FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE RANCHO CALERA SPECIFIC PLAN AND ANNEXATION

1 Introduction

The California Environmental Quality Act (CEQA) Guidelines, California Public Resources Code Section 2100 et seq., require the decision-makers of a project to make certain determinations before it can approve or carry out a project if the project environmental impact report (EIR) reveals that the project will result in one or more significant environmental impacts. Upon approving a project for which a certified Final EIR has identified significant environmental effects, the decision-makers must make one or more specific written "findings" identified in Section 15091(a) of the CEQA Guidelines for each of the identified significant impacts. If there remains significant environment effects even with the adoption of feasible mitigation measures or alternatives, the decision-makers of the project must adopt a "statement of overriding considerations" before it can proceed with the project. These overriding considerations may be based on economic, legal, social, technological, or other benefits of the project.

This document presents the "Findings of Fact and Statement of Overriding Considerations" that must be made by the City of Chowchilla pursuant to the requirements of Section 15091 and 15093, respectively of the CEQA Guidelines prior to the approval of the City of Chowchilla 2040 General Plan Update, herein referenced as the "Project".

Pursuant to CEQA Guidelines Section 15093(a), if the benefits of a proposed project outweigh the unavoidable adverse effects, the adverse environmental effects may be considered "acceptable". CEQA Guidelines Section 15093(b) requires that where the decision of the public agency allows the occurrence of significant effects which are identified in the EIR, but are not at least substantially mitigated, the agency shall state in writing the specific reasons to support its action based on the EIR and / or information in the record.

- ❑ **The Project EIR** is comprised of the Draft EIR for the Chowchilla 2040 General Plan Update and the Rancho Calera Specific Plan published on August 11, 2010, and the Final EIR published on April 4, 2011.

- ❑ **The Project Record** consists of the following information incorporated by reference and made part of the Project "Record" supporting the Project "Findings":

  - The City of Chowchilla 2040 General Plan Update and the Rancho Calera Specific Plan.
  - The Project EIR and its associated reports.
  - The Project Mitigation Monitoring and Reporting Program.
  - These Findings adopted in connection with the Project and Project EIR.

- All testimony, documentary evidence and all correspondence submitted to or delivered to the City of Chowchilla in connection with the Project and / or Project EIR.
- All staff reports, memoranda, maps, letters, minutes of public meetings and other documents relied upon or prepared by City of Chowchilla staff or consultants relating to the Project and / or Project EIR.
- All matters of common knowledge to the City of Chowchilla staff, Planning Commission and / or City Council including, but not limited to, the City of Chowchilla General Plan, policies, ordinances and standards.

1.1 Project Description

A major portion of Rancho Calera is part of the unconstructed Greenhills Estates and Golf Club Specific Plan (GHSP) approved in 1990 by the City. The Rancho Calera Specific Plan would replace a major part of the previously adopted GHSP - the area north of East Robertson Boulevard. The Rancho Calera Specific Plan would expand originally adopted Specific Plan Area north of East Robertson Boulevard (145 acre annexation) and redesign the northern portion (approximately 440 acres) of the GHSP with a new specific plan. The Rancho Calera Specific Plan is proposed by the developer as a phased project. The applicant of Rancho Calera proposes to construct approximately 576 acres of urban scale development adjacent to the existing City.

1.1.1 Project Location

The City of Chowchilla **Error! Reference source not found.**is located within northwestern Madera County. Chowchilla is one of the two incorporated cities in Madera County, with 18,698 residents (California Department of Finance Population Estimate, 2010). Rancho Calera Specific Plan Area is in the northeastern portion of the current City limits.

The proposed Rancho Calera Specific Plan Area is located northeast of the Highway 99 / East Robertson Boulevard interchange. The proposed Plan Area is located directly south of Ash Slough and north of East Robertson Boulevard and the Greenhills Estates and Pheasant Run Golf Course. The western boundary is formed by Highway 99 and the eastern project boundary is formed by the City's easterly most City Limits.

1.1.2 Project Objectives

1. Develop a unified residential, commercial, and recreation oriented community that is compatible with the character of the project setting and the needs of the community.
2. Plan the development so that the basic planning unit is the residential neighborhood, with a focus on the neighborhood streets and open spaces as important social places.

3. Plan the residential neighborhoods so they are in close proximity and easily accessible to the community park, neighborhood parks, school(s), and other public facilities.
4. Provide a variety of quality housing within low and medium density residential neighborhoods containing a range of lot sizes, including small lots and lots served by lanes, to promote housing opportunities for people with diverse housing needs and income levels.
5. Provide for a commercial and residential mixed use site that will allow residential uses above or in close proximity to commercial services.
6. Provide a comprehensive, high quality retail and commercial environment to serve both local and regional needs.
7. Provide scenic view corridors and observation points of scenic areas within the Rancho Calera area.
8. Promote water and energy conservation for the Rancho Calera development through the careful planning and design of all aspects of the project.
9. Ensure a high quality lifestyle for City and community residents by providing public services via dedication of land for elementary school facilities, a community park, neighborhood parks, a new public safety facility, and a linear park for walking, jogging and bicycling.
10. Provide a safe and efficient circulation system that includes transit, vehicular circulation, sidewalks, and bike paths, and that also protects residential neighborhoods from through traffic.
11. Provide narrower public and private local streets to reduce traffic speeds and promote neighborhood unity, while still providing adequate on-street parking.
12. Provide a storm drainage system that incorporates the best management practices to control water quality impacts from urban runoff and protects water quality.
13. Provide a wastewater system that connects to the existing City of Chowchilla wastewater system.
14. Provide a water system that can be integrated into the existing City of Chowchilla water system. This project shall also provide the land necessary for a future water tank and well in the northeast corner of the project.
15. Anticipate and provide for the needs of the community's residents through the timely provision of facilities and services required

1.1.3 Project Characteristics

The proposed Rancho Calera Specific Plan includes a mixture of residential, commercial and public land uses. The signature features of the proposed Rancho Calera Specific Plan are two large interconnecting park/open space areas and an open space corridor along Ash Slough. The proposed Rancho Calera Specific Plan also includes neighborhood parks, a community park, two (2) elementary schools and a public safety center.

