

EXHIBIT E  
TO  
DEVELOPMENT AGREEMENT  
“THE VILLAGES OF PATTERSON”

CONDITIONS OF APPROVAL

RESOLUTION NO. 2006-122

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A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF PATTERSON APPROVING A COMBINED  
PRELIMINARY AND FINAL DEVELOPMENT  
PLAN, GENERAL PLAN AMENDMENT, A WAIVER FOR THE CITY'S  
GROWTH MANAGEMENT REGULATIONS, VESTING TENTATIVE MAPS, AND AUTHORIZING  
AN APPLICATION TO THE STANISLAUS COUNTY LOCAL AGENCY  
FORMATION COMMISSION FOR A SPHERE OF INFLUENCE AMENDMENT,  
REVISIONS TO THE SPHERE OF INFLUENCE PLAN AND MASTER SERVICES ELEMENT, AND  
REORGANIZATION FOR A 692 ACRE PROJECT KNOWN AS THE VILLAGES OF PATTERSON

WHEREAS, the City has received an application from Terra Firma Entitlement Company, LLC for a combined preliminary and final development plan, a general plan amendment, a waiver of the City's growth management policies, vesting tentative maps, development agreement and rezoning concerning the mixed-use development of a 692 acre site known as The Villages of Patterson located generally north of Walnut Avenue, west of Sycamore Avenue, south of Eucalyptus Avenue and east of First Street;

WHEREAS, the City has caused to be prepared a draft and final environmental impact report for the Villages of Patterson project 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 Villages of Patterson project and responding to the concerns raised during the public review period and at the public hearings, have been prepared 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; and

WHEREAS, the Draft EIR has been circulated for public review and comment for 45 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 November 28, 2006 to consider the project; and

WHEREAS, the Planning Commission has reviewed and considered the draft and final environmental impact report and proposed mitigation measures and recommends that the City Council certify said final EIR and adopt said mitigation measures; and

WHEREAS, the City Council of the City of Patterson held a duly-noticed public hearing on December 12, 2006 to consider the project; and

WHEREAS, based on the staff analysis, oral and written testimony, and the Draft and final EIR, the City Council finds, after due study, deliberation and public hearing and based on its independent judgment that the following circumstances exist:

1. The draft and final environmental impact report for The Villages of Patterson project has been prepared 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.
2. The Patterson City Council hereby further finds and certifies that the information contained in the draft and final EIR has been reviewed and considered by the Patterson City Council.
3. The City Council further finds that the preliminary/final development plan, general plan amendments, waiver to the City's growth management policies, vesting tentative A map, and vesting tentative B map are consistent with the purpose and intent of the City of Patterson General Plan and all other applicable ordinances and standards of the City;
4. The project site is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed.
5. Adverse impacts are mitigated to the maximum extent feasible.
6. The streets and highways are adequate and properly designed.
7. There are adequate public services, including but not limited to, fire protection, water supply, sewage disposal, schools, and police protection to serve the project.
8. The project will not be detrimental to the health, safety, comfort, convenience, and general welfare and will be compatible with surrounding land uses.
9. 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:
  - A. Approves the preliminary/final development plan for The Villages of Patterson which is incorporated herein by this reference as Exhibit A, subject to the findings listed in Exhibit B and the conditions listed in Exhibit C;
  - B. Approves amendments to the General Plan land use element map as shown on Figure 1;
  - C. Approves a waiver to General Plan policy I.A.3 based on the findings provided in Exhibit B;
  - D. Approves vesting tentative map A, as shown in Figure 2, and vesting tentative B map as shown in Figure 3; and
  - E. Authorizes an application to the Stanislaus Local Agency Formation Commission for a sphere of influence amendment and reorganization to the City of Patterson for the territory referred to as The Villages of Patterson, and adoption of amendments to the *City of Patterson Sphere of Influence Plan and Master Services Element*.

The foregoing resolution was introduced at a special meeting of the City Council of the City of Patterson, held on the 12th day of December, 2006, by Council Member Smith, who moved its adoption, which motion was duly seconded by Council Member Cuellar and it was upon roll call carried and the resolution adopted by the following vote:

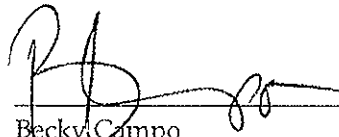
AYES: Council Members Smith, Cuellar and Mayor Campo

NOES: None

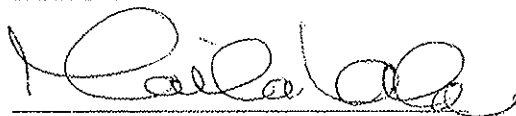
ABSTAINING: Council Member Shelton

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 special meeting held on the 12th day of December, 2006, and I further certify that said resolution is in full force and effect and has never been rescinded or modified.

Dated:

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City Clerk of the City of Patterson

EXHIBIT A  
PRELIMINARY/FINAL DEVELOPMENT PLAN  
(Incorporated by reference and available for review  
at the City Planning Department, 1 Plaza, 2<sup>nd</sup> floor  
Patterson, CA)

**EXHIBIT B  
FINDINGS FOR GENERAL PLAN CONSISTENCY**

The following findings address the consistency of the "Proposed Action," as defined below, with the City of Patterson General Plan ("General Plan") adopted in 1992 and revised in 2004.

Having considered the Villages of Patterson master development plan, including amendments to the General Plan, the Patterson City Council ("Council") finds the Proposed Action to be consistent with the General Plan goals, objectives and policies as described in detail below.

**I. PROPOSED ACTION**

The Villages of Patterson Development Plan ("Proposed Action" or "Villages of Patterson") envisions a traditionally-designed, pedestrian-oriented, master planned community on approximately 692-acres located immediately north and east of Patterson city limits. ("Plan Area"). The Villages of Patterson proposes a diverse range of uses including residential, commercial, light industrial, public/quasi-public, schools, parks and open-space land.

**A. RESIDENTIAL**

The Villages of Patterson calls for approximately 3,100 homes, 465 of which will be affordable to moderate, low and very-low income households. The Low Density and Medium Density land use designations, as defined in the City's General Plan, would be applied to approximately 497 acres. The Low Density residential designation allows 1.1 to 5 dwelling units per acre of which would make up about 125 acres of the Proposed Action's Plan Area. The Medium Density residential designation permits 5.1 to 12 dwelling units per acre of which would make up about 372 acres of the Proposed Action's Plan Area. As set forth in Chapter 18.16 the City's Zoning Ordinance, the Proposed Action's residential uses would correspond to those permitted, conditional and prohibited uses listed in that Chapter.

**B. DOWNTOWN CORE**

Approximately 26 acres of the Villages of Patterson will be designated Downtown Core which calls for approximately 100,000 square feet of commercial space (including office, retail and home-based businesses), live-work space. Use restrictions for the Downtown Core would be generally consistent with those of the corresponding Downtown Core Zoning District under the City's Zoning Ordinance, Chapter 18.40. However, Development Plan would be slightly more restrictive by prohibiting otherwise allowable or conditional uses such as banks, gun shops, hotels, medical offices, mortuaries and night clubs. Allowable residential densities range from 12 to 20 units per acre under Downtown Core.

The Downtown Core area is currently designated Low Density Residential.

#### C. LIGHT INDUSTRIAL

The Light Industrial ("LI") land use designation, as defined in the City's General Plan, would apply to two areas totaling about 36 acres located at the westernmost portion of the Plan Area, adjacent to Southern Pacific Railroad right-of-way. In total, approximately 623,800 square feet of light industrial borders State Route 33 and the Southern Pacific Railroad. The LI designation would allow uses generally consistent with the City's General Plan and Chapter 18.52 of the City's Zoning Ordinance including commercial, retail, office, warehouses, and light manufacturing. However, the Villages of Patterson Development Plan restricts uses that would otherwise be permissible such as banks, bars, gun shops, hotels, medical offices, mortuaries, and night clubs.

The proposed LI area south of Olive Avenue is currently designated Heavy Industrial (about 9 acres). The other proposed LI area at the northwest corner of the Plan Area is currently designated Low Density Residential (about 27 acres).

#### D. PUBLIC/QUASI-PUBLIC

The Public/Quasi-Public ("PQP") land use designation, as defined in the City's General Plan, would be applied to approximately 12.3 acres or 267,900 square feet located in two areas in the northern and western edges of the Plan Area. Such uses as fire and police stations, community centers, libraries, houses of worship, and schools would be allowable under the PQP designation. The permitted and conditional uses and development standards of the Villages of Patterson Public/Quasi-Public land use designation would correspond to the Public/Quasi-Public Zoning District under Chapter 18.60 of the City's Zoning Ordinance.

The PQP area is currently designated by the General Plan as Low Density Residential.

#### E. SCHOOLS

Three school sites totaling approximately 56.1 acres are proposed for the Villages of Patterson. The school sites include an approximate 27 acre site along Walnut Avenue and Hartley Street, an approximate 15 acre site at the northwest corner of Garcia Way and Hartley Street, and an approximate 16 acre site at the southeast corner of Kern Avenue and Hartley Street. The schools would be consistent with the PQP land use designation as defined in the City's General Plan.

The school sites are currently designated Low Density Residential.

## F. PARKS

Approximately 65.6 acres of park and open space areas are proposed for the Villages of Patterson. Of this area, approximately 20 acres will be separated into 4 neighborhoods parks, one for each village, a 40 acre soccer complex located within the proposed expanded detention basin, and two areas totaling about 5 acres within the Village Circle.

The proposed 40-acre soccer field facility is outside of the City's General Plan Area and therefore has no General Plan designation. The other proposed park sites are currently designated Low Density Residential.

## G. GENERAL PLAN AMENDMENTS

On September 27, 2005, an "Application for General Plan Amendment with Rezone" was submitted for the Villages of Patterson. Specifically, the following amendments to the General Plan were requested:

1. The land designated by the current General Plan as "Heavy Industrial" would be amended to "Light Industrial."
2. Portions of the land designated as "Low Density Residential" would be amended to the following uses:
  - a. Approximately 371 acres to "Medium Density Residential."
  - b. Approximately 66 acres to "Parks/Open Space."
  - c. Approximately 12.3 acres to "Public/Quasi-Public."
  - d. Approximately 36 acres to "Light Industrial."
  - e. Approximately 26 acres to "Downtown Core."
3. Approximately 40.0 acres would be added to the General Plan Land Use Element Map as Parks/Open Space to accommodate the dual-use storm drainage basin/soccer fields.

## II. FINDING OF CONSISTENCY WITH THE GENERAL PURPOSES OF THE CITY OF PATTERSON'S GENERAL PLAN

Generally speaking, the intent of the City of Patterson's General Plan is to ensure an efficient, well-planned pattern of development without the overuse or unwise conversion of City resources, and to maintain the quality of life within the City.

The Council finds that adoption of the proposed amendments to the General Plan is consistent with those broad purposes. These changes will ensure that the Villages of Patterson development occurs in an orderly manner that supports the City's resources and maintains the quality of life in the City. Impacts to agricultural land, open space resources, water resources, and other environmental resources will be avoided, limited, or mitigated, or some combination thereof, and the Villages of Patterson will develop a convenient, efficient, diverse, integrated, and livable community that compliments the City of Patterson's existing development.

### III. SPECIFIC FINDINGS OF CONSISTENCY WITH THE CITY OF PATTERSON'S GENERAL PLAN

The following findings address the consistency of the Proposed Action with specific goals, objectives, and policies of the City's General Plan. For many General Plan goals, objectives, and policies, the absence of conflict is self-evident, and therefore not all specific provisions of the General Plan are addressed in these findings. Instead, these findings address only those General Plan goals, objectives, and policies with which the possibility of conflict might be perceived to exist, or those pre-existing General Plan provisions that specifically pertain to the Villages of Patterson.

#### A. LAND USE

1. Goal I.A. To provide for orderly, well-planned, and balanced growth consistent with the limits imposed by the city's infrastructure and the city's ability to assimilate new growth.

*a. Policy I.A.1: To preserve Patterson's traditional small-town qualities and agricultural heritage, while increasing its residential and employment base.*

The Council finds that the Proposed Action is consistent with Goal I.A., Policy I.A.1 in that the design of the Villages of Patterson mirrors Patterson's traditional downtown circle and qualities that creates an overall "sense of place" that celebrates historic and existing Patterson. The downtown village circle is designed to incorporate the community by serving as the core of bike and pedestrian trails, parks, and live-work residences.

Higher density housing options reduce the amount of land converted from agricultural uses. The diverse range of housing types and sizes, including detached units, alley-loaded homes, motor court homes, green court homes, townhomes and live/work homes, creates assorted price points that appeal to a larger portion of the community with homeownership opportunities. The design restrictions of the housing units compliments the City's existing housing yet emphasizes the traditional, yet diverse, designs.

The Proposed Action is also cognizant of the City's employment base. By planning for light industrial, commercial, and live-work, the Villages of Patterson allows for a diverse type of business opportunities both for employees and entrepreneurs. These types of land uses are create opportunities for small and family businesses to small to locate at the West Patterson Business Park but not appropriately based at the heavier industrial sites in town.

*b. Policy I.A.2: In analyzing expansion of the area designated for residential development by the general plan, the City should consider the following criteria:*

*A. The ratio of job to dwelling units within the City limits is, or is approaching 1.0 or greater.*

*B. The population of the City is, or is approaching, 29,000.*

- C. Progress toward achieving the standards identified in items A. and B. shall be reported annually to the City Council by the City Planning Department. Based on this information, the Council may consider amending or deleting the standards, or substituting other standards.*
- D. Implementation of this policy may contemplate the timeliness normally required for entitling land.*

The Council finds that the Proposed Action is consistent with Goal I.A. This Policy only applies when the City is deciding whether to expand the area designated for residential development. Since the residential portion of the Villages of Patterson project is already designated for residential development under the General Plan, the Proposed Action would require no expansion of the area designated for residential development.

*c. Policies I.A.3 and I.A.4*

*Policy I.A.3 of the City's General Plan sets forth factors for the City to consider prior to initiating proceedings for annexation. Specifically, Policy I.A.3 states:*

*Policy I.A.3: In analyzing initiating proceedings for the annexation of additional land for residential development, the City should consider the following criteria:*

- A. The ratio of job to dwelling units within the City limits is, or is approaching .85 or greater.*
- B. The population of the City is, or is approaching, 21,000.*
- C. Progress toward achieving the standards identified in items A. and B. shall be reported annually to the City Council by the City Planning Department. Based on this information, the Council may consider amending or deleting the standards, or substituting other standards.*
- D. Implementation of this policy may contemplate the timeliness normally required for entitling land.*

Policy I.A.4 permits the growth requirements of Policy I.A.3 to be waived if the Council finds that the Villages of Patterson project would provide a significant public benefit(s).

*Policy I.A.4: The City Council may waive the requirements listed under items A., B., and C. of policy I.A.3 and initiate proceedings for annexation upon finding that the project will result in a significant public benefit which may include, but is not limited to, one or more of the following:*

- A. The provision of a significant number of new jobs.*
- B. The provision of affordable housing that would not otherwise be provided by the City's affordable housing programs.*
- C. The provision of a needed public facility or improvement.*
- D. The permanent protection of sensitive resources such as habitat for special status plants or animal species or productive agricultural land.*

Since the Proposed Action provides significant public benefits, the Council finds that the Proposed Action is consistent with Policies I.A.3 and I.A.4 under Goal I.A. Among the significant public benefits provided by the Proposed Action, are the following:

Affordable Housing. The Villages of Patterson's affordable housing program targeted to very low, low and moderate income families, meets a critical need in the City. With the recent extreme appreciation in the real estate market, housing costs in Patterson have risen dramatically, pricing many segments of the local population out of the housing market. Such housing costs have contributed exponentially to the City's already existing need for affordable housing. To combat this shortfall, the Proposed Action offers an affordable housing program. Under the City's current inclusionary housing requirement, Municipal Code Section 18.74.030, "[a]t least fifteen percent (15%) of all newly constructed dwelling units in a residential project shall be developed, offered to, and sold or rented to very low, low, and moderate-income households, at an affordable housing cost." ("Affordable Housing Ratio"). In achieving that Affordable Housing Ratio, "Affordable Units" may include owner-occupied units or rental units. If owner-occupied units are constructed to comply with the Affordable Housing Ratio, 60% of the owner-occupied units must be affordable to moderate income households and 40% affordable to low income households. If rental units are constructed to comply with the Affordable Housing Ratio, 60% of the rental units must be affordable to low income households and 40% affordable to very low income households. While the Proposed Action's affordable housing program meets the City's required total Affordable Housing Ratio of 15%, it provides many more units affordable to low income households and very low income households than would be created by the City's requirement.

Consistent with the City's Affordable Housing Ratio, 15% or 465 units of the total 3,100 units in the Villages of Patterson will be Affordable Units. Of the 465 Affordable Units, 63% or 293 will be owner-occupied Affordable Units and 37% or 172 will be renter-occupied Affordable Units. If the Proposed Action complied with the City's respective requirements for its owner-occupied and rental Affordable Units, the Proposed Action would produce 175 units affordable to moderate income households, 220 units affordable to low income households, and 69 units affordable to very low income households. However, instead of complying with the City's minimum affordable housing requirements, the Villages of Patterson provides 40% of the owner-occupied Affordable Units to be affordable to moderate income households, 60% of the owner-occupied Affordable Units to be affordable to low income households and 100% of the rental Affordable Units to be affordable to very low income households. This results in 117 of owner-occupied Affordable Units being affordable to moderate income households, 175 affordable to low income households and the entire 172 rental Affordable Units to be affordable to very low income households. Under the Proposed Action's affordable housing program, the City benefits by gaining more Affordable Units affordable to very low and low income households than would be required by the City's inclusionary ordinance. Specifically, the City will gain an additional 58 owner-occupied Affordable Units for low income households and an additional 103 renter-occupied Affordable Units for very low income households.

Public Recreational Facility (Soccer Complex). The City has only one (1) existing public soccer field to serve the current City programs. The lack of available soccer facilities forces games into neighborhood parks not designated for this type of activity. Although the Proposed Action is not

required under law or City ordinance to provide public recreational facilities, the Proposed Action will supply up to 8 soccer fields along with restroom facilities and parking by transforming the storm water detention basin into a dual-use facility.

Extra Support of Community Center. The Proposed Action's significant contribution to the City's proposed community center through its participation in one or more Mello-Roos financing districts in addition to paying the City's current impact fee is a significant public benefit.

Extra Support of Fire Services. The Proposed Action is reserving a site for a future fire station and participating in one or more Mello-Roos financing districts, including a fire assessment district, which is projected to cover the cost of constructing the fire station and purchasing a fire engine and a fire rescue truck. Additionally, the light industrial/commercial and downtown core land uses within the Plan Area will contribute the City's current impact fee.

Parks and Open Space. The Villages of Patterson offers approximately 65.6 gross acres in park land consisting of community parks, soccer fields and open space. Under the City's General Plan, a project is only required to provide 5 acres of developed parkland per 1,000 residents (General Plan Policy V.A.2). While a project applicant can opt to pay an in-lieu fee instead of providing the developed parkland, the Proposed Action provides the City and the community with approximately 7 acres of developed parkland, excluding the walking paseos, per 1,000 residents (based on approximately 3 residents per the 3,100 units). This significant public benefit may also help the City overcome any existing or future shortfalls in parkland needed to meet its park standards.

Waste Water Treatment Plant. The Villages of Patterson will grant the public additional sewer capacity by constructing the waste water treatment plant to hold capacity in excess of what is required to serve the Proposed Action. While it is anticipated that the Villages of Patterson project will only need .67 mgd, the Proposed Action is providing almost double that capacity at approximately 1.25 mgd.

Downtown Redevelopment Contribution. The Villages of Patterson will contribute approximately \$1 million dollars for the City's use to assist it in redeveloping the historic downtown core area of the City.

*d. Policy I.A.5: The City shall link the rate of growth in Patterson to the provision of adequate services and infrastructure, including schools. The City shall, through specific plans and/or planned units development plans for major projects, ensure that growth occurs in an orderly fashion and in pace with the expansion of public facilities and services.*

The Council finds that the Proposed Action complies with Policy I.A.5. The Villages of Patterson Plan incorporates and provides the necessary infrastructure and services needed to serve the project

in a timely manner. As set forth in the Development Plan, the Proposed Action will finance and/or construct the following infrastructure and services: three schools, fire station, fire and police services, water, storm drainage basin, waste water treatment plant, streets, parks, and bike and pedestrian paths.

Through the participation in one or more Mello-Roos districts and the provision of impact fees, the Villages of Patterson will financially contribute to the City's infrastructure and services. The phasing of the Proposed Action will assist in balancing the expansion of public facilities and services with the growth anticipated by the Proposed Action. Also, because the City will not issue a building permit or certificate of occupancy for a unit prior to confirming the availability of services and infrastructure to serve each unit, this will ensure that growth within the Proposed Action occurs in an orderly fashion and in pace with the expansion of public facilities and services.

*e. Policy I.A.6: The city shall monitor residential and non-residential development and encourage adjustments in land use designations and the rate of project approvals to promote a reasonable citywide balance between new employment-generating development and housing development and to minimize traffic impacts.*

The Council finds that the Villages of Patterson's provision of residential, live-work space, and light industrial/commercial space complies with Policy I.A.6 of the General Plan. It is reasonably expected that the Villages of Patterson inclusion of light industrial, commercial and live-work land uses will create to 905-1448 jobs. This portion of employment-generating development fulfills the much needed space for small businesses and family businesses that are too small to locate within the West Patterson Business Park and can not appropriately be located in the City's heavier industrial areas. The design and location of the live-work land uses in the Village Circle minimizes traffic impacts by allowing the business owners to live on-site and connects the businesses with the bike and pedestrian trails. Also, the location of the light industrial and commercial land uses near SR 33 on the northwestern boundary of the Plan Area minimizes traffic congestion within the Village Circle.

