

**Findings of Fact and
Statement of Overriding Considerations
Whitmore Ranch Specific Plan
Environmental Impact Report**

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ACRONYMS AND ABBREVIATIONS

A-2	General Agriculture
A-2-10	General Agriculture with a 10-acre minimum lot size
AEP	annual exceedance probability
ARB	California Air Resources Board
BMPs	best management practices
Cal-OSHA	California Occupational Safety and Health Administration
CBC	California Building Code
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
City	City of Ceres
Conservation Operator	third-party, nonprofit conservation organization
dB	decibel
EIR	Environmental Impact Report
EPA	Environmental Protection Agency
EV	electric vehicle
GHG	greenhouse gas
HDR	High-Density Residential
HDR	high-dynamic-range
LAFCO	Local Agency Formation Commission
LDR	Low-Density Residential
L_{eq}	Equivalent Noise Level
LID	Low Impact Development
L_{max}	Maximum Noise Level
LOS	level of service
MBTA	Migratory Bird Treaty Act
MDR	Medium-Density Residential
MS4	Municipal Separate Storm Sewer System
MTCO _{2e}	metric tons of carbon dioxide equivalents
MUTCD	Manual on Uniform Traffic Control Devices
NOP	notice of preparation
NO _x	oxides of nitrogen

NPDES	National Pollutant Discharge Elimination System
Order 2009-0009-DWQ	SWRCB's NPDES stormwater permit for general construction activity
PM	particulate matter
SB	Senate Bill
Specific Plan	<i>Whitmore Ranch Specific Plan</i>
State Clearinghouse	Governor's Office of Planning and Research
SWPPP	stormwater pollution prevention plan
TACs	toxic air contaminants
the project site	Specific Plan Area
TID	Turlock Irrigation District
UST	underground storage tank
VMT	vehicle miles traveled

1 INTRODUCTION

The purpose of these findings is to satisfy the requirements of Sections 15091, 15092, and 15093 of the California Environmental Quality Act (CEQA) Guidelines, associated with approval of the *Whitmore Ranch Specific Plan* (Specific Plan), referred hereafter as the proposed project.

The CEQA Statutes (California Public Resources Code Sections 21000, et seq.) and Guidelines (California Code of Regulations Sections 15000, et seq.) state that if it has been determined that a project may or will have significant impacts on the environment, then an Environmental Impact Report (“EIR”) must be prepared. Prior to approval of the project, the EIR must be certified pursuant to CEQA Guidelines Section 15090. When an EIR has been certified which identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale, pursuant to CEQA Guidelines Section 15091, for each identified significant impact:

1. Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the final environmental impact report.
2. Such 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.
3. Specific 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 environmental impact report.

CEQA Guidelines Section 15092 states that after consideration of an EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. A project that would result in a significant environmental impact cannot be approved if feasible mitigation measures or feasible alternatives can avoid or substantially lessen the impact.

However, in the absence of feasible mitigation, an agency may approve a project with significant and unavoidable impacts, if there are specific economic, legal, social, technological, or other considerations that outweigh the unavoidable adverse environmental effects. Section 15093 requires the lead agency to document and substantiate any such determination in a “statement of overriding considerations” as a part of the record.

The requirements of Sections 15091, 15092, and 15093 as summarized above are all addressed herein. This document summarizes the findings of fact and statement of overriding considerations authorized by those provisions of the CEQA Guidelines for the proposed project.

1.1 PROCEDURAL FINDINGS

Pursuant to Section 15082 of the CEQA Guidelines, the City of Ceres (City) prepared a CEQA Notice of Preparation (NOP) and provided copies directly by mail and through the Governor's Office of Planning and Research (State Clearinghouse) to CEQA responsible and natural resource trustee agencies, local municipalities, interested persons, organizations, agencies, and landowners. The City issued the NOP for the Specific Plan on February 1, 2017, and comments were accepted for a 30-day period ending on March 2, 2017. Appendix A of the Draft EIR includes each comment received on the NOP.

AECOM, on behalf of the City of Ceres, contacted the Native American Heritage Commission on June 1, 2016 to request a Sacred Land Files search of the Specific Plan Area. In their response letter dated June 2, 2016, the Native American Heritage Commission stated that their search of the Specific Plan Area did not indicate the presence of any known tribal cultural resources. The City provided a contact list obtained from the Native American Heritage Commission on February 25, 2016, listing three Native American contacts who may have knowledge of any tribal cultural resources within or adjacent to the Specific Plan. On June 1, 2016, AECOM sent letters describing the proposed Specific Plan to the points of contact provided by the City. When no response was received within the 30-day period, a second outreach letter dated September 7, 2016 was sent to each contact via certified mail. No response was received after the second outreach attempt.

The Draft EIR (State Clearinghouse Number 2017012063) was received by the State Clearinghouse and circulated for a 45-day public review period from June 27 through August 13, 2018. Chapter 2, "Comments and Responses to Comments" of the Final EIR includes responses to all comments (as required by the CEQA Guidelines Section 15132).

The Final EIR was released on October 3, 2018. The Final EIR consists of the Draft EIR dated June 27, 2018; Comments and Responses to Comments, dated October 3, 2018; an Errata to the Draft EIR; and a Mitigation Monitoring and Reporting Program, dated October 3, 2018.

As required by CEQA Guidelines Section 15088(b), public agencies that commented on the Draft EIR are provided at least 10 days to review the proposed responses prior to the date for consideration of the Final EIR for certification.

1.2 Record of Proceedings

In accordance with Public Resources Code Section 21167.6, subdivision (e), the record of proceedings for the City of Ceres' decision on the Specific Plan includes the following documents, which are incorporated by reference and made part of the record supporting these findings:

- ▶ The NOP, comments received on the NOP and all other public notices issued by the City in relation to the EIR (e.g., Notice of Availability);
- ▶ The Draft EIR and all appendices to the Draft EIR and technical materials cited in the Draft EIR;
- ▶ The Final EIR and all appendices to the Final EIR;

- ▶ All presentation materials related to the project;
- ▶ All comments submitted by agencies or members of the public during the comment period on the NOP and Draft EIR;
- ▶ All studies conducted for the project and contained or referenced in the Draft EIR or the Final EIR;
- ▶ All public reports and documents related to the project prepared for the City of Ceres and other agencies;
- ▶ All documentary and oral evidence received and reviewed at public hearings and all transcripts and minutes of those hearings related to the project, the Draft EIR, and the Final EIR;
- ▶ The Mitigation Monitoring and Reporting Program for the project; and
- ▶ Any additional items not included above if otherwise required by law.

The documents constituting the record of proceedings are available for review by responsible agencies and interested members of the public during normal business hours at the City of Ceres Planning Division of the Community Development Department, 2220 Magnolia Street, Ceres, California, 95307. The custodian of these documents is Mr. Tom Westbrook, Director of Community Development.

2 PROJECT DESCRIPTION

2.1 PROJECT LOCATION AND SETTING

The Specific Plan Area (also called “the project site”) is located in unincorporated Stanislaus County adjacent to the city of Ceres. The Specific Plan Area encompasses approximately 94 acres that is bounded by Whitmore Avenue on the north, Moore Road on the west, and the east side of La Rosa Elementary School on the east. The southern limit of the Specific Plan Area is approximately 1,300 feet south of Whitmore Avenue. The Specific Plan Area includes acreage that lies entirely within the City of Ceres Primary Sphere of Influence, and within the City of Ceres’ Planning Area.

The Specific Plan Area currently accommodates agricultural uses, housing, and schools. Ceres Unified School District operates two existing schools within the Specific Plan Area: Ceres Chavez Junior High School and La Rosa Elementary School. There are also several existing single-family homes within the Specific Plan Area on lots of between approximately ½ acre and 2 acres in land area.

2.2 PROJECT SUMMARY

The Specific Plan will provide for a range of densities and housing types, parkland and other open space, existing schools, and supporting infrastructure on approximately 94 acres of land. Future development would be compared to the development standards and design guidelines included in the Specific Plan.

Table 2-1 summarizes land use acreages and the assumed number of dwelling units. As shown, the Specific Plan provides approximately 28 acres for Low-Density Residential, 6.6 acres for Medium-Density Residential, and 6.4 acres for High-Density Residential. Approximately 36 acres has the School land use designation and approximately 5.2 acres is designated Parks/Open Space. Streets and associated public rights-of-way would require approximately 12.2 acres of land area.

Table 2-1. Proposed Specific Plan Land Uses

Land Use	Acres	Allowable Uses	Dwelling Units
Low-Density Residential (LDR)	28	Single-family homes and home-based businesses	196
Medium-Density Residential (MDR)	6.6	Single-family homes using a variety of designs, multi-family housing, and home-based businesses	85
High-Density Residential (HDR)	6.4	Attached and small-lot single-family homes, multi-family, and complementary open space and public facilities	160
Parks / Open Space	5.2	Trails, parks, open space, stormwater management facilities, and other types of open space	
School	36	Existing and proposed public schools, associated recreational facilities, and associated public uses	
Streets and Rights-of-Way	12.2		
Total	94.4		441

Notes: The acreages for each use type may vary from that shown in the table above as roadways are aligned, lots are configured, and other site-specific elements are refined as a part of future proposed development within the Specific Plan Area.

2.2.1 RESIDENTIAL

As shown in Table 2-1, the Specific Plan, once fully developed, could provide opportunities for as many as 441 new dwelling units. The Specific Plan provides housing opportunities in three residential land use designations, including:

- ▶ Low-Density Residential, approximately 28 acres, with an average lot size of 5,000 square feet;
- ▶ Medium-Density Residential, approximately 6.6 acres, with an average lot size of 3,000 square feet; and
- ▶ High-Density Residential, approximately 6.4 acres, with an average density of 24 dwelling units per acre.

The total number of dwelling units and the number of units shown for each land use designation is an assumption used for the purposes of analysis. While these assumptions would be expected to represent the top end of actual yield realized within the Specific Plan Area after it is fully developed, actual densities may be somewhat lower than these assumptions.

2.2.2 PARKS/OPEN SPACE

The proposed Specific Plan includes approximately 5.2 acres of public open space located in the center of the Specific Plan Area. The City anticipates that this open space would provide passive recreational opportunities and stormwater management features, as well as a high-quality, east-west bicycle and pedestrian connection across the Specific Plan Area. On-site open space is intended to meet the City's parks and open space requirement of four acres per thousand residents.

2.2.3 SCHOOLS

Approximately 32 acres of the Specific Plan Area is occupied by two existing schools: Cesar Chavez Junior High and La Rosa Elementary. These schools will continue to operate at this location. Approximately 3.5 acres of undeveloped land in the northeastern portion of the Specific Plan Area is owned by the Ceres Unified School District. Within this area also is an existing home site of approximately 0.4 acres. The total land area with the School designation is approximately 36 acres.

2.2.4 TRANSPORTATION

The Specific Plan transportation network will provide access and mobility for pedestrians, bicyclists, and motorists, along with future opportunities for planned transit extensions. Currently, Eastgate Boulevard is the only improved road in the Specific Plan Area. However, planned improvements would include pedestrian and bicycle facilities along Whitmore Avenue and Moore Road, as well as through the central open space feature of the Specific Plan Area. Specific Plan improvements along Whitmore Avenue will be coordinated with a "Safe Routes to School" project planned south of Whitmore Avenue between Moore Road and the existing schools.

The Specific Plan provides for multi-modal extensions of Lunar Drive and Boothe Road through the Specific Plan Area, as well as a new facility along the southern boundary of the Specific Plan Area (Stanford Avenue). To provide good connectivity and access, several additional internal pedestrian, bicycle, and vehicular facilities would also be installed within the Specific Plan Area, consistent with City design standards. The Specific Plan improvements to circulation will also benefit the existing Ceres Chavez Junior High School and La Rosa Elementary School.

2.3 PROJECT OBJECTIVES

Key objectives for the proposed project are:

- ▶ Promote a distinct, identifiable neighborhood that integrates a variety of housing types;
- ▶ Encourage walking, bicycling, and transit use by Specific Plan Area residents, and provide bicycle and pedestrian connectivity throughout the Specific Plan Area and to adjacent bicycle and pedestrian facilities;
- ▶ Provide safe bicycle and pedestrian connections to and from the two schools within the Specific Plan Area;

- ▶ Ensure appropriate access and connectivity between the Specific Plan Area and existing developed areas, as well as areas planned for future development;
- ▶ Incorporate best practices and conservation measures into the design and provision of sewer, water, storm drainage, parks and open space, and other public improvements necessary to serve future development of the Specific Plan Area; and Develop a Specific Plan that would facilitate annexation of the existing Cesar Chavez Junior High School and La Rosa Elementary School.

3 FINDINGS REQUIRED UNDER CEQA

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 of the Public Resources Code 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 in Public Resources Code Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. 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 changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR (CEQA Guidelines, Section 15091(a)(1)). 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.

The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and that such changes have been adopted by such other agency or can and should be adopted by such other agency (CEQA Guidelines, Section 15091(a)(2)).

The third potential conclusion is that specific 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, Section 15091(a)(3)). “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors (CEQA Guidelines, Section 15364). 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. Moreover, ‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417).

With respect to a project for which significant impacts are not avoided or substantially lessened, a lead 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 in support of the finding that the project benefits outweigh its unavoidable adverse environmental effects. In the process of considering the EIR for certification, the City of Ceres has recognized that impact avoidance is not possible in all instances. To the extent that significant adverse environmental impacts will not be reduced to a less-than-significant level with the adopted mitigation, the City of Ceres has found that specific economic, social, and other considerations support approval of the proposed project. Those findings are reflected herein in Section 3, “Findings Required Under CEQA,” and in Section 5 “Statement of Overriding Considerations,” below.

3.1 SUMMARY OF FINDINGS

The Draft EIR identified a number of less-than-significant impacts associated with the Specific Plan that do not require mitigation. The Draft EIR also identified a number of significant and potentially significant environmental effects (or impacts) that may be caused in whole or in part by the Specific Plan. Some of these significant effects can be fully avoided or substantially lessened through the adoption of feasible mitigation measures. Other effects cannot be, and thus may be significant and unavoidable. For reasons set forth in Section 5, “Statement of Overriding Considerations,” however, the City of Ceres has determined that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the proposed project.

The findings of the City of Ceres with respect to the project’s significant effects and mitigation measures are set forth in the Final EIR and these Findings of Fact. The Summary of Findings does not attempt to regurgitate the full analysis of each environmental impact contained in the Final EIR. Please refer to the Draft EIR and the Final EIR for more detail. The Draft EIR and the Final EIR are herein incorporated by reference.

The Summary of Findings provides a summary description of each potentially significant and significant impact, describes the applicable mitigation measures identified in the Final EIR and adopted by the City of Ceres, and states the findings of the City of Ceres regarding the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Final EIR and associated record (described herein) both of which are incorporated by reference. The City of Ceres hereby ratifies, adopts, and incorporates the analysis and explanation in the record into these findings, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

3.1.1 FINDINGS REGARDING THE ERRATA TO FINAL EIR

Section 15088.5 of the CEQA Guidelines 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. 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. Recirculation is not required if new information added to the EIR just clarifies or makes minor modifications to an otherwise adequate EIR.

