

**From:** [eliseo becerra](#)  
**To:** [Planning Distribution](#); [Toben Barnum](#)  
**Cc:** [Rosa Aquiar](#); [eliseo becerra](#)  
**Subject:** FORMAL OPPOSITION LETTER — TPC WEST APARTMENTS (SPA 25-119)  
**Date:** Monday, December 1, 2025 7:45:38 AM

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**12/1/2025**

# **FORMAL OPPOSITION LETTER — TPC WEST APARTMENTS (SPA 25-119)**

**To be entered into the Public Record — December 10, 2025 Planning Commission Hearing**

**Subject: Formal Opposition to TPC West Apartments (SPA 25-119) – CEQA Violations, Failure to Qualify for §15183 Streamlining, and Insufficient Environmental Review**

Dear Members of the Manteca Planning Commission,

I am writing as a resident located within 500 feet of the proposed TPC West Apartments development (File No. SPA 25-119) to formally oppose this project. The City's current process violates CEQA requirements, fails to provide mandatory environmental documents for public review, and improperly attempts to advance a high-density project that **does not qualify for CEQA Article 12, §15183 streamlining**.

The proposal—**216 units across six three-story buildings located at 1758 W Yosemite Avenue**—creates significant and unmitigated environmental, traffic, school-capacity, pedestrian safety, and water-supply impacts. Because no CEQA documentation, Initial Study, technical appendices, or staff reports have been released to the public, the City has denied residents the opportunity for meaningful review, in violation of CEQA's core procedural mandates.

---

## **1. Failure to Release CEQA Documents — Violates CEQA and Severely Limits Public Review**

The City issued a public hearing notice but has not released:

- An Initial Study
- The CEQA §15183 findings
- A traffic impact analysis
- A water supply assessment
- Environmental appendices
- A cumulative impact evaluation
- A staff report

CEQA requires that environmental documents be circulated with adequate time for public review **prior to any hearing**. Releasing only the notice, without the required analysis, deprives the community of its legal right to evaluate environmental impacts.

This failure alone renders any approval **procedurally invalid**.

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## **2. This Project Does NOT Qualify for CEQA Article 12, §15183 Streamlining or Exemption**

CEQA Guidelines §15183 applies only when:

1. A prior EIR has fully analyzed all relevant impacts,
2. The project introduces **no new project-level impacts**,
3. No impacts are **more severe** than what the General Plan EIR anticipated, and
4. The City prepares and releases a **§15183 Findings Analysis** demonstrating compliance.

This project fails all four requirements.

### **a. New Peculiar Impacts Exist**

TPC West introduces site-specific impacts that were **not** evaluated in the General Plan FEIR, including:

- Increased school-zone pedestrian hazards
- Higher traffic volumes at Sierra High School during peak hours
- Significant left-turn and cross-traffic conflicts

- Cumulative congestion along Yosemite Avenue
- Localized water-supply strain

Under §15183(b)(1), the presence of new or peculiar impacts **disqualifies** the project from streamlined review.

#### **b. Impacts Are More Severe Than Anticipated in the General Plan FEIR**

The 2023 FEIR identifies Yosemite Avenue as a **constrained corridor**. Adding 216 units generates traffic levels that exceed modeled assumptions.

#### **c. No Required §15183 Findings Have Been Released**

The City has not:

- Prepared a §15183 consistency evaluation,
- Released the required analysis, or
- Provided evidence that all impacts were previously addressed.

#### **d. Supporting Case Law**

- **Berkeley Hillside Preservation v. City of Berkeley (2015):** CEQA exemptions cannot be used when a project introduces new or unusual environmental impacts.
- **City of San Diego v. Trustees (2015):** School-zone traffic hazards require site-specific analysis.
- **Vineyard Area Citizens (2007):** Cities must demonstrate long-term water supply reliability.

Because TPC West triggers multiple unstudied, site-specific impacts, the City **cannot legally invoke CEQA §15183**. A full CEQA analysis is required.

