

**DRAFT  
RESOLUTION NO. 2011-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CERES APPROVING AN ENVIRONMENTAL IMPACT REPORT, FINDINGS CONCERNING MITIGATION MEASURES, FINDINGS CONCERNING ALTERNATIVES, A STATEMENT OF OVERRIDING CONSIDERATIONS AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE WEST LANDING SPECIFIC PLAN PROJECT.**

**THE CITY COUNCIL  
City of Ceres, California**

**WHEREAS**, an application was received from B. S. Boyle, Jr. Family L. P., G3 Enterprises, Inc, and Rutland Properties, Inc. for the West Landing Specific Plan project, property bounded by Whitmore Avenue on the north, Crows Landing Road on the east, Service Road on the south, and Ustick Road on the west; and,

**WHEREAS**, the West Landing Specific Plan Project proposes to develop up to 3,635 residential units (1,310 multi-family units and 2,325 single-family units, subtracting the existing 24 Carol Lane units); up to 884,200 square feet of retail commercial; up to 383,910 square feet of office space; 802,100 square feet of light industrial and/or Research and Development uses; 16 acres of schools; and 47 acres of parks (“Project”). The Project will also encompass the existing 18.1-acre Carol Lane neighborhood; the G3 Enterprises industrial facility, which would be expected to continue to expand on their 128.5 acre site; and the 175.5-acre County facilities, which would be expected to continue to develop based upon their master plan for the site. The 960-acre Project area is located in an unincorporated area of Stanislaus County, adjacent to the City of Ceres. The Specific Plan area boundaries are Whitmore Avenue to the north, Union Pacific Railroad to the east, Service Road to the south, and Ustick Road to the west. The current required Project approvals include a General Plan Amendment, approval of pre-zoning, and approval of the Specific Plan. Various subsequent approvals by the City of Ceres and other agencies will be required for Project implementation; and,

**WHEREAS**, the City completed preliminary review of the Project consistent with CEQA Guidelines section 15063 and determined that an Environmental Impact Report (hereafter “EIR”) was required in order to analyze significant impacts associated with the project; and,

**WHEREAS**, in accordance with Sections 15063 and 15082 of the CEQA Guidelines, the City prepared a Notice of Preparation (“NOP”) of an Environmental Impact Report and filed it with the Office of Planning and Research (“OPR”) on December 22, 2008. The NOP was circulated to the public, local and state agencies, and other interested parties to solicit comments on the project; and,

**WHEREAS**, based on the responses to the Notice of Preparation, the City prepared a Draft EIR and circulated it for the required 45 day public review period in August, 2010. Copies of the Draft EIR were available for public review and distributed to responsible and trustee agencies. In addition, the Draft EIR was made available on the City’s website and Project information was made available in PDF format or on CD by request; and,

**WHEREAS**, a formal Notice of Completion (“NOC”) of the Draft EIR was prepared and circulated on August 18, 2010, as required by CEQA. The NOC was circulated to responsible agencies, adjacent property owners and interested parties, including any person who filed a written request for such a notice; and,

**WHEREAS**, the public comment period for the Draft EIR ended October 4, 2010; and,

**WHEREAS**, the City received numerous comment letters from the public and public agencies during the public review period. The City prepared a Final EIR dated April, 2011, containing written responses to all comments received during the public review period, which responses provide the City's good faith, reasoned analysis of the environmental issues raised by the comments; and,

**WHEREAS**, the Final EIR was released to the public and public agencies on May 4, 2011 at least ten days prior to the Planning Commission hearing on the project; and,

**WHEREAS**, the Planning Commission reviewed the Staff Report, and the EIR and related public comments at a noticed public hearing on May 16, 2011, at which time all interested parties had the opportunity to be heard and by a 5-0 vote, recommended the City Council approve the project and Certify the EIR; and,

**WHEREAS**, a Staff Report, dated June 27, 2011, and incorporated herein by reference, described and analyzed the project and the environmental issues raised by the EIR and the Project for the City Council; and,

**WHEREAS**, the City Council reviewed the Staff Report, and the EIR and related public comments at a noticed public hearing on June 27, 2011, at which time all interested parties had the opportunity to be heard; and,

**WHEREAS**, the Draft and Final EIRs reflect the City's independent judgment and analysis on the potential for environmental impacts and constitute the Environmental Impact Report for the West Landing Specific Plan Project; and,

**WHEREAS**, the Project would have significant effects on the environment, most of which can be substantially reduced through mitigation measures; therefore, approval of the Project must include mitigation findings as set forth in attached Exhibit A; and,

**WHEREAS**, some of the significant effects cannot be lessened to a level of less than significant; therefore, approval of the Project must include findings concerning alternatives as set forth in the attached Statement of Overriding Considerations as set forth in attached Exhibit A; and,

**WHEREAS**, a Mitigation Monitoring and Reporting Program, as required by CEQA, is contained in attached Exhibit B; and,

**WHEREAS**, the Draft and Final EIRs are separately bound documents, incorporated herein by reference, and pursuant to Public Resources Code Section 21081.6 and California Code of Regulations, title 14, Section 15091, the City is the custodian of the documents and other materials that constitute the record of proceedings upon which the City's decision is based, and such documents and other material are located at: Ceres City Clerk's Office, 2720 Second Street, Ceres, California 95307; and,

**WHEREAS**, the properties affected by this resolution encompass the entirety of the area bounded by Whitmore Avenue on the north, UPRR right-of-way on the east, Service Road on the south, and Ustick Road on the west; and,

**WHEREAS**, the properties affected by this resolution consist of Assessor Parcel Numbers: 056-055 – All Parcels, 056-056 – All Parcels, 056-057 – All Parcels, 086-015 – All Parcels, as described in Stanislaus

County Assessor Maps; and,

**WHEREAS**, properties affected by this resolution are described as: The land referred to herein is situated in the State of California, County of Stanislaus, City of Ceres.

BEING the West Half of Section 16 and all of Section 17, situate in Township 4 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State California, more particularly described as follows:

BEGINNING at the North Quarter Corner of above said Section 16, said corner also being the intersection of the centerline of Whitmore Avenue with the centerline of the Union Pacific Railroad Right-of-Way; thence South 0°25'36" West along the North-South quarter section line of said section 16 and the centerline of said Union Pacific Railroad Right-of-way, a distance of 5285.96 feet to the South Quarter Corner of said Section 16, said corner also being the intersection of the centerline of said Union Pacific Railroad Right-of-Way with the centerline of Service Road; thence North 89°37'06" West along said centerline of Service Road and the south line of said Section 16, a distance of 2660.27 feet to the Southwest Corner of said Section 16; thence continuing along the centerline of said Service Road and the south line of above said Section 17 the following 2 courses: 1) North 89°10'58" West, 2648.41 feet to the south Quarter Corner of said Section 17; 2) South 89°11'53" East, 2648.59 feet to the Southwest Corner of said Section 17, said corner also being the intersection of the centerline of Service Road with the Centerline of Ustick Road; thence along the centerline of Ustick Road and the west line of said Section 17 the following 2 courses: 1) North 0°29'53" East, 2643.21 feet to the West Quarter Corner of said Section 17; 2) North 0°30'24" East, 2643.11 feet to the Northwest Corner of said Section 17, said corner also being the intersection of the centerline of Ustick Road with the centerline of Whitmore Avenue; thence along the centerline of Whitmore Avenue and the North Line of said Section 17 the following 2 courses: 1) South 89°12'51" East, 2643.37 feet to the North Quarter Corner of said Section 17; 2) South 89°12'37" East, 2643.42 to the Northeast Corner of said Section 17; thence South 89°34'03" East along the north line of above said Section 16 and the centerline of Whitmore Avenue, a distance of 2663.91 feet to the POINT OF BEGINNING.

The land referred to herein is situated in the State of California, County of Stanislaus.

**NOW, THEREFORE, BE IT RESOLVED** that the foregoing recitals are true and correct and made a part of this resolution.

**BE IT FURTHER RESOLVED** that the City Council certifies as follows:

1. That the EIR for the Project was properly prepared and processed pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.), and CEQA Guidelines.
2. That the Final EIR has been completed in compliance with the requirements of CEQA.
3. That the Final EIR was presented to the City Council and that the City Council considered the information contained in the Final EIR prior to approving the Project.
4. That the Final EIR reflects the City Council's independent judgment and analysis.

**BE IT FURTHER RESOLVED** that the City Council adopts the findings concerning significant impacts and mitigations and alternatives set forth in Exhibit A, the Statement of Overriding Considerations set forth in Exhibit A, and the Mitigation Monitoring and Reporting Program set forth in Exhibit B, which exhibits are incorporated herein by reference.

**PASSED AND ADOPTED** by the Ceres City Council at a regular meeting thereof held on the 27<sup>th</sup> day of June, 2011, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

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Chris Vierra, Mayor

ATTEST:

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Cindy Heidorn, CMC, City Clerk

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**EXHIBIT A**

**City of Ceres**  
**West Landing Specific Plan**  

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*Final Environmental Impact Report*  
*(SCH No. 2008122087)*

**Certification of the EIR,  
Findings of Fact,  
& Statement of  
Overriding Considerations**



## **I. INTRODUCTION**

The California Environmental Quality Act, Public Resources Code Section 21000 *et seq.* (“CEQA”), states that if a project would result in significant environmental impacts, it may be approved if feasible mitigation measures or feasible alternatives are proposed which avoid or substantially lessen the impact or if there are specific economic, social, or other considerations which justify approval notwithstanding unmitigated impacts.

Therefore, when an environmental impact report (“EIR”) has been completed which identifies one or more potentially significant or significant environmental impacts, the approving agency must make one or more of the following findings for each identified significant impact:

1. Changes or alternatives which avoid or substantially lessen the significant environmental effects as identified in the EIR have been required or incorporated into the project; or
2. Such changes or alternatives are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or
3. Specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR. (Pub. Resources Code, § 21081).

As “lead agency” under California Code of Regulations, title 14, Section 15367, the City of Ceres (“City”) hereby adopts the following CEQA findings relating to the West Landing Specific Plan Project Draft Environmental Impact Report dated August 2010 (“Draft EIR”) and the Final Environmental Impact Report (“Final EIR”) certified by the City on June 27, 2011. The Draft EIR and the Final EIR are collectively referred to herein as the “EIR.”

## **II. PURPOSE AND BACKGROUND**

### **A. The Project**

The project as proposed includes approval of the West Landing Specific Plan (the “Plan”) and annexation of the Specific Plan area into the City of Ceres. The West Landing Specific Plan is a policy document to guide future growth, land use, infrastructure and public service planning and investment in the Specific Plan area, and a regulatory document to provide rules and standards by which new development within the Specific Plan area may proceed. It contains design guidelines and development standards to regulate development within the Specific Plan area.

The 960-acre West Landing Specific Plan (the “Plan”) area is located in an unincorporated area of Stanislaus County, adjacent to the City of Ceres. The City of Ceres is

located south of Modesto, and approximately 10-miles northwest of the City of Turlock, along State Route 99 (SR99).

In total, the core planning area of the Specific Plan would result in a new mixed-use master planned community that could support development of a total of:

- up to 3,635 residential units (1,310 multi-family units and 2,325 single-family units, subtracting the existing 24 Carol Lane units);
- up to 884,200 square feet of retail commercial;
- up to 383,910 square feet of office space;
- 802,100 square feet of light industrial and/or Research and Development uses;
- 16 acres of schools;
- and 47 acres of parks.

Additionally, some existing uses would be anticipated to remain under the Plan, including:

- the existing 18.1-acre Carol Lane neighborhood;
- the G3 Enterprises industrial facility, which would be expected to continue to expand on their 128.5 acre site; and
- the 175.5-acre County facilities which would be expected to continue to develop based upon their master plan for the site.

## **B. Purpose of the Project**

The Project objectives are as follows:

1. Develop land uses that will enhance or complement existing and surrounding land uses.
2. Program land uses in response to current and future market conditions in and around the City of Ceres.
3. Fully develop the commercial and employment potential of the Plan area.
4. Create compact and walkable neighborhoods, consistent with the small-town character of the City of Ceres.
5. Provide a diversity of active and passive parks and open space.
6. Locate land uses and roadway and walkway networks to support non-motorized and alternative transportation modes.
7. Promote LEED principles and Low Impact Development Practices.
8. Provide a safe and efficient neighborhood circulation network that promotes connectivity and access for motorists, pedestrians, bicyclists and transit throughout the Plan area.



9. Provide a sufficient system of public facilities and services that accommodate the needs of future residents within the Plan area and does not diminish current levels of public facilities and services.

(Draft EIR, p. 3-6.)

### **C. Purpose of the EIR**

The EIR was prepared in accordance with CEQA, Public Resources Code sections 21000-21178, and the CEQA Guidelines, California Code of Regulations, title 14, sections 15000-15387, to address the environmental impacts associated with the development of the West Landing Specific Plan. As required by Section 15121 of the CEQA Guidelines, the EIR assesses the potential environmental impacts resulting from approval of the Project, and identifies feasible means of minimizing potential adverse environmental impacts. The City is the lead agency for the environmental review of the Project and the EIR was prepared under the direction and supervision of the City.

### **D. Procedural Background**

Following is an overview of the environmental review process for the Project that has led to the preparation of the EIR.

1. In accordance with Sections 15063 and 15082 of the CEQA Guidelines, the City prepared a Notice of Preparation (“NOP”) of an Environmental Impact Report and filed it with the Office of Planning and Research (“OPR”) on December 22, 2008. The NOP was circulated to the public, local and state agencies, and other interested parties to solicit comments on the Project. A public scoping meeting was held on January 13, 2009 to further address concerns. Environmental issues and alternatives raised by comments received on the NOP during the public review period were considered for inclusion in the EIR.
2. The Draft EIR was circulated for public review in August 18, 2010. Copies of the Draft EIR were made publically available. In addition, the Draft EIR was made available on the City’s website and Project information was made available in PDF format or on CD by request.
3. A formal Notice of Availability (“NOA”) of the Draft EIR was prepared and circulated on August 18, 2010, as required by CEQA. The NOA was circulated to responsible agencies, adjacent property owners and interested parties, including any person who filed a written request for such a notice, and was published in the Ceres Courier.
4. The public comment period for the Draft EIR was August 18, 2010 through October 4, 2010.

5. In response to comments received concerning the Draft EIR, the Final EIR was issued on May 4, 2011 at least 10 days prior to consideration by the Planning Commission and certification by the City Council. The Final EIR contains copies of all comments received on the Draft EIR and responses to those comments. The Final EIR also contains errata revisions to the Draft EIR and supplemental information deemed necessary in response to comments on the Draft EIR.
6. Copies of the Final EIR were sent to the commenting responsible agencies. All other commenters received notice with instructions for accessing the Final EIR. Copies of the Final EIR were available at the City offices and the local public library. In addition, the Final EIR was made available on the City's website and Project information was made available in PDF format or on CD by request.
7. A formal Notice of Availability ("NOA") of the Final EIR was prepared and circulated on May 4, 2011. The NOA was circulated to responsible agencies, adjacent property owners and interested parties, including any person who filed a written request for such a notice, and was published in the Ceres Courier
8. Pursuant to Public Resources Code Section 21092.5, the City provided a written response in the form of the Final EIR to all public agencies commenting on the Draft EIR, 10 days prior to certifying the EIR.
9. On May 16, 2011, the Planning Commission considered the EIR and passed a resolution recommending that the City Council adopt these findings and approve the Project.
10. On June 27, 2011, the City Council considered the EIR and passed resolutions adopting these findings and approving the Project.

### **III. DESCRIPTION OF THE RECORD**

The record of proceedings for the Project includes, but is not limited to, the following documents:

- The NOP and all other public notices issued by the City in conjunction with the Project;
- All applications for approvals and development entitlements related to the Project and submitted to the City;
- The Draft EIR for the Project (August, 2010) and technical appendices;

- All comments submitted by agencies or members of the public during the public comment period on the Draft EIR;
- The Final EIR for the Project, including comments received on the Draft EIR, responses to those comments, and the Draft EIR and technical appendices (dated April 2010);
- The Mitigation Monitoring and Reporting Program for the Project;
- All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project prepared by the City, or consultants to the City with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;
- All reports, studies, memoranda, maps, staff reports, or other planning documents related to the Project cited or referenced in the preparation of the Draft EIR or Final EIR;
- The City of Ceres General Plan, the Zoning Code, and any other relevant City planning documents;
- All documents submitted to the City (including to the Planning Commission) by other public agencies or members of the public in connection with the Project, up through the close of the public comment period on October 4, 2010;
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project; and
- Any other materials required for the record of proceedings by Public Resources Code Section 21167.6, subdivision (e).

The City Council has relied on all of the documents listed above in reaching its decision on the Project, even if not every document was formally presented to the Council or City staff as part of the City files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into one of two categories. Many of them reflect prior planning or legislative decisions of which the City Council was aware in approving the Project. (See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6.) Other documents influenced the expert advice provided to City staff or consultants, who then provided advice to the City Council. For that reason, such documents form part of the underlying factual basis for the Council's decisions relating to the adoption of the Project. (See Pub. Resources Code, § 21167.6, subd. (e)(10); *Browning-Ferris*

*Industries v. City Council of City of San Jose* (1986) 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155.)

#### **IV. DISCRETIONARY ACTIONS**

The Project involves the following actions and approvals by the City:

1. Recommendation from the Planning Commission to the City Council regarding certification of the Environmental Impact Report and Project Approvals
2. Certification of the Environmental Impact Report
3. Adoption of the Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations.
4. Approval of a General Plan Amendment
5. Approval of Rezoning
6. Approval of the Specific Plan
7. Initiation of application to Stanislaus LAFCO for Sphere of Influence amendment and annexation.

The following findings, as well as the accompanying statement of overriding considerations in Section XI, have been prepared to comply with the requirements of CEQA (Pub. Resources Code § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.).

#### **V. GENERAL FINDINGS**

##### **A. Terminology of Findings**

Public Resources Code Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before

approving projects for which an Environmental Impact Report (“EIR”) is required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) The second permissible finding is that “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.” (CEQA Guidelines, § 15091, subd. (a)(2).) The third potential conclusion is that “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(3).) Public Resources Code Section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” CEQA Guidelines Section 15364 adds another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565 (*Goleta II*).

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) “[F]easibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Ibid.*; see also *Sequoiah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

The CEQA Guidelines do not define the difference between “avoiding” a significant environmental effect and merely “substantially lessening” such an effect. The agency must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code Section 21081, on which CEQA Guidelines Section 15091 is based, uses the term “mitigate” rather than “substantially lessen.” The CEQA Guidelines therefore equate “mitigating” with “substantially lessening.” Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such Projects.” (Pub. Resources Code, § 21002.)

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level. These interpretations appear to be mandated by the holding in *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 519-521, in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid

significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less-than-significant.

Although CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less-than-significant level, or has simply been substantially lessened but remains significant.

Moreover, although Section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these findings will nevertheless fully account for all such effects identified in the Final EIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subd. (a), (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II, supra*, 52 Cal.3d at p. 576.)

These findings constitute the City Council members’ best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various proposed mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded or withdrawn, the City hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City Council adopts a resolution approving the Project.

## **B. Recommendation to Certify of Final EIR**

The Planning Commission has recommended that the City Council certify the Final EIR for the Project pursuant to the CEQA (Pub. Resources Code, § 21000 et seq.). (CEQA Guidelines, § 15090.) The Planning Commission found that the Final EIR has been completed in compliance with the requirements of CEQA. The Planning Commission further found that the Final EIR was presented to it and that it considered the information contained in the Final EIR

prior to recommending approval of the Project. Finally, the Planning Commission certified that the Final EIR reflects its independent judgment and analysis.

### **C. Changes to the Draft EIR**

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification of the Final EIR. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The CEQA Guidelines provide the following examples of significant new information under this standard:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project’s proponents decline to adopt it.
- The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. (*Mountain Lion Coalition v. Fish and Game Com.* (1989) 214 Cal.App.3d 1043.)

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The Planning Commission recognizes that the Final EIR incorporates information obtained by the City since the Draft EIR was completed, and contains additions, clarifications, modifications, and other changes. These changes are set forth in Chapter 24 of the FEIR. This information was incorporated into the Final EIR to clarify and further refine the environmental analysis of the Project’s operational air quality emissions. This is not significant new information that would trigger recirculation.

Notably, CEQA case law emphasizes that “[t]he CEQA reporting process is not designed to freeze the ultimate proposal in the precise mold of the initial project; indeed, new and unforeseen insights may emerge during investigation, evoking revision of the original proposal.” (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 736-737; see also *River Valley Preservation Project v. Metropolitan Transit Development Bd.* (1995)

37 Cal.App.4th 154, 168, fn. 11.) ““CEQA compels an interactive process of assessment of environmental impacts and responsive project modification which must be genuine. It must be open to the public, premised upon a full and meaningful disclosure of the scope, purposes, and effect of a consistently described project, with flexibility to respond to unforeseen insights that emerge from the process.’ [Citation.] In short, a project must be open for public discussion and subject to agency modification during the CEQA process.” (*Concerned Citizens of Costa Mesa, Inc. v. 33rd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 936.)

In sum, the information added to the EIR merely clarifies or amplifies the prior information, or makes insignificant modifications; therefore, the Draft EIR does not need to be recirculated.

#### **D. Evidentiary Basis for Findings**

The findings and determinations contained herein are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Project and the EIR. The findings and determinations constitute the independent findings and determinations by this City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

Although the findings below identify specific pages within the Draft and Final EIRs in support of various conclusions reached below, the Council has no quarrel with, and thus incorporates by reference and adopts as its own, the reasoning set forth in both environmental documents, and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned. This is especially true with respect to the Council’s approval of all mitigation measures recommended in the Final EIR, and the reasoning set forth in responses to comments in the Final EIR. The City Council further intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by this City Council with respect to any particular subject matter of the Project must be deemed made if it appears in any portion of these findings or findings elsewhere in the record.

#### **E. Findings Regarding Mitigation Measures**

##### **1. Mitigation Measures Adopted**

Except as otherwise noted, the Mitigation Measures herein referenced are those identified in the Draft EIR or as modified in the FEIR.

##### **2. Effect of Mitigation Measures**

Except as otherwise stated in these findings, in accordance with CEQA Guidelines Sections 15091, 15092, and 15093, the City finds that the environmental effects of the Project:



- Will not be significant; or
- Will be mitigated to a less-than-significant level by the mitigation measures adopted by the City; or
- Will remain significant after mitigation, but specific economic, legal, social, technological, or other considerations outweigh the unavoidable adverse environmental effects.

The City finds that the mitigation measures incorporated into and imposed upon the Project will not have new significant environmental impacts that were not already analyzed in the Draft EIR.

**F. Location and Custodian of Records**

Pursuant to Public Resources Code Section 21081.6 and California Code of Regulations, title 14, Section 15091, the City is the custodian of the documents and other materials that constitute the record of proceedings upon which the City’s decision is based, and such documents and other material are located at: Ceres City Clerk’s Office, 2720 Second Street, Ceres, California 95307.

**VI. FINDINGS REGARDING MONITORING/REPORTING OF CEQA MITIGATION MEASURES**

A Mitigation Monitoring and Reporting Program (MMRP), which is attached as Exhibit B to this Resolution, was prepared for the Project and approved by the City Council by the same resolution that has adopted of these findings. (See Pub. Resources Code, § 21081.6, subd. (a)(1); CEQA Guidelines, § 15097.) The City will use the MMRP to track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period.

**VII. FINDINGS REGARDING ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

**A. Effects Not Found to Be Significant**

The impacts in this section were found to have *no impact* or a *beneficial impact* without requiring further detailed analysis. Based on the discussion in the EIR and other supporting information in the record.

**1. Aesthetics**

a. Scenic Highway

The State of California designates certain routes as scenic highways. The only designated state scenic highway within Stanislaus County is Interstate 5. The Plan area is not located along a designated or eligible state scenic highway<sup>1</sup>, and the proposed development, therefore, would have **no impact** related to visual effects along a scenic highway. Nothing on the site has otherwise been formally identified by the City of Ceres or any other agency as a “scenic resource.” (Draft EIR p. 4-4.)

## 2. Agricultural Resources

### a. Forrest Land

The Plan area includes no forest land or timberland. There would be **no impact** related to loss of forest land. (Draft EIR p. 5-14.)

## 3. Biological and Natural Resources

### a. Valley Elderberry Longhorn Beetle

Only one blue elderberry shrub was located in the site. No other blue elderberry shrubs were observed within or adjacent to the Specific Plan area. The blue elderberry shrub is about 15 feet tall, with several stems over 1 inch in diameter at ground level. A few stems had old and weathered bore holes that were somewhat suggestive of past occupancy by VELB, but no freshly cut definitive holes were observed. Despite lack of definitive evidence of species’ occupancy, valley elderberry longhorn beetle could conceivably inhabit the shrub.

Between the field survey and completion of this report, the property owners consulted with USFWS. A survey by a USFWS biologist resulted in a conclusion that the elderberry shrub was unlikely to harbor or provide habitat for VELB, pursuant to the Endangered Species Act of 1973, and could be removed without it being considered a “take” (see message from USFWS, included in Appendix C). The elderberry shrub was promptly removed and is no longer on the site.

The owners have already taken the appropriate action and removed the elderberry bush following consultation with USFWS and a conclusion that the bush did not harbor the protected VELB and therefore, that removal of the bush would not affect VELB. There would be **no impact** with respect to VELB. (Draft EIR, pp. 7 -13 – 7-14.)

### b. Sensitive Natural Community

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<sup>1</sup> California Department of Transportation, California Scenic Highway Mapping System, [http://www.dot.ca.gov/hq/LandArch/scenic\\_highways](http://www.dot.ca.gov/hq/LandArch/scenic_highways) , accessed May 7, 2009.

No riparian habitats or other sensitive natural communities were observed in the Specific Plan area. Therefore, development of the Plan area will not have a substantial adverse effect on any riparian habitats or other sensitive natural communities (*no impact*). (Draft EIR, pp. 7-14.)

c. Wetlands

The Project would result in *no impacts* to wetlands or waters of the U.S., and would not conflict with applicable habitat conservation plans or natural resource conservation plans because there are no regionally or locally adopted plans that are applicable to the Project site. (Draft EIR, pp. 7-14.)

d. Wildlife Movement and Nursery Sites

There are no creeks, valleys, or other wildlife movement corridors in the site. The developed lands and intensively cultivated orchards and grain fields are not suitable nursery sites. Development of the Plan will not interfere substantially with wildlife movement or impede the use of wildlife nursery sites (*no impact*). (Draft EIR, pp. 7-15.)

e. Conflict With Policies or Ordinances

There are no known local policies or ordinances protecting biological resources. Future development in the Specific Plan area is not expected to conflict with any local policies or ordinances protecting biological resources (*no impact*). (Draft EIR, pp. 7-15.)

f. Conflict With A Conservation Plan

The Specific Plan area is not located within an area covered by an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan (*no impact*). (Draft EIR, pp. 7-15.)

**4. Geology and Soils**

a. Rupture of a Known Surface Fault

The site is not located within an Alquist-Priolo Earthquake Fault Zone (EFZ), and there are no other faults mapped as crossing the site. (*no impact*). (Draft EIR, p. 9-10.)

b. Landslides

The West Landing Specific Plan Area and surrounding areas are relatively flat and do not contain any steep slopes or other features that could result in landslide or mudflow hazards. Therefore, risks to people from landslides or mudflows would not result due to implementation of the proposed Specific Plan (*no impact*). (Draft EIR, p. 9-13.)

c. Soils Incapable of Supporting the Use of a Septic System.

The Specific Plan includes expansion of the municipal sanitary sewage system to serve this area, and all new development as proposed would be served by this system. Therefore, the use of septic systems is not expected (*no impact*). (Draft EIR, p. 9-13.)

## **5. Hazards and Hazardous Materials**

### a. Registered Hazardous Materials Sites

The Plan area is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore there is *no impact*. (Draft EIR, p. 11-9.)

### b. Airport Hazards

The nearest airport to the proposed Plan area is the Modesto City-County Airport, located approximately two and a half miles to the northeast. The proposed Plan area is not within the planning area for this airport nor is it located within two miles of any other airport. Therefore there is *no impact* related to airport hazards. (Draft EIR, p. 11-9.)

## **6. Hydrology, Drainage, and Water Quality**

### a. Seiche, Tsunami, or Mud Flows

The Project would not expose people to seiche, tsunami, or mud flows (*no impact*). (Draft EIR, p. 12-14.)

## **7. Land Use and Planning**

### a. Dividing Established Community

Development of the Plan would involve construction of a mixed-use residential, retail, office, and industrial development at the outer edge of the City of Ceres' Planning Area, adjacent to residential development within the city limits that has already occurred to the east of the site and in part adjacent to commercial and industrial uses that are being developed to the south of the site. The proposed Plan would have *no impact* related to the division of an established community. (Draft EIR, p. 13-10.)

### b. Conflict with Conservation Plans

There are no habitat conservation plans or natural community conservation plans currently in force within the City of Ceres or Stanislaus County. The proposed Plan would have *no impact* related to possible conflicts with conservation plans adopted by either jurisdiction. (Draft EIR, p. 13-15.)

## 8. Mineral Resources

No mineral resource recovery sites are located on or in the immediate vicinity of the Project area. Implementation of the Project would not result in the loss of availability of a known mineral resource or resource recovery site. The Project will have *no impact* related to mineral resources. (Draft EIR, p. 14-3.)

## 9. Utilities, and Service Systems

The Project would have a less than significant impact related to the construction of new water infrastructure. (Draft EIR, p. 19-8.) The Project would have less than significant impacts on the City's storm drainage system and on regional flood control facilities. (Draft EIR, p. 19-17.) The Fink Road Landfill has adequate capacity to serve the Project's solid waste disposal needs, therefore the Project's solid waste impacts would be *less than significant*. (Draft EIR, p. 19-19.)

The proposed Specific Plan would contribute to the reduced lifetime of the landfill slightly. Over 20 years, the proposed Specific Plan would generate approximately 3 million cubic yards of total waste. Assuming continued recycling of at least 20% and 61% being diverted to the Waste to Energy facility, this number would be anticipated to be less than 1 million cubic yards over 20 years, which equates to approximately 1 percent of remaining landfill capacity. Therefore, the proposed Specific Plan would not contribute substantially to above-capacity increases in solid waste, and this would be a cumulatively *less than significant* impact.

**Project-Specific Drainage Impacts and Mitigation Measures:** The proposed Specific Plan would urbanize a largely agricultural area, which would increase the potential for stormwater runoff. The Plan proposes an entirely on-site stormwater system that would ensure that the peak post-development flows are attenuated to the pre-development peak flows through the use of retention basins. (See also discussion of changes in peak runoff in Chapter 12, Hydrology.) Therefore, the impact on the City's storm drainage system and regional flood control facilities would be *less than significant*.

**Cumulative Drainage Impacts and Mitigation Measures:** Because the Plan proposes an entirely on-site stormwater system that would ensure peak post-development flows are attenuated to the pre-development peak flows, the contribution to a cumulative impact would not be considerable and would be considered *less than significant*.

## 10. Transportation and Traffic

Successful implementation of the Project's planned improvements would have a *beneficial impact* regarding transit, bicycle, and pedestrian facilities. (Draft EIR, pp. 18-41 to 18-42.)

## **B. Less-Than-Significant Impacts Without Mitigation**

Based on the Final EIR and the record, the City Council finds that the Project would have *less than significant* environmental impacts associated with the specific issues identified below, as addressed in the EIR.

### **1. Aesthetics**

#### **a. Impacts**

Scenic Vistas – While portions of the Plan area and surrounding area to the south and west are characterized by rural agricultural settings, the Plan area and vicinity are generally flat, affording little in the way of vantage points or panoramic views. Although the Plan area can be seen from numerous public roadways, it is not part of any formally-identified scenic vista. Construction of the proposed Project may block out a portion of the existing views from adjacent areas or existing uses on the site. However, the areas from which these views may be blocked are not designated scenic overlooks, and are not places where people gather in order to gain a view of any notable landscape features. Therefore, any blockage of existing views by development in the Plan area would be considered *less than significant*. (Draft EIR, p. 4-4.)

Visual Character—The Specific Plan includes design and landscaping standards that would ensure that new residential development would be compatible with existing and planned adjacent uses, as presented in Chapter 7 of the West Landing Specific Plan. Development under the Plan would be an extension of and visually compatible with existing surrounding communities, and the proposed Specific Plan would not “substantially degrade” the visual quality of the Plan area or its surroundings. Therefore, the impact would be considered *less than significant*. (Draft EIR, pp. 4-4 – 4-5.)

Light and Glare—With adherence to the lighting standards set forth in the Specific Plan, the amount of light and glare emanating from the Plan area would be consistent with other urbanized areas and the impact would be considered *less than significant*. (Draft EIR, pp. 4-5 – 4-6.)

Cumulative Aesthetic Impacts—As discussed in the project-specific analysis above, there are no designated scenic resources, scenic overlooks or places where people gather in order to gain a view of any notable landscape features in the Plan area, nor is it viewable from a state scenic highway. While there would be a trend toward transitioning from agricultural to urban uses both in the Plan area and surrounding vicinity, this is a change in visual character that would not “substantially degrade” visual quality. It can be assumed that other development in the vicinity would also adhere to lighting standards that would control the cumulative level of light and glare. Therefore, impacts related to cumulative aesthetic impacts would be less than cumulatively considerable and *less than significant*. (Draft EIR, p. 4-6.)

**b. Finding**

The City Council finds, based on the EIR and the whole record, that the Project will result in *less than significant* impacts to aesthetics and visual resources with respect to the impacts described above.

**2. Air Quality**

**a. Impacts**

Construction Emissions – Ozone Precursors—Emissions of ozone precursor air pollutants during build-out of the Plan area would be below the GAMAQI significance thresholds of 10 tons per year for ROG or NO<sub>x</sub>, and, therefore, are considered *less than significant*. (Draft EIR, pp. 6-17 – 6-18.)

Operational Emissions – Carbon Monoxide—Mobile emissions generated by Plan area traffic would increase carbon monoxide concentrations at intersections in the Plan area vicinity. However, resulting concentrations would be below ambient air quality standards, and therefore, considered a *less than significant impact*. Therefore, no mitigation is required. (Draft EIR, pp. 6-20 - 6-22.)

**b. Finding**

The City Council finds, based on the EIR and the whole record, that the Project will result in *less than significant* impacts to air quality with respect to the impacts described above.

**3. Biological Resources**

**a. Impacts**

Special Status Plant Species – The likelihood of occurrence of special-status plant species in the site is considered extremely low due to a lack of suitable habitat. Future development in the Specific Plan area is expected to have *less than significant* impacts to special-status plants. (Draft EIR, p. 7-10.)

Special Status Animal Species – The likelihood of occurrence of sensitive wildlife species in the site is also considered very low. With the exception of Swainson’s hawk, burrowing owl, and Valley elderberry longhorn beetle, no sensitive wildlife species are expected to occur in the site on more than a very occasional or transitory basis and, therefore, impacts to these species are expected to be *less than significant*. (Draft EIR, p. 7-10.)

**b. Finding**

The City Council finds, based on the EIR and the whole record, that the Project will result in *less than significant* impacts to biological resources with respect to special status plant

species, and special status animal species, with the the exception of Swainson’s hawk, burrowing owl, and Valley elderberry longhorn beetle.

#### **4. Cultural Resources**

##### **a. Impacts**

Historical Resources – Record searches conducted in March 2008 and February 2009 through the Central California Information Center of the California Historical Resources Information System identified no previously recorded historic sites in or near the Plan area.

Several buildings more than 50 years old are located in the Plan area and have been formally recorded with the California Resources Agency. Another site, the former location of historic period buildings, was also recorded. However, none of these buildings/sites met any of the four California Register of Historical Resources criteria for listing as a historical resource. These sites were found to not be associated with important events in history (criterion B1) or historically important people (criterion B2), not be architecturally significant (criterion B3), and there is no reason to believe that significant subsurface historic period materials are present at the sites (criterion B4). See the full cultural assessment in Appendix D for additional details.

Given that none of these buildings meet the criteria for listing on the California Register, and thus would not qualify for listing on the National Register, the removal of these structures would be a *less than significant* impact of the Plan. (Draft EIR, pp. 8-7 – 8-8.)

##### **b. Finding**

The City Council finds, based on the EIR and the whole record, that the Project will result in *less than significant* impacts to historical resources.

#### **5. Geology and Soils Impacts**

##### **a. Impacts**

Cumulative Geology and Soils – Strong seismic ground shaking, liquefaction and densification during seismic ground shaking and soil erosion during project construction and post construction are common impacts to projects located in the region. The Plan area would be one of numerous sites anticipated to undergo development/redevelopment in the vicinity and would contribute to a cumulative increase in sites facing these impacts. However, the project-specific contribution would be reduced by identified project-specific mitigation measures to a *less than significant level* with no additional mitigation required. (Draft EIR, p. 9-13.)



**b. Finding**

The City Council finds, based on the EIR and the whole record, that the Project will result in less than cumulatively considerable and *less than significant* cumulative geology and soils impacts.

**6. Hazardous Materials**

**a. Impacts**

Routine, Transport, Use or Disposal of Hazardous Materials – The Plan includes residential, commercial and office as well as community facilities such as the County facilities and new schools and parks. Construction and future operation of these uses will require the limited use of some hazardous materials, including, but not limited to the following: gasoline, diesel, motor oil, hydraulic oil, solvents, and paint. Improper management of hazardous materials during construction and operational phases of the development could pose a hazard to human health and the environment. However, management of hazardous materials during and after construction shall follow best management practices and applicable laws regarding hazardous materials, therefore this is a *less than significant* impact. (Draft EIR, p. 11-5.)

Wildland Fire—Wildland fire hazards exist in areas with extensive grasslands. According to the General Plan Background Report, the primary wildland fire hazard in the City is the river bluff area in northern Ceres, particularly during the summer months, when the vegetation along the Tuolumne River bluffs is dry. The Plan area is not near the river, and is surrounded by rural residential, urban development, and irrigated agricultural lands. Potential for fire hazards in agricultural areas is relatively low. Therefore, the risk of exposure to wildland fires is considered a *less than significant* impact.

Cumulative Hazards and Hazardous Materials Impacts – The Plan area would be one of numerous sites that are anticipated to undergo development / redevelopment in the vicinity. Development of the Plan area would contribute to a cumulative increase in the number of sites handling hazardous materials, both in the vicinity in general as well as near a school, and would result in a cumulative increase in transportation, use, disposal, and potential for exposure to and/or accidental release of hazardous materials during both construction and operations. However, the cumulative impact is expected to be slight and identified project-specific mitigation measures would reduce this impact to a *less than significant* level with no additional mitigation required

**b. Finding**

The City Council finds, based on the EIR and the whole record, that the Project will result in *less than significant* hazards and hazardous materials impacts with respect to the impacts described above.

## 7. Hydrology and Water Quality

### a. Impacts

Groundwater Depletion—The Plan proposes to draw water via new wells in the Plan area from the Turlock groundwater sub-basin. Per the Water Supply Assessment completed for the West Landing Specific Plan (Durbin and Velayas, February 11, 2010), while groundwater levels fluctuate seasonally and inter-annually, groundwater levels display no long-term change, which could be considered a quasi-equilibrium state. Continued pumping in the central portion of the basin would continue to induce recharge into the basin from area rivers. As new groundwater pumping is imposed on the groundwater basin, the steady-state condition will be disturbed, but it is anticipated a new steady-state condition will be established. With all communities within the Turlock groundwater sub-basin growing at their current rates, changes to the groundwater budget are quite minor, only about 2 percent of the discharge/ recharge relationship basin-wide. Consequently, changes in groundwater levels likely will be a few feet or less. Properly designed wells are engineered to function despite variations in groundwater levels of several feet or more. Therefore, cumulative growth, including the Project, would not be anticipated to have a significant impact on groundwater users within the Turlock sub-basin.

The Plan would not substantially deplete groundwater supplies such that there would be a net deficit in aquifer volume or a significant lowering of the local groundwater table level (*less than significant*). (Draft EIR, pp. 12-12 – 12-13.)

Alteration of the existing drainage pattern of the site—Most of the natural drainage courses in the area have already been altered by agricultural and roadside ditches. Relocating the ditches or underground pipes would neither increase flooding nor represent a significant source of erosion relative to current conditions. In terms of impacts related to flooding and erosion, relocating the existing agricultural and roadside ditches would represent a *less than significant* impact. (Draft EIR, pp. 12-14.)

Increased Risk from Flooding—FEMA flood maps show the Project area to be outside any designated flood zone. Although increases in pervious surface will increase stormflow accumulations locally, the incorporation of a required storm drain network and retention basins would minimize any potential for flooding locally or downstream. This is considered a *less than significant* impact. (Draft EIR, pp. 12-14.)

Increased Risk from Dam Inundation—Dam failure can occur under three general conditions: earthquake, structural instability, or an intense rainfall in excess of a dam's holding capacity. According to the Stanislaus County General Plan, the City of Ceres is not within the inundation areas for New Melones or Tulloch Dams. While widespread flooding would occur along both sides of the Tuolumne River in the event of the failure of the dam on the Don Pedro

Reservoir, it would not affect the Plan area.<sup>2</sup> The impact related to dam inundation would be considered *a less than significant*. (Draft EIR, pp. 12-14.)

**b. Finding**

The City Council finds, based on the EIR and the whole record, that the Project will result in *less than significant* impacts to hydrology and water quality with respect to the impacts described above.