In response to comments from the public and other public agencies on the Draft EIR, the project has incorporated changes into the Final EIR, which are described in Chapter 3, “Errata,” of the Final EIR. The changes to the Draft EIR make factual and typographical corrections. These changes do not substantively change the analysis, mitigation, or alternatives presented in the Draft EIR. No significant new information has been added to the EIR since public notice was given of the availability of the Draft EIR. Therefore, recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5 is not required.

3.1.2 FINDINGS REGARDING LESS THAN SIGNIFICANT IMPACTS (NO MITIGATION REQUIRED)

The City of Ceres agrees with the characterization in the Final EIR of all project-specific impacts identified as “less than significant” and finds that those impacts have been described accurately and are either less than significant or have no impact, as described in the Final EIR. Section 15091 of the CEQA Guidelines does not require specific findings to address environmental effects that an EIR identifies as having “no impact” or a “less than significant” impact. However, these findings account for all resource areas in their entirety. The impacts where the proposed project would result in either no impact or a less than significant impact, and which require no mitigation, are identified in the bulleted list below. Please refer to the Draft EIR and the Final EIR for more detail.

AESTHETICS

- ▶ Impact 3.1-1: Degrade the existing visual character of the project site or impact scenic vistas
- ▶ Impact 3.1-2 Increase in Nighttime and Daytime Lighting, Glare, and Skyglow Effects

AIR QUALITY

- ▶ Impact 3.3-1: Generation of Short-Term Construction-Related Emissions of Criteria Air Pollutants and Precursors
- ▶ Impact 3.3-2: Generation of Long-Term Operational Emissions of Criteria Air Pollutants and Precursors
- ▶ Impact 3.3-4: Exposure of sensitive receptors to emissions of odors

CULTURAL RESOURCES

- ▶ Impact 3.5-3: Substantial Adverse Change to a Tribal Cultural Resource

GEOLOGY, SOILS, MINERAL, AND PALEONTOLOGICAL RESOURCES

- ▶ Impact 3.6-2: Risks to People and Structures Caused by Seismically-Induced Liquefaction and Lateral Spreading

HAZARDS AND HAZARDOUS MATERIALS

- ▶ Impact 3.8-1: Routine Transport, Use, or Disposal of Hazardous Materials
- ▶ Impact 3.8-4: Safety Hazard for People Residing Near the Modesto City-County Airport (Mitigation Measure 3.8-4 included for planning purposes only [Draft EIR, p. 3.8-24])
- ▶ Impact 3.8-3: Emission or Handling of Hazardous or Acutely Hazardous Materials, Substances, or Waste within One-Quarter Mile of an Existing School

LAND USE AND PLANNING

- ▶ Impact 3.10-1: Inconsistency with Stanislaus County General Plan and Zoning
- ▶ Impact 3.10-2: Inconsistency with Ceres 2035 General Plan
- ▶ Impact 3.10-3: Potential Inconsistency with the RTP

NOISE AND VIBRATION

- ▶ Impact 3.11-2: Increase in Traffic Noise Levels at Existing Noise-Sensitive Receptors

POPULATION AND HOUSING

- ▶ Impact 3.12-1: Induce Population Growth
- ▶ Impact 3.12-2: Potential Displacement of On-site Residential Structures

PUBLIC SERVICES & UTILITIES, INCLUDING RECREATION AND ENERGY

- ▶ Impact 3.13-1: Increased Demand for Fire Protection Facilities, Systems, Equipment, and Services (Mitigation Measure 3.13-1 included for planning purposes only [Draft EIR, pp. 3.13-29 and 3.13-30])
- ▶ Impact 3.13-2: Increased Demand for Law Enforcement Facilities, Services, and Equipment (Mitigation Measure 3.13-2 included for planning purposes only [Draft EIR, p. 3.13-31])
- ▶ Impact 3.13-3: Increased Demand for Public School Facilities and Services
- ▶ Impact 3.13-4: Increased Demand for Parks and Recreation Facilities

- ▶ Impact 3.13-5: Increased Demand for Water Supplies
- ▶ Impact 3.13-6: Increased Demand for Water Supply Conveyance Facilities (Mitigation Measure 3.13-6 included for planning purposes only [Draft EIR, p. 3.13-35])
- ▶ Impact 3.13-7: Increased Demand for Wastewater Collection and Conveyance Facilities (Mitigation Measure 3.13-7 included for planning purposes only [Draft EIR, p. 3.13-39])
- ▶ Impact 3.13-8: Increased Demand for the City of Ceres Wastewater Treatment Plant Facilities
- ▶ Impact 3.13-9: Increased Generation of Solid Waste and Compliance with Solid Waste Regulations
- ▶ Impact 3.13-10: Consumption of Energy
- ▶ Impact 3.13-11: New or Expanded Electrical and Natural Gas Utilities (Mitigation Measure 3.13-11 included for planning purposes only [Draft EIR, p. 3.13-47])

TRANSPORTATION

- ▶ Impact 3.14-2: Hazards Due To a Design Feature
- ▶ Impact 3.14-3: Inadequate Emergency Access

3.1.3 FINDINGS REGARDING SIGNIFICANT ENVIRONMENTAL IMPACTS MITIGATED TO A LEVEL LESS THAN SIGNIFICANT

The City of Ceres hereby finds that feasible mitigation measures have been identified in the EIR and these Findings of Fact that will avoid or substantially lessen the following potentially significant and significant environmental impacts to a less-than-significant level. The potentially significant impacts and the mitigation measures that will reduce them to a less-than-significant level are summarized below. Please refer to the Draft EIR and the Final EIR for more detail.

AIR QUALITY

Impact 3.3-3: Exposure of Sensitive Receptors to Emissions of Toxic Air Contaminants.

Implementation of the proposed Specific Plan would not be anticipated to result in an increased exposure of sensitive receptors to localized concentrations of air pollutants that would exceed applicable standards. However, if the Specific Plan Area is developed, during construction and operation, there would be an increase in the potential for exposure of sensitive land uses to substantial concentrations of toxic air contaminants (TACs). This impact is considered **potentially significant**. (Draft EIR, pp. 3.3-27 and 3.3-29)

Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with exposure of

sensitive receptors to emissions of toxic air contaminants as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

Mitigation Measures 3.3-3: Use Current Phase Equipment for All Construction Equipment.

Site developers/leaseholders/project applicants who wish to develop facilities in the Specific Plan Area shall construct all facilities using current phase construction equipment (currently Tier 4) to reduce exposure of sensitive receptors to any toxic air contaminants. (Draft EIR, p. 3.3-29)

Facts Supporting Findings

Implementation of Mitigation Measure 3.3-3 requires the use of current phase construction equipment. In December 2004, California Air Resources Board (ARB) adopted a fourth phase of emission standards (Tier 4) and engine manufacturers are now required to meet after-treatment-based exhaust standards for oxides of nitrogen (NO_x) and particulate matter (PM) starting in 2011 that are more than 90 percent lower than current levels, putting emissions from off-road engines virtually on par with those from on-road heavy-duty diesel engines. With the implementation of current phase construction equipment (Tier 4), this impact is **less than significant** with mitigation. (Draft EIR, p. 3.3-29)

BIOLOGICAL RESOURCES

Impact 3.4-1: Swainson’s Hawk, Other Nesting Raptors, and Burrowing Owl.

Specific Plan implementation would result in loss of suitable nesting and foraging habitat for Swainson’s hawk, white-tailed kite, burrowing owl, and other raptors. Project construction could disturb active nests on or near the construction area, potentially resulting in nest abandonment by the adults and mortality of chicks and eggs. This impact is considered **potentially significant**. (Draft EIR, pp. 3.4-16 and 3.4-17)

Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with the loss of suitable nesting and foraging habitat for Swainson’s hawk, other nesting raptors, and burrowing owl as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

Mitigation Measure 3.4-1a: Avoid Direct Loss of Swainson’s Hawk and Other Raptors.

Tree removal shall be completed during the nonbreeding season for raptors (between September 1 and the end of February).

To avoid, minimize, and mitigate potential impacts on Swainson’s hawk and other raptors (not including burrowing owl) nesting on or adjacent to the project site, the project applicant shall retain a qualified biologist to conduct preconstruction surveys and identify active nests on and within 0.5 mile of the project site for construction activities conducted during the breeding

season (between March 1 and August 31). The surveys shall be conducted before the approval of grading and/or improvement plans (as applicable) and no less than 14 days and no more than 30 days before the beginning of construction. Guidelines provided in Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley (Swainson's Hawk Technical Advisory Committee 2000) shall be followed for surveys for Swainson's hawk.

Impacts on nesting Swainson's hawks and other raptors shall be avoided by establishing appropriate buffers around active nest sites identified during preconstruction raptor surveys. No project activity shall commence within the buffer areas until a qualified biologist has determined in coordination with California Department of Fish and Wildlife (CDFW) the young have fledged, the nest is no longer active, or reducing the buffer would not result in nest abandonment. CDFW guidelines recommend implementation of 0.25- or 0.5-mile-wide buffers, but the size of the buffer may be adjusted if a qualified biologist and the City, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest.

The appropriate no-disturbance buffer for other raptor nests (i.e., species other than Swainson's hawk) shall be determined by a qualified biologist based on site-specific conditions, the species of nesting bird, nature of the project activity, visibility of the disturbance from the nest site, and other relevant circumstances.

Monitoring of all active raptor nests by a qualified biologist during construction activities will be required if the activity has potential to adversely affect the nest. If construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the no-disturbance buffer shall be increased until the agitated behavior ceases. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined appropriate by a qualified biologist. (Draft EIR, p. 3.4-17)

Mitigation Measure 3.4-1b: Avoid Direct Loss of Burrowing Owl.

To avoid, minimize, and mitigate potential impacts on burrowing owl, the project applicant shall retain a qualified biologist to conduct focused breeding and nonbreeding season surveys for burrowing owls in areas of suitable habitat on and within 1,500 feet of the project site. Surveys will be conducted prior to the start of construction activities and in accordance with Appendix D of CDFW's Staff Report on Burrowing Owl Mitigation (2012).

If no occupied burrows are found, a letter report documenting the survey methods and results will be submitted to CDFW and no further mitigation will be required.

If an active burrow is found during the nonbreeding season (between September 1 and January 31), the project applicant will consult with CDFW regarding protection buffers to be established around the occupied burrow and maintained throughout construction. If occupied burrows are present that cannot be avoided or adequately protected with a no-disturbance buffer, a burrowing owl exclusion and relocation plan will be developed in consultation with CDFW and in accordance with CDFW's Staff Report on Burrowing Owl Mitigation (2012). Owls will be relocated outside of the impact area using passive or active methodologies developed in

consultation with CDFW and may include active relocation to preserve areas if approved by CDFW and the preserve managers. No burrowing owls will be excluded from occupied burrows until the burrowing owl exclusion and relocation plan is approved by CDFW.

If an active burrow is found during the breeding season (between February 1 and August 31), occupied burrows will not be disturbed and will be provided with a 150- to 1,500-foot protective buffer unless a qualified biologist verifies through noninvasive means that either: (1) the birds have not begun egg laying, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The appropriate size of the buffer (between 150 and 1,500 feet) will depend on the time of year and level of disturbance, as outlined in the CDFW Staff Report (2012:9). Once the fledglings are capable of independent survival, the owls will be relocated outside the impact area following a burrowing owl exclusion and relocation plan developed in consultation with CDFW and the burrow will be destroyed to prevent owls from reoccupying it. No burrowing owls will be excluded from occupied burrows until the burrowing owl exclusion and relocation plan is approved by CDFW. Following owl exclusion and burrow demolition, the site shall be monitored by a qualified biologist to ensure burrowing owls do not recolonize the site prior to construction.

If active burrowing owl nests are found on the project site and these nest sites are lost as a result of implementing the project, then the project applicant shall mitigate the loss through preservation of other known nest sites at a ratio of 1:1. Preservation shall be provided through purchase of credits from a CDFW-approved burrowing owl conservation bank if credits are available in an appropriate location. If mitigation credits are not available, the applicant shall develop a mitigation and monitoring plan for the compensatory mitigation areas in consultation with CDFW.

The Mitigation Reporting and Monitoring Plan (MRMP) will include detailed information on the habitats present within the preservation areas, the long-term management and monitoring of these habitats, legal protection for the preservation areas (e.g., conservation easement, declaration of restrictions), and funding mechanism information (e.g., endowment). All burrowing owl mitigation lands shall be preserved in perpetuity and incompatible land uses shall be prohibited in habitat conservation areas. Burrowing owl mitigation lands shall be located as close as possible, based on availability of sufficient suitable habitat, to the project site.

The project applicants shall transfer said burrowing owl mitigation land, through either conservation easement or fee title, to a third-party, nonprofit conservation organization (Conservation Operator), with the City and CDFW named as third-party beneficiaries. The Conservation Operator shall be a qualified conservation easement land manager that manages land as its primary function. Additionally, the Conservation Operator shall be a tax-exempt nonprofit conservation organization that meets the criteria of Civil Code Section 815.3(a) and shall be selected or approved by the City, after consultation with CDFW. The City, after consultation with CDFW and the Conservation Operator, shall approve the content and form of the conservation easement. The City, CDFW, and the Conservation Operator shall each have the power to enforce the terms of the conservation easement. The Conservation Operator shall

monitor the easement in perpetuity to ensure compliance with the terms of the easement. (Draft EIR, pp. 3.4-18 and 3.4-19)

Mitigation Measure 3.4-1c: Prepare and Implement a Swainson's Hawk Foraging Habitat Mitigation Plan.

Before any ground-disturbing activities, suitable Swainson's hawk foraging habitat shall be preserved to ensure replacement of foraging habitat lost as a result of the project, as determined by a qualified biologist, in consultation with CDFW.

The habitat value shall be based on Swainson's hawk nesting distribution and an assessment of habitat quality, availability, and use within the County. The mitigation ratio shall be consistent with the 1994 DFG Swainson's Hawk Guidelines included in the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California. These guidelines specify that the mitigation ratio shall be 1:1 if there is an active nest within 1 mile of the project site, 0.75:1 if there is an active nest within 5 miles but greater than 1 mile away, and 0.5:1 if there is an active nest within 10 miles but greater than 5 miles away. If there is an active nest within 1 mile of the project site, the mitigation ratio can be reduced to 0.5:1 if all of the mitigation land can be actively managed for prey production. Such mitigation shall be accomplished through either the transfer of fee title or perpetual conservation easement. The mitigation land shall be located within the known foraging area of the regional Swainson's hawk population based on the habitat assessment described above.

Before acceptance of such proposed mitigation, the City shall consult with CDFW regarding the appropriateness of the mitigation. If mitigation is accomplished through a conservation easement, then such an easement shall ensure the continued management of the land to maintain Swainson's hawk foraging values, including but not limited to, ongoing agricultural uses and the maintenance of all existing water rights associated with the land. The conservation easement shall be recordable and shall prohibit any activity that substantially impairs or diminishes the land's capacity as suitable Swainson's hawk foraging habitat.

Purchase of credits from a CDFW-approved Swainson's hawk mitigation bank may be used as an alternative to conservation easements to compensate for foraging habitat lost as a result of the project. The mitigation bank must be located within the range of the regional Swainson's hawk population. Before purchase of mitigation credits from the mitigation bank, the City shall consult with CDFW to confirm that the proposed mitigation bank provides appropriate foraging habitat relative to the proximity to the project site and quality of habitat.

