



**RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:**

City Clerk
City of Patterson
P.O. Box 667
1 Plaza
Patterson, CA 95363

Stanislaus, County Recorder
Lee Lundrigan Co Recorder Office
DOC- 2009-0003204-00

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**DEVELOPMENT AGREEMENT
BY AND BETWEEN
THE CITY OF PATTERSON
AND
FRITZ AND DONNA SCHALI AND
WESTSIDE PROPERTY MANAGEMENT
RELATING TO THE DEVELOPMENT KNOWN AS
"WESTRIDGE BUSINESS PARK"**

[Ordinance No. 701 Adopted on September 2, 2008]

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**DEVELOPMENT AGREEMENT
BY AND BETWEEN
THE CITY OF PATTERSON
AND
FRITZ AND DONNA SCHALI AND
WESTSIDE PROPERTY MANAGEMENT**

This Development Agreement ("**Agreement**") is made and entered into October 2, 2008, by and between the City of Patterson ("**City**"), and Fritz and Donna Schali (collectively "**Schali**"), and Westside Property Management, a California general partnership ("**Westside**") pursuant to the authority of Article 2.5, Chapter 4, Division 1, Title 7 (Section 65864 *et seq.* of the Government Code) relating to Development Agreements. Schali and Westside are collectively referred to as the "**Developer.**"

Recitals

A. In order to strengthen the public land use planning process, to encourage private participation in the process, to reduce the economic risk of development and to reduce the waste of resources, the Legislature adopted the "Development Agreement Statute" (Sections 65864 *et seq.* of the Government Code).

B. The Development Agreement Statute permits cities and counties to contract with private interests for their mutual benefit in a manner not otherwise available to the contracting parties. Such agreements, as authorized by the Development Agreement Statute, assure property developers that they may proceed with their projects with the assurance that approvals granted by public agencies will not change during the period of development. Cities and counties are equally assured that costly infrastructure such as roads, sewers, fire protection facilities, etc., will be available at the time development projects come on line.

C. This Agreement relates to the development known as Westridge Business Park ("**Project**"). The parties have, in good faith, negotiated the terms hereinafter set forth which carry out the legislative purpose set forth above and will assure the parties to this Agreement of mutually desirable development of the Project.

D. Westside owns in fee that certain real property identified as Stanislaus County Assessor's Parcel Numbers 021-026-050 and 051 located in the City of Patterson, County of Stanislaus, State of California more particularly described in **Exhibit "A"** attached hereto and incorporated herein by this reference, comprising approximately 48 acres (the "**Westside Property**").

E. Schali owns in fee that certain real property identified as Stanislaus County Assessor's Parcel Numbers 021-026-052 and 053 located in the City of Patterson, County of Stanislaus, State of California more particularly described on **Exhibit "B"** attached hereto and incorporated herein by this reference, comprising approximately 73 acres (the "**Schali Property**").

F. The Westside Property and the Schali Property comprising approximately 121 acres as described in **Exhibit "A"** and **Exhibit "B"** are collectively referred to as the **"Property."**

G. On July 24, 2008, the City Planning Commission considered this Agreement.

H. The City Council, in response to Developer's applications, after public hearings and extensive environmental analysis, has granted the following entitlements, referred to herein as the "Project Approvals".

1. By Ordinance No. 701 the City Council adopted the land use designation of the Property as Planned Industrial;

2. By Ordinance No. 701, the City Council adopted the zone classification of the Property as Industrial Business Park and Light Industrial;

3. By Resolution 2008-70 on August 19, 2008, the City Council adopted the West Patterson Business Park Master Development Plan (**the "Master Plan"**);

4. By Resolution 2008-70 on August 19, 2008, the City Council adopted the West Patterson Projects Final Environmental Impact Report (**the "Program FEIR"**) in accordance with the California Environmental Quality Act (CEQA); and

5. The application for the Project Vesting Tentative Map creating 29 parcels and one (1) storm drainage basin lot was complete on August 19, 2008 (**the "Vesting Tentative Map"**).

6. By the Adopting Ordinance, defined in Section 1.1(a) below, the City Council adopted this Agreement.

I. Development of the Property pursuant to the terms and conditions of the various entitlements, the General Plan, the Master Plan, and the Impact Report will provide for orderly growth and development consistent with the City's General Plan and other development policies and programs.

J. By entering into this contractual agreement, the City acknowledges that the obligations of the City shall survive beyond the term or terms of the present City Council and that such action will serve to bind the City and future City Councils to the obligations undertaken in this Agreement. By approving this Agreement, the City has elected to exercise certain governmental powers at the time of entering into this Agreement rather than deferring City actions to some undetermined date in the future. The terms and conditions of this Agreement have been reviewed extensively by the City and have been found to be fair, just, and reasonable, and the City has concluded that the pursuing the development of the Property will serve the best interest and the public health, safety and welfare of its citizens.

K. Having duly considered this Agreement and having held the noticed public hearings, City finds and declares that the provisions of this Agreement are consistent with the maps and text of the City's General Plan and the Master Plan.

NOW, THEREFORE, the parties hereto agree as follows:

**ARTICLE 1
DEFINITIONS; INCORPORATION OF RECITALS**

1.1. Definitions. As used in the Agreement, the following terms, phrases and words shall have the meanings and be interpreted as set forth in this Section.

(a) **Adopting Ordinance** means Ordinance Number 701 entitled: "Development Agreement By and Between the City of Patterson and Fritz and Donna Schali Westside Property Management relating to the Development known as Westridge Business Park," dated September 2, 2008, and effective October 2, 2008, 2008 which approves this Agreement as required by Government Code Section 65867.5 ("**Effective Date**").

(b) **Certificate of Occupancy** means either a certificate issued after inspections by City authorizing a person or persons in possession of property to dwell or otherwise use a specified building, or the final inspection if a formal certificate is not issued.

(c) **City** means the City of Patterson.

(d) **City Council** means the duly elected legislative body governing the City of Patterson.

(d) **Director** means the Community Development Director for the City.

(e) **Effective Date** means the effective date of the Adopting Ordinance.

(f) **Existing Land Use Regulations** mean the ordinances, resolutions, policies and regulations adopted by the City in effect on the Effective Date including the adopting ordinances that govern the permitted uses of land, the density and intensity of use, the timing of development, and the design, improvement, construction standards, policies and specifications applicable to the development of the Property, including, but not limited to, the General Plan, the zoning ordinance and all other ordinances, Master Development Plans, codes, rules, policies and regulations of the City.

(g) **General Plan** means the General Plan of the City, including the text and maps, as amended in connection with the Project.

(h) **Project** means the anticipated development and use of the Property consistent with the provisions of this Agreement, and comprised of approximately 121 acres, as a business park known as the Westridge Business Park.

(i) **Project Approvals** means, and shall be limited to those approvals set forth in the Recitals.

(j) **Reserved Discretionary Approvals** means discretionary land use approvals of any kind or nature which are required subsequent to the Effective Date of this Agreement for implementation of the Project, and could include, without limitation, subdivision maps, conditional use permits, planned unit developments, etc. Upon approval of any Reserved Discretionary Approval by the City Planning Commission and, if necessary, the City Council, the Reserved Discretionary Approval shall be automatically considered a Project Approval and shall be subject to the burdens and benefits of this Agreement.

1.2. Incorporation of Recitals. The **Recitals** are incorporated herein, including all Exhibits referred to in said Recitals. In the event of inconsistency between the Recitals and the provisions of the **Articles** in this Agreement, the provisions of this Agreement shall prevail.

ARTICLE 2 TERM; VESTED RIGHTS

2.1. Term of Agreement and Vesting Tentative Map. This Agreement shall commence upon the Effective Date and shall terminate on the twentieth (20th) anniversary date of the Effective Date (the "**Termination Date**"), at which time this Agreement shall be deemed terminated and of no further force or effect unless the term is extended by circumstances set forth in this Agreement or by the mutual consent of the Parties. Notwithstanding any other provision of law, including the Vesting Tentative Map law (Government Code Section 66498.1), the Developer's rights with respect to the Project shall vest no earlier than the Effective Date of this Agreement.

(a) Extension of Term.

(i) Provided that neither City nor Developer have terminated this Agreement, City and Developer agree that it be mutually desirable for the term to be extended. Accordingly, Developer may request in writing, at least sixty (60) days before the Termination Date, as may be extended, that the City extend the term of this Agreement for one (1) extension period of five (5) years. Such an extension shall constitute an amendment to this Agreement subject to the provisions of this Agreement regarding amendments, including Government Code Section 65868.

(ii) The term shall be extended by the amount of time development of the Project is delayed by legal challenge, by the amount of time required to comply with federal or state laws or regulations in accordance with Government Code Section 65869.5, by any development moratorium, or any combination of these.

2.2. Priority of Enactment. In the event of conflict between the Development Agreement, the Project Approvals and the Existing Land Use Regulations, the parties agree that the following sequence of approvals establishes the relative priority of the approvals, each approval superior to the approvals listed thereafter: (i) the Development Agreement; (ii) Project Approvals; and (iii) the Existing Land Use Regulations.

2.3. Vested Rights of Developer. During the term of this Agreement in developing the Property consistent with the Project described herein, Developer is assured, and

City agrees, that the development rights, obligations, terms and conditions specified in this Agreement, the Planning Documents, and the Existing Land Use Regulations are fully vested in the Developer and may not be changed or modified by the City except as may be expressly permitted by, and in accordance with, the terms and conditions of this Agreement, or as expressly consented to by the Developer to the extent such proposed change or modification is applicable thereto.

2.4. Covenants Running with the Land. Each and every purchaser, assignee or transferee of an interest in the Property, or any portion thereof, shall be obligated and bound by the terms and conditions of this Agreement, and shall be the beneficiary thereof and a party thereto, but only with respect to the Property, or such portion thereof, sold, assigned or transferred to it. Any such purchaser, assignee or transferee shall observe and fully perform all of the duties and obligations of a Developer contained in this Agreement, as such duties and obligations pertain to the portion of the Property sold, assigned or transferred to it.

2.5. Recordation of Agreement. The City Clerk shall, within ten (10) days after the effective date of this Agreement, record this Agreement.

2.6. Third Party Legal Challenge. In the event any legal action or special proceeding is commenced by any person or entity other than a party to this Agreement, challenging this Agreement or any provision herein, Developer shall indemnify and hold City harmless from and against any liability in connection therewith. City may elect to tender the defense of any lawsuit filed by a third person or entity to Developer (to the extent the litigation seeks to overturn or invalidate any approval held by or granted to Developer), and, in such event, Developer shall hold the City harmless from and defend the City from all costs and expenses incurred in the defense of such lawsuit, including, but not limited to, attorneys' fees and expenses of litigation awarded to the prevailing party or parties in such litigation. The Developer shall not settle any lawsuit on grounds which include, but are not limited to non-monetary relief without the consent of the City.

ARTICLE 3 PROJECT DEVELOPMENT

3.1. The Project. The Project shall be developed consistent with this Agreement and the Project Approvals

3.2. Permitted Uses and Development Standards. The permitted uses, the density and intensity of use, the maximum height and size of proposed buildings, provisions for reservation and dedication of land or payment of fees in lieu of dedication for public purposes, the construction, installation and extension of public improvements, development guidelines and standards, implementation program for processing of subsequent entitlements and other conditions of development for the Property shall be those set forth in this Agreement, the Project Approvals and the Existing Land Use Regulations. The parties hereto intend that this Agreement, the Project Approvals, and the Existing Land Use Regulations shall serve as the definitive and controlling documents for all subsequent actions, discretionary or ministerial, relating to the development and occupancy of the Project.

3.3. Modifications to Project. The parties recognize there may be modifications to the Project, and each of the parties desires to simplify and streamline the process for approving modifications to the Project. Therefore, the following modifications may be considered non-substantial as provided below, and approved without the need for amendment to this Agreement. The Director and/or City Engineer, as appropriate, shall use his best efforts to make a determination as to the requested modification within 30 days after receiving Developer's written request for such modification, but in no case shall the City's consent to any requested modification be "deemed approved" as a result of any failure to render a decision within such time frame. In each case where the provisions below grant either the Director or the City Engineer with discretion, the Developer may appeal the decision of the Director and/or City Engineer to the City Council by filing a written appeal within 10 days after receipt of the Director and/or City Engineer's decision.

(a) Vesting Tentative Map. Modifications of the Vesting Tentative Map, including conditions of approval, determined to be non-substantial in the sole discretion of the Director;

(b) Substantial Conformance. Due to the importance of timely recordation of final maps for users in the business park, the City Engineer may, in his sole discretion, after consultation with the Director, find that a final map substantially conforms with any tentative map or vesting tentative map utilized for the Project where, among other factors, the number of parcels in the final map is not more than the number of parcels for the same area shown on any tentative map and so long as the road known as Park Center Drive and the extension of Henley Parkway to Park Center Drive continues to be shown as a backbone road connecting south to Sperry Avenue.

(c) Streets and Rights of Way. Any modification of the alignment, location, naming, width, length, or specification of streets, utility rights of way, or other public rights of way and/or facilities which is determined to be non-substantial in the sole discretion of the City Engineer, in consultation with the Planning Director; and/or

(d) Site Plan. Any modification of the site plan determined to be non-substantial in the sole discretion of the Director.

3.4. No Conflicting Enactments. Except as otherwise provided for in this Agreement, neither the City nor any agency of the City shall enact any ordinance, resolution, or other measure that relates to the rate, timing, fees pertaining to or sequencing of the development or construction of the Property on all or any part of the Property that is in conflict with this Agreement, or any amendments thereto, or that reduces the development rights provided by and vested in this Agreement. Without limiting the foregoing general statement, and for all purposes pursuant to this Agreement generally, and this Section specifically, an ordinance, resolution or other measure shall be deemed to conflict with this Agreement if the ordinance, resolution, or measure seeks to accomplish any one or more of the following results, either with specific reference to this Property or as part of a general enactment that applies to the Property:

(a) **Density or Intensity.** Limiting or reducing the density or intensity of development on the Property or the Project;

(b) **Timing of Development.** Limiting the timing of the development of the Property or the Project; and/or

(c) **Increasing Fees.** Increasing the Fees pertaining to development in an amount that is not more than the Construction Cost Index ("CCI").

3.5. Limitation on Changes to Existing Land Use Regulations. Only the following changes to the Existing Land Use Regulations shall apply to the development of the Property:

(a) **Compliance with Laws.** Land use regulations, ordinances, policies, programs, resolutions or fees adopted or undertaken by City in order to comply with regional, state or federal laws, plans or regulations, provided that in the event that such regional, state or federal laws, plans or regulations prevent or preclude compliance with one or more provisions of this Agreement, such provision or provisions shall be modified or suspended as may be necessary to comply with such regional, state or federal laws or regulations.

(b) **No Conflict or Increased Burden.** City land use regulations, ordinances, policies, programs, resolutions or fees adopted after the Effective Date, that are not in conflict with the terms and conditions for development of the Property or the Project established by this Agreement or otherwise applicable Existing Land Use Regulations and which do not impose any additional burdens on such development.

(c) **Consent of Developer.** City land use regulations, ordinances, policies, programs, resolutions or fees adopted after the Effective Date, which are in conflict with the Existing Land Use Regulations, but the application of which to the development of the Property has been consented to in writing by the Developer, in Developer's sole discretion.

3.6. Further Reviews. Developer acknowledges that the Existing Land Use Regulations contemplate further reviews of elements of the Project by the City. These reviews include the review of final map(s), improvement plans and building permits. Nothing in this **Section 3.6** shall be deemed to expand the legal authority of City with respect to such reviews as provided by, and otherwise consistent with, this Agreement. City agrees to use its reasonable best efforts to process all further reviews as promptly as possible. With respect to Reserved Discretionary Approvals, as defined herein, City agrees to approve said entitlements provided they are consistent with the General Plan, the Master Plan, and the provisions of this Agreement. City may impose reasonable and customary application fees as described herein to review Developer's application(s) for Reserved Discretionary Approvals.

3.7. Fees. Developer shall be obligated to pay only those development, impact, hook-up and/or similar fees (**the "Fees"**) which are in the Schedule of Fees set forth in **Exhibit "E"** attached hereto and incorporated herein by this reference. In exchange for this limitation on City fees, Developer agrees to waive any right to protest the amount or validity of such fees under any provision of law, including, but not limited to, the

Mitigation Fee Act. Any fees payable for inspections during the construction of public improvements or checking improvement or site plans for public improvements shall not exceed the actual cost of providing the service plus, where the City engages a third-party consultant to perform such inspections or checking, an administrative fee not to exceed twenty percent (20%) of such cost. Developer shall, prior to any inspections being made, deposit with City an amount to be determined by City to be a reasonable estimate of such inspection costs. On an annual basis the City shall provide Developer with an accounting of the actual expenses. Notwithstanding any previous Project Approval, including, but not limited to, the Vesting Tentative Map, Developer shall pay the Fees in the adjusted or indexed amounts which are in effect at the time of issuance of building permits for any structure in the Project. New City fees enacted since the Effective Date of this Agreement shall not be imposed upon the Project, but all existing Fees shall be imposed at the indexed rate as set forth herein. Developer acknowledges that the Property is subject to that certain Mello-Roos Community Facilities District which provides for an annual tax assessment of per acre, subject to the terms of such district assessments, for streets, water and sewer facilities to serve the West Patterson Business Park. A portion of City sewer, storm drainage and water connection fees as set forth in **Exhibit "E"** shall be offset and covered by such Mello-Roos Community Facilities District payments. Developer further acknowledges and agrees that this Section 3.7 shall apply only to fees adopted and imposed by City, and that third party fees applicable to the Project shall not be affected or limited by this Agreement.

3.8. Timing of Development. The parties acknowledge that the most efficient and economic development of the Property depends upon numerous factors, such as market orientation and demand, interest rates, competition, and similar factors, and that generally it will be most economically beneficial to the ultimate purchasers to have the rate of development determined by Developer. Accordingly, the timing, sequencing, and phasing of the development is solely the responsibility of Developer and, except as may be expressly set forth in this Agreement, provided there is adequate sewer and water capacity allocations for the users of the Project, the City shall not impose, by ordinance, resolution, or otherwise, any restrictions on such timing, sequencing or phasing of development within the Property, including but not limited to any no-growth or slow-growth moratoriums or annual development quotas, allocations, or similar limitations.

3.9. Encumbrances on the Property. Nothing in this Agreement shall prevent or limit Developer, in Developer's sole and absolute discretion from encumbering all or any portion of the Property with any deed of trust, mortgage, or any other secured financing with respect to the construction, development, use, or operation of the Property or the Project. The parties acknowledge that the holder of any mortgage, deed of trust or other secured financing arrangement ("**Secured Lender**") may request certain modifications to this Agreement, and if requested, the City will meet with Developer and any Secured Lender to negotiate in good faith any such requested modification. The City will not unreasonably withhold its consent or approval to any such requested modification, provided that the proposed modification is consistent with the overall intent of the Master Plan and does not either add to the obligations of nor materially conflict with City's enjoyment of the benefits of this Agreement.

3.10. Obligation and Rights of Mortgage Lenders. The holder of any mortgage, deed of trust or other security instrument with respect to the Property, or any portion thereof, shall not be obligated under this Agreement to construct or complete improvements or to guarantee such construction or completion, but, in the event said holder takes title to the Property through foreclosure of a mortgage or a deed of trust, or deed-in-lieu of such foreclosure, said holder shall be bound by all of the terms and conditions of this Agreement which pertain to the Property or such portion thereof in which it holds an interest. Any such holder who comes into possession of the Property, or any portion thereof, pursuant to a foreclosure of a mortgage or a deed of trust, or deed in lieu of such foreclosure, shall take the Property, or such portion thereof, subject to any pro rata claims for payments or charges against the Property, or such portion thereof, which accrue prior and subsequent to the time such holder comes into possession. Nothing in this Agreement shall be deemed or construed to permit or authorize any such holder to devote the Property, or any portion thereof, to any uses, or to construct any improvements thereon, other than those uses and improvements provided for or authorized by this Agreement, subject to all of the terms and conditions of this Agreement.

3.11. Fee Credit for Construction of Improvements. Developer shall receive a credit against public facility fees for all improvements constructed by Developer which are specifically included in the budget on which that public facility fee is determined. The amount of the credit shall be based upon the percentage of the budgeted improvement completed by Developer and the relationship of that budgeted improvement to the public facility fee. Thus, for example, if 5% of a fee is based upon the cost to construct the facility and Developer completes 100% of that facility, Developer would receive a fee credit in the amount of 5% of the fee; but, if Developer completes only 50% of the facility, Developer will receive a fee credit in the amount of 2.5% of the fee.

3.12. Reimbursement for Public Facilities Benefiting Other Properties. Developer may seek and the City shall use its best efforts to assist Developer in obtaining, reimbursement from the benefited property owners for all costs and expenses incurred in the design and/or construction of public facilities, including but not limited to streets, sewer, water, storm drain, telephone, cable, gas, and electric which benefit properties other than the Property and/or the acquisition of rights of way for any such public facilities. In the event Developer seeks reimbursement from other benefited properties, City shall cooperate with Developer in the formation, consistent with all applicable City and state laws (including, if applicable, Proposition 218); of a local benefit district or Area of Benefit for the purpose of reimbursing Developer as contemplated herein. Developer shall be responsible for pre-payment of all of City's costs in the formation of the appropriate reimbursement mechanism or district, and shall, as a condition of formation of said mechanism or district, agree to indemnify and hold the City harmless from and against any and all claims in connection therewith.

3.13. Eminent Domain. City agrees to use its statutory powers of eminent domain to acquire all properties needed for rights of way to be located on properties other than the Property and which are necessary for the development of the Project. Any such use of eminent domain by City shall be at Developer's sole cost and expense, provided that available CFD funds shall first be utilized. City will use its statutory powers of eminent

domain only after all other methods to secure the property by Developer have been exhausted.

3.14. Formation of Special Districts for Improvements. In the event Developer elects to use bond financing to finance construction of all or any portion of the public facility improvements required for the Project, City agrees to allow Developer to participate in the existing Community Facilities District (2005-1) at an increased level as provided for and subject to the limits in said CFD, and to be mutually determined by Developer and the City Council.

3.15. Formation of Maintenance Districts. Developer agrees to cooperate in the formation of such maintenance districts as the City may determine to be appropriate for the maintenance of public facilities in the Project, including but not limited to benefit assessment, landscape and/or lighting districts. Developer further agrees to waive any right to protest or oppose the formation of such district(s), and agrees to cooperate with City in such formation.

3.16. Financing District Annexation. Developer agrees that each parcel of the Vesting Tentative Map shall be annexed into a Mello-Roos Community Facilities District or similar financing district as a condition of map approval for that parcel, so long as the annual tax rate does not exceed the current assessment rate of Two Thousand Five Hundred Ten and no/100 Dollars (\$2,510.00) per net acre, subject to annual adjustment for the appropriate or applicable inflationary index consistent with the financing district governing documents to pay for the remaining Master Plan sewer, storm drainage and water connection fees, which will be offset and covered by participation in a Community Facilities District or similar financing district. There shall be no undeveloped land tax levied by the financing district in the project without the written consent of Developer.

3.17. City Obligations. City agrees to provide adequate water, storm drain, and sewer capacity for the uses, intensity and density for the Project, and will accept and allow Developer to connect with the City's sanitary sewer collection and treatment system, and municipal water delivery system consistent with all applicable laws and regulations. Notwithstanding, this provision, the developer shall install, or pay for the installation of, facilities to expand the sewage treatment capacity of the City's Wastewater Treatment Plant if needed to serve per phase. The developer may proceed with an initial phase of the project, provided that the City Council determines that there is existing treatment capacity in the existing plant. In addition, the City shall exercise reasonable diligence to expedite the processing of Developer's permit applications for the development of the Project.

City agrees to provide Developer first access to any capacity made available at the City's Wastewater Treatment Plant. Capacity shall be limited to 50% of the total available, not to exceed the total required for the project. The remaining available capacity shall be made available on a first come first serve basis.

3.18. Certificate of Occupancy. Upon completion of each building shell in the Project, the City shall provide Developer or Developer's successor or assignee with a Certificate of Occupancy for that building limited to that building shell. The certification is conclusive determination that the obligations of the Developer or Developer's successor or assignee under this Agreement have been met. The certification shall be

in such form as will enable it to be recorded in the official records of the County by the Developer or Developer's successor or assignee. Developer acknowledges and agrees that it is required to obtain a separate Certificate of Occupancy before using a shell building for any purpose except to construct improvements necessary for the planned use.

3.19. Developer's Obligations. Developer shall be obligated to construct those public improvements as shown on the Vesting Tentative Map as may be modified in accordance with the terms of this Agreement and the terms of the Master Plan.

3.20. Participation in Community Facility District 2003-1 for Fire Service.

As a condition to pulling the first building permit in the Project, Developer agrees to participate the Land in City Community Facilities District No. 2003-1. The purpose of such district shall be to fund the Project's fair share contribution toward the operational expenses of Fire Station #2. Developer agrees to pay all costs associated with annexing the project into Community Facilities District 2003-1. In addition, Developer agrees to vote affirmatively in favor of the annexation for all properties within the project. The assessment for fiscal year 2008-2009 shall be \$0.0450243227 per square foot annually. The assessment shall increase each Fiscal Year thereafter by an inflation factor which is the April to April All Urban Consumer Price Index (CPI) for the San Francisco-Oakland-San Jose area. The required annual tax shall be established in accordance with the adopted Rate and Method of Apportionment for Community Facilities District 2003-1.

3.21. Developer's Reimbursement to City for Park Center Drive Improvements. Developer or any successor in interest (whichever is the then-current owner) shall reimburse the City for Park Center Drive Improvement Costs in an amount not to exceed a total of One Million Four Hundred Thousand Four Hundred Eight Dollars (\$1,400,408). Said reimbursement shall be paid to the City on a proportionate share based on 50 net acres of development. Developer shall pay its proportionate share prior to the issuance of each building permit on any parcel(s) within the first 50 net acres or any portion thereof. The issuance of a building permit for any structure on each parcel shall trigger the reimbursement obligation for that parcel, regardless of the size of the structure or the acreage of the subject parcel. The amount of reimbursement per net acre shall be \$28,008.16. At such time as the City receives per acre reimbursements designated for Park Center Drive Improvement Costs totaling One Million Four Hundred Thousand Four Hundred Eight Dollars (\$1,400,408), the obligations of Developer under this Section 3.21 shall be fully satisfied. Upon the sale of all or any of the individual parcels within the first 50 net acres within the Project prior to the issuance of a building permit, the reimbursement obligation contained herein shall be the responsibility of the new owner of that parcel(s).

ARTICLE 4 DEFAULT

4.1. General Provisions. Subject to extensions of time by mutual consent in writing, failure or delay by either party not released from this Agreement to perform any term or provision of this Agreement, shall constitute a default. In the event of alleged default or breach of any terms or conditions of this Agreement, the party alleging such default or breach shall give the other party not less than sixty (60) days notice in writing specifying the nature of the alleged default and the manner in which said default may be cured. During any such sixty (60) day period, the party charged shall not be considered in default for purposes of termination or institution of legal proceedings.

After notice and expiration of the sixty (60) day period, if such default has not been cured or is not being diligently cured in the manner set forth in the notice, the other party to this Agreement may, at his option, institute legal proceedings pursuant to this Agreement or give notice of its intent to terminate this Agreement pursuant to California Government Code Section 65868 and any regulations of the City implementing said Government Code section. Following notice of intent to terminate, or prior to instituting legal proceedings, the matter shall be scheduled for consideration and review in the manner set forth in Government Code Sections 65865, 65867, and 65868 and City regulations implementing said sections by the City within thirty (30) calendar days.

Following consideration of the evidence presented in said review before the City and an additional 30-day period to cure, either party alleging the default by the other party may institute legal proceedings or may give written notice of termination of this Agreement to the other party.

Evidence of default may also arise in the course of a regularly scheduled periodic review pursuant to Government Code Section 65865.1. If either party this Agreement determines that a party is in default following the completion of the normally scheduled periodic review, said party may give written notice of termination of this Agreement specifying in said notice the alleged nature of the default, and potential actions to cure said default where appropriate. If the alleged default is not cured in thirty (30) days or within such longer period specified in the notice, or the defaulting party waives its right to cure such alleged default, this Agreement may be terminated by City as to the Developer and the property in which the Developer or Landowner owns an interest.

4.2. Annual Review. City shall, at least every twelve (12) months during the term of this Agreement, review the extent of good faith substantial compliance by Developer with the terms of this Agreement. Such periodic review by the Director, unless referred to the Planning Commission or City Council shall be limited in scope to compliance with the terms of this Agreement pursuant to California Government Code Section 65865.1. City shall deposit in the mail or fax to Developer a copy of all staff reports and, to the extent practical, related exhibits concerning contract performance at least seven (7) calendar days prior to such periodic review. The Developer shall be entitled to appeal a determination of the Director to the Commission and then to the City Council. Any appeal must be filed within ten (10) days of the decision to the Director, and the Commission, respectively. Developer shall be permitted an opportunity to be heard orally or in writing regarding its performance under this Agreement before the City Council, or Director, as appropriate.

4.3. Cumulative Remedies. In addition to any other rights or remedies, City and Developer may institute legal or equitable proceedings to cure, correct or remedy any default, to specifically enforce any covenant or agreement herein, to enjoin any threatened or attempted violation of the provisions of this Agreement. The prevailing party in any such action shall be entitled to reasonable attorneys' fees and costs. Notwithstanding the foregoing, or any other provision of this Agreement, in the event of City default under this Agreement, Developer agrees that Developer may not seek, and shall forever waive any right to, monetary damages against City.

4.4. Enforced Delay, Extension of Times of Performance. In addition to specific provisions of this Agreement, performance by either party under this Agreement shall not be deemed to be in default where delays or defaults are due to war, insurrection, strikes, walkouts, riots, floods, earthquakes, fires, casualties, acts of God, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulation enacted by the state or federal government or litigation.

ARTICLE 5 TERMINATION

5.1. Termination Upon Completion of Development. This Agreement shall terminate upon the expiration of the term or when the Property has been fully developed and all of the Developer's obligations in connection therewith are satisfied as determined by the City. Upon termination of this Agreement, the City shall record a notice of such termination in a form satisfactory to the City Council that the Agreement has been terminated.

5.2. Effect upon Termination on Developer Obligations. Termination of this Agreement as to the Developer of the Property or any portion thereof shall not affect any of the Developer's obligations to comply with the Project Approvals or other land use entitlements approved with respect to the Property, any other covenants or any other development requirements specified in this Agreement to continue after the termination of this Agreement, or obligations to pay assessments, liens, fees, or taxes.

5.3. Effect upon Termination on City. Upon any termination of this Agreement as to the Developer of the Property, or any portion thereof, the entitlements, conditions of development, limitations on fees and all other terms and conditions of this Agreement shall no longer be vested hereby with respect to the property affected by such termination (provided vesting of such entitlements, conditions or fees may then be established for such property pursuant to then existing planning and zoning law) and the City shall no longer be limited, by this Agreement, to make any changes or modifications to such entitlements, conditions or fees applicable to such property.

ARTICLE 6 INSURANCE; INDEMNITY

6.1. Insurance. Before commencing any development of the Property, Developer shall obtain the insurance required under this Article placed by carriers licensed to do

business in California with a current Best's Key Rating Guide reasonably acceptable to the City. Developer shall furnish City concurrently with the execution of this Agreement satisfactory evidence of the insurance required and evidence that the carrier is required to give the City at least thirty (30) days prior written notice of cancellation or reduction in coverage in the policy.

(a) Workers' Compensation Insurance. Developer shall maintain workers' compensation insurance for all persons employed by Developer on the Property. Developer shall require each contractor and subcontractor similarly to provide workers' compensation insurance for their respective employees.

(b) General Liability Insurance. Developer shall maintain comprehensive general liability insurance covering bodily injury, personal injury, property damage, products and completed operations with limits of no less than \$1,000,000.00. The City shall be named as additional insured.

(c) Automobile Liability Insurance. If Developer or Developer's officers, employees, agents, representatives or subcontractors utilize motor vehicles in performing any work or services under this Agreement, Developer shall maintain owned/non-owned automobile liability insurance providing combined single limits covering bodily injury, and property damage with limits of no less than \$1,000,000 per occurrence. The City shall be named as additional insured.

6.2. Indemnity. Developer agrees to indemnify and hold the City, and its elected and appointed councils, boards, commissions, officers, agents, employees, and representatives harmless from any and all claims, costs and liability for any personal injury or property damage which may arise as a result of any actions or negligent omissions by Developer or Developer's contractors, subcontractors, agents, or employees in connection with the construction, improvement, or operation, of the Project; provided, however, the indemnity provisions of this Section shall not apply to the negligence or willful acts or omissions by the City or its elected or appointed councils, boards, commissions, officers, agents, employees, or representatives.

ARTICLE 7 OTHER PROVISIONS

7.1. Assignment and Assumption. Developer may assign its rights and delegate its duties under this Agreement in whole or in part in connection with the sale of all or any portion of the Land. Notice of the assignment and delegation shall be given to the City as provided herein prior to the effective date of the assignment. Such notice shall identify and describe the assignee. Any assignee of Developer shall accept the assignment and assume the duties delegated by written assignment and assumption agreement, and upon execution thereof, shall succeed to the rights and duties of Developer under this Agreement as provided in the assignment and assumption agreement. An executed counterpart copy of the assignment and assumption agreement shall be delivered to the City and upon such delivery, the Developer shall be deemed relieved of the rights assigned and released from the duties delegated under the assignment and assumption agreement.

Developer and any subsequent landowner may free itself from further obligations relating to the sold, assigned or transferred property, providing that:

(a) The City Clerk receives a copy of the agreement for the sale, assignment or transfer of the Property, and

(b) The buyer, assignee or transferee expressly assumes the obligations under this Agreement.

7.2. Estoppel Certificate. Any party may, at any time, and from time to time, request written notice from the other party requesting such party to certify in writing that, to the knowledge of the certifying party: (i) this Agreement is in full force and effect and a binding obligation of the parties; (ii) this Agreement has not been amended or modified whether orally or in writing, or if so amended, identifying the amendments; and (iii) the requesting party is not in default in the performance of its obligations under this Agreement, or if in default, to describe the nature and amount of any such default. A party receiving a written request under this Section shall execute and return such certificate within thirty (30) days following the receipt of the request. The failure to deliver such certificate within such time may be relied upon by third parties as establishing that this Agreement is in full force and effect without modification and that there are no uncured defaults in the performance of the requesting party.

7.3. Amendment to Agreement. This Agreement may be amended by mutual consent of the parties in writing, in accordance with the provisions of Government Code Section 65868, provided that: any amendment which relates to the term, permitted uses, density, intensity of use, height and size of proposed buildings, or provisions for reservation and dedication of land shall require a noticed public hearing before the parties may execute an amendment. Unless otherwise provided by law, all other amendments may be approved without a noticed public hearing.

7.4. Waiver. A waiver by any party of any breach of any term, covenant or condition herein contained or a waiver of any right or remedy of such party available hereunder at law or in equity shall not be deemed to be a waiver of any subsequent breach of the same or any other term, covenant or condition herein contained or of any continued or subsequent right to the same right or remedy. No party shall be deemed to have made any such waiver unless it is in writing and signed by the party so waiving.

7.5. Entire Agreement. This Agreement, together with its specific references and attachments, constitutes all of the agreements, understandings, representations, conditions, warranties and covenants made by and between the parties hereto. This Agreement shall supersede any prior agreements, discussions, commitments, representations or agreements, written or oral, between the parties hereto.

7.6. Interpretation. The captions of this Agreement are for convenience in reference only and the words contained therein shall in no way be held to explain, modify, amplify or aid in the interpretation, construction or meaning of the provisions of this Agreement. In this Agreement, the neuter gender includes the feminine and masculine, and the singular includes the plural, the word "person" includes corporations, partnerships, firms or associations, wherever the context so requires. "Shall" and "will" and are mandatory

“may” is permissive. This Agreement will not be construed against the party preparing it, but will be construed as if prepared by all parties.

7.7. Successors and Assigns. All representations, covenants and warranties specifically set forth in this Agreement, by or on behalf of, or for the benefit of any or all of the parties hereto, shall be binding upon and inure to the benefit of such party, its successors and assigns.

7.8. Modification. No modification or waiver of any provisions of this Agreement or its attachments shall be effective unless such waiver or modification is in writing, signed by all parties, and then shall be effective only for the period and on the condition, and for the specific instance for which given.

7.9. Execution of Other Documents. The parties agree that they shall cooperate in good faith to accomplish the object of this Agreement and to that end, agree to execute and deliver such other and further instruments and documents as may be necessary and convenient to the fulfillment of these purposes.

7.10. Partial Invalidity. If any term, covenant, condition or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provision and/or provisions shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

7.11. Governing Law. The validity, interpretation and performance of this Agreement shall be controlled by and construed under the laws of the State of California.

7.12. Time Is of the Essence. Time is of the essence of this Agreement and each covenant and term a condition herein.

7.13. Authority. All parties to this Agreement warrant and represent that they have the power and authority to enter into this Agreement in the names, titles and capacities herein stated and on behalf of any entities, persons, estates or firms represented or purported to be represented by such entity(s), person(s), estate(s) or firm(s) and that all formal requirements necessary or required by any state and/or federal law in order to enter into this Agreement have been fully complied with. Further, by entering into this Agreement, neither party hereto shall have breached the terms or conditions of any other contract or agreement to which such party is obligated, which such breach would have a material effect hereon.

7.14. Advice of Legal Counsel. Each party acknowledges that it has reviewed this agreement with its own legal counsel, and based upon the advice of that counsel, and freely entered into this Agreement.

7.15. Notices. Notices, demands, correspondence, and other communication to City and Developer shall be deemed given if dispatched by prepaid first-class mail to the principal offices of the parties as designated as follows:

City: City of Patterson
1 Plaza
Patterson, CA 95363
Attention: City Manager

And to: Rod Simpson
Community Development Director
1 Plaza
Patterson, CA 95363

Developer: Westside Property Management
503 South 2nd Street
Patterson, CA 95363
Attention: Larry Buehner
Kenny Buehner

Fritz and Donna Schali
14619 Sycamore Avenue
Patterson, CA 95363

And to: Curtis and Arata
1300 K Street
P.O. Box 3030
Modesto, CA 95353
Attention: Leslie Kalim McHugh

The parties hereto may, from time to time, advise the other of new addresses for such notices, demands or correspondence.

7.16. Attorney's Fees. In the event of litigation between the Parties with respect to this Agreement, the prevailing party in such litigation shall be entitled to recover from the other party its reasonable attorney's fees and costs.

IN WITNESS WHEREOF, this Agreement was executed by the parties thereto on the dates set forth below.

CITY OF PATTERSON

By: M. Cleve Morris
Mr. Cleve Morris, City Manager

Date: Jan. 12, 2008^a

Westside Property Management, a California general partnership

By: Kenny Buehner
Kenny Buehner

By: Larry Buehner
Larry Buehner

Date: Jan. 12, 2008^a

ATTEST:

Maricela Vela
Maricela Vela, City Clerk

Fritz Schali
Fritz Schali

APPROVED AS TO FORM:

George Logan
Print Name: George Logan

Title: City Attorney

Donna Schali
Donna Schali

Date: Jan. 12, 2008^a

APPROVED AS TO FORM:

Leslie Kalim McHugh
Print Name: Leslie Kalim McHugh

Title: Curtis and Arata
Attorney for Developer

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

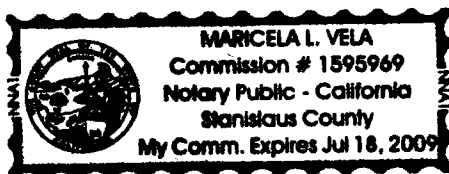
State of California

County of Stanislaus

On January 12, 2009 before me, Maricela L. Vela, Notary Public, personally appeared Kenneth Alan Buehner, Larry Keith Buehner, Fritz Arnold Scahli, Donna Marie Schali, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.



A handwritten signature in cursive script, appearing to read "Maricela L. Vela", written over a horizontal line.

Maricela L. Vela, Notary Public

Commission Expires July 18, 2009

Commission # 1595969

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

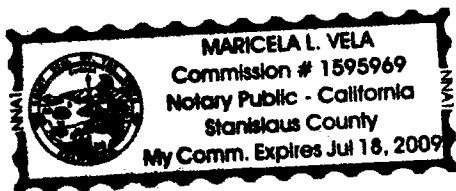
State of California

County of Stanislaus

On January 12, 2009 before me, Maricela L. Vela, Notary Public, personally appeared M. Cleve Morris, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.



A handwritten signature in black ink, appearing to read "Maricela L. Vela", written over a horizontal line.

Maricela L. Vela, Notary Public

Commission Expires July 18, 2009

Commission # 1595969

SCHEDULE OF EXHIBITS

Exhibit "A"	The Westside Property
Exhibit "B"	The Schali Property
Exhibit "C"	Map showing location of Westside Property and the Schali Property
Exhibit "D"	Schedule of Permitted Uses
Exhibit "E"	Schedule of Development Fees
Exhibit "F"	Assignment and Assumption of Development Agreement
Exhibit "G"	Patterson Planning Commission Resolution No. 2008-08
Exhibit "H"	Patterson City Council Resolution No. 2008-70
Exhibit "I"	Patterson City Ordinance No. 701

EXHIBIT "A"
The Westside Property

Being a portion of the southeast quarter of Section 26, Township 5 South, Range 7 East, Mount Diablo Base and Meridian, more particularly described as follows:

Beginning at the interior quarter corner of Section 26, as shown on the map filed in Book 53 of Parcel Maps, at Page 90, Stanislaus County Records; thence along the north line of the southeast quarter of said Section 26, South 89°55'28" East, a distance of 209.67 feet; thence along the westerly line of the 55' wide W.S.I.D. Lateral No. 6 South; thence along said east line the following five (5) courses:

1. South 24°00'00" East, a distance of 768.88 feet;
2. South 11°14'00" East, a distance of 274.79 feet;
3. South 34°05'00" East, a distance of 532.67 feet;
4. South 13°05'00" East, a distance of 1012.18 feet;
5. South 43°27'00" East, a distance of 255.49 feet to the north line of the 116

foot wide Sperry Avenue the following seven (7) courses:

1. North 89°40'54" West, a distance of 241.53 feet;
2. North 80°48'13" West, a distance of 38.88 feet;
3. North 89°40'54" West, a distance of 143.80 feet;
4. North 44°40'28" West, a distance of 38.16 feet;
5. North 86°53'36" West, a distance of 110.13 feet;
6. South 39°26'39" West, a distance of 49.43 feet;
7. North 89°40'54" West, a distance of 702.66 feet to the west line of the

southeast quarter of Section 26; thence along said west line North 00°21'26" East, a distance of 2577.78 feet to the point of beginning.

Contains 44.31 acres, more or less.

EXHIBIT "B"
The Schali Property

Being a portion of the southeast quarter of Section 26, Township 5 South, Range 7 East, Mount Diablo Base and Meridian, more particularly described as follows:

Commencing at the interior quarter of Section 26 as shown on the map filed in Book 53 of Parcel Maps at Page 90, Stanislaus County Records; thence along the north line of the southeast quarter of said Section 26, South 89°55'28" East, a distance of 209.67 feet to the **Point of Beginning**; thence along the westerly line of the 55' wide W.S.I.D. Lateral No. 6 South; thence along said east line the following five (5) courses:

1. South 24°00'00" East, a distance of 768.88 feet;
2. South 11°04'00" East, a distance of 274.79 feet;
3. South 34°05'00" East, a distance of 532.67 feet;
4. South 13°05'00" East, a distance of 1012.18 feet;
5. South 43°27'00" East, a distance of 255.49 feet to the north line of the 116

foot wide Sperry Avenue; thence along said north line of Sperry Avenue, South 89°40'54" East, a distance of 211.61 feet; thence along the west line of Parcels "C", "B" and "A" as shown on the map filed in Book 17 of Parcel Maps, at Page 90, Stanislaus County Records, North 00°20'00" East, a distance of 1110.92 feet; thence along the north line of said Parcel "A", South 89°55'45" East, a distance of 1089.67 feet to the west line of the 86 foot wide Baldwin Road, said line being 49.00 feet west of and parallel with the east line of said Section 26; thence along said west line the following five (5) courses:

1. North 00°20'00" East, a distance of 81.69 feet;
2. North 44°29'57" West, a distance of 14.18 feet;
3. North 00°14'45" East, a distance of 60.00 feet;
4. North 45°30'03" East, a distance of 14.23 feet;
5. North 00°20'00" East, a distance of 976.35 feet; thence North 89°55'28" west, a distance of 626.01 feet; thence North 00°20'00" East, a distance of 335.00 feet to the said north line of the southeast quarter of said Section 26; thence along said north line North 89°55'28" West, a distance of 1759.12 feet to the point of beginning.

