



## COUNCIL AGENDA REPORT

COUNCIL MEETING Date: 6/27/11

### CITY COUNCIL

Chris Vierra, Mayor  
Ken Lane  
Guillermo Ochoa  
Bret Durossette

**Report Preparation Date: 6/10/11**

TO: Mayor and City Council

FROM: Tom Westbrook, Planning, Building and Housing Division Manager

SUBJECT: Hearing to consider a proposal for the West Landing Specific Plan (07-37 WLSP), Rezoning (07-36), General Plan Amendment (07-35 GPA) and Annexation (07-34 Annex) to guide development of 960 acres in West Ceres, including certification of an Environmental Impact Report (EIR, SCH # 2008122087) under CEQA.

CONTACT: Tom Westbrook, Planning, Building and Housing Division Manager,  
[tom.westbrook@ci.ceres.ca.us](mailto:tom.westbrook@ci.ceres.ca.us), 209.538.5789

### **RECOMMENDED COUNCIL ACTION:**

1. Certify the Environmental Impact Report, SCH # 2008122087, for the project, making findings as set forth in Draft Resolution 2011-\_\_\_\_\_.
2. Approve 07-35 General Plan Amendment subject to the findings contained in the attached Draft Resolution 2011-\_\_\_\_\_.
3. Approve 07-37 Specific Plan and Finance Plan subject to the findings contained in the attached Draft Resolution 2011-\_\_\_\_\_.
4. Approve 07-36 Rezoning subject to the findings contained in the attached Draft Ordinance 2011-\_\_\_\_\_.
5. Initiate proceedings for Sphere of Influence amendment and annexation (07-34 Annex) by attached Draft Resolution 2011-\_\_\_\_\_ and filing application with LAFCO.

### **I. BACKGROUND:**

#### **PROJECT AND SITE DESCRIPTION**

The applicant proposes approval of a Specific Plan ("Plan") to guide annexation and development of 960 acres located on the west side of Ceres. Approval of the Specific Plan as proposed will also require amendment of the General Plan. The proposed Land Use/Circulation plan may be viewed at page 247. The project also includes rezoning of the western portion of the project area as a prerequisite to Sphere of Influence amendment and annexation of the property. A Financing Plan is proposed for adoption to

guide the financing of public facilities required by the project. City actions will include initiating application to LAFCO for a Sphere of Influence amendment and annexation of the area.

The plan area covers 960 acres bounded by Whitmore Avenue on the north, the Union Pacific Railroad on the east, Service Road on the south, and Ustick Road on the west. The northern portion of the site east of Crows Landing Road is substantially developed by G3 Enterprises, Inc. and includes warehouse and office facilities as well as a small partially-developed shopping center at the southeast corner of Crows Landing Road and Whitmore Avenue. The southern portion of the site east of Crows Landing Road is substantially developed with the facilities of Stanislaus County, including the Jail, Animal Control, and Welfare facilities. The portion of the site west of Crows Landing Road is largely in agricultural use with a few scattered home sites and one rural residential subdivision along Carol Lane off of Whitmore Avenue. The Carol Lane development includes the Whitmore Church of Christ Church at the southeast corner of Carol Lane and Whitmore Avenue. A flea market, El Rematito, occupies the northwest corner of Hackett Road and Crows Landing Road.

## **GENERAL PLAN AND ZONING COMPLIANCE**

The entire site is proposed to be annexed at the outset as a part of the development process. A part of the annexation process is to adopt prezoning designations for the area. In addition, a portion of the site, the most westerly one-half mile of the area, is not currently within the City's Sphere of Influence, although it is within the area designated on the City's General Plan for eventual development. Redesignation of the entire area to be within the City's Primary Sphere of Influence is a part of the proposal for Stanislaus LAFCO consideration.

