

Statement of Findings and Statement of Overriding Considerations for the Union Crossing Project



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Community Development Department,
Planning Division

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August 2009

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ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
AIA	Air Impact Assessment
ARB	California Air Resources Board
BMP	Best Management Practice
Cal/OSHA	California Occupational Safety and Health Administration
CAP	Climate Action Plan
CAPCOA	California Air Pollution Control Officers Association
CBC	California Building Code
CEQA	California Environmental Quality Act
City	City of Manteca
City General Plan	City of Manteca's General Plan
CMU	Commercial Mixed Use
CO ₂	carbon dioxide
CPUC	California Public Utilities Commission
DEIR	Draft Environmental Impact Report
DFG	California Department of Fish and Game
EIR	Environmental Impact Report
FCOC	French Camp Outlet Canal
GAMAQI	Guide for Assessing and Mitigating Air Quality Impacts
GC	General Commercial
GHG	greenhouse gas
gpd	gallons per day
HEV	Hybrid Electric Vehicles
HSC	California Health and Safety Code
HVAC	Heating, ventilation and air conditioning
IS	initial study
ISR	Indirect Source Review
LDR	Low Density Residential
LOS	level of service
MLD	most likely descendant
MND	mitigated negative declaration
NAHC	Native American Heritage Commission
NEV	Neighborhood Electric Vehicles
NGV	Natural Gas Vehicles

NOI	notice of intent
NO _x	oxides of nitrogen
NPDES	National Pollution Discharge Elimination System
OSHA	Occupational Safety and Health Administration
PFIP	Public Facilities Implementation Plan
PG&E	Pacific Gas & Electric
PM ₁₀	respirable particulate matter less than or equal to 10 microns in diameter
PRC	California Public Resources Code
project	Union Crossing project
PSR	Project Study Report
R-1	Single-Family Residential
ROG	reactive organic gases
RWQCB	Regional Water Quality Control Board
SCADA	Supervisory Control and Data Acquisition
SCSWSP	South County Surface Water Supply Project
SDMP	Storm Drain Master Plan
SJMSCP	San Joaquin County Multi-Species Habitat Conservation & Open Space Plan
SJVAB	San Joaquin Valley Air Basin
SJVAPCD	San Joaquin Valley Air Pollution District
SR	State Route
SSJID	South San Joaquin Irrigation District
SWPPP	storm water pollution prevention plan
SWRCB	State Water Resources Control Board
tpy	tons per year
TRU	transport refrigeration units
USACE	U.S. Army Corps of Engineers
USGS	U.S. Geological Survey
WQCF	Wastewater Quality Control Facility

1 STATEMENT OF FINDINGS

1.1 INTRODUCTION

The Union Crossing project (project) is a proposal by William Filios to develop a 48.5-acre site for a variety of commercial uses and to annex approximately 65 acres to the city. The project site is located just outside of the southern portion of the City of Manteca (City). 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 Union Crossing Project*, May 1, 2009, and *Final Environmental Impact Report for the Union Crossing Project*, August 2009 (SCH 2008092083).

The project site is owned by a number of private landowners. The portion of the property proposed for commercial uses would be sold to the project applicant once the EIR is certified as adequate and the project is approved by the Manteca City Council. 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

The proposed project would involve the development of an approximately 450,000 square foot commercial retail center that would include retail and restaurants on 48.5 acres. As part of the project, the City of Manteca proposes to annex the 65-acre site (includes the three adjacent residential parcels [10.9 acres] and a portions of Woodward Avenue [1.7 acres] and Atherton Drive [3.9 acres]).

The project site is located immediately south of State Route (SR) 120, approximately 2 miles west of SR 99, and 4 miles east of Interstate 5. The site is generally bounded by an SR 120 eastbound exit ramp to the north; Woodward

Avenue, agricultural land, and rural residential homesites to the south; South Union Road and residential and commercial land uses to the east; and agricultural land and a residential homesite to the west.

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 Alternatives 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 Alternatives would not attain any of the project’s objectives. The Mitigated Design Alternative would partially attain some of 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 the existing agricultural operations and rural residential 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 and rural residential uses at the site in comparison to the project’s proposed developed land uses.

The No-Project Alternative would not meet any of the objectives of the project because development of mixed 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. Therefore, this alternative is rejected as infeasible.

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 portion of the project site north of the southern three parcels and Phase 3 as General Commercial (GC) and the southern three parcels and the Phase 3 area of the project site as Low Density Residential (LDR). The proposed project includes the rezoning and annexation of the entire site to the City of Manteca, including three residential parcels (10.9 acres) in the southwest portion of the site and a portion of Woodward Avenue (1.7 acres) located directly below the site. No development is proposed in the residential parcels and the current LDR designation of the three residential parcels would become Single-Family Residential (R-1). Once annexed, the project site would be subject to the planning jurisdiction of the City of Manteca.

As defined by the City General Plan (2003), the GC designation accommodates wholesale, warehousing, and heavy commercial uses, highway-oriented commercial retail, public and quasi-public uses, and similar and compatible uses. The designation is also intended to accommodate visitor commercial, lodging, commercial

recreation, and public gathering facilities, such as amphitheaters, or public gardens. The LDR designation accommodates land use with a mix of dwelling unit types and character determined by the individual site and market conditions. The density range of 2.1 to 8.0 dwelling units per gross acre allows substantial flexibility in selecting dwelling unit types and parcel configurations to suit particular site conditions and housing needs.

Because the project site lies within the unincorporated county, the project site has not received a zoning classification from the City of Manteca. As part of the annexation process the project site would receive a rezoning designation from the City. This classification is required by state law to be consistent with the general plan or a general plan amendment performed simultaneously with the annexation process.

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 GC designation within Phase 1 and 2 of the site; however, Phase 3 of the proposed commercial site would require a general plan amendment to allow the proposed commercial development. As such, if development that was consistent with the GC and LDR designation on the project were to occur, this development would consist of commercial land uses similar to land uses proposed by the project within Phase 1 through 3 of the project site. The remaining 3 residential parcels in the southwestern portion of the project site would contain residential land uses between 2.1 and 8 dwellings units per gross acre.

The northern and central portion of the project site would be developed similar to the project; however, the southeast portion of the site (Phase 3) would be developed consistent with LDR designation instead of GC. Because development would still occur within the Phase 3 area, site-specific impacts related to biological resources; cultural resources; visual resources; agricultural resources; land use; hydrology and water quality; geology, soils, seismicity, and paleontological resources; and hazards and hazardous materials could occur similar to the project. The development intensity of the remainder of the southern portion of the site (3 parcels in southeast portion) would be substantially similar to the intensity of development that would occur under the project (i.e., no development would occur). Impacts related to construction- and operational-related air quality, noise, transportation and circulation, public services and utilities, and population, employment, and housing in the southwestern portion of the project site would be less than the project.

The No Project Alternative—Current Entitlement would result in environmental impacts that would not substantially differ from those evaluated throughout this Draft Environmental Impact Report (DEIR), and the analysis presented in the DEIR is representative of the impacts that would occur under this alternative. Because this alternative would not reduce or eliminate any of the project's significant environmental impacts, it would not offer any benefits that would outweigh the impacts of the project. As a result, this alternative is rejected as infeasible.

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 26.2 acres in the central and southeastern portion of the site (Exhibit 7-1). Elimination of this area from the project site would avoid removal of 22.3 acres of Prime Farmland and 3.9 acres of Farmland of Statewide Importance contained within the project site.

In consideration of the project's air quality impacts, it was determined that based on San Joaquin Valley Air Pollution District (SJVAPCD) thresholds, the development footprint and intensity of development on the project

site would need to be reduced to approximately 54% of the proposed development to produce emissions that are below significance thresholds. This assumes that the project would comply with emission reduction requirements of SJVAPCD's Rule 9510.

The Mitigated Design Alternative assumes that development on the project site would be reduced to 26.2 acres or approximately 54% (243,000 square feet). Proposed infrastructure and facilities that would serve the development (i.e., roadways, drainage, utilities, parking spaces, etc.) would be similarly reduced. Any existing site 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 less economically desirable to develop a project of this size while providing certain amenities essential to this type of project. The City has developed a vision for development of the proposed property in its General Plan (adopted in 2003). That vision would result in a development pattern and density that is similar to that proposed by the project. Implementation of this alternative would not achieve the land use densities approved in the General Plan and could potentially result in underutilized properties or properties that would be left vacant for the foreseeable future. While this alternative would partially meet the project's objectives and would reduce or eliminate some the project's significant environmental impacts, it would not achieve the City's goals and policies approved in the General Plan. As a result, this alternative is rejected as infeasible.

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, 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 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 Land Use Element led to the conclusion that one feasible alternative location for the project exists and is approximately 1-mile east of the project site in the City of Manteca. Currently, there is an approximately 93-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 48.5-acre development. This site is designated for Commercial Mixed Use (CMU) by the City of Manteca's General Plan (City General Plan). This land use designation at this site would need to be changed to GC to be compatible with development proposed for the project.

The Off-site Alternative would meet all the project objectives. 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 infeasible from a development standpoint.

1.4 FINDINGS OF FACT

The City of Manteca has reviewed the *Draft EIR for the Union Crossing Project* (May 2009) for the proposed project and the *Final EIR for the Union Crossing Project* (August 2009), 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 8 of the Draft EIR):

- ▶ *Draft Environmental Impact Report for the Union Crossing Project* (May 1, 2009);
- ▶ *Notice of Preparation for Union Crossing Project* (September 2008) (Appendix A of DEIR);
- ▶ *Union Crossing Parking Lot Study*, Auerbach Glasow French Lighting Consultants, San Francisco, CA, (January 9, 2009) (Appendix B of DEIR);
- ▶ *Health Risk Assessment to Support Environmental Impact Analysis for the Proposed Union Crossing Commercial Development, Manteca, CA and Air Modeling Results*, ENSR (2008) (Appendix C of DEIR);
- ▶ *Traffic Noise Prediction Model*, EDAW (2009) (Appendix D of DEIR);
- ▶ *Data Base Record Search for Information on Threatened, Endangered, Rare, or Otherwise Sensitive Species and Communities for the Manteca, Lathrop, Vernalis, and Ripon U.S. Geological Survey (USGS) 7.5 minute quadrangles. Version 3.1.0. California Department of Fish and Game. Sacramento, CA. California Natural Diversity Database (March 2007)* (Appendix E of DEIR);
- ▶ *Union Commercial Water Supply Assessment Memorandum*. City of Manteca Public Works Department, Engineering Division, Manteca, CA. (October 2006) (Appendix F of DEIR);
- ▶ *Stormwater Detention Basin Design Calculations for the AKF Development Site*, Kier & Wright, Pleasanton, CA (November 2008) (Appendix G of DEIR);
- ▶ *Traffic Modeling Data and Fair-Share Calculations for Mitigation Recommended*, Fehr & Peers (2009) (Appendix H of the DEIR and FEIR);
- ▶ *Central California Information Center File #7187 L, Union Crossing project, San Joaquin County, CA. Supplement to previous record search #5829 L. Central California Information Center. (September 2008).* (Appendix I of the DEIR);
- ▶ *Final Environmental Impact Report for the Union Crossing Project* (August 2009);
- ▶ *Union Crossing Lighting Analysis*, Auerbach Glasow French Lighting Consultants, San Francisco, CA for EDAW, Inc. (2009);
- ▶ *Union Crossing Traffic Study*, Fehr & Peers, Sacramento, CA (2008);
- ▶ *Geotechnical Services Report, Union Crossing Commercial Development*, Kleinfelder, Sacramento, CA (2007);
- ▶ *Phase I Environmental Site Assessment, 19709 & 20109 South Union Road*, Bureau Veritas, Pleasanton, CA (August 2007);

- ▶ *Limited Subsurface Investigation Report*, Bureau Veritas, Pleasanton, CA (September 2007);
- ▶ *City of Manteca General Plan 2023 Policy Document*, Wade Associates, adopted October 6, 2003; and
- ▶ *City of Manteca General Plan 2023 Environmental Impact Report*, certified October 6, 2003.

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

Changes or alterations, which reduce but do not completely avoid the significant effects of the project, have been incorporated into the project. While this mitigation measure would substantially reduce the significant effects of the project, the residual impact would continue to be significant because substantial alterations to the local visual environment would occur (i.e., conversion of open space/agricultural areas to urban development). Therefore, this impact would be 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

The City of Manteca adopted the following mitigation measure for the project's degradation of visual character. This mitigation measure would reduce this impact to the greatest extent feasible, but not to a less-than-significant level.

Mitigation Measure 4.2-3: Degradation of Visual Character.

Because the project would comply with the City's design and lighting standards, no other feasible mitigation is available to reduce the project's visual impacts to a less-than-significant level. The project would result in substantial changes to the local visual setting even with appropriate design standards applies. Therefore, this impact would remain **significant and unavoidable**.

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

The project would require lighting of parking lots, sidewalks, and buildings that could inadvertently cause light and glare for motorists on adjacent roadways and nearby residents. 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, and would exceed the recommended IDA maximum to average ratios for indirect glare, light 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 less-than-significant levels the project's lighting impacts.

Mitigation Measure 4.2-4: Visual Resources—Impacts from Lighting.

The project applicant shall meet or exceed all lighting recommendations (e.g., fixture types, location, and orientation; pole heights; fixture optics; tree removal), as shown in Drawing LSK-1 of the lighting study (Appendix B), into the project design. As a result, impacts associated with site lighting and glare would be reduced to a **less-than-significant** level.

1.4.2 AIR QUALITY

SIGNIFICANT EFFECT: AIR QUALITY—GENERATION OF SHORT-TERM, TEMPORARY CONSTRUCTION-RELATED EMISSIONS OF ROG, NO_x, AND PM₁₀ (IMPACT 4.3-1)

Construction-related emissions associated with development of the proposed project would not exceed SJVAPCD's mass emission thresholds of significance for reactive organic gases (ROG), oxides of nitrogen (NO_x), or respirable particulate matter less than or equal to 10 microns in diameter (PM₁₀) (10 tons per year [tpy], 10 tpy, and 15 tpy, respectively). However, SJVAPCD-required control measures with respect to PM are not currently part of the project design or description. Thus, project-generated, construction-related emissions, specifically PM₁₀, could violate or contribute substantially to an existing or projected air quality violation, and/or expose sensitive receptors to substantial pollutant concentrations, especially considering the nonattainment status of the San Joaquin Valley Air Basin (SJVAB). As a result, this temporary 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. Two minor revisions have been made to Mitigation Measure 4.3-1 and are shown below and included in the Final EIR (text deletions are shown in strikethrough and text additions are shown in underline). These revisions do not affect the conclusions of the 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 construction-related emissions.

Mitigation Measure 4.3-1: Generation of Short-Term, Temporary Construction-Related Emissions of Criteria Air Pollutants and Precursors.

The applicant's contractors shall implement the following standard dust control measures from Table 6-2 of the GAMAQI during construction of the proposed project, as required by SJVAPCD Regulation VIII:

- ▶ All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.
- ▶ All onsite unpaved construction roads and offsite unpaved construction access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- ▶ All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- ▶ When materials are transported offsite, all material shall be covered, effectively wetted to limit visible dust emissions, or at least 6 inches of freeboard space from the top of the container shall be maintained.
- ▶ All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)
- ▶ Following the addition of materials to, or the removal of materials from, the surfaces of outdoor storage piles, piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.
- ▶ ~~Any site with 150 or more vehicle trips per day~~ Project contractors shall prevent carryout and trackout.

In addition to the measures identified above, the following enhanced and additional control measures from Table 6-3 of the GAMAQI shall be implemented by the applicant's contractors:

- ▶ Onsite vehicle speeds on unpaved roads shall be limited to 15 mph.
- ▶ Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from adjacent project areas with a slope greater than 1 percent.
- ▶ Wheel washers shall be installed for all exiting trucks and equipment, or wheels shall be washed to remove accumulated dirt prior to leaving the site.
- ▶ The contractor shall install wind breaks at windward side(s) of the construction area.
- ▶ Excavation and grading activities shall be suspended when winds exceed 20 mph.
- ▶ The overall area subject to excavation and grading at any one time shall be limited to the fullest extent possible.

The City, after consultation with the applicant, shall require all feasible additional measures to control construction emissions to be implemented by the applicant's contractors. Such measures may include, but are not limited to the following items from Table 6-4 of the GAMAQI and other sources:

- ▶ Onsite equipment shall be maintained and properly tuned in accordance with manufacturers' specifications.
- ▶ When not in use, onsite equipment shall not be left idling.
- ▶ Construction scheduling shall limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use at any one time.

Construction of the proposed project shall comply with SJVAPCD's ISR (Rule 9510), as required by law. The applicant shall submit and have approved an Air Impact Assessment (AIA) application to SJVAPCD no later than applying for ~~a final discretionary approval~~ the first building permit with the City of Manteca. The AIA application shall be submitted on a form provided by the SJVAPCD and contain, but not be limited to, the applicant's name and address, detailed project description, on-site emission reduction checklist, monitoring and reporting schedule, and an AIA. The AIA shall quantify construction NO_x and PM₁₀ emissions associated with the project. This assessment shall include: an estimate of construction emissions prior to the implementation of mitigation measures; a list of the mitigation measures to be applied to the project; an estimate of emissions for each applicable pollutant for the project, or each phase thereof, following the implementation of mitigation; and a calculation of the applicable off-site fee, if required by Rule 9510. The general mitigation requirements in the assessment, as contained in the ISR rule, shall include the following:

- ▶ Exhaust emissions for construction equipment greater than 50 horsepower used or associated with the development project shall be reduced by 20% of the total NO_x and by 45% of the total PM₁₀ emissions from the statewide average as estimated by ARB.
- ▶ Methods employed by the applicant to reduce construction emissions to the degree noted above include using less polluting construction equipment, including the use of add-on controls, cleaner fuels, or newer lower emitting equipment. The emissions reduction targets listed above shall be met through any combination of on-site emission reduction measures or offset fees, including those required and other mitigation measures listed above.