In the northern part of the GHSP the following land uses were approved. By contrast the larger area of the Rancho Calera Specific Plan also provides the following land uses:

Greenhills Specific Plan (GHSP)		Rancho Calera Specific Plan		
	Quantity	Existing GHSP	Annexed Area	Total
Total Acres	440 acs.	440 acs.	136 acs.	576
Dwelling Units	757 units	650 units	1,392	2,042
Commercial Acs.	40 acs.	0 acs.	39	39
Open Space GC Acs.	140 acs.	70 acs.	7	77
Elementary School	1	2	0	2

The density in the northern part of GHSP is 1.8 units per acre (because of the large acreage allocated to the planned golf course) while the Rancho Calera overall residential density is 5.56 which is consistent with the Chowchilla General Plan and Madera County Blueprint.

The major differences between the northern part of the GHSP and Rancho Calera Specific Plan are:

1. Rancho Calera acreage is larger than the GHSP by 136 acres which is proposed to be annexed to the City.
2. Rancho Calera fills in vacant gap between GHSP and Highway 99.
3. Rancho Calera places the commercial development adjacent to the freeway ramps instead of about ½ mile east.
4. Rancho Calera generally maintains the dwelling numbers in the GHSP north of East Robertson Blvd. and deletes the golf course. Rancho Calera provides parkland connected with neighborhoods by trails.
5. Rancho Calera provides for two (2) Elementary Schools (Schools not restricted to only GHSP residents).
6. Rancho Calera increases density over the GHSP which is consistent with the Madera County Blueprint and General Plan.
7. Rancho Calera provides for a public safety facility, water supply site, and a Community Park. Rancho Calera provides for linear trail facility associated with open space/park along the entire frontage on Ash Slough.
8. Rancho Calera provides substantial water recharge into Ash Slough (3,000 ac.ft./yr.) by contract with the Chowchilla Water District.
9. Rancho Calera provides for major streets connecting north to south between Ash Slough and East Robertson Blvd.
10. Rancho Calera land is incluided the City's Community Facilities District and is already paying for fair share of the Highway 99/233 interchange, new water wells, and new wastewater treatment plant.

The Project will be constructed in phases and is expected to take 15 years to fully build-out.

A detailed Project description is provided in Section 3, Project Description of the Project EIR.

1.2 CEQA Process

The City of Chowchilla analyzed the Project on the basis of the CEQA and the CEQA Guidelines. The City of Chowchilla determined that the Project could have potentially significant effects on the environment, including significant effects that cannot be avoided. The Project EIR is comprised of the Draft EIR published on August 11, 2010, and the Final EIR published on April 4, 2011.

1.2.1 Draft EIR

On August 11, 2010, the City of Chowchilla published the Project Draft EIR which assessed the potential environmental impacts of implementing the proposed Project. The Draft EIR was distributed to the general public, responsible and trustee agencies, and other interested organizations and agencies for review and comment on the adequacy of the environmental analysis. Additionally, the Draft EIR was made available for public review at several locations including the local public library, City offices and on the City's website. The Draft EIR was circulated by the State Clearinghouse for 45 days beginning August 23, 2010 and ending on October 6, 2010.

The City received several written comments from public agencies concerning the adequacy of the environmental analysis as well as the findings and proposed mitigation measures presented in the Draft EIR. The City reviewed the public comments received to identify specific environmental concerns and to determine whether or not any additional environmental analysis would be required to respond to issues raised in the comments. The most substantial comment was received from both the Chowchilla Elementary School District and the Chowchilla High School District. These comments challenged the DEIR's analysis of the direct and indirect impacts on overcrowding of educational facilities in many areas including Public Facilities

1.2.2 Final EIR

The Final EIR, prepared in accordance with the CEQA Guidelines and applicable California Public Resources Codes, is an informational document that must be provided by the lead agency before considering the proposed Project. The City of Chowchilla reviewed the comments and recommendations received on the Draft EIR for the proposed Project and prepared written responses to the comments and recommendations received. Where warranted, the City has revised the Draft EIR pursuant to the comments and recommendations received.

In accordance to Section 15132(a) of the CEQA Guidelines, the Draft EIR (including its appendices) have been incorporated by reference into the Final EIR. The Final EIR together with the Draft EIR (including its appendices) constitutes the Final EIR for the Project.

The Final EIR was made available to commenting agencies, organizations and general public a minimum of 10 days prior to a hearing by the City of Chowchilla City Council to consider the adequacy of the Project EIR in accordance with the CEQA and City guidelines. As required under CEQA Guidelines Sections 15087 and 15088.5(d), the City sent a Notice of Availability (NOA) identifying the availability of the Final EIR to all public agencies, organizations and members of the public who were on the City's distribution list for the Project's Draft EIR. Any person, organization or public agency that requested copies of the EIR for the Project were also provided with a copy of the Final EIR.

1.2.3 Pubic Hearing and Final EIR Certification

Upon review of the Project and the Final EIR, the City of Chowchilla City of Chowchilla Council at a public hearing on _____, 2011 certified the Final EIR for the Project on _____, 2011.

1.3 Document Organization

This Findings of Fact and Statement of Overriding Considerations document is comprised of four sections as follows:

Section 1, Introduction provides a brief Project description, the CEQA process and overview of the contents of this document.

Section 2, Project Impact Findings summarizes the potentially significant and significant environmental effects of the Project and evaluates them in relationship to the findings set forth in CEQA Guidelines Section 15091(a).

Section 3, Project Alternative Findings presents alternatives to the Project and evaluates them in relation to the findings set forth in CEQA Guidelines Section 15091(a).

