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March 4, 2025

VIA EMAIL AND U.S. MAIL

Dan Arriola, Mayor
City Council
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Tracy, CA 95376
Email: tracycitycouncil@cityoftracy.org

Via Email

Forest Ebbs, Director of Community and Economic Development
Email: forrest.ebbs@cityoftracy.org

Genevieve Federighi, Associate Planner
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**Re: Notice of Settlement – Tracy Costco Depot Annex Project
(A/P19-00001; D19-0014; SCH # 2020080531)**

Dear Mayor Arriola, Council Members, Mr. Ebbs, and Ms. Federighi:

This firm represents **San Joaquin Residents for Responsible Development** (“San Joaquin Residents” or “Residents”) with regard to the above-referenced Tracy Costco Depot Annex Project (A/P19-00001; D19-0014; SCH # 2020080531) (“Project”) proposed by Costco Wholesale Corporation (“Developer”). On December 4, 2024, Residents submitted comments on the Final Environmental Impact Report (“FEIR”) to the City of Tracy (“City”) alleging various legal and factual errors in the City’s environmental review under the California Environmental Quality Act (“CEQA”), Public Resources Code Section 21000 et seq. for the Project.

On December 4, 2024, the City Planning Commission approved a resolution to recommend City Council approval of the Developer’s applications for Annexation, Pre-zoning, and Development Review Permit, and to certify the Final Environmental Impact Report (“FEIR”) and adopt a mitigation monitoring and reporting program (“MMRP”) for the Project.

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We are pleased to report that, as a result of direct discussions with the Applicant, the Applicant has agreed to implement additional environmental measures above and beyond what was identified as necessary by the City in the FEIR. The Applicant is contractually obligated to implement the following measures based on the Agreement between Residents and the Applicant:

A. Air Quality and Health Risk

1. Valley Fever:

- 1.1. Prepare an Injury and Illness Prevention Program (“IIPP”) prior to the commencement of construction in compliance with CCR Title 8, §3203, Injury and Illness Prevention Program. The IIPP will outline roles and responsibilities for implementing the program, outline specific safe and healthy work practices including recognizing workplace hazards resulting from earth-moving construction tasks, include a communication system for sharing hazard identification and reporting for all affected employees and provide resources for employees seeking medical care.
- 1.2. Address fugitive dust control notably as related to high wind events in compliance with San Joaquin Valley Air Pollution Control District (SJVAPCD) Rule 8021. A lime treatment will be applied to the soil to reduce fugitive dust emissions during construction activities.
- 1.3. Apply water to disturbed areas a minimum of three times a day. Watering will also be conducted continuously during excavation activities consistent with SJVAPCD fugitive dust rule requirements.
- 1.4. Create and implement a site-specific air (area) monitoring program for fugitive dust (PM10) as determined to be appropriate by a Certified Industrial Hygienist (CIH) and protocols for dust control measures to be employed in response to monitored dust levels in order to minimize exposure to PM10 that may contain Valley Fever spores.

- 1.5. Provide hygiene facilities for hand washing and designated break and/or smoking areas in compliance with CCR Title 8, §5141, Control of Harmful Exposures to Employees. Signage will be posted throughout the site location to highlight the risks of dust exposure and reiterate the same to employees during weekly safety briefings.
- 1.6. Cease earth-moving activities during high wind events consistent with SJVAPCD fugitive dust rule requirements.
- 1.7. Limit outdoor construction in the fall season as feasible. Paving and hardscaping activities will be completed as soon as possible.
- 1.8. Include best management practices in the dust control plan for securing loads on trucks during transport. The perimeter of the site will comply with SJVAPCD Rule 8041, which prevents or limits fugitive dust emissions from carryout and trackout.
- 1.9. Include best management practices in the dust control plan to provide a dedicated onsite changing area, hygiene facilities and posted procedures on correct methods to minimize dust carryout. The contractor(s) will also review dust control procedures during the weekly safety meetings. These controls will be implemented in accordance with CCR Title 8, §5141, Control of Harmful Exposures to Employees and CCR Title 8, §3203, Injury and Illness Prevention Program.
- 1.10. Incorporate education related to dust exposure from clothing in the site-specific Health and Safety Plan (HASP) and in compliance with CCR Title 8, §3203, Injury and Illness Prevention Program.
- 1.11. Provide initial and annual awareness training in accordance with California Labor Code §6709 and incorporate regular safety briefings. Costco and its contractor(s) will provide hygiene requirements and decontamination protocols related to dust exposure from clothing in the HASP and in compliance with CCR Title 8, §5141, Control of Harmful Exposures to Employees and CCR Title 8, §3203, Injury and Illness Prevention Program.