The northern portion of the site east of Crows Landing Road is currently prezoned (P) M-2, General Industrial, and the southern portion of the site east of Crows Landing Road is currently prezoned (P) C-F, Community Facilities. These prezoning designations would not change with the approval of this project. The area west of Crows Landing Road is not currently prezoned. As a part of the proposed action, the Plan area would be prezoned to PC/Planned Community with the underlying designations as set forth in the Specific Plan including GI/General Industrial, CF/Community Facilities, RC/Regional Commercial, CC/Community Commercial, NC/Neighborhood Commercial, O/HDR/Office-Mixed Use, BP/Business Park, VLDR/Very Low Density Residential, LDR, Low Density Residential, MDR/ Medium Density Residential, HDR I/High Density Residential I, HDR II/High Density Residential II, S/School, and P/Park.

The northern portion of the site east of Crows Landing Road currently has a General Plan designation of GI/General Industrial, and the southern portion of the site east of Crows Landing Road currently has a General Plan designation of CF/Community Facilities. The area west of Crows Landing Road currently includes designations of LI, Light Industrial, CC, Community Commercial, O, Office, and RR, Rural Residential. As a part of the proposed action, the Plan area would be redesignated to include the following designations: RC/Regional Commercial, CC/Community Commercial, NC/Neighborhood Commercial, O/HDR/Office-Mixed Use, BP/Business Park, VLDR/Very Low Density Residential, LDR, Low Density Residential, MDR/ Medium Density Residential, HDR/ High Density Residential, S/School, and P/Park.

The proposal meets the intent of the General Plan in that it provides for annexation and development of new area pursuant to master planning, and is consistent with General Plan Policies. The project EIR, Chapter 13-Land Use and Planning includes an assessment of consistency with the policies of the General Plan. Specifically, adoption of the West Landing Specific Plan and the related General Plan Amendment and prezoning actions would implement and be consistent with the following General Plan Goals and underlying Policies:

Goal 1.A: *To maintain Ceres' small-town character and to create a distinctive city identity as the city grows.*

The proposed specific plan provides for a mix of uses consistent with the established character of Ceres and providing well-laid-out neighborhoods in close proximity to schools, shopping, and employment. The specific plan provides opportunities for entry monumentation at the transitions from Ceres to Modesto along Whitmore Avenue.

Goal 1.B: *To grow in an orderly pattern consistent with economic, social and environmental needs, maintaining Ceres' small town character and preserving surrounding agricultural lands.*

The proposed specific plan provides a balanced mix of land uses consistent with the needs of the community and providing a balance of jobs and housing, and provides an area-wide master plan to guide development. All proposed development is within the established General Plan area.

Goal 1.C: *To provide adequate land in a range of residential densities to accommodate the housing needs of all income groups expected to reside in Ceres, while ensuring high quality of residential development.*

The proposed Specific Plan provides a mix of residential densities ranging from very-low single-family density designation in the Carol Lane area to typical single family density and with provision for medium and higher density residential sites and mixed-use development.

Goal 1.D: *To provide for the development of new residential areas in planned neighborhoods to be developed at an orderly pace and designed to promote transit, walking, and bicycling.*

Residential neighborhoods in the proposed specific plan are organized around school/park sites. The entire plan area is tied together with a system of enhanced multi-use pedestrian/cycling pathways.

Goal 1.E: *To maintain and enhance the best qualities of existing residential areas as the city grows.*

The proposed specific plan makes specific provision for the existing Carol Lane residential enclave, making provision to preserve its quasi-rural character while at the same time providing for upgrade of the infrastructure serving it to a modified city standard compatible with the character of the neighborhood.

Goal 1.F: *To designate adequate commercial land for and promote development of commercial uses compatible with surrounding land uses to meet the present and future needs of Ceres residents and visitors and to maintain economic vitality.*

The proposed specific plan provides for the commercial development of the area along Crows Landing Road for retail and business park development and provides design guidelines to ensure a high level of quality for the development.

Goal 1.G: *To designate adequate land for and promote development of industrial uses to meet the present and future needs of Ceres residents for jobs and to maintain economic vitality.*

The proposed specific plan recognizes the existing industrial/commercial development at the southeast corner of Crows Landing Road and Whitmore Avenue, and makes provision for Business Park development in the southeast quadrant of the area west of Crows Landing Road, and provides design guidelines to ensure a high level of quality of development.

Goal 1.H *To regulate future development near the airport to provide for protection of public health and safety.*

The proposed specific plan is entirely outside the designated Airport Safety Zones.