Section 4, Statement of Overriding Considerations presents a statement of overriding considerations that is required in accordance with CEQA Guidelines Section 15093 for significant impacts of the project that cannot be mitigated to a level of insignificance.

Public Draft 4-4-11

2 Project Impact Findings

The CEQA requires the lead agency to make written findings of project impacts whenever it decides to approve a project for which an EIR has been certified. Pursuant to CEQA Guidelines, Section 15091, the lead agency must consider and make findings when a project would involve environmental effects identified in the Project EIR as significant. Section 15091 of the CEQA Guidelines requires that one or more findings be made for each of the identified significant impacts. These findings, in part, pursuant to CEQA Guidelines Section 15091(a) include and are limited to the following:

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

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

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

The "changes or alterations" referred to in the CEQA Guidelines may be mitigation measures, alternatives to the project, or changes to the project by the project proponent.

The Final EIR identifies mitigation measures that will reduce significant effects of the Project, or avoid or minimize environmental effects, as required by CEQA Guidelines Section 15021. These mitigation measures will be incorporated into the design of the Project. A Mitigation Monitoring and Reporting Program for the Project has been adopted to ensure that the mitigation measures identified in the Final EIR will be implemented.

2.1 Findings Regarding Independent Review and Judgment

Each member of the City of Chowchilla was provided a complete copy of the Final EIR for the Project. The City of Chowchilla City Council hereby finds that the Final EIR reflects its independent judgment. The City of Chowchilla City Council also finds that the Council has independently reviewed and analyzed the Final EIR prior to taking final action with respect to the Project.

2.2 Findings Regarding the Project

Having reviewed and considered the information contained in the Final EIR, the Findings, Fact in Support of the Findings, Statement of Overriding Considerations, and the Mitigation Monitoring and Reporting Program, the City of Chowchilla City Council finds that the Project, as described in the Final EIR, is an appropriate use and development of the Project site.

2.3 Findings Regarding Significant Effects Mitigated to Less Than Significant Levels

The City of Chowchilla City Council hereby determines that, for the following effects, mitigation measures included in the Final EIR will mitigate the effects of the Project to a less than significant level.

2.3.1 Noise

The Project Would Expose Sensitive Receptors to Traffic Generated Noise Levels in Excess of Standards Established by the City of Chowchilla (Impact 4.7.2.6.a)

Portions of the Project site could potentially be exposed to traffic related noise levels along roadways abutting or traversing the Project site that could exceed City noise level standards. This impact is considered potentially significant.

Findings: The City of Chowchilla City Council hereby finds, in accordance with CEQA Guidelines Section 15091(a)(1) that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Findings:

- Pursuant to Mitigation Measure 4.7.2.6.a(1), implementation of the Project would be required to comply with General Plan Policies N-3.1, N-3.5, N-3.6 and N-3.9 and General Plan Implementation Measures N-3.7.A and N-3.9.A. Implementation of the Project would also be required to comply with the Rancho Calera Specific Plan development standards for type and location of solid masonry walls to reduce traffic noise levels to a state of compliance with the City of Chowchilla exterior noise standards fro noise sensitive uses.

- Project compliance with Mitigation Measure 4.7.2.6.a(1) will reduce the impact to less than significant level.

The Project Could Expose Sensitive Receptors to Non-Transportation Related Noise Levels in Excess of Standards Established by the City of Chowchilla (Impact 4.7.2.6.c)

Project could expose new noise sensitive receptors to excessive non-transportation noise sources. Potential significant non-transportation noise sources include two commercial sites within the Project site – detailed site plans for the commercial sites within the Project were not included in the Specific Plan. Therefore, the Project could potentially expose noise sensitive receptors to stationary noise sources that exceed City noise level standards. This impact is considered potentially significant.

Findings: The City of Chowchilla City Council hereby finds, in accordance with CEQA Guidelines Section 15091(a)(1) that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Findings:

- Pursuant to Mitigation Measure 4.7.2.6.c(1)(i) prior to the approval of any commercial site plans where commercial uses abut residential property lines, and or truck circulation routes face the residential areas, commercial site plans shall implement the following applicable design measures:

  1. Loading docks and truck delivery areas shall maintain a minimum distance of 30 feet from residential property line.

  2. Circulation routes for delivery trucks shall be located a minimum 30 feet from residential property lines.

  3. Delivery / loading activities shall comply with applicable City of Chowchilla noise level performance standards.

  4. Six to seven foot high solid masonry wall shall be provided at the commercial site property line abutting residential lots.

  5. All heating, ventilation, air conditioning (HVAC) equipment, emergency generators, air compressors, etc. shall be attenuated and shielded for residential uses and meet applicable City noise standards. Where possible, all mechanical equipment shall be located within mechanical rooms.

- Project compliance with Mitigation Measure 4.7.2.6.c(1)(i) will reduce the impact to less than significant level.

Project Construction Activities Would Result in an Increase in Short-Term Ambient Noise Levels above Existing Ambient Noise Conditions (Impact 4.7.2.6.d)

Construction of the Project would consist of site preparation, installation of on- and off-site infrastructure improvements (i.e., water, sewer, drainage, etc.), paving of roads, and the building of homes, commercial properties, and / or public improvements. Temporary noise during construction has the potential to be intrusive to residents near construction activity, particularly if construction activities were to occur during the evening hours (7:00 pm to 10:00 pm) and during the night hours (10:00 pm to 7:00 am). This impact is considered potentially significant.

Findings: The City of Chowchilla City Council hereby finds, in accordance with CEQA Guidelines Section 15091(a)(1) that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Findings:

- Pursuant to Mitigation Measure 4.7.2.6.d(1)(i), the hours of construction activities on the Project site shall adhere to the requirements of the local ordinance with respect to hours of operations.

- Pursuant to Mitigation Measure 4.7.2.6.d(1)(ii), all equipment shall be fitted with factory-equipped mufflers, and in good working order.

