYS**  
NO SCALE



NOTES:

1. 12" AND LARGER STORM DRAIN BE CLASS III RCP 6" & 8" SD SHALL BE HDPE.
2. SANITARY SEWER PIPE SHALL BE SDR-26 PVC.
3. SANITARY SEWER LATERALS SHALL BE LOCATED IN THE DRIVEWAY WITH TRAFFIC RATED BOX AND COVER AT CLEANOUT.
4. STORM DRAIN, SEWER AND WATER SERVICES ARE PRIVATE/MAINTAINED BY HOA.
5. PRIVATE LANES ARE TO BE LIGHTED USING WALL-MOUNTED FIXTURES ATTACHED TO EXTERIOR GARAGE WALL PROVIDING A MINIMUM AVERAGE LUMINANCE OF 0.3 cd/m<sup>2</sup> AT THE CENTERLINE OF THE LANE.

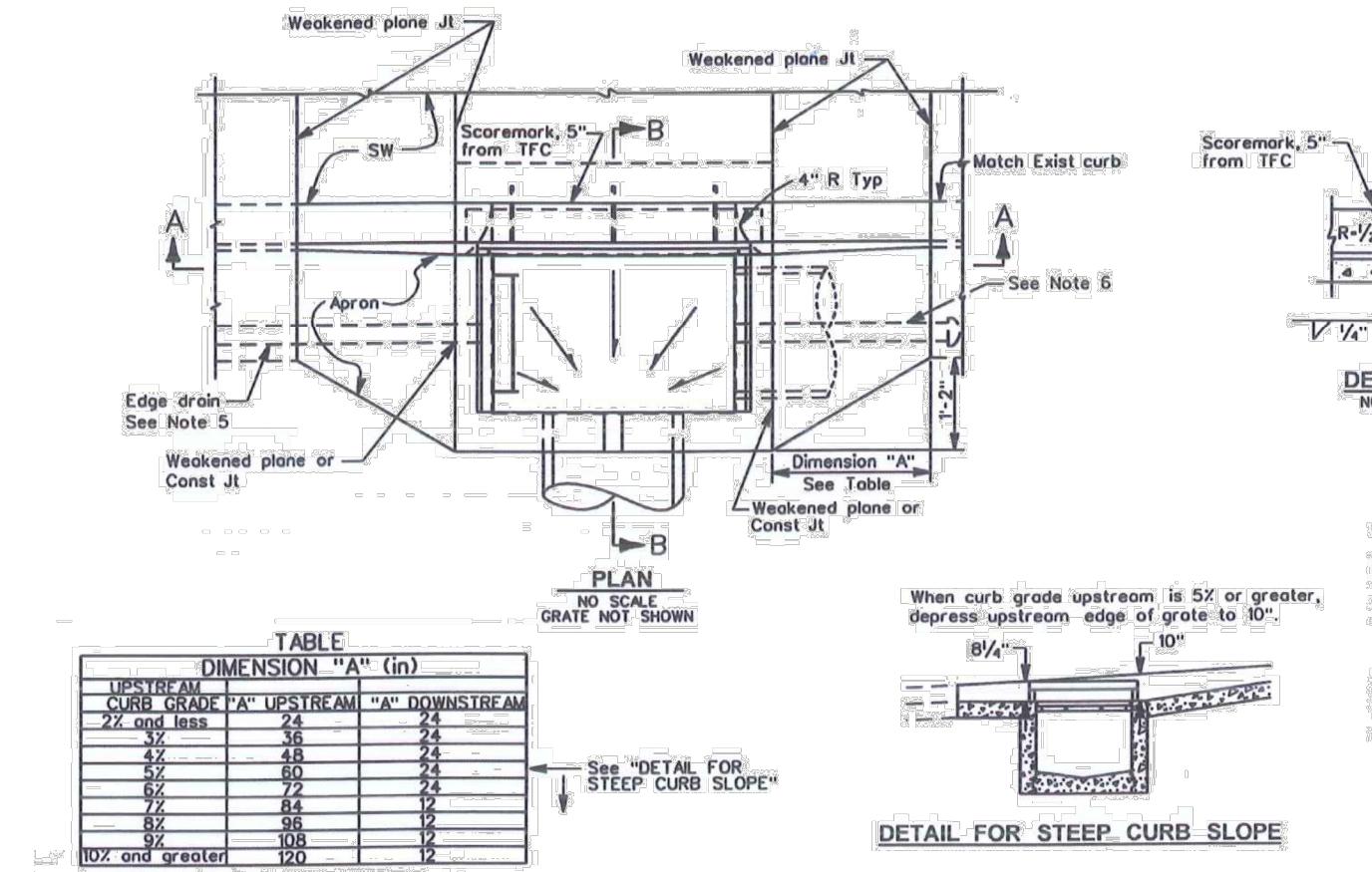
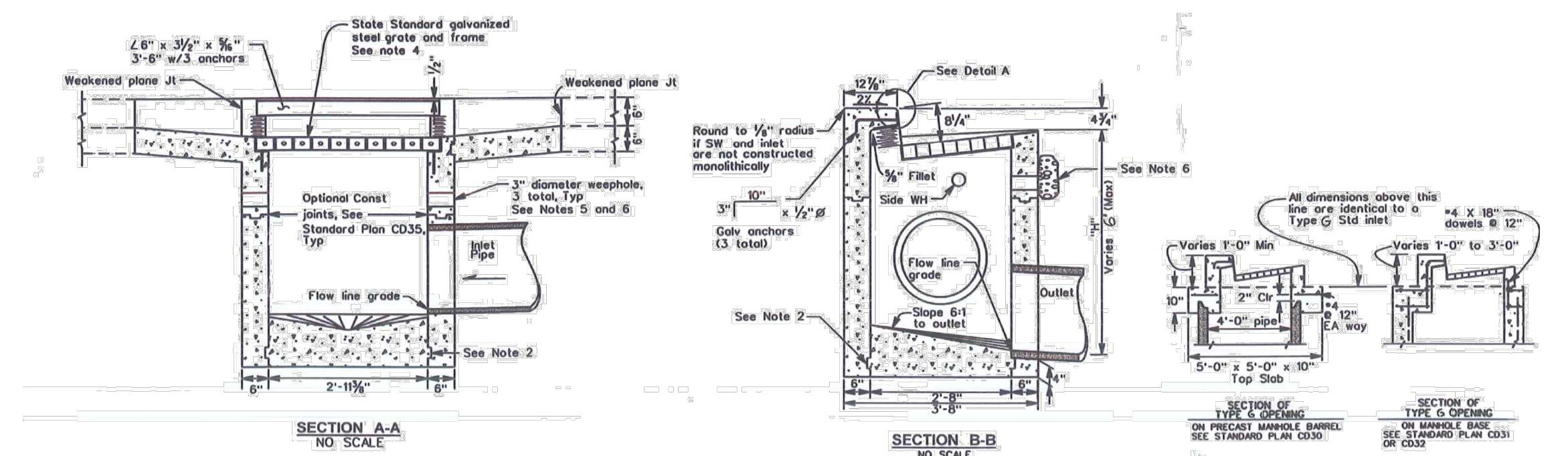
\* OR AS NOTED ON PLANS

**TYPICAL UTILITY LOCATION DETAIL-  
PRIVATE LANES**  
NO SCALE

**VESTING TENTATIVE MAP - TRACT 4012**  
**UTILITY DETAILS**

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA  
FOR: INTEGRAL COMMUNITIES

**RJA**  
RUGGERI-JENSEN-AZAR  
ENGINEERS • PLANNERS • SURVEYORS  
4690 CHABOT DRIVE, SUITE 200 • PLEASANTON, CA 94588  
PHONE: (925) 227-9100 FAX: (925) 227-9300



**CD 27 - TYPE "G" INLET**  
NO SCALE

**NOTES:**

1. For Inlet General Notes and Details, see Standard Plan CD35.
2. Construction joints are optional where shown, other locations are subject to the approval of the Public Works Department. Key dimensions:  $\frac{1}{2"} \times 3"$ .
3. When dimension "H" exceeds 6'-0", use a monolite base with Type "C" inlet top.
4. See Coftrans Standard Plan D77A for inlet frame and Coftrans Standard Plan D77B for type 24-105 inlet grate.
5. If edge drains are specified by Public Works Department or shown on the plans.
6. See Standard Plan CD35 for weephole drainage details unless edge drain is shown on plans or as specified by Public Works Department.

6. See Standard Plan CD35 for Inlet General Drainage Notes.

7. Type J Inlets shall not be used in pedestrian areas.

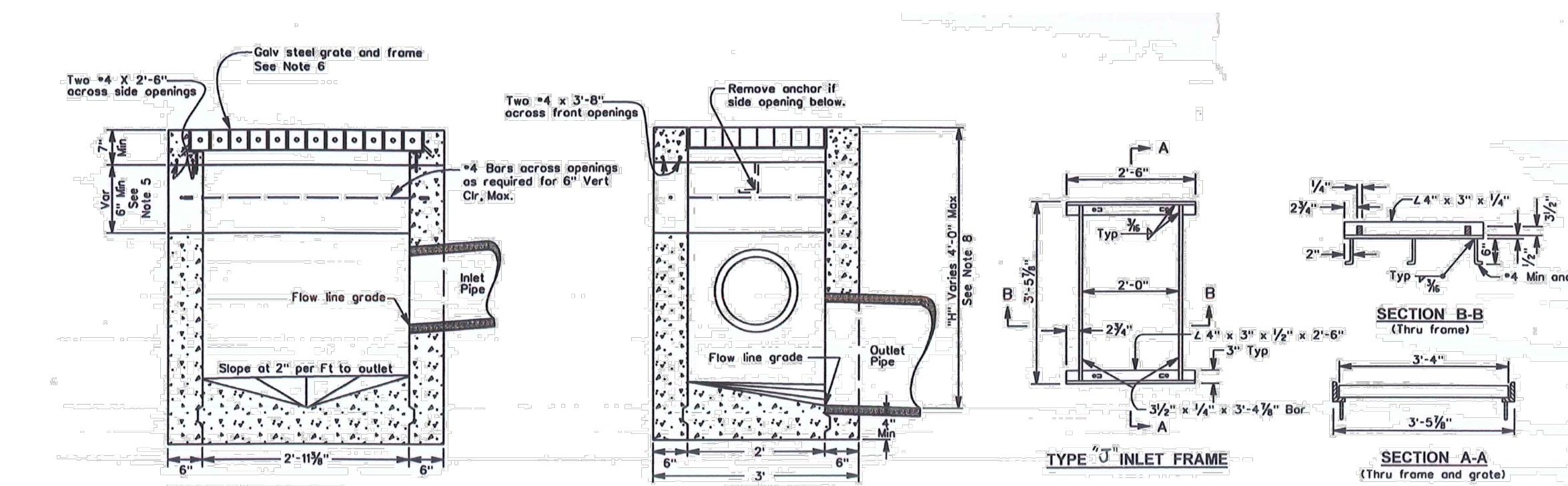
8. Construction joints are optional where shown. Other locations are subject to the approval of the Public Works Department. Key dimensions are  $\frac{1}{2"} \times 3"$ .

9. Monolite bases are optional for depths greater than 4'-0".

10. All inlets shall be constructed with Coftrans Type 24-105 grates, see Coftrans Standard Plan D77B, and Type J inlet frame shown on this plan.

11. No precast Type J inlets are allowed without prior approval of the Public Works Department.

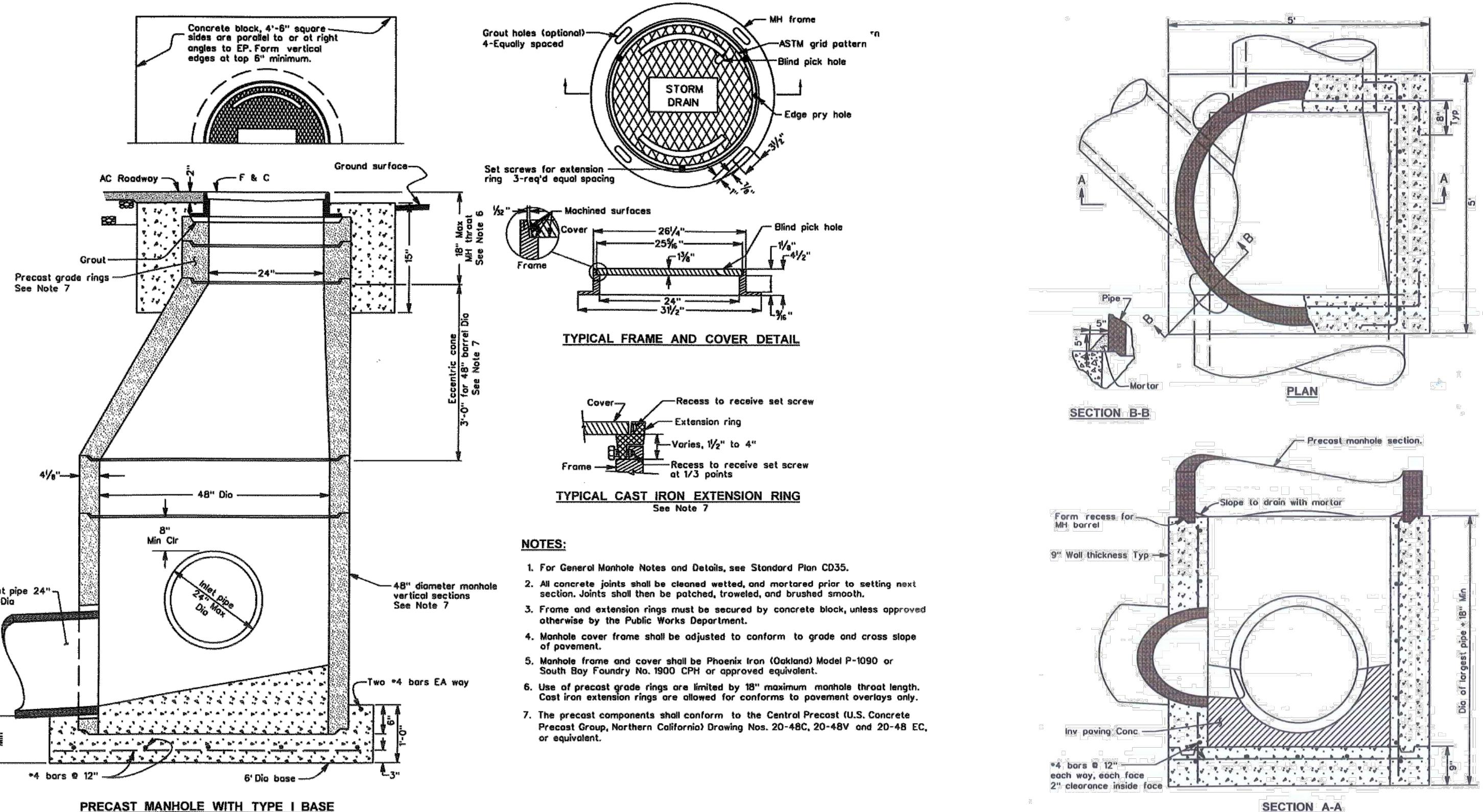
12. Maximum depth for Type J inlets shall be 4'. For depths greater than 4' use a monolite base with a Type J top. The Type J inside well shall be flush with monolite base inside well below.



**CD 29 - TYPE "J" INLET**  
NO SCALE

**NOTES:**

1. See Standard Plan CD35 for Inlet General Drainage Notes.
2. Type J Inlets shall not be used in pedestrian areas.
3. Construction joints are optional where shown. Other locations are subject to the approval of the Public Works Department. Key dimensions are  $\frac{1}{2"} \times 3"$ .
4. Monolite bases are optional for depths greater than 4'-0".
5. All inlets shall be constructed with Coftrans Type 24-105 grates, see Coftrans Standard Plan D77B, and Type J inlet frame shown on this plan.
6. All inlets shall be constructed with Coftrans Type 24-105 grates, see Coftrans Standard Plan D77B, and Type J inlet frame shown on this plan.
7. No precast Type J inlets are allowed without prior approval of the Public Works Department.
8. Maximum depth for Type J inlets shall be 4'. For depths greater than 4' use a monolite base with a Type J top. The Type J inside well shall be flush with monolite base inside well below.



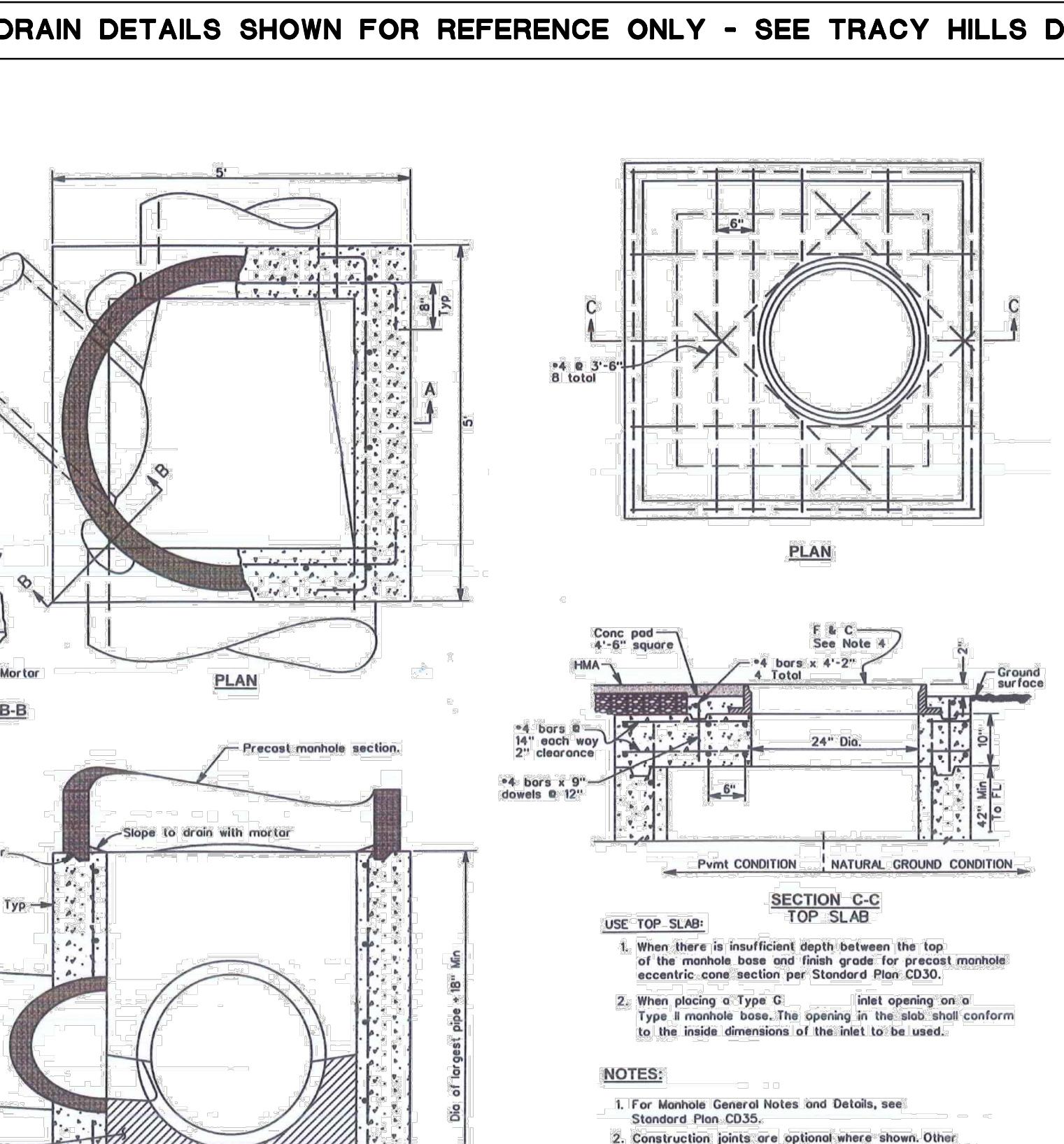
**CD 30 - TYPE I MANHOLE BASE**  
NO SCALE

**NOTES:**

1. For General Manhole Notes and Details, see Standard Plan CD35.
2. All concrete joints shall be cleaned, wetted, and mortared prior to setting next section. Joints shall then be patched, troweled, and brushed smooth.
3. Frame and extension rings must be secured by concrete block, unless approved by the Public Works Department.
4. Manhole cover shall be adjusted to conform to grade and cross slope of pavement.
5. Manhole frame and cover shall be Phoenix Iron (Oakland) Model P-1090 or Phoenix Iron Foundry Model 1000 CIP or equivalent model.
6. Use of precast grates shall be limited by 10% maximum manhole throat length. Cast iron extension rings are allowed for conforms to pavement overlays only.
7. The precast components shall conform to the Central Precast U.S. Concrete Precast Group, Northern California Drawing Nos. 20-48C, 20-48V and 20-48 EC, or equivalent.

**NOTES:**

1. When there is insufficient distance between the top of the manhole base and finish grade, or for eccentric cone section.
2. When placing a Type C inlet opening on a Type III manhole base, the opening in the slab shall conform to the inside dimensions of the inlet to be used.



**CD 31 - TYPE II MANHOLE BASE**  
NO SCALE

**NOTES:**

1. For General Manhole Notes and Details, see Standard Plan CD35.
2. Construction joints are optional where shown. Other locations are subject to the approval of the Public Works Department. Key dimensions are  $\frac{1}{2"} \times 3"$ .
3. Inlet and outlet pipes shall not intercept a monolite base through a corner. If skew angle is too great to permit the opening to be made in a single wall, maybe lengthened or relocated as specified in "SPECIAL APPLICATIONS OF TYPE III MANHOLE BASES" on this plan.
4. For details of precast manholes, see Standard Plan CD30.

**NOTES:**

1. When there is insufficient distance between the top of the manhole base and finish grade, or for eccentric cone section.
2. The maximum distance between any two inside corners shall be 10 feet, as shown.
3. Reinforcement shall be 12" wide and top thickness shall remain the same as for a normal Type II manhole base.
4. No pipe shall exceed 60 inches (inside diameter).

**NOTES:**

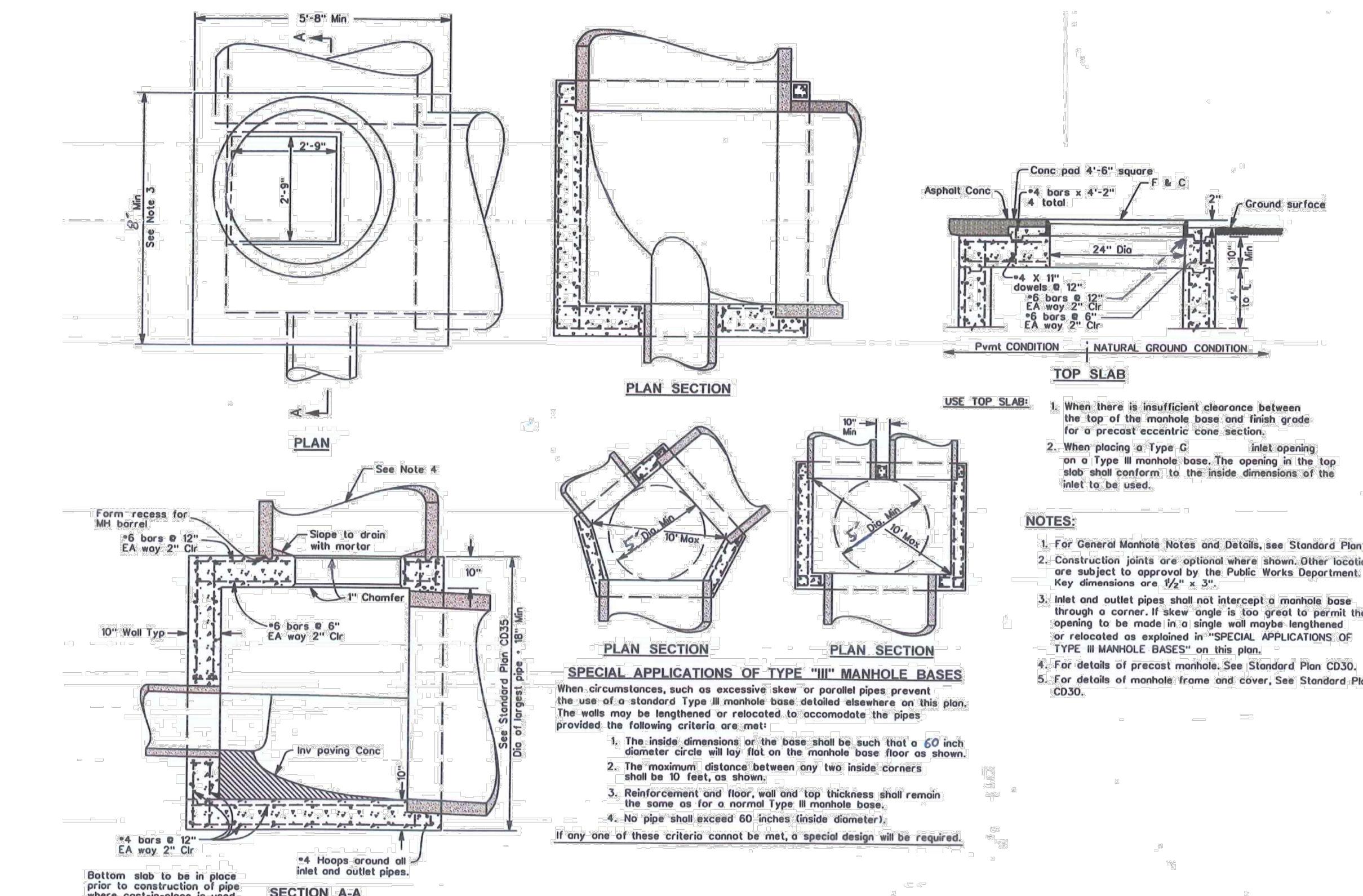
1. The inside dimensions of the base shall be such that a 60 inch diameter circle will fit flat on the monolite base floor as shown.
2. The maximum distance between any two inside corners shall be 10 feet, as shown.
3. Reinforcement shall be 12" wide and top thickness shall remain the same as for a normal Type II manhole base.
4. No pipe shall exceed 60 inches (inside diameter).

**NOTES:**

1. When there is insufficient distance between the top of the manhole base and finish grade, or for eccentric cone section.
2. The maximum distance between any two inside corners shall be 10 feet, as shown.
3. Reinforcement shall be 12" wide and top thickness shall remain the same as for a normal Type II manhole base.
4. No pipe shall exceed 60 inches (inside diameter).

**NOTES:**

1. When there is insufficient distance between the top of the manhole base and finish grade, or for eccentric cone section.
2. The maximum distance between any two inside corners shall be 10 feet, as shown.
3. Reinforcement shall be 12" wide and top thickness shall remain the same as for a normal Type II manhole base.
4. No pipe shall exceed 60 inches (inside diameter).



**CD 32 - TYPE III MANHOLE BASE**  
NO SCALE

## VESTING TENTATIVE MAP - TRACT 4012 STORM DRAIN DETAILS

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA  
FOR: INTEGRAL COMMUNITIES

**RJA**  
RUGGERI-JENSEN-AZAR  
ENGINEERS • PLANNERS • SURVEYORS  
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588  
PHONE: (925) 227-9100 FAX: (925) 227-9300

VILLAGE 12 47' x 70'	
LOT #	AREA (SF)
1	7,166
2	8,202
3	6,787

VILLAGE 13 58' X 54'	
LOT #	AREA (SF)
1	4,191
2	4,461
3	4,297
4	4,071
5	4,201
6	4,027
7	4,059
8	3,782
9	3,538
10	3,538
11	3,782
12	4,710
13	4,301
14	3,834
15	3,852
16	3,782
17	3,213
18	3,622
19	3,585
20	3,213
21	3,767
22	3,614
23	3,732
24	3,971
25	3,213
26	3,407
27	3,339
28	3,222
29	3,715
30	3,715
31	4,521
32	3,782
33	3,538
34	3,782
35	3,782
36	3,553
37	3,538
38	3,782
39	5,491
40	6,694
41	3,140
42	3,140
43	3,140
44	3,140
45	3,641
46	3,398
47	3,860
48	4,371
49	4,702

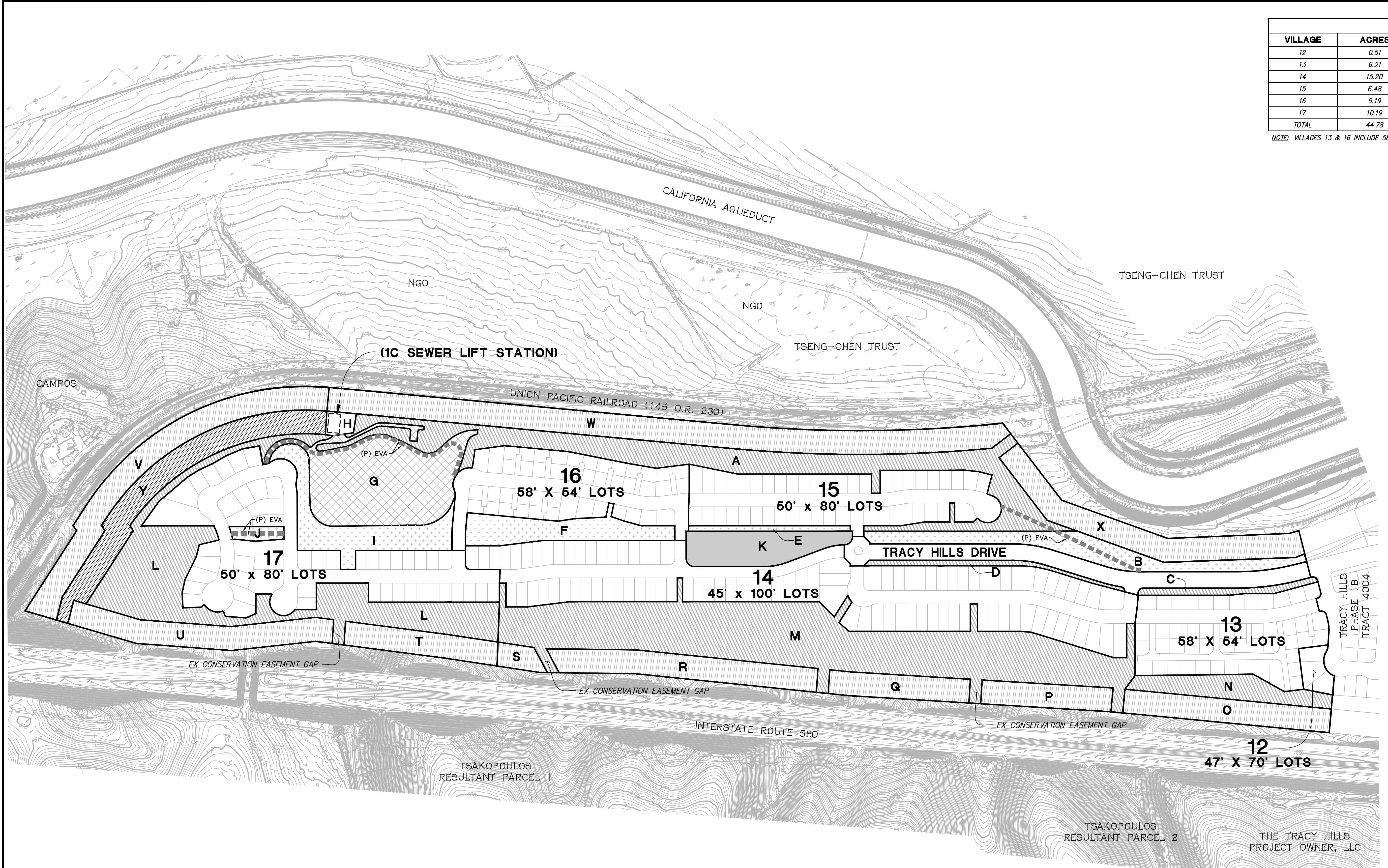
VILLAGE 14 45' x 100'	
LOT #	AREA (SF)
1	8,965
2	5,350
3	4,500
4	4,500
5	4,500
6	4,688
7	5,229
8	5,257
9	4,657
10	4,657
11	4,657
12	4,657
13	4,657
14	4,657
15	4,657
16	4,657
17	4,657
18	4,657
19	4,657
20	4,657
21	5,196
22	7,695
23	7,913
24	7,877
25	6,436
26	5,753
27	5,175
28	5,175
29	5,176
30	5,758
31	6,668
32	5,175
33	5,175
34	5,175
35	5,175
36	5,175
37	5,175
38	5,175
39	5,175
40	5,175
41	5,175
42	5,175
43	5,554
44	5,911
45	5,611
46	6,739
47	11,217
48	6,375

VILLAGE 14 45' x 100'	
LOT #	AREA (SF)
49	7,928
50	7,938
51	6,894
52	5,946
53	5,108
54	5,000
55	4,960
56	5,000
57	4,500
58	4,500
59	4,500
60	4,500
61	4,500
62	4,500
63	4,500
64	4,500
65	4,500
66	4,500
67	4,500
68	4,500
69	4,500
70	4,500
71	4,500
72	4,624
73	4,831
74	4,839
75	4,797
76	4,638
77	4,504
78	5,416
79	4,500
80	4,500
81	4,624
82	4,828
83	4,832
84	4,791
85	4,634
86	4,504
87	4,500
88	4,500
89	4,500
90	4,500
91	4,500
92	4,500
93	4,500
94	4,500
95	4,500
96	5,862

VILLAGE 15 60' x 80'	
LOT #	AREA (SF)
1	6,328
2	5,282
3	4,771
4	4,293
5	4,080
6	4,080
7	4,080
8	4,080
9	4,080
10	4,080
11	4,080
12	4,080
13	4,080
14	4,080
15	4,080
16	4,722
17	4,364
18	4,050
19	4,000
20	4,000
21	4,000
22	4,039
23	4,736
24	4,271
25	6,424
26	4,198
27	4,209
28	4,199
29	4,477
30	4,295
31	4,027
32	4,396
33	4,893
34	4,080
35	4,080
36	4,080
37	4,080
38	4,080
39	4,080
40	4,080
41	4,080
42	4,080
43	4,080
44	4,080
45	4,451

VILLAGE 16 68' X 64'	
LOT #	AREA (SF)
1	5,828
2	6,929
3	3,307
4	3,297
5	3,297
6	3,307
7	3,307
8	3,297
9	4,029
10	3,849
11	3,293
12	3,435
13	3,285
14	3,213
15	3,213
16	3,330
17	3,376
18	3,213
19	3,366
20	3,287
21	3,676
22	4,180
23	4,157
24	3,571
25	3,786
26	3,436
27	5,297
28	4,402
29	3,976
30	3,348
31	3,980
32	5,743
33	7,629
34	3,517
35	3,294
36	3,297
37	3,307
38	3,309
39	3,297
40	3,297
41	3,308
42	3,308
43	3,297
44	3,493
45	3,442

VILLAGE 17 60' x 80'	
LOT #	AREA (SF)
1	5,351
2	5,683
3	5,305
4	5,241
5	4,973
6	10,026
7	22,199
8	5,558
9	6,211
10	6,554
11	4,618
12	4,774
13	7,182
14	6,063
15	5,207
16	5,604
17	5,984
18	6,353
19	7,076</



LOT SUMMARY			
VILLAGE	ACRES	LOT COUNT	TYPICAL LOT SIZE
12	0.51	3	47' X 70'
13	6.21	49	58' X 54'
14	15.20	96	45' X 100'
15	6.48	45	50' X 80'
16	6.19	45	58' X 54'
17	10.19	51	50' X 80'
<b>TOTAL</b>	<b>44.78</b>	<b>289</b>	<b>VARIABLE</b>

NOTE: VILLAGES 13 & 16 INCLUDE 58'x54' LOTS IN BOTH SINGLE LOADED AND CLUSTER CONFIGURATIONS.

PARCEL SUMMARY		
PARCEL	OWNER	ACRES
A	HOA	7.18
B	HOA	2.56
C	HOA	0.49
D	HOA	0.51
E	HOA	0.36
F	HOA	1.94
G	CITY	5.14
H	CITY	0.26
I	HOA	2.50
J	HOA	0.29
K	CITY	1.95
L	HOA	7.02
M	HOA	13.23
N	HOA	1.58
O	HOA	2.00
P	HOA	1.26
Q	HOA	1.36
R	HOA	2.56
S	HOA	0.42
T	HOA	1.49
U	HOA	2.56
V	HOA	3.83
W	HOA	6.54
X	HOA	3.19
Y	HOA	3.35
TOTAL		73.57

<b>PARK SUMMARY</b>		
<b>PARCEL</b>	<b>OWNER</b>	<b>ACRES</b>
B (LINEAR PARK)	HOA	2.56
E (LINEAR PARK)	HOA	0.36
F (LINEAR PARK)	HOA	1.94
I (LINEAR PARK)	HOA	2.50
J (LINEAR PARK)	HOA	0.29
K (CITY PARK)	CITY	1.95
<b>TOTAL</b>		<b>9.60</b>

<b>OTHER LAND USES</b>		
<b>PARCEL</b>	<b>USE</b>	<b>ACRES</b>
-	<i>TRACY HILLS DRIVE</i>	3.24
G	<i>RETENTION BASIN</i>	5.14
H	<i>SS LIFT STATION</i>	0.26
J	<i>EVA</i>	0.29
<b>TOTAL</b>		<b>8.93</b>

# I FGFEND

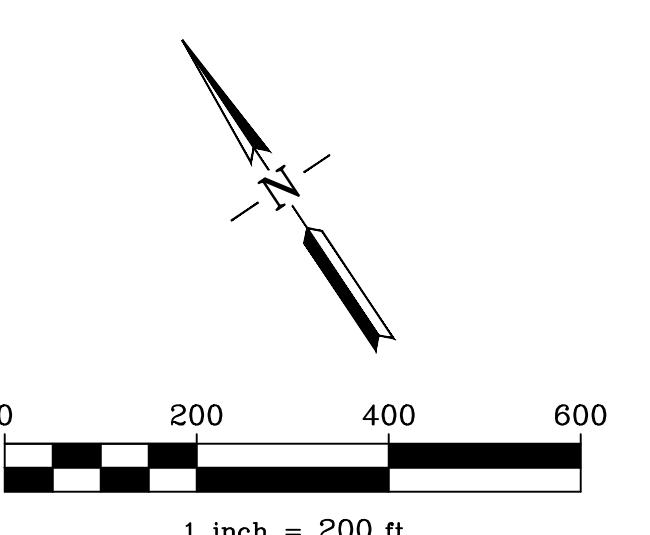
-  PUBLIC PARK (CITY OWNED & MAINTAINED)
-  LINEAR PARK (HOA OWNED & MAINTAINED)
-  EXISTING CONSERVATION EASEMENT  
(HOA OWNED & MAINTAINED)
-  IN TRACT OPEN SPACE  
(HOA OWNED & MAINTAINED)
-  RETENTION BASIN  
(CITY OWNED & MAINTAINED)
-  PROPOSED 100' CONSERVATION EASEMENT  
(HOA OWNED & MAINTAINED PARCELS)
-  PROPOSED EVA

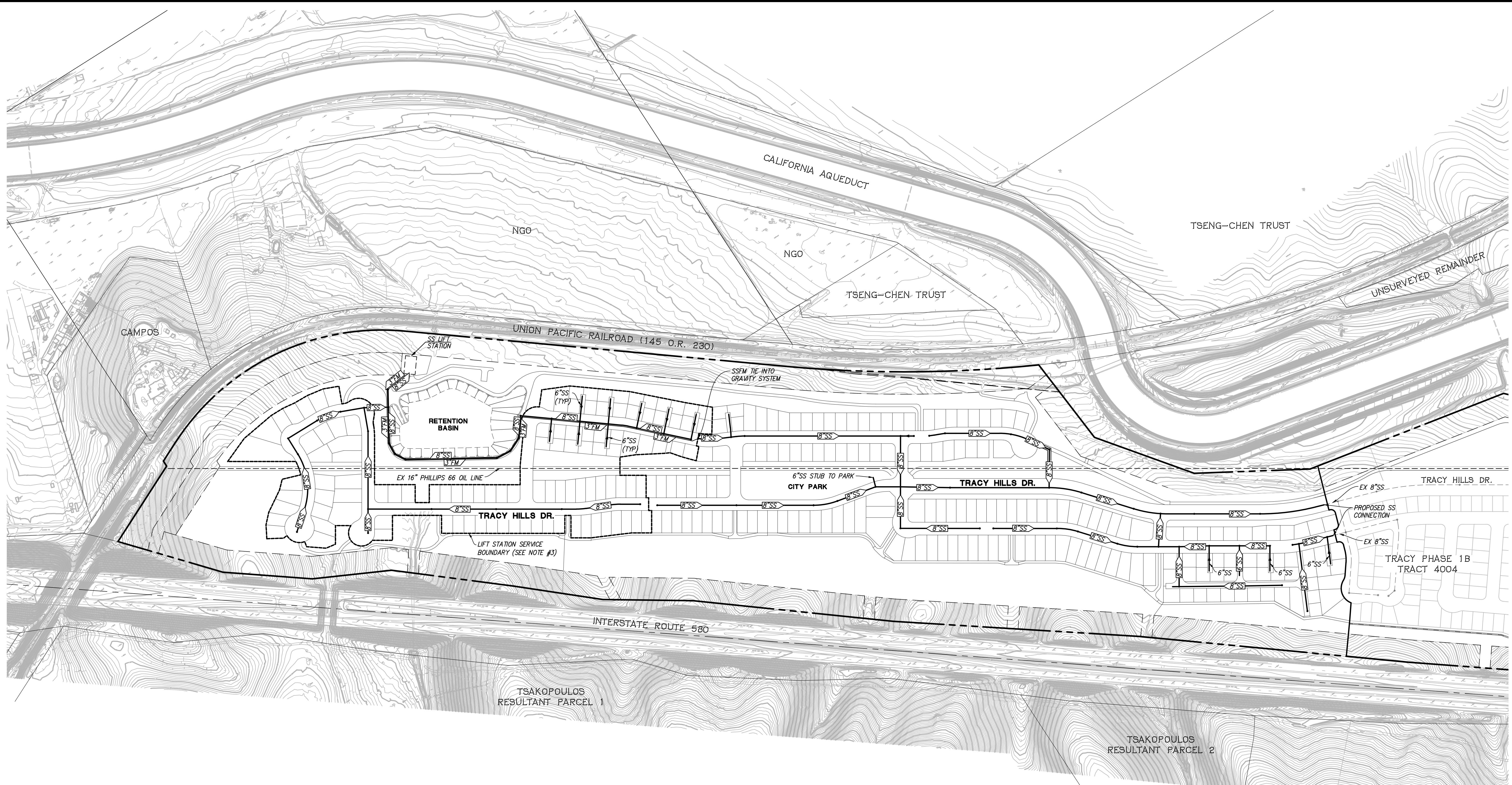
**VESTING TENTATIVE MAP - TRACT 4012**

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**OWNERSHIP EXHIBIT**

**CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA  
FOR: INTEGRAL COMMUNITIES**



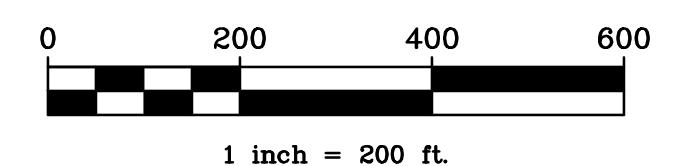


NOTES:

1. SEE DETAILS ON SHEET 6 FOR PRIVATE LANE AND CLUSTER PRODUCT UTILITY CONFIGURATIONS.
2. SANITARY SEWER SYSTEM LAYOUT SHOWN IN INDIVIDUAL VILLAGES IS SCHEMATIC. ULTIMATE DESIGN/LAYOUT TO BE APPROVED BY THE CITY AS PART OF IMPROVEMENT PLANS.
3. 109 TOTAL LOTS ARE WITHIN THE LIFT STATION SERVICE BOUNDARY.

## VESTING TENTATIVE MAP - TRACT 4012 OVERALL SANITARY SEWER PLAN

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA  
FOR: INTEGRAL COMMUNITIES



**RJA**  
RUGGERI-JENSEN-AZAR  
ENGINEERS • PLANNERS • SURVEYORS  
4690 CHABOT DRIVE, SUITE 200 • PLEASANTON, CA 94588  
PHONE: (925) 227-9100 FAX: (925) 227-9300



# VESTING TENTATIVE MAP - TRACT 4012

## OVERALL STORM DRAIN SYSTEM PLAN

**CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA  
FOR: INTEGRAL COMMUNITIES**

0      200      400      600

1 inch = 200 ft.

