

**Mitigation Monitoring and Reporting Program
for the
Tracy Village Project EIR
Environmental Impact Report
City of Tracy, San Joaquin County, California**

Prepared for:



City of Tracy

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Table 1: Tracy Village Project EIR Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Section 3.1—Aesthetics					
<p>MM AES-3: Prior to issuance of the first building permit, the applicant shall prepare and submit an outdoor lighting plan (which includes a photometric analysis) to the City of Tracy that includes a footcandle map illustrating the amount of light from the project site at adjacent light sensitive receptors. The lighting map shall comply with the City of Tracy General Plan policies and shall include minimal levels of street; parking, building, site, and public area lighting to meet safety standards and provide direction; directional shielding for all exterior lighting; and automatic shutoff or motion sensors and/or additional standards as determined by the Community Services Department.</p>	Review and acceptance of lighting plan and photometric analysis	Prior to issuance of first building permit	City of Tracy		
Section 3.4—Biological Resources					
<p>MM BIO-1a: Migratory nesting bird surveys.</p> <ul style="list-style-type: none"> • If tree or vegetation removal, structure demolition or ground disturbance activities are scheduled to commence during the breeding season (February 1 through August 31), pre-construction nesting bird surveys will be conducted by a qualified biologist to identify possible nesting activity. (If trees are removed and structures demolished outside the breeding season [September 1st through January 31], then the following measures are not required.) • Pre-construction surveys shall be completed no more than 30 days prior to ground disturbance, structure demolition, or tree removal within the TVDP site and will include a 100-ft buffer area of the TVDP site to be surveyed. • A construction-free buffer of suitable dimensions must be established around any active raptor and migratory bird nests (up to 250 feet for raptors, depending on the location and species) for the duration of the TVDP construction or until it has been determined that the chicks have fledged and are independent of their parents. 	City review of biologist bird survey results	No more than 30 days prior to initial ground disturbance	City of Tracy		

Table 1 (cont.): Tracy Village Project EIR Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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<p>MM BIO-1b: Bats BAT 1. Bat Habitat Assessment</p> <ul style="list-style-type: none"> A bat habitat assessment by a qualified biologist shall be conducted for all mature trees and in all structures that will be removed as a result of the TVDP project to determine whether they provide suitable roosting or breeding habitat for bats and, to the extent possible, whether they are currently occupied. If the biologist determines that trees and structures on the site do not provide suitable habitat for bats, then no further mitigations would be required. However, if the biologist determines that bats are present or that trees and/or structures provide potentially suitable habitat for bats, and even if currently not occupied, they could be occupied in the future, the following additional mitigations will be implemented. 	Habitat assessment review by City	Prior to initial ground disturbance	City of Tracy		
<p>BAT 2. Tree Removal Monitoring</p> <ul style="list-style-type: none"> Should the habitat assessment conclude that any trees proposed for removal provide potential roosting, hibernation and/or maternity habitat for bats, tree removal shall only be conducted during seasonal periods of bat activity, i.e., September through mid-October and March through mid-April, under the supervision of a qualified biologist. Tree removals shall occur via a two-phased removal conducted over two consecutive days. In the afternoon of the first day, a tree cutter using chainsaws only shall remove limbs and branches. Limbs with cavities, crevices, or deep bark fissures shall be avoided, and only branches or limbs without those features shall be removed. On the second day, the entire tree shall be removed. 	Supervision by a qualified biologist	September through mid-October and March through mid-April	City of Tracy		

