

Findings of Fact and Statement of Overriding Considerations
for
Stadium Center Phase III Project



SCH# 2007012018

Prepared for:
City of Manteca



March 2008

EDAW | AECOM

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for

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ABBREVIATIONS AND ACRONYMS

Term	Definition
CEQA	California Environmental Quality Act
CPUC	California Public Utilities Commission
CMU	Commercial Mixed Use
EIR	Environmental Impact Report
GC	general commercial
mph	miles per hour
MLD	Most Likely Descendent
NAHC	Native American Heritage Commission
NOI	Notice of Intent
PFIP	Public Facility Improvement Program
proposed project	The Stadium Center III Project
PRC	Public Resources Code
SJCOG	San Joaquin Council of Governments
SJVAPCD	San Joaquin Valley Air Pollution Control District
SCWSP	South County Water Supply Project
SSJID	South San Joaquin Irrigation District
SR 120	State Route 120
TAC	Technical Advisory Committee
WDRs	waste discharge requirements

1 STATEMENT OF FINDINGS

1.1 INTRODUCTION

The Stadium Center III Project (proposed project) is a proposal by the project applicant, Kitchell Development Company, to develop a commercial center that would accommodate an approximately 170,589 square-foot Lowe's Home Improvement Warehouse and approximately 32,000 square feet of retail space in three separate buildings on 16 acres immediately north of State Route 120 (SR 120) and at the southeast corner of the intersection of Daniels Street and South Airport Way, within the southern portion of City of Manteca. In accordance with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, an Environmental Impact Report (EIR) was prepared to evaluate the environmental effects of the project: *Draft Environmental Impact Report for the Stadium Center III Project*, December 9, 2007, and *Final Environmental Impact Report for the Stadium Center III Project*, March 14, 2008 (SCH 2007012018).

The environmental analysis contained in the EIR is based on an evaluation of how environmental conditions would be expected to change as a result of implementing the project. CEQA and the State CEQA Guidelines provide that:

[N]o public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

(a) The public agency makes one or more of the following findings with respect to each significant effect:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.*
- (2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.*
- (3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.*

(b) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment. [Public Resources Code Section 21081]

Because the EIR identified significant effects that may occur as a result of the project and in accordance with the provisions of the State CEQA Guidelines, the City of Manteca hereby adopts these findings as part of the approval of the proposed project.

1.2 DESCRIPTION OF THE APPROVED PROJECT

1.2.1 DESCRIPTION IN EIR

The proposed project would involve the development of an approximately 170,589 square-foot Lowe's Home Improvement Warehouse and approximately 32,000 square feet of retail space in three separate buildings on 16 acres.

The project site is located immediately north of State Route 120 (SR 120) and at the southeast corner of the intersection of Daniels Street and South Airport Way, within the southern portion of City of Manteca. The site is generally bounded by SR 120 to the south, residential development to the north and east, fallow agricultural land zoned for commercial development to the north, and commercial development to the west.

1.2.2 UPDATES SINCE PUBLICATION OF THE DRAFT EIR

MITIGATION MEASURES

The City has updated the Draft EIR to reflect changes to mitigation measures related to visual resources, noise, and air quality. CEQA Guidelines Section 15088.5 states that lead agencies may delete mitigation measures from a document and substitute them for other mitigation measures that are equivalent or more effective. In doing so, the lead agency must also adopt a written finding that the new or altered measure is equivalent or more effective in mitigating or avoiding potential significant effects and that the new measure itself would not result in any potentially significant effects on the environment. Consistent with the provisions in the CEQA Guidelines, the City has specifically made clarifications to three mitigation measures. These changes merely clarify or amplify the effectiveness of the proposed mitigation measure and the resulting mitigation is equally effective as the original mitigation measure.

Mitigation measure 4.2-4, which addresses the project's significant impacts related to nighttime lighting, has been changed to reflect that the applicant can achieve the nighttime performance standards through a combination of lighting scenarios that may result in reduced wattages along the perimeter of the site with higher lighting levels at the interior of the project site. Overall nighttime lighting levels would be verified through field testing to ensure that performance standards would be met. With implementation of this revised mitigation measure, the project's nighttime lighting impacts would continue to be reduced to a less-than-significant level and no new significant impacts would result from implementation of this revised mitigation measure.

Mitigation measure 4.3-2a, which addresses the project's significant impacts related to operational air emissions, has been changed to substitute a variety of energy reduction features that have been agreed to by the project applicant for the specific mitigation requiring the inclusion of photovoltaic cells on the rooftops of on-site buildings. The new energy reduction features in combination with other elements of Mitigation measure 4.3-2a would be equally or more effective at substantially reducing the project's operational air emissions. With implementation of this revised mitigation measure, the project's air quality impacts would continue to be reduced to a less-than-significant level and no new significant impacts would result from implementation of this revised mitigation measure.

Mitigation measure 4.4-3, which addresses the project's significant operational stationary noise impact, has been changed to remove the requirement for relocating truck well on the project site. The City's noise consultant has determined that the requirements for implementing a soundwall along the eastern boundary of the site would sufficiently reduce on-site noise levels consistent with City standards from activities at the truck well such that no additional re-design of the project site would be required. With implementation of this revised mitigation measure, the project's noise impacts would continue to be reduced to a less-than-significant level and no new significant impacts would result from implementation of this revised mitigation measure.

Because the proposed changes would not result in any new significant impacts or increase the severity of significant impacts identified in the EIR, the City has determined that there is no need to re-circulate the EIR.

1.3 ALTERNATIVES

In accordance with the Section 15126.6 of the State CEQA Guidelines, a range of reasonable alternatives to the project that could feasibly attain the basic project objectives was addressed in the EIR. The EIR considered the

following four alternatives to the project: No Project Alternative-No Development, No Project Alternative-Current Entitlement, Mitigated Design Alternative, and Off-site Alternative.

The No Project Alternative - No Development and the Mitigated Design alternative are environmentally superior to the project. The Off-site Alternative is environmentally similar to the project and would result in comparable impacts, but at an off-site location. The No Project Alternative would not attain any of the project's objectives. The Mitigated Design Alternative would partially attain the project's objectives.

1.3.1 NO PROJECT ALTERNATIVE—NO DEVELOPMENT

The No-Project Alternative—No Development assumes that existing conditions on the project site would remain. The project site would continue to support existing agricultural land uses and no new facilities would be constructed. Although the City general plan foresees development in this area, this analysis uses existing conditions as the “no-project” scenario, consistent with the requirements of the CEQA Guidelines Section 15126.6. Although this alternative is evaluated herein, it is an unlikely long-term alternative for the project area because of the urban land use designations in the City general plan. Given the City general plan designations for urban development, future development interest in the site is extremely likely. Further, because the City's adopted land uses for this site are similar to land uses proposed for the project, development that would be expected to occur in absence of the project would likely be substantially similar to development proposed by the project. Therefore, to allow meaningful consideration of a range of alternatives, this No-Project Alternative evaluates the continuation of existing agricultural uses at the site in comparison to the project's proposed developed land uses.

Consistent with CEQA requirements, the No-Project Alternative is evaluated in this Draft EIR. The No-Project Alternative would not meet any of the objectives of the project because development of commercial land uses would not occur. In addition, the No-Project Alternative would not be consistent with the intent of the City's general plan, which calls for development of residential and commercial land uses.

The No Project Alternative would result in greater impacts than the project in one issue area, lesser impacts in eight, and similar impacts in three. Significant unavoidable impacts related to agricultural resources, visual resources, air quality, and traffic associated with the project would not occur under this alternative.

1.3.2 NO PROJECT ALTERNATIVE – CURRENT ENTITLEMENT

The No Project Alternative – Current Entitlement assumes that the project would be developed with land uses that are consistent with the existing land use and zoning designations. As described in Chapter 3, “Project Description,” the City general plan designates the entire site for commercial mixed-use (CMU) land uses. As defined by the City general plan (2003), the CMU designation would accommodate a variety of purposes including residential, employment centers, retail, and commercial and professional offices. The mixed-use concept would integrate a mix of compatible uses on a single site that include sales, services, and activities that residents may need on a daily basis. The project does not include development of any residential uses required by the CMU land use designation; therefore, the project would require a general plan amendment to change the land use designation of the project site to general commercial (GC).

The purpose of this alternative is to provide decision makers with information regarding the development and associated environmental impacts that would occur if the project did not move forward and the site was developed consistent with existing land use and zoning designations. As described above, the project's proposed commercial uses would be consistent with the commercial land uses allowed by the CMU designation; however, the project does not include any residential development required by that designation. As such, if development that was consistent with the CMU designation on the project were to occur, this development would consist of commercial land uses similar to land uses proposed by the project and a portion of the site would contain residential land uses likely of higher density (e.g., apartments) to be compatible with adjacent commercial activities.

The entire project site would be developed similar to the project (i.e., grading of entire site); therefore, site-specific impacts related to biological resources; cultural resources; visual resources; agricultural resources; land use; hydrology and water quality; geology, soils, seismicity; paleontological resources; and hazards and hazardous materials would be the same. Further, the development intensity of the site (e.g., square footage of commercial uses, number of buildings constructed) would be substantially similar to the intensity of development that would occur under the project. While some of the on-site land uses under this alternative would be residential, these land uses result in similar amounts (e.g., length of time, number of buildings) of construction activities and would generate traffic trips (in combination with on-site commercial development) that are similar to the proposed project. Therefore, impacts related to construction- and operational-related air quality, noise, transportation and circulation, public services and utilities, and population, employment, and housing would be similar to the project.

The No Project Alternative – Current Entitlement would result in environmental impacts that would not substantially differ from those evaluated throughout this Draft EIR, and the analysis presented in the Draft EIR is representative of the impacts that would occur under this alternative.

1.3.3 MITIGATED DESIGN ALTERNATIVE

The Mitigated Design Alternative is designed to avoid or reduce several of the environmental impacts identified for the project, including minimizing impacts to farmland, noise compatibility, air quality, traffic, sensitive habitats and species, and cultural resources. With this alternative, a reduced density development would be implemented on a smaller portion of the project site.

This alternative would avoid development of approximately 6 acres in the eastern portion of the site. Elimination of this area from the project site would avoid removal of Farmland of Statewide Importance (6 acres) contained within the project site and would provide a buffer for adjacent residential land uses to the north and east of the project site. In addition, truck delivery areas would be situated in the southwestern portion of the project site, away from residences.

In consideration the project's air quality impacts, it was determined that based on San Joaquin Valley Air Pollution Control District (SJVAPCD) thresholds, the intensity of development on the project site would need to be reduced to approximately 56% of the proposed development to produce emissions that are below significance thresholds (in 2010). A development of this size would meet few if any of the project's objectives because a project of the type proposed could not be constructed (it relies on the mix and type of uses proposed) and the revenue sources associated with a large development would be substantially reduced such that it would prevent the funding of other necessary facilities and services on the project site (e.g., roadway infrastructure, utility infrastructure).

In consideration of the project's transportation impacts, it was determined that a development of any size would still result in significant and unavoidable project and cumulative traffic impacts because several existing intersections and freeway segments are currently operating at unacceptable levels, and mitigation is not available or feasible within the timeframe of proposed development. Therefore, even the contribution of only few trips would further exacerbate existing unacceptable operating conditions and would contribute to the significant and unavoidable project and cumulative traffic impacts.

Therefore, the purpose of this analysis is to develop an alternative that would substantially reduce the operational air quality, light and glare, noise, and traffic impacts of the project while providing a development that is of reasonable scale and would meet some of the project objectives. The Mitigated Design Alternative assumes that development on the project site would be reduced by 6 acres or approximately 38% (76,984 square feet). At this level of development, it is anticipated that long-term criteria air pollutants and operational traffic impacts would be substantially reduced compared to the project.

Proposed infrastructure and facilities that would serve the development (i.e., roadways, drainage, utilities, parking spaces, etc.) would be similarly reduced. All existing site agricultural irrigation-related structures in the area where construction would occur would be demolished and removed from the site. Site landscaping and setbacks would be in accordance with applicable City guidelines.

The Mitigated Design Alternative would partially meet project objectives by providing a development that is consistent with land use patterns envisioned by the City's general plan on a portion of the site and at a reduced scale. However, the Mitigated Design Alternative might not be consistent with some project objectives because it may be economically infeasible to develop a project of this size and the ability to provide certain amenities essential to this type of project may be curtailed. Further, the applicant has indicated that a development of this size would not be feasible based on current market conditions: it would reduce the market base of the project reducing the revenue that would be generated to fund infrastructure improvement; many of the infrastructure improvements (e.g., interchanges, freeway widenings) are needed without implementation of the project and reduction of the project at any scale would reduce the revenue available to fund those large-scale improvements; and, a reduced project site limits the number, type, and quality of tenants that would occupy the project site and could constrain the applicant's ability to provide a high-quality, aesthetically pleasing, yet functional development.

The Mitigated Design Alternative would result in greater impacts than the project in one issue area, lesser impacts in five, and similar impacts in six issue areas. Significant unavoidable impacts related to traffic, agricultural resources, air quality, and aesthetic resources associated with the project would also occur under this alternative, but this alternative would contribute to these impacts to a lesser extent than the proposed project.

1.3.4 OFF-SITE ALTERNATIVE

An off-site alternative would require the location of another potentially feasible site for development of uses consistent with those of the project. As directed in the State CEQA Guidelines Section 15126.6(f) (2) (A), "the key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location." Because certain significant effects of the project are site-specific (such as the conversion of important farmland and intersection impacts), it would be conceivable that an alternative location could avoid the significant effect. Therefore, it is valid to determine if feasible alternative locations may exist in the area.

The State CEQA Guidelines Section 15126.6(f) (2) (B) indicates that "if the lead agency concludes that no feasible alternative locations exist, it must disclose the reasons for this conclusion." If feasible alternative locations do not exist, the EIR analysis need not continue to consider the issue of an off-site alternative.

The area in which it is reasonable to search for alternative sites would be the jurisdiction of the lead agency (i.e., the City of Manteca). A site that could feasibly attain the basic objectives of the project would need to be of comparable size, with adequate access to roadways and utilities to support commercial retail development, in a location where these uses would be consistent with the general plan designation and compatible with adjacent uses.

An examination of developable parcels in the City and a review of the City of Manteca General Plan 2023 Land Use Element led to the conclusion that one feasible alternative location for the project exists and is approximately 2 miles east of the project site in the City of Manteca. Currently, there is an approximately 95-acre area of undeveloped land east of South Main Street and south of SR 120 that is within the city limits and is of sufficient size to accommodate the 16-acre development. This site is designated for Commercial Mixed Use (CMU) by the City general plan. This land use designation is the same as the existing land use designation for the project site and would be compatible with development proposed for the project. The Off-site Alternative would result in similar land uses and land use patterns as the project.

The Off-site Alternative would meet all but one of the project objectives (because it would not be located near the Stadium Center I and II shopping centers, and would not be an important element of a new gateway development area in the southwestern portion of the City). However, the proposed location for the Off-site Alternative is not owned by the project applicant. Further, it is unknown whether the current land owners would be willing to sell their property. This alternative would require substantial time and investment to research the feasibility of acquiring the site, which makes this alternative potentially infeasible from a development standpoint.

The Off-site Alternative would result in similar impacts in all 12 resource areas. Significant unavoidable impacts related to traffic, air quality, agricultural resources, and aesthetic resources associated with the project would also occur under this alternative.

