Attachment 4

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

UNION RANCH NORTH

(SCH: 2023110668)

MARCH 2025

Prepared for:

City of Manteca
Development Services
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Section **Page Number**

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FINDINGS FOR THE
UNION RANCH NORTH PROJECT

REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(Public Resources Code, § 21000 et seq.)

I. INTRODUCTION

The California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.) requires the City of Manteca (City), as the CEQA lead agency, to: 1) make written findings when it approves a project for which an environmental impact report (EIR) was certified, and 2) identify overriding considerations for significant and unavoidable impacts identified in the EIR. (Pub. Resources Code, § 21081.)

This document explains the City's findings regarding the significant and potentially significant impacts identified in the environmental impact report (EIR) prepared for the Union Ranch North (Project) and the City decision-makers' ultimate determinations of the feasibility of the project alternatives considered in the EIR. The statement of overriding considerations in Section VII, below, identifies the economic, social, technical, and other benefits of the Project that the City decision-makers have determined should override any significant environmental impacts that would result from the Project.

As required under CEQA, the Final EIR describes the Project, adverse environmental impacts of the Project, and mitigation measures and alternatives that would substantially reduce or avoid those impacts. The information and conclusions contained in the EIR reflect the City's independent judgment.

The Final EIR (which includes the Draft EIR, comments, responses to comments, and revisions to the Draft EIR) for the Project, examined the proposed Project and several alternatives to the Project including: (1) No Project (No Build) Alternative; (2) Increased Density Alternative; and (3) Agriculture Protection Alternative.

The Findings and Statement of Overriding Considerations are presented for adoption by the City Council, as the City's findings under CEQA and the CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.) relating to the Project. The Findings provide the written analysis, substantial evidence, and conclusions of this City Council regarding the Project's environmental impacts, mitigation measures, and alternatives to the Project, as well as the overriding considerations, which in this City Council's view, justify approval of the Project, despite its environmental effects.

II. GENERAL FINDINGS AND OVERVIEW

Project Overview

The Project site is located directly north of the City of Manteca's limit line. The Project site is immediately east of the Union Ranch Specific Plan Area. The Project site is bounded on the north by farmland, on the east by agricultural land, on the south by existing residences and agricultural fields, and on the west by Union Road and the Union Ranch Specific Plan. The Project site is located within Sections 12 of Township 2 South, Range 6 East Mount Diablo Base and Meridian (MDBM).

The proposed Project is primarily a residential development anticipated to provide up to approximately 465 single-family residential units. Development of housing will depend on market conditions and demand. The proposed Project would provide development of approximately 4.75 acres for the development of Tide Water Bike Trail.

Development of housing will depend on market conditions and demand. The plan for infrastructure allows for development to occur in phases to respond to the market conditions and demand.

The Project site includes several distinct planning boundaries defined below. The following terms are used throughout this document to describe planning area boundaries within the Project site:

- Annexation Area – includes the whole of the Project site (approximately 133.18 acres), including the approximate 101.1-acre Development Area, the approximate 32.08-acre Non-Development Areas, and all public right-of-way along Union Road fronting the Development and Non-Development Areas.
- Development Area - includes the parcels being annexed that will be entitled for subdivision and development (101.1 acres).
- Non-Development Area - includes the parcels being annexed that will not be entitled for subdivision or development. This includes three separate areas, each described as an Annexation SubArea. The three areas total (32.08 acres) and are further defined below:
    - Annexation SubArea 1 - 9.82 ac
    - Annexation SubArea 2 - 10.98 ac
    - Annexation SubArea 3 - 11.28 ac

The proposed Project will expand the existing circulation system to serve the proposed Project and northern Manteca. Roadway access to the Project site would also be available directly from the residential community just to the south of the Project site. Additionally, the proposed Project will provide sidewalks, bike lanes, and landscaping to offer additional bicycling and walking facilities for all of Manteca's residents. This includes the continuation of the Tide Water Bike Trail through the Project site. The Development Area and its circulation system is a natural progression of the existing

Refer to EIR Chapter 2.0, Project Description, for a more complete description of the details of the proposed Project.

PROCEDURAL BACKGROUND

Notice of Preparation Public Circulation: The City of Manteca circulated a Notice of Preparation (NOP) of an EIR for the proposed Project on November 28, 2023 to the State Clearinghouse, State Responsible Agencies, State Trustee Agencies, Other Public Agencies, Organizations and Interested Persons. A public scoping meeting was held on December 12, 2023 to present the project description to the public and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The NOP and responses to the NOP by interested parties are presented in Appendix A of the Draft EIR. The commenting agencies are provided below.

- Central Valley Regional Water Quality Control Board; and
- Herum/Crabtree/Suntag Attorneys.

Notice of Availability and Draft EIR: The City published a public Notice of Availability (NOA) for the Draft EIR on March 1, 2024, inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH #2021100441) and the County Clerk, and was published in a local newspaper pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review and comment from March 1, 2024 through April 15, 2024.

The Draft EIR contains a description of the Project, description of the environmental setting, identification of Project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of Project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less-than-significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

Final EIR: The City of Manteca received one (1) comment letter on the Draft EIR during the public review period. In accordance with CEQA Guidelines Section 15088, the Final EIR responds to the comments received during the public review period. The Final EIR also contains minor edits to the Draft EIR, which are included in Chapter 3.0, Errata.

The comments received did not provide evidence of any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

RECORD OF PROCEEDINGS AND CUSTODIAN OF RECORD

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City's findings and determinations consists of the following documents and testimony, at a minimum:

- The NOP, comments received on the NOP, and all other public notices issued by the City in relation to the Project (e.g., NOA).
- The Draft EIR and Final EIR, including comment letters, and technical materials cited in the documents.
- All non-draft and/or non-confidential reports and memoranda prepared by the City and consultants in relation to the EIR.
- Minutes and transcripts of the discussions regarding the Project and/or Project components at public hearings held by the City.
- Staff reports associated with City Council meetings on the Project.
- Those categories of materials identified in Public Resources Code § 21167.6(e).

The City Clerk is the custodian of the administrative record. The documents and materials that constitute the administrative record are available for review at the City of Manteca, 1001 West Center Street, Suite 201, Manteca, CA 95337, or online at:

https://www.ci.manteca.ca.us/CommunityDevelopment/Planning%20Division/Pages/Planning-Division-Documents.aspx

FINDINGS REQUIRED UNDER CEQA

Public Resources Code § 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" Further, the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." (*Id*.) Section 21002 also provides that "in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles established by the Legislature in Public Resources Code § 21002 are implemented, in part, through the requirement in Public Resources Code § 21081 that agencies must adopt findings before approving projects for which an EIR is required.

CEQA Guidelines § 15091 provides the following direction regarding findings:

> (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects,

accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(See also Public Resources Code, § 21081, subd. (a)(1)-(3).)

As defined by CEQA, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors. (Pub. Resources Code, § 21061.1; see also CEQA Guidelines, § 15126.6(f)(1) [determining the feasibility of alternatives].) The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (See *Association of Irritated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1400 [court upholds findings rejecting a "reduced herd" alternative to a proposed dairy as infeasible because the alternative failed to meet the "fundamental objective" of the project to produce milk]; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1508 [agency decision-makers, in rejecting alternatives as infeasible, appropriately relied on project objective articulated by project applicant].) Moreover, "'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors." (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417; *see also California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001-1002.)

With respect to a project for which significant impacts cannot be feasibly avoided or substantially lessened, a public agency may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons that the project's benefits outweigh its significant unavoidable adverse environmental effects. (Pub. Resources Code, §§ 21001, 21002.1(c), 21081(b).)

CEQA Guidelines § 15093 provides the following direction regarding a statement of overriding considerations:

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide

environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to § 15091.

MITIGATION MONITORING PROGRAM

A Mitigation Monitoring Program has been prepared for the Project and, if the Project is approved, will be adopted concurrently with these Findings. (See Pub. Resources Code, § 21081.6, subd. (a)(1).) The City will use the Mitigation Monitoring Program to track compliance with Project mitigation measures.

CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

In adopting these Findings, this City Council finds that the Final EIR was presented to this City Council, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR prior to approving the Project. By these findings, this City Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the Final EIR. The City Council finds that the Final EIR was completed in compliance with CEQA. The Final EIR represents the independent judgment of the City.

SEVERABILITY

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

A. AESTHETICS AND VISUAL RESOURCES

1. IMPACT 3.1-1: PROJECT IMPLEMENTATION MAY RESULT IN SUBSTANTIAL ADVERSE EFFECTS ON SCENIC VISTAS AND RESOURCES OR SUBSTANTIAL DEGRADATION OF VISUAL CHARACTER.

(a) Potential Impact. The potential for the Project to result in substantial adverse effects on scenic vistas and resources or substantial degradation of visual character is discussed on pages 3.1-10 through 3.1-11 of the Draft EIR and determined to be significant.

(b) Mitigation Measures. No feasible mitigation measures were identified.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) Remaining Impacts. Development of the proposed Project would convert the 101.1-acre Development Area from its existing use as primarily agricultural land to a residential neighborhood with associated park areas. The neighborhoods within the Development Area would include a network of minor collector and residential streets to provide an efficient flow of traffic through the area. Other uses to support and compliment the proposed residential development include underground wet and dry utility infrastructure, roadways, curb/gutters/sidewalks, bicycle/pedestrian facilities, street lighting, and street signage.

The Project site is not designated as a scenic vista by the City of Manteca General Plan or the San Joaquin County General Plan, nor does it contain any unique or distinguishing features that would qualify the site for designation as a scenic vista. However, the City's General Plan EIR does note that new development will impact current views of open space, which are primarily vistas of agricultural fields and orchards. These public views are primarily available to motorists traveling along Union Road, which bound the Development Area to the west respectively. Implementation of the proposed Project would change the existing visual character of the Development Area from a primarily agricultural site to an urbanized site. Impacts related to a change in visual character are largely subjective and very difficult to quantify. People have different reactions to the visual quality of a project or a project feature, and what is considered "attractive" to one viewer may be considered "unattractive" to other viewers.

The Project site currently consists primarily of agricultural lands. Agricultural lands provide visual relief from urban and suburban developments, and help to define the character of a region. The proposed Project would introduce residential uses and supporting infrastructure into the area, created the loss of these agricultural uses.

The loss of agricultural lands can have an adverse cumulative impact on the overall visual character and quality of a region.

Despite the loss of agricultural land, the proposed Project will include visual components that will enhance the appearance of the site once developed. These improvements include landscaping improvements like new street trees and other neighborhood greenery. The proposed Project would also result in the continuation of the Tide Water Bike Trail. While implementation of the proposed Project would change the existing visual character of the area, the development components of the subdivisions will add new visual interest to the area. The removal of the existing agricultural land will not result in substantial adverse effects on a designated scenic vista. There are no structures over 45 feet high that would impede views of the surrounding agricultural areas from the Project vicinity.

In order to reduce the visual impacts of the development, development within the Project site is required to be consistent with the General Plan and the Manteca Zoning Ordinance which includes design standards. The design standards will ensure quality and cohesive design of the Project site. These standards include specifications for building height, massing, and orientation, exterior lighting standards, and landscaping standards. Following the City's design requirements will produce a project that will be internally cohesive, while maintaining and aesthetic feel similar to that of the surrounding uses.

Despite the conformity to existing neighborhoods, the loss of the agricultural use on the Project site will change the visual character of the Project site in perpetuity. Adherence to the Conditions of Approval which will require compliance with the Development Standards for lighting, landscaping, and building design, will collectively minimize the visual impacts to the greatest extent feasible as the site transitions from agricultural to urban/suburban uses. However, there is no development standard that would fully reduce the impact caused by the loss of the agricultural character. This is considered a **significant and unavoidable** impact. There is no additional feasible mitigation available that would reduce this impact to a less than significant level.

(2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.

(3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts to aesthetics, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

2. IMPACT 4.2: CUMULATIVE DEGRADATION OF THE EXISTING VISUAL CHARACTER OF THE REGION.

   (a) Potential Impact. The potential for the Project to have a cumulative impact on the existing visual character of the region is discussed on page 4.0-6 of the Draft EIR.

   (b) Mitigation Measures. No feasible mitigation measures were identified.

   (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

      (1) Remaining Impacts. As described in Section 3.1, Aesthetics and Visual Resources, implementation of the proposed Project would convert the Development Area from its existing use as primarily agricultural land to a residential neighborhood with associated park areas. Implementation of the proposed development standards and consistency with the City's existing General Plan and the Manteca Zoning Ordinance would ensure that impacts are reduced to the greatest extent possible. Nevertheless, impacts related to degradation of the visual character of the site would be significant and unavoidable.

      Under cumulative conditions, buildout of the Project for Manteca and the surrounding jurisdictions could result in changes to the visual character and quality of the area through development of undeveloped areas and/or changes to the character of existing communities. Development of the proposed Project, in addition to other future projects in the area, would change the existing visual and scenic qualities of the area. There are no mitigation measures that could reduce this impact except a ceasing of all future development, which is not a feasible option. As such, this would be a significant cumulative impact to which the Project would make a **cumulatively considerable contribution**. Because no feasible mitigation exists to reduce this impact, this is considered **a significant and unavoidable** impact.

      (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.

      (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with cumulative impacts to the existing visual character of the region, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

B. AGRICULTURAL RESOURCES

1. IMPACT 3.2-1: THE PROPOSED PROJECT HAS THE POTENTIAL TO RESULT IN THE CONVERSION OF FARMLANDS, INCLUDING PRIME FARMLAND AND FARMLAND OF STATEWIDE IMPORTANCE, AS SHOWN ON THE MAPS PREPARED PURSUANT TO THE FARMLAND MAPPING AND MONITORING PROGRAM OF THE CALIFORNIA RESOURCES AGENCY, TO NON-AGRICULTURAL USES.

   (a) Potential Impact. The potential for the Project to result in the conversion of Farmlands, including Prime Farmland and Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses is discussed on pages 3.2-15 through 3.2-16 of the Draft EIR and determined to be significant.

   (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.2-1.

   (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

      (1) Effects of Mitigation and Remaining Impacts. Development of the proposed Project would result in the permanent conversion of approximately 15.9 acres of Prime Farmland and 99.88 acres of Farmland of Statewide Importance, as shown on Figure 3.2-1, to nonagricultural use. The loss of Important Farmland as classified under the FMMP is considered a potentially significant environmental impact.

      As previously discussed, Chapter 13.42 of the Municipal Code establishes the City's Agricultural Mitigation Fee Program, which authorizes the collection of development impact fees to offset costs associated with the loss of productive agricultural lands converted for urban uses within the City. The City's agricultural mitigation fee program requires that future development pay the agricultural mitigation fee, currently $2,956.20 per acre, to mitigate the conversion of agricultural land to urban use. The City will use these funds to purchase conservation easements or deed restrictions on agricultural land to ensure that the land remains in agricultural use in perpetuity.

      In addition to the City's agricultural mitigation fee program, the SJMSCP requires development to pay fees on a per-acre basis for impacts to agricultural lands that function as habitat for biological resources. As discussed in section 3.4, Biological Resources, the Project site functions as biological habitat because it has been previously and actively used for agricultural use (i.e., crop production, pasture uses, dairy, and grazing). Agricultural fields commonly have irrigation canals, ditches, and stock ponds that serve as a water source or drainage for the fields and habitat for a limited variety of plants and animals.

SJCOG will then use these funds to purchase the conservation easements on agricultural and habitat lands in the Project vicinity. The compensation results in the purchase of conservation easements that are placed over agricultural land. As such, the Project fees paid to SJCOG as administrator of the SJMSCP will result in the preservation of agricultural lands in perpetuity.

The purchase of conservation easements and/or deed restrictions through the City agricultural mitigation fee program and the SJMSCP allows the landowners to retain ownership of the land and continue agricultural operations, and preserves such lands in perpetuity.

The proposed conversion in land use is not consistent with the City's 2023 General Plan which identifies these parcels as Agriculture and Very Low Density Residential (VLDR). The proposed project is consistent with the proposed General Plan Update, which assumes the site would be developed with low density residential uses. The General Plan Update and General Plan EIR anticipated development of the Project site as part of the overall evaluation of buildout of the City. The 2023 General Plan EIR also addressed the conversion and loss of agricultural land that would result from buildout of the 2023 General Plan, providing a discussion of the General Plan policies intended to reduce impacts. However, the 2023 General Plan EIR concluded that although these policies and regulations would reduce impacts related to the conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, the permanent loss of farmland would result in a significant and unavoidable impact to agricultural resources.

While the proposed Project will contribute fees toward the purchase of conservation easements on agricultural lands through the City's agricultural mitigation fee program and the SJMSCP (as required by Mitigation Measure 3.2-1), those fees and conservation easements would not result in the creation of new farmland to offset the loss that would occur with Project implementation. As such, the loss of Important Farmland would be a **significant and unavoidable** impact relative to this topic.

(2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.

(3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts to agricultural resources, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

2. IMPACT 4.4: CUMULATIVE IMPACT ON AGRICULTURAL RESOURCES.

(b) Potential Impact. The potential for the Project to have a cumulative impact on the agricultural resources is discussed on page 4.0-7 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.2-1.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) Effects of Mitigation and Remaining Impacts. As described in Section 3.2, the proposed Project would result in the permanent conversion of Prime Farmland and Farmland of Statewide Importance. The loss of Important Farmland as classified under the Farmland Mapping and Monitoring Program is considered a potentially significant environmental impact.

The City's agricultural mitigation fee program requires that future development pay the agricultural mitigation fee, currently $2,956.2 per acre, to mitigate the conversion of agricultural land to urban use. The City will use these funds to purchase conservation easements or deed restrictions on agricultural land to ensure that the land remains in agricultural use in perpetuity.

In addition to the City's agricultural mitigation fee program, the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) requires development to pay fees on a per-acre basis for impacts to agricultural lands that function as habitat for biological resources. SJCOG will then use these funds to purchase conservation easements on agricultural and habitat lands in the Project vicinity. The compensation results in the purchase of conservation easements that are placed over agricultural land, such as alfalfa and row crops. As such, the Project fees paid to SJCOG as administrator of the SJMSCP will result in the preservation of agricultural lands in perpetuity.

The purchase of conservation easements and/or deed restrictions through the City agricultural mitigation fee program and the SJMSCP allows the landowners to retain ownership of the land and continue agricultural operations and preserves such lands in perpetuity.

While the proposed Project will contribute fees toward the purchase of conservation easements on agricultural lands through the City's agricultural mitigation fee program and the SJMSCP mitigation program, as required by Mitigation Measure 3.2-1, those fees and conservation easements would not result in the creation of new farmland to offset the loss that would occur with Project implementation. Furthermore, the proposed Project would be required to implement Mitigation Measure 3.2-2, which requires the Project to implement

buffers from adjacent agricultural uses. On a project-specific basis, this is a significant and unavoidable impact. Furthermore, on a cumulative level, the proposed Project in conjunction with other nearby existing and reasonably foreseeable future projects would generate a significant cumulative impact. This is because, while the proposed Project will contribute fees toward the purchase of conservation easements on agricultural lands through the City's agricultural mitigation fee program and the SJMSCP (as required by Mitigation Measure 3.2-1), those fees and conservation easements would not result in the creation of new farmland to offset the loss that would occur with Project implementation. Therefore, the Project's contribution to such an impact would be considered cumulatively considerable, even with the aforementioned mitigation measures. The Project thus would make a **cumulatively considerable contribution** to this significant cumulative impact**,** and this is considered a **significant and unavoidable** impact.

(2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.

(3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with cumulative impacts on agricultural resources, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

C. GREENHOUSE GASES, CLIMATE CHANGE, AND ENERGY

1. IMPACT 3.7-1: PROJECT IMPLEMENTATION COULD GENERATE GREENHOUSE GAS EMISSIONS, EITHER DIRECTLY OR INDIRECTLY, THAT MAY HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT.

(a) Potential Impact. The potential for the Project to generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment, is discussed on pages 3.7-48 through 3.7-67 of the Draft EIR.

(b) Mitigation Measure. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.7-1, Mitigation Measure 3.7-2, and Mitigation Measure 3.7-3.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) Effects of Mitigation and Remaining Impacts. The evaluation of Project specific GHG emissions was performed under the modeling scenarios for Year 2025 and Year

2028, as well as 2030. The modeling showed that GHG emissions associated with the proposed Project would be above the target levels established for the Project in 2028 and 2030.

To reduce GHG emissions, mitigation strategies have been developed either for the Project as a whole, or for the individual components of the overall Project. Mitigation Measure 3.7-1 would require the Project to offset any natural gas use with onsite solar. Mitigation Measure 3.7-2 requires the Project to meet the CalGreen Tier 2 standards as identified in the SMAQMD's *Greenhouse Gas Thresholds for Sacramento County* (June 2020), except that all "EV Capable" spaces shall be "EV Ready", consistent with the requirements of BMP 2 of Tier 1 of the SMAQMD's greenhouse gas thresholds. Mitigation Measure 3.7-3 provides additional measures to reduce Project emissions the maximum extent feasible. Even with implementation of Mitigation Measures 3.7.1 through 3.7-3, the Project's GHG emissions from mobile sources would cause the Project to exceed the applicable service population threshold and the requirement under the SMAQMD threshold to reduce residential VMT by 15% from the regional average.

The three required mitigation measures include two different categories of measures as described in CalEEMod User Guide. "Quantitative" measure includes those measures that when implemented have a measurable reduction in emissions as reflected in the model outputs, or with separate outside the model calculations. Examples would be the addition of solar panels, where it is feasible to quantify the electrical production. "Qualitative or Supporting Measures" includes those measures that are not currently quantified by CalEEMod. The CalEEMod User Guide notes that methods for quantifying these measures have not yet been developed, are not fully supported by available research, or require specific details that are difficult to address under a methodology with general applicability. Although not quantitatively evaluated, qualitative or supporting measures may achieve emissions reductions and co-benefits on their own or may enhance the ability of quantified measures to attain expanded reductions and co-benefits. User-selected qualitative or supporting measures are noted in the CalEEMod output report but are not quantified. The quantified measures in the three mitigation measures, in conjunction with Project features discussed above, are anticipated to reduce GHG emissions by approximately 200 MT CO2e/year. It is anticipated that the Qualitative or Supporting Measures would provide additional, or co-benefits toward reducing GHG emissions.

Even with the three mitigation measures, the Project would exceed the service population target by 0.53 MT CO2e/year in 2025, 0.92 MT CO2e/year in 2028, and 1.15 MT CO2e/year in 2030. The Project also would exceed the SMAQMD's requirement to meet the City's VMT threshold, as described above and in Section 3.13 of this EIR. There are no additional, feasible mitigation measures to reduce Project VMT, which is the main contributor to the Project's carbon emissions.

Therefore, the impact related to whether the Project generates greenhouse gas emissions either directly or indirectly that may have a significant impact on the environment would remain **significant and unavoidable.**

(2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.

(3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts related to greenhouse gas emissions, climate change, and energy impacts, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

2. IMPACT 3.7-2: PROJECT IMPLEMENTATION COULD CONFLICT WITH AN APPLICABLE PLAN, POLICY, OR REGULATION ADOPTED FOR THE PURPOSE OF REDUCING THE EMISSIONS OF GREENHOUSE GASES.

(b) Potential Impact. The potential for the Project to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases, is discussed on pages 3.7-67 through 3.7-76 of the Draft EIR.

(b) Mitigation Measure. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.7-1, Mitigation Measure 3.7-2, and Mitigation Measure 3.7-3.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) Effects of Mitigation and Remaining Impacts. Overall, the proposed Project generally does not conflict with, and is consistent with, applicable plans, policies, and regulations adopted for the purpose of reducing the emissions of greenhouse gases. Specifically, the Project is generally consistent with the State's long-term climate goals and strategies with the exception of reducing VMT. The analysis includes an assessment of the Project's consistency with the CARB's 2022 Scoping Plan, Air District requirements, and the City of Manteca CAP. This assessment includes a consistency analysis with regulations or requirements adopted to reduce greenhouse gas emissions, and also evaluates Project specific GHG emissions and the extent to which they are able to be reduced by effective mitigation strategies including Project design features, best performance measures, and mitigation measures.

For the reasons discussed above, this EIR concludes out of an abundance of caution that the impact related to consistency with the Scoping Plan is significant and unavoidable. Nevertheless, the Project's carbon reduction features and mitigation measures make the Project consistent with the CAP, 2022 RTP/SCS, and SJAPCD policies and regulations, and impacts associated with these plans, policies and regulations are less than significant. Therefore, the overall impact is considered **significant and unavoidable**.

(2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.

(3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts related to greenhouse gas emissions, climate change, and energy impacts, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

3. IMPACT 4.9: CUMULATIVE IMPACT ON CLIMATE CHANGE FROM INCREASED PROJECT-RELATED GREENHOUSE GAS EMISSIONS.

(a) Potential Impact. The potential for the Project to have a cumulative impact on greenhouse gases and climate change from increased Project-related VMT is discussed on pages 4.0-12 and 4.0-15 of the Draft EIR.

(b) Mitigation Measure. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.7-1, Mitigation Measure 3.7-2, and Mitigation Measure 3.7-3.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) Effects of Mitigation and Remaining Impacts. Overall, with implementation of Mitigation Measure 3.7-3, the proposed Project GHG emissions can be reduced but not to the GHG targets established for the Project in years 2025, 2028 and 2030. In specific, as described in Mitigation Measure 3.7-3, the collective present and future applicants for the development approvals within the overall Project site together are required to implement a variety of onsite and local offsite measures. Nonetheless, as shown under Mitigation Measure 3.7-3, there are insufficient reductions from onsite and local offsite measures to reduce emissions sufficiently to meet the service population thresholds for years 2025, 2028, and 2030. The primary driver of emissions are automobiles, and the regulation of vehicle emissions

is beyond the City's control. In addition, as discussed above, the California courts have called into question the ability of carbon offsets from the voluntary market to meet CEQA mitigation requirements and neither CARB nor SJVAPCD offer carbon offsets for CEQA mitigation. Further, the City's policy is to prioritize local GHG reductions to capture the co-benefits of reduced air emissions in a community where air quality is a concern. For these reasons, the Project's GHG emissions are significant and unavoidable after all feasible mitigation.

Separately, the CEQA Guidelines require consideration of the potentially significant energy implications of a Project. CEQA requires mitigation measures to reduce "wasteful, inefficient and unnecessary" energy usage (Public Resources Code Section 21100, subdivision [b][3]). According to the CEQA Guidelines, the means to achieve the goal of conserving energy include decreasing overall energy consumption, decreasing reliance on natural gas and oil, and increasing reliance on renewable energy sources. In particular, the proposed Project would be considered "wasteful, inefficient, and unnecessary" if it were to violate State and federal energy standards and/or result in significant adverse impacts related to Project energy requirements, energy inefficiencies, energy intensiveness of materials, cause significant impacts on local and regional energy supplies or generate requirements for additional capacity, fail to comply with existing energy standards, otherwise result in significant adverse impacts on energy resources, or conflict or create an inconsistency with applicable plan, policy, or regulation.

The proposed Project would use energy resources for the operation of Project buildings (natural gas and electricity), outdoor lighting (electricity), for on-road vehicle trips (e.g., gasoline and diesel fuel) rerouted by the proposed Project, and from off-road and on-road construction activities associated with the proposed Project (e.g., diesel fuel). Each of these activities would require the use of energy resources. The proposed Project would be responsible for conserving energy, to the extent feasible.

The proposed Project would be in compliance with all applicable federal, State, and local regulations regulating energy usage. For example, PG&E, the electric and natural gas provider to the proposed Project, is responsible for the mix of energy resources used to provide electricity for its customers, and it is in the process of implementing the statewide RPS to increase the proportion of renewable energy (e.g., solar and wind) within its energy portfolio. PG&E has achieved at least a 33% mix of renewable energy resources in 2020 and is on track to achieve 60% mix of renewable energy by 2030. Other statewide measures, including those intended to improve the energy efficiency of the statewide passenger and heavy-duty truck vehicle fleet (e.g., the Pavley Bill and the Low Carbon Fuel Standard), would improve vehicle fuel economies, thereby conserving gasoline and diesel fuel. These energy savings would continue to accrue over time.

The proposed Project would comply with all existing energy standards and would not be expected to result in significant adverse impacts on energy resources. For these reasons, the proposed Project would not cause an inefficient, wasteful, or unnecessary use of energy resources nor cause a significant impact on any of the thresholds as described by the *CEQA Guidelines*.

Although impacts related to energy would have a **less than significant** cumulative impact, Project impacts related to greenhouse gas emissions would result in the Project making a **cumulatively considerable contribution** to a significant cumulative impact and would be considered a **significant and unavoidable** impact.

(2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.

(3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts related to greenhouse gas emissions, climate change, and energy impacts, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

D. TRANSPORTATION AND CIRCULATION

4. IMPACT 3.13-1: PROJECT IMPLEMENTATION WOULD RESULT IN VMT INCREASES THAT ARE GREATER THAN 85 PERCENT OF BASELINE CONDITIONS.

(c) Potential Impact. The potential for the Project to result in VMT increases that are greater than 85 percent of Baseline conditions is discussed on pages 3.13-26 through 3.13-29 of the Draft EIR.

(b) Mitigation Measure. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.13-1.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) Effects of Mitigation and Remaining Impacts. A detailed VMT analysis was conducted using methodology discussed in Appendix E of the EIR. The proposed residential development would result in a significant transportation impact if it would 1) generate vehicle travel exceeding 85 percent of the established baseline VMT under existing (baseline) or cumulative conditions, or 2) result in an increase in total VMT in the model area.

Table 3.13-9 within the Draft EIR presents the established Baseline Citywide VMT and the project generated VMT under existing (baseline) and cumulative conditions. As displayed, the proposed project would generate an estimated average of 99.4 home-based VMT per single family household under Existing Conditions, and an estimated average of 95.0 home-based VMT per single family household under Cumulative conditions. The fewer home-based VMT generated per single family household under Cumulative Conditions reflects an improved jobs-housing-commercial land use balance in the City of Manteca, where residents would be able to travel shorter distances to access jobs, goods, and services.

Because the development would generate vehicle travel exceeding 15 percent below the established city-wide average under Existing and Cumulative Conditions, this is a potentially significant transportation impact.

Table 3.13-10 within the Draft EIR presents the comparison of Total VMT in the model area before and after project.

Under Existing Conditions, the proposed project would result in a net increase of 46,940 total VMT in the model area, representing a 0.3% increase in total VMT. Under Cumulative Conditions, the proposed project would result in a net increase of 51,129 total VMT in the model area, representing a 0.2% increase in total VMT.

Because the development would cause the total VMT in the model area to increase under Existing and Cumulative Conditions, this is a potentially significant transportation impact.

The VMT generation of a project is largely dictated by the combination of land use proximity and transportation infrastructure. Transportation Demand Management (TDM) strategies are designed to increase the transportation system efficiency and reduce vehicle demand on the multi-modal transportation system. Common TDM strategies are based on discouraging single-occupancy vehicle travel; encouraging transit, carpooled, and active modes of travel (i.e., bicycling, walking, scooter); shifting travel patterns from congested peak to less congested off-peak hours, and proximity to closer complimentary destinations. But most importantly, the biggest of effect of TDM strategies on VMT derive from regional policies related to land use location efficiency, jobs/housing/activity balance, and infrastructure investments that support transit, walking, and bicycling. Of these strategies, only a few are likely to be effective in a suburban or rural setting such as the City of Manteca.

The *Handbook for Analyzing Greenhouse Gas (GHG) Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* (California Air Pollution Control Officers Association [CAPCOA], 2021) is widely used by local governments across California to reduce VMT and GHG emissions from new land use development projects. Mitigation Measure 3.13-1, below, summarizes

transportation measures with VMT-reducing benefits that may be applicable at project or community level in the City of Manteca.

The following two recent studies included an evaluation of VMT per capita trends in California.

- *2018 Progress Report, California's Sustainable Communities and Climate Protection Act*, California Air Resources Board, November 2018 (Progress Report).
- *California Air Resources Board Improved Program Measurement Would Help California Work More Strategically to Meet Its Climate Change Goals*, Auditor of the State of California, February 2021 (Audit Report).

The Progress Report measures the effect of SB 375 revealing that VMT and GHG per capita increased in California between 2010 and 2016 and are trending upward. The Scoping Plan supports two key observations that are relevant to the findings in this EIR. The Audit Report is a more recent assessment of California's Air Resources Board GHG reduction programs, which also found that VMT and its associated GHG emissions were trending upward through 2018. Per the Audit Report, the state is not on track to achieve 2030 GHG reduction goals, and emissions from transportation have not been declining as anticipated.

The monitoring of statewide VMT performance noted above indicates that the state needs to take further action to meet its own VMT and GHG reduction goals. Doing so would alleviate the need for further actions by local agencies. To date, the state has not increased the cost of driving, made driving less convenient, or reduced the barriers or constraints that prevent more efficient use of vehicles and greater use of transit, walking, and bicycling.

The City of Manteca can reduce future VMT generation through the TDM actions listed in Mitigation Measure 3.13-1, especially those related to increasing land use density and increasing multi-modal accessibility to key destinations. However, given the suburban land use context of the City combined with the City's limited ability to influence other measures that would have the largest effect on VMT (such as implementation of a VMT tax or an increase in the fuel tax), the effectiveness of these TDM measures cannot be guaranteed to reduce the project VMT or total VMT impacts to a less-than-significant level.

In addition to transportation impacts, VMT is one of the many key inputs in quantifying other environmental impacts related to air quality, greenhouse gases, and energy. Analysis and mitigation measures related to each of these topics are discussed in a dedicated chapter in this EIR.

Strategies contained in Mitigation Measure 3.13-1 may not be deemed feasible for various reasons, such as due to financial infeasibility, or would not be possible to

implement at the improvement plan stage (such as increasing residential density). Therefore, even with implementation of Mitigation Measure 3.13-1, the Project impact is ***significant and unavoidable*** relative to this topic.

(2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.

(3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts related to transportation and circulation VMT impacts, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

5. IMPACT 4.19: CUMULATIVE IMPACT ON TRANSPORTATION AND CIRCULATION.

(c) Potential Impact. The potential for the Project to have a cumulative impact on transportation and circulation from increased Project-related VMT is discussed on pages 4.0-25 of the Draft EIR.

(d) Mitigation Measure. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.13-1.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) Effects of Mitigation and Remaining Impacts. Table 3.13-9 in Section 3.13 presents the established Baseline Citywide VMT per single family residential household and the Cumulative Development Project VMT per household. Under Cumulative Conditions, the proposed Project would generate an estimated average of 95.0 home-based VMT per single family household (5.7 percent below the Cumulative city-wide average). The proposed Project would generate fewer home-based VMT per single family household compared to under Baseline conditions due to the fact that in the Cumulative Year, the number of jobs and the amount of commercial, retail, and recreational development in the City is anticipated to increase and residents would be able to travel shorter distances to access these types of land uses.

In August 2021, the California Air Pollution Control Officers Association (CAPCOA) released the Draft Handbook for Analyzing Greenhouse Gas (GHG) Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity (GHG Handbook). Mitigation Measure 3.13-1, as provided in Section 3.13:

Transportation and Circulation, summarizes transportation measures with VMT-reducing benefits that may be applicable at the project or community level in the City of Manteca. The proposed Project would be required to implement all feasible measures contained in Mitigation Measure 3.13-1, that are applicable to be implemented at the improvement plan stage of development. However, it should be noted that some of these strategies such as increased land use density or diversity would not be feasible for the Project site because it would change the nature of the Project. Furthermore, other strategies contained in Mitigation Measure 3.13-1 may not be deemed feasible for other reasons, such as due to financial infeasibility, or would not be possible to implement at the improvement plan stage (such as increasing residential density).

Because the development would generate vehicle travel exceeding 15 percent below the established city-wide average under Existing and Cumulative Conditions, implementation of the proposed Project would make a **cumulatively considerable contribution** to a significant cumulative VMT impact and thus is considered **a significant and unavoidable** impact.

(2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.

(3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts related to transportation and circulation VMT impacts, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

IV. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT IMPACTS WHICH ARE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

A. AGRICULTURAL RESOURCES

1. IMPACT 3.2-3: THE PROPOSED PROJECT HAS THE POTENTIAL TO RESULT IN CONFLICTS WITH ADJACENT AGRICULTURAL LANDS OR INDIRECTLY CAUSE CONVERSION OF AGRICULTURAL LANDS.

(a) Potential Impact. The potential for the Project to result in conflicts with adjacent agricultural lands or indirectly cause conversion of agricultural lands is discussed on page 3.2-16 and 3.2-17 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.2-2.

(c) Findings. Neighboring agricultural land, including Prime Farmland and Farmland of Statewide Importance, are located to the north and south of the Project site as shown on Figure 3.2-1. A variety of residential uses would be developed on the Project site with implementation of the proposed Project.

As shown on Figure 2.0-7b in Chapter 2.0, Project Description, the City's existing 2023 General Plan anticipates that agricultural lands south of Project site and immediately east of the Union Ranch subdivision would develop with urban uses. Additionally, the proposed General Plan Update anticipates that the agricultural lands to the north and east of the Project site would develop with urban uses. However, differing from the existing 2023 General Plan, lands to the south are proposed to be designated for future agricultural uses under the General Plan Update. Existing agricultural lands that are located north and south of the site may be impacted by the increased human presence on the Project site. However, the City's Right-to-Farm Ordinance reduces the potential for conflict between existing agricultural lands and adjacent uses. The notification procedures in the ordinance serves to inform landowners and developers of non-agricultural uses of what the expectations are in the area with regard to agricultural activities and to reduce complaints.

A portion of the proposed development would be buffered from existing agricultural operations by existing roadways. However, the northern, eastern, and southeastern portion of the Project site would not be buffered from nearby agricultural operations. As discussed previously, the City's Right to Farm Ordinance is intended to reduce the occurrence of such conflicts between nonagricultural and agricultural land uses within the City through requiring the transferor of any property in the City to provide a disclosure statement describing that the City permits agricultural operations, including those that utilize chemical fertilizers and pesticides. Implementation of Mitigation Measure 3.2-2 would further ensure that the Project includes adequate measures to buffer Project uses from adjacent agricultural uses and would reduce adverse effects on neighboring agricultural uses. Implementation of Mitigation Measure 3.2-2 would reduce potential impacts to **less than significant**.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.2-2 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to have direct or indirect effects agricultural resources.

B. AIR QUALITY

1. IMPACT 3.3-2: THE PROPOSED PROJECT HAS THE POTENTIAL TO RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF ANY CRITERIA POLLUTANT FOR WHICH THE PROJECT REGION IS IN NON-ATTAINMENT, OR CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF THE DISTRICT'S AIR QUALITY PLAN, DURING PROJECT CONSTRUCTION ACTIVITIES.

   (a) Potential Impact. The potential for the Project to result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment, or conflict with or obstruct implementation of the District's air quality plan, during Project construction activities, is discussed on page 3.3-42 and 3.2-3 of the Draft EIR.

   (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-1, 3.3-2, 3.3-3, and 3.3-4.

   (c) Findings. If the proposed Project's emissions will exceed the SJVAPCD's threshold of significance for construction-generated emissions, the proposed Project will have a significant impact on air quality and conflict with the Clean Air Plan and all feasible mitigation are required to be implemented to reduce emissions. As shown in Table 3.3-7, Project maximum construction emissions would not exceed the SJVAPCD thresholds of significance. Nevertheless, regardless of emission quantities, the SJVAPCD requires construction related mitigation in accordance with their rules and regulations. Implementation of the Mitigation Measure 3.3-1 through 3.3-4 would further reduce proposed Project construction related emissions to the extent possible.

   In accordance with Public Resources Code, § 21081, Mitigation Measure 3.3-1, 3.3-2, 3.3-3, and 3.3-4 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment, or conflict with or obstruct implementation of the District's air quality plan, during Project construction activities.

C. BIOLOGICAL RESOURCES

1. IMPACT 3.4-3: THE PROPOSED PROJECT HAS THE POTENTIAL TO HAVE DIRECT OR INDIRECT EFFECTS ON SPECIAL-STATUS BIRD SPECIES.

   (a) Potential Impact. The potential for the Project to have direct or indirect effects on special-status bird species is discussed on page 3.4-27 and 3.4-28 of the Draft EIR.

   (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.4-1.

(c) Findings. Powerlines and trees located in the region represent potentially suitable nesting habitat for a variety of special-status birds. Additionally, the agricultural land represents potentially suitable nesting habitat for the ground-nesting birds. In general, most nesting occurs from late February and early March through late July and early August, depending on various environmental conditions. The CNDDB currently contains records for Swainson's hawk, burrowing owl, loggerhead shrike, and tricolored blackbird within two miles of the Project site. In addition to the species described above, common raptors may nest in or adjacent to the Project site.

New sources of noise and light during the construction and operational phases of the project could adversely affect nesters if they located adjacent to the Project site in any given year. Additionally, the proposed Project would eliminate the agricultural areas on the Project site, which serve as potential foraging habitat for birds throughout the year. Mitigation Measure 3.4-1 requires participation in the SJMSCP. As part of the SJMSCP, SJCOG requires preconstruction surveys for projects that occur during the avian breeding season (March 1 – August 31). When active nests are identified, the biologists develop buffer zones around the active nests as deemed appropriate until the young have fledged. SJCOG also uses the fees to purchase habitat as compensation for the loss of foraging habitat. Implementation of the proposed Project, with the Mitigation Measure 3.4-1, would ensure that potential impacts to special status birds are reduced to a ***less than significant*** level.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.4-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to have direct or indirect effects on special-status bird species will be mitigated to a less than significant level.

D. CULTURAL AND TRIBAL RESOURCES

1. IMPACT 3.5-1 PROJECT IMPLEMENTATION HAS THE POTENTIAL TO CAUSE A SUBSTANTIAL ADVERSE CHANGE TO A SIGNIFICANT HISTORICAL OR ARCHAEOLOGICAL RESOURCE, AS DEFINED IN CEQA GUIDELINES §15064.5.

(a) Potential Impact. The potential for the Project to cause a substantial adverse change to a significant historical or archaeological resource, as defined in CEQA Guidelines §15064.5 is discussed on pages 3.5-14 and 3.5-15 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.5-1 through 3.5-3.

(c) Findings. The Project site encompasses 133.18 acres, including the proposed 101.1-acre Development Area, a 32.08-acre Non-development Area, and all public right-of-way

along Union Road. No new development or improvements are proposed as part of this proposed Project for the Non-development Area, which is improved with 12 existing residential homes. Therefore, the existing visual character of the Non-development Area and half of the existing right-of-way would not change as part of this proposed Project.

The Development Area is primarily active farmland with four existing houses with associated outbuildings and associated equipment. A single existing house is located on the eastern portion of the Project site and the three additional houses are located along the western edge of the Development Area.

The Project site is not located in an area known to have historical and archaeological resources. However, as with most projects in the region that involve ground-disturbing activities, there is the potential for discovery of a previously unknown historical and archaeological resources. Implementation of the following Mitigation Measures would ensure that this potential impact is **less than significant**.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.5-1 through 3.5-3 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to cause a substantial adverse change to a significant historical or archaeological resource will be mitigated to a less than significant level.

2. IMPACT 3.5-2: PROJECT IMPLEMENTATION HAS THE POTENTIAL TO DISTURB HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES.

   (a) Potential Impact. The potential for the Project to disturb human remains, including those interred outside of formal cemeteries, is discussed on page 3.5-15 and 3.5-16 of the Draft EIR.

   (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.5-4.

   (c) Findings Indications suggest that humans have occupied San Joaquin County for over 10,000 years and it is not always possible to predict where human remains may occur outside of formal burials. Therefore, excavation and construction activities, regardless of depth, may yield human remains that may not be interred in marked, formal burials.

   Under CEQA, human remains are protected under the definition of archaeological materials as being “any evidence of human activity.” Additionally, Public Resources Code Section 5097 has specific stop-work and notification procedures to follow in the event that human remains are inadvertently discovered during Project implementation.

While no human remains were found during field surveys of the Project site, implementation of the following mitigation measure would ensure that all construction activities which inadvertently discover human remains implement state-required consultation methods to determine the disposition and historical significance of any discovered human remains. The following mitigation measure would reduce this impact to a **less than significant** level.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.5-4 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to disturb human remains, including those interred outside of formal cemeteries will be mitigated to a less than significant level.

E. GEOLOGY AND SOILS

1. IMPACT 3.6-1: THE PROPOSED PROJECT MAY EXPOSE PEOPLE OR STRUCTURES TO POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY, OR DEATH INVOLVING RUPTURE OF A KNOWN EARTHQUAKE FAULT, STRONG SEISMIC GROUND SHAKING, SEISMIC-RELATED GROUND FAILURE, INCLUDING LIQUEFACTION, OR LANDSLIDES.

   (a) Potential Impact. The potential for the Project to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides is discussed on pages 3.6-15 through 3.6-17 of the Draft EIR.

   (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-1.

   (c) Findings. Development of the proposed Project could result in the exposure of people and structures to conditions that have the potential for adverse effects associated with rupture of a known earthquake fault, strong seismic ground shaking, and seismic-related ground failure, including liquefaction, or landslides.

   The Project site is subject to potential ground shaking caused by seismic activity. Seismic activity could come from a known active fault such as the Greenville fault, or any number of other faults in the region. In order to minimize potential damage to the buildings and site improvements, all construction in California is required to be designed in accordance with the latest seismic design standards of the California Building Code. As discussed under Section 3.6.2 Regulatory Setting, the California Building Code, Title 24, Part 2, Chapter 16 addresses structural design and Chapter 18 addresses soils and foundations. Collectively, these requirements, which have been adopted by the City of Manteca (Municipal Code Section 15.04.010), include design standards and

requirements that are intended to minimize impacts to structures in seismically active areas of California. Section 1613 specifically provides structural design standards for earthquake loads.

The Project site has a moderate risk of seismic-related ground failure as a result of liquefication. Mitigation Measure 3.6-1 requires the preparation of a final geotechnical evaluation of soils at a design-level, consistent with Sections 1803.1.1.2, 1803.5.11. and 1803.5.12 of the CBC. Implementation of this mitigation measure would ensure that all on-site fill soils are properly compacted and comply with the applicable safety requirements established by the CBC to reduce risks associated with unstable soils and excavations and fills, and that any issues associated with unstable soils are addressed at the design level. Therefore, implementation of Mitigation Measure 3.6-1 would ensure the proposed Project would have a less than significant impact relative to this topic.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.6-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides will be mitigated to a less than significant level.

2. IMPACT 3.6-2: IMPLEMENTATION AND CONSTRUCTION OF THE PROPOSED PROJECT MAY RESULT IN SUBSTANTIAL SOIL EROSION OR THE LOSS OF TOPSOIL.

   (a) Potential Impact. The potential to result in substantial soil erosion or the loss of topsoil is discussed on pages 3.6-17 through 3.6-19 of the Draft EIR.

   (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.9-1.

   (c) Findings. The Custom Soils Report identified the erosion potential for the soils in the Project site as low to moderate. Furthermore, because the Project site is essentially flat, the erosion potential is considered slight. Regardless of the potential for erosion, there is always the potential for human caused erosion associated with construction activities or through the operational phase of a project. Grading, excavation, removal of vegetation cover, and loading activities associated with construction activities temporarily expose soils and increase the potential for soil erosion and sedimentation during rail events. Construction activities can also result in soil compaction and wind erosion effects that can adversely affect soils and reduce the revegetation potential at construction sites and staging areas.

In accordance with the NPDES Stormwater Program, Mitigation Measure 3.9-1 in the Hydrology and Water Quality Section of this EIR requires an approved SWPPP designed to control erosion and the loss of topsoil to the extent practicable using BMPs that the RWQCB has deemed effective in controlling erosion, sedimentation, runoff during construction activities. The RWQCB has stated that these erosion control measures are only examples of what should be considered and should not preclude new or innovative approaches currently available or being developed. The specific controls are subject to the review and approval by the RWQCB and are existing regulatory requirements. Implementation of Mitigation Measures 3.9-1 would ensure that the proposed Project would have a less than significant impact relative to this topic.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.9-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to result in substantial soil erosion or the loss of topsoil will be mitigated to a less than significant level.

3. IMPACT 3.6-3: THE PROPOSED PROJECT HAS THE POTENTIAL TO BE LOCATED ON A GEOLOGIC UNIT OR SOIL THAT IS UNSTABLE, OR THAT WOULD BECOME UNSTABLE AS A RESULT OF PROJECT IMPLEMENTATION, AND POTENTIALLY RESULT IN LANDSLIDE, LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION OR COLLAPSE.

   (a) Potential Impact. The potential to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of Project implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse is discussed on pages 3.6-19 and 3.6-20 of the Draft EIR.

   (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-1.

   (c) Findings. The Project site does not have a significant risk of becoming unstable as a result landslide, subsidence, or soil collapse. There is a potential for liquefaction, liquefaction induced settlement, and lateral spreading. However, through the implementation of Mitigation Measure 3.6-1 and compliance with section 15.04.010 of the City's Municipal Code, the proposed Project would have a ***less than significant*** impact relative to this topic.

   In accordance with Public Resources Code, § 21081, Mitigation Measure 3.6-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of Project implementation, and

potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse will be mitigated to a less than significant level.

4. IMPACT 3.6-4: THE PROPOSED PROJECT HAS THE POTENTIAL TO RESULT IN DEVELOPMENT ON EXPANSIVE SOIL, AS DEFINED IN TABLE 18-1-B OF THE UNIFORM BUILDING CODE (1994), CREATING SUBSTANTIAL DIRECT OR INDIRECT RISKS TO LIFE OR PROPERTY.

   (a) Potential Impact. The potential to result in development on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property is discussed on page 3.6-21 of the Draft EIR.

   (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-1.

   (c) Findings. Expansive soils are those that undergo volume changes as moisture content fluctuates; swelling substantially when wet or shrinking when dry. According to the NRCS Web Soil Survey, the soils in the Project site have a low shrink-swell potential. The NRCS Web Soil Survey indicated that near surface soils within the Project site have low linear extensibility, Redundant; delete.

   The California Building Code Title 24, Part 2, Chapter 18, Section 1803.1.1.2 requires specific geotechnical evaluation when a preliminary geotechnical evaluation determines that expansive or other special soil conditions are present, which, if not corrected, would lead to structural defects. The City of Manteca also requires a final geotechnical evaluation to be performed at a design-level to ensure that the foundations, structures, roadway sections, sidewalks, and other improvements can accommodate the specific soils, including expansive soils, at those locations. Mitigation Measure 3.6-2, presented above, provides the requirement for a final geotechnical evaluation in accordance with the standards and requirements outlined in the California Building Code, Title 24, Part 2, Chapter 16, Chapter 17, and Chapter 18, which addresses structural design, tests and inspections, and soils and foundation standards. The final geotechnical evaluation would include design recommendations to ensure that soil conditions do not pose a threat to the health and safety of people or structures. The grading and improvement plans, as well as the storm drainage and building plans, are required to be designed in accordance with the recommendations provided in the final geotechnical evaluation. With the implementation of Mitigation Measure 3.6-1 (requiring a final Geotechnical Evaluation, and site recommendations) the proposed Project would have a less than significant impact relative to this topic.

   In accordance with Public Resources Code, § 21081, Mitigation Measure 3.6-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to result in development on expansive soil, as

defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property will be mitigated to a less than significant level.

5. IMPACT 3.6-6: THE PROPOSED PROJECT HAS THE POTENTIAL TO DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE OR SITE OR UNIQUE GEOLOGIC FEATURE.

   (a) Potential Impact. The potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature is discussed on page 3.6-22 of the Draft EIR.

   (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-2.

   (c) Findings. Although the Project site is not expected to contain subsurface paleontological resources, the Project site is in an area known to have these resources and it is possible that undiscovered paleontological resources could be encountered during ground-disturbing activities. Damage to or destruction of a paleontological resource would be considered a potentially significant impact under local, state, or federal criteria. Implementation of Mitigation Measure 3.6-2 would ensure steps would be taken to reduce impacts to paleontological resources in the event that they are discovered during construction, including stopping work in the event potential resources are found, evaluation of the resource by a qualified paleontologist and appropriate handling of any potential resource. This mitigation measure would reduce this impact to a less than significant level.

   In accordance with Public Resources Code, § 21081, Mitigation Measure 3.6-2 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature will be mitigated to a less than significant level.

F. HAZARDS AND HAZARDOUS MATERIALS

1. IMPACT 3.8-1: POTENTIAL TO CREATE A SIGNIFICANT HAZARD THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS OR THROUGH THE REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT.

   (a) Potential Impact. The potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment is discussed on pages 3.8-18 through 3.8-20 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.8-1 through 3.8-3.

(c) Findings. Construction workers and the general public could be exposed to hazards and hazardous materials as a result of improper handling or use during construction activities (particularly by untrained personnel); transportation accidents; or fires, or other emergencies. Construction workers could also be exposed to hazards associated with accidental releases of hazardous materials, which could result in significant impacts to the health and welfare of people and/or wildlife. Additionally, an accidental release into the environment could result in the contamination of water, habitat, and countless resources. Mitigation Measure 3.9-1 contained in Section 3.9, Hydrology and Water Quality, ensures compliance with existing regulatory requirements of the Regional Water Quality Control Board, which require the preparation of a project specific Stormwater Pollution Prevention Plan (SWPPP). The SWPPP is required to include project specific best management measures that are designed to control erosion and the loss of topsoil to the extent practicable using best management practices (BMPs) that the RWQCB has deemed effective in controlling erosion, sedimentation, and runoff during construction activities.

Contractors would be required to comply with Cal-EPA's Unified Program; regulated activities would be managed by San Joaquin County Department of Environmental Health, the designated Certified Unified Program Agency for San Joaquin County, in accordance with the regulations included in the Unified Program (e.g., hazardous materials release response plans and inventories, California UFC hazardous material management plans and inventories). Additionally, in the event that hazardous materials are discovered during construction, a Soils Management Plan (SMP) will need to be submitted and approved by the San Joaquin County Department of Environmental Health, as required by Mitigation Measure 3.8-1. The SMP will establish management practices for handling hazardous materials, including fuels, paints, cleaners, solvents, etc., during construction. Such compliance would reduce the potential for accidental release of hazardous materials during construction of the proposed Project. As a result, it would lessen the risk of exposure of construction workers and the public to accidental release of hazardous materials, as well as the demand for incident emergency response.

Development of the Project would involve site grading, excavation for utilities, trenching, backfilling, and the construction of proposed facilities that could result in the exposure of construction workers and the general public to hazardous materials. Like most agricultural and farming operations in the Central Valley, agricultural practices in the area have used agricultural chemicals including pesticides and herbicides as a standard practice. Continuous spraying of crops over many years can potentially result in a residual buildup of pesticides, in farm soils. Of highest concern relative to agrichemicals are chlorinated herbicides, organophosphate pesticides, and organochlorine pesticides (OCPs), such as such as Mecoprop (MCPP), Dinoseb,

chlordane, dichloro-diphenyltrichloroethane (DDT), and dichloro-diphenyl-dichloroethylene (DDE). Historic use of the Site for agricultural purposes has the potential to have introduced persistent agricultural chemicals such as herbicides and/or pesticides into the surface soils. In addition to soil contamination due to past agricultural use.

Overall, consistency with federal, State, and local laws and regulations related to the handling of hazardous materials discussed above and implementation of Mitigation Measures 3.8-1, 3.8-2, and 3.8-3, as well as Mitigation Measure 3.9-1 from Section 3.9, Hydrology and Water Quality, would ensure that these potential impacts are reduced to a less than significant level.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.8-1 through 3.8-3 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment will be mitigated to a less than significant level.

G. HYDROLOGY AND WATER QUALITY

1. IMPACT 3.9-1: THE PROPOSED PROJECT HAS THE POTENTIAL TO VIOLATE WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS DURING CONSTRUCTION.

(a) Potential Impact. The potential to violate water quality standards or waste discharge requirements during construction is discussed on pages 3.9-30 through 3.9-32 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.9-1.

(c) Findings. Grading, excavation, removal of vegetation cover, and loading activities associated with construction activities could temporarily increase runoff, erosion, and sedimentation. Construction activities could also result in soil compaction and wind erosion effects that could adversely affect soils and reduce the revegetation potential at construction sites and staging areas. To ensure that construction activities are covered under General Permit 2009-0009-DWQ (amended by 2010-0014-DWQ & 2012-0006-DWQ), projects in California must prepare a Stormwater Pollution Prevention Plan (SWPPP) containing Best Management Practices (BMPs) to reduce erosion and sediments to meet water quality standards. Such BMPs may include: temporary erosion control measures such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover. The BMPs and overall SWPPP is reviewed by the RWQCB as part of the

permitting process. The SWPPP, once approved, is kept on site and implemented during construction activities and must be made available upon request to representatives of the RWQCB and/or the lead agency.

In accordance with the NPDES Stormwater Program, Mitigation Measure 3.9-1 requires an approved SWPPP designed to control erosion and the loss of topsoil to the extent practicable using BMPs that the RWQCB has deemed effective in controlling erosion, sedimentation, runoff during construction activities. The RWQCB has stated that these erosion control measures are only examples of what should be considered and should not preclude new or innovative approaches currently available or being developed. The specific controls are subject to the review and approval by the RWQCB and are existing regulatory requirements. Implementation of Mitigation Measures 3.9-1 would ensure that the proposed Project would have a less than significant impact relative to this topic.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.9-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to violate water quality standards or waste discharge requirements during construction will be mitigated to a less than significant level.

2. IMPACT 3.9-2: THE PROPOSED PROJECT HAS THE POTENTIAL TO VIOLATE WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS DURING OPERATION.

   (a) Potential Impact. The potential to violate water quality standards or waste discharge requirements during operation is discussed on pages 3.9-32 through 3.9-34 of the Draft EIR.

   (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.9-2 and 3.9-3.

   (c) Findings. The ongoing operational phase of the proposed Project requires the final discharge of stormwater into the on-site detention basins. The discharge of stormwater must be treated through BMPs prior to its discharge. The City of Manteca implements best management practices to the extent they are technologically achievable to prevent and reduce pollutants.

   Additionally, there are various non-structural and structural stormwater BMPs that can be implemented to reduce water pollution. Non-structural BMPs are typically aimed at prevention of pollution through public education and outreach. Non-structural BMPs include: school educational programs, newsletters, website information, commercial, billboards/advertisements, river cleanups, and storm drain stenciling. Structural BMPS are aimed at the physical collection, filtering, and detaining of stormwater. Structural

BMPs include items such as drop inlet filters, vault filters, hydrodynamic separators, surface detention basins, and underground detention facilities.

Mitigation Measures 3.9-2 and 3.9-3 would ensure that BMPs are implemented to reduce the amount of pollution in stormwater discharged from the Project site. Therefore, Implementation of the proposed Project would have a less than significant impact relative to this topic.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.9-2 and 3.9-3 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to violate water quality standards or waste discharge requirements during operation will be mitigated to a less than significant level.

H. NOISE

1. IMPACT 3.11-1: WOULD THE PROJECT GENERATE A SUBSTANTIAL TEMPORARY OR PERMANENT INCREASE IN AMBIENT NOISE LEVELS IN THE VICINITY OF THE PROJECT IN EXCESS OF STANDARDS ESTABLISHED IN THE LOCAL GENERAL PLAN OR NOISE ORDINANCE, OR APPLICABLE STANDARDS OF OTHER AGENCIES.

(a) Potential Impact. The potential for the Project to generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies is discussed on pages 3.11-24 through 3.11-28 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.11-1 through 3.11-4.

(c) Findings. During the construction of the Project, including roads, water, sewer lines, and related infrastructure, noise from construction activities would add to the noise environment in the Project vicinity. Existing receptors adjacent to the proposed construction activities are located north, south west, and east of the site. Additionally, some operational activities, such as vehicle traffic, would generate noise sources during the Project's operational phase.

Mitigation Measure 3.11-1 requires that construction activities adhere to the requirements of the City of Manteca Municipal Code with respect to hours of operation. Mitigation Measure 3.11-2 requires all equipment shall be fitted with factory equipped mufflers, and in good working order. Mitigation Measure 3.11-3 requires an 8-foot-tall barrier shall be constructed along the Union Road Frontage, adjacent to proposed Project residential uses, in order to achieve the City's exterior noise standards.

Mitigation Measure 3.11-4 requires, for the first rows of lots adjacent to the Union Road right of way, second floor exterior facades with a view of Union Road would need to implement several noise control measures.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.11-1 through 3.11-4 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to generate significant noise impacts will be mitigated to a less than significant level.

2. IMPACT 3.11-2: WOULD THE PROJECT GENERATE EXCESSIVE GROUNDBORNE VIBRATION OR GROUNDBORNE NOISE LEVELS.

(a) Potential Impact. The potential for the Project to result in significant noise as a result of construction is discussed on pages 3.11-28 through 3.11-29 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.11-5.

(c) Findings. Construction vibration impacts include human annoyance and building structural damage. Human annoyance occurs when construction vibration rises significantly above the threshold of perception. Building damage can take the form of cosmetic or structural damage.

With the exception of vibratory compactors, the Table 3.11-7 data indicate that construction vibration levels anticipated for the Project are less than the 0.2 in/sec threshold at a distance of 25 feet. Use of vibratory compactors within 26 feet of the adjacent buildings could cause vibrations in excess of 0.2 in/sec. Sensitive receptors which could be impacted by construction-related vibrations, especially vibratory compactors/rollers, are located approximately 10-15 feet, or further, from the Project site. Implementation of the following mitigation measure will ensure that these potential impacts are reduced to a less than significant level.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.11-5 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to generate excessive groundborne vibration or groundborne noise levels will be mitigated to a less than significant level.

I. UTILITIES

1. IMPACT 3.14-5: THE PROPOSED PROJECT HAS THE POTENTIAL TO REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW STORMWATER DRAINAGE FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.

   (a) Potential Impact. The potential for the proposed Project to require or result in the construction of new stormwater drainage facilities, the construction of which could cause significant environmental effects is discussed on pages 3.14-42 through 3.14-44 of the Draft EIR.

   (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.14-1.

   (c) Findings. Because the Project site could increase runoff significantly, and create downstream drainage problems; Project impacts to stormwater are considered potentially significant. The following mitigation measure requires the Project applicant to submit a drainage plan to the City of Manteca for review and approval. The plan will include an engineered storm drainage plan that demonstrates attainment of pre-Project runoff requirements prior to release at the outlet canal and describes the treatment controls used to reach attainment consistent with the Manteca Storm Drain Master Plan.

   Mitigation Measure 3.14-1 requires the Project applicant to submit a drainage plan to the City of Manteca for review and approval. This measure would ensure drainage impacts are less than significant.

   In accordance with Public Resources Code, § 21081, Mitigation Measure 3.14-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to require or result in the construction of new stormwater drainage facilities, the construction of which could cause significant environmental effects will be mitigated to a less than significant level.

2. IMPACT 3.14-6: THE PROPOSED PROJECT HAS THE POTENTIAL TO BE SERVED BY A LANDFILL WITH SUFFICIENT PERMITTED CAPACITY TO ACCOMMODATE THE PROJECT'S SOLID WASTE DISPOSAL NEEDS AND COMPLY WITH FEDERAL, STATE, AND LOCAL STATUTES AND REGULATIONS RELATED TO SOLID WASTE.

   (a) Potential Impact. The potential for the proposed Project to be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs and comply with federal, State, and local statutes and regulations related to solid waste is discussed on pages 3.14-55 and 3.14-56 of the Draft EIR.

(b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.14-2.

(c) Findings. The Development Area is estimated to generate roughly 10 pounds per day per household. It is estimated that the proposed 465 residential units would generate 4,650 pounds per day of solid waste. The total solid waste generated by the proposed Project is estimated to be 2.325 tons per day. The following mitigation measure requires the payment of a solid waste connection fee prior to issuance of grading permits. With the implementation of Mitigation Measure 3.14-2, potential solid waste impacts would be reduced to less than significant.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.14-2 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for proposed Project to be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs and comply with federal, State, and local statutes and regulations related to solid waste will be mitigated to a less than significant level.

V. FINDINGS AND RECOMMENDATIONS REGARDING THOSE IMPACTS WHICH ARE LESS THAN SIGNIFICANT OR LESS THAN CUMULATIVELY CONSIDERABLE

Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the Draft EIR.

Aesthetics and Visual Resources: The following specific impacts were found to be less than significant: 3.1-2 and 3.1-3.

Agricultural Resources: The following specific impact was found to be less than significant: 3.2-2.

Air Quality: The following specific impacts were found to be less than significant: 3.3-1, 3.3-3, and 3.3-4.

Biological Resources: The following specific impacts were found to be less than significant: 3.4-1, 3.4-2, 3.4-4, 3.4-5, 3.4-6, 3.4-7, 3.4-8, 3.4-9, and 3.4-10.

Cultural and Tribal Resources: The following specific impact was found to be less than significant: 3.5-3.

Geology and Soils: The following specific impact was found to be less than significant: 3.6-5.

Greenhouse Gases, Climate Change and Energy: The following specific impacts were found to be less than significant: 3.7-3.

Hazards and Hazardous Materials: The following specific impacts were found to be less than significant: 3.8-2, 3.8-3, 3.8-4, 3.8-5, and 3.8-6.

Hydrology and Water Quality: The following specific impacts were found to be less than significant: 3.9-3, 3.9-4, 3.9-5, 3.9-6 and 3.9-7.

Land Use, Population, and Housing: The following specific impacts were found to be less than significant: 3.10-1, 3.10-2, 3.10-3, 3.10-4, and 3.10-5.

Noise: The following specific impact was found to be less than significant: 3.11-3.

Public Services and Recreation: The following specific impacts were found to be less than significant: 3.12-1, 3.12-2, 3.12-3, 3.12-4, 3.12-5, and 3.12-6.

Transportation and Circulation: The following specific impacts were found to be less than significant: 3.13-2, and 3.13-3.

Utilities: The following specific impacts were found to be less than significant: 3.14-1, 3.14-2, 3.14-3, and 3.14-4.

Wildfire: The following specific impact was found to be less than significant: 3.15-1.

The Project was found to have a less than cumulatively considerable contribution to specific impacts within the following categories of environmental effects as set forth in more detail in the Draft EIR.

Aesthetics and Visual Resources: The following specific impacts were found to be less than cumulatively considerable: 4.1 and 4.3.

Air Quality: The following specific impact was found to be less than cumulatively considerable: 4.5.

Biological Resources: The following specific impact was found to be less than cumulatively considerable: 4.6.

Cultural and Tribal Resources: The following specific impact was found to be less than cumulatively considerable: 4.7.

Geology and Soils: The following specific impact was found to be less than cumulatively considerable: 4.8.

Hazards and Hazardous Materials: The following specific impact was found to be less than cumulatively considerable: 4.10.

Hydrology and Water Quality: The following specific impacts were found to be less than cumulatively considerable: 4.11, 4.12, 4.13, and 4.14.

Land Use, Population and Housing: The following specific impacts were found to be less than cumulatively considerable: 4.15 and 4.16.

Noise: The following specific impact was found to be less than cumulatively considerable: 4.17.

Public Services and Recreation: The following specific impact was found to be less than cumulatively considerable: 4.18.

Transportation and Circulation: The following specific impact was found to be less than cumulatively considerable: 4.20.

Utilities: The following specific impacts were found to be less than cumulatively considerable: 4.21, 4.22, 4.23, and 4.24.

Wildfire: The following specific impact was found to be less than cumulatively considerable: 4.25.

The above impacts are less than significant or less than cumulatively considerable for one of the following reasons:

- The EIR determined that the impact is less than significant for the Project;
- The EIR determined that the Project would have a less than cumulatively considerable contribution to the cumulative impact; or
- The EIR determined that the impact is beneficial (would be reduced) for the Project.

VI. PROJECT ALTERNATIVES

A. IDENTIFICATION OF PROJECT OBJECTIVES

An EIR is required to identify a range of reasonable alternatives to the project. The "range of potential alternatives to the project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one of more of the significant effects." (CEQA Guidelines Section 15126.6(c).) "Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent)." (CEQA Guidelines Section 15126.6(f)(1).)

The principal goal of the proposed Project is the annexation of the Project site into the City of Manteca, and approval and subsequent development of the Project. The quantifiable goals and objectives of the proposed Project include annexation of 133.18 acres, which includes a Development and Non-development Area.

The quantifiable objectives include the development of up to 465 single family residential units (the Tentative Map reflects 455 units). The quantifiable objectives include the development of

approximately 4.75 acres for the development of Tide Water Bike Trail.. The Project objectives also include the installation of new public roadways that will provide pedestrian and vehicular access to the Project site and surrounding community areas, and other improvements, including water supply, storm drainage, sewer facilities and landscaping.

The objectives of the proposed Development are as follows:

- Provide residential housing opportunities that are visually attractive and accommodate the future housing demand in Manteca.
- Establish a mixture of residential product types that collectively provide for local and regional housing and that take advantage of the area's high level of accessibility.
- Provide infrastructure and park space that meets City standards, is integrated with existing and planned facilities and connections, and increases recreation opportunities for existing and future residents of the City.
- Establish a logical phasing plan designed to ensure that each phase of development would include necessary public improvements required to meet City standards.
- Annex the three Annexation SubAreas in order to avoid the creation of islands. Annexation of these areas would establish a logical and orderly city limit line that promotes the efficient extension of municipal services.
- Allow all existing property owners with existing and legal non-conforming uses located in the Non-Development Areas (SubArea 1, 2, and 3) to continue to use and enjoy their properties in perpetuity in the same manner as prior to annexation. Non-conforming uses include the existing agricultural uses (orchards, row crops, livestock/farm animals, fowl/poultry, apiary, etc.), existing residences, existing outbuildings, equipment storage, roadways, irrigation, etc. even if left fallow or not used for such temporarily.

B. ALTERNATIVES ANALYSIS IN EIR

The alternatives analysis provides a summary of the relative impact levels of significance associated with each alternative for each of the environmental issue areas analyzed in the Draft EIR. The environmental analysis for each of the alternatives is included in Chapter 5.0.

1. NO PROJECT (NO BUILD) ALTERNATIVE:

The **No Project (No Build) Alternative** is discussed on page 5.0-3 and 5.0-4 through 5.0-10 of the Draft EIR. Under the No Project (No Build) Alternative development of the Project site would not occur, and the Project site would remain in its current existing condition. It is noted that the No Project (No Build) Alternative would fail to meet the Project objectives identified by the City of Manteca.

> Findings: Environmental benefits of this alternative over the proposed Project include the reduction of impacts to Aesthetics and Visual Resources, Agricultural Resources, Air

Quality, Biological Resources, Cultural and Tribal Resources, Geology and Soils, Greenhouse Gases, Climate Change and Energy, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Population, and Housing, Noise, Public Services and Recreation, Transportation and Circulation, Utilities, and Wildfire. No impacts would be increased under this alternative.

While the City recognizes the environmental benefits of the No Project (No Build) Alternative, this alternative would not achieve any of the Project objectives. Specifically, this alternative would not: provide residential housing opportunities that are visually attractive and accommodate the future housing demand in Manteca; establish a mixture of residential product types that collectively provide for local and regional housing and that take advantage of the area's high level of accessibility; provide infrastructure and park space that meets City standards, is integrated with existing and planned facilities and connections, and increases recreation opportunities for existing and future residents of the City; establish a logical phasing plan designed to ensure that each phase of development would include necessary public improvements required to meet City standards; annex the three Annexation SubAreas in order to avoid the creation of islands. Annexation of these areas would establish a logical and orderly city limit line that promotes the efficient extension of municipal services.

This alternative would not realize the project benefits of increased housing stock or new tax revenue. For all of these foregoing reasons and any one of them individually, this alternative is determined to be infeasible and rejected.

2. INCREASED DENSITY ALTERNATIVE:

The **Increased Density Alternative** is discussed on pages 5.0-3 and 5.0-10 through 5.0-17 of the Draft EIR. Under the Increased Density Alternative, the proposed Project would be developed with the same components as described in the Project Description, but density of the residential uses would be increased. Under the Increased Density Alternative, the same number of residential units as the proposed project (up to 465 units) would be constructed within the Development Area. The residential areas would be clustered throughout the Project site at increased densities to allow for an increase in park/open space areas. The residential density under the Increased Density Alternative would fall within the allowed density for the City's General Plan designation of Low Density Residential (2.1 to 8.0 dwelling units per acre [du/ac]). Under the proposed Project, the residential density would be approximately 4.4 units per gross acre. Under the Increased Density Alternative, the residential density would be approximately 6.7 units per gross acre. The total park/open space uses would be increased to approximately 37.11 acres.

Findings: Environmental benefits of this alternative over the proposed Project include the reduction of impacts to Aesthetics and Visual Resources, Biological Resources, Hydrology and Water Quality, and Public Services and Recreation. The remaining resources areas would have equal or similar impacts to the Project.

On balance, the alternative is less desirable than the Project and does not lessen the majority of the environmental impacts nor provide the same level of benefits as the proposed Project. While the City recognizes the environmental benefits of this alternative, this alternative would not achieve all of the Project objectives to the same extent as the proposed Project. All of the Project objectives are achieved by this objective, but some are achieved to a lesser extent than the proposed Project. For example, the increased density of the residential uses under this alternative would result in less varied housing types. To accommodate the increase in park areas under this alternative, the lot sizes of the lower density unit would likely decrease, and the number of higher density units would likely increase.

In conclusion, this alternative would not provide the variety of new residential opportunities for the City. For all of these foregoing reasons and any one of them individually, this alternative is determined to be infeasible and rejected.

3. AGRICULTURE PROTECTION ALTERNATIVE:

The **Agriculture Protection Alternative** is discussed on pages 5.0-3 through 5.0-4, and 5.0-17 through 5.0-24 of the Draft EIR. The reasoning behind this alternative is to present an alternative to protect some of the farmland on the Project site. Development of the proposed Project would result in the permanent conversion of approximately 15.9 acres of Prime Farmland and 99.88 acres of Farmland of Statewide Importance. Under this alternative, the proposed Project would be developed with the same components as described in the Project Description, but the residential areas would be reduced resulting in an increase of undeveloped land beyond the Increased Density Alternative. Residential units would be reduced from 465 to 349. The total Development Area acreage dedicated to the proposed Project would be reduced by approximately 25 percent. The total acreage developed would be 79.53 acres, with 26.51 acres remaining in its current state. The 26.51 acres that would remain undeveloped would include the agricultural land only.

Findings: Environmental benefits of this alternative over the proposed Project include the reduction of impacts to Aesthetics and Visual Resources, Agricultural Resources, Air Quality, Biological Resources, Cultural and Tribal Resources, Geology and Soils, Greenhouse Gases, Climate Change and Energy, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Population, and Housing, Noise, Public Services and Recreation, Transportation and Circulation, Utilities, and Wildfire. No impacts would be increased under this alternative. It is noted that the No Project (No Build) Alternative would reduce impacts to these environmental topics to a greater extent than the Agriculture Protection Alternative.

On balance, the alternative is less desirable than the Project and does not provide the same level of benefits as the proposed Project. Specifically, the Agricultural Protection Alternative would reduce the residential areas (i.e. residential units would be reduced from 465 to 349), resulting in an increase of undeveloped land. Therefore, under this alternative, the alternative would not necessarily 1) establish a logical phasing plan designed to ensure that each phase of development would include necessary public

improvements required to meet City standards, or 2) annex the three Annexation Sub-Areas to avoid the creation of islands, and to establish a logical and orderly city limit line that promotes the efficient extension of municipal services. For all of these foregoing reasons and any one of them individually, this alternative is determined to be infeasible and rejected.

6. ENVIRONMENTALLY SUPERIOR ALTERNATIVE:

CEQA requires that an environmentally superior alternative be identified among the alternatives that are analyzed in the EIR. If the No Project Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)). The environmentally superior alternative is that alternative with the least adverse environmental impacts when compared to the proposed project.

As shown on Table 5.0-2 of the Draft EIR (on page 5.0-24), a comparison of alternatives is presented. The No Project (No Build) Alternative is the environmentally superior alternative. However, as required by CEQA, when the No Project (No Build) Alternative is the environmentally superior alternative, the environmentally superior alternative among the others must be identified. Therefore, the Agricultural Protection Alternatives would be the environmentally superior alternative because all environmental issues would have reduced impacts compared to the proposed Project. It is noted that neither the Agricultural Protection Alternative nor the Increased Density Alternative fully meet all of the Project objectives. Therefore, this alternative is determined to be infeasible and rejected.

VII. STATEMENTS OF OVERRIDING CONSIDERATIONS RELATED TO THE UNION RANCH NORTH FINDINGS

As described in detail in Section III of these Findings, the following significant and unavoidable impacts could occur with implementation of the Project:

- Impact 3.1-1: Project implementation could result in substantial adverse effects on scenic vistas and resources or substantial degradation of visual character;
- Impact 3.2-1: The proposed Project has the potential to result in the conversion of Farmlands, including Prime Farmland and Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses;
- Impact 3.7-1: Project implementation could generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- Impact 3.7-2: Project implementation could conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.
- Impact 3.13-1: Project implementation could result in VMT increases that are greater than 85 percent of Baseline conditions;
- Impact 4.2: Cumulative Degradation of the Existing Visual Character of the Region;
- Impact 4.4: Cumulative Impact on Agricultural Resources;

- Impact 4.9: Cumulative Impact on Climate Change from Increased Project-Related Greenhouse Gas Emissions; and
- Impact 4.19: Under Cumulative conditions, Project implementation would result in VMT increases that are greater than 85 percent of Baseline conditions.

The adverse effects listed above, and described in detail in Section III, are substantive issues of concern to the City. However, the City of Manteca has a General Plan that provides for an array of land uses throughout the City that are intended to accommodate the City's needs for growth over the foreseeable future. The proposed Project has been designated with land uses that are intended to generate tax revenue for the City, while providing recreational facilities and housing opportunities. Additionally, development of the Project would provide short-term employment opportunities within the construction, engineering, and design field, among others.

The Project would also provide housing opportunities for current and future residents. Implementation of the Project would increase and diversify the housing supply in the City, which could spur development, economic growth, and property tax generation within the area. Additionally, the proposed Project would generate tax revenue that the City would not otherwise benefit from if the Project was not developed. The additional housing opportunities and tax benefits discussed above would ultimately improve the overall quality of life in the City of Manteca.

Based on the entire record and the EIR, the City Council has determined that the economic and social benefits of the Project in Manteca outweigh and override the significant unavoidable environmental effects that would result from future Project implementation as more fully described in Section III, Findings and Recommendations Regarding Significant and Unavoidable Impacts. The City Council has determined that any environmental detriment caused by the proposed Project has been minimized to the extent feasible through the mitigation measures identified herein, and, where mitigation is not feasible, has been outweighed and counterbalanced by the significant social, environmental, and land use benefits to be generated within the region. The City Council finds that any one of the benefits set forth above is sufficient by itself to warrant approval of the Project. This determination is based on the findings herein and the evidence in the record. Having balanced the unavoidable adverse environmental impacts against each of the benefits, the City Council hereby adopts this Statement of Overriding Considerations for the above reasons.

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