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<p>BAT 3. Preconstruction Survey</p> <ul style="list-style-type: none"> Should the habitat assessment survey confirm that structures to be demolished on the site provide potential roosting, hibernation and/or maternity habitat for bats, even if bats are not currently occupying them, then a preconstruction survey for bats will be conducted within 30 days prior to structure demolition. If no bats are found present, then structures may be demolished. If bats are found present, bats may be safely evicted during two seasonal periods of bat activity. In this area, generally bats can be evicted safely between approximately March 1st (or when evening temperatures are above 45°F and rainfall less than ½” in 24 hours occurs), and April 15th, prior to parturition of pups. The next acceptable period is after pups become self-sufficiently volant, generally accepted to be between September 1st through October 15th (or prior to evening temperatures dropping below 45°F and onset of rainfall greater than ½” in 24 hours). There are two methods for evicting bats from occupied structures. The first, utilized mainly when the building is in good condition and the work is feasible, is “humane eviction,” or “bat exclusion,” which relies on the bats’ own ability to fly out of the roost. In this method, all potential, but currently unused entry points into the structure are sealed. The active entry points are fitted with one-way exits, which are left in place 7-10 days to allow all bats to emerge normally during nightly feeding flights. The one-way exits are then removed and the remaining openings sealed until demolition if it will occur more than 30 days after demolition. If the interval between successful eviction and demolition will be short (less than 4 weeks), the one-way exits may often be left in place until demolition. This eviction work must be conducted by, or under direct supervision or instruction, of a qualified biologist. 	<p>Survey results; observation of on-site inspection/monitoring</p>	<p>No more than 30 days prior to structure demolition</p>	<p>City of Tracy</p>		

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<ul style="list-style-type: none"> In some cases, the physical condition of the structure is so poor that humane eviction as described above is not possible. If that occurs, the building must be carefully, and selectively dismantled in such a way that the internal environment is altered to a degree sufficient to cause bats to abandon the roost and not return. This must occur under the guidance of a bat biologist qualified in partial dismantling of structures for bat eviction. 					
Section 3.5—Cultural Resources					
<p>MM CUL-1: If a potentially significant cultural resource is encountered during Tracy Village Development Plan (TVDP) construction, all construction activities within a 50-foot radius of the find shall cease until a qualified archaeologist determines whether the resource requires further study. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The archaeologist shall make recommendations concerning appropriate measures that will be implemented to protect the resources, including but not limited to excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, wood, or shell artifacts, structural remains, privies, or historic dumpsites. Any previously undiscovered resources found during construction within the TVDP area should be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and evaluated for significance in terms of CEQA criteria.</p>	On-site inspection; provision of Section 15064.5 permit(s); copy of DPR 523 forms	During construction or in the event resources are found	City of Tracy		

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<p>MM CUL-3: Paleontological monitoring is recommended for any major excavations for the TVDP project that impact undisturbed sediments exceeding 10 feet in depth. In the event that fossils or fossil-bearing deposits are discovered during construction of the TVDP project, excavations within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards.</p>	<p>Review of construction specifications; on-site inspection/monitoring; provision of Section 15064.5 permit(s); review of data recovery plan</p>	<p>During construction or in the event resources are found</p>	<p>City of Tracy</p>		
<p>MM CUL-4: In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines § 15064.5; Health and Safety Code § 7050.5; Public Resources Code § 5097.94 and § 5097.98 must be followed. If during the course of project development there is accidental discovery or recognition of any human remains, the following steps shall be taken: 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the San Joaquin County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the “most likely descendant” (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation</p>	<p>Notification of County Coroner; submittal of documentation of site inspection</p>	<p>In the event of discovery of any human remains during ground-disturbing activities</p>	<p>City of Tracy; Contra Costa County Coroner</p>		

Table 1 (cont.): Tracy Village Project EIR Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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<p>work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.</p> <p>2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:</p> <ul style="list-style-type: none"> • The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission. • The descendant identified fails to make a recommendation. • The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner. 					
Section 3.6—Geology and Soils					
<p>MM GEO-1: Prior to the issuance of building permits, the project applicant shall submit a soil report/geotechnical investigation to the City of Tracy for review and approval. The investigation shall be prepared by a qualified engineer and identify grading and building practices necessary to achieve compliance with the latest adopted edition of the California Building Standards Code’s geologic, soils, and seismic requirements. The recommendation from the approved soil report/geotechnical investigation shall be incorporated into the project plans to ensure compliance with city and state building code standards. The City of the Tracy shall review and approve the plans, and the project applicant shall adhere to these approved plans in developing the project.</p>	Review of site grading plan; on-site inspection	Prior to issuance of building permits	City of Tracy		

Table 1 (cont.): Tracy Village Project EIR Mitigation Monitoring and Reporting Program