1.4 FINDINGS OF FACT

The City of Manteca has reviewed the Draft EIR for the proposed project; Appendices to the Draft EIR; and the Final EIR, which contains Responses to Comments on the Draft EIR and additional information. The City has also considered the public record on the project. In addition to this Statement of Findings, the public record for the proposed project is composed of the following elements (a full reference list is provided in Chapter 9 of the Draft EIR):

- ▶ *Phase I Environmental Site Assessment, Approximately 16 Acres, Proposed Lowe's, Manteca, California, Kleinfelder, Inc., 2005.*
- ▶ *Geotechnical Services Report Proposed Commercial Development Airport Way and Daniels Street Manteca, California, Kleinfelder, Inc., 2005.*
- ▶ *City of Manteca, Storm Drain Master Plan, Manteca, California, West Yost and Associates, 2006.*
- ▶ *City of Manteca General Plan 2023 Policy Document, Wade Associates, adopted October 6, 2003.*
- ▶ *City of Manteca General Plan 2023 Environmental Impact Report, certified October 6, 2003.*
- ▶ *South San Joaquin Irrigation District, South County Surface Water Supply Project Environmental Impact Report, West Yost and Associates, certified May, 2000.*

Pursuant to Public Resources Code Section 21081, for each significant effect identified in the EIR, the City of Manteca must make one or more of the findings stated on page 1-1.

After reviewing the public record, as composed of the aforementioned elements, the City of Manteca hereby makes the following findings regarding the significant effects of the proposed project, pursuant to Public Resources Code Section 21081 and Section 15091 of the State CEQA Guidelines.

1.4.1 VISUAL RESOURCES

SIGNIFICANT EFFECT: DEGRADATION OF VISUAL CHARACTER (IMPACT 4.2-3)

Implementation of the project would substantially alter the visual character of the project site through conversion of agricultural land to developed urban uses. This would be considered a **significant** impact.

Finding

Because of the scale and location of the proposed project, there is no feasible mitigation available to address aesthetic resource impacts associated with the conversion of agricultural land to commercial development.

Although design, architectural, development, and maintenance standards are included in the project to ensure that commercial development at the project site remains within the City's aesthetic guidelines, there is no mechanism to allow implementation of the project while avoiding the conversion of the local viewshed from agricultural to commercial development. Because no feasible mitigation is available to reduce this impact to a less-than-significant level, this impact would be considered significant and unavoidable.

The project's visual impacts would be further reduced or avoided by the No Project-No Development Alternative. As discussed in Section 1.1, "Introduction," of this document and as discussed herein, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR that would reduce this impact to a less-than-significant level.

A Statement of Overriding Considerations has been prepared (see Chapter 2, "Statement of Overriding Considerations," of this document) to address this issue.

Facts in Support of Finding

Although design, architectural, development, and maintenance standards are included in the project to ensure that commercial development at the project site remains within the City's aesthetic guidelines, there is no mechanism to allow implementation of the project while avoiding the conversion of the local viewshed from agricultural to commercial development.

SIGNIFICANT EFFECT: IMPACTS FROM LIGHTING (IMPACT 4.2-4)

The project would require lighting of parking lots, sidewalks, and commercial buildings that could inadvertently cause light and glare for motorists on adjacent roadways and residents on Daniels Street and Laurel Park Circle. The proposed site lighting plan would create a new source of substantial light and glare that would adversely affect nighttime views in the area. Because calculated site lighting levels would exceed the IESNA lighting recommendations for parking lots for three criteria, would not meet IESNA lighting recommendations for one criterion, and would exceed the recommended IDA maximum to average ratios for indirect glare, lighting and glare levels associated with operation of the proposed project would be a **significant** impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure that would reduce to a less-than-significant level the project's impacts from lighting. The mitigation measure below has been modified from that originally included in the Draft EIR.

Measure 4.2-4

To address elevated site lighting levels throughout most of the site and lower than standard lighting levels in the northeast corner of the site, the applicant shall implement the following measures:

1. Reduce lamp wattages on all pole mounted lighting fixtures from 400W to 250W along the perimeter of the parking field adjacent to Daniels Street and Laurel Park Circle. Prior to project construction, the project applicant shall perform a nighttime lighting field verification test to document that the light and glare emanating from the high-mast lights selected for the site would not cast light and glare that exceed IESNA lighting recommendations at the property line of adjacent residences and at the nearest edge of right-of-way to SR 120. The field verification test shall be conducted under the oversight of the City of Manteca and

shall demonstrate to the City's satisfaction that off-site light and glare levels would not result in excessive lighting levels at neighboring properties.

2. Reduce lamp wattages on all wall mounted lighting fixtures to 150W.
3. Include glare shields with all type WL and WL-250 fixtures to reduce back splash.
4. Add one to two fixtures at the northeast corner of the site.

1.4.2 AIR QUALITY

SIGNIFICANT EFFECT: GENERATION OF SHORT-TERM CONSTRUCTION-RELATED EMISSIONS OF CRITERIA AIR POLLUTANTS AND PRECURSORS (IMPACT 4.3-1)

Modeled short-term project-generated ozone precursor emissions from construction equipment for Phase 1 and Phase 2 of the proposed project would not exceed SJVAPCD's significance thresholds of 10 tpy; emissions of ozone precursors would be less than significant. Feasible dust control measures beyond those required by SJVAPCD Regulation VIII are not currently part of the project description. Project-generated, construction-related emissions of PM₁₀ could violate or contribute substantially to an existing or projected air quality violation, and/or conflict with air quality planning efforts. As a result, this impact would be **significant**.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure that would reduce to a less-than-significant level the project's generation of short-term construction-related emission of criteria air pollutants and precursors.

Measure 4.3-1

The following SJVAPCD-recommended enhanced and additional control measures shall be implemented by the project applicant further reduce fugitive PM₁₀ dust emissions.

- ▶ Install sandbags or other erosion control measures to prevent silt runoff to public roadways from adjacent project areas with a slope greater than 1%.
- ▶ Limit traffic speeds on unpaved surfaces to 15 miles per hour (mph)
- ▶ Suspend excavation and grading activity when winds exceed 20 mph.
- ▶ Limit area subject to excavation, grading, and other construction activity at any one time.

SIGNIFICANT EFFECT: GENERATION OF LONG-TERM OPERATION-RELATED (REGIONAL) EMISSIONS OF CRITERIA AIR POLLUTANTS AND OZONE PRECURSORS (IMPACT 4.3-2)

Operation-related activities would result in project-generated emissions of ROG or NO_x that exceed SJVAPCD's significance threshold of 10 tpy. Thus, without mitigation, project-generated, operation-related emissions of criteria air pollutants and precursors could violate or contribute substantially to an existing or projected air quality violation or conflict with air quality planning efforts. As a result, this impact would be **significant**.

Finding

Implementation of Mitigation Measures 4.3-2a and 4.3-2b would further reduce operations emissions of ROG and NO_x beyond the required compliance with Rule 9510. The results of implementing these measures can not be reasonably quantified. Therefore, the impact would remain significant and unavoidable.

Impacts from Long-term operation-related (regional) emissions of criteria air pollutants and ozone precursors would be further reduced or avoided by the No Project-No Development Alternative and the Mitigated Design Alternative. As discussed in Section 1.1, “Introduction,” of this document and as discussed herein, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR that would reduce these impacts to a less-than-significant level.

A Statement of Overriding Considerations has been prepared (see Chapter 2, “Statement of Overriding Considerations,” of this document) to address this issue.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure for the project’s generation of long-term operation-related emissions of criteria air pollutants and ozone precursors. This mitigation measure would reduce this impact to the greatest extent feasible, but not to a less-than-significant level. The mitigation measure below has been modified from that originally included in the Draft EIR.

Mitigation Measure 4.3-2a: Generation of Long-Term Operation-Related (Regional) Emissions of Criteria Air Pollutants and Ozone Precursors.

Mitigation to reduce NO_x emissions addresses reducing the number of motor vehicle trips and reducing the emissions of individual vehicles under control of the Applicant. The following measures shall be implemented by the Applicant unless it can be demonstrated to the City of Manteca that the measures would not be feasible:

- a. The applicant shall require the Stadium Center Operator to operate, maintain, and promote a ride-share program for employees of the various businesses.
- b. The applicant shall include one or more secure bicycle parking areas within the property and encourage bicycle riding for both employees and customers.
- c. The Lowe’s Home Improvement Warehouse shall be designed to meet Title 24 + 20% energy efficiency standards.
- d. The Lowe’s Home Improvement Warehouse shall include shower and locker facilities for employees to encourage bicycle, walking, and jogging as options for commuting.
- e. Implement Mitigation Measure 4.11-9, which requires the applicant to coordinate with the City and modify the project designs to provide appropriate bus transit facilities at the project site.
- f. The Applicant shall require that all materials handling equipment operated by the businesses within the facility be electric or use non-diesel engines.
- g. Implement a computer-controlled energy management system.
- h. Use high-efficiency fluorescent lighting that utilize parabolic reflectors throughout the sales area.
- i. Use skylights and photovoltaic cells with computer controls that dim and turn off lights when appropriate levels of light are available to light the interior of the building.

- j. Use timers and computer controls to turn off exterior lights during after-hour periods.
- k. Use white-roof membrane to reflect heat.
- l. Use motion sensors to turn off light in rooms that are not in use.
- m. Use the highest-efficiency air handling system to heat and cool the building.
- n. Use low flush volume fixtures in the bathrooms to reduce domestic water consumption by 30%.
- o. Implement a trash recycling program to collect recyclable waste including but not limited to: cardboard, pallets, aluminum cans, paper, and re-chargeable batteries.
- p. Use building materials that contain 20% recycled products.
- q. Use wood products in building construction that are certified by the Forest Stewardship Councils Principles and Criteria.
- r. Use adhesives and sealants in the building that are manufactured with low volatile organic compound content.

Implementation of Mitigation Measure 4.3-2a would reduce operations emissions of ROG beyond the required compliance with Rule 9510; however the results of implementing this measure cannot be reasonably quantified. Therefore, the impact would remain **significant and unavoidable**.

Mitigation Measure 4.3-2b: Generation of Long-Term Operation-Related (Regional) Emissions of Criteria Air Pollutants and Ozone Precursors

While area sources comprise a small fraction of the anticipated NO_x emissions, it is the policy of the City of Manteca to require the developer to include measures to reduce emissions through energy efficient design. The following measures shall be implemented by the Applicant unless it can be demonstrated to the City of Manteca that the measures would not be feasible:

The Applicant shall include features in the lighting, heating, ventilating, and air conditioning design of each building on the site that will result in energy use at least 20% below Title 24 requirements.

Implementation of Mitigation Measure 4.3-2b would further reduce operations emissions of NO_x beyond the required compliance with Rule 9510; however, the results of implementing this measure cannot be reasonably quantified. Therefore, the impact would remain **significant and unavoidable**.

SIGNIFICANT EFFECT: EXPOSURE OF SENSITIVE RECEPTORS TO ODORS (IMPACT 4.3-5)

The proposed commercial center would not be a major generation source of odors. However, the nature of the businesses that would occupy the shopping center is not known, and one or more of the businesses could be a minor source of objectionable odors, which could adversely affect nearby sensitive receptors. Therefore, this would be a **potentially significant** impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure that would reduce to a less-than-significant level the project's exposure of sensitive receptors to odors.

Measure 4.3-5

The Applicant shall require all businesses that occupy the property to install odor-controls as necessary to prevent substantial dispersion of odors to adjacent residential areas.

1.4.3 NOISE

SIGNIFICANT EFFECT: SHORT-TERM CONSTRUCTION NOISE (IMPACT 4.4-1)

Short-term construction-generated noise levels could exceed the City of Manteca General Plan Maximum Allowable Noise Exposure and Performance Standards for stationary sources, the City of Manteca Zoning Ordinance Noise Performance Standards, or result in a noticeable increase (i.e., increase of 3 dBA or more) in ambient noise levels at existing nearby off-site sensitive land uses. This would be a **significant** impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure that would reduce to a less-than-significant level the project's short-term construction noise.

Measure 4.4-1

- a. All outdoor operation of construction equipment shall be limited to the hours from 7:00 a.m. to 7:00 p.m. daily.
- b. Construction equipment staging areas shall be set back from nearby off-site sensitive receptors, including the housing northeast and southeast of the project site.
- c. All construction equipment shall be properly maintained and equipped with noise control, such as mufflers, in accordance with manufacturers' specifications.

SIGNIFICANT EFFECT: STATIONARY- AND AREA-SOURCE NOISE LEVELS (IMPACT 4.4-3)

Long-term operational noise levels associated with proposed facility operations would vary throughout the day. Lowe's operations and equipment such as delivery truck operations, forklifts, roof-mounted mechanical building equipment, and an emergency generator would potentially exceed noise ordinance standards at nearby residences. Consequently, the project's long-term operational noise impact would be considered a **significant** impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. The mitigation measure below has been modified from that originally included in the Draft EIR.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure that would reduce to a less-than-significant level the project's stationary- and area-source noise levels.

Measure 4.4-3

- a. The applicant shall incorporate operational measures that prevent noise generated by on-site truck and forklift activity from exceeding the maximum allowable noise exposure standards of the City's general plan of 70 dBA L_{max} during daytime hours, and 65 dBA L_{max} during nighttime hours in the outdoor activity areas of nearby residents (Table 4.4-5). The following operational measures shall be implemented:
 1. Limit on-site truck activity and/or fork lift activity, including the ingress, egress, idling, and waiting of trucks at the site to the daytime hours of 7 a.m. to 10 p.m., or, outside of the hours between 7 a.m. and 10 p.m., require trucks to enter, exit, idle, and wait at on-site locations where no off-site receptors would be exposed to noise exceeding City standards, as calculated by an acoustical engineer. This may involve requiring trucks to enter and exit at the two entrances west of the proposed Lowe's store building and wait in or near the customer parking area west of the proposed Lowe's building
 2. Only operate forklifts that generate noise levels less than 66 dBA at a distance of 50 feet. This can be achieved by selecting a fork lift model based on the noise level data included in the manufacturer's specifications, choosing a low-noise electric-powered forklift, and/or with the installation of additional shrouds or mufflers.
- b. In addition, the applicant shall incorporate design measures to reduce exposure of off-site residences to noise generated by on-site truck and forklift activity to levels that are below City standards, as calculated by an acoustical engineer. These design measures may include, but are not limited to, the following:
 1. Construction of a wall, berm, or combination thereof along the southeast side of the site to provide additional attenuation to off-site noise-sensitive receptors. The barrier shall be constructed of solid material (e.g., brick, block, adobe, earth) and be of sufficient height to, at a minimum, block the line of site from the loading dock area to the ground floor of the residences located to the southeast. The barrier shall blend into the overall landscape and have an aesthetically pleasing appearance that agrees with the color and character of the area and not become the dominant visual element of the community.
 2. Construction of a taller sound wall, up to 8 feet in height, at the location of the existing 6-foot-high masonry wall located along the property line of the affected homes on Laurel Park Circle. This wall shall be constructed of solid material (e.g., brick, block, adobe) and be of sufficient height to, at a minimum, block the line of site from the loading dock area to the ground floor of the residences located to the southeast. This barrier shall blend into the overall landscape and have an aesthetically pleasing appearance that agrees with the color and character of the nearby homes and not become the dominant visual element of the community.
 3. In combination with the existing 6-foot-high masonry wall located along the property line of the homes on Laurel Park Circle, the selected measures shall provide a total of at least 6.7 dBA reduction in truck and forklift noise at the backyards of the affected homes. This would be enough attenuation to reduce noise generated by on-site loading activity to less than the 70 dBA L_{max} standard established in the City's general plan for daytime hours. In addition, prohibiting on-site truck activity and operations at the loading dock during the more noise-sensitive hours of the day would prevent the generation of noise levels that exceed the 65 dBA L_{max} standard established in the City's general plan for nighttime hours. Funding for the implementation of the selected mitigation measures shall be wholly provided by the project applicant.