Swainson's hawk mitigation land shall be transferred, through either conservation easement or fee title, to a third-party, nonprofit conservation organization (Conservation Operator), with the CDFW named as third-party beneficiaries. The Conservation Operator shall be a qualified conservation easement land manager that manages land as its primary function. Additionally, the Conservation Operator shall be a tax-exempt nonprofit conservation organization that meets the criteria of Civil Code Section 815.3(a). CDFW and the Conservation Operator shall approve the content and form of the conservation easement. CDFW and the Conservation Operator shall

each have the power to enforce the terms of the conservation easement. The Conservation Operator shall monitor the easement in perpetuity to assure compliance with the terms of the easement. (Draft EIR, pp. 3.4-19 and 3.4-20)

Facts Supporting Findings

Implementing Mitigation Measures 3.4-1a, 3.4-1b, and 3.4-1c would reduce potentially significant impacts on Swainson's hawk, white-tailed kite, burrowing owl, and other raptors to a **less-than-significant** level because it would ensure that these species are not disturbed during nesting so that project construction would not result in nest abandonment and loss of eggs or young. These measures would also ensure that Swainson's hawk and burrowing owl habitat would be preserved at the appropriate ratio of habitat value lost.

Impact 3.4-2: Disturbance of Loggerhead Shrike and Common Nesting Birds.

Project implementation would result in loss and disturbance of potential nesting habitat for loggerhead shrike and common nesting birds protected under Migratory Bird Treaty Act (MBTA) and California Fish and Game Code. Project construction could disturb active nests on or near the construction area, potentially resulting in nest abandonment by the adults and mortality of chicks and eggs. This impact is considered **potentially significant**. (Draft EIR, p. 3.4-20)

Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with loss and disturbance of potential nesting habitat for loggerhead shrike and common nesting birds as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

Mitigation Measure 3.4-2: Avoid Direct Loss of Loggerhead Shrike and Protected Bird Nests

To the extent feasible, City shall encourage vegetation removal, grading, and other ground disturbing activities to be carried out during the nonbreeding season (between September 1 and January 31) for protected bird species in this region to avoid and minimize impacts to loggerhead shrike and other nesting birds.

For any project activity that would occur during the nesting season (between February 1 and August 31), the project applicant shall conduct a preconstruction survey. The preconstruction survey shall be conducted by a qualified biologist before any activity occurring within 500 feet of suitable nesting habitat for any protected bird species. The survey shall be timed to maximize the potential to detect nesting birds, and should be repeated within 10 days of the start of project-related activity.

If an active loggerhead shrike or common bird species protected by the Migratory Bird Treaty Act or California Fish and Game Code is found, the qualified biologist shall establish a buffer around the nest. No project activity shall commence within the buffer area until a qualified biologist confirms that the nest is no longer active. The size of the buffer shall be determined in

consultation with CDFW. Buffer size is anticipated to range from 50 to 500 feet, depending on the nature of the project activity, the extent of existing disturbance in the area, and other relevant circumstances as determined by a qualified biologist in consultation with CDFW.

If common bird nests are found, a qualified biologist shall ensure compliance with the Migratory Bird Treaty Act and Fish and Game Code Section 3503.

Monitoring of all protected nests by a qualified biologist during construction activities will be required if the activity has potential to adversely affect the nest. If construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the no-disturbance buffer shall be increased until the agitated behavior ceases. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined by a qualified biologist. (Draft EIR, p. 3.4-21)

Facts Supporting Findings

Implementing Mitigation Measure 3.4-2 would reduce potentially significant impacts on loggerhead shrike and other nesting birds to a **less-than-significant** level because it would ensure these birds are not disturbed during nesting so that project construction would not result in nest abandonment and loss of eggs or young. (Draft EIR, p. 3.4-21)

Impact 3.4-3: Western Red Bat.

Project implementation would result in loss of orchard trees and other trees that may support breeding western red bats. If red bats are using these trees as breeding sites, removal of trees could result in injury and mortality of western red bat. This impact is considered **potentially significant**. (Draft EIR, p. 3.4-21)

Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with the loss of trees that may support western red bats as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

Mitigation Measure 3.4-3: Avoid, Minimize, and Mitigate Loss of Western Red Bat Roosts.

If any trees are proposed for removal during the breeding season (May through August), a qualified biologist shall be retained to conduct a focused survey for red bats in roosting trees proposed for removal. An evening emergence survey shall note the presence or absence of bats and could consist of visual survey at the time of emergence. If evidence of red bat use is observed, the location of the trees used by the bats shall be determined. Bat detectors may be used to supplement survey efforts, but are not required. If no bat roosts are found, then no further study is required.

If red bats are determined to be present in trees in the project area, the tree shall be protected until breeding is completed and the young are capable of independent flight. If a tree supporting

a red bat must be removed, a detailed mitigation program addressing compensation, exclusion methods, and roost removal procedures shall be developed, in consultation with CDFW, before implementation. (Draft EIR, p. 3.4-22)

Facts Supporting Findings

Implementing Mitigation Measure 3.4-3 would reduce potentially significant impacts on western red bats to a **less-than-significant** level because it would ensure trees supporting western red bats are identified before construction and that trees supporting western red bats are protected or a detailed mitigation program addressing compensation, exclusion methods, and roost removal procedures is developed and implemented. (Draft EIR, p. 3.4-22)

Impact 3.4-4: Conflicts with Policies Protecting Biological Resources.

The Ceres General Plan 2035 includes several policies that call for protection of sensitive species and habitats. As discussed in Impacts 3.4-1 through 3.4-5, Specific Plan implementation would result in removal of habitat that has potential to support special-status plants and wildlife, Swainson's hawk foraging habitat, and wetlands and waterways. This habitat removal would conflict with Ceres General Plan 2035 policies unless mitigated. This impact is considered **potentially significant**. (Draft EIR, p. 3.4-22)

Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with conflicts with policies protecting biological resources as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

Mitigation Measure 3.4-4: Implement Mitigation Measures 3.4-1, 3.4-2, and 3.4-3. (Draft EIR, p. 3.4-22)

Facts Supporting Findings

Implementing Mitigation Measures 3.4-1, 3.4-2, and 3.4-3 would reduce potentially significant impacts associated with conflicts with policies protecting biological resources to a **less-than-significant** level because it would ensure impacts on sensitive species and their habitats are mitigated consistent with Ceres 2035 General Plan policies and implementation actions. (Draft EIR, p. 3.4-22)

Impact 3.4-5: Impede the Use of Native Wildlife Nursery Sites.

Project implementation would result in loss of human-made structures and trees that may support maternity bat roosts. If these structures are used by bats as maternity colony roosts, implementation of the project could result in mortality of large numbers of bats and inability to reproduce young. This impact is considered **potentially significant**. (Draft EIR, pp. 3.4-22 and 3.4-23)

Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with impeding the use of native wildlife nursery sites as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

Mitigation Measure 3.4-5: Avoid, Minimize, and Mitigate Loss of Bat Roosts.

Before removal of any trees or existing buildings, a qualified biologist shall conduct a focused survey for roosting bats in suitable trees and structures. Surveys should be conducted as far in advance of project implementation as feasible to allow sufficient time to coordinate with CDFW and develop a mitigation plan if necessary, as described below. The survey shall be conducted in the fall to determine if structures are used as hibernacula and in spring and/or summer to determine if they are used as maternity or day roosts. An evening emergence survey shall note the presence or absence of bats and could consist of visual survey at the time of emergence. If evidence of bat use is observed, the number and species of bats using the roost shall be determined. Bat detectors may be used to supplement survey efforts, but are not required. If no bat roosts are found, then no further study is required.

If bat roosts are determined to be present, the bats shall be excluded from the roosting site before the roost structure is removed. If roosts must be removed, a detailed mitigation program addressing compensation, exclusion methods, and roost removal procedures shall be developed, in consultation with CDFW, before implementation. Exclusion methods may include use of one-way doors at roost entrances (bats may leave but not reenter), or sealing roost entrances when the site can be confirmed to contain no bats. Exclusion efforts will be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young).

Compensatory mitigation for the loss of each roost (if any) shall be developed, in consultation with CDFW, and may include construction and installation of bat boxes suitable to the bat species and colony size excluded from the original roosting site. Roost replacement will be implemented before bats are excluded from the original roost site. Once compensation is implemented and it is confirmed that bats are not present in the roost site, the roost structure may be removed. (Draft EIR, p. 3.4-23)

Facts Supporting Findings

Implementing Mitigation Measure 3.4-3 would reduce potentially significant impacts on bat maternity roosts to a **less-than-significant** level because it would ensure maternity roosts are not disturbed so that Specific Plan construction would not result in bat mortality or abandonment and loss of young and would provide replacement roosts to compensate for loss of existing maternity roosts of common bat species. (Draft EIR, p. 3.4-23)

CULTURAL RESOURCES

Impact 3.5-1: Potential to cause a substantial adverse change in the significance of an historical resource or unique archaeological resource as defined in Public Resources Code Section 21083.2 and CEQA Guidelines Section 15064.5.

As of 2016, there are no known historical resources or unique archaeological resources identified with the Specific Plan Area as a result of the cultural resource investigations conducted to support the EIR. Based on the results of the investigation, the Specific Plan Area does not appear to be sensitive for cultural resources. However, the lack of previously recorded cultural resources and the lack of surface indications do not preclude the possibility that significant subsurface cultural resources could be inadvertently encountered and damaged during project construction. Potential construction-related project impacts on previously undocumented significant archaeological or historic-era resources in the Specific Plan Area are therefore considered **potentially significant**. (Draft EIR, p. 3.5-16)

Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially environmental effect associated with construction-related impacts on previously undocumented significant archaeological or historic-era resources as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

Mitigation Measure 3.5-1: Implement Procedures to Avoid or Reduce Impacts on Cultural Resources.

In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil (“midden”), that could conceal cultural deposits, are discovered during construction-related earth-moving activities, all ground-disturbing activity within 100 feet of the resources shall be halted and the City of Ceres shall be notified.

If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource or a unique archaeological resource), representatives of the City and the qualified archaeologist shall determine the appropriate course of action, with the City making the final decision. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and a report shall be prepared by the qualified archaeologist according to current professional standards.

If the archaeologist determines that some or all of the affected property qualifies as a Native American Cultural Place, including a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine (Public Resources Code Section 5097.9) or a Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historical Resources pursuant to California Public Resources Code Section 5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site (California Public Resources Code Section 5097.993), the archaeologist shall recommend to the City potentially feasible mitigation measures that would preserve the integrity of the site or minimize impacts on it, including any or a combination of the following:

- avoidance, preservation, and/or enhancement of all or a portion of the Native American Cultural Place as open space or habitat, with a conservation easement dedicated to the most interested and appropriate tribal organization. If such an organization is willing to accept and maintain such an easement, or alternatively, a cultural resource organization that holds conservation easements;
- an agreement with any such tribal or cultural resource organization to maintain the confidentiality of the location of the site so as to minimize the danger of vandalism to the site or other damage to its integrity; or
- Other measures, short of full or partial avoidance or preservation, intended to minimize impacts on the Native American Cultural Place consistent with the proposed design and footprint of the development project for which the requested grading permit has been approved.
- After receiving such recommendations, the City shall assess the feasibility of the recommendations and impose the most protective mitigation feasible in light of land use assumptions and the proposed design and footprint of the development project. The City shall, in reaching conclusions with respect to these recommendations, consult with both the project applicant(s) and the most appropriate and interested tribal organization.

In addition, projects proposed under the Specific Plan shall comply with Ceres General Plan 2035 Policy 4.1.1, which states that the City shall not knowingly approve any public or private project that may adversely affect an archaeological site without first consulting the California Archaeological Inventory, conducting a site evaluation as may be indicated, and attempting to mitigate any adverse impacts according to the recommendations of a qualified archaeologist. City implementation of this policy shall be guided by Appendix G of the CEQA Guidelines. Mitigation shall include avoidance of cultural resources where possible and feasible. (Draft EIR, pp. 3.5-16 and 3.5-17)

Facts Supporting Findings

Implementation of Mitigation Measure 3.5-1 would require the performance of professionally accepted and legally compliant procedures for identification and treatment of inadvertently discovered cultural resources and would, therefore, reduce this impact to a **less-than-significant** level. (Draft EIR, p. 3.5-17)

Impact 3.5-2: Potential Disturbance of and Damage to Human Remains during Project Construction.

No evidence of human remains has been encountered in the project site. However, previously undocumented human remains could be inadvertently encountered and damaged during project construction. Specific Plan impacts on previously undocumented human remains in the project site are therefore considered **potentially significant**. (Draft EIR, p. 3.5-17)

Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with impacts on previously undocumented human remains as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

Mitigation Measure 3.5-2a: Implement Mitigation Measure 3.5-1. (Draft EIR, p. 3.5-17)

Mitigation Measure 3.5-2b: Halt Construction if Human Remains are Discovered and Implement Appropriate Actions.

If human remains are discovered at any construction sites during any phase of construction, all ground-disturbing activity within 100 feet of the remains shall be halted immediately, and the City of Ceres and the County coroner shall be notified immediately. If the remains are determined by the County Coroner to be Native American, Native American Heritage Commission shall be notified within 24 hours, and the guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains. The project applicant(s) shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the Native American Heritage Commission. As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant, including the excavation and removal of the human remains. The City shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of CEQA Guidelines Section 15064.5(e) and Public Resources Code section 5097.98. The project applicant(s) shall implement approved mitigation, to be verified by the City, before the resumption of ground-disturbing activities within 100 feet of where the remains were discovered. (Draft EIR, p. 3.5-18)

Facts Supporting Findings

Implementation of Mitigation Measures 3.5-2a and 3.5-2b would require the performance of professionally accepted and legally compliant procedures for identification and discovery of previously undocumented human remains and would, therefore, reduce this impact to a **less-than-significant** level. (Draft EIR, p. 3.5-18)

GEOLOGY, SOILS, MINERALS, AND PALEONTOLOGICAL RESOURCES

Impact 3.6-1: Risks to People and Structures Caused by Strong Seismic Ground Shaking.

The Specific Plan Area is not located within, or near, an Alquist-Priolo Earthquake Fault Zone. However, there are active faults in the broader region that can subject the city to strong seismic ground shaking. Therefore, this impact is considered **potentially significant**. (Draft EIR, pp. 3.6-13 and 3.6-14)

Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with strong seismic ground shaking as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

Mitigation Measure 3.6-1: Prepare a Geotechnical Report per California Building Code (CBC) Requirements and Implement Appropriate Recommendations and Monitor Earthwork During Ground-Disturbing Activities.

Before building permits are issued and construction activities begin, a California Registered Civil Engineer shall be retained to prepare a final geotechnical subsurface investigation report, which shall be submitted to the City's Engineering Division for review and approval. The final geotechnical engineering report shall address and make recommendations on the following, as applicable:

- Site preparation;
- Soil bearing capacity;
- Appropriate sources and types of fill;
- Potential need for soil amendments;
- Road, pavement, and parking areas;
- Structural foundations, including retaining-wall design;
- Grading practices;
- Soil corrosion of concrete and steel;
- Erosion/winterization;
- Seismic ground shaking; and
- Unstable soils.

