



**COMMUNITY DEVELOPMENT
AND RESOURCES
COMMISSION
OF THE
CITY OF ATWATER**

RESOLUTION NO. 035-17

A RESOLUTION OF THE COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION OF THE CITY OF ATWATER RECOMMENDING: 1) ADOPTION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS; 2) ADOPTION OF THE STATEMENT OF OVERRIDING CONSIDERATIONS, AND 3) ADOPTION OF THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE FERRARI PROJECT

WHEREAS, pursuant to the California Environmental Quality Act, the Community Development and Resources Commission adopted Resolution No. 027-17 on _____ which recommended that the City Council certify the Ferrari Project Final Program Environmental Impact Report (EIR) State Clearinghouse No. 20141011045, incorporated herein by reference, as adequately prepared in compliance with CEQA; and,

WHEREAS, through adoption of Resolution No. 028-17 on _____ the Community Development and Resources Commission recommended approval of a General Plan Amendment (GPA 17-01), amending existing General Plan land use designations for land located within the 358.79-acre subject property; and,

WHEREAS, through adoption of Resolution No. 029-17 on _____ the Community Development and Resources Commission recommended approval of Ordinance 980 to prezone land within the 358.79-acre subject property consistent with the amended General Plan land use designations (Z 17-01) for; and,

WHEREAS, through adoption of Resolution No. 030-17 on _____ the Community Development and Resources Commission recommended approval of the Initiation of Annexation Proceedings (ANX 17-01) for the 358.79-acre Annexation Area; and,

WHEREAS, through adoption of Resolution No. 031-17 on _____ the Community Development and Resources Commission recommended approval of the

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disestablishment of the 171.4-acre Ferrari Ranch site from the Merced County Agricultural Preserve; and,

WHEREAS, through adoption of Resolution No. 032-17 on ____ the Community Development and Resources Commission of the City of Atwater has recommended approval of a Planned Development Master Plan (PD 17-01) for Ferrari Ranch; and,

WHEREAS, through adoption of Resolution No. 033-17 on ____ the Community Development and Resources Commission of the City of Atwater has recommended approval of a Vesting Tentative Map (VTM 17-01) for Ferrari Ranch; and,

WHEREAS, subject to mitigation measures contained in the EIR and to conditions of approval for the Planned Development Master Plan and the Vesting Tentative Map, the Project is in conformance with the codes and standards of the City of Atwater; and,

WHEREAS, through adoption of Resolution No. 034-17 on ____ the Community Development and Resources Commission recommended approval of Ordinance 981 adopting a Development Agreement between the City of Atwater and the Ferrari Ranch applicant; and,

WHEREAS, pursuant to the California Environmental Quality Act, Findings herein incorporated by reference as [Attachment A](#), have been prepared for the Project regarding the environmental review process and the contents of the Ferrari Project Final Program EIR, findings regarding the environmental impacts of the Project and the mitigation measures for those impacts identified in the Final EIR and adopted as conditions of approval, findings regarding alternatives and the reasons that such alternatives to the project are not approved; and,

WHEREAS, pursuant to the California Environmental Quality Act, a Statement of Overriding Considerations was prepared for the Project, herein incorporated by reference as [Attachment B](#), determining that the benefits of implementing the project outweigh the significant unavoidable environmental impacts that will result and therefore, justifying approval of the project despite those impacts; and,

WHEREAS, a Mitigation Monitoring and Reporting Program, herein incorporated by reference as [Attachment C](#) has been prepared for the Project incorporating the mitigation measures identified in the Ferrari Project Final Program EIR.

NOW THEREFORE, BE IT RESOLVED, the Community Development and Resources Commission hereby recommends as follows:

1. That the City of Atwater City Council adopt of the CEQA Findings contained in [Attachment A](#) and adopt as conditions of approval all mitigation measures within the responsibility and jurisdiction of City of Atwater set forth in the CEQA Findings and the Final EIR; and,

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2. That the City of Atwater City Council adopt the Statement of Overriding Considerations contained in [Attachment B](#); and,

3. That the City of Atwater City Council adopt the Mitigation Monitoring and Reporting Program contained in [Attachment C](#); and

4. That the City of Atwater City Council adopt the findings contained in Attachments A, B, and C in their entirety as its findings for the project actions and approvals.

The foregoing resolution was introduced at a regular meeting of the Community Development and Resources Commission of the City of Atwater held on the ___day of_____, by City Commissioner _____, who moved its adoption, which motion was duly seconded by City Commissioner _____, and Resolution 035-17 was adopted by the following vote:

AYES: XXXX
NOES: XXXX
ABSENT: XXXX

APPROVED:

ATTEST:

Attachments:

Attachment A	CEQA Findings
Attachment B	Statement of Overriding Considerations
Attachment C	Mitigation Monitoring and Reporting Program

**CEQA FINDINGS, STATEMENT OF OVERRIDING
CONSIDERATIONS AND MITIGATION
MONITORING PROGRAM RESOLUTION
ATTACHMENT A**

CEQA FINDINGS

CALIFORNIA ENVIRONMENTAL QUALITY ACT

FINDINGS

Having received, reviewed, and considered the Final EIR and other information in the record of proceedings, the findings below are made in compliance with CEQA and the CEQA Guidelines. The City Council certifies that these findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental issues identified and discussed in the Final EIR. The City Council adopts the findings and the statement in Sections I – V below.

I. FINDINGS REGARDING THE ENVIRONMENTAL REVIEW PROCESS AND THE CONTENTS OF THE FINAL EIR.

Preparation of the EIR

In October 2014, the City of Atwater issued the original Notice of Preparation (NOP). The NOP included a description of the Project, its location and the probable environmental effects of the Project. The NOP was circulated to the public, local state and federal agencies, and other interested parties as required under law to solicit comments on the Project and the scope of the environmental review.

The City of Atwater held a public scoping meeting on November 13, 2014 to provide opportunities for interested parties to learn about the Project and to provide input as to the scope of environmental review. Written information regarding the Project was provided to the participants. Four local residents attended the meeting, but none provided written or verbal comments on the scope of issues to be addressed in the EIR.

Subsequent to the first scoping meeting, the project description was modified. The primary modification was to expand the proposed annexation boundary to include the exiting “Valley” neighborhood located adjacent to the Gurr Road/Ashby Road

intersection. A revised NOP was issued in May 2013 to reflect the change in project description. The revised NOP included a description of the Project, its location and its probable environmental effects, and was circulated to the public, local state and federal agencies, and other interested parties as required under law to solicit comments on the Project and the scope of the environmental review. The City held a second public scoping meeting on June 4, 2015 to provide opportunities for interested parties to learn about the Project and to provide input as to the scope of environmental review.

Written materials were available, but there were no attendees. The City completed the Draft EIR and beginning on February 4, 2016, made the Draft EIR available for review and comment. A Notice of Completion and a Notice of Availability were published on February 4, 2016, and the period for receipt of comments on the Draft EIR remained open until March 21, 2016.

The Final EIR was completed and made available to public agencies and members of the public in March 2017. The Final EIR comprises the Draft EIR plus all of the comments received during the public comment period, together with written responses to those comments that raised environmental issues, which were prepared in accordance with CEQA and the CEQA Guidelines. The Final EIR also includes refinements to mitigation measures as well as additional information that merely clarifies and/or amplifies certain issues raised during the public comment period.

The City Council finds and determines that the Final EIR provides adequate, good faith, and reasoned responses to all comments raising significant environmental issues.

Absence of Significant New Information

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification of the Final EIR. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement.

The CEQA Guidelines provide examples of significant new information under this standard.

The City Council finds that information added in the Final EIR does not constitute significant new information requiring recirculation, but rather that the additional information clarifies or amplifies an adequate EIR. Specifically, the City Council finds that the additional information including the changes described above, does not show that:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it; or
4. The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Based on the foregoing, and having reviewed the information contained in the Final EIR and in the record of City of Atwater's proceedings, including the comments on the Draft EIR and the responses thereto, and the above described information, the City Council finds that no significant new information has been added to the Final EIR since public notice was given of the availability of the Draft EIR that would require recirculation of the Final EIR.

Differences of Opinion Regarding the Impacts of the Project

In certifying the Final EIR and approving the Project, the City Council recognizes that the Project involves several controversial environmental issues and that a range of technical and scientific opinion exists with respect to those issues. The City Council has acquired an understanding of the range of this technical and scientific opinion by its review of the Draft EIR, the comments received on the Draft EIR and the responses to those comments in the Final EIR, as well as testimony, letters, and reports regarding the Final EIR and its own experience and expertise in assessing

those issues. The City Council has reviewed and considered, as a whole, the evidence and analysis presented in the Draft EIR, the evidence and analysis presented in the comments on the Draft EIR, the evidence and analysis presented in the Final EIR, the information submitted on the Final EIR, and the reports prepared by the experts who prepared the EIR, City of Atwater's consultants, the applicants' consultants, and by staff, addressing those comments. The City Council has gained a comprehensive and well-rounded understanding of the environmental issues presented by the Project. In turn, this understanding has enabled the City Council to make its determinations after weighing and considering the various viewpoints on these important issues.

II. SIGNIFICANT ENVIRONMENTAL IMPACTS DETERMINED TO BE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

These findings provide the written analysis and conclusions of the City Council regarding the environmental impacts of the Project and the mitigation measures identified in the Final EIR and required as conditions of approval for the Project by the City Council. In consideration of making these findings, the City Council has considered the opinions of other agencies and members of the public, including opinions that disagree with some of the analysis and, to the extent they are indirectly implicated, the significance thresholds used in the Final EIR.

Accordingly, the City Council finds that the determination of significance thresholds is a judgment within the discretion of the City Council; the significance thresholds used in the Final EIR are supported by substantial evidence in the record, including the expert opinion of the Final EIR preparers and City of Atwater consultants and staff; and the significance thresholds used in the Final EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project.

The Draft EIR identified the potential for the project to cause significant environmental impacts in the areas of air quality, biological resources, cultural resources; geology and soils; hazards and hazardous materials; hydrology and water quality; noise; traffic and transportation; and wastewater. With the exception of the specific impacts as discussed in Articles III and IV below, measures were identified that will mitigate all of these impacts to a less-than-significant level.

The City Council finds that the feasible mitigation measures for the project identified in the Final EIR as well as the modifications to mitigation measures as described in the Final EIR will reduce the project impacts to a less-than-significant level, with the exception of those unmitigable impacts discussed in Articles III and IV below. The City Council adopts all of the feasible mitigation measures for the project described in the Final EIR as conditions of approval of the project and incorporates those into the project.

The following information summarizes the environmental determinations of the Final EIR about the Project environmental impacts before and after mitigation. This information does not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, a summary description of each environmental impact, the applicable mitigation measures described in the Final EIR, and the City Council's findings on the significance of each environmental impact after imposition of the applicable mitigation measures are described. A full explanation of these environmental findings and conclusions can be found in the Final EIR and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the Final EIR determinations regarding the environmental impacts and mitigation measures designed to address those impacts.

Accordingly, the City Council approves the findings as its findings regarding the Project's environmental impacts before and after mitigation. In making these findings, the City Council ratifies, adopts, and incorporates the analysis and explanation in the Final EIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

The City Council adopts, and incorporates as conditions of approval of the Project, the mitigation measures set forth in the MMRP to reduce or avoid the potentially significant and significant impacts of the Project. In recommending adoption of these mitigation measures, the City Council adopts each of the mitigation measures identified by the Final EIR and applicable to the Project. Accordingly, in the event a mitigation measure recommended in the Final EIR has inadvertently been omitted from the MMRP, the City Council hereby adopts such mitigation measures by reference. In addition, in the event the language describing a mitigation measure set forth in the MMRP fails to accurately reflect the mitigation measures in the Final EIR

due to a clerical error, the language of the mitigation measure as set forth in the Final EIR shall control, unless the language of the mitigation measure has been specifically and expressly modified by these findings.

In comments on the Draft EIR, a commenter proposed modifications to mitigation measure GHG-1 to implement the measure earlier. The mitigation measure was modified to reflect the comment as identified in the Final EIR. The change to GHG-1 does not give rise to any new or increased impact not studied in the Draft EIR, and GHG-1 as modified is equally effective in mitigating impacts. Another commenter requested mitigation for an impact for which the Draft EIR already identified a mitigation measure that would reduce the identified impact to a less-than-significant level. Therefore, the request was declined as unnecessary. Accordingly, the City Council finds that the additional measure was not added to the Final EIR, and incorporates by reference the reasons set forth in the responses to comments contained in the Final EIR as its grounds for rejecting adoption of the mitigation measure.

The following information summarizes the environmental determinations of the Final EIR about the Project environmental impacts before and after mitigation.

A. AIR QUALITY

The project impacts on air quality that can be mitigated or are otherwise less than significant are discussed in Section 3.3, Air Quality and Section 4.0, Cumulative Impacts of the Draft EIR. Identified impacts include cumulative impacts related to the exposure of sensitive receptors to substantial mobile source pollution concentrations.

1. Cumulative Impacts - Exposure of Sensitive Receptors to Substantial Mobile Source Pollution Concentrations (2030 Plus Project Conditions)

The project will increase traffic volumes at numerous intersections that will result in congestion and increased numbers of idling and slow-moving vehicles. This increased congestion will result in greater localized concentrations of carbon monoxide which could incrementally contribute to the exposure of any nearby sensitive receptors to mobile source pollution concentrations.

(a) Findings

Changes or alterations have been required in the project that reduced the project environmental effect as identified in the Draft EIR. Specifically, mitigation measure TRANS-2 and the following mitigation measure imposed upon the project and mitigates the impact to less than cumulatively considerable:

CUM AQ-1. Future developers of projects within the project site shall pay a fair share of costs to conduct CO health risk analyses as may be required. Such analyses shall be conducted for intersections where any individual future project traffic report required per mitigation measure TRANS-2 determines that unavoidable congested traffic conditions (e.g. LOS E or F) will occur at any intersection with the addition of individual project traffic to the road system network and where sensitive receptors are located immediately adjacent to the subject intersection(s). The CO health risk analyses shall contain performance measures for reducing or avoiding CO related health risks at impacted sensitive receptors. Developers of each subject project shall implement the measures, with developers of subsequent projects that contribute to the identified impacts responsible for contributing a fair share of the costs. The Planning Director shall be responsible for reviewing the CO health risk analyses for adequacy and for ensuring that mitigation actions are completed prior to approval of a building permit for the each subject project unless otherwise determined by the Planning Director.

(b) Facts in Support of the Findings

Mitigation measure TRANS-2 requires preparation of a transportation plan for the project which will require individual traffic analyses to be conducted for future individual projects within the project site. The studies would be used to determine if and when traffic mitigation requirements are required, including improvements to mitigate cumulative intersection impacts. Mitigation measure CUM AQ-1 requires evaluation of potential CO impacts at the time individual projects are proposed. This can be done in coordination with implementation of future traffic studies required in mitigation measure TRANS-2 where such studies identify potential for significant individual or cumulative impacts on intersection operations that could lead to congested conditions and CO concentrations that could pose health hazards to nearby sensitive receptors. Implementation of these mitigation measures would

reduce potential CO impacts to less than considerable and the cumulative impacts to sensitive receptors would be less than significant.

B. BIOLOGICAL RESOURCES

The project impacts on biological resources that can be mitigated or are otherwise less than significant are discussed in Section 3.4, Biological Resources and Section 4.0 Cumulative Impacts of the Draft EIR. Identified impacts include impacts to special status plant species, special status wildlife species, protected wetlands, and cumulative impacts.

1. Impacts to Special Status Plant Species (Sanford's arrowhead and Wright's trichocoronis) (Subarea 3)

The project requires removal of a seasonal freshwater marsh in Subarea 3 that has the potential to contain two special status plant species including Sanford's arrowhead and Wright's trichocoronis. Focused surveys were conducted to determine whether Sanford's arrowhead and Wright's trichocoronis were present within the marsh; however, the survey was inconclusive due to severe drought conditions that limited the potential for the detection of these species. Thus, development of the project, which requires removal of the marsh, could result in impacts to Sanford's arrowhead and Wright's trichocoronis.

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the project mitigates impacts to less-than-significant levels:

BIO-1. Special-Status Plants (Subarea 3). To protect special-status plant species with low potential to occur within the seasonal marsh habitat in the detention basin at the northeast corner of Subarea 3 (CNPS Rare Plant Rank 1B Sanford's arrowhead and CNPS Rare Plant Rank 2B Wright's trichocoronis), the presence/absence of Sanford's arrowhead and Wright's trichocoronis shall be determined prior to construction activities. The developer of this portion of Subarea 3 shall retain a qualified biologist to repeat the focused botanical survey for these two species in accordance with current CDFW and CNPS rare plant survey protocols during the overlapping blooming period for both species (May to September).

The survey should be conducted during a year of adequate rainfall to ensure that the species are observable if present on the site. If the survey is conducted in an area mapped as experiencing severe, extreme, or exceptional drought conditions according to the U.S. Drought Monitor, then blooming reference populations of target species should be identified in the general project vicinity to verify that the species are observable. The U.S. Drought Monitor map is available on-line and updated weekly by the National Oceanic and Atmospheric Administration, the U.S. Department of Agriculture, and the National Drought Mitigation Center.

If a focused botanical survey is performed during a drought year, the CDFW and CNPS rare plant survey protocols require a discussion of how drought conditions may affect the validity of survey results, and state that additional surveys may be necessary if the severity of drought conditions is found to preclude the identification of a target species.

If the survey concludes that the species are not present within the survey area or would not be impacted by proposed development, no further mitigation is required. If either species would be impacted, then mitigation shall be implemented. The project developer shall contract with a qualified biologist or native plant specialist to collect seed from the special-status plants located within the impact area prior to initiation of ground disturbance activities. The project developer shall then oversee selection of an appropriate mitigation area within the project site or in the project vicinity that does not contain special-status plant species, including either of the subject species and that is already preserved or will be protected in perpetuity through a conservation easement. Collected seed shall be installed at the mitigation area at the optimal time according to a Restoration Plan developed by a qualified biologist and approved by the City of Atwater Planning Division. Topsoil from the detention basin area should be salvaged (where practical) for use in the mitigation area.

The developer of any project that impacts the fresh water marsh within the detention basin shall be responsible for implementation of this mitigation measure.

(b) Facts in Support of Findings

Mitigation measure BIO-1 requires additional focused surveys for Sanford's arrowhead and Wright's trichocoronis during non-drought conditions to determine the potential presence of the species. If either species is present, the project developer will be required to contact a qualified biologist or native plant specialist to collect seed from the special-status plants prior to ground disturbance activities. Additionally, mitigation measure BIO-1 requires the project developer to oversee selection of an appropriate mitigation area within the project site or vicinity to plant the collected seed that will be protected in perpetuity through a conservation easement according to a Restoration Plan developed by a qualified biologist and approved by the City of Atwater Planning Division. Topsoil from the detention basin area should be salvaged (where practical) for use in the mitigation area. Implementation of this mitigation measure would reduce potential impacts to these special-status species to less-than-significant levels.

2. Impacts to Special Status Wildlife Species (burrowing owl, San Joaquin Kit Fox, Swainson's hawk, western pond turtle, special-status bats, and nesting birds and raptors).

Future development within portions of the project site will result in the loss of wildlife habitat and could result in direct loss of special-status wildlife species including the burrowing owl, Swainson's hawk, western pond turtle, special-status bats, and nesting birds and raptors. A focused protocol survey for San Joaquin Kit Fox (kit fox) concluded that this species does not occupy the site and that the project site is poorly suited for kit fox occupation. However, the kit fox still could potentially occur on the site and, thus, could be impacted during construction.

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following mitigation measures imposed upon the project mitigates impacts to less-than-significant levels:

BIO-2. Environmental Education Program (Subareas 2, 3, and 4). Prior to issuance of building permits, a Worker Environmental Education Program ("Program") shall be submitted by developers of individual projects within Subareas 2, 3, and 4 for approval by the City of Atwater Planning Division.

The purpose is to inform construction workers about the types of special-status species wildlife that have potential to occur within individual project sites and actions that must be taken to avoid or minimize impacts on such species. Prior to any site disturbance or other construction activities (i.e., engineering surveys, mobilization, fencing, grading, or construction), an approved Program shall be implemented by a qualified biologist. Each Program shall be implemented throughout the duration of project construction. Each Program shall include, but not be limited to, the following items:

- Training materials and briefings shall include a discussion of the federal and state Endangered Species Acts, the Migratory Bird Treaty Act, the consequences of non-compliance with these acts; hazardous substance spill prevention and containment measures; a contact person and phone number in the event of the discovery of dead or injured wildlife; and a review of mitigation requirements;
- A discussion of measures to be implemented for avoidance of special-status species potentially occurring on the site, including literature and photographs of San Joaquin kit fox, Swainson's hawk, western pond turtle, and burrowing owl;
- Protocols to be followed when road kill is encountered in the work area or along access roads to minimize potential for additional mortality of scavengers, and the identification of an on-site representative to report any road kill. Road kill shall be reported to the appropriate local animal control agency within 24 hours; and,
- Maps showing the known locations of special-status wildlife, exclusion areas, and other construction limitations (e.g. limited operating periods, etc.).

Individual project developers shall provide evidence to the City of Atwater Planning Division that all on-site construction personnel have completed the Program prior to the start of site mobilization. All new personnel shall receive this training no more than one day after beginning work to ensure information is delivered in a timely manner. A log of all personnel who have completed the Program training shall be kept on each project site.

A weather-protected bulletin board or binder shall be centrally placed or kept on each project site (e.g., in the construction trailer, construction foreman’s vehicle, etc.) for the duration of construction. This board or binder shall provide key provisions of regulations or project conditions as they relate to biological resources or as they apply to grading activities. This information shall be easily accessible for personnel in all active work areas.

BIO-3. Burrowing Owl (Subareas 1 - 4). To avoid/minimize potential impacts to burrowing owls, the developers of individual projects within all subareas shall retain a qualified biologist to conduct a two-visit (i.e. morning and evening) presence/absence survey at areas of suitable habitat on and adjacent to the project site no more than 14 days prior to the start of construction. Surveys shall be conducted according to methods described in the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Wildlife 2012). If these pre-construction “take avoidance” surveys performed during the breeding season (February through August) or the non-breeding season (September through January) locate occupied burrows in or near the construction area, then consultation with the CDFW would be required to interpret survey results and develop a project-specific avoidance and minimization approach.

Developers of individual projects with potential to impact burrowing owls shall be responsible for implementation of this mitigation measure.

BIO-4. San Joaquin Kit Fox (Subareas 2, 3 and, 4). Developers of individual projects within the project site shall implement all standard recommendations to prevent take of San Joaquin kit foxes during construction, as described in the USFWS Standardized Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance (United State Fish and Wildlife Service 1999). Standard avoidance and minimization measures shall include, but may not be limited to:

- a. Any trench or pit deeper than two feet shall include ramps of either fill or planks to prevent kit foxes from becoming trapped in the trench or pit. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the procedures under item “j” below must be followed.

- b. Pipes, culverts, and other hollow materials greater than four inches in diameter shall be stored in a manner that would prevent kit foxes from using these materials as temporary refuge. In addition, these materials shall be inspected for kit foxes daily, prior to the onset of construction activities.
- c. During construction activities, all food-related trash items shall be enclosed in sealed containers and regularly removed from the project site to avoid attracting wildlife to the project site.
- d. No firearms shall be allowed on the project site.
- e. To prevent harassment, mortality of kit foxes, or destruction of dens by dogs or cats, no pets are permitted on the site during construction.
- f. Use of rodenticides or rodent traps shall be prohibited on the project site during project construction to avoid the potential for secondary poisoning of kit foxes and other predators and scavengers or prey species. Information about the ban of rodenticides and rodent traps, and their potential effects on sensitive wildlife species in the region, shall be posted in the main construction area. No rodent trapping (live or lethal) is permitted on the project site. If rodent control is conducted, zinc phosphide should be used because of proven lower risk to kit fox.
- g. A representative shall be appointed by the project applicant who will be the contact source for any worker or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured, or entrapped kit fox. The representative will be identified during the worker education program described in mitigation measure BIO-2 above. The representative's name and telephone number shall be provided to the USFWS.
- h. Upon completion of the project, all areas subject to temporary ground disturbance, including storage and staging areas, temporary roads, pipeline corridors, etc., will be recontoured to promote restoration of the area to pre-project conditions.
- i. Any contractor, employee, or personnel who inadvertently kills or injures a kit fox shall immediately report the incident to their

representative. This representative shall contact the CDFW immediately in the case of a dead, injured, or entrapped kit fox.

- j. The Sacramento USFWS office and the CDFW will be notified in writing within three working days of the accidental death or injury to a kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information.
- k. Project related vehicles should observe a 15 mile-per-hour maximum speed limit while on the site.
- l. project related off-road traffic outside of the site is prohibited.

Developers of individual projects within the project site shall be responsible for implementation of this mitigation measure.

BIO-5. Swainson's Hawk Nesting Habitat (Subareas 1 - 4). Developers of individual projects within all subareas shall be responsible for avoiding, minimizing, and/or mitigating for potential impacts to Swainson's hawk during construction. One or more of the following measures shall be implemented, depending on construction timing and pre-construction survey results:

- a. If construction of the proposed project will occur outside of the nesting season (September 16 to February 28) for Swainson's hawk, no additional surveys or mitigation measures for impacts to nesting habitat are required.
- b. Once applications are submitted for specific development projects, if construction is proposed during the nesting season (March 1 to September 15), a qualified raptor biologist shall conduct pre-construction surveys for Swainson's hawk nests. If active nests are found and located within a 0.5-mile radius of heavy equipment operations or construction activities, the applicant shall consult with the CDFW to determine the appropriate course of action, based on the guidance provided in the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California (California Department of Fish and Wildlife 1994) to reduce potential impacts on nesting Swainson's hawks and to determine under what circumstances

equipment operation and construction activities can occur. Possible measures to reduce potential impacts could include creation of buffers, limits on the timing or location of use of equipment, limits on the types of equipment used to reduce noise intensity, etc. Equipment operation and construction activities shall be suspended until the CDFW provides direction.

If no nests are identified within 0.5-mile of the project site during the pre-construction surveys, no additional surveys or mitigation measures for impacts to nesting habitat are required.

Developers of individual projects within the project site shall be responsible for implementation of this mitigation measure.

BIO-6. Swainson's Hawk Foraging Habitat (Subareas 2 - 4). The project area includes ruderal grassland, fallow agricultural land, and trees suitable for Swainson's hawk nesting activity. Because Swainson's hawks are known to nest in or near the project area, the CDFW may consider grasslands and fallow agricultural land with subareas 2, 3, and 4 as suitable foraging habitat. Based on regulations regarding take of species and their habitats and birds of prey set forth in the Fish and Game Code (Sections 2080-2085 and Section 3503.5, 1992, respectively), the federal Migratory Bird Treaty Act (FMBTA: 16 U.S.C., sec. 703, Supp. I, 1989), and standards of significance established by CEQA, impacts to Swainson's hawk nesting and foraging habitat are considered significant. The Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California (California Department of Fish and Game 1994) includes the following recommended measures to mitigate impacts to Swainson's hawk:

- a. In 2008, nesting activity was recorded within one mile of the project area, as shown on Figure 3 of the Biotic Evaluation. It is unknown if this nesting location continues to be used. During the nesting season prior to construction, a qualified biologist shall survey for active nests within one, five, and ten miles of the project site to determine if the project area has potential to be utilized as foraging habitat.
- b. If nesting activity within one, five, or ten miles of the project area is found, developers will compensate for the loss of Swainson's hawk foraging habitat by providing habitat management lands to CDFW as

defined in the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California (California Department of Fish and Game 1994). The location, habitat quality, and amount of land appropriate for mitigation shall be determined through consultation with the CDFW.

- c. Prior to obtaining clearance to grade the site or conducting any earthmoving activity for the proposed project, developers shall place and record one or more Conservation Easements that meet the acreage requirements determined in negotiation with CDFW. The conservation easement(s) shall be executed by the developer and a conservation operator. The conservation easement(s) shall be reviewed and approved in writing by CDFW prior to the recordation for the purpose of confirming consistency. The purpose of the conservation easement(s) shall be to preserve the value of the land as foraging habitat for the Swainson's hawk.

Developers of individual projects within the project site shall be responsible for implementation of this mitigation measure. Proof of mitigation compliance shall be presented to the City of Atwater Community Development Department prior to issuance of a grading permit.

BIO-7. Western Pond Turtle (Subareas 2 and 3). If construction activities are proposed during the nesting period for western pond turtle (generally April to August), developers of individual projects on sites within Subareas 2 and 3 that are located within 300 feet of the Canal Creek top of bank shall retain a qualified biologist to conduct a pre-construction survey for western pond turtle. The survey shall occur within 48 hours prior the commencement of construction activities. The survey area shall include Canal Creek as well as upland areas within 300 feet with potential to contain pond turtle nests. If nest(s) are found during the pre-construction surveys, exclusion fencing shall be established to protect the nest from construction activities. The exclusion zone shall be maintained until eggs have hatched. If the qualified biologist determines avoidance of a nest is not possible, a plan to relocate and monitor the nest shall be created in coordination with the CDFW.

Developers of individual projects within the project site shall be responsible for implementation of this mitigation measure.

BIO-8. Special-Status Bats (Subareas 1 - 4). To avoid impacting active special-status bat roosts, future developers of individual projects on sites that contain abandoned buildings or mature trees shall be required to implement measures to avoid disturbance of special-status bat roosts or hibernacula that may exist within or near construction activity areas. To determine the presence of bat roosts or hibernacula, future developers shall retain a qualified biologist to conduct a pre-construction survey in the construction activity areas and immediately adjacent suitable habitat. Activities that could disturb active roosts shall not proceed until the surveys have been completed. If no active roosts are found, no further action is needed. If an active maternity roost or hibernaculum is found, the tree or structure occupied by the roost will be retained, if feasible. Because bats are known to abandon young when disturbed, if a maternity roost is located, a qualified bat biologist will determine the extent of a construction-free zone to be implemented around the roost during the bat maternity roost season (March 1–August 31). CDFW will be notified of any active bat maternity roosts in the disturbance zones.

If the tree or structure with an active maternity roost cannot be avoided, it will be removed or demolished before bat maternity colonies form (i.e., prior to March 1) or after young are volant (flying) (i.e., after August 31). Trees with roosts that need to be removed will first be disturbed at dusk, just prior to removal that same evening, to allow bats to escape during the darker hours. If a non-breeding bat hibernaculum is found in a tree or structure to be razed, the individuals will be safely evicted under the direction of a qualified bat biologist by opening the roosting area to allow air flow through the cavity. Demolition or removal shall occur no sooner than the following day to allow bats to leave during dark hours, thus increasing their chance of finding new roosts and minimizing the potential for predation during daylight.