Where there is a question regarding the noise levels before and after mitigation is implemented in a particular area, site-specific noise studies/modeling shall be conducted to determine compliance or noncompliance with standards.

- c. Mechanical equipment (e.g., heating, ventilation, and air conditioning equipment) shall be located at the farthest distance from and/or be enclosed or shielded from nearby existing noise-sensitive receptors to the extent that their sound levels are below City standards, as calculated by an acoustical engineer.
- d. The applicant shall incorporate design features to ensure that noise levels generated by the emergency power generator do not exceed the City's general plan daytime noise standard of 50 dBA L_{eq} or the nighttime standard of 45 dBA L_{eq} at off-site noise-sensitive receptors, as determined by an acoustical engineer. These features may include but are not limited to the following:
 1. The emergency power generator shall be located at the farthest distance from and/or be enclosed or shielded from nearby existing noise-sensitive receptors.
 2. The noise level posted in the manufacturer's noise specifications shall be considered when selecting a model and a low-noise model shall be selected.
 3. The generator shall be properly maintained and equipped with noise control, such as mufflers, in accordance with manufacturers' specifications.
 4. All regular testing of the generator shall occur between the hours from 7:00 a.m. to 7:00 p.m.

Where there is a question regarding the noise levels before and after mitigation is implemented in a particular area, site-specific noise studies/modeling shall be conducted to determine compliance or noncompliance with standards, and the design shall be adjusted so that standards are met. Funding for the installation of this mitigation measure shall be provided by the project applicant.

1.4.4 BIOLOGICAL RESOURCES

SIGNIFICANT EFFECT: IMPACTS TO SPECIAL-STATUS WILDLIFE (IMPACT 4.5-2)

Implementation of the project would result in conversion of approximately 16 acres of fallow agricultural field that could provide potential foraging habitat for special-status birds. Project implementation could also lead to the disturbance of bird nesting habitat in trees adjacent to the site, potentially resulting in the loss of active nests. This impact would be considered **potentially significant**.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure that would reduce to a less-than-significant level the project's impacts to special-status wildlife.

Measure 4.5-2

The project applicant is committed to obtaining coverage under the SJMSCP to mitigate for project impacts and obtain incidental take authorization for SJMSCP-covered species under the City of Manteca's Section 10(a) and Section 2081 permits. Compensation for significant impacts on all SJMSCP-covered species would be

accomplished through payment of development fees for conversion of open space lands that may provide habitat for these species. Development fees would be paid to the San Joaquin Council of Governments (SJCOG) in the amount specified by SJCOG, which administers the SJMCSP.

In addition, incidental take avoidance and minimization measures for species that could be significantly affected as a result of the project would be implemented, as determined by the SJCOG, and in accordance with requirements of the SJMCSP. Potentially suitable nesting habitat for Swainson's hawk, white-tailed kite, northern harrier, burrowing owl, and loggerhead shrike is currently present in the project area and could be affected by project implementation. During the SJMCSP application process, SJCOG will determine whether the project site supports suitable nesting habitat for these species. If SJCOG determines suitable habitat is present on or adjacent to the project site, the following SJMCSP incidental take avoidance and minimization measures for applicable special status birds shall be implemented:

- ▶ Swainson's Hawk: Project-related construction activities (such as equipment movement, truck movement, and equipment or materials deliveries to the project site) could require the trimming or removal of nearby trees. If any trees adjacent to the site with potential to support Swainson's hawk nests must be removed, the tree shall be removed only during the nonbreeding season between September 16 and February 28. If a nest tree adjacent to the site becomes occupied during construction activities, then a qualified biologist shall conduct a survey to determine if Swainson's hawks are nesting immediately adjacent to the site. The survey shall be conducted within one week prior to beginning of construction. If construction would occur during the nesting season (March 1 – September 15), then all construction activities shall remain a distance of two times the dripline of the tree, measured from the nest. A setback of this distance shall be established and maintained during the nesting season for the period encompassing nest building and continuing until fledglings leave the nest.
- ▶ Burrowing Owl: The presence of ground squirrels and squirrel burrows are attractive to burrowing owls. Burrowing owls may therefore be discouraged from entering or occupying construction areas by discouraging the presence of ground squirrels. To accomplish this, the project applicant should prevent ground squirrels from occupying the project site early in the planning process by employing one of the following practices:
 - The project applicant may plant new vegetation or retain existing vegetation entirely covering the site at a height of approximately 36" above the ground. Vegetation should be retained until construction begins. Vegetation will discourage both ground squirrel and owl use of the site.
 - Alternatively, because burrowing owls are not known or suspected on the project site and the project area is an unlikely occupation site for red-legged frogs, San Joaquin kit fox, or tiger salamanders:
 - The project applicant may disc or plow the entire project site to destroy any ground squirrel burrows. At the same time burrows are destroyed, ground squirrels should be removed through one of the approved methods described in Appendix A of the SJMCSP to prevent reoccupation of the project site. If these measures are not attempted or are attempted but fail, and burrowing owls are known to occupy the project site, then the following measures shall be implemented:
 - During the non-breeding season (September 1 through January 31) burrowing owls occupying the project site should be evicted from the project site by passive relocation as described in DFG's Staff Report on Burrowing Owls (1995)
 - During the breeding season (February 1 through August 31) occupied burrows shall not be disturbed and shall be provided with a 75 meter protective buffer until and unless the Technical Advisory Committee (TAC), with the concurrence of the Permitting Agencies' representatives on the TAC; or unless a qualified biologist approved by the Permitting Agencies verifies through non-invasive 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. Once the fledglings are capable of independent survival, the burrow can be destroyed.

- ▶ White-tailed Kite: Preconstruction surveys shall investigate all potential nesting trees within 150 feet of the project site (e.g., especially tree tops 15-59 feet above the ground in oak, willow, eucalyptus, cottonwood, or other deciduous trees), during the nesting season (February 15 to September 15) whenever white-tailed kites are noted on-site or within the vicinity of the project site during the nesting season. A setback of 100 feet from nesting areas shall be established and maintained during the nesting season for the period encompassing nest building and continuing until fledglings leave nests. This setback applies whenever construction or other ground-disturbing activities must begin during the nesting season in the presence of nests which are known to be occupied. Setbacks shall be marked by brightly colored temporary fencing.
- ▶ Northern harrier: A setback of 500 feet from nesting areas shall be established and maintained during the nesting season for the period encompassing nest building and continuing until fledglings leave nests. This setback applies whenever construction or other ground-disturbing activities must begin during the nesting season in the presence of nests which are known to be occupied. Setbacks shall be marked by brightly colored temporary fencing.
- ▶ Loggerhead Shrike: A setback of 100 feet from nesting areas shall be established and maintained during the nesting season for the period encompassing nest building and continuing until fledglings leave nests. This setback applies whenever construction or other ground-disturbing activities must begin during the nesting season in the presence of nests which are known to be occupied. Setbacks shall be marked by brightly colored temporary fencing.

SIGNIFICANT EFFECT: IMPACTS TO COMMON RAPTORS (IMPACT 4.5-3)

Implementation of the project could result in loss of active nests of common raptors (protected under California Fish and Game Code Section 3503.5) through the disturbance of nests and nesting pairs in nest trees adjacent to the project site. This is considered a **potentially significant** impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure that would reduce to a less-than-significant level the project's impacts to common raptors.

Measure 4.5-3

To avoid and minimize potential project effects on common raptors, the project applicant shall do the following:

If project activity would commence during the raptor nesting season (February 15 to September 15), preconstruction surveys shall be conducted by a qualified biologist during the nesting season. The surveys shall cover all areas of suitable nesting habitat within 500 feet of project activity and shall be conducted within 14 days prior to commencement of project activity. If no active nests are found, no further mitigation shall be required.

If active nests are found, impacts shall be avoided by establishment of appropriate buffers. No project activity shall commence within the buffer area until a qualified biologist confirms that the nest is no longer active. DFG guidelines recommend implementation of 500-foot buffers, but the size of the buffer may be adjusted if a

qualified biologist determines adverse affects to the nest are not likely. Monitoring of the nest by a qualified biologist may be required if the activity has potential to adversely affect the nest.

SIGNIFICANT EFFECT: CONSISTENCY WITH LOCAL PLANS, POLICIES, AND ORDINANCES (IMPACT 4.5-5)

Implementation of the project might conflict or be inconsistent with local policies and ordinances including the City of Manteca general plan. This would be a **potentially significant** impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure that would reduce to a less-than-significant level the project’s consistency with local plans, policies, and ordinances.

Measure 4.5-5

Implementation of Mitigation Measures 4.5-2 and 4.5-3 would sufficiently address measures necessary to mitigate for Impact 4.5-5.

1.4.5 HAZARDS AND HAZARDOUS MATERIALS

SIGNIFICANT EFFECT: CREATE A SAFETY HAZARD TO CONSTRUCTION WORKERS AND RESIDENTS (IMPACT 4.6-1)

Although no hazardous environmental conditions have been identified to date on the project site, past agricultural and farming operations at the project site could have resulted in contamination of soil and/or groundwater in some locations. In addition, demolition, excavation, and construction activities at the project site could result in the exposure of construction workers to previously undiscovered hazardous materials, including asbestos, petroleum hydrocarbons, and pesticides. The presence of contamination in on-site soils could create a significant environmental or health hazard if left in place. This would be a **potentially significant** impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure that would reduce to a less-than-significant level the project’s creation of a safety hazard to construction workers and residents.

Measure 4.6-1

- a. To avoid health risks to construction workers, prior to issuance of a grading permit the applicant shall prepare a site Health and Safety Plan. This plan will outline measures that shall be employed to protect construction workers and the public from exposure to hazardous materials during demolition and construction activities. These measures could include, but would not be limited to, posting notices, limiting access to the site, air monitoring, watering, and installation of wind fences. Development contractors shall be required to comply

with state health and safety standards for all demolition work. If necessary, this shall include compliance with OSHA and Cal-OSHA requirements regarding exposure to asbestos and lead-based paint.

- b. Before demolition of any structures associated with past and current farming operations (i.e., irrigation control structures, irrigation well, pump, and any Transite piping) or grading in any areas of previously undiscovered contamination, the project applicant shall investigate the extent to which soil and/or groundwater has been contaminated from past operations. This investigation shall follow ESA and/or other appropriate testing guidelines and shall include, as necessary, analysis of soil and/or groundwater samples taken at or near potential contamination sites. If the results indicate that contamination exists at levels above regulatory action standards, then the SJCDEH shall be notified and the site shall be remediated in accordance with recommendations made by SJCDEH, RWQCB, DTSC, or other appropriate federal, state, or local regulatory agencies. The agencies involved would depend on the type and extent of contamination. Remediation activities could include but would not be limited to the excavation of contaminated soil areas and hauling of contaminated soil materials to an appropriate off-site disposal facility, mixing of on-site soils, and capping (i.e., paving or sealing) of contaminated areas.
- c. The project contractors shall prepare a site plan that identifies any necessary remediation activities appropriate for proposed land uses, including excavation and removal of on-site contaminated soils, and redistribution of clean fill material on the project site. The plan shall include measures that ensure the safe transport, use, and disposal of contaminated soil and building debris removed from the site. In the event that contaminated groundwater is encountered during site excavation activities, the contractor shall report the contamination to the appropriate regulatory agencies, dewater the excavated area, and treat the contaminated groundwater to remove contaminants before discharge in the sanitary sewer system. The development contractors shall be required to comply with the plan and applicable local, state, and federal laws and the requirements of the City of Manteca for dewatering discharge. The plan shall outline measures for specific handling and reporting procedures for hazardous materials, and disposal of hazardous materials removed from the site at an appropriate off-site disposal facility.

In addition, the following measures shall apply to construction activities as appropriate.

1. The SJCDEH shall be notified if evidence of previously undiscovered soil or groundwater contamination (e.g., stained soil, odorous groundwater) is encountered during excavation. Any contaminated areas shall be remediated in accordance with recommendations made by SJCDEH, RWQCB, DTSC, or other appropriate federal, state, or local regulatory agencies as generally described above.
2. Before demolition of any Transite piping, the project applicant shall hire a qualified consultant to investigate whether any of this piping, including recently demolished piping, contain asbestos-containing materials that could become friable or mobile during demolition activities. If found, the asbestos-containing materials shall be removed by an accredited inspector in accordance with EPA and Cal-OSHA standards. In addition, all activities (construction or demolition) in the vicinity of these materials shall comply with Cal-OSHA asbestos worker construction standards. The asbestos-containing materials shall be disposed of properly at an appropriate off-site disposal facility.

1.4.7 GEOLOGY, SOIL, AND SEISMICITY

SIGNIFICANT EFFECT: RISKS TO PEOPLE AND STRUCTURES CAUSED BY STRONG SEISMIC GROUND SHAKING (IMPACT 4.7-1)

The project site is approximately 23 miles from the nearest potentially active fault and is located in CBC Seismic Zone 3. Project facilities would be designed in accordance with CBC seismic standards for structures located within Zone 3. However, in the event of a moderate to major seismic event along the Great Valley fault, ground shaking could result in lateral forces exceeding the capabilities of structures built to minimum CBC design

standards. Severe structural and nonstructural damage and associated hazards resulting from such a seismic event would be a **potentially significant** impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure that would reduce to a less-than-significant level the project's risks to people and structures caused by strong seismic ground shaking.

Measure 4.7-1

- a. Before contract bidding for project construction, the approved project design plans and specifications, including grading and foundation plans, shall be reviewed by a soils engineer approved by the City. This review shall be completed to assess whether the recommendations in the geotechnical report (prepared by Kleinfelder 2005) are sufficient for construction of the buildings described in the final project design plans. If these measures are deemed insufficient, the geotechnical engineer shall prepare a supplemental site-specific geotechnical report with appropriate recommendations sufficient to ensure the safety of project structures and site occupants. These measures could include, but are not limited to, the construction of deep foundations, installation of driven piles (if needed), and extra reinforcement of foundation slabs. At a minimum, these measures shall demonstrate that the proposed project design would meet CBC and City design standards.
- b. During project design and construction, all measures outlined in the geotechnical report for the proposed project (Kleinfelder 2005) and, if necessary, measures included in supplemental site-specific geotechnical report(s), shall be implemented to ensure that project structures and site occupants would be safe during seismic events. These measures could include, but are not limited to, the construction of deep foundations, installation of driven piles (if needed, but not currently proposed), and extra reinforcement of foundation slabs. At a minimum, these measures shall demonstrate that the proposed design would meet CBC and City design standards.
- c. The on-site soils will likely be saturated by rainfall in the winter and early spring months. If the construction schedule requires continued work during the wet months, the City shall require the applicant to consult with a qualified civil engineer and implement any additional recommendations provided, as conditions warrant. These measures could include, but are not limited to, the construction of deep foundations, installation of driven piles (if needed), and extra reinforcement of foundation slabs. At a minimum, these measures shall demonstrate that the proposed design would meet CBC and City design standards.

SIGNIFICANT EFFECT: RISKS TO PEOPLE AND STRUCTURES CAUSED BY SEISMIC-RELATED GROUND FAILURE (IMPACT 4.7-2)

The project site is susceptible to seismic events. Based on the underlying soil conditions in the project area and the depth of the groundwater table, construction of the proposed project has the potential to expose people or structures to seismic-related ground failure, including liquefaction and differential settlement. Therefore, this impact is considered **potentially significant**.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure that would reduce to a less-than-significant level the project's risks to people and structures caused by seismic-related ground failure.