- Pursuant to Mitigation Measure 4.7.2.6.d(1)(iii), fixed construction equipment such as compressors and generators shall be located as far as possible from sensitive noise receptors. All impact tools are to be shielded / shrouded, and power construction equipment intakes and exhausts are to be muffled, or shielded.

- Project compliance with Mitigation Measures 4.7.2.6.d(1)(i) and 4.7.2.6.d(1)(ii) will reduce the impact to a less than significant level.

2.3.2 Hydrology and Water Quality

The Project has the Potential to Impact Groundwater Supplies or Interfere Substantially with Groundwater Recharge (Impact 4.9.2.7.b)

Development of the Project would alter groundwater recharge rate. Typically new development is anticipated to have a residual groundwater recharge rate of 0.29-acre feet per year (afy) per dwelling unit. A groundwater recharge rate of 0.33 afy / dwelling unit due the Project's development density. This impact is considered potentially significant.

Findings: The City of Chowchilla City Council hereby finds, in accordance with CEQA Guidelines Section 15091(a)(1) that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Findings:

- Pursuant to Mitigation Measure 4.8.2.7.b(1)(i), prior to the approval of any Final Subdivision Map that implements the Project, the Project shall request annexation to or participate in the formation of a special district or other legal legislative body that has the authority to collect revenue, carryout capital improvements, maintain and operate water recharge facilities for the City of Chowchilla. The project is responsible for a total of 699-acre feet of recharge water per year.

- Project compliance with Mitigation Measure 4.8.2.7.b(1)(i), will reduce the impact to less than significant level.

2.3.3 Biological Resources

Potential Loss of Possible Breeding and Foraging Habitat for Regional Populations of Special Status Species (Impact 4.10.2.6.a)

Development of the Project could potentially result in the destruction of western burrowing owl nests and or mortality of burrowing owls. This impact is considered potentially significant.

Findings: The City of Chowchilla City Council hereby finds, in accordance with CEQA Guidelines Section 15091(a)(1) that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Findings:

- Implementation of the Project would be required to comply with General Plan Policies LU-17.1, LU-17.2, LU-7.3, LU 17.4, LU 17.5, LU-17.6, LU-17.7, OS-1.1, OS1-1.2, OS-2.2, OS-8.1, OS-8.2, OS-8.3, OS-9.1, OS-9.2, OS-9.3, OS-13.1, OS-13.3, OS-13.4, OS-13.6, OS-13.7, OS-13.8, OS-13.9, OS-13.10, OS-13.11, PF-7.1, PF-7.2, PF-7.3, and PF-4 to reduce potential impacts to special status species.

- Implementation of the Project would be required to comply with General Plan Implementation Measures OS-1.1.A, OS-9.2.A, OS-9.2.B, OS-13.1.A, OS-13.3.A, OS-13.3.B, PF-7.2.A, and PF-7.3.A to reduce potential impacts to special status species.

- Pursuant to Mitigation Measure 4.10.2.6.a(1)(i), the Project will be required to implement the following measures to ensure that burrowing owl mortality from the Project construction is avoided.

  Pre-construction Survey: A pre-construction survey will be conducted by a qualified biologist for Burrowing Owls within 30 days of the on-set of construction of any phase of development. This survey will be conducted according to methods described in the staff report on Burrowing Owl Mitigation (CDFG 1995). All suitable habitats of the study area will be covered during this survey.

  Avoidance of Active Nest Burrows: If pre-construction surveys undertaken during the breeding season (February through July) locate active nest burrows within or near construction zones, establish an appropriate construction free setback around these nests until the conclusion of the breeding season. The distance of the setback should be determined by a qualified ornithologist in consultation with the CDFG. At the conclusion of the nesting season, these owls may be relocated.

  Relocation: During the non-breeding season (August through January), resident owls may be relocated to alternative habitat. The relocation of resident owls shall be conducted according to a relocation plan prepared by a qualified biologist in consultation with the California Department of Fish and Game. Passive relocation as described in Draft Report on Burrowing Owl Mitigation shall be the preferred method of relocation. The plan shall provide for the owl's relocation to nearby lands possessing available nesting habitat.

- Project compliance with applicable General Plan Polices LU-17.1, LU-17.2, LU-7.3, LU 17.4, LU 17.5, LU-17.6, LU-17.7, OS-1.1, OS1-1.2, OS-2.2, OS-8.1,

OS-8.2, OS-8.3, OS-9.1, OS-9.2, OS-9.3, OS-13.1, OS-13.3, OS-13.4, OS-13.6, OS-13.7, OS-13.8, OS-13.9, OS-13.10, OS-13.11, PF-7.1, PF-7.2, PF-7.3 and PF-4, Implementation Measures OS-1.1.A, OS-9.2.A, OS-9.2.B, OS-13.1.A, OS-13.3.A, OS-13.3.B, PF-7.2.A and PF-7.3.A, and with Mitigation Measure 4.10.2.6.a.(1)(i) will reduce the impact to a less than significant level.

2.3.4 Transportation and Circulation

The Project, Under Cumulative Plus Project Condition Would Increase Traffic Volumes and Decrease the Level of Service on Project Area Intersections (Impact 4.13.2.6.a)

The Project, under cumulative conditions, would increase traffic volumes that exceed the City of Chowchilla LOS "D" standard and contribute to the need for traffic signals and / or roadway improvements at the intersections of North Fig Tree Road and South Lake Tahoe Road; North Montgomery Lake Road and South Lake Tahoe Road; Fig Tree Road and East Robertson Boulevard; East Robertson Boulevard and North Springs Road; Genoa Lake Road and East Robertson Road; East Robertson Boulevard and State Route 99 Northbound Ramps; Montgomery Lake Road and East Robertson Boulevard; West Robertson Boulevard and State Route 99 Southbound Ramps; West Robertson Boulevard and Front Street; and West Robertson Boulevard and Chowchilla Boulevard. This impact is considered significant.