**8. Land Use and Planning**

**a. Impact**

Ceres General Plan Consistency— As set forth in detail in the EIR, the Plan as proposed is consistent with the policies of the Ceres General Plan. However, development of the Plan area as proposed would result in a residential density in excess of that currently projected by the City based on the existing General Plan land use designations for the property, and in new urban development potentially occurring before the current General Plan anticipated. City approval of a General Plan Amendment and of the West Landing Specific Plan as proposed would be one way to resolve this potential conflict. This would result in a *less than significant* impact. (DEIR pp. 13-10 - 13-12.)

LAFCO policy consistency—LAFCO actions will be necessary in order to implement the proposed Specific Plan, because it requires annexation to the City of Ceres. In order to approve the annexation request, LAFCO would need to make a determination that the proposed Specific Plan is consistent with its policies. As set forth in detail in the Draft EIR, the City believes that the Plan is consistent with LAFCO policies and a *less than significant* impact. However, the final determination of consistency can be made only by LAFCO. (DEIR pp. 13-12 - 13-14.)

Consistency with Zoning – The Plan area has not yet been zoned by the City of Ceres, since it is not in the City’s jurisdiction. With annexation to the City of Ceres, the entire project will be pre-zoned to P-C, Planned Community, with reference to the Specific Plan to establish land use types, intensities, and development standards. While development as proposed would conflict with the existing Stanislaus County zoning designation for the site (primarily A-2-40: General Agricultural – 40 Acre Minimum to the west of Crows Landing Road), pre-zoning consistent with the proposed Plan will be assure the Plan is consistent with the zoning and that the zoning is consistent with the proposed Ceres General Plan designations. This would result in a *less than significant* impact. (DEIR, p. 13-14.)

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<sup>2</sup> J. Laurence Mintier & Associates, *City of Ceres General Plan Final Environmental Impact Report*, November 12, 1996.

**b. Finding**

The City Council finds, based on the EIR and the whole record, that the Project will result in *less than significant* impacts to land use and planning quality with respect to the impacts described above.

**9. Population and Housing**

**a. Impact**

Population Growth—While the Plan represents a divergence from the anticipated timing and type of growth in this particular location, resulting in residential development in the Plan area before it would otherwise have been anticipated and to a greater level than planned, it is not inconsistent with population and employment projections on a county-wide or even city-wide level and includes an approximate jobs-housing balance. Therefore, the Plan would be considered to have a *less than significant* direct impact on population growth. (Draft EIR, p. 16-3 – 16-4.)

Displacement of Existing Housing Units And/Or People—Overall, the proposed Specific Plan would not displace a substantial number of existing units or people and conversely provides for a substantial increase in the total number of dwelling units. Therefore, no housing would need to be constructed elsewhere to offset housing that is removed and the impact related to the displacement of people and/or housing would be *less than significant*. (Draft EIR, p. 16-5.)

Cumulative Population and Housing Impacts –In addition to the proposed project, there is substantial residential and commercial development planned for the area that has the potential to result in direct and indirect population growth. As discussed above, the proposed Plan will not individually have a significant impact on the City’s population as it is consistent with population and employment projections on a city-wide and county-wide level and includes an approximate jobs-housing balance. The Plan would also not contribute significantly to displacement of existing housing units or people as there are only scattered rural homes in the area that could remain through development of the site. Therefore, the Plan’s contribution to potential cumulative population and housing impacts would be *less than cumulatively considerable*. (Draft EIR, p. 16-5.)

**b. Finding**

The City Council finds, based on the EIR and the whole record, that the Project will result in *less than significant* impacts to population and housing with respect to the impacts described above.

## 10. Public Services and Recreation

### a. Impact

Project-Specific Fire Protection Impacts—The Plan area will become part of Ceres and will increase demand for fire protection services. The existing land uses, primarily agriculture, do not generate a large number of emergency calls. The proposed Specific Plan would increase the amount of development in the Plan area, which would increase demand for Emergency Services, and would result in a change in service to the Plan area from the Westport Fire District to the City of Ceres. Through consultation with the Ceres Public Safety Department, a new 1-acre public safety (fire and police) station site is proposed within the Specific Plan area to serve proposed development while maintaining adequate response times. Potential locations for this facility have been coordinated with the Department as shown on **Figure 3.6** of the Draft EIR). Upon filing for a Tentative Subdivision Map in that area, the Ceres public safety station location will be identified on the map in coordination with the City of Ceres Public Safety Department.

The Department also noted that a new truck (with a ladder) would be required to provide adequate service to the non-residential portion of the project area in the event of a multi-story structure fire, as their existing truck is dedicated to a commercial area in a different portion of their service area.

The Plan includes a new public safety station in the Plan area as part of the project description analyzed in this EIR. Payment of the Public Facility Fee (PFF) would provide some of the funding for public safety facilities, such as the new station, and equipment as needed, and ensure that fire protection services can be provided to the Plan area without degrading existing service levels. The impact is *less than significant*. (Draft EIR, p. 17-3.)

Westport Fire District—The majority of the Plan area is currently served by the Westport Fire District, a district with a small operating budget. Reorganization would result in a loss of tax revenue for this district, which is already operating with a minimal budget and could affect the District's continuing financial feasibility and ability to provide service to their remaining service area.

However, as part of the review of the annexation application, the Stanislaus Local Agency Formation Committee (LAFCO) is obligated to evaluate the effects of any such reorganization on the affected agencies and make specific findings regarding any existing district's continuing feasibility and ability to provide services.

It is anticipated that, should it be required, a tax-sharing agreement and/or transition period in which the Westport Fire District retains coverage of all or a portion of the Specific Plan area prior to development under the Specific Plan would address potential financial concerns. LAFCO will require the loss of tax revenue and the continued feasibility of the Westport Fire District to be addressed before annexation will be approved, thus this impact would be considered *less than significant*. (Draft EIR, pp. 17-3 – 17-4.)

Cumulative Fire Protection Impacts—The Ceres ESD currently has sufficient fire protection rating for providing coverage for most of its service area, with an ISO Class rating of

3. However, the division is not meeting staffing standards of the National Fire Protection Association and relies on outside fire agencies for support under automatic aid agreements.

Increased development in the City of Ceres would increase demand for fire protection services. Additional staff and resources will need to be added to provide adequate fire protection and emergency medical services. Funding of these increased services is anticipated to come from Public Facility Fees paid by new development, and Measure H funds. Measure H was approved by City voters in 2007 to impose a 0.5 cent local sales tax for the purpose of improving emergency services.

While development of the Plan area would contribute incrementally to the need for new stations, personnel and equipment, a new station is proposed in the Plan area. This new station would serve the Plan area and contribute to maintaining adequate service levels throughout the city and reducing the reliance on outside agencies. The impact would be considered *less than significant*. (Draft EIR, p. 17-4.)

Project-Specific Law Enforcement Impacts—The Plan area will become the jurisdiction of the Ceres Police Department and will increase demand for law enforcement services from that agency. The existing land uses, primarily agriculture, do not generate a large number of emergency calls. The proposed Specific Plan would increase the amount of development in the Plan area, which would increase demand for Emergency Services, including law enforcement. Through consultation with Ceres Public Safety Department, potential locations for a new 1-acre ESD (fire and police) station site is proposed within the Specific Plan area to serve proposed development while maintaining adequate response times (**Figure 3.6** of the Draft EIR). Additionally, the Plan encourages neighborhood watch programs and “Crime Prevention Through Environmental Design”.

The Plan includes a new police substation in the Plan area as part of the project description analyzed in this EIR. Payment of the Public Facility Fee would provide additional funding for ESD facilities, such as the new station, and equipment as needed, and ensure that law enforcement services can be provided to the Plan area without degrading existing service levels. The project-specific impact in relation to law enforcement is *less than significant*. (Draft EIR, pp. 17-7 – 17-8.)

Cumulative Law Enforcement Impacts—Increased development in the City of Ceres would increase demand for law enforcement services. Additional staff and resources will need to be added to provide adequate law enforcement services. Funding of these increased services is anticipated to come from Public Facility Fees paid by new development and Measure H funds. Measure H was approved by City voters in 2007 to impose a 0.5 cent local sales tax for the purpose of improving emergency services. While development of the Plan area would contribute incrementally to the need for new stations, personnel and equipment, a new station is proposed in the Plan area. The impact would be considered *less than significant*. (Draft EIR, p. 17-8.)

Project-Specific Education Impacts to CUSD (assuming Plan area is CUSD)—The CUSD student generation rates shown in **Table 17.1** of the Draft EIR were multiplied with the number of residential units that could be constructed within the Plan area. CUSD is running near

capacity in many of its schools, but has current and planned construction projects to add capacity, as shown in **Table 17.2** of the Draft EIR.

The eastern portion of the Specific Plan area, between the Union Pacific rail line and Crows Landing Road, is within the Ceres Unified School District. The western portion of the Specific Plan area, from Crows Landing Road to Ustick Road, is located within the Modesto City School District. As part of the annexation process, it is anticipated that school district boundaries will be reorganized so that the entire Specific Plan area will fall within the Ceres Unified School District. Based on coordination with the Ceres Unified School District, middle school and high school students can be accommodated in existing facilities. Two elementary schools are proposed in the Plan area to support the up to 1811 elementary students that could be generated by Plan area development, as shown on the Land Use Plan (**Figure 3.4** of the Draft EIR).

If built according to CUSD standards, the two proposed elementary schools in the Plan area (**Figure 3.4** of the Draft EIR) would accommodate up to 625 students each, or a total of 1250 students, 446 less than the potential student generation in the area. A comparison of this number and the Middle and High School projected Plan area enrollment numbers in **Table 17.1** of the Draft EIR to the remaining capacity shown in **Table 17.2** of the Draft EIR, shows that there should be capacity for the students generated in the Plan area in the existing CUSD system.

Funds would be needed for constructing and staffing new schools. School funding typically has a number of sources, such as property tax, State General Funds, special taxes and developer fees. The assessment of developer fees is regulated through the State Government Code. Because the proposed Specific Plan would pay school mitigation fees, consistent with State law, potential impacts due to increased school enrollment would be *less than significant*. (Draft EIR, pp. 17-12 – 17-14.)

Project-Specific Education Impacts to MCSD (assuming Plan area is CUSD)—Students currently enrolled from the Plan area include 13 elementary students, 1 middle school student, and 5 high school students. This is less than 0.1% of the total enrollment in MCDS of over 31,000 students and between 0.1% and 1.6% the enrollment at the schools in which the Plan area is currently in the attendance boundaries (compare to enrollment figures in **Table 17.4** of the Draft EIR).

For the 2009/2010 school year, MCSD received a total of 188 CUSD students (1.5% of CUSD enrollment) via interdistrict transfer. Based on this transfer rate and CUSD student generation rates, MCSD could anticipate 44 interdistrict transfer students from the Plan area if a territory transfer was completed, which equates to 0.14% of current enrollment.

Due to the low numbers and relative percentage of students the Plan area currently contributes to the MCDS system, removal of these students from the District through reorganization would not destabilize the District or result in significant environmental impacts. Again, due to the low number and relative percentage of students that could be anticipated to attend MCSD schools through interdistrict transfer, this would not result in a significant environmental impacts. The impact of a district reorganization on MCSD would be *less than significant*. (Draft EIR, pp. 17-14 – 17-15.)

Project-Specific Education Impacts to CUSD (assuming Plan area is MCSD)—The portion of the Plan area anticipated to generate students is not currently within the CUSD so there would be no impact related to loss of current or projected students.

For the 2009/2010 school year, CUSD received 124 MCSD students (0.04% of MCSD enrollment) via interdistrict transfer. Based on this transfer rate and MCSD student generation rates, CUSD could anticipate 7 interdistrict transfer students from the Plan area, an increase of 0.06% over current enrollment.

Due to the low number and relative percentage of students that could be anticipated to attend CUSD through interdistrict transfer, this would not result in a significant environmental impacts. The impact of no district reorganization on CUSD is *less than significant*. (Draft EIR, p. 17-15.)

Project-Specific Education Impacts to MCSD (assuming Plan area is MCSD)—The student generation rates shown in **Table 17.3** of the Draft EIR were multiplied with the number of residential units that could be constructed within the Plan area. The Plan area is located within the attendance boundaries for Fairview Elementary (K-6), Hanshaw Middle School (7-8), and Downey High (9-12), the current enrollment and capacity for which are shown in **Table 17.4** of the Draft EIR.

Gregori High School will be opening for the 2010/2011 school year and while the Plan area will not be located within the new school's attendance boundaries, the attendance boundaries will be redrawn to balance attendance at what will be the seven high schools in the district, with attendance for the new school drawn mostly from Davis and Modesto High Schools. Per discussion with the school district, this would open up capacity in Modesto High to allow redrawing of the attendance boundaries such that students in the Plan area could attend the closer Modesto High (approximately 2.5 miles from the Plan area) rather than the more distant Downey High (approximately 4.5 miles from the Plan area). Rough estimates of potential enrollment at Gregori and Modesto High Schools with changed attendance boundaries are included in **Table 17.4** of the Draft EIR. Actual projections for the 2010/2011 school year are not yet available from the district.

Funds would be needed for constructing and staffing new schools. School funding typically has a number of sources, such as property tax, State General Funds, special taxes and developer fees. As discussed above, the assessment of developer fees is regulated through the State Government Code. Because the proposed Specific Plan would pay school mitigation fees, consistent with State law, potential impacts due to increased school enrollment would be *less than significant*. (Draft EIR, pp. 17-15 – 17-16.)

Other Environmental Impacts Related to District Boundary Change—The transfer of property adjusts the boundary between two school districts, and would result in students in the Plan area attending CUSD schools instead of MCSD schools, which has the potential to result in environmental impacts.

In either district, implementation of the Plan would result in construction of elementary schools in the Plan area to serve Plan area students, the construction of which have already been taken into account in the environmental analysis throughout this EIR. The environmental impacts



would be effectively no difference in the level of environmental impacts at the elementary level with or without a district boundary change.

Middle schools, whether in the MCSD or the CUSD, are currently about the same distance from the project site – within a mile at the closest point. Assuming redrawing of attendance boundaries in MCSD, the high schools in either district would be about the same distance, about 2 to 3 miles. Taking this into consideration, a territory transfer would have approximately the same or lessened impacts than the Plan moving forward with no territory transfer. Thus, these impacts are *less than significant*. (Draft EIR, p. 17-16.)

Cumulative Education Impacts—Increased development in the City of Ceres would increase cumulative demand for education services. As growth occurs throughout the CUSD (or MCSD), the District will construct new schools as necessary. According to Assistant Superintendent of Business Services at CUSD, Fred Van Vleck, it can be anticipated that elementary students could be accommodated in the proposed Plan area and nearby CUSD elementary schools but that additional middle and high schools will likely need to be built to accommodate this and other new development in Ceres. If the Plan area remains in MCSD, it can be assumed from current and projected enrollment that on a cumulative level, new middle and high schools would ultimately need to be constructed to support cumulative increases in school enrollment. The construction of new schools will have environmental impacts. Actual impacts cannot be determined until a school location and design is proposed, but are anticipated to include the loss of agricultural land, air pollutant emissions associated with traffic, erosion and noise. Construction of the two new elementary schools in the Plan area are included in this analysis of the Specific Plan. Any additional new schools proposed in the future would subject to the CEQA process, so potential impacts and appropriate mitigation would be identified at that time. Plan area development would pay school mitigation fees, which, according to California Government Code Section 65996, SB 50, represents mitigation for the impacts on schools. Therefore, the proposed Specific Plan area’s contribution to the cumulative demand for school services would be *less than significant*. (Draft EIR, pp. 17-16 – 17-17.)

Project-Specific Parks and Recreation Impacts—The proposed Specific Plan would increase demand for parks. The Quimby Act standards and park standards identified in the General Plan and the formula for dedication of land presented in section 17.34.040 of the Municipal Code were used to determine how much parkland would be required to serve the proposed Specific Plan population. This demand was compared to the parkland that is provided within the proposed Specific Plan to determine if proposed parks are adequate.

The amount of parkland required within the Plan area is determined by applying the 4.0 acres per 1,000-population requirement from the General Plan to the anticipated population within the Plan area. As excerpted above, section 17.34.040 of the City of Ceres’ Municipal Code identifies a factor of 3.2 persons per single-family household and 2.67 persons per multi-family household to be used for calculation of land dedication requirement. Per City of Ceres staff, these numbers came from the City of Ceres’ General Plan, which further specifies a factor of 3.2 persons per Low Density Residential household, 2.75 persons per Medium Density Residential household, and 2.5 persons per High Density Residential household and should be

used in the calculation of parkland requirements in lieu of California Department of Finance factors which would otherwise be used for population projections. **Table 17.5** of the Draft EIR provides a calculation of required parkland within the Plan area.

The Specific Plan provides a total of about 47 acres of area designated for combination parks, which include stormwater retention basins, as shown on Figure 3.4. The proposed park/basin acreage includes one 30-acre Community Park and two approximately 8.5-acre Neighborhood Parks adjacent to the proposed school sites.

Portions of these parks will be dual-use and also serve as retention basins for area stormwater, as shown on the Stormwater System Plan, Figure 3.9. While the final design of these parks has not yet been decided, preliminary hydrology calculations have led to the following estimates, based upon required basin capacities, good park design practices, and Ceres park credit policies. (For additional retention basin discussion, see Chapter 12: Hydrology.) According to the Specific Plan, the City of Ceres will allow credit for 7.5 acres of each of the two Neighborhood Parks. These parks will include 3.5-acre tiered dual use retention basins. The Community Park will include a net 27.4 acres of parkland credit, and will include a tiered 8-acre dual-use basin. This brings the assumed park credit to 42.4 acres, as shown in **Table 17.6** of the Draft EIR. Therefore, the City of Ceres park requirement of 4 acres per person (which amounts to 40.68 acres) will be satisfied for the Plan area.

Parks will be improved through the collection of in-lieu fees and/or land dedication when building permits are obtained. With approval from the City, developers or builders may elect to dedicate and/or improve park sites in exchange for fee credits, or can utilize fees collected from other projects within the Plan area to purchase and improve park sites.

The proposed Specific Plan provides on-site parkland with an assumed park credit of approximately 42.4 acres. Development will dedicate this parkland and/or pay in lieu fees to meet requirements of City ordinance. Therefore, the impact on parks would be *less than significant*. (Draft EIR, pp. 17-22 – 17-23.)

Cumulative Parks and Recreation Impacts —When the General Plan was prepared in 1996, the City had a deficit of parkland, and anticipated development would increase the demand. However, the City is currently meeting its parkland acreage standards, which are greater than the minimum required by the State.

Development of the proposed Plan would provide a combination of land and fees sufficient to provide for acquisition and development of parkland consistent with City ordinance. Therefore, the proposed Specific Plan would not contribute to cumulative deficiencies in the park system and this would be a *less than significant* cumulative impact. (Draft EIR, p. 17-23.)

## **b. Finding**

The City Council finds, based on the EIR and the whole record, that the Project will result in *less than significant* impacts to public services and recreation with respect to the impacts described above.

## 11. Transportation and Traffic

### a. Impact

Impact Traf-5: Blaker Road/Whitmore Avenue (#7) –With the addition of Project generated trips, vehicles at this intersection would experience excessive delays and the operations would deteriorate from LOS D to LOS F during the PM peak hour. This intersection is under the jurisdiction of the City of Ceres.

The City of Ceres' PFF program has identified plans and funds to improve Whitmore Avenue to a four-lane Minor Arterial. It is projected that these improvements would modify the intersection to provide one left-turn lane, one through lane and one shared through-right lane protected signal phasing on the eastbound and westbound approaches.

With the installation of improvements identified in Ceres' PFF program, the intersection would operate at LOS C in the PM peak hour with the addition of Project-generated traffic. With these improvements, the Project's impact would be reduced to *less than significant*. (Draft EIR, p. 18-29.)

Impact Traf-6: Whitmore Place/El Camino Avenue (#8) –This all-way stop intersection currently experiences LOS E conditions in both peak hours. The Project's added traffic will degrade these conditions to LOS F in both peak hours. This intersection is under the jurisdiction of Caltrans.

As a part of the SR 99 Whitmore Avenue interchange Project under construction during the generation of this report, the Whitmore Place/El Camino Avenue intersection has been eliminated and Whitmore Place has been removed, thus avoiding impact Traf-6. Both SR 99 northbound on-ramp and off-ramp now have direct access onto Whitmore Avenue. With the implementation of the interchange improvement, the Project impact is *less than significant*. (Draft EIR, p. 18-29.)

Impact Traf-7: Whitmore Place/Whitmore Avenue (#9)—The proposed Project would degrade the northbound controlled approach from LOS E to LOS F during the AM peak hour. It would also cause the southbound controlled approach to deteriorate from LOS D to LOS F and would add more than ten vehicles per lane on the northbound approach, which operates at LOS F with or without the addition of Project trips, during the PM peak hour. The intersection would also meet the peak hour signal warrant with and without the proposed Project. This intersection is under the jurisdiction of Caltrans.

This intersection will be replaced by a SR 99 northbound ramp signalized intersection as a part of the SR 99 Whitmore Avenue interchange Project currently under construction. A traffic signal was recently constructed by Caltrans at this intersection, subsequent to the traffic analysis for the Project. Whitmore Place and its connection to Whitmore Avenue has been removed.

This intersection would be replaced by a SR 99 northbound ramp signalized intersection as a part of the SR 99 Whitmore Avenue interchange Project. With the implementation of the

interchange improvement, the Project impact will be *less than significant*. (Draft EIR, pp. 18-29 – 18-30.)

Impact Traf-10: Morgan Road/Service Road (#13)—Project generated traffic would cause at least one controlled movement at this intersection to degrade from LOS B to LOS F during both peak periods. This intersection is under the jurisdiction of the City of Ceres.

The City of Ceres' PFF program has identified plans and funds to improve Morgan Road to a four-lane Arterial and Service Road to a four-lane Expressway and provide signalization at this intersection. It is projected that the improvements would modify the intersection to provide one left-turn lane, one through lane and one shared through-right lane on all four approaches with protected signal phasing on the eastbound and westbound approaches and permitted signal phasing on the northbound and southbound approaches.

With the installation of improvements identified in Ceres's PFF program, the intersection would operate at LOS C in the AM peak hour and LOS B in the PM peak hour with the addition of Project-generated traffic. With these improvements, the Project's impact would be reduced to *less than significant*. (Draft EIR, p. 18-31.)

Impact Traf-11: Blaker Road/Service Road (#14) – Project generated traffic would cause at least one controlled movement at this intersection to degrade to LOS F during both peak periods. This intersection is under the jurisdiction of the City of Ceres.

The City of Ceres' PFF program has identified plans and funds to improve Service Road to a four-lane Expressway and provide signalization at this intersection. It is projected that these improvements would modify the intersection to provide one left-turn lane, one through lane and one shared through-right lane on the eastbound and westbound approaches with protected signal phasing on the eastbound and westbound approaches and permitted signal phasing on the northbound and southbound approaches.

With the installation of improvements identified in Ceres's PFF program, the intersection would operate at LOS B in the AM peak hour and LOS A in the PM peak hour with the addition of Project-generated traffic. With these improvements, the Project's impact would be reduced to *less than significant*. (Draft EIR, pp. 18-31 – 18-32.)

Impact Traf-12: Mitchell Road/Service Road (#16)—Project traffic would cause the intersection operations to deteriorate from LOS C to LOS F during both peak hours. This intersection is under the jurisdiction of the City of Ceres.

The City of Ceres' PFF program has identified plans and funds to improve Service Road to a four-lane Expressway. It is projected that the improvements would modify the intersection to provide one left-turn lane, two through lanes and one right-turn lane on the eastbound and westbound approaches with protected signal phasing on all four approaches.

Per the City of Ceres, the following improvements are specified here but assumed to be part of the PFF improvements: Modify the traffic signal to allow for the provision of right-turn overlap phasing on the westbound approach with prohibition of U-turn movement on the southbound approach.

With installation of improvements identified in the City of Ceres' PFF program, the intersection would operate at LOS D in the AM and PM peak hours with the addition of Project-generated traffic and the Project impact would be *less than significant*. (Draft EIR, p. 18-32.)

Impact Traf-21: Whitmore Avenue East of Blaker Road (E)—The Project would cause this roadway segment to deteriorate from LOS D to LOS F during the AM peak hour and would worsen its operations in the PM peak hour, when it already operates at LOS F without the addition of Project traffic. This segment is under the jurisdiction of City of Ceres.

The City of Ceres' PFF program has identified plans and funds to improve Whitmore Avenue to a four-lane Minor Arterial and the SR99/Whitmore Avenue Interchange Improvement project, currently under construction, also projected the widening of Whitmore Avenue to two travel lanes in each direction.

With installation of Ceres' PFF program and the completion of the Whitmore Avenue Interchange Improvement project, the increase in capacity would allow the roadway to operate at LOS C in the AM peak hour and LOS D in the PM peak hour, which would reduce the impact to a *less than significant* level. (Draft EIR, p. 18-36.)

Impact Traf-22: Service Road East of Central Avenue (F)—This roadway segment would deteriorate from LOS C to LOS F during both peak hours with the addition of Project traffic. This segment is under the jurisdiction of City of Ceres.

The City of Ceres' PFF program has identified plans and funds to improve Service Road to a four-lane Expressway. With installation of Ceres' PFF program, the increase in capacity would allow the roadway to operate at LOS C in the AM peak hour and LOS D in the PM peak hour, which would reduce the impact to *less than significant*. (Draft EIR, p. 18-36.)

Impact Traf-35: Blaker Road/Whitmore Road (#7)—This intersection would operate at unacceptable levels of service during both peak hours with and without the addition of Project generated traffic. The proposed Project would cause this intersection delay to increase by more than five seconds in both peak hours. This intersection is under the jurisdiction of the City of Ceres.

Installation of the improvements identified in the City of Ceres' PFF program (discussed under Impact Traf-5) would partially reduce this cumulative impact.

Per the City of Ceres, the following improvements are specified here but assumed to be part of the PFF improvements that would reduce the impact: Modify the traffic signal to allow for the provision of right-turn overlap phasing for the northbound movement with prohibition of westbound U-turn movement.

With installation of the improvements identified in the City of Ceres' PFF program (discussed under Impact Traf-5), including allowing for provision of overlap phasing and prohibition of U-turns, the intersection would operate at LOS B in the AM peak hour and LOS D in the PM peak hour and the Project impact would be reduced to *less than significant*. (Draft EIR, p. 18-50.)

Impact Traf-39: Morgan Road/Service Road (#13)—Project generated traffic would cause the intersection to deteriorate from LOS B to LOS E during the AM peak hour. This intersection is under the jurisdiction of the City of Ceres.

Installation of the improvements identified in the City of Ceres' PFF program (discussed under Impact Traf-10) would partially reduce this cumulative impact. Per the City of Ceres, the following improvements are specified here but assumed to be part of the PFF improvements that would reduce the impact: Modify the traffic signal to allow for the provision of right-turn overlap phasing for the southbound movement with prohibition of eastbound U-turn movement.

With installation of the improvements identified in the City of Ceres' PFF program (discussed under Impact Traf-10), including allowing for the provision of overlap phasing and prohibition of U-turns, the intersection would operate at LOS C in the AM peak hour and LOS B in the PM peak hour and would reduce the Project impact to *less than significant*. (Draft EIR, p. 18-52.)

Impact Traf-40: Central Avenue/Service Road (#15). Project generated traffic would cause the intersection to deteriorate from LOS C to LOS E during the PM peak hour. This intersection is under the jurisdiction of the Stanislaus County and City of Ceres.

The City of Ceres' PFF program has identified plans and funds to improve Central Avenue to a four-lane Arterial and Service Road to a four-lane Expressway. It is projected that the improvements would modify the intersection to provide one left-turn lane, one through lane and one shared through-right lane on all four approaches with protected signal phasing on all four approaches.

With the installation of improvements identified in Ceres' PFF program, the intersection would operate at LOS D in both AM and PM peak hours with the addition of Project-generated traffic. With these improvements, the Project's impact would be reduced to *less than significant*. (Draft EIR, p. 18-52.)

## **b. Finding**

The City Council finds, based on the EIR and the whole record, that the Project will result in *less-than-significant* impacts to transportation and traffic with respect to the impacts described above.

## **12. Utilities and Service Systems**

### **a. Impact**

Construction of New Water Infrastructure—Construction of the new wells and infrastructure required to serve the Plan area has been analyzed as part of the Project. Construction would generate air emissions, erosion and noise, which are analyzed and mitigated in the relevant chapters of this EIR. No off-site facilities or connections would be proposed to serve the Plan area, though off-site wells within the system could be an option if production or quality projections are determined to be inaccurate. This impact would be *less than significant*. (Draft EIR, p. 19-8.)

Cumulative Water Impacts and Mitigation Measures—The WSA concludes that there is sufficient groundwater in the basin, provided water quality is maintained through treatment, to maintain supply even during future drought conditions.

The proposed Specific Plan will satisfy Plan area demand for water through construction of new wells and/or provide for their share of a surface water source.

The City of Ceres is negotiating an agreement to receive surface water from TID to supplement the groundwater supply with 6 million gallons per day of surface water from Don Pedro Dam. The agreement would involve water treatment plant capacity rights and construction of new transmission/distribution infrastructure to utilize TID's surface water supply. The dual groundwater/surface water system could adequately serve the projected build-out of the City.

Because the future supply would be adequate to serve future demand, the cumulative impact would be *less than significant*. (Draft EIR, p. 19-8.)

Project-Specific Drainage Impacts and Mitigation Measures –The proposed Specific Plan would urbanize a largely agricultural area, which would increase the potential for stormwater runoff. The Plan proposes an entirely on-site stormwater system that would ensure that the peak post-development flows are attenuated to the pre-development peak flows through the use of retention basins. (See also discussion of changes in peak runoff in Chapter 12, Hydrology.) Therefore, the impact on the City's storm drainage system and regional flood control facilities would be *less than significant*. (Draft EIR, p. 19-17.)

Cumulative Drainage Impacts and Mitigation Measures—Because the Plan proposes an entirely on-site stormwater system that would ensure peak post-development flows are attenuated to the pre-development peak flows, the contribution to a cumulative impact would not be considerable and would be considered *less than significant*. (Draft EIR, p. 19-17.)

Project-Specific Solid Waste Impacts and Mitigation Measures—Residential development in the Plan area would be expected to result in 21 tons of solid waste per day. While the specifics of the commercial, office and business park development could result in variations to the solid waste generation and the density of that waste, an estimate of 6 pounds per one thousand square feet per day was used for this analysis. Based on this generation factor, other uses in the Plan area could generate an additional 6.2 tons of solid waste per day. Assuming that 20 to 50 percent is recycled (per the City's Source Reduction and Recycling Element (SRRE) and the County Integrated Waste Management Plan), the Plan area could generate between 13.6 to 21.8 tons per day. The landfill is permitted to accept 2,400 tons per day, of which it currently receives approximately 1,200 tons per day. Full build-out of the Plan area would increase that total to about 1,222 tons per day to the landfill. Therefore, the landfill could accept the additional waste generated by the proposed Specific Plan within the existing daily permit levels. As discussed in the setting, the amount to be landfilled would depend on how much waste could be processed by the Waste to Energy facility. Typically, over half of the waste received at the landfill is processed by the Waste to Energy facility, reducing the amount of waste requiring landfilling. In 2006, the City of Ceres had a 61-percent diversion rate.

The landfill has a total remaining capacity of approximately 10 million cubic yards. The waste generated by full buildout of the Specific Plan would amount to approximately 0.67

million cubic yards per year prior to compaction, given Ceres' average 109 lbs per cubic yard weight for waste. Compacted waste in the landfill has a conversion of approximately 1.5 cubic yards per ton, which equates to 0.015 million cubic yards per year, or up to 0.15 percent of the existing capacity in a year (assuming no recycling). Recycling efforts and the Waste to Energy facility would significantly reduce the amount of waste requiring landfilling over time. Because the Fink Road landfill has adequate capacity to serve the proposed Specific Plan, the impact is considered *less than significant*. (Draft EIR, pp. 19-19 – 19-20.)

Cumulative Solid Waste Impacts and Mitigation Measures—The Fink Road landfill is permitted to accept a total of approximately 14.5 million cubic yards. Approximately 10 million cubic yards of capacity remain. If the landfill were to operate at its daily permitted capacity, 2,400 tons, or approximately 3,600 cubic yards, it would take more than 8 years to exhaust the capacity of the landfill. However, at present, most of the waste received at the landfill is processed at the Waste-to-Energy facility, with only one-third to one-half requiring landfilling. Therefore, the life of the landfill could be at least 25 years under current disposal rates. As the development increases throughout the landfill service area, the life of the landfill would be shortened. The current assumed closure date is December 2023.

The proposed Specific Plan would contribute to the reduced lifetime of the landfill slightly. Over 20 years, the proposed Specific Plan would generate approximately 3 million cubic yards of total waste. Assuming continued recycling of at least 20% and 61% being diverted to the Waste to Energy facility, this number would be anticipated to be less than 1 million cubic yards over 20 years, which equates to approximately 1 percent of remaining landfill capacity. Therefore, the proposed Specific Plan would not contribute substantially to above-capacity increases in solid waste, and this would be a cumulatively *less than significant* impact. (Draft EIR, p. 19-20.)

#### **b. Finding**

The City Council finds, based on the EIR and the whole record, that the Project will result in *less-than-significant* impacts to utilities and public services with respect to the impacts described above.

#### **C. Less-Than-Significant Impacts With Mitigation Incorporated**

The Final EIR determined that the Project has potentially significant environmental impacts in the areas discussed below. The Final EIR identified feasible mitigation measures to avoid or substantially reduce some or all of the environmental impacts in these areas. Based on the information and analyses set forth in the Final EIR, the Project impacts will be *less-than-significant* with identified feasible mitigation measures and design standards incorporated into the Project.



## 1. Agricultural Resources

### a. Impact Ag-3: Disruption of Irrigation Water.

#### (1) Impact and Mitigation

The proposed Specific Plan could interfere with deliveries of agricultural water, which could interfere with agricultural operations outside of the Plan area.

As discussed under the Setting section, there are a number of irrigation facilities within the Plan area that convey irrigation water to properties both in and out of the Plan area. As the Plan area develops, some of these facilities may no longer be needed by properties that transition out of agricultural use and would be abandoned if no longer needed.

However, depending on the timing of development within the Plan area, these private irrigation lines could be disrupted before the agricultural properties are abandoned. The potential interruption of or interference with water deliveries to active agricultural lands is considered a potentially significant impact.

#### Mitigation Measure

**Ag-3: Maintain Irrigation Facilities.** Irrigation facilities within the Plan area shall be maintained for active agricultural uses until Plan area uses are developed. These facilities shall be upgraded and/or relocated as needed, based on consultation with TID and the timing of development.

#### (2) Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Ag-3, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

#### (3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Mitigation Measure Ag-3 would ensure that agricultural operations dependent on water conveyed through the Plan area would not be impaired by loss of the water conveyance facilities. Conveyance facilities in the Plan area will need to be maintained as long as they are needed by on-site and downstream users to ensure there will be no adverse affect on agricultural production due to the disruption of agricultural water. Implementation of Mitigation Measure Ag-3 will reduce the impact to a *less than significant* level.

These facts support the City’s finding. (Draft EIR, pp. 5-13.)

**b. Impact Ag-4: Incompatible Land Uses.**

**(1) Impact and Mitigation**

The proposed Specific Plan could result in land uses that are incompatible with agricultural land and operations surrounding the Plan area, which could impede agricultural operations and result in indirect loss of Farmland.

Plan area residents could be subject to noise, odors and other aspects of farming that they may find annoying or disruptive as the Plan develops and following build-out. Although roadways would provide buffers between residences and agricultural activities following build-out, this would not be expected to fully avoid these impacts. Potential conflicts between Plan area residents and nearby agricultural activities on both a temporary and permanent basis are considered potentially significant.

**Mitigation Measure**

**Ag-4:** **Deeded Right-to-Farm.** Deeds recorded for each residential parcel in the Plan area shall include notification consistent with Stanislaus County’s Right-to-Farm Ordinance (9.32.050) that the residence is located in proximity to ongoing, active agricultural activities, and list the types of annoyances that could occur. The notification shall also state that neither the County nor the City will take action against property owners of agricultural land who engage in agricultural practices that are consistent with accepted customs and standards.

**(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Ag-4, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

**(3) Facts in Support of Finding**

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

As the Plan area develops, temporary adjacencies between developed areas and those continuing agricultural uses may be created. These temporary adjacencies would be corrected through build-out of the Plan area. Following build-out of the Plan area, residences would be separated from nearby agricultural uses by roadways. On the southern boundary, Service Road is

designated as an expressway and has an ultimate right-of-way of 142 feet, resulting in a separation of at least 142 feet between Plan area development and adjacent agricultural uses to the south when developed to ultimate width. Interim development would include a minimum of 71 feet north of centerline and 20 feet south of centerline, for a total separation of 91 feet minimum. On the western boundary, Ustick Road is designated as an arterial, with an ultimate 118 foot right-of-way. This would result in a separation of at least 118 feet between Plan area development and agricultural uses to the west at ultimate development and 79 feet in the interim case. Both Service Road and Ustick Road will include noise-reduction walls on the Plan side, providing a physical barrier between residential and agricultural uses.

While the County's buffer guidelines would not be applicable once the Plan area is annexed to the City and developed, it should be noted that these distances are less than the recommended standard of 150 feet between active agricultural land and new non-agricultural uses. To mitigate this, a masonry wall at least 6 feet high is specified in the Specific Plan along the project-side of Ustick Road and Service Road (where residential uses are planned). This wall would add additional buffering, consistent with the recommendations of the buffer guidelines.

The landscaped setback and walls along Ustick Road and Whitmore Avenue described in the Plan would lessen potential impacts by providing a buffer between the new residential development and anticipated continued agricultural uses. Additionally, Mitigation Measure Ag-4 would ensure that residents who choose to live in the Plan area are aware of potential annoyances and find them acceptable. With the buffering elements included in the Plan and implementation of Mitigation Measure Ag-4, the impact related to the adverse effect of new development on adjacent agricultural uses would be reduced to a *less than significant* level.

These facts support the City's finding. (Draft EIR, pp. 5-13 - 5-14.)

## 2. Air Quality

- a. **Impact Air-1: Construction Dust.** Construction activity involves a high potential for the emission of fugitive particulate matter emissions that would affect local air quality.

### (1) Impact and Mitigation

Construction activities would temporarily affect local air quality, causing a temporary increase in particulate dust and other pollutants. Dust emission during periods of construction would increase particulate concentrations at neighboring properties. This impact is potentially significant, but normally mitigable. (Draft EIR, p. 6-15.)

#### Mitigation Measure

##### Air-1:

**Dust Suppression.** In addition to compliance with SJVAPCD Regulation VIII, the following enhanced dust control measures shall be included in

construction contracts where applicable and feasible to control fugitive dust emissions during construction.

- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.
- Limit access to the construction sites, so tracking of mud or dirt on to public roadways can be prevented. If necessary, use wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 20 mph or dust clouds cannot be prevented from extending beyond the site.

## (2) Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Air-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

## (3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

For this analysis, it is assumed that development in the Plan area would occur over a period of about 12 to 15 years, depending on a number of factors, but mostly including housing market conditions. The Project would be constructed in phases that are not yet defined. In any case, grading of the site is likely to occur intermittently throughout the buildout period as individual phases or development projects occur. Grading and site disturbance (e.g., vehicle travel on exposed areas) would result in the greatest emissions of dust and PM<sub>10</sub>. Windy conditions during construction could cause substantial emissions of PM<sub>10</sub>. Sensitive receptors are located in large numbers to the north and east. Some of these receptors would be normally downwind of the site, since typical winds are from the north-northwest. As the Plan area develops, new sensitive receptors will also move into the Plan area, potentially immediately adjacent to the active grading sites.

The SJVAPCD's GAMAQI emphasizes implementation of effective and comprehensive control measures rather than requiring a detailed quantification of construction emissions. SJVAPCD adopted a set of PM<sub>10</sub> fugitive dust rules collectively called Regulation VIII. Compliance with Regulation VIII during the construction phase of the proposed Project would be required. Prior to construction, the Project Applicants would be required to provide dust control plans that meet the regulation requirements. These plans are reviewed by SJVAPCD, and construction cannot begin until District approval is obtained. Construction sites are subject to SJVAPCD inspections. The rule requires stabilization of disturbed areas to reduce dust emissions through watering, chemical stabilizer/suppressants, tarps, or vegetation. Track out on to roadways must be prevented or cleaned immediately. For the most part, compliance with the regulation would reduce dust and PM<sub>10</sub> emissions to a less than significant level. However, sensitive receptors are located immediately downwind of the site that warrant additional control measures. Without these additional measures, construction impacts would not be adequately protective of the health of nearby sensitive receptors, nor would emissions that could affect regional air quality be reduced. This would be a significant impact. (Draft EIR, 6-16.)

With required compliance with Regulation VIII and implementation of mitigation measure Air-1, impacts related to construction dust would be reduced to a level of *less than significant*. These facts support the City's finding. (Draft EIR, p. 6-16.)

**b. Impact Air-3: Nuisances and Odors.**

**(1) Impact and Mitigation**

Development of the Plan would not include any activities that are typical sources of objectionable odors. However, future agricultural activities adjacent to the west side of the site could affect some proposed residences.

**Mitigation Measure Ag-4: Deeded Right to Farm** would additionally reduce this impact by ensuring that residents who choose to live in the Plan area are aware of potential annoyances related to proximity to farmland and find them acceptable.

**(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Ag-4, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

**(3) Facts in Support of Finding**

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Typical sources of objectionable odors include chemical plants, sewage treatment plants, large composting facilities, rendering plants, and other large industrial facilities that emit odorous compounds. This Plan would not include any such activities, and thus would not create objectionable odors. Land uses near the Plan area are residential, light industrial, agricultural or generally vacant undeveloped land. Residential or undeveloped lands with no approved future uses do not pose a potential for nuisances caused by odors or dust generation.