The requirements listed above can be met through any combination of on-site emission reduction measures or offset fees, including those required and other mitigation measures listed above; however, any on-site emission reductions must be both quantifiable and verifiable to be credited towards the requirements of the ISR Rule.

SIGNIFICANT EFFECT: GENERATION OF LONG-TERM OPERATIONAL EMISSIONS OF CRITERIA AIR POLLUTANTS AND PRECURSORS (IMPACT 4.3-2)

Following full buildout of the proposed project, emissions of criteria air pollutants and precursors associated with the daily operation of the proposed project would exceed SJVAPCD's thresholds of significance for ROG and NO_x of 10 tpy. Operational emissions of PM₁₀ would not exceed the SJVAPCD's threshold of significance for PM₁₀. Nevertheless, operational emissions could violate or contribute substantially to an existing or projected air quality violation, conflict with the applicable air quality planning efforts, and/or expose sensitive receptors to substantial pollutant concentrations. This long-term impact would be **significant and unavoidable**.

Finding

Changes or alterations, which reduce but do not completely avoid the significant effects of the project, have been incorporated into the project. Those changes or alterations are within the responsibility and jurisdiction of another public agency, SJVAPCD, and not the agency making these findings. These measures can and should be adopted by that other agency. Implementation of Mitigation Measure 4.3-2 would help reduce mobile source emissions of ROG and NO_x; however, the extent to which the measure would be able to reduce emissions is dependent on the behavior of project customers and employees. In addition, the project's current operational emissions exceed the SJVAPCD significance thresholds by 183% and 168% for ROG and NO_x, respectively. It is not expected that

even with full implementation and participation in the proposed mitigation measures that operational emissions would be reduced to a less-than-significant level. Therefore, the impact is considered significant and unavoidable.

Impacts from NO_x and ROG emissions from operation of the project would be further reduced or avoided by the No Project Alternative-No Development 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. These alternatives are infeasible.

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 operational-related emissions of criteria air pollutants and precursors. This mitigation measure would reduce this impact to the greatest extent feasible, but not to a less-than-significant level.

Mitigation Measure 4.3-2: Air Quality—Generation of Long-Term Operational-Related Emissions of Criteria Air Pollutants and Precursors.

The following mitigation measures would reduce emissions of criteria air pollutants and precursors associated with the day-to-day operational activities of the proposed project. The applicant shall be responsible for the implementation and funding of all of these measures unless otherwise noted. It should be noted that all of the mitigation measures listed below that would reduce criteria air pollutant and precursor emissions would also help reduce GHG emissions. Similarly, the greenhouse gas reduction measures required by Mitigation Measure 5-1 would also reduce indirect emissions of criteria air pollutants and precursors; however, these reductions may or may not occur in the SJVAB.

- ▶ Provide secure, covered bicycle parking for employees consistent with the requirements of the City of Manteca Municipal Code. This may consist of a separate secure, covered bicycle parking area at each employment venue or one or more large shared bicycle parking areas to be used by workers employed at multiple stores. This measure is consistent with CAPCOA’s mitigation measure MM T-1 (CAPCOA 2008).
- ▶ Maximize bicycle parking for shoppers throughout the site consistent with the requirements of the City of Manteca Municipal Code. Where feasible, at least one bike rack shall be located within 100 feet of each store entrance.
- ▶ Incorporate into the project design preferential parking spaces and charging stations for Neighborhood Electric Vehicles (NEV). The applicant shall also provide preferential parking for Hybrid Electric Vehicles (HEV) and Natural Gas Vehicles (NGV). Preferential parking spaces for NEVs, HEVs, and NGVs shall not affect any handicap parking requirements. After five (5) full years of operation, the Applicant and the City can reconsider these requirements based on both their effectiveness and future unforeseen changes to the fleet of vehicles operated by shoppers in the City of Manteca.
- ▶ Transit route maps and schedules, as well as contact information for the San Joaquin County Council of Governments Commute Connection program, shall be posted at each worksite by employers. The Applicant shall include this requirement in the commercial lease agreements for every tenant on the project site.
- ▶ Provide a transit stop along Atherton Drive and/or within the project site (i.e., Phase 1) and work with Manteca Transit and the City of Manteca to extend a bus route to one or both of these locations. At the time of writing this EIR Manteca Transit is in the process of extending one of its bus routes to pass by the project along South Union Road (Ferreira, pers. com., 2008). The applicant shall work with Manteca Transit and City

of Manteca to add another transit stop along Atherton Road or within the project site (i.e., Phase 1) that would provide a safe, convenient transit stop for project employees and customers. The transit stop shall include a covered waiting area, benches, route information, and lighting. Providing public transit access to the project site is consistent with the City of Manteca's General Plan Policies AQ-P-1 (cooperate with agencies to reduce air pollution), AQ-P-2 (facilitate public transit), AQ-P-4 (efficient traffic flow), and AQ-P-5 (alternative transportation). Providing a sheltered transit stop is also consistent with CAPCOA's mitigation measure MM T-7. Furthermore, this measure is consistent with Measure 25 of SJVAPCD's list of ISR On-Site Emission Reduction Mitigation Measure for alternative transit (SJVAPCD 2007).

- ▶ Post signs at all loading docks and truck loading areas which indicate that diesel-powered delivery trucks must be shut off when not in use for longer than 5 minutes on the premises in order to reduce idling emissions. This measure is consistent with the ATCM to Limit Diesel-Fueled Commercial Motor Vehicle Idling, which was approved by OAL in January 2005.
- ▶ All businesses on the project site that receive deliveries by trucks with operating transport refrigeration units (TRUs) shall provide electrification connections for powering those TRUs while during loading and unloading activities.
- ▶ To the extent feasible, stores shall schedule delivery trucks during daytime off-peak traffic hours to reduce congestion and vehicle idling on the site. The applicant shall express this preference in writing at the time of establishing commercial lease agreements with project tenants.
- ▶ In order to ensure a pedestrian-friendly environment the applicant shall incorporate into the project design a network of clearly marked pedestrian pathways that provide connection among the various on-site retail and from these uses to the transit stop located on or adjacent to the site. Provide shade trees and/or shade structures (e.g., using solar panels) that shade at least 75% of on-site pedestrian pathways. This measure is consistent with Measure 1 of SJVAPCD's list of ISR On-Site Emission Reduction Mitigation Measure for alternative transit (SJVAPCD 2007).
- ▶ Incorporate into the project design pedestrian access points on the east, west, and south sides of the site to allow for pedestrian connectivity to the site. No pedestrian access point would be required to the north of Phase 1 Northern Retail Site due to presence of SR 120. This measure is consistent with Measure 8 of SJVAPCD's list of ISR On-Site Emission Reduction Mitigation Measure for alternative transit 8 and CAPCOA's mitigation measure MM T-5 (CAPCOA 2008).
- ▶ Plant native, drought resistant, and low maintenance plant species for landscaping pursuant to CAPCOA's mitigation measure MM D-17 (CAPCOA 2008).

Operation of the proposed project shall comply with SJVAPCD's ISR (Rule 9510), as required by law. The applicant shall submit an AIA application to the SJVAPCD no later than applying for a final discretionary approval with City of Manteca. The AIA application shall be submitted on a form provided by the SJVAPCD and contain, but not be limited to, the applicant's name address, detailed project description, on-site emission reduction checklist, monitoring and reporting schedule, and an AIA. The AIA shall quantify operational NO_x and PM₁₀ emissions associated with the project. This shall include the estimated operational baseline emissions (i.e., before mitigation), and the mitigated emissions for each applicable pollutant for the project, or each phase thereof, and shall quantify the off-site fee, if applicable. General mitigation requirements, as contained in the ISR rule, include the following:

- 1) Applicants shall reduce 33.3% of the project's operational baseline NO_x emissions over a period of ten years as quantified in the approved AIA.
- 2) Applicants shall reduce 50% of the project's operational PM₁₀ emissions over a period of ten years as quantified in the approved AIA.

The requirements listed above can be met through any combination of on-site emission reduction measures or offset fees, including those required and additional measures listed in Section 4.3, “Air Quality” of the Draft EIR, for criteria air pollutants and precursors and Mitigation Measure 4.3-7 for GHG emissions. However, any on-site reductions of criteria air pollutants and precursors must be both quantifiable and verifiable to be credited toward the requirements of the ISR Rule.

1.4.3 NOISE

SIGNIFICANT EFFECT: SHORT-TERM PROJECT-GENERATED CONSTRUCTION-RELATED NOISE LEVELS (IMPACT 4.4-1)

Construction activities occurring during daytime hours are exempt from the provisions of the City’s noise ordinance if all construction equipment is fitted with factory installed muffling devices and maintained in good working order. The noise impact analysis (see Section 4.4, Noise of the DEIR) determined that adherence to these noise regulations and implementation of Mitigation Measure 4.4-1 would reduce construction noise impacts; however, there would still be an increase in ambient noise level at nearby rural residential uses. Therefore, this impact would remain **significant and unavoidable**.

Finding

Changes or alterations, which reduce but do not completely avoid the significant effects of the project, have been incorporated into the project. While this mitigation measure would substantially reduce the significant effects of the project, the residual impact would continue to be significant. No other feasible mitigation is available to reduce the impact to a less-than-significant level. Therefore, this impact would remain **significant and unavoidable**.

Changes or alterations, which reduce but do not completely avoid the significant effects of the project, have been incorporated into the project. While this mitigation measure would substantially reduce the significant effects of the project, the residual impact would continue to be significant. Therefore, this impact would be significant and unavoidable.

The project’s short-term construction-related noise impacts 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 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

The City of Manteca adopted the following mitigation measure for the project’s increases in short-term project-generated construction-related noise levels. This mitigation measure would reduce this impact to the greatest extent feasible, but not to a less-than-significant level.

Mitigation Measure 4.4-1: Short-Term Project-Generated Construction-Related Noise Levels.

The applicant shall implement the following measures during construction activities:

- ▶ Construction equipment shall be properly maintained per manufacturers' specifications and fitted with the best available noise suppression devices (e.g., mufflers, silencers, wraps). All impact tools shall be shrouded or shielded, and all intake and exhaust ports on power equipment shall be muffled or shielded.
- ▶ Construction operations and related activities associated with the proposed project shall comply with the operational hours outlined in the Manteca Municipal Code noise standards: construction operations shall be limited to between the hours of seven a.m. and seven p.m.
- ▶ Construction equipment shall not idle for extended periods of time near noise-sensitive receptors.

Fixed/stationary equipment (e.g., generators, compressors, rock crushers, cement mixers) shall be located as far as possible from noise-sensitive receptors. Shroud or shield all impact tools, and muffle or shield all in-take and exhaust ports on powered construction equipment.

SIGNIFICANT EFFECT: LONG-TERM PROJECT-GENERATED OPERATION-RELATED NOISE LEVELS FROM STATIONARY SOURCES AT EXISTING NOISE-SENSITIVE RECEPTORS (IMPACT 4.4-3)

Implementation of the proposed project would result in increases in stationary source noise associated with the proposed use. These stationary noise sources could potentially exceed the City's noise standards (hourly and maximum) and result in a noticeable increase in ambient noise levels. Therefore, this impact is considered potentially **significant and unavoidable**.

Finding

Changes or alterations, which reduce but do not completely avoid the significant effects of the project, have been incorporated into the project. While this mitigation measure would substantially reduce the significant effects of the project, the residual impact would continue to be significant. No other feasible mitigation is available to reduce the impact to a less-than-significant level. Therefore, this impact would be significant and unavoidable.

The project's impacts related to long-term project-generated operation-related noise levels from stationary sources at existing noise-sensitive receptors 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 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

The City of Manteca adopted the following mitigation measure for the project's impacts related to long-term project-generated operation-related noise levels from stationary sources at existing noise-sensitive receptors. This mitigation measure would reduce this impact to the greatest extent feasible, but not to a less-than-significant level.

Mitigation Measure 4.4-3: Long-Term Project-Generated Operation-Related Noise Levels from Stationary Sources at Existing Noise-Sensitive Receptors.

The following mitigation measures shall mitigate noise sources associated with the project at the nearest noise-sensitive property line:

- ▶ Phase II and Phase III mechanical equipment (e.g., air conditioning and ventilation systems, pump stations, etc.) for large box store uses that are located adjacent to noise-sensitive receptor property lines shall be located in mechanical equipment rooms; or
- ▶ The project applicant shall include rooftop parapet noise barriers for each box store of Phase II (S-S1, S-M2, S-A1, SM-3) and Phase III (S-M4, S-S4, S-P4) located adjacent to noise-sensitive land uses. The rooftop parapets shall be four to six feet tall and be required to break line of sight from the source to the residential receptor. Specifically, parapets shall be included at facades adjacent to noise-sensitive uses. Parapets shall be located along the southern and western rooflines of buildings in Phase II and Phase III; and
- ▶ Phase II and Phase III loading dock areas shall be shielded by a solid noise barrier. The barrier shall be eight to ten feet tall (as determined based on final grading elevations) and would be required to break line of sight from the source (e.g., heavy truck exhaust stacks and refrigeration units) to the nearest off site noise-sensitive receptor. The solid noise barrier shall be located along the southern and western project boundaries for Phase II loading docks, and along the western boundary for Phase III loading docks.

The above mitigation measures shall be confirmed by a qualified acoustical consultant once complete detail of HVAC project components are made available.

1.4.4 BIOLOGICAL RESOURCES

SIGNIFICANT EFFECT: IMPACTS ON SPECIAL-STATUS PLANTS (IMPACT 4.5-1)

Implementation of the project would result in the loss and disturbance of freshwater marsh habitat that could support special-status plant species. 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 less-than-significant levels the project's potential impacts on special-status plants.

Facts in Support of Finding

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

Mitigation Measure 4.5-1: Biological Resources—Impacts on Common Plants and Wildlife.

The project applicants shall request coverage under the SJMSCP and fees shall be paid in the amount SJCOG determines during the application and review process for the project. SJCOG may also determine, based on an independent review by a qualified biologist, that the following mitigation shall be implemented to reduce impacts on special-status plants:

- a. Before project construction, surveys for the special-status plants listed in Table 4.5-1 shall be conducted by a qualified botanist at the appropriate time of year when the target species would be in flower or otherwise clearly identifiable. Surveys shall be conducted in accordance with specific methodologies described in Section 5.2.2.5 of the SJMSCP. If special-status plants are found, the following measures shall be implemented:

- ▶ Sanford's arrowhead and slough thistle: The SJMSCP requires complete avoidance of these species; therefore, potential impacts on these species could not be covered through participation in the plan. If these species are present in the project area and cannot be avoided, a mitigation plan shall be developed, with review and input from the regulatory agencies (e.g., DFG). The mitigation plan shall identify mitigation measures for any populations affected by the project, such as creation of off-site populations through seed collection or transplanting, preserving and enhancing existing populations, or restoring or creating suitable habitat in sufficient quantities to compensate for the impact. All mitigation measures that the City determines through this consultation to be necessary shall be implemented by the project proponent. These measures shall be designed to ensure that the project does not result in a net reduction in the population size or range of Sanford's arrowhead and slough thistle.
- ▶ Rose mallow and Delta tule pea: These species are considered widely distributed species by the SJMSCP, and dedication of conservation easements is the preferred option for mitigation. If these species are found in the project area, the possibility of establishing a conservation easement shall be evaluated. If dedication of a conservation easement is not a feasible option, payment of SJMSCP development fees may be used to mitigate impacts on these species. Use of conservation easements or development fees for establishment of habitat preserves, or a combination of the two mechanisms, shall be sufficient to avoid an overall net reduction in the population size or range of rose-mallow and Delta tule pea.

Wright's trichocoronis: This species is considered narrowly distributed by the SJMSCP, and dedication of conservation easements is the preferred option for mitigation. If this species is found in the project area, the possibility of establishing a conservation easement shall be evaluated. If dedication of a conservation easement is not an option, the SJMSCP requires consultation with the permitting agency representatives on the Technical Advisory Committee to determine the appropriate mitigation measures. These may include seed collection or other measures and would be determined on a population basis, taking into account the species type, relative health, and abundance. After the appropriate mitigation has been determined, it shall be implemented by the project applicants.

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

While impacts on giant garter snake would not be expected because low-quality habitat is present on-site and suitable upland habitat is limited, implementation of the project could result in the loss of foraging and nesting habitat for special-status raptors and could also result in the loss of active raptor nests and disturbance of nesting pairs. 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 less-than-significant levels the project's potential impacts on special-status wildlife.

Mitigation Measure 4.5-2: Biological Resources—Impacts on Special-Status Wildlife.