Findings: The City of Chowchilla City Council hereby finds, in accordance with CEQA Guidelines Section 15091(a)(1) that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Findings:

- Implementation of the Project would be required to comply with General Plan Policies CI-1.1, CI-1.2, CI-1.3, CI-1.4, CI-5, CI-6, and CI-8 to reduce regional and local impacts to streets and intersections.

- Implementation of the Project would be required to comply with General Plan Implementation Measures CI-1.1.A, CI-1.1.B, CI-1.1.C, CI-1.1.D, CI-1.1.E, CI-1.1.F, CI-1.2.A, CI-1.2.B, CI-1.5.A, CI-1.5.B, CI-1.5.C, CI-1.5.D, CI-1.5.E, CI-1.6.A, CI-5.1.A, CI-5.1.B, CI-5.1.C, CI-5.1.D, CI-5.1.E and CI-5.2.A to reduce regional and local impacts to streets and intersections.

- Pursuant to Mitigation Measure 4.13.2.6.a(1), the Project will be responsible for the Montgomery Lake Way and East Robertson Boulevard intersection improvements. Improvements to Montgomery Lake Road and East Robertson Boulevard intersection include:
  - One (1) northbound left-turn lane;
  - One (1) combined northbound through and right-turn lane;
  - Two (2) northbound left-turn lanes;

  - One (1) westbound left-turn lane;
  - One (1) additional westbound through lane;
  - One (1) combined westbound through and right-turn lane;
  - One (1) southbound left turn lane;
  - One (1) southbound through lane;
  - Two (2) eastbound left-turn lanes;
  - One (1) additional eastbound through lane;
  - One (1) combined eastbound through and right-turn lane; and
  - Signalize intersection.

- Pursuant to Mitigation Measure 4.13.2.6.a(2), the Project will be responsible for the Montgomery Lake Road and East Robertson Boulevard intersection improvements. Improvements to Genoa Lake Way and East Robertson Boulevard intersection include:
  - One (1) northbound left-turn lane;
  - One (1) combined northbound through and right-turn lane;
  - One eastbound left-turn lane;
  - One (1) additional westbound through lane;
  - One (1) westbound right-turn lane;
  - One (1) southbound left turn lane;
  - One (1) southbound through lane;
  - One (1) southbound right-turn lane;
  - One (1) eastbound left-turn lane;
  - One (1) additional eastbound through lane;
  - One (1) eastbound right-turn lane; and
  - Signalize intersection

- Pursuant to Mitigation Measure 4.13.2.6.a(3), the Project will be responsible for the Genoa Lake Way and East Robertson Boulevard intersection improvements. Improvements to Genoa Lake Way and East Robertson Boulevard intersection include:
  - One (1) northbound left-turn lane;
  - One (1) combined northbound through and right-turn lane;
  - One (1) eastbound left-turn lane;
  - One (1) additional westbound through lane;
  - One (1) westbound right-turn lane;

- One (1) southbound left turn lane;
- One (1) southbound through lane;
- One (1) southbound right-turn lane;
- One (1) eastbound left-turn lane; and
- Signalize intersection

- Pursuant to Mitigation Measure 4.13.2.6.a(4), the Project will be responsible for the Chowchilla Boulevard and West Robertson Boulevard intersection improvements. Improvements to Chowchilla Boulevard and West Robertson Boulevard intersection include:
  - One (1) northbound left-turn lane;
  - One (1) northbound through lane;
  - One (1) northbound right-turn lane;
  - One (1) additional westbound through lane;
  - One (1) westbound right-turn lane;
  - One (1) additional southbound left turn lane;
  - One (1) combined southbound through and right-turn lane;
  - One (1) additional eastbound through lane; and
  - Signalize intersection

- Project compliance with General Plan Policies CI-1.1, CI-1.2, CI-1.3, CI-1.4, CI-5, CI-6 and CI-8, General Plan Implementation Measures CI-1.1.A, CI-1.1.B, CI-1.1.C, CI-1.1.D, CI-1.1.E, CI-1.1.F, CI-1.2.A, CI-1.2.B, CI-1.5.A, CI-1.5.B, CI-1.5.C, CI-1.5.D, CI-1.5.E, CI-1.6.A, CI-5.1.A, CI-5.1.B, CI-5.1.C, CI-5.1.D, CI-5.1.E and CI-5.2.A, and with Mitigation Measures 4.13.2.6.a(1) through and including 4.13.2.6.a(4) will reduce the impact to a less than significant level.

The Project, Under Cumulative Plus Project Condition Would Increase Traffic Volumes and Decrease the Level of Service on Project Area Roadway Segments (Impact 4.13.2.6.b)

The Project, under "Cumulative plus Project" condition, would increase traffic volumes that exceed the City of Chowchilla LOS "C" standard and contribute to the need for roadway segment improvements on East Robertson Boulevard and on State Route 99. This impact is considered significant.

Findings: The City of Chowchilla City Council hereby finds, in accordance with CEQA Guidelines Section 15091(a)(1) that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Findings:

- Implementation of the Project would be required to comply with General Plan Policies CI-1.4, CI-5, CI-6 and CI-8 to reduce regional and local impacts to roadway segments.

- Implementation of the Project would be required to comply with General Plan Implementation Measures CI-1.5.A, CI-1.5.B, CI-1.5.C, CI-1.5.D, CI-1.5.E and CI-1.6.A to reduce regional and local impacts to roadway segments.

- Implementation of the Project would be required to contribute its fair share to the cost of roadway segment improvements based on its percentage of net new traffic under the "Cumulative plus Project" condition for roadways within the City's General Plan Planning Area and surrounding roadway segments. The applicant shall enter into an agreement with the City for the payment of the fair share prior to the Final Subdivision Map.

- Pursuant to Mitigation Measure 4.13.2.6.b(1), the Project shall contribute its fair share to the cost of State Route 99 improvements to provide eight-lanes north of the North Santa Cruz Avenue / Pacific View Avenue interchange. The applicant shall enter into an agreement with the City for the payment of the fair share prior to the Final Subdivision Map.