In addition to the recommendations for the conditions listed above, the geotechnical investigation shall determine appropriate foundation designs that are consistent with the version of the CBC that is applicable at the time of application for building and grading permits. Special recommendations contained in the geotechnical engineering report shall be noted on the grading and improvement plans and implemented, as appropriate, before construction begins. Design and construction of all new project development shall be in accordance with the CBC.

All earthwork shall be monitored by a qualified civil or geotechnical engineer to ensure compliance with project plans and specifications. The geotechnical or civil engineer shall provide oversight during all excavation, placement of fill, and disposal of materials removed from and deposited on the construction areas. (Draft EIR, p. 3.6-14)

Facts Supporting Findings

Implementation of Mitigation Measure 3.6-1 would reduce the potentially significant impact of possible damage to people and structures from strong seismic ground shaking to a **less-than-significant** level by requiring the project applicant retain a geotechnical engineer and that the design recommendations

of a geotechnical engineer to reduce damage from seismic events be incorporated into buildings, structures, and infrastructure as required by the CBC, and that a geotechnical or soils engineer provide on-site monitoring to ensure that earthwork is being performed as specified in the plans. (Draft EIR, p. 3.6-14)

Impact 3.6-3: Construction-Related Soil Erosion.

Construction activities during project implementation would involve extensive grading and movement of earth, which could expose soils to erosion and result in the loss of topsoil. Therefore, this impact would be **potentially significant**. (Draft EIR, p. 3.6-15)

Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with construction-related soil erosion as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

Mitigation Measure 3.6-3a: Prepare and Implement a Grading and Erosion Control Plan.

Before grading permits are issued or earthmoving activities are conducted, a California Registered Civil Engineer shall be retained to prepare a grading and erosion control plan. The plan shall be submitted to the City Engineering Division for review and approval. The plan shall be consistent with the State's National Pollutant Discharge Elimination System (NPDES) permit and shall include the site-specific grading.

The plan referenced above shall include the location, implementation schedule, and maintenance schedule of all erosion and sediment control measures, a description of measures designed to control dust and stabilize the construction-site road and entrance, and a description of the location and methods of storage and disposal of construction materials. Erosion and sediment control measures could include the use of detention basins, berms, swales, wattles, and silt fencing, and covering or watering of stockpiled soils to reduce wind erosion. Stabilization of construction entrances to minimize trackout (control dust) is commonly achieved by installing filter fabric and crushed rock to a depth of approximately 1 foot. The project applicant shall ensure that the construction contractor is responsible for securing a source of transportation and deposition of excavated materials. (Draft EIR, pp. 3.6-15 and 3.6-16)

Mitigation Measure 3.6-3b: Implement Mitigation Measure 3.9-1c (Prepare and Implement a Stormwater Pollution Prevention Plan and Associated Best Management Practices).
(Draft EIR, pp. 3.9-22 and 3.9-23)

Facts Supporting Findings

Implementation of Mitigation Measures 3.6-3a and 3.6-3b would reduce the potentially significant temporary and short-term construction-related erosion impact to a **less-than-significant** level because grading and erosion control plans with specific erosion and sediment control measures would be prepared and implemented before and during all construction activities. (Draft EIR, p. 3.6-16)

Impact 3.6-4: Potential Damage to Structures and Infrastructure from Construction in Unstable or Expansive Soils.

The Specific Plan is underlain by soils that have a low potential for expansion when wet. However, soils vary from site to site and a site-specific geotechnical report that meets CBC standards has not been prepared. Therefore, this impact would be **potentially significant**. (Draft EIR, p. 3.6-16)

Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with potential damage to structures and infrastructure from construction in unstable or expansive soils as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

Mitigation Measure 3.6-4: Implement Mitigation Measure 3.6-1 (Prepare a Geotechnical Report per California Building Code (CBC) Requirements and Implement Appropriate Recommendations and Monitor Earthwork During Ground-Disturbing Activities). (Draft EIR, p. 3.6-17)

Facts Supporting Findings

Implementation of Mitigation Measure 3.6-4 would reduce potential geologic hazards from construction in unstable or expansive soils to a **less-than-significant** level because a geotechnical engineering report would be prepared by that identifies areas of unstable soils (if any are present), identifies measures to ensure structures are built in accordance with the City of Ceres Municipal Code and CBC, and requires all earthwork would be monitored by a soils or geotechnical engineer. (Draft EIR, p. 3.6-17)

Impact 3.6-5: Potential Damage to Unknown, Unique Paleontological Resources during Earthmoving Activities.

The entire Specific Plan Area is underlain by the Modesto Formation, which is a paleontologically sensitive rock formation. Therefore, construction activities could disturb previously unknown, unique paleontological resources on the project site. This impact is considered **potentially significant**. (Draft EIR, p. 3.6-17)

Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with disturbance of previously unknown, unique paleontological resources as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

Mitigation Measure 3.6-5: Conduct Construction Worker Personnel Education and Stop Work if Paleontological Resources are Encountered.

- Before the start of any earthmoving activities for the project, the project applicant shall retain the services of a qualified archaeologist or paleontologist to inform the construction crew,

including the site superintendent, about the possibility of encountering subsurface fossils and notification procedures should fossils be encountered.

- If paleontological resources are discovered during earthmoving activities, the construction crew shall immediately cease work that may affect the identified resource and notify the City of Ceres Planning and Building Department. The project applicant shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines (1995a). The recovery plan may include a field survey, construction monitoring, sampling and data recovery procedures, coordination of museum storage for any specimen recovered, and a report of findings. The recovery plan shall be submitted to the City for review. Recommendations in the recovery plan that are determined by the City to be necessary and feasible shall be implemented before construction activities affecting the resource can resume at the site where the paleontological resources were discovered. (Draft EIR, pp. 3.6-17 and 3.6-18)

Facts Supporting Findings

Implementation of Mitigation Measure 3.6-5 would reduce the potentially significant impact associated with potential damage to unique paleontological resources to a **less-than-significant** level because construction workers would be alerted to the possibility of encountering paleontological resources, and in the event that paleontological resources were encountered, fossil specimens would be recovered, recorded and would undergo appropriate curation. (Draft EIR, p. 3.6-18)

HAZARDS AND HAZARDOUS MATERIALS

Impact 3.8-2: Potential Human Health Hazards from Exposure to Existing On-Site Hazardous Material.

The project site contains several steel and plastic drums, potentially an underground storage tank (UST), water wells, and septic systems. Further, lead-based paint could be present in on-site buildings proposed for demolition. Construction workers could be exposed to hazardous materials present on-site during construction activities and hazardous materials on-site could create an environmental or health hazard for later residents or occupants, if left in place. This impact would be **potentially significant**. (Draft EIR, pp. 3.8-20 and 3.8-21)

Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with exposure to existing on-site hazardous materials as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

Mitigation Measure: 3.8-2: Retain a Licensed Professional to Investigate Known or Unknown Hazards and Hazardous Materials and Implement Required Measures, as Necessary.

To reduce health hazards associated with potential exposure to hazardous substances, the project applicant and/or construction contractor(s) shall implement the following measures before the start of ground-disturbing activities within each phase of project development:

- Prepare a Phase I (Environmental Site Assessment (ESA) covering all areas prior to development. If recommended by the Phase I(s), a Phase II ESA investigation is also required.
- If, during site preparation and construction activities, evidence of hazardous materials contamination is observed or suspected (e.g., stained or odorous soil or groundwater), construction activities shall cease immediately in the area of the find. If such contamination is observed or suspected, the contractor shall retain a qualified hazardous materials specialist to assess the site and collect and analyze soil and/or water samples, as necessary. If contaminants are identified in the samples, the contractor shall notify and consult with the appropriate federal, state, and/or local agencies. Measures to remediate contamination and protect worker health and the environment shall be implemented in accordance with federal, State, and local regulations before construction activities may resume at the site where contamination is encountered.
- Retain a licensed contractor to remove all domestic and irrigation wells in accordance with applicable local, State, and federal regulations, including the City of Ceres Municipal Code Chapter 13.05.
- Abandon all septic tanks on the project site under permit from the Stanislaus County Department of Environmental Resources.
- Prepare a Limited Phase II ESA to determine the presence and extent of any residual herbicides, pesticides, termiticides, and fumigants on historically-farmed land in agricultural areas that would be disturbed during construction of the proposed project. The soil sampling and analysis shall be conducted by a qualified Phase II Environmental Assessor. The Limited Phase II ESA shall document the areas proposed for sampling; the procedures for sample collection; the laboratory analytical methods to be used; and the pertinent regulatory threshold levels for determining proper excavation, handling, and, if necessary, treatment, or disposal of any contaminated soils. The Limited Phase II ESA shall be submitted to the City of Ceres for review and approval before the start of ground-disturbing activities. If samples reveal concentrations of pesticide residue in excess of acceptable thresholds, actions shall be taken to remediate soil contamination to within ASTM International (formerly known as American Society for Testing Materials) standards. Such actions could include excavation and disposal of contaminated soils from the site or bioremediation. A qualified Phase II Environmental Assessor shall be retained to develop and carry out a remediation plan, if necessary.

- Retain a California Occupational Safety and Health Administration (Cal-OSHA)-certified Asbestos and/or Lead-Based Paint Inspector/Assessor before demolition of any on-site buildings to investigate whether any asbestos-containing material or lead-based paints are present, and could become friable or mobile during demolition activities. The construction contractor shall provide a completed San Joaquin Air Pollution Control District Asbestos Notification Form must be submitted to the district 10 working days before the activity begins. If any materials containing asbestos or lead are found, they shall be removed by an accredited contractor in accordance with California Code of Regulations (CCR) 17 Section 36000 and 36100 (lead based paint) and Section 39658(b)(1) of the Health and Safety Code (asbestos). In addition, all activities (construction or demolition) in the vicinity of these materials shall comply with Environmental Protection Agency (EPA), Cal-OSHA, and San Joaquin Air Pollution Control District standards. The materials containing asbestos and lead shall be disposed of properly at an appropriately permitted off-site disposal facility. (Draft EIR, pp. 3.8-21 and 3.8-22)

Facts Supporting Findings

Implementation of Mitigation Measure 3.8-2 would reduce the potentially significant impacts related to exposure to hazardous substances to a **less-than-significant** level because previously undiscovered and known hazardous substances would be removed and properly disposed of by a licensed contractor in accordance with federal, State, and local regulations, which are specifically designed to protect the public from human health hazards. (Draft EIR, p. 3.8-22)

Impact 3.8-5: Interference with Adopted Emergency-Response or Plans or Emergency Access.

Implementation of the Specific Plan would not result in interference with adopted emergency-response or emergency evacuation plans. However, local roadways would experience a higher traffic volume during construction that could potentially slow emergency access. In addition, proposed pedestrian and bicycle improvements along Whitmore Avenue and Moore Road and multi-modal extensions of Lunar Drive and Boothe Road would result in traffic delays during construction as a result of temporary lane closures, increased construction truck traffic, and other roadway effects that could slow emergency access. Therefore, this impact is considered **potentially significant**. (Draft EIR, pp. 3.8-24 and 3.5-25)

Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with interference with an adopted emergency-response plans or emergency access as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

Mitigation Measure 3.8-5: Prepare and Implement a Construction Traffic Control Plan.

The project applicant(s) and/or construction contractor(s) shall prepare and implement traffic control plans for construction activities that may affect road rights-of-way during construction, in order to facilitate travel of emergency vehicles on affected roadways. The traffic control plan must follow applicable City of Ceres *Improvement Standards* (whichever edition is current as of the date of construction) and must be approved and signed by a professional engineer.

Measures typically used in traffic control plans include advertising of planned lane closures, warning signage, a flag person to direct traffic flows when needed, and methods to ensure continued access by emergency vehicles. During project construction, access to the existing surrounding land uses shall be maintained at all times, with detours used, as necessary, during road closures. The traffic control plan shall be submitted to the City of Ceres Engineering Division for review and approval before the approval of improvement plans and issuance of building permits by the City of Ceres Building Division where roadway improvements may cause impacts on traffic. The traffic control plan shall be implemented throughout construction. (Draft EIR, p. 3.8-25)

Facts Supporting Findings

Implementation of Mitigation Measure 3.8-5 would reduce the significant impact associated with decreased emergency response times during construction to a **less-than-significant** level by requiring preparation and implementation of a construction traffic control plan that would provide for adequate emergency access during construction activities. (Draft EIR, p. 3.8-25)

HYDROLOGY AND WATER QUALITY

Impact 3.9-1: Potential Temporary, Short-Term Construction-Related Drainage and Water Quality Effects.

Construction activities during Specific Plan implementation would involve grading and movement of earth, which would substantially alter on-site drainage patterns and could generate sediment, erosion, and other nonpoint source pollutants in on-site stormwater that could drain to off-site areas and degrade local water quality. In addition, groundwater well abandonment and septic system removal could result in contamination of groundwater. This impact is considered **potentially significant**. (Draft EIR, pp. 3.9-21 and 3.9-22)

Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with potential temporary, short-term construction-related drainage and water quality effects as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

Mitigation Measure 3.9-1a: Implement Mitigation Measure 3.6-3a (Prepare and Implement a Grading and Erosion Control Plan). (Draft EIR, pp. 3.6-15 and 3.6-16)

Mitigation Measure 3.9-1b: Implement Mitigation Measure 3.8-2 (Prepare and Implement a Soil and Groundwater Sampling and Remediation Plan and Acquire Appropriate Regulatory Approvals). (Draft EIR, pp. 3.8-21 and 3.8-22)

Mitigation Measure 3.9-1c: Prepare and Implement a Stormwater Pollution Prevention Plan and Associated Best Management Practices.

Prior to the start of earth-moving activities, each project applicant for a project within the Specific Plan Area shall obtain coverage under the State Water Resources Control Board's (SWRCB's) National Pollutant Discharge Elimination System (NPDES) stormwater permit for general construction activity (Order 2009-0009-DWQ), including preparation and submittal of a project-specific stormwater pollution prevention plan (SWPPP) at the time the Notice of Intent to discharge is filed. The project applicant shall also prepare and submit erosion and sediment control and engineering plans and specifications for pollution prevention and control to the City of Ceres Engineering Division. The SWPPP shall identify and specify:

- the use of an effective combination of robust erosion and sediment control best management practices (BMPs) and construction techniques accepted by the City at the time of construction, that would reduce the potential for runoff and the release, mobilization, and exposure of pollutants, including legacy sources of mercury from construction sites. These may include, but would not be limited to temporary erosion control and soil stabilization measures, sedimentation ponds, inlet protection, perforated riser pipes, check dams, and silt fences;
- the implementation of approved local plans, non-stormwater management controls, permanent post-construction BMPs, and inspection and maintenance responsibilities;
- the pollutants that are likely to be used during construction that could be present in stormwater drainage and nonstormwater discharges, including fuels, lubricants, and other types of materials used for equipment operation;
- the means of waste disposal;
- spill prevention and contingency measures, including measures to prevent or clean up spills of hazardous waste and of hazardous materials used for equipment operation, and emergency procedures for responding to spills;
- personnel training requirements and procedures that would be used to ensure that workers are aware of permit requirements and proper installation methods for BMPs specified in the SWPPP; and
- the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP.