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<p>The types of mitigation that are anticipated for inclusion in the approval of the soil report/geotechnical investigation would include but are not limited to the following:</p> <ul style="list-style-type: none"> • Remove all existing fill to competent native soil, as determined by the applicant’s geologist. The geologist shall observe the fill removal to determining its extents during construction. • For grading in structural areas, perform subgrade compaction prior to fill placement, following cutting operations, and in areas left at grade as follows: <ul style="list-style-type: none"> - Scarify to a depth of at least 8 inches; - Moisture condition soil to at least 1 percentage point above the optimum moisture content for nonexpansive soils (PI less than 12) and 3 percentage points above the optimum moisture content for expansive soils (PI equal to or greater than 12); and - Compact the subgrade to at least 90 percent relative compaction. Compact the upper 6 inches of finish pavement subgrade to at least 95 percent relative compaction prior to aggregate base placement. • After the subgrade soil has been compacted, place and compact acceptable fill as follows: <ol style="list-style-type: none"> 1. Scarify to a depth of at least 8 inches; 2. Moisture condition soil to at least 1 percentage point above the optimum moisture content for nonexpansive soils (PI less than 12) and 3 percentage points above the optimum moisture content for expansive soils (PI equal to or greater than 12); and 3. Compact fill to a minimum of 90 percent relative compaction. Compact the upper 6 inches of fill in pavement areas to 95 percent relative compaction prior to aggregate base placement. 					

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Section 3.8—Hazards and Hazardous Materials					
<p>MM HAZ-3: The lake system shall be designed and managed to avoid attracting waterfowl. Design measures that may be used to discourage waterfowl include:</p> <ul style="list-style-type: none"> • Avoiding large turf areas. • Managing aquatic vegetation to eliminate nesting places by cutting back foliage or using appropriate herbicides. • Prohibiting the feeding of waterfowl. • Constructing the lakes so that there are vertical edges. • Providing low fencing at the water’s edge, or a narrow band of tall plants, such as cattails. • Signs posted prohibiting feeding of waterfowl in public areas of the lakefront. • HOA rules to include prohibition of feeding waterfowl in private yards, and information campaign to make residents aware of the prohibition and the safety reason for it, explaining that encouraging waterfowl to return to the site increases the potential for conflicts with aircraft using Tracy Airport. • The lake system shall be monitored and inspected by the HOA once a month to enforce and ensure the effectiveness of the methods implemented to mitigate this impact. Inspection records will be available for the City or County to inspect as needed. 	Review of site and landscape plan; review of HOA inspection records	Prior to issuance of building permits; monthly inspections	City of Tracy		

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Section 3.9—Hydrology and Water Quality					
MM HYD-1a: Pursuant to the 2015 Multi-Agency Post-Construction Stormwater Standards Manual, prior to the issuance of a grading or building permit, the applicant shall submit a draft of the Notice of Intent (NOI) and Stormwater Pollution Prevention Plan (SWPPP). After City approval, the NOI and SWPPP shall be sent to the State Water Resources Control Board (SWRCB) for approval. Approval by the SWRCB is required to the issuance of a grading or building permit by the City of Tracy.	Approval of SWPPP	Prior to issuance of grading or building permits	City of Tracy		
MM HYD-1b: The City of Tracy shall verify that the applicant has filed an NOI with the SWRCB to obtain a Construction General Permit (CGP) and shall comply with all the requirements associated with the CGP to mitigate for impacts that would result from the development of the project. The SWPPP shall address stormwater management during each phase of construction. Best management practices (BMPs) shall be integrated into the SWPPP, which will be effective and result in the reduction or elimination of pollutants in stormwater discharges and the stabilization of BMPs to reduce or eliminate pollutants after construction is completed. The SWPPP shall be consistent with the applicable Regional Water Quality Control Board (RWQCB) standards and NPDES permit requirements to protect water quality over the period of construction.	Obtain CGP from the SWRCB	Prior to issuance of grading or building permits	City of Tracy		