- Pursuant to Mitigation Measure 4.13.2.6.b(2), the Project shall contribute its fair share to the cost of East Robertson Boulevard, east of State Route 99 Ramps as an Arterial with six through lanes. The applicant shall enter into an agreement with the City for the payment of the fair share prior to the Final Subdivision Map.

- Pursuant to Mitigation Measure 4.13.2.6.b(3), the Project shall contribute its fair share to the cost of East Robertson Boulevard, east of Montgomery Lake Road as an Arterial with four through lanes. The applicant shall enter into an agreement with the City for the payment of the fair share prior to the Final Subdivision Map.

- Project compliance with General Plan Policies CI-1.4, CI-5, CI-6 and CI-8, General Plan Implementation Measures CI-1.5.A, CI-1.5.B, CI-1.5.C, CI-1.5.D, CI-1.5.E and CI-1.6.A, and with Mitigation Measures 4.13.2.6.b(1) through and including 4.13.2.6.b(3) will reduce the impact to a less than significant level.

The Project Construction Activities Would Temporarily Affect Nearby Roadways (Impact 4.13.2.6.c)

Construction activities associated with Project implementation would temporarily affect the levels of service on nearby roadways. This impact is considered potentially significant.

Findings: The City of Chowchilla City Council hereby finds, in accordance with CEQA Guidelines Section 15091(a)(1) that changes or alterations have been required in, or

incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Facts in Support of Findings:

- Pursuant to Mitigation Measure 4.13.2.6.c(1), the Project would be responsible for preparing a construction haul route to address the scheduling the movement of construction material and equipment to and from the Project site to designated routes approved by the City.

- Pursuant to Mitigation Measure 4.13.2.6.c(2), the Project would be responsible for providing temporary traffic control personnel and detours required to ensure safe traffic flow conditions in affected construction zone areas.

- Project compliance with Mitigation Measure 4.13.2.6.c(1) and 4.13.2.6.c(2) will reduce temporary Project construction impacts on surrounding roadways to a less than significant level.

2.4 Findings Regarding Significant and Unavoidable Effects

The City of Chowchilla City Council hereby determines that, for the following significant effects, mitigation measures included in the Final EIR would lessen the effects but would not completely reduce the effects to a less than significant level. The findings reflect the City of Chowchilla City Council decision to adopt the Project.

2.4.1 Air Quality

The Project Would Obstruct the San Joaquin Valley Air Pollution Control District's Air Quality Plan (Impact 4.6.2.5.a)

Short- and long-term Project emissions would exceed the threshold of significance for the San Joaquin Valley Air Pollution District. The Project at build-out would contribute approximately 54 tons / year of additional reactive organic gases, 61 tons / year of additional nitrogen oxides and approximately 69,000 tons / year of additional carbon dioxide into the atmosphere. This is considered significant.

Findings: The City of Chowchilla City Council hereby finds, in accordance with CEQA Guidelines Section 15091(a)(3) that specific economic, social, and other environmental considerations make this impact infeasible to mitigate.

Facts in Support of Findings:

- Pursuant to Mitigation Measure 4.6.2.5.a(1)(i), to the extent feasible and to the satisfaction of the City, the Project shall incorporate into the design and construction of the Project one or more of the following measures to reduce emissions:

  - Improve energy conservation of dwelling units a minimum of 10 percent above Title 24 requirements in place at the time building permits are issue;

- Installation of weather and tamper proof exterior electrical outlets on the exterior of dwelling units to promote the use of electric powered landscape maintenance equipment;
- A minimum of four public transit stops shall be shown in the Master plan at locations acceptable to the Chowchilla Area Transit system operator and the City of Chowchilla. The public transit stops shall provide for the installation of one bus shelter per location acceptable to the Chowchilla Area Transit system operator and the City of Chowchilla.
- All residential units larger than 1,800 square feet and/or including more than two bathrooms shall have an option in the dwelling to include solar hot water and/or a photovoltaic system;
- "Cool roofs" or high albedo roofs shall be required for all residential units;
- Tankless water heaters shall be installed in all residential units;
- All appliances furnished by the home builder shall be Energy Star rated;
- The project sponsor shall demonstrate that natural-gas-fired, fan-type central furnaces installed at the project site comply with applicable SJVAPCD requirements, and if there are no specific SJVAPCD requirements, then the standards set forth in South Coast Air Quality Management District's Rule 1111 shall apply. Low-NOx space and water heaters generate approximately 25 to 60 percent less NOx relative to conventional models;
- The project sponsor shall install double-panned glass in all exterior windows;
- Trees should be carefully selected and located to shade the structures during the hot summer months. This measure should be implemented on the southern and western exposures. Deciduous trees should be considered since they provide shade in the summer and allow sun to reach residences during cold and winter months;
- Construction of buildings should be oriented to maximize passive solar cooling and heating when practicable a minimum level of 10 percent increase above Title 24 requirements in place at the time building permits are issued for building construction:

- Pursuant to Mitigation Measure 4.6.2.5.a(2), the City shall require that the following dust abatement measures be included in construction contracts awarded at the Project site to comply with SJVAPCD Regulation VIII and to reduce construction-related PM-10 emissions levels.