*f. Policy I.A.7: The City shall ensure its designation of land uses and approval of development projects does not hinder efforts to maintain a positive fiscal balance for the City.*

The Council finds that the Villages of Patterson complies with Policy I.A.7 of the General Plan by providing financing, through impact fees, exactions, dedications and special taxes, for the City services and infrastructure necessary to serve the Proposed Action. In several areas, the Villages of Patterson is providing the City with more than its fair share of public improvements. Additionally, the Proposed Action will generate property tax revenue and sales tax revenue for the City. In addition, special taxes will make up only fiscal shortfalls associated with the Proposed Action so there is no operational financial burden on the City. Thus, the Council finds that the Proposed Action will not place a financial burden on the city.

g. *Policy I.A.8: The City shall promote growth that reinforces the downtown and its western extension as the geographic and economic center of Patterson.*

The Council finds that the Villages of Patterson's location to the northeast of downtown Patterson will help keep the historic downtown at the geographic center of the City. In recent years, growth in the City, both business park and residential, has been to the west. This runs the risk of having all new development in the City oriented to Interstate 5. By allowing growth to the east, the City will keep the traditional downtown in the geographic and population center of the City. Also, various land uses more appropriate for downtown, such as banks, are not allowed in the neighborhood center of the Proposed Action to encourage their location in the historic downtown.

h. *Policy I.A.9: Land within the Planning Area shall ultimately be developed to urban standards consistent with the population limits set out in Policies I.A.2 and I.A.3. Pending connection with City sewer service, such land shall remain in agricultural, open space, or other low intensity uses.*

For the reasons stated above in Subsections (b) and (c), the Council finds that the Villages of Patterson will comply with the applicable provisions of Policies I.A.2 and I.A.3 as waived above. The Proposed Action requires connection to city sewer service. Until properties within the Villages of Patterson are connected to the sewer system, the land use proposed could not be effectuated and the land would remain in its current use, be it agricultural, open space, or other low intensity use.

i. Policies I.A.10 and I.A.11

The Council finds that both Policies I.A.10 and I.A.11 are not applicable to the Proposed Action.

*Policy I.A.10: The City shall interact with the County to ensure that development approved by the County on unincorporated lands within the Patterson Planning Area is developed to standards consistent with City standards, including architectural compatibility, provision of adequate infrastructure improvements, and provision of City sewer service, and to ensure that such development adequately mitigates potential adverse impacts to the City.*

*Policy I.A.11: The City shall continue to abide by formal agreement with the County concerning land use and infrastructure along the Sperry Avenue and East Las Palmas Avenue corridors that ensures development in this area complies with City building and design standards, is served by City sewer service, and will participate in solutions to Salado Creek and Balck Gulch Creek flooding.*

Since the Proposed Action requests annexation to the City of Patterson and does not include the development of unincorporated land, the City of Patterson is the approving entity, not Stanislaus County. Additionally, since the Proposed Action does not involve land use and infrastructure along the Sperry Avenue and East Las Palmas Avenue corridors, Policy I.A.11 is inapplicable.

2. Goal I.B: To designate adequate land in a range of residential densities to address the housing needs of all income groups expected to reside in Patterson.

*a. Policy I.B.1: The City shall maintain an adequate supply of residential land in appropriate land use designations and zoning categories to accommodate projected housing growth, maintain normal vacancy rates, and minimize residential land costs.*

The Council finds that the Proposed Action is consistent with Goal I.B. By planning approximately 125.2 acres for Low Density Residential use, approximately 371.8 acres for Medium Density Residential and approximately 14.8 acres of the Village Circle for residential use, the Villages of Patterson will supply the City with 3,100 dwelling units. The Proposed Action has a wide range of zoning categories unusual for development in the northern San Joaquin Valley. Additionally, through the phasing of the Proposed Action, the housing growth will be steady and allow for normal vacancy rates and healthy residential land costs. These balancing mechanisms will protect the City from being oversaturated with either home supply or demand.

*b. Policy I.B.2: The city shall promote the development of affordable housing to meet the needs of low-and moderate-income households.*

The Council finds that the Proposed Action's provision of affordable housing to low and moderate income households, as described above in Section A.1.c, is consistent with Goal I.B. and Policy I.B.2. The Proposed Action insures the provision of affordable housing.

*c. Policy I.B.3: Generally, higher density housing shall be located in areas served by the full range of urban services, preferably along collector and arterial streets, within walking distance of shopping areas.*

The Council finds that the Proposed Action is consistent with Policy I.B.3. With the higher density housing located adjacent to the core of the Villages of Patterson, the residents will be within walking distance to the Village Circle, commercial and light industrial sites, parks, schools, and other public services. This housing area is bordered by major and minor collector streets and offers quick and easy accessibility to State Highway 33, an arterial street.

*d. Policy I.B.4: The City shall promote the preservation of the integrity of existing stable residential neighborhoods.*

The Council finds that the Proposed Action is consistent with Policy I.B.4. This Proposed Action brings much needed support and services to the existing residential neighborhoods on the east side of Patterson. The east side neighborhoods will be served by an east side fire station, schools, parks, and other recreation areas. In addition, the existing residential neighborhoods may take advantage of the commercial and light industrial facilities that will be within walking distance.

*e. Policy I.B.5: The City shall ensure that new residential development pays its share in financing public facilities and services.*

The Council finds that the Proposed Action is consistent with Policy I.B.5 in that the Villages of Patterson will provide the fund and/or provide the necessary public facilities and services through impact fees, exactions, dedications and participation in one or more Mello-Roos financing districts. Additionally, for some public facilities, such as the community center, fire station, and waste water treatment facility, the Proposed Action is providing more than its fair share.

3. Goal I.C: To designate adequate land and provide support for the development of commercial uses providing goods and services to Patterson residents and to become the commercial services hub for western Stanislaus County.

a. Policy I.C.1

Policy I.C.1: The City shall promote and assist with the maintenance and expansion of Patterson's commercial sector to meet the needs of Patterson residents, employees, and visitors.

The Council finds that the Proposed Action's creation of approximately 100,000 square feet of commercial space for retail and commercial uses to be permitted within the Proposed Action's Village Circle is consistent with Policy I.C.1. This commercial space expansion will create jobs and land uses that will benefit residents and visitors. The convenient location of the commercial space in the core of the Villages of Patterson will further promote the use of the City's commercial sector.

*b. Policy I.C.3: The City shall promote the establishment, maintenance, and expansion of businesses in Patterson that generate high retail sales taxes as important contributors to the economy.*

The Council finds that the Proposed Action is consistent with this policy. The Village Circle provides for a variety of commercial uses, including retail shops. At this time it is impossible to discern which uses will occupy the proposed light industrial and commercial land use areas. However, regardless of use, these areas will generate sales tax revenue for the City of Patterson.

c. Policies I.C.2, I.C.4, I.C.5, I.C.6, I.C.7 and I.C.8

*Policy I.C.2: Major new commercial development shall be concentrated in a single node near the existing*

*downtown, which complements, rather than competes with, the existing downtown.*

*Policy I.C.4: The City shall continue to pursue incentives to attract commercial and industrial development.*

*Policy I.C.5: The City shall work with local business groups and associations, such as the Patterson-Westley Chamber of Commerce, to promote Patterson businesses.*

*Policy I.C.6: The City shall encourage efforts to attract major commercial and office tenants to Patterson.*

*Policy I.C.7: The City shall support downtown merchants in the improvement of facades, promotion of downtown, and solutions to problems with the historic downtown.*

*Policy I.C.8: The City shall support the development of highway commercial area near the Interstate 5 interchange.*

- The Council finds that Policies I.C.2, I.C.4, I.C.5, I.C.6, I.C.7, and I.C.8 do not apply to the Proposed Action for the following reasons:
- The Villages of Patterson does not propose "major new commercial development." (Policy I.C.2). However, the commercial development proposed by the Villages of Patterson will complement, not compete with, the City's existing downtown.
- Policy I.C.4 requires City action "to pursue incentives to attract commercial and industrial development" separate from the approval of the Proposed Action.
- Policy I.C.5 requires City action "to work with local business groups and associations...to promote Patterson businesses" separate from the approval of the Proposed Action.
- Policy I.C.6 requires City action "to encourage efforts to attract major commercial and office tenants to Patterson" separate from the approval of the Proposed Action.
- The Villages of Patterson does not involve direct City support of downtown merchants. (Policy I.C.7).
- The Villages of Patterson does not involve development of a "highway commercial area near the Interstate 5 interchange." (Policy I.C.8).

The inapplicability of the above listed policies to the Proposed Action in no way conflicts with the City's intent and ability to generally pursue these policies.

4. Goal I.D: To designate adequate land and provide support for the development of hospital medical offices to serve Patterson residents and to become the medical service hub for western Stanislaus County.

*a. Policies I.D.1, I.D.2, I.D.3 and I.D.4*

*Policy I.D.1: The City shall encourage the maintenance and expansion of hospital and medical facilities to meet the needs of Patterson residents, employees, and visitors.*

*Policy I.D.2: The City shall promote the establishment, maintenance, and expansion of businesses in Patterson that support the hospital.*

*Policy I.D.3: The City shall encourage efforts to attract medical industry and health professionals to Patterson.*

*Policy I.D.4: The City shall work with and support the Patterson Health Care District and other health care entities, in their efforts to provide health care services and facilities, as such work and support is consistent with other City goals and policies.*

The Council finds that while the Proposed Action does not directly relate to the maintenance and expansion of medical facilities (Policy I.D.1), the expansion of businesses in the City to support the hospital (Policy I.D.2), or the provision of health services and facilities (Policy I.D.4), the Villages of Patterson is supporting the City's goal by providing funding in the form of development fees to assist the Del Puerto Health Care District to serve the medical needs of the community. The Proposed Action indirectly supports provision of better health care services by adding population to the City. A certain critical move if population is necessary for a community to support various health care facilities.

The Council finds that Policy I.D.3 requires City action to "encourage efforts to attract medical industry and health professionals to Patterson" that is separate from the approval of the Proposed Action.

5. Goal I.E: To designate adequate land and provide support for light and heavy industrial uses that creates jobs and enhances the economy of Patterson.

*a. Policies I.E.1 and I.E.4*

*Policy I.E.1: The City shall promote and assist the maintenance and expansion of Patterson's industrial sector by implementing the West Patterson Business Park Master Development Plan.*

*Policy I.E.4: The City shall promote the development of clean industries that do not create problems or pose health risks associated with water and air pollution or potential leaks or spills.*

The Council finds that Policies I.E.1 and I.E.4 call for City action not applicable to the Proposed Action. Policy I.E.1 pertains to the City's implementation the West Patterson Business Park Master Development Plan that is irrelevant to the Villages of Patterson. Additionally, the Council finds that Policy I.E.4 concerning the City's promotion of the development of clean industries does not apply to the approvals currently being sought by the Proposed Action.

*b. Policies I.E.2 and I.E.3*

*Policy I.E.2: New industrial development shall be located along arterials with easy freeway or rail access and shall be served by full City services.*

*Policy I.E.3: The City shall support the preservation and expansion of the existing industrial area along Highway 33.*

The Council finds that the Proposed Action is consistent with Policies I.E.2 and I.E.3. All of the light industrial uses proposed by the Proposed Action will be located in the southwestern area of the Villages of Patterson, between State Highway 33 and North First Street. State Highway 33 is the only arterial roadway bordering the Plan Area and North First Street is a major collector street. Locating light industrial businesses in an area where there is convenient access to major transportation routes, such as intrastates, interstates, and railroads, will assist businesses in efficiently delivering or receiving products and/or services and help to eliminate heavier traffic in residential areas. Consistent with Policies I.E.2 and I.E.3, the Villages of Patterson has designed its light industrial land uses to be located along the Southern Pacific Railroad and State Highway 33 with convenient access to Interstate 5. Additionally, because the light industrial area is proposed for annexation to the City, it will be served by full City services, and will pay for such services through payment of the applicable impact fees. .

6. Goal I.F: To designate adequate land for development of public and quasi-public uses to support existing and new residential, commercial, and industrial uses.

*a. Policy I.F.1: The City shall designate adequate, appropriately-located land for City, County, School District, and Hospital District facilities.*

The Council finds that the Proposed Action is consistent with Policy I.F.1. The Villages of Patterson Plan includes a total of approximately 12.3 acres for public and quasi-public facilities, including a fire station, and a total of approximately 57 acres located throughout the plan to accommodate three schools, the first schools located on the east side of Patterson. No public facilities have been identified that are required by the Proposed Action that is not accommodated by its land plan.

*b. Policy I.F.2: The City shall promote the clustering of public and quasi-public uses such as schools, parks, libraries, child care facilities, and community activity centers. Joint-use of public facilities shall be promoted, and agreements for sharing costs and operational responsibilities among public service providers shall be encouraged.*

The Council finds that the Proposed Action is consistent with this policy. In the Village Circle, the Villages of Patterson has designed a clustering of public and quasi public uses. Such uses include live/work opportunities for home based businesses; commercial space to be used for retail, office, service, or restaurants; a club house and recreational area that may have a pool, tot lot and interactive water facility; an information center; day care center; community parks; and walking

paseos and bicycle trails connecting all of these uses. Immediately adjacent to southern portion of the Village Circle will be an elementary school. And just south of that elementary school will be the Walnut Grove middle school and an additional park.

*c. Policy I.F.3: The City shall pursue the development of a public safety facility, including a fire station and police station.*

The Council finds that the Proposed Action is consistent with Policy I.F.3 in that it provides a 2.5 acre site for a fire station. The Villages of Patterson will also be contributing both impact fees and participating in a Mello-Roos financing district in order to finance the construction of the fire station and supply a fire engine and a fire rescue truck to the City. Additionally, the Proposed Action will contribute the applicable impact fees for police services and facilities.

*d. Policy I.F.4: The City shall pursue the development of a civic center/community center complex.*

The Council finds that the Proposed Action's contribution of to the City's proposed community center through its participation in one or more Mello-Roos financing districts in addition to paying the City's current impact fee will serve satisfy this General Plan policy. The City has been planning the development of a community center for some time. With the contributions of the Villages of Patterson, well in excess of what is required under the City's current fee schedule, the City will be able to provide a community center.

*e. Policy I.F.5: The City shall designate adequate, appropriately-located land for quasi-public uses such as hospitals, churches, private school facilities, cemeteries, and utility uses.*

The Council finds that the Proposed Action is consistent with this policy. By designating two sites totaling approximately 12.3 acres for quasi-public purposes, uses such as private schools and churches, will be permitted. There are no quasi-public facilities that the City has identified as necessary for the area that is not included in the General Plan.

## B. HOUSING

1. Goal II.A.1: It is the Goal of the City of Patterson to concentrate its efforts to increase the availability of permanent housing for all community residents.

*a. Objectives II.A.1 and II.A.4*

*Objective II.A.1: Continue to seek assistance under federal, State, and other programs for eligible activities within the City that address affordable housing needs.*

*Objective II.A.4: Assist the Housing Authority of the City and County of Stanislaus to meet the growing demand for public housing units and rental assistance through the Voucher programs.*

The Council finds that Objectives II.A.1 and II.A.4 are City actions separate from the approval of the Villages of Patterson. Objective II.A.1 requires the City to seek financial assistance to address affordable housing needs and Objective II.A.4 requires the City to assist the City and County Housing Authority to meet the demand for public housing. While these objectives do not affect the particular details of the Proposed Action, the Proposed Action does not conflict with their intent.

*b. Objective II.A.2: Provide home ownership opportunities whenever possible.*

The Council finds that the Proposed Action is consistent with Goal II.A.1. The Villages of Patterson's development of owner-occupied affordable units coupled with a diverse range of single-family and multi-family housing types, as discussed is consistent with Goal II.A and Objective II.A.2 of the City's General Plan.

The Villages of Patterson's affordable housing program is targeted to very low and low income households which are critically needed in the City, while also creating many opportunities for moderate income households. With the recent extreme appreciation in the real estate market, housing costs in Patterson have risen dramatically, pricing many segments of the local population out of the housing market. Such housing costs have contributed exponentially to the City's already existing need for affordable housing. To combat this shortfall, the Proposed Action offers an innovative affordable housing program. Under the City's current inclusionary housing requirement, Municipal Code Section 18.74.030, "[a]t least fifteen percent (15%) of all newly constructed dwelling units in a residential project shall be developed, offered to, and sold or rented to very low, low, and moderate-income households, at an affordable housing cost." ("Affordable Housing Ratio"). In achieving that Affordable Housing Ratio, "Affordable Units" may include owner-occupied units or rental units. If owner-occupied units are constructed to comply with the Affordable Housing Ratio, 60% of the owner-occupied units must be affordable to moderate income households and 40% affordable to low income households. If rental units are constructed to comply with the Affordable Housing Ratio, 60% of the rental units must be affordable to low income households and 40% affordable to very low income households. While the Proposed Action's affordable housing program meets the City's required total Affordable Housing Ratio of 15%, it provides many more units affordable to low income households and very low income households than would be created by the City's requirement.

Consistent with the City's Affordable Housing Ratio, 15% or 465 units of the total 3,100 units in the Villages of Patterson will be Affordable Units. Of the 465 Affordable Units, 63% or 293 will be owner-occupied Affordable Units and 37% or 172 will be renter-occupied Affordable Units. If the Proposed Action complied with the City's respective requirements for its owner-occupied and rental Affordable Units, the Proposed Action would produce 175 units affordable to moderate

income households, 220 units affordable to low income households, and 69 units affordable to very low income households. However, instead of complying with the City's minimum affordable housing requirements, the Villages of Patterson provides 40% of the owner-occupied Affordable Units to be affordable to moderate income households, 60% of the owner-occupied Affordable Units to be affordable to low income households and 100% of the rental Affordable Units to be affordable to very low income households. This results in 117 of owner-occupied Affordable Units being affordable to moderate income households, 175 affordable to low income households and the entire 172 rental Affordable Units to be affordable to very low income households. Under the Proposed Action's affordable housing program, the City benefits by gaining more Affordable Units targeted at very low and low income households to meet the severe demand. Specifically, the City will gain an additional 58 owner-occupied Affordable Units for low income households and an additional 103 renter-occupied Affordable Units for very low income households. This increase provides the City with a significant public benefit of 50% more owner-occupied Affordable Units for low income households and 150% more renter-occupied Affordable Units for very low income households than the amounts required by the City's ordinance. Additionally, the City shall actually have the Affordable Units constructed under the Proposed Action's program rather than the potential of an in lieu fee, have the Affordable Units constructed within the boundaries of the Plan Area rather than the Developer applying for the alternative of constructing the Affordable Units outside the Proposed Action's boundaries or dedicating land as permitted in certain circumstances under its existing standards.

The Villages of Patterson proposes a diverse range of single-family and multi-family housing types, including detached units, alley-loaded homes, motor court homes, green court homes, townhomes, and live/work homes, which all vary in both livable area and lot size, generates a diverse range of price points and allows for reasonably priced housing opportunities to all members of the community, is consistent with the General Plan.

*c. Objective II.A.3: Encourage the development of housing and programs to assist special needs persons.*

The Council finds that Objective II.A.3 requires a City action separate from the approval of the Villages of Patterson. While this objective does not affect the particular details of the Proposed Action, the Proposed Action does not conflict with its intent.

*d. Policies II.A.1 through II.A.13*

*Policies II.A.1: Continue to apply to HUD and State HCD for grant funds that may be used for housing-related programs.*

*Policies II.A.2: The City may use techniques such as mortgage revenue bonds or other mortgage-backed securities to assist in the development of affordable ownership and rental housing.*

*Policies II.A.3: Provide technical assistance to developers, nonprofit organizations, or other qualified private sector interests in the application and development of projects for federal and state funding.*

*Policies II.A.4: Allocate HOME funds to the first time homebuyer program.*

*Policies II.A.5: Continue to find programs to facilitate very-low income families becoming homeowners.*

*Policies II.A.6: Direct a portion of CDBG Income to develop a program to monitor the extent of residential, commercial, and industrial development on an annual basis. Sufficient detail should be provided to monitor employment growth and housing production. Monitor housing development costs on an annual basis to ensure affordability to a broad spectrum of City residents, and include information from the Central Valley Board of Realtors, and Multiple Listing Service to track housing development, sales, and listing costs.*

*Policies II.A.7: Assess the need for emergency shelters.*

*Policies II.A.8: Provide housing to single individuals, working poor, senior citizens, students and others in need of basic, safe housing to prevent the incidence of homelessness in areas near service providers, public transportation, and service jobs by supporting the efforts of service providers and special needs housing developers by offering development incentives such as fee waiver, the reduction in the cost of permit services, and fast tracking the permit processes.*

*Policies II.A.9: Continue to provide for housing for persons with disabilities.*

*Policies II.A.10: Provide accessibility and mobility enhancing device grants to persons with disabilities.*

*Policies II.A.11: Ensure that the City complies with the provisions of SB 520 (Chapter 671 of the government code).*

*Policies II.A.12: Assess the need for farmworker housing in the City.*

*Policies II.A.13: Continue to support the efforts of the Stanislaus Housing Authority in its administration of certificates and vouchers.*

The Council finds that Policies II.A.1 through II.A.13 are City actions separate from approval of the Villages of Patterson. Overall, these policies pertain to the City applying for state funds, seek other revenue streams, locate and participate in programs and use other financial instruments in order to facilitate affordable housing to the community.

2. Goal II.B: The goal of the Housing Element is to remove constraints that hinder the construction of affordable housing.

*a. Objective II.B.1: Provide the citizens in the City of Patterson with reasonably priced housing opportunities within the financial capacity of all members of the community.*

The Council finds that the Proposed Action's development of affordable housing coupled with a diverse range of single-family and multi-family housing types, as discussed above in Article III, Section B.1.a is consistent with Goal II.B and Objective II.B.1 of the City's General Plan.

