

RESOLUTION NO. R2003-412

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANTECA CERTIFYING THE GENERAL PLAN 2023 ENVIRONMENTAL IMPACT REPORT AND ASSOCIATED DOCUMENTS

WHEREAS, the City Council of the City of Manteca, at a special meeting held October 1, 2003, held a duly advertised and noticed public hearing on the General Plan 2023 Environmental Impact Report; and

WHEREAS, at the duly advertised public hearing, the City Council received testimony supporting and opposing the Environmental Impact Report from those interested parties.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the City of Council of the City of Manteca that it does hereby take the following action:

- ◆ Certify the General Plan 2023 Environmental Impact Report as a legally adequate document;
- ◆ Approve the Finding as a Statement of Overriding Considerations as Outlined in Exhibit A that the benefits associated with implementation of the General Plan 2023 will outweigh the negative and unmitigatable impacts on visual resources, agricultural resources, regional air quality, biological resources, population increase and expanded energy sources and infrastructure;
- ◆ Accept the General Plan 2023 Mitigation Monitoring Program (on file in the Community Development Department); and
- ◆ Finds that the Project Alternatives to the General Plan 2023 are all infeasible as outlined in Exhibit A noted above.

DATED: October 6, 2003

ROLL CALL:


AYES: Councilmembers DeBrum, Harris, Hernandez and Snyder

NOES: None

ABSENT: Councilmember Weatherford

ABSTAIN: None

ATTEST:


JOANN TILTON, CMC
CITY CLERK

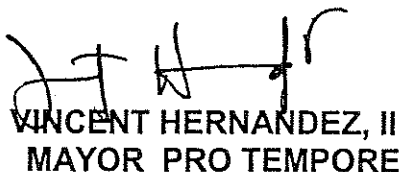

VINCENT HERNANDEZ, II
MAYOR PRO TEMPORE



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Findings and Statement of Overriding Considerations**Environmental Impact Report****Manteca General Plan 2023****1. INTRODUCTION**

Prior to considering the approval of a proposed project, a Lead Agency must certify that the Environmental Impact Report (EIR) prepared for the project is in compliance with the California Environmental Quality Act (CEQA), and must make one or more of the following “**findings**” for each significant impact identified (CEQA Guidelines Section 15091):

- a) Changes or alterations have been required in, or incorporated into, the proposed project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
- b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- c) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR.

CEQA requires the Lead Agency to balance the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable” (CEQA Guidelines Section 15093 (a)).

The Lead Agency must state in writing the specific reasons to support approval of a project which will result in significant environmental effects identified as not avoided or substantially lessened in the final EIR. Substantial evidence in the public record is required to support such a “**statement of overriding considerations.**”

This document presents the “findings” and “statement of overriding considerations” for the City of Manteca General Plan 2023.

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2. FINDINGS

The City Council hereby makes the following findings for each of the significant environmental effects (impacts) identified in the EIR for the City of Manteca General Plan 2023:

A. Aesthetics and Visual Resources

(1) Significant Effect: **Buildout of the proposed General Plan 2023 would degrade the existing scenic vistas found in the General Plan Study Area.**

(a) Finding: The General Plan includes goals, policies, and implementation measures that are intended to protect the open space and visual resources of Manteca, including Resource Conservation Policy RC-P-17 that requires maximizing the potential for open space and visual experiences. However, there are no mitigation measures which will avoid the impact of development on the existing open space vistas of agricultural fields and orchards. The environmental effect would remain significant.

(b) Finding: Specific economic, legal, social, technological, and other considerations make infeasible the mitigation measures and alternatives identified in the EIR which could further lessen the General Plan's effect on existing scenic vistas.

(c) Finding: Specific overriding economic, legal, social, technological, and other benefits of the General Plan outweigh the significant effects on existing scenic vistas. These benefits are described in Section 3 below.

