

**Appendix A:
Environmental Impact Report Public Involvement**

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City of Tracy, California
Notice of Preparation and Notice of Public Scoping Meeting
Tracy Alliance Project

Date: August 28, 2020

To: Public Agencies and Interested Parties

From: Bill Dean, Assistant Development Services Director

Victoria Lombardo, Senior Planner

Subject: **Notice of Preparation of an Environmental Impact Report and Public Scoping Meeting for the Tracy Alliance Project**

The City of Tracy (City) is the Lead Agency and will prepare a Draft Environmental Impact Report (Draft EIR) for the Tracy Alliance Project (proposed project) identified herein.

The City is soliciting comments from public agencies, organizations, and members of the public regarding the scope and content of the Draft EIR, and environmental issues and alternatives to the proposed project to be addressed in the Draft EIR. The City requests that interested parties provide comments on the proposed project's scope and the content of descriptions of significant environmental issues, reasonable alternatives, and mitigation measures to be explored in the Draft EIR. Public agencies may need to use the EIR when considering permitting or other approvals that are relevant to the agencies' statutory responsibilities in connection with the proposed project.

Because of time limits mandated by State law, public agencies must submit any comments in response to this notice at the earliest possible date, but not later than 30 days after receipt of this notice. The City of Tracy will also accept comments from other interested parties regarding this notice during this period.

Public agencies providing comments are requested to include a contact person for the respective agency. Please send written responses to Victoria Lombardo at the address shown below by September 30, 2020.

Victoria Lombardo, Senior Planner
City of Tracy, Development Services
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Tracy, CA 95376
Phone: 209.831.6428
Email: Victoria.Lombardo@cityoftracy.org

Public Scoping Meeting

A public scoping meeting, convened by the City of Tracy Planning Commission, will be held on **September 9, 2020**, starting at **7:00 p.m.** as a Teleconference Meeting, using Webex.

In response to the COVID-19 crisis and Governor's Executive Order N-29-20, this hearing will be conducted utilizing teleconferencing technology. Participants can join the scoping meeting by viewing the City's WebEx Event at <https://cityoftracyevents.webex.com> and using the following Event

Number: **126 086 2910** and Event Password: **Planning1**; or via phone by dialing (209) 831-6010 during the public comment portion of this item.

At this meeting public agencies, organizations, and members of the public will be able to review the proposed project application materials and provide comments on the scope of the environmental review process.

TRACY ALLIANCE PROJECT

The project site is located on approximately 191 acres at the northeast corner of Grant Line Road and Paradise Road, in unincorporated San Joaquin County, adjacent to the northeastern boundary of the City of Tracy city limits and the Northeast Industrial (NEI) Specific Plan boundary, but within the City's Sphere of Influence (SOI) (Exhibits 1 and 2). The unincorporated community of Banta lies southeast of the project site. The proposed project is on the United States Geological Survey (USGS) *Union Island* 7.5-minute topographic quadrangle Section 22, 23, and 24 (and El Pescadero Land Grant), Township 2 South, Range 5 East (Assessor's Parcel Numbers [APNs] 213-170-14, -24, -25, -26, -27, and -48).

1.1 - Overview

The Tracy Alliance Group, Suvik Farms, LLC., and Zuriakat (co-applicants) are proposing the Tracy Alliance Project (proposed project), which consists of the development of up to 3,352,320 square feet of warehouse development on approximately 191 acres comprising six parcels. The six parcels consist of two Tracy Alliance parcels (totaling 122.44 acres), three Suvik Farms, LLC., parcels (totaling 46.61 acres), and one Zuriakat parcel (22.17 acres).

The project site is within unincorporated San Joaquin County adjacent to the City of Tracy's northeastern city limits and adjacent to the City of Tracy NEI Specific Plan area. The proposed project would require approval of annexation into the City of Tracy, pre-zoning, an amendment to the NEI Specific Plan, and a Tentative Parcel Maps or Lot Line Adjustment to create final development lots.

Development on the two Tracy Alliance parcels, as proposed by co-applicant, Tracy Alliance Group, would consist of 1,849,500 square feet of warehouse space located in three buildings, as well as a stormwater detention basin with a pump station (that would be City-owned and managed). Approximately 13.36 acres of the Tracy Alliance land would be reserved to accommodate a portion of a planned interchange at Paradise Road and Interstate 205 (I-205). The future design of the interchange would undergo a separate environmental review process pursuant to the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) once funding is programmed and available.

Development plans for the Suvik Farms, LLC., parcels (identified as Suvik Farms parcels) and the Zuriakat parcel are not specified at this time. For the purposes of analysis in the Draft Environmental Impact Report (Draft EIR), buildout of these parcels is estimated to consist of 1,502,820 square feet of warehouse development, consistent with the maximum allowable density per acre identified in the NEI Specific Plan.

The proposed project also includes demolition of existing residential and agricultural buildings, removal of existing trees and crops, road improvements, and grading of approximately 500,000 cubic yards, which would be balanced on-site. Of the 500,000 cubic yards of material graded, approximately 300,000 cubic yards would occur on the Tracy Alliance parcels, approximately 150,000 cubic yards would occur in development of the Suvik Farms parcels, and approximately 50,000 cubic yards would occur in development of the Zuriakat parcel.

1.1.1 - Surrounding Land Uses

The area surrounding the project site has both an agricultural and industrial character. Land uses north of the project site consist of single-family homes north of California Avenue; there is a cell tower just east of the terminus of California Avenue. A vehicle dealership and agricultural lands are also to the north (north of I-205). East of the project site is agricultural land with associated single-family homes and agricultural structures and outbuildings. Neighboring properties south and west of the project site consist of agricultural lands and industrial warehouses, which are part of the NEI Specific Plan area, with vacant lots interspersed among the agricultural and industrial lands to the west.

Existing Conditions

The project site consists of six parcels, as shown in Exhibit 3 and listed in Table 1.

Table 1: Existing Parcels

Assessor's Parcel Number	Parcel Naming Convention	Address	Ownership/Applicant	Acreage
213-170-14	Zuriakat Parcel	6050 California Avenue	Zuriakat/ Not Applicable	22.17
213-170-24	Suvik Farms	6103 Grant Line Road	Suvik Farms/Souza Realty & Development	31.67
213-170-25	Farms	6281 Grant Line Road		11.70
213-170-26	Parcels	6301 Grant Line Road		3.24
213-170-27	Tracy Alliance	6599 Grant Line Road	Tracy Alliance /Tracy Alliance Group Pacific T & T Company/Tracy Alliance Group	122.39
213-170-48	Parcels	Grant Line Road (no street number)		0.05
Total				191.22

Source: San Joaquin County. no date. Assessor's Map. Book 213. Page 17.

The project site is relatively flat and low in elevation (15-30 feet above mean sea level) with a gentle topographic slope in the north-northeast direction.^{1,2} There are two existing residences (one occupied and one vacant) and nine agricultural structures on-site in the southwest corner of the Tracy Alliance parcels. The Suvik and Zuriakat parcels do not contain any structures, only row crops. Approximately 118-acres of the Tracy Alliance parcels are currently used for row crop production, including alfalfa, winter wheat, and almonds, with a small cattail marsh in a drainage ditch along the southern side of California Avenue.

Several private dirt roads provide access within the project site; irrigation/ drainage canals run along several of these roads. There is also a paved irrigation/drainage canal between the Tracy Alliance parcels and Zuriakat parcel. In addition, there are streetlights and power and telecommunication lines in various locations surrounding the project site.

¹ Terracon Consultants, Inc. 2018. Phase I Environmental Site Assessment: Tracy Ridge. December 21.

² Environmental Assessment Specialists, Inc. 2020. Phase I Environmental Site Assessment: Suvik and Zuriakat Properties, page 5.

The site provides suitable foraging habitat with potential to support birds of prey, including Swainson's hawk. Northern portions of the site are within a 100-year floodplain as designated by the Federal Emergency Management Agency (FEMA).³ The project site consists of mostly Prime Farmland as mapped by the California Department of Conservation Farmland Mapping and Monitoring Program. Prime Farmland has the best combination of features able to sustain long-term agricultural production with sustained high yields.⁴ The Suvik Farm parcels are bound by a Williamson Act contract.⁵ The contract is set to expire in 2026. Should development of the Suvik parcels be pursued prior to the Williamson Act contract expiration date, the Suvik landowner will be required to petition the City Council for cancellation.

The Tracy Municipal Airport is approximately 5.82 miles southwest of the project site; the site is not within the Airport Influence Area. The Altamont Corridor Express (ACE) runs trains east from Stockton to San Jose in the morning and back west in the evening; the Tracy Station is located 5.05 miles southwest of the project site. The closest bus stop to the project site is 1.59 miles west at the Shops at Northgate Village. The stop is served by the City of Tracy TRACER bus service Route E, connecting to the Tracy Transit Station, and San Joaquin Regional Transit District bus routes 90 and 97, connecting to Lathrop and Stockton.^{6,7,8}

Land Use Designations

The San Joaquin County General Plan (County General Plan) designates the site Agriculture-Urban Reserve (A/UR) (Exhibit 4) which allows for agricultural uses, farm-related residential use, and open space and parks.⁹ The A/UR designation reserves areas for urban development if the area is designated for urban development in a city's general plan, and the County determines the area is a reasonable future expansion for the city.

The City of Tracy General Plan (General Plan) designates the project site Industrial (I) (Exhibit 5). Primary land uses allowed under this designation consist of flex/office space, manufacturing, warehousing and distribution, and ancillary uses for workers' needs (e.g. restaurants, parks, consumers services, etc.). The maximum floor area ratio (FAR) is 0.5.¹⁰

Zoning

The site is located within the General Agriculture Zoning District with a minimum parcel size of 40 acres (AG-40) on the County's Zoning Map (Exhibit 4). The AG zoning preserves agricultural lands for

³ Federal Emergency Management Agency. 2019. National Flood Hazard Layer FIRMette. April 6. Website: <https://msc.fema.gov/portal/search?AddressQuery=6281%20Grant%20Line%20Road%20Tracy%2C%20CA#searchresultsanchor>. Accessed April 6, 2020

⁴ California Department of Conservation, Division of Land Resource Protection. 2018. San Joaquin County Important Farmland 2016. May.

⁵ The Williamson Act enables local governments to enter contracts with private landowners to restrict specific parcels to agricultural or related open space use. In return, landowners receive lower property tax assessments.

⁶ City of Tracy. 2019. TRACER Route Map. October.

⁷ San Joaquin Regional Transit District. 2014. Route 90 Map. August 10.

⁸ San Joaquin Regional Transit District. 2013. Route 97 Map. August 11.

⁹ Mintier Harnish Planning Consultants (prepared for San Joaquin County). 2016. San Joaquin County General Plan: Policy Document. December.

¹⁰ Design, Community & Environment (prepared for the City of Tracy). 2011. City of Tracy General Plan. February 1.

continuation of commercial agricultural enterprises.¹¹ The project site is not within city limits, accordingly, the City of Tracy does not currently provide a zoning designation for the project site; the applicant has requested pre-zoning to a designation of NEI Specific Plan (and annexation into the boundaries of the NEI Specific Plan) as part of the application for development.

Project Description

1.1.2 - Land Uses

The proposed project includes demolition of 11 existing residential and agricultural structures on 4 acres located at the southwestern corner of the Tracy Alliance parcels, removal of all crops, and construction of the following primary components:

- Multiple warehouse buildings totaling up to 3,352,320 square feet that support industrial uses and associated offices;
- A 13.01-acre City-owned and managed stormwater detention basin with pump station;
- Approximately 110,000 square feet of landscaped areas associated with the site plan for the Tracy Alliance parcels; and
- Approximately 948 automobile parking spaces and approximately 572 trailer parking spaces provided within the site plan for the Tracy Alliance parcels.

Although development plans for the Suvik and Zuriakat parcels are not specified, these properties will be required to meet the minimum standards for landscaping and parking when a specific Site Plan is processed for those parcels. Based on the site acreage, the City has estimated the theoretical maximum square footage for development and has identified a minimum number of required parking spaces for the based on City code requirements.

The proposed site plan for all parcels is shown on Exhibit 6a and Exhibit 6b depicts a detailed site plan for the Tracy Alliance parcels. Table 2 summarizes locations and square footage for each project component.

¹¹ San Joaquin County. 2001. Ordinance Code of San Joaquin County. Section 9-600.1.

Table 2: Proposed Development Summary

Tracy Alliance Parcels (APN 213-170-27, -48)					
Land Use (NEI Specific Plan)		Area (square feet)	Total gross square feet	Total acres	
Light Industrial (LI)					
Building A	Warehouse	948,500	978,500	22.46	
	Office	30,000			
Building B	Warehouse	62,000	64,000	1.47	
	Office	2,000			
Building C	Warehouse	782,000	807,000	18.52	
	Office	25,000			
Total		1,849,500	-		
Basin Area		-	-	13.01	
				Total	55.46
Suvik Farms Parcels (APNs 213-170-24, -25, -26)					
Land Use (NEI Specific Plan)		Maximum Building (gross square feet) ¹			
Light Industrial (LI)		1,023,660			
Zuriakat Parcel (APN 213-170-14)					
Land Use (NEI Specific Plan)		Maximum Building (gross square feet) ²			
Light Industrial (LI)		479,160			
Total Maximum Building Gross Square Footage = 3,352,320					
Notes:					
¹ The maximum building square footage is calculated from the maximum allowable FAR (50 percent) as set forth in the NEI Specific Plan. The total land area is approximately 2,047,320 square feet (47 acres).					
² The maximum building square footage is calculated from the maximum allowable FAR (50 percent) as set forth in the NEI Specific Plan. The total land area is approximately 958,320 square feet (22 acres).					
Source: Tracy Alliance Group. 2020.					

Light Industrial

The buildings would support warehouse and office uses. Based on the proposed uses described below, it is expected that approximately 1,871 employees would work on-site.¹²

Warehouse

Multiple warehouse buildings are proposed, totaling up to 3,352,320 square feet. Three warehouse buildings are proposed on the Tracy Alliance parcels, totaling 1,849,500 square feet. The number of buildings to be constructed on the Suvik Farms parcels and Zuriakat parcel is not specified at this time. For purposes of analysis in the Draft EIR, it is assumed that buildout on the Suvik Farms parcels

¹² Conversation between Victoria Lombardo, Senior Planner and with Barbara Harb, Economic Development Analyst, City of Tracy in May 2020. Employment data collected by conversations with business owners for various industrial businesses, including warehousing, manufacturing, and employee-intensive (Amazon) warehousing, and existing building square footage data, averaged.

and Zuriakat parcel would be to the maximum allowable FAR of 0.5, which provides the most conservative impact estimates. Although future occupants are unknown at this time, the buildings would be utilized for light industrial uses as defined by the NEI Specific Plan, which is most commonly warehouse and distribution operations with low employee densities. Using the maximum FAR allowed, and accounting for setbacks, parking, access, circulation, and landscaping requirements, the Suvik Farms parcels could support up to 1,023,660 square feet, while the Zuriakat parcel could support up to 479,160 square feet.

Office

Office use is permitted within the Light Industrial (LI) designation under the NEI Specific Plan. Each warehouse would include office space for the purpose of facilitating and administering operations of each building and their company occupants. It is assumed that the buildings on the Suvik Farms and Zuriakat parcels would also include office space.

Parking

Parking would be provided pursuant to parking requirements of Tracy Municipal Code Chapter 10.08 Article 26. The required automobile and bicycle parking per parcel are shown in Table 3.