DATE: FEBRUARY 18, 2025     JOB NO: 185020     SHEET 11 OF 19

OTES:

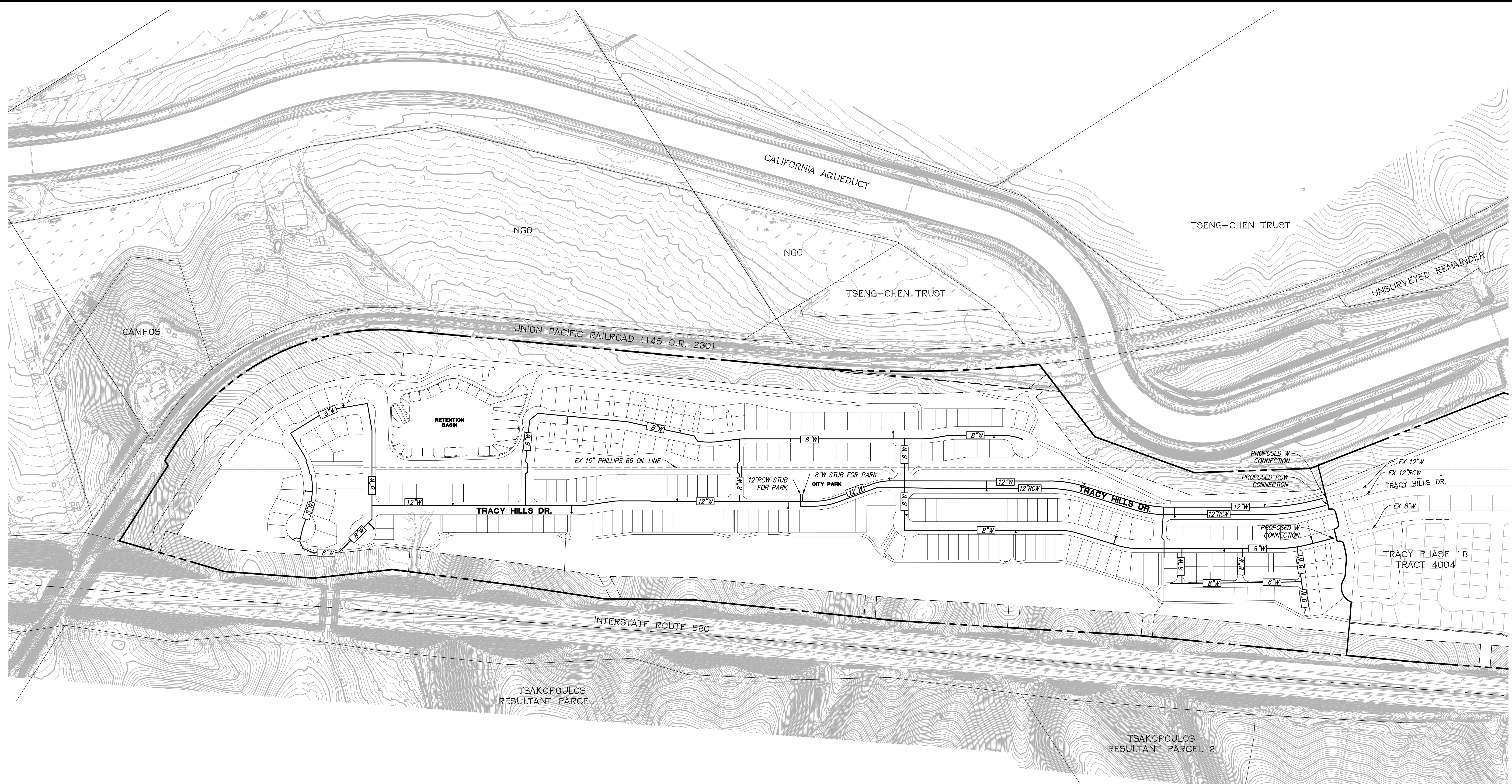
SEE DETAILS ON SHEET 6 FOR PRIVATE LANE AND CLUSTER PRODUCT UTILITY CONFIGURATIONS.

STORM DRAIN SYSTEM LAYOUT SHOWN IN INDIVIDUAL VILLAGES IS SCHEMATIC. ULTIMATE DESIGN/LAYOUT TO BE APPROVED BY THE CITY AS PART OF IMPROVEMENT PLANS.

PIPE SIZES NOT LABELED IN PUBLIC STREETS SHALL BE 12" SD. SEE ALSO TYPICAL MOTORCOURT & CLUSTER PRODUCT UTILITY LAYOUT DETAIL FOR PIPE SIZES.

BLANKET STORM DRAIN EASEMENTS OVER HOA PARCELS CONTAINING STORM DRAIN FACILITIES TO BE PROVIDED WITH FINAL MAP.

BATTERY POWERED WATER LEVEL RECORDERS SHALL BE INSTALLED AT THE PROPOSED RETENTION BASIN.

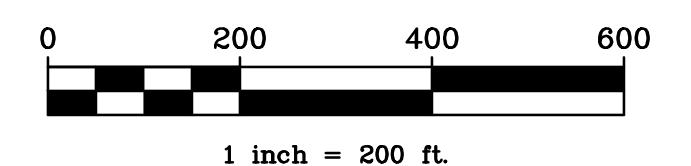


NOTES:

1. SEE DETAILS ON SHEET 6 FOR PRIVATE LANE AND CLUSTER PRODUCT UTILITY CONFIGURATIONS.
2. WATER SYSTEM LAYOUT SHOWN IN INDIVIDUAL VILLAGES IS SCHEMATIC, ULTIMATE DESIGN/LAYOUT TO BE APPROVED BY THE CITY AS PART OF IMPROVEMENT PLANS.
3. 3-WAY OR 4-WAY VALVES WILL BE INSTALLED ON WATER MAINS AT TEE OR CROSS INTERSECTIONS, RESPECTIVELY.
4. RECLAIMED WATER SIZE BASED ON CITY OF TRACY CITYWIDE WATER SYSTEM MASTER PLAN.

## VESTING TENTATIVE MAP - TRACT 4012 OVERALL WATER SYSTEM PLAN

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA  
FOR: INTEGRAL COMMUNITIES



**RJA**  
RUGGERI-JENSEN-AZAR  
ENGINEERS • PLANNERS • SURVEYORS  
4690 CHABOT DRIVE, SUITE 200 • PLEASANTON, CA 94588  
PHONE: (925) 227-9100 FAX: (925) 227-9300

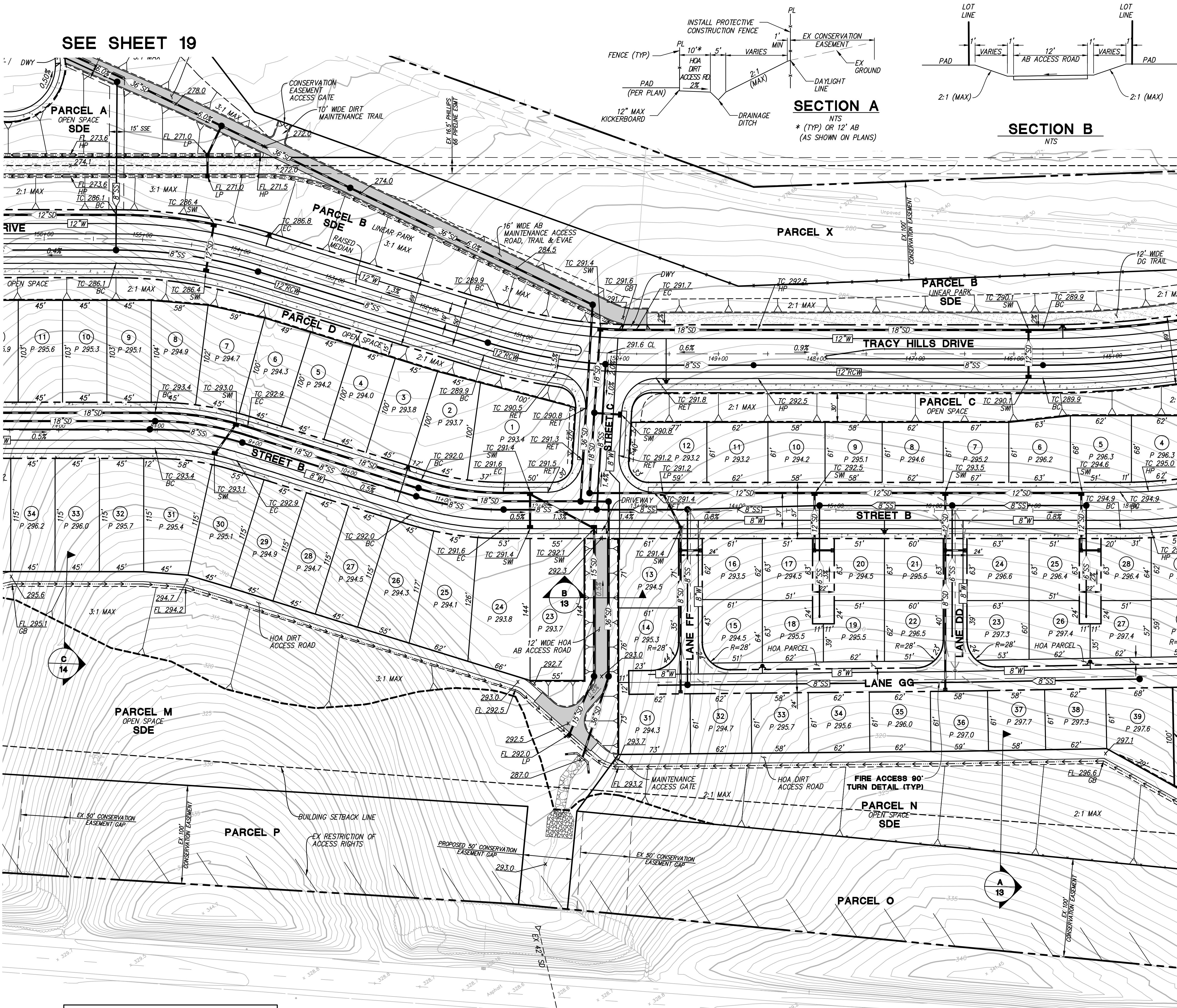
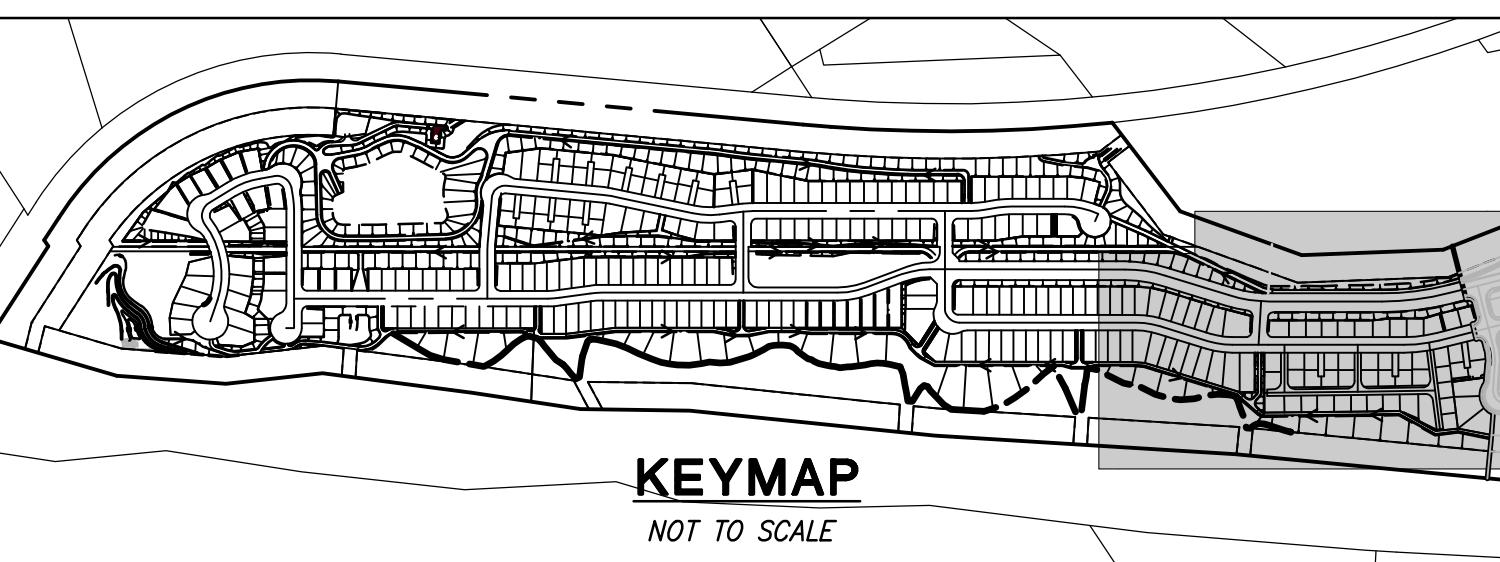
SEE SHEET 14

NOTE: SEE DETAIL SHEET 6 FOR UTILITIES IN CLUSTER DRIVEWAYS

NOTE: SLOPES STEEPER THAN 3:1 AND TALLER THAN 10' SHALL BE CONSTRUCTED WITH KEYWAYS PER GEOTECHNICAL RECOMMENDATIONS

VESTING TENTATIVE MAP - TRACT 4012  
VILLAGE 12, VILLAGE 13 & VILLAGE 14

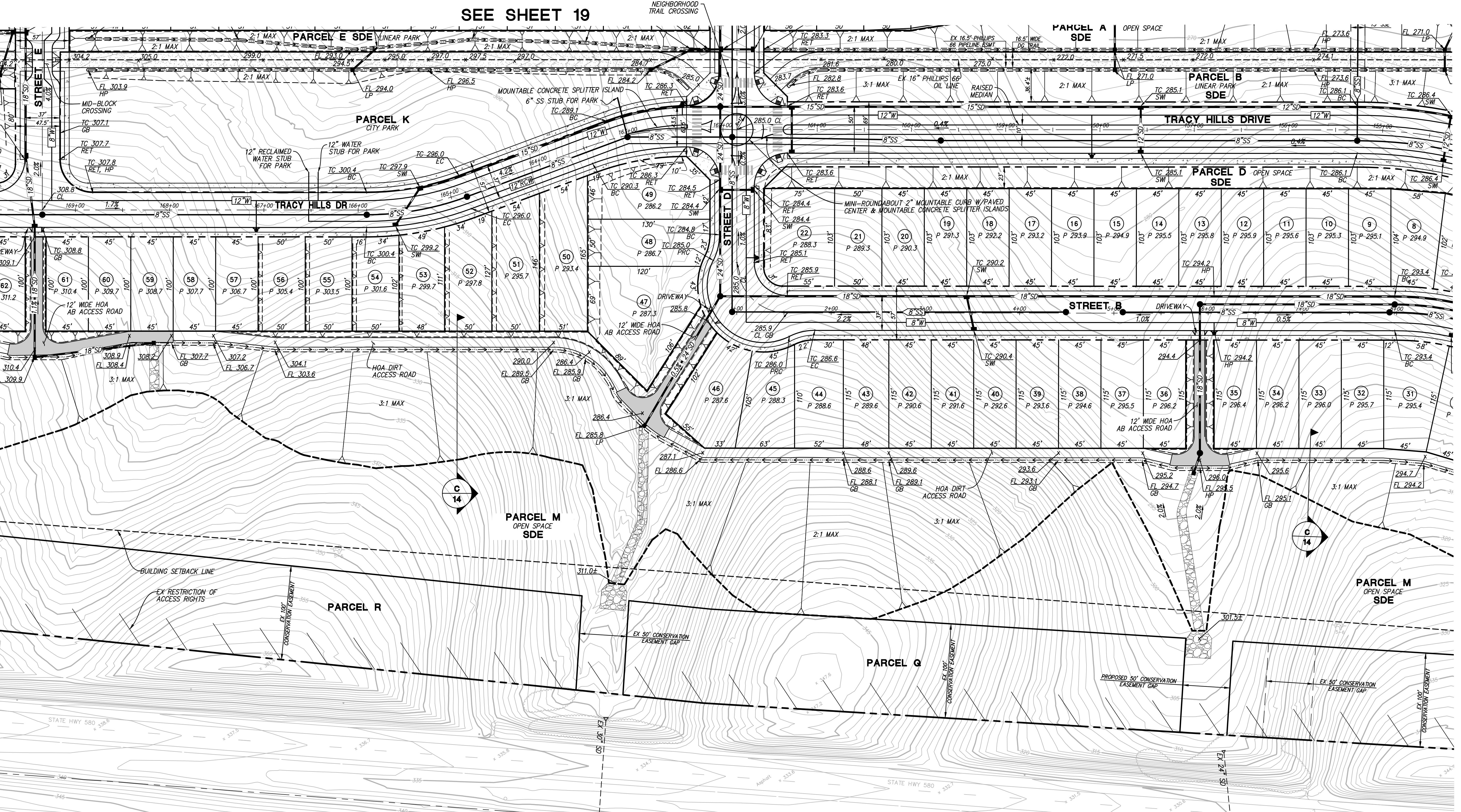
CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA  
FOR: INTEGRAL COMMUNITIES



0 50 100 150  
1 inch = 50 ft.

**RJA**  
RUGGERI-JENSEN-AZAR  
ENGINEERS • PLANNERS • SURVEYORS  
4690 CHABOT DRIVE, SUITE 200 • PLEASANTON, CA 94588  
PHONE: (925) 227-9100 FAX: (925) 227-9300

SEE SHEET 15

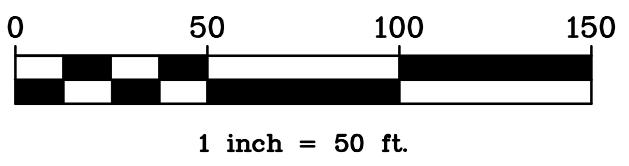


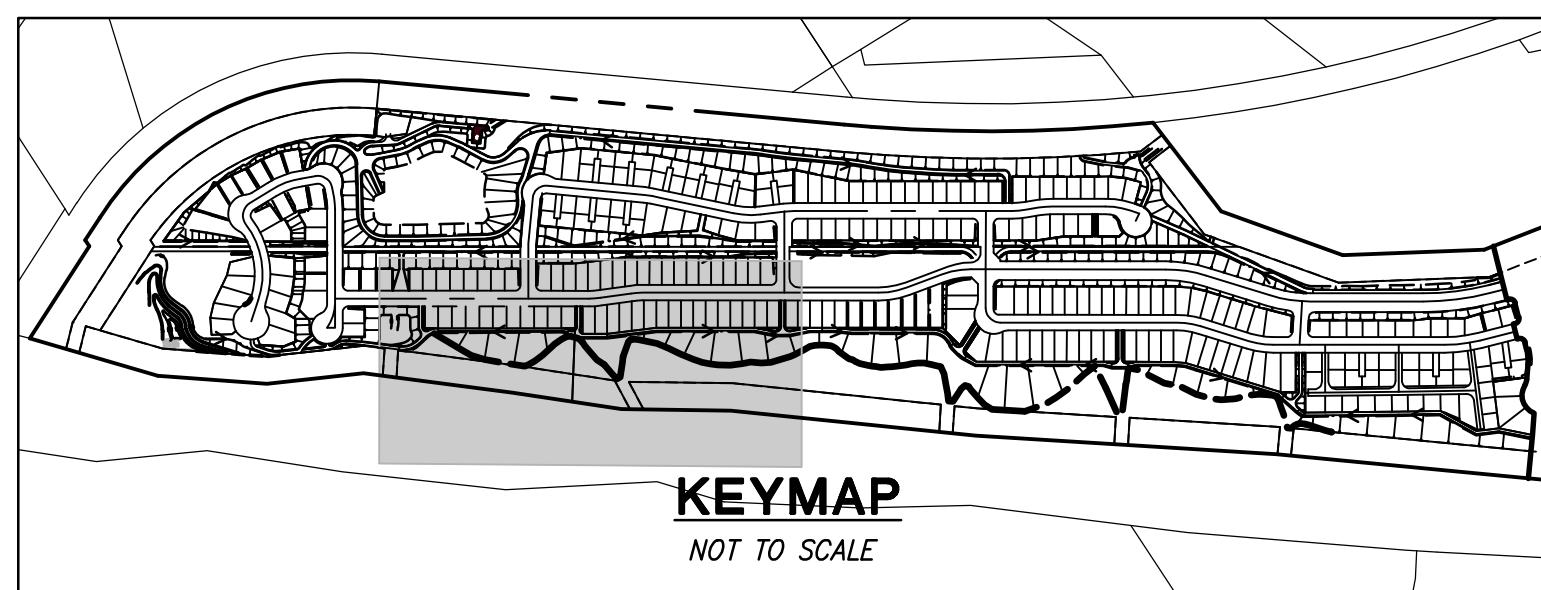
NOTE: SLOPES STEEPER THAN 3:1 AND TALLER  
THAN 10' SHALL BE CONSTRUCTED WITH  
KEYWAYS PER GEOTECHNICAL RECOMMENDATIONS

## VESTING TENTATIVE MAP - TRACT 4012

### VILLAGE 14

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA  
FOR: INTEGRAL COMMUNITIES





SEE SHEET 16



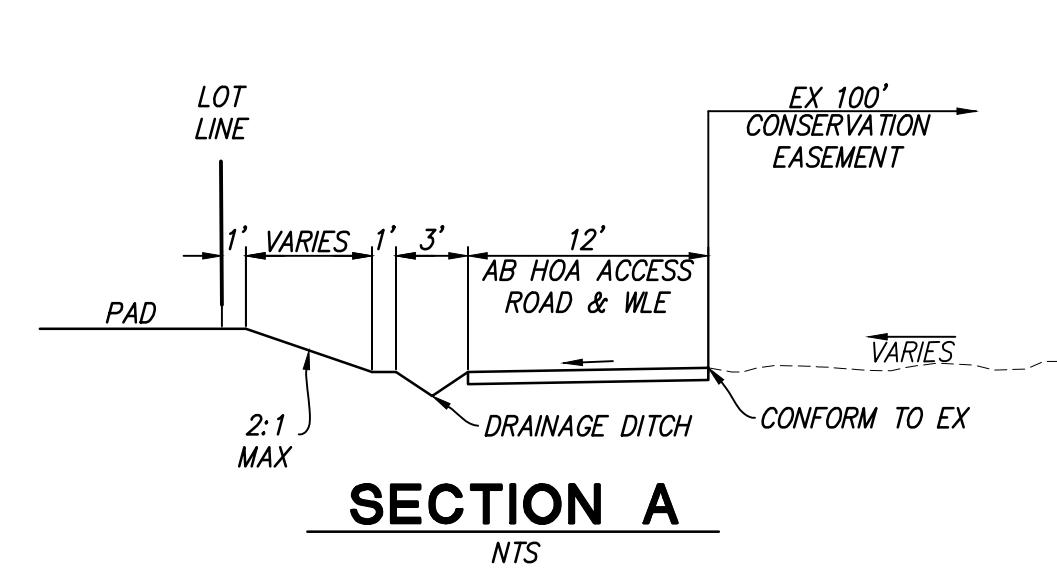
NOTE: SLOPES STEEPER THAN 3:1 AND TALLER THAN 10' SHALL BE CONSTRUCTED WITH KEYWAYS PER GEOTECHNICAL RECOMMENDATIONS

**VESTING TENTATIVE MAP - TRACT 4012**  
**VILLAGE 14 & 17**

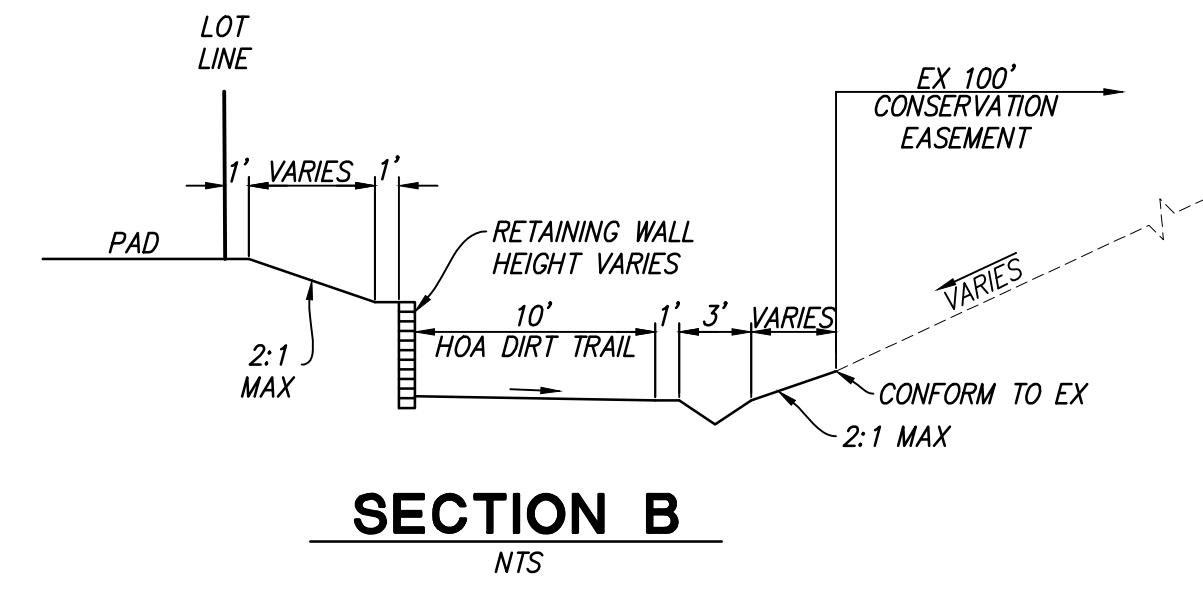
CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA  
 FOR: INTEGRAL COMMUNITIES

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 1 inch = 50 ft.

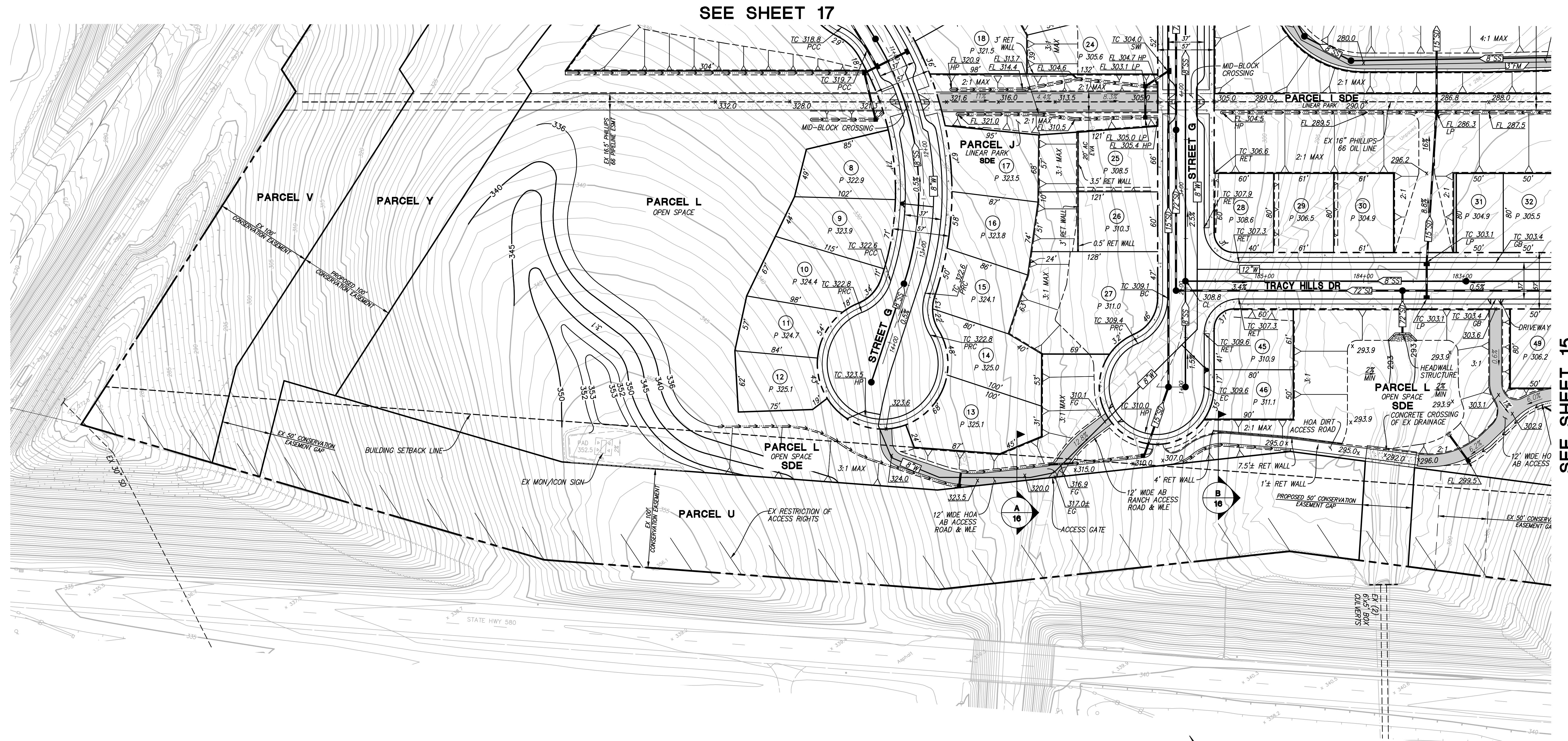
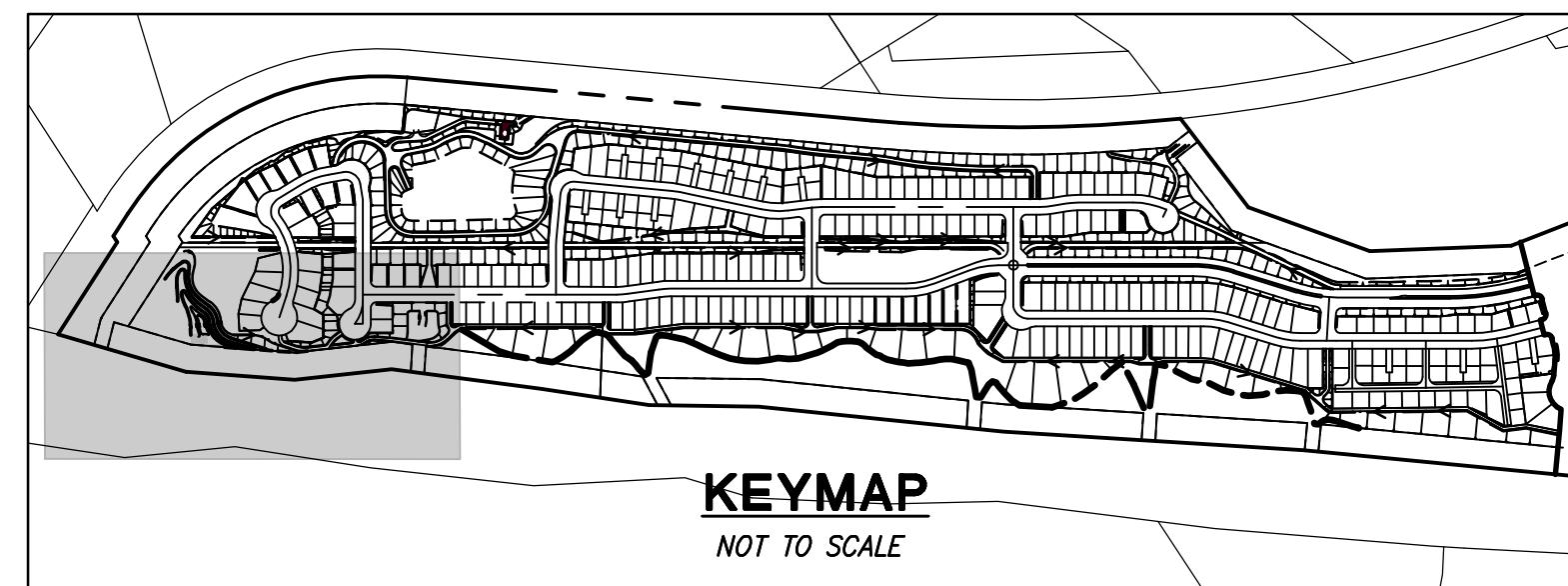
**RJA**  
**RUGGERI-JENSEN-AZAR**  
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 PHONE: (925) 227-9100 FAX: (925) 227-9300



SECTION A  
NTS



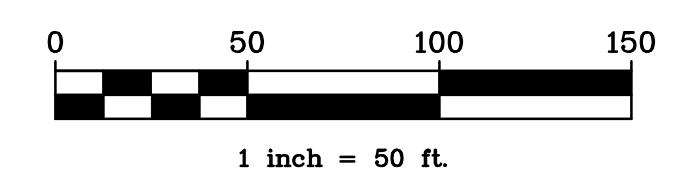
SECTION B  
NTS



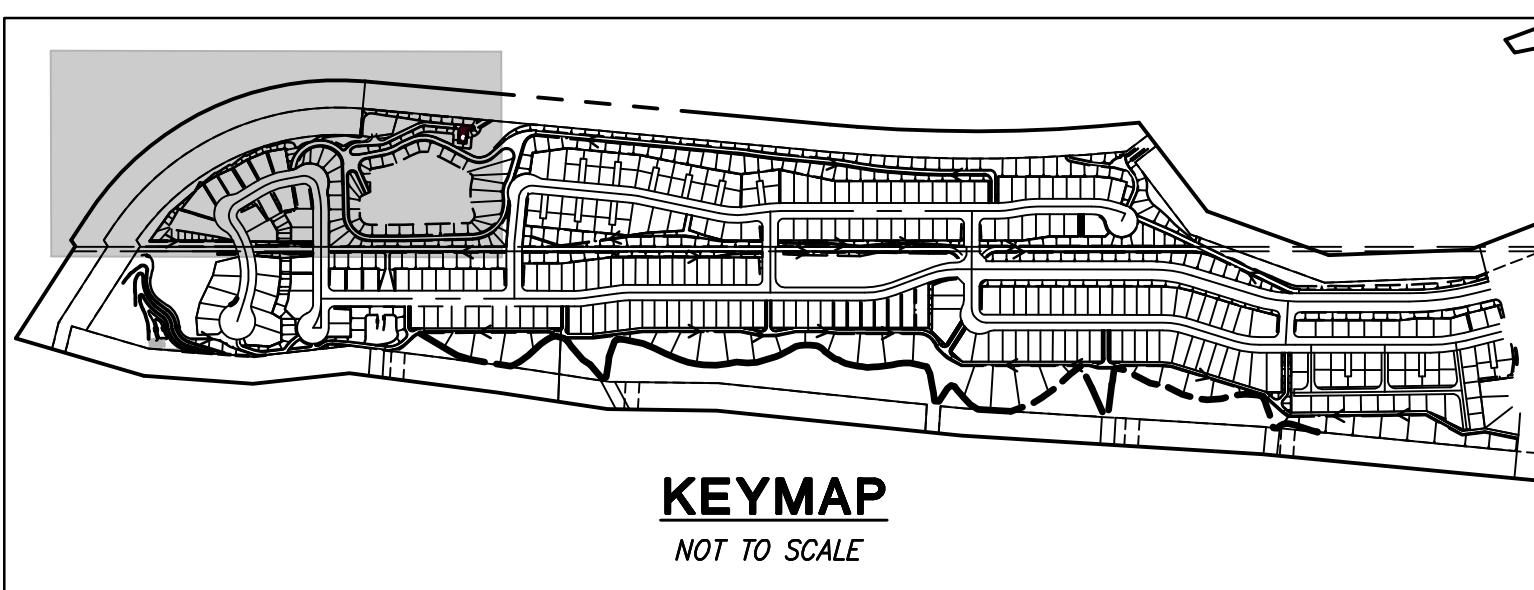
NOTE: SLOPES STEEPER THAN 3:1 AND TALLER THAN 10' SHALL BE CONSTRUCTED WITH KEYWAYS PER GEOTECHNICAL RECOMMENDATIONS

VESTING TENTATIVE MAP - TRACT 4012  
VILLAGE 17

CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA  
FOR: INTEGRAL COMMUNITIES

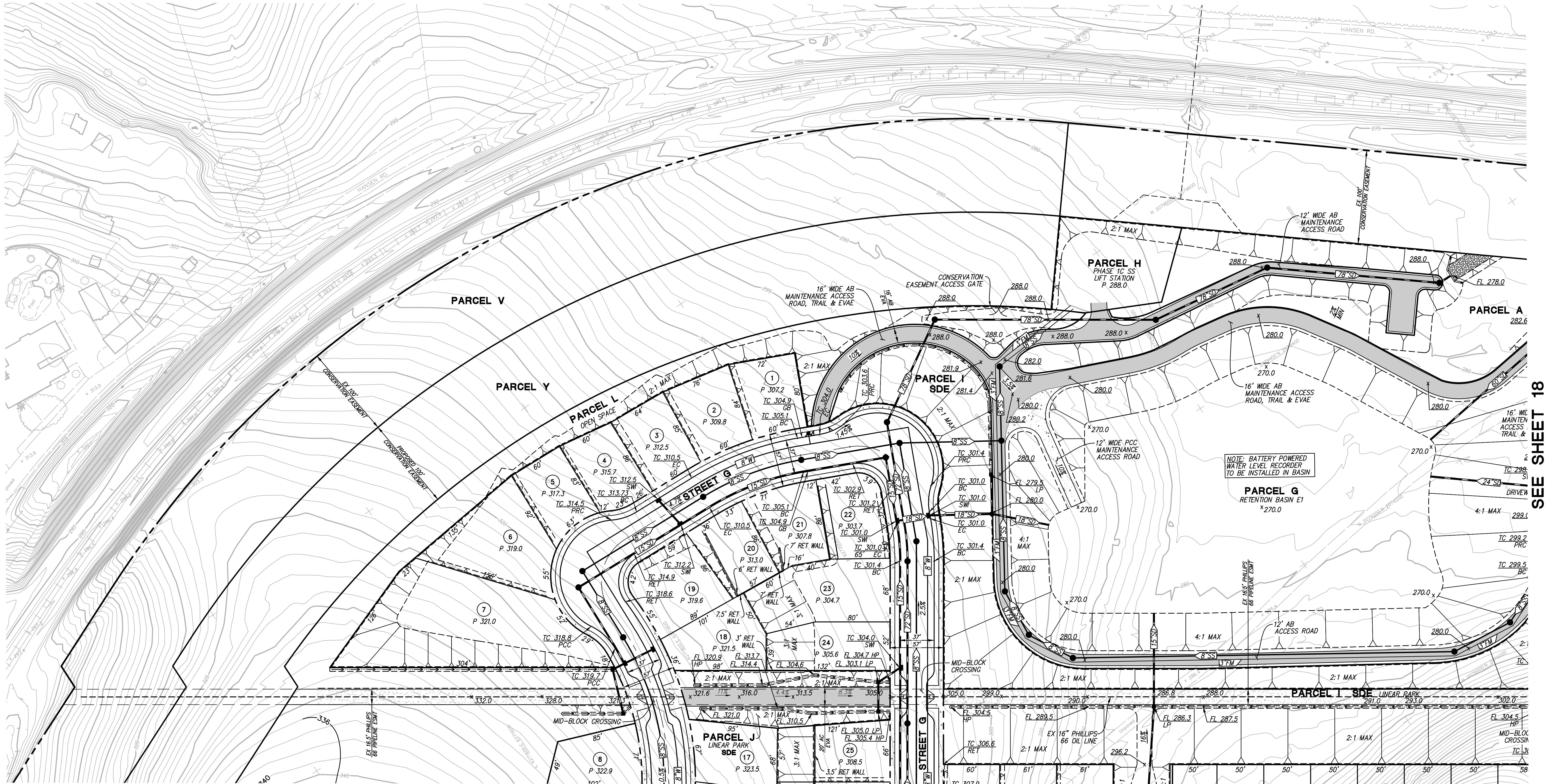


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PHONE: (925) 227-9100 FAX: (925) 227-9300



# KEYMAP

*NOT TO SCALE*



## **SEE SHEET 16**

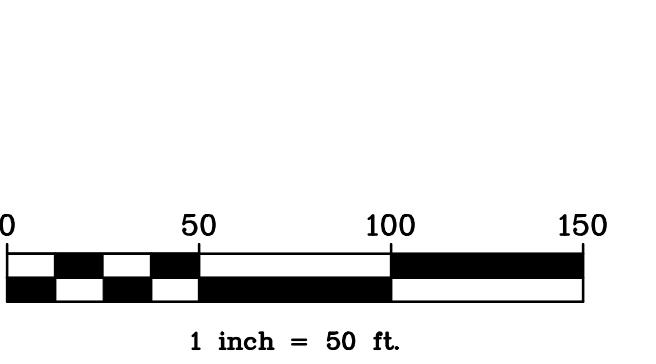
**NOTE: SLOPES STEEPER THAN 3:1 AND TALLER THAN 10' SHALL BE CONSTRUCTED WITH KEYWAYS PER GEOTECHNICAL RECOMMENDATIONS**

**VESTING TENTATIVE MAP - TRACT 4012**

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**CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA  
FOR: INTEGRAL COMMUNITIES**



# SEE SHEET 17

SECTION A  
NTS

NOTE: SEE DETAIL SHEET 6 FOR UTILITIES IN CLUSTER DRIVEWAYS

**VESTING TENTATIVE MAP - TRACT 4012**

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**VILLAGE 16**

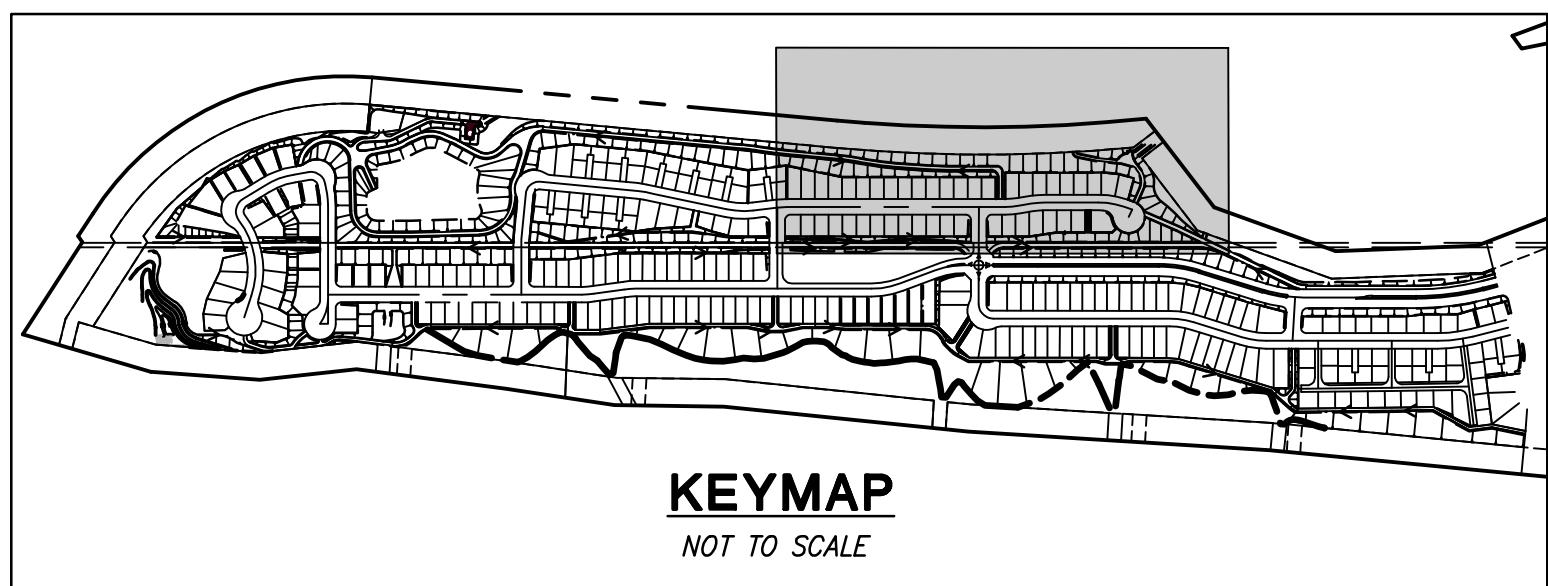
**CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA  
FOR: INTEGRAL COMMUNITIES**

0      50      100      150

1 inch = 50 ft.

The logo for RJA (Ruggeri-Jensen-Azar) features the letters 'RJA' in a large, bold, black serif font. A thick, dark gray swoosh curves from the top left over the 'R', then under the 'A', creating a stylized 'A' shape. Below the logo, the company name 'RUGGERI-JENSEN-AZAR' is written in a bold, black, sans-serif font. Underneath that, 'ENGINEERS • PLANNERS • SURVEYORS' is written in a smaller, all-caps, sans-serif font. At the bottom, the address '4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588' and phone/fax numbers 'PHONE: (925) 227-9100 FAX: (925) 227-9300' are provided.

DATE: FEBRUARY 18, 2025 JOB NO: 185020 SHEET 18 OF 19



# KEYMAP

*NOT TO SCALE*

**NOTE: SLOPES STEEPER THAN 3:1 AND TALLER THAN 10' SHALL BE CONSTRUCTED WITH KEYWAYS PER GEOTECHNICAL RECOMMENDATIONS**

**VESTING TENTATIVE MAP - TRACT 4012**

**VILLAGE 15 / RETENTION BASIN**

**CITY OF TRACY, SAN JOAQUIN COUNTY, CALIFORNIA  
FOR: INTEGRAL COMMUNITIES**

February 13, 2025

Job No. 185020

Mr. Jonathan Mitchell  
City Engineer  
Development Services Department  
**City of Tracy**  
333 Civic Center Plaza  
Tracy, CA 95376

***Subject: Tracy Hills Phase 1C Horizontal Location of Domestic Water Line***

Dear Jonathan:

Per the City of Tracy Design Standards section 1.05, an Applicant may request Minor Deviations where warranted.

A deviation from Section 6.04(A) which states that water mains shall be installed within paved the portions of the street Right of Way.