(2) Significant Effect: **The existing visual character or quality of the area will be degraded.**

(a) Finding: The General Plan includes goals, policies, and implementation measures that are intended to protect the existing agricultural visual character and quality of Manteca. These include Resource Conservation Policy RC-P-15 that promotes public and private open space within urbanized parts of Manteca to provide visual contrast with the built environment. Community Design Goal CD-11 requires retention of visual reminders of the agricultural heritage of the community. Community Design Policies CD-P- 47, 48, and 49 allow for the retention of pockets of agricultural activity and orchard-like landscape corridor plantings. Community Design Implementation Measure CD-I-14 establishes that landscape plantings along SR 99 and SR 120 reflect the natural character of the region in selection of trees and groundcovers. Implementation of these goals, policies, and implementation measures will lessen the impact to the existing agricultural visual character and quality to some extent, but not to a less-than-significant level. The environmental effect would remain significant.

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(b) Finding: Specific economic, legal, social, technological, and other considerations make infeasible the mitigation measures and alternatives identified in the EIR which could further lessen the General Plan's effect on existing visual character and quality.

(c) Finding: Specific overriding economic, legal, social, technological, and other benefits of the General Plan outweigh the significant effects on existing visual character and quality. These benefits are described in Section 3 below.

B. Agricultural Resources

(1) Significant Effect: **Implementation of the City of Manteca General Plan 2023 (Project) will result in conversion of Prime Farmland, Farmland of Statewide Importance, and Farmland of Local Importance to non-agricultural use.**

(a) Finding: The Land Use Element of the General Plan directs the major growth area, as defined by the Primary Urban Service boundary, in a manner that avoids Prime Farmlands where feasible. Some areas of Prime Farmlands are within existing urban areas. Land Use Policy LU-P-41 encourages continuation of agricultural uses on lands within the Primary and Secondary Urban Services Boundary lines pending their development as urban uses. Land Use Implementation Measure LU-I-1 requires a growth management system with an objective of conserving viable agricultural and open space lands. Resource Conservation Goal RC-9 promotes continuation of agricultural uses and discourages the premature conversion of agricultural land. Policies RC-P-18 and RC-P-19 support continuation of agricultural uses on lands designated for urban use until urban development is imminent, and provides for an orderly and phased development pattern so that farmland is not subjected to premature development pressure. Implementation of these goals, policies, and implementation measures will lessen the impact to agricultural resources to some extent, but not to a less-than-significant level. The environmental effect would remain significant.

(b) Finding: Specific economic, legal, social, technological, and other considerations make infeasible the mitigation measures and alternatives identified in the EIR which could further lessen the General Plan's effect on agricultural resources.

(c) Finding: Specific overriding economic, legal, social, technological, and other benefits of the General Plan outweigh the significant effects on agricultural resources. These benefits are described in Section 3 below.

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(2) Significant Effect: **Implementation of the General Plan 2023 will cause a conflict with existing zoning for agricultural use, or a Williamson Act contract.**

(a) Finding: The General Plan's Resource Conservation Element addresses the issue of agricultural zoning and Williamson Act contracts. Policies RC-P-22 and RC-P-26 promote the protection of designated agricultural lands and discourage the cancellation of Williamson Act contracts outside the Primary Urban Service boundary. Implementation Measure RC-I-31 promotes working with San Joaquin County to support continuation of County agricultural zoning. Implementation of these policies and implementation measure will lessen the impact to agricultural zoning and Williamson Act contracts to some extent, but not to a less-than-significant level. The environmental effect would remain significant.

(b) Finding: Specific economic, legal, social, technological, and other considerations make infeasible the mitigation measures and alternatives identified in the EIR which could further lessen the General Plan's effect on agricultural zoning and Williamson Act contracts.

(c) Finding: Specific overriding economic, legal, social, technological, and other benefits of the General Plan outweigh the significant effects on agricultural zoning and Williamson Act contracts. These benefits are described in Section 3 below.