Contains 76.79 acres, more or less.

EXHIBIT "C"
Map showing location of Westside Property
and the Schali Property

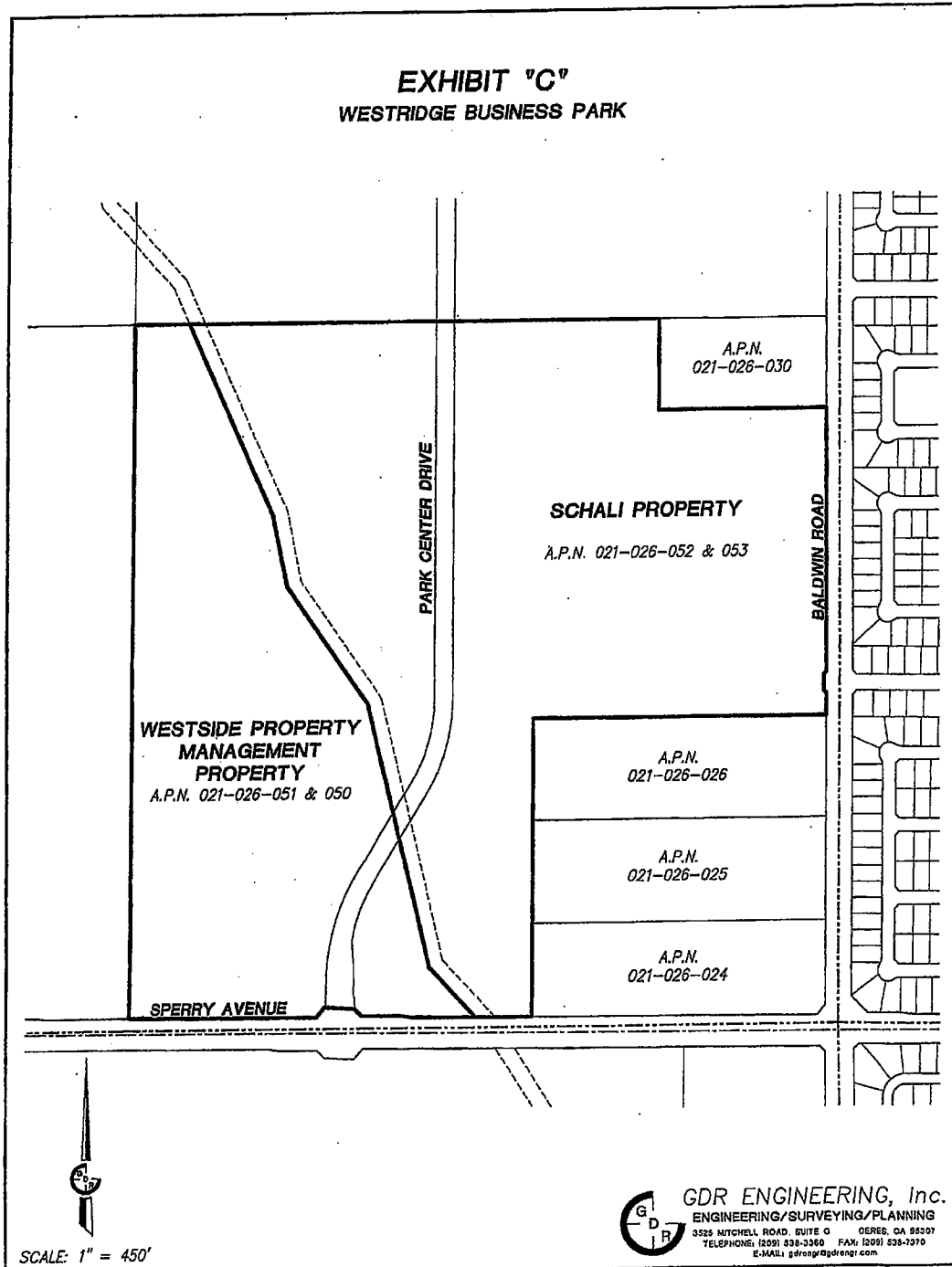


EXHIBIT "D"
SCHEDULE OF PERMITTED USES

Westridge Business Park Schedule of Uses		
Key		
P = Permitted		
SA = Permitted with Staff Approval		
UP = Permitted with Use Permit		
N = Not Permitted		
Use	INDUSTRIAL BUSINESS PARK ZONE	LIGHT INDUSTRIAL ZONE

Agriculture, Open Space, and Recreational Uses		
Crop Production & Horticulture	P	P
Parks & Playgrounds	P	P
Industrial, Manufacturing, and Processing Uses		
Assembly of Products	P	P
Bakery Wholesale & Distribution	N	P
Bottling Plant	N	P
Business Incubator Centers	P	P
Business Services	P	P
Call Centers	P	P
Ceramic Products Manufacturing	N	SA
Communications systems research & development	P	P
Computer Systems research & development	P	P
Conference Center	UP	N
Contractor Offices with no Outside Storage	N	SA
Contractor or Building supply sales - wholesale or storage without outside storage	SA	P
Corporate Offices	P	P
Furniture Manufacturing	UP	P
Electric Motor Sales and Repair	N	P
Electronic repair and assembly	P	P
Food Packaging	N	P
Foundries, fabrication plants, forging, metal casting	N	UP
Freight Terminal	N	P
Interior design and office equipment sales	SA	SA
Laboratories without outside storage	UP	UP
Manufacturing and technology support industries	P	P
Manufacturing/Storage of Chemicals - If accessory use only	N	UP
Packaging	P	P
Pharmaceutical manufacturing	UP	UP
Printing and Publishing, book binding	P	P
Research & Development Laboratories	SA	SA
Seed Processing and packaging	N	SA
Sheet metal fabrication	UP	P
Sign Fabrication	SA	SA
Software development	P	P
Warehouse as a principal use	N	P
Wholesale distribution and catalog sales	P	P

EXHIBIT "D"
SCHEDULE OF PERMITTED USES

Westridge Business Park Schedule of Uses		
Key		
P = Permitted		
SA = Permitted with Staff Approval		
UP = Permitted with Use Permit		
N = Not Permitted		
Use	INDUSTRIAL BUSINESS PARK ZONE	LIGHT INDUSTRIAL ZONE

Retail and Business Service Uses		
Banks	SA	SA
Broadcast Studios	SA	SA
Catering Services	SA	SA
Ceramic Products	SA	SA
Contractor or Builder supply sales - wholesale or storage without outside storage	SA	P
Convenience Store	SA	SA
Computer Sales & Repair	SA	SA
Commercial Laundry	SA	SA
Communication Facility Towers	SA	SA
Counseling Services	SA	SA
Day Care Center	SA	SA
Furniture finishing & repair	N	SA
Gymnasium/exercise business/Health Clubs/Gymnastics School	SA	SA
Ice or Water Dealers	N	SA
Moving and Storage Services (No Mini-Storage)	N	SA
Offices	P	P
Parcel Delivery Service	P	P
Photographic Studios & Photo Processing for Retail	P	P
Public Building	P	P
Copying and Reprographics	P	P
Restaurants, food take-out	SA	SA
Retail Shops - if <25% in a bldg used prim for other uses	SA	SA
Governmental, Public Service, Educational, and Hospitality Uses		
Artist Gallery/Studio	SA	SA
Auditoriums - Only as associated with Hotel/Conference Centers	UP	N
Business Services Offices or Shops	P	P
Churches	UP	UP
Colleges and Universities	SA	SA
Conference/Retreat Center	UP	N
Exhibition Building	SA	SA
Fire Station/Emergency Services/Police	P	P
Glass Studio	SA	P
Government Facilities	P	P
Health Clubs & Athletic Facilities as a subordinate Activity	P	P
Hotels/Motels	UP	N
Laundry/Dry Cleaning	P	N

EXHIBIT "D"
SCHEDULE OF PERMITTED USES

Westridge Business Park Schedule of Uses		
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UP = Permitted with Use Permit		
N = Not Permitted		
Use	INDUSTRIAL BUSINESS PARK ZONE	LIGHT INDUSTRIAL ZONE

Governmental, Public Service, Educational, and Hospitality Uses (con't)		
Medical Facilities Industrial Doctors/Emergency as Accessory Only	SA	SA
Medical Facilities Prompt or Urgent Care Facility	SA	SA
Museums - Non Profit	SA	SA
Night Clubs - in association with hotel only	P	N
Passenger/Transportation terminals	SA	SA
Private Schools	SA	SA
Public Utilities	SA	SA
Recreation Facilities for Employees	P	P
Technical/Trade Schools	SA	SA
Temporary Outside Events	SA	SA
Uses Not Permitted		
Adult Establishments	N	N
Airports/Heliports	N	N
Appliance Sales and Repair	N	N
Auto/Truck Sales or Repair or Body Shops	N	N
Bed and Breakfast Inns	N	N
Boarding Houses	N	N
Boat, Motorcycle, Jet Ski, Auto, and RV Sales and Repair	N	N
Building Materials Sales with outside Storage	N	N
Car Washes automatic and self serve	N	N
Cemeteries, mausoleums, columbaria, and memorial gardens	N	N
Coal and wood lots	N	N
Commercial dorms	N	N
Concrete Plants	N	N
Contractor or Building Supply - Retail with or without outside storage	N	N
Convenience stores with gasoline sales	N	N
Correctional Facilities and Jails	N	N
Crematoriums	N	N
Detached single family dwellings	N	N
Drive-In Theaters	N	N
Duplexes, triplexes, and multi-family dwellings	N	N
Exterminators	N	N
Fairgrounds	N	N
Farmers Markets	N	N
Feed and Grain Sales and Storage, as a principal use	N	N
Funeral Homes	N	N
Garden Centers	N	N

EXHIBIT "D"
SCHEDULE OF PERMITTED USES

Westridge Business Park Schedule of Uses		
Key		
P = Permitted		
SA = Permitted with Staff Approval		
UP = Permitted with Use Permit		
N = Not Permitted		
Use	INDUSTRIAL BUSINESS PARK ZONE	LIGHT INDUSTRIAL ZONE

Uses Not Permitted (con't)		
Hazardous & Nuclear material storage and disposal unless a very minor accessory to approved use - (UP required)	N	N
Heavy Equipment Sales or Repair	N	N
Hospitals	N	N
Incinerators	N	N
Junk Yards and Wrecking yards	N	N
Kennels	N	N
Landfills	N	N
Manufacture and Storage of Chemicals when not accessory (UP required)	N	N
Manufacture and storage of fireworks or explosives	N	N
Manufactures home or office sales	N	N
Mini-storage	N	N
Parking as an independent use	N	N
Pet Grooming	N	N
Public Schools (K-12)	N	N
Public Sewer Treatment plants	N	N
Quarries or mining	N	N
Rendering plants for poultry or animals	N	N
Repair shops with outdoor storage or operation	N	N
Retirement Centers and life care facilities	N	N
Salvage and scrap yards	N	N
Service Stations	N	N
Shopping Centers	N	N
Slaughtering Plants	N	N
Stadiums and Arenas	N	N
Storage yards not including bulk storage or flammables	N	N
Theaters, Movie Theaters	N	N
Transfer Stations	N	N
Veterinarian Offices, Clinics, Hospitals	N	N

EXHIBIT "E"
Schedule of Development Fees
WESTRIDGE BUSINESS PARK

FEE	CITY FEE	CREDIT SOURCE, If Any	AMOUNT DUE
Street Improvement Impact Fee	\$0.60/sq. ft of building	None	\$0.117 sq. ft. of building
Drainage Fee	\$4.11/sq. ft. of building	Developer builds facilities	\$0.00 as Developer will build the drainage facilities
Sewer Connection Fee	\$2.49/sq. ft. of building space	Waived with participation in financing district	\$0.00 with CFD participation
Water			
a. Connection Fee	\$6.23/sq. ft of building space	Waived with participation in financing district and installation of non-potable system for landscaping purposes	\$0.00 with CFD participation
b. Meter (2" meter – minimum charge)	\$1200 minimum	None	
General Governmental Impact Fee			
a. City Hall	\$0.08/sq. ft.	None	\$0.08/sq. ft.
b. Corporate Yard	\$0.15/sq. ft.	None	\$0.08/sq. ft.
Public Safety Impact Fee			
a. Police	\$0.04/sq. ft.	None	\$0.04/sq. ft.
b. Fire	\$0.16/sq. ft.	None	\$0.16/sq. ft.
City I-5 Sperry Avenue Interchange			
a. Light Industrial	\$0.07/sq. ft.	None	\$0.07/sq. ft.
b. Business Park	\$0.16/sq. ft.	None	\$0.16/sq. ft.

FEE	CITY FEE	CREDIT SOURCE, If Any	AMOUNT DUE
Environmental Mitigation Fees			
a. Swanson's Hawk Mitigation	-	-	Pursuant to EIR MMP
b. Traffic	-	-	Pursuant to EIR MMP
Health Care District Fee (Del Puerto Health Care District)	-	-	\$0.55/sq. ft.

EXHIBIT "F"

Assignment and Assumption of Development Agreement

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

City Clerk
City of Patterson
Post Office Box 667
1 Plaza
Patterson, California 95363

**ASSIGNMENT AND
ASSUMPTION OF DEVELOPMENT AGREEMENT**

This Assignment and Assumption of Development Agreement (the "Assignment") is made and entered into this 2nd day of October 2, 2008, by FRITZ AND DONNA SCHALI and WESTSIDE PROPERTY MANAGEMENT, a California general partnership ("Developer" or "Assignor") and the City of Patterson ("City" or "Assignee") with reference to the following facts:

A. On or about October 2, 2008, the City of Patterson ("City"), and Developer entered into a Development Agreement for the development of real property (the "Subject Property") which was recorded on _____, 2008, as Instrument No. 2008-_____, Official Records of Stanislaus County, California, referred to as the "Development Agreement".

B. Section 7.1 of the Development Agreement provides for the assignment by Assignor of all or any portion of Assignor's interests, rights, or obligations in the Development Agreement to third parties upon approval by the City, such approval not to be unreasonably withheld;

C. Assignee has agreed to purchase, and Assignor has agreed to sell, that certain real property, described as Stanislaus County Assessor's Parcel Numbers 021-026-050, 051, 052 and 053, or a portion thereof, located in the City of Patterson, County of Stanislaus, (the "Property"), more specifically described and attached hereto as Exhibit "1";

D. In accordance with the terms of the Development Agreement, Developer has provided to City a written request for consent to assignment, and the City Council has received such testimony and other information as it deems appropriate and as is deemed appropriate by the City Attorney for the purpose of determining that Assignee is a qualified applicant for purposes of the foregoing terms of the Development Agreement. This Agreement is intended to meet the requirements of the Development

Agreement as an Assignment and Assumption Agreement, and is executed with the consent of the City as contemplated in the Development Agreement.

NOW, THEREFORE, in consideration of the usual covenants and agreements of the parties and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

1. Incorporation of Recitals. The foregoing Recitals are true and are incorporated herein by this reference as though set forth in full.
2. Assignment. Developer hereby assigns and delegates to Assignee all of its interest in all rights, obligations and duties of Developer under the terms of the Development Agreement with respect to the development of the Property as described in the Development Agreement, including all exhibits thereto, and specifically including all agreements therein with respect to affordable housing. The term "Assignee" shall include related entities of Assignee. This Assignment does not limit or affect the rights of the parties with respect to the Purchase Agreement, which remains unmodified and in full force and effect.
3. Assumption. Assignee hereby accepts the foregoing assignment and delegation and agrees to perform the obligations of Developer under the Development Agreement, as defined herein, to the extent not sooner performed by Developer.
4. Effective Date. The foregoing assignment and delegation and assumption, and the City's consent hereto, shall take effect and be binding upon Assignee upon the approval by the City Council of this Agreement.
5. Condition. Assignee represents and warrants that it has reviewed and is familiar with the terms and conditions of the Development Agreement, and for the benefit and reliance of City, that it acknowledges that the obligations, rights and duties are as set forth in the Development Agreement, and that the duties of the Developer thereunder and the duties of Assignee hereunder, as between Assignee and the City, shall be without reference to any underlying agreements or understandings that may exist between Assignee, Developer or any Owner or other party with respect to the subject matter hereof, and that the City is not party to such other agreements.
6. Payment of Costs. As a condition of, and prior to approval of this Assignment by the Patterson City Council, Assignee shall reimburse City's reasonable costs, including staff time and attorneys' fees in connection with the preparation of this Assignment in the agreed amount of SEVEN HUNDRED FIFTY Dollars (\$750). Assignee shall also pay all recording costs of the City in connection with the recording of this Assignment.

IN WITNESS WHEREOF, the undersigned have executed this Assignment the date and year first above set forth.

DEVELOPER:
Fritz and Donna Schali, and
Westside Property Management
(Kenny Buehner and Larry Buehner)

By: _____
Fritz Schali

By: _____
Donna Schali

By: _____
Kenny Buehner

By: _____
Larry Buehner

ASSIGNEE:

M. Cleve Morris
City Manager
City of Patterson

ACKNOWLEDGMENT AND ACCEPTANCE BY CITY

The City of Patterson, California, hereby executes this acknowledgment and acceptance certificate, not as a party to the Assignment and Assumption Agreement, but for the purpose of acknowledging the terms thereof, and confirming that the City Council of City has consented to the assignments set forth herein and that the City Attorney of City has approved the Assignment as to form in accordance with the Development Agreement referred to above. It is further understood and agreed that the term "Assignee" includes related entities of Assignee, including partnerships, corporations, LLC's and other entities in which Assignee retains a majority ownership of the subject property.

CITY OF PATTERSON, a California
Municipal Corporation

By: _____
M. Cleve Morris, City Manager

Dated: _____, 2008

ATTEST:

CLERK OF THE CITY COUNCIL

By: _____
Maricela Vela

Dated: _____, 2008

APPROVED AS TO FORM:

CITY ATTORNEY

By: _____
George Logan

Dated: _____, 2008

EXHIBIT "1"

LEGAL DESCRIPTION OF THE PROPERTIES:

The Westside Property

The Schali Property

Map showing location of Westside Property and the Schali Property

The Westside Property

Being a portion of the southeast quarter of Section 26, Township 5 South, Range 7 East, Mount Diablo Base and Meridian, more particularly described as follows:

Beginning at the interior quarter corner of Section 26, as shown on the map filed in Book 53 of Parcel Maps, at Page 90, Stanislaus County Records; thence along the north line of the southeast quarter of said Section 26, South 89°55'28" East, a distance of 209.67 feet; thence along the westerly line of the 55' wide W.S.I.D. Lateral No. 6 South; thence along said east line the following five (5) courses:

1. South 24°00'00" East, a distance of 768.88 feet;
2. South 11°14'00" East, a distance of 274.79 feet;
3. South 34°05'00" East, a distance of 532.67 feet;
4. South 13°05'00" East, a distance of 1012.18 feet;
5. South 43°27'00" East, a distance of 255.49 feet to the north line of the 116

foot wide Sperry Avenue the following seven (7) courses:

1. North 89°40'54" West, a distance of 241.53 feet;
2. North 80°48'13" West, a distance of 38.88 feet;
3. North 89°40'54" West, a distance of 143.80 feet;
4. North 44°40'28" West, a distance of 38.16 feet;
5. North 86°53'36" West, a distance of 110.13 feet;
6. South 39°26'39" West, a distance of 49.43 feet;
7. North 89°40'54" West, a distance of 702.66 feet to the west line of the

southeast quarter of Section 26; thence along said west line North 00°21'26" East, a distance of 2577.78 feet to the point of beginning.

Contains 44.31 acres, more or less.

The Schali Property

Being a portion of the southeast quarter of Section 26, Township 5 South, Range 7 East, Mount Diablo Base and Meridian, more particularly described as follows:

Commencing at the interior quarter of Section 26 as shown on the map filed in Book 53 of Parcel Maps at Page 90, Stanislaus County Records; thence along the north line of the southeast quarter of said Section 26, South $89^{\circ}55'28''$ East, a distance of 209.67 feet to the **Point of Beginning**; thence along the westerly line of the 55' wide W.S.I.D. Lateral No. 6 South; thence along said east line the following five (5) courses:

1. South $24^{\circ}00'00''$ East, a distance of 768.88 feet;
2. South $11^{\circ}04'00''$ East, a distance of 274.79 feet;
3. South $34^{\circ}05'00''$ East, a distance of 532.67 feet;
4. South $13^{\circ}05'00''$ East, a distance of 1012.18 feet;
5. South $43^{\circ}27'00''$ East, a distance of 255.49 feet to the north line of the 116

foot wide Sperry Avenue; thence along said north line of Sperry Avenue, South $89^{\circ}40'54''$ East, a distance of 211.61 feet; thence along the west line of Parcels "C", "B" and "A" as shown on the map filed in Book 17 of Parcel Maps, at Page 90, Stanislaus County Records, North $00^{\circ}20'00''$ East, a distance of 1110.92 feet; thence along the north line of said Parcel "A", South $89^{\circ}55'45''$ East, a distance of 1089.67 feet to the west line of the 86 foot wide Baldwin Road, said line being 49.00 feet west of and parallel with the east line of said Section 26; thence along said west line the following five (5) courses:

1. North $00^{\circ}20'00''$ East, a distance of 81.69 feet;
2. North $44^{\circ}29'57''$ West, a distance of 14.18 feet;
3. North $00^{\circ}14'45''$ East, a distance of 60.00 feet;
4. North $45^{\circ}30'03''$ East, a distance of 14.23 feet;
5. North $00^{\circ}20'00''$ East, a distance of 976.35 feet; thence North $89^{\circ}55'28''$ west, a distance of 626.01 feet; thence North $00^{\circ}20'00''$ East, a distance of 335.00 feet to the said north line of the southeast quarter of said Section 26; thence along said north line North $89^{\circ}55'28''$ West, a distance of 1759.12 feet to the point of beginning.

Contains 76.79 acres, more or less.

Map showing location of Westside Property
and the Schali Property

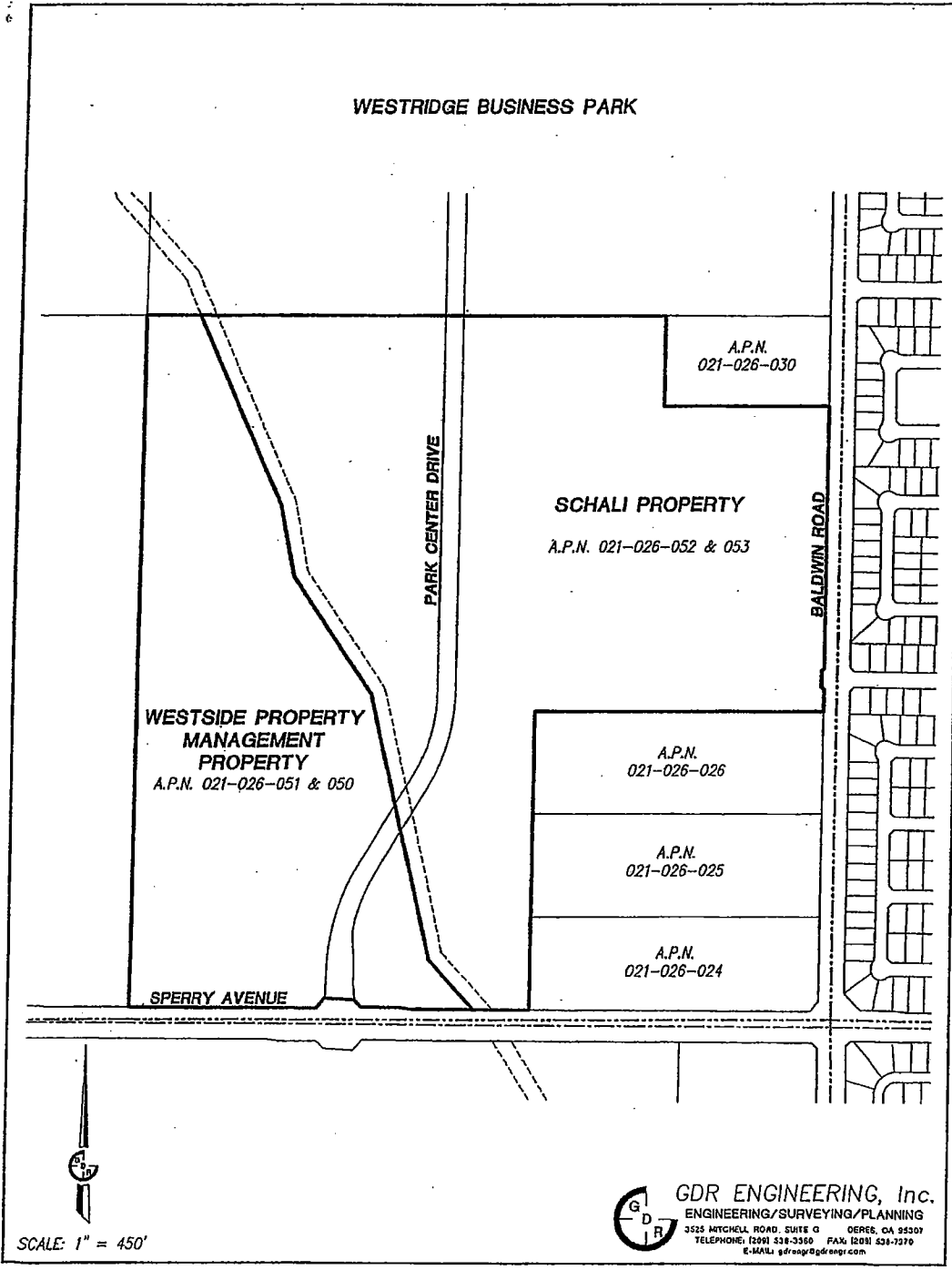


EXHIBIT "G"

Patterson Planning Commission

Resolution No. 2008-08

RESOLUTION NO. 2008-08

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
PATTERSON RECOMMENDING TO THE CITY COUNCIL ADOPTION OF THE
MITIGATED NEGATIVE DECLARATION AND APPROVAL OF
A VESTING TENTATIVE SUBDIVISION MAP,
PRELIMINARY AND FINAL DEVELOPMENT PLAN AND
A DEVELOPMENT AGREEMENT FOR
THE 121± ACRE WESTRIDGE BUSINESS PARK
NORTH OF SPERRY AVENUE AND WEST OF BALDWIN ROAD**

WHEREAS, the City of Patterson has received applications from Westside Property Management and Fritz & Donna Schali for a Vesting Tentative Subdivision Map, a Preliminary and Final Development Plan, and a Development Agreement for the creation of 29 parcels at the northwest corner of Sperry Avenue and Baldwin Road on a 121.09 acre site to allow 1,323,000 square feet of Business Park/Light Industrial space and;

WHEREAS, the Planning Commission of the City of Patterson held a public hearing on July 24, 2008 to consider the project, and;

WHEREAS, the Planning Commission has found the project to be consistent with the purposes of the West Patterson Business Park Master Development Plan and City of Patterson Codes and Standards, and;

WHEREAS, the City Council certified a Final Environmental Impact Report for the West Patterson Projects (SCH# 2001022031 and 2001032037) which includes the Westridge Business Park area, adopting mitigation measures, making Findings of Fact and adopting a Statement of Overriding Considerations on January 9, 2003 in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and related CEQA Guidelines (Title 14 California Code of Regulations, Section 15000 et seq.), and;

WHEREAS, a Negative Declaration of environmental impact was prepared for the project and circulated and made available for review and comment for 30 days in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and related CEQA Guidelines (Title 14 California Code of Regulations, Section 15000 et seq.), and;

WHEREAS, the Planning Commission and City Council have both reviewed and considered the Final EIR for the West Patterson Annexation and all relevant mitigation measures, together with the Negative Declaration and proposed additional mitigation measures prepared for the project; and;

WHEREAS, based on its independent review and analysis, the staff analysis, and oral and written testimony, the Planning Commission does recommend that the City Council adopt the Mitigated Negative Declaration and approve the Vesting Tentative Subdivision Map, the Preliminary and Final Development Plan, and the Development Agreement based on the following findings:

1. The proposed preliminary and final development plan for the 121.09 acre site at the northwest corner of Sperry Avenue and Baldwin Road are consistent with the goals, policies and standards of the Patterson General Plan and all other applicable standards and ordinances of the City of Patterson.
2. The project site is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed.
3. The project will not be detrimental to the health, safety, comfort, convenience, and general welfare and will be incompatible with surrounding land uses.

4. The project will not conflict with any easements required for public access through, or public use of, a portion of the property.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Patterson as follows:

SECTION 1. The Planning Commission of the City of Patterson hereby recommends that the City Council adopt the Mitigated Negative Declaration and approve the Vesting Tentative Subdivision Map, the Preliminary and Final Development Plan, and the Development Agreement for the 121.09 acre site known as the Westridge Business Park project with Attachments A through E as listed below and other associated materials incorporated herein by reference, subject to the conditions and mitigations listed at Attachment B.

Attachments

Attachment A:	Adoption / Approval Findings	Attachment D:	Overall project site plan
Attachment B:	Conditions of Approval	Attachment E:	Tentative Subdivision Map
Attachment C:	Project location		

SECTION 2. The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Patterson, held on the 24th day of July, 2008, by Commissioner Molina, who moved its adoption, which motion was duly seconded by Commissioner Funez and it was upon roll call carried and the resolution adopted by the following vote:

AYES: Commissioners Dooley, Funez, Molina, Chairperson McCluskey
NOES: None
ABSENT: Commissioner Ferreira

APPROVED:

Jim McCluskey, Chairperson
City of Patterson Planning Commission

ATTEST:

Lisa Ochoa, Secretary
City of Patterson Planning Commission



WESTRIDGE BUSINESS PARK: FINDINGS FOR RECOMMENDATION OF APPROVAL

FINDINGS: ADOPTION OF NEGATIVE DECLARATION

In order to recommend approval of the Negative Declaration, the Planning Commission must make the following findings:

1. Find that the Negative Declaration is complete, correct and adequate and prepared in accordance with the California Environmental Quality Act and applicable State and City guidelines.
2. Find, on the basis of the Initial Study, that there is no substantial evidence in light of the whole record, that the project will have a significant effect on the environment.
3. Find that application of San Joaquin Valley Unified Air Pollution Control District mitigation measures for construction projects will ensure adequate protection against dust, silt and other short term impacts during the construction phase.
4. Find that the project is beneficial to the community and will assist in providing local employment opportunities and needed services.



FINDINGS: VESTING TENTATIVE PARCEL MAP

In order to recommend approval of the Vesting Tentative Parcel Map, the Planning Commission must make the following findings:

1. Find that the proposed land division will not adversely affect the use of property in the vicinity or conflict with covenants, restrictions or improvements required by the subdivision of which the subject parcels may be a part.
2. Find that all parcels affected thereby after the land division shall meet minimum zoning district requirements applicable to the parcels unless said affected parcels in their original configuration do not meet said minimum zoning district requirements, and will not result in the creation of lots without adequate access to publicly dedicated streets.
3. Find that parcels affected by the land division will remain of such a size, shape and configuration as to be consistent with the West Patterson Industrial Park Master Development Plan and good land use practices.
4. Find that the Vesting Tentative Subdivision Map is consistent with and violates no provision of the California Land Surveyors Act.
5. Find that the proposed land division will not conflict with easements acquired by the public at large for access through or use of the subject property, or necessary irrigation easements.

FINDINGS: PRELIMINARY AND FINAL DEVELOPMENT PLAN

In order to recommend approval of the Preliminary and Final Development Plan, the Planning Commission must make the following findings:

- 
- 
1. Find that the proposed Final Development Plan is consistent with the goals, objectives and policies of the General Plan.
 2. Find that the Final Development Plan offers significant benefits to the City and residents thereof, including but not necessarily limited to employment, tax revenues, amenities or retail.
 3. Find that the Final Development Plan would not be detrimental to the health, safety or general welfare of Patterson residents or visitors.
 4. Find that the Final Development Plan would not be likely to adversely affect property values or prevent orderly development of nearby lands nor conflict with established land use objectives.

FINDINGS: DEVELOPMENT AGREEMENT

In order to recommend approval of the Development Agreement the Planning Commission must make the following findings:

1. Find that the Development Agreement is consistent with the objectives, policies, General Plan land uses and programs specified in the General Plan and the West Patterson Business Park Master Development Plan.
2. Find that the Development Plan is compatible with uses authorized in, and the regulations prescribed for, the land use district in which the project parcels are located.
3. Find that the Development Agreement is in conformity with the public convenience and general welfare and good land use practices.
4. Find that the Development Agreement will not be detrimental to the health, safety, and general welfare.
5. Find that the Development Agreement will not adversely affect the orderly development of property or the preservation of property values.
6. Find that the Development Agreement will provide sufficient benefit to the city to justify entering into this agreement

Attachment B

Draft Conditions of Approval for Planned Development 07-02, Vesting Tentative Parcel Map 07-03 and Negative Declaration 07-02 – Westridge Business Park. Includes Mitigation Measures for West Patterson Projects EIR.

Final Development Plan

1. Development of the Westridge Business Park project shall be in accordance with the approved Final Development Plan, as modified by these conditions and the Development Agreement (DA) between the City and Developer. In the event of any inconsistency between these conditions and the terms of the DA, the terms of the DA will override these conditions, which will be deemed modified. Development shall be limited to no more than 868,500 square feet of development within the West Patterson Light Industrial zoning district, and no more than 454,500 square feet within the West Patterson Business Park zoning district.
2. Prior to issuance of any building permit, the applicant shall enter into an agreement with the City of Patterson, which shall specify the public improvements to be installed to serve the applicable phase of the development, in accordance with the approved public improvement phasing plan.
3. Approval of the Final Development Plan shall run concurrently in time with the timeline for the tentative map as prescribed by the Subdivision Map Act and applicable standards of the City of Patterson, unless prior to the expiration date substantial physical construction has been completed on the development or the applicant has applied for a time extension or as stated in the DA. The Council may, upon good cause shown, grant a time extension in accordance with the Subdivision Map Act and applicable standards of the City of Patterson.
4. Developer agrees to and shall hold the city, its officers, agents, employees, and representatives harmless from liability for damage or claims for personal injury, including death, and claims for property damage which may arise from the direct operations of the developer or those of its contractors, subcontractors, agents, employees or other persons acting on its behalf with respect to the project. Developer agrees to and shall defend the City and its officers, agents, employees, and representatives from actions for damages caused or alleged to have been caused by reason of developer's activities in connection with the project. This hold harmless agreement applies to all damages and claims for damages suffered or alleged to have been suffered by reason of the operations referred to above, regardless of whether or not the City prepared, supplied or approved plans or specifications or both for the project. Developer further agrees to indemnify, hold harmless, pay all costs and provide a defense for City in any action challenging the validity of the development agreement. Developer may elect to, but shall not be obligated to, pay for a separate defense for City if City elects to retain independent legal counsel.
5. The applicant shall pay all applicable fees to the City, including AB1600 impact fees, the general government impact fee, the community facilities impact fee, the street improvement impact fee, fees relating to sewer, water and storm drainage, and the public safety impact fee in accordance with applicable provisions of the Patterson Municipal Code or as agreed to in the Development Agreement. In addition, the City shall grant credit toward the payment of these fees for projects undertaken by the developer, in accordance with adopted improvement plans and/or the terms identified in the development agreement, to the extent that such projects would otherwise be funded by these fees.
6. All construction activities, including the warming of construction vehicle engines, shall be limited to Monday through Saturday only between the hours of 7:00 A.M. to 7:00 P.M. and on Sunday if construction activities are no closer than 300 feet to occupied residences. At the discretion of the Public Works Director, these hours may be extended and these distances may be reduced.
7. All final conditions of approval of this project shall be printed on the building plans and/or improvement plans. These shall be in the form of a photocopy of the final action letter of the decision maker (preferably printed as a separate numbered sheet) submitted to the City for all applications on the subject property. A copy of the plans with conditions made a part thereof shall be kept on each construction site at all times and made available to any City building inspector upon request.
8. If unanticipated archaeological remains are encountered during construction, activity shall be temporarily suspended until a qualified archaeologist is retained by the applicant to evaluate the potential significance of the find during a Phase 2 archaeological study performed pursuant to the City's archaeological guidelines. If considered significant, a mitigation program funded by the applicant shall be carried out to the approval of the City.

9. Temporary restroom and sanitation facilities shall be on the job-site and be properly maintained until completion of all construction for each site.
10. Prior to Building Permit issuance, final Wall and fence plans and materials list / samples shall be submitted to and approved by the Community Development Director. Such materials and plans shall be consistent with applicable City and West Patterson Business Park Master Development Plan standards.
11. To help insure public safety and to discourage trespassing, all drainage and irrigation canals and other open waterways on or adjacent to the property being developed shall at a minimum be fenced to the approval of the Community Development Director.
12. The project shall comply with all applicable State and Municipal Codes, including the IBC, IFC and meet the requirements of the Public Works Director, City Engineer, Building Official, Community Development Director and Fire Chief.
13. Development shall occur in substantial conformance to the plans approved by the City.
14. Improvements required for project development will include street paving, curb, gutter, streetlights, sidewalks, landscaping, the required utilities, grading and drainage.
15. Prior to issuance of a certificate of occupancy the developer shall provide mail receptacles as required by the Postmaster of the City of Patterson.
16. Prior to issuance of a building permit, an exterior lighting plan and site lighting footcandle plan shall be prepared subject to the review and approval of the Community Development and Police Departments.
17. Development shall conform to the applicable zoning requirements except as otherwise approved. Parking shall be provided as shown on the plans approved by the Planning Commission.
18. Prior to issuance of a certificate of occupancy for all buildings, all ducts, meters, air conditioning equipment and all other mechanical equipment, whether on the ground, on the structure or elsewhere, shall be screened from public view with materials architecturally compatible with the main structure. It is especially important that gas and electric meters, electric transformers, and large water piping systems be completely screened from public view. All roof-mounted equipment that generates noise, solid particles, odors, et cetera, shall cause the objectionable material to be directed away from adjoining land designated for residential development. A plan for the treatment of roof top equipment shall be submitted to the Community Development Department prior to issuance of a building permit.
19. Plans for all buildings shall be consistent with the approved architectural style, colors and materials and shall be reviewed and approved by the Community Development Director prior to building permit issuance.
20. Prior to building permit issuance, final plans shall be submitted to and approved by the Community Development Director for a sign program in accordance with relevant provisions of the City of Patterson Municipal Code.
21. Setbacks and lot coverage and maximum building footprints shall be as shown on plans approved by the Planning Commission.
22. Prior to issuance of a building permit for the building, a site plan shall be submitted identifying the location of all trash containers, for review and approval by the Community Development Department. Trash enclosures shall be constructed to City standards and shall be architecturally compatible with the design of the project.
23. In such cases where trash bin enclosures are to be installed abutting structures, the common wall shall be of a noncombustible masonry type material with no openings for vents or windows.
24. Per Title 24, Section 2-7102 of the State Disabled Access Regulations, the parking lot shall provide seven (7) handicapped parking spaces for the first five hundred (500), and one (1) parking space for each additional two hundred (200).
25. Bicycle racks shall be designed and installed in accordance with City standards.
26. Prior to concrete pour inspection, compaction tests are required for all footings.

Vesting Tentative Map

27. The applicant shall file two copies of the Final Development Plan Map to be used for assigning addresses.
28. The developer shall pay the general plan reimbursement fee at the time of recording of each final map to reimburse the City for the costs of the general plan and related work.
29. No construction shall commence and no grading shall be performed prior to the recording of the final map, unless special permission is granted by the City Manager.
30. Developer shall provide notice to all buyers of properties and new businesses within 200 feet of existing agricultural operations of the existence and applicability of the City's Right-to-Farm ordinance.

Common Areas

31. Screening for truck and vehicle parking shall be provided with fencing, live plant material or a combination of the two to the satisfaction of the Community Development Director.
32. Developer shall provide design details (or vendor specifications) for all streetscape items (planters, waste containers, benches, bicycle racks etc.) with first building permit applications.
33. A deposit shall be required to cover the installation of irrigation, landscaping, and plant materials in the public right of way (to be relocated) based upon the estimate of costs to be paid for and provided by the developer.
34. Prior to issuance of a building permit, a final landscaping and irrigation plan shall be consistent with the requirements of Zoning Ordinance Section 18.66.080 and 18.66.72, and prepared by a licensed landscape architect subject to review and approval by the Planning, Police, Building and Fire Departments. The landscaping plan shall include the following:
 - a. Tree staking, soil preparation and planting detail;
 - b. The use of landscaping to screen ground-mounted utility and mechanical equipment;
 - c. The required landscaping and improvements. This includes:
 - Deep root planters shall be included in areas where trees are within five feet (5') of asphalt or concrete surfaces and curbs;
 - Water conservation practices including the use of low flow heads, drip irrigation, mulch, gravel, drought tolerant plants and mulches shall be incorporated into the landscaping plan;
 - An automated irrigation system;
 - The size, type and location of all plant materials;
 - The type and location of all paving and furniture, including benches, fountains, or other features.
35. The size, shape, arrangement and location of walkways, parking areas and landscaped areas shall be developed in substantial conformity with the approved Final Development Plan and the West Patterson Business Park Master Development Plan. Substantial conformity shall be determined by the Community Development Director. In the event of a disagreement between the applicant and Director, such determination shall be made by the Planning Commission.
36. Street trees shall be required on all new and existing roads; the type, size and location shall be in accordance with the Final Development Plan, the West Patterson Business Park Master Development Plan and the City's street tree list and as approved by the Community Development Director and Public Works Director.
37. The developer shall ensure that fences, walls, signs and entry gates, are consistent with the West Patterson Business Park Master Development Plan. Signs shall be located outside the public road right-of-way and shall not interfere with driver sight distance requirements at intersections or driveway entrances/exits.
38. Prior to Building Permit issuance, the developer shall provide and determine a maintenance program in cooperation with the City of Patterson for landscaped areas between all roads and any approved noise walls, other walls, street trees, and bicycle lanes, sewer lines, storm drain lines, to include covenants, restrictions and conditions subject to review and approval of the City. This shall include cooperation in the formation of and participation in a landscape and lighting district, benefit assessment district or other such mechanism

unless modified by the City Manager.

39. All grading and vegetation removal/landscaping plans shall require a grading permit which shall be reviewed by the City of Patterson for consistency with applicable landscaping standards and the West Patterson Business Park Master Development Plan.
40. Project boundaries that are adjacent to agricultural operations shall be designed so that a physical separation such as a row of trees, wall, or fence will be planted or constructed between new buildings and existing agricultural land uses.
41. Landscaping & irrigation shall be installed on all yards, and side yards of lots visible from public streets.
42. The final landscaping plan for all common areas shall be approved by the Community Development Director prior to building permit issuance for any improvements, and shall incorporate the following:
 - a A landscaped entry feature(s) at the project's Park Center Drive entrance. Said landscaped entry feature shall be consistent with West Patterson Business Park Master Development Plan, p. 44 (similar in size and character to that approved for the Keystone Parkway feature approved for the project to the north by the City Council) as determined by the Community Development Director.
 - b A landscaped feature at the northwest corner of the Baldwin Road and Henley Parkway intersection.