The project applicants shall request coverage under the SJMSCP and fees shall be paid in the amount determined by SJCOG during the application and review process for the project. SJCOG may also determine, based on independent review by a qualified biologist, that the following mitigation shall be implemented to reduce impacts on Swainson's hawk, white-tailed kite, and northern harrier:

Swainson's Hawk

- a. If the project applicants elect to remove nest trees, then nest trees shall be removed between September 1 and February 15, when the nests are unoccupied.
- b. If the project applicants elect to retain a tree with an active nest or a nest becomes established in a suitable nest tree during the construction period, a setback shall be established that excludes all construction activities within a distance of two times the dripline diameter of the tree, measured from the nest. This setback shall be maintained during the nesting season for the period encompassing nest building and continuing until fledglings leave the nest. Setbacks shall be marked by brightly colored temporary fencing or other obvious markers.

White-Tailed Kite

Preconstruction surveys shall investigate all potential nesting trees on and adjacent to 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 kite is noted on-site or within the vicinity of the project site during the nesting season. 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.

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 shall apply whenever construction or other ground-disturbing activities must begin during the nesting season in the presence of nests that are known to be occupied. Setbacks shall be marked by brightly colored temporary fencing.

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

Implementation of the project could result in loss of active nests and disturbance of nesting raptors. 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 less-than-significant levels the project's impacts on common nesting raptors.

Mitigation Measure 4.5-3: Biological Resources—Impacts on Common Nesting Raptors.

Common raptors are not covered by the SJMSCP. Therefore, the following mitigation measures shall be implemented to reduce impacts on these species:

- a. If project activity would begin during the raptor nesting season (February 15 to September 15), preconstruction surveys shall be conducted in areas of suitable nesting habitat within 500 feet of project activity. Surveys shall be conducted within 14 days before project activity begins. If no active nests are found, no further mitigation shall be required.

- b. If an active nest is found, an appropriate buffer that minimizes the potential for disturbance of the nest shall be determined by a qualified biologist. No project activities shall begin within the buffer area until the biologist confirms that the nest is no longer active or the birds are not dependent on it. The size of the buffer may vary, depending on the nest location, nest stage, construction activity, and monitoring results.

SIGNIFICANT EFFECT: IMPACTS ON PROTECTED AND HERITAGE TREES (IMPACT 4.5-4)

Implementation of the project is unlikely to result in loss or disturbance of heritage trees or native oaks. It would, however, result in loss or disturbance of existing trees that are protected by local ordinances. 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 impacts on existing trees that are protected by local ordinances.

Mitigation Measure 4.5-4: Biological Resources—Impacts on Protected and Heritage Trees.

1. Before project implementation, a tree survey shall be conducted by an arborist certified by the International Society of Arboriculture to enumerate and evaluate all trees on the site that meet the standards in the City Municipal Code.
2. All trees that meet the following criteria shall be avoided and protected during all construction activity:
 - ▶ native oak trees with a trunk at least 6 inches in diameter at a height of 4.5 feet above the ground and
 - ▶ heritage trees (all trees with a trunk diameter of 30 inches at a height of 2 feet above the ground).
3. Trees that are subject to protection but must be removed as a result of project implementation shall be replaced with in-kind species in accordance with tree planting specifications established by the City tree ordinance. Native oak trees shall be replaced at a ratio of 3 to 1 and heritage trees shall be replaced at a ratio of 5 to 1.
4. Replacement tree plantings shall be monitored for 3 years in accordance with monitoring protocols set forth in the City tree ordinance.
5. If monitoring indicates that replacement plantings are not meeting performance standards, remedial measures shall be implemented. Appropriate measures shall be determined in coordination with the City.

SIGNIFICANT EFFECT: IMPACTS ON SENSITIVE HABITATS (IMPACT 4.5-5)

Implementation of the project could result in fill or reconfiguration of approximately 0.2 acre of irrigation drainage ditch and associated freshwater marsh habitat. 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 impacts on sensitive habitats.

Mitigation Measure 4.5-5: Biological Resources—Impacts on Sensitive Habitats.

1. Before project implementation, a delineation of waters of the United States, including wetlands that would be affected by the project, shall be made by qualified biologists through the formal Section 404 wetland delineation process. The delineation shall be submitted to and verified by USACE.
2. If, based on the verified delineation, it is determined that fill of waters of the United States would result from project implementation, authorization for such fill shall be secured from USACE through the Section 404 permitting process.
3. The project applicants shall also consult with DFG to determine whether a Section 1600 Streambed Alteration Agreement may be required for alteration of irrigation drainage ditch and impacts on freshwater marsh habitat.
4. The acreage of waters of the United States and freshwater marsh habitat that would be removed shall be replaced or restored/enhanced on a "no net loss" basis in accordance with USACE and DFG regulations and Development Title 9-1505. A mitigation plan to compensate for unavoidable loss of wetlands shall be developed and implemented. Compensation shall ensure through creation and/or enhancement of appropriate wetland habitats that there is no net loss of overall functions and values of the wetland habitat types adversely affected by the proposed project. The amount of wetland habitat to be included in the mitigation site shall be based on the value of the proposed compensation action and the nature of the effects, but a minimum of a 1:1 ratio of adversely affected habitat to mitigation habitat shall be provided. Compensation may be provided at a ratio of 1:1 of created habitat to filled habitat, while a higher mitigation ratio may be appropriate for mitigation through enhancement and a lower mitigation ratio may be appropriate for indirect effects to habitat preserved on-site. The mitigation plan shall, at a minimum, identify the location of the mitigation site, specify habitat types and associated acreages to be created or enhanced, establish specific success criteria, describe short- and long-term maintenance and management of the mitigation site and wetland habitats preserved on-site, and specify remedial measures to be undertaken if mitigation success criteria are not met. Long-term protection of the mitigation site and on-site preserved wetlands shall be ensured through fee title acquisition, conservation easement, or other suitable mechanisms. Long-term management of mitigation lands shall be ensured by establishing a management endowment or other suitable funding source. The mitigation plan shall be reviewed and approved by the applicable resource agencies and applicable permits, including a Section 404 permit from the USACE and Section 401 Clean Water Certification from the RWQCB shall be obtained before implementation of the project.

1.4.5 HAZARDS AND HAZARDOUS MATERIALS

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

No hazardous environmental conditions have been identified on the northern portion of the subject property (phase 1 and 2). Based on analytical data from collected soil samples from the Phase 1 and 2 portion of the subject property, concentrations of organochlorine pesticides were not detected and detected arsenic concentrations were below the established regulatory screening levels and background levels for California. Based on these findings, the soils in this portion of the site are considered nonhazardous and would not create a significant environmental or health hazard if left in place. While a Phase 1 ESA was prepared for the Phase 3 portion of the subject property, soil samples were not collected for this portion of the subject property. This area could have elevated concentrations of pesticides and arsenic and could have localized contamination for discarded

oil. Therefore, development and potential safety hazards in Phase 3 of the subject property are unknown. 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 potential to create a safety hazard for construction workers.

Mitigation Measure 4.6-1: Create a Safety Hazard for Construction Workers.

Prior to construction activities, the project applicant shall prepare a Phase II ESA for the southernmost portion of the subject property (Phase 3 area; refer to Exhibit 3-3 of Chapter 3, "Project Description"). The applicant shall implement all recommended actions identified in the Phase I ESA's and Phase II ESA's. In addition, the project applicant shall prepare a Safety Hazard Plan.

This plan will outline measures that will be employed to protect construction workers from exposure to hazardous materials during remediation, demolition, and construction activities. The project applicant will consult with the contractor to determine the measures to be employed at the site, which could include posting notices, limiting access to the site, monitoring the air quality, watering, and installation of wind fences. Contractors will be required to comply with OSHA and Cal/OSHA health and safety standards. In the event that contaminated soil is encountered in the Phase 3 portion of the subject property, the contractor will prepare a site plan that identifies necessary remediation activities appropriate for proposed land uses, including excavation and removal of on-site contaminated soils, and redistribution of clean fill material within the subject property. The plan will include measures that ensure the safe transport, use, and disposal of contaminated soil and building debris removed from the project site, in coordination with and to the satisfaction of the appropriate regulatory agency (e.g., Regional Water Quality Control Board, California Department of Toxics and Substance Control, etc.). The contractor will be required to comply with the plan and applicable local, state, and federal laws. The plan will 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.

1.4.6 GEOLOGY, SOILS, 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. Structural and nonstructural damage and associated hazards resulting from 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 potential risks to people and structures caused by strong seismic ground shaking.

Mitigation Measure 4.7-1: Risks to People and Structures Caused by Strong Seismic Ground Shaking.

- a. Before the start of construction activities and before issuance of a grading permit, a final geotechnical subsurface investigation report shall be prepared by the project applicant(s) for the proposed development and shall be submitted to the City Public Works Department. The final geotechnical engineering report shall be prepared according to the standards in the current version of the CBC adopted at the time, and shall address and make recommendations on the following that shall be implemented by the project applicant(s) for all project phases:
- ▶ seismic design;
 - ▶ site preparation;
 - ▶ appropriate sources and types of fill;
 - ▶ potential need for soil amendments;
 - ▶ road, pavement, and parking areas;
 - ▶ structural foundations, including retaining wall design;
 - ▶ grading practices;
 - ▶ erosion/winterization;
 - ▶ shallow surface water table;
 - ▶ expansive soils/lateral spreading/subsidence;
 - ▶ soil corrosivity;
 - ▶ unstable soils; and
 - ▶ liquefaction.

In addition to the recommendations for the conditions listed above, the geotechnical investigation shall include further subsurface testing of soil and groundwater conditions (as determined necessary by the geotechnical engineer) and shall determine appropriate foundation designs that are consistent with the CBC. All recommendations contained in the final geotechnical engineering report shall be implemented by the project applicant(s). Special recommendations contained in the geotechnical engineering report shall be noted on the grading plans and implemented as appropriate before construction begins. Design and construction of all new development in all phases of the project shall be in accordance with the CBC. It is the responsibility of the project applicant(s) to provide for engineering inspection and certification that earthwork has been performed in conformity with recommendations contained in the geotechnical report.

- b. Before issuance of a grading permit, 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 (Kleinfelder 2007) 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.
- 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.

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

Based on the underlying soil conditions in the project area and the shallowness 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 **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 potential risks to people and structures caused by seismic-related ground failure.

Mitigation 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 risks to people and structures of seismic-related ground failure at the 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 **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 related to construction-related erosion hazards.

Mitigation 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 the 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 Chapter 4.9, "Hydrology and Water Quality," of this document, shall be implemented at the project site. 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, SWRCB statewide NPDES stormwater permit for general construction activity, and any other necessary site-specific waste discharge requirements 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 shall 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 shall be included in the SWPPP that meets the requirements of SWRCB Order 99-08-DWQ to ensure that the BMPs are effective.

Construction techniques shall be identified that would reduce the potential for runoff, and the plan shall identify the erosion and sedimentation control measures to be implemented. Erosion and sediment control measures could include the use of detention basins, berms, swales, wattles, and silt fencing; and covering or watering of stockpiled soils to reduce wind erosion. Stabilization of construction entrances to minimize trackout (control dust) is commonly achieved by installing filter fabric and crushed rock to a depth of approximately 1 foot. The 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)

Project site soils are mildly corrosive to buried metal objects (i.e., metal pipes). 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 potential risk of structural damage caused by corrosive soils.

Mitigation Measure 4.7-5: Risk of Structural Damage Caused by Corrosive Soils.

The project applicant shall implement Mitigation Measure 4.7-1, described above, to reduce the risks to people and structures from soil corrosivity at the project site.

SIGNIFICANT EFFECT: DIRECT CONVERSION OF 48.5 ACRES OF IMPORTANT FARMLAND TO NONAGRICULTURAL URBAN USE (IMPACT 4.8-1)

Implementation of the project would result in the direct conversion of approximately 48.5 acres of Prime Farmland and Farmland of Statewide Importance to nonagricultural urban use. This would be a **significant and unavoidable** impact.

Finding

Required changes or alterations, which substantially reduce the project’s significant farmland impacts, have been incorporated into the project (Mitigation Measure 4.8-1). While this mitigation would substantially reduce the project’s farmland impacts, the residual impact would remain significant because of the project’s substantial loss of important farmland resources implementation. Mitigation Measure 4.8-1 would not fully mitigate the project’s impact to the loss of agricultural land in San Joaquin County. Therefore, this impact would be significant and unavoidable.

The project’s farmland conversion impacts would be 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 is discussed herein, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measure or project alternatives identified in the EIR that would reduce this impact to a less-than-significant level. Therefore, this impact would be significant and unavoidable.

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 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: Direct Conversion of 48.5 Acres of Important Farmland to Nonagricultural Urban Use.

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, an agricultural mitigation fee shall be assessed for every acre of Important Farmland that would be developed as part of the proposed project, and 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 caused by 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 48.5 acres of Important Farmland on the project site, by funding conservation easements that 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; nonetheless, 65 acres would still be lost. In addition, no net new farmland would be made available nor would productivity of existing farmland be improved as a result of this mitigation measure. Therefore, full compensation for total losses of Important Farmland would not be achieved. No other feasible mitigation is available. Impact 4.8-1 (“Direct Conversion of 48.5 Acres of Important Farmland to Nonagricultural Urban Use”) would remain significant and unavoidable after mitigation.

SIGNIFICANT EFFECT: CONFLICT WITH SURROUNDING AGRICULTURAL OPERATIONS (IMPACT 4.8-2)

The proposed project is adjacent to active agricultural parcels located to the west, south, and east. Agricultural operations adjacent to urban development typically result in potential land use conflicts (e.g., increased dust generation, noise from farming equipment, odors from fertilizer applications) and these potential adverse interfaces would be expected to occur adjacent to the project site because this land is in active agricultural use. Therefore, these conflicting activities and uses would result in a **potentially significant and unavoidable** impact.

Finding

Changes or alterations, which reduce but do not completely avoid the significant effects of the project, have been incorporated into the project, as explained below. While this mitigation measure would substantially reduce the significant effects of the project, the residual impact would continue to be significant. Therefore, this impact would be significant and unavoidable.

Impacts related to conflict with surrounding agricultural operations to farmland resources 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 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 4.8-2: Conflict with Surrounding Agricultural Operations.

The project applicant shall prepare an agricultural conflict management plan that identifies specific measures that would be implemented to minimize, to the maximum degree possible, potential conflicts with adjacent agricultural operations. At a minimum, the plan shall identify (1) the properties adjacent to the project site that would be in active agricultural production at the time the first occupancy permit is issued, (2) the type of farming operations that would occur at these properties, and (3) the specific measures that would be implemented to minimize potential conflicts. These measures could include, but are not limited to, the posting of signs at regular intervals determined by the City to deter trespassing, posting of “No Parking” signs along the frontage of adjacent agricultural properties, installation of fencing on the project site, and posting of signs warning drivers of the potential for farm vehicle traffic. The project applicant shall coordinate with the City and adjacent landowners regarding the placement of signs. All identified measures shall be in place prior to issuance of the first occupancy permit.

While this measure would substantially reduce the potential for conflicts between urban and agricultural land uses, it would not eliminate the impact and some potential conflicts could remain. No other feasible mitigation is available to reduce this impact. Therefore, for purpose of CEQA, this impact would remain significant and unavoidable after mitigation.

1.4.7 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 impact on water quality.

Finding

Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment. Those changes or alterations are within the responsibility and jurisdiction of another public agency, SWRCB and the Central Valley RWQCB, and not the agency making these findings. These measures can and should be adopted by these other agencies.

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.

Mitigation Measure 4.9-1: Temporary Construction-Related Water Quality Effects.

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

With implementation of the mitigation measure identified above, the project’s hydrology and water quality impacts would be reduced to a less-than-significant level because preparation of a grading and erosion control plan and implementation of BMPs would ensure that urban runoff does not impair water quality in off-site water bodies.

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

The project would convert agricultural land to commercial uses, 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 South San Joaquin Irrigation District (SSJID) and City of Manteca 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. Those changes or alterations are within the responsibility and jurisdiction of another public agency, the SWRCB, Central Valley RWQCB, and SSJID and not the agency making these findings. These measures can and should be adopted by these other agencies.

Facts in Support of Finding

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

Mitigation Measure 4.9-2: Long-Term Water Quality Effects of Urban Runoff.

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. To address peak stormwater discharge rates, the project applicant shall confirm (in coordination with the City, SSJID, and Central Valley RWQCB) that the proposed 20.04 acre-foot on-site stormwater detention 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. Project plans shall include BMPs consistent with local codes, ordinances, or other regulatory mechanism to:

- ▶ decrease the potential of slopes and/or channels (e.g., slope of the on-site detention basin and any drainage swales) from eroding and affecting stormwater runoff;
 - ▶ convey runoff safely from the tops of slopes and stabilize disturbed slopes;
 - ▶ use natural drainage systems to the maximum extent practicable;
 - ▶ stabilize permanent channel crossings;
 - ▶ vegetate slopes with native or drought tolerant vegetation, as appropriate; and
 - ▶ install energy dissipaters, such as riprap, at the outlets of new storm drains, culverts, conduits, or channels that enter unlined channels in accordance with applicable specifications to minimize erosion, with the approval of all agencies with jurisdiction (e.g., USACE and DFG).
- d. 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 stormwater conveyance system. Graphical icons, either illustrating anti-dumping symbols or images of receiving water fauna (such as fish), 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.
- e. Where proposed project plans include outdoor areas for storage of materials that may contribute pollutants to the stormwater 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 stormwater 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.
- f. To minimize the off-site transport of pollutants from 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: POTENTIAL ON-SITE AND OFF-SITE FLOODING RISK FROM INCREASED STORMWATER RUNOFF (IMPACT 4.9-3)

Project implementation would increase the area of impervious surfaces on-site, thereby resulting in increased surface runoff and discharge. The project involves construction of a stormwater runoff collection system, including a 20.04 acre-foot drainage detention facility, to provide on-site stormwater discharge collection capacity sufficient to protect the project site during a 48-hour, 10-year storm event and avoid off-site flooding. Although the project involves construction of adequately sized on-site infrastructure to meet near-term storm drainage demands, the long-term stormwater infrastructure needs of the project would be inadequate without contribution

to the City's proposed improvements to the South Drain subshed stormwater drainage system. Therefore, 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 potential on-site flooding risk from increased stormwater runoff.