Developers of individual projects within the project site shall be responsible for implementation of this mitigation measure.

BIO-9. Nesting Birds and Raptors (Subareas 1 - 4). If construction activities begin during the bird nesting season (February 1 to August 31), or if construction activities are suspended for at least two weeks and recommence during the bird nesting season, developers of individual projects within all subareas shall retain a qualified biologist to conduct a pre-construction survey

for nesting birds. The survey shall be performed within suitable nesting habitat areas in and adjacent to each project site to ensure that no active nests would be disturbed during project construction. This survey will be conducted no more than two weeks prior to the initiation of construction activities. A report documenting survey results and a plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist and submitted to the City of Atwater Planning Division for review and approval prior to construction activities.

If no active bird nests are detected during the survey, then project activities can proceed as scheduled. However, if an active bird nest of a protected species is detected during the survey, then a plan for active bird nest avoidance shall be prepared by the biologist to clearly delineate an appropriately sized, temporary protective buffer area around each active nest, depending on the nesting bird species, existing site conditions, and type of proposed construction activities. The protective buffer area around an active bird nest is typically 75-250 feet, determined at the discretion of the qualified biologist.

To ensure that no inadvertent impacts to an active bird nest will occur, no construction activities will occur within the protective buffer area(s) until the juvenile birds have fledged (left the nest), and there is no evidence of a second attempt at nesting, as determined by the qualified biologist.

Developers of individual projects within the project site shall be responsible for implementation of this mitigation measure.

(b) *Facts in Support of Findings*

Mitigation measure BIO-2 requires the implementation of a Worker Environmental Education Program which will inform workers about special status species that may occur on the property and actions that must be taken to avoid or minimize impacts to such species. Mitigation measures BIO-3 through BIO-9 require pre-construction surveys for burrowing owls, San Joaquin kit fox, Swainson's hawk nesting and foraging habitat, Western Pond turtles, special status bat species, and nesting birds, and require implementation of avoidance or minimization measures during construction activities. Mitigation measures BIO-2 through BIO-9 would reduce potential impacts to special status species to less-than-significant levels.

3. Impacts to Protected Wetlands

The project could require removal of an approximately five-acre freshwater marsh habitat within Subarea 3 that is potentially under the jurisdiction of United States Army Corps of Engineers, California Department of Fish and Wildlife, and/or Regional Water Quality Control Board. Although the jurisdictional wetland assessment prepared for the project concludes that the marsh on the project site is outside of federal jurisdiction, and that no natural drainages are present on the site that would fall under California Department of Fish and Wildlife jurisdiction, these conclusions have not been confirmed by the relevant resource agencies.

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the project mitigates the impact to a less-than-significant level:

BIO-10. Wetland Habitat (Subarea 3). The developer of any project within Subarea 3 that would impact the approximately five-acre wetland feature located in the northeastern portion of the subarea shall obtain regulatory permits and agreements from the USACE, CDFW, and/or RWQCB prior to issuance of a grading permit. Compensatory wetland habitat replacement as may be required by one or more of these agencies shall be provided by the developer through a formal habitat mitigation program. Compensatory mitigation shall be implemented according to stipulated permit conditions.

The project developer shall comply with all wetland habitat replacement requirements and/or impact minimization measures stipulated in the approved regulatory permit(s). All wetland habitat impacts must be fully mitigated, either through habitat replacement/ restoration, habitat creation, or purchase of wetland habitat credits from an approved mitigation bank.

The project developer shall be responsible for implementation of this mitigation measure.

(b) Facts in Support of Findings

Mitigation measure BIO-10 requires the developer of any project within Subarea 3 that would impact the marsh obtain regulatory permits and agreements from the United States Army Corps of Engineers, California Department of Fish and Wildlife, and/or Regional Water Quality Control Board prior to issuance of a grading permit and that the project developer comply with all wetland habitat replacement requirements and/or impact minimization measures stipulated in the approved regulatory permit(s). Implementation of BIO-10 would minimize impacts to potentially protected wetlands to a less-than-significant level.

4. Cumulative Impacts - Special Status Plant Species (Sanford's arrowhead and Wright's trichocoronis)

Two special status plant species, Sanford's arrowhead and Wright's trichocoronis, have potential to occur within the project site. Their potential to occur is low and is limited to the freshwater marsh area within Subarea 3 – Ferrari Ranch. Nevertheless, if either or both species are determined to be present, their loss would contribute to the overall decline of the species.

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, mitigation measure BIO-1, previously discussed, imposed upon the project mitigates impacts to a less-than-cumulatively considerable level and the cumulative impact would be less than significant.

(b) Facts in Support of Findings

Mitigation measure BIO-1 requires additional focused surveys for Sanford's arrowhead and Wright's trichocoronis during non-drought conditions to determine the potential presence of the species. If either Sanford's arrowhead or Wright's trichocoronis is determined to be present on the site, new individuals will be propagated and reestablished in an area to be protected in perpetuity under the guidance of a qualified biologist. Implementation of mitigation measure BIO-1 would reduce impacts to these special status plants to less than significant such that the contribution of the project to cumulative impacts would be less than considerable and the cumulative impact would be less than significant.

5. Cumulative Impacts - Special Status Wildlife (burrowing owl, Swainson's hawk, western pond turtle, special-status bats, and nesting birds and raptors) (Subareas 2, 3, 4)

Buildout of the project site, especially development with Subareas 2, 3 and 4 which contain vacant and/or fallow agricultural land and ruderal grassland, could result in the loss of wildlife habitat for special-status wildlife species including burrowing owl, Swainson's hawk, western pond turtle, special-status bats, and nesting birds and raptors (including tricolored blackbird).

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, mitigation measures BIO-2, BIO-3, and BIO-5 through BIO-9, previously discussed, imposed upon the project mitigate impacts to less-than-significant levels.

(b) Facts in Support of Findings

Mitigation measure BIO-2 requires the implementation of a Worker Environmental Education Program which will inform workers about special status species that may occur on the property and actions that must be taken to avoid or minimize impacts to such species. Mitigation measures BIO-3 and BIO-5 through BIO-9 require pre-construction surveys for burrowing owls, San Joaquin Kit Fox, Swainson's hawk nesting and foraging habitat, Western Pond turtles, special status bat species, or nesting birds and implementation of avoidance or minimization measures during construction activities. Mitigation measures BIO-2, BIO-3 and BIO-5 through BIO-9 will reduce impacts on special-status wildlife species to less than significant such that the contribution of the project to cumulative impacts would be less than considerable and the cumulative impact would be less than significant.

6. Cumulative Impacts - Loss of Wetlands

Future development of Subarea 3 – Ferrari Ranch, would result in the loss of approximately five acres of an isolated, artificial, degraded wetland/detention basin. Loss of this wetland could be a significant impact given the cumulative loss of wetlands within the vicinity and region over time.

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, mitigation measure BIO-10, previously discussed, imposed upon the project mitigates the impact to a less-than-cumulatively considerable level and the cumulative impact would be less than significant.

(b) Facts in Support of Findings

Mitigation measure BIO-10 requires compensatory wetland mitigation be provided if required based on consultation with the USACE, CDFW, and/or RWQCB, that regulatory permits be obtained from the appropriate agency, and that a habitat mitigation program is defined prior to issuance of a grading permit. This mitigation measure would ensure no net loss of wetland relative to pre-project conditions such that the project contribution to cumulative impacts would be less than considerable and the cumulative impact would be less than significant.

C. CULTURAL AND PALEONTOLOGICAL RESOURCES

1. Impacts to Unknown Historic Structures or Features (Subareas 1 - 4)

Historic resources were not found to exist within any of the portions of Subareas 1 - 4 that had been previously surveyed for such resources. However, significant portions of Subareas 1 - 4 have not been surveyed for historic resources and thus it is possible that some resources may exist that are currently unknown or that some existing resources could potentially become historic (based on their age) by the time they are proposed for removal or demolition. If historic resources do exist or could exist at the time development activities are initiated within any of the subareas, they could be demolished or altered during site development activities.

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the project mitigates impacts to less-than-significant levels:

CR-1. All developers of individual projects within Subareas 1 - 4 shall retain a qualified historic resources consultant to conduct an historic resources inventory to determine if historical resources are present within their respective project sites. Recordation of resources should follow the guidelines established by the California State Office of Historic Preservation, as detailed in its Instructions for Recording Historical Resources, March 1995 (<http://ohp.parks.ca.gov/pages/1054/files/manual95.pdf>). If present, developers shall implement mitigation measures pertinent to the resource as identified by the historic resources consultant. Mitigations shall be reviewed and approved by the City of Atwater Community Development Director and mitigations shall be implemented and completed prior to approval of a grading permit, unless otherwise directed by the City of Atwater Community Development Director.

(b) *Facts in Support of Findings*

Mitigation measure CR-1 requires site surveys by a qualified historic resources consultant prior to development within Subareas 1 - 4 to determine if historical resources are present. If historic resources are found, CR-1 requires implementation of protection measures which would ensure that impacts to historic resources on the site would be reduced to a less-than-significant level.

2. Impacts to Unknown Archeological Resources (Subareas 1 - 4)

Based on the cultural resources report prepared for the EIR, sensitivity of the annexation area for surface or buried archaeological resources is low to very low and no significant archaeological resources have been identified in previous archaeological surveys conducted in portions of individual subareas. However, ground disturbance and subsurface excavations associated with future development within Subareas 1 - 4 could, nevertheless, damage unknown archaeological resources.

(a) *Findings*

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following mitigation measures imposed upon the project mitigate impacts to less-than-significant levels:

CR-2. All developers of individual projects proposed within Subareas 1 - 4 for which prior archaeological reconnaissance surveys have not or only partially been conducted as illustrated on Figure 21, Archaeological Survey Areas, shall retain a qualified archaeologist to conduct an archaeological resources survey within their respective project sites. If archaeological resources are found to be present, the cultural resources consultant shall determine whether the project may have a significant effect on the resources and shall define mitigation requirements as necessary. Surveys shall be subject to review and approval of the City of Atwater Community Development Director and mitigations measures shall be implemented prior to approval of a grading permit, unless otherwise directed by the City of Atwater Community Development Director.

CR-3. If buried cultural resources are discovered during ground-disturbing activities, work will stop within a 100-foot radius of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop a Response Plan, with appropriate treatment measures, in consultation with the City, the State Historic Preservation Officer, and other appropriate agencies. Preservation in place shall be the preferred treatment method per CEQA Guidelines section 15126.4(b) (avoidance, open space, capping, or easement). Data recovery of important information about the resource, research, or other actions determined during consultation, is allowed if it is the only feasible treatment method. This mitigation language shall be included in all contractor work specifications related to ground disturbing activities conducted for individual projects within the entire annexation area.

(b) *Facts in Support of Findings*

Mitigation measures CR-2 and CR-3 require archaeological surveys to be conducted on each project site prior to development. If archaeological resources are found, CR-2 and CR-3 require assessment by a qualified archaeologist and implementation of protection measures such as halting work within a 100-foot radius of the find and development of a Response Plan for appropriate treatment measures in consultation with appropriate agencies, where appropriate. Implementation of CR-2 and CR-3 would ensure potential impacts to archaeological resources would be reduced to a less-than-significant level.

3. Impacts to Unknown Paleontological Resources (Subareas 1 - 4)

No paleontological resources are known to directly underlie the project site; however, the presence of numerous fossil sites in the project vicinity suggests that there is a potential for additional similar fossil remains to occur in the area and to be found during development of individual projects within Subareas 1 - 4. During a field survey of prospective fossil containing sediments in the AME project vicinity conducted as part of the AME Draft EIR, sediments at six separate localities were found to contain ichnofossils (burrow casts and root casts and molds) in paleosols. The presence of these paleosols indicates that scientifically important fossil specimens could be discovered from these paleosol horizons. Direct impacts to paleontological resources could result from grading, excavations, and other ground disturbing activities.

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following mitigation measures imposed upon the project mitigate impacts to less-than-significant levels:

CR-4. Prior to initiation of grading or other major excavation activities, all developers of individual projects within Subareas 1 - 4 shall retain a qualified paleontologist to conduct a paleontological resource briefing to all construction personnel involved in project site grading or excavations. The briefing shall address identification of paleontological resources and actions to be taken in the event that such resources are uncovered. All project developers shall provide verification to the City of Atwater Community Development Director that the training has been completed.

CR-5. All developers of individual projects proposed within Subareas 1 – 4 shall retain a qualified paleontologist to establish a paleontological resources monitoring and mitigation program that includes: preconstruction coordination; construction monitoring; emergency discovery procedures; sampling and data recovery if needed; preparation, identification, and analysis of the significance of fossil specimens salvaged, if any; museum storage of any specimens and data recovered; and reporting. Prior to approval of a grading permit, all developers shall provide verification to the City of Atwater Community Development Director that a paleontological monitoring and

mitigation program has been developed and will be implemented grading and/or significant excavation construction activities.

(b) *Facts in Support of Findings*

Mitigation measures CR-4 and CR-5 require a paleontological resource briefing be conducted for all construction personnel and a paleontological resources monitoring and mitigation program which would outline the steps to be taken to protect paleontological resources in the event they are discovered. This would reduce potential impacts to paleontological resources to a less-than-significant level.

4. Disturbance of Unknown Human Remains

No human remains have been identified within the portions of the project site that have been surveyed for archaeological resources and the SB 18 Native American consultation process yielded no indication that the project site may contain Native American remains. Nevertheless, the potential exists for unknown buried human remains to occur on the site that could be disturbed.

(a) *Findings*

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following mitigation measures imposed upon the project mitigate the impact to a less-than-significant level:

CR-6. If human skeletal remains are encountered, ground disturbing activities within a 100-foot radius of the discovery shall be terminated. The County Coroner must be contacted immediately and is required to examine the discovery within 48 hours. If the County Coroner determines that the remains are Native American, the Coroner is required to contact the Native American Heritage Commission within 24 hours. A qualified archaeologist should also be contacted immediately. The Coroner is required to notify and seek out a treatment recommendation of the Native American Heritage Commission-designated Most Likely Descendant.

- If the Native American Heritage Commission identifies a Most Likely Descendant, and the Most Likely Descendant makes a recommendation, and the landowner accepts the recommendation, then ground-disturbing activities may resume after the qualified cultural

resources consultant verifies and notices the City that the recommendations have been completed.

- If the Native American Heritage Commission is unable to identify the Most Likely Descendant, or the Most Likely Descendant makes no recommendation, or the landowner rejects the recommendation, and mediation per Public Resources Code 5094.98(k) fails, then ground disturbing activities may resume, but only after the cultural resources consultant verifies and notices the City that the landowner has completely reinterred the human remains and items associated with Native American burials with appropriate dignity on the property, and ensures no further disturbance of the site per PRC 5097.98(e) by county recording, open space designation, or a conservation easement.

If the coroner determines that no investigation of the cause of death is required and that the human remains are not Native American, then ground-disturbing activities may resume, after the Coroner informs the City of such determination. According to state law, six or more human burials at one location constitute a cemetery and disturbance of Native American cemeteries is a felony.

(b) Facts in Support of Findings

Mitigation measure CR-6 requires implementation of appropriate protection measures of human remains if uncovered during construction activities, including the termination of ground disturbing activities within a 100-foot radius of the discovery and immediate contact of the County Coroner. If the County Coroner determines that the remains are Native American, the Coroner is required to contact the Native American Heritage Commission within 24 hours. Implementation of mitigation measure CR-6 would reduce the potential impact to undiscovered human remains to a less-than-significant level.

4. Cumulative Impacts - Cultural Resources

Although no historic, archeological, paleontological resources or human remains are known to exist within the project site, there is still the potential for them to occur on the site. Past and present projects within the City and immediate vicinity have likely resulted in the demolition and alteration of significant historical resources and

damage to undiscovered subsurface cultural resources during construction. Damage of any unknown resources on the project site would contribute to the cumulative loss of cultural resources.

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, mitigation measures CR-2, CR-3, CR-4, and CR-5, previously discussed, imposed upon the project mitigate impacts to less-than-considerable level.

(b) Facts in Support of Findings

Mitigation measures CR-2 through CR-5 require implementation of protection measures for cultural and paleontological resources that would avoid or substantially lessen project impacts on cultural resources. Therefore, the proposed project contribution to the cumulative loss of cultural or paleontological resources would be less than considerable and the cumulative impact would be less than significant.

D. GEOLOGY AND SOILS

1. Liquefaction Hazard (Subareas 1, 2, 4)

While the geotechnical report for Subarea 3 concluded that liquefaction potential across that site is low, similar testing of the AME right-of-way portion of the project site found a potential for liquefaction hazard based on soil borings. No subsurface soils testing has been conducted within Subareas 1, 2, and 4, thus, the risk of liquefaction hazard is unknown in these subareas. Development within site will likely be subject to significant future seismic shaking and without testing to verify the absence of liquefaction hazards, there are potentially significant impacts to public health and safety and to the structural integrity of new development are possible.

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the project mitigates the impact to a less-than-significant level:

GEO-1. Developers of individual projects within Subarea 1 – Station/Manchester, Subarea 2 – Buhach/Canal Creek, and Subarea 4 – 6.3-Acre Parcel, shall submit a geotechnical report prepared by a registered engineer to identify risk for liquefaction hazard. If liquefaction hazards are identified, future development within these subareas shall be designed consistent with all applicable federal, state and local seismic standards. project applicants shall incorporate all recommendations from their respective geotechnical report into the design of their projects to minimize liquefaction hazard risk. Building plans and design drawings shall be subject to review and approval by the City of Atwater Building Division for consistency with the recommendations prior to issuance of a building permit.

(b) Facts in Support of Findings

Mitigation measure GEO-1 requires that developers of individual projects within Subareas 1, 2, and 4 submit a geotechnical report by a registered engineer identifying liquefaction hazard risks. Where liquefaction hazards are present the developers must comply with uniformly applied seismic standards for the design of improvements. Implementation of GEO-1 would reduce liquefaction hazards to public health and safety to a less-than-significant level.

2. Cumulative Impacts - Liquefaction Hazard

Past cumulative development in the City and future development would increase the number of people and structures that could be exposed to hazards associated with seismic activity, primarily ground shaking. Future probable cumulative development, including the project, has potential to exacerbate cumulative impacts by increasing the number of people and structures that could be exposed to ground shaking and related geologic hazards.

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, mitigation measure GEO-1 imposed upon the project mitigates impacts to less-than-cumulatively considerable levels.

(b) Facts in Support of Findings

Mitigation measure GEO-1 requires that developers of individual projects within Subareas 1, 2, and 4 submit a geotechnical report by a registered engineer identifying liquefaction hazard risks. Where liquefaction hazards are present the developers must comply with seismic standards for design. Conformance with mitigation measure GEO-1 would ensure that the project contribution to cumulative impacts is less than considerable and that the cumulative impact is less than significant.

E. HAZARDS AND HAZARDOUS MATERIALS**1. Exposure to Agricultural Chemical Residues (Subareas 2 and 4)**

Subareas 2 and 4 were historically used for agricultural production, which may have resulted in accumulation of agricultural chemical residues in surface soils. If potentially harmful levels of agricultural chemicals are present, grading and earthmoving activities could expose the public or construction workers to contaminated soils that pose a health risk.

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the project mitigates impacts to less-than-significant levels:

HAZ-1. Prior to the issuance of grading permits for any future individual project within Subareas 2 and 4, all developers of individual projects within these subareas shall contract with a qualified professional to prepare current, project specific Phase I Environmental Site Assessments in compliance with all applicable local, state, and federal regulations. Potentially hazardous site conditions including presence of agricultural chemical residues in soils shall be identified for individual project sites. If hazardous conditions are identified that require preparation of Phase II Environmental Site Assessments, future individual project developers shall be responsible for conducting the assessments and for implementing all recommendations and requirements for remediation of residual agricultural chemical soil conditions, if present,

identified therein. Proof of completed remediation activities shall be provided to the City prior to approval of a grading permit for individual projects.

(b) Facts in Support of Findings

Mitigation measure HAZ-1 requires that all developers of individual projects within Subareas 2 and 4 contract with a qualified professional to prepare current, project specific Phase I Environmental Site Assessments prior to the issuance of grading permits and that all recommendations and requirements for remediation of soils are implemented. Implementation of mitigation measure HAZ-1 would reduce potential impacts related to exposure to agricultural contaminated residues to a less-than-significant level.

2. Exposure or Accidental Release of Hazardous Materials from Storage Tanks (Subareas 1, 2, and 4)

It is possible that underground or above ground storage tanks exist within Subareas 1, 2, or 4 that have not been identified or reported to date that have been used to store agricultural chemicals, fuel, or other hazardous materials associated with existing or prior uses. Grading, earthmoving or demolition activities could expose and damage storage facilities or disturb soils that may have been contaminated over time from leaking storage tanks.

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the project mitigates impacts to less-than-significant levels:

HAZ-2. Prior to the issuance of grading permits for any future individual project within Subareas 1, 2 and 4, all developers of individual projects within these subareas shall contract with a qualified professional to prepare current, project specific Phase I Environmental Site Assessments in compliance with all applicable local, state, and federal regulations. Potentially hazardous site conditions including presence of potentially hazardous above- or below-ground storage tanks shall be identified. If related hazardous conditions are identified that require preparation of Phase II Environmental Site

Assessments, future individual project developers shall be responsible for conducting the assessments and for implementing all recommendations and requirements for remediation of potentially hazardous above- or below-ground storage tank/contaminated soil conditions, if present, identified therein. Proof of completed remediation activities shall be provided to the City prior to approval of a grading permit for individual projects.

(b) *Facts in Support of Findings*

Mitigation measure HAZ-2 requires that all developers of individual projects within Subareas 1, 2, and 4 contract with a qualified professional to prepare current, project specific Phase I Environmental Site Assessments, and Phase II Environmental Site Assessments where appropriate prior to the issuance of grading permits and that all recommendations and requirements for remediation of potentially hazardous above- or below-ground storage tank/contaminated soil conditions. Implementation of HAZ-2 would reduce potential impacts related to contaminated soils to a less-than-significant level.

3. Release of Asbestos or Lead Based Paint during Demolition (Subareas 1-4)

The project requires demolition of existing on-site buildings within Subareas 1 - 4 that may contain asbestos construction materials and lead based paint which could result in the release of these hazardous materials and pose risks to public health and safety.

(a) *Findings*

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following mitigation measures imposed upon the project mitigate impacts to less-than-significant levels:

HAZ-3. Prior to the issuance of grading permits for any future individual project within Subareas 1, 2, 3 and 4 that involves demolition of existing structures regulated for asbestos by the San Joaquin Valley Air Pollution Control District, all developers of individual projects within these subareas shall contract with a certified asbestos consultant to perform an asbestos survey prior to the demolition of regulated structures. The asbestos survey, a

notification permit, a demolition permit release and fees shall be submitted a minimum of 10 working days prior to the removal of regulated asbestos containing materials. Evidence of the demolition permit shall be presented to the City prior to issuance of a grading permit.

HAZ-4. Prior to the issuance of grading permits for any future individual project within Subareas 1, 2, 3 and 4 that involves demolition of existing structures regulated for lead based paint by the Merced County Health Department, all developers of individual projects within these subareas shall comply with state and federal regulations for the testing, handling, transport and disposal of materials containing lead based paint. Evidence of compliance shall be presented to the City prior to issuance of a grading permit.

(b) *Facts in Support of Findings*

Mitigation measure HAZ-3 requires all developers of individual projects within subareas 1 - 4 to contract with a certified asbestos consultant to perform an asbestos survey and obtain notification and demolition permits prior to the demolition of structures regulated by the San Joaquin Valley Air Pollution Control District. Mitigation measure HAZ-4 requires all developers of individual projects within these subareas to present proof of compliance with state and federal regulations for the testing, handling, transport and disposal of materials containing lead based paint to the City prior to issuance of a grading permit. Implementation of HAZ-3 and HAZ-4 would reduce impacts from hazards related to the release of lead and asbestos to a less-than-significant level.

4. Cumulative Impacts - Hazardous Materials

Past and present development within the City and immediate vicinity have contributed to increased risk public health and safety related to existing hazardous materials conditions and has created new hazardous materials risks through increased transport, use, storage and disposal of hazardous materials. Development of the project site could expose people and structures to existing hazardous materials conditions and create new hazardous materials conditions which could result in an incremental contribution to cumulative hazards impacts.

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, mitigation measures HAZ-1 through HAZ-4 imposed upon the project mitigate impacts to less-than- cumulatively considerable levels.

(b) Facts in Support of Findings

Mitigation measures HAZ-1 and HAZ-2 require preparation of Phase I and Phase II (where appropriate) environmental site assessments for future development within Subareas 1, 2 and 4 to identify the presence of hazardous environmental site conditions and identify remediation requirements for such conditions, if present. Mitigation measures HAZ-3 and HAZ-4 require conformance with air district and County Health Department standards regarding building demolition and related asbestos and lead based paint exposure hazards, respectively. These actions would assure that the project contribution to cumulative impacts is less than considerable and that the cumulative impact is less than significant.

F. HYDROLOGY AND WATER QUALITY

1. Polluted Runoff and/or Erosion and Sedimentation that Degrades Water Quality or Violates Water Quality Standards

Development within the project site will alter the natural site hydrology through grading, creating impervious surfaces, and collecting and disposing of stormwater through retention/detention and/or discharge to existing storm water facilities. Changes to natural hydrology will reduce the natural capacity of soils and vegetation to remove pollutants. Further, stormwater runoff from future developed areas will be greater in volume, velocity, and/or pollutant load than under existing conditions. All of these factors have the potential to result in degradation of surface water quality through introduction of urban pollutants, deposition of sediment, and/or modifications of downstream watercourses from channel bank erosion.

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the project mitigates impacts to less-than-significant levels:

HYD-2. Prior to approval of individual development plans or subdivisions within the project site, project applicants shall prepare a preliminary stormwater control plan prepared by a qualified professional for review and approval by the City. The preliminary stormwater control plan shall identify measures to be incorporated into the proposed project consistent with Post-Development stormwater management requirements contained in Water Quality Order No. 2013-0001-DWQ, National Pollutant Discharge Elimination System - General Permit No. CAS000004. Prior to approval of a grading permit, project applicants shall submit a final stormwater control plan to the City for review and approval. The final stormwater control plan shall reflect any modifications to the preliminary stormwater control plan and/or site design, and shall include low impact design or other measures included therein as deemed necessary by the City.

(b) *Facts in Support of Findings*

Mitigation measure HYD-2 requires that project applicants prepare a preliminary stormwater control plan that identifies measures to be incorporated into the project consistent with the Post-Development stormwater management requirements contained in Water Quality Order No. 2013-0001-DWQ, National Pollutant Discharge Elimination System - General Permit No. CAS000004. The City is required to ensure new development projects conform to these requirements. Mitigation measure HYD-2 will ensure conformance with water quality management regulations and reduce potentially significant water quality impacts to a less-than-significant level.

2. On-site Flood Hazard Risks (Subareas 2 and 3)

Development within portions of Subareas 2 and 3 would occur within Special Flood Hazard Areas designated on Federal Emergency Management Agency Flood Insurance Rate Maps Panels 405 and 406. Those subareas are within flood hazard Zone A which has no base flood (100-year flood) elevations determined, and Zone AO (Depth 1) which includes areas of shallow flooding having an average depth of one foot during the base flood. Zone A is centered on Canal Creek. Zone AO (Depth 1) is associated with a potential upstream spillover from Canal Creek.

(a) *Findings*

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically,

the following mitigation measures imposed upon the project mitigate impacts to less-than-significant levels:

HYD-3. Prior to approval of individual final development plans, final maps, or other land use entitlements for future individual projects within Subarea 2 – Canal/Buhach and Subarea 3 – Ferrari Ranch that are located wholly or partially within the Zone A Special Flood Hazard Area, a flood study shall be prepared to provide additional detailed information regarding the existing 100-year floodplain, flood prevention measures for new development and impacts of development on flood conditions. The flood study shall include the following information:

- a. Hydrologic analysis to determine the 100-year peak flow discharge for Canal Creek.
- b. Hydraulic analysis to determine existing condition 100-year flood elevations, flood limits, velocities, and other flow characteristics within and contiguous to the project area.
- c. Hydraulic analysis to determine proposed condition 100-year flood elevations, flood limits, velocities, and other flow characteristics within and contiguous to the project area.
- d. Proposed finished floor elevations for any buildings that will be located within the Zone A Special Flood Hazard Area. The building finished floors shall have their lowest floor elevated a minimum of two feet above the applicable base flood (100-year) elevation determined from the flood study per Section 16.14.170 of the City's Municipal Code. The required elevating of building finished floors could be lowered to a minimum of 0.1 feet above the applicable base flood elevation if a Letter of Map Revision is obtained from FEMA that changes the flood zone from Zone A to Zone AE in the future per Section 16.14.170 of the City's Municipal Code.
- e. An analysis that determines whether future development within the flood zones has potential to exacerbate upstream or downstream flooding as a result of increases in water surface elevations, reductions in available flood storage, obstructions to flow, or other factors. If exacerbation of flooding is possible, the flood study shall identify

options for providing compensatory flood storage capacity such that no net increase in upstream or downstream flooding will occur under post-development conditions. Each option shall identify preliminary design concepts and performance standards that must be met.

The flood study shall be prepared by a registered civil engineer and submitted to the City of Atwater Public Works Department for review and approval. A Development Permit must be obtained from the City in conformance with Section 16.14.130 of the City's Municipal Code for development activities in a Special Flood Hazard Area to verify conformance with the applicable flood management regulations.

HYD-4. Prior to approval of individual final development plans, final maps, or other land use entitlements for future individual projects within Subarea 3 – Ferrari Ranch that include development within the Zone AO (Depth 1) Special Flood Hazard Area, project applicants shall comply with the City's flood hazard regulations and standards by implementing one of the following mitigation options: 1) the lowest finished floor elevation of all structures extending into the flood zone shall be set a minimum of two feet above the highest adjacent grade in conformance with Section 16.14.170 of the City's Municipal Code; 2) applicants shall obtain a Letter of Map Revision from FEMA that officially eliminates the Zone AO (Depth 1) Special Flood Hazard Area within Subarea 3; or 3) applicants shall obtain a Conditional Letter of Map Revision from FEMA indicating that upon completion of certain drainage improvements, the Special Flood Hazard Area will be confined to areas outside of building envelopes, and upon completion of drainage improvements, the applicant shall obtain a Letter of Map Revision from FEMA that officially revises the Special Flood Hazard Area in conformance with the previously issued Conditional Letter of Map Revision. The applicant must also obtain a Development Permit from the City in conformance with Section 16.14.130 of the Municipal Code for development activities in a Special Flood Hazard Area to verify conformance with the applicable flood management regulations.