Goal 1.I: *To maintain a healthy and diverse local economy that meets the present and future employment, shopping, recreational, public safety, and service needs of Ceres residents and to expand the economic base to better serve the needs of residents.*

The proposed specific plan provides a balanced mix of land uses consistent with the needs of the community. The plan specifically provides areas set aside for future employment, shopping, recreational, public safety, and service needs. The substantial commercial, business park, and industrial portions of the Specific Plan will enhance the economic base of the City.

Goal 1.J: *To maximize and balance the transportation function and aesthetic image of the city's major corridors.*

The proposed specific plan is entirely consistent with the General Plan Transportation and Circulation Element as to designation of arterial and expressway roads. The plan makes provision for enhanced roadway cross sections with landscaped medians and parkway strips.

Goal 1.N *To maintain land as Residential and Industrial Reserve within the Planning Area for consideration for accommodation of development projected to occur beyond 2015.*

The proposed specific plan includes 320 acres currently designated as Rural Residential. Consistent with General Plan policy, this area is the subject of a proposed General Plan amendment, recognizing city needs and requirements in the coming years.

Goal 2. C *To protect residential areas from high volume and high-speed traffic and its effects and promote bicycling and walking on residential streets.*

The Plan incorporates the use of walls and landscaping adjacent to arterial streets and expressways to separate residential areas from high-speed/volume traffic. The Plan incorporates a network of enhanced pedestrian/cycling pathways.

Goal 2. E *To promote provision of safe and efficient transit service to reduce congestion, improve the environment, and provide viable non-automotive means of transportation in and through Ceres.*

The Plan incorporates provision for transit routes and stops to provide convenient service with reasonable walking distance throughout the Plan area.

Goal 2. F *To provide a safe, comprehensive, and integrated system of facilities for non-motorized transportation.*

The Plan provides for an integrated system consisting of sidewalks on minor

streets, a network of enhanced pedestrian/cycling paths on major collector streets, and a Class I path along the Service Road expressway.

## **PROJECT INITIATION**

In summer 2007, the project applicant, Newman-Romano Associates, inquired about the initiation of the project. The proposal was reviewed under the California Environmental Quality Act (CEQA) and a determination was made that an Environmental Impact Report would be required for the project. On December 22, 2008 a Notice of Preparation was sent regarding the preparation of an EIR, and scoping meetings were held on January 13, 2009 to receive input as to issues to be included for consideration in the EIR.

The consulting firm of Wood Rodgers was engaged to prepare a Specific Plan and EIR, and a draft EIR (DEIR) was prepared and circulated for comment on August 18, 2010 and the comment period closed on October 4, 2010. Comments were received during the review period and have been incorporated into the Final EIR included with this item.

## **PROJECT PROPOSAL**

The West Landing Specific Plan provides a vision for the development of the area along Crows Landing Road between Whitmore Avenue and Service Road, from the UPRR tracks on the east to Ustick Road on the west, totaling about 960 acres. Of this area, 320 acres are on the east side of Crows Landing Road and are largely developed, with the G3 Enterprises, Inc. industrial/retail development on the north and the Stanislaus County government facilities on the south. The 640 acres on the west side of Crows Landing Road are designated for development of a rich mixture of uses as depicted on the Land Use Plan, Figure 4.1 of the Specific Plan. These uses include employment and shopping as well as residential neighborhoods. The residential neighborhoods are arranged around school/park sites and the entire area is served with a network of pedestrian/cycling paths.

It is important for the Planning Commission to note that even though the approval of these applications establishes what can be developed within the WLSP area, no actual development is being approved with this plan. Rather, the document and the associated applications will only guide future development. In addition, LAFCO approval of a Sphere of Influence amendment and annexation of the Plan area into the City would be required before the City could approve any specific development project in accordance with the Plan. As such, after annexation and prior to development taking place, any applicant/property owner would be required to submit and receive approval of individual property development, including any subdivision or parcel map. The area west of Crows Landing Road requires Planned Community Development Plan review, including design review, by the Commission prior to development. The area east of Crows Landing Road is comprised of the area occupied by Stanislaus County facilities, which do not require City review, and the General Industrial property, which is designated General Industrial and for which development will be processed using the City's Administrative Permit Process.