The Villages of Patterson's affordable housing program is targeted to very low and low income households which are critically needed in the City, while also creating many opportunities for moderate income households. With the recent extreme appreciation in the real estate market, housing costs in Patterson have risen dramatically, pricing many segments of the local population out of the housing market. Such housing costs have contributed exponentially to the City's already existing need for affordable housing. To combat this shortfall, the Proposed Action offers an innovative affordable housing program. Under the City's current inclusionary housing requirement, Municipal Code Section 18.74.030, "[a]t least fifteen percent (15%) of all newly constructed dwelling units in a residential project shall be developed, offered to, and sold or rented to very low, low, and moderate-income households, at an affordable housing cost." ("Affordable Housing Ratio"). In achieving that Affordable Housing Ratio, "Affordable Units" may include owner-occupied units or rental units. If owner-occupied units are constructed to comply with the Affordable Housing Ratio, 60% of the owner-occupied units must be affordable to moderate income households and 40% affordable to low income households. If rental units are constructed to comply with the Affordable Housing Ratio, 60% of the rental units must be affordable to low income households and 40% affordable to very low income households. While the Proposed Action's affordable housing program meets the City's required total Affordable Housing Ratio of 15%, it provides many more units affordable to low income households and very low income households than would be created by the City's requirement.

Consistent with the City's Affordable Housing Ratio, 15% or 465 units of the total 3,100 units in the Villages of Patterson will be Affordable Units. Of the 465 Affordable Units, 63% or 293 will be owner-occupied Affordable Units and 37% or 172 will be renter-occupied Affordable Units. If the Proposed Action complied with the City's respective requirements for its owner-occupied and rental Affordable Units, the Proposed Action would produce 175 units affordable to moderate income households, 220 units affordable to low income households, and 69 units affordable to very low income households. However, instead of complying with the City's minimum affordable housing requirements, the Villages of Patterson provides 40% of the owner-occupied Affordable Units to be affordable to moderate income households, 60% of the owner-occupied Affordable Units to be affordable to low income households and 100% of the rental Affordable Units to be affordable to very low income households. This results in 117 of owner-occupied Affordable Units being affordable to moderate income households, 175 affordable to low income households and the entire 172 rental Affordable Units to be affordable to very low income households. Under the Proposed Action's affordable housing program, the City benefits by gaining more Affordable Units targeted

at very low and low income households to meet the severe demand. Specifically, the City will gain an additional 58 owner-occupied Affordable Units for low income households and an additional 103 renter-occupied Affordable Units for very low income households. This increase provides the City with a significant public benefit of 50% more owner-occupied Affordable Units for low income households and 150% more renter-occupied Affordable Units for very low income households than the amounts required by the City's ordinance. Additionally, the City shall actually have the Affordable Units constructed under the Proposed Action's program rather than the potential of an in lieu fee, have the Affordable Units constructed within the boundaries of the Plan Area rather than the Developer applying for the alternative of constructing the Affordable Units outside the Proposed Action's boundaries or dedicating land as permitted in certain circumstances under its existing standards.

The Villages of Patterson proposes a diverse range of single-family and multi-family housing types, including detached units, alley-loaded homes, motor court homes, green court homes, townhomes, and live/work homes, which all vary in both livable area and lot size, generates a diverse range of price points and allows for reasonably priced housing opportunities to all members of the community, is consistent with the General Plan.

*b. Objective II.B.2: Provide technical assistance to developers, nonprofit organizations, or other qualified private sector interests in the application and development of projects for federal and State housing programs/grants.*

The Council finds that Objective II.B.2 which requires the City to provide technical assistance to the private sector in development of projects for federal and State housing programs is a City action separate from the approval of the Villages of Patterson. The Proposed Action does not conflict with the intent of this objective.

*c. Policy II.B.1: To preserve affordability, allow and encourage developers to "piggyback" or file concurrent applications (i.e. rezones, tentative tract maps, conditional use permits, variance requests, etc.) if multiple approvals are required, and if consistent with applicable processing requirements.*

The Council finds that the Proposed Action is consistent with this policy by consolidating the project applications and approvals in order to promote the efficiency of the entitlement process and preserve the affordability of homes. Specifically, the Villages of Patterson is including the entire Plan Area for the following applications and approvals being sought: certification of the environmental impact report, General Plan amendments; rezoning; amendments to the City's infrastructure master plans; approval of a water supply assessment; approval of the Villages of Patterson preliminary and final development plan; approval of vesting tentative subdivision map(s); approval of a development agreement; application to LAFCO; creation of or annexation to a Mello-Roos district; approval of Williamson Act contract cancellations; approval of a water supply verifications for any qualifying subdivision; creation of or annexation to a fire assessment district;

adoption of amendments to the service review and Master Service Element for the City's sphere of influence by LAFCO; amendment to the sphere of influence by LAFCO; reorganization to annex the entire Plan Area to the City; and detachment of the Plan Area from the West Stanislaus Fire Protection District and the Patterson Irrigation District.

*d. Policy II.B.2: To preserve affordability, provide incentives (i.e. density bonus units, fee reductions, fee deferral, fast-tracking, etc.) to developers of residential projects who agree to provide the specified percentage of units mandated by State law at a cost affordable to very-low and/or low income households. In addition propose zoning and permit processing changes to further reduce housing costs and average permit processing time.*

The Council finds that the Proposed Action meets this policy. The Villages of Patterson's compliance with the City's inclusionary zoning ordinance requirements to utilize deed restrictions or covenants to maintain the affordability of units for a period of time satisfies this policy. Also, the Proposed Action's provision of affordable housing directed towards very low and low income households, of which they qualify for incentives via the City's inclusionary zoning ordinance, further satisfies this Policy. The Council further recognizes that the processing of the entitlements for the affordable units together with the market rate units reduces the housing cost and permit processing time.

*e. Policy II.B.3: Encourage developers to employ innovative or alternative construction methods to reduce housing costs and increase housing supply.*

The Council finds that the Proposed Action's use of a diverse range of innovative product types, such as detached units, alley-loaded homes, motor court homes, green court homes, townhomes and live/work homes, meets this policy. These types of units offer smaller lot sizes and square footages than an average single-family detached unit, will reduce housing cost by utilizing less land for the same amount of houses. The Proposed Action is introducing new housing product types into the Stanislaus County housing market. As a result, an increase in the supply of homes is created.

*f. Policy II.B.4: To ensure that the development community (both non-profit and for profit) is aware of the housing programs and technical assistance available from the City.*

The Council finds that Policy II.B.4 which requires the City to spread awareness to the development community of affordable housing programs and assistance involve City actions that is not related to the approval of the Proposed Actions but are compatible with those Actions.

3. Goal II.C: It is the goal of the City of Patterson to provide adequate, suitable sites for residential use and development or maintenance of a range of housing that varies sufficiently in terms of cost, design, size, location, and tenure to meet the housing needs of all economic segments

of the community at a level which can be supported by the infrastructure.

*a. Objective II.C.1 and Policy II.C.1*

*Objective II.C.1: Provide information to profit and non-profit developers and other housing providers on available vacant land.*

*Policy II.C.1: Monitor and update the inventory of vacant land.*

The Council finds that both Objective II.C.1 which requires the City to provide information to developers of available vacant land and Policy II.C.1 that requires the City to monitor and update the inventory of vacant land are City actions unrelated to the approval of the Proposed Actions. While this objective and policy does not affect the particular details of the Villages project, the Proposed Action does not conflict with their intent.

*b. Objective II.C.2: Provide opportunities for mixed-use development.*

The Council finds that the Proposed Action meets this policy. The Village Circle in the Proposed Action functions as the mixed-use core of the development and provides opportunities for housing, offices, home-based businesses, civic uses and retail shops.

*c. Objective II.C.3: Provide a sufficient amount of zoned land to accommodate development for all housing types and income levels.*

The Council finds that through the adoption of the General Plan amendments proposed by the Villages of Patterson, the City will provide land designations that will allow for development of a variety of housing types and sizes that can be affordable at all income levels. By approving the General Plan amendments, the Proposed Action can permit the affordable units to income levels of very low, low and moderate and provide a variety of units throughout the Low Density Residential, Medium Density Residential and Village Circle which variety in acreage sizes and square footages will create price ranges affordable for all housing types and income levels.

*d. Policy II.C.2: To ensure the development of housing that has, to the extent possible, a support structure of shopping, services, and jobs within easy access.*

The Council finds that the Proposed Action is consistent with this policy. The Village Circle, which offers shopping, services, jobs, and parks, is the center of the Villages of Patterson and its four neighborhoods or "Villages." These residential areas are connected by a system of pedestrian and bike paths, in addition to streets and side-walks that allows easy access to this central core. Additionally, the light industrial location at the east end of the Plan Area is also easily accessible by the circulation improvements proposed by the Villages of Patterson.

*e. Policy II.C.3: Monitor the amount of land zoned for all types of housing and initiate zone changes as necessary.*

The Council finds that the Proposed Action is consistent with this policy. By adopting the General Plan amendment that requests the reclassification of some of the Proposed Action's Plan Area from Low Density Residential to Medium Density Residential and Downtown Core, the Villages of Patterson enables the City to expand the range of housing types available in the City. Specifically, the Villages of Patterson will offer the City single-family detached units, alley-loaded homes, motor court homes, green court homes, townhomes and live/work homes.

4. Goal II.D: It is the goal of the City of Patterson to initiate all reasonable efforts to preserve the availability of existing housing opportunities and to conserve as well as enhance the quality of existing dwelling units and residential neighborhoods.

*a. Objectives II.D.1 and II.D.2 and Policies II.D.1 and II.D.4*

*Objective II.D.1: Preserve existing neighborhoods.*

*Objective II.D.2: Maintain, preserve and rehabilitate the existing housing stock in the City of Patterson.*

*Policy II.D.1: Protect existing stabilized residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities.*

*Policy II.D.4: Install and upgrade public service facilities (streets, curb, gutter, drainage facilities, and utilities), to encourage increased private market investment in declining or deteriorating neighborhoods.*

The Council finds that the Proposed Action is consistent with Objectives II.D.1 and II.D.2 and Policies II.D.1 and II.D.4. The existing adjacent and nearby neighborhoods to the Villages of Patterson are preserved and improved by the addition of public facilities, public services and light industrial and commercial sites. (Objectives II.D.1 and II.D.2; Policy II.D.4). These public services and facilities include schools, parks, soccer complex, recreational opportunities, and a fire station. Upon approval of the General Plan amendments proposed by the Villages of Patterson, all of these land uses will be compatible and supportive of the existing residential neighborhoods. (Policy II.D.1).

*b. Objective II.D.3 and Policies II.D.2, II.D.3, II.D.5, II.D.6, II.D.7 and II.D.8*

*Objective II.D.3: Preserve At-Risk Housing.*

*Policy II.D.2: Establish code enforcement as a high priority and provide adequate funding and staffing to support code enforcement programs.*

*Policy II.D.3: Promote energy conservation activities in all residential neighborhoods.*

*Policy II.D.5: Provide technical and financial assistance to all eligible homeowners and residential property owners to rehabilitate existing dwelling units through grants or low interest loans.*

*Policy II.D.6: Provide technical and financial assistance to all eligible multifamily complex owners to rehabilitate existing dwelling units through low interest or deferred loans.*

*Policy II.D.7: Preserve the existing affordable rental housing stock in the City of Patterson.*

*Policy II.D.8: Closely monitor the status of at risk properties.*

The Council finds that Objective II.D.3 and Policies II.D.2, II.D.3, II.D.5, II.D.6, II.D.7 and II.D.8 are City actions pertaining to the rehabilitation of existing neighborhoods and dwelling units separate from the approval of the Proposed Actions. While the objective and policies do not affect the particular details of the Villages Proposed Action, the Proposed Action does not conflict with their intent.

5. Goal II.E: It is the goal of the City of Patterson to ensure that all existing and future housing opportunities are open and available to all members of the community without discrimination on the basis of race, color, religion, sex, national origin or ancestry, marital status, age, household composition or size, or any other arbitrary factors.

*Objective II.E.1: Eliminate housing discrimination.*

*Objective II.E.2: Reduce the incidence of displacement.*

*Policy II.E.1: Use Planning Technical Assistance funds to develop a Fair Housing Program for adoption by the City Council.*

*Policy II.E.2: In development of public projects, require an analysis of potential displacement of existing residences with an emphasis on minimizing both temporary displacement and relocation.*

The Council finds that though the objectives and policies under this goal are not directly related to the approval of the Proposed Actions, approval of the Actions does not conflict with their intent. There is nothing in the Proposed Action to suggest future housing discrimination and displacement. Furthermore, the California Fair Employment and Housing Act (Govt. Code § 12900 et seq.) already prohibits such discrimination.

6. Goal II.F: It is the goal of the City of Patterson to coordinate local housing efforts with appropriate federal, State, regional, and local governments and/or agencies and to cooperate in the

implementation of intergovernmental housing programs to ensure maximum effectiveness in solving local and regional housing problems.

*b. Policies II.F.2 and II.F. 4*

*Policy II.F.2: Continue to support non-profit cooperation in the development of affordable housing.*

*Policy II.F.4: Continue to support non-profit cooperation in the development of affordable housing.*

The Council finds that the Proposed Action is consistent with Policies II.F.2 and II.F.4 by the City's continue support of the Villages of Patterson's working with Self-Help Enterprises, a non-profit developer, to construct affordable housing units within the Plan Area.

*c. Objective II.F.1 and Policies II.F.1 and II.F.3*

*Objective II.F.1: Maximize coordination and cooperation among housing providers and program managers.*

*Policy II.F.1: Continue to support the Housing Authority of the County of Stanislaus to provide housing assistance to extremely low, very low, low and moderate-income households.*

*Policy II.F.3: Cooperate with large employers, and major commercial and industrial developers to identify and implement programs to balance employment growth with the ability to provide housing opportunities affordable to the incomes of the newly created job opportunities and consider the effects of new employment, particularly in relation to housing demands, when new commercial or industrial development is proposed.*

The Council finds that Objective II.F.1 and Policies II.F.1 and II.F.3 are City actions separate from the approval of the Proposed Actions. While these objectives and policies do not affect the particular details of the Villages of Patterson, the Proposed Action does not conflict with their intent.

**C. TRANSPORTATION AND CIRCULATION**

1. Goal III.A: To create and maintain a roadway network that will ensure the safe and efficient movement of people and goods throughout the city.

*a. Policy III.A.2: The City shall endeavor to maintain a Level of Service "D," as defined by the 2000 Highway Capacity Manual or subsequent revisions, on all streets and intersections within the city. To identify the potential impacts of new development on traffic service levels, the City shall require the preparation of traffic impact analyses at the sole expense of the developer for developments determined to be large enough to have potentially significant traffic impacts.*

The Council finds that the Proposed Action is consistent with this Policy. A traffic analysis was prepared for Villages of Patterson. The analysis concluded that traffic impacts created by the Villages of Patterson would cause some streets to exceed the desired Level of Service "D." For these streets and intersections, the Environmental Impact Report (EIR) lists improvements to mitigate the impacts and stay within the "D" level or higher. Either the developers will build these improvements or the City of Patterson will build these improvements and collect from the Village of Patterson its fair share of those costs. Various streets and intersections not identified within the EIR as requiring mitigation continue to operate at acceptable Levels of Service "D" or higher.

*b. Policy III.A.5: The City shall promote development of an expressway to facilitate east-west travel and to divert through-traffic from Sperry Avenue to East Las Palmas Avenue. The general alignment of the expressway shall connect Sperry Avenue to East Las Palmas Avenue near the eastern edge of the Planning Area.*

The Council finds that Policy III.A.5 relating to the promotion of an expressway does not affect the particular details of the Proposed Action, but the Proposed Action does not conflict with its intent. The expressway in this policy is in the General Plan Area to the south of the Proposed Action and this policy would be addressed when that area develops.

*c. Policy III.A.8: Industrial and commercial development shall be planned so that truck access through residential areas is avoided.*

The Council finds that the Proposed Action is consistent with this policy. The location of industrial and commercial development lies along major collector streets creating easier access. Additionally, sound-walls and landscaping act as buffers between residential development and streets with truck access.

*d. Policy III.A.9: The City shall ensure through a combination of traffic impact fees and other funding mechanisms that new development fully mitigates its impact on traffic facilities by paying its share of the costs of circulation improvements. The total cost of required improvements shall be paid for by new development.*

The Council finds that the Proposed Action is consistent with this policy. Traffic impact fees and other funding mechanisms, including improvements constructed by the developer, will pay the Villages of Patterson's share of circulation improvements.

*e. Policies III.A.1, III.A.3, III.A.4, III.A.6, III.A.7 and III.A.10*

*Policy III.A.1: Street design and access standards shall provide for safe and efficient movement of goods and*

*people. Restrictive traffic control measures (such as channelization, street closures, and prohibition of some traffic movements) shall be used where appropriate to promote traffic safety and efficient traffic operation.*

*Policy III.A.3: Streets shall be dedicated, widened, extended, and constructed according to City standards. Dedication and improvements of full rights-of-way shall not be required in existing developed areas where the City determines that such improvements are either infeasible or undesirable. Other deviations from these standards shall be permitted upon a determination by the City Engineer that safe and adequate public access and circulation are preserved by such deviations.*

*Policy III.A.4: Neighborhood streets shall be designed, where feasible, to discourage unsafe traffic speeds.*

*Policy III.A.6: The primary purpose of streets outside the downtown and its western extension shall be the movement of vehicles and goods; parking shall be secondary and subordinate use only. If travel demands dictate, on-street parking may be removed to increase traffic-carrying capabilities.*

*Policy III.A.7: On-street truck parking shall be prohibited where such parking restricts adequate sight distances or otherwise poses a potentially hazardous situation.*

*Policy III.A.10: The City shall prohibit development of private streets in new residential projects, except in extraordinary circumstances. In such cases, the private streets shall be developed to City street standards.*

The Council finds that the Proposed Action is consistent with Policies III.A.1, III.A.3, III.A.4, III.A.6, III.A.7 and III.A.10, which govern the design and construction of streets. To the extent that designs are proposed at this stage, including the use of traffic circles to control traffic, the Villages of Patterson Development Plan is consistent with these policies.

2. Goal III.B: To promote and maintain public and private transit systems that are responsive to the needs of Patterson residents.

*Policy III.B.1: The City shall work to assure that West Side Dial-a-Ride service is responsive to local needs.*

*Policy III.B.2: The City shall work with the County to maintain a van/minibus transportation system tailored to the needs of the elderly and disabled, which can be expanded in the future.*

*Policy III.B.3: The City shall encourage the establishment of private taxi service in Patterson.*

The corresponding policies discuss actions by the City that are not related to approval of the Proposed Actions. However, the residents and workforce of the Villages will be served by the Stanislaus Regional Transit system (STaRT) which provides two routes through Patterson, one to Modesto and the other through Turlock, Newman and Gustine. At least one Patterson stop for each route is within walking distance from the Villages of Patterson.

3. Goal III.C: To promote increased efficiency in automobile use.

*Policy III.C.1: The City shall encourage and support programs which will increase ridesharing.*

*Policy III.C.2: The City shall cooperate with Caltrans in the development of park-and-ride facilities near Interstate 5.*

*Policy III.C.3: The City shall organize a voluntary ride-share coordination system for commuters.*

These policies involve City actions to promote ride-sharing that are not related to the approval of the Proposed Actions, but the Actions do not conflict with the intent of the goal or its policies.

4. Goal III.D: To consider air quality and noise impacts along with traffic flow efficiency when making decisions about improvements to existing roadways or construction of new roadways.

*Policy III.D.1: To the extent feasible, the City shall provide for separation of residential and other noise-sensitive land uses from major roadways to reduce noise and air pollution impacts.*

The Council finds that the Proposed Action is consistent with this policy. While the Villages of Patterson Planning Area is located along State Highway 33, the light industrial space acts as a buffer between the residential area and the highway. Sound-walls are located along the perimeter of the development and segments of collector streets within the development. In addition, landscaping along collector roads provides a setback of 21-feet or more between the roads and the residential property.

5. Goal III.E: To promote intergovernmental communication and cooperation concerning transportation-related issues.

*Policy III.E.1: The City shall continue to participate in state, regional, and local transportation planning efforts to ensure coordination of the expansion and improvement of the region's transportation system.*

*Policy III.E.2: The City shall continue to develop formal and informal lines of communication between adjacent jurisdictions to ensure cooperation in the development of transportation systems that cross jurisdictional boundaries.*

The Council finds that this goal and its related policies involve City actions that are not related to the Proposed Action but the Proposed Action does not conflict with the intent of the goal or its policies.

6. Goal III.F: To ensure the adequate provision of both on- and off-street parking.

*a. Policies III.F.1, III.F.3, III.F.4 and III.F.5*

*Policy III.F.1: If future growth in traffic volumes necessitates removal of on-street parking places to provide additional traffic lanes, the City shall ensure that the lost of on-street spaces are replaced with an equal number of off-street spaces within the same vicinity, when feasible. Parking lots contiguous to downtown streets should not be sited at intersections but rather sited in mid-block locations.*

*Policy III.F.3: In the downtown and its western extension, the amount of street frontage devoted to parking lots should be minimized, particularly along Las Palmas and Ward Avenue and around the Plaza.*

*Policy III.F.4: The City shall investigate the purchase of vacant parcels within El Circulo for the development of public parking lots.*

*Policy III.F.5: The City shall encourage business owners and employees of the existing downtown, including employees of the City of Patterson, to park their vehicles at more distant locations to free up parking spaces within the downtown.*

The Council finds that Policies III.F.1, III.F.3, III.F.4 and III.F.5 involve City actions that are not related to the Proposed Action but the Proposed Action does not conflict with the intent of the policies.

*b. Policy III.F.2: The City shall require provision of adequate off-street parking in conjunction with all new developments. Parking shall be located convenient to new development and shall be easily accessible from the street system. The adequacy and appropriateness of parking requirements in the Zoning Ordinance shall be periodically reevaluated.*

The Council finds that the development standards of the Proposed Action comply with the parking requirements as stated in the Zoning Ordinance.