HYD-5. If the flood hazard studies required for Subarea 2 – Station/Manchester and Subarea 3 – Ferrari Ranch as described in Mitigation measure HYD-3 above determine that flood depths may exceed three feet in

proposed development areas, pursuant to the State's Urban Level of Flood Protection regulations, buildings must be elevated above the 200-year flood elevation and the City must make a finding prior to construction of buildings that the Urban Level of Flood Protection standard of flood protection will be achieved as buildings will have the ability to withstand a 200-year flood event. If flood depths are less than three feet in proposed development areas, the City must make a finding that new development within Zone A and Zone AO (Depth 1) will meet the national FEMA standard of flood protection as promulgated in the City's flood management regulations. The finding required by the City may be made based on a flood study prepared to address conditions in both Subareas 2 and 3 or within either of these individual subareas based on the Zone AO (Depth 1) definition (shallow flooding, average depth of 1 foot). In any case, the finding must be made prior to approval of any development agreement, discretionary permit or other discretionary entitlement, or ministerial permit for future individual development projects proposed within Zone A or Zone AO (Depth 1).

(b) *Facts in Support of Findings*

Mitigation measure HYD-3 requires preparation of a flood study detailing flood prevention measures prior to approval of individual final development plans, final maps, or other land use entitlements for future projects within Subarea 2 – Canal/Buhach and Subarea 3 – Ferrari Ranch that are located wholly or partially within the Zone A Special Flood Hazard Area. Mitigation measure HYD-4 requires that prior to approval of individual final development plans, final maps, or other land use entitlements for future individual projects within Subarea 3 – Ferrari Ranch that include development within the Zone AO (Depth 1) Special Flood Hazard Area, project applicants comply with the City's flood hazard regulations and standards by implementing mandated flood mitigation. HYD-5 requires additional flood protection measures based on the flood depth findings of the flood study. Implementation of these mitigation measures would reduce potential flood hazard risks to a less-than-significant level.

3. Off-site Flood Hazard Risks (Resulting from Development of Subarea 2 and Subarea 3)

Portions of Subarea 2 – Station/Manchester and Subarea 3 – Ferrari Ranch are within flood hazard Zones A and/or AO. Placement of fill within the boundaries of

either zone may be required in order to raise finished floor elevations of structures to meet City and/or ULOP regulations. Placement of fill could result in loss of flood storage capacity within the two flood zones. Loss of flood storage capacity has potential to displace flood flows downstream, thereby increasing downstream flood elevations. Similarly, placement of structures within the boundaries of the flood zones has potential to impede flood flows and to raise off-site flood elevations. These changes have potential to increase flood hazard risks to structures and to public safety.

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, mitigation measure HYD-3 and HYD-4 imposed upon the project mitigates impacts to less-than-significant levels.

(b) Facts in Support of Findings

Mitigation measures HYD-3 and HYD-4 require preparation of flood studies to assess if and how future development within the site could affect off-site flood hazard conditions. Off-site conditions could be affected by placement of fill within flood zones that displaces flood flows to off-site locations and/or by new development that impedes flood flows through the site. Mitigation measure HYD-3 requires zero net loss of existing, on-site flood storage capacity within either of these two subareas under post-project conditions to minimize potential for causing or exacerbating off-site flood hazard conditions. Grading and drainage plans for individual projects within each flood hazard zone must demonstrate compliance with the mitigation prior to approval of final development plans. Implementation of mitigation measures HYD-3 and HYD-4 would reduce flood hazard impacts associated with off-site flooding to a less-than-significant level.

4. Cumulative Impact - Water Quality

Existing cumulative development has contributed to surface and groundwater quality impacts during construction and operations through erosion of soils exposed during site preparation/construction processes and subsequent sedimentation of surface water bodies, release of urban pollutants such as oils or hazardous materials stored in underground storage tanks or elsewhere, and release of urban pollutants to surface water contained in stormwater discharged from developed project sites,

roadways, etc. The project may exacerbate existing water quality impacts or create new water quality impacts through generation of polluted stormwater runoff during project operations and contamination/sedimentation of surface water from soil erosion and stormwater runoff during construction activities.

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, mitigation measure HYD-2 imposed upon the project mitigates the impact to a less-than-cumulatively considerable level.

(b) Facts in Support of Findings

Mitigation measure HYD-2 requires preparation and implementation of a stormwater control plan to mitigate post-development water quality impacts consistent with RWQCB permit requirements. The requirements are designed to reduce cumulative surface water quality impacts. Conformance with this mitigation measure and uniform development regulations and standards such as NPDES requirements will ensure the project contribution to cumulative water quality impacts is less than considerable and that the cumulative impact is less than significant.

5. Cumulative Impact - Flood Hazards

Past cumulative development has contributed to flood hazards within the City and the immediate vicinity by exposing people and structures to flooding and/or by contributing stormwater discharge that exacerbates flood hazard conditions. Portions of the project site within Subareas 2 and 3 are located within a 100-year flood hazard zone. project site development could exacerbate flood hazards due to increased stormwater runoff volumes and increased exposure of people and structures to flood hazards.

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, mitigation measures HYD-3 through HYD-5 imposed upon the project mitigate impacts to less-than-cumulatively considerable levels.

(b) Facts in Support of Findings

Mitigation measures HYD-3 and HYD-4 require preparation of a flood study for future development within Subareas 2 and 3 to verify, on a site-specific level, the extent of flood hazard zones, existing and post-development flood elevations, finished floor elevations needed to meet flood regulations for development within a flood zone, and potential development effects on downstream flood elevations. Mitigation measure HYD-5 requires conformance with state Urban Level of Flood Protection requirements for elevating buildings above the 200-year flood elevation. The uniformly applied development regulations are intended to substantially reduce the potential for individual development projects and cumulative development to worsen flood hazards. Implementation of these mitigation measures would ensure that the project impact is less-than-considerable and its cumulative impact is less-than-cumulatively significant.

G. NOISE

1. Exposure of Existing Off-Site Sensitive Receptors to Project Traffic Noise that Exceeds General Plan Standards

Some existing off-site noise sensitive receptors located along existing roadways that border the project site are currently exposed to exterior traffic noise levels exceeding the General Plan 60 dB Ldn exterior noise compatibility standard for residential uses. This is especially true for residential uses within Subarea 5 – Valley and along Broadway Avenue that are adjacent to SR 99. The project would generate new traffic that contributes to traffic noise increases of between 0.6 dB and 19 dB Ldn depending on the road segment. Significant impacts would occur where the change in exterior noise level at the sensitive uses exceeds 1.0 dB to 5.0 dB depending on the pre-project ambient noise level to which project traffic noise is added. Potentially significant impacts have been identified at the following four existing roadway segments along which off-site sensitive residential receptors are located:

- North Buhach Road from Green Sands Avenue to Clover Avenue;
- Gurr Road from Avenue One to Green Sands Avenue (the segment from Green Sands Avenue to 1,000 feet north of Green Sands Avenue);
- Gurr Road from Green Sands Avenue to Ashby Road (the segment from Ashby Road to 1,600 feet north of Ashby Road); and

- Avenue Two from Gurr Road to Santa Fe Drive (the segment from Santa Fe Drive to 500 feet west of Santa Fe Drive).

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the project mitigates the impact to a less-than-significant level:

N-1. Developers of future projects within the project site shall contribute fair share funds to install “quiet pavement” on the segment of North Buhach Road between Green Sands Avenue and Clover Avenue, and on the segment of Gurr Road from Green Sands Avenue to 1,000 feet north of Green Sands Avenue. The quiet pavement material must provide noise reduction of a minimum of 3 dB relative to existing conventional pavement. The fair share amount shall be established by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site. The City of Atwater Department of Public Works shall be responsible for verifying that quiet pavement which meets the noted noise reduction specification is utilized and installed prior to approval of building permits for the first project approved within the project site.

(b) Facts in Support of Findings

Mitigation measure N-1 requires that developers pay fair-share funds to install quiet pavement along the road segments along which the project would exacerbate existing noise conditions. Quiet pavement results in reduced noise levels from project-generated traffic by reducing noise at the contact between vehicle tires and road surfaces. The project contribution to existing traffic noise volumes along the roadways would be mitigated to less than significant with implementation of the mitigation measure.

2. Exposure of Future On-Site Noise-Sensitive Project Uses to Traffic Noise

The hotel and medical center planned within Subarea 3 – Ferrari Ranch are noise sensitive. The project will result in increased traffic related noise levels on roadways

that border the project site. These sensitive uses that could be exposed to exterior traffic-generated noise levels that exceed City standards.

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the project mitigates the impact to a less-than-significant level:

N-3. To ensure that exposure of potential noise-sensitive uses within the project site to traffic noise does not exceed City standards, developers of future individual projects within the project site that contain noise sensitive uses shall prepare a noise study. The noise study shall identify traffic related noise exposure levels, determine the significance of noise exposure relative to City noise policies and standards, and include mitigation measures as needed to avoid or reduce potential noise impacts to less than significant. Mitigation measures could include sound walls or other noise barriers, setbacks, site design, etc. Noise studies shall be subject to review and approval by the City prior to approval of discretionary permits and noise mitigation requirements shall be reflected in project development plans prior to approval of a grading permit.

(b) Facts in Support of Findings

Mitigation measure N-3 requires preparation of noise studies for individual future development projects to determine whether noise exposure at any on-site sensitive receptors that may be proposed within the individual projects exceeds thresholds described in City noise policies and standards. If so, mitigation measures will be defined to identify how noise exposure can be reduced through site design, noise barriers, building design, and/or other measures to avoid or reduce potential noise impacts. Implementation of mitigation measure N-3 will ensure that noise exposure at any future on-site noise sensitive uses will be reduced to a less-than-significant level.

3. Exposure of Existing Off-Site Sensitive Receptors to Noise Generated by On-site Stationary Noise Sources

The project would allow future development of commercial uses, medical office/hospital uses, retail uses, and sports facilities within Subarea 3 – Ferrari Ranch, and would enable future development of business park uses such as commercial, industrial, office park or other uses within Subareas 2 and 4. These types of uses could include noise generating equipment (e.g. HVAC systems) or activities (e.g. truck loading docks). Due to the conceptual types and locations of uses proposed within Subarea 3 – Ferrari Ranch, and absence of conceptual planning for uses within Subareas 2 and 4, the precise location of potential stationary noise sources or activities within these areas is not currently known. It is possible that related noise levels could exceed City standards at existing noise sensitive receptors within the project site (e.g. residential uses within Subarea 5 – Valley) or adjacent to the project site (e.g. individual single-family homes near the Green Sands Avenue/Gurr Road intersection), or at future noise sensitive uses within the project site (hotel or hospital uses).

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the project mitigates impacts to less-than-significant levels:

N-4. To ensure that exposure of existing on-site and off-site, and future on-site noise sensitive uses to non-transportation noise levels from future proposed uses not exceed City standards, developers of future individual projects that include stationary noise generating equipment or activities shall prepare a noise study. The noise study shall identify noise exposure levels at noise sensitive uses, determine the significance of noise exposure levels relative to City noise policies and standards, and include mitigation measures as needed to avoid or reduce potential noise impacts to less than significant. Mitigation measures could include sound barriers or enclosures, setbacks, noise control features on mechanical equipment, site design, etc. Noise studies shall be subject to review and approval by the City prior to approval of discretionary permits and noise mitigation requirements shall be reflected in project development plans prior to approval of a grading permit.

(b) Facts in Support of Findings

Mitigation measure N-4 requires that developers of individual projects that include stationary noise sources prepare a noise study. The noise study will identify noise exposure levels at existing on-site and off-site noise sensitive uses, determine the significance of noise exposure levels relative to City noise policies and standards, and include mitigation measures that ensure noise exposure does not exceed City standards. Implementation of N-4 would reduce impacts less-than-significant levels.

4. Cumulative Impacts - Exposure of Future On-site Project Uses to Traffic Noise (2030 Plus Project Conditions)

The hotel and medical center proposed within Subarea 3 – Ferrari Ranch are noise sensitive uses. These uses could be exposed to cumulative, traffic-generated exterior noise levels to which the project contributes that exceed City standards.

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, mitigation measure N-3, previously discussed, imposed upon the project mitigates impacts to less-than-cumulatively considerable.

(b) Facts in Support of Findings

Mitigation measure N-3 requires future project developers to conduct noise studies to ascertain whether on-site noise mitigation such as site design, building design, and/or noise barriers are needed to reduce noise exposure consistent with applicable City standards, and to incorporate recommended design features into future projects as recommended in the reports. With implementation of this mitigation measure, the project contribution to this cumulative noise impact would be less than considerable and the cumulative impact would be less than significant.

6. Cumulative Impacts - Other Noise Sources (2030 Plus Project Conditions)

Under cumulative development conditions, development of the project site could include limited stationary noise sources (e.g. backup generators) that could combine with existing or future off-site stationary noise sources to impact on-site or off-site noise sensitive uses.

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, mitigation measure N-4 imposed upon the project mitigates impacts to less-than-significant levels.

(b) Facts in Support of Findings

Mitigation measure N-4 requires preparation of noise studies for any on-site stationary sources to ensure that City standards for non-transportation noise are met at both on-site and off-site sensitive uses. If noise standards would not be met, the noise studies would identify mitigation measures that must be implemented such that the potential cumulative impacts would be less than considerable and the cumulative impact would be less than significant.

H. TRAFFIC

1. Unacceptable Level of Service at Intersections

The 2015 Plus Project scenario assumes that all improvements associated with AME Phase 1A are constructed and operational. The following intersections would operate at unacceptable level of service with development of the project site as proposed:

- Intersection 1: Buhach Road & Avenue Two/Juniper Avenue (signaled intersection operating at LOS F in the a.m. peak hour)
- Intersection 2: Buhach Road & Avenue One/Lake Ridge Street (signaled intersection operating at LOS F in the a.m. peak hour)
- Intersection 3: Buhach Road & Green Sands Avenue (signaled intersection operating at LOS E in the p.m. peak hour)
- Intersection 6: Buhach Road Overcrossing & Ashby Road (signaled intersection operating at LOS E in the p.m. peak hour)
- Intersection 8: Ashby Road & Gurr Road (roundabout operating at LOS E in the p.m. peak hour)

- Intersection 9: Ashby Road & Franklin Road (all-way stop operating at LOS E in the a.m. peak hour and LOS F in the p.m. peak hour)
- Intersection 10: Gurr Road & Avenue Two (un-signalized intersection operating at LOS F in the a.m. peak hour)
- Intersection 11: Gurr Road & Avenue One (all-way stop operating at LOS F in the a.m. peak hour and LOS E in the p.m. peak hour)
- Intersection 12: Avenue Two & Santa Fe Drive (un-signalized intersection operating at LOS F in the a.m. peak hour and p.m. peak hour)
- Intersection 13: Atwater-Merced Express & Green Sands Avenue (signalized intersection operating at LOS E in the a.m. peak hour and LOS F in the p.m. peak hour)
- Intersection 14: Atwater-Merced Express & SR 99 NB Ramps (all-way stop operating at LOS E in the a.m. peak hour and LOS F in the p.m. peak hour)
- Intersection 16: Gurr Road & Green Sands Avenue (signalized intersection operating at LOS F in the p.m. peak hour)

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following mitigation measures imposed upon the project mitigate impacts to less-than-significant levels:

TRANS-1. The City will form an improvement district (e.g. assessment district or CFD) for the purpose of obligating future development within the project site to pay fair share fees for construction and maintenance of new public circulation facilities and other facilities as deemed necessary by the City. The improvement district shall be established prior to approval of any future final development plan, final map, or other project level entitlement for projects proposed within the project site.

TRANS-2. The applicant shall prepare a transportation improvement plan for incorporation into the development agreement for the Ferrari Ranch component of the proposed project. The transportation improvement plan

shall specify, based on vehicle trip generation volumes or other accepted metrics, when intersection, road segment, alternative transportation improvements, or other transportation improvements described for the 2015 Plus Project scenario and 2030 Plus Project scenario (described in Section 4.0, Cumulative Impacts, of this EIR) shall be implemented in order to ensure acceptable levels of service at each affected intersection. Improvements needed to mitigate 2015 Plus Project impacts shall be completed prior to or tandem with the individual projects that trigger the need for improvements. Improvements which are under control of the City that are needed to mitigate 2030 Plus Project impacts shall be completed prior to or in tandem with the individual projects that trigger the need for improvements. Improvements which are under control of other agencies (e.g. MCAG and the County) that are needed to mitigate 2030 Plus Project impacts should be completed by those agencies prior to or in tandem with the cumulative projects that trigger the need for improvements. The transportation plan shall also specify requirements for conducting project specific traffic impact analyses for future individual projects within the project site needed to identify the scope and timing of transportation improvements. The transportation improvement plan shall specify costs for each improvement, fair share responsibility, and reimbursement arrangements for payment of up front improvement costs by individual developers. The development agreement for Ferrari Ranch will be approved by the City prior to approval of any future final development plan, final map, or other project level entitlement for projects proposed within the project site.

TRANS-3. Developers of future projects within the project site shall contribute fair share funds to install overlap phasing (a special output of a traffic signal controller that can "overlap" from one phase movement to another) on the eastbound right-turn at the Buhach Road/Avenue Two/Juniper Avenue (signalized intersection). This would result in acceptable LOS D at this intersection. The fair share amount shall be established through an improvement district to be created prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

TRANS-4. Developers of future projects within the project site shall contribute fair share funds to add a 200-foot eastbound left-turn lane and change the signal phasing to a protected eight-phase signal at the Buhach Road/Avenue One/Lake Ridge Street intersection. This would result in acceptable LOS D at this intersection. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

TRANS-5. Developers of future projects within the project site shall contribute fair share funds to change the eastbound and westbound approaches to protected phasing at the Buhach Road/Green Sands Avenue intersection. This would result in acceptable LOS D at this intersection. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

TRANS-6. Developers of future projects within the project site shall contribute fair share funds to add a second south eastbound through lane, and overlap phasing to the south eastbound right-turn movement at the Buhach Road Overcrossing/Ashby Road intersection. This would result in acceptable LOS C at this intersection. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

TRANS-7. Developers of future projects within the project site shall contribute fair share funds to add a second eastbound approach lane to the roundabout, extending the lane to exit at the eastbound departure with a lane drop at the Ashby Road/Gurr Road roundabout intersection. This would result in acceptable LOS C at this intersection. The fair share amount shall be

established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

TRANS-8. Developers of future projects within the project site shall contribute fair share funds to construct a traffic signal and left turn lanes on each approach at the Ashby Road/Franklin Road intersection. This would result in acceptable LOS C at this intersection. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. The fair share amount should reflect the incremental contribution of the proposed project to an existing operational deficiency at this intersection. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site. An encroachment permit and approval of improvement plans will be required from Merced County.

TRANS-9. Developers of future projects within the project site shall contribute fair share funds to construct a traffic signal and a 200-foot northbound left-turn at the Gurr Road/Avenue Two intersection. This would result in acceptable LOS C at this intersection. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. The fair share amount should reflect the incremental contribution of the proposed project to an existing operational deficiency at this intersection. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site. An encroachment permit and approval of improvement plans will be required from Merced County.

TRANS-10. Developers of future projects within the project site shall contribute fair share funds to construct a traffic signal, add 200-foot left-turn lanes on all approaches, and a 200-foot northbound right-turn lane at the Gurr Road/Avenue One intersection. This would result in acceptable LOS C at this intersection. The fair share amount shall be established in a development

agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site. An encroachment permit and approval of improvement plans will be required from Merced County.

TRANS-11. Developers of future projects within the project site shall contribute fair share funds to construct a traffic signal and add a northbound left-turn lane at the Santa Fe Drive/Avenue Two intersection. This would result in acceptable LOS C at this intersection. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. The fair share amount should reflect the incremental contribution of the proposed project to an existing operational deficiency at this intersection. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site. An encroachment permit and approval of improvement plans will be required from Merced County.

TRANS-12. Developers of future projects within the project site shall contribute fair share funds to construct a second eastbound through lane, add a second westbound left-turn lane 300 feet in length, and add overlap phasing on the eastbound right-turn movement at the AME expressway/Green Sands Avenue intersection. This would result in acceptable LOS D at this intersection. Improvement of this intersection is a part of the future AME Phase 1B project. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

TRANS-13. Developers of future projects within the project site shall contribute fair share funds to construct a traffic signal at the AME expressway/SR 99 NB Ramps intersection. The fair share amount shall be established in a development agreement to be approved by the City prior to

approval of final development plans, final maps, or other project level entitlements within the project site. The fair share amount should reflect the incremental contribution of the proposed project to an existing operational deficiency at this intersection. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site. An encroachment permit and approval of improvement plans must be approved by Caltrans.

TRANS-14. Developers of future projects within the project site shall contribute fair share funds to construct a 370-foot long second northbound left-turn lane and a 300-foot long southbound right-turn lane at the Gurr Road/Green Sands Avenue intersection. This would result in acceptable LOS D at this intersection. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

(b) *Facts in Support of Findings*

Mitigation measure TRANS-1 requires formation of an improvement district (e.g. assessment district or CFD) for the purpose of obligating future development within the project site to pay fair share fees for construction and maintenance of new public circulation facilities. Mitigation measure TRANS-2 requires that fair share amounts and timing of payment of fair share fees are incorporated into a development agreement that may be used to identify cost reimbursement opportunities from future development within the project site vicinity that contributes to impacts at the intersections. Mitigation measure TRANS-2 identifies the timing for implementing improvements, the requirement that future traffic analyses be conducted for individual projects so that impacts triggered with each project can be identified, and states that costs for and fair-share funding of all required improvements be defined. This mitigation measure ensures that impacts are mitigated commensurate with the individual and cumulative development that causes the impacts. Mitigation measures TRANS-3 through TRANS-14 require that individual project developers pay their fair cost of the intersection improvements needed at each intersection to ensure each

operates at an acceptable level of service. With implementation of the mitigation measures, impacts would be reduced to a less-than-significant level:

- Intersection 1: Buhach Road & Avenue Two/Juniper Avenue (will operate at acceptable level of service D in the a.m. peak hour)
- Intersection 2: Buhach Road & Avenue One/Lake Ridge Street (will operate at acceptable level of service D in the a.m. peak hour)
- Intersection 3: Buhach Road & Green Sands Avenue (will operate at acceptable level of service D in the p.m. peak hour)
- Intersection 6: Buhach Road Overcrossing & Ashby Road (will operate at acceptable level of service C in the p.m. peak hour)
- Intersection 8: Ashby Road & Gurr Road (will operate at acceptable level of service C in the p.m. peak hour)
- Intersection 9: Ashby Road & Franklin Road (will operate at acceptable level of service C in the a.m. and p.m. peak hour)
- Intersection 10: Gurr Road & Avenue Two (will operate at acceptable level of service C in the a.m. peak hour)
- Intersection 11: Gurr Road & Avenue One (will operate at acceptable level of service C in the a.m. and p.m. peak hour)
- Intersection 12: Avenue Two & Santa Fe Drive (will operate at acceptable level of service C in the a.m. and p.m. peak hour)
- Intersection 13: Atwater-Merced Express & Green Sands Avenue (will operate at acceptable level of service D in the a.m. and p.m. peak hour)
- Intersection 14: Atwater-Merced Express & SR 99 NB Ramps (will operate at acceptable level of service D in the a.m. and p.m. peak hour)
- Intersection 16: Gurr Road & Green Sands Avenue (will operate at acceptable level of service C in the p.m. peak hour)

2. Unacceptable Level of Service at Site Access Intersections (2015 Plus Project Conditions) (Subarea 3)

The 2015 Plus Project scenario assumes that all improvements associated with AME Phase 1A are constructed and operational. The following intersections formed by proposed access points into Subarea 3 – Ferrari Ranch from Gurr Road, Green Sands Avenue, and the proposed exit from the AME would operate at an unacceptable level of service:

- Intersection 42: Gurr Road & Site Access Driveway (un-signalized intersection operating at LOS F in the a.m. peak hour)
- Intersection 44: Gurr Road & Site Access Driveway (un-signalized intersection operating at LOS F in the a.m. and p.m. peak hour)
- Intersection 46: Green Sands Avenue & Site Access Driveway (un-signalized intersection operating at LOS F in the a.m. and p.m. peak hour)
- Intersection 47: Ashby Road & Site Access Driveway (un-signalized intersection operating at LOS E in the p.m. peak hour)
- Intersection 48: Ashby Road & Site Access Driveway (un-signalized intersection operating at LOS F in the p.m. peak hour)
- Intersection 49: Ashby Road & Site Access Driveway (un-signalized intersection operating at LOS E in the p.m. peak hour)
- Intersection 50: Ashby Road & Site Access Driveway (un-signalized intersection operating at LOS F in the p.m. peak hour)
- Intersection 51: Ashby Road & Medical Center Driveway (un-signalized intersection operating at LOS F in the p.m. peak hour)
- Intersection 52: Green Sands Avenue & Medical Center Driveway (un-signalized intersection operating at LOS F in the a.m. and p.m. peak hour)
- Intersection 54: AME Right-Turn Lane into Subarea 3 (intersection control undefined, worst-case operations of LOS E or F in the a.m. and p.m. peak hour)

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, mitigation measure TRANS-2 and the following mitigation measures imposed upon the project mitigate impacts to less-than-significant levels:

TRANS-15. Developers of future projects within the project site shall contribute fair share funds to construct a traffic signal at the Gurr Road/Site Access Driveway (access point #42) and a 200-foot northbound left-turn lane. This would result in acceptable LOS B at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

TRANS-16. Developers of future projects within the project site shall contribute fair share funds to construct a traffic signal at the Gurr Road/Site Access Driveway (access point #44), a 200-foot northbound left-turn lane, and a 200-foot southbound right-turn lane. This would result in acceptable LOS D at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

TRANS-17. Developers of future projects within the project site shall contribute fair share funds to construct a traffic signal at the Green Sands Avenue/Site Access Driveway (access point #46), a 200-foot westbound left-turn lane, a 300-foot eastbound right-turn lane, and to add overlap phasing to the eastbound right-turn movement. This would result in acceptable LOS D at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers

prior to issuance of a building permit for any individual future project within the project site.

TRANS-18. Developers of future projects within the project site shall contribute fair share funds to construct a two-way left-turn lane along Ashby Road for departures from the driveway at the Ashby Road/Project Site Driveway (access point #47). LOS D would result. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

TRANS-19. Developers of future projects within the project site shall contribute fair share funds to construct a traffic signal at the Ashby Road/Project Site Access Driveway (access point #48). This would result in acceptable LOS B at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

TRANS-20. Developers of future projects within the project site shall contribute fair share funds to construct a 150-foot southbound left-turn lane at the Ashby Road/Project Site Access Driveway (access point #49). This would result in acceptable LOS C at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

TRANS-21. Developers of future projects within the project site shall contribute fair share funds to construct a 200-foot eastbound left-turn lane, a 200-foot westbound right-turn lane, and a 200-foot southbound left-turn lane at the Ashby Road/Project Site Access Driveway (access point #50). This would result in acceptable LOS C at this access point. The fair share amount

shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

TRANS-22. Developers of future projects within the project site shall contribute fair share funds to construct a traffic signal, a 300-foot eastbound left-turn lane, and a 300-foot westbound right-turn lane at the Ashby Road/Medical Center Collector road intersection (access point #51). This would result in acceptable LOS C at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

TRANS-23. Developers of future projects within the project site shall contribute fair share funds to construct a 200-foot eastbound right-turn lane, a 300-foot westbound left-turn lane, and a 600-foot eastbound through lane at the Green Sands Avenue/Regional Medical Center Collector road intersection (access point #52). This would result in acceptable LOS C at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

TRANS-24. Developers of future projects within the project site shall contribute fair share funds to construct a two-lane roundabout at the terminus of the AME right-turn lane into Subarea 3 – Ferrari Ranch (access point #54). The roundabout shall include two-lane approaches on all legs. The right-turn lane from the AME to the roundabout shall be at least 750 feet long. The departure lane clearance from the roundabout shall have a minimum distance of 150 feet, measured from the roundabout to the point where departing vehicles would stop for or interact with conflicting vehicle traffic. This would

result in acceptable LOS at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

(b) *Facts in Support of Findings*

Mitigation measure TRANS-1 requires formation of an improvement district (e.g. assessment district or CFD) for the purpose of obligating future development within the project site to pay fair share fees for construction and maintenance of new public circulation facilities. Mitigation measure TRANS-2 requires that fair share amounts and timing of payment of fair share fees are incorporated into a development agreement that may be used to identify cost reimbursement opportunities from future development within the project site vicinity that contributes to impacts at the intersections. Mitigation measure TRANS-2 identifies the timing for implementing improvements, the requirement that future traffic analyses be conducted for individual projects so that impacts triggered with each project can be identified, and states that costs for and fair-share funding of all required improvements be defined. This mitigation measure ensures that impacts are mitigated commensurate with the individual and cumulative development that causes the impacts. Mitigation measures TRANS-15 through TRANS-24 require developers of future individual projects to pay a fair share of costs of the intersection improvements to ensure the intersections at an acceptable level of service. With implementation of the mitigation measures, the impacts would be reduced to a less-than-significant level:

- Intersection 42: Gurr Road & Site Access Driveway (will operate at acceptable level of service B in the p.m. peak hour)
- Intersection 44: Gurr Road & Site Access Driveway (will operate at acceptable level of service D in the a.m. and p.m. peak hour)
- Intersection 46: Green Sands Avenue & Site Access Driveway (will operate at acceptable level of service D in the a.m. and p.m. peak hour)
- Intersection 47: Ashby Road & Site Access Driveway (will operate at acceptable level of service D in the p.m. peak hour)

- Intersection 48: Ashby Road & Site Access Driveway (will operate at acceptable level of service B in the p.m. peak hour)
- Intersection 49: Ashby Road & Site Access Driveway (will operate at acceptable level of service C in the p.m. peak hour)
- Intersection 50: Ashby Road & Site Access Driveway (will operate at acceptable level of service C in the p.m. peak hour)
- Intersection 51: Ashby Road & Medical Center Driveway (will operate at acceptable level of service C in the p.m. peak hour)
- Intersection 52: Green Sands Avenue & Medical Center Driveway (will operate at acceptable level of service C in the a.m. and p.m. peak hour)
- Intersection 54: AME Right-Turn Lane into Subarea 3 (intersection will operate at acceptable level of service D or better in the a.m. and p.m. peak hour with requirement to construct a roundabout as the terminal traffic control)

3. Unacceptable Level of Service on Roadway Segments

The 2015 Plus Project scenario assumes that all improvements associated with AME Phase 1A are constructed and operational. The following roadway segments would operate at an unacceptable level of service:

- Avenue One: Gurr Road to Trindade Road (LOS E)
- Green Sands Avenue: Buhach Road to AME (LOS F) and AME to Gurr Road (LOS F)
- AME: Green Sands Avenue to SR 99 (LOS F)
- SR 99: Atwater Boulevard to AME (LOS F), AME to Franklin Road (LOS F)

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, mitigation measure TRANS-1 and TRANS-2 and the following mitigation measures imposed upon the project mitigate impacts to less-than-significant levels:

TRANS-25. Developers of future projects within the project site shall contribute fair share funds to widen the segment of Avenue One from Gurr Road to Trindade Road from two to four lanes if required by Merced County. The project applicant shall consult with Merced County to determine if widening this rural roadway to four lanes is desirable and required. Widening would result in acceptable LOS D. The need for and timing for widening should also be considered in light of later AME project improvements (2030 or beyond), which would divert traffic off of this segment (e.g. construction of parallel extension of the AME expressway to the north from Green Sands Avenue), thereby improving performance under cumulative 2030 Plus Project scenario conditions to LOS D without roadway widening. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site. An encroachment permit and approval of improvement plans will be required from Merced County.