The Plan proposes residences along the western and southern boundary that would be adjacent to active farming lands. Agricultural activities could result in short-term nuisances that could affect these lands. The most common nuisance could be blowing dust. Plowing of fields on dry days can create substantial dust that is transported by wind. The Plan would lie downwind of these fields most of the time, especially during spring and summer when northwest winds are most common. New residents may experience episodes of dust blowing across their property. This would result in conflicts between existing agricultural and new residential uses.

The Plan provides for construction of a masonry wall (or a combination berm and wall) at least 6 feet high, together with a landscaped setback area along the proposed residential areas of the Plan area along Ustick Road (the western boundary of the Plan area) and Service Road (the southern boundary of the Plan area). Part of the project, these walls and landscaping will act to buffer and reduce wind-blown dust from adjacent agricultural fields.

The proposed wall, setback and landscaping, along with the deeded right-to-farm specified in mitigation measure Ag-4 would reduce this impact to a level of *less than significant*. These facts support the City's finding. (Draft EIR, p. 6-22.)

**c. Impact Air-4: New Sources of TACs**

**(1) Impact and Mitigation**

Due to the mix of uses proposed, it is possible that uses that are considered a source of toxic or hazardous emissions could be located in proximity to residential or other sensitive uses, potentially posing a health risk.

**Mitigation Measure**

**Air-4:** Health Risk Assessment for New Sources. When a new source of substantial toxic or hazardous emissions is proposed within 1,000 feet of a sensitive use in the WLSF area, a health risk assessment shall be completed and mitigation proposed if necessary to reduce the cancer risk below 10 in one million and the non-carcinogenic hazard index below 1.

**(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Air-4, which has been required

in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

**(3) Facts in Support of Finding**

Implementation of Mitigation Measure Air-4 will ensure that all new sources of potential hazardous air emissions are examined for their potential impacts on existing and planned uses. Mitigation measures will be required of or incorporated into any development that would cause the cancer risk to rise above the thresholds of significance identified. This would reduce any potential impacts to a less than significant level. (Final EIR, pp. 24-1 – 24-2.)

**3. Biological and Natural Resources**

**a. Impact Bio-1: Disturbance of Nesting Swainson’s Hawks**

**(1) Impact and Mitigation**

Construction activities associated with buildout of the Plan Area could adversely affect nesting Swainson’s hawks.

**Mitigation Measure**

**Bio-1: Pre-Construction Swainson’s Hawk Survey.** Pre-construction surveys for nesting Swainson’s hawks within 0.25 miles of the Plan area shall be conducted if construction commences between March 1 and September 15. If active nests are found, a qualified biologist shall determine the need (if any) for temporal restrictions on construction or through setbacks from active nests. The determination should be pursuant to criteria set forth by CDFG (1994).

(Draft EIR, pp. 7-10 to 7-11.)

**(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Bio-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

**(3) Facts in Support of Finding**

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The CNDDDB (2008) contains several records of nesting Swainson’s hawk in the greater Plan vicinity; the nearest occurrence of nesting Swainson’s hawks in the CNDDDB is approximately 3 miles northeast of the Specific Plan area. There are areas of open grassland and cropland in and adjacent to the site that may be used by foraging Swainson’s hawks; there are also a few relatively large trees within and surrounding the Plan site. However, no Swainson’s hawks were observed in or near the Specific Plan area during the 2008 surveys. While the somewhat urban setting reduces the suitability of trees in and near the Specific Plan area for nesting, the occurrence of Swainson’s hawks nesting in some of these trees in the future is possible.

Implementation of Mitigation Measure Bio-2 will ensure that Swainson’s hawk nests are not present, or if they are present, are properly protected during construction. Implementation of Mitigation Measure Bio-2 will reduce the impact related to potential disturbance of nesting Swainson’s hawks to a level of *less than significant*. (Draft EIR, p. 7-10 to 7-11.)

**b. Impact Bio-2: Loss of Swainson Hawk Foraging Habitat**

**(1) Impact and Mitigation**

Conversion of the alfalfa fields, grain fields, and annual cropland within the Specific Plan area to development will result in a minor, yet permanent loss of potential Swainson’s hawk foraging habitat, and contribute to the cumulative loss of potential Swainson’s hawk foraging habitat in the greater Plan vicinity.

The CNDDDB (2008) contains several records of nesting Swainson’s hawk in the greater Plan vicinity; the nearest occurrence of nesting Swainson’s hawks in the CNDDDB is approximately 3 miles northeast of the Specific Plan area. There are areas of open grassland and cropland in and adjacent to the site that may be used by foraging Swainson’s hawks.

**Mitigation Measure**

**Bio-2: Swainson’s Hawk Foraging Easements.** Pursuant to CDFG guidelines for development located near an active nest, development projects within the Plan area proposing conversion of alfalfa fields, grain fields, and annual cropland shall provide habitat to be protected in perpetuity for every acre of foraging habitat impacted according to the ratios presented below and/or consult with CDFG to determine appropriate compensatory habitat mitigation.

Distance to an active nest Habitat to be protected per acre impacted

1 mile	1.5 acres
1 to 5 miles	0.75 acres
5 to 10 miles	0.5 acres



Over 10 miles

0 acres

Unless a different distance can be demonstrated by subsequent nesting studies, development in the Plan area shall be assumed to be within 1 to 5 miles of an active nest, requiring 0.75 acres to be protected for each acre of alfalfa fields, grain fields, and annual cropland converted.

The mitigation will be accomplished either by developing a project-specific mitigation agreement that would be submitted to CDFG for approval or by purchasing Swainson's Hawk mitigation credits at a CDFG-approved mitigation bank. (Draft EIR, p. 7-11 to 7-12.)

## (2) Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Bio-2, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

## (3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

CDFG's Staff Report regarding Mitigation for Impacts to Swainson's hawks in the Central Valley of California (1994) provides a framework for assessing project impacts and guidance on habitat mitigation in the form of easements on off-site lands. As various parcels are developed over time consultation with CDFG is recommended on a project-by-project basis to determine the need for compensatory habitat mitigation.

Mitigation Measure Bio-1 ensures that CDFG approved mitigation for impacts to Swainson's hawk foraging habitat is incorporated into each project under the Specific Plan. Implementation of Mitigation Measure Bio-1 will reduce the impact related to loss of Swainson's hawk foraging habitat to a level of *less than significant* by requiring compensatory habitat mitigation for loss of foraging habitat.

These facts support the City's finding. (Draft EIR, pp. 7-11 to 7-12.)

**c. Impact Bio-3: Burrowing Owl Disturbance**

**(1) Impact and Mitigation**

Site grading and other forms of construction disturbance could result in the direct loss or injury to burrowing owls or the forced evacuation from their burrows.

**Mitigation Measure**

**Bio-3: Pre-construction Burrowing Owl Survey.** Pre-construction surveys for burrowing owls within the Specific Plan area should be conducted if construction commences between February 1 and August 31. If occupied burrows are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination should be pursuant to criteria set forth by CDFG (1995). If owls need to be moved, they should be passively relocated prior to February 1 or after August 31 using standard methodologies (CDFG, 1995).

**(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measures Bio-3, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

**(3) Facts in Support of Finding**

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The primary habitat requirement of the burrowing owl is small mammal burrows for nesting. The owl usually nests in abandoned ground squirrel burrows, although they have been known to dig their own burrows in softer soils. In urban areas, burrowing owls often utilize artificial burrows including pipes, culverts, and piles of concrete pieces. This semi-colonial owl breeds from March through August, and is most active while hunting during dawn and dusk. The nearest occurrence of this species recorded in the CNDDDB (2008) is approximately 10 miles northeast of the Specific Plan area.

No burrowing owls were observed in or near the Specific Plan area during the 2008 surveys. Further, none of the ground squirrel burrows had any evidence of burrowing owl occupancy (i.e. whitewash, feathers and/or pellets). Intensive agriculture and development within and surrounding the Specific plan area substantially reduce the likelihood of owls potentially using the site for foraging and nesting. However, this species could conceivably move into and nest in the site in the future.

CDFG's Staff Report on Burrowing Owl Mitigation (1995) provides the framework for minimizing potential construction impacts to burrowing owls through setbacks from active nests and relocation of any non-nesting owls that move into construction areas. Pre-construction surveys for burrowing owls within the Specific Plan areas should be conducted if construction commences between February 1 and August 31.

Mitigation Measure Bio-3 ensures Burrowing Owls will be protected pursuant to CDFG guidelines. Implementation of Mitigation Measure Bio-3 will reduce the impact related to potential disturbance of burrowing owls to a level of *less than significant*.

These facts support the City's finding. (Draft EIR, p. 7-12.)

**d. Impact Bio-4: Loss of Burrowing Owl Habitat**

**(1) Impact and Mitigation**

If a burrowing owl is found within the Specific Plan area, conversion of habitat surrounding the burrow would result in a minor, yet permanent loss of burrowing owl foraging habitat.

Alfalfa fields, grain fields, and annual cropland within the Specific Plan area provide burrow and foraging habitat for burrowing owl. No burrowing owls were observed in or near the Specific Plan area during the 2008 surveys and none of the ground squirrel burrows had any evidence of burrowing owl occupancy. Although intensive agriculture and development in the area substantially reduce the likelihood of occurrence of burrowing owl foraging and nesting within the Specific Plan area, this species could move into the site in the future.

**Mitigation Measure**

**Bio-4: Burrowing Owl Easement.** To offset the loss of burrowing owl habitat around an active burrow lost to development, 6.5 acres of nesting and foraging habitat per pair or unpaired resident bird be acquired and permanently protected. A permanent conservation easement prohibiting any activities inconsistent with burrowing owl management would be required, as would an endowment to fund management and monitoring in perpetuity. Approval of the location, size, and management of the burrowing owl habitat area by CDFG would be required.

The mitigation will be accomplished either by developing a project-specific mitigation agreement that would be submitted to CDFG for approval or by purchasing burrowing owl mitigation credits at a CDFG-approved mitigation, if available.

## (2) Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Bio-4, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

## (3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

CDFG’s Staff Report on Burrowing Owl Mitigation (1995) identifies an areas of recommends a minimum of 6.5 acres of nesting and foraging habitat per pair or unpaired resident bird be acquired and permanently protected to offset the loss of burrowing owl habitat around an active burrow lost to development. This acreage is based on the birds foraging around the burrow in a circle with a radius of approximately 100 feet.

Mitigation Measure Bio-4 will offset the loss of any Burrowing Owl habitat that is disturbed by the Project. Implementation of Mitigation Measure Bio-4 will reduce the impact related to potential loss of burrowing owl habitat to a level of *less than significant*.

These facts support the City’s finding. (Draft EIR, pp. 7-13.)

### e. Impact Bio-5: Disturbance of Nesting Birds

#### (1) Impact and Mitigation

Construction activities associated with buildout of the Plan area could adversely affect nesting birds protected by the Migratory Bird Treaty Act of 1918 and/or Fish and Game Code of California.

#### Mitigation Measure

**Bio-5: Pre-Construction Nesting Bird Survey.** Pre-construction surveys for nesting birds protected by the Migratory Bird Treaty Act of 1918 and/or Fish and Game Code of California within 100 feet of a development site in the Plan area shall be conducted if construction commences during the avian nesting season, between February 1 and August 31. The survey should be undertaken no more than 15 days prior to any site-disturbing activities, including vegetation removal or grading. If active nests are found, a qualified biologist shall determine an appropriate buffer in consideration of species, stage of nesting, location of the nest, and type of construction activity. The buffers should be maintained until after the nestlings have fledged and left the nest.

**(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Bio-5, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

**(3) Facts in Support of Finding**

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

On-site trees could be used by birds protected by the Migratory Bird Treaty Act of 1918 and/or Fish and Game Code of California. If tree removal or any type of site disturbance or construction occurs during the avian nesting season (February 1 to August 31), the developer(s) should retain a qualified wildlife biologist to conduct a nesting bird surveys survey to determine if nests are active or occupied onsite or within 100 feet of the project site.

Mitigation Measure Bio-5 will ensure migratory bird species are identified and protected prior to Project related construction. Implementation of Mitigation Measure Bio-5 will reduce the impact related to potential disturbance of nesting birds to a level of *less than significant*.

These facts support the City’s finding. (Draft EIR, pp. 7-14.)

**f. Cumulative Biological Resource Impacts**

**(1) Impact and Mitigation**

Development of the Plan would contribute to cumulative loss of foraging habitat for Swainson’s hawk, as specified in Impact Bio-1. However, implementation of **mitigation measure Bio-1** would reduce this cumulative impact to a less than significant level. Disturbance of burrowing owls and nesting Swainson’s hawks and other nesting birds during construction phases would be mitigated on a project level through implementation of **mitigation measures Bio-2, Bio-3 and Bio-4** and the cumulative impact would be less than significant.

**(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Bio-1 through Mitigation Measure Bio-4, which have been required in or incorporated into the Project, will reduce the

significant cumulative environmental impact to less than cumulatively considerable and a *less-than-significant* level.

**(3) Facts in Support of Finding**

See facts under Impacts Bio-1 through Bio-4.

**4. Cultural Resources**

**a. Impact Culture-1: Disturbance of Unidentified Archaeological or Paleontological Resources**

**(1) Impact and Mitigation**

During earth-moving activities in the Plan area, it is possible that unidentified archaeological or paleontological resources could be uncovered and disturbed.

**Mitigation Measure**

**Culture-1: Halt Construction Activity, Evaluate Find and Implement Mitigation.** In the event that any previously unidentified archaeological or paleontological resources are uncovered during construction activity, all such activity shall cease until these resources have been evaluated by a qualified archaeologist and specific mitigation measures can be implemented to protect these resources. Mitigation measures could include site evaluation, site boundary determinations, removal of isolated findings, data recovery excavations, or project re-design to protect the resource.

**(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Culture-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

**(3) Facts in Support of Finding**

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Record searches conducted in March 2008 and February 2009 through the Central California Information Center of the California Historical Resources Information System identified no previously recorded archaeological or paleontological sites in or near the Plan area.

A field survey conducted in January and February 2009 found no evidence of archaeological or paleontological cultural resources within the surveyed portion of the Specific Plan area (see Draft EIR, p. 8.1, Figure 8.1 for excluded areas).

Although unlikely in this setting, there is always a possibility that a site may exist in the Specific Plan area and be obscured by vegetation or historic activities, leaving no surface evidence. If artifacts, exotic rock, or unusual amounts of shell or bone are uncovered during construction, work should stop in that area immediately and a qualified archaeologist should be contacted to evaluate the deposit.

Mitigation Measure Culture-1 includes the necessary precautions for protection of unidentified archeological or paleontological resources. Incorporation of mitigation measure Culture-1 will reduce the impacts associated with possible disturbance of unidentified archaeological resources to a level of *less than significant*.

These facts support the City's finding. (Draft EIR, p. 8-8.)

**b. Impact Culture-2: Disturbance of Unidentified Human Remains.**

**(1) Impact and Mitigation**

During earth-moving activities in the Plan area, it is possible that unidentified human remains could be uncovered and disturbed.

**Mitigation Measure**

**Culture-2: Halt Construction Activity, Notify County Coroner and Coordinate with Native American Heritage Commission.** In the event that any human remains are uncovered during site preparation, excavation or other construction activity, all such activity shall cease until these resources have been evaluated by the County Coroner, and appropriate action taken in coordination with the Native American Heritage Commission. Further actions could include removal of the remains or project re-design to afford protection.

**(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Culture-2, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

### (3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

A check of the Sacred Lands files through the Native American Heritage Commission found no reported resources of concern. Letters sent to identified groups and individuals resulted in no identification of concerns regarding resources in the Plan area. Additionally, a field survey found no evidence of cultural resources on the site.

If human remains are uncovered during construction, work should stop in that area immediately and the Stanislaus County Coroner and Native American Heritage Commission must be contacted.

Incorporation of mitigation measure Culture-2 will reduce the impacts associated with possible disturbance of unidentified human remains in the Plan area to a level of *less than significant*.

These facts support the City's finding. (Draft EIR, pp. 8-8 to 8-9.)

#### c. Impact Culture-3: Incomplete Field Survey Coverage

##### (1) Impact and Mitigation

Some portions of the Plan area were not included in an identified field survey to determine potential for environmental effects on historical, archaeological or paleontological resources.

#### Mitigation Measure

**Culture-3: Full Archaeological/Paleontological Field Survey and Evaluation of Historic-Age Structures for Unsurveyed Areas.** Owners or developers of the areas not included in previous field surveys shall be responsible for the following:

- A full archaeological/paleontological field survey of the development site shall be completed by a qualified professional to satisfy Section 21083.2 of the California Public Resources Code, which requires a determination be made whether the project may have a significant effect on archaeological and paleontological resources.
- Any historic-age (50 years or older) buildings on-site must be recorded and evaluated for eligibility for listing on the California Register of Historic Resources, pursuant to California Public Resources Code 21084.1.



## (2) Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measures Culture-1, Culture-2, and Culture-3, which have been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

## (3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Some portions of the Plan area could not be surveyed because the owners chose not to provide permission for access, as shown in Figure 8.1 on page 8-1 of the Draft EIR. Additionally, the Carol Lane neighborhood is proposed to remain for the foreseeable future so access was not sought for cultural assessment. If/when the un-surveyed areas decide to develop, surveys will need to be conducted of their lands by qualified archaeologists to check for the presence of historical and pre-historical resources, and to determine potential Plan impacts.

Incorporation of mitigation measures Culture-1, Culture-2, and Culture-3 will reduce the impacts associated with the potential for archaeological or historical resources in unsurveyed portions of the Plan area to a level of *less than significant*.

These facts support the City’s finding. (Draft EIR, pp. 8-9 to 8-10.)

## 5. Geology and Soils

### a. Impact Geo- 1: Seismic Ground Shaking.

#### (1) Impact and Mitigation

Development of the Plan area as proposed could expose structures (including their future occupants) to potentially damaging seismic ground shaking.

#### Mitigation Measure

**Geo-1: Design-Level Geotechnical Investigation/Meet Seismic Design Standards.** Each development project applicant shall design structures and foundations to withstand expected seismic forces in accordance with the City of Ceres Municipal Code, and as adopted under it, the California Building Code. A design-level geotechnical investigation shall be performed for each development site by a registered geotechnical engineer or civil engineer with geotechnical experience. This investigation will more thoroughly describe site soil mechanics, allowing for seismic design in accordance with the City of

Ceres Municipal Code and the California Building Code. The City of Ceres Building Division shall not issue building permits until seismic design criteria is reviewed and approved.

**(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Geo-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

**(3) Facts in Support of Finding**

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Implementation of mitigation measure Geo-1 would reduce potential damage resulting from seismic shaking to an acceptable standard. In general, properly designed structures are expected to avoid collapse or irreparable damage when subject to strong seismic shaking and suffer only negligible damage in the event of moderate ground shaking. Implementation of this mitigation measure would reduce the potential impact associated with seismic ground shaking to a level of *less than significant*.

These facts support the City’s finding. (Draft EIR, p. 9-10.)

**b. Impact Geo-2: Seismically-Induced Ground Failure, Including Liquefaction and Densification.**

**(1) Impact and Mitigation**

Since the Plan area will be subject to moderate to strong seismic ground shaking during future seismic events, there is a risk of seismically-related ground failure. The potential for liquefaction, lurch cracking, lateral spreading and landsliding is relatively low; however, compaction is most likely to occur in areas, such as Ceres, which are underlain by soft water-saturated low-density alluvial material. These soils could potentially settle during seismically-induced ground shaking.

**Mitigation Measure**

**Geo-1: Design-Level Geotechnical Investigation/Meet Seismic Design Standards.** Each development project applicant shall design structures and foundations to withstand expected seismic forces in accordance with the City of Ceres Municipal Code, and as adopted under it, the California Building Code. A design-level geotechnical investigation shall be performed for each

development site by a registered geotechnical engineer or civil engineer with geotechnical experience. This investigation will more thoroughly describe site soil mechanics, allowing for seismic design in accordance with the City of Ceres Municipal Code and the California Building Code. The City of Ceres Building Division shall not issue building permits until seismic design criteria is reviewed and approved.

**(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measures Geo-2, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

**(3) Facts in Support of Finding**

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Since there is no historic evidence to suggest that high ground shaking intensities are common, the risk of seismic-related ground failure in the Ceres area is relatively low. Liquefaction potential within Ceres exists in low-lying areas comprising unconsolidated, saturated, clay-free sand and silts and compaction is most likely to occur in areas, such as Ceres, which are underlain by soft water-saturated low-density alluvial material.

Development constructed under the proposed Specific Plan will be required to comply with the California Building Code, which contains seismic safety requirements and construction and design standards to reduce risks associated with subsidence and liquefaction. Implementation of mitigation measure Geo-1 will ensure design-level geotechnical investigations are performed for each development site and appropriate measures are included to ensure structures are built in accordance with the City of Ceres Municipal Code and California Building Code. Implementation of mitigation measure Geo-1 will reduce the potential impact associated with seismically-induced ground failure to a level of *less than significant*.

These facts support the City’s finding. (Draft EIR 9-10 to 9-11.)

**c. Impact Geo-3: Soil Erosion and Loss of Topsoil**

**(1) Impact and Mitigation**

During construction, site-grading activities will remove vegetative cover, disturb, and expose soil that could become mobilized by storm waters during construction activities. According to the Eastern Stanislaus County Soil Survey, the area surface soils are expected to have low erosion hazard. However, unprotected soils will erode during heavy seasonal

rainstorms. The runoff from unprotected soil areas would include significant sediment loading that could cause increased turbidity and sedimentation in downstream receiving channels.

### **Mitigation Measure**

**Geo-3: Erosion Control Plan/Stormwater Pollution Prevention Plan.** Development within the Specific Plan area shall comply with Central Valley Regional Water Quality Control Board guidelines applicable at the time of the issuance of any grading permit and shall adopt acceptable best management practices (BMPs) for control of sediment and stabilization of erosion on the subject site. Acceptable BMPs for the protection of water quality shall also be adopted. Development under the Specific Plan will be dependant upon approval of an Erosion Control Plan and a Stormwater Pollution Prevention Plan (SWPPP) as outlined below.

#### **(1) Erosion Control Plan**

An Erosion Control Plan shall be prepared and implemented for development projects in the Plan area. The plan shall be submitted to the City of Ceres in conjunction with the Project Grading Plan prior to start of construction, and a final report is required prior to final building acceptance.

The Plan shall include locations and specifications of recommended soil stabilization techniques, such as placement of straw wattles, silt fence, berms, and storm drain inlet protection. The Plan shall also depict staging and mobilization areas with access routes to and from the site for heavy equipment. The Plan shall include temporary measures to be implemented during construction, as well as permanent measures.

City staff or representatives shall visit the site during grading and construction to ensure compliance with the grading ordinance and plans, as well as note any violations, which shall be corrected immediately. A final inspection shall be completed prior to occupancy. Elements of this Plan may be incorporated into the SWPPP, where applicable.

#### **(2) Stormwater Pollution Prevention Plan (SWPPP)**

In accordance with the Clean Water Act and the State Water Resources Control Board (SWRCB), the Permittee shall file a SWPPP prior to the start of construction. The SWPPP shall include specific best management practices to reduce soil erosion. This is required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ) and is more fully described in Chapter 12: Hydrology under mitigation measure Hydro-1.

## (2) Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Geo-3, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

## (3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Earth-disturbing activities could result in erosion during construction. However, development projects in the Plan area would be required to obtain and comply with the State General Construction Activity Stormwater Permit, which requires use of Best Management Practices (BMPs) to prevent eroded soils and other contaminants from entering surface waters. In addition, dust control measures must be employed to ensure that dust and small particles do not contaminate adjacent properties or adversely affect air quality (see Impact Air-1 on page 6-21 of this EIR).

Implementation of the mitigation measure **Geo-3** will reduce the impact from erosion and loss of topsoil to a level of *less than significant*.

These facts support the City’s finding. (Draft EIR, pp. 9-11 to 9-12.)

### d. Impact Geo-4: Geologic Hazards Related to Unstable or Expansive Soils

#### (1) Impact and Mitigation

Soil characteristics, such as expansive soils, which increase and decrease in volume in response to changes in water content, could create a geologic hazard. Geologic and soil conditions can vary from site to site. All soils have properties and characteristics such as erosion potential, shrink-swell behavior, and permeability that determine their suitability and constraints for building sites, grading, infrastructure, and drainage systems.

#### Mitigation Measure

##### Geo-1:

**Design-Level Geotechnical Investigation/Meet Seismic Design Standards.** Each development project applicant shall design structures and foundations to withstand expected seismic forces in accordance with the City of Ceres Municipal Code, and as adopted under it, the California Building Code. A design-level geotechnical investigation shall be performed for each development site by a registered geotechnical engineer

or civil engineer with geotechnical experience. This investigation will more thoroughly describe site soil mechanics, allowing for seismic design in accordance with the City of Ceres Municipal Code and the California Building Code. The City of Ceres Building Division shall not issue building permits until seismic design criteria is reviewed and approved.

## (2) Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Geo-1 which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

## (3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Because of its topography and water table, soils in Ceres do not typically exhibit any unusual qualities that require special foundations or engineering.<sup>3</sup> However, soils vary from site to site. Title 15, Buildings and Construction, of the City of Ceres Municipal Code incorporates the California Building Code into its building requirements to ensure that buildings are designed and sited properly to protect against geologic and unstable soils conditions. Compliance with these codes would require that appropriate features are incorporated into building design to minimize risk of damage due to geological hazards, including expansive soils. In order to determine which measures are necessary for a particular site, a geotechnical evaluation should be conducted.

Implementation of mitigation measure Geo-1 will ensure design-level geotechnical investigation are performed for each development site and appropriate measures are included to ensure structures are built in accordance with the City of Ceres Municipal Code and California Building Code. Development constructed under the proposed Specific Plan will be required to comply with the City of Ceres Municipal Code and the California Building Code, which contain safety requirements and construction and design standards to reduce risks associated with unstable and expansive soils. Implementation of mitigation measure Geo-1 will reduce the potential impact associated with unstable and expansive soils to a level of *less than significant*.

These facts support the City’s finding. (Draft EIR, p. 9-13.)

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<sup>3</sup> City of Ceres, *City of Ceres General Plan*, 1994, page 7-2.

## 6. Hazards and Hazardous Materials

### a. Impact Haz-1: Accidental Hazardous Materials Release

#### (1) Impact and Mitigation

Hazardous materials could be accidentally released during site remediation if required, site grading, construction and operation.

Accidental release of hazardous materials into the environment is considered most likely during the temporary construction phase, when concrete, wood preservatives, paint, asphalt, and other potentially hazardous materials would be stored, used, and moved around on the Plan area. Another potential source of contamination during the construction period is from fueling and maintaining heavy equipment used in grading and construction. Additionally, there exists the threat of a spill or leak following construction due to storage and use of normal residential or household hazardous wastes.

A separate risk would occur from the release of hazardous pesticides potentially present in site soils during site grading activities and site remediation activities if required, which could include transport of contaminated soils.

#### Mitigation Measure

**Haz-1a: Phase I and/or Phase II Reports.** Prior to issuance of demolition, grading, or building permits, development projects in the Plan area shall submit to the Ceres Building Division a Phase I environmental site assessment report signed by a Registered Environmental Assessor, Professional Geologist, or Professional Engineer, and a Phase II report if warranted by the Phase I report for the project site. The reports shall identify any hazardous materials present on site and make recommendations for timing and type of remedial action, if appropriate.

#### Mitigation Measure

**Haz-1b: Additional Soil Sampling/Site Soil Management Plan if Warranted.** If warranted by the results of the Phase I analysis, development projects in the Plan area shall complete additional surface and subsurface soil sampling to determine if elevated levels of pesticides, fungicides, or fertilizer are present in the former agricultural soil. These tests shall take place within the areas of the project site currently/previously in agricultural use, at a minimum rate of 1 direct sample per 10 acres. Samples may be composited with other samples for testing purposes, so that one composite sample is tested per 40 acres. Testing shall be for chemicals of concern, including persistent pesticides. Should pesticides of concern be detected, additional testing shall be performed to fully evaluate the extent of the presence of pesticides and the potential hazard to human health and the environment.

A registered geologist or civil engineer shall perform soil sampling, and all soil testing shall be performed by a state certified analytical laboratory, with results reported to the Stanislaus County Department of Environmental Resources. If contamination exceeding Residential guidelines such as the Regional Water Quality Control Board Environmental Screening Levels (ESL) for Residential Sites, U.S. EPA Preliminary Remediation Goals (PRG) for Residential sites, or the California Department of Toxic Substances Control Human Health Screening Levels (HHSL) is detected, then a Site Soil Management Plan and Health and Safety Plan shall be prepared and implemented.

If contamination of site soils is detected, then results shall be reported to the Department of Toxic Substance Control (DTSC) and a Site Soil Management Plan shall be prepared in accordance with recommendations of the environmental consultant and established procedures for safe removal. Specific mitigation measures designed to protect human health and the environment will be provided in the Plan. At a minimum the Plan shall include, but not be limited to the following:

- Documentation of the extent of previous environmental investigation and remediation at the site.
- Requirements for site-specific Health and Safety Plans (HASPs) to be prepared by all contractors at the project site. This includes a HASP for all demolition, grading and excavation on the site, as well as for future subsurface maintenance work. The HASP shall include appropriate training, any required personal protective equipment, and monitoring of contaminants to determine exposure. The HASP shall be reviewed and approved by a Certified Industrial Hygienist.
- Description of protocols for the investigation and evaluation of previously unidentified hazardous materials that could be encountered during Project development, including engineering controls that may be required to reduce exposure to construction workers and future users of the site.
- Requirements for site-specific construction techniques that would minimize exposure to any subsurface contamination found to occur. This shall include treatment and disposal measures for any contaminated groundwater removed from excavations, trenches, and dewatering systems in accordance with Central Valley Regional Water Quality Control Board guidelines.
- Sampling and testing plan for excavated soils to determine suitability for reuse or acceptability for disposal at a state-licensed landfill facility.
- Restrictions (if any) limiting future excavation or development of the subsurface by residents and visitors to the proposed development.



- The Plan shall be reviewed and approved by DTSC prior to issuance of any demolition, grading and construction permits for the Project.

### **Mitigation Measure**

**Haz-1c: Hazardous Waste Disposal.** In order to mitigate the impact of possible hazardous material release following the construction phase, industrial batteries, as well as fuel and lubricant oils shall be properly stored so as to reduce the chance of spillage. Businesses handling hazardous materials shall prepare a hazardous materials business plan, and submit it to the Stanislaus County Division of Environmental Resources. Household hazardous wastes, such as leftover paint, solvents, automotive fluid shall be disposed of through the household hazardous waste facility at 1716 Morgan Road in Modesto.

**Mitigation Measure Hydro-1.** Implementation of a Storm Water Pollution Prevention Plan (SWPPP), as outlined in Mitigation Measure Hydro-1 will also help to reduce impact Haz-1 by preventing potentially contaminated soils from entering the stormwater system.

### **(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measures Haz-1a, Haz-1b, Haz-1c and Hydro-1, which have been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

### **(3) Facts in Support of Finding**

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Mitigation measures Haz-1a, Haz-1b, Haz-1c and Hydro-1 will ensure that the proper steps are taken to identify and mitigate possible impacts from accidental hazardous materials releases. These mitigation measures incorporate Project level review by certified experts and require involvement of the appropriate regulatory authorities. Implementation of mitigation measures Haz-1a, Haz-1b, Haz-1c and Hydro-1 would reduce potential impacts associated with accidental release of hazardous materials into the environment during site preparation and construction activities, and following the completion of such activities to a level of *less than significant*.

These facts support the City’s finding. (Draft EIR, pp. 11-6 to 11-8.)

**b. Impact Haz-2: Hazardous Emissions Within One-Quarter Mile of a Proposed School**

**(1) Impact and Mitigation**

No existing school is within one quarter mile of the Plan area. However, the Plan includes two future elementary schools, one of which could be within one quarter mile of proposed light industrial uses, which are likely to use and store materials that would be considered hazardous. In certain circumstances these materials could spill, mix, ignite, or volatilize and cause a hazardous emission near the school. Additionally, grading and construction activities would disturb potentially contaminated soil, leading to a potential emission of hazardous material within one-quarter mile of the proposed schools.

**Mitigation Measure**

**Haz-2: Future Building Compliance with San Joaquin Valley Air Pollution Control District (SJVAPCD) and Occupational Safety and Health Administration (OSHA) Standards.** Each independent industrial facility operating in the Plan area shall obtain necessary permits and comply with monitoring and inspection requirements of the SJVAPCD. Future operations shall comply with all local, state and federal requirements for emissions. Each facility shall also meet OSHA and California OSHA standards for R&D facilities. This includes plan review by the City of Ceres to examine if the proposed development plans meet the same standards as for other similar facilities. Engineering controls, such as exhaust hoods, filtration systems, spill kits, fire extinguishers, and other controls, shall be incorporated into laboratory facilities to meet OSHA and California OSHA requirements. These standards are primarily designed to maintain worker safety, but also function to reduce the risk of accidental upset and limit potential hazardous emissions.

**Mitigation Measures Haz-1a, Haz-1b, Haz-1c and Hydro-1.** Implementation of mitigation measures Haz-1a: Phase I and/or Phase II Reports, Haz-1b: Additional Soil Sampling/Site Soil Management Plan, and Haz-1c: Hazardous Waste Disposal, and Hydro-1: Stormwater Pollution Prevention Plan (SWPPP) will reduce Impact Haz-2 by identifying and controlling potentially hazardous soils.

**(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measures Haz-1a, Haz-1b, Haz-1c, Hydro-1, and Haz-2 , which have been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

### (3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The closest existing schools to the Plan area are Sinclear Elementary, approximately 0.4 miles east of the Plan area at 1211 Hackett Road, Bret Harte Elementary approximately 0.5 miles to the north at 909 Glenn Avenue and Fairview Elementary at 1937 W Whitmore Avenue, approximately 0.5 miles to the west.

The Plan includes provision for up to two future elementary schools in the Plan area on 16 acres of land. While detailed subdivision maps have not yet been drafted, it is possible the southern-most of these school site would be within one-quarter mile of the proposed light industrial uses. Additionally, childcare facilities are permitted or conditionally permitted within all residential areas and office areas. Similar to schools, childcare facilities would be considered sensitive uses.

Land currently or previously in agricultural use may contain residual levels of pesticides, herbicides, fungicides, or fertilizer, some of which can be considered hazardous materials. Because fuel tanks were also common on Central Valley farms, there is also the possibility of soil contamination with gasoline, diesel, lubricant oils. Development of agricultural lands will disturb potentially contaminated soils.

Industrial uses within the Plan area will be constrained by Chapter 18.38 of the City of Ceres Municipal Code, which sets performance standards that ensure: “No building, structure or land shall be used, hereafter erected, structurally altered, or enlarged to be used or occupied in such a manner as to create any dangerous, injurious, noxious, annoying, or otherwise objectionable fire, explosive, or other hazard, noise or vibration, smoke, dust, odor, gas, or other form of air pollution; heat, cold, electrical or other disturbance; glare; liquid or solid refuse or wastes; or any other substances, conditions, or elements which would adversely affect the surrounding area or adjoining premises.” (see the entirety of Chapter 18.38 of the City of Ceres Municipal Code for additional specifications.)

Implementation of mitigation measures Haz-1a, Haz-1b, Haz-1c, Hydro-1, and Haz-2 will reduce the potential impact of hazardous emissions within one-quarter mile of a school to *less than significant*.

These facts support the City’s finding. (Draft EIR, pp. 11-8 to 11-9.)

**c. Impact Haz-3: Potential Interference with Emergency Response Plan**

**(1) Impact and Mitigation**

The proposed development could potentially physically interfere with implementation of an adopted emergency response or evacuation plan through contribution to increased traffic, which may reduce emergency response times.

**Mitigation Measure**

**Haz-3: Fire Department Review.** The Ceres Fire Department shall review construction plans for roadway modifications, and establish temporary alternative emergency routes necessary for the duration of construction at development projects within the Plan area. During design review, the City shall establish that roads and driveways meet all ordinance and California Building Code requirements for emergency access.

**(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure 4.8.3, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

**(3) Facts in Support of Finding**

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The proposed development is not expected to physically interfere with implementation of an adopted emergency response or evacuation plan. Development of the Plan area will, however, include an intensification of land use, resulting in an increased number of automobile trips and an alteration of the existing traffic infrastructure. Traffic is likely to increase, and may reduce emergency response times. Discussion of specific traffic and transportation impacts resulting from the proposed development are also discussed in the Draft EIR, Chapter 17: Transportation and Traffic. Demand for fire protection and emergency medical services will also increase at the site, since the proposed development will have more occupants than the former agricultural use of the property.

These facts support the City’s finding. (Draft EIR, pp. 11-10.)

## 7. Hydrology and Water Quality

### a. Impact Hydro-1: Soil Erosion

#### (1) Impact and Mitigation

Grading activities for development projects in the Plan area, including grading and the construction of the building pads, streets, commercial areas, residential areas and parks, could result in erosion and associated siltation/sedimentation impacts from runoff.

#### Mitigation Measure

**Hydro-1: Preparation and Implementation of Project SWPPP.** Pursuant to NPDES requirements, development project applicants in the Plan area shall develop a SWPPP to protect water quality during and after construction. Prior to the issuance of a grading permit, the Applicant shall file with the State Water Resources Control Board a Notice of Intent to comply with the General Permit for Storm Water Discharges Associated with Construction Activities (General Permit) under the NPDES regulations, and comply with the requirements of the permit to minimize pollution to storm water discharge during construction activities. The SWPPP shall include, but is not limited to, the following mitigation measures for the construction period:

- All pollutant sources, including sources of sediment that may affect storm water quality associated with construction activity shall be identified;
- Non-stormwater discharges related to construction activity shall be identified;
- Best Management Practices (BMPs) shall be identified, constructed, implemented, and maintained in accordance with a time schedule. The maintenance schedule shall also provide for maintenance of post-construction BMPs;
- Erosion control/soil stabilization techniques such as straw mulching, erosion control blankets, erosion control matting, and hydro-seeding, shall be utilized, in accordance with the regulations outlined in the California Stormwater BMP – Construction Handbook. Silt fences shall be installed down slope of all graded slopes. Hay bales shall be installed in the flow path of graded areas receiving concentrated flows and around permanent or temporary storm collection areas or drain inlets; and
- BMPs for preventing the discharge or other construction-related NPDES pollutants beside sediment (i.e. paint, concrete, etc) to downstream waters.

- After construction is completed, all drainage facilities shall be inspected for accumulated sediment, and these drainage structures shall be cleared of debris and sediment.

Long-term mitigation measures to be included in the SWPPP shall include, but are not limited to, the following:

- Description of potential sources of erosion and sediment at the project site. Residential and commercial activities and significant materials and chemicals that could be used at the project site should be described. This will include a thorough assessment of existing and potential pollutant sources.
- Identification of BMPs to be implemented at the project site based on identified land uses, activities, and potential pollutant sources. Emphasis shall be placed on source control BMPs, with treatment controls used as needed.
- Development of a monitoring and implementation plan. Maintenance requirements and frequency shall be carefully described including vector control, clearing of clogged or obstructed inlet or outlet structures, vegetation/landscape maintenance, replacement of media filters, regular sweeping of parking lots and other paved areas, etc. Wastes removed from BMPs may be hazardous, therefore, maintenance costs should be budgeted to include disposal at a proper site.
- The monitoring and maintenance program shall be conducted at the frequency agreed upon by the RWQCB and/or City of Ceres. Monitoring and maintenance activities shall be recorded and reported annually to the RWQCB and the City of Ceres. The SWPPP shall be adjusted, as necessary, to address any performance inadequacies of the BMPs.
- For commercial/industrial developments, the Applicant shall prepare informational literature and guidance on commercial BMPs to minimize pollutant contributions from the proposed development. This information shall be distributed to all employers at the project site. At a minimum the information shall cover: a) proper disposal of commercial cleaning chemicals; b) proper use of landscaping chemicals; c) clean-up and appropriate disposal of hazardous materials and chemicals; and d) prohibition of any washing and dumping of materials and chemicals into stormdrains.

## (2) Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Hydro-1, which has been

required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

### (3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

While a largely level site, development of the proposed Plan would require the excavation for installation of utilities lines and detention basins as well as clearing, fill, and grading of agricultural parcels. Vegetation that currently helps to stabilize site soils would be removed during construction. Site grading will occur over the majority of the Plan area. Site preparation and construction operations associated with the Plan would present a potential threat of soil erosion from soil disturbance by subjecting unprotected bare soil areas to the erosional forces of wind and runoff.

Eroded soil can contain nitrogen, phosphorus, and other nutrients that, when transported downstream, could increase pollution concentrations that reduce water quality and create odors. Eroded sediments could also interfere with the natural flow of storm waters or reduce the storage capacity of detention basins. Such interference could aggravate downstream conditions, cause flooding or accelerated erosion where it would not otherwise occur.

Implementation of mitigation measure Hydro-1 would reduce construction-related erosion and siltation/sedimentation impacts to a level of *less than significant*.

These facts support the City's finding. (Draft EIR, pp. 12-9 to 12-10.)

#### b. Impact Hydro-2: Increased Runoff

##### (1) Impact and Mitigation

Redevelopment of the existing agricultural land in the Plan area will increase the potential for runoff from the site.