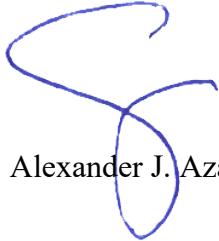
Within Tracy Hills Phase 1C, Street G, at station 3+68+/- to 4+09+/-, the street section is narrowed from 37' to 21' (face of curb) to facilitate a mid block pedestrian crossing requested by the City. The water line will be located 1' behind face of curb for this portion of Street G and cannot be adjusted horizontally to be within the pavement section due to minimum separation requirements with other utilities.

See attached exhibit for a graphic of the area described above.

Please consider this our request for approval of this design.

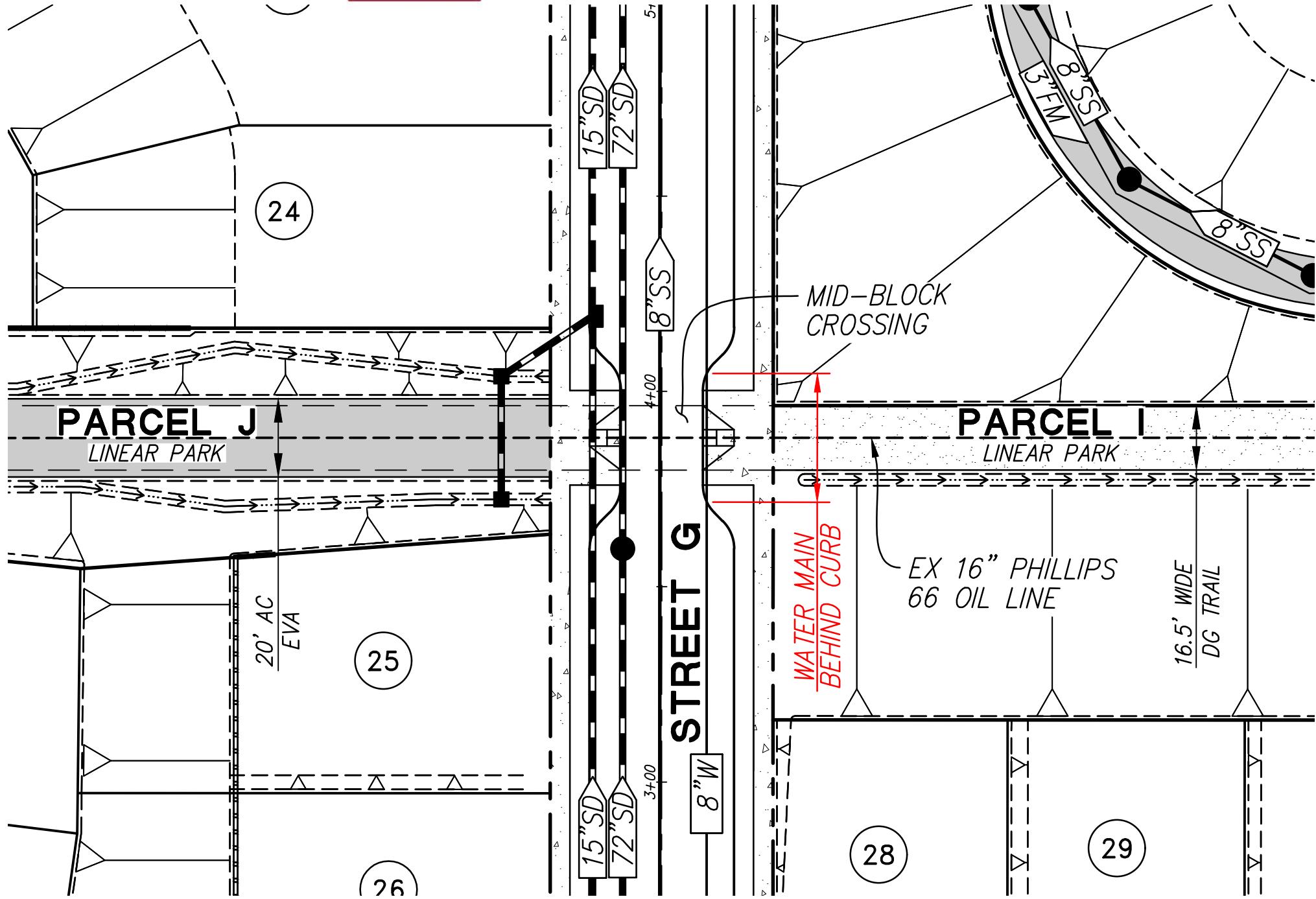
Sincerely,

**Ruggeri-Jensen-Azar**



Alexander J. Azar, P.E.

cc: Lisa Mikelonis, John Palmer, Mike Souza, Integral Communities  
Nanda Gottiparthi, Doug Rodgers, SNG





# PLANNING COMMISSION STAFF REPORT

Item No. 1.B

<b>DATE</b>	July 23, 2025
<b>TITLE</b>	Schulte Warehouse Project
<b>LOCATION</b>	16286 and 16310 West Schulte Road Tracy, CA APNs 209-230-25 and 209-230-26
<b>APPLICATION TYPE</b>	Annexation/Pre-zone A/P21-0001 Development Review Permit D21-0020
<b>CEQA STATUS</b>	Proposed certification of an Environmental Impact Report (EIR), including adoption of a mitigation monitoring and reporting program (MMRP), findings of fact, and a statement of overriding considerations
<b>PROJECT PLANNER</b>	Victoria Lombardo (209) 831-6428 <a href="mailto:Victoria.Lombardo@cityoftracy.org">Victoria.Lombardo@cityoftracy.org</a>

## RECOMMENDATION

Staff recommends that the Planning Commission conduct a public hearing, and upon its conclusion, adopt a resolution recommending that the City Council:

1. Adopt a resolution that (A) certifies an Environmental Impact Report ("EIR") and adopts a mitigation monitoring and reporting program ("MMRP"), findings of fact and a statement of overriding considerations for the annexation and development of the Schulte Warehouse project, which consists of approximately 20.92 acres located at 16286 West Schulte Road and annexation, but not development, of an adjacent one-acre parcel located at 16310 West Schulte Road, (B) approves a Development Review Permit for 16286 West Schulte Road Property for construction of a 217,466 square foot industrial warehouse building, provided that the Development Review Permit will not be effective until the first day following the effective date of LAFCo's approval of the annexation of the Property to the City, and (C) authorizes the City Manager to submit a petition to the San Joaquin County Local Agency Formation Commission ("LAFCo") to annex that certain 21.92 acres located at 16286 and 16310 West Schulte Road bearing Assessor's Parcel Numbers 209-230-25 and 209-230-26 (the "Combined Property") to the City of Tracy; and
2. Introduce and adopt an ordinance that approves the rezoning of the Combined Property to

Light Industrial (M1).

## PROJECT DESCRIPTION

This agenda item is regarding the proposed Schulte Warehouse project, which involves a request for annexation and pre-zoning (Application Number A/P21-0001) and a Development Review Permit (Application Number D21-0020) for construction of a 217,466 square foot warehouse building on an approximately 20.92-acre property located at 16286 West Schulte Road, Assessor's Parcel Number 209-230-25, along with the annexation of the adjacent 1-acre parcel located at 16310 West Schulte Road, Assessor's Parcel Number 209-230-26. No development is proposed for the adjacent one-acre parcel, which has an existing utility facility on site. Attachment A provides a location map and Attachment B, Exhibit 4 includes the project plans.

## ANALYSIS

### BACKGROUND

The property is within the City's General Plan Sphere of Influence (SOI), which is a long-range vision of future development and expansion of the City for lands that are not currently within the City limits. Property within the City's SOI can be pursued for annexation into the City limits. In 2019, LAFCo approved the City's Municipal Services Review for the SOI, which shows the Property is located within the ten-year planning horizon. LAFCo policies required ten and thirty-year "horizons" in an effort to plan for and evaluate upcoming development within the City's SOI.

When annexing property into the City, pre-zoning must be established to determine the zoning designation that will take effect upon approval of annexation by LAFCo. The proposed zoning for the site is Light Industrial which is consistent with the property's General Plan designation of Industrial. The proposed project meets all the zone standards for the Light Industrial zone.

### ANNEXATION AND PRE-ZONING

The Project site is located within unincorporated San Joaquin County, adjacent to the southern boundary of the City and the Cordes Ranch Specific Plan area. The subject property is within the City's SOI, with a General Plan designation of Industrial. The applicants' proposal is to annex the subject property into the City Limits and assign it a zoning designation of Light Industrial. This zoning for the site would be consistent with the General Plan designation of Industrial and with all the adjacent properties to the north, similarly developed with warehouses. The surrounding properties also have an Industrial designation in the General Plan. In accordance with the City's General Plan policies, including Land Use Objective 2.3, the annexation and development of this acreage is consistent with the expansion of the City's industrial base. Annexation and development of the Project site is a logical extension of the City limits, has been planned as a part of the City's Sphere of Influence, and was included for infrastructure planning as a part of the City's Infrastructure Master Plans.

The project site itself is 20.92 acres; however, there is also a one-acre parcel adjacent to the site (at its northeast corner) that must be annexed to the City as well. The additional property means that the total annexation would be 21.92 acres. The one-acre parcel will not have any improvements as part of this project but is included as part of the proposed annexation area to create a logical boundary to the City limits along West Schulte Road. The adjacent property has an existing utility facility, which will not be modified.

## ARCHITECTURE AND SITE DESIGN

The project includes the construction and operation of a 217,466 square foot warehouse building and its related site and landscape improvements solely on the Property located at 16286 West Schulte Road, APN 209-230-25. The project site is 20.92 acres and currently developed with various agricultural and rural residential structures, to be demolished prior to the development of the proposed project. The proposed warehouse design would be contemporary in style and would use a variety of massing, materials and color variation appropriate for the scale of the building. The building is comprised mostly of concrete tilt-up panels with reveals, painted grey, and white, with blue accents on the street-facing side of the building. It is also designed with varying parapet heights as well as storefront glazing and metal canopies for visual interest. The parapet walls are designed at a height to effectively screen any roof-mounted equipment, in compliance with the City's Design Goals and Standards.

Landscaping would be placed throughout the project site, with both decorative and canopy shade trees, shrubs and ground cover plantings concentrated along the West Schulte and Hansen Road frontages, as well as in the employee parking area located on the south side of the building.

The circulation system has been designed with two entrances and exits to the site, one at the northeast corner of the site, along West Schulte Road, and the second on the southwest corner of the site, on Hansen Road. The dock doors are located on the east side of the building, with additional trailer parking located along the eastern property line. The employee (auto) parking lot is located on the south side of the building. All City parking and circulation standards have been met or exceeded.

## **FINDINGS**

### REQUIRED FINDING FOR PRE-ZONING

Tracy Municipal Code (“TMC”) Section 10.08.970 (Classification of newly annexed territory) provides that territory proposed for annexation to the City be prezoned in accordance with Article 29 (Amendments) of the TMC. Article 29 of the TMC, Section 10.08.3840, states that the Planning Commission must find that the approval or denial of an application to amend the zoning ordinance (such as the instant application for prezoning) is “necessary to carry out the general purposes” of the zoning ordinance and state the “facts and reasons” that support this finding. Staff recommends that the Planning Commission recommend that City Council make the finding as stated in the ordinance (Attachment C)

### REQUIRED FINDINGS FOR THE DEVELOPMENT REVIEW PERMIT

Development Review Permits must meet the requirements set forth in Tracy Municipal Code (TMC) Article 30, including a noticed public hearing. Pursuant to TMC Section 10.08.3960, before approving a Development Review Permit, the reviewing body (in this case, the City Council) must review application materials and public comments submitted prior to or at the public hearing, and consider, among other things, the following several site-specific factors set forth in TMC 10.08.3960:

- general site considerations including height, bulk, and size of buildings;

- physical and architectural relationship with the existing and proposed structures;
- site layout, orientation, and location of the buildings and relationships with open areas and topography;
- location and type of landscaping;
- off-street parking areas;
- height, materials, colors and variations in boundary walls, fences, and screen plantings;
- appropriateness of exterior lighting; and
- appropriate City utilities, public infrastructure, circulation, and roadway access.

After consideration of the entire record, under TMC Section 10.08.3960, the reviewing body may approve the Development Review Permit if the facts on the record support the following findings:

- (a) The proposal increases the quality of the project site, and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy; and
- (b) The proposal conforms to the Zoning Regulations of Tracy Municipal Code Chapter 10.08, the General Plan, any applicable specific plan, the City Design Goals and Standards, any applicable Infrastructure Master Plans, and other City regulations.

Staff recommends that the Planning Commission conduct a noticed public hearing on July 23, 2025, and upon its conclusion, recommend that the City Council make the requisite findings for the Development Review Permit as stated in the City Council Resolution (Attachment B).

## **CEQA DETERMINATION**

The proposed Project is subject to the California Environmental Quality Act (“CEQA”), which prescribes the preparation of a project Environmental Impact Report (EIR) as described in CEQA Guidelines Section 15161. This type of EIR focuses primarily on the changes in the environment that would result from the development project. The EIR must examine all phases of the project including planning, construction, and operation.

On December 15, 2023, a Notice of Preparation (NOP) was published for the EIR, to solicit comments from responsible agencies, various City departments, and the public regarding what areas should be studied within the EIR. A scoping meeting for the NOP took place on January 9, 2024, after which the EIR analysis commenced. On August 30, 2024, the Notice of Availability of the Draft EIR was published for public review and comment, a public hearing to solicit comments was held on October 9, 2024, and the comment period closed on October 14, 2024. Based on the comments received on the EIR during the comment period, the City modified certain sections (Executive Summary, Introduction, Project Description, Air Quality, Greenhouse Gases, Climate Change and Energy, and Other CEQA- Related Topics) of the Draft EIR, and on March 21, 2025, the City published a Recirculated Draft EIR containing the modified sections. The comment period on the Recirculated Draft EIR closed on May 5, 2025. On June 18, 2025, the City published the Final EIR / Response to Comments (RTC Document) containing responses to all comments received on the Draft EIR and Recirculated Draft EIR, along with minor revisions to the Draft EIR documents based on the comments received. The RTC Document also includes a full timeline of the entire EIR process, and a record of all comments received on the Draft EIR and Recirculated Draft EIR. Together, the Draft EIR, the Recirculated Draft EIR, and the RTC Document comprise the Final EIR for the Project. The entire EIR can be found in Attachment B, Exhibit 1.

The analyses of potential environmental effects in the EIR results in the conclusion that some impacts of the proposed project are potentially significant and unavoidable. These include the following:

- Aesthetics and Visual Resources
- Agricultural Resources
- Transportation and Circulation
- Cumulative Impacts

The State Guidelines for CEQA provide that “no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.” (Guidelines, § 15091)

The required findings must be supported by substantial evidence in the record. CEQA requires that a lead agency (the City) balance the benefits of a project against its unavoidable environmental risk in determining whether to approve the project. If the lead agency determines that the “economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits,” outweigh the unavoidable adverse effects, those effects may be considered acceptable pursuant to CEQA Guidelines Section 15093(a). If a lead agency intends to approve a project that may have significant and unavoidable adverse effects, it must state in writing the specific reasons for its approval, which reasons must be based on substantial evidence in the administrative record for the project. The lead agency’s written reasons are referred to as a Statement of Overriding Considerations. These above-referenced findings and the Statement of Overriding Considerations are referred to herein as the “CEQA Findings”, and can be found in Attachment B, Exhibit 2. In addition, as required by Section 15097 of CEQA’s implementing regulations, the City has prepared a Mitigation Monitoring and Reporting Program (“MMRP”) to ensure that, if the Project is approved, the mitigation measures in the EIR will be implemented appropriately. The MMRP can be found in Attachment B, Exhibit 3.

## **SUMMARY**

This agenda item involves making recommendations to the City Council regarding certifying an EIR, annexing approximately 21.92 acres into the City limits and pre-zoning both properties as Light Industrial (M-1) [16286 West Schulte Road, Assessor’s Parcel Number 209-230-25 & 16310 West Schulte Road, Assessor’s Parcel Number 209-230-26], and approving a

Development Review Permit for construction of a 217,466 square foot industrial warehouse building located at 16286 West Schulte Road, Assessor's Parcel Number 209-230-25.

Prepared by: Victoria Lombardo, Senior Planner

Reviewed by: Scott Claar, Planning Manager

Approved by: Forrest Ebbs, Director of Community and Economic Development

**ATTACHMENTS**

Attachment A – Location Map

Attachment B – Proposed City Council Resolution Certifying Environmental Impact Report and Statement of Overriding Considerations and Approving, LAFCo Petition and Development Review Permit

Exhibit 1 - Environmental Impact Report (Including Notice of Preparation, Draft EIR, Recirculated Draft EIR and Final EIR (Response to Comments))

Exhibit 2 - CEQA Findings

Exhibit 3 – Mitigation Monitoring and Reporting Program (MMRP)

Exhibit 4 - Development Review Plan Set

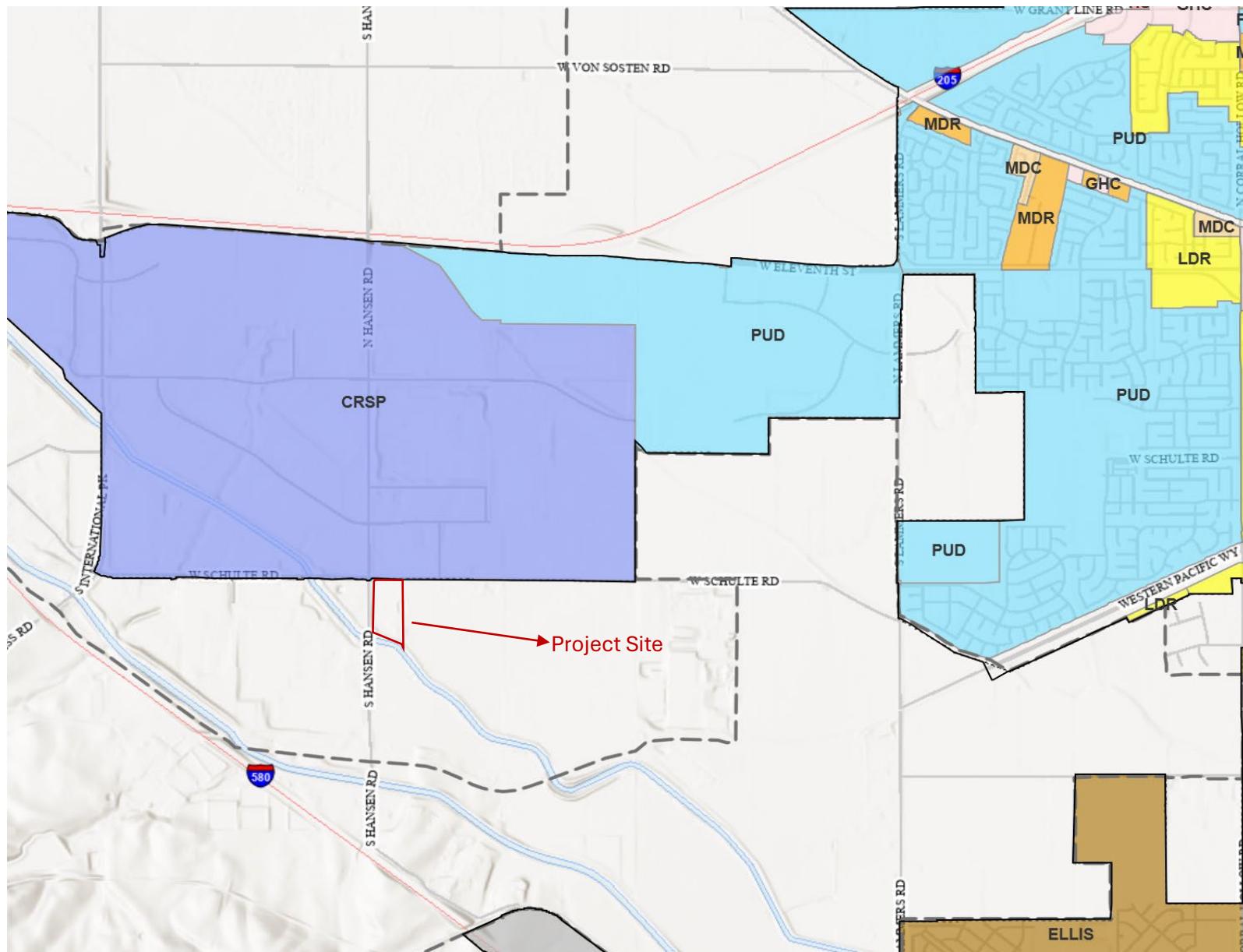
Exhibit 5 - Development Review Permit Findings

Exhibit 6 – Development Review Conditions of Approval

Attachment C – Proposed City Council Ordinance for Prezoning

Exhibit 1 - Prezoning Findings

Attachment D – Proposed Planning Commission Resolution with Recommendations



APPROVED AS TO FORM

CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION 2025-\_\_\_\_\_

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1. CERTIFYING AN ENVIRONMENTAL IMPACT REPORT, ADOPTING FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PLAN FOR THE ANNEXATION OF 21.92-ACRE PROPERTIES LOCATED AT 16286 AND 16310 WEST SCHULTE ROAD BEARING ASSESSOR'S PARCEL NUMBERS 209-230-25 AND 209-230-26, AND DEVELOPMENT OF AN INDUSTRIAL BUILDING ON A 20.92 ACRE PROPERTY LOCATED AT 16286 WEST SCHULTE ROAD BEARING ASSESSOR'S PARCEL NUMBER 209-230-25 , ALL IN ACCORDANCE WITH THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND
2. APPROVING A DEVELOPMENT REVIEW PERMIT FOR THAT CERTAIN DEVELOPMENT PROPERTY 20.92-ACRE PROPERTY LOCATED AT 16286 WEST SCHULTE ROAD BEARING ASSESSOR'S PARCEL NUMBER 209-230-25 TO TAKE EFFECT ON THE FIRST DAY FOLLOWING THE EFFECTIVE DATE OF THE SAN JOAQUIN COUNTY LOCAL AGENCY FORMATION COMMISSION'S APPROVAL OF THE ANNEXATION OF THE COMBINED PROPERTY TO THE CITY OF TRACY; AND
3. APPROVING THE SUBMITTAL OF A PETITION TO THE SAN JOAQUIN COUNTY LOCAL AGENCY FORMATION COMMISSION FOR THE ANNEXATION OF THE COMBINED PROPERTY TO THE CITY OF TRACY.

**WHEREAS**, on August 16, 2021, the City received applications from the owners of the Property asking the City to submit a petition to LAFCo to annex the two properties located at 16286 West Schulte Road, Assessor's Parcel Number 209-230-25 [20.92 acres] and 16310 West Schulte Road, Assessor's Parcel Number 209-230-26 [1 acre] ("Combined Property") to the City of Tracy, to prezone the Combined Property to Light Industrial (M-1) pursuant to Tracy Municipal Code ("TMC") Section 10.08.970, and to approve a Development Review Permit for the subject development property located at 16286 West Schulte Road, Assessor's Parcel Number 209-230-25, ("Development Property") pursuant to Article 30 of Chapter 10.08 of the TMC (collectively, the "**Project**"); and

**WHEREAS**, the Combined Property is located within the City's Sphere of Influence ("SOI") and is designated for Industrial uses in the City's General Plan; and

**WHEREAS**, to support its processing of the applications, and pursuant to the requirements of CEQA, the City conducted an environmental analysis of the proposed Project, resulting in the completion of an Environmental Impact Report bearing State Clearinghouse Number 2023120437 (the "**EIR**") (**Exhibit 1**); and

**WHEREAS**, based on the analyses in the EIR, and pursuant to Sections 15091 and 15093 of CEQA's implementing regulations (14 Cal. Code Regs. §§ 15000—15387) (the "CEQA Guidelines"), the City prepared certain findings and a statement of overriding considerations (together, the "CEQA Findings") (Exhibit 2) and also prepared a Mitigation Monitoring and Reporting Plan (the "MMRP") (Exhibit 3) pursuant to Section 15097 of the CEQA Guidelines; and

**WHEREAS**, on July 23, 2025, the City's Planning Commission held a public hearing to review and consider the Project applications and all materials and evidence relating to the Project applications, including the EIR, the CEQA Findings, the Statement of Overriding Considerations, and the MMRP, and voted to recommend that the City Council certify the EIR and approve the Project; and

**WHEREAS**, on September 2, 2025, the City Council held a duly-noticed public hearing to review and consider the Project applications and all materials and evidence relating to the Project applications, including the EIR, the CEQA Findings, the Statement of Overriding Considerations, and the MMRP.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TRACY:**

**Section 1 RECITALS.** The City Council hereby finds and determines the foregoing recitals are true and correct and are hereby incorporated herein as findings and determinations of the City.

**Section 2 CEQA COMPLIANCE.** The City Council, based on its independent judgment and analysis, has reviewed and considered the proposed Project and determined, based on the whole record before it, including the EIR, that the proposed Project will have a significant effect on the environment, and hereby makes the CEQA Findings, including approval of a Statement of Overriding Considerations, as set forth in Exhibit 2, and hereby certifies the EIR as set forth in Exhibit 1, and hereby adopts the MMRP as set forth in Exhibit 3, in full compliance with the requirements of CEQA for the Project.

**Section 3. DEVELOPMENT REVIEW PERMIT AND EFFECTIVE DATE.** Based on the findings set forth in **Exhibit 4** hereto, the City Council hereby approves Development Review Permit (D21-0020), which approval is subject to the applicant's full and complete compliance with the Conditions of Approval set forth in **Exhibit 5** hereto; provided, however, that the approval of this Development Review Permit shall not be effective until the first day following the effective date of LAFCo's approval of the annexation of the Combined Property to the City, such that the Development Property is subject to the land use jurisdiction of the City of Tracy. This approval shall also not take effect if the concurrently adopted Ordinance No. \_\_\_\_\_ approving the Combined Property's rezoning as Light Industrial (M-1) does not take effect.

**Section 4 PETITION TO LAFCo.** The City Council hereby grants the applicants' request to submit a petition to LAFCo to annex the Combined Property to the City of Tracy and directs the City Manager to prepare and submit said application.

\*\*\*\*\*

The foregoing Resolution 2025-\_\_\_\_\_ was adopted by the City Council of the City of Tracy on September 2, 2025, by the following vote:

AYES: COUNCIL MEMBERS:  
NOES: COUNCIL MEMBERS:  
ABSENT: COUNCIL MEMBERS:  
ABSTENTION: COUNCIL MEMBERS:

---

DAN ARRIOLA  
Mayor of the City of Tracy

ATTEST: \_\_\_\_\_

APRIL QUINTANILLA  
City Clerk

Date of Attestation: \_\_\_\_\_

Exhibit 1 – EIR  
Exhibit 2 – CEQA Findings  
Exhibit 3 – MMRP  
Exhibit 4 – Development Review Plan Set  
Exhibit 5 – Findings to support approval of Development Review Permit  
Exhibit 6 – Conditions of Approval for Development Review Permit

## **Exhibit 1**

### **Environmental Impact Reports**

This exhibit is too large to include in the packet.

The exhibit has been provided separately or is available on the City of Tracy's website:

<https://www.cityoftracy.org/government/boards-and-commissions/planning-commission>

## FINDING OF FACT / STATEMENT OF OVERRIDING CONSIDERATION

FOR THE

**SCHULTE ROAD WAREHOUSE PROJECT**  
(SCH # 2023120437)

JUNE 2025

*Prepared for:*

City of Tracy  
Planning Division  
333 Civic Center Plaza  
Tracy, CA 95376

*Prepared by:*

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

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





# FINDING OF FACT / STATEMENT OF OVERRIDING CONSIDERATION

FOR THE

## SCHULTE ROAD WAREHOUSE PROJECT (SCH # 2023120437)

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**FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS**

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## FINDINGS FOR THE SCHULTE ROAD WAREHOUSE

REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT  
(Public Resources Code, § 21000 et seq.)

### I. INTRODUCTION

The California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.) requires the City of Tracy (City), as the CEQA lead agency, to: 1) make written findings when it approves a project for which an environmental impact report (EIR) was certified, and 2) identify overriding considerations for significant and unavoidable impacts identified in the EIR. (Pub. Resources Code, § 21081.)

This document explains the City's findings regarding the significant and potentially significant impacts identified in the EIR prepared for the Schulte Road Warehouse project (Project) and the City decision-makers' ultimate determinations of the feasibility of the project alternatives considered in the EIR. The statement of overriding considerations in Section VII, below, identifies the economic, social, technical, and other benefits of the Project that the City decision-makers have determined override any significant environmental impacts that would result from the Project.

As required under CEQA, the Final EIR describes the Project, adverse environmental impacts of the Project, and mitigation measures and alternatives that would substantially reduce or avoid those impacts. The information and conclusions contained in the EIR reflect the City's independent judgment.

The Final EIR (which includes all comments on the Draft EIR and the Recirculated Draft EIR (RDEIR), the City's written responses to those comments, and the City's revisions to the Draft EIR, and which incorporates by reference the Draft EIR and the RDEIR), for the Project examined the proposed Project and three alternatives to the Project including: (1) No Project (No Build) Alternative; (2) Truck Parking Alternative; and (3) Reduced Project Alternative.

The Findings and Statement of Overriding Considerations are presented for adoption by the City Council, as the City's findings under CEQA and the CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.) relating to the Project. The Findings provide the written analysis, substantial evidence, and conclusions of this City Council regarding the Project's environmental impacts, mitigation measures, and alternatives to the Project, as well as the overriding considerations, which in this City Council's view, justify approval of the Project, despite its environmental effects.

## II. GENERAL FINDINGS AND OVERVIEW

### Project Overview

The Project site includes two distinct planning boundaries defined below. The following terms are used throughout the Draft EIR and RDEIR to describe the planning boundaries within the Project site:

- **Project Site (or Annexation Area)** – totals 21.92 acres and includes: (1) the proposed 20.92-acre Development Area (APN 209-230-250), and (2) the 1.00-acre Williams Communication Parcel along West Schulte Road (APN 209-230-260), which would not be developed as part of the proposed Project.
- **Development Area** – includes a 20.92-acre parcel (APN 209-230-250) that is intended for the development of up to 217,466-square foot (sf) of warehouse and office uses.

The Project would include the construction and subsequent operation of a 217,466-square-foot (sf) warehouse building. The 217,466-sf warehouse would include 206,593 sf of warehouse uses and 10,873-sf of office space. The City's General Plan land use designation for the project site is Industrial. Specific uses allowed in the industrial category range from flex/office space to manufacturing to warehousing and distribution. Although the tenants of the proposed warehouse are unknown at this time, this analysis assumes that business operations could occur 24 hours per day. No cold storage facilities or uses will be allowed on-site.

The proposed warehouse would include 31 dock level doors on the eastern side of the building. The maximum height of the one-story warehouse would be 42.6 feet, with the majority of the building at 40 feet. Landscaping would be provided throughout the site.

The principal objective of the proposed Project is development of the Development Area with a one-story, 217,466 sf warehouse building and a surface parking lot. Such development will require the demolition of three single-family residences and six ancillary structures within the Development Area.

The entire Project site is designated as Agriculture by San Joaquin County's General Plan Land Use Map and is zoned as AG-40 Agriculture by the County. The site currently has a City General Plan land use designation of Industrial (I). The San Joaquin County Local Agency Formation Commission (LAFCO) will require the Project site to be pre-zoned by the City of Tracy in conjunction with the proposed annexation. The City's pre-zoning will include the Light Industrial (M-1) zoning designation for the Project site. Additionally, the proposed Project would result in the annexation of the Annexation Area into the City of Tracy.

Refer to Chapter 2.0, Project Description, of the RDEIR for a more complete description of the details of the proposed Project.

### PROCEDURAL BACKGROUND

**Notice of Preparation Public Circulation (2023):** The City circulated an Initial Study (IS) and Notice of Preparation (NOP) of an EIR for the proposed Project on December 15, 2023 to the State Clearinghouse, State Responsible Agencies, State Trustee Agencies, Other Public Agencies, Organizations and Interested Persons. A public scoping meeting was held on January 9, 2024 to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The IS, NOP, and comments received on the NOP by interested parties are presented in Appendix A of the Draft EIR. The commenters are provided below.

- State of California Department of Justice (December 20, 2023);
- Jose Antonio Lopez Jr., Chevron Pipe Line Company (January 8, 2024);
- John Dyer, California Highway Patrol (January 10, 2024);
- Central Valley Regional Water Quality Control Board (January 16, 2024);
- Native American Heritage Commission (December 19, 2023);
- San Luis & Delta-Mendota Water Authority (January 11, 2023);
- San Joaquin Council of Governments (December 14, 2023);
- San Joaquin County Environmental Health Department (January 12, 2024);
- San Joaquin County Local Area Formation Commission (December 13, 2023);
- San Joaquin Valley Air Pollution Control District (January 16, 2024).

**Notice of Availability and Draft EIR (2024):** The City published a public Notice of Availability (NOA) for the Draft EIR on August 30, 2024 inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2023120437) and the County Clerk, and was published in a local newspaper pursuant to the public noticing requirements of CEQA. The 45-day public review period for the Draft EIR began on August 30, 2024 and ended on October 14, 2024 at 5:00 p.m.

The Draft EIR contains a description of the Project, description of the environmental setting, identification of Project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of Project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less-than-significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

**Notice of Availability and Recirculated Draft EIR (2025):** Upon review of comment letters received on the Draft EIR during the prior (2024) public comment period, the City concluded that portions of the Draft EIR analysis should be revised and expanded to address issues raised in comment letters. Specifically, the City determined that the greenhouse gas analysis and air quality analysis should be revised, and that an analysis of potential energy-related impacts should be included in the EIR. These revisions and additional analysis have been prepared in response to letters received from the

## CEQA FINDINGS

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Sierra Club (October 3, 2024) and the Golden State Environmental Justice Alliance (October 9, 2024). The RDEIR includes revisions to the air quality and greenhouse gas emissions analysis that address the issues raised in the above-referenced comment letters. The RDEIR also includes a discussion of the Project's energy impacts, which was not included in the Draft EIR. The revised analysis in Sections 3.3, Air Quality, and 3.7, Greenhouse Gases, Climate Change and Energy, of the RDEIR fully address the comments received on these topics for the (2024) Draft EIR.

In accordance with CEQA Guidelines Section 15088.5 (c), if a Draft EIR is recirculated to publish revisions based on the comments received, and the revisions are limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that contain significant new information. The RDEIR includes the following chapters:

- Chapter ES: Executive Summary
- Chapter 1.0: Introduction
- Chapter 2.0: Project Description
- Section 3.2: Air Quality
- Section 3.7: Greenhouse Gases, Climate Change and Energy
- Chapter 4.0: Other CEQA-Required Topics

These chapters substitute for and supersede those contained in the previously-circulated Draft EIR. Those chapters and sections of the previously-circulated Draft EIR that are not listed above remain valid and are operative and effective parts of the overall EIR. Because some of the Project's air quality, greenhouse gas emissions, and energy impacts are more severe than evaluated in the Draft EIR, the significance determinations for some impacts have changed compared to those in the Draft EIR.

Upon completion of the RDEIR, the City published a public NOA for the RDEIR on March 21, 2025 inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2023120437) and the County Clerk, and was published in a local newspaper pursuant to the public noticing requirements of CEQA. The 45-day public review period for the RDEIR began on March 21, 2025 and ended on May 5, 2025 at 5:00 p.m.

During the 2024 Draft EIR comment period, the City received eight comment letters regarding the Draft EIR from public agencies and other parties. During the 2025 RDEIR comment period, the City received five comment letters regarding the RDEIR from private companies and other parties. All of these comment letters are identified in Table 2.0-1 of the Final EIR document.

As explained in the RDEIR, under CEQA, the City has no obligation to respond to comments on those chapters of the Draft EIR that were superseded by replacement chapters in the RDEIR. However, in the interest of full disclosure and robust public review, the City opted to prepare written responses to all comments received on the Draft EIR, including those directed at superseded chapters. To be meaningful, the responses to such comments are framed so as to respond to the issues presented in the subject comments within the Final EIR as a whole, including the data in the later-published, superseding RDEIR chapters. Therefore, the Final EIR contains written responses to all of the written comments received on the Draft EIR and the RDEIR during their respective public comment periods.

**Final EIR:** There were eight comment letters on the Draft EIR that were submitted to the City during the 45-day public review period:

- California Department of Fish and Wildlife (October 14, 2024);
- Golden State Environmental Justice Alliance (October 9, 2024);
- San Joaquin Council of Governments, Inc. (September 4, 2024);
- San Joaquin County Environmental Health Department (October 7, 2024);
- San Joaquin LAFCO (October 7, 2024);
- San Joaquin Valley Air Pollution Control District (October 14, 2024);
- San Luis & Delta-Mendota Water Authority (October 3, 2024);
- Sierra Club, Delta-Sierra Group (October 3, 2024).

There were five comment letters on the RDEIR that were submitted to the City during the 45-day public review period:

- California Department of Conservation (April 29, 2025);
- Chevron (April 23, 2025);
- Pacific Gas and Electric (April 25, 2025);
- San Joaquin County Environmental Health Department (April 3, 2025);
- San Joaquin Valley Air Pollution Control District (May 5, 2025).

In accordance with CEQA Guidelines Section 15088, the Final EIR responds to the comments received during the public review period. The Final EIR also contains minor edits to the Draft EIR, which are included in Chapter 3.0, Errata.

The comments received did not provide evidence of any new significant impacts or “significant new information” that would require a second recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

### RECORD OF PROCEEDINGS AND CUSTODIAN OF RECORD

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City’s findings and determinations consists of the following documents and testimony, at a minimum:

- The NOP, comments received on the NOP, and all other public notices issued by the City in relation to the Project (e.g., NOA).
- The Draft EIR, RDEIR, and Final EIR, including comment letters, and technical materials cited in the documents.
- All non-draft and/or non-confidential reports and memoranda prepared by the City and consultants in relation to the EIR.
- Minutes and transcripts of the discussions regarding the Project and/or Project components at public hearings held by the City.
- Staff reports associated with City Council meetings on the Project.
- Those categories of materials identified in Public Resources Code § 21167.6(e).

## CEQA FINDINGS

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The City Clerk is the custodian of the administrative record. The documents and materials that constitute the administrative record are available for review at the City of Tracy, 333 Civic Center Plaza, Tracy, CA 95376, or online at:

<https://www.cityoftracy.org/our-city/departments/planning/specific-plans-environmental-impact-reports-and-initial-studies/-folder-481>

### FINDINGS REQUIRED UNDER CEQA

Public Resources Code § 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” Further, the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” (*Id.*) Section 21002 also provides that “in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles established by the Legislature in Public Resources Code § 21002 are implemented, in part, through the requirement in Public Resources Code § 21081 that agencies must adopt findings before approving projects for which an EIR is required.

CEQA Guidelines § 15091 provides the following direction regarding findings:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
  - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
  - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(See also Public Resources Code, § 21081, subd. (a)(1)-(3).)

As defined by CEQA, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors. (Pub. Resources Code, § 21061.1; see also CEQA Guidelines, § 15126.6(f)(1) [determining the feasibility of alternatives].) The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (See *Association of Irritated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1400 [court upholds findings rejecting a “reduced herd” alternative to a proposed dairy as infeasible because the alternative failed to meet the “fundamental objective” of the project to produce milk]; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1508 [agency decision-makers, in rejecting alternatives as infeasible, appropriately relied on project objective articulated by project applicant].) Moreover, “feasibility” under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; see also *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001-1002.)

With respect to a project for which significant impacts cannot be feasibly avoided or substantially lessened, a public agency may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons that the project’s benefits outweigh its significant unavoidable adverse environmental effects. (Pub. Resources Code, §§ 21001, 21002.1(c), 21081(b).)

CEQA Guidelines § 15093 provides the following direction regarding a statement of overriding considerations:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to § 15091.

## CEQA FINDINGS

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### MITIGATION MONITORING PROGRAM

A Mitigation Monitoring Program has been prepared for the Project and, if the Project is approved, will be adopted concurrently with these Findings. (See Pub. Resources Code, § 21081.6, subd. (a)(1).) The City will use the Mitigation Monitoring Program to track compliance with Project mitigation measures.

### CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

In adopting these Findings, this City Council finds that the Final EIR was presented to this City Council, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR prior to approving the Project. By these findings, this City Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Final EIR. The City Council finds that the Final EIR was completed in compliance with CEQA. The Final EIR represents the independent judgment and analysis of the City.

### SEVERABILITY

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

## III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

### A. AESTHETICS AND VISUAL RESOURCES

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1. IMPACT 3.1-1: PROJECT IMPLEMENTATION MAY RESULT IN SUBSTANTIAL ADVERSE EFFECTS ON SCENIC VISTAS.
  - (a) Potential Impact. The potential for the Project to result in substantial adverse effects on scenic vistas is discussed on pages 3.1-8 through 3.1-10 of the Draft EIR and determined to be significant.
  - (b) Mitigation Measures. No feasible mitigation measures were identified.
  - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
    - (1) Remaining Impacts. The Project site is not designated as a scenic vista by the City of Tracy General Plan or the San Joaquin County General Plan, nor does it contain any unique or distinguishing features that would qualify the site for designation as a scenic vista. However, as noted previously, most of Tracy's scenic vistas and corridors are associated with the open space and agricultural resources of the surrounding Sphere of Influence (SOI) and Planning Area, and are a valued local

asset for the community. The surrounding farming and grazing lands, and grassy hillsides of the Diablo coastal range, serve to situate the City in its local environment and landscape, and provide a reminder of its agricultural heritage.

Implementation of the proposed Project would change the existing visual character of the site from vacant agricultural land to industrial uses. The proposed Project would result in the conversion of the vacant land in the northern portion of the Project site, which would contribute to changes in the regional landscape and visual character of the area. In order to reduce visual impacts, development within the Project site is required to be consistent with the General Plan and the Tracy Zoning Ordinance which includes design standards in order to ensure quality and cohesive design of the Project site and ensure the public views from the transportation corridors would be of high quality. These standards include specifications for building height, massing, and orientation; exterior lighting standards and specifications; and landscaping standards. Implementation of the design standards would ensure quality design throughout the Project site, and result in a Project that would be internally cohesive while maintaining aesthetics similar to surrounding uses.

Nevertheless, the loss of the visual appearance of the existing agricultural land on the site would change the visual character of the Project site in perpetuity. Because the City's General Plan EIR considers public views of agricultural lands to be scenic resources and vistas to be local assets, and the proposed Project includes vacant agricultural land, this is considered a significant and unavoidable impact. There is no additional feasible mitigation available that would reduce this impact to a less than significant level.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
- (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts to scenic vistas, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

2. IMPACT 4.2: CUMULATIVE DEGRADATION OF THE EXISTING VISUAL CHARACTER OF THE REGION.

- (a) Potential Impact. The potential for the Project to have a cumulative impact on the existing visual character of the region is discussed on pages 4.0-3 and 4.0-4 of the RDEIR.

## CEQA FINDINGS

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- (b) Mitigation Measures. No feasible mitigation measures were identified.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
  - (1) Remaining Impacts. Under cumulative conditions, buildout of the General Plans for Tracy and the surrounding jurisdictions could result in changes to the visual character and quality of the City of Tracy through development of undeveloped areas and/or changes to the character of existing communities. Development of the proposed Project, in addition to other future projects in the area, would change the existing visual and scenic qualities of the City. It is noted that although the Project site is undeveloped and was previously used for agricultural uses, the General Plan designates the site for Industrial uses. Additionally, the surrounding areas to the north, east, south, and west are designated for urban uses (including mainly Industrial uses) by the General Plan. As such, the General Plan and associated EIR anticipated development of the Project area for similar uses as proposed by the Project.

Development within the City would be required to be consistent with the General Plan policies and City Municipal Code, both of which cover aesthetics and visual characteristics. Further, the Municipal Code contains development standards that address the visual character of a development project, such as building height, massing, setbacks, lighting, and landscaping. Although implementation of these requirements would reduce the impacts associated with development, the impacts would remain significant and unavoidable. As such, this is a significant and unavoidable impact, and the Project's contribution to this impact would be cumulatively considerable.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
- (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with cumulative impacts to the existing visual character of the region, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

### B. AIR QUALITY

#### 1. IMPACT 4.5: CUMULATIVE IMPACT ON THE REGION'S AIR QUALITY

- (b) Potential Impact. The potential for the Project to have a cumulative impact on the region's air quality is discussed on pages 4.0-6 and 4.0-7 of the RDEIR.
- (b) Mitigation Measures. No feasible mitigation measures were identified.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
  - (1) Remaining Impacts. As discussed under Impact 3.3-1 in Section 3.3 of the RDEIR, the proposed Project is in conformance with the Air Quality Attainment Plan (AQAP). Since the Project is consistent with the San Joaquin Council of Governments (SJCOG) Regional Transportation Plan & Sustainable Communities Strategy (RTP/SCS), and SJCOG RTP/SCS projections are incorporated into the State Implementation Plan (SIP).

Further, as discussed in Impact 3.3-2 in Section 3.3 of the RDEIR, the proposed Project would not exceed the SJVAPCD thresholds of significance for construction or operational criteria pollutants. As discussed in Impact 3.3-3 of Section 3.3, implementation of the proposed project would not result in a significant increased exposure of sensitive receptors to localized concentrations of TACs, generate substantial exposure to Valley Fever, asbestos or lead-based paint, or create a CO hotspot. Further, the proposed Project does not propose uses that would create new odors that would adversely affect a substantial number of people. The proposed Project also does not introduce any new sensitive receptors. Therefore, operation of the proposed Project would not result in significant objectionable odors.

