

DRAFT

**FINDINGS OF FACT AND STATEMENT OF
OVERRIDING CONSIDERATIONS**

**THE VILLAGES AT ALMOND GROVE SPECIFIC PLAN
ENVIRONMENTAL IMPACT REPORT**

MADERA, CALIFORNIA



LSA

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ENVIRONMENTAL IMPACT REPORT**

MADERA, CALIFORNIA

Submitted to:

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Project No. CMD1801



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TABLE OF CONTENTS

| | |
|--|-----------|
| EXECUTIVE SUMMARY..... | i |
| Table of Contents | iii |
| 1.0 INTRODUCTION..... | 1 |
| 2.0 PROJECT DESCRIPTION | 3 |
| 2.1 Project Location and Setting | 3 |
| 2.2 Project | 3 |
| Project Objectives..... | 4 |
| 2.3 Project Alternatives..... | 5 |
| 3.0 PROCEDURAL FINDINGS | 7 |
| 4.0 RECORD OF PROCEEDINGS | 9 |
| 5.0 FINDINGS REQUIRED UNDER CEQA..... | 12 |
| 5.1 Summary of Findings..... | 13 |
| Findings Regarding EIR Recirculation | 14 |
| Findings Regarding Less Than Significant Impacts (No Mitigation Required) | 15 |
| Findings Regarding Impacts Mitigated to a Level of Less than Significant | 19 |
| Findings Regarding Cumulative Impacts Mitigated to Less-than-Significant Levels..... | 33 |
| Findings Regarding Environmental Impacts not Mitigated to Less-than-Significant Levels | 35 |
| Findings Regarding Cumulative Impacts not Mitigated to Less-than-Significant Levels | 49 |
| 5.2 Mitigation Monitoring..... | 52 |
| 5.3 Significant Irreversible Environment Effects | 53 |
| 5.4 Growth Inducement | 54 |
| 6.0 PROJECT ALTERNATIVES | 56 |
| Alternatives Considered in the EIR..... | 56 |
| Alternative 1: No Project Alternative | 57 |
| Alternative 2: Low Density Residential Alternative | 57 |
| Alternative 3: Reduced Project Alternative | 57 |
| Findings Regarding Alternatives | 57 |
| 7.0 STATEMENT OF OVERRIDING CONSIDERATIONS..... | 59 |

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1.0 INTRODUCTION

The purpose of these findings is to satisfy the requirements of Sections 15091, 15092, and 15093 of the California Environmental Quality Act (CEQA) Guidelines, associated with approval of The Villages at Almond Grove Specific Plan and related entitlements (project) and certification of the Environmental Impact Report (EIR) for the project.

The CEQA Statutes (California Public Resources Code [PRC] Sections 21000, et seq.) and Guidelines (California Code of Regulations [CCR] Sections 15000, et seq.) state that if it has been determined that a project may or will have significant impacts on the environment, then an environmental impact report (EIR) must be prepared. Prior to approval of the project, the EIR must be certified pursuant to CEQA Guidelines Section 15090. When an EIR has been certified that identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale, pursuant to CEQA Guidelines Section 15091, for each identified significant impact:

- a. Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- b. 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.
- c. 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.

CEQA Guidelines Section 15092 states that after consideration of an EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. A project that would result in a significant environmental impact cannot be approved if feasible mitigation measures or feasible alternatives can avoid or substantially lessen the impact.

However, in the absence of feasible mitigation, an agency may approve a project with significant and unavoidable impacts, if there are specific economic, legal, social, technological, or other considerations that outweigh the unavoidable adverse environmental effects. CEQA Guidelines Section 15093 requires the lead agency to document and substantiate any such determination in a "statement of overriding considerations" as a part of the record.

The requirements of CEQA Guidelines Sections 15091, 15092, and 15093 (as summarized above) are all addressed herein. This document summarizes the findings of fact and statement of overriding considerations authorized by those provisions of the CEQA Guidelines and by the PRC for the project.

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2.0 PROJECT DESCRIPTION

The following provides a summary of the Project Description.

2.1 PROJECT LOCATION AND SETTING

The City of Madera is located in Madera County, west of the Sierra Nevada. The City is located along California State Route (SR) 99, 13 miles southeast of Chowchilla and 15 miles northwest of Fresno.

The project area (Specific Plan Area) is 1,883 acres in size and is located on the western edge of the City of Madera. In October 2018, the Madera County Local Agency Formation Commission (LAFCO) approved the expansion of the City's Sphere of Influence to include the Specific Plan Area. The proposed project is bounded by the Fresno River to the south, Road 24 to the east, Avenue 17 to the north, and Road 22 to the west.

The Specific Plan Area is surrounded by primarily agriculture uses on the north and western boundaries, and the Fresno River and agriculture uses to the south. The Madera Municipal Golf Course, Madera Municipal Airport, and residential uses are directly north and east of the project site.

2.2 PROJECT

The project consists of several components:

- **General Plan Amendment.** The project includes several amendments to the General Plan (General Plan Amendment 2017-02). The City's General Plan would be amended to create a Specific Plan land use category that would be applied to the Specific Plan Area. In addition, the General Plan would be amended to remove the requirement that residential development shall conform to the "Target Density" requirement for each land use category. The General Plan Amendment would also remove the requirement for a permanent agricultural buffer on the western edge of the Specific Plan Area.
- **Specific Plan.** The purpose of the proposed Specific Plan (Specific Plan No. 2017-01) is to provide guidance for an orderly and cohesive planned community consistent with the City of Madera General Plan and zoning ordinance. The Specific Plan Area is 1,883-acres, consisting of approximately 10,800 residential units, approximately 2.1 million square feet of commercial and office space, approximately 164 acres of parks and recreational area, approximately 55 acres of schools and other public facilities. The proposed Specific Plan provides a development framework for land use, mobility including roadways, utilities and services, resource projection, and implementation to promote the systematic and orderly development of the Specific Plan Area.
- **Pre-Zoning/Zoning Amendments.** The Specific Plan Area is currently zoned by Madera County Agricultural Rural Exclusive - 40 Acres (ARE-40) and Agricultural Rural Exclusive - 20 Acres (ARE-20). The entire plan area would be pre-zoned by the City of Madera consistent with City zoning as identified in the proposed Specific Plan (Pre-Zoning/ Rezoning 2017-05).

- **Annexation.** The proposed project includes annexation of 1,883 acres to the City of Madera (Annexation No. 2022-01). Annexation can only occur if and once Madera LAFCo has approved a Sphere of Influence Amendment (SOIA); however, this may happen shortly after a SOIA is approved. Madera LAFCo is the responsible agency for the annexation request. It is anticipated that the Madera LAFCo will use this EIR in its decision-making process as required under CEQA.
- **Zoning Ordinance/Madera Municipal Code Amendments.** The City's Municipal Code would be amended to include a specific plan zone district (SP Zone) to provide a framework for standards and permitted uses in the zone (Zoning Ordinance Text Amendment No. OTA 2022-01).
- **Vesting Tentative Tract Map No. 2020-02.** Vesting Tentative Tract Map No. 2020-02 pertains to the Southeast Neighborhood of the proposed Specific Plan, consisting of approximately 645 gross acres of property located east of Road 23, between Avenue 16 and the Fresno River. It proposes the creation of a 2,390-lot residential subdivision with lots ranging in size from 40 feet by 80 feet, to 55 feet by 110 feet. In addition to these residential lots, the tentative tract map proposes to create 29 outlots, 10 of which will be used for parks or open space, 2 for storm drain basins, 12 for future mixed-use developments, 4 for high-density residential uses, and 1 for a future school site. The site will be primarily a mix of Low-Density, Medium-Density, and High-Density residential uses. This tract map will conform to the Permitted Uses pursuant to the proposed Specific Plan; however, conditional uses will require separate land use entitlements pursuant to the proposed Specific Plan and may require future environmental analysis. Because the proposed subdivision is larger than a typical tract map, the map for Tentative Tract Map 2020-02 is currently proposed to be divided into 27 blocks.
- **Vesting Tentative Tract Map No. 2020-03.** Vesting Tentative Tract Map No. 2020-03 pertains to the Northwest Neighborhood of the proposed Specific Plan, consisting of approximately 661 gross acres of property located west of Road 23, between Avenue 16 and Avenue 17. The Map proposes the creation of a 2,815-lot residential subdivision with lots ranging in size from 40 feet by 80 feet to 55 feet by 110 feet. In addition to these residential lots, the tentative tract map proposes to create 17 outlots, 6 of which will be used for parks or open space, 6 for future business park developments, 3 for storm drain basins, 1 for future mixed-use developments, and 1 for a future school site. This tentative tract map will conform to the Permitted Uses pursuant to the proposed Specific Plan; however, conditional uses will require separate land use entitlements pursuant to the proposed Specific Plan and may require future environmental analysis. Because the proposed subdivision is larger than a typical tract map, the map for Tentative Tract Map 2020-03 is currently proposed to be divided into 36 blocks.

A number of other permits and approvals are also contemplated as part of the project, as further described in Section 3.4 of the EIR, which is incorporated by reference.

Project Objectives

The proposed Specific Plan is designed to implement a series of project-specific objectives to ensure that the proposed Specific Plan is implemented with quality residential, commercial, and light industrial development. The following is a list of project objectives:

- Address the City of Madera’s current and projected housing needs for all segments of the community by providing a range of single- and multi-family homes.
- Promote high quality retail and mixed-use development to attract an array of businesses and employment opportunities.
- Establish a mix of land uses and local-serving activities that meet the General Plan’s objectives concerning community character and pedestrian-friendly design.
- Implement the City’s General Plan Land Use Element goal to facilitate annexation of large areas of land that are governed by a specific plan, which provides for compatibility of land uses, fiscal balance, recreation, and resource protection.
- Establish a transportation network that will fulfill the policies of the Madera General Plan’s Circulation Element by allowing residents to live within proximity to schools, recreational opportunities, retail centers, and commercial development, and minimize vehicle trips through utilizing access to a variety of transportation opportunities, including pedestrian pathways, bikeways, regional arterials, and transit.
- Promote opportunities for water efficiency in Plan Area architecture and landscaping to promote water conservation.
- Incorporate green and sustainable practices, as practicable, in developing buildings and infrastructure.
- Undertake development of the Specific Plan Area in a manner that is economically feasible and balanced to address the City’s economic interests.

2.3 PROJECT ALTERNATIVES

Below is a summary of the alternatives that were considered and evaluated. Findings for the alternatives are included in Section 6.0 of this document.

No Project Alternative

Under this alternative, no development identified in the proposed Specific Plan would occur, and the Specific Plan Area would continue to be use for agricultural production within an unincorporated area of Madera County. Although the City includes the proposed Specific Plan Area within the Urban Growth Boundary, the proposed Specific Plan Area is located outside of the City limits. Under this Alternative no construction activities or long-term operations associated with the proposed Specific Plan would occur.

Low Density Residential Alternative

Under this alternative, the proposed Specific Plan would be implemented with residential zoning and densities that would be consistent with the City’s residential zoning for low density. The City’s residential zoning densities for low density range from 3 units to 7 units per acre. For the purpose of

this analysis, an average of five units per acre was used to provide a reasonable estimate of development that could occur within the Specific Plan Area. In addition, the acreages identified in the proposed Specific Plan as Village Mixed Use (120 acres) and Village Business Park (30 acres), would be reallocated to low density residential, for a total of approximately 1,521 acres of low density residential acres with a total buildout of approximately 7,600 residential units. Acreages for Parks and Recreation, Natural Areas along the Fresno River, Elementary School Sites, and Major Roadways would be the same as the proposed Specific Plan.

Reduced Project Alternative

Under this alternative approximately 7,600 residential units would be constructed but the mixed-use development occurring within the Specific Plan Area would be removed to reduce potential significant and adverse environmental impacts related to air quality resulting from construction, greenhouse gas emissions, vehicle-generated noise, and conflicts with roadway policies. In addition, 500 acres of agricultural land would be preserved within the Specific Plan Area site to reduce significant and unavoidable impacts related agricultural conversion that would result from implementation of the proposed Specific Plan. This alternative would likely preserve agricultural land uses in the Southwest Neighborhood area where Williamson Act Contracts are still in place and in the Northwest Neighborhood to ensure that compatibility with the Madera County ALUCP. This alternative was selected to allow for a mix of residential densities within the Specific Plan Area, and to preserve agricultural land uses that would be developed under the propose Specific Plan.

For the purpose of the analysis in the EIR, acreages identified for the Village Mixed Use district (120 acres), Village Business Park (30 acres), Village Parks and Recreation (64 acres), Village Country Estates (36 acres), Village Low Density (145 acres), and Village High Density (105 acres) would be reallocated to agriculture land uses. This would result in a total of 500 acres of agriculture land uses and a total buildout of 7,601 residential units in the Specific Plan Area. Land uses identified as Village Medium Density, Village Open Space, Village Public Facilities, and Major Roadways would be the same as the proposed Specific Plan.

- The City provided written responses to all comments received during and after the public comment period referenced above for the Draft EIR and additional information to clarify such responses was added by the City to the Draft EIR to produce the Final EIR (FEIR).
- The FEIR was made available on March 25, 2022, and consists of the following items:
 - The Draft EIR released on December 23, 2021;
 - Responses to Comments Document including Revisions to the Draft EIR;
 - Draft EIR text revisions; and
 - Mitigation Monitoring and Reporting Program
- As required by CEQA Guidelines Section 15088(b), public agencies that commented on the Draft EIR were provided at least 10 days to review the proposed responses contained in the FEIR prior to the date for consideration of the FEIR for certification.

4.0 RECORD OF PROCEEDINGS

In accordance with PRC Section 21167.6(e), the record of proceedings for the City's decision on the project includes the following documents, which are incorporated by reference and made part of the record supporting these findings:

- All information (including written evidence and testimony) provided by City staff, City Planning Commission, and/or City Council relating to the EIR, the approvals, and the proposed project, including City staff reports and all attachments;
- The Draft EIR and all appendices to the Draft EIR;
- The FEIR and all appendices to the FEIR;
- All notices required by CEQA and presentation materials related to the project;
- All comments submitted by agencies or members of the public during the comment periods on the two NOPs and the Draft EIR;
- All final applications, letters, testimony and presentations presented by the project Applicant ("Applicant") and its consultants to the City in connection with the proposed project;
- All studies conducted for the project and contained or referenced in the Draft EIR and the FEIR;
- All documents cited or referenced in the Draft EIR and the FEIR;
- All public reports and documents related to the project prepared for the City and other agencies;
- All information (including written evidence and testimony) presented to the City from other public agencies relating to the proposed project and EIR;
- All final information (including written evidence and testimony) presented to the City staff, City Planning Commission, and/or City Council by the environmental consultant and sub-consultants who prepared the EIR or incorporated into reports presented to the City Council;
- All final information (including written evidence and testimony) presented at any City public hearing or any City workshop related to the proposed project and the EIR;
- All other documents related to the project;
- For documentary and information purposes, all City-adopted land use plans and ordinances, including without limitation the general plan, specific plans and ordinances, together with environmental review documents, findings, mitigation monitoring programs and other documentation relevant to planned growth in the area;

- The mitigation monitoring and reporting program (MMRP) for the project; and
- All other documents composing the record pursuant to Public Resources Code section 21167.6(e), including any additional items not included above if otherwise required by law.