#### Mitigation Measure

**Hydro-2: Demonstration of Stormwater Plan Area Conveyance and Retention Capacity.** It is assumed that stormwater conveyance and retention capacity will be implemented as the Plan area develops, but exact timing has yet to be proposed. Development project applicants within the Plan area shall demonstrate that the proposed routing of stormwater is compatible with the capacity of the ultimate drainage facilities as well as the portion that will be implemented upon project completion. If adequate stormwater capacity is not yet available through the Plan area facilities, interim stormwater facilities, such as "onsite" retention, may be proposed by a qualified engineer and will be

subject to review and approval from the City Engineer. If adequate capacity cannot be demonstrated or interim facilities approved, projects shall not proceed until capacity is available.

## (2) Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Hydro-2, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

## (3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Industrial and County Facility areas east of Crows Landing Road will continue to be served by existing onsite retention basins that are located within those areas.

New development in Commercial, Office and Business Park areas within the Plan area will be also designed to drain internally to onsite drainage retention basins.

The remaining Plan area, including residential and school properties, as well as roadways, will drain to one of three retention basins in the Plan area, one each in the two Neighborhood parks and one in the Community Park, shown in Figure 3.4.

The following assumptions were used in the design of the storm water system: The Coefficient of Runoff (C) for single-family = 0.55, multi-family = .070 and backbone streets = 0.95. The Rainfall Intensity (I) for single-family = 1.30, multi-family = 1.30 and backbone streets = 1.83. Soil permeability ranging from  $1.6 \times 10^{-3}$  to  $4.9 \times 10^{-3}$  centimeters per second, conducive to percolation.

The storm drainage system has been designed to gravity drain into retention basins. Drainage pipes have been designed to convey the 10-year flow (18” up to 84” drainage mains). 100-year flows will be conveyed within the streets to the retention basins. The soil in the area is highly permeable and therefore conducive to relatively rapid percolation from the retention basins. The ultimate discharge from the retention basins will be through percolation and evapotranspiration directly from basins. No storm water is anticipated to leave the Plan area.

The proposed drainage system will provide sufficient drainage to keep the 10-year events from flooding the streets and 100-year events from flooding building pads. In addition, the system will provide water quality benefits to run-off leaving the developed sites. The overland release route in order to accommodate a drainage facility overload and failure of the drainage



pipng network shall be directed to the southwest portion of the project towards Ustick Road heading south.

Development would not be allowed to proceed without coordinating with the City Engineer to ensure the availability of adequate stormwater conveyance and retention capacity (mitigation measure Hydro-2). This would prevent any potential temporary impacts that could result from development prior to planned Plan area conveyance and retention system. With implementation of mitigation measure Hydro-2, the project's impact related to increased runoff will be reduced to a level of *less than significant*.

These facts support the City's finding. (Draft EIR, p. 12-11.)

**c. Impact Hydro-3: Increase in Non-Point Source Pollutants**

**(1) Impact and Mitigation**

The Project would increase the potential to generate and spread non-point source pollutants by increasing impermeable surface area and potentially increasing runoff velocities. The impact of non-point source pollution could be significant. There would also be an increased demand for solid waste collection, on-site storage, and disposal. This would result in an increased risk of an accidental upset from a spill or leak that could contaminate area storm drains and waterways.

**Mitigation Measure**

**Hydro-3: Implement Water Quality BMPs for All Stormwater Discharge Areas.**  
The Project Applicant shall implement storm water quality BMPs as required under the NPDES permit at the time of development. Possible BMPs include, pervious pavement, infiltration swales, or other treatment controls to be included and described in the SWPPP under Mitigation Measure Hydro-1. To ensure that BMP design is appropriate for site soils, a design-level geotechnical investigation shall be performed as prescribed in Mitigation Measure Geo-1 in the Geology and Soils chapter of the DEIR. Final designs and calculations for the treatment capacity and efficiency of any water quality BMP implementation shall be submitted to the City Engineering Division prior to permit approval.

**(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Hydro-3, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

### (3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Non-point source pollutants (NPS) are washed by rainwater from roofs, landscape areas, streets and parking areas into the drainage network. Development of the proposed Project would contribute to the levels of NPS pollutants and litter downstream. An increase in NPS pollutants could have adverse effects on wildlife, vegetation, and human health. NPS pollutants could also concentrate and infiltrate into groundwater and degrade the quality of potential groundwater drinking sources. Under the NPDES 3.C provisions, development of the proposed Plan area is required to provide permanent treatment for site runoff.

To meet this requirement, the proposed Plan includes a system of retention basins and conveyance pipes. Details regarding the capacity, function, grading and the stormdrain network, or other complimentary water quality best management practices, would be provided for each development project in the Plan area.

Implementation of mitigation measure Hydro-3 would reduce impacts related to increases in non-point source pollution to a level of *less than significant*.

These facts support the City's finding. (Draft EIR, p. 12-12.)

#### **d. Impact Hydro-4: Decrease in Groundwater Recharge or Quality.**

##### **(1) Impact and Mitigation**

Removal and grading of surface soils and an increase in impervious surface areas will reduce the rate and location of groundwater recharge for the site and could decrease the quality of the groundwater.

Much of the Plan area is currently covered in pervious soil surfaces. Existing pervious surfaces act to naturally filter storm water as it percolates to groundwater supplies. Grading and redevelopment of the site would result in removal of the more permeable surface soils, and a net increase in impervious surface areas such as rooftops, streets, sidewalks, and paved commercial and public parking areas.

The Plan includes retention basins, parks, and community and private landscaped areas that would serve to filter storm water runoff and recharge groundwater. Site grading and drainage structures, however, would be required to facilitate distributing runoff from precipitation to appropriate infiltration areas. Grading and drainage plans and Best Management Practice (BMP) designs have not yet been presented by the Project Applicant for review. Provided that grading, stormwater routing, water quality treatment, infiltration, other BMP

design and calculations are included in the Project design and are approved by City of Ceres Public Works Department, groundwater recharge would be mitigated. Until such plans are submitted and approved, this represents a potentially significant impact.

### **Mitigation Measure**

**Hydro-4: Implement BMPs for Protection of Groundwater Quality and Supply.** New development in the Plan area shall provide storm water management measures to maximize on-site infiltration of runoff from commercial, public facility, residential areas, and open space areas. Possible measures include design and construction of pervious surface areas, and infiltration swales and basins. Storm water infiltration measures at the site shall be approved by the City's Public Works Department and should follow, to the maximum extent practicable, California Stormwater Quality Association guidelines, including TC-11 and TC-22 for infiltration and retention basins. The appropriateness of proposed stormwater infiltration measures for site soils shall be assessed through a design-level geotechnical investigation. (Mitigation Measure Geo-1 in the Geology and Soils chapter of the DEIR.)

#### **(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Hydro-4, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

#### **(3) Facts in Support of Finding**

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Implementation of mitigation measure Hydro-4 would ensure infiltration to groundwater is maximized utilizing methods that will protect the groundwater quality and therefore reduce impacts related to reductions in groundwater recharge and quality to a level of *less than significant*.

These facts support the City's finding. (Draft EIR, p. 12-13.)

**e. Cumulative hydrology impacts**

**(1) Impact and Mitigation**

Assuming concurrent implementation of the Plan with other reasonably foreseeable future projects in the vicinity, adverse cumulative effects on hydrology and water quality could include construction impacts related to increases in stormwater runoff and pollutant loading and operational impacts related to decreases in water quality, and groundwater depletion and recharge.

Development under the Plan and other future projects in the city would be required to comply with drainage and grading ordinances intended to control runoff and regulate water quality at each development site both during the construction period and following development. New projects would be required to demonstrate that stormwater volumes could be managed by downstream conveyance facilities and would not induce flooding (mitigation measures Hydro-1, -3 and -2 respectively).

As discussed under the Groundwater Depletion subsection above, the Plan is in the Turlock groundwater sub-basin. With all communities in the sub-basin growing at their current rates, changes in groundwater levels should be within the engineered functioning variation of area wells and would not cause cumulatively considerable impacts.

Cumulative development within the region contributes to an overall increase in the area of impervious surfaces such as roadways, driveways, parking lots, and rooftops, resulting in increased runoff and associated urban pollutants. Development of the proposed project has the potential to contribute to this cumulative impact by paving a large portion of the project site for internal circulation and parking and by constructing several large structures with impervious rooftops. However, implementation of mitigation measure Hydro-4 will minimize decreases in groundwater recharge and quality.

Therefore, the Project's contribution to cumulative water quality and hydrology impacts is considered *less than cumulatively considerable*.

**Mitigation Measure**

Implement **Mitigation Measures Hydro -1 through Hydro-4.**

**(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measures Hydro-1 through Hydro-4, which have been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

### (3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Implementation of mitigation measures Hydro-1 through Hydro-4 would ensure that both the project specific and cumulative impacts of the project with respect to hydrology and water quality would be reduced to a level of *less than significant*.

These facts support the City's finding. (Draft EIR, pp. 12-14 – 12-15.)

## 8. Land-Use

### a. Impact Plan-1: Incompatible Land Uses

#### (1) Impact and Mitigation

The proposed Specific Plan could result in land uses that are incompatible with adjacent agricultural land and operations surrounding the Plan area, which could impede agricultural operations and conflict with Stanislaus County buffer guidelines.

This impact was also identified and discussed as Impact Ag-4 in Chapter 5 of this document. To summarize, the proposed Specific Plan would expand the City into areas that are still agricultural and agricultural lands located west and south of the Plan area are anticipated to continue to be active. It can be presumed that residents of the Plan area would continue to be in proximity to active agricultural operations, even after full development of the Plan area.

As the Plan area develops, temporary adjacencies between developed areas and those continuing agricultural uses will be created. These temporary adjacencies would be corrected through build-out of the Plan area. Following build-out of the Plan area, residences would be separated from adjacent agricultural uses by roadways.

Plan area residents could be subject to noise, odors and other aspects of farming that they may find annoying or disruptive as the Plan develops and following build-out. Conversely, complaints and other actions from residents who do not accept the conditions that result from living in proximity to agricultural operations can impede agricultural activity. Although roadways would provide buffers between residences and agricultural activities following build-out, this would not be expected to fully avoid these impacts. Potential conflicts between Plan area residents and nearby agricultural activities on both a temporary and permanent basis are considered potentially significant.

**Mitigation Measure Ag-4 in addition to buffering elements of the Plan would reduce impact Plan-1.** The landscaped setback and walls along Ustick Road and Service Road described in the Plan would lessen potential impacts by

providing a buffer between the new residential development and anticipated continued agricultural uses. Additionally, Mitigation Measure Ag-4 would ensure that residents who choose to live in the Plan area are aware of potential annoyances and find them acceptable.

**(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Ag-4, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

**(3) Facts in Support of Finding**

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

With the buffering elements included in the Plan and implementation of Mitigation Measure Ag-4, the impact related to land use incompatibilities would be reduced to a *less than significant* level.

These facts support the City’s finding. (Draft EIR, pp. 13-14 to 13-15.)

**b. Cumulative Land Use and Planning impacts**

**(1) Impact and Mitigation**

Under cumulative conditions, planned, pending, approved, and reasonably foreseeable projects in the region have the potential to create land use conflicts with existing uses. As discussed above, development of the Plan could result in conflicts between urban development and existing agricultural uses, as could other area development on the boundary of agricultural areas. However, these impacts are generally site-specific and are mitigated through buffering included in the Plan and implementation of right-to-farm clauses through mitigation measure Ag-4. Therefore, the project would have a *less than cumulatively considerable* contribution to land use impacts.

**Mitigation Measure**

Implement Mitigation Measure Ag-4.

**(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA

Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Ag-4, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

### (3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Implementation of mitigation measure Ag-4 would ensure that both the project specific and cumulative impacts of the project with respect to land use and planning would be reduced to a level of *less than significant*.

These facts support the City's finding. (Draft EIR, p. 13-15.)

## 9. Noise

### a. Impact Noise-1: New Residential Uses in Areas Exceeding Noise Thresholds

#### (1) Impact and Mitigation

New development could be exposed to outdoor noise and indoor noise levels that would exceed the City's and state's established land use compatibility thresholds.

Future noise levels along the major roadways within the West Landing Specific Plan build-out would exceed those considered compatible with exterior residential land uses (60 dBA  $L_{dn}$ ). Outdoor activity areas located in noise environments exceeding 60 dBA  $L_{dn}$  would require noise mitigation such as proper site planning or sound barriers to achieve the compatibility guideline. The project includes 8-foot high noise barriers along residential frontages on Whitmore Avenue, Ustick Road, and Service Road.

Residential development is proposed along Whitmore Avenue, Ustick Road, Service Road and Crows Landing Road (high density/mixed use). Roadside noise levels are currently above 60 dBA  $L_{dn}$  along these roadways. In the future, noise levels are calculated to increase about 3 dBA  $L_{dn}$  along Whitmore Avenue, 5 dBA  $L_{dn}$  along Crows Landing Road, about 5 dBA  $L_{dn}$  along Ustick Road, and by about 1 dBA  $L_{dn}$  along Service Road where they adjoin proposed residential development assuming posted traffic speeds and future traffic characteristics. Table 15-8, found on page 15-15 of the Draft EIR, shows existing and projected future noise levels.

### Mitigation Measure

**Noise-1a: Site-Specific Noise Reduction, Whitmore Avenue.** In residential areas along Whitmore Avenue, development projects shall demonstrate that site-specific noise reduction measures have been incorporated that will meet noise

standards of 60 dBA  $L_{dn}$  for outdoor activity areas and 45 dBA  $L_{dn}$  for interior residential areas. These may include, but are not limited to, some or all of the following:

- Use sound walls, or sound walls in combination with earthen berms where proposed, to reduce noise levels to 60 dBA  $L_{dn}$  or less in outdoor activity areas associated with proposed residential developments. Assuming the roadways are at the same grade as the adjacent outdoor activity areas, a 10-foot barrier would be necessary along Whitmore Avenue to achieve 60  $L_{dn}$ . This could be a 10-foot sound wall, or a sound wall/berm combination (e.g., an 8-foot sound wall on a 2-foot berm.). The final height and design would be completed during the site specific regulatory review for these parcels.
- If a 10-foot wall is not considered by the City to be feasible, then Policy 7.H.7 and Table 15.6 in the General Plan states that a level of up to 65  $L_{dn}$  may be allowed. If this determination is made by the City, the impact along Whitmore Avenue with an 8-foot wall would be considered to be less than significant.
- Site planning such as locating residences further from the centerline of the roadway or facing homes toward the roadway could alternatively be used to reduce the required height of the wall and would need to be demonstrated through site-specific acoustical analysis at the time such development is proposed.
- If 60 dBA  $L_{dn}$  or less is not achieved for exterior noise levels where residential units are proposed (e.g., at unshielded upper stories), the California Building Code and the City of Ceres require project-specific acoustical analyses to achieve interior noise levels of 45 dBA  $L_{dn}$  or lower. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation in noise environments exceeding 60 dBA  $L_{dn}$  so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound-rated windows and building facade treatments) may be required where exterior noise levels exceed 65 dBA  $L_{dn}$ . These treatments include, but are not limited to sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis during project design. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA  $L_{dn}$  or less.



## Mitigation Measure

**Noise-1b: Site-Specific Noise Reduction, Crows Landing Road.** If residential mixed-use units are developed along Crows Landing Road, development projects shall demonstrate that site-specific noise reduction measures have been incorporated that will meet noise standards of 60 dBA  $L_{dn}$  for outdoor activity areas and 45 dBA  $L_{dn}$  for interior residential areas. These may include, but are not limited to, some or all of the following:

- Utilize site planning to minimize noise in shared residential outdoor activity areas by locating the areas behind the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible. Appropriate noise reduction would need to be demonstrated with site-specific acoustical analysis.
- If 60 dBA  $L_{dn}$  or less is not achieved for exterior noise levels where residential units are proposed (e.g., at unshielded upper stories), the California Building Code and the City of Ceres require project-specific acoustical analyses to achieve interior noise levels of 45 dBA  $L_{dn}$  or lower. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation in noise environments exceeding 60 dBA  $L_{dn}$  so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound-rated windows and building facade treatments) may be required where exterior noise levels exceed 65 dBA  $L_{dn}$ . These treatments include, but are not limited to sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis during project design. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA  $L_{dn}$  or less.

## Mitigation Measure

**Noise-1c: Site-Specific Noise Reduction, B St. between A St. and Knox Rd.** Residential development projects within the Plan area along B St. between A St. and Knox Rd. shall demonstrate that methods available to mitigate project-generated traffic noise levels above residential standards of 60dBA  $L_{dn}$  for outdoor activity areas and 45 dBA  $L_{dn}$  for residential interiors have been implemented. These may include the following:

1. If residential units back onto this segment of B Street, the following mitigation would achieve noise reduction in the outdoor areas to 60 dBA  $L_{dn}$ :

- a. a 6-foot sound wall, or
  - b. back yard or outdoor activity area setback of 60 feet from the centerline of the roadway
2. If residential units front onto B Street, noise impacts would be less than significant assuming the back yards or other outdoor activity areas will be both protected by the homes and set back from the street.

### (2) Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measures Noise-1a, 1b and 1c, which have been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

### (3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Specifics of grading, site planning, and construction techniques and materials will affect the ultimate noise levels and additional or enhanced noise reduction measures can be included into the design of development projects to reduce noise levels to acceptable levels.

The Specific Plan includes sound walls along Whitmore Avenue, Ustick Road and Service Road. A wall is also shown separating the proposed Regional Commercial area from the existing Carol Lane neighbors. The wall plan shows the walls to be 8 feet high. Assuming 8-foot high barriers, noise levels will be attenuated about 10 dBA on adjoining future residential parcels, reducing projected levels below the 60 dBA L<sub>dn</sub> criterion level along Ustick Road and Service Road. Noise levels will continue to exceed 60 dBA L<sub>dn</sub> in proposed residential areas along Whitmore Avenue. A 6-foot wall would have attenuated noise levels about 5 to 6 dBA and therefore could reach the criterion level along Ustick Road, but a larger 8-foot wall was included in the Plan for consistency with the City’s standard 8’ wall height for back-up walls along arterial streets.

Where exterior noise levels would exceed 60 dBA L<sub>dn</sub>, interior noise levels may also exceed the interior 45 dBA L<sub>dn</sub> standard established in the City’s Noise Element of the General Plan and California Administrative Code. Typical California construction provides approximately 15 dBA of noise reduction from exterior noise sources with windows partially open and approximately 20-25 dBA of noise reduction with windows kept closed. Where exterior noise levels would not exceed 65 dBA L<sub>dn</sub>, interior noise can be mitigated with standard wall and window construction and the inclusion of mechanical forced-air ventilation, acceptable

to the City of Ceres, to allow occupants the option of maintaining windows closed to control noise. Exterior noise levels at the residential land uses proposed along Crows Landing Road and Whitmore Avenue would exceed 60 dBA L<sub>dn</sub>. These residential units may not meet the 45-dBA L<sub>dn</sub> interior standard simply through typical construction methods.

The Plan also proposes the development of new roadways within the Plan area where residential land uses would be developed. Future noise levels at some of these roadways would exceed 60 dBA L<sub>dn</sub>. Table 15.9, on page 15-15 of the Draft EIR, summarizes the expected day/night average noise level at a distance of 50 feet from the center of the near lane of the roadway. Specifics of grading, site planning, and construction techniques and materials will affect the ultimate noise levels and additional or enhanced noise reduction measures can be included into the design of development projects to reduce noise levels to acceptable levels.

Implementation of the 8-foot walls proposed in the Plan and mitigation measures Noise-1a, 1b and 1c would reduce the impact to a *less than significant* level by requiring measures to reduce noise at new residences along residential areas along Whitmore Avenue, Crows Landing Road and the referenced segment of B Street to levels meeting city and state standards.

These facts support the City's finding. (Draft EIR, pp. 15-14 to 15-18.)

**b. Impact Noise-2: Potential Commercial / Industrial Noise Conflicts with Residential**

**(1) Impact and Mitigation**

New commercial development proposed in the same building as residential development or commercial or industrial development proposed adjacent to residential development could result in noise levels exceeding City standards.

The proposed development would introduce commercial and industrial uses adjacent to residential land uses that could result in noise levels exceeding City standards. New non-residential development could produce noise that could affect existing residences or other noise-sensitive land uses. For new commercial and office, this would be likely to be HVAC machinery, loading docks, etc. For new industrial development, this is likely to include mechanical and manufacturing equipment, truck movement in and out of these industrial facilities, etc.

**Mitigation Measure**

**Noise-2: Non-Residential Noise Studies and Measures.** Noise levels at residential property lines from non-residential development shall be maintained within the City of Ceres Noise Limits. Noise barriers, equipment screens, fan sound attenuators, and other standard controls shall be incorporated as necessary. The approvals of the commercial development adjacent to residential areas shall require a noise study demonstrating how the uses, including loading docks, refuse areas, and ventilation systems, etc., would meet these standards and would be consistent with the City's noise standards. The approvals of the

industrial development adjacent to residential areas shall require a noise study demonstrating how the business, including truck activities, and manufacturing processes would meet these standards and would be consistent with the City's noise standards.

**(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Noise-2, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

**(3) Facts in Support of Finding**

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

New projects developed under the West Landing Specific Plan would be subject to the City's Noise Element of the General Plan, which sets limits for permissible noise levels during the day and night according to the noise level performance standards (see Table 15.4, Draft EIR, p. 15-18) and the Ceres Municipal Code, including Chapter 9.36, noise. Regulatory review would ensure that existing residences and other noise-sensitive land uses would not be exposed to excessive noise from these types of noise sources.

Additionally, the Specific Plan includes the following elements that further reduce the potential for noise conflicts between Carol Lane and the adjacent proposed commercial area:

- Development adjacent to Carol Lane residential lots, must include the following buffers:
- Low Density Residential development to the west: A masonry wall at least 8 feet high along the western side of the Carol Lane development; and
- High Density Residential development to the south: (2) approximately 65-foot by 300-foot lots contiguous to the southern property line.
- Regional Commercial development to the east: a masonry wall at least 8 feet high along the eastern side of the Carol Lane development, a 40-foot minimum width landscape corridor planted with a double-row of screening trees, and a 100-foot minimum setback from the eastern property line of Carol Lane to any Regional Commercial building.

Implementation of mitigation measure Noise-2 and elements of the Plan relating to the Carol Lane/commercial development boundary would reduce the impact to a *less than significant* level by requiring non-residential development to meet noise limits at residential boundaries.

These facts support the City's finding. (Draft EIR, pp. 15-18 to 15-19.)

**c. Impact Noise-5: Construction Vibration**

**(1) Impact and Mitigation**

Residences and businesses in the vicinity of the Specific Plan area could be exposed to construction related vibration during the excavation and foundation work of the buildings constructed in the Plan area.

**Mitigation Measure**

**Noise-5: Construction Vibration Mitigation.** The following measures shall be implemented where applicable and feasible to reduce vibration from construction activities:

- Avoid impact pile driving where possible. Drilled piles causes lower vibration levels where geological conditions permit their use.
- Avoid using vibratory rollers and tampers near sensitive areas.
- Notify neighbors and/or nearby businesses of scheduled construction activity with the potential to produce perceptible vibration and make an effort to schedule such activities during hours with the least potential to affect nearby uses.
- In areas where project construction is anticipated to include vibration-generating activities, such as pile driving, in close proximity to existing structures, site-specific vibration studies should be conducted to determine the area of impact and to present appropriate mitigation measures that may include the following:
  - Identification of sites that would include vibration compaction activities such as pile driving and have the potential to generate groundborne vibration, and the sensitivity of nearby structures to groundborne vibration. Vibration limits should be applied to all vibration-sensitive structures located within 200 feet of the project. A qualified structural engineer should conduct this task.
  - Development of a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration

limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions.

- Construction contingencies would be identified for when vibration levels approached the limits.
- At a minimum, vibration monitoring should be conducted during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements.
- When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.
- Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.

## **(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Noise-5, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

## **(3) Facts in Support of Finding**

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Construction of projects within the Specific Plan area would be located near other vibration sensitive uses. Construction activities may include site preparation work, excavation of below grade levels, foundation work, and new building construction. Demolition for an individual site may last several weeks and at times may produce substantial vibration. Excavation for underground levels would also occur on some Plan areas and vibratory pile driving could be used to stabilize the walls of the excavated area. Piles or drilled caissons may also be used to support building foundations.

Pile driving has the potential of generating the highest ground vibration levels and is of primary concern to structural damage, particularly when it occurs within 100 to 200 feet of structures. Vibration levels generated by pile driving activities would vary since depending on project conditions such as soil conditions, construction methods, and equipment used. Past

studies conducted by Caltrans have established a peak vertical particle velocity of 0.2 inches per second from pile driving activities as the lower limit that could potentially damage structures.<sup>4</sup> Other project construction activities, such as caisson drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.) may also potentially generate substantial vibration in the immediate vicinity.

As with any type of construction, vibration levels may at times be perceptible. However, construction phases that have the highest potential of producing vibration (pile driving and use of jackhammers and other high power tools) would be intermittent and would only occur for short periods of time for any individual Plan area.

Implementation of mitigation measure Noise-5 would reduce the impact to a *less than significant* level by avoiding and/or reducing construction vibration as much as possible and monitoring vibration where necessary.

These facts support the City's finding. (Draft EIR, pp. 15-21 to 15-22.)

## **10. Transportation and Traffic**

### **a. Impact Traf-8: Crows Landing Road/Hackett Road (#10)**

#### **(1) Impact and Mitigation**

The proposed Project would cause the intersection operations to deteriorate from LOS C to LOS E and LOS F during the AM and PM peak hour respectively. This intersection is under the jurisdiction of Stanislaus County and within Ceres' Sphere of Influence. This intersection lies within the annexation area proposed as a part of the Project.

#### **Mitigation Measure**

**Traf-8: Crows Landing Road/Hackett Road Intersection Improvements.** The Project shall construct the following improvements to achieve acceptable traffic operations at this intersection. These improvements are not currently included in an improvement program: Add one northbound through lane and one southbound through lane to provide one left-turn lane, three through lanes and one right-turn lane on both the northbound and southbound approaches. Allow the transition of the receiving lanes from three lanes to two lanes.

#### **(2) Finding**

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR."

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<sup>4</sup> Caltrans. *Transportation Related Earthborne Vibrations (Caltrans Experiences)*. Technical Advisory, Vibration TAV-02-01-R9601. February 2002.

(CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Traf-8, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

### (3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The Stanislaus County's PFF program has identified plans and funds to improve Crows Landing Road to a four-to-six-lane Arterial. However, the segment of Crows Landing Road adjacent to the Hackett Road intersection would remain a four-lane roadway. As this intersection is within/adjacent to the Plan area, necessary improvements will be required as development proceeds.

Implementation of mitigation measure Traf-8 would improve the intersection operations to LOS D in both the AM and PM peak hours and reduce the Project impacts to *less than significant*.

These facts support the City's finding. (Draft EIR, p. 18-30.)

#### **b. Impact Traf-19: Crows Landing Road South of Whitmore Avenue (C)**

##### (1) Impact and Mitigation

This roadway segment would deteriorate from LOS C to LOS E and from LOS C to LOS F during the two peak hours, respectively, with the addition of Project traffic. This segment is under the jurisdiction of Stanislaus County and within Ceres' Sphere of Influence. The Crows Landing Road segment between Whitmore Avenue and Service Road will be annexed by the City of Ceres as a part of the proposed Project.

The Stanislaus County's PFF program has identified plans and funds to improve Crows Landing Road to a four-to-six-lane Arterial. However, the segment of Crows Landing Road between Whitmore Avenue and Service Road would remain a four-lane roadway.

#### **Mitigation Measure**

**Traf-19: Widening of Crows Landing Road South of Whitmore Avenue.** The Project shall dedicate any necessary right-of-way and construct one northbound travel lane and one southbound travel lane along Crows Landing Road from Service Road to Whitmore Avenue to provide three travel lanes in each direction.



**(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Traf-19, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

**(3) Facts in Support of Finding**

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

With implementation of mitigation measure Traf-19, the increase in capacity would allow the roadway to operate at LOS D in both peak hours, which would reduce the Project impact to a level of *less than significant*.

These facts support the City’s finding. (Draft EIR, p. 18-35.)

**c. Impact Traf-36: Crows Landing Road/Hackett Road (#10).**

**(1) Impact and Mitigation**

This intersection would operate at unacceptable levels of service during both peak hours with and without the addition of Project generated traffic. The proposed Project would cause this intersection delay to increase by more than five seconds in both peak hours. This intersection is under the jurisdiction of Stanislaus County and within Ceres’ Sphere of Influence. This intersection within the annexation area proposed as a part of the Project.

**Mitigation Measure:**

Implementation of the improvements discussed under Impact Traf-8 would partially reduce the cumulative impact. Per the City of Ceres, the following improvements are specified here but assumed to be part of the improvements identified in **mitigation measure Traf-8** that would reduce the impact: Modify the traffic signal to allow for the provision of right-turn overlap phasing for the westbound movement with prohibition of southbound U-turn movement.

**(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Traf-36, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

### (3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Upon implementation of mitigation measure Traf-8, including allowing for provision of overlap phasing and prohibition of U-turns, the intersection would operate at LOS D during both peak hours and the Project impact would be *less than significant*.

These facts support the City's finding. (Draft EIR, p. 18-50.)

#### d. Impact Traf-54: Crows Landing Road/Cornucopia Way-B-Street (#110).

##### (1) Impact and Mitigation

The intersection would operate at LOS F in the PM peak hour with the addition of Project generated traffic. This intersection is under the jurisdiction of Stanislaus County and within Ceres' Sphere of Influence. This intersection lies within the annexation area proposed as a part of the Project.

#### Mitigation Measure

**Traf-54: Implement Crows Landing Road/Cornucopia Way-B-Street Intersection Improvements with Fair-Share Reimbursement.** The Project shall implement the following improvements, which are required to achieve acceptable traffic operations but are not currently included in an improvement program: Add a northbound through lane as well as the receiving lanes on the corresponding leg to provide one left-turn lane, two through lanes, and one shared-right lane on the northbound approach. Convert the southbound right-turn lane to a through-right lane as well as the receiving lanes on the corresponding leg to provide one left-turn lane, two through lanes and one shared through-right lane on the southbound approach. Add one eastbound right-turn lane to provide one shared left-through lane, and two right-turn lanes on the eastbound approach. The City shall provide for reimbursement from other projects on a fair-share basis as appropriate.

##### (2) Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Traf-54, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

### (3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

With implementation of mitigation measures Traf-54, the intersection would operate at LOS B in the AM peak hour and LOS C in the PM peak hour and would reduce the Project impact to *less than significant*.

These facts support the City's finding. (Draft EIR, p. 18-59.)

#### e. Impact Traf-62: Service Road East of Central Avenue (F).

##### (1) Impact and Mitigation

This roadway segment would deteriorate from LOS C to LOS F during both peak hours with the addition of Project traffic. This segment is under the jurisdiction of City of Ceres.

Installation of the improvements identified in the City of Ceres' PFF program (discussed under Impact Traf-22) would partially reduce this cumulative impact.

Under cumulative traffic conditions, even with the installation of the Ceres' PFF improvements, the roadway segment would operate at LOS F with the Project-generated traffic. To fully mitigate the cumulative impact, the following improvement would be required.

#### Mitigation Measure

**Traf-62: Fair Share Contribution Towards Widening of Service Road East of Central Avenue.** The Project shall make a fair-share contribution to the following improvement, which is required to achieve acceptable traffic operations but are not currently included in an improvement program: Widen Service Road by two lanes to accommodate three travel lanes on each direction.

##### (2) Finding

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Traf-62, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

### (3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

With installation of the improvements identified in the City of Ceres' PFF program (discussed under Impact Traf-22) and implementation of mitigation measure Traf-62, the roadway would operate at LOS D in the AM and PM peak hour with the addition of Project-generated traffic. Because the Ceres standards show a right-of-way of 110 feet for both a 4 lane arterial and a 6 lane arterial, it is anticipated that the additional lanes specified in Traf-62 can be implemented through minor changes to the PFF. Assuming such PFF modifications, contribution to the PFF will satisfy the Project's fair-share contribution. While the improvements identified in mitigation measure Traf-62 are not included in any current improvement and funding program, the negligible level of costs and absence of need for additional right-of-way makes the implementation reasonably assured. With the improvements, the cumulative impact would reduce to *less than significant*.

These facts support the City's finding. (Draft EIR, p. 18-63.)

#### f. Impact Traf-70: Traffic Collisions at the Rail Crossings

##### (1) Impact and Mitigation

The Project's added traffic will incrementally add to the potential for traffic collisions at the rail crossings on Whitmore Avenue, Service Road and Hatch Road.

With the exception of Hatch Road in the AM peak hour, the Project would add more than five percent to the peak hour traffic volumes in each scenario, which is presumed by this analysis to be a potentially significant. However, none of these crossings has a history of train-related accidents and could be considered safe crossings. Measures are recommended below to further enhance safety at these crossings.

#### Mitigation Measure

**Traf-70<sup>5</sup>:** **Rail Crossing Safety Enhancement.** Through coordination with the California Public Utilities Commission, the City shall determine the appropriate safety improvements and implement those improvements following California Public Utilities Commission approval to modify a rail crossing. The following improvements are recommended to reduce the potential adverse impacts on rail safety at the crossings, to which the Project shall make a fair share contribution:

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<sup>5</sup> Mitigation Measure Traf-70 was revised in the Final EIR at page 24-2.

1. Installation of additional warning signage. Install additional warning and regulatory signs and pavement markings per Chapter 8 of the MUTCD, possibly including R15-1 ("2 TRACKS"), R8-8 ("DO NOT STOP ON TRACKS"), R8-10 ("STOP HERE WHEN FLASHING") as applicable.
2. Prohibition of parking within 100 feet of crossings to improve the visibility of warning devices and approaching trains.
3. Installation of pedestrian-specific warning devices and channelization. When improvements are made on Service Road, standard sidewalk treatment should be included to provide continuity from the residential development to the east to the County offices. No other specific pedestrian devices appear to be needed at this time.

The City should continue to include rail crossing improvement measures in its Public Facilities Fees program, which would provide a mechanism whereby new developments would pay a fair share of the costs of rail crossing improvement measures like those described above.

Potential rail safety impacts would also be reduced through implementation of improvement measures for the Crows Landing Road and Morgan Road intersections on Whitmore Avenue, Service Road and Hatch Road.

## **(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Traf-70, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

## **(3) Facts in Support of Finding**

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Implementation of Traf-70 would reduce the Project’s impacts on rail safety related to increased potential for traffic collisions at these locations to a level of *less than significant*.

These facts support the City’s finding. (Draft EIR, p. 18-68 to 18-69; Final EIR p. 24-2.)

**g. Impact Traf-71: Vehicle Queuing Across Rail Crossings.**

**(1) Impact and Mitigation**

The Project's added traffic will incrementally add to the potential for vehicle queues on the westbound approach to Crows Landing Road to extend across the rail crossing on Hatch Road.

**Mitigation Measure**

Implement mitigation measure **Traf-70**.

**(2) Finding**

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Traf-71, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

**(3) Facts in Support of Finding**

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

For Cumulative plus Project conditions, the Project's added traffic would increase westbound Hatch Road queue lengths in both peak hours even with the mitigation measures recommended above for the Crows Landing Road/Hatch Road intersection. While no feasible mitigation has been identified to reduce this queue to the length that can be accommodated without extending across the rail crossing, safety improvements can be made to the crossing itself to reduce the potential for rail-related accidents, as outlined in mitigation measure Traf-70.

Taking into account the fact that this rail crossing does not have a history of train-involved collisions, and with the implementation of mitigation measure Traf-70, above, to further increase the safety of this crossing, the Project's impacts on rail safety related to vehicle queuing would be reduced to a *less than significant* level.

These facts support the City's finding. (Draft EIR, p. 18-70; Final EIR p. 24-3.)

## 11. Utilities and Services

### a. Impact Util-1: Increased Water Demand

#### (1) Impact and Mitigation

The proposed Specific Plan would increase demand for domestic water supply.

#### Mitigation Measure

Util-1: **Plan Area Supply.** Prior to issuance of building permits, applicants of development projects in the Plan area shall demonstrate adequate capacity and pressure from new well(s) (and/or a surface water source), storage tank(s) and related infrastructure will be available to support the development proposed while providing water at required pressure. New wells must be permitted to operate by the State of California Department of Public Health with water meeting State Title 22 drinking water standards. In addition, all new water connections will be metered by equipment compatible with the City's anticipated remote read metering system to be implemented in 2010.

#### (2) Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Util-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

#### (3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

The proposed Specific Plan would convert the current agricultural and rural residential uses to low, medium, and high density residential, neighborhood commercial, and park and open space uses. As agricultural land is converted to urban uses, there is a reduction in agricultural water use and an increase in urban water use. In the case of the Plan area, most agricultural land is irrigated with surface water, while rural residences use groundwater.

The Plan area consists of approximately 960 acres consisting of planned land uses of low density residential, high density residential, commercial, industrial, and schools and parks. Utilizing unit water demands as presented in the City of Ceres Water System Hydraulic Model Update, a preliminary average demand of 1,165 gallons per minute (gpm) is estimated as the water demand associated with these uses. Using a maximum day and peak hour peaking factor,

the maximum day demand for buildout of the Plan is estimated at 2,097 gpm and peak hour demand is estimated at 3,204 gpm.

The Plan provides for the provision of up to four wells and storage tank(s) as required to meet the newly generated demand in the Plan area. The wells are presumed to yield an average of 700 gpm each. Two water storage tanks, totaling 4.22 million gallons of capacity are tentatively proposed to meet peak demands and fire flow demands.

In addition, a reclaimed water system has been included in the Plan for irrigation of landscape areas. However, the City of Ceres does not currently implement a reclaimed water system in or near the Plan area, so the system can not be implemented at this time. However, the reclaimed water mains can be used to send water from agricultural wells to the various park sites, until such time as reclaimed water is available as a water source.

Per the Water Supply Assessment prepared to satisfy SB 610 for the West Landing Specific Plan, the existing groundwater supply has sufficient annual capacity for the proposed project as well as anticipated development of Ceres through build-out of the Plan area. However, the productivity of individual wells and quality of groundwater varies by location. Well tests will be performed to determine the best locations for the new Plan area wells and the required level of treatment. The water system must be able to provide constant pressure at high enough levels to maintain fire flows. The City of Ceres is currently reviewing the cost effectiveness of incorporating a surface water source to supplement continued expansion of the City's well field. The benefits of a surface water source is to avoid the increasing levels of ground water contamination and the continuing reduction in allowable contaminant levels that are increasing the cost of treating ground water.

The City of Ceres is installing water meters at every residence in 2010, and such meters will be required for new development. City staff expects a fifteen to twenty percent reduction in per capita use once the meters are installed and metered rates become effective in 2011. As such, the projected demand in this report is conservative, as a 15 to 20 percent reduction in per capita water use could result in a town like Ceres of approximately 40,000 people, creating capacity in the existing water system for 6,000 to 8,000 people just through these water conservation measures. Regardless, the EIR analyzes the project water demands as if the project provides full capacity for its new water demand and takes no credit for this reduction.

With implementation of mitigation measure Util-1, the proposed Specific Plan would fully offset its annual and peak demand for water, reducing the impact to a *less than significant* level.

These facts support the City's finding. (Draft EIR, p. 19-5 to 19-6.)



**b. Impact Util-2: Interference With Existing Wells**

**(1) Impact and Mitigation**

Drawdown from new wells could lower the groundwater table in the immediate vicinity, which could interfere with the operation of other existing local wells.

Four new wells are proposed to meet demand generated under the Plan. The water plan, including final sizing and locations of wells, will need to be verified by a qualified engineer and reviewed by the City Engineer. While unlikely if properly located, it is theoretically possible that the proposed wells could interfere with operation of other existing local wells. Again, while not anticipated, drawdown from the new wells could lower the groundwater table in the immediate vicinity, which could cause agricultural or domestic wells located in the vicinity that draw from the same portion of the aquifer to become less efficient (see also discussion of groundwater aquifer capacity in Chapter 12, Hydrology). Ultimately, existing private wells in the Plan area would need to be removed and water service transitioned to the Ceres Public Works Department services as development occurs. However, interim impacts to existing wells could arise over the development period.

**Mitigation Measure**

**Util-2a:** **Test Wells.** Prior to approval of any Tentative Map, the location of the new wells shall be determined based on the results of test wells. When siting the new wells, consideration shall be given to the location of other existing wells, the source of groundwater for those wells, the anticipated cone of depression of the new wells, and other factors that could affect operation of other wells. The new wells shall be sited so that groundwater extraction does not result in localized groundwater drawdown that will substantially reduce the production rate of existing nearby wells to a level that would not support existing land uses beyond the reasonable life-cycle expectancy and long-term productivity of those wells in the absence of the proposed Specific Plan or Mitigation Measure Util-2b shall be applicable.

**Mitigation Measure**

**Util-2b:** **Rectify Impacts to Local Wells.** If a property owner demonstrates that the new well has substantially reduced the production rate of an existing private well that was installed prior to proposed Specific Plan development to a level that would not support existing land uses beyond the reasonable life-cycle expectancy and long-term productivity of that well in the absence of the proposed Specific Plan, the applicant shall replace the affected well, improve the well, provide connections to municipal water lines, or mitigate by other means, as appropriate. The option of connection to municipal water lines is only allowed for existing urban uses, and not for agricultural uses.

## (2) Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Util.-2a and Util-2b, which have been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

## (3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Implementation of mitigation measures Util-2a and Util-2b would reduce the impact to a *less than significant* level through ensuring that new wells do not adversely affect the productivity of nearby wells, if any, so that the agricultural and rural residential uses within and near the plan area will remain viable. As these areas are developed with urban uses, they would receive Ceres Public Works Department water, and their wells would be inactivated.