TRANS-26. Developers of future projects within the project site shall contribute fair share funds to widen the segment of Gurr Road north of Green Sands Avenue from two to four lanes if required by Merced County. The City shall consult with Merced County to determine if widening this rural roadway to four lanes is desirable and required. The need for and timing for widening should be also be considered in light of later AME project improvements (2030 or beyond), which would divert traffic off of this segment (e.g. construction of a parallel extension of the AME expressway to the north from Green Sands Avenue), thereby improving performance under cumulative 2030 Plus Project scenario conditions to LOS D without roadway widening. Widening the roadway would result in acceptable LOS D. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site. An encroachment permit and approval of improvement plans will be required from Merced County.

TRANS-27. Developers of future projects within the project site shall contribute fair share funds to widen Green Sands Avenue between Buhach Road and Gurr Road from two to four lanes consistent with City standards. This would result in acceptable LOS D. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site. This improvement is part of the AME Phase 1B project that would not be constructed until at least 2030 provided full funding is available. If traffic generated from the project site does not trigger the need widen Green Sand Avenue until AME Phase 1B is funded and constructed, this mitigation measure may not be required. Conversely, if the improvement is constructed to mitigate project impacts prior to and independent of AME Phase 1B, reimbursement from MCAG or negotiation of the MCAG regional fee amount could be warranted.

TRANS-28. Developers of future projects within the project site shall contribute fair share funds to widen the AME expressway between SR 99 and Green Sands Avenue from two to four lanes. The need for and timing for widening should be also be considered in light of later phases of the AME (2030 or beyond) designed to widen this segment of the expressway to four lanes, thereby improving performance to LOS D under cumulative 2030 Plus Project scenario conditions. This improvement would result in acceptable LOS D. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site. This improvement is part of the AME Phase 1B project that would not be constructed until at least 2030 provided full funding is available. If traffic generated from the project site does not trigger the need widen Green Sand Avenue until AME Phase 1B is funded and constructed, this mitigation measure may not be required. Conversely, if the improvement is constructed to mitigate project impacts prior to and independent of AME Phase 1B,

reimbursement from MCAG or negotiation of the MCAG regional fee amount could be warranted.

(b) *Facts in Support of Findings*

Mitigation measure TRANS-1 requires formation of an improvement district (e.g. assessment district or CFD) for the purpose of obligating future development within the project site to pay fair share fees for construction and maintenance of new public circulation facilities. Mitigation measure TRANS-2 requires that fair share amounts and timing of payment of fair share fees are incorporated into a development agreement that may be used to identify cost reimbursement opportunities from future development within the project site vicinity that contributes to impacts at the intersections. Mitigation measure TRANS-2 identifies the timing for implementing improvements, the requirement that future traffic analyses be conducted for individual projects so that impacts triggered with each project can be identified, and states that costs for and fair-share funding of all required improvements be defined. This mitigation measure ensures that impacts are mitigated commensurate with the individual and cumulative development that causes the impacts. Mitigation measures TRANS-25 through TRANS-28 require developers of future individual projects to pay a fair share of costs of the intersection improvements to ensure the intersections at an acceptable level of service. With implementation of the mitigation measures, the impacts would be reduced to a less-than-significant level.

Widening SR 99 between Atwater Boulevard and Franklin Road (SR 99 from Atwater Boulevard to the AME interchange, and SR 99 from the AME interchange to Franklin Road) from four to six lanes would result in an acceptable LOS D. This improvement is needed whether or not the proposed project is approved and constructed. This improvement is included as part of the AME Phase 2 project that would be funded by MCAG through MCAG regional fees. Payment of the MCAG regional fee by individual developers, as would be required as a standard condition of approval, would represent their fair share for 2015 Plus Project and 2030 Plus Project impacts on the SR 99 mainline. Implementation of the mitigation measures would reduce impacts to the roadway segments to a less-than-significant level.

4. Conflict with Public Transit Services or Plans

There are no existing transit facilities or bus routes that operate in the immediate vicinity of the project site as demand is insufficient to warrant such service. As the

project site builds out, demand for transit will substantially increase and the need to provide transit facilities to meet local and regional policy directives aimed at reducing vehicle miles traveled and vehicle trips numbers will grow. The General Plan and RTP include policies for expanding transit services and for incentivizing use of transit services. Future development within the project site would be inconsistent with public transit service policies if actions to promote transit use are not implemented by individual project developers.

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the project mitigate the impact to a less-than-significant levels:

TRANS-29. Future developers of individual projects within the project site shall consult with the Merced County Transit Authority to identify the need, location, and standards for constructing transit facilities within their respective project boundaries. Transit facilities (bus pull outs, shelters, stops, signage, etc.) shall be provided such that facilities and safe pedestrian and bicycle access to them are located within one-quarter mile of all uses within the project site that generate demand for transit use. These uses include commercial, regional park, and medical facility development planned within Subarea 3 – Ferrari Ranch, business park development within Subarea 2 – Canal Creek/Buhach and Subarea 4 – 6.3-Acre Parcel, as well as existing/future residential development within Subarea 1 – Station/Manchester and existing residential development within Subarea 5 – Valley. All future developers of projects within Subareas 1 – 4 shall consult with the Merced County Transportation Authority to determine transit facilities that shall be incorporated into their respective projects. Project developers shall provide written evidence to the City that such consultation has occurred and shall incorporate such facilities into final development plans, final maps or other applicable plans for entitlements prior to approval of the respective entitlements.

(b) Facts in Support of Findings

Mitigation measure TRANS-29 ensures that transit facilities are designed in consultation with Merced County Transportation Authority and installed to address City and Merced County Association of Governments policy directives for promoting transit use. This would mitigate the potential impact of conflict with transit policies to a less-than-significant level.

5. Conflict with Bicycle Policies or Plans

The City's bicycle plan and RTP contain policies for integrating bicycle facilities into new development. The City's bicycle plan calls for a regional Class II bike lane on Ashby Road that extends through the City of Merced. For the project to remain consistent with City's bicycle plan and RTP provisions, Class II bike lanes must be provided along the entire segment of Green Sands Avenue west of Buhach Road and on the entire segment of Gurr Road from Green Sands Avenue to Ashby Road. In the absence of these improvements, future development within the project site may conflict with bicycle plan policies. This conflict would be a potentially significant impact.

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following mitigation measures imposed upon the project mitigate impacts to less-than-significant levels:

TRANS-30. Future project developers responsible for frontage improvements on Green Sands Avenue east of Buhach Road and on Gurr Road south of Green Sands Avenue shall design and construct both roadways to include Class II bicycle lanes consistent with City standards for the applicable roadway classifications. Prior to approval of final development plan, final maps, or other entitlements for projects that front on these roadways, the City will assure that these roadway segments are designed to include Class II bicycle lanes.

TRANS-31. To assure that individual development projects promote bicycle use connectivity within individual sites, with adjacent development sites, with Class II bike lanes on Green Sands Avenue and Gurr Road, and with transit

facilities to be established within the site and/or along adjacent roadways; and to assure provision of internal bicycle support facilities such as racks and lockers, all individual project developers shall prepare a bicycle plan. Bicycle plans shall meet standards contained in the City bicycle plan. The bicycle plan must be reviewed and approved prior to approval of final development plans, final maps, or other entitlements for development within the project site.

(b) *Facts in Support of Findings*

Mitigation measure TRANS-30 requires the developers responsible for frontage improvements on Green Sands Avenue east of Buhach Road and on Gurr Road south of Green Sands Avenue to design and construct both roadways to include Class II bicycle lanes consistent with City standards for the applicable roadway classifications. Mitigation measure TRANS-31 requires that individual developers of projects prepare a bicycle plan to ensure that development projects promote bicycle use connectivity within individual sites, with adjacent development sites, with Class II bike lanes on Green Sands Avenue and Gurr Road, and with transit facilities to be established within the site and/or along adjacent roadways. Implementation of these mitigation measures would ensure consistency with the City's bicycle plan and the RTP which would reduce impacts to a less-than-significant level.

6. Conflict with Pedestrian Facility Policies or Plans

The City's development regulations require that all new development provide sidewalks along street frontages. Standards for planned development master plans include requirements that pedestrian improvements be provided. Promotion of pedestrian access as a means to encourage non-motorized access to future development within the project site is needed to assure consistency with General Plan and RTP policies. The roadway cross sections provided in the VTM for Subarea 3 – Ferrari Ranch, show that pedestrian facilities will be provided on all internal streets within that subarea. Cross sections for Green Sands Avenue, Gurr Road and Ashby Road also show pedestrian facilities. To fully meet the pedestrian access policies of the City and RTP, sidewalks on Green Sands Avenue west of Buhach Road on Gurr Road from Green Sands Avenue to Ashby Road are required. To promote provision of safe pedestrian facilities within individual projects and connectivity between individual projects within the project site, integrated plans for pedestrian facilities must be prepared and implemented. In the absence of these

measures, future development within the project site may conflict with pedestrian facilities policies.

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the project mitigates the impact from conflict with pedestrian policies and plans to a less-than-significant level:

TRANS-32. Developers responsible for frontage improvements and widening Green Sands Avenue east of Buhach Road and Gurr Road south of Green Sands Avenue shall be responsible for designing and constructing both roadways to include sidewalks consistent with City standards for these roadway classifications. Prior to approval of final development plans, final maps, or other entitlements for projects that front on these roadways, the City will assure that these roadway segments are designed to include such facilities.

TRANS-33. To assure that individual development projects within the project site promote pedestrian facility connectivity within individual sites, with adjacent development sites, with pedestrian facilities on adjoining roadways, and to transit facilities within or adjacent to individual development sites, all individual project developers shall prepare a pedestrian access and connectivity plan. The pedestrian connectivity plan must be reviewed and approved by the City prior to approval of final development plans, final maps, or other entitlements for development proposed within the project site.

(b) Facts in Support of the Findings

Mitigation measure TRANS-32 requires the developers responsible for frontage improvements and widening Green Sands Avenue east of Buhach Road and Gurr Road south of Green Sands Avenue to design and construct both roadways to include sidewalks consistent with City standards for these roadway classifications. Mitigation measure TRANS-33 requires all individual project developers to prepare a pedestrian access and connectivity plan to ensure that individual development projects within the project site promote pedestrian facility connectivity within individual sites, with adjacent development sites, with pedestrian facilities on adjoining roadways, and to transit facilities within or adjacent to individual

development sites. Implementation of these mitigation measures would ensure consistency with the City’s pedestrian access policies and RTP such that the impact from conflicts with the policies is reduced to a less-than-significant level.

7. Cumulative Impact - Contribution to Intersection Levels of Service that Exceed Standards (2030 Plus Project Conditions)

The project will contribute to inadequate levels of service under 2030 cumulative development conditions at the following intersections:

- Intersection 3: Buhach Road/Green Sands Avenue (signalized intersection operating at LOS E in the p.m. peak hour)
- Intersection 8: Ashby Road/Gurr Road (all way stop operating at LOS E in the p.m. peak hour)
- Intersection 10: Gurr Road/Avenue Two (un-signalized intersection operating at LOS F in the a.m. and p.m. peak hour)
- Intersection 11: Gurr Road/Avenue One (all way stop operating at LOS F in the a.m. and p.m. peak hour)
- Intersection 14: AME expressway/State Route 99 NB Ramps (all way stop operating at LOS F in the a.m. and p.m. peak hour)
- Intersection 16: Gurr Road/Green Sands Avenue (signalized intersection operating at LOS F in the p.m. peak hour)

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, mitigation measures TRANS-1 and TRANS-2 and following mitigation measures imposed upon the project mitigate impacts to less-than-significant levels:

CUM TRANS-1. Developers of future projects within the project site shall contribute fair share funds for improvements to the Buhach Road/Green Sands Avenue intersection to widen Green Sands Avenue from Buhach Road to Gurr Road to four lanes (two lanes in each direction) as already required in mitigation measure TRANS-27 and additionally, to designate the second westbound approach lane to be a “free” right-turn lane. These improvements

would result in acceptable LOS D at this intersection. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

CUM TRANS-2. Developers of future projects within the project site shall contribute fair share funds to signalize the Gurr Road/Avenue Two intersection as is already required in mitigation measure TRANS-9. This improvement would result in acceptable LOS D at this intersection.

CUM TRANS-3. Developers of future projects within the project site shall contribute fair share funds for improvements to the AME expressway/Green Sands Avenue intersection. Significant improvements are already required in mitigation measure TRANS-12. Additional improvements required include:

1. On the northbound approach, include three 400-foot left turn lanes, two through lanes, and one 300-foot right turn lane;
2. On the southbound approach, include two 300-foot left turn lanes, three through lanes (one of which is only 400 feet), and one 400-foot right turn lane;
3. On the eastbound approach, include two 400-foot left turn lanes, two through lanes, and one “free” right turn lane;
4. On the westbound approach, include three 600-foot left turn lanes, three through lanes (one of which is added about midway between intersection 13 and intersection 46), and one 300-foot right turn lane;
5. On the eastbound departure, include three departure lanes; and
6. On the southbound departure, include four departure lanes, which merge to three lanes and then merge to two lanes per the Caltrans Highway Design Manual.

The improvements would result in acceptable LOS D at this intersection. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps,

or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

CUM TRANS-4. Developers of future projects within the project site shall contribute fair share funds to signalize the AME expressway/State Route 99 northbound ramps as is already required in mitigation measure TRANS-13. Additional improvements required include modifying the westbound approach to include a free right from the off-ramp; and adding a third northbound lane on the AME expressway that would be an auxiliary lane to the off-ramp into the project site. The improvements would result in acceptable LOS A at the northbound ramps. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

CUM TRANS-5. Developers of future projects within the project site shall contribute fair share funds for improvements to the Gurr Road/Green Sands Avenue intersection. Improvements required include:

1. On the northbound approach, include two 450-foot left turn lanes, one exclusive through lane, and one 200-foot combined through/right-turn lane;
2. On the southbound approach, include one 100-foot left turn lane, one exclusive through lane, and one 300-foot combined through/right-turn lane;
3. On the eastbound approach, include two 150-foot left turn lanes, two through lanes, and one “free” right turn lane (the “free” right-turn lane would be an extension of the third eastbound through lane from intersection #46, and would send vehicles into a dedicated southbound lane on Gurr Road, which would continue to the southbound right-turn lane at intersection #45);
4. On the westbound approach, include one left turn lane, one exclusive through lane, and one combined through/right-turn lane; and

5. On the northbound departure, include two departure lanes that will merge to one lane 300 feet north of the intersection. The improvements would result in acceptable LOS D at this intersection. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

(b) *Facts in Support of Findings*

Mitigation measure TRANS-1 requires formation of an improvement district (e.g. assessment district or CFD) for the purpose of obligating future development within the project site to pay fair share fees for construction and maintenance of new public circulation facilities. Mitigation measure TRANS-2 requires that fair share amounts and timing of payment of fair share fees are incorporated into a development agreement that may be used to identify cost reimbursement opportunities from future development within the project site vicinity that contributes to impacts at the intersections. Mitigation measure TRANS-2 identifies the timing for implementing improvements, the requirement that future traffic analyses be conducted for individual projects so that impacts triggered with each project can be identified, and states that costs for and fair-share funding of all required improvements be defined. This mitigation measure ensures that impacts are mitigated commensurate with the individual and cumulative development that causes the impacts.

For cumulatively considerable impacts on intersections that are within the control of the City or would be upon annexation of the project site, and for intersections for which a funding mechanism is or would be in place for mitigating the project cumulative impacts, implementation of mitigation measures CUM TRANS-1 through CUM TRANS-5 would improve intersection operations to an acceptable LOS D or better as described below such that the cumulative impacts would be less than cumulatively considerable and the cumulative impacts would be less than significant:

- Intersection 3: Buhach Road/Green Sands Avenue (will operate at acceptable LOS D in the p.m. peak hour)

- Intersection 10: Gurr Road/Avenue Two (will operate at acceptable LOS B in the a.m. and p.m. peak hour)
 - Intersection 13: AME expressway/Green Sands Avenue (will operate at acceptable LOS C in the a.m. and LOS D in the p.m. peak hour)
 - Intersection 14: AME expressway/State Route 99 NB Ramps (will operate at acceptable LOS A in the a.m. and p.m. peak hour)
 - Intersection 16: Gurr Road/Green Sands Avenue (will operate at acceptable LOS C in the a.m. and LOS D in the p.m. peak hour)
8. Cumulative Impacts - Contribution to Site Access Intersection Levels of Service that Exceed Standards (2030 Plus Project Conditions) (Subarea 3)

The project would contribute to unacceptable levels of service under 2030 cumulative conditions at the following site access intersections:

- Intersection 41: Gurr Road & Site Access Driveway (unsignalized intersection operating at level of service E in the p.m. peak hour)
- Intersection 42: Gurr Road & Site Access Driveway (un-signalized intersection operating at LOS F in the a.m. peak hour)
- Intersection 44: Gurr Road & Site Access Driveway (un-signalized intersection operating at LOS F in the a.m. and p.m. peak hour)
- Intersection 46: Green Sands Avenue & Site Access Driveway (un-signalized intersection operating at LOS F in the a.m. and p.m. peak hour)
- Intersection 47: Ashby Road & Site Access Driveway (un-signalized intersection operating at LOS E in the p.m. peak hour)
- Intersection 48: Ashby Road & Site Access Driveway (un-signalized intersection operating at LOS F in the p.m. peak hour)
- Intersection 50: Ashby Road & Site Access Driveway (un-signalized intersection operating at LOS F in the p.m. peak hour)
- Intersection 51: Ashby Road & Medical Center Driveway (un-signalized intersection operating at LOS F in the p.m. peak hour)

- Intersection 52: Green Sands Avenue & Medical Center Driveway (un-signalized intersection operating at LOS F in the a.m. and p.m. peak hour)

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, mitigation measures TRANS-1 and TRANS-2 and the following mitigation measures imposed upon the project mitigate impacts to less-than-significant levels:

CUM TRANS-12. Developers of future projects within the project site shall contribute fair share funds to construct a traffic signal at Gurr Road/Site Access Driveway access point #41 and a 200-foot northbound left-turn lane. This would result in acceptable LOS B at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

CUM TRANS-13. Developers of future projects within the project site shall contribute fair share funds to construct a signal at Gurr Road/Site access point #42, add a 200-foot northbound left-turn lane, and widen Gurr Road to two through lanes in each direction through intersections #42 and #43. This would result in acceptable LOS B at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

CUM TRANS-14. Developers of future projects within the project site shall contribute fair share funds to construct a signal at Gurr Road/Site Access driveway #44, add a 300-foot eastbound left-turn lane (for a total of two left-turn lanes), add a 200-foot long northbound left-turn lane, and widen Gurr Road to two through lanes in each direction through site access intersections #44 and #45. This would result in acceptable LOS B at this access point. The fair share amount shall be established in a development agreement to be

approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

CUM TRANS-15. Developers of future projects within the project site shall contribute fair share funds to construct a signal at Green Sands Avenue/Site Access driveway #46, add second eastbound and westbound through lanes, add an eastbound right-turn lane extending from site access intersection #13, add a second 300-foot northbound left-turn lane, and add two 200-foot westbound left-turn lanes. This would result in acceptable LOS D at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

CUM TRANS-16. Developers of future projects within the project site shall contribute fair share funds for improvements to Ashby Road/site access intersection #47 to add a 100-foot eastbound left-turn lane and add a two-way left-turn lane for departures from the project site driveway. This would result in acceptable LOS D at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

CUM TRANS-17. Developers of future projects within the project site shall contribute fair share funds to construct a signal at Ashby Road/site access driveway #48 with protected eastbound left-turn phasing, and to add a 200-foot eastbound left-turn lane. This would result in acceptable LOS D at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to

issuance of a building permit for any individual future project within the project site.

CUM TRANS-18. Developers of future projects within the project site shall contribute fair share funds for improvements to Ashby Road/site access intersection #50 to add a 100-foot eastbound left-turn lane, add a 150-foot southbound left-turn lane, and add a two-way left-turn lane for receiving departures from the project site driveway. This would result in acceptable LOS C at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

CUM TRANS-19. Developers of future projects within the project site shall contribute fair share funds to construct a signal at Ashby Road/Regional Medical Center Collector Road access #51, add a 200-foot eastbound left-turn lane, and add a 200-foot westbound right-turn lane. This would result in acceptable LOS B at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

CUM TRANS-20. Developers of future projects within the project site shall contribute fair share funds to construct a signal at Green Sands Avenue/Regional Medical Center Collector Road access #52 and to improve the intersection to the following configuration:

1. On the westbound approach, include two 300-foot left turn lanes, and two exclusive through lanes;
2. On the eastbound approach, include two exclusive through lanes, and one right-turn lane; and

3. On the northbound approach, include one left turn lane, and one “free” right turn lane. The “free” right-turn lane would extend to site intersection #13.

This would result in acceptable LOS C at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

For site access point #54, AME Right-Turn Land to project site, cumulative impacts would be mitigated with implementation of project specific mitigation identified in Section 3.12. No additional mitigation would be required.

(b) *Facts in Support of Findings*

Mitigation measure TRANS-1 requires formation of an improvement district (e.g. assessment district or CFD) for the purpose of obligating future development within the project site to pay fair share fees for construction and maintenance of new public circulation facilities. Mitigation measure TRANS-2 requires that fair share amounts and timing of payment of fair share fees are incorporated into a development agreement that may be used to identify cost reimbursement opportunities from future development within the project site vicinity that contributes to impacts at the intersections. Mitigation measure TRANS-2 identifies the timing for implementing improvements, the requirement that future traffic analyses be conducted for individual projects so that impacts triggered with each project can be identified, and states that costs for and fair-share funding of all required improvements be defined. This mitigation measure ensures that impacts are mitigated commensurate with the individual and cumulative development that causes the impacts. Implementation of mitigation measures CUM TRANS-12 through CUM TRANS-20 require improvements that would allow all of the site access intersections to operate at acceptable levels of service as described below such that the impacts would be reduced to less than cumulatively considerable and the cumulative impacts would be less than significant:

- Intersection 41: Gurr Road & Site Access Driveway (unsignalized intersection operating at LOS A in the a.m peak hour and LOS B in the p.m. peak hour)

- Intersection 42: Gurr Road & Site Access Driveway (un-signalized intersection operating at LOS B in the a.m. and p.m peak hour)
 - Intersection 44: Gurr Road & Site Access Driveway (un-signalized intersection operating at LOS B in the a.m. and LOS C in the p.m. peak hour)
 - Intersection 46: Green Sands Avenue & Site Access Driveway (un-signalized intersection operating at LOS B in the a.m. and LOS C in the p.m. peak hour)
 - Intersection 47: Ashby Road & Site Access Driveway (un-signalized intersection operating at LOS B in the a.m. and LOS D in the p.m. peak hour)
 - Intersection 48: Ashby Road & Site Access Driveway (un-signalized intersection operating at LOS A in the a.m. and LOS B in the p.m. peak hour)
 - Intersection 50: Ashby Road & Site Access Driveway (un-signalized intersection operating at LOS B in the a.m. and LOS C in the p.m. peak hour)
 - Intersection 51: Ashby Road & Medical Center Driveway (un-signalized intersection operating at LOS B in the a.m. and LOS B in the p.m. peak hour)
 - Intersection 52: Green Sands Avenue & Medical Center Driveway (un-signalized intersection operating at LOS A in the a.m. and LOS B in the p.m. peak hour)
9. Cumulative Impacts - Contribution to Road Segment Levels of Service that Exceed Standards (2030 Plus Project Conditions)

The project would contribute to unacceptable levels of service on the following roadway segments:

- Green Sands Avenue from the AME expressway to Gurr Road (LOS F)
- Gurr Road north of Green Sands Avenue (LOS F)
- Avenue One from Gurr Road to Trindade Road (LOS E)
- Green Sands Avenue from Buhach Road to the AME expressway (LOS F)

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, mitigation measures TRANS-1, TRANS-2, TRANS-25, TRANS-26, TRANS-27 and the following mitigation measure imposed upon the project mitigate impacts to less-than-significant levels:

CUM TRANS-21. Developers of future projects within the project site shall contribute fair share funds to widen Green Sands Avenue between Buhach Road and the AME expressway from four lanes to six lanes. This would result in acceptable LOS D on this road segment. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.

(b) Facts in Support of Findings

Mitigation measure TRANS-1 requires formation of an improvement district (e.g. assessment district or CFD) for the purpose of obligating future development within the project site to pay fair share fees for construction and maintenance of new public circulation facilities. Mitigation measure TRANS-2 requires that fair share amounts and timing of payment of fair share fees are incorporated into a development agreement that may be used to identify cost reimbursement opportunities from future development within the project site vicinity that contributes to impacts at the intersections. Mitigation measure TRANS-2 identifies the timing for implementing improvements, the requirement that future traffic analyses be conducted for individual projects so that impacts triggered with each project can be identified, and states that costs for and fair-share funding of all required improvements be defined. This mitigation measure ensures that impacts are mitigated commensurate with the individual and cumulative development that causes the impacts.

Mitigation measure TRANS-25 requires widening of Avenue One from Gurr Road to Trindade Road from two to four lanes if required by Merced County to operate at acceptable levels of service. Mitigation measure TRANS-26 requires widening of Gurr Road north of Green Sands Avenue from two to four lanes if required by

Merced County to operate at acceptable levels of service. Mitigation measure TRANS-27 requires widening of Green Sands Avenue to four lanes which would allow Green Sands Avenue from the Atwater Merced Expressway to Gurr Road to operate at acceptable levels of service. CUM-TRANS-21 requires widening of Green Sands Avenue from Buhach Road to the AME expressway to six lanes which would result in acceptable LOS D.

Mitigation measures TRANS-25, TRANS-26, TRANS-27 and CUM TRANS-21 require improvements that would allow all of the roadway segments to operate at acceptable levels of service as described below such that cumulative impacts to roadway segments would be reduced to less-than-considerable and less-than-cumulatively significant.

- Green Sands Avenue from the AME expressway to Gurr Road (LOS D)
- Gurr Road north of Green Sands Avenue (LOS D)
- Avenue One from Gurr Road to Trindade Road (LOS C)
- Green Sands Avenue from Buhach Road to the AME expressway (LOS D)

I. WASTEWATER

1. Insufficient Wastewater Treatment Capacity and Construction of New Wastewater Facilities

The RWQCB suggests that planning for expansion of a wastewater treatment facility should begin when inflows to the Wastewater Treatment Plant reach 80 percent of capacity. This point would occur when inflow to the WWTP reaches 4.8 mgd. Given the current average inflow of about 3.0 mgd, about 1.8 mgd of capacity remains until expansion planning should begin. If buildout of the project site is not complete by the time the WWTP reaches the 4.8 mgd planning “trigger”, the proposed project may generate wastewater that exceeds the WWTP capacity. Given the uncertainty of when future project site development would occur there could be insufficient wastewater treatment capacity to serve the project which would result in the need for new wastewater facilities, the construction of which could have potential to result in significant impacts.

(a) *Findings*

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the project mitigates impacts to less-than-significant levels:

UTIL-1. Prior to approval of a building permit for any individual future development project within the project site, future developers shall prepare an analysis of the projected wastewater treatment capacity demands of the project for review and approval by the City of Atwater Department of Public Works. Based on this analysis, the City of Atwater Public Works Department will monitor the status of WWTP treatment capacity as a basis for determine if and when future development within the project site may individually or cumulatively trigger the need for WWTP expansion and the CEQA analysis that must take place at that time. A building permit will not be approved without verification from the City of Atwater Public Works Department that adequate capacity is available or will be available in the foreseeable future and that environmental impacts of expanding the WWTP are appropriately identified and mitigated.

(b) *Facts in Support of Findings*

Mitigation measure UTIL-1 requires that future developers prepare an analysis of the projected wastewater treatment capacity demands of the project for review and approval by the City of Atwater Department of Public Works. Based on this analysis, the City of Atwater Public Works Department will monitor the status of WWTP treatment capacity as a basis for determine if and when future development within the project site may individually or cumulatively trigger the need for WWTP expansion and the CEQA analysis that must take place at that time. UTIL-1 requires verification from the City of Atwater Public Works Department that adequate capacity is available or will be available in the foreseeable future and that environmental impacts of expanding the WWTP are appropriately identified and mitigated prior to the issuance of building permits. Implementation of UTIL-1 will reduce impacts related to construction of new wastewater treatment facilities related to inadequate capacity to less than significant.

III. ENVIRONMENTAL EFFECTS THAT REMAIN SIGNIFICANT AND UNAVOIDABLE AFTER MITIGATION BECAUSE MITIGATION IMPLEMENTATION IS THE RESPONSIBILITY OF ANOTHER AGENCY

A. TRAFFIC

1. Cumulative Impact - Contribution to Intersection Levels of Service that Exceed Standards (2030 Plus Project Conditions)

The project will contribute to inadequate levels of service at the following intersections:

- Ashby Road/Franklin Road (all way stop operating at LOS F in the a.m. and p.m. peak hour)
- Gurr Road/Avenue One (all way stop operating at LOS F in the a.m. and p.m. peak hour)
- Avenue Two/Santa Fe Drive (un-signalized intersection operating at LOS F in the a.m. and p.m. peak hour)
- Buhach Road/Avenue Two (LOS F after redistribution of traffic resulting from future implementation of AME Phases 1B and 2)
- Buhach Road/Avenue One (LOS F after redistribution of traffic resulting from future implementation of AME Phases 1B and 2)
- AME expressway/State Route 99 SB Ramps (LOS F after redistribution of traffic resulting from future implementation of AME Phases 1B and 2)

(a) Findings

Implementation of the improvements identified in the following mitigation measures could significantly reduce project impacts; however, such changes or alterations are within the responsibility of Merced County or MCAG, not the City of Atwater. Merced County and MCAG can and should implement the mitigation measures.