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<p>MM HYD-5: The applicant is required to provide site-specific or project-specific storm drainage solutions that are consistent with the overall infrastructure approach presented in the City of Tracy’s Citywide Storm Drainage Master Plan (SDMP). The City of Tracy is subject to the Phase II municipal program and has prepared a Storm Water Management Program (SWMP) to comply with the regulations (General Permit Number CAS000004, Water Quality Order No. 2003-0005-DWQ). The City Department of Public Works will review the stormwater treatment plan within the TVSP to ensure compliance with the SDMP.</p>	<p>The City’s Public Works Department will review and approve the storm drainage plan</p>	<p>Prior to issuance of building permits</p>	<p>City of Tracy’s Public Works Department</p>		
<p>Section 3.12—Noise</p>					
<p>MM NOI-1a: To reduce potential construction noise impacts, the following multi-part mitigation measure shall be implemented for the project:</p> <ul style="list-style-type: none"> • The construction contractor shall ensure that all internal combustion engine-driven equipment is equipped with mufflers that are in good condition and appropriate for the equipment. • The construction contractor shall locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a construction project area. In addition, the project contractor shall place such stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site. • The construction contractor shall prohibit unnecessary idling of internal combustion engines. • The construction contractor shall, to the maximum extent practical, locate on-site equipment staging areas so as to maximize the distance between construction-related noise 	<p>Record in contract specifications; periodic on-site inspection and monitoring</p>	<p>Prior to and during construction</p>	<p>City of Tracy</p>		

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<p>sources and noise-sensitive receptors nearest the project site during all project construction.</p> <ul style="list-style-type: none"> The construction contractor shall designate a noise disturbance coordinator who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (starting too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. The construction contractor shall conspicuously post a telephone number for the disturbance coordinator at the construction site. The construction contractor shall ensure that all construction activities shall be limited to the hours of 7:00 a.m. and 10:00 p.m. on weekdays or between the hours of 7:00 a.m. and 10:00 p.m. on weekends and federal holidays. 					
<p>MM NOI-1b: Assuming implementation of only a 6-foot-high soundwall along the project’s northern property line bordering Valpico Road, all proposed residences located within 180 feet of the centerline of Valpico Road shall include an alternate form of ventilation, such as an air conditioning system, in order to ensure that windows can remain closed for a prolonged period of time. The building plans approved by the City shall reflect this requirement. Alternatively, if the project will implement construction of an 8-foot-high soundwall along the project’s northern property line bordering Valpico Road, then no additional mitigation such as an alternate form of ventilation would be required.</p>	<p>Review of building plans; construction of 8-foot-high soundwall</p>	<p>Prior to first occupancy</p>	<p>City of Tracy</p>		

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Section 3.14—Public Services					
<p>MM PS-1: Condition of Approval for the TVDP. <i>Tracy Village Development Project</i> As part of the approval process for the TVDP, the project applicant shall be required to pay the applicable development impact fee as a Condition of Approval for the TVDP.</p> <p><i>Residential Annexation Area</i> No mitigation is necessary.</p>	Payment of development impact fee	Prior to issuance of building permits	City of Tracy		
Section 3.16—Transportation and Traffic					
<p>MM TRANS-1a: Install a signal, optimize cycle lengths and splits, add a separate northbound left-turn pocket, add a separate right-turn pocket, and add a separate eastbound left-turn pocket at the Lammers Road/Old Schulte Road (Intersection #1). The City has recently approved the installation of this interim improvement at the intersection and the intersection would operate acceptable at LOS A in the AM peak hour and LOS A in the PM peak hour. Because this improvement was previously identified for other approved projects (Ellis and Cordes Ranch), this background improvement is already funded. As a result, the project would not contribute funding to this improvement. However, if any of the previously approved projects do not develop or an application for a building permit is not submitted before the TVDP submits an application, the TVDP Project Applicant shall install the full Background Conditions Plus Project improvements, which will include the Background Base Line improvements. Under this scenario, the TVDP Applicant will be reimbursed for such improvements through a Business Improvement District once the project is constructed.</p>	Installation of traffic signal, optimization of cycle lengths and splits, addition of turn pockets	Prior to issuance of building permits	City of Tracy		