These facts support the City’s finding. (Draft EIR, p. 19-7 to 19-8.)

### c. Impact Util-3: New and Expanded Wastewater Facilities

#### (1) Impact and Mitigation

The proposed Specific Plan would increase demand for wastewater collection, treatment and disposal, which would require expansion of the existing wastewater collection system and treatment plant and/or construction of new facilities.

#### Mitigation Measure

**Util-3: Demonstration of Wastewater System Capacity.** It is assumed that wastewater treatment and disposal capacity will be increased as the Plan area develops, but exact timing has yet to be proposed. Development project applicants within the Plan area shall coordinate with the City Engineer. If adequate system capacity is not available through the City of Ceres facilities, interim sewer facilities, such as “onsite” storage and/or temporary sewer service from Modesto, may be proposed by a qualified engineer and will be subject to review and approval from the City of Ceres, Department of Public Works and the City Engineer. If adequate capacity cannot be demonstrated or interim facilities approved, projects shall not proceed until capacity is available.

## (2) Finding

“Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Util-3, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

## (3) Facts in Support of Finding

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

In order to determine whether the proposed Specific Plan would trigger the expansion of the WWTP, the amount of wastewater to be generated is estimated and compared to existing and planned capacity of the plant. For this analysis, it is assumed that the Proposed Specific Plan would result in a total wastewater generation of 1.61 mgd average dry weather flow (including infiltration and inflow). The existing treatment capacity of the WWTP is 4.2 mgd, and the disposal capacity is approximately 4.4 mgd. The WWTP may be expanded on its existing site to a treatment capacity of 5.8 mgd with added treatment pond aeration on the existing site and additional disposal to Turlock. These capacity upgrades would use the existing WWTP site and the existing Turlock disposal pipe so would not result in off-site impacts.

The WWTP is designed based on average dry weather flows (including infiltration and inflow) and includes on-site retention for associated peak flows. The plant receives approximately 3.10 mgd at present, leaving 2.70 mgd of projected capacity. With development of the Plan area, the amount treated and discharged would increase to approximately 4.71 mgd, which would be above the current 4.2 mgd capacity of the WWTP but within the projected 5.8 mgd capacity of the plant. Infrastructure improvements in the form of additional WWTP treatment and disposal capacity, sewer line extensions, and an on-site lift station would be required to serve build-out of the Plan area. Additional demand will also be generated by other cumulative projects, also requiring additional infrastructure and capacity.

New development would be required to pay Public Facilities Fees (PFF), which are intended to fund improvements in facilities and services. Although the City’s PFF study included development of the proposed Sphere of Influence, including the project area, the level of development in the Specific Plan area is modified from what was anticipated in the current General Plan. The PFF fees calculated in that study were intended to serve as interim fees until the City completes a comprehensive master plan that analyses the wastewater treatment facility expansion requirements needed for future build-out of the entire Sphere of Influence. The City is in the process of updating its Wastewater Treatment Master Plan, and once that study is complete, the City’s PFF program will likely be updated as well. Development projects in the Plan area will be required to pay the PFF in place at the time of new development.

Development would not be allowed to proceed without coordinating with the City Engineer to ensure the availability of adequate sewer service (mitigation measure Util-3). This would prevent any potential temporary impacts that could result from development prior to planned WWTP treatment and disposal increases. With implementation of mitigation measure Util-3 and the ultimate plans identified for WWTP capacity upgrades, the project's impact related to wastewater will be reduced to a *less than significant* level .

These facts support the City's finding. (Draft EIR, p. 19-7 to 19-8.)

**d. Impact Util-4: Cumulative Need for New and Expanded Wastewater Facilities**

**(1) Impact and Mitigation**

Development of the proposed Specific Plan would contribute to a cumulative increase in demand for wastewater conveyance and treatment facilities, which would require expansion of the existing wastewater treatment plant and/or construction of new facilities.

**Mitigation Measure**

**Util-3: Demonstration of Wastewater System Capacity.** It is assumed that wastewater treatment and disposal capacity will be increased as the Plan area develops, but exact timing has yet to be proposed. Development project applicants within the Plan area shall coordinate with the City Engineer. If adequate system capacity is not available through the City of Ceres facilities, interim sewer facilities, such as "onsite" storage and/or temporary sewer service from Modesto, may be proposed by a qualified engineer and will be subject to review and approval from the City of Ceres, Department of Public Works and the City Engineer. If adequate capacity cannot be demonstrated or interim facilities approved, projects shall not proceed until capacity is available.

**(2) Finding**

"Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).) Mitigation Measure Util-3, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a *less-than-significant* level.

**(3) Facts in Support of Finding**

The following facts indicate that the identified impact will be reduced to a *less-than-significant* level. These facts are a summary of the facts contained in the administrative record as a whole and are not an exclusive recitation of the facts supporting the finding.

Development under the Specific Plan would be more intensive than that anticipated for the area in the 1997 General Plan. However, the City is currently reassessing its development assumptions and utilities needs with a current Sphere of Influence Boundary change supported by a Municipal Services Review (MSR). This document was being drafted during the drafting of this report and was available in administrative draft form only. It identified the need for a more comprehensive long-term Wastewater Master Plan, which would need to be completed soon.

An update long-term Wastewater Master Plan would take proposed development in the Plan area into account. However, capacity upgrades have been identified utilizing existing infrastructure and the existing WWTP that could accommodate planned growth in Ceres plus the proposed Plan area growth. Therefore, the proposed Specific Plan would contribute to cumulative increases in wastewater flows and the need for new and expanded wastewater facilities and infrastructure, but this impact would be reduced through identified improvements to the wastewater system.

Mitigation Measure Util-3 would also help reduce this impact through requiring case-by-case consideration of wastewater capacity to avoid potential temporary impacts that could result from timing of development in relation to capacity upgrades.

With implementation of identified wastewater system improvements and the project-specific mitigation measure Util-3, the cumulative impact would be considered *less than significant*.

These facts support the City's finding. (Draft EIR, p. 19-12 to 19-13.)

**D. Significant Environmental Impacts That Cannot be Mitigated to a Less-than-Significant Level**

The following significant impacts would not be mitigated to a less-than-significant level, even with the implementation of the identified mitigation measures set forth herein. No mitigation is feasible that would mitigate this impact to a less-than-significant level. The City has determined that the impacts identified below are acceptable because of overriding economic, social or other considerations, as described in the Statement of Overriding Considerations. As required by CEQA, a Statement of Overriding Considerations is presented in Section XI below in addition to these findings.

**1. Agricultural Resources**

**a. Impact Ag-1: Conversion of Farmland.**

**(1) Impact and Mitigation**

The proposed Specific Plan would result in the conversion of approximately 660 acres of Farmland. There are no feasible mitigation measures that would reduce this impact to a level of less-than-significant.

## (2) Finding

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

## (3) Facts in Support of Finding

As stated in the Setting section, approximately 660 acres of the Plan area is composed of Farmland, made up primarily of Prime Farmland, with 70.4 acres of Unique Farmland along Ustick Road, and a small area (approximately 3,000 square feet) along Service Road that is designated Farmland of Statewide Importance.

The City of Ceres acknowledged that the 1996 General Plan would result in the conversion of approximately 3,000 acres of land classified as Prime Farmland and Farmland of Statewide Importance to urban development, and that this impact was outweighed by the benefits of implementing the 1996 General Plan. The General Plan designates the portion of the Plan area to the East of Knox Road for urban development (345 acres of Farmland). The remaining portion of the Plan Area between Knox Road and Ustick Road is designated as Residential Reserve in the General Plan (315 acres of Farmland). The reserve designation indicates an overall intent that these areas would eventually develop with residential uses, but were not anticipated to accommodate the projected development in the horizon of the General Plan.

Thus, development of the proposed Specific Plan would convert the entire Plan area, west of Crows Landing Road to urban uses, resulting in the permanent loss of approximately 660 acres of Farmland.

As discussed in Chapter 25 of the FEIR, (1) The preservation of other existing agricultural land through purchase of conservation easements does not mitigate the loss of the land in question. The only way to mitigate the loss would be to preserve the land in question by preventing development. (2) The City of Ceres has no established program under which agricultural mitigation fees would be collected and dispersed nor any policy to require such a program. (3) The cost of such agricultural mitigation is not considered economically feasible. The impact would remain *significant and unavoidable*.

## (4) Statement of Overriding Considerations

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

**b. Impact Ag-2: Development of Williamson Act Lands.**

**(1) Impact and Mitigation**

The proposed Specific Plan would result in the development of approximately 187 acres of land currently under Williamson Act contracts. There are no feasible mitigation measures that would reduce this impact to a level of less-than-significant.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

Three parcels within the Plan area, totaling approximately 187.2 acres, are under Williamson Act contracts, which restrict use of the parcels to agriculture in exchange for tax benefits. A Notice of Non-Renewal was filed for the 137.67 acre parcel (APN 056-057-003) in 2006 and is scheduled to expire on January 1, 2016. Upon annexation, the City would become responsible for managing these contracts, consistent with state law. Property owners may petition the City of Ceres to cancel the remaining years left on the Williamson Act Contract after annexation has occurred. The City Council may approve the cancellation if it determines the findings of cancellation are valid as stipulated in Government Section §51280-51287. Development could not take place on these parcels until they are no longer subject to Williamson Act Land Conservation Contract.

While development of the Plan area assumes successful cancellation of any of the Williamson Act contracts, the Plan can be viewed as directly resulting in those cancellations and loss of land under Williamson Act Contract. Therefore, cancellation of the Williamson Act contracts would remain a *significant and unavoidable* impact.

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

**c. Impact Ag-5: Cumulative Loss of Farmland.**

**(1) Impact and Mitigation**

The proposed Specific Plan, in combination with other cumulative development in Stanislaus County and throughout the Central Valley, would contribute to the conversion of agricultural land, including Farmland and Williamson Act contract land. There are no feasible

mitigation measures that would reduce this impact to a level of less-than-significant. (Draft EIR, 5-16.)

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

The proposed Specific Plan would ultimately result in the loss of approximately 660 acres of Farmland to development. The conversion of agricultural land within the Plan area would contribute to the impact addressed in the 1996 General Plan EIR and Findings for the area to the east of Knox Road and an additional approximately 315 acres between Knox Road and Ustick Road. Nonetheless, development of the Plan area and other Urban Growth Areas could also put pressure on agricultural property owners in the immediate area to sell their land for more profitable development. Much of the land to the south and southwest of the Plan Area is in Williamson Act contracts, which would slow, but not prevent, conversion to urban uses.

The amount of Farmland that would be converted by the proposed Specific Plan would contribute to a cumulative irretrievable loss of Farmland, an important resource in the county and the Central Valley. Therefore, the proposed Specific Plan’s contribution to the cumulative loss of farmland is considered a significant cumulative impact.

As discussed under project-specific impacts, the County’s Farmland Mitigation Program has been overturned and no other system or mechanism for mitigation of agricultural land conversion impacts or loss of Williamson Act contracted lands has been identified. The cumulative impact would remain *significant and unavoidable*.

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

**2. Air Quality**

**a. Impact Air-2: Ozone Precursors and Particulate Matter**

**(1) Impact and Mitigation**

Mobile emissions generated by Plan area traffic would increase emissions in the region, affecting the attainment and maintenance of ozone and particulate matter air quality standards.



These increases would be above GAMAQI significance thresholds. There are no feasible mitigation measures that would reduce this impact to a level of less-than-significant.

## (2) Finding

There are no additional feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

## (3) Facts in Support of Finding

Development projects in the Plan area are subject to SJVAPCD's Indirect Source Review (ISR) or Rule 9510 to reduce NO<sub>x</sub> and PM<sub>10</sub> emissions. Under Rule 9510, development projects in the Plan area would be required to reduce operational NO<sub>x</sub> emissions by 33 percent and operational PM<sub>10</sub> emissions by 50 percent over 10 years. The actual required reductions would be determined by SJVAPCD when an application is submitted prior to "the last discretionary approval" for a project. However, the methods used by SJVAPCD to determine the required mitigations are consistent with the methods used in this analysis (e.g., use of latest URBEMIS2007 model using project size and trip generation rates). The mitigations required by ISR for development projects in the Plan area may be determined through several permit applications, since each individual project phase could apply at different times as final development plans are developed. The operational PM<sub>10</sub> and PM<sub>2.5</sub> emissions shown in Table 6.5 show the Plan's impact to air quality with respect to PM<sub>10</sub> and PM<sub>2.5</sub> would be significant. These emissions would be reduced further than the levels reported in **Table 6.5** with the application of the measures outlined in the ISR, Rule 9510. Emissions of ozone precursors (i.e., ROG and NO<sub>x</sub>) would also be reduced with the required Rule 9510 mitigation. However, the total Plan area emissions are predicted to remain above the SJVAPCD thresholds for ozone precursor emissions. In addition, Rule 9510 only requires offsets to be effective for 10 years. Plan area ozone precursor emissions in 2025 to 2030 would remain well above the GAMAQI significance thresholds, even with the application of Rule 9510.

Emissions projected in Table 6.5 of the Draft EIR for all future buildout years would exceed the GAMAQI significance thresholds for ozone precursor air pollutants. The GAMAQI does not have thresholds for PM<sub>10</sub> or PM<sub>2.5</sub> and therefore a level of 15 tons per year and 10 tons per year, respectively, was used. Emissions exceeding the thresholds are considered *significant*, since they may interfere with progress in the region towards attaining and maintaining ambient air quality standards for ozone.

Development projects in the Plan area would be required by SJVAPCD Rule 9510 to mitigate operational NO<sub>x</sub> emissions by 33 percent and operational PM<sub>10</sub> emissions by 50 percent over ten years. All reasonable and feasible measures that could be implemented into the Plan area on site would not achieve these reductions. So, in addition to on-site mitigation measures, development projects in the Plan area would be required to provide off site mitigation that would likely be in the form of fees payable to the SJVAPCD. The District would use these fees to

further reduce emissions from a number of ongoing programs. Application of the Rule 9510 would be considered application of the most reasonable mitigation available to the projects.

A number of on-site measures could be implemented to permanently achieve reductions in air pollutant emissions. The following standards are included in the Specific Plan to reduce NO<sub>x</sub> and PM<sub>10</sub> emissions:

- Work with Ceres Area Transit to extend bus lines to access the site along Crows Landing Road and Hackett Road
- Development projects in the Plan area shall provide bus stops with pullouts from traffic lanes where appropriate. The bus stops should include shelter, benches, nighttime lighting, signage, transit schedules and route maps.
- Development projects in the Plan area shall include sidewalks with shade trees that provide safe and convenient access through the Project to future bus stops that serve the Project.
- Development projects in the Plan area shall provide bicycle lanes and connections throughout the site along with bicycle amenities such as secure bicycle parking at parks, schools, multi-family housing areas, and commercial areas. Bicycle routes and pedestrian paths should include amenities such as signs and traffic signal activation.
- Commercial sites shall include convenient pedestrian and bicycle access. Amenities for employees at commercial sites could include secure bicycle parking.
- Loading docks at commercial sites shall provide 110 and 220-volt outlets and include signage indicating that trucks with diesel engines are prohibited from idling for more than 5 minutes.
- For all buildings, provide outdoor electrical outlets and encourage the use of electrical landscape maintenance equipment. Also, provide electrical outlets for recharging electrical vehicles in commercial and industrial parking lots/structures.
- Development projects shall provide landscape plans that would shade buildings and walkways in summer to reduce the cooling loads on buildings.
- Development in the Plan area shall incorporate energy efficiency design, materials and/or appliances in order to meet or exceed energy efficiency requirements of the State Title 24 building code.

Adherence to SJVAPCD Rule 9510 would reduce the impact, but emissions would remain above the GAMAQI significance thresholds. The impact would be *significant and unavoidable*. (Draft EIR, p. 6-18 to 6-20.)

#### **(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

#### **b. Impact Air-5: Cumulative Contribution to Ozone Precursors<sup>6</sup>**

##### **(1) Impact and Mitigation**

Plan emissions of ozone precursors would contribute significantly to cumulative regional air quality problems. There are no feasible mitigation measures that would reduce this impact to a level of less-than-significant. (Draft EIR, 6-23 to 6-24.)

##### **(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

##### **(3) Facts in Support of Finding**

The SJVAPCD has developed criteria to determine if a development project could result in potentially significant regional emissions. Features of the Plan, along with the trip generation rate forecasted by Dowling Associates, Inc., was input to the URBEMIS2007 model. Plan area emissions of ozone precursor pollutants were found to be significant. Elevated ozone levels in the area result from cumulative emissions of air pollutants from numerous sources. There are few, if any, sources that solely have a measurable effect on ozone levels in the region. When all of the sources are combined, they lead to serious ozone problems. Because development of the Plan would have significant emissions of ozone precursor pollutants, it would have a cumulatively significant contribution to ozone levels.

Compliance with SJVAPCD Rule 9510 and standards included in the Specific Plan as discussed under Impact Air-2 would reduce project-level contributions to cumulative increases in ozone precursors, the impact would remain *significant and unavoidable*.

#### **(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

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<sup>6</sup> This impact was numbered Air-4 in the Draft EIR, however it was renumbered Air-5 in the Final EIR. (Final EIR, p. 24-2.)

**c. Impact Air-6: Cumulative Operational PM10 Impacts<sup>7</sup>**

**(1) Impact and Mitigation**

Plan emissions of PM10 would contribute significantly to cumulative regional air quality problems. (Draft EIR, p. 6-24.)

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

PM<sub>10</sub> emissions would exceed the 15 tons per year threshold. These emissions are subject to SJVAPCD's Indirect Source Review or Rule 9510 (ISR) to reduce NO<sub>x</sub> and PM<sub>10</sub> emissions. Under rule 9510 operational PM<sub>10</sub> emissions would be required to be reduced by 50 percent over 10 years. Even with this mandated reduction, the PM<sub>10</sub> emissions would be greater than the 15 tons per year threshold.

Compliance with SJVAPCD Rule 9510 and standards included in the Specific Plan as discussed under Impact Air-2 would reduce project-level contributions to cumulative increases in PM<sub>10</sub>, however the impact would remain *significant and unavoidable*.

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

**3. Greenhouse Gas Emissions**

**a. Impact Climate-1: Greenhouse Gas Emissions**

**(1) Impact and Mitigation**

New development in the Plan area would be an additional source of GHG emissions, primarily through consumption of energy for transportation and energy usage, that could contribute to significant impacts on the environment.

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<sup>7</sup> This impact was numbered Air-5 in the Draft EIR, however it was renumbered Air-6 in the Final EIR. (Final EIR, p. 24-2.)

## **Mitigation Measure**

### **Climate-1: Implement Greenhouse Gas Emissions Reduction Measures.**

Development projects within the Plan area shall demonstrate GHG emissions reductions to comply with State and Federal requirements, as feasible, through implementation of SJVAPCD GHG emission reduction measures or quantification of reduction from additional measures.

Or, if the City of Ceres has adopted an alternate GHG emission reduction plan or GHG mitigation program in the interim, compliance with that plan or program will satisfy this mitigation measure. (Draft EIR, p. 10-10; see also Draft EIR, p. 10-10 to 10-25 [detailed descriptions of applicable GHG emissions reduction measures].)

#### **(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

#### **(3) Facts in Support of Finding**

With full implementation of mitigation measure Climate-1: GHG emissions would be reduced by a minimum of 32.8% over business-as-usual, and the impact would be considered less than significant under the SJVAPCD guidelines. (See Draft EIR, p. 10-10.) Implementation of additional GHG reduction measures applicable to subsequent development projects is not certain. These additional project-specific measures are dependent upon the design and practices of subsequent development projects that are not yet designed or fully envisioned. It is uncertain how many of these project-specific measures can be reasonably and feasibly implemented by these subsequent development projects. Additionally, SJVAPCD's interim GHG reduction measures and mitigation points are not yet officially adopted. Therefore, because specifics of finalized measures and resultant reductions are unknown and the feasibility of additional project-specific measures is uncertain, the impact would be considered to remain *significant and unavoidable*. (Draft EIR 10-25.)

#### **(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

#### **4. Noise**

##### **a. Impact Noise-3: Increased Roadway Noise For Existing Uses**

###### **(1) Impact and Mitigation**

The Plan would increase traffic noise levels substantially at sensitive uses along project roadways in its vicinity.

###### **(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

###### **(3) Facts in Support of Finding**

Development facilitated by the Plan would increase traffic within and around the Specific Plan area. Projected changes to traffic noise levels from existing levels, with and without the Plan, were reviewed to calculate where the project would generate a substantial increase in traffic noise. The roadway sections with the greatest predicted noise level increases are shown in Table 15.10 of the Draft EIR. The increase in vehicular traffic noise was calculated by modeling future traffic noise levels in the area and comparing the modeled noise levels to existing measured noise levels along area roadways. Noise levels are currently elevated due to high-speed rural traffic. This traffic was observed at speeds ranging from approximately 45 to 70 miles-per-hour on area roadways. The future noise levels were modeled assuming that traffic travels at the posted speed limits which range from 45 to 55 mph through the area. This approach provides a credible worst case estimate of the increase in vehicular traffic noise expected to result from implementation of the Specific Plan. Project-generated traffic noise increases would affect both existing and future noise sensitive uses along these segments. This impact is considered significant at Whitmore Avenue and Service Road. Noise sensitive receptors were not identified along Crows Landing Road within the region of influence of the Plan Area.

Existing development along Whitmore Avenue and Service Road would be subject to increased noise levels associated with increased roadway capacity. Such increased capacity was anticipated through the designation of Whitmore Avenue as an arterial and Service Road as an expressway in the Ceres General Plan (and the same/similar designations in other area plans, as discussed in more detail in Chapter 17: Transportation and Traffic). The EIR for the Ceres General Plan recognized that retrofit of existing noise sensitive uses many not be practical to reduce these impacts to a less-than-significant level. While measures such as lowering the speed limit or traffic calming could help reduce those impacts, on these roadways they are considered infeasible because of the need to preserve their ability to act as an arterial and expressway. If feasible, reducing speeds to 35 mph on Service Road would have resulted in noise level increases by no more than 1 dBA  $L_{dn}$  and would have actually decreased noise below existing levels along Whitmore Avenue even with the addition of Project traffic. The costs for retrofit of existing

roadways or developments would be prohibitively expensive and is entirely or partially outside the jurisdiction of the City of Ceres. Therefore, consistent with the conclusions of the City of Ceres General Plan EIR, the impacts of increased traffic noise levels on off-site sensitive users would remain *Significant and Unavoidable*.

#### (4) Statement of Overriding Considerations

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

#### b. Impact Noise-4: Construction Noise

##### (1) Impact and Mitigation

Businesses and residences throughout the West Landing Specific Plan area would be intermittently exposed to high levels of noise throughout the plan horizon. Construction would elevate noise levels at adjacent businesses and residences by 15 dBA or more.

#### Mitigation Measure

**Noise-4: Construction Noise Mitigation.** In addition to complying with construction noise controls outlined in the Ceres Municipal Code section 9.36.020.E, the following measures shall be implemented when applicable and feasible to reduce noise from construction activities:

- Ensure construction equipment is well maintained and used judiciously to be as quiet as practical.
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
- Locate stationary noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.
- Prohibit unnecessary idling of internal combustion engine.
- Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- Construct solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses.
- A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper

scheduling. Noise control blanket barriers can be rented and quickly erected.

- Route construction related traffic along major roadways and as far as feasible from sensitive receptors.
- Ensure that construction activities (including the loading and unloading of materials and truck movements) are limited to the hours of 7:00 am to 8:00 pm on weekdays and between the hours of 9:00 am and 8:00 pm on weekends or holidays.
- Ensure that excavating, grading and filling activities (including warming of equipment motors) are limited to between the hours of 7:00 am to 8:00 pm on weekdays and between the hours of 9:00 am and 8:00 pm on weekends or holidays.
- Businesses, residences or noise-sensitive land uses adjacent to construction sites should be notified of the construction schedule in writing. Designate a “construction liaison” that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.

## **(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

## **(3) Facts in Support of Finding**

Residences are located along Whitmore Avenue and businesses are located along Whitmore Avenue, Crows Landing Road, and Hackett Road. These residences and businesses would be affected by construction noise during build-out of the Specific Plan area. Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (early morning, evening, or nighttime hours), the construction occurs in areas immediately adjoining noise sensitive land uses, or when construction durations last over extended periods of time. Major noise generating construction activities would include removal of existing pavement and structures, site grading and excavation, building framing, paving and landscaping.

The highest construction noise levels would be generated during grading and excavation, with lower noise levels occurring during building construction. Large pieces of earth-moving equipment, such as graders, scrapers, and bulldozers, generate maximum noise levels of 85 to 90 dBA at a distance of 50 feet. Typical hourly average construction-generated noise levels are



about 80 to 85 dBA measured at a distance of 50 feet from the site during busy construction periods. These noise levels drop off at a rate of about 6 dBA per doubling of distance between the noise source and receptor. Intervening structures would result in lower noise levels.

Although construction noise would be localized to the individual site locations, businesses and residences throughout the West Landing Specific Plan area would be intermittently exposed to high levels of noise throughout the plan horizon. Construction would elevate noise levels at adjacent businesses and residences by 15 to 20 dBA or higher.

Although the mitigation measure Noise-4 would reduce noise generated by the development of the Plan area, the impact would remain *significant and unavoidable* as a result of the extended period of time that adjacent receivers could be exposed to construction noise. (Draft EIR, p. 15-23.)

#### **(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

#### **c. Impact Noise-6: Cumulative Traffic Noise**

##### **(1) Impact and Mitigation**

The Plan in combination with the effects of buildout of the surrounding community would increase traffic noise levels substantially along roadways in its vicinity.

The cumulative noise impact associated with the implementation of the Specific Plan would be increases in vehicular traffic noise on the street network. Cumulative traffic forecasts were prepared and presented in the traffic report. These data were reviewed along the major roadways in the project area. Cumulative traffic noise impacts are assessed in the same manner as traffic noise impacts resulting from the Plan with respect to the City of Ceres significance thresholds. Significant cumulative traffic noise impacts would occur along the same roadways as the roadways experiencing project impacts, Whitmore Avenue and Service Road adjacent to the roadway segments within and contiguous to the Specific Plan area. Traffic noise levels would increase substantially along Crows Landing Road but noise sensitive receptors were not identified along this roadway within the region of influence of the Plan Area.

**Mitigation Measures Noise-1a, -1b, -1c, -2 and -3** would reduce impact Noise-6. These measures would reduce the impact of increased traffic noise resulting from the project in combination with cumulative development but similar to Impact Noise-3, the cost for retrofit of existing roadways or developments would be prohibitively expensive and is entirely or partially outside the jurisdiction of the City of Ceres.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

**Mitigation Measures Noise-1a, -1b, -1c, -2 and -3** would reduce impact Noise-6. These measures would reduce the impact of increased traffic noise resulting from the project in combination with cumulative development but similar to Impact Noise-3, the cost for retrofit of existing roadways or developments would be prohibitively expensive and is entirely or partially outside the jurisdiction of the City of Ceres. Therefore, consistent with the conclusions of the City of Ceres' General Plan EIR the impacts of cumulative traffic noise levels on offsite sensitive users would remain *significant and unavoidable*.

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

**5. Transportation and Traffic**

**a. Impact Traf-1: Crows Landing Road/Hatch Road (#2)**

**(1) Impact and Mitigation**

The proposed Project would cause this intersection to degrade from LOS C to LOS F during the PM peak hour. This intersection is under the jurisdiction of Stanislaus County and within Modesto's Sphere of Influence.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

The City of Modesto's CFF program has identified plans and funds to improve Crows Landing Road to a six-lane Principal Arterial and Hatch Road to a four-lane Class C Expressway. It is projected that these improvements would modify the intersection to provide two left-turn lanes, three through lanes and one right-turn lane on the northbound and southbound approaches and two left-turn lanes, two through lanes and one right-turn lane on the eastbound and westbound approaches with protected signal phasing on all approaches.

With the installation of improvements identified in Modesto's CFF program, the intersection would operate at LOS C in the PM peak hour with the addition of Project-generated traffic. With these improvements, the Project's impact would be reduced to less than significant. However, the intersection is outside the City of Ceres' jurisdiction, and the certainty and timing of the installation is not within the City of Ceres' control. As such, the Project impact would be considered *significant and unavoidable*. (Draft EIR, p. 18-23.)

#### **(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

#### **b. Impact Traf-2: Carpenter Road/Whitmore Avenue (#3).**

##### **(1) Impact and Mitigation**

The proposed Project would cause at least one of the controlled movements to experience LOS F and the volumes would meet the peak hour signal warrant during both AM and PM peak hours. This intersection is under the jurisdiction of Stanislaus County; the north and east sides of the intersection are within Modesto's Sphere of Influence.

##### **(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

##### **(3) Facts in Support of Finding**

The City of Modesto's CFF program has identified plans and funds to improve Carpenter Road to a six-lane Principal Arterial/Expressway and Whitmore Avenue to a four-lane Minor Arterial. It is projected that these improvements would install a traffic signal and modify the intersection to provide two left-turn lanes, three through lanes and one right-turn lane on the northbound and southbound approaches and two left-turn lanes, two through lanes and one right-turn lane on the eastbound and westbound approaches with protected signal phasing on all approaches.

With the installation of improvements identified in Modesto's CFF program, the intersection would operate at LOS C in both AM and PM peak hours with the addition of Project-generated traffic. With these improvements, the Project's impact would be reduced to less than significant. However, the intersection is outside the City of Ceres' jurisdiction, and the certainty and timing of the installation is not within the City of Ceres' control. As such, the Project impact would be considered *significant and unavoidable*. (Draft EIR, pp. 18-23 – 18-24.)

#### (4) Statement of Overriding Considerations

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

##### c. Impact Traf-3: Crows Landing Road/Whitmore Avenue (#5)

#### (1) Impact and Mitigation

The proposed Project would cause the intersection operation to degrade from LOS C and LOS D in the AM and PM peak hours, respectively, to LOS F during both peak hours. This intersection is under the jurisdiction of Stanislaus County and Modesto and within Modesto’s and Ceres’ Sphere of Influence. The southern portion would be annexed by the City of Ceres as a part of the Project.

#### Mitigation Measure

**Traf-3: Implement Crows Landing Road/Whitmore Avenue Intersection PFF Improvements.** The Project shall implement the improvements identified in the Ceres PFF program for the portion of the intersection in Ceres jurisdiction (southern), potentially with reimbursement through the program as appropriate.

With the installation of improvements identified in Ceres’ PFF program, as required by mitigation measure Traf-3, the Project’s impact in the City of Ceres would be reduced to less than significant.

#### (2) Finding

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

#### (3) Facts in Support of Finding

The City of Modesto’s CFF program has identified plans and funds to improve Crows Landing Road north of the intersection to a six-lane Principal Arterial/Expressway; whereas Stanislaus County’s PFF program has identified plans and funds to improve Crows Landing Road south of the intersection to a six-lane Principal Arterial/Expressway. Modesto’s CFF program and the City of Ceres’ PFF program have also identified plans and funds to improve Whitmore Avenue to a four-lane Minor Arterial. It is projected that these improvements would modify the intersection to provide two left-turn lanes, three through lanes and one right-turn lane on the northbound and southbound approaches and two left-turn lanes, two through lanes and one right-turn lane on the eastbound and westbound approaches with protected signal phasing on

all approaches. As this intersection is within/adjacent to the Plan area, improvements on the adjacent side will be required as development proceeds.

With additional installation of Modesto's CFF program and the County's PFF program, the intersection would operate at LOS C in the AM peak hour and LOS D in the PM peak hour with the addition of Project-generated traffic. With these improvements, the Project's impact would be reduced to less than significant in all jurisdictions. However, the northern portion of this intersection is outside the City of Ceres' jurisdiction, and the certainty and timing of the installation is not within the City of Ceres' control. As such, the Project impact would be considered *significant and unavoidable*. (Draft EIR, p. 18-24.)

#### **(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

#### **d. Impact Traf-4: Morgan Road/Whitmore Avenue (#6)**

##### **(1) Impact and Mitigation**

With the addition of Project generated trips, vehicles at this intersection would experience excessive delays and the operations would deteriorate from LOS C to LOS F during the PM peak hour. The northwest portion of this intersection is under the jurisdiction of Modesto and the remaining portions are under the jurisdiction of Ceres.

##### **(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

##### **(3) Facts in Support of Finding**

The City of Modesto's CFF program and the City of Ceres' PFF program have identified plans and funds to improve both Morgan Road and Whitmore Avenue to four-lane Minor Arterials. It is projected that these improvements would modify the intersection to provide one left-turn lane, two through lanes and one right-turn lane on the northbound approach, two left-turn lanes, two through lanes and one right-turn lane on the southbound approach, and two left-turn lanes, two through lanes and one right-turn lane on the eastbound and westbound approaches with protected signal phasing on all approaches.

With the installation of improvements identified in Modesto's CFF program and Ceres' PFF program, the intersection would operate at LOS C in the PM peak hour with the addition of Project-generated traffic. Therefore, the Project's impact within Ceres would be reduced to less

than significant as the City of Ceres would install the PFF improvements in the timely manner as they are warranted.

However, a portion of the intersection is outside the City of Ceres' jurisdiction; therefore, the certainty and timing of the installation of Modesto's CFF improvements is not within the City of Ceres' control. As such, the City of Ceres cannot guarantee the certainty and timing of these improvements and the Project impact on the portion of the intersection outside the City of Ceres' jurisdiction would be considered *significant and unavoidable*. (Draft EIR, pp. 18-24, 18-29.)

#### (4) Statement of Overriding Considerations

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

##### e. Impact Traf-9: Crows Landing Road/Service Road (#12)

#### (1) Impact and Mitigation

Project traffic would cause the intersection operations to deteriorate from LOS C to LOS F during both peak hours. This intersection is under the jurisdiction of Stanislaus County and the City of Ceres.

The Stanislaus County's PFF program and the City of Ceres' PFF program have identified plans and funds to improve Crows Landing Road to a four- to six-lane Arterial/Expressway. Four lanes are to be provided north of the intersection and six lanes south of the intersection. Ceres' PFF program has also identified plans and funds to improve Service Road to a four-lane Expressway. It is projected that these improvements would modify the intersection to provide one left-turn lane, two through lanes and one right-turn lane with protected signal phasing on all four approaches. As this intersection is within/adjacent to the Plan area, improvements on the adjacent side will be required to be constructed by the Project.

#### Mitigation Measure

**Traf-9a: Implement Crows Landing Road/Service Road Intersection PFF Improvements.** The Project shall implement the improvements identified in the Ceres PFF program, potentially with reimbursement through the program as appropriate.

Installation of the improvements would partially reduce the Project impact; however, the intersection operations would continue to operate at LOS F during both peak hours with the addition of Project generated traffic. As this intersection is within/adjacent to the Plan area, additional improvements will be required of the Project.

#### Mitigation Measure

**Traf-9b: Crows Landing Road/Service Road Intersection Improvements.** The Project shall construct the following improvements on the adjacent portions in the City of Ceres jurisdiction to achieve acceptable traffic operations at this intersection. These improvements are not currently included in an improvement program: Restripe the southbound approach lanes to provide two left-turn lanes, one through lane and one shared through-right lane. Modify the traffic signal to allow for the provision of right-turn overlap phasing on the westbound approach with prohibition of U-turn movement on the southbound approach.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

With installation of improvements identified in the City of Ceres' PFF program, as required by mitigation Traf-9a, and implementation of additional improvements in mitigation measure Traf-9b, the intersection would operate at LOS D in the AM peak hour and LOS C in the PM peak hour with the addition of Project-generated traffic. However, the southern portion of this intersection is outside the City of Ceres' jurisdiction, and the certainty and timing of the installation is not within the City of Ceres' control. As such, the Project impact would be considered *significant and unavoidable*. (Draft EIR, pp. 18-30 – 18-31.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

**f. Impact Traf-13: Crows Landing Road/Keyes Road (#18).**

**(1) Impact and Mitigation**

Project generated traffic would cause at least one controlled movement at this intersection to degrade from LOS B to LOS F during both peak periods and the signal warrant would be met in the PM peak hour. This intersection is under the jurisdiction of the Stanislaus County.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

### **(3) Facts in Support of Finding**

The Stanislaus County's PFF program has identified plans and funds to improve Crows Landing Road to a six-lane Expressway and to provide signalization at this intersection. It is projected that the improvements would modify the intersection to provide one left-turn lane, two through lanes and one shared through-right lane on the northbound and southbound with protected left-turn signal phasing on the northbound and southbound approaches and permitted phasing on the eastbound and westbound approaches.

With the installation of improvements identified in the County's PFF program, the intersection would operate at LOS C in the AM and PM peak hours with the addition of Project-generated traffic. With these improvements, the Project's impact would be reduced to less than significant. However, the intersection is outside the City of Ceres' jurisdiction, and the certainty and timing of the installation is not within the City of Ceres' control. As such, the Project impact would be considered *significant and unavoidable*. (Draft EIR, p. 18-32.)

### **(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

#### **g. Impact Traf-14: Carpenter Road/Hatch Road (#21).**

##### **(1) Impact and Mitigation**

Project generated traffic would cause at least one controlled movement at this intersection to degrade to LOS F during both peak periods and the signal warrant would be met in both peak hours. This intersection is under the jurisdiction of Stanislaus County and within Modesto's Sphere of Influence.

The City of Modesto's CFF program has identified plans and funds to improve Carpenter Road to a six-lane Principal Arterial and Hatch Road east of Carpenter Road to a four-lane Class C Expressway. It is projected that these improvements would provide signalization at this intersection and the lane geometry would be modified to two left-turn lanes, three through lanes and one right-turn lane on the northbound and southbound approaches with protected left-turn signal phasing and one left-turn lane, one through lane and one right-turn lane on the westbound approach with permitted left-turn phasing; while the eastbound approach would remain with one shared left-through-right lane with permitted phasing.

##### **(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.



### **(3) Facts in Support of Finding**

With the installation of improvements identified in Modesto's CFF program, the intersection would operate at LOS C in the AM and PM peak hours with the addition of Project-generated traffic. With these improvements, the Project's impact would be reduced to less than significant. However, the intersection is outside the City of Ceres' jurisdiction, and the certainty and timing of the installation is not within the City of Ceres' control. As such, the Project impact would be considered *significant and unavoidable*. (Draft EIR, pp. 18-32 – 18-33.)

### **(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

#### **h. Impact Traf-15: Crows Landing Road/7th Street (#26).**

##### **(1) Impact and Mitigation**

The eastbound and westbound controlled movements would operate at LOS F and the traffic signal warrant would be met with or without the addition of Project generated traffic. This intersection is under the jurisdiction of Stanislaus County and within Modesto's Sphere of Influence.

The City of Modesto's CFF program has identified plans and funds to improve both Crows Landing Road and 7<sup>th</sup> Street to four-lane Minor Arterials. It is projected that the improvements would provide signalization at this intersection and the lane geometry would be modified to two left-turn lanes and one right-turn lane on the northbound Crows Landing Road approach, two through lanes and one channelized right-turn lane on the eastbound approach and one left-turn lane and two through lanes on the westbound approach with protected left-turn phasing on all approaches.

##### **(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

##### **(3) Facts in Support of Finding**

With the installation of improvements identified in Modesto's CFF program, the intersection would operate at LOS B in the AM and PM peak hours with the addition of Project-generated traffic. With these improvements, the Project's impact would be reduced to less than significant. However, the intersection is outside the City of Ceres' jurisdiction, and the certainty

and timing of the installation is not within the City of Ceres' control. As such, the Project impact would be considered *significant and unavoidable*. (Draft EIR, p. 18-33.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

**i. Impact Traf-16: B Street / 7th Street (#28).**

**(1) Impact and Mitigation**

Project generated traffic would cause the intersection operations to deteriorate from LOS C to LOS E in the PM peak hour. This intersection is under the jurisdiction of the City of Modesto.

The City of Modesto's CFF program has identified plans and funds to improve 7<sup>th</sup> Street to a four-lane Minor Arterial. It is projected that the improvements would modify the intersection to two left-turn lanes, two through lanes and one right-turn lane on the northbound and southbound approaches with protected left-turn phasing on these approaches.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

With the installation of improvements identified in Modesto's CFF program, the intersection would operate at LOS D in the AM and PM peak hours with the addition of Project-generated traffic. With these improvements, the Project's impact would be reduced to less than significant. However, the intersection is outside the City of Ceres' jurisdiction, and the certainty and timing of the installation is not within the City of Ceres' control. As such, the City of Ceres cannot guarantee that these improvements would be implemented and the Project impact would be considered *significant and unavoidable*. (Draft EIR, p. 18-33.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

**j. Impact Traf-17: Crows Landing Road North of Hatch Road (A).**

**(1) Impact and Mitigation**

This roadway segment would deteriorate from LOS C and LOS D in the AM and PM peak hours, respectively, to LOS F during both periods with the addition of Project traffic. This roadway segment is under the jurisdiction of Stanislaus County and within Modesto's Sphere of Influence.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

The City of Modesto's CFF program has identified plans and funds to improve Crows Landing Road to a six-lane Principal Arterial between 7<sup>th</sup> Street and Whitmore Avenue. Installation of the improvements identified in the Modesto CFF program would partially reduce the Project impact. To fully mitigate the Project impact, further widening of the roadway would be required.

The following improvements would achieve acceptable traffic operations but are not currently included in an improvement program: Add one northbound lane and one southbound lane to provide four travel lanes on each direction from Hatch Road to SR 99. This additional widening of Crows Landing Road was considered in conjunction with the adoption of the City of Modesto's CFF program and was considered to be infeasible.