- Where applicable, BMPs identified in the SWPPP shall be in place throughout all site work and construction activities and shall be used in all subsequent site development activities. BMPs may include, but are not limited to, such measures as those listed below.
 - Implementing temporary erosion and sediment control measures in disturbed areas to minimize discharge of sediment into nearby drainage conveyances, in compliance with state and local standards in effect at the time of construction. These measures may include, but are not limited to, silt fences, staked straw bales or wattles, sediment/silt basins and traps, geofabric, sandbag dikes, and temporary vegetation.
 - Establishing permanent vegetative cover to reduce erosion in areas disturbed by construction by slowing runoff velocities, trapping sediment, and enhancing filtration and transpiration.
 - Using drainage swales, ditches, and earth dikes to control erosion and runoff by conveying surface runoff down sloping land, intercepting and diverting runoff to a watercourse or channel, preventing sheet flow over sloped surfaces, preventing runoff accumulation at the base of a grade, and avoiding flood damage along roadways and facility infrastructure.

A copy of the approved SWPPP shall be maintained and available at all times on the construction site. (Draft EIR, pp. 3.9-22 and 3.9-23)

Facts Supporting Findings

Implementation of Mitigation Measures 3.9-1a, 3.9-1b, and 3.9-1c would reduce the significant impact from short-term, temporary, construction-related drainage and water quality impacts to a **less-than-significant** level because a grading and erosion control plan and a SWPPP, both containing BMPs specifically designed to prevent erosion and protect water quality, would be prepared, approved by the City of Ceres Engineering Division and the SWRCB, and implemented. These plans are required by law to specify and implement water quality control measures pursuant to the SWRCB NPDES permit for construction activity (Order 2009-0009-DWQ) and the *Waste Discharge Requirements For Storm Water Discharges From Small Municipal Separate Storm Sewer Systems*. Additionally, further evaluation of historical effects on groundwater and implementation of recommended remediation actions will avoid creating preferential pathways for contaminants that could be redistributed during construction. (Draft EIR, p. 3.9-23)

Impact 3.9-2: Potential Increased Risk of Flooding and Hydromodification from Increased Stormwater Runoff.

Specific Plan implementation would increase the amount of impervious surfaces, thereby increasing surface water runoff. This increase in surface runoff would result in an increase in both the total volume and the peak discharge rate of stormwater runoff, and therefore could result in a greater potential for on- and off-site flooding. This impact is considered **potentially significant**. (Draft EIR, pp. 3.9-23 through 3.9-26)

Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with potential increased risk of flooding and hydromodification from increased stormwater runoff as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

Mitigation Measure 3.9-2: Prepare and Submit A Final Drainage Plan and Implement Requirements.

Before the approval of grading plans and building permits, project applicants for projects proposed within the Specific Plan Area shall prepare and submit final drainage plans to the City of Ceres Engineering Division. The drainage plan shall demonstrate that off-site upstream runoff would be appropriately conveyed through the Specific Plan Area, and that Specific Plan-related on-site runoff would be appropriately contained in detention basins or managed through other improvements (e.g., source controls) to reduce flooding and hydromodification impacts. The plan shall include, but not be limited to, the following items:

- a map dividing the site into discrete drainage management areas to show in each how runoff will be managed using site design measures, source controls, treatment controls, and hydromodification measures as defined by the current Municipal Separate Storm Sewer System (MS4) permit.
- site design measures, source controls, treatment controls, and hydromodification measures must be selected, sized, and situated in accordance with the guidance provided in the current MS4 permit and the City's Storm Water Design Standards Manual for New Development and Redevelopment;
- an accurate calculation of pre-project and post-project runoff scenarios, obtained using appropriate engineering methods consist with the *City of Ceres Public Works Department Engineering Improvement Standards*, that accurately evaluates potential changes to runoff, including increased surface runoff;
- runoff calculations for the 10-year and 100-year (0.01 annual exceedance probability [AEP]) storm events (and other, smaller storm events as required) shall be performed and the trunk drainage pipeline sizes confirmed based on alignments and detention facility locations finalized in the design phase;
- a description of the proposed maintenance program for the on-site drainage system;
- identification of specifications for installing drainage systems consist with the *City of Ceres Public Works Department Engineering Improvement Standards*;
- a description of on-site features designed to treat Specific Plan Area or additional areawide development stormwater and maintain stormwater quality before it is discharged; and

- stormwater management BMPs that are designed to limit hydromodification. These may include, but are not limited to, the use of Low Impact Development (LID) techniques to limit increases in stormwater runoff at the point of origination (these may include, but are not limited to: surface swales; replacement of conventional impervious surfaces with pervious surfaces [e.g., porous pavement]; and impervious surfaces disconnection);

Per Chapter 13.18 of the City of Ceres Municipal Code, a legally binding operation and maintenance agreement is required for maintenance of the installed post-construction design measures. The agreement shall be recorded with the deed by the County Clerk making it transferrable to the new owner; or, when there are multiple property owners responsible for the maintenance of the control measures, the agreement shall consist of a legally binding covenant between the City and the homeowners' association or maintenance district. The owner or association responsible for the maintenance of the control measures may be required by the City to submit an annual self-certification that the stormwater control measures are effective and are being maintained in accordance with the submitted and approved operation and maintenance plan. (Draft EIR, pp. 3.9-26 and 3.9-27)

Facts Supporting Findings

Implementation of Mitigation Measure 3.9-2 would reduce the significant effect associated with increased risk of flooding and hydromodification from increased stormwater runoff to a **less-than-significant** level because project applicants will demonstrate to the City of Ceres Engineering Division that proposed projects will conform with applicable State and local surface water runoff regulations that were designed to avoid adverse effects. (Draft EIR, p. 3.9-27)

Impact 3.9-3: Long-Term Operational Water Quality and Hydrology Effects from Urban Runoff.

Residential, open space, and related land use changes anticipated under the proposed Specific Plan could result in additional discharges of pollutants to receiving water bodies from nonpoint sources. Such pollutants could result in adverse changes to the water quality. This impact is considered **potentially significant**. (Draft EIR, pp. 3.9-27 and 3.9-28)

Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with long-term operational water quality and hydrology effects from urban runoff as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

Mitigation Measure 3.9-3: Develop and Implement a Best Management Practice and Water Quality Maintenance Plan.

Before approval of the final subdivision map for projects proposed within the Specific Plan, a detailed BMP and water quality maintenance plan shall be prepared by a qualified engineer retained by the project applicant. Drafts of the plan shall be submitted to the City of Ceres Engineering Division for review and approval concurrently with development of the final subdivision maps. The plan shall finalize the water quality improvements and further detail the

structural and nonstructural BMPs proposed for the project. The plan shall include the following elements described below.

- A quantitative hydrologic and water quality analysis of proposed conditions incorporating the proposed drainage design features, which shall include final water quality basin sizing and design configuration.
- Pre-development and post-development calculations demonstrating that the proposed water quality BMPs meet or exceed requirements established by the City of Ceres and including details regarding the size, geometry, and functional timing of storage and release pursuant to the *City of Ceres Public Works Department Engineering Improvement Standards*.
- Source control programs to control water quality pollutants, which may include but are not limited to recycling, street sweeping, storm drain cleaning, household hazardous waste collection, waste minimization, prevention of spills and illegal dumping, and effective management of public trash collection areas.
- A pond management component for the proposed detention basin that shall include management and maintenance requirements for the design features and BMPs, and responsible parties for maintenance and funding.
- LID control measures shall be integrated into the BMP and water quality maintenance plan. These may include, but are not limited to:
 - surface swales;
 - replacement of conventional impervious surfaces with pervious surfaces (e.g., porous pavement);
 - impervious surfaces disconnection; and
 - trees planted to intercept stormwater. (Draft EIR, pp. 3.9-29 and 3.9-29)

Facts Supporting Findings

Implementation of Mitigation Measure 3.9-3 would reduce the significant effect associated with long-term water quality effects of urban runoff to a **less-than-significant** level because projects proposed within the Specific Plan Area would develop and implement a BMP and water quality maintenance plan that would require preparation of quantitative hydrologic and water quality analysis, demonstrate proposed water quality BMPs meet or exceed requirements established by the City of Ceres, and identify source control programs to control water quality pollutants. (Draft EIR, p. 3.9-29)

Impact 3.9-4: Depletion of Groundwater Supplies and Interference with Groundwater Recharge.

The development of additional Specific Plan-related impervious surfaces would reduce the amount of water available for local groundwater recharge. This impact is considered **potentially significant**. (Draft EIR, pp. 3.9-29 and 3.9-30)

Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with depletion of groundwater supplies and interference with groundwater recharge as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

Mitigation Measure 3.9-4a: Implement Mitigation Measure 3.9-2 (Prepare and Submit Final Drainage Plans and Implement Requirements Contained in Those Plans). (Draft EIR, pp. 3.9-26 and 3.9-27)

Mitigation Measure 3.9-4b: Implement Mitigation Measure 3.9-3: (Develop and Implement a Best Management Practice and Water Quality Maintenance Plan). (Draft EIR, p. 3.9-30)

Facts Supporting Findings

Implementation of Mitigation Measures 3.9-4a and 3.9-4b would reduce potentially significant impacts associated with interference of groundwater recharge to a **less-than-significant** level because project applicants for projects proposed within the Specific Plan Area would demonstrate to the City of Ceres Engineering Division that the proposed Specific Plan includes development and implementation of BMPs and LID measures (e.g., the detention basin, plants appropriate for stormwater management) that would help to increase groundwater recharge following project site development. (Draft EIR, p. 3.9-31)

NOISE AND VIBRATION

Impact 3.11-4: Long-Term Exposure of On-site Sensitive Receptors to On- and Off-site Non-transportation Noise Sources.

Specific Plan implementation would result in development of on-site, noise-sensitive and noise-producing uses. Noise levels associated with residential land uses would also include the operation of exterior mechanical equipment (i.e., air conditioning units). Depending on the distance between residential dwellings, noise levels associated with air conditioning units located within side-yard areas of residential land uses could potentially exceed the City's noise standards. Noise levels associated with landscape maintenance activities and mechanical noise associated with the operation of ventilation equipment directly adjacent to the Cesar Chavez Junior High School could potentially exceed the City's noise standards. This impact is considered **potentially significant**. (Draft EIR, pp. 3.11-32 to 3.11-33)

Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with long-term exposure of on-site sensitive receptors to on- and off-site non-transportation noise sources as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

Mitigation Measure 3.11-4: Reduce Stationary Noise Source Exposure.

- Noise generating mechanical equipment shall be shielded or located at a distance that would reduce noise levels at any existing or planned noise-sensitive outdoor activity areas to acceptable levels, as directed by the Ceres General Plan 2035 (2018).
- Residential air conditioning units shall be located a minimum of 10 feet from adjacent residential dwellings, including outdoor activity areas, or shall be shielded or designed to reduce operational noise levels at adjacent dwellings. Shielding may include the use of fences or partial equipment enclosures. To provide effectiveness, fences or barriers shall be continuous or solid, with no gaps, and shall block the line of sight to windows of neighboring dwellings.
- Include site planning and design strategies, such as orientation of homes toward Cesar Chavez Junior High School with outdoor gathering areas placed behind proposed homes in order to reduce noise exposure, consistent with the Ceres General Plan 2035 noise policies. (Draft EIR, p. 3.11-33)

Facts Supporting Findings

In addition to Mitigation Measure 3.11-4, development within the Specific Plan Area will be required to comply with the City's Code of Ordinances, Chapter 9.36, which includes restrictions on noise generation. Based on above-described measures and the performance standards referenced in these mitigation measures, the impact would be reduced to a **less-than-significant** level for mechanical equipment that may be associated with future development. (Draft EIR, p. 3.11-34)

TRANSPORTATION

Impact 3.14-1: Conflict with an Applicable Transportation Plan, Ordinance, Policy, or Congestion Management Program.

Development of the Specific Plan Area may generate new vehicle trips that may contribute to unacceptable traffic operations under existing plus project and existing plus approved project conditions. This could conflict with an applicable transportation plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, pedestrian and bicycle paths, and mass transit. This could also conflict with an applicable congestion management program, including, but not limited to the level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways. This impact is considered **potentially significant**. (Draft EIR, pp. 3.14-16 through 3.14-22)

Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with conflicts with an applicable transportation plan, ordinance, or policy establishing measures of effectiveness for the

performance of the circulation system as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

Mitigation 3.14-1a: Widen Whitmore Avenue to Four Lanes.

If this has not occurred as a part of a separate project, the Specific Plan applicant shall cause the segment of Whitmore Avenue from Della Drive to Cesar Chavez Junior High School to be widened to 4 lanes before 44 percent of the dwelling units are occupied within the Specific Plan Area, or as directed by the City of Ceres. If this improvement is pursued under a different project, future projects under the Specific Plan shall contribute a fair share to the widening of Whitmore Avenue. (Draft EIR, p. 3.14-17)

Mitigation Measure 3.14-1b: Improvements for Full Buildout of the Specific Plan Area.

Specific Plan traffic volumes have been compared to Manual on Uniform Traffic Control Devices (MUTCD) peak-hour warrants, and the results are noted in Table 12 of Appendix F. As indicated the same locations that satisfy warrants under existing conditions do so with the implementation of the Specific Plan. However, as noted previously, signalization is not necessary the preferred action at each location. Alternatives for improving the level of service (LOS) at study intersections have been evaluated and a preferred plan has been developed that will improve the LOS. Implementation of the following improvements is recommended to provide acceptable, LOS D or better operations:

- ▶ The Specific Plan applicant shall cause the construction of a barrier at the Whitmore Avenue / Moore Road intersection to prohibit northbound left turns when directed by the City of Ceres.
- ▶ The Specific Plan applicant shall cause the construction of a barrier at the Whitmore Avenue / Lunar Drive intersection to prohibit northbound and southbound left turns and cross traffic when directed by the City of Ceres.
- ▶ The Specific Plan applicant shall cause the construction of a signalized intersection with separate left turn lanes at the Whitmore Avenue / Boothe Road intersection before 10 percent of the Specific Plan’s dwelling units are occupied or when directed by the City of Ceres. (Draft EIR, p. 3.14-19)

Mitigation Measure 3.14-1c: Improvements at Mitchell Road / Whitmore Avenue Intersection.

The City’s impact fee program includes funds for improving Mitchell Road to a 6-lane facility. This improvement will result in LOS D or better conditions. Implementation of the following improvements is recommended to provide acceptable, LOS D or better operations:

- The Specific Plan applicants shall contribute their fair share towards the cost of constructing an additional through- lane in each direction on Mitchell Road by paying adopted traffic impact mitigation fees. (Draft EIR, p. 3.14-22)

Facts Supporting Findings

With the implementation of Mitigation Measure 3.14-1a, the roadway will operate at LOS A and the impact would be **less than significant**. (Draft EIR, p. 3.14-17)

With Mitigation 3.14-1b, at the Whitmore Avenue / Moore Road intersection, the northbound left turns will be prohibited and the length of delays on the northbound approach will greatly reduce. Westbound traffic leaving the Specific Plan Area would be diverted to Boothe Road and to Roeding Road. The City's LOS D minimum can be met in the a.m. and p.m. peak hour. In the long term, the City may elect to further eliminate Moore Road access, which was the case with the area north of Whitmore Avenue. Similarly, with Mitigation T-1B, prohibiting left turns onto Whitmore Avenue would be the applicable strategy at the Whitmore Avenue / Lunar Drive intersection. Existing southbound left turns and the Specific Plan northbound left turns would be diverted to the Boothe Road intersection. With this change, the City's LOS D minimum can be met in the a.m. and p.m. peak hour. The traffic signal included in the City's current PFF program is the applicable action at the Whitmore Avenue / Boothe Road intersection. Concurrently, with Mitigation T-1C, the northbound approach will be widened to accommodate a separate left turn lane. Therefore, with the implementation of Mitigation Measure 3.14-1b, peak hour LOS satisfying the City of Ceres' minimum LOS D standard are projected and these measures would reduce the significant impacts associated with some intersections operations under the Specific Plan Area to a **less-than-significant** level. (Draft EIR, pp. 3.14-19 and 3.14-20)

With Mitigation 3.14-1c, Mitchell Road will be widened to a 6-lane facility. Therefore, adequate LOS will be provided, and the project's impact would be **less than significant**. (Draft EIR, p. 3.14-22)

Impact 3.14-4: Conflict with Adopted Policies, Plans, or Programs Regarding Public Transit, Bicycle, or Pedestrian Facilities, or Otherwise Decrease the Performance or Safety of Such Facilities.