Improvement Plans

43. There shall be no occupancy of buildings within a phase of the project until the City accepts public improvements for that phase. No request for occupancy shall be approved until all conditions are completed and accepted or approved, or are in suitable condition satisfactory to the City Engineer.
44. The subdivider shall enter into a subdivision agreement for each phase of public improvements of the project with the City of Patterson for subdivider to perform the installation and construction of all improvements as contained in the conditions of approval of the subdivision and those required by the subdivision sections of the Patterson City Code; and shall post bond, cash deposit, instrument of credit, or such other security which conforms with State law and as approved by the City Attorney, guaranteeing the installation and construction of all required improvements within 24 months from recordation of the final map or within an approved time extension in accordance with the provisions of the Patterson Municipal Code.
45. All subdivision improvements shall be constructed in conformity with the City of Patterson: Standard Subdivision Improvements Specifications and West Patterson Business Park Master Development Plan, unless otherwise directed by the City Engineer or as defined in the Final Development Plan and tentative map.
46. The reasonable cost of all inspections related to on-site and off-site improvements shall be borne by the subdivider.
47. The subdivider shall be responsible to the City for all actions of his/her contractors and subcontractors until such time as the improvements have been accepted by the City.
48. The subdivider shall set all monuments required by the Subdivision Map Act before subdivision improvement bond or security is released.
49. Prior to map recordation, the applicant shall submit a set of improvement plans prepared by a Registered Civil Engineer for construction of improvements. The improvements shall include but not be limited to curbs, gutters, sidewalks, underground utilities, street lights with underground wiring, appropriate directional and regulatory traffic control signs, sewer system, water system, and adequate positive stormwater drainage.
50. Improvement plans shall include, but not be limited to, grading, erosion control, streets, drainage, sewer, water, and appurtenant improvements and shall be submitted concurrently for the tract unless otherwise permitted by the City Engineer. In addition, a master utility plan for the tract shall be submitted showing the layout and location of all on-site and off-site utility facility improvements. This plan must bear the approval signatures by appropriate representatives from each utility company unless otherwise permitted by the City Engineer. The plan submittal shall also include construction cost estimates, plan check fees, soils and geologic reports (as necessary) and all pertinent engineering design calculations. The final map may not be recorded unless and until all said improvement plans and utility master plan have been approved by the City Engineer.
51. Faithful performance and labor and material bonds (each to be 100% of the City Engineer's Estimate) shall

be posted with the City to cover all public improvements, onsite grading, and retaining walls prior to the issuance of building permits.

52. The applicant shall provide the original mylars of the public improvement plans, modified to reflect the field changes made during construction. The plans shall be stamped "Record Drawings" and submitted to the City prior to occupancy clearance.
53. Subdivider shall provide the City with one set of mylar and three sets of blue line prints of the Record Drawings improvement plans before any final inspections.
54. Prior to recordation of a final map, the applicant shall submit three copies of a landscaping plan for all newly created slope banks, common areas, public rights-of-way and for all street trees for that phase. Said plan shall be prepared by a licensed landscape architect and subject to the approval of the Public Works Director and the Community Development Director. The plan shall include:
 - a. The location, type and size of all plant materials; native and low water use and drought resistant species shall be emphasized;
 - b. The extent and method of irrigation, emphasizing low-water use techniques wherever feasible.
 - c. Erosion control systems during the period when plants are becoming established.
 - d. Soil preparation, staking techniques and planting methods for all trees.
 - e. Street trees provided per City Standards. Street trees should be planted 3.5 to 5 feet behind the back of sidewalk (except where a planter strip is provided between the sidewalk and curb) to avoid future sidewalk damage. Underground utility locations shall be considered in the location of such street trees. A root barrier shall be included for all street trees.
55. The developer shall install all common area signs, fences, street trees and landscaping materials according to the approved plans and in conjunction with other subdivision improvements, unless an alternative schedule is approved by the Community Development Director and adequate security for same has been deposited in a manner approved by the City Attorney. The subdivider shall maintain and replace, when necessary, all plantings and fencing until a landscaping and lighting maintenance district, benefit assessment district or some other similar mechanism approved by the City is in place unless modified by the City Manager. The City will cooperate in the formation of such district as agreed to by the City Council.
56. Unless and until the City explicitly accepts the responsibility, maintenance and replacement of street trees and landscaping on any City right-of-way shall be the responsibility of the subdivider. The developer shall be responsible for the maintenance and replacement of street trees and landscaping for a period of one year following acceptance of the improvements by the City.

Grading

57. Complete grading and drainage plans shall be submitted to the Public Works Director and approved by the City Engineer prior to the recordation of the final map.
58. The subdivider shall deposit with the City, at the time of first plan check submittal, adequate funds to employ a qualified independent engineering contractor selected by the City to review grading and drainage improvement plans and to inspect the site prior to and during all major site preparation and grading. A qualified Soils Engineer shall test and submit reports to certify each of these lots as ready for construction prior to issuance of a building permit for each respective lot.
59. Where the difference in average elevations between adjacent lots is in excess of six inches, slope shall not exceed 2 to 1 grade or a grade found reasonable in the soils report, or a retaining wall shall be required.
60. Prior to approval of grading and improvement plans the applicant shall enter into an agreement with the City for inspection of said improvements.
61. Prior to any site grading or construction, an erosion control plan and program shall be submitted to and approved by the Public Works Department. Such plan and program shall address specific temporary and permanent erosion control measures associated with the project.
62. It is the contractor's responsibility to use watering, dust fences, or other methods as directed by the City, to control dust throughout the construction operation. The developer shall use all reasonable efforts to obtain non-potable water for construction or dust control purposes. This condition shall not be interpreted as

prohibiting the use of City water supplies for the irrigation of street lines and landscaping required in common areas.

63. All grading construction debris materials shall be removed and deposited into an approved dump site prior to any excavation or fill operations and/or as directed by the Public Works Director.
64. The subdivider shall be responsible for removal and clean-up of the spill of any type of material on public streets or sidewalks during the entire grading and subsequent construction operation.
65. If phased grading is permitted by the City Council, the subdivider shall install required drainage facilities concurrently with rough grading operations or provide an interim drainage and erosion control plan and construct interim improvements, with prior approval from the City Engineer, for mitigating any potential flooding and erosion that may adversely affect adjacent properties and public rights-of-way.
66. Prior to acceptance of public improvements by the City Council, drainage facilities to service each phase of the project shall be provided and constructed as directed and approved by the City Engineer.
67. Lots shall drain into a street or approved drain, as required by the City Engineer, in such a manner that there will be no undrained depressions. The design of all such drains shall be subject to the review and approval of the City Engineer.
68. The subdivider shall procure easements or consents from all affected landowners for any diversion of historical flow, changes in drainage conditions, or acceptance of any additional water flowing over their property, as determined by the City Engineer and according to law.
69. An engineering cost estimate shall be submitted with the grading and improvement plans. The applicant's engineer shall sign and stamp the calculation and cost estimates prior to issuance of building permits.
70. Prior to issuance of the first grading permit, final right-of-way width and routes for drainage channels, pipelines, and service roads needed to serve each phase shall be established.
71. Measures to control erosion during construction shall be incorporated into the grading plans, and shall be subject to review and approval by the City Engineer.
72. Prior to issuance of a grading permit, the applicant shall submit a soils report, prepared by a registered geologist or qualified civil engineer, concerning soil conditions for grading, excavations, slope stabilization and revegetation, and footing and foundation construction.
73. The applicant shall obtain a grading permit for on-site excavation and fill prior to construction.

Sewer, Water and Drainage

74. A water infrastructure improvement phasing plan as reasonably needed to meet the requirements of the project area shall be submitted to the City Engineer for review and approval and shall contain, as a minimum: (1) a layout of the complete system; (2) all facility sizes, including support calculations; (3) construction phasing; and (4) construction cost estimates. In the event that groundwater characteristics prohibit well capacities as planned in the City's Master Plan, alternative well sites and a modified distribution system (if applicable) will be required.
75. Prior to issuance of a building permit, sufficient water pressure and capacity to serve the portion of the project area where such development is proposed will be assured.
76. Design of the proposed project facilities shall include provisions to minimize water requirements, including the use of the following, to the extent deemed practical by the City:
 - a. Use of low-flow fixtures, including shower heads and toilets as per the Uniform Building Code.
 - b. Use of drought-tolerant, native landscaping.
77. The City shall not issue any building permits for new construction without the demonstrated assurance of an adequate water supply, adequate sewage collection and treatment capacity, and adequate storm drainage capacity to support such development.
78. The developer shall install sewer laterals for each building shown on the final development plan, with minimum installed lateral size calculated based on proposed use and building size.
79. A sewerage infrastructure improvement phasing plan for the project area shall be submitted to the City Engineer for review and approval and shall contain, as a minimum; (1) a layout of the complete system; (2)

all facility sizes, including support calculations; (3) construction phasing; and (4) construction cost estimates.

80. The developers may request reimbursements from other future development that may benefit directly from the oversizing or over capacity of water system improvements installed or paid for by Westridge Business Park. Improvements installed by or paid for by the developer shall be credited against water connection fees, or other fees as approved by the City, and as may be determined through the DA.
81. The developer shall install, or pay for the installation of, facilities to expand the sewage treatment capacity of the City's Wastewater Treatment Plant if needed to serve per phase. The developer may proceed with an initial phase of the project, provided that the City Council determines that there is existing treatment capacity in the existing plant.
82. A storm drainage infrastructure improvement phasing plan as reasonably needed to meet the requirements of the project area shall be submitted to the City Engineer for review and approval and shall contain, as a minimum; (1) a layout of the complete system; (2) all facility sizes, including support calculations; (3) construction phasing; and (4) construction cost estimates.
83. Future drainage system discharges shall comply with applicable state and federal pollutant discharge requirements.
84. The developers may request reimbursements from other future development that would benefit directly from oversizing or over capacity of the wastewater system improvements installed or paid for by Westridge Business Park. Improvements installed by or paid for by the developer shall be credited against the sewer connection fee or other fees as approved by the City, or as may be determined through the DA.
85. Final inspection of the sewer and storm drain system shall be by televised inspection device, as approved by the City Engineer, at developer's expense.
86. The project applicants or their successors in interest shall construct, if necessary, wastewater system improvements on their property, or participate in a community facilities district to construct these improvements.
87. The City shall, through a combination of wastewater impact fees and other funding mechanisms, ensure that new development pays its share of the costs of sewer system improvements. (General Plan Policy IV.B.4)
88. The project applicants or their successors in interest shall participate in a community facilities district or similar infrastructure financing mechanism, if necessary, to finance any necessary expansion of the wastewater treatment plant brought about by such development.

Roads

89. Prior to the approval of any final subdivision map, the applicant shall submit plans for implementation of all applicable project transportation improvements necessary for development of the particular phase as described in the Transportation section of the FEIR for the West Patterson Projects and as required for the final development plan. The plans shall be prepared to the satisfaction of the City Engineer and reviewed and approved by the City Engineer or his designee, and shall include construction phasing and traffic management plans.
90. The applicant shall mitigate (through construction or paying the project's share of the actual total costs which shall include the payments for consultants/contractor services for preliminary and final engineering, soils analysis, right-of-way acquisition, construction and inspection and other related expenses) the traffic impacts of the Westridge Business Park project by implementing all applicable mitigation measures for a particular phase identified in the FEIR for the West Patterson Projects (incorporated herein by this reference) in a time frame approved by the City Engineer and as called for in the Development Agreement.
91. Subdivider shall dedicate and improve all internal streets and roadways in accordance with the Final Development Plan for each final map to City standards and to the approval of the City Engineer.
92. All sight distances for all corners shall conform to the City's sight distance requirements to the satisfaction of the City Engineer.
93. All public street improvements shall be as required in the Patterson City Code, and/or as described in the Final Development Plan and West Patterson Business Park Master Development Plan, or in any duly adopted sections of the General Plan, and shall be constructed as directed by the City Engineer. The location and

design of all private streets and alleys shall be subject to the review and approval of the City Engineer. All street names (if applicable) are to be approved as specific by the City's street naming policies.

94. All streets, alleys, sidewalks, curbs, and gutters adjacent to the project shall be improved as necessary to provide safe vertical and horizontal transitions to connect improvements constructed within the project to existing improvements, as directed by the City Engineer. Any street, alley, sidewalk, or curb damaged by the subdivider or its agents or employees shall be repaired prior to final acceptance of improvements by the City Council, or sooner at the discretion of the City Engineer.
95. The developer shall install street frontage improvements per ordinance and the West Patterson Business Park Master Development Plan to the satisfaction of the Department of Public Works. These improvements may include, but are not limited necessarily to, grading, curb and gutter, sidewalk, paving, storm drain, sanitary sewer, and water facilities.
96. The stub ends of all streets planned for future continuation shall be temporarily protected with warning barricades, redwood headers or equivalent, and bars, as required by the City Engineer.
97. Interior vehicle travelways shall be designed to be capable of withstanding loads imposed by waste collection and other heavy goods vehicles.
98. The subdivider shall pay for, and the City shall install, street name signs as applicable, traffic regulatory and warning signs, and any necessary street striping and markings as required by the City Engineer. The signs shall conform to the City's requirements and shall be purchased by the subdivider. Striping and signing shall be paid for by the developer subject to review and approval of the City, and made a part of the improvement plans.
99. The paving sections for the public and private streets shall be designed on the basis of an R Value Test, and Traffic Index to carry the anticipated traffic loads, but shall be no less than 2" of AC over 6" CI2/Base for local streets and 3" AC over 8" CI2/Base for collectors, or as required by the City Engineer based on expected traffic and vehicle loads. This design shall be subject to the approval of the Public Works Director.
100. Stop signs shall be provided at all project exits and internally as needed to ensure traffic safety.
101. All roadway improvements shall be constructed as depicted in the City Standard Specifications and the West Patterson Business Park Master Development Plan to the satisfaction of the City Engineer.
102. The Final Development Plan shall include bicycle trip support infrastructure, including bike lanes on major roadways unless deemed infeasible by the Community Development Director.
103. The developer/subdivider shall contribute to the project its fair share cost of traffic improvements identified in the traffic section of the West Patterson Projects final environmental impact report and as identified in the negative declaration or as provided in the Development Agreement.

Utilities

104. All on-site utilities shall be underground. All existing overhead utilities adjacent to the property or within the property shall be placed underground by the applicable phase prior to issuance of certificate of occupancy for that phase.
105. The developer shall obtain an encroachment permit from the Public Works Department for all work in the public right-of-way.
106. Street lights will be provided and installed to the satisfaction of the City of Patterson Public Works Director. The type, height, and design of street lights shall be subject to review and approval by the City and will direct lighting downward, shielding stray light using best available technology to avoid interference with aircraft and with the Lick Observatory. Lighting shall be the minimum needed for proper intersection lighting.
107. The developer is to be responsible for all damages to existing and new telephone facilities caused by workers or subcontractors under the direction of the developer.
108. All new telephone facilities shall be underground except where indicated by the telephone company upon engineering of the development.
109. The subdivider shall provide all necessary on-site easements for streets, sewers, water facilities, utilities, drainage facilities, and other facilities as required by the City, prior to or in conjunction with the final map. Said easements shall be subject to the review and approval of the City Engineer and the City Attorney.

110. All water, gas, sewer, underground electrical power, cable T.V., or telephone lines, or conduits, or underground drain lines shall be installed before any paving is placed. Utility stub connections to property boundaries of each lot may be omitted only with the express and written permission of the City Engineer.
111. The subdivider shall install adequately sized utility services and laterals, if appropriate, to each lot prior to final acceptance of improvements.
112. Electrical conduit shall have a separate ground wire installed.
113. Except as the utility companies may otherwise agree, the developer shall provide cable T.V., without charge, the reasonable opportunity to utilize and jointly occupy for the same purpose and trench provided by the developer to a utility for the purpose of connecting the utility to service the development.
114. At the time of Public Improvement Plan Review, plans shall be submitted to all applicable public utility companies for review. Comments from the utility companies regarding required easements, transformer locations, etc., shall be forwarded to the Public Works Department for review and consideration.

Fire Department

115. All new construction shall meet the requirements of the City Fire Department, as they relate to fire issues.
116. All-weather roads and water supply shall be constructed prior to construction of any buildings. Roads shall be free of trenches and obstruction for the passage of emergency vehicles, to the satisfaction of the Public Works Department and the Fire Department.
117. If necessary, water system improvements to provide adequate fire protection shall be provided to serve the project site concurrently or in advance of occupancy to the satisfaction of the City Engineer and Fire Chief. Such improvements may include the extension of a water main north from Sperry Avenue, west from Baldwin Road to serve the project site, or other interim measures to satisfy the requirements of the Uniform Fire Code and City requirements.
118. Fire hydrants shall be located to Fire Chief's specifications. Fire hydrants and fire hydrant flows shall meet all City of Patterson standards.
119. All buildings shall be uniformly numbered with numbers visible from the street and internally illuminated or otherwise lighted, and size in accordance with Fire Department requirements.
120. Prior to issuance of a Certificate of Occupancy for each building, the building shall be fully sprinklered per Building Division and Fire Department guidelines and in accordance with applicable provisions of the version of the Building and Fire Codes adopted by the City, to the satisfaction of the Building Official and Fire Chief.
121. All roofs shall be Class "A".
122. Fire lanes and access roads must be installed prior to construction of the first building.
123. All fire lanes must be posted and enforced, per Police Services and Fire Department guidelines.
124. Prior to importation of lumber or other combustible materials onto the site, fire hydrants shall be installed, tested and active per Fire Department and Public Works Department standards.
125. Fire Department-approved Knox boxes shall be installed in approved locations prior to occupancy for each building.
126. Prior to occupancy, approved fire extinguishers shall be installed at approved locations and all fire suppression requirements shall be complied with to the satisfaction of the Fire Chief.
127. All bulk storage of volatile or flammable liquids or substances shall be underground unless otherwise approved by the Building Official and the Fire Chief.

Police

128. Prior to issuance of a Certificate of Occupancy for the first building, the applicant shall post designated ADA accessible parking spaces per Department of Police Services requirements.
129. Prior to issuance of a Certificate of Occupancy for each building the developer shall install a burglary (or robbery) alarm system per Police Services guidelines.

Mitigation

130. Avoid orienting lights or paved areas in such a manner as to appear to pilots as a runway or fixed or rotary-wing landing area.
131. Flashing and/or animated signs or lights located in a manner as to create a hazard for operators of approaching aircraft are prohibited.
132. All buildings and signs shall be constructed of non-reflective materials.
133. A navigation and hazard easement (avigation easement) shall be recorded on the title of each property within the project area to notify present and future owners of the potential for low overflight by aircraft as long as an airport is located to the west of the project.
134. Lights shall of a type and shall be installed so that there is no hazard to pilots or air traffic controllers.
135. Each developer proposing to construct within the project area shall prepare a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction and life of the project whether or not the development site is over five acres. The specific project proposed, Westridge Business Park, will be required to prepare and implement a SWPPP for the duration of all construction. The City shall also prepare a SWPPP for all construction carried out by the City within the project area. The SWPPP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with implementation of the proposed projects. It is not required that the SWPPP be submitted to the RWQCB, but must be maintained on-site and made available to RWQCB staff on request. The SWPPP shall include:

- **Specific and detailed Best Management Practices (BMP's) designed to mitigate construction-related pollutants.** At a minimum, BMP's shall include practices to minimize the contact of construction materials, equipment and maintenance supplies (fuels, lubricants, paints, solvents & adhesives for example) with storm water. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.

An important component of the storm water quality protection effort is knowledge of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of storm water quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.

The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and must include both dry and wet weather inspections. In addition, in accordance with State Water Resources Control Board Resolution No. 2001-046 (SWRCB, 2001), monitoring would be required during the construction period for pollutants that may be present in the runoff that are "not visually detectable in runoff."¹ Each developer shall retain an independent monitor to conduct regular inspections and provide written reports to the City of Patterson Community Development Director to ensure Compliance with the SWPPP. RWQCB personnel, who may make unannounced site inspections, are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented.

BMPs designed to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control, that is, keeping sediment on the site. End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. If hydroseeding is selected as the primary soil stabilization method, then these areas shall be seeded by September 1 and irrigated to ensure that adequate root development has occurred prior to October 1. Entry and egress

¹ Construction materials and compounds that are not stored in water-tight containers under a water-tight roof or inside a building are examples of materials for which the discharger may have to implement sampling and analysis procedures.

from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions.

- **Measures designed to mitigate post construction-related pollutants.** The SWPPP shall include measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development, including residential, light industrial, and commercial areas. In general, passive, low-maintenance BMPs (e.g., grassy swales, porous pavements) are preferred. If the SWPPP includes higher maintenance BMPs (e.g., sedimentation basins, fossil filters), then funding for long-term maintenance needs must be specified (the City will not assume maintenance responsibilities for these features).

Yet to be developed residential, commercial, and light industrial parcels generally provide many opportunities for innovative storm water management, including permeable pavers, concave lawn/infiltration basins, grassy swales, and dry-wells connected to roof downspouts. The final design team for each development project shall review and incorporate the concepts included in *Start at the Source, Design Guidance Manual for Stormwater Quality Protection* (BASMAA, 1999), in the project design.

The City of Patterson Department of Public Works shall ensure that the SWPPP is prepared prior to approval of the grading plan for each development project or each phase of a large-phased development project. Implementation of this mitigation would reduce the level of significance of this impact to a less-than-significant level.

136. The developers, and the City for infrastructure improvements, shall implement the following measures to control construction emissions of PM₁₀ :

- All disturbed areas, including storage piles, which are not being actively used for construction purposes, shall be effectively stabilized to limit dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.
- All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized to limit 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 to limit fugitive dust emissions utilizing application of water or by presoaking.
- When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six 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 the end of each workday. (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 surface of outdoor storage piles, said piles shall be effectively stabilized to limit fugitive dust emissions utilizing sufficient water or chemical stabilizer or suppressant.
- Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.
- Traffic 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 sites with a slope greater than one percent.
- Compliance with relevant provisions of SJVUAPCD Rule VIII as amended in October, 2004.

137. When construction covers a site that is large in area or located near residences, schools, or other sensitive receptors, the developers, and/or the City shall implement the following additional measures to control construction emissions of PM₁₀:

- Wheel washers shall be installed for all exiting trucks or wash off all trucks and equipment leaving the site.
- Wind breaks shall be installed at windward side(s) of construction areas.
- Excavation and grading activity shall be suspended when winds exceed 20 mph.
- The area subject to excavation, grading, or other construction activity at any one time shall be limited.

138. Developers shall implement the following measures to control construction emissions of ozone precursors:

- Alternative fueled or catalyst equipped diesel construction equipment, or NO_x or PM₁₀ controlled equipment shall be used, where possible.
- Idling time for all equipment shall be minimized (e.g., to less than 10 minutes).
- The hours of operation of heavy duty equipment and/or the amount of equipment in use shall be limited, where possible.
- Fossil-fueled equipment shall be replaced with electrically driven equivalents, where possible (provided they are not run by a portable generator set).
- Construction during periods of high ambient pollutant concentrations shall be curtailed (e.g., this may include ceasing construction activity during the peak hour of vehicular traffic on adjacent roadways).

139. Development of the West Patterson Business Park Master Development Plan (which includes the project site) shall incorporate, if feasible, the following features to reduce motor vehicle emissions:

- Development of the Business Park Plan area shall incorporate park-and-ride lots, if feasible, as determined by the City at the time of project approvals.
- New uses/occupants requiring a discretionary approval and employing 100 or more full-time-equivalent employees shall submit to the reviewing authority (the City of Patterson or Stanislaus County) an employee trips reduction plan. Such a plan may include, but need not be limited to, the following:
 - Incentives for carpooling, bicycling, and/or walking;
 - Provision of secured bicycle storage and employee showers;
 - Disincentives for single occupant vehicle ridership;
 - Provision of shuttle service to food and/or commercial centers during lunch hours;
 - Development of park-and-ride lots;
 - Use of low-emission vehicles by businesses in the Business Park shall be encouraged by permitting additional parking exclusively for use by alternative fuel vehicles; and
 - Clean-fuel fueling stations, such as electric charging stations or natural gas fueling stations, open to the public, shall be permitted as an allowable use in the Business Park.
 - Providing pedestrian amenities such as benches, water fountains, and shelters;
 - Providing street trees and plants that would create an effective canopy; and
 - Providing sidewalks with an unobstructed path at least five feet wide throughout the development, including at the Patterson Sports Complex and the potential school site.

140. The West Patterson projects shall incorporate, if feasible, the following features to reduce motor vehicle emissions:

- Commercial and light industrial development projects shall incorporate measures to reduce vehicle trips and on-site parking demand for the review and approval of the City. Such measures may include, but need not be limited to, the following:
 - Providing pedestrian amenities such as benches, water fountains, and shelters;
 - Providing bicycle parking and connections to bicycle features in the Patterson Gardens proposal and elsewhere;
 - Including canopy trees in the parking lots of neighborhood commercial development to shade parked cars and reduce evaporation of fuel; and
 - Provisions for carpooling.

141. The West Patterson projects shall incorporate, if feasible, the following features to reduce area source emissions:

- Energy-efficient heating and cooling systems and lighting shall be used throughout the project.
- Energy efficiency measures shall be incorporated into the design of new or substantially remodeled structures (including new residential structures) to increase energy efficiency. Such measures may include, but need not be limited to:
 - The use of insulation in attics and walls that exceeds Title 24 requirements;
 - Orientation of buildings to maximize heating and cooling;
 - Planting of deciduous trees on south- and west-facing sides of buildings;
 - The use of double-paned windows; and
 - The use of solar water heaters.
- New wood-burning fireplaces or stoves shall be prohibited.
- Natural gas lines or electrical outlets shall be installed in patio areas when feasible to discourage use of charcoal or wood barbeques.

142. Prior to construction, the project shall pay all applicable traffic impact fees to the City to mitigate cumulative traffic impacts to area roadways or as outlined in the Development Agreement.

143. Construction avoidance and minimization measures. Although kit foxes are not known to currently occupy the project area, they could, on rare occasion, move through it. To avoid and/or minimize any potential impacts, the following pre-construction and construction activities will be carried out, consistent with USFWS (1999) pre-construction and construction guidelines.

- Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities for any project activity likely to impact the San Joaquin kit fox. Pre-construction survey reports shall be provided to the USFWS within five days of completing surveys. If construction is phased, pre-construction surveys shall be conducted for each phase according to the timing and schedule stated above.
- A worker education program shall be conducted.
- Project-related vehicles shall observe a 20-mph speed limit in the project area, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active.
- To the extent practicable, nighttime construction shall be minimized.
- Off-road traffic outside of designated project areas shall be prohibited.

- To prevent inadvertent entrapment of kit foxes or other animals during the construction phases of the projects, all excavated, steep-walled holes or trenches more than two feet deep shall be covered at the close of each working day by plywood or similar materials, or equipped with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals.
 - All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of a qualified biologist, the pipe may be moved once to remove it from the path of construction activity.
 - All food-related trash items such as wrappers, cans, bottles, and food scraps, shall be disposed of in a closed container and removed at least once a week from a construction or project site.
144. In order to assure that nesting Swainson's hawks will not be disturbed by construction in the project area, a qualified ornithologist shall conduct pre-construction surveys. Survey Period I occurs from January 1 – March 20, Period II from March 20 – April 5, Period III from April 5 – April 20, Period IV from April 21 – June 10 (surveys not recommended during this period), and Period V from June 10 – July 30. Three surveys shall be completed in at least each of the two survey periods immediately prior to a project's initiation but are recommended during periods II, III, and V. If a nest site is found, consultation with CDFG shall be required.
145. For each acre of Swainson's hawk foraging habitat developed within five miles of an active nest tree but greater than one mile from the nest tree, 0.75 acres of "Habitat Management" land (land managed so as to provide long-term foraging habitat for Swainson's Hawks) shall be provided (0.75:1 ratio) or pay an in-lieu fee consistent with the language of the West Patterson Business Park FEIR. For projects within one mile of an active nest, the ratio is 1:1 or applicable fee consistent with the West Patterson Business Park FEIR. Development on the project would convert approximately 122 acres of fallow fields. This habitat occurs within five miles, but over one mile from an active nest. Thus, 92 acres of Habitat Management lands will be required in compensation or an in-lieu fee consistent with the West Patterson Business Park FEIR.
146. Prospective light industrial tenants shall be required to provide an acoustical analysis demonstrating that adequate setbacks or other noise mitigation features are incorporated for any uses that would not be conducted entirely within enclosed buildings or would involve intensive industrial operations that would not be concentrated to the interior of the Business Park site.

Schools

147. Prior to issuance of any building permits, the developer shall demonstrate to the City full compliance with the provisions of Government Code Section 65995 et seq. as amended by the Leroy R. Greene School Facilities Act of 1998.

Mitigation Monitoring Program

Mitigation Monitoring and Reporting Program			
Mitigation	Monitoring/ Compliance Method	Timing of Monitoring	Responsible Monitoring Party
<p>Each phase of development must design and install drainage systems in compliance with the intent of the recommended drainage plan detailed in the <i>2001 Master Storm Drainage Plan, City of Patterson, Western Expansion Area</i> (Stoddard & Assoc., 2001). The detention basins shall be designed so that flow to the creek could be interrupted when insufficient capacity was available in the creek for conveyance of the flows. The drainage improvements shall be designed and constructed so that no increase in the peak flow in Salado Creek would occur during the 100-year flood event as a result of project implementation.</p> <p>Design-level drainage plans for each phase of development of the West Patterson projects would be submitted to the City of Patterson for review. Drainage plans and detention basin design details would be reviewed for compliance with the "no increase in peak flow" requirement prior to approval of the project and to ensure that the final drainage plans are consistent with 2001 Master Storm Drainage Plan, City of Patterson, Western Expansion Area.</p> <p>Each developer who proposes to construct a project within the project area shall prepare a SWPPP designed to reduce potential impacts to surface water quality through the construction and life of the project whether or not the development site is over five acres. The specific projects that have been proposed, Patterson Gardens and the Keystone Pacific Business Park, would be required to prepare and implement SWPPPs. The City shall also prepare a SWPPP for its wastewater facility expansion project. The SWPPP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with implementation of the proposed project. It is not required that the SWPPP be submitted to the RWQCB, but must be maintained on-site and made available to RWQCB staff upon request. The SWPPP shall include:</p> <p>Specific and detailed BMPs designed to mitigate construction-related pollutants. At minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with storm water. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.</p> <p>An important component of the storm water quality protection effort is knowledge of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of storm water quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.</p> <p>The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and must include both dry and wet weather inspections. In addition, in accordance with State Water Resources Control Board Resolution No. 2001-046 (SWRQCB, 2001), monitoring would be required during the construction period for pollutants that may be present in the runoff that are "not visually detectable in runoff." Each developer shall retain an independent monitor to conduct regular inspections and provide written reports to the City of Patterson Planning Director to ensure Compliance with the SWPPP. RWQCB personnel, who may make unannounced site inspections, are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented.</p> <p>BMPs designed to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control. That is, keeping sediment on the site. End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. If hydroseeding is selected as the primary soil stabilization method, then these areas shall be seeded by September 1 and irrigated to ensure that adequate root development has occurred prior to October 1. Entry and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment</p>	<p>Check, improvement/construction plans for compliance.</p> <p>Submit copy of Storm Water Prevention Permit.</p>	<p>Building plan check review.</p> <p>Building permit plan check.</p>	<p>Planning and Building Department</p> <p>Building and Planning Department</p>

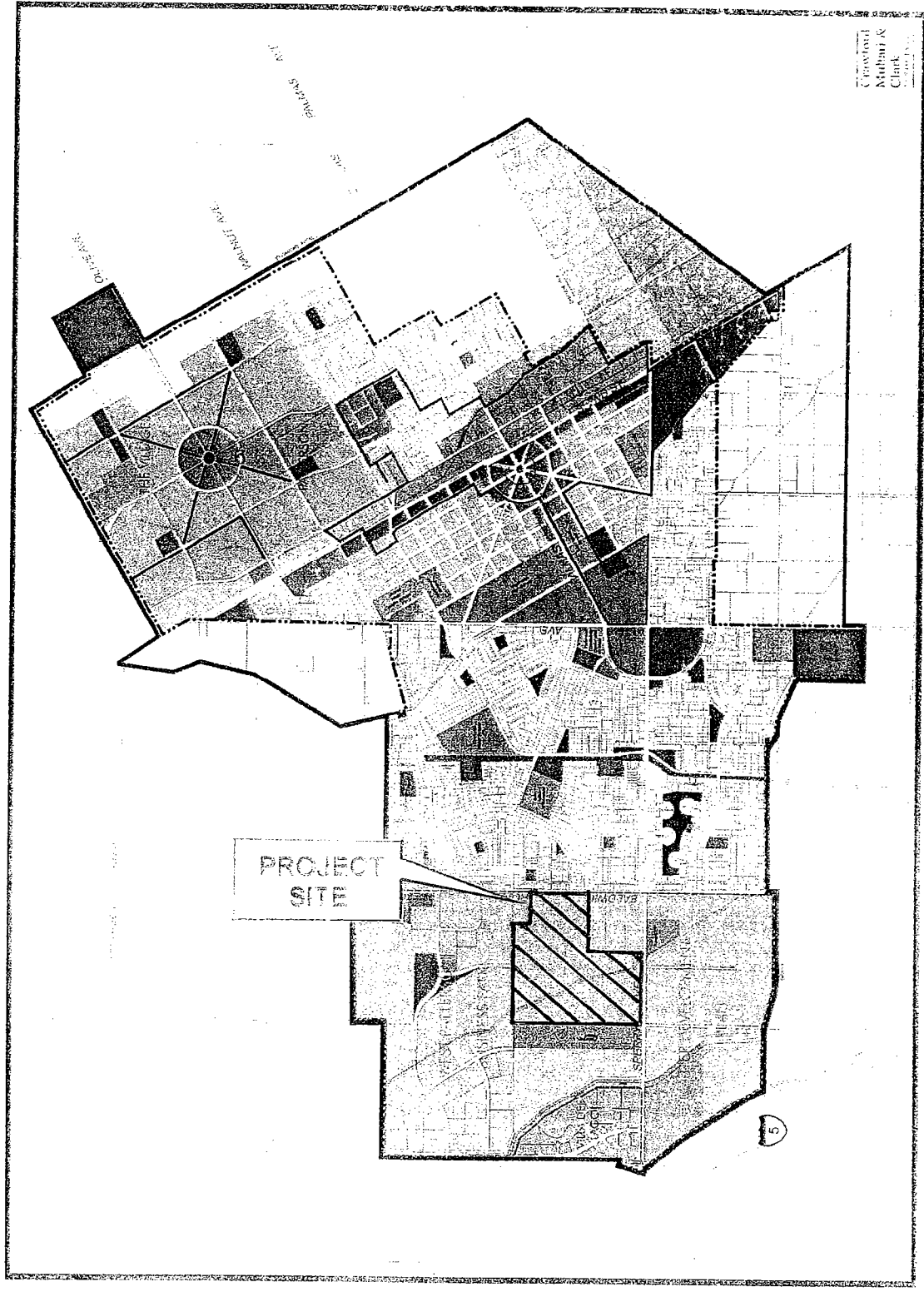
2 Construction materials and compounds that are not stored in water-tight containers under a water-tight roof or inside a building are examples of materials for which the discharger may have to implement sampling and analysis procedures.

<p>wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions.</p> <ul style="list-style-type: none"> Measures designed to mitigate post construction-related pollutants. The SWPPP shall include measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development, including residential, light industrial, and commercial areas. In general, passive, low-maintenance BMPs (e.g., grassy swales, porous pavements) are preferred. If the SWPPP includes higher maintenance BMPs (e.g., sedimentation basins, fossil filters) then funding for long-term maintenance needs must be specified (the City will not assume maintenance responsibilities for these features). <p>Yet to be developed residential, commercial, and light industrial parcels generally provide many opportunities for innovative storm water management, including permeable pavers, concave lawn/infiltration basins, grassy swales, and dry-wells connected to roof downspouts. The final design team for each development project shall review and incorporate the concepts included in <i>Start at the Source, Design Guidance Manual for Storm-water Quality Protection</i> (GASMAA, 1999), in the project design.</p> <p>The City of Patterson Department of Public Works shall ensure that the SWPPP is prepared prior to approval of the grading plan for each development project or each phase of a large-phased development project. Implementation of this mitigation would reduce the level of significance of this impact to a less-than-significant level.</p>			
<p>The developers, and the City for infrastructure improvements, shall implement the following measures to control construction emissions of PM₁₀:</p> <ul style="list-style-type: none"> All disturbed areas, including storage piles, which are not being actively used for construction purposes, shall be effectively stabilized to limit dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized to limit 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 to limit fugitive dust emissions utilizing application of water or by presoaking. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six 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 the end of each workday. (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 surface of outdoor storage piles, said piles shall be effectively stabilized to limit fugitive dust emissions utilizing sufficient water or chemical stabilizer or suppressant. Any site with 150 or more vehicle trips per day shall prevent carryout and trackout. Traffic speeds on unpaved roads shall be limited to 15 mph. Sandbags, wattles or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent. Compliance with relevant provisions of SJVUAPCD Rule VII as amended in October, 2004. <p>When construction covers a site that is large in area or located near residences, schools, or other sensitive receptors, the developers, and/or the City shall implement the following additional measures to control construction emissions of PM₁₀:</p> <ul style="list-style-type: none"> Wheel washers shall be installed for all exiting trucks or wash off all trucks and equipment leaving the site. Wind breaks shall be installed at windward side(s) of construction areas. Excavation and grading activity shall be suspended when winds exceed 20 mph. The area subject to excavation, grading, or other construction activity at any one time shall be limited. 	<p>Requirements shall be printed on construction plans and monitored during construction.</p>	<p>During construction.</p>	<p>Building and Planning Departments</p>

<p>Developers shall implement the following measures to control construction emissions of ozone precursors:</p> <ul style="list-style-type: none"> • Alternative fueled or catalyst equipped diesel construction equipment, or NOx or PM₁₀ controlled equipment shall be used, where possible. • Idling time for all equipment shall be minimized (e.g., to less than 10 minutes). • The hours of operation of heavy duty equipment and/or the amount of equipment in use shall be limited, where possible. • Fossil-fueled equipment shall be replaced with electrically driven equivalents, where possible (provided they are not run by a portable generator set). • Construction during periods of high ambient pollutant concentrations shall be curtailed (e.g., this may include ceasing construction activity during the peak hour of vehicular traffic on adjacent roadways). 	<p>Requirements shall be printed on construction plans; list of construction equipment provided to City</p>		
<p>Development of the West Patterson Business Park Master Development Plan (which includes the project site) shall incorporate, if feasible, the following features to reduce motor vehicle emissions:</p> <ul style="list-style-type: none"> • Development of the Business Park Plan area shall incorporate park-and-ride lots as determined by the City at the time of project approvals. • New uses/occupants requiring a discretionary approval and employing 100 or more full-time-equivalent employees shall submit to the reviewing authority (the City of Patterson or Stanislaus County) an employee trips reduction plan. Such a plan may include, but need not be limited to, the following: <ul style="list-style-type: none"> — Incentives for carpooling, bicycling, and/or walking; — Provision of secured bicycle storage and employee showers; — Disincentives for single occupant vehicle ridership; — Provision of shuttle service to food and/or commercial centers during lunch hours; — Development of park-and-ride lots; — Use of low-emission vehicles by businesses in the Business Park shall be encouraged by permitting additional parking exclusively for use by alternative fuel vehicles; and — Clean-fuel fueling stations, such as electric charging stations or natural gas fueling stations, open to the public, shall be permitted as an allowable use in the Business Park. — Providing pedestrian amenities such as benches, water fountains, and shelters; — Providing street trees and plants that would create an effective canopy; and — Providing sidewalks with an unobstructed path at least five feet wide throughout the development, including at the Patterson Sports Complex and the potential school site. 	<p>Submit employee trip reduction plan to City.</p>	<p>Prior to occupancy.</p>	<p>Planning Department</p>
<p>The West Patterson projects shall incorporate, if feasible, the following features to reduce area source emissions:</p> <ul style="list-style-type: none"> • Energy-efficient heating and cooling systems and lighting shall be used throughout the project. • Energy efficiency measures shall be incorporated into the design of new or substantially remodeled structures (including new residential structures) to increase energy efficiency. Such measures may include, but need not be limited to: <ul style="list-style-type: none"> — The use of insulation in attics and walls that exceeds Title 24 requirements; 	<p>Check building plans for Title 24 compliance</p>	<p>Building permit plan check review</p>	<p>Building Department</p>

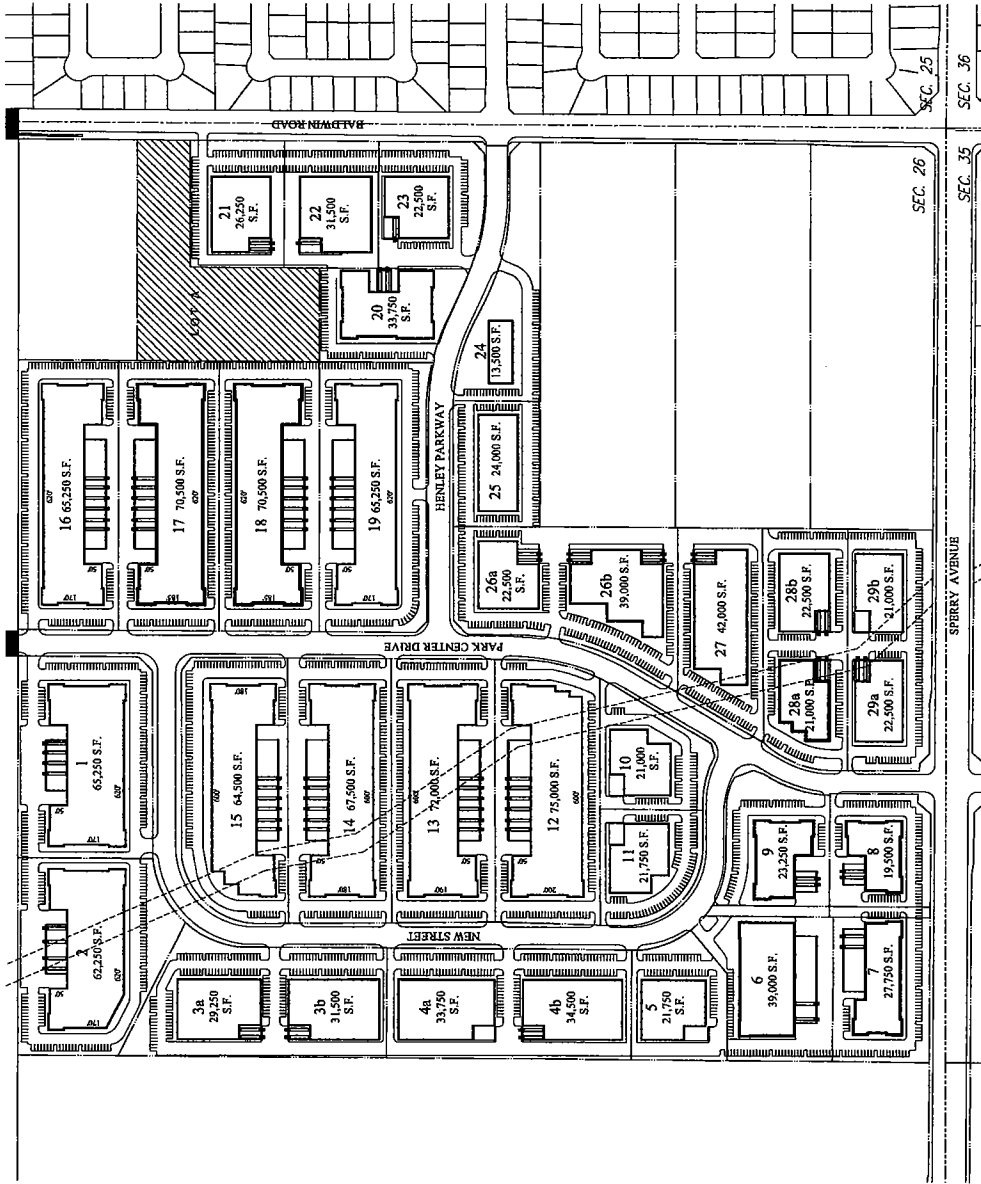
<ul style="list-style-type: none"> - Orientation of buildings to maximize heating and cooling; - Planting of deciduous trees on south- and west-facing sides of buildings; - The use of double-paned windows; and - The use of solar water heaters. • New wood-burning fireplaces or stoves shall be prohibited. • Natural gas lines or electrical outlets shall be installed in patio areas when feasible to discourage use of charcoal or wood barbecues. 				Public Works Department, Planning Department
<p>Prior to Occupancy, the intersection of Sperry Avenue and Baldwin Road shall be improved to extend the eastbound left-turn pocket to 250 feet in length with 120 feet taper or transition.</p>		Submit improvement plans; construct improvements	Prior to occupancy	Planning Department
<p>Prior to construction, the project shall pay all applicable traffic impact fees to the City to mitigate cumulative traffic impacts to area roadways.</p> <p>Construction avoidance and minimization measures. Although kit foxes are not known to currently occupy the project area, they could, on rare occasion, move through it. To avoid and/or minimize any potential impacts, the following pre-construction and construction activities will be carried out, consistent with USFWS (1999), pre-construction and construction guidelines.</p> <ul style="list-style-type: none"> • Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities for any project activity likely to impact the San Joaquin kit fox. Pre-construction survey reports shall be provided to the USFWS within five days of completing surveys. If construction is phased, pre-construction surveys shall be conducted for each phase according to the timing and schedule stated above. • A worker education program shall be conducted. • Project-related vehicles shall observe a 20-mph speed limit in the project area, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. • To the extent practicable, nighttime construction shall be minimized. • Off-road traffic outside of designated project areas shall be prohibited. • To prevent inadvertent entrapment of kit foxes or other animals during the construction phases of the projects, all excavated, sleep-walled holes or trenches more than two feet deep shall be covered at the close of each working day by plywood or similar materials, or equipped with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. • All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of a qualified biologist, the pipe may be moved once to remove it from the path of construction activity. • All food-related trash items such as wrappers, cans, bottles, and food scraps, shall be disposed of in a closed container and removed at least once a week from a construction or project site. 		Evidence of fee payment submitted to Planning Department	Prior to building permit issuance	Building and Planning Department
<p>In order to assure that nesting Swainson's hawks will not be disturbed by construction in the project area, a qualified ornithologist shall conduct pre-construction surveys. Survey Period I occurs from January 1 - March 20, Period II from March 20 - April 5, Period III from April 5 - April 20, Period IV from April 21 - June 10 (surveys not recommended during this period), and Period V from June 10 - July 30. Three surveys shall be completed in at least each of the two survey periods immediately prior to a project's initiation but are recommended during periods II, III, and V. If a nest site is found, consultation with CDFG shall be required.</p> <p>For each acre of Swainson's hawk foraging habitat developed within five miles of an active nest tree but greater than one</p>		Written conclusions of pre-construction survey results from qualified biologist submitted to Planning Department.	Prior to building/grading permit issuance	Building and Planning Department
		Copy of deed conveying Habitat	Prior to construction.	Planning Department