C. Air Quality

(1) Significant Effect: **Implementation of the General Plan 2023 could violate air quality standards or contribute substantially to the current nonattainment status for ozone and PM10.**

(a) Finding: The San Joaquin Valley is currently designated as "severe nonattainment" for the state ozone 1-hour standard, and "serious nonattainment" for the federal 1 hour ozone and 24-hour fine particulate matter (PM10) standards. Any additional sources of these pollutants will contribute to this nonattainment status. The Air Quality Element of the General Plan contains goals, policies, and implementation measures which are intended to reduce the contribution of the General Plan to regional nonattainment status for ozone and PM-10. Goals AQ-1, 2,3, and 4 address measures to achieve and maintain ambient air quality standards through transportation planning, alternative modes of transportation, and energy conservation. Policies AQ-P-7, 8, and 9 address reduction of construction dust and vehicle emissions, and minimizing particulate air pollution from woodburning devices and other burning of combustible material. Implementation Measures AQ-I-4, 13, and 14 require construction activity plans that provide dust management measures, sufficient conventional heating devices in all new residences without reliance on

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D. Biological Resources

- (1) Significant Effect:** **Impacts on biological resources from the buildout of the General Plan 2023 may be cumulatively significant.**

(a) Finding: The San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) is, in effect, a plan to mitigate both the site specific and the cumulative impacts of individual projects on biological resources within San Joaquin County. If all project proponents opted to participate in the SJMSCP, cumulative effects of the buildout of the General Plan could be mitigated to a less-than-significant level. However, given the voluntary nature of participation in the SJMSCP, the level of significance cannot be mitigated to less than significant. Any project proponent who opts against participating in the Plan will be proceeding under the “project-by-project” evaluation and mitigation process with each permitting agency. Since project-by-project evaluation cannot reasonably foresee the overall effects on biological resources of individual projects under multiple agency control, cumulative impacts may result. General Plan Conservation Resource Implementation Measure RC-I-32 is intended to reduce the cumulative impact by promoting the City’s continued support and compliance with the requirements of the SJMSCP when reviewing proposed public and private land use changes. However, since it cannot be assumed that all project proponents will opt to participate in the SJMSCP, the environmental effect must be considered significant.

(b) Finding: Specific economic, legal, social, technological, and other considerations make infeasible the mitigation measures and alternatives identified in the EIR which could further reduce the cumulative impact on biological resources from buildout of the General Plan 2023.

(c) Finding: Specific overriding economic, legal, social, technological, and other benefits of the General Plan outweigh the significant effects of the cumulative impact on biological resources from buildout of the General Plan 2023. These benefits are described in Section 3 below.

E. Population and Housing

- (1) Significant Effect:** **Implementation of the General Plan 2023 would increase the City’s population over existing conditions.**

(a) Finding: There are no specific mitigation measures that will reduce or eliminate the impact of increased population on Manteca and the surrounding area. However, monitoring and regulating growth to a responsible level will maintain the integrity of the community. The environmental effect would remain significant.

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(b) Finding: Specific economic, legal, social, technological, and other considerations make infeasible any mitigation measures and the alternatives identified in the EIR which could further reduce the increase in population from buildout of the General Plan 2023.

(c) Finding: Specific overriding economic, legal, social, technological, and other benefits of the General Plan outweigh the significant effects of the increase in population from buildout of the General Plan 2023. These benefits are described in Section 3 below.

F. Public Facilities and Services**(1) Significant Effect:**

The General Plan 2023 would require expanded energy sources and infrastructure for expanded urban development.

(a) Finding: The need for expanded energy sources and infrastructure is required with expanded urban development. Public Facilities and Services Goal PF-10 requires that adequate, reliable electric service is made available to all users in the City. Policy PF-P-28 directs cooperation with and encouragement of efforts to expand the opportunities for electric power service in the City. Implementation Measures PF-I-14 and 16 address City participation in electric generation and/or service distribution within the City, and coordination of the planning for utility extension with utility companies. Implementation Measure PF-I-15 encourages energy conservation measures and innovative uses of solar energy, heat recovery, and co-generation in all structural and industrial processes. Implementation Measure PF-I-15 may help reduce the amount of energy and infrastructure needed to serve new urban development in the City of Manteca, but not to a less-than-significant level. The environmental effect remains significant.