---

## **3. Traffic and Pedestrian Safety Impacts — Unanalyzed and Significant**

The project is located on **W Yosemite Avenue**, a high-traffic corridor adjacent to Sierra High School. The public notice contains **no traffic study**, despite foreseeable impacts, including:

- Increased daily vehicle trips
- Conflict points at new driveways
- Congestion during school drop-off/pick-up

- Elevated risk for student pedestrians
- Cumulative traffic impacts from nearby developments

CEQA §15065(a)(3) requires evaluating cumulative transportation impacts. No such analysis has been released.

**Legal precedent:** *City of San Diego v. Board of Trustees* (2015) — CEQA requires evaluating school-zone traffic hazards.

Advancing the project without a traffic and pedestrian safety analysis is legally indefensible.

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## **4. Water Supply Constraints — No Evidence of Long-Term Availability**

The General Plan FEIR identifies ongoing regional water constraints. For a 216-unit development, CEQA §21151.9 requires:

- A water supply assessment
- Demonstration of long-term availability
- Infrastructure adequacy evidence

None of this has been provided.

**Legal precedent:**

*Vineyard Area Citizens v. Rancho Cordova* (2007) requires substantial evidence of reliable water supply **before** approving large residential projects.

Without a water analysis, approval violates CEQA.

---

## **5. School Capacity and Teacher Shortages — No Mitigation or Analysis**

Manteca Unified School District already faces teacher shortages and classroom capacity issues.

Despite this, the City has not released:

- A student generation projection
- A school impact analysis
- Any mitigation measures

- Any statement of developer fees or proposed contributions

The FEIR (Section 3.15) requires project-level evaluation of school impacts.

**Legal precedent:** *Mira Loma v. City of Perris (2010)* — Projects that increase school population must provide mitigation.

TPC West offers none.

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## **6. Cumulative Impacts — Completely Missing and Required Under CEQA**

CEQA §15065(a)(3) requires the City to analyze cumulative effects on:

- Traffic
- Water
- Schools
- Air quality
- Public services
- Pedestrian safety

Multiple projects are occurring along Yosemite Avenue, yet the City has released **no cumulative impact assessment**.

This is a major CEQA violation.

---

## **REQUEST FOR ACTION**

Given the procedural issues and environmental deficiencies noted above, I respectfully request that the Planning Commission:

### **1. Delay project approval until:**

- All CEQA documents are released
- A full Initial Study and environmental analysis is prepared
- A traffic and pedestrian safety study is completed
- A cumulative impact analysis is conducted

- A water supply assessment is produced
- School capacity and teacher shortage impacts are evaluated

**2. Require the applicant to fund mitigation for:**

- School-zone pedestrian infrastructure
- Traffic signalization and roadway improvements
- Water infrastructure investments
- School impact mitigation fees

**3. Comply fully with CEQA by providing proper public review periods prior to any future hearing.**

---

## **CONCLUSION**

The TPC West Apartments project (SPA 25-119) introduces significant, unmitigated environmental and public-safety impacts and fails to meet CEQA's requirements for site-specific review. The City's lack of transparency and failure to release required environmental documents undermines the public process and violates CEQA's statutory requirements. Furthermore, the project does **not** qualify for CEQA Article 12, §15183 streamlining due to new and more severe impacts requiring full environmental analysis.

I respectfully request that this letter be entered into the public record for the December 10, 2025 hearing.

Thank you for your time and commitment to responsible planning and environmental stewardship.

Respectfully,  
**Eliseo Becerra, MBA-HA**  
1609 Marino Way  
Manteca, CA 95337  
elibecerra84@gmail.com  
(209) 603-3915

**From:** [eliseo becerra](#)  
**To:** [Toben Barnum](#)  
**Cc:** [Rosa Aquiar](#)  
**Subject:** Re: FORMAL OPPOSITION LETTER — TPC WEST APARTMENTS (SPA 25-119)  
**Date:** Tuesday, December 2, 2025 7:18:36 AM

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Much appreciated. Please enter the following updated letter into the Public Records for Planning Commission review.