<p>mile from the nest tree, 0.75 acres of "Habitat Management" land (land managed so as to provide long-term foraging habitat for Swanson's Hawks) shall be provided (0.75:1 ratio). For projects within one mile of an active nest, the ratio is 1:1. Development on the project would convert approximately 121.09 acres of fallow fields. This habitat occurs within five miles, but over one mile from an active nest. Thus, 91 acres of Habitat Management lands will be required in compensation.</p>	<p>Management land to appropriate trustee submitted to City.</p>			
<p>Construction-related activities shall be conducted in accordance with the following:</p> <ul style="list-style-type: none"> Construction activities shall be restricted to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday (excluding federal and state holidays), with no construction on Sundays; minor construction equipment servicing and maintenance will be exempted from this restriction. During construction, mufflers shall be provided for all heavy construction equipment and all stationary noise sources. Stationary construction noise sources shall not be located near from occupied dwelling units, or contractors shall be required to provide appropriate noise-reducing engine housings or screens. Staging areas shall be placed as far from existing residences as possible. 	<p>Requirements printed on plans</p>	<p>During construction</p>	<p>Building and Planning Department</p>	
<p>Development plans shall incorporate the following features:</p> <ul style="list-style-type: none"> Improvements to Baldwin Road included in the Keystone Pacific Business Park proposal shall provide acceptable future noise levels for residences on Baldwin Road between Sperry Avenue and the Keystone Pacific site, either by locating the centerline of the road at least 210 feet from the homes' outdoor activity areas or by improving the residential properties to satisfy the goals of City of Patterson Noise Element policy VII.E.6. Consistent with policy VII.E.8, the use of noise barriers shall only be considered a supplemental means of achieving the noise standards after all practical design-related noise mitigation measures have been integrated into the Keystone Pacific proposal. The circulation system for the West Patterson Business Park Master Development Plan shall include alternate truck access routes from Sperry Avenue and/or Rogers Road for businesses that face Baldwin Road, to reduce traffic noise impacts to residences on Baldwin Road. 	<p>Provide on improvement plans</p>	<p>Building plan check review</p>	<p>Public Works Department, Planning Department</p>	
<p>Prospective light industrial tenants shall be required to provide an acoustical analysis demonstrating that adequate setbacks or other noise mitigation features are incorporated for any uses that would not be conducted entirely within enclosed buildings or would involve intensive industrial operations that would not be concentrated to the interior of the Business Park site.</p>	<p>Submit acoustical plan for any outdoor activities not covered by approval.</p>	<p>Prior to the conduct of outdoor activities not approved by development plan</p>	<p>Planning Department</p>	
<p>Light industrial uses associated with the West Patterson Business Park Master Development Plan and adjacent to Baldwin Road shall be designed so that truck-loading operations and delivery areas are shielded from residences on Baldwin Road.</p>	<p>Check development plans</p>	<p>Building plan check review</p>	<p>Planning Department</p>	
<p>Water system improvements necessary to provide adequate fire protection shall be provided to serve the project site concurrently or in advance of occupancy to the satisfaction of the City Engineer and Fire Department. Such improvements may include the extension of a water main northward from Sperry Avenue to serve the project site, or such interim measures that satisfy the Uniform Fire Code and Fire Department.</p>	<p>Check construction plans.</p>	<p>Prior to occupancy</p>	<p>Building, Public Works, Planning Department</p>	
<p>The project sponsors for the Keystone Pacific Business Park, and project applicants for future development in the Master Plan area shall construct all necessary wastewater system improvements on their property, or contribute to a new community facilities district to construct these improvements</p>	<p>Check construction plans</p>	<p>Building permit plan check</p>	<p>Building, Public Works, Planning Department</p>	
<p>The City shall, through a combination of sewer development fees and other funding mechanisms, ensure that new development pays its share of the costs of sewer system improvements. (General Plan Policy IV.B.4)</p>	<p>Check for payment of development impact fees.</p>	<p>Prior to building permit issuance.</p>	<p>Building, Public Works, Planning Department</p>	
<p>Project applicants for future development in the West Patterson Business Park Master Development Plan area shall participate in a new CFD or similar financing district established to finance the necessary second wastewater treatment plant expansion of 0.5 mgd.</p>	<p>Check for payment of development impact fees.</p>	<p>Prior to building permit issuance.</p>	<p>Building, Public Works, Planning Department</p>	



Crawford
Nathaniel K
Clark
City of

LOCATION MAP



PROJECT DATA			
BLDG.	BUILDING S.F.	PARKING SPACES	PERCENTAGE
1	65,250	5.0	38.1%
2	217,000	5.0	28.8%
3	31,500	0.0	14.8%
3a	31,500	0.0	14.8%
3b	31,500	0.0	14.8%
4	33,750	0.0	15.8%
4a	33,750	0.0	15.8%
4b	33,750	0.0	15.8%
5	21,250	3.0	21.2%
6	39,000	3.0	22.8%
7	27,750	3.0	22.8%
8	19,500	2.1	22.8%
9	21,250	2.1	22.8%
10	21,000	2.1	22.8%
11	21,750	2.1	24.4%
12	75,000	5.0	34.5%
13	75,000	5.0	34.5%
14	67,500	5.0	31.0%
15	64,500	5.2	29.7%
16	65,250	5.0	29.9%
17	70,500	5.0	32.3%
18	70,500	5.0	32.3%
19	65,250	5.4	27.6%
20	33,750	2.3	34.2%
21	32,250	2.2	27.4%
22	31,500	2.2	27.4%
23	22,500	2.4	21.4%
24	13,500	2.4	12.9%
25	24,000	2.0	27.5%
26	22,500	0.0	17.9%
26a	22,500	0.0	17.9%
26b	22,500	0.0	17.9%
27	42,000	3.0	32.5%
28	21,000	0.0	14.1%
28a	21,000	0.0	14.1%
28b	21,000	0.0	14.1%
29	21,000	0.0	13.3%
29a	21,000	0.0	13.3%
29b	21,000	0.0	13.3%
30	21,000	1.1	0.0%
31	481,831	11.1	0.0%
TOTAL	3,520,000	87.0	0.0%

SITE AREA EXCLUDES ALL STREETS AND BASIN.

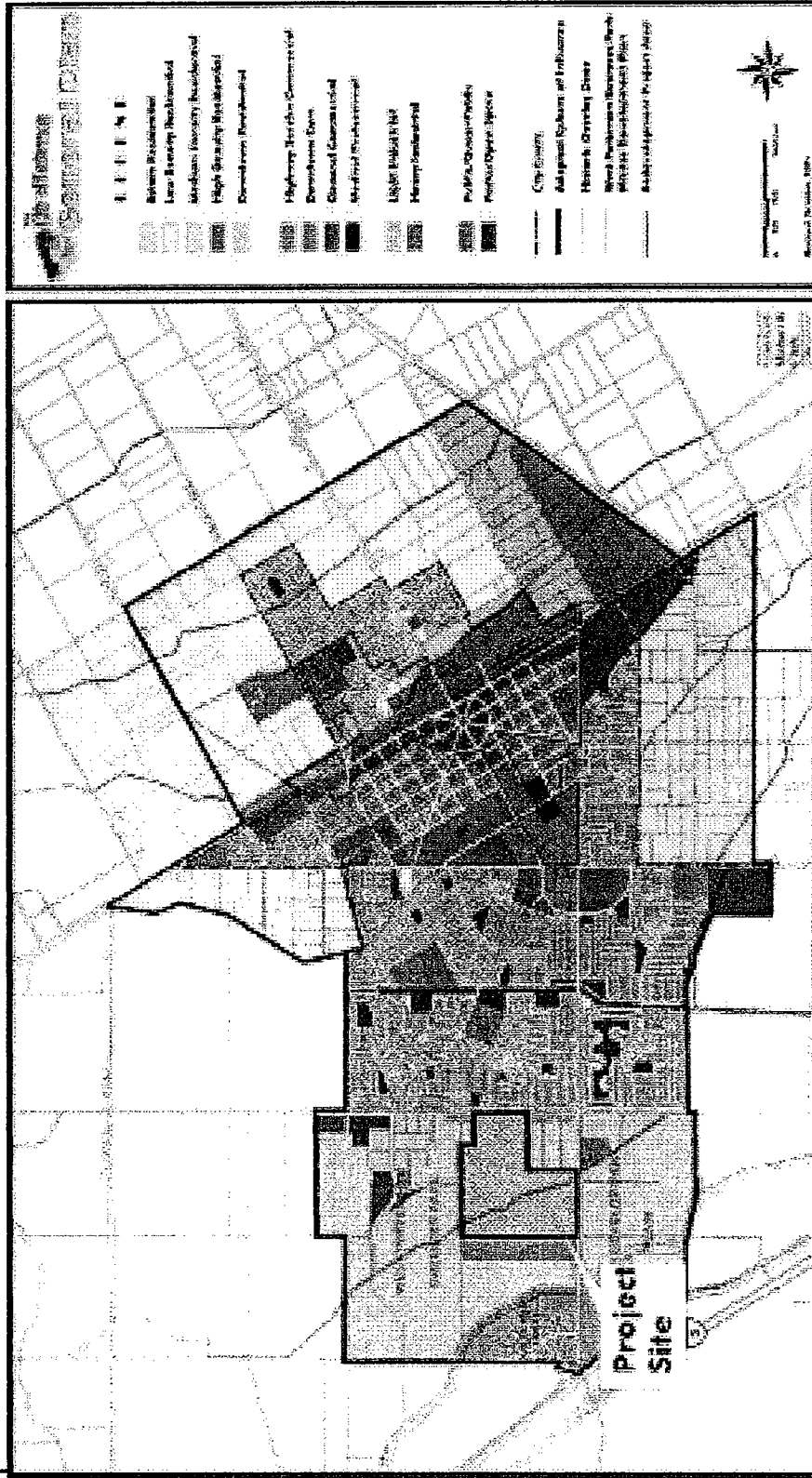
CONCEPTUAL DEVELOPMENT PLAN
WESTRIDGE BUSINESS PARK
PATTERSON, CALIFORNIA
WARE MALCOMB
 architecture
 planning
 interiors
 www.waremalcomb.com
 p. 925.244.9820



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 1" = 120'-0"
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 12-20-08

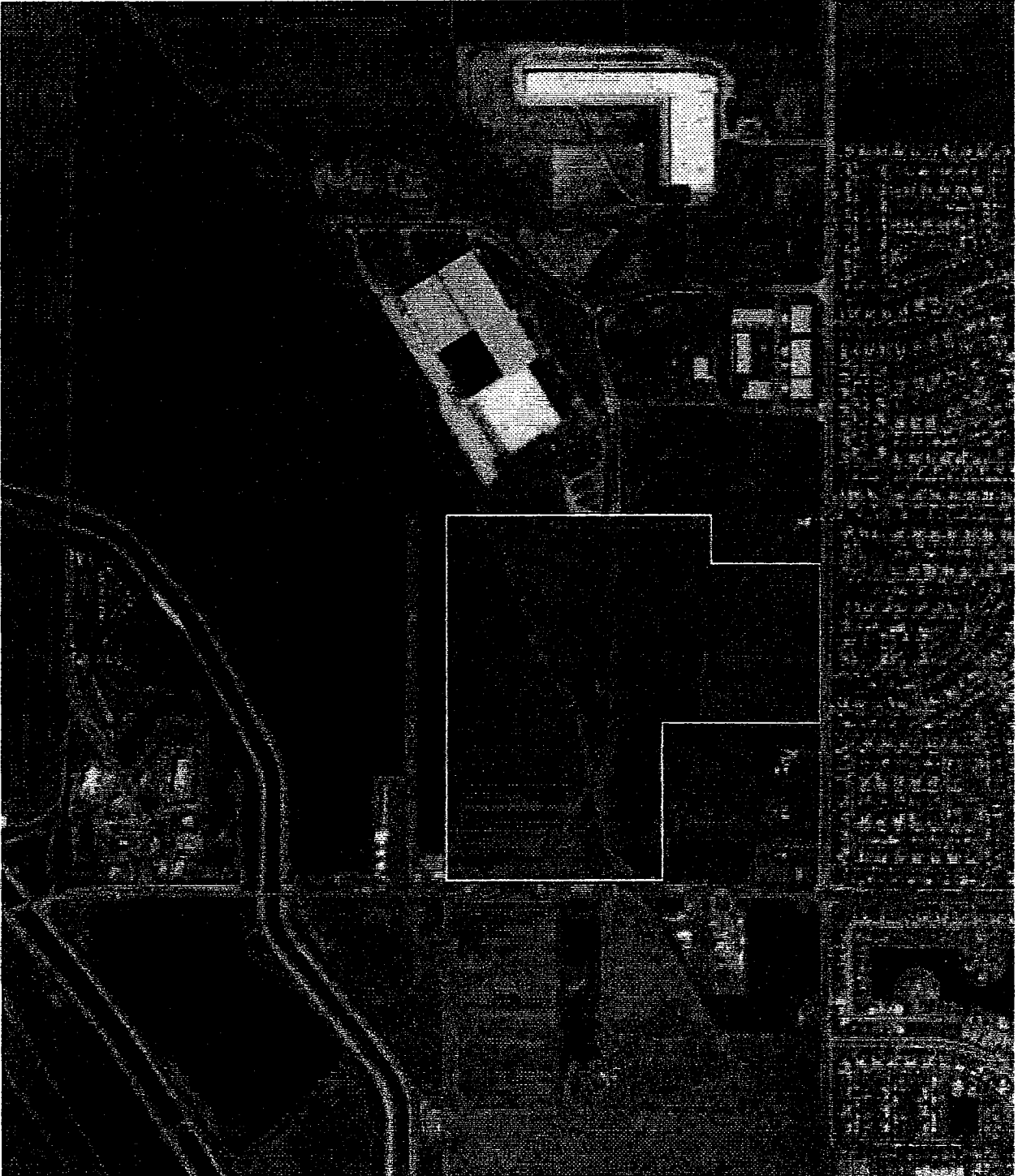
MP2a.0

Project Location & GP Designation

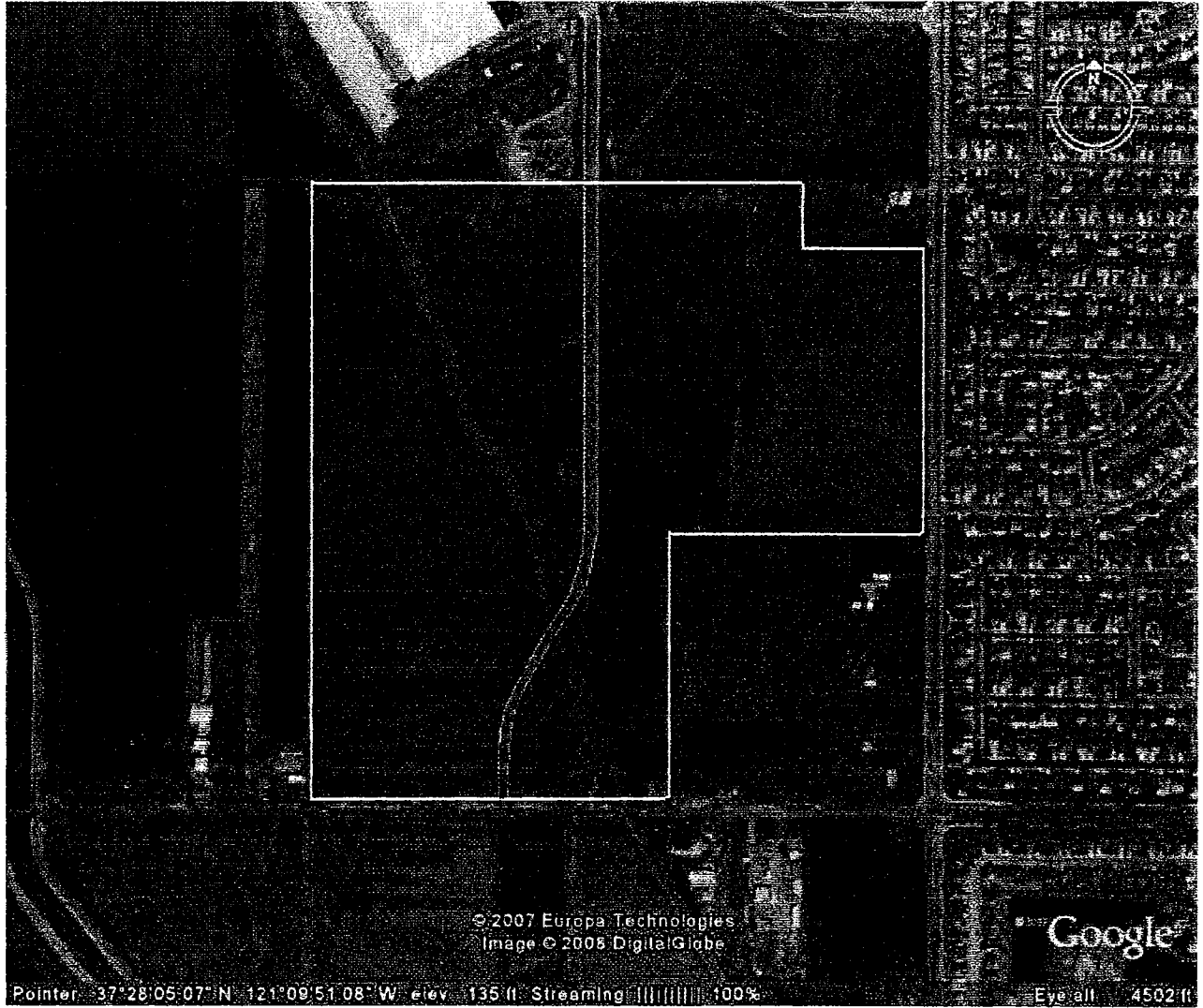




View From 10,000 feet Showing Adjacent Uses



Aerial from 4,700 feet



CITY OF PATTERSON
COMMUNITY DEVELOPMENT DEPARTMENT
P O BOX 667, PATTERSON, CALIFORNIA 95363
(209) 895-8020, FAX (209) 895-8019

FILED

07 SEP 12 PM 3: 12

STANISLAUS CO. CLERK-RECORDER

Linda Jackson

PROPOSED
NEGATIVE DECLARATION

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et. seq.) that the project for Westridge Business Park which, when implemented, will not have a significant impact on the environment.

PROJECT TITLE: Westridge Business Park

PROJECT LOCATION: 121.09 acres located north of Sperry Avenue and west of Baldwin Road within the West Patterson Business Park Master Development Plan area

DESCRIPTION OF PROJECT: Tentative parcel map, development agreement and combined/preliminary/final development plan to create 29 industrial lots plus one lot containing a drainage basin in the West Patterson Business Park Master Development Plan area.

FINDINGS AND BASIS FOR A NEGATIVE DECLARATION:

1. The project will not adversely affect water or air quality or increase noise levels;
2. The project will not have adverse impacts on the flora and fauna of the area;
3. The project will not degrade the aesthetic quality of the area;
4. The project will not have adverse impacts on traffic or land use;
5. In addition, the project will not:
 - a. Create impacts which have the potential to degrade the quality of the environment;
 - b. Create impacts which achieve short-term to the disadvantage of long term environmental goals;
 - c. Create impacts for a project which are individually limited, but cumulatively considerable;
 - d. Create environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly;

The City of Patterson has, therefore, determined that the potential environmental impact of the project is insignificant.

MITIGATION MEASURES INCLUDED IN THE PROJECT, IF ANY, TO AVOID POTENTIALLY SIGNIFICANT EFFECTS: Included in Initial Study

INITIAL STUDY: The City of Patterson Community Development Department has reviewed the potential environmental impacts of this project and has found that the probable impacts are potentially insignificant. A copy of the Initial Study is attached.

REVIEW PERIOD: September 12, 2007 through October 1, 2007

All comments regarding correctness, completeness, or adequacy of this Negative Declaration must be received by the City of Patterson Community Development Department, P.O. Box 667, Patterson, CA 95363, no later than 5:00 p.m. on October 1, 2007.

DATE: September 12, 2007

SIGNATURE: 
Rod R. Simpson, Community Development Director
Phone: (209) 895-8020
Fax: (209) 895-8019



CITY OF PATTERSON

Initial Study of Environmental Impact

I. Summary of Findings

Project Name:	Westridge Business Park
Site Location:	121.09 acres located north of Sperry Avenue and west of Baldwin Road within the West Patterson Business Park Master development Plan area (See Figure 1.)
Project Description:	Tentative parcel map, development agreement and combined/preliminary/final development plan to create 29 industrial lots plus one lot containing a drainage basin in the West Patterson Business Park Master Development Plan area.
Sources:	<p>The following sources, materials and documents are hereby incorporated by reference into this initial study and are available for public review and inspection at the City of Patterson Planning Department: The Patterson Zoning Ordinance, General Plan, General Plan EIR, the FEIR for the West Patterson Projects, the FEIR for The Villages of Patterson project, the West Patterson Business Park Master Development Plan and the City's guidelines for the implementation of CEQA.</p> <p>Application materials submitted by Westridge Business Park, Inc. May, 2007, and August, 2007</p>
Applicant:	Westridge Business Park, Inc.
Recommendation:	Negative Declaration with mitigation
Prepared By:	David Moran Crawford Multari & Clark Associates (Consultants to the City of Patterson)
Date:	8/22/07

II. Project Description

The project assessed by this initial study is a tentative parcel map, development agreement, and combined preliminary/final development plan to subdivide a 121.09 acre site into 29 industrial lots and one drainage basin lot within the West Patterson Business Park Master Development Plan area.

The site is located north of Sperry Avenue and west of Baldwin Road immediately south of the existing Keystone Business Park (see Figure 1). The tentative map shows 29 lots ranging in size from 2.0 to 5.4 acres with interior roadways extending from Sperry Avenue, Park Center Drive and Baldwin Road. A 4.4 acre drainage basin has been provided along Baldwin Road.

Park Center Drive is an existing industrial collector street within a 70 foot right-of-way. Sperry Avenue is a four-lane arterial and Baldwin Road a two-lane arterial.

Water, sewer, storm drains and other utilities are available in Sperry Avenue, Baldwin Road and Park Center Drive.

Full development as proposed would accommodate about 1.323 million square feet of building floor area.

Setting

Environmental Setting

The site is flat; surrounding land uses include the Patterson airport to the west; the Keystone Business Park to the north, single family residences to the east and 10-acre lots with limited agricultural operations to the south. The site has been farmed with row crops. The Lateral 6S irrigation canal crosses the site from the northwest to southeast. There are no trees, buildings or other features on the project site.

Regulatory Setting

The project site is located within the area governed by the West Patterson Business Park Master Development Plan. The Master Plan serves as the general plan for 820 acres located west of Baldwin Road and east of the I-5 freeway, and sets forth land use and development standards aimed at attracting jobs to Patterson and western Stanislaus County. The Master Plan is incorporated herein by reference and is available for review at the City Planning Department, 1 Plaza, 2nd Floor, Patterson.

The General Plan/Master Development Plan designates the site as *Industrial*. The zoning is West Patterson Business Park (WPBP) for the lots fronting Baldwin Road and Sperry Avenue, and WPLI, West Patterson light industrial, for interior lots (Figure 2). Each district allows a range of light industrial businesses that emphasize wholesale distribution and the manufacture of technology related products.

Figure 1 – Project Location

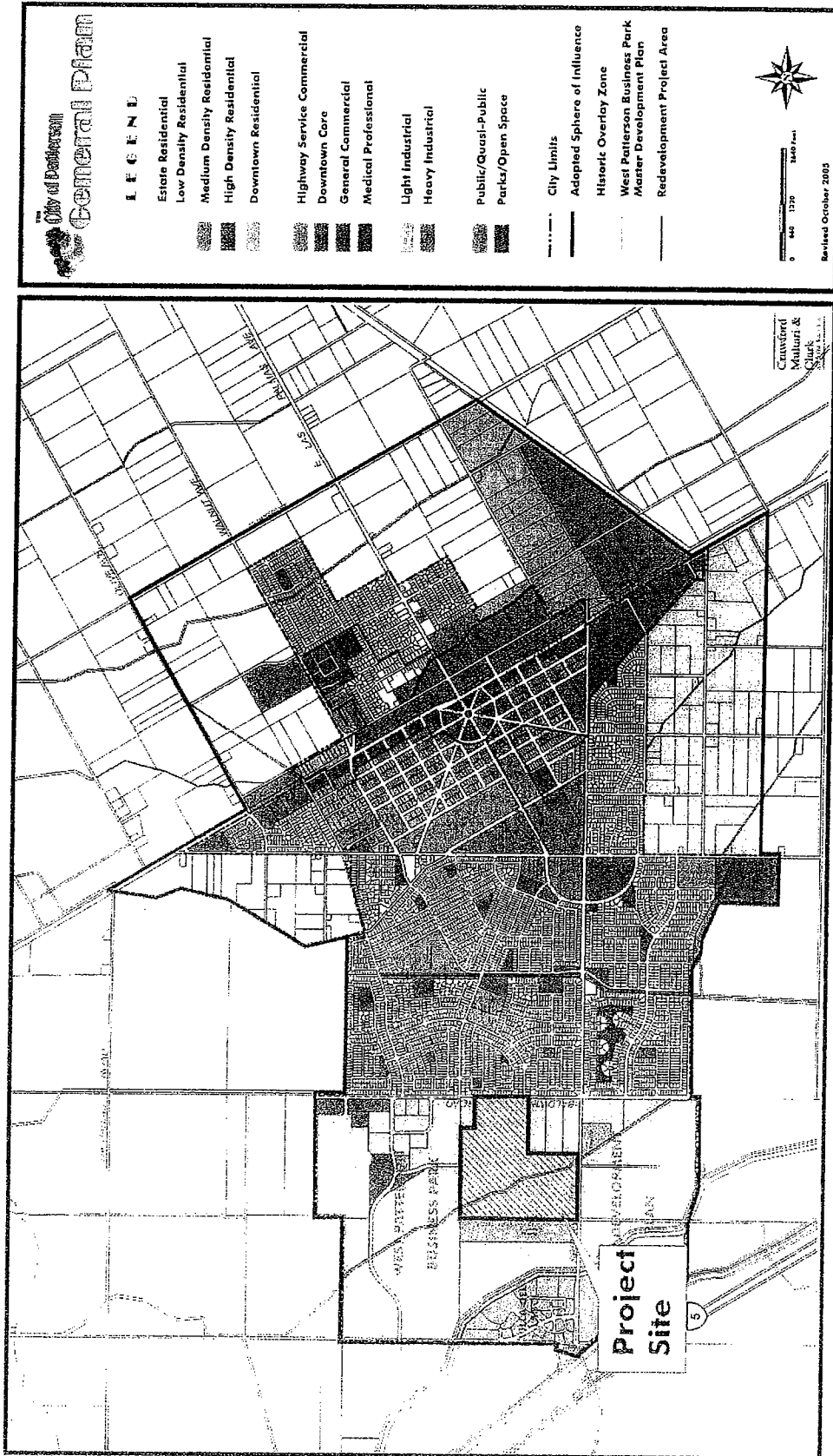


Figure 2 – West Patterson Business Park Master Development Plan Zoning Districts

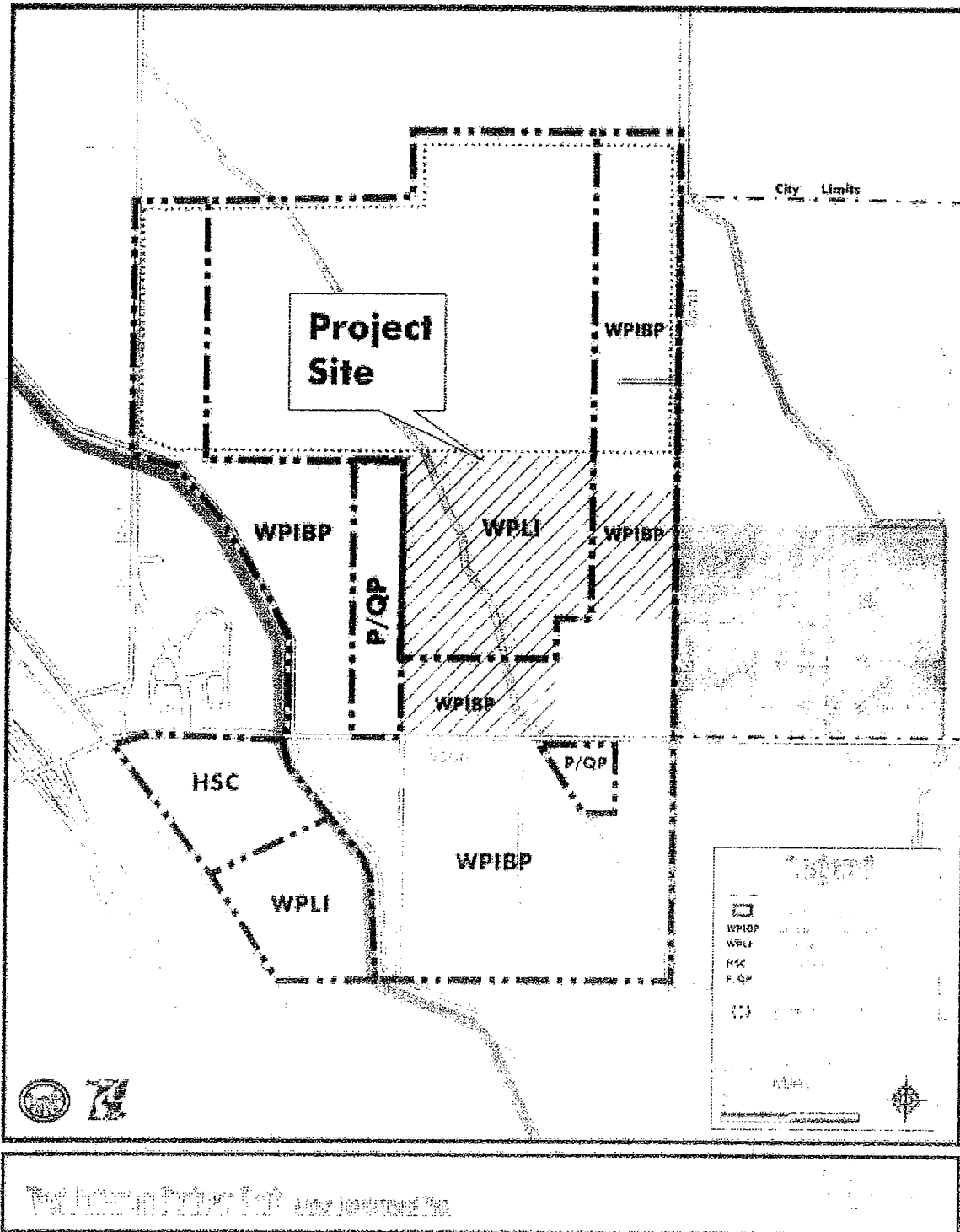


Figure 3 - Tentative Map

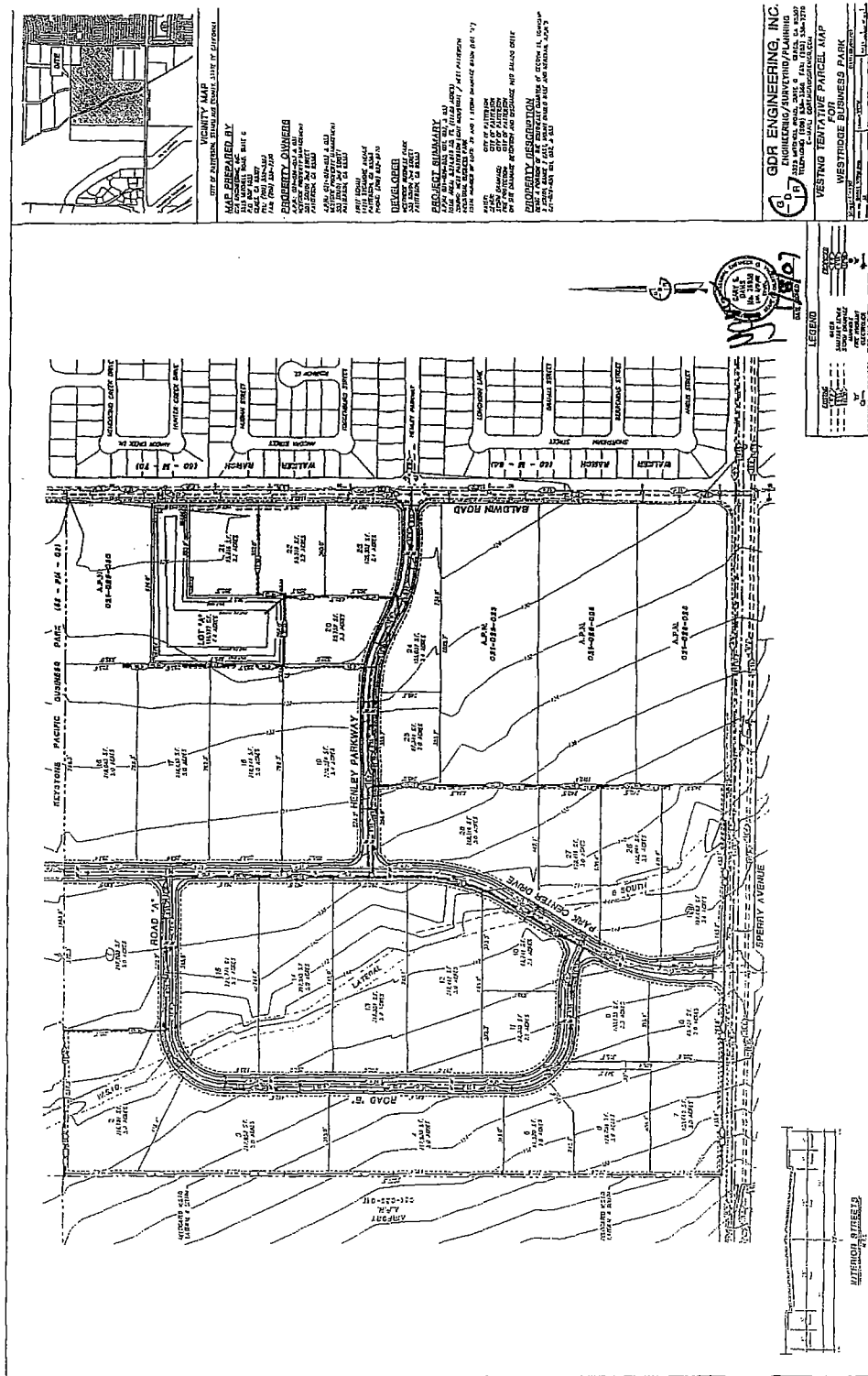


Figure 4: Site Plan

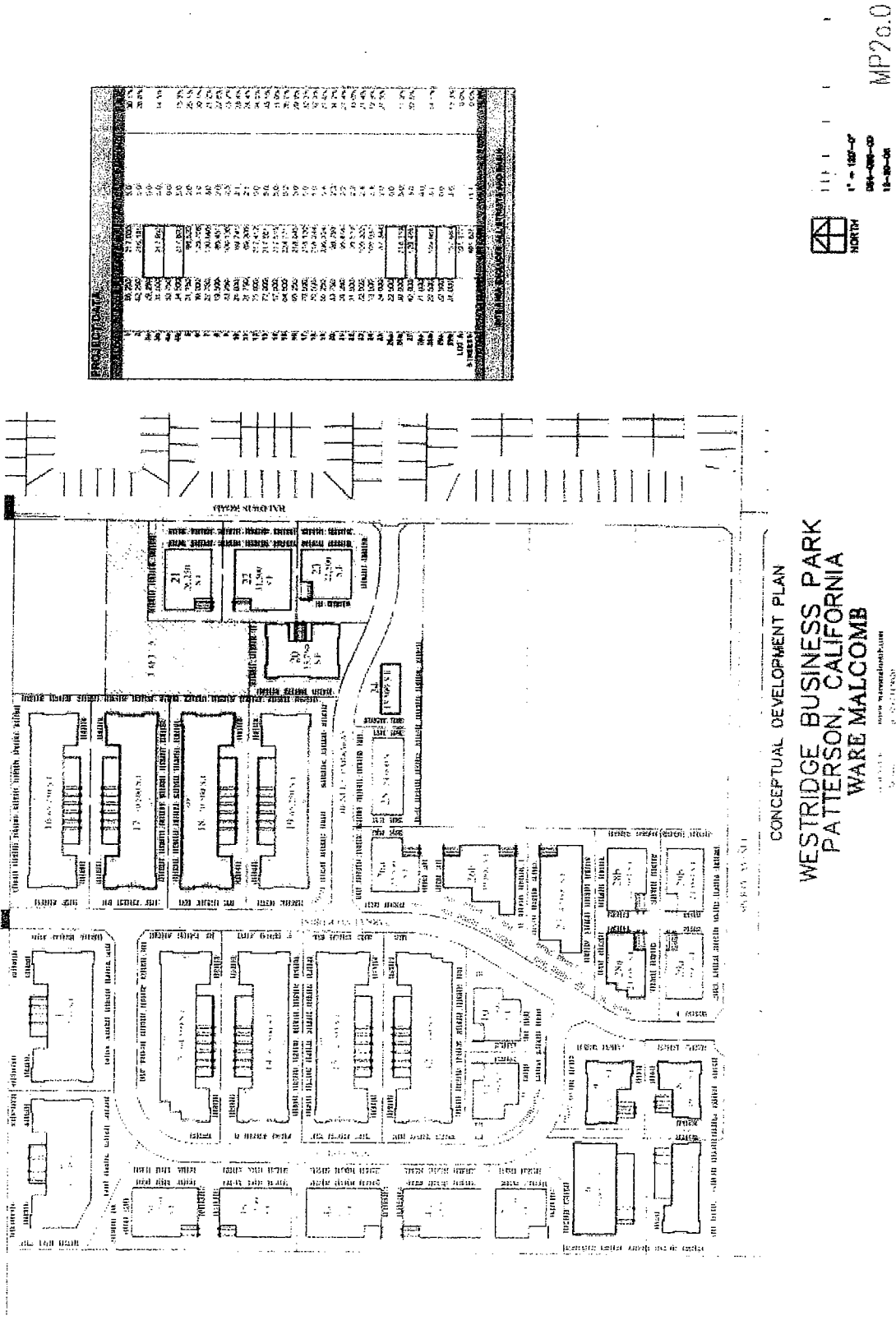
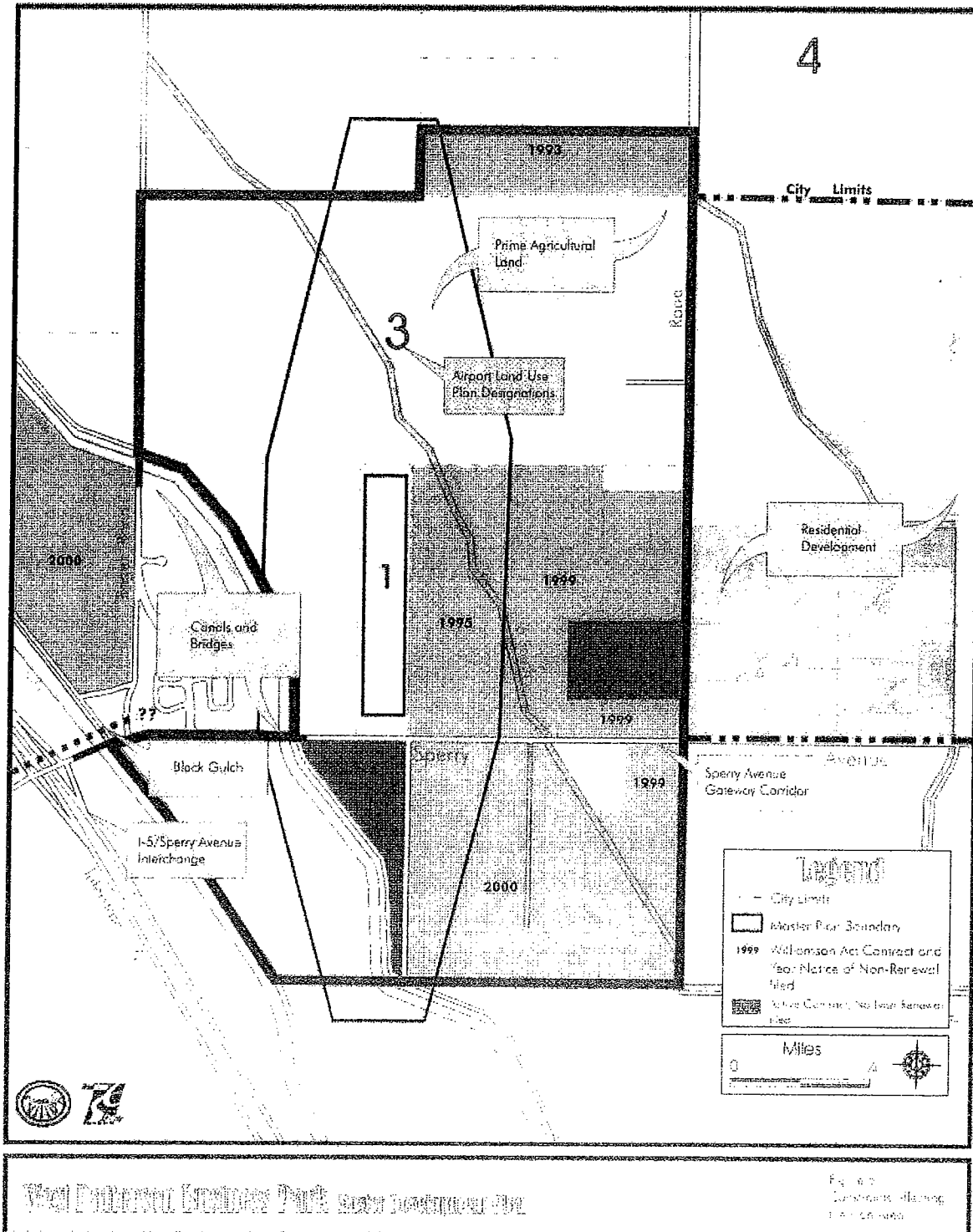


Figure 5 – Airport Land Use Plan Designations



III. Initial Study Environmental Checklist

This section discusses potential environmental impacts associated with approval of the proposed project.