Measure 4.7-2: Risks to People and Structures Caused by Seismic-Related Ground Failure

The applicant shall implement Mitigation Measure 4.7-1, described above, to reduce the seismic-related ground failure risks to people and structures at the proposed project site.

SIGNIFICANT EFFECT: CONSTRUCTION-RELATED EROSION HAZARDS (IMPACT 4.7-3)

Based on soil types and topography, excavation and grading of soil could result in erosion during project construction, particularly during periods of strong winds. This impact is considered **potentially significant**.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure that would reduce to a less-than-significant level the project's construction-related erosion hazards.

Measure 4.7-3: Construction-Related Erosion Hazards

- a. A grading and erosion control plan shall be prepared by a California Registered Civil Engineer and submitted to the Manteca Department of Public Works prior to issuance of any grading permits. The plan shall be consistent with CBC grading requirements and shall include the site-specific grading proposed for the new development. The project applicant shall ensure that the construction contractor is responsible for securing a source of transportation and deposition of excavated materials.
- b. BMPs for erosion and siltation prevention, as further described in Section 4.9, "Hydrology and Water Quality" of this document, shall be implemented at the project site during all construction activities. The project applicant shall consult with the Central Valley Regional Water Quality Control Board to acquire the appropriate regulatory approvals that may be necessary to obtain Section 401 water quality certification, State Water Board statewide NPDES stormwater permit for general construction activity, and any other necessary site-specific waste discharge requirements (WDRs) or waivers. As required under the NPDES stormwater permit for general construction activity, the project applicant shall prepare and submit the appropriate Notice of Intent (NOI) and prepare the SWPPP and any other necessary engineering plans and specifications for pollution prevention and control. The SWPPP and other appropriate plans shall identify and specify the use of erosion and sediment control BMPs, means of waste disposal, implementation of approved local plans, nonstormwater management controls, permanent postconstruction BMPs, and inspection and maintenance responsibilities. The SWPPP would also specify the pollutants that are likely to be used during construction that could be present in stormwater drainage and nonstormwater discharges. A sampling and monitoring program would be included in the SWPPP that meets the requirements of State Water Board Order 99-08-DWQ to ensure that the BMPs are effective.
- c. Prior to issuance of grading permits, construction techniques shall be identified that would reduce the potential for runoff, and the grading and erosion control plan shall identify the erosion and sedimentation control measures to be implemented. The SWPPP shall also specify spill prevention and contingency measures, identify the types of materials used for equipment operation, and identify measures to prevent or

clean up spills of hazardous materials used for equipment operation and hazardous waste. Emergency procedures for responding to spills shall also be identified. BMPs identified in the SWPPP shall be used in all subsequent site development activities. The SWPPP shall identify personnel training requirements and procedures that would be used to ensure that workers are aware of permit requirements and proper installation and performance inspection methods for BMPs specified in the SWPPP. The SWPPP shall also identify the appropriate personnel responsible for supervisory duties related to implementation of the SWPPP. All construction contractors shall retain a copy of the approved SWPPP on the construction site.

SIGNIFICANT EFFECT: RISK OF STRUCTURAL DAMAGE CAUSED BY CORROSIVE SOILS (IMPACT 4.7-5)

The corrosiveness of on-site soils was not tested to determine whether the soils could cause damage to buried concrete slabs, concrete foundations and buried metal pipes during the operation of the proposed project. Therefore, without additional information, the potential exists for on-site structures to be corroded or otherwise damaged by the presence of corrosive soils. This impact is considered **potentially significant**.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure that would reduce to a less-than-significant level the project's risk of structural damage caused by corrosive soils.

Measure 4.7-5

A design recommendation study for the proposed project site shall be completed by a qualified corrosion engineer before any grading permit is issued. The study shall specifically address corrosive soils where damage to underground facilities may occur and shall provide recommendations, if needed, that the project applicant shall implement. Potential methods to address corrosive soils include the use of cathodic protection or sacrificial anodes for buried metals, use of concrete with a lower water-to-cement ratio and/or sulfate-resistant concrete, and the use of Type II or Type II modified cement. Appropriate measures identified in the design-level study and approved by the City shall be implemented during project construction.

1.4.8 AGRICULTURAL RESOURCES

SIGNIFICANT EFFECT: DIRECT CONVERSION OF 16 ACRES OF IMPORTANT FARMLAND TO NONAGRICULTURAL URBAN USE (IMPACT 4.8-1)

Implementation of the project would result in the direct conversion of approximately 16 acres of Farmland of Statewide Importance to nonagricultural urban use. Conversion of Important Farmland would be a **significant** impact.

Finding

While partial mitigation is available in the form of participation in the City's Agricultural Mitigation Fee Program, no feasible mitigation is available to fully mitigate the loss of Important Farmland or the conversion of farmland to non-agricultural uses. Although recommended measures would substantially lessen significant impacts associated with farmland conversion impacts, the fees paid to the City would only partially offset conversion of Important Farmland. Therefore, full compensation for potential losses of Important Farmland would not be achieved, and this impact would remain significant and unavoidable.

Impacts to agricultural resources would be further reduced or avoided by the No Project Alternative-No Development Alternative and the Mitigated Design Alternative. As discussed in Section 1.1, “Introduction,” of this document and as discussed herein, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR that would reduce these impacts to a less-than-significant level.

A Statement of Overriding Considerations has been prepared (see Chapter 2, “Statement of Overriding Considerations,” of this document) to address this issue.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure for the project’s loss of agricultural land. This mitigation measure would reduce impacts related to the loss of agricultural land to the greatest extent feasible, but not to a less-than-significant level.

Mitigation Measure 4.8-1

The project applicant shall pay the required City of Manteca agricultural mitigation fee to help offset the conversion of Important Farmland. Consistent with Chapter 13.42 of the Manteca Municipal Code, a \$2,000 agricultural mitigation fee shall be assessed for every acre of Important Farmland that would be developed as part of the proposed project. A total of \$32,000 (\$2,000 multiplied by 16 acres) shall be provided to the City. Under the City’s program, the fees collected would be used to acquire farmland conservation easements and/or farmland deed restrictions. Consistent with goals of the City’s Right To Farm ordinance, this mitigation measure would help reduce the occurrence of conflicts between nonagricultural and agricultural land uses due to development pressures by preserving agricultural lands located within the project vicinity.

Implementation of this mitigation measure would substantially lessen significant impacts associated with the conversion of 16 acres of Important Farmland on the project site because funding conservation easements would provide assistance to the public and private sectors in protecting other farmland from the pressures of development. The agricultural mitigation fee would be used to specifically purchase farmland easements and/or farmland deed restrictions to partially offset project impacts; however, 16 acres would still be unavoidably lost. In addition, no new farmland would be made available and the productivity of existing farmland would not be improved as a result of this mitigation measure. Therefore, full compensation for losses of Important Farmland would not be achieved. No other feasible mitigation is available. Impact 4.8-1 (Direct Conversion of 16 Acres of Important Farmland to Nonagricultural Urban Use) would remain **significant and unavoidable** after mitigation.

1.4.9 HYDROLOGY AND WATER QUALITY

SIGNIFICANT EFFECT: TEMPORARY CONSTRUCTION-RELATED WATER QUALITY EFFECTS (IMPACT 4.9-1)

Temporary construction-related ground disturbances on the project site could result in the discharge of stormwater and non-stormwater discharges containing pollutants to nearby drainage systems and ultimately into the San Joaquin River. The discharge of pollutants to local waterways would be a **potentially significant** construction-related water quality impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure that would reduce to a less-than-significant level the project's temporary construction-related water quality effects.

Measure 4.9-1

The project applicant shall implement Mitigation Measure 4.7-3, "Construction-Related Erosion Hazards."

SIGNIFICANT EFFECT: LONG-TERM WATER QUALITY EFFECTS OF URBAN RUNOFF (IMPACT 4.9-2)

The project would convert agricultural land to commercial shopping center use, and thereby change the amount and timing of potential waste discharges in stormwater runoff. Because specifics related to the stormwater drainage system and water quality treatment features that would be constructed to serve the project site are unknown at this time, the storm drain system would have the potential to discharge urban and construction-related contaminants into SSJID water drainage facilities. Therefore, this would be a **potentially significant** impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure that would reduce to a less-than-significant level the project's long-term water quality effects of urban runoff.

Measure 4.9-2

The project applicant shall implement permanent water quality features (BMPs) designed in conformance with standards of the Central Valley RWQCB, the City of Manteca, and SSJID. The applicant shall submit designs for these features to the City prior to issuance of a grading permit. The project applicant shall implement BMPs such as, but not limited to, the following:

- a. The project applicant shall ensure that post-development peak stormwater runoff discharge rates do not exceed the estimated pre-development rate to decrease the potential for downstream erosion. To address peak stormwater discharge rates, the project applicant shall confirm that the Dutra NE stormwater basin is properly sized to accommodate the proposed project.
- b. The project shall be designed to minimize, to the maximum extent practicable, the introduction of pollutants of concern that may result in significant impacts, generated from site runoff of directly connected impervious areas, to the storm water conveyance system as approved by the City. Pollutants of concern consist of any pollutants that exhibit one or more of the following characteristics: current loadings or historic deposits of the pollutant are adversely affecting the beneficial uses of a receiving water, elevated levels of the pollutant are found in sediments of a receiving water and/or have the potential to bioaccumulate in organisms therein, or the detectable inputs of the pollutant are at concentrations or loads considered potentially toxic to humans and/or flora and fauna.
- c. The project applicant shall provide storm drain system stenciling and signage, where appropriate. Storm drain stencils are highly visible source controls that are typically placed directly adjacent to storm drain inlets. The stencil contains a brief statement that prohibits the dumping of improper materials into the storm water conveyance system. Graphical icons, either illustrating anti-dumping symbols or images of receiving water fauna, are effective supplements to the anti-dumping message. All storm drain inlets and catch basins within

the project area shall be stenciled with prohibitive language (e.g., NO DUMPING – DRAINS TO RIVER) and/or graphical icons to discourage illegal dumping.

- d. Where proposed project plans include outdoor areas for storage of materials that may contribute pollutants to the storm water conveyance system, the following structural or treatment BMPs shall be implemented:
- ▶ materials with the potential to contaminate storm water shall be: (1) placed in an enclosure such as, but not limited to, a cabinet, shed, or similar structure that prevents contact with runoff or spillage to the storm water conveyance system; or (2) protected by secondary containment structures such as berms, dikes, or curbs;
 - ▶ the storage area shall be paved and sufficiently impervious to contain leaks and spills; and
 - ▶ the storage area shall have a roof or awning to minimize collection of storm water within the secondary containment area.
- e. To minimize the off-site transport of pollutants in parking areas, the applicant shall implement stormwater BMPs, such as bioretention areas in landscaping or any swale areas (to the maximum extent feasible), to infiltrate or treat runoff.

Implementation of nonstructural BMPs, through various public education and outreach programs maintained by the City under the municipal NPDES stormwater permit, would also serve to limit the types, amounts, and likely discharges of urban runoff into stormwater.

SIGNIFICANT EFFECT: GROUNDWATER SUPPLY AND QUALITY (CUMULATIVE)

The City is a participant in the South San Joaquin Irrigation District (SSJID) South County Water Supply Project (SCWSP), designed to ultimately reduce the City’s dependence on groundwater resources which have historically been overdrafted. As a result, it is anticipated that providing potable water needed to serve land uses associated with the project (i.e., retail, commercial) would result in less-than-significant impacts to groundwater resources. However, cumulatively significant impacts could occur because of overdrafting or an increase of salinity intrusion resulting from cumulative groundwater usage by entities other than the City of Manteca. The City would continue to limit its contribution to this impact by limiting its own groundwater usage to what has been determined to be sustainable levels. Despite the City of Manteca’s limitations on its own groundwater usage, groundwater impacts could be cumulatively considerable because the city cannot be certain that other groundwater users would similarly limit their own groundwater usage to sustainable levels. Implementation of the proposed project would contribute to this **cumulatively significant** impact.

Finding

Because of the scale and location of the proposed project, there is no feasible mitigation available to address cumulative impacts associated with groundwater supply and quality. Although the City would continue to limit its contribution to this impact by limiting its own groundwater usage to what has been determined to be sustainable levels, there is no mechanism to allow implementation of the project while avoiding cumulative impacts to groundwater supply and quality. Because no feasible mitigation is available to reduce this impact to a less-than-significant level, this impact would be considered cumulatively significant and unavoidable.

Cumulative impacts to groundwater resources would be further reduced or avoided by the No Project Alternative-No Development Alternative. As discussed in Section 1.1, “Introduction,” of this document and as discussed herein, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR that would reduce this impact to a less-than-significant level.

A Statement of Overriding Considerations has been prepared (see Chapter 2, “Statement of Overriding Considerations,” of this document) to address this issue.

Facts in Support of Finding

Because of the scale and location of the proposed project, there is no feasible mitigation available to reduce cumulative impacts associated with groundwater supply and quality to a less-than-significant level.

1.4.10 PUBLIC SERVICES AND UTILITIES

SIGNIFICANT EFFECT: IMPACTS ON EXISTING UTILITY CORRIDORS (IMPACT 4.10-9)

Development of the proposed project could potentially disrupt existing aboveground and underground utility facilities in the project area, resulting in interruption of service. This would be a **potentially significant** impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure that would reduce to a less-than-significant level the project’s impacts on existing utility corridors.

Measure 4.10-9

PG&E owns and operates natural gas and electric facilities that are located within and adjacent to the proposed project area. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. To ensure compliance with these standards, the City of Manteca will coordinate with PG&E early in the development of project plans. Any proposed development plans will provide for unrestricted utility access and prevent easement encroachments that might impair the safe and reliable maintenance and operation of PG&E’s facilities.

The project applicant shall be responsible for the costs associated with the relocation of existing PG&E facilities to accommodate the development of the proposed project. Because facilities relocations require long lead times and are not always feasible, the applicant is encouraged to consult with PG&E as early in the planning stages as possible. Relocations of PG&E’s electric transmission and substation facilities (50,000 volts and above) could also require formal approval from the CPUC. If required, this approval process could take up to 2 years to complete. The City will consult with PG&E for additional information and assistance in the development of its project schedule to reduce effects on utility service associated with project development.

SIGNIFICANT EFFECT: WASTEWATER (CUMULATIVE)

The City of Manteca Wastewater Quality Control Facility Master Plan (1999) defines sewer facilities required to meet the city’s level of service standard for serving future development. It is assumed that the development of future related projects and/or development of additional utility systems required to serve future projects would undergo environmental review as required by CEQA. However, it cannot be assumed that all potential environmental impacts associated with development of additional wastewater capacity and infrastructure required to serve these related projects would necessarily be mitigated to less-than-significant levels. Therefore, potentially significant cumulative utilities impacts could occur related to wastewater treatment and disposal capacity

expansions, as needed, and the project's contribution to this **significant cumulative impact** would be cumulatively considerable.

Finding

Because the impacts of the wastewater infrastructure is subject to independent review and mitigation, and the project would have no control over these impacts/mitigation, there is no feasible mitigation available to address cumulative impacts associated wastewater services. Although it is can be assumed that the development of future related projects and/or development of additional utility systems required to serve future projects would undergo environmental review as required by CEQA, it cannot be assumed that all potential environmental impacts associated with development of additional wastewater capacity and infrastructure required to serve these related projects would necessarily be mitigated to less-than-significant levels. This impact is considered cumulatively significant and unavoidable.

As discussed in Section 1.1, "Introduction," of this document and as discussed herein, those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency. Therefore, there are no other considerations make infeasible the mitigation measures or project alternatives identified in the EIR that would reduce this impact to a less-than-significant level.