The increase in industrial square footage anticipated with buildout of the Project is generally consistent with growth projections assumed in the Tracy General Plan for the same time horizon. It is also noted that the proposed Project, as well as future projects in the City and County, will be subject to the requirements of the SJVAPCD. Nevertheless, based on the level of development assumed under the City's General Plan and General Plan EIR, cumulative impacts related to air quality, when considered alongside development projected for General Plan buildout, are anticipated to be significant and unavoidable.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.

## CEQA FINDINGS

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(3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with cumulative impacts to the region's air quality, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

### C. TRANSPORTATION AND CIRCULATION

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1. IMPACT 3.10-1: PROJECT IMPLEMENTATION MAY CONFLICT WITH OR BE INCONSISTENT WITH CEQA GUIDELINES SECTION 15064.3, SUBDIVISION (B).

(a) Potential Impact. The potential for the Project to conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) is discussed on pages 3.10-11 through 3.13-17 of the Draft EIR.

(b) Mitigation Measure. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.10-1.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) Effects of Mitigation and Remaining Impacts. The proposed warehouse building was evaluated using the City of Tracy Draft Vehicle-Miles-Travelled (VMT) Policy Calculator. For the surrounding industrial land use area, the City's draft threshold is 9.4 VMT per employee. The proposed Project is estimated to generate 25 VMT per employee. The proposed Project would exceed the threshold by 166% (Kimley Horn, 2022).

Mitigation Measure 3.10-1, which requires TDM strategies, would be required. Implementation of Mitigation Measure 3.10-1 is feasible because it is within the applicant's purview to implement and the TDM measures have been found effective in previous academic studies. However, the precise effectiveness of specific TDM strategies can be difficult to accurately measure due to a number of external factors such as employee responses to strategies and changes to technology.

As part of Mitigation Measure 3.10-1, the proposed Project would be required to monitor and evaluate the effectiveness of the Project's TDM Plan and provide the results to the City of Tracy. Based on the results of the evaluation, modifications to the TDM Plan may be required by the City in order to improve effectiveness toward achieving the home-based work VMT per worker target.

Based on the above, even with the implementation of Mitigation Measure 3.10-1, the impact would remain significant and unavoidable when compared to the City of Tracy's VMT threshold of significance.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
- (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts related to conflicts with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b), as more fully stated in the Statement of Overriding Considerations in Section VII, below.

2. **IMPACT 4.12: UNDER CUMULATIVE CONDITIONS, THE PROPOSED PROJECT WOULD CONFLICT WITH OR BE INCONSISTENT WITH CEQA GUIDELINES SECTION 15064.3, SUBDIVISION (B).**

- (c) Potential Impact. The potential for the Project to have a cumulative impact related to CEQA Guidelines Section 15064.3, subdivision (b) is discussed on pages 4.0-16 and 4.0-17 of the Draft EIR.
- (b) Mitigation Measure. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.10-1.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
  - (1) Effects of Mitigation and Remaining Impacts. As noted previously, the proposed warehouse building was evaluated using the City of Tracy Draft VMT Policy Calculator. For the surrounding industrial land use area, the City's draft threshold is 9.4 VMT per employee. The proposed project is estimated to generate 25 VMT per employee. Per California Governor's Office of Planning and Research (OPR) guidance, VMT analysis excludes truck trips. As a result, the proposed Project would exceed the threshold by 166% (Kimley Horn, 2022).Mitigation Measure 3.10-1, which requires TDM strategies, would be required. Implementation of Mitigation Measure 3.10-1 is feasible because it is within the applicant's purview to implement and the TDM measures have been found effective in previous academic studies. However, the precise effectiveness of specific TDM strategies can be difficult to accurately measure due to a number of external factors such as employee responses to strategies and changes to technology.

As part of Mitigation Measure 3.10-1, the proposed Project would be required to monitor and evaluate the effectiveness of the Project's TDM Plan and provide the results to the City of Tracy. Based on the results of the evaluation, modifications to

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the TDM Plan may be required by the City in order to improve effectiveness toward achieving the home-based work VMT per worker target.

In order for a specific project to have a less than significant impact related to VMT, the project must demonstrate that per capita VMT would be 15 percent below the regional average. Because future development would likely be equal to the regional average, or above average (or less than average but not fully 15 percent less than average), impacts relate to VMT would be significant and unavoidable. Exceptions to this would be infill projects, or small projects which include VMT reducing strategies. Due to the size of the Project and the fact that the Project exceeds the City threshold by 166 percent, the incremental contribution to this cumulative VMT impact would be cumulatively considerable.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
- (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with cumulative impacts related to CEQA Guidelines Section 15064.3, subdivision (b), as more fully stated in the Statement of Overriding Considerations in Section VII, below.

## IV. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT IMPACTS WHICH ARE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

### A. BIOLOGICAL RESOURCES

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1. IMPACT 3.4-1: THE PROPOSED PROJECT IMPLEMENTATION MAY RESULT IN DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS INVERTEBRATE SPECIES.
  - (a) Potential Impact. The potential for the Project to have direct or indirect effects on special-status invertebrate species is discussed on pages 3.4-26 through 3.4-28 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.4-1.
  - (c) Findings. Special-status invertebrates that occur within the nine-quad region (which includes the following USGS quadrangles: Byron Hot Springs, Clifton Court Forebay,

Union Island, Altamont, Midway, Tracy, Mendenhall Springs, Cedar Mountain, and Lone Tree Creek) for the Project site include: Longhorn fairy shrimp (*Branchinecta longiantenna*), Vernal pool fairy shrimp (*Branchinecta lynchi*), Midvalley fairy shrimp (*Branchinecta mesovallensis*), California linderiella (*Linderiella occidentalis*), Crotch bumble bee (*Bombus crotchii*), Western bumble bee (*Bombus occidentalis*), and Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*). As noted in Table 3.4-2, Longhorn fairy shrimp (*Branchinecta longiantenna*), Vernal pool fairy shrimp (*Branchinecta lynchi*), Midvalley fairy shrimp (*Branchinecta mesovallensis*), and Valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*) are covered species under the SJMSCP.

The Project site is located within the jurisdiction of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (“Plan” or “SJMSCP”) and is located within the Central/Southwest Transition Zone of the SJMSCP. Within the Southwest Transition Zone, the Project site is located in Category C/Pay Zone B. The Category C/Pay Zone B includes parcels containing habitat types classified as Agricultural Habitat Lands which are not otherwise exempt. Applicants pay mitigation fees on a per-acre basis, as established by the JPA, according to the measures needed to mitigate impacts to the various habitat and biological resources. The project applicant would be required to seek coverage under the SJMSCP and would be subject to the Category C/Pay Zone B fees in order to mitigate for any habitat impacts. Coverage involves compensation for habitat impacts on covered species through payment of development fees for conversion of lands that may provide habitat for covered special status species. These fees are used to preserve and/or create habitat in preserves to be managed in perpetuity. In addition, coverage includes incidental take avoidance and minimization measures for species that could be affected as a result of the proposed project. The valley elderberry longhorn beetle, longhorn fairy shrimp, vernal pool fairy shrimp, and midvalley fairy shrimp are covered species under the SJMCP.

The southern portion of the Development Area is currently developed with three single-family residences and six ancillary structures. The remainder of the Development Area consists primarily of ruderal grasses which are regularly disced. The Project site has been historically used for agricultural uses. There are seven documented special-status invertebrates located within the nine-quad region for the Project site. According to the CNDDB records search, there are no documented or observed special-status invertebrate species on the Project site. Additionally, appropriate habitat for these special-status invertebrates were not observed within the Project site or offsite improvement corridors during the field survey and none are expected to be affected by the proposed Project. While there are no special status invertebrate species that are anticipated to be affected by the proposed project, participation in the SJMSCP will provide the coverage for the incidental take of a species if it were to occur. Mitigation Measure 3.4-1 will ensure coverage under the SJMSCP. Therefore, the proposed project would have a less than significant impact on special status invertebrate species.

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In accordance with Public Resources Code, § 21081, Mitigation Measure 3.4-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to have direct or indirect effects on special-status invertebrate species will be mitigated to a less than significant level.

**2. IMPACT 3.4-2: THE PROPOSED PROJECT HAS THE POTENTIAL TO HAVE DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS AMPHIBIAN AND REPTILE SPECIES.**

- (a) Potential Impact. The potential for the Project to have direct or indirect effects on special-status amphibian and reptile species is discussed on pages 3.4-28 through 3.4-33 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.4-1.
- (c) Findings. Special-status amphibians and reptiles that occur within the nine-quad region for the Project site according to the CNDDB include: California tiger salamander (*Ambystoma californiense*), Foothill yellow-legged frog (*Rana boylii*), California red-legged frog (*Rana aurora draytoni*), Western spadefoot (*Spea hammondii*), Northern California legless lizard (*Anniella pulchra*), California glossy snake (*Arizona elegans occidentalis*), Western pond turtle (*Emys marmorata*), San Joaquin coachwhip (*Masticophis flagellum ruddocki*), Alameda whipsnake (*Masticophis lateralis euryxanthus*), and Coast horned lizard (*Phrynosoma blainvillii*). As noted in Table 3.4-2, California tiger salamander (*Ambystoma californiense*), Foothill yellow-legged frog (*Rana boylii*), California red-legged frog (*Rana aurora draytoni*), Western spadefoot (*Spea hammondii*), Western pond turtle (*Emys marmorata*), and San Joaquin coachwhip (*Masticophis flagellum ruddocki*) are covered species under the SJMSCP.

The Project site contains habitat, although low quality in some cases, for California tiger salamander, foothill yellow-legged frog, California red-legged frog, western spadefoot, western pond turtle, and San Joaquin coachwhip. All of these species are covered species under the SJMSCP. Mitigation Measure 3.4-1 requires the Project proponent to obtain coverage under the SJMSCP to mitigate for habitat impacts to covered special status species.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.4-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to have direct or indirect effects on special-status amphibian and reptile species will be mitigated to a less than significant level.

**3. IMPACT 3.4-3: THE PROPOSED PROJECT HAS THE POTENTIAL TO HAVE DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS BIRD SPECIES.**

- (a) Potential Impact. The potential for the Project to have direct or indirect effects on special-status bird species is discussed on pages 3.4-33 through 3.4-35 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.4-1.
- (c) Findings. Special-status birds that are documented in the CNDDB within a ten-mile radius of the Project site include: Cooper's hawk (*Accipiter cooperii*), tricolored blackbird (*Agelaius tricolor*), grasshopper sparrow (*Ammodramus savannarum*), golden eagle (*Aquila chrysaetos*), short-eared owl (*Asio flammeus*), burrowing owl (*Athene cunicularia*), ferruginous hawk (*Buteo regalis*), Swainson's hawk (*Buteo swainsoni*), northern harrier (*Circus hudsonius*), white-tailed kite (*Elanus leucurus*), California horned lark (*Eremophila alpestris actia*), prairie falcon (*Falco mexicanus*), bald eagle (*Haliaeetus leucocephalus*), loggerhead shrike (*Lanius ludovicianus*), song sparrow ("Modesto" population) (*Melospiza melodia*), and least Bell's vireo (*Vireo bellii pusillus*). Least Bell's vireo is not covered by the SJMSCP; the remaining bird species are covered by the SJMSCP.

The Project site may provide suitable foraging habitat for a variety of potentially occurring special-status birds, including those listed above. Potential nesting habitat is present in a variety of trees located within the Project site. There is also the potential for other special-status birds that do not nest in this region and represent migrants or winter visitants to forage on the Project site. As noted previously, Mitigation Measure 3.4-1 requires the Project proponent to obtain coverage under the SJMSCP to mitigate for habitat impacts to covered special status species.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.4-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to have direct or indirect effects on special-status bird species will be mitigated to a less than significant level.

**4. IMPACT 3.4-4: THE PROPOSED PROJECT HAS THE POTENTIAL TO RESULT IN DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS MAMMAL SPECIES.**

- (a) Potential Impact. The potential for the Project to have direct or indirect effects on special-status mammal species is discussed on pages 3.4-35 through 3.4-37 of the Draft EIR.

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- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.4-1.
- (c) Findings. Special-status mammals that occur within the nine-quad region for the Project site according to the CNDB include: Pallid bat (*Antrozous pallidus*), Berkeley kangaroo rat (*Dipodomys heermanni berkeleyensis*), Townsend's big-eared bat (*Eumops perotis californicus*), Western mastiff bat (*Eumops perotis californicus*), hoary bat (*Lasiorus cinereus*), San Joaquin pocket mouse (*Perognathus inornatus*), Riparian brush rabbit (*Sylvilagus bachmani riparius*), American badger (*Taxidea taxus*), and San Joaquin kit fox (*Vulpes macrotis mutica*). As noted in Table 3.4-2, Berkeley kangaroo rat (*Dipodomys heermanni berkeleyensis*), Townsend's big-eared bat (*Eumops perotis californicus*), Western mastiff bat (*Eumops perotis californicus*), San Joaquin pocket mouse (*Perognathus inornatus*), Riparian brush rabbit (*Sylvilagus bachmani riparius*), American badger (*Taxidea taxus*), and San Joaquin kit fox (*Vulpes macrotis mutica*) are covered species under the SJMSCP.

The Project site contains habitat, although low quality in some cases, for Berkeley kangaroo rats, riparian brush rabbit, San Joaquin pocket mouse, American badger, San Joaquin kit fox, and various special-status bats. All of these species are covered species under the SJMSCP. Mitigation Measure 3.4-1 requires the Project proponent to obtain coverage under the SJMSCP to mitigate for habitat impacts to covered special status species.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.4-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to have direct or indirect effects on special-status mammal species will be mitigated to a less than significant level.

### 5. IMPACT 3.4-9: THE PROPOSED PROJECT HAS THE POTENTIAL TO CONFLICT WITH AN ADOPTED HABITAT CONSERVATION PLAN.

- (a) Potential Impact. The potential for the Project to conflict with an adopted Habitat Conservation Plan is discussed on page 3.4-32 through 3.4-34 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.4-1.
- (c) Findings. The proposed Project is subject to the SJMSCP. The proposed Project does not conflict with the SJMSCP. Mitigation Measure 3.4-1 requires participation in the SJMSCP. Therefore, with this mitigation, the proposed Project would have a less than significant impact relative to this topic

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.4-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to conflict with an adopted Habitat Conservation Plan will be mitigated to a less than significant level.

### C. CULTURAL AND TRIBAL RESOURCES

#### 1. IMPACT 3.5-1: PROJECT IMPLEMENTATION HAS THE POTENTIAL TO CAUSE A SUBSTANTIAL ADVERSE CHANGE TO A SIGNIFICANT HISTORICAL RESOURCE, AS DEFINED IN CEQA GUIDELINES §15064.5.

- (a) Potential Impact. The potential to cause a substantial adverse change to a significant historical resource, as defined in CEQA Guidelines §15064.5, is discussed on pages 3.5-12 through 3.5-14 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.5-1 and 3.5-2.
- (c) Findings. Four residences and six buildings used for livestock, processing, and storage are present in the southern half of the Project site, in addition to several small sheds and small animal shelters. Two connected dry ponds are present along the central eastern edge of the property. Aerial photograph summaries indicate that several residences and farm structures potentially date back as early as prior to 1940. All of the residences have been renovated and or remodeled multiple times over the decades. The architectural style of the residences are prevalent throughout the city and rural areas in the Central Valley.

The results of the records search indicated that the Project site does not contain any recorded buildings or structures listed on the State Office of Historic Preservation Historic Property Directory. The records search also noted that the General Land Office Survey Plat does not reference any historic features in the Project site.

As part of the proposed Project, demolition of all on-site structures would be required. Demolition of the existing structures would not result in a noticeable departure from the character of the Project vicinity, and the Project site and vicinity is planned for urban development (largely industrial uses) as part of City planning documents (such as the General Plan and the Cordes Ranch Specific Plan). Additionally, the structures are not known to possess any recognized historical significance and are not known to contribute to the historical character of the vicinity. Therefore, the demolition of the existing residences are not expected to result in a loss of significant historical resources. However, to ensure that the existing residences do not have historic significance,

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implementation of Mitigation Measure 3.5-1 requires adequate documentation and recordation of the existing residence prior to demolition activities.

While the records search found no documented features on-site that could be considered a “historical resource” under Section 15064.5 in the CEQA Guidelines, as with most projects in the region, there is also the potential for discovery of previously unknown historical resources during ground disturbing activities. For the above-stated reasons, the Project will be required to implement Mitigation Measures 3.5-1 and 3.5-2 to reduce the potential impact to historical resources. Implementation of these mitigation measures would result in a less than significant impact on historical resources.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.5-1 and 3.5-2 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to cause a substantial adverse change to a significant historical resource, as defined in CEQA Guidelines §15064.5, will be mitigated to a less than significant level.

**2. IMPACT 3.5-2: PROJECT IMPLEMENTATION HAS THE POTENTIAL TO CAUSE A SUBSTANTIAL ADVERSE CHANGE TO A SIGNIFICANT ARCHAEOLOGICAL RESOURCE, AS DEFINED IN CEQA GUIDELINES § 15064.5, OR A SIGNIFICANT TRIBAL CULTURAL RESOURCE, AS DEFINED IN PUBLIC RESOURCES CODE § 21074.**

- (a) Potential Impact. The potential to cause a substantial adverse change to a significant archaeological resource, as defined in CEQA Guidelines § 15064.5, or a significant tribal cultural resource, as defined in Public Resources Code § 21074, is discussed on pages 3.5-14 and 3.5-15 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.5-2 and 3.5-3.
- (c) Findings. The Project site is located in an area known to have archaeological, cultural, and tribal cultural resources. As noted above, a CHRIS search was requested from the CCIC, which included the project area and a one-half mile radius (CCIC File # 12470L). The results of the record search indicate that the Project site does not contain any formally recorded prehistoric or historic archaeological resources or historic buildings. Three investigations have been conducted that include portions of the Project site. No historic or prehistoric resources have ever been recorded in or in the immediate vicinity of the Project site.

Nine tribal representatives were contacted pursuant to SB 18 and AB 52. To date, no responses or request for tribal consultations have been received. Additionally, as with

most projects in the region that involve ground-disturbing activities, there is also the potential for discovery of a previously unknown archaeological resources and cultural resources, including prehistoric or historic artifacts. Implementation of Mitigation Measures 3.5-2 and 3.5-3 would ensure that the potential impact to archaeological, cultural, and tribal resources is less than significant.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.3-3 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to cause a substantial adverse change to a significant archaeological resource, as defined in CEQA Guidelines § 15064.5, or a significant tribal cultural resource, as defined in Public Resources Code § 21074, will be mitigated to a less than significant level.

### 3. IMPACT 3.5-3: PROJECT IMPLEMENTATION HAS THE POTENTIAL TO DISTURB HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES.

- (a) Potential Impact. The potential for the Project to disturb human remains, including those interred outside of formal cemeteries is discussed on pages 3.5-15 and 3.5-16 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.5-3.
- (c) Findings. Indications suggest that humans have occupied San Joaquin County for over 10,000 years and it is not always possible to predict where human remains may occur outside of formal burials. Therefore, excavation and construction activities, regardless of depth, may yield human remains that may not be interred in marked, formal burials.

Under CEQA, human remains are protected under the definition of archaeological materials as being “any evidence of human activity.” Additionally, Public Resources Code Section 5097 has specific stop-work and notification procedures to follow in the event that human remains are inadvertently discovered during Project implementation.

While no human remains are documented on or near the Project site, implementation of Mitigation Measure 3.5-3 would ensure that all construction activities which inadvertently discover human remains implement state-required consultation methods to determine the disposition and historical significance of any discovered human remains. The following mitigation measure would reduce this impact to a less-than-significant level.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.3-3 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as

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identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to disturb human remains, including those interred outside of formal cemeteries will be mitigated to a less than significant level.

### D. GEOLOGY AND SOILS

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1. IMPACT 3.6-3: THE PROPOSED PROJECT HAS THE POTENTIAL TO BE LOCATED ON A GEOLOGIC UNIT OR SOIL THAT IS UNSTABLE, OR THAT WOULD BECOME UNSTABLE AS A RESULT OF PROJECT IMPLEMENTATION, AND POTENTIALLY RESULT IN LANDSLIDE, LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION OR COLLAPSE.
  - (a) Potential Impact. The potential to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of Project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse is discussed on pages 3.6-14 through 3.6-16 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-1.
  - (c) Findings. The Project site does not have a significant risk of becoming unstable as a result landslide, subsidence, or soil collapse. There is a low potential for liquefaction, liquefaction induced settlement, and lateral spreading. The Preliminary Engineering Geotechnical Report (Wallace-Kuhl & Associates, 2022) determined development of the Project is geotechnically feasible. The Project would be required to be constructed using standard engineering and seismic safety design techniques of the California Building Code, which would further ensure impacts associated with unstable geologic and soil conditions are not significant. Additionally, the Project would be required to comply with California Building Code Title 24, Part 2, Chapter 18, Section 1803.1.1.2, which requires a final geotechnical evaluation be prepared and design recommendations identified to address any soil conditions within the Project site.

According to the Preliminary Engineering Geotechnical Report (Wallace-Kuhl & Associates, 2022), hazardous and unstable soils are not currently found on-site. However, the Report includes preliminary recommendations regarding clearing of existing buildings, building support and foundations, excavation, expansive soils, engineered fill, seasonal moisture, site drainage, and pavement design. Implementation of recommendations identified by the final geotechnical evaluation conducted for the Project site, as required by Mitigation Measure 3.6-1, would reduce potential impacts associated with unstable geology and soils conditions and impacts would be considered less than significant.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.6-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as

identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of Project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse will be mitigated to a less than significant level.

2. IMPACT 3.6-4: THE PROPOSED PROJECT HAS THE POTENTIAL FOR EXPANSIVE SOILS TO CREATE SUBSTANTIAL RISKS TO LIFE OR PROPERTY.

- (a) Potential Impact. The potential for expansive soils to create substantial risks to life or property is discussed on pages 3.6-16 and 3.6-17 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-1.
- (c) Findings. According to the Preliminary Engineering Geotechnical Report (Wallace-Kuhl & Associates, 2022), the near surface clay soils in the Project site exhibit expansion characteristics. Laboratory testing should be performed on near-surface subgrade soils during design level geotechnical exploration and testing to further evaluate the impact of potentially expansive soils that may be encountered at the site. According to the Preliminary Geotechnical Engineering Study (Condor Earth Technologies, Inc., 2020), Laboratory testing of near-surface soils resulted in Plasticity Indices (PI) ranging from 17 to 28. The amount of fine sand in the lean clays varies throughout the site as well. The soils are low to moderately expansive when subjected to fluctuations in moisture content. Therefore, measures to reduce potentially significant impacts related to expansive site soils would be necessary. Measures may include importing non-expansive fill for placement over the subgrade (in fill areas), removing and replacing with non-expansive fill at subgrade level, or using cement or lime treating the upper 12 to 18 inches of the subgrade. In addition, due to the tendency of expansive clays to swell and heave, site drainage would need to be directed away from building footprints to minimize moisture and volume change underneath floor slabs or foundations.

As discussed in Impact 3.6-3, 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. The City of Tracy also requires a geotechnical evaluation be prepared for developments in areas where potentially serious geologic risks exist, such as expansive soils, that address the degree of hazard, design parameters for the project based on the hazard, and appropriate measures be incorporated into the overall design and construction. Pursuant to these existing statutory requirements, a final geotechnical evaluation will be required for the Project.

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Mitigation Measure 3.6-1 requires the incorporation of and compliance with the recommendations in the Preliminary Geotechnical Engineering Study (Condor Earth Technologies, Inc., 2020). For example, engineered fill should be placed in a series of horizontal layers not exceeding 8 inches in loose thickness, uniformly moisture-conditioned, and compacted to achieve a minimum relative compaction of 90 percent of the ASTM D1557 maximum dry density. Non-expansive fill soils should be uniformly moisture conditioned to between 1 and 3 percentage points above the optimum moisture content. Fill soils composed of the documented non-engineered fill and native clays should be uniformly moisture conditioned to between 3 and 5 percentage points above the optimum moisture content. Implementation of recommendations identified by the final geotechnical evaluation conducted for the Project site, as required by Mitigation Measure 3.6-1, would reduce potential impacts associated with unstable geology and soils conditions and impacts would be considered less than significant.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.6-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for expansive soils to create substantial risks to life or property will be mitigated to a less than significant level.

3. IMPACT 3.6-5 THE PROPOSED PROJECT HAS THE POTENTIAL TO DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE OR SITE OR UNIQUE GEOLOGIC FEATURE.
  - (a) Potential Impact. The potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature is discussed on page 3.6-19 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-2.
  - (c) Findings. The Project site is located in an area known to have paleontological resources. The Cordes Ranch Specific Plan EIR, prepared for the 1,780-acres north of the Project site, indicated the University of California Museum of Paleontology (UCMP) database lists five localities north of the Project site, specifically, where Pleistocene vertebrate finds were found in 1948 during construction of the Delta Mendota Canal. These fossils include mammoth/mastodon, horse, pocket gopher, and other unspecified rodents, and unidentified artiodactyl (hoofed mammal) bone. Because the Delta Mendota Canal borders the southern boundary of the Project site, ground disturbing activities have the potential to reveal previously unknown significant paleontological resources, resulting in a potentially significant impact to paleontological resources or unique geologic features.

Implementation of Mitigation Measure 3.6-2 would ensure steps would be taken to reduce impacts to paleontological resources in the event that they are discovered.

during construction. Mitigation Measure 3.6-2 requires that if subsurface deposits believed to be paleontological in origin are discovered during construction, all work must halt within a 200-foot radius of the discovery and a qualified paleontologist must be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.6-2 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature will be mitigated to a less than significant level.

## E. HAZARDS AND HAZARDOUS MATERIALS

1. IMPACT 3.8-1: POTENTIAL TO CREATE A SIGNIFICANT HAZARD THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS OR THROUGH THE REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT.
  - (a) Potential Impact. The potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment is discussed on pages 3.8-15 through 3.8-20 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.8-1 through 3.8-7.
  - (c) Findings. Contractors would be required to comply with Cal-EPA's Unified Program; regulated activities would be managed by San Joaquin County Department of Environmental Health, the designated CUPA for San Joaquin County, in accordance with the regulations included in the Unified Program (e.g., hazardous materials release response plans and inventories, California UFC hazardous material management plans and inventories). Additionally, in the event that hazardous materials are discovered during construction, a Soils Management Plan (SMP) will need to be submitted and approved by the San Joaquin County Department of Environmental Health, as required by Mitigation Measure 3.8-1. The SMP will establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction. Such compliance would reduce the potential for accidental release of hazardous materials during construction of the proposed Project. As a result, it would

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lessen the risk of exposure of construction workers and the public to accidental release of hazardous materials, as well as the demand for incident emergency response.

Any operations that involve the use of hazardous materials would be required to have the hazardous material transported, stored, used, and disposed of in compliance with local, state, and federal regulations. The San Joaquin County Department of Environmental Health is the CUPA for San Joaquin County and is responsible for the implementation of statewide programs within the city including Hazardous Materials Business Plan (HMBP) requirements, among numerous other programs. Additionally, businesses are regulated by Cal/OSHA and are therefore required to ensure employee safety. Specific requirements include identifying hazardous materials in the workplace, providing safety information to workers that handle hazardous materials, and adequately training workers. To further ensure the safety of employees, and reduce the potential for accidental release of hazardous materials into the environment during construction, the applicant must submit a HMBP to San Joaquin County Department of Environmental Health for review and approval prior to bringing hazardous materials onsite, as required by Mitigation Measure 3.8-2.

Development of the Project would involve site grading, excavation for utilities, trenching, backfilling, and the construction of proposed facilities that could result in the exposure of construction workers and the general public to hazardous materials. Like most agricultural and farming operations in the Central Valley, agricultural practices in the area have used agricultural chemicals including pesticides and herbicides as a standard practice. Continuous spraying of crops over many years can potentially result in a residual buildup of pesticides in farm soils. Of highest concern relative to agrichemicals are chlorinated herbicides, organophosphate pesticides, and organochlorine pesticides (OCPs), such as such as Mecoprop (MCPP), Dinoseb, chlordane, dichloro-diphenyltrichloroethane (DDT), and dichloro-diphenyl-dichloroethylene (DDE). Mitigation Measure 3.8-3 requires site-specific soil sampling to determine if chemicals of potential concern associated with the historical agricultural uses at the Project site are present in shallow soil at concentrations that would pose a threat to human health.

As part of the Phase I Environmental Site Assessment (ESA) completed for the Project, debris and septic systems were identified on-site. Mitigation Measure 3.8-4 requires that the on-site septic systems be abandoned and removed. Mitigation Measure 3.8-5 requires that all debris/miscellaneous nonhazardous solid waste observed at the site be collected and disposed at an appropriate Solid Waste/Landfill facility.

Buildout of the Project would involve the demolition of the on-site structures, which were originally constructed in 1972. Given the age of the structures, it is likely that asbestos containing building materials and lead-based paints were used in the construction and/or maintenance of the on-site structures. The potential exists for construction workers to be exposed to these hazardous materials. Pursuant to federal

(NESHAP), state (8 CCR 1529), and county (SJVAPCD rule 4002) regulations, all suspect asbestos-containing materials would either be presumed to contain asbestos or adequate rebuttal sampling would be conducted by an accredited building inspector prior to demolition. Demolition contractors would be required to follow applicable regulations and guidelines set forth by federal, state, and county regulations. Prior to demolition and/or renovation of structures within the Project, asbestos-containing building material and lead-based paint surveys should be conducted, as required by Mitigation Measure 3.8-6. If hazardous materials are determined to be present at concentrations exceeding applicable ESLs, appropriate remediation would need to be implemented in coordination with the San Joaquin County Environmental Health Department.

Lastly, should any on-site water wells be located on-site, Mitigation Measure 3.8-7 requires proper well abandonment measures to be completed under permit and inspection by the San Joaquin County Environmental Health Department.

Implementation of the mitigation measures in Section 3.8 will ensure that these potential impacts are reduced to a less than significant level. In accordance with Public Resources Code, § 21081, Measures 3.8-1 through 3.8-7 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment will be mitigated to a less than significant level.

## F. NOISE

1. IMPACT 3.9-1: THE PROPOSED PROJECT HAS THE POTENTIAL TO GENERATE A SUBSTANTIAL TEMPORARY OR PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN THE VICINITY OF THE PROJECT IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES.
  - (a) Potential Impact. The potential to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies is discussed on pages 3.9-11 through 3.11-15 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.9-1.
  - (c) Findings. During the construction phases of the Project, noise from construction activities would add to the noise environment in the immediate Project vicinity. Based

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upon the Table 3.9-10 data, the proposed Project is predicted to generate construction noise levels of up to 90 dBA at a distance of 50 feet. The closest sensitive receptor to the Project site is approximately 1,300 feet from the center of the Project construction area. At this distance, construction noise would attenuate to approximately 62 dBA.

Compliance with the City's permissible hours of construction, as well as implementing the best management noise reduction techniques and practices (both outlined in Mitigation Measure 3.9-1), would ensure that construction noise would not result in a substantial temporary increase in ambient noise levels that would result in annoyance or sleep disturbance of nearby sensitive receptors. Therefore, with implementation of Mitigation Measure 3.9-1, temporary construction noise impacts would be less than significant.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.9-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies will be mitigated to a less than significant level.

## G. UTILITIES

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1. IMPACT 3.11-5: THE PROPOSED PROJECT HAS THE POTENTIAL TO 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.
  - (a) Potential Impact. The potential to 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 is discussed on pages 3.11-38 and 3.11-39 of the Draft EIR.
  - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.11-1.
  - (c) Findings. The storm water drainage detention basins will be constructed to meet the City of Tracy Standards. Discharge from the basins will be conveyed through controlled flow pumping facilities to existing City of Tracy and main storm drain laterals. It is anticipated that runoff from the Project would be diverted to the proposed detention basin identified as LW-11 in the City's Storm Drain Master Plan, located on City land east of the Project site.

Pursuant to Section 11.34.210 Design Standards of the City's Municipal Code, installation of the Project's storm drain system would be required to conform to the design criteria, standard plans and specifications and the inspection and testing procedures set forth in the applicable City public improvement design standards. Thus, the proposed storm drainage collection and detention system will be subject to the SWRCB and City of Tracy regulations, including: Tracy Municipal Code, Citywide Storm Drain Master Plan Update, 2022; Phase II, NPDES Permit Requirements; NPDES-MS4 Permit Requirements; and LID Guidelines.

Mitigation Measure 3.11-1 requires the Project applicant to install a drainage system that meets this performance standard and, prior to issuance of grading permits, provide a drainage plan and report to the City of Tracy for review and approval. The proposed Project would participate in the implementation of the Citywide Storm Drainage Master Plan through the payment of fees and/or the construction of Master Plan facilities with corresponding credits. With the implementation of Mitigation Measure 3.11-1, drainage impacts would be reduced to less than significant.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.11-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to 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 will be mitigated to a less than significant level.

## V. FINDINGS AND RECOMMENDATIONS REGARDING THOSE IMPACTS WHICH ARE LESS THAN SIGNIFICANT OR LESS THAN CUMULATIVELY CONSIDERABLE

Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the Draft EIR and RDEIR.

**Aesthetics and Visual Resources:** The following specific impacts were found to be less than significant: 3.1-2, 3.1-3, and 3.1-4.

**Agricultural Resources:** The following specific impacts were found to be less than significant: 3.1-1, 3.2-2 and 3.2-3.

**Air Quality:** The following specific impacts were found to be less than significant: 3.3-1, 3.3-2, 3.3-3, and 3.3-4.

**Biological Resources:** The following specific impacts were found to be less than significant: 3.4-5, 3.4-6, 3.4-7, 3.4-8, and 3.4-10.

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**Geology and Soils:** The following specific impacts were found to be less than significant: 3.6-1 and 3.6-2.

**Greenhouse Gases, Climate Change, and Energy:** The following specific impacts were found to be less than significant: 3.7-1 and 3.7-2.

**Hazards and Hazardous Materials:** The following specific impact was found to be less than significant: 3.8-2.

**Noise:** The following specific impact was found to be less than significant: 3.9-2.

**Transportation and Circulation:** The following specific impacts were found to be less than significant: 3.10-2, 3.10-3, and 3.10-4.

**Utilities:** The following specific impacts were found to be less than significant: 3.11-1, 3.11-2, 3.11-3, and 3.11-4.

The Project was found to have a less than cumulatively considerable contribution to specific impacts within the following categories of environmental effects as set forth in more detail in the Draft EIR.

**Aesthetics and Visual Resources:** The following specific impact was found to be less than cumulatively considerable: 4.1 and 4.3.

**Agricultural Resources:** The following specific impact was found to be less than cumulatively considerable: 4.4.

**Air Quality:** The following specific impact was found to be less than cumulatively considerable: 4.5.

**Biological Resources:** The following specific impact was found to be less than cumulatively considerable: 4.6.

**Cultural and Tribal Resources:** The following specific impact was found to be less than cumulatively considerable: 4.7.

**Geology and Soils:** The following specific impact was found to be less than cumulatively considerable: 4.8.

**Greenhouse Gases, Climate Change, and Energy:** The following specific impact was found to be less than cumulatively considerable: 4.9.

**Hazards and Hazardous Materials:** The following specific impact was found to be less than cumulatively considerable: 4.10.

**Noise:** The following specific impact was found to be less than cumulatively considerable: 4.11.

**Transportation and Circulation:** The following specific impacts were found to be less than cumulatively considerable: 4.12 and 4.13.

**Utilities:** The following specific impacts were found to be less than cumulatively considerable: 4.14, 4.15, and 4.16.

The above impacts are less than significant or less than cumulatively considerable for one of the following reasons:

- The EIR determined that the impact is less than significant for the Project;
- The EIR determined that the Project would have a less than cumulatively considerable contribution to the cumulative impact; or
- The EIR determined that the impact is beneficial (would be reduced) for the Project.

## VI. PROJECT ALTERNATIVES

### A. IDENTIFICATION OF PROJECT OBJECTIVES

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An EIR is required to identify a range of reasonable alternatives to the project. The “range of potential alternatives to the project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects.” (CEQA Guidelines Section 15126.6(c).) “Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent).” (CEQA Guidelines Section 15126.6(f)(1).)

The principal objective of the proposed Project is the demolition of three single family residences and six ancillary structures and redevelopment of the Development Area with a one-story, 217,466 sf warehouse building and a surface parking lot.

The City and the Project applicant, Panattoni Development Company, Inc., have identified the following objectives:

- Construct and operate an industrial warehouse facility within one separate building containing ground-level shipping and receiving truck loading docks of sufficient size to efficiently operate for the future tenant(s).
- Annex the property into the City Limits and develop the site with light industrial uses, consistent with the City’s General Plan land use designation for the site.
- Locate an industrial Project in an area with nearby access to a regional roadway network.
- Ensure that the industrial area along West Schulte Road continues to be developed in a visually pleasing manner.
- Increase contributions to the City’s tax base.
- Provide site ingress access for trucks from West Schulte to allow for efficient on-site circulation.

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- Complete the Project on schedule and within budget.

### B. ALTERNATIVES ANALYSIS IN EIR

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The alternatives analysis provides a summary of the relative impact levels of significance associated with each alternative for each of the environmental issue areas analyzed in the Draft EIR. The environmental analysis for each of the alternatives is included in Chapter 5.0.

#### 1. No PROJECT (NO BUILD) ALTERNATIVE:

The **No Project (No Build) Alternative** is discussed on pages 5.0-2 through 5.0-10 of the Draft EIR. Under the No Project (No Build) Alternative development of the Project site would not occur, and the Project site would remain in its current existing condition and not be annexed into the City. The Williams Communications Parcel is currently developed with a low voltage transmission station operated by Williams Communications, Inc. The remainder of the Project site is currently developed with three single-family residences and six ancillary structures while the remainder consists primarily of ruderal grasses which are regularly disced. The No Project (No Build) Alternative would fail to meet the Project objectives identified by the Project applicant.

**Findings:** Environmental benefits of this alternative over the proposed Project include the reduction of impacts to Aesthetics and Visual Resources, Agricultural Resources, Air Quality, Biological Resources, Cultural and Tribal Resources, Geology and Soils, Greenhouse Gases, Climate Change and Energy, Hazards and Hazardous Materials, Noise, Transportation and Circulation, and Utilities.

While the City recognizes the environmental benefits of the No Project (No Build) Alternative, this alternative would not achieve any of the Project objectives. Specifically, this alternative would not: construct and operate an industrial warehouse facility within one separate building containing ground-level shipping and receiving truck loading docks that is of sufficient size to efficiently operate for the future tenant(s); annex the property into the City Limits and develop the site with light industrial uses, consistent with the City's General Plan land use designation for the site; locate an industrial Project in an area with nearby access to a regional roadway network; ensure that the industrial area along West Schulte Road continues to be developed in a visually pleasing manner; increase contributions to the City's tax base; provide site ingress access for trucks from West Schulte to allow for efficient on-site circulation; or complete the Project on schedule and within budget.

Additionally, this alternative would not realize the project benefits of increased industrial areas, additional employment opportunities, or new tax revenue. For all of these foregoing reasons and any one of them individually, this alternative is determined to be infeasible and rejected.

### 2. TRUCK PARKING ALTERNATIVE:

The **Truck Parking Alternative** is discussed on pages 5.0-2, 5.0-3, and 5.0-10 through 5.0-12 of the Draft EIR. The Truck Parking Alternative was developed based on input from City staff and the project applicant. This project alternative would include demolition of the three single-family residences and six ancillary structures and redevelopment of the Development Area with a truck parking facility with truck and trailer parking spaces and restroom facilities (see Figure 5.0-1). The Williams Communication Parcel would not be developed as part of the project alternative.

The parking areas would include approximately four short-term bicycle parking spaces, one standard parking stall, one Americans with Disabilities Act (ADA) accessible parking stall, and 344 truck/trailer parking stalls. The parking areas would be located throughout the Development Area. The restroom facilities would be located in a 636-sf building in the southwestern portion of the site. The facilities would include a waiting area, women's restroom/shower, men's restroom/shower, and a unisex restroom. The maximum height of the restroom facility building would be 14.5 feet.

Site access, landscaping, and utility improvements would be similar to the proposed project. For example, landscaping would be provided throughout the site, and on-site improvements to Hansen Road, including roadway resurfacing improvements and construction of a roundabout at the southwestern site access point, would occur. Utility lines within the project site and adjacent roadways would be extended throughout the project site. Wastewater, water, and storm drainage lines would be connected via existing lines along West Schulte Road. The project alternative would also connect to existing electrical and natural gas infrastructure in the project vicinity along West Schulte Road. Unlike the proposed project, only one access point would be provided off Hansen Road in the southwestern portion of the Development Area.

The same entitlements required for the proposed project would be required for this alternative, including but not limited to pre-zoning, annexation and a Development Review Permit.

The Truck Parking Alternative would fail to meet most of the Project objectives identified by the Project applicant.

**Findings:** Environmental benefits of this alternative over the proposed Project include the reduction and/or slight reduction of impacts to Aesthetics and Visual Resources, Air Quality, Geology and Soils, Greenhouse Gases, Climate Change and Energy, Hazards and Hazardous Materials, Noise, Transportation and Circulation, and Utilities. The remaining resources areas would have equal or similar impacts to the Project.

On balance, the alternative is less desirable than the Project and does not lessen the overall environmental impacts nor provide the same level of benefits as the proposed Project. While the City recognizes the environmental benefits of this alternative, this alternative would not achieve all of the Project objectives. The Project objectives which this alternative does achieve are achieved to a lesser extent than the proposed Project. Because this alternative would not result in construction of a warehouse building,

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objectives one, five, or seven. This would also reduce the tax revenue generation as compared to the Project.

In conclusion, this alternative would not provide any industrial warehousing opportunities for the City. For all of these foregoing reasons and any one of them individually, this alternative is determined to be infeasible and rejected.

### 3. REDUCED PROJECT ALTERNATIVE:

The **Reduced Project Alternative** is discussed on pages 5.0-3, 5.0-4, and 5.0-12 through 5.0-15 of the Draft EIR. Under the Reduced Project Alternative, the proposed Project would be developed with the same types of industrial uses as described in the Project Description, but the industrial square footage would decrease by 25 percent and the amount of developed land would decrease by 25 percent. Under the Reduced Project Alternative, the total Development Area would decrease from approximately 20.92 acres under the proposed Project to approximately 15.69 acres. The remaining 5.23 acres outside of the Reduced Project Alternative area would be located along the southern boundary of the site. The existing home and facilities would still be demolished in order to accommodate a warehouse building.

The amount of industrial uses would decrease from 217,466 square feet (sf) to 163,099 sf. Because the amount of urban development would decrease, the size of the parking areas and storm basins would also decrease. The areas developed with urban uses would be located in the northern portion of the Project site.

**Findings:** Environmental benefits of this alternative over the proposed Project include the reduction or slight reduction of impacts to Aesthetics and Visual Resources, Air Quality, Geology and Soils, Greenhouse Gases, Climate Change and Energy, Hazards and Hazardous Materials, Noise, Transportation and Circulation, and Utilities.

On balance, the alternative is less desirable than the Project and does not provide the same level of benefits as the proposed Project. While the City recognizes the environmental benefits of this alternative, this alternative would not achieve all of the Project objectives. The Project objectives which this alternative does achieve are achieved to a lesser extent than the proposed Project. For example, the Reduced Project Alternative would partially meet the first objective because this alternative would provide an industrial warehouse facility within one separate building containing ground-level shipping and receiving truck loading docks that is of sufficient size to efficiently operate for the future tenant; however, because the size of Development Area and the warehouse building would be reduced by 25 percent compared to the Project, the warehouses may not be a sufficient size for the future tenant and, thus, may not fully meet this objective. Similarly, relating to objective five, the Reduced Project Alternative would increase contributions to the City's tax base. However, because the warehouse building would be reduced by 25 percent compared to the Project under the Reduced Project Alternative, the amount of tax contributions under the Reduced Project Alternative would be less than the Project. On balance, the minor environmental

benefits that might be achieved with this alternative are outweighed, independently and separately, by the reasons described above, and the failure of this alternative to provide the same level of benefits as the Project.

This alternative is also potentially economically unfeasible due to the elimination of approximately one-quarter of the Project site. This landowner, or landowners, would be left with fully or partially undeveloped parcels. For all of these foregoing reasons and any one of them individually, this alternative is determined to be infeasible and rejected.

#### 4. ENVIRONMENTALLY SUPERIOR ALTERNATIVE:

CEQA requires that an environmentally superior alternative be identified among the alternatives that are analyzed in the EIR. If the No Project Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)). The environmentally superior alternative is that alternative with the least adverse environmental impacts when compared to the proposed project.

As shown on Table 5.0-1 of the Draft EIR (on page 5.0-16), a comparison of alternatives is presented. The No Project (No Build) Alternative is the environmentally superior alternative. However, as required by CEQA, when the No Project (No Build) Alternative is the environmentally superior alternative, the environmentally superior alternative among the others must be identified. Therefore, the Truck Parking Alternative and Reduced Project Alternative both rank higher than the proposed Project. The Truck Parking Alternative would have equal impacts in three areas, slightly less impacts in one area, and less impacts in eight areas. The Reduced Project Alternative would have slightly less impacts in six areas and less impacts in five areas. Therefore, the Reduced Project Alternative would be the next environmentally superior alternative. It is noted that the Reduced Project Alternative would not fully meet all of the Project objectives.