Future development activities within the Specific Plan Area could conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise, decrease the performance or safety of such facilities. Development of Specific Plan will result in potential conflicts between motor vehicles and pedestrians on Whitmore Avenue where dedicated facilities are lacking and the Specific Plan's traffic increase is substantial. The proposed Specific Plan Area would construct or develop structures or infrastructure (including roadways) that could potentially result in the decreased performance or safety of public transit facilities. Also, the residents within the Specific Plan Area may create the demand for transit services as an alternative to the private automobile. Therefore, this impact is considered **potentially significant**. (Draft EIR, pp. 3.14-23 and 3.14-24)

Finding

Changes or alterations have been required in, or incorporated into, the project that would avoid or substantially lessen the potentially significant environmental effect associated with conflicts with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities as identified in the Final EIR. As discussed below, the effects would be less than significant after implementation of mitigation.

Mitigation Measure 3.14-4a: Construct Pedestrian Facility.

Implementation of the following improvement is recommended to provide adequate pedestrian facilities:

- The Specific Plan applicant shall cause an all-weather pedestrian facility to be constructed on the south side of the segment of Whitmore Avenue from Della Drive to Cesar Chavez Junior High School before 44 percent of the dwelling units are occupied within the Specific Plan Area, or as directed by the City of Ceres. (Draft EIR, p. 3.14-24)

Mitigation Measure 3.14-4b: Construct Transit Facility.

The City PFF program includes constructing the bus-pull outs at the Whitmore Avenue / Boothe Road intersection. Implementation of the following improvements is recommended to provide adequate transit facilities:

- The Specific Plan applicant shall cause a bus pull-out to be constructed at the Whitmore Avenue / Boothe Road intersection. (Draft EIR, p. 3.14-24)

Facts Supporting Findings

Implementation of Mitigation Measure 3.14-4a would ensure that future pedestrian and bicycle needs are properly planned and designed to support the developments. Implementation of Mitigation Measure 3.14-4b would ensure that future transit facility needs are properly planned and designed to support the developments. With these improvements, adequate pedestrian and transit facilities will be provided, and the project's impact would be **less than significant**. (Draft EIR, p. 3.14-24)

3.1.4 FINDINGS REGARDING ENVIRONMENTAL IMPACTS NOT FULLY MITIGATED TO A LEVEL OF LESS THAN SIGNIFICANT

The following significant and potentially significant and significant environmental impacts of the proposed project are unavoidable and cannot be mitigated in a manner that would substantially lessen the environmental impact. The City of Ceres finds that the project's environmental, economic, social, and other benefits outweigh and override the significant adverse impact related to change in the environment. The City of Ceres hereby elects to approve the project due to overriding considerations as set forth below in the Section 5, "Statement of Overriding Considerations," below.

AGRICULTURAL RESOURCES

Impact 3.2-1: Loss of Important Farmland and Conversion of Agricultural Land to Nonagricultural Urban Uses.

Implementation of the Specific Plan would result in the permanent conversion agricultural land, including Important Farmland, to urban uses. This impact is considered **significant**. (Draft EIR, pp. 3.2-11 and 3.2-12)

Finding

Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, the City of Ceres finds that the impact associated with the permanent conversion agricultural land, including Important Farmland, to urban uses is significant. Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the significant environmental effect related to permanent conversion of agricultural land to urban uses. As discussed below, the effects would remain significant and unavoidable after implementation of mitigation.

Mitigation Measure 3.2-1: Mitigate Loss of Important Farmland.

Prior to the approval of improvement plans, building permits, or recordation of the final map, project applicants for projects in the Specific Plan Area shall offset the loss of Prime Farmland. This shall be done through the acquisition of conservation easements in Stanislaus County at a 1:1 ratio (i.e., 1 acre on which easements are acquired to 1 acre of Prime Farmland removed from agricultural use) that provide in-kind or similar resource value protection; or payment of in-lieu fees to an established, qualified, mitigation program to fully fund the acquisition and maintenance of agricultural land or easements; or compliance with the City's Plan for Agricultural Preservation, as adopted by Stanislaus Local Agency Formation Commission (LAFCO) in accordance with LAFCO Policy 22. (Draft EIR, p. 3.2-12)

Facts Supporting Findings

Mitigation Measure 3.2-1 would require 1:1 conservation of Prime Farmland. However, no new farmland would be made available and a net loss of Important Farmland would occur. There is no additional feasible mitigation available that would reduce impacts associated with the permanent conversion of agricultural land, including Prime Farmland, to a less-than-significant level. As a result, impacts would remain **significant and unavoidable**. (Draft EIR, p. 3.2-13)

Impact 3.2-2: Conflict with Existing On-Site and Off-Site Agricultural Operations.

Implementation of the Specific Plan would locate residential land uses adjacent to existing on-site and off-site agricultural lands, resulting in potential conflicts with adjacent agricultural operations. This impact is considered **potentially significant**. (Draft EIR, pp. 3.2-13 to 3.2-14)

Finding

Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, the City of Ceres finds that the impact associated with potential conflicts between residential uses and existing on-site and off-site agricultural lands is potentially significant. Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the potentially significant environmental effect related to conflicts with existing on-site and off-site agricultural operations. As discussed below, the effects would remain significant and unavoidable after implementation of mitigation.

Mitigation Measure 3.2-2: Provide the County’s Right-to-Farm Notice to Prospective Residents Adjacent to Active Agricultural Uses.

Project applicant(s) for residential uses within the Specific Plan Area shall provide Stanislaus County’s Right-to-Farm Notice (Section 9.32.050, in Chapter 9.32 of the Stanislaus County Municipal Code) to all prospective homebuyers within 150 feet of the southern Specific Plan Area boundary. The Right-to-Farm Notice shall be included in all residential deeds at the time of sale. The Right-to-Farm Notice shall contain, and be substantially in the form of the following (Section 9.32.050[F]):

“The County of Stanislaus recognizes and supports the right to farm agricultural lands in a manner consistent with accepted customs and standards. Residents of property on or near agricultural land should be prepared to accept the inconveniences or discomforts associated with agricultural operations, including but not limited to noise, odors, flies, fumes, dust, the operation of machinery of any kind during any 24-hour period (including aircraft), the storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. Stanislaus County has determined that inconveniences or discomforts associated with such agricultural operations shall not be considered to be a nuisance if such operations are consistent with accepted customs and standards. Stanislaus County has established a grievance committee to assist in the resolution of any disputes which might arise between residents of this County regarding agricultural operations. If you have any questions concerning this policy or the grievance committee, please contact the Stanislaus County Department of Planning and Community Development.” (Draft EIR, p. 3.2-14)

Facts Supporting Findings

Implementation of Mitigation Measure 3.2-2 would require project applicants to provide a Right-to Farm Notice to notify prospective residents of potential land use conflicts associated with agricultural activities adjacent to the Specific Plan Area. Although this would substantially lessen potential conflicts, it would not reduce the impact to a less-than-significant level. Other than precluding development adjacent to agricultural lands, no other feasible mitigation is available to eliminate potential urban/agricultural interface land use conflicts. It is not feasible to preclude development in this location, since it has been long planned for development, along with areas south of the Specific Plan Area that could potentially accommodate agricultural areas until they are annexed to, and developed within the City of Ceres. (Draft EIR, pp. 3.2-14 and 3.2-15)

No additional feasible mitigation is available to reduce the effects related to conflicts with existing on-site and off-site agricultural operations to a less-than-significant level. This impact would remain **significant and unavoidable**.

GREENHOUSE GAS EMISSIONS

Impact 3.7-1: Contribution to Significant Climate Change Cumulative Impact.

Implementation of the proposed Specific Plan would generate short-term construction and long-term operational greenhouse gas (GHG) emissions. Construction-related GHG emissions would cease

following buildout of the proposed Specific Plan. Operational emissions are considered long-term and would occur for the lifetime of the project. GHG emissions attributable to future development within the Specific Plan Area during construction and operational phases are **cumulatively considerable**. (Draft EIR, pp. 3.7-13 through 3.7-17)

Finding

Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, the City of Ceres finds that the impact related to GHG emissions attributable to future development within the Specific Plan Area is cumulatively considerable. Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the significant environmental effect related to GHG emissions attributable to future development within the Specific Plan Area. As discussed below, the effects would remain significant and unavoidable after implementation of mitigation.

Mitigation Measure 3.7-1a: Reduce Construction-Related GHG Emissions

The contractor(s) for projects proposed within the Specific Plan Area shall use electric and renewable fuel powered construction equipment and require renewable diesel fuel, where commercially available, and shall require construction vehicles to operate with the highest tier engines commercially available. (Draft EIR, p. 3.7-17)

Mitigation Measure 3.7-1b: Reduce Operational GHG Emissions

The following mitigation measures shall be implemented to reduce GHG emissions to an emissions rate per service population that would be consistent with the emissions rate for land use-related emissions needed to achieve the State's emission targets for 2030 (Executive B-30-15 and Senate Bill [SB] 32) and 2050 (Executive Order S-3-05):

- Projects proposed under the Specific Plan shall be consistent with the allowable densities and land uses specified in the Specific Plan and in the EIR Project description.
- Provide safe and convenient pedestrian and bicycle connections to the Central Park Blocks, to schools within the Specific Plan Area, and to existing and planned pedestrian/bicycle facilities along Whitmore Avenue and Moore Road, which connect to destinations in the vicinity of the Specific Plan Area.
- When project applications for projects located in the Specific Plan Area are deemed complete by the City, the City will communicate with Stanislaus Regional Transit and Ceres Area Transit to determine whether the Specific Plan Area can accommodate an extension of transit and whether an additional bus stop should be provided on the south side of Whitmore Avenue. If the City determines that a bus stop should be provided, projects shall be designed, as applicable, to accommodate the provision of a bus stop, a turnout, a bus shelter, bench, route information, and other appropriate amenities identified by the City, including shade, lighting, and trash receptacles.

- Provide electric vehicle (EV)-ready parking spaces with electric vehicle charging stations for at least 3% of the parking spaces provided in the High-Density Residential (HDR)-designated area.

Projects may propose alternative mitigation strategies to those listed above that are determined by the City to achieve a GHG emissions to an emissions rate per service population that would be consistent with the emissions rate for land use-related emissions needed to achieve the State's emission targets for 2030 (SB 32) and 2050 (Executive Order S-3-05). One alternative to accomplish this performance standard could be, for the life of the project, to participate in Turlock Irrigation District's (TID's) B-Green Energy Program, which is a renewable energy program providing credits that are in excess of the legislatively mandated renewable portfolio standard. As an alternative, if the City has developed a greenhouse gas reduction program consistent with CEQA Guidelines Section 15183.5, projects proposed under the Specific Plan may demonstrate consistency with the City's greenhouse gas reduction program as alternative to implementing the mitigation measures listed above. (Draft EIR, pp. 3.7-17 and 3.7-18)

Facts Supporting Findings

Mitigation Measure 3.7-1a and 3.7-1b requires feasible mitigation for projects proposed under the Specific Plan. If each of these mitigation measures is implemented, this is estimated to reduce annual emissions by approximately 4,523 metric tons of carbon dioxide equivalents (MTCO₂e)/year or 45 percent, compared to unmitigated emissions. This is estimated to provide a GHG emissions rate of approximately 3.7 MTCO₂e/capita/year, which is consistent with the rate needed statewide to achieve the State's goals identified under SB 32 and Executive Order S-3-05. Achieving an emissions rate consistent with State goals would allow the City to demonstrate that development within the Specific Plan Area would be consistent with the statewide framework that, in California, has been established for assessing the cumulative significance of GHG emissions impacts. However, the City cannot at this time guarantee the success of this mitigation measure since the provision and extension of transit to serve the Specific Plan Area is not fully under the control of the City and depends on funding and ridership levels that neither the City nor the project applicants can control. (Draft EIR, p. 3.7-18)

No additional feasible mitigation is available to reduce the cumulative effects associated with GHG emissions attributable to future development within the Specific Plan Area during construction and operational phases to less than cumulatively considerable. As a result, this impact would remain **significant and unavoidable**.

NOISE AND VIBRATION

Impact 3.11-1: Potential for Temporary, Short-Term Exposure of Sensitive Receptors to Construction Noise.

Specific Plan implementation would result in temporary, short-term construction activities. Noise levels anticipated over temporary periods of time as a result of construction facilitated by the Specific Plan could expose on- and off-site sensitive receptors to noise levels that exceed the Ceres 2035 General Plan noise standards (45 decibel (dB) Equivalent Noise Level (L_{eq}) and 45 dB Maximum Noise Level

(L_{max}) during nighttime, 55 dB L_{eq} and 60 dB L_{max} during daytime). This impact is considered **potentially significant**. (Draft EIR, pp. 3.11-6 to 3.11-26)

Finding

Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, the City of Ceres finds that the impact associated with the potential for temporary, short-term exposure of sensitive receptors to construction noise is significant. Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the significant environmental effect associated with potential exposure of sensitive receptors to construction noise. As discussed below, the effects would remain significant and unavoidable after implementation of mitigation.

Mitigation Measure 3.11-1: Reduce Construction Noise.

- Where feasible, construction traffic shall avoid routes directly adjacent to noise-sensitive land uses, including Roeding Road between Moore Road and Faith Home Road and Moore Road between Whitmore Avenue and Roeding Road.

The project applicant(s) and contractor(s) of all project phases shall implement the following measures to minimize noise impacts for all on- and off-site construction within 500 feet of any noise-sensitive land use.

- Limit noise-generating construction operations to the hours of 7 a.m.-8 p.m. (daytime).
- Locate fixed/stationary equipment (e.g., generators, compressors) as far as possible from noise-sensitive receptors. Shroud or shield all impact tools, and muffle or shield all in-take and exhaust ports on powered construction equipment.
- Store and maintain equipment as far as possible from noise-sensitive receptors.
- Properly maintain and equip all construction equipment with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment-engine shrouds shall be closed during equipment operation.
- Shut down all motorized construction equipment when not in use to prevent excessive idling noise.
- Construct acoustic barriers (e.g., plywood, sound attenuation blankets) to reduce construction-generated noise levels at affected noise-sensitive land uses. The barriers shall be designed to obstruct the line of sight between the noise-sensitive land use and construction equipment. (Draft EIR, pp. 3.11-26 to 3.11-27)

Facts Supporting Findings

With the implementation of Mitigation Measure 3.11-1, construction activities would be limited to daytime hours (would not take place between 8 p.m. of one day and 7 a.m. of the following day).