CUM TRANS-6. Developers of future projects within the project site shall contribute fair share funds to improvements to the Ashby Road/Franklin Road intersection if requested by Merced County and a County program is in place to determine the fair share amount prior to approval of final development

plans, final maps, or other discretionary permits for projects within the proposed project site. This road segment is within the jurisdiction of Merced County and the County should make improvements to the road segment to mitigate cumulative impacts. Improvements required include: add signals; add 300-foot left turn lanes for the eastbound, westbound, and southbound approaches; add dual 300-foot left turn lanes on the northbound approach; add a 200-foot southbound right turn lane; and add a second westbound departure lane, which would merge into a single lane per the Caltrans Highway Design Manual. These improvements would result in acceptable LOS D at this intersection.

CUM TRANS-7. Developers of future projects within the project site shall contribute fair share funds to improvements to the Gurr Road/Avenue One intersection if requested by Merced County and a County program is in place to determine the fair share amount prior to approval of final development plans, final maps, or other discretionary permits for projects within the proposed project site. This road segment is within the jurisdiction of Merced County and the County should make improvements to the road segment to mitigate cumulative impacts. Improvements required include signalize the Gurr Road/Avenue One intersection, as is already required in mitigation measure TRANS-10. Additional improvements required include modifying the traffic signal with northbound/southbound protected phases only, adding a 300-foot northbound left turn lane, and adding a 100-foot southbound left turn lane. The improvement would result in acceptable LOS B at this intersection.

CUM TRANS-8. Developers of projects within the project site shall contribute fair share funds to improvements to the Avenue Two/Santa Fe Drive intersection if requested by Merced County and a County program is in place to determine the fair share amount prior to approval of final development plans, final maps, or other discretionary permits for projects within the project site. This road segment is within the jurisdiction of Merced County and the County should make improvements to the road segment to mitigate cumulative impacts. Improvements required include signalization, as is already required in mitigation measure TRANS-11. Additional improvements required include adding a 100-foot eastbound left turn lane, and adding overlap phasing for the eastbound right-turn movement. The improvements would result in acceptable LOS B at this intersection.

CUM TRANS-9. With implementation of future AME Phases 1B and 2, traffic would be redistributed on the vicinity road network. This redistribution would result in unacceptable LOS E at the Buhach Road/Avenue Two intersection. Adding a 150-foot northbound left turn lane would improve conditions to an acceptable LOS D. This improvement is not known to be included in the design of future AME Phases 1B or 2. MCAG should add this improvement to the design of future AME phases and should modify the regional fee to reflect the additional cost.

CUM TRANS-10. With implementation of future AME Phases 1B and 2, traffic would be redistributed on the vicinity road network. This redistribution would result in unacceptable LOS E at the Buhach Road/Avenue One intersection. Changing the east-west phasing from split phasing to permissive phasing would improve conditions to acceptable LOS D in the AM peak hour and LOS C in the PM peak hour. This improvement is not known to be included in the design of future AME Phases 1B or 2. MCAG should add this improvement to the design of future AME phases and should modify the regional fee to reflect the additional cost.

CUM TRANS-11. With implementation of future AME Phases 1B and 2, traffic would be redistributed on the vicinity road network. This redistribution would result in unacceptable LOS F at the AME expressway/State Route 99 ramps. Modifying the southbound right-turn movement to the loop on-ramp to a “free” right turn would improve conditions to an acceptable LOS B in the AM peak hour and LOS C in the PM peak hour. This improvement is not known to be included in the design of future AME Phases 1B or 2. MCAG should add this improvement to the design of future AME phases and should modify the regional fee to reflect the additional cost.

(b) *Facts in Support of the Findings*

Mitigation measures CUM TRANS-6 through CUM TRANS-11 require contribution of fair share fees for circulation improvements that are within the jurisdiction and responsibility of agencies other than the City. The responsible agencies include Merced County (for effects on transportation facilities within unincorporated Merced County) and MCAG (for effects related to future phases of the AME). The mitigation measures suggest that the respective agencies create new (Merced County) or amend existing programs (MCAG regional fee program) that are designed to

alleviate cumulative impacts on specific transportation network facilities that include the circulation improvement described in the mitigation measures. Per CEQA Guidelines section 15130(a)(3), if the mitigation measures are implemented by the respective agencies, the contribution of fair share fees to the respective programs by developers of future projects within the project site would ensure that project impacts are less than considerable and the cumulative impact is less than significant. If mitigation programs are not implemented, impacts would be cumulatively considerable. Because implementation of the mitigation measures is the responsibility of other agencies, it is uncertain whether the mitigation measures will be implemented by those agencies. Therefore, the impacts are potentially cumulatively significant and unavoidable.

2. Cumulative Impacts - Contribution to Road Segment Levels of Service that Exceed Standards (2030 Plus Project Conditions)

The project would contribute to inadequate levels of service in the following roadway segments:

- AME expressway from Green Sands Avenue to State Route 99 (LOS F after redistribution of traffic resulting from future implementation of AME Phases 1B and 2)
- Green Sands Avenue (Belcher Avenue) from Gurr Road to Franklin Road

(a) Findings

Conditions related to the segment of the AME from Green Sands Avenue to State Route 99 are described below. Mitigation consisting of additional widening of this segment is not deemed warranted. Therefore, no mitigation measures are proposed to lessen the cumulative impact.

Implementation of the improvements identified in the following mitigation measure could significantly reduce project impact on the segment of Green Sands Avenue from Gurr Road to Franklin Road; however, such changes or alterations are within the responsibility of Merced County, not the City of Atwater. Merced County can and should implement the mitigation measure.

CUM TRANS-22. Developers of future projects within the project site shall contribute fair share funds for improvements to Green Sands Avenue

(Belcher Avenue) from Gurr Road to Franklin Avenue to ensure it operates at an acceptable level of service, if requested by Merced County and a County program is in place to determine the fair share amount prior to approval of final development plans, final maps, or other discretionary permits for projects within the proposed project site. This road segment is within the jurisdiction of Merced County and the County should make improvements to the road segment to mitigate cumulative impacts.

(b) *Facts in Support of the Findings*

Cumulative impacts on the segment of the AME expressway from Green Sands Avenue to State Route 99 would result from the redistribution of traffic onto this road segment when AME Phases 1B and 2 are implemented in the future. The option of mitigating the impact by widening the segment from four to six lanes and the rationale for why the mitigation is not warranted is described on pages 4-34 to 4-35 of the Draft EIR. Widening would only improve operations from LOS F to LOS E such that the impact is not mitigated to less-than-cumulatively considerable. It is possible that the traffic modeling conducted for the project overstates the degradation of operations to LOS F. The LOS on this segment is most controlled by the operations of the operations of the two intersections at the terminus of the segment. Both intersections would operation at acceptable LOS D as mitigated such that the segment operation is likely to be closer to LOS D. If MCAG were to determine that future widening to six lanes is nevertheless viable partial mitigation for this impact, MCAG can and should add this improvement to the design of future AME phases and should modify the regional fee to reflect the additional cost.

Mitigation measure TRANS-22 requires contribution of fair share fees for circulation improvements that are within the jurisdiction and responsibility of Merced County. The mitigation measure suggests that Merced County create a program designed to alleviate cumulative impacts on the impacted facility. If a program is implemented, mitigation measure TRANS-2 identifies the timing necessary for completing improvements to ensure that impacts are mitigated commensurate with the development that causes the impacts. Per CEQA Guidelines section 15130(a)(3), if a program for mitigation is implemented by the County, the contribution of fair share fees to the programs by developers of future projects within the project site would ensure that proposed project impact on the impacted facility is less than considerable and the cumulative impact is less than significant. If a program is not

implemented, the project impact would be cumulatively considerable. Because implementation of the program is the responsibility of the County and not the City, it is uncertain whether the mitigation measure will be implemented. Therefore, the impact is potentially cumulatively significant and unavoidable.

3. Cumulative Impact - Contribution to State Route 99 Ramp Junction Levels of Service that Exceed Standards

Two locations would operate with a deficiency: the Atwater Boulevard northbound off-ramp would operate at LOS E and the southbound off-ramp would operate at LOS F. The southbound off-ramp impact would not occur if State Route 99 is widened to six lanes through Atwater.

(a) Findings

Implementation of the improvements identified in the following mitigation measures could significantly reduce project impacts; however, such changes or alterations are within the responsibility of MCAG, not the City of Atwater. MCAG can and should implement the mitigation measures.

CUM TRANS-23. Developers of future projects within the project site shall contribute fair share funds to lengthen of the Atwater Boulevard northbound off-ramp deceleration lane to 925 feet. This would result in acceptable LOS D at this off-ramp. This off-ramp is within Caltrans' jurisdiction and improvements should be funded through the MCAG regional fee program. If MCAG includes this improvement in the regional fee program prior to approval of final development plans, final maps, or other discretionary permits for projects within the proposed project site, payment of the MCAG regional fee by future developers within the project site would reduce project impacts to less than considerable.

CUM TRANS-24. Developers of future projects within the project site shall contribute fair share funds to the future widening of SR 99 to six lanes through Atwater. The highway is within Caltrans' jurisdiction and improvements should be funded through the MCAG regional fee program. If MCAG includes the improvements in the regional fee program prior to approval of final development plans, final maps, or other discretionary permits for projects within the proposed project site, payment of the MCAG regional

fee by future developers within the project site would reduce project impacts to less than considerable.

(b) *Facts in Support of the Findings*

Mitigation measures CUM TRANS-23 and CUM-TRANS-24 require contribution of fair share fees for circulation improvements that are within the jurisdiction and responsibility of Caltrans with the recommendation that the improvements be funded through the MCAG regional fee program. The mitigation measures suggest that MCAG modify its regional fee program to alleviate cumulative impacts on the facilities described in the mitigation measures. Per CEQA Guidelines section 15130(a)(3), if a program for mitigation is implemented by MCAG, the contribution of fair share fees to the program by developers of future projects within the project site would ensure that proposed project impact on the impacted facilities is less than considerable and the cumulative impacts would be less than significant. If the MCAG regional fee program is not modified to include the required improvements, the project impact would be cumulatively considerable. Because modification of the regional fee program is the responsibility of MCAG and not the City, it is uncertain whether the mitigation measures will be implemented. Therefore, the impacts are potentially cumulatively significant and unavoidable.

IV. ENVIRONMENTAL EFFECTS THAT REMAIN SIGNIFICANT AND UNAVOIDABLE AFTER MITIGATION

In the environmental areas of aesthetics, agricultural resources, air quality, climate change, hydrology and water quality, noise, and urban decay, there are instances where environmental impacts will remain significant and unavoidable after mitigation. These impacts are discussed below.

A. AESTHETICS

1. Degradation of Existing Visual Character

The project will permanently modify the visual character of the site and result in alteration of its natural topography. Specifically, approximately 189 acres of primarily undeveloped, fallow agricultural land/non-native grassland and wetland area would be converted to intense urban development including 154.5 acres in Subarea 3 –

Ferrari Ranch about 30 acres of Subarea 2 – Canal/Buhach. Conversion of the existing fallow agricultural areas of the site to intense urban uses will substantially degrade the existing visual character of the site as viewed by nearby residents, travelers on the AME expressway, travelers on SR 99, and to a lesser extent, travelers on adjacent roadways.

(a) Findings

There are no feasible mitigation measures that reduce this impact to a less-than-significant level.

(b) Facts in Support of the Findings

While new development must be consistent with General Plan policies, applicable development standards including design standards, the substantial change in visual character cannot be avoided given the fact that visual attributes of existing open space within the site will be lost and the magnitude of visual change would be substantial. Therefore, this impact is significant and unavoidable.

2. Cumulative Impact - Skyglow

The project will result in an increase in skyglow from building and parking lot lighting. The change is within the broader vicinity context of urban development along SR 99 interspersed with minimally developed/open agricultural land where skyglow effects within the corridor are not continuous between urban areas. Given its location at the urban/rural interface at the edge of the City and the significant additional lighting that will be required for the proposed project, the increase in skyglow effect is likely to be noticeable as perceived from within the SR 99 corridor in the vicinity of the project site.

(a) Findings

There are no feasible mitigation measures that reduce this impact to a less-than-significant level.

(b) Facts in Support of the Findings

The cumulative skyglow effects will be mitigated to the extent feasible by implementation of City regulations that require shielding of lighting to reduce light splay. However, even with the reduced skyglow effects resulting from the

regulations, the project effect will be cumulatively considerable and thus cumulatively significant and unavoidable.

B. AGRICULTURAL RESOURCES

1. Conversion of Important Farmland (Subareas 3 and 4)

A total of 156.5 acres of Important Farmland would be converted to non-agricultural uses. This includes approximately 114 acres of Prime Farmland and 38 acres of Farmland of Statewide Importance within Subarea 3 and 4.5 acres of Prime Farmland within Subarea 4.

(a) Findings

Changes or alterations have been required in the project that reduce the environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure lessens the significant impact, but not to a less-than-significant level:

AG-1. Prior to the issuance of grading permits, developers of individual projects within Subareas 3 and 4 shall provide evidence to the City that permanent conservation easements have been recorded on agricultural land of equal or greater quality as the acreage within each subarea classified as Prime Farmland and/or Farmland of Statewide Importance (protection at a ratio of 1:1). This is equivalent to a total of 152 acres within Subarea 3 and a total of 4.5 acres within Subarea 4. The easements shall be implemented by individual project developers or through payment to a qualified third party land trust with 501(b)(3) status, subject to review and approval of the City of Atwater Community Development Director.

(b) Facts in Support of the Findings

Mitigation measure AG-1 requires applicants for future individual projects proposed within Subareas 3 and 4 to conserve farmland of equal or greater quality at a ratio of one acre preserved to one acre converted to non-agricultural use. Future developers can directly satisfy this mitigation requirement by placing a permanent conservation easement on agricultural lands of equal or greater quality within their control or the control of others and/or by funding placement of an agricultural conservation

easement on land of equal or greater quality through a County-approved, third party farmland conservation organization.

In coordination with the Central Valley Farmland Trust, the Subarea 3 – Ferrari Ranch landowner has already identified two parcels of active agricultural land which total 182.3 acres on which agricultural conservation easements would be placed to partially mitigate for the conversion of 156.5 acres of Important Farmland within that subarea. Both parcels are under the control of the landowner and would comprise more land than required as mitigation at a 1:1 ratio. Nevertheless, conversion of Important Farmland to non-agricultural use is considered a permanent condition, as the loss of productivity of Important Farmland is irreversible and cannot be fully mitigated to less than significant. Permanent protection of other farmland of equal or greater quality as required in AG-1 serves as partial mitigation for the impact, but the impact would remain significant and unavoidable.

2. Cumulative Impact - Conversion of Important Farmland

Past and existing cumulative development within the County has resulted in a cumulatively significant impact on productive farmland through conversion to urban and other uses. Probable future development within cities and unincorporated areas per the general plans of respective jurisdictions will likely worsen the cumulative impact. The proposed project would result in the permanent conversion of approximately 156.5 acres of Important Farmland to non-agricultural use with future development of Subareas 3 and 4. While this is a fraction of the amount of Important Farmland that has been converted due to past and present development, given the critical nature of farmland resources in the County, this impact is cumulatively considerable.

(a) Findings

Changes or alterations have been required in the project that reduce the environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure lessens the significant impact, but not to a less-than-significant level:

AG-1. Prior to the issuance of grading permits, developers of individual projects within Subareas 3 and 4 shall provide evidence to the City that permanent conservation easements have been recorded on agricultural land of equal or greater quality as the acreage within each subarea classified as

Prime Farmland and/or Farmland of Statewide Importance (protection at a ratio of 1:1). This is equivalent to a total of 152 acres within Subarea 3 and a total of 4.5 acres within Subarea 4. The easements shall be implemented by individual project developers or through payment to a qualified third party land trust with 501(b)(3) status, subject to review and approval of the City of Atwater Community Development Director.

(b) *Facts in Support of the Findings*

Mitigation measure AG-1 requires that developers of individual projects within Subareas 3 and 4 record a permanent conservation easement over an equivalent acreage (at a ratio of one acre preserved for each acre converted) of off-site productive agricultural land. The loss of productivity of Important Farmland is irreversible and cannot be fully mitigated. Mitigation measure AG-1 will partially mitigate the cumulative impact, but not to less than considerable. Therefore, the impact is cumulatively considerable and cumulatively significant and unavoidable.

C. AIR QUALITY

1. Emission of Criteria Air Pollutants for Non-Permitted Development

The air basin is in non-attainment for ozone and particulate matter. Future emissions of ozone precursors (nitrogen oxides or volatile organic compounds) or particulate matter (PM₁₀ or PM_{2.5}) from operation of non-permitted development projects within the project site would result in an increase in these criteria pollutants within the air basin. Operational criteria pollutant emissions volumes will substantially exceed their respective significance thresholds. Mobile sources account for 66 percent of the VOC emissions, and 94 to 98 percent of the other pollutant emissions.

(a) *Findings*

Changes or alterations have been required in the project that reduced the environmental effect as identified in the Draft EIR. Specifically, the mitigation measures TRANS-29 through TRANS-33 lessen the significant impact, but not to a less-than-significant level.

(b) Facts in Support of the Findings

While applicant-proposed GHG reduction measures and state measures, regulations, and standards targeting GHG reductions will have the co-benefit of reducing operational criteria air emissions, none are anticipated to reduce emissions to a less-than-significant level. Voluntary Emission Reduction Agreements entered into by individual project developers could reduce impacts from individual projects to a less-than-significant level, but there is no assurance that such agreements will be executed and achieve this result. The GHG reduction measures included in the project, state regulations and standards and mitigation measures TRANS-29 through TRANS-33 would serve to lessen air quality impacts, but not to less than significant. Therefore, this impact is significant and unavoidable.

2. Emission of Criteria Pollutants Resulting in Conflict with Air Quality Management Plans

The air basin is in non-compliance for ozone and particulate matter (PM₁₀ and PM_{2.5}) and the air district has air quality management plans addressing these pollutants. A project that results in criteria air pollutant emissions in excess of the air district's criteria air pollutant thresholds (as discussed above for operational (unpermitted) emissions, is considered to be in conflict with the air district's air quality management plans.

(a) Findings

Changes or alterations have been required in the project that reduced the environmental effect as identified in the Draft EIR. Specifically, the mitigation measures TRANS-29 through TRANS-33 lessen the significant impact, but not to a less-than-significant level.

(b) Facts in Support of the Findings

Despite air district regulations and rules, co-benefits of criteria emissions reductions from GHG related measures and applicant proposed measures, and mitigation measures TRANS-29 through TRANS-33 that would reduce operational air quality impacts, these impacts would remain significant, and therefore, the project would be inconsistent with the air quality management plans and its conflict with air quality management plans would be significant and unavoidable.

3. Cumulative Impacts - Criteria Air Emissions

Projects which exceed the air district's operational thresholds are considered to have a significant cumulative impact. At buildout of the project site, thresholds of significance for all criteria air emissions (VOC, NO_x, CO, PM₁₀ and PM_{2.5}) would be exceeded.

(a) Findings

Changes or alterations have been required in the project that reduced the environmental effect as identified in the Draft EIR. Specifically, the following mitigation measures imposed upon the project lessen the significant impact, but not to a less-than-significant level:

GHG-1. The applicant shall create a transportation management agency and membership structure with funding provided through the facilities improvement/financing mechanism to be formed for the proposed project. The transportation management agency shall promote actions that reduce vehicle miles traveled by employees of new development within the project site. This shall be accomplished through promoting and implementing ride-sharing programs, vanpool/shuttle programs, and/or parking management programs; by advocating for enhanced transit access and facilities to serve the project site; and by other measures demonstrated to reduce vehicle miles traveled by employees. The transportation management association shall be formed, funded, and operational prior to issuance of a final occupancy permit for either the regional commercial component or the regional medical facility component of development within Subarea 3 – Ferrari Ranch, whichever comes first. Verification of the formation and operation of the transportation management association shall be made by the City of Atwater Planning Director.

GHG-2. The developer(s) of the regional medical center complex within Subarea 3 – Ferrari Ranch shall install solar carports over a minimum of 25 percent of the area committed to parking spaces. The solar carport design and specifications shall be included in improvement plans for the medical center complex. Verification of the improvement plans shall be made by the City of Atwater Public Works Department. Solar carport facilities may be phased over time commensurate with phasing of development of the medical

complex as may be proposed. Solar carport facilities shall be operational prior to occupancy of new facilities. If development is phased, each phase of development shall independently meet this requirement prior to occupancy.

(b) Facts in Support of the Findings

Implementation of GHG reduction measures would result in reductions in criteria air emissions through a reduction in vehicle miles traveled. and use of alternative energy. However, operational emissions would exceed air district thresholds by a significant percentage and the GHG reduction measures would not substantially lessen GHGs (and indirectly, criteria emissions) from mobile sources – the dominant source of GHG and criteria air emissions. Consequently, substantial reductions in criteria air emissions volumes would not occur such that criteria air emissions threshold would no longer be exceeded. Therefore, the proposed project cumulative impact on air quality is cumulatively considerable and significant and unavoidable.

D. CLIMATE CHANGE

1. Project and Cumulative Impacts - GHG Emissions

Climate change is a global phenomenon. As such, the evaluation of climate change impacts of the project is inherently both a project level and cumulative impact assessment.

The air district has determined that projects which do not reduce their annual GHG emissions by a minimum of 29 percent below business-as-usual (project generated GHG emissions volume that would occur in the absence of local, regional, and/or state GHG reduction measures applicable to a project) would have a significant impact. The project would generate approximately 149,308.16 MT CO₂e per year under business-as-usual conditions. GHG emissions reductions that accrue to state legislative measures and GHG reduction measures proposed by the applicant would reduce annual project emissions by 38.74 percent relative to business-as-usual, which more than exceeds the air district’s target reduction. However, as described below, uncertainty about the validity of the air district’s significance criteria in the wake of a California Supreme Court leads to uncertainty about whether the project impact can be considered less than cumulatively considerable.

(a) Findings

As described below, given a recent California Supreme Court decision, to be conservative, the project impact on climate change is deemed to be cumulatively considerable and cumulatively significant and unavoidable. To partially mitigate the impact, changes or alterations have been required in the project that reduced the environmental effect as identified in the Draft EIR. Specifically, mitigation measures GHG-1 and GHG-2 lessen the significant impact, but not to a less-than-cumulatively considerable level:

GHG-1. The applicant shall create a transportation management agency and membership structure with funding provided through the facilities improvement/financing mechanism to be formed for the proposed project. The transportation management agency shall promote actions that reduce vehicle miles traveled by employees of new development within the project site. This shall be accomplished through promoting and implementing ride-sharing programs, vanpool/shuttle programs, and/or parking management programs; by advocating for enhanced transit access and facilities to serve the project site; and by other measures demonstrated to reduce vehicle miles traveled by employees. The transportation management association shall be formed, funded, and operational prior to issuance of a final occupancy permit for either the regional commercial component or the regional medical facility component of development within Subarea 3 – Ferrari Ranch, whichever comes first. Verification of the formation and operation of the transportation management association shall be made by the City of Atwater Planning Director.

GHG-2. The developer(s) of the regional medical center complex within Subarea 3 – Ferrari Ranch shall install solar carports over a minimum of 25 percent of the area committed to parking spaces. The solar carport design and specifications shall be included in improvement plans for the medical center complex. Verification of the improvement plans shall be made by the City of Atwater Public Works Department. Solar carport facilities may be phased over time commensurate with phasing of development of the medical complex as may be proposed. Solar carport facilities shall be operational prior to occupancy of new facilities. If development is phased, each phase of development shall independently meet this requirement prior to occupancy.

(b) Facts in Support of the Finding

With GHG emissions reductions that accrue from state legislative measures and applicant proposed measures, annual project GHG emissions are reduced to 39 percent below business-as-usual. This substantially exceeds the air district target reduction of 29 percent. However, the California Supreme Court's November 2015 ruling in *Center for Biological Diversity v. California Department of Fish and Wildlife* has resulted in uncertainty about the validity of GHG emission impact thresholds of significance/targets that have been utilized over time by many lead agencies across the state, including lead agencies within the boundary of the air district, where the thresholds/targets have been based on the AB 32 Scoping Plan. The 2008 Scoping Plan identified that a statewide GHG emissions reduction of 29 percent below business-as-usual would be needed across many diverse economic sectors, including land use projects, to achieve the state's 2020 AB 32 GHG emissions reduction goal.

At the time the Draft EIR was released for public comment, uncertainty remained about how state, regional, and local agencies, including lead agencies such as the City, would craft new, legally defensible methodologies for determining the significance of individual project impacts in light of the court decision. In the absence of a new guidance from the air district regarding this issue, the City conservatively has found the impact to be cumulatively considerable and cumulatively significant and unavoidable. To lessen the cumulatively considerable impact, mitigation measures GHG-1 and GHG-2 require implementation of additional GHG reduction measures. Mitigation measure GHG-1 requires implementation of a program designed to reduce mobile source GHG emissions by reducing vehicle miles traveled. Mitigation measure GHG-2 requires that solar carports be installed at the proposed medical center complex. The mitigation measures would lessen the impact, but not to a less-than-cumulatively significant level.

2. Conflict with Air District Climate Action Plan

The air district's climate action plan has been the applicable plan for reducing GHGs from individual project. That plan has been referenced as guidance by lead agencies within the air district that have not developed their own individual climate action plans. The air district climate action plan identifies a GHG reduction target of 29 percent below business-as-usual as a basis for determining the significance of climate change impacts. The target is based on guidance found in the 208 Scoping

Plan. With a combination of state legislative and applicant proposed GHG reduction measures, annual project GHG volumes would more than meet the air district's target. However, the November 2015 California Supreme Court ruling in *Center for Biological Diversity v. California Department of Fish and Wildlife* has raised uncertainty about whether the ability of an individual land use project to meet the 2008 Scoping Plan statewide GHG reduction target of 29 percent below business-as-usual is sufficient to determine that a project would have a less-than-cumulatively considerable climate change impact. Therefore, there is currently uncertainty as to whether the project is consistent with the air district's climate action plan. project is conservatively assumed to conflict with the current climate action plan and the impact resulting from the conflict is significant.

(a) Findings

There are no mitigation measures available to reduce this impact to a less-than-significant level.

(b) Facts in Support of the Findings

At this time, the air district has not prepared a revised climate action plans that lead agencies within the air district, including the City, can utilize to make a defensible determination as to the consistency of an individual project with an applicable plan for reducing GHG emissions. Therefore, this impact is conservatively considered to be significant and unavoidable.

E. HYDROLOGY AND WATER QUALITY

1. Groundwater Depletion and Sufficiency of Water Supply Entitlements

Under historical use conditions, water demand from activities within the Project site was found to be about 505 acre-feet per year. Under project buildout conditions, consumptive demand would increase to about 670 acre-feet per year. The project would result in a net increase in groundwater demand of 165 acre-feet per year, or about 25 percent. The Merced Groundwater Basin is in overdraft condition. The basin has been the source of all water supplied to historic uses within the site and would be the source of water that the City would supply to the project. The project would exacerbate existing groundwater overdraft conditions.

(a) Findings

Changes or alterations have been required in the project that reduce the project impact on groundwater depletion as identified in the Draft EIR. Specifically, the following mitigation measure lessens the significant impact, but not to a less-than-significant level:

HYD-1. Prior to approval of individual development plans or subdivisions within the project site, project applicants shall prepare landscaping plans that maximize the use of drought tolerant landscaping to reduce landscaping irrigation water demand. Landscaping plans shall be subject to review and approval of the City of Atwater Public Works Department for consistency with this mitigation. Landscaping shall be installed prior to occupancy of individual development projects.

(b) Facts in Support of the Findings

Notwithstanding the implementation of site specific and other local, regional and state measures to reduce groundwater overdraft within the Merced Groundwater Basin, there is no assurance that the increased consumptive use of groundwater can be reduced to baseline levels or lower. Mitigation measure HYD-1 requires that the each project applicant prepare landscaping plans utilizing drought resistant landscaping to reduce irrigation related water demand. Implementation of this mitigation measure would incrementally reduce the significant impact by reducing water demand for exterior landscaping, but would not reduce the impact to a less-than-significant level. Thus, the impact remains significant and unavoidable.

2. Reduction of Groundwater Recharge and Lowering of Groundwater Level

The project site contains approximately 190 acres of undeveloped fallow agricultural land, approximately 153 acres of which would be converted to impervious surfaces for roads, parking areas, buildings, etc. This would result in loss of groundwater recharge potential relative to existing conditions. If soil characteristics or depth to groundwater conditions at the proposed detention pond sites constrain potential for stormwater from impervious surfaces of the site to be recharged to groundwater to off-set the increased water demand from the project, detained stormwater would likely be pumped into Canal Creek for disposal. In this case, the proposed project could result in substantially reduced groundwater recharge potential at the site and could contribute to localized lowering of the groundwater level.

(a) Findings

There are no feasible mitigation measures that would reduce the impact to a less-than-significant level.

(b) Facts in Support of the Findings

The City continues to participate in the Merced Integrated Regional Water Management Plan process which works to identify regional solutions to groundwater overdraft concerns including regional and local groundwater recharge projects designed for this purpose. Proposed and required stormwater management actions would incrementally reduce loss of stormwater recharge potential. Current National Pollutant Discharge Elimination System Post-Development stormwater management requirements include measures that must be incorporated into new development to enhance on-site stormwater recharge such that total runoff volume from individual development sites is reduced. Developers of individual projects within the project site will be required to prepare and implement stormwater control plans for their projects that demonstrate how the requirements will be met. Storm drainage improvements proposed for the project site as identified in the Planned Development Master Plan and the Vesting Tentative Map include storm drainage mains that would convey storm drainage collected via curbs, gutters, and storm drains from new development to one of two large stormwater basins.

Soil percolation tests will be required by the City as a condition of approval for any future proposed project within the project site to ascertain the capacity of on-site soils to percolate stormwater. Required compliance of future projects with City, state, and federal stormwater management regulations would result in maximization of stormwater recharge where such is possible given site conditions. Site design measures that would be included in new development projects to assure regulatory compliance can include defining a development envelope, conserving natural areas, concentrating development on less permeable soils, directing runoff to landscaping and low impact design structural control measures such as bioretention, rainwater harvesting and reuse, installation of pervious pavement, vegetated roofs, and soil amendments. Where low impact design is not feasible, infiltration basins, dry wells, constructed wetlands, etc are encouraged. A stormwater control plan for individual projects is required to demonstrate the stormwater measures that will be incorporated into the project to meet the post-construction water quality criteria.

Even with compliance with regulatory measures, given the current uncertainty about whether on-site soil percolation conditions are sufficient to enable on-site disposal of stormwater, it is conservatively assumed that the project will result in a significant reduction in stormwater recharge potential and that this impact is potentially significant and unavoidable. Given that stormwater regulations already focus on maximizing infiltration, mitigation which also focuses on infiltration/groundwater recharge to reduce the impact is not proposed.