Because a portion of the improvements have previously been identified as infeasible and because the segment is outside the City of Ceres' jurisdiction, the timing of installation of feasible improvements is out of the City's control and therefore cannot be assured to be completed in the same timeframe that an impact is caused by this Project. For these reasons, the Project's contribution to a cumulative impact on this segment would be considered *significant and unavoidable*. (Draft EIR, pp. 18-34 – 18-35.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

**k. Impact Traf-18: Crows Landing Road North of Whitmore Avenue (B)**

**(1) Impact and Mitigation**

This roadway segment would deteriorate from LOS C to LOS F during both peak hours with the addition of Project traffic. This roadway segment is under the jurisdiction of Stanislaus County and within Modesto's Sphere of Influence.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

The City of Modesto's CFF program has identified plans and funds to improve Crows Landing Road to a six-lane Principal Arterial between 7<sup>th</sup> Street and Whitmore Avenue. Installation of the improvements identified in the Modesto CFF program would partially reduce the project impact. To fully mitigate the project impact, further widening of the roadway would be required.

The following improvements would achieve acceptable traffic operations but are not currently included in an improvement program: Add one northbound lane and one southbound lane to provide four travel lanes on each direction from Whitmore Avenue to Hatch Road. This additional widening of Crows Landing Road was considered in conjunction with the adoption of the City of Modesto's CFF program and was considered to be infeasible.

Because a portion of the improvements have previously been identified as infeasible and because the segment is outside the City of Ceres' jurisdiction, the timing of installation of feasible improvements is out of the City's control and therefore cannot be assured to be completed in the same timeframe that an impact is caused by this Project. For these reasons, the Project's contribution to a cumulative impact on this segment would be considered *significant and unavoidable*. (Draft EIR, p. 18-35.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

**I. Impact Traf-20: Whitmore Avenue East of Crows Landing Road (D)**

**(1) Impact and Mitigation**

This roadway segment would deteriorate from LOS C to LOS E and from LOS C to LOS F during the two peak hours, respectively, with the addition of Project traffic. This segment is under the jurisdiction of Stanislaus County and City of Modesto and within Ceres' Sphere of Influence. The southern portion of the roadway along the Project area frontage would be annexed by the City of Ceres as a part of the proposed Project.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

The City of Modesto's CFF program and the City of Ceres' PFF program have identified plans and funds to improve Whitmore Avenue to a four-lane Minor Arterial. This widening has already been completed along the Project frontage in this segment. Remaining improvement to be implemented within the City of Ceres' PFF program include only additional pavement along unimproved frontages of adjacent properties that have not yet developed.

With the installation of improvements identified in Ceres' PFF program, as already implemented along the Project's frontage, the impact in the City of Ceres would be reduced to less than significant.

With additional installation of the Modesto's CFF program, the segment would operate at LOS C in the AM peak hour and LOS D in the PM peak hour with the addition of Project-generated traffic. With these improvements, the Project's impact would be reduced to less than significant in all jurisdictions. However, the northern portion of this segment is outside the City of Ceres' jurisdiction, and the certainty and timing of the installation is not within the City of Ceres' control. As such, the Project impact would be considered *significant and unavoidable*. (Draft EIR, pp. 18-35 – 18-36.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

**m. Impact Traf-23: SR 99 North of Crows Landing Road - Northbound**

**(1) Impact and Mitigation**

This freeway segment would continue to operate at LOS F in the AM peak hour with the addition of Project traffic, which would increase the volume by more than five percent. It would also deteriorate from LOS D to LOS E in the PM peak hour. SR 99 is under the jurisdiction of Caltrans.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

According to State Route 99 Transportation Concept Report and the StanCOG's 2007 RTP, SR 99 would be widened from the existing three lanes to four lanes on each direction. With this improvement, the northbound segment of SR 99 north of Crows Landing Road would operate at LOS D levels in the AM peak hour and LOS C in the PM peak hour with the addition of Project generated traffic, reducing the impact to a less than significant level.

The timing, funding and implementation of this improvement is outside the jurisdiction of the City of Ceres and no other mitigation measure is available. If the Project is fully developed prior completion of the widening, the Project impact would be *significant and unavoidable*. (Draft EIR, p. 18-38.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

**n. Impact Traf-24: SR 99 North of Crows Landing Road - Southbound**

**(1) Impact and Mitigation**

This segment would continue to operate at unacceptable levels during both peak hours with the addition of Project traffic, which would increase the volumes by more than five percent both peak hours. SR 99 is under the jurisdiction of Caltrans.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

According to State Route 99 Transportation Concept Report and StanCOG's 2007 RTP, SR 99 would be widened from the existing three lanes to four lanes on each direction. With this improvement, the southbound segment of SR 99 north of Crows Landing Road would operate at LOS D during the AM peak hour with the addition of Project generated traffic and would improve to LOS E during the PM peak hour, which is still in the unacceptable range but is an improvement over the existing operations.

The timing, funding and implementation of this improvement is outside the jurisdiction of the City of Ceres. If the Project is fully developed prior completion of the widening, the Project impact would be *significant and unavoidable*. (Draft EIR, p. 18-38.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

**o. Impact Traf-25: SR 99 South of Mitchell Road - Southbound.**

**(1) Impact and Mitigation**

This segment would deteriorate from LOS D to LOS E in the PM peak hour. SR 99 is under the jurisdiction of Caltrans.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

According to State Route 99 Transportation Concept Report and the StanCOG's 2007 RTP, SR 99 would be widened from the existing three lanes to four lanes on each direction. With this improvement, the southbound segment of SR 99 south of Mitchell Road would operate at

LOS C in the PM peak hour with the addition of Project generated traffic, reducing the impact to a less than significant level.

However, the timing, funding and implementation of this improvement is outside the jurisdiction of the City of Ceres. If the Project is fully developed prior completion of the widening, the Project impact would be *significant and unavoidable*. (Draft EIR, p. 18-38.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

**p. Impact Traf-26: Mitchell Road Northbound SR 99 Off-Ramp**

**(1) Impact and Mitigation**

The Project would degrade the level of service from LOS D to LOS E during the AM peak hour. SR 99 is under the jurisdiction of Caltrans.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

With implementation of the SR 99 widening described above, the Mitchell Road northbound off-ramp would operate at LOS D during the AM peak hour, a residual less than significant impact. However, the City of Ceres does not have jurisdiction over the timing, funding and implementation of the improvements. Therefore, the Project impact would remain *significant and unavoidable*. (Draft EIR, p. 18-39.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).



**q. Impact Traf-27: Crows Landing Road Northbound SR 99 On-Ramp**

**(1) Impact and Mitigation**

The Project would degrade the level of service from LOS D to LOS E during the PM peak hour as well as increase the interchange volume by more than five percent in the AM peak hour when the merge area would already operate at LOS F level without the addition of Project trips. SR 99 is under the jurisdiction of Caltrans.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

With implementation of the SR 99 widening described above, the Crows Landing Road northbound on-ramp would operate at LOS D during both peak hours, a residual less than significant impact. However, the City of Ceres does not have jurisdiction to the timing, funding and implementation of the improvements. Therefore, the Project impact would remain *significant and unavoidable*. (Draft EIR, p. 18-39.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

**r. Impact Traf-28: Crows Landing Road Southbound SR 99 Off-Ramp**

**(1) Impact and Mitigation**

The Project would increase the interchange volumes by more than five percent in both the AM and PM peak hours when the merge area would already operate at LOS E and LOS F, respectively, without the addition of Project trips. SR 99 is under the jurisdiction of Caltrans.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

With implementation of the SR 99 widening described above, the Crows Landing Road southbound off-ramp would improve to LOS E during both peak hours while still operating at substandard levels. However, the City of Ceres does not have jurisdiction to the timing, funding and implementation of the improvements and no other feasible measures are identified. Therefore, the Project impact would remain *significant and unavoidable*. (Draft EIR, p. 18-39.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

**s. Impact Traf-29: Mitchell Road Southbound SR 99 On-Ramp.**

**(1) Impact and Mitigation**

The Project would degrade the level of service from LOS D to LOS E during the PM peak hour. SR 99 is under the jurisdiction of Caltrans.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

With implementation of the SR 99 widening described above, the Mitchell Road southbound on-ramp would operate at LOS D during the PM peak hour, a residual less than significant impact. However, the City of Ceres does not have jurisdiction to the timing, funding and implementation of the improvements. Therefore, the Project impact would remain *significant and unavoidable*. (Draft EIR, p. 18-39.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

**t. Impact Traf-30: Crows Landing Road/SR 99 Northbound Ramps (#1).**

**(1) Impact and Mitigation**

With cumulative traffic increases, this unsignalized intersection would operate at LOS F and would meet the signal warrant with or without the addition of Project generated traffic during both peak hours. This intersection is under the jurisdiction of Caltrans.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

The following improvements are required to achieve acceptable traffic operations: Installation of a traffic signal and widening the westbound off-ramp approach to provide one left-through shared lane and one right-turn lane.

With implementation of these improvements, the intersection would operate at LOS B in the AM peak hour and LOS D in the PM peak hour in the cumulative condition and the cumulative Project impact would be less than significant. However, the improvements are not included in any current improvement and funding program; thus, there is no established mechanism to fund or implement the improvements. Therefore, the Project's contribution to a cumulative impact at this intersection would be considered *significant and unavoidable*. (Draft EIR, p. 18-44.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

**u. Impact Traf-31: Crows Landing Road/Hatch Road (#2).**

**(1) Impact and Mitigation**

With cumulative traffic increases, this intersection would operate at unacceptable levels of service during both peak hours with and without the addition of Project generated traffic. The proposed Project would cause this intersection delay to increase by more than five seconds in both peak hours. This intersection is under the jurisdiction of Stanislaus County and within Modesto's Sphere of Influence.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

Installation of the improvements identified in the City of Modesto’s CFF program (discussed under Impact Traf-1) would partially reduce this cumulative impact.

Under cumulative traffic conditions, even with the installation of the Modesto CFF improvements, the intersection would operate at LOS F with the additional of Project generated traffic. To fully mitigate the cumulative impact, further widening of the roadway would be required.

The following improvements would achieve acceptable traffic operations but are not currently included in an improvement program: Add one additional through lane to each of the northbound, southbound and eastbound approaches as well as the receiving lanes on the corresponding legs. Add two additional through lanes on the westbound approach and two corresponding receiving lanes. Modify the traffic signal to allow for the provision of right-turn overlap phasing for the northbound and southbound movements, with prohibition of eastbound and westbound U-turn movements. These additional widening improvements were considered in conjunction with the adoption of City of Modesto’s CFF program and were considered to be infeasible.

Because these improvements have previously been identified as infeasible and because there is no established mechanism to fund or implement the improvements, the Project’s contribution to a cumulative impact at this intersection would be considered *significant and unavoidable*. (Draft EIR, p. 18-44.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

**v. Impact Traf-32: Carpenter Road/Whitmore Avenue (#3)**

**(1) Impact and Mitigation**

This unsignalized intersection would operate at LOS F and would meet the signal warrant with or without the addition of Project generated traffic during both peak hours. This intersection is under the jurisdiction of Stanislaus County and within Modesto’s Sphere of Influence.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

With the installation of the improvements identified in the City of Modesto's CFF program (discussed under Impact Traf-2), the intersection would operate at LOS C in both AM and PM peak hours with the addition of Project-generated traffic. With these improvements, the Project's impact would be reduced to less than significant. However, the intersection is outside the City of Ceres' jurisdiction, and the certainty and timing of the installation is not within the City of Ceres' control and therefore cannot be assured to be completed in the same timeframe that an impact is caused by this Project. For these reasons, the Project's contribution to a cumulative impact at this intersection would be considered *significant and unavoidable*. (Draft EIR, p. 18-49.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

**w. Impact Traf-33: Crows Landing Road/Whitmore Avenue (#5)**

**(1) Impact and Mitigation**

This intersection would operate at LOS F during both peak hours with and without the addition of Project generated traffic. The proposed Project would cause this intersection delay to increase by more than five seconds in both peak hours. This intersection is under the jurisdiction of Stanislaus County and Modesto and within Modesto's and Ceres' Sphere of Influence. The southern portion would be annexed by the City of Ceres as a part of the Project.

Installation of the improvements in Ceres' PFF program, required by mitigation measure Traf-3, and those identified in the City of Modesto's CFF program, County's PFF program and (discussed under Impact Traf-3) would partially reduce this cumulative impact. Per the City of Ceres, the following improvements are specified here but assumed to be part of the PFF improvements that would reduce this impact: Modify the traffic signal to allow for the provision of right-turn overlap phasing for the northbound, southbound and westbound movements with prohibition of eastbound, westbound and southbound U-turn movements.

To fully mitigate the cumulative impact, the following improvements would be required: Add one additional right-turn lane to each of the southbound and westbound approaches. These improvements are within City of Modesto jurisdiction. With these improvements, the

intersection would operate at LOS D in both AM and PM peak hours in the cumulative condition.

With implementation of Ceres PFF program (as required by mitigation measure Traf-3), Modesto CFF programs improvements (as discussed under Impact Traf-3) and additional improvements specified above, the cumulative Project impact in the southern portion of the intersection would be *less than significant*.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

However, because the northern portion of the intersection is outside the City of Ceres' jurisdiction, the certainty and timing of the installation of Modesto's CFF improvement (as discussed under Impact Traf-3) is not within the City of Ceres' control. As such, the improvements cannot be assured to be completed in the same timeframe that an impact is caused by this Project. Additionally, there is no established mechanism to fund or implement a portion of the improvements in the City of Modesto jurisdiction. Therefore, the Project's contribution to a cumulative impact in the northern portion of this intersection would be considered *significant and unavoidable*. (Draft EIR, p. 18-49.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

**x. Impact Traf-34: Morgan Road/Whitmore Avenue (#6).**

**(1) Impact and Mitigation**

This intersection would operate at unacceptable levels of service during both peak hours with and without the addition of Project generated traffic. The proposed Project would cause this intersection delay to increase by more than five seconds in both peak hours. The northwest portion of this intersection is under the jurisdiction of Modesto and the remaining portions are under the jurisdiction of Ceres.

With the installation of the improvements identified in the City of Modesto's CFF program and the City of Ceres' PFF program (discussed under Impact Traf-4), the intersection would operate at LOS C in the AM peak hour and LOS D in the PM peak hour with the addition of Project-generated traffic. With the improvements, the Project's impact within Ceres would be

reduced to *less than significant* as the City of Ceres would install the PFF improvements in the timely manner as they are warranted.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

However, a portion of the intersection is outside the City of Ceres' jurisdiction; therefore, the certainty and timing of the installation of Modesto's CFF improvement is not within the City of Ceres' control. As such, the improvements cannot be assured to be completed in the same timeframe that an impact is caused by this Project. For these reasons, the Project's contribution to a cumulative impact outside Ceres would be considered *significant and unavoidable*. (Draft EIR, pp. 18-49 – 18-50.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

**y. Impact Traf-37: Carpenter Road/Service Road (#11).**

**(1) Impact and Mitigation**

This unsignalized intersection would operate at LOS F and would meet the signal warrant with or without the addition of Project generated traffic during both peak hours. This intersection is under the jurisdiction of Stanislaus County.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

The Stanislaus County's PFF program have identified plans and funds to improve Carpenter Road to a six-lane Class C Expressway north of Service Road and a four-lane Major Arterial south of Service Road. It is projected that these improvements would provide signalization at the intersection and modify the intersection to provide one left-turn lane, one through lane and one shared through-right lane on all four approaches with protected left-turn

signal phasing on the northbound and southbound approaches and permitted signal phasing on the eastbound and westbound approaches.

With the installation of improvements identified in County’s PFF program, the intersection would operate at LOS C in both the AM and PM peak hours with the addition of Project-generated traffic. With these improvements, the Project’s impact would be reduced to less than significant. However, the intersection is outside the City of Ceres’ jurisdiction, and the certainty and timing of the installation is not within the City of Ceres’ control and therefore cannot be assured to be completed in the same timeframe that an impact is caused by this Project. For these reasons, the Project’s contribution to a cumulative impact at this intersection would be considered *significant and unavoidable*. (Draft EIR, p. 18-51.)

#### (4) Statement of Overriding Considerations

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

#### z. Impact Traf-38: Crows Landing Road/Service Road (#12).

##### (1) Impact and Mitigation

Project traffic would cause the intersection operations to deteriorate from LOS C to LOS F during the AM peak hour and would cause the intersection delay to increase by more than five seconds during the PM peak hour when the intersection would operate at LOS E. This intersection is under the jurisdiction of Stanislaus County and the City of Ceres.

Installation of the improvements identified in the City of Ceres’ PFF program (mitigation measure Traf-9a) and the County’s PFF program (discussed under Impact Traf-9) and mitigation measure Traf-9b would partially reduce this cumulative impact.

Under cumulative traffic conditions, even with the installation of the Ceres (mitigation measure Traf-9a) and County PFF improvements and implementation of mitigation measure Traf-9b, the intersection would operate at LOS F in the AM and PM peak hours with the additional of Project generated traffic. Implementing the following measure would fully mitigate the cumulative impact.

#### Mitigation Measure

**Traf-38: Implement Crows Landing Road/Service Road Intersection Improvements with Fair-Share Reimbursement.** The Project shall dedicate right-of-way and implement the following improvements for the northern portion that will be in the City of Ceres’ jurisdiction, which are required to achieve acceptable traffic operations but are not currently included in an improvement program: Add one additional northbound through lane and corresponding receiving lane on the north leg. Add one additional southbound through lane. Convert the southbound shared through-right lane to an



exclusive through lane. Add one exclusive southbound right-turn lane. Add one additional westbound left-turn lane and one additional westbound right-turn lane. Modify the traffic signal to allow for the provision of right-turn overlap phasing for the northbound movement with prohibition of westbound U-turn movement. Modify the traffic signal to remove right-turn overlap phasing for the westbound movement as proposed in mitigation measure Traf-9, which would eliminate the prohibition of southbound U-turn movement. The City shall provide for reimbursement from other projects on a fair-share basis as appropriate.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

With installation of the improvements identified in the City of Ceres' PFF program, as required by mitigation measure Traf-9a and the County's PFF program (discussed under Impact Traf-9) and implementation of additional improvements identified in mitigation measures Traf-9b and Traf-38, the intersection would operate at LOS D in the AM and PM peak hours and would reduce the Project impact to *less than significant*. However, the southern portion of this intersection is outside the City of Ceres' jurisdiction, and the certainty and timing of the installation is not within the City of Ceres' control. As such, the Project impact would be considered *significant and unavoidable*. (Draft EIR, pp. 18-51 – 18-52.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

**aa. Impact Traf-41: Mitchell Road/Service Road (#16).**

**(1) Impact and Mitigation**

This intersection would operate at unacceptable levels of service during both peak hours with and without the addition of Project generated traffic. The proposed Project would cause this intersection delay to increase by more than five seconds in both peak hours. This intersection is under the jurisdiction of the City of Ceres and nearly all of these improvements are included in the frontage improvements of the adjacent developments.

Installation of the improvements identified in the City of Ceres' PFF program (discussed under Impact Traf-12) and mitigation measure Traf-12 would partially reduce this cumulative impact.

Under cumulative traffic conditions, even with the installation of the Ceres PFF improvements and implementation of mitigation measure Traf-12, the intersection would operate at LOS F in both peak hours with the additional of Project generated traffic. Implementing the following measure would fully mitigate the cumulative impact.

### **Mitigation Measure**

**Traf-41: Fair Share Contribution Towards Mitchell Road/Service Road Intersection Improvements.** The Project shall make a fair-share contribution to the following improvements, which are required to achieve acceptable traffic operations but are not currently included in an improvement program: Add one northbound left-turn lane and one right-turn lane to provide two left-turn lanes, two through lanes and one right-turn lane on the northbound approach. Add one southbound left-turn lane to provide two left-turn lanes, two through lanes and one right-turn lane on the southbound approach. Add one eastbound through lane and two right-turn lanes as well as one receiving lane on the corresponding east leg to provide one left-turn lane, three through lanes and two right-turn lanes on the eastbound approach. Add one westbound left-turn lane, one through lane and one right-turn lane as well as one receiving lane on the corresponding west leg to provide two left-turn lanes, three through lanes and one right-turn lane on the westbound approach. Modify the traffic signal to allow for the provision of right-turn overlap phasing for the northbound, southbound and eastbound movements with prohibition of eastbound, westbound and southbound U-turn movement and optimize the cycle length and split phase time.

### **(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

### **(3) Facts in Support of Finding**

With installation of the improvements identified in the City of Ceres' PFF program (discussed under Impact Traf-12) and implementation of mitigation measure Traf-41, the intersection would operate at LOS D in both AM and PM peak hours with the addition of Project-generated traffic. Note that comparable improvements are anticipated to be implemented as mitigation for the Ceres Gateway Project and the Mitchell Ranch Project. With these improvements, the Project's impact would be reduced to less than significant. However, the improvements identified in mitigation measure Traf-41 are not included in any current improvement and funding program that could ensure implementation in the timeframe of this project. For this reason, the Project's contribution to a cumulative impact at this intersection would be considered *significant and unavoidable*.

It should be noted that this intersection would be reconfigured as a part of the future SR 99 Mitchell Road Interchange Improvement Project, which would provide additional roadway

capacity and may potentially lessen the Project impact; however, the timing of the interchange improvement is unclear. (Draft EIR, pp. 18-52 – 18-53.)

#### **(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

##### **bb. Impact Traf-42: Carpenter Road/Keyes Road (#17).**

#### **(1) Impact and Mitigation**

This intersection would operate at unacceptable levels of service with and without the addition of Project generated traffic and would meet the traffic signal warrant during the PM peak hour. This intersection is under the jurisdiction of the Stanislaus County.

#### **(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

#### **(3) Facts in Support of Finding**

The Stanislaus County’s PFF program has identified plans and funds to improve Carpenter Road to a four-lane Major Arterial and provide signalization at this intersection. It is projected that the improvements would modify the intersection to provide one left-turn lane, one through lane and one shared through-right lane on the northbound and southbound approaches and one shared left-through-right lane on the eastbound and westbound approaches with permitted left-turn phasing on all four approaches.

With the installation of improvements identified in the County’s PFF program, the intersection would operate at LOS A in the AM and PM peak hours with the addition of Project-generated traffic. With these improvements, the Project’s impact would be reduced to less than significant. However, because the intersection is outside the City of Ceres’ jurisdiction, and the certainty and timing of the installation is not within the City of Ceres’ control, and therefore cannot be assured to be completed in the same timeframe that an impact is caused by this Project. For these reasons, the Project’s contribution to a cumulative impact at this intersection would be considered *significant and unavoidable*. (Draft EIR, p. 18-53 – 18-54.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

**cc. Impact Traf-43: Crows Landing Road/Keyes Road (#18).**

**(1) Impact and Mitigation**

This intersection would operate at unacceptable levels of service and would meet the traffic signal warrant during both peak hours with and without the addition of Project generated traffic. This intersection is under the jurisdiction of the Stanislaus County.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

With the installation of the improvements identified in the Stanislaus County’s PFF program (discussed under Impact Traf-13), the intersection would operate at LOS D in the AM and PM peak hours with the addition of Project-generated traffic. With the improvements, the Project’s impact would be reduced to less than significant. However, the intersection is outside the City of Ceres’ jurisdiction, and the certainty and timing of the installation is not entirely within the City of Ceres’ control and therefore cannot be assured to be completed in the same timeframe that an impact is caused by this Project. For these reasons, the Project’s contribution to a cumulative impact at this intersection would be considered *significant and unavoidable*. (Draft EIR, p. 18-54.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

**dd. Impact Traf-44: Carpenter Road/Maze Road (#19).**

**(1) Impact and Mitigation**

This intersection would operate at unacceptable levels of service during both peak hours with and without the addition of Project generated traffic. The proposed Project would cause this intersection delay to increase by more than five seconds in both peak hours. This intersection is under the jurisdiction of the Stanislaus County and the City of Modesto.

The City of Modesto's CFF program has identified plans and funds to improve Carpenter Road to a six-lane Principal Arterial and Maze Road to a four-lane Minor Arterial. It is projected that the improvements would modify the intersection to provide two left-turn lanes, three through lanes and one right-turn lane on the northbound and southbound approaches and two left-turn lanes, two through lanes and one right-turn lane on the eastbound and westbound approaches with protected left-turn phasing on all four approaches.

The installation of improvements identified in Modesto's CFF program would partially reduce the cumulative project impact. The intersection would operate at LOS E in the AM peak hour and LOS D in the PM peak hour with the addition of Project-generated traffic. To fully mitigate the cumulative impact, further roadway widening would be required: Add one additional through lane to the northbound approach as well as the receiving lane on the corresponding north leg.

## **(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

## **(3) Facts in Support of Finding**

With installation of improvements identified in Modesto's CFF program and the widening described above, the intersection would operate at LOS D in both peak hours in the cumulative condition and the cumulative Project impact would be less than significant. However, the widening improvements are not included in any current improvement and funding program; therefore, there is no established mechanism to fund or implement. Also, because the intersection is outside the City of Ceres' jurisdiction, the certainty and timing of the installation is not within the City of Ceres' control; therefore the improvements cannot be assured to be completed in the same timeframe that an impact is caused by this Project. For these reasons, the Project's contribution to a cumulative impact at this intersection would be considered *significant and unavoidable*. (Draft EIR, p. 18-54.)

## **(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

### **ee. Impact Traf-45: Carpenter Road/Paradise Road (#20)**

#### **(1) Impact and Mitigation**

This intersection would operate at unacceptable levels of service during both peak hours with and without the addition of Project generated traffic. The proposed Project would cause this

intersection delay to increase by more than five seconds in both peak hours. This intersection is under the jurisdiction of Stanislaus County and within Modesto's Sphere of Influence.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

The City of Modesto's CFF program has identified plans and funds to improve Carpenter Road to a six-lane Principal Arterial and Paradise Road to a four-lane Minor Arterial. It is projected that these improvements would provide signalization at this intersection and the lane geometry would be modified to two left-turn lanes, three through lanes and one right-turn lane on the northbound and southbound approaches and two left-turn lanes, two through lanes and one right-turn lane on the westbound and eastbound approaches with protected left-turn phasing on all four approaches.

With the installation of improvements identified in Modesto's CFF program, the intersection would operate at LOS D in the AM and PM peak hours with the addition of Project-generated traffic under cumulative conditions. With these improvements, the Project's impact would be reduced to less than significant. However, because the intersection is outside the City of Ceres' jurisdiction, the certainty and timing of the installation is not within the City of Ceres' control; therefore the improvements cannot be assured to be completed in the same timeframe that an impact is caused by this Project. For these reasons, the Project's contribution to a cumulative impact at this intersection would be considered *significant and unavoidable*. (Draft EIR, pp. 18-54 – 18-55.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

**ff. Impact Traf-46: Carpenter Road/Hatch Road (#21).**

**(1) Impact and Mitigation**

This intersection would operate at unacceptable levels of service and would meet the traffic signal warrant during both peak hours with and without the addition of Project generated traffic. This intersection is under the jurisdiction of Stanislaus County and within Modesto's Sphere of Influence.

Installation of the improvements identified in the City of Modesto's CFF program (discussed under Impact Traf-14) would partially reduce this cumulative impact.

Under cumulative traffic conditions, even with the installation of the Modesto CFF improvements, the intersection would operate at LOS F during both AM and PM peak hours with the additional of Project generated traffic. To fully mitigate the cumulative impact, further widening of the roadway would be required: Add one exclusive left-turn lane on the eastbound approach and convert the existing lane to a shared through-right lane through lane. Add one additional right turn lane on the westbound approach. Modify the traffic signal to allow for the provision of right-turn overlap phasing for the westbound movement with prohibition of southbound U-turn movement and provision of protected left-turn phasing for the northbound and southbound approaches.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

With installation of improvements identified in Modesto's CFF program and the widening described above, the intersection would operate at LOS D in both peak hours in the cumulative condition and the cumulative Project impact would be less than significant. However, the widening improvements are not included in any current improvement and funding program; therefore, there is no established mechanism to fund or implement the improvements. Also, because the intersection is outside the City of Ceres' jurisdiction, the certainty and timing of the installation is not within the City of Ceres' control; therefore the improvements cannot be assured to be completed in the same timeframe that an impact is caused by this Project. For these reasons, the Project's contribution to a cumulative impact at this intersection would be considered *significant and unavoidable*. (Draft EIR, p. 18-55.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

**gg. Impact Traf-47: Morgan Road/Hatch Road (#22).**

**(1) Impact and Mitigation**

This intersection would operate at unacceptable levels of service during both peak hours with and without the addition of Project generated traffic. The proposed Project would cause this

intersection delay to increase by more than five seconds in both peak hours. This intersection is under the jurisdiction of Stanislaus County and within Modesto's Sphere of Influence.

The City of Modesto's CFF program has identified plans and funds to improve Hatch Road to a four-lane Class C Expressway. It is projected that the improvements would modify the intersection to provide two through lanes and one right-turn lane on the eastbound approach and two left-turn lanes and two through lanes on the westbound approach with protected left-turn phasing on all the approaches.

The installation of improvements identified in Modesto's CFF program would partially reduce the cumulative project impact. The intersection would operate at LOS E in both AM and PM peak hours with the addition of Project-generated traffic. To fully mitigate the cumulative impact, the following improvement is required: Modify the traffic signal to allow for the provision of right-turn overlap phasing for the northbound movement with prohibition of westbound U-turn movement.

#### **(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

#### **(3) Facts in Support of Finding**

With installation of the improvements identified in the City of Modesto's CFF program and the traffic signal phasing improvement, the intersection would operate at LOS C in both AM and PM peak hours with the addition of Project-generated traffic and the cumulative Project's impact would be reduced to less than significant. However, the signal improvement is not included in any current improvement and funding program; therefore, there is no established mechanism to fund or implement the improvement. Also, because the intersection is outside the City of Ceres' jurisdiction, the timing of installation of improvements is out of the City of Ceres' control; therefore the improvements cannot be assured to be completed in the same timeframe that an impact is caused by this Project. For these reasons, the Project's contribution to a cumulative impact at this intersection would be considered *significant and unavoidable*. (Draft EIR, pp. 18-55 – 18-56.)

#### **(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).



**hh. Impact Traf-48: Dallas Street-B Street/Whitmore Avenue  
(#23)**

**(1) Impact and Mitigation**

This intersection would operate at unacceptable levels of service during both peak hours with and without the addition of Project generated traffic. The northern portion of the intersection is under the jurisdiction of the City of Modesto and the southern portion is under the jurisdiction of Stanislaus County and within Ceres' Sphere of Influence. The southern portion of the intersection would be annexed by the City of Ceres as a part of the proposed Project.

The City of Modesto's CFF program and the City of Ceres' PFF program have identified plans and funds to improve Whitmore Road to a four-lane Minor Arterial, which is consistent with the intersection configuration proposed by the Project. Per the City of Ceres, the following improvements are specified here but assumed to be part of the PFF improvements that would reduce the impact: Modify the traffic signal to allow for the provision of right-turn overlap phasing for the northbound movement with prohibition of westbound U-turn movement.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

With implementation of Modesto CFF and Ceres PFF programs, including overlap phasing and prohibition of U-turns, the intersection would operate at LOS D in both AM and PM peak hours with the addition of Project-generated traffic and the cumulative Project's impact would be reduced to *less than significant*. However, because the northern portion of this intersection is outside the City of Ceres' jurisdiction, the timing of installation of improvements is out of the City of Ceres' control; therefore the improvements cannot be assured to be completed in the same timeframe that an impact is caused by this Project. For these reasons, the Project's contribution to a cumulative impact at this intersection would be considered *significant and unavoidable*. (Draft EIR, p. 18-56.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

**ii. Impact Traf-49: Crows Landing Road/Glenn Avenue (#24).**

**(1) Impact and Mitigation**

This intersection would operate at unacceptable levels of service and would meet the traffic signal warrant during both peak hours with and without the addition of Project generated traffic. This intersection is under the jurisdiction of City of Modesto.

The City of Modesto's CFF program has identified plans and funds to improve Crows Landing Road to a six-lane Principal Arterial. It is projected that the improvements would provide signalization and modify the intersection to provide one left-turn lane, three through lanes and one right-turn lane with protected left-turn signal phasing on the northbound and southbound approaches and one left-turn lanes and one shared through-right lane with permitted left-turn signal phasing on the eastbound and westbound approaches.

With the installation of improvements identified in Modesto's CFF program, the intersection would operate at LOS C in the AM peak hour and LOS E in the PM peak hour with the addition of Project-generated traffic. To fully mitigate the cumulative project impact, the following improvement would be required: Restripe the westbound lanes to provide one shared left-turn lane and one exclusive right-turn lane.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

With installation of the improvements identified in the City of Modesto's CFF program and implementation of the lane restriping described above, the intersection would operate at LOS C in the AM peak hour and LOS D in the PM peak hour with the addition of Project-generated traffic and the cumulative Project's impact would be reduced to less than significant. However, the restriping improvement is not included in any current improvement and funding program; therefore, there is no established mechanism to fund or implement the improvement. Also, because the intersection is outside the City of Ceres' jurisdiction, the timing of installation of improvements is out of the City of Ceres' control, therefore the improvements cannot be assured to be completed in the same timeframe that an impact is caused by this Project. For these reasons, the Project's contribution to a cumulative impact at this intersection would be considered *significant and unavoidable*. (Draft EIR, p. 18-56 – 18-57.)

#### (4) Statement of Overriding Considerations

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

##### jj. Impact Traf-50: Crows Landing Road/7th Street (#26).

#### (1) Impact and Mitigation

This intersection would operate at unacceptable levels of service and would meet the traffic signal warrant during both peak hours with and without the addition of Project generated traffic. This intersection is under the jurisdiction of Stanislaus County and within Modesto’s Sphere of Influence.

Installation of the improvements identified in the City of Modesto’s CFF program (discussed under Impact Traf-15) would partially reduce this cumulative impact.

Under cumulative traffic conditions, even with the installation of the Modesto CFF improvements, the intersection would operate at LOS F in the PM peak hour with the additional of Project generated traffic. To fully mitigate the cumulative impact, further widening of the roadway would be required: Add one additional through lane to the eastbound approach as well as the receiving lane on the corresponding leg.

#### (2) Finding

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

#### (3) Facts in Support of Finding

With installation of the improvements identified in the City of Modesto’s CFF program and the widening described above, the intersection would operate at LOS D in the AM peak hour and LOS C in the PM peak hour with the addition of Project-generated traffic and the cumulative Project’s impact would be reduced to less than significant. However, the widening improvements are not included in any current improvement and funding program, therefore, there is no established mechanism to fund or implement the improvement. Also, because the intersection is outside the City of Ceres’ jurisdiction, the timing of installation of improvements is out of the City of Ceres’ control, therefore the improvements cannot be assured to be completed in the same timeframe that an impact is caused by this Project. For these reasons, the Project’s contribution to a cumulative impact at this intersection would be considered *significant and unavoidable*. (Draft EIR, p. 18-57.)

#### **(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

#### **kk. Impact Traf-51: River Road/9th Street – Northbound (#27)**

##### **(1) Impact and Mitigation**

This intersection would operate at unacceptable levels of service and would meet the traffic signal warrant during both peak hours with and without the addition of Project generated traffic. This intersection is under the jurisdiction of Stanislaus County and within Ceres’ Sphere of Influence.

##### **(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

##### **(3) Facts in Support of Finding**

The following improvements would be required to mitigate the cumulative impact: Modify the westbound control to allow free-flow right-turn movement, which would require converting the northbound through-right lane to an exclusive right-turn lane and extending the westbound right-turn channelization to provide a dedicated receiving lane for the westbound movement. Pedestrian movements should be taken into consideration in the design of the intersection.

With these improvements, the intersection would operate at LOS A in both AM and PM peak hours with the addition of Project-generated traffic and the cumulative Project’s impact would be reduced to less than significant. However, the improvements are not included in any current improvement and funding program; therefore, there is no established mechanism to fund or implement the improvements. Also, because the intersection is outside the City of Ceres’ jurisdiction, the timing of installation of improvements is out of the City of Ceres’ control; therefore the improvements cannot be assured to be completed in the same timeframe that an impact is caused by this Project. For these reasons, the Project’s contribution to a cumulative impact at this intersection would be considered *significant and unavoidable*. (Draft EIR, p. 18-58.)

#### **(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

#### **II. Impact Traf-52: B Street/7th Street (#28).**

##### **(1) Impact and Mitigation**

This intersection would operate at unacceptable levels of service during both peak hours with and without the addition of Project generated traffic. The proposed Project would cause this intersection delay to increase by more than five seconds in both peak hours. This intersection is under the jurisdiction of the City of Modesto.

##### **(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

##### **(3) Facts in Support of Finding**

Installation of the improvements identified in the City of Modesto’s CFF program (discussed under Impact Traf-16) would partially reduce this cumulative impact.

Under cumulative traffic conditions, even with the installation of the Modesto CFF improvements, the intersection would operate at LOS E in the AM peak hour and LOS F in the PM peak hour with the additional of Project generated traffic. To fully mitigate the cumulative impact, further widening of the roadway would be required: Add one right turn lane to provide two left-turn lanes, two through lanes and two right-turn lanes on the northbound approach. Add one through lane and one right-turn lane to provide one left-turn lane, two through lanes and two right-turn lanes on the eastbound approach. Add one left-turn lane and one through lane to provide two left-turn lanes, one through lane and one shared through-right lane on the westbound approach. Modify the traffic signal to allow for the provision of right-turn overlap phasing on the northbound and eastbound approaches with prohibition of U-turn movement on the westbound and northbound approaches and provide protected left-turn signal phasing on all approaches.

With installation of the improvements identified in the City of Modesto’s CFF program and the widening described above, the intersection would operate at LOS C in the AM peak hour and LOS D in the PM peak hour with the addition of Project-generated traffic and the cumulative Project’s impact would be reduced to less than significant. However, the widening improvements are not included in any current improvement and funding program; therefore, there is no established mechanism to fund or implement the improvements. Also, because the intersection is outside the City of Ceres’ jurisdiction, the timing of installation of improvements is out of the

City of Ceres' control; therefore the improvements cannot be assured to be completed in the same timeframe that an impact is caused by this Project. For these reasons, the Project's contribution to a cumulative impact at this intersection would be considered *significant and unavoidable*. (Draft EIR, p. 18-58.)

#### **(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

#### **mm. Impact Traf-53: B Street/9th Street (#29).**

##### **(1) Impact and Mitigation**

This intersection would operate at unacceptable levels of service during both peak hours with and without the addition of Project generated traffic. The proposed Project would cause this intersection delay to increase by more than five seconds in both peak hours. This intersection is under the jurisdiction of the City of Modesto.

The following improvements would be required to mitigate the cumulative impact: Add one left-turn lane to provide one left-turn lane, one shared left-through lane and one shared through-right lane to the eastbound approach; modify the traffic signal to allow for the provision of right-turn overlap phasing for the southbound movement with prohibition of eastbound U-turn movement.

##### **(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

##### **(3) Facts in Support of Finding**

With the improvements described above, the intersection would operate at LOS C in the AM peak hour and LOS D in the PM peak hour with the addition of Project-generated traffic and the cumulative Project's impact would be reduced to less than significant. However, the improvements are not included in any current improvement and funding program; therefore, there is no established mechanism to fund or implement the improvements. Also, because the intersection is outside the City of Ceres' jurisdiction, the timing of installation of improvements is out of the City of Ceres' control; therefore the improvements cannot be assured to be completed in the same timeframe that an impact is caused by this Project. For these reasons, the Project's contribution to a cumulative impact at this intersection would be considered *significant and unavoidable*. (Draft EIR, p. 18-59.)

#### (4) Statement of Overriding Considerations

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

##### nn. Impact Traf-57: Crows Landing Road North of Hatch Road (A).

#### (1) Impact and Mitigation

This roadway segment would deteriorate from LOS D in the AM peak hour with the addition of Project generated traffic. Project traffic would also worsen the roadway operations, which would already be operating at LOS F in the PM peak hours without the Project. This roadway segment is under the jurisdiction of Stanislaus County and within Modesto’s Sphere of Influence.

#### (2) Finding

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

#### (3) Facts in Support of Finding

Installation of the improvements identified in the City of Modesto’s CFF program (discussed under Impact Traf-17) would partially reduce this cumulative impact.

Under cumulative traffic conditions, even with the installation of the Modesto CFF improvements, the segment would operate at LOS F with the additional of Project generated traffic. To fully mitigate the cumulative impact, further widening of the roadway would be required. The additional widening improvements were considered in conjunction with the adoption of City of Modesto’s CFF program and were considered to be infeasible.

Because a portion of these improvements have previously been identified as infeasible and because the segment is outside the City of Ceres’ jurisdiction, and the certainty and timing of the installation of feasible improvements is not within the City of Ceres’ control and therefore cannot be assured to be completed in the same timeframe that an impact is caused by this Project. For these reasons, the Project’s contribution to a cumulative impact at this intersection would be considered *significant and unavoidable*. (Draft EIR, p. 18-61.)

#### **(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

##### **oo. Impact Traf-58: Crows Landing Road North of Whitmore Avenue (B).**

#### **(1) Impact and Mitigation**

This roadway segment would deteriorate from LOS C in the AM peak hour and LOS D in the PM peak hour to LOS F with the addition of Project traffic. This intersection is under the jurisdiction of the City of Modesto.

#### **(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

#### **(3) Facts in Support of Finding**

Installation of the improvements identified in the City of Modesto’s CFF program (discussed under Impact Traf-18) would partially reduce this cumulative impact.