(b) Finding: Specific economic, legal, social, technological, and other considerations make infeasible the mitigation measure and alternatives identified in the EIR which could further reduce the amount of energy and infrastructure needed to serve new urban development from buildout of the General Plan 2023.

(c) Finding: Specific overriding economic, legal, social, technological, and other benefits of the General Plan outweigh the significant effects expanded energy sources and infrastructure needed to serve new urban development from buildout of the General Plan 2023. These benefits are described in Section 3 below.

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The City Council hereby makes the following findings regarding its consideration of Alternatives to the General Plan 2023.

In order to evaluate the possible environmental impacts resulting from a range of alternatives that could reasonably attain the basic objectives of the General Plan, four (4) alternatives were analyzed in the EIR. These alternatives are:

- (1) No Project Alternative No. 1: No Development
- (2) No Project Alternative No. 2: Buildout of 1988 General Plan
- (3) Higher Density Alternative
- (4) Reduced Development Area Alternative

The following is a brief description of each alternative and the reasons why the alternatives were considered and rejected by the City Council for implementation of the General Plan.

A. No Project Alternative No. 1: No Development

Under this scenario, no additional dwelling units are constructed and no additional square footage of non-residential uses is added to the City. Other than maintenance, rehabilitation, and renovation activities (which are not generally defined as “projects” under CEQA), the existing status quo is maintained within the City’s corporate boundaries. Since no annexation of unincorporated areas would occur, development within the Sphere of Influence would remain under the jurisdiction of San Joaquin County. It is assumed that development would continue to occur both in County areas, and within those areas located outside the corporate boundaries of the City. This alternative was rejected because it is considered infeasible: it is unreasonable to assume that conditions within the City will be retained as they currently exist.

For the reasons stated throughout these Findings, and particularly as stated in this section and in the Statement of Overriding Considerations, the City Council finds that adoption of the chosen alternative, and not the No Project No. 1: No Development Alternative, is proper and appropriate, and would implement the City’s policies in a feasible, balanced manner.

B. No Project Alternative No. 2: Buildout of 1988 General Plan

Under this second “no project” alternative, buildout of the Study Area would occur in accordance with those land use policies contained in the 1988 General Plan. In drawing comparisons between this alternative and other alternatives presented in the EIR, it should be noted that the Study Area addressed in the 1988 General Plan is comparable to the Study Area now under consideration. The Study Area boundary differs primarily along the south edge. Since the retention of the existing land use policies, as presented in the 1988 General Plan, will result in incrementally less development than now proposed under the General Plan 2023, the potential

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project-related effects of that action will also be incrementally less than those associated with the proposed project. This alternative was rejected because, although development in the project planning area may be incrementally less, the cumulative impacts of this alternative are assumed to be comparable to those associated with the proposed project (General Plan 2023). This is based upon the assumption that development will occur if there is a market demand, and if it is not built within the City Limits, it will be built in the surrounding County area. It is critical to plan for this development rather than simply allow it to occur.

For the reasons stated throughout these Findings, and particularly as stated in this section and in the Statement of Overriding Considerations, the City Council finds that adoption of the chosen alternative, and not the No Project No. 2: Buildout of the 1988 General Plan Alternative, is proper and appropriate, and would implement the City's policies in a feasible, balanced manner.

C. Higher Density Alternative

This alternative allows the same population projection as the proposed project (General Plan 2023), but allocates less land area to residential land use. This alternative would result in higher density residential development. This alternative assumes that the same number of dwelling units projected in the General Plan 2023 would be developed on twenty percent (20%) less land area, thereby increasing density. These densities fall within the upper range established by the General Plan 2023. This alternative is considered the "environmentally preferred alternative" based on the beneficial effect gained by using less land to accommodate the planned growth. Further comparative analyses leading to this "environmentally preferred alternative" conclusion is discussed on pages 16-8 through 16-13 of the Draft EIR. However, this alternative was rejected for the following reasons:

- The densities resulting from this alternative are approximately twenty percent higher than conventional market-driven housing. The market for such housing has not been tested in the Manteca area.
- The same densities can be achieved through implementation of the General Plan 2023, if accepted by the market.