Table 3: Required Parking

Tracy Alliance Parcels (APN 213-170-27, -48)				
Site Area	Building A	Building B	Building C	Total
AUTO PARKING REQUIRED	377	44	316	737
AUTO PARKING PROVIDED	470	57	421	948
TRAILER PARKING PROVIDED	319	0	253	572
MINIMUM BICYCLE PARKING REQUIRED	19 ¹	3 ¹	16 ¹	38
Suvik Farms Parcels (APNs 213-170-24, -25, -26)				
AUTO PARKING REQUIRED	276			
MINIMUM BICYCLE PARKING REQUIRED	14 ¹			
Zuriakat Parcel (APN 213-170-14)				
MINIMUM AUTO PARKING TO BE REQUIRED	140			
MINIMUM BICYCLE PARKING REQUIRED	7 ¹			
TOTAL AUTO PARKING REQUIRED = 1,153			TOTAL AUTO PARKING PROVIDED = 1,364	TOTAL BICYCLE PARKING REQUIRED = 59¹
Notes: 1. Number of spaces is rounded up. Source: Tracy Alliance Group, 2020.				

There will be trailer parking provided on the Suvik Farms and Zuriakat parcels, but the count and location of these spaces is not known at this time.

1.1.3 - Proposed Land Use Designation and Zoning

Land Use Designation

General Plan

As described above and shown on Exhibit 5, the City of Tracy General Plan designates the site Industrial. The project site would be annexed into the City of Tracy (as shown in Exhibit 7a) and the current San Joaquin County General Plan designation (A/UR) would no longer apply to the site. Because the proposed project is already designated Industrial by the City of Tracy General Plan, no land use redesignation would be required. Primary land uses allowed under this designation consist of flex/office space, manufacturing, warehousing and distribution, and ancillary uses for workers' needs (e.g. restaurants, parks, consumers services, etc.). The maximum FAR is 0.5.¹³

Northeast Industrial Specific Plan

The project site would be annexed into the NEI Specific Plan area, and the NEI Specific Plan would be amended to designate the site LI. Primary land uses allowed within this designation include warehouse and distribution operations with low employee densities. The LI designation also allows for general commercial uses such as automotive supply or plumbing stores.¹⁴ The proposed NEI Specific Plan land use designation is shown in Exhibit 7b.

Zoning

The project site is currently zoned General Agriculture with a minimum parcel size of 40 acres (AG-40) by the Ordinance Code of San Joaquin County. The San Joaquin County Local Agency Formation Commission (LAFCo) will require the City to pre-zone the site in conjunction with the proposed annexation. The project site would be pre-zoned NEI Specific Plan, which would take effect upon annexation into the City. Allowable uses within this zoning district are governed by the NEI Specific Plan and light industrial uses, as described in the NEI Specific Plan, would be allowed.¹⁵ The proposed zoning is shown in Exhibit 7c.

1.1.4 - Circulation and Access

Vehicle

Primary vehicle access to the project site would be provided from four access points on Grant Line Road and four access points on Paradise Road; the northerly access point along Paradise Road would be for Emergency Vehicle Access (EVA) only. Once the future I-205 Interchange at Paradise Road is complete, the two northmost access points along Paradise Road (including the EVA) would be slightly modified to accommodate the interchange. A second EVA may be added along California Avenue to provide emergency access to the Zuriakat parcel. The decision to include or not include this EVA would occur during site plan review for any future development on the Zuriakat parcel.

A new signalized intersection on Grant Line Road would provide access to a New Private Drive that would facilitate on-site circulation for the warehouses on the Tracy Alliance parcels as well as access to the Suvik Farms and Zuriakat parcels as shown in Exhibit 6a. The New Private Drive, located along

¹³ Design, Community & Environment (prepared for the City of Tracy). 2011. City of Tracy General Plan. February 1.

¹⁴ City of Tracy. 2012. Northeast Industrial Specific Plan. Pages 10-11. July 17.

¹⁵ City of Tracy. 2016. Tracy Municipal Code Section 10.08.3022 – Northeast Industrial Specific Plan. October 18.

the Tracy Alliance parcels' eastern boundary, would also provide access to the detention basin area. Since no site plan is being processed on the Suvik Farms and Zuriakat parcels, the exact location(s) of access points from the New Private Drive to the Suvik and Zuriakat parcels have not been identified at this time.

Future Interchange

The City of Tracy Transportation Master Plan includes improvements to Chrisman Road, which are planned as part of improvements to the City's expressway system, as well as a future I-205/Paradise/Chrisman interchange. The schedule for implementation of the improvements is not known as this time. The proposed project would set aside 13.36 acres in the northwest corner of the project site, which would be sufficient to accommodate the future interchange. The proposed project includes annexation of this land into the city, but does not include any design, analysis, or construction of the future interchange. Therefore, the Draft EIR includes an evaluation of potential impacts of annexing the future interchange area into the City but does not include evaluation of any future construction.

Future design of the interchange would undergo a separate environmental review process pursuant to CEQA and NEPA once funding is programmed and available.

1.1.5 - Design, Landscaping, and Lighting

The NEI Specific Plan includes design guidelines and development standards that regulate site planning and architecture within the NEI Specific Plan area. Specific design details are not known at this time, but the proposed project would be required to conform to the design guidelines set forth in the NEI Specific Plan, subject to review and approval by the City's Development Services Director.

Building Design and Height

The NEI Specific Plan requires that attention be given to parts of any buildings visible from adjacent roadways or public parking. Large buildings should have facades that include variations in massing, form, and texture. Continuous surface treatments of a single material should be minimized. Architecture should be used to highlight building entries. Any accessory buildings and enclosures, whether attached or detached from the main building, shall be of similar compatible design and materials.¹⁶

The maximum height for LI uses under the NEI Specific Plan is 60 feet. Buildings would not exceed this height.

Landscaping

Within parking areas on-site, landscaping would conform to the requirements for Off-Street Parking established by Municipal Code Chapter 10.08, Article 26, except where modified by the NEI Specific Plan. Landscaping requirements as set forth in the NEI Specific Plan are summarized in Table 4. Table 4 assumes parking lot landscaping would be decreased by 50 percent, and that a corresponding increase in perimeter landscaping of 50 percent would be provided to compensate, as allowed in the

¹⁶ City of Tracy. 2012. Northeast Industrial Specific Plan. Page 32. July 17.

Municipal Code.¹⁷ These requirements include designing landscapes as extensions of adjacent public right-of-way landscaping as applicable and completing on-site landscaping simultaneous to completion of buildings and other improvements. Additionally, landscaping shall not obstruct sight lines at street or driveway intersections, and parking areas and project frontages shall be screened from public rights-of-way.¹⁸ Additional landscaping guidelines are available in the NEI Specific Plan.

Table 4: Summary of City Landscaping Requirements

Landscaping Requirement	Industrial Use
Landscaped frontage setback	10 feet
Minimum number of trees in parking area	1 tree per 5 spaces
Percentage of landscaping in parking areas for over:	
0-15 cars	5 percent
16-30 cars	5 percent
31-60 cars	7.5 percent
Over 60 cars	10 percent
Source: City of Tracy. 2012. Northeast Industrial Specific Plan. July 17.	

Lighting and Signage

Light fixtures would meet all safety standards pursuant to the latest adopted edition of the California Building Code and would be installed throughout the length of the New Private Drive pursuant to the Municipal Code. The NEI Specific Plan recommends that one lighting fixture style be used on all streets. Where possible, light standards would be located in roadway medians.¹⁹

Signage would be required to conform to the requirements of Municipal Code Chapter 10.08, Article 35, except as modified by the NEI Specific Plan. A site sign program would be prepared and integrated into the total design concept for the proposed project, and all signs would be approved prior to installation. Project signage may be illuminated provided that no flashing, traveling, animated, or intermittent illumination would be used. Such illumination would be confined to the area of the sign except when such illumination is back lighting for an otherwise non-illuminated sign. No sign illumination would cast a glare which is visible from any street.

1.1.6 - Infrastructure Improvements

Domestic Water

The City's Public Works Department would supply potable water to the project. In the City's 2012 Water System Master Plan, 12-inch water lines were proposed for continuation north on Paradise Road until West Arbor Avenue, and within the project site along the perimeter of the Suvik Farms parcels.²⁰

¹⁷ City of Tracy. 2019. Tracy Municipal Code Section 10.08.3560(g).

¹⁸ City of Tracy. 2012. Northeast Industrial Specific Plan. Pages 33 and 34. July 17.

¹⁹ City of Tracy. 2012. Northeast Industrial Specific Plan. Page 24. July 17.

²⁰ West Yost Associates. 2012. City of Tracy Citywide Water System Master Plan, Figure 8-2 on Page 8-25. December.

The 12-inch water line in Paradise Road has been extended as planned; planned water lines that would traverse through the project site have not yet been installed.

The project proposes to install 10-inch lines to accommodate the level of development proposed on the Tracy Alliance parcels. These lines would connect to the buildings on the Tracy Alliance parcels at several locations (as shown in Exhibit 8). Several fire hydrants would be installed surrounding the buildings on the Tracy Alliance parcels and would connect to the 10-inch water lines. Since no site plan is being processed for either the Suvik Farms or Zuriakat parcels at this time, the location and sizing of water lines will be identified and reviewed by the City as part of subsequent engineering plans when development applications are submitted for these parcels.

Stormwater Drainage

The project site drains generally toward the northeast and has its own sub-basin (E65) within the Eastside Industrial future service area, one of the future development areas where the City anticipates new development. There are no existing stormwater drainage facilities near the project site.²¹

The proposed project includes construction of a stormwater detention basin on-site as identified in the City of Tracy Citywide Storm Drainage Master Plan.²² The proposed 13.01-acre stormwater detention basin with a pump station would be located along the northeast site boundary. Following its construction, the basin would be dedicated to and managed by the City. Construction of this stormwater detention basin would also support future development within the Eastside Industrial service area and the applicant would be awarded a fee credit against the stormwater impact fee required for the project.

The proposed project would construct a 12-inch forced main storm drain line along the corner of I-205 east and Paradise Road (see Exhibits 8, 9a, and 9b) to connect the proposed on-site detention basin to the City's NEI detention basin adjacent to the western boundary of the project site. Project discharge into the on-site detention basin would be held until the NEI detention basin is drained enough to accept inflow; all stormwater would eventually discharge into the Eastside Channel.

Bio-retention treatment areas would intermittently surround the buildings on the Tracy Alliance parcels and be interspersed throughout the parking lots (Exhibit 9b). On-site storm drain lines within the Tracy Alliance parcels would be 12 inches and would connect bio-retention treatment areas to the proposed on-site detention basin.

Should the NEI detention basin not be finished by the time the proposed project is operational and not able to accommodate flow from the proposed project, the applicant would work with the City to modify the proposed on-site detention basin to ensure stormwater drainage for the project site would be sufficient.

Since no site plans are being processed for the Suvik Farms or Zuriakat parcels at this time, the exact location and sizing of on-site stormwater drainage facilities and how they connect to the on-site

²¹ Stantec. 2012. City of Tracy Citywide Storm Drainage Master Plan. November.

²² Stantec. 2012. City of Tracy Citywide Storm Drainage Master Plan. Figure 5-1a. November.

stormwater detention basin will be identified and reviewed as part of subsequent engineering plans when development applications are submitted for these parcels.

Sanitary Sewer

The proposed project is anticipated to include connections to the existing City sanitary sewer system operated by the Public Works Department via the existing wastewater line beneath Paradise Road (see Exhibit 8).²³ An existing 15-inch sanitary sewer line is located within the Paradise Road right-of-way and an existing 10-inch sanitary sewer line is located within Grant Line Road and have sufficient capacity to accommodate the development as proposed. The development of the Tracy Alliance parcels would be served as follows:

- **Building A:** would be served via two proposed 8-inch sanitary sewer lines that would each connect to the existing 15-inch sanitary sewer line in Paradise Road.
- **Building B:** would be served by a proposed 6-inch sanitary sewer line that would traverse the northern side of Building A, connecting to the existing 15-inch sanitary sewer line in Paradise Road.
- **Building C:** would be served by two sanitary sewer lines: (1) a proposed 6-inch sanitary sewer line that would connect to an existing 10-inch sanitary sewer line in Grant Line Road, and (2) a proposed 8-inch sanitary sewer line that would connect to the existing 15-inch sanitary sewer line in Paradise Road.

Since no site plans are being processed for the Suvik Farms and Zuriakat parcels, the exact location and sizing of an on-site sanitary sewer system will be identified and reviewed by the City of Tracy as part of subsequent engineering plans when development applications are submitted for these parcels.

Solid Waste and Recycling Collection

The City Public Works Department provides solid waste and recycling services for areas within city limits and certain surrounding County areas. The Public Works Department has a partnership with Tracy Disposal Service Company to provide residential and commercial solid waste collection and disposal, including recycling and organics services.^{24,25} Garbage is collected once a week, and recycling and yard waste are collected on alternating weeks.²⁶

Solid waste generated by the proposed project would be accommodated at the Tracy Material Recovery Facility & Solid Waste Transfer (MRF), and then hauled to the Foothill Sanitary Landfill on North Waverly Road east of Tracy. On a designated day, Tracy Disposal Service Company collects and transports solid waste to the MRF.

²³ De Novo Planning Group. 2019. Tracy Municipal Services Review. July.

²⁴ City of Tracy. 2020. Recycling & Solid Waste. Website: <https://www.ci.tracy.ca.us/?navId=688>. Accessed April 9, 2020.

²⁵ Tracy Delta Solid Waste Management, Inc. Website: <https://www.tdswm.com/>. Accessed April 9, 2020.

²⁶ City of Tracy. 2020. Garbage & Recycling Schedule. Website: <https://www.ci.tracy.ca.us/?navId=700>. Accessed April 16, 2020.

Power and Telecommunications

Electricity and natural gas services for the proposed project would be provided by Pacific Gas and Electric Company (PG&E). There is a natural gas pipeline under Grant Line Road (the southern project site boundary), as well as an electric transmission line above ground.^{27,28}

Phone and internet services could be provided by various private companies, including AT&T, Xfinity, Comcast, and Verizon.

1.1.7 - Discretionary and Ministerial Actions

Discretionary approvals and permits are required by the City for implementation of the proposed project. The project application would require the following discretionary approvals and actions:

- EIR certification;
- Annexation and Rezoning; final approval action for annexation would be required by San Joaquin Local Agency Formation Commission;
- Northeast Industrial Specific Plan Amendment;
- Development review permit;
- Tentative Parcel Maps or Lot Line Adjustment as needed to create final development lots; and
- Cancellation of the Williamson Act contract on the Suvik Farms parcels (if required).

Subsequent ministerial actions would be required for implementation of the proposed project, including issuance of demolition, grading, and building permits.

1.1.8 - Responsible and Trustee Agencies

Several other agencies in addition to the City of Tracy will serve as Responsible and Trustee Agencies, pursuant to CEQA Guidelines Section 15381 and Section 15386, respectively. The Draft EIR will provide environmental information to these agencies and other public agencies, which may be required to grant approvals or coordinate with other agencies, as part of project implementation. These agencies may include, but are not limited to, the following:

- United States Army Corps of Engineers
- United States Fish and Wildlife Service
- California Department of Fish and Wildlife
- California Department of Transportation (Caltrans)
- California Public Utilities Commission
- Central Valley Regional Water Quality Control Board (Central Valley RWQCB)
- County of San Joaquin
- San Joaquin Local Agency Formation Commission (San Joaquin LAFCo)

²⁷ Pacific Gas and Electric Company (PG&E). 2020. Gas Transmission Pipelines. Website: https://www.pge.com/en_US/safety/how-the-system-works/natural-gas-system-overview/gas-transmission-pipeline/gas-transmission-pipelines.page. Accessed April 9, 2020.

²⁸ California Energy Commission. California Electric Infrastructure App. Website: <https://cecgis-caenergy.opendata.arcgis.com/app/ad8323410d9b47c1b1a9f751d62fe495>. Accessed April 9, 2020.