The following guidance, adapted from Appendix I of the State CEQA Guidelines, was followed in answering the checklist questions:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the discussion. A "No Impact" answer is adequately supported if the discussion shows that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained when it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take account of the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. All analyses must be based on a comparison between conditions that would occur if the project were implemented and existing conditions (also known as baseline conditions).
4. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
5. "Potentially Significant unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less-Than-Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less-than-significant level (mitigation measures from earlier analyses may be cross-referenced).
6. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (State CEQA Guidelines Section 15063[c][D]). Earlier analyses are discussed in the project description above under "Previous Environmental Documents and Site-Specific Information".

The discussion that follows each section of checklist questions:

- analyzes previously certified environmental analysis and/or mitigation relevant to the issue, including the potential for each effect to be significant and adverse and standard requirements and measures that will preclude adverse impacts;

- describes proposed measures that will preclude adverse impacts;
- analyzes the potential for residual or remaining significant adverse impacts following implementation of the project and all previously identified, standard, and proposed requirements and measures; and
- summarizes the applicable mitigation measures established by the various support documents and project-specific measures that will reduce the impacts to a less-than-significant level.

Identification of the potential for residual significant adverse environmental impacts would trigger the need for preparation of an EIR. For issue areas in which no significant adverse impact would result or impacts would be reduced to a less-than-significant level by mitigation, further analysis is not required.

Previous Environmental Review

An environmental impact report (EIR) for the West Patterson Business Park Master Development Plan was certified by the City Council on January 9, 2003 and is incorporated herein by this reference. The EIR evaluates potential impacts resulting from development of the Master Plan and other large-scale development contemplated for the west side of the City. More specifically, 'the project' evaluated by the previous EIR includes development of the portion of the Master Plan area where the project is proposed. Table 1 provides a summary of the land use assumptions used by the certified EIR in assessing the overall environmental impacts of the Master Plan.

Table 1: Summary of Land Use Plan for the West Patterson Master Development Plan	
General Plan Land Use Category	Acres
Light Industrial ¹	772
Highway Commercial	34
Public ²	7.7
TOTAL:	813.7

Notes:

1. Includes 29.73 acres for Patterson Airport
2. California Division of Forestry (CDF) fire station and Caltrans work yard.

In preparing the FEIR for the West Patterson Projects, the EIR made a number of assumptions regarding the development capacity of properties subject to the Master Plan. For the subject property, the FEIR assumed 1.3 million square feet of development. The development potential assumed for the project site falls within the assumptions used by the certified Final EIR for the West Patterson Business Park Master Development Plan. According to the certified FEIR,



development of the West Patterson Business Park Master Development Plan area will result in potential adverse impacts in the following areas:

Land use compatibility	Aesthetics	Public Services
Traffic and Circulation	Air Quality	Biological resources
Cultural resources	Hazardous materials	Loss of agricultural land

Mitigation measures were included as conditions of approval of the Master Plan to reduce potential impacts to a less than significant level. However, impacts relating to the cumulative loss of agricultural land, cumulative air quality and traffic impacts cannot be reduced to a less-than-significant level. For this reason, findings for certification were supported by a statement of overriding considerations which says that the benefits of the project outweigh potential impacts to these resources.

Section 21083.3(a) of the CEQA statutes states:

If a parcel has been zoned to accommodate a particular density of development or has been designated in a community plan to accommodate a particular density of development and an environmental impact report was certified for that zoning or planning action, the application of this division to the approval of any subdivision map or other project that is consistent with the zoning or community plan shall be limited to effects upon the environment which are peculiar to the parcel or project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report.

Part (d) of Section 21083 states:

(d) An effect of a project upon the environment shall not be considered peculiar to the parcel or to the project, for purposes of this section, if uniformly applied development policies or standards have been previously adopted by the city or county, with a finding based upon substantial evidence, which need not include an environmental impact report, that the development policies or standards will substantially mitigate that environmental effect when applied to future projects, unless substantial new information shows that the policies or standards will not substantially mitigate the environmental effect.

This section applies directly to the Westridge Business Park project because:

- The site was zoned for a specific intensity of development described in the zoning for the West Patterson Business Park Master Development Plan, which is consistent with, and helps implement, the City's General Plan. And,
- Specific development policies are contained in the Master Plan, along with implementation measures for such policies, which describe how they will be applied to each parcel.

- The impacts associated with development of the site in accordance with the Master Plan were evaluated by a previously certified FEIR. And,
- Since the current project is consistent with the types of uses anticipated by the analysis contained in the previous EIR, no substantial evidence exists to suggest that the impacts associated with the currently requested entitlement will be more significant than those evaluated by the previously prepared and certified FEIR.

In accordance with the section cited above, environmental review of the Westridge Business Park Project will focus only on those impacts that are '*...peculiar to...*' the project site and not evaluated by the previously certified EIR.

I. LAND USE AND PLANNING

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal:</i>				
a. Conflict with general plan designation or zoning?			■	
b. Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?			■	
c. Be incompatible with existing land use in the vicinity?			■	
d. Affect agricultural resources or operations (e.g., impacts on soils or farmlands, or impacts from incompatible land uses)?			■	
e. Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?				■

Setting

Allowable land uses and development standards for the project site are governed by the West Patterson Business Park Master Development Plan which was adopted in 2003.

Discussion

a., b. Zoning for the site is *West Patterson Light Industrial (WPLI)* and *West Patterson Business Park (WPBP)* which are described in Appendix F of the Master Development Plan. A wide range of technology related service businesses and wholesale distribution/warehousing are permitted in the WPLI and WPBP zones.

The parcel sizes shown for the portions of the site zoned WPLI are less than the 5 acre minimum required by Section 18.66 of the City’s zoning ordinance. In accordance with Section 18.66.050 an exception to the minimum lot size may be granted by the Planning Commission so long as the required findings can be met. The applicants have asked for an exception to the minimum lot size requirements in accordance with section 18.66.050.

The project site also falls within the building restriction zones established by the Airport Land Use Plan for the Patterson Airport. The Patterson Airport is a general aviation airport located on Sperry Avenue just east of Interstate 5. The Airport Land

Use Commission (ALUC) has adopted a land use plan that establishes safety zones around the airport (see Figure 5) to protect the public from potential noise and safety impacts associated with aircraft overflights. Discussions with County staff indicate that the type of development envisioned for the Master Plan area (including the project site) is consistent with the Airport Land Use Plan which is mostly concerned with ensuring that the design of individual development projects are consistent with building height restrictions and incorporate non-reflective surfaces to minimize potential hazards to aviation.

- d. Agricultural operations continue on properties to the south and west of the project site. Development of the site will incrementally contribute to a cumulative loss of productive farmland which was assessed in the previously certified FEIR.

Two of the underlying parcels (APNs 021-026-052 and 053) are governed by currently-active Williamson Act contracts (contract No. 72-783). A Notice of Non Renewal for this contract was filed on March 4, 1998. Accordingly, the contract will expire on December 31, 2007. In accordance with State law, a final parcel map cannot be recorded on contracted Williamson Act lands until the contract has expired. The other two underlying parcels are not encumbered by Williamson Act contracts.

Mitigation Measures

No additional mitigation is recommended.

Conclusion

The project is a permitted use and consistent with applicable plans and policies (so long as an exception is granted for the minimum lot size of WPLI parcels). Impacts associated with the permanent loss of agricultural land were addressed in the previously certified FEIR and found to be significant and unavoidable. No feasible mitigation measures are available to fully mitigate the individual and cumulative loss of prime agricultural land. Therefore the development of this site as proposed will contribute to this impact which remains significant and unavoidable. However, since the impacts associated with the project are not more significant than those assessed by the previously certified FEIR for the West Patterson Projects, the impacts 'peculiar to the project' are not significant and no additional analysis or mitigation are required.

II. POPULATION AND HOUSING

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal:</i>				
a. Cumulatively exceed official regional or local population projections?			■	
b. Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?			■	
c. Displace existing housing, especially affordable housing?				■

Setting

The project site lies within the West Patterson Business Park Master Development Plan area; there are no houses on the project site. The City of Patterson has a current (January, 2007) population of 20,875 and 5,900 dwelling units (Department of Finance, 2007).

Discussion

- a.,b. The project would accommodate up to 1.323 million square feet of industrial floor space which could accommodate as many as 2,600 employees (assuming one employee per 500 square feet of building floor area). Although this is a significant number of new jobs in Patterson, the City has recently entitled over 3,000 new residences which will be constructed over the next five to ten years. While the expected wages for these new jobs is unknown, the increase in employment is not expected to be greater than that provided by the market, or to exceed the planned population growth of the City.

Mitigation Measures

None required.

Conclusion

The project is consistent with the applicable general plan and zoning designations and will not result in impacts to housing and population that were not analyzed and fully mitigated by the previously certified FEIR for the West Patterson Projects.

III. GEOLOGIC HAZARDS

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal result in or expose people to potential impacts involving:</i>				
a. Fault rupture?				■
b. Seismic ground shaking?			■	
c. Seismic ground failure, including liquefaction?			■	
d. Seiche, tsunami, or volcanic hazard?				■
e. Landslides or mudflows?				■
f. Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?			■	
g. Subsidence of the land?				■
h. Expansive soils?			■	
i. Unique geologic or physical features?				■

Setting

The western San Joaquin Valley is located within 30 miles of the San Andreas fault system which is seismically active and produces seismic events of considerable destructive magnitude. A major event on the San Andreas would produce seismic-induced groundshaking in the project vicinity which could adversely affect structures.

Discussion

- b.,c. A large (magnitude 5.0 and above) seismic event on the segment of the San Andreas west of the project site could result in damage to building and supporting infrastructure as a result of groundshaking. No evidence of seismic induced liquefaction is evident in the Patterson area. All new construction will be required to comply with relevant provisions of the Uniform Building Code with regard to seismic resistance. This impact is considered adverse but not significant.

- f. Development of the site will increase the amount of impervious surfaces, which in turn will result in a corresponding increase in the volume and rate of surface runoff. Erosion and surface water quality issues are addressed in Section IV: Water.

Mitigation Measures

The project will be constructed in compliance with the Uniform Building Code. No additional mitigation is required.

Conclusion

The project will not result in impacts relating to geologic hazards that were not analyzed and fully mitigated by the previously certified FEIR for the West Patterson Projects.

IV. DRAINAGE AND WATER SUPPLY

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal result in:</i>				
a. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?		■		
b. Exposure of people or property to water-related hazards such as flooding?			■	
c. Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)?		■		
d. Changes in the amount of surface water in any water body?				■
e. Changes in currents, or the course or direction of water movements?				■
f. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?			■	
g. Alteration to the direction or rate of flow of groundwater?				■
h. Impacts on groundwater quality?				■
i. Substantial reduction in the amount of groundwater otherwise available for public water supplies?			■	

Setting

The project site is flat and has been used for the cultivation of row crops. Drainage improvements designed and approved for the West Patterson Business Park Master Development Plan are sized to accommodate the size and type of development anticipated for this site. Plans show the extension of a 12 inch water line north from Sperry Avenue and a 48 inch storm drain to convey surface runoff from individual properties to the 6 acre retention basin located in the southeast corner of the site.

Discussion

- a., c. d. Development of the site will result in additional impervious surfaces associated with buildings and parking which will increase the volume and velocity of surface runoff leaving the site and entering area drainage systems.

Portions of the City and its planning area have experienced flooding problems in the past due primarily to the inadequacy of storm drainage improvements. According to the Flood Insurance Rate Maps prepared by the Federal Emergency Management Agency, the project site is located within flood zone "C" which denotes areas of 'minimal flooding'. Nonetheless, the project will be required to contribute its fair share toward the completion of storm drainage improvements in accordance with the City's Storm Water Master Plan (prepared in 1992 and updated in 2001).

Drainage improvements designed and approved as part of the West Patterson Business Park Master Development Plan are designed and sized to accommodate the type of development contemplated for the site and subsequently evaluated by the West Patterson Projects FEIR. Drainage from the project site will be collected in a 4.3 acre detention basin and conveyed to the storm drain to an existing 30-inch line within the Baldwin Road right-of-way, and would continue into a 36-inch line that, in turn, drains to existing twin 72-inch lines in Salado Creek.

Development of the site could result in erosion and the degradation of surface water quality in area drainages.

- f.,i. The City derives all of its water from the Delta-Mendota Groundwater Basin (Basin), as defined by the Department of Water Resources (DWR) in Bulletin 118-80 (DWR, Jan. 1980). The Basin encompasses 736,000 acres of land extending along the western side of the San Joaquin Valley between the San Joaquin River and the western edge of the Valley alluvium, from the Stanislaus/San Joaquin County line through Stanislaus and Merced Counties into Fresno County to the boundary of the Westlands Water District south of the City of Firebaugh. The Basin is composed of three subbasins – a Northern Subbasin, a Central Subbasin, and a Southern Subbasin, delineated in a regional Groundwater Management Plan prepared by the San Luis & Delta Mendota Water Authority (SLDMWA) (Stoddard & Assocs., April 1996). The City lies at the southern end of the Northern Subbasin.

2002 Urban Water Management Plan (UWMP)

On August 6, 2002, the Patterson City Council adopted an Urban Water Management Plan pursuant to the Urban Water Management Planning Act. The UWMP evaluates past, present, and projected water demand and supply in five-year increments through the year 2020; the costs and reliability of the supply; and the City's conservation efforts, water shortage responses, and use of recycled water. The UWMP's evaluation incorporated the water demand projected to be created

by development of the West Patterson Business Park and the rest of the City's general plan area and surrounding development. Based on an evaluation of the City's groundwater resources, the UWMP concluded that groundwater is sufficient to serve the projected demand associated with the land uses identified in the City's 1992 General Plan. Nevertheless, the UWMP concluded that surface water would be a superior source of supply and noted that the City has begun negotiations with water providers in the region in pursuit of potential surface water transfers.

Groundwater Basin Safe Yield

The San Luis Delta-Mendota Water Authority prepared a regional groundwater management plan (GMP) that analyzed the DeltaMendota Groundwater Sub-Basin. Although the City of Patterson was not a participant in the plan, it includes detailed information about the Northern Sub-Basin that underlies Patterson. The GMP estimated sustainable yield, basin-wide groundwater pumping during an eight-year study period, and determined the impacts on the groundwater basin of exports of water through the Delta-Mendota Canal.

According to the results of the GMP studies, the northern portion of the sub-basin was in a hydrologically balanced condition during the 8-year study period. The GMP projected that under normal conditions there would be an annual increase in water storage of 35,000 AF. The outflow from the groundwater basin to the San Joaquin River varied annually between about 73,000 AF per year to 185,000 AF per year. This suggests that an increase in pumping of more than 35,000 AF per year, could occur without causing an overdraft condition.

Recent studies have confirmed that groundwater in the City's vicinity is not overdrafted. In 2002, in preparing the UWMP, the City undertook a study of the groundwater in the Patterson vicinity. That study revealed a total quantity of at least 80,000 acre-feet (AF) of water in the aquifer beneath the City, 30,000 to 50,000 AF of which were estimated to be of adequate water quality for municipal and industrial uses served by the City. The 2002 study estimated a total of 9,300 AF of annual recharge to both aquifers, not including seepage from irrigation and Salado and Del Puerto Creeks. However, the additional groundwater studies conducted in 2006 found that the recharge is substantially higher, approximately 11,500 AF per year, 8,000 AF to the confined aquifer and 3,500 AF to the shallow aquifer.

The basin from which the City pumps groundwater has not been adjudicated, and therefore no decree is available to quantify and document the City's groundwater rights. Based on the type of use made by the City, the results of the City's groundwater investigation shows sufficient surplus water in the confined aquifer to support the City's proposed appropriative use to serve buildout of the General Plan area.

Overdraft is unlikely in Patterson. In the past, the City's groundwater supply has proved reliable even in severe drought years when surface-water users turn to

groundwater to supplement declining surface-water deliveries. Previous studies of groundwater in the area, described in the City's 2000 UWMP, have indicated that increased withdrawals from the aquifer can increase the aquifer's sustainable yield by reducing the volume of subsurface outflow. The City's 2006 groundwater investigation indicated that the pumping required to serve existing and planned uses would not cause the aquifer to become overdrafted. There is an estimated sustainable yield from the deep and shallow aquifers of approximately 11,500 AF annually, not including deep percolation of water and seepage from unlined canals and Salado and Del Puerto Creeks. The City's projected maximum annual withdrawals of 8,200 acre-feet annually are within that annual recharge increment.

In order to better understand the sustainability of groundwater for future planning, a 6-day aquifer test was conducted in February 2006. The test showed that total sustainable production from the lower aquifer alone is approximately 8,000 AF per year. The upper and lower aquifers combined have a total sustainable yield of about 11,500 AF per year, not including surface percolation. The test also showed that:

- No significant downward leakage occurs between the upper and lower aquifers.
- Groundwater flow is in a northwesterly direction, as opposed to a northeasterly direction as previously suspected.

This updated information derived since the City of Patterson 2000 Urban Water Management Plan was prepared is important because it indicates there is more sustainable groundwater in the lower aquifer than shown in previous studies, and that recharge is from the southeast, which could be more beneficial for recharge and water quality. In addition, minimal leakage between the upper and lower aquifers allows the City to pump more water without impacting private, shallow wells and water in the lower aquifer is less susceptible to surface contaminants.

Water levels and well capacity do not appear to have changed in the area, according to City records. Groundwater production has increased as the City's population has grown. Although the City continues to add wells for additional supply, the local groundwater table appears to remain stable. The City has not seen measurable changes in the groundwater table or yield due to periods of low rainfall. Studies of the local groundwater supply have not indicated that low rainfall will have an adverse impact on groundwater levels, yields, or quality. Nevertheless, the City, as other jurisdictions, has adopted a Drought Contingency Plan in the event that an extended drought impacts the local groundwater supply. The contingency plan would be implemented by the City Council in three stages: Stage 1, with voluntary rationing; Stage 2, with mandatory rationing intended to reduce water use by 20 percent; and Stage 3, with mandatory rationing and limited water allocations to some users. The City has a reliable supply of water and is not vulnerable to reductions in deliveries in dry years.

The 2002 Urban Water Management Plan provided a 20-year water demand projection. Water demand for the most recent year, 2005, was projected to be approximately 3,400 AF per year for a population of about 15,600. Current data show that water demand in 2005 was approximately 3,250 AF per year and the population is estimated to be about 16,150 residents. Thus, Patterson continues to use water conservatively.

Estimated Cumulative Water Demand

Water demand for buildout anticipated by the City General Plan would total approximately 8,200 AF per year in 2030. The 2007 population is currently estimated to be 20,875 persons. At full buildout of land uses designated in the General Plan, the population is projected to be approximately 33,000. This buildout population is expected to be reached sometime between 2020 and 2025.

The City's future demand would continue to be served from untreated groundwater pumped from the City's existing wells and new wells planned as demand increases. Assuming no further growth were approved, the City would be expected to deplete the available supply of groundwater meeting Domestic Water Quality Standards at some point in the future. New development will accelerate the depletion of good quality groundwater.

To serve cumulative demand through buildout of the 1992 General plan, inclusive of the project, the City would continue to rely on its untreated groundwater until nitrates and/or total dissolved solids in the water increase such that the supply meeting state drinking water standards could not be met. At that time, the City would either transition to treatment of its groundwater sources or find an alternative water source.

Existing wells would be maintained and new wells could be installed to tap the deep, confined aquifer. Wells would be located to optimize the quality of groundwater pumped and to minimize potential adverse effects of pumping, as discussed below. While the City is also exploring surface water sources that could be used to blend with groundwater to reduce concentrations of salts and nitrates, groundwater supplies would continue to be sufficient with treatment. Therefore, the City is exploring treatment options for groundwater.

Mitigation Measures

The project will be required to implement the relevant portions of the City's Water Supply, Storm Drainage and Wastewater Master Plans for the West Patterson Projects. In addition, the previously certified FEIR adopted the following mitigation measures to address potential drainage, flooding, water quality and water supply impacts:

Mitigation Measure H.2.

Each phase of development must design and install drainage systems in compliance with the intent of the recommended drainage plan detailed in the *2001 Master Storm Drainage Plan, City of Patterson, Western Expansion Area* (Stoddard & Assoc., 2001). The detention basins shall be designed so that flow to the creek could be interrupted when insufficient capacity was available in the creek for conveyance of the flows. The drainage improvements shall be designed and constructed so that no increase in the peak flow in Salado Creek would occur during the 100-year flood event as a result of project implementation.

Design-level drainage plans for each phase of development of the West Patterson projects would be submitted to the City of Patterson for review. Drainage plans and detention basin design details would be reviewed for compliance with the “no increase in peak flow” requirement prior to approval of the project and to ensure that the final drainage plans are consistent with 2001 Master Storm Drainage Plan, City of Patterson, Western Expansion Area.

Mitigation Measure H.4.

Each developer who proposes to construct a project within the project area shall prepare a SWPPP designed to reduce potential impacts to surface water quality through the construction and life of the project whether or not the development site is over five acres. The City shall also prepare a SWPPP for its wastewater facility expansion project. The SWPPP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with implementation of the proposed project. It is not required that the SWPPP be submitted to the RWQCB, but must be maintained on-site and made available to RWQCB staff upon request. The SWPPP shall include:

- **Specific and detailed BMPs designed to mitigate construction-related pollutants.** At minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with storm water. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.

An important component of the storm water quality protection effort is knowledge of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of storm water quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.

The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and must include both dry and wet weather inspections. In addition, in accordance with State Water Resources Control Board Resolution No. 2001-046 (SWRCB, 2001), monitoring would be required during the construction period for

pollutants that may be present in the runoff that are “not visually detectable in runoff.”¹ Each developer shall retain an independent monitor to conduct regular inspections and provide written reports to the City of Patterson Community Development Director to ensure Compliance with the SWPPP. RWQCB personnel, who may make unannounced site inspections, are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented.

BMPs designed to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control, that is, keeping sediment on the site. End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. If hydroseeding is selected as the primary soil stabilization method, then these areas shall be seeded by September 1 and irrigated to ensure that adequate root development has occurred prior to October 1. Entry and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions.

- **Measures designed to mitigate post construction-related pollutants.** The SWPPP shall include measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development. In general, passive, low-maintenance BMPs (e.g., grassy swales, porous pavements) are preferred. If the SWPPP includes higher maintenance BMPs (e.g., sedimentation basins, fossil filters), then funding for long-term maintenance needs must be specified (the City will not assume maintenance responsibilities for these features).

Yet to be developed industrial parcels generally provide many opportunities for innovative storm water management, including permeable pavers, concave lawn/infiltration basins, grassy swales, and dry-wells connected to roof downspouts. The final design team for each development project shall review and incorporate the concepts included in *Start at the Source, Design Guidance Manual for Stormwater Quality Protection* (BASMAA, 1999), in the project design.

The City of Patterson Department of Public Works shall ensure that the SWPPP is prepared prior to approval of the grading plan for each development project or each phase of a large-phased development project. Implementation of this mitigation would reduce the level of significance of this impact to a less-than-significant level.

¹ Construction materials and compounds that are not stored in water-tight containers under a water-tight roof or inside a building are examples of materials for which the discharger may have to implement sampling and analysis procedures.



Conclusion

Through incorporation of the above previously adopted mitigation measures, the project will not result in significant impacts relating to drainage and water quality.

V. AIR QUALITY

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal:</i>				
a. Violate any air quality standard or contribute to an existing or projected air quality violation?		■		
b. Expose sensitive receptors to pollutants?			■	
c. Alter air movement, moisture, or temperature, or cause any change in climate?				■
d. Create objectionable odors?			■	

Setting

Currently, the San Joaquin Valley Air Basin is classified as a "Severe non-attainment" area for both the federal and State standards for ozone and a "serious" non-attainment area for the federal standard for respirable particulate matter (PM₁₀, or particles 10 microns or smaller in diameter). Emissions of these air pollutants, and their precursors, will increase as a result of motor vehicle trips generated by the project, and from grading and construction operations. Together, these activities may hinder efforts to achieve and maintain air quality standards established by federal and State laws.

Discussion

- a. Development of the project site will result in short-term air pollutant emissions and dust generation from site preparation and construction activities, and long-term operational impacts from motor vehicle trips. Construction activities will generate short-term fugitive dust and vehicle exhaust emissions as a result of excavation, grading, and construction-related vehicle trips.

The San Joaquin Valley Unified Air Pollution Control District (APCD) has prepared guidelines for assessing the impacts of new development generated by mobile sources. The guidelines distinguish among different levels of analysis based on the size of development. Industrial projects greater than 510,000 square feet fall within the APCD's "Cursory Analysis Level" (CAL) threshold. For such analyses, the District requires the following:

- Potential emissions will be quantified using ARB's URBEMIS 2002 program;
- The project should be screened for potential carbon monoxide hotspots; and

- The project should be screened for the emission of toxic air contaminants and the proximity of the project to such contaminants.

The project will accommodate up to 1.323 million square feet of industrial development on a vacant 121 acre site. The business park incorporates bicycle and pedestrian connections to surrounding neighborhoods and shopping. No demolition of existing structures is proposed.

Construction Emissions

A project's construction phase produces many types of emissions, but PM-10 is the pollutant of greatest concern. PM-10 emissions can result from a variety of construction activities, including excavation, grading, demolition, vehicle travel on paved and unpaved surfaces, and vehicle exhaust. Construction-related emissions can cause substantial increases in localized concentrations of PM-10, as well as affecting PM-10 compliance with ambient air quality standards on a regional basis. Particulate emissions from construction activities can lead to adverse health effects as well as nuisance concerns such as reduced visibility and soiling of exposed surfaces. Asbestos can also be of concern during project construction.

The SJVUAPCD's approach to CEQA analyses of construction impacts is to require implementation of effective and comprehensive control measures rather than to require detailed quantification of emissions. PM-10 emitted during construction can vary greatly depending on the level of activity, the specific operations taking place, the equipment being operated, local soils, weather conditions, and other factors, making quantification difficult. Despite this variability in emissions, experience has shown that there are a number of feasible control measures that can be reasonably implemented to significantly reduce PM-10 emissions from construction. The SJVUAPCD has determined that compliance with Regulation VIII for all sites and implementation of all other control measures as appropriate, depending on the size and location of the project site will constitute sufficient mitigation to reduce PM-10 impacts to a level considered less-than-significant.

In October, 2004, the Governing Board of the of the SJVUAPCD adopted Rule 8021 as an amendment to Rule VIII. Among other things, Rule 8021 changed the threshold for the requirement of a Dust Control Plan to five or more acres of disturbance for non-residential projects. Since the project site is over five acres, a dust control plan will be required.

Estimate of Operational Emissions

Mobile source emissions were estimated using the URBEMIS 2002 computer model from the California Air Resources Board (ARB) and are summarized on Table 2. The assumptions used in the model are summarized in Attachment A. The model predicts emissions from motor vehicles by assigning an emission factor (or factors) to the average daily vehicle trips associated with a particular land use. These data suggest that development of the site will result in the generation of emissions that are individually limited, but may be cumulatively significant and should include mitigation measures.

Table 2: Estimated Project Emissions From Mobile Sources		
Tons Per Year Source: URBEMIS 2002		
Pollutant	Threshold of Significance	Project Emissions ¹
Reactive Organic Compounds	10	14.0
Oxides of Nitrogen	10	61.6
Particulate Matter (PM ₁₀)	--	13.9
Carbon Monoxide	--	158.1

Notes

1. Estimated emissions at buildout of the site with 1.4 million square feet of industrial floor space.

Stationary Source Emissions

Stationary source emissions from heating, air conditioning and other equipment, and from power generation facilities serving the site were estimated using URBEMIS 2002 and summarized on Table 3.

Table 3: Estimated Project Emissions From Stationary Sources		
Tons Per Year Source: URBEMIS 2002		
Pollutant	Threshold of Significance	Project Emissions ¹
Reactive Organic Compounds	10	0.02
Oxides of Nitrogen	10	0.15
Particulate Matter (PM ₁₀)	--	0.0
Carbon Monoxide	--	0.11

Notes

1. Estimated emissions at buildout. Refer to Attachment A.

Table 4: Summary of Estimated Emissions From All Operational Sources				
Tons Per Year				
Pollutant	APCD Threshold ¹	Mobile Sources	Stationary Sources	TOTAL
Reactive Organic Gases	10	14.0	0.02	14.02
Oxides of Nitrogen	10	61.6	0.15	61.75
Particulate Matter (PM ₁₀)	--	13.9	0.0	13.9
Carbon Monoxide	--	158.1	0.11	158.21

Mitigation Measures

The previously certified FEIR for the West Patterson Projects included the following mitigation measures that apply to development of the project site:

Mitigation Measure F.1(a).

The developers, and the City for infrastructure improvements, shall implement the following measures to control construction emissions of PM₁₀:

- All disturbed areas, including storage piles, which are not being actively used for construction purposes, shall be effectively stabilized to limit dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.
- All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized to limit 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 to limit fugitive dust emissions utilizing application of water or by presoaking.
- When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six 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 the end of each workday. (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 surface of outdoor storage piles, said piles shall be effectively stabilized to limit fugitive dust emissions utilizing sufficient water or chemical stabilizer or suppressant.
- Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.
- Traffic 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 sites with a slope greater than one percent.
- Compliance with relevant provisions of SJVUAPCD Rule VIII as amended in October, 2004.

When construction covers a site that is large in area or located near residences, schools, or other sensitive receptors, the developers, and/or the City shall implement the following additional measures to control construction emissions of PM_{10} :

- Wheel washers shall be installed for all exiting trucks or wash off all trucks and equipment leaving the site.
- Wind breaks shall be installed at windward side(s) of construction areas.
- Excavation and grading activity shall be suspended when winds exceed 20 mph.
- The area subject to excavation, grading, or other construction activity at any one time shall be limited.

Mitigation Measure F.1(b).

Developers shall implement the following measures to control construction emissions of ozone precursors:

- Alternative fueled or catalyst equipped diesel construction equipment, or NO_x or PM_{10} controlled equipment shall be used, where possible.
- Idling time for all equipment shall be minimized (e.g., to less than 10 minutes).
- The hours of operation of heavy duty equipment and/or the amount of equipment in use shall be limited, where possible.
- Fossil-fueled equipment shall be replaced with electrically driven equivalents, where possible (provided they are not run by a portable generator set).

- Construction during periods of high ambient pollutant concentrations shall be curtailed (e.g., this may include ceasing construction activity during the peak hour of vehicular traffic on adjacent roadways).

Mitigation Measure F.6(a).

Development of the West Patterson Business Park Master Development Plan (which includes the project site) shall incorporate, if feasible, the following features to reduce motor vehicle emissions:

- Development of the Business Park Plan area shall incorporate park-and-ride lots as determined by the City at the time of project approvals.
- New uses/occupants requiring a discretionary approval and employing 100 or more full-time-equivalent employees shall submit to the reviewing authority (the City of Patterson or Stanislaus County) an employee trips reduction plan. Such a plan may include, but need not be limited to, the following:
 - Incentives for carpooling, bicycling, and/or walking;
 - Provision of secured bicycle storage and employee showers;
 - Disincentives for single occupant vehicle ridership;
 - Provision of shuttle service to food and/or commercial centers during lunch hours;
 - Development of park-and-ride lots;
 - Use of low-emission vehicles by businesses in the Business Park shall be encouraged by permitting additional parking exclusively for use by alternative fuel vehicles; and
 - Clean-fuel fueling stations, such as electric charging stations or natural gas fueling stations, open to the public, shall be permitted as an allowable use in the Business Park.
 - Providing pedestrian amenities such as benches, water fountains, and shelters;
 - Providing street trees and plants that would create an effective canopy; and
 - Providing sidewalks with an unobstructed path at least five feet wide throughout the development, including at the Patterson Sports Complex and the potential school site.

Mitigation Measure F.6.

The West Patterson projects shall incorporate, if feasible, the following features to reduce motor vehicle emissions:

- Commercial and light industrial development projects shall incorporate measures to reduce vehicle trips and on-site parking demand for the review and approval of the City. Such measures may include, but need not be limited to, the following:
 - Providing pedestrian amenities such as benches, water fountains, and shelters;
 - Providing bicycle parking and connections to bicycle features in the Patterson Gardens proposal and elsewhere;
 - Including canopy trees in the parking lots of neighborhood commercial development to shade parked cars and reduce evaporation of fuel; and
 - Provisions for carpooling.

Mitigation Measure F.6(d).

The West Patterson projects shall incorporate, if feasible, the following features to reduce area source emissions:

- Energy-efficient heating and cooling systems and lighting shall be used throughout the project.
- Energy efficiency measures shall be incorporated into the design of new or substantially remodeled structures (including new residential structures) to increase energy efficiency. Such measures may include, but need not be limited to:
 - The use of insulation in attics and walls that exceeds Title 24 requirements;
 - Orientation of buildings to maximize heating and cooling;
 - Planting of deciduous trees on south- and west-facing sides of buildings;
 - The use of double-paned windows; and
 - The use of solar water heaters.
- New wood-burning fireplaces or stoves shall be prohibited.
- Natural gas lines or electrical outlets shall be installed in patio areas when feasible to discourage use of charcoal or wood barbecues.



Conclusion

Through incorporation of the above mitigation measures the project's potential impacts to air quality will be less than significant.

VI. TRANSPORTATION/CIRCULATION

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal result in:</i>				
a. Increased vehicle trips or traffic congestion?		■		
b. Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			■	
c. Inadequate emergency access or access to nearby uses?			■	
d. Insufficient parking capacity onsite or offsite?			■	
e. Hazards or barriers for pedestrians or bicyclists?			■	
f. Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?			■	
g. Rail, waterborne, or air traffic impacts?			■	

Setting

The project site is located at the northeast corner of Baldwin Road and Sperry Avenue. Park Center Drive, an industrial arterial, has been extended south from its intersection with Keystone Pacific Parkway.

Bicycle Circulation

Policies of the General Plan encourage the development of a system of bike paths as an alternate form of transportation to the automobile. Class II bike paths (a striped bike lane within the street right-of-way) have been provided along Baldwin Road.

Transit Service

Public transit service in Patterson is provided by Westside Dial-A-Ride. No fixed route service currently serves the project site or is expected in the foreseeable future. However, Westside Dial-A-Ride will offer service to the area on a call-in basis.

Roadway Network

For regional travel, the City of Patterson relies primarily on Interstate Freeway 5 (I-5), a major north-south freeway to the west of the city limits. I-5 connects to I-580, approximately 15 miles to the north of Patterson. I-5 and I-580 provide access to regional employment centers in Pleasanton, San Ramon and the rest of the San Francisco Bay Area. All freeway-bound future project traffic from the West Patterson Projects site is expected to use I-5 via Sperry Avenue.

Interstate 5 is a four-lane freeway near Patterson. Traffic from Patterson is expected to use the interchange at Sperry Avenue. As published in the 2000 Caltrans Volume report, the ADT on I-5 was 24,400 vehicles per day (vpd) to the north of Sperry Avenue. Compared to the 1990 volume of approximately 23,500 vpd, the traffic volume increased by approximately four percent.

To the south of Sperry Avenue, the reported ADT was approximately 25,500 vpd as compared to 22,500 vpd in 1990. That is an increase of approximately 12 percent, or approximately one percent per year.

The interchange of I-5/Sperry Avenue is configured as a tight diamond with a narrow local road underpass and a steep drop in grade next to the northbound on-ramp. The ramps are one lane in each direction.

State Route 33 (SR33), approximately three miles to the east of I-5, provides north-south access to Westley to the north and Crows Landing to the south. Its ADT is approximately 5,000 vpd.

Figure 6 shows the existing local street circulation in the project area. Sperry Avenue serves east-west traffic while Baldwin Road serves north-south traffic in the project vicinity.

Sperry Avenue in the project vicinity is a two-lane major arterial that provides the main access between Patterson and the proposed project and I-5. In the vicinity of I-5, east of Rogers Road, the existing ADT is approximately 6,500 vpd. Compared to the ADT of approximately 2,800 vpd in 1990, that is more than tripling of traffic, with an average growth rate of nearly 10 percent per year in the last 10 years.

Baldwin Road is a two-lane north-south collector street between Sperry Avenue and SR 33. It will also serve as the primary access road for the proposed project. In addition, it will also be the primary access route for new homes at the Walker Ranch residential development that is currently under construction. It is currently signalized at the intersection with Sperry Avenue.

Ward Avenue is a two-lane north-south collector that parallels Baldwin Road and connects to SR 33 on the north and to I-5 near Fink Road south of the City of Patterson.

Las Palmas Avenue to the east of the project is a two-lane major east west arterial with a center two-way left-turn lane until Sycamore Avenue where it narrows to a two-lane road. To the

west of SR 33 is a roundabout on Las Palmas Avenue that is formed by four major streets. Traffic destined for Modesto currently uses either Las Palmas Avenue or I-5.

East Las Palmas Avenue (which begins to the east of SR 33) currently carries approximately 11,700 vpd to the east of downtown Patterson. East Las Palmas Avenue is generally a wide two-lane road with palm trees on each side of the road. The palm tree streetscape continues to the west of SR 33 at the roundabout.

Rogers Road is currently a two-lane north-south road that runs on the western boundary of the project area. The road connects Sperry Avenue to SR 33. A count taken in 2001 showed an ADT of approximately 260 vpd.

Park Center Drive is a two-lane industrial arterial that connects Sperry Avenue with Keystone Pacific Parkway to the north. The roadway is currently not in use.

Figure 6: Existing Streets and Lane Geometry Serving the Project Site

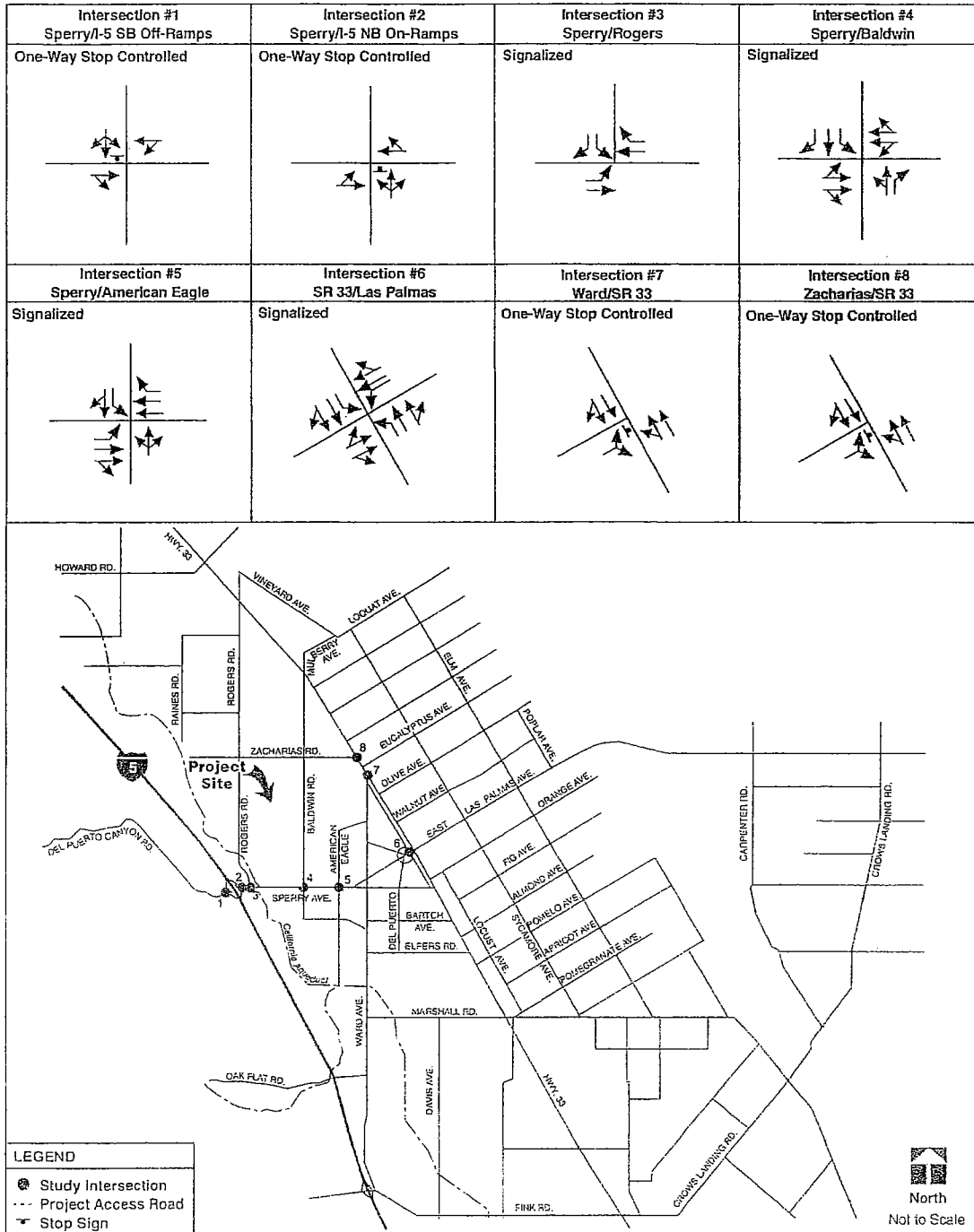
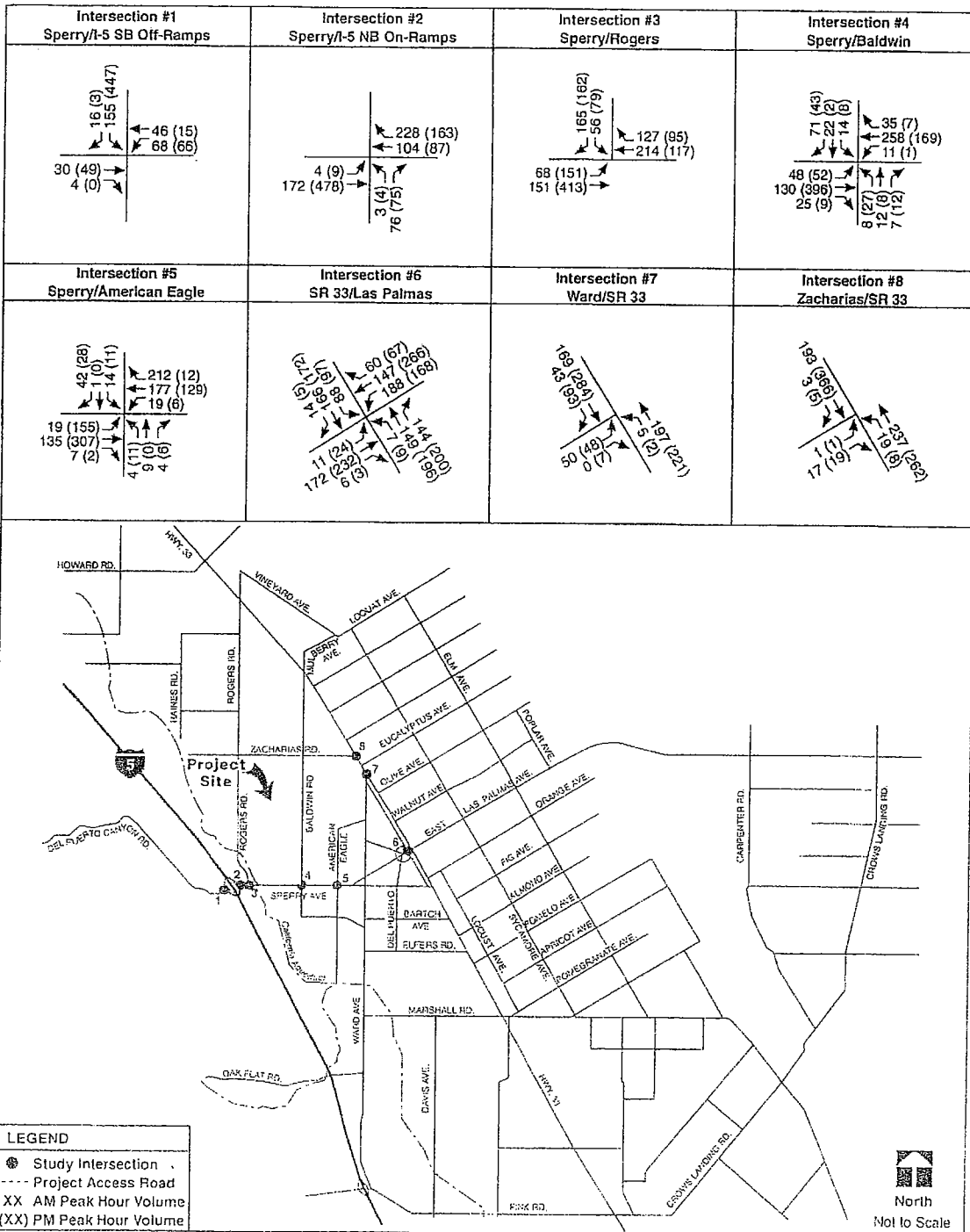


Figure 7: Existing Turning Movement Volumes



Significant Impact Criteria

In the City's 1992 General Plan, Policy III.A.2 states that "The City shall endeavor to maintain a Level of Service (LOS) "C", as defined by the 1985 Highway Capacity Manual (HCM) or subsequent revisions, on all streets and intersections within the City." For planning level LOS analysis, the City of Patterson General Plan recommends the LOS analysis be based on ADT. The City's LOS C criterion denotes a stable traffic flow with average delays.