The plan sets aside areas for neighborhood and community parks and for a public safety (fire and police) station.

## **Circulation**

Project roadway circulation is shown on Figure 5.1 of the Specific Plan. The Plan area is bounded by/includes four major roadways: Service Road, an expressway, forms the southern boundary. Development of the plan area will provide construction of the north half of the expressway in this

segment, consistent with an enhanced cross-section which includes landscaped median and parkway together with a sound wall where the expressway backs up to residential development. The landscaped median will be constructed when the area to the south is annexed and developed. Ustick Road, an arterial street, forms the western boundary. Development of the plan area will provide for the construction of the east side of this street, consistent with an enhanced cross-section, which includes landscaped median and frontage landscaping together with a sound wall where the street backs up to residential development. Construction of the landscaped median and far-side improvements is a long-term project which will require cooperation with Stanislaus County. Whitmore Avenue, an arterial, forms the north boundary. The City of Modesto abuts the City of Ceres to the north along this street. Development of the street will be a cooperative effort with the City of Modesto, with the project providing development of the southern half of the street consistent with an enhanced cross-section, which includes landscaped median and frontage landscaping together with a sound wall where the street backs up to residential development. Crows Landing Road runs through the Plan area. The east side of Crows Landing Road has been completed and finished with sidewalk, necessitating widening to occur to the west. Development of the project will provide for the widening of the street to an enhanced cross section including landscaped median and frontage landscaping.

The interior of the Plan area is served by a network of collector streets. The primary collector streets include widened pedestrian/cycling paths and enhanced landscaping. Of special note is Hackett Road, a collector street which will serve as the iconic entryway to the neighborhood. Figure 5.9 of the Specific Plan depicts the pedestrian/bicycle circulation plan.

The Plan area will be served by Ceres Area Transit. Figure 5.10 of the Specific Plan depicts the existing and potential future routes and stops serving the area.

### **Infrastructure**

Provision of utility infrastructure is of special concern in planning for a new large-scale area. The Specific Plan identifies infrastructure for:

- Domestic water, including water wells and storage tanks.
- Recycled water. The plan area will include separate, non-potable water lines serving the parks and the parkway/medians, to allow for the eventual use of recycled water when available, thus reducing the demand for drinkable-quality water. In the interim until recycled water is available, this system will be provided with water from an agricultural-quality well.
- Sanitary sewer, including sewer trunk lines and lift stations.
- Storm drainage. Residential and street drainage will be directed to percolation basins to be included within the planned parks and made “dual-use” facilities, allowing for the use of the basin area for recreation when water is not present.

The Specific Plan and its accompanying Financing Plan address infrastructure needs to ensure the timely implementation of required infrastructure, consistent with City standards and the goals of Chapter 4 of the General Plan, Public Facilities and Services.

### **Design Guidelines**

The Specific Plan provides design guidelines for all categories of development-residential, commercial, office/mixed use, and light industrial, to ensure a high level of quality and consistency of development.

### **Financing Plan**

A preliminary financing plan and financing policies have been developed and are discussed in Chapter 10 of the Specific Plan. The Financing Plan is attached as a separate and bound document. Implementation of the Plan will require the adoption of a financing mechanism, most likely a Community Facilities District (CFD), which is also known as a Mello-Roos district, together with preparation of more detailed infrastructure design documents.

### **Schools and Fire Service**

The project area has been in the Modesto City Schools District. In connection with this proposal, the Modesto City and Ceres Unified School Districts have agreed to transfer the subject area from the Modesto District to the Ceres Unified District. This process has been initiated and the transfer will be complete when the 2012/2013 school year begins. Students from the area who are already enrolled in the Modesto City Schools District will have the option of continuing in their present school should they so wish.

The West Landing area is currently served by the Westport Fire District. Following annexation, the area will be served by the City of Ceres and the area will be detached from the Westport Fire District. In order to maintain the viability of the Westport District, an agreement will be required to maintain the current level of funding. The particulars of such an agreement are under discussion and will be returned to the Council for action in the near future.