- San Joaquin County Airport Land Use Commission
- San Joaquin Valley Air Pollution Control District (Valley Air District)

Actions that are necessary to implement the project that must be taken by other agencies are:

- Annexation, with Prezoning, of the Project into the City of Tracy (San Joaquin LAFCo)
- Detachment from Tracy Rural Fire District (San Joaquin LAFCo)
- Coverage under General Construction Stormwater Permit (California State Water Resources Control Board/Central Valley RWQCB)
- Approval of Indirect Source Review (Valley Air District)

Issuance of Encroachment Permits for roadway, trail, or utility improvements within facilities under the jurisdiction of Caltrans or the County of San Joaquin may also be necessary.

Environmental Review

1.1.9 - Potential Environmental Effects

The Draft EIR will evaluate potentially significant environmental impacts associated with the approval and implementation of the proposed project. Consistent with the CEQA Guidelines (Appendix G), the following environmental resource categories will be analyzed in relation to the Project:

- | | |
|--------------------------------------|---------------------------------|
| • Aesthetics | • Hydrology and Water Quality |
| • Agriculture and Forestry Resources | • Land Use and Planning |
| • Air Quality | • Noise |
| • Biological Resources | • Public Services |
| • Cultural Resources | • Transportation |
| • Energy | • Tribal Cultural Resources |
| • Geology and Soils | • Utilities and Service Systems |
| • Greenhouse Gas Emissions | • Wildfire |
| • Hazards and Hazardous Materials | |

- **Aesthetics**—The Draft EIR will include an evaluation of aesthetic impacts related to the conversion of the site from agricultural to industrial uses.
- **Agriculture and Forestry Resources**—There are three active Williamson Act contract parcels within the project site. The Draft EIR will include an evaluation of converting the project site from active agriculture to industrial uses.
- **Air Quality**—The Draft EIR will include an evaluation of construction-period toxic air contaminants to assess potential construction health risks for area employees. The Draft EIR will also include an evaluation of operational air quality effects.
- **Biological Resources**—There is potential for special-status species on the project site including song sparrow, tricolored blackbird, burrowing owl, San Joaquin kit fox, Swainson’s hawk, and

roosting bats. The site contains aquatic features, potentially qualifying as jurisdictional waters of the United States and/or waters of the State. The Draft EIR will include analysis of potential impacts on relevant special-status species and sensitive habitats, including a project specific Biological Resources Assessment.

- **Cultural and Resources**—The Draft EIR will include a summary of a Phase I Cultural Resources Assessment to confirm whether the implementation of the project would result in impacts to cultural resources. The Draft EIR will include mitigation, where needed, to reduce potential impacts.
- **Energy**—The Draft EIR will include an evaluation of energy use to assess consistency with the City’s Sustainability Action Plan.
- **Geology and Soils**—The project site is not located within in an Alquist-Priolo Earthquake Fault Zone. However, the applicant-prepared geotechnical report includes several recommendations. The Draft EIR will include an evaluation of site soils and geology and recommendations from the geotechnical report will be included as mitigation measures.
- **Greenhouse Gas Emissions**—The Draft EIR will include an evaluation of construction-period greenhouse gas emissions to assess consistency with the City’s Sustainability Action Plan. The Draft EIR will also include an evaluation of operational-period emissions to assess compliance with Valley Air District thresholds.
- **Hazards and Hazardous Materials**—The Draft EIR will identify impacts and mitigation for hazards and hazardous materials. The Draft EIR will summarize the applicant-prepared Phase I and Phase II ESAs for the Tracy Alliance parcels as well as the Phase I for the Suvik Farms and Zuriakat parcels and include recommendations provided in those reports. Emergency response and evacuation impacts will be reviewed, including the proposed emergency vehicle access road off Paradise Road.
- **Hydrology and Water Quality**—The proposed project would involve grading and creation of new impervious surfaces that have potential to create runoff. The Draft EIR will include an evaluation of increased development and impervious surfaces on water quality, stormwater drainage, and other hydrology issues. The Draft EIR will also include an evaluation of constructing and dedicating a new on-site detention basin to the City.
- **Land Use and Planning**—As previously described, the proposed project would include annexation of land into the City and a NEI Specific Plan amendment. Conformity with City policies will be evaluated as part of the analysis.
- **Noise**—The Draft EIR will include an evaluation of construction-period noise based on the estimated equipment list and duration of construction activities. Operational traffic noise impacts will also be evaluated.
- **Public Services**—The proposed project would include development of new warehouse and office buildings that would increase demand for public services, including police and fire services. The Draft EIR will include an evaluation of public service impacts related to the new industrial operations.

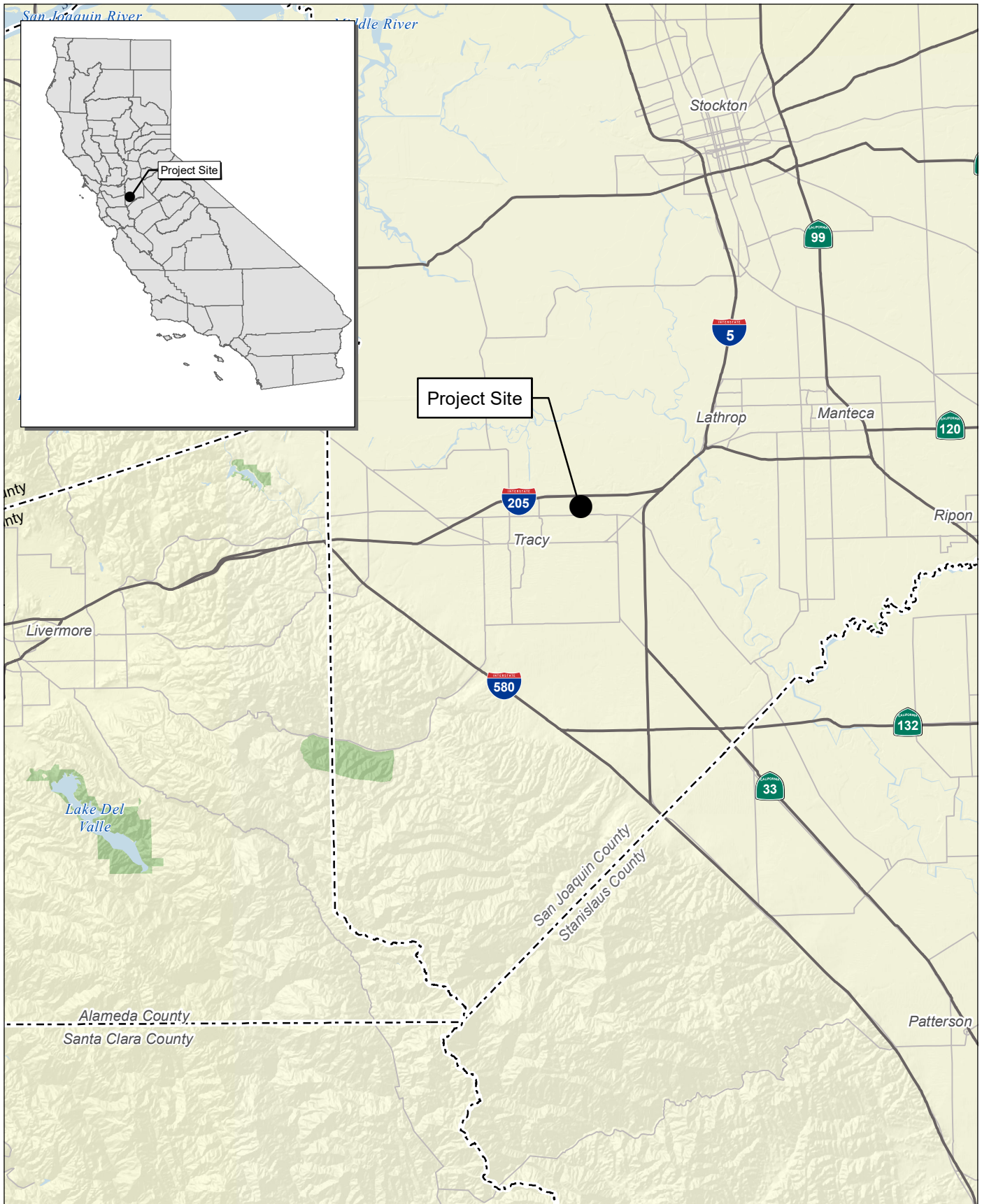
- **Transportation**—The CEQA analysis will include a comprehensive traffic analysis that considers aspects such as roadway design and safety, effects on increased traffic volumes on Grant Line Road and Paradise Road as well as other roadways, and analysis of proposed improvements. A vehicle miles traveled analysis will also be provided.
- **Tribal Cultural Resources**—The Draft EIR will include analysis of tribal cultural resources and a summary of tribal coordination to confirm whether the proposed project would potentially affect any resources of importance to local tribes.
- **Utilities and Service Systems**—The proposed project would require extension of public water and wastewater systems on-site. The Draft EIR will evaluate potential impacts associated with construction of the proposed utility extensions, as well as operational components of the City water supply, stormwater, wastewater, solid waste collection systems, and private power and telecommunications provision.
- **Wildfire**—The Draft EIR will include an evaluation of wildfire risk in the City and identify impacts, if any, associated with implementation of the proposed project, including mitigation, if required.

It is anticipated that the following environmental topics will not require detailed analysis, and instead will be addressed under an Effects Found not to be Significant chapter of the Draft EIR:

- **Mineral Resources**—There are no known mineral resources located on or adjacent to the project site. As such, the proposed project would not result in significant effects related to mineral resources.
- **Population and Housing**—The proposed project would require removal of one occupied residential structure and rezoning of agricultural land. Although the project would displace the existing occupied residence and associated structures, the proposed project would not necessitate construction of replacement housing elsewhere not already anticipated by the City.

It is expected that employees from the local labor force would be the primary source for workers, however, the possibility exists for individuals to relocate to the City to work at the proposed warehouses. Based on the light industrial nature of the proposed project, it is expected that approximately 1,871 employees would work on-site. Because the population of the City is currently estimated at 95,931, the total number of employees that may work at the project site represents approximately 2 percent of the current population of the City. Therefore, proposed project implementation would not displace any individuals or significantly increase population, and less than significant impacts related to population and housing would occur.

- **Recreation**—Because the proposed project is not located within or adjacent to any designated natural or open space areas and would not significantly increase City population, the project would not impact park usage. Furthermore, because the proposed project is not expected to result in a significant increase in population, the ratio of parks to residents would be unchanged by the project. As such, the proposed project would not result in significant effects related to recreation.



Source: Census 2000 Data, The CaSIL, FCS GIS 2016.

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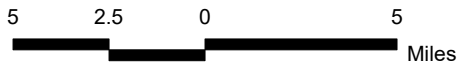
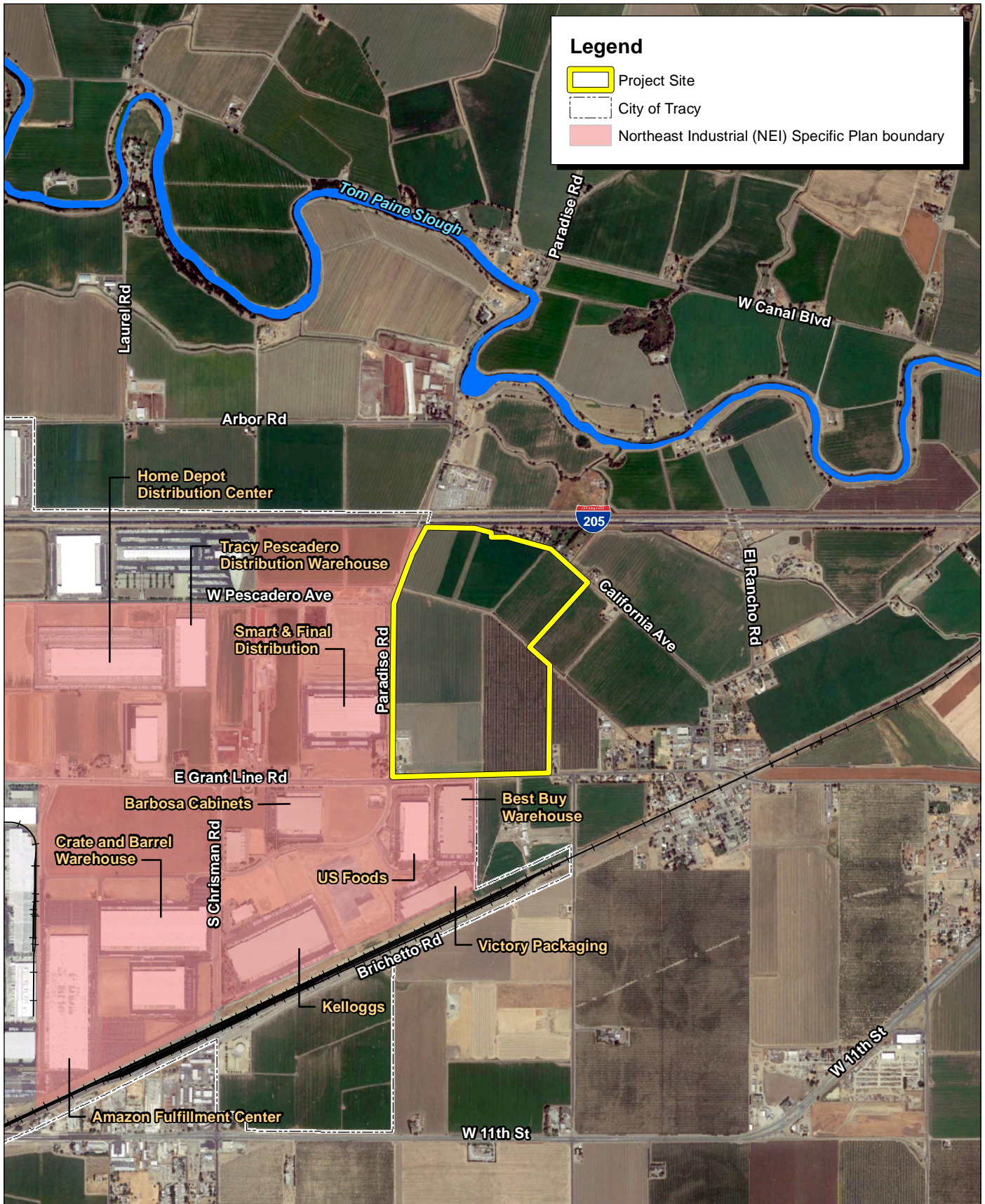
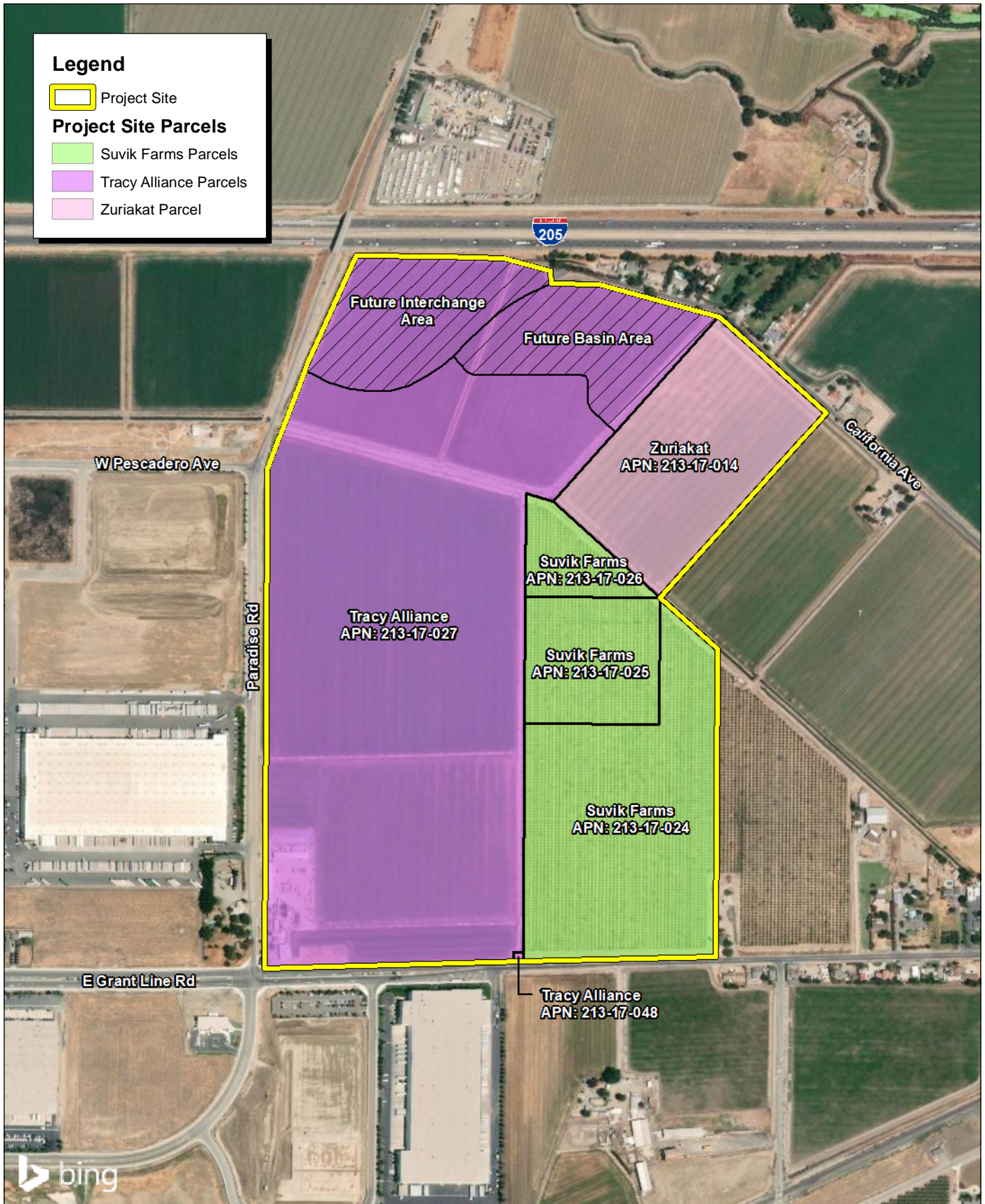


