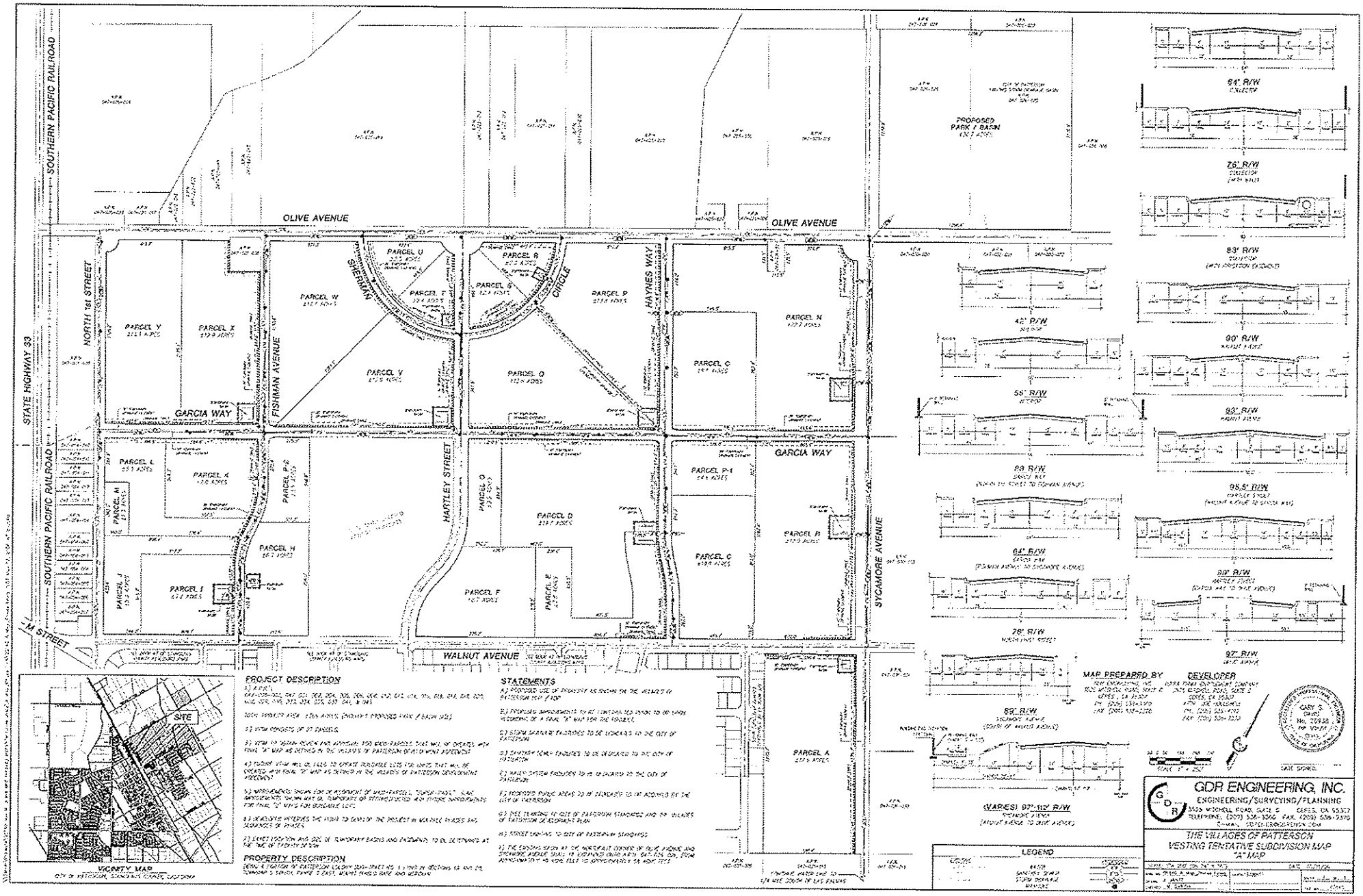
EXHIBIT F-1
TO
DEVELOPMENT AGREEMENT
"THE VILLAGES OF PATTERSON"

VESTING TENTATIVE SUBDIVISION "A" MAP



PROJECT DESCRIPTION

STATEMENTS

PROPERTY DESCRIPTION

MAP PREPARED BY

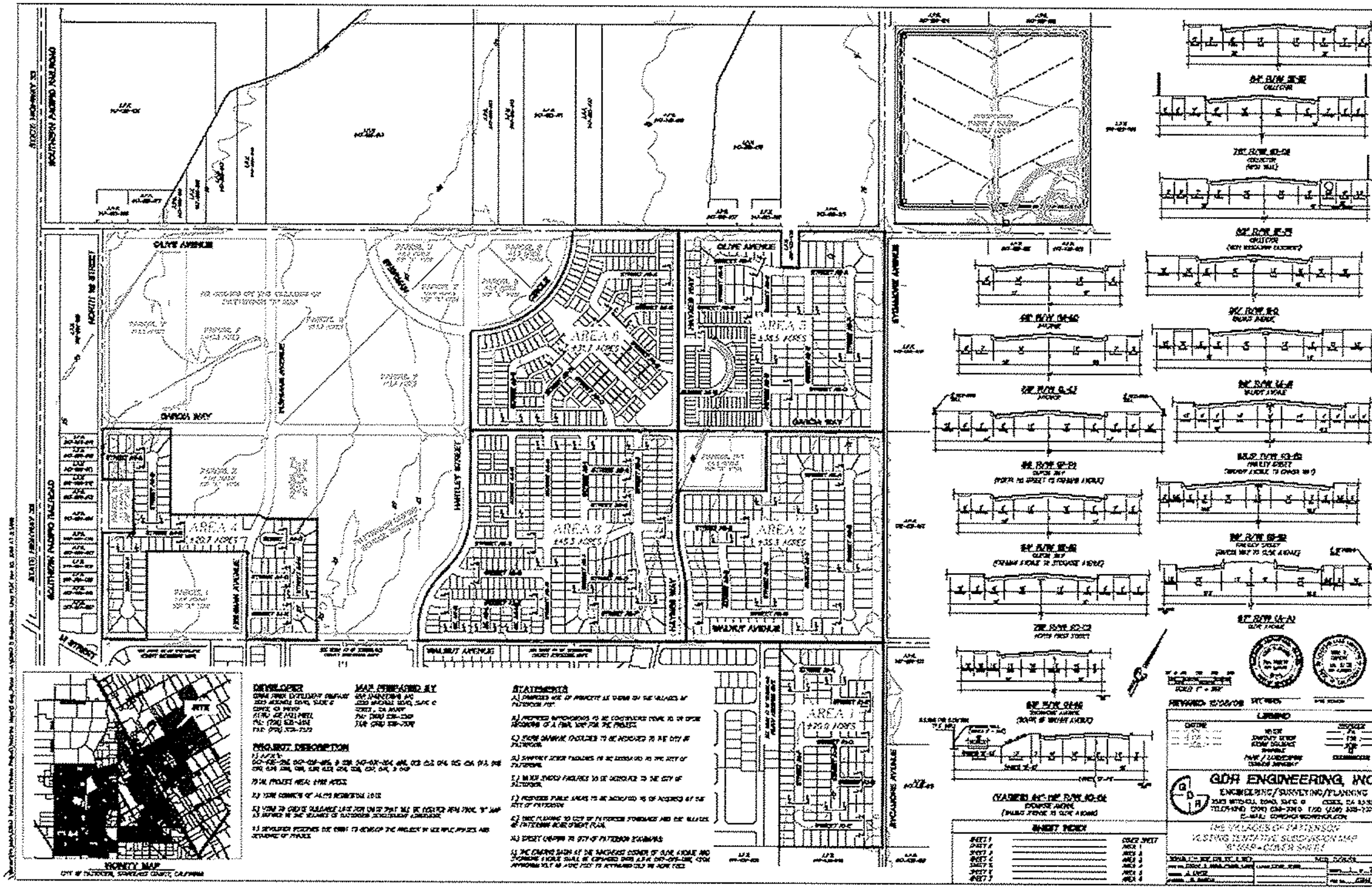
GDR ENGINEERING, INC.
ENGINEERING/SURVEYING/PLANNING

DEVELOPER

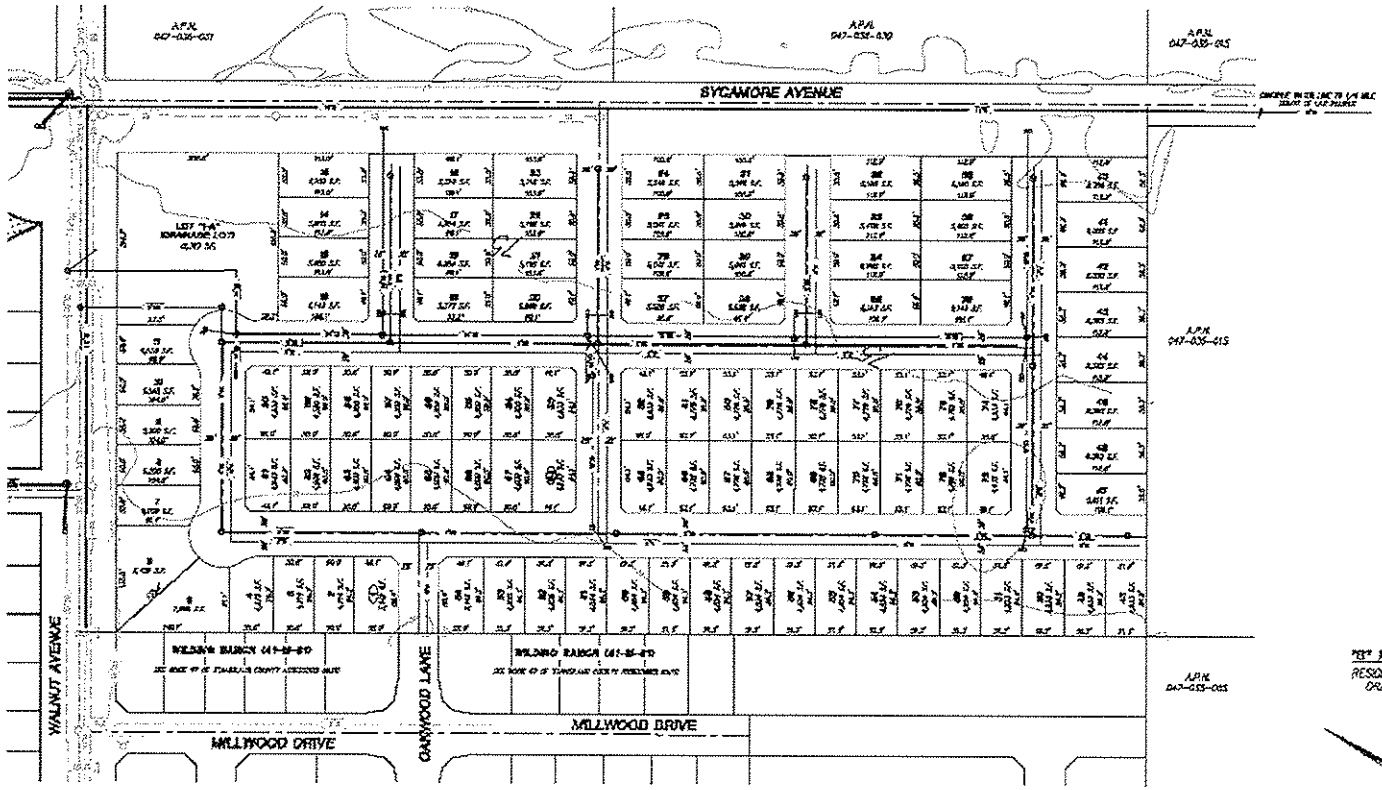
THE VILLAGES OF PATTERSON
VESTING TENTATIVE SUBDIVISION MAP
"A" MAP

EXHIBIT F-2
TO
DEVELOPMENT AGREEMENT
"THE VILLAGES OF PATTERSON"

VESTING TENTATIVE SUBDIVISION "B" MAPS

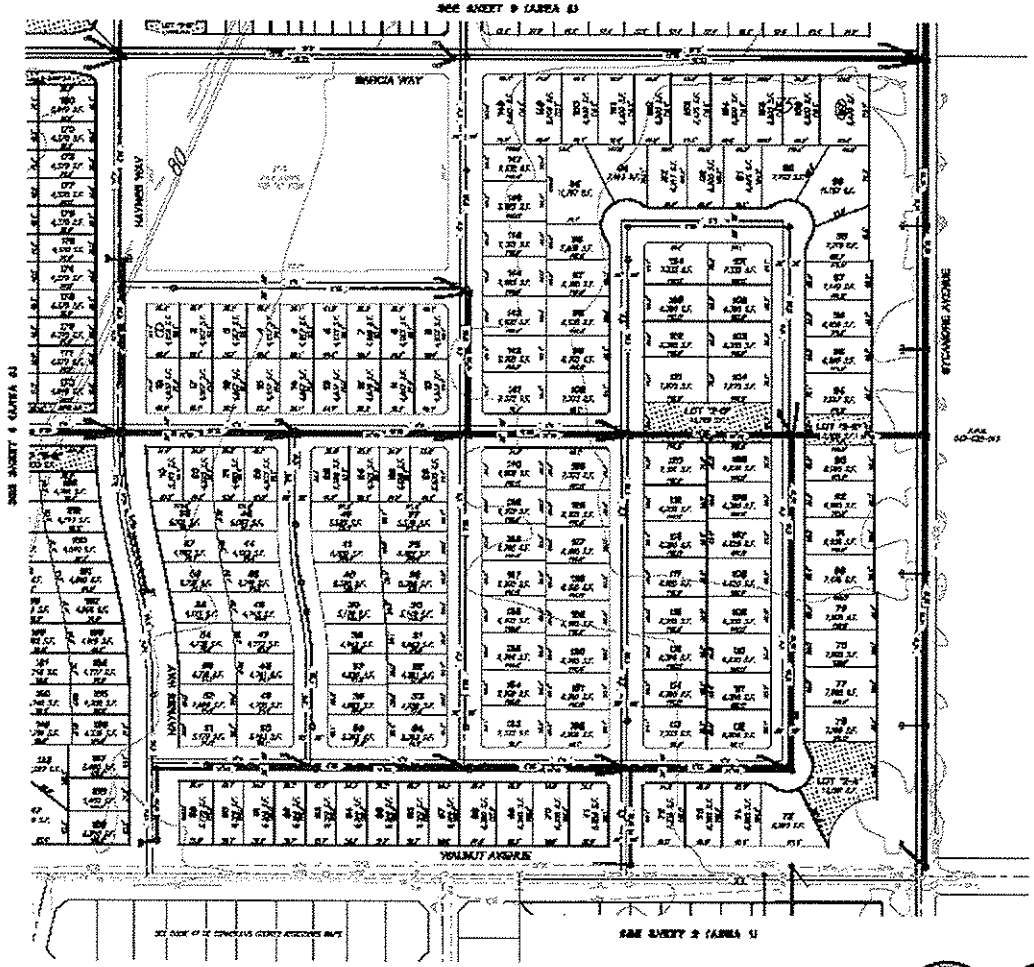


STATE HIGHWAY 33
SOUTHERN PACIFIC RAILROAD
NORTH 1st STREET
OLIVE AVENUE
SYCAMORE AVENUE
WALNUT AVENUE
HARTLEY STREET
GARCIA WAY
AREA 1
AREA 2
AREA 3
AREA 4
AREA 5
AREA 6
VICINITY MAP
DEVELOPER
MAP PREPARED BY
PROJECT DESCRIPTION
STATEMENTS
SHEET INDEX
LEGEND
GDH ENGINEERING, INC.
ENGINEERING/SURVEYING/PLANNING
THE VILLAGES OF PATTERSON



GDA ENGINEERING, INC.
ENGINEERING/SURVEYING/PLANNING

"S" MAP - AREA 1



"B" MAP - AREA 2

RESIDENTIAL LOTS - 157

POCKET PARKS - 3

REVISED: 11/09/06

GDR ENGINEERING, INC.