3. Cumulative Impact - Groundwater Depletion and Water Supply

Water demand from cumulative development within the Merced Groundwater Basin, including agricultural production and urban and industrial development, has resulted in a long-term decline in groundwater levels resulting in overdraft conditions. The project will result in a substantial increase in consumptive use of groundwater relative to baseline conditions. Therefore, it could contribute to a cumulative worsening of groundwater overdraft conditions in the Merced Groundwater Basin caused by past and current development that will be worsened by future additional development.

(a) Findings

Changes or alterations have been required in the project that reduce this cumulative impact as identified in the Draft EIR. Specifically, mitigation measure HYD-1, previously discussed, lessens the significant impact. However, the impact remains cumulatively considerable and cumulatively significant and unavoidable.

(b) Facts in Support of the Findings

HYD-1 requires that the developers of individual projects within the project site prepare landscaping plans utilizing drought resistant landscaping to reduce irrigation related water demand. Implementation of this mitigation measure would incrementally reduce the cumulative impact by reducing water demand for exterior landscaping, but would not reduce the impact to a less-than-cumulatively considerable level. The project contribution to this impact is considered to be cumulatively considerable and the cumulative impact is significant and unavoidable.

F. NOISE

1. Exposure of Existing Sensitive Residential Receptors Located along Gurr Road between Green Sands Avenue and Ashby Road, and along Avenue Two between Santa Fe Drive and 500 Feet West of Santa Fe Drive to Noise Levels that Exceed City Standards

Sensitive residential receptors are located along the segment of Gurr Road between Green Sands Avenue and Ashby Road, and along the segment of Avenue Two from Santa Fe Drive to 500 feet west of Santa Fe Drive. With the addition of project traffic to the road network, traffic-generated noise volumes along these roads will increase to a level that exceeds thresholds of significance for exposure of residential uses to exterior noise levels.

(a) Findings

Changes or alterations have been required in the project that avoid or substantially lessen the significant environmental effect as identified in the Draft EIR. Specifically, the following mitigation measure imposed upon the project lessens the impact, but not to a less-than-significant level:

N-2. Developers of future projects within the project site shall contribute fair share funds to install “quiet pavement” on the segment of along Gurr Road between Green Sands Avenue and Ashby Road, and on the segment of Avenue Two from Santa Fe Drive to 500 feet west of Santa Fe Drive. The quiet pavement material must provide noise reduction of a minimum of 3 dB relative to existing conventional pavement. The fair share amount shall be established by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site. The City of Atwater Department of Public Works shall be responsible for verifying that quiet pavement which meets the noted noise reduction specification is utilized and installed prior to approval of building permits for the first project approved within the project site.

(b) Facts in Support of Findings

Mitigation measure N-2 requires developers of future projects to contribute fair share funds to install “quiet pavement” along the subject road segments. Because the impacted homes have direct driveway access onto the respective roadways, construction of noise barriers along the roadways to reduce noise exposure at the residences is not feasible mitigation given the requirement to maintain breaks in the noise barriers. Use of quiet pavement along these road segments would lessen noise exposure levels, but not to a level below the applicable threshold of significance. Therefore, the impact would remain significant and unavoidable.

G. URBAN DECAY**1. Vacancies of Retail Buildings Leading to Urban Decay**

Based on the potential for Ferrari Ranch retail uses to shift retail sales away from existing/future businesses within the trade area, this component of the project has potential to cause vacancies of retail buildings within the trade area. Long-term vacancies of retail buildings have the potential to lead to urban decay.

(a) Findings

There are no feasible mitigation measures that would reduce the impacts to a less-than-significant level.

The City of Atwater Vacant Building Sales Tax Rebate Program, adopted in May 2015, provides a sales tax rebate incentive to businesses that locate within existing, vacant buildings that are not occupied for business purposes. New businesses and businesses that expand their current building square footage by 25 percent or more and that locate within the City are generally eligible for the rebate provided other eligibility criteria are met. A rebate of 50 percent of the general sales tax generated by the businesses over their first full 18 months of operation is provided. The program is focused on incentivizing new or expanded businesses to locate within the City for the purpose of generating sales tax and jobs. The program also has potential to partially reduce the potential for urban decay from building vacancies that could occur.

(b) Facts in Support of the Findings

Significant uncertainty exists about if, how, when and where building vacancies might occur due to the project potential to capture existing retail sales. It would be speculative to project what types of businesses could be impacted, their location, their particular economic circumstances, and other variables that could affect the type of assistance that might be provided to reduce the potential for building vacancies. Consequently, it would be speculative to identify feasible mitigation measures for those impacts whose implementation would be effective in lessening or reducing potential urban decay impacts. Therefore, this impact is conservatively considered to be potentially significant and unavoidable.

2. Cumulative Impacts - Vacancies of Retail Buildings Leading to Urban Decay

The interaction of the project capture of retail sales of existing retail developments and future retail development within the project trade area is the source of potential cumulative urban decay impacts.

The project would cause an even larger shift in sales from existing sales under a cumulative development scenario once planned retail in the development pipeline is constructed and operating. It is this shift of sales from existing/planned retail development that has potential to lead to vacancies of these establishments that in turn could lead to their physical decay. Numerous variables exist that create uncertainty associated with projecting potential urban decay impacts.

(a) Findings

There are no feasible mitigation measures that would reduce the impact to less-than-cumulatively considerable and less-than-cumulatively significant.

The City of Atwater Vacant Building Sales Tax Rebate Program, adopted in May 2015, provides a sales tax rebate incentive to businesses that locate within existing, vacant buildings that are not occupied for business purposes. New businesses and businesses that expand their current building square footage by 25 percent or more and that locate within the City are generally eligible for the rebate provided other eligibility criteria are met. A rebate of 50 percent of the general sales tax generated by the businesses over their first full 18 months of operation is provided. The program is focused on incentivizing new or expanded businesses to locate within the

City for the purpose of generating sales tax and jobs. The program also has potential to partially reduce the potential for urban decay from building vacancies that could occur.

(b) *Facts in Support of the Findings*

It would be speculative to project the types of businesses that could be impacted, their location, their particular economic circumstances, and other variables that could affect the type or feasibility of mitigation that might be implemented to reduce the potential for building vacancies. Consequently, it is difficult to determine whether any mitigation measures exist whose implementation would be effective in lessening or reducing potential urban decay impacts. Therefore, this impact is conservatively considered to be cumulatively considerable and cumulatively significant and unavoidable.

V. FINDINGS REGARDING ALTERNATIVES AND BASIS FOR THE CITY COUNCIL'S DECISION TO APPROVE THE PROJECT AND REJECT OTHER ALTERNATIVES

Summary of Discussion of Alternatives in the Final EIR

The Final EIR evaluates a range of potential alternatives to the originally Project: 1) No Project; 2) General Plan Amendment Land Use Change 1; 3) General Plan Amendment Land Use Change 2; and 4) Alternative Project Location Alternative. The EIR examines the environmental impacts of each alternative in comparison with the original Project and the relative ability of each alternative to satisfy the project objectives.

The Final EIR also summarizes the criteria used to identify a reasonable range of alternatives for review in the EIR and briefly discusses proposals that did not merit additional, more-detailed review either because they do not present viable alternatives to the Project or they are variations on the alternatives that are evaluated in detail.

The City Council's Basis for Findings Relating to Alternatives

In making these findings, the City Council certifies that it has independently reviewed and considered the information on alternatives provided in the Final EIR, including the information provided in comments on the Draft EIR and the responses to those comments in the Final EIR. The Final EIR discussion and analysis of these alternatives is not repeated in total in these findings, but the discussion and analysis of the alternatives in the Final EIR are incorporated in these findings by reference to supplement the analysis here.

The City Council finds the Project would satisfy the project objectives. As set forth in Section II above, the City Council has adopted mitigation measures that avoid or reduce to the extent feasible the significant environmental effects of the Project. As explained in Sections III and IV of these findings, while these mitigation measures will not mitigate all Project impacts to a less-than-significant level, they will mitigate those impacts to a level that the City Council finds is acceptable. The City Council finds the remaining alternatives infeasible for a number of reasons, including failure to meet one or more key project objectives; on balance, significant environmental impacts would not be avoided or reduced relative to the Project; inconsistency with the City's land use vision as identified in the General Plan; and/or the applicant's lack of control over a proposed alternative project location.

Accordingly, the City Council has determined to approve the Project instead of approving one of the remaining alternatives. Separately and independently, the City Council finds that when compared to the other alternatives described and evaluated in the Final EIR, the Project, as mitigated, provides a reasonable balance between satisfying the project objectives and reducing potential environmental impacts to an acceptable level.

The above findings are supported by the reasons set forth below and in the Final EIR.

Description of Project Objectives. The basic objectives of the Project are:

- Pursue orderly expansion of the Atwater community by providing annexation, general plan amendment, and rezoning approvals for the project site, and by providing PDMP and VTM approvals for Subarea 3 – Ferrari Ranch;

- Ensure that the project site can be adequately serviced by the City and meet annexation policy requirements as articulated by LAFCO;
- Implement the City’s vision for significantly expanded economic development opportunities and job creation through development of land within its SOI with unique capacity and location for such development;
- Support a general plan amendment to modify land use within the majority of the project site from Commercial to Business Park, which provides enhanced flexibility for responding to changing local and regional market demand for diverse types of developed uses that provide economic development benefits, enhance potential for employment growth, and maximize tax revenues to support City services and functions that benefit all of Atwater’s residents.
- Maximize employment generation and tax revenue generation potential from development of the project site;
- Allow for creativity and flexibility in the location of uses, density, development product type, and design, to help the end user(s) meet development and use objectives;
- Implement the City’s more specific vision for provision of regional and local serving commercial uses, a regional medical center, professional medical offices, and related supporting activities which help expand and diversify the local economy, provide additional health service options, and diversify commercial offerings available to the Atwater community by approving the PDMP and VTM approvals for Subarea 3, which set forth a pedestrian-oriented destination for shopping, entertainment, business activities, recreation, dining, and civic organization needs;
- Improve potential for the City to close its existing and projected shortfall of public park acreage per capita by approving a site within Subarea 3 – Ferrari Ranch that would be reserved for future development of a Regional Park/Sports Complex that could also generate economic benefit for the City through attracting regional activities and events;
- Attract economic development by streamlining the entitlement process and related approval requirements, including zoning standards, design guidelines, and CEQA compliance;

- Implement the City's design guidelines, and development standards within areas designated Business Park to ensure adequate development control is used to create high quality development that enhances the City's visual character and quality of life.

Discussion and Findings Related to Alternatives Evaluated in the Final EIR

No Project. Under CEQA, a "No Project Alternative" compares the impacts of proceeding with a proposed project with the impacts of not proceeding with the proposed project. A No Project Alternative describes the environmental conditions in existence at the time the Notice of Preparation was published or some other supportable time period, along with a discussion of what would be reasonably expected to occur at the site in the foreseeable future, based on current plans and consistent with available infrastructure and community services.

The "No Project Alternative" considered in the Final EIR assumes that if the Project is not approved, development of the project site would occur in the future based on its current General Plan land use designations. This alternative assumes that the beneficial attributes of the Project, including reservation of a 20-acre site for future development with a regional park would not be provided.

The City Council hereby finds the No Project Alternative is infeasible. This alternative would not on balance result in a net avoidance of significant Project impacts or net reduction of significant Project impacts to a less-than-significant level.

This alternative would allow significant employment generation and would satisfy most of the project objectives. However, the City Council hereby rejects this alternative because it does not meet specific project objectives related to providing flexible development design as afforded under the proposed planned development zoning for the Project and that zoning will provide benefits in terms of increasing project design quality. On balance, this alternative does not provide net environmental benefit, does not meet project design related objectives of the Project, and does not provide potential for public benefit through reserving land for a regional park.

General Plan Amendment Land Use Change 1 Alternative

The “General Plan Amendment Land Use Change 1 Alternative” (LUC 1 Alternative) assumes that Subarea 2, the approximately 59.46-acre portion of the project site proposed for Business Park use, would instead be developed under the General Plan Low Density Residential and Medium Density Residential land use designations. This alternative maintains the beneficial regional park component of the Project.

The traffic and circulation, air quality, GHG, and transportation noise impacts resulting from the LUC 1 Alternative would be reduced relative to those associated with the Project as a result of an approximately nine percent reduction in vehicle trip generation. Hazards and hazardous materials impacts could also be reduced with the elimination of business park land uses that could require transportation, use, and disposal of hazardous wastes. None of the significant or significant and unavoidable impacts of the Project would be avoided or reduced to less than significant.

The remaining impacts resulting from the LUC 1 Alternative would be similar to the impacts associated with the Project. The LUC 1 Alternative would result in a significant reduction in employment generation potential, which is inconsistent with the key project objective of maximizing employment generation potential and increased tax revenue potential.

The City Council hereby finds that the General Plan Amendment Land Use Change 1 Alternative is infeasible, based on each of the foregoing reasons, separately and independently. The City Council further rejects this alternative because, while this alternative would lessen some of the significant environmental effects of the Project, many of its impacts would be similar to those of the Project.

On balance, the environmental benefits that might be achieved with this alternative are outweighed, independently and separately, by the failure to achieve key project objectives. These include maximizing employment generation potential and tax revenue potential, and diversifying the City’s economy. This alternative is also inconsistent with the General Plan land use designation for Subarea 2.

General Plan Amendment Land Use Change 2 Alternative

The General Plan Amendment Land Use Change 2 alternative (LUC 2 Alternative) would change the proposed General Plan land use designation on 19.3 acres

comprised of a portion of Subarea 3 and all of Subarea 4 from Business Park to Medium Density Residential. This alternative maintains the beneficial regional park component of the Project.

The traffic and circulation, air quality, GHG, and transportation/land use compatibility noise impacts resulting from the LUC 2 Alternative would be reduced relative to the Project as a result of a reduction in vehicle trip generation. Urban decay impacts would also be incrementally reduced due to reduced retail development capacity. However, none of the significant or significant and unavoidable impacts of the Project would be avoided or reduced to less than significant. The remaining impacts resulting from the LUC 2 Alternative would be similar to the impacts associated with the Project.

Like Alternative LUC 1, Alternative LUC 2 would generally meet the project objectives. However, LUC 2 would result in reduced employment generation and reduced revenue generation for the City by replacing employment and revenue generating retail uses with residential development, which has no associated employment generation and is typically revenue neutral to revenue negative. Thus, this alternative would be marginally less consistent with the City's objective to maximize employment and tax revenue generation from development of the project site. It would also be marginally less consistent with the objective of diversifying the City's economic base.

The City Council hereby finds the General Plan Amendment Land Use Change 2 Alternative is infeasible, based on each of the foregoing reasons, separately and independently. The City Council further rejects this alternative because, while this alternative would lessen some of the significant environmental effects of the Project, the reductions are considered marginal. Moreover, this alternative is marginally less consistent with a key Project objective of maximizing employment and tax revenue generation, and with the objective of diversifying the City's economic base. On balance, the insubstantial environmental benefits that might be achieved with this alternative are outweighed, independently and separately, by the failure of this alternative to achieve the City's employment and revenue generation priorities from development of uses included in the Project.

Alternative Project Location Alternative

The Alternative Project Location (APL) is proposed to examine environmental effects of developing a different site with the uses included in the Project. Given the City's General Plan vision and policies designed to expand employment opportunities and City revenue, an alternative site within the City's SOI was considered. Selection of a site outside of the SOI was deemed to be infeasible as doing so would attain none of the objectives of the Project.

The economic viability of a regional retail center and to a lesser degree a regional medical center is directly linked to its accessibility and visibility. Regional centers are typically located along highways with ready vehicle and visual access to the center. These factors are prerequisite to determining whether an alternative site is available within the City's SOI that could accommodate the Project. Such a site is located at the western end of the City at the Westside Boulevard/Bellevue Road interchange with SR 99. The site is 281 acres in size and is designated Commercial (129 acres), Business Park (75 acres), and Low Density Residential (77 acres).

To accommodate the 3,160,554 square feet of non-residential building use included in the Project, a general plan amendment would be needed to redesignate 39 acres of the 77 acres of Low Density Residential Use to Business Park. In addition, to accommodate the 20-acre regional park site, an additional 20 acres designated for Low Density Residential use would need to be utilized for park use. These deductions would leave a balance of 18 acres of Low Density Residential Use.

The APL alternative would have increased aesthetic and agricultural resource impacts. It would have nominally increased air quality and GHG impacts due to a minor increase in traffic generation. It would have reduced hydrology and water quality impacts as the APL site is not within a flood hazard zone and the related significant flood hazard impact of the Project would be avoided. None of the significant and unavoidable impacts of the Project would be avoided or reduced to less than significant with the APL alternative. The remaining impacts resulting from the APL alternative would be similar to the impacts associated with the Project.

By enabling significant business park and commercial development potential, as well as expanded employment generation, the APL alternative would largely meet the key Project and overall City objective of maximizing employment and tax revenue from sites designated Commercial and Business Park. Specific objectives related to

enabling development and design flexibility afforded by the proposed Planned Development zoning for Subarea 3 would also be met. This alternative is consistent with the other Project objectives. However, the feasibility of the APL alternative is uncertain. Detailed technical analyses conducted for the Subarea 3 – Ferrari Ranch and information from the AME EIR provided data on the suitability of the proposed project site (e.g. natural and environmental hazard condition, infrastructure availability, etc.) to accommodate the proposed uses. Detailed analysis of the APL site would be needed to ascertain its suitability to accommodate the proposed project. The project applicant does not own or control the APL site. While this fact is not a basis for rejecting the APL alternative, it is a factor in whether or not the APL alternative is feasible as defined in CEQA Guidelines section 15126.6(f)(1).

The City Council hereby finds the Alternative Project Location Alternative is infeasible, based on the foregoing environmental impact discussion. The City Council further rejects this alternative because while significant flood hazard impacts would be avoided, on balance, it would result in increased environmental impacts. On balance, the environmental benefit that might be achieved with this alternative is outweighed by the increase in impact intensity that would result. Further, the feasibility of this alternative is uncertain.

Findings Regarding Adequacy of Range of Alternatives

The City Council finds that the range of alternatives evaluated in the EIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the environmental effects of the Project, while accomplishing most, but not all of the project objectives. The City Council finds that the alternatives analysis is sufficient to inform the City Council and the public regarding the tradeoffs between the degree to which alternatives to the Project could reduce environmental impacts and the corresponding degree to which the alternatives would hinder the City's ability to achieve most or all of its project objectives.

**CEQA FINDINGS, STATEMENT OF OVERRIDING
CONSIDERATIONS AND MITIGATION
MONITORING PROGRAM RESOLUTION
ATTACHMENT B**

STATEMENT OF OVERRIDING CONSIDERATIONS

STATEMENT OF OVERRIDING CONSIDERATIONS

I. Introduction and Benefits of the Project

California law requires that prior to approving a general plan amendment, rezoning/rezoning, annexation, vesting tentative map, and development agreement, a decision making body must find the subject project/action to be consistent with the applicable General Plan with respect to land use designation and various policies found in the text of the General Plan. Similarly, as a tool to implement the City's Planned Development regulations, the Ferrari Ranch PDMP must also be consistent with the General Plan. As described in the Resolution to Recommend Approval of the General Plan Amendment, the project has been found to be consistent with the General Plan, including General Plan policies intended to provide economic, social, and environmental benefits for the City and its residents.

The City Council finds that the economic, social, technological and other benefits of the project outweigh the significant and unavoidable environmental impacts identified in the EIR and in the record, some of which have been eliminated or reduced in severity to the degree feasible through modifications to the originally proposed project and through implementation of mitigation measures contained in the Ferrari Project EIR. The economic, legal, social, technological, environmental, or other benefits of the project as summarized below independently outweigh the remaining significant adverse impacts and are overriding considerations independently warranting approval of the project. In making this finding, the City Council has balanced the benefits of the project against its significant and unavoidable impacts and has indicated its willingness to accept the adverse impacts. Nevertheless, the City commits to mitigating the impacts to the extent feasible as described in the EIR, Mitigation Monitoring and Reporting Program, and conditions of approval.

The City Council finds that the Ferrari Project, including the Ferrari Ranch Planned Development Master Plan and Vesting Tentative Map, would have the following economic, social, and environmental benefits:

STATEMENT OF OVERRIDING CONSIDERATIONS

1. The project is located within the City's Castle Parkway growth area and the General Plan identifies this growth area as a Phase 1, Target Annexation Priority. The project would help implement priority City growth (Social/Economic Benefit).
2. The project will diversify the City's economic base (Social/Economic Benefit).
3. The project is projected to generate about 7,700 jobs. Full development of the project site would also generate an estimated 3,200 job years of one-time construction employment (Social/Economic Benefit).
4. The project will improve the City's existing and projected jobs/housing ratio, thereby providing greater opportunity for Atwater residents live and work in Atwater. This will result in reduced commuting for Atwater residents, which in turn reduces criteria air emissions and greenhouse gas emissions from vehicles (Social/Economic/Environmental Benefit).
5. The project is projected to provide a net annual revenue increase of \$3,128,100 to the City's general fund at buildout. The substantial revenue benefit will enable the City to expand the breadth, frequency, and quality of public and social services available to Atwater residents (Social/Economic Benefit).
6. The project is expected to have economic multiplier effects by bringing visitors and economic activity to the Atwater area that indirectly promotes economic growth through increased demand for goods and services in the remainder of the City, with potential for additional indirect employment generation (Social/Economic Benefit).
7. The project includes development within the Ferrari Ranch PDMP boundary that would ensure that retail, medical, and recreational uses are well designed and well-integrated to improve the quality of development in the City (Economic/Social/Environmental Benefit).
8. The project includes a 30.1-acre site for development of a medical complex, including a hospital and medical offices, are located within a portion of the County that is significantly underserved with health care services (Social/Economic Benefit).

9. The project provides a potential recreational resource for City residents by designating 20 acres as a regional sports complex (Social /Environmental Benefit).
10. The project includes extension of a trail along Canal Creek, bicycle facilities on adjacent roadways and within the project site, and internal pedestrian connectivity features that support alternative modes of transportation to reduce traffic congestion, air emissions, and greenhouse gas emissions, and that encourage physical activity, such as biking and walking (Social/Environmental Benefit).
11. The project creates the opportunity for Subarea 5 – Valley to have access to backbone wastewater collection and storm drainage collection and disposal infrastructure that is not currently available to this unincorporated area of residential development concentration (Social/Environmental/Economic Benefit).
12. The project provides water supply, wastewater collection, and storm drainage collection backbone infrastructure to existing residential development within Subarea 1 – Station/Manchester that now utilize water wells and septic systems (Environmental Benefit).
13. The project has a high level of employment concentration that will enable financially feasible expansion of public transit into the site and the project will provide transit facilities for this purpose (Economic/Environmental Benefit).

II. Findings

The City Council finds that the foregoing benefits provided through approval of the Ferrari Project, including general plan amendment, rezoning, annexation, Ferrari Ranch PDMP, Ferrari Ranch VTM, and Ferrari Ranch development agreement approvals, outweigh the identified significant adverse environmental impacts. The City Council further finds that each of the individual benefits discussed above outweighs the unavoidable adverse environmental effects identified in the EIR and therefore, finds those impacts to be acceptable.

The substantial evidence supporting the various benefits can be found in the preceding CEQA findings of fact, which are incorporated by reference into this section, and in the Draft EIR and Final EIR documents.

**CEQA FINDINGS, STATEMENT OF OVERRIDING
CONSIDERATIONS AND MITIGATION
MONITORING PROGRAM RESOLUTION
ATTACHMENT C**

MITIGATION MONITORING PROGRAM

MITIGATION MONITORING AND REPORTING PROGRAM

In accordance with CEQA and the CEQA Guidelines, the City Council must adopt a mitigation monitoring and reporting program to ensure that the mitigation measures adopted herein are implemented. The City Council adopts the Mitigation Monitoring and Reporting Program for the project, which is included in the table starting on the following page.

**City of Atwater
Community Development Department
Mitigation Monitoring Reporting Plan**

Project Name: Ferrari Project Program EIR
File No: _____ **APNs:** Multiple
Approved by: City of Atwater City Council **Date:** _____

Mitigation Number	Mitigation Measure	Party Responsible for Implementation	Party Responsible for Monitoring	Verification of Compliance (name/date)
PRIOR TO THE APPROVAL OF FINAL DEVELOPMENT PLANS, FINAL MAPS, OR OTHER PROJECT LEVEL ENTITLEMENTS FOR INDIVIDUAL PROJECTS				
HYD-1	Prior to approval of individual development plans or subdivisions within the project site, project applicants shall prepare landscaping plans that maximize the use of drought tolerant landscaping to reduce landscaping irrigation water demand. Landscaping plans shall be subject to review and approval of the City of Atwater Public Works Department for consistency with this mitigation. Landscaping shall be installed prior to occupancy of individual development projects.	Developers of individual projects within the project site	City of Atwater Community Development Department	
HYD-2	Prior to approval of individual development plans or subdivisions within the project site, project applicants shall prepare a preliminary stormwater control plan prepared by a qualified professional for review and approval by the City. The preliminary stormwater control plan shall identify measures to be incorporated into the proposed project consistent with Post-Development stormwater management requirements contained in Water Quality Order No. 2013-0001-DWQ, National Pollutant Discharge Elimination System - General Permit No. CAS000004. Prior to approval of a grading permit, project applicants shall submit a final stormwater control plan to the City for review and approval. The final stormwater control plan shall reflect any modifications to the preliminary stormwater control plan and/or site design, and shall include low impact design or other measures included therein as deemed necessary by the City.	Developers of individual projects within the project site	City of Atwater Community Development Department	

**City of Atwater
Community Development Department
Mitigation Monitoring Reporting Plan**

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Mitigation Number	Mitigation Measure	Party Responsible for Implementation	Party Responsible for Monitoring	Verification of Compliance (name/date)
HYD-3	<p>Prior to approval of individual final development plans, final maps, or other land use entitlements for future individual projects within Subarea 2 – Canal/Buhach and Subarea 3 – Ferrari Ranch that are located wholly or partially within the Zone A Special Flood Hazard Area, a flood study shall be prepared to provide additional detailed information regarding the existing 100-year floodplain, flood prevention measures for new development and impacts of development on flood conditions. The flood study shall include the following information:</p> <p>a. Hydrologic analysis to determine the 100-year peak flow discharge for Canal Creek.</p> <p>b. Hydraulic analysis to determine existing condition 100-year flood elevations, flood limits, velocities, and other flow characteristics within and contiguous to the project area.</p> <p>c. Hydraulic analysis to determine proposed condition 100-year flood elevations, flood limits, velocities, and other flow characteristics within and contiguous to the project area.</p> <p>d. Proposed finished floor elevations for any buildings that will be located within the Zone A Special Flood Hazard Area. The building finished floors shall have their lowest floor elevated a minimum of two feet above the applicable base flood (100-year) elevation determined from the flood study per Section 16.14.170 of the City's Municipal Code. The required elevating of building finished floors could be lowered to a minimum of 0.1 feet above the applicable base flood elevation if a Letter of Map Revision is obtained from FEMA that changes the flood zone from Zone A to Zone AE in the future per Section 16.14.170 of the City's Municipal Code.</p> <p>e. An analysis that determines whether future development within the flood zones has potential to exacerbate upstream or downstream flooding as a result of increases in water surface elevations, reductions in available flood storage, obstructions to flow, or other factors. If exacerbation of flooding is possible, the flood study shall identify options for providing compensatory flood storage capacity such that no net increase in upstream or downstream flooding will occur under post-development conditions. Each option shall identify preliminary design concepts and performance standards that must be met.</p> <p>The flood study shall be prepared by a registered civil engineer and submitted to the City of Atwater Public Works Department for review and approval. A Development Permit must be obtained from the City in conformance with Section 16.14.130 of the City's Municipal Code for development activities in a Special Flood Hazard Area to verify conformance with the applicable flood management regulations.</p>	<p>Developers of individual projects within Subarea 2 and Subarea 3 that are located wholly or partially within the Zone A Special Flood Hazard Area</p>	<p>City of Atwater Community Development Department</p>	

**City of Atwater
Community Development Department
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Mitigation Number	Mitigation Measure	Party Responsible for Implementation	Party Responsible for Monitoring	Verification of Compliance (name/date)
HYD-4	<p>Prior to approval of individual final development plans, final maps, or other land use entitlements for future individual projects within Subarea 3 – Ferrari Ranch that include development within the Zone AO (Depth 1) Special Flood Hazard Area, project applicants shall comply with the City’s flood hazard regulations and standards by implementing one of the following mitigation options: 1) the lowest finished floor elevation of all structures extending into the flood zone shall be set a minimum of two feet above the highest adjacent grade in conformance with Section 16.14.170 of the City’s Municipal Code; 2) applicants shall obtain a Letter of Map Revision from FEMA that officially eliminates the Zone AO (Depth 1) Special Flood Hazard Area within Subarea 3; or 3) applicants shall obtain a Conditional Letter of Map Revision from FEMA indicating that upon completion of certain drainage improvements, the Special Flood Hazard Area will be confined to areas outside of building envelopes, and upon completion of drainage improvements, the applicant shall obtain a Letter of Map Revision from FEMA that officially revises the Special Flood Hazard Area in conformance with the previously issued Conditional Letter of Map Revision. The applicant must also obtain a Development Permit from the City in conformance with Section 16.14.130 of the Municipal Code for development activities in a Special Flood Hazard Area to verify conformance with the applicable flood management regulations.</p>	<p>Developers of projects within the Zone AO (Depth 1) Special Flood Hazard Area within Subarea 3</p>	<p>City of Atwater Community Development Department</p>	

**City of Atwater
Community Development Department
Mitigation Monitoring Reporting Plan**

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Mitigation Number	Mitigation Measure	Party Responsible for Implementation	Party Responsible for Monitoring	Verification of Compliance (name/date)
HYD-5	If the flood hazard studies required for Subarea 2 – Station/Manchester and Subarea 3 – Ferrari Ranch as described in Mitigation Measure HYD-3 above determine that flood depths may exceed three feet in proposed development areas, pursuant to the State’s Urban Level of Flood Protection regulations, buildings must be elevated above the 200-year flood elevation and the City must make a finding prior to construction of the buildings that the Urban Level of Flood Protection standard of flood protection will be achieved as buildings will have the ability to withstand a 200-year flood event. If flood depths are less than three feet in proposed development areas, the City must make a finding that new development within Zone A and Zone AO (Depth 1) will meet the national FEMA standard of flood protection as promulgated in the City’s flood management regulations. The finding required by the City may be made based on a flood study prepared to address conditions in both Subareas 2 and 3 or within either of these individual subareas based on the Zone AO (Depth 1) definition (shallow flooding, average depth of 1 foot). In any case, the finding must be made prior to approval of any development agreement, discretionary permit or other discretionary entitlement, or ministerial permit for future individual projects proposed within Zone A or Zone AO (Depth 1).	Developers of projects within the Zone A or AO (Depth 1) Special Flood Hazard Area	City of Atwater Community Development Department	