7. Goal III.G: To promote pedestrian and bicycle travel as alternatives to automobile use.

*a. Policies III.G.1, III.G.2, III.G.3 and III.G.4*

*Policy III.G.1: The City shall create and maintain a safe and convenient system of pedestrian and bicycle pathways that encourages walking or bicycling as an alternative to driving. New development shall be required to pay its share of the costs for development of this pathway system.*

*Policy III.G.2: The City shall establish a safe and convenient network of identified bicycle routes connecting residential areas by the shortest possible routes with recreation, shopping, and employment areas within the city. The City shall cooperate with surrounding jurisdictions in designing and implementing an area-wide bikeway system.*

*Policy III.G.3: Bicycle routes shall emphasize paths separated from vehicle traffic to the maximum extent possible, but shall also includes bicycle lands within public streets. The City shall limit on-street bicycle routes to those streets where the available roadway width and traffic volumes permit safe coexistence of bicycle and motor vehicle traffic.*

*Policy III.G.4: To the extent practicable, bicycle and pedestrian pathways shall be included within open space areas.*

The Council finds that the Proposed Action is consistent with these polices. The provision of on- and off-street bicycle paths, off-street walking paseos in open space areas, and on-street sidewalks within the Villages of Patterson offers a safe and convenient route connecting residential neighborhoods to schools, parks, public facilities and commercial and industrial uses that will include businesses and offices as well as retail stores. On-street bicycle paths are made safe by the provision of 8-foot wide bike lanes. The ends of cul-de-sacs provide easy pedestrian access to major streets and commercial areas. Thus, the Council finds that the design of the Proposed Action promotes pedestrian and bicycle travel.

*b. Policies III.G.5 and III.G.6*

*Policy III.G.5: The City shall require inclusion of bicycle parking facilities at all new major public facilities arid commercial and employment sites.*

*Policy III.G.6: Bicycle safety shall be considered when implementing improvements for automobile traffic operations.*

The Council finds that Policies III.G.5 and III.G.6 are not related to the Proposed Action but the Proposed Action does not conflict with the intent of the policies.

8. Goal III.H: To take an active role in any changes in use patterns of airports within the vicinity of Patterson.

*Policy III.H.1: The City shall support the continued use of the Patterson Airport as an agricultural airstrip, although supporting some recreational use of the airport.*

*Policy III.H.2: The City shall work with Stanislaus County and participate in studies concerning the possible conversion of the use should be analyzed for their possible effects on Patterson.*

The Council finds that Goal III.H is inapplicable as the Proposed Action does not affect nearby airports. There are no airports near the Proposed Action.

**D. PUBLIC FACILITIES AND SERVICES**

1. Goal IV.A To maintain an adequate level of service in the City's water system to meet the needs of existing and future development.

*a. Policies IV.A.3 and IV.A.8*

*Policy IV.A.3: The City shall not approve any new development without the demonstrated assurance of an adequate water supply to support such development.*

*Policy IV.A.8: The City shall, through a combination of water development fees and other funding mechanisms, ensure that new development pays its share of the costs of water system improvements.*

The City finds that the Proposed Action is consistent with these policies. An adequate water supply exists to serve the Villages of Patterson, as analyzed in the 2000 Urban Water Management Plan and the July 2006 Water Supply Assessment prepared for this development project. The developer will construct all water lines necessary to serve the Villages of Patterson development. Additionally, the Villages of Patterson will finance its share of the City's water treatment plant through the payment of impact fees and the participation in one or more Mello-Roos financing districts.

*b. Policies IV.A.1, IV.A.2, IV.A.4, IV.A.5, IV.A.6 and IV.A.7*

*Policy IV.A.1: The City shall continue to use groundwater as a source of domestic water for the city. The City shall also pursue, as expeditiously as possible, acquisition of surface water rights to supplement its water supply in order to accommodate projected water demand and provide for water supply security.*

*Policy IV.A.2: The City shall expand and develop water treatment, distribution, and storage facilities to accommodate the needs of existing and planned development.*

*Policy IV.A.4: The City shall coordinate, to the extent feasible, with other agencies involved in water resource development in the region.*

*Policy IV.A.5: To minimize the need for the development of new water sources and facilities and to minimize sewer treatment needs, the City shall promote water conservation both in City operations and in private development.*

*Policy IV.A.6: The City shall systematically replace or repair old, leaking water lines.*

*Policy IV.A.7: The City shall ensure the provision of adequate fire-flows in all new development.*

The Council finds that Policies IV.A.1, IV.A. 2, IV.A.4, IV.A.5, IV.A.6 and IV.A.7 require City action not related to the approval of the Proposed Action. The Proposed Action is compatible with these policies.

2. Goal IV.B: To maintain an adequate level of service in the City's sewage collection and disposal system to meet the needs of existing and future development.

*a. Policies IV.B.2 and IV.B.4*

*Policy IV.B.2: The City shall ensure the provision of adequate sewer service to all new development in the city and support the extension of sewer service to existing development areas where this service is lacking.*

*Policy IV.B.4: 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.*

The City finds that the Proposed Action is consistent with these policies. While a portion of the Plan Area may be developed using the existing wastewater treatment plant, it will be necessary for the City to complete the planned expansion before the treatment plant will have the capacity to serve the entire Villages of Patterson project. This expansion and other necessary improvements will be paid by the Proposed Action through impact fees and participation in one or more Mello-Roos facilities districts.

*b. Policies IV.B.1 and IV.B.3*

*Policy IV.B.1: The City shall selectively repair or replace old sanitary sewers lines to eliminate or minimize infiltration/inflow.*

*Policy IV.B.3: The City shall expand and develop new wastewater treatment and disposal capacity, which would include aerated pond treatment with evaporation/percolation disposal, to accommodate the needs existing and planned development.*

The Council finds that Policies IV.B.1 and IV.B.3 are City actions not related to the approval of the Proposed Actions. The Proposed Actions are compatible with these policies.

3. Goal IV.C: To maintain an adequate level of service in the City's storm drainage system to accommodate runoff from existing and future development and to prevent property damage due to flooding.

*a. Policies IV.C.2, IV.C.4 and IV.C.5*

*Policy IV.C.2: The City shall expand and develop storm drainage facilities to accommodate the needs of existing and planned development.*

*Policy IV.C.4: The City shall, through a combination of drainage improvement fees and other funding mechanisms, ensure that new development pays its share of the costs of drainage system improvements.*

*Policy IV.C.5: Future drainage system discharges shall comply with applicable state and federal pollutant discharge requirements.*

The City finds that the Proposed Action is consistent with these policies. As called for by the Villages of Patterson's development plan, the Developer will be expanding the City's storm drainage service by constructing a 40-acre stormwater drainage basin. The Developer's participation in one or more financing districts for the construction of this facility will ensure that the Villages of Patterson pays its share of the costs of this improvement. Additionally, such facility will comply with applicable state and federal law.

*b. Policies IV.C.1 and IV.C.3*

*Policy IV.C.1: Where practical and economical, the City shall upgrade existing drainage facilities as necessary to correct localized flooding problems.*

*Policy IV.C.3: The City shall form storm drainage districts as needed to ensure that storm drainage facilities are properly constructed, operated, and maintained.*

The Council finds that Policies IV.C.1 and IV.C.3 are City actions not related to the approval of the Proposed Actions. The Proposed Actions are compatible with these policies.

4. Goal IV.D: To provide for the collection and disposal of solid waste while minimizing the generation of waste.

*Policy IV.D.1: The City shall study and actively pursue methods of solid waste recycling and reuse, including source separation, with the goal of reducing its solid waste generation by 25 percent by 2005 and 50 percent by the year 2010.*

*Policy IV.D.2: The City shall continue to require mandatory garbage collection throughout the city.*

*Policy IV.D.3: The City shall maintain close contact with the Stanislaus County Public Works Department concerning the City's continuing use of the Fink Road Waste-to-Energy Plan and its capacity projections.*

The Council finds that Policies IV.D.1, IV.D.2 and IV.D.3 are City actions not related to the approval of the Proposed Actions. The Proposed Actions are compatible with these policies.

5. Goal IV.E: To ensure that an adequate level of police service is maintained as new development occurs.

*Policy IV.E.1: The City shall, through adequate staffing and patrol arrangements, endeavor to maintain the*

*minimum feasible response times for police calls. The goal for average response time for Priority 1 (emergency) calls shall be three minutes.*

*Policy IV.E.2: The Police Services Department shall continually monitor response times and report annually on the results of the monitoring.*

The City finds that the Proposed Action's payment of the impact fees for police services as implemented by the City pursuant to AB 1600 is consistent with these policies.

6. Goal IV.F: To ensure that an adequate level of fire service is maintained as new development occurs.

*a. Policies IV.F.1 and IV.F.3*

*Policy IV.F.1: The City shall endeavor to achieve and maintain an overall fire insurance (ISO) rating of 5 or better. The goal for average response time for Priority 1 (emergency) calls shall be five minutes for 95 percent of the calls.*

*Policy IV.F.3: The City shall consider requiring installation of built-in fire suppression equipment in all new development.*

The Council finds that Policies IV.F.1 and IV.F.3 are City actions not related to the approval of the Proposed Actions. While this objective does not affect the particular details of the Proposed Action, the Proposed Action does not conflict with their intent.

*b. Policy IV.F.2: Fire stations shall be strategically located to ensure optimal response time. The existence of physical barriers such as railroad tracks shall be an important siting consideration.*

The City finds that the Proposed Action is consistent with this policy. As called for by the Villages of Patterson's development plan, a future fire station is located within the Plan Area along State Highway 33. This fire station will be the only fire station on the east side of Patterson. Adding a fire facility on the east side will increase response time.

7. Goal IV.G: To provide for the education needs of Patterson residents.

*a. Policies IV.G.1, IV.G.2, IV.G.3, IV.G.6 and IV.G.7*

*Policy IV.G.1: The City shall assist the Patterson Unified School District and others in locating and reserving appropriate sites for new schools.*

*Policy IV.G.2: Standards established by the Patterson Unified School District shall be considered in determining the number and location of new school sites. These standards are based on the assumed average number of students per household for each grade level (which varies for different types of housing) and the average size of an elementary school, junior high school, or high school.*

*Policy IV.G.3: New elementary school should, to the extent practicable, be located on collector streets within residential areas. Elementary schools should be sited to avoid bafflers such as railroad tracks and arterial streets that would separate them from the surrounding residential areas.*

*Policy IV.G.6: The City shall approve only those development proposals that have recognized and mitigated their full impact on school facilities, as determined by the City council...*

*Policy IV.G.7: The City shall require, to the extent possible, that new school facilities are constructed concurrently with new residential development.*

The City finds that the Proposed Action is consistent with these policies. As called for by the Villages of Patterson's development plan, three new schools including two elementary schools and one middle school are to be located within the Villages of Patterson. These schools are the first schools to serve the east side of Patterson. Each of these schools will be located along collector streets away from the Southern Pacific Railroad. The Developer and the Patterson Unified School District have entered into a mitigation agreement whereby the Villages of Patterson's impact on school facilities will be fully mitigated. The new school facilities will be constructed as necessary to meet the needs of the Patterson Unified School District.

*b. Policies IV.G.4, IV.G.5, IV.G.8 and IV.G.9*

*Policy IV.G.4: The City shall work cooperatively with the Patterson Unified School District in monitoring housing, population, and school enrollment trends to plan for future school facility needs.*

*Policy IV.G.5: The City shall support enactment of state legislation to finance the construction of new schools.*

*Policy IV.G.8: The City shall support the efforts of the Stanislaus County Public Library in providing services to the citizens of Patterson.*

*Policy IV.G.9: The City shall support the location of junior college and other higher education facilities in Patterson or western Stanislaus County.*

The Council finds that Policies IV.G.4, IV.G.5, IV.G.8 and IV.G.9 are City actions not related to the approval of the Proposed Actions. The Proposed Actions are compatible with these policies.

8. Goal IV.H: To provide for the health care needs of Patterson residents.

*a. Policies IV.H.1, IV.H.2 and IV.H.3*

*Policy IV.H.1: The City shall support the development and maintenance of adequate hospital and acute health care facilities in Patterson.*

*Policy IV.H.2: The City shall encourage the development of convalescent facilities in the city.*

*Policy IV.H.3: The City shall cooperate with the Patterson Health Care District in identifying and evaluating the impacts of demographic changes which may affect the need for new medical facilities.*

The Council finds that Policies IV.H.1, IV.H.2 and IV.H.3 are City actions not related to the approval of the Proposed Actions. The Proposed Actions are compatible with these policies.

*b. Policy IV.H.4: The City shall assist and cooperate with the Patterson Health Care District in levying and collecting fees to aid in the financing of necessary capital improvements to the health care facilities of the district.*

The City finds that the Proposed Action is consistent with this policy. A developer fee collected via the development agreement is being assessed on the Villages of Patterson to support the Del Puerto Health Care District, the health care district that includes Patterson and the surrounding area.

9. Goal IV.I: To promote efficiency, convenience, and harmonious relationships in the site of public facilities.

*a. Policies IV.I.1, IV.I.2 and IV.I.3*

*Policy IV.I.1: Public facilities, such as utility substations, water storage or treatment plants, pumping stations, and sewer treatment plants, shall be located, designed, and maintained so that noise, light, glare, or odors associated with these facilities will not adversely affect nearby land uses. Building and landscaping materials that make these facilities compatible with neighboring properties shall be used.*

*Policy IV.I.2: Utility company rights-of-way shall be considered for use as public or private open space, trails, parkland, or other compatible recreational uses.*

*Policy IV.I.3: The City shall, where suitable, require all new electrical and communication facilities to be installed underground or, in the case of transformers, pad-mounted. The City shall actively promote the undergrounding of existing overhead facilities.*

The Council finds that Policies IV.I.1, IV.I.2 and IV.I.3 are City actions not related to the approval of the Proposed Actions. The Proposed Actions are compatible with these policies.

*b. Policy IV.1.4: The City shall promote the clustering of public and quasi-public facilities, such as schools, parks, libraries, child care facilities, and community activity centers.*

The City finds that the Proposed Action is consistent with this policy. As called for by the Villages of Patterson's development plan, the Village Circle will cluster together the live/work businesses, private recreational center, parks, and child care facilities. Additionally, elementary school is adjacent to the Village Circle development and the middle school is adjacent to the elementary school. Thus, several public and quasi-public facilities are clustered together.

#### **E. RECREATIONAL AND CULTURAL RESOURCES**

1. Goal V.A: To establish and maintain a public park system and recreation facilities suited to the needs of Patterson residents and visitors.

*a. Policies V.A.3, V.A.5, V.A.6, V.A.7, V.A.8 and V.A.14*

*Policy V.A.3: New development shall be required to assist in meeting the City's standard of five acres per 1,000 residents. To this end, the City shall require all new development to dedicate land, dedicate improvements, pay in-lieu of fees, or a combination of these determined acceptable by the City, to the maximum extent authorized by law.*

*Policy V.A.5: Neighborhood parks shall be integrated into, and become focal points of, new residential neighborhoods. Pedestrian accessibility shall be emphasized.*

*Policy V.A.6: The City shall promote the development of one or more large-scale park complexes in Patterson.*

*Policy V.A.7: The City shall pursue joint-use of school facilities as a high priority for the development of new park and recreational facilities, especially for after-school activities.*

*Policy V.A.8: Parks shall be located, oriented, and designed in such a way as to facilitate security, policing, and maintenance.*

*Policy V.A.14: The City shall pursue the development of a citywide network of pedestrian and bicycle pathways.*

The City finds that the Proposed Action is consistent with these policies. As called for by the Villages of Patterson's development plan, approximately 65.6 gross acres in park land consisting of community parks, soccer fields and open space. Under the City's Policy V.A.2, a project is only required to provide 5 acres of developed parkland per 1,000 residents. While a project applicant can opt to pay an in-lieu fee instead of providing the developed parkland, the Proposed Action provides the City and the community with approximately 7 acres of developed parkland, excluding

the walking paseos, per 1,000 residents (based on approximately 3 residents per the 3,100 units). Each neighborhood has its own park, some of which border school sites, and all of which are connected to each other and the Village Circle by approximately 18.47 miles of internal and perimeter walking paseos and bicycle and pedestrian trails. These trails are open and create a safe and convenient system of pedestrian and bicycle pathways.

Additionally, the City finds that the Proposed Action is consistent with this goal because it provides a soccer complex to the City. Currently, the City has only one existing public soccer field to serve the current City programs. This soccer complex will provide approximately eight (8) soccer fields along with restroom facilities and parking.

*b. Policies V.A.1, V.A.2, V.A.4, V.A.9, V.A.10, V.A.12 and V.A.13*

*Policy V.A.1: The City shall prepare and adopt a Parks Master Plan which includes the following components:*

- \* Locational standards*
- \* Preferred sites*
- \* Improvement and equipment standards*
- \* Development priorities*
- \* Financing mechanisms*
- \* Development of community activity centers, such as a senior center.*
- \* Sports facilities*

*Policy V.A.2: The City shall establish a standard of five acres of developed parkland (combined neighborhood and community) per 1,000 residents.*

*Policy V.A.4: The City shall pursue all available and appropriate county, state, and federal funding for the acquisition of parkland and the development of park facilities.*

*Policy V.A.9: New high-activity-level parks and parks intended for night use shall be designed to buffer existing and planned surrounding residential uses from excessive noise, light, and other potential nuisances.*

*Policy V.A.10: The City shall identify open spaces, including areas within the downtown and its western extension and along Salado Creek, for development of safe community activity areas.*

*Policy V.A.12: The City shall assign high priority to the improvement and rehabilitation of parks in existing neighborhoods.*

*Policy V.A.13: The City shall encourage the use of open space and recreational uses as buffers between incompatible land uses.*

The Council finds that Policies V.A.1, V.A.2, V.A.4, V.A.8, V.A.9, V.A.10, V.A.12 and V.A.13 are City actions not related to the approval of the Proposed Actions. The Proposed Actions are compatible with these policies.

*c. Policy V.A.11: The City shall emphasize the use of drought-tolerant and drought-resistant landscaping in the development of City parks.*

The City finds that the Proposed Action is consistent with this policy. Though drought-tolerant and drought-resistant landscaping is not mandated under this policy, design guidelines for neighborhood parks in the Proposed Action include drought-tolerant native trees.

2. Goal V.B: To promote the provision of private recreational facilities and opportunities.

*a. Policy V.B.1: The City shall promote the provision of private open space and recreation facilities in large-scale residential developments.*

The City finds that the Proposed Action is consistent with this policy. The Villages of Patterson will provide private recreational facilities to serve its residential development. The recreational activities proposed for the Village Circle may include a clubhouse, pool, interactive water facility, exercise facilities and/or landscaped open space for the private use of individual neighborhoods or a series of neighborhoods. The Council hereby finds the proposed private recreational facilities are consistent with the General Plan.

*b. Policies V.B.2, V.B.3 and V.B.4*

*Policy V.B.2: The City shall promote the inclusion of private outdoor and indoor recreation facilities in large commercial/industrial projects as a benefit for employees and as a means of reducing demand on public facilities.*

*Policy V.B.3: The City may encourage the development of golf courses in conjunction with major new development projects.*

*Policy V.B.4: The City shall promote the development of commercial recreational facilities that meet community needs and complement public parks, facilities, and programs.*

The Council finds that Policies V.B.2, V.B.3 and V.B.4 are City actions not related to the approval of the Proposed Actions. The Proposed Actions are compatible with these policies.

3. Goal V.C: To establish recreation programs suited to the broad needs and interests of Patterson residents.

*Policy V.C.1: The City shall work with the Patterson Unified School District to develop and maintain a balanced recreation program which addresses the diverse needs of the various age and interest groups in Patterson.*

*Policy V.C.2: The City shall encourage and/or co-sponsor ethnic programs and activities of local interest.*

*Policy V.C.3: The City shall seek to develop a public swimming pool.*

*Policy V.C.4: The City shall ensure that residents of Patterson are given first priority for participation in City-sponsored recreation programs, activities, and leagues and use of City facilities for such activities.*

*Policy V.C.5: The City shall consider unique neighborhood needs in developing facilities and programs for indoor and outdoor activities.*

*Policy V.C.6: In the planning of recreation programs and facilities, the City shall promote the active involvement of all affected residents, including the poor and those with special needs, such as the physically disable and the elderly.*

*Policy V.C.7: The City shall establish cooperative agreements with the Patterson Unified School District for the use of school facilities for City-sponsored recreation programs.*

The Council finds that this goal and its related policies involve City actions that are not related to the Proposed Action but the Proposed Action does not conflict with the intent of the goal or its policies.

4. Goal V.D: To preserve and enhance Patterson's historical heritage.

*Policy V.D.1: The City shall set as a high priority the protection and enhancement of Patterson's historically and architecturally significant buildings.*

*Policy V.D.2: The City shall maintain a historic district in the downtown area and along East Las Palmas Avenue and develop standards for preservation and rehabilitation of historic structures and compatible infill development. New development near designated historic landmark structures and sites shall be designed to be compatible with the character of the designated historic resource.*

*Policy V.D.3: The City shall work with property owners in seeking registration of historical structures and sites as State Historic Landmarks or listing on the National Register of Historic Sites.*

*Policy V.D.4: The City shall support the efforts of property owners to preserve and renovate historic and architecturally significant structures. Where such buildings cannot be preserved intact, the City shall seek to preserve the building facades.*

*Policy V.D.5: Structures of historical, cultural, or architectural merit which are proposed for demolition shall be considered for relocation as a means of preservation. Relocation within the same neighborhood or to another compatible neighborhood shall be encouraged.*

*Policy V.D.6: The City shall explore the possibility of establishing a living history center or museum to focus on Patterson's agricultural heritage.*

The Council finds that this goal and its related policies involve City actions that are not related to the Proposed Action but the Proposed Action does not conflict with the intent of the goal or its policies.