Construction equipment would be properly maintained and equipped with noise control components, such as mufflers, in accordance with manufacturers' specifications. All feasible sound barriers would be installed, where warranted. When installed properly, acoustic barriers may reduce noise levels by 5–15 dB. However, the City cannot demonstrate that these mitigating efforts would reduce construction noise exposure to 55 dB L_{eq} or less at noise-sensitive receivers in all cases. (Draft EIR, p. 3.11-27)

No additional feasible mitigation is available to reduce effects associated with exposure of sensitive receptors to construction noise to a less-than-significant level. As a result, impacts would remain **significant and unavoidable**.

Impact 3.11-3: Increase in Traffic Noise Levels at Proposed Noise-Sensitive Receptors.

Implementation of the proposed Specific Plan would add traffic to the roadway network, increasing traffic noise levels in areas that may affect proposed noise-sensitive uses. The impact is considered **significant**. (Draft EIR, pp. 3.11-30 to 3.11-31)

Finding

Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, the City of Ceres finds that the impact associated with increases in traffic noise levels at proposed noise-sensitive receptors is significant. Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the significant environmental effect associated with the increase in traffic noise levels at proposed noise-sensitive receptors. As discussed below, the effects would remain significant and unavoidable after implementation of mitigation.

Mitigation Measure 3.11-3: Reduce Transportation Noise Exposure Consistent with the Ceres General Plan 2035.

The project applicant(s) and contractor(s) for proposed residential development along Whitmore Avenue that could be exposed to transportation noise levels in excess of City noise policies shall incorporate one or both of the following strategies to ensure noise exposure levels that are consistent with the Ceres General Plan 2035 (2018):

- Provide site planning and design strategies demonstrated to achieve acceptable or conditionally acceptable exterior noise exposure policies. This can include placing distance between outdoor gathering spaces and Whitmore Avenue, placement of buildings between Whitmore Avenue and outdoor gathering spaces associated with proposed residential uses, or other approaches that are demonstrated to achieve acceptable or conditionally acceptable exterior noise exposure policies in the Ceres 2035 General Plan.
- Construct sound walls along the affected roadways, between the Specific Plan Area and the roadways with noise levels above 65 dB L_{dn} . After all practical site planning and design strategies are exhausted, the City may allow construction of sound walls along the south side of Whitmore Avenue, if needed, to achieve acceptable or conditionally acceptable exterior noise exposure policies in the Ceres 2035 General Plan. Soundwalls should be high

enough to cut the line of sight between the roadway and outdoor gathering areas. (Draft EIR, p. 3.11-31)

Facts Supporting Findings

With the implementation of Mitigation Measure 3.11-3, feasible sound barriers would be installed, where warranted. When installed properly, acoustic barriers may reduce noise levels by 5–15 dB. However, the City cannot demonstrate that these mitigating efforts would reduce traffic noise exposure to 65 dB L_{eq} or less at noise-sensitive receivers in all cases. (Draft EIR, p. 3.11-31)

No additional feasible mitigation is available to reduce the effects associated with increases in traffic noise levels at proposed noise-sensitive receptors to a less-than-significant level. As a result, this impact would remain **significant and unavoidable**.

Impact 3.11-4: Long-Term Exposure of On-site Sensitive Receptors to On- and Off-site Non-transportation Noise Sources.

Specific Plan implementation would result in development of on-site, noise-sensitive and noise-producing uses. Residential uses planned in the southern portion of the Specific Plan Area would be set back from ongoing and potential future agricultural operations by Stanford Avenue. Although noise-generating equipment would only operate during certain relatively limited times of the year, and although the vicinity of the Specific Plan is anticipated to transition away from agricultural uses, the impact is considered temporary and **significant**. (Draft EIR, pp. 3.11-32 to 3.11-33)

As discussed previously, impacts related to exterior mechanical equipment and landscape maintenance equipment can be sufficiently mitigated to a less-than-significant level by Mitigation Measure 3.11-4.

Finding

Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, the City of Ceres finds that the impact associated with the long-term exposure of on-site sensitive receptors to off-site noise-generating agricultural equipment is significant. Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the significant environmental effect associated with the long-term exposure of on-site sensitive receptors to off-site noise-generating agricultural equipment. As discussed below, the effects would remain significant and unavoidable after implementation of mitigation.

Mitigation Measure 3.11-4: Reduce Stationary Noise Source Exposure.

- Noise generating mechanical equipment shall be shielded or located at a distance that would reduce noise levels at any existing or planned noise-sensitive outdoor activity areas to acceptable levels, as directed by the Ceres General Plan 2035 (2018).
- Residential air conditioning units shall be located a minimum of 10 feet from adjacent residential dwellings, including outdoor activity areas, or shall be shielded or designed to reduce operational noise levels at adjacent dwellings. Shielding may include the use of fences or partial equipment enclosures. To provide effectiveness, fences or barriers shall be

continuous or solid, with no gaps, and shall block the line of sight to windows of neighboring dwellings.

- Include site planning and design strategies, such as orientation of homes toward Cesar Chavez Junior High School with outdoor gathering areas placed behind proposed homes in order to reduce noise exposure, consistent with the Ceres General Plan 2035 noise policies. (Draft EIR, p. 3.11-33)

Facts Supporting Findings

While site planning and design strategies can likely achieve consistency with the City's noise policies, the City cannot guarantee at this time that noise exposure policies would be achieved in every case. In addition, although agricultural operations would produce only intermittent noise and agricultural areas are expected to transition to urban development, there could be temporary impacts. (Draft EIR, p. 3.11-34)

No additional feasible mitigation is available to reduce effects associated with the long-term exposure of on-site sensitive receptors to off-site noise-generating agricultural equipment to a less-than-significant level. As a result, impacts would remain **significant and unavoidable**.

Impact 3.11-5: Potential Exposure of On- and Off-site Sensitive Receptors to Groundborne Noise and Vibration.

Implementation of the Specific Plan could result in exposure of on- and off-site sensitive noise receptors to groundborne noise and vibration. Based on the anticipated phasing and location of development of the Specific Plan Area, vibration-induced construction activities could exceed FTA and Caltrans guidelines (0.2 in/sec PPV and 80 VdB, respectively) while portions of the Specific Plan Area are occupied and other portions are under construction. This impact is considered **significant**. (Draft EIR, pp. 3.11-34 to 3.11-35)

Finding

Based on the analysis contained within the Final EIR, other considerations in the record, and the impact evaluation criteria, the City of Ceres finds that the impact associated with exposure of on- and off-site sensitive noise receptors to groundborne noise and vibration is potentially significant. Changes or alterations have been required in, or incorporated into, the project that substantially lessen, but do not avoid, the potentially significant environmental effect associated with exposure of on- and off-site sensitive noise receptors to groundborne noise and vibration. As discussed below, the effects would remain significant and unavoidable after implementation of mitigation.

Mitigation Measure 3.11-5: Implement Measures to Reduce Impacts Associated with Groundborne Noise and Vibration.

The project applicant(s) and contractor(s) of all development phases under the Specific Plan shall implement the following measures to reduce impacts associated with groundborne noise and vibration:

- Vibration-generating construction operations shall occur greater than 100 feet from occupied vibration-sensitive receptors (e.g., residences, schools) or as far as feasible from sensitive receptors.
- All construction equipment and equipment staging areas shall be located as far as possible from nearby vibration-sensitive land uses. (Draft EIR, p. 3.11-35)

Facts Supporting Findings

With the implementation of Mitigation Measure 3.11-5, construction would be required to occur at a farthest feasible distance from occupied, vibration-sensitive receptors. Implementation of this mitigation measure would reduce potentially significant impacts from temporary, short-term construction groundborne noise and vibration. However, particularly with the off-site sewer line improvements, the City cannot guarantee that it will be feasible to conduct all vibration-generating construction activities greater than 100 feet from occupied vibration-sensitive uses. (Draft EIR, p. 3.11-35)

No additional feasible mitigation is available to reduce effects associated with exposure of on- and off-site sensitive noise receptors to groundborne noise and vibration to a less-than-significant level. Therefore, this impact would remain **significant and unavoidable**.

3.1.5 FINDINGS REGARDING CUMULATIVE IMPACTS

The following cumulatively significant and potentially significant environmental impacts of the proposed project are unavoidable and cannot be mitigated in a manner that would substantially lessen the environmental impact. The City of Ceres finds that the project's environmental, economic, social, and other benefits outweigh and override the significant adverse cumulative impacts related to change in the environment. The City of Ceres hereby elects to approve the project due to overriding considerations as set forth below in the Section 5, "Statement of Overriding Considerations," below.

Please refer to Chapter 5.0, "Other CEQA Considerations," of the EIR for a comprehensive discussion of cumulative impacts.

AESTHETICS

As described on pages 5-9 and 5-10 of the Draft EIR, past, present, and future development in the county has caused, and will continue to cause, substantial changes to the existing visual character as agricultural land and open viewsheds are replaced by urban development. Increased urban development would also lead to increased nighttime light and glare in the region, more limited views of the night sky, and sky glow effects, and would disrupt the rural nature of much of the county. As development continues to expand the current visual separation between cities will be reduced. From the perspective of a resident of the county or a traveler through the area, development of former agricultural land or other open space creates a **significant cumulative impact**.

Projects developed within the Specific Plan Area will be required to comply with design guidelines and relevant policies and standards of the Specific Plan. Compliance with this guidance for community design and other important visual components of development will help to maintain locally important

elements of visual character. However, views of the Specific Plan Area and the visual character of the area would be substantially altered as rural land is replaced by urban development. The impacts on visual resources from Specific Plan implementation are **cumulatively considerable**.

While mitigation can address impacts related to light and glare, there is no feasible mitigation that would fully preserve existing nighttime views, while at the same time allowing development of the Specific Plan Area. Although Specific Plan design guidance will ensure that development remains within certain aesthetic guidelines, there is no mechanism to allow implementation of the Specific Plan while avoiding the conversion of open space and agricultural use to urban development. Aesthetic impacts are considered **significant and unavoidable**.

AGRICULTURAL RESOURCES

As described on pages 5-10 and 5-11 of the Draft EIR, past, present, and future projects throughout the region have, and will continue to convert existing agricultural land to other uses – predominantly urban use. Continued urbanization of the region in accordance with applicable land use plans, as well as those approved and proposed development projects described previously, would continue to convert agricultural and open space land to urban uses with residential and commercial buildings and associated roadways and other infrastructure. The continued conversion of farmland in the region is a **significant cumulative** impact. Implementation of the Specific Plan would contribute to the incremental decline of Important Farmland in the county, region, and state and result in the irreversible conversion of this agricultural land. The impact is **cumulatively considerable**.

Mitigation Measure 3.2-1 would require the project applicant(s) to prepare an Agricultural Preservation Plan that identifies a method for conservation of Important Farmland. However, no new farmland would be made available and a net loss of Important Farmland would occur. There is no additional feasible mitigation available that would reduce impacts associated with the permanent conversion of agricultural land, including Prime Farmland, to a less-than-significant level. Consequently, full compensation for loss of Important Farmland would not be achieved, and a net loss of Important Farmland would still occur. Therefore, this impact would remain **significant and unavoidable**.

GREENHOUSE GAS EMISSIONS

Greenhouse gases are a cumulative issue. Please see Section 3.7, “Greenhouse Gas Emissions,” of the Draft EIR and “Findings Regarding Environmental Impacts Not Fully Mitigated to a Level of Less than Significant” in this Findings of Fact for the analysis of cumulative greenhouse gas emissions impacts.

NOISE AND VIBRATION

As described on pages 5-19 through 5-22 of the Draft EIR, predicted increases in traffic noise levels for future cumulative conditions would be largely attributable to projected increases in development within the surrounding community. Under future cumulative conditions with traffic attributable to the Specific Plan, predicted traffic noise levels along all studied roadway segments would increase approximately 0.2 to 1 dB. A 1-dB increase in noise level is imperceptible. Therefore, the Specific Plan’s contribution

to future cumulative traffic noise levels along these roadway segments is **less than cumulatively considerable** with respect increase above cumulative no project conditions.

However, predicted future cumulative transportation noise levels with and without Specific Plan at the property line of existing and future land uses located adjacent to studied roadway segments would be projected to exceed the City's noise standards. Implementation of Mitigation Measure 3.11-2 would substantially reduce cumulative traffic noise impacts at nearby land uses. Given that detailed development plans are not currently available, it is conceivable that traffic noise levels at some land uses may continue to exceed applicable noise impact criteria. In addition, commonly employed traffic noise mitigation measures, such as sound barriers, may not be feasible at some land uses. There is no additional feasible mitigation. As a result, this impact is considered **cumulatively considerable and significant and unavoidable**.

TRANSPORTATION

As described on pages 5-31 through 5-33 of the Draft EIR, the 2040 cumulative conditions with the addition of project-related traffic would result in intersections that exceed the applicable LOS thresholds during peak-hour operations (Draft EIR, Table 5-4). Therefore, the LOS at these intersections with the addition of project-related traffic to cumulative conditions is **cumulatively considerable**.

Mitigation Measure 5-1: Implement Roadway Improvements

The project applicant(s) shall implement the following roadway improvements:

- Contribute on a cumulative fair-share basis to the signalization for the Roeding Road / Moore Road intersection when directed by the City of Ceres.
- Construct a signalized intersection with separate northbound left turn lane at the Whitmore Avenue / Boothe Road intersection before 10 percent of Specific Plan's dwelling units are occupied, when Boothe Road is extended south from Whitmore Avenue, or when directed by the City of Ceres.
- Construct an "overlap" phase for the southbound right-turn lane at the Whitmore Avenue / Mitchell Road intersection when directed by the City of Ceres.
- Construct a barrier at the Whitmore Avenue / Moore Road intersection to prohibit northbound left turns after construction of the Eastgate Boulevard extension when directed by the City of Ceres.
- Construct a barrier at the Whitmore Avenue / Lunar Drive intersection to prohibit northbound and southbound left turns after construction of the Whitmore Avenue / Boothe Road intersection when directed by the City of Ceres.
- Contribute their fair share the cost of constructing a dual northbound left-turn lane at the Mitchell Road / Whitmore Avenue intersection.
- Contribute their fair share the cost of widening the Mitchell Road to 6 lanes.

Implementation of Mitigation Measure 5-1 would improve the LOS at the Mitchell Road/Whitmore Avenue intersection from a LOS F to a LOS E in the p.m. peak hour; however, the LOS at this intersection would still exceed the City's acceptable LOS D standard. There is no feasible mitigation to improve the LOS at the Mitchell Road/Whitmore Avenue intersection to LOS D or better. Therefore, this cumulative impact is considered **significant and unavoidable**.

The redistribution of existing traffic created by new roads and traffic controls under cumulative conditions would increase traffic through the Roeding Road / Moore Road intersection. As shown in Table 5-4 in Chapter 5 of the Draft EIR, the LOS would decrease from an acceptable LOS D to LOS E in the a.m. peak hour. No improvements are proposed at this time and no additional feasible mitigation is available. This cumulative impact is considered **significant and unavoidable**.

4 PROJECT ALTERNATIVES

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, whether there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA.