  - All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized to reduce dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover;

- All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized to reduce dust emissions using water or chemical stabilizer/suppressant;
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled to reduce fugitive dust emissions utilizing application of water or presoaking;
- When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained;
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions and the use of blower devices is expressly forbidden.);
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant;
- The requirements of SJVAPCD Rule 8041 – Carryout and Trackout shall be strictly adhered to by all contractors working on the construction of the site or in the public right-of-way;

- Pursuant to Mitigation Measure 4.6.2.5.a(3) given the large size of the proposed project parcel (576± acres), the following dust control measures in addition to those required under Regulation VIII identified above would be warranted.
  - The speed of construction vehicles on unpaved roads shall be limited to a maximum of 15 miles per hour; and
  - Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- Pursuant to Mitigation Measure 4.6.2.5.a(4), the City will require all new or modified roads constructed as part of the Project to include the following design measures to reduce PM-10 emissions.
  - All new or modified paved roads shall be constructed in conformance with the American Association of State Highway and Transportation Officials guidelines for width of shoulders and median shoulders. Specifically, for new or modified paved roads with projected average daily vehicle trips between 500 and 3,000 vehicles, the minimum shoulder width shall be 4 feet, and for new or modified paved roads with projected average daily vehicle trips of 3,000 vehicles or more, the minimum shoulder width shall be 8 feet. Rule 8021 provides certain exceptions to the standards based on environmental (e.g., to avoid wetlands), historical or archaeological considerations.

- Pursuant to Mitigation Measure 4.6.2.5.a(5), the City will require the following specifications be included in construction contracts to reduce ozone precursor emissions generated by construction activities:
  - Asphalt paving within the plan area shall comply with the specifications of SJVAPCD Rule 4641, which restricts the use and manufacture of cutback, slow-cure, and emulsified asphalt paving materials. This rule would reduce ROG emissions from this construction- related emissions source;
  - For all components of the project that involve the disturbance of more than one acre, the City shall require that at least 10 percent of the fuel used in the heavy equipment be composed of alternative fuels, such as biodiesel, which reduce GHG emissions, if such fuel is readily available at a comparable cost to standard fuel supplies. The City shall require the project sponsor to verify the purchase and use of alternative fuels;
  - The City shall require that contractors limit the idling of inactive heavy equipment to ten minutes or less. This measure shall be shown on all project plans;
  - The construction contract shall specify that heavy-duty construction equipment be diesel powered equipment certified to meet the recent NOx emissions standards established for new heavy duty diesel equipment by the CARB, gasoline-powered heavy-duty equipment fitted with catalytic converters, or alternative-fueled equipment (e.g., compressed natural gas);
  - Require construction equipment used at the site to be equipped with catalysts/particulate traps to reduce particulate and NOx emissions. At the time that a contractor is selected for the project, the contractor shall show that the construction equipment used is equipped with particulate filters and/or catalysts or provide documentation why it is infeasible;
  - Asphalt paving within the project shall comply with the specifications of SJVAPCD Rule 4641, which restricts the use and manufacture of cutback, slow-cure, and emulsified asphalt paving materials. This rule would reduce ROG emissions from this construction- related emissions source;
  - Water trucks shall be used regularly to reduce dust and particulates generated during construction and along non-paved surfaces;
  - Construction shall be restricted or banned on days of high winds (exceeding 30 miles per hour);
  - Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant;
  - When materials are transported to and from the site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.

- Project compliance with Mitigation Measures 4.6.2.5.a(1)(i) through and include 4.6.2.5.a(5), will aid in reducing the impact, but not to a less than significant level.

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3 Project Alternative Findings

The City of Chowchilla must consider and make findings regarding alternatives when a project would involve environmental effects which cannot be reduced to a less than significant level, or cannot be substantially reduced, by proposed mitigation measures. In order to reject an alternative that would avoid or lessen significant adverse environmental effects of the Project, the City must find that specific social, economic or other considerations make infeasible the project alternatives discussed in the Project EIR.

Pursuant to CEQA Guidelines Section 15126(d), the primary intent of the alternatives evaluation in the EIR is to "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain the basic objectives of the project, but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives." CEQA Guidelines further state that "the discussion of alternatives shall focus on alternatives capable of eliminating any significant adverse environmental effects or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly."

The Project applicant's primary objective is to provide a variety of housing at a cost affordable for the entry market home buyer. According to the Project applicant, in order to accomplish the primary objective, several key factors were considered:

- Existing public infrastructure (i.e., utilities, water, sewer, access) minimizing initial and final cost of the Project development;
- Circulation and access to major roadways for travel to shopping, employment centers and leisure activities to lessen traffic and air quality impacts;
- Project site large enough to develop a comprehensive master plan development; and
- Increase and improve the amount of affordable housing stock with a master planned development that is available to middle class families.

The EIR prepared for the Project considered several alternatives to the Project. Several of the alternatives analyzed in the Project EIR would lessen the significance of some of the environmental effects associated with the proposed Project. However, with the exception of the "No Project" alternative, no alternative analyzed in the Project EIR would mitigate any of the significant unavoidable effects associated with the Project to a level of insignificance.

The following is a description of the Project alternatives and of the specific economic, social or other considerations which make them infeasible for avoiding or lessening the impacts. The City of Chowchilla City Council finds that the adoption of any of the alternatives is infeasible. The reasons each alternative is infeasible is provided following the description of each alternative.

3.1 No Project Alternative

The "No Project" alternative assumes that the Project site would be developed as envisioned by the Greenhills Estates Specific Plan previously adopted for the Project site. Overall density of the Project site would be substantially lower, perhaps in the range of 1,000 dwelling units as opposed to the 2,042 currently proposed by the Rancho Calera Specific Plan. No commercial development would occur under this alternative. The amount of open space planned originally as a golf course would be implemented under the No Project Alternative.

Since the number of dwelling units would be reduced and no commercial development would occur, this alternative would reduce the amount of air quality pollutants when compared to the proposed Project. However, this alternative would not reduce air quality pollutants to a less than significant level.

Findings: The City of Chowchilla City Council hereby finds that the No Project alternative is not "feasible" as defined in the CEQA Guidelines Section 15364 for the following reasons:

Facts in Support of Findings:

- The alternative is inconsistent with the objectives of the Project.
- This alternative is inconsistent with the City of Chowchilla General Plan Land Use Map.
- This alternative is inconsistent with the Madera County Blueprint density guidelines.
- This alternative would be counterproductive to the City of Chowchilla's ability to meet the objectives of SB 375 and Global Warming Solutions Act of 2006 (AB 32).
- While adequate City services and public utilities can be extended to serve this alternative, this alternative would on a per unit basis increase the Project's capital improvement and operating costs of providing public services to more than the proposed Project.
- The opportunity for housing, employment and revenue benefits of the Project would not be maximized under this alternative.