Level of Service Analysis Methodology

The 2000 HCM provides several methodologies to evaluate levels of service on roadway segments, signalized or unsignalized intersections, expressways and freeways. For suburban and urbanized roadway segments, the LOS methodology is based on travel speed. These are generally utilized in the operational analysis. Such analyses are based on peak hour volumes and not on ADT. These criterion generally utilize travel speeds, delay and volume-to-capacity ratios to better reflect actual field conditions. As a City becomes more urbanized, intersection-based peak hour LOS criterion is better suited to monitor and categorize the traffic conditions of the roadway system. The City of Patterson should consider adopting intersection-based LOS criterion. ADT-based LOS is useful for roadway planning purposes at the link or roadway segment level. Intersection LOS operational analysis is based on peak hour turning movement volumes. Many jurisdictions adopt a lower LOS threshold (for example San Joaquin County adopted LOS D and Santa Clara County adopted LOS E) for peak hour analysis. This is more reasonable since traffic is much more congested during one hour of the day compared to daily traffic (ADT) which spreads out throughout the day.

Levels of service are defined by a range from LOS A to LOS F. Briefly, LOS A represents the best condition, denoting free-flow conditions with little or no restrictions to driver behavior. LOS F denotes jammed traffic flow conditions with intolerable delays and back-ups during the peak hour.

In this report, the level-of-service analysis will be conducted based on peak hour intersection LOS as defined in the 2000 HCM. The analysis will use LOS C as the impact threshold, in which impact below the threshold will be considered unacceptable. A description of the levels-of-service analysis methodology is contained in Appendix A.

Of the eight study intersections, five are unsignalized. The method of unsignalized intersection capacity analysis used in this study is from Chapter 10, "Unsignalized Intersections" of the *Highway Capacity Manual, Special report No. 209*, Transportation Research Board, updated October 2000.

This method applies to two-way STOP sign or YIELD sign controlled intersections (or one-way STOP sign or YIELD sign controlled intersections at three-way intersections). At such intersections, drivers on the minor street are forced to use judgment when selecting gaps in the major flow through which to execute crossings or turning maneuvers. Thus, the capacity of the controlled legs of an intersection is based on three factors:

- The distribution of gaps in the major street traffic stream.
- Driver judgment in selecting gaps through which to execute their desired maneuvers.
- Follow-up time required to move into the front-of-queue position.

The level of service criterion for Two-Way STOP controlled intersections is somewhat different from the criterion used in Chapter 9 for signalized intersections. The primary reason for this is the difference that drivers expect a signalized intersection to carry higher traffic volumes than unsignalized intersections. Additionally, several driver behavior conditions combine to make delays at signalized intersections less onerous than at unsignalized intersections.

The LOS is reported for both the minor approach as well as for the whole intersection. Depending on the availability of gaps, the minor approach might be operating at LOS D, E or F while the intersection LOS operates at LOS C or better. A minor approach that operates at LOS D, E or F does not automatically translate into a need for a traffic signal. A signal warrant would still need to be met. There are many instances where only a few vehicles are experiencing LOS D, E or F on the minor approach while the whole intersection operates at an acceptable LOS. A signal is usually not warranted under such conditions.

Intersections	Type of Control	A.M. Peak Hour		P.M. Peak Hour	
		Average Delay (seconds)	LOS	Average Delay (seconds)	LOS
1. Sperry Ave/I-5 SB Off-Ramps	Unsignalized	7.5 (11.0)	B (B)	13.3 (16.0)	C (C)
2. Sperry Ave/I-5 NB On-Ramps	Unsignalized	1.3 (9.6)	A (A)	1.3 (12.3)	A (B)
3. Sperry Ave/Rogers Road	Signalized	13.6	B	10.5	B
4. Sperry Ave/Baldwin Rd	Signalized	15.7	B	10.8	B
5. Sperry Ave/American Eagle Ave.	Signalized	11.5	B	10.0	A
6. SR-33/Las Palmas Ave	Signalized	16.4	C	16.2	C
7. Ward Ave/SR-33	Unsignalized	1.3 (11.4)	B (B)	1.1 (12.8)	B (B)
8. Zacharias Rd/SR-33	Unsignalized	0.7 (9.4)	A (A)	0.4 (10.6)	B (B)

Note: LOS = Level of Service
 X = Intersection level of service
 X.X = Overall intersection delay in seconds per vehicle
 (X) = Level of service for the minor approach (Worst case)
 (X.X)=Minor approach (Worst case) delay in seconds per vehicle
 Delay =Average stopped delay at signalized intersections and average delay for all movements at STOP-controlled intersections.

Discussion

- Potential traffic impacts from buildout of the West Patterson Business Park Master Development Plan area were assessed by TJKM Transportation Consultants as part of the FEIR for the West Patterson Projects certified in January 2003. More recently (June, 2005) TJKM also assessed the potential traffic impacts associated with construction of two large wholesale distribution centers. The FEIR traffic analysis is incorporated by reference and summarized below.



Methodology

The following scenarios are analyzed in the traffic impact analysis:

- Existing plus Project
- Future 2025 Baseline (projected population and employment reflective of the City's growth scenario for 2025)
- Future 2025 Baseline plus Project

The impacts of traffic from the West Patterson projects on the surrounding transportation system were assessed by establishing project trip generation, trip distribution, and trip assignment, in order to assign project-generated traffic to roadway segments and intersections. This information was used in traffic computer models to compare existing traffic conditions with existing-plus-project conditions to determine the effects of project-generated traffic on the study intersections and roadway segments. For future impacts, a 2025 future baseline was established, including assumptions about growth in Patterson and in Stanislaus County, and project trips were added to this future baseline.

Travel Demand Analysis

A long-range traffic forecasting model was used to assess the impact of the proposed West Patterson projects. The countywide gravity-based computer model prepared by the Stanislaus Council of Governments (StanCOG) was used in the study. The current StanCOG model is a daily model, reporting average daily traffic on roadway segments. The model estimates the daily trips using a trip generation equation for each land use type. After trip generation, the model distributes all the trips between their origins and destinations onto the roadway network in the model and assigns trips to individual streets.

As part of this traffic analysis, an A.M. and P.M. peak hour model was developed from the StanCOG model. The model was calibrated based on the counts collected at the 21 study intersections and 11 roadway segments. Model calibration is a process to adjust the model results to approximate measured existing traffic conditions based on recent traffic counts at the study locations. After calibration, the forecast traffic on the 21 study intersections and 11 roadway links in the model reflected accuracy to within five percent of measured traffic counts. Traffic Analysis Zones (TAZs) were established to represent geographical locations in the traffic study area in the computer model. Trips are generated at the TAZ level and distributed onto the roadway network. The TAZs are shown on Figure 8.

Trip Generation

The non-residential land use proposed in the West Patterson projects would provide potential employment for existing and future Patterson residents, including residents in the Walker Ranch and Heartland Ranch residential developments located east of the proposed West Patterson Business Park Master Development Plan area across Baldwin Road, and for residents in the Diablo Grande development to the southwest of I-5.

Trip generation for the study area is based on the StanCOG model. The trip generation rates in the model represent the number of trips (including the trip origination and trip destination ends) for each of the land use types based on employment assumptions. The West Patterson projects would generate approximately 8,582 vehicle trips and 9,360 vehicle trips, respectively during the A.M. and P.M. peak hours.

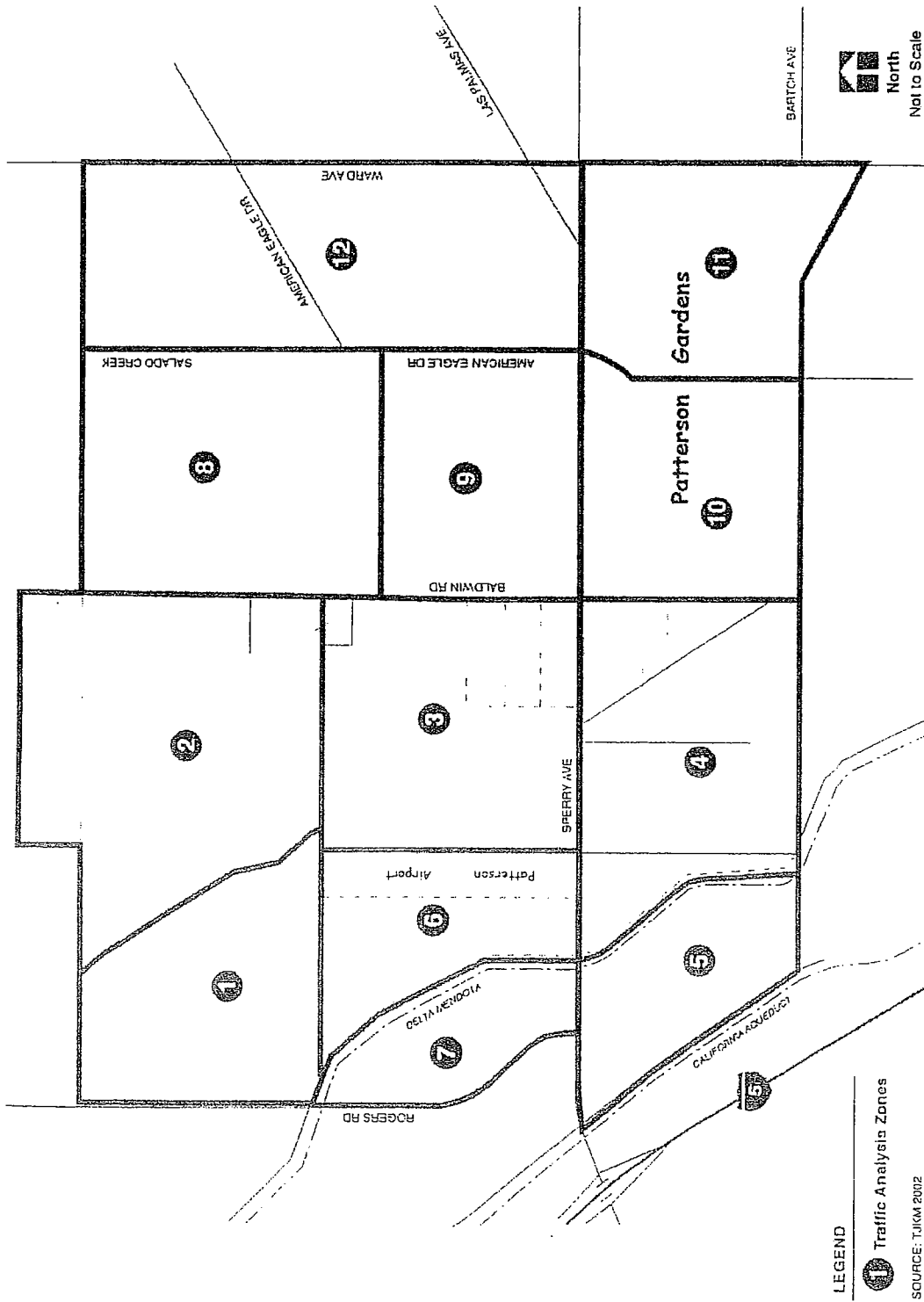
Trip Distribution/Assignment

After trip generation, the projected study area trips were distributed onto the model network. For modeling purposes, generated trips are generally produced at the home end and attracted to a destination (usually the employment end). The model balances productions and attractions trips for the whole model and distributes the total trips onto the model roadway network.

Future Roadway Improvements

Stanislaus County has funded a portion of the plan to widen Sperry Avenue between I-5 and Baldwin Road from two to four lanes with a landscaped median. The plans for Sperry Avenue also include exclusive single left turn lanes at some intersections to accommodate future traffic growth. Because this is a funded project, it has been generally included in assumptions about future traffic conditions. Future conditions also include an assumption that there would be two new intersections with Sperry Avenue in the West Patterson projects area. The traffic analysis was carried out before the details of the Sperry Avenue improvements had been completed. Therefore, the EIR analysis assumes widening between Baldwin Road and Rogers Road, just east of the I-5/Sperry Avenue interchange, and provides a more conservative analysis of traffic impacts because it does not assume the additional improvements between Rogers Road and the freeway ramps have been constructed. As discussed below, impacts of future traffic growth from the West Patterson projects and overall growth in the region would require additional traffic signals and turning lanes at various intersections to enable Sperry Avenue to handle the projected traffic volumes. Mitigation measures are identified that would add signals and turning lanes at appropriate intersections.

Figure 8: Transportation Analysis Zones



Based on the calibrated existing roadway network, the proposed project traffic was distributed onto the roadway system. Based on the existing intersection and roadway geometry, 16 of the 21 study intersections would deteriorate to worse than LOS C conditions for at least one of the peak hours. The two new intersections with Sperry Avenue would need to include installation of traffic signals.

Five of the 21 study intersections would operate at acceptable LOS C or better with traffic generated by full buildout of the West Patterson projects. Without mitigation, all intersections along Sperry Avenue except at South Del Puerto Avenue would operate at unacceptable LOS E or F during the morning peak hour. During the afternoon peak hour, all study intersections along Sperry Avenue except South Del Puerto Avenue and American Eagle Avenue would operate at LOS E or F. The intersections at the I-5 freeway ramps would operate at LOS E or F during the A.M. and P.M. peak hours. All study intersections along State Route 33 would operate at LOS F in the afternoon peak hour except at Las Palmas Avenue. In the morning the intersections of Sperry Avenue, Ward Avenue, and Rogers Road with SR 33 would operate at LOS E or F. The other three study intersections along SR 33 would operate at an acceptable LOS C or better.

Sycamore Avenue at East Las Palmas, East Las Palmas at Poplar, West Main at Carpenter, and West Main at Crows Landing Road would all operate at LOS F during both A.M. and P.M. peak hours. Ward Avenue at Salado Avenue would operate at an acceptable LOS C in the afternoon peak, but LOS F in the morning peak. Orange Avenue at First Street and at Sycamore would operate at an acceptable LOS A or B in both morning and afternoon peak hours.

Mitigation Measures

Mitigation measures would be necessary at these intersections for them to operate at acceptable levels of service. In addition to widening Sperry Avenue between Rogers Road and Ward Avenue, already assumed to occur, Sperry Avenue would need to be widened beyond Rogers Road to the I-5 ramps, as is planned, and 14 of the 21 study intersections (plus two more at the project driveways) would need to be signalized, to operate at acceptable LOS C or better. New, exclusive left turn lanes would be needed at 10 of the 21 study intersections.

Mitigation Measure E.1. The City and County shall construct the intersection improvements listed below as new buildings are constructed and occupied in the West Patterson project area with sufficient employment to cause LOS to deteriorate below City and County standards. Triggers for implementation of mitigation measures are provided in the discussion of phasing under Cumulative Impacts in Mitigation Measure E.6.

The City and/or County shall establish a community facilities funding district or other financing mechanism, and project sponsors planning to develop in the West Patterson project area shall contribute a fair share of the costs of traffic mitigation.



Measure E.1.a: Intersection 1. Sperry Ave/I-5 SB Off-Ramps. Signalize intersection and add southbound left-turn lane.

Measure E.1.b: Intersection 2. Sperry Ave/I-5 NB On-Ramps. Signalize intersection and add eastbound left-turn and through lanes, add a westbound through lane and a northbound right-turn lane. Widen Sperry Avenue between ramps and Rogers Road.

Measure E.1.c: Intersection 3. Sperry Ave/Rogers Road. Signalize intersection and add an eastbound through lane; in the westbound direction, add two left-turn lanes, and a through lane; in the northbound direction, add left, through and right turn lanes.

Measure E.1.d: Intersection 4. Sperry Ave/Baldwin Road. Signalize the intersection and in the eastbound direction add a left-turn lane and a right-turn lane; in the westbound direction, add a left-turn lane, a through lane and a right-turn lane; in the northbound direction, add a left-turn lane.

Measure E.1.e: Intersection 5. Sperry Ave/American Eagle Avenue. Add an eastbound through lane; in the northbound direction, add a left-turn lane and a shared through/right-turn lane.

Measure E.1.f: Intersection 6. Sperry Ave/Las Palmas Avenue. Add a through lane at the eastbound approach; add a westbound left-turn lane; on the northbound approach, add a left-turn lane and a shared through/right-turn lane.

Measure E.1.g: Intersection 7. Sperry Ave/Ward Ave. Add a through lane at the eastbound approach.

Measure E.1.h: Intersection 14. Zacharias Rd/SR-33. On the eastbound approach, add a right-turn lane; on the northbound approach on SR-33, add a left-turn lane.

Measure E.1.j: Intersection 19. E. Las Palmas/ Poplar Ave. On the southbound approach, add a left-turn lane; add a right-turn lane to the westbound approach.

Measure E.1.k: Intersection 20. West Main/Carpenter Rd. Add a left-turn lane to the eastbound and westbound approaches.

Measure E.1.l: Intersection 21. West Main/Crows Landing Rd. Signalize the intersection; add left-turn lanes on the eastbound and westbound approaches; in the southbound and northbound directions, add right-turn lanes.

With implementation of this mitigation measure, LOS at all intersections would improve to acceptable LOS C or better. Mitigation measures implemented at intersections along State Route 33 may involve construction within property under the jurisdiction of the California Department of Transportation. An encroachment permit may be required from Caltrans before these measures could be constructed.

Under the Existing-plus-Project scenario, most roadway segments would continue to operate at LOS C or better with traffic generated by buildout of the West Patterson projects using the existing roadway network, except Sperry Avenue. The projected traffic on Sperry Avenue would operate at LOS F on the existing two-lane road in the westbound direction in the morning and the eastbound direction in the afternoon. Assuming that Sperry Avenue would be widened to four lanes, traffic would operate at LOS C or better.

Future 2025 Baseline Traffic

The Stanislaus Council of Governments has generated forecasts of growth in employment and population throughout the county to the year 2025. Using these growth forecasts, StanCOG has prepared projections of traffic growth in the future using its county-wide traffic model. The StanCOG 2025 Model land use and circulation network assumptions were used for future 2025 projections of cumulative traffic growth in the Patterson vicinity and western Stanislaus County. These assumptions included additional traffic using the existing access to Oak Flat Road from the Diablo Grande development project and traffic generated by that development that would use the new Diablo Grande Parkway connecting to Sperry Avenue. The future 2025 base year accounts for growth in traffic due to employment and residential growth in the vicinity of Patterson without traffic from the West Patterson projects.

As discussed above, the traffic analysis assumes that Sperry Avenue would be widened between Rogers Road and Baldwin Road from two to four lanes, with single exclusive left-turn lanes at major intersections. Using this lane configuration, 9 of the 21 study intersections would operate below LOS C in the morning or the afternoon peak hour in 2025 under future baseline conditions.

The existing ramps at the Sperry Avenue and I-5 interchange would be of adequate width to accommodate projected traffic; without signalization the southbound off-ramp would operate at LOS F in the afternoon peak hour. Assuming the road is widened to four lanes with additional turn lanes as appropriate, intersections along Sperry Avenue would operate at acceptable LOS C or better in the future. Intersections at SR 33 with Ward Avenue, Zacharias Road, Baldwin Road and Rogers Road would operate at LOS E or F in 2025 during the afternoon peak hour. The State Route 33 intersections with Ward Avenue and Rogers Road would operate at LOS F during the morning peak hour. The intersections of East Las Palmas Avenue with Sycamore Avenue and Poplar Avenue would operate at LOS F during both the A.M. and P.M. peak hours. The intersections of West Main with Carpenter Road and Crows Landing Road would also operate at LOS F during both the A.M. and P.M. peak hours.

Nine intersections would need to be signalized in the future to accommodate the projected traffic growth without traffic from the West Patterson projects. The "minor" legs of two of the unsignalized intersections (Sperry Avenue at Las Palmas Avenue and Sperry Avenue at SR 33) would operate at LOS D but signals would not be warranted at these intersections because the minor legs of stop-controlled intersections have relatively few vehicles.

The estimated vehicle trips generated by the proposed West Patterson projects were added to the 2025 roadway network in the StanCOG computer model. The results of the 2025 baseline-plus-project analysis are shown in Table 6.

Table 6: Future 2025 Baseline-plus-Project Levels of Service

Study Intersections	Existing Intersection Control	Future 2025 Base plus Project (Mitigated)	Future 2025 Baseline-plus-Project							
			AM		AM - Mitigated		PM		PM - Mitigated	
			Delay (s/veh)	LOS	Delay (s/veh)	LOS	Delay (s/veh)	LOS	Delay (s/veh)	LOS
1. Sperry Ave/I-5 SB Off-Ramps	Unsignalized	Signalized	>120	F	22.5	C	>120	F	25.2	C
2. Sperry Ave/I-5 NB On-Ramps	Unsignalized	Signalized	>120	F	7.2	A	48.2	E	5.2	A
3. Sperry Ave/Rogers Road	Signalized	Signalized	29.6	C	22.6	C	46.7	D	34.4	C
4. Sperry Ave/Baldwin Rd	Unsignalized	Signalized	82.9	F	21.1	C	61.3	E	22.4	C
5. Sperry Ave/American Eagle Av	Signalized	Signalized	>120	F	11.2	B	>120	F	9.0	A
6. Sperry Ave/Las Palmas Ave	Unsignalized	Signalized	>120	F	16.2	B	>120	F	16.2	B
7. Sperry Ave/Ward Ave	Signalized	Signalized	85.7	F	22.7	C	>120	F	14.1	B
8. Sperry Ave/S Del Puerto Ave	Signalized	Signalized	26.7	C	20.7	C	88.5	F	16.7	B
9. Sperry Ave/SR-33	Unsignalized	Signalized	>120	F	17.4	B	>120	F	15.1	B
10. First St/Orange Ave	Unsignalized	Unsignalized	12.1	B	--	--	11.5	B	--	--
11. SR-33/Las Palmas Ave	Signalized	Signalized	44.4	D	30.2	C	26.4	C	24.0	C
12. Ward Ave/ Salado Ave	Unsignalized	Signalized	>120	F	8.3	A	64.7	F	7.6	A
13. Ward Ave/SR-33	Unsignalized	Signalized	>120	F	12.7	B	>120	F	14.6	B
14. Zacharias Rd/SR-33	Unsignalized	Signalized	>120	F	13.9	B	>120	F	8.3	A
15. Baldwin Rd/SR-33	Unsignalized	Signalized	>120	F	11.5	B	>120	F	18.9	B
16. Rogers Rd/SR-33	Unsignalized	Signalized	>120	F	6.4	A	>120	F	12.5	B
17. Sycamore Ave/Orange Ave	Unsignalized	Unsignalized	12.5	B	--	--	16.4	C	--	--
18. Sycamore Ave/E Las Palmas Ave	Unsignalized	Signalized	>120	F	14.6	B	>120	F	9.8	A
19. E.Las Palmas/ Poplar Ave	Unsignalized	Signalized	>120	F	4.9	A	>120	F	15.3	B
20. West Main/Carpenter Rd	Unsignalized	Signalized	>120	F	22.3	C	>120	F	28.3	C
21. West Main/Crows Landing Rd	Unsignalized	Signalized	>120	F	21.6	C	>120	F	13.8	B
22. Sperry Ave/Proposed Road A	-	Assumed Signalized	--	--	4.9	A	--	--	13.8	B
23. Sperry Ave/Proposed Road B	-	Assumed Signalized	--	--	30.6	C	--	--	21.0	C

Notes:

LOS = Level of Service; LOS below acceptable levels shown in **bold**.

s/veh = intersection delay in seconds per vehicle.

Delay = Average stopped delay at signalized intersections and average delay for all movements at STOP-controlled intersections.

Mitigated conditions include new signalization where shown in **bold**.

Source: TJKM, 2002

Nineteen of the 21 study intersections would operate at LOS D, E or F in the future with cumulative growth in the morning, afternoon, or both peak hours. This would, result in unacceptable intersection conditions throughout the traffic study area, compared with no intersections operating at unacceptable levels of service under current conditions. The project would cause 11 additional intersections to operate below acceptable LOS C in the morning and 10 in the evening peak hour, compared with 2025 future baseline conditions. First Street at Orange Avenue and Sycamore Avenue at Orange Avenue would continue to operate at LOS C or better during both the morning and afternoon peak hours. All other study intersections would operate at LOS D or worse during the morning or afternoon peak hours, or both. Thus, the West Patterson projects would cause significant traffic impacts in the future.

The West Patterson projects would contribute at least five percent to total traffic at intersections that would already operate at unacceptable levels of service under 2025 baseline conditions and would require signalization. Thus, the West Patterson projects would contribute considerably to future significant cumulative impacts.

Mitigation of significant cumulative impacts would include both signalization and roadway reconfiguration of Sperry Avenue, as well as new signals at other intersections. Compared to the Future 2025 Base Year scenario and including the two assumed new project access roads on Sperry Avenue, six additional intersections would require signalization. These are Sperry Avenue at the I-5 northbound off-ramp, Sperry Avenue at Las Palmas Avenue, Sperry Avenue at SR -33, Ward Avenue at Salado Avenue, and the two new project intersections on Sperry Avenue. Thus, there would be a total of 15 new traffic signals along Sperry Avenue with the project in 2025, as mitigated, compared to existing conditions.

Traffic volumes projected for 2025 could be accommodated on Sperry Avenue assuming the roadway is widened to four-lanes, as is planned, with additional left-turn, through, and right-turn lanes at various study intersections. The configuration of each intersection is described in the mitigation measure below. The interchange at Sperry Avenue and I-5 would also need to be improved. The California Department of Transportation (Caltrans) is studying this interchange. In January 2002, Caltrans published a Draft Project Study Report—Project Development Support (PSR-PDS) to reconstruct this interchange. Four alternatives are being studied. The project will be submitted as a candidate project for funding from the Regional Transportation Improvements Program and the Interregional Transportation Improvements Program for the 2004 State Transportation Program and other funding mechanisms. The southbound ramp improvements would include two left-turn lanes, which would require that the underpass be widened to four lanes.

Mitigation Measure E.6. The City of Patterson and Stanislaus County shall construct the improvements listed below at various intersections in Patterson and along Sperry Avenue, including new traffic signals and additional left-turn, through and right-turn lanes. A funding mechanism shall be established requiring developers in the West Patterson Business Park Master Development Plan area and Patterson Gardens to contribute a “fair share” of the cost of these improvements.

Measure E.6.a: Intersection 1. Sperry Ave/I-5 SB Off-Ramp. Signalize; widen southbound left-turn to two lanes, add a westbound left-turn lane; and add a westbound through lane, consistent with the Caltrans PSR.

Phasing

At 20 percent of project development: signalize intersection.

At 60 percent to 70 percent of project development: implement remaining measures.

Measure E.6.b: Intersection 2. Sperry Ave/I-5 NB On-Ramps. Signalize; widen underpass to accommodate two eastbound through lanes and a left-turn lane, and a through lane and left and right turn lanes in the westbound direction.

Phasing

At 50 percent of project development: signalize intersection.

At 60 percent to 70 percent of project development: implement remaining measures.

Mitigation E.6.c: Intersection 3. Sperry Ave/Rogers Road. In the eastbound direction, add one left-turn lane and a shared through and right-turn lane; in the westbound direction, add two left-turn lanes and a through lane; in the southbound direction, add a through lane; in the northbound direction add a left, through and right turn lane.

Phasing

At 50 percent of project development: implement mitigation.

Mitigation E.6.d: Intersection 4. Sperry Ave/Baldwin Road. Signalize. In the eastbound direction, add one left-turn lane and a shared through and right-turn lane. In the westbound direction, add one left-turn lane, a through and right turn lane. In the southbound, add two left-turn lanes. In the northbound, add a left-turn lane.

Phasing

At 20 percent of project development: signalize intersection.

At 50 percent of project development: implement remainder of mitigation.

Mitigation E.6.e: Intersection 5. Sperry Ave/American Eagle Avenue. In the eastbound direction, add one left-turn lane, a through and right-turn lane. In the westbound direction, add one left-turn lane and a through lane. In the southbound, add a right-turn lane. In the northbound, add a left-turn, a through and right-turn lanes.

Phasing

At 70 to 80 percent of project development: implement mitigation.

Mitigation E.6.f: Intersection 6. Sperry Ave/Las Palmas Avenue. Signalize. In the eastbound direction, add a through and right-turn lane. In the westbound direction, add a left-turn lane. In the northbound, add a left-turn, and a shared through and right-turn lane. No change for the southbound approach.

Phasing

At 20 percent of project development: signalize intersection.

At 70 to 80 percent of project development: implement remaining measures.

Mitigation E.6.g: Intersection 7. Sperry Ave/Ward Ave. In the eastbound direction, add one left-turn lane, and a through lane. In the westbound direction, add a through lane. In the southbound, add a left-turn lane. In the northbound, add a left-turn and a right-turn lane.

Phasing

At 70 to 80 percent of project development: implement mitigation.

Mitigation E.6.h: Intersection 8. Sperry Ave/S Del Puerto Ave. In the eastbound direction, add one left-turn lane, and a shared through and right-turn lane. In the westbound direction, add a left and a shared through and right turn-lane.

Phasing

At 70 to 80 percent of project development: implement mitigation.

Mitigation E.6.i: Intersection 9. Sperry Ave/SR-33. Signalize. In the eastbound direction, add one left-turn lane, and a right-turn lane. In the northbound direction, add a left turn-lane.

Phasing

At 20 percent of project development: signalize intersection.

At 70 percent to 80 percent of project development: implement remaining mitigation.

Mitigation E.6.j: Intersection 11. SR-33/Las Palmas Ave. In the northbound direction, add one right-turn lane.

Phasing

At 70 percent to 80 percent of project development: implement mitigation.

Mitigation E.6.k: Intersection 12. Ward Ave/Salado Ave. Signalize. In the southbound direction, add one left-turn lane. In the westbound direction, add a left-turn lane.

Phasing:

At 70 to 80 percent of project development: implement mitigation.

Mitigation E.6.l: Intersection 13. Ward Ave/SR-33. Signalize. In the southbound direction, add one through lane. In the northbound direction, add a left-turn lane and a through lane.

Phasing

At 10 percent of project development: signalize intersection.

At 70 to 80 percent of project development: implement remaining mitigation.

Mitigation E.6.m: Intersection 14. Zacharias Rd/SR-33. Signalize. In the eastbound direction, add a left and right-turn lane. In the southbound direction, add one through lane. In the northbound direction, add a left and through lane.

Phasing

At 20 percent of project development: signalize intersection.

At 70 to 80 percent of project development: implement remaining mitigation.



Mitigation E.6.n: Intersection 15. Baldwin Rd/SR-33. Signalize. In the eastbound direction, add a left-turn lane. In the southbound direction, add one through lane. In the northbound direction, add a left-turn lane.

Phasing

At 25 percent of project development: signalize intersection.

At 70 to 80 percent of project development: implement remaining mitigation.

Mitigation E.6.o: Intersection 16. Rogers Rd/SR-33. Signalize. In the southbound direction, add one through and right-turn lane. In the northbound direction, add a left and right-turn lane.

Phasing

At 40 percent of project development: signalize intersection.

At 70 to 80 percent of project development: implement remaining mitigation.

Mitigation E.6.p: Intersection 18. Sycamore Ave/E. Las Palmas Ave. Signalize. In the eastbound direction, add a left-turn and a through lane. In the westbound direction, add a left and a through lane. In the southbound direction, add a left-turn lane.

Phasing

At 20 percent of project development: signalize intersection.

At 70 to 80 percent of project development: implement remaining mitigation.

Mitigation E.6.q: Intersection 19. E. Las Palmas/ Poplar. Signalize. In the eastbound direction, add a through lane. In the westbound direction, add a through lane. In the southbound direction, add a left-turn lane.

Phasing

At 20 percent of project development: signalize intersection.

At 70 to 80 percent of project development: implement remaining mitigation.



Mitigation E.6.r: Intersection 20. West Main/Carpenter Rd. Signalize. In the eastbound direction, add a left and through lane. In the westbound direction, add a through lane. In the southbound direction, add a left-turn lane. In the northbound direction, add a left-turn lane.

Phasing

At 20 percent of project development: signalize intersection.

At 70 to 80 percent of project development: implement remaining mitigation.

Mitigation E.6.s: Intersection 21. West Main/Crows Landing Rd. Signalize. In the eastbound direction, add a left-turn lane. In the southbound direction, add a left-turn lane. In the northbound direction, add a left and right-turn lane.



Phasing

At 40 to 50 percent of project development: signalize intersection.

At 70 to 80 percent of project development: implement remaining mitigation.

With implementation of Mitigation Measure E.6, cumulative impacts at local intersections would be reduced to less-than-significant levels.

Conclusion

Implementation of the above mitigation measures will reduce project-specific and cumulative impacts to a less than significant level.

VII. BIOLOGICAL RESOURCES

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal result in impacts on:</i>				
a. Endangered, threatened or rare species or their habitats (including, but not limited to, plants, fish, insects, animals, and birds)?		■		
b. Locally designated species (e.g., heritage trees)?				■
c. Locally designated natural communities (e.g., oak forest)?				■
d. Wetland habitat (e.g., marsh, riparian, and vernal pool)?				■
e. Wildlife dispersal or migration corridors?		■		

Setting/Discussion

An assessment of potential impacts to biological resources was completed in 2002 with the certified FEIR for the West Patterson Projects which includes the project site. The FEIR is incorporated herein by reference and summarized below.

The City's planning area provides foraging habitat for raptors such as the Swainson's Hawk (*Buteo swainsoni*) a species listed as *threatened* by the State Endangered Species Act, and the San Joaquin kit fox (*Vulpes macrotis mutica*) a species listed as *endangered* by the federal Endangered Species Act. The loss of potential foraging habitat will occur as more undeveloped land and agricultural land is developed.

San Joaquin Kit Fox

The San Joaquin Kit Fox (*Vulpes macrotis mutica*) is the smallest canid species in North America and the largest subspecies. The San Joaquin kit fox was listed as *endangered* by the USFWS (USFWS 1967) in 1967 and as *threatened* by the State of California in 1971. Loss of habitat from urban, agricultural, and industrial development are the principal factors in the decline of the San Joaquin kit since at least the 1950s (Morrell 1975).

The San Joaquin kit fox is primarily nocturnal and typically occurs in annual grassland or mixed shrub/grassland habitats throughout low, rolling hills and in the valleys. Kit foxes have been observed to disperse across disturbed habitats such as agricultural fields, oil

fields, rangelands, highways, and aqueducts (Scrivner *et al.* 1987; see USFWS 1998). Maintaining movement corridors to connect subpopulations remains an important goal of recovery efforts for this species.

Stanislaus County is thought to be used by San Joaquin kit fox primarily as a movement corridor, connecting suitable habitat and known populations to the north (e.g., Tracy Triangle sub-population) and south (e.g., Santa Nella sub-population) (USFWS 1998).

A qualified kit fox biologist conducted diurnal surveys for evidence of San Joaquin kit fox presence within the Keystone Business Park and Patterson Gardens sites which consist of over 1,200 acres located on the west side of the City and includes the project site. The surveys were conducted over several visits during October and November 2001 and March 2002. Over 575 burrows were investigated for evidence of kit fox. Several "atypical den" possibilities including irrigation pipes, culverts, and diggings beneath old outbuildings were also investigated. Six burrows meeting the USFWS criteria of a potential den were located, however, all appeared to be currently occupied by California Ground Squirrels. No evidence indicating any natal or pupping dens within the project area was found. Domestic dog tracks and scat were also prevalent, but were all located relatively close to residences.

Qualified biologists also conducted protocol-level surveys for kit fox over the entire West Patterson Business Park Master Development Plan area, which includes the project site, in May-early June 2002. Surveys followed the current protocols for kit foxes in the northern portion of their range and included spotlight surveys and the establishment of photo and track plate stations.

The Recovery Plan for Upland Species of the San Joaquin Valley (USFWS 1998) calls for the protection of 80% of existing kit fox habitat along Valley edges in the northern segments of their geographic range and existing connections between habitat in those areas and habitat farther south. The Recovery Plan shows the areas along the valley's edges within which a contiguous band of natural lands and wildlife-compatible farmlands should be maintained as linkages for kit fox and other listed and sensitive species. In the Patterson area, these lands all lie in the foothill area west of Interstate 5, about four miles west of the project site.

Linear features of the project area (roads and canals) are potential travel corridors for kit foxes during dispersal or exploratory forays. However, the area is not likely to be an important corridor linking larger areas of kit fox habitat, as no large tracts of suitable habitat are accessible via the project site. If a kit fox were to travel from higher quality habitat west of Interstate 5 through the Plan area, they would encounter residential or retail developments to the north and east. Furthermore, potential foraging and denning habitat within the project area is of low value for kit foxes and is expected to be used infrequently, if at all.

With few exceptions, the entire West Patterson Business Park area has been extensively farmed for row crops and orchards. However, a small amount of low-quality, low-value kit fox habitat was identified. A number of active rodent burrows were found along the banks of Salado Creek, the California Aqueduct (not included within the project area), Delta Mendota Canal, and Lateral 6 South Canal. The banks of these waterways offer low quality foraging and denning habitat for kit fox. Row crops provide virtually no denning or foraging habitat as continuous tilling prevents prey species from becoming readily established. In the orchards, understory is generally sparse due to regular disking but orchards can support ruderal vegetation during limited portions of the year. Throughout the project area, evidence of rodent control was found in the orchards and recent ground squirrel activity appeared to be lower than the number of burrows available. In addition, few denning opportunities exist within the orchards. Land uses adjacent to the project area are predominantly agricultural, but also include residential subdivisions and retail shopping centers.

Since protocol-level surveys of portions of the City adjacent to the most productive kit fox habitat identified no kit foxes it is highly unlikely that the project site would provide suitable foraging or denning habitat. The loss of this land as potential forage is considered adverse but less than significant.

Reconnaissance and protocol-level kit fox surveys provided no indication that kit foxes are currently utilizing the project area. The open grasslands of the foothills just to the west and across Interstate 5 provide much higher quality and potentially less threatening habitat than the proposed project area (Cypher, 2002 and Williams, pers. com., 2002). In general, the project area is not likely to be an important corridor linking larger areas of kit fox habitat, as no large tracts of suitable habitat are directly accessible via the project area. Furthermore, potential foraging and denning habitat on the project area is of low value for the kit fox and is expected to be used only infrequently, if at all. The further east in the project area, the less likely it is that kit foxes currently utilize the sites.

However, some potential impact to kit foxes may occur within the Business Park Plan area as a result of development near the Delta Mendota Canal, and in particular, the area between the Delta Mendota Canal and California Aqueduct. Kit foxes in other portions of their range use canals of this type on occasion. These linear features are potential travel corridors for kit foxes during dispersal or exploratory forays.

Potential impacts to kit foxes are considered to be less than significant with the exception of the areas immediately adjacent to, and between, the Delta Mendota Canal and California Aqueduct, which are outside the project site and will not be impacted by the project.

Swainsons Hawk

Swainson's hawks were once one of the most common birds of prey in the grasslands of California. Its populations have declined at least 90% since 1900, and are still believed to be declining (Bloom and Van De Water 1994). They once nested in the majority of the lowland areas in the state. Currently, the nesting range is primarily restricted to portions

of the Sacramento and San Joaquin valleys, and northeastern California (Bloom 1980). It was listed as threatened by the State of California in 1983.

Swainson's hawks require large amounts of foraging habitat, preferably grassland or pasture habitats. Their preferred prey items are voles (*Microtus* sp), gophers, birds, and insects such as grasshoppers (Estep 1989). They have adapted to the use of some croplands, particularly alfalfa, but also hay, grain, tomatoes, beets and other row crops (Estep 1989). Crops such as cotton, corn, rice, orchards, and vineyards are not suitable since they either lack suitable prey or the prey is unavailable to the Swainson's hawks due to the crop structures. Preferred foraging habitat for Swainson's hawks includes: dry-land and irrigated pasture, alfalfa, fallow fields, low-growing row or field crops, rice land, and cereal grain crops (CDFG 1994b).

Agricultural fields provide important foraging habitat for Swainson's hawks. Alfalfa, fallow fields, dry and irrigated pastures, and other low-growing row crops (including corn after harvest), are preferred foraging habitats for Swainson's hawks (CDFG 1995). A group of 13 Swainson's and red-tailed hawks were observed foraging in a recently harvested alfalfa field in 2003.

In the Central Valley, Swainson's hawks are generally tied to riparian habitat for nesting sites (Bloom 1980). A few pairs nesting in Tulare and Kings County utilize eucalyptus trees and nest outside riparian areas (CNDDDB 2001). Three nests have been reported less than two miles east of the project site (CNDDDB 2001) along the San Joaquin River, one as recently as 1999. Swainson's hawks were observed foraging over a site on the west side of the City during 2002. However, the only large stick nest observed during a nesting raptor survey conducted in 2002 was occupied by a nesting Red-tailed Hawk. Swainson's hawks show strong nest site affinity (i.e. pairs return to the same territory year after year).

Although the project site may have provided suitable foraging habitat in the past, the likelihood of Swainson's hawks nesting or foraging on the site in the near future is considered low. Nonetheless, the permanent loss of potential foraging habitat within a five-mile radius of an active Swainson's hawk nest (used during one or more of the last five years) is considered a significant impact by the California Department of Fish and Game.

Burrowing Owl

The burrowing owl (*Athene cunicularia*) is a small, terrestrial owl of open country. Burrowing owls favor flat, open grassland or gentle slopes and sparse shrubland ecosystems. These owls prefer annual and perennial grasslands, typically with sparse or nonexistent tree or shrub canopies. In California, burrowing owls are found in close association with California ground squirrels (*Spermophilus beechyi*). Owls use the abandoned burrows of ground squirrels for shelter and nesting. Ground squirrels provide nesting and refuge burrows, and maintain short vegetation height, which provides visual protection from avian predators and foraging habitat. In the absence of ground squirrel populations, habitats soon become unsuitable for occupancy by owls. Burrowing owls are semi-colonial nesters, and group size is one of the most significant factors contributing to

site constancy by breeding burrowing owls. The nesting season, as recognized by the California Department of Fish and Game, runs from February 1 through August 31.

Although no owls, or secondary evidence of their presence (*e.g.*, feathers, castings, prey remains) were observed in the West Patterson Business Park area during the reconnaissance survey, a burrowing owl was observed within 1500 ft. of the project boundary. In addition, the project area was found to be consistent with potential burrowing owl habitat (level ground with short vegetation and ground squirrel burrows). Thus, a series of surveys conducted according to protocols established by the California Department of Fish and Game was required to confirm with acceptable certainty whether owls occupied the site. These surveys were conducted throughout May and June 2002. No burrowing owls or evidence of their presence was observed during protocol level surveys. Thus, the project area appears to be currently unoccupied by burrowing owls, but it is considered potential habitat for this species.

Mitigation Measures

The previously certified FEIR for the West Patterson Projects included the following mitigation measures that apply to development of the project site:

Mitigation Measure D.1.b.

Construction avoidance and minimization measures.

Although kit foxes are not known to currently occupy the project area, they could, on rare occasion, move through it. To avoid and/or minimize any potential impacts, the following pre-construction and construction activities will be carried out, consistent with USFWS (1999) pre-construction and construction guidelines.

- Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities for any project activity likely to impact the San Joaquin kit fox. Pre-construction survey reports shall be provided to the USFWS within five days of completing surveys. If construction is phased, pre-construction surveys shall be conducted for each phase according to the timing and schedule stated above.
- A worker education program shall be conducted.
- Project-related vehicles shall observe a 20-mph speed limit in the project area, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active.
- To the extent practicable, nighttime construction shall be minimized.
- Off-road traffic outside of designated project areas shall be prohibited.

- To prevent inadvertent entrapment of kit foxes or other animals during the construction phases of the projects, all excavated, steep-walled holes or trenches more than two feet deep shall be covered at the close of each working day by plywood or similar materials, or equipped with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals.
- All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of a qualified biologist, the pipe may be moved once to remove it from the path of construction activity.
- All food-related trash items such as wrappers, cans, bottles, and food scraps, shall be disposed of in a closed container and removed at least once a week from a construction or project site.