**December 2, 2025**

**To:** The Honorable Members of the Manteca Planning Commission City of Manteca  
Development Services Department 1215 West Center Street, Suite 201 Manteca, CA 95337

**Subject: FORMAL LEGAL OPPOSITION TO TPC WEST APARTMENTS (SPA 25-119) — Failure to Comply with CEQA Guidelines § 15183 and Need for Full Environmental Review (IS or EIR)**

**(All emails to be entered into the record and for review.)**

Thank you for providing the current information regarding the city's process for the proposed development project.

However, based on the materials and processes described, there is still **sufficient evidence to indicate that the City has not performed its due diligence in full compliance with the California Environmental Quality Act (CEQA).**

## **The Purpose of CEQA**

CEQA, established in 1970, serves a critical, two-fold purpose:

1. **To Inform Decision-Makers and the Public:** It requires public agencies to disclose the significant environmental effects of their proposed projects *before* they approve or carry out those projects.
2. **To Prevent or Mitigate Environmental Damage:** It mandates that agencies find ways to **avoid or substantially reduce** environmental damage whenever feasible by requiring the adoption of feasible alternatives or mitigation measures.

In essence, CEQA is not merely a procedural checklist; it is an **environmental protection statute** designed to ensure the long-term sustainability of the community and the state.

## **Failure to Meet CEQA Mandates**

The continued approval of an **extreme growth project** of this scale, despite the noted deficiencies in documentation and procedural steps, strongly suggests a failure to uphold the core mandates of CEQA.

The specific areas of concern underscore the city's apparent oversight:

- **Inadequate Scrutiny of Cumulative Impacts:** For a project contributing to extreme growth, the city must fully analyze the collective impact of this project alongside other past, present, and reasonably anticipated future projects (e.g., on traffic, air quality, water supply, and public services).
- **Insufficient Mitigation Measures:** If significant environmental impacts were identified, the proposed mitigation measures must be **enforceable and fully implemented**, not merely theoretical placeholders.

### **Consequences of Continued Non-Compliance**

If the City fails to fully and adequately address the identified deficiencies in its CEQA process, the consequences will extend far beyond the specific project, creating a significant negative impact on the municipality:

#### **1. Legal and Financial Impacts**

- **Litigation and Injunctions:** The City faces a high risk of being sued under CEQA. Successful lawsuits can lead to a court-issued **Writ of Mandate**, which invalidates the project's approval, forcing the City to **rescind the approval** and restart the entire CEQA review process from the initial stage.
- **Project Delays and Costs:** Litigation and the mandated reprocessing can cause **years of delay**, significantly increasing legal fees, staff time, and the overall cost of the project (as construction costs rise over time). This can lead to the developer abandoning the project or passing the increased costs onto consumers.
- **Diversion of Resources:** City legal and planning staff will be required to dedicate extensive time and resources to defending the flawed CEQA document instead of focusing on other essential city business.

#### **2. Erosion of Public Trust and Governance**

- **Loss of Credibility:** A successful challenge demonstrates to the public and regulatory agencies that the City is not upholding its environmental and legal duties. This erodes **public trust** in the planning and governance process.
- **Increased Scrutiny:** Once a project is successfully challenged, every subsequent major development approved by the City will be met with **heightened skepticism and automatic scrutiny** by environmental groups and concerned citizens, making all future approvals more contentious and difficult.

#### **3. Environmental and Growth Impacts**



- **Unmitigated Harm:** The primary function of CEQA—to prevent environmental damage—will be defeated, leading to genuine, unmitigated negative impacts on air quality, traffic congestion, water resources, and the quality of life for residents.
- **Uncontrolled Extreme Growth:** By circumventing or improperly performing CEQA, the City allows **extreme growth projects** to proceed without the necessary checks and balances, potentially overburdening public infrastructure (schools, utilities, emergency services) and permanently altering the character and sustainability of the community.