5. Goal V.F: To protect Patterson's Native American heritage.

*Policy V.F.1: The City shall refer development proposals that may adversely affect archaeological sites to the California Archaeological Inventory, Central California Information Center, at Stanislaus State University for review and comment.*

*Policy V.F.2: The City shall not knowingly approve any public or private project that may adversely affect an archaeological site without first consulting the California Archaeological Inventory, Central California Information Center, conducting a site evaluation as may be indicated, and attempting to mitigate any adverse impacts according to the recommendations of a qualified archeologist. City implementation of this policy shall be guided by Appendix K of the State CEQA Guidelines.*

The Council finds that this goal and its related policies involve City actions that are not related to the Proposed Action but the project does not conflict with the intent of the goal or its policies. However, the Council recognizes the Villages of Patterson Environmental Impact Report analyzed these matters and concluded that the Proposed Action will not adversely affect an archaeological site consistent with Policies V.F.1 and V.F.2. As the Proposed Action involves an amendment to the City's General Plan, the City followed the guidelines for tribal consultation required by Senate Bill 18. After receiving the list of local tribes by the Native American Heritage Commission, the City contacted those tribes informing each of them as to the proposed General Plan amendments. None of the tribes requested consultation. One tribe did suggest that the Villages of Patterson follow state law in the event human remains are discovered.

## F. NATURAL RESOURCES

1. Goal VI.A: To protect water quality in the San Joaquin River and the area's groundwater basin.

*a. Policies VI.A.1 and VI.A.2*

*Policy VI.A.1: The City shall prohibit the establishment of any new septic systems within areas where City sewer and water service will be available in the foreseeable future.*

*Policy VI.A.2: The City shall seek the elimination of existing septic tanks in urbanized areas.*

The City finds that the Proposed Action is consistent with these policies. Both the new development and the existing homes within the Villages of Patterson will be connected to the city's sewer system. Existing homes within the project area will be connected to the city's sewer system.

*b. Policies VI.A.3, VI.A.5 and VI.A.7*

*Policy VI.A.3: In reviewing major new development proposals, the City shall consider the project's potential for adversely affecting water quality in the San Joaquin River and the area's groundwater resources.*

*Policy VI.A.5: The City shall utilize the CEQA process to identify and avoid or mitigate potential groundwater pollution problems resulting from new commercial and industrial development.*

*Policy VI.A.7: The City shall implement measures to minimize the discharge of sediment into Salado Creek and the San Joaquin River.*

The City finds that the Proposed Action is consistent with these policies. In conducting the environmental review of the Villages of Patterson, the City considered potential impacts on water quality as set forth in the policies and suggested mitigation measures. Compliance with applicable mitigation measures further address the concerns of these policies.

*c. Policies VI.A.4 and VI.A.6*

*Policy VI.A.4: The City shall regularly monitor water quality in City wells for evidence of toxics, saltwater intrusion, and other contaminants.*

*Policy VI.A.6: The City shall support efforts at the county, regional, and statewide levels to reduce runoff of toxic agricultural chemicals into Salado Creek and the San Joaquin River.*

The Council finds that Policies VI.A.4 and VI.A.6 are City actions not related to the approval of the

Proposed Actions. The Proposed Actions are compatible with these policies.

2. Goal VI.B: To promote the productivity of agricultural land surrounding Patterson and to prevent the premature conversion of agricultural land to urban uses.

*a. Policies VI.B.1, IV.B.2 and VI.B.8*

*Policy VI.B.1: The City shall support the continuation of agricultural uses on lands designated for urban uses until urban development is imminent.*

*Policy VI.B.2: The City shall encourage the County to retain agricultural uses on lands surrounding the Planning Area and on lands within the Planning Area pending their annexation to the City or development by mutual agreement with the County.*

*Policy VI.B.8: Where necessary to promote planned city growth, the City shall encourage development of those agricultural lands that are already compromised by adjacent urban development or contain property required for the extension of infrastructure or other public facilities, before considering urban development on agricultural lands that are not subject to such urban pressures.*

The City finds that the Proposed Action is consistent with these policies. The ordinary method of removing Williamson Act restrictions is for the landowner to file a notice of non-renewal and let the ten-year term of the remaining contract expire. However, as the Contracts expires, the major benefit of the Williamson Act, reduced tax payments, also expires over time as tax payments rise during the ten year period. In small housing markets such as Patterson, the non-renewal actually causes premature conversion of agricultural land since once the property tax benefits are significantly reduced or are eliminated entirely, a landowner is tempted to develop the land even in a marginal market since his property now is fully valued for property tax purposes. Consequently, maintaining the property tax advantage until the last possible moment ensures that marginal projects will not be brought forward due to unmanageable property tax payments by landowners. Timely conversion of the agricultural property to its General Plan designation of residential use will be achieved by the Villages of Patterson.

*b. Policy VI.B.5: The City shall allow cancellation of Williamson Act contracts only if the City Council finds that cancellation is consistent with state law.*

The Council finds that Policy VI.B.5 is compatible with the Proposed Actions though the policy is not directly applicable to these approvals. Separate analysis and findings for the cancellation of any Williamson Act contracts within the Villages of Patterson is necessary under state law.

*c. Policies VI.B.3, IV.B.4, VI.B.6 and VI.B.7*

*Policy VI.B.3: The City shall support tax and economic incentives, at both the local and state levels, to enhance the economic competitiveness of agriculture.*

*Policy VI.B.4: The City shall allow and encourage activities that support local agriculture such as farmers' markets, on-site sale of produce, and special events promoting local agricultural products.*

*Policy VI.B.6: The City shall adopt a right-to-farm ordinance.*

*Policy VI.B.7: The City shall support economic programs established by the County for farm preservation.*

The Council finds that Policies VI.B.3, IV.B.4, VI.B.6 and VI.B.7 are compatible with the Proposed Actions though the policies are not directly applicable to these approvals.

3. Goal VI.C: To protect sensitive native vegetation and wildlife communities and habitat.

*a. Policy VI.C.1: The City shall encourage and support development projects and programs that enhance public appreciation and awareness of the natural environment.*

The Council finds that though the Proposed Actions do not include the type of projects and programs contemplated in this policy, the Proposed Actions are still compatible as the policy does not mandate the use of these programs and projects.

*b. Policy VI.C.3: Unless there are significant, overriding considerations, the City shall not approve projects that would cause unmitigatable impacts on rare, threatened, or endangered wildlife or plant species.*

The Council finds the Proposed Action is consistent with this policy. These potential impacts on wildlife and plant species are analyzed in the Environmental Impact Report. As concluded in the Environmental Impact Report, with mitigation imposed on the Villages of Patterson, the impacts on rare, threatened, or endangered wildlife or plant species are less than significant.

*c. Policy VI.C.7: The City shall promote the use of native plants, especially valley oaks, for landscaping roadsides, parks, and private properties.*

The Council finds the Proposed Action is consistent with this policy. The design for neighborhood parks promotes the use of native plants by incorporating native trees into the landscaping, including valley oaks.

d. Policies VI.C. 2, VI.C.4, VI.C.5 and VI.C.6

*Policy IV.C.2: The City shall support state and federal laws and policies to preserve population of rare,*

*threatened, and endangered species by ensuring that development does not adversely affect such species or by fully mitigating adverse effects.*

*Policy IV.C.4: The City shall support and participate in local and regional attempts to restore and maintain viable habitat for endangered plant and animal species.*

*Policy IV.C.5: The City shall work with the California Department of Fish and Game in identifying a regional area or areas suitable for Swainson's Hawk habitat; this land should be designated as a potential mitigation land bank for impacts on existing habitat for these species.*

*Policy IV.C.6: The City, and other government agencies, shall investigate a mechanism for funding acquisition and management of lands in the potential mitigation land bank.*

The Council finds that Policies VI.C. 2 and VI.C.4, VI.C.5 and VI.C. 6 are compatible with the Proposed Actions though the policies are not directly applicable to these approvals.

4. Goal VI.D: To promote and, to the extent possible, improve air quality in Patterson and the region.

*a. Policies VI.D.2, VI.D.4, VI.D.5, and VI.D.6*

*Policy VI.D.2: The City shall utilize the CEQA process to identify and avoid or mitigate potentially significant air quality impacts of new development. The CEQA process shall also be utilized to ensure early consultation with the San Joaquin Unified Air Basin Authority concerning air quality issues associated with specific development proposals.*

*Policy VI.D.4: Major intersections shall be designed to minimize long vehicle delays which result in carbon monoxide (CO) "hot spots."*

*Policy VI.D.5: The City shall, to the extent practicable, separate sensitive land uses from significant sources of air pollutants or odor emissions.*

*Policy VI.D.6: The City shall promote expansion of employment opportunities within Patterson to reduce commuting to areas outside Patterson.*

The City finds that the Proposed Action is consistent with these policies. The Environmental Impact Report analyzes the Proposed Action's effect on air quality as suggested by these policies and proposes measures to mitigate the effects. It relies in part on the Guide for Assessing and Mitigating Air Quality Impacts produced by the SJUAB. The usage of traffic circles and turning lanes within the Villages of Paterson is designed to avoid hot spots. Additionally, because some of the residential neighborhoods are near agricultural land and operations that inevitably will produce

air pollutants or odor emissions, the location of the Villages minimizes the effects as it only borders agricultural land on two sides. The effects are further mitigated by the placement of roads, landscaping and sound-walls between the agricultural and urban land. Also, the Proposed Action seeks to improve air quality in Patterson by creating job opportunities in locations that are conveniently served by the non-vehicle transportation, such as pedestrian paths and bicycle trails.

*b. Policies VI.D.1 and VI.D.7*

*Policy VI.D.1: The City shall work with the San Joaquin Unified Air Pollution Control District in an effort to ensure the earliest practicable attainment and subsequent maintenance of federal and state ambient air quality standards.*

*Policy VI.D.7: The City should review development projects using criteria established by the San Joaquin Unified Air Pollution Control District in order to minimize future increases in vehicle travel and to assist in implementing appropriate indirect source regulations adopted by the Air Pollution Control District.*

The Council finds that Policies VI.D.1 and VI.D.7 are compatible with the Proposed Actions though the policies are not directly applicable to these approvals. However, the Council recognizes that the criteria established by the SJUAPCD and SJUAB are incorporated into the Environmental Impact Report for the Villages of Patterson.

*c. Policy VI.D.3: The City shall notify and coordinate with the San Joaquin Unified Air Basin Authority when industrial developments are proposed. Such coordination will assist applicants in complying with applicable air quality regulations and will assist the City in promptly identifying and resolving potential air quality problems.*

The Council finds the Proposed Action is consistent with this policy. The Villages of Patterson Area Plan includes light industrial locations. The City will coordinate with the SJUAB during the approval process for specific industrial development plans.

**G. HEALTH AND SAFETY**

1. Goal VII.A: To prevent loss of life, injury, and property damage due to geologic and seismic hazards.

*Policy VII.A.1: The City shall require preparation of geotechnical reports and impose appropriate mitigation measures to ensure, within the limits of technical and economic feasibility, that new structures are able to withstand the effects of seismic activity, including liquefaction.*

*Policy VII.A.2: Underground utilities, particularly water and natural gas mains, shall be designed to*

*withstand seismic forces in accordance with state requirements.*

The City finds that the Proposed Action is consistent with this goal. In keeping with Policies VII.A.1 and VII.A.2, future geotechnical reports will be prepared for submittal to the City of Patterson with various permit applications. These reports will analyze any substantial risks and recommend appropriate mitigation. Actual design of underground utilities will be further reviewed with these various permit applications.

2. Goal VII.B: To prevent loss of life, injury, and property damage due to flooding.

*Policy VII.B.1: The City shall continue to participate in the National Flood Insurance Program. To this end, the City shall ensure that its regulations are in full compliance with standards adopted by the Federal Emergency Management Agency.*

*Policy VII.B.2: New residential development, including mobilehomes, shall be constructed so that the lowest floor is at least 12 inches above the 100-year flood level.*

*Policy VII.B.3: Non-residential development shall be anchored and flood-proofed to prevent damage from the 100-year flood or, alternatively, elevated to at least 12 inches above the 100-year flood level.*

*Policy VII.B.4: Existing development shall comply with policies B.2 and B.3 when improvements are made costing at least 50 percent of the estimated current market value of the structure before the improvements.*

*Policy VII.B.5: Construction of storm drainage improvements shall be required, as appropriate, to prevent flooding during periods of heavy rainfall.*

*Policy VII.B.6: The City shall impose appropriate conditions on grading projects performed during the rainy season to ensure that silt is not conveyed to storm drainage systems.*

The Council finds that Policies VII.B.1 and VII.B.4 are compatible with the Proposed Actions though the policies are not directly applicable to the approvals. The Council further finds that Policies VII.B.2, VII.B.3, VII.B.5 and VII.B.6 are compatible with the Proposed Actions though the design of construction and storm drainage improvements will be further reviewed for consistency upon various permit applications.

3. Goal VII.C: To prevent loss of life, injury, and property damage due to wildland and structural fires, explosions and release of hazardous materials.

*a. Policies VII.C.1 and VII.C.7*

*Policy VII.C.1: The City shall require that new development provides all necessary water service, fire*

*hydrants, and roads consistent with Fire Department Standards.*

*Policy VII.C.7: The city shall ensure that new developments provides for adequate fire equipment access and, where appropriate, includes the use of fire-resistant landscaping and building materials.*

The Council finds that the Proposed Action is consistent with these policies. The Proposed Action will be contributing impact fees and special taxes towards the provision of sufficient water service. The development plan includes a fire station site. A grid system of collector streets and the station's proximity to State Highway 33 assures efficient access to the Villages and surrounding neighborhoods. Specific proposals for landscaping and building materials will be reviewed upon various permit applications.

*b. Policies VII.C.2, VII.C.3, VII.C.4, VII.C.5, VII.C.6 and VII.C.8*

*Policy VII.C.2: The City shall ensure that adequate water fire-flows are maintained throughout the city and shall regularly monitor fire-flows to ensure adequacy. New development shall comply with the following minimum fire-flow rates:*

<i>Development Category</i>	<i>Gallons Per Minute</i>
<i>Single-Family Residential</i>	<i>1,000</i>
<i>Multi-Family Residential</i>	<i>1,500</i>
<i>Principal Business District</i>	<i>2,500</i>
<i>Industrial/Other Business District</i>	<i>3,000 to 6,000</i>

*Policy VII.C.3: The Fire Department shall maintain an ongoing fire and life safety inspection program for all public, commercial, and industrial buildings.*

*Policy VII.C.4: All new development shall be constructed according to fire safety and structural stability standards contained in the latest adopted Uniform Fire and Building Codes and related regulations.*

*Policy VII.C.5: The City shall minimize the dependence of new commercial and industrial developments on City firefighting personnel and equipment by requiring on-site fire suppression systems which include sprinklers and pumps, as deemed necessary.*

*Policy VII.C.6: The City shall require property owners to remove fire hazards, including vegetation, hazardous structures and materials, and debris, as directed by the Fire Department.*

*Policy VII.C.8: In cooperation with the Stanislaus County Health Department, the City shall require testing for contamination in areas suspected as potentially hazardous and shall require that remediation of hazardous areas takes place prior to development.*

The Council finds that Policies VII.C.3, VII.C.6 and V.II.8 are compatible with the Proposed Actions though the policies are not directly applicable to the approvals. The Council further finds that Policies VII.C.1, VII.C.2, VII.C.4 and VII.C.5 are compatible with the Proposed Actions though the design of construction and site specific requirements will be further reviewed for consistency upon various permit applications.

4. Goal VII.D: To ensure that City emergency response procedures are adequate in the event of natural or man-made disasters.

*Policy VII.D.1: The City shall maintain, periodically update, and test the effectiveness of its Emergency Response Plan. As part of the periodic update, the City shall review county and state emergency response plans and procedures to ensure coordination with the City's plan.*

*Policy VII.D.2: The City shall identify emergency access routes and shall ensure that they are kept free of traffic impediments.*

*Policy VII.D.3: The City shall identify alternative water sources for firefighting purposes for use during a disaster.*

*Policy VII.D.4: Critical emergency response facilities such as hospitals, fire, police, emergency service facilities, and utilities shall be sited to minimize their exposure to flooding, seismic effects, fire, or explosion.*

*Policy VII.D.5: The City shall designate and develop a command center for use during times of emergency.*

*Policy VII.D.6: The City shall maintain mutual aid agreements and communications links with surrounding jurisdictions for assistance during times of emergency.*

The Council finds that this goal and underlying policies pertains to City actions not related to the approval of the Proposed Actions. The Proposed Actions are compatible with this goal.

5. Goal VII.E: To protect city residents from the harmful and undesirable effects of excessive noise.

*Policy VII.E.1: New development of noise-sensitive uses shall not be allowed where the noise level due to non-transportation noise sources will exceed the noise level standards of Table II-3, as measured immediately within the property line of the new development, unless effective noise mitigation measures have been incorporated into the development design to achieve the standards specified in Table II.3. [Table II.3 is excluded].*

*Policy VII.E.2: Noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table II.1 as measured immediately within the property line of lands designated for noise-sensitive uses. This policy does not apply to noise sources associated with agricultural*

*operations on lands zoned for agricultural uses. [Table II.1 is excluded].*

*Policy VII.E.3: Where proposed non-residential land uses are likely to produce noise levels exceeding the performance standards of Table II-1 at existing or planned noise-sensitive use, an acoustical analysis shall be required as part of the environmental review process so that noise mitigation may be included in the project design. (Requirements for the content of an acoustical analysis are identified in Table II-2). (Note: For the purposes of these noise policies, transportation noise sources are defined as traffic on public roadways, railroad line operations and aircraft in flight. Control of noise from these sources is preempted by Federal and State regulations. Other noise sources are presumed to be subject to local regulations, such as a noise control ordinance). [Table II-2 is excluded].*

*Policy VII.E.4: The feasibility of proposed projects with respect to existing and future transportation noise levels shall be evaluated by comparison to Figure II-1.*

*Policy VII.E.5: New development of noise-sensitive land uses will not be permitted in areas exposed to existing or projected levels of noise from transportation noise sources which exceed the levels specified in Table II-5, unless the project design includes effective mitigation measures to reduce noise in outdoor activity areas and interior spaces to the levels specified in Table II-1.*

*Policy VII.E.6: Noise created by new transportation noise sources, including roadway improvement projects, shall be mitigated so as not to exceed the levels specified in Table II-1 at outdoor activity areas or interior spaces of existing noise-sensitive land uses in either the incorporated or unincorporated areas.*

*Policy VII.E.7: Where noise-sensitive land uses are proposed in areas exposed to existing or projected exterior noise levels exceeding the levels specified in Table II-1 or the performance standards of Table II-3, an acoustical analysis shall be required as part of the environmental review process so that noise mitigation may be included in the project design.*

*Policy VII.E.8: Where noise mitigation measures are required to achieve the standards of Tables II-1 and II-3, the emphasis of such measures shall be placed upon site planning and project design. 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 project.*

The Council finds that the Proposed Action is consistent with this Goal. This Goal and the policies concern the mitigation of noise impacts to acceptable levels as provided in tables under the Health and Safety Element of the Patterson General Plan. As analyzed and discussed in the Environmental Impact Report, mitigation will keep noises from construction and industrial or commercial outdoor mechanical equipment to acceptable levels.

6. Goal VII.F: To prevent crime and promote the protection of people and property.

*a. Policies VII.F.1 and VII.F2*

*Policy VII.F.1: The Police Services Department shall provide neighborhood security and crime prevention information and training to neighborhood groups and homeowners' associations.*

*Policy VII.F.2: The City shall encourage the use of physical site planning as an effective means of preventing crime. Developers shall design open spaces, parking lots, parks, play areas, and other public spaces so they can be under continuous surveillance by residents. To this end, the Policy Department shall participate in the development review process to ensure that crime prevention considerations are incorporated in the design of residential, commercial, industrial, and public facility projects.*

The Council finds that these policies pertain to City actions not related to the approval of the Proposed Actions. The Proposed Actions are compatible with these policies.

*b. Policy VII.F.3: The City shall provide and maintain an adequate level of police equipment and personnel consistent with city growth and development.*

The Council finds that the Proposed Action is consistent with this policy. Through the payment of police service impact fees, the Villages of Patterson will contribute its share of police equipment and personnel needed to serve its development.

#### **H. CITY DESIGN, STRUCTURE, AND AESTHETICS**

1. Goal VIII.A: To promote the development of a coherent and distinctive physical form and structure that reflects Patterson's small-town qualities and agricultural heritage.

*a. Policies VIII.A.1, VIII.A.2 and VIII.A.3*

*Policy VIII.A.1: The City shall endeavor to maintain and enhance the distinctiveness and integrity of neighborhoods and districts in Patterson.*

*Policy VIII.A.2: The City shall seek to preserve the vital qualities of existing, stable residential neighborhoods and shall promote the development of new residential neighborhoods with these same qualities.*

*Policy VIII.A.3: The City shall use the circulation system and the pedestrian and bicycle pathway system as important structural elements to link and define neighborhoods and districts in Patterson.*

The Council finds that the Proposed Action is consistent with these policies. The Villages of Patterson is designed as a traditional community, incorporating many elements of existing Patterson. The historic "wheel and spoke" design of downtown Patterson provides structure to the Villages, with the central circle as the focal point with higher density housing and commercial uses.

Four distinct neighborhoods exist, each with their own neighborhood park. In many areas, the use of alleys minimizes the dominance of roads. Bike and pedestrian paths connect housing to businesses, schools and parks. Palm trees are located along the entrances and Village Center, visually connecting the development to the larger community. Landscaping of each neighborhood incorporates trees that, when mature, will provide the leafy cover reminiscent of older neighborhoods.