Under cumulative traffic conditions, even with the installation of the Modesto CFF improvements, the segment would operate at LOS F with the additional of Project generated traffic. To fully mitigate the cumulative impact, further widening of the roadway would be required. The additional widening improvements were considered in conjunction with the adoption of City of Modesto’s CFF program and were considered to be infeasible.

Because a portion of these improvements have previously been identified as infeasible and because the segment is outside the City of Ceres’ jurisdiction, the certainty and timing of the installation of feasible improvements is not within the City of Ceres’ control; therefore the improvements cannot be assured to be completed in the same timeframe that an impact is caused by this Project. For these reasons, the Project’s contribution to a cumulative impact at this intersection would be considered *significant and unavoidable*. (Draft EIR, p. 18-61.)

#### **(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).



**pp. Impact Traf-59: Crows Landing Road South of Whitmore Avenue (C).**

**(1) Impact and Mitigation**

This roadway segment would deteriorate from LOS D in the AM peak hour with the addition of Project generated traffic. Project traffic would also worsen the roadway operations, which would already be operating at LOS F in the PM peak hours without the Project. This segment is under the jurisdiction of Stanislaus County and within Ceres' Sphere of Influence. The Crows Landing Road segment between Whitmore Avenue and Service Road will be annexed by the City of Ceres as a part of the proposed Project.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

Implementation of mitigation measure Traf-19 would partially reduce the cumulative impact. Under cumulative traffic conditions, even with the implementation of mitigation measure Traf-19 by providing three travel lanes on each direction, the segment would operate at LOS F with the additional of Project generated traffic in the PM peak hour. To fully mitigate the cumulative impact, further widening of the roadway would be required.

However, further widening of Crows Landing Road would result in secondary impact to pedestrians by increasing crossing time and exposure to vehicular traffic, where increased pedestrian activities are projected near the proposed retail commercial center. Therefore, the Project's contribution to a cumulative impact at this intersection would be considered *significant and unavoidable*. (Draft EIR, pp. 18-16 – 18-62.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

**qq. Impact Traf-60: Whitmore Avenue East of Crows Landing Road (D).**

**(1) Impact and Mitigation**

This roadway segment would deteriorate from LOS D to LOS F during both peak hours with the addition of Project traffic. This segment is under the jurisdiction of Stanislaus County

and City of Modesto and within Ceres' Sphere of Influence. The southern portion of the roadway along the Project area frontage would be annexed by the City of Ceres as a part of the proposed Project.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

With installation of the improvements identified in the City of Modesto's CFF program and City of Ceres' PFF program (discussed under Impact Traf-20), the roadway would operate at LOS D in the AM and PM peak hour with the addition of Project-generated traffic.

With the implementation of Ceres' PFF improvements, the Project's impact in Ceres would be reduced to *less than significant*. However, the northern portion of the segment is outside the City of Ceres' jurisdiction; therefore, the certainty and timing of the installation is not within the City of Ceres' control. Therefore, the improvements cannot be assured to be completed in the same timeframe that an impact is caused by this Project. As such the Project's contribution to a cumulative impact on the northern portion of this segment would be considered *significant and unavoidable*. (Draft EIR, p. 18-62.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

**rr. Impact Traf-61: Whitmore Avenue East of Blaker Road (E).**

**(1) Impact and Mitigation**

This roadway segment would operate at LOS F with or without the addition of Project generated traffic. The Project would add traffic to this segment and worsen the operations. This segment is under the jurisdiction of City of Ceres.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

### **(3) Facts in Support of Finding**

Installation of the improvements identified in the City of Ceres' PFF program and the SR 99/Whitmore Avenue Interchange Improvement project (discussed under Impact Traf-21) would partially reduce this cumulative impact.

Under cumulative traffic conditions, even with the installation of the Ceres PFF improvements and the SR 99/Whitmore Avenue Interchange Improvement project improvements, the segment would operate at LOS F with the additional of Project generated traffic. To fully mitigate the cumulative impact, the following improvement would be required

Widen Whitmore Avenue by two lanes to accommodate three travel lanes on each direction.

Implementation of this additional widening would allow the roadway to operate at LOS C in the AM peak hour and LOS D in the PM peak hour, and reduce Project contribution to a less than significant level. However, such additional widening is not included in the SR 99/Whitmore Avenue Interchange Improvement Project and is considered by the City of Ceres to be infeasible. Therefore, the Project's contribution to a cumulative impact at this intersection would be considered *significant and unavoidable*. (Draft EIR, p. 18-62.)

### **(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the "Statement of Overriding Considerations" (Section XI).

#### **ss. Impact Traf-63: SR99 North of Crows Landing Road - Northbound**

##### **(1) Impact and Mitigation**

This segment would continue to operate at LOS F in the AM peak hour with the addition of Project traffic, which would increase the volume by more than five percent. It would also deteriorate from LOS D to LOS E in the PM peak hour. SR 99 is under the jurisdiction of Caltrans.

##### **(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

### **(3) Facts in Support of Finding**

This analysis already assumes that SR 99 would be widened to eight lanes for this scenario. Widening the freeway mainline segment further would provide additional capacity; however, this would go beyond the route concept for this facility and can only be planned and implemented by Caltrans. As a result, the Project impact would remain *significant and unavoidable*. (Draft EIR, p. 18-63.)

### **(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

#### **tt. Impact Traf-64: SR99 North of Crows Landing Road - Southbound.**

### **(1) Impact and Mitigation**

With the addition of Project traffic, this segment would degrade from LOS D to LOS E in the AM peak hour. It would continue to operate at unacceptable levels during the PM peak hour and would increase the volumes by more than five percent in both peak hours. SR 99 is under the jurisdiction of Caltrans.

### **(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

### **(3) Facts in Support of Finding**

This analysis already assumes that SR 99 would be widened to eight lanes for this scenario. Widening the freeway mainline segment further would provide additional capacity; however, this would go beyond the route concept for this facility and can only be planned and implemented by Caltrans. As a result, the Project impact would remain *significant and unavoidable*. (Draft EIR, p. 18-65.)

### **(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

**uu. ImpactTraf-65: SR99 South of Mitchell Road - Southbound**

**(1) Impact and Mitigation**

This segment would deteriorate from LOS D to LOS E in the PM peak hour. SR 99 is under the jurisdiction of Caltrans.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

This analysis already assumes that SR 99 would be widened to eight lanes for this scenario. Widening the freeway mainline segment further would provide additional capacity; however, this would go beyond the route concept for this facility and can only be planned and implemented by Caltrans. As a result, the Project impact would remain *significant and unavoidable*. (Draft EIR, p. 18-65.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

**vv. Impact Traf-66: Mitchell Road Northbound SR99 Off-ramp**

**(1) Impact and Mitigation**

The Project would degrade the level of service from LOS D to LOS E during the AM peak hour. SR 99 is under the jurisdiction of Caltrans.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

Widening the freeway mainline segment and/or the ramp would provide additional capacity. Widening the freeway mainline segment beyond eight lanes would go beyond the route concept for this facility. Widening of the ramps may require additional right-of-way, auxiliary lanes, and reconstruction of the ramp & interchange facilities. These improvements would need

to be planned and implemented by Caltrans. As a result, the Project impact would remain *significant and unavoidable*. (Draft EIR, p. 18-65.)

#### **(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

#### **ww. Impact Traf-67: Crows Landing Road Northbound SR99 On-ramp**

##### **(1) Impact and Mitigation**

The Project would degrade the level of service from LOS D to LOS E during the PM peak hour as well as increase the interchange volume by more than five percent in the AM peak hour when the merge area would already operate at LOS F level without the addition of Project trips. SR 99 is under the jurisdiction of Caltrans.

##### **(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

##### **(3) Facts in Support of Finding**

Widening the freeway mainline segment and/or the ramp would provide additional capacity. Widening the freeway mainline segment beyond eight lanes would go beyond the route concept for this facility. Widening of the ramps may require additional right-of-way, auxiliary lanes, and reconstruction of the ramp & interchange facilities. These improvements would need to be planned and implemented by Caltrans. As a result, the Project impact would remain *significant and unavoidable*. (Draft EIR, p. 18-65.)

##### **(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

**xx. Impact Traf-68: Crows Landing Road Southbound SR99 Off-ramp**

**(1) Impact and Mitigation**

The Project would increase the interchange volumes by more than five percent in both the AM and PM peak hours when the merge area would already operate at LOS E and LOS F, respectively, without the addition of Project trips. SR 99 is under the jurisdiction of Caltrans.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

**(3) Facts in Support of Finding**

Widening the freeway mainline segment and/or the ramp would provide additional capacity. Widening the freeway mainline segment beyond eight lanes would go beyond the route concept for this facility. Widening of the ramps may require additional right-of-way, auxiliary lanes, and reconstruction of the ramp & interchange facilities. These improvements would need to be planned and implemented by Caltrans. As a result, the Project impact would remain *significant and unavoidable*. (Draft EIR, p. 18-67.)

**(4) Statement of Overriding Considerations**

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

**yy. Impact Traf-69: Mitchell Road Southbound SR99 On-ramp**

**(1) Impact and Mitigation**

The Project would degrade the level of service from LOS D to LOS E during the PM peak hour. SR 99 is under the jurisdiction of Caltrans.

**(2) Finding**

There are no feasible mitigation measures that would substantially lessen the severity of the significant effect or reduce that effect to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

### (3) Facts in Support of Finding

Widening the freeway mainline segment and/or the ramp would provide additional capacity. Widening the freeway mainline segment beyond eight lanes would go beyond the route concept for this facility. Widening of the ramps may require additional right-of-way, auxiliary lanes, and reconstruction of the ramp & interchange facilities. These improvements would need to be planned and implemented through coordination with Caltrans. As a result, the Project impact would remain *significant and unavoidable*. (Draft EIR, p. 18-67.)

### (4) Statement of Overriding Considerations

The City Council has found that the Project benefits outweigh the significant unavoidable impacts of the Project. The full discussion can be found in the “Statement of Overriding Considerations” (Section XI).

## VIII. FINDINGS REGARDING ALTERNATIVES

Public Resources Code Section 21002, a key provision of CEQA, provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.”

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. Although an EIR must evaluate this range of *potentially* feasible alternatives, an alternative may ultimately be deemed by the lead agency to be “infeasible” if it fails to fully promote the lead agency’s underlying goals and objectives with respect to the project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) “[F]easibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of the project, the decision-makers may reject the alternative if they determine that specific considerations make the alternative infeasible.

Chapter 21 of the Draft EIR discussed several alternatives to the Project in order to present a reasonable range of options. The alternatives evaluated included:



- **Alternative 1, No Project/No Development:** Assumes that no new development would occur in the Plan area to the west of Crows Landing Road, which would remain largely in agricultural use. The G3 Enterprises facility and County facility would continue to build out their parcels, but would not annex to the City of Ceres.
- **Alternative 2, No Project/General Plan Assumptions:** Assumes that the Plan area would develop consistent with the assumptions of the adopted City of Ceres General Plan, which are less intensive than the proposed Specific Plan.
- **Alternative 3, Reduced Intensity, Some Mix of Uses:** Assumes that the Plan area would develop according to a reduced intensity development plan that preserves some mix of uses, including retail as proposed under the Plan, 20 acres of light industrial uses, and the remainder as low-density residential.
- **Alternative 4, Reduced Intensity, All Low-Density Residential:** Assumes that the Plan area would develop entirely as low-density residential.

The City Council recognizes that none of the comments on the Draft EIR either expressly or impliedly sought the inclusion of additional alternatives to the Project.

The City Council finds that a good faith effort was made to evaluate all feasible alternatives in the EIR that are reasonable alternatives to the Project and could feasibly obtain the basic objectives of the Project, even when the alternatives might impede the attainment of the Project objectives and might be more costly. As a result, the scope of alternatives analyzed in the EIR is not unduly limited or narrow. The City Council also finds that all reasonable alternatives were reviewed, analyzed and discussed in the review process of the EIR and the ultimate decision on the Project. (See, e.g., Draft EIR, pp. 21-1 to 21-19.)

#### **A. Significant and Unavoidable Impacts of the Project**

The EIR summarized the significant and unavoidable impacts of the Project. Significant effects related to air quality, agricultural resources, greenhouse gas emissions, noise, and transportation and circulation that cannot be avoided would occur.

The significant and unavoidable impacts of the proposed Specific Plan are:

- Loss of Important Farmland and development of lands currently under Williamson Act contracts (Impacts Ag-1, Ag-2 and cumulative impact Ag-5)
- Operational ozone and particulate matter emissions (Impact Air-2 and cumulative impacts Air-4 and Air-5)
- Increases in greenhouse gas emissions (Impact Climate-1)
- Traffic noise impacts on existing uses in the vicinity (Noise-3 and cumulative impact Noise-6) and construction noise over an extended period (Noise-4)

- Increased traffic on intersections, roadways, Highway 99 interchanges and mainlines.
  - For some of these impacts, no feasible mitigation has been identified to reduce the impacts to less than significant (Traf-17, -18, and cumulative impacts -31, -57, -58, -59 because of the infeasibility of widening of Crows Landing Road beyond that contemplated in area plans; Traf-24, -28, and cumulative impacts -63, -64, -65, -66, -67, -68, -69 because SR 99 and some of its ramps would operate at substandard levels even with planned improvements; and cumulative impact Traf-61 because widening of Whitmore Avenue beyond that identified in the current Whitmore Interchange Improvement Project is considered by the City to be infeasible)
  - Some of these impacts would be wholly or partially mitigated to a level of less than significant through implementation of another jurisdiction's existing fee and/or improvement program, but have been identified as significant and unavoidable because it is outside of the City's jurisdiction to implement (Impacts Traf-1 to -4, -9, -13 to -16, -20, -23, -25 to -29 and cumulative impacts Traf-32, -34, -37, -38, -42, -43, -45 -47, -48, and -60)
  - For some of these impacts, mitigation has been identified, but implementation is uncertain because a portion of the improvements are not included in an existing improvement plan (Cumulative impacts Traf-30, -33, -37, -41, -44, -46, and -49 to -53) (Draft EIR, p. 21-4.)

## **B. Project Objectives**

The purpose of the proposed Specific Plan is to develop the Plan area to meet the existing and future needs of the expanding Ceres community, with the following objectives:

- Develop land uses that will enhance or complement existing and surrounding land uses.
- Program land uses in response to current and future market conditions in and around the City of Ceres.
- Fully develop the commercial and employment potential of the Plan area.
- Create compact and walkable neighborhoods, consistent with the small-town character of the City of Ceres.
- Provide a diversity of active and passive parks and open space.
- Locate land uses and roadway and walkway networks to support non-motorized and alternative transportation modes.
- Promote LEED principles and Low Impact Development Practices.
- Provide a safe and efficient neighborhood circulation network that promotes connectivity and access for motorists, pedestrians, bicyclists and transit throughout the Plan area.

- Provide a sufficient system of public facilities and services that accommodate the needs of future residents within the Plan area and does not diminish current levels of public facilities and services.

(Draft EIR, p. 3-6.)

## **C. Analysis of Alternatives**

### **1. The No Project Alternative**

#### **a. Description of the Alternative**

The No Project Alternative was analyzed in Chapter 21 of the Draft EIR. Under a “no development” alternative, the Plan area would remain in the county, and the General Agriculture designation on those properties west of Crows Landing Road would be retained. The rural residences and agricultural operations would continue in their present form. Under this alternative, the G3 Enterprises facility would continue to build out under the County’s jurisdiction, as would the County facility east of Crows Landing Road. (Draft EIR, p. 21-5.)

#### **b. Comparison to the Project**

A No Project/No Development alternative would not meet any of the project objectives, because it would not annex the Plan area to the City or Ceres, and no new development would occur. There would be no impacts on the environment, because no new development would occur within the Plan area.

It could also be argued that rejecting development of this site would transfer the growth to another location, which would likely result in impacts similar to those seen with the proposed Plan in a different location. As such a different location has not been identified, such a comparison would be speculative and is not included in this analysis. (Draft EIR, p. 21-2.)

#### **c. Finding**

The City rejects this alternative for the following reasons:

The Alternative would fail to meet any of the project objectives.

### **2. No Project/General Plan Assumptions**

#### **a. Description of the Alternative**

The No Project/General Plan Assumptions Alternative was analyzed in Chapter 21 of the Draft EIR. Alternative 2 would annex the Plan area to the City of Ceres and develop it as envisioned in the City’s General Plan. The total number of acres to be developed would be the same as under the proposed Specific Plan. (Draft EIR, p. 21-5.)

**b. Comparison to the Project**

For comparison purposes, non-residential development areas were assumed to have the same development intensity as was presumed under the proposed Plan. These represent a discount from the maximum allowable development intensity in the GP and include a Floor Area Ratio (FAR) of 0.5 for the office area, 0.24 for the retail and 0.27 for business park/light industrial. Because high-density residential use is allowed in the office area and was assumed in the proposed Plan, the same ratio of multi-family units was assumed for the office area under Alternative 2. While the specifics of services and parks were not detailed in the GP residential reserve designation, a development capacity of 5.2 dwelling units per gross acre has been assumed for the Residential Reserve area, consistent with the assumptions in the General Plan EIR (sections 2.4 and 2.5), which factors in assumptions of appropriate parkland and services . All the residential units in this area are presumed to be single-family. Alternative 2 would result in significantly more industrial uses, but also significantly less commercial and office and fewer residential units. Assumed employment generation rates from the Ceres' General Plan EIR (Table 2-6) were used to estimate that full build out under Alternative 2 would generate approximately 73% more employees than build out under the Plan.

Utility infrastructure may be sized for reduced capacity demanded under Alternative 2, but would otherwise be similar to the proposed Plan.

The policies, implementation measures and guidelines of the City's General Plan would be implemented under this alternative.

Table 21.1: Rough Estimates For Comparison of Alternative 2 to the Proposed Plan				
Land Use	Acreage	Development (in sq. ft. or residential units)	Daily Traffic Trips	Estimated Employees
<b>Proposed Plan, Core Planning Area</b>				
RETAIL (ALL)	85.9	884,200	16,485	1,768
Office	17.7	383,910	5,295	1,097
<b>BUSINESS PARK</b>	67.5	802,100	10,625	2,005
Schools and Parks	63.0			
Residential (Single Family)	278.0	2,325	16,925	
Residential (Multi-Family)	40.0	1,310	7,560	
Roads	88.9 <sup>1</sup>			
Total	641 <sup>1</sup>		62,475	4,870
<b>Alternative 2</b>				
Office	36	784,080	10,814	2,240
Community Commercial	9	1494,090	1,754	188
<b>LIGHT INDUSTRIAL</b>	276	4,809,024	33,519	6,011
Residential Reserve (Single-Family)	320	1,664	12,250	
Residential (Multi-Family) <sup>2</sup>		185	973	
Total	641		59,311	8,440
Difference from Proposed Plan		50% reduction in housing units	5% reduction in trips	73% increase in employees
1 For comparison to acreages under the General Plan, boundary roadway areas were removed from this table.				
2 These multi-family units are assumed mixed-use development in the Office designated area. Note that under the proposed Plan, multi-family units are also assumed in the Office area as well as one of the retail areas. See Chapter 3: Project Description and specifically Table 3.1 for a breakdown of multi-family units under the proposed Plan.				

Assuming build out of so much light industrial acreage would be possible under existing market conditions, Alternative 2 would meet the project objective to develop the employment potential of the site. It can be assumed the residential area would also meet objectives to provide walkable neighborhoods, parks and open space, low impact development practices, a safe and efficient circulation network, and a sufficient system of public facilities and services.

However, Alternative 2 would not necessarily complement existing and surrounding uses or respond to current and projected market conditions. It would also not locate as much high-density residential or commercial uses near Crows Landing Road to support alternative transportation modes.

With respect to environmental impacts, the Alternative would reduce some of the significant and unavoidable impacts of the project, but not to a less than significant level.

### c. Finding

The City rejects this alternative for the following reasons:

The Alternative would not result in a substantial reduction of the Project's significant and unavoidable impacts and would not meet all of the project objectives. In addition, Alternative 2 would not preserve/protect the Carol Lane neighborhood from surrounding industrial development, potentially resulting in new land use impacts and would result in increased hazardous materials impacts. Also, the feasibility of the market to support this large amount of new light industrial uses in this Alternative is unknown.

### **3. Reduced Intensity, Some Mix of Uses**

#### **a. Description of the Alternative**

The Reduced Intensity, Some Mix of Uses Alternative was analyzed in Chapter 21 of the Draft EIR. Under Alternative 3, the Plan area would be annexed into the City of Ceres, but it would develop according to a reduced intensity development plan that preserves some mix of uses in the Plan area. (Draft EIR, p. 21-9)

#### **b. Comparison to the Project**

Alternative 3 assumes retail will develop as proposed under the Plan and an additional 20 acres would be developed as light industrial uses. All the remaining area will develop as low density residential, with an assumed density of 5.2 units per acre, consistent with assumptions under the City's General Plan to take into account space for services and infrastructure. As shown in **Table 21.2**, the total number of acres to be developed would be the same as under the proposed Specific Plan.

Utility infrastructure may be sized for reduced capacity demanded under Alternative 3, but would otherwise be similar to the proposed Plan.

It is presumed that applicable policies, implementation measures and guidelines of the West Landing Specific Plan would be implemented under this alternative.

Alternative 3 would reduce residential units by 25% and generate approximately 49% less employees than build out under the Plan.

Table 21.2: Rough Estimates For Comparison of Alternative 3 to the Proposed Plan				
Land Use	Acreeage	Development (in sq. ft. or residential units)	Daily Traffic Trips	Estimated Employees
<b>Proposed Plan, Core Planning Area</b>				
RETAIL (ALL)	85.9	884,200	16,485	1,768
Office	17.7	383,910	5,295	1,097
<b>BUSINESS PARK</b>	67.5	802,100	10,625	2,005
Schools and Parks	63.0			
Residential (Single Family)	278.0	2,325	16,925	
Residential (Multi-Family)	40.0	1,310	7,560	
Roads	88.9 <sup>1</sup>			
Total	641 <sup>1</sup>		62,475	4,870
<b>Alternative 3</b>				
RETAIL (ALL)	85.9	884,200	16,485	1,768
LIGHT INDUSTRIAL	20	348,480	2,429	436
Residential (Single-Family)	535.1	2,783	20,485	
Total	641		39,399	2,204
Difference from Proposed Plan		25% reduction in housing units	37% reduction in trips	49% decrease in employees
1 For comparison to acreages under the General Plan, boundary roadway areas were removed from this table.				

Alternative 3 would reduce residential units by 25% and generate approximately 49% less employees than build out under the Plan.

Alternative 3 would meet the project objective to develop the employment potential of the site, though to a reduced degree than under the Plan (49% less). It can be assumed the residential area would also meet objectives to provide walkable neighborhoods, parks and open space, low impact development practices, a safe and efficient circulation network, and a sufficient system of public facilities and services.

However, Alternative 3 would not necessarily complement existing and surrounding uses or respond to current and projected market conditions. It would also not locate high-density residential near Crows Landing Road and its commercial uses to support alternative transportation modes.

### c. Finding

The City rejects this alternative for the following reasons:

The Alternative would not result in a substantial reduction of the Project's significant and unavoidable impacts and would not meet all of the project objectives. In addition, Alternative 3 could potentially increase greenhouse gas impacts due to the less concentrated development, which would be less efficient from the perspective of per capita greenhouse gas emissions.

#### 4. Reduced Intensity, Low-Density Residential

##### a. Description of the Alternative

Under the Reduced Intensity, Low-Density Residential Alternative the Plan area would be annexed into the City of Ceres, but it would develop entirely with low-density residential development. No non-residential uses, such as retail, office, business park or light industrial uses would be developed under this alternative. (Draft EIR, p. 21-13.)

##### b. Comparison to the Project

Under Alternative 4, the Plan area would be annexed into the City of Ceres, but it would develop entirely with low-density residential development. No non-residential uses, such as retail, office, business park or light industrial uses would be developed under this alternative. The low-density residential is assumed to develop with a density of 5.2 units per acre, consistent with assumptions under the City’s General Plan to take into account space for services and infrastructure. As shown in **Table 21.3** of the Draft EIR, the total number of acres to be developed would be the same as under the proposed Specific Plan.

Utility infrastructure may be sized for reduced capacity demanded under Alternative 4, but would otherwise be similar to the proposed Plan.

It is presumed that applicable policies, implementation measures and guidelines of the West Landing Specific Plan would be implemented under this alternative.

Table 21.3: Rough Estimates For Comparison of Alternative 4 to the Proposed Plan				
Land Use	Acreage	Development (in sq. ft. or residential units)	Daily Traffic Trips	Estimated Employees
<b>Proposed Plan, Core Planning Area</b>				
RETAIL (ALL)	85.9	884,200	16,485	1,768
Office	17.7	383,910	5,295	1,097
BUSINESS PARK	67.5	802,100	10,625	2,005
Schools and Parks	63.0			
Residential (Single Family)	278.0	2,325	16,925	
Residential (Multi-Family)	40.0	1,310	7,560	
Roads	88.9 <sup>1</sup>			
Total	641 <sup>1</sup>		62,475	4,870
<b>Alternative 4</b>				
Residential (Single-Family)	641	3,333	24,539	
Total	641		24,539	
Difference from Proposed Plan		11% reduction in housing units	61% reduction in trips	100% decrease in employees
1 For comparison to acreages under the General Plan, boundary roadway areas were removed from this table.				



Alternative 4 would reduce residential units by 11% as compared to the Plan and would not generate substantial employment opportunities.

It can be assumed the residential uses developed under Alternative 4 would meet objectives to provide parks and open space, low impact development practices, a safe and efficient circulation network, and a sufficient system of public facilities and services.

However, Alternative 4 would not meet the project objective to develop the employment potential of the site, as residential uses are not anticipated to create substantial employment opportunities. Alternative 4 would not necessarily complement existing and surrounding uses or respond to current and projected market conditions. While new residential development is likely to meet standards for sidewalks and bicycle lanes, there would not be the mix of uses on site (such as jobs and retail near residential uses) or higher density residential areas to promote replacement of vehicle trips with non-motorized transportation or to support alternative transportation modes. (Draft EIR, pp. 21-13 to 21-14.)

### **c. Finding**

The City rejects this alternative for the following reasons:

This alternative fails to feasibly meet most project objectives. In addition, while Alternative 4 would substantially reduce traffic and air quality impacts, it would not result in a reduction of the Project's significant and unavoidable impacts to roadways outside the City's jurisdiction, including along Crows Landing Road below significance levels. Also, Alternative 4 could potentially increase greenhouse gas impacts due to the less concentrated development, which would be less efficient from the perspective of per capita greenhouse gas emissions.

## **5. Environmentally Superior Alternatives**

An EIR is required to identify the environmentally superior alternative from among the range of reasonable alternatives that are evaluated. CEQA Section 15126(d)(2) states that if the environmentally superior alternative is the No Project Alternative, the EIR shall also identify an environmentally superior alternative from among the other alternatives.

Resulting in no change from existing conditions and therefore no environmental impacts, the No Project/No Development Alternative (Alternative 1) would be the environmentally superior alternative. This alternative would fail to meet all of the project objectives.

Following the No Project/No Development Alternative (Alternative 1), the Reduced Intensity/Low-Density Residential Alternative (Alternative 4) would be considered the environmentally superior alternative. Many of the project objectives would remain unmet under Alternative 4 as this alternative does not provide substantial employment opportunities, complement surrounding uses, respond to market conditions or promote use of alternative travel modes.

## **IX. GROWTH-INDUCING IMPACTS**

A project may be growth-inducing if it directly or indirectly fosters economic or population growth or additional housing, removes obstacles to growth, taxes community service facilities, or encourages or facilitates other activities that cause significant environmental effects. (CEQA Guidelines Section 15126(g).) Under CEQA, induced growth is not considered necessarily detrimental or beneficial. Induced growth is considered a significant impact only if it directly or indirectly affects the ability of agencies to provide needed public services, or if it can be demonstrated that the potential growth could significantly affect the environment in some other way.

The City Council finds that the Project would not significantly induce further growth or remove obstacles to future growth. Moreover, the City Council finds that any induced growth would not affect the City's ability to provide needed public services, or otherwise significantly affect the environment as evidenced in the EIR, the Plan, the Financing Plan, and elsewhere in the record. In addition, as noted previously, LAFCO will require a municipal services plan demonstrating the City's ability to provide adequate services to the Plan area before LAFCO will approve any annexation.

For these reasons, the Project would not result in any growth-inducing impacts. These facts support the City's finding. (Draft EIR, pp. 20-02 to 20-04.)

## **X. FEASIBILITY OF MITIGATION MEASURES PROPOSED IN COMMENTS ON THE DRAFT EIR**

During the public comment period, the City received comments suggesting additional mitigation measures. As explained in the Final EIR (Responses to Comments), most of these suggestions were found to be inappropriate because they were duplicative, did not address the impact, or were infeasible. Some measures were changed per comments, but the changes were insignificant and did not alter the level of significance determination or accompanying analysis. The City Council commends its staff for their careful consideration of all of the public comments received and particularly its careful evaluation of the proposed mitigation measures. The Commission agrees with staff's analysis in all respects.

Throughout this entire process, the Commission and staff have remained cognizant of the legal obligation under CEQA to substantially lessen or avoid significant environmental effects to the extent feasible. The City recognizes, moreover, that comments frequently offer thoughtful suggestions regarding how a commenter believes that a particular mitigation measure can be modified, changed significantly, or added, in order to more effectively, in the commenter's eyes, reduce the severity of environmental effects. The City is also cognizant, however, that, with the exception of new language included in the Final EIR, the mitigation measures in the Draft EIR intended to avoid, minimize, rectify, reduce, compensate for, or substantially lessen significant environmental effects of the Project represents the fruit of extensive staff and consultant experience in countless projects. Thus, in considering proposed changes to mitigation measures, the City, in determining whether to accept such language, either in whole or in part, has

considered the following factors, among others: (i) whether the proposed language relates to a significant and unavoidable environmental effect of the Project, or instead relates to an effect that can already be mitigated to less-than-significant levels; (ii) whether the proposed language represents a clear improvement, from an environmental standpoint, over the draft language that a commenter seeks to replace; (iii) whether the proposed language would essentially duplicate language already in place elsewhere within the mitigation measures identified for the Project; (iv) whether the proposed language appears to be feasible from an economic, technical, legal, or other standpoint; (v) whether the proposed language is consistent with the Project objectives.

As is evident from the specific responses given to specific suggestions in the Final EIR, City staff and consultants spent large amounts of time carefully considering and weighing proposed mitigation measures. In no instance did the City fail to take seriously a suggestion made by a commenter or fail to appreciate the effort that went into the formulation of suggestions.

## **XI. STATEMENT OF OVERRIDING CONSIDERATIONS**

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15093, the City Council has balanced the economic, legal, social, technological, and other benefits of the Project against the significant and unavoidable impact associated with the Project, and has recommended adoption of all feasible mitigation measures. The City Council has also examined potentially feasible alternatives to the Project, none of which would both meet most of the project objectives and result in substantial reduction or avoidance of the project's significant and unavoidable impacts. The City Council hereby adopts and makes the following Statement of Overriding Considerations regarding the significant and unavoidable impact of the Project and the anticipated economic, legal, social, technological, and other benefits of the Project.

### **A. Significant and Unavoidable Impacts**

Based on information contained in the Record and in the EIR, the City Council has determined that the Project would result in significant and unavoidable impacts to: (1) air quality due to ozone and particulate matter and cumulative impacts; (2) agricultural resources due to conversion of farmland, the cancellation of Williamson Act contracts and cumulative impacts; (4) noise impacts due to increases in traffic; (5) transportation and circulation due to increase in traffic, level of service standards, and cumulative impacts. (Draft EIR, pp. 2-10 to 2-24.)

### **B. Finding**

The City Council has considered all potentially feasible mitigation measures to substantially lessen or avoid the Project's significant and unavoidable impacts. The Commission finds that there are no feasible mitigation measures that would reduce the identified impacts. (See Section IX.D above.)

The City Council has also considered all potentially feasible alternatives to the Project. The City Council finds that there are no feasible alternatives that would reduce the above significant and unavoidable impacts to a less-than-significant level. (See Section VII above.)

The Project's impacts discussed above, therefore, remain significant and unavoidable.

### **C. Overriding Considerations**

After review of the entire administrative record, including, but not limited to, the Final EIR, the staff report, applicant submittals, and the oral and written testimony and evidence presented at public hearings, the City Council finds that specific economic, legal, social, technological and other anticipated benefits of the Project outweigh the significant and unavoidable impacts, and therefore justify the approval of this Project notwithstanding the identified significant and unavoidable impacts. (Pub. Resources Code, § 21081; CEQA Guidelines, § 15093.) The benefits are addressed in detail below.

The City Council specifically adopts and makes this Statement of Overriding Considerations that this Project has eliminated or substantially lessened all significant effects on the environment where feasible (including the incorporation of feasible mitigation measures), and finds that the remaining significant unavoidable impacts of the Project, which are described above, are acceptable because the benefits of the Project set forth below in Section XI.D outweigh it. The City Council finds that each of the overriding considerations expressed as benefits and set forth below constitutes a separate and independent ground for such a finding. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City Council will stand by its recommendation that each individual reason is sufficient by itself. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this Section, and in the documents found in the Record of Proceedings.

### **D. Benefits of the Project**

The City Council has considered the EIR, the public record of proceedings on the Project and other written materials presented to and prepared by the City, as well as oral and written testimony received, and does hereby determine that implementation of the Project as specifically provided in the Project documents would result in the following substantial public benefits:

1. The Project will Provide for the Orderly Development of an Area Currently Identified in the Ceres General Plan for Urban Development.
2. The Project Will Provide a Desirable Mix of Uses Resulting a Balance of Jobs and Housing and a Highly Walkable, Liveable Plan Area.
3. The Project Will Provide for Housing in Proximity to Jobs and Other Activity Centers, Reducing Transportation Energy Use and Air Emissions.
4. The Project Will Provide a Range of Housing Types and Opportunities, Supporting the Goals of the Housing Element of the General Plan.
5. The Project Would Provide Substantial Retail Opportunities and Would Generate Sales Tax Revenue For the City.
6. The Project Would Increase the City's Employment Base and Create Diverse Employment Opportunities for City Residents.
7. The Project Will Provide Buffers and Transitions between Commercial/Business Park Uses and Adjacent Residential Uses.
8. The Project Will Ensure High-Quality Development Design.
9. The Project Will Feature Numerous Energy Conserving Measures.
10. The Project Would Provide for Attractive Landscaping to Provide Amenities Onsite and as Viewed From Adjacent Streets.
11. The Project Will Result in Improvements to Major Corridors including Whitmore Avenue, Crows Landing Road, and Service Road.

**E. Determination and Adoption of Statement of Overriding Considerations**

The City Council has weighed the economic, legal, social, technological, and other benefits of the Project, as set forth above in Section XI.D, against the significant unavoidable impacts of the Project identified in the EIR and discussed above.

The City Council determines that those benefits outweigh the risks and adverse environmental impacts of the Project, and further gives its recommendation that the Project's significant unavoidable impacts are acceptable.

Accordingly, the City Council adopts the Statement of Overriding Considerations, recognizing that significant unavoidable impacts will result from implementation of the Project. Having (i) adopted all feasible mitigation measures, as discussed in the Environmental Impact

Report; (ii) rejected alternatives to the Project, as discussed in the Environmental Impact Report; and (iii) recognized the significant unavoidable impacts of the Project, the City Council hereby finds that each of the separate benefits of the Project, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants approval of the Project and outweighs and overrides its significant unavoidable impacts, and thereby justifies the City Council's approval of the West Landing Specific Plan Project.