As noted under the heading "Findings Required under CEQA," an alternative may be "infeasible" if it fails to achieve the lead agency's underlying goals and objectives with respect to the project. Thus, "'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors" of a project (*City of Del Mar v. City of San Diego* [1982] 133 Cal.App.3d 401, 417).

4.1 ALTERNATIVES CONSIDERED BUT ULTIMATELY REJECTED

4.1.1 OFF-SITE ALTERNATIVE

The Specific Plan Area is bordered on two sides by existing City limits and by City infrastructure and services. The Stanislaus Local Agency Formation Commission's (LAFCO's) policy would not support an alternative location that was not adjacent to the City limits and that could create an island. The applicant does not have access to any other similarly and conveniently-located property or group of properties that could generate the same amount of residential development that the proposed project site.

In addition, an off-site alternative would not meet all of the project's basic objectives. Specifically, one of the objectives is to provide safe bicycle and pedestrian connections to the two schools within the Specific Plan Area. With an off-site alternative, these connections would not be developed. In addition, an off-site alternative would not facilitate the annexation of the two existing schools. The City of Ceres currently provides sewer and water services to those existing schools under an Out of Boundary Agreement approved by Stanislaus LAFCO, which asserts that annexation of those schools would someday be considered by the City of Ceres.

Many of the potential impacts occur on a regional scale. An alternative anywhere in the same air basin would have the same impacts on air quality. It is expected that potentially significant and significant impacts on agricultural resources; air quality; biological resources; geology, soils, minerals, and paleontological resources; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; noise and vibration; population and housing; public services and utilities, including recreation and energy; and transportation identified throughout the EIR for the proposed project would be similar because an off-site alternative would be likely be located in a similar environmental setting and would have similar impacts.

Given that this is the only project site that would meet the above-described project objectives; the likelihood that a similar site would have similar environmental impacts; and feasibility considerations related to site acquisition, the City has elected in this case not to examine an off-site alternative in detail.

4.1.2 REDUCED SIZE ALTERNATIVE

The Specific Plan Area lacks sensitive environmental resources, such as significant cultural resources, biological resources, scenic vistas, mineral resources, or established communities and significant environmental constraints, such as on-site hazards, geologic formations unsuitable for structures, flood hazard zones, or significant streams or rivers. Avoiding a certain portion of the project site would not reduce any significant impacts to a less-than-significant level. Since there are no specific areas of the Specific Plan Area that contain environmental resources or constraints, the City has elected not to examine this alternative in detail.

4.1.3 DEVELOPMENT WITHIN THE COUNTY

The Specific Plan Area is currently in unincorporated Stanislaus County and the County's General Plan has land use designations and zoning for properties within the Specific Plan Area. The Specific Plan Area is designated by the County General Plan as Urban Transition and is zoned by Stanislaus County as General Agriculture with a 10-acre minimum lot size (A-2-10) and Planned Development.

Development of the Specific Plan Area consistent with the County's General Plan land use and zoning designations would be inconsistent with the Ceres General Plan 2035. The Ceres General Plan 2035 identifies the Specific Plan Area as within the City's Urban Growth Area, which encompasses all land envisioned for development. The Specific Plan is included in the Ceres General Plan 2035 Land Use Diagram, and includes the same land use designations for the Specific Plan Area.

In addition, development under Stanislaus County zoning designations would not meet the project objectives, specifically to promote a distinct, identifiable neighborhood that integrates a variety of housing types and develop a Specific Plan that would facilitate annexation of the existing Cesar Chavez Junior High School and La Rosa Elementary School. Therefore, the City has elected not to examine this alternative in detail.

4.1.4 AGRICULTURAL BUFFER

Residential uses planned in the southern portion of the Specific Plan Area would be partially set back from ongoing and potential future agricultural operations by Stanford Avenue. In these areas, Stanford Avenue would provide an approximately 28-foot buffer from the property line of residences to the existing agricultural uses south of the project site. Although a buffer zone would be established between the edge of development and adjacent off-site agricultural land, conflicts could still occur between agricultural and urban land uses.

Much of the area adjacent to the project site is designated by the County General Plan as Urban Transition and zoned by Stanislaus County as General Agriculture with a 10-acre minimum lot size (A-2-10). Stanislaus County has guidelines to minimize conflicts resulting from normal agricultural practices as a consequence of new or expanding uses approved in, or adjacent to the A-2 (General Agriculture) zoning district. County guidelines suggest a minimum 150-foot wide buffer.

However, in this instance, these guidelines are not appropriate as the Ceres General Plan 2035 Land Use Diagram shows the area to the south and east of the project site as planned for future development (i.e., Low Density Residential, Service Commercial, and Light Industrial). Areas designated for continuing agricultural land uses are located east of Faith Home Road and south of East Redwood Road. No areas identified for continued agricultural use in the Ceres General Plan 2035 are adjacent to the Specific Plan Area. Thus, agricultural conflicts will likely not be an issue as the City develops consistent with its General Plan 2035. Therefore, the City has elected not to examine this alternative in detail.

4.2 ALTERNATIVES CONSIDERED IN THE EIR

The City of Ceres selected three alternatives for detailed analysis in the EIR:

- ▶ Alternative 1: No Project Alternative – Existing Land Use
- ▶ Alternative 2: Revised Site Plan Alternative to Reduce Transportation, Noise, and Greenhouse Gas Emissions Impacts
- ▶ Alternative 3: Revised Site Plan Alternative to Protect Existing Trees

4.2.1 ALTERNATIVE 1: NO PROJECT ALTERNATIVE – EXISTING LAND USES

The Specific Plan Area is currently under the jurisdiction of Stanislaus County and currently accommodates agricultural uses, housing, and schools. The site has almond orchards in the southwestern and northeastern portions and alfalfa, oats, and rye hay in the central portion. Some portions are fallow or not currently under production. Ceres Unified School District operates two existing schools within the Specific Plan Area: Ceres Chavez Junior High School and La Rosa Elementary School. There are existing single-family homes within the Specific Plan Area on lots of between approximately ½ acre and 2 acres in land area. Therefore, the No-Project Alternative consists of continued agricultural, housing, and school use.

4.2.2 ALTERNATIVE 2: REVISED SITE PLAN ALTERNATIVE TO REDUCE TRANSPORTATION, NOISE, AND GREENHOUSE GAS EMISSIONS IMPACTS

Alternative 2 is intended to reduce potential impacts related to transportation, noise, and greenhouse gas emissions. Alternative 2 includes a buffer from Whitmore Avenue that is sufficient to achieve 65 decibels at the front façade of homes to be consistent with guidance in the City’s General Plan. This would require a buffer of approximately 107 feet from the centerline of Whitmore Avenue. This alternative would also increase the amount of open space along a relatively higher-volume roadway compared to the proposed project (7.8 rather than 5.2 acres).

Alternative 2 would decrease the amount of land for low-density residential development and increase the amount of land provided for medium-density and high-density development compared to the proposed project. This would reduce per-unit travel demand (vehicle miles traveled, or “VMT”) compared to the proposed project, along with decreasing the rate of transportation-related GHG emissions. Also, as density increases, typically energy demand per unit would decrease. So, with a greater proportion of this alternative for medium- and high-density residential development, GHG emissions associated with energy generation and use would be decreased compared to the proposed project.

4.2.3 ALTERNATIVE 3: REVISED SITE PLAN ALTERNATIVE TO PROTECT EXISTING TREES

The analyses in Section 3.1, “Aesthetics,” and Section 3.4, “Biological Resources,” of the Draft EIR conservatively assumed that all existing vegetation, including mature trees at existing residential properties, could be removed as a result of the project and that all existing habitat functions would be lost. This is a conservative assumption since it is possible future site planning and design efforts could avoid the loss of these trees and since the Specific Plan would allow, but does not require development.

Alternative 3 is intended to reduce the potential that the two large valley oak (*Quercus lobata*) trees present within the fenced back yard of the residence just west of the junior high school would be lost. For this alternative, the low-density residential development planned for this area would be switched with some of the open space. Alternative 3 would have the same yield as the proposed project.

4.3 FINDINGS

Alternative 1 would not meet the Specific Plan’s objectives to promote a distinctive, identifiable neighborhood that integrates a variety of housing types and develop a Specific Plan that would facilitate annexation of the existing Cesar Chavez Junior High School and La Rosa Elementary School.

Alternative 2 could potentially meet each of the project objectives. Development of a reduced size alternative could be designed in a way that would promote a distinct, identifiable neighborhood that integrates a variety of housing types, encourage a variety of forms of transit, provide connectivity, and incorporate best practices into the design. However, Alternative 2 would not meet the City’s objective related to best practices and conservation measures in providing multi-use parks, open space, and drainage to the same degree as the proposed project. Instead of focusing on the efficient development

and operation of the Central Park, as anticipated under the proposed Specific Plan, this alternative would break the open space into two areas along the northern edge of the Specific Plan Area, as well as just south of the center of the Specific Plan Area. This would not provide an approach that would be as efficient for construction or long-term maintenance of these two multi-use open space areas. From a combined stormwater, parks, and open space perspective, Alternative 2 would have less space for actual open space activities and trails because most of the room would be needed for stormwater slopes and drainage. Alternative 2 would be less efficient and more costly than the proposed Specific Plan. With two multi-use drainage, park, and open space areas, there would higher costs and associated environmental effects associated with grading, higher costs related to additional inlet/outlet structures, and higher costs associated with additional drainage piping and manholes. Long-term maintenance costs would be higher, as well. While the City considers alternative that may be more costly, for the other reasons outlined here, this alternative would not achieve the City's objective to the same extent as would the proposed Specific Plan.

Alternative 3 could potentially meet each of the project objectives. Alternative 3 could be designed in a way that would promote a distinct, identifiable neighborhood that integrates a variety of housing types, encourage a variety of forms of transit, provide connectivity, and incorporate best practices into the design.

Table 4-1 compares the environmental impacts of the alternatives (after mitigation) to the proposed project. The No Project Alternative is environmentally superior to Alternatives 2 and 3. The No Project Alternative provides the greatest opportunity for reduction in environmental effects of the proposed project, reducing impacts in 13 topic areas. However, Alternative 1 does not meet any of the project objectives including annexation of the existing schools, Cesar Chavez Junior High and La Rosa Elementary.

Table 4-1. Comparison of Significant Environmental Effects of the Alternatives to the Proposed Project			
Environmental Issue Area	Alternative 1: No Project Alternative – Existing Land Use	Alternative 2: Revised Site Plan Alternative to Reduce Transportation, Noise, and Greenhouse Gas Emissions	Alternative 3: Revised Site Plan Alternative to Protect Existing Trees
Aesthetics	Reduced	Reduced	Reduced
Agricultural Resources	Reduced	Similar	Similar
Air Quality	Reduced	Similar	Similar
Biological Resources	Reduced	Similar	Similar
Cultural Resources	Reduced	Similar	Similar
Geology, Soils, Minerals, and Paleontological Resources	Reduced	Similar	Similar
Greenhouse Gas Emissions	Reduced	Reduced	Similar
Hazards and Hazardous Materials	Reduced	Similar	Similar
Hydrology and Water Quality	Reduced	Reduced	Similar
Land Use And Planning	Similar	Similar	Similar
Noise and Vibration	Reduced	Reduced	Similar
Population and Housing	Reduced	Similar	Similar
Public Services, Including Recreation, Utilities, and Service Systems + Energy	Reduced	Reduced	Similar
Traffic	Reduced	Reduced	Similar
Total Reduced Impact Topics	13	6	1

Alternative 2 would reduce impacts in six topic areas compared to the proposed project. While, Alternative 3 could generally meet the project objectives, it would only reduce impacts in one topic area compared to the proposed project.

Therefore, Alternative 2 would be the environmentally superior alternative. However, as noted above, Alternative 2 would not meet the City’s objective related to best practices and conservation measures in providing multi-use parks, open space, and drainage to the same degree as the proposed project.

Based on impacts identified in the EIR and throughout this findings document, the City of Ceres finds that the proposed project is the most desirable, feasible, and appropriate, and rejects other alternatives and other combinations and/or variations of alternatives as infeasible.

5 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Section 21081 of the California Public Resources Code and Section 15093 of the CEQA Guidelines, the City of Ceres adopts and makes the following statement of overriding considerations regarding the remaining significant unavoidable impacts of the project, as discussed above, and the anticipated economic, social, and other benefits of the project.

The City of Ceres finds and determines that (1) the majority of the significant impacts of the project will be reduced to acceptable levels by implementation of the mitigation measures recommended in these findings; (2) The City of Ceres's approval of the project as proposed will result in certain significant adverse environmental effects that cannot be avoided or reduced to a less-than-significant level even with the incorporation of all feasible mitigation measures into the project; and (3) there are no other feasible mitigation measures or feasible project alternatives that will further mitigate, avoid, or reduce to a less-than-significant level the remaining significant environmental effects.

In light of the environmental, social, economic, and other considerations identified in the findings for the project, and the considerations set forth below related to this project, City of Ceres chooses to approve the project because, in its view, the economic, social, technological, and other benefits resulting from the project substantially outweigh the project's significant and unavoidable adverse environmental effects.

The following statements identify the reasons why, in City of Ceres' judgment, the benefits of the project outweigh the significant and unavoidable effects. The substantial evidence supporting the enumerated benefits of the project can be found in the preceding findings, which are herein incorporated by reference; in the project itself; and in the record of proceedings as defined above. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the project outweigh its significant adverse environmental effects and is an overriding consideration warranting approval.

The City of Ceres finds that the project, as conditionally approved, will have the following economic, social, technological, and environmental benefits:

- ▶ The Specific Plan would provide a mix of housing densities and types, to serve the needs of different household incomes, sizes, and preferences. Once fully developed, the Specific Plan could provide opportunities for as many as 441 new dwelling units consisting of Low-Density Residential, Medium-Density Residential, and High-Density Residential units.
- ▶ The Specific Plan will create short-term construction jobs that would provide income to local residents. The additional 1,485 permanent residents generated by the Specific Plan will spur an increase in demand for goods and services in the surrounding area, thereby expanding the local revenue base.
- ▶ The Specific Plan transportation network would provide access and mobility for pedestrians, bicyclists, and motorists, along with future opportunities for planned transit extensions. Planned improvements would include pedestrian and bicycle facilities along Whitmore Avenue and Moore Road, as well as through the central open space feature of the Specific Plan Area. Specific Plan improvements along Whitmore Avenue will be coordinated with a Safe Routes to School project planned south of Whitmore Avenue between Moore Road and the existing schools.
- ▶ The Specific Plan provides for multi-modal extensions of Lunar Drive and Boothe Road through the Specific Plan Area, as well as a new facility along the southern boundary of the Specific Plan Area (Stanford Avenue). The Specific Plan also includes improvements to circulation that will benefit the Ceres Chavez Junior High School and La Rosa Elementary School.

- ▶ The Specific Plan includes development and implementation of BMPs and LID measures (e.g., the detention basin, plants appropriate for stormwater management) that would help to increase groundwater recharge following project site development.
- ▶ The Specific Plan would encourage energy conservation strategies in new development that would likely result in new development being more efficient than existing buildings in the region.
- ▶ The Specific Plan would facilitate annexation of the existing Cesar Chavez Junior High School and La Rosa Elementary School.

6 REFERENCES

This Findings of Fact and Statement of Overriding Considerations includes all references used in Chapter 6.0, “References,” of the Draft EIR and Chapter 4.0 of the Final EIR, “References.”