Mitigation Measure 4.9-3: Potential On-Site and Off-Site Flooding Risk from Increased Stormwater Runoff.

The project site is located in the South Drain subshed, and will discharge stormwater to the FCOC via SSJID Drain 8. Although the project involves construction of adequately sized on-site infrastructure to meet storm drainage demands, the City has identified off-site infrastructure that is needed to accommodate build-out of the area south of SR 120, in accordance with the 2006 SDMP.

As part of the project, the project applicant shall construct a stilling well at the junction of Drain 8 and Drain 8A, with associated improvements to the City's "Supervisory Control and Data Acquisition" (SCADA) system to allow for enhanced monitoring of Drain 8 water levels as part of the project. This will accommodate near-term discharge of project stormwater.

To ensure adequate long-term drainage capacity for the project's stormwater flows certain culvert crossings along the FCOC are required to be improved as identified in the 2006 SDMP. The project applicant shall pay its fair share costs for construction of these necessary South Drain subshed stormwater improvements; FCOC culvert crossings at Louise Avenue, Union Pacific Railroad, Roth Road, and the Drain 8 "Farm Road". The project applicant shall coordinate with the City of Manteca to determine the project's fair share costs of these identified improvements.

Impacts associated with construction of these SDMP improvements would generally consist of construction-related air (e.g., respirable particulate matter emissions), noise, biological habitat (e.g., foraging habitat, wetlands), and traffic impacts. In general, proposed improvements would be located within existing right-of-ways (e.g., Woodward Avenue, South Union Road) or in areas that are urbanized or would be urbanized at the time these facilities would be constructed. Based on a reconnaissance-level survey of the project area, including areas along Woodward Avenue and Airport Way, similar habitat conditions are present along these roadways as compared to the project site. Therefore, construction of the proposed off-site storm drainage improvements would result in similar environmental impacts as the project. Mitigation recommended for the project would also substantially reduce construction-related impacts associated with this measure. All of the storm drainage improvements associated with the SDMP have been identified and evaluated in the initial study/mitigated negative declaration (IS/MND) adopted for the Storm Drain Master Plan (City of Manteca 2006c), and the IS/MND prepared for the widening of several culverts in the FCOC (City of Manteca 2008). These IS/MNDs indicated that with mitigation, the proposed South Drain and FCOC improvements would result in less-than-significant environmental impacts (City of Manteca 2006c).

1.4.8 PUBLIC SERVICES AND UTILITIES

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

Development of the proposed project could potentially disrupt existing Pacific Gas & Electric (PG&E) aboveground and underground utility facilities in the project area, resulting in interruption of service. This would be a **potentially significant** impact.

Findings

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 impact on existing utility corridors.

Mitigation Measure 4.10-9: Impacts on Existing Utility Corridors.

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 applicant 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 any 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.

1.4.9 TRANSPORTATION AND CIRCULATION

SIGNIFICANT EFFECT: INCREASES IN PEAK HOUR TRAFFIC VOLUMES ON REGIONAL ROADWAYS RESULTING IN UNACCEPTABLE LEVELS OF SERVICE (IMPACT 4.11-2)

The proposed project would cause an increase in peak hour traffic volumes that would result in unacceptable levels of service at two intersections: Union Road/Daniels Street and Union Road/eastbound SR 120 ramps. Because the project would result in an unacceptable operating condition based on applicable standards, this impact would be **significant and unavoidable**.

Findings

Changes or alterations, which reduce but do not completely avoid the significant effects of the project, have been incorporated into the project. Those changes or alterations are within the responsibility and jurisdiction of another public agency, State of California, Caltrans and SJCOG, and not the agency making these findings. While these mitigation measures would substantially reduce the significant effects of the project, the residual impact would continue to be significant. For some intersections (Union Road/Daniels Street; Union Road/westbound SR 120

ramps; and Union Road/eastbound SR 120 ramps), recommended improvements are either subject to the control of Caltrans and/or 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 impact (Impacts 4.11-2a, b, and c).

The project's impact on peak hour traffic volumes on regional roadways 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 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

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

Mitigation Measure 4.11-2a: Union Road/Daniels Street Intersection.

The applicant shall install a traffic signal, a northbound left-turn lane, a northbound through lane, and a southbound through lane. As shown in Table 4.11-22, the installation of a traffic signal, a northbound left-turn lane, a northbound through lane, and a southbound through lane would improve traffic operations to LOS A during both the a.m. and p.m. peak hour. However, due to close spacing with interim signals at the Union Road/eastbound SR 120 ramps, the signalization of this intersection is not feasible unless the interchange is reconstructed. The City and Caltrans are planning for and intend to reconstruct the Union Road/ SR 120 interchange including signalizing the Union Road/Daniels Street intersection and reconstructing the interchange to improve the signal spacing between the westbound ramps intersection and Daniels Street. This would reduce the project's impact at this intersection to a less-than-significant level. Therefore, prior to issuance of a building permit, the applicant shall pay their fair share towards the reconstruction of the Union Road/SR 120 interchange (which includes intersection widening and signalization of the Union Road/Daniels Street intersection).

Construction of this improvement would occur off the project site. Impacts associated with construction of this improvement would generally consist of construction-related air, noise, biological habitat, and traffic impacts. Specific environmental impacts related to construction of this improvement would require preparation of a separate environmental document (e.g., IS/MND) to analyze specific environmental impacts related to this improvement outside the project site. Therefore, additional significant environmental impacts not already identified or evaluated in this DEIR could occur. However, at this time it is too speculative to determine these impacts without a proposed design and alignment for the improvement.

Because implementation of these improvements prior to project buildout cannot be guaranteed and because the project's fair share contribution would be considerable, the impact would be **potentially significant and unavoidable**.

Mitigation Measure 4.11-2b: Union Road/Eastbound SR 120 Ramps Intersection.

The applicant shall install a northbound right-turn lane. As shown in Table 4.11-22, the added northbound right-turn lane would improve traffic operations to LOS B and D during the a.m. and p.m. peak hour, respectively. Adequate right-of-way is available within the existing alignment to accommodate this improvement. Implementation of this mitigation would reduce the project's impact on the intersection to a **less-than-significant** level.

SIGNIFICANT EFFECT: PROJECT AND CUMULATIVE BUS TRANSIT SERVICES (IMPACT 4.11-5)

Implementation of the project would generate demand 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 and unavoidable**.

Finding

Changes or alterations, which reduce but do not completely avoid the significant effects of the project, have been incorporated into the project. While this mitigation measure would substantially reduce the significant effects of the project, it cannot be guaranteed with implementation of proposed mitigation that adequate transit services would be in place prior to the opening of the project. Therefore, the project's bus transit services impact would remain significant and unavoidable.

The project's impacts on project and cumulative bus transit services 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 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

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

Mitigation Measure 4.11-5: Project Transit System Impacts.

Prior to approval of final maps, 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 Drive 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 building 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, for purposes of CEQA this impact would remain **significant and unavoidable**.

SIGNIFICANT EFFECT: INCREASED ROADWAY CONGESTION FROM CONSTRUCTION TRAFFIC (IMPACT 4.11-11).

It is estimated that 120 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 **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 related to roadway congestion from construction traffic.

Mitigation Measure 4.11-11: Prepare and Implement a Construction Traffic Management Plan.

Prior to the issuance of building 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.

With implementation of this mitigation, this impact would be reduced to a **less-than-significant** level.

1.4.10 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 less-than-significant levels the project's impacts to previously undiscovered/unrecorded archaeological sites.

Mitigation Measure 4.12-3: Undiscovered/Unrecorded Archaeological Sites.

At the onset of construction, all construction personnel shall be alerted to the possibility of buried cultural resources and shall be educated as to identification of archaeological artifacts. If artifacts or unusual amounts of stone, bone, or shell or significant quantities of historic-era artifacts are uncovered during construction activities, work within 50 feet 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 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 are not limited to, capping, data recovery, or 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 less-than-significant levels the project's impacts to human remains discovered during project construction.

Mitigation Measure 4.12-4: Undiscovered/Unrecorded Human Remains.

If human remains are found on the project site, the HSC requires that excavation be halted in the immediate area and the county coroner be notified 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 (HSC 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the NAHC by phone within 24 hours of making that determination (HSC 7050.5[c]).

The responsibilities of the NAHC for acting on notification of a discovery of Native American human remains are identified in the California PRC, Section 5097.9. The NAHC is responsible for immediately notifying the person it believes is the most likely descendant (MLD) of the Native American whose remains were found. With permission of the legal landowner(s), the MLD may visit the site and make recommendations regarding the treatment and disposition of the human remains and any associated grave goods. The MLD should do this within 24 hours of NAHC notification (PRC 5097.98[a]). If an agreement for treatment of the remains cannot be

resolved satisfactorily, any of the parties may request mediation by the NAHC (PRC 5097.94[k]). Should mediation fail, the landowner or the landowner's representative must re-enter the remains and associated items with appropriate dignity on the property in a location not subject to further subsurface disturbance (PRC 5097.98[b]).

1.4.11 CUMULATIVE IMPACTS

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

Past and current development in the vicinity of the project has increasingly changed the visual character along SR 120 and South Union Road 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 project 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 outdoor lighting that limits glare, 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.

Finding

Changes or alterations, which reduce but do not completely avoid the significant effects of the project, have been incorporated into the project. While this mitigation measure would substantially reduce the significant effects of the project, the residual impact would continue to be significant. Because of the scale and location of the proposed project, no feasible mitigation is available to address visual 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. Therefore, this impact would be cumulatively considerable.

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

The City of Manteca adopted mitigation measure 4.2-3 (described above) for the project's degradation of visual character. This mitigation measure would reduce this impact to the greatest extent feasible, but not to a less-than-significant level because substantial changes in the overall viewshed would still occur. Therefore, that impact would remain significant and unavoidable.

SIGNIFICANT EFFECT: GENERATION OF LONG-TERM OPERATIONAL EMISSIONS OF CRITERIA AIR POLLUTANTS AND PRECURSORS (IMPACT 4.3-2)

The project's operational emissions would be anticipated to exceed SJVAPCD's significance thresholds for ROG and NO_x (10 tpy) even with compliance to SJVAPCD's Rule 9510, as shown in Table 4.3-4. Emissions attributable to project implementation, along with emissions from other reasonably foreseeable future projects in the SJVAB as a whole, would continue to contribute to long-term increases in emissions that would exacerbate existing and projected nonattainment conditions. As a result, emissions of precursors and PM₁₀ would result in a cumulatively considerable net increase in San Joaquin County which is in nonattainment under applicable ambient air quality standards. The Draft EIR recommends implementation of Mitigation Measure 4.3-2 and Mitigation Measure 5-1, which would require the project applicant to incorporate feasible emission control measures into the project design and operation to reduce long-term regional air pollutant emissions. However, implementation of these mitigation measures would not reduce this impact to a less-than-significant level and the project's incremental contribution with respect to operational emissions would remain cumulatively **significant and unavoidable**.

Finding

Changes or alterations, which reduce but do not completely avoid the significant effects of the project, have been incorporated into the project. Those changes or alterations are within the responsibility and jurisdiction of another public agency, SJVAPCD, and not the agency making these findings. These measures can and should be adopted by that other agency. Implementation of Mitigation Measure 4.3-2 would help reduce mobile source emissions of ROG and NO_x; however, the extent to which the measure would be able to reduce emissions is dependent on the behavior of project customers and employees. In addition, the project's current operational emissions exceed the SJVAPCD significance thresholds by 183% and 168% for ROG and NO_x, respectively. It is not expected that even with full implementation and participation in the proposed mitigation measures that operational emissions would be reduced to a less-than-significant level. Therefore, the impact is considered significant and unavoidable and cumulatively considerable.

The project's contribution to cumulative air quality impacts would be further reduced or avoided by the No Project Alternative-No Development 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. These alternatives are infeasible.

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 Mitigation Measure 4.3-2 (discussed above) for the project's generation of long-term operational-related emissions of criteria air pollutants and precursors. This mitigation measure would reduce this impact to the greatest extent feasible, but not to a less-than-significant level, because the project's incremental contribution with respect to operational emissions would remain cumulatively significant and unavoidable.

SIGNIFICANT EFFECT: SHORT-TERM PROJECT-GENERATED CONSTRUCTION-RELATED NOISE LEVELS (IMPACT 4.4-1)

Construction activities occurring during daytime hours are exempt from the provisions of the City's noise ordinance if all construction equipment is fitted with factory installed muffling devices and maintained in good working order. The noise impact analysis (see Section 4.4, Noise) determined that adherence to these noise regulations and implementation of Mitigation Measure 4.4-1 would reduce construction noise impacts; however,

there would still be an increase in ambient noise level at nearby rural residential uses. This impact would remain significant and unavoidable. Construction noise sources associated with related projects would also be considered exempt during daytime hours, but there is no guarantee that all construction equipment associated with related projects would incorporate similar noise restricting devices. Therefore, cumulatively **significant** noise impacts associated with construction noise sources could occur, and the project's contribution would be considerable.

Finding

Changes or alterations, which reduce but do not completely avoid the significant effects of the project, have been incorporated into the project. While this mitigation measure would substantially reduce the significant effects of the project, the residual impact would continue to be significant. No other feasible mitigation is available to reduce the impact to a less-than-significant level. Therefore, cumulatively significant noise impacts associated with construction noise sources could occur, and the project's contribution would be considerable.

The project's short-term construction-related noise impacts 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 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

The City of Manteca adopted Mitigation Measure 4.4-1(discussed above) for the project's increases in short-term project-generated construction-related noise levels. This mitigation measure would reduce this impact to the greatest extent feasible, but not to a less-than-significant level because there would still be an increase in ambient noise level at nearby rural residential uses after implementation of mitigation and there is no guarantee that all construction equipment associated with related projects would incorporate similar noise restricting devices.

SIGNIFICANT EFFECT: LONG-TERM PROJECT-GENERATED OPERATION-RELATED NOISE LEVELS FROM STATIONARY SOURCES AT EXISTING NOISE-SENSITIVE RECEPTORS (IMPACT 4.4-3)

Stationary noise associated with the project and related projects could potentially result in exceeding the City's noise regulations at sensitive receptors. Noise originating from stationary noise sources associated with the related projects could be controlled at the source (e.g., noise walls, enclosures), but there is no guarantee that all related projects would incorporate noise reduction design features. Therefore, cumulatively significant noise impacts associated with stationary noise sources could occur. For the project, some off-site receptors could experience noise levels in excess of applicable standards associated with the proposed commercial uses, even with implementation of all feasible mitigation. Therefore, the project would result in a cumulatively considerable contribution to **significant and unavoidable** stationary noise impacts after mitigation (see Mitigation Measure 4.4-3 below).

Finding

Changes or alterations, which reduce but do not completely avoid the significant effects of the project, have been incorporated into the project. While this mitigation measure would substantially reduce the significant effects of the project, the residual impact would continue to be significant. No other feasible mitigation is available to reduce the impact to a less-than-significant level. Therefore, this impact would be significant and unavoidable.

The project's impacts related to long-term project-generated operation-related noise levels from stationary sources at existing noise-sensitive receptors 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 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

The City of Manteca adopted Mitigation Measure 4.4-3 (discussed above) for the project's impacts related to long-term project-generated operation-related noise levels from stationary sources at existing noise-sensitive receptors. Implementation of Mitigation Measure 4.4-3, along with compliance with the City's general plan noise policies, would reduce stationary-source noise impacts. However, noise levels at some off-site noise-sensitive land uses could potentially exceed local noise criteria, even with implementation of all feasible mitigation measures. Single-event noise levels at residential uses located adjacent to areas designated for commercial loading dock areas would be of particular concern because of intermittent noise typically associated with truck deliveries and the loading/unloading of materials. Therefore, this would be a cumulatively significant and unavoidable impact, and the project's contribution would be considerable.

SIGNIFICANT EFFECT: DIRECT CONVERSION OF 48.5 ACRES OF IMPORTANT FARMLAND TO NONAGRICULTURAL URBAN USE (IMPACT 4.8-1)

The permanent conversion of approximately 48.5 acres of Prime Farmland and Farmland of Statewide Importance to nonagricultural urban 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, the surrounding cities, and San Joaquin County as a whole. Further, because of the extension of infrastructure to previously undeveloped areas and the expansion of the urban core of the City, the project could increase pressures for urbanization of areas south of the project site and could result in the permanent conversion of additional areas previously devoted to agriculture to urban land uses. This would be a **significant an unavoidable** impact, and the project's cumulative contribution to this impact would be considerable.

Finding

Required changes or alterations, which substantially reduce the project's significant farmland impacts, have been incorporated into the project (Mitigation Measure 4.8-1). While this mitigation would substantially reduce the project's farmland impacts, the residual cumulative impact would remain significant because of the project's substantial loss of important farmland resources implementation. Mitigation Measure 4.8-1 would not fully mitigate the project's cumulatively considerable contribution to the loss of agricultural land in San Joaquin County. Therefore, this would be a significant an unavoidable impact, and the project's cumulative contribution to this impact would be considerable.