The documents constituting the record of proceedings are available for review by responsible agencies and interested members of the public during normal business hours at the City Planning Department located at City Hall at 205 West 4th Street, Madera, CA.

The Draft EIR and FEIR are incorporated into these findings in their entirety, unless and only to the extent these findings expressly do not incorporate by reference the Draft EIR and FEIR. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the project in spite of the potential for associated significant and unavoidable adverse physical environmental impacts.

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5.0 FINDINGS REQUIRED UNDER CEQA

PRC Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 of the PRC goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles in PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions.

The first such finding is that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the FEIR (CEQA Guidelines Section 15091[a][1]). For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level, or of the project’s ability to avoid a potentially significant impact altogether. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level.

The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and that such changes have been adopted by such other agency or can and should be adopted by such other agency (CEQA Guidelines Section 15091[a][2]).

The third potential conclusion is that 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 Draft EIR and FEIR (EIR) (CEQA Guidelines Section 15091[a][3]). “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors (CEQA Guidelines Section 15364).

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. Moreover, “feasibility” under CEQA encompasses “desirability” to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors” (City of Del Mar v. City of San Diego [1982] 133 Cal.App.3d 410, 417).

In the process of adopting mitigation measures, the City has made a determination regarding whether the mitigation proposed in the EIR is “feasible.” In some cases, modifications may have been made to the mitigation measures proposed in the EIR to update, clarify, streamline, or revise those measures. None of these changes result in significant new information or impacts that would require recirculation of the EIR.

With respect to a project for which significant impacts are not avoided or substantially lessened, a lead agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons in support of the finding that the project benefits outweigh its unavoidable adverse environmental effects. In the process of considering the EIR for certification, the City has recognized that impact avoidance is not possible in all instances. To the extent that significant adverse environmental impacts will not be reduced to a less-than-significant level with the adopted mitigation, the City has found that specific economic, social, and other considerations support approval of the project. Those findings are reflected herein in Section 5, “Findings Required Under CEQA,” and in Section 7, “Statement of Overriding Considerations,” below.

5.1 SUMMARY OF FINDINGS

The Draft EIR identified a number of less-than-significant impacts associated with the project that do not require mitigation. The Draft EIR also identified a number of significant and potentially significant environmental effects (or impacts) that may be caused in whole or in part by the project. Some of these significant effects can be fully avoided or substantially lessened through the adoption of feasible mitigation measures. Other effects cannot be, and thus may be significant and unavoidable. For reasons set forth in Section 7, “Statement of Overriding Considerations,” however, the City has determined that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the project.

The findings of the City with respect to the project’s significant effects and mitigation measures are set forth in the EIR and these Findings of Fact. The Summary of Findings does not attempt to replicate or restate the full analysis of each environmental impact contained in the EIR. Please refer to the Draft EIR and FEIR for more detail.

The following provides a summary description of each potentially significant and significant impact, describes the applicable mitigation measures identified in the FEIR and adopted by the City, and states the findings of the City regarding the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Draft EIR and FEIR and associated record (described herein), both of which are incorporated by reference. The City hereby ratifies, adopts, and incorporates the analysis and explanation in the record into these findings, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the 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.

To the extent any of the mitigation measures are within the jurisdiction of other agencies, the City finds those agencies can and should implement those measures within their jurisdiction and control (CEQA Guidelines Section 15091[a][2]).

Findings Regarding EIR Recirculation

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR when “significant new information” is added to the EIR after the lead agency gives public notice of the availability of the Draft EIR but before certification. “Information” may include project changes, changes to the environmental setting, or additional data or other information. The CEQA Guidelines do not consider new information to be significant unless the lead agency changes the EIR in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect or a feasible way to mitigate the impact that the agency or project proponent has declined to implement.

CEQA Guidelines Section 15088.5 states “significant new information” requiring recirculation may include:

- A new significant environmental impact that would result from the project or from a new mitigation measure;
- A substantial increase in the severity of an environmental impact would result unless mitigation measures would be adopted that reduce the impact to a level of insignificance;
- 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 proponents will not adopt it; or
- The Draft EIR was so fundamentally and basically inadequate and conclusory that meaningful public review and comment were precluded.

Recirculation is not required if new information added to the EIR just clarifies or makes minor modifications to an otherwise adequate EIR.

The City made refinements to the Draft EIR after this document was released. These refinements are described in Chapter 4, “Draft Environmental Impact Report Text Revisions” of the Response to Comments Document. Revisions were made to Mitigation Measure AIR-2.2 to reflect updated conditions requested by the San Joaquin Valley Air Pollution Control District (SJVAPCD).

These refinements are described in greater detail in the Response to Comments Document. No impacts identified in the Draft EIR would be substantially increased because of changes to the project or mitigation measures following recirculation. There are no new feasible alternatives or mitigation measures that are considerably different from those considered in the Draft EIR that the project applicant has declined to adopt. Therefore, recirculation of the EIR is not required.

Findings Regarding Less Than Significant Impacts (No Mitigation Required)

The City agrees with the characterization in the Draft EIR and FEIR of all project-specific impacts identified as “less than significant” and finds that those impacts have been described accurately and are either less than significant or have no impact, as described in the Draft EIR. Section 15091 of the CEQA Guidelines does not require specific findings to address environmental effects that an EIR identifies as having no impact or a less-than-significant impact.

The impacts for which the project would result in either no impact or a less-than-significant impact, and which require no mitigation, are identified in the bulleted list below. Please refer to the Draft EIR and FEIR for more detail.

AESTHETICS

- Impact AES-2: The proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

AGRICULTURAL AND FORESTRY RESOURCES

- Impact AG-3: The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).
- Impact AG-4: The proposed project would not result in the loss of forest land or conversion of forest land to non-forest use.
- Impact AG-5: The proposed project would not involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use.

AIR QUALITY

- Impact AQ-1: The proposed project would not conflict with or obstruct implementation of the applicable air quality plan.
- Impact AQ-4: The project would not result in significant odors that could adversely affect a substantial number of people.

BIOLOGICAL RESOURCES

- Impact BIO-2: The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community.
- Impact BIO-4: The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

- Impact BIO-5: The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Impact BIO-6: The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

ENERGY

- Impact EN-2: The proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

GEOLOGY AND SOILS

- Impact GEO-4: The project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property.
- Impact GEO-5: The project does not contain soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.

HAZARDS AND HAZARDOUS MATERIALS

- Impact HAZ-2: The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment.
- Impact HAZ-3: The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- Impact HAZ-4: The project could be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment.
- Impact HAZ-5: The project would be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, but would not result in a safety hazard for people residing or working in the project area because the proposed Specific Plan would be consistent with the applicable airport plan and the General Plan.
- Impact HAZ-6: The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- Impact HAZ-7: The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

HYDROLOGY AND WATER QUALITY

- Impact HYD-1: The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.
- Impact HYD-2: The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.
- Impact HYD-3: The project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
- Impact HYD-4: The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.
- Impact HYD-5: The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (SGMA).

LAND USE AND PLANNING

- Impact LU-1: The proposed project would not physically divide an established community.

MINERAL RESOURCES

- Impact MIN-1: The proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
- Impact MIN-2: The proposed project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

NOISE

- Impact NOI-3: For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the proposed project would not expose people residing or working in the project area to excessive noise levels.

POPULATION AND HOUSING

- Impact POP-1: The project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).
- Impact POP-2: The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

PUBLIC SERVICES AND RECREATION

- Impact PSR-3: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives;
- Impact PSR-4: The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities, need for new or physically altered park facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for park services.
- Impact PSR-6: The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

TRANSPORTATION

- Impact TRA-2: The proposed project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)
- Impact TRA-3: The proposed project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- Impact TRA-4: The proposed project would not result in inadequate emergency access.

UTILITIES AND SERVICE SYSTEMS

- Impact UTL-3: The wastewater treatment provider which serves the project has determined that the City has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments
- Impact UTL-4: The project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
- Impact UTL-5: The project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

WILDFIRE

- Impact WF-1: The proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan.
- Impact WF-2: The proposed project would not exacerbate wildfire risks due to slope, prevailing winds, and other factors, and thereby would not expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

- Impact WF-3: The proposed project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.
- Impact WF-4: The proposed project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

CUMULATIVE IMPACTS

The project would result in either no cumulative impact or a less-than-significant cumulative impact, requiring no mitigation, for the following topics.

- Impact EN-3: Cumulative impacts related to energy.
- Impact HAZ-8: Cumulative impacts related to hazards and hazardous materials.
- Impact HYD-6: Cumulative impacts related to hydrology.
- Impact LU-3: Cumulative impacts related to land use and planning.
- Impact MIN-3: Cumulative impacts related to mineral resources.
- Impact NOI-4: Cumulative impacts related to noise.
- Impact POP-3: Cumulative impacts related to population and housing.
- Impact WF-5: Cumulative impacts related to wildfire.

Findings Regarding Impacts Mitigated to a Level of Less than Significant

The City hereby finds that feasible mitigation measures have been identified in the Draft EIR and that these mitigation measures will avoid or substantially lessen the following potentially significant and significant environmental impacts to a less-than-significant level. The potentially significant and the mitigation measures that will reduce them to a less-than-significant level are summarized below. Please refer to the EIR for more detail.

BIOLOGICAL RESOURCES

Impact BIO-1: The project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Although impacts to species listed as a candidate, sensitive, or special-status species by local, State, and federal agencies should be avoided to the greatest extent feasible, it is acknowledged that future projects may not be able to avoid these species.

Mitigation Measure BIO-1.1

Prior to the issuance of grading permits, the following measures shall be implemented to reduce potential impacts to western burrowing owls:

- Preconstruction surveys for western burrowing owls shall be conducted by a qualified biologist in accordance with the California Department of Fish and Wildlife (CDFW) 2012 Staff Report on Burrowing Owl Mitigation, or the most current guidelines.
- If burrowing owls are identified during the preconstruction survey, avoidance of occupied burrows during the breeding season shall be implemented or passive exclusion, per CDFW's 2012 Staff Report on Burrowing Owl Mitigation, or the most current guidelines (installing one-way doors in burrow openings during the non-breeding season to temporarily exclude burrowing owls, or permanently exclude burrowing owls and close burrows after verifying burrows are empty by site monitoring and scoping) shall be implemented), .
- Following construction activities, all areas temporarily impacted during Project construction and not identified for future development, shall be restored to pre-construction contours and revegetated with native species as specified in Table 4.4.B.

Mitigation Measure BIO-1.2

Prior to the issuance of grading permits, the following measures shall be implemented to reduce potential impacts to Swainson's hawks:

- If construction begins during the nesting season (February 1 through August 31), an early season preconstruction survey for nesting Swainson's hawks shall be conducted between January and March in the Biological Study Area (BSA) for the Specific Plan Area and immediate vicinity (an approximately 0.25 mi radius) by a qualified biologist when tree foliage is relatively sparse and nests are easy to identify. A second preconstruction survey for nesting Swainson's hawks shall be conducted in the BSA and immediate vicinity (an approximately 0.25 mile radius) by a qualified biologist no more than 14 days prior to initiation of earthmoving activities.
- If nesting Swainson's hawks are found within the survey area, a qualified biologist shall evaluate the potential for the project to disturb nesting activities. The California Department of Fish and Wildlife (CDFW) shall be contacted to review the evaluation and determine if the project can proceed without adversely affecting nesting activities. CDFW shall also be consulted to establish protection measures such as buffers.
- Disturbance of active nests shall be avoided until it is determined by a qualified biologist that nesting is complete and the young have fledged, or that the nest has failed. If work is allowed to proceed, at a minimum, a qualified biologist shall be on-site during the start of construction activities during the nesting season to monitor nesting activity. The monitor shall have the authority to stop work if it is determined the project is adversely affecting nesting activities.

- Following construction, all fill slopes, temporary impact and/or otherwise disturbed areas not identified for future development shall be restored to preconstruction contours and revegetated with the native seed mix specified in Table 4.4.C.

Mitigation Measure BIO-1.3

Prior to the issuance of grading permits, the following measures shall be implemented to reduce potential impacts to northern harrier, California horned lark, and other nesting birds:

- If construction begins during the nesting season (February 1 through August 31), a qualified biologist shall survey all suitable nesting habitat in the Biological Survey Area (BSA) of the Specific Plan Area for presence of nesting birds. This survey shall occur no more than 10 days prior to the start of construction. If no nesting activity is observed, work may proceed as planned. If an active nest is discovered, a qualified biologist shall evaluate the potential for the proposed project to disturb nesting activities. The evaluation criteria shall include, but are not limited to, the location/orientation of the nest in the nest tree, the distance of the nest from the BSA, the line of sight between the nest and the BSA, and the feasibility of establishing no-disturbance buffers.
- If work is allowed to proceed, a qualified biologist shall be on-site weekly during construction activities to monitor nesting activity. The biologist shall have the authority to stop work if it is determined the project is adversely affecting nesting activities. Weekly monitoring shall continue until any young have fledged or the nest fails (as determined by the qualified biologist).

Significance after Mitigation. Implementation of Mitigation Measures BIO-1.1 through BIO-1.3 would minimize impacts to special-status species and associated habitat by requiring avoidance and minimization efforts, consultation with responsible agencies, compensatory mitigation and mitigation consistent with regulatory requirements. (Draft EIR pages 4.4-13 and 4.4-17)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to special-status species and associated habitat identified in the EIR.

Impact BIO-3: The project would have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Formal delineation of aquatic features should be performed prior to issuance of grading permits in order to determine if any aquatic features within the Specific Plan Area would be considered wetlands or non-wetland waters of the U.S. under the jurisdiction of the ACOE and/or waters of the State under the jurisdiction of the RWQCB.

Mitigation Measure BIO-3

The following measures shall be implemented once specific development plans are submitted and prior to the issuance of grading permits to mitigate potential impacts to aquatic resources:

- A jurisdictional delineation shall be performed to determine if any or all of the aquatic features in the Biological Survey Area (BSA) of the Specific Plan Area should be considered jurisdictional by the Army Corps of Engineers (ACOE). The jurisdictional delineation shall be submitted to the ACOE for verification or concurrence.
- If the results of the jurisdiction delineation determine that any of the aquatic features in the BSA are jurisdictional waters, and the Project would result in permanent or temporary impacts to those waters, the project proponent shall obtain any necessary regulatory permits prior to the commencement of ground disturbing activities.
- If the project would result in the loss of wetlands and/or non-wetland waters, mitigation shall be accomplished by purchasing credits at an approved mitigation bank, payment of in-lieu fees, or a combination of these methods, as determined by the City of Madera. Mitigation ratios shall be at least 1:1.