*b. Policies VIII.A.4, and VIII.A.5*

*Policy VIII.A.4: The City shall promote the development of a well-defined, pedestrian-oriented downtown as the center of Patterson's commercial, civic, and cultural life.*

*Policy VIII.A.5: The City shall use Patterson's historic urban forms as the basis for the western extension of the downtown commercial/civic core and surrounding residential neighborhoods.*

The Council finds that these policies pertain to City actions not related to the approval of the Proposed Actions. The Proposed Actions are compatible with these policies.

*c. Policy VIII.A.6: The City shall create a continuous scenic corridor lined with palm trees extending along East Las Palinas Avenue from near the San Joaquin River west along Las Palmas Avenue through downtown to its planned intersection with Sperry Avenue and then west along Sperry Avenue to Interstate 5.*

The Council finds that Policy VIII.A.6 involves city action along Las Palmas and Sperry avenues. The Project is compatible with this policy.

*d. Policy VIII.A.7*

Policy VIII.A.7: The City shall seek to maintain a distinct agricultural definition to the urban edge of the city as a means of emphasizing Patterson's small-town qualities and agricultural heritage.

The Council finds that the Proposed Action is consistent with this policy. The Villages of Patterson is separated from agricultural areas by roads, landscaping and sound-walls. This is not a situation where ranchettes are used as a transition from urban to agricultural environments.

2. Goal VIII.B: To create a well-defined, pedestrian-oriented downtown which serves as the center of Patterson's commercial, civic and cultural life.

*a. Policies VIII.B.1, VIII.B.2, VIII.B.3, VIII.B.4, VIII.B.5, VIII.B.6 and VIII.B.7*

*Policy VIII.B.1: The City shall promote the development of a well-defined, pedestrian-oriented downtown by preserving and enhancing the existing downtown and by extending the grid and radial street pattern of the existing historic downtown to the west. The downtown shall include commercial, civic, residential, cultural, and recreational uses, and shall serve all segments of the community. The commercial/civic core of downtown shall be defined as the existing downtown area focused on the circle and its extension west along Las Palmas Avenue to its planned intersection with Sperry Avenue. The existing downtown commercial/civic core and its western extension shall be functionally and visually linked so they operate to the maximum extent possible as a single commercial/civil district.*

*Policy VIII.B.2: The City shall develop civic/community center facilities and a plaza in the western extension of downtown.*

*Policy VIII.B.3: The City shall encourage the concentration and intensification of urban uses, including residential uses, in the downtown and its western extension as a means of increasing pedestrian activity and providing support for commercial and civic activities in the downtown.*

*Policy VIII.B.4: Buildings located in the downtown and its western extension should, as much as possible, be sited so they front directly on streets. The amount of street frontage devoted to parking lots should be minimized, particularly along Las Palmas Avenue and Ward Avenue and around the plaza.*

*Policy VIII.B.5: The City shall allow for the development of paved alleys in the grid street pattern in the western extension of downtown. Secondary residential units will be permitted with primary access through alleys.*

*Policy VIII.B.6: The design of commercial, office, and civic uses in the western extension of downtown should reflect and complement the architectural and historical character of the existing downtown area.*

*Policy VIII.B.7: The City shall take the lead in upgrading the visual quality of the streets in the existing downtown area.*

The Council finds that the policies under this goal focus on downtown and its western extension. The Villages of Patterson is compatible with these policies. The Villages provides an east-west balance, maintaining the downtown as the geographic center of the city and its natural focal point. Residents of the Villages may easily walk, bike or drive to downtown, creating new opportunities for downtown businesses. Though the Village Center provides neighborhood commercial space, that space is not intended to diminish the importance of downtown. Enough residents, businesses and services will be located in the Villages to support the Village Center and nearby downtown.

*b. Policy VIII.B.8: The City shall promote the enhancement of the overall quality of development along Highway 33 through infill and private and public development, as necessary.*

The Council finds that the Proposed Action is consistent with this policy. Light industrial space is provided along State Highway 33. Design guidelines discussed in the development plan ensure aesthetically pleasing development, including significant landscaping and a consistent architectural theme.

3. Goal VIII.C: To preserve existing community character and fabric and promote the development of neighborhoods and districts that emphasizes pedestrian convenience.

*a. Policy VIII.C.1: In approving new or null development, the City shall respect existing neighborhood scale and character.*

The Council finds that the Proposed Action is consistent with this policy. An existing residential neighborhood is adjacent to the Villages. New uses bordering the existing neighborhood include a park, school, and single family homes with medium and low density zoning.

*b. Policy VIII.C.2: The City shall promote the creation of well-defined residential neighborhoods in newly-developing areas. Each of these neighborhoods should have a clear focal point, such as a park, school, or other open space and community facility, and should be designed to promote pedestrian convenience. To this end, the City shall encourage the use of existing Patterson neighborhoods, including the grid street system, as models for the planning and design of new residential neighborhoods.*

The Council finds that the Proposed Action is consistent with this policy. The Villages of Patterson consists of four neighborhoods and the Village Center. A grid street system is utilized with the historic downtown wheel and spoke model incorporated into the grid. Each neighborhood has its own entrance and park. Housing, schools, parks, public facilities and businesses are quickly and easily accessible through a system of pedestrian and bike trails.

*c. Policy VIII.C.3: New commercial and office development should promote pedestrian convenience, especially in the downtown and its western expansion.*

The Council finds that the Proposed Action is consistent with this policy. The Village Circle is the neighborhood commercial district. It is easily accessible through a system of pedestrian and bicycle trails. By incorporating housing opportunities into the commercial district, the Plan creates an urban character that celebrates pedestrian environments. This environment is reinforced by the placement of parking away from the streets, de-emphasizing parking lots and a culture of driving.

4. Goal VIII.D: To maintain and enhance the quality of Patterson's landscape and streetscape.

*Policy VIII.D.1: The City shall endeavor to protect the tree canopy created by mature trees in existing developed areas and in newly developing areas.*

*Policy VIII.D.2: The City shall require that all new development incorporate the planting of trees and other vegetation that extend the vegetation pattern of older adjacent neighborhoods into new development.*

*Policy VIII.D.3: The City shall extend and reinforce major street tree/boulevard planting to enhance the visual character of special and important streets within Patterson.*

*Policy VIII.D.4: The City shall identify appropriate streets for inclusion of landscaped medians.*

The Council finds that the Proposed Action is consistent with this goal and its underlying policies. Currently the site consists mainly of agricultural land with a lack of mature trees and tree canopy. However, landscaping guidelines for the Villages of Patterson incorporate the use of deciduous trees that when mature, will create the tree canopy associated with older, established neighborhoods. To connect historical Patterson to the Villages of Patterson, the landscaping concept incorporates palm trees into the entrances and Village Circle, and leafy shade-providing trees among the four neighborhoods.

## **IX. ADMINISTRATION AND IMPLEMENTATION**

1. Goal IX.A: To provide for the ongoing administration and implementation of the General Plan.

*Policy IX.A.1: The City shall review the General Plan Policy Document every two years and revise it as deemed necessary.*

*Policy IX.A.2: The General Plan shall be amended no more than four times per year. Each amendment, however, may include multiple changes.*

*Policy IX.A.3: The City shall conduct a major review of the General Plan, including the Policy Document and Background Report, every five years and revise it as deemed necessary.*

*Policy IX.A.4: The City shall prepare, adopt, and periodically update a five-year Capital Improvement Program (CIP). The CIP shall be reviewed for its consistency with the General Plan.*

*Policy IX.A.5: The City shall review and amend, as necessary, the Zoning Ordinance and Subdivision Ordinance to ensure consistency with the General Plan.*

The Council finds that this goal pertains to City actions not related to the approval of the Proposed Actions. The Proposed Actions are compatible with this goal. The Council does recognize that the Villages of Patterson is subject to and will be paying the General Plan Reimbursement Fee currently imposed by the City.

EXHIBIT C  
CONDITIONS OF APPROVAL

Final Development Plan

1. Development of The Villages of Patterson shall be in accordance with the approved Final Development Plan, as modified by these conditions and as may be modified by a development agreement between the City and developer. In the event of any conflict between these conditions and the terms of any development agreement between the City and developer, the terms of the development agreement will control and these conditions will be deemed modified.
2. Prior to issuance of any building permit, the applicant shall enter into an agreement with the City of Patterson which shall specify the improvements to be installed to serve the applicable phase of the development, in accordance with the approved 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. 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 AB1600 impact fees including 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 except as the payment of required fees may be amended by a development agreement executed between the City and the developer.

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 a development agreement, to the extent that such projects would otherwise be funded by these fees.

6. Developer shall pay a general mitigation fee to the City for each single family residential unit. The general mitigation fee will be collected by the City at the time a building permit is issued for a dwelling unit. The City may apply the general mitigation fee at its sole and absolute discretion to mitigate impacts resulting from the project. The general mitigation fee may apply to either City or special district impacts, or both.
7. Prior to issuance of a certificate of occupancy for the first building the developer shall provide mail receptacles for the units as required by the Postmaster of the City of Patterson.
8. Public utilities easements shall be granted to the satisfaction of the Public Works Director and City Engineer.
9. The developer shall obtain an encroachment permit for all work conducted within the public right-of-way.
10. Development shall conform with the adopted zoning requirements except as otherwise approved.

#### Non-Residential Development

11. Prior to issuance of a building permit for any non-residential development, 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.
12. Prior to issuance of a certificate of occupancy for all non-residential 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 which generates noise, solid particles, odors, etcetera, shall cause the objectionable material or effects to be directed away or shielded 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.
13. Plans for all buildings shall be consistent with approved architectural style, colors and materials and shall be reviewed and approved by the Community Development Director prior to

building permit issuance.

14. All planted areas shall be separated from driveways by concrete curbs.
15. Prior to issuance of a building permit for each 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 and shall be laid out for easy access by collection trucks.
16. 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.
17. Interior vehicle travelways shall be designed to be capable of withstanding loads imposed by trash and delivery trucks.
18. All on-site utilities and utility fixtures shall be underground.
19. 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).
20. Bicycle racks shall be designed and installed in accordance with City standards, with placement to be approved by the Community Development Director.
21. Landscaping and street trees shall be provided along all project street frontages in accordance with City standards. Existing landscaping shall be replaced as necessary as determined by the Community Development Director.
22. Developer shall provide design details (or vendor specifications) for all streetscape items (planters, waste containers, benches, bicycle racks etc.) with first building permit applications.
23. A deposit shall be required to cover the installation of irrigation, landscaping, and plant materials (relocation) based upon the estimate of costs to be paid for and provided by the developer.
24. Prior to issuance of certificate of occupancy for the first building, the applicant shall post handicapped parking, per Police Department and Americans with Disabilities Act requirements.

25. Prior to issuance of a certificate of occupancy for each building, the developer shall install an alarm system per Police Department guidelines.
26. The project shall comply with the most recent editions of the California State Fire and Building Codes and the Uniform Building and Fire Codes as adopted by the City of Patterson.
27. All roofs shall be class "A".
28. Fire lanes and access roads must be installed prior to construction of the first building to the satisfaction of the Fire Chief.
29. All fire lanes must be posted and enforced, per Police Department and Fire Department guidelines.
30. Prior to placement of lumber or other combustible materials on the site, the domestic water system, including fire hydrants, shall be installed and tested and all-weather roads shall allow access to all areas of the site, per Fire Department and Public Works Department standards.
31. Prior to issuance of a certificate of occupancy, all buildings must be fully sprinklered per Building and Fire Department guidelines, in accordance with applicable provisions of the Uniform Building Code and Uniform Fire Code, to the satisfaction of the Building Official and Fire Chief.
32. Prior to concrete pour inspection, compaction tests are required for all footings.
33. Electrical conduit shall have a separate ground wire installed.
34. Improvements required for project development will include street paving, curb, gutter, street lights, sidewalks, landscaping, the required utilities, grading and drainage.
35. Prior to approval of grading and improvement plans, the applicant shall enter into an agreement with the City for inspection of said improvements.
36. Fire hydrants shall be installed along all public streets and on site with intervals and placement subject to approval of the Fire Chief.
37. Fire Department approved Knox boxes shall be installed in Fire Department approved locations prior to occupancy.
38. Prior to occupancy, approved fire extinguishers shall be installed at approved locations and all fire suppression requirements be followed as approved by the Fire Department.

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39. The developer shall install sewer laterals to each building at a size appropriate for proposed use to the satisfaction of the Public Works Director. The minimum size shall be calculated.
  40. At the time of Public Improvement Plan review, plans shall be submitted to all applicable public utility companies for review. Comments from the utilities regarding required easements, transformer locations, etc. shall be forwarded to Public Works Department for review and approval.
  41. The developer shall be responsible during construction for cleaning city streets, curbs, gutters and sidewalks of dirt tracked from the subject site. The flushing of dirt and debris to storm drain or sanitary sewer facilities shall not be permitted. The cleaning shall be done after each day's work or as directed by the Director of Public Works.
  42. All required public improvements shall be designed and constructed in accordance with the City of Patterson Standard Specifications and Drawings, including any standards updated prior to approval of the improvement plans.
  43. Backflow prevention devices shall be installed by the applicant on all water services as required by the Public Works Director and County Health Officer or their representatives as necessary for the safety of the water system. Examples of the types of uses requiring backflow prevention include medical uses, landscape services, on-site plumbing which incorporates pumps, etc.
  44. The project shall include provisions for the sharing of parking, driveway access and shall incorporate easements necessary for all utilities to the approval of the City.

#### All Development

45. All construction activities, including the warming of construction vehicle engines, shall be limited to Monday through Saturday only between the hours of 7 A.M. to 7 P.M. and on Sunday if construction activities are no closer than 300 feet to occupied residences. The potential for construction activities will be disclosed in writing to all future residents of the project. At the discretion of the Public Works Director, these hours may be extended and these distances may be reduced.
46. All final conditions of approval of this project shall be printed on or attached to 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.
47. In the event of the unforeseen encounter of subsurface materials suspected to be of an

archaeological or paleontological nature, all grading, excavation and construction shall cease in the immediate area, and the find left untouched until the Native American Heritage Commission is contacted and a qualified professional archeologist or paleontologist, whichever is appropriate, is retained to evaluate and make recommendations as to disposition, mitigation, and/or salvage.

48. The applicant shall prepare a plan for on site signage and exterior treatments associated with model homes, including landscaping and sales office for approval of the Community Development Director prior to issuance of a building permit. A Master Sign Plan shall be submitted and approved by the Community Development Director which shall be applied to all subsequent development within the Development Plan area.
49. All buildings shall be uniformly numbered with numbers visible from the street and internally illuminated.
50. No air conditioning or similar mechanical equipment shall be installed on roofs of dwellings or within any setback area of 5 feet or less.
51. Self-contained temporary restroom and sanitation facilities shall be on the job-site and be properly maintained until finish of all construction. Connection to sanitary sewer system for temporary restroom and sanitation facilities is prohibited.
52. Final building elevations and parcel site plans for each dwelling unit within each phase of construction shall be reviewed and approved by the Community Development Director prior to building permit issuance for any new dwellings unless otherwise approved with the Final Development Plan. Such elevations and parcel site plans shall incorporate design elements, materials, setbacks and other features as necessary to ensure that the applicable streetscape is not dominated by garages; that the residential units are located toward the street frontage; and that a vital, varied and pedestrian-friendly urban form is enhanced. The elevations and parcel site plans shall incorporate the following elements:
  - a. Variability in the building setbacks from the street.
  - b. At a minimum, 33% of the residential units in each final map of the project shall have a garage that is setback a minimum of ten (10') feet from the frontmost exterior wall of the livable portion of the residential unit. In addition, a minimum of every fifth unit in each final map of the project shall have a garage that is setback a minimum of ten (10') feet from the frontmost exterior wall of the livable portion of the residential unit (applies to lower level only).
  - c. At a minimum, 33% of the residential units in each final map of the project shall feature a usable and adequate front porch with a minimum depth of 6 feet and a minimum uninterrupted width of 10 feet of usable space. In addition, a minimum of every fifth unit in

each final map of the project shall have a usable and adequate front porch as described above (applies to lower level only).

- d. Reversing the building footprints for the models chosen, and incorporating a range of exterior materials and window treatments.
53. Wall and fence materials shall be consistent with applicable City standards. Project perimeter walls shall be constructed of masonry block or other similar material to the approval of the Community Development Director. Stucco may be used on the exterior of masonry block walls. The minimum gate size for side yard fencing shall be 42 inches. A continuous concrete walkway of a minimum 36 inches width shall be provided to connect the driveway with at least one side yard.
  54. To help insure public safety and to discourage trespassing, all canals and other open waterways shall be fenced or placed underground to the approval of the City Community Development Department.

#### Schools

55. Prior to building permit issuance for any dwelling, 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.

#### Common Areas

56. All common areas and amenities shall be administered and maintained by a landscape and lighting district, Home Owners Association (HOA) as approved by the City, or other similar mechanism composed of all residents in the project area.
57. 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. 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.
58. Street trees shall be required on all new roads; the type, size and location shall be in accordance with the Final Development Plan and the City's street tree list and as approved by the Community Development Director and Public Works Director.
59. The developer shall ensure that fences, walls, signs, and entry gates, are consistent with the City of Patterson Community Design Guidelines and sign regulations. Signs shall be located outside the public road right-of-way and shall not interfere with driver sight distance requirements at

intersections.

60. 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, subject to review and approval of the City. This shall include formation and participation in a landscape and lighting district, Home Owners Association (HOA), or other such funding mechanism.
61. Applicant/developer shall agree to participate with the City in the formation of a lighting and landscaping maintenance district and benefit assessment district if determined necessary by the City.
62. 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.
63. 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 residences and existing agricultural land uses.
64. Landscaping and irrigation shall be installed on all front yards, and side yards of lots when visible from public streets to the satisfaction of the Community Development Director and Public Works Director.
65. 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 landscaped entry feature(s) at the project's Walnut Avenue/First Street, Olive Avenue/First Street and Eucalyptus/ First Street entrances and at the Walnut Avenue/Sycamore Avenue, Olive Avenue/Sycamore Avenue and Eucalyptus/Sycamore Avenue entrances. Said landscaped entry features shall reflect the right-of-way and roadway section improvements approved by the City Council.

#### Roads

66. The design of major collectors shall be consistent with the street sections approved for the final development for The Villages.
67. The design of minor collectors shall be consistent with the street sections approved for the final development for The Villages.
68. The design of local streets shall be consistent with the street sections approved for the final

development for The Villages.

69. The Final Development Plan shall include bicycle trip support infrastructure, including bike lanes on major roadways.

#### Parks

70. The developer shall offer to dedicate to the City land for parks in the size and location as generally illustrated in the Final Development Plan, Vesting Tentative Map and as described in the Development Agreement. Said offers of dedication shall be required to be recorded concurrent with the recordation of final tract maps which encompass, or are adjacent to, a park site.
71. Final park plans shall be approved by the Community Development Director and Parks and Recreation Director prior to construction and shall be consistent with the City of Patterson Park Design Guidelines as amended.

#### Affordable Housing

72. Prior to the issuance of a building permit for any residential unit the applicant shall submit a program for the provision of affordable housing that satisfies the purpose and intent of the City's inclusionary housing requirements (Ordinance No. 675), except as such requirements may be amended by the execution of a development agreement between the City and the developer. Such program shall address, at a minimum, the following:
- a. The number of units affordable to very-low, low- or moderate income households;
  - b. The timing and method of providing the affordable units;
  - c. Provisions to ensure that incomes of renters/buyers fall within the ranges established by the State of California for dwellings affordable to very low, low and moderate income households.
  - d. Provisions for ensuring that the affordable units remain affordable to very-low, low or moderate income households;

#### Vesting Tentative Map

73. The applicant shall file one copy of the Tentative Map to be used for assigning addresses.
74. The developer shall pay the City's 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.
75. 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.

76. Developer shall provide notice to all buyers of homes within 200 feet of existing agricultural operations the existence and applicability of the City's Right-to-Farm ordinance.

#### Improvement Plans

77. There shall be no occupancy of dwelling units within a phase of the project until public improvements are accepted by the City for that phase. Improvements shall include parks, landscape areas, roundabouts and other similar areas. 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.
78. The subdivider shall enter into a subdivision agreement for each phase 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 City Code.
79. All subdivision improvements shall be constructed in conformity with the City of Patterson: Standard Subdivision Improvements Specifications, unless otherwise directed by the City Engineer or as defined in the Final Development Plan and tentative map.
80. The reasonable cost of all inspections related to on-site and off-site improvements shall be borne by the subdivider.
81. 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.
82. The subdivider shall set all monuments required by the Subdivision Map Act before subdivision improvement bond or security is released.
83. 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 shall 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 drainage.
84. Improvement plans shall include, but shall 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 all said improvement plans and utility master plan have been approved by the City Engineer.

85. 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 permit.
86. The applicant shall provide the original mylars of the public improvements 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.
87. 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 of houses.
88. 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 and Parks and Recreation 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 at a rate of one tree per lot and 3 per corner lot, as well as one tree per 50 feet of street frontage for both public and private streets which have no houses fronting them. 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.

89. 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 district is in place or some other similar mechanism approved by the City. The City will cooperate in the formation of a landscape and lighting district as agreed to by the City Council.
90. 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 issuance of the final building permit for the last dwelling in each tract or phase.

#### Grading

91. Complete grading and drainage plans shall be submitted to and approved by the City Engineer prior to the recordation of the final map.
92. The subdivider shall deposit with the City, at time of first plan check submittal, adequate funds to employ a qualified independent engineering consultant 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 submit tests and reports to certify each of these lots as ready for construction prior to issuance of a building permit thereon.
93. 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 consistent with the City Standard Improvements.
94. Prior to any site grading or construction, an erosion control plan and program and a Stormwater Pollution Prevention Plan (SWPPP) shall be submitted to and approved by the Public Works Department. Said plan and program shall address specific temporary and permanent erosion control measures associated with the project.
95. 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.