It should be noted that the Reduced Project Alternative does not meet all of the Project objectives. This alternative would result in fewer job opportunities for Tracy residents. This would also reduce the tax revenue generation as compared to the Project. While the City recognizes the environmental benefits of the Reduced Intensity Alternative, this alternative would not result in the amount of industrial uses that are identified in the Project objectives under full buildout of the Project site.

For the reasons provided above, this alternative is determined to be infeasible and rejected.

## VII. STATEMENTS OF OVERRIDING CONSIDERATIONS RELATED TO THE SCHULTE ROAD WAREHOUSE FINDINGS

As described in detail in Section III of these Findings, the following significant and unavoidable impacts could occur with implementation of the Project:

- Impact 3.1-1: Project implementation may result in substantial adverse effects on scenic vistas;
- Impact 3.10-1: Project implementation may conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b);

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- Impact 4.2: Cumulative Degradation of the Existing Visual Character of the Region;
- Impact 4.5: Cumulative Impact on the Region's Air Quality; and
- Impact 4.12: Under Cumulative conditions, the proposed Project would conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

The adverse effects listed above, and described in detail in Section III, are substantive issues of concern to the City. However, the City of Tracy has a General Plan that provides for an array of land uses throughout the City that are intended to accommodate the City's needs for growth over the foreseeable future. The proposed Project has been designated with a land use that is intended to generate jobs and tax revenue for the City, while providing industrial opportunities. The proposed Project would provide an increase in local jobs that could be filled by the citizens of Tracy, which could reduce the number of citizens commuting to areas outside of the City. Implementation of the proposed Project would provide job growth to the area. It is anticipated that local employment would be increased to provide administrative, management, and technical services. The proposed Project is expected to require both full-time and part-time employees. Additionally, development of the Project would provide short-term employment opportunities within the construction, engineering, and design field, among others. The actual number of jobs would vary by the actual businesses and types of businesses that locate within the Project site.

Additionally, the proposed Project would generate tax revenue that the City would not otherwise benefit from if the Project was not developed. The job creating uses, additional employment opportunities, and tax benefits discussed above would ultimately improve the overall quality of life in the City of Tracy.

Based on the entire record and the EIR, the City Council has determined that the economic and social benefits of the Project in Tracy outweigh and override the significant unavoidable environmental effects that would result from future Project implementation as more fully described in Section III, Findings and Recommendations Regarding Significant and Unavoidable Impacts. The City Council has determined that any environmental detriment caused by the proposed Project has been minimized to the extent feasible through the mitigation measures identified herein, and, where mitigation is not feasible, has been outweighed and counterbalanced by the significant social, environmental, and land use benefits to be generated within the region. The City Council finds that any one of the benefits set forth above is sufficient by itself to warrant approval of the Project. This determination is based on the findings herein and the evidence in the record. Having balanced the unavoidable adverse environmental impacts against each of the benefits, the City Council hereby adopts this Statement of Overriding Considerations for the above reasons.

## 4.0

## MITIGATION MONITORING AND REPORTING PROGRAM

TABLE 4.0-1: MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
BIOLOGICAL RESOURCES				
Impact 3.4-1: The proposed Project has the potential to have a direct or indirect effect on special-status invertebrate species.	<b>Mitigation Measure 3.4-1:</b> <i>Prior to commencement of any grading activities, the Project proponent shall obtain coverage under the SJMSCP to mitigate for habitat impacts to covered special status species. Coverage involves compensation for habitat impacts on covered species through implementation of incidental take and minimization Measures (ITMMs) and payment of fees for conversion of lands that may provide habitat for covered special status species. These fees are used to preserve and/or create habitat in preserves to be managed in perpetuity. Obtaining coverage for a Project includes incidental take authorization (permits) under the Endangered Species Act Section 10(a), California Fish and Game Code Section 2081, and the MBTA. Coverage under the SJMSCP would fully mitigate all habitat impacts on covered special-status species.</i>	City of Tracy Planning Department San Joaquin Council of Governments	Prior to commencement of any grading activities	
Impact 3.4-2: The proposed Project has the potential to have direct or indirect effects on special-status reptile and amphibian species.	<b>Implement Mitigation Measure 3.4-1.</b>	See Mitigation Measure 3.4-1	See Mitigation Measure 3.4-1	
Impact 3.4-3: The proposed Project has the potential to have direct or indirect effects on special-status bird species.	<b>Implement Mitigation Measure 3.4-1.</b>	See Mitigation Measure 3.4-1	See Mitigation Measure 3.4-1	
Impact 3.4-4: The proposed Project has the potential to result in direct or indirect effects on special-status mammal species.	<b>Implement Mitigation Measure 3.4-1.</b>	See Mitigation Measure 3.4-1	See Mitigation Measure 3.4-1	
Impact 3.4-9: The proposed Project has the potential to conflict with an adopted Habitat Conservation Plan.	<b>Implement Mitigation Measure 3.4-1.</b>	See Mitigation Measure 3.4-1	See Mitigation Measure 3.4-1	
CULTURAL AND TRIBAL RESOURCES				
Impact 3.5-1: Project implementation has the potential to cause a substantial adverse change to a significant historical resource, as defined in CEQA Guidelines §15064.5.	<b>Mitigation Measure 3.5-1:</b> <i>Prior to the demolition of the existing residential structures, a comprehensive evaluation of the structures shall be conducted to identify and document any aspects of historical significance. This evaluation shall be carried out by qualified professionals in cultural resources management or historic preservation, in accordance with the standards of the California Office of Historic Preservation. The assessment</i>	City of Tracy Community Development Department, qualified professional in	Prior to the demolition of the existing residential structures	

## MITIGATION MONITORING AND REPORTING PROGRAM

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ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p><i>shall include, but not be limited to, an examination of architectural features, historical records, oral histories, and any other relevant sources of information to determine the historical significance of the residential structures. The findings from the assessment shall be recorded and documented in accordance with the standards set forth by the California Office of Historic Preservation. This documentation shall be submitted to the City of Tracy Community Development Department for review and approval prior to the issuance of any permits for demolition.</i></p> <p><i>In the event that significant historical or cultural resources are identified, appropriate measures shall be implemented in consultation with the project applicant to mitigate any adverse impacts to these resources to the extent feasible. The applicant shall submit a final report summarizing the implementation of this mitigation measure, including any findings, documentation, and compliance verification activities, to the City of Tracy Community Development Department for cultural resources management.</i></p> <p><b><i>Mitigation Measure 3.5-2:</i></b> <i>If any historical resources, cultural resources, including prehistoric or historic artifacts, or other indications of archaeological resources, are found during grading and construction activities during any phase of the Project, all work shall be halted immediately within a 200-foot radius of the discovery until an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, has evaluated the find(s).</i></p> <p><i>Work shall not continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the NRHP or CRHR; or 3) not a significant Public Trust Resource.</i></p> <p><i>In addition, if the resource(s) identified is cultural or tribal in nature, the Confederated Villages of Lisjan shall be contacted to review and identify the resource, prior to work continuing at the discovery site.</i></p> <ul style="list-style-type: none"> <li>○ <i>If Native American resources are identified, a Native American monitor, following the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites established by the Native American Heritage Commission, would also be required and, if Native American resources are identified, shall be retained at the</i></li> </ul>	<p>cultural resources management or historic preservation</p> <p>City of Tracy Community Development Department, qualified archaeologist, Native American monitor</p>	<p>In the event that significant historical or cultural resources are identified</p> <p>If any historical resources, cultural resources, including prehistoric or historic artifacts, or other indications of archaeological resources, are found during grading and construction activities during any phase of the Project</p>	

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## MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
Impact 3.5-2: Project implementation has the potential to cause a substantial adverse change to a significant archaeological resource, as defined in CEQA Guidelines §15064.5, or a significant tribal cultural resource, as defined in Public Resources Code §21074.	<p><i>Project applicant's expense.</i></p> <p><i>Implement Mitigation Measure 3.5-2.</i></p> <p><b>Mitigation Measure 3.5-3:</b> <i>If human remains are discovered during the course of construction during any phase of the Project, work shall be halted at the site and at any nearby area reasonably suspected to overlie adjacent human remains until the San Joaquin County Coroner has been informed and has determined that no investigation of the cause of death is required. If the remains are of Native American origin, either of the following steps will be taken:</i></p> <ul style="list-style-type: none"> <li><i>The coroner shall contact the Native American Heritage Commission and the Confederated Villages of Lisjan in order to ascertain the Most Likely Descendant (MLD) from the deceased individual. If a MLD is identified, the MLD, with the permission of the owner of the land, or his or her authorized representative, in accordance with the law, may inspect the site discovery site and recommend to the landowner, or his or her representative, means for the treatment or disposition, with appropriate dignity' of the human remains and any associated grave goods. The landowner has no legal obligation to allow the MLD accesses to the property for the purpose of making a recommendation. The MLD must complete their inspection and make their recommendation within 48 hours of their notification by the NAHC. The recommendation may include the scientific removal and analysis of human remains and items associated with Native American burials. The coroner shall make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, which may include obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains.</i></li> <li><i>The landowner shall retain a Native American monitor, and an archaeologist, if recommended by the Native American monitor, and rebury the Native American human remains and any associated grave goods, with appropriate dignity, on the property and in a location that is not subject to further subsurface disturbance when any of the following conditions occurs:</i> <ul style="list-style-type: none"> <li><i>The Native American Heritage Commission and Confederated Villages of Lisjan is unable to identify a</i></li> </ul> </li> </ul>	See Mitigation Measure 3.5-2  City of Tracy Community Development Department, San Joaquin County Coroner, Native American Heritage Commission, Confederated Villages of Lisjan	See Mitigation Measure 3.5-2  If human remains are discovered during the course of construction during any phase of the Project	

## MITIGATION MONITORING AND REPORTING PROGRAM

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ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<ul style="list-style-type: none"> <li>○ <i>descendent.</i></li> <li>○ <i>The descendant identified fails to make a recommendation.</i></li> </ul> <p><i>The City of Tracy or its authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.</i></p>			
Impact 3.5-3: Project implementation has the potential to disturb human remains, including those interred outside of formal cemeteries.	Implement <b>Mitigation Measure 3.5-3.</b>	See Mitigation Measure 3.5-3	See Mitigation Measure 3.5-3	
<b>GEOLOGY AND SOILS</b>				
Impact 3.6-3: The proposed Project has the potential to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of Project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse.	<p><b>Mitigation Measure 3.6-1:</b> All site preparation, grading operations, and construction design shall be conducted in conformance with the recommendations included in the Preliminary Geotechnical Engineering Study – Proposed New One- Story Warehouse Building, 16286 W. Schulte Road [APN: 209-280-250], Tracy, California (Condor Earth Technologies, Inc., 2020). Specific recommendations in the Geotechnical Engineering Report generally address the following:</p> <ol style="list-style-type: none"> <li>1. General grading and site preparation;</li> <li>2. Overexcavation;</li> <li>3. Subgrade Preparation;</li> <li>4. Fill materials;</li> <li>5. Engineered fill placement;</li> <li>6. Lime treatment;</li> <li>7. Excavations;</li> <li>8. Earthwork shrinkage;</li> <li>9. Underground utility trenches;</li> <li>10. Surface drainage control;</li> <li>11. General foundation;</li> <li>12. Shallow foundation design</li> <li>13. Lateral resistance;</li> <li>14. Construction considerations;</li> <li>15. Interior concrete slabs;</li> <li>16. Exterior concrete slabs;</li> <li>17. Retaining walls;</li> </ol>	City of Tracy Building Safety and Fire Prevention Division	Prior to the approval of Project improvement plans	

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	<p>18. Pavements; 19. Corrosion potential.</p> <p><i>Additional site testing and final design evaluation shall be conducted by the Project Geotechnical Consultant to refine and enhance these requirements as part of a final Geotechnical Evaluation. The Project Applicant/Developer shall require the Project Geotechnical Consultant to assess whether the requirements in that report need to be modified or refined to address any changes in the Project features that occur prior to the start of grading. If the Project Geotechnical Consultant identifies modifications or refinements to the requirements, the Project Applicant/Developer shall require appropriate changes to the final Project design and specifications. These requirements shall be incorporated into the final Geotechnical Evaluation.</i></p>			
Impact 3.6-4: The proposed Project has the potential for expansive soils to create substantial risks to life or property.	Implement <b>Mitigation Measure 3.6-1</b> .	See Mitigation Measure 3.6-1	See Mitigation Measure 3.6-1	
Impact 3.6-5 The proposed Project has the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	<p><b>Mitigation Measure 3.6-2:</b> <i>If any paleontological resources are found during grading and construction activities of the Project, all work shall be halted immediately within a 200-foot radius of the discovery until a qualified paleontologist has evaluated the find. A paleontologist is a scientist with an advanced degree (Master's or Doctorate) who studies the history of life on Earth through the fossil record.</i></p> <p><i>Work shall not continue at the discovery site until the paleontologist evaluates the find and makes a determination regarding the significance of the resource and identifies recommendations for conservation of the resource, including preserving in place or relocating on the Project site, if feasible, or collecting the resource to the extent feasible and documenting the find with the University of California Museum of Paleontology. The paleontologist recommendations shall be implemented.</i></p>	City of Tracy Community Development Department, qualified paleontologist	If any paleontological resources are found during grading and construction activities of the Project	
HAZARDS AND HAZARDOUS MATERIALS				
Impact 3.8-1: Potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release	<b>Mitigation Measure 3.8-1:</b> <i>In the event that hazardous materials are encountered during construction, a Soils Management Plan (SMP) shall be submitted and approved by the San Joaquin County Department of Environmental Health. The SMP shall establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction. The approved SMP shall be posted and maintained onsite during construction activities and all construction personnel shall</i>	San Joaquin County Department of Environmental Health	In the event that hazardous materials are encountered during construction	

## MITIGATION MONITORING AND REPORTING PROGRAM

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ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
of hazardous materials into the environment.	<p><i>acknowledge that they have reviewed and understand the plan.</i></p> <p><b><i>Mitigation Measure 3.8-2:</i></b> <i>Prior to bringing hazardous materials onsite, the applicant shall submit a Hazardous Materials Business Plan (HMBP) to San Joaquin County Environmental Health Department (CUPA) for review and approval. If during the construction process the applicant or its subcontractors generates hazardous waste, the applicant must register with the CUPA as a generator of hazardous waste, obtain an EPA ID# and accumulate, ship and dispose of the hazardous waste per Health and Safety Code Ch. 6.5. (California Hazardous Waste Control Law).</i></p> <p><b><i>Mitigation Measure 3.8-3:</i></b> <i>Prior to the issuance of grading permits, the applicant shall hire a qualified consultant to perform site-specific soil sampling to determine if chemicals of potential concern associated with the historical agricultural uses at the Project site are present in shallow soil at concentrations that would pose a threat to human health. In order to achieve this, a soil sampling and analysis workplan shall be submitted for approval by the San Joaquin County Department of Environmental Health prior to the work. The sampling and analysis plan shall meet the requirements of the Department of Toxic Substances Control Interim Guidance for Sampling Agricultural Properties (2008).</i></p> <p><i>If the sampling results indicate the presence of agrochemicals that exceed commercial screening levels, a removal action workplan shall be prepared in coordination with San Joaquin County Department of Environmental Health. The removal action workplan shall include a detailed engineering plan for conducting the removal action, a description of the onsite contamination, the goals to be achieved by the removal action, and any alternative removal options that were considered and rejected and the basis for that rejection. A no further action letter shall be issued by San Joaquin County Department of Environmental Health upon completion of the removal action. The removal action shall be deemed complete when the confirmation samples exhibit concentrations below the commercial screening levels, which will be established by the agencies.</i></p> <p><b><i>Mitigation Measure 3.8-4:</i></b> <i>Prior to the issuance of grading permits or demolition permits, the septic tank shall be abandoned and removed under permit from the San Joaquin County Department of Environmental Health.</i></p>	<p>San Joaquin County Environmental Health Department</p> <p>San Joaquin County Environmental Health Department</p> <p>San Joaquin County Environmental Health Department</p>	<p>Prior to bringing hazardous materials onsite</p> <p>Prior to the issuance of grading permits</p> <p>Prior to the issuance of grading permits or demolition permits</p>	

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## MITIGATION MONITORING AND REPORTING PROGRAM

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
	<p><b>Mitigation Measure 3.8-5:</b> Prior to ground disturbing activities, the applicant shall ensure that all debris/miscellaneous nonhazardous solid waste observed at the site during the Phase 1 Environmental Site Assessment be collected and disposed at an appropriate Solid Waste/Landfill facility.</p> <p><b>Mitigation Measure 3.8-6:</b> Prior to any renovations or demolition of the existing structures within the Project site, surveys shall be conducted for the presence of lead-based paints or products, radon, mold, asbestos containing materials, as recommended by the Phase I ESA (dated November 4, 2020) prepared by ATC for the West Schulte Road property. The intent of the additional testing is to investigate whether any buildings, facilities, or soils contain hazardous materials, including petroleum products, agrichemical (including pesticides, herbicides, diesel, petrochemicals, etc.), asbestos, etc. If asbestos-containing materials and/or lead are found in buildings, an Operations and Maintenance (O&amp;M) Program shall be implemented in order to safely manage the suspect ACMs and LBP located at the subject property, and a California Occupational Safety and Health Administration (Cal/OSHA) certified asbestos containing building materials (ACBM) and lead based paint contractor shall be retained to remove the asbestos-containing materials and lead in accordance with EPA and Cal/OSHA standards. In addition, all activities (construction or demolition) in the vicinity of these materials shall comply with Cal/OSHA asbestos and lead worker construction standards. The ACBM and lead shall be disposed of properly at an appropriate offsite disposal facility.</p> <p><b>Mitigation Measure 3.8-7:</b> Prior to any ground disturbance activities within 50 feet of a well on the Project site, the applicant shall hire a licensed well contractor to obtain a well destruction permit for any wells to be abandoned from the San Joaquin County Environmental Health Department, and properly abandon the on-site well(s) Any related subsurface piping, pursuant to review and approval by the City Engineer and the San Joaquin County Environmental Health Department.</p>	City of Tracy Planning Department	Prior to ground disturbing activities	
NOISE				
Impact 3.9-1: The proposed Project has the potential to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local	<p><b>Mitigation Measure 3.9-1:</b> To reduce potential construction noise impacts during Project construction, the following multi-part mitigation measure shall be implemented for the Project:</p> <ul style="list-style-type: none"> <li>• All construction equipment powered by internal combustion engines shall be properly muffled and maintained.</li> <li>• Quiet construction equipment, particularly air compressors, shall</li> </ul>	City of Tracy Building Safety and Fire Prevention Division	Prior to the approval of Project improvement plans	

## MITIGATION MONITORING AND REPORTING PROGRAM

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ENVIRONMENTAL IMPACT	MITIGATION MEASURE	MONITORING RESPONSIBILITY	TIMING	VERIFICATION (DATE/INITIALS)
general plan or noise ordinance, or applicable standards of other agencies.	<p><i>be selected whenever possible.</i></p> <ul style="list-style-type: none"> <li>• <i>All stationary noise-generating construction equipment such as generators or air compressors shall be located as far as is practical from existing residences. In addition, the Project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the Project site.</i></li> <li>• <i>Unnecessary idling of internal combustion engines shall be prohibited.</i></li> <li>• <i>The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas so as to maximize the distance between construction-related noise sources and noise-sensitive receptors nearest the Project site during all Project construction.</i></li> <li>• <i>Construction shall be limited to 7:00 a.m. to 10:00 p.m.</i></li> <li>• <i>Staging areas on the Project site shall be located in areas that maximize, to the extent feasible, the distance between staging activity and sensitive receptors.</i></li> </ul> <p><i>These requirements shall be noted on the Project improvement plans.</i></p>			
TRANSPORTATION AND CIRCULATION				
Impact 3.10-1: Project implementation would conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).	<p><b><i>Mitigation Measure 3.13-1:</i></b> <i>Prior to commencement of any operational activities, the project proponent shall implement either "Option 1" or "Option 2", as provided in the CEQA Transportation Analysis prepared by Kimley Horn on July 22, 2022. "Option 1" includes a combination of TDM measures plus a VMT Mitigation Banking Fee for the Project to achieve 15% VMT reductions (assuming the VMT Mitigation Banking Fee Program is adopted by the time the proposed project is ready to apply for permits). Alternatively, as described under "Option 2", if the VMT Mitigation Banking Fee Program is not adopted at the time the proposed project is ready to apply for permits, the proposed project would be required to provide TDM measures that fully reduce the VMT by 15%. See Table 2 of the CEQA Transportation Analysis prepared by Kimley Horn for the proposed list of TDM measures under this option.</i></p> <p><i>The TDM Plan shall be submitted to the City for review prior to approval of improvement plans, and the effectiveness of the TDM Plan shall be evaluated, monitored, and revised, if determined necessary by the City. The TDM Plan shall include the TDM strategies that will be implemented during the lifetime of the proposed Project and shall outline the anticipated effectiveness of the strategies. The anticipated effectiveness of the TDM Plan may be monitored</i></p>	City of Tracy Planning Department	Prior to commencement of any operational activities	

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## MITIGATION MONITORING AND REPORTING PROGRAM

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	<p>through annual surveys to determine employee travel mode split and travel distance for home-based work trips, and/or the implementation of technology to determine the amount of traffic generated by and home-based work miles traveled by employees, which shall be determined in coordination with the City. The frequency and duration of the anticipated effectiveness would depend on the ultimate strategy determined in coordination with the City. Additionally, the Project applicant shall pay any VMT banking fee in effect at the time of building permit issuance to secure VMT credits of a total of 15 percent for the subject building, taking into account the stated percent efficacy for the TDM measures above.</p>			
UTILITIES AND SERVICE SYSTEMS				
Impact 3.11-5: The proposed Project has the potential to 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.	<p><b>Mitigation Measure 3.11-1:</b> Prior to the issuance of a building or grading permit, the Project applicant shall submit a drainage plan to the City of Tracy for review and approval. The plan shall include an engineered storm drainage plan that demonstrates attainment of pre-Project runoff requirements prior to release at the outlet canal and describes the volume reduction measures and treatment controls used to reach attainment consistent with the Citywide Storm Drainage Master Plan.</p>	City of Tracy Planning Department	Prior to the issuance of a building or grading permit	

## **Exhibit 4**

### **Development Review**

This exhibit is too large to include in the packet.

The exhibit has been provided separately or is available on the City of Tracy's website:

[https://www.cityoftracy.org/government/boards-and-commissions/planning- commission](https://www.cityoftracy.org/government/boards-and-commissions/planning-commission)

**City of Tracy  
Development Review Permit Findings  
Application Number D21-0020  
City Council – September 2, 2025**

Development Review Permits must meet the requirements set forth in TMC Article 30, including a noticed public hearing. Pursuant to TMC Section 10.08.3960, before approving a Development Review Permit, the City Council must review application materials and public comments submitted prior to or at the public hearing, and consider the following site-specific factors set forth in TMC Section 10.08.3960:

- general site considerations including height, bulk, and size of buildings;
- physical and architectural relationship with the existing and proposed structures;
- site layout, orientation, and location of the buildings and relationships with open areas and topography;
- location and type of landscaping;
- off-street parking areas;
- height, materials, colors and variations in boundary walls, fences, and screen plantings;
- appropriateness of the sign design and exterior lighting; and
- appropriate City utilities, public infrastructure, circulation, and roadway access.

After consideration of the entire record, under TMC Section 10.08.3960, the City Council may approve the Development Review Permit if the facts in the record support the following findings:

- (a) That the proposal increases the quality of the project site, and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy; and
- (b) That the proposal conforms to Chapter 10.08, Zoning Regulations, of the Tracy Municipal Code, the General Plan, any applicable specific plan, the Design Goals and Standards, any applicable Infrastructure Master Plans, and other City regulations.

Therefore, the City Council conducted a noticed public hearing on September 2, 2025, and upon its conclusion, makes the requisite findings for the Development Review Permit based on consideration of the entire record of evidence, including, without limitation, the following:

- (a) The Project increases the quality of the project site and enhances the property in a manner that therefore improves the property in relation to the surrounding area and for the citizens of Tracy, because the proposed warehouse building will be constructed with complementary design and materials to the existing industrial buildings in the area. Additionally, substantial landscaping proposed with project improvements will create a buffer between the right of way and the buildings also adding visual interest and aid in screening.

and
- (b) The Project conforms to all applicable requirements of Chapter 10.08 of the Tracy Municipal Code, the City of Tracy General Plan, the City Design Goals and Standards, the California Building and Fire Codes, and all other applicable City Standards. The Project meets all City requirements for the Light Industrial Zone,

landscaping has been provided for screening and to provide shade for employees, complementary materials consistent with the industrial development in the surrounding area are proposed, a high-quality employee break area will be provided, and all other improvements meet applicable City standards.

**CITY OF TRACY  
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT  
CONDITIONS OF APPROVAL**

Tracy Costco Depot Annex  
Development Review Permit, Application Number D21-0020  
September 2, 2025

**A. General Provisions and Definitions**

**A.1. General.** These Conditions of Approval apply to:

**The Project:** A Development Review Permit, Application Number D21-0020, for the construction of a 217,466 square foot industrial warehouse building and related site improvements on a 20.92-acre site located at 16286 W Schulte Road (APN 209-230-25) (the "Property").

**A.2. Definitions.**

- a. "Applicant" means the owner of the Property, and any person, or other legal entity properly authorized by said owner to serve as the owner's agent for development of the Project on the Property. Such authorization shall be in writing and to the reasonable satisfaction of the Director. "Applicant" shall also mean any person, or other legal entity, defined as "Developer", and the two terms shall be used interchangeably.
- b. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, the City Engineer, or the Community and Economic Development Director, to perform the duties set forth herein.
- c. "City Regulations" means all written laws, rules, and policies established by the City, including without limitation those set forth in the City of Tracy General Plan, the Tracy Municipal Code (TMC), all applicable City ordinances, resolutions, policies, and procedures, including all applicable City Design Documents (including the Standard Plans, Standard Specifications, and relevant Public Facility Master Plans).
- d. "Director" means the Community and Economic Development Director of the City of Tracy, or any other person designated by the City Manager or the Community and Economic Development Director to perform the duties set forth herein.
- e. "Conditions of Approval" shall mean the conditions of approval applicable to the development of the Project on the Property, Application Number D21-0020. The Conditions of Approval shall specifically include all conditions set forth herein.
- f. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer"

shall include all successors in interest.

A.3. **Indemnification.** The City has determined that City, its employees, agents and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs or any other costs arising out of or in any way related to this project approval, or the City's activities conducted pursuant to its processing and approval of this project approval, including any constitutional claim. Accordingly, to the fullest extent permitted by law and as a condition of this approval, the applicant and property owner, and its representative(s), or its successors shall defend, indemnify and hold harmless the City, Its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of this project approval, or the City's activities conducted pursuant to its processing and approval of this project approval, including any constitutional claim. The applicant and property owner, and its representative(s), or its successors shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

A.4. **Compliance with submitted plans.** The Project shall be constructed in substantial compliance with the Project plans received by the Community and Economic Development Department on October 29, 2024 (the "Project Plans"), to the satisfaction of the Director.

A.5. **Payment of applicable fees.** The Applicant shall pay all applicable fees for the project, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the Project.

A.5. **Compliance with laws.** The Applicant shall comply with all laws (federal, state, and local) related to the development of the Project, including, but not limited to:

- The Planning and Zoning Law (Government Code Sections 65000, et seq.),
- the California Environmental Quality Act (Public Resources Code Sections 21000, et seq., "CEQA"),
- the Guidelines for California Environmental Quality Act (California Administrative Code, Title 14, Sections 1500, et seq., "CEQA Guidelines"),
- California Building Code, California Fire Code, and
- City Regulations.

A.6. Pursuant to Government Code section 66020, including section 66020(d)(1), the City hereby notifies the Applicant that the 90-day approval period (in which the Applicant may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has

begun on the date of the conditional approval of this Project. If the Applicant fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Applicant will be legally barred from later challenging any such fees, dedications, reservations, or other exactions.

- A.7. This Development Review Permit, Application Number D21-0020, shall not be effective until the Project site has been annexed into the City limits.
- A.8. Mitigation Measures. The Applicant shall comply with the Mitigation Monitoring and Reporting Program for the Schulte Warehouse Project, adopted by the City Council on September 2, 2025, Resolution No. 2025-\_\_\_\_\_.

**B. Community and Economic Development Department, Planning Division Conditions**

- B.1. Landscaping & Irrigation. Before the approval of a building permit, the Applicant shall provide detailed landscape and irrigation plans consistent with the following to the satisfaction of the Director:
  - B.1.1. Said plans shall comply with the City of Tracy Design Goals & Standards, and TMC Section 10.08.3560 for parking area landscaping. Said plans shall clearly delineate the property line and shall include a planting legend indicating, at minimum, the quantity, planting size, and height and width at maturity.
  - B.1.2. Where trees are planted ten feet or less from a sidewalk or curb, root barriers dimensioned 8 feet long by 24 inches deep shall be provided adjacent to such sidewalk and curb, centered on the tree.
  - B.1.3. Landscape & Irrigation Maintenance. Prior to the issuance of a building permit, the Applicant shall execute a two-year landscape and irrigation maintenance agreement and submit financial security, such as a performance bond, to ensure the success of all on-site landscaping for the term of the agreement. The security amount shall be equal to \$2.50 per square foot of the landscaped area or equal to the actual labor and material installation cost of all on-site landscaping and irrigation.
  - B.1.4. Where landscape planters are parallel and adjacent to the side of vehicular parking spaces, a 12" wide concrete curb shall be placed adjacent to the parking space to allow for pedestrian access to vehicles without damage to the landscape areas.
- B.2. Screening Utilities and Equipment. Before the approval of a building permit, the Applicant shall submit detailed plans that demonstrate the following:
  - B.2.1. All vents, gutters, downspouts, flashing, and electrical conduits shall be internal to the structures and bollards and other wall-mounted or building-attached utilities shall be painted to match the color of the adjacent surfaces or otherwise designed in harmony with the building exterior to the satisfaction of the Director.
  - B.2.2. No roof mounted equipment, including, but not limited to, HVAC units, vents, fans, antennas, sky lights and dishes, whether proposed as part of this application, potential future equipment, or any portion thereof, shall be visible from any public right-of-way to the satisfaction of the Director. Plans to demonstrate such compliance shall be submitted and approved

by the Director prior to the issuance of a building permit.

- B.2.3. All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or screened from view from any public right-of-way, behind structures or landscaping, to the satisfaction of the Community and Economic Development Director.
- B.3. No business identification signs are approved with this development review permit. The Applicant shall obtain a sign permit in accordance with the Tracy Municipal Code Chapter 10.08, Article 35, Signs for all business identification signs.
- B.4. The parking lot lighting shall comply with the minimum requirement of one foot-candle power within the employee parking areas. Prior to final inspection or certificate of occupancy, all exterior and parking lot lighting shall be directed downward or shielded to prevent glare or spray of light into the public rights-of-way, to the satisfaction of the Community and Economic Development Director.
- B.5. Prior to the issuance of a building permit, bicycle parking spaces shall be provided in accordance with Tracy Municipal Code Section 10.08.3510 to the satisfaction of the Community and Economic Development Director.
- B.6. Prior to final inspection of certificate of occupancy, on-site circulation signs shall be installed to the satisfaction of the Community and Economic Development Director.
- B.7. Prior to the issuance of a building permit, a detailed plan of any trash or trash compactor enclosures, shall be submitted, showing a height of at least eight feet with solid metal doors, a solid roof, an interior concrete curb, and exterior materials and colors compatible with the adjacent building exterior, to the satisfaction of the Community and Economic Development Director.
- B.8. Prior to issuance of a building permit, the developer shall provide documentation of compliance with the San Joaquin Valley Air Pollution Control District Rule 9510, Indirect Source Review to the Community and Economic Development Department.
- B.9. Prior to issuance of a building permit, the applicant shall provide details for all on-site fencing. Perimeter fencing of the site shall be comprised of tube steel, masonry, or a combination thereof. The use of chain link fencing may only be allowable along non-street frontage property lines if it is designed in conjunction with the overall site and landscape plan and is not visible from public view. Electronically charged, razor wire, barbed wire, integrated corrugated metal, or plain exposed plastic concrete/PCC fences, vinyl slats, and woven fabric fences are not permitted anywhere on site.
- B.10. No outdoor storage of materials is permitted on the site.
- B.11. Prior to approval of a building permit, the applicant shall submit detailed plans that demonstrate the truck loading areas, dock doors, storage areas, and above-ground utilities will be substantially screened from view from the public right-of-way, to the satisfaction of the Community and Economic Development Director.

B.12. Prior to approval of a building permit, the applicant shall submit detailed plans that show the location and improvements for a high-quality outdoor employee break area to the satisfaction of the Community and Economic Development Director. Such area shall be incorporated as part of site design and should include special paving, tables, benches, shade trees and other amenities that support employee events and serve as an informal gathering space.

B.13. No refrigerated warehouse use is permitted on the site.

## **C. Engineering Conditions of Approval**

### **C.1. General Conditions**

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

- a) "Environmental Impact Report for Schulte Road Warehouse Project", prepared by De Novo Planning Group, dated March 2025, and bearing State Clearinghouse Number 2020080531, as adopted by Council.
- b) Mitigation Measures and Reporting Program for this Project as adopted by Council.
- c) "16286 West Schulte Road Warehouse Traffic Study" prepared by Kimley Horn and Associates, dated March 28, 2025, and any subsequent amendments or updates thereto. ("Traffic Study").
- d) "Sewer Collection System Hydraulic Capacity Analysis" by Black Water Consulting Engineers, dated October 12, 2022, and any amendments or updates thereto ("Sewer Study").
- e) "Hydraulic Evaluation of Schulte Warehouse" prepared by West Yost Associates, Inc., dated February 4, 2022, and any subsequent amendments or updates ("Water Study").

### **C.2. Grading Permit**

Prior to grading permit release, Applicant shall demonstrate conformance to City Design Documents, Tracy Municipal Code (TMC), and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

#### **C.2.1 Grading and Storm Drainage Plans**

Prior to grading permit release, Applicant shall provide On-site Grading and Storm Drainage Plans prepared on a twenty-four (24) inch x thirty-six (36) inch size sheet. These plans shall use the City's Title Block. Plans shall be prepared under the supervision of, and stamped and signed by, a Registered Civil Engineer and Registered Geotechnical Engineer. Applicant shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the plans including signatures by the Fire Marshal, prior to submitting the plans to Engineering for City Engineer's signature. Erosion control measures shall be implemented in accordance with the Plans approved by the City Engineer for all grading work. All grading work not completed before

October 15 may be subject to additional requirements as applicable, to address wet weather conditions specific to the subject site. Plans shall specify all proposed erosion control methods and construction details to be employed and specify materials to be used during and after the construction.

#### Site Grading

- a. Include all proposed erosion control methods and construction details to be employed and specify materials to be used. All grading work shall be performed and completed in accordance with the recommendation(s) of the Project's Geotechnical Engineer. A copy of the Project's Geotechnical Report must be submitted with the Grading and Storm Drainage Plans.
- b. When the grade differential between the Project site and adjacent property(s) exceeds twelve (12) inches, a reinforced concrete or masonry block, or engineered retaining wall is required for retaining soil. The Grading Plan shall show construction detail(s) of the retaining wall or masonry wall. The entire retaining wall and footing shall be constructed on the Property, except as noted below. Structural calculations and associated specifications for all materials shall be submitted with the Grading and Storm Drainage Plans.
- c. Prior to grading permit, Applicant shall appropriate design the Project's boundaries (i.e. CMU walls; slopes to adjacent properties; etc.) to the satisfaction of the City.
- d. An engineered fill may be accepted as a substitute of a retaining wall, if any, subject to approval by the City Engineer. The Grading and Storm Drainage Plans must show the extent of the slope easement(s). The Applicant shall be responsible for obtaining permission from owner(s) of the adjacent and affected property(s). The slope easement must be recorded prior to the issuance of the final building certificate of occupancy.
- e. Grading for the site should be designed such that the Project's storm water can divert and release overland flow to either a public street or to a public storm drainage facility, where no post-construction management practices are required under the State of California Construction General Permit or onsite detention is required to mitigate excess runoff.
- f. Prior to grading permit, Applicant shall submit a drainage report and drainage calculations for the Project site based on the Master Plan criteria, City Design Documents, and starting water surface elevation approved by the City. The drainage study should include, but not limited to:
  - i. A drainage study of the project including diversions, off-site areas that drain onto and/or through the project, and justification of any diversions;
  - ii. When applicable, a drainage study should demonstrate that the proposed drainage patterns will not overload existing storm drains;
  - iii. Detailed drainage studies indicating how the project grading, in conjunction with the drainage conveyance systems including applicable swales, channels, street flows, catch basins, and storm water treatment.

g. If applicable, Applicant shall depict all existing irrigation structure(s), channel(s) and pipe(s) that are to remain or to be relocated or to be removed, if any, after coordinating with the irrigation district or owner of the irrigation facilities on the Grading and Storm Drainage Plans. If there are irrigation facilities including tile drains, that are required to remain to serve existing adjacent agricultural uses, the Applicant shall design, coordinate and construct required modifications to the improvements, if required, to the reasonable satisfaction of the City.

C.1.1 Prior to grading permit, Applicant shall obtain the approval (i.e. recorded easements for slopes, drainage, utilities, access, parking, etc.) of all other public agencies and/or private entities with jurisdiction over the required public and/or private facilities and/or property. Written permission from affected owner(s) will be required to be submitted.

C.1.2 Prior to grading permit, Applicant shall confirm that all existing on-site water well(s), septic system(s), and leach field(s), if any, shall be abandoned or removed in accordance with the City and San Joaquin County requirements. Applicant shall be responsible for all costs associated with the abandonment or removal of the existing well(s), septic system(s), and leech field(s) including the cost of permit(s) and inspection. Applicant shall submit to the City a copy of written approval(s) or permit(s) obtained from San Joaquin County regarding the removal and abandonment of any existing well(s).

C.1.3 Prior to grading permit, Applicant shall pay all applicable Grading Permit fees, which include grading plan checking and inspection fees, and all other applicable fees as required by these Conditions of Approval.

C.1.4 Prior to grading permit, Applicant shall complete appropriate storm water pollution controls. For Projects on property larger than one (1) acre: Prior to the issuance of the Grading Permit, Applicant shall submit to Utilities (stephanie.hiestand@cityoftracy.org) one (1) electronic copy and one (1) hard copy of the Storm Water Pollution Prevention Plan (SWPPP) as submitted in Stormwater Multiple Applications and Reporting Tracker System (SMARTS) along with either a copy of the Notice of Intent (NOI) with the state-issued Wastewater Discharge Identification number (WDID) or a copy of the receipt for the NOI. After the completion of the Project, the Applicant is responsible for filing the Notice of Termination (NOT) required by SWQCB and shall provide the City with a copy of the completed Notice of Termination. Cost of preparing the SWPPP, NOI and NOT including the annual storm drainage fees and the filing fees of the NOI and NOT shall be paid by the Applicant. Applicant shall comply with all the requirements of the SWPPP, applicable Best Management Practices (BMPs) and the Stormwater Post-Construction Standards adopted by the City in 2015 and any subsequent amendment(s).

C.1.5 Prior to grading permit release, Applicant shall provide a PDF copy of the Project's Geotechnical Report signed and stamped by a Registered Geotechnical Engineer. The geotechnical report must include relevant information related to soil types and characteristics, soil bearing capacity, compaction recommendations, retaining wall recommendations, if necessary, paving recommendations, paving calculations such as gravel factors, gravel equivalence, etc., slope recommendations, and elevation of the highest observed groundwater level.

- C.1.6 Prior to grading permit release, Applicant shall provide Hydrologic and Storm Drainage Calculations for the design of the on-site storm drainage system.
- C.1.7 Prior to grading permit release, Applicant shall provide a copy of the approved Incidental Take Minimization Measures (ITMM) habitat survey [San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)] from San Joaquin Council of Governments (SJCOPG).
- C.1.8 Prior to grading permit release, Applicant shall provide a copy of the Approved Fugitive Dust and Emissions Control Plan that meets San Joaquin Valley Air Pollution Control District (SJVAPCD) requirements. All paved surfaces; including, but not limited to, the parking area and aisles, and on-site walkways must be maintained free of litter, debris and dirt. Walkways, parking areas and aisles and drive-through lanes must be swept, washed or vacuumed regularly. When swept or washed, litter, debris and dirt must be trapped and collected to prevent entry to the storm drain system in accordance with NPDES requirements.
- C.1.9 Prior to grading permit release, Applicant shall provide a copy of the Approved Air Impact Assessment (AIA) with an Indirect Source Review (ISR) from San Joaquin Valley Air Pollution Control District (SJVAPCD).
- C.1.10 Prior to grading permit release, Applicant shall remove all existing irrigation structures, channels, tile drains and pipes, if any, if the facilities are confirmed by the irrigation district are no longer required for irrigation purposes.
- C.1.11 Prior to grading permit release, Applicant shall provide written permission from irrigation district to alter said irrigation facilities if said facilities are required to remain to serve existing adjacent agricultural uses. The Applicant will design, coordinate and construct required modifications to the facilities to the satisfaction of the affected agency and the City Engineer. The cost of relocating and/or removing irrigation facilities and/or tile drains is the sole responsibility of the Applicant.
- C.1.12 If at any point during grading the Applicant, its contractor, its engineers, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other paleontological findings, the Applicant shall address the findings as required per the General Plan Cultural Resource Policy and General Plan EIR; and subsequent Cultural Resource Policy or mitigation in any applicable environmental document.
- C.1.13 Prior to grading permit release, Applicant shall demonstrate that runoff originating on the Project site will be managed in a manner that meets stormwater quality standards. The design and construction details of the Project's storm drainage system and stormwater treatment facilities shall meet City regulations and shall comply with the applicable requirements of the Multi-Agency Post-Construction Stormwater Standards Manual, dated June 2015, and any subsequent amendments.
- C.1.14 Prior to grading permit release, Applicant shall provide calculations related to the design and sizing of on-site storm water treatment facilities must be submitted with the Grading and Storm Drainage Plans and approved by City's Stormwater

Coordinator prior to issuance of the Grading Permit for the Project.

- C.1.15 All temporary excavations shall follow Cal-Osha requirements unless otherwise approved by a Registered Civil Engineer with supporting calculations, approved by the City.
- C.1.16 The project grading and drainage shall be designed in accordance with CBC Chapter 18, and all referenced and supporting sections.
- C.1.17 Backfill of any pipe or conduit must be in four-inch (4") fully compacted layers unless otherwise specified. Soil testing for trench compaction must be performed on all trenching and must be done not less than once every two feet (2') of lift and one-hundred lineal feet (100') of trench excavated. Test locations must be noted using true elevations and street stationing with offsets from street centerlines.

## C.2. Improvement Plans

Prior to building permit release, Applicant shall obtain City's approval of Applicant's Improvement Plans. Said Improvement Plans shall contain the design, construction details and specifications of public improvements that are necessary to serve the Project. The Improvement Plans shall be drawn on a 24-inch x 36-inch size sheet and shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work. The Improvement Plans shall be completed to comply with City Design Documents, these Conditions of Approval, and the following requirements:

- C.2.1 The Improvement Plans shall be prepared with the City of Tracy standard title and signature block.
- C.2.2 Prior to building permit release, Applicant shall obtain all applicable signatures by City departments and from outside agencies (where applicable) on the plans including signatures by the Fire Marshal, prior to the Applicant submitting the plans to Engineering for City Engineer's approval.
- C.2.3 The Improvement Plans shall be prepared to specifically include, but not be limited to, the following items:
  - a. All existing and proposed utilities such as domestic water line, irrigation service, storm drain, and sanitary sewer, including the size and location of the pipes.
  - b. All supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports.
  - c. All utilities and curbs shall be provided with appropriate stationing, easements, and should include tables with required tangent and curve data.
  - d. All catch basins should be referenced with Street stationing.
  - e. Prior to building permit release, Applicant shall provide a PDF copy of the Project's Geotechnical Report signed and stamped by a Registered Geotechnical Engineer. The geotechnical report must include relevant

information related to soil types and characteristics, soil bearing capacity, compaction recommendations, retaining wall recommendations, if necessary, paving recommendations, paving calculations such as gravel factors, gravel equivalence, etc., slope recommendations, and elevation of the highest observed groundwater level.

- f. Building and/or wall footing shown when adjacent to storm drain. The storm drain should be located outside of the 1:1 zone of influence for the building footing.

#### C.2.4 Storm Drainage

- a. Prior to building permit release, the Applicant shall obtain approved Improvement Plans depicting the proposed storm drain line conveying the Project's on-site storm runoff and storm runoff from the roadways along the Project's street frontages connecting to the existing 18-inch storm drain line at the intersection of West Schulte Road and Hansen Road, which ultimately discharges into DET LW6.
- b. Prior to building permit release, the Applicant shall submit a drainage report and drainage calculations for the existing 18-inch storm drain line between the Project's point of connection and DET LW6, to verify that the existing line has adequate capacity to accept the design storm water flows from the Project. Calculations are to be based on the Master Plan criteria, City Design Documents, and starting water surface elevation approved by the City.