A Statement of Overriding Considerations has been prepared (see Chapter 2, "Statement of Overriding Considerations," of this document) to address this issue.

Facts in Support of Finding

Because the impacts of the wastewater infrastructure is subject to independent review and mitigation, and the project would have no control over these impacts/mitigation, there is no feasible mitigation available to reduce cumulative impacts associated wastewater services to a less-than-significant level.

1.4.11 TRANSPORTATION AND CIRCULATION

SIGNIFICANT EFFECT: INCREASES IN PEAK HOUR TRAFFIC VOLUMES ON REGIONAL ROADWAYS RESULTING IN UNACCEPTABLE LEVELS OF SERVICE (IMPACT 4.11-1)

The proposed project would cause an increase in p.m. peak hour traffic volumes that would result in unacceptable levels of service and warrant the need for improvements at five intersections. Because the project would result in an unacceptable operating condition based on applicable standards, this impact would be **significant**.

Finding

With implementation of Mitigation Measure 4.11-1, the project's impacts to two local area intersections would be reduced to a less-than-significant level because the project applicant would be required to pay required Public Facility Improvement Program (PFIP) fees. However, for some intersections (Union Road/Daniels Street, Union Road/SR 120 westbound ramps, and Union Road/SR 120 eastbound ramps), full funding for the improvements has not been identified, recommended improvements are subject to the control of Caltrans, and it is unknown whether the improvements would be implemented at the time the project builds out. Therefore, for purposes of CEQA, this would be considered a significant and unavoidable interim impact.

Impacts to transportation and circulation would be further reduced or avoided by the No Project Alternative-No Development Alternative and the Mitigated Design Alternative. As discussed in Section 1.1, "Introduction," of this document and as discussed herein, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR that would reduce these impacts to a less-than-significant level.

A Statement of Overriding Considerations has been prepared (see Chapter 2, “Statement of Overriding Considerations,” of this document) to address this issue.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure for the project’s impacts to traffic. This mitigation measure would reduce impacts related to the increases in peak hour traffic volumes on regional roadways to the greatest extent feasible, but not to a less-than-significant level.

Mitigation Measure 4.11-1

- a. The project applicant shall coordinate with the City of Manteca to determine and to pay the project’s fairshare costs of the installation of traffic signals at the following intersections:
- ▶ Airport Way and SR 120 Westbound Ramps and
 - ▶ Airport Way and SR 120 Eastbound Ramps.

Installation of these traffic signals would improve operation of these study intersections to LOS D or better. The traffic signals at the ramp terminals on Airport Way are funded and are expected to be operational by February 2008. Because the City’s existing PFIP is the funding source for this traffic signal, the project applicant’s payment of the most current PFIP fee at the time the building permit is issued would cover the fair-share cost of the traffic signals.

- b. To mitigate for the project’s contribution to impacts to the intersections listed below, the project applicant shall make a fair-share contribution (currently estimated at 9.5% of the total costs) toward the unfunded portion of the intersection improvements. The fair-share percentage and the dollar amount of the fee/contribution will be determined at the time of final map approval.

Project traffic would exacerbate currently unacceptable LOS at the following intersections:

- ▶ Union Road and Daniels Street,
- ▶ Union Road and State Route 120 Westbound Ramps, and
- ▶ Union Road and State Route 120 Eastbound Ramps.

Traffic signals are warranted at the above intersections. Installation of these traffic signals would improve unacceptable LOS to LOS D or better during a.m. and p.m. peak hours. While the installation of traffic signals would provide acceptable operations at these study intersections, the impact is **significant and unavoidable** for the following reasons:

- ▶ Full funding for the signalization improvements has not been identified.
- ▶ The timeline for completion of the interchange improvements is unknown.
- ▶ The signalization improvements at the Union Road/SR 120 intersections are outside the control of the city or the project applicant and implementation cannot be guaranteed.

SIGNIFICANT EFFECT: INCREASES IN PROJECT-RELATED TRAFFIC VOLUMES ON FREEWAY OPERATIONS (IMPACT 4.11-3)

The project would increase traffic volumes along freeway mainline segments and ramp junctions of SR 120. The addition of project-generated traffic to freeway mainline segments would degrade currently acceptable LOS conditions to unacceptable conditions. This would be a **significant** impact.

Finding

Because the timeframe for the widening improvement is unknown and the improvement is outside the control of the City or the project applicant, no feasible mitigation measures are available to reduce the project's impact to operation of SR 120 on the westbound mainline segment between Airport Way and Yosemite Avenue during a.m. peak hours, and on the eastbound mainline segment between Yosemite Avenue and Airport Way during p.m. peak hours under existing plus project conditions. Therefore, this impact would remain significant and unavoidable.

Impacts to transportation and circulation would be further reduced or avoided by the No Project Alternative-No Development Alternative and the Mitigated Design Alternative. As discussed in Section 1.1, "Introduction," of this document and as discussed herein, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR that would reduce these impacts to a less-than-significant level.

A Statement of Overriding Considerations has been prepared (see Chapter 2, "Statement of Overriding Considerations," of this document) to address this issue.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure for the project's impacts to traffic. This mitigation measure would reduce impacts related to the increases in project-related traffic volumes on freeway operations to the greatest extent feasible, but not to a less-than-significant level.

Mitigation Measure 4.11-3

The addition of project-generated traffic would exacerbate unacceptable LOS at the following freeway mainline segment, based on Caltrans standards:

- ▶ State Route 120 Eastbound, between Yosemite Avenue and Airport Way (p.m. peak hour) and
- ▶ State Route 120 Westbound, between Airport Way and Yosemite Avenue (a.m. peak hour).

Widening SR 120 from four to six lanes (three in each direction) would provide LOS C or better conditions for the freeway mainline segments identified above. Widening improvements are identified in the SJCOG Regional Transportation Plan as a Tier 1 improvement. Funding was originally anticipated to come from the SJCOG regional transportation impact fee, but this fee has not kept up with cost increases. Measure K was passed on the November 2006 ballot and funding for this improvement is included in Measure K. Measure K would authorize the collection of retail transaction and use taxes, which would be used to implement projects identified in the SJCOG's (i.e., the Local Transportation Authority's) adopted transportation plan. While funding would be available and the project would contribute its fair share by paying the regional transportation impact fee, it is unknown when this improvement would be implemented. Because the timeframe for the widening improvement is unknown and the improvement is outside the control of the City or the project applicant, this impact would remain **significant and unavoidable**. Nonetheless, the project applicant shall pay the SJCOG regional transportation fee (\$1.00 per square foot of commercial space) when building permits are issued to mitigate for its contribution to impacts to regional transportation facilities.

SIGNIFICANT EFFECT: INCREASES IN PEAK HOUR TRAFFIC VOLUMES ON REGIONAL ROADWAYS RESULTING IN UNACCEPTABLE LEVELS OF SERVICE UNDER CUMULATIVE PLUS PROJECT CONDITIONS (2015) (IMPACT 4.11-4)

Operational traffic conditions for cumulative conditions at most intersections in the project study area would operate at an unacceptable LOS. The project would exacerbate unacceptable LOS that would exceed the City of Manteca's LOS thresholds under cumulative conditions. In addition, the project would exacerbate existing

unacceptable levels of service along roadway segments of Airport Way and Union Road. This would be a **significant** impact.

Finding

While implementation of Mitigation Measure 4.11-4 (a through r) would substantially reduce the project's cumulative transportation impacts, it cannot be guaranteed at this time that recommended fair-share improvements to widening of Airport Way, Union Road, Yosemite Avenue, Wawona Street, Daniels Street, Atherton Drive, and Woodward Avenue and improvements to the SR 120 interchanges with Airport Way and Union Road would be implemented prior to buildout of the project site. Further, it is legally infeasible to require an applicant to pay more than its fair share of the costs associated with a mitigation measure. Therefore, for purposes of CEQA, this impact would remain significant and unavoidable.

Impacts to transportation and circulation would be further reduced or avoided by the No Project Alternative-No Development Alternative and the Mitigated Design Alternative. As discussed in Section 1.1, "Introduction," of this document and as discussed herein, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR that would reduce these impacts to a less-than-significant level.

A Statement of Overriding Considerations has been prepared (see Chapter 2, "Statement of Overriding Considerations," of this document) to address this issue.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure for the project's impacts to traffic. This mitigation measure would reduce impacts related to the increases in peak hour traffic volumes on regional roadways to the greatest extent feasible, but not to a less-than-significant level.

Mitigation Measure 4.11-4a

To help implement these improvements, the project applicant shall make a fair-share contribution toward the unfunded portion of the intersection improvements. The fair-share percentage and the dollar amount of the fee/contribution will be determined at the time of final map approval.

The City general plan shows Yosemite Avenue and Airport Way as six-lane facilities in the future. As part of the widening projects, this intersection would be improved. However, as mentioned previously, full funding for general plan roadway improvements has not been identified since the current PFIP covers only a portion of the cost. Acceptable operations can be provided at this intersection with the construction of the improvements listed below:

- ▶ provide an additional through lane in the southbound approach;
- ▶ provide an additional through lane and a shared through-right lane in the northbound approach; and
- ▶ provide an exclusive right-turn lane on the eastbound approach.

A LOS analysis indicates that if the intersection is configured as described above, it will operate at LOS D or better during the a.m. and p.m. peak hours. Table 4.11-17 presents the intersection LOS results under Cumulative Plus Project with Mitigation Conditions.

Note that a subsequent mitigation measure (4.11-4[p]) requires that Airport Way be widened to four lanes between Yosemite Avenue and Daniels Street to accommodate project trips at an acceptable LOS. By widening the roadway and providing additional through lanes at the intersection approaches, this intersection will operate at an acceptable LOS. The roadway widening therefore has a secondary benefit that provides acceptable operations at this intersection.

Even though the improvements described above will provide acceptable operations under Cumulative Plus Project conditions, for purposes of CEQA, the impact is considered **significant and unavoidable** because full funding for the improvements has not been identified and implementation of the improvements prior to project buildout cannot be guaranteed.

Mitigation Measure 4.11-4b

To help implement these improvements, the project applicant shall make a fair-share contribution toward the unfunded portion of the intersection improvements. The fair-share percentage and the dollar amount of the fee/contribution will be determined at the time of final map approval.

The General Plan shows Airport Way as six-lane facility in the future. As part of the Airport Way widening project, this intersection would be improved. However, as mentioned previously, full funding for General Plan roadway improvements has not been identified since the current PFIP covers only a portion of the cost. Acceptable operations can be provided at this intersection with the construction of the improvements listed below:

- ▶ signalize intersection,
- ▶ provide a single left-turn lane and two through lanes on the southbound approach, and
- ▶ provide an additional through lane on the northbound approach.

A LOS analysis indicates that if the intersection is configured as described above, it will operate at LOS B during the a.m. and p.m. peak hours.

Even though the improvements described above will provide acceptable operations under Cumulative Plus Project conditions, for purposes of CEQA, the impact is considered **significant and unavoidable** because full funding for the improvements has not been identified and implementation of the improvements prior to project buildout cannot be guaranteed.

Note that a subsequent mitigation measure requires that Airport Way be widened to four lanes between Yosemite Avenue and Daniels Street to accommodate project trips at an acceptable LOS. The mitigation measure at this intersection was designed to accommodate the roadway widening to four lanes. By providing the additional through lanes, this intersection will operate at an acceptable LOS. The roadway widening therefore has a secondary benefit that mitigates the impact at this intersection to a less-than-significant level.

Mitigation Measure 4.11-4c

To help implement these improvements, the project applicant shall make a fair-share contribution toward the unfunded portion of the intersection improvements. The fair-share percentage and the dollar amount of the fee/contribution will be determined at the time of final map approval.

The General Plan shows Airport Way as a six-lane facility in the future. As part of the Airport Way widening project, this intersection would be improved. However, as mentioned previously, full funding for General Plan roadway improvements has not been identified since the current PFIP covers only a portion of the cost. Acceptable operations can be provided at this intersection with the construction of the improvements listed below:

- ▶ provide an additional through lane, and add an overlap signal phase to the right-turn lane on the southbound approach;
- ▶ provide an additional left-turn lane, an additional through lane, and add an overlap signal phase to the rightturn lane on the northbound approach;

- ▶ add an overlap signal phase to the right-turn lane on the eastbound approach; and
- ▶ provide an additional left-turn lane on the westbound approach.

A LOS analysis indicates that if the intersection is configured as described above, it will operate at LOS D during the a.m. and p.m. peak hours. Table 4.11-17 presents the intersection LOS results under Cumulative Plus Project with Mitigation Conditions. As shown in Table 4.11-17, even with the mitigation described above, this intersection is close to operating at LOS E conditions during the p.m. peak hour. It is recommended that the City monitor this approach, and if traffic conditions warrant further improvements, the westbound through lane could be converted to a shared left/through lane. This improvement would also require that the intersection be operated under east-west “split” signal phasing, where the eastbound left and through traffic is given a green light, followed by the westbound left and through traffic.

Table 4.11-17 Cumulative Plus Project with Mitigation Intersection Levels of Service					
Intersection	Peak Hour ¹	Cumulative Plus Project		With Mitigation	
		Delay ²	LOS ³	Delay ²	LOS ³
1. Airport Way and Yosemite Avenue	a.m.	95.9	F	38.9	D
	p.m.	>100	F	50.3	D
2. Airport Way and Wawona Street	a.m.	>100 (>100)	F (F)	10.3	B
	p.m.	>100 (>100)	F (F)	12.4	B
3. Airport Way and Daniels Street	a.m.	>100	F	35.4	D
	p.m.	>100	F	55.0	D
4. Airport Way and State Route 120 Westbound Ramps	a.m.	>100	F	28.8	C
	p.m.	>100	F	17.1	B
5. Airport Way and State Route 120 Eastbound Ramps	a.m.	>100	F	20.0	C
	p.m.	>100	F	25.4	C
6. Airport Way and Atherton Drive	a.m.	>100 (>100)	F (F)	47.1	D
	p.m.	>100 (>100)	F (F)	40.0	D
7. Airport Way and Woodward Avenue	a.m.	>100	F	18.5	B
	p.m.	>100	F	37.1	D
8. Daniels Street and Fishback Road ⁴	a.m.	26.5	C	24.8	C
	p.m.	57.5	E	42.6	D
9. Union Road and Yosemite Avenue	a.m.	62.8	E	53.6	D
	p.m.	>100	F	45.1	D
10. Union Road and Wawona Street	a.m.	>100	F	37.2	D
	p.m.	>100	F	41.1	D
11. Union Road and Daniels Street	a.m.	>100 (>100)	F (F)	16.3	B
	p.m.	>100 (>100)	F (F)	18.0	B
12. Union Road and State Route 120 Westbound Ramps	a.m.	>100 (>100)	F (F)	23.7	C
	p.m.	>100 (>100)	F (F)	12.2	B
13. Union Road and State Route 120 Eastbound Ramps	a.m.	>100 (>100)	F (F)	21.2	C
	p.m.	>100 (>100)	F (F)	29.5	C
14. Union Road and Atherton Drive	a.m.	>100 (>100)	F (F)	27.8	C
	p.m.	>100 (>100)	F (F)	37.4	D
15. Union Road and Woodward Avenue	a.m.	>100	F	25.6	C
	p.m.	>100	F	46.3	D

Table 4.11-17 Cumulative Plus Project with Mitigation Intersection Levels of Service					
Intersection	Peak Hour ¹	Cumulative Plus Project		With Mitigation	
		Delay ²	LOS ³	Delay ²	LOS ³
Notes:					
¹ a.m. = morning peak hour, p.m. = evening peak hour.					
² Whole intersection weighted average control delay expressed in seconds per vehicle using methodology described in the <i>Highway Capacity Manual 2000</i> . For side street stop controlled intersections, delay for the worst movement is shown (whole intersection weighted average control delay in parentheses).					
³ LOS = Level of service. For side street stop controlled intersections, LOS for the worst movement is shown in parentheses. LOS calculations conducted using the Synchro level of service analysis software package.					
⁴ Traffic signal will be constructed as part of the proposed project.					
Note:					
Bold highlighting denotes intersections with unacceptable operations (LOS E or F) and that also meet peak hour volume warrants.					
Source: Data compiled by Fehr & Peers in 2007					

Even though the improvements described above will provide acceptable operations under Cumulative Plus Project conditions, for purposes of CEQA, the impact is considered **significant and unavoidable** because full funding for the improvements has not been identified and implementation of the improvements prior to project buildout cannot be guaranteed.