### **Sphere of Influence (SOI) Modification and Annexation**

The City of Ceres Sphere of influence currently extends to a point one-half mile west of Crows Landing Road, with the area west of Crows Landing Road being within the Secondary SOI. In connection with the project, modification of the Sphere to include the entire project area and to include all of the area within the Primary SOI. Staff has prepared a proposed modification to the SOI to encompass the subject area and rationalize boundaries throughout the Urban Area. Annexation of the entire West Landing area and detachment from the Westport Fire District is proposed as a part of the project. These actions are the responsibility of LAFCO. The Council action would include direction to staff to submit an annexation to LAFCO for a SOI boundary modification and annexation.

### **STAFF COMMENTS**

#### ***Agricultural Land***

The Draft EIR considers the conversion of prime agricultural land in Chapter 5 and determines as follows:

Impact Ag-1 and Ag-5: development of the plan area will result in the irrevocable conversion of agricultural land, both directly and cumulatively.

Impact Ag-2: development of the plan area will result in the development of approximately 187 acres currently in the Williamson Act (note: of this area, 137 ac. Have filed notice of non-renewal).

These are significant and unavoidable impacts. No mitigation is proposed. Conversion of the plan area to urban uses was pre-supposed by the adoption of the General Plan which designates this site for development. The loss of agricultural land impact was overridden in the context of that approval. Approval of this project would also require overriding findings in accordance with the findings set forth in the attached resolution.

The Plan provides for separation of non-agricultural uses (specifically residential uses) from agricultural uses bordering the Plan area to the west (long-term) and south (interim) by separation including streets which incorporate landscaped setbacks and masonry walls.

### *Air Quality and Greenhouse Gases*

Chapter 6 of the Draft EIR discusses Air Quality and Chapter 10 discusses Greenhouse Gases. These Chapters identify certain mitigation and impacts that cannot feasibly be mitigated.

Impact Air-2 notes that mobile emissions generated by plan area traffic would increase emission of ozone and particulate matter in the region, affecting the attainment and maintenance of these air quality standards. This is a significant and unavoidable impact. Impacts Air-4 and Air-5 further note that Plan emissions of ozone precursors and particulate (PM<sub>10</sub>) would contribute to cumulative regional air problems, also a significant and unavoidable impact. Mitigation measure Air-2 requires projects within the plan area to comply with SJVAPCD Rule 9510, requiring projects to reduce operational NO<sub>x</sub> emissions by 33 percent and operational PM<sub>10</sub> emissions by 50%, providing partial mitigation of these impacts.

Impact Climate-1 notes that new development in the plan area would be an additional source of greenhouse gas (GHG) emissions, primarily through consumption of energy. This is a significant and unavoidable impact. Mitigation measure Climate-1 requires development within the plan area to demonstrate GHG emissions reductions to comply with State and Federal requirements (or a City-adopted program if such a program is adopted prior to plan development). The plan as configured includes numerous elements designed to reduce GHG emissions, as set forth in Table 10.2 of the EIR.

Because the EIR identifies cumulative Air Quality and Greenhouse Gas impacts that cannot feasibly be mitigated, approval of this project would require overriding findings in accordance with the findings set forth in the attached resolution.

Staff notes that the proposed mix of uses in the plan provides for a balance of jobs and housing, as well as placing housing in proximity to daily needs such as schools and retail areas, and provides for pedestrian/cycling facilities interconnecting these uses. The design and mix thus promotes transportation alternatives, potentially resulting in energy efficient development.

### *Noise*

Chapter 15 of the Draft EIR discusses Noise and identifies certain mitigation and impacts that cannot feasibly be mitigated.

Impact Noise-3: Development of the plan would result in increased traffic noise at sensitive uses (existing homes) along major roadways in the vicinity. No feasible mitigation for this impact was identified. This is a significant and unavoidable impact.

Specifically, existing development along Whitmore Avenue and Service Road would experience increased noise levels with increased roadway capacity. Such increase was anticipated by the Ceres General Plan. The General Plan recognized that retrofit of existing uses to reduce impact to a less-than-significant level is typically not practical.