#### C.2.5 Sanitary Sewer

- a. Prior to building permit release, Applicant shall obtain the City Engineer's approval of Improvement Plans for the design of all on-site and off-site sanitary sewer improvements. Sewer flows from the Project shall discharge into the existing Hansen Road Sewer System in accordance with Option 1 per the Sanitary Sewer Study. The Applicant shall design and install all on-site and off-site sanitary sewer facilities, including the Project's sewer connection to the exiting Hansen Road Sewer System at the intersection of West Schulte Road and Hansen Road, in accordance with the approved Improvement Plans and applicable City Design Documents.
- b. Prior to the first building permit release, Applicant shall pay all wastewater treatment plant development impact fees for the proposed building within the Project.

#### C.2.6 Water Distribution System

- a. Prior to building permit, Applicant shall obtain approved Improvement Plans depicting the water infrastructure for the Project as identified in the Water Study, as follows:
  - i. Size the proposed Project pipelines to be 12-inches in diameter.
- b. Prior to building permit, Applicant shall obtain approved Improvement Plans depicting the recycled water infrastructure for the Project connecting to the existing 12-inch by 24-inch recycled water tee at the intersection of West

Schulte Road and Hansen Road. The recycled water pipeline installed for the project will be served by the City's potable water system until such time as the necessary city-wide Master Plan recycled water infrastructure is completed.

- c. During the construction phases of the Project, the Applicant is responsible for providing water infrastructure (temporary or permanent) capable of delivering adequate fire flows and pressure appropriate to the various stages of construction and as approved by the South San Joaquin County Fire Authority's Fire Marshal.
- d. Prior to building permit, Applicant shall obtain City approval of Improvement Plans that depict fire hydrants at the locations approved by the South San Joaquin County Fire Authority's Fire Marshal.
- e. Prior to building permit, Applicant shall submit calculations and plans as required by the Fire Authority and obtain the Fire Authorities written approvals for the proposed fire system for the design, location and construction details of the fire service connection to the Project, and for the location and spacing of fire hydrants that are to be installed to serve the Project.
- f. All costs associated with the installation of the Project's permanent water connection(s) as identified in the Water Study including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings, replacing traffic detecting loops, conduits, and wires, relocating existing utilities that may be in conflict with the water connection(s), and other improvements shall be paid by the Applicant and are not eligible for impact fee credits.
- g. Prior to building permit, Applicant shall obtain City approval of Improvement Plans that depict domestic and irrigation water service connection, including a remote-read master water meter (the water meter to be located within City's right-of-way) and a Reduced Pressure Type back- flow protection device in accordance with City Design Documents.

#### C.2.7 Roadway Improvements

- a. Prior to building permit, Applicant shall obtain City approval Improvement Plans depicting on-site and frontage roadway improvements to serve the Project as identified in the Traffic Study and these Conditions of Approval. All improvements shall comply with City Design Documents. Such improvements shall include, the elements shown as responsibility of the project in the attached Future Hansen Road Exhibit and Future W. Schulte Road exhibit. Timing of completion of street improvements shall comply with these Conditions of Approval.

#### C.2.8 Schulte Road and Hansen Road Frontage Improvements

Prior to building permit, Applicant shall obtain City approval of Improvements Plans depicting frontage improvements on Schulte Road and Hansen Road in accordance with the 2012 Transportation Master Plan, Traffic Study and City Design Documents per the Tracy Municipal Code. The Applicant shall dedicate the right-of-way necessary for the widening of Schulte Road and Hansen Road

along the entire Project frontage to the satisfaction of the City Engineer as shown in the Future Hansen Road Exhibit and Future W. Schulte Road exhibit. The extent of the improvements on Schulte Road are the property frontage improvements including curb, gutter, sidewalk from the intersection curb return at Hansen Road and W Schulte Road to the adjacent property at 16310 W. Schulte Road. Street sections to be improved and striped per the entitlement plan submittal set dated October 10, 2024. The extent of the improvements on Hansen Road are the project's frontage improvements from the intersection curb return to the extent shown in the attached exhibits, which is approximately 500-feet from the south end of the curb return at Hansen and W. Schulte Road. From this termination point of improvements to the Delta Mendota Canal, no curb, gutter and sidewalk will be installed per the exhibit and a transition to the proposed driveway and existing bridge will be constructed. Additionally, the full width of the pavement for street section will not be installed, see attached Future Hansen Road Exhibit for exact limits.

C.2.9 Hansen Road Extension per 2012 Transportation Master Plan

Prior to building permit, Applicant shall execute an improvement agreement with the City, in a form approved by the City Engineer and the City Attorney, to comply with Section 7.04.120 of the Tracy Municipal Code. Said improvement agreement shall provide for, among other things, the Applicant's dedication of right-of-way and construction of frontage improvements for the Hansen Road Extension. Said agreement shall provide for security for such frontage improvements, and shall further provide that if the City modifies its Transportation Master Plan in a manner that the Hansen Road Extension requirements no longer apply to the Project, the Applicant will be relieved of the right-of-way dedication and frontage construction requirements. All costs of compliance with this condition, including all City costs associated with the improvement agreement, shall be borne by the Applicant. See attached Future Hansen Road Exhibit for more detail.

C.2.10 Traffic Control Plan

The Applicant shall submit a Traffic Control Plan for each phase of work, to show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. The Traffic Control Plan shall be prepared by a Civil Engineer or Traffic Engineer licensed to practice in the State of California.

C.2.11 All private utility services to serve Project such as electric, telephone and cable TV to the building must be installed underground, and to be installed at the location approved by the respective owner(s) of the utilities.

C.3. Improvement Agreement and Security

Prior to a building permit, Applicant shall obtain a fully executed Offsite Improvement Agreement (OIA) with the City to provide for construction of, and improvement security for, all public improvements. The form of the improvement security may be a surety bond, letter of credit or other form in accordance with Section 12.36.080 of the TMC. The amount of improvement security shall be as follows:

C.3.1 Faithful Performance (100% of estimated cost of constructing public improvements);

- C.3.2 Labor & Materials (100% of the estimated cost of constructing the public improvements); and
- C.3.3 Warranty (10% of the estimated cost of constructing the public improvements).

C.4. Encroachment Permit

Prior to a building permit, Applicant shall submit an application for encroachment permit. Applicant shall demonstrate conformance of all applicable City regulations and these Conditions, to the satisfaction of the City Engineer, including, but not limited to, the following:

- C.4.1 Improvement Plans prepared on a twenty-four (24) inch x thirty-six (36) inch sheet that incorporate all the requirements described in these Conditions of Approval. Improvement Plans shall be prepared under the supervision of, and stamped and signed by a Registered Civil, Traffic, Electrical, Mechanical Engineer, and Registered Landscape Architect for the relevant work.
- C.4.2 Signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.
- C.4.3 Prior to building permit, Applicant shall execute an OIA with the City to guarantee completion of the public improvements that are necessary to serve the Project as required by these Conditions of Approval.
- C.4.4 Prior to building permit, Applicant shall pay all applicable engineering review fees which include plan checking, permit and agreement processing, testing, construction inspection, and any other applicable fees.
- C.4.5 Prior to encroachment permit, Applicant shall submit for the City Engineer's review and approval a Traffic Control Plan signed and stamped by a Registered Civil Engineer or Traffic Engineer licensed in the State of California.
- C.4.6 Prior to a building permit, Applicant shall submit for the City's review and approval to the Satisfaction of the Fire Marshal, Improvement Plans that are already signed by the South San Joaquin County Fire Authority's Fire Marshal. If applicable, said Improvement Plans shall also indicate fire service connection(s) and fire and emergency vehicle access.

C.5. Building Permit - Prior to a building permit, Applicant shall pay all required City and County development impact fees as they relate to the project and as otherwise required by these Conditions of Approval, to the satisfaction of the City Engineer. Including but not limited to: Transportation, Water, Recycled Water, Wastewater, Storm Drainage, Public Safety, Public Facilities, Parks, New Address Mapping, Water Meter and Connection Fees, County Facilities Fee, Regional Transportation Impact Fee, Agricultural Mitigation Fee and Habit Mitigation fees.

C.6. Acceptance of Public Improvements, Release of Improvement Security, and Certificate of Occupancy.

Prior to any occupancy, accepting public improvements, or release of improvement security, Applicant shall demonstrate to the City Engineer satisfactory completion of the following:

- C.6.1 Prior to any occupancy, accepting public improvements, or release of improvement security, Applicant shall correct all items listed in the deficiency report prepared by the City.
- C.6.2 Prior to any occupancy, accepting public improvements, or release of improvement security, Applicant shall submit Engineer of Record Certified "As-Built" Improvement Plans (or Record Drawings) on mylars to the City.
- C.6.3 Prior to any occupancy, accepting public improvements, or release of improvement security, Applicant shall submit Engineer of Record prepared AutoCAD and GIS shape files [with "Attributes"] of said Record Drawings in format acceptable to City.
- C.6.4 Prior to any occupancy, accepting public improvements, or release of improvement security, Applicant shall complete all conditioned improvements.
- C.6.5 Prior to any occupancy, accepting public improvements, or release of improvement security, Applicant shall complete construction of all required public improvements and conform to Section 12.36.080 of the TMC.
- C.6.6 Prior to any occupancy, Applicant shall submit a signed and notarized Stormwater Treatment Facilities Maintenance Agreement (STFMA) as a guarantee for the performance of Applicant's responsibility towards the repair and maintenance of on-site storm water treatment facilities.

C.7. Special Conditions

- C.7.1 All streets and utilities improvements within City's right-of-way shall be designed and constructed in accordance with City Design Standards and the City's Infrastructure Master Plans for storm drainage, roadway, wastewater and water adopted by the City, or as otherwise specifically approved by the City.
- C.7.2 Prior to release of a building permit, Applicant shall be responsible to obtain any easements, rights-of-way and/or agreements with property owners as applicable for all improvements.
- C.7.3 Prior to any occupancy, Applicant shall repair any damages to existing improvements within the street right-of-way due to construction related activities shall be repaired or replaced as directed by the City at Applicant's cost.
- C.7.4 Applicant shall comply with the requirements relating to Fire Apparatus Access Roads and other Fire Code requirements to the satisfaction of the Fire Authority.
- C.7.5 Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the Grading Permit, Encroachment Permit, Building Permit, Improvement Plans, OIA, and DIA, if the City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City. The Applicant shall bear all the cost for the inclusion, design, and implementations of such additions and requirements, without reimbursement or any payment from the City.

C.7.6 Survey Monuments - Prior to any occupancy or acceptance, Applicant shall submit centerline tie sheets; corner records; or a record of survey for the following: new public streets; any altered, damaged, destroyed, or re-established survey monuments; altered street corners; and/or benchmarks. Any survey document will be submitted to the City and to the San Joaquin County Surveyor to comply with California Business and Professions Code Section 8771(c). Said work shall be executed by a California licensed Land Surveyor at the Applicant's sole expense.

C.7.7 Prior to any occupancy or acceptance, Applicant shall conform to Section 3.14 of the 2020 Design Standards and install a two (2) inch thick grind and asphalt concrete (AC) overlay with reinforcing fabric at least twenty-five (25) feet from all sides of each utility trench. Said overlay shall be uniform thickness to maintain current pavement grades, cross and longitudinal slopes. This pavement repair requirement is when cuts/trenches are perpendicular and parallel to the street's direction.

C.7.8 Prior to any occupancy, Applicant shall obtain City approval of a TDM plan to mitigate its VMT related impacts as outlined in the Traffic Study and Mitigation Monitoring and Reporting Program and shall add additional VMT mitigations, as approved by the City, if a VMT mitigation in-lieu fee is not adopted. The Applicant shall six-months after occupancy permit is issued submit to the City a VMT mitigation monitoring report showing compliance with the CEQA findings. The report shall include traffic counts at all driveways and evidence and data of the Applicant's implementation of the TDM measures. If the VMT mitigation is not compliant with the CEQA findings, the Applicant shall collaborate with the City Engineer and City Planner to develop measures to comply with the VMT reduction requirements. The TDM monitoring report shall be submitted once per annum for at least three years following the first submittal. If the Applicant successfully mitigates the VMT impact for three consecutive years, the requirement may be suspended by the City Engineer and City Planner.

APPROVED AS TO FORM

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CITY ATTORNEY'S OFFICE

**TRACY CITY COUNCIL**

**ORDINANCE NO. \_\_\_\_\_**

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**1) APPROVING THE PRE-ZONING OF THAT CERTAIN 20.92-ACRE PROPERTY LOCATED AT 16286 WEST SCHULTE ROAD BEARING ASSESSOR'S PARCEL NUMBER 209-230-25 AND THAT CERTAIN 1.0-ACRE PROPERTY LOCATED AT 16310 WEST SCHULTE ROAD BEARING ASSESSOR'S PARCEL NUMBER 209-230-26 TO LIGHT INDUSTRIAL (M-1); AND**

**2) DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS ORDINANCE WERE ADEQUATELY EVALUATED BY THAT CERTAIN ENVIRONMENTAL IMPACT REPORT AND STATEMENT OF OVERRIDING CONSIDERATIONS CERTIFIED AND ADOPTED BY THE CITY COUNCIL ON SEPTEMBER 2, 2025, IN FULL COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.**

**WHEREAS**, on August 16, 2021, the City received applications from the owners of the Property asking the City to submit a petition to the San Joaquin Local Agency Formation Commission (LAFCo) to annex the two properties located at 16286 West Schulte Road, Assessor's Parcel Number 209-230-25 [20.92 acres] and 16310 West Schulte Road, Assessor's Parcel Number 209-230-26 [1 acre] ("Combined Property") to the City of Tracy, to prezone the Combined Property, to Light Industrial (M-1) pursuant to Tracy Municipal Code ("TMC") Section 10.08.970, and to approve a Development Review Permit for the subject development property located at 16286 West Schulte Road, Assessor's Parcel Number 209-230-25, ("Development Property") pursuant to Article 30 of Chapter 10.08 of the TMC (collectively, the "**Project**"); and

**WHEREAS**, the Combined Property is located within the City's Sphere of Influence ("SOI") and is designated for Industrial uses in the City's General Plan; and

**WHEREAS**, to support its processing of the applications, and pursuant to the requirements of CEQA, the City conducted an environmental analysis of the proposed Project, resulting in the completion of an Environmental Impact Report bearing State Clearinghouse Number 2023120437 (the "**EIR**"); and

**WHEREAS**, based on the analyses in the EIR, and pursuant to Sections 15091 and 15093 of CEQA's implementing regulations (14 Cal. Code Regs. §§ 15000—15387) (the "**CEQA Guidelines**"), the City prepared certain findings and a statement of overriding considerations (together, the "**CEQA Findings**") (**Exhibit 2**) and also prepared a Mitigation Monitoring and Reporting Plan (the "**MMRP**") (**Exhibit 3**) pursuant to Section 15097 of the

CEQA Guidelines; and

**WHEREAS**, on July 23, 2025, the City's Planning Commission held a public hearing to review and consider the Project applications and all materials and evidence relating to the Project applications, including the EIR, the CEQA Findings, the Statement of Overriding Considerations, and the MMRP, and voted to recommend that the City Council certify the EIR and approve the Project; and

**WHEREAS**, on September 2, 2025, the City Council held a duly-noticed public hearing to review and consider the Project applications and all materials and evidence relating to the Project applications, including the EIR, the CEQA Findings, the Statement of Overriding Considerations, and the MMRP.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRACY AS FOLLOWS:**

**SECTION 1 RECITALS.** The City Council hereby finds and determines the foregoing recitals are true and correct and are hereby incorporated herein as findings and determinations of the City.

**SECTION 2 CEQA COMPLIANCE.** The City Council hereby finds that the actions authorized by this Ordinance were adequately evaluated by the EIR for the Project certified by the City Council on September 2, 2025, and that the City Council's certification of the EIR, adoption of the CEQA Findings and Statement of Overriding Considerations, and adoption of the MMRP, by City Council Resolution No. 2025-\_\_\_\_\_, constitute the City's full and complete compliance with the requirements of CEQA for the Project.

**SECTION 3 PREZONING.** Based on the findings set forth in **Exhibit 1** hereto, the City Council hereby approves the application to, and hereby does, prezone the Combined Property located at 16286 West Schulte Road, Assessor's Parcel Number 209-230-25 [20.92 acres] and 16310 West Schulte Road, Assessor's Parcel Number 209-230-26 [1 acre] as Light Industrial (M-1), as set forth in Article 20 of Chapter 10.08 of the TMC. The City's zoning map is hereby amended to show the Combined Property designated as Light Industrial (M-1).

**SECTION 4 SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 5 EFFECTIVE DATE.** This Ordinance shall become effective upon the thirtieth (30th) day after final adoption.

**SECTION 6 PUBLICATION.** The City Clerk is directed to publish this Ordinance in a manner required by law.

**SECTION 7 CODIFICATION.** This Ordinance shall not be codified in the Tracy Municipal Code.

\*\*\*\*\*

The foregoing Ordinance \_\_\_\_\_ was introduced at a regular meeting of the Tracy City Council on the 2<sup>nd</sup> day of September, 2025, and finally adopted on the 16<sup>th</sup> day of September, 2025, by the following vote:

AYES: COUNCIL MEMBERS:  
NOES: COUNCIL MEMBERS:  
ABSENT: COUNCIL MEMBERS:  
ABSTENTION: COUNCIL MEMBERS:

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DAN ARRIOLA  
Mayor of the City of Tracy

ATTEST: \_\_\_\_\_  
APRIL QUINTANILLA  
City Clerk

Date of Attestation: \_\_\_\_\_

Exhibit 1 – Findings to Support Prezoning (TMC 10.08.970 and 10.08.3900)

**City of Tracy  
Prezoning Findings  
Application Number A/P19-0001  
City Council – September 2, 2025**

Tracy Municipal Code (“TMC”) Section 10.08.970 (Classification of newly annexed territory) provides that territory proposed for annexation to the City be prezone in accordance with Article 29 (Amendments) of the TMC. Article 29 of the TMC, Section 10.08.3840, states that the Planning Commission must find that the approval or denial of an application to amend the zoning ordinance (such as the instant application for rezoning) is “necessary to carry out the general purposes” of the zoning ordinance, and state the “facts and reasons” that support this finding. The Planning Commission considered this matter on July 23, 2025, and recommended that the City Council make the following finding:

The approval of the rezoning of the Combined Property to Light Industrial as set forth in Section 10.08.3022 of the Tracy Municipal Code is necessary to carry out the City’s General Plan policies and Zoning regulations, because adding the property to the Light Industrial zone will allow for its annexation and development consistent with the City’s General Plan Industrial Designation, the Sphere of Influence Plan approved by the San Joaquin County LAFCo, and the City of Tracy’s Infrastructure Master Plans.

The City Council conducted a duly noticed public hearing on September 2, 2025, and upon its conclusion, after considering all evidence in the record, makes the following finding:

The approval of the rezoning of the Combined Property to Light Industrial as set forth in Section 10.08.3022 of the Tracy Municipal Code is necessary to carry out the City’s General Plan policies and Zoning regulations, because adding the property to the Light Industrial zone will allow for its annexation and development consistent with the City’s General Plan Industrial Designation, the Sphere of Influence Plan approved by the San Joaquin County LAFCo, and the City of Tracy’s Infrastructure Master Plans.

APPROVED AS TO FORM AND LEGALITY

CITY ATTORNEY'S OFFICE

TRACY PLANNING COMMISSION

RESOLUTION 2025-\_\_\_\_\_

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RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF TRACY TAKE THE FOLLOWING ACTIONS:

**1. ADOPT A RESOLUTION THAT**

(A) CERTIFIES AN ENVIRONMENTAL IMPACT REPORT ("EIR"), ADOPTS FINDINGS, AND ADOPTS A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PROGRAM ("MMRP") FOR THE ANNEXATION OF APPROXIMATELY 21.92 ACRES LOCATED AT 16286 WEST SCHULTE ROAD BEARING ASSESSOR'S PARCEL NUMBER 209-230-25 AND 16310 WEST SCHULTE ROAD, BEARING ASSESSOR'S PARCEL NUMBER 209-230-26 AND DEVELOPMENT OF AN INDUSTRIAL BUILDING ON A 20.92 ACRE PROPERTY LOCATED AT 16286 WEST SCHULTE ROAD BEARING ASSESSOR'S PARCEL NUMBER 209-230-25, ALL IN ACCORDANCE WITH THE REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA"); AND

(B) APPROVES THE SUBMITTAL OF A PETITION TO THE SAN JOAQUIN COUNTY LOCAL AGENCY FORMATION COMMISSION ("LAFCO") FOR THE ANNEXATION OF THE COMBINED PROPERTY LOCATED AT 16286 WEST SCHULTE ROAD BEARING ASSESSOR'S PARCEL NUMBER 209-230-25 AND 16310 WEST SCHULTE ROAD, BEARING ASSESSOR'S PARCEL NUMBER 209-230-26 TO THE CITY OF TRACY ("CITY");

AND

**2. ADOPT AN ORDINANCE THAT APPROVES THE PREZONING OF THE COMBINED PROPERTY LOCATED AT 16286 WEST SCHULTE ROAD BEARING ASSESSOR'S PARCEL NUMBER 209-230-25 AND 16310 WEST SCHULTE ROAD, BEARING ASSESSOR'S PARCEL NUMBER 209-230-26 TO LIGHT INDUSTRIAL (M1);**

AND

**3. ADOPT A RESOLUTION THAT APPROVES A DEVELOPMENT REVIEW PERMIT FOR THE DEVELOPMENT PROPERTY LOCATED AT 16286 WEST SCHULTE ROAD BEARING ASSESSOR'S PARCEL NUMBER 209-230-25 TO TAKE EFFECT ON THE FIRST DAY FOLLOWING THE EFFECTIVE DATE OF THE LAFCO'S APPROVAL OF THE ANNEXATION OF THE PROPERTY TO THE CITY.**

**WHEREAS**, On August 16, 2021, the City received applications from the owners of the Property asking the City to submit a petition to LAFCO to annex the two properties located at 16286 West Schulte Road, Assessor's Parcel Number 209-230-25 [20.92 acres] and 16310 West Schulte Road, Assessor's Parcel Number 209-230-26 [1 acre] ("Combined Property") to the City of Tracy, to prezone the Combined Property to Light Industrial (M-1) pursuant to Tracy Municipal Code ("TMC") Section 10.08.970, and to approve a Development Review Permit for the subject development property located at 16286 West Schulte Road, Assessor's Parcel Number 209-230-25, ("Development Property") pursuant to Article 30 of Chapter 10.08 of the TMC (collectively, the "**Project**"); and

**WHEREAS**, the Combined Property is located within the City's Sphere of Influence ("SOI") and is designated for Industrial uses in the City's General Plan; and

**WHEREAS**, to support its processing of the applications, and pursuant to the requirements of CEQA, the City conducted an environmental analysis of the proposed Project, resulting in the completion of an Environmental Impact Report bearing State Clearinghouse Number 2020080531 (the "**EIR**"); and

**WHEREAS**, based on the analyses in the EIR, and pursuant to the requirements of CEQA, the City also prepared certain findings pursuant to Sections 15091 and 15093 of CEQA's implementing regulations (14 Cal. Code Regs. §§ 15000—15387) (the "**CEQA Guidelines**") (the "**CEQA Findings**"), and prepared a Mitigation Monitoring and Reporting Program pursuant to Section 15097 of the CEQA Guidelines (the "**MMRP**"); and

**WHEREAS**, on July 23, 2025, the City's Planning Commission held a public hearing to review and consider the Project applications and all materials and evidence relating to the Project applications, including the EIR, the CEQA Findings, the Statement of Overriding Considerations, and the MMRP.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF TRACY:**

**Section 1 RECITALS.** The Planning Commission hereby finds and determines the foregoing recitals are true and correct and provide an adequate basis for the actions undertaken by this resolution.

**Section 2 RECOMMENDATION TO CITY COUNCIL.** The Planning Commission hereby recommends that the City Council conduct a public hearing on the applications for the Project, and take the following actions:

- A. Adopt a resolution to (1) certify the EIR, adopt the CEQA Findings, and adopt the MMRP, in full compliance with the requirements of CEQA for the Project; and (2) authorize the City Manager to submit a petition to LAFCO for annexation of the Combined Property located at 16286 West Schulte Road, Assessor's Parcel Number 209-230-25 [20.92 acres] and 16310 West Schulte Road, Assessor's Parcel Number 209-230-26 [1 acre] to the City of Tracy; and
- B. Adopt an ordinance to prezone the Combined Property located at 16286 West Schulte Road, Assessor's Parcel Number 209-230-25 [20.92 acres] and 16310 West Schulte

Road, Assessor's Parcel Number 209-230-26 [1 acre] to Light Industrial (M-1) under TMC Section 10.08.970; and

C. Adopt a resolution to approve a Development Review Permit for the Development Property located at 16286 West Schulte Road, Assessor's Parcel Number 209-230-25 under Article 30 of the TMC, provided that the Development Review Permit should not become effective until the first day following the effective date of LAFCo's approval of the annexation of the Development Property to the City of Tracy.

\* \* \* \* \*

The foregoing Resolution 2025-\_\_\_\_ was adopted by the Planning Commission of the City of Tracy on July 23, 2025, by the following vote:

AYES: COMMISSION MEMBERS:  
NOES: COMMISSION MEMBERS:  
ABSENT: COMMISSION MEMBERS:  
ABSTENTION: COMMISSION MEMBERS:

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CHAIR

ATTEST: \_\_\_\_\_  
STAFF LIAISON

Date of Attestation: \_\_\_\_\_



# PLANNING COMMISSION STAFF REPORT

## Item No. 1.C

<b>DATE</b>	July 23, 2025
<b>TITLE</b>	Avid/Candlewood & Hilton Garden Hotel Project
<b>LOCATION</b>	3.17-acre site located at northwest corner of Interstate 205 and N. Corral Hollow Road at 3055, 3095, 3125 N. Corral Hollow Rd., APN: 212-260-07, -08, -09
<b>APPLICATION TYPE</b>	Specific Plan Amendment (SPA23-0001), Development Review Permit (D22-0021), and Determination (DET25-0002)
<b>CEQA STATUS</b>	Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program pursuant to Public Resources Code sections § 21064.5 and 21080(c).
<b>PROJECT PLANNER</b>	Kenny Lipich <a href="mailto:Kenneth.lipich@cityoftracy.org">Kenneth.lipich@cityoftracy.org</a>

### RECOMMENDATION

Staff recommends that the Planning Commission conduct a public hearing, and upon its conclusion, recommend that the City Council take the following actions:

- (1) Adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the approval of the Specific Plan Amendment and Development Review permit for the construction of an approximately 52,000 sq. ft., 4-story, 107 room hotel, an approximately 47,000 sq. ft., 4-story, 70 room hotel, and site improvements, located at 3055, 3095, 3125 N. Corral Hollow Rd., APN: 212-260-07, -08, -09 (project) in accordance with the California Environmental Quality Act, based on the findings, pursuant to Public Resources Code sections § 21064.5 and 21080(c);
- (2) Approve an amendment to the I-205 Corridor Specific Plan that amends the I-205 Corridor Specific Plan boundary to include 3055 N. Corral Hollow Rd., APN: 212-260-09, amends the I-205 Corridor Specific Plan to designate 3055 N. Corral Hollow Rd., APN: 212-260-09 as General Commercial, and amends the I-205 Corridor Specific Plan hotel and motels' maximum floor area ratio requirement from 0.6 to 1.0;
- (3) Approve a development review permit for the construction of the project; and
- (4) Approve a determination for a parking reduction of 20 percent pursuant to Tracy Municipal Code section 10.08.3470(e).

The Applicant is Arvind Iver and the Property Owner is Manteca Hospitality Inc.

## **PROJECT OVERVIEW**

The Avid/Candlewood & Hilton Garden Hotel project is on a 3.17-acre site made up of three parcels, 3055, 3095, 3125 N. Corral Hollow Rd., located at the northwest corner of Interstate 205 and N. Corral Hollow Road. The project consists of two hotels, the Avid/Candlewood Hotel which is approximately 52,000 sq. ft., 4-story and 107 rooms and the Hilton Garden which is approximately 47,000 sq. ft., 4-story, and 70 rooms. The project also includes additional site improvements such as landscaping, parking, and pools for each hotel.

The applicant will be conditioned as part of this project to merge the three parcels 3055, 3095, 3125 N. Corral Hollow Rd. into two parcels to ensure buildings are not constructed across property lines. The applicant for this project is requesting a specific plan amendment for a boundary and land use designation change for the property at 3055 N. Corral Hollow Rd. and an increased maximum floor area ratio (FAR) from 0.6 to 1.0 for hotels and motels. In addition to a Development Review Permit for the construction of the two hotels and various site improvements, the applicant is also requesting a determination for a parking reduction of 39 parking spaces, or 20 percent.

## **SPECIFIC PLAN AMENDMENT**

### **BOUNDARY AND DESIGNATION CHANGE**

The requested boundary and land use designation change is for the property at 3055 N. Corral Hollow Rd., which is located directly north of the Interstate 205 freeway. 3055 N. Corral Hollow Rd. is currently vacant and zoned General Highway Commercial. 3055 N. Corral Hollow Rd. is not currently a part of the I-205 Corridor Specific Plan area and is surrounded largely by properties designated General Commercial (GC) and Commercial Center (CC) in the I-205 Corridor Specific Plan (Exhibit A of Exhibit 1 – Boundary and Designation Change Map).

The applicant is requesting that the I-205 Corridor Specific Plan boundary be modified to include the 0.46-acre site at 3055 N. Corral Hollow Rd. and that it be designated General Commercial. These two changes will ensure that the larger 3.17-acre project site for the two hotels consisting of 3055, 3095, 3125 N. Corral Hollow Rd., will all be in the I-205 Corridor Specific Plan boundary and designated GC. The proposed use of hotel is a permitted use of the GC designation in the I-205 Corridor Specific Plan. The current General Plan designation of Commercial will remain unchanged and is consistent with the proposed designation of GC in the I-205 Corridor Specific Plan.

### **FLOOR AREA RATIO**

The I-205 Corridor Specific Plan prescribes a maximum floor area ratio (FAR) of 0.6 for hotels and motels. This project includes a request that the City Council amend the maximum allowed FAR for hotels, including this project, in the Specific Plan area, from 0.6 to 1.0. Floor Area Ratio is the ratio of a building's floor area to the size of the parcel containing the building.

An amendment to the I-205 Corridor Specific Plan to increase the maximum FAR of 0.4 for hotels to 0.6 was adopted in 2017. As Tracy continues to grow and become denser, the City can expect FAR of new development to increase. The City's General Plan calls for an FAR for all

property designated Commercial to allow a maximum FAR of up to 1.0 (Land Use Element Section B.2., page 2-24).

The proposed hotel site is approximately 138,085 square feet. The FAR of the proposed hotels is approximately 0.73. By comparison, if one floor is eliminated or if six rooms are removed from each floor (resulting in a smaller footprint of the buildings), the FAR would be below the 0.6 FAR maximum currently allowed. Smaller hotels in this location would not result in a superior project design. Moreover, the proposed four-story hotels comply with the site's height limit and setback requirements. The four-story buildings (and resulting 0.73 FAR) create an opportunity for a more meaningful presence along I-205, allowing for more compact (and efficient) development with greater intensity.

A change to the I-205 Corridor Specific Plan's Section 4.1.2.2.C.2 for maximum allowed FAR for hotels and motels from 0.6 to 1.0. would read as follows:

Maximum Floor Area Ratio  
Hotel/Motel 1.0

See attached Exhibit B of Exhibit 2 – Excerpt from I-205 Corridor Specific Plan with Proposed Amendment in Redline.

## **DEVELOPMENT REVIEW**

The project consists of two hotels, the Avid/Candlewood Hotel which is approximately 52,000 sq. ft., 4-story and 107 rooms and the Hilton Garden which is approximately 47,000 sq. ft., 4-story, and 70 rooms. The Avid/Candlewood and Hilton Garden Inn's front entrances both can be seen from the Interstate 205 freeway. The 3.17-acre site consists of the two hotels, two pools, and a total of 155 parking stalls. The site is accessed off N. Corral Hollow Rd. A dedicated access road located on the northwest edge of the site extending to the West Valley Mall ring road is being constructed and recorded as part of this project.

The Avid/Candlewood hotel is a unique dual hotel that features 56 Avid rooms and 51 Candlewood rooms. Avid rooms are typical short stay hotel rooms, while Candlewood suite rooms are for longer stays and feature amenities like an efficiency kitchen. Each floor of the proposed four-story hotels has a combination of Avid rooms and Candlewood suites. The first floor has a dedicated breakfast area, fitness room, and access to the pool and gazebo with outdoor seating. The exterior of the Avid/Candlewood features cement plaster in various colors. The Avid/Candlewood has a lot of vertical variation in the canopy and many horizontal popouts that create interest on the exterior facade seen on all four sides of the hotel building. The decorative shade canopy at the entrance to the hotel creates a sense of arrival with use of bright color and irregular shape (Exhibit A of Exhibit 3 – Development Review Plan Set).

The Hilton Garden hotel has a total of 70 rooms spread between three floors. The first floor features a dedicated buffet, dining, bar/lounge area, medium-sized meeting room and board room, and access to the pool. The fitness center is located on the second floor. The entrance exterior of the Hilton Garden Hotel creates a sense of arrival with a large, covered entryway, where guests can unload protected from weather. The hotel building consists of a mixture of materials including stone veneer, wood veneer, and stucco. The stone veneer is used not only as a wainscot, but also on all four stories of the front south elevation above the entryway. The

hotel building also has additional popouts, cornice element, and variations in roof lines that help add additional interest to all four sides of the building (Exhibit A of Exhibit 3 – Development Review Plan Set).

The proposed project is consistent with the City of Tracy's Design Goals and Standards as well as the General Plan designation of Commercial. All onsite improvements including landscaping and parking are consistent with the I-205 Corridor Specific Plan.

## **PARKING DETERMINATION**

In the I-205 Corridor Specific Plan, the minimum off street parking standards requires one parking space per guest room and one parking space per employee at maximum shift. Therefore, the Avid and Candlewood hotel with 107 guest rooms and 10 employees at maximum shift requires 117 parking spaces. In addition, Hilton Garden hotel with 70 guest rooms and 6 employees at maximum shift requires 76 parking spaces. This project would require a total of 193 parking spaces. The project, however, is proposing 155 off-street parking spaces. This proposal is one space surplus above a 20 percent reduction from the I-205 Corridor Specific Plan minimum off street parking standards.

The property owner prepared a parking study in 2024 to evaluate parking demand for the project, as well as a letter speaking on behalf of hotel franchises of Avid/Candlewood and Hilton (Attachment B). The study conducted by Hexagon Transportation Consultants, Inc. includes a survey of four hotels: the Hampton Inn, Fairfield Inn, Home2 Suites, and the Holiday Inn Express. The results of the parking study conclude that based on counts of local comparable hotels, it is estimated that the peak parking demand would be 139 spaces. Thus, the proposed parking of 155 spaces is expected to be adequate even on days when the two hotels are at 100 percent occupancy.

Two of Tracy's existing commercial zone districts (General Highway Commercial and Central Business District) provide for parking space reductions under certain design situations without the requirement of a parking study. The parking study, conducted in 2024, may even overestimate parking needs for this site due to the close proximity to nearby public transit options and an increasing reliance on ride-sharing services such as Uber and Lyft. City staff is recommending approval of a 20 percent off-street parking space reduction for this project.

## **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) REQUIREMENTS**

An Initial Study/Mitigated Negative Declaration (MND) and Mitigation Monitoring and Report Program (MMRP) (Exhibit A of Exhibit 1) was prepared for the project in accordance with the California Environmental Quality Act (CEQA). The analysis included evaluation of City's traffic, water, storm, and wastewater for the project site, an independent noise analysis, and a cultural analysis. Substantial supporting evidence contained in the MND and MMRP demonstrates the project will not have a significant effect on the environment. Mitigation measures were identified for each of the potentially significant impacts that would, upon implementation, reduce the impacts to levels of insignificance. Therefore, in accordance with CEQA Guidelines Section 15074, a MND and MMRP are proposed for recommendation of adoption by City Council, attached as part of Exhibit A of Exhibit 1.

The Mitigated Negative Declaration pursuant to California Environmental Quality Act guidelines 15105 has been properly noticed for 30 days to provide a public review period and to the State Clearinghouse. The City received four informational comments regarding protection of surface and ground water, project being subject to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan, no Chevron pipelines in project vicinity, and air pollution control measures. The City received comments of insufficient mitigation measures from the California Department of Fish and Wildlife that required modifications to Mitigation measure BIO-1 and BIO-2.

## **SUMMARY**

This agenda item involves making recommendations to the City Council regarding adoption of a MND and MMRP for the project, approving a specific plan amendment to amend the I-205 Corridor Specific Plan boundary to include 3055 N. Corral Hollow Rd., amend the I-205 Corridor Specific Plan to designate 3055 N. Corral Hollow Rd. as General Commercial, and amend the I-205 Corridor Specific Plan hotel and motels maximum floor area ratio requirement from 0.6 to 1.0, approving a Development Review Permit for the project, and approving a determination for a 20 percent parking reduction.

Staff is supportive of this project requesting a Specific Plan Amendment (SPA23-0001), Development Review Permit (D22-0021), and Determination for parking reduction (DET25-0002). The proposed Avid/Candlewood and Hilton Garden Hotel project will create additional opportunities for short term and long term stays for visitors to the City of Tracy.

## **ATTACHMENTS**

A: Location Map

B: Parking Study and Letter

C: Planning Commission Resolution

Exhibit 1 – Proposed City Council Resolution for Project Environmental Document

Exhibit A – Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program

Exhibit 2 – Proposed City Council Ordinance for approving the Specific Plan Amendment

Exhibit A - Boundary Change & Designation Map

Exhibit B – Excerpt from I-205 Corridor Specific Plan with Proposed Amendment in Redline

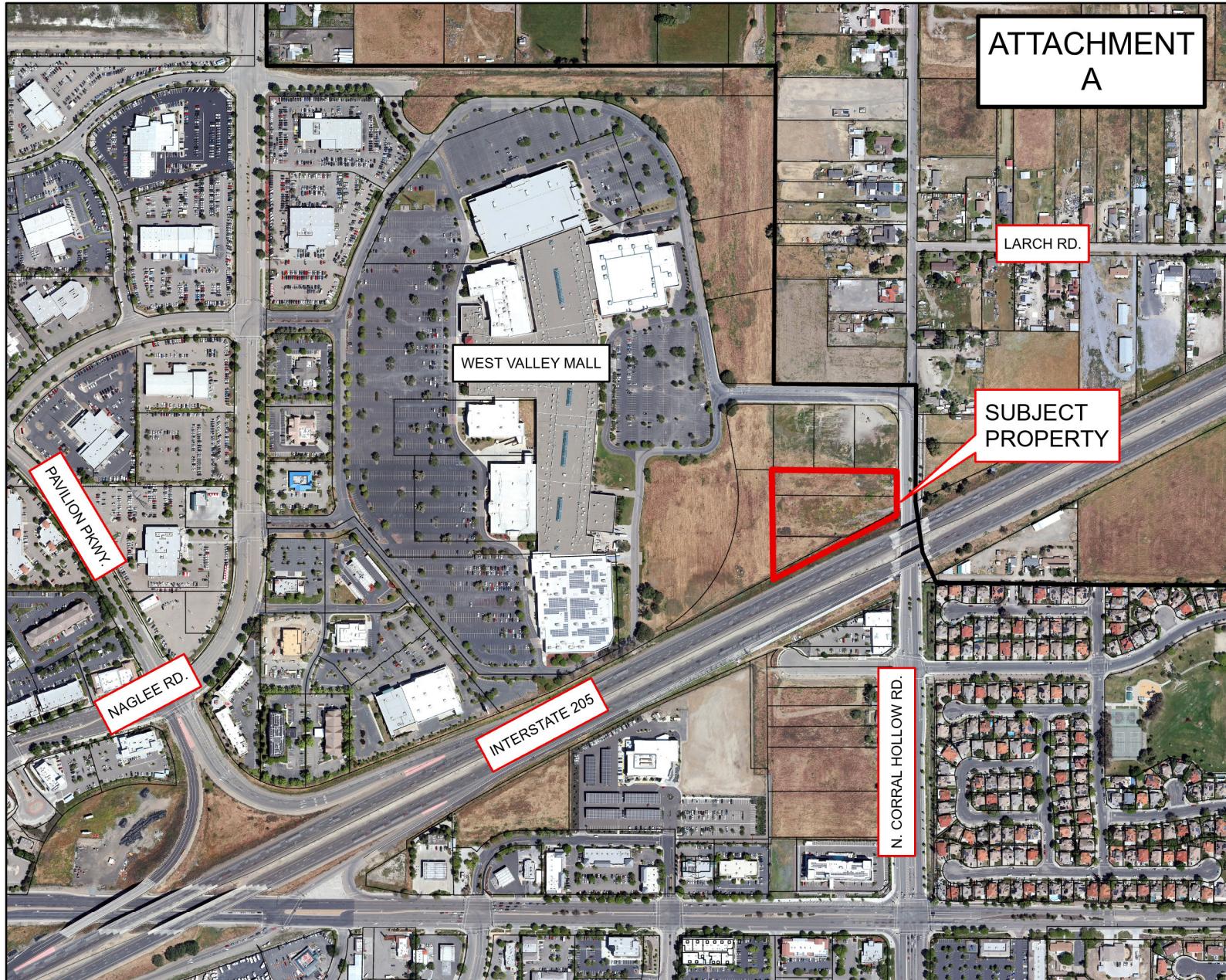
Exhibit 3 – Proposed City Council Resolution for approving the Development Review Permit, and Determination for a parking reduction

Exhibit A – Development Review Findings

Exhibit B – Development Review Conditions of Approval

Exhibit C – Development Plan Set

ATTACHMENT  
A



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# HEXAGON TRANSPORTATION CONSULTANTS, INC.

## Memorandum



**Date:** March 26, 2024



**To:** Mr. Raj Dhillon, Manteca Hospitality Inc.



**From:** Ling Jin, Katie Riutta



**Subject:** Parking Study for the Proposed Hotel Development in Tracy, California

Hexagon Transportation Consultants, Inc. has completed a parking study for two proposed hotels in Tracy: Avid & Candlewood Suites and Hilton Garden Inn. The two proposed hotels will be located at the northwest corner of Corral Hollow Road and Rt 205. The proposed Avid & Candlewood Suites will have 107 rooms, and the proposed Hilton Garden Inn will have 70 rooms, for a total of 177 rooms. The proposed Avid & Candlewood Suites will include 96 parking spaces for employees and hotel guests, and the proposed Hilton Garden Inn will include 59 parking spaces, for a total of 155 parking spaces.



The purpose of this parking study is to estimate the parking needs of the hotels and to determine whether the proposed parking supply is adequate. The analysis is based on counts conducted at local comparable hotels.



## Parking Estimates based on Local Count Data



Hexagon conducted counts of the parking demand at four local hotels on Wednesday April 5, 2023, and Saturday, April 8, 2023. The parking counts were conducted at midnight, which represents the peak demand. All four hotels are located near freeway entrances and have some meeting/conference space and free parking. The four hotels that were surveyed include the Holiday Inn Express (located at 3751 N Tracy Boulevard, Tracy), the Home2 Suites (located at 2025 W Grant Line Road, Tracy), the Hampton Inn (located at 2400 Naglee Road, Tracy) and the Fairfield Inn (located at 2410 Naglee Road, Tracy). The Hampton Inn and Fairfield Inn share a parking lot and were therefore counted as a pair, similar to the proposed project. The selected hotels are comparable to the proposed hotels in both size and features.



## Parking Count Results

Table 1 presents the results of the parking counts for each hotel and the projected peak parking demand at the proposed project. The peak parking ratios for the hotels that were counted ranged from 0.33 to 0.78 occupied parking spaces per room sold. The peak parking demand generated by the proposed project was estimated using the maximum observed peak parking ratio, 0.78 parking spaces per room sold on weekdays and 0.52 parking spaces per room sold on Saturdays. Based on these rates, the hotel rooms at the proposed Avid & Candlewood Suites and Hilton Garden Inn hotels are estimated to generate a total peak parking demand of 139 parking spaces on weekdays and 93 parking spaces on weekends.

**Table 1**  
**Observed Hotel Peak Parking Demand**

	Holiday Inn Express		Home2 Suites		Hampton Inn and Fairfield Inn		Proposed Project	
	Weds. 4/5/23	Sat. 4/8/23	Weds. 4/5/23	Sat. 4/8/23	Weds. 4/5/23	Sat. 4/8/23	Weds. 4/5/23	Sat. 4/8/23
Peak Parking Demand (spaces)	53	32	57	48	86	50	139	93
Rooms Sold	100	97	93	92	110	110	177	177
Peak Parking Ratio (Occupied parking spaces/room sold)	0.53	0.33	0.61	0.52	0.78	0.45	0.78	0.52

## Conclusions

Based on counts of local comparable hotels, it is estimated that the peak parking demand would be 139 spaces. Thus, the proposed parking supply of 155 spaces is expected to be adequate even on days when the hotel is at 100 percent occupancy.