Mitigation Measure 4.11-4d

To help implement these improvements, the project applicant shall make a fair-share contribution toward the unfunded portion of the intersection improvements. The fair-share percentage and the dollar amount of the fee/contribution will be determined at the time of final map approval.

As described previously, the City of Manteca, in cooperation with Caltrans District 10 and SJCOG, has initiated a PSR for the State Route 120/Airport Way interchange. The interchange project will determine the required interchange design to serve full buildout of the City of Manteca General Plan (six lanes on Airport Way) and the planned widening of SR 120 from four to six lanes. Acceptable operations can be provided at this intersection with the construction of the improvements listed below:

- ▶ construct three through lanes and a right-turn lane on the southbound approach;
- ▶ construct an additional left-turn lane and two additional through lanes on the northbound approach; and
- ▶ construct two left-turn lanes, a shared through/right-turn lane, and a right-turn lane on the westbound approach.

A LOS analysis indicates that if the intersection is configured as described above, it will operate at LOS C during the a.m. and p.m. peak hours. Table 4.11-17 presents the intersection LOS results under Cumulative Plus Project with Mitigation Conditions.

While the improvements described above would provide acceptable operations at this intersection, the impact is still considered **significant and unavoidable** for the following reasons:

- ▶ full funding for the project has not been identified,
- ▶ the timeline for completion of the interchange improvements is unknown, and

- ▶ this project is outside the control of the City or the project applicant and its implementation cannot be guaranteed.

Measure 4.11-4e

To help implement these improvements, the project applicant shall make a fair-share contribution toward the unfunded portion of the intersection improvements. The fair-share percentage and the dollar amount of the fee/contribution will be determined at the time of final map approval.

As described previously, the City of Manteca, in cooperation with Caltrans District 10, and SJCOG has initiated a PSR for the State Route 120/Airport Way interchange. The interchange project will determine the required interchange design to serve full buildout of the City of Manteca General Plan (six lanes on Airport Way) and the planned widening of SR 120 from four to six lanes. Acceptable operations can be provided at this intersection with the construction of the improvements listed below:

- ▶ provide an additional left-turn lane and two additional through lanes on the southbound approach;
- ▶ provide three through lanes and a right-turn lane on the northbound approach; and
- ▶ provide one left-turn lane, a shared through/left-turn lane, and two right-turn lanes on the eastbound approach.

A LOS analysis indicates that if the intersection is configured as described above, it will operate at LOS C or better during the a.m. and p.m. peak hours. Table 4.11-17 presents the intersection LOS results under Cumulative Plus Project with Mitigation Conditions.

While the improvements described above would provide acceptable operations at this intersection, the impact is still considered **significant and unavoidable** for the following reasons:

- ▶ full funding for the project has not been identified,
- ▶ the timeline for completion of the interchange improvements is unknown, and
- ▶ this project is outside the control of the City or the project applicant and its implementation cannot be guaranteed.

Measure 4.11-4f

To help implement these improvements, the project applicant shall make a fair-share contribution toward the unfunded portion of the intersection improvements. The fair-share percentage and the dollar amount of the fee/contribution will be determined at the time of final map approval.

The General Plan shows Airport Way as a six-lane facility and Atherton Road as a four-lane facility in the future. As part of the widening projects, this intersection would be improved and signalized. However, as mentioned previously, full funding for General Plan roadway improvements has not been identified since the current PFIP covers only a portion of the cost. To meet the City's LOS standard, the following intersection improvements are necessary:

- ▶ signalize intersection,
- ▶ construct an additional left-turn lane and two through lanes on the southbound approach,
- ▶ construct an additional through lane and a shared through/right-turn lane on the northbound approach, and
- ▶ construct an additional left-turn lane on the eastbound approach.

A LOS analysis indicates that if the intersection is configured as described above, it will operate at LOS D or better during the a.m. and p.m. peak hours. Table 4.11-17 presents the intersection LOS results under Cumulative Plus Project with Mitigation Conditions.

Even though the improvements described above will provide acceptable operations under Cumulative Plus Project conditions, for purposes of CEQA, the impact is considered **significant and unavoidable** because full funding for the improvements has not been identified and implementation of the improvements prior to project buildout cannot be guaranteed.

Measure 4.11-4g

To help implement these improvements, the project applicant shall make a fair-share contribution toward the unfunded portion of the intersection improvements. The fair-share percentage and the dollar amount of the fee/contribution will be determined at the time of final map approval.

The General Plan shows Airport Way as a six-lane facility and Woodward Avenue as a four-lane facility in the future. As part of the widening projects, this intersection would be improved and signalized. However, as mentioned previously, full funding for General Plan roadway improvements has not been identified since the current PFIP covers only a portion of the cost. To meet the City's LOS standard the following intersection improvements are necessary:

- ▶ signalize intersection;
- ▶ construct one left-turn lane, one through lane, and one right-turn lane on the southbound approach;
- ▶ construct one left-turn lane, one through lane, and a shared through/right-turn lane on the northbound approach;
- ▶ construct one left-turn lane, one shared left/through lane, and one shared through/right-turn lane on the eastbound approach; and
- ▶ construct one left-turn lane, one through lane, and one shared through/right-turn lane on the eastbound approach.

A LOS analysis indicates that if the intersection is configured as described above, it will operate at LOS D or better during the a.m. and p.m. peak hours. Table 4.11-17 presents the intersection LOS results under Cumulative Plus Project with Mitigation Conditions.

Even though the improvements described above will provide acceptable operations under Cumulative Plus Project conditions, for purposes of CEQA, the impact is considered **significant and unavoidable** because full funding for the improvements has not been identified and implementation of the improvements prior to project buildout cannot be guaranteed.

Measure 4.11-4h

To help implement these improvements, the project applicant shall make a fair-share contribution toward the unfunded portion of the intersection improvements. The fair-share percentage and the dollar amount of the fee/contribution will be determined at the time of final map approval.

The General Plan shows Yosemite Avenue and Union Road as six-lane facilities in the future. As part of the widening projects, this intersection would be improved. However, as mentioned previously, full funding for General Plan roadway improvements has not been identified since the current PFIP covers only a portion of the cost. To meet the City's LOS standard the following intersection improvements are necessary:

- ▶ construct a single left-turn lane and an additional through lane on the southbound approach,
- ▶ construct an additional through lane and an exclusive right-turn lane on the northbound approach,
- ▶ construct an additional left-turn lane and one through lane on the eastbound approach, and
- ▶ construct an additional through lane and an exclusive right-turn lane on the westbound approach.

A LOS analysis indicates that if the intersection is configured as described above, it will operate at LOS D or better during the a.m. and p.m. peak hours. Table 4.11-17 presents the intersection LOS results under Cumulative Plus Project with Mitigation Conditions.

Even though the improvements described above will provide acceptable operations under Cumulative Plus Project conditions, for purposes of CEQA, the impact is considered **significant and unavoidable** because full funding for the improvements has not been identified and implementation of the improvements prior to project buildout cannot be guaranteed.

Note that a subsequent mitigation measure requires that Airport Way be widened to four lanes between Yosemite Avenue and Daniels Street to accommodate project trips at an acceptable LOS. The mitigation measure at this intersection was designed to accommodate the roadway widening to four lanes. By providing the additional through lanes, this intersection will operate at an acceptable LOS. The roadway widening therefore has a secondary benefit that provides acceptable operations at this intersection.

Measure 4.11-4i

The project applicant shall coordinate with the City and shall fully fund the retiming of the traffic signal at the Daniels Street/Fishback Road intersection (it is assumed that this signal is installed by the project applicant when the project opens). The retiming shall ensure that the operation of this intersection meets the City’s operational standards. Implementation of this measure would improve operation of this intersection to LOS D.

Measure 4.11-4j

To help implement these improvements, the project applicant shall make a fair-share contribution toward the unfunded portion of the intersection improvements. The fair-share percentage and the dollar amount of the fee/contribution will be determined at the time of final map approval.

The General Plan shows Union Road as four-lane facility in the future. As part of the Union Road widening project, this intersection would be improved. However, the LOS analysis indicated that additional northbound and southbound through lanes are required to meet LOS thresholds. Moreover, as mentioned previously, full funding for General Plan roadway improvements has not been identified since the current PFIP covers only a portion of the cost. Acceptable operations can be provided at this intersection with the construction of the improvements listed below:

- ▶ construct a shared through/right-turn lane on the southbound approach,
- ▶ construct an additional through lane on the northbound approach, and
- ▶ construct a through lane and an exclusive right-turn lane with overlapping phase on the westbound approach.

A LOS analysis indicates that if the intersection is configured as described above, it will operate at LOS D or better during the a.m. and p.m. peak hours. Table 4.11-17 presents the intersection LOS results under Cumulative Plus Project with Mitigation Conditions.

Even though the improvements described above will provide acceptable operations under Cumulative Plus Project conditions, for purposes of CEQA, the impact is considered **significant and unavoidable** because full funding for the improvements has not been identified and implementation of the improvements prior to project buildout cannot be guaranteed. Additionally, the cost of acquiring the necessary right-of-way to widen the northbound and southbound approaches to this intersection may be prohibitive.

Measure 4.11-4k

To help implement these improvements, the project applicant shall make a fair-share contribution toward the unfunded portion of the intersection improvements. The fair-share percentage and the dollar amount of the fee/contribution will be determined at the time of final map approval.

The General Plan shows Union Road as a four-lane facility in the future. As part of the Union Road widening project, this intersection would be improved. However, as mentioned previously, full funding for General Plan roadway improvements has not been identified since the current PFIP covers only a portion of the cost.

Acceptable operations can be provided at this intersection with the construction of the improvements listed below:

- ▶ signalize the intersection,
- ▶ construct two additional through lanes on the southbound approach,
- ▶ construct a single left-turn lane and a right-turn lane on the eastbound approach, and
- ▶ construct a single left-turn lane and three through lanes on the northbound approach.

A LOS analysis indicates that if the intersection is configured as described above, it will operate at LOS D or better during the a.m. and p.m. peak hours. Table 4.11-17 presents the intersection LOS results under Cumulative Plus Project with Mitigation Conditions.

Even though the improvements described above will provide acceptable operations under Cumulative Plus Project conditions, for purposes of CEQA, the impact is considered **significant and unavoidable** because full funding for the improvements has not been identified and implementation of the improvements prior to project buildout cannot be guaranteed.

Measure 4.11-4l

To help implement these improvements, the project applicant shall make a fair-share contribution toward the unfunded portion of the intersection improvements. The fair-share percentage and the dollar amount of the fee/contribution will be determined at the time of final map approval.

As described previously, the City of Manteca, in cooperation with Caltrans District 10 and SJCOG, has initiated a combined PSR/EIR for the State Route 120/Union Road interchange. The interchange project will determine the required interchange design to serve full buildout of the City of Manteca General Plan (four lanes on Union Road) and the planned widening of SR 120 from four to six lanes. Acceptable operations can be provided at this intersection with the construction of the improvements listed below:

- ▶ construct an additional left-turn lane and through lane on the northbound approach,
- ▶ construct two through lanes and an exclusive right-turn lane on the southbound approach, and
- ▶ construct an additional left-turn lane and a right-turn lane on the westbound approach.

A LOS analysis indicates that if the intersection is configured as described above, it will operate at LOS B or better during the a.m. and p.m. peak hours. Table 4.11-17 presents the intersection LOS results under Cumulative Plus Project with Mitigation Conditions.

While the improvements described above would provide acceptable operations at this intersection, the impact is still considered **significant and unavoidable** for the following reasons:

- ▶ full funding for the project has not been identified,
- ▶ the timeline for completion of the interchange improvements is unknown, and

- ▶ this project is outside the control of the City or the project applicant and its implementation cannot be guaranteed.

Measure 4.11-4m

To help implement these improvements, the project applicant shall make a fair-share contribution toward the unfunded portion of the intersection improvements. The fair-share percentage and the dollar amount of the fee/contribution will be determined at the time of final map approval.

As described previously, the City of Manteca, in cooperation with Caltrans District 10 and SJCOG, has initiated a combined PSR/EIR for the State Route 120/Union Road interchange. The interchange project will determine the required interchange design to serve full buildout of the City of Manteca General Plan (four lanes on Union Road) and the planned widening of SR 120 from four to six lanes. Acceptable operations can be provided at this intersection with the construction of the improvements listed below:

- ▶ construct an additional through lane on the southbound approach;
- ▶ construct three through lanes and a right-turn lane on the northbound approach; and
- ▶ construct one left-turn lane, a shared left/through lane, and two right-turn lanes on the eastbound approach.

A LOS analysis indicates that if the intersection is configured as described above, it will operate at LOS C or better during the a.m. and p.m. peak hours. Table 4.11-17 presents the intersection LOS results under Cumulative Plus Project with Mitigation Conditions.

While the improvements described above would provide acceptable operations at this intersection, the impact is still considered **significant and unavoidable** for the following reasons:

- ▶ full funding for the project has not been identified,
- ▶ the timeline for completion of the interchange improvements is unknown, and
- ▶ this project is outside the control of the City or the project applicant and its implementation cannot be guaranteed.

Measure 4.11-4n

To help implement these improvements, the project applicant shall make a fair-share contribution toward the unfunded portion of the intersection improvements. The fair-share percentage and the dollar amount of the fee/contribution will be determined at the time of final map approval.

The General Plan shows Union Road as a six-lane facility and Atherton Road as a four-lane facility in the future. As part of the widening projects, this intersection would be improved and signalized. However, as mentioned previously, full funding for General Plan roadway improvements has not been identified since the current PFIP covers only a portion of the cost. To meet the City's LOS standard, the following intersection improvements are necessary:

- ▶ signalize intersection;
- ▶ construct two left-turn lanes, one through lane, and a shared through/right-turn lane on the eastbound approach;
- ▶ construct two left-turn lanes, one through lane, and a shared through/right-turn lane on the northbound approach;
- ▶ construct a left-turn lane, two through lanes, and a right-turn lane on the westbound approach; and

- ▶ construct two left-turn lanes, two through lanes, and a right-turn lane on the southbound approach.

A LOS analysis indicates that if the intersection is configured as described above, it will operate at LOS D or better during the a.m. and p.m. peak hours. Table 4.11-17 presents the intersection LOS results under Cumulative Plus Project with Mitigation Conditions.

Even though the improvements described above will provide acceptable operations under Cumulative Plus Project conditions, for purposes of CEQA, the impact is considered **significant and unavoidable** because full funding for the improvements has not been identified and implementation of the improvements prior to project buildout cannot be guaranteed.

Measure 4.11-4o

To help implement these improvements, the project applicant shall make a fair-share contribution toward the unfunded portion of the intersection improvements. The fair-share percentage and the dollar amount of the fee/contribution will be determined at the time of final map approval.