Exhibit 1 Regional Location Map



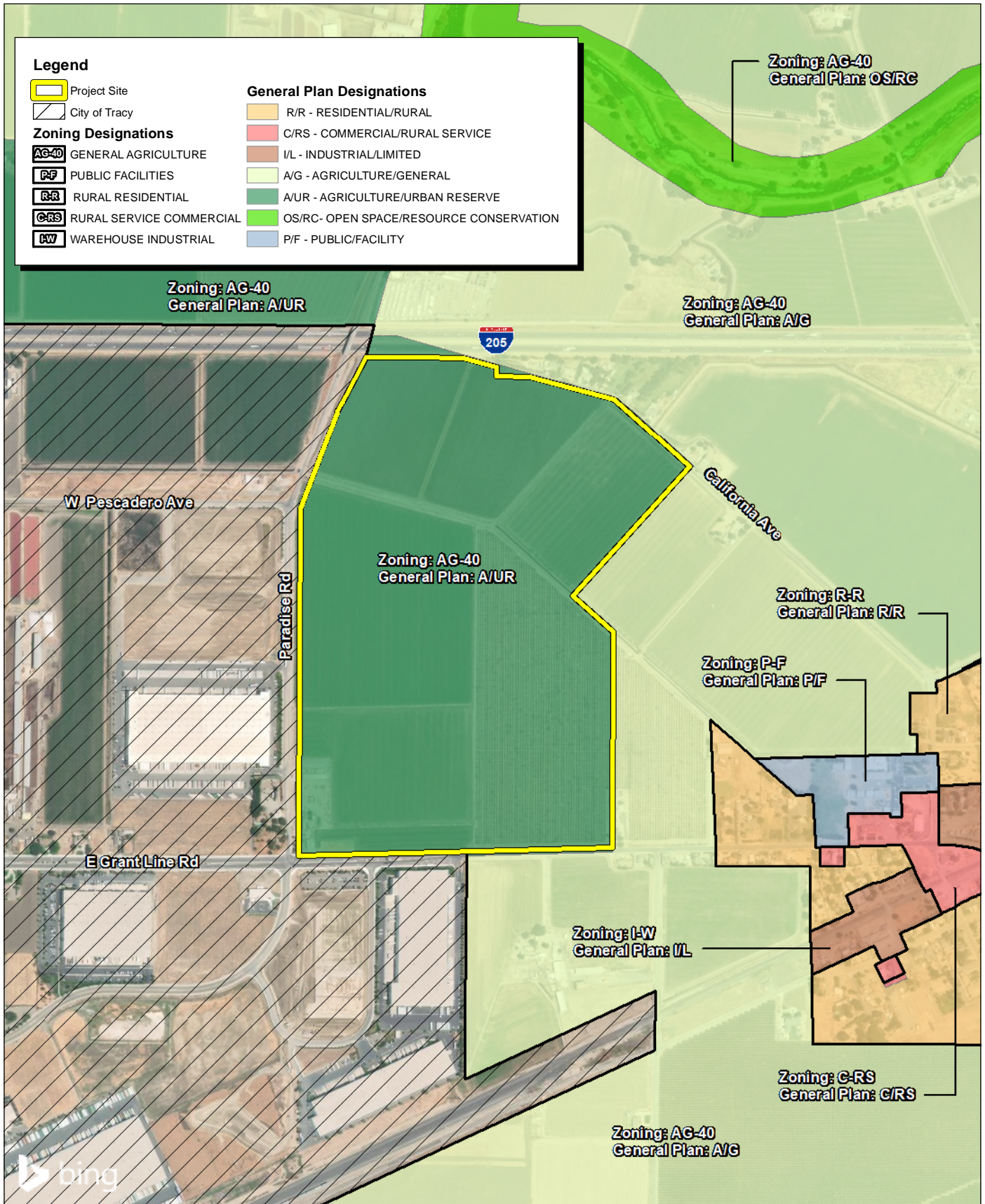
Source: Google Earth Aerial Imagery, August 2018.





Source: Bing Aerial Imagery. County of San Joaquin.



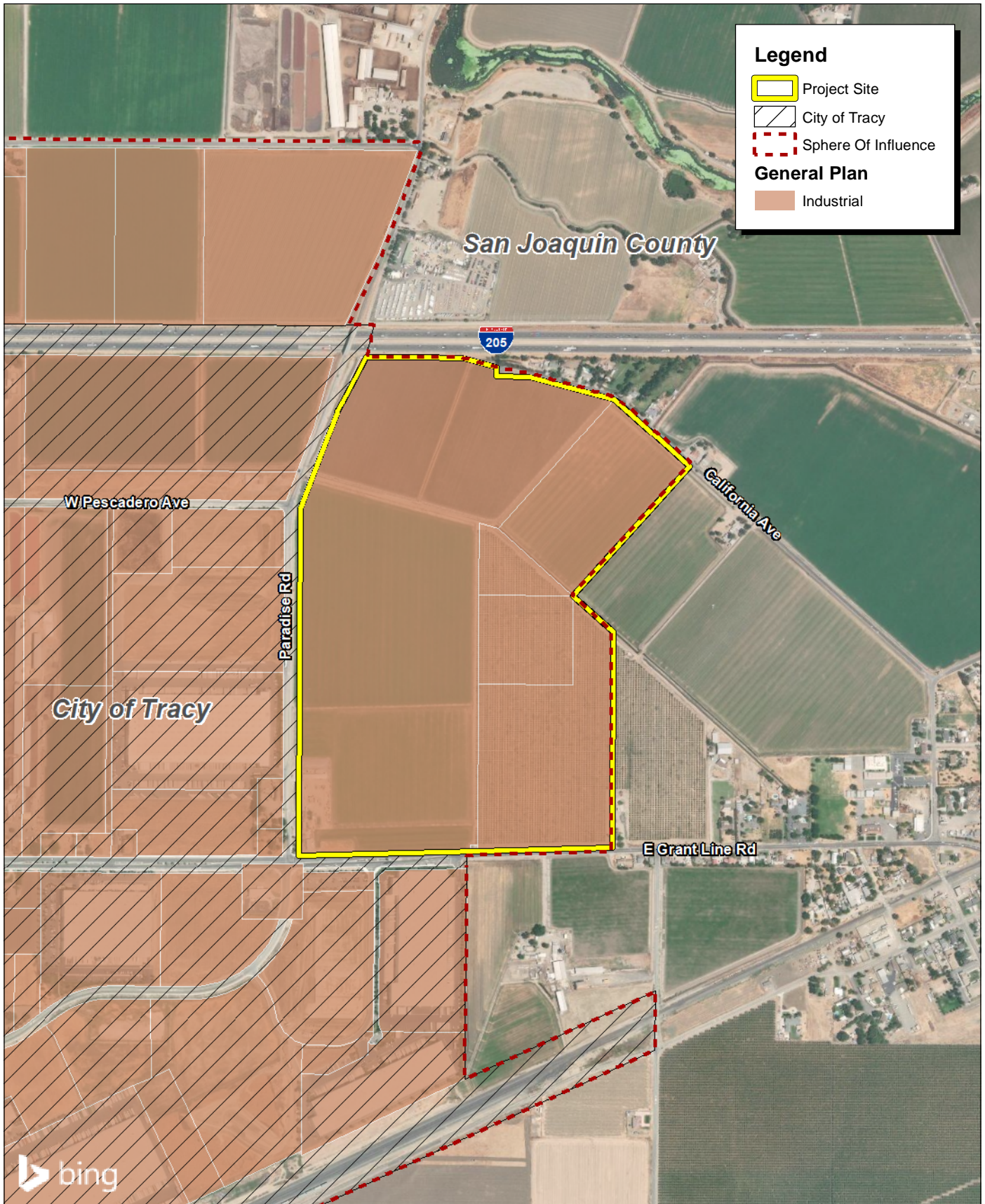


Source: Bing Aerial Imagery. San Joaquin County GIS Data, 2020.

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Exhibit 4
San Joaquin County General Plan
Land Use and Zoning Designations

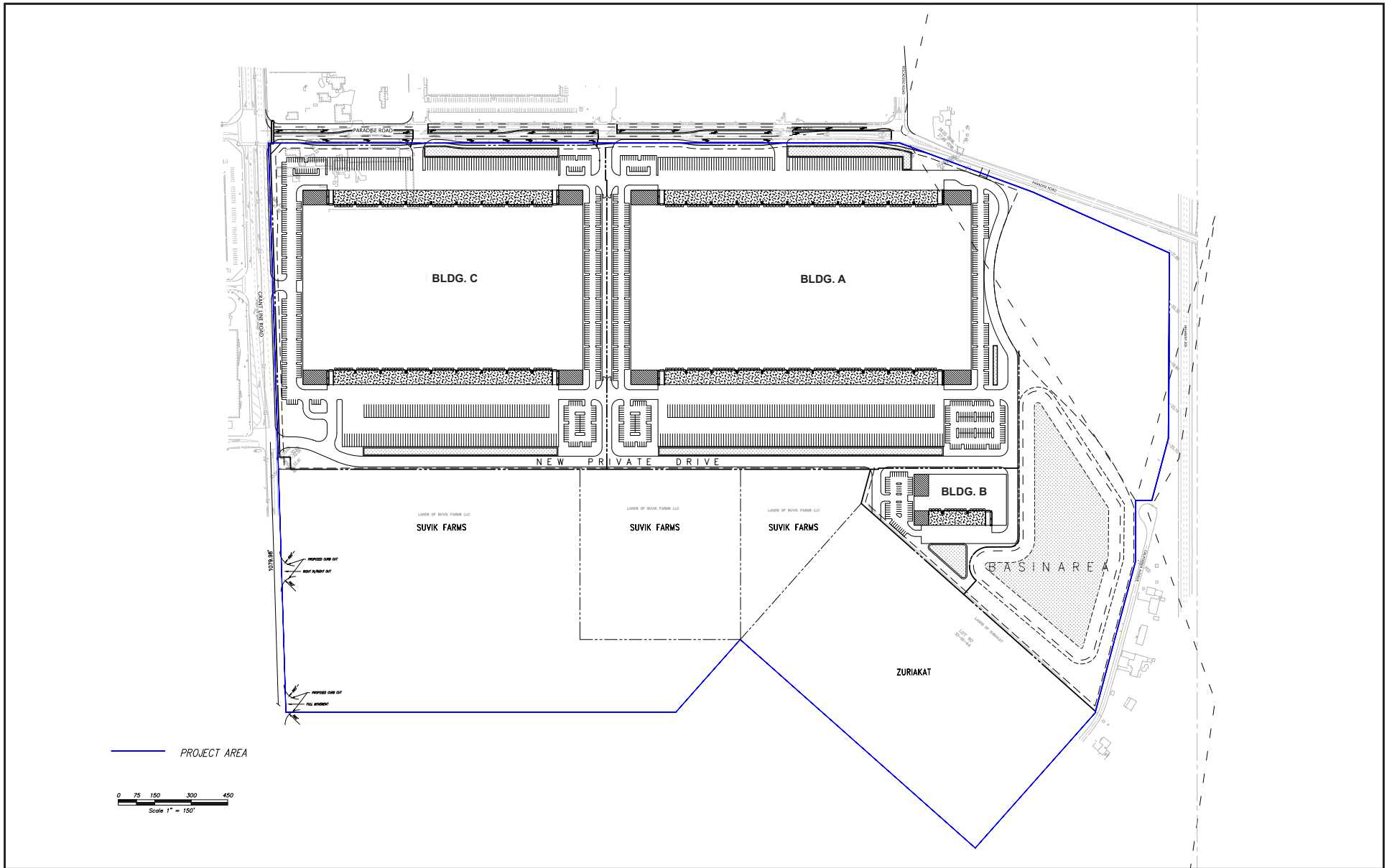


Source: Bing Aerial Imagery. City of Tracy. County of San Joaquin.