96. All grading construction debris materials shall be removed and disposed into an approved dump site prior to any excavation or fill operations and/or as directed by the City.
97. The subdivider or his/her agents or employees shall be responsible for removal and clean-up of any spill on public streets during his entire grading operations.
98. In the event phased grading is permitted by the City Council, the subdivider shall install the required drainage facilities concurrently with the 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.
99. Drainage facilities, to service any phase of the project, shall be provided and constructed as directed and approved by the Public Works Director and City Engineer, prior to acceptance of tract improvements by the City Council.
100. Lots shall drain into a street or approved drain 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.
101. 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.
102. 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.
103. 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.
104. 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.
105. 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.

106. The applicant shall obtain a grading permit for on-site excavation and fill prior to construction.

#### Dedications and Improvements

107. School sites shall be reserved for the Patterson Unified School District as illustrated in the Final Development Plan. Minor adjustments to the size or location may be approved by the City Council or as otherwise stated in the Development Agreement. The school site reservations shall be valid for a period of not more than five years from the date of final development plan approval by the City. If the District has not decided to acquire the school sites prior to the end of the five year period, the reservation is terminated and the Developer/owner shall have the option of applying for a general plan amendment and/or an amended tentative map for the school site.
108. At the time of installation of subdivision improvements for each final map encompassing a park site, the developer shall rough grade the park sites, whether dedicated or simply reserved, or as otherwise stated in the Development Agreement. The actual cost of grading the park site, including but not limited to engineering, plan check, inspection, and environmental review, shall be a credit against the project's community facilities impact fee. Those costs associated with the development of drainage facilities to serve the project shall be excluded from the computation of any credit or reimbursement.

#### Sewer, Water and Drainage

109. 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.
110. 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.
111. 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:
  - o Use of low-flow fixtures, including shower heads and toilets as per the Uniform Building Code.

- Use of drought-tolerant, native landscaping.
112. 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. To meet City standards for storm drainage capacity, applicant shall be allowed to utilize parks as stormwater detention basins.
  113. 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.
  114. The developer may request reimbursements from other future development which may benefit directly from the oversizing or over capacity of water system improvements installed or paid for by The Villages of Patterson. 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 a development agreement.
  115. The developer shall install, or pay for the installation of, facilities to expand the sewage treatment capacity of the City's Wastewater Treatment Plant as needed to serve each 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.
  116. 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.
  117. Future drainage system discharges shall comply with applicable state and federal pollutant discharge requirements.
  118. The developer may request reimbursements from other future development which would benefit directly from oversizing or over capacity of the wastewater system improvements installed or paid for by The Villages of Patterson. 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 a development agreement.
  119. 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.

#### Roads

120. 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 Final EIR for the Villages of Patterson 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.
121. The applicant shall mitigate (through construction or paying the project's fair 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 Villages of Patterson project by implementing all applicable mitigation measures for a particular phase identified in the Final EIR for the Villages of Patterson project (incorporated herein by this reference) in a time frame approved by the City Engineer.
122. 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.
123. All sight distances for all corners shall conform to the City's sight distance requirements to the satisfaction of the City Engineer.
124. All public street improvements shall be as required in the Patterson City Code, and/or as described in the Final 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 are to be approved as specific by the City's street naming policies.
125. All streets, alleys, sidewalks, curbs, and gutters adjacent to the subdivision shall be improved as necessary to provide safe vertical and horizontal transitions to connect improvements constructed within this subdivision 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 tract improvements by the City Council or sooner at the discretion of the City Engineer.

126. The developer shall install street frontage improvements per ordinance 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.
127. 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.
128. The subdivider shall furnish and install to the satisfaction of the Public Works Director, street name signs, traffic regulatory and warning signs, and any necessary street striping and markings as required by the City Engineer consistent with the Final Development Plan and City Standards. 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.
129. 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. This design shall be subject to the approval for the Public Works Department.

#### Utilities

130. 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 building permits for that phase. All utility boxes including electrical, telephone, cable T.V., etc., shall be underground.
131. The developer shall obtain an encroachment permit from the Public Works Department for all work in the public right-of-way.
132. Street lights will be provided and installed to the satisfaction of the City of Patterson Department of Public Works. The type, height, and design of street lights shall be subject to review and approval by the City and will direct lighting downward, shielding to the greatest extent practical, light exposure beyond that needed for proper intersection lighting.
133. The developer is to be responsible for all damage to existing and new telephone facilities caused by workers or subcontractors under the direction of the developer.
134. All new telephone facilities shall be underground except where indicated by the telephone

company upon engineering of the development.

135. 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.
136. 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.
137. The subdivider shall install adequately sized utility services and laterals, if appropriate, to each lot prior to final acceptance of tract improvements by phase.
138. 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.

#### Fire Department

139. All new construction shall meet the requirements of the City Fire Department, as they relate to fire issues.
140. All dwelling units shall utilize non-combustible roofing materials.
141. 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.
142. Fire hydrants shall be located to Fire Chief's specifications. Fire hydrants and fire hydrant flows shall meet all City of Patterson standards.

#### Mitigation Measures

**The applicant shall pay their fair share toward the cost of intersection and roadway improvements identified in the following mitigation measures:**

143. D.1. The City shall construct the intersection improvements listed below concurrently or in advance of development in the Villages of Patterson Development Plan area that would

result in sufficient vehicle trips to reduce the level of service below LOS D at study intersections. The City shall establish an appropriate funding mechanism, and Villages of Patterson developers shall either construct the improvements or contribute a fair share of the costs of these traffic mitigation measures.

144. **D.1.a. Intersection 1. Sperry Avenue/I-5 SB Ramps.** Signalize intersection, add a southbound left turn lane and two westbound left turn lanes.
145. **D.1.b. Intersection 2. Sperry Avenue/I-5 NB Ramps.** Signalize intersection, add an eastbound left turn lane, a westbound right turn lane, and a northbound right turn lane.
146. **D.1.c. Intersection 3. Sperry Avenue/Rogers Road.** Add northbound left turn and right turn lanes; two westbound left turn lanes; a northbound left turn lane and a shared through/right turn lane; and a southbound through lane.
147. **D.1.d. Intersection 4. Sperry Avenue/Baldwin Road.** Add a westbound through lane.
148. **D.1.e. Intersection 6. Sperry Avenue/American Eagle Drive.** Add a southbound right turn lane.
149. **D.1.f. Intersection 7. Sperry Avenue/Las Palmas Avenue.** Signalize intersection.
150. **D.1.g. Intersection 8. Sperry Avenue/Ward Avenue.** Add two eastbound left turn lanes; restripe the intersection to convert the existing shared through/left turn lane to a shared through/right turn lane; and add a westbound left turn lane and a westbound through lane.
151. **D.1.h. Intersection 10. Sperry Avenue/SR 33.** Signalize intersection; add eastbound left turn lane; add westbound left turn lane; add two northbound left turn lanes; add a southbound left turn lane and convert the shared through/left lane to a shared through/right lane.
152. **D.1.i. Intersection 14. Zacharias Road/SR 33.** Add a northbound left turn lane and an eastbound left turn lane at approximately 92percent buildout or when conditions warrant.
153. **D.1.j. Intersection 17. SR 33/Eucalyptus Avenue.** Signalize intersection and add southbound left turn and through lanes; add a northbound through lane.
154. **D.1.k. Intersection 18. Olive Avenue/SR 33.** Signalize intersection, add left turn lanes on all four approaches and upgrade existing railroad crossing arms with automatic signal protection including a four-quadrant flashing light system, based on guidelines contained in the Manual of Uniform Traffic Control, Chapter 8.

155. **D.1.l. Intersection 19. Walnut Avenue/M Street/ SR 33.** Signalize intersection, add an eastbound and a westbound left turn lane, and restripe the eastbound and westbound shared through/left turn lane as a shared through/right turn lane and upgrade existing railroad crossing arms with automatic signal protection including a four-quadrant flashing light system, based on guidelines contained in the Manual of Uniform Traffic Control, Chapter 8..
156. **D.1.m. Intersection 22. E. Las Palmas Avenue/ Sycamore Avenue.** Signalize intersection.
157. **D.1.n. Intersection 24. West Main Avenue/ Carpenter Road.** Signalize intersection and add left turn lanes on all four approaches.
158. **D.1.o. Intersection 25. Crows Landing Road/West Main Avenue.** Signalize intersection; add left turn lanes on all four approaches; and restripe the eastbound, northbound, and southbound approaches to convert the through and left turn lane as a shared through/right turn lane.
159. **D.5.** The City shall construct the intersection improvements listed below concurrently or in advance of development in the Villages of Patterson Development Plan area that would result in sufficient vehicle trips to reduce the level of service below LOS D at study intersections. The City shall establish an appropriate funding mechanism, and Villages of Patterson developers shall contribute a fair share of the costs of these traffic mitigation measures.
160. **D.5.a. Intersection 1. Sperry Ave/I-5 SB Off Ramps.** Signalize intersection; add an eastbound through lane; add a southbound left turn lane; and add two westbound left turn lanes.
161. **D.5.b. Intersection 2. Sperry Ave/I-5 NB On-Ramps.** Signalize intersection; add two northbound right turn lanes; add eastbound left turn and through lanes; and add westbound right turn and through lanes.
162. **D.5.c. Intersection 7. Sperry Ave/Las Palmas Ave.** Signalize intersection; add an eastbound right turn lane.
163. **D.5.d. Intersection 8. Sperry Ave/Ward Ave.** Add a northbound left turn lane; add two eastbound left turn lanes, and restripe the shared through and left turn lane as a shared through and right turn lane; add a southbound right turn lane; and add westbound left turn and through lanes.
164. **D.5.e. Intersection 9. Sperry Ave/S. Del Puerto Ave.** Add eastbound and westbound left

turn and through lanes.

165. **D.5.f. Intersection 10. Sperry Ave/SR 33.** Signalize intersection; add two northbound left turn lanes; add eastbound left and right turn lanes; add a westbound left turn lane; and add a southbound left turn lane and restripe the shared through and left turn lane as a shared through and right turn lane.
166. **D.5.g. Intersection 12. Ward Ave/American Eagle Dr.** Add eastbound, westbound, northbound and southbound left turn lanes.
167. **D.5.h. Intersection 13. SR 33/Ward Ave.** Signalize intersection; add a northbound left turn lane.
168. **D.5.i. Intersection 14. Zacharias Rd/SR 33.** Signalize intersection; add two northbound left turn lanes; and add an eastbound left turn lane.
169. **D.5.j. Intersection 16. Rogers Rd/SR 33.** Signalize intersection; add a northbound left turn lane; add two eastbound left turn lanes; and add a southbound right turn lane.
170. **D.5.k. Intersection 17. SR 33/Eucalyptus Ave.** Signalize intersection. Northbound: add a northbound right turn lane; add a southbound left turn lane; and add a westbound left turn lane.
171. **D.5.l. Intersection 18. Olive Ave/SR 33.** Signalize intersection; add eastbound, westbound, northbound and southbound left turn lanes.
172. **D.5.m. Intersection 19. Walnut Ave/M Street/SR 33.** Signalize intersection; add eastbound and westbound left turn lanes and restripe shared through and left turn lanes as shared through and right turn lanes; add northbound and southbound left and right turn lanes.
173. **D.5.n. Intersection 22. E. Las Palmas Ave/Sycamore Ave.** Signalize intersection.
174. **D.5.o. Zacharias Road between SR 33 and Baldwin Road.** Establish an annual traffic monitoring program for this segment of Zacharias Road. When conditions warrant, at morning and/or afternoon peak hour volumes of about 800 vehicles per hour, widen this segment of Zacharias Road from two to four lanes.
175. **E.1a.** The construction plans for all project phases shall incorporate the following recommendations from the District to minimize PM10 emissions during construction phases:
  1. The project developers shall review Regulation VIII of the District's regulations and submit

a compliance plan to the City of Patterson prior to commencing any phase of construction. The compliance plan must demonstrate that the current requirements of Regulation VIII will be implemented.

2. Prior to the issuance of construction contracts, the project developers shall perform a review of new technology, such as the use of particulate filters, to determine if advances in emissions reduction are available for use. The District should be consulted during this process.
  3. The project developers shall limit traffic speed on unpaved roads to 15 miles per hour.
  4. The project developers shall install sandbags or other control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
  5. The project developers shall install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site, to prevent track-out of soil to public roadways.
  6. The project developers shall install windbreaks at windward sides of construction areas, if necessary to prevent wind-blown dust.
  7. The project developers shall suspend excavation and grading activity when winds exceed 20 miles per hour.
  8. The project developers shall limit the area subject to excavation, grading, and other construction activity at any one time.
  9. The project developers shall ensure that the accumulation of mud or dirt is expeditiously removed from adjacent public streets at least once every 24 hours when construction activities are occurring (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions).
  10. The project developers shall implement activity management to reduce cumulative short-term impacts.
176. E.1b. The developers shall implement the following measures to control construction emissions of ozone precursors:
1. The project developers shall use alternative-fuel construction equipment, where feasible.
  2. The project developers shall minimize idling time (e.g., to a 10-minute maximum).
  3. The project developers shall limit the hours of operation of heavy duty equipment and/or

the amount of equipment in use to the minimum practical.

4. Prior to the issuance of construction contracts, the project developers shall perform a review of new technology, such as the use of diesel oxidation catalysts, to determine if advances in emissions reduction are available for use. The District should be consulted during this process.
  5. The project developers shall replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set), where feasible.
177. E.2a. The site design shall implement the following design features to reduce emissions from motor vehicle activity:
1. The project developers shall incorporate sidewalks and bicycle paths throughout the site and connect those facilities to any nearby pedestrian and bicycle facilities, including those located at openspace areas, parks, schools, or commercial areas.
  2. The project shall include mixed residential and commercial land use, including live/work spaces, with schools and parks within walking or biking distance.
  3. The project developers shall incorporate secure bicycle storage and parking facilities throughout the site.
  4. Site plan design shall encourage pedestrian movement between adjacent land uses.
  5. Incentives such as preferred location of 4 percent of parking for carpoolers and hybrid or other clean-fuel vehicles shall be provided.
178. E.2b. The site design shall implement the following site design features to reduce emissions from energy consumption:
1. The project developers shall incorporate energy efficient building design features including automated control systems for heating and air conditioning and energy efficiency beyond the requirements of the Building Code (Title 24, California Code of Regulations), increased wall and ceiling insulation beyond Building Code requirements, light colored roof materials to reflect heat, and energy efficient lighting and lighting controls.
  2. The project developers shall design buildings with window and/or skylight oriented to maximize natural cooling and heating in accordance with the California Energy Commission's 2005 Building Energy Efficiency Standards.

3. The project developers shall incorporate approved deciduous trees to provide shade on the south- and west-facing sides of buildings.
179. E.7. Participation in the Indirect Source Review program would either reduce the emissions from the project in line with the District's projections or fund off-site emission reduction programs.
180. F.1. Construction-related activities shall be conducted in accordance with the following:
1. Construction activities shall be restricted to the hours between 7:00a.m. and 7:00 p.m., Monday through Friday, and between 9:00a.m. and 7:00 p.m. on Saturday, with no construction on Sundays or federal and state holidays; minor construction equipment servicing and maintenance will be exempted from this restriction.
  2. During construction, mufflers shall be provided for all heavy construction equipment and all stationary noise sources in accordance with the manufacturers' recommendations.
  3. Stationary noise sources and staging areas shall be located as far as is feasible from existing residences, or contractors shall be required to provide additional noise-reducing engine enclosures (with the goal of achieving approximately 10 dBA of reduction compared to uncontrolled engines).
  4. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields (with the goal of achieving the noise levels "...with feasible noise control" listed in Table III.F-5).
  5. If for construction purposes, locating stationary construction equipment near existing residential uses is required, an eight-foot tall sound rated fence should be erected between the equipment and the sensitive receptor. The fence should be located as close to the equipment as is feasible.
  6. Construction vehicle access routes shall be designed to minimize the impact on existing residences and occupied hospital facilities.
  7. A "construction liaison" shall be designated to ensure coordination between construction staff and neighbors to minimize disruptions due to construction noise. Occupants and property owners of residences within 400 feet of construction activity shall be notified in writing of the construction schedule and the contact information for the construction liaison.
  8. A qualified acoustical engineer should be retained during the construction phase of the project to determine if the noise levels generated from construction equipment at the project

site to adjacent property lines are within the standards.

181. F.4. Each development that involves light industrial or commercial land uses that would include outdoor mechanical equipment shall carry out the following:
1. Retain a qualified acoustical engineer to review the development project during the design phase, prior to approval of building permits;
  2. Submit a report to the City by the acoustical engineer that calculates the noise levels at the nearest residential property lines that would result from proposed mechanical equipment, determines whether noise levels would exceed the City's "Normally Acceptable" standards or those presented in Table III.F-1, and identifies means to reduce exterior noise levels to the standards, or explains why such reduction is infeasible;
  3. Noise reduction measures that must be considered by the acoustical engineer include:
    1. use of acoustical silencers on inlet and discharge openings of mechanical equipment,
    2. installation of parapets or enclosures with louvers or other barriers to shield noise,
    3. orientation of equipment so that it faces away from sensitive receptors,
    4. orientation or setback of buildings to increase distance from sensitive receptors;
  4. Other noise reduction measures that would accomplish the same or similar purposes should be included if applicable to the particular building proposed.
182. G.1a. As a condition of approval for construction, excavation, demolition, or grading permits for the project site, the following subsurface investigations shall be performed to evaluate recognized environmental conditions identified in Phase I ESA investigations for the project site:
1. Limited site-wide shallow soil sampling and analysis of samples for organochlorine pesticides, chlorinated herbicides, and metals shall be collected by a qualified environmental professional in accordance with the methodology in DTSC's *Interim Guidance for Sampling Agricultural Fields for School Sites, Second Revision*, 26 August 2002, and DTSC's informal policy on redevelopment of former agricultural areas.
    1. All sampling activities shall be conducted prior to site grading and development activities. Sampling of areas previously sampled during the PEA prepared for the proposed Eastside Middle School Site, 361 Walnut Avenue, need not be included in the sampling activities.
    2. The project sponsor and its successors shall also ensure that sampling of areas that were formerly or are currently used for pesticides or fertilizer handling mixing and/or storage

is conducted by a qualified environmental professional for the purpose of characterizing these areas, and identifying potential risks/hazards to construction workers and future site users.

3. As specified in DTSC's *Interim Guidance*, any detected organic compounds or metals above naturally-occurring concentrations must be evaluated in a risk assessment, and additional remedial action such as soils removal may be required, depending on the results of the environmental investigations and risk assessment. The results shall be reported by a qualified environmental professional to the City and agency (ies) providing regulatory oversight, and the results of the investigation shall include recommendations for future actions, including additional remediation, as necessary.
2. Shallow soil samples shall be collected near the perimeter of existing or former structures with confirmed or suspected lead based paint by a qualified environmental professional. The purpose of the investigation shall be to determine whether lead particles from lead-based paint may have affected soils near buildings within the project area.
3. Soil samples shall be collected by a qualified environmental professional to evaluate potential petroleum hydrocarbon contamination issues in the project area parcels adjacent to the railroad right-of-way prior to development. The purpose of the investigation shall be to determine potential risks/hazards to construction workers, future site users, and the general public during and following construction activities, and the need for any remediation prior to site grading and development.- Soil sampling results shall be compared to U.S. EPA Preliminary Remediation Goals (PRGs) appropriate for the proposed future land use at the parcel (i.e., residential or commercial/industrial).- If hazardous materials are identified in excess of U.S. EPA PRGs, a Human Health Risk Assessment (HHRA) shall be performed by a qualified environmental professional. The HHRA shall describe measures that must be implemented to ensure that any potential added health risks to construction workers, maintenance and utility workers, site users, and the general public as a result of hazardous materials are reduced to a cumulative risk of less than  $1 \times 10^{-6}$  (one in one million) for carcinogens and a cumulative hazard index of 1.0 for noncarcinogens, or as required by a regulatory oversight agency. The HHRA would be subject to review and/or approval by SCERD and/or other regulatory oversight agencies.- The potential risks/hazards to human health in excess of these goals would be reduced either by remediation of the contaminated soils or groundwater (e.g., excavation and off-site disposal and/or extraction/treatment of groundwater) and/or implementation of institutional controls and engineering controls(IC/EC). IC/EC may include the use of hardscape (buildings and pavements), importation of clean soil in landscaped areas to eliminate exposure pathways, and deed restrictions. If IC/EC are implemented, an Operations and Maintenance Program must be prepared and implemented to ensure that the measures adopted are maintained throughout the life of the project. If IC/EC are implemented, the Operations and Maintenance Program would be subject to review and approval by SCERD and/or other

regulatory oversight agencies.