Mitigation Measure D.2.a. Pre-construction surveys.

In order to assure that nesting Swainson's hawks will not be disturbed by construction in the project area, a qualified ornithologist shall conduct pre-construction surveys. Survey Period I occurs from January 1 – March 20, Period II from March 20 – April 5, Period III from April 5 – April 20, Period IV from April 21 – June 10 (surveys not recommended during this period), and Period V from June 10 – July 30. Three surveys shall be completed in at least each of the two survey periods immediately prior to a project's initiation but are recommended during periods II, III, and V. If a nest site is found, consultation with CDFG shall be required.

Mitigation Measure D.2.b. Compensation for loss of habitat.

For each acre of Swainson's hawk foraging habitat developed within five miles of an active nest tree but greater than one mile from the nest tree, 0.75 acres of "Habitat Management" land (land managed so as to provide long-term foraging habitat for Swainson's Hawks) shall be provided (0.75:1 ratio). For projects within one mile of an active nest, the ratio is 1:1.

Development on the project would convert approximately 124 acres of fallow fields. This habitat occurs within five miles, but over one mile from an active nest. Thus, 93 acres of Habitat Management lands will be required in compensation.

Conclusion

With implementation of the above measures, the project will not result in significant impacts to biological resources.

VIII. ENERGY AND MINERAL RESOURCES

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal result in:</i>				
a. Conflict with adopted energy conservation plans?				■
b. Use nonrenewable resources in a wasteful and inefficient manner?			■	
c. Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the state?				■

Setting

During the summer of 2001, California experienced significant energy shortages that have resulted in numerous requests for energy conservation and "rolling blackouts" in central and northern California. The energy shortage, which is likely to continue for several more years, has also resulted in dramatic increases in the cost of electricity to many consumers throughout the state. In addition, two of the state's largest investor-owned utilities, Pacific Gas and Electric Company (PG&E) and Southern California Edison have failed to meet their financial obligations. In April of 2001, PG&E filed for voluntary protection under Chapter 11 of the federal Bankruptcy Code.

Although it is anticipated that PG&E will continue to provide electric service to its customers, the cost of electricity may significantly increase, and this could have negative impacts on several aspects of the local economy.

An agreement for the sale to the Turlock Irrigation District (TID) of PG&E's distribution facilities in western Stanislaus County, including those serving the City of Patterson and surrounding area, was reached in November of 2001. Electrical service to the City and its sphere of influence is now provided by the Westside Power Authority, which is comprised of the Turlock Irrigation District and the Patterson Irrigation District. The proposed Westside Power Authority service area consists of approximately 225 square miles, including the City and surrounding areas.

Discussion

- b. The project will add incrementally to the demand for energy and non-renewable resources, but not above levels anticipated by the General Plan.

Mitigation Measures

None are recommended.

Conclusion

The project will not adversely impact energy or mineral resources.

IX. HAZARDS

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal involve:</i>				
a. A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation)?			■	
b. Possible interference with an emergency response plan or emergency evacuation plan?				■
c. The creation of any health hazard or potential health hazard?			■	
d. Exposure of people to existing sources of potential health hazards?			■	
e. Increased fire hazard in areas with flammable brush, grass, or trees?			■	

Setting/Discussion

a.- e. The project site is currently used for agricultural crop production. It is unknown at this time what, if any, hazardous materials other than household materials may be stored or used by future tenants.

The surrounding properties to the west and south consist of agricultural lands in various stages of cultivation and may be subject to the application of pesticides and/or fertilizers. Crop dusting occurs only over agricultural fields in the surrounding area. Therefore, no spraying would occur directly over industrial/business sites. Depending on prevailing winds, some areas may receive residual spray from nearby fields. However, the spray would be diluted by distance. Overall, conditions on the project site resulting from spraying operations would be no different than those in similar areas throughout the County and the Central Valley where homes and businesses are located near agricultural fields. In addition, as the Keystone Business Park progresses towards buildout, agricultural fields in the area would decrease so the effects of spraying would diminish. In light of this, it is expected that any impacts from crop dusting originating at the Patterson Airport would be less than significant.

An additional potential hazard relates to aircraft overflight associated with crop dusting activities from the Patterson Airport. The land uses and development standards are consistent with the certified Airport Land Use Plan for the Patterson

Airport. Therefore, hazards associated with aircraft overflight are considered less than significant.

Mitigation Measures

None are required.

Conclusion

The project will have a less than significant impact on health and safety.

X. NOISE

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal result in:</i>				
a. Increases in existing noise levels?		■		
b. Exposure of people to severe noise levels?		■		

Setting

The project site is located east of Rogers Road, west of Baldwin Road and north of Sperry Avenue.

The Noise Element of the General Plan provides goals, policies and implementation measures intended to reduce the adverse effects of noise. The Noise Element sets standards for the maximum allowable noise exposure from transportation sources as summarized on Table 7, below.

Land Use	Outdoor Activity	Interior Spaces	
	Ldn/CNEL, dB	Ldn/CNEL, dB	Leq, dB ²
Residences, Transient Lodging, Hospitals, and Nursing Homes	603	45	--
Theaters, Auditoriums, Music Halls	--	--	35
Offices	603	--	45
Churches, Meeting Halls	603	--	40
Schools, Libraries, Museums	--	--	45
Playgrounds, Neighborhood Parks	70	--	--

Notes:

- Where the location of outdoor activity areas is unknown, the exterior noise level standard shall be applied to the property line of the receiving land use.
- As determined for a typical worst-case hour during periods of use.

- For other than residential uses, where an outdoor activity area is not proposed, the standard shall not apply. Where it is not possible to reduce noise in outdoor activity areas to 60 dB Ldn/CNEL or less using a practical application of the best available noise reduction measures, an exterior noise level of up to 65 dB Ldn/CNEL may be allowed provided that available exterior noise level reduction measures have been implemented and interior noise levels are in compliance with this table.

Noise is typically expressed in decibels (dB). The decibel scale is logarithmic because of the physical characteristics associated with noise transmission and reception. For example, a 3.0 decibel (dB) increase in noise levels normally results in a doubling of *noise energy*; however, because of the structure of the human auditory system, a 10-decibel increase is required to perceive a doubling of *noise*. A 1- to 2-decibel change in ambient noise levels is generally not perceptible to the human ear. The A-weighted decibel (dBA) incorporates the human ear's sensitivity to sounds of different frequencies. On this scale, the sound level of normal talking is about 60 to 65 dBA.

Noise levels diminish (or attenuate) as distance from the source increases based on an inverse square rule, but the rate constant varies with the type of sound source. Sound from point sources, such as industrial facilities, attenuates at a rate of 6 dBA per doubling of distance. Heavily-traveled roads with few gaps in traffic behave as continuous line sources with an attenuation rate of 3 dBA per doubling of distance. Otherwise, roads typically have an attenuation rate of 4.5 dBA.

Traffic (and especially truck traffic) is the main source of noise in the vicinity of the project.

Discussion

- a., b. Noise levels on the project site will increase as a result of construction activities and as a result of increased vehicle trips (especially trucks) associated with development.

Table 8 provides a reasonable worst-case prediction of noise levels and the distances necessary to achieve the planning criteria of either 60 or 65 Ldn. Contour distances presented in Table 8 do not account for obstructions that may interrupt the line-of-sight between a receptor and the passing traffic. Only attenuation by distance is considered in the predictions. Thus at locations where a building is between the receptor and the roadway, noise levels could be as much as 5 dBA less than shown in the table. The noise levels include assumptions about the vehicle mix on surrounding streets based on information available in 2001, which accounts for the extraordinary amount of truck traffic (about 25 percent of all vehicles) on Interstate 5. Distances to future noise contours in Table 8 are from the centerline of the roadway. For example, in the future-plus-project conditions the noise level near the edge of Ward Avenue (assuming a future 80-foot right-of-way) would be about 65 Ldn, but by backing up to 110 feet from the future centerline, the noise level would diminish to 60 Ldn.

Table 8: Future Traffic Noise Levels with the West Patterson Projects					
Roadway Segment	Existing	Future	Future+ Project	Future+Project	Future+Project
	Ldn (at 50')	Ldn (at 50')	Ldn (at 50')	65 Ldn Contour (in feet)	60 Ldn Contour (in feet)
I-5, n/o Sperry	80.0	82.6	83.4	1670	4370
I-5, s/o Sperry	80.2	82.7	82.9	1540	4020
Sperry, e/o	61.4	66.3	70.7	160	460
SR-33, n/o Rogers	63.1	67.8	69.0	110	320
SR-33, s/o Sperry	61.9	65.1	66.8	70	200
Ward, n/o	57.5	62.9	63.0	30	90
Ward, n/o Marshall	52.9	59.6	63.8	40	110
Baldwin, n/o	46.5	59.8	66.9	70	210

Notes:

Segments correspond with those analyzed in Traffic Study, TJKM, July 2002.

Ldn = Day-night noise levels.

Traffic mix includes approximately 25% trucks on I-5, 3% trucks on other collector roads.

Distances are from centerline of roadway, assuming an unbroken line-of-sight with no intervening structures.

Source: Turnstone Consulting, 2002.

Although the primary direction of truck traffic from the project site will be to the south to Sperry Avenue and the I-5 interchange, traffic noise along Baldwin Road, especially from trucks, is expected to exceed the standards set by the Noise Element at buildout of the Keystone Business Park. Baldwin Road is designed as an 86 foot right-of-way with a 12 foot center median and an eight foot masonry wall along its entire easterly boundary with adjoining residential development.

Potential noise impacts associated with buildout of the West Patterson Business Park Master Development Plan area, of which the project site is a part, concluded that cumulative noise impacts to residential properties along the east side of Baldwin Road would be significant and unavoidable.

Mitigation Measures

The FEIR for the West Patterson Projects included the following mitigation measures.

Mitigation Measure G.1.

Construction-related activities shall be conducted in accordance with the following:

- Construction activities shall be restricted to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday (excluding federal and state holidays), with no construction on

Sundays; minor construction equipment servicing and maintenance will be excepted from this restriction.

- During construction, mufflers shall be provided for all heavy construction equipment and all stationary noise sources. Stationary construction noise sources shall not be located near from occupied dwelling units, or contractors shall be required to provide appropriate noise-reducing engine housings or screens.
- Staging areas shall be placed as far from existing residences as possible.

Mitigation Measure G.2.

Development plans shall incorporate the following features:

Because traffic from the Patterson Gardens project alone would not significantly impact existing Ward Avenue residences, but would contribute to significant impacts caused by the West Patterson projects, a funding mechanism should be established to ensure all project sponsors in the West Patterson project area contribute a "fair share" to the Ward Avenue improvements.

The circulation system for the West Patterson Business Park Master Development Plan shall include alternate truck access routes from Sperry Avenue and/or Rogers Road for businesses that face Baldwin Road, to reduce traffic noise impacts to residences on Baldwin Road.

Mitigation Measure G.3.(a).

Prospective light industrial tenants shall be required to provide an acoustical analysis demonstrating that adequate setbacks or other noise mitigation features are incorporated for any uses that would not be conducted entirely within enclosed buildings or would involve intensive industrial operations that would not be concentrated to the interior of the Business Park site.

Conclusion

The project incorporates the above mitigation measures. Although cumulative noise impacts to residential properties along Baldwin Road will remain significant and unavoidable, there are no noise impacts associated with the Westridge Business Park that are more significant than those previously analyzed or 'peculiar to the project' that were not analyzed by the previously certified FEIR. Therefore no additional analysis or mitigation measures are warranted.

XI. PUBLIC SERVICES

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:</i>				
a. Fire protection?			■	
b. Police protection?			■	
c. Schools?			■	
d. Maintenance of public facilities, including roads?			■	
e. Other governmental services?			■	

Setting

Police and fire protection are provided by the City of Patterson. Schools are provided by the Patterson Unified School District.

Discussion

a.-e. Development of the site will result in an overall increase in the demand for police and fire protection services and the maintenance of public facilities. Industrial development could attract as many as 2,600 employees could attract new households to Patterson increasing the number of school-aged children. However, the project is required by Code to pay development impact fees for the provision of additional police and fire protection equipment and facilities, and school facilities.

Conclusion

The payment of required development impact fees as required by the Municipal Code will reduce impacts to public services to a less than significant level.

XII. UTILITIES AND SERVICE SYSTEMS

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities:</i>				
a. Power or natural gas?			■	
b. Communications systems?			■	
c. Local or regional water treatment or distribution facilities?				■
d. Sewer or septic tanks?		■		
e. Stormwater drainage?		■		
f. Solid waste disposal?			■	
g. Local or regional water supplies?		■		

Setting/Discussion

- d. Development of the site will incrementally increase the demand for water, wastewater collection and treatment, storm drainage and solid waste. Water supply and storm drainage issues are discussed in Section IV: Water, above.

Wastewater Collection and Treatment

The City of Patterson operates and maintains the wastewater treatment and collection system serving the project site. The existing collection system serving the City consists of gravity flow pipelines ranging in size from 6 to 18 inches in diameter and generally located within street rights-of-way. The older portion of the system, which generally serves the downtown area, was constructed before 1960. New development has been connected to this system over time.

The free flow capacity of the 18-inch trunk pipeline extending along Walnut Avenue to the treatment plant is 3.5 million gallons per day (MGD) throughout most of its 13,000 foot length. The last 2,000 feet of this pipeline is rated at 2.7 MGD. City treatment and disposal facilities consist of effluent pumping, oxidation ditch, activated sludge processing, disinfection, peak flow diversion and disposal ponding, and an outfall to the San Joaquin River. The City has a permit for year-round secondary level discharge to the river, but in

practice, all effluent is applied to land via the pond system. The ponds also receive system flows that exceed treatment plant hydraulic capacity.

The City is implementing a phased program of treatment plant expansion to coincide with the expected increased demand associated with new development. The next phase of treatment plant expansion is recommended to be 0.5 MGD, bringing the total capacity of the plant to 1.8 MGD. Among the recommended improvements are the following:

- ▶ 40 - 60 acres of percolation ponds which be needed for the next expansion;
- ▶ Facilities for sludge treatment or installation of a lined lagoon where this material can age naturally before disposal;
- ▶ Extension of the trunk sewer along Walnut Avenue to provide additional capacity and to eliminate flooding problems;

Assuming 30 gallons per day per employee, the project will generate about 30 X 2,400 =72,000 gallons per day of wastewater. As Table 9 shows, planned expansion of the wastewater treatment plant will accommodate buildout of the West Patterson projects (which includes the Keystone Business Park where the project is located).

Currently Permitted Plant Capacity	1.3 mgd
Proposed Capacity with 1.0 mgd expansion	2.3 mgd
Existing Flows	0.8 mgd
Creekside Development Flows	0.4 mgd
West Patterson Project Flows	0.8 mgd
Total Projected Flows	2.0 mgd

Source: Lee & Ro, Inc., 2002.

Mitigation Measures

The previously certified FEIR for the West Patterson Projects included the following mitigation measures. Implementation of these measures will reduce potential impacts to public utilities to a less than significant level.

Mitigation Measure J.1.

The project sponsors for the Keystone Pacific Business Park, and project applicants for future development in the Master Plan area shall construct all necessary wastewater system improvements on their property, or contribute to a new community facilities district to construct these improvements.

The City shall, through a combination of sewer development fees and other funding mechanisms, ensure that new development pays its share of the costs of sewer system improvements. (General Plan Policy IV.B.4)

Mitigation Measure J.2.

Project applicants for future development in the West Patterson Business Park Master Development Plan area shall participate in a new CFD or similar financing district established to finance the necessary second wastewater treatment plant expansion.

Conclusion

By applying the above mitigation measures, the project will not have a significant effect on the provision of utilities.

XIII. AESTHETICS

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal:</i>				
a. Affect a scenic vista or scenic highway?			■	
b. Have a demonstrable negative aesthetic effect?			■	
c. Create light or glare?			■	

Setting/Discussion

a. - c. No new construction is proposed as part of this project. Future development must be found to be consistent with the approved final development plan and the design guidelines provided in the West Patterson Business Park Master Development Plan.

Mitigation Measures

None are recommended.

Conclusion

The project will not adversely affect the aesthetic quality of the City. No additional mitigation is recommended.

XIV. CULTURAL RESOURCES

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal:</i>				
a. Disturb paleontological resources?				■
b. Disturb archaeological resources?			■	
c. Affect historical resources?				■
d. Have the potential to cause a physical change which would affect unique ethnic cultural values?				■
e. Restrict existing religious or sacred uses within the potential impact area?				■

Setting

A review of relevant archaeological literature found no evidence of prehistoric, historic or archeological sites within the project vicinity according to the archival record.

Mitigation Measures

None are required.

Conclusion

Development of the project site will have no effect on archaeological, historic or paleontological resources.

XV. RECREATION

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the proposal:</i>				
a. Increase the demand for neighborhood or regional parks or other recreational facilities?				■
b. Affect existing recreational opportunities?				■

Setting/Discussion

- a.,b. The project consists of an industrial subdivision located within an established industrial park. Based on the project description, the project is not expected to attract significant numbers of new households to Patterson which would adversely impact parks and recreation facilities and services.

Mitigation Measures

None are required.

Conclusion

Project related impacts to recreation facilities are considered less than significant.

XVI. MANDATORY FINDINGS OF SIGNIFICANCE

Issues	Potentially Significant Impact	Potentially Significant unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?		■		
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?			■	
c. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)		■		
d. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?			■	

Discussion of Checklist Answers

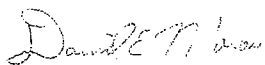
- a.-c. The project is not expected to result in significant adverse impacts on the environment, so long as the mitigation measures listed within this initial study and those adopted with the West Patterson Projects FEIR are implemented and made a condition of project approval.

V. Determination

In accordance with Sections 15152 and 15168 of the State CEQA Guidelines, this initial study has been prepared to evaluate the potential impacts of the proposed project.

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in the initial study. A NEGATIVE DECLARATION will be prepared.
- I find that the project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.



David Moran
(consultant to the City of Patterson)

August 23, 2007

Date

Attachment A: Assumptions and results of URBEMIS 2002 model

UNMITIGATED OPERATIONAL EMISSIONS

	ROG	NOx	CO	SO2	PM10
General light industry	14.00	61.60	158.10	0.80	13.90
TOTAL EMISSIONS (tons/yr)	14.00	61.60	158.10	0.80	13.90

Does not include correction for passby trips.
Does not include double counting adjustment for internal trips.

OPERATIONAL (Vehicle) EMISSION ESTIMATES

Analysis Year: 2006 Temperature (F): 85 Season: Annual

EMFAC Version: EMFAC2002 (9/2002)

Summary of Land Uses:

Unit Type	Trip Rate	Size	Total Trips
General light industry	44.34 trips / acres	124.00	5,498.16

Vehicle Assumptions:

Fleet Mix:

Vehicle Type	Percent Type	Non-Catalyst	Catalyst	Diesel
Light Auto	55.60	2.20	97.30	0.50
Light Truck < 3,750 lbs	15.10	4.00	93.40	2.60
Light Truck 3,751- 5,750	0.90	1.90	96.90	1.20
Med Truck 5,751- 8,500	0.00	1.40	95.70	2.90
Lite-Heavy 8,501-10,000	1.10	0.00	81.80	18.20
Lite-Heavy 10,001-14,000	0.30	0.00	66.70	33.30
Med-Heavy 14,001-33,000	1.00	10.00	20.00	70.00
Heavy-Heavy 33,001-60,000	22.90	0.00	11.10	88.90
Line Haul > 60,000 lbs	0.00	0.00	0.00	100.00
Urban Bus	0.10	0.00	0.00	100.00
Motorcycle	1.70	82.40	17.60	0.00
School Bus	0.10	0.00	0.00	100.00
Motor Home	1.20	0.00	91.70	8.30

Travel Conditions

	Residential			Commercial		
	Home-Work	Home-Shop	Home-Other	Commute	Non-Work	Customer
Urban Trip Length (miles)	10.8	7.3	7.5	9.5	7.4	7.4
Rural Trip Length (miles)	16.8	7.1	7.9	14.7	6.6	6.6
Trip Speeds (mph)	35.0	35.0	35.0	35.0	35.0	35.0
% of Trips - Residential	32.9	18.0	49.1			
% of Trips - Commercial (by land use)						
General light industry				50.0	25.0	25.0

URBEMIS 2002 For Windows 7.5.0

File Name: U:\AQAT\URB 2002\Projects2k2\Wildfire.urb
Project Name: Wildfire
Project Location: San Joaquin Valley
On-Road Motor Vehicle Emissions Based on EMFAC2002 version 2.2

DETAIL REPORT
(Tons/Year)

AREA SOURCE EMISSION ESTIMATES

Source	ROG	NOx	CO	SO2	PM10
Natural Gas	0.01	0.15	0.06	-	0.00
Wood Stoves	0.00	0.00	0.00	0.00	0.00
Fireplaces	0.00	0.00	0.00	0.00	0.00
Landscaping	0.01	0.00	0.05	0.00	0.00
Consumer Prdcts	0.00	-	-	-	-
TOTALS (tpy, unmitigated)	0.02	0.15	0.11	0.00	0.00

**PUBLIC NOTICE
THE CITY OF PATTERSON CITY COUNCIL
REGULAR MEETING**

NOTICE IS HEREBY GIVEN that the City of Patterson City Council will hold a Regular Meeting on **Tuesday, August 19, 2008, at 7:00 p.m.**, in the City Council Chambers located at 1 Plaza, Patterson, to consider the following:

**Public Hearing: Westridge Business Park, Planned Development # 07-02, Tentative Parcel Map # 07-03, Negative Declaration # 07-02 and Development Agreement # 08-01
APN #'s 021-026-050, 051, 052, 053**

A public hearing before the City Council on the Westridge Business Park, consisting of 121 acres, more or less, to be divided into 29 parcels and a detention pond. The site is north of Sperry Avenue and west of Baldwin Road in the West Patterson Business Park master planned area, and would be developed with 34 industrial buildings totaling 1.323 million square feet. The site is zoned for industrial and business park uses and is so designated in the General Plan. Park Center Drive runs through the site providing access to Keystone Pacific Parkway and Sperry Avenue, with additional roads to be developed providing access to individual parcels and to Baldwin Road. A Negative Declaration was prepared based on the Initial Study, with mitigations included from the West Patterson Projects EIR. Needed entitlements include a Parcel Map, Development Agreement, and Final Development Plan.

At the above noted time and place, testimony from interested persons will be heard by the City Council and duly considered prior to making a recommendation. Any material submitted to the City Council for consideration (photographs, petitions, letters, etc.) will be retained by the City and cannot be returned.

If a challenge to the above application is made in court, persons may be limited to raising only those issues they or someone else raised at the Public Hearing.

Denise M. Melo, Planning Technician II
for:
Rod R. Simpson, Community Development Director



EXHIBIT "H"

Patterson City Council

Resolution No. 2008-70

RESOLUTION 2008-70

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PATTERSON ADOPTING A MITIGATED NEGATIVE DECLARATION
AND APPROVING A VESTING TENTATIVE PARCEL MAP AND
FINAL DEVELOPMENT PLAN FOR A LIGHT INDUSTRIAL BUSINESS
PARK ON A 121 ACRE SITE NORTH OF SPERRY AVENUE AND WEST OF
BALDWIN ROAD (THE WESTRIDGE BUSINESS PARK)**

WHEREAS, the City of Patterson has received an application from Fritz and Donna Schali and Westside Property Management for a vesting tentative parcel map and final development plan to develop a 121 acre site with light industrial and business park uses north of Sperry Avenue and west of Baldwin Road; and

WHEREAS, the Planning Commission of the City of Patterson held a duly noticed public hearing on July 24, 2008, to consider the project; and

WHEREAS, the City Council conducted a duly noticed public hearing on August 19th, 2008 to consider the project; and

WHEREAS, a draft and final environmental impact report was prepared and certified for the West Patterson Projects which evaluated development of the project site with industrial and business park land uses; and

WHEREAS, the final development plan is consistent with the West Patterson Business Park Master Development Plan and other applicable codes and standards; and

WHEREAS, an initial study and mitigated negative declaration for the project were prepared based on the EIR; and

WHEREAS, the City Council has reviewed and considered the mitigated negative declaration and all relevant mitigation measures which are incorporated herein by reference; and

WHEREAS, based on its independent review and analysis, staff analysis, and oral and written testimony the City Council, after due study, deliberation and a public hearing find that the following circumstances exist:

1. The proposed vesting tentative parcel map and final development plan for the Westridge project are consistent with the West Patterson Business Park Master Development Plan adopted in 2003, and the goals, policies and standards of the Patterson General Plan and all other applicable standards and ordinances of the City of Patterson.
2. The project site is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed.
3. Adverse impacts are mitigated to the maximum extent feasible.

4. The streets and highways are adequate and properly designed.
5. There are adequate public services, including but not limited to, fire protection, water supply, sewage disposal, schools, and police protection to serve the project.
6. The project will not be detrimental to the health, safety, comfort, convenience, and general welfare and will be compatible with surrounding land uses.
7. The project will not conflict with any easements required for public access through, or public use of a portion of the property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Patterson as follows:

1. The City Council hereby adopts a mitigated negative declaration based on the previously certified EIR for the West Patterson Projects and approves a vesting tentative parcel map and final development plan for the Westridge project and other associated materials incorporated herein by reference, subject to the conditions listed in Attachment B.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Patterson, held on the 19th day of August, 2008, by Councilmember Smith, who moved its adoption, which motion was duly seconded by Councilmember Farinha and it was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers Smith, Cuellar, Shelton, Farinha and Mayor Campo
NOES: None
EXCUSED: None
ABSENT: None

APPROVED:



Becky Campo
Mayor of the City of Patterson

ATTEST:



Maricela Vela
City Clerk of the City of Patterson

I hereby certify that the foregoing is a full, correct, and true copy of a resolution passed by the City Council of the City of Patterson, a Municipal Corporation of the County of Stanislaus, State of California, at a regular meeting held on the 19th day of August, 2008, and I further certify that said resolution is in full force and effect and has never been rescinded or modified.

Dated:

City Clerk of the City of Patterson

**WESTRIDGE BUSINESS PARK:
FINDINGS FOR APPROVAL**

FINDINGS: ADOPTION OF NEGATIVE DECLARATION

In order to adopt the Negative Declaration, the City Council must make the following findings:

1. Find that the Negative Declaration is complete, correct and adequate and prepared in accordance with the California Environmental Quality Act and applicable State and City guidelines.
2. Find, on the basis of the Initial Study, that there is no substantial evidence in light of the whole record, that the project will have a significant effect on the environment.
3. Find that application of San Joaquin Valley Unified Air Pollution Control District mitigation measures for construction projects will ensure adequate protection against dust, silt and other short term impacts during the construction phase.
4. Find that the project is beneficial to the community and will assist in providing local employment opportunities and needed services.

FINDINGS: VESTING TENTATIVE PARCEL MAP

In order to approve the Vesting Tentative Parcel Map, the City Council must make the following findings:

1. Find that the proposed land division will not adversely affect the use of property in the vicinity or conflict with covenants, restrictions or improvements required by the subdivision of which the subject parcels may be a part.
2. Find that all parcels affected thereby after the land division shall meet minimum zoning district requirements applicable to the parcels unless said affected parcels in their original configuration do not meet said minimum zoning district requirements, and will not result in the creation of lots without adequate access to publicly dedicated streets.
3. Find that parcels affected by the land division will remain of such a size, shape and configuration as to be consistent with the West Patterson Industrial Park Master Development Plan and good land use practices.
4. Find that the Vesting Tentative Subdivision Map is consistent with and violates no provision of the California Land Surveyors Act.
5. Find that the proposed land division will not conflict with easements acquired by the public at large for access through or use of the subject property, or necessary irrigation easements.

FINDINGS: PRELIMINARY AND FINAL DEVELOPMENT PLAN

In order to approve the Preliminary and Final Development Plan, the City Council must make the following findings:

1. Find that the proposed Final Development Plan is consistent with the goals, objectives and policies of the General Plan.
2. Find that the Final Development Plan offers significant benefits to the City and residents thereof, including but not necessarily limited to employment, tax revenues, amenities or retail.
3. Find that the Final Development Plan would not be detrimental to the health, safety or general welfare of Patterson residents or visitors.
4. Find that the Final Development Plan would not be likely to adversely affect property values or prevent orderly development of nearby lands nor conflict with established land use objectives.

FINDINGS: DEVELOPMENT AGREEMENT

In order to approve the Development Agreement the City Council must make the following findings:

1. Find that the Development Agreement is consistent with the objectives, policies, General Plan land uses and programs specified in the General Plan and the West Patterson Business Park Master Development Plan.
2. Find that the Development Plan is compatible with uses authorized in, and the regulations prescribed for, the land use district in which the project parcels are located.
3. Find that the Development Agreement is in conformity with the public convenience and general welfare and good land use practices.
4. Find that the Development Agreement will not be detrimental to the health, safety, and general welfare.
5. Find that the Development Agreement will not adversely affect the orderly development of property or the preservation of property values.
6. Find that the Development Agreement will provide sufficient benefit to the city to justify entering into this agreement

Attachment B

Draft Conditions of Approval for Planned Development 07-02, Vesting Tentative Parcel Map 07-03 and Negative Declaration 07-02 – Westridge Business Park. Includes Mitigation Measures for West Patterson Projects EIR.

Final Development Plan

1. Development of the Westridge Business Park project shall be in accordance with the approved Final Development Plan, as modified by these conditions and the Development Agreement (DA) between the City and Developer. In the event of any inconsistency between these conditions and the terms of the DA, the terms of the DA will override these conditions, which will be deemed modified. Development shall be limited to no more than 868,500 square feet of development within the West Patterson Light Industrial zoning district, and no more than 454,500 square feet within the West Patterson Business Park zoning district.
2. Prior to issuance of any building permit, the applicant shall enter into an agreement with the City of Patterson, which shall specify the public improvements to be installed to serve the applicable phase of the development, in accordance with the approved public improvement phasing plan.
3. Approval of the Final Development Plan shall run concurrently in time with the timeline for the tentative map as prescribed by the Subdivision Map Act and applicable standards of the City of Patterson, unless prior to the expiration date substantial physical construction has been completed on the development or the applicant has applied for a time extension or as stated in the DA. The Council may, upon good cause shown, grant a time extension in accordance with the Subdivision Map Act and applicable standards of the City of Patterson.
4. Developer agrees to and shall hold the city, its officers, agents, employees, and representatives harmless from liability for damage or claims for personal injury, including death, and claims for property damage which may arise from the direct operations of the developer or those of its contractors, subcontractors, agents, employees or other persons acting on its behalf with respect to the project. Developer agrees to and shall defend the City and its officers, agents, employees, and representatives from actions for damages caused or alleged to have been caused by reason of developer's activities in connection with the project. This hold harmless agreement applies to all damages and claims for damages suffered or alleged to have been suffered by reason of the operations referred to above, regardless of whether or not the City prepared, supplied or approved plans or specifications or both for the project. Developer further agrees to indemnify, hold harmless, pay all costs and provide a defense for City in any action challenging the validity of the development agreement. Developer may elect to, but shall not be obligated to, pay for a separate defense for City if City elects to retain independent legal counsel.
5. The applicant shall pay all applicable fees to the City, including AB1600 impact fees, the general government impact fee, the community facilities impact fee, the street improvement impact fee, fees relating to sewer, water and storm drainage, and the public safety impact fee in accordance with applicable provisions of the Patterson Municipal Code or as agreed to in the Development Agreement. In addition, the City shall grant credit toward the payment of these fees for projects undertaken by the developer, in accordance with adopted improvement plans and/or the terms identified in the development agreement, to the extent that such projects would otherwise be funded by these fees.
6. All construction activities, including the warming of construction vehicle engines, shall be limited to Monday through Saturday only between the hours of 7:00 A.M. to 7:00 P.M. and on Sunday if construction activities are no closer than 300 feet to occupied residences. At the discretion of the Public Works Director, these hours may be extended and these distances may be reduced.
7. All final conditions of approval of this project shall be printed on the building plans and/or improvement plans. These shall be in the form of a photocopy of the final action letter of the decision maker (preferably printed as a separate numbered sheet) submitted to the City for all applications on the subject property. A copy of the plans with conditions made a part thereof shall be kept on each construction site at all times and made available to any City building inspector upon request.
8. If unanticipated archaeological remains are encountered during construction, activity shall be temporarily suspended until a qualified archaeologist is retained by the applicant to evaluate the potential significance of the find during a Phase 2 archaeological study performed pursuant to the City's archaeological guidelines. If considered significant, a mitigation program funded by the applicant shall be carried out to the approval of the City.

9. Temporary restroom and sanitation facilities shall be on the job-site and be properly maintained until completion of all construction for each site.
10. Prior to Building Permit issuance, final Wall and fence plans and materials list / samples shall be submitted to and approved by the Community Development Director. Such materials and plans shall be consistent with applicable City and West Patterson Business Park Master Development Plan standards.
11. To help insure public safety and to discourage trespassing, all drainage and irrigation canals and other open waterways on or adjacent to the property being developed shall at a minimum be fenced to the approval of the Community Development Director.
12. The project shall comply with all applicable State and Municipal Codes, including the IBC, IFC and meet the requirements of the Public Works Director, City Engineer, Building Official, Community Development Director and Fire Chief.
13. Development shall occur in substantial conformance to the plans approved by the City.
14. Improvements required for project development will include street paving, curb, gutter, streetlights, sidewalks, landscaping, the required utilities, grading and drainage.
15. Prior to issuance of a certificate of occupancy the developer shall provide mail receptacles as required by the Postmaster of the City of Patterson.
16. Prior to issuance of a building permit, an exterior lighting plan and site lighting footcandle plan shall be prepared subject to the review and approval of the Community Development and Police Departments.
17. Development shall conform to the applicable zoning requirements except as otherwise approved. Parking shall be provided as shown on the plans approved by the Planning Commission.
18. Prior to issuance of a certificate of occupancy for all buildings, all ducts, meters, air conditioning equipment and all other mechanical equipment, whether on the ground, on the structure or elsewhere, shall be screened from public view with materials architecturally compatible with the main structure. It is especially important that gas and electric meters, electric transformers, and large water piping systems be completely screened from public view. All roof-mounted equipment that generates noise, solid particles, odors, et cetera, shall cause the objectionable material to be directed away from adjoining land designated for residential development. A plan for the treatment of roof top equipment shall be submitted to the Community Development Department prior to issuance of a building permit.
19. Plans for all buildings shall be consistent with the approved architectural style, colors and materials and shall be reviewed and approved by the Community Development Director prior to building permit issuance.
20. Prior to building permit issuance, final plans shall be submitted to and approved by the Community Development Director for a sign program in accordance with relevant provisions of the City of Patterson Municipal Code.
21. Setbacks and lot coverage and maximum building footprints shall be as shown on plans approved by the Planning Commission.
22. Prior to issuance of a building permit for the building, a site plan shall be submitted identifying the location of all trash containers, for review and approval by the Community Development Department. Trash enclosures shall be constructed to City standards and shall be architecturally compatible with the design of the project.
23. In such cases where trash bin enclosures are to be installed abutting structures, the common wall shall be of a noncombustible masonry type material with no openings for vents or windows.
24. Per Title 24, Section 2-7102 of the State Disabled Access Regulations, the parking lot shall provide seven (7) handicapped parking spaces for the first five hundred (500), and one (1) parking space for each additional two hundred (200).
25. Bicycle racks shall be designed and installed in accordance with City standards.
26. Prior to concrete pour inspection, compaction tests are required for all footings.

Vesting Tentative Map

27. The applicant shall file two copies of the Final Development Plan Map to be used for assigning addresses.
28. The developer shall pay the general plan reimbursement fee at the time of recording of each final map to reimburse the City for the costs of the general plan and related work.
29. No construction shall commence and no grading shall be performed prior to the recording of the final map, unless special permission is granted by the City Manager.
30. Developer shall provide notice to all buyers of properties and new businesses within 200 feet of existing agricultural operations of the existence and applicability of the City's Right-to-Farm ordinance.

Common Areas

31. Screening for truck and vehicle parking shall be provided with fencing, live plant material or a combination of the two to the satisfaction of the Community Development Director.
32. Developer shall provide design details (or vendor specifications) for all streetscape items (planters, waste containers, benches, bicycle racks etc.) with first building permit applications.
33. A deposit shall be required to cover the installation of irrigation, landscaping, and plant materials in the public right of way (to be relocated) based upon the estimate of costs to be paid for and provided by the developer.
34. Prior to issuance of a building permit, a final landscaping and irrigation plan shall be consistent with the requirements of Zoning Ordinance Section 18.66.080 and 18.66.72, and prepared by a licensed landscape architect subject to review and approval by the Planning, Police, Building and Fire Departments. The landscaping plan shall include the following:
 - a. Tree staking, soil preparation and planting detail;
 - b. The use of landscaping to screen ground-mounted utility and mechanical equipment;
 - c. The required landscaping and improvements. This includes:
 - Deep root planters shall be included in areas where trees are within five feet (5') of asphalt or concrete surfaces and curbs;
 - Water conservation practices including the use of low flow heads, drip irrigation, mulch, gravel, drought tolerant plants and mulches shall be incorporated into the landscaping plan;
 - An automated irrigation system;
 - The size, type and location of all plant materials;
 - The type and location of all paving and furniture, including benches, fountains, or other features.
35. The size, shape, arrangement and location of walkways, parking areas and landscaped areas shall be developed in substantial conformity with the approved Final Development Plan and the West Patterson Business Park Master Development Plan. Substantial conformity shall be determined by the Community Development Director. In the event of a disagreement between the applicant and Director, such determination shall be made by the Planning Commission.
36. Street trees shall be required on all new and existing roads; the type, size and location shall be in accordance with the Final Development Plan, the West Patterson Business Park Master Development Plan and the City's street tree list and as approved by the Community Development Director and Public Works Director.
37. The developer shall ensure that fences, walls, signs and entry gates, are consistent with the West Patterson Business Park Master Development Plan. Signs shall be located outside the public road right-of-way and shall not interfere with driver sight distance requirements at intersections or driveway entrances/exits.
38. Prior to Building Permit issuance, the developer shall provide and determine a maintenance program in cooperation with the City of Patterson for landscaped areas between all roads and any approved noise walls, other walls, street trees, and bicycle lanes, sewer lines, storm drain lines, to include covenants, restrictions and conditions subject to review and approval of the City. This shall include cooperation in the formation of and participation in a landscape and lighting district, benefit assessment district or other such mechanism

unless modified by the City Manager.

39. All grading and vegetation removal/landscaping plans shall require a grading permit which shall be reviewed by the City of Patterson for consistency with applicable landscaping standards and the West Patterson Business Park Master Development Plan.
40. Project boundaries that are adjacent to agricultural operations shall be designed so that a physical separation such as a row of trees, wall, or fence will be planted or constructed between new buildings and existing agricultural land uses.
41. Landscaping & irrigation shall be installed on all yards, and side yards of lots visible from public streets.
42. The final landscaping plan for all common areas shall be approved by the Community Development Director prior to building permit issuance for any improvements, and shall incorporate the following:
 - a A landscaped entry feature(s) at the project's Park Center Drive entrance. Said landscaped entry feature shall be consistent with West Patterson Business Park Master Development Plan, p. 44 (similar in size and character to that approved for the Keystone Parkway feature approved for the project to the north by the City Council) as determined by the Community Development Director.
 - b A landscaped feature at the northwest corner of the Baldwin Road and Henley Parkway intersection.

Improvement Plans

43. There shall be no occupancy of buildings within a phase of the project until the City accepts public improvements for that phase. No request for occupancy shall be approved until all conditions are completed and accepted or approved, or are in suitable condition satisfactory to the City Engineer.
44. The subdivider shall enter into a subdivision agreement for each phase of public improvements of the project with the City of Patterson for subdivider to perform the installation and construction of all improvements as contained in the conditions of approval of the subdivision and those required by the subdivision sections of the Patterson City Code; and shall post bond, cash deposit, instrument of credit, or such other security which conforms with State law and as approved by the City Attorney, guaranteeing the installation and construction of all required improvements within 24 months from recordation of the final map or within an approved time extension in accordance with the provisions of the Patterson Municipal Code.
45. All subdivision improvements shall be constructed in conformity with the City of Patterson: Standard Subdivision Improvements Specifications and West Patterson Business Park Master Development Plan, unless otherwise directed by the City Engineer or as defined in the Final Development Plan and tentative map.
46. The reasonable cost of all inspections related to on-site and off-site improvements shall be borne by the subdivider.
47. The subdivider shall be responsible to the City for all actions of his/her contractors and subcontractors until such time as the improvements have been accepted by the City.
48. The subdivider shall set all monuments required by the Subdivision Map Act before subdivision improvement bond or security is released.
49. Prior to map recordation, the applicant shall submit a set of improvement plans prepared by a Registered Civil Engineer for construction of improvements. The improvements shall include but not be limited to curbs, gutters, sidewalks, underground utilities, street lights with underground wiring, appropriate directional and regulatory traffic control signs, sewer system, water system, and adequate positive stormwater drainage.
50. Improvement plans shall include, but not be limited to, grading, erosion control, streets, drainage, sewer, water, and appurtenant improvements and shall be submitted concurrently for the tract unless otherwise permitted by the City Engineer. In addition, a master utility plan for the tract shall be submitted showing the layout and location of all on-site and off-site utility facility improvements. This plan must bear the approval signatures by appropriate representatives from each utility company unless otherwise permitted by the City Engineer. The plan submittal shall also include construction cost estimates, plan check fees, soils and geologic reports (as necessary) and all pertinent engineering design calculations. The final map may not be recorded unless and until all said improvement plans and utility master plan have been approved by the City Engineer.
51. Faithful performance and labor and material bonds (each to be 100% of the City Engineer's Estimate) shall

be posted with the City to cover all public improvements, onsite grading, and retaining walls prior to the issuance of building permits.

52. The applicant shall provide the original mylars of the public improvement plans, modified to reflect the field changes made during construction. The plans shall be stamped "Record Drawings" and submitted to the City prior to occupancy clearance.
53. Subdivider shall provide the City with one set of mylar and three sets of blue line prints of the Record Drawings improvement plans before any final inspections.
54. Prior to recordation of a final map, the applicant shall submit three copies of a landscaping plan for all newly created slope banks, common areas, public rights-of-way and for all street trees for that phase. Said plan shall be prepared by a licensed landscape architect and subject to the approval of the Public Works Director and the Community Development Director. The plan shall include:
 - a. The location, type and size of all plant materials; native and low water use and drought resistant species shall be emphasized;
 - b. The extent and method of irrigation, emphasizing low-water use techniques wherever feasible.
 - c. Erosion control systems during the period when plants are becoming established.
 - d. Soil preparation, staking techniques and planting methods for all trees.
 - e. Street trees provided per City Standards. Street trees should be planted 3.5 to 5 feet behind the back of sidewalk (except where a planter strip is provided between the sidewalk and curb) to avoid future sidewalk damage. Underground utility locations shall be considered in the location of such street trees. A root barrier shall be included for all street trees.
55. The developer shall install all common area signs, fences, street trees and landscaping materials according to the approved plans and in conjunction with other subdivision improvements, unless an alternative schedule is approved by the Community Development Director and adequate security for same has been deposited in a manner approved by the City Attorney. The subdivider shall maintain and replace, when necessary, all plantings and fencing until a landscaping and lighting maintenance district, benefit assessment district or some other similar mechanism approved by the City is in place unless modified by the City Manager. The City will cooperate in the formation of such district as agreed to by the City Council.
56. Unless and until the City explicitly accepts the responsibility, maintenance and replacement of street trees and landscaping on any City right-of-way shall be the responsibility of the subdivider. The developer shall be responsible for the maintenance and replacement of street trees and landscaping for a period of one year following acceptance of the improvements by the City.