Impact Noise-4: Businesses and residences throughout the plan area would be intermittently exposed to construction noise throughout the development of the plan. Compliance with the City's noise ordinance



will be required for all construction activity, as well as a suite of added measures identified in the EIR, but the potential for intermittent exposure remains. This is a significant and unavoidable impact.

### ***Traffic***

Traffic is discussed in chapter 18 of the EIR. This chapter confirms that the proposed project will contribute substantial traffic to the area. A number of mitigation measures are identified to offset traffic impacts, and certain impacts are deemed not to have feasible mitigation and thus to be significant and unavoidable.

As with any development project, the project will be required to improve all fronting streets to meet current city standards.

Several impacts are associated with roadways outside of the jurisdiction of the City of Ceres. Because the City cannot control the future development of streets outside its jurisdiction, these impacts are considered significant and unavoidable: Traf-2, Carpenter Road/Whitmore Avenue intersection, Traf-13/Traf-43, Crows Landing Road/Keyes Road intersection, Traf-14/Traf-46, Carpenter Road/Hatch Road intersection, Traf-15/Traf-50, Crows Landing Road/7<sup>th</sup> Street intersection, Traf-16/Traf-52, B Street/7<sup>th</sup> Street (Modesto) intersection, Traf-17/Traf-57, Crows Landing Road north of Hatch Road, Traf-18/ Traf-58, Crows Landing Road north of Whitmore Avenue, Traf-23/Traf-64, SR 99 north of Crows Landing Road-northbound Traf-24/Traf-64, SR 99 north of Crows Landing Road-southbound, Traf-28/Traf-68, Crows Landing Road SR 99 southbound off-ramp, Traf-1/Traf-31, Crows Landing Road/Hatch Road intersection, Traf 37, Carpenter Road/Service Road intersection, Traf-42, Carpenter Road/Keyes Road intersection, Traf-44, Carpenter Road/Maze Boulevard intersection, Traf-45, Carpenter Road/Paradise Road intersection, Traf-47, Morgan Road/Hatch Road intersection, Traf-49, Crows Landing Road/Glenn Avenue intersection, Traf-51, River Road/ South 9<sup>th</sup> Street intersection, Traf-53, B Street/9<sup>th</sup> Street (Modesto) intersection, Traf-63, SR 99 north of Crows Landing Road-northbound, Traf-25/Traf-65, SR 99 south of Mitchell Road-southbound, Traf 26/Traf-66, Mitchell Road northbound SR 99 off-ramp, Traf-27/Traf-67, Crows Landing Road SR 99 northbound off-ramp, Traf-29/Traf-69, Mitchell Road southbound SR 99 off-ramp.

Certain impacts are associated with roadways partially within and partially outside the jurisdiction of the City of Ceres. For these impacts, mitigation is required for the portion under the control of the City of Ceres, but because the City cannot control the future development of streets outside its jurisdiction, these impacts are considered significant and unavoidable: Traf-3/Traf-33, Crows Landing Road/Whitmore Avenue intersection, Traf-4/Traf-34, Morgan Road/Whitmore Avenue intersection, Traf-9/Traf-38, Crows Landing Road/Service Road intersection, Traf-20/Traf-60, Whitmore Avenue east of Crows Landing Road, Traf-32, Carpenter Road/Whitmore Avenue intersection, Traf-41, Mitchell Road/Service Road intersection, Traf-48, Dallas Street/B Street/Whitmore Avenue intersection.

Impact Traf-59: Crows Landing Road south of Whitmore Avenue. Traffic modeling indicates that the segment of Crows Landing Road south of Whitmore Avenue would require further widening beyond a 6-lane width to operate consistent with the City's Level of Service standard. However, further widening in this reach would result in secondary impact to pedestrians by increasing crossing time and exposure to vehicular traffic in an area where pedestrian activity is anticipated due to the projected retail uses, and for this reason further widening was rejected. This remains a significant and unavoidable impact.

Impact Traf-61: Whitmore Avenue east of Blaker Road. Full mitigation in this area would require additional widening of Whitmore Avenue to 6 lanes in this area. Given the constraint of the Whitmore overpass at four lanes in width, this widening was rejected as infeasible. This remains a significant and unavoidable impact.