Significance after Mitigation. Implementation of Mitigation Measure BIO-3 would reduce impacts to state or federally protected wetlands through the preparation of wetland delineation and appropriate mitigation (if required). (Draft EIR pages 4.4-17 and 4.4-18)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to any state or federally protected wetlands identified in the EIR.

CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES

Impact CUL-1: The project could cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines.

Currently, the Specific Plan Area contains potentially significant early-settlement buildings that could qualify as historical resources under CEQA. The Specific Plan Area could also potentially contain early-settlement agricultural artifacts or features that could qualify as historical resources under CEQA. As a result, there is a possibility that the new development could result in demolition or substantial alterations of historical or potentially historical buildings and structures. In addition to land use development, infrastructure and other public works improvements could result in demolition or substantial alterations of historical resources.

Mitigation Measure CUL-1

Prior to the issuance of grading permits for development occurring within APN 030-170-009 and APN 0303-070-004, formal evaluations of the existing canal segments and buildings shall be completed by a qualified historic resources consultant for eligibility for inclusion in the California Register of Historical Resources (CRHR) to assess whether or not they qualify as historic resources

under Public Resources Code Section 21084.1. If the resources are determined to be unique historical resources, measures shall be identified by the qualified historic resources consultant monitor and recommended to the City. Appropriate measures for significant resources could include, but are not limited to, avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.

Significance after Mitigation. Implementation of Mitigation Measure CUL-1 would reduce impacts to historic or cultural resources through the preparation of site-specific evaluations and mitigation measures, in accordance with Section 15064.5 of the CEQA Guidelines. (Draft EIR pages 4.5-19 through 4.5-20)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to any historic resources identified in the EIR.

Impact CUL-2: The project could cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5 of the CEQA Guidelines.

Based on its environmental setting, the Specific Plan Area has a high sensitivity for intact precontact-period archaeological deposits. Additionally, although not included in the record search results, background research indicates the Chauchila Tribe village site of Ch'ekayu was documented within the southeast portion of the Specific Plan Area along the Fresno River.

Mitigation Measure CUL-2.1

To identify if an archaeological resource is present and if it meets the definition of a historical resource under the California Environmental Quality Act (CEQA), or a unique archaeological resource under Public Resources Code Section 21083.2 located in the southeastern portion of the Specific Plan Area, additional investigation including a field survey and an archaeological sensitivity analysis shall be conducted prior to the initiation of ground-disturbing activities. For projects associated with the proposed Specific Plan that are located in areas with moderate or higher sensitivity for buried archaeological resources as identified by the archaeological sensitivity analysis, subsurface testing shall be conducted to minimize possible disturbance to or inadvertent discoveries of archaeological deposits. A qualified archaeologist shall develop a monitoring plan based on depth of the excavation and data from subsurface testing to be submitted to the City of Madera Community Development Director or designee. The monitoring plan shall include observation of ground disturbing activities (such as grading, trenching and boring) to be focused in areas that are most likely to contain buried resources. The archaeologist shall limit on-site monitoring to only areas where depth of excavation and information from subsurface testing suggests that sensitive resources may be encountered.

Mitigation Measure CUL-2.2

If deposits of precontact or historic-period archaeological materials are encountered during construction activities, all work within 25 feet of the discovery shall be redirected and a qualified archaeologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move

any archaeological materials. Archaeological materials can include flaked-stone tools (e.g., projectile points, knives, and choppers) or obsidian, chert, basalt, or quartzite toolmaking debris; bone tools; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, bones, and other cultural materials); and stone-milling equipment (e.g., mortars, pestles, and handstones). Precontact archaeological sites often contain human remains. Historic-period materials can include wood, stone, concrete, or adobe footings, walls, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metal, and other refuse.

If deposits of precontact or historic-period archaeological materials are encountered and cannot be avoided, they shall be evaluated in consultation with the City and a qualified archaeologist. If the discovery is precontact in nature, geographically affiliated tribal representatives shall be consulted as part of this process. If the deposit meets the definition of a historical resource, unique archaeological resource, or tribal cultural resource under the California Environmental Quality Act (CEQA), significant impacts to the deposit will need to be avoided or appropriate treatment established. If treatment is required, a plan shall be developed in consultation with applicable parties to mitigate, avoid, or minimize significant impacts to these types of resources. Treatment may consist of, but is not necessarily limited to, systematic recovery and analysis of archaeological deposits; recording the resource; preparation of a report of findings; accessioning recovered archaeological materials at an appropriate curation facility; and community outreach. All reports produced as part of the evaluation and treatment of cultural resources identified during the project shall be submitted to the City and the Southern San Joaquin Valley Information Center (SSJVIC).

Significance after Mitigation. Implementation of Mitigation Measures CUL-2.1 and CUL-2.2 would reduce impacts to prehistoric resources through field surveys and archaeological sensitivity analyses, as well as the implementation of recommendations provide by a qualified archaeologist. (Draft EIR pages 4.5-20 through 4.5-22).

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to any archaeological resources identified in the EIR.

Impact CUL-3: The project could disturb human remains, including those interred outside of formal cemeteries.

There is a remote possibility that human remains could be present within the Specific Plan Area, and implementation of the proposed Specific Plan has the potential to disturb human remains interred outside of formal cemeteries.

Mitigation Measure CUL-3

The following procedures shall be implemented in the event that human remains are identified during project activities:

- If human remains are encountered during project activities, work within 25 feet of the discovery shall be redirected and the Madera County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate. Project personnel shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission (NAHC) will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.
- The archaeologist shall prepare a report that provides recommendations for the treatment of the human remains and any associated cultural materials as well as proposed or implemented methods and results from excavation and analysis. Treatment of the remains and associated cultural materials shall be done in coordination with the recommendations of the MLD and City. The final report shall be submitted to the Southern San Joaquin Valley Information Center (SSJVIC).

Significance after Mitigation. Implementation of Mitigation Measure CUL-3 would reduce impacts to human remains through regulatory compliance, coordination with appropriate Native American representatives (if appropriate), as well as the implementation of recommendations provide by a qualified archaeologist. (Draft EIR pages 4.5-22 and 4.5-23)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to any human remains, including those interred outside of formal cemeteries, as identified in the EIR.

Impact CUL-4: The project could result in a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe.

Impacts resulting from future development within the Specific Plan Area could impact unknown archaeological resources including Native American artifacts and human remains. Potential impacts would be reduced to a less-than-significant levels with implementation of Mitigation Measures CUL-2.1 and CUL-2.2

Significance after Mitigation. Implementation of Mitigation Measures CUL-2.1 and CUL-2.2 would reduce impacts to tribal cultural resources through the identification of archaeological deposits during construction; the evaluation of unanticipated discoveries; and the recovery of significant archaeological data from those resources that warrant such investigation (i.e., historical or unique archaeological resources). (Draft EIR pages 4.5-23 and 4.5-24)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the

project that avoid or substantially lessen impacts to any tribal cultural resources, as identified in the EIR.

ENERGY

Impact EN-1: The project would increase energy consumption during the operational phase.

Operational energy use consumed by the projects associated with buildout of the proposed Specific Plan would be associated with natural gas use, electricity consumption, and fuel used for vehicle trips associated with the proposed Specific Plan.

Mitigation Measure EN-1.1

Prior to approval of building permits, the Community Development Director or designee shall ensure that the energy efficiency strategies identified in the proposed Specific Plan are incorporated project construction documents. These energy efficient strategies include, but are not limited to the following:

- Provide natural lighting, where feasible, to reduce reliance on artificial lighting.
- Use Low-E or EnergyStar windows.
- Use high-efficiency lighting systems with advanced lighting controls. For nonresidential buildings, consider providing motion sensors tied to dimmable lighting controls. Task lighting may be used to reduce general overhead light levels.
- Use a properly sized and energy-efficient heat/cooling system in conjunction with a thermally efficient building shell. Consider using light colors for roofing and wall finish materials, and installing high R-value wall and ceiling insulation.
- Implement some of the strategies of the EnergyStar program.
- For retail, commercial and office uses, use light colored roofing with a high solar reflectance to reduce the heat island effect from roofs.
- In retail, commercial and office development, encourage the provision of preferred parking spaces for hybrid, fuel cell, electric and/or other fuel efficient vehicles.

Significance after Mitigation. Implementation of Mitigation Measure EN-1.1 would reduce impacts to operational energy consumption through the implementation of energy efficient strategies. (Draft EIR pages 4.6-14 through 4.6-15)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to any energy resources identified in the EIR.

GEOLOGY AND SOILS

Impact GEO-1: The project could directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

- a. **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.);**
- b. **Strong seismic ground shaking;**
- c. **Seismic-related ground failure, including liquefaction; or**
- d. **Landslides.**

While the Specific Plan Area is not located within an Alquist-Priolo Earthquake hazard zone, some ground shaking, as well as other seismic-related hazards, may occur within the Specific Plan Area depending on the amount of energy released from the fault, or the magnitude of the earthquake.

Mitigation Measure GEO-1.1

Consistent with Section 1803 of the California Building Code and Section 10-2.402.3 of the City of Madera Municipal Code, prior to approval of a tentative subdivision map and for other types of structures, a preliminary soils report shall be reviewed and approved by the City of Madera Community Development Director and City Engineer or their designees. As a part of the geotechnical investigations, testing of samples from subsurface investigations is required, such as from borings or test pits. Investigations shall be conducted by a registered design professional and involve in situ-testing, laboratory testing, or engineering calculations. Studies shall be done as needed to evaluate slope stability, soil strength, position, and adequacy of load-bearing soils, the effect of moisture variation on load-bearing capacity, compressibility, liquefaction, differential settlement, and expansiveness. The geotechnical investigation shall provide recommendations to be incorporated into final plans and/or improvement plans, if required, to ensure compliance with the UBC and CBC

Significance after Mitigation. Implementation of Mitigation Measure GEO-1.1 would reduce impacts related to seismic-hazards risk through a preliminary soils report, geotechnical investigations, and other soil studies performed by a qualified professional, as applicable. (Draft EIR pages 4.7-12 and 4.5-13)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to geological hazards identified in the EIR.

Impact GEO-2: The project could result in substantial soil erosion or the loss of topsoil.

Construction activities in the Specific Plan Area could result in soil erosion or the loss of topsoil. Potential impacts would be reduced to a less-than-significant levels with implementation of Mitigation Measure GEO-1.1

Significance after Mitigation. Implementation of Mitigation Measure GEO-1.1 would reduce impacts related to soil erosion thorough preliminary soils reports and geotechnical investigations, as applicable. (Draft EIR pages 4.7-13 and 4.5-14)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to soil erosion identified in the EIR.

Impact GEO-3: The project could be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

The Madera County Local Hazards Mitigation Plan (LHMP) states that subsidence has a likely probability of future occurrences in Madera County. Therefore, there is potential for landslide, lateral spreading, subsidence, liquefaction, or collapse events to occur in the Specific Plan Area. Potential impacts would be reduced to a less-than-significant levels with implementation of Mitigation Measure GEO-1.1.

Significance after Mitigation. Implementation of Mitigation Measure GEO-1.1 would reduce impacts related to on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse thorough preliminary soils reports, geotechnical investigations, and other soil studies, as applicable. (Draft EIR pages 4.7-14 and 4.5-15)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to soil erosion identified in the EIR.

Impact GEO-6: The project may directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Unknown paleontological resources, if present within the Specific Plan Area, can potentially be damaged by ground-disturbing activities such as excavation, grading, and access road construction.

Mitigation Measure GEO-6.1

The following measures shall be implemented to reduce potential impacts to paleontological resources:

- In the event that unique paleontological/geological resources are discovered during excavation and/or construction activities, construction shall stop in the immediate vicinity of the find and a qualified paleontologist shall be consulted to determine whether the resource requires further study. The qualified paleontologist shall make recommendations to the City on the measures

that shall be implemented to protect the discovered resources, including but not limited to, excavation of the finds and evaluation of the finds. If the resources are determined to be significant, mitigation measures shall be identified by the monitor and recommended to the City. Appropriate mitigation measures for significant resources could include avoidance or capping or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the City approves the measures to protect the identified resources.

- If unique paleontological/geological resources are found during the field survey, the resources shall be inventoried and evaluated for significance. If the resources are found to be significant, mitigation measures shall be identified by the qualified paleontologist. Similar to above, appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. In addition, appropriate mitigation for excavation and construction activities in the vicinity of the resources found during the field survey or literature review shall include a paleontological monitor. The monitoring period shall be determined by the qualified paleontologist. If additional paleontological/geological resources are found during excavation and/or construction activities, the procedure identified above for the discovery of unknown resources shall be followed.

Significance after Mitigation. Implementation of Mitigation Measure GEO-6.1 would reduce impacts to paleontological resources through the field surveys, and implementation of mitigation measures recommended by a qualified paleontologist should resources be discovered. (Draft EIR pages 4.7-16 and 4.5-18)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to any paleontological resources, as identified in the EIR.

GREENHOUSE GAS EMISSIONS

Impact GHG-1: The project could generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

The City of Madera Climate Action Plan (CAP) meets the requirements for a Qualified Greenhouse Gas Reduction Strategy. Therefore, the project's GHG emissions would potentially be considered a significant impact if the project is not consistent with the City's CAP.

Mitigation Measure GHG-1.1

Prior to issuance of grading permits, applicants shall submit to the City of Madera Planning Department a Greenhouse Gas Reduction Plan, or proof of compliance with the City's Climate Action Plan (CAP), referencing construction plans details and specifications to document implementation and compliance with the following applicable CAP measures. Implementation of the following CAP measures is considered to be applicable, feasible, and effective in reducing greenhouse gas emissions generated by the project:

- Exceed Title 24 Energy Efficiency Building Standards, meet State Green Building Standards voluntary tier levels, become Leadership in Energy and Environmental Design (LEED) Greenpoint rated, or ENERGY STAR rated.
- Install solar photovoltaic (PV) systems or solar hot water heaters.
- Provide safe routes to adjacent transit stops.
- Finance and/or construct bus turnouts and shelters where transit demand warrants such improvements.
- Provide public transit vouchers to employees.
- Include alternative fueling stations or electric vehicle (EV) charging stations.
- By 2020, ensure construction contractors employ five percent of construction vehicles/equipment that utilize new technologies (i.e., repowered engines, electric drive trains), California Air Resources Board (CARB)-approved low carbon fuel, or are electrically-powered. By 2030, ensure construction contractors employ 10 percent of construction vehicles/equipment that utilize new technologies, CARB-approved low carbon fuel, or are electrically-powered.
- Include low-maintenance native landscaping or xeriscaping

Significance after Mitigation. Implementation of Mitigation Measure GHG-1.1 would reduce impacts related to the generation of greenhouse gas emissions through implementation of applicable CAP measures identified in project-specific Greenhouse Gas Reduction Plan or compliance document with the City's Climate Action Plan (CAP) (Draft EIR pages 4.8-19 and 4.8-32)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to greenhouse gas emissions, as identified in the EIR.