The project's contribution to farmland conversion impacts would be 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 is discussed herein, specific economic, legal, social, technological, or other considerations make infeasible the mitigation measure or project alternatives identified in the EIR that would reduce this impact to a less-than-significant level. Therefore, this impact would be significant and unavoidable.

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 mitigation measure 4.8-1 (discussed above) for loss of agricultural land. The project applicant would pay the agricultural mitigation fee to the City to help offset the conversion of Important Farmland. The City would use these fees to purchase conservation easements on agricultural lands and/or farmland deed restrictions, providing greater protection to these farmlands in the County. However, implementation of Mitigation Measure 4.8-1 would not fully mitigate the project’s cumulatively considerable contribution to the loss of agricultural land in San Joaquin County. Because the project’s farmland conversion impact would remain substantial and adverse, the project would result in a cumulatively considerable and unavoidable farmland resource impact.

SIGNIFICANT EFFECT: CONFLICT WITH SURROUNDING AGRICULTURAL OPERATIONS (IMPACT 4.8-2)

The proposed project is adjacent to active agricultural parcels located to the west, south, and east. Agricultural operations adjacent to urban development typically result in potential land use conflicts (e.g., increased dust generation, noise from farming equipment, odors from fertilizer applications) and these potential adverse interfaces would be expected to occur adjacent to the project site because this land is in active agricultural use. Because of the extension of infrastructure to previously undeveloped areas and the expansion of the urban core of the City, the project could increase pressures for urbanization of areas south of the project site and could result in the permanent conversion of additional areas previously devoted to agriculture to urban land uses. Therefore, the project would result in a **cumulatively considerable and unavoidable** farmland resource impact.

Finding

Changes or alterations, which reduce but do not completely avoid the significant effects of the project, have been incorporated into the project, as explained below. While this mitigation measure would substantially reduce the significant effects of the project, the residual impact would continue to be significant because the project could increase pressures for urbanization of areas south of the project site and could result in the permanent conversion of additional areas previously devoted to agriculture to urban land uses. Therefore, this impact would be significant and unavoidable and cumulatively considerable.

Impacts related to conflict with surrounding agricultural operations to farmland resources 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 mitigation measure 4.8-2 (discussed above) for 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. This measure includes preparation of an agricultural conflict management plan that identifies specific measures that would be implemented to minimize to the degree feasible potential conflicts with adjacent agricultural operations. Additional mitigation measures are not feasible. Because the project’s farmland conflict impact would remain substantial and adverse, the project would result in a cumulatively considerable and unavoidable farmland conflict impact.

SIGNIFICANT CUMULATIVE EFFECT: GROUNDWATER SUPPLY AND QUALITY

The City is a participant in the SSJID South County Surface Water Supply Project (SCSWSP), which will 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., residential, 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. 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'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. This would be a **cumulatively significant** impact and the project's contribution would be considerable.

Findings

No feasible mitigation is available to reduce this impact to a less-than-significant level. Therefore, this impact would be significant and unavoidable.

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 the Finding

Because sufficient surface water supplies (as part of the SCSWSP) are currently available to serve the proposed project (as discussed in Section 4.10, "Public Services and Utilities" of the DEIR), the potential for overdraft of groundwater aquifers is not anticipated to occur with implementation of the project. Furthermore, the proposed project would not result in the construction of any on-site water wells or utilize existing irrigation wells for landscape irrigation. Therefore, the project would result in a less-than-significant impact on 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. Groundwater impacts could be cumulatively considerable because the City cannot be certain that other groundwater users would keep groundwater usage at sustainable levels. Therefore, this would be a cumulatively significant impact.

SIGNIFICANT CUMULATIVE EFFECT: SURFACE DRAINAGE

The project's planned stormwater system and recommended mitigation would be sufficient to serve the project site. As a result, no significant stormwater impacts would occur. However, it cannot be assumed that all potential environmental impacts associated with the development of additional off-site stormwater conveyance facilities required to serve future cumulative projects would be mitigated to less-than-significant levels. Therefore, **potentially significant** cumulative utilities impacts could occur related to stormwater facilities and the project's contribution to potential impacts would be cumulatively considerable.

Finding

No feasible mitigation is available to reduce this potentially cumulative impact to a less-than-significant level. Therefore, this impact would be cumulatively significant and unavoidable.

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 the Finding

With implementation of Mitigation Measures 4.7-3, 4.9-2, and 4.9-3 (discussed above), the project's hydrology and water quality impacts would be reduced to a less-than-significant level because preparation of a grading and erosion control plan and implementation of BMPs would ensure that urban runoff does not impair water quality in off-site water bodies. Further, adequate storm drainage capacity would be ensured through the payment of fair share costs and construction of necessary infrastructure to serve the project. Implementation of these mitigation measures would also make the project consistent with the City's general plan policies related to water quality (Policies RC-P-12 and RC-P-13). However, it cannot be assumed that environmental impacts to surface drainage from future related projects would be mitigated to less-than-significant levels. Therefore, potentially significant cumulative utilities impacts could occur related to stormwater facilities and the project's contribution to potential impacts would be cumulatively considerable.

SIGNIFICANT CUMULATIVE EFFECT: WASTEWATER

Wastewater generation rates are typically 80 to 90% of domestic water usage (Metcalf & Eddy 2002). Therefore, the proposed project would result in the generation of a total average daily flow of 70,740 gallons per day (gpd) (78,600 gpd multiplied by 0.90) with a peak daily flow of 212,220 gpd (70,740 gpd multiplied by 3). The City of Manteca Wastewater Quality Control Facility (WQCF) has a current capacity of 9.87 mgd. The wastewater generated by the proposed project (described above as being approximately 0.07 mgd), in combination with the average wastewater flows currently being treated at the WQCF (approximately 6.5 mgd), would not exceed the plant's permitted capacity. The City has adopted an allocation schedule for sewer treatment and conveyance capacity (Resolution No. R2005-435). The City has indicated that they would be able to meet the project's wastewater treatment demands in combination with other existing and projected demands. No new or expanded wastewater treatment facilities would be required to serve the project. Because adequate wastewater treatment capacity would be available to serve the project and on-site and potential off-site conveyance facilities would be designed according to City standards, this would be a less-than-significant impact. However, it cannot be assumed that all potential environmental impacts associated with development of additional wastewater capacity and infrastructure required to serve future 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 cumulative impact would be potentially considerable.

Finding

No feasible mitigation is available to reduce the project's contribution to this cumulative impact to a less-than-significant level. Therefore, this impact would be significant and unavoidable.

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 the Finding

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.

SIGNIFICANT CUMULATIVE EFFECT: CUMULATIVE BUS TRANSIT SERVICES (IMPACT 4.11-5)

Implementation of the project would generate demand 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 would be a **significant** impact and the project's cumulative contribution would be considerable.

Finding

Changes or alterations, which reduce but do not completely avoid the significant effects of the project, have been incorporated into the project. While this mitigation measure would substantially reduce the significant effects of the project, it cannot be guaranteed with implementation of proposed mitigation that adequate transit services would be in place prior to the opening of the project. Therefore, the cumulative bus transit services impact would remain significant and unavoidable.

The project's impacts on project and cumulative bus transit services 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 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

The City of Manteca adopted mitigation measure 4.11-5 (discussed above) for the project's impact related to project and cumulative bus transit services. As described above, 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. This mitigation measure would reduce this impact to the greatest extent feasible, but not to a less-than-significant level. This impact would remain significant and unavoidable and the project's contribution would be considerable.

SIGNIFICANT CUMULATIVE EFFECT: INCREASES IN PEAK HOUR TRAFFIC VOLUMES ON LOCAL ROADWAY SEGMENTS RESULTING IN UNACCEPTABLE LEVELS OF SERVICE UNDER CUMULATIVE PLUS PROJECT CONDITIONS (2015) (IMPACT 4.11-6)

The project would contribute trips to 12 roadway segments and would potentially exacerbate unacceptable LOS that would exceed the City of Manteca's LOS thresholds under cumulative conditions. Implementation of improvements to 10 of these 12 segments prior to project buildout cannot be guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts associated with the recommended mitigation would be **potentially significant and unavoidable** and the project's contribution would be considerable (Impact 4.11-6 b, c, d, e, f, h, i, j, k, and l).

Finding

Changes or alterations, which reduce but do not completely avoid the significant effects of the project, have been incorporated into the project. Those changes or alterations are within the responsibility and jurisdiction the City of Manteca and of another public agency, Caltrans, and SJCOG. While these mitigation measures would substantially reduce the significant effects of the project, the potential cumulative impacts associated with the recommended mitigation would be potentially significant and unavoidable and the project's contribution would be considerable (Impact 4.11-6 b, c, d, e, f, h, i, j, k, and l).

The project's impact on peak hour traffic volumes on local roadway segments resulting in unacceptable levels of service under cumulative plus project conditions (2015) 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 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

The City of Manteca adopted the following mitigation measures for the project's cumulative impact on peak hour traffic volumes on local roadways segments resulting in unacceptable levels of service under cumulative plus project conditions (2015). Mitigation Measures 4.11-6 b, c, d, e, f, h, i, j, k, and l would reduce this impact to the greatest extent feasible, but not to a less-than-significant level.

Mitigation Measure 4.11-6a: Atherton Drive between Union Road and Main Street.

- ▶ Prior to issuance of any building permits, the applicant shall pay their fair share cost for widening of Atherton Drive to four lanes between Union Road and Main Street. Construction of this improvement would occur off the project site. Impacts associated with construction of this improvement would generally consist of construction-related air, noise, biological habitat, and traffic impacts. Specific environmental impacts related to construction of this improvement were fully analyzed in a previous environmental document (*Atherton Road Extension and Union Road Widening Project, Initial Study/Proposed Mitigated Negative Declaration*; November 27, 2006; SCH No. 2006112136). Therefore, additional significant environmental impacts not already identified or evaluated in this DEIR would not occur.
- ▶ By widening this roadway segment to four lanes, roadway operations would improve to LOS C (see Table 4.11-23). In addition, this mitigation measure would be consistent with the updated Public Facilities Implementation Plan (PFIP) project list. Therefore, this impact would be reduced to a **less-than-significant** level.

Mitigation Measure 4.11-6b: Airport Way between Yosemite Avenue and Daniels Street.

- ▶ Prior to issuance of any building permits, the applicant shall pay their fair share cost for widening of Airport Way to six lanes between Yosemite Avenue and Daniels Street. Construction of this improvement would occur off the project site. Impacts associated with construction of this improvement would generally consist of construction-related air, noise, biological habitat, and traffic impacts. Specific environmental impacts related to construction of this improvement would require preparation of a separate environmental document (e.g., IS, EIR) to analyze specific environmental impacts related to this improvement outside the project site. Therefore, additional significant environmental impacts not already identified or evaluated in this DEIR could occur. However, at this time it is too speculative to determine these impacts without a proposed alignment for the improvement.

**Table 4.11-23
Cumulative Plus Project Roadway Volumes & Levels of Service**

Roadway Segment	Mitigated Lanes	Cumulative Plus Project Volume ¹	Level of Service ²	
			Cumulative Plus Project	Cumulative Plus Project Mitigated
2. Atherton Drive, between Union Road and Main Street	4	15,800	F	C
3. Airport Way, between Yosemite Avenue and Daniels Street	6	26,600	F	C
4. Airport Way, between Daniels Street and SR 120	6	35,600	F	C
6. Airport Way, between Atherton Drive and Woodward Avenue	6	28,100	F	C
7. Airport Way, between Woodward Avenue and McKinley Avenue	6	15,000	E	C
9. Union Road, between Daniels Street and SR 120	4	30,200	F	D
10. Union Road, between SR 120 and Atherton Drive	6	38,100	F	D
12. Union Road, between Woodward Avenue and Peach Avenue	4	20,500	F	C
17. Woodward Avenue, between McKinley Avenue and Airport Way	4	17,400	F	C
18. Woodward Avenue, between Airport Way and Oleander Road	4	17,300	F	C
19. Woodward Avenue, between Oleander Road and Union Road	4	17,300	F	C
21. Woodward Avenue, between Tinnin Road and Main Street	4	15,500	F	C
Notes: ¹ Average daily 4.11fftc ² LOS = Level of service Source: Compiled by Fehr & Peers in 2008				

- By widening this roadway segment to six lanes, roadway operations would improve to LOS C (see Table 4.11-23). In addition, this mitigation measure would be consistent with the updated PFIP project list. Therefore, the cumulative operational impact to this roadway segment would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because implementation of these improvements prior to project buildout cannot be guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts would be **potentially significant and unavoidable** and the project's contribution would be considerable.

Mitigation Measure 4.11-6c: Airport Way between Daniels Street and SR 120.

- Prior to issuance of any building permits, the applicant shall pay their fair share cost for widening of Airport Way to six lanes between Daniels Street and SR 120. Construction of this improvement would occur off the project site. Impacts associated with construction of this improvement would generally consist of construction-related air, noise, biological habitat, and traffic impacts. Specific environmental impacts related to construction of this improvement would require preparation of a separate environmental document (e.g., IS, EIR) to analyze specific environmental impacts related to this improvement outside the project site. Therefore, additional significant environmental impacts not already identified or evaluated in this DEIR could occur. However, at this time it is too speculative to determine these impacts without a proposed alignment for the improvement.

- By widening this roadway segment to six lanes, roadway operations would improve to LOS C (see Table 4.11-23). In addition, this mitigation measure would be consistent with the updated PFIP project list. Therefore, the cumulative operational impact to this roadway segment would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because implementation of these improvements prior to project buildout cannot be guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts would be **potentially significant and unavoidable** and the project's contribution would be considerable.

Mitigation Measure 4.11-6d: Airport Way between Atherton Drive and Woodward Avenue.

- Prior to issuance of any building permits, the applicant shall pay their fair share cost for widening of Airport Way to six lanes between Atherton Drive and Woodward Avenue. Construction of this improvement would occur off the project site. Impacts associated with construction of this improvement would generally consist of construction-related air, noise, biological habitat, and traffic impacts. Specific environmental impacts related to construction of this improvement would require preparation of a separate environmental document (e.g., IS, EIR) to analyze specific environmental impacts related to this improvement outside the project site. Therefore, additional significant environmental impacts not already identified or evaluated in this DEIR could occur. However, at this time it is too speculative to determine these impacts without a proposed alignment for the improvement.
- By widening this roadway segment to six lanes, roadway operations would improve to LOS C conditions (see Table 4.11-23). In addition, this mitigation measure would be consistent with the updated PFIP project list. Therefore, the cumulative operational impact to this roadway segment would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because implementation of these improvements prior to project buildout cannot be guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts would be **potentially significant and unavoidable** and the project's contribution would be considerable.

Mitigation Measure 4.11-6e: Airport Way between Woodward Avenue and McKinley Avenue.

- Prior to issuance of any building permits, the applicant shall pay their fair share cost for widening of Airport Way to six lanes between Woodward Avenue and McKinley Avenue. Construction of this improvement would occur off the project site. Impacts associated with construction of this improvement would generally consist of construction-related air, noise, biological habitat, and traffic impacts. Specific environmental impacts related to construction of this improvement would require preparation of a separate environmental document (e.g., IS, EIR) to analyze specific environmental impacts related to this improvement outside the project site. Therefore, additional significant environmental impacts not already identified or evaluated in this DEIR could occur. However, at this time it is too speculative to determine these impacts without a proposed alignment for the improvement.
- By widening this roadway segment to six lanes roadway operations would improve to LOS C conditions (see Table 4.11-23). In addition, this mitigation measure would be consistent with the updated PFIP project list. Therefore, the cumulative operational impact to this roadway segment would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because implementation of these improvements prior to project buildout cannot be guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative

impacts would be **potentially significant and unavoidable** and the project's contribution would be considerable.

Mitigation Measure 4.11-6f: Union Road between Daniels Street and SR 120.

- ▶ Prior to issuance of any building permits, the applicant shall pay their fair share cost for widening of Union Road to four lanes between Daniels Street and SR 120. Construction of this improvement would occur off the project site. Impacts associated with construction of this improvement would generally consist of construction-related air, noise, biological habitat, and traffic impacts. Specific environmental impacts related to construction of this improvement would require preparation of a separate environmental document (e.g., IS, EIR) to analyze specific environmental impacts related to this improvement outside the project site. Therefore, additional significant environmental impacts not already identified or evaluated in this DEIR could occur. However, at this time it is too speculative to determine these impacts without a proposed alignment for the improvement.
- ▶ By widening this roadway segment to four lanes roadway operations would improve to LOS D conditions (see Table 4.11-23). In addition, this mitigation measure would be consistent with the updated PFIP project list. Therefore, the cumulative operational impact to this roadway segment would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because implementation of these improvements prior to project buildout cannot be guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts would be **potentially significant and unavoidable** and the project's contribution would be considerable.

Mitigation Measure 4.11-6g: Union Road between SR 120 and Atherton Drive.