ENGINEERING/SURVEYING/PLANNING

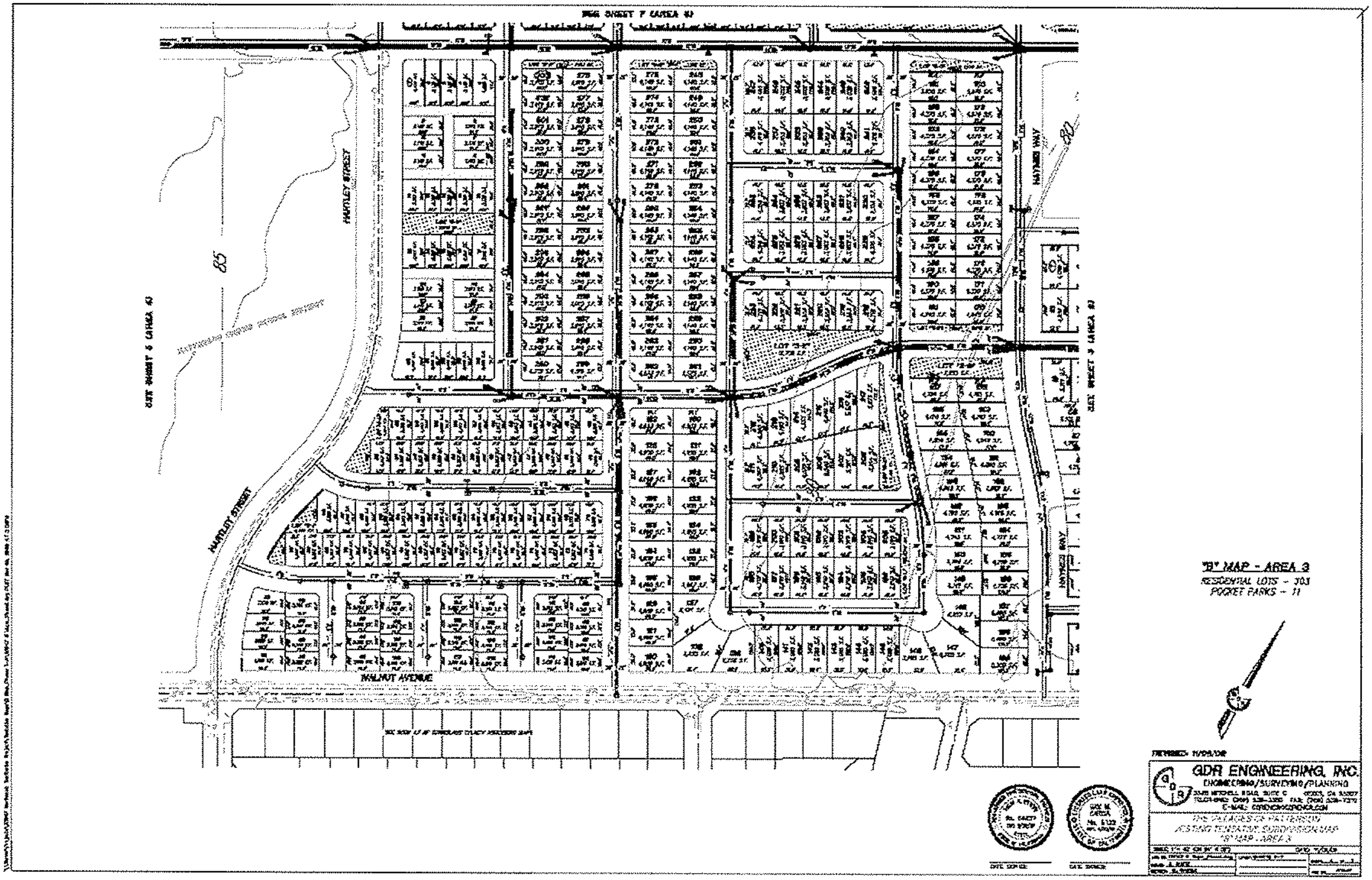
THE VILLAGES OF PATTERSON

VESTING TENTATIVE SUBDIVISION MAP

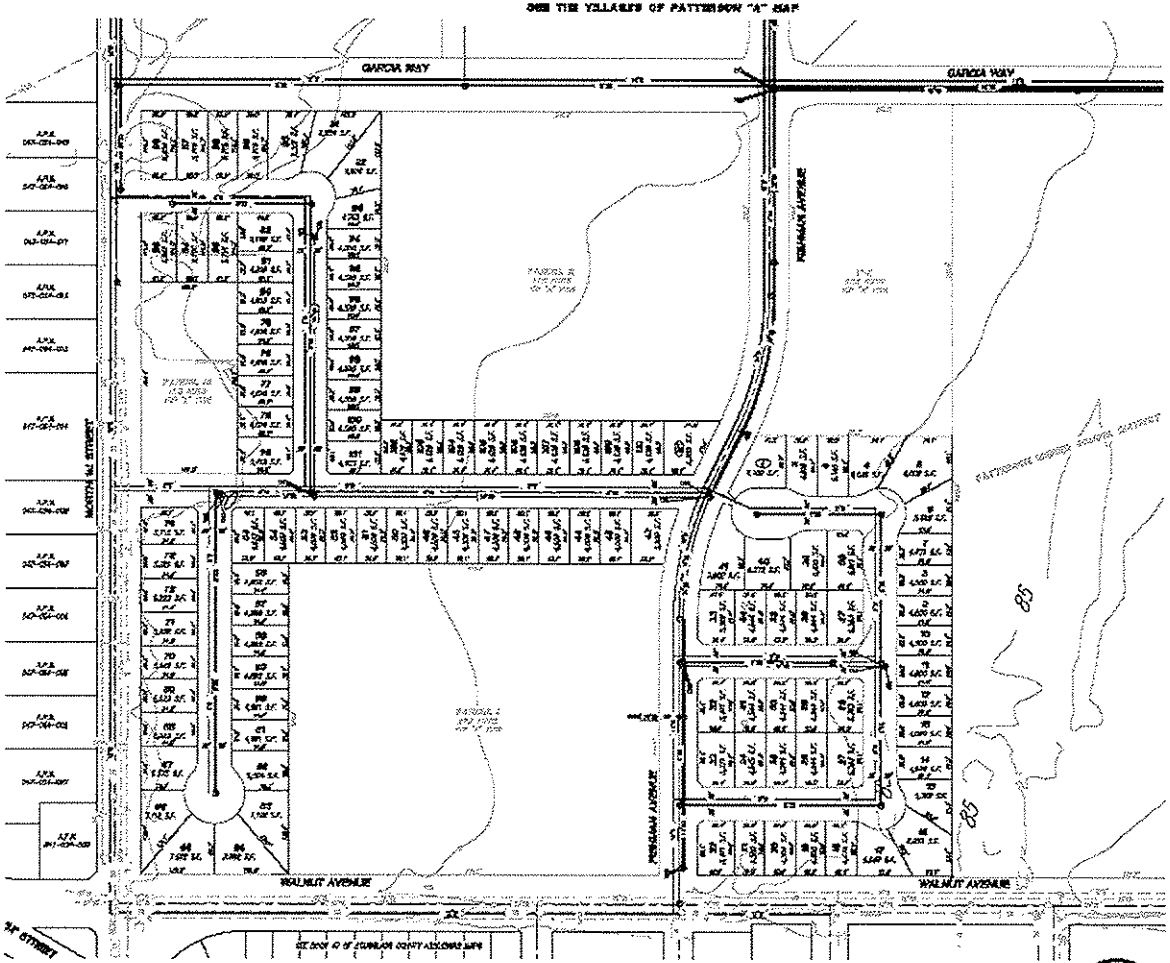
"B" SUB - AREA 2

DATE SIGNED

DATE SIGNED



"B" MAP - AREA 3
RESIDENTIAL LOTS - 303
POCKET PARKS - 11
HARTLEY STREET
WALNUT AVENUE
HAYWARD WAY
85
80
GDR ENGINEERING, INC.
ENGINEERING/SURVEYING/PLANNING



"B" MAP - AREA 4

RESIDENTIAL LOTS – 151

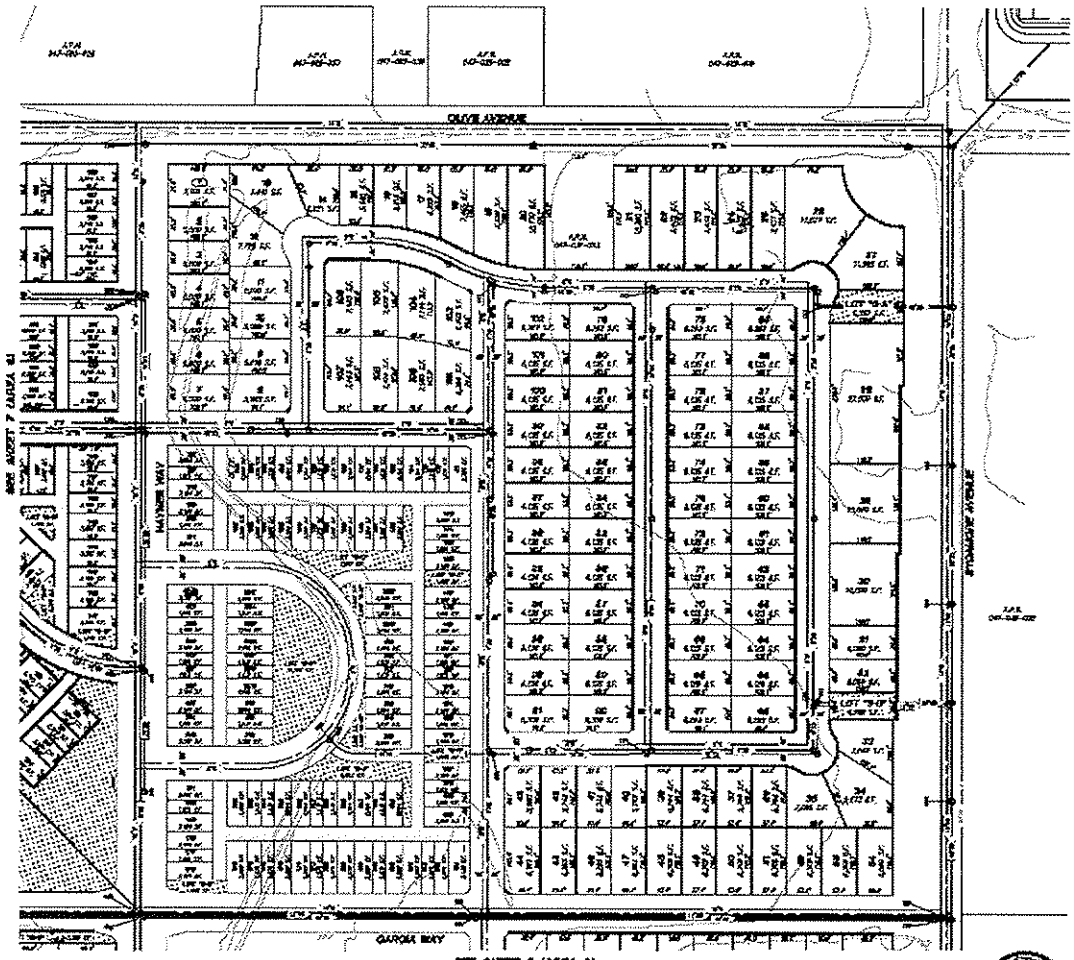
REVISED: 11/26/08

GDR ENGINEERING, INC.
ENGINEERING/SURVEYING/PLANNING
MAIN MITCHELL ROAD, SUITE C MODESTO, CA 95357
TELEPHONE: (209) 538-4200 FAX: (209) 538-7372
E-MAIL: GDR@GDRENGR.COM

THE VILLAGES OF PATTERSON
VESTING TENTATIVE SUBDIVISION MAP
"B" MAP - AREA 4

DATE SURVEYED

DATE SIGNED

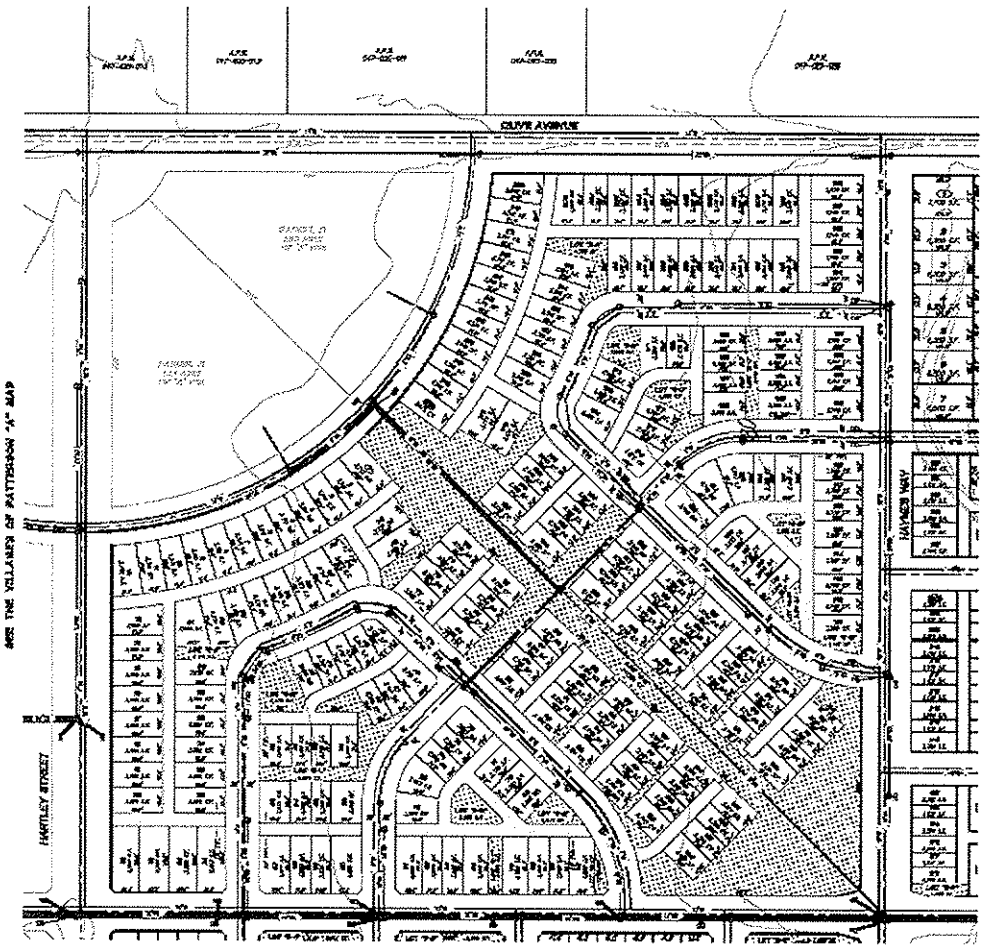


TOWNHOMES (6 PACK) - TYPICAL
SCALE: 1" = 10'

TOWNHOMES (5 PACK) - TYPICAL
SCALE: 1" = 10'

"B" MAP - AREA 6
RESIDENTIAL LOTS - 222
POCKET PARKS - 10

GDR ENGINEERING, INC.
ENGINEERING/SURVEYING/PLANNING
THE VILLAGES OF PATTERSON
EXISTING TENTATIVE SUBDIVISION MAP
"B" MAP - AREA 6



"B" MAP - AREA 6

RESIDENTIAL LOTS - 219

POCKET PARKS - 15

REVISED: 11/05/08

GDR ENGINEERING, INC.

ENGINEERING/SURVEYING/PLANNING

THE VILLAGES OF PATTERSON

EXISTING TENTATIVE SUBDIVISION MAP

"B" MAP - AREA 6

EXHIBIT G
TO
DEVELOPMENT AGREEMENT
"THE VILLAGES OF PATTERSON"

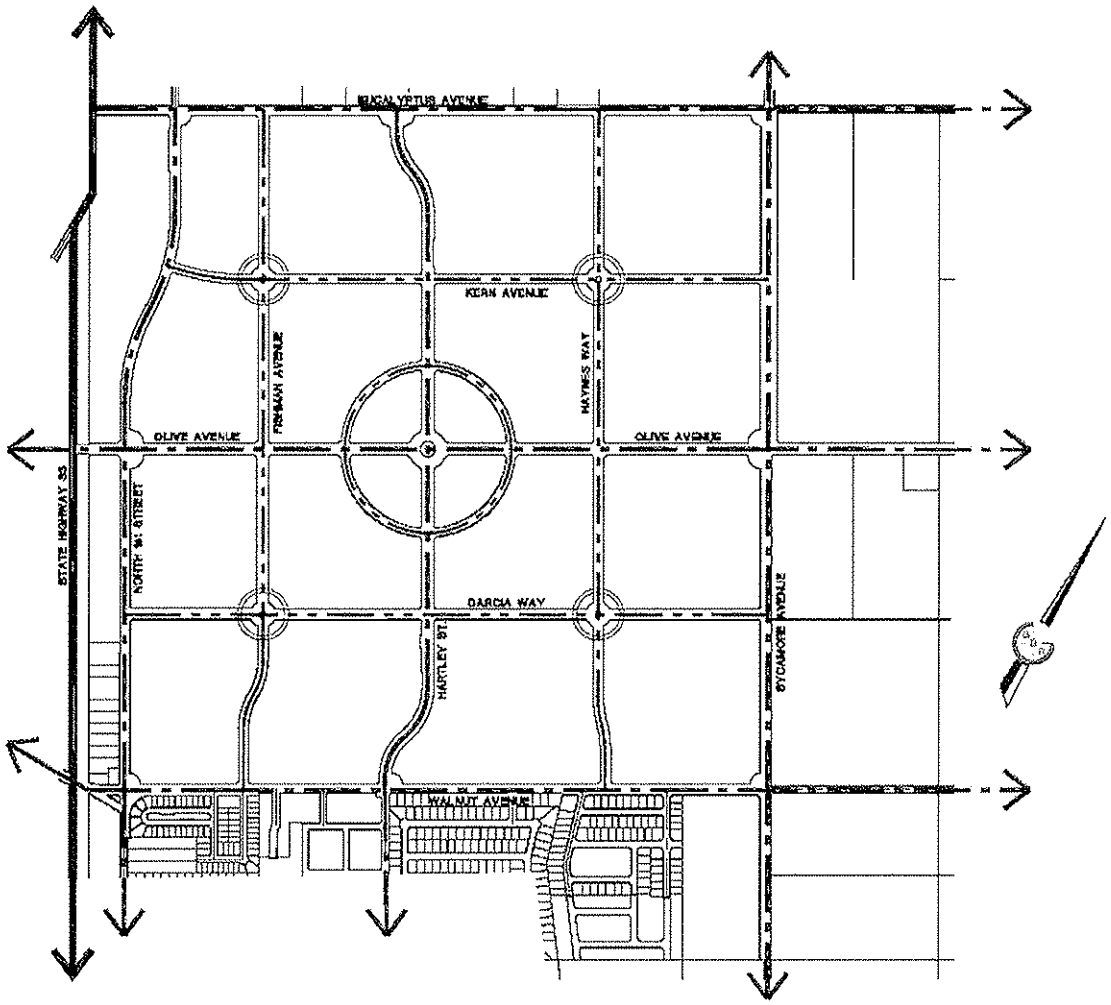
CIRCULATION MAP

MASTER CIRCULATION PLAN

THE VILLAGES OF PATTERSON

PATTERSON, CALIFORNIA AUGUST 3, 2006

EXHIBIT E



LEGEND

- TRAFFIC CIRCLE / ROUND-A-BOUT
- ARTERIAL
- MAJOR COLLECTOR
- MINOR COLLECTOR

GDR ENGINEERING, Inc.
ENGINEERING/SURVEYING/PLANNING
3525 MITCHELL ROAD, SUITE C CERES, CA 95307
TELEPHONE: (209) 538-3360 FAX: (209) 538-7370
E-MAIL: gdreng@gdreng.com