- 1.12. Post signage to communicate dust-related hazards in compliance with CCR Title 8, §3203, Injury and Illness Prevention Program. Site access will be controlled with all visitors required to sign in and complete a safety briefing. All visitors will be escorted by a contractor(s) representative and access will be restricted to authorized personnel during high earth-moving activity.
- 1.13. The HASP and IIPP will be used to communicate reporting, first aid and medical treatment protocols. The contractor(s) will post local clinic listings, including phone number, address, and maps onsite for worker access. Relevant health and safety information, including these resources, will be reviewed in weekly safety briefings in compliance with CCR Title 8, §3203, Injury and Illness Prevention Program. Respiratory protection will be provided in accordance with CCR Title 8, §5144, Respiratory Protection. If a Valley fever diagnosis is identified by a medical office, a medical release will be required prior to the worker returning to the jobsite to ensure worker safety.
- 1.14. Respirators:
 - 1.14.1. Provide half-face respirators equipped with a minimum assigned protection factor of 10 for use during worker collocation with surface disturbance activities. Half-face respirators equipped with P-100 filters will be made available for workers who request additional personal protective equipment. The HASP will identify job tasks and work activities that require a respirator during earth-moving activities. Air monitoring results will be reviewed by the project CIH with authority to upgrade and/or downgrade respiratory protection requirements according to occupational exposures to Particulates Not Otherwise Regulated (PNOR), Respirable Fraction.
 - 1.14.2. Provide National Institute for Occupational Safety and Health (NIOSH)-approved respirators for workers with a prior history of Valley Fever.

- 1.15. Enclosed Cabs: Provide high-efficiency particulate (“HEP”)-filtered, air-conditioned enclosed cabs on heavy construction equipment. Train workers on proper use of cabs, such as turning on air conditioning prior to using the equipment and keeping windows closed. Provide communication methods, such as 2-way radios, for use in enclosed cabs.

B. Hazards

1. Battery Energy Storage System:

- 1.1. Develop an emergency response and emergency action plan (the “Plan”) in coordination with the City of Tracy Fire Department (“Fire Department”) that includes an overview of the Project’s battery energy storage system (“BESS”) and includes the following requirements:
 - 1.1.1. Establish response procedures for a BESS equipment malfunction or failure;
 - 1.1.2. Establish notification and communication procedures between the facility and the Fire Department ; and
 - 1.1.3. Maintain an abbreviated summary of the emergency response and emergency action plan on-site for ease of use during emergency response, including the following information:
 - 1.1.3.1. Site overview map including facility access points, simplified equipment layout, fire hydrant, and muster locations for on-site personnel;
 - 1.1.3.2. Essential facility information for first responders to refer to upon arrival; and
 - 1.1.3.3. Summary of the on-site hazard mitigation systems.
 - 1.1.4. The Plan shall be approved by the Fire Department in accordance with Fire Department requirements.

March 4, 2025

Page 6

These measures provide additional benefits to the community regarding air quality and public health as part of a legally enforceable settlement agreement. These measures also resolve any issues and concerns raised in Residents' comments.

As such , Residents' objections to the Project and the FEIR are fully resolved, and we respectfully request that the City Council approve the Project.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Kevin Carmichael". The signature is written in a cursive, flowing style.

Kevin Carmichael

KTC:ljl