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## EXHIBIT B

### WEST LANDING SPECIFIC PLAN MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Timing	Monitoring Responsibility	Verification (Date/Initials)
<p>Ag-3: Maintain Irrigation Facilities. Irrigation facilities within the Plan area shall be maintained for active agricultural uses until Plan area uses are developed. These facilities shall be upgraded and/or relocated as needed, based on consultation with TID and the timing of development.</p>	<p>The applicant shall show continuation of irrigation facilities or prove abandonment will have no downstream effect prior to issuance of grading/building permits.</p>	<p>City of Ceres Planning and Building Division, Public Works – Engineering Division, in consultation with TID</p>	
<p>Ag-4: Deeded Right-to-Farm. Deeds recorded for each residential parcel in the Plan area shall include notification consistent with Stanislaus County’s Right-to-Farm Ordinance (9.32.050) that the residence is located in proximity to ongoing, active agricultural activities, and list the types of annoyances that could occur. The notification shall also state that neither the County nor the City will take action against property owners of agricultural land who engage in agricultural practices that are consistent with accepted customs and standards.</p>	<p>This mitigation shall be noted in subdivision applications and verified prior to issuance of a certificate of occupancy for any residential use.</p>	<p>City of Ceres Public Works – Engineering Division</p>	
<p>Air-1: Dust Suppression. In addition to compliance with SJVAPCD Regulation VIII, the following enhanced dust control measures shall be included in construction contracts where applicable and feasible to control fugitive dust emissions during construction.</p> <ul style="list-style-type: none"> <li>• Limit traffic speeds on unpaved roads to 15 mph.</li> <li>• Install sandbags or other erosion control measures to prevent silt runoff to public roadways.</li> <li>• Replant vegetation in disturbed areas as quickly as possible.</li> <li>• Limit access to the construction sites, so tracking of mud or dirt on to public roadways can be prevented. If necessary, use wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.</li> <li>• Suspend excavation and grading activity when winds (instantaneous gusts) exceed 20 mph or dust clouds cannot be prevented from extending beyond the site.</li> </ul>	<p>Implemented throughout construction phases. The noted mitigations will appear on the grading or street improvement plans as Air Quality requirements.</p>	<p>City of Ceres Public Works – Engineering Division</p>	
<p>Air-4: Health Risk Assessment for New Sources. When a new source of substantial toxic or hazardous emissions is proposed within 1,000 feet of a sensitive use in the WLSP area, a health risk assessment shall be completed and mitigation proposed if necessary to reduce the cancer risk below 10 in one million and the non-carcinogenic</p>	<p>During approval process for projects that are regulated as sources of TACs or attract large numbers of diesel-fueled vehicles / prior to issuance of construction permits</p>	<p>City of Ceres Planning and Building Division, Public Works – Engineering Division</p>	

Mitigation Measures	Timing	Monitoring Responsibility	Verification (Date/Initials)										
hazard index below 1.													
Agricultural nuisances and odors are mitigated by the following plan elements: the WLSP provides for construction of a masonry wall (or a combination berm and wall) at least 6 feet high, together with a landscaped setback area along the proposed residential areas of the Plan area along Ustick Road (the western boundary of the Plan area) and Service Road (the southern boundary of the Plan area). Part of the project, these walls and landscaping will act to buffer and reduce wind-blown dust from adjacent agricultural fields.	Ensure walls and setbacks are included in plans along Ustick and Service Roads, per the WLSP, prior to subdivision/specific project approvals.	City of Ceres Planning and Building Division											
Development projects in the Plan area would be required by SJVAPCD Rule 9510 to mitigate operational NOx emissions by 33 percent and operational PM10 emissions by 50 percent over ten years. This requires the applicant of any development project to undergo an application process through SJVAPCD.	Verify SJVAPCD has determined the project is in compliance prior to issuance of any construction permits	City of Ceres Public Works – Engineering Division											
Bio-1: Pre-Construction Swainson’s Hawk Survey. Pre-construction surveys for nesting Swainson’s hawks within 0.25 miles of the Plan area shall be conducted if construction commences between March 1 and September 15. If active nests are found, a qualified biologist shall determine the need (if any) for temporal restrictions on construction or through setbacks from active nests. The determination should be pursuant to criteria set forth by CDFG (1994).	Prior to construction and site grading activities	City of Ceres Public Works – Engineering Division, Planning and Building Division											
<p>Bio-2: Swainson’s Hawk Foraging Easements. Pursuant to CDFG guidelines for development located near an active nest, development projects within the Plan area proposing conversion of alfalfa fields, grain fields, and annual cropland shall provide habitat to be protected in perpetuity for every acre of foraging habitat impacted according to the ratios presented below and/or consult with CDFG to determine appropriate compensatory habitat mitigation.</p> <table border="0" data-bbox="186 1514 625 1749"> <tr> <td>Distance to an active nest</td> <td>Habitat to be protected per acre impacted</td> </tr> <tr> <td>1 mile</td> <td>1.5 acres</td> </tr> <tr> <td>1 to 5 miles</td> <td>0.75 acres</td> </tr> <tr> <td>5 to 10 miles</td> <td>0.5 acres</td> </tr> <tr> <td>Over 10 miles</td> <td>0 acres</td> </tr> </table> <p>Unless a different distance can be demonstrated by subsequent nesting studies, development in the Plan area shall be assumed to be within 1 to 5 miles of an active nest, requiring 0.75 acres to be protected for each acre of alfalfa fields, grain fields, and</p>	Distance to an active nest	Habitat to be protected per acre impacted	1 mile	1.5 acres	1 to 5 miles	0.75 acres	5 to 10 miles	0.5 acres	Over 10 miles	0 acres	Prior to construction and site grading activities on sites with alfalfa fields, grain fields, and/or annual cropland	City of Ceres Public Works – Engineering Division, Planning and Building Division	
Distance to an active nest	Habitat to be protected per acre impacted												
1 mile	1.5 acres												
1 to 5 miles	0.75 acres												
5 to 10 miles	0.5 acres												
Over 10 miles	0 acres												



Mitigation Measures	Timing	Monitoring Responsibility	Verification (Date/Initials)
<p>annual cropland converted.</p> <p>The mitigation will be accomplished either by developing a project-specific mitigation agreement that would be submitted to CDFG for approval or by purchasing Swainson's Hawk mitigation credits at a CDFG-approved mitigation bank.</p>			
<p>Bio-3: Pre-construction Burrowing Owl Survey. Pre-construction surveys for burrowing owls within the Specific Plan area should be conducted if construction commences between February 1 and August 31. If occupied burrows are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination should be pursuant to criteria set forth by CDFG (1995). If owls need to be moved, they should be passively relocated prior to February 1 or after August 31 using standard methodologies (CDFG, 1995).</p>	<p>Prior to construction and site grading activities</p>	<p>City of Ceres Public Works – Engineering Division, Planning and Building Division</p>	
<p>Bio-4: Burrowing Owl Easement. To offset the loss of burrowing owl habitat around an active burrow lost to development, 6.5 acres of nesting and foraging habitat per pair or unpaired resident bird be acquired and permanently protected. A permanent conservation easement prohibiting any activities inconsistent with burrowing owl management would be required, as would an endowment to fund management and monitoring in perpetuity. Approval of the location, size, and management of the burrowing owl habitat area by CDFG would be required.</p> <p>The mitigation will be accomplished either by developing a project-specific mitigation agreement that would be submitted to CDFG for approval or by purchasing burrowing owl mitigation credits at a CDFG-approved mitigation, if available.</p>	<p>Prior to construction and site grading activities, if triggered by mitigation measure Bio-3, above.</p>	<p>City of Ceres Public Works – Engineering Division, Planning and Building Division</p>	

Mitigation Measures	Timing	Monitoring Responsibility	Verification (Date/Initials)
<p>Bio-5: Pre-Construction Nesting Bird Survey. Pre-construction surveys for nesting birds protected by the Migratory Bird Treaty Act of 1918 and/or Fish and Game Code of California within 100 feet of a development site in the Plan area shall be conducted if construction commences during the avian nesting season, between February 1 and August 31. The survey should be undertaken no more than 15 days prior to any site-disturbing activities, including vegetation removal or grading. If active nests are found, a qualified biologist shall determine an appropriate buffer in consideration of species, stage of nesting, location of the nest, and type of construction activity. The buffers should be maintained until after the nestlings have fledged and left the nest.</p>	<p>Prior to construction and site grading activities</p>	<p>City of Ceres Public Works – Engineering Division, Planning and Building Division</p>	
<p>Culture-1: Halt Construction Activity, Evaluate Find and Implement Mitigation. In the event that any previously unidentified archaeological or paleontological resources are uncovered during construction activity, all such activity shall cease until these resources have been evaluated by a qualified archaeologist and specific mitigation measures can be implemented to protect these resources. Mitigation measures could include site evaluation, site boundary determinations, removal of isolated findings, data recovery excavations, or project re-design to protect the resource.</p>	<p>Verify included in construction contracts prior to grading/construction permits and implemented during ground-disturbing activities</p>	<p>City of Ceres Public Works – Engineering Division, Planning and Building Division</p>	
<p>Culture-2: Halt Construction Activity, Notify County Coroner and Coordinate with Native American Heritage Commission. In the event that any human remains are uncovered during site preparation, excavation or other construction activity, all such activity shall cease until these resources have been evaluated by the County Coroner, and appropriate action taken in coordination with the Native American Heritage Commission. Further actions could include removal of the remains or project re-design to afford protection.</p>	<p>Verify included in construction contracts prior to grading/construction permits and implemented during ground-disturbing activities</p>	<p>City of Ceres Public Works – Engineering Division, Planning and Building Division</p>	
<p>Culture-3: Full Archaeological / Paleontological Field Survey and Evaluation of Historic-Age Structures for Unsurveyed Areas. Owners or developers of the areas not included in previous field surveys shall be responsible for the following:</p> <ul style="list-style-type: none"> <li>A full archaeological/paleontological field survey of the development site shall be completed by a qualified professional to satisfy Section 21083.2 of the California Public Resources Code, which requires a determination be made whether the project may have a significant effect on archaeological and paleontological</li> </ul>	<p>Verify prior to issuance of construction/grading permits for the following parcels, APNs (see map on page 8-1 of the Draft EIR):  Nayares 056-055-011-000, Amador 056-055-012-000, Richardson 056-055-003-000, Michelena 056-055-014-000, Bava 056-055-019-000, Corda 056-055-023-000, and the Marquez properties (including the El Rematito Flea Market): 056-055-003-000, 056-055-004-000, 056-055-005-000.</p>	<p>City of Ceres Public Works – Engineering Division, Planning and Building Division</p>	

Mitigation Measures	Timing	Monitoring Responsibility	Verification (Date/Initials)
<p>resources.</p> <ul style="list-style-type: none"> <li>Any historic-age (50 years or older) buildings on-site must be recorded and evaluated for eligibility for listing on the California Register of Historic Resources, pursuant to California Public Resources Code 21084.1.</li> </ul>	<p>The Stanislaus County parcels: 086-015-005-000, 086-015-014-000, 086-015-015-000, 086-015-016-000.</p> <p>The entire Carol Lane neighborhood (including adjacent residential lots facing Whitmore Avenue): 056-056-002-000, 056-056-004-000, 056-056-005-000, 056-056-006-000, 056-056-007-000, 056-056-008-000, 056-056-009-000, 056-056-010-000, 056-056-011-000, 056-056-012-000, 056-056-013-000, 056-056-014-000, 056-056-015-000, 056-056-017-000, 056-056-018-000, 056-056-019-000, 056-056-020-000, 056-056-021-000, 056-056-022-000, 056-056-023-000, 056-056-024-000, 056-056-025-000, 056-056-026-000, 056-056-027-000, 056-056-028-000, 056-056-029-000.</p>		
<p>Geo-1: Design-Level Geotechnical Investigation/Meet Seismic Design Standards. Each development project applicant shall design structures and foundations to withstand expected seismic forces in accordance with the City of Ceres Municipal Code, and as adopted under it, the California Building Code. A design-level geotechnical investigation shall be performed for each development site by a registered geotechnical engineer or civil engineer with geotechnical experience. This investigation will more thoroughly describe site soil mechanics, allowing for seismic design in accordance with the City of Ceres Municipal Code and the California Building Code. The City of Ceres Building Division shall not issue building permits until seismic design criteria is reviewed and approved.</p>	<p>Prior to issuance of building permits</p>	<p>City of Ceres Public Works – Engineering Division</p>	
<p>Geo-3: Erosion Control Plan/Stormwater Pollution Prevention Plan. Development within the Specific Plan area shall comply with Central Valley Regional Water Quality Control Board guidelines applicable at the time of the issuance of any grading permit and shall adopt acceptable best management practices (BMPs) for control of sediment and stabilization of erosion on the subject site. Acceptable BMPs for the protection of water quality shall also be adopted. Development under the Specific Plan will be dependant upon approval of an Erosion Control Plan and a Stormwater Pollution Prevention Plan (SWPPP) as outlined below.</p> <p>(1) Erosion Control Plan</p> <p>An Erosion Control Plan shall be prepared and implemented for development projects in the Plan area. The plan shall be submitted to the City of Ceres in conjunction with the</p>	<p>An Erosion Control Plan shall be submitted to the City of Ceres in conjunction with the Project Grading Plan prior to start of construction, and a final report is required prior to final building acceptance.</p> <p>A SWPPP shall be filed prior to issuance of a grading permit and implemented during construction activities.</p>	<p>City of Ceres Public Works – Engineering Division</p>	

Mitigation Measures	Timing	Monitoring Responsibility	Verification (Date/Initials)
<p>Project Grading Plan prior to start of construction, and a final report is required prior to final building acceptance.</p> <p>The Plan shall include locations and specifications of recommended soil stabilization techniques, such as placement of straw wattles, silt fence, berms, and storm drain inlet protection. The Plan shall also depict staging and mobilization areas with access routes to and from the site for heavy equipment. The Plan shall include temporary measures to be implemented during construction, as well as permanent measures.</p> <p>City staff or representatives shall visit the site during grading and construction to ensure compliance with the grading ordinance and plans, as well as note any violations, which shall be corrected immediately. A final inspection shall be completed prior to occupancy. Elements of this Plan may be incorporated into the SWPPP, where applicable.</p> <p>(2) Stormwater Pollution Prevention Plan (SWPPP)</p> <p>In accordance with the Clean Water Act and the State Water Resources Control Board (SWRCB), the Permittee shall file a SWPPP prior to the start of construction. The SWPPP shall include specific best management practices to reduce soil erosion. This is required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 99-08-DWQ) and is more fully described in Chapter 12: Hydrology under mitigation measure Hydro-1.</p>			
<p>Climate-1: Implement Greenhouse Gas Emissions Reduction Measures. Development projects within the Plan area shall demonstrate GHG emissions reductions to comply with State and Federal requirements, as feasible, through implementation of SJVAPCD GHG emission reduction measures or quantification of reduction from additional measures.</p> <p>Or, if the City of Ceres has adopted an alternate GHG emission reduction plan or GHG mitigation program in the interim, compliance with that plan or program will satisfy this mitigation measure.</p>	<p>Prior to issuance of any construction permits</p>	<p>City of Ceres Planning and Building Division, Public Works – Engineering Division</p>	
<p>Haz-1a: Phase I and/or Phase II Reports. Prior to issuance of demolition, grading, or building permits, development projects in the Plan area shall submit to the Ceres Public Safety Department, a Phase I environmental site assessment report signed by a Registered Environmental Assessor, Professional</p>	<p>Prior to issuance of demolition, grading, or building permits</p>	<p>Ceres Public Safety Department, Public Works – Engineering Division</p>	

Mitigation Measures	Timing	Monitoring Responsibility	Verification (Date/Initials)
<p>Geologist, or Professional Engineer, and a Phase II report if warranted by the Phase I report for the project site. The report(s) shall identify any hazardous materials present on site and make recommendations for timing and type of remedial action, if appropriate.</p> <p>Haz-1b: Additional Soil Sampling/Site Soil Management Plan if Warranted. If warranted by the Phase I analysis, development projects in the Plan area shall complete additional surface and subsurface soil sampling to determine if elevated levels of pesticides, fungicides, or fertilizer are present in the former agricultural soil. These tests shall take place within the areas of the project site currently/previiously in agricultural use, at a minimum rate of 1 direct sample per 10 acres. Samples may be composited with other samples for testing purposes, so that one composite sample is tested per 40 acres. Testing shall be for chemicals of concern, including persistent pesticides. Should pesticides of concern be detected, additional testing shall be performed to fully evaluate the extent of the presence of pesticides and the potential hazard to human health and the environment.</p> <p>A registered geologist or civil engineer shall perform soil sampling, and all soil testing shall be performed by a state certified analytical laboratory, with results reported to the Stanislaus County Department of Environmental Resources. If contamination exceeding Residential guidelines such as the Regional Water Quality Control Board Environmental Screening Levels (ESL) for Residential Sites, U.S. EPA Preliminary Remediation Goals (PRG) for Residential sites, or the California Department of Toxic Substances Control Human Health Screening Levels (HHSL) is detected, then a Site Soil Management Plan and Health and Safety Plan shall be prepared and implemented.</p> <p>If contamination of site soils is detected, then results shall be reported to the Department of Toxic Substance Control (DTSC) and a Site Soil Management Plan shall be prepared in accordance with recommendations of the environmental consultant and established procedures for safe removal. Specific mitigation measures designed to protect human health and the environment will be provided in the Plan. At a minimum the Plan shall include, but not be limited to the following:</p> <ul style="list-style-type: none"> <li>• Documentation of the extent of previous environmental investigation and remediation at the site.</li> <li>• Requirements for site-specific Health and</li> </ul>			

Mitigation Measures	Timing	Monitoring Responsibility	Verification (Date/Initials)
<p>Safety Plans (HASPs) to be prepared by all contractors at the project site. This includes a HASP for all demolition, grading and excavation on the site, as well as for future subsurface maintenance work. The HASP shall include appropriate training, any required personal protective equipment, and monitoring of contaminants to determine exposure. The HASP shall be reviewed and approved by a Certified Industrial Hygienist.</p> <ul style="list-style-type: none"> <li>• Description of protocols for the investigation and evaluation of previously unidentified hazardous materials that could be encountered during Project development, including engineering controls that may be required to reduce exposure to construction workers and future users of the site.</li> <li>• Requirements for site-specific construction techniques that would minimize exposure to any subsurface contamination found to occur. This shall include treatment and disposal measures for any contaminated groundwater removed from excavations, trenches, and dewatering systems in accordance with Central Valley Regional Water Quality Control Board guidelines.</li> <li>• Sampling and testing plan for excavated soils to determine suitability for reuse or acceptability for disposal at a state-licensed landfill facility.</li> <li>• Restrictions (if any) limiting future excavation or development of the subsurface by residents and visitors to the proposed development.</li> <li>• The Plan shall be reviewed and approved by DTSC prior to issuance of any demolition, grading and construction permits for the Project.</li> </ul>			
<p>Haz-1c: Hazardous Waste Disposal. In order to mitigate the impact of possible hazardous material release following the construction phase, industrial batteries, as well as fuel and lubricant oils shall be properly stored so as to reduce the chance of spillage. Businesses handling hazardous materials shall prepare a hazardous materials business plan, and submit it to the Stanislaus County Division of Environmental Resources. Household hazardous wastes, such as leftover paint, solvents, automotive fluid shall be disposed of through the household hazardous waste facility at 1716 Morgan Road in Modesto.</p>	<p>Ongoing, throughout operations of businesses handling hazardous materials.</p>	<p>City of Ceres Public Safety Department, Stanislaus County Division of Environmental Resources</p>	
<p>Haz-2: Future Building Compliance with San Joaquin Valley Air Pollution Control District (SJVAPCD) and Occupational Safety and Health Administration (OSHA) Standards.</p>	<p>Ongoing, throughout operations of industrial facilities.</p>	<p>City of Ceres Public Safety Department, San Joaquin Valley Air Pollution</p>	

Mitigation Measures	Timing	Monitoring Responsibility	Verification (Date/Initials)
<p>Each independent industrial facility operating in the Plan area shall obtain necessary permits and comply with monitoring and inspection requirements of the SJVAPCD. Future operations shall comply with all local, state and federal requirements for emissions. Each facility shall also meet OSHA and California OSHA standards for R&amp;D facilities. This includes plan review by the City of Ceres to examine if the proposed development plans meet the same standards as for other similar facilities. Engineering controls, such as exhaust hoods, filtration systems, spill kits, fire extinguishers, and other controls, shall be incorporated into laboratory facilities to meet OSHA and California OSHA requirements. These standards are primarily designed to maintain worker safety, but also function to reduce the risk of accidental upset and limit potential hazardous emissions.</p>		Control District	
<p>Haz-3: Fire Department Review. The Ceres Fire Department shall review construction plans for roadway modifications, and establish temporary alternative emergency routes necessary for the duration of construction at development projects within the Plan area. During design review, the City shall establish that roads and driveways meet all ordinance and California Building Code requirements for emergency access.</p>	Prior to issuance of construction permits	City of Ceres Public Safety Department	
<p>Hydro-1: Preparation and Implementation of Project SWPPP. Pursuant to NPDES requirements, development project applicants in the Plan area shall develop a SWPPP to protect water quality during and after construction. Prior to the issuance of a grading permit, the Applicant shall file with the State Water Resources Control Board a Notice of Intent to comply with the General Permit for Storm Water Discharges Associated with Construction Activities (General Permit) under the NPDES regulations, and comply with the requirements of the permit to minimize pollution to storm water discharge during construction activities. The SWPPP shall include, but is not limited to, the following mitigation measures for the construction period:</p> <ul style="list-style-type: none"> <li>• All pollutant sources, including sources of sediment that may affect storm water quality associated with construction activity shall be identified;</li> <li>• Non-stormwater discharges related to construction activity shall be identified;</li> <li>• Best Management Practices (BMPs) shall be identified, constructed, implemented, and maintained in accordance with a time schedule. The maintenance schedule shall</li> </ul>	A SWPPP shall be filed prior to issuance of a grading permit and implemented during construction activities. Long-term measures shall be included on project plans and a monitoring and implementation plan with maintenance ongoing throughout the life of the project.	City of Ceres Public Works – Engineering Division	

Mitigation Measures	Timing	Monitoring Responsibility	Verification (Date/Initials)
<p>also provide for maintenance of post-construction BMPs;</p> <ul style="list-style-type: none"> <li>• Erosion control/soil stabilization techniques such as straw mulching, erosion control blankets, erosion control matting, and hydro-seeding, shall be utilized, in accordance with the regulations outlined in the California Stormwater BMP – Construction Handbook. Silt fences shall be installed down slope of all graded slopes. Hay bales shall be installed in the flow path of graded areas receiving concentrated flows and around permanent or temporary storm collection areas or drain inlets; and</li> <li>• BMPs for preventing the discharge or other construction-related NPDES pollutants beside sediment (i.e. paint, concrete, etc) to downstream waters.</li> <li>• After construction is completed, all drainage facilities shall be inspected for accumulated sediment, and these drainage structures shall be cleared of debris and sediment.</li> </ul> <p>Long-term mitigation measures to be included in the SWPPP shall include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Description of potential sources of erosion and sediment at the project site. Residential and commercial activities and significant materials and chemicals that could be used at the project site should be described. This will include a thorough assessment of existing and potential pollutant sources.</li> <li>• Identification of BMPs to be implemented at the project site based on identified land uses, activities, and potential pollutant sources. Emphasis shall be placed on source control BMPs, with treatment controls used as needed.</li> <li>• Development of a monitoring and implementation plan. Maintenance requirements and frequency shall be carefully described including vector control, clearing of clogged or obstructed inlet or outlet structures, vegetation/landscape maintenance, replacement of media filters, regular sweeping of parking lots and other paved areas, etc. Wastes removed from BMPs may be hazardous, therefore, maintenance costs should be budgeted to include disposal at a proper site.</li> <li>• The monitoring and maintenance program shall be conducted at the frequency agreed upon by the RWQCB and/or City of Ceres. Monitoring and maintenance activities shall be recorded and reported annually to the RWQCB and the City of Ceres. The SWPPP shall be adjusted, as necessary, to</li> </ul>			



Mitigation Measures	Timing	Monitoring Responsibility	Verification (Date/Initials)
<p>address any performance inadequacies of the BMPs.</p> <ul style="list-style-type: none"> <li>For commercial/industrial developments, the Applicant shall prepare informational literature and guidance on commercial BMPs to minimize pollutant contributions from the proposed development. This information shall be distributed to all employers at the project site. At a minimum the information shall cover: a) proper disposal of commercial cleaning chemicals; b) proper use of landscaping chemicals; c) clean-up and appropriate disposal of hazardous materials and chemicals; and d) prohibition of any washing and dumping of materials and chemicals into stormdrains.</li> </ul>			
<p>Hydro-2: Demonstration of Stormwater Plan Area Conveyance and Retention Capacity. It is assumed that stormwater conveyance and retention capacity will be implemented as the Plan area develops, but exact timing has yet to be proposed. Development project applicants within the Plan area shall demonstrate that the proposed routing of stormwater is compatible with the capacity of the ultimate drainage facilities as well as the portion that will be implemented upon project completion. If adequate stormwater capacity is not yet available though the Plan area facilities, interim stormwater facilities, such as "onsite" retention, may be proposed by a qualified engineer and will be subject to review and approval from the City of Ceres Development Services Department and City Engineer. If adequate capacity cannot be demonstrated or interim facilities approved, projects shall not proceed until capacity is available.</p>	<p>Capacity shall be demonstrated or alternate plans approved prior to issuance of grading/building permits.</p>	<p>City of Ceres Public Works – Engineering Division, Planning and Building Division</p>	
<p>Hydro-3: Implement Water Quality BMPs for All Stormwater Discharge Areas. The Project Applicant shall implement storm water quality BMPs as required under the NPDES permit at the time of development. Possible BMPs include, pervious pavement, infiltration swales, or other treatment controls to be included and described in the SWPPP under Mitigation Measure Hydro-1. To ensure that BMP design is appropriate for site soils, a design-level geotechnical investigation shall be performed as prescribed in Mitigation Measure Geo-1 in the Geology and Soils chapter of the DEIR. Final designs and calculations for the treatment capacity and efficiency of any water quality BMP implementation shall be submitted to the City Development Services Department prior to permit approval.</p>	<p>Shown on the improvement plans prior to their approval.</p>	<p>City of Ceres Public Works – Engineering Division</p>	
<p>Hydro-4: Implement BMPs for Protection of Groundwater Quality and Supply. New</p>	<p>Shown on the improvement plans prior to their approval.</p>	<p>City of Ceres Public Works –</p>	

Mitigation Measures	Timing	Monitoring Responsibility	Verification (Date/Initials)
<p>development in the Plan area shall provide storm water management measures to maximize on-site infiltration of runoff from commercial, public facility, residential areas, and open space areas. Possible measures include design and construction of pervious surface areas, and infiltration swales and basins. Storm water infiltration measures at the site shall be approved by the City’s Public Works Department and should follow, to the maximum extent practicable, California Stormwater Quality Association guidelines, including TC-11 and TC-22 for infiltration and retention basins. The appropriateness of proposed stormwater infiltration measures for site soils shall be assessed through a design-level geotechnical investigation. (Mitigation Measure Geo-1 in the Geology and Soils chapter of the DEIR.)</p>		Engineering Division	
<p>Noise-1a: Site-Specific Noise Reduction, Whitmore Avenue. In residential areas along Whitmore Avenue, development projects shall demonstrate that site-specific noise reduction measures have been incorporated that will meet noise standards of 60 dBA Ldn for outdoor activity areas and 45 dBA Ldn for interior residential areas. These may include, but are not limited to some or all of the following:</p> <ul style="list-style-type: none"> <li>• Use sound walls, or sound walls in combination with earthen berms where proposed, to reduce noise levels to 60 dBA Ldn or less in outdoor activity areas associated with proposed residential developments. Assuming the roadways are at the same grade as the adjacent outdoor activity areas, a 10-foot barrier would be necessary along Whitmore Avenue to achieve 60 Ldn. This could be a 10-foot sound wall, or a sound wall/berm combination (e.g., an 8-foot sound wall on a 2-foot berm.). The final height and design would be completed during the site specific regulatory review for these parcels.</li> <li>• If a 10-foot wall is not considered by the City to be feasible, then Policy 7.H.7 and Table 15.6 in the General Plan states that a level of up to 65 Ldn may be allowed. If this determination is made by the City, the impact along Whitmore Avenue with an 8-foot wall would be considered to be less than significant.</li> <li>• Site planning such as locating residences further from the centerline of the roadway or facing homes toward the roadway could alternatively be used to reduce the required height of the wall and would need to be demonstrated through site-specific acoustical analysis at the time such</li> </ul>	For residential development along Whitmore Avenue, Crows Landing Road or along B Street between A Street and Knox Road, prior to issuance of construction permits.	City of Ceres Planning and Building Division, Public Works – Engineering Division	

Mitigation Measures	Timing	Monitoring Responsibility	Verification (Date/Initials)
<p>development is proposed. • If 60 dBA Ldn or less is not achieved for exterior noise levels where residential units are proposed (e.g., at unshielded upper stories, the California Building Code and the City of Ceres require project-specific acoustical analyses to achieve interior noise levels of 45 dBA Ldn or lower. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation in noise environments exceeding 65 dBA Ldn so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound-rated windows and building facade treatments) may be required where exterior noise levels exceed 60 dBA Ldn. These treatments include, but are not limited to sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis during project design. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA Ldn or less.</p> <p>Noise-1b: Site-Specific Noise Reduction, Crows Landing Road. If residential mixed-use units are developed along Crows Landing Road, development projects shall demonstrate that site-specific noise reduction measures have been incorporated that will meet noise standards of 60 dBA Ldn for outdoor activity areas and 45 dBA Ldn for interior residential areas. These may include, but are not limited to, some or all of the following:</p> <ul style="list-style-type: none"> <li>• Utilize site planning to minimize noise in shared residential outdoor activity areas by locating the areas behind the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible. Appropriate noise reduction would need to be demonstrated with site-specific acoustical analysis.</li> <li>• If 60 dBA Ldn or less is not achieved for exterior noise levels where residential units are proposed (e.g., at unshielded upper stories), the California Building Code and the City of Ceres require project-specific acoustical analyses to achieve interior noise levels of 45 dBA Ldn or lower. Building sound insulation requirements would need</li> </ul>			

Mitigation Measures	Timing	Monitoring Responsibility	Verification (Date/Initials)
<p>to include the provision of forced-air mechanical ventilation in noise environments exceeding 60 dBA Ldn so that windows could be kept closed at the occupant’s discretion to control noise. Special building construction techniques (e.g., sound-rated windows and building facade treatments) may be required where exterior noise levels exceed 65 dBA Ldn. These treatments include, but are not limited to sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis during project design. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA Ldn or less.</p> <p>Noise-1c: Site-Specific Noise Reduction, B St. between A St. and Knox Rd. Residential development projects within the Plan area along B St. between A St. and Knox Rd. shall demonstrate that methods available to mitigate project-generated traffic noise levels above residential standards of 60dBA Ldn for outdoor activity areas and 45 dBA Ldn for residential interiors have been implemented. These may include the following:</p> <ol style="list-style-type: none"> <li>1. If residential units back onto this segment of B Street, the following mitigation would achieve noise reduction in the outdoor areas to 60 dBA Ldn: <ol style="list-style-type: none"> <li>a. a 6-foot sound wall, or</li> <li>b. back yard or outdoor activity area setback of 60 feet from the centerline of the roadway</li> </ol> </li> <li>2. If residential units front onto B Street, noise impacts would be less than significant assuming the back yards or other outdoor activity areas will be both protected by the homes and set back from the street.</li> </ol>			
<p>Noise-2: Non-Residential Noise Studies and Measures. Noise levels at residential property lines from non-residential development shall be maintained within the City of Ceres Noise Limits. Noise barriers, equipment screens, fan sound attenuators, and other standard controls shall be incorporated as necessary. The approvals of the commercial development adjacent to residential areas shall require a noise study demonstrating how the uses, including loading docks, refuse areas, and</p>	<p>Prior to issuance of construction permits for commercial or industrial development adjacent to existing or planned residential areas.</p>	<p>City of Ceres Planning and Building Division, Public Works – Engineering Division</p>	

Mitigation Measures	Timing	Monitoring Responsibility	Verification (Date/Initials)
<p>ventilation systems, etc., would meet these standards and would be consistent with the City’s noise standards. The approvals of the industrial development adjacent to residential areas shall require a noise study demonstrating how the business, including truck activities, and manufacturing processes would meet these standards and would be consistent with the City’s noise standards.</p>			
<p>Noise-4: Construction Noise Mitigation. In addition to complying with construction noise controls outlined in the Ceres Municipal Code section 9.36.020.E, the following measures shall be implemented when applicable and feasible to reduce noise from construction activities:</p> <ul style="list-style-type: none"> <li>• Ensure construction equipment is well maintained and used judiciously to be as quiet as practical.</li> <li>• Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.</li> <li>• Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.</li> <li>• Locate stationary noise-generating equipment as far as feasible from sensitive receptors when sensitive receptors adjoin or are near a construction project area.</li> <li>• Prohibit unnecessary idling of internal combustion engine.</li> <li>• Pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.</li> <li>• Construct solid plywood fences around construction sites adjacent to operational business, residences or noise-sensitive land uses.</li> <li>• A temporary noise control blanket barrier could be erected, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.</li> <li>• Route construction related traffic along major roadways and as far as feasible from sensitive receptors.</li> <li>• Ensure that construction activities (including the loading and unloading of materials and truck movements) are limited to the hours of 7:00 am to 7:00 pm on weekdays and between the hours of 9:00 am and 8:00 pm on weekends or holidays.</li> <li>• Ensure that excavating, grading and filling activities (including warming of equipment</li> </ul>	<p>Verify inclusion in construction contracts prior to issuance of any construction permits and implement during construction activities.</p>	<p>City of Ceres Public Works – Engineering Division</p>	

Mitigation Measures	Timing	Monitoring Responsibility	Verification (Date/Initials)
<p>motors) are limited to between the hours of 7:00 am to 7:00 pm on weekdays and between the hours of 9:00 am and 8:00 pm on weekends or holidays.</p> <ul style="list-style-type: none"> <li>Businesses, residences or noise-sensitive land uses adjacent to construction sites should be notified of the construction schedule in writing. Designate a “construction liaison” that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.</li> </ul>			
<p>Noise-5: Construction Vibration Mitigation. The following measures shall be implemented where applicable and feasible to reduce vibration from construction activities:</p> <ul style="list-style-type: none"> <li>Avoid impact pile driving where possible. Drilled piles causes lower vibration levels where geological conditions permit their use.</li> <li>Avoid using vibratory rollers and tampers near sensitive areas.</li> <li>Notify neighbors and/or nearby businesses of scheduled construction activity with the potential to produce perceptible vibration and make an effort to schedule such activities during hours with the least potential to affect nearby uses.</li> <li>In areas where project construction is anticipated to include vibration-generating activities, such as pile driving, in close proximity to existing structures, site-specific vibration studies should be conducted to determine the area of impact and to present appropriate mitigation measures that may include the following: <ul style="list-style-type: none"> <li>Identification of sites that would include vibration compaction activities such as pile driving and have the potential to generate groundborne vibration, and the sensitivity of nearby structures to groundborne vibration. Vibration limits should be applied to all vibration-sensitive structures located within 200 feet of the project. A qualified structural engineer should conduct this task.</li> <li>Development of a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and</li> </ul> </li> </ul>	<p>Verify inclusion in construction contracts prior to issuance of grading/building permits.</p>	<p>City of Ceres Public Works – Engineering Division</p>	

Mitigation Measures	Timing	Monitoring Responsibility	Verification (Date/Initials)
<p>crack surveys to document before and after construction conditions.</p> <ul style="list-style-type: none"> <li>o Construction contingencies would be identified for when vibration levels approached the limits.</li> <li>o At a minimum, vibration monitoring should be conducted during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements.</li> <li>o When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.</li> <li>o Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.</li> </ul>			
<p>Traf-3: Implement Crows Landing Road/Whitmore Avenue Intersection PFF Improvements. The Project shall implement the improvements identified in the Ceres PFF program for the portion of the intersection in Ceres jurisdiction (southern), potentially with reimbursement through the program as appropriate.</p>	<p>Projects shall contribute as appropriate prior to issuance of construction permits, to be implemented when warranted through coordination with the City of Ceres</p>	<p>City of Ceres Planning and Building Division, Public Works – Engineering Division</p>	
<p>Traf-8: Crows Landing Road/Hackett Road Intersection Improvements. The Project shall construct the following improvements to achieve acceptable traffic operations at this intersection. These improvements are not currently included in an improvement program: Add one northbound through lane and one southbound through lane to provide one left-turn lane, three through lanes and one right-turn lane on both the northbound and southbound approaches. Allow the transition of the receiving lanes from three lanes to two lanes.</p>	<p>Projects shall contribute as appropriate prior to issuance of construction permits, to be implemented when warranted through coordination with the City of Ceres</p>	<p>City of Ceres Planning and Building Division, Public Works – Engineering Division</p>	
<p>Traf-9a: Implement Crows Landing Road/Service Road Intersection PFF Improvements. The Project shall implement the improvements identified in the Ceres PFF program, potentially with reimbursement through the program as appropriate.</p> <p>Traf-9b: Crows Landing Road/Service Road Intersection Improvements. The Project shall construct the following improvements on the adjacent portions in the City of Ceres jurisdiction to achieve acceptable traffic operations at this intersection. These improvements are not currently included in an improvement program: Restripe the</p>	<p>Projects shall contribute as appropriate prior to issuance of construction permits, to be implemented when warranted through coordination with the City of Ceres</p>	<p>City of Ceres Planning and Building Division, Public Works – Engineering Division</p>	

Mitigation Measures	Timing	Monitoring Responsibility	Verification (Date/Initials)
southbound approach lanes to provide two left-turn lanes, one through lane and one shared through-right lane. Modify the traffic signal to allow for the provision of right-turn overlap phasing on the westbound approach with prohibition of U-turn movement on the southbound approach.			
Traf-19: Widening of Crows Landing Road South of Whitmore Avenue. The Project shall dedicate any necessary right-of-way and construct one northbound travel lane and one southbound travel lane along Crows Landing Road from Service Road to Whitmore Avenue to provide three travel lanes in each direction.	Projects shall contribute as appropriate prior to issuance of construction permits, to be implemented when warranted through coordination with the City of Ceres	City of Ceres Public Works – Engineering Division	
Traf-38: Implement Crows Landing Road / Service Road Intersection Improvements with Fair Share Reimbursement. The Project shall dedicate right-of-way and implement the following improvements for the northern portion that will be in the City of Ceres’ jurisdiction, which are required to achieve acceptable traffic operations but are not currently included in an improvement program: Add one additional northbound through lane and corresponding receiving lane on the north leg. Add one additional southbound through lane. Convert the southbound shared through-right lane to an exclusive through lane. Add one exclusive southbound right-turn lane. Add one additional westbound left-turn lane and one additional westbound right-turn lane. Modify the traffic signal to allow for the provision of right-turn overlap phasing for the northbound movement with prohibition of westbound U-turn movement. Modify the traffic signal to remove right-turn overlap phasing for the westbound movement as proposed in mitigation measure Traf-9, which would eliminate the prohibition of southbound U-turn movement. The City shall provide for reimbursement from other projects on a fair-share basis as appropriate.	Projects shall contribute as appropriate prior to issuance of construction permits, to be implemented when warranted through coordination with the City of Ceres	City of Ceres Planning and Building Division, Public Works – Engineering Division	
Traf-41: Fair Share Contribution Towards Mitchell Road/Service Road Intersection Improvements. The Project shall make a fair-share contribution to the following improvements, which are required to achieve acceptable traffic operations but are not currently included in an improvement program: Add one northbound left-turn lane and one right-turn lane to provide two left-turn lanes, two through lanes and one right-turn lane on the northbound approach. Add one southbound left-turn lane to provide two left-turn lanes, two through lanes and one right-turn lane on the southbound approach. Add one eastbound through lane and two	Projects shall contribute as appropriate prior to issuance of construction permits, to be implemented when warranted through coordination with the City of Ceres	City of Ceres Planning and Building Division, Public Works – Engineering Division	



Mitigation Measures	Timing	Monitoring Responsibility	Verification (Date/Initials)
<p>right-turn lanes as well as one receiving lane on the corresponding east leg to provide one left-turn lane, three through lanes and two right-turn lanes on the eastbound approach. Add one westbound left-turn lane, one through lane and one right-turn lane as well as one receiving lane on the corresponding west leg to provide two left-turn lanes, three through lanes and one right-turn lane on the westbound approach. Modify the traffic signal to allow for the provision of right-turn overlap phasing for the northbound, southbound and eastbound movements, with prohibition of eastbound, westbound and southbound U-turn movement and optimize the cycle length and split phase time.</p>			
<p>Traf-54: Implement Crows Landing Road / Cornucopia Way-B-Street Intersection Improvements with Fair-Share Reimbursements. The Project shall implement the following improvements, which are required to achieve acceptable traffic operations but are not currently included in an improvement program: Add a northbound through lane as well as the receiving lanes on the corresponding leg to provide one left-turn lane, two through lanes, and one shared-right lane on the northbound approach. Convert the southbound right-turn lane to a through-right lane as well as the receiving lanes on the corresponding leg to provide one left-turn lane, two through lanes and one shared through-right lane on the southbound approach. Add one eastbound right-turn lane to provide one shared left-through lane, and two right-turn lanes on the eastbound approach. The City shall provide for reimbursement from other projects on a fair-share basis as appropriate.</p>	<p>Projects shall contribute as appropriate prior to issuance of construction permits, to be implemented when warranted through coordination with the City of Ceres</p>	<p>City of Ceres Public Works – Engineering Division</p>	
<p>Traf-62: Fair Share Contribution Towards Widening of Service Road East of Central Avenue. The Project shall make a fair-share contribution to the following improvement, which is required to achieve acceptable traffic operations but are not currently included in an improvement program: Widen Service Road by two lanes to accommodate three travel lanes on each direction.</p> <p>(Because the Ceres standards show a right-of-way of 110 feet for both a 4 lane arterial and a 6 lane arterial, it is anticipated that the additional lanes specified in Traf-62 can be implemented through minor changes to the PFF. Assuming such PFF modifications, contribution to the PFF will satisfy the Project’s fair-share contribution.)</p>	<p>Projects shall contribute as appropriate prior to issuance of construction permits, to be implemented when warranted through coordination with the City of Ceres</p>	<p>City of Ceres Public Works – Engineering Division</p>	
<p>Traf-70: Rail Crossing Safety Enhancement. Through coordination with the California Public Utilities Commission, the City shall</p>	<p>Projects shall contribute as appropriate prior to issuance of construction permits, to be</p>	<p>City of Ceres Public Works – Engineering</p>	

Mitigation Measures	Timing	Monitoring Responsibility	Verification (Date/Initials)
<p>determine the appropriate safety improvements and implement those improvements following California Public Utilities Commission approval to modify a rail crossing. The following improvements are recommended to reduce the potential adverse impacts on rail safety at the crossings, to which the Project shall make a fair share contribution:</p> <ol style="list-style-type: none"> <li>1. Installation of additional warning signage. Install additional warning and regulatory signs and pavement markings per Chapter 8 of the MUTCD, possibly including R15-1 ("2 TRACKS"), R8-8 ("DO NOT STOP ON TRACKS"), R8-10 ("STOP HERE WHEN FLASHING") as applicable.</li> <li>2. Prohibition of parking within 100 feet of crossings to improve the visibility of warning devices and approaching trains.</li> <li>3. Installation of pedestrian-specific warning devices and channelization. When improvements are made on Service Road, standard sidewalk treatment should be included to provide continuity from the residential development to the east to the County offices. No other specific pedestrian devices appear to be needed at this time.</li> </ol>	<p>implemented when warranted through coordination with the City of Ceres</p>	<p>Division</p>	
<p>Additionally, implementation of the City of Ceres Public Facilities Fee (PFF) Program would wholly or partially mitigate impacts at the following intersections and roadway segments, as detailed in Chapter 18 of the Draft EIR:</p> <p>Crows Landing Road/Whitmore Avenue Intersection</p> <p>Morgan Road/Whitmore Avenue Intersection</p> <p>Blaker Road/Whitmore Avenue Intersection</p> <p>Crows Landing Road/Service Road Intersection</p> <p>Morgan Road/Service Road Intersection</p> <p>Blaker Road/Service Road Intersection</p> <p>Central Avenue/Service Road Intersection</p> <p>Mitchell Road/Service Road Intersection</p> <p>SR 99/Whitmore Avenue Interchange Intersection</p> <p>Dallas Street-B Street/Whitmore Avenue Intersection</p> <p>Whitmore Avenue East of Crows Landing Road</p> <p>Whitmore Avenue East of Blaker Road</p> <p>Service Road East of Central Avenue</p>	<p>Development projects are required to submit payment to the Ceres PFF prior to issuance of any building permit.</p>	<p>City of Ceres Public Works – Engineering Division</p>	
<p>Util-1: Plan Area Supply. Prior to issuance of building permits, applicants of development</p>	<p>Prior to issuance of construction</p>	<p>City of Ceres Public Works –</p>	

Mitigation Measures	Timing	Monitoring Responsibility	Verification (Date/Initials)
<p>projects in the Plan area shall demonstrate adequate capacity and pressure from new well(s), storage tank(s) and related infrastructure will be available to support the development proposed while providing water at required pressure. New wells must be permitted to operate by the State of California Department of Public Health with water meeting State Title 22 drinking water standards. In addition, all new water connections will be metered by equipment compatible with the City's anticipated remote read metering system to be implemented in 2010.</p>	permits	Engineering Division	
<p>Util-2a: Test Wells. Prior to approval of any Tentative Map, the location of the new wells shall be determined based on the results of test wells. When siting the new wells, consideration shall be given to the location of other existing wells, the source of groundwater for those wells, the anticipated cone of depression of the new wells, and other factors that could affect operation of other wells. The new wells shall be sited so that groundwater extraction does not result in localized groundwater drawdown that will substantially reduce the production rate of existing nearby wells to a level that would not support existing land uses beyond the reasonable life-cycle expectancy and long-term productivity of those wells in the absence of the proposed Specific Plan or Mitigation Measure Util-2b shall be applicable.</p> <p>Util-2b: Rectify Impacts to Local Wells. If a property owner demonstrates that the new well has substantially reduced the production rate of an existing private well that was installed prior to proposed Specific Plan development to a level that would not support existing land uses beyond the reasonable life-cycle expectancy and long-term productivity of that well in the absence of the proposed Specific Plan, the applicant shall replace the affected well, improve the well, provide connections to municipal water lines, or mitigate by other means, as appropriate. The option of connection to municipal water lines is only allowed for existing urban uses, and not for agricultural uses.</p>	Prior to approval of any tentative map	City of Ceres Public Works – Engineering Division	
<p>Util-3: Demonstration of Wastewater System Capacity. It is assumed that wastewater treatment and disposal capacity will be increased as the Plan area develops, but exact timing has yet to be proposed. Development project applicants within the Plan area shall coordinate with the City Engineer. If adequate system capacity is not available through the City of Ceres facilities, interim sewer</p>	Prior to issuance of construction permits	City of Ceres Public Works – Engineering Division	

<b>Mitigation Measures</b>	<b>Timing</b>	<b>Monitoring Responsibility</b>	<b>Verification (Date/Initials)</b>
facilities, such as “onsite” storage and/or temporary sewer service from Modesto, may be proposed by a qualified engineer and will be subject to review and approval from the City of Ceres, Department of Public Works and the City Engineer. If adequate capacity cannot be demonstrated or interim facilities approved, projects shall not proceed until capacity is available.			

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