183. **G.1b.** As a condition of approval for construction, excavation, demolition, or grading permits for the project site, all ASTs and USTs shall be removed prior to site grading or site development activities within the proposed project area, in accordance with state and local requirements. In addition, the nine properties identified in the Brown and Caldwell Phase I ESA (2006) for the Villages of Patterson project shall also be investigated for the potential presence of undocumented ASTs and USTs. The AST and UST removals shall be completed by a qualified environmental professional, under a permit(s) obtained from the SCERD. Soil and/or groundwater samples shall be collected at the time of removal and analyzed as directed by the SCERD and the findings of the sampling effort shall be documented by the qualified environmental professional and submitted to SCERD and the City. Sampling results shall be compared to U.S. EPA PRGs, and additional actions performed, as described above in Mitigation G.1a. G.1c. Prior to activities involving soil disturbance on the parcel owned by the City of Patterson and used as a stormwater detention basin, a Phase I environmental site assessment or an Update of the Brown and Caldwell Phase I ESA shall be conducted by a qualified environmental professional (e.g., a California-registered environmental assessor) for this parcel. The new or updated Phase I ESA shall be conducted to identify specific current or historical land uses that have or may have included the storage or generation of hazardous materials and the potential for releases of hazardous materials that may have impacted the site. The assessment shall be performed in conformance with standards adopted by the ASTM for Phase I ESAs. The Phase I ESA (or Phase I ESA update) shall also present recommendations for further investigation of the site (if necessary). The Phase I ESA (or Phase I ESA Update) report shall be submitted to the City, upon completion. If a Phase I ESA (or Phase I ESA Update) were to indicate that a release of hazardous materials could have affected the location(s) where soil disturbance will occur, a soil and/or groundwater investigation shall be conducted prior to soil disturbance by a qualified environmental professional to assess the presence and extent of contamination at the site and the potential risks/hazards to human health and public safety from the contamination (if any). The soil and/or groundwater investigation shall be conducted in accordance with state and local guidelines and regulations, with oversight from a regulatory agency (e.g., SCERD). The findings of the investigation shall be documented in a written report and shall be submitted to the City and the regulatory agency. Sampling results shall be compared to U.S. EPA PRGs, and additional actions performed, as described above in Mitigation G.1a.
184. **G.1d.** Prior to approval for any demolition, grading, or construction permits at the project site, a Construction Risk Management Plan (CRMP) shall be prepared with provisions to protect construction workers and the nearby public from health risks from residual contaminants in site soils and groundwater during project construction.

1. The CRMP shall summarize previous environmental investigations and health risk assessments conducted for the project site (as required in Mitigation Measures G.1a, G.1b, and G.1c).
  2. In accordance with state and federal laws and regulations, the CRMP shall describe required worker health and safety provisions for all workers potentially exposed to contaminated soil and groundwater, including air monitoring. Action levels for contaminants of concern shall be established, with detailed descriptions of corrective actions to be taken in the event that the action levels are reached during monitoring.
  3. The CRMP shall also provide procedures to be undertaken in the event that previously unreported contamination or subsurface hazards (such as undocumented USTs, septic systems, and wells) are discovered during construction and as also required by Education Code 17213.2 (e) for school sites; incorporate construction safety measures for excavation and other construction activities; establish detailed procedures for the safe storage, stockpiling, use, and disposal of contaminated soils and groundwater and other hazardous materials at the project site; provide emergency response procedures; and designate personnel responsible for implementation of the CRMP during the construction and operational phases of the project.
  4. The CRMP shall be submitted to the City. G.2. As a condition of approval for any demolition permit for a structure or facility potentially containing lead or asbestos under the proposed project, a lead-based paint and asbestos-containing survey shall be performed at the structure or facility by a certified environmental professional. Also, any major modification to structures/facilities constructed prior to 1980 shall require a similar lead and asbestos survey for those portions of the structure to be modified. Based on the findings of the survey, all loose and peeling lead-based paint and identified asbestos hazards shall be abated by a certified contractor in accordance with local, state, and federal requirements, including the requirements of the San Joaquin Valley Air Pollution Control District. Other hazardous materials and wastes generated during demolition or renovation activities, such as fluorescent light tubes and mercury switches, shall be classified, handled, and disposed of in accordance with applicable universal and hazardous waste regulations. G.3. The project sponsor and its successors shall comply with all applicable environmental regulatory requirements and guidance documents for the siting of new schools. In accordance with existing requirements, all environmental work performed in support of school siting shall be performed by qualified environmental professionals under oversight by DTSC's School Siting Unit.
185. G.4. The Stormwater Pollution Prevention Plan (SWPPP) required for the project (see Mitigation Measure I.4a in Section III.I, Hydrology and Water Quality, p. III.I.17 - III.I.18)

shall include emergency procedures for incidental hazardous materials releases. The procedures shall include necessary personal protective equipment, spill containment procedures, and training of workers to respond to accidental spills/releases. The SWPPP shall also include Best Management Practices, which shall include requirements for hazardous materials storage during construction to minimize the potential for releases to occur (see Mitigation Measure I.4a in Section III.I, Hydrology and Water Quality, p. III.I.17 - III.I.18). All use, storage, transport, and disposal of hazardous materials during construction activities shall be performed in accordance with existing local, state, and federal hazardous materials regulations.

186. **H.5a.** In order to assure that nesting Swainson's Hawks will not be disturbed by construction activities, a qualified ornithologist shall be retained by each developer to conduct pre-construction surveys of each development site and adjacent areas within one mile of the development site. Such surveys shall follow the survey methodology developed by the Swainson's Hawk Advisory Committee (SWHA TAC, 2000) prior to any disturbance within 5 miles of potential nest tree (DFG, 1994). Survey Period I occurs from January 1 to March 20, Period II from March 20 to April 5, Period III from April 5 to April 20, Period IV from April 21 to June 10 (surveys not recommended during this period because identification is difficult as the adults tend to remain within the nest for longer periods of time), and Period V from June 10 to July 30. No fewer than three surveys shall be completed, in at least the two survey periods immediately prior to project initiation. In the event this species is detected during protocol-level surveys, consultation with CDFG shall be required to establish site-specific procedures that ensure project initiation would not result in nest disturbance (see Mitigation Measure H.5b)
187. **H.5b.** Nest trees on the project site(s) should not be removed unless avoidance measures are determined to be infeasible. If a nest tree must be removed, a Management Authorization (including conditions to off-set the loss of the nest tree) must be obtained. The Management Authorization will specify the tree removal period, generally between October 1 – February 1. If construction or other project-related activities which may cause nest abandonment or forced fledging are necessary within the buffer zone, monitoring of the nest site (funded by the developer) by a qualified biologist should be required to determine if the nest is abandoned. If it is abandoned, and if the nestlings are still alive, the developer shall fund the recovery and hacking (controlled release of captive reared young) of nestling(s). **H.6.** Loss of foraging habitat for Swainson's Hawks shall be mitigated by providing offsite Habitat Management (HM) lands as described in the CDFG's *Staff Report regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California* because the site is known foraging habitat for Swainson's Hawks. The final acreage of off-site management lands to be provided depends on the distance between the project site and the nearest active nest site, as determined by protocol-level nest surveys. The acreage of offsite HM lands provided should be derived from the following recommendations included in the

1994 CDFG staff report for projects within one mile of an actual nest tree:

1. One acre of HM land (at least 10 percent of the HM land requirements shall be met by fee title acquisition or a conservation easement allowing for the active management of the habitat, with the remaining 90 percent of the HM lands protected by a conservation easement [acceptable to the Department] on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's Hawk) for each acre of development authorized (1:1 ratio); or
  2. One-half acre of HM land (all of the HM land requirements shall be met by fee title acquisition or a conservation easement [acceptable to the Department] which allows for the active management of the habitat for prey production on the HM lands) for each acre of development authorized (0.5:1 ratio). • Management Authorization holders/project sponsors shall provide for the long-term management of the HM lands by funding a management endowment (the interest on which shall be used for managing the HM lands) at the rate of \$400 per HM acre.
188. H.7a. In conformance with federal and state regulations regarding the protection of raptors, a habitat assessment in accordance with CDFG protocol for Burrowing Owls shall be completed prior to the start of construction on each parcel in the Project Area. Burrowing Owl habitat on each development site and within a 500-foot (150 m) buffer zone around each development site within the VOP area shall be assessed ("Assessment Area"). If the habitat assessment concludes that the Assessment Area lacks suitable Burrowing Owl habitat, no additional action would be warranted. However, if suitable habitat is located on the Assessment Area, all ground squirrel colonies shall be mapped at an appropriate scale, and the following mitigation measures shall be implemented:
1. In conformance with federal and state regulations regarding the protection of raptors, a pre-construction survey for Burrowing Owls, in conformance with CDFG protocol, shall be completed no more than 30 days prior to the start of construction within suitable habitat at the project site(s) and buffer zone(s). Three additional protocol-level surveys shall also be completed per CDFG protocol prior to construction.
  2. Occupied burrows should not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by CDFG verifies through non-invasive methods that either: 1) the birds have not begun egg-laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Eviction outside the nesting season may be permitted pending evaluation of eviction plans and receipt of formal written approval from the CDFG authorizing the eviction.

3. A 250-foot (76 m) buffer, within which no new activity will be permissible, shall be maintained between project activities and nesting Burrowing Owls during the nesting season. This protected area shall remain in effect until August 31, or at the CDFG's discretion and based upon monitoring evidence, until the young owls are foraging independently.
  4. If accidental take (disturbance, injury, or death of owls) occurs, the CDFG shall be notified immediately.
189. **H.7b.** If preconstruction surveys determine that Burrowing Owls occupy the site and avoiding development of occupied areas is not feasible, then habitat compensation on off-site mitigation lands shall be implemented. Habitat Management (HM) lands comprising existing Burrowing Owl foraging and breeding habitat shall be acquired and preserved. An area of 6.5 acres (the amount of land found to be necessary to sustain a pair or individual owl) shall be secured for each pair of owls, or individual in the case of an odd number of birds. As part of an agreement with the CDFG, the project applicant shall secure the performance of its mitigation duties by providing the CDFG with security in the form of funds that would:
1. Allow for the acquisition and/or preservation of 6.5 acres of HMlands;
  2. Provide initial protection and enhancement activities on the HM lands, potentially including but not limited to such measures as fencing, trash clean-up, artificial burrow creation, grazing or mowing, and any habitat restoration deemed necessary by CDFG;
  3. Establish an endowment for the long-term management of the HM lands; and
  4. Reimburse the CDFG for reasonable expenses incurred as a result of the approval and implementation of this agreement. Pending CDFG approval, HM lands providing foraging habitat for Swainson's Hawks may also be used to mitigate impacts to Burrowing Owls provided the HM lands provide existing Burrowing Owl foraging and breeding habitat.
190. **I.1.a:** The proposed project drainage plan shall include designs for permanent conveyance features capable of passing the 100-year flood flows through the site. The drainage design shall demonstrate, through detailed hydraulic analysis, that FEMA-estimated flood flows would be conveyed within the banks of the conveyance features (i.e. housing and other susceptible development shall not be inundated).The proposed drainage plan shall be reviewed and approved by the City of Patterson Public Works Department. The City shall conduct inspections to ensure that the drainage plan is implemented during project construction.

191. I.1b. The project proponent shall design and construct the project so that the lowest finished floors of all residential buildings on lots adjacent to the 1 percent chance floodplain will be elevated at least one foot above the local 100-year flood elevation identified by the hydraulic analyses called for in Measure I.1a. The finished floor elevations shall be confirmed by a licensed surveyor prior to issuance of occupancy permits. Compliance with the requirements of the NFIP will be further documented by processing of a Letter of Map Revision with FEMA, which will update the mapping of the special floodhazard areas to appropriately depict the post-project conditions.
192. I.2. The expanded detention basin and improvements to Sycamore Avenue shall be designed so that any overland flow is released uniformly at low velocity and with flow depths less than ten inches. Design-level drainage plans for each phase of development of the Plan Area shall be submitted to the City of Patterson for review and approval.
193. I.4a. Each developer who proposes to carry out construction within the project area shall prepare and implement an 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 one acre. 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 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 educating the site supervisors and workers about practices and procedures. 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, 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 Public Works Department 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. 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.

194. I.4b. As a condition of approval of the final grading plans, the project sponsor shall prepare a Project Stormwater Management Plan (SMP) to be reviewed and approved by the City Engineer for the Plan Area. The SMP will be the guiding document detailing practices for mitigating water quality in the post-construction phase. The SMP shall provide operations and maintenance guidelines for all of the BMPs identified in the SMP, include measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development (including roof and sidewalk runoff), and clearly identify the funding sources for the required on-going maintenance. The project sponsor or the consultant retained by the sponsor to prepare the SMP shall thoroughly review and comply with the requirements of the most current municipal Phase II General Permit for storm water discharges (Order No. 2003-0005-DWQ). In general, passive, low-maintenance BMPs are preferred. Yet to be developed residential, commercial, and light industrial parcels generally provide many opportunities for innovative stormwater 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 in the Plan Area shall review and incorporate the concepts included in *Start at the Source, Design Guidance Manual for Stormwater Quality Protection* in the project design, and shall prepare an SWPPP in compliance with the Project SMP. The City of Patterson Department of Public Works shall ensure that the Project Stormwater Management Plan is prepared prior to approval of any grading plans. The City of Patterson Department of Public Works shall review and ensure that the SWPPP for each development project within the Plan Area complies with or updates the Project Stormwater Management Plan.
195. I.5. Prior to approval of a grading plan for development of a particular parcel or subarea of the project area, a well survey shall be conducted to determine the location and characteristics of each well for that particular parcel or subarea. The survey shall be conducted and documented by a State-registered geologist or engineer, and the results submitted to the City for review. The water supply wells shall either be:
1. Properly abandoned in compliance with the California Department of Water Resources, California Well Standards and Stanislaus County Code, Chapter 9.36 prior to final approval of the grading plan, or

2. Inspected by a qualified professional to determine whether each well is properly sealed at the surface to prevent infiltration of water-borne contaminants into the well casing or surrounding gravel pack. The California Well Standards require an annular surface seal of at least 20 feet. If any of the wells are found not to comply with this requirement, the applicant shall retain a qualified well driller to install the required seal. Documentation of the inspections and seal installations, if any, shall be provided to the City prior to final approval of the grading plan.
196. J.1. If the City sites the treatment facility or evaporation ponds for salts on agricultural land, the City shall require new development to pay its pro-rata share of the cost of an agricultural conservation easement, in the manner discussed in Mitigation Measure C.1, for the acreage converted for use as evaporation ponds.
197. J.3.a. The City shall sample groundwater quality semiannually to assess water quality and shall conduct additional studies to better understand the direction and rate of groundwater flow in the confined aquifer. These investigations will allow the City to optimize the arrangement of new water supply wells to maximize water quality and minimize the severity of the resulting cone of depression and associated impacts. To the extent feasible, new wells shall be located at greater spacings to reduce the cone of depression and maximize their distance from nearby users. This would reduce the risk and/or severity of the potential impacts from subsidence discussed above.
198. J.3.b. The City shall implement a subsidence monitoring program. Subsidence shall be monitored annually at each well and new wells shall be designed to prevent damage to the wells from subsidence as described in the groundwater study.
199. J.3.c. If, in the unlikely event that an existing user of the confined aquifer finds its well affected by the City's pumping, the City shall compensate that user for the cost of deepening the pump setting and the increased cost of operating the well to draw water from greater depths. New development in the City's sphere of influence shall be required to pay its fair share of such costs.

Figure 1 – General Plan Land Use Element Map Amendments

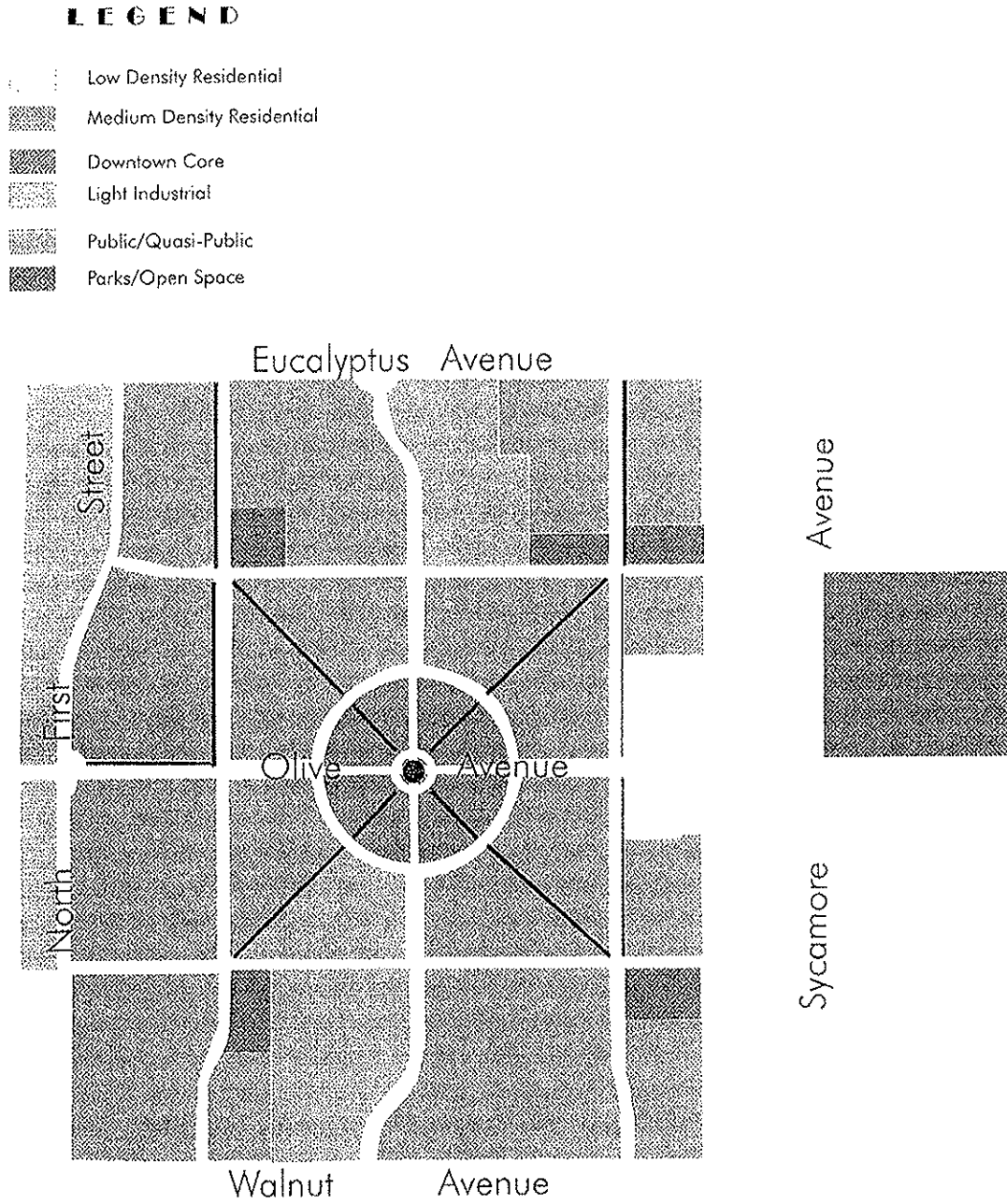


Figure 2 – Vesting Tentative Subdivision Map “A”

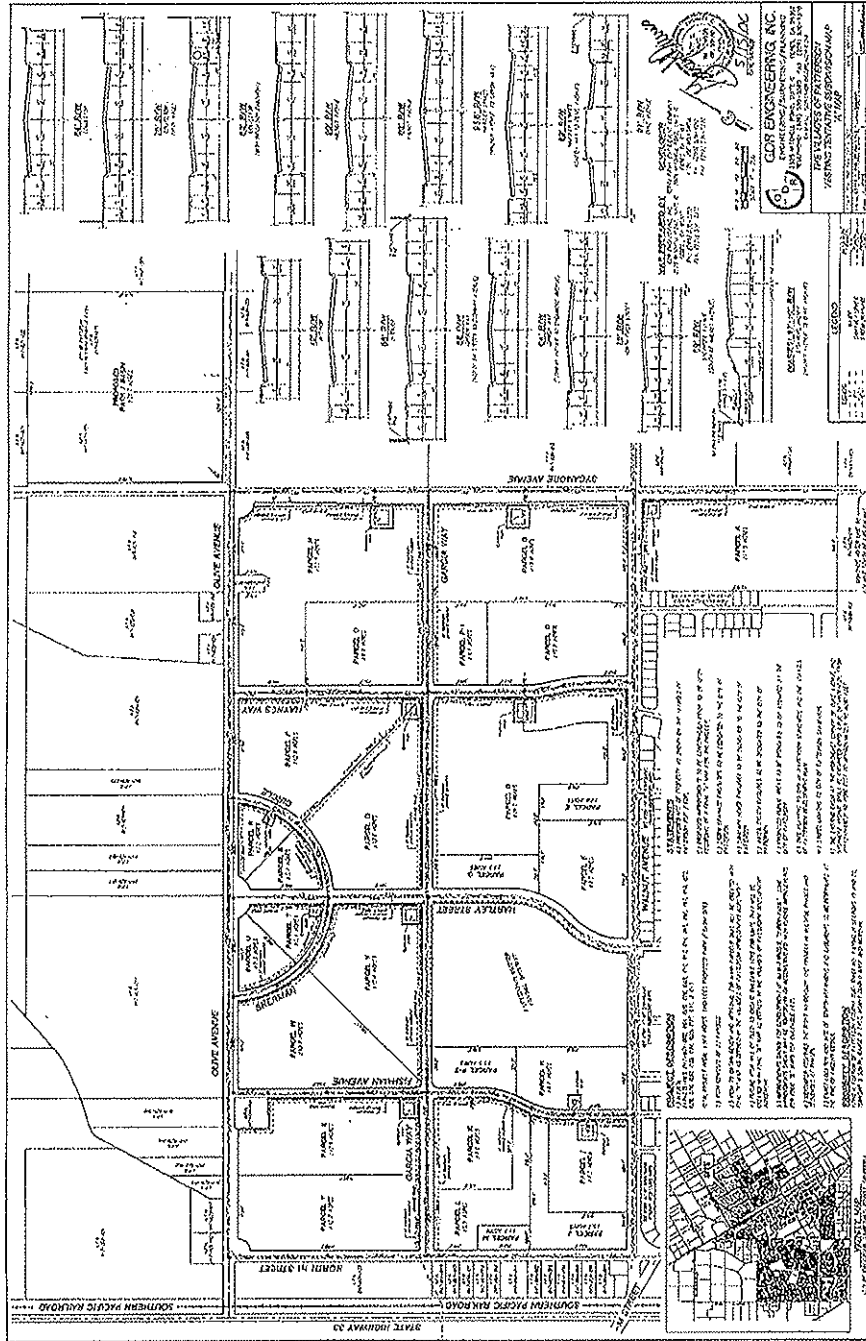


Figure 3 – Vesting Tentative Subdivision Map “B”