For the reasons stated throughout these Findings, and particularly as stated in this section and in the Statement of Overriding Considerations, the City Council finds that adoption of the chosen alternative, and not the Higher Density Alternative, is proper and appropriate, and would implement the City's policies in a feasible, balanced manner.

D. Reduced Development Area Alternative

This alternative allocates the land use types and policies in the General Plan 2023 to the land area defined as the Primary Urban Service Area in the 1988 General Plan. Application of the new policies and land use in the 1988 service boundary would result in a reduced development area,

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and less potential development than the proposed General Plan 2023. The 1988 Primary Urban Service boundary and the General Plan 2023 Primary Urban Service boundary cover similar areas; however, the 1998 Service area did not include land in the Southwest Plan Area (west of Airport Way and south of SR 120). Under this alternative, the urban land uses would be reduced from 12,623.7 acres to 8,191.6 acres. This alternative was rejected because the development land area allocated by the General Plan would be reduced by 35%, resulting in less land to accommodate the planned growth.

For the reasons stated throughout these Findings, and particularly as stated in this section and in the Statement of Overriding Considerations, the City Council finds that adoption of the chosen alternative, and not the Reduced Development Area Alternative, is proper and appropriate, and would implement the City's policies in a feasible, balanced manner.

3. STATEMENT OF OVERRIDING CONSIDERATIONS

The City Council hereby finds that the benefits associated with implementation of the General Plan 2023 will outweigh the negative and unmitigatable impacts on visual resources, agricultural resources, regional air quality, biological resources, population increase, and expanded energy sources and infrastructure. Described below are the specific overriding economic, legal, social, technological, and other benefits of the General Plan 2023 which outweigh the significant effects on the environment.

Logical Growth of the City

Manteca has generally grown in a compact pattern around the historic center of the City at the crossroads of Yosemite Avenue and Main Street. Residential neighborhoods have developed within boundaries established by the major streets spaced one mile apart. This General Plan directs land use to continue the historic pattern of compact urbanization. The developed portion of the City should retain its distinct, compact form with clear, well-defined edges.

The expansion of the urbanized area is enabled by the extension of basic public services, notably sewer, drainage and streets. The City plans the extension of these services through periodic preparation of various public facility master plans, such as water, sewer and drainage. These master plans are coordinated through a Public Facilities Implementation Plan (PFIP) that identifies and establishes the funding mechanism for specific capital improvements. The PFIP is a key to implementing the land use goals (Land Use Element) and public facilities goals (Public Services and Facilities Element) of the General Plan.

Community Form, Scale and Identity

The community identity is established by important visual characteristics that provide cues for travelers, as well as residents. Among these are:

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- the scale or size of the City
- well-defined edges and gateways
- an identifiable pattern of streets and land uses
- attractive streetscapes and public places
- notable landmarks, both natural and man-made

Attractive new land uses along the major highways, new landmarks visible from several vantage points throughout the City, and new gateway features along the highways and other major roads at City boundaries can contribute significantly to establishing a strong positive identity for Manteca.

The existing commercial core area should be retained and reinforced as the functional and social center of the City for residents. Urbanization should generally extend outward from this center.

In the future, population increases and a growing regional role for Manteca may generate the need for a second commercial, office, residential, institutional and entertainment core area east of the existing downtown. The Land Use Map identifies such a site designated as Commercial Mixed Use along Austin Road between Yosemite Avenue and the future extension of SR 120. This site would provide a new town center complex that would include employment, high-density residential use, entertainment, and regional retail use under a comprehensive master plan.