- ▶ Prior to issuance of any building permits, the applicant shall pay their fair share cost for widening of Union Road to six lanes between SR 120 and Atherton Drive. Construction of this improvement would primarily occur off the project site. Impacts associated with construction of this improvement would generally consist of construction-related air, noise, biological habitat, and traffic impacts. Specific environmental impacts related to construction of this improvement were fully analyzed in a previous environmental document (*Atherton Road Extension and Union Road Widening Project, Initial Study/Proposed Mitigated Negative Declaration*; November 27, 2006; SCH No. 2006112136). Therefore, additional significant environmental impacts not already identified or evaluated in this DEIR would not occur.
- ▶ By widening this roadway segment to six lanes roadway operations would improve to LOS D conditions (see Table 4.11-23). In addition, this mitigation measure would be consistent with the updated PFIP project list. Therefore, this impact would be reduced to a **less-than-significant** level.

Mitigation Measure 4.11-6h: Union Road between Woodward Avenue and Peach Avenue.

- ▶ Prior to issuance of any building permits, the applicant shall pay their fair share cost for widening of Union Road to four lanes between Woodward Avenue and Peach Avenue. Construction of this improvement would occur off the project site. Impacts associated with construction of this improvement would generally consist of construction-related air, noise, biological habitat, and traffic impacts. Specific environmental impacts related to construction of this improvement would require preparation of a separate environmental document (e.g., IS, EIR) to analyze specific environmental impacts related to this improvement outside the project site. Therefore, additional significant environmental impacts not already identified or evaluated in this DEIR could occur. However, at this time it is too speculative to determine these impacts without a proposed alignment for the improvement.

- By widening this roadway segment to four lanes roadway operations would improve to LOS C conditions (see Table 4.11-23). In addition, this mitigation measure would be consistent with the updated PFIP project list. Therefore, the cumulative operational impact to this roadway segment would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because implementation of these improvements prior to project buildout cannot be guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts associated with the recommended mitigation would be **potentially significant and unavoidable** and the project's contribution would be considerable.

Mitigation Measure 4.11-6i: Woodward Avenue between McKinley Avenue and Airport Way.

- Prior to issuance of any building permits, the applicant shall pay their fair share cost for widening of Woodward Avenue to four lanes between McKinley Avenue and Airport Way. Construction of this improvement would occur off the project site. Impacts associated with construction of this improvement would generally consist of construction-related air, noise, biological habitat, and traffic impacts. Specific environmental impacts related to construction of this improvement would require preparation of a separate environmental document (e.g., IS, EIR) to analyze specific environmental impacts related to this improvement outside the project site. Therefore, additional significant environmental impacts not already identified or evaluated in this DEIR could occur. However, at this time it is too speculative to determine these impacts without a proposed alignment for the improvement.
- By widening this roadway segment to four lanes roadway operations would improve to LOS C conditions (see Table 4.11-23). In addition, this mitigation measure would be consistent with the updated PFIP project list. Therefore, the cumulative operational impact to this roadway segment would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because implementation of these improvements prior to project buildout cannot be guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts associated with the recommended mitigation would be **potentially significant and unavoidable** and the project's contribution would be considerable.

Mitigation Measure 4.11-6j: Woodward Avenue between Airport Way and Oleander Road.

- Prior to issuance of any building permits, the applicant shall pay their fair share cost for widening of Woodward Avenue to four lanes between Airport Way and Oleander Road. Construction of this improvement would occur off the project site. Impacts associated with construction of this improvement would generally consist of construction-related air, noise, biological habitat, and traffic impacts. Specific environmental impacts related to construction of this improvement would require preparation of a separate environmental document (e.g., IS, EIR) to analyze specific environmental impacts related to this improvement outside the project site. Therefore, additional significant environmental impacts not already identified or evaluated in this DEIR could occur. However, at this time it is too speculative to determine these impacts without a proposed alignment for the improvement.
- By widening this roadway segment to four lanes roadway operations would improve to LOS C conditions (see Table 4.11-23). In addition, this mitigation measure would be consistent with the updated PFIP project list. Therefore, the cumulative operational impact to this roadway segment would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because implementation of these improvements prior to project buildout cannot be guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative

impacts associated with the recommended mitigation would be **potentially significant and unavoidable** and the project's contribution would be considerable.

Mitigation Measure 4.11-6k: Woodward Avenue between Oleander Road and Union Road.

- ▶ Prior to issuance of any building permits, the applicant shall pay their fair share cost for widening of Woodward Avenue to four lanes between Oleander Road and Union Road. Construction of this improvement would occur off the project site. Impacts associated with construction of this improvement would generally consist of construction-related air, noise, biological habitat, and traffic impacts. Specific environmental impacts related to construction of this improvement would require preparation of a separate environmental document (e.g., IS, EIR) to analyze specific environmental impacts related to this improvement outside the project site. Therefore, additional significant environmental impacts not already identified or evaluated in this DEIR could occur. However, at this time it is too speculative to determine these impacts without a proposed alignment for the improvement.
- ▶ By widening this roadway segment to four lanes roadway operations would improve to LOS C conditions (see Table 4.11-23). In addition, this mitigation measure would be consistent with the updated PFIP project list. Therefore, the cumulative operational impact to this roadway segment would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because implementation of these improvements prior to project buildout cannot be guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts associated with the recommended mitigation would be **potentially significant and unavoidable** and the project's contribution would be considerable.

Mitigation Measure 4.11-6l: Woodward Avenue between Tinnin Road and Main Street.

- ▶ Prior to issuance of any building permits, the applicant shall pay their fair share cost for widening of Woodward Avenue to four lanes between Tinnin Road and Main Street. Construction of this improvement would occur off the project site. Impacts associated with construction of this improvement would generally consist of construction-related air, noise, biological habitat, and traffic impacts. Specific environmental impacts related to construction of this improvement would require preparation of a separate environmental document (e.g., IS, EIR) to analyze specific environmental impacts related to this improvement outside the project site. Therefore, additional significant environmental impacts not already identified or evaluated in this DEIR could occur. However, at this time it is too speculative to determine these impacts without a proposed alignment for the improvement.
- ▶ By widening this roadway segment to four lanes roadway operations would improve to LOS C conditions (see Table 4.11-23). In addition, this mitigation measure would be consistent with the updated PFIP project list. Therefore, the cumulative operational impact to this roadway segment would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because implementation of these improvements prior to project buildout cannot be guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts associated with the recommended mitigation would be **potentially significant and unavoidable** and the project's contribution would be considerable.

SIGNIFICANT CUMULATIVE EFFECT: INCREASES IN PEAK HOUR TRAFFIC VOLUMES ON REGIONAL ROADWAYS RESULTING IN UNACCEPTABLE LEVELS OF SERVICE UNDER CUMULATIVE PLUS PROJECT CONDITIONS (2015) (IMPACT 4.11-7)

The proposed project would cause an increase in peak hour traffic volumes that would result in unacceptable levels of service and warrant the need for improvements at 16 intersections under cumulative plus project conditions. Because the project would result in an unacceptable operating conditions based on applicable standards, this impact would be **significant and unavoidable**.

Finding

Changes or alterations, which reduce but do not completely avoid the significant effects of the project, have been incorporated into the project. Those changes or alterations are within the responsibility and jurisdiction of the City of Manteca and of another public agency, Caltrans. The proposed project would cause an increase in peak hour traffic volumes that would result in unacceptable levels of service and warrant the need for improvements at 16 intersections under cumulative plus project conditions (refer to intersections listed under Impact 4.11-7). With the exception of recommended improvements at 1 segment, the recommended improvements for these impacts are subject to the control of Caltrans and it is unknown whether the improvements would be implemented at the time the project builds and/or whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level. Therefore, the potential cumulative impacts associated with the recommended mitigation would be potentially significant and unavoidable (Impact 4.11-7 a through o).

The project's cumulative impact on peak hour traffic volumes on regional roadways 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 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

The City of Manteca adopted the following mitigation measures for the project's cumulative impact on peak hour traffic volumes on regional roadways. These mitigation measures would reduce this impact to the greatest extent feasible, but not to a less-than-significant level.

Mitigation Measure 4.11-7a: Airport Way/Yosemite Avenue.

Prior to issuance of any building permits, the applicant shall pay their fair-share of the following intersection improvements, which have been identified in the PFIP projects list:

- ▶ Construct three northbound and southbound through lanes
- ▶ Construct three eastbound and westbound through lanes
- ▶ Construct dual left-turn lanes on all approaches
- ▶ Construct right-turn lanes on all approaches

Construction of these improvements would occur off the project site. Impacts associated with construction of these improvements would generally consist of construction-related air, noise, biological habitat, and traffic impacts. Specific environmental impacts related to construction of this improvement would require preparation of a separate environmental document (e.g., IS, EIR) to analyze specific environmental impacts related to these

improvements outside the project site. Therefore, additional significant environmental impacts not already identified or evaluated in this DEIR could occur. However, at this time it is too speculative to determine these impacts without a proposed design for the improvement.

With implementation of these improvements, the intersection would operate at an acceptable LOS during the a.m. and p.m. peak hours, as shown in Table 4.11-24. Therefore, the cumulative operational impact to this intersection would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because implementation of these improvements prior to project buildout cannot be guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts associated with the recommended mitigation would be **potentially significant and unavoidable** and the project's contribution would be considerable.

Mitigation Measure 4.11-7b: Airport Way/Wawona Street.

Prior to issuance of any building permits, the applicant shall pay their fair-share of intersection improvements. The impact at this location could be reduced to a less-than-significant level by constructing the following intersection improvements identified in the PFIP projects list:

- ▶ Signalize the intersection
- ▶ Construct three northbound and southbound through lanes
- ▶ Construct a southbound left-turn lane, a northbound right-turn lane, and a westbound right-turn lane

Construction of these improvements would occur off the project site. Impacts associated with construction of these improvements would generally consist of construction-related air, noise, biological habitat, and traffic impacts. Specific environmental impacts related to construction of this improvement would require preparation of a separate environmental document (e.g., IS, EIR) to analyze specific environmental impacts related to these improvements outside the project site. Therefore, additional significant environmental impacts not already identified or evaluated in this DEIR could occur. However, at this time it is too speculative to determine these impacts without a proposed design and alignment for the improvement.

With implementation of these improvements, the intersection would operate at an acceptable LOS during the a.m. and p.m. peak hours, as shown in Table 4.11-24. Therefore, the cumulative operational impact to this intersection would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because implementation of these improvements prior to project buildout cannot be guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts associated with the recommended mitigation would be **potentially significant and unavoidable** and the project's contribution would be considerable.

Mitigation Measure 4.11-7c: Airport Way/SR 120 Westbound.

Prior to issuance of any building permits, the applicant shall pay their fair-share to reconstruct the SR 120/Airport Way interchange. The City of Manteca and Caltrans are currently preparing a Project Study Report (PSR) for future interchange improvements at Airport Way/SR 120. As part of the improvements, the Airport Way overpass and ramp terminal intersections would be designed to provide acceptable LOS D or better operations under cumulative conditions. The future design of the interchange is not yet finalized, but based on the PSR for the Union Road/SR 120 interchange (which is substantially similar to what is proposed for this interchange), and the PFIP project list, the Airport Way/SR 120 interchange would likely have a partial cloverleaf design. The overpass would include three through lanes in each direction. The design for the ramp terminal intersections would include dual left-turn lanes and dedicated right-turn lanes.

Reconstruction of the interchange would occur off the project site. Impacts associated with reconstruction of the interchange would generally consist of construction-related air, noise, biological habitat, and traffic impacts. Specific environmental impacts related to reconstruction of the interchange would require preparation of a separate environmental document (e.g., IS, EIR) to analyze specific environmental impacts related to this improvement outside the project site. Therefore, additional significant environmental impacts not already identified or evaluated in this DEIR could occur. However, at this time it is too speculative to determine these impacts without a proposed design alignment for the improvement. Further, the City and Caltrans are working together to prepare the necessary environmental documents for this improvement.

With reconstruction of the interchange, the Airport Way / SR 120 westbound ramp intersection would operate at an acceptable LOS during the a.m. and p.m. peak hours, as shown in Table 4.11-24. Therefore, the cumulative operational impact to this intersection would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because implementation of these improvements prior to project buildout cannot be guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts associated with the recommended mitigation would be **potentially significant and unavoidable** and the project's contribution would be considerable.

Mitigation Measure 4.11-7d: Airport Way/SR 120 eastbound.

The applicant shall implement Mitigation Measure 4.11-7c.

With reconstruction of the interchange, the Airport Way/SR 120 eastbound ramp intersection would operate at an acceptable LOS during the a.m. and p.m. peak hours, as shown in Table 4.11-24. Therefore, the cumulative operational impact to this intersection would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because implementation of these improvements prior to project buildout cannot be guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts associated with the recommended mitigation would be **potentially significant and unavoidable** and the project's contribution would be considerable.

Mitigation Measure 4.11-7e: Airport Way/Atherton Drive.

Prior to issuance of any building permits, the applicant shall pay their fair-share of the following intersection improvements, which are identified in the PFIP projects list:

- ▶ Signalize the intersection
- ▶ Construct three northbound and southbound through lanes
- ▶ Construct two eastbound and westbound through lanes
- ▶ Construct dual left-turn lanes on the eastbound and westbound approaches

Construction of these improvements would occur off the project site. Impacts associated with construction of these improvements would generally consist of construction-related air, noise, biological habitat, and traffic impacts. Specific environmental impacts related to construction of this improvement would require preparation of a separate environmental document (e.g., IS, EIR) to analyze specific environmental impacts related to these improvements outside the project site. Therefore, additional significant environmental impacts not already identified or evaluated in this DEIR could occur. However, at this time it is too speculative to determine these impacts without a proposed design alignment for the improvements.

With implementation of these improvements, the intersection would operate at an acceptable LOS during the a.m. and p.m. peak hours, as shown in Table 4.11-24. Therefore, the cumulative operational impact to this intersection would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because implementation of these improvements prior to project buildout cannot be

guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts associated with the recommended mitigation would be **potentially significant and unavoidable** and the project's contribution would be considerable.

Mitigation Measure 4.11-7f: Airport Way/Woodward Avenue.

Prior to issuance of any building permits, the applicant shall pay their fair-share of the following intersection improvements, which are identified in the PFIP projects list:

- ▶ Signalize the intersection.
- ▶ Construct two left-turn lanes, three through lanes, and one right-turn lane on the northbound and southbound approaches.
- ▶ Construct two left-turn lanes, two through lanes, and one right-turn lane on the eastbound and westbound approaches.

Construction of these improvements would occur off the project site. Impacts associated with construction of these improvements would generally consist of construction-related air, noise, biological habitat, and traffic impacts. Specific environmental impacts related to construction of this improvement would require preparation of a separate environmental document (e.g., IS, EIR) to analyze specific environmental impacts related to these improvements outside the project site. Therefore, additional significant environmental impacts not already identified or evaluated in this DEIR could occur. However, at this time it is too speculative to determine these impacts without a proposed design and alignment for the improvements.

With implementation of these improvements, the intersection would operate at an acceptable LOS during the a.m. and p.m. peak hours, as shown in Table 4.11-24. Therefore, the cumulative operational impact to this intersection would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because implementation of these improvements prior to project buildout cannot be guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts associated with the recommended mitigation would be **potentially significant and unavoidable** and the project's contribution would be considerable.

Mitigation Measure 4.11-7g: Union Road/Yosemite Avenue.

Prior to issuance of any building permits, the applicant shall pay their fair-share of the following intersection improvements, which are identified in the PFIP projects list:

- ▶ Construct dual left-turn lanes at the northbound approach
- ▶ Construct two eastbound through lanes
- ▶ Construct right-turn lanes on the westbound, southbound, and northbound approaches.

Construction of these improvements would occur off the project site. Impacts associated with construction of these improvements would generally consist of construction-related air, noise, biological habitat, and traffic impacts. Specific environmental impacts related to construction of this improvement would require preparation of a separate environmental document (e.g., IS, EIR) to analyze specific environmental impacts related to these improvements outside the project site. Therefore, additional significant environmental impacts not already identified or evaluated in this DEIR could occur. However, at this time it is too speculative to determine these impacts without a proposed design and alignment for the improvements.

With implementation of these improvements, the intersection would operate at an acceptable LOS during the a.m. and p.m. peak hours, as shown in Table 4.11-24. Therefore, the cumulative operational impact to this intersection would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because implementation of these improvements prior to project buildout cannot be guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts associated with the recommended mitigation would be **potentially significant and unavoidable** and the project's contribution would be considerable.

Mitigation Measure 4.11-7h: Union Road/Wawona Street.

Prior to issuance of any building permits, the applicant shall pay their fair-share of the following intersection improvements, which are identified in the PFIP projects list:

- ▶ Construct two southbound through lanes
- ▶ Construct a right-turn lane on the northbound approach.

Construction of these improvements would occur off the project site. Impacts associated with construction of these improvements would generally consist of construction-related air, noise, biological habitat, and traffic impacts. Specific environmental impacts related to construction of this improvement would require preparation of a separate environmental document (e.g., IS, EIR) to analyze specific environmental impacts related to these improvements outside the project site. Therefore, additional significant environmental impacts not already identified or evaluated in this DEIR could occur. However, at this time it is too speculative to determine these impacts without a proposed design and alignment for the improvements.

With implementation of these improvements, the intersection would operate at an acceptable LOS during the a.m. and p.m. peak hours, as shown in Table 4.11-24. Therefore, the cumulative operational impact to this intersection would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because implementation of these improvements prior to project buildout cannot be guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts associated with the recommended mitigation would be **potentially significant and unavoidable** and the project's contribution would be considerable.