EXHIBIT H
TO
DEVELOPMENT AGREEMENT
"THE VILLAGES OF PATTERSON"

REIMBURSEMENT EXPENSE/ESTIMATES
(Numbers are Approximate)

DEVELOPMENT PLAN BOOK	$650,000
MASTER PLAN ENGINEERING	$550,000
WATER MASTER PLAN	$30,000
SEWER MASTER PLAN	$30,000
STORM WATER MASTER PLAN	$30,000
WATER SUPPLY ASSESSMENT	$25,000
WATER SUPPLY VERIFICATION	$25,000
DRAFT EIR & FINAL EIR	$700,000
DRAFT EIR & FINAL EIR CONSULTANTS	$250,000
FISCAL ANALYSIS	$47,500
PROCESSING FEES	$20,000
TOTAL EXPENSE/ESTIMATES	**$2,357,500**

EXHIBIT "I"

ORDINANCE NO. 681

ORDINANCE NO. 681

AN ORDINANCE OF THE CITY OF PATTERSON APPROVING A DEVELOPMENT AGREEMENT BY AND BETWEEN NORTHEAST TERRITORIES PATTERSON, LP AND THE CITY OF PATTERSON FOR THE VILLAGES OF PATTERSON PROJECT, CONSISTING OF 692 ACRES LOCATED EAST OF FIRST STREET AND NORTH OF WALNUT AVENUE

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

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, a vesting tentative map, development agreement and prezoning 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 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 its independent review and analysis, the staff analysis, oral and written testimony, the Final EIR, and the Planning Commission's recommendation, the City Council finds, after due study, deliberation and public hearing that the following circumstances exist:

1. The development agreement is consistent with the goals, policies and standards of the Patterson General Plan, the Final Development Plan for The Villages of Patterson and all other applicable standards and ordinances of the City of Patterson.

2. The project site is adequate in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed.

3. Adverse impacts are mitigated to the maximum extent feasible.

4. The streets and highways are adequate and properly designed.

5. There are adequate public services, including but not limited to, fire protection, water supply, sewage disposal, schools, and police protection to serve the project.

6. The project will not be detrimental to the health, safety, comfort, convenience, and general welfare and will be compatible with surrounding land uses.

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

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

1. The City Council approves a Development Agreement By and Between the City of Patterson and The Northeast Territories Patterson, LP relating to the development known as "The Villages of Patterson" to be located north of Walnut Avenue and east of First Street in Patterson, California and the exhibits thereto which are incorporated herein by this reference.

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

Introduced at a special meeting of the City Council of the City of Patterson, held on the 12th day of December, 2006, and given its first reading at said meeting. Said Ordinance was given a second reading at a meeting of the City Council held on the 19th day of December, and after such reading, Councilmember Cuellar moved its adoption, seconded by Councilmember Smith and said ordinance was thereupon adopted by the following vote:

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

APPROVED:

Becky Campo
Mayor of the City of Patterson

ATTEST:

Maricela Vela
City Clerk of the City of Patterson

ORDINANCE NO. 682

AN ORDINANCE OF THE CITY OF PATTERSON PREZONING 692 ACRES LOCATED ON THE EAST SIDE OF PATTERSON NORTH OF WALNUT AVENUE AND EAST OF FIRST STREET IN THE AREA GENERALLY KNOWN AS THE VILLAGES OF PATTERSON PROJECT

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

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, a vesting tentative map, development agreement and prezoning 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 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 its independent review and analysis, the staff analysis, oral and written testimony, the Final EIR, and the Planning Commission's recommendation, the City Council finds, after due study, deliberation and public hearing that the following circumstances exist:

WHEREAS, this request conforms with the City's General Plan.

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

1. That, based on the findings contained on Exhibit A, the City Council approves Prezoning for the Villages of Patterson project as shown on Figure A.

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

Introduced at a special meeting of the City Council of the City of Patterson, held on the 12th day of December, 2006 and given its first reading at said meeting. Said Ordinance was given a second reading at a meeting of the City Council held on the 19th day of December, 2006, and after such reading, Councilmember Smith moved its adoption, seconded by Councilmember Cuellar and said ordinance was thereupon adopted by the following vote:

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

APPROVED:

Becky Campo
Mayor of the City of Patterson

ATTEST:

Maricela Vela
City Clerk of the City of Patterson

Exhibit A
Findings in Support of Prezoning

Findings

1. The area to be prezoned is suitable in size, shape, location, and physical characteristics to accommodate the density and intensity of development proposed.

2. There are adequate public services, including, but not limited to, fire protection, water supply, sewage disposal, and police and fire protection to serve the area.

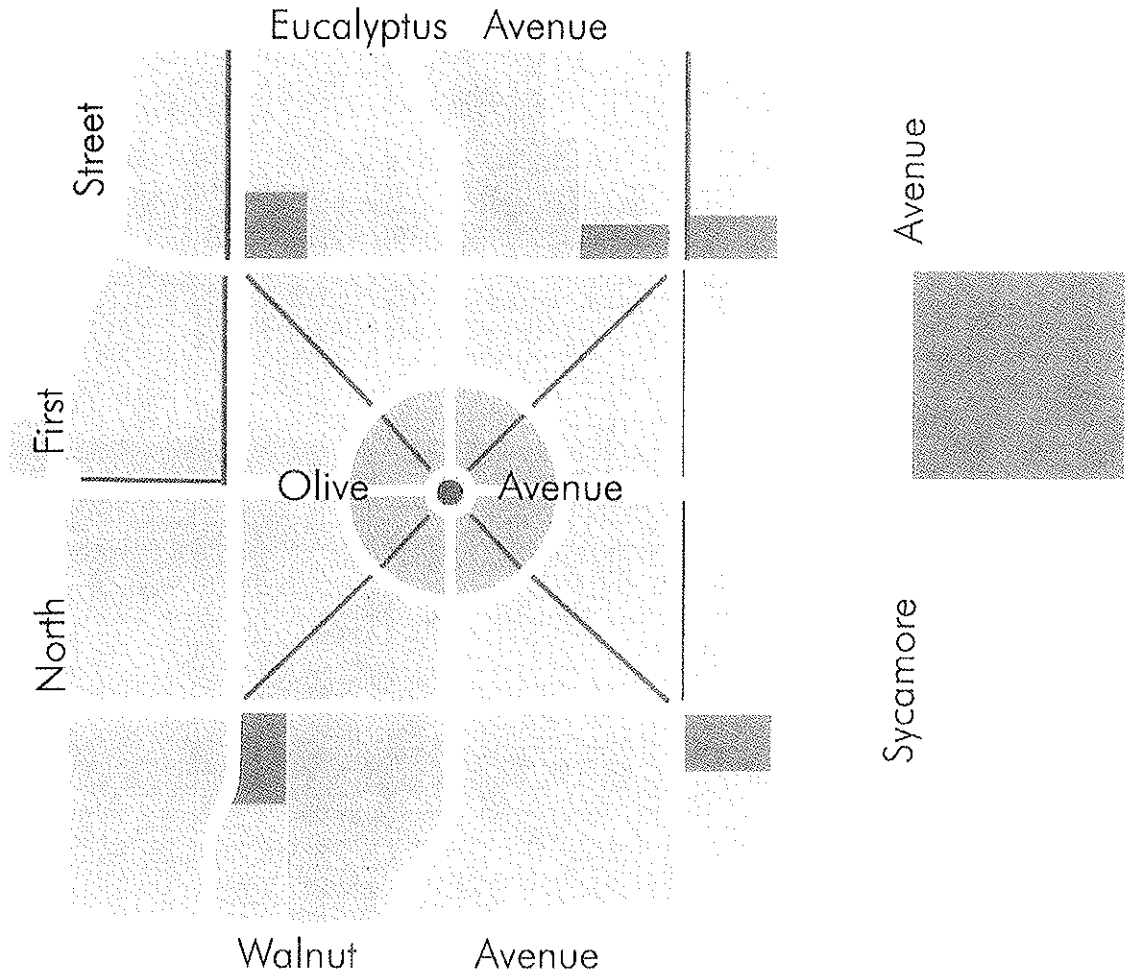
3. The proposed prezoning is consistent with the goals, policies and standards of the Patterson General Plan.

Exhibit B
Prezoning Map

Pre-Zoning

LEGEND

- Low Density Residential – Planned Development
- Medium Density Residential – Planned Development
- Downtown Core – Planned Development
- Light Industrial – Planned Development
- Public/Quasi-Public
- Parks/Open Space



RESOLUTION NO. 2006-121

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PATTERSON CERTIFYING THAT THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE VILLAGES OF PATTERSON PROJECT WAS PREPARED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), THAT THE CITY COUNCIL HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED IN THE FINAL ENVIRONMENTAL IMPACT REPORT, MAKING CERTAIN FINDINGS OF FACT REGARDING THE ENVIRONMENTAL IMPACTS OF THE VILLAGES PROJECT, AND ADOPTING A STATEMENT OF OVERRIDING CONSIDERATIONS

WHEREAS, the City of Patterson has caused to be prepared an Environmental Impact Report (EIR) for The Villages of Patterson project; and

WHEREAS, the Draft EIR has been prepared and circulated as required by the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines; and

WHEREAS, the City of Patterson Community Development Department conducted a public meeting on August 12, 2006 to receive input regarding the scope of analysis to be included in the Draft EIR;

WHEREAS, a duly noticed public hearing was held by the Patterson Planning Commission on November 28th, 2006, to consider the Draft and Final EIR at which all interested persons were given the opportunity to be heard; and

WHEREAS, a duly noticed public hearing was held by the Patterson City Council on December 12th, 2006, to consider the Draft and Final EIR at which all interested persons were given the opportunity to be heard; and

WHEREAS, the Draft and Final EIR relating to The Villages of Patterson project and responding to the concerns raised during the review period and at the public hearings, have been prepared pursuant to CEQA, the State Guidelines, and the City's rules and procedures for the implementation of CEQA; and

WHEREAS, the Patterson City Council has reviewed and considered the information contained in the Draft and Final EIR for the Villages of Patterson;

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

1. The Patterson City Council finds and certifies that the Final Environmental Impact Report for The Villages of Patterson project, which is incorporated herein by this reference, has been prepared and completed in compliance with CEQA, the State CEQA Guidelines, and the City's rules and procedures.

2. The Patterson City Council hereby further finds and certifies that the information contained in the Final EIR has been reviewed and considered by the Patterson City Council.

3. The Patterson City Council finds and certifies that the Final EIR reflects their independent judgement and analyses.

4. The Patterson City Council hereby finds and determines that implementation of The Villages of Patterson project may have a significant adverse effect on the environment.

5. The Patterson City Council hereby finds with respect to the adverse environmental impacts detailed in the Final EIR:

   a. That, based on information set forth in the Final EIR, the Findings of Fact attached to this Resolution as Attachment "A" , the list of mitigation measures included in the mitigation monitoring program attached as Attachment "B" and incorporated herein by reference, the Patterson City Council finds and determines that changes or alterations have been required in or incorporated into The Villages of Patterson project which avoid or substantially lessen the adverse environmental effects identified in the Final EIR for:

Traffic	Air quality (construction impacts)	Water supply
Noise	Hazardous materials	Biological resources
Hydrology/Water quality		

   b. That, based on information set forth in the Final EIR and in the Findings of Fact, the adverse environmental effects related to the permanent conversion of prime agricultural land, cumulative impacts to air quality and traffic impacts to certain intersections are significant effects which cannot be entirely mitigated or avoided if the project is approved and implemented;

   c. That no additional adverse impacts will have a significant effect or result in substantial or potentially substantial adverse changes in the environment as a result of the The Villages of Patterson project.

6. The Patterson City Council hereby finds and determines that:

   a. All significant effects that can be feasibly avoided have been eliminated or substantially lessened as determined through the findings set forth in Attachment A.;

   b. Based on the Final EIR and the Findings of Fact and other documents in the record, specific economic, social and other considerations make infeasible other project alternatives identified in the Final EIR;

   c. Based on the Final EIR and the Findings of Fact, and other documents in the record, the remaining unavoidable significant environmental effects of The Villages of Patterson project are outweighed and overridden by the benefits of the project as described in the Statement of Overriding Considerations, attached to this Resolution and incorporated herein by reference, which Statement of Overriding Considerations is hereby approved and adopted.

7. The Patterson City Council hereby authorizes and directs that a Notice of Determination with respect to the Final EIR pertaining to the approval of The Villages of Patterson project and all other actions in furtherance thereof be filed.

On motion by City Council Member Smith, seconded by City Council Member Cuellar, the foregoing resolution was approved and adopted at a special meeting of the Patterson City Council on the 12th day of December, 2006 by the following roll call vote:

AYES:	City 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:

City Clerk of the City of Patterson

Exhibit A

FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE VILLAGES OF PATTERSON PROJECT

The following Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program are hereby adopted by the City Council of the City of Patterson as required by the California Environmental Quality Act ("CEQA"), Public Resources Code Sections 21081, 21081.5, and 21081.6, and the CEQA Guidelines, title 14, California Code of Regulations, Sections 15091 through 15093, for the Villages of Patterson Development Plan Project.

Contents

I. THE PROPOSED PROJECT

The proposed project analyzed is fully described in Section II of the July 19, 2006 Villages of Patterson Development Plan Project, Draft Environmental Impact Report, State Clearinghouse No. 2006032043, prepared for the City of Patterson by Turnstone Consulting ("Draft EIR"), as amended by the final EIR ("Final EIR"). The proposed project is commonly known as the Villages of Patterson or Villages of Patterson Development Plan ("Development Plan" or "Project").

The Development Plan proposes a traditionally-designed, pedestrian-oriented, master-planned community that utilizes a mixed-use central core ("The Village Circle"), like that currently in the City of Patterson that will be surrounded by four residential neighborhood quadrants ("Villages"). The Project proposes a diverse range of uses including: low density residential, medium density residential, high density residential, light industrial, public/quasi-public, parks/open-space, schools and village commercial uses. Comprised of an approximately 692-acre plan area ("Plan Area"), the Project is located north and east of the City of Patterson ("City") in unincorporated Stanislaus County ("County"), contiguous to and outside of the incorporated boundaries of the City. The City's adopted sphere of influence includes the southern portion of the Plan Area, south of Olive Avenue. The Plan Area occupies approximately one-square-mile area formed by State Highway 33 and the Southern Pacific Railroad ("SPRR") right-of-way to the west, Eucalyptus Avenue to the north, Sycamore Avenue to the east, and Walnut Avenue to the south. At full build out, the Project is expected to accommodate up to approximately 3,100 dwelling units, up to about 723,800 square feet of commercial/ office/light industrial uses, and up to about 433,400 square feet of public and civic uses. The Plan Area does not include the existing light industrial properties located between the SPRR right-of-way and N. 1st Street, south of Salado Creek. The Plan Area also includes an approximately 40-acre area at the northeast corner of Olive Avenue and Sycamore Avenue (the eastern half which is currently owned and used by the City as a stormwater detention basin to collect runoff from northeastern Patterson), and an approximately 19-acre area at the southwest corner of Walnut Avenue and Sycamore Avenue.

Various infrastructure improvements would be developed as part of the Project. Walnut Avenue, Sycamore Avenue, Eucalyptus Avenue and North 1st Street would be widened. Garcia Way, Haynes Way, Kern Avenue and Fishman Avenue would be added. The City would provide domestic water and wastewater treatment facilities, sewer trunk lines, and storm water conduit to serve the Project. The City has prepared and adopted a Water Supply Assessment, which concludes that the City can provide sufficient water to serve the proposed project. The City will form a community facilities financing district ("Mello-Roos District") to fund the infrastructure improvements necessary to support the project area.

The Development Plan includes the approval of the following items by the City at various times: (1) amendments to the City of Patterson General Plan ("General Plan") to ensure that the Villages of Patterson is consistent with the General Plan; (2) prezoning of the Plan Area outside City boundaries; (3) amendment to the City's Infrastructure Master Plans for water, sewer, stormwater, and circulation; (4) the Water Supply Assessment; (5) the Villages of Patterson Preliminary and Final Development Plan; (6) Vesting Tentative Subdivision "A" Map(s); (7) Vesting Tentative Subdivision "B" Map(s); (8) a development agreement or agreements between the City and applicants; (9) initiation of application to Stanislaus County Local Agency Formation Commission ("LAFCO"); (10) creation of or annexation to a Mello-Roos District; (11) Williamson Act contract cancellations; (12) the Water Supply Verification;

(13) creation of or annexation to a fire assessment district; and (14) building permits and use permits (collectively "City Approvals").

The Project includes the following approvals by LAFCO: (1) amendments to the Service Review and Master Service Element for the City's Sphere of Influence to include the service plans for the Project; (2) amendment to the City's Sphere of Influence to include the Plan Area; and (3) reorganization to annex the entire Plan Area to the City, removal of the Plan Area from fire and irrigation districts, and addition of the Plan Area to City service areas (collectively "LAFCO Approvals").

Finally, the Project includes the approval of the following by other public agencies: (1) Stanislaus County permit for well construction under Stanislaus County Code Chapter 9.36; (2) Regional Water Quality Control Board ("RWQCB") General Construction Permit; and (3) Patterson Irrigation District to relocate irrigation Laterals 3 North and 4 North in underground pipes through the Plan Area (collectively "Other Approvals").

II. ENVIRONMENTAL REVIEW PROCESS

After determining in its Initial Study that the Development Plan constituted a project with potential impacts under the California Environmental Quality Act ("CEQA"), on March 8, 2006 the City of Patterson issued and circulated an Initial Study and Notice of Preparation of the Draft EIR for public information and review to the State Clearinghouse in Sacramento, and to public agencies and interested individuals. On March 22, 2006, the City held a formal public scoping meeting to receive public input on the information that should be included in the Draft EIR. Written comments on the scope of the Draft EIR were received by the City from public agencies and interested individuals.

On July 19, 2006, the City circulated the Draft EIR for the 45-day public review and comment period that ended on September 1, 2006. This public review and comment period included an August 10, 2006 public meeting conducted by members of the Community Development Department to receive written and/or oral comments on the Draft EIR. Members of the public and other interested parties were invited by formal public notice to testify on the Draft EIR at the public meeting. On September 1, 2006, the public comment period on the Draft EIR was closed. Fifteen (15) comment letters were received. Following receipt of all oral and written comments, the Final EIR was prepared to include all comments received by the City, to respond to the comments raised, and to make any other revisions in response to issues identified by staff or in response to public comment. The Final EIR, comprised of the Draft EIR, comments received, and responses to the comments, was completed and distributed on November 15, 2006. The analysis and conclusions contained in the Final EIR reflect the independent judgment of the City.

III. SIGNIFICANT AND UNAVOIDABLE ADVERSE IMPACTS AND DISPOSITION OF RELATED MITIGATION MEASURES

The Final EIR identifies the following significant and unavoidable adverse impacts associated with the approval of the Project and identifies related mitigation measures. It is hereby determined that each of the following significant and unavoidable adverse impacts is deemed acceptable for the reasons specified in the Statement of Overriding Considerations Section VII below.

The impacts and related mitigation measures identified below are presented in summary form. For a detailed description of impacts mitigation measures, see the appropriate text in the Draft EIR and the Final EIR.

A. Agricultural Resources

1. Impact C.1: Loss of Prime Farmland.

Implementation of the proposed project would directly result in the permanent loss of Prime Farmland. The entire Plan Area is classified as Prime Farmland by the United State Department of Agriculture and the California Department of Conservation. Implementation of this would result in the conversion of approximately 683 acres of Prime Farmland to urban development, resulting in the permanent loss of the land as Prime Farmland. Included in this are 20 parcels encumbered by Williamson Act contracts totaling approximately 287 acres. No one Williamson Act parcel is over 59 acres.

The Villages of Patterson project site is adjacent to the City and designated for urban development in the City's General Plan. The proposed project would promote balanced growth along the eastern edge of the City of Patterson and would maintain the geographic and economic center of Patterson. Development at this location, between the existing downtown and the San Joaquin River, would be a logical progression of development for the City. Annexation and development of the project site would be generally consistent with LAFCO, Stanislaus County, and City of Patterson policies that provide for orderly urban growth and compact development Patterson to minimize impacts to agricultural lands. Development of the site would extend the urbanized area incrementally to the north and east and would maintain compact urban boundaries. Although development of the site would take place in an anticipated and orderly fashion, consistency with county and city policies would not reduce the direct impact of the permanent loss of Prime Farmland to less-than-significant levels.

This trend of increasing non-renewals and cancellations of Williamson Act contracts is consistent with statewide patterns. Despite this trend, the Williamson Act continues to be an effective tool in slowing the rate of the conversion of agricultural lands to non-agricultural uses. The Williamson Act, and City policies listed in the Regulatory Framework section, above, would help to control the rate and pattern of farmland conversion. Adherence to these policies, however, would not sufficiently reduce the impact of loss of Prime Farmland to a less-than-significant level. Therefore, the direct impact of the loss of Prime Farmland would be a significant and unavoidable impact of the project.

The following mitigation measure would partially reduce the significance of this impact to agricultural resources, but not to a less-than-significant level:

Mitigation Measure C.1:

Prior to building permit issuance, applicant shall demonstrate, in a form acceptable to the City of Patterson, that mitigation for the direct permanent loss of productive agricultural land has been accomplished in one or more of the following ways:

- Monetary contribution to the California Farmland Conservancy Fund under the California Farmland Conservancy Program in an amount sufficient to allow the conservation of one acre of comparable farmland in Stanislaus County (or other similar land within the San Joaquin Valley as may be acceptable to the City) for each acre of farmland covered by the building permit sought under the proposed project. The amount of such contribution shall at a minimum, reflect the then-current value of a conservation easement for comparable agricultural land in Stanislaus County, plus 10% for program administration under the Farmland Conservancy Program. The per acre valuation of such easement shall be acceptable to the Community Development Director, who may require that the valuation of such easement on comparable agricultural land be documented by appraisal; or

- The acquisition of a conservation easement or easements on agricultural lands of sufficient acreage to permanently conserve one acre of farmland in Stanislaus County (or other similar land within the San Joaquin Valley as may be acceptable to the City) for each acre covered by the building permit sought under the proposed project. Participation in the Williamson Act Easement Exchange Program in accordance with Government Code Section 51256 shall be credited on an acre-for-acre basis toward satisfying the requirements of this mitigation; or

- Any other strategy approved by the City of Patterson for the permanent conservation of a comparable quantity and quality of agricultural land in Stanislaus County.

The City has estimated that the cost of acquiring conservation easements of the kind referred to in this mitigation measure would range between $12,500 per acre and $22,000 per acre, depending on the location of the property encumbered. Accordingly, the cost associated with implementation of Mitigation Measure C.1 is estimated to be between $8,650,000 and $15,224,000 for The Villages project.

The project proposes to fund public facilities necessary to serve the project itself, but will also provide facilities necessary to serve existing and future residents outside the project. These facilities include:

- *$10 million of up-front funding for water supply improvements;*

- *Expansion of the wastewater treatment plant in excess of the capacity necessary to serve the project;*

  The Project will construct beyond its share of wastewater improvements. The Project requires .67 mgd but will construct 1.25 mgd, an excess of approximately .58 mgd that will be available to the City. This will improve the wastewater capacity of the City as a whole, but especially will provide additional wastewater capacity for the West Patterson Business Park to ensure that we continue to attract and locate job-creators to our City.

- *The dedication of three school sites;*

The developer has reached an agreement with the Patterson Joint Unified School District ("PJUSD") that will provide for the necessary school facilities as they are needed in the Project. However, the agreement reached by the PJUSD and the developer have the Project absorbing costs well in excess of those that would be provided to the District under state law. Under state law, the developer would be mandated to provide approximately $26,700,000 million in school facility funding. The developer has agreed that the Project will actually provide approximately $58,500,000 million in funding for school facilities, an excess of approximately $31,800,000 million over its required share.

- *The construction of 33 acres of additional parkland, including much needed soccer fields;*

  The project will construct 65.6 acres of parkland, including 40 acres for soccer fields. This amount is about twice the acreage that could be required by State law.

- *$4.5 million toward the construction of the City's community center;*

  Project is contributing $4.5 million toward the cost of the new community center, in addition to the payment of the required development impact fees.

- *$1 million toward downtown revitalization;*

  The project will contribute monies toward downtown revitalization that would otherwise not be required.

- *A site and funding for a fire station on the east side of the City;*

In addition to infrastructure, the Developer has agreed to construct 465 units of housing affordable to very-low, low- and moderate-income households. Under this program, more of the affordable housing for very-low and low-income households would be produced than required by the City's affordable housing inclusionary ordinance.

Financing of the project has been crafted so that these much-needed public facilities will be provided sooner than programmed by the City, which in turn will enable the City to achieve many of its public services and economic development objectives sooner. If $10 million of project funding were instead committed to farmland preservation, these community objectives would not be realized because the project cannot fund both. In weighing these competing interests, the City has concluded that existing and future residents would be better served by committing project funding toward much-needed public facilities rather than farmland protection. For these reasons, the aforementioned mitigation measure is rejected as being economically infeasible. The City Council finds this impact to be significant and unavoidable.

2. <u>Impact C.3: Cumulative Loss of Prime Agricultural Land</u>

Implementation of the Villages of Patterson Development Plan would contribute to the cumulative loss of Prime Farmland in the General Plan Area. Most of the agricultural land in the western Stanislaus region is considered Prime Farmland. If Patterson or any other city in the region were to expand, the result would be the loss of Prime Farmland. This region has undergone rapid growth in recent years. Since 1992 Stanislaus County has experienced an increasing rate of conversion of prime

farmland to urban development (from 588 acres in 1992-1994, 695 acres in 1994-1996, 1,648 acres in 1996-1998, 703 acres in 1998-2000, and 2,044 acres in 2000-2002). Although data for 2002-2004 are not yet available through the California Department of Conservation, it is anticipated that this trend has continued to present.

From 1992 to 2002, about 1,702 acres of Prime Farmland in the City of Patterson were entitled for non-agricultural uses; approximately 577 acres of Prime Farmland to accommodate the Creekside residential developments and approximately 1,125 acres to accommodate the West Patterson Projects. The Villages of Patterson would contribute an additional 683 acres to that cumulative loss, resulting in a potential cumulative total of 2,385 acres of Prime Farmland lost within Patterson's General Plan Area. Countywide, it would contribute to a preexisting loss of approximately 5,700 acres of Prime Farmland during the same period.

The City of Patterson's General Plan Environmental Impact Report projected the conversion of over 3,000 acres of high-quality agricultural land to urban uses at General Plan buildout in 2025. With this project, the City of Patterson would move closer to buildout of its General Plan. The compact, land-efficient development pattern of the proposed project would serve to conserve farmland outside of the project site, but it would nonetheless contribute to the cumulative loss of prime farmland.

The cumulative impact of the loss of prime agricultural land in the project vicinity would be a significant and unavoidable impact of the proposed project. The following mitigation measure would partially reduce this cumulative impact to agricultural resources, but not to a less-than-significant level:

Mitigation Measure C.3

Implement Mitigation Measure C.1, discussed above, which is hereby incorporated by reference as if fully set forth here.

Mitigation Measure C.3 would prevent the conversion of some additional agricultural land that might otherwise be converted in subsequent development and thereby reduce the cumulative agricultural resource impact of the project. Nevertheless, substantial additional conversion of agricultural land is anticipated to occur in the region and substantial conversion has already occurred. This mitigation measure is insufficient to mitigate this cumulative impact to a less than significant level, and the impact is therefore considered to be significant and unavoidable notwithstanding the Mitigation Measure.

Moreover, for the reasons stated above in the discussion of Mitigation Measure C.1, which are hereby incorporated by reference as though fully set forth here, the City Council hereby rejects the mitigation measure identified above as economically infeasible.

B. Transportation & Circulation

1. Impact D.5: Cumulative Significant Impacts at Study Intersections.

The Villages of Patterson project would contribute considerably to future cumulative significant impacts at various study intersections. Most of the mitigation measures proposed have identified funding sources.

The following five study intersections are partially funded but do not have a secure funding source for the remainder of the improvements. Thus, the following related impacts cannot be considered less-than-significant:

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure D.5.e.

Intersection 9. Sperry Ave./S. Del Puerto Ave. Add eastbound and westbound left turn and through lanes.

Mitigation Measure 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.

Mitigation Measure D.5.g.

Intersection 12. Ward Ave./American Eagle Dr. Add eastbound, westbound, northbound and southbound left turn lanes.

Mitigation Measure 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.

The City has stipulated that the CFD or alternative financing program is limited to $10 million for traffic mitigation to fund the Project's fair share of traffic impacts. While most traffic mitigation measures can be funded out of the CFD, part of the funding source to mitigate impacts at the five intersections listed above is not certain in the 2030 scenario. Requiring additional money out of the CFD or to be borne by the applicant for traffic mitigation beyond its fair share would be unlawful and would substantially increase the effective tax rate for the Project and result in the elimination of some of the Project's provision of affordable housing as well as other public benefits. These incremental costs would upset the financial balancing act undertaken by the City in order to provide public benefits to the community.

Although implementation of these measures would reduce the impacts Project's cumulative impact at the five study intersections with the addition of traffic signals, left-turn, right-turn and thorough lanes, since the future funding sources for these five intersections are uncertain, the impacts on these intersections would remain significant and unavoidable. The City Council hereby adopts and incorporates into the Project the mitigation measures set forth above. Implementation of these mitigation measures would reduce impacts, but the impacts would remain significant and unavoidable.

C. Air Quality

1. Impact E.2: Project Operation Emissions of Criteria Pollutants.

Emissions of criteria pollutants during project operation would contribute to existing violations of the ambient air quality standards in the region. Air quality impacts to the regional air basin depend on the growth of the emission inventory. Because the San Joaquin Valley is designated a nonattainment area for violations of the ozone PM_{10}, and $PM_{2.5}$ standards, any new emissions of these pollutants and their precursors could cause or contribute to continuing violations of state and national air quality standards. Development of the project would remove current emissions, primarily PM_{10}, from the cessation of agricultural activities on the project site. Although motor vehicle sources are the subject of numerous state and federal emission control requirements currently in place, the regional benefits provided by those programs are being off-set by local population growth and resultant increase in the levels of vehicular activity. The proposed project would case motor vehicle emissions to increase because of additional vehicle trips and it would also cause minor amounts of emissions from stationary sources.

Buildout (with operation and occupation) of any phase of the proposed project would increase motor vehicle activity in the region by generating and attracting vehicle trips. Increased motor vehicle activity would cause increased emissions of ozone precursor pollutants (ROG and NO_x) and respirable particulate matter (PM_{10} and $PM_{2.5}$). Along with motor vehicle emissions, emissions from stationary and area sources would also increase with the development. Stationary sources associated with the proposed project are substantially less than the mobile sources and would include the natural gas uses by equipment such as water heaters, landscape equipment, consumer product, and architectural coatings (paint). As noted in Impact E.1, health effects of particulates include asthma, bronchitis, and reduced lung function. Ozone, formed by ROG and NO_x also can cause or contribute to asthma and reduced lung capacity.

The start of construction of the infrastructure improvements is estimated to begin in spring of 2007 with full buildout in 2013 to 2020 for the residential areas and 2018 to 2020 for the light industrial areas.

Based on this estimate, the target date of 2020 was used for vehicle emissions. Other assumptions used in the UBEMIS model are listed below:

- The soccer facility will consist of eight fields.

- The schools were modeled as elementary schools, to be conservative.

- Low- and medium-density residential units will be single-family homes

- Ten rapid transit buses will operate within one-half mile daily (Stanislaus Regional Transit, Routes 40 and 45).

- Adjustment to the architectural coating emission rate as recommended by the District.

Emissions of ozone precursors (NO_x and ROG) and PM_{10} for any phase of the proposed project would exceed the significance thresholds. Primarily, the project-related emissions would be from motor vehicle activity, but emissions from heating and other energy use would also contribute to this significant impact. It should be noted that although impacts from motor vehicle emissions of NO_x, CO, and ROG diminish in the future based on state and federal emission control requirements for improving tailpipe emissions, ozone impacts would be significant for any phase of the project and would not be off-set by the foreseeable reductions. Emissions of CO would not substantially affect regional air quality, but they could adversely affect local conditions near heavy traffic areas (as discussed under Impact E.3).

To mitigate a project's significant impacts related to ozone, the San Joaquin Valley Air Pollution Control District recommends implementing a combination of strategies that minimizes the project's vehicle travel demand and the demand for heating, cooling, and other energy use. The applicable mitigation measures would be determined under the Indirect Source Review program (Rule 9510). It should be noted that the emissions estimated for this EIR used mitigation measures that are incorporated into the project conceptual design and do not represent the baseline emission against which the reduction of NO_x and PM_{10} required under Rule 9510 will be measured.

The following mitigation measure would partially reduce project emissions, but this impact would remain significant and unavoidable:

Mitigation Measure E.2.a.

The site design shall implement the following design features to reduce emissions from motor vehicle activity:

- 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 open space areas, parks, schools, or commercial areas.

· The project shall include mixed residential and commercial land use, including live/work spaces, with schools and parks within walking or biking distance.

· The project developers shall incorporate secure bicycle storage and parking facilities throughout the site.

· Site plan design shall encourage pedestrian movement between adjacent land uses.

· Incentives such as preferred location of 4 percent of parking for carpoolers and hybrid or other clean-fuel vehicles shall be provided.

Mitigation Measure E.2.b.

The site design shall implement the following site design features to reduce emissions from energy consumption:

· 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.

· 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.

· The project developers shall incorporate approved deciduous trees to provide shade on the south- and west-facing sides of buildings.

The City Council hereby adopts and incorporates into the project the mitigation measure set forth above. Implementation of these mitigation measures would reduce impacts, but the impacts would remain significant and unavoidable.

2. Impact E.6. Cumulative impacts in the San Joaquin Valley.

The project would cause a cumulatively considerable net increase of pollutants for which the San Joaquin Valley is designated as non-attainment. On-going population and employment growth in the San Joaquin Valley, when combined with the proposed project would cumulatively increase mobile source activity and associated regional emissions of ROG, NOx, and PM_{10}. Emissions from the project would occur during construction phases but would be short-term. Even with full mitigation (as described in Impact E.1), the net increase of construction-related emissions would be cumulatively considerable, resulting in a net increase of PM_{10} or ozone precursors. It should be noted that compliance with the District's suggested construction-related emissions. The operational phase of the proposed project would contribute to the regional violations of the ozone and PM_{10} standards (as

described in Impact E.2). Because all sources in the region also contribute to these impacts, any individual project would also be cumulatively considerable, and the project's cumulative impacts to the region's ability to attain the ozone and PM_{10} standards would be significant.

The following mitigation measure would partially reduce this air quality impact, but not to a less-than-significant level:

Mitigation Measure E.6

Implement Mitigation Measures E.2.a and E.2.b, discussed above, which are hereby incorporated by reference as if fully set forth here.

The City Council hereby adopts and incorporates into the project the mitigation measure set forth above. Implementation of this mitigation measure would reduce the cumulative impacts of the project, but those impacts would remain significant and unavoidable.

D. Water Supply

1. Impact J.1: Water Treatment Facilities May Result in Loss of Agricultural Land.

Treatment of groundwater and disposal of concentrated brine created as a byproduct of groundwater treatment could result in construction of new physical facilities on agricultural land, resulting in loss of agricultural land and temporary construction impacts, and in production of a waste product that may require special disposal methods. Treatment of groundwater would require construction of a centralized water treatment facility providing desalination of the water by RO membrane treatment, ion-exchange, or lime softening. Water to be treated would need to be piped from wellheads to this facility. Any of the treatment systems would produce concentrated brine, estimated at approximately 600 AF per year of brine given projected demand of about 8,200 AF per year in 2030. This amount assumes that approximately one-half of the groundwater would be treated and blended with untreated groundwater to reach an acceptable level of TDS. It also assumes buildout of the City of Patterson through the year 2030 and thus provides an analysis of cumulative impacts. The Villages of Patterson development would contribute about 22 percent to the total water demand. A location for a water treatment facility is not being researched at this time. Therefore, impacts of that facility cannot be identified. Any discussion would be speculative.

The brine produced by groundwater treatment would require disposal. The City is considering four disposal methods: conveyance to the City's wastewater treatment plant as part of the City's normal wastewater stream, solar evaporation in lined ponds, construction and maintenance of a salt-water marsh, or nanofiltration to reduce the volume of concentrated brine.

Disposal via the wastewater treatment plant would be feasible if salts in wastewater from household water softeners were substantially reduced in the future. If water softeners continued in use, adding the brine to the wastewater stream could increase salts in the treatment plant effluent and impact shallow groundwater quality. It is assumed that disposal to the wastewater plant would not be selected unless use of individual water softeners was restricted. Disposal to a saltwater marsh would require creation of such a habitat within reasonable distance of the water treatment facility, potentially resulting in loss of an unknown amount of agricultural land. Considerable additional study

is necessary before the City could consider selection of this disposal option, to establish an appropriate location, the type of habitat to be created, and necessary management techniques.

Evaporation would require the City to purchase new property and construct evaporation ponds with impervious linings to prevent percolation of the brine into the shallow aquifer. After evaporation, salts would need to be collected and transported to an appropriate solid-waste-disposal facility. If evaporated, the 600 AF annually of brine would produce approximately 10 to 12 tons of salts per year that would require proper disposal. Evaporation would require conversion of about 200 acres for evaporation ponds and likely would require disposal of the dried salt at a solid waste landfill. Nanofiltration of the brine before evaporation would substantially reduce the volume of brine, requiring less than 100 acres of lined evaporation ponds and disposal of the dried solids in a landfill. The acreage for these evaporation ponds would also likely be located on agricultural land.

Such a disposal plan would generate approximately one to three truck trips per year and would not result in significant environmental impacts. There are two possible disposal sites: the Fink Road Landfill and the Kettleman Hills landfill. The Fink Road Landfill would be used if disposal of this type of waste would be accepted there. If the waste salts were considered hazardous and could not be disposed of at the Fink Road Landfill, they would need to be trucked to Kettleman City, the location of the nearest landfill that accepts hazardous waste. While the additional vehicle miles traveled (approximately 260 miles per trip) would incrementally increase air emissions in the San Joaquin Air Pollution Control District, the increase would be marginal and would not substantially change the already-significant traffic impacts caused by the Villages of Patterson project.

Construction of a centralized treatment facility, and solar evaporation and nanofiltration with evaporation ponds would result in secondary significant impact from loss of agricultural land.

The following mitigation measure would partially reduce this impact, but not to a less-than-significant level:

Mitigation Measure 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.

Moreover, for the reasons stated above in the discussion of Mitigation Measure C.1, which are hereby incorporated by reference as though fully set forth here, the City Council hereby rejects the mitigation measure identified above as infeasible.

IV. SIGNIFICANT IMPACTS IDENTIFIED IN THE FINAL EIR THAT ARE REDUCED TO A LEVEL OF "LESS THAN SIGNIFICANT" BY THE MITIGATION MEASURES INCORPORATED INTO THE PROJECT

The Final EIR identifies the following significant impacts associated with the project that are reduced to a level of "less than significant" by mitigation measures identified in the Final EIR. It is hereby determined that the significant environmental impacts which these mitigation measures address will be mitigated to a less-than-significant level or avoided by incorporation of the mitigation measures into the project. To the extent these mitigation measures will not mitigate or avoid all significant impacts on the environment, or are found infeasible, it is hereby determined that any remaining significant unavoidable adverse impacts are acceptable for the reasons specified in the Statement of Overriding Considerations (Section VII, below).

The impacts identified below are presented in summary form. For a detailed description of impacts, see the appropriate text in the Draft EIR and Final EIR.

A. Transportation and Circulation

1. Impact D.I: Traffic Impacts of Project on Intersections.

Development of the proposed Villages of Patterson project would affect traffic levels of service at several study intersections. Addition of project-generated traffic to local roadways and intersections would cause several intersections to operate at unacceptable LOS E or F in the a.m. or p.m. peak hours or both, compared to existing conditions with approved projects. Under the Existing-plus-Approved-plus-Project scenario, 12 of the 26 study intersections would degrade from acceptable to unacceptable LOS E or F at the following locations: Sperry Avenue/I-5 southbound off-ramps; Sperry Avenue/I-5 northbound on-ramps; Sperry Avenue/Baldwin Road; Sperry Avenue/America Eagle Drive; Sperry Avenue/Las Palmas Avenue; Sperry Avenue/Ward Avenue; Sperry Avenue/SR 33; Olive Avenue/SR 33; Walnut Avenue/M Street/ SR 33; Las Palmas Avenue / Sycamore Avenue; Carpenter Road/West Main Avenue; and Crows Landing Road/West Main Avenue. In addition, the intersection of Zacharias Road and SR 33 would operate at LOS D in the p.m. peak hour, exceeding County standards. This intersection would need mitigation in spite of an overall acceptable LOS according to City of Patterson standards, because the analysis shows that nearly 600 northbound vehicles would attempt to make a left turn from SR 33 to Zacharias Road in the morning peak hour. There would be approximately 850 vehicles traveling in the northbound direction in the morning peak hour and southbound in the afternoon peak hour at the intersection of Zacharias Road and SR 33, an indication that additional lanes would be needed on SR 33 between Zacharias Road and Ward Avenue. The intersection of SR 33 at Eucalyptus Avenue would operate at acceptable LOS but would meet signal warrants, and therefore would have a significant traffic impact. The intersection of Sperry Avenue and Rogers Road is shown as operating at acceptable LOS in this scenario. The extension of Rogers Road south of Sperry and related intersection improvements that are needed here for acceptable operation are mitigation measures included in the approved West Patterson Business Park project; if these improvements did not occur before the Villages of Patterson Development Plan was constructed and occupied, traffic from the project would result in unacceptable operations and mitigation would be needed.

The following mitigation measure would reduce this impact to study intersections to a less-than-significant level:

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure D.1.d.

Intersection 4. Sperry Avenue/Baldwin Road. Add a westbound through lane.

Mitigation Measure D.1.e.

Intersection 6. Sperry Avenue/American Eagle Drive. Add a southbound right turn lane.

Mitigation Measure D.1.f.

Intersection 7. Sperry Avenue/Las Palmas Avenue. Signalize intersection.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure D.1.i.

Intersection 14. Zacharias Road/SR 33. Add a northbound left turn lane and an eastbound left turn lane at approximately 92 percent buildout or when conditions warrant.

Mitigation Measure D.1.j.

Intersection 17. SR 33/Eucalyptus Avenue. Signalize intersection and add southbound left turn and through lanes; add a northbound through lane.

Mitigation Measure 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.

Mitigation Measure D.1.l.

Intersection 19. Walnut Avenue/M Street/ SR 33. Signalize intersection, add an eastbound and a westbound left turn lane, 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.

Mitigation Measure D.1.m.

Intersection 22. E. Las Palmas Avenue/ Sycamore Avenue. Signalize intersection.

Mitigation Measure D.1.n.

Intersection 24. West Main Avenue/ Carpenter Road. Signalize intersection and add left turn lanes on all four approaches.

Mitigation Measure 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.

The City Council hereby adopts and incorporates into the project the mitigation measures set forth above. With implementation of these mitigation measures, the potential significant traffic impacts of the study intersections would be reduced to a less-than-significant level.

2. Impact D.5: Cumulative Traffic Impacts of on Local Intersections

The Villages of Patterson project would contribute considerably to future cumulative significant impacts at study intersections. Traffic from the Villages of Patterson Development Plan project, added to intersections already operating at unacceptable LOS, would cause further deterioration in service levels. If mitigation measures were assumed at all nine of the significantly impacted intersections identified in 2030 Baseline conditions, Villages of Patterson project traffic would cause two additional intersections to deteriorate to LOS E or F, at Eucalyptus Avenue/SR 33 and Olive Avenue/SR 33, and would cause the intersections at the I-5 southbound off ramp and northbound on-ramp to again deteriorate to LOS E or F, requiring additional mitigation. If mitigation measures were not installed in the nine intersections operating at LOS E or F under future 2030 baseline conditions, the proposed project would contribute to or cause unacceptable LOS at 11 intersections in either the a.m. peak hour, the p.m. peak hour, or both, in the study area, and would establish the need for improvements at an additional three intersections. Two new signals would need to be installed, at Eucalyptus Avenue/SR 33, and at Olive Avenue/SR 33, in addition to the eight that would be needed without project-generated traffic. As in the future 2030 baseline condition, although levels of service are not shown to deteriorate to unacceptable levels, the analysis of intersections along SR 33 show that there would be nearly 900 vehicles on SR 33 on the segment between Zacharias Road and Ward Avenue during morning and afternoon peak hours, resulting in the need for a four-lane roadway. Two westbound lanes would be needed on Zacharias Road between SR 33 and Baldwin Road to accommodate high volumes of westbound traffic from two left-turn lanes from northbound SR 33 in the morning peak hour, and two eastbound lanes would be needed to accommodate afternoon traffic.

These intersection impacts could all be mitigated to less-than-significant levels with the addition of signals and left-turn, right-turn, and through lanes. Insofar as funding is available to implement the following mitigation measures, traffic impacts would be reduced to a less-than-significant level:

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure 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.

Mitigation Measure D.5.c.

Intersection 7. Sperry Ave/Las Palmas Ave. Signalize intersection; add an eastbound right turn lane.

Mitigation Measure D.5.h.

Intersection 13. SR 33/Ward Ave. Signalize intersection; add a northbound left turn lane.

Mitigation Measure D.5.i.

Intersection 14. Zacharias Rd/SR 33. Signalize intersection; add two northbound left turn lanes; and add an eastbound left turn lane.

Mitigation Measure 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.

Mitigation Measure D.5.l.

Intersection 18. Olive Ave/SR 33. Signalize intersection; add eastbound, westbound, northbound and southbound left turn lanes.

Mitigation Measure 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.

Mitigation Measure D.5.n.

Intersection 22. E. Las Palmas Ave/Sycamore Ave. Signalize intersection.

Mitigation Measure 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.

The City Council hereby adopts and incorporates into the project the mitigation measures set forth above. With implementation of these mitigation measures, the significant traffic impacts at intersections would be reduced to a less-than-significant levels.

B. Air Quality

1. Impact E.1: Construction-Related Emissions

Emissions of criteria pollutants during project construction would contribute to existing violations of the ambient air quality standards in the region. Development of specific sites within the project area may include construction activities, including soil excavation and backfilling, grading, and movement of equipment and vehicular traffic on paved and unpaved roads. Airborne dust is a substantial component of the elevated PM_{10} concentrations in the San Joaquin Valley. Excavation, grading, unvegetated surfaces exposed to wind, material handling, material storage piles, and vehicle travel on paved and unpaved surfaces all can be sources of substantial fugitive dust emissions if not properly managed or maintained. As a result, construction activities have the potential to cause short-term dust emissions, which increase localized PM_{10} and $PM_{2.5}$ concentrations compared to existing conditions. Construction activities also impact air quality due to emissions from construction equipment that burn fossil fuels.

The San Joaquin Valley Air Pollution Control District (referred to in this Section as "District") considers fine particulate matter (PM_{10}) to be the pollutant of greatest concern with respect to construction activities. Particulates can cause or exacerbate asthma and bronchitis, and particulates contribute to reduced lung function in children. The District oversees an extensive set of rules in Regulation VIII to reduce adverse health effects from new construction-related PM_{10} and to address nuisance concerns such as visible clouds of dust and soiling of exposed surfaces. All aspects of the proposed Villages Development project would be expected to comply with the District rules; however, the District specifically identifies measures for use as CEQA mitigation measures. Without implementing the District-recommended mitigation, construction-related fugitive dust emissions could contribute substantially to on-going violations of the PM_{10} standards, which would cause a significant impact. Quantification of construction emissions due to construction equipment burning fossil fuels is performed and reviewed by the District during the Indirect Source Rule program, when more specific detail about the types of equipment to be used are known. If all the PM_{10} control measures developed by the District are implemented, as appropriate, then the District considers air emissions from construction activities a less-than-significant impact.

Implementation of the mitigation measures below would reduce this impact to a less-than-significant level:

Mitigation Measure E.1.a

The construction plans for all project phases shall incorporate the following recommendations from the District to minimize PM_{10} emissions during construction phases:

- 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.

· 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.

· The project developers shall limit traffic speed on unpaved roads to 15 miles per hour.

· 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.

· 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.

· The project developers shall install windbreaks at windward sides of construction areas, if necessary to prevent wind-blown dust.

· The project developers shall suspend excavation and grading activity when winds exceed 20 miles per hour.

· The project developers shall limit the area subject to excavation, grading, and other construction activity at any one time.

· 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).

· The project developers shall implement activity management to reduce cumulative short-term impacts.

Mitigation Measure E.1.b

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

· The project developers shall use alternative-fuel construction equipment, where feasible.

· The project developers shall minimize idling time (e.g., to a 10-minute maximum).

· 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.

· 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.

· The project developers shall replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set), where feasible.

The City Council hereby adopts and incorporates into the project the mitigation measure set forth above. Implementation of this measure would reduce the impact to a less-than-significant level.

3. Impact E.7: Conflict with District's Attainment Plans.

The proposed project, including annexation of the proposed parcels to the City of Patterson, could conflict with or obstruct implementation of the District's ozone and PM_{10} attainment plans. The proposed project includes annexing parcels to the City of Patterson and changing the land use designations to accommodate the development of the land for mixed-use residential. Reviewing the consistency of these changes with the region wide ozone and PM_{10} Attainment Demonstration Plans provides an analysis of program-level impacts in a cumulative context.

The District plans for attainment of the ambient air quality standards rely, in part, on projections for growth in the region. Growth projections are based on land use designations in various General Plans. Growth that exceeds these projections could possibly conflict with the District planning strategy. The ozone and PM_{10} Attainment Demonstration Plans therefore evolved to reflect the changing projections for growth in the San Joaquin Valley. Because development on the project site would result in a population increase that is within the planned capacity of the City at full buildout, and is within the population projections used by the District in the attainment plans, the proposed project would be consistent with the District attainment plans.

The project's significant air quality impacts would mainly be from mobile source activity (traffic), i.e., vehicle trips associated with residents and commercial enterprises. Although some of the project's individual impacts may be off-set by reduced mobile source emissions elsewhere in the region, the impact of project emissions would remain cumulatively significant.

This impact is designated as significant because project-related emissions could significantly contribute to on-going and cumulative violations of ozone and PM_{10} standards (as described in Impact E.2) unless mitigation measures are implemented. Emission increases caused by the project in combination with other development in the region could delay the region's progress in attaining the ozone and PM_{10} standards. Thus, despite achieving consistency with the attainment plans, project-related emissions could obstruct implementation of the attainment plans, causing a significant cumulative impact, unless mitigated.

Implementation of the following mitigation measure would reduce the impact to a less-than-significant level:

Mitigation Measure 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.

The City Council hereby adopts and incorporates into the project the mitigation measure set forth above. Implementation of this measure would reduce the potential impacts from the project on the District's implementation of the ozone and PM_{10} attainment plans to a less-than-significant level.

C. Noise

1. Impact F.1: Increase in Noise Levels from Project-Related Construction

Project-related construction could cause a substantial, though intermittent and short-term, increase in noise levels. Completion of construction activities would include use of heavy equipment, for grading and other activities, through completion of buildings and landscaping. Heavy trucks would travel to and from and within the development areas to move earthwork, equipment, and building materials. Smaller equipment, such as jack hammers, pneumatic tools, and saws could also be used throughout the construction phases. The noise associated with these activities would be generated within the entire Villages of Patterson project area and at off-site locations near any infrastructure improvements.

Existing residences and other sensitive receptors located adjacent to the project site with direct line-of-sight to construction activities and construction traffic would be affected along with new residences as they are developed within the project. Utility improvements (e.g., water, gas, electrical, etc.) and widening of roadways bordering the project site would also affect these residences. Residences at increased setback distances from the roadways bordering the project site would be buffered and shielded from construction activities by buildings closer to the roadways, and thus would not be significantly impacted by these construction activities.

For any one receptor location or residence, construction noise would be an intermittent impact extending only for the short term, corresponding with the development schedule for nearby project components. Construction equipment would be sufficiently distant from most noise-sensitive locations for the majority of the work because of the size of the development parcels. For example, existing residences located south of Walnut Avenue would be buffered by distance from construction activities on the interior portions of the project site.

Because most construction equipment causes intermittent noise levels up to 89 dBA at a distance of 50 feet (the project would not involve pile driving or rock blasting), any noise-sensitive locations that would be in close proximity to project-related construction noise could experience a recognizable noise increase (e.g., the Central California Child Development Services Center, on the south side of Walnut Avenue at Eureka Street.) Therefore, although temporary, noise-generating activities over the long-term construction period could cause a significant impact without implementation of reasonable measures to manage construction activities.

Implementation of the following mitigation measure would reduce this impact to a less-than-significant level:

Mitigation Measure F.I

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

Construction activities shall be restricted to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 9:00 a.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.

During construction, mufflers shall be provided for all heavy construction equipment and all stationary noise sources in accordance with the manufacturers' recommendations.

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).

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).

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.

- Construction vehicle access routes shall be designed to minimize the impact on existing residences and occupied hospital facilities.
- 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.
- 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.

The City Council hereby adopts and incorporates into the project the mitigation measure set forth above. Implementation of this mitigation measure would reduce the impacts from construction noise at the project site to a less-than-significant level.

2. Impact F. 4: Inconsistency of Light Industrial Noise Levels with City Noise Compatibility Goals.

Light industrial activities and truck loading operations could generate noise levels inconsistent with the City's noise compatibility goals. Future stationary sources of noise associated with the proposed light industrial uses would include mechanical equipment; delivery vehicle, forklift, waste collection, and warehouse operations; vehicle parking areas; and possibly specialized equipment for use with the various businesses in the light industrial use area. The new stationary sources would have the potential to cause noise that would violate the standards set forth in Table III.F-1 or be incompatible with the surrounding uses. The orientation of the buildings within the light industrial use area has not yet been finalized, but could be planned so that noisier activities such as loading dock operations, waste collection, and stationary mechanical equipment would be facing away from the adjacent residential

land uses located to the east (i.e., toward the west).

Noise levels can vary greatly for components of stationary mechanical equipment. Examples include mechanical equipment for building heating, ventilation and cooling, and refrigeration equipment on commercial buildings. As specific building locations in the proposed light industrial area have not been established, and specific equipment has not been identified, noise impacts cannot be quantified. Noise from these sources could be incompatible with any residential land uses planned to be developed adjacent to these light industrial areas.

The use of emergency generators at some commercial land uses would generate mechanical noise that would also be subject to the City's noise standards. Generators are typically only used for emergency purposes and occasional testing (about once per month). Because of the infrequency of this use, generators would not result in significant noise impacts, although testing would be noticeable to nearby residents.

Noise from parking lot areas is typically a small percentage of the total vehicular traffic volume in the vicinity and would not significantly increase noise levels at these areas. Delivery truck engines can be shut off during loading and unloading procedures. Loading dock operations including the use of forklifts can be performed inside warehouse areas or shielded by local noise barriers. Therefore, proper design and location of loading dock operations could be reduced to a less-than-significant impact.

The Villages of Patterson Design Guidelines include provisions that would help to reduce the potential effect of mechanical equipment. In general, commercial and residential mechanical equipment is to be shielded, which would provide some noise reduction. Industrial mechanical equipment is to be screened and located no closer than 75 feet from residential land uses. The additional setback distance would also reduce noise levels at noise sensitive residential receptors.

Because there is not sufficient information available about the orientation of proposed commercial buildings, their distances from residential uses, and the types of mechanical equipment proposed to be used on commercial and light industrial buildings, it is assumed that if not mitigated, noise from mechanical equipment could result in a significant environmental impact.

The following mitigation measure will reduce this impact to a less-than-significant level:

Mitigation Measure F.4

Each development that involves light industrial or commercial land uses that would include outdoor mechanical equipment shall carry out the following:

- Retain a qualified acoustical engineer to review the development project during the design phase, prior to approval of building permits;

- 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;

- Noise reduction measures that must be considered by the acoustical engineer include:
- use of acoustical silencers on inlet and discharge openings of mechanical equipment,
- installation of parapets or enclosures with louvers or other barriers to shield noise,
- orientation of equipment so that it faces away from sensitive receptors,
- orientation or setback of buildings to increase distance from sensitive receptors;
- Other noise reduction measures that would accomplish the same or similar purposes should be included if applicable to the particular building proposed.

The City Council hereby adopts and incorporates into the project the mitigation measure set forth above. Implementation of this mitigation measure would reduce the noise impacts from light industrial activities and truck loading operations to a less-than-significant level.

3. Impact F.6: Noise Conflicts from Cumulative Development.

Cumulative development could lead to noise conflicts between incompatible land uses. The proposed project would be part of other foreseeable development in the Patterson area that would alter the noise environment of Patterson by 2030. The mitigation measures identified for Impact F.1 (construction noise) and Impact F.4 (light industrial development) are relevant to cumulative noise impacts. Implementation of these measures would reduce the project's contribution to cumulative noise impacts on sensitive land uses to a less-than-significant level.

An increase in traffic noise levels is expected to occur due to general growth and other approved projects, regardless of the development of the proposed project. The cumulative baseline therefore includes noise levels that would seem more urban compared to the existing, rural, noise environment. However, as discussed under Impact F.2, project-related traffic noise would not contribute to significant cumulative increases in future noise levels.

The cumulative impact of project-related traffic noise on sensitive receptors would be reduced to a less-than-significant level by implementation of the following mitigation measure:

Mitigation Measure F.6

Implement Mitigation Measures F.1 and F.4, discussed above, which is hereby incorporated by reference as if fully set forth here.

The City Council hereby adopts and incorporates into the project the mitigation measures F.1 and F.4. by reference as if fully set forth herein. Implementation of this mitigation measure would reduce the noise impacts would be reduced to a less-than-significant level.

D. Hazardous Materials

1. Impact G.1: Release of Hazardous Chemicals During Site Grading and Development Activities.

Site grading and development activities could result in releases of contaminants from soils or groundwater that may affect the health and safety of construction workers, future site users, and the general public. Residual pesticides may be present in soil and/or groundwater in the entire proposed project area. The proposed project area is currently and was historically used for agricultural pesticide application and storage since at least the 1950s (and possibly earlier). Most pesticides used in agriculture today have short persistence, and quickly degrade to less toxic compounds. However, inorganic compounds containing metals such as mercury, copper, lead, and/or arsenic were commonly used prior to World War II and may have been used within the project area. Highly persistent and bioaccumulative organic compounds, such as DDT, were commonly used after World War II, and may have been used within the project area during the time the site was used for agricultural purposes.

Pesticides, herbicides, and other hazardous materials are also known to have been lawfully applied in 2002 and 2003 to one of the sites identified for school use, and to other parcels within the Villages of Patterson project area from 2000 through 2005. Hazardous materials uses (pesticides, fuels, and other hazardous materials) are also permitted in several areas throughout the Villages of Patterson project area. Pesticide handling areas associated with farm operations and on other properties have been documented, and there are oral accounts from owners and occupants who identified use of chemicals, pesticides, and ASTs on one of the parcels proposed for a school. At least three cases of soil contamination by crude oil release associated with the Standard / Chevron Old Valley Pipeline, located between the railroad tracks and Highway 33, have been reported. This pipeline is located adjacent to the western boundary of the site.

Both the Brown and Caldwell and Condor Earth Technologies Phase I ESAs prepared for the project area documented the likely existence of unpermitted or improperly abandoned ASTs and USTs, as well as permitted ASTs and USTs. Nine specific properties in the project area Brown and Caldwell Phase I ESA (2006) were identified as requiring additional investigation. In addition, drum storage areas, drums, a possible trash incinerator, paint cans, a metal pipe sticking out of the ground at one of the school-site parcels (use undetermined), and other tanks were observed during the site visits completed in support of the two Phase I ESAs.

Numerous properties within the project area were also reported in both the Brown and Caldwell and Condor Earth Technologies Phase I ESAs as having or potentially having septic systems and leach fields and private wells, since the project area is not currently served by the City's wastewater or water treatment systems. These wells and septic systems could present a safety issue if encountered by construction workers driving construction equipment during site development activities. In addition, if wells were left in place without proper closure, they could act as a conduit for hazardous materials to enter groundwater. Refuse piles and discarded materials were identified in several locations within the project area during the site visits completed in support of both Phase I ESAs; these could contain hazards.

Finally, the two Phase I ESAs conducted did not include the parcel owned by the City of Patterson that is used as a stormwater detention basin. Up to eight soccer fields may be developed on a portion

of this parcel. In addition, excavation of this parcel may be undertaken to increase the capacity of the detention basin. There may be a potential for contaminants in stormwater, or other contamination potentially associated with historical land use in this area, to have affected soils and groundwater on these parcels. Exposure to hazardous materials in soils, groundwater, or structures or containers during site grading and development activities could potentially affect the health and safety of construction workers and the general public. If left in place, this contamination could also affect future residents, workers, and other site users at the project site.

The following mitigation measures will reduce this impact to a less-than-significant level:

Mitigation Measure G.1.a

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:

- 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.

- 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.

- 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.

- 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 investigation and risk assessment.

- The results of the soil sampling investigations 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.

- 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.

- 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 1×10^{-6} (one in one million) for carcinogens and a cumulative hazard index of 1.0 for non-carcinogens, 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.

Mitigation Measures G.1.b.

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.1.a.

Mitigation Measure G.1.c.

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.

Mitigation Measure G.1.d.

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.

- The CRMP shall summarize previous environmental investigations and health risk assessments conducted for the project site (as required in Mitigation Measures G.1.a, G.1.b, and G.1.c).
- 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.
- 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.
- The CRMP shall be submitted to the City.

The City Council hereby adopts and incorporates into the project the mitigation measures set forth above. Implementation of these mitigation measures will reduce this impact to a less-than-significant level.

2. Impact G.2: Release of Hazardous Chemicals During Demolition Activities.

Demolition or modification of structures with lead-based paint, asbestos-containing materials, or other hazardous building materials could release airborne particles of hazardous materials, which may affect the health of construction workers, future school site users, and the general public. The proposed project would involve redevelopment of areas with existing residential and farm-related structures; based on the Brown and Caldwell and Condor Earth Technologies Phase I ESAs for the project area, the earliest structures may have been constructed in 1916 or earlier. The structures on the proposed school site properties, which were evaluated separately, were identified as potentially containing lead-based paint and/or lead in soil surrounding the perimeter of the buildings or former structures.

Demolition or alteration of structures on the project site could result in the release of lead, asbestos, and other hazardous materials commonly present in structures built prior to 1980. Exposure to hazards associated with building materials may potentially result in health effects to construction workers, future school site users, and the public.

The following mitigation measures will reduce this impact to a less-than-significant level:

Mitigation Measure 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.

The City Council hereby adopts and incorporates into the project the mitigation measure set forth above. Implementation of this mitigation measure will reduce this impact to a less-than-significant level.

3. Impact G.3: Hazardous Materials at School Sites.

Construction of new schools on land with previous agricultural land uses that could have involved the use of pesticides and petroleum hydrocarbons, or with structures that could potentially contain lead-based paint, asbestos-containing materials, or other hazardous building materials, could result in a

health hazard to students, teachers, and other on-site personnel. Three school sites (located at Hartley Street and north and south sides of Garcia Way, and Hartley Street and Kern Avenue) are proposed in the project area. A Phase I ESA and additional information required under the applicable sections of the State Education Code and the Public Resources Code have been completed for the first school that is proposed for construction on the south side of Garcia Way at Hartley Street. This school would first house students from grades kindergarten through grade 8, and then later as the other schools described below are constructed, would house middle school students (grades 6 through 8).

As part of the Condor Earth Technologies Phase I ESA (2005) completed for the proposed school site, evidence of soil staining and odors and petroleum hydrocarbon storage (gasoline and diesel ASTs) were identified for APN 047-031-017; petroleum hydrocarbon contaminated soils were reported as likely being present at this location. In addition, pesticide mixing areas and possible lead contamination of the former farm complex area (barn) with possible soil contamination were identified. Finally, other potential hazardous materials were identified in the Condor Earth Technologies Phase I ESA (2005) for the proposed school site as described above (e.g., refuse, septic systems, domestic water wells, a buried pipe, outhouse pit, containers or structures [transformer] containing hazardous materials). The preparers of the Condor Earth Technologies
Phase I ESA recommended that the school district revise the proposed school boundary to exclude this area of potential contamination, and recommended that a PEA be completed for these parcels proposed for school siting, with DTSC oversight. A PEA was subsequently prepared and DTSC concurred that further environmental investigation of the site was not required and approved the PEA.

The Brown and Caldwell Phase I ESA for the Villages of Patterson site included the areas proposed for the two additional elementary school sites. Other requirements for the siting of schools pursuant to the State Education Code and Public Resources Code are not known to have been completed for these two additional school sites as of the date of this document.

Students, teachers and other on-site school personnel may come into contact with lead, asbestos, petroleum hydrocarbons, pesticides and other hazardous materials associated with previous land uses and materials identified during the site visits. Exposure to these hazardous materials could have adverse health effects, depending on the route and duration of exposure.

The following mitigation measures will reduce this impact to a less-than-significant level:

Mitigation Measure 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.

The City Council hereby adopts and incorporates into the project the mitigation measure set forth above. Implementation of this mitigation measure will reduce this impact to a less-than-significant level.

4. Impact G.4: Contamination from Use of Hazardous Materials.

Use and potential accidental spills of hazardous materials during construction of the proposed project could result in soil and/or groundwater contamination and adverse health effects to construction workers, the public, and the environment. Hazardous materials (e.g., fuels, lubricants, paints, adhesives) would be transported and used on-site for proposed site construction and redevelopment activities. In addition, construction vehicles would be used on-site that could accidentally release hazardous materials, such as oils, grease or fuels. It is likely that these hazardous materials and vehicles would be stored by the contractor(s) on-site during the duration of construction activities. Accidental release of hazardous materials could impact soil and/or groundwater quality, or could result in adverse health effects to construction workers, the public, and the environment.

Implementation of the following mitigation measure would reduce this impact to a less-than-significant level:

Mitigation Measure G.4

The Stormwater Pollution Prevention Plan (SWPPP) required for the project 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. 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.

The City Council hereby adopts and incorporates into the project the mitigation measure set forth above. Implementation of this mitigation measure will reduce this impact to a less-than-significant level.

H. Biological Resources

1. Impact H.5: Disturbance to Nesting Swainson's Hawks.

Implementation of the Development Plan could result in disturbance to nesting Swainson's Hawks. Construction activities during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. Disturbance that causes Swainson's Hawks to abandon their nest and/or results in the loss of reproductive effort would be a significant impact. A recent nesting season survey has confirmed the presence of an active nest within the project site.

Implementation of the following mitigation measures would reduce this impact to a less-than-significant level:

Mitigation Measure H.5.a

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 that 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)

Mitigation Measure H.5.b.

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).

The City Council hereby adopts and incorporates into the project the mitigation measures set forth above. Implementation of these mitigation measures would reduce the potential impacts on Swainson's Hawk nest disturbance to a less-than-significant level.

2. Impact H.6: Loss of Swainson's Hawks Foraging Habitat.

Implementation of the Development Plan would result in loss of Swainson's Hawk foraging habitat. Preferred foraging habitat for Swainson's Hawks includes dry-land and irrigated pasture, alfalfa, fallow fields, low-growing row or field crops, rice land, and cereal grain crops. The project site contains approximately 506.5 acres of suitable foraging habitat for Swainson's Hawks and is within ten miles of known active Swainson's Hawk nests. A recent nesting season survey has confirmed the presence of an active nest within the project site.

Project implementation would result in the loss of this foraging habitat and represent a significant adverse effect to this state-threatened species through habitat modification. Implementation of the following mitigation measures would reduce the potential impact on this species to a less-than-significant level:

Mitigation Measure H.6

As a condition precedent to the City's issuance of any building permit for the project, the project sponsor (or its successor(s)) shall furnish documentation, in a form acceptable to the City, that it has provided funding for mitigation for the loss of foraging habitat for Swainson's Hawks 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:

- 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
- 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.

The City Council hereby adopts and incorporates into the project the mitigation measure set forth above. By ensuring that Swainson's Hawks foraging habitat is preserved, implementation of this measure would reduce this impact to a less-than-significant level.

3. Impact H.7: Loss of Burrowing Owl Habitat.

Development of the project would result in loss of occupied Burrowing Owl habitat. No Burrowing Owls or signs of their presence, such as feathers, droppings, pellets, or prey remains, were observed in the project area during the survey. The project site does not currently provide suitable Burrowing Owl habitat because there are no ground squirrel burrows or other suitable burrows in, or adjacent to, the open areas of the project site. There is evidence that ground squirrels are actively prevented from establishing burrow systems by on-going farming practices on the site. Should active farming of the site cease prior to the beginning of the project, ground squirrels could become established on the project site and provide habitat for Burrowing Owls.

If Burrowing Owls are present within a construction zone, or adjacent to such an area, at the time of construction, disturbance could destroy occupied burrows or cause owls to abandon burrows. Construction during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment. The loss of occupied Burrowing Owl habitat (habitat known to have been occupied by owls during the nesting season within the past 3 years) or reductions in the number of this rare species within Stanislaus County, directly or indirectly through nest abandonment or reproductive suppression, would constitute a significant impact. Furthermore, raptors, including owls and their nests, are protected under both federal and state laws and regulations, including the Migratory Bird Treaty Act and California Fish and Game Code section 3503.5.

Implementation of the following mitigation measures would reduce the potential impact on this species to a less-than-significant level:

Mitigation Measure H.7.a

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:

- 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.
- 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.
- 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.
- If accidental take (disturbance, injury, or death of owls) occurs, the CDFG shall be notified immediately.

Mitigation Measure H.7.b.

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:

- Allow for the acquisition and/or preservation of 6.5 acres of HM lands;
- 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;
- Establish an endowment for the long-term management of the HM lands; and
- 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.

The City Council hereby adopts and incorporates into the project the mitigation measure identified above. Implementation of these measures would reduce the impacts to Burrowing Owls' habitat to less-than-significant levels.

4. Impact H.8: Cumulative Loss of Habitat for Swainson's Hawk.

Implementation of the Development Plan would result in cumulative loss of Swainson's Hawk foraging habitat. The loss of foraging habitat due to agricultural and urban expansion has greatly reduced the breeding range and abundance of Swainson's Hawks in California. Patterson is expected, and planned, to accommodate a share of Stanislaus County's projected population growth. Development in the Patterson area including the project area and projects analyzed in the West Patterson EIR would contribute to the conversion of substantial contiguous areas of agricultural lands in the Patterson area.

Conversion of approximately 506.5 acres of suitable Swainson's Hawk foraging habitat within the project area would result in significant contribution to cumulative impacts to Swainson's Hawks. However, the mitigation measures described above would reduce these cumulative impacts to less-than-significant levels.

Mitigation Measure H.8

Same as Mitigation Measure H.6., discussed above, which is hereby incorporated by reference as if fully set forth here.

The City Council hereby adopts and incorporates into the project the mitigation measure set forth in H.6 above. Implementation of this mitigation measure would reduce the cumulative loss of Swainson's Hawk foraging habitat to a less-than-significant level.

5. Impact H.9: Downstream Biological Resources.

Implementation of the Development Plan would result in indirect impacts to downstream biological resources. The proposed project has the potential to degrade water quality within both laterals on the project site or in the reaches north of the project site, and in Del Puerto Creek at the terminus of Lateral 3 North as a result of pollution, sedimentation, and litter stemming from site construction. These factors could result in significant indirect effects to downstream biological resources.

The project, however, must comply with state and federal water quality regulations, including California's General Construction Stormwater Permit, which requires preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP). SWPPPs are designed to manage stormwater quality degradation through best management practices during and after construction. These practices may include temporary drainage ditches, culverts, berms, and/or straw bales that confine stormwater and prevent it from carrying sedimentation off of the project site.

Implementation of the following mitigation measure would reduce the potential for indirect impacts to biological resources to less-than-significant levels:

Mitigation Measure H. 9

Same as Mitigation Measure I.4a, discussed below, which is hereby incorporated by reference as if fully set forth here.

The City Council hereby adopts and incorporates into the project the mitigation measure set forth above. Implementation of this mitigation measure would reduce the potential for indirect impacts to biological resources to a less-than-significant level.

D. Hydrology and Water Quality

1. Impact I.1: Placement of Housing in Areas Subject to Flooding

Placement of housing and other types of development in areas subject to flooding could result in severe hardship and property damage for project occupants. The portions of the project site within Federal Emergency Management Agency ("FEMA") zones AO and B may be susceptible to flooding during an extreme storm event. Interpretation of the FEMA Flood Insurance Study data that was used to develop the flood hazard mapping for the area indicates that flood flows of up to 2,400 cubic feet per second could pass through the site during the 100-year flood event. Unmitigated, this magnitude of flood flow could cause injuries and/or substantial damage to proposed project elements, including residential buildings. This is a significant impact.

The location of the proposed project occupies the overland flow path for a large portion of the overflow from Del Puerto Creek in extreme flood events. Therefore, it is not possible for the project to

simply raise pad elevations above predicted base flood elevations without potentially impacting upslope areas due to obstruction of the flood flowpath. The preliminary hydraulic design for the proposed project specifies that the proposed Garcia Way and reconstructed Olive Avenue be designed to convey the flood flows (i.e., flood waters would flow over the street surfaces and be contained within the street right-of-way. This design is preliminary and requires additional hydraulic engineering.

Upon completion of construction of the new 100-year flood conveyance features at the project site, much of the proposed Villages of Patterson development would still be located in FEMA-designated flood hazard zones (even though the FEMA floodplain would no longer represent actual flooding conditions because the project would direct the flows to the streets). To comply with the National Flood Insurance Program and City of Patterson policies, the development would be required to ensure that the elevation of all residential finished floors on lots adjacent to the 1 percent chance floodplain are at least one foot above the new 100-year flood elevation. Additionally, a formal revision of the FEMA flood hazard mapping would need to be completed to remove the requirement of purchasing flood insurance in those areas currently mapped in Zone AO.

Implementation of Mitigation Measures I.1a and I.1b would reduce this impact to a less-than-significant level:

Mitigation Measure I.1.a.

The proposed project drainage plan shall include designs for permanent conveyances 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.

Mitigation Measure I.1.b.

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.1.a. 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 flood hazard areas to appropriately depict the post-project conditions.

The City Council hereby adopts and incorporates into the project the mitigation measures set forth above. By requiring both the drainage plan and the constructed finished floor elevations of new residential structures be raised above anticipated flood levels, implementation of these mitigation measures would reduce this impact to a less-than-significant level.

2. Impact I.2.: Impervious Surfaces in Floodplains Leading to Increased Runoff

Impervious surfaces and placement of structures in a floodplain would increase the amount of runoff, potentially exacerbating existing local flooding problems downstream of the Plan Area. Development of the project area would result in more surface area covered by impervious surfaces (buildings, paved roadways, sidewalks, and parking lots) relative to existing conditions. Undeveloped, gently sloping lands (the existing condition) generally have low runoff coefficients, meaning that they yield a relatively small portion of the total rainfall as runoff. Much of the precipitation infiltrates into the subsurface. Impervious surfaces yield nearly all rainfall as runoff because infiltration is greatly reduced. Increased runoff volume and the increased rate of delivery of runoff to storm water conveyances could exceed the capacity of downstream drainage ways, causing localized flooding. In addition, placement of structures in the Zone AO and B flood hazard areas could displace existing floodwater storage capacity, increasing flooding problems downstream.

The draft *Villages of Patterson Storm Drainage Study and Master Plan* describes the proposed approach to storm water management at the developed project site. Under the proposed project, the existing detention basin located northeast of the intersection of Olive and Sycamore Avenues would be expanded to accommodate increased runoff from the project site. The existing detention basin is designed to detain 40 acre-feet of storm water (runoff collected from the downtown area of the City of Patterson served by the Walnut/Sycamore Avenue storm drain line). The combined detention requirement of the expanded basin, which would receive stormwater flows from the Walnut/Sycamore storm drain line and the new Villages of Patterson development, would be 98 acre-feet based on a City of Patterson design criteria of the 10-year, 24-hour storm event. The current design of the expanded basin includes approximately 80 acre-feet of freeboard storage. Discharge from the detention basin would be through the 96 inch storm drain running along Olive Avenue for ultimate discharge to the San Joaquin River.

During extreme storm events associated with overflow from Del Puerto Creek reaching the basin, it is possible the capacity of the expanded detention basin would be exceeded. The basin would be designed so that the north and east (downstream) sides of the basin would be overtopped first and flood waters would be dispersed over a wide area. The basin would be designed to return flood flows to relatively flat lands northeast of the project site if the capacity of the basin was exceeded (essentially returning the flood flows to the path that they would take under existing conditions).

As described in Impact and Mitigation Measure I.1, the project would reshape the 100-year floodplain through the Villages of Patterson site. Upon project implementation, the existing broad floodplain area would be replaced by relatively narrow flood conveyances. By restricting the area inundated at the site, the project would remove available floodplain storage, potentially increasing base flood elevations downslope.

The existing land use of the area downstream of the project site is rural, with relatively few residences or other structures that would be considered highly vulnerable to infrequent shallow flooding events. The applicant's engineering team has conducted a survey all the residences downstream of the project site that could be affected by the potential project-related incremental increase in 100-year flood level elevations. This survey determined that all of the finished floor elevations of the existing residences are greater than ten inches above surrounding grade. The maximum predicted depth of flooding (under both pre- and post-project conditions) is less than five

inches. Therefore, provided the flood waters are properly dispersed at the eastern project boundary, none of the existing residences would be expected to be significantly impacted by the project. Implementation of Mitigation Measure I.2, which requires that the site and ancillary features be designed and graded for proper floodwater dispersal, would reduce this potential impact to a less-than-significant level.

Mitigation Measure 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.

The City Council hereby adopts and incorporates into the project the mitigation measure set forth above. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

3. Impact I.4: Degradation of Water Quality

Construction activities and post-construction land uses could result in degradation of water quality in nearby surface water bodies by reducing the quality of storm water runoff.

Construction-Period Impacts

Under existing conditions, much of the project area is regularly plowed for row crop agriculture, which results in regular disturbance of surface soils. However, standard agricultural practices limit erosion by timing of plowing operations and orientation of plowed rows. Construction and grading within the project area could result in exposure of soil to runoff, potentially causing erosion and entrainment of sediment in the runoff. Soil stockpiles and excavated areas would be exposed to runoff and, if not managed properly, the runoff could cause erosion and increased sedimentation in off-site receiving waters and eventually the San Joaquin River.

The potential for chemical releases is present at most construction sites. Once released, substances such as fuels, oils, paints, and solvents could be transported to surface waters and/or groundwater in storm water runoff, wash water, and dust control water, potentially reducing the quality of the receiving waters.

Operation-Period Impacts

New construction and intensified land uses at the project area would result in increased vehicle use and potential discharge of associated pollutants. Leaks of fuel or lubricants, tire wear, and fallout from exhaust contribute petroleum hydrocarbons, heavy metals, and sediment to the pollutant load in runoff being transported to receiving waters. Runoff from the proposed common landscaped areas and individual home sites may contain residual pesticides and nutrients. Long-term degradation of the quality of runoff from the site could impact the quality of receiving waters.

Implementation of the following mitigation measures would reduce the potential impacts to water

quality to a less-than-significant level:

Mitigation Measure I.4.a.

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.

Mitigation Measure I.4.b.

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 storm water management, including permeable pavers, concave lawn/infiltration basins, grassy swales, and dry-wells connected to roof downspouts. The final design team for each development project 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.

The City Council hereby adopts and incorporates into the project the mitigation measure set forth above. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

4. <u>Impact I.5: Impacts to Groundwater Quality.</u>

Existing water supply wells at the project area, if not properly managed or decommissioned, could be damaged during construction, potentially allowing impacts to groundwater quality. There are numerous water supply wells located on the project area. If any of the wells were not fitted with effective sanitary seals upon construction, or if any seals have been damaged since installation or were to be damaged during grading and construction for the Villages of Patterson project, surface water (potentially containing pollutants) could seep into the wells and the underlying aquifer, causing water quality degradation.

Implementation of the following mitigation measure would reduce the level of significance of this potential impact to a less-than-significant level:

Mitigation Measure 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.

The City Council hereby adopts and incorporates into the project the mitigation measure set forth above. By conducting pre-grading water supply well surveys, the potential impacts would be reduced to a less-than-significant level.

E. Water Supply

1. Impact J.3. Creation of a Cone of Depression Beneath City's Wells.

Pumping groundwater to serve the Villages of Patterson project and other existing and planned demand could create one or more "cones of depression" beneath the City's wells. When wells draw water from an aquifer, it results in a decline in the local water table surrounding the well. The pattern or shape of declining water resembles a cone, thus is often referred to as a "cone of depression." The shape of the cone is a function of aquifer characteristics, like transmissivity, homogeneity and depth. This drawdown effect is normal, and an expected result of pumping. The cone will also grow in depth and radius with time as the well pump continues to draw water from the well. In a confined aquifer, the degree of drawdown declines rapidly with increasing distance from the well. When wells are constructed in the same vicinity, there is potential that the cone developed by each well can overlap, causing a condition known as "mutual interference." When mutual interference occurs, the efficiency of each well is diminished, and will typically reduce total well production of both wells. Adding additional wells can exacerbate this condition. Thus it is important that the construction and spacing of multiple wells be carefully analyzed to ensure the most efficient system and long-term operating cost.

A severe cone of depression could cause land subsidence on the surface above the cone. As groundwater is drawn down, the clays in the soil matrix can become compacted, causing the land surface above to subside. The City's groundwater study noted that subsidence in the area of the City's wells is possible. Maximum subsidence in the well field is estimated to be between one-half foot and one foot and less than one-half foot beyond one-half mile from the well.

Most obviously, subsidence, if sufficiently severe, could cause property damage to structures and rigid surfaces on the overlying land. Because most of the wells are located on agricultural land,

however, the risk of damage to structures is relatively low. Subsidence could also damage the wells themselves, by causing well casings to collapse.
If groundwater pumping is not properly managed, there is a greater risk that these impacts could manifest and the greater their potential severity. If groundwater pumping to support buildout of the Villages of Patterson project were to create a severe cone of depression, this would be a significant impact.

Use of the upper aquifer could interfere with the existing wells used by individual groundwater users in areas near the City. The likelihood of interfering with other groundwater uses is reduced substantially by several factors. Although public records of privately-owned well locations and water uses are unavailable, informal research has revealed few, if any, surrounding groundwater users near the City's well field who are drawing water from the deep, confined aquifer used by the City. Rather, local agricultural and domestic groundwater users rely on the shallow, unconfined aquifer, which reduces their well installation and operation costs. The City of Patterson prohibits the use of private wells for domestic or irrigation use. Thus, privately owned well locations are outside of the City limits. When sites are annexed into the City, they are required to connect to the City water system, and the private wells must be abandoned. Therefore, if the City uses water from the upper aquifer, it is not anticipated to have a measurable impact on private use of that aquifer. It is not known, however, that no existing wells would be affected by a new City well pumping from the confined (lower) aquifer. Because this is unknown it could be considered significant and a mitigation measure is identified.

Implementation of the following mitigation measures would reduce the potential impacts to a less-than-significant level:

Mitigation Measure J.3a.

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.

Mitigation Measure 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.

Mitigation Measure 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.

The City Council hereby adopts and incorporates into the project the mitigation measure set forth above. Implementation of these mitigation measures would reduce this impact to a less-than-significant level.

V. MITIGATION MONITORING AND REPORTING PROGRAM

When making findings, a lead agency must adopt a reporting or monitoring program for the mitigation measures it has adopted or made a condition of project approval to mitigate or avoid significant effects on the environment. The City Council hereby adopts the Mitigation Monitoring and Reporting Program set forth in Exhibit B. The mitigation measures that have been identified in the Final EIR and adopted and incorporated into the project to reduce significant impacts will be monitored pursuant to such monitoring program.

VI. ALTERNATIVES

The Final EIR evaluated four alternatives to the Villages of Patterson project as proposed. The feasibility of each of the alternatives is determined below.

A. No Project/No Action Alternative

Under the No Project / No Action Alternative, there would be no development of the Villages of Patterson Plan Area. The Plan Area would continue in its current agricultural uses with heavy industrial use adjacent to the SPRR right-of-way. The City's sphere of influence would not be expanded to include the portion of the Plan Area north of Olive Avenue. The Plan Area would not be annexed by the City of Patterson and would retain its current "General Agriculture" and "Urban Transition" County land use designations.

This alternative reflects existing physical conditions in the Villages of Patterson Plan Area. If existing physical conditions in the project area were to continue for the foreseeable future, conditions described in detail in the Environmental Setting for each environmental topic in Chapter III would remain. Impacts identified for the Villages of Patterson would not occur under the No Project / No Action Alternative.

Although the No Action Alternative would avoid the environmental impacts expected from construction of the Project, it is considered infeasible because it would not achieve any of the project objectives, which include:

- The provision of affordable housing available for very low, low and moderate income households;
- Increased home ownership opportunities for a wider range of households incomes from a mix of housing types;
- Provision of park acreage to serve residents of the project and to contribute to the City's recreation programs by providing a soccer park complex with eight (8) regulation soccer fields, restroom facilities and parking;
- Contribution of an additional $4.5 million than required under the City's current fees for the City's

proposed community center;

- Contribution of $1 million for downtown redevelopment of the City;
- Contribution to public safety by paying approximately $1.5 million above and beyond what the City's current fee is and reserving a site for a future fire station;
- The provision of school facilities, including a contribution of an additional $31 million toward school facilities fees than would be required by state law;
- Improvement of transportation and air quality by promoting pedestrian and bicycle travel as alternatives to automobile use;
- Creation of workforce housing for the employees of the West Patterson Business Park and other City employees;
- Creation of entrepreneurial opportunities for small businesses via live/work space available in the Village Circle and light industrial area on the project's west side;
- Creation of about 1,000 jobs through the addition of approximately 100,000 square feet of commercial space and 623,000 square feet of light industrial space;
- Expansion of the waste water treatment plant to provide the public with almost double the capacity needed by the project;
- Generation of City sales tax revenue from live-work, commercial, and industrial uses within the project; and
- Continued responsible planning and design of well-defined residential neighborhoods that incorporates historic attributes of the City with a clear focal point and a grid street system consistent with the General Plan.

B. Existing General Plan Alternative

This alternative assumes development in Villages of Patterson Plan Area in accordance with the existing land use designations for the project site established by the City of Patterson General Plan. The existing 692-acre project site would remain the same as that of the proposed project. The circulation plan would be largely the same as that of the proposed project except that Sherman Circle would be eliminated, since there would be no mixed-use Village Circle core. The lower density development under the Existing General Plan Alternative would result in fewer residential units and would require the loss of more prime agricultural land in Patterson to meet the demand for new housing. The demand for new housing on additional undeveloped land could also impact the visual resources resulting from this alternative. This alternative would generate fewer vehicle trips than the Villages of Patterson project. Impacts to air quality from this alternative would remain significant and unavoidable. Noise impacts from this alternative would be largely similar to the project except that there would be no buffer between the new residences and SPRR. Water supply and community services are substantially the same under this alternative, but proportionately reduced for the smaller anticipated population. Lastly impacts to hazardous materials, biological resources, hydrology and water quality and historical resources would be substantially the same as those described for the project.

This alternative is found to be infeasible because it would not meet most of the basic objectives of the project, nor provide any of the City's following public benefits:

- The provision of affordable housing available for very low, low and moderate income households;
- Increased home ownership opportunities for a wider range of households incomes from a mix of housing types;
- Provision of park acreage to serve residents of the project and to contribute to the City's recreation programs by providing a soccer park complex with eight (8) regulation soccer fields, restroom facilities and parking;
- Contribution of an additional $4.5 million than required under the City's current fees for the City's proposed community center;
- Contribution of $1 million for downtown redevelopment of the City;
- Contribution to public safety by paying approximately $1.5 million above and beyond what the City's current fee is and reserving a site for a future fire station;
- The provision of school facilities, including a contribution of an additional $31 million toward school facilities fees than would be required by state law;
- Improvement of transportation and air quality by promoting pedestrian and bicycle travel as alternatives to automobile use;
- Creation of workforce housing for the employees of the West Patterson Business Park and other City employees;
- Creation of entrepreneurial opportunities for small businesses via live/work space available in the Village Circle and light industrial area on the project's west side;
- Creation of about 1,000 jobs through the addition of approximately 100,000 square feet of commercial space and 623,000 square feet of light industrial space;
- Expansion of the waste water treatment plant to provide the public with almost double the capacity needed by the project;
- Generation of City sales tax revenue from live-work, commercial, and industrial uses within the project; and
- Continued responsible planning and design of well-defined residential neighborhoods that incorporates historic attributes of the City with a clear focal point and a grid street system consistent with the General Plan.

For the foregoing reasons, the City Council hereby rejects this alternative as economically infeasible.

C. Decreased Project Site Alternative

This alternative would not require the expansion of the City's sphere of influence and instead confines development to the 332-acre southern portion of the plan area. Like the proposed project and the Existing General Plan Alternative, this alternative also includes the 40-acre area east of Sycamore Avenue for use as a dual purpose park and for stormwater detention. The character and location of uses, and the circulation plan would be generally comparable to that of the proposed project south of Olive Avenue. With less development capacity, this alternative would be roughly one-half that of the proposed project.

Under this alternative, 1,555 residential units (instead of 3,100 units), 361,900 square feet of commercial/office/light industrial uses (instead of 723,800 square feet), 6.2 acres of public/quasi-pubic uses (instead of 12.3 acres), 27.3 acres for schools (instead of 56.1 acres), and 52.1 acres for parks (instead of 65.6 acres) would be developed on that site.

This Decreased Project Site Alternative is substantially similar to the Existing General Plan Alternative such that it would result in fewer residential units and would require the loss of more prime agricultural land in Patterson to meet the demand for new housing. The demand for new housing on additional undeveloped land could also impact the visual resources resulting from this alternative. This alternative would generate approximately one half the vehicle trips than the Villages of Patterson project resulting in substantially reduced traffic-generated air emissions. However, impacts to regional ozone and particulate matter concentrations would remain significant and unavoidable. Noise impacts from this alternative would be largely similar to the project. Water supply and community services are substantially the same under this alternative, but proportionately reduced for the smaller anticipated population. Lastly impacts to hazardous materials, biological resources, hydrology and water quality and historical resources would be substantially the same as those described for the project.

The reduction in residential, commercial/office/light industrial, public/quasi-public, school and park uses in the Villages of Patterson project would not achieve most of the basic objectives of the project. Moreover, Government Code 65589.5 prohibits a condition requiring a reduction of residential density of a project unless the project would have a specific adverse impact on health and safety that cannot be mitigated except by lowering the density. Since this alternative would not meet most of the basic objectives of the project, the City Council hereby rejects this alternative.

D. Off-Site Alternative

This alternative assumes development of the 522-acre area to the east and southeast of the City, outside of the incorporated boundaries of the City but within the City's General Plan (south of Walnut Avenue, North of the Main Canal and east of State Highway 33). This alterative site would be developed with the same types and density of uses as those of the proposed project. Across all use categories uniformly, this alternative would amount to an approximately 25 percent reduction in acreage, dwelling units, and non-residential development capacity.

Under this alternative, 2,338 residential units (instead of 3,100 units), 545,962 square feet of commercial/office/light industrial uses (instead 723,800 square feet), 9.3 acres of public/quasi-pubic uses (instead of 12.3 acres), 42.3 acres for schools (instead of 56.1 acres), and 49.5 acres for parks (instead of 65.6 acres) would be developed on that site.

The Off-Site Alternative is substantially similar to the Villages of Patterson project. Like the project site, the alternative would require the conversion of prime agricultural land although reduced in magnitude. Unlike the project, this alternative has a somewhat greater potential for land use compatibility conflicts since residences would be placed next to ongoing and planned heavy industrial activity in southeast Patterson.

This alternative would lessen impacts on traffic by approximately 25 percent and thereby reduce traffic-generated air emissions by 25 percent. However, as with the proposed project, even with

implementation of mitigation measures, this alternative would not reduce impacts to regional ozone and particulate matter concentrations to a less than significant level. This impact would remain significant and unavoidable.

Several of the environmental impacts of the alternative would be similar to the project including visual resources, hazardous materials, biological resources, hydrology and water quality and historical resources. Noise impacts from this alternative would be largely similar to the project although reduced in magnitude to commensurate with an approximately 25 percent decrease in residential units and non-residential development capacity. Water supply impacts and community service impacts would also be substantially similar but proportionately reduced commensurate with a smaller anticipated population under this alternative.

Unlike the proposed project site, the alternative site is not located within the FEMA flood hazard zone and would therefore avoid such environmental impacts. Other impacts to hydrology and water quality of developing the alternative site would be substantially similar in character as those described for the project and similar mitigation measures would be called for in the alternative location.

The Off-site alternative would involve impacts to historical resources beyond those associated with the Villages of Patterson project. Unlike the proposed project site, the alternative site includes a General Plan designated historical resource, Las Palmas Avenue, which runs through the alternative site. This three-mile parkway is lined with palms that survive from founder Thomas Patterson's original plantings. However, since it is assumed that any development of the alternative site would retain, restore and maintain the palms and incorporate them into the new development, development of the alternative site would be a less-than-significant impact on this identified historical resource.

Given that the proposed project site and the alternative site are both located on outskirts of town, have similar historic agricultural use, and similar development patterns, it is assumed that impacts on potential historic resources would be similar to those described for the project site.

The City Council hereby rejects this alternative because it offers no significant environmental advantages or mitigation when compared with the subject site.

VII. STATEMENT OF OVERRIDING CONSIDERATIONS

The City Council has balanced the benefits of the Project against its significant and unavoidable environmental impacts in determining whether to approve the Project, and has determined that the benefits of the Project outweigh its unavoidable adverse environmental effects. This determination is based on the Final EIR and other information in the record.

This Project will bring substantial benefits to the City, including a quality affordable housing program, fire station, community center, schools, public facilities, including but not limited to parks and soccer fields, east-west balance, land-saving and efficient housing types, workforce housing, job opportunities and responsible planning of the Plan Area that will minimize environmental impacts.

Each benefit set forth below constitutes an overriding consideration warranting approval of the Project, independent of the other benefits.

1. Affordable Housing

Consistent with the goals contained in the Housing Element of the City of Patterson General Plan and the City of Patterson Municipal Code, the Project will provide quality affordable housing of a balanced range and mixed type for all economic segments of the community. The Villages of Patterson meets the City's affordable housing ratio but exceeds the City's requirement for rental and owner-occupied units affordable to very low and low income households. In compliance with the City's affordable housing ratio, 15% or 465 units of the Project's total 3,100 units will be affordable. Of the 465 affordable units, 63% or 293 will be owner-occupied and 37% or 172 will be renter-occupied. If the Project complied with the City's affordable housing ordinance, the Project would produce the following: 175 owner-occupied units affordable to moderate income households, 220 owner-occupied units affordable to low income, and 69 would be affordable to very low income.

Instead of complying with the City's minimum affordable housing requirements set forth in Municipal Code Section 18.74.030, the Project's affordable housing program 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 and 175 affordable to low income and all of the 172 rental affordable units to be affordable to very low income. Under the Project'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. In percentages, this increase provides the City with 50% more owner-occupied affordable units for low income households and 150% more renter-occupied affordable units for very low income households than required by the City's ordinance.

2. Home Ownership Opportunities.

The Project promotes development of a balanced range and mix of housing types for all economic segments of the community and provides home ownership opportunities benefiting the public. (See General Plan Goals I.B., II.A., and II.B). The Project introduces a diverse range of single-family and multi-family housing types, including but not limited to, detached units, alley-loaded homes, green court homes, townhomes, and live/work homes, which all vary in both livable area and lot size. Bringing a housing development with assorted products creates an array of price points, from very low income to above moderate income, which provide home ownership opportunities to a larger portion of the community.

3. Increased Entrepreneurial Opportunities.

The Project promotes and supports local businesses. The Project provides a significant public benefit by including unique entrepreneurial opportunities for businesses not found elsewhere in the City. Specifically, the Project provides opportunities for small businesses via live/work space available in the Village Circle and light industrial area on the Project's west side. This opportunity promotes

convenience to entrepreneurs as it will alleviate automobile travel for those utilizing the live/work lifestyle. Also, the availability of light industrial space for small/family business will provide sufficient opportunities to that economic sector.

4. Increased Job Opportunities.

The Project supports the development and expansion of commercial and light industrial uses to create jobs and provide goods and services to City residents, employees, and visitors, which thereby enhance the City's economy. (General Plan Goals I.C and I.E). Policy I.C.1). Consistent with these goals, the Project designates approximately 100,000 square feet of commercial space and approximately 623,800 square feet of light industrial space. Assuming 1 job per 500 to 800 square feet, roughly 905 to 1448 jobs will be created.

5. Increased Sales Tax Revenues.

Live-work, commercial, and industrial uses within the Project will increase the City's sales tax revenues.

6. Public Recreational Facility (Soccer Park).

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 Project is not required under law or City ordinance to provide public recreational facilities, the Project 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.

7. Downtown Redevelopment Contribution.

Developer will contribute approximately $1 million dollars for the City's use to assist in redeveloping the historic downtown core area of the City.

8. Extra Support of Community Center.

The Project's contribution of approximately $4.5 million dollars to the City's proposed community center through its participation in one or more Financing Districts in addition to paying the City's current impact fee of $2,313 per residential unit at building permit, for a total contribution of approximately $11,670,300, will serve as a significant public benefit.

9. Extra Support of Fire Services.

New residential development is only required to pay for its share of public facilities and services (General Plan Policy I.B.5). By supplying the City with public facilities and services in excess of its required share, the Project is providing the City with a significant public benefit. The Project is reserving a site for a future fire station and contributing approximately $3 million through its participation in one or more 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.

Under the City's current impact fees, the Project's share would only be $457 per residential unit equating to approximately $1,416,700. This results in an economic public benefit of $1,583,300. Additionally, the Project will contribute the City's current impact fee for fire of $0.16 per square foot for light industrial/commercial and downtown core for fire, which equates to approximately $115,808.

10. Parks and Open Space.

It is important to establish and maintain a public park system and recreation facilities to meet the recreational needs of current and future residents of the City. (General Plan Goal V.A). In keeping with the City's General Plan goals, the Project offers approximately 65.6 gross acres in park land consisting of community parks, soccer fields and a village circle 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). Instead of providing the developed parkland, a project applicant can instead pay the in-lieu fee. The City's current in-lieu fee for parkland is $3,689 per residential unit. Instead of opting to pay the City's in-lieu fee, the Project provides a significant public benefit by supplying the City and the community with approximately 7 acres of parkland, excluding the walking paseos, per 1,000 residents (based on approximately 3 residents per the 3,100 units). This results in a significant public benefit of an additional 2 acres per 1,000 residents. This significant public benefit may also help the City overcome any existing or future shortfalls in parkland needed to meet its park standards.

11. Pedestrian and Bicycle Travel.

Promoting pedestrian and bicycle travel as alternatives to automobile use is also a goal of the City. (General Plan Goal III.G). By including approximately 18.47 miles of internal and perimeter walking paseos and bicycle and pedestrian trails, the Project fully integrates residential neighborhoods with schools, parks and other public facilities within the Plan Area. This is a significant public benefit that creates a safe and convenient system of pedestrian and bicycle pathways and enhances the overall cohesive and interactive character of the community.

12. Eastside/Westside Balance.

The Villages of Patterson provides a significant public benefit by balancing the residential growth of the City. A significant portion of the City of Patterson's residential growth has been on the west side of State Highway 33, catering to the commuter market, and has not matched the east side development. No significant recent residential development has occurred on the east side. As a result, the City's need for east side public facilities has been exacerbated. The Villages of Patterson provides balance to the community while preserving Patterson's traditional small-town qualities. The Project offers an elaborate design by utilizing a village circle, mirroring the City's historical town circle, as the center of the Project. (General Plan Goal I.A.).

13. Eastside Schools.

Currently, there are no schools on the east side of the City. School children have been forced to attend schools across State Highway 33. At full build out of the Project, there will be one (1) middle school and two (2) elementary schools on the eastside of the City. Providing eastside schools will provide a non-economic significant public benefit, particularly to students, teachers, and parents of new and existing residences, by allowing a shorter and safer commute.

14. Land Savings by Using Efficient Housing Types.

Utilization of efficient, higher density housing types to optimize the savings of prime agricultural land that support the City's economy.

15. Waste Water Treatment Plant.

Project will expand the wastewater treatment plant capacity to provide the public additional sewer capacity in excess of that required to serve the Project. While it is anticipated that the Villages of Patterson project will only need .67 mgd, the project is providing a sewer capacity of approximately 1.25 mgd. This excess sewer capacity of almost double that needed by the project results in a significant public benefit.

VIII. INCORPORATION BY REFERENCE

The Final EIR is hereby incorporated into these Findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the Project in spite of the potential for associated significant and unavoidable adverse impacts.

IX. RE-CIRCULATION NOT REQUIRED

No new or substantial changes to the Draft EIR were proposed as a result of the public comment process. The Final EIR responds to comments and makes only minor technical changes, clarifications or additions to the Draft EIR. The minor changes, clarifications, and additions to the Draft EIR do not identify any new significant impacts or a substantial increase in the severity of any environmental impacts. Therefore, recirculation of the EIR is not required.

X. RECORD OF PROCEEDINGS

Various documents and other materials constitute the record of proceedings upon which the City Council bases its findings and decisions contained herein. Documents related to the Project are located in the City of Patterson Planning Department, located at 1 Plaza, Patterson, California.

XI. SUMMARY

1. Based on the foregoing Findings and the information contained in the record, the City has made one or more of the following findings with respect to each of the significant effects of the Project:

    a. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.

    b. Such changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

    c. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the

mitigation measures or alternatives identified in the environmental impact report.

2. Based on the foregoing Findings and the information contained in the record, it is determined that:

   a. All significant effects on the environmental due to the approval of the Project have been eliminated or substantially lessened where feasible.

   b. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in Section VI, above.