**City of Atwater
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N-4	To ensure that exposure of existing on-site and off-site, and future on-site noise sensitive uses to non-transportation noise levels from future proposed uses not exceed City standards, developers of future individual projects that include stationary noise generating equipment or activities shall prepare a noise study. The noise study shall identify noise exposure levels at noise sensitive uses, determine the significance of noise exposure levels relative to City noise policies and standards, and include mitigation measures as needed to avoid or reduce potential noise impacts to less than significant. Mitigation measures could include sound barriers or enclosures, setbacks, noise control features on mechanical equipment, site design, etc. Noise studies shall be subject to review and approval by the City prior to approval of discretionary permits and noise mitigation requirements shall be reflected in project development plans prior to approval of a grading permit.	Developers of individual projects within the project site that include stationary noise generating equipment or activities	City of Atwater Community Development Department	
TRANS-1	The City will form an improvement district, the exact type and nature of which is to be determined at its discretion, for the purpose of obligating future development within the project site to pay fair share fees for construction and maintenance of new public circulation facilities and other facilities as deemed necessary by the City. The improvement district shall be established prior to approval of any future final development plan, final map, or other project level entitlement for projects proposed within the project site.	City of Atwater	City of Atwater Community Development Department	

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Mitigation Number	Mitigation Measure	Party Responsible for Implementation	Party Responsible for Monitoring	Verification of Compliance (name/date)
TRANS-2	<p>The applicant shall prepare a transportation improvement plan for incorporation into the development agreement for the Ferrari Ranch component of the proposed project. The transportation improvement plan shall specify, based on vehicle trip generation volumes or other accepted metrics, when intersection, road segment, alternative transportation improvements, or other transportation improvements described for the 2015 Plus Project scenario and 2030 Plus Project scenario (described in Section 4.0, Cumulative Impacts, of this EIR) shall be implemented in order to ensure acceptable levels of service at each affected intersection. Improvements needed to mitigate 2015 Plus Project impacts shall be completed prior to or tandem with the individual projects that trigger the need for improvements. Improvements which are under control of the City that are needed to mitigate 2030 Plus Project impacts shall be completed prior to or in tandem with the individual projects that trigger the need for improvements. Improvements which are under control of other agencies (e.g. MCAG and the County) that are needed to mitigate 2030 Plus Project impacts should be completed by those agencies prior to or in tandem with the cumulative projects that trigger the need for improvements. The transportation plan shall also specify requirements for conducting project specific traffic impact analyses for future individual projects within the project site needed to identify the scope and timing of transportation improvements. The transportation improvement plan shall specify costs for each improvement, fair share responsibility, and reimbursement arrangements for payment of up front improvement costs by individual developers. The development agreement for Ferrari Ranch will be approved by the City prior to approval of any future final development plan, final map, or other project level entitlement for projects proposed within the project site.</p>	Ferrari Project Applicant	City of Atwater Community Development Department	

**City of Atwater
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Mitigation Number	Mitigation Measure	Party Responsible for Implementation	Party Responsible for Monitoring	Verification of Compliance (name/date)
TRANS-29	Future developers of individual projects within the project site shall consult with the Merced County Transit Authority to identify the need, location, and standards for constructing transit facilities within their respective project boundaries. Transit facilities (bus pull outs, shelters, stops, signage, etc.) shall be provided such that facilities and safe pedestrian and bicycle access to them are located within one-quarter mile of all uses within the project site that generate demand for transit use. These uses include commercial, regional park, and medical facility development planned within Subarea 3 – Ferrari Ranch, business park development within Subarea 2 – Canal Creek/Buhach and Subarea 4 – 6.3-Acre Parcel, as well as existing/future residential development within Subarea 1 – Station/Manchester and existing residential development within Subarea 5 – Valley. All future developers of projects within Subareas 1 – 4 shall consult with the Merced County Transportation Authority to determine transit facilities that shall be incorporated into their respective projects. Project developers shall provide written evidence to the City that such consultation has occurred and shall incorporate such facilities into final development plans, final maps or other applicable plans for entitlements prior to approval of the respective entitlements.	Developers of individual projects within the project site	City of Atwater Community Development Department	

**City of Atwater
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Mitigation Number	Mitigation Measure	Party Responsible for Implementation	Party Responsible for Monitoring	Verification of Compliance (name/date)
TRANS-30	Future project developers responsible for frontage improvements on Green Sands Avenue east of Buhach Road and on Gurr Road south of Green Sands Avenue shall design and construct both roadways to include Class II bicycle lanes consistent with City standards for the applicable roadway classifications. Prior to approval of final development plan, final maps, or other entitlements for projects that front on these roadways, the City will assure that these roadway segments are designed to include Class II bicycle lanes.	Future project developers responsible for frontage improvements on Green Sands Avenue east of Buhach Road and on Gurr Road south of Green Sands Avenue	City of Atwater Community Development Department	
TRANS-31	To assure that individual development projects promote bicycle use connectivity within individual sites, with adjacent development sites, with Class II bike lanes on Green Sands Avenue and Gurr Road, and with transit facilities to be established within the site and/or along adjacent roadways; and to assure provision of internal bicycle support facilities such as racks and lockers, all individual project developers shall prepare a bicycle plan. Bicycle plans shall meet standards contained in the City bicycle plan. The bicycle plan must be reviewed and approved prior to approval of final development plans, final maps, or other entitlements for development within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	

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Mitigation Number	Mitigation Measure	Party Responsible for Implementation	Party Responsible for Monitoring	Verification of Compliance (name/date)
TRANS-32	Developers responsible for frontage improvements and widening Green Sands Avenue east of Buhach Road and Gurr Road south of Green Sands Avenue shall be responsible for designing and constructing both roadways to include sidewalks consistent with City standards for these roadway classifications. Prior to approval of final development plans, final maps, or other entitlements for projects that front on these roadways, the City will assure that these roadway segments are designed to include such facilities.	Developers responsible for frontage improvements and widening Green Sands Avenue east of Buhach Road and Gurr Road south of Green Sands Avenue	City of Atwater Community Development Department	
TRANS-33	To assure that individual development projects within the project site promote pedestrian facility connectivity within individual sites, with adjacent development sites, with pedestrian facilities on adjoining roadways, and to transit facilities within or adjacent to individual development sites, all individual project developers shall prepare a pedestrian access and connectivity plan. The pedestrian connectivity plan must be reviewed and approved by the City prior to approval of final development plans, final maps, or other entitlements for development proposed within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	

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PRIOR TO THE ISSUANCE OF A BUILDING PERMIT1

BIO-2	<p>Environmental Education Program (Subareas 2, 3, and 4). Prior to issuance of building permits, a Worker Environmental Education Program ("Program") shall be submitted by developers of individual projects within Subareas 2, 3, and 4 for approval by the City of Atwater Planning Division. The purpose is to inform construction workers about the types of special-status species wildlife that have potential to occur within individual project sites and actions that must be taken to avoid or minimize impacts on such species. Prior to any site disturbance or other construction activities (i.e., engineering surveys, mobilization, fencing, grading, or construction), an approved Program shall be implemented by a qualified biologist. Each Program shall be implemented throughout the duration of project construction. Each Program shall include, but not be limited to, the following items:</p> <ul style="list-style-type: none"> • Training materials and briefings shall include a discussion of the federal and state Endangered Species Acts, the Migratory Bird Treaty Act, the consequences of non-compliance with these acts; hazardous substance spill prevention and containment measures; a contact person and phone number in the event of the discovery of dead or injured wildlife; and a review of mitigation requirements; • A discussion of measures to be implemented for avoidance of special-status species potentially occurring on the site, including literature and photographs of San Joaquin kit fox, Swainson's hawk, western pond turtle, and burrowing owl; • Protocols to be followed when road kill is encountered in the work area or along access roads to minimize potential for additional mortality of scavengers, and the identification of an on-site representative to report any road kill. Road kill shall be reported to the appropriate local animal control agency within 24 hours; and, • Maps showing the known locations of special-status wildlife, exclusion areas, and other construction limitations (e.g. limited operating periods, etc.). <p>Individual project developers shall provide evidence to the City of Atwater Planning Division that all on-site construction personnel have completed the Program prior to the start of site mobilization. All new personnel shall receive this training no more than one day after beginning work to ensure information is delivered in a timely manner. A log of all personnel who have completed the Program training shall be kept on each project site.</p> <p>A weather-protected bulletin board or binder shall be centrally placed or kept on each project site (e.g., in the construction trailer, construction foreman's vehicle, etc.) for the duration of construction. This board or binder shall provide key provisions of regulations or project conditions as they relate to biological resources or as they apply to grading activities. This information shall be easily accessible for personnel in all active work areas.</p>	<p>Developers of individual projects within Subareas 2, 3 and 4</p>	<p>City of Atwater Community Development Department</p>	
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**City of Atwater
Community Development Department
Mitigation Monitoring Reporting Plan**

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Mitigation Number	Mitigation Measure	Party Responsible for Implementation	Party Responsible for Monitoring	Verification of Compliance (name/date)
GEO-1	Developers of individual projects within Subarea 1 – Station/Manchester, Subarea 2 – Buhach/Canal Creek, and Subarea 4 – 6.3-Acre Parcel, shall submit a geotechnical report prepared by a registered engineer to identify risk for liquefaction hazard. If liquefaction hazards are identified, future development within these subareas shall be designed consistent with all applicable federal, state and local seismic standards. Project applicants shall incorporate all recommendations from their respective geotechnical report into the design of their projects to minimize liquefaction hazard risk. Building plans and design drawings shall be subject to review and approval by the City of Atwater Building Division for consistency with the recommendations prior to issuance of a building permit.	Developers of individual projects within Subareas 1 through 4	City of Atwater Community Development Department	
GHG-2	The developer(s) of the regional medical center complex within Subarea 3 – Ferrari Ranch shall install solar carports over a minimum of 25 percent of the area committed to parking spaces. The solar carport design and specifications shall be included in improvement plans for the medical center complex. Verification of the improvement plans shall be made by the City of Atwater Public Works Department. Solar carport facilities may be phased over time commensurate with phasing of development of the medical complex as may be proposed. Solar carport facilities shall be operational prior to occupancy of new facilities. If development is phased, each phase of development shall independently meet this requirement prior to occupancy.	Developer of regional medical complex within Subarea 3	City of Atwater Community Development Department	

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Mitigation Number	Mitigation Measure	Party Responsible for Implementation	Party Responsible for Monitoring	Verification of Compliance (name/date)
N-1	Developers of future projects within the project site shall contribute fair share funds to install “quiet pavement” on the segment of North Buhach Road between Green Sands Avenue and Clover Avenue, and on the segment of Gurr Road from Green Sands Avenue to 1,000 feet north of Green Sands Avenue. The quiet pavement material must provide noise reduction of a minimum of 3 dB relative to existing conventional pavement. The fair share amount shall be established by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site. The City of Atwater Department of Public Works shall be responsible for verifying that quiet pavement which meets the noted noise reduction specification is utilized and installed prior to approval of building permits for the first project approved within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	
N-2	Developers of future projects within the project site shall contribute fair share funds to install “quiet pavement” on the segment of along Gurr Road between Green Sands Avenue and Ashby Road, and on the segment of Avenue Two from Santa Fe Drive to 500 feet west of Santa Fe Drive. The quiet pavement material must provide noise reduction of a minimum of 3 dB relative to existing conventional pavement. The fair share amount shall be established by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site. The City of Atwater Department of Public Works shall be responsible for verifying that quiet pavement which meets the noted noise reduction specification is utilized and installed prior to approval of building permits for the first project approved within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	

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TRANS-3	Developers of future projects within the project site shall contribute fair share funds to install overlap phasing (a special output of a traffic signal controller that can "overlap" from one phase movement to another) on the eastbound right-turn at the Buhach Road/Avenue Two/Juniper Avenue (signalized intersection). This would result in acceptable LOS D at this intersection. The fair share amount shall be established through an improvement district to be created prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	
TRANS-4	Developers of future projects within the project site shall contribute fair share funds to add a 200-foot eastbound left-turn lane and change the signal phasing to a protected eight-phase signal at the Buhach Road/Avenue One/Lake Ridge Street intersection. This would result in acceptable LOS D at this intersection. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	

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TRANS-5	Developers of future projects within the project site shall contribute fair share funds to change the eastbound and westbound approaches to protected phasing at the Buhach Road/Green Sands Avenue intersection. This would result in acceptable LOS D at this intersection. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	
TRANS-6	Developers of future projects within the project site shall contribute fair share funds to add a second south eastbound through lane, and overlap phasing to the south eastbound right-turn movement at the Buhach Road Overcrossing/Ashby Road intersection. This would result in acceptable LOS C at this intersection. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	

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TRANS-7	Developers of future projects within the project site shall contribute fair share funds to add a second eastbound approach lane to the roundabout, extending the lane to exit at the eastbound departure with a lane drop at the Ashby Road/Gurr Road roundabout intersection. This would result in acceptable LOS C at this intersection. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	
TRANS-8	Developers of future projects within the project site shall contribute fair share funds to construct a traffic signal and left turn lanes on each approach at the Ashby Road/Franklin Road intersection. This would result in acceptable LOS C at this intersection. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. The fair share amount should reflect the incremental contribution of the proposed project to an existing operational deficiency at this intersection. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site. An encroachment permit and approval of improvement plans will be required from Merced County.	Developers of individual projects within the project site	City of Atwater Community Development Department	

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TRANS-9	Developers of future projects within the project site shall contribute fair share funds to construct a traffic signal and a 200-foot northbound left-turn at the Gurr Road/Avenue Two intersection. This would result in acceptable LOS C at this intersection. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. The fair share amount should reflect the incremental contribution of the proposed project to an existing operational deficiency at this intersection. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site. An encroachment permit and approval of improvement plans will be required from Merced County.	Developers of individual projects within the project site	City of Atwater Community Development Department	
TRANS-10	Developers of future projects within the project site shall contribute fair share funds to construct a traffic signal, add 200-foot left-turn lanes on all approaches, and a 200-foot northbound right-turn lane at the Gurr Road/Avenue One intersection. This would result in acceptable LOS C at this intersection. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site. An encroachment permit and approval of improvement plans will be required from Merced County.	Developers of individual projects within the project site	City of Atwater Community Development Department	

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TRANS-11	Developers of future projects within the project site shall contribute fair share funds to construct a traffic signal and add a northbound left-turn lane at the Santa Fe Drive/Avenue Two intersection. This would result in acceptable LOS C at this intersection. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. The fair share amount should reflect the incremental contribution of the proposed project to an existing operational deficiency at this intersection. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site. An encroachment permit and approval of improvement plans will be required from Merced County.	Developers of individual projects within the project site	City of Atwater Community Development Department	
TRANS-12	Developers of future projects within the project site shall contribute fair share funds to construct a second eastbound through lane, add a second westbound left-turn lane 300 feet in length, and add overlap phasing on the eastbound right-turn movement at the AME expressway/Green Sands Avenue intersection. This would result in acceptable LOS D at this intersection. Improvement of this intersection is a part of the future AME Phase 1B project. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	

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TRANS-13	Developers of future projects within the project site shall contribute fair share funds to construct a traffic signal at the AME expressway/SR 99 NB Ramps intersection. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. The fair share amount should reflect the incremental contribution of the proposed project to an existing operational deficiency at this intersection. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site. An encroachment permit and approval of improvement plans must be approved by Caltrans.	Developers of individual projects within the project site	City of Atwater Community Development Department	
TRANS-14	Developers of future projects within the project site shall contribute fair share funds to construct a 370-foot long second northbound left-turn lane and a 300-foot long southbound right-turn lane at the Gurr Road/Green Sands Avenue intersection. This would result in acceptable LOS D at this intersection. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	

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TRANS-15	Developers of future projects within the project site shall contribute fair share funds to construct a traffic signal at the Gurr Road/Site Access Driveway (access point #42) and a 200-foot northbound left-turn lane. This would result in acceptable LOS B at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	
TRANS-16	Developers of future projects within the project site shall contribute fair share funds to construct a traffic signal at the Gurr Road/Site Access Driveway (access point #44), a 200-foot northbound left-turn lane, and a 200-foot southbound right-turn lane. This would result in acceptable LOS D at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	

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TRANS-17	Developers of future projects within the project site shall contribute fair share funds to construct a traffic signal at the Green Sands Avenue/Site Access Driveway (access point #46), a 200-foot westbound left-turn lane, a 300-foot eastbound right-turn lane, and to add overlap phasing to the eastbound right-turn movement. This would result in acceptable LOS D at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	
TRANS-18	Developers of future projects within the project site shall contribute fair share funds to construct a two-way left-turn lane along Ashby Road for departures from the driveway at the Ashby Road/Project Site Driveway (access point #47). LOS D would result. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	

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TRANS-19	Developers of future projects within the project site shall contribute fair share funds to construct a traffic signal at the Ashby Road/Project Site Access Driveway (access point #48). This would result in acceptable LOS B at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	
TRANS-20	Developers of future projects within the project site shall contribute fair share funds to construct a 150-foot southbound left-turn lane at the Ashby Road/Project Site Access Driveway (access point #49). This would result in acceptable LOS C at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	
TRANS-21	Developers of future projects within the project site shall contribute fair share funds to construct a 200-foot eastbound left-turn lane, a 200-foot westbound right-turn lane, and a 200-foot southbound left-turn lane at the Ashby Road/Project Site Access Driveway (access point #50). This would result in acceptable LOS C at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	

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TRANS-22	Developers of future projects within the project site shall contribute fair share funds to construct a traffic signal, a 300-foot eastbound left-turn lane, and a 300-foot westbound right-turn lane at the Ashby Road/Medical Center Collector road intersection (access point #51). This would result in acceptable LOS C at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	
TRANS-23	Developers of future projects within the project site shall contribute fair share funds to construct a 200-foot eastbound right-turn lane, a 300-foot westbound left-turn lane, and a 600-foot eastbound through lane at the Green Sands Avenue/Regional Medical Center Collector road intersection (access point #53). This would result in acceptable LOS C at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	

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TRANS-24	Developers of future projects within the project site shall contribute fair share funds to construct a two-lane roundabout at the terminus of the AME right-turn lane into Subarea 3 – Ferrari Ranch (access point #54). The roundabout shall include two-lane approaches on all legs. The right-turn lane from the AME to the roundabout shall be at least 750 feet long. The departure lane clearance from the roundabout shall have a minimum distance of 150 feet, measured from the roundabout to the point where departing vehicles would stop for or interact with conflicting vehicle traffic. This would result in acceptable LOS at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	

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TRANS-25	<p>Developers of future projects within the project site shall contribute fair share funds to widen the segment of Avenue One from Gurr Road to Trindade Road from two to four lanes if required by Merced County. The project applicant shall consult with Merced County to determine if widening this rural roadway to four lanes is desirable and required. Widening would result in acceptable LOS D. The need for and timing for widening should also be considered in light of later AME project improvements (2030 or beyond), which would divert traffic off of this segment (e.g. construction of parallel extension of the AME expressway to the north from Green Sands Avenue), thereby improving performance under cumulative 2030 Plus Project scenario conditions to LOS D without roadway widening. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site. An encroachment permit and approval of improvement plans will be required from Merced County.</p>	<p>Developers of individual projects within the project site</p>	<p>City of Atwater Community Development Department</p>	

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TRANS-26	Developers of future projects within the project site shall contribute fair share funds to widen the segment of Gurr Road north of Green Sands Avenue from two to four lanes if required by Merced County. The City shall consult with Merced County to determine if widening this rural roadway to four lanes is desirable and required. The need for and timing for widening should be also be considered in light of later AME project improvements (2030 or beyond), which would divert traffic off of this segment (e.g. construction of a parallel extension of the AME expressway to the north from Green Sands Avenue), thereby improving performance under cumulative 2030 Plus Project scenario conditions to LOS D without roadway widening. Widening the roadway would result in acceptable LOS D. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site. An encroachment permit and approval of improvement plans will be required from Merced County.	Developers of individual projects within the project site	City of Atwater Community Development Department	

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TRANS-27	Developers of future projects within the project site shall contribute fair share funds to widen Green Sands Avenue between Buhach Road and Gurr Road from two to four lanes consistent with City standards. This would result in acceptable LOS D. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site. This improvement is part of the AME Phase 1B project that would not be constructed until at least 2030 provided full funding is available. If traffic generated from the project site does not trigger the need widen Green Sand Avenue until AME Phase 1B is funded and constructed, this mitigation measure may not be required. Conversely, if the improvement is constructed to mitigate project impacts prior to and independent of AME Phase 1B, reimbursement from MCAG or negotiation of the MCAG regional fee amount could be warranted.	Developers of individual projects within the project site	City of Atwater Community Development Department	

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TRANS-28	<p>Developers of future projects within the project site shall contribute fair share funds to widen the AME expressway between SR 99 and Green Sands Avenue from two to four lanes. The need for and timing for widening should be also be considered in light of later phases of the AME (2030 or beyond) designed to widen this segment of the expressway to four lanes, thereby improving performance to LOS D under cumulative 2030 Plus Project scenario conditions. This improvement would result in acceptable LOS D. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site. This improvement is part of the AME Phase 1B project that would not be constructed until at least 2030 provided full funding is available. If traffic generated from the project site does not trigger the need widen Green Sand Avenue until AME Phase 1B is funded and constructed, this mitigation measure may not be required. Conversely, if the improvement is constructed to mitigate project impacts prior to and independent of AME Phase 1B, reimbursement from MCAG or negotiation of the MCAG regional fee amount could be warranted.</p>	<p>Developers of individual projects within the project site</p>	<p>City of Atwater Community Development Department</p>	

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CUM AQ-1	Future developers of projects within the project site shall pay a fair share of costs to conduct CO health risk analyses as may be required. Such analyses shall be conducted for intersections where any individual future project traffic report required per mitigation measure TRANS-2 determines that unavoidable congested traffic conditions (e.g. LOS E or F) will occur at any intersection with the addition of individual project traffic to the road system network and where sensitive receptors are located immediately adjacent to the subject intersection(s). The CO health risk analyses shall contain performance measures for reducing or avoiding CO related health risks at impacted sensitive receptors. Developers of each subject project shall implement the measures, with developers of subsequent projects that contribute to the identified impacts responsible for contributing a fair share of the costs. The Planning Director shall be responsible for reviewing the CO health risk analyses for adequacy and for ensuring that mitigation actions are completed prior to approval of a building permit for the each subject project unless otherwise determined by the Planning Director.	Developers of individual projects within the project site	City of Atwater Community Development Department	
CUM TRANS-1	Developers of future projects within the project site shall contribute fair share funds for improvements to the Buhach Road/Green Sands Avenue intersection to widen Green Sands Avenue from Buhach Road to Gurr Road to four lanes (two lanes in each direction) as already required in mitigation measure TRANS-27 and additionally, to designate the second westbound approach lane to be a "free" right-turn lane. These improvements would result in acceptable LOS D at this intersection. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	

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<p>CUM TRANS- 3</p>	<p>Developers of future projects within the project site shall contribute fair share funds for improvements to the AME expressway/Green Sands Avenue intersection. Significant improvements are already required in mitigation measure TRANS-12. Additional improvements required include:</p> <ol style="list-style-type: none"> 1. On the northbound approach, include three 400-foot left turn lanes, two through lanes, and one 300-foot right turn lane; 2. On the southbound approach, include two 300-foot left turn lanes, three through lanes (one of which is only 400 feet), and one 400-foot right turn lane; 3. On the eastbound approach, include two 400-foot left turn lanes, two through lanes, and one “free” right turn lane; 4. On the westbound approach, include three 600-foot left turn lanes, three through lanes (one of which is added about midway between intersection 13 and intersection 46), and one 300-foot right turn lane; 5. On the eastbound departure, include three departure lanes; and 6. On the southbound departure, include four departure lanes, which merge to three lanes and then merge to two lanes per the Caltrans Highway Design Manual. <p>The improvements would result in acceptable LOS D at this intersection. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.</p>	<p>Developers of individual projects within the project site</p>	<p>City of Atwater Community Development Department</p>	

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CUM TRANS-4	Developers of future projects within the project site shall contribute fair share funds to signalize the AME expressway/State Route 99 northbound ramps as is already required in mitigation measure TRANS-13. Additional improvements required include modifying the westbound approach to include a free right from the off-ramp; and adding a third northbound lane on the AME expressway that would be an auxiliary lane to the off-ramp into the project site. The improvements would result in acceptable LOS A at the northbound ramps. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.		City of Atwater Community Development Department	

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<p>CUM TRANS- 5</p>	<p>Developers of future projects within the project site shall contribute fair share funds for improvements to the Gurr Road/Green Sands Avenue intersection. Improvements required include:</p> <ol style="list-style-type: none"> 1. On the northbound approach, include two 450-foot left turn lanes, one exclusive through lane, and one 200-foot combined through/right-turn lane; 2. On the southbound approach, include one 100-foot left turn lane, one exclusive through lane, and one 300-foot combined through/right-turn lane; 3. On the eastbound approach, include two 150-foot left turn lanes, two through lanes, and one “free” right turn lane (the “free” right-turn lane would be an extension of the third eastbound through lane from intersection #46, and would send vehicles into a dedicated southbound lane on Gurr Road, which would continue to the southbound right-turn lane at intersection #45); 4. On the westbound approach, include one left turn lane, one exclusive through lane, and one combined through/right-turn lane; and 5. On the northbound departure, include two departure lanes that will merge to one lane 300 feet north of the intersection. The improvements would result in acceptable LOS D at this intersection. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site. 	<p>Developers of individual projects within the project site</p>	<p>City of Atwater Community Development Department</p>	

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CUM TRANS-6	Developers of future projects within the project site shall contribute fair share funds to improvements to the Ashby Road/Franklin Road intersection if requested by Merced County and a County program is in place to determine the fair share amount prior to approval of final development plans, final maps, or other discretionary permits for projects within the proposed project site. This road segment is within the jurisdiction of Merced County and the County should make improvements to the road segment to mitigate cumulative impacts. Improvements required include: add signals; add 300-foot left turn lanes for the eastbound, westbound, and southbound approaches; add dual 300-foot left turn lanes on the northbound approach; add a 200-foot southbound right turn lane; and add a second westbound departure lane, which would merge into a single lane per the Caltrans Highway Design Manual. These improvements would result in acceptable LOS D at this intersection.	Developers of individual projects within the project site	Merced County	
CUM TRANS-7	Developers of future projects within the project site shall contribute fair share funds to improvements to the Gurr Road/Avenue One intersection if requested by Merced County and a County program is in place to determine the fair share amount prior to approval of final development plans, final maps, or other discretionary permits for projects within the proposed project site. This road segment is within the jurisdiction of Merced County and the County should make improvements to the road segment to mitigate cumulative impacts. Improvements required include signalize the Gurr Road/Avenue One intersection, as is already required in mitigation measure TRANS-10. Additional improvements required include modifying the traffic signal with northbound/southbound protected phases only, adding a 300-foot northbound left turn lane, and adding a 100-foot southbound left turn lane. The improvement would result in acceptable LOS B at this intersection.	Developers of individual projects within the project site	Merced County	

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CUM TRANS-8	Developers of projects within the project site shall contribute fair share funds to improvements to the Avenue Two/Santa Fe Drive intersection if requested by Merced County and a County program is in place to determine the fair share amount prior to approval of final development plans, final maps, or other discretionary permits for projects within the project site. This road segment is within the jurisdiction of Merced County and the County should make improvements to the road segment to mitigate cumulative impacts. Improvements required include signalization, as is already required in mitigation measure TRANS-11. Additional improvements required include adding a 100-foot eastbound left turn lane, and adding overlap phasing for the eastbound right-turn movement. The improvements would result in acceptable LOS B at this intersection.	Developers of individual projects within the project site	Merced County	
CUM TRANS-9	With implementation of future AME Phases 1B and 2, traffic would be redistributed on the vicinity road network. This redistribution would result in unacceptable LOS E at the Buhach Road/Avenue Two intersection. Adding a 150-foot northbound left turn lane would improve conditions to an acceptable LOS D. This improvement is not known to be included in the design of future AME Phases 1B or 2. MCAG should add this improvement to the design of future AME phases and should modify the regional fee to reflect the additional cost.	Developers of individual projects within the project site	MCAG	

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CUM TRANS-10	With implementation of future AME Phases 1B and 2, traffic would be redistributed on the vicinity road network. This redistribution would result in unacceptable LOS E at the Buhach Road/Avenue One intersection. Changing the east-west phasing from split phasing to permissive phasing would improve conditions to acceptable LOS D in the AM peak hour and LOS C in the PM peak hour. This improvement is not known to be included in the design of future AME Phases 1B or 2. MCAG should add this improvement to the design of future AME phases and should modify the regional fee to reflect the additional cost.	Developers of individual projects within the project site	MCAG	
CUM TRANS-11	With implementation of future AME Phases 1B and 2, traffic would be redistributed on the vicinity road network. This redistribution would result in unacceptable LOS F at the AME expressway/State Route 99 ramps. Modifying the southbound right-turn movement to the loop on-ramp to a “free” right turn would improve conditions to an acceptable LOS B in the AM peak hour and LOS C in the PM peak hour. This improvement is not known to be included in the design of future AME Phases 1B or 2. MCAG should add this improvement to the design of future AME phases and should modify the regional fee to reflect the additional cost.	Developers of individual projects within the project site	MCAG	
CUM TRANS-12	Developers of future projects within the project site shall contribute fair share funds to construct a traffic signal at Gurr Road/Site Access Driveway access point #41 and a 200-foot northbound left-turn lane. This would result in acceptable LOS B at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	

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CUM TRANS-13	Developers of future projects within the project site shall contribute fair share funds to construct a signal at Gurr Road/Site access point #42, add a 200-foot northbound left-turn lane, and widen Gurr Road to two through lanes in each direction through intersections #42 and #43. This would result in acceptable LOS B at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	
CUM TRANS-14	Developers of future projects within the project site shall contribute fair share funds to construct a signal at Gurr Road/Site Access driveway #44, add a 300-foot eastbound left-turn lane (for a total of two left-turn lanes), add a 200-foot long northbound left-turn lane, and widen Gurr Road to two through lanes in each direction through site access intersections #44 and #45. This would result in acceptable LOS B at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	

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CUM TRANS-15	Developers of future projects within the project site shall contribute fair share funds to construct a signal at Green Sands Avenue/Site Access driveway #46, add second eastbound and westbound through lanes, add an eastbound right-turn lane extending from site access intersection #13, add a second 300-foot northbound left-turn lane, and add two 200-foot westbound left-turn lanes. This would result in acceptable LOS D at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	
CUM TRANS-16	Developers of future projects within the project site shall contribute fair share funds for improvements to Ashby Road/site access intersection #47 to add a 100-foot eastbound left-turn lane and add a two-way left-turn lane for departures from the project site driveway. This would result in acceptable LOS D at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	