**RECEIVED**

October 21, 2024

City of Tracy Community  
& Economic Development  
Department

To City of Tracy,

I am writing to share and express our excitement regarding the approval of a new prototype dual-brand hotel and Hilton Garden Inn that we plan to bring to the City of Tracy. This will be the first of its kind here in California, and we are proud to have been given this unique opportunity by IHG. Our approval for these prestigious brands was not only a significant achievement but also a testament to our over 20 years of successful partnerships with national hotel brands. Over the years, we have built a strong and trusted relationship with key players in the hospitality industry, such as IHG and Hilton. Given the site, we were able to approve the minimum number of rooms allowed by the franchise, this decision was carefully made and approved by the national franchise team based on the adequate number of rooms aligned with the number of parking that were necessary. In our experience as hotel operators, whenever we have full occupancy, our hotel parking lot is never full. Majority of people come together in one car and will take 2 or 3 rooms, or the customers will be using Uber & Lyft. This can also be noticed if you drive around in Tracy or in San Joaquin County and neighboring counties, as our parking study states, the hotels that are fully occupied experience a significant surplus of available parking spaces during both daytime and nighttime hours. This project is to ensure that the property is of the highest standard, and reflective of both the city's needs and our experience in the industry. We are enthusiastic about the potential that this dual-brand hotel & Garden Inn brings to Tracy, and we are confident it will be a valuable addition to the city's growing infrastructure. If you have any questions or need additional information, please do not hesitate to contact me.

Thank you for your time and consideration.

Sincerely,  
Rupinder Dhillon

APPROVED AS TO FORM AND LEGALITY

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CITY ATTORNEY'S OFFICE

**TRACY PLANNING COMMISSION**

**RESOLUTION 2025-\_\_\_\_\_**

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**RECOMMENDING THAT THE CITY COUNCIL OF THE CITY OF TRACY CONDUCT A PUBLIC HEARING, AND UPON ITS CONCLUSION, TAKE THE FOLLOWING ACTIONS:**

- 1. ADOPT A RESOLUTION THAT APPROVES A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE APPROVAL OF THE SPECIFIC PLAN AMENDMENT AND DEVELOPMENT REVIEW PERMIT FOR THE CONSTRUCTION OF AN APPROXIMATELY 52,000 SQ. FT., 4-STORY, 107 ROOM HOTEL, AN APPROXIMATELY 47,000 SQ. FT., 4-STORY, 70 ROOM HOTEL, AND SITE IMPROVEMENTS, LOCATED AT 3055, 3095, 3125 N. CORRAL HOLLOW RD., APN: 212-260-07, -08, -09 (PROJECT) IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, BASED ON THE FINDINGS, PURSUANT TO PUBLIC RESOURCES CODE SECTIONS § 21064.5 AND 21080(c).**
- 2. INTRODUCE AND ADOPT AN ORDINANCE THAT APPROVES AN AMENDMENT TO THE I-205 CORRIDOR SPECIFIC PLAN THAT:**
  - A) AMENDS THE I-205 CORRIDOR SPECIFIC PLAN BOUNDARY TO INCLUDE 3055 N. CORRAL HOLLOW RD., APN: 212-260-09; AND**
  - B) AMENDS THE I-205 CORRIDOR SPECIFIC PLAN TO DESIGNATE 3055 N. CORRAL HOLLOW RD., APN: 212-260-09 AS GENERAL COMMERCIAL; AND**
  - C) AMENDS THE I-205 CORRIDOR SPECIFIC PLAN HOTELS AND MOTELS MAXIMUM FLOOR AREA RATIO REQUIREMENT FROM 0.6 TO 1.0.**
- 3. ADOPT A RESOLUTION THAT:**
  - A) APPROVES A DEVELOPMENT REVIEW PERMIT FOR THE CONSTRUCTION OF THE PROJECT; AND**
  - B) APPROVES A DETERMINATION FOR A PARKING REDUCTION OF 20 PERCENT PURSUANT TO TRACY MUNICIPAL CODE SECTION 10.08.3470(e).**

**WHEREAS**, Development applications have been filed for the Specific Plan Amendment (SPA23-0001), Development Review Permit (D22-0021) (the "Project") for the construction of an

approximately 52,000 sq. ft., 4-story, 107 room hotel, an approximately 47,000 sq. ft., 4-story, 70 room hotel, and site improvements, on an approximately 3.17-acre site located at 3055, 3095, 3125 N. Corral Hollow Rd., and a Determination (DET25-0002) for a parking reduction of 20 percent pursuant to Tracy Municipal Code section 10.08.3470(e); and

**WHEREAS**, The Specific Plan Amendment application is to amend the I-205 Corridor Specific Plan boundary to include 3055 N. Corral Hollow Rd., designate as General Commercial, and amend the I-205 Corridor Specific Plan hotels and motels maximum floor area ratio from 0.6 to 1.0; and

**WHEREAS**, The parcels, APN: 212-260-08 and 212-260-09, have a General Plan designation of Commercial and is designated General Commercial in the I-205 Corridor Specific Plan; and

**WHEREAS**, The parcel APN: 212-260-07 has a General Plan designation of Commercial and is zoned General Highway Commercial; and

**WHEREAS**, The parcel APN: 212-260-07 through the Specific Plan Amendment is to be included in the boundary of the I-205 Corridor Specific Plan and designated as General Commercial, and is consistent with the Commercial General Plan designation; and

**WHEREAS**, The Planning Commission can approve a Development Review Permit on the basis of the application and evidence submitted, subject to making all of the requisite findings set forth in TMC Section 10.08.3920, which findings are set forth in Exhibit 3; and

**WHEREAS**, The Planning Commission can approve a Determination for a parking reduction of 20 percent pursuant to Tracy Municipal Code section 10.08.3470(e) if the owner of the property submits a parking study documenting that such off-street parking spaces will not be necessary to mitigate parking demands for a use or project; and

**WHEREAS**, The Specific Plan Amendment and Project has been evaluated in accordance with the California Environmental Quality Act (CEQA) Guidelines, and a Mitigated Negative Declaration is proposed, which would reduce any potentially significant environmental impacts to a level of insignificance, and is proposed for adoption; and

**WHEREAS**, The Planning Commission conducted a public hearing to review and consider the applications on July 23, 2025; now, therefore, be it

**RESOLVED**: That the Planning Commission of the City of Tracy hereby recommends that the City Council of the City of Tracy adopt as resolution in **Exhibit 1** to approve a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the approval of the Specific Plan Amendment and Development Review permit for the construction of an approximately 52,000 sq. ft., 4-story, 107 room hotel, an approximately 47,000 sq. ft., 4-story, 70 room hotel, and site improvements, located at 3055, 3095, 3125 N. Corral Hollow Rd., APN: 212-260-07, -08, -09 (project) in accordance with the California Environmental Quality Act, based on the findings, pursuant to public resources code sections § 21064.5 and 21080(c); and be it

**FURTHER RESOLVED**: That the Planning Commission of the City of Tracy hereby recommends that the City Council of the City of Tracy adopt an ordinance in **Exhibit 2** to amend

the I-205 Corridor Specific Plan boundary to include 3055 N. Corral Hollow Rd., APN: 212-260-09 and amends the I-205 Corridor Specific Plan to designate 3055 N. Corral Hollow Rd., APN: 212-260-09 as General Commercial and amend the I-205 Corridor Specific Plan hotels and motels maximum floor area ratio requirement from 0.6 to 1.0; and be it

**FURTHER RESOLVED:** That the Planning Commission of the City of Tracy hereby recommends that the City Council of the City of Tracy adopt as resolution in **Exhibit 3** to approve the Avid/Candlewood and Hilton Garden Hotel Development Review permit and Determination for a parking reduction of 20 percent pursuant to Tracy Municipal Code section 10.08.3470(e). However, that the approval of this development review permit shall not be effective until the first day following the effective date of the Ordinance approving the I-205 Corridor Specific Plan boundary change and floor area modification.

The foregoing Resolution 2025-\_\_\_\_\_ was adopted by the Planning Commission of the City of Tracy on July 23, 2025, by the following vote:

AYES: COMMISSION MEMBERS:  
NOES: COMMISSION MEMBERS:  
ABSENT: COMMISSION MEMBERS:  
ABSTENTION: COMMISSION MEMBERS:

\_\_\_\_\_  
CHAIR

ATTEST: \_\_\_\_\_  
STAFF LIAISON

Date of Attestation: \_\_\_\_\_

Exhibit 1 – Proposed City Council Resolution for Project Environmental Document  
Exhibit A – Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program

Exhibit 2 - Proposed City Council Ordinance for the Specific Plan Amendment  
Exhibit A – Boundary Change & Designation Map  
Exhibit B – Excerpt from I-205 Corridor Specific Plan with Proposed Amendment in Redline

Exhibit 3 – Proposed City Council Resolution for Development Review and Parking Reduction  
Exhibit A – Development Review Findings  
Exhibit B – Development Review Conditions of Approval  
Exhibit C – Development Review Plan Set

APPROVED AS TO FORM

CITY ATTORNEY'S OFFICE

**TRACY CITY COUNCIL**

**RESOLUTION 2025-\_\_\_\_\_**

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**ADOPT A RESOLUTION THAT APPROVES A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE APPROVAL OF THE SPECIFIC PLAN AMENDMENT AND DEVELOPMENT REVIEW PERMIT FOR THE CONSTRUCTION OF AN APPROXIMATELY 52,000 SQ. FT., 4-STORY, 107 ROOM HOTEL, AN APPROXIMATELY 47,000 SQ. FT., 4-STORY, 70 ROOM HOTEL, AND SITE IMPROVEMENTS, LOCATED AT 3055, 3095, 3125 N. CORRAL HOLLOW RD., APN: 212-260-07, -08, -09 (PROJECT) IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, BASED ON THE FINDINGS, PURSUANT TO PUBLIC RESOURCES CODE SECTIONS § 21064.5 AND 21080(c).**

**WHEREAS**, on May 26, 2022, the City received a Development Review Permit for the project and on February 6, 2023, the City received a Specific Plan Amendment to amend the I-205 Corridor Specific Plan boundary to include 3055 N. Corral Hollow Rd., APN: 212-260-09 and amends the I-205 Corridor Specific Plan to designate 3055 N. Corral Hollow Rd., APN: 212-260-09 as General Commercial and amend the I-205 Corridor Specific Plan hotels and motels maximum floor area ratio requirement from 0.6 to 1.0; and

**WHEREAS**, The parcels APN: 212-260-08 and 212-260-09 have a General Plan designation of Commercial and are designated General Commercial in the I-205 Corridor Specific Plan; and

**WHEREAS**, The parcel APN: 212-260-07 has a General Plan designation of Commercial and is zoned General Highway Commercial; and

**WHEREAS**, The parcel APN: 212-260-07 through the Specific Plan Amendment is to be included in the boundary of the I-205 Corridor Specific Plan and designated as General Commercial, and is consistent with the Commercial General Plan designation; and

**WHEREAS**, The proposed amendment is consistent with the General Plan because the General Plan Land Use Element Section B.2. (Commercial) calls for all property designated Commercial to allow a maximum Floor Area Ratio of up to 1.0 for property designated Commercial; and

**WHEREAS**, The Specific Plan Amendment and Project has been evaluated in accordance with the California Environmental Quality Act (CEQA) Guidelines, and a Mitigated

Negative Declaration is proposed which would reduce any potentially significant environmental impacts to a level of insignificance, and is proposed for adoption; and

**WHEREAS**, to support its processing of the applications of the Specific Plan Amendment and Development Review Permit, and pursuant to the requirements of CEQA, the City conducted an environmental analysis of the proposed Project, resulting in the completion of a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) (Exhibit A); and

**WHEREAS**, on July 23, 2025, the City's Planning Commission held a public hearing to review and consider the Project applications and all materials and evidence relating to the Project applications, including the MND and MMRP, and voted to recommend that the City Council adopt the MND and MMRP; and

**WHEREAS**, on September 2, 2025, the City Council held a duly-noticed public hearing to review and consider the Project applications and all materials and evidence relating to the Project applications, including the MND and MMRP; now, therefore, be it

**RESOLVED**: That the City Council of the City of Tracy determines that 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; and be it

**FURTHER RESOLVED**: That the City Council of the City of Tracy determines that the Project has been evaluated in accordance with the California Environmental Quality Act (CEQA) Guidelines, and a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program is proposed which would reduce any potentially significant environmental impacts to a level of insignificance. The Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the Project is the appropriate document addressing the environmental impacts pursuant to the California Environmental Quality Act; and be it

**FURTHER RESOLVED**: That the City Council of the City of Tracy determine that the implementation of the proposed Mitigation Monitoring and Reporting Program would not result in any new or altered cumulative impacts beyond those addressed in the General Plan EIR; and be it

**FURTHER RESOLVED**: The City Council, based on its independent judgment and analysis, has reviewed and considered the proposed MND and MMRP for the Specific Plan Amendment and Development Review Permit and determined, based on the whole record before it, that the proposed Project will have an insignificant effect on the environment, and hereby adopts the MND and MMRP as set forth in Exhibit A, in full compliance with the requirements of CEQA for the Project.

\* \* \* \* \*

The foregoing Resolution 2025-\_\_\_\_\_ was adopted by the City Council of the City of Tracy on September 2, 2025, by the following vote:

AYES: COUNCIL MEMBERS:  
NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:  
ABSTENTION: COUNCIL MEMBERS:

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DAN ARRIOLA  
Mayor of the City of Tracy

ATTEST: \_\_\_\_\_  
APRIL QUINTANILLA  
City Clerk

Date of Attestation: \_\_\_\_\_

Exhibit A – MND and MMRP

**Exhibit A to Exhibit 1**

**Mitigated Negative Declaration and  
Mitigation Monitoring and Reporting Program**

This exhibit is too large to include in the packet.

Please see provided copy or view on the City of Tracy's website:

[https://www.cityoftracy.org/government/boards-and-commissions/planning-  
commission](https://www.cityoftracy.org/government/boards-and-commissions/planning-commission)

APPROVED AS TO FORM AND LEGALITY

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CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

ORDINANCE NO. \_\_\_\_\_

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**AMENDING THE I-205 CORRIDOR SPECIFIC PLAN BOUNDARY TO INCLUDE AND  
DESIGNATE 3055 N. CORRAL HOLLOW RD., APN: 212-260-07 AS GENERAL  
COMMERCIAL AND INCREASE THE MAXIMUM FLOOR AREA  
RATIO FOR HOTELS AND MOTELS  
APPLICATION NUMBER SPA23-0001**

**WHEREAS**, A development application was filed by the applicant for an amendment to the I-205 Corridor Specific Plan boundary to include and designate 3055 N. Corral Hollow Rd., APN: 212-260-07 as General Commercial and amend Section 4.1.2.2.C.2 hotel and motel maximum floor area ratio requirement from 0.6 to 1.0 (SPA23-0001); and

**WHEREAS**, The parcels APN: 212-260-08 and 212-260-09 have a General Plan designation of Commercial and are designated General Commercial in the I-205 Corridor Specific Plan; and

**WHEREAS**, The parcel APN: 212-260-07 has a General Plan designation of Commercial and is zoned General Highway Commercial; and

**WHEREAS**, The parcel APN: 212-260-07 through the Specific Plan Amendment is to be included in the boundary of the I-205 Corridor Specific Plan and designated as General Commercial, and is consistent with the Commercial General Plan designation; and

**WHEREAS**, The proposed amendment is consistent with the General Plan because the General Plan Land Use Element Section B.2. (Commercial) calls for all property designated Commercial to allow a maximum Floor Area Ratio of up to 1.0 for property designated Commercial; and

**WHEREAS**, The Specific Plan Amendment and Project have been evaluated in accordance with the California Environmental Quality Act (CEQA) Guidelines, and a Mitigated Negative Declaration is proposed which would reduce any potentially significant environmental impacts to a level of insignificance, and is proposed for adoption; and

**WHEREAS**, To support its processing of the applications of the Specific Plan Amendment and Development Review Permit, and pursuant to the requirements of CEQA, the City conducted an environmental analysis of the proposed Project, resulting in the completion of a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP); and

**WHEREAS**, The Planning Commission conducted a public hearing to review and consider the applications on July 23, 2025; and

Ordinance \_\_\_\_\_  
September 2, 2025

**WHEREAS**, The City Council considered this matter at a duly noticed public hearing held on September 2, 2025.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF TRACY DOES ORDAIN AS FOLLOWS:**

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

**SECTION 2.** The City Council determines the proposed Specific Plan Amendment and Project has been evaluated in accordance with the California Environmental Quality Act (CEQA) Guidelines, and a Mitigated Negative Declaration is proposed which would reduce any potentially significant environmental impacts to a level of insignificance.

**SECTION 3.** The City Council hereby approves the I-205 Corridor Specific Plan amendment to include and designate 3055 N. Corral Hollow Rd., APN: 212-260-07 as General Commercial, as attached to this Ordinance as Exhibit "A".

**SECTION 4.** The City Council hereby approves the I-205 Corridor Specific Plan amendment to increase the maximum floor area ratio for hotels/motels in the I-205 Corridor Specific Plan from .60 to 1.0, as attached to this Ordinance as Exhibit "B".

**SECTION 5.** This Ordinance shall take effect 30 days after its final passage and adoption.

**SECTION 6.** This Ordinance shall either (1) be published once in a newspaper of general circulation, within 15 days after its final adoption, or (2) be published in summary form and posted in the City Clerk's office at least five days before the ordinance is adopted and within 15 days after adoption, with the names of the Council Members voting for and against the ordinance. (Gov't. Code §36933.)

**SECTION 7.** **Severability.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

\* \* \* \* \*

The foregoing Ordinance \_\_\_\_\_ was introduced at a regular meeting of the Tracy City Council held on the 2nd day of September, 2025, and finally adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2025, by the following vote:

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

Ordinance \_\_\_\_\_  
September 2, 2025

ABSTAIN: COUNCIL MEMBERS:

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DAN ARRIOLA  
Mayor of the City of Tracy

ATTEST

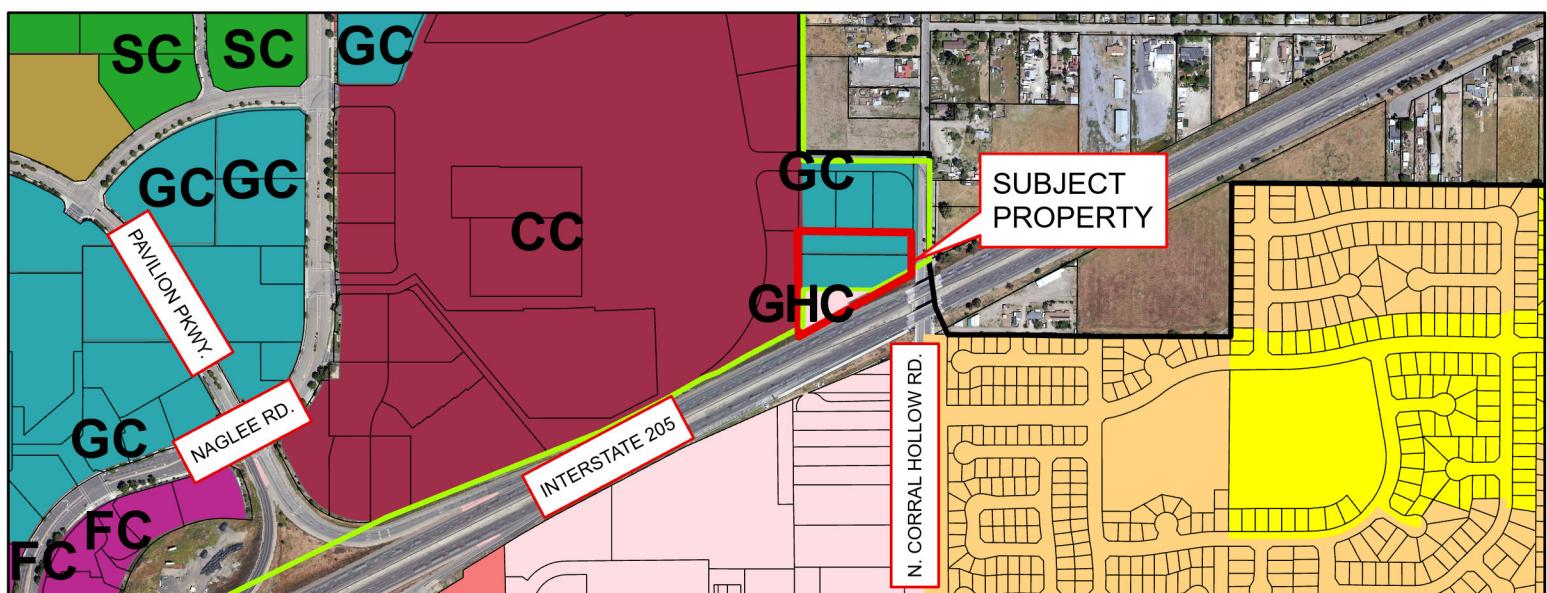
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APRIL QUINTANILLA  
City Clerk

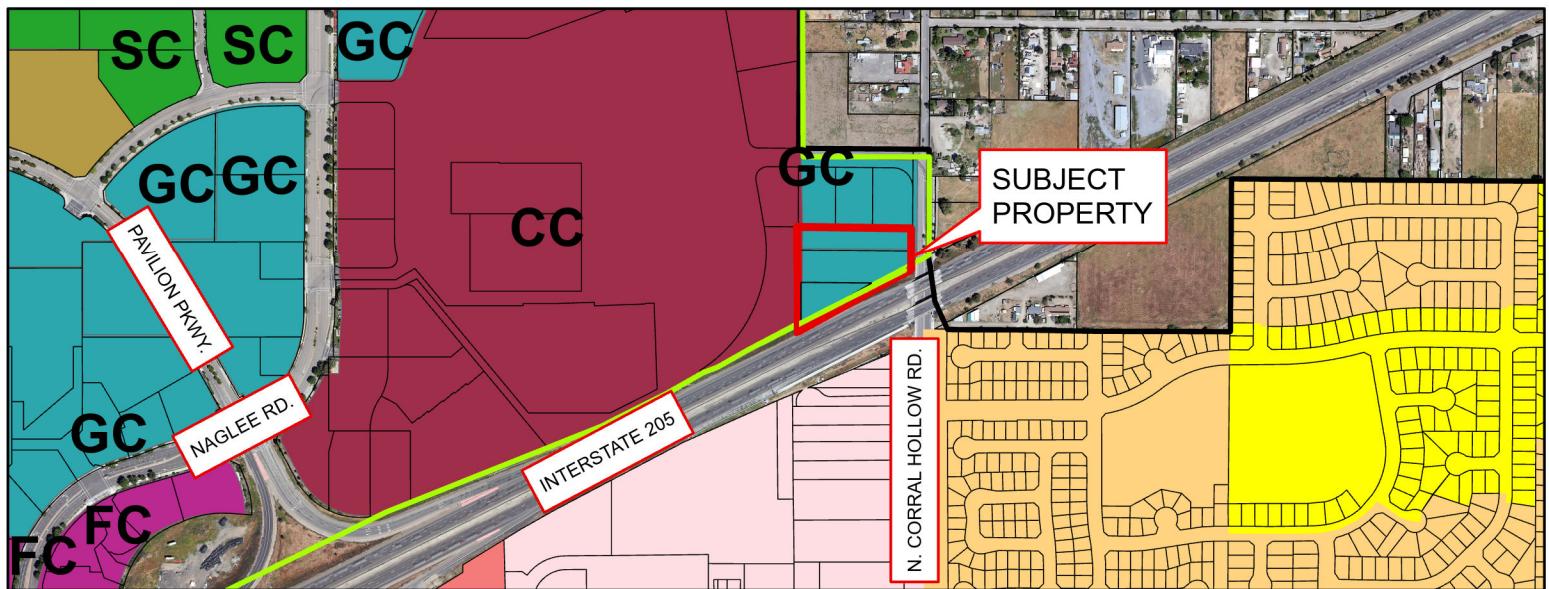
# Boundary & Designation Change Map

EXHIBIT  
A

## Existing



## Proposed



I-205 Corridor SP Boundary Line	HDR: High Density Residential
City Limit	SC: Service Commercial
LAND USE DESIGNATIONS	ZONING DISTRICTS
CC: Commercial Center	Low Density Residential (LDR)
FC: Freeway Commercial	Medium Density Cluster (MDC)
GC: General Commercial	Highway Service (HS)
	General Highway Commercial (GHC)



0 375 750 1,500 Feet



2. Building Coverage and Height: To be governed by the type of building under consideration. The following guidelines will apply to all districts.

<u>Land Use</u>	<u>Maximum Bldg. Coverage</u>	<u>Maximum Floor Area Ratio</u>	<u>Maximum Bldg. Ht.</u>
Retail - Commercial Center	30%	.30	55'
Retail - All other Districts	25%	.25	40'
Office, One Story	35%	.35	25'
Office, Two Story	35%	.40	40'
Office, Three Story	35%	.45	55'
Hotel/Motel	25%	<del>.60</del> 1.0	55'
Restaurant, Free Standing	12.5%	.125	40'
"Van Court/ Flextech"	35%	.35	1 story (40')
Light Manufacturing/ Assembly	45%	.45	1 story (40')
Warehouse/ Distribution	50%	.50	1 story (40')

3. Building Setbacks: The following shall be the minimum building and parking setbacks required for all building types (Figure 4.10).

a. Building setback from any property line: 25 feet.

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CITY ATTORNEY'S OFFICE

TRACY CITY COUNCIL

RESOLUTION 2025-\_\_\_\_\_

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**APPROVING A DEVELOPMENT REVIEW AND DETERMINATION REGARDING OFF-STREET PARKING SPACE REDUCTION FOR THE CONSTRUCTION OF AN APPROXIMATELY 52,000 SQ. FT., 4-STORY, 107 ROOM HOTEL, AN APPROXIMATELY 47,000 SQ. FT., 4-STORY, 70 ROOM HOTEL, AND SITE IMPROVEMENTS, LOCATED AT 3055, 3095, 3125 N. CORRAL HOLLOW RD., APN: 212-260-07, -08, -09 (PROJECT), APPLICATION NUMBERS D22-0021, DET25-0002.**

**WHEREAS**, on May 26, 2022, the applicant submitted an application for a Development Review Permit for the Project located at 3055, 3095, 3125 N. Corral Hollow Rd., APN: 212-260-07, -08, -09 (Application Numbers D22-0021 and DET25-0002); and

**WHEREAS**, on June 17, 2025, the applicant submitted an application for a Determination for a reduction in parking; and

**WHEREAS**, The parcels APN: 212-260-08 and 212-260-09 have a General Plan designation of Commercial and is designated General Commercial in the I-205 Corridor Specific Plan; and

**WHEREAS**, The parcel APN: 212-260-07 has a General Plan designation of Commercial and is zoned General Highway Commercial; and

**WHEREAS**, The parcel APN: 212-260-07 through the Specific Plan Amendment is to be included in the boundary of the I-205 Corridor Specific Plan and designated as General Commercial, and is consistent with the Commercial General Plan designation; and

**WHEREAS**, The City can approve a Development Review Permit on the basis of the application and evidence submitted, subject to making all of the requisite findings set forth in TMC Section 10.08.3920; and

**WHEREAS**, The property owner submitted a parking study documenting that a 20 percent reduction in off-street parking spaces is sufficient to mitigate the potential parking demands of the project, and

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

**WHEREAS**, the project layout, architecture and public space improvements have been reviewed against the City of Tracy Design Goals and Standards; and

**WHEREAS**, the proposed project is consistent with the land use designation and development intensity for the site identified in the General Plan and analyzed in the General Plan EIR, implementation of the proposed project would not result in any new or altered cumulative impacts beyond those addressed in the General Plan EIR; and

**WHEREAS**, a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project has been prepared and proposed for adoption by Council demonstrating that it is the appropriate document addressing the environmental impacts pursuant to the California Environmental Quality Act; and

**WHEREAS**, the Planning Commission considered this matter at a duly noticed public hearing held on July 23, 2025, and voted to recommend that the City Council approve the Project; and

**WHEREAS**, on September 2, 2025, the City Council held a duly-noticed public hearing to review and consider the Project and the Determination for a parking reduction; now, therefore, be it

**RESOLVED:** That the City Council of the City of Tracy determines 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; and be it

**FURTHER RESOLVED:** That the City Council of the City of Tracy determine that the Project has been evaluated in accordance with the California Environmental Quality Act (CEQA) Guidelines, and a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program is proposed which would reduce any potentially significant environmental impacts to a level of insignificance. The Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the Project is the appropriate document addressing the environmental impacts pursuant to the California Environmental Quality Act; and be it

**FURTHER RESOLVED:** That the City Council of the City of Tracy determine that the implementation of the proposed Mitigation Monitoring and Reporting Program would not result in any new or altered cumulative impacts beyond those addressed in the General Plan EIR; and be it

**FURTHER RESOLVED:** That based on the findings set forth in **Exhibit 1** hereto, the City Council hereby approves the Development Review and Determination for a Off-Street Parking Space Reduction of 20 percent for this project (Application Number D22-0021), subject to the Conditions of Approval set forth in **Exhibit 2**, and the Development Review Plan Set in **Exhibit 3** hereto; provided, however, that the approval of this Development Review and Determination for a Off-Street Parking Space Reduction shall not be effective until the first day following the effective date of the Ordinance approving the I-205 Corridor Specific Plan boundary change and floor area modification.

\* \* \* \* \*

The foregoing Resolution 2025-\_\_\_\_\_ was adopted by the City Council of the City of Tracy on September 2, 2025, by the following vote:

AYES: COUNCIL MEMBERS:  
NOES: COUNCIL MEMBERS:  
ABSENT: COUNCIL MEMBERS:  
ABSTENTION: COUNCIL MEMBERS:

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DAN ARRIOLA  
Mayor of the City of Tracy

ATTEST: \_\_\_\_\_  
APRIL QUINTANILLA  
City Clerk

Date of Attestation: \_\_\_\_\_

Exhibit A – Development Review Findings  
Exhibit B – Development Review Conditions of Approval  
Exhibit C – Development Review Plan Set

**City of Tracy  
Development Review Permit Findings  
Application Number D22-0021  
September 2, 2025**

Development Review Permits must meet the requirements set forth in Tracy Municipal Code (TMC) Article 30, including a noticed public hearing. Pursuant to TMC Section 10.08.3960, before approving a Development Review Permit, the City Council must review application materials and public comments submitted prior to or at the public hearing, and consider the following site-specific factors set forth in TMC Section 10.08.3960:

- General site considerations including height, bulk, and size of buildings;
- Physical and architectural relationship with the existing and proposed structures;
- Site layout, orientation, and location of the buildings and relationships with open areas and topography;
- Location and type of landscaping;
- Off-street parking areas;
- Height, materials, colors, and variations in boundary walls, fences, and screen plantings;
- Appropriate sign design and exterior lighting; and
- Appropriate City utilities, public infrastructure, circulation, and roadway access.

After consideration of the entire record, under TMC Section 10.08.3960, the City Council may approve the Development Review Permit if the facts in the record support the following findings:

- (a) That the proposal increases the quality of the project site, and enhances the property in a manner that therefore improves the property in relation to the surrounding area and the citizens of Tracy; and
- (b) That the proposal conforms to Chapter 10.08, Zoning Regulations, of the Tracy Municipal Code, the General Plan, any applicable specific plan, the Design Goals and Standards, any applicable Infrastructure Master Plans, and other City regulations.

Therefore, the City Council conducted a noticed public hearing on September 2, 2025, and upon its conclusion, makes the requisite findings for the Development Review Permit based on consideration of the entire record of evidence, including, without limitation, the following:

- (a) The Project increases the quality of the project site and enhances the property in a manner that therefore improves the property in relation to the surrounding area and for the citizens of Tracy, because the proposed two hotels will be constructed with vertical and horizontal elements and a mix of materials and colors adding visual interest along all sides, especially the frontage facing Interstate 205, the proposed shade canopies, and the entryways, which will help to create a sense of arrival to the site.

and

- (b) The Project conforms to all applicable requirements of Chapter 10.08 of the Tracy Municipal Code, the City of Tracy General Plan, the City Design Goals and Standards, the California Building and Fire Codes, and all other applicable City Standards. The Project meets all City requirements for the I-205 Corridor Specific Plan, landscaping has been provided for screening and to provide shade in parking areas, a mix of

materials and vertical and horizontal elements to add visual interest to the two proposed hotels, and all other site improvements meet applicable City standards.

**City of Tracy**  
**Conditions of Approval**  
Avid/Candlewood and Hilton Garden Hotel  
Development Review Permit Application Number D22-0021  
September 2, 2025

**A. General Provisions and Definitions.**

A.1. General. These Conditions of Approval apply to the Avid/Candlewood and Hilton Garden Hotel Project (hereinafter "Project"), which includes the following:

Development Review Permit Application Number D22-0021:

A Development Review Permit for the construction of an approximately 52,000 sq. ft., 4-story, 107 room hotel, an approximately 47,000 sq. ft., 4-story, 70 room hotel, and site improvements, on an approximately 3.17-acre site located at northwest corner of N. Corral Hollow Rd. and Interstate 205 at 3055, 3095, 3125 N. Corral Hollow Rd., APN: 212-260-07, -08, -09 (hereinafter "Property"), Application Number D22-0021.

A.2. Compliance with submitted plans. Except as otherwise modified herein, the Property shall be subdivided and developed in substantial compliance with the Development Review Permit (Application Number D22-0021) received by the Community and Economic Development Department on June 5, 2025, to the satisfaction of the Community and Economic Development Director.

A.3. Payment of applicable fees. The Developer shall pay all applicable fees for the project for each building, including, but not limited to, development impact fees, building permit fees, plan check fees, grading permit fees, encroachment permit fees, inspection fees, school fees, or any other City or other agency fees or deposits that may be applicable to the project. Applicable fees will be assessed at the time of building permit application and paid at the time of building occupancy, on "pro-rata" basis, based on the individual building(s) square footage.

A.4. Compliance with City regulations. Unless specifically modified by these Conditions of Approval, the Developer shall comply with all City regulations, including, but not limited to, the Tracy Municipal Code (TMC), City of Tracy Design Documents, the I-205 Corridor Specific Plan, and the City's Design Goals and Standards.

A.5. Building Permit Required. The Developer shall submit a building permit application along with all pertinent construction documents such as plans, specifications, and/or calculations to the Building Safety Division prior to the construction of any regulated structures, on-site improvements, or accessibility features. Construction documents shall conform to the Title 24 California Code of Regulations edition effective on the date of application for a building permit.

A.6. Copy on Building Permit Plans. The Developer shall include a sheet with a legible photocopy of the approved resolution and these Conditions of Approval. This sheet shall be included in all plan sets, including all job copies, and shall be available for reference by any City official, including building inspectors.

A.7. Definitions.

- a. "City Engineer" means the City Engineer of the City of Tracy, or any other duly licensed Engineer designated by the City Manager, or the Community and Economic Development Director, or the City Engineer to perform the duties set forth herein.
- b. "City Regulations" means all written laws, rules, and policies established by the City, including those set forth in the City of Tracy General Plan, the Tracy Municipal Code ordinances, resolutions, policies, procedures, the I-205 Corridor Specific Plan, and the City's Design Documents (including the Standard Plans, Standard Specifications, and relevant Public Facility Master Plans).
- c. "Community and Economic Development Director" means the Community and Economic Development Director of the City of Tracy, or any other person designated by the City Manager or the Community and Economic Development Director, to perform the duties set forth here. (The Community and Economic Development Director is also referred to in the Tracy Municipal Code as the Development and Engineering Services Director.)
- d. "Conditions of Approval" shall mean these conditions of approval applicable to the Project, Application Number D22-0021. The Conditions of Approval shall specifically include all conditions set forth herein.
- e. "Developer" means any person, or other legal entity, who applies to the City to divide or cause to be divided real property within the Project boundaries, or who applies to the City to develop or improve any portion of the real property within the Project boundaries. The term "Developer" shall include all successors in interest.
- f. "Property" means the approximately 3.17-acres located at 3055, 3095, 3125 N. Corral Hollow Rd., APN: 212-260-07, -08, -09 that is the subject of the Development Review Permit, Application Number D22-0021.
- g. "Subdivider" means a person, firm, corporation, partnership, or association who owns the property or represents the owner and who proposes to divide, divides, or causes to be divided real property into a subdivision for oneself or for others. Employees and consultants of such persons or entities, acting in such capacity, are not subdividers.

A.8. Compliance with laws. The Developer shall comply with all laws (federal, state, and local) related to the development of real property within the Project, including, but not limited to:

- a. the Planning and Zoning Law (Government Code sections 65000, et seq.),
- b. the California Environmental Quality Act (Public Resources Code sections 21000, et seq., "CEQA"),
- c. the Guidelines for California Environmental Quality Act (California Administrative Code, title 14, sections 1500, et seq., "CEQA Guidelines"),
- d. California Building Code, and
- e. Fire Codes.

Conditions of Approval  
Avid/Candlewood and Hilton Garden Hotel  
Application Number D22-0021  
September 2, 2025

A.9. Protest of fees, dedications, reservations, or other exactions. Pursuant to Government Code section 66020, including section 66020(d)(1), the City HEREBY NOTIFIES the Developer that the 90-day approval period (in which the Developer may protest the imposition of any fees, dedications, reservations, or other exactions imposed on this Project by these Conditions of Approval) has begun on the date of the conditional approval of this Project. If the Developer fails to file a protest within this 90-day period, complying with all of the requirements of Government Code section 66020, the Developer will be legally barred from later challenging any such fees, dedications, reservations or other exactions.

A.10. Habitat conservation. Prior to issuance of a building permit or grading permit, the developer shall demonstrate compliance with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) and the Incidental Take Minimization Measures prepared by San Joaquin Council of Government (SJCOP) Habitat Division, to the satisfaction of the Community and Economic Development Director.

A.11. Air Pollution Control District. Prior to issuance of a building permit or grading permit, the Developer shall comply with all applicable requirements of the San Joaquin Valley Air Pollution Control District (APCD), to the satisfaction of the Community and Economic Development Director.

A.12. Indemnification. The City has determined that City, its employees, agents, and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs or any other costs arising out of or in any way related to this project approval, or the City's activities conducted pursuant to its processing and approval of this project approval, including any constitutional claim. Accordingly, to the fullest extent permitted by law and as a condition of this approval, the applicant and property owner, and its representative(s), or its successors shall defend, indemnify and hold harmless the City, Its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, the issuance of this project approval, or the City's activities conducted pursuant to its processing and approval of this project approval, including any constitutional claim. The applicant and property owner, and its representative(s), or its successors shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

**B. Issuance of Building Permit – The following Conditions of Approval shall be satisfied prior to issuance of building permit:**

B.1. Parking: the Developer shall submit the following to the satisfaction of the Director of Community and Economic Development:

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- a. Site plans and construction details that demonstrate 12-inch-wide concrete curbs along the perimeter of landscape planters where such planters are parallel and adjacent to vehicular parking spaces to provide access to vehicles without stepping into the landscape planters.
- b. Site and construction details shall demonstrate the parking stalls are striped in accordance with City Standard Plan 141. Planters or sidewalks at the head of parking spaces may be constructed two feet into the front of parking spaces. Such two-foot overhang of landscape planters into the head of parking spaces is not included in the minimum area of required landscaping.
- c. Bicycle parking spaces shall be provided in accordance with Tracy Municipal Code Section 10.08.3510.
- d. Bollard pipes shall not be used in areas visible to the general public. Boulders, planter boxes, decorative walls, or other architectural features that complement the character of the site may be used as needed for protection of utilities or other site improvements from potential vehicular impact.

B.2. Landscaping: the Developer shall provide detailed landscape, and irrigation plans consistent with the following, in accordance with City regulations, to the satisfaction of the Director of Community and Economic Development and/or Director of Public Works:

- a. Said plans shall demonstrate compliance with Tracy Municipal Code Section 10.08.3560 for parking area landscaping. Said plans shall include a planting legend indicating, at minimum, the quantity, planting size, and height and width at maturity and calculations for landscape and canopy tree shading areas.
- b. The landscape and irrigation plans shall include documentation which demonstrates there is no less than 20 percent of the parking area in landscaping and 40 percent canopy tree coverage at tree maturity.
- c. Each planter shall contain a combination of trees, shrubs, and groundcover. Trees shall be a minimum of 24-inch box and shrubs shall be minimum five gallons size at planting.
- d. Where trees are planted ten feet or less from a sidewalk or curb, root barriers dimensioned 8 feet long by 24 inches deep shall be provided adjacent to such sidewalk and curb, centered on the tree.
- e. The landscape and irrigation plan shall be consistent with the applicable Department of Water Resources Model Efficient Landscape Ordinance.
- f. A Department of Water Resources Model Efficient Landscape Ordinance (MWELO) Project Information Sheet shall be prepared in compliance with City standards to the Director of Public Works. The submittal must show compliance with the MWELO by choosing either the Prescriptive or Performance Approach through inclusion in submitted plans and documents. The submittal shall demonstrate compliance with

Tracy Municipal Code Chapter 11.28 and California Green Building Standards  
Chapter 5.

- g. The Developer shall execute an Agreement for Maintenance of Landscape and Irrigation Improvements and submit financial security to the Development Services Department. The Agreement shall ensure maintenance of the on-site landscape and irrigation improvements for a period of two years following Project occupancy. Said security shall be equal to the actual material and labor costs for installation of the on-site landscape and irrigation improvements, or \$2.50 per square foot of on-site landscape area.

B.3. Equipment and Enclosures: The applicant shall submit detailed plans that demonstrate the following to the satisfaction of the Director of Community and Economic Development:

- a. No roof mounted equipment, including, but not limited to HVAC units, vents, fans, antennas, sky lights and dishes, whether proposed as part of this application, potential future equipment, or any portion thereof, shall be readily visible from any public right-of-way, including I-205 Freeway. The plans shall demonstrate that such equipment is fully screened from view by the building parapet designed to be equal to or higher than the height of the mounted equipment.
- b. All vents, gutters, downspouts, flashing, plumbing lines, fire risers, and electrical conduits shall be internal to the structure and other ground-mounted, wall-mounted, or building-attached utilities, including bollards, shall be painted to match the color of the adjacent surfaces or otherwise designed in harmony with the building exterior.
- c. All PG&E transformers, phone company boxes, Fire Department connections, backflow preventers, irrigation controllers, and other on-site utilities, shall be vaulted or substantially screened from view behind structures or landscaping.
- d. Trash enclosures shall be designed and appropriately sized for this project, including allowance for recycling collection. The trash and recycling collection enclosure shall include a solid roof structure, solid metal doors, and solid masonry walls sufficiently sized to fully screen the dumpsters. The enclosure, including the roof, shall be architecturally compatible with the building, which includes but is not limited to, design, materials, and colors. A six-inch concrete curb and/or bollards may be installed on the interior of the enclosure for the protection and durability of the enclosure walls.

B.4. Site Improvements: the Developer shall comply with:

- a. The subject property consisting of three parcels APNs: 212-260-07, -08, -09 shall have an approved lot line adjustment showing Avid/Candlewood on one parcel and Hilton Garden Inn on the second parcel. No buildings shall be shown to dissect or cross any proposed property lines to the satisfaction of the City Engineer and Director of Community and Economic Development.

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- b. The City of Tracy June 2015 Multi-Agency Post Construction Stormwater Standards Manual to the satisfaction of the Utilities Director, which includes submittal of site design and source and treatment controls along with hydromodification. Compliance with the Manual includes, but is not limited to, addressing outdoor storage areas, loading and unloading areas, trash enclosures, parking areas, any wash areas and maintenance areas and compliance with Tracy Municipal Code Chapter 11.34 and the California Green Building Standards Code, Chapter 5.
- c. All mitigation measures identified in the Mitigated Negative Declaration and Initial Study for the Avid/Candlewood and Hilton Garden Inn, dated July 2025.
- e. The General Plan Noise Element Policy 4 (Goal N-1.2), all construction activity producing any noise beyond the site's property line shall not occur after 7:00 p.m. or before 7:00 a.m.
- f. Record an instrument(s) that ensures the 35-foot access easement on the northwest of the subject property to provide for the vehicle and pedestrian access from the subject property to the West Valley Mall ring road as shown on the approved site plan, or as otherwise approved by the Director of Community and Economic Development. The recorded instrument shall be consistent with City of Tracy regulations to the satisfaction of the Community and Economic Development Director and in a form satisfactory to the City Attorney.
- g. Construct the planned Class I multi-use path along the Project's Corral Hollow Road Frontage.
- h. No business identification signs are approved with this permit. Prior to the installation of any signs requiring a sign permit, the applicant shall obtain applicable sign and building permits in accordance with the Tracy Municipal Code.
- i. Except for the wall or fence required by law around the pool area, no fence or wall is proposed or allowed for this project except as may be proposed by the developer along property lines. If constructed, such wall shall be outside of the yard setback areas, and receive Director of Community and Economic Development approval for consistency with this Development Review permit prior to construction. A fence or wall shall be visually compatible with the overall design character and style of the Hotel; materials may include wrought iron, tube steel, decorative masonry, stone, or stone veneer. If wood is used, it shall be in combination with metal posts and rails and/or masonry base or posts. The following fence materials are not permitted: chain link, barbed wire, razor wire, integrated corrugated metal, electronically charged, plain exposed plastic or plain cement, vinyl slats, or woven fabric.

B.5. Construction Plans: The Developer shall comply with:

- a. Show fire separation distance for all buildings, any rated walls and rated assemblies between units. Applicant also to justify building size and height with mixed use occupancy and building size as per CBC Chapter 5. Note: Construction type and fire sprinkler type was not specified in the plans, therefore the allowable

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area could not be checked for minimum code standards. If not properly designed, it could result in significant changes during the building permit plan review process.