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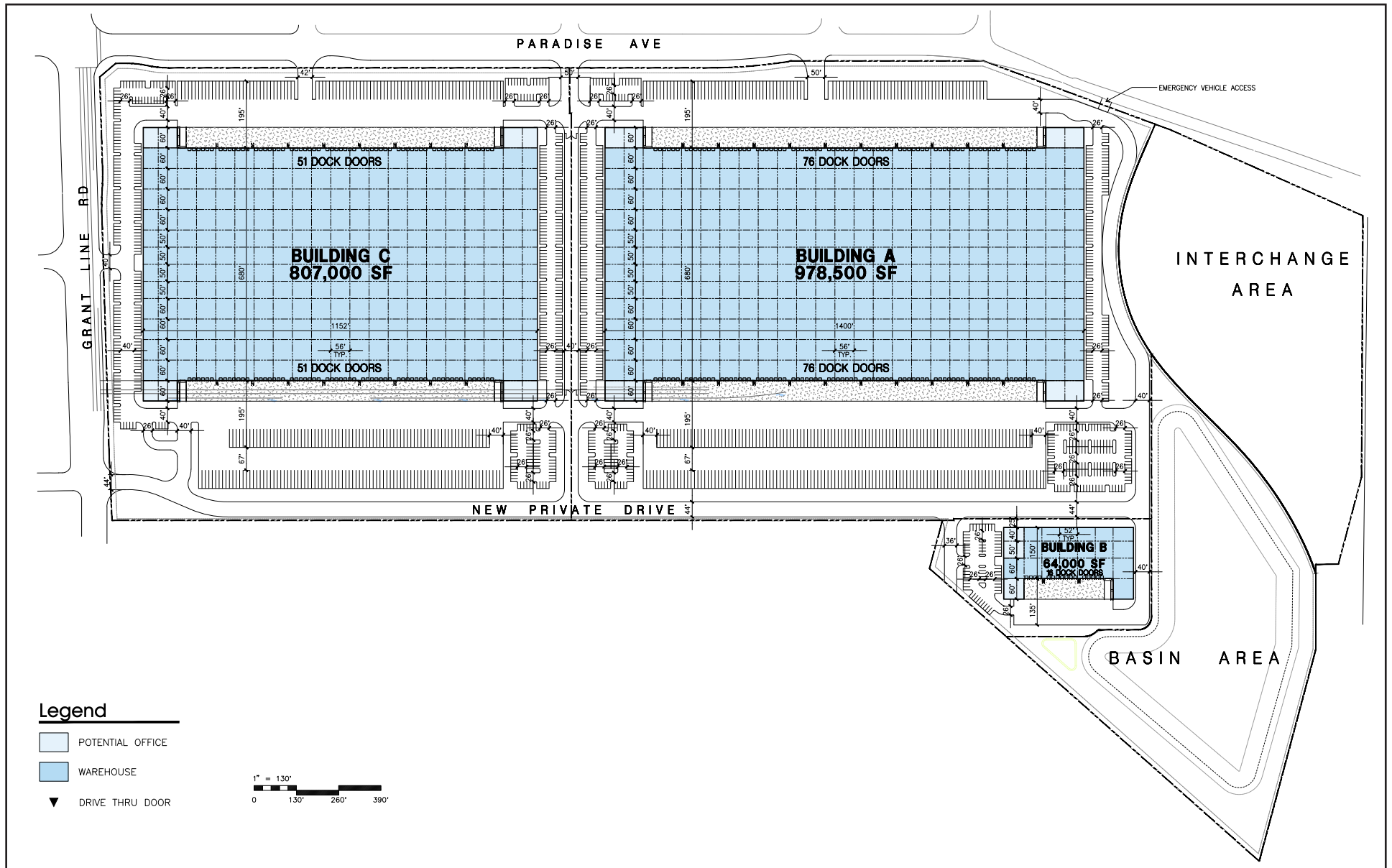
Exhibit 5
City of Tracy
General Plan Designation

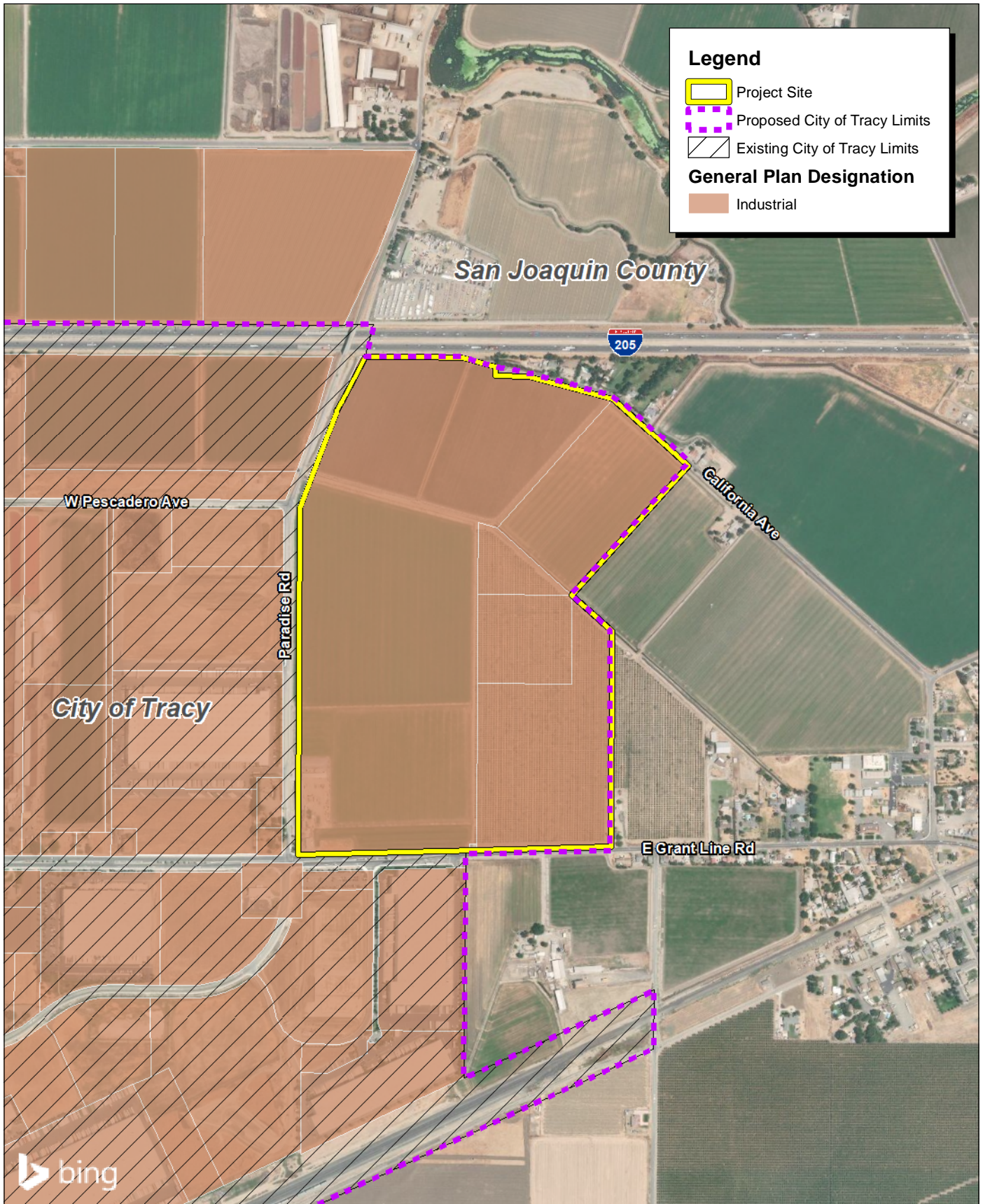


Source: Kier & Wright Civil Engineers & Surveyors Inc., 9/12/2019.



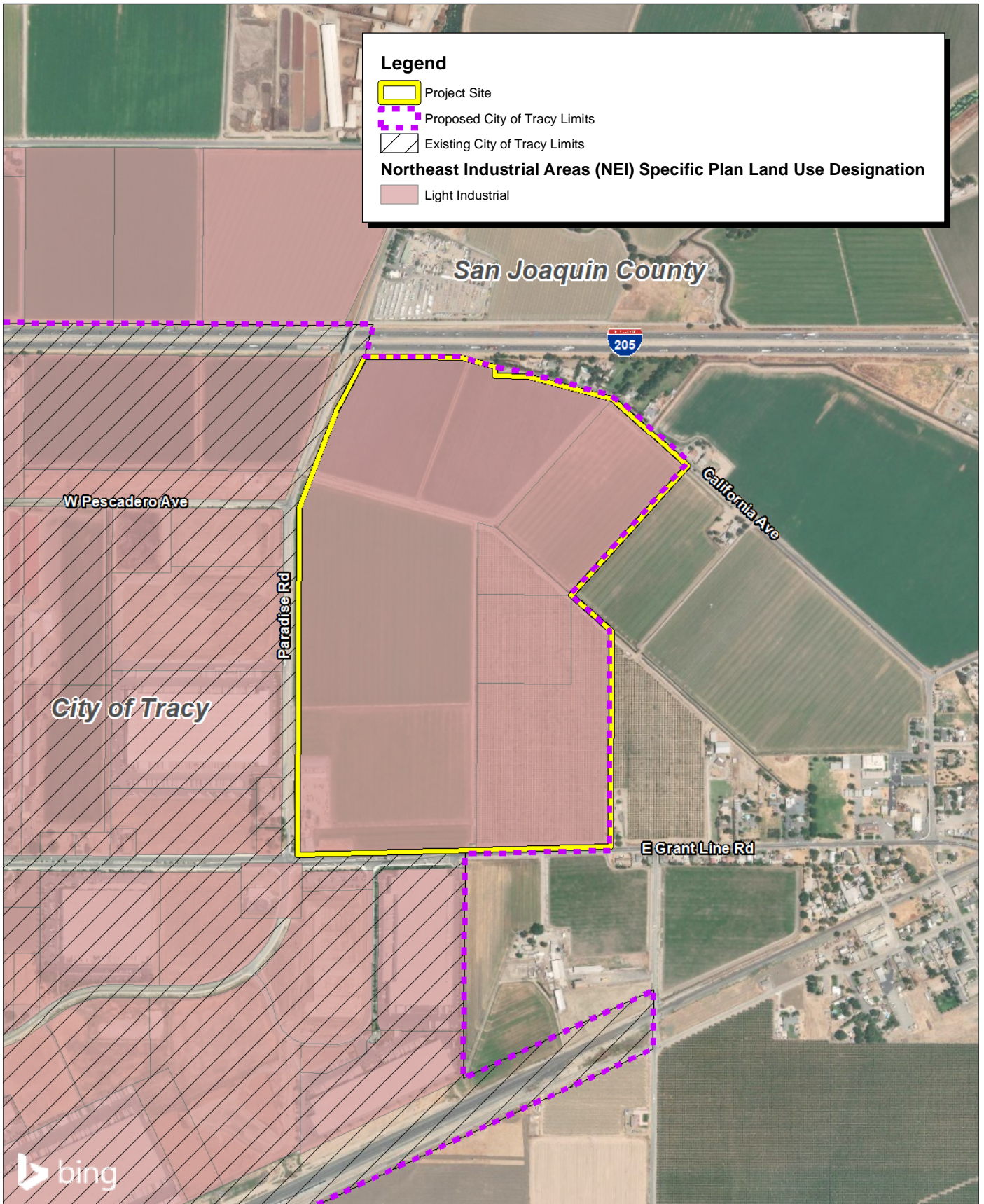
Exhibit 6a Comprehensive Site Plan





Source: Bing Aerial Imagery. City of Tracy. County of San Joaquin.



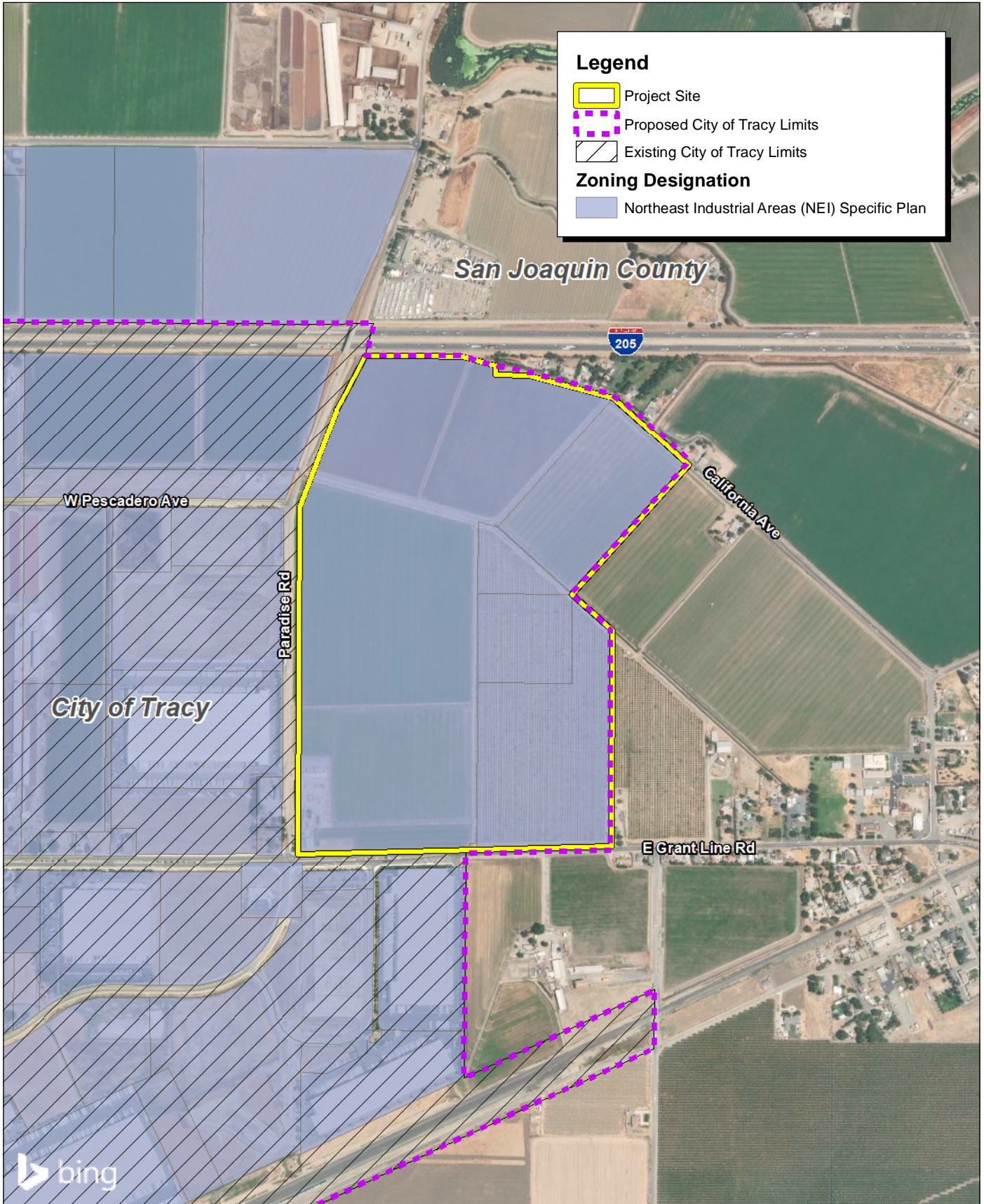


Source: Bing Aerial Imagery. City of Tracy. County of San Joaquin.

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Exhibit 7b
Proposed NEI Specific Plan
Land Use Designation

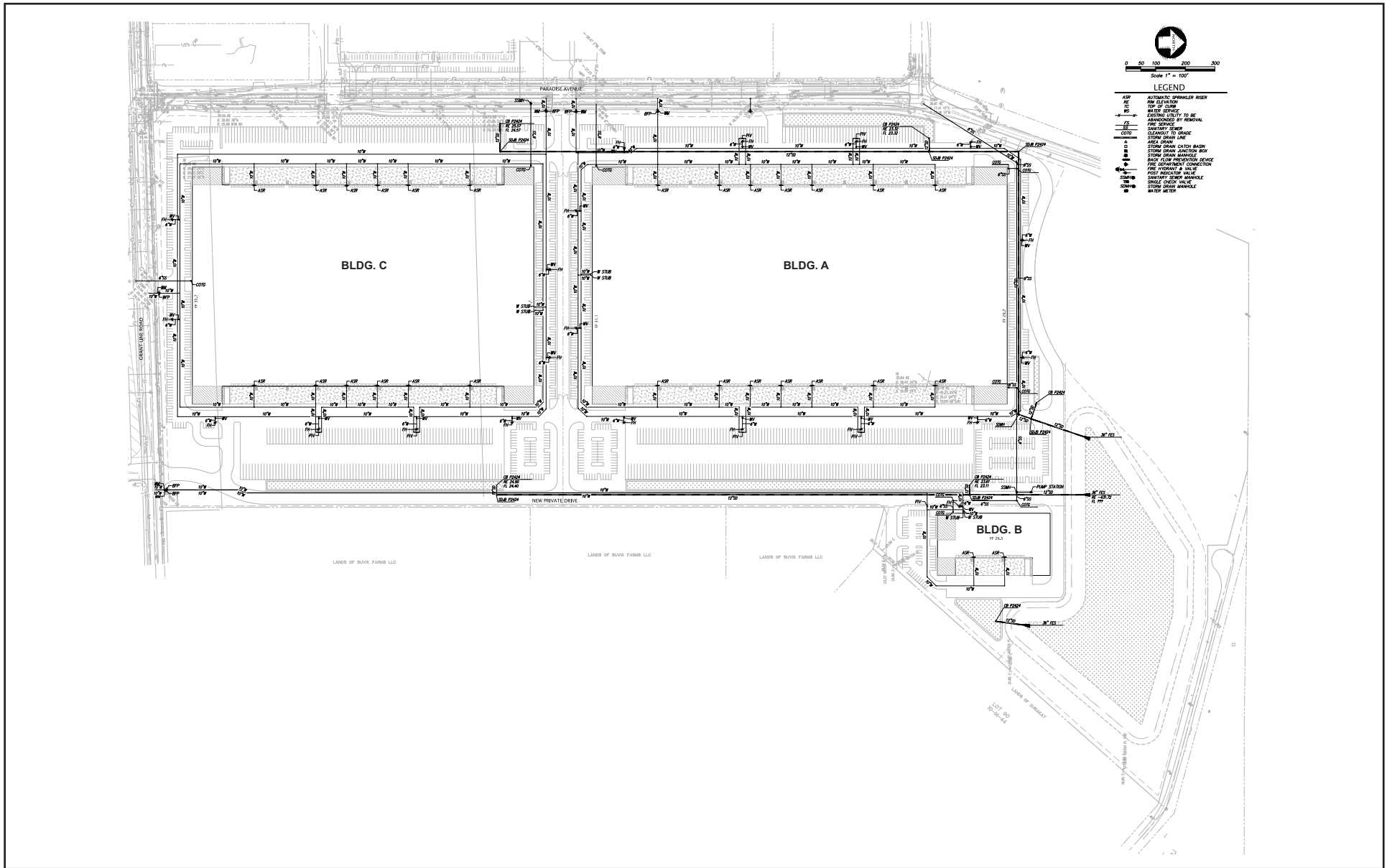


Source: Bing Aerial Imagery. City of Tracy. County of San Joaquin.