## **Conclusion and Outlook:**

The authorization of significant development projects that will fundamentally reshape the community and stress existing resources must be founded on a rigorous, transparent, and legally defensible CEQA review.

Projects of this magnitude, particularly those contributing to **extreme growth**, will continue to face **intense public scrutiny and legal challenge** until the City can demonstrably prove it has fulfilled its statutory duty under CEQA. We urge the City to immediately reassess its review process and commit to the level of due diligence required by law to properly evaluate, disclose, and mitigate the potential environmental harm of this project.

Dear Members of the Manteca Planning Commission,

This letter serves as a formal opposition in response to the City of Manteca's determination that the proposed TPC West Apartments project (SPA 25-119, located at 1758 W Yosemite Avenue) is exempt from further environmental review under **CEQA Guidelines 15183**

While the City asserts that the project is consistent with the density of the 2043 General Plan and its certified Environmental Impact Report (EIR), the City's own *Modified Initial Study/15183 Checklist* (October 2025) and associated public documents fail to provide the **substantial evidence** required by CEQA to justify this streamlined review. The Checklist contains specific, identifiable deficiencies that constitute a failure to comply with the mandate of 15183 to examine effects "peculiar to the project or its site." (See *Benton v. Bd. of Supervisors* (1991) 226 Cal.App.3d 1467, 1477).

We request that the Planning Commission find the current environmental review legally inadequate, stop the current approval process, and require the preparation of a new, legally compliant Initial Study or a full Environmental Impact Report (EIR) before the project moves forward.

## **I. The Project Fails to Qualify for 15183 Due to Unanalyzed Peculiar Impacts**

CEQA Guidelines 15183 specifically prohibits the use of the streamlining process when there are "project-specific significant effects which are **peculiar** to the project or its site," or if previously mitigated impacts are found to be more severe due to substantial new information. (See *Mira Monte Homeowners Assn. v. County of Ventura* (1985) 165 Cal.App.3d 357). The following crucial environmental topics are not adequately addressed in the Checklist and require site-specific analysis:

## **A. Water Supply Reliability and Infrastructure Adequacy**

The Checklist fails to provide a project-specific Water Supply Assessment (WSA) or an analysis of long-term water availability, as required for large residential developments under **Water Code 10910 et seq.**

- **Deficiency:** The Checklist merely states that water will be "provided by the City of Manteca, connecting to existing infrastructure" (Section C).
- **Legal Requirement:** This generalized statement is insufficient. The project's demand for 216 new residential units requires an explicit **demonstration of long-term water supply reliability** that considers cumulative demands on the City's system. **The California Supreme Court established that substantial evidence of water supply must exist at the time of project approval.** (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 434-435). Because the Checklist does not list a specific WSA or supporting technical documentation, the finding that this impact is "Adequately Addressed" is not supported by substantial evidence.

## **B. School Capacity and Related Public Service Deficiencies**

The construction of 216 residential units will introduce a significant number of new students to the Manteca Unified School District (MUSD), placing a direct physical burden on existing facilities.

- **Deficiency:** The Checklist determines that Public Services (including schools) are "Adequately Addressed in the General Plan EIR" without providing any project-specific analysis, such as:
  - A student generation projection.
  - A finding on the current classroom or teacher capacity in the receiving schools.
  - Proposed mitigation measures or developer fee calculations necessary to offset the project's direct impact.
- **Legal Precedent:** While increases in population itself are generally considered socio-economic impacts, the resulting need for new **physical facilities** (e.g., new classrooms, services) constitutes a physical environmental impact that must be analyzed under CEQA. (***Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 423**). Relying solely on the General Plan EIR, without a project-level evaluation of the specific, physical impact on nearby school facilities caused by 216 new families, is insufficient to meet the peculiar impact exception.

## **C. Traffic and Pedestrian Safety Peculiar to the Site**

The project is immediately adjacent to **Sierra High School**. This location presents unique, site-specific public safety hazards that were not fully contemplated in the broad scope of the General Plan EIR.