The General Plan shows Union Road and Woodward Avenue as four-lane facilities in the future. As part of the widening projects, this intersection would be improved and signalized. However, as mentioned previously, full funding for General Plan roadway improvements has not been identified since the current PFIP covers only a portion of the cost. To meet the City's LOS standard the following intersection improvements are necessary:

- ▶ signalize intersection and
- ▶ construct one left-turn lane and one shared through/right-turn lane on all approaches.

A LOS analysis indicates that if the intersection is configured as described above, it will operate at LOS D or better during the a.m. and p.m. peak hours. Table 4.11-17 presents the intersection LOS results under Cumulative Plus Project with Mitigation Conditions.

Even though the improvements described above will provide acceptable operations under Cumulative Plus Project conditions, for purposes of CEQA, the impact is considered **significant and unavoidable** because full funding for the improvements has not been identified and implementation of the improvements prior to project buildout cannot be guaranteed.

Measure 4.11-4p

To help implement these improvements, the project applicant shall make a fair-share contribution toward the unfunded portion of the intersection improvements. The fair-share percentage and the dollar amount of the fee/contribution will be determined at the time of final map approval.

The widening of Airport Way and Union Road has been identified as needed by the City of Manteca's General Plan. The project applicant shall pay its fair share of the cost of widening Airport Way and Union Road, as follows:

- ▶ Airport Way between Daniels Street and Yosemite Avenue, widen from two to four lanes;
- ▶ Airport Way between Daniels Street and Atherton Drive, widen from two to six lanes;
- ▶ Union Road between SR 120 and Yosemite Avenue, widen from two to four lanes, except near Wawona Street (see below); and
- ▶ Union Road between SR 120 and Atherton Drive, widen from two to six lanes;

Table 4.11-18 shows that adequate roadway segment operations can be provided by widening Airport Way and Union Road.

Roadway Segment	Volume ¹	Plus Project		With Mitigation	
		Lanes	LOS ²	Lanes	LOS ²
1. Airport Way, between Yosemite Avenue and Wawona Street	20,890	2	F	4	C
2. Airport Way, between Wawona Street and Daniels Street	22,720	2	F	4	D
3. Airport Way, between Daniels Street and SR 120 WB Ramps	35,560	2	F	6	D
4. Airport Way, between SR 120 WB Ramps and SR 120 EB Ramps	33,290	2	F	6	C
5. Airport Way, between SR 120 EB Ramps and Atherton Road	31,690	2	F	6	C
6. Airport Way, between Atherton Road and Woodward Avenue	16,430	2	F	4	C
7. Union Road, between Yosemite Avenue and Wawona Street	26,620	2	F	4	D
8. Union Road, between Wawona Street and Daniels Street	25,860	2	F	4	D
9. Union Road, between Daniels Street and SR 120 WB Ramps	25,160	2	F	4	D
10. Union Road, between SR 120 WB Ramps and SR 120 EB Ramps	24,430	2	F	4	D
11. Union Road, between SR 120 EB Ramps and Atherton Drive	23,940	2	F	4	D

Notes:
¹ Average daily traffic
² LOS = level of service
Source: Data compiled by Fehr & Peers in 2007

Although the ADT projection requires Union Road widening from two to four lanes, the intersection operations at the Union Road/Wawona Street intersection would require three through lanes in each direction on Union Road to operate acceptably (the additional through lanes could be dropped no less than 300 feet downstream of the intersection to provide adequate lane utilization).

Based on a site visit to this intersection, there is not adequate right-of-way to accommodate three northbound and southbound through lanes (particularly north of the Wawona Street). Since Union Road is currently two lanes south of Wawona Street, additional improvements are required to build out the circulation element shown in the General Plan. Therefore, it is recommended that right-of-way be reserved on Union Road south of Wawona Street to provide the mitigated lane configurations identified in Mitigation Measure 4.11-4(j).

The improvements described above will provide acceptable operations under Cumulative Plus Project conditions; however, for purposes of CEQA, the impact is considered **significant and unavoidable** because full funding for the improvements has not been identified and implementation of the improvements prior to project buildout cannot be guaranteed.

Measure 4.11-4q

To mitigate project impacts on SR 120, the project applicant shall pay the SJCOG Regional Transportation Impact Fee when building permits are issued.

As shown in Table 4.11-19, the widening of SR 120 from four to six lanes (three in each direction) would provide LOS C conditions in the off-peak directions for the freeway segments identified above. However, even with the additional lanes on SR 120, the peak directions of travel (westbound in the a.m. peak hour, eastbound in the p.m. peak hour) will continue to operate at LOS F conditions and additional widening improvements (e.g., eight lanes) are not planned.

Table 4.11-19 Cumulative Plus Project with Mitigation State Route 120 Mainline Levels of Service						
Travel Direction	Segment	Peak Hour	Cumulative Plus Project		With Mitigation	
			Density ¹	LOS ²	Density ¹	LOS ²
Eastbound	Yosemite to Airport	a.m.	36.8	E	22.9	C
		p.m.	>45	F	44.5	E
	Airport to Union	a.m.	31.0	D	20.0	C
		p.m.	>45	F	36.5	E
	Union to Main	a.m.	27.7	D	17.9	B
		p.m.	>45	F	28.5	D
Westbound	Main to Union	a.m.	>45	F	37.2	E
		p.m.	28.3	D	18.7	C
	Union to Airport	a.m.	>45	F	>45	F
		p.m.	31.2	D	20.5	C
	Airport to Yosemite	a.m.	> 45	F	> 45	F
		p.m.	39.9	E	24.4	C

Notes:
¹ Measured in vehicles per mile per lane
² LOS = level of service
Source: Data compiled by Fehr & Peers in 2007

Because the widening improvement is outside the control of the City or the project applicant and the improvements would not provide acceptable operations on the freeway mainline, this impact would remain **significant and unavoidable**.

Measure 4.11-4r

As mentioned previously, the City of Manteca, in cooperation with Caltrans District 10 and SJCOG has initiated a PSR for the SR 120/Airport Way interchange and a combined PSR/EIR for the SR 120/Union Road interchange. The interchange project will determine the required design to serve full buildout of the City of Manteca General Plan and the planned widening of SR 120 from four to six lanes. The on-ramp and off-ramp designs will provide the necessary acceleration, deceleration, and storage lengths to serve projected morning and evening peak hour volumes at acceptable levels of service. To reduce the impact of project trips, the project applicant shall pay its fair share for interchange improvements. The fair-share percentage and the dollar amount of the fee/contribution will be determined at the time of final map approval.

As shown in Table 4.11-20, the LOS results with the interchange improvements in place indicate that the following ramp junctions are expected to operate at an acceptable LOS during the a.m. and p.m. peak hours under Cumulative Plus Project Conditions except the following ramp junctions:

The LOS analysis indicates that the following ramp junctions will operate at LOS F conditions during the a.m. or p.m. peak hour because of congestion on the freeway mainline:

- ▶ Westbound SR 120 on-ramp from Union Road is expected to operate at LOS E during the a.m. peak hour and
- ▶ Westbound SR 120 on-ramp from Airport Way is expected to operate at LOS F during the a.m. peak hour.

Table 4.11-20 Cumulative Plus Project with Mitigation State Route 120 Ramp Levels of Service							
Travel Direction	Ramp	Merge/ Diverge	Peak Hour	Cumulative Plus Project		With Mitigation	
				Density ¹	LOS ²	Density ¹	LOS ²
SR 120 Eastbound	Airport Way	Diverge	a.m.	34.9	D	11.5	B
		(off-ramp)	p.m.	58.7	F	26.5	C
	Union Road	Merge	a.m.	29.9	D	20.2	C
		(on-ramp)	p.m.	50.1	F	33.7	D
	Union Road	Diverge	a.m.	30.5	D	8.3	A
		(off-ramp)	p.m.	53.0	F	22.7	C
Union Road	Merge	a.m.	27.1	C	18.0	B	
	(on-ramp)	p.m.	41.7	F	27.3	C	
SR 120 Westbound	Union Road	Diverge	a.m.	53.6	F	32.8	D
		(off-ramp)	p.m.	28.4	D	20.1	C
	Union Road	Merge	a.m.	56.7	F	38.3	E
		(on-ramp)	p.m.	30.5	D	21.6	C
	Airport Way	Diverge	a.m.	60.3	F	28.1	D
		(off-ramp)	p.m.	31.2	D	8.7	A
Airport Way	Merge	a.m.	58.0	F	39.0	F	
	(on-ramp)	p.m.	35.6	E	26.1	C	

Notes:
¹ Measured in vehicles per mile per lane
² LOS = level of service
Source: Data compiled by Fehr & Peers in 2007

Because the interchange improvements do not mitigate the impact of the project, the interchange improvements are not under the control of the City or applicant, and no funding sources have been identified for the interchange improvements, this remains a **significant and unavoidable** impact.

SIGNIFICANT EFFECT: INCREASES IN PEAK HOUR TRAFFIC VOLUMES ON REGIONAL ROADWAYS RESULTING IN UNACCEPTABLE LEVELS OF SERVICE UNDER CUMULATIVE PLUS PROJECT CONDITIONS (2015) (IMPACT 4.11-4)

Operational traffic conditions for cumulative conditions at most intersections in the project study area would operate at an unacceptable LOS. The project would exacerbate unacceptable LOS that would exceed the City of Manteca’s LOS thresholds under cumulative conditions. This would be a **significant** impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure that would reduce to a less-than-significant level the project’s increase in peak hour traffic volumes at the Daniels Street/Fishback Road intersection.

Measure 4.11-4i

The project applicant shall coordinate with the City and shall fully fund the retiming of the traffic signal at the Daniels Street/Fishback Road intersection (it is assumed that this signal is installed by the project applicant when

the project opens). The retiming shall ensure that the operation of this intersection meets the City's operational standards. Implementation of this measure would improve operation of this intersection to LOS D.

SIGNIFICANT EFFECT: INCREASED ROADWAY CONGESTION FROM CONSTRUCTION TRAFFIC (IMPACT 4.11-5)

It is estimated that 80 one-way daily trips to the project site would be generated during peak construction periods. This could result in adverse effects on the operation of project area roadways during the peak commute periods. In addition, construction traffic, particularly truck traffic, could degrade pavement conditions along access roadways. This impact would be **significant**.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure that would reduce to a less-than-significant level the project's increased roadway congestion from construction traffic.

Measure 4.11-5

Prior to the issuance of grading permits, the project applicant shall prepare a Construction Management Plan and submit the plan to the City of Manteca Public Works Department for review and approval. The Construction Management Plan shall identify the timing of construction and the timing of elements that would result in the full or partial blockage of local roadways. The plan shall specify the measures that would be implemented to minimize traffic-related impacts, including construction parking during construction, which shall be limited to on-site areas or facilities designated for parking uses (e.g., parking lots). These measures could include, but are not limited to the following: use of signage notifying travelers that they are entering a construction zone; and use of cones, flaggers, and guide-vehicles to direct traffic through the construction zone. In addition, the plan shall include, at a minimum, the following conditions:

- ▶ Local roadways shall be jointly monitored by the City and project applicant every six months to determine whether project-related construction traffic is degrading roadway conditions. Roadways with potential to be damaged by construction traffic and included in the monitoring effort shall be agreed to by the City and the project applicant.
- ▶ All degradation of pavement conditions because of project-related construction traffic shall be fully repaired by the project applicant to the satisfaction of the City of Manteca, based on maintaining at least preconstruction conditions.
- ▶ Procedures shall be provided for any road closures and movement of large construction vehicles such as cranes and dump trucks.
- ▶ Plans shall be provided for lane closures, including times (e.g., limit closures to between 9:00 a.m. and 4:00 p.m.).

A copy of the plan shall be submitted to local emergency response agencies and these agencies shall be notified at least 14 days before the commencement of construction that would partially or fully obstruct local roadways.

SIGNIFICANT EFFECT: IMPACTS ON EMERGENCY VEHICLE ACCESS (IMPACT 4.11-6)

The project would provide adequate emergency access to the project site. However, construction vehicles could temporarily obstruct local roadways, which could impair the ability of local emergency response agencies to respond to an emergency in the project area. This impact would be **potentially significant**.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure that would reduce to a less-than-significant level the project's impacts on emergency vehicle access.

Measure 4.11-6

The project applicant shall coordinate with appropriate agencies (e.g., police and fire departments) to ensure that the site plan has adequate emergency vehicle access.

SIGNIFICANT EFFECT: BUS TRANSIT SERVICES (IMPACT 4.11-9)

Implementation of the project would generate a need for public bus transportation services. Because limited bus services are currently available to serve the project area and none are proposed as part of the project, this impact would be **significant**.

Finding

While it would be possible to ensure the availability of adequate transit facilities at the project site, it cannot be guaranteed that the City would be able to extend bus transit routes to the project site at the time the project begins operation. If bus transit services are provided to the site at the time of issuance of the first occupancy permit, then this impact would be reduced to a less-than-significant level. However, because it cannot be guaranteed that adequate transit services would be in place prior to the opening of the project, this impact would remain significant and unavoidable.

Impacts to transportation and circulation would be further reduced or avoided by the No Project Alternative-No Development Alternative and the Mitigated Design Alternative. As discussed in Section 1.1, "Introduction," of this document and as discussed herein, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR that would reduce these impacts to a less-than-significant level.

A Statement of Overriding Considerations has been prepared (see Chapter 2, "Statement of Overriding Considerations," of this document) to address this issue.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure for the project's impacts to traffic. This mitigation measure would reduce impacts related to bus transit services to the greatest extent feasible, but not to a less-than-significant level.

Mitigation Measure 4.11-9

The project applicant shall coordinate with the City and modify project designs to provide appropriate bus transit facilities at the project site. These facilities shall be designed to meet Americans with Disabilities Act design standards and provide adequate width, vehicle and pedestrian circulation, turning radius of streets, driveways, and parking lots. These facilities could include, but are not limited to, one or more sheltered transit stops along the project frontage on either Atherton Road or within the project site.

While the above measures would ensure that adequate transit facilities at the project site, it cannot be guaranteed that the City would be able to extend bus transit routes to the project site at the time the project begins operation. If bus transit services are provided to the site at the time of issuance of the first occupancy permit, then this impact would be reduced to a less-than-significant level. However, because it cannot be guaranteed that adequate transit services would be in place prior to the opening of the project, this impact would remain **significant and unavoidable**.

1.4.12 CULTURAL RESOURCES

SIGNIFICANT EFFECT: UNDISCOVERED/UNRECORDED ARCHAEOLOGICAL SITES (IMPACT 4.12-3)

Project-related construction activities may uncover or otherwise disturb previously undiscovered or unrecorded archaeological resources. If such resources were to represent “historical resources” or “unique archaeological resources” as defined by CEQA, any substantial change to or destruction of these resources would be a **potentially significant** impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure that would reduce to a less-than-significant level the project’s potential impacts to undiscovered/unrecorded archaeological sites.

Measure 4.12-3

Prior to the onset of project-related ground disturbing activities (e.g., land clearing), all construction personnel shall be alerted to the possibility of uncovering buried cultural resources and shall be educated by a qualified archaeologist as to identification of archaeological artifacts. If artifacts or unusual amounts of stone, bone, or shell or significant quantities of historic-era artifacts such as glass, ceramic, metal, building remains, etc. are uncovered during construction activities, work in the vicinity of the specific construction site at which the suspected resources have been uncovered shall be suspended, and the project applicant shall be immediately contacted. At that time, the project applicant shall retain a qualified professional archaeologist, who shall conduct a field investigation of the specific site and recommend measures deemed necessary for the protection or recovery of any cultural resources concluded by the archaeologist to represent significant or potentially significant resources as defined by CEQA. These measures could include, but would not necessarily be limited to, avoidance, archival research, subsurface testing, and contiguous block unit excavation. The project applicant shall implement the measures deemed necessary by the archaeologist before the resumption of construction activities within the area of the find.