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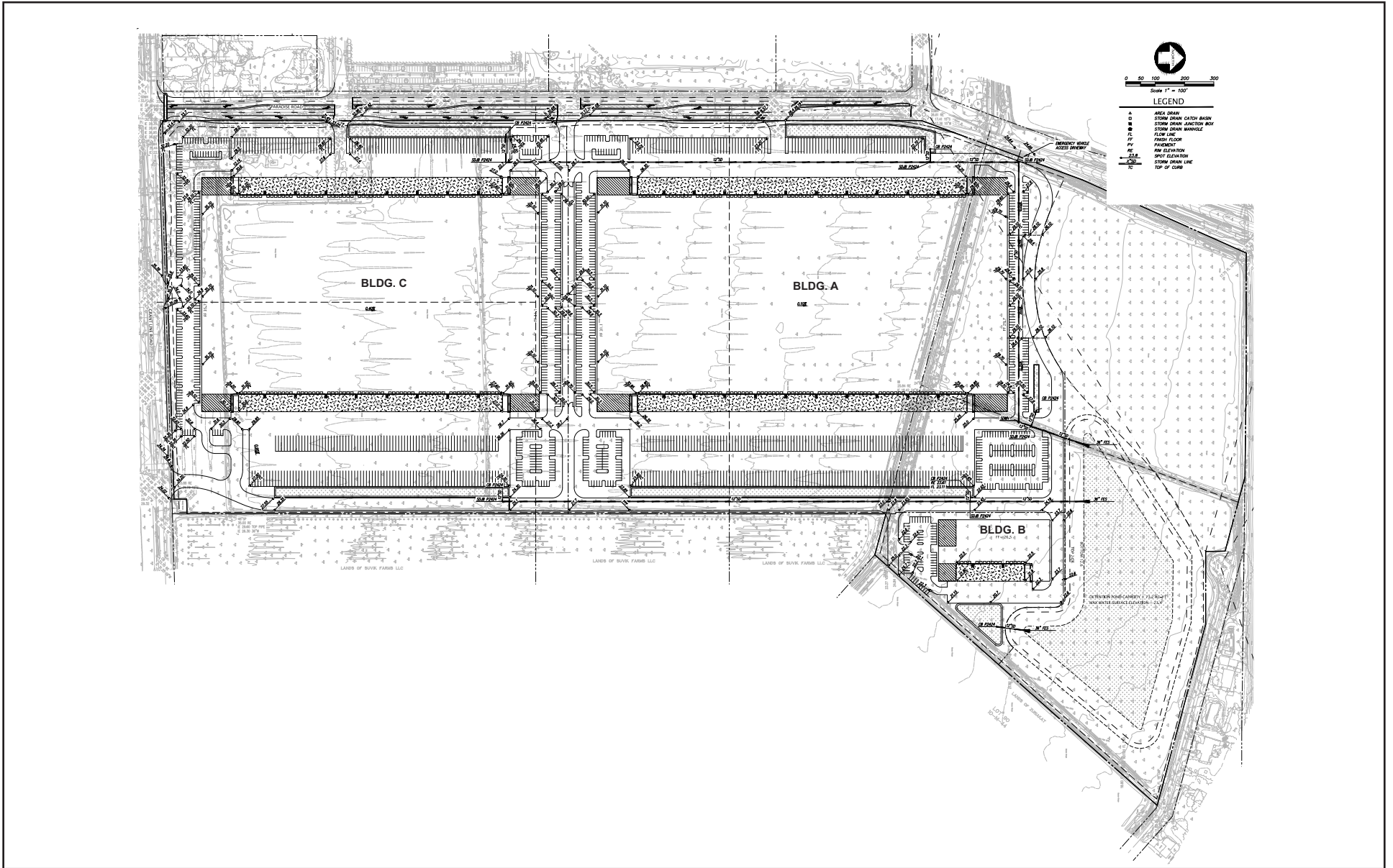
Exhibit 7c
Proposed City of Tracy
Zoning Designation



Source: Kier & Wright Civil Engineers & Surveyors Inc., 07/09/2020.



Exhibit 8 Tracy Alliance Parcels - Preliminary Utility Plan



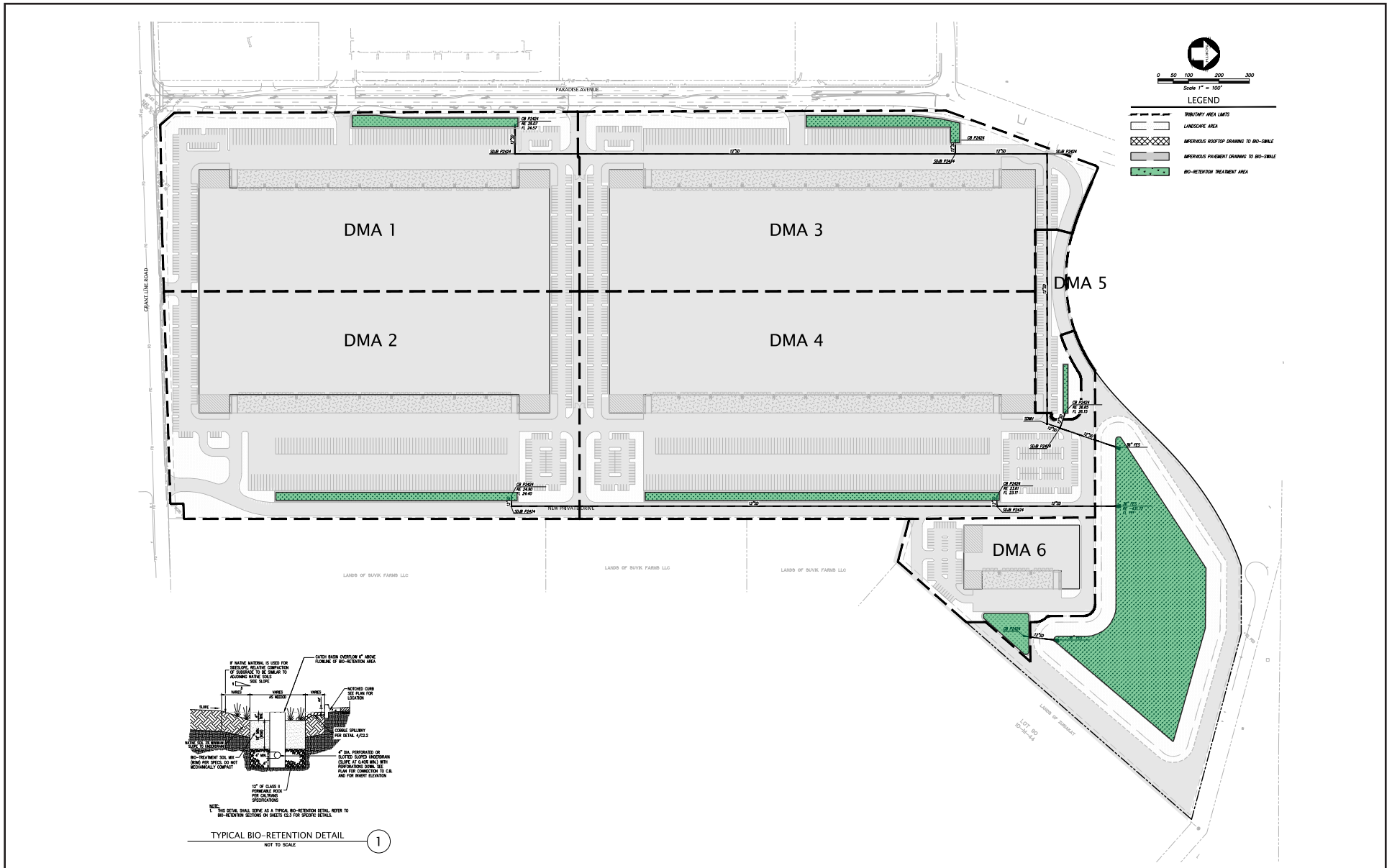
Source: Kier + Wright, July 9, 2020.



Exhibit 9a Tracy Alliance Parcels - Preliminary Grading and Drainage Plan

17260011 • 08/2020 | 9a_tracy_alliance_parcel_preliminary_grading_drainage_plan.cdr

CITY OF TRACY
TRACY ALLIANCE PROJECT
NOTICE OF PREPARATION



Source: Kier + Wright, July 9, 2020.



Exhibit 9b Tracy Alliance Parcels - Preliminary Storm Water Control Plan



NATIVE AMERICAN HERITAGE COMMISSION

August 31, 2020

Victoria Lombardo
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

RECEIVED

SEP 8 2020

CITY OF TRACY
Development Services

CHAIRPERSON
Laura Miranda
Luiseño

Re: 2020080524, Tracy Alliance Project, San Joaquin County

VICE CHAIRPERSON
Reginald Pagaling
Chumash

Dear Ms. Lombardo:

SECRETARY
Merri Lopez-Keifer
Luiseño

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

PARLIAMENTARIAN
Russell Attebery
Karuk

COMMISSIONER
Marshall McKay
Wintun

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

COMMISSIONER
William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
Julie Tumamait-Stenslie
Chumash

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Christina Snider
Pomo

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Nancy.Gonzalez-Lopez@nahc.ca.gov.

Sincerely,



Nancy Gonzalez-Lopez
Cultural Resources Analyst

cc: State Clearinghouse



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

September 8, 2020

Ms. Victoria Lombardo
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376
Victoria.Lombardo@cityoftracy.org

NOTICE OF PREPARATION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR
TRACY ALLIANCE PROJECT – DATED AUGUST 28, 2020 (STATE
CLEARINGHOUSE NUMBER: UNKNOWN)

Ms. Lombardo:

The Department of Toxic Substances Control (DTSC) received a Notice of Preparation of an Environmental Impact Report (EIR) for the Tracy Alliance Project (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, work in close proximity to mining or suspected mining or former mining activities, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

DTSC recommends that the following issues be evaluated in the EIR. Hazards and Hazardous Materials section:

1. The EIR should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
2. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline

contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the EIR.

3. If any sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the EIR. DTSC recommends that any project sites with current and/or former mining operations onsite or in the project site area should be evaluated for mine waste according to DTSC's 1998 Abandoned Mine Land Mines Preliminary Assessment Handbook (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/11/aml_handbook.pdf).
4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* (https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf).
5. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to *DTSC's 2001 Information Advisory Clean Imported Fill Material* (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf).
6. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)* (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>).

DTSC appreciates the opportunity to comment on the EIR. Should you need any assistance with an environmental investigation, please submit a request for Lead Agency Oversight Application, which can be found at: <https://dtsc.ca.gov/wp->

Ms. Lombardo
September 8, 2020
Page 3

[content/uploads/sites/31/2018/09/VCP_App-1460.doc](#). Additional information regarding voluntary agreements with DTSC can be found at: <https://dtsc.ca.gov/brownfields/>.

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Gavin McCreary". The signature is written in a cursive style and is positioned above a thin horizontal line.

Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov



SEPTEMBER 24, 2020

VIA EMAIL: VICTORIA.LOMBARDO@CITYOFTRACY.ORG

Victoria Lombardo, Senior Planner
City of Tracy, Development Services
333 Civic Center Plaza
Tracy, CA 95376

Dear Ms. Lombardo:

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE TRACY ALLIANCE PROJECT, SCH# 2020080524

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation of an Environmental Impact Report for the Tracy Alliance Project (Project). The Division monitors farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's potential impacts on agricultural land and resources.

Project Description

The Tracy Alliance Group, Suvik Farms, LLC., and Zuriakat (co-applicants) are proposing the Tracy Alliance Project, which consists of the development of up to 3,352,320 square feet of warehouse development on approximately 191 acres comprising six parcels. The six parcels consist of two Tracy Alliance parcels (totaling 122.44 acres), three Suvik Farms, LLC., parcels (totaling 46.61 acres), and one Zuriakat parcel (22.17 acres).

Development on the two Tracy Alliance parcels, as proposed by co-applicant, Tracy Alliance Group, would consist of 1,849,500 square feet of warehouse space located in three buildings, as well as a stormwater detention basin with a pump station (that would be City-owned and managed). Approximately 13.36 acres of the Tracy Alliance land would be reserved to accommodate a portion of a planned interchange at Paradise Road and Interstate 205. The proposed project also includes demolition of existing residential and agricultural buildings, removal of existing trees and crops, road improvements, and grading of approximately 500,000 cubic yards.

The project site is within unincorporated San Joaquin County adjacent to the City of Tracy's northeastern city limits and adjacent to the City of Tracy NEI Specific Plan area.

The project would require approval of annexation into the City of Tracy, pre-zoning, an amendment to the NEI Specific Plan, and a Tentative Parcel Maps or Lot Line Adjustment to create final development lots. The project site consists of mostly Prime Farmland as designated by the California Department of Conservation Farmland Mapping and Monitoring Program. The Suvik Farm parcels are bound by a Williamson Act contract which is set to expire in 2026.

Department Comments

Although conversion of agricultural land is often an unavoidable impact under CEQA analysis, feasible alternatives and/or feasible mitigation measures must be considered. In some cases, the argument is made that mitigation cannot reduce impacts to below the level of significance because agricultural land will still be converted by the project, and therefore, mitigation is not required. However, reduction to a level below significance is not a criterion for mitigation under CEQA. Rather, the criterion is feasible mitigation that lessens a project's impacts. As stated in CEQA statute, mitigation may also include, "Compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements."¹

The conversion of agricultural land represents a permanent reduction in the State's agricultural land resources. As such, the Department advises the use of permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the loss of agricultural land. Conservation easements are an available mitigation tool and considered a standard practice in many areas of the State. The Department highlights conservation easements because of their acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because it follows an established rationale similar to that of wildlife habitat mitigation.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should not be limited strictly to lands within the project's surrounding area.

