

TRACY CITY COUNCIL

ORDINANCE NO. 1353

1) APPROVING THE PRE-ZONING OF THAT CERTAIN 104.46-ACRE PROPERTY LOCATED AT 16000 WEST SCHULTE ROAD BEARING ASSESSOR'S PARCEL NUMBER 209-230-02 ("PROPERTY") TO LIGHT INDUSTRIAL (M-1); AND

2) DETERMINING THAT THE ACTIONS AUTHORIZED BY THIS ORDINANCE WERE ADEQUATELY EVALUATED BY THAT CERTAIN ENVIRONMENTAL IMPACT REPORT CERTIFIED BY THE CITY COUNCIL ON MARCH 4, 2025, IN FULL COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA").

WHEREAS, on April 24, 2019, the City received applications from the owners of the Property asking the City to submit a petition to the San Joaquin Local Agency Formation Commission (LAFCo) to annex the Property to the City of Tracy, to prezone the Property to Light Industrial (M-1) pursuant to Tracy Municipal Code ("**TMC**") Section 10.08.970, and to approve a Development Review Permit for the Property pursuant to Article 30 of Chapter 10.08 of the TMC (collectively, the "**Project**"); and

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

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

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

WHEREAS, on December 4, 2024, the City's Planning Commission held a public hearing to review and consider the Project applications and all materials and evidence relating to the Project applications, including the EIR, the CEQA Findings, and the MMRP, and voted to recommend that the City Council certify the EIR and approve the Project; and

WHEREAS, on March 4, 2025, the City Council held a duly-noticed public hearing to review and consider the Project applications and all materials and evidence relating to the Project applications, including the EIR, the CEQA Findings, and the MMRP.

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

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

SECTION 2 CEQA COMPLIANCE. The City Council hereby finds that the actions authorized by this Ordinance were adequately evaluated by the EIR for the Project certified by the City Council on March 4, 2025, and that the City Council's certification of the EIR, adoption of the CEQA Findings and Statement of Overriding Considerations, and adoption of the MMRP, by City Council Resolution No. 2025-050, constitute the City's full and complete compliance with the requirements of CEQA for the Project.

SECTION 3 PREZONING. Based on the findings set forth in **Exhibit 1** hereto, the City Council hereby approves the application to, and hereby does, prezone the Property as Light Industrial (M-1), as set forth in Article 20 of Chapter 10.08 of the TMC.

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

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

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

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

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The foregoing Ordinance 1353 was introduced at a regular meeting of the Tracy City Council on the 4th day of March 2025, and finally adopted on the 18th day of March 2025, by the following vote:

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| AYES: | COUNCIL MEMBERS: BEDOLLA, EVANS, NYGARD, ABERCROMBIE, ARRIOLA |
| NOES: | COUNCIL MEMBERS: NONE |
| ABSENT: | COUNCIL MEMBERS: NONE |
| ABSTENTION: | COUNCIL MEMBERS: NONE |

Signed: Dan Arriola, Mayor

Attested: Necy Lopez, Acting City Clerk

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

City of Tracy
Prezoning Findings
Application Number A/P19-0001
City Council - March 4, 2025

Tracy Municipal Code (“TMC”) Section 10.08.970 (Classification of newly annexed territory) provides that territory proposed for annexation to the City be prezoned in accordance with Article 29 (Amendments) of the TMC. Article 29 of the TMC, Section 10.08.3840, states that the Planning Commission must find that the approval or denial of an application to amend the zoning ordinance (such as the instant application for prezoning) is “necessary to carry out the general purposes” of the zoning ordinance, and state the “facts and reasons” that support this finding. The Planning Commission considered this matter on November 20, 2024, and recommended that the City Council make the following finding:

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

The City Council conducted a duly noticed public hearing on December 3, 2024, and upon its conclusion, after considering all evidence in the record, makes the following finding:

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