SIGNIFICANT EFFECT: UNDISCOVERED/UNRECORDED HUMAN REMAINS (IMPACT 4.12-4)

Project-related construction activities could uncover or otherwise disturb previously undiscovered or unrecorded human remains. Any disturbance of human remains would be a **potentially significant** impact.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment.

Facts in Support of Finding

The City of Manteca adopted the following mitigation measure that would reduce to a less-than-significant level the project's potential impacts to undiscovered/unrecorded human remains.

Measure 4.12-4

In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, the contractor and/or the project applicant shall immediately halt potentially damaging excavation in the area of the burial and notify the county coroner and a professional archaeologist to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). Following the coroner's findings, the property owner, contractor or project applicant, an archaeologist, and the NAHC-designated Most Likely Descendent (MLD) shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California Public Resources Code Section (PRC) 5097.9.

Upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity (according to generally accepted cultural or archaeological standards and practices) is not damaged or disturbed by further development activity until consultation with the MLD has taken place. The MLD shall have 48 hours to complete a site inspection and make recommendations after being granted access to the site. A range of possible treatments for the remains, including nondestructive removal and analysis, preservation in place, relinquishment of the remains and associated items to the descendants, or other culturally appropriate treatment, may be discussed. PRC 5097.9 suggests that the concerned parties may extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. The following is a list of site protection measures that the landowner shall employ:

- (1) Record the site with the NAHC or the appropriate Information Center.
- (2) Utilize an open-space or conservation zoning designation or easement.
- (3) Record a document with the county in which the property is located.

The landowner or their authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance if the NAHC is unable to identify a MLD or the MLD fails to make a recommendation within 48 hours after being granted access to the site. The landowner or their authorized representative may also re-inter the remains in a location not subject to further disturbance if they reject the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner. These procedures and other provisions of the California Health and Safety Code will reduce potential impacts to human remains to a less-than-significant level.

2 STATEMENT OF OVERRIDING CONSIDERATIONS

The California Environmental Quality Act (CEQA) requires a public agency to balance the benefits of a proposed project against its unavoidable environmental risks in determining whether to approve the project. The City of Manteca proposes to approve the project despite certain significant unavoidable adverse impacts identified in the Environmental Impact Report (EIR).

The EIR identified and discussed significant effects that would occur as a result of the proposed project. The significant unavoidable effects will be the result of development of an approximately 170,589 square-foot Lowe's Home Improvement Warehouse and approximately 32,000 square feet of retail space in three separate buildings on 16 acres immediately north of State Route 120 (SR 120) and at the southeast corner of the intersection of Daniels Street and South Airport Way, within the southern portion of City of Manteca. With the implementation of the mitigation measures described in the EIR, most significant effects can be mitigated to less-than-significant levels. If a specific impact cannot be reduced to a less-than-significant level, it would be a significant and unavoidable impact. Significant unavoidable environmental impacts (direct, indirect, and cumulative) of the proposed project are presented in the following section.

2.1 SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS

2.1.1 VISUAL RESOURCES

DEGRADATION OF VISUAL CHARACTER (IMPACT 4.2-3) (PROJECT AND CUMULATIVE)

Implementation of the project would substantially alter the visual character of the project site through conversion of agricultural land to developed urban uses. This would be considered a significant impact. Because of the scale and location of the proposed project, there is no feasible mitigation available to address aesthetic resource impacts associated with the conversion of agricultural land to commercial development. Although design, architectural, development, and maintenance standards are included in the project to ensure that commercial development at the project site remains within the City's aesthetic guidelines, there is no mechanism to allow implementation of the project while avoiding the conversion of the local viewshed from agricultural to commercial development. Because no feasible mitigation is available to reduce this impact to a less-than-significant level, this impact would be considered significant and unavoidable.

Past and current development in the vicinity of the project has increasingly changed the visual character along SR 120 and Airport Way from agricultural and open space uses to urban uses, thus altering and limiting the views available to motorists on these roadways. This trend would continue as future projects are implemented in the region and the project would contribute to this cumulative change in views. As development proceeds in the Manteca region as a whole, substantial changes in visual conditions would continue as agricultural lands and open space are replaced by urban development. Increased urban development would also lead to increased nighttime light and glare in the region and more limited views of the night sky. The cumulative effect of these changes on aesthetic resources from past and planned future projects, as well as the contribution from the project, is considered significant. Although these cumulative impacts can be minimized to a degree through vegetative and topographic screening of structures, use of downward emitting outdoor lighting, appropriate building design, and other measures, the significant cumulative impact cannot be fully mitigated. Therefore, the cumulative change of agricultural and open space views in the project region to urban land uses and the associated increase in nighttime light and glare are considered significant and unavoidable impacts. In addition, the project's incremental contribution to these impacts is cumulatively considerable.

2.1.2 AIR QUALITY

GENERATION OF LONG-TERM OPERATION-RELATED (REGIONAL) EMISSIONS OF CRITERIA AIR POLLUTANTS AND OZONE PRECURSORS (IMPACT 4.3-2) (PROJECT AND CUMULATIVE)

Operation-related activities would result in project-generated emissions of ROG or NO_x that exceed SJVAPCD's significance threshold of 10 tpy. Thus, without mitigation, project-generated, operation-related emissions of criteria air pollutants and precursors could violate or contribute substantially to an existing or projected air quality violation or conflict with air quality planning efforts. As a result, this impact would be significant. Implementation of Mitigation Measures 4.3-2a and 4.3-2b would further reduce operations emissions of ROG and NO_x beyond the required compliance with Rule 9510. The results of implementing these measures can not be reasonably quantified. Therefore, the impact would remain significant and unavoidable.

Long-term operations emissions were estimated as shown in Table 4.3-5 in Section 4.3, "Air Quality." ROG and NO_x emissions in 2010 would exceed the SJVAPCD significance thresholds of 10 TPY. These quantities, being greater than the thresholds, are considerable and would contribute to a significant cumulative air quality impact. In years subsequent to 2010, the implementation of SJVAPCD Rule 9510 and the reduction of vehicle emissions due to the phase in of cleaner vehicles would reduce ROG and NO_x emissions, but not demonstrably below levels that may be considered considerable. In 2010 PM₁₀ emissions would be less than 8 TPY and PM_{2.5} emissions would be less than 2 TPY. When compared with the General Conformity Rule thresholds of 70 and 100 TPY respectfully, these emissions would not be considerable. In summary, the long-term emissions of the proposed project would contribute to the regional concentrations of non-attainment pollutants, along with completed projects in the region and new projects that may be concurrently under construction; the project contributions of ozone precursors ROG and NO_x would be considerable and the cumulative air quality impact would be significant. There are no feasible mitigation measures beyond those described in Mitigation Measures 4.3-2a and 4.3-2b. Therefore the long-term cumulative ozone precursor air quality impact would be significant and unavoidable.

2.1.3 AGRICULTURAL RESOURCES

DIRECT CONVERSION OF 16 ACRES OF IMPORTANT FARMLAND TO NONAGRICULTURAL URBAN USE (IMPACT 4.8-1) (PROJECT AND CUMULATIVE)

Implementation of the project would result in the direct conversion of approximately 16 acres of Farmland of Statewide Importance to nonagricultural urban use. Conversion of Important Farmland would be a significant impact. While partial mitigation is available in the form of participation in the City's Agricultural Mitigation Fee Program, no feasible mitigation is available to fully mitigate the loss of Important Farmland or the conversion of farmland to non-agricultural uses. Although recommended measures would substantially lessen significant impacts associated with farmland conversion impacts, the fees paid to the City would only partially offset conversion of Important Farmland. Therefore, full compensation for potential losses of Important Farmland would not be achieved, and this impact would remain significant and unavoidable.

The permanent conversion of 16 acres of Important Farmland at the project site to non-agricultural use is considered a cumulatively considerable (i.e., significant) impact when considered in connection with the significant cumulative losses that will occur as a result of the project, past farmland conversions, and planned future development in the City of Manteca, surrounding communities, and San Joaquin County as a whole. The project applicant would pay the agricultural mitigation fee to the City of Manteca to assist in off-setting the conversion of Important Farmland. The city would use these fees to purchase conservation easements on agricultural lands and/or farmland deed restrictions, thus providing greater protection to these farmlands in San Joaquin County. However, implementation of this measure would not fully mitigate the project's cumulatively considerable contribution to the loss of agricultural land in San Joaquin County; therefore, cumulative impacts would be significant and the project's incremental contribution would also be significant.

2.1.4 HYDROLOGY AND WATER QUALITY

GROUNDWATER SUPPLY AND QUALITY (CUMULATIVE)

The City is a participant in the South San Joaquin Irrigation District (SSJID) South County Water Supply Project (SCWSP), designed to ultimately reduce the City's dependence on groundwater resources which have historically been overdrafted. As a result, it is anticipated that providing potable water needed to serve land uses associated with the project (i.e., retail, commercial) would result in less-than-significant impacts to groundwater resources. However, cumulatively significant impacts could occur because of overdrafting or an increase of salinity intrusion resulting from cumulative groundwater usage by entities other than the City of Manteca. The City would continue to limit its contribution to this impact by limiting its own groundwater usage to what has been determined to be sustainable levels. Despite the City of Manteca's limitations on its own groundwater usage, groundwater impacts could be cumulatively considerable because the city cannot be certain that other groundwater users would similarly limit their own groundwater usage to sustainable levels. Implementation of the proposed project would contribute to this cumulatively significant impact. No feasible mitigation is available.

2.1.5 UTILITIES

WASTEWATER (CUMULATIVE)

The City of Manteca Wastewater Quality Control Facility Master Plan (1999) defines sewer facilities required to meet the city's level of service standard for serving future development. It is assumed that the development of future related projects and/or development of additional utility systems required to serve future projects would undergo environmental review as required by CEQA. However, it cannot be assumed that all potential environmental impacts associated with development of additional wastewater capacity and infrastructure required to serve these related projects would necessarily be mitigated to less-than-significant levels. Therefore, potentially significant cumulative utilities impacts could occur related to wastewater treatment and disposal capacity expansions, as needed, and the project's contribution to this significant cumulative impact would be cumulatively considerable. Because the impacts of the wastewater infrastructure is subject to independent review and mitigation, and the project would have no control over these impacts/mitigation, there is no feasible mitigation associated with development of the project.

2.1.8 TRANSPORTATION AND CIRCULATION

INCREASES IN PEAK HOUR TRAFFIC VOLUMES ON REGIONAL ROADWAYS RESULTING IN UNACCEPTABLE LEVELS OF SERVICE (IMPACT 4.11-1) (PROJECT)

The proposed project would cause an increase in p.m. peak hour traffic volumes that would result in unacceptable levels of service and warrant the need for improvements at five intersections. Because the project would result in an unacceptable operating condition based on applicable standards, this impact would be significant. With implementation of Mitigation Measure 4.11-1, the project's impacts to two local area intersections would be reduced to a less-than-significant level because the project applicant would be required to pay required PFIP fees. However, for some intersections (Union Road/Daniels Street, Union Road/SR 120 westbound ramps, and Union Road/SR 120 eastbound ramps), full funding for the improvements has not been identified, recommended improvements are subject to the control of Caltrans, and it is unknown whether the improvements would be implemented at the time the project builds out. Therefore, for purposes of CEQA, this would be considered a significant and unavoidable interim impact.

INCREASES IN PROJECT-RELATED TRAFFIC VOLUMES ON FREEWAY OPERATIONS (IMPACT 4.11-3) (PROJECT)

The project would increase traffic volumes along freeway mainline segments and ramp junctions of SR 120. The addition of project-generated traffic to freeway mainline segments would degrade currently acceptable LOS conditions to unacceptable conditions. This would be a significant impact. Because the timeframe for the widening improvement is unknown and the improvement is outside the control of the City or the project applicant, no feasible mitigation measures are available to reduce the project's impact to operation of SR 120 on the westbound mainline segment between Airport Way and Yosemite Avenue during a.m. peak hours, and on the eastbound mainline segment between Yosemite Avenue and Airport Way during p.m. peak hours under existing plus project conditions. Therefore, this impact would remain significant and unavoidable.

INCREASES IN PEAK HOUR TRAFFIC VOLUMES ON REGIONAL ROADWAYS RESULTING IN UNACCEPTABLE LEVELS OF SERVICE UNDER CUMULATIVE PLUS PROJECT CONDITIONS (2015) (IMPACT 4.11-4) (CUMULATIVE)

Operational traffic conditions for cumulative conditions at most intersections in the project study area would operate at an unacceptable LOS. The project would exacerbate unacceptable LOS that would exceed the City of Manteca's LOS thresholds under cumulative conditions. In addition, the project would exacerbate existing unacceptable levels of service along roadway segments of Airport Way and Union Road. This would be a significant impact. While implementation of Mitigation Measure 4.11-4 (a through r) would substantially reduce the project's cumulative transportation impacts, it cannot be guaranteed at this time that recommended fair-share improvements to widening of Airport Way, Union Road, Yosemite Avenue, Wawona Street, Daniels Street, Atherton Drive, and Woodward Avenue and improvements to the SR 120 interchanges with Airport Way and Union Road would be implemented prior to buildout of the project site. Further, it is legally infeasible to require an applicant to pay more than its fair share of the costs associated with a mitigation measure. Therefore, for purposes of CEQA, this impact would remain significant and unavoidable.

BUS TRANSIT SERVICES (IMPACT 4.11-9) (PROJECT)

Implementation of the project would generate a need for public bus transportation services. Because limited bus services are currently available to serve the project area and none are proposed as part of the project, this impact would be significant. While it would be possible to ensure the availability of adequate transit facilities at the project site, it cannot be guaranteed that the City would be able to extend bus transit routes to the project site at the time the project begins operation. If bus transit services are provided to the site at the time of issuance of the first occupancy permit, then this impact would be reduced to a less-than-significant level. However, because it cannot be guaranteed that adequate transit services would be in place prior to the opening of the project, this impact would remain significant and unavoidable.

2.2 OVERRIDING CONSIDERATIONS

Having reduced the effects of the proposed project by adopting mitigation measures to the extent feasible, and balanced the benefits of the proposed project against the project's potential unavoidable adverse impacts, the City of Manteca hereby determines that the specific overriding economic, legal, social, technological, or other benefits of the proposed project outweigh the potential unavoidable adverse effects on the environment, and that the unavoidable adverse effects are therefore acceptable, based on the following overriding considerations, which are sufficient to outweigh the project's unavoidable adverse effects:

- ▶ approval of the project would assist the City in implementing land use densities identified in its General Plan 2023;

- ▶ approval of the project would expand the economic base of the City with a mix of commercial uses that would meet local and regional demands;
- ▶ approval of the project would substantially increase tax revenues for the City of Manteca;
- ▶ approval of the project would assist in developing a regional retail base within the City of Manteca to prevent loss of this economic opportunity to other surrounding communities;
- ▶ approval of the project would provide high visibility, high quality investment within the City which will create jobs and serve as a catalyst for redevelopment;
- ▶ approval of the project would substantially contribute to needed transportation improvements along State Route 120; and
- ▶ approval of the project would assist the City in meeting underserved retail demand in a rapidly developing subregion.

Based on the considerations described above the project should be implemented notwithstanding the significant unavoidable adverse impacts identified in the EIR.

Mayor, City of Manteca

Date

3 REFERENCES

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