A source that has proven helpful for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland

¹ Public Resources Code Section 15370, Association of Environmental Professionals, 2020 CEQA, California Environmental Quality Act, Statute & Guidelines, page 284, https://www.califaep.org/docs/2020_ceqa_book.pdf

mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

<http://www.calandtrusts.org/resources/conserving-californias-harvest/>

Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered.

Conclusion

Prior to approval of the proposed project the Department recommends further discussion of the following issues:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Proposed mitigation measures for all impacted agricultural lands within the proposed project area.
- Projects compatibility with, or, potential contract resolutions for land in an agricultural preserve and/or enrolled in a Williamson Act contract.

Thank you for giving us the opportunity to comment on the Notice of Preparation of an Environmental Impact Report for the Tracy Alliance Project. Please provide this Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Associate Environmental Planner via email at Farl.Grundy@conservation.ca.gov.

Sincerely,

Monique Wilber

Monique Wilber
Conservation Program Support Supervisor

September 30, 2020

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

Project: Notice of Preparation for Tracy Alliance Project

District CEQA Reference No: 20200733

Dear Ms. Lombardo:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above from the City of Tracy (City) consisting of the development of up to 3,352,320 square feet of warehouse development on approximately 191 acres comprising six parcels (Project). The Project is located at the northeast corner of Grant Line Road and Paradise Road, in Tracy, CA (APN 213-140-14, -24, -25, -26, -27, and -48).

Project Description

The Project consists of the demolition of 11 existing residential and agricultural structures and the construction of multiple warehouse buildings totaling up to 3,352,320 square feet that support industrial uses and associated offices. Also included is a 13.0-acre City owned and managed stormwater detention basin with pump station, approximately 948 automobile parking spaces and approximately 572 trailer parking spaces. The warehouse buildings at full buildout are expected to have approximately 1,871 employees working on-site.

The District's initial review of the Project concludes that emissions resulting from construction and/or operation of the Project will exceed the following thresholds of significance: 100 tons per year of carbon monoxide (CO), 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), 27 tons per year of oxides of sulfur (SOx), 15 tons per year of particulate matter of 10 microns or less in size (PM10), or 15 tons per year of particulate matter of 2.5 microns or less in size (PM2.5).

Samir Sheikh

Executive Director/Air Pollution Control Officer

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4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

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1990 E. Gettysburg Avenue
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Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: (861) 392-5500 FAX: (861) 392-5585

The District recommends that a more detailed preliminary review of the Project be conducted for the Project's construction and operational emissions.

Other potential significant air quality impacts related to Toxic Air Contaminants (see information below under Health Risk Assessment), Ambient Air Quality Standards, Hazards and Odors, may require assessments and mitigation. More information can be found in the District's Guidance for Assessing and Mitigating Air Quality Impacts at: https://www.valleyair.org/transportation/GAMAQI_12-26-19.pdf

The District offers the following comments:

1) Project Related Criteria Pollutant Emissions

The District recommends that a more detailed preliminary review of the Project be conducted for the Project's construction and operational emissions. The additional environmental review of the Project's potential impact on air quality should consider the following items:

1a) Project Related Construction Emissions

Construction emissions are short-term emissions and should be evaluated separately from operational emissions. Equipment exhaust, as well as fugitive dust emissions should be quantified. For reference, the District's annual criteria thresholds of significance for construction are listed above.

The District recommends that the County consider the use of the cleanest reasonably available off-road construction practices (i.e. eliminating unnecessary idling) and fleets, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations as a mitigation measure to reduce Project related impacts from construction related exhaust emissions.

1b) Project Related Operational Emissions

Emissions from stationary sources and mobile sources should be analyzed separately. For reference, the District's annual criteria thresholds of significance for operational emissions are listed above.

1c) Recommended Model

Project related criteria pollutant emissions from construction and operational sources should be identified and quantified. Emissions analysis should be performed using CalEEMod (**California Emission Estimator Model**), which uses

the most recent approved version of relevant Air Resources Board (ARB) emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: www.caleemod.com.

1d) Project Related Operational Emissions– Truck Routing

Truck routing involves the path/roads heavy-duty trucks take to and from their destination. The air emissions from heavy-duty trucks can impact residential communities and sensitive receptors.

The District recommends the City consider evaluating heavy-duty truck routing patterns to help limit emission exposure to residential communities and sensitive receptors. More specifically, this measure would assess current truck routes, in consideration of the number and type of each vehicle, destination/origin of each vehicular trip, time of day/week analysis, vehicle miles traveled and emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT, GHG emissions, and air quality.

1e) Project Related Operational Emissions– Cleanest Available Truck

The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from heavy-heavy duty (HHD) Trucks, the single largest source of NOx emissions in the San Joaquin Valley. The District recently adopted the 2018 PM2.5 Plan, which includes significant new reductions from HHD Trucks, including emissions reductions by 2023 through the implementation of the California Air Resources Board (CARB) Statewide Truck and Bus Regulation, which requires truck fleets operating in California to meet the 2010 0.2 g/bhp-hr NOx standard by 2023. Additionally, to meet the federal air quality standards by the 2020 to 2024 attainment deadlines, the District's Plan relies on a significant and immediate transition of heavy duty truck fleets to zero or near-zero emissions technologies, including the near-zero truck standard of 0.02 g/bhp-hr NOx established by the California Air Resources Board.

For development projects which typically generate a high volume of heavy duty truck traffic (e.g. "high-cube" warehouse or distribution center), there are heavy duty trucks traveling to-and-from from the project location at longer trip length distances for potential distribution. Since the project will exceed the District significance thresholds, the District recommends that the following mitigation measures be considered by the City for inclusion in the CEQA document for project related operational emissions.

- Advise fleets associated with Project operational activities to utilize the cleanest available HHD truck technologies, including zero and near-zero (0.02 g/bhp-hr NOx) technologies as feasible.
- Advise all on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) to utilize zero-emissions technologies as feasible.
- Advise fleets associated with future development projects to be subject to the best practices (i.e. eliminating unnecessary idling).

In addition, the District recommends that the City include mitigation measures to reduce project related operational impacts through incorporation of design elements, for example, increased energy efficiency, reducing vehicle miles traveled, etc. More information on mitigation measures can be found on the District's website at: http://www.valleyair.org/transportation/ceqa_idx.htm.

1f) Project Related Operational Emissions– Reduce Idling of Heavy Duty Trucks

The goal of this strategy is to limit the potential for localized PM2.5 and toxic air quality impacts associated with failure to comply with the state's Heavy Duty anti-idling regulation (e.g limiting vehicle idling to specific time limits). The diesel exhaust from excessive idling has the potential to impose significant adverse health and environmental impacts. Therefore, efforts to ensure compliance of the anti-idling regulation, especially near sensitive receptors, is important to limit the amount of idling within the community, which will result in community air quality benefits.

1g) Project Related Operational Emissions– Electric On-Site Off-Road and On-Road Equipment

Since the Project consists of warehouse buildings, it may have the potential to result in increased use of off-road equipment (i.e. forklifts) and/or on-road equipment (i.e. mobile yard trucks with the ability to move materials). The District recommends the City advise the project proponent to utilize electric or zero emission off-road and on-road equipment used on-site for this Project.

2) Voluntary Emission Reduction Agreement

If the Project is expected to have a significant impact, the District recommends the EIR also include a discussion on the feasibility of implementing a Voluntary Emission Reduction Agreement (VERA) for this Project.

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate Project specific emissions by providing funds for the District's incentives programs. The funds are disbursed by the District in the form of grants for projects that achieve emission reductions. Thus, project-specific regional impacts on air quality can be fully mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of old farm tractors.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. After the project is mitigated, the District certifies to the Lead Agency that the mitigation is completed, providing the Lead Agency with an enforceable mitigation measure demonstrating that project-specific regional emissions have been mitigated to less than significant. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the Draft EIR includes an assessment of the feasibility of implementing a VERA.

3) Health Risk Screening/Assessment

A Health Risk Screening/Assessment identifies potential Toxic Air Contaminants (TAC's) impact on surrounding sensitive receptors such as hospitals, daycare centers, schools, work-sites, and residences. TAC's are air pollutants identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health. A common source of TACs can be attributed to diesel exhaust emitted from both mobile and stationary sources. List of TAC's identified by OEHHA/CARB can be found at: <https://ww2.arb.ca.gov/resources/documents/carb-identified-toxic-air-contaminants>

The District recommends the Project be evaluated for potential health impacts to surrounding receptors (on-site and off-site) resulting from operational and multi-year construction TAC emissions.

- i) The District recommends conducting a screening analysis that includes all sources of emissions. A screening analysis is used to identify projects which may have a significant health impact. A prioritization, using CAPCOA's updated methodology, is the recommended screening method. A prioritization score of 10 or greater is considered to be significant and a refined Health Risk Assessment (HRA) should be performed.

For your convenience, the District's prioritization calculator can be found at:

http://www.valleyair.org/busind/pto/emission_factors/Criteria/Toxics/Utilities/PRIORITIZATION%20RMR%202016.XLS.

- ii) The District recommends a refined HRA for projects that result in a prioritization score of 10 or greater. Prior to performing an HRA, it is recommended that the Project proponent contact the District to review the proposed modeling protocol. The Project would be considered to have a significant health risk if the HRA demonstrates that the Project related health impacts would exceed the District's significance threshold of 20 in a million for carcinogenic risk and 1.0 for the Acute and Chronic Hazard Indices, and would trigger all feasible mitigation measures. The District recommends that Projects that result in a significant health risk not be approved.

For HRA submittals, please provide the following information electronically to the District for review:

- HRA AERMOD model files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodology.

More information on toxic emission factors, prioritizations and HRAs can be obtained by:

- E-Mailing inquiries to: hramodeler@valleyair.org; or
- The District can be contacted at (559) 230-6000 for assistance; or
- Visiting the District's website (Modeling Guidance) at:
http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm.

4) Health Impact Discussion

As required by the recent decision in *Sierra Club v. County of Fresno* (2018) 6 Cal.4th 502, a reasonable effort to discuss relevant specifics regarding the connection between potential adverse air quality impacts from the Project with the

likely nature and magnitude of potential health impacts. If the potential health impacts from the Project cannot be specifically correlated, explain what is known and why, given scientific constraints, potential health impacts cannot be translated.

5) Ambient Air Quality Analysis

An ambient air quality analysis (AAQA) uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of the ambient air quality standards. The District recommends that an AAQA be performed for the Project if emissions exceed 100 pounds per day of any pollutant.

If an AAQA is performed, the analysis should include emissions from both Project specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

Specific information for assessing significance, including screening tools and modeling guidance is available online at the District's website www.valleyair.org/ceqa.

6) Cumulative Air Impacts

In addition to the discussions on the topics identified above, the District recommends the EIR also include a discussion of whether the Project would result in a cumulatively considerable net increase of any criteria pollutant or precursor for which the San Joaquin Valley Air Basin is in non-attainment. More information on the District's attainment status can be found online by visiting the District's website at: <http://valleyair.org/aqinfo/attainment.htm>.

7) Nuisance Odors

While offensive odors rarely cause any physical harm, they can be unpleasant, leading to considerable distress among the public and often resulting in citizen complaints.

The City should consider all available pertinent information to determine if the Project could have a significant impact related to nuisance odors. Nuisance odors may be assessed qualitatively taking into consideration of project design elements and proximity to off-site receptors that potentially would be exposed to objectionable odors. The intensity of an odor source's operations and its proximity to sensitive receptors influences the potential significance of odor emissions. Any project with the potential to frequently expose members of the public to objectionable odors should be deemed to have a significant impact. According to the District Guidance for Assessing and Mitigating air Quality Impacts (GAMAQI), a significant odor problems are defined as more than one confirmed complaint per year averaged over a three-year period, or

three unconfirmed complaints per year averaged over a three-year period. An unconfirmed complaint means that either the odor/air contaminant release could not be detected, or the source/facility cannot be determined.

The District is available to assist the City with information regarding specific facilities and categories of facilities, and associated odor complaint records.

8) District Rules and Regulations

The District issues permits for many types of air pollution sources and regulates some activities not requiring permits. A project subject to District rules and regulation would reduce its impacts on air quality through compliance with regulatory requirements. In general, a regulation is a collection of rules, each of which deals with a specific topic. Here are a couple of example, Regulation II (Permits) deals with permitting emission sources and includes rules such as District permit requirements (Rule 2010), New and Modified Stationary Source Review (Rule 2201), and implementation of Emission Reduction Credit Banking (Rule 2301).

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: www.valleyair.org/rules/1ruleslist.htm. To identify other District rules or regulations that apply to this Project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (661) 392-5665.

8a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 requires that new and modified stationary sources of emissions mitigate their emissions using best available control technology (BACT).

This Project may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, the Project proponent should submit to the District an application for an Authority to Construct (ATC). For further information or assistance, the project proponent may contact the District's Small Business Assistance (SBA) Office at (661) 392-5665.

8b) District Rule 9510 (Indirect Source Review)

The purpose of District Rule 9510 is to reduce the growth in both NO_x and PM₁₀ emissions associated with development and transportation projects from mobile and area sources associated with construction and operation of development projects. The rule encourages clean air design elements to be incorporated into development projects. In case the proposed development project clean air design elements are insufficient to meet the targeted emission reductions, the rule requires developers to pay a fee used to fund projects to achieve off-site emissions reductions.

The proposed Project is subject to District Rule 9510 because it will receive a project-level discretionary approval from a public agency and will equal or exceed 25,000 square feet of light industrial space. When subject to the rule, an Air Impact Assessment (AIA) application is required prior to applying for project-level approval from a public agency. In this case, if not already done, please inform the project proponent to immediately submit an AIA application to the District to comply with District Rule 9510.

An AIA application is required and the District recommends that demonstration of compliance with District Rule 9510, before issuance of the first building permit, be made a condition of Project approval.

Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

The AIA application form can be found online at: <http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>.

8c) District Rule 9410 (Employer Based Trip Reduction)

The Project may be subject to District Rule 9410 (Employer Based Trip Reduction) if the Project would result in employment of 100 or more “eligible” employees. District Rule 9410 requires employers with 100 or more “eligible” employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees.

Information about how District Rule 9410 can be found online at: www.valleyair.org/tripreduction.htm.

For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at etrip@valleyair.org

8d) Other District Rules and Regulations

The Project may also be subject to the following District rules: Regulation VIII, (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).

9) District Comment Letter

The District recommends that a copy of the District's comments be provided to the Project proponent.

If you have any questions or require further information, please contact Michael Corder by e-mail at Michael.Corder@valleyair.org or by phone at (559) 230-5818.

Sincerely,



For Arnaud Marjollet
Director of Permit Services

AM: mc

Central Valley Regional Water Quality Control Board

30 September 2020

Victoria Lombardo
City of Tracy
333 Civic Center Plaza
Tracy, CA 95376

COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION FOR THE ENVIRONMENTAL IMPACT REPORT, TRACY ALLIANCE PROJECT, SCH#2020080524, SAN JOAQUIN COUNTY

Pursuant to the State Clearinghouse's 28 August 2020 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Preparation for the Environmental Impact Report* for the Tracy Alliance Project, located in San Joaquin County.

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

I. Regulatory Setting

Basin Plan

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

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

KARL E. LONGLEY SCD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues. For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_2018_05.pdf

In part it states:

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

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

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

II. Permitting Requirements

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Construction General Permit), Construction General Permit Order No. 2009-0009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

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

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

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

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

http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ. For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACE). If a Section 404 permit is required by the USACE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic

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

General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. For more information on the Water Quality Certification, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Projects involving excavation or fill activities impacting less than 0.2 acre or 400 linear feet of non-jurisdictional waters of the state and projects involving dredging activities impacting less than 50 cubic yards of non-jurisdictional waters of the state may be eligible for coverage under the State Water Resources Control Board Water Quality Order No. 2004-0004-DWQ (General Order 2004-0004). For more information on the General Order 2004-0004, visit the State Water Resources Control Board website at:
https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2004/wqo/wqo2004-0004.pdf

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Threat General Order) 2003-0003 or the Central Valley Water Board’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Threat Waiver) R5-2018-0085. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

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

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2018-0085.pdf

Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order. For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit. For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at: <https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4856 or Nicholas.White@waterboards.ca.gov.