- **Peculiar Impact:** The addition of 216 units and two new driveways on West Yosemite

Avenue, directly across from a high-volume student pedestrian and vehicular zone, creates conflicts that are unique to this specific site. This is a classic "peculiar impact" that necessitates a focused review under 15183

- **Legal Precedent:** The Court of Appeal has established that when a project is located adjacent to a vulnerable population center, such as a school, the increase in traffic or related hazards is a **significant, site-specific physical effect** that warrants project-level environmental analysis. (*City of San Diego v. Board of Trustees* (2015) 243 Cal.App.4th 210, 227). The City must demonstrate that its "Transportation Analysis Report" specifically addresses the increased risk to Sierra High School students during peak hours and proposes mitigation measures adequate to address this peculiar, life-safety issue.

## **II. Procedural Violations of CEQA Public Review Requirements**

The City's failure to make all supporting documentation readily available to the public prior to the hearing is a violation of CEQA's core procedural mandates, which require meaningful public review.

**Public Resources Code** § 21092 and associated case law require that the public be given an opportunity to review and comment on all environmental documents and the technical studies that support them *before* they are adopted.

- **Legal Precedent:** The purpose of public review is to give the public and decision-makers the opportunity to examine all technical data and to correct or improve the project's environmental findings. (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391). The City's Checklist references critical supporting technical documents in its Appendices (B, C, E, F), yet these materials have not been fully circulated with the notice. Without the ability to cross-reference the City's findings against the technical data, the public review process is rendered a formality without substance.

## **III. Conclusion and Request for Action**

The City's use of the § 15183 streamlining provision is legally deficient because the *Modified Initial Study/15183 Checklist* fails to provide substantial evidence that all peculiar, site-specific impacts—particularly those related to water supply, school capacity, and high school-zone safety—have been adequately analyzed and mitigated by the General Plan EIR.

**We respectfully request that the Manteca Planning Commission take the following action:**

1. **CEQA Inadequacy Finding:** Find that the TPC West Apartments Modified Initial Study/15183 Checklist is legally inadequate under the California Environmental Quality Act.
2. **Halt Approval Process: Delay or deny** the Site Plan and Design Review (SPA 25-119) until a new, legally sufficient environmental analysis is completed.
3. **Mandate Full Review:** Require the City or the applicant to prepare one of the following, which must be fully circulated for public review:

- A full **Initial Study (IS)** that addresses the peculiar impacts identified in this letter.
- A full **Environmental Impact Report (EIR)** if the IS finds that new, significant environmental impacts are generated by the project.

We urge the Commission to uphold the integrity of the CEQA process and require responsible planning that fully accounts for the specific impacts this high-density project will impose on its immediate neighbors and the students of Sierra High School.

Respectfully Submitted,

**Eliseo Becerra**

**1609 Marino Way Manteca CA 95337**

On Mon, Dec 1, 2025 at 8:00 AM Toben Barnum <[tbarnum@manteca.gov](mailto:tbarnum@manteca.gov)> wrote:

Good morning and thank you for your letter of opposition. I have received it and have placed it in the project file. I have also forwarded it to the project environmental consultant for their review and consideration. A quick note, the CEQA checklist is available for review at the following location:

<https://www.manteca.gov/home/showpublisheddocument/8611>

As noted in the CEQA document and in the Staff Report, CEQA Guidelines §15183 mandates that projects that are consistent with the development density established by existing zoning, a community plan or general plan policies for which a Final Environmental Impact Report (FEIR) was certified (in this case, the 6<sup>th</sup> Cycle Housing Element of the 2043 Manteca General Plan) shall not require additional environmental review, except as might be necessary to examine whether there are project-specific significant effects that are peculiar to the proposed project or its site. The 2043 Manteca General Plan was adopted and the accompanying EIR certified in 2023 (SCH# 2020019010).