Grading

57. Complete grading and drainage plans shall be submitted to the Public Works Director and approved by the City Engineer prior to the recordation of the final map.
58. The subdivider shall deposit with the City, at the time of first plan check submittal, adequate funds to employ a qualified independent engineering contractor selected by the City to review grading and drainage improvement plans and to inspect the site prior to and during all major site preparation and grading. A qualified Soils Engineer shall test and submit reports to certify each of these lots as ready for construction prior to issuance of a building permit for each respective lot.
59. Where the difference in average elevations between adjacent lots is in excess of six inches, slope shall not exceed 2 to 1 grade or a grade found reasonable in the soils report, or a retaining wall shall be required.
60. Prior to approval of grading and improvement plans the applicant shall enter into an agreement with the City for inspection of said improvements.
61. Prior to any site grading or construction, an erosion control plan and program shall be submitted to and approved by the Public Works Department. Such plan and program shall address specific temporary and permanent erosion control measures associated with the project.
62. It is the contractor's responsibility to use watering, dust fences, or other methods as directed by the City, to control dust throughout the construction operation. The developer shall use all reasonable efforts to obtain non-potable water for construction or dust control purposes. This condition shall not be interpreted as

- prohibiting the use of City water supplies for the irrigation of street lines and landscaping required in common areas.
63. All grading construction debris materials shall be removed and deposited into an approved dump site prior to any excavation or fill operations and/or as directed by the Public Works Director.
 64. The subdivider shall be responsible for removal and clean-up of the spill of any type of material on public streets or sidewalks during the entire grading and subsequent construction operation.
 65. If phased grading is permitted by the City Council, the subdivider shall install required drainage facilities concurrently with rough grading operations or provide an interim drainage and erosion control plan and construct interim improvements, with prior approval from the City Engineer, for mitigating any potential flooding and erosion that may adversely affect adjacent properties and public rights-of-way.
 66. Prior to acceptance of public improvements by the City Council, drainage facilities to service each phase of the project shall be provided and constructed as directed and approved by the City Engineer.
 67. Lots shall drain into a street or approved drain, as required by the City Engineer, in such a manner that there will be no undrained depressions. The design of all such drains shall be subject to the review and approval of the City Engineer.
 68. The subdivider shall procure easements or consents from all affected landowners for any diversion of historical flow, changes in drainage conditions, or acceptance of any additional water flowing over their property, as determined by the City Engineer and according to law.
 69. An engineering cost estimate shall be submitted with the grading and improvement plans. The applicant's engineer shall sign and stamp the calculation and cost estimates prior to issuance of building permits.
 70. Prior to issuance of the first grading permit, final right-of-way width and routes for drainage channels, pipelines, and service roads needed to serve each phase shall be established.
 71. Measures to control erosion during construction shall be incorporated into the grading plans, and shall be subject to review and approval by the City Engineer.
 72. Prior to issuance of a grading permit, the applicant shall submit a soils report, prepared by a registered geologist or qualified civil engineer, concerning soil conditions for grading, excavations, slope stabilization and revegetation, and footing and foundation construction.
 73. The applicant shall obtain a grading permit for on-site excavation and fill prior to construction.

Sewer, Water and Drainage

74. A water infrastructure improvement phasing plan as reasonably needed to meet the requirements of the project area shall be submitted to the City Engineer for review and approval and shall contain, as a minimum: (1) a layout of the complete system; (2) all facility sizes, including support calculations; (3) construction phasing; and (4) construction cost estimates. In the event that groundwater characteristics prohibit well capacities as planned in the City's Master Plan, alternative well sites and a modified distribution system (if applicable) will be required.
75. Prior to issuance of a building permit, sufficient water pressure and capacity to serve the portion of the project area where such development is proposed will be assured.
76. Design of the proposed project facilities shall include provisions to minimize water requirements, including the use of the following, to the extent deemed practical by the City:
 - a. Use of low-flow fixtures, including shower heads and toilets as per the Uniform Building Code.
 - b. Use of drought-tolerant, native landscaping.
77. The City shall not issue any building permits for new construction without the demonstrated assurance of an adequate water supply, adequate sewage collection and treatment capacity, and adequate storm drainage capacity to support such development.
78. The developer shall install sewer laterals for each building shown on the final development plan, with minimum installed lateral size calculated based on proposed use and building size.
79. A sewerage infrastructure improvement phasing plan for the project area shall be submitted to the City Engineer for review and approval and shall contain, as a minimum; (1) a layout of the complete system; (2)

all facility sizes, including support calculations; (3) construction phasing; and (4) construction cost estimates.

80. The developers may request reimbursements from other future development that may benefit directly from the oversizing or over capacity of water system improvements installed or paid for by Westridge Business Park. Improvements installed by or paid for by the developer shall be credited against water connection fees, or other fees as approved by the City, and as may be determined through the DA.
81. The developer shall install, or pay for the installation of, facilities to expand the sewage treatment capacity of the City's Wastewater Treatment Plant if needed to serve per phase. The developer may proceed with an initial phase of the project, provided that the City Council determines that there is existing treatment capacity in the existing plant.
82. A storm drainage infrastructure improvement phasing plan as reasonably needed to meet the requirements of the project area shall be submitted to the City Engineer for review and approval and shall contain, as a minimum; (1) a layout of the complete system; (2) all facility sizes, including support calculations; (3) construction phasing; and (4) construction cost estimates.
83. Future drainage system discharges shall comply with applicable state and federal pollutant discharge requirements.
84. The developers may request reimbursements from other future development that would benefit directly from oversizing or over capacity of the wastewater system improvements installed or paid for by Westridge Business Park. Improvements installed by or paid for by the developer shall be credited against the sewer connection fee or other fees as approved by the City, or as may be determined through the DA.
85. Final inspection of the sewer and storm drain system shall be by televised inspection device, as approved by the City Engineer, at developer's expense.
86. The project applicants or their successors in interest shall construct, if necessary, wastewater system improvements on their property, or participate in a community facilities district to construct these improvements.
87. The City shall, through a combination of wastewater impact fees and other funding mechanisms, ensure that new development pays its share of the costs of sewer system improvements. (General Plan Policy IV.B.4)
88. The project applicants or their successors in interest shall participate in a community facilities district or similar infrastructure financing mechanism, if necessary, to finance any necessary expansion of the wastewater treatment plant brought about by such development.

Roads

89. Prior to the approval of any final subdivision map, the applicant shall submit plans for implementation of all applicable project transportation improvements necessary for development of the particular phase as described in the Transportation section of the FEIR for the West Patterson Projects and as required for the final development plan. The plans shall be prepared to the satisfaction of the City Engineer and reviewed and approved by the City Engineer or his designee, and shall include construction phasing and traffic management plans.
90. The applicant shall mitigate (through construction or paying the project's share of the actual total costs which shall include the payments for consultants/contractor services for preliminary and final engineering, soils analysis, right-of-way acquisition, construction and inspection and other related expenses) the traffic impacts of the Westridge Business Park project by implementing all applicable mitigation measures for a particular phase identified in the FEIR for the West Patterson Projects (incorporated herein by this reference) in a time frame approved by the City Engineer and as called for in the Development Agreement.
91. Subdivider shall dedicate and improve all internal streets and roadways in accordance with the Final Development Plan for each final map to City standards and to the approval of the City Engineer.
92. All sight distances for all corners shall conform to the City's sight distance requirements to the satisfaction of the City Engineer.
93. All public street improvements shall be as required in the Patterson City Code, and/or as described in the Final Development Plan and West Patterson Business Park Master Development Plan, or in any duly adopted sections of the General Plan, and shall be constructed as directed by the City Engineer. The location and

design of all private streets and alleys shall be subject to the review and approval of the City Engineer. All street names (if applicable) are to be approved as specific by the City's street naming policies.

94. All streets, alleys, sidewalks, curbs, and gutters adjacent to the project shall be improved as necessary to provide safe vertical and horizontal transitions to connect improvements constructed within the project to existing improvements, as directed by the City Engineer. Any street, alley, sidewalk, or curb damaged by the subdivider or its agents or employees shall be repaired prior to final acceptance of improvements by the City Council, or sooner at the discretion of the City Engineer.
95. The developer shall install street frontage improvements per ordinance and the West Patterson Business Park Master Development Plan to the satisfaction of the Department of Public Works. These improvements may include, but are not limited necessarily to, grading, curb and gutter, sidewalk, paving, storm drain, sanitary sewer, and water facilities.
96. The stub ends of all streets planned for future continuation shall be temporarily protected with warning barricades, redwood headers or equivalent, and bars, as required by the City Engineer.
97. Interior vehicle travelways shall be designed to be capable of withstanding loads imposed by waste collection and other heavy goods vehicles.
98. The subdivider shall pay for, and the City shall install, street name signs as applicable, traffic regulatory and warning signs, and any necessary street striping and markings as required by the City Engineer. The signs shall conform to the City's requirements and shall be purchased by the subdivider. Striping and signing shall be paid for by the developer subject to review and approval of the City, and made a part of the improvement plans.
99. The paving sections for the public and private streets shall be designed on the basis of an R Value Test, and Traffic Index to carry the anticipated traffic loads, but shall be no less than 2" of AC over 6" CI2/Base for local streets and 3" AC over 8" CI2/Base for collectors, or as required by the City Engineer based on expected traffic and vehicle loads. This design shall be subject to the approval of the Public Works Director.
100. Stop signs shall be provided at all project exits and internally as needed to ensure traffic safety.
101. All roadway improvements shall be constructed as depicted in the City Standard Specifications and the West Patterson Business Park Master Development Plan to the satisfaction of the City Engineer.
102. The Final Development Plan shall include bicycle trip support infrastructure, including bike lanes on major roadways unless deemed infeasible by the Community Development Director.
103. The developer/subdivider shall contribute to the project its fair share cost of traffic improvements identified in the traffic section of the West Patterson Projects final environmental impact report and as identified in the negative declaration or as provided in the Development Agreement.

Utilities

104. All on-site utilities shall be underground. All existing overhead utilities adjacent to the property or within the property shall be placed underground by the applicable phase prior to issuance of certificate of occupancy for that phase.
105. The developer shall obtain an encroachment permit from the Public Works Department for all work in the public right-of-way.
106. Street lights will be provided and installed to the satisfaction of the City of Patterson Public Works Director. The type, height, and design of street lights shall be subject to review and approval by the City and will direct lighting downward, shielding stray light using best available technology to avoid interference with aircraft and with the Lick Observatory. Lighting shall be the minimum needed for proper intersection lighting.
107. The developer is to be responsible for all damages to existing and new telephone facilities caused by workers or subcontractors under the direction of the developer.
108. All new telephone facilities shall be underground except where indicated by the telephone company upon engineering of the development.
109. The subdivider shall provide all necessary on-site easements for streets, sewers, water facilities, utilities, drainage facilities, and other facilities as required by the City, prior to or in conjunction with the final map. Said easements shall be subject to the review and approval of the City Engineer and the City Attorney.

110. All water, gas, sewer, underground electrical power, cable T.V., or telephone lines, or conduits, or underground drain lines shall be installed before any paving is placed. Utility stub connections to property boundaries of each lot may be omitted only with the express and written permission of the City Engineer.
111. The subdivider shall install adequately sized utility services and laterals, if appropriate, to each lot prior to final acceptance of improvements.
112. Electrical conduit shall have a separate ground wire installed.
113. Except as the utility companies may otherwise agree, the developer shall provide cable T.V., without charge, the reasonable opportunity to utilize and jointly occupy for the same purpose and trench provided by the developer to a utility for the purpose of connecting the utility to service the development.
114. At the time of Public Improvement Plan Review, plans shall be submitted to all applicable public utility companies for review. Comments from the utility companies regarding required easements, transformer locations, etc., shall be forwarded to the Public Works Department for review and consideration.

Fire Department

115. All new construction shall meet the requirements of the City Fire Department, as they relate to fire issues.
116. All-weather roads and water supply shall be constructed prior to construction of any buildings. Roads shall be free of trenches and obstruction for the passage of emergency vehicles, to the satisfaction of the Public Works Department and the Fire Department.
117. If necessary, water system improvements to provide adequate fire protection shall be provided to serve the project site concurrently or in advance of occupancy to the satisfaction of the City Engineer and Fire Chief. Such improvements may include the extension of a water main north from Sperry Avenue, west from Baldwin Road to serve the project site, or other interim measures to satisfy the requirements of the Uniform Fire Code and City requirements.
118. Fire hydrants shall be located to Fire Chief's specifications. Fire hydrants and fire hydrant flows shall meet all City of Patterson standards.
119. All buildings shall be uniformly numbered with numbers visible from the street and internally illuminated or otherwise lighted, and size in accordance with Fire Department requirements.
120. Prior to issuance of a Certificate of Occupancy for each building, the building shall be fully sprinklered per Building Division and Fire Department guidelines and in accordance with applicable provisions of the version of the Building and Fire Codes adopted by the City, to the satisfaction of the Building Official and Fire Chief.
121. All roofs shall be Class "A".
122. Fire lanes and access roads must be installed prior to construction of the first building.
123. All fire lanes must be posted and enforced, per Police Services and Fire Department guidelines.
124. Prior to importation of lumber or other combustible materials onto the site, fire hydrants shall be installed, tested and active per Fire Department and Public Works Department standards.
125. Fire Department-approved Knox boxes shall be installed in approved locations prior to occupancy for each building.
126. Prior to occupancy, approved fire extinguishers shall be installed at approved locations and all fire suppression requirements shall be complied with to the satisfaction of the Fire Chief.
127. All bulk storage of volatile or flammable liquids or substances shall be underground unless otherwise approved by the Building Official and the Fire Chief.

Police

128. Prior to issuance of a Certificate of Occupancy for the first building, the applicant shall post designated ADA accessible parking spaces per Department of Police Services requirements.
129. Prior to issuance of a Certificate of Occupancy for each building the developer shall install a burglary (or robbery) alarm system per Police Services guidelines.

Mitigation

130. Avoid orienting lights or paved areas in such a manner as to appear to pilots as a runway or fixed or rotary-wing landing area.
131. Flashing and/or animated signs or lights located in a manner as to create a hazard for operators of approaching aircraft are prohibited.
132. All buildings and signs shall be constructed of non-reflective materials.
133. A navigation and hazard easement (avigation easement) shall be recorded on the title of each property within the project area to notify present and future owners of the potential for low overflight by aircraft as long as an airport is located to the west of the project.
134. Lights shall of a type and shall be installed so that there is no hazard to pilots or air traffic controllers.
135. Each developer proposing to construct within the project area shall prepare a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction and life of the project whether or not the development site is over five acres. The specific project proposed, Westridge Business Park, will be required to prepare and implement a SWPPP for the duration of all construction. The City shall also prepare a SWPPP for all construction carried out by the City within the project area. The SWPPP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with implementation of the proposed projects. It is not required that the SWPPP be submitted to the RWQCB, but must be maintained on-site and made available to RWQCB staff on request. The SWPPP shall include:
 - **Specific and detailed Best Management Practices (BMP's) designed to mitigate construction-related pollutants.** At a minimum, BMP's shall include practices to minimize the contact of construction materials, equipment and maintenance supplies (fuels, lubricants, paints, solvents & adhesives for example) with storm water. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.

An important component of the storm water quality protection effort is knowledge of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of storm water quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.

The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and must include both dry and wet weather inspections. In addition, in accordance with State Water Resources Control Board Resolution No. 2001-046 (SWRCB, 2001), monitoring would be required during the construction period for pollutants that may be present in the runoff that are not visually detectable in runoff.¹ Each developer shall retain an independent monitor to conduct regular inspections and provide written reports to the City of Patterson Community Development Director to ensure Compliance with the SWPPP. RWQCB personnel, who may make unannounced site inspections, are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented.

BMPs designed to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control, that is, keeping sediment on the site. End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. If hydroseeding is selected as the primary soil stabilization method, then these areas shall be seeded by September 1 and irrigated to ensure that adequate root development has occurred prior to October 1. Entry and egress

¹ Construction materials and compounds that are not stored in water-tight containers under a water-tight roof or inside a building are examples of materials for which the discharger may have to implement sampling and analysis procedures.

from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions.

- **Measures designed to mitigate post construction-related pollutants.** The SWPPP shall include measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development, including residential, light industrial, and commercial areas. In general, passive, low-maintenance BMPs (e.g., grassy swales, porous pavements) are preferred. If the SWPPP includes higher maintenance BMPs (e.g., sedimentation basins, fossil filters), then funding for long-term maintenance needs must be specified (the City will not assume maintenance responsibilities for these features).

Yet to be developed residential, commercial, and light industrial parcels generally provide many opportunities for innovative storm water management, including permeable pavers, concave lawn/infiltration basins, grassy swales, and dry-wells connected to roof downspouts. The final design team for each development project shall review and incorporate the concepts included in *Start at the Source, Design Guidance Manual for Stormwater Quality Protection* (BASMAA, 1999), in the project design.

The City of Patterson Department of Public Works shall ensure that the SWPPP is prepared prior to approval of the grading plan for each development project or each phase of a large-phased development project. Implementation of this mitigation would reduce the level of significance of this impact to a less-than-significant level.

136. The developers, and the City for infrastructure improvements, shall implement the following measures to control construction emissions of PM₁₀ :

- All disturbed areas, including storage piles, which are not being actively used for construction purposes, shall be effectively stabilized to limit dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.
- All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized to limit 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 to limit fugitive dust emissions utilizing application of water or by presoaking.
- When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six 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 the end of each workday. (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 surface of outdoor storage piles, said piles shall be effectively stabilized to limit fugitive dust emissions utilizing sufficient water or chemical stabilizer or suppressant.
- Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.
- Traffic 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 sites with a slope greater than one percent.
- Compliance with relevant provisions of SJVUAPCD Rule VIII as amended in October, 2004.

137. When construction covers a site that is large in area or located near residences, schools, or other sensitive receptors, the developers, and/or the City shall implement the following additional measures to control construction emissions of PM₁₀:

- Wheel washers shall be installed for all exiting trucks or wash off all trucks and equipment leaving the site.
 - Wind breaks shall be installed at windward side(s) of construction areas.
 - Excavation and grading activity shall be suspended when winds exceed 20 mph.
 - The area subject to excavation, grading, or other construction activity at any one time shall be limited.

138. Developers shall implement the following measures to control construction emissions of ozone precursors:

- Alternative fueled or catalyst equipped diesel construction equipment, or NO_x or PM₁₀ controlled equipment shall be used, where possible.
- Idling time for all equipment shall be minimized (e.g., to less than 10 minutes).
- The hours of operation of heavy duty equipment and/or the amount of equipment in use shall be limited, where possible.
- Fossil-fueled equipment shall be replaced with electrically driven equivalents, where possible (provided they are not run by a portable generator set).
- Construction during periods of high ambient pollutant concentrations shall be curtailed (e.g., this may include ceasing construction activity during the peak hour of vehicular traffic on adjacent roadways).

139. Development of the West Patterson Business Park Master Development Plan (which includes the project site) shall incorporate, if feasible, the following features to reduce motor vehicle emissions:

- Development of the Business Park Plan area shall incorporate park-and-ride lots, if feasible, as determined by the City at the time of project approvals.
- New uses/occupants requiring a discretionary approval and employing 100 or more full-time-equivalent employees shall submit to the reviewing authority (the City of Patterson or Stanislaus County) an employee trips reduction plan. Such a plan may include, but need not be limited to, the following:
 - Incentives for carpooling, bicycling, and/or walking;
 - Provision of secured bicycle storage and employee showers;
 - Disincentives for single occupant vehicle ridership;
 - Provision of shuttle service to food and/or commercial centers during lunch hours;
 - Development of park-and-ride lots;
 - Use of low-emission vehicles by businesses in the Business Park shall be encouraged by permitting additional parking exclusively for use by alternative fuel vehicles; and
 - Clean-fuel fueling stations, such as electric charging stations or natural gas fueling stations, open to the public, shall be permitted as an allowable use in the Business Park.
 - Providing pedestrian amenities such as benches, water fountains, and shelters;
 - Providing street trees and plants that would create an effective canopy; and

- Providing sidewalks with an unobstructed path at least five feet wide throughout the development, including at the Patterson Sports Complex and the potential school site.

140. The West Patterson projects shall incorporate, if feasible, the following features to reduce motor vehicle emissions:

- Commercial and light industrial development projects shall incorporate measures to reduce vehicle trips and on-site parking demand for the review and approval of the City. Such measures may include, but need not be limited to, the following:
 - Providing pedestrian amenities such as benches, water fountains, and shelters;
 - Providing bicycle parking and connections to bicycle features in the Patterson Gardens proposal and elsewhere;
 - Including canopy trees in the parking lots of neighborhood commercial development to shade parked cars and reduce evaporation of fuel; and
 - Provisions for carpooling.

141. The West Patterson projects shall incorporate, if feasible, the following features to reduce area source emissions:

- Energy-efficient heating and cooling systems and lighting shall be used throughout the project.
- Energy efficiency measures shall be incorporated into the design of new or substantially remodeled structures (including new residential structures) to increase energy efficiency. Such measures may include, but need not be limited to:
 - The use of insulation in attics and walls that exceeds Title 24 requirements;
 - Orientation of buildings to maximize heating and cooling;
 - Planting of deciduous trees on south- and west-facing sides of buildings;
 - The use of double-paned windows; and
 - The use of solar water heaters.
- New wood-burning fireplaces or stoves shall be prohibited.
- Natural gas lines or electrical outlets shall be installed in patio areas when feasible to discourage use of charcoal or wood barbeques.

142. Prior to construction, the project shall pay all applicable traffic impact fees to the City to mitigate cumulative traffic impacts to area roadways or as outlined in the Development Agreement.

143. Construction avoidance and minimization measures. Although kit foxes are not known to currently occupy the project area, they could, on rare occasion, move through it. To avoid and/or minimize any potential impacts, the following pre-construction and construction activities will be carried out, consistent with USFWS (1999) pre-construction and construction guidelines.

- Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities for any project activity likely to impact the San Joaquin kit fox. Pre-construction survey reports shall be provided to the USFWS within five days of completing surveys. If construction is phased, pre-construction surveys shall be conducted for each phase according to the timing and schedule stated above.
- A worker education program shall be conducted.
- Project-related vehicles shall observe a 20-mph speed limit in the project area, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active.

- To the extent practicable, nighttime construction shall be minimized.
 - Off-road traffic outside of designated project areas shall be prohibited.
 - To prevent inadvertent entrapment of kit foxes or other animals during the construction phases of the projects, all excavated, steep-walled holes or trenches more than two feet deep shall be covered at the close of each working day by plywood or similar materials, or equipped with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals.
 - All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of a qualified biologist, the pipe may be moved once to remove it from the path of construction activity.
 - All food-related trash items such as wrappers, cans, bottles, and food scraps, shall be disposed of in a closed container and removed at least once a week from a construction or project site.
144. In order to assure that nesting Swainson=s hawks will not be disturbed by construction in the project area, a qualified ornithologist shall conduct pre-construction surveys. Survey Period I occurs from January 1 B March 20, Period II from March 20 B April 5, Period III from April 5 B April 20, Period IV from April 21 B June 10 (surveys not recommend during this period), and Period V from June 10 B July 30. Three surveys shall be completed in at least each of the two survey periods immediately prior to a project=s initiation but are recommended during periods II, III, and V. If a nest site is found, consultation with CDFG shall be required.
145. For each acre of Swainson=s hawk foraging habitat developed within five miles of an active nest tree but greater than one mile from the nest tree, 0.75 acres of AHabitat Management@ land (land managed so as to provide long-term foraging habitat for Swainson=s Hawks) shall be provided (0.75:1 ratio). For projects within one mile of an active nest, the ratio is 1:1 or applicable fee. Development on the project would convert approximately 121.09 acres of fallow fields. This habitat occurs within five miles, but over one mile from an active nest. Thus, 91 acres of Habitat Management lands will be required in compensation or by payment an in-lieu fee paid of \$600 per developed acre, to be held by an agency approved by CDFG for the ultimate purpose of purchasing permanent conservation easements over Swainson=s Hawk foraging habitat, per mitigation measure D.2 on pg I.13 of Table S.1 of West Patterson Projects FEIR
146. Prospective light industrial tenants shall be required to provide an acoustical analysis demonstrating that adequate setbacks or other noise mitigation features are incorporated for any uses that would not be conducted entirely within enclosed buildings or would involve intensive industrial operations that would not be concentrated to the interior of the Business Park site.

Schools

147. Prior to issuance of any building permits, the developer shall demonstrate to the City full compliance with the provisions of Government Code Section 65995 et seq. as amended by the Leroy R. Greene School Facilities Act of 1998.

Mitigation Monitoring Program

Mitigation Monitoring and Reporting Program				
Mitigation	Monitoring/ Compliance Method	Timing of Monitoring	Responsible Monitoring Party	
<p>Each phase of development must design and install drainage systems in compliance with the intent of the recommended drainage plan detailed in the 2007 <i>Master Storm Drainage Plan, City of Patterson, Western Expansion Area</i> (Stoddard & Assoc., 2001). The detention basins shall be designed so that flow to the creek could be interrupted when insufficient capacity was available in the creek for conveyance of the flows. The drainage improvements shall be designed and constructed so that no increase in the peak flow in Salado Creek would occur during the 100-year flood event as a result of project implementation.</p> <p>Design-level drainage plans for each phase of development of the West Patterson projects would be submitted to the City of Patterson for review. Drainage plans and detention basin design details would be reviewed for compliance with the no increase in peak flow requirement prior to approval of the project and to ensure that the final drainage plans are consistent with 2007 Master Storm Drainage Plan, City of Patterson, Western Expansion Area.</p> <p>Each developer who proposes to construct a project within the project area shall prepare a SWPPP designed to reduce potential impacts to surface water quality through the construction and life of the project whether or not the development site is over five acres. The specific projects that have been proposed, Patterson Gardens and the Keystone Pacific Business Park, would be required to prepare and implement SWPPPs. The City shall also prepare a SWPPP for its wastewater facility expansion project. The SWPPP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with implementation of the proposed project. It is not required that the SWPPP be submitted to the RWQCB, but must be maintained on-site and made available to RWQCB staff upon request. The SWPPP shall include:</p> <p>Specific and detailed BMPs designed to mitigate construction-related pollutants. At minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with storm water. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.</p> <p>An important component of the storm water quality protection effort is knowledge of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of storm water quality protection, site supervisors shall conduct regular fatigue meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.</p> <p>The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and must include both dry and wet weather inspections. In addition, in accordance with State Water Resources Control Board Resolution No. 2001-046 (SWRCB, 2001), monitoring would be required during the construction period for pollutants that may be present in the runoff that are not visually detectable in runoff.⁶ Each developer shall retain an independent monitor to conduct regular inspections and provide written reports to the City of Patterson Planning Director to ensure compliance with the SWPPP. RWQCB personnel, who may make unannounced site inspections, are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented.</p> <p>BMPs designed to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control, that is, keeping sediment on the site. End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. If hydroseeding is selected as the primary soil stabilization method, then these areas shall be seeded by September 1 and irrigated to ensure that adequate root development has occurred prior to October 1. Entry and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment</p>	<p>Check improvement/construction plans for compliance.</p> <p>Submit copy of Storm Water Prevention Permit.</p>	<p>Building plan check review.</p> <p>Building permit plan check.</p>	<p>Planning and Building Department</p> <p>Building and Planning Department</p>	

2. Construction materials and compounds that are not stored in water-tight containers under a water-tight roof or inside a building are examples of materials for which the discharger may have to implement sampling and analysis procedures.

<p>wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions.</p> <ul style="list-style-type: none"> Measures designed to mitigate post construction-related pollutants. The SWPPP shall include measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development, including residential, light industrial, and commercial areas. In general, passive, low-maintenance BMPs (e.g., grassy swales, porous pavements) are preferred. If the SWPPP includes higher maintenance BMPs (e.g., sedimentation basins, fossil filters), then funding for long-term maintenance needs must be specified (the City will not assume maintenance responsibilities for these features). <p>Yet to be developed residential, commercial, and light industrial parcels generally provide many opportunities for innovative storm water management, including permeable pavers, concave lawn/infiltration basins, grassy swales, and dry-wells connected to roof downspouts. The final design team for each development project shall review and incorporate the concepts included in <i>Start at the Source, Design Guidance Manual for Storm-water Quality Protection</i> (BASMAA, 1999), in the project design.</p> <p>The City of Patterson Department of Public Works shall ensure that the SWPPP is prepared prior to approval of the grading plan for each development project or each phase of a large-phased development project. Implementation of this mitigation would reduce the level of significance of this impact to a less-than-significant level.</p>				
<p>The developers, and the City for infrastructure improvements, shall implement the following measures to control construction emissions of PM₁₀:</p> <ul style="list-style-type: none"> All disturbed areas, including storage piles, which are not being actively used for construction purposes, shall be effectively stabilized to limit dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized to limit 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 to limit fugitive dust emissions utilizing application of water or by presoaking. When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six 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 the end of each workday. (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 surface of outdoor storage piles, said piles shall be effectively stabilized to limit fugitive dust emissions utilizing sufficient water or chemical stabilizer or suppressant. Any site with 150 or more vehicle trips per day shall prevent carryout and trackout. Traffic speeds on unpaved roads shall be limited to 15 mph. Sandbags, wattles or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent. Compliance with relevant provisions of SJVUAPCD Rule VIII as amended in October, 2004. <p>When construction covers a site that is large in area or located near residences, schools, or other sensitive receptors, the developers, and/or the City shall implement the following additional measures to control construction emissions of PM₁₀:</p> <ul style="list-style-type: none"> Wheel washers shall be installed for all exiting trucks or wash off all trucks and equipment leaving the site. 	<p>Requirements shall be printed on construction plans and monitored during construction.</p>	<p>During construction.</p>		<p>Building and Planning Departments</p>

<ul style="list-style-type: none"> • Wind breaks shall be installed at windward side(s) of construction areas. • Excavation and grading activity shall be suspended when winds exceed 20 mph. • The area subject to excavation, grading, or other construction activity at any one time shall be limited. 			
<p>Developers shall implement the following measures to control construction emissions of ozone precursors:</p> <ul style="list-style-type: none"> • Alternative fueled or catalyst equipped diesel construction equipment, or NOx or PM₁₀ controlled equipment shall be used, where possible. • Idling time for all equipment shall be minimized (e.g., to less than 10 minutes). • The hours of operation of heavy duty equipment and/or the amount of equipment in use shall be limited, where possible. • Fossil-fueled equipment shall be replaced with electrically driven equivalents, where possible (provided they are not run by a portable generator set). • Construction during periods of high ambient pollutant concentrations shall be curtailed (e.g., this may include ceasing construction activity during the peak hour of vehicular traffic on adjacent roadways). 	Requirements shall be printed on construction plans. List of construction equipment provided to City		
<p>Development of the West Patterson Business Park Master Development Plan (which includes the project site) shall incorporate, if feasible, the following features to reduce motor vehicle emissions:</p> <ul style="list-style-type: none"> • Development of the Business Park Plan area shall incorporate park-and-ride lots as determined by the City at the time of project approvals. • New uses/occupants requiring a discretionary approval and employing 100 or more full-time-equivalent employees shall submit to the reviewing authority (the City of Patterson or Stanislaus County) an employee trips reduction plan. Such a plan may include, but need not be limited to, the following: <ul style="list-style-type: none"> - Incentives for carpooling, bicycling, and/or walking; - Provision of secured bicycle storage and employee showers; - Disincentives for single occupant vehicle ridership; - Provision of shuttle service to food and/or commercial centers during lunch hours; - Development of park-and-ride lots; - Use of low-emission vehicles by businesses in the Business Park shall be encouraged by permitting additional parking exclusively for use by alternative fuel vehicles; and - Clean-fuel fueling stations, such as electric charging stations or natural gas fueling stations, open to the public, shall be permitted as an allowable use in the Business Park. - Providing pedestrian amenities such as benches, water fountains, and shelters; - Providing street trees and plants that would create an effective canopy; and - Providing sidewalks with an unobstructed path at least five feet wide throughout the development, including at the Patterson Sports Complex and the potential school site. 	Submit employee trip reduction plan to City.	Prior to occupancy.	Planning Department
<p>The West Patterson projects shall incorporate, if feasible, the following features to reduce area source emissions:</p> <ul style="list-style-type: none"> • Energy-efficient heating and cooling systems and lighting shall be used throughout the project. 	Check building plans for Title 24 compliance	Building permit plan check review	Building Department

<ul style="list-style-type: none"> • Energy efficiency measures shall be incorporated into the design of new or substantially remodeled structures (including new residential structures) to increase energy efficiency. Such measures may include, but need not be limited to: <ul style="list-style-type: none"> - The use of insulation in attics and walls that exceeds Title 24 requirements; - Orientation of buildings to maximize heating and cooling; - Planting of deciduous trees on south- and west-facing sides of buildings; - The use of double-paned windows; and - The use of solar water heaters. • New wood-burning fireplaces or stoves shall be prohibited. • Natural gas lines or electrical outlets shall be installed in patio areas when feasible to discourage use of charcoal or wood barbecues. 				Public Works Department, Planning Department
<p>Prior to Occupancy, the intersection of Sperry Avenue and Baldwin Road shall be improved to extend the eastbound left-turn pocket to 250 feet in length with 120 foot taper or transition.</p>	Submit improvement plans; construct improvements	Prior to occupancy	Planning Department	Planning Department
<p>Prior to construction, the project shall pay all applicable traffic impact fees to the City to mitigate cumulative traffic impacts to area roadways.</p> <p>Construction avoidance and minimization measures. Although kit foxes are not known to currently occupy the project area, they could, on rare occasion, move through it. To avoid and/or minimize any potential impacts, the following pre-construction and construction activities will be carried out, consistent with USFWS (1999) pre-construction and construction guidelines.</p> <ul style="list-style-type: none"> • Pre-construction surveys shall be conducted no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities for any project activity likely to impact the San Joaquin kit fox. Pre-construction survey reports shall be provided to the USFWS within five days of completing surveys. If construction is phased, pre-construction surveys shall be conducted for each phase according to the timing and schedule stated above. • A worker education program shall be conducted. • Project-related vehicles shall observe a 20-mph speed limit in the project area, except on county roads and State and Federal highways; this is particularly important at night when kit foxes are most active. • To the extent practicable, nighttime construction shall be minimized. • Off-road traffic outside of designated project areas shall be prohibited. • To prevent inadvertent entrapment of kit foxes or other animals during the construction phases of the projects, all excavated, steep-walled holes or trenches more than two feet deep shall be covered at the close of each working day by plywood or similar materials, or equipped with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they shall be thoroughly inspected for trapped animals. • All construction pipes, culverts, or similar structures with a diameter of four inches or greater that are stored at a construction site for one or more overnight periods shall be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe shall not be moved until the USFWS has been consulted. If necessary, and under the direct supervision of a qualified biologist, the pipe may be moved once to remove it from the path of construction activity. • All food-related trash items such as wrappers, cans, bottles, and food scraps, shall be disposed of in a closed container and removed at least once a week from a construction or project site. 	Evidence of fee payment submitted to Planning Department	Prior to building permit issuance	Written conclusions of pre-construction survey results from qualified biologist submitted to Planning Department.	Building and Planning Department

<p>In order to assure that nesting Swainson=s hawks will not be disturbed by construction in the project area, a qualified ornithologist shall conduct pre-construction surveys. Survey Period I occurs from January 1 B March 20, Period II from March 20 B April 5, Period III from April 5 B April 20, Period IV from April 21 B June 10 (surveys not recommended during this period), and Period V from June 10 B July 30. Three surveys shall be completed in at least each of the two survey periods immediately prior to a project=s initiation but are recommended during periods II, III, and V. If a nest site is found, consultation with CDFG shall be required</p>	<p>Written conclusions of pre-construction survey results from qualified biologist submitted to Planning Department.</p>	<p>Prior to building/grading permit issuance</p>	<p>Building and Planning Department</p>
<p>For each acre of Swainson=s hawk foraging habitat developed within five miles of an active nest tree but greater than one mile from the nest tree, 0.75 acres of sHabitat Management= land (land managed so as to provide long-term foraging habitat for Swainson=s Hawks) shall be provided (0.75:1 ratio). For projects within one mile of an active nest, the ratio is 1:1.</p> <p>Development on the project would convert approximately 121.09 acres of fallow fields. This habitat occurs within five miles, but over one mile from an active nest. Thus, 91 acres of Habitat Management lands will be required in compensation or by payment an in-lieu fee paid of \$600 per developed acre, to be held by an agency approved by CDFG for the ultimate purpose of purchasing permanent conservation easements over Swainson=s Hawk foraging habitat, per mitigation measure D.2 on pg 1.13 of Table S.1 of West Patterson Projects FEIR</p>	<p>Copy of deed conveying Habitat Management land to appropriate trustee submitted to City.</p>	<p>Prior to construction.</p>	<p>Planning Department</p>
<p>Construction-related activities shall be conducted in accordance with the following:</p> <ul style="list-style-type: none"> Construction activities shall be restricted to the hours between 7:00 A.M. and 7:00 P.M., Monday through Saturday (excluding federal and state holidays), with no construction on Sundays; minor construction equipment servicing and maintenance will be excepted from this restriction. During construction, mufflers shall be provided for all heavy construction equipment and all stationary noise sources. Stationary construction noise sources shall not be located near from occupied dwelling units, or contractors shall be required to provide appropriate noise-reducing engine housings or screens. Staging areas shall be placed as far from existing residences as possible. 	<p>Requirements printed on plans</p>	<p>During construction</p>	<p>Building and Planning Department</p>
<p>Development plans shall incorporate the following features:</p> <ul style="list-style-type: none"> Improvements to Baldwin Road included in the Keystone Pacific Business Park proposal shall provide acceptable future noise levels for residences on Baldwin Road between Sperry Avenue and the Keystone Pacific site, either by locating the centerline of the road at least 210 feet from the homes= outdoor activity areas or by improving the residential properties to satisfy the goals of City of Patterson Noise Element policy VII.E.6. Consistent with policy VII.E.8, the use of noise barriers shall only be considered a supplemental means of achieving the noise standards after all practical design-related noise mitigation measures have been integrated into the Keystone Pacific proposal. The circulation system for the West Patterson Business Park Master Development Plan shall include alternate truck access routes from Sperry Avenue and/or Rogers Road for businesses that face Baldwin Road, to reduce traffic noise impacts to residences on Baldwin Road. 	<p>Provide on improvement plans</p>	<p>Building plan check review</p>	<p>Public Works Department, Planning Department</p>
<p>Prospective light industrial tenants shall be required to provide an acoustical analysis demonstrating that adequate setbacks or other noise mitigation features are incorporated for any uses that would not be conducted entirely within enclosed buildings or would involve intensive industrial operations that would not be concentrated to the interior of the Business Park site.</p>	<p>Submit acoustical plan for any outdoor activities not covered by approval.</p>	<p>Prior to the conduct of outdoor activities not approved by development plan</p>	<p>Planning Department</p>
<p>Light industrial uses associated with the West Patterson Business Park Master Development Plan and adjacent to Baldwin Road shall be designed so that truck-loading operations and delivery areas are shielded from residences on Baldwin Road.</p>	<p>Check development plans</p>	<p>Building plan check review</p>	<p>Planning Department</p>
<p>Water system improvements necessary to provide adequate fire protection shall be provided to the serve the project site concurrently or in advance of occupancy to the satisfaction of the City Engineer and Fire Department. Such improvements may include the extension of a water main northward from Sperry Avenue to serve the project site, or such interim measures that satisfy the Uniform Fire Code and Fire Department.</p>	<p>Check construction plans.</p>	<p>Prior to occupancy</p>	<p>Building, Public Works, Planning Department</p>
<p>The project sponsors for the Keystone Pacific Business Park, and project applicants for future development in the Master Plan area shall construct all necessary wastewater system improvements on their property, or contribute to a new community facilities district to construct these improvements</p>	<p>Check construction plans</p>	<p>Building permit plan check</p>	<p>Building, Public Works, Planning Department</p>

<p>The City shall, through a combination of sewer development fees and other funding mechanisms, ensure that new development pays its share of the costs of sewer system improvements. (General Plan Policy IV.B.4)</p>	<p>Check for payment of development impact fees.</p>	<p>Prior to building permit issuance.</p>	<p>Building, Public Works, Planning Department</p>
<p>Project applicants for future development in the West Patterson Business Park Master Development Plan area shall participate in a new CFD or similar financing district established to finance the necessary second wastewater treatment plant expansion of 0.5 mgd.</p>	<p>Check for payment of development impact fees.</p>	<p>Prior to building permit issuance.</p>	<p>Building, Public Works, Planning Department</p>

EXHIBIT "I"

Patterson City Ordinance No. 701

ORDINANCE NO. 701

**AN ORDINANCE OF THE CITY OF PATTERSON
APPROVING A DEVELOPMENT AGREEMENT BY AND BETWEEN FRITZ AND DONNA SCHALI AND
WESTSIDE PROPERTY MANAGEMENT AND THE CITY OF PATTERSON FOR
THE WESTRIDGE BUSINESS PARK PROJECT, CONSISTING OF 121 ACRES
LOCATED WEST OF BALDWIN ROAD AND NORTH OF SPERRY AVENUE**

THE CITY COUNCIL OF THE CITY OF PATTERSON DOES ORDAIN AS FOLLOWS:

WHEREAS, the City has received an application from Fritz and Donna Schali and Westside Property Management for a combined preliminary and final development plan, a vesting tentative parcel map and development agreement concerning the development of a 121 acre business park within the area of the West Patterson Business Park Master Development Plan located generally north of Sperry Avenue and west of Baldwin Road;

WHEREAS, the City has caused to be prepared a draft and final environmental impact report for the West Patterson Projects in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and related Guidelines (Title 14 California Code of Regulations, Section 15000 et seq.), and the City's rules and procedures for the implementation of CEQA;

WHEREAS, the Draft and Final EIR relating to The West Patterson Projects was duly adopted and was the basis for a mitigated Negative Declaration prepared for the Westridge Business Park Project; and

WHEREAS, the mitigated Negative Declaration has been circulated for public review and comment for 30 days in accordance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) and related Guidelines (Title 14 California Code of Regulations, Section 15000 et seq.);

WHEREAS, the Planning Commission of the City of Patterson held a duly noticed public hearing on July 24, 2008 to consider the project; and

WHEREAS, the City Council of the City of Patterson held a duly-noticed public hearing on August 19, 2008 to consider the project; and

WHEREAS, based on its independent review and analysis, the staff analysis, oral and written testimony, the mitigated Negative Declaration and the Planning Commission's recommendation, the City Council finds, after due study, deliberation and public hearing that the following circumstances exist:

1. The development agreement is consistent with the goals, policies and standards of the Patterson General Plan, the Final Development Plan for West Patterson Business Park

Master Development Plan and all other applicable standards and ordinances of the City of Patterson.

2. The project site is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed.
 3. Adverse impacts are mitigated to the maximum extent feasible.
 4. The streets and highways are adequate and properly designed.
 5. There are adequate public services, including but not limited to, fire protection, water supply, sewage disposal, schools, and police protection to serve the project.
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6. The project will not be detrimental to the health, safety, comfort, convenience, and general welfare and will be compatible with surrounding land uses.
 7. The project will not conflict with any easements required for public access through, or public use of a portion of the property.

The City Council of the City of Patterson does ordain as follows:

1. The City Council approves a Development Agreement By and Between the City of Patterson and Fritz and Donna Schali and Westside Property Management relating to the development known as the "Westridge Business Park" to be located north of Sperry Avenue and west of Baldwin Road in Patterson, California and the exhibits thereto which are incorporated herein by this reference.

This Ordinance shall be published by one insertion in The Patterson Irrigator, a newspaper of general circulation, printed and published in the City of Patterson, within fifteen (15) days after its final passage, and shall take effect and be in force thirty (30) days after its final passage.

Introduced at a regular meeting of the City Council of the City of Patterson, held on the 19th day of August, 2008, and given its first reading at said meeting. Said Ordinance was given a second reading at a meeting of the City Council held on the 2nd day of September, 2008, and after such reading, Councilmember Smith, who moved its adoption, seconded by Councilmember Farinha and said ordinance was thereupon adopted by the following vote:

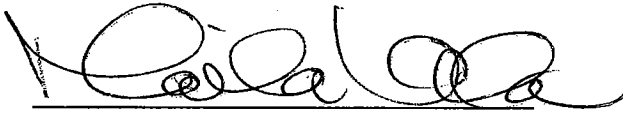
AYES: Councilmembers Smith, Cuellar, Farinha and Mayor Campo
NOES: None
EXCUSED: Councilmember Shelton

APPROVED:

A handwritten signature in black ink, appearing to read 'Becky Campo', written over a horizontal line.

Becky Campo
Mayor of the City of Patterson

ATTEST:

A handwritten signature in black ink, appearing to read 'Maricela Vela', written over a horizontal line.

Maricela Vela
City Clerk of the City of Patterson