Nicholas White
Water Resource Control Engineer

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



Delta Stewardship Council

A CALIFORNIA STATE AGENCY

September 30, 2020

Victoria Lombardo, Senior Planner
City of Tracy, Development Services
333 Civic Center Plaza
Tracy, CA 95376

Sent via email: Victoria.Lombardo@cityoftracy.org

RE: Comments on Notice of Preparation of an Environmental Impact Report for the Tracy Alliance Project, SCH# 2020080524

Dear Victoria Lombardo:

Thank you for the opportunity to review and comment on the Tracy Alliance Project (proposed project) Notice of Preparation (NOP) of an Environmental Impact Report (EIR). The Delta Stewardship Council (Council) recognizes the objective of the Tracy Alliance Group, Suvik Farms, LLC., and Zuriakat to develop up to 3,352,320 square feet of warehouse space on approximately 191 acres of agricultural land within the City of Tracy's Sphere of Influence. According to the NOP, the proposed project would involve the demolition of existing residential and agricultural structures, removal of crops, construction of a 13-acre stormwater basin, and installation of more than 1,500 parking spaces. Approximately 13 acres would be reserved to accommodate a planned freeway interchange.

The Council is an independent state agency established by the Sacramento-San Joaquin Delta Reform Act of 2009, codified in Division 35 of the California Water Code, sections 85000-85350 (Delta Reform Act). The Delta Reform Act charges the Council with furthering California's coequal goals of providing a more reliable water supply and protecting, restoring and enhancing the Sacramento-San Joaquin River Delta (Delta) ecosystem. (Water Code, § 85054.) The Delta Reform Act further states that the coequal goals are to be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place. The Council is charged with furthering California's coequal goals for the Delta through the adoption and implementation of the Delta Plan. (Wat. Code, § 85300.)

Pursuant to the Delta Reform Act, the Council has adopted the Delta Plan, a comprehensive long-term management plan for the Delta and Suisun Marsh that furthers the coequal goals.

CHAIR

Susan Tatayon

MEMBERS

Frank C. Damrell, Jr.
Michael Gatto
Maria Mehranian
Oscar Villegas
Daniel Zingale

EXECUTIVE OFFICER

Jessica R. Pearson

980 Ninth Street,
Suite 1500
Sacramento, CA
95814

916.445.5511

DELTA COUNCIL.CA.GOV

The Delta Plan contains regulatory policies, which are set forth in California Code of Regulations, Title 23, sections 5001-5015. A state or local agency that proposes to undertake a covered action is required to prepare a written Certification of Consistency with detailed findings as to whether the covered action is consistent with the Delta Plan and submit that certification to the Council prior to implementation of the project. (Wat. Code, § 85225.)

Our comments on the proposed project focus on the potential status of the project as a covered action, potential growth inducing impacts of the project in the Delta, and potential environmental justice impacts of the project.

Covered Action Determination and Certification of Consistency with the Delta Plan

Based on the project location and scope, as provided in the NOP, the proposed project may meet the definition of a covered action. Water Code section 85057.5(a) states that a covered action is a plan, program, or project, as defined pursuant to Section 21065 of the Public Resources Code that meets all of the following conditions:

1. Will occur in whole or in part within the boundaries of the legal Delta (Water Code, §12220) or Suisun Marsh (Pub. Resources Code, § 29101). *The proposed project site is located in unincorporated San Joaquin County, within the City of Tracy's Sphere of Influence (SOI). The site is located wholly within the secondary zone of the legal Delta.*
2. Will be carried out, approved, or funded by the State or a local public agency. *The proposed project would require various approvals by the City of Tracy, a local public agency. These approvals include annexation of the project site into the city, pre-zoning, an amendment to the Northeast Industrial Specific Plan, and a Tentative Parcel Map or Lot Line Adjustment to create final development lots. Annexation of the proposed project site into the city also requires approval of the San Joaquin County Local Agency Formation Commission (LAFCO).*
3. Will have a [significant impact](#) on the achievement of one or both of the coequal goals or the implementation of a government-sponsored flood control program to reduce risks to people, property, and State interests in the Delta. *The proposed project may have a significant impact on the achievement of the coequal goal to protect, restore, and enhance the Delta ecosystem.*
4. Is covered by one or more of the regulatory policies contained in the Delta Plan (Cal. Code Regs., tit. 23, §§ 5003-5015). *Delta Plan regulatory policies that may apply to the proposed project are discussed below.*

Water Code section 85057.5(b) exempts certain activities from the definition of a covered action. A plan, program, project, or activity within the secondary zone of the Delta that the applicable metropolitan planning organization has determined is consistent with a sustainable communities strategy (SCS) is not considered a covered action. Thus, if the San Joaquin Council of Governments (SJCOG) has determined that the proposed project is consistent with the 2018

SJCOG SCS, then the project would not meet the definition of a covered action. The City should consult with SJCOG to determine if the proposed project is consistent with the SCS and should identify this in the Land Use and Planning section of the Draft EIR.

As the local agency responsible for approving the project, the City of Tracy must determine if the project is a covered action and, if so, file a Certification of Consistency with the Council prior to project implementation. (Wat. Code, § 85225; Cal. Code Regs., tit. 23, § 5001(j)(3).) Delta Stewardship Council staff are available to assist City staff in assessing whether the Tracy Alliance Project meets the conditions, or the exemption described above.

Delta Plan Policies and Potential Consistency Certification

The following section describes the Delta Plan regulatory policies that may apply to the proposed project based on the available information in the NOP. This information is offered to assist the City to prepare environmental documents that could be used to support a Certification of Consistency for the project. This information may also assist the City to describe the relationship between the proposed project and the Delta Plan in the project's EIR.

General Policy 1: Detailed Findings to Establish Consistency with the Delta Plan

Delta Plan Policy **G P1** (Cal. Code Regs., tit. 23, § 5002) specifies what must be addressed in a Certification of Consistency by the state or local public agency proposing a covered action. The following is a subset of policy requirements which a project shall fulfill to be considered consistent with the Delta Plan:

Mitigation Measures

Delta Plan Policy **G P1(b)(2)** (Cal. Code Regs., tit. 23, § 5002(b)(2)) requires covered actions not exempt from the California Environmental Quality Act (CEQA) must include all applicable feasible mitigation measures adopted and incorporated into the Delta Plan as amended April 26, 2018 (unless the measures are within the exclusive jurisdiction of an agency other than the agency that files the Certification of Consistency), or substitute mitigation measures that the agency finds are equally or more effective. These mitigation measures are identified in Delta Plan Appendix O and are available at: <https://deltacouncil.ca.gov/pdf/delta-plan/2018-appendix-o-mitigation-monitoring-and-reporting-program.pdf>.

If the Tracy Alliance Project EIR identifies significant impacts that require mitigation, the City of Tracy should review Appendix O and include all applicable feasible mitigation measures adopted and incorporated into the Delta Plan, or identify substitute mitigation measures that the agency finds are equally or more effective.

Delta Plan Mitigation Measure (MM) 7-1 is of particular relevance to the proposed project, which would be located on prime agricultural land, including three parcels under a Williamson Act contract. **MM 7-1** requires projects that will result in permanent conversion of farmland to

preserve in perpetuity other farmland through acquisition of an agricultural conservation easement, or contributing funds to a land trust or other qualified entity, at a target ratio of 1:1.

Best Available Science

Delta Plan Policy **G P1(b)(3)** (Cal. Code Regs., tit. 23, § 5002(b)(3)) states that actions subject to Delta Plan regulations must document use of best available science as relevant to the purpose and nature of the project. The Delta Plan defines best available science as “the best scientific information and data for informing management and policy decisions.” (Cal. Code Regs., tit. 23, § 5001 (f).) Best available science is also required to be consistent with the guidelines and criteria in Appendix 1A of the Delta Plan (<https://deltacouncil.ca.gov/pdf/delta-plan/2015-appendix-1a.pdf>).

Ecosystem Restoration Policy 5: Avoid Introductions of and Habitat Improvements for Invasive Nonnative Species

Delta Plan Policy **ER P5** (Cal. Code Regs., tit. 23, § 5009) requires that covered actions fully consider and avoid or mitigate the potential for new introductions of, or improved habitat conditions for nonnative invasive species, striped bass, or bass in a way that appropriately protects the ecosystem.

The City of Tracy should acknowledge Policy ER P5 in the Biological Resources section of the EIR. The EIR should analyze how the Tracy Alliance Project will address both nonnative wildlife species as well as terrestrial and aquatic weeds. The EIR should analyze how the project will avoid or mitigate for conditions that would lead to establishment of nonnative invasive species. In the event that mitigation is warranted, mitigation and minimization measures must include Delta Plan Mitigation Measure 4-1 (available at: <https://deltacouncil.ca.gov/pdf/delta-plan/2018-appendix-o-mitigation-monitoring-and-reporting-program.pdf>) or substitute equally or more effective measures.

CEQA does not specifically require analysis of impacts to invasive species’ habitats. However, the EIR represents an important part of the record before the City as it formulates its certification of consistency for the covered action with respect to Delta Plan Policy ER P5. If information about whether the proposed project would provide habitat improvements for invasive nonnative species is not provided in the EIR, Council staff recommend that the City prepare additional information outside the CEQA process to provide substantial evidence for the City’s determination of consistency with Delta Plan Policy ER P5.

Delta as Place Policy 1: Locate New Urban Development Wisely

Delta Plan Policy **DP P1** (Cal. Code Regs., tit. 23, § 5010) places certain limits on new urban development within the Delta. As it applies to the proposed project, Policy DP P1 states that new residential, commercial, or industrial development must be limited to areas that city or county general plans designate for residential, commercial, and industrial development in

cities or their spheres of influence as of the date of the Delta Plan's adoption (May 16, 2013). This policy is intended to strengthen existing Delta communities while protecting farmland and open space, providing land for ecosystem restoration needs, and reducing flood risk.

As part of the proposed project, the City would annex multiple unincorporated, agricultural parcels located within its SOI and would pre-zone the site for industrial use. The NOP indicates that the current City General Plan designates the site as Industrial, while the current San Joaquin County General Plan designates the project site as Agriculture-Urban Reserve (A/UR) which "reserves areas for urban development if the area is designated for urban development in a city's general plan, and the County determines the area is a reasonable future expansion for the city" (NOP, p. 5). The City should acknowledge Policy DP P1 in the regulatory setting for the Land Use and Planning section of the EIR, and document how the proposed project would be consistent with Policy DP P1. Specifically, this analysis should identify the land use designations of the project site in the City of Tracy and San Joaquin County General Plans that were in effect on May 16, 2013.

The proposed project would also extend public utilities beyond the existing City of Tracy boundary, including water distribution lines, sewer collection lines, and stormwater drainage; and would set-aside land for a future freeway interchange at Paradise Road. As the project site lies at the outer edge of the City's SOI, these infrastructure extensions have the potential to induce additional urban development that would be inconsistent with Delta Plan Policy DP P1. In the EIR's analysis of growth inducing effects, the City should analyze these effects and describe how the proposed project would avoid the potential to induce new residential, commercial, or industrial development in the Delta that would be inconsistent with Delta Plan Policy DP P1.

Environmental Justice Impacts

The proposed project would expand the footprint of the Northeast Industrial Specific Plan area to the east of the existing City boundary, within 800 feet of the unincorporated community of Banta. The NOP notes the vicinity of the proposed project to Banta (p. 3). According to the California Communities Environmental Health Screening Tool (CalEnviroScreen), Banta is located within a census tract that ranks in the 99th percentile in the state for pollution burden.¹

The additional truck traffic associated with the proposed warehouse uses could have significant cumulative health effects on the residents of Banta, in combination with other recent and planned projects in the Northeast Industrial Specific Plan area and baseline noise, traffic, and air quality levels. The Air Quality section of the EIR should include an analysis of the cumulative health impacts on sensitive receptors in Banta and any other nearby

¹ OEHHA (2018). Results for Census Tract No. 6077005202. CalEnviroScreen 3.0. Accessed at: <https://oehha.ca.gov/calenviroscreen/maps-data>

disadvantaged communities. Delta Plan Mitigation Measure 9-3 (available at: <https://deltacouncil.ca.gov/pdf/delta-plan/2018-appendix-o-mitigation-monitoring-and-reporting-program.pdf>) requires an evaluation of human health risks from potential exposures of sensitive receptors to substantial pollutant concentrations. The need for a human health risk analysis should be evaluated using approved screening tools, and discussed with the local Air Quality Management District or Air Pollution Control District at the time of preparation of the Air Quality Technical Report.

Closing Comments

As the City proceeds with design, development, and environmental impact analysis of the project, the Council invites City staff to engage Council staff in early consultation (prior to submittal of a Certification of Consistency) to discuss project features and mitigation measures that would promote consistency with the Delta Plan.

More information on covered actions, early consultation, and the certification process can be found on the Council website, <https://coveredactions.deltacouncil.ca.gov>. Council staff are available to discuss issues outlined in this letter as the City of Tracy proceeds in the next stages of its project and approval processes. Please contact Avery Livengood at (916) 642-9089 or Avery.Livengood@deltacouncil.ca.gov with any questions.

Sincerely,



Jeff Henderson, AICP
Deputy Executive Officer
Delta Stewardship Council

CC: Diane Nguyen, San Joaquin Council of Governments (nguyen@sjcog.org)



S J C O G, Inc.

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

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

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

To: Victoria Lombardo, City of Tracy, Development Services Department

From: Laurel Boyd, SJCOG, Inc.

Date: October 12, 2020

-Local Jurisdiction Project Title: Notice of Preparation & Public Scoping Meeting for the Tracy Alliance Project EIR

Assessor Parcel Number(s): 213-170-14, -24 to -27, -48

Local Jurisdiction Project Number: N/A

Total Acres to be converted from Open Space Use: Unknown

Habitat Types to be Disturbed: Agricultural Habitat Land

Species Impact Findings: Findings to be determined by SJMSCP biologist.

Dear Ms. Lombardo:

SJCOG, Inc. has reviewed the project referral for the Notice of Preparation and Notice of Public Scoping Meeting for the Tracy Alliance Project EIR. This project consists of the development of up to 3,352,320 square feet of warehouse development on approximately 191 acres of comprising of six parcels. The project would also include a 13.01 acre stormwater detention basin, as well as the required circulation, parking, landscaping and utility improvements. The project site is located on the northeastern boundary of the City of Tracy, on the northeast corner of Gran Line Road and Paradise Road, Tracy (APN: 218-170-24 to -27, -48).

The City of Tracy is a signatory to San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). Participation in the SJMSCP satisfies requirements of both the state and federal endangered species acts, and ensures that the impacts are mitigated below a level of significance in compliance with the California Environmental Quality Act (CEQA). [The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measure are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.](#) Although participation in the SJMSCP is voluntary, Local Jurisdiction/Lead Agencies should be aware that if project applicants choose against participating in the SJMSCP, they will be required to provide alternative mitigation in an amount and kind equal to that provided in the SJMSCP.

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

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

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

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

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

- Receive your Certificate of Payment and release the required permit

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

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



S J C O G , I n c .

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

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

SJMSCP HOLD

TO: Local Jurisdiction: Community Development Department, Planning Department, Building Department, Engineering Department, Survey Department, Transportation Department, Other: _____

FROM: Laurel Boyd, SJCOG, Inc.

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

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

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

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

Project Title: NOP & Notice of Public Scoping Meeting for the Tracy Alliance Project EIR

Assessor Parcel #s: 218-170-24 to -27, -48

T _____, R _____, Section(s): _____

Local Jurisdiction Contact: Victoria Lombardo

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



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