Attractive, Sustainable Neighborhoods

Neighborhoods are the fundamental organizing concept for residential land use. The neighborhoods are typically not more than one mile in any dimension to provide a reasonable walking distance from any part of the neighborhood to the schools, parks, and commercial centers.

The land use in each neighborhood is predominantly residential, but will typically include a neighborhood school, parks, and a mixed-use commercial area that includes retail or commercial goods or service facilities.

Preservation of the existing housing and enhancement of existing neighborhoods is important to maintaining the quality of life in the City.

Support of Public Transit and Bicycle and Pedestrian Circulation

High activity areas should be located to facilitate the use of public transit.

The organization of land use and circulation networks should permit and encourage walking and bicycling to major activity centers such as shopping, recreation facilities, and schools.

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Commercial, employment, recreational and institutional land uses should be conveniently located near the residential neighborhoods.

Housing Opportunity

The General Plan responds to the need for diversity in housing opportunity and changes in market demand for housing types in two primary ways. First, the residential density (dwelling units per acre) categories are broadened to provide more flexibility and diversity in the types of dwelling units in each neighborhood. Second, the Land Use Map identifies more sites distributed throughout the community for specific residential categories in order to ensure more diversity in the housing supply.

Employment and Economic Development

During the twenty-year horizon of this General Plan, Manteca will experience economic development that will add to and diversify the local economy. This will consist of additional growth in warehousing and distribution, but should also include significant new components, such as office and service sectors, research and development, and manufacturing.

Increases in population have the potential to drive a demand for new retail establishments and local-serving professional office uses. The range of commercial and professional services will expand as Manteca reaches threshold populations.

The General Plan responds to the needs of economic development by designating locations for:

- warehouse, distribution and manufacturing;
- business park;
- research and development and light manufacturing, and
- a major mixed-use regional retail and service center.

The General Plan also provides two new land use categories not previously used in the General Plan. The newly-established Commercial Mixed Use (CMU) and Business Industrial Park (BIP) categories are intended to expand the opportunities for economic development by providing opportunities to integrate high density residential, office and retail/service uses on a single site.

Live/Work Housing

It is anticipated that the percentage of individuals working at home will increase over the next twenty years. At home workers may include telecommuters, professional services, small service businesses, mail order, and any number of other entrepreneurial endeavors. It is the intent of this General Plan to support such activities. The residential design policies provide the flexibility to include most types of small business within the premises, and the mixed use commercial sites are intended to include services and facilities that would support workers in the neighborhood. Such

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support services include technical services, such as copy and secretarial services, teleconferencing centers and day care. The commercial sites will also typically contain coffee shops and plazas that provide a social setting for people who work at home.

Public Services and Fiscal Stability

Growth will provide additional revenue sources, but will also place additional service burdens on the City of Manteca. The challenge is to balance growth with funds for required new services. The Land Use Element provides a mix of land use categories and implementation measures to ensure that the overall balance of land use is sustained over time.

The City will monitor the mix of land use in order to gauge future decisions on land use, public service levels and capital investments.

Access to Open Space

Existing open space is found in the neighborhood parks, a few agricultural areas within and on the perimeter of the urban area, and the utility corridors.

The City is surrounded by agricultural land that provides visual open space on the north, east and south. Agricultural activity has significantly altered most of the natural features that predated the urban development of the area. Consequently, there are no natural drainage ways, significant stands of trees, or other natural features that would guide or provide the core of an open space network within the City.

In the absence of natural features that could define an open space network, the General Plan encourages the creation of a network of open spaces in the storm drainage channels, and naturalized landscaping along major thoroughfares and bike paths. The open drainage systems would provide a pedestrian connection between parks and access to open space from residential neighborhoods. The neighborhoods would be designed with homes oriented to, rather than backing on the open space corridor.

Agricultural Productivity

Agricultural productivity will remain a significant element of the economy in San Joaquin County. The General Plan supports the existing level of agricultural production by directing development in a compact, concentric form in order to reduce the demand for new development areas. Existing agricultural activities will be retained within the City where practical.

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