- b. Submittal of construction documents, plans, specifications and/or calculations to the Building Safety Division, which meet all requirements of Title 24 California Code of Regulations and City of Tracy Municipal Codes, as applicable.
- c. Submittal of plans and supporting documentation to Building & Safety Division for onsite construction of utilities, fences of 7 feet, trash enclosures, retaining walls over 4 feet, accessible features, etc.
- d. Provide documentation demonstrating the wall between 10 and 30 feet shall be 1-hour rated or a construction type of IIB or VB.
- e. Provide documentation that demonstrates completion of the proposed easements. CPC 307.2
- f. Currently, there are two interior lot lines that run east to west with the proposed hotels being constructed over it. Therefore, developer must adjust or eliminate all interior lot lines per City of Tracy Municipal Code Title 12 sub-section 12.04.080- Lot line adjustment procedure.
- g. Provide documentation that demonstrates the well has abandon per the County requirements. CPC 721.2
- h. Revise building sewer lines to be only located on the lot serving the site of the building. CPC 721.1

## C. Engineering Conditions

Contacts: Al Gali (209) 831-6436 [al.gali@cityoftracy.org](mailto:al.gali@cityoftracy.org)

### C.1. Technical Analysis incorporated into these Conditions.

Developer shall comply with the applicable recommendations of the technical analyses/reports prepared for the Project listed as follows:

- 1. NONE

### C.2. Grading Permit

Prior to Grading Permit release, the Developer shall provide all documents related to said Grading Permit required by City requirements and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

- C.2.1 All grading work (on-site and off-site) shall require a grading plan and a City grading permit. The Developer will complete all requirements set forth by in this section.

- C.2.2 Prior to grading permit release, Developer shall prepare grading and drainage plans for all required earthmoving and drainage to serve the Project (on-site and off-site) including grading details, grading quantities, and retaining walls design (Grading Plans). The said Grading Plans shall be prepared in accordance with the City's Subdivision Ordinance (Tracy Municipal Code (TMC) Chapter 12.36), City Design Documents as defined in Title 12 of the TMC, and these Conditions of Approval.
- C.2.3 Prior to grading permit release, Developer shall prepare Grading Plans that are stamped and prepared under the supervision of a California registered Civil Engineer (CA-CE). Grading Plans shall be prepared on a 24-inch x 36-inch size 20-pound bond white paper and shall use the City's Title Block.
- C.2.4 Prior to grading permit release, Developer shall prepare Grading Plans in substantial conformance all site building, parking, utility, grading, and other site improvements identified on submitted site improvements drawing package for D22-0043 Tracy Senior Living 401 West Street, Tracy CA 95376 submitted December 26, 023.
- C.2.5 Prior to grading permit release, Developer shall provide a PDF copy of the Project's Geotechnical Report to the City, and it shall be stamped by the Project's California registered Geotechnical Engineer (CA-GE). The technical report must include relevant information related to soil types and characteristics, soil bearing capacity, compaction recommendations, slope recommendations, retaining wall design recommendations, paving section recommendations, and elevation of the highest observed groundwater level. All Grading Plans and grading work shall be performed and completed in accordance with the recommendation(s) of the Project's CA-GE.
- C.2.6 Prior to grading permit release, Developer shall depict in the Grading Plans to use reinforced and engineered masonry blocks for retaining soil when the grade differential exceeds twelve (12) vertical inches. The Developer will include construction details of these minor and major retaining walls with the Grading Plans. Developers may use slopes to transition between the lots to address the grade differential, but the said slope shall not exceed a gradient of three (3) horizontal feet to one (1) vertical foot unless approved by a CA-GE. If adjacent and affected property(s) owner(s) grants said easements to the Developer, these slope easements will be subject to review and approval by the City Engineer prior to grading permit.
- C.2.7 Slopes are an acceptable option as a substitute to engineered retaining walls, where cuts or fills do not match existing ground or final grade with the adjacent property or public right of way, up to a maximum grade differential of two (2) vertical feet, and subject to approval by the City Engineer.
- C.2.8 Prior to grading permit release, the Developer shall depict the proposed retaining walls and masonry walls to be shown on the Grading Plans. The Developer is required to submit construction footing details, structural

calculations, masonry walls details of all retaining wall design to Building Safety for review and approval. Retaining wall and masonry wall design parameters will be included in the geotechnical report and submitted to the city building for review.

- C.2.9 Prior to grading permit release, Developer shall provide a copy of the approved building permit from Building Safety for all retaining walls depicted on the Grading Plans.
- C.2.10 Prior to grading permit release, the Developer shall obtain all applicable signatures by Project's CA-GE, City departments, Fire Marshal, and outside agencies (where applicable) on the Grading Plans prior to submitting the Grading Plans to Engineering for City Engineer's signature.
- C.2.11 Prior to grading permit release, the Developer shall depict on the Grading Plans all erosion control measures needed to be implemented for the project in accordance city and state on the Grading Plans. All grading work not completed before October 15 may be subject to additional requirements as applicable by field conditions as defined by City Engineer. Grading Plans shall specify all proposed erosion control methods and construction details to be employed during construction of the project. The plans shall also specify all materials to be used during and after the construction be included in the grading permit.
- C.2.12 Prior to grading permit release, the Developer shall pay all Grading Permit fees which include grading, plan checking, and inspection fees, and other applicable fees per the City fee schedule.
- C.2.13 Prior to grading permit release, the Developer shall obtain written approval (i.e., recorded easements for slopes, drainage, utilities, access, parking, etc.) of all other public agencies and private entities with jurisdiction over the required public and/or private facilities and/or property prior to grading permit issuance. A copy of the recorded easement document(s) shall be provided to the City upon request.
- C.2.14 Prior to grading permit release, the Developer shall obtain a demolition permit to remove all existing structures, utilities or other improvements located within the project's limits. The developer shall conduct an asbestos survey of the existing buildings in accordance with City requirements and identify all hazardous materials that must be removed prior to demolition and removal of the existing buildings. The Developer shall then remove all asbestos and all hazardous materials in accordance with state and city requirements prior to new construction to the satisfaction of the City Engineer. Demolition of the existing site utilities such as: water, sewer, drainage, electrical, phone or internet service to the existing houses of this facility. The Developer shall install temporary utility services until permanent services can be restored. If demolition of parking, sidewalks and access to existing residential buildings takes place, the developer shall provide adequate notice to the existing residents of demolition of the site. Prior to any demolition of the site, the Developer shall install a temporary fence

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of the entire construction area of the new project. At all times, the Developer shall maintain safe and clean working conditions for the general public and those residents that will be living in close proximity to the construction of the project. At all times, the Developer shall provide adequate warning devices, barricades, metal plating of open trenches and other safety measures installed during construction.

- C.2.15 Prior to grading permit release, the Developer shall have obtained the necessary permits to abandon or remove all existing on-site water well(s), septic system(s), leech field(s), and title drain(s), if any, in accordance with City and San Joaquin County requirements. The Developer shall be responsible for all costs associated with the abandonment or removal of the aforementioned items including the cost of permit(s) and inspection. A copy of the permits shall be provided to the City upon request.
- C.2.16 Prior to grading permit release, the Developer shall provide a copy of the approved Incidental Take Minimization Measures (ITMM) habitat survey [San Joaquin County Multi-Species Habitat Conservation & Open Space Plan (SJMSCP)] from San Joaquin Council of Governments (SJCOG) prior to grading permit.
- C.2.17 Prior to grading permit release, the Developer shall provide a copy of the approved Air Impact Assessment (AIA) with an Indirect Source Review (ISR) and Dust Control from San Joaquin Valley Air Pollution Control District (SJVAPCD) prior to grading permit.
- C.2.18 Prior to grading permit release, the Developer shall provide to the City a written plan to address archeological, historical, or other paleontological findings. If at any point during grading that the Developer, and their respective officials, employees, subcontractor, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other paleontological findings, the Developer shall 1) inform the City Engineer; 2) shall address the findings as required per the General Plan Cultural Resource Policy and General Plan EIR; and 3) subsequent Cultural Resource Policy or mitigation in any applicable environmental document.
- C.2.19 Seven calendar days after the release of the grading permit, the Developer shall request a pre-construction (grading) meeting with the City's Construction Management team. At this meeting, the Developer shall provide three (3) paper copies of the Grading Plans. The Developer shall provide additional copies as requested.

Grading Permit Special Condition(s)

- C.2.20 Prior to grading permit release, the Developer shall prepare plans that depict undergrounding all existing overhead utilities such as electric, TV cable, telephone, and others along the project frontage Corral Hollow Road. Each dry utility shall be installed at the location approved by the respective owner(s) of

dry utility and Developer shall coordinate such activities with each utility owner. All costs associated with the underground shall be the sole responsibility of Developer and no reimbursement will be due from the City. Exemptions from this condition are allowable by the TMC.

**C.3.0 Encroachment Permit and Improvement Agreement(s)**

Prior to construction permit release, Developer shall provide all documents as required by City requirements and these Conditions of Approval, to the satisfaction of the City Engineer, including, but not limited to, the following:

- C.3.1 All construction activity involving public improvements (on-site and off-site) will require approved improvement plans; an encroachment permit; and a fully executed improvement agreement (Off-site Improvement Agreement - OIA or Subdivision Improvement Agreement - SIA). Any construction activity involving public improvements without all three items is prohibited. The Developer will complete all requirements set forth in this section prior to any construction.
- C.3.2 Prior to construction permit, the Developer shall prepare public infrastructure improvement plans for all required improvements required to serve the Project (on-site and off-site) including construction details, paving sections, joint-trench, traffic signals, etc. (Improvement Plans).
- C.3.3 Prior to construction permit, the Developer shall prepare Improvement Plans that are stamped and prepared under the supervision of a California registered Civil Engineer (CA-CE). Other disciplines' work shall also be stamped and prepared under the supervision of each disciplines' registered design professional.
- C.3.4 Prior to construction permit, the Developer shall prepare Improvement Plans on a 24-inch x 36-inch size 20-pound bond white paper and shall use the City's Title Block. The said Improvement Plans, specifications and details depicted on said Improvement Plans shall be prepared in accordance with the City's Subdivision Ordinance (Tracy Municipal Code (TMC) Chapter 12.36), City Design Documents as defined in Title 12 of the TMC, City's Facilities Master Plan for storm drainage, roadways, wastewater, and water as adopted, amended, and updated by the City, or as otherwise specifically approved by the City, and all requirements described in the documents described hereon, and these Conditions of Approval.
- C.3.5 Prior to construction permit, the Developer shall prepare Improvement Plans in substantial conformance with the site building, parking, utility, grading, and other on-site and off-site improvements identified on submitted site improvements drawing package for D22-0021 AVID Candlewood by IHG and Hilton Garden Inn, N. Corral Hollow Road, Tracy CA 95376 submitted January 03,2024 by I and An Architects, Inc, San Francisco, CA.
- C.3.6 Prior to construction permit release, the Developer shall provide a PDF copy of the Project's Geotechnical/Soils Report prepared and stamped by the Project's CA-GE. The technical report must include relevant information related to street

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pavement thickness (asphalt concrete and aggregate base), compaction recommendations, building pad section and compaction recommendation, soil bearing capacity, retaining wall footing design parameters, slope recommendations, peculation rates, ground water depth, and other pertinent information for grading the site and building the building foundations.

- C.3.7 Prior to construction permit release, the Developer shall prepare Improvement Plans to specifically include, but not be limited to all existing and proposed utilities to be constructed such as domestic water line, irrigation service, water fire service, domestic water services, storm drain, sanitary sewer, all existing surface improvements such as PCC, curb, gutter, sidewalk, ADA ramps, fire hydrants, streetlights, landscaping, irrigation, irrigation controllers, striping, etc. including the size and location of all pipes.
- C.3.8 Prior to construction permit release, the Developer shall prepare Improvement Plans to specifically include, but not be limited to dimensions of existing and proposed utilities and surface improvements to be constructed with the project.
- C.3.9 Prior to construction permit release, the Developer shall identify and depict on the Improvement Plans all frontage improvements of pavement, curb and gutter, sidewalk, ADA ramps, fire hydrants, streetlights, landscaping, and irrigation in need of repair (cracked, settled, and/or damaged). The Developer shall then note on the Improvement plans the location of the said improvements need repair and shall be repaired accordance with City requirements to the Satisfaction of the City Engineer. Any repair, removal, and replacement shall be in a similar manner to the current improvement, i.e., similar width, color, finish, meander, etc.
- C.3.10 Prior to construction permit release, Developer shall dedicate a ten (10) feet wide Public Utility Easements (PUE) behind the right-of-way/property line along following Corral Hollow Road.
- C.3.11 Prior to construction permit release, Developer shall provide all supporting engineering calculations, materials information or technical specifications, cost estimate, and technical reports shall be submitted at the time of grading, site improvement and building permit reviews. All improvement plans shall contain a note stating that the Developer will be responsible for preserving and protecting all existing survey monuments and other survey markers such as benchmarks prior to building permits.
- C.3.12 The Developer shall also make the following improvements:
  - a. The Developer shall reconstruct any damaged frontage improvements of curb and gutter, sidewalk, ADA ramps and landscaping along Corral Hollow Road to recent City requirements prior to occupancy.
  - b. The Developer shall reconstruct damaged frontage improvements of curb and gutter, sidewalk, ADA ramps at 35' access way with West Valley Mall Road to City standard plans per city requirements prior to occupancy.

C.3.13 Public Right-of-Way Landscaping and Irrigation – Prior to construction permit release, the Developer shall prepare landscape and irrigation plans that depict the following:

The Developer shall landscape and irrigate the area from the back of sidewalk to the new parking lot curb lines prior to occupancy. Landscape and irrigation plans shall be in substantial conformance with the approved L1 and LC2 preliminary plans submitted with the approved site development review permit for this Project. All landscape drawings shall be prepared on a 24-inch x 36-inch size 20-pound bond white paper that incorporates all requirements described in these Conditions of Approval, and the City's Design Documents as defined in Title 12 of the Tracy Municipal Code. Developer shall use the latest title block. Said landscape and irrigation plan shall be prepared by a California licensed landscape architect. The Developer shall install trees in the landscaped area between the sidewalk and onsite curb line along the project frontage. The Developer shall also install additional shrubs, ground cover, and other landscaping and other corresponding irrigation systems as required fifteen (15) feet from the existing sidewalk to parking lot curb. The landscaping and irrigation shall conform to MWELO standards. If recommended, Developer shall use structural soil if the street trees' well is narrower than five (5) feet wide. The developer shall construct new proposed monument signs and their appurtenances, and any other existing items out of this clear site visibility zones of all driveway entrances to the site.

C.3.14 Storm Water

Prior to construction permit release, the developer shall depict on the Improvement Plans the location of the existing storm drain located in West Valley Mall Road for this project to storm drain system to connect into. The Project's storm water connection to the City's existing storm water system is in asphalt pavement shall be in accordance with City standard plans and city requirements and to the satisfaction of the City Engineer.

The Developer shall provide calculations for the sizing of the storm drain(s) and shall be submitted with the hydrology and storm water report during plan review. The Developer shall comply with the applicable requirements of the City's storm water masterplan adopted by the City Council in 2012 and any subsequent amendments.

All proposed detention basin(s) shall comply with the applicable requirements of the City's storm water masterplan adopted by the City Council in 2012 and clean water program and any subsequent amendments.

C.3.15 The Developer shall construct one (1) underground pretreatment facility for the storage and treatment of storm water to the satisfaction of the City C.3. requirements. Per Item No. 15, Section V on page 94 of the 2008 Design

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Standards, all storm water run-off from the site shall not cross property lines. The project storm drainage release point shall be located at the north end of 35' wide access easement to West Valley Mall Road where onsite storm water line leaves the project property. This storm drainage release point is where storm water leaves the project in a 100-year storm event or when the project property's on-site storm drainage system fails to function, or it is clogged. Site grading shall be designed such that the project's storm drainage flow to the existing 12" storm drainpipe located West Valley Mall Road and flow to the existing storm drainage line within the street and have adequate capacity to drain storm water from the property. The storm drainage release point is recommended to be at least 0.70-feet lower than the new building's finish floor elevation and shall be designed and improved to the satisfaction of the City Engineer.

C.3.16 Per the 2012 Storm Drainage Master Plan, this parcel is master planned to drain into the existing storm drain underground pipe system located in West Valley Road. The on-site storm drains should be sized for the ten (10) year storm discharge, using the one hundred (100) year water surface elevation for the point of discharge water elevation. This drainage scheme requires constructing a storm drain system on private property.

Prior to construction permit release, the developer shall depict on the Improvement Plans the construction of one (1) underground Prinsco stormwater pretreatment system to the specifications of the manufacturer and to satisfaction of the City C-3 requirements and the satisfaction of the City Engineer. On-site runoff from the site landscaping, pavement and roofs will discharge directly into this underground pretreatment system which will then filter the water that will drain into the city storm drain system in West Valley Mall Road.

**C.3.17 Sanitary Sewer**

Prior to construction permit release, the developer shall depict on the project Improvement Plans two (2) sanitary sewer line laterals from each proposed building to the two existing 6" sewer lateral lines along project frontage of Corral Hollow Road in accordance with the City's Design requirements and to the satisfaction of the City Engineer.

**C.3.18 Water Distribution**

Prior to construction permit release, the Developer shall depict on the project Improvement Plans a potable domestic, irrigation, and fire sprinkler water services to each building within the project site. Fire sprinkler lines and domestic water services to every building within the project shall comply with the City Design criteria and city standard plans. The sizing, layout and looping of all water lines shall meet national and state fire code requirements for this type of building development. During the construction of the Project, the Developer is responsible for providing water infrastructure (temporary or permanent) capable of delivering

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adequate fire flows and pressure that is appropriate to all stages of construction and as approved by the City Fire Marshal.

The Developer shall connect the looped fire sprinkler line and the two domestic water services from each building to the existing 12-inch water line in Corral Hollow Road for fire protection and domestic water service. If trenching is required, the pavement trenching and restoration in Corral Hollow Road shall be per City Standards.

Interruption to the water supply to the existing businesses and other users will not be allowed to facilitate construction of improvements related to the Project. The Developer is responsible for notifying business owner(s) and users, regarding any disruptions from the construction work. The written notice, as approved by the City Engineer, shall be delivered to the affected residents or business owner(s) at least seventy-two (72) hours before the start of work. Prior to starting the work described in this section, the Developer shall submit prepare a work plan acceptable to the City that demonstrates no interruptions to the water supply, and Traffic Control Plan to be used during the installation of the off-site water mains and connections.

The Project's water service connections shall be a remote-read (radio-read) master water meter (the water meter to be located within City's right-of-way) and a Reduced Pressure Type back-flow protection device in accordance with City requirements. The City Engineer shall approve the location of the water meters.

After improvement, acceptance, repair, and maintenance of the water service from the water meter to the point of connection with the water distribution main in the street shall be the responsibility of the City. Water service repairs after the water meter is the responsibility of the Developer or individual lot owner(s).

Prior to improvement acceptance, the repair and maintenance of all on-site water lines, laterals, sub-water meters, valves, fittings, fire hydrant and appurtenances shall be installed by the developer.

All costs associated with the installation of the Project's water connection(s) including the cost of removing and replacing asphalt concrete pavement, pavement marking and striping such as crosswalk lines and lane line markings on existing street or parking area(s) that may be disturbed with the installation of the permanent water connection(s), or domestic water service, and other improvements shall be paid by the Developer.

**Fire Service Line(s) and Hydrants** – Location and construction details of installing the fire service line shall include the installation of fire hydrant(s) that are to serve the Project, shall be protected with 4 concrete bollards around each hydrant. The layout of all fire hydrants shall be approved by the City Fire Marshal prior to the approval of the Improvement Plans by the City Engineer. The Developer shall submit a layout of the fire hydrants and obtain written

approval of the location of fire hydrants and fire connections to the building from the Fire Marshal, prior completion of the of the water line design.

C.3.19 Prior to construction permit release, the Developer shall prepare Joint Trench Plans and Composite Utility Plans, prepared on a 24-inch x 36-inch size 4-millimeter thick mylar for the installation of dry utilities such as electric, gas, TV cable, telephone, and others to serve the Project. All private utility services to serve Project must be installed underground or relocated to be underground, and to be installed at the location approved by the respective owner(s) of the utilities from the street or an existing or proposed utility easement to the building(s).

Prior to construction permit release, the Developer shall dedicate 10-feet wide P.U.E. for access to these new utilities for re-installation, replacement, repair, and maintenance work to be performed by the respective utility owner(s).

C.3.20 Prior to construction permit release, the Developer shall provide signed and stamped Engineer's Estimate that summarizes the cost of constructing all the public improvements shown on the Improvement Plans.

C.3.21 Prior to construction permit release, the Developer shall provide payment of fees required by the City requirements including but not limited to plan checking, grading, construction inspection, agreement processing, encroachment permits, and other fees. The engineering review fees will be calculated based on the fee rate adopted and updated by the City Council.

C.3.22 Traffic Control Plan - Prior to starting the work for any work within City's right-of-way, the Developer shall submit a Traffic Control Plan (TCP). TCP can be split among the different construction phases. TCP will show the method and type of construction signs to be used for regulating traffic at the work areas within these streets. TCP shall conform to the Manual on Uniform Traffic Control Devices as amended by the State of California, latest edition (MUTCD-CA). TCP shall be prepared under the supervision of, signed and stamped by a Registered Civil Engineer or Registered Traffic Engineer.

Access and Traffic Circulation to Existing Businesses/Residents - Developer shall take all steps necessary to plan and construct site improvements such that construction operations do not impact safety and access (including emergency vehicles) to the existing businesses and residents throughout the duration of construction. The Developer shall coordinate with the owners and cooperate to minimize impacts on existing businesses. All costs of measures needed to provide safe and functional access shall be borne by the Developer.

C.3.23 No street trench shall be left open, uncovered, and/or unprotected during night hours or when the Developer's contractor is not performing construction activities. Appropriate signs and barricades shall be installed on the street and on all trenches during construction. If the Developer or his contractor elects to use steel plates to cover street trenches, said steel plates will be skid-resistant, and

shall be ramped on all sides. Ramps will be a minimum two-foot wide and will run the entire length of each side.

C.3.24 If at any point during utility installation or construction, the Developer, or his contractor, engineers, and their respective officials, employees, subcontractors, and/or subconsultant exposes/encounters/uncovers any archeological, historical, or other paleontological findings, the Developer shall 1) inform the City Engineer; 2) shall address the findings as required per the General Plan Cultural Resource Policy and General Plan EIR; and 3) subsequent Cultural Resource Policy or mitigation in any applicable environmental document.

C.3.25 Off-site Public Improvements - Prior to the Developer commencing construction of off-site public improvements, the Developer shall possess a fully executed Off-site Improvement Agreement (OIA). The Developer shall also complete all the following requirements to the satisfaction of the City Engineer:

- a. The developer shall construct a new 24 feet wide concrete driveway entrance on Corral Hollow Road and a 26'feet wide concrete driveway entrance on Corral Hollow Road in accordance with city driveway standards. Each driveway shall have a proper signage and striping, sidewalk, and ADA ramps to the satisfaction of the City Engineer prior to occupancy.
- b. Developer shall reconstruct any damaged frontage improvements along the 35' feet access easement of curb and gutter, sidewalk, ADA ramps and landscaping along West Valley Mall Road to recent City requirements prior to occupancy.
- c. Developer shall reconstruct damaged frontage improvements of curb and gutter, sidewalk, ADA ramps and landscaping along Corral Hollow Road to City requirements prior to occupancy.

Developers shall pay all required permit processing fees including plan check and inspection fees to the City Engineering department prior to construction.

Improvement Security - Developer shall provide improvement security for all public facilities, as required by the Improvement Agreement. The form of the improvement of security may be a bond, or other form in accordance with the Government Code, and the TMC. The amount of the improvement security shall be in accordance with Title 12 of the TMC.

Insurance – Developer shall provide written evidence of insurance coverage that meets the terms of the Improvement Agreement.

#### Construction Permit Special Condition(s)

C.3.26 The Developer shall file for an encroachment permit for the demolition and construction of new improvements in the city right of way.

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C.3.27 The Developer shall construct a parking lot of 148 parking stalls consisting of 103 standard parking stalls, 37 compact parking stalls, 8 ADA parking stalls (2 van +3 regular ADA), and 10 EV charging stations, prior to occupancy.

C.3.29 Prior to construction permit release, Developer shall obtain all applicable signatures by City departments and outside agencies (where applicable) on the Improvement Plans including the Fire Marshal prior to submitting said plans to Engineering for City Engineer's signature.

C.4. Building Permit

Prior to building permit release, the Developer shall demonstrate, to the satisfaction of the City Engineer, compliance with all required Conditions of Approval, including, but not limited to, the following:

- C.4.1 The Developer has satisfied all the requirements set forth in these Conditions of Approval.
- C.4.2 Prior to building permit release, the Developer shall pay the development impact fees to the satisfaction of the City Engineer.
- C.4.3 Prior to building permit release, the Developer shall have obtained a Grading Permit.

Building Permit Special Condition(s)

C.6.6 Prior to a building permit release, the Developer shall abandon the ten (10) feet wide pipeline easement to Standard Oil per book 1391 of official records, page 1 San Joaquin County Record.

C.5. Acceptance of Public Improvements and Occupancy

Prior to acceptance of public improvements, the Developer shall demonstrate to the satisfaction of the City Engineer completion of the following:

- C.5.1 The Developer has satisfied all the requirements set forth in these Conditions of Approval.
- C.5.2 Prior to any form of occupancy, the Developer shall demonstrate satisfactory completion of all required/conditioned improvements. The Developer shall use diligent and good faith efforts in taking all actions necessary to construct all public facilities required to serve the Project, and the Developer shall bear all costs related to construction of the public facilities (including all costs of design, construction, construction management, plan check, inspection, land acquisition, program implementation, and contingency).

- C.5.3 Prior to any form of occupancy, the Developer shall provide Certified "As-Built" Improvement Plans (or Record Drawings) from the Project's CA-CE. Upon completion of the construction by the Developer, the City, at its sole discretion, temporarily release the original mylars of the Improvement Plans to the Developer so that the Developer will be able to document revisions to show the "As-Built" configuration of all improvements.
- C.5.4 Prior to occupancy, the Developer shall provide both AutoCAD files (including all X-references files), and GIS Shape files (both in formats approved by the City) for the public improvements.
- C.5.5 Prior to occupancy, the Developer shall complete potable domestic and irrigation water service connection(s). The developer shall also complete all fire water lines to fire sprinkler system and on-site fire hydrants. These items are to be installed per City requirements.
- C.5.6 Prior to occupancy, the Developer shall complete all sewer improvements. The developer shall also complete but not limited to reconstructing PCC curb, gutter, and sidewalk, replacing asphalt concrete pavement, restoring pavement marking and striping, and other improvements that are disturbed because of installing the Project's permanent sewer connection.
- C.5.6 Prior to acceptance of public improvements, if determined by the City Engineer that an existing pavement to be in poor condition or damaged by construction activities related to the Project, the Developer shall repair or reconstruct street pavement fronting the project including curb, gutter and sidewalk and other public improvements
- C.5.7 Prior to acceptance of public improvements, the Developer will need to complete the ninety (90) day public landscaping maintenance period.
- C.5.8 Prior to improvement acceptance Per Section 21107.5 of the California Vehicle Code, the Developer shall install signs at all entrance(s) to the Project stating that the streets are privately owned and maintained and are not subject to the public traffic regulations or control. Said signs must be conspicuously placed, plainly visible, and legible during daylight hours from a distance of one hundred (100) feet, if applicable.
- C.5.9 Prior to improvement acceptance, the Developer shall submit warranty bonds to the City for review.
- C.5.10 Prior to acceptance of public improvements, the Developer shall have constructed all public improvements in accordance with City requirements, the recommendation(s) of the Project's (CA-CE), and to the satisfaction of the City Engineer.
- C.5.11 Release of Improvement Security – Release of improvement security shall be in accordance with the requirements of Title 12 of the TMC. The Monumentation

Bond will be released to the Developer after the City Council's acceptance of the public improvements and if the Developer meets the terms set in Section 66497(c) of the Subdivision Map Act. All survey monuments shown on the Final Map, if applicable, must be installed. Any altered, damaged, or destroyed survey monuments and/or benchmarks shall be re-established. The Developer shall submit centerline tie sheets or a record of survey for the following: new public streets; re-established survey monuments, and/or benchmarks. If the Developer destroyed, altered, and/or reconstructed any existing curb returns, the Developer shall also submit corner records. Any survey document will be submitted the city and to the San Joaquin County Surveyor to comply with California Business and Professions Code Section 8771(c). Said work shall be executed by a California licensed Land Surveyor at the Developer's sole expense.

Acceptance or Occupancy Special Condition(s)

C.6.0 Special Conditions

- C.6.1 When Street cuts are made for the installation of utilities in the paved street, the Developer shall conform to Section 3.14 of the 2008 Design Standards that he is required to install a 2-inch-thick asphalt concrete (AC) overlay with reinforcing fabric at least 25-feet from all sides of each utility trench. A 2-inch-deep grind on the existing AC pavement will be required where the AC overlay will be applied and shall be of uniform thickness to maintain current pavement grades, cross sectional, and longitudinal slopes. This pavement repair is required when cuts/trenches are perpendicular to and parallel to the street's direction.
- C.6.2 Nothing contained herein shall be construed to permit any violation of relevant ordinances and regulations of the City of Tracy, or other public agency having jurisdiction. This Condition of Approval does not preclude the City from requiring pertinent revisions and additional requirements to the improvement plans, prior to the City Engineer's signature on the improvement plans, and prior to issuance of Grading Permit, Encroachment Permit, Building Permit, if the City Engineer finds it necessary due to public health and safety reasons, and it is in the best interest of the City. The Developer shall bear all the cost for the inclusion, design, and implementation of such additions and requirements, without reimbursement or any payment from the City.
- C.6.3 If water is required for the construction of the project, the Developer shall obtain an account for the water service and register for a temporary water meter with the City Finance Department and Public Works Departments. The Developer shall pay all fees associated with obtaining the account number and temporary water meter for the water service.
- C.6.4 The Developer shall obtain an account for the water service to the Project and register the water meter with the Finance Department and Public Works department prior to the start of construction. The Developer shall prepare and submit a map depicting the location of the water meter on an 8.5-inch X 11-inch sheet to the Finance Department.

C.6.5. The Developer shall install lights around the parameter of the site and in the interior of the site to obtain the minimum coverage of 1.5 candles per square foot of site. The Developer shall submit yard lighting details, photometrics and yard lighting plans to the City building and Engineering departments for review and approval prior to building permit.

C.6.6. The Developer shall prepare a lot line merger of three (3) parcels: APN 212-260-070, APN 212-260-080, APN 212-260-090 into one parcel to the satisfaction of the City Engineer and County Surveyor prior to building permit and it shall be recorded prior to occupancy.

C.6.7. The developer shall abandon the following:

- a. An existing domestic water well and bollards to be removed per San Joaquin County environment health requirements prior to building permit.
- b. Removal of existing six (6) power poles and electrical cable from the existing street right of way Corral Hollow Road to the existing domestic water well to satisfaction of the City Engineer prior to building permit.
- c. Existing wire fences.

C.6.8 The Developer shall construct a parking lot of 148 parking stalls consisting of 103 standard parking stalls, 37 compact parking stalls, 8 ADA parking stalls (2 van +3 regular ADA), 10 EV charging stations, prior to occupancy.

C.6.9 The Developer shall prepare Joint Trench Plans and Composite Utility Plans, prepared on a 24-inch x 36-inch size 4-millimeter thick mylar for the installation of dry utilities such as electric, gas, TV cable, telephone, and others. If required by the power company, this joint trench line shall be located within the ten (10) feet wide P.U.E. be installed to serve the Project. All private utility services to serve Project must be installed underground or relocated to be underground, and to be installed at the location approved by the respective owner(s) of the utilities from the street or an existing or proposed utility easement to each building(s). If necessary, the Developer shall dedicate a (10 feet) wide Public Utility Easements (PUE) behind the proposed sidewalk along the project frontage of Corral Hollow Road prior to building permit.

#### **D. Utilities Department, Water Resources Division Conditions**

Contact: Stephanie Hiestand (209) 831-6333 [stephanie.hiestand@cityoftracy.org](mailto:stephanie.hiestand@cityoftracy.org)

D.1. Prior to issuance of a construction or building permit, the applicant shall demonstrate compliance with the 2015 Post-Construction Stormwater Standards (PCSWS) Manual and obtain approval through the following:

D.1.1. Develop a Project Stormwater Plan (PSP) that identifies the methods to be employed to reduce or eliminate stormwater pollutant discharges through the

construction, operation and maintenance of source control measures, low impact development design, site design measures, stormwater treatment control measures and hydromodification control measures.

- i. Design and sizing requirements shall comply with PCSWS Manual.
- ii. Demand Management Areas must be clearly designated along with identification of pollutants of concern.
- iii. Calculations of the Stormwater Design Volume and/or Design Flow with results from the Post-Construction Stormwater Runoff Calculator must be submitted in the PSP for approval.
- iv. Per the PCSWS Manual, include a hydromodification management plan ensuring the post-project runoff flow rate shall not exceed estimated pre-project flow rate for the 2-year, 24 hour storm.
- v. Submit one (1) hard copy of the PSP and an electronic copy to the Utilities Department ([WaterResources@cityoftracy.org](mailto:WaterResources@cityoftracy.org)), include the project name, address and Project # and/or Permit # in the title or subject line.

D.1.1. A separate plan sheet(s) designated SW shall be submitted in the plan set that includes the identified methods for pollution prevention outlined in the submitted PSP. You must include all standards, cross sections and design specifications such as landscape requirement in treatment areas including type of irrigation installation and/or height of drain inlet above the flow line, etc. in these SW plan sheets along with legend.

D.1.2. Develop and electronically submit to the Utilities Department for approval ([WaterResources@cityoftracy.org](mailto:WaterResources@cityoftracy.org)) a preliminary Operations and Maintenance (O & M) Plan that identifies the operation, maintenance, and inspection requirements for all stormwater treatment and baseline hydromodification control measures identified in the approved PSP.

D.1.3. No later than two (2) months after approval notification of the submitted PSP, the applicant shall electronically submit the following information to the Utilities Department ([WaterResources@cityoftracy.org](mailto:WaterResources@cityoftracy.org)) for development of a draft stormwater maintenance access agreement, in accordance with the MAPCSWS:

- vi. Property Owner(s) name and title report; or Corporate name(s) and binding documents (resolutions, etc) designating ability to sign agreement
- vii. Property Address
- viii. Exhibit A – legal property description
- ix. Exhibit B – approved O & M Plan

D.2. Prior to issuance of a grading permit, the applicant shall provide proof of permit coverage under the Construction General Permit and submittal of an electronic Stormwater Pollution Prevention Plan (SWPPP), to be submitted to [WaterResources@cityoftracy.org](mailto:WaterResources@cityoftracy.org).

D.3. Project shall always be in compliance with Federal, State and Local mandates with potable water, recycled water and water quality.

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D.4. Prior to Certificate of Occupancy, the applicant shall complete the following to the satisfaction of the Utilities Director:

D.4.1. Return to the Utilities Department, two legally signed and notarized copies of the final maintenance access agreement including all exhibits and approved O & M plan previously submitted and received from the Utilities Department.

D.4.2. Obtain final approval by the Utilities Department of the constructed and installed Stormwater pollution prevention methods outlined in the PSP. Frequent inspections of the Post-Construction treatment measures should occur during the construction phase by calling 209-831-6333.

D.4.3. The project shall be in full compliance with Construction General Permit including 70% stabilization of the project with Notice of Termination approval.

D.5. Before the approval of a construction, grading or building permit, the applicant shall demonstrate compliance with Tracy Municipal Code Chapters 11.28 and 11.34 and Chapter 4 or 5 of the California Green Building Standards Code to the satisfaction of the Utilities Director.

D.6. Prior to issuance of a construction or building permit, applicant shall demonstrate compliance with the 2015 Model Water Efficient Landscape Ordinance and obtain approval by the Utilities Department through the following:

D.6.1. Develop and submit electronically and by hard copy, a Landscape Document Package (LDP) that identifies the methods to be employed to reduce water usage through proper landscape design, installation and maintenance. This LDP shall consist of:

- i. A project information sheet that includes the checklist of all documents in the LDP;
- ii. The Water Efficient Landscape Worksheets that include a hydrozone information table and the water budget calculations – Maximum Applied Water Allowance and Estimate Total Water Use;
- iii. A soil management report, after compaction and from various locations throughout the project;
- iv. A landscape design plan that includes the statement, “I agree to comply with the requirements of the 2015 water efficient landscape ordinance and shall submit for approval a complete Landscape Document Package;
- v. An irrigation design plan with schedule; and
- vi. A grading design plan.

D.6.2. Per State Water Resources Control Board on May 24, 2022, all Commercial, Industrial, and Institutional facilities may not use potable water to irrigate non-functional turf. Non-functional turf is defined as a ground cover surface of mowed grass that is ornamental and not otherwise used for recreational purposes. Please submit your final landscape plan in conformance with these new regulations.

D.6.3. A Certificate of Completion must be completed, signed, and submitted to the Utilities Department prior to Final approval for Occupancy.

**E. South San Joaquin County Fire Authority (SSJCFA) Conditions**

1. Prior to construction, applicant shall submit construction documents to the South San Joaquin County Fire Authority for review and approval.
  - a. Construction documents shall be designed to the current edition of the California Code of Regulations, Title 24, as amended by the City of Tracy Municipal Code.
  - b. Deferred submittals for fire sprinkler system, fire protection water supply, and fire alarm system shall be listed on the coversheet. Each deferred submittal shall be submitted, reviewed and approved by SSJCFA prior to installation.
  - c. Fire protection water supply must be submitted separately from construction permit. All piping and installation shall be in accordance with CFC §507 & NFPA standards. Approval of grading and/or on- site improvements does not grant installation of underground fire service.
  - d. Fire sprinklers shall be designed by a C-16 Licensed Fire Protection Contractor or engineer. Hydraulic calculations, specifications and plans shall be submitted prior to issuance of building permit.
  - e. A request for fire flow shall be submitted to the South San Joaquin County Fire Authority and results shall be approved by the Fire Marshal prior to construction. Fire flow requirements shall be in accordance with CFC Appendix B.
  - f. Fire department connections shall be installed in accordance with CFC §912 and NFPA standards. A hydrant shall be placed within 100' of the FDC, in accordance with 2022 California Fire Code §912.2.1 as amended by the Tracy Municipal Code §9.06.070 Section 912.2.1. FDC locations shall be approved by the fire code official prior to issuance of construction permit.
  - g. Fire control room locations shall be approved the fire code official prior to the issuance of construction permit.
2. Engineering and building permit applications received by our offices are subject to the current fee schedule for South San Joaquin County Fire Authority. Contact our offices for additional information.
  - a. Application processing fees and minimum plan review fees are due at time of submittal of construction documents.
  - b. Additional plan review fees, minimum inspection fees and administrative fees are calculated on approval of project and shall be paid prior to issuance of permit.
  - c. Permit holder is responsible for any additional inspection fees incurred, and shall be paid prior to final inspection.
3. All hydrants shall be installed, inspected and tested prior to bringing combustible

materials onsite, including storage.

4. Knox boxes shall be required for this project. The operator of the building shall immediately notify the Fire Authority and provide the new key where a lock is changed or rekeyed. The key to such shall be secured in the key box.
5. The building shall be provided with approved address identification in accordance with 2022 California Fire Code §505.1 as amended by the Tracy Municipal Code §9.06.070 Section 912.2.CFC §505.1. The address shall be illuminated at night. Illumination shall be either internally or externally at an intensity of 5.0 foot - candles.
6. Prior to final inspection, emergency radio responder coverage shall be tested to confirm coverage areas. It is beneficial for the applicant to conduct testing at foundation as retrofitting for the conduit is costly. If coverage is inadequate, a separate permit for emergency radio responder coverage shall be submitted to SSJCFA for review and approval prior to installation.
7. Prior to construction, an address must be posted at the construction site entrance. Address must be a minimum of 4 inches high by ½ inch numerals. Address must be provided so that emergency service personnel can locate the construction site in the event of an emergency.
8. Prior to construction, all-weather fire apparatus access roads shall be installed. Fire apparatus access roads during construction shall have a minimum 20' unobstructed width in accordance with CFC §503

**F. The following conditions provide the applicant with options for funding required Citywide services.**

Contact: Guadalupe Pena (209) 831-6834 Guadalupe.Pena@cityoftracy.org

## F.1. Streets and Streetlights

Before issuance of any building permit for the Property, Developer shall provide for perpetual funding of the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the "Infrastructure"), by doing one of the following, subject to the approval of the City's Finance Director:

a. Community Facilities District (CFD). Developer shall enter into an agreement with the City, to be signed by the Finance Director, which shall be recorded against the Property, which requires that prior to the final inspection, Developer shall complete the annexation of the Property to City of Tracy Community Facilities

District in compliance with the requirements of the Mello – Roos Community Facilities Act of 1982 (Gov. Code § 53311 et seq.) including, without limitation, affirmative votes, and the recordation of a Notice of Special Tax Lien. Developer shall be responsible for all costs associated with the CFD proceedings.

Or

- b. POA and dormant CFD. If the POA is the chosen funding mechanism, Developer must do the following:
  - 1) Form a Property Owner's Association (POA) or other maintenance association, with CC&Rs reasonably acceptable to the City, to assume the obligation for the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the "Infrastructure");
  - 2) Cause the POA to enter into an agreement with the City, in a form to be approved by the City and to be recorded against the Property prior to the final inspection, setting forth, among other things, the required maintenance obligations, the standards of maintenance, and all other associated obligation(s) of the POA to ensure the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the "Infrastructure");
  - 3) Before final inspection, annex into a CFD in a "dormant" capacity, to be triggered if the POA fails (as determined by the City in its sole and exclusive discretion) to perform the required level of operation, maintenance and replacement for the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the "Infrastructure"). The dormant tax or assessment shall be disclosed to all property owners, even during the dormant period.

Or

- c. Direct funding. Developer shall enter into an agreement with the City, which shall be recorded against the Property, which requires that prior to approval of final inspection, Developer shall deposit with the City an amount necessary, as

reasonably determined by the City, to fund in perpetuity the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the "Infrastructure").

If the provisions for adequate funding of the on-going costs of the operation and maintenance of the streets (from curb-to-curb, excluding gutters) to a Pavement Management System standard of PCI 70 (seventy), which could include street reconstruction, as reasonably determined by the City, the electric utility costs of operating the streetlights and signals that will serve the Project (collectively, the "Infrastructure") are met prior to issuance of the building permit for the Property, subject to the Finance Director's review and approval, the terms of this condition shall be considered to have been met and this condition shall become null and void.

## F.2. Landscaping Maintenance

Prior to issuance of any building permit for the Property, Developer shall provide for perpetual funding of the on-going costs of operation, maintenance and replacement for public landscaping for the Property at a high-quality service level as determined by the Parks Director by doing one of the following, subject to the approval of the City's Finance Director:

- a. CFD or other funding mechanism. The Developer shall enter into an agreement with the City, which shall be recorded against the Property, which stipulates the following: (1) prior to the final inspection, the Developer shall form or annex into a Community Facilities District (CFD) for funding the on-going costs related to maintenance, operation, repair and replacement of public landscaping, public walls and any public amenities included in the Project, and ongoing public landscaping maintenance costs associated with major program roadways identified in the Citywide Roadway and Transportation Master Plan; (2) the items to be maintained include but are not limited to the following: ground cover, turf, shrubs, trees, irrigation systems, drainage and electrical systems; masonry walls or other fencing, entryway monuments or other ornamental structures, furniture, recreation equipment, hardscape and any associated appurtenances within medians, parkways, dedicated easements, channel-ways, public parks, and public open space areas and trails; (3) formation of the CFD shall include, but not be limited to, affirmative votes and the recordation of a Notice of Special Tax Lien; (4) upon successful formation, the parcels will be subject to the maximum special tax rates as outlined in the Rate and Method of Apportionment; (5) prior to issuance of a building permit, the Developer shall deposit an amount equal to the first year's taxes; and (6) the Developer shall be responsible for all costs associated with formation or annexation of the CFD.

Or

- b. POA and dormant CFD. If the POA is the chosen funding mechanism, the

Developer must do the following:

1. Form a Property Owner's Association (POA) or other maintenance association, with CC&Rs reasonably acceptable to the City, to assume the obligation for the on-going maintenance of all public landscaping areas that will serve the Property;
2. Cause the POA to enter into an agreement with the City, in a form to be approved by the City and to be recorded against the Property prior to the final inspection, setting forth, among other things, the required maintenance obligations, the standards of maintenance, and all other associated obligation(s) to ensure the long-term maintenance by the POA of all public landscape areas that will serve the Property;
3. Make and submit to the City, in a form reasonably acceptable to the City, an irrevocable offer of dedication of all public landscape areas that will serve the Property;
4. Before final inspection, annex into a CFD in a "dormant" capacity, to be triggered if the POA fails (as determined by the City in its sole and exclusive discretion) to perform the required level of public landscape maintenance. The dormant tax or assessment shall be disclosed to all property owners, even during the dormant period.

Or

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

## **Exhibit C**

### **Development Review Plan Set**

This exhibit is too large to include in the packet.

Please see provided copy or view on the City of Tracy's website:

<https://www.cityoftracy.org/government/boards-and-commissions/planning-commission>