Table 1 (cont.): Tracy Village Project EIR Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
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<p>MM TRANS-1b: The City has recently approved the widening of Corral Hollow Road to four lanes from Parkside Drive to Linne Road, including the addition of turn lanes and signalization of the Corral Hollow/Valpico Road intersection. The improvements are identified in the City TMP. Prior to issuance of a building permit, the project would pay the City Traffic Impact Fees. With these improvements, the intersection would operate at an acceptable LOS A in the AM and in the PM peak hour.</p>	<p>Pay City of Tracy traffic impact fees</p>	<p>Prior to issuance of building permit</p>	<p>City of Tracy</p>		
<p>MM TRANS-2a: The addition of project traffic causes the intersection of Lammers Road/Valpico Road (Intersection #2) to add delay and continue to deteriorate and operate at LOS F in both the AM and PM peak hours. The intersection would operate at acceptable LOS C and D with the following improvement: Add a separate westbound right-turn lane, and a shared westbound left-turn and through lane. The westbound right-turn phase will be overlapped with the southbound left-turn phase. The TVDP Applicant shall install this improvement with prior to the issuance of the first building permit.</p> <p>Because this improvement is identified in the Tracy TMP, this improvement is eligible to receive fee credits via the City's TIF upon completion of construction and acceptance by the City. This project improvement will supplement background improvements previously identified for another approved project (Cordes Ranch) which includes installation of a signal and a southbound left turn lane. However, if any of the previously approved projects do not develop or an application for a building permit is not submitted before the TVDP submits an application, the TVDP Applicant shall install the full Background Conditions Plus Project improvements, which will include the Background Base Line improvements. The TVDP Applicant will be reimbursed for such improvements through a Business Improvement District once the project is constructed.</p>	<p>Addition of separate westbound right-turn lane; addition of shared westbound left-turn and through lane</p>	<p>Prior to issuance of building permit</p>	<p>City of Tracy</p>		

Table 1 (cont.): Tracy Village Project EIR Mitigation Monitoring and Reporting Program

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<p>MM TRANS-2b: The addition of project traffic causes the intersection of Corral Hollow Road/Linne Road (Intersection #7) to add delay and continue to deteriorate and operate at LOS F in both the AM and PM peak hours. The intersection would operate at acceptable LOS B and D with the following improvements: Add a southbound through lane, and add a northbound through lane, and add a separate westbound right-turn lane. Improvements shall be constructed at the railroad crossing gates.</p> <p>This project improvement will supplement background improvements previously identified for other approved projects (Ellis and Tracy Hills) which includes installation of a signal, the addition of one northbound channelized right-turn lane, and the addition of one southbound left-turn lane. However, if any of the previously approved projects do not develop or an application for a building permit is not submitted before the TVDP submits an application, the TVDP Applicant shall install the full Background Conditions Plus Project improvements, which will include the Background Base Line improvements. The TVDP Applicant will be reimbursed for such improvements through a Business Improvement District once the project is constructed.</p> <p>This Project improvement is required by the Public Utilities Commission because vehicle queues will spill across the railroad tracks and will cause safety concerns for train traffic. This improvement is a partial TMP improvement and shall be partially funded by the City TIF. The City Engineer shall, at the time the tentative map is prepared, identify the non-TMP improvements. Any costs related to non-TMP improvements are the responsibility of the applicant and other approved projects listed above.</p>	<p>Addition of a southbound through lane; addition of a northbound through lane; addition of a separate westbound right-turn lane</p>	<p>Prior to issuance of building permits</p>	<p>City of Tracy Public Utilities Commission</p>		

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<p>The TVDP Applicant shall, in collaboration with the City Engineer and UPRR/PUC, commence with an engineering design process to install the improvements identified. This design process shall commence immediately following approval of this Project Application by the City of Tracy. Because approval by UPRR/PUC is required before this improvement can be installed, the project impact will remain significant and unavoidable.</p>					
<p>MM TRANS-3: Prior to the issuance of a building permit, the Applicant shall pay Traffic Impact Fees to the City of Tracy to account for the Cumulative Traffic Impacts.</p> <p>To address cumulative impacts to Intersection #2, the applicant shall install a channelized westbound right turn lane, a second southbound left turn pocket, an eastbound right turn overlap phase, and a northbound right turn overlap phase. These improvements are in addition to the TMP improvements. The applicant shall fund these improvements.</p>	<p>Payment of traffic impact fees</p> <p>Installation of a channelized westbound right turn lane; a second southbound left turn pocket; an eastbound right turn overlap phase; and a northbound right turn overlap phase</p>	<p>Prior to issuance of building permit</p>	<p>City of Tracy</p>		
<p>Section 3.17—Utilities and Service Systems</p>					
<p>MM USS-1: The developer will provide a proportional share of required funding to the City for the acquisition, treatment and delivery of treated potable and recycled water supplies to the proposed project area.</p>	<p>Pay proportional share of funding</p>	<p>Prior to issuance of building permit</p>	<p>City of Tracy</p>		

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