Because the EIR identifies Traffic impacts that cannot feasibly be mitigated, approval of this project would require overriding findings in accordance with the findings set forth in the attached resolution.

As noted above, the proposed mix of uses in the plan provides for a balance of jobs and housing, as well as placing housing in proximity to daily needs such as schools and retail areas, and provides for pedestrian/cycling facilities interconnecting these uses. The design and mix thus promotes the reduced use of automotive transportation, potentially resulting in energy use reduction, reduced emissions, and congestion reduction.

### ***Phasing***

As a large-scale plan area, the project will be built over an extended time. The project requires considerable infrastructure, including streets, parks, utilities, and the like, all of which will require phasing so that they are available to meet demand.

### ***Carol Lane***

The Plan area includes an existing residential enclave, the Carol Lane area. As a part of plan preparation, the staff and consultants conducted meetings with the residents of this area to ascertain their thoughts and attempt to provide a plan and policies consistent with the neighborhood's vision of their future. As a result, the Specific Plan includes a segment devoted to the Carol Lane area and providing for the area to remain as a quasi-rural residential area but with provision of City services. Specifically, the development of the plan would result in provision of walls to buffer the neighborhood from new development and improvement of the Carol Lane roadway to a modified standard. At the request of the neighborhood, the modified Carol Lane roadway would not include curb, gutter, and sidewalk, resulting in a more "country lane" type of appearance. Water and sewer lines would be installed and made available for hookup as a part of this process. A member of the Carol Lane community attended the May 16<sup>th</sup> Planning Commission meeting and voiced support for the West Landing Specific Plan project with the protections for the neighborhood as made a part of the project.

### ***CEQA (California Environmental Quality Act)***

The project was reviewed pursuant to the California Environmental Quality Act (CEQA) and was determined to require preparation of an Environmental Impact Report (EIR). An EIR (SCH # 2008122087) was prepared for the project and is enclosed with the Council's agendas. The Draft EIR is posted on the City's website at <http://www.ci.ceres.ca.us>. The EIR takes the form of a Program EIR.

The Notice of Preparation (NOP) was released on December 22, 2008 and public scoping meetings regarding the NOP were held on January 13, 2009. The meeting was in the City Council chambers at 2220 Magnolia Street. The NOP review and comment period ended on January 22, 2009. On August 18, 2010 the Draft EIR was released to the public for the mandated 45-day review and comment period. The City received numerous comments by the close of the Draft EIR review period on October 4, 2010. The Final EIR was released to the public on May 2, 2010.

The project EIR identifies environmental impacts which are less than significant based on established standards of significance, and impacts which are significant and unavoidable, i.e. those for which no feasible mitigation exists. Significant and unavoidable impacts are discussed above and include impacts to the following:

- Cumulative impact on emission of criteria air pollutants and greenhouse gases
- Conversion of farmland to non-agricultural uses
- Noise
- Traffic

Each of these impacts is discussed in depth in the EIR.

In order to approve a project which has significant and unavoidable impacts, findings and a Statement of Overriding Considerations must be adopted. CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.” When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency must state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations must be supported by substantial evidence in the record. Proposed findings for the Statement of Overriding Considerations are found in the resolution accompanying this item.

The EIR also identifies mitigation measures required to ensure that certain impacts remain less than significant. Each such mitigation measure is incorporated into the proposed conditions of approval included with this item. Any removal or modification of any condition which reflects mitigation would require the same type of balancing and findings as described above, and is not recommended. A Mitigation Monitoring and Reporting Program is proposed as a part of this approval.

## **II. REASONS FOR RECOMMENDATION:**

At its May 16, 2011 meeting, the Planning Commission considered the project and took action by a 5-0 vote in favor of approving the project and Certifying the Environmental Impact Report for the project. The Commission’s action was based on complete review of the merits of the project and the full record of testimony and materials, and specifically included the following reasons for override of significant environmental impacts:

1. The Project will provide for the orderly development of an area currently identified in the Ceres General Plan for Urban Development.
2. The Project will provide a desirable mix of uses resulting in a balance of jobs and housing and a highly walkable, liveable plan area.
3. The Project will provide for Housing in proximity to jobs and other activity centers, reducing transportation energy use and air emissions.
4. The Project will provide a range of housing types and opportunities, supporting the goals of the Housing Element and the General Plan.
5. The Project would provide substantial retail opportunities and would generate sales tax revenue for the City.

6. The Project would increase the City's employment base and create diverse employment opportunities for City residents.
7. The Project will provide buffers and transition between commercial/business park uses and adjacent residential uses.
8. The Project will ensure high-quality development design.
9. The Project will feature numerous energy conserving measures.
10. The Project would provide for attractive landscaping to provide amenities onsite and as viewed from adjacent streets.
11. The Project will result in improvements to major corridors including Whitmore Avenue, Crows Landing Road, and Service Road.

### **III. POLICY ALTERNATIVES:**

1. Deny the project
2. Direct staff regarding project modifications

### **IV. FISCAL IMPACTS:**

Fiscal and financing implications of the Specific Plan are discussed and analyzed in the attached Financing Plan. A follow up step prior to any development in the area will be development and implementation of a financing mechanism such as a Mello Roos District to provide for the identified Specific Plan Fee expenses. In addition, it is anticipated that the City's PFF will be amended to include costs associated with the currently pending Water and Wastewater Master Plans and to encompass the West Landing development.

### **V. PUBLIC PARTICIPATION:**

Public noticing was posted on June 15, 2011 and sent to property owners within 300 feet of the proposed development and all those who provided comment on the Draft EIR, in addition to a notification in the Ceres Courier. This same level of notice was also sent prior to the May 16, 2011 Planning Commission hearing.

### **VI. COMMITTEE RECOMMENDATION:**

May 16, 2011, Planning Commission approval by a 5-0 vote

### **VII. ENVIRONMENTAL REVIEW:**

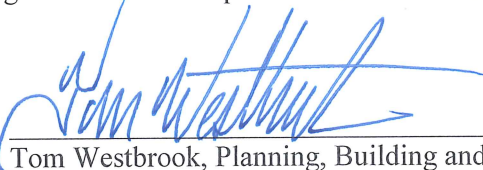
On May 16, 2011, the Planning Commission certified the Environmental Impact Report, SCH # 2008122087, for the project, making findings as set forth in Resolution PC 11-10. A detailed discussion of the environmental impacts of the project, the mitigation measures, the alternatives, and the statement of overriding considerations are discussed in Resolution PC 11-10 and its attachments as well as in the Planning Commission staff reports, which have been provided for the Council's review. The Council will need to independently consider the Environmental Impact Report, mitigation measures, alternatives, and the statement of overriding considerations and certify that these documents comply with CEQA. Council

may do so by adopting City Council Resolution 2011-\_\_\_\_\_ certifying the Environmental Impact Report for the project and making findings regarding the same; adopting a Mitigation and Monitoring Program, and adopting a Statement of Overriding Considerations.

**VIII. STEPS FOLLOWING ACTION:**

Initiate Sphere of Influence modification and annexation application with LAFCO. Prior to development, establish funding mechanism for Specific Plan Area fees.

Prepared by:



Tom Westbrook, Planning, Building and Housing Manager,  
[tom.westbrook@ci.ceres.ca.us](mailto:tom.westbrook@ci.ceres.ca.us), 209.538.5789

Submitted by:



Sheila Cumberland, Deputy City Manager

Attachments:

Page(s)

14 – 34 Draft - Minutes, Planning Commission meeting of May 16, 2011

35 – 230 Draft Resolution 2011-\_\_\_\_\_ – Certification of Final EIR

231 – 235 Draft Resolution 2011-\_\_\_\_\_ – GPA

236 – 240 Draft Resolution 2011-\_\_\_\_\_ – Specific Plan and Finance Plan

241 – 243 Draft Resolution 2011-\_\_\_\_\_ – Prezoning

244 – 246 Draft Ordinance 2011-\_\_\_\_\_ – Initiation of Sphere of Influence modification and  
Annexation

247 Land Use/Circulation Plan

248 Vicinity Map

Provided to Council with agenda distribution and available on City website:

West Landing DEIR

West Landing FEIR

West Landing Specific Plan

West Landing Specific Plan – Financing Plan

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