Raney Planning and Management was contracted to conduct the required review, determining if the proposed project falls within the scope of the analysis for the Manteca General Plan 2043 FEIR. An environmental checklist and supporting documents were prepared that analyzed the potential project-specific significant effects and their relation to the FEIR. The environmental checklist concluded that the proposed project falls within the scope of the FEIR, and, therefore, no further environmental review is required.

The environmental checklist can be found at the Development Services Department, 1215 W. Center St., Suite 201, Manteca, CA 95337, or on the City website [www.manteca.gov](http://www.manteca.gov), Development Services, Planning, Planning Documents, Environmental.

Thank you,



**Toben Barnum, Associate Planner**

City of Manteca | Development Services Department

1215 W. Center St., Suite 201 | Manteca, CA 95337

Office: 209.456.8500 | Direct: 209.456.8517

[www.manteca.gov](http://www.manteca.gov)

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**From:** eliseo becerra <[elibecerra84@gmail.com](mailto:elibecerra84@gmail.com)>

**Sent:** Monday, December 1, 2025 7:45 AM

**To:** Planning Distribution <[Planning@manteca.gov](mailto:Planning@manteca.gov)>; Toben Barnum <[tbarnum@manteca.gov](mailto:tbarnum@manteca.gov)>

**Cc:** Rosa Aguiar <[rosamaguiar@yahoo.com](mailto:rosamaguiar@yahoo.com)>; eliseo becerra <[elibecerra84@gmail.com](mailto:elibecerra84@gmail.com)>

**Subject:** FORMAL OPPOSITION LETTER — TPC WEST APARTMENTS (SPA 25-119)

**12/1/2025**

**FORMAL OPPOSITION LETTER — TPC  
WEST APARTMENTS (SPA 25-119)**

**To be entered into the Public Record — December 10, 2025 Planning Commission  
Hearing**

**Subject: Formal Opposition to TPC West Apartments (SPA 25-119) – CEQA  
Violations, Failure to Qualify for §15183 Streamlining, and Insufficient  
Environmental Review**

Dear Members of the Manteca Planning Commission,

I am writing as a resident located within 500 feet of the proposed TPC West Apartments development (File No. SPA 25-119) to formally oppose this project. The City's current process violates CEQA requirements, fails to provide mandatory environmental documents for public review, and improperly attempts to advance a high-density project that **does not qualify for CEQA Article 12, §15183 streamlining**.

The proposal—**216 units across six three-story buildings located at 1758 W Yosemite Avenue**—creates significant and unmitigated environmental, traffic, school-capacity, pedestrian safety, and water-supply impacts. Because no CEQA documentation, Initial Study, technical appendices, or staff reports have been released to the public, the City has denied residents the opportunity for meaningful review, in violation of CEQA's core procedural mandates.

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This project fails all four requirements.

#### **a. New Peculiar Impacts Exist**

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- Higher traffic volumes at Sierra High School during peak hours
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- Cumulative congestion along Yosemite Avenue
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Under §15183(b)(1), the presence of new or peculiar impacts **disqualifies** the project from streamlined review.

#### **b. Impacts Are More Severe Than Anticipated in the General Plan FEIR**

The 2023 FEIR identifies Yosemite Avenue as a **constrained corridor**. Adding 216 units generates traffic levels that exceed modeled assumptions.

#### **c. No Required §15183 Findings Have Been Released**

The City has not:

- Prepared a §15183 consistency evaluation,
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#### **d. Supporting Case Law**

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Because TPC West triggers multiple unstudied, site-specific impacts, the City **cannot**

**legally invoke CEQA §15183.** A full CEQA analysis is required.

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## **CONCLUSION**

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Furthermore, the project does **not** qualify for CEQA Article 12, §15183 streamlining due to new and more severe impacts requiring full environmental analysis.

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Thank you for your time and commitment to responsible planning and environmental stewardship.

Respectfully,

**Eliseo Becerra, MBA-HA**

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Manteca, CA 95337

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