3.2 Lower Density Alternative

Under this alternative scenario, the Project site would be developed with less residential units commercial building space on the same sixe area as proposed by the applicant. Residential development would be reduced to 1,000 dwelling units and commercial development would also be reduced The density of the Project development would be reduced to 2.6 units / acre - two units less / acre than envisioned by the City's General Plan and by the Madera County Blueprint.

Findings: The City of Chowchilla City Council finds that the Lower Density Alternative is not "feasible" as defined in the CEQA Guidelines Section 15364 for the following reasons:

Facts in Support of Findings:

- This alternative would not reduce significant the adverse air quality impact to a less than significant level.
- This alternative would on a per unit basis increase the Project's capital improvement and operating costs of providing public services to more than the proposed Project.
- This alternative would reduce the amount of land dedicated for open space and recreation.
- This alternative would be counterproductive to the City of Chowchilla's ability to meet the objectives of SB 375 and Global Warming Solutions Act of 2006 (AB 32).
- Under this alternative, City housing, employment and revenue benefits would be reduced to less than those provided by the Project.

3.3 Higher Density Reduced Acreage Alternative

This alternative would reduce the Project site from 576 acres to approximately 378 acres. All the Under this alternative, the amount of residential and commercial development would remain unchanged. The amount of open space, recreation and dedication for public right-of-way would be reduced. This alternative would increase the overall density of the Project to 9.7 dwelling units / acre.

Findings: The City of Chowchilla City Council finds that the Higher Density Reduced Acreage Alternative is not "feasible" as defined in the CEQA Guidelines Section 15364 for the following reasons:

Facts in Support of Findings:

- This alternative would be inconsistent with the City' General Plan.
- This alternative would not consistent with the Project objectives.
- This alternative would require the preparation and adoption of new development standards / ordinance prior to adoption of this alternative.
- This alternative, why it may reduce air quality impacts, it may not reduce the level of air quality impacts to a less than significant level.

3.4 Alternative Locations

Three (3) sites within the City of Chowchilla General Plan Planning Area were evaluated as potential alternative locations for the Project. All three sites were eliminated as they failed to meet the evaluation criteria.

Findings: The City of Chowchilla City Council finds that the Alternative Locations for the Project are not "feasible" as defined in the CEQA Guidelines Section 15364 for the following reasons:

Facts in Support of Findings:

- None of the alternative locations evaluated would substantially reduce all the impacts from the Project to a less than significant level.
- The alternative locations would generate new impacts, particularly with traffic and the extension of infrastructure, that were not present with the Project.
- The Project site is already annexed into the City of Chowchilla and prezoned for urban development.
- The Project site is bound on two sides by either existing or approved urban development and is considered a reasonable extension of the City's urban services.

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4 Project Impact Findings

An EIR has been prepared for the Project in accordance with CEQA Guidelines and the City of Chowchilla ordinances, and has been certified by the City of Chowchilla. The Final EIR indicates that if the Project is implemented, certain significant environmental effects may be unavoidable. As required by CEQA Guidelines Section 15093, the City of Chowchilla City Council finds that the unavoidable significant effects described in Section 2 of this document are acceptable because of the overriding conditions described in this Chapter. The benefits of the Project described in this Chapter outweigh its unavoidable environmental effects.

4.1 Significant Unavoidable Impacts

The following provides a description of the significant unavoidable adverse impacts and issues that were identified in the Final EIR for the Project, and of possible Statements of Overriding Consideration that can be adopted for the impacts or issues. The Statements of Overriding Consideration are based on information presented in the Project EIR prepared for the Project, as well as from available information in the "Project Record". The statements support the findings that the benefits of the Project outweigh the Project's unavoidable adverse environmental effects.

4.1.1 Air Quality

Upon build-out of the Project would emit approximately 69,000 tons of carbon dioxide annually into the atmosphere. The Project would also emit approximately 54 tons of reactive organic gases and 61 tons of nitrogen oxides annually into the atmosphere. There are no mitigation measures to reduce this impact to a level of less than significant level.

4.2 Overriding Considerations

4.2.1 Land Use and Urban Services Considerations

The Project has been designated and planned for urban growth as part of the Greenhills Estates Specific Plan adopted by the City almost two decades ago. The Rancho Calera Specific Plan replaces the northern portion of the Greenhills Estates Specific Plan with a high density development more in tune with the Madera County Blueprint. The Madera County Blueprint calls for significantly higher density development than what was expected in Chowchilla and the County as whole.

The Project would be consistent with the City of Chowchilla General Plan objectives and policies that provide for contiguous urban growth and extension of urban services to areas identified for urban growth in the Chowchilla General Plan. The Project would provide a logical extension of urban development as the Project is bound to the west and south by existing urban development. The Project would provide for contiguous urban development consistent with the City land use designations of the General Plan.

City sewer and water pipeline extensions to the Project site are described in the City facility utility master plans. This Project would contribute to the development and cost of these necessary facilities which would be an overall benefit to the City by serving other approved projects, as well as future urban development envisioned by the City's General Plan for the area east of State Route 99.

4.2.2 Master Plan Considerations

The Project is master planned development exceeding City development standards. As a master planned project, the Project, based on the Project's development guidelines and standards, exceeds City development and public amenity requirements. The Project provides a unified residential, commercial and recreational oriented community that is compatible with the character of its surroundings and needs of the community. The Project provides a variety of housing opportunties with the intent to promote and meet the needs of diverse housing needs and income levels. The Project includes an existing school The Project, when completed will include parkland and open space / conservation land linked together via a system of connective linear parks and pedestrian / bicycle trails.

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