Impact GHG-2: The project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

The proposed Specific Plan would comply with existing State regulations adopted to achieve the overall GHG emissions reduction goals identified in AB 32, the AB 32 Scoping Plan, Executive Order B-30-15, SB 32, and AB 197 if it is consistent with the City's CAP. Therefore, potential conflicts with applicable plans, policies or regulations for the reduction of greenhouse gas emissions would be reduced to a less-than-significant levels with implementation of Mitigation Measure GHG-1.1

Significance after Mitigation. Implementation of Mitigation Measure GHG-1.1 would reduce impacts related to noncompliance with greenhouse gas reduction plans, policies and regulations through the implementation of measures included in the City's Climate Action Plan. (Draft EIR

pages 4.8-32 and 4.8-34) **Finding on Proposed Mitigation.** The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to greenhouse gas emissions, as identified in the EIR.

HAZARDS AND HAZARDOUS MATERIALS

Impact HAZ-1: Implementation of the proposed Specific Plan could result in the demolition of existing structures that may potentially expose the public or environment to hazardous building materials.

Demolition of existing structures within the Specific Plan Area to accommodate the new development may potentially expose hazardous building materials (e.g., asbestos containing materials, lead-based paint, etc.).

Mitigation Measure HAZ-1

Prior to the issuance of demolition permits related to new development occurring under the proposed Specific Plan, asbestos and lead based paint (LBP) surveys shall be conducted in order to determine the presence or absence of asbestos-containing materials (ACMs) and/or LBP within existing structures to be removed. Removal by property owners and/or future developers of LBP, friable ACMs, and non-friable ACMs that have the potential to become friable during demolition, shall be outlined in an inspection report to be submitted for approval by the City of Madera Community Development Director or designee, to conform to the standards set forth by the National Emissions Standards for Hazardous Air Pollutants (NESHAPs). The San Joaquin Valley Air Pollution Control District (SJVAPCD) shall be notified by the property owners and/or future developers of properties (or their designee(s)) prior to any demolition and/or renovation activities.

Significance after Mitigation. Implementation of Mitigation Measure HAZ-1 would reduce impacts related to the release of hazardous materials through asbestos and LBP surveys, building inspections and compliance with NESHAP standards (Draft EIR pages 4.9-14 and 4.9-16)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to the release of hazardous materials, as identified in the EIR.

LAND USE AND PLANNING

Impact LU-2: The project would be inconsistent with Policy LU-14 related to the preparation of a Public Facilities Financing Plan (PFFP).

A Public Facilities Financing Plan (PFFP) is required at the time of project approval to identify infrastructure and public facilities requirements to implement the proposed Specific Plan and associated costs and financing mechanisms.

Mitigation Measure LU-2.1

Prior to adoption of the proposed Specific Plan by the City, a Public Facilities Financing Plan (PFFP) shall be completed by the project applicant and approved by the Community Development Director or designee. The PFFP shall identify all infrastructure and public facilities required to support the Specific Plan Area and shall identify associated costs and financing mechanisms to fund these facilities.

Significance after Mitigation. Implementation of Mitigation Measure LU-2.1 would require completion and acceptance of a PFFP prior to approval of the proposed Specific Plan in order for the proposed Specific Plan to be consistent with the General Plan. Implementation of Mitigation Measure LU-2.1 would ensure that infrastructure and public facilities requirements, and associated costs and financing mechanisms, will be included as part of the project approval of the proposed Specific Plan. (Draft EIR pages 4.11-11 and 4.11-16)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to consistency with the requirements of the General Plan, as identified in the EIR.

NOISE

Impact NOI-2: The proposed project would generate excessive groundborne vibration or groundborne noise levels.

If construction activities would occur within 15 feet of adjacent structures, short-term construction impacts associated with groundborne vibration would be potentially significant.

Mitigation Measure NOI-2.1

Prior to the approval of any construction or building permits for new development occurring under the proposed Specific Plan, the City of Madera Community Development Director or designee shall ensure that construction plans include specifications that prohibit the use of heavy construction equipment within 15 feet of existing structures.

Significance after Mitigation. Implementation of Mitigation Measure NOI-2.1 would reduce impacts related to groundborne vibration or groundborne noise levels by restricting the uses of construction equipment within close proximity of existing structures. (Draft EIR pages 4.13-31 and 4.13-33)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to groundborne vibration and groundborne noise levels, as identified in the EIR.

UTILITIES

Impact UTL-2: The project could have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

The 2020 Groundwater Sustainability Plan concluded that the groundwater basin is capable of supplying the water required to meet the City's water demands through 2040. However, the City's existing water distribution system is not capable of supplying the water required to meet the demand of both the City and the proposed Specific Plan through 2040.

Mitigation Measure UTL-2

Prior to the issuance of each grading permit for projects within the Specific Plan Area, the City shall review water supplies available at the time and ensure that the required groundwater facilities, including replacing and increasing depth of groundwater wells, and the use of reclaimed water as identified in the City's Water Master Plan are adequate to serve the project.

Significance after Mitigation. Implementation of Mitigation Measures UTL-2 would reduce impacts related to insufficient water supplies to serve the project by reviewing water supplies and ensuring that groundwater facilities and infrastructure are sufficient to serve the Specific Plan Area. (Draft EIR pages 4.17-12 and 4.17-16)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to insufficient water supplies, as identified in the EIR.

Findings Regarding Cumulative Impacts Mitigated to Less-than-Significant Levels

The City hereby finds that feasible mitigation measures have been identified in the EIR and these mitigation measures will avoid or substantially lessen the following potentially significant cumulative impacts to a less-than-significant level. The potentially significant impacts and the mitigation measures that will reduce them to a less-than-significant level are summarized below. Please refer to the EIR for more detail.

Biological Resources

Impact BIO-7: The project would have a substantial adverse cumulative effect on state or federally protected wetlands.

Development within the vicinity of the Specific Plan Area would primarily focus on conversion of agricultural land to developed uses, and continued development within the urban areas of Madera. As other suitable habitat for special-status species is developed by other projects in the vicinity of the Specific Plan Area, a potentially-significant cumulative impact would occur. The conversion of agricultural land and undeveloped areas in the Specific Plan Area to cumulative development would increase effects on protected wetland habitats. If development that affects State or federally protected wetlands occurs in the vicinity of the Specific Plan Area, it is possible that a cumulatively-significant impact would occur. Since the development of the Specific Plan Area could increase impacts on special status-species and wetland habitats, the project's contribution to potential impacts on special-status species and wetland habitat is cumulatively considerable. Potential impacts would be reduced to a less-than-significant levels with implementation of Mitigation Measures BIO-1.1 through BIO-1.3, and BIO-3.

Significance after Mitigation. Implementation of Mitigation Measures BIO-1.1 through BIO-1.3, and BIO-3 would reduce impacts to biological resources by requiring pre-construction surveys, on-site monitoring during construction activities, site restoration and revegetation, as well as requiring a jurisdictional delineation be performed prior to the issuance of grading permits. (Draft EIR pages 4.4-20 through 4.4-21)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen cumulative impacts to special status-species and state or federally protected wetlands, as identified in the EIR.

CULTURAL RESOURCES

Impact CUL-5: The proposed project, in combination with past, present, and reasonably foreseeable projects, could result in cumulative impacts to cultural resources.

Each discretionary project within the City would be required to conduct review of potential impacts to cultural resources and implement mitigation as required. Although there is the possibility of encountering buried archaeological deposits and human remains during implementation of the proposed Specific Plan, impacts to those resources would be assessed on a case-by-case basis. The proposed project would have a significant effect on the environment if it – in combination with other projects – would contribute to a significant cumulative impact related to cultural resources. Potential impacts would be reduced to a less-than-significant levels with implementation of Mitigation Measures CUL-1, CUL-2.1, CUL-2.2, and CUL-3.

Significance after Mitigation. Implementation of Mitigation Measures CUL-1, CUL-2.1, CUL-2.2, and CUL-3 would reduce impacts to historic resources, archaeological resources, and tribal cultural resources through the preparation of site-specific evaluations, field surveys, coordination with appropriate Native American representatives, and implementation of mitigation measure recommended by a qualified archeologist. (Draft EIR pages 4.5-24 and 4.5-25)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen cumulative impacts to historic resources, archaeological resources, and tribal cultural resources, as identified in the EIR.

GEOLOGY AND SOILS

Impact GEO-7: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in significant cumulative impacts with respect to paleontological resources.

Development in the Specific Plan Area could result in the discovery paleontological/geological resources during excavation and/or construction activities within previously undisturbed soils. Potential impacts would be reduced to a less-than-significant levels with implementation of Mitigation Measure GEO-6.1.

Significance after Mitigation. Implementation of Mitigation Measure GEO-6.1 would reduce impacts to paleontological resources through field surveys, and site-specific recommendations made by a qualified paleontologist (if required). (Draft EIR pages 4.7-18 through 4.7-19)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen cumulative impacts to paleontological resources, as identified in the EIR.

GREENHOUSE GAS EMISSIONS

Impact GHG-3: The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in significant cumulative impacts with respect to greenhouse gas emissions.

Greenhouse gas impacts are by their nature cumulative impacts. The City's CAP has established GHG emissions targets for the years 2020 and 2030 to support California's larger effort to reduce statewide emissions under AB 32 and Executive Orders S-3-05 and B-30-15. Buildout of the proposed Specific Plan is anticipated to occur in 2049. As such, projects associated with implementation of the proposed Specific Plan would be required to help the City do its part in reducing GHG emissions. Potential impacts related to greenhouse gas emissions would be reduced to a less-than-significant levels with implementation of Mitigation Measure GHG-1.1.

Significance after Mitigation. Implementation of Mitigation Measure GHG-1.1 would reduce cumulative impacts related to greenhouse gas emissions by requiring that development projects within the Specific Plan Area implement applicable greenhouse gas mitigation measures from the City's Climate Action Plan (CAP). (Draft EIR pages 4.8-34 through 4.8-35)

Finding on Proposed Mitigation. The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen cumulative impacts to greenhouse gas emissions, as identified in the EIR.

Findings Regarding Environmental Impacts not Mitigated to Less-than-Significant Levels

The City finds that the following significant environmental impacts of the project are unavoidable and cannot be mitigated in a manner that would substantially lessen the environmental impacts to less-than-significant levels. The City also finds that any alternative discussed in the EIR that may reduce the significance of these impacts is rejected as infeasible for the reasons given in the EIR and Section 6 of these Findings. Each potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations at Section 7.

AESTHETICS

Impact AES-1: The project would have a substantial adverse effect on a scenic vista.

Conversion of agricultural land to urban uses would result in a change in the views within the Specific Plan Area. Implementation of the proposed Specific Plan would result in mixed-use urban

development, including single- and multi-family housing, public schools, parks, and commercial buildings, adjacent to public vantage points within the Specific Plan Area. Given the substantial change in land uses that would occur through implementation of the proposed Specific Plan, existing views from the Specific Plan Area and across the Specific Plan Area would be substantially altered. As a result, implementation of the proposed Specific Plan would substantially affect long range views and a significant impact would occur.

Significance without Mitigation. No feasible mitigation measures are available to mitigate the impact to a less than significant level because the primary objective of the proposed Specific Plan is to implement a long-term buildout plan that would convert existing agriculture land uses to mixed-use urban land uses. As a result of this change in land uses, a substantial effect on scenic vistas would occur but cannot be mitigated. (Draft EIR 4.1-8 through 4.1-9)

Finding. No feasible mitigation measures are available to mitigate the impact to a less-than-significant level. Therefore, impacts related to scenic vistas are considered significant and unavoidable.

Impact AES-3: The proposed project would substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage point), and due to the location of the project in an urbanized area, the project would conflict with applicable zoning and other regulations governing scenic quality.

Implementation of the proposed Specific Plan would result in the conversion of approximately 1,900 acres of agricultural farmland to urban uses. This conversion would substantially change the visual character of the Specific Plan Area. Because the proposed urban uses are fundamentally different and result in a permanent change to the visual character of the Specific Plan Area, a significant impact would occur.

Significance without Mitigation. No feasible mitigation measures are available to mitigate the impact to a less than significant level because the proposed urban uses are fundamentally different from the existing agricultural farmland uses and would result in a permanent change to the visual character of the Specific Plan Area. (Draft EIR 4.1-9 through 4.1-10)

Finding. No feasible mitigation measures are available to mitigate the impact to a less-than-significant level. Therefore, impacts related to visual character and public views are considered significant and unavoidable.

Impact AES-4: The project would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

New development within the Specific Plan Area would increase the amount of structures and buildings that could create new sources of glare both within the Specific Plan Area and directly adjacent to the Specific Plan Area.

Mitigation Measure AES-4

During Development Plan review of future discretionary projects developed under the proposed Specific Plan, the City shall ensure that proposed projects demonstrate that the lighting guidelines identified in the proposed Specific Plan are implemented through preparation of a lighting plan. The lighting plan shall be approved by the City of Madera Community Development Director or designee.

Significance after Mitigation. Cumulative development is anticipated to contribute to the conversion of agricultural uses to urban uses. This cumulative change is expected to result in a substantial alteration of the existing visual character of the area. Additionally, even with the mitigation identified above, the project's contribution of the illumination of the night sky and daytime glare would remain cumulatively significant. Therefore, the project would result in a significant cumulative impact related to the existing visual character and increases in light and glare. (Draft EIR pages 4.1-10 through 4.1-12)

Finding on Proposed Mitigation. The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, the changes that would result from development of the Specific Plan Area would increase the amount of light and glare within the Specific Plan Area. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

AGRICULTURE AND FORESTRY

Impact AG-1: The project would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the FMMP of the California Resources Agency, to non-agricultural use.

The development of the Specific Plan Area would result in the conversion of FMMP-designated farmland and other categories of farmland to non-agricultural uses. None of the proposed uses are consistent with the existing agricultural zoning. Therefore, implementation of the proposed Specific Plan would conflict with the existing zoning for agricultural use and a potentially significant impact would occur.

Significance after Mitigation. No feasible mitigation measures are available to mitigate the impact to a less than significant level because the conversion of farmland to non-farmland uses is a permanent loss of such resources and cannot likely be reversed. (Draft EIR pages 4.2-12 through 4.2-13)

Finding on Proposed Mitigation. No feasible mitigation measures are available to mitigate the impact to a less-than-significant level. Therefore, impacts related to conversion of farmland are considered significant and unavoidable.

Impact AG-2: The project would conflict with existing zoning for agricultural use, or a Williamson Act contract.

Development of the Specific Plan Area could conflict with existing Williamson Act contracts because non-agricultural uses would be allowed on land under a Williamson Act contract.

Significance without Mitigation. No feasible mitigation measures are available to mitigate the impact to a less than significant level because the development of the Specific Plan Area would convert farmland under a Williamson Act contract to non-agricultural uses. (Draft EIR 4.2-12 and 4.2-13)

Finding. The City finds that the impact would remain significant and unavoidable because no feasible mitigation measures are available to mitigate this impact to a less-than-significant level.

AIR QUALITY

Impact AIR-2: Implementation of the Specific Plan would result in a cumulatively considerable net increase of criteria pollutants for which the project region is non-attainment under an applicable federal or State ambient air quality standards.

Future development within the Specific Plan Area would result in increases in annual emissions that exceed SJVAPCD significance thresholds for all nonattainment pollutants. Although the growth in emissions is accounted for in SJVAPCD attainment plans, the impact, under the ton per year quantitative threshold criterion, would be potentially significant.

Mitigation Measure AIR-2.1

Consistent with San Joaquin Valley Air Pollution Control District (SJVAPCD) Regulation VIII (Fugitive PM10 Prohibitions) and in order to reduce construction equipment emissions to the extent feasible, the following controls shall be included as specifications for the proposed Specific Plan and implemented during construction:

- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
- All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and 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 the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. 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 emission utilizing sufficient water or chemical stabilizer/suppressant.
- The project contractor shall require all off-road diesel-powered construction equipment of greater than 50 horsepower used for the project meet the California Air Resources Board (CARB) Tier 4 emissions standards or better.
- The project contractor shall require the use of electric air compressors, cranes, excavators, forklifts, generator sets, and welders.

Mitigation Measure AIR-2.2

Prior to issuance of a building permit, the City of Madera Community Development Director or designee shall identify project design details and specifications, where feasible, to document implementation and compliance with the following emission reduction measures. Implementation of the following measures is considered to be applicable, feasible, and effective in reducing criteria pollutant emissions generated by the project:

- All Project Applicants shall provide Class I and Class II bicycle parking/storage facilities on-site. Bicycle parking facilities should be near destination points and easy to find. At least one bicycle parking space for every 20 vehicle parking spaces.
- All employers shall provide shower and locker facilities to encourage employees to bike and/or walk to work, typically one shower and three lockers for every 25 employees.
- All apartment complexes or condominiums without garages shall provide Class I bicycle parking.
- All Project Applicants shall install Class I or II bike lanes on arterial/collector streets, or where a suitable route exists.
- All Project Applicants shall provide building access and paths which are physically separated from street parking lot traffic and that eliminate physical barriers such as walls, berms, landscaping and slopes that impede the use of pedestrians, bicycle facilities, or public transportation vehicles.
- All Project Applicants shall provide continuous sidewalks separated from the roadway by landscaping and on street parking.
- All Project Applicants shall provide on and off-site pedestrian facility improvements such as trails linking them to designated pedestrian commuting routes and/or on-site overpasses and wider sidewalks.
- All Project Applicants shall link cul-de-sacs and dead-end streets to encourage pedestrian and bicycle travel.

- All Project Applicants shall provide traffic reduction modifications to project roads, such as: narrower streets, speed platforms, bulb-outs and intersection modifications designed to reduce vehicle speeds and to encourage pedestrian and bicycle travel.
- All Project Applicants shall provide a parking lot design that includes clearly marked and shaded pedestrian pathways between transit facilities and building entrances.
- All Project Applicants shall provide pedestrian access between bus service and major transportation points and to destination points within the project.
- All Project Applicants shall provide a display case or kiosk displaying transportation information in a prominent area accessible to employees, residents, or visitors.
- All Project Applicants shall display bike route maps, bus schedules, and any other transportation information such as carpooling and car sharing.
- All Project Applicants shall design projects using models by the Local Government Commission (LGC) in the "Smart Growth Guidebook," such as: street block patterns that from an interconnected grid, short block faces, numerous alleys, and narrow streets.
- All Project Applicants shall develop and implement parking pricing strategies, such as charging parking lot fees to low occupancy (single occupant vehicles) vehicles.
- All Project Applicants shall provide preferential parking spaces near the entrance of buildings for those who carpool/vanpool/rideshare and provide signage.
- All Project Applicants shall install efficient heating, and other appliances, such as water heaters, cooking equipment, refrigerators, furnaces, and boiler units beyond Title 24 requirements.
- All Project Applicants shall use solar or low-emission water heaters and use central water heaters.
- All Project Applicants shall improve the thermal integrity/efficiency of buildings, and reduce the thermal load with automated and timed temperature controls or occupant sensors.
- All Project Applicants shall orient buildings to take advantage of solar heating and natural cooling and use passive solar designs.
- All employers shall implement at least one of the following: provide a guaranteed ride home; provide a carpool support system; provide a car-sharing services support system; provide a ride share program; employ or appoint an Employee Transportation Coordinator; provide incentives to employees to carpool/vanpool, take public transportation, telecommute, walk, and/or bike; participate in an employee "flash-pass" program, which provides free travel on transit buses; or provide transit pass subsidy and/or commute alternative allowance.

- If feasible, employers shall implement alternative work schedules such as compressed workweek schedules where weekly work hours are compressed into fewer than five days.
- Employers shall advise fleets associated with project operational activities to utilize the cleanest available HHD truck technologies, including zero and near-zero (0.02 g/bhp-hr NOx) technologies as feasible.
- Employers shall advise all on-site service equipment (cargo handling, yard hostlers, forklifts, pallet jacks, etc.) to utilize zero-emissions technologies as feasible.
- Employers shall advise fleets to use best practices (i.e. eliminating unnecessary idling).

Significance after Mitigation. While Mitigation Measure AIR-2.1 and Mitigation Measure AIR-2.2 would significantly reduce criteria air pollutant emissions generated during construction and operational activities associated with the development of the Specific Plan Area, the future development within the Specific Plan Area would still result in increases in annual emissions that exceed SJVAPCD significance thresholds for all nonattainment pollutants. Therefore, emissions associated with operational activities would be considered to remain significant and unavoidable. (Draft EIR pages 4.3-23 through 4.3-33)

Finding on Proposed Mitigation. The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, future development projects would still exceed regional significance thresholds. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

Impact AIR-3: Implementation of the Specific Plan could expose sensitive receptors to substantial pollutant concentrations.

Development of the Specific Plan Area would increase pollutant concentrations. Information regarding operational characteristics of future specific development projects and the associated emissions cannot be determined at the time of this analysis; therefore, cumulative growth within the City could result in exposure of sensitive receptors to substantial pollutant concentrations.

Mitigation Measure AIR-3.1

Prior to the approval of any construction or building permits for new development occurring under the proposed Specific Plan, the Director of the City of Madera Planning Department or designee shall ensure that when construction occurs within 500 feet of existing residences, the project contractor(s) shall utilize construction equipment rated by the United States Environmental Protection Agency (USEPA) as having Tier 4 (model year 2008 or newer) emission limits. The construction equipment shall be properly serviced and maintained in accordance with manufacturer recommendations.

Significance after Mitigation. Implementation of Mitigation Measure AIR-3.1 would reduce potential impacts resulting from construction-related emissions, but without specific

construction information, such as grading and other site preparation information, this impact would remain significant and unavoidable. (Draft EIR pages 4.3-33 through 4.3-36)

Finding on Proposed Mitigation. The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, future assessments for future projects may identify significant impacts for which feasible mitigation measures are not available. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

NOISE

Impact NOI-1: The proposed project would generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, State, or federal standards.

Implementation of the proposed Specific Plan would result in a mix of residential, commercial/office, business park industrial uses, public facilities and park/open space uses in the Specific Plan Area. Noise generated from roadways and stationary noise sources, such as industrial uses, as well as construction activities within the Specific Plan Area would result in substantial increases in noise within the Specific Plan Area.

Mitigation Measure NOI-1.1

The project contractor shall implement the following measures during construction of the proposed project:

- Equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.
- Place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the active project site.
- Locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the active project site during all construction activities.
- Ensure that all general construction related activities are restricted to between the hours of 6:00 a.m. and 8:00 p.m., consistent with the City's Noise Ordinance.
- Designate a "disturbance coordinator" at the City, at the expense of the project contractor, who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler) and would determine and implement reasonable measures warranted to correct the problem.

Mitigation Measure NOI-1.2

In order to comply with the City's noise compatibility guidelines, prior to the issuance of grading permits, new development occurring under the proposed Specific Plan shall require an acoustic study for approval by the Community Development Director or designee for all noise-sensitive projects located within the following traffic noise contours with noise levels greater than 60 dBA CNEL:

- Within 572 feet of Road 23 between Avenue 17 and Project Driveway 3;
- Within 507 feet of Road 23 between Project Driveway 3 and Avenue 16;
- Within 517 feet of Road 23 between Avenue 16 and Cleveland Avenue;
- Within 533 feet of Road 23 between Cleveland Avenue and Project Driveway 4;
- Within 501 feet of Road 23 between Project Driveway 4 and Project Driveway 5;
- Within 504 feet of Road 23 between Project Driveway 5 and Avenue 14 ½;
- Within 84 feet of Avenue 17 between Road 22 and Project Driveway 1;
- Within 246 feet of Avenue 17 between Project Driveway 1 and Road 23;
- Within 50 feet of Avenue 16 between Road 22 and Project Driveway 2/Road 22 ½;
- Within 263 feet of Avenue 16 between Project Driveway 2/Road 22 ½ and Road 23;
- Within 449 feet of Cleveland Avenue between Road 23 and Project Driveway 6;
- Within 452 feet of Cleveland Avenue between Project Driveway 6 and Westberry Boulevard;
- Within 50 feet of Road 22 between Avenue 17 and Avenue 16;
- Within 50 feet of Road 22 between Avenue 16 and Cleveland Avenue;
- Within 50 feet of Road 22 south of Cleveland Avenue;
- Within 50 feet of Cleveland Avenue between Road 22 and between Project Driveway 2/Road 22 ½;
- Within 98 feet of Cleveland Avenue between Project Driveway 2/Road 22 ½ and Road 23;
- Within 56 feet of Project Driveway 2/Road 22 ½ between Avenue 16 and Cleveland Avenue;
Within 54 feet of Project Driveway 2/Road 22 ½ between Avenue 17 and Avenue 16;
- Within 90 feet of Avenue 16 between Road 22 and Westberry Road;

- Within 50 feet of Project Driveway 5 west of Project Driveway 2/Road 22 ½;
- Within 50 feet of Project Driveway 5 east of Project Driveway 2/Road 22½;
- Within 50 feet of Project Driveway 2/Road 22 ½ north of Project Driveway 5;
- Within 119 feet of Project Driveway 4 east of Road 23;
- Within 54 feet of Project Driveway 6 south of Cleveland Avenue;
- Within 63 feet of Project Driveway 2/Road 22 ½ between Road 23 and Project Driveway 3; and
- Within 103 feet of Project Driveway 4 between Project Driveway 2/Road 22 ½ and Road 23.

The acoustic study shall demonstrate that that interior noise levels in habitable rooms shall not exceed 45 dBA CNEL. Acoustical design features shall be incorporated into the proposed project design, which may include a combination of exterior features to reduce noise, such as berms/walls and/or architectural features such as Sound Transmission Class (STC) rated windows and doors. All STC ratings shall be shown on the building plans and incorporated into the construction of the proposed project. Once final architectural plans with the exterior-wall details and window types are available, a Final Acoustic Report shall be prepared by a qualified consultant to confirm that the interior living spaces of residential dwelling units will meet the City's interior noise standard of 45 dBA CNEL (A weighted decibel Community Noise Equivalent Level) with windows and doors closed. If interior noise levels are still exceeded after the Final Acoustic Report is completed, additional design features shall be incorporated to meet the interior noise.

Mitigation Measure NOI-1.3

In order to comply with the City's General Plan non-transportation related noise standards and Municipal Code standards, prior to the issuance of grading permits, an acoustical study shall be prepared for any stationary sources of noise occurring under the proposed Specific Plan. The stationary source noise study shall demonstrate that noise levels would be consistent with the Noise Ordinance standards outlined in Title III: Public Safety, Chapter 11: Noise Control and shall be approved by the City of Madera Community Development Director or designee.

Significance without Mitigation. While Mitigation Measures NOI-1.1 through NOI-1.3 would significantly reduce noise emissions generated during construction and operational activities associated with the development of the Specific Plan Area, the future development within the Specific Plan Area would still result in increases in noise emissions from traffic and stationary sources that surpass City's noise thresholds. Therefore, operational noise emissions would be significant and unavoidable. (Draft EIR pages 4.13-14 to 4.13-31)

Finding. The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, future development projects would still the City's noise thresholds. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

PUBLIC SERVICES AND RECREATION

Impact PSR-1: The project would result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives.

The proposed Specific Plan would increase the residential population within the Specific Plan Area by up to 38,280 new residents by the year 2049. This added residential population would increase the demand for fire protection services. The proposed Specific Plan would comply with all construction-related mitigation measures, including Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2. However, impacts related to air quality and noise would not be able to be reduced to a less-than-significant level.

Significance after Mitigation. While Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2 would significantly reduce some impacts associated with construction or alteration of fire facilities, because the extent of construction, and types of equipment used during construction of specific projects within the Specific Plan Area is currently unknown, development of fire facilities within the Specific Plan Area can't be fully mitigated, and could still result in significant impacts related to air quality and noise emissions. This would be considered a significant and unavoidable impact. (Draft EIR pages 4.15-9 to 4.15-11)

Finding on Proposed Mitigation. The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, future development of fire protection projects could still exceed noise and air quality significance thresholds. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

Impact PSR-2: The project would result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives.

The proposed Specific Plan would increase the residential population within the Specific Plan Area by up to 38,280 new residents by Year 2049. This added residential population would increase the demand for police protection services. The proposed Specific Plan would comply with Mitigation Measures Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2, which would address potential impacts resulting from implementation of the proposed Specific Plan . However, significant and

unavoidable impacts related to construction and operation of police facilities could still occur as a result of the proposed Specific Plan.

Significance after Mitigation. While Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2 would significantly reduce construction-related emissions and noise impacts associated with construction or alteration of police facilities, because the extent of construction, and types of equipment used during construction of specific projects within the Specific Plan Area is currently unknown, development within the Specific Plan Area can't be fully mitigated, and could still result in significant impacts related to air quality and noise emissions. This would be considered a significant and unavoidable impact. (Draft EIR pages 4.15-11 and 4.15-12)

Finding on Proposed Mitigation. The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, future development of police facility projects could still exceed noise and air quality significance thresholds. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

Impact PSR-5: The project would result in substantial adverse physical impacts associated with the provision of new or physically altered facilities for other public facilities, need for new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives.

The proposed Specific Plan would increase the residential population within the Specific Plan Area by up to 38,280 new residents by Year 2049. This added residential population would increase the demand for public facilities such as courts, libraries, and hospitals in order for these public facilities to continue to provide service levels comparable to existing conditions. The proposed Specific Plan would comply with Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2. However, impacts that would occur through construction and operation of public facilities associated with the proposed Specific Plan would not be able to be reduced to a less-than-significant level.

Significance after Mitigation. While Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2 would significantly reduce some impacts associated with construction or alteration of public facilities, because the extent of construction, and types of equipment used during construction of specific projects within the Specific Plan Area is currently unknown, development of public facilities within the Specific Plan Area can't be fully mitigated, and could still result in significant impacts related to air quality and noise emissions. Furthermore, implementation of the proposed Specific Plan would result in an overall change in existing conditions that cannot be reduced to less-than-significant levels. This would be considered a significant and unavoidable impact. (Draft EIR pages 4.15-14 and 4.15-15)

Finding on Proposed Mitigation. The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, future development of public facilities projects could still exceed noise and air quality significance thresholds, as well as permanently change the existing conditions of the Specific Plan Area. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

Impact PSR-7: The project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

The proposed Specific Plan includes approximately 164 acres of parks and recreation facilities that would be constructed through implementation of the proposed Specific Plan. The proposed Specific Plan would comply with all construction-related mitigation measures, including Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2. However, construction-related impacts related to air quality would not be able to be reduced to a less-than-significant level.

Significance after Mitigation. While Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2 would significantly reduce some impacts associated with construction of recreational facilities, because it is not currently known what facilities would be constructed and where they would be located, impacts related to air quality can't be fully mitigated and would not be able to be reduced to a less-than-significant level. This would be considered a significant and unavoidable impact. (Draft EIR page 4.15-16)

Finding on Proposed Mitigation. The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, construction of recreational facilities could still exceed air quality significance thresholds. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

TRANSPORTATION

Impact TRA-1: The project would conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

The Specific Plan Area would continue to be accessible via the existing roadway network in the vicinity of the Specific Plan Area. Under the full build-out (Phase III) condition, the proposed Specific Plan would generate 89,647 net daily trips, with 6,841 net trips occurring during the a.m. peak hour and 7,597 net trips occurring during the p.m. peak hour. The proposed Specific Plan would generate vehicle trips that would result in roadway facilities operating in a deficient level of service (LOS) and, as a result, would conflict with established standards. This would be a potentially significant impact.

Mitigation Measure TRA-1.1

As a condition of future project entitlements approved for projects within the Specific Plan Area, improvements identified in Table 9-A of the Traffic Impact Analysis (TIA) shall be implemented by the City.

Significance without Mitigation. Mitigation is not feasible to address the exceedance of LOS standards in some roadways within the City due to right-of-way constraints. As a result, implementation of the proposed Specific Plan would conflict with adopted policies, and a significant and unavoidable impact would occur. (Draft EIR pages 4.16-11 to 4.16-15)

Finding on Proposed Mitigation. The City finds that the impact would remain significant and unavoidable because of mitigation constraints on impacted roadways.

UTILITIES

Impact UTL-1: The project would require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

The proposed Specific Plan would include construction and operation of eight wells to provide potable water to the Specific Plan Area, as well as series of 12-inch, 18-inch, and 24-inch water distribution mains throughout the Specific Plan Area. Construction of new pipelines and expansion of the City's existing Water Treatment Plant (WWTP) would be required upon development of the Specific Plan Area. Furthermore, construction of stormwater, electric, natural gas, and telecommunications facilities would be required upon development of the Specific Plan Area. Although construction of the required facilities would be subject to the mitigation measures for construction- and operational impacts, such mitigation would not reduce impacts to a less than significant level.

Mitigation Measure UTL-1.1

Prior to the issuance of each grading permit for projects within the Specific Plan Area, the City shall ensure that the Infrastructure Master Plan for the proposed Specific Plan is implemented and that General Plan policies requiring capacity analyses of service systems are completed.

Mitigation Measure UTL-1.2

Prior to the issuance of each grading permit for projects within the Specific Plan Area, and consistent with policies of the General Plan, the City shall review the City's wastewater facility capacity and shall prepare environmental review, consistent with the California Environmental Quality Act, and analysis for any future off-site wastewater facility expansions and improvements required to support development of the proposed Specific Plan. The CEQA analysis shall be completed prior to approval of each development project.

Significance after Mitigation. Although Mitigation Measures UTL-1.1 and UTL-1.2 would reduce impacts associated with the construction and operational of water conveyance and other service facilities, development of such facilities in the Specific Plan Area would still result in air quality and noise impacts that would be considered significant and unavoidable. (Draft EIR 4.17-9 through 4.17-12)

Finding on Proposed Mitigation. The City finds that the impact would remain significant and unavoidable because mitigation measures would not be able to reduce air quality and noise impacts to a less than significant level.

Findings Regarding Cumulative Impacts not Mitigated to Less-than-Significant Levels

The City Council finds the following significant cumulative environmental impacts of the project are unavoidable and cannot be mitigated in a manner that would substantially lessen the cumulative environmental impact to less-than-significant levels.

AESTHETICS

Impact AES-5: The proposed project, in combination with past, present, and reasonably foreseeable projects, would contribute to a significant cumulative impact with respect to aesthetics.

New development in the Specific Plan Area, in combination with past, present, and reasonably foreseeable projects, would increase the amount of structures and development, resulting in a significant cumulative impact with respect to new sources of glare within the Specific Plan Area and directly adjacent to the Specific Plan Area. Additionally, development in and adjacent to the Specific Plan Area would convert existing agricultural uses and result in permanent changes to scenic resources.

Significance after Mitigation. Cumulative development is anticipated to contribute to the conversion of rural and agricultural uses to urban uses. This cumulative change is expected to result in a substantial alteration of the existing visual character of the area. Implementation of Mitigation Measure AES-4 would reduce impacts related to light and glare. However, the project's contribution of the illumination of the night sky, as well as the permanent change of the existing rural character that would occur upon development of the Specific Plan Area would remain cumulatively significant. Therefore, the project would result in a significant cumulative impact related to aesthetics. (Draft EIR pages 4.1-12 and 4.1-13)

Finding on Proposed Mitigation. The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, the changes that would result from the development of the Specific Plan Area would increase the amount of light and glare and change the existing visual character in the area. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

AGRICULTURE AND FORESTRY

Impact AG-6: The project, in combination with past, present, and reasonably foreseeable projects, would result in significant cumulative impacts with respect to agricultural resources.

New development the Specific Plan Area, in combination with past, present, and reasonably foreseeable projects would result in the conversion of FMMP-designated farmland and other categories of farmland to non-agricultural uses.

Significance after Mitigation. Cumulative development in the City is anticipated to contribute to the conversion of rural and agricultural uses to urban uses. No feasible mitigation measures are available to reduce the potential impacts resulting from the conversion of agricultural land in the Specific Plan Area to non-agricultural, urban uses to a less-than-significant level. Therefore, the project would result in a significant cumulative impact related to agricultural resources. (Draft EIR pages 4.2-14 through 4.2-15)

Finding on Proposed Mitigation. No feasible mitigation measures are available to mitigate this impact to a less-than-significant level.

AIR QUALITY

Impact AQ-5: The project in combination with other projects, would contribute to a significant cumulative impact related to air quality.

Since the combination, number, and size of projects that could be under construction at any one time are unknown, even with implementation of mitigation measures, implementation of the proposed Specific Plan would result in significant cumulative construction emissions from criteria pollutants. Additionally, even with implementation of mitigation, operational impacts from criteria pollutant emissions would contribute to an ozone exceedance, which could hinder the attainment of air quality standards. Further, cumulative growth within the City could result in potential toxic air contaminant (TAC) health risks exceeding applicable standards and cumulatively contributing to elevated health risks in the San Joaquin Valley Air Basin. Therefore, air quality emissions associated with future development that may occur with implementation of the proposed Specific Plan could result in cumulatively considerable impacts, even with implementation of mitigation.

Significance after Mitigation. Although implementation of Mitigation Measures AIR-2.1 and AIR-2.2 would significantly reduce criteria air pollutant emissions generated by continued implementation of the proposed Specific Plan, there is currently not enough information to quantify emissions of specific project developments that may occur under the proposed Specific Plan. Without quantification to ensure a less than significant finding, future development projects may still exceed the SJVAPCD regional significance thresholds. Therefore, cumulative impacts to air quality would be considered to remain significant and unavoidable.

Finding on Proposed Mitigation. The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, the changes that would result from continued implementation of the proposed Specific Plan would

increase development and emissions. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

PUBLIC SERVICES AND RECREATION

Impact PSR-8: The project, in combination with past, present, and reasonably foreseeable projects, would result in cumulative impacts with respect to fire services, police services, park facilities, and other public facilities.

Because construction of fire protection, police protection, recreational and other public facilities could occur within the Specific Plan Area, and mitigation measures identified in the EIR would not reduce all potential impacts associated with these familywise to a less-than-significant level, the proposed Specific Plan would contribute to cumulative impacts related to public service and recreation.

Significance after Mitigation. While Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2 would significantly reduce some impacts associated with construction and operation of public services and recreation facilities under the proposed Specific Plan, there are some impacts related to aesthetics, air quality, and noise that would not be reduced to less-than-significant levels even with implementation of the mitigation measures included. This would be considered a significant and unavoidable impact. (Draft EIR pages 4.15-16 to 4.15-19)

Finding on Proposed Mitigation. The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, construction and operation of public service and recreational facilities could still result in significant impacts related to aesthetics, noise, and air quality. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

TRANSPORTATION

Impact TRA-5: The proposed project would contribute to a significant cumulative impact related to transportation.

The TIA for the proposed Specific Plan identifies roadways that would conflict with LOS standards of the City, County, and Caltrans with implementation of the proposed Specific Plan. In most cases, in combination with cumulative conditions, the roadways and segments would be improved to meet the standards of the City, County, and Caltrans. However, four intersections in Caltrans' jurisdiction cannot be improved to meet Caltrans' standards due to right-of-way constraints. As a result, a significant and unavoidable cumulative impact would occur.

Significance without Mitigation. The proposed Specific Plan would result in LOS deficiencies of roadways that would conflict with policies that establish LOS standards. Although improvements would be made to many intersections and roadway segments to reduce potential LOS deficiencies, due to the lack of available roadway right-of-way, the proposed Specific Plan would result in continued conflicts with adopted roadways. No feasible mitigation measures are

available to reduce the potential cumulative impacts resulting from implementation of the proposed Specific Plan. This would be considered a significant and unavoidable impact. (Draft EIR pages 4.16-18 to 4.16-19)

Finding on Proposed Mitigation. No feasible mitigation measures are available to mitigate this impact to a less-than-significant level.

UTILITIES

Impact UTL-6: The proposed project would contribute to a significant cumulative impact related to utilities and service systems.

The proposed Specific Plan would require construction of new or expanded facilities related to potable water, wastewater, stormwater and electric, natural gas, and telecommunications facilities. Although Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2 are proposed to reduce impacts associated with the provision of utilities and service systems, potential impacts resulting from construction of new facilities cannot be reduced to less-than-significant levels, the proposed Specific Plan would combine with other development identified in the General Plan to result in a significant cumulative impact.

Significance after Mitigation. Implementation of Mitigation Measures AES-4, AIR-2.1, AIR-2.2, AIR-3.1, BIO-1.1, BIO-1.2, BIO-1.3, BIO-3, CUL-1, CUL-2.1, CUL-2.2, CUL-3, EN-1.1, GEO-1.1, GEO-6.1, GHG-1.1, HAZ-1, RCM HYD-1, LU-2.1, NOI-1.1, NOI-1.2, NOI-1.3, NOI-2.1, UTL-1.1, UTL-1.2, and UTL-2 would serve to reduce potential impacts. However, impacts related to construction of the utility and service facilities would combine with other developments identified in the City's General Plan to result in a significant cumulative impact. The impact would be considered significant and unavoidable.

Finding on Proposed Mitigation. The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, the changes that would result from implementation of the proposed Specific Plan and continued implementation of the City's General Plan would result in a significant cumulative impact. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

5.2 MITIGATION MONITORING

An MMRP was prepared for the project and approved by the City (PRC, Section 21081.6, subd. [a][1]; CEQA Guidelines Section 15097). The City will use the MMRP to track compliance with project mitigation measures. The MMRP will remain available for public review during the compliance period.

5.3 Significant Irreversible Environment Effects

The State CEQA Guidelines (Section 15126) requires a discussion of the significant irreversible environmental changes that would be involved in a project should it be implemented.

The CEQA Guidelines discuss three categories of significant irreversible changes that should be considered. Each is addressed below.

As mandated by the CEQA Guidelines, an EIR must address any significant irreversible environmental change that would result from project implementation. According to Section 15126.2(d) of the CEQA Guidelines, such a change would occur if one of the following scenarios is involved:

- The project would involve a large commitment of nonrenewable resources;
- Irreversible damage would result from environmental accidents associated with the project; or
- The proposed consumption of resources is not justified (e.g., the project would result in the wasteful use of energy).

Changes in Land Use Which Commit Future Generations

The proposed Specific Plan would guide future development in the Specific Plan Area and would also involve the development of land currently used for agricultural production. Although the proposed development would commit future generations to using the Specific Plan Area for developed uses rather than agricultural purposes, such a commitment is consistent with planned uses for proposed Specific Plan Area, as identified in the City's General Plan. The proposed Specific Plan implements and carries out the vision of the General Plan.

Irreversible Damage from Environmental Accidents

Demolition and construction activities associated with implementation of the proposed Specific Plan would involve some risk for environmental accidents. However, accidental spills and soil contamination, as discussed in Section 4.9, Hazards and Hazardous Materials, would be addressed by City, State, and federal agencies, and would follow professional industry standards for safety and construction. The risks of accidental contamination from handling or transporting of construction materials off site would be reduced to a less-than-significant level through compliance with applicable federal, State, and local regulations. Additionally, the land uses proposed by the proposed Specific Plan would not include any uses or activities that are likely to contribute to or be the cause of a significant environmental accident, such as industrial-related spills or leaks. As a result, the proposed Specific Plan would not pose a substantial risk of environmental accidents.

Consumption of Non-Renewable Resources

Consumption of non-renewable resources includes issues related to increased energy consumption, conversion of agricultural lands to non-agricultural uses, and lost access to mining reserves. The proposed Specific Plan would require water, electric, and natural gas service, as well as additional resources for construction and ongoing maintenance.

The environmental effects of the proposed project are thoroughly discussed in Section 4.0, Evaluation of Environmental Impacts, and summarized in the Executive Summary. Implementation of the project would require the long-term commitment of natural resources and land, as discussed below. Materials and resources used during implementation of the proposed Specific Plan would include, but are not limited to, non-renewable and limited resources such as oil, gasoline, sand, gravel, asphalt, and steel.

The Specific Plan Area is currently being primarily farmed for almonds, and grass/pasture, and contains rural residential uses, and agricultural support structures. The proposed Specific Plan would result in the conversion of all 1,852 acres of agricultural land.

As discussed in Section 4.6, Energy, the projected electricity and natural gas demands are within the existing delivery capacity of current service providers, and the proposed Specific Plan would not result in a significant adverse impact related to the provision of electricity or natural gas. In addition, the proposed Specific Plan would comply with Title 24 of the California Code of Regulations (CCR) that requires conservation practices that would limit the amount of energy (California Energy Code Building Energy Efficiency Standards [Title 24, Part 6]) consumed through implementation of the proposed Specific Plan.

The proposed Specific Plan also includes Sustainability Guidelines that encourage sustainable building and design practices to include compact development, reduced impervious surfaces, improved water detention and conservation, preservation of habitat areas, mixing of compatible land uses, water-efficient landscaping and irrigation, and enhanced pedestrian and bicycle amenities that reduce reliance on the use of automobiles. The proposed Specific Plan also includes landscape guidelines that promote sustainability, drought-tolerant plant materials adapted to the local climate, as well as bio-swale and basins that efficiently address stormwater management.

Although the construction and ongoing operation of the proposed Specific Plan would involve the use of non-renewable resources, through the inclusion of energy-conserving features of the proposed Specific Plan, and compliance with applicable standards and regulations, the proposed Specific Plan would not represent an unjustified use of such non-renewable resources.

5.4 Growth Inducement

Section 15126.2(d) of the CEQA Guidelines requires that an EIR discuss the ways in which a proposed project or the construction of additional housing, either directly or indirectly, could foster economic or population growth in the surrounding environment.

Implementation of the proposed Specific Plan would include a maximum of 10,783 new housing units, approximately 1.8 million square feet of mixed-use development, and approximately 260,000 square feet of business park uses over the course of a 30-year buildout with a horizon year of 2049. As a result, the proposed Specific Plan would result in an estimated population of 38,280 new residents.

The proposed Specific Plan is not expected to result in indirect growth inducement because the additional housing units and population resulting from implementation of the d Specific Plan have

been anticipated by the City and do not exceed projections of the City. Although the General Plan does not identify a specific housing allocation for the Specific Plan Area, the total buildout of the Specific Plan Area would be less than the City anticipates through implementation of the General Plan. Additional employment growth would occur incrementally over a period of approximately 30 years and would be consistent with the planning objectives of the City, and phased development of the proposed Specific Plan.

The proposed Specific Plan includes physical improvements to accommodate growth which would create an increased demand for public services and utilities within the Specific Plan Area. All future projects occurring within the Specific Plan Area requiring a discretionary action would be required to undergo project-specific environmental review to determine project-specific impacts on public services and utilities and would be required to pay applicable impact fees in effect at the time such future development applications are submitted.

Development of the proposed Specific Plan would involve construction activities that could generate some temporary employment opportunities. However, given the temporary nature of such opportunities, and given the relatively long period of time over which all phases of the proposed Specific Plan would be constructed, it is unlikely that construction workers would relocate to Madera as a result of the proposed Specific Plan. Thus, the proposed Specific Plan would not be considered growth-inducing from an employment perspective.

6.0 PROJECT ALTERNATIVES

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remains any project alternatives that are both environmentally superior and feasible within the meaning of CEQA.

As noted under the heading “Findings Required under CEQA,” an alternative may be “infeasible” if it fails to achieve the lead agency’s underlying goals and objectives with respect to the project. Thus, “feasibility” under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors” of a project (*City of Del Mar v. City of San Diego* [1982] 133 Cal.App.3d 401, 417).

As discussed below, the Draft EIR identified three alternatives to the proposed project. The City finds that the three potentially feasible alternatives analyzed in the EIR, including a No Project Alternative meeting the requirements of CEQA, represent a reasonable range of potentially feasible alternatives that reduce one or more significant impacts of the Project. As presented in the EIR, the alternatives were described and compared with each other and with the proposed project.

The City certifies that it has independently reviewed and considered the information on alternatives provided in the EIR and in the record. The EIR reflects the City’s independent judgment as to alternatives. The City finds that the proposed project provides the best balance between the project objectives, the City’s goals and objectives, the project’s benefits as described below in the Statement of Overriding Considerations, and mitigation of environmental impacts to the extent feasible. The three CEQA alternatives proposed and evaluated in the EIR are rejected for the reasons discussed below. Each individual reason presented below constitutes a separate and independent basis to reject the project alternative as being infeasible.

Alternatives Considered in the EIR

The following alternatives to the project are evaluated in detail, in the EIR as described below:

- Alternative 1: No Project Alternative assumes the Specific Plan Area would remain in its current state and the area would stay under the existing County zoning, but within the City’s sphere of influence.
- Alternative 2: Low Density Residential Alternative would reduce the overall density of housing to be developed in the Specific Plan Area to be consistent with the City’s typical low density housing ratio of five residential units per acre. This alternative would result in a total buildout of approximately 7,600 residential units.
- Alternative 3: Reduced Project Alternative would result in approximately 1,080 acres of low and medium density residential land uses and 500 acres of agricultural land. Additional land uses would include school sites, parks and recreation, natural areas, and major roadways.

Alternative 1: No Project Alternative

Under Alternative 1: No Project Alternative, no development identified in the proposed Specific Plan would occur, and the Specific Plan Area would continue to be used for agricultural production within an unincorporated area of Madera County. Although the City includes the proposed Specific Plan Area within the Urban Growth Boundary, the proposed Specific Plan Area is located outside of the City limits. Under this Alternative no construction activities or long-term operations associated with the proposed Specific Plan would occur.

Alternative 2: Low Density Residential Alternative

With Alternative 2, the proposed Specific Plan would be implemented with residential zoning and densities that would be consistent with the City's residential zoning for low density. The City's residential zoning densities for low density range from 3 units to 7 units per acre. In addition, the acreages identified in the proposed Specific Plan as Village Mixed Use (120 acres) and Village Business Park (30 acres), would be reallocated to low density residential, for a total of approximately 1,521 acres of low density residential acres with a total buildout of approximately 7,600 residential units. Acreages for Parks and Recreation, Natural Areas along the Fresno River, Elementary School Sites, and Major Roadways would be the same as the proposed Specific Plan.

Alternative 3: Reduced Project Alternative

Under Alternative 3, approximately 7,600 residential units would be constructed but the mixed-use development occurring within the Specific Plan Area would be removed to reduce potential significant and adverse environmental impacts related to air quality resulting from construction, greenhouse gas emissions, vehicle-generated noise, and conflicts with roadway policies. In addition, 500 acres of agricultural land would be preserved within the Specific Plan Area site to reduce significant and unavoidable impacts related to agricultural conversion that would result from implementation of the proposed Specific Plan. This alternative would likely preserve agricultural land uses in the Southwest Neighborhood area where Williamson Act Contracts are still in place and in the Northwest Neighborhood to ensure compatibility with the Madera County ALUCP.

Findings Regarding Alternatives

Alternative 1 has the least impact to the environment because it would not result in any development or new physical impacts. While this alternative would lessen or avoid the impacts of the proposed Specific Plan, the beneficial impacts of the proposed project—including implementing sustainable planning and development, creating job growth, accommodation of strategic growth near transit, and the provision of housing units required to meet State-mandated affordable housing targets and alleviate overcrowding—would not occur. Further, none of the Project Objectives would be met, including the creation of a transportation network as identified in the General Plan, promotion of opportunities for water efficiency and incorporation of sustainable building and operating practices, incorporation of sustainable practices (as practicable) in developing buildings and infrastructure, or resulting in an economically feasible and balanced development. As such, this alternative is rejected as infeasible.

Alternative 2 is the Low Density Residential Alternative and would achieve most of the Project Objectives. However, with a limited set of land uses, this alternative would not create mixed-use

development or result in community character and pedestrian-friendly design that would be facilitated by a mix of land uses. With development of the Specific Plan Area, this alternative would help address the City's current and projected housing needs, facilitate annexation of the Specific Plan Area, and create a transportation network to meet objectives of the General Plan. This alternative would also promote opportunities for water efficiency and incorporate sustainable building and operating practices, incorporate sustainable practices, as practicable, in developing buildings and infrastructure; and result in an economically feasible and balanced development. However, overall this alternative would not achieve all of the objectives of the proposed Specific Plan to the same extent or degree because the level of residential density and mix of land uses would not allow for sustainable development that balances housing and employment, in a manner that is economically feasible and which will be able to provide the long-term financial based to support infrastructure, transportation, and other needs. Without the same level of residential development, this alternative would not address the City's current and project housing needs to the same level as the proposed Specific Plan, and will not be able to provide the range and volume of housing stock necessary to address community housing needs. As such, this alternative is rejected as infeasible.

The Environmentally Superior Alternative would be Alternative 3, Reduced Project Alternative. Overall, this alternative would lessen significant environmental impacts or result in impacts similar to those associated with the proposed project. Alternative 3 would achieve some of the Project Objectives; specifically, it would address housing needs in the City and would facilitate annexation of areas in the Specific Plan Area and would incorporate sustainable practices in developing buildings and infrastructure. The reduced number of housing units in Alternative 3 would result in fewer impacts when compared to the proposed Specific Plan. However, although Alternative 3 would incrementally reduce impacts, there would still be significant and unavoidable impacts to aesthetics, agriculture, air quality, land use, noise, public services, transportation, and utilities and service systems would still occur (Draft EIR pages 5-22 to 5-24). Additionally, this alternative would not achieve all of the objectives of the proposed Specific Plan to the same extent because the level of residential density and mix of land uses would not allow for sustainable development that balances housing and employment in a manner that is economically feasible and which will be able to provide the long-term financial based to support infrastructure, transportation, and other needs. Without the same level of residential development, this alternative would not address the City's current and project housing needs to the same level as the proposed Specific Plan, and will not be able to provide the range and volume of housing stock necessary to address community housing needs. As such, this alternative is rejected as infeasible.

7.0 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Section 21081 of the California Public Resources Code and Section 15093 of the CEQA Guidelines, the City adopts and makes the following statement of overriding considerations regarding the remaining significant unavoidable impacts of the project, as discussed above, and the anticipated economic, social, and other benefits of the project.

The City has carefully considered and balanced the benefits of the proposed project against its unavoidable environmental risks in determining that the specific economic, legal, social, technological, or other benefits outweigh the unavoidable significant adverse environmental effects related to land use. Section 15093(b) of the State CEQA Guidelines provides that when the decision of the public agency results in the occurrence of significant impacts that are identified in the EIR, the agency must state in writing the reasons to support its actions based on the EIR and/or other information in the record. The reasons set forth below are based on the EIR and other information in the record.

This Statement of Overriding Considerations is based on the City's review of the Draft EIR, Final EIR, and other information in the administrative record. Based upon said review and the substantial evidence in the administrative record, including but not limited to the EIR, the City finds that the benefits of the project outweigh its unavoidable adverse environmental effects, and furthermore, finds that such adverse, environmental effects are acceptable. The City also finds and determines that (1) the majority of the significant impacts of the project will be reduced to less-than-significant levels by implementation of the mitigation measures recommended in these findings; (2) the City's approval of the project as proposed will result in certain significant adverse environmental effects that cannot be avoided or reduced to a less-than-significant level even with the incorporation of all feasible mitigation measures into the project; and (3) there are no other feasible mitigation measures or feasible project alternatives that will further mitigate, avoid, or reduce to a less-than-significant level the remaining significant environmental effects.

In light of the environmental, social, economic, and other considerations identified in the findings for the project, the objectives of the project, and the considerations set forth below related to this project, the City chooses to approve the project because, in its view, the economic, social, technological, and other benefits resulting from the project substantially outweigh the project's significant and unavoidable adverse environmental effects.

Implementation of the project would enable the City to achieve objectives of the City, as established in the General Plan, the proposed Specific Plan, the General Plan Amendment, and the EIR, while avoiding significant environmental effects to the extent possible. The benefits and reasons for the approval of the project despite the occurrence of significant unavoidable project impacts to aesthetics (Impact AES-5 – illumination of night sky and change of rural character), agriculture (Impact AG-6 – agricultural resources), air quality (Impact AQ-5 – air quality), public services and recreation (Impact PSR-8 – public services and recreation), transportation (Impact TRA-5 – Caltrans intersections), and utilities (Impact UTL-6 – utilities), which create or otherwise contribute to related cumulative impacts, consist of the items listed below. The following statements identify the reasons why, in the City's judgment and based on substantial evidence, the benefits of the project outweigh

the significant and unavoidable effects. The substantial evidence supporting the enumerated benefits of the project can be found in the preceding findings, which are herein incorporated by reference; in the project itself; and in the record of proceedings as defined above. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the project outweigh its significant adverse environmental effects and is an overriding consideration warranting approval. The alternatives which were identified in the EIR would not meet, either in part or in whole to the same extent as the project, the fundamental project objectives and goals of the project, each and all of which are deemed and considered by the City to be benefits of the project, as summarized below.

The City finds that the project, as conditionally approved, will have the following economic, social, technological, and environmental benefits, which constitute overriding considerations:

1. The project would address the City's current and projected housing needs for all segments of the community by providing a range of single- and multi-family homes.

There is a significant housing crisis throughout the State. In 2018, California ranked 49th among the states of the U.S. in terms of housing units per resident. This shortage has been estimated to be 3-4 million housing units (20-30% of California's housing stock, 14 million) as of 2017. Experts say that California needs to double its current rate of housing production (85,000 units per year) to keep up with expected population growth and prevent prices from further increasing, and development needs to quadruple the current rate of housing production over the next seven years in order for prices and rents to decline.

This housing crisis is acutely felt within the City of Madera, where there is a shortage of available housing stock. As set out in the adopted City of Madera 2016-2024 Housing Element Update (Housing Element), during the 2014-2023 Regional Housing Needs Assessment (RHNA) projection period, the Department of Housing and Community Development (HCD) assigned 12,895 units (2,890 very low-income, 2,230 low-income, 2,310 moderate-income, and 5,465 above moderate-income) to all of Madera County. The City's share, as determined by HCD, is 6,099 units, including 1,352 very low-income units, 1,056 low-income units, 1,091 moderate-income units, and 2,600 above moderate-income units. Housing prices have also increased significantly since the adoption of the Housing Element due to the lack of available housing stock. In 2017, median home prices for Madera County were approximately \$200,000. In a five-year period since then, median prices have increased to approximately \$385,000 – or over a 90% jump in price. This increase in housing costs was not matched by a corresponding increase in personal income, which creates additional housing constraints given the limited housing supply, and further exacerbates housing shortfall.

The project addresses the City's current and projected housing needs through the provision of approximately 10,783 additional residential dwelling units in close proximity to mixed uses, commercial uses, and village centers. This is a substantial residential component, and addresses a significant portion of the housing stock anticipated by the General Plan Housing Element, etc., for the City of Madera for years to come. Further, the project provides a range of single- and multi-family homes, including village country estates (54 units), village low density (4,784 units), village medium density (3,579 units), village high density (2,366 units), and the opportunity for mixed use residential in conjunction with commercial and office uses, etc. More than half of the residential

units (5,945 total units) are planned for medium or high density, which promotes affordability for those with lower or fixed income needs.

As such, the project would address the City's current and projected housing needs for all segments of the community by providing a range of single- and multi-family homes.

2. The project promotes high-quality retail and mixed-use development to attract an array of businesses and employment opportunities.

The mixed-use nature of the project encourages diversification and development of its economic base. As noted above and below, the project provides substantial diversification in terms of residential versus commercial uses. Additionally, within the commercial uses there is a broad diversification that provide various types of sales taxes (restaurants, entertainment, automobile sales, etc.) in conjunction with higher tax rates associated with high-quality retail. The project will provide significant benefits to the City and community in terms of creating both short and long-term employment opportunities for the residents of the City including construction work and long-term jobs including in the commercial and entertainment industries, which are reasonably expected to result in more personal income associated with higher-quality retail, and which income will likely be spent locally, resulting in additional tax revenues and economic development. The employment opportunities are designed to also encourage the use of ridesharing (consisted with General Plan Policy CI-37), facilitate employment opportunities that minimize the need for vehicle trips (General Plan Policy CI-42) and promote jobs that reduce the need for residents to commute to work outside the City (General Plan Policy SUS-15). Implementation of the proposed Specific Plan would fulfill these policies allowing residents to live within proximity to schools, recreational opportunities, retail centers, and commercial development, and minimizing vehicle trips through utilizing access to a variety of transportation opportunities, including pedestrian pathways, bikeways, regional arterials, and transit.

Consequently, it is reasonably expected that the City and its residents will enjoy the economic and social benefits from the diversity of the economic benefits provided by the project. These economic opportunities are especially significant in light of the traditionally high unemployment levels, budgetary, and other constraints experienced by the City as noted in this Statement of Overriding Considerations, and which can be further compounded by economic downturns in budgetary situations involving less diversification.

3. The project would establish a mix of land uses and local-serving activities that meet the General Plan's objectives concerning community character and pedestrian-friendly design.

The project's mix of land uses and local-serving character build community character and promote a pedestrian-friendly design. The proposed Specific Plan and project reflect sound planning principles and location of commercial and residential units in proximity, in a sustainable way, to trails, pathways, etc. Additionally, this is carried out to project-level development, where (among others) project applicants are required to provide Class I and Class II bicycle parking/storage facilities on-site; at least one bicycle parking space for every 20 vehicle parking spaces; employers are required to provide shower and locker facilities to encourage employees to bike and/or walk to work; all apartment complexes or condominiums without garages are required to provide Class I bicycle

parking; Class I or II bike lanes are required on arterial/collector streets or where a suitable route exists, building access and paths are designed to be physically separated from street parking lot traffic and eliminate physical barriers (such as walls, berms, landscaping and slopes) that impede the use of pedestrians, bicycle facilities, or public transportation vehicles; continuous sidewalks separated from the roadway by landscaping and on street parking are required; on and off-site pedestrian facility improvements such as trails linking them to designated pedestrian commuting routes and/or on-site overpasses and wider sidewalks are required; cul-de-sacs and dead-end streets are linked to encourage pedestrian and bicycle travel; traffic reduction modifications are required to reduce vehicle speeds and to encourage pedestrian and bicycle travel; parking lot designs must include clearly marked and shaded pedestrian pathways between transit facilities and building entrances; and pedestrian access must be provided between bus service and major transportation points and to destination.

Implementation of the project would allow for implementation of sustainability efforts that reduce motor vehicle use and energy consumption. This is accomplished with more compact development achieved by increasing development density and by providing a land use pattern and transportation infrastructure that is more supportive of public transportation, walking, and bicycling as proposed by the project. In addition, as described in the EIR, the proposed project would result in lower VMT when compared to the regional average, and would therefore reduce vehicle use and energy consumption.

The proposed Specific Plan also contains general development standards for landscaping, signage, walls, fences, architecture, etc., as well as development standards provided specifically for each land use district. By its very nature, the proposed Specific Plan serves as a long-term master planned development consisting of a collection of neighborhoods that will be compatible and connected with one another, and integrated with the area's natural setting and the surrounding Madera community. The overall design for the Specific Plan Area is based on enduring town building principles, which embrace compact, pedestrian oriented development that provides a variety of land uses and a wide range of housing types, all anchored by easily accessible public spaces.

Taken together, the project's architectural and design requirements, layout, and overall plan meet the General Plan's objectives concerning community character and pedestrian-friendly design.

4. The project would implement the City's General Plan Land Use Element goal to facilitate annexation of large areas of land that are governed by a specific plan, which provides for compatibility of land uses, fiscal balance, recreation, and resource protection.

Implementation of the proposed Specific Plan would implement the "building blocks" policies of the City's General Plan by master-planning the Specific Plan Area. The development of the growth areas identified in the General Plan is intended to be guided by specific plans, which are used to ensure orderly growth and adequate infrastructure, facilities, and public services to support the future population of each growth area. As such, the proposed Specific Plan is intended to implement the goals and policies of the City's General Plan by allowing for development of residential, retail, potential school sites, and open space uses. In addition, the proposed Specific Plan establishes land uses and development regulations to govern permitted uses and standards to regulate development of land uses within the Specific Plan Area.

The proposed project includes annexation of 1,883 acres to the City of Madera. As further described in EIR Table 4.11.A: General Plan Policies Related to Land Use and Planning, there are several General Plan policies regarding the facilitation of annexation, including Policies LU-13, 14, and 17. Among others, the development of the proposed Specific Plan would occur within the City's Urban Growth Boundary and after the Specific Plan Area is annexed into the City. Implementation of the proposed Specific Plan would ensure orderly growth and adequate infrastructure and public facilities and services to support the future population within the Specific Plan Area by establishing a land use plan, as shown in Figure 3-5 of the Project Description in the EIR, and establishing financing and maintenance responsibilities for long-term implementation and buildout. This land use plan, in conjunction with the requirements of the proposed Specific Plan, provides for compatibility of land uses. Additionally, the project provides for fiscal balance. A Public Facilities Financing Plan (PFFP) has been prepared for the project that articulates infrastructure and public facilities requirements, their costs, financing mechanisms, and the feasibility of the financial burden. The PFFP analyzes backbone infrastructure and public service needs and funding capacity at the Village level, as defined in Figure LU-3 of the Land Use Element of this General Plan. Further, multiple recreational facilities are anticipated by the proposed Specific Plan, including libraries, community centers and recreation centers, cultural centers, and other facilities. Finally, natural open space areas have been identified on the southern boundary in the Southeast Neighborhood within the Specific Plan Area to allow for biological resource protection, and enhanced drainage features for flood control. Public access to the natural open space areas will be provided, to the extent permitted by regulatory agencies, to allow residents to appreciate the nature, and stroll, hike and bike along the trails.

In summary, the project would implement the City's General Plan Land Use Element goal to facilitate annexation of large areas of land that are governed by a specific plan, which provides for compatibility of land uses, fiscal balance, recreation, and resource protection.

5. The project would establish a transportation network that will fulfill the policies of the Madera General Plan's Circulation Element by allowing residents to live within proximity to schools, recreational opportunities, retail centers, and commercial development, and minimize vehicle trips through utilizing access to a variety of transportation opportunities, including pedestrian pathways, bikeways, regional arterials, and transit.

There are applicable policies of the Community Design Element and the Circulation Element of the General Plan that relate to planning and accommodating for transit travel, including Policy CI-28, Policy CI-30, Policy CI-31, Policy CI-41, Policy CI-50, Policy H-5.3, and Policy CD-59. Implementation of the proposed Specific Plan would create a transportation network that would fulfill these policies by allowing residents to live within proximity to schools, recreational opportunities, retail centers, and commercial development, and minimizing vehicle trips through utilizing access to a variety of transportation opportunities, including pedestrian pathways, bikeways, regional arterials, and transit.

For example, public transportation in the City includes bus and rail service. The study area is serviced by the Madera Area Express System, the JET Express System, and the Madera County Connection System. The City has an Amtrak station on Road 26, and there are plans to move the station south to Avenue 12 and to possibly add a High-Speed Rail stop in the City in the future. As the Specific Plan Area is not currently within ¼ mile of transit stops, the current population of the

Specific Plan Area does not support transit stops. However, the proposed Specific Plan would encourage the addition of new transit stops to expand service in the Specific Plan Area. As such, the project would include transit stops within the Specific Plan Area.

Additionally, as noted above the project promotes and utilizes access to a variety of other transportation opportunities, including pedestrian pathways, bikeways, etc. The proposed Specific Plan would include bicycle lanes and off-street in order to create accessibility and mobility within the Specific Plan Area. A multi-purpose pedestrian and bicycle trail would be provided along the Fresno River area. The proposed Specific Plan would also construct trail connections to link the multi-purpose trail along the river with the larger on-street bicycle network for the proposed Specific Plan. These bike paths would encourage linkages to the City's planned bike path system. Finally, the proposed Specific Plan encourages the provision of preferred parking spaces for hybrid, fuel cell, electric and/or other fuel-efficient vehicles in retail, commercial, and office development.

As such, the project would establish a transportation network that will fulfill the policies of the Madera General Plan's Circulation Element by allowing residents to live within proximity to schools, recreational opportunities, retail centers, and commercial development, and minimize vehicle trips through utilizing access to a variety of transportation opportunities, including pedestrian pathways, bikeways, regional arterials, and transit.

6. The project would incorporate green and sustainable practices, as practicable, in developing buildings and infrastructure.

Future development under the proposed Specific Plan would be required to be consistent with strategies included in the proposed Specific Plan that are aimed at reducing energy consumption and would also be required to meet the provisions included in the California Energy Code Building Energy Efficiency Standards (Title 24, Part 6) and the CALGreen Code (Title 24, Part 11). For example, new projects associated with the implementation of the proposed Specific Plan would be required to comply with the Building Energy Efficiency Standards for Residential and Non-Residential Buildings that are in place at the time new development is proposed. These standards are updated, with the latest update (2019) that went into effect on January 1, 2020. The project is consistent with current energy standards as further described in EIR Table 4.6.C: Proposed Specific Plan Comparison to State CEQA Guidelines Appendix F. Future discretionary projects would be required to undergo a separate CEQA review process and their compliance to existing energy standards would be assessed at that time. Additionally, CALGreen Code standards require residential and nonresidential water efficiency and conservation measures for new buildings and structures that will reduce the overall potable water use inside the building by 20 percent. Development will be required to install ultra-low flow fixtures and appliances.

Next, the project proposes a network of parks, open spaces, and trails to serve as focal points, gathering places, recreational uses, and green connectivity. The Fresno River serves as the main open space amenity with a riverfront park, urban gardens and a trail system connection for residents and visitors to enjoy. Setbacks for structures include designs to allow for paseos and green courts.

Finally, development is encouraged to incorporate sustainable building and design practices to lessen impacts of development. These practices can include compact development, reduced impervious surfaces, improved water detention and conservation, preservation of habitat areas, mixing of compatible land uses, water-efficient landscaping and irrigation, and enhanced pedestrian and bicycle amenities that reduce reliance on the use of automobiles. Because the concept of sustainability is still evolving, the proposed Specific Plan anticipates that new sustainable strategies will be continually developed during the build-out of The Villages at Almond Grove, and provides flexibility for the same. The proposed Specific Plan encourages the implementation of realistic sustainable design strategies into plan design as the community continues to evolve over time.

Given the foregoing, the project would incorporate green and sustainable practices, as practicable, in developing buildings and infrastructure.

7. The project would undertake development of the Specific Plan Area in a manner that is economically feasible and balanced to address the City's economic interests.

As described in Section 2, above, it is reasonably expected that the City and its residents will enjoy the economic and social benefits from the diversity of the economic benefits provided by the project, including both short-term and long-term employment opportunities. The diversity in commercial, office, and industrial uses allows for the creation of a diverse economic base with an expanded opportunity for employment for a broad range of training and skill sets. Economic interests include both diverse and affordable housing, which is provided by this project as described in Section 1, above. A PFFP has also been prepared for the project that articulates infrastructure and public facilities requirements, their costs, financing mechanisms, and the feasibility of the financial burden. The PFFP analyzes backbone infrastructure and public service needs and funding capacity at the Village level, as defined in Figure LU-3 of the Land Use Element of the General Plan. In summary, the project is balanced to address the City's economic interests, including that related to financing infrastructure, maintaining a vigorous and diverse tax base for fiscal resiliency, and ensuring development in an economically feasible and balanced way.

Conclusion And Findings

The City finds that the project has been carefully reviewed and that the goals, objectives and policies included in the project along with the mitigation measures identified in the EIR have avoided or substantially lessen several environmental impacts, to the extent feasible. Nonetheless, the project may have certain environmental effects which cannot be avoided or substantially lessened. The City has carefully considered all of the environmental impacts that have not been mitigated to an insignificant level. The City has also carefully considered the economic, fiscal, legal, social, and technological benefits of the project, as well as other considerations. The City has balanced the benefits of the project against its unavoidable and unmitigated adverse environmental impacts and, based upon substantial evidence in the record, has determined that the benefits of the project outweigh the adverse environmental effects.

Based on the foregoing, and pursuant to Public Resources Code section 21081 and State CEQA Guidelines Section 15093, the City finds that the remaining significant and unavoidable impacts of the Project are acceptable in light of its economic, fiscal, technological, and social benefits as well as

other considerations, including promote economic wellbeing, provision of short-term and long-term employment opportunities, etc., as noted above. Such benefits outweigh such significant and unavoidable impacts and provide the substantive and legal basis for this Statement of Overriding Considerations.

Finally, the City finds that, to the extent that any impacts identified in the EIR remain unmitigated, mitigation measures have been required to the extent feasible, although the impacts could not be reduced to a less-than-significant level. Accordingly, when deciding to approve the project, the City is faced with the presumed unmitigated impacts which are limited in nature. When considering the significant benefits outlined in this Statement of Overriding Considerations against limited impacts, the balance of weight clearly falls in favor of the merits of the project and its benefits.

For the reasons stated herein, and each of them separately and independently of the others, the City has adopted this Statement of Overriding Considerations.