Mitigation Measure 4.11-7i: Union Road/Daniels Street.

Prior to issuance of any building permits, the applicant shall pay their fair-share of the following intersection improvements, which are identified in the PFIP projects list:

- ▶ Signalize the intersection
- ▶ Construct two southbound through lanes
- ▶ Construct two northbound through lanes
- ▶ Construct a left-turn lane on the northbound approach.

Construction of these improvements would occur off the project site. Impacts associated with construction of these improvements would generally consist of construction-related air, noise, biological habitat, and traffic impacts. Specific environmental impacts related to construction of this improvement would require preparation of a separate environmental document (e.g., IS, EIR) to analyze specific environmental impacts related to these improvements outside the project site. Therefore, additional significant environmental impacts not already identified or evaluated in this DEIR could occur. However, at this time it is too speculative to determine these impacts without a proposed design and alignment for the improvements.

With implementation of these improvements, the intersection would operate at an acceptable LOS during the a.m. and p.m. peak hours, as shown in Table 4.11-24. Therefore, the cumulative operational impact to this intersection would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because implementation of these improvements prior to project buildout cannot be guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts associated with the recommended mitigation would be **potentially significant and unavoidable** and the project's contribution would be considerable.

Mitigation Measure 4.11-7j: Union Road/SR 120 westbound.

The applicant shall pay their fair-share to reconstruct the SR 120/Union Road interchange. The City of Manteca and Caltrans are currently preparing a Project Report/Environmental Document for future interchange improvements at Union Road/SR 120. As part of the improvements, the Union Road overpass and ramp terminal intersections would be designed to provide acceptable LOS D or better operations under cumulative conditions. The future design of the interchange is not yet finalized; but based on the PSR for the interchange and the PFIP project list it would likely have a partial cloverleaf design. The overpass would include two through lanes in each direction. The design for the ramp terminal intersections would include dual left-turn lanes and dedicated right-turn lanes.

Reconstruction of this interchange would occur off the project site. Impacts associated with reconstruction of this interchange would generally consist of construction-related air, noise, biological habitat, and traffic impacts. Specific environmental impacts related to reconstruction of this interchange would require preparation of a separate environmental document (e.g., IS, EIR) to analyze specific environmental impacts related to this improvement outside the project site. Therefore, additional significant environmental impacts not already identified or evaluated in this DEIR could occur. However, at this time it is too speculative to determine these impacts without a proposed alignment for the improvement.

With reconstruction of this interchange, the intersection would operate at an acceptable LOS during the a.m. and p.m. peak hours, as shown in Table 4.11-24. Therefore, the cumulative operational impact to this intersection would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because implementation of these improvements prior to project buildout cannot be guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts associated with the recommended mitigation would be **potentially significant and unavoidable** and the project's contribution would be considerable.

Mitigation Measure 4.11-7k: Union Road/SR 120 eastbound.

The applicant shall implement Mitigation Measure 4.11-7j.

With reconstruction of the Union Road/SR 120 interchange, the Union Road / SR 120 eastbound ramp intersection would operate at an acceptable LOS during the a.m. and p.m. peak hours, as shown in Table 4.11-24. Therefore, the cumulative operational impact to this intersection would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because implementation of these improvements prior to project buildout cannot be guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts associated with the recommended mitigation would be **potentially significant and unavoidable** and the project's contribution would be considerable.

Mitigation Measure 4.11-7l: Union Road/Woodward Avenue.

Prior to issuance of any building permits, the applicant shall pay their fair-share of the following intersection improvements, which are identified in the PFIP projects list:

- ▶ Signalize the intersection
- ▶ Construct two left-turn lanes, two through lanes, and one right-turn lane on each approach.

Construction of these improvements would occur off the project site. Impacts associated with construction of these improvements would generally consist of construction-related air, noise, biological habitat, and traffic impacts. Specific environmental impacts related to construction of this improvement would require preparation of a separate environmental document (e.g., IS, EIR) to analyze specific environmental impacts related to these improvements outside the project site. Therefore, additional significant environmental impacts not already identified or evaluated in this DEIR could occur. However, at this time it is too speculative to determine these impacts without a proposed design and alignment for the improvements.

With implementation of these improvements, the intersection would operate at an acceptable LOS during the a.m. and p.m. peak hours, as shown in Table 4.11-24. Therefore, the cumulative operational impact to this intersection would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because implementation of these improvements prior to project buildout cannot be guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts associated with the recommended mitigation would be **potentially significant and unavoidable** and the project's contribution would be considerable.

Mitigation Measure 4.11-7m: Main Street/SR 120 westbound.

The applicant shall implement Mitigation Measure 4.11-7j.

With reconstruction of the Union Road/SR 120 interchange, the Union Road / SR 120 westbound ramp intersection would operate at an acceptable LOS during the a.m. and p.m. peak hours, as shown in Table 4.11-24. Therefore, the cumulative operational impact to this intersection would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because implementation of these improvements prior to project buildout cannot be guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts associated with the recommended mitigation would be **potentially significant and unavoidable** and the project's contribution would be considerable.

Mitigation Measure 4.11-7n: Main Street/SR 120 eastbound.

The applicant shall implement Mitigation Measure 4.11-7j.

With reconstruction of the Union Road/SR 120 interchange, the Main Street / SR 120 eastbound ramp intersection would operate at an acceptable LOS during the a.m. and p.m. peak hours, as shown in Table 4.11-24. Therefore, the cumulative operational impact to this intersection would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because implementation of these improvements prior to project buildout cannot be guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts associated with the recommended mitigation would be **potentially significant and unavoidable** and the project's contribution would be considerable.

Mitigation Measure 4.11-7o: Main Street/Woodward Avenue.

Prior to issuance of any building permits, the applicant shall pay their fair-share of the following intersection improvements, which are identified in the PFIP projects list:

- ▶ Signalize the intersection
- ▶ Construct two through lanes at each approach
- ▶ Construct dual lefts on the northbound, southbound, and westbound approaches

Construction of these improvements would occur off the project site. Impacts associated with construction of these improvements would generally consist of construction-related air, noise, biological habitat, and traffic impacts. Specific environmental impacts related to construction of this improvement would require preparation of a separate environmental document (e.g., IS, EIR) to analyze specific environmental impacts related to these improvements outside the project site. Therefore, additional significant environmental impacts not already identified or evaluated in this DEIR could occur. However, at this time it is too speculative to determine these impacts without a proposed design and alignment for the improvements.

With implementation of these improvements, the intersection would operate at an acceptable LOS during the a.m. and p.m. peak hours, as shown in Table 4.11-24. Therefore, the cumulative operational impact to this intersection would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because implementation of these improvements prior to project buildout cannot be guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts associated with the recommended mitigation would be **potentially significant and unavoidable** and the project's contribution would be considerable.

Mitigation Measure 4.11-7p: Union Road/Project Access Driveway (Study intersection #21).

The applicant shall prohibit left turn outs at the Union Road/Project Access Driveway (Study Intersection #21).

This intersection operates acceptably with left turns out in the existing plus project scenario; however, at a time between the existing plus project scenario and the cumulative plus project scenario intersection operations become unacceptable. Therefore, the applicant shall either 1) alter the site plan to show no left turns out or 2) construct the intersection to allow left turns out and pay the City of Manteca to monitor the intersection annually to determine when operations fall below acceptable levels and the turning movement shall be prohibited. The effects of prohibiting left turns out at this intersection were examined on the Union Road/Atherton Drive and Atherton Drive/Project Access 26 intersections to ensure that operations remained acceptable. When left turns are prohibited, the applicant shall construct a pork-chop island or a raised center median to ensure that vehicles are physically prohibited from making this movement. With implementation of this mitigation, this impact would be reduced to a **less-than-significant** level.

SIGNIFICANT CUMULATIVE EFFECT: INCREASES IN TRAFFIC VOLUMES ON FREEWAY MAINLINES RESULTING IN UNACCEPTABLE LEVELS OF SERVICE UNDER CUMULATIVE PLUS PROJECT CONDITIONS (2015) (IMPACT 4.11-8)

Under cumulative no project conditions, 8 freeway mainline segments would operate at an unacceptable LOS during peak hours. With implementation of the project, the project would exacerbate unacceptable LOS that would exceed the City of Manteca's LOS thresholds under cumulative conditions. This would be a cumulatively **significant and unavoidable** impact.

Finding

Changes or alterations, which reduce but do not completely avoid the significant effects of the project, have been incorporated into the project. Those changes or alterations are within the responsibility and jurisdiction of another public agency, Caltrans, and not the agency making these findings. Under cumulative no project conditions, 8 freeway mainline segments would operate at an unacceptable LOS during peak hours. With implementation of the project, the project would exacerbate unacceptable LOS that would exceed the City of Manteca's LOS thresholds under cumulative conditions. With implementation of the recommended mitigation, the cumulative operational impact to these freeway segments would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because it is unknown whether this mitigation would be implemented prior to project buildout and whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts associated with the recommended mitigation would be potentially significant and unavoidable and the project's contribution would be considerable.

The project's cumulative impact on freeway mainline traffic volumes 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 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

The City of Manteca adopted the following mitigation measures for the project's cumulative impact on freeway mainline traffic volumes. This mitigation measure would reduce this impact to the greatest extent feasible, but not to a less-than-significant level.

Mitigation Measure 4.11-8: Fair-Share of Atherton Drive Extension and Pay Regional Transportation Impact Fee.

Prior to issuance of any building permits, the applicant shall pay their fair-share to extend Atherton Drive westerly from the project site to connect to the existing terminus of Atherton Drive near Sparrowhawk Street. This alignment extension has been evaluated as part of the City's General Plan and EIR. No additional significant impacts not previously identified in this EIR would occur with this improvement. This connection would offer another route for project trips to Airport Way without using the state highway system. Although this improvement would reduce congestion on SR 120, it is unlikely that the densities on SR 120 would be reduced to acceptable levels.

In addition, prior to issuance of any building permits, the project applicant shall pay their fair-share of the SJCOG regional transportation impact fee to support current and future freeway widening projects in the area. With payment of this fee, the project's cumulative impacts would be reduced to a less-than-significant level. Caltrans currently does not have any plans for further widening of SR 99 or SR 120 and a funding mechanism for improvements at the identified segments has not been established by Caltrans. The City of Manteca acknowledges its lead agency responsibilities to address potential significant impacts to traffic including on the state highway system that may result from City approved projects. The City is committed to work in good faith with Caltrans and our other regional partners to provide feasible mitigation measures to address these impacts. While a funding mechanism has not been established and improvements have not been identified, the project applicant and the City shall coordinate with Caltrans to identify the specific fair share costs and the funding mechanism that would be used to construct these improvements along the State highway system.

The cumulative conditions analysis assumed that the SR 120 (between I-5 and SR 99) and SR 99 (between SR 4 and SR 120) widening projects were completed. If each of the freeway segments were widened an additional lane, the operation of these freeway segments would improve to an acceptable LOS under Cumulative Plus Project conditions, which is acceptable based on Caltrans standards. Therefore, the cumulative operational impact to these freeway segments would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because it is unknown whether this mitigation would be implemented prior to project buildout and whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts would be **potentially significant and unavoidable** and the project's contribution would be considerable.

SIGNIFICANT CUMULATIVE EFFECT: SUBSTANTIAL CONTRIBUTION OF GREENHOUSE GAS EMISSIONS (IMPACT 5-1)

Construction- and operation-related activities of the proposed project would result in a net increase in GHG emissions. The construction GHG emissions would be less than a level generally viewed as considerable and therefore they would not be significant. The increase from operations would be above levels generally determined to be considerable and would conflict with the state's AB 32 goals, which require reductions in statewide emissions levels of GHGs. The project's GHG emissions would contribute to the cumulative impact that is global climate change. As a result, this impact would be considered **cumulatively significant**.

Finding

Changes or alterations, which reduce but do not completely avoid the cumulative significant effects of the project, have been incorporated into the project. The recommended guidance from the AG, OPR, and ARB also provide measures for the GHG- and energy-efficient operation of new buildings (e.g., solar panels, water-efficient landscaping, use of natural lighting); however, the proposed project would not incorporate a substantial number of these measures. As a result, the project's cumulative contribution to global climate change would be considered significant.

The project's cumulative contribution of operational GHG emissions 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 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

The City of Manteca adopted the following mitigation measures for the project's cumulative contribution of operational GHG emissions. This mitigation measure would reduce this impact to the greatest extent feasible, but not to a less-than-significant level.

Mitigation Measure 5-1: Substantial Contribution of Greenhouse Gas Emissions.

The following mitigation measures would help reduce the GHG emissions associated with the day-to-day activities of the proposed project. It should be noted that some of the mitigation measures to reduce GHG emissions would also help reduce Climate Action Plan (CAP) emissions. Conversely, the mitigation measures listed under Mitigation Measure 4.3-2 for criteria air pollutants and ozone precursors will also reduce GHG emissions from mobile and area sources. Implementation of Mitigation Measure 5-1 would result in reductions of GHG emissions; however, at the time of writing this EIR these reductions cannot be fully quantified. While

implementation of these mitigations may not reduce Impact 5-1 to a less-than-significant level, implementation of the following mitigations are still required as a condition of project approval:

- ▶ Implement all mitigation measures listed above in Mitigation Measure 4.3-2, which will have the added benefit of reducing project-generated, operation-related GHG emissions.
- ▶ Design buildings to exceed 2008 Title 24 energy efficiency standards by a minimum of 20%. This mitigation measure is consistent with the City of Manteca's General Plan Policy AQ-P-10, which encourages energy efficient building designs. In addition, this measure is consistent with the Measures 14 and 15 from SJVAPCD's list of ISR On-Site Emission Reduction Mitigation Measure for commercial uses (SJVAPCD 2007).
- ▶ Ensure that all appliances installed in all retail and commercial buildings on the project site are ENERGY STAR qualified. This mitigation measure is consistent with the City of Manteca's General Plan Policy AQ-P-10, which encourages energy efficient building designs.
- ▶ Install energy efficient lighting (e.g., "Smart Lighting" [bi-level sensor LED]) in the parking lot and along on-site pedestrian walkways.
- ▶ All hot water for proposed businesses should be supplied from solar water heaters and/or tankless water heaters. This mitigation measure is consistent with the City of Manteca's General Plan Policy AQ-P-10 to encourage energy efficient building designs.
- ▶ Provide water efficient landscape irrigation design to reduce the outdoor use of potable water by a minimum of 50% beyond that of the established water budget, where the established water budget for landscape irrigation is consistent with the Department of Water Resources' Model Water Efficient Landscape Ordinance. If desired, measures to achieve a 50% reduction may include, but are not limited to the installation and use of rooftop rain collection cisterns or other water collection devices that store rainwater or storm water for landscape irrigation, or the use of gray water produced on site. This mitigation measure is consistent with City of Manteca's General Plan Water Conservation Goal RC-2 to recycle water for irrigation and non-potable uses. The Applicant shall provide a plan for achieving this performance standard when submitting its building plans to the City. The City shall review whether the plan to meet this water conservation performance standard is consistent with the methods outlined in the Department of Water Resources' Model Water Efficient Landscape Ordinance.
- ▶ Minimize the use of water, including the use of pressure washers, for regular maintenance of parking lot, walkway, and store front areas. Pressure washing of buildings and surfaces shall not be performed more than once each year. The Applicant shall include this requirement in the commercial lease agreements for every tenant on the project site.

Implementation of Mitigation Measure 5-1 would result in reductions of GHG emissions; however, as stated above, at the time of writing this EIR these reductions cannot be fully quantified. Thus, the net increase in GHG emissions resulting from the project may still be considered substantial. Because the project would potentially still result in a net increase in CO₂ emission levels and conflict with the state's AB 32 goals, this impact would be remain **significant and unavoidable**.

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 48.5-acre site for a variety of commercial uses and the annexation of approximately 65 acres to the city. 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)

The project would comply with the City's design and lighting standards. This would substantially lessen significant impacts associated with visual character. However, implementation of the project would substantially alter the visual character of the project site through conversion of agricultural land to developed urban uses. Conversion of the agricultural viewshed at the project site to commercial development is identified as a significant impact, and no feasible mitigation is available to reduce this impact to a less-than significant level. Therefore, Impact 4.2-3 would remain significant and unavoidable after mitigation.

Past and current development in the vicinity of the project has increasingly changed the visual character along State Route (SR) 120 and South Union Road 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 project 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 outdoor lighting that limits glare, 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 OPERATIONAL EMISSIONS OF CRITERIA AIR POLLUTANTS AND PRECURSORS (IMPACT 4.3-2) (PROJECT AND CUMULATIVE)

Implementation of Mitigation Measure 4.3-2 would help reduce mobile source emissions of ROG and NO_x; however, the extent to which the measures would be able to reduce emissions is dependent on the behavior of

project customers and employees. In addition, the project's current operational emissions exceed the SJVAPCD significance thresholds by 183% and 168% for ROG and NO_x, respectively. It is not expected that even with full implementation and participation in the proposed mitigation measures that operational emissions would be reduced to a less-than-significant level. Therefore, the impact is considered significant and unavoidable.

The project's operational emissions would be anticipated to exceed SJVAPCD's significance thresholds for ROG and NO_x (10 tpy) even with compliance to SJVAPCD's Rule 9510, as shown in Table 4.3-4. Emissions attributable to project implementation, along with emissions from other reasonably foreseeable future projects in the SJVAB as a whole, would continue to contribute to long-term increases in emissions that would exacerbate existing and projected nonattainment conditions. As a result, emissions of precursors and PM₁₀ would result in a cumulatively considerable net increase in San Joaquin County which is in nonattainment under applicable ambient air quality standards. The Draft EIR recommends implementation of Mitigation Measure 4.3-2 and Mitigation Measure 5-1, which would require the project applicant to incorporate feasible emission control measures into the project design and operation to reduce long-term regional air pollutant emissions. However, implementation of these mitigation measures would not reduce this impact to a less-than-significant level and the project's incremental contribution with respect to operational emissions would remain cumulatively significant and unavoidable.

2.1.3 NOISE

SHORT-TERM PROJECT-GENERATED CONSTRUCTION-RELATED NOISE LEVELS (IMPACT 4.4-1) (PROJECT AND CUMULATIVE)

Construction activities occurring during daytime hours are exempt from the provisions of the City's noise ordinance if all construction equipment is fitted with factory installed muffling devices and maintained in good working order. The noise impact analysis conducted in this DEIR (see Section 4.4, Noise) determined that adherence to these noise regulations and implementation of Mitigation Measure 4.4-1 would reduce construction noise impacts; however, there would still be an increase in ambient noise level at nearby rural residential uses. This impact would remain significant and unavoidable. Construction noise sources associated with related projects would also be considered exempt during daytime hours, but there is no guarantee that all construction equipment associated with related projects would incorporate similar noise restricting devices. Therefore, cumulatively significant noise impacts associated with construction noise sources could occur, and the project's contribution would be considerable.

Implementation of Mitigation Measure 4.4-1 would reduce the level of impact from construction noise where feasible. Adhering to the City of Manteca noise standards and incorporating Mitigation Measure 4.4-1 would reduce the impact of construction noise to the extent feasible; however, construction noise would remain potentially significant and unavoidable. No other feasible mitigation is available.

LONG-TERM PROJECT-GENERATED OPERATION-RELATED NOISE LEVELS FROM STATIONARY SOURCES AT EXISTING NOISE-SENSITIVE RECEPTORS (IMPACT 4.4-3) (PROJECT AND CUMULATIVE)

Stationary noise associated with the project and related projects could potentially result in exceeding the City's noise regulations at sensitive receptors. Noise originating from stationary noise sources associated with the related projects could be controlled at the source (e.g., noise walls, enclosures), but there is no guarantee that all related projects would incorporate noise reduction design features. Therefore, cumulatively significant noise impacts associated with stationary noise sources could occur. For the project, some off-site receptors could experience noise levels in excess of applicable standards associated with the proposed commercial uses, even with implementation of all feasible mitigation. Therefore, the project would result in a cumulatively considerable contribution to significant and unavoidable stationary noise impacts after mitigation (see Mitigation Measure 4.4-3: Long-Term Project-Generated Operation-Related Noise Levels from Stationary Sources at Existing Noise-Sensitive Receptors).

Implementation of Mitigation Measure 4.4-3, along with compliance with the City's general plan noise policies, would reduce stationary-source noise impacts. However, noise levels at some off-site noise-sensitive land uses could potentially exceed local noise criteria, even with implementation of all feasible mitigation measures. Single-event noise levels at residential uses located adjacent to areas designated for commercial loading dock areas would be of particular concern because of intermittent noise typically associated with truck deliveries and the loading/unloading of materials. This impact would be considered significant and unavoidable.

2.1.4 AGRICULTURAL RESOURCES

DIRECT CONVERSION OF 48.5 ACRES OF IMPORTANT FARMLAND TO NONAGRICULTURAL URBAN USE (IMPACT 4.8-1) (PROJECT AND CUMULATIVE)

Implementation of mitigation measure 4.8-1 would substantially lessen significant impacts associated with the conversion of 48.5 acres of Important Farmland on the project site, by funding conservation easements that 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; nonetheless, 65 acres would still be lost. In addition, no net new farmland would be made available nor would productivity of existing farmland be improved as a result of this mitigation measure. Therefore, full compensation for total losses of Important Farmland would not be achieved. No other feasible mitigation is available. Impact 4.8-1 ("Direct Conversion of 48.5 Acres of Important Farmland to Nonagricultural Urban Use") would remain significant and unavoidable after mitigation.

The permanent conversion of 48.5 acres of Important Farmland at the project site to nonagricultural 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, the surrounding cities, and San Joaquin County as a whole. Further, because of the extension of infrastructure to previously undeveloped areas and the expansion of the urban core of the City, the project could increase pressures for urbanization of areas south of the project site and could result in the permanent conversion of additional areas previously devoted to agriculture to urban land uses. The project applicant would pay the agricultural mitigation fee to the City to help offset the conversion of Important Farmland. The City would use these fees to purchase conservation easements on agricultural lands and/or farmland deed restrictions, providing greater protection to these farmlands in the 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 be considerable.

CONFLICT WITH SURROUNDING AGRICULTURAL OPERATIONS (IMPACT 4.8-2) (PROJECT AND CUMULATIVE)

Implementation of mitigation measure 4.8-2 would require preparation of an agricultural conflict management plan that identifies specific measures that would be implemented to minimize, to the maximum degree possible, potential conflicts with adjacent agricultural operations. At a minimum, the plan shall identify (1) the properties adjacent to the project site that would be in active agricultural production at the time the first occupancy permit is issued, (2) the type of farming operations that would occur at these properties, and (3) the specific measures that would be implemented to minimize potential conflicts. These measures could include, but are not limited to, the posting of signs at regular intervals determined by the City to deter trespassing, posting of "No Parking" signs along the frontage of adjacent agricultural properties, installation of fencing on the project site, and posting of signs warning drivers of the potential for farm vehicle traffic. The project applicant shall coordinate with the City and adjacent landowners regarding the placement of signs. All identified measures shall be in place prior to issuance of the first occupancy permit. While this measure would substantially reduce the potential for conflicts between urban and agricultural land uses, it would not eliminate the impact and some potential conflicts could

remain. No other feasible mitigation is available to reduce this impact. Therefore, for purpose of CEQA, this impact would remain significant and unavoidable after mitigation.

Because of the extension of infrastructure to previously undeveloped areas and the expansion of the urban core of the City, the project could increase pressures for urbanization of areas south of the project site and could result in the permanent conversion of additional areas previously devoted to agriculture to urban land uses. Therefore, this would be a significant and unavoidable cumulative impact, and the project's contribution would be considerable.

2.1.5 HYDROLOGY AND WATER QUALITY

GROUNDWATER SUPPLY AND QUALITY (CUMULATIVE)

The City is a participant in the South San Joaquin Irrigation District (SSJID) South County Surface Water Supply Project (SCSWSP), which will 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., residential, 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. 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'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. This would be a cumulatively significant impact. There would be no additional groundwater pumping at the project site; therefore, the project's incremental contribution would not be considerable and would be less than significant.

SURFACE DRAINAGE (CUMULATIVE)

Other new developments within the city would also be required to construct stormwater conveyance and detention facilities to control surface runoff. All stormwater management systems constructed to serve individual projects would be required to comply with the policies of the City's drainage master plans. In addition, cumulative impacts from related projects would undergo separate environmental review to ensure that adequate stormwater conveyance facilities would be constructed to serve those projects. Therefore, it is anticipated that future development would result in less-than-significant cumulative stormwater conveyance impacts. The project would construct an extensive, on-site stormwater management system to collect, detain, and discharge the stormwater runoff (13.62 acre-feet) generated on the project site. The project's planned stormwater system and recommended mitigation would be sufficient to serve the project site. As a result, no significant stormwater impacts would occur. However, it cannot be assumed that all potential environmental impacts associated with the development of additional off-site stormwater conveyance facilities required to serve future cumulative project would be mitigated to less-than-significant levels. Therefore, potentially significant cumulative utilities impacts could occur related to stormwater facilities and the project's contribution to potential cumulative impacts would be cumulatively considerable.

2.1.6 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 (LOS) 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.

2.1.7 TRANSPORTATION AND CIRCULATION

INCREASES IN PEAK-HOUR TRAFFIC VOLUMES ON REGIONAL ROADWAYS RESULTING IN UNACCEPTABLE LEVELS OF SERVICE (IMPACT 4.11-2) (PROJECT)

With implementation of Mitigation Measure 4.11-2, the project's impacts to local area intersections would be reduced to a less-than-significant level because the project applicant would be required to pay required fees, install roadway modifications, and/or prepare or revise appropriate plans and project designs to avoid these impacts. However, for Union Road/Daniels Street intersection, 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.

PROJECT AND CUMULATIVE BUS TRANSIT SERVICES (IMPACT 4.11-5) (PROJECT AND CUMULATIVE)

While Mitigation Measure 4.11-5 would ensure 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 building 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, for purposes of CEQA this impact would remain significant and unavoidable.

INCREASES IN PEAK HOUR TRAFFIC VOLUMES ON REGIONAL ROADWAYS RESULTING IN UNACCEPTABLE LEVELS OF SERVICE UNDER CUMULATIVE WITH PROJECT CONDITIONS (2015) (IMPACT 4.11-6) (CUMULATIVE)

The project would contribute trips to 12 roadway segments and would potentially exacerbate unacceptable LOS that would exceed the City of Manteca's LOS thresholds under cumulative conditions. Implementation of improvements to 10 of these 12 segments prior to project buildout cannot be guaranteed and because it is unknown whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts associated with the recommended mitigation would be potentially significant and unavoidable and the project's contribution would be considerable (Impact 4.11-6 b, c, d, e, f, h, i, j, k, and l).

INCREASES IN PEAK HOUR TRAFFIC VOLUMES ON REGIONAL ROADWAYS RESULTING IN UNACCEPTABLE LEVELS OF SERVICE UNDER CUMULATIVE PLUS PROJECT CONDITIONS (2015) (IMPACT 4.11-7) (CUMULATIVE)

The proposed project would cause an increase in peak hour traffic volumes that would result in unacceptable levels of service and warrant the need for improvements at 16 intersections under cumulative plus project conditions (refer to intersections listed under Impact 4.11-7). With the exception of recommended improvements at 1 segment, the recommended improvements for these impacts are subject to the control of Caltrans and it is unknown whether the improvements would be implemented at the time the project builds and/or whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level. Therefore, the potential cumulative impacts associated with the recommended mitigation would be potentially significant and unavoidable and the project's contribution would be considerable (Impact 4.11-7 a through o).

INCREASES IN TRAFFIC VOLUMES ON FREEWAY MAINLINES RESULTING IN UNACCEPTABLE LEVELS OF SERVICE UNDER CUMULATIVE PLUS PROJECT CONDITIONS (2015) (IMPACT 4.11-8) (CUMULATIVE)

Under cumulative no project conditions, 8 freeway mainline segments would operate at an unacceptable LOS during peak hours. With implementation of the project, the project would exacerbate unacceptable LOS that would exceed the City of Manteca's LOS thresholds under cumulative conditions. With implementation of the above mitigation measure (Mitigation Measure 4.11-8), the cumulative operational impact to these freeway segments would be reduced to a less-than-significant level and the project's contribution to this impact would not be considerable. However, because it is unknown whether this mitigation would be implemented prior to project buildout and whether mitigation would be available to fully mitigate potential construction-related impacts associated with implementation of the mitigation to a less-than-significant level, the potential cumulative impacts associated with the recommended mitigation would be potentially significant and unavoidable and the project's contribution would be considerable.

SUBSTANTIAL CONTRIBUTION OF GREENHOUSE GAS EMISSIONS (IMPACT 5-1) (CUMULATIVE)

Implementation of Mitigation Measure 5-1 would result in reductions of GHG emissions; however, at the time of writing this EIR these reductions cannot be fully quantified. Thus, the net increase in GHG emissions resulting from the project may still be considered substantial. Because the project would potentially still result in a net increase in carbon dioxide (CO₂) emission levels and conflict with the state's Assembly Bill (AB) 32 goals, 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.

- ▶ The City has ensured that the project complies with AB 32 goals to reduce GHG emissions to 1990 levels by estimating the GHG emissions and adopting feasible measures to avoid or reduce those emissions to the maximum extent practicable.¹
- ▶ The State Attorney General purports that neither the CEQA nor the regulations authorize a lack of agency-adopted standard as a basis for determining that a project's potential cumulative impact is not significant. The City's inclusion of mitigation measures for GHG emissions exceeds the State Attorney General's current regulation and expectations regarding CEQA-defined cumulative impacts related to GHG emissions.²
- ▶ CEQA requires that Lead Agencies inform decision makers and the public regarding potential significant environmental effects of proposed projects, feasible ways that environmental damage can be avoided or reduced through the use of feasible mitigation measures and/or project alternatives, and reasons why the Lead Agency approved a project if significant environmental effects are involved (State CEQA Guidelines Section 15002).

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

¹ Association of Environmental Professionals. 29 June 2007. *Alternative Approaches to Analyzing Greenhouse Gas Emissions and Global Climate Change in CEQA Documents*. Sacramento, CA. Available at: http://www.califaep.org/userdocuments/File/AEP_Global_Climate_Change_June_29_Final.pdf.

² State of California Office of the Attorney General. 7 May 2007. Comments on the ConocoPhillips Rodeo Refinery Expansion Project and Final Environmental Impact Report (File # LP052048). Letter from Jamie Jefferson to the Contra Costa County Planning Commission. Oakland, CA.

3 REFERENCES

- Association of Environmental Professionals. 29 June 2007. Alternative Approaches to Analyzing Greenhouse Gas Emissions and Global Climate Change in CEQA Documents. Sacramento, CA. Available at: http://www.califaep.org/userdocuments/File/AEP_Global_Climate_Change_June_29_Final.pdf.
- Auerbach Glasow French Lighting Consultants. 2009. *Union Crossing Lighting Analysis*. San Francisco, CA. Prepared for EDAW, Inc.
- Bureau Veritas. 2007 (August) *Phase I Environmental Site Assessment, 19709 & 20109 South Union Road*. Pleasanton, CA.
- California Air Pollution Control Officer Association. 2008. CEQA & Climate Change: Evaluating and Addressing Greenhouse Gas Emissions from Projects Subject to the California Environmental Quality Act. Available at <<http://www.climatechange.ca.gov/publications/others/CAPCOA-1000-2008-010.PDF>>. Accessed December 2008.
- California Natural Diversity Database. 2007 (March). Data Base Record Search for Information on Threatened, Endangered, Rare, or Otherwise Sensitive Species and Communities for the Manteca, Lathrop, Vernalis, and Ripon U.S. Geological Survey (USGS) 7.5 minute quadrangles. Version 3.1.0. California Department of Fish and Game. Sacramento, CA.
- CAPCOA. See California Air Pollution Control Officer Association.
- Central California Information Center. 2008 (September). Central California Information Center File #7187 L, Union Crossing project, San Joaquin County, CA. Supplement to previous record search #5829 L.
- City of Manteca. 1999. Wastewater Quality Control Facility Master Plan. Manteca, CA.
- _____. 2003a (October 6). *City of Manteca General Plan 2023*. Adopted October 6, 2003. Manteca, CA.
- _____. 2003b (October 6). *Manteca General Plan 2023 Draft Environmental Impact Report*, Volumes 1 and 2. SCH# 2002042088. Prepared by Wade Associates, Manteca, CA.
- _____. 2006 (October). *Union Commercial Water Supply Assessment Memorandum*. City of Manteca Public Works Department, Engineering Division, Manteca, CA.
- _____. 2006c. *Initial Study/Mitigated Negative Declaration for the 2006 Storm Drain Master Plan*. Manteca, CA.
- _____. 2008 (March). *Initial Study/Mitigated Negative Declaration for the Widening of Several Culverts in the French Camp Outlet Canal*. State Clearinghouse Number 2008032114. City of Manteca Public Works Department, Manteca, CA.
- ENSR. 2008. *Health Risk Assessment to Support Environmental Impact Analysis for the Proposed Union Crossing Commercial Development, Manteca, CA and Air Modeling Results*. Sacramento, CA.
- Fehr & Peers. 2008. *Union Crossing Traffic Study*. Sacramento, CA.
- _____. 2009. *Traffic Modeling Data and Fair-Share Calculations for Mitigation Recommended*. Sacramento, CA.

- Ferriera, Johanna. Project Analyst/Transit. City of Manteca Department of Finance, Manteca, CA. January 22, 2008—telephone conversation with George Lu of EDAW regarding potential addition and proposed route for a new Manteca Transit bus route.
- Kier & Wright. 2008 (November). *Stormwater Detention Basin Design Calculations for the AKF Development Site*. Pleasanton, CA.
- Kleinfelder. 2007. *Geotechnical Services Report, Union Crossing Commercial Development*. Sacramento, CA.
- Metcalf & Eddy. 2002 (May). *Wastewater Engineering: Treatment and Reuse, 4th Edition*. McGraw-Hill Science Engineering.
- San Joaquin Valley Air Pollution Control District. 2007. On-Site Emission Reduction Mitigation Measures. Available at: <<http://www.valleyair.org/ISR/ISROnSiteMeasures.htm>>. Accessed December 2008.
- SJVAPCD. See San Joaquin Valley Air Pollution Control District.
- State of California Office of the Attorney General. 7 May 2007. Comments on the ConocoPhillips Rodeo Refinery Expansion Project and Final Environmental Impact Report (File # LP052048). Letter from Jamie Jefferson to the Contra Costa County Planning Commission. Oakland, CA.