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CUM TRANS-17	Developers of future projects within the project site shall contribute fair share funds to construct a signal at Ashby Road/site access driveway #48 with protected eastbound left-turn phasing, and to add a 200-foot eastbound left-turn lane. This would result in acceptable LOS D at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	
CUM TRANS-18	Developers of future projects within the project site shall contribute fair share funds for improvements to Ashby Road/site access intersection #50 to add a 100-foot eastbound left-turn lane, add a 150-foot southbound left-turn lane, and add a two-way left-turn lane for receiving departures from the project site driveway. This would result in acceptable LOS C at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	

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CUM TRANS-19	Developers of future projects within the project site shall contribute fair share funds to construct a signal at Ashby Road/Regional Medical Center Collector Road access #51, add a 200-foot eastbound left-turn lane, and add a 200-foot westbound right-turn lane. This would result in acceptable LOS B at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	

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CUM TRANS-20	<p>Developers of future projects within the project site shall contribute fair share funds to construct a signal at Green Sands Avenue/Regional Medical Center Collector Road access #52 and to improve the intersection to the following configuration:</p> <ol style="list-style-type: none"> 1. On the westbound approach, include two 300-foot left turn lanes, and two exclusive through lanes; 2. On the eastbound approach, include two exclusive through lanes, and one right-turn lane; and 3. On the northbound approach, include one left turn lane, and one “free” right turn lane. The “free” right-turn lane would extend to site intersection #13. <p>This would result in acceptable LOS C at this access point. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.</p> <p>For site access point #54, AME Right-Turn Land to Project site, cumulative impacts would be mitigated with implementation of project specific mitigation identified in Section 3.12. No additional mitigation would be required.</p>	Developers of individual projects within the project site	City of Atwater Community Development Department	

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CUM TRANS-21	Developers of future projects within the project site shall contribute fair share funds to widen Green Sands Avenue between Buhach Road and the AME expressway from four lanes to six lanes. This would result in acceptable LOS D on this road segment. The fair share amount shall be established in a development agreement to be approved by the City prior to approval of final development plans, final maps, or other project level entitlements within the project site. Fair share funds shall be paid by individual project developers prior to issuance of a building permit for any individual future project within the project site.	Developers of individual projects within the project site	City of Atwater Community Development Department	
CUM TRANS-22	Developers of future projects within the project site shall contribute fair share funds for improvements to Green Sands Avenue (Belcher Avenue) from Gurr Road to Franklin Avenue to ensure it operates at an acceptable level of service, if requested by Merced County and a County program is in place to determine the fair share amount prior to approval of final development plans, final maps, or other discretionary permits for projects within the proposed project site. This road segment is within the jurisdiction of Merced County and the County should make improvements to the road segment to mitigate cumulative impacts.	Developers of individual projects within the project site	City of Atwater Community Development Department	

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CUM TRANS-23	Developers of future projects within the project site shall contribute fair share funds to lengthen of the Atwater Boulevard northbound off-ramp deceleration lane to 925 feet. This would result in acceptable LOS D at this off-ramp. This off-ramp is within Caltrans' jurisdiction and improvements should be funded through the MCAG regional fee program. If MCAG includes this improvement in the regional fee program prior to approval of final development plans, final maps, or other discretionary permits for projects within the proposed project site, payment of the MCAG regional fee by future developers within the project site would reduce project impacts to less than considerable.	Developers of individual projects within the project site	City of Atwater Community Development Department	
CUM TRANS-24	Developers of future projects within the project site shall contribute fair share funds to the future widening of SR 99 to six lanes through Atwater. The highway is within Caltrans' jurisdiction and improvements should be funded through the MCAG regional fee program. If MCAG includes the improvements in the regional fee program prior to approval of final development plans, final maps, or other discretionary permits for projects within the proposed project site, payment of the MCAG regional fee by future developers within the project site would reduce project impacts to less than considerable.	Developers of individual projects within the project site	City of Atwater Community Development Department	

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UTIL-1	Prior to approval of a building permit for any individual future development project within the project site, future developers shall prepare an analysis of the projected wastewater treatment capacity demands of the project for review and approval by the City of Atwater Department of Public Works. Based on this analysis, the City of Atwater Public Works Department will monitor the status of WWTP treatment capacity as a basis for determine if and when future development within the project site may individually or cumulatively trigger the need for WWTP expansion and the CEQA analysis that must take place at that time. A building permit will not be approved without verification from the City of Atwater Public Works Department that adequate capacity is available or will be available in the foreseeable future and that environmental impacts of expanding the WWTP are appropriately identified and mitigated.	Developers of individual projects within the project site	City of Atwater Public Works Department	
PRIOR TO THE ISSUANCE OF GRADING PERMITS OR INITIATION OF SITE DISTURBANCE/CONSTRUCTION ACTIVITIES (WHICHEVER COMES FIRST)				
AG-1	Prior to the issuance of grading permits, developers of individual projects within Subareas 3 and 4 shall provide evidence to the City that permanent conservation easements have been recorded on agricultural land of equal or greater quality as the acreage within each subarea classified as Prime Farmland and/or Farmland of Statewide Importance (protection at a ratio of 1:1). This is equivalent to a total of 152 acres within Subarea 3 and a total of 4.5 acres within Subarea 4. The easements shall be implemented by individual project developers or through payment to a qualified third party land trust with 501(b)(3) status, subject to review and approval of the City of Atwater Community Development Director.	Developers of individual projects within Subareas 3 and 4	City of Atwater Community Development Director	

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BIO-1	<p>Special-Status Plants (Subarea 3). To protect special-status plant species with low potential to occur within the seasonal marsh habitat in the detention basin at the northeast corner of Subarea 3 (CNPS Rare Plant Rank 1B Sanford's arrowhead and CNPS Rare Plant Rank 2B Wright's trichocoronis), the presence/absence of Sanford's arrowhead and Wright's trichocoronis shall be determined prior to construction activities. The developer of this portion of Subarea 3 shall retain a qualified biologist to repeat the focused botanical survey for these two species in accordance with current CDFW and CNPS rare plant survey protocols during the overlapping blooming period for both species (May to September).</p> <p>The survey should be conducted during a year of adequate rainfall to ensure that the species are observable if present on the site. If the survey is conducted in an area mapped as experiencing severe, extreme, or exceptional drought conditions according to the U.S. Drought Monitor, then blooming reference populations of target species should be identified in the general project vicinity to verify that the species are observable. The U.S. Drought Monitor map is available on-line and updated weekly by the National Oceanic and Atmospheric Administration, the U.S. Department of Agriculture, and the National Drought Mitigation Center.</p> <p>If a focused botanical survey is performed during a drought year, the CDFW and CNPS rare plant survey protocols require a discussion of how drought conditions may affect the validity of survey results, and state that additional surveys may be necessary if the severity of drought conditions is found to preclude the identification of a target species.</p> <p>If the survey concludes that the species are not present within the survey area or would not be impacted by proposed development, no further mitigation is required. If either species would be impacted, then mitigation shall be implemented. The project developer shall contract with a qualified biologist or native plant specialist to collect seed from the special-status plants located within the impact area prior to initiation of ground disturbance activities. The project developer shall then oversee selection of an appropriate mitigation area within the project site or in the project vicinity that does not contain special-status plant species, including either of the subject species, and that is already preserved or will be protected in perpetuity through a conservation easement. Collected seed shall be installed at the mitigation area at the optimal time according to a Restoration Plan developed by a qualified biologist and approved by the City of Atwater Planning Division. Topsoil from the detention basin area should be salvaged (where practical) for use in the mitigation area.</p> <p>The developer of any project that impacts the fresh water marsh within the detention basin shall be responsible for implementation of this mitigation measure.</p>	Developers of projects within Subarea 3 that affect seasonal marsh	City of Atwater Community Development Director	

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BIO-3.	<p>Burrowing Owl (Subareas 1 - 4). To avoid/minimize potential impacts to burrowing owls, the developers of individual projects within all subareas shall retain a qualified biologist to conduct a two-visit (i.e. morning and evening) presence/absence survey at areas of suitable habitat on and adjacent to the project site no more than 14 days prior to the start of construction. Surveys shall be conducted according to methods described in the Staff Report on Burrowing Owl Mitigation (California Department of Fish and Wildlife 2012). If these pre-construction “take avoidance” surveys performed during the breeding season (February through August) or the non-breeding season (September through January) locate occupied burrows in or near the construction area, then consultation with the CDFW would be required to interpret survey results and develop a project-specific avoidance and minimization approach.</p> <p>Developers of individual projects with potential to impact burrowing owls shall be responsible for implementation of this mitigation measure.</p>	<p align="center">Developers of individual projects within Subareas 1 – 4</p>	<p align="center">City of Atwater Community Development Director</p>	

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BIO-4	<p>San Joaquin Kit Fox (Subareas 2, 3 and, 4). Developers of individual projects within the project site shall implement all standard recommendations to prevent take of San Joaquin kit foxes during construction, as described in the USFWS Standardized Recommendations for the Protection of the San Joaquin Kit Fox Prior to or During Ground Disturbance (United State Fish and Wildlife Service 1999). Standard avoidance and minimization measures shall include, but may not be limited to:</p> <p>a. Any trench or pit deeper than two feet shall include ramps of either fill or planks to prevent kit foxes from becoming trapped in the trench or pit. Before such holes or trenches are filled, they will be thoroughly inspected for trapped animals. If at any time a trapped or injured kit fox is discovered, the procedures under item "j" below must be followed.</p> <p>b. Pipes, culverts, and other hollow materials greater than four inches in diameter shall be stored in a manner that would prevent kit foxes from using these materials as temporary refuge. In addition, these materials shall be inspected for kit foxes daily, prior to the onset of construction activities.</p> <p>c. During construction activities, all food-related trash items shall be enclosed in sealed containers and regularly removed from the project site to avoid attracting wildlife to the project site.</p> <p>d. No firearms shall be allowed on the project site.</p> <p>e. To prevent harassment, mortality of kit foxes, or destruction of dens by dogs or cats, no pets are permitted on the site during construction.</p> <p>f. Use of rodenticides or rodent traps shall be prohibited on the project site during project construction to avoid the potential for secondary poisoning of kit foxes and other predators and scavengers or prey species. Information about the ban of rodenticides and rodent traps, and their potential effects on sensitive wildlife species in the region, shall be posted in the main construction area. No rodent trapping (live or lethal) is permitted on the project site. If rodent control is conducted, zinc phosphide should be used because of proven lower risk to kit fox.</p> <p>g. A representative shall be appointed by the project applicant who will be the contact source for any worker or contractor who might inadvertently kill or injure a kit fox or who finds a dead, injured, or entrapped kit fox. The representative will be identified during the worker education program described in mitigation measure BIO-2 above. The representative's name and telephone number shall be provided to the USFWS.</p> <p>h. Upon completion of the project, all areas subject to temporary ground disturbance, including storage and staging areas, temporary roads, pipeline corridors, etc., will be recontoured to promote restoration of the area to pre-project conditions.</p> <p>i. Any contractor, employee, or personnel who inadvertently kills or injures a kit fox shall immediately report the incident to their representative. This representative shall contact the CDFW immediately in the case of a dead, injured, or entrapped kit fox.</p> <p>j. The Sacramento USFWS office and the CDFW will be notified in writing within three working days of the accidental death or injury to a kit fox during project related activities. Notification must include the date, time, and location of the incident or of the finding of a dead or injured animal and any other pertinent information.</p> <p>k. Project related vehicles should observe a 15 mile-per-hour maximum speed limit while on the site. Project related off-road traffic outside of the site is prohibited.</p> <p>Developers of individual projects within the project site shall be responsible for implementation of this mitigation measure.</p>	<p align="center">Developers of individual projects within Subareas 2 – 4</p>	<p align="center">City of Atwater Community Development Director</p>	

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BIO-5	<p>Swainson's Hawk Nesting Habitat (Subareas 1 - 4). Developers of individual projects within all subareas shall be responsible for avoiding, minimizing, and/or mitigating for potential impacts to Swainson's hawk during construction. One or more of the following measures shall be implemented, depending on construction timing and pre-construction survey results:</p> <p>a. If construction of the proposed project will occur outside of the nesting season (September 16 to February 28) for Swainson's hawk, no additional surveys or mitigation measures for impacts to nesting habitat are required.</p> <p>b. Once applications are submitted for specific development projects, if construction is proposed during the nesting season (March 1 to September 15), a qualified raptor biologist shall conduct pre-construction surveys for Swainson's hawk nests. If active nests are found and located within a 0.5-mile radius of heavy equipment operations or construction activities, the applicant shall consult with the CDFW to determine the appropriate course of action, based on the guidance provided in the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California (California Department of Fish and Wildlife 1994) to reduce potential impacts on nesting Swainson's hawks and to determine under what circumstances equipment operation and construction activities can occur. Possible measures to reduce potential impacts could include creation of buffers, limits on the timing or location of use of equipment, limits on the types of equipment used to reduce noise intensity, etc. Equipment operation and construction activities shall be suspended until the CDFW provides direction.</p> <p>If no nests are identified within 0.5-mile of the project site during the pre-construction surveys, no additional surveys or mitigation measures for impacts to nesting habitat are required.</p> <p>Developers of individual projects within the project site shall be responsible for implementation of this mitigation measure.</p>	<p align="center">Developers of individual projects within Subareas 1 - 4</p>	<p align="center">City of Atwater Community Development Director</p>	

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BIO-6	<p>Swainson's Hawk Foraging Habitat (Subareas 2 - 4). The project area includes ruderal grassland, fallow agricultural land, and trees suitable for Swainson's hawk nesting activity. Because Swainson's hawks are known to nest in or near the project area, the CDFW may consider grasslands and fallow agricultural land with subareas 2, 3, and 4 as suitable foraging habitat. Based on regulations regarding take of species and their habitats and birds of prey set forth in the Fish and Game Code (Sections 2080-2085 and Section 3503.5, 1992, respectively), the federal Migratory Bird Treaty Act (FMBTA: 16 U.S.C., sec. 703, Supp. I, 1989), and standards of significance established by CEQA, impacts to Swainson's hawk nesting and foraging habitat are considered significant. The Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California (California Department of Fish and Game 1994) includes the following recommended measures to mitigate impacts to Swainson's hawk:</p> <p>a. In 2008, nesting activity was recorded within one mile of the project area, as shown on Figure 3 of the Biotic Evaluation. It is unknown if this nesting location continues to be used. During the nesting season prior to construction, a qualified biologist shall survey for active nests within one, five, and ten miles of the project site to determine if the project area has potential to be utilized as foraging habitat.</p> <p>b. If nesting activity within one, five, or ten miles of the project area is found, developers will compensate for the loss of Swainson's hawk foraging habitat by providing habitat management lands to CDFW as defined in the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California (California Department of Fish and Game 1994). The location, habitat quality, and amount of land appropriate for mitigation shall be determined through consultation with the CDFW.</p> <p>c. Prior to obtaining clearance to grade the site or conducting any earthmoving activity for the proposed project, developers shall place and record one or more Conservation Easements that meet the acreage requirements determined in negotiation with CDFW. The conservation easement(s) shall be executed by the developer and a conservation operator. The conservation easement(s) shall be reviewed and approved in writing by CDFW prior to the recordation for the purpose of confirming consistency. The purpose of the conservation easement(s) shall be to preserve the value of the land as foraging habitat for the Swainson's hawk.</p> <p>Developers of individual projects within the project site shall be responsible for implementation of this mitigation measure. Proof of mitigation compliance shall be presented to the City of Atwater Community Development Department prior to issuance of a grading permit.</p>	<p align="center">Developers of individual projects within Subareas 2, 3, and 4</p>	<p align="center">City of Atwater Community Development Director</p>	

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BIO-7	<p>Western Pond Turtle (Subareas 2 and 3). If construction activities are proposed during the nesting period for western pond turtle (generally April to August), developers of individual projects on sites within Subareas 2 and 3 that are located within 300 feet of the Canal Creek top of bank shall retain a qualified biologist to conduct a pre-construction survey for western pond turtle. The survey shall occur within 48 hours prior the commencement of construction activities. The survey area shall include Canal Creek as well as upland areas within 300 feet with potential to contain pond turtle nests. If nest(s) are found during the pre-construction surveys, exclusion fencing shall be established to protect the nest from construction activities. The exclusion zone shall be maintained until eggs have hatched. If the qualified biologist determines avoidance of a nest is not possible, a plan to relocate and monitor the nest shall be created in coordination with the CDFW.</p> <p>Developers of individual projects within the project site shall be responsible for implementation of this mitigation measure.</p>	<p>Developers of individual projects within Subareas 2 and 3</p>	<p>City of Atwater Community Development Director</p>	

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BIO-8	<p>Special-Status Bats (Subareas 1 - 4). To avoid impacting active special-status bat roosts, future developers of individual projects on sites that contain abandoned buildings or mature trees shall be required to implement measures to avoid disturbance of special-status bat roosts or hibernacula that may exist within or near construction activity areas. To determine the presence of bat roosts or hibernacula, future developers shall retain a qualified biologist to conduct a pre-construction survey in the construction activity areas and immediately adjacent suitable habitat. Activities that could disturb active roosts shall not proceed until the surveys have been completed. If no active roosts are found, no further action is needed. If an active maternity roost or hibernaculum is found, the tree or structure occupied by the roost will be retained, if feasible. Because bats are known to abandon young when disturbed, if a maternity roost is located, a qualified bat biologist will determine the extent of a construction-free zone to be implemented around the roost during the bat maternity roost season (March 1–August 31). CDFW will be notified of any active bat maternity roosts in the disturbance zones.</p> <p>If the tree or structure with an active maternity roost cannot be avoided, it will be removed or demolished before bat maternity colonies form (i.e., prior to March 1) or after young are volant (flying) (i.e., after August 31). Trees with roosts that need to be removed will first be disturbed at dusk, just prior to removal that same evening, to allow bats to escape during the darker hours. If a non-breeding bat hibernaculum is found in a tree or structure to be razed, the individuals will be safely evicted under the direction of a qualified bat biologist by opening the roosting area to allow air flow through the cavity. Demolition or removal shall occur no sooner than the following day to allow bats to leave during dark hours, thus increasing their chance of finding new roosts and minimizing the potential for predation during daylight.</p> <p>Developers of individual projects within the project site shall be responsible for implementation of this mitigation measure.</p>	<p>Developers of individual projects within Subareas 1 – 4 on sites that contain abandoned buildings or mature trees</p>	<p>City of Atwater Community Development Director</p>	

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BIO-9	<p>Nesting Birds and Raptors (Subareas 1 - 4). If construction activities begin during the bird nesting season (February 1 to August 31), or if construction activities are suspended for at least two weeks and recommence during the bird nesting season, developers of individual projects within all subareas shall retain a qualified biologist to conduct a pre-construction survey for nesting birds. BIO-9This survey will be conducted no more than two weeks prior to the initiation of construction activities. A report documenting survey results and a plan for active bird nest avoidance (if needed) shall be completed by the qualified biologist and submitted to the City of Atwater Planning Division for review and approval prior to construction activities.</p> <p>If no active bird nests are detected during the survey, then project activities can proceed as scheduled. However, if an active bird nest of a protected species is detected during the survey, then a plan for active bird nest avoidance shall be prepared by the biologist to clearly delineate an appropriately sized, temporary protective buffer area around each active nest, depending on the nesting bird species, existing site conditions, and type of proposed construction activities. The protective buffer area around an active bird nest is typically 75-250 feet, determined at the discretion of the qualified biologist.</p> <p>To ensure that no inadvertent impacts to an active bird nest will occur, no construction activities will occur within the protective buffer area(s) until the juvenile birds have fledged (left the nest), and there is no evidence of a second attempt at nesting, as determined by the qualified biologist.</p> <p>Developers of individual projects within the project site shall be responsible for implementation of this mitigation measure.</p>	Developers of individual projects within Subareas 1 through 4	City of Atwater Community Development Director/Qualified Biologist	

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CR-1	All developers of individual projects within Subareas 1 - 4 shall retain a qualified historic resources consultant to conduct an historic resources inventory to determine if historical resources are present within their respective project sites. Recordation of resources should follow the guidelines established by the California State Office of Historic Preservation, as detailed in its Instructions for Recording Historical Resources, March 1995 (http://ohp.parks.ca.gov/pages/1054/files/manual95.pdf). If present, developers shall implement mitigation measures pertinent to the resource as identified by the historic resources consultant. Mitigations shall be reviewed and approved by the City of Atwater Community Development Director and mitigations shall be implemented and completed prior to approval of a grading permit, unless otherwise directed by the City of Atwater Community Development Director.	Developer of any project within Subareas 1 - 4	City of Atwater Community Development Director	
CR-2	All developers of individual projects proposed within Subareas 1 - 4 for which prior archaeological reconnaissance surveys have not or only partially been conducted as illustrated on Figure 21, Archaeological Survey Areas, shall retain a qualified archaeologist to conduct an archaeological resources survey within their respective project sites. If archaeological resources are found to be present, the cultural resources consultant shall determine whether the project may have a significant effect on the resources and shall define mitigation requirements as necessary. Surveys shall be subject to review and approval of the City of Atwater Community Development Director and mitigations measures shall be implemented prior to approval of a grading permit, unless otherwise directed by the City of Atwater Community Development Director.	Developer of any project within Subareas 1 - 4	City of Atwater Community Development Director	

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CR-4	Prior to initiation of grading or other major excavation activities, all developers of individual projects within Subareas 1 - 4 shall retain a qualified paleontologist to conduct a paleontological resource briefing to all construction personnel involved in project site grading or excavations. The briefing shall address identification of paleontological resources and actions to be taken in the event that such resources are uncovered. All project developers shall provide verification to the City of Atwater Community Development Director that the training has been completed.	Developers of individual projects within Subareas 1 through 4	City of Atwater Community Development Director	
CR-5	All developers of individual projects proposed within Subareas 1 – 4 shall retain a qualified paleontologist to establish a paleontological resources monitoring and mitigation program that includes: preconstruction coordination; construction monitoring; emergency discovery procedures; sampling and data recovery if needed; preparation, identification, and analysis of the significance of fossil specimens salvaged, if any; museum storage of any specimens and data recovered; and reporting. Prior to approval of a grading permit, all developers shall provide verification to the City of Atwater Community Development Director that a paleontological monitoring and mitigation program has been developed and will be implemented grading and/or significant excavation construction activities.	Developer of any project within Subareas 1 through 4	City of Atwater Community Development Director	

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HAZ-1	<p>Prior to the issuance of grading permits for any future individual project within Subareas 2 and 4, all developers of individual projects within these subareas shall contract with a qualified professional to prepare current, project specific Phase I Environmental Site Assessments in compliance with all applicable local, state, and federal regulations. Potentially hazardous site conditions including presence of agricultural chemical residues in soils shall be identified for individual project sites. If hazardous conditions are identified that require preparation of Phase II Environmental Site Assessments, future individual project developers shall be responsible for conducting the assessments and for implementing all recommendations and requirements for remediation of residual agricultural chemical soil conditions, if present, identified therein. Proof of completed remediation activities shall be provided to the City prior to approval of a grading permit for individual projects.</p>	<p>Developers of any project within Subareas 2 and 4</p>	<p>City of Atwater Community Development Department</p>	
HAZ-2	<p>Prior to the issuance of grading permits for any future individual project within Subareas 1, 2 and 4, all developers of individual projects within these subareas shall contract with a qualified professional to prepare current, project specific Phase I Environmental Site Assessments in compliance with all applicable local, state, and federal regulations. Potentially hazardous site conditions including presence of potentially hazardous above- or below-ground storage tanks shall be identified. If related hazardous conditions are identified that require preparation of Phase II Environmental Site Assessments, future individual project developers shall be responsible for conducting the assessments and for implementing all recommendations and requirements for remediation of potentially hazardous above- or below-ground storage tank/contaminated soil conditions, if present, identified therein. Proof of completed remediation activities shall be provided to the City prior to approval of a grading permit for individual projects.</p>	<p>Developers of any project within Subareas 1, 2, and 4</p>	<p>City of Atwater Community Development Department</p>	

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HAZ-3	Prior to the issuance of grading permits for any future individual project within Subareas 1, 2, 3 and 4 that involves demolition of existing structures regulated for asbestos by the San Joaquin Valley Air Pollution Control District, all developers of individual projects within these subareas shall contract with a certified asbestos consultant to perform an asbestos survey prior to the demolition of regulated structures. The asbestos survey, a notification permit, a demolition permit release and fees shall be submitted a minimum of 10 working days prior to the removal of regulated asbestos containing materials. Evidence of the demolition permit shall be presented to the City prior to issuance of a grading permit.	Developers of any project within Subareas 1, 2, 3, and 4 that involves demolition of existing structures regulated for asbestos by the San Joaquin Valley Air Pollution Control District	City of Atwater Community Development Department	
HAZ-4	Prior to the issuance of grading permits for any future individual project within Subareas 1, 2, 3 and 4 that involves demolition of existing structures regulated for lead based paint by the Merced County Health Department, all developers of individual projects within these subareas shall comply with state and federal regulations for the testing, handling, transport and disposal of materials containing lead based paint. Evidence of compliance shall be presented to the City prior to issuance of a grading permit.	Developers of any project within Subareas 1, 2, 3, and 4 that involves demolition of existing structures regulated for lead based paint by the Merced County Health Department	City of Atwater Community Development Department	

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HYD-2	Prior to approval of individual development plans or subdivisions within the project site, project applicants shall prepare a preliminary stormwater control plan prepared by a qualified professional for review and approval by the City. The preliminary stormwater control plan shall identify measures to be incorporated into the proposed project consistent with Post-Development stormwater management requirements contained in Water Quality Order No. 2013-0001-DWQ, National Pollutant Discharge Elimination System - General Permit No. CAS000004. Prior to approval of a grading permit, project applicants shall submit a final stormwater control plan to the City for review and approval. The final stormwater control plan shall reflect any modifications to the preliminary stormwater control plan and/or site design, and shall include low impact design or other measures included therein as deemed necessary by the City.	Developers of individual projects within the project site	City of Atwater Community Development Department	
N-3	To ensure that exposure of potential noise-sensitive uses within the project site to traffic noise does not exceed City standards, developers of future individual projects within the project site that contain noise sensitive uses shall prepare a noise study. The noise study shall identify traffic related noise exposure levels, determine the significance of noise exposure relative to City noise policies and standards, and include mitigation measures as needed to avoid or reduce potential noise impacts to less than significant. Mitigation measures could include sound walls or other noise barriers, setbacks, site design, etc. Noise studies shall be subject to review and approval by the City prior to approval of discretionary permits and noise mitigation requirements shall be reflected in project development plans prior to approval of a grading permit.	Developers of individual projects within the project site that contain noise sensitive uses	City of Atwater Department of Public Works	

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N-4	To ensure that exposure of existing on-site and off-site, and future on-site noise sensitive uses to non-transportation noise levels from future proposed uses not exceed City standards, developers of future individual projects that include stationary noise generating equipment or activities shall prepare a noise study. The noise study shall identify noise exposure levels at noise sensitive uses, determine the significance of noise exposure levels relative to City noise policies and standards, and include mitigation measures as needed to avoid or reduce potential noise impacts to less than significant. Mitigation measures could include sound barriers or enclosures, setbacks, noise control features on mechanical equipment, site design, etc. Noise studies shall be subject to review and approval by the City prior to approval of discretionary permits and noise mitigation requirements shall be reflected in project development plans prior to approval of a grading permit.	Developers of individual projects within the project site that include stationary noise generating equipment or activities	City of Atwater Community Development Department	

DURING CONSTRUCTION ACTIVITIES

CR-3	If buried cultural resources are discovered during ground-disturbing activities, work will stop within a 100-foot radius of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop a Response Plan, with appropriate treatment measures, in consultation with the City, the State Historic Preservation Officer, and other appropriate agencies. Preservation in place shall be the preferred treatment method per CEQA Guidelines section 15126.4(b) (avoidance, open space, capping, or easement). Data recovery of important information about the resource, research, or other actions determined during consultation, is allowed if it is the only feasible treatment method. This mitigation language shall be included in all contractor work specifications related to ground disturbing activities conducted for individual projects within the entire annexation area.	Developers of individual projects within the project site	City of Atwater Community Development Director	
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CR-6	<p>If human skeletal remains are encountered, ground disturbing activities within a 100-foot radius of the discovery shall be terminated. The County Coroner must be contacted immediately and is required to examine the discovery within 48 hours. If the County Coroner determines that the remains are Native American, the Coroner is required to contact the Native American Heritage Commission within 24 hours. A qualified archaeologist should also be contacted immediately. The Coroner is required to notify and seek out a treatment recommendation of the Native American Heritage Commission -designated Most Likely Descendant.</p> <ul style="list-style-type: none"> • If the Native American Heritage Commission identifies a Most Likely Descendant, and the Most Likely Descendant makes a recommendation, and the landowner accepts the recommendation, then ground-disturbing activities may resume after the qualified cultural resources consultant verifies and notices the City that the recommendations have been completed. • If the Native American Heritage Commission is unable to identify the Most Likely Descendant, or the Most Likely Descendant makes no recommendation, or the landowner rejects the recommendation, and mediation per Public Resources Code 5094.98(k) fails, then ground disturbing activities may resume, but only after the cultural resources consultant verifies and notices the City that the landowner has completely reinterred the human remains and items associated with Native American burials with appropriate dignity on the property, and ensures no further disturbance of the site per PRC 5097.98(e) by county recording, open space designation, or a conservation easement. <p>If the coroner determines that no investigation of the cause of death is required and that the human remains are not Native American, then ground-disturbing activities may resume, after the Coroner informs the City of such determination. According to state law, six or more human burials at one location constitute a cemetery and disturbance of Native American cemeteries is a felony.</p>	Developers of individual projects within the project site	City of Atwater Community Development Director	

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PRIOR TO BUILDOUT OF SUBAREA 3				
GHG-1	The applicant shall create a transportation management agency and membership structure with funding provided through the facilities improvement/financing mechanism to be formed for the proposed project. The transportation management agency shall promote actions that reduce vehicle miles traveled by employees of new development within the project site. This shall be accomplished through promoting and implementing ride-sharing programs, vanpool/shuttle programs, and/or parking management programs; by advocating for enhanced transit access and facilities to serve the project site; and by other measures demonstrated to reduce vehicle miles traveled by employees. The transportation management association shall be formed, funded, and operational prior to issuance of a final occupancy permit for either the regional commercial component or the regional medical facility component of development within Subarea 3 – Ferrari Ranch, whichever comes first. Verification of the formation and operation of the transportation management association shall be made by the City of Atwater Planning Director.	Developer of regional commercial component or regional medical facility within Subarea